

Sayers, Margery

From: Richard Tufts <tuftsdaissy@verizon.net>
Sent: Thursday, July 27, 2017 8:37 PM
To: CouncilMail
Subject: Opposition to CB 60-2017

Council Members,

My wife and I oppose mulching in Howard county for the following, single reason: **According to the American Cancer Society International Agency for Research on Cancer wood dust is a carcinogen and could cause cancer in humans.**

As you are aware, scientific evidence has been presented by Doctor Victor Veculesco, MD, PhD, Director of Oncology at Johns Hopkins Medical Center, during testimony before the Howard County Environmental Sustainability Board, the County Council and the Mulch Task Force proceedings. These presentations reflect the wealth of evidence-based data further supporting that wood dust is a cancer-causing substance. And yet in the wake of this, here we are again wrestling with the same issue, which seems to indicate that either no one believes or wants to believe hard, scientific, medical evidence... or worse, thinks, "It can't happen to them."

But what if you are a cancer survivor striving to control risks to known threats, such as certain foods, wine, alcohol, etc.,.. those things you can control to continue being cancer-free? Now you are faced with a known carcinogen that you CAN NOT control, short of moving out of your home.

Moreover, would you want to live across the road/street or or have your children playing down wind from a mulching operation knowing that it produces Wood Dust that a reputable organization, the American Cancer Society, has determined can cause cancer? This as a simply answered question - either yes or no. If 'yes,' then obviously you do not consider it much of a risk. It can not happen to you, your spouse, your children or other family members, right?

We say, "It can happen" and therefore, do not want mulching permitted or allowed in our county... anywhere, especially given it will probably will not be monitored or controlled. For we are aware our county traditionally DOES NOT monitor its own laws and regulations.

Additionally, large, 18-wheeler trucks are associated with mulching operations. They have to travel over our narrow, tertiary roads, competing with farmers moving large equipment from field to field, residents in inherently large vehicles, plus a recently introduced, new vehicle on our roads... bicycles. I submit this conglomeration cannot safely compete on our narrow, Scenic roads. It is absolutely unsafe!

As our elected officials, you are not only responsible for carrying out duties governing our county, but just as importantly, protecting the citizens of Howard... your constituents. We, therefore, urge you to act RESPONSIBILITY and protect everyone from the dangers of mulching. Remember it has been demonstrated, wood dust can cause CANCER.

In summary, we urgently request that you recognize the very real threat mulching can have on the health of our citizens. As our trusted legislators, we ask that you do the right thing!! Vote NO TO ALL MULCHING!!! Make Howard a safe county to live in.

Very respectfully,
Mr. & Mrs. Richard G. Tufts
Daisy

Sayers, Margery

From: MIRRAFLOR MORRIS <paulandmirra@verizon.net>
Sent: Wednesday, July 26, 2017 8:46 AM
To: CouncilMail
Subject: Opposition to CB60 Without Major Amendments

County Council,

We are very concerned with CB60 which will allow for industrial mulching and composting on ag preserve farmland and on all of RR/RC throughout Howard County. The current zoning language contained in CB60 is unacceptable and not only puts the rural communities at risk for well-documented safety and health concerns from industrial mulching, but now also makes this a countywide issue.

As it currently reads, there are clear loopholes that will allow those posing as tree farmers to conduct industrial mulching activities from 2 acres up to 5 acres, depending on whether on Howard County ag (ALPP), RR or RC parcels. This will result in unacceptable risks to ensuring the well-being of children, families and all individuals living in affected areas. Furthermore, DPZ has demonstrated a clear inability to enforce clear violators of CB20. We now ask, how can DPZ protect our families when loopholes in CB60 will allow for industrial mulching to occur, making enforcement even more challenging?

County Executive Kittleman, through CB60 introduced on his behalf, has simply not keep to his campaign promise to ensure that there is no possibility of industrial mulching on both Howard County and State of MD ag preserve parcels, despite his recent claims to the contrary. There is no separate section in CB60 that deals with State of MD ag (MALPF) restrictions (only Howard County ag). We worked hard to get State of MD ag restrictions included in the current zoning language for CB20 and are disappointed that it has been omitted from CB60.

