

Sayers, Margery

From: Sigaty, Mary Kay
Sent: Monday, July 17, 2017 10:16 AM
To: CouncilMail
Subject: Fw: Support for CB-60 2017

Mary Kay Sigaty
Howard County Council
District 4
410-313-2001

From: Clarks ElioakFarm <clarkselioakfarm@hotmail.com>
Sent: Saturday, July 15, 2017 2:15:50 PM
To: Sigaty, Mary Kay
Subject: Support for CB-60 2017

Dear Mary Kay,

Thank you so much for your sponsorship of CB-60 2017. I understand that this has been a contentious issue over the past few years. Having served on the "mulch" committee, I spent 26 meetings living through this controversy---something you do every day!

I want to express my support for CB-60 2017. Many people in the county have worked for a long time on this issue and I believe this bill is a good compromise. I share the Howard County Farm Bureau's concern that ALPP parcels should not be treated differently than other RR and RC parcels. However, I believe it is important to move forward and get this issue resolved for everyone's sake. I am sorry to see that there are people who still express alarm about the consequences of this legislation. I do not believe that their alarm is justified.

I appreciate the hard work that the Council has put into this issue already and strongly encourage support for CB-60 2017.

Thank you very much.

Martha Clark
10380 Route 108
Ellicott City, MD 21042

Sayers, Margery

From: DrsJBStewart@aol.com
Sent: Monday, July 17, 2017 10:24 AM
To: CouncilMail
Cc: drsjbstewart@aol.com; theodore.f.mariani@me.com; kdkolbe@aol.com; queenright59@gmail.com; wcarson29@columbiaunion.net; jcarson29@hotmail.com
Subject: CB 60- Against the Bill

To All,

I have lived in western Howard County on a farm for 45 years.

The reason for living in a rural area and conducting farm oriented products is that we like open space, and the rural environment to live in and raise our families, , just like folks that enjoy Columbia and an urban life to live in.

If Bill CB60 is passed, then industrialization of western Howard County will have begun. This will be the first of MANY industrialization endeavors in a rural area of the County. "If you approve this for some entrepreneurs, you have to do it for others along the same scope."

Please consider the residential communities that prefer to live in a rural environment and raise their children to respect and appreciate rural life and participate in the many activities this rural area make possible through open space. (EX 4 H projects on open space, farms and rural preservation land)

This Bill , CB 60 if passed will open the door for increased commercial and industrial endeavors on a very large scale.

DO YOU WANT THIS TO BE YOUR LEGACY AS SOME OF YOU COUNCILMEN LEAVE OFFICE, THAT YOU WERE RESPONSIBLE FOR THE START OF THE LOSS OF RURAL PARTS AND LAND CONSERVATION OF HOWARD COUNTY ?

Dr. Brenda Stewart V.M.D.
drsjbstewart@AOL.com
Daisy Road
Woodbine,MD 21797-8124

Sayers, Margery

From: Andrew Hogenson <ahogenson@verizon.net>
Sent: Monday, July 17, 2017 10:27 AM
To: CouncilMail
Subject: Opposition to CB60 Without Major Amendments County Council

Good Morning

I am very concerned with the current configuration of CB60 which will allow for industrial mulching and composting on agriculture preserve farmland and on all of RR/RC throughout Howard County. The current zoning language contained in CB60 is unacceptable. It not only puts the rural communities at risk for well-documented safety and health concerns from industrial mulching, but now it 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 agriculture preserve parcels, despite his recent claims to the contrary. There is no separate section in CB60 that deals with State of MD agriculture (MALPF) restrictions (only Howard County ag). We worked hard to get State of MD agriculture 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. My family and many of our neighbors 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 Council members 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.

Sincerely,

Andy Hogenson
5216 Kalmia Drive
Dayton, Md. 21036

Sayers, Margery

From: Paul Morris <PMorrisHome@verizon.net>
Sent: Monday, July 17, 2017 10:45 AM
To: CouncilMail
Cc: pmorrishome@verizon.net
Subject: Opposition to CB60 Without Major Amendments

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Thank you,

Paul Morris, Dayton resident

Sayers, Margery

From: CLARK BENSEN <clark@Inf.com>
Sent: Monday, July 17, 2017 11:24 AM
To: CouncilMail
Subject: CB60

To all Council members,

I thought commercial mulching in rural areas was stopped, but now it is an issue again. I am extremely disappointed to hear it may be allowed just around the corner from where I live, or any other parts of western Howard County. If I wanted to live in an industrial area I would have built my house on Route 1. Ten Oaks Road is overcrowded already with the relocation of the exit onto 32 several years ago to make a few roundabouts and link Burntwoods Rd, Pfefferkorn Rd & Ten Oaks Rd into one entrance to 32.

Please stop commercial mulching & keep it to commercial zoned areas only.

Thank you for your time.

Sincerely,
Clark Bensen
4959 Ten Oaks Road
Dayton MD 21036

NWWRF permit application. The Notice of Intent for a general permit requires proof of workers' compensation coverage and an emergency preparedness plan. Alternatively, the individual permit includes more than 2 dozen elements including site plans, drawings, a description of site security and access control, and an erosion and sediment control plan that has been approved by the local soil conservation district. (See attached individual permit application with required additional information). Third, is a NWWRF operations plans. Fourth, is an "emergency preparedness plan, as required by MDE, for review by the fire marshal. Fifth, is "an approved Howard Soil Conservation District (HSCD) supplementary project evaluation that addresses key natural resource issues." To compile the required documents might require the farmer to hire engineers, surveyors, consultants, and attorneys.

CB60 does not clearly require that the MDE permit application be approved, but if approval is necessary it takes MDE 30 days to process a general permit and 9 months for an individual permit. In addition, the HCSD believes that it will take 7 to 10 days to approve the project evaluation. In a misguided attempt to assist farmers in the event of a catastrophe, CB60 instead ironically creates a time-consuming approval process and expensive regulatory burden. Paradoxically, while farmers in RC and RR zoning districts seek to complete paperwork to respond to the tree "emergency," property owners in all other zoning districts of the County, including in particular, the 3600 acres of New Town zoning open space managed by the Columbia Association, will have hired a tree service or removed the trees themselves without any specific regulation by Howard County.

