



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

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February 28, 2013

TO: Marsha McLaughlin, Director
Department of Planning & Zoning

RE: ZRA-145, Howard County Independent Business Assn., Inc.

Attached is Petition No. ZRA-145, filed by Earl Adams, Jr., on behalf the Howard County Independent Business Assn., Inc., to amend the Conditional Use regulations in Sections 131.G. and 131.N.25 to update the existing conditional use regulations for gasoline service stations.

Please notify our office when you schedule this case before the Planning Board. Should you have any questions, please contact me at 313-2395 or Theodore Wimberly at 313-2001.

Robin Regner
Administrative Assistant

Attachment

cc: Council Members
Paul Johnson, Esq.
S. LeGendre, Esq.
T. Wimberly
Jessica Feldmark
Jennifer Sager
Earl Adams, Jr., Esq.
Ho.Co. Independent Business Assn.
T. Sieglein



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA-145 Date Filed: 2/28/13

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 131 of the Zoning Regulations. Specifically, The Petitioner proposes amendments to the conditional use regulations in Sections 131.G and 131.N.25 to update the existing conditional use regulations for gasoline service stations applicable in the B-2, S-C, M-1, M-2 and PEC zones. The amendments reflect current land use policies, incorporate reasonable regulations consistent with changes in the gasoline industry, and establish standards to address the environmental impact of gasoline service stations and to prevent blight. The amendment to Section 131.N.25 also extends the applicability of the conditional use regulations for gasoline service stations into the New Town ("NT") District amending Section 125.A.7 for the purpose of imposing uniform regulations throughout the County.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Howard County Independent Business Association, Inc Address 10848 Harmel Dr., Columbia, MD 21044 Phone No. (W) 443-310-1974 (H) Email Address jens151@yahoo.com

3. Counsel for Petitioner Earl Adams Jr. Counsel's Address 6225 Smith Ave, Baltimore, MD 21209-3600 Counsel's Phone No. 410-580-4188 Email Address earl.adams@dlapiper.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed The amendments are being proposed to establish reasonable standards on the development of gasoline service stations throughout the County. The standards will serve to prevent the unnecessary concentration of gasoline service stations that can create unhealthy, hazardous environmental conditions and increase the risk of blight in the community as a result of shuttered gas stations.

2013 FEB 28 P 2:12 HOWARD COUNTY COUNCIL RECEIVED

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County. These amendments are consistent with Policy 10.4 of Plan Howard 2030. This policy states that all County development regulations should be updated and reviewed to respond to the County General Plan development goals and changing market conditions. Specifically, Policy 10.4 c states that the conditional use regulations should be updated to reflect current best practices and reflect policies to minimize the impact of development on the environment, especially as it relates to regulations regarding gasoline service stations.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. These amendments preserve and promote the health safety and welfare of the community by preventing the over concentration of gasoline stations. It is imperative that adequate mitigation policies are in place to prevent the harmful effects of gasoline vapors. The amendments also promote the welfare of the community by preventing blight that are caused by shuttered gasoline service stations. Further, the amendments promote the overall welfare of the community and benefit the public by establishing consistent developments standards in the NT district. See attachment for Response to Section 6.

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s). See response to Section 6.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes,

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

These amendments will impact the development of new gasoline service stations across the County. Existing stations will not be impacted. Under the amendments, an application for a new gasoline stations in County will have to demonstrate that a reasonable public need exist for the station. With this regulation, applicants will have to show that the demand for gasoline exceeds the supply available within a defined area. The result will be a more appropriate distance between existing and proposed stations, and high volume stations would only be allowed in areas where a true need can be demonstrated. See additional information in the attached Response to Section 8.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition.

The Council should consider that Howard County is one of six counties in Maryland designated by the Environmental Protection Agency as a non-attainment area. This means that air pollution exceeds national standards. Gasoline vapors emit air pollutants, including ground level ozone, which contribute to poor air quality and can cause health problems. The over concentration of gasoline service stations can exacerbate the problem of harmful emissions. The attached Response to Section 9 provides additional information that should be considered by the Council in determining that the amendments will help the County's air quality.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[Double Bold Brackets]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Christopher J. Alleva
 Petitioner's name (Printed or typed)

 2-28-2015
 Petitioner's Signature Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature Date


 Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

APPLICATIONS: One (1) original plus twenty (20) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

PETITIONER: Howard County Independent Business Association, Inc.

DISCLOSURE OF CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

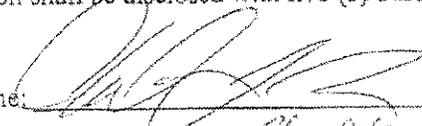
Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: Howard County Independent Biz Assoc, Inc

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Tom Palmer Bell</u>	<u>5/20/12</u>	<u>\$1,000.00</u>
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Name: 
Christy Altam
Date: 2-20-2017

PETITIONER: Howard County Independent
Business Association, Inc.

AFFIDAVIT AS TO CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, Christopher Allen, Secretary, the applicant in the above zoning matter

✓ HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name: 
Christopher Allen
Date: 2-20-2018

PETITIONER: Howard County Independent
Business Association

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, Christopher Alleva, Secretary of, the applicant in the above zoning matter

_____ AM ✓ AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name: 

Date: 2/29/13

Petitioner's Proposed Text

Section 131.N. 25. Gasoline Service Stations

PURPOSE: IT IS THE PURPOSE OF THIS SECTION TO PERMIT THE DEVELOPMENT OF GASOLINE SERVICE STATIONS THAT ARE CONSISTENT WITH HEALTH, SAFETY NEEDS AND PLANNING GOALS OF THE COUNTY. IT IS FURTHER THE PURPOSE OF THIS SECTION TO ESTABLISH REASONABLE STANDARDS TO PREVENT SUCH CONCENTRATION OF GASOLINE SERVICE STATIONS AS WOULD TEND TO CREATE UNHEALTHY LEVELS OF GROUND LEVEL OZONE, BLIGHT, AND INCREASED RISK OF ENVIRONMENTAL CONTAMINATION CONGESTION, AND TO ALLOW SUCH USES TO BE ESTABLISHED ONLY IN APPROPRIATE AREAS AND TO ENSURE THE PROTECTION OF ENVIRONMENTALLY SENSITIVE AREAS. BECAUSE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS DESIGNATED HOWARD COUNTY AS ONE OF ONLY SIX COUNTIES IN THE STATE OF MARYLAND THAT ARE NON-ATTAINMENT AREAS FOR THE MINIMUM STANDARDS UNDER THE CLEAN AIR ACT, AND DUE TO THE CHANGES IN THE GASOLINE SERVICE STATION INDUSTRY AND THE NEED TO PREVENT THE DEVELOPMENT OF UNNECESSARY GASOLINE SERVICE STATIONS, THESE REGULATIONS ESTABLISH REASONABLE STANDARDS TO MITIGATE THE RISK TO PUBLIC HEALTH AND WELFARE AND TO ENSURE WELL-PLANNED DEVELOPMENT OF GASOLINE SERVICE STATIONS WHERE DEFINITE NEED EXISTS.

A conditional use FOR A GASOLINE SERVICE STATION may be granted in the B-2, SC, M-1, M-2, or PEC Districts ~~[[for]]~~, OR IN THE NT DISTRICT IF THE RECORDED FINAL DEVELOPMENT PLAN PHASE PERMITS gasoline service stations (THE "NT DISTRICT"), provided that:

- a. The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the station is proposed ~~[[and will not have a blighting influence as a result of a proliferation of gasoline service stations within a particular area]]~~.
- b. THE USE WILL NOT HAVE A BLIGHTING INFLUENCE BECAUSE THERE EXISTS A REASONABLE PUBLIC NEED WITHIN A DESIGNATED AREA FOR THE PROPOSED GASOLINE SERVICE STATION AS DEMONSTRATED BY A NEEDS ASSESSMENT STUDY PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(1) WHERE THE LOT LINE OF A IF THE LOT LINE OF THE PROPOSED GASOLINE SERVICE STATION IS MORE THAN NOT WITHIN 2,500 FEET AWAY FROM OF THE LOT LINE OF AN EXISTING GASOLINE SERVICE STATION, A REASONABLE PUBLIC NEED SHALL BE ESTABLISHED IF THE NEEDS ASSESSMENT STUDY DEMONSTRATES THAT IN TWO (2)

Petitioner's Proposed Text

OF THE THREE (3) MARKET AREAS, AS DEFINED BELOW IN SECTION 3(A), THE TOTAL NUMBER OF FUELING POSITIONS NEEDED, AS DEFINED BELOW IN SECTION 3(F), IS EQUAL TO OR GREATER THAN THE TOTAL NUMBER OF FUELING POSITIONS BEING PROPOSED.

(2) IF THE LOT LINE OF THE PROPOSED GASOLINE SERVICE STATION IS WITHIN 2,500 FEET OF THE LOT LINE OF AN EXISTING GASOLINE SERVICE STATION, AN EVIDENTIARY PRESUMPTION EXISTS THAT THERE IS NO REASONABLE NEED FOR THE PROPOSED GASOLINE STATION. THE PRESUMPTION OF A LACK OF NEED MAY BE OVERCOME IF THE NEEDS ASSESSMENT STUDY DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE THAT IN ALL THREE (3) OF THE MARKET AREAS, AS DEFINED BELOW IN SECTION (3)(A), THE TOTAL NUMBER OF FUELING POSITIONS NEEDED, AS DEFINED BELOW IN SECTION 3(F), IS EQUAL TO OR GREATER THAN THE TOTAL NUMBER OF FUELING POSITIONS BEING PROPOSED.

(3) THE NEEDS ASSESSMENT STUDY SHALL DEMONSTRATE NEED BY COMPUTING THE FOLLOWING MARKET DATA:

(A) MARKET AREAS FOR THE PROPOSED GASOLINE SERVICE STATION REFERS TO EACH OF THE FOLLOWING AREAS: (I) THE AREA WITHIN A 1.5 MILE RADIUS OF THE PROPOSED LOCATION; (II) THE AREA WITHIN A 2.0 MILE RADIUS OF THE PROPOSED LOCATION; AND (III) THE AREA WITHIN A 3.0 MILE RADIUS OF THE PROPOSED LOCATION.