There are many other key amendments needed in CB60 to make it acceptable to the health and well-being of thousands of families throughout Howard County. We are counting on the County Council to course correct with amendments added to CB60 to clearly prevent any chance of industrial mulch facilities from operating throughout farmland in Howard County, other than in M1/M2 commercially zoned land. This is the only way our Councilmembers will ensure everyone in potentially affected areas continues to be protected by current zoning regulations defined in CB20. Please take this matter seriously and add needed amendments to CB60 that we feel is unacceptable as it now stands.

Thank you,
Mirra Morris
Dayton resident

Sayers, Margery

From: Olav Jensen <jonolavjensen@yahoo.com>
Sent: Wednesday, July 26, 2017 8:22 AM
To: CouncilMail
Subject: CB60

Subject: Opposition to CB60 Without Major Amendments
County Council,

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Thank you.

Jon Olav Jensen
Glennelg, MD

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Friday, July 21, 2017 11:07 AM
To: Kittleman, Allan; CouncilMail
Subject: CB60 Public Hearing 17 Jul 2017
Attachments: JN - CB60-2017 Testimony 17 July 2017 - Final.pdf

Howard County Residents,

I suspect everyone here knows that a public hearing was held on 23 proposed Council Bills this past Monday. The hearing continued until midnight and not all that signed up to testify were able to give testimony that evening. A continuation of the hearing is scheduled on 11 September beginning at 6pm. Those who were unable to testify will be able to testify at that session.

You may be interested in reading a Baltimore Sun article about the testimony that evening here:

[Council hearing leads to tabling of AFPO, mulching bills until September](#)

I'd like to add some additional observations.

Continuing with the DPZ theme of non-enforceable requirements, the Director of DPZ pointed out that as an accessory to farming, the revenue generated from a mulch/compost operation authorized by CB60 must be a minor part of the revenue generated by the farm. Which immediately raises the question, "How would DPZ enforce such a regulation?" Would DPZ require the farm to provide tax returns for verification? Proof of revenue came up at the Task Force meetings of 2014-2015. The overwhelming and emphatic response from the farmers present was it was none of the County's business. Not negotiable.

As mentioned in the Sun Article, Council Member Sigaty correctly pointed out that Erich Bonner in Woodbine was a "bad apple" and it's not fair to judge other farmers by his operation. I agree. However, CB60 doesn't prevent "bad apples." The fact remains that this "bad apple" has been operating in violation of Howard County regulations for over 7 years. The representative from the Law Offices stated their objective is to obtain abatement and not collect fines. After 7 years of operation in violation of Howard County regulations, it's more than fair to say that the objective of DPZ and the Law Offices is a great big FAIL. How the County Executive and DPZ can continue to claim that DPZ enforces regulations boggles the mind. The general opinion of the residents is that DPZ doesn't want to enforce the regulations on this operator.

It escapes me how sponsors of CB60 can admit that operator is a "bad apple" and can write CB60 that would exclude that very same operator from Howard County regulations and oversight simply because the operation is on a MALPF property. I acknowledge that the Director of DPZ has stated in writing and in testimony that they are "considering" amending CB60 to include MALPF properties. On a separate item, the Director did state that the emergency provisions of CB60 will be removed from CB60. Why is it so difficult to state that CB60 **WILL** be amended to include MALPF properties?

Council Member Sigaty referred to a letter from Bob Orndorff stating that he has no plans to operate an NWWRF in Dayton and has the property up for sale. I've seen that letter. I think that property went up for sale in 2015. Unfortunately for Mr. Orndorff, the residents of Dayton also know that he planned to restore the original Dayton Elementary School [the first integrated school in Howard County]; it was leveled shortly after he obtained approval to build RLO Headquarters. Dayton residents also know that he stated at the 2013 Comp

Zoning testimony that planned to demolish the deteriorating blue house behind RLO HQs. It still stands. It should not be a surprise that Dayton residents receive his pledge to not have an NWWRF on his Dayton property with some skepticism.