The emergency NWWRF provision of CB60 is either legally impossible to implement or is totally impractical to meet its intent of responding to an "emergency." The provision should be stricken from the bill. Instead, the County should be addressing the nonprofit exemption loophole of the State law cited in footnote 2.

THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH THE PERMIT APPLICATION:

1. A detailed description of the facility operation that includes a description of each component of the facility operations and how each of these operate as part of the regular function of the facility (i.e. weighing, unloading, processing, storage, marketing, residue disposal, hauling, record keeping, employees, administration, etc.)
2. A marketing plan and strategy for the product(s) produced at the facility. The plan must include the type and grade of each product to be produced and specifically show who will use or purchase these materials.
3. Eleven (11) copies of plans and engineering reports describing the proposed project. The information contained in the plans and report must include:
 - A. A map showing the specific location and land use within ½ mile of the site boundaries of the proposed facility.
 - B. A site plan designating the property boundaries, existing and proposed facility structures, and roads.
 - C. A topographic map of the site that identifies slopes greater than 25 percent, floodplains, wetlands, and aquifer recharge areas.
 - D. Drawings of on-site buildings and other facility structures indicating the type of construction, layout and dimensions.
 - E. Drawings indicating unloading, raw material storage, product storage, equipment storage and processing areas. Include the dimensions of the pile(s) or windrows used for raw material storage; for curing wood chips; and for product storage.
 - F. Days and hours of operation.
 - G. The geographic areas to be served by the proposed facility.
 - H. Types and estimated quantities of natural wood waste to be accepted and processed daily.
 - I. Types of natural wood waste that are not accepted .
 - J. Methods by which quantities of materials entering the site, being processed, and leaving the facility are determined.
 - K. The process and technology to be used for processing wood wastes. Include the number of times wood is ground, aerated, oxygen and temperature readings, and how often the product is removed from the site.
 - L. Number and type of employees.
 - M. Employee safety and sanitary facilities including the location of on site sewage disposal and water supply systems.
 - N. Major items of equipment including manufacturer, type, model, capacity, and number of units.
 - O. Soil types and depths on the site.
 - P. Measures that shall be taken to prevent or control ground or surface water pollution, fires, explosions, odors, noise, dust, litter, vectors, and other nuisances.
 - Q. Methods of controlling runoff from the unloading, storage, and processing areas.
 - R. Site security and access controls.
 - S. An Operations and Maintenance (O&M) Manual which identifies the operation in detail as specified in COMAR 26.04.09.05B.(2)(h)(i-vi).
 - T. An Emergency Preparedness Manual as specified in COMAR 26.04.09.07F.
4. The applicant must also submit:
 - A. An erosion and sediment control plan that meets the requirements of COMAR 26.17.01 and that has been approved by the local soil conservation district or appropriate approving authority.
 - B. A grading permit as required by the local jurisdiction.
 - C. An approved and bonded storm water management plan as required by the local jurisdiction.
 - D. A description of and copies of all other applicable permits or approvals as required under local, State or federal statutes.

MARYLAND DEPARTMENT OF THE ENVIRONMENT
 Land Management Administration • Solid Waste Program
 1800 Washington Boulevard • Suite 605 • Baltimore Maryland 21230-1719
 410-537-3315 • 800-633-6101 x3315 • www.mde.maryland.gov

Natural Wood Waste Recycling Facility Permit Application

Authority: Title 9, Environment Article, Annotated Code of Maryland, and Code of Maryland Regulations (COMAR) 26.04.09

Application for: New Permit Renewal Permit

Existing Permit No.: _____ - NWW - _____ Issued Date: ____/____/____ Expiration Date: ____/____/____

Applicant's Legal Name: _____

Applicant's Status: Individual Corporation Other: _____

Corporation or Government Federal Tax Identification No.: _____
 Maryland State Department of Assessments and Taxation (SDAT) ID No.: _____
 Please note that a business/entity must be registered to do business in Maryland before a permit can be issued. The business or entity's information provided in this application must match the information in the SDAT register.

Proof of workers' compensation coverage is required under § 1-202 of the Environment Article. Please provide one of the Following:
 (1) A copy of a Certificate of Compliance issued by the Maryland Workers' Compensation Commission; or
 (2) Workers' Compensation Insurance Policy/Binder Number: _____

Applicant's Mailing Address : _____ City: _____ State: _____ Zip Code: _____

Applicant's Telephone No.: () _____ - _____ Facsimile No.: () _____ - _____

Emergency Contact Name & Title: _____ Telephone No.: () _____ - _____

Facility/Site Name: _____

Facility/Site Address: _____ City: _____ State: _____ Zip Code: _____

County: _____ Maryland Grid Coordinates: _____/_____

County Zoning Map No.: _____ Lot/Parcel No.: _____ Deed/Liber/Folio No.: _____

State Legislative District: _____ Local Council / Election District: _____

Bay Tributary Watershed Code: _____ Latitude/Longitude (Deg/Min/Sec): _____ - _____ - _____ / _____ - _____ - _____

Site Acreage: _____ Facility Acreage (Estimated): _____

By signing this form, I the applicant or duly authorized representative, do solemnly affirm under the penalties of perjury that the contents of this application are true to the best of my knowledge, information, and belief. I hereby authorize the representatives of the Department to have access to the site of the proposed facility for inspection and to records relating to this application at any reasonable time. I acknowledge that depending on the type of facility applied for, other permits or approvals may be required.

 Signature of Applicant

 Date

 Applicant's Name (Print)

 Title

This Notice is provided pursuant to §10-624 of the State Government Article of the Maryland Code. The personal information requested on this form is intended to be used in processing your application. Failure to provide the information requested may result in your application not being processed. You have the right to inspect, amend, or correct this form. The Maryland Department of the Environment ("MDE") is a public agency and subject to the Maryland Public Information Act. This form may be made available on the Internet via MDE's website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by Federal or State law.

Privacy Act Notice: This Notice is provided pursuant to the Federal Privacy Act of 1974, 5 U.S.C. §552.a. Disclosure of your Social Security Number or Federal Employer Identification Number on this application is mandatory pursuant to the provisions of §1-203 (2003), Environment Article, Annotated Code of Maryland, which requires the MDE to verify that an applicant for a permit has paid all undisputed taxes and unemployment insurance. Social Security or Federal Employer Identification Numbers will not be used for any purposes other than those described in this Notice.