(B) COUNTYWIDE PER CAPITA DEMAND SHALL BE CALCULATED BY DIVIDING THE TOTAL ANNUAL CONSUMPTION OF GASOLINE COUNTYWIDE BY THE TOTAL NUMBER OF RESIDENTS AND EMPLOYEES COUNTYWIDE.

(C) COUNTYWIDE SUPPLY BY FUELING POSITION RATE SHALL BE CALCULATED BY DIVIDING THE COUNTYWIDE ANNUAL AVERAGE GASOLINE CONSUMPTION IN GALLONS BY THE TOTAL NUMBER OF FUELING POSITIONS (PUMPS AVAILABLE ON EACH MULTIPLE PRODUCT DISPENSERS) COUNTYWIDE.

(D) MARKET AREA DEMAND SHALL BE CALCULATED FOR EACH MARKET AREA BY MULTIPLYING THE TOTAL RESIDENTS AND EMPLOYEES IN THE MARKET AREA BY THE COUNTYWIDE PER CAPITA DEMAND.

(E) MARKET AREA SUPPLY SHALL BE CALCULATED FOR EACH MARKET AREA BY MULTIPLYING THE TOTAL NUMBER OF FUELING POSITIONS WITHIN THE MARKET AREA BY THE COUNTYWIDE SUPPLY BY FUELING POSITION RATE;

Petitioner's Proposed Text

(F) TOTAL NUMBER OF FUELING POSITIONS NEEDED SHALL BE CALCULATED FOR EACH MARKET AREA BY DIVIDING (I) THE DIFFERENCE BETWEEN THE MARKET AREA DEMAND AND THE MARKET AREA SUPPLY, BY (II) THE COUNTYWIDE SUPPLY BY FUELING POSITION RATE.

- c. IF THE PROPOSED GASOLINE SERVICE STATION IS DESIGNED TO DISPENSE MORE THAN 1.8 MILLION GALLONS PER YEAR AND IT IS LOCATED WITHIN 1,000 FEET OF THE LOT LINE OF AN EXISTING GASOLINE SERVICE STATION ALSO DESIGNED TO DISPENSE MORE THAN 1.8 MILLION GALLONS PER YEAR, IT CANNOT BE LOCATED WITHIN 1,000 FEET OF THE LOT LINE OF ANY PUBLIC OR PRIVATE SCHOOL, OR ANY PARK, PLAYGROUND, DAY CARE CENTER, OR ANY OUTDOOR USE CATEGORIZED AS A CULTURAL, ENTERTAINMENT AND RECREATION USE.
- d. IN THE B-2 AND SC DISTRICTS, OTHER USES PERMITTED IN THE DISTRICT, CAR WASHES AND CONVENIENCE STORES MAY BE LOCATED ON THE SAME LOT AS A GASOLINE SERVICE STATION PROVIDED THAT (I) ALL OF THE USES ARE APPROVED BY THE HEARING AUTHORITY; AND (II) THE MINIMUM LOT AREA IS INCREASED TO ACCOMMODATE THE COMBINATION OF USES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 131.N.25.G.
- e. IN THE M-1 AND M-2 DISTRICTS, OTHER USES PERMITTED IN THE DISTRICT, CAR WASHES AND CONVENIENCE STORES WITH A GROSS FLOOR AREA NOT TO EXCEED 3,500 FEET MAY BE LOCATED ON THE SAME LOT AS A GASOLINE SERVICE STATION PROVIDED THAT (I) ALL OF THE USES ARE APPROVED BY THE HEARING AUTHORITY; AND (II) THE MINIMUM LOT AREA IS INCREASED TO ACCOMMODATE THE COMBINATION OF USES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 131.N.25.G.
- f. IN THE NT DISTRICT, THOSE USES PERMITTED IN THE RECORDED FINAL DEVELOPMENT PLAN PHASE MAY BE LOCATED ON THE SAME LOT AS A GASOLINE SERVICE STATION PROVIDED THAT (I) ALL OF THE USES SATISFY THE FINAL DEVELOPMENT PLAN CRITERIA AND ARE APPROVED BY THE HEARING AUTHORITY; AND (II) THE MINIMUM LOT AREA IS INCREASED TO ACCOMMODATE THE COMBINATION OF USES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 131.N.25.G.

IN THE PEC DISTRICT, THE HEARING EXAMINER SHALL DETERMINE THAT THE PROPOSED GASOLINE SERVICE STATION RELATES COMPATIBLY WITH ALL OTHER USES PERMITTED IN THE DISTRICT ACCORDING TO THE COMPREHENSIVE PLAN OF DEVELOPMENT FOR THE AREA. OTHER

Petitioner's Proposed Text

USES PERMITTED IN THE DISTRICT, CAR WASHES AND CONVENIENCE STORES WITH A GROSS FLOOR AREA NOT TO EXCEED 3,500 FEET MAY BE LOCATED ON THE SAME LOT AS A GASOLINE SERVICE STATION PROVIDED THAT (I) ALL OF THE USES ARE APPROVED BY THE HEARING AUTHORITY; AND (II) THE MINIMUM LOT AREA IS INCREASED TO ACCOMMODATE THE COMBINATION OF USES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 131.N.25.G.

- h. ~~[[b.]]~~ The minimum lot size for a gasoline service station is ~~[[20,000]]~~ 40,000 square feet. If a gasoline service station is combined with another use on the same lot, AT A MINIMUM, the minimum lot size shall be increased ~~[[in accordance with the provisions of Section 131.N.25.i]]~~ BY AN AREA EQUAL TO THE GROSS SQUARE FOOTAGE OF FLOOR AREA, PARKING AREA AND LOADING OR STACKING AREAS REQUIRED FOR THE ADDITIONAL USES.
- i. ~~[[c.]]~~ The lot shall have at least ~~[[120]]~~150 feet of frontage on a public road. ~~[[if at the intersection of two public roads, the total of the frontage along both roads may be used if ingress or egress is provided to both roads.]]~~
- j. ~~[[d.]]~~ At least 20 percent of the site area shall be landscaped. The landscaping plan shall include plantings which enhance the appearance of the site from public roads and provide appropriate buffering for adjacent uses.
- k. ~~[[e.]]~~ Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site borders a residential district. When solid walls are required, landscape planting is required on the outside of the wall.
- l. ~~[[f.]]~~ Refuse areas shall be fenced or screened from view. The plan shall indicate the disposal methods to be used for all waste material generated by vehicle repair operations.
- m. ~~[[g.]]~~ Access driveways and on-site paved areas shall be designed and located to ensure safe and efficient movement of traffic and pedestrians, AND SHALL PROVIDE FOR THE FOLLOWING:

(1) A STACKING REQUIREMENT OF AT LEAST FOUR CARS ON EACH SIDE OF AN ISLAND; AND

(2) SUFFICIENT AREA TO PROVIDE FOR THE DELIVERY OF MOTOR FUEL WITHOUT IMPEDING THE FLOW OF TRAFFIC ON THE SITE;

Petitioner's Proposed Text

OF MOTOR FUELS SHALL BE LIMITED TO A TOTAL OF THIRTY THOUSAND (30,000) GALLONS FOR GASOLINE AND A TOTAL OF TEN THOUSAND (10,000) GALLONS OF DIESEL.

o. **[[h.]] Operation**

(1) Outside operations shall be limited to the dispensing of gasoline, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure.

(2) Vending machines and the sale of propane are permitted as accessory uses, provided these uses are screened or enclosed if required by the Hearing Authority.

(3) The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the **[[landscaping plan]] LANDSCAPING PLAN**. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the gasoline service station.

(4) Where a gasoline service station is adjacent to a residential district, its hours of operation and a detailed lighting plan shall be approved by the Hearing Authority,

[[i. Other Uses]]

[[(1) Other uses may be located on the same lot as a gasoline service station, including uses permitted in the zoning district as well as car washes and convenience stores, provided that all uses are approved by the Hearing Authority; and]]

[[(2) The minimum lot area is increased to accommodate the combination of uses. At a minimum, the minimum lot size of 20,000 square feet must be increased by an area equal to the gross square footage of floor area, parking area and loading or stacking areas required for the additional uses.]]

[[(3) In the PEC, M-1 and M-2 districts, the gross floor area of convenience stores shall not exceed 3,500 feet.]]

p. **[[.]] Abandonment**

(1) The premises (including landscaping) of any gasoline service station which is not in continuous operation or is abandoned shall be maintained in the same manner as is required under these regulations for operating gasoline service stations.

(2) A conditional use for a gasoline service station shall become void upon notice of abandonment by the owner. If notice of

Petitioner's Proposed Text

abandonment is not received, but it is determined by the Department of Planning and Zoning that a gasoline service station has not been in continuous operation for a period of twelve months, a revocation hearing shall be initiated by the Department of Planning and Zoning in accordance with the procedures set forth in Section 131.L. For purposes of this subsection, "continuous operation" shall mean operation as a gasoline service station at least eight hours per day, five days per week.(2)

(3) If a gasoline service station is abandoned and the conditional use becomes void as provided above, all gasoline pumps, pump island canopies and other improvements (not including buildings) shall be removed from the site within six months of the date the conditional use becomes void.

Section 131. G. Burden of Proof

The applicant for a conditional use shall have the burden of proof, which shall be by a preponderance of the evidence UNLESS A GREATER BURDEN IS EXPRESSLY STATED BY THESE REGULATIONS, and which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Hearing Authority or are required to meet any provisions of these regulations.

SECTION 125: NT (New Town) District

A. Definitions, Requirements and Restrictions Applicable to NT Districts

7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:

- a. Access shall be provided from every use site to a public street or to a system of common streets and ways connecting with the public street system.
- b. The off-street parking requirements of Section 133 of these Regulations shall be applicable.
- c. The accessory use provisions of Section 110 shall be applicable to all residential uses within the NT District.
- d. The provisions of Section 128 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.

E. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION 125, IF THE APPROVED FINAL DEVELOPMENT PLAN IDENTIFIES A GASOLINE SERVICE STATION AS A SPECIFIC PERMITTED USE OF LAND, THE USE SHALL BE PERMITTED ONLY UPON THE GRANTING OF A CONDITIONAL USE FOR GASOLINE SERVICE STATIONS UNDER SECTION 131.N.25. TO THE EXTENT THE BULK REGULATIONS AND CRITERIA FOR

Petitioner's Proposed Text

APPROVAL IN SECTION 131.N.25 IN CONFLICT WITH THE FINAL DEVELOPMENT PLAN CRITERIA, THE PROVISIONS OF SECTION 131.N.25 SHALL APPLY.

Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.C.3.d of these Regulations, if an approved Final Development Plan designates POR, B-1, 8-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts ~~[[However,]]~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION 7. The bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under these Regulations.

Petitioner's Proposed Text

Section 131.N. 26. Gasoline Service Stations

Purpose: It is the purpose of this section to permit the development of gasoline service stations that are consistent with health, safety needs and planning goals of the county. It is further the purpose of this section to establish reasonable standards to prevent such concentration of gasoline service stations as would tend to create unhealthy levels of ground level ozone, blight, and increased risk of environmental contamination congestion, and to allow such uses to be established only in appropriate areas and to ensure the protection of environmentally sensitive areas. Because the United States Environmental Protection Agency has designated Howard County as one of only six counties in the state of Maryland that are non-attainment areas for the minimum standards under the Clean Air Act, and due to the changes in the gasoline service station industry and the need to prevent the development of unnecessary gasoline service stations, these regulations establish reasonable standards to mitigate the risk to public health and welfare and to ensure well-planned development of gasoline service stations where definite need exists.

A conditional use for a gasoline service station may be granted in the B-2, SC, M-1, M-2, or PEC districts, or in the NT district if the recorded final development plan phase permits gasoline service stations (the "NT District"), provided that:

- a. The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the station is proposed.
- b. The use will not have a blighting influence because there exists a reasonable public need within a designated area for the proposed gasoline service station as demonstrated by a needs assessment study prepared in accordance with the provisions of this section.

(1) if the lot line of the proposed gasoline service station is more than 2,500 feet away from the lot line of an existing gasoline service station, a reasonable public need shall be established if the needs assessment study demonstrates that in two (2) of the three (3) market areas, as defined below in section 3(a), the total number of fueling positions needed, as defined below in section 3(f), is equal to or greater than the total number of fueling positions being proposed.

(2) if the lot line of the proposed gasoline service station is within 2,500 feet of the lot line of an existing gasoline service station, an evidentiary presumption exists that there is no reasonable need for the proposed gasoline station. The presumption of a lack of need may be overcome if the needs assessment study demonstrates by clear and convincing evidence that in all three (3) of the market areas, as defined below in section 3(a), the total number of fueling positions needed, as defined below in section 3(f), is equal to or greater than the total number of fueling positions being proposed.

(3) the needs assessment study shall demonstrate need by computing the following market data:

(A) Market areas for the proposed gasoline service station refers to each of the following areas: (i) the area within a 1.5 mile radius of the proposed location; (ii) the area within a 2.0 mile radius of the proposed location; and (iii) the area within a 3.0 mile radius of the proposed location.

Petitioner's Proposed Text

- (B) Countywide per capita demand shall be calculated by dividing the total annual consumption of gasoline countywide by the total number of residents and employees countywide.
- (C) Countywide supply by fueling position rate shall be calculated by dividing the countywide annual average gasoline consumption in gallons by the total number of fueling positions (pumps available on each multiple product dispensers) countywide.
- (D) Market area demand shall be calculated for each market area by multiplying the total residents and employees in the market area by the countywide per capita demand.
- (E) Market area supply shall be calculated for each market area by multiplying the total number of fueling positions within the market area by the countywide supply by fueling position rate.
- (F) Total number of fueling positions needed shall be calculated for each market area by dividing (i) the difference between the market area demand and the market area supply, by (ii) the countywide supply by fueling position rate.
- c. If the proposed gasoline service station is designed to dispense more than 1.8 million gallons per year and it is located within 1,000 feet of the lot line of an existing gasoline service station also designed to dispense more than 1.8 million gallons per year, it cannot be located within 1,000 feet of the lot line of any public or private school, or any park, playground, day care center, or any outdoor use categorized as a cultural, entertainment and recreation use.
- d. In the B-2 and SC districts, other uses permitted in the district, car washes and convenience stores may be located on the same lot as a gasoline service station provided that (i) all of the uses are approved by the hearing authority; and (ii) the minimum lot area is increased to accommodate the combination of uses in accordance with the provisions of section 131.n.25.g.
- e. In the M-1 and M-2 districts, other uses permitted in the district, car washes and convenience stores with a gross floor area not to exceed 3,500 feet may be located on the same lot as a gasoline service station provided that (i) all of the uses are approved by the hearing authority; and (ii) the minimum lot area is increased to accommodate the combination of uses in accordance with the provisions of section 131.n.25.g.
- f. In the NT District, those uses permitted in the recorded final development plan phase may be located on the same lot as a gasoline service station provided that (i) all of the uses satisfy the final development plan criteria and are approved by the hearing authority; and (ii) the minimum lot area is increased to accommodate the combination of uses in accordance with the provisions of section 131.n.25.G.
- g. In the PEC district, the hearing examiner shall determine that the proposed gasoline service station relates compatibly with all other uses permitted in the district according to the comprehensive plan of development for the area. Other Uses permitted in the district,

Petitioner's Proposed Text

car washes and convenience stores with a gross floor area not to exceed 3,500 feet may be located on the same lot as a gasoline service station provided that (i) all of the uses are approved by the hearing authority; and (ii) the minimum lot area is increased to accommodate the combination of uses in accordance with the provisions of section 131.n.25.G.

- h. The minimum lot size for a gasoline service station is 40,000 square feet. If a gasoline service station is combined with another use on the same lot, AT A MINIMUM, the minimum lot size shall be increased by an area equal to the gross square footage of floor area, parking area and loading or stacking areas required for the additional uses.
- i. The lot shall have at least 150 feet of frontage on a public road.
- j. At least 20 percent of the site area shall be landscaped. The landscaping plan shall include plantings which enhance the appearance of the site from public roads and provide appropriate buffering for adjacent uses.
- k. Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site borders a residential district. When solid walls are required, landscape planting is required on the outside of the wall.
- l. Refuse areas shall be fenced or screened from view. The plan shall indicate the disposal methods to be used for all waste material generated by vehicle repair operations.
- m. Access driveways and on-site paved areas shall be designed and located to ensure safe and efficient movement of traffic and pedestrians, and shall provide for the following:
 - (1) a stacking requirement of at least four cars on each side of an island; and
 - (2) sufficient area to provide for the delivery of motor fuel without impeding the flow of traffic on the site.
- n. Of motor fuels shall be limited to a total of thirty thousand (30,000) gallons for gasoline and a total of ten thousand (10,000) gallons of diesel.
- o. Operation
 - (1) Outside operations shall be limited to the dispensing of gasoline, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure.
 - (2) Vending machines and the sale of propane are permitted as accessory uses, provided these uses are screened or enclosed if required by the Hearing Authority.
 - (3) The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the gasoline service station.

Petitioner's Proposed Text

(4) Where a gasoline service station is adjacent to a residential district, its hours of operation and a detailed lighting plan shall be approved by the Hearing Authority.

p. Abandonment

(1) The premises (including landscaping) of any gasoline service station which is not in continuous operation or is abandoned shall be maintained in the same manner as is required under these regulations for operating gasoline service stations.

(2) A conditional use for a gasoline service station shall become void upon notice of abandonment by the owner. If notice of abandonment is not received, but it is determined by the Department of Planning and Zoning that a gasoline service station has not been in continuous operation for a period of twelve months, a revocation hearing shall be initiated by the Department of Planning and Zoning in accordance with the procedures set forth in Section 131.L. For purposes of this subsection, "continuous operation" shall mean operation as a gasoline service station at least eight hours per day, five days per week.

(3) If a gasoline service station is abandoned and the conditional use becomes void as provided above, all gasoline pumps, pump island canopies and other improvements (not including buildings) shall be removed from the site within six months of the date the conditional use becomes void.

Section 131. G. Burden of Proof

The applicant for a conditional use shall have the burden of proof, which shall be by a preponderance of the evidence unless a greater burden is expressly stated by these regulations, and which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Hearing Authority or are required to meet any provisions of these regulations.

SECTION 125: NT (New Town) District

A. Definitions, Requirements and Restrictions Applicable to NT Districts.

7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:

a. Access shall be provided from every use site to a public street or to a system of common streets and ways connecting with the public street system.

b. The off-street parking requirements of Section 133 of these Regulations shall be applicable.

Petitioner's Proposed Text

c. The accessory use provisions of Section 110 shall be applicable to all residential uses within the NT District.

d. The provisions of Section 128 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.

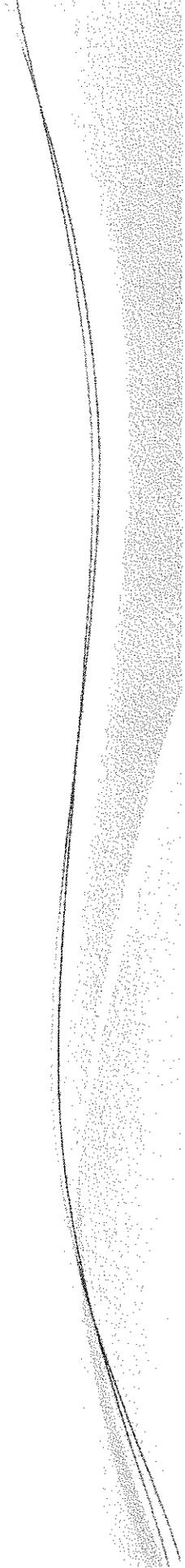
e. Notwithstanding any other provisions in this section 125, if the approved final development plan identifies a gasoline service station as a specific permitted use of land, the use shall be permitted only upon the granting of a conditional use for gasoline service stations under section 131.n.25. To the extent the bulk regulations and criteria for approval in section 131.n.25 conflict with the final development plan criteria, the provisions of section 131.n.25 shall apply.

Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.C.3.d of these Regulations, if an approved Final Development Plan designates POR, B-1, 8-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts except as otherwise provided in this section 7. The bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under these Regulations.

Response to Section 6

The attached PowerPoint presentation provides information as to how the amendments will benefit the public by preventing blight and mitigating the impact an overconcentration of gasoline services can have on the environment.

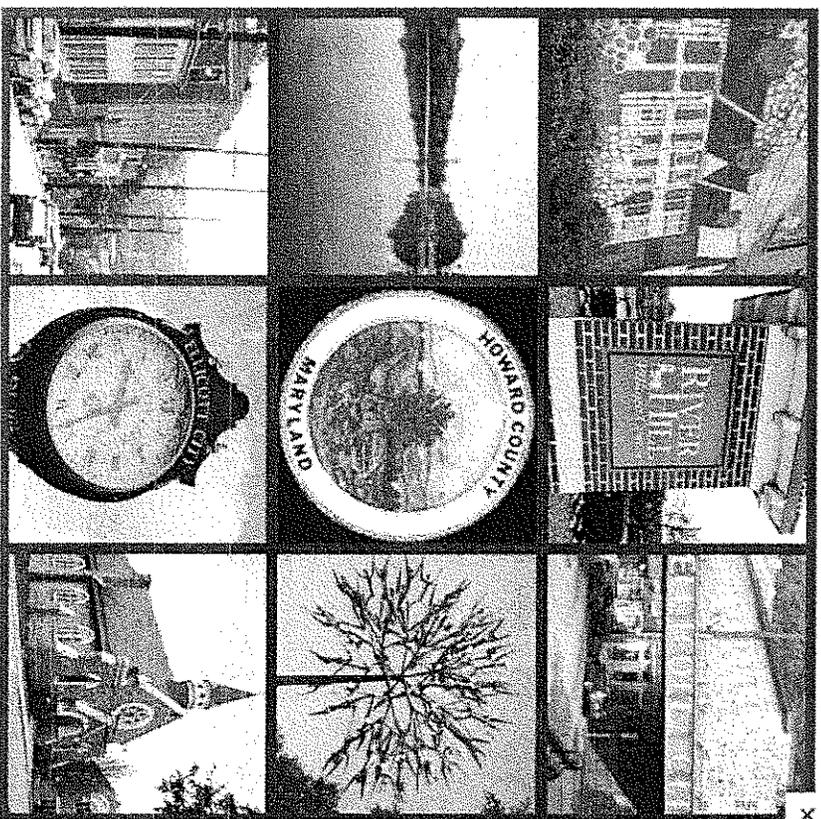
Exhibit 1



**Zoning Regulation Amendment Request
To Amend Regulations Relating to
Gasoline Service Stations**

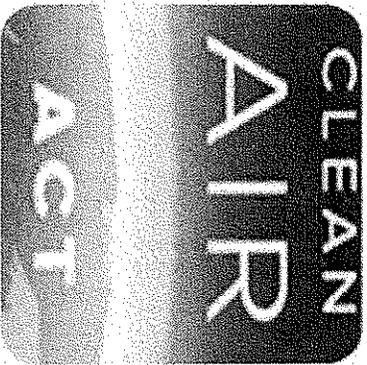
**Howard County Independent Business Association, Inc. ("HCIBA")
10848 Harmel drive
Columbia, Maryland 21044**

**Goal: Promote
Responsible
Regulations to
Protect the
Environment,
Public Health and
to Prevent Blight
in Howard County**

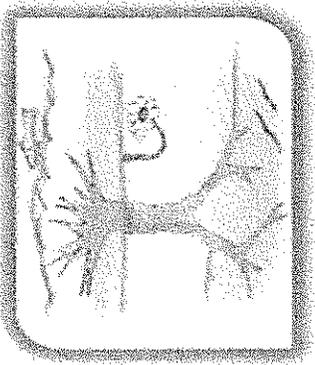


Why Should Zoning Regulation Amendment Be Adopted?

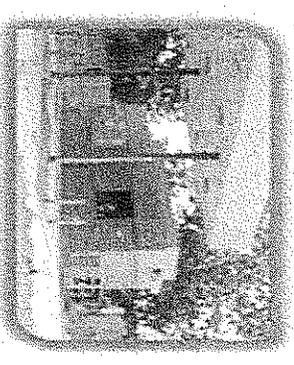
Bottom Line: Existing Regulations Are Inadequate to Protect the Community from Environmental Impacts, Public Health Risks and Blight



Needed to Prevent Further Air Pollution in Howard County



Mitigate Impact to Public Health and the Environment

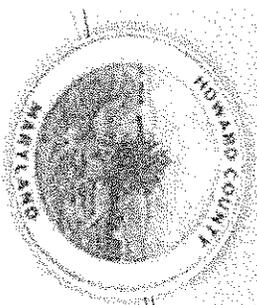


Prevent Blight in the Community

~~New Regulations Are Needed to Prevent Further Air Pollution in Howard County in Violation of the Clean Air Act~~

~~Howard County and The Clean Air Act~~

- Howard County is 1 of 6 counties in Maryland designated as a nonattainment area under the Clean Air Act
 - Air pollution in the County exceeds national standards set by the EPA.
- EPA regulates six common air pollutants known to be hazardous to human health and to the environment:
 1. Ground Level Ozone
 2. Particulate Matter
 3. Carbon Monoxide
 4. Nitrogen Oxides
 5. Sulfur Dioxide
 6. Lead
- What Does Nonattainment Mean for Howard County?
 - Can hinder economic development because the area faces additional strict requirements because of nonattainment designation
 - Can affect Federal Funding – Nonattainment areas that don't clean up their air pollution could receive cuts in federal transportation funding



Howard County's Air Pollution Exceeds National Ambient Air Quality Standards for GLO

What Is GLO?

Ground-level ozone forms when emissions combine with other pollutants and cook in the sunlight.

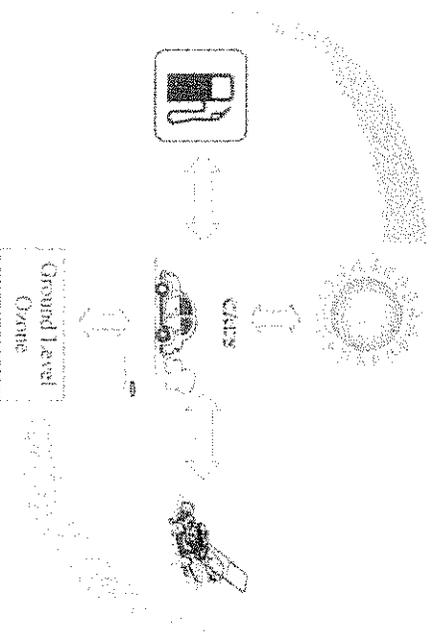
Where Does It Come From?

It is found in emissions from:

- Vehicles
- Construction equipment
- Lawn and Garden Equipment
- Consumer products, including some paints and cleaners

What Are the Dangers?

- Public Health Risk
- Damage to the Environment



Gas Stations Have Been Identified as Significant Generators of GLO

Public Health Risks from Ground-Level Ozone

How Are People Exposed to GLO?

GLO exposure occurs when people breathe air containing ozone.

- The rate of exposure depends on the concentration of ozone in the surrounding air and the amount of air the individual breathes per minute

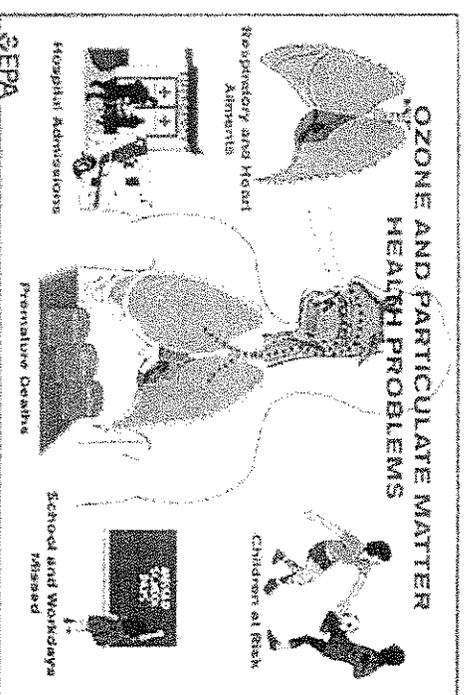
What Are the Health Risks?

GLO in the air we breathe can harm our health and trigger a variety of health problems, including:

- Induces asthma attacks
- Irritate the airways, causing coughing, sore or scratchy throat, pain when taking a deep breath and shortness of breath
- Inhibits lung development in children
- Increase risk of cardiovascular problems including heart attack in people with certain risk factors, and

Who Is At Risk?

- Children-increased risk because lungs are still developing
- Older Adults
- People with lung disease such as asthma or chronic obstructive pulmonary disease





Impact to the Environment

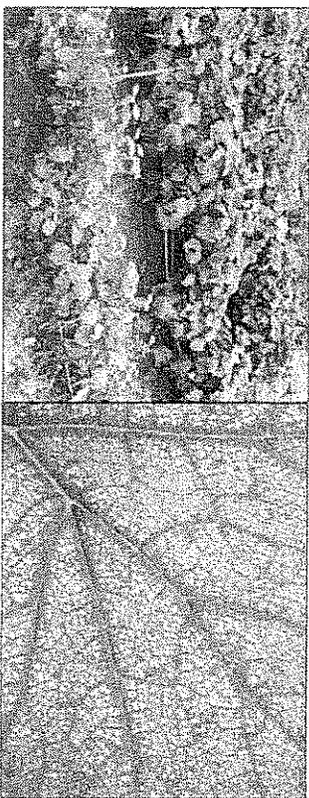
- ◆ GLO interferes with the ability of plants to produce and store food, so that growth, reproduction and overall plant health are compromised.
- ◆ By weakening sensitive vegetation, GLO makes plants more susceptible to disease, pests, and environmental stresses.
- ◆ In the United States, GLO accounts for an estimated \$500 million in reduced crop production annually.
- ◆ Continued ozone exposure over time can lead to adverse impacts on ecosystems, including loss of species diversity and changes to habitat quality and water and nutrient cycles.
- ◆ One of the key components of GLO, nitrogen oxides, contributes to fish kills and algae blooms in the Chesapeake Bay.