That aside, I'm willing to accept on face value that Mr. Orndorff will not start such an operation. I'll take his word that he's going to sell that property. What if someone like Erich Bonner buys that property. CB60 isn't about named owners, it's about what can or can't be done on a piece of property. No one has control over what a current owner or future owner can do with their property other than what is allowable and enforceable. Keep your eyes on that, not the name of an owner.

The more I consider it, the more I'm convinced that a "tree farm" exception is irrelevant. The amounts of mulch used by tree farms are insignificant. The only reason for any farm to make mulch is to collect dumping fees for vegetative matter, convert it to mulch and sell it.

Kudos to Council Member Calvin Ball for attempting to get the Director of DPZ to agree to meet-with the opposition. Mr. Ball tried hard, several times, but the Director of DPZ was resistant and stated he needed to consult with the sponsors of the bill. The first word that comes to mind is "pathetic."

I think everyone will agree that there is misinformation being spread about CB60. The disagreement is who are the guilty parties of that misinformation. I think it would be quite difficult to come to agreement on what CB60 should say if we can't agree on the facts.

There was a "lively discussion" between Council Member Greg Fox and John Tegeris on the difference between ZRA 160 and ZRA 180 [CB60] with respect to restrictions on ALPP properties and health risks. Mr. Fox stated what's the difference between 1 acre in ZRA 160 and 2 acres in ZRA 180. Mr. Tegeris responded it was 1 acre with no commercial sales. Mr. Fox repeated his question, of what is the difference between 1 acre and 2 acres. Mr. Tegeris responded with 1 acre with NO COMMERCIAL SALES. That volley continued ...

I have tried to make the point, repeatedly, that it's the amount of mulch that can be produced/acre that is most relevant in determining whether an application is industrial. Using Grant County Mulch in Frederick as the model, 12,000 tons/acre can be produced annually. That is what they do. It might be a fair question to ask how many thousands of tons represents a hazard. I'll step up and say no one knows and there almost certainly isn't a "bright line." I'm certain there is a difference between laying 10 yards on your landscaping once in the spring and a 2-acre operation that produces 24,000 tons of mulch through 9 months+ of the year. What I also know is that House Bill 171 requires MDE to do an extensive study that will look at details of health risk from mulching and composting operations. The results of that study and their recommendations will be invaluable. It is extremely disappointing that there is so little interest on the part of County Government officials in having a better understanding of the health risks before expanding the production of mulch and compost beyond what exists as of this date. Is the selling of mulch and compost so important that you're willing to risk the health of Howard County residents?

Can anyone in Howard County Government tell me what is so pressing about expanding the production of mulch and compost beyond what exists today?

Also attached is a copy of the testimony I gave on 17 Jul 2017.

Best Regards,

Testimony to Howard County Council regarding CB60-2017 provided on 17 Jul 2017

My name is James Nickel residing in Dayton, Maryland. I oppose CB60-2017.

Beginning 29 April, I wrote the County Executive and Council Members Fox and Sigaty regarding my concerns on the health risks of mulch manufacturing. That correspondence has fallen on deaf ears; I never received a direct response to the specific points made. I was only referred to a "Fact Sheet" prepared by DPZ.

That "Fact Sheet" was rife with errors, baseless claims, and undefined tests pretending to manage health risks. One example was a "soil test." There was no information about what tests would be performed or if those tests were relevant.

This "Fact Sheet" listed groups that were consulted in preparation of CB60. **Nowhere did it mention the Health Department.** When DPZ briefed the County Council on 10 July, they presented the groups they consulted. **Again, no mention of the Health Department.** When I asked the County Executive about the comments from the Health Department to the Suffolk County Investigation into water contamination at mulch and composting sites there was no response.

I also never received a response to the fact that **of the 12,200 farmers in Maryland not a single operating farm was a Natural Wood Waste Recycling Facility [NWWRF].** Nor did I receive a response to my projection that **a 2-acre facility could produce 24,000 tons annually of mulch and that would rank 5th highest producer in Maryland.** That projection was based on REAL DATA from MDE using the Grant County Mulch operation in Frederick County. On RC, non-Ag Pres properties where up to 5 acres could be used, that would project an operation ranked in the top 3 of all NWWRFs.

I also wrote to the Maryland Secretary of the Environment and received a prompt reply from the Director of Land Management Administration, Hilary Miller [attached].