For questions regarding this application form, please contact the Department at (410) 537-3315

Sayers, Margery

From: joel hurewitz <joelhurewitz@gmail.com>
Sent: Monday, July 17, 2017 11:49 AM
To: CouncilMail
Subject: STRIKE CB60-2017's MISGUIDED EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITY PROVISION
Attachments: NWWRF_Ind_Permit_Appl.pdf

While the Emergency Natural Wood Waste Recycling Facility (NWWRF) provision of CB60 has the laudable intended purpose of exempting farmers from regulation in the event of a catastrophe, it actually will do the opposite. Rather than achieve real results for the people of Howard County by just granting a short-term exemption from County regulation, the Kittleman Administration instead responded to the politics of mulching with a proposal for a complicated and time-consuming regulatory approval process. While people in other zoning districts will actually be cutting and removing trees, the farmers in RC and RR districts will be completing paperwork to seek approval from multiple regulatory bodies. Yet, some in the farm community believe that in the event of major storm event, the farmers will just ignore the rules while helping their neighbors clean up the downed trees and will deal with the consequences from the County later.

At the outset, it must be noted that the internally inconsistent language of CB60 makes it technically impossible to implement the emergency provision. The *Task Force Report to Study Mulching, Composting, and Wood Processing* in footnote 2 recognized that "A natural wood waste recycling facility is exempt from State regulation if it is operated by a nonprofit or governmental organization or is a single individual or business that provides recycling services for its own employees or *for its own recyclable materials generated on its own premise,*" yet the drafters of CB60 failed to recognize these State exemptions.

CB60 defines a NWWRF to be "a facility where recycling services for natural wood waste is provided and which operates under a permit from the Maryland Department of the Environment (MDE) under COMAR." Furthermore, the emergency provision will allow "a property owner to dispose of excess natural wood waste from their property." Yet, as acknowledged in footnote 2, an MDE permit is not required for wood waste generated on its own premises. Thus, because an MDE permit is not required and cannot be obtained in this situation, the emergency NWWRF provision will be impossible to implement because of the very definition for "NWWRF" found in CB60.

Nevertheless, assuming that a state NWWRF permit could be obtained under CB60, the Kittleman Administration, the Department of Planning and Zoning (DPZ) and bill sponsors Councilpersons Sigaty and Fox mistakenly believe that the emergency NWWRF provision is necessary to allow a farmer in RC and RR zoning districts to rent a grinder to remove the trees and give away the excess wood chips. A representative of MDE has stated that grinding trees is not considered "mulching." Chipping is just "volume reduction."

If the emergency provision were to apply, a farmer after "a natural catastrophe such as a major storm, weather condition, or disease" (but interestingly not including fire or insects) rather than hiring a tree service or renting equipment to remove the trees in this "emergency" instead will need to set out to comply with CB60. The first step in this process is to submit a description of the circumstances for the use permit and "photographs documenting the scope of the damage." Second is the MDE

Michael Burns
14044 Big Branchy Dr
Dayton, MD 21036

Sayers, Margery

From: Michael Burns <mp_burns@live.com>
Sent: Monday, July 17, 2017 12:33 PM
To: CouncilMail
Subject: CB60 IS UNACCEPTABLE WITHOUT MAJOR REVISIONS

I'm a tax-paying property owner in Dayton, Maryland. Howard county officials are considering severely infringing on my family and friends right to living in a safe and healthy environment.

Industrial mulch presents unacceptable health and safety risks to nearby residents. THESE ARE KNOWN FACTS:

- The wood dust and fine particles are carcinogenic that can be in our air over long distances affecting residents. Cases of suspicious cancer have been found in areas close to unsafe mulch sites.
- The massive trucks that carry industrial mulch cannot properly maneuver or stop on our narrow country roads creating major safety concerns for children, joggers, cyclists, residential traffic. Deaths have already resulted from this problem elsewhere. If allowed in Howard county, it would be only a matter time before deaths occurs here.
- There is an unacceptable increase in traffic and road damage caused by up to 50 heavy trucks a day and up to 100 employees entering and leaving these sites
- There is an unacceptable noise levels nearby the facilities from large grinding machines
- There is well and water contamination creating likely health risks to the residents along with potential massive cleanup and legal costs
- Mulch Fires are all too common and have occurred with homes and wooded areas nearby

Because of these FACTS, industrial mulching has no place in rural Dayton or other rural communities in this county. Industrial mulch is not farming. Bill CB 60-2017 as it exists today would allow unscrupulous business owners to convert farms into "tree farms" for the real purpose of operating an industrial mulching business. The only way that CB 60-2017 would be acceptable is with the following amendments:

- Compost/Mulch on RR/RC/All Ag
- Limit shipment to that required for the farming product produced, i.e. shipment with trees, shrubs, plants
- Limit truck size to small trucks (include definition) that must contain product from the farm
- Restrict Industrial Shipment to M1/M2
- Add restrictions on M1/M2 (covered facilities)
- Add State Ag to County Ag – same rules
- Ban these uses on cluster subdivision parcels
- Stricter enforcement, larger fines that escalate as violations continue, and more aggressive enforcement for violation
- Further define "Emergency NWWR"

You need to do the right thing for the rural residents of this great county. If not, this will not stop here. We're will fight this until harmful industrial mulching is stopped and there is a significant turnover in the county composition to one that understands the importance of resident health and safety.

Sayers, Margery

From: Mary Ann Kinsella-Meier <mkmkmeier@gmail.com>
Sent: Monday, July 17, 2017 12:43 PM
To: CouncilMail
Subject: CB60 NEED protections!

CB60 is blatantly irresponsible and reckless in terms of the risks it now puts on residents throughout all of Howard County. If am angry with this **"recipe for disaster"**.

Please look out for all of us in preserving our farmland, keeping our roads safe, and our environment clean. Work with us honestly.

Mary Ann Kinsella-Meier
13416 Allnut Lane
Highland, MD

Thank you,
Paul Retzbach

Sayers, Margery

From: pretzbach . <pretzbach@gmail.com>
Sent: Monday, July 17, 2017 1:24 PM
To: CouncilMail
Subject: Opposed to CB60

Subject: Opposition to CB60 Without Major Amendments

County Council,

25 years ago I made a conscious decision to move to Howard County. Eastern Howard County was more developed but also had industrial and commercial zoning along RT 1 and surrounding areas. While more expensive and further from retail amenities, western Howard County was dotted with farms in the Maryland State and Howard County Agriculture preservation programs.