Recent systematic surveys by the USDA US Forest Service continue to document widespread injury on sensitive botanical plants.

Black cherry
Courtesy: USDA FS PA

Effects of Ozone Air Pollution on Plants

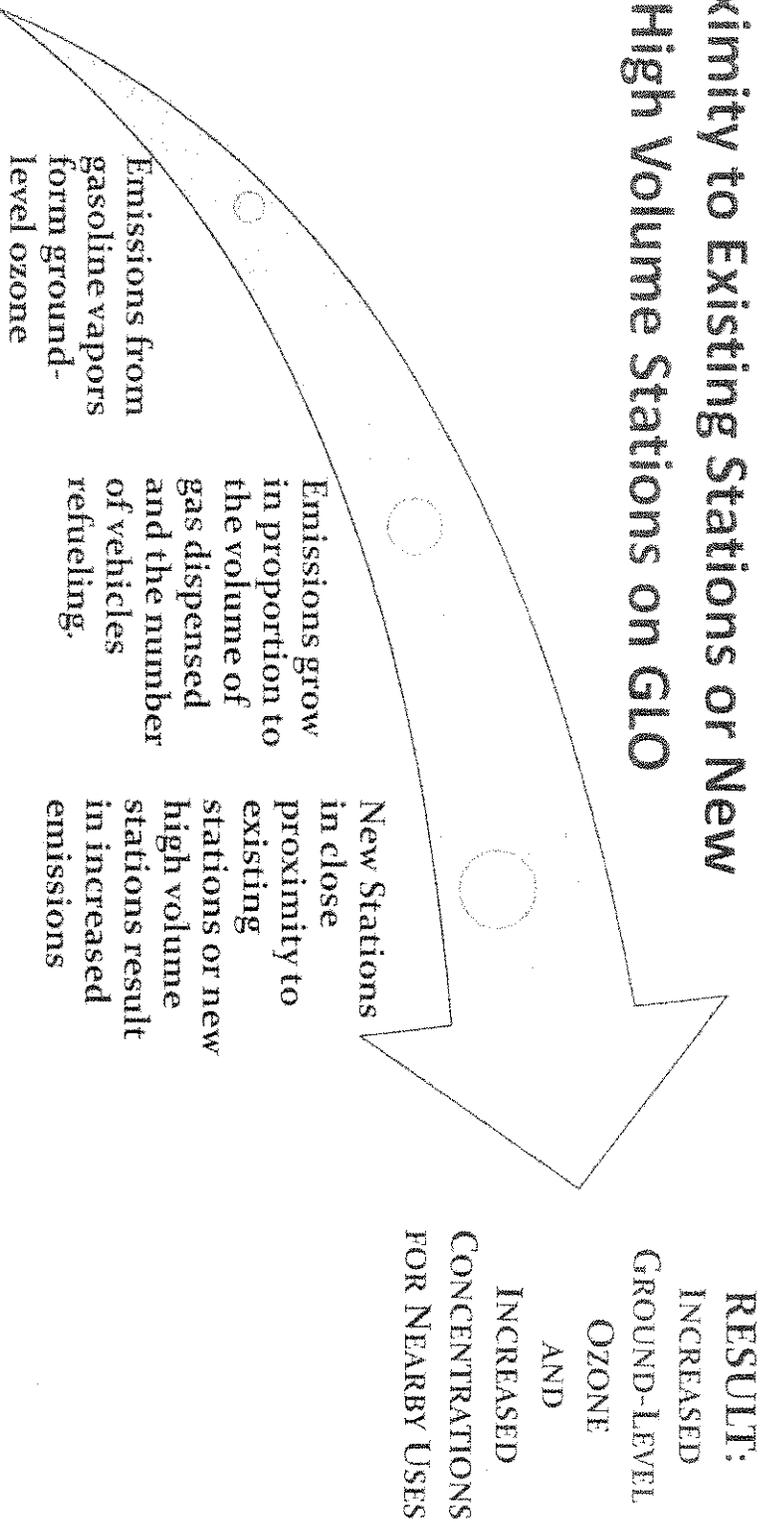


Ambient ozone injury to sensitive and tolerant snap beans

Ozone injury in a pumpkin leaf

Why A Needs Assessment?

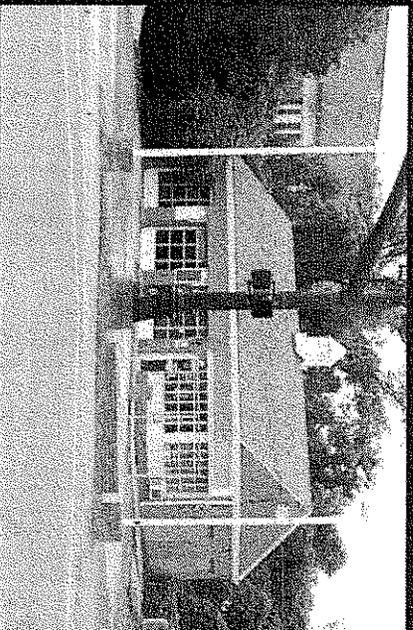
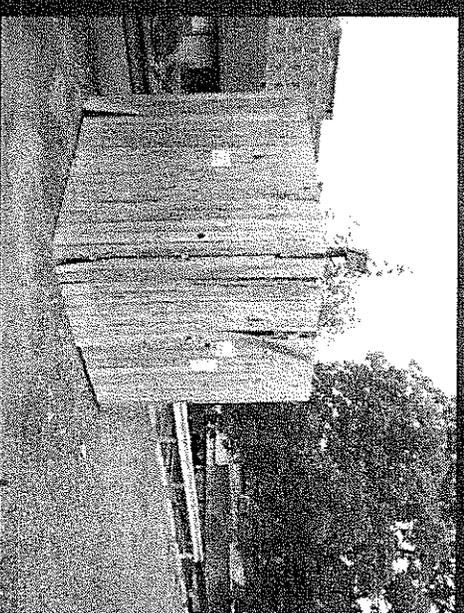
Effect of New Stations in Close Proximity to Existing Stations or New High Volume Stations on GLO



- The Needs Assessment in the proposed amendment will prevent the over proliferation of gas stations and the related increased in emissions and ground-level ozone by ensuring that:
 - New stations are permitted only where a need is demonstrated;
 - Greater distance between existing stations and the proposed station; and
 - High volume stations are permitted only in areas where a need for that volume of gas is demonstrated.

The Needs Assessment Required in the New Regulations Will Prevent Blight

- Closed Stations Are Not Good:**
- Creates neighborhood blight
 - Means lost jobs
 - Decreases the local tax base



The Need Assessment

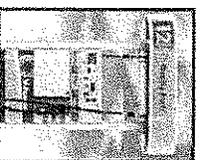
The Inadequacy of Section 131.N. 25.a Is Resolved in the Zoning Regulation Amendment.
Amended Language:

“The use will not have a blighting influence because there exists a reasonable public need within a designated area for the proposed gasoline service station as demonstrated by a needs assessment study prepared in accordance with the provisions of this section.”

- Under the new provision, an additional gas station is needed, if:
 - The demand within two of three market areas exceeds the supply.
 - The market area is defined as a radius of 1.5, 2.0 and 3.0 miles from the proposed site for a new station.
 - Demand is determined by multiplying the resident plus employee population of the market area by the countywide average gasoline consumption per employee plus resident.
- This new provision provides clear standards for the Hearing Authority to determine if the proposed gas station will have a “Blighting Influence”
- The requirement to show a reasonable public need is not new.



Fueling
Position



Dispenser

Exhibit 1



<http://www.epa.gov/oar/oaqps/greenbk/ancl.html#MARYLAND>
Last updated on Friday, July 20, 2012

Green Book

You are here: [EPA Home](#) » [Green Book](#) » Currently Designated Nonattainment Areas for All Criteria Pollutants

Currently Designated Nonattainment Areas for All Criteria Pollutants

As of July 20, 2012

Listed by State, County then Pollutant

[View Notes](#)

State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

ALABAMA

Jackson Co

PM-2.5 1997 * Chattanooga, AL-TN-GA - (Nonattainment)

Jefferson Co

PM-2.5 1997 Birmingham, AL - (Nonattainment)

PM-2.5 2006 Birmingham, AL - (Nonattainment)

Pike Co

Lead 2008 * Troy, AL - (Nonattainment)

Shelby Co

PM-2.5 1997 Birmingham, AL - (Nonattainment)

PM-2.5 2006 Birmingham, AL - (Nonattainment)

Walker Co

PM-2.5 1997 * Birmingham, AL - (Nonattainment)

PM-2.5 2006 * Birmingham, AL - (Nonattainment)

State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

ALASKA

Anchorage Municipality

PM-10 * Eagle River, AK - (Moderate)

Fairbanks North Star Borough

PM-2.5 2006 * Fairbanks, AK - (Nonattainment)

Juneau City and Borough

PM-10 * Juneau, AK - (Moderate)

State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

ARIZONA

Cochise Co

PM-10 * Paul Spur/Douglas (Cochise County), AZ - (Moderate)

Gila Co

PM-10 * Hayden AZ - (Moderate)

PM-10 * Miami, AZ - (Moderate)

Maricopa Co

8-Hr Ozone 1997 * Phoenix-Mesa, AZ - (Marginal)

MARYLAND

Anne Arundel Co

8-Hr Ozone 1997 Baltimore, MD - (Serious)
PM-2.5 1997 Baltimore, MD - (Nonattainment)
8-Hr Ozone 2008 Baltimore, MD - (Moderate)

Baltimore (City)

8-Hr Ozone 1997 Baltimore, MD - (Serious)
PM-2.5 1997 Baltimore, MD - (Nonattainment)
8-Hr Ozone 2008 Baltimore, MD - (Moderate)