Ms. Miller agreed that while the Department had issued guidelines in 2012 that it was necessary, as required by House Bill 171, to further study the issue of "the diversion of organic material from **refuse disposal sites**". Note that Ms. Miller said, "**refuse disposal sites**" and NOT "**accessory uses to farming**".

Ms. Miller further stated that the Suffolk County Investigation and the presentation by Dr. Velculescu summarizing the potential hazards associated with wood dust would both be included in their study; two reports which the County Executive and DPZ have, by all indications, ignored. DPZ chooses to frame a "refuse disposal site" as "an accessory to farming" and pretend that it is not an industrial operation suited only to M1/M2.

There is no justification to pass any version of CB60 until the study required by House Bill 171 is completed and recommendations provided based on a thorough assessment of the health risks. I'm tired of being lied to. Kill this bill.



Maryland
Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

June 28, 2017

Mr. James O. Nickel
4904 Green Bridge Road
Dayton, MD 21036

Dear Mr. Nickel:

Thank you for your letter to Secretary Ben Grumbles regarding the potential health and environmental hazards of natural wood waste recycling and other organic waste processing facilities. The Secretary received your letter and asked me to respond on his behalf. The Department appreciates your interest in this matter.

As you point out in your letter, House Bill (HB) 171 – *Yard Waste, Food Residuals, and Other Organic Materials Diversion and Infrastructure - Study* requires the Department, in consultation with certain organizations, to study and make recommendations regarding the diversion of organic material from refuse disposal facilities. We will be convening a workgroup to assist the Department in this study over the coming year.

In 2012, the Department conducted an extensive review of composting operations with a diverse workgroup that culminated in the development of the new composting regulations at COMAR 26.04.11. Composting has the potential to release liquids containing nutrients and organic acids that can mobilize metals and that can act as pollutants if they are not properly controlled. In order to address this issue, the regulations include increased controls such as run off controls and location restrictions and a tiered structure for larger sites. HB 171 requires the Department to study and identify any applicable sanitary and public health concerns related to organic materials diversion, so these concerns will be reexamined over the 2-year study period. The Department will include the information in the Suffolk report in its study for HB171. We also appreciated your enclosure of the PowerPoint slideshow by Dr. Victor Velescu of Johns Hopkins University, which was a succinct summary of the potential hazards associated with wood dust. Although we have not yet examined his opinions from an epidemiological perspective, the concepts and evidence expressed will also be considered during the HB171 study.

Thank you again for your letter. If you would like to discuss this further, please call me at 410-537-3304 or contact me by email at hilary.miller@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Hilary Miller".

Hilary Miller, Director
Land Management Administration

cc: Ben Grumbles, Secretary, MDE

Jim Nickel

Sayers, Margery

From: Shaw, Molly <mshaw@nvrinc.com>
Sent: Wednesday, July 19, 2017 3:35 PM
To: CouncilMail
Subject: CB-60 - how do you plan to enforce??

Good Afternoon,

I was at the Council meeting on Monday, July 17. As a follow-up to that meeting, I would like the Planning department or the sponsors of the proposed bill to address HOW enforcement of the bill will take place if put in place with amendments.

According to the conversations on Monday night, the Oak Ridge/Bonner Property was allowed to continue operating because the permits are difficult to enforce? I can tell you that you can stand at the entrance of that property at 7am in the morning and by 7:30, 3 Ashplund tree trucks dropping off logs for mulching will arrive. Seems pretty easy to catch! If there was a "loophole" in previous legislation – it he responsibility of the County Council to recognize, act and CLOSE any loopholes? It is the responsibility of the planning/zoning/permits department to ENFORCE the laws enacted.

So, how does the County plan to enforce CB-60 if passed? Human nature is that if someone is given an inch and feels they will be able to take the mile – they will take the mile. That being said, how can the citizens of Howard County be assured that CB-60 with amendments, will be enforced? If you can't keep one "bad apple" from operating illegally, how do you intend to enforce the bill, with amendments, on those properties that may be allowed to have a mulching operation? Or, how do you keep people who do not have permits from having a mulching operation on their property?