I expected ag preservation to be for the purposes of farming. Basically, to generate food for the table. Not for industrial processing like chemical manufacturing, forging of steel or mulch and compost processing.

I am 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 kept 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 I feel is unacceptable as it now stands.

Sayers, Margery

From: Jennifer Alsheimer <jennifer.alsheimer@gmail.com>
Sent: Monday, July 17, 2017 1:41 PM
To: CouncilMail
Subject: Subject: Opposition to CB60 Without Major Amendments

County Council,

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Thank you.

Jennifer Alsheimer
Dayton Resident

Sayers, Margery

From: Feldmark, Jessica
Sent: Monday, July 17, 2017 2:11 PM
To: Sayers, Margery
Subject: FW: Testimony for tonight's public hearing
Attachments: ILSR Letter of Support for HoCo CB60ZRA180.pdf

Jessica Feldmark
Administrator
Howard County Council
410-313-3111
jfeldmark@howardcountymd.gov

From: Linda Bilsens [mailto:lbilsens@ilsr.org]
Sent: Monday, July 17, 2017 1:53 PM
To: Feldmark, Jessica
Subject: Testimony for tonight's public hearing

Hello Ms. Feldmark:

I just signed up to testify at this evening's Howard County public hearing in support of CB 60 / ZRA 180. I will bring copies of my written testimony for the Council, but I also wanted to send it along digitally. Please see attached.

Many thanks,
Linda

--

Linda Bilsens
Institute for Local Self-Reliance
Project Manager
Composting For Community
Neighborhood Soil Rebuilders
lbilsens@ilsr.org | 202.898.1610x260



1710 Connecticut Ave., NW, 4th Fl.
Washington, DC 20009

County Council of Howard County, Maryland
County Bill 60-2017 – Zoning Regulation Amendment 180

Position: Support

July 17th, 2017

Written Testimony by Linda Bilsens
Project Manager, Composting for Community Project
Institute for Local Self-Reliance, lbilsens@ilsr.org

The Institute for Local Self-Reliance (ILSR) urges a favorable vote on **Howard County Bill 60-2017 – Zoning Regulation Amendment (ZRA) 180**. ZRA 180 proposes regulation changes that both recognize the importance of farming to the County and avoids undue burdens on farmers as they conduct agricultural activities, such as mulching and composting. At the same time, ZRA 180 adequately addresses potential concerns regarding industrial-scale composting and mulching by aligning with Maryland Department of the Environment's (MDE) extensive and recently revised composting regulations. We also echo the sentiment of the PlanHoward 2030 update of the County Plan, that "Howard County farmers should be able to utilize innovative farming practices so they too can adapt to the evolving market" and that "enhancing their ability to farm efficiently is critical to the growth of Howard County and its ability to maintain a diverse economy." We contend that composting and mulching are both essential agricultural activities, providing mechanisms for sustainable agricultural practices and opportunities to adapt to evolving markets.

Healthy soil is an invaluable resource that provides countless economic and ecosystem benefits, particularly for agriculture, but realizing these benefits requires thoughtful soil stewardship to maintain its integrity and minimize losses to erosion and drought. It takes a thousand years for one inch of new topsoil to be created by geological processes, yet, in the US nearly a 1/3 of all cropland is eroding beyond soil tolerance levels, meaning the long-term productivity of the soil cannot be sustained. More locally, Central Maryland, including Howard County, has been under some level of drought since February 2017, and conditions can only be expected to worsen as the summer continues. Both soil's erodibility and water-holding capacity are influenced by its particle size, texture, structure and the percentage of organic matter it contains. Compost improves all of these factors, and is the best source of organic matter available for producing healthy soils critical for farming, gardening, and green infrastructure. Because of their intimate knowledge of soils, farmers are perhaps the most appropriate stewards of the composting process. At the same time, there is a dire need to encourage investment in organics recycling capacity in Maryland, and farmers can and should be a cornerstone of this infrastructure. ILSR has long advocated for a streamlined, performance-based permitting pathway for composting facilities that allows for the responsible growth of the composting industry, while maximizing the benefits to the communities and the environment that surround these facilities. ILSR was part of the Maryland Composting Work Group that developed MDE's new composting regulations.

As outlined in the Howard County Department of Planning and Zoning's May 2017 Technical Staff Report, MDE's composting permits provide extensive regulation for many considerations relevant to protecting the communities and environment surrounding

existing and prospective composting facilities--i.e. groundwater discharges, feedstock types, pile heights, operation, maintenance and rehabilitation plans, soils management plans, grading, runoff control, storm water management, fire control, odors, noise, and dust, among others. In addition, the MDE on-farm composting regulations require that composting not be the primary farming activity, and that the area dedicated to composting falls under 40,000 square feet. Furthermore, farmers are required to comply with Nutrient Management Planning, Soil Conservation and Water Quality Planning, or Agricultural Waste Management System Planning requirements.

We applaud the Department of Planning and Zoning's effort to engage concerned Howard County citizens and representatives of the Fire and Rescue Services, Howard Soil Conservation District, Environmental Health Department, DPZ Resource Conservation Division, Economic Development Authority, and the Office of Community Sustainability in the zoning regulation amendment process. We believe that this thorough, multi-year stakeholder engagement process along with the addition of ZRA 180's proposed land use criteria, which exceed MDE permit requirements, outline conditions that are more than adequate for assuring any potential impacts of on-farm composting facilities are minimized.

We further urge that the County provide its farming community ample opportunity for feedback as they begin to implement these ZRA 180 amendments and the 2015 MDE composting regulation amendments. As the Technical Staff Report acknowledges, the 40,000 square foot limitation for on-farm composting facilities will be difficult to meet for most farms employing the windrow composting method. As such, the County should facilitate communications between the Howard County farming community and MDE to assure that these regulations are avoiding undue burdens on farmers as they conduct agricultural activities. In addition, making it easy for County farmers to sell their high-quality compost would provide benefit to farmers (via diversified income) and the County (via increased access to high-quality compost for agriculture and green infrastructure) alike. Continued dialogue with County farmers about their ability to sell compost so they can adapt to an evolving marketplace will also be critical. For these and many other reasons, we urge your passage of County Bill 60-2017.