Baltimore Co

8-Hr Ozone 1997 Baltimore, MD - (Serious)
PM-2.5 1997 Baltimore, MD - (Nonattainment)
8-Hr Ozone 2008 Baltimore, MD - (Moderate)

Calvert Co

8-Hr Ozone 1997 Washington, DC-MD-VA - (Moderate)
8-Hr Ozone 2008 Washington, DC-MD-VA - (Marginal)

Carroll Co

8-Hr Ozone 1997 Baltimore, MD - (Serious)
PM-2.5 1997 Baltimore, MD - (Nonattainment)
8-Hr Ozone 2008 Baltimore, MD - (Moderate)

Cecil Co

8-Hr Ozone 1997 Philadelphia-Wilmin-Atlantic City, PA-NJ-MD-DE - (Moderate)
8-Hr Ozone 2008 Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)

Charles Co

8-Hr Ozone 1997 Washington, DC-MD-VA - (Moderate)
PM-2.5 1997 Washington, DC-MD-VA - (Nonattainment)
8-Hr Ozone 2008 Washington, DC-MD-VA - (Marginal)

Frederick Co

8-Hr Ozone 1997 Washington, DC-MD-VA - (Moderate)
PM-2.5 1997 Washington, DC-MD-VA - (Nonattainment)
8-Hr Ozone 2008 Washington, DC-MD-VA - (Marginal)

Harford Co

8-Hr Ozone 1997 Baltimore, MD - (Serious)
PM-2.5 1997 Baltimore, MD - (Nonattainment)
 Baltimore, MD - (Moderate)

8-Hr Ozone
2008

Howard Co

8-Hr Ozone 1997 Baltimore, MD - (Serious)

PM-2.5 1997 Baltimore, MD - (Nonattainment)

8-Hr Ozone 2008 Baltimore, MD - (Moderate)

Montgomery Co

8-Hr Ozone 1997 Washington, DC-MD-VA - (Moderate)

PM-2.5 1997 Washington, DC-MD-VA - (Nonattainment)

8-Hr Ozone 2008 Washington, DC-MD-VA - (Marginal)

Prince George's Co

8-Hr Ozone 1997 Washington, DC-MD-VA - (Moderate)

PM-2.5 1997 Washington, DC-MD-VA - (Nonattainment)

8-Hr Ozone 2008 Washington, DC-MD-VA - (Marginal)

Washington Co

PM-2.5 1997 Martinsburg, WV-Hagerstown, MD - (Nonattainment)

State, County, Pollutant, * Part County NAA, NAA Area Name - Classification Standard

MASSACHUSETTS

Barnstable Co

8-Hr Ozone 1997 Boston-Lawrence-Worcester (E. MA), MA - (Moderate)

Berkshire Co

8-Hr Ozone 1997 Springfield (Western MA), MA - (Moderate)

Bristol Co

8-Hr Ozone 1997 Boston-Lawrence-Worcester (E. MA), MA - (Moderate)

Dukes Co

8-Hr Ozone 1997 Boston-Lawrence-Worcester (E. MA), MA - (Moderate)

8-Hr Ozone 2008 Dukes County, MA - (Marginal)

Essex Co

8-Hr Ozone 1997 Boston-Lawrence-Worcester (E. MA), MA - (Moderate)

Franklin Co

8-Hr Ozone 1997 Springfield (Western MA), MA - (Moderate)

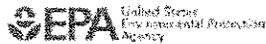
Hampden Co

8-Hr Ozone 1997 Springfield (Western MA), MA - (Moderate)

Hampshire Co

8-Hr Ozone 1997 Springfield (Western MA), MA - (Moderate)

Middlesex Co



Ground-level Ozone Frequently Asked Questions

General

- [What is ozone?](#)
- [Where does ground level ozone come from?](#)
- [Are ozone and smog the same thing?](#)
- [What are the ozone levels in my community?](#)
- [What can I do to reduce ozone?](#)

Health and Ecosystems

- [What are the health effects of ozone?](#)
- [Who is most at risk?](#)
- [What are the ecological effects of ozone?](#)

Designations Process

- [What does designation mean?](#)
- [What does nonattainment mean?](#)
- [How long has ozone been a problem in my area?](#)

General

What is ozone?

Ozone is a gas composed of three atoms of oxygen. Ozone occurs both in the Earth's upper atmosphere and at ground level. Ozone can be good or bad, depending on where it is found.

Good Ozone

Good ozone occurs naturally in the upper atmosphere, 6 to 30 miles above the Earth's surface, where it forms a protective layer that shields us from the sun's harmful ultraviolet rays. This beneficial ozone is gradually being destroyed by manmade chemicals. When the protective ozone "layer" has been significantly depleted; for example, over the North or South Pole; it is sometimes called a "hole in the ozone."

Bad Ozone

Tropospheric, or ground level ozone, is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NO_x) and volatile organic compounds (VOC). Ozone is likely to reach unhealthy levels on hot sunny days in urban environments. Ozone can also be transported long distances by wind. For this reason, even rural areas can experience high ozone levels.

High ozone concentrations have also been observed in cold months, where a few high elevation areas in the Western U.S. with high levels of local VOC and NO_x emissions have formed ozone when snow is on the ground and temperatures are near or below freezing. Ozone contributes to what we typically experience as "smog" or haze, which still occurs most frequently in the summertime, but can occur throughout the year in some southern and mountain regions.

Go to [the basic information page](#) for more information.

Where does ground level ozone come from?

In the Earth's lower atmosphere, near ground level, ozone is formed when pollutants emitted by cars, power plants, industrial boilers, refineries, chemical plants, and other sources chemically react in the presence of sunlight. Ozone at ground level is a harmful air pollutant.

Are ozone and smog the same thing?

While the two terms are often used interchangeably for general use, smog is more complex. Smog is primarily made up of ground level ozone combined with other gases and particle pollution.

What are the ozone levels in my community?

Air quality forecasts are often given with weather forecasts on handheld devices, online or in the paper or television. You can check ozone levels and other daily air quality information by visiting www.airnow.gov and in many areas you can receive air quality notifications through www.enviroflash.info.

What can I do to reduce ozone?

Air pollution can affect your health and the environment. There are actions every one of us can take to reduce air pollution and keep the air cleaner and precautionary measures you can take to protect your health. [Visit AIRNow for more information.](#)

Health and Ecosystems

What are the health effects of ozone?

Ozone in the air we breathe can harm our health. Even relatively low levels of ozone can cause health effects. People with lung disease, children, older adults, and people who are active outdoors may be particularly sensitive to ozone.

Breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground level ozone also can reduce lung function and inflame the linings of the lungs. Repeated exposure may permanently scar lung tissue.

Go to [the health effects page](#) for more information.

Who is most at risk?

Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma.

Go to [the health effects page](#) for more information.

What are the ecological effects of ozone?

Ozone also affects sensitive vegetation and ecosystems, including forests, parks, wildlife refuges and wilderness areas. In particular, ozone harms sensitive vegetation, including forest trees and plants during the growing season. Visit [the ecosystems page](#) for more information.

Designations Process

What does designation mean?

After working with the states and tribes and considering the information from air quality monitors, EPA "designates" an

area as attainment or nonattainment with national ambient air quality standards. ~~It is a~~ ~~www.epa.gov/air/ozonepollution/faq.html~~ nonattainment states must develop and implement control plans to reduce ozone-forming pollution.

What does nonattainment mean?

The Clean Air Act identifies six common air pollutants that are found all over the United States. These pollutants can injure health, harm the environment and cause property damage. EPA calls these pollutants criteria air pollutants because the agency has developed health-based criteria (science-based guidelines) as the basis for setting permissible levels.

Ozone is a criteria pollutant. There are national ambient air quality standards (NAAQS) for each of the criteria pollutants. These standards apply to the concentration of a pollutant in outdoor air. If the air quality in a geographic area meets or does better than the national standard, it is called an attainment area; areas that don't meet the national standard are called nonattainment areas.

In order to improve air quality, states must draft a plan known as a state implementation plan (SIP) to improve the air quality in nonattainment areas. The plan outlines the measures that the state will take in order to improve air quality. Once a nonattainment area meets the standards, EPA will designate the area to attainment as a "maintenance area."

How long has ozone been a problem in my area?

Ozone levels can vary from one area to the next and they can also vary over time or from one season to the next. Ozone is typically a summertime problem, but can be a year-round issue for some areas. Some areas have experienced problems with ozone for years, while other areas have not. To learn how long ozone has been a problem where you live, visit [EPA's Air Trends web site](#).

For more questions and answers related to Ozone, [visit AIRNow](#)

Last updated on Thursday, November 01, 2012

Exhibit 2

actions you can take

High-Altitude "Good" Ozone

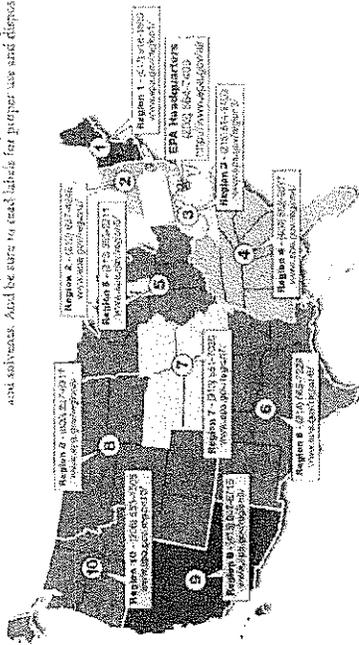
- Protect yourself against sunburn. When the UV index is "high" or "very high", limit outdoor activities between 10 am and 4 pm, when the sun is most intense. If you must be outside, liberally apply a broad-spectrum sunscreen with a Sun Protection Factor (SPF) of at least 15. Reapply every two hours or after swimming or sweating. For UV index forecasts, check local media reports or visit www.epa.gov/sunwise/uvindex.html.
- Use approved refrigerants in air conditioning and refrigeration equipment. Make sure refrigerant that works on your car or home air conditioner or refrigerator are serviced to recover the refrigerant. Repair leaky air conditioning units before refilling them.
- Check the air quality forecast in your area. At times when the Air Quality Index (AQI) is forecast to be unhealthy, limit physical exertion outdoors. In many places, ozone peaks in mid-afternoon to early evening. Change the time of day of strenuous outdoor activity to avoid these hours, or reduce the intensity of the activity. For AQI forecasts, check your local media reports or visit www.epa.gov/airnow.
- Help your local electric utilities reduce ozone air pollution by conserving energy at home and for office. Consider using your utility's load-shedding and energy conservation programs.
- Reduce air pollution from cars, trucks, gas-powered lawn and garden equipment, boats and other engines by having equipment properly tuned and maintained. During the summer, fill your gas tank during the cooler evening hours and be careful not to spill gasoline. Reduce idling, carpool, use public transportation, walk or bicycle to reduce ozone pollution, especially on hot summer days.
- Use household and garden chemicals wisely. Use low VOC paints and solvents. Avoid bare or fast labels for proper use and disposal.