If this has not been discussed, I think it needs to be a VERY active discussion and the plan needs to be presented to the citizens of the County.

My husband and I built our house ourselves, and the permit process was arduous, thorough and strictly enforced. Seems that large log trucks entering a property every day, all day, would be one of the easiest things to enforce.

Thank you,

Molly Shaw
Financial Administrative Office Manager
Ryan Homes
Washington North & Washington East Divisions
4700 Corridor Place, Suite 100, Beltsville MD 20705
301-937-4060

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TESTIMONY BY RICHARD C. GOLDMAN RE: BILL #60-2017 BEFORE HOWARD COUNTY COUNCIL –
JULY 17, 2017

Hello, my name is Richard Goldman. I live at 10775 Judy Lane in Howard County, Maryland, 21044. For over 30 years I worked in real estate development.

I served as co-chair of the Task Force TO STUDY MULCHING, COMPOSTING, AND WOOD PROCESSING which exhaustively investigated and recommended changes to current regulations.

I'm here to summarize the work of the Task Force.

3 years ago the Howard County Council appointed this Task Force with 18 representatives drawn from major stakeholders in the county. It specifically included the following citizen groups:

- The Dayton Rural Preservation Society
- The Concerned Citizens of Western Howard County, and
- The Howard County Citizens' Action Association

We began by having all representatives identify their key issues. In over 23 meetings and work sessions we did the following:

- Heard testimony from all interested parties
- Gathered input from experts from the government and the not-for-profit sectors related to the environmental, land use, and health & safety issues identified by the Task Force members
- Discussed these issues within the Task Force
- Created a matrix with tiers of composting and mulching activities and the proposed regulations governing these activities
- And approved a set of recommendations that served as the basis for the bill before you today

Our goal was to conduct open and objective fact-finding and develop recommendations that addressed quality of life issues in Howard County.

The Task Force's recommended regulatory framework focused on three key considerations:

#1 - The environmental and safety risks that experts identified as relevant for Howard County.

#2 - Balancing the needs of two key groups: farmers and those residing close to farms.

#3 - A framework that strengthens permitting and enforcement criteria.

The proposed bill provides safeguards and controls. It specifically addresses the real and relevant risks related to composting and mulching in Howard County.

IN CONCLUSION, our Task Force

- Extensively reviewed stakeholder concerns, scientific and environmental data from experts.

- Hotly debated the issues and risks and worked toward a compromise with all task force members including the citizen group representatives
- Recommended a new stronger regulatory framework that is a significant improvement over the current regulations and practices.

The task force collectively invested over 2,000 hours of work and much discussion to arrive at our recommendations.

In my opinion, the proposed bill will govern the safe operation of activities by farms which are a vital part of our community.

Sayers, Margery

From: Richard Goldman <rcgoldman10775@gmail.com>
Sent: Wednesday, July 19, 2017 11:05 AM
To: CouncilMail
Subject: Richard Goldman testimony on Bill #60-2017
Attachments: RC Goldman Testimony - HOCO Council hearing 07-18-2017 submitted.pdf

Hello Council mail -

I wasn't called to testify on Monday, July 17, and I will be out of town during the next two scheduled hearings. So I'm submitting my testimony in support of this bill for the record. Thank you.

Richard Goldman

Sayers, Margery

From: susansiegler@verizon.net
Sent: Tuesday, July 18, 2017 7:27 PM
To: CouncilMail
Subject: Opposition to CB60 Without Major Amendments with a Personal Opinion

Subject: Opposition to CB60 Without Major Amendments

County Council,

I agree with everything the following form letter contains but would like to add my own personal note. Western Howard County does not have the luxury of "city water" - we must drink and bathe in the water that is provided by our wells. I'm not sure why Howard County decided to provide only some of its residents with purified water and excluded other residents from that benefit. Allowing dumping of industrial mulch which could contaminate the only water supply on which many of Howard County's residents depend. Passing CB60 is an unethical position to take. My mother, who lives in Toms River, New Jersey, purchases bottled water every week so that she does not have to drink the tap water which was contaminated decades ago. I doubt that Howard County would like the distinction of being added to the list of cities where the water is not safe for drinking.