About the Institute for Local Self-Reliance (ILSR): ILSR is a national nonprofit organization with offices in Washington, DC; Portland, ME; and Minneapolis. Since 1974 we have provided research and technical assistance on waste reduction, renewable energy, and other resource conservation issues to business, government, and citizens groups. We have worked in Maryland for decades to promote recycling-based businesses and jobs and prioritize waste reduction, reuse, and recycling over trash incineration and landfill disposal. Our staff includes compost experts who are licensed to operate commercial compost facilities in Maryland. ILSR's Composting for Community initiative is advancing composting as a key strategy to reduce trash, create jobs, and build healthy soils.

Sayers, Margery

From: Tom Glacken <t.glacken@valogix.com>
Sent: Monday, July 17, 2017 2:45 PM
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.

Tom & Sarah Glacken
17707 Huntmaster Ct.
Woodbine, MD 21797

Sayers, Margery

From: Tim Mayer <tmayer7@gmail.com>
Sent: Monday, July 17, 2017 3:04 PM
To: CouncilMail
Subject: CB60 and tonights session

Dear Council Members,

I am concerned about CB60 as it is written. I have major concerns that businessmen can use the loopholes in the bill to run industrial mulching operations on protected farmland. I know that some of you may not agree that this could happen but there are many of us that are scared for our families and our homes. My request of you is this. Please have an open mind tonight as you listen to us testify about our concerns. We have legitimate issues that we feel can be fixed with some amendments to CB60.

Please be willing to thoughtfully evaluate what will be presented.

Thank you for your service to our county.

Sincerely,

Tim Mayer
Dayton resident

Sayers, Margery

From: emcevoy11@verizon.net
Sent: Monday, July 17, 2017 3:04 PM
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.

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Thank you.

Ed & Nancy McEvoy
Dayton, MD

Scan Date: 07.07.2017 10:58:00 (-0400)
Queries to: randeeyoung@rlocontractors.com

Attachments area

--

Robert Orndorff

President

R.L.O. Contractors, Inc.

(410) 531-2288 ext. 620

(410) 977-8990 (c)

rlo@rlocontractors.com

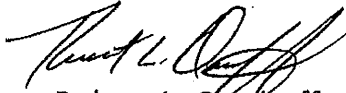
www.rlocontractors.com

DISCLAIMER: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please contact the sender immediately. If you are not the intended recipient, be advised you have received this email in error and any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of our company. The recipient should check this email and any attachments for the presence of viruses. Our company accepts no liability for any damage caused by any virus transmitted by this email.

3. Our farm has been listed for sale and continues to be on the market. It is our intention to sell it. In order to improve the farm we have obtained a conservation plan from Howard Soil Conservation District. We are presently in the process of implementing the plan which will provide more usable farmland. This plan calls for importing soil as it becomes available. In short, the approved plan allows us to fill in the low areas. Upon conclusion of the plan, storm water management will be greatly improved.
4. We will be one of the contractors working on the widening of Rt. 32. Under no circumstances will wood waste from that job be transported to our farm or any other farm in the area.

If you have any questions, please let me know.

Sincerely,



Robert L. Orndorff
President

cc: Diane Wilson
Allan Kittleman
Greg Fox



July 7, 2017

Mary Kay Sigaty
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Dear Mary Kay:

I will be unable to attend the Council meeting on July 17th. I ask that you share this letter with the other Howard County Council members in advance and make it part of the public record.

There seems to be significant inaccurate and misleading information being shared regarding our Dayton farm - what we are doing with the farm, what we intend to do with the farm - our mulching operations and even the pending work on the widening of Rt. 32. Let me set the record straight:

1. We are not trying to utilize, nor do we intend to utilize, our farm for mulch manufacturing or composting. We successfully acquired M-2 zoned property over two years ago and are operating from there under an approved MDE NWWRF permit.
2. I have read the proposed Bill CB-60 and the technical staff report. As proposed the bill will not allow our mulch operation on preservation farmland, even if we desired to do so, which we do not.

Sayers, Margery

From: Sigaty, Mary Kay
Sent: Monday, July 17, 2017 3:35 PM
To: CouncilMail
Subject: FW: Resending letter from 7-10-17
Attachments: 20170707105800760 (3).pdf

Colleagues,

Please see the attached letter from Bob Orndorff about the activity on his farm in Dayton.

Thanks.....MK

--

Mary Kay Sigaty
Howard County Council Member
District 4
3430 Court House Drive
Ellicott City, MD 21043
410-313-2001

From: Robert Orndorff <rlo@rlocontractors.com>
Date: Monday, July 17, 2017 at 3:28 PM
To: "Sigaty, Mary Kay" <mksigaty@howardcountymd.gov>, Greg Fox <gfox@howardcountymd.gov>
Subject: Resending letter from 7-10-17

Please acknowledge receipt. Allan has it , please insure that all council members receive

Thanks,
Bob

Stan Merson

Jul 7 (10 days ago)

to Mary, Allan, Greg, bdwilson, me

Bob Orndorff asked that I forward the attached letter to you.

Stan Merson

----- Forwarded message -----
From: <scanner@rlocontractors.com>
Date: Fri, Jul 7, 2017 at 10:58 AM
Subject: Message from "RNP002673CD1A72"
To: Stan Merson <SMerson@rlocontractors.com>

This E-mail was sent from "RNP002673CD1A72" (MP C3004).

Sayers, Margery

From: Daniel Kronenwetter <cdkronenwetter@verizon.net>
Sent: Monday, July 17, 2017 4:13 PM
To: CouncilMail
Subject: Opposition to CB60

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.

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Thank you.

Urgent

OPPOSE CB 60

THESE PEOPLE ALLEGEDLY

SUPPORT WOOD WASTE RECYCLING, COMPOST AND MULCH MANUFACTURING
FARMS IN YOUR NEIGHBORHOOD

Don't support these individuals or businesses

Allan Kittleman
Val Lazdin
Greg Fox
Mary K Sigaty
Howard Feaga
Keith Ohlinger
The Moore's
Mark Mullinix
Brendel Brothers
Robert Orndorff
Erich Bonner
Ricky + Leslie Bauer

County Executive
DPZ Director
County Councilman
County Councilman
Merry Acres
Running for County Council
Lariland Farm
JD Mullinix and Sons
Level Land
RLO
Oak Ridge Farm

Howard County
Howard County
District 5
District 4
Woodbine
Woodbine
Woodbine
Dayton
Dayton
Lisbon
Dayton
Woodbine
Dayton

**If you don't want Dust, Noxious Odors, Truck Traffic, Water Contamination,
Health/Safety Risks and Reduced Property Values please email**

councilmail@howardcountymd.gov

**Say no to Wood Waste Recycling, Mulch Processing, and Composting
neighborhood.**

Attend and/or testify at the meeting July 17 at 7:00pm.