Ground-Level "Bad" Ozone

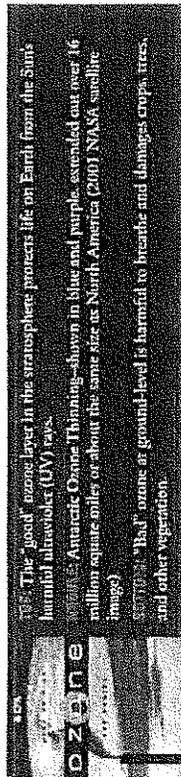
- Reduce air pollution from cars, trucks, gas-powered lawn and garden equipment, boats and other engines by having equipment properly tuned and maintained. During the summer, fill your gas tank during the cooler evening hours and be careful not to spill gasoline. Reduce idling, carpool, use public transportation, walk or bicycle to reduce ozone pollution, especially on hot summer days.
- Use household and garden chemicals wisely. Use low VOC paints and solvents. Avoid bare or fast labels for proper use and disposal.

For air program information, contact your Regional EPA Office:

...or visit EPA's website at <http://www.epa.gov/air>



about the cover...



United States Environmental Protection Agency

Office of Air and Radiation
1400 L Street, N.W.
Washington, DC 20460

EPA-451/A-03-001
June 2003



good up high

OZONE

bad nearby

What is Ozone?

Ozone is a gas that occurs both in the Earth's upper atmosphere and at ground level. Ozone can be "good" or "bad" for your health and the environment, depending on its location in the atmosphere.

How Can Ozone Be Both Good and Bad?

Ozone occurs in two layers of the atmosphere: The layer closest to the Earth's surface is the troposphere. Here, ground-level or "bad" ozone is an air pollutant that is harmful to breathe and it damages crops, trees and other vegetation. It is a main ingredient of urban smog. The troposphere generally extends to a level about 6 miles up, where it meets the second layer, the stratosphere. The stratosphere or "good" ozone layer extends upward from about 6 to 30 miles and protects life on Earth from the sun's harmful ultraviolet (UV) rays.

The bad news: Many popular consumer products are air conditioners or air purifiers made of CFCs or HCFCs. In use, these chemicals damage the earth's protective ozone layer.

What is Happening to the "Good" Ozone Layer?

Ozone is produced naturally in the atmosphere. But this "good" ozone is gradually being destroyed by man-made chemicals referred to as ozone-depleting substances (ODS), including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), halons, methyl bromide, carbon tetrachloride, and methyl chloroform.

These substances were formerly used and sometimes still are used in coolants, foaming agents, fire extinguishers, solvents, pesticides, and aerosol propellants. Once released into the air, these ozone-depleting substances degrade very slowly. In fact, they can remain in the atmosphere for years as they move through the troposphere until they reach the stratosphere. There they are broken down by the intensity of the sun's UV rays and release chlorine and bromine molecules, which destroy the "good" ozone. Scientists estimate that one chlorofluorocarbon can destroy 100,000 "good" ozone molecules.

Even though we have reduced or eliminated the use of many ODSs, their use in the past can still affect the

protective ozone layer. Research indicates that depletion of the "good" ozone layer is being noticed worldwide. Thinning of the protective ozone layer can be observed using satellite measurements, particularly over the Polar Regions.

How Does the Depletion of "Good" Ozone Affect Human Health and the Environment?

Ozone depletion can cause increased amounts of UV radiation to reach the Earth, which can lead to more cases of skin cancer, cataracts, and impaired immune systems. Overexposure to UV is believed to be contributing to the increase in melanoma, the most fatal of all skin cancers. Since 1980, the risk of developing melanoma has more than doubled.

UV can also damage sensitive crops, such as soybeans, and reduce crop yields. Some scientists suggest that marine phytoplankton, which are the base of the ocean food chain, are already under stress from UV radiation. This stress could have adverse consequences for human food supplies from the oceans.

What is Being Done About the Depletion of "Good" Ozone?

The United States, along with over 100 other countries, recognized the threat posed by ozone depletion and in 1987 adopted a treaty called the Montreal Protocol to phase out the production and use of ozone-depleting substances.

EPA has established regulations to phase out ozone-depleting chemicals in the United States. Warning labels must be placed on all products containing CFCs or similar substances and nonessential uses of ozone-depleting products are prohibited. Releases into the air of refrigerants used in cars and home air conditioning units and appliances are also prohibited. Some substances in aerosol-depleting products have been produced and sold as they developed. If the United States and other countries stop producing ozone-depleting substances, natural ozone production should return the ozone layer to normal levels by about 1990.

What Causes "Bad" Ozone?

Ground-level or "bad" ozone is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen (NOx) and volatile organic compounds (VOC) in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicles, paint, gasoline vapors, and chemical solvents are some of the major sources of NOx and VOC.

An ground-level, ozone is a harmful pollutant. Ozone peaks that is a concern during the summer months because strong sunlight and hot weather result in harmful ozone concentrations in the air we

breathe. Many urban and suburban areas throughout the United States have high levels of "bad" ozone. But many rural areas of the country are also subject to high ozone levels as winds carry emissions hundreds of miles away from their original sources.

How Does "Bad" Ozone Affect Human Health and the Environment?

Breathing ozone can trigger a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis,

asthma, and asthma. "Bad" ozone also can reduce lung function and irritate the linings of the lungs. Repeated exposures may permanently scar lung tissue.

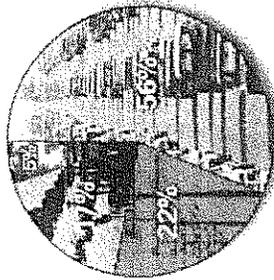
Healthy people who experience difficulty breathing when exposed to ozone pollution. Because ozone forms in hot weather, anyone who spends time outdoors in the summer may be affected, particularly children, outdoor workers and people exercising. Millions of Americans live in areas where the national ozone health standards are exceeded.

Ground-level or "bad" ozone also damages vegetation and ecosystems. It leads to reduced agricultural crop and commercial forest yields, reduced growth and survivability of tree seedlings, and increased susceptibility to diseases, pests and other stresses such as forest fires. In the United States alone, ground-level ozone is responsible for an estimated \$100 million in reduced crop production each year. Ground-level ozone also damages the foliage of trees and other plants, affecting the landscape of cities, national parks and forests, and recreation areas.

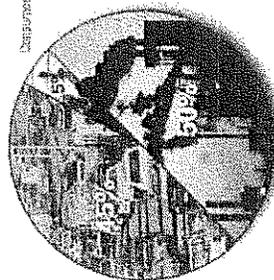
What is Being Done About "Bad" Ozone?

Under the Clean Air Act, EPA has set national health-based standards for ozone in the air we breathe. EPA, states, and cities have instituted a variety of multi-faceted programs to meet these health-based standards. Throughout the country, additional programs are being put into place to cut NOx and VOC emissions from vehicles, industrial facilities, and electric utilities. Programs are also aimed at reducing pollution by reformulating fuels and consumer and commercial products, such as paints and chemical solvents, that contain VOC. Voluntary programs are encouraging communities to adopt practices, such as carpooling, to reduce harmful emissions.

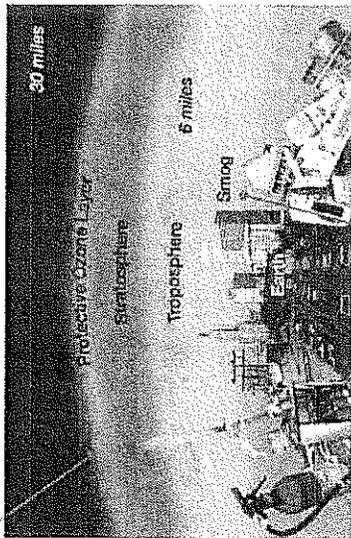
We live with ozone every day. It can protect life on earth as harmful, but we have the power to influence ozone's impact by the way we live.



Sources of NOx



Sources of VOC



The bad news: Cars, trucks, power plants and factories all emit air pollutants that damage the protective ozone layer.