My own level of trust in County Executive Kittleman is not very high. Imagine my reaction when I received a notice in the mail about the Septic Savers program - providing \$100 reimbursement for regular septic tank pumping - when I pay more than \$2000 every year to support the Waste Management program for Glenelg High School Septic program. Pumping a septic tank is a minimal expense compared to the amount I pay yearly for the Waste Management program and, yet, no one has offered to reduce my expenses for the Waste Management fee. The worst part is that because it is a fee that is paid to the school district it is not a legitimate tax deduction for my income taxes.

The most egregious part of CB60 is that it will allow industries to pollute our groundwater, our air and increase the possibility of uncontrolled fires in our area. The loopholes may please business but is in direct contradiction to what is advertised in the Septic Savers Incentive program which states "Regular pumping will help protect our waterways by reducing groundwater pollution and failed septic system issues, saving homeowners thousands of dollars in potential damages." CB60 and its loophole legislation will increase groundwater pollution - the opposite of what is promised by the "Septic Savers Program".

We are very concerned with CB60 which will allow for industrial mulching and composting on ag preserve farmland and on all of RR/RC throughout Howard County. The current zoning language contained in CB60 is unacceptable and not only puts the rural communities at risk for well-documented safety and health concerns from industrial mulching, but now also makes this a countywide issue.

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Thank you.
Susan Siegler
Glenwood, Maryland.

Sayers, Margery

From: Debbie Burgio <debbie.burgio@verizon.net>
Sent: Tuesday, July 18, 2017 9:34 AM
To: CouncilMail
Subject: CB 60-2017 Thoughts

Dear County Council Members,

I had the distinct pleasure of attending last night's (7/17/17) meeting of the County Council. Each time I attend I am impressed by the amount of work that all who play a part in the local government do. It takes a large number of very dedicated people to effectively run the county with regard to the best interests of all who live here. Last night's late night only deepened my respect for the service that each of you provide to our county.

My attendance was prompted by my concerns with CB 60-2017. I live in Dayton, less than a ¼ mile from the Orndorff farm. We have lived here for 10 years, (12 years in Howard County), returning to the county after my husband's 20 years of service in the Navy. He grew up in Howard County in West Friendship attending West Friendship, Glenwood, and Glenelg.

We have the utmost respect for our farmer neighbors. Their hard work and value to all of us cannot be appreciated enough. Our concerns regarding CB-60 are in no way meant to be antagonistic toward the farmers or their true farming activity. Our concerns, as repeated by many, are about safety, health, the roads, air quality, ground water quality, noise, - basically quality of life issues. Of course, property value is also a great concern. We love living here and do not wish to move.

Having said my concerns, I was so pleased to hear the amendments proposed to the bill. Also I am encouraged by the on-going nature of this process. Obviously, it is not a done deal, and for that I am thankful. I appreciate the on-going work being done to ensure that farming activities really are farming activities and that the concerns and well-being of non-farming residents are both heard. Thank you for the discussion of amendments.

If I had had the opportunity to testify last night I would have said something like the following:

"Thank you for the opportunity to testify this evening. I, too, have concerns regarding health, safety, and quality of life regarding the possible effects of CB-60. Tonight I am hearing that previous concerns are being addressed and that amendments for this bill are in process. I am excited to hear this and I am greatly appreciative of this progress. I look forward to the continued discussion and seeing the improvements that can take place in the bill. Sadly, I realize that this process has become contentious at times. That is most unfortunate and does not reflect the attitude of all present. We are concerned, greatly even, but I do trust that the members of the Council are just as passionate about keeping Howard County safe as I am. Thank you for hearing the concerns of the residents of this part of the county."

Thank you County Council members for your leadership and great attention you are giving to this matter. I choose to be appreciative of your time and attention and encouraged that this matter will have a good resolution. Please know that not all of us came with 2x4's, but rather with a great deal of respect. Thank you for keeping us safe in the county.

Blessings,

Debbie Burgio

410-531-2271 (Home)
443-244-3060 (Cell)

“He has shown you, O mortal, what is good. And what does the LORD require of you? To act justly and to love mercy and to walk humbly with your God.” Michah 6:8