HOWARD COUNTY, GEORGE HOWARD BUILDING

**AND OPPOSE CB60 AT THE HOWARD COUNTY, GEORGE HOWARD
3430 COURT HOUSE DRIVE ELLICOTT CITY, MD 21104**

YOUR PRESENCE MATTERS

Sayers, Margery

From: Sigaty, Mary Kay
Sent: Monday, July 17, 2017 4:25 PM
To: CouncilMail
Subject: Flyer
Attachments: IMG955627.jpg

Colleagues,

I've received the attached from various people and wanted to make sure that you've seen it.

Thanks..... MK

--

Mary Kay Sigaty
Howard County Council Member
District 4
3430 Court House Drive
Ellicott City, MD 21043
410-313-2001

Sayers, Margery

From: Keith Ohlinger <kohlinger05@verizon.net>
Sent: Monday, July 17, 2017 4:28 PM
To: CouncilMail
Cc: Feldmark, Jessica
Subject: CB 60 Testimony, In support Of.
Attachments: CB 60 Verbal Testimony..docx

Dear Howard County Council:

Here is my verbal testimony on CB 60 for tonight's public hearing. I will follow up with more in-depth written testimony later. Thank you for your time and consideration.

Very Truly Yours,

Keith Ohlinger
Heritage Hill Farm

“Agricultural use” means farming and includes:

- (1) Dairying, pasturage, growing crops, bee keeping, horticulture, floriculture, orchards, plant nurseries, viticulture, Silviculture, aquaculture, and animal and poultry husbandry;”

My farm follows best management practices from the world over that are only helping our environment and the community, and those of you who have been there know that. So how do we all protect farms like mine that are 100% agricultural versus someone who is trying to abuse the system? The only way I know is to lay everything out on the table in front of the public and the hearing examiner at a conditional use hearing. That is exactly what this legislation does and I believe it is the only way to move forward on this issue. I ask that you vote in favor of CB 60, thank you for your time.

Very Truly Yours,

Keith Ohlinger
Heritage Hill Farm

CB 60, In Support Of

Keith Ohlinger
2790 Florence Road
Woodbine, MD 21797-7841

My name is Keith Ohlinger and I am a farmer in western Howard County. I am testifying tonight as a private citizen. I raise animals and graze them on a system called a Silvopasture. This is a recognized United States Department of Agriculture Agroforestry Farming System. The opening line of their website states:

“Agroforestry is the intentional integration of trees and shrubs into crop and animal farming systems to create environmental, economic, and social benefits. It has been practiced in the United States and around the world for centuries.” I own books which outline this use, and associated compost and wood mulch use for over 4,000 years in China, Korea and Japan, and for over 8,000 years here in the Americas.

I specifically bought this farm because it is in the county ALPP and my wish is to have it farmed by my family forever. My farm is zoned RC.

SECTION 104.0: - RC (Rural Conservation) District

A.

Purpose

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County.

It goes on to say:

The preferred land use in the RC District is agriculture.

It goes on to say:

Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

B.

Uses Permitted as a Matter of Right

The following uses are permitted as a matter of right in the RC District

1. Farming,

My ALPP Easement specifically states:

“Article III. Agricultural Uses and Activities

Agricultural uses are expressly permitted on the Preservation Easement Area:

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,
Mary Louise Sobhani
5186 Green Bridge Road
Dayton, MD 20136

Sayers, Margery

From: Mary Sobhani <13mary.louise@gmail.com>
Sent: Monday, July 17, 2017 5:06 PM
To: CouncilMail; Dayton Rural Preservation Society
Subject: Opposition to CB-60-2017

To Whom It May Concern:

I reside at 5186 Green Bridge Road in Dayton, MD and I am extremely disappointed to learn that the consideration of any type of mulch factory or the like it being considered for approval. On a good day I worry about pulling out of my driveway onto Green Bridge Road due to the speed at which people race down the road. My kids are not allowed to play in the front yard or get the mail because the speed that people drive makes just getting mail a dangerous experience. And with the new community going in behind my home the amount of vehicle traffic is going to increase by a minimum of 100 cars, so there are yet another 100 reasons we cannot enjoy our front yard or take a walk on Green Bridge Road.

And now the icing on the cake - the petition to once again consider allowing Bob Orndorff with RLO Contractors claim to be a tree farmer, so he can now hide his mulch factory. At what point can the right to have quiet enjoyment of our neighborhood be taken seriously. Why are we having to defend the residential area in which we live against industrial companies that hide under the cloak of a farmer. I am an honest citizen, raising two children, paying my taxes and following the laws of our society. I did not choose to purchase a home in an industrial community which is why I live in Dayton, MD and not on Route 1. Where do you live? Do you want to accommodate an industrial business, large trucks, pollution to your water, constant distribution of your right to peaceful enjoyment etc. Do you want to have to continually defend your community against such ridiculous ideas? My assumption is no and I hope for each of you that you do not have to because this unnecessary threat puts fear in young children and families alike. This a personal threat on our stability and desire to live in a residential area - not an industrial area. It is beyond insane that this is still even being considered.

Please note the following:

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?