Exhibit 3



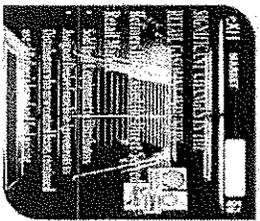
School Siting Guidelines



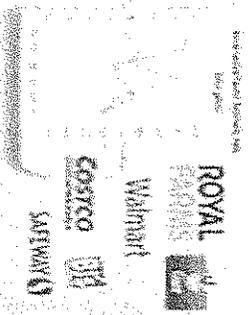
School Siting Guidelines

Feature/Land Use		Description	Potential Hazard(s)	Screening, Permitting	Recommendations	Evaluation	Additional Information ⁵
Gas stations and other fuel dispensing facilities	<ul style="list-style-type: none"> Large gas station dispense more than 2.6 million gallons per year. 	<ul style="list-style-type: none"> Air pollution Soil contamination Ground water contamination Vapor intrusion into structures Heavy vehicular traffic 	<ul style="list-style-type: none"> Identify and evaluate gas stations and other fuel dispensing facilities within ~1,000 feet of prospective school locations Applies to both onsite as well as adjacent or nearby locations 	<ul style="list-style-type: none"> Evaluate on a case- and site-specific basis. See Exhibit 5 for potential variables and mitigation options. Consult with state, tribal and local authorities for applicable requirements. Evaluate for spills, leaking underground storage tanks, potential air emissions. 	<ul style="list-style-type: none"> Air Pollution Risk Assessment Maps and Mapping Underground Storage Tanks Vapor Intrusion/ (VOCs) 		
						<ul style="list-style-type: none"> Facilities using perchloroethylene or similarly toxic chemicals. 	<ul style="list-style-type: none"> Identify and evaluate dry cleaning operations within ~1,000 feet of prospective school locations Applies to both onsite as well as adjacent or nearby locations

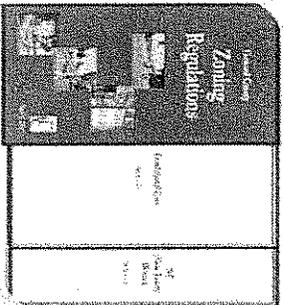
Revising Regulations will Prevent Blight by Accounting for:



Significant Changes In the Retail Gasoline Industry



Changing Market Conditions - Declining Demand and Emergence of Hypermarkets



Updated Standards and Site Conditions

Significant Changes in the Retail Gasoline Industry

- BEFORE Late-1990s -Refiner- Controlled Ownership Structure
 - Refiners Exited the Direct-Served Retail Gas Market and Sold Stations (Land & Franchise/Supply Contracts) to Distributors
- NOW- Distributor/Dealer Ownership Structure
 - New Ownership Structure and Changing Market Conditions Are Impacting the Sustainability of Traditional Retail Gas Stations because:
 - Dealers do not have deep pockets or control of the wholesale price of branded/unbranded gas
 - Dealers have substantial debt service and supply quotas that much be met

Alternatives to Gas Station property uses are limited due to restrictive covenants that specify:

- Sale of certain brands of gasoline for 20-30 years
- Redevelopment options in perpetuity

Updated Standards and Site Conditions for Gasoline Service Stations

➤ The Amended Regulations account for dramatic changes in retail gasoline industry since original regulations were enacted

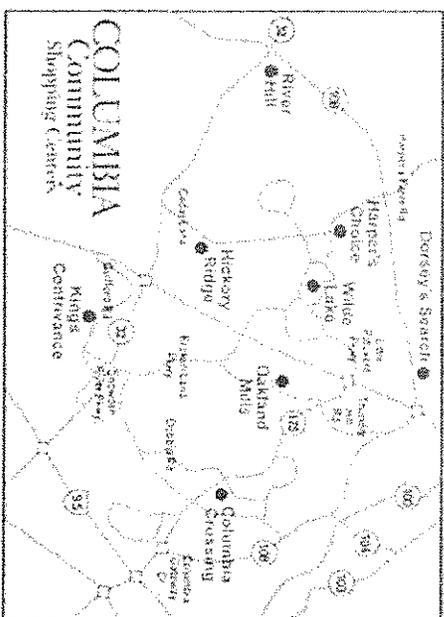
1960s-1990s	2000 to the Present
<ul style="list-style-type: none"> • Smaller parcels and buildings, with uses limited to gasoline and auto repair • Designed to sell lower gas volumes, so no stacking requirement or regulation of underground storage tank size • Period of Extreme Growth for Howard County so needs assessment easily satisfied 	<ul style="list-style-type: none"> • Large Parcels & Buildings; more intensive uses • Stations built to dispense higher volumes of gas, more stacking and tank size regulations needed • County nearly built-out; new development will be redevelopment

<p>➤ Updated Standards in Zoning Regulation Amendment to Address These Issues include:</p> <ul style="list-style-type: none"> • Minimum lot size should be increased from 20,000 to 40,000 square feet. • Lot frontage should be a minimum of 150 feet (currently 120 feet) • Impose limits on capacity of underground storage tanks • A stacking requirement of 4 cars per fueling position should be implemented.

Why Should the New Conditional Use Regulations Apply to Gas Stations in the Columbia New Town District?

- The existing NT Regulations and the relevant FDP Criteria lack sufficient standards to guide the Planning Board in approving site development plans for gas stations.
- Now that HRD has ceased acting as a gatekeeper and using its control to ensure that Columbia remains a master planned community, the lack of standards are a major problem.

- Since only HRD can petition to change the relevant FDP Criteria to include necessary criteria to prevent the over proliferation of gas stations in the NT District, requiring a conditional use permit is the only way to resolve the problem in a consistent manner.



SECTION 125: NT (New Town) District A. Definitions, Requirements and Restrictions: Applicable to NT Districts

7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:

6. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION 125, IF THE APPROVED FINAL DEVELOPMENT PLAN IDENTIFIES A GASOLINE SERVICE STATION AS A SPECIFIC PERMITTED USE OF LAND, THE USE SHALL BE PERMITTED ONLY UPON THE GRANTING OF A CONDITIONAL USE FOR GASOLINE SERVICE STATIONS UNDER SECTION 131.N.25. TO THE EXTENT THE BULK REGULATIONS AND CRITERIA FOR APPROVAL IN SECTION 131.N.25 CONTACT WITH THE FINAL DEVELOPMENT PLAN CRITERIA, THE PROVISIONS OF SECTION 131.N.25 SHALL APPLY.

Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125 C.3.d of these Regulations, if an approved Final Development Plan designates POR, B-1, B-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts. **HOWEVER EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION 7, the bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under these Regulations.**

Conclusion: The Proposed ZRA Will Protect the Public Health and the Environment and Prevent Blight

Proposed Zoning Regulation Amendment

- Requires that a Needs Assessment Demonstrate a Reasonable Public Need for a New Stations
 - Will Prevent an Over Proliferation of Gas Stations Countywide & in the NT District
 - No Increase in Ground- Level Ozone
 - Prevent Public Health Risks
 - Protect the Environment
 - Prevent Blight from Shuttered Stations
 - Will Ensure Adequate Distance Between the Proposed Station and Existing Stations
 - Will permit High Volume Stations Only in Areas Where a Need for That Volume of Gas is Demonstrated
- Updates Standards for Existing Stations in the Area to Reflect Changing Industry
- Extends Conditional Use Regulations to the NT District

Response to Section 8

The attached Exhibit explains the methodology for determining when a reasonable public need exist for a gasoline service station in a specific area (otherwise known as the "needs analysis").

Exhibit 1

HOWARD COUNTY GAS STATION NEED ANALYSIS DESIGN MANUAL TEXT

An additional gas station is needed if the demand within two of three market areas exceeds the supply. Demand is determined by multiplying the resident plus employee population of the market area by the countywide average gasoline consumption per employee plus resident. Supply is determined by multiplying existing gasoline fueling positions within the market area by countywide average gasoline pumping rate per fueling position. The market area is defined as a radius of 1.5, 2.0 and 3.0 miles from the proposed site for a new station.

Demand Determination

The purpose of the following calculations is to determine average annual gasoline sales in gallons per Howard County resident plus employee.

- A. From the most recent U.S. Bureau of Labor Statistics Consumer Expenditure Survey, determine annual gasoline and motor oil expenditure per consumer unit based upon an average of the Washington, D.C. and Baltimore Metropolitan Statistical Areas (MSAs);
- B. From the Consumer Expenditure Survey, determine the average number of persons per consumer unit in the Washington, D.C. and Baltimore MSAs.
- C. Determine the number of consumer units in Howard County by dividing the countywide population by average number of persons per consumer unit (B).
- D. Multiply A by C to determine total annual Howard County gasoline and motor oil sales.
- E. From the U.S. Bureau of Labor Statistics table entitled *Average prices for electricity, utility (piped) gas, and gasoline, United States and Washington-Baltimore area*, determine the average price per gallon of gasoline during the period covered by the Consumer Expenditure Survey.
- F. Divide D by E to determine average annual gallons of gasoline purchased by Howard County residents.
- G. From the most recent U.S. Census Bureau County Business Patterns, determine the number of people employed in Howard County.
- H. Combine the countywide population plus G to determine Howard County Resident + Employee population.
- I. Divide F by H to determine average annual gallons of gasoline and motor oil purchased per Howard County Resident + Employee.

Supply Determination

- J. From the most recent Maryland Comptroller's *Maryland Motor Fuel Tax and Motor Carrier Tax (IFTA) Annual Report*, determine total annual gallons of gasoline sold in Maryland.
- K. From the U.S. Census Bureau County Business Patterns determine the number of gasoline station in Maryland.
- L. Divide J by K to determine average annual gallons of gasoline sold per station.
- M. Determine the number of gasoline station in Howard County.
- N. Multiple L by M to determine total annual gallons of gasoline sold at all Howard County gas stations.
- O. Determine the number of fueling positions (pump handles) at all Howard County gasoline stations.
- P. Divide N by O to determine average annual gallons of gasoline sold per fueling position.

Site Specific Need Analysis

- Q. Define the Market Area by first drawing a circle extending 1.5-miles from the location of the proposed gasoline station site.
- R. Determine the percentage of Census Tract(s) encompassed by the Market Area.
- S. Using U.S. Census Bureau data determine the resident and employee population within the Market Area.
- T. Multiple S by L to determine gasoline demand within the Market Area.
- U. Determine the number of existing fueling positions within the Market Area.
- V. Multiple U by P to determine current supply within the Market Area.
- W. If supply (V) exceeds demand (U) then additional fueling positions are not needed.
- X. Repeat Steps Q to W using a Market Area with a radius of 2.0 and 3.0 miles.
- Y. At least two Market Area must show a need to approve a new gasoline station.
- Z. The new station may only have the number of fueling position required to satisfy need.

Response to Section 9

Exhibit 1 demonstrates that Howard County has been designated a nonattainment area by the Environmental Protection Agency (EPA) (See page 3). The EPA report indicates that the most serious pollutant in the County is ground-level ozone and provides additional information about the hazards associated with that particular pollutant.

Exhibit 2 provides additional information about the causes of ground-level ozone.

Exhibit 3 is a table published by the EPA on School Siting Guidelines. It shows that large gas stations or concentration of gas stations can cause health problems as a result of the station's emissions, and proposes certain guidelines relating to the location of schools.