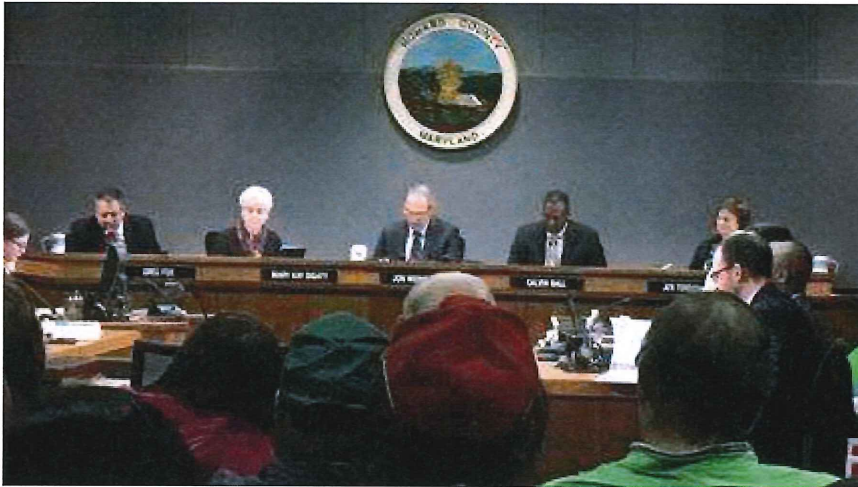
County Executive Kittleman, through CB60 introduced on his behalf, has simply not keep to his campaign promise to ensure that there is no possibility of industrial mulching on both Howard County and State of MD ag preserve parcels, despite his recent claims to the contrary. There is no separate section in CB60 that deals with State of MD ag (MALPF) restrictions (only Howard County

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, Beth Cobleigh

Sayers, Margery

From: BETH COBLEIGH <p6210@msn.com>
Sent: Monday, July 17, 2017 6:27 PM
To: CouncilMail
Subject: Oppose CB60



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.

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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

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

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.
Susan Siegler
Glenwood, Maryland.

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.

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

- 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.

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.

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: 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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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,

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



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

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.

Lisa Markovitz

President, The People's Voice

3205 B Corporate Court Ellicott City MD 21042

CB 60 – Oppose, but suggest amendments if passed.

We have concerns about what is being defined as “industrial” in mulching, and the definition of “tree farm”. There has been evidence shown that mulching, when done at certain levels could cause air quality health problems to neighboring animals and people, fire hazards, and possible water pollution. Therefore, the regulations on this type of activity are very important, as is the enforcement of those regulations.

One of the biggest issues nearby residents have with current mulching operations, is that a supposed farm, doing an ancillary use, ships in large amounts of giant tree trunks, mulches them, and ships it out. Your decision about the acreage limitation will greatly affect truck traffic. Please look at the tonnage that is made per acre, then figure out the trucking issues applicable to that tonnage and please include those traffic, noise and safety concerns, among others, when deciding on the acreage limitation.

On Page 28 lines 22- 23, it seems like a ONE word change there could have a large impact. THE USE AREA SHALL NOT EXCEED 15% OF THE AREA ACTIVELY FARMED IN TREES **OR** A MAXIMUM OF 2 ACRES. Changing the word after "TREES" from "OR" to "UP TO", would make it so that if an Ag Pres parcel has no active tree farming, they cannot do mulching. I understand that “ancillary” usage requirements may cover this elsewhere, but these important requirements should be clear, everywhere in the bill.

Another area to beef up is the Ag Preserve exception. CB 60 exempts tree farms, but what are tree farms? The bill refers to definitions in Section 103. I don’t see a definition for tree farms in Section 103, so that should be added.

Also, increasing usage even in the M1 and M2 districts needs to be carefully analyzed to make sure that air quality, water and fire concerns are prioritized and enforcement of those regulations is feasible to provide, and hopefully, at the local level.

It is a very valid concern that enforcement will be difficult. Neither the State nor the DPZ can easily do surprise inspections, and measure piles, and also determine if turn over, and watering is being done properly. Yet enforcement is so important when something is this potentially damaging when not compliant. To that end, fines for non-compliance need to be extremely expensive, daily and increasing over time, so as never to be allowed to be just a cost of doing business. If a land owner is going to disobey regulations, and even go to court to halt fines and enforcement, then there needs to be incentive not to take the risk of losing that case and ending up with enormous fines to pay.

From: Belkacem Manseur, 14017 Big Branch Drive, Dayton

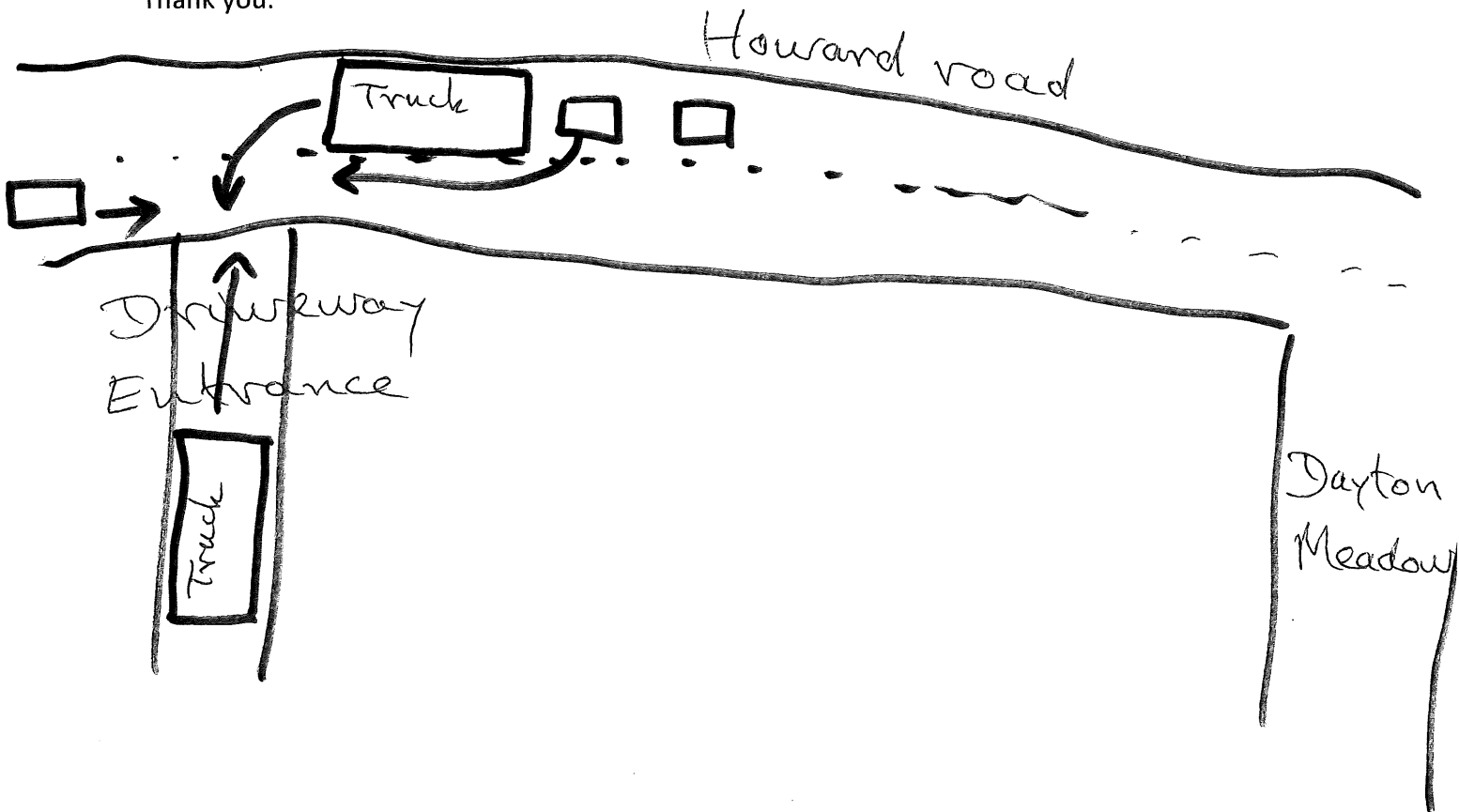
Subject: Opposition to CB60 without Major Amendments

County Council,

I would like to add my voice to oppose CB60. I have personally witnessed the following close call that illustrates the concerns about safety, health, environment, and quality of life. On June 30~~th~~, I was driving south on Howard road around 8:30 in the morning and when I got close the intersection of Howard road and Dayton Meadows Court, before the entrance to the proposed mulching facility, I saw a big truck that stopped on top of the hill apparently for no reason. I slowed down and as I was getting close, I saw a few cars waiting behind this truck and all of a sudden one of those cars decided to pass the truck at high speed and almost hit me. I continued driving up because I had right of way and I saw another big truck coming out of the driveway and I understood why the first big truck had to stop on Howard road before making a left turn onto the farm. The driveway cannot accommodate two truck and that creates a very unsafe traffic situation.

Traffic safety is another reason why industrial mulching should not be allowed in the area.

Thank you.



5020 Morning Star Drive
Dayton, Maryland 21036-1116
17 July 2017

Thank you for the opportunity to express my views this evening re:
Council Bill 60-2017 (ZRA 180).

- I have lived in Howard County Maryland since 1978.
- In 2014, when Mr. Robert Orndorf wanted to use for industrial mulching purposes 10% of the farmland he purchased; many residents in the affected area and those who faced the same problem from businessmen from other Maryland areas expressed their outrage that this would be allowed by county officials who are supposed to protect the health, safety and the quality of life of its citizens.
- Health, safety, traffic, infrastructure, quality of life issues were enumerated and discussed in detail in 2014.
- In 2014, Mr. Allan H. Kittleman addressed one of our meetings and was definitely opposed to industrial mulching facilities on Ag preserved land.. I inferred from his remarks that the provision allowing for a 10% non-agricultural use of Ag preserved property was **NEVER** intended for industrial mulching and composting.
- At that time- 2014, it was determined that industrial mulching and composting was not an appropriate use of Ag preservation land.
- I thought that the issue was dead and buried. I cancelled my out of state relocation search.
- Well, here we are -2017, and the issue has again raised its ugly head. Why?

- If Mr. Orndorf and businessmen like him now put on their tree farmer hats, have all the negatives aspects that were discussed in 2014 now become positives?
 - Is daily sharing narrow rural roads with heavy trucks – narrow, rural roads where residents walk, bicycle, children get on and off school buses now a good thing?
 - Is breathing the fungal spores and wood dust now good for one's health?
 - Are mulch fires now also good for the respiratory system and a good use of water?
 - Is the noise generated by the truck traffic and machinery now an enhancement?
- Mr. Orndorf is interested in his bottom line **NOT** the well-being of the citizens of Maryland.
- I believe Howard County government officials should be interested in the benefit of all its citizens not just those with power, money and influence.
- If you would not feel comfortable and safe living in the vicinity of an industrial mulching and composting facility, if you would not want your family members living in that environment, why would you think anyone should live in such an environment?
- I ask you to please fix this situation ONCE AND FOR ALL so that Mr. Orndorf and his compatriots cannot come up with another scheme, ruse to get what they want re: industrial mulching and composting or any other activity that will negatively impact the health, safety, and well-being of the citizens of Maryland.

Thank you


Eileen Haggerty

CB60-2017 Testimony - July 17, 2017

My name is Leslie Long, a farmer and RN that resides in Woodbine, MD.

I emphatically oppose CB60.

I am speaking first-hand about my and other resident's experiences from being subjected to a Natural Wood Waste Recycling Facility, Oak Ridge Farm, in Woodbine. That facility is not allowed to even operate in Howard County.

WHEN WOODGRINDING IS OCCURRING,

The residents walk out the door and smell this horrible mulch stench much like rotten wood mixed with feces. Their nose and eyes will start burning and running. Shortly after the uncontrollable coughing and sneezing start. Headaches and labored breathing (dyspnea) would follow. Days later, one could have sinusitis, respiratory illness or other symptoms. Many people with known allergies, asthma or other respiratory issues do experience flare-ups or a worsening of their condition. All this coincides with processing at this facility. Residents must close their windows and stay indoors to escape the airborne contaminants. While indoors the vibration from the industrial equipment rattles their windows. The slamming of the tailgates and the dropping of wood into steel trailers sounds louder than thunder.

On previous occasions, what appeared to be wood dust was coated everywhere. The horses and other animals were coughing and in distress. This Oak Ridge Operation interferes with farming. The boarders and tenants complain about noise, truck traffic, burning and watery eyes. They can't wear their contact lenses and must use special ophthalmic drops. Who is going to reimburse residents for their medical expenses? Who is going to provide remediation if wells are contaminated with heavy metals?

One step I made was to contact Dr. Martin, a foremost authority on NWWRF. He explained the problem is mold spores, which travel for miles as well as the other "critters" emitted in the air with this type of operation. Another medical professional, Dr. Velculescu presented the Task Force with a summary of hazards to wood dust to include cancer.

In the community, another enormous complaint is the nuisances caused by Oak Ridge. For over 7 years, the noise, truck traffic, hours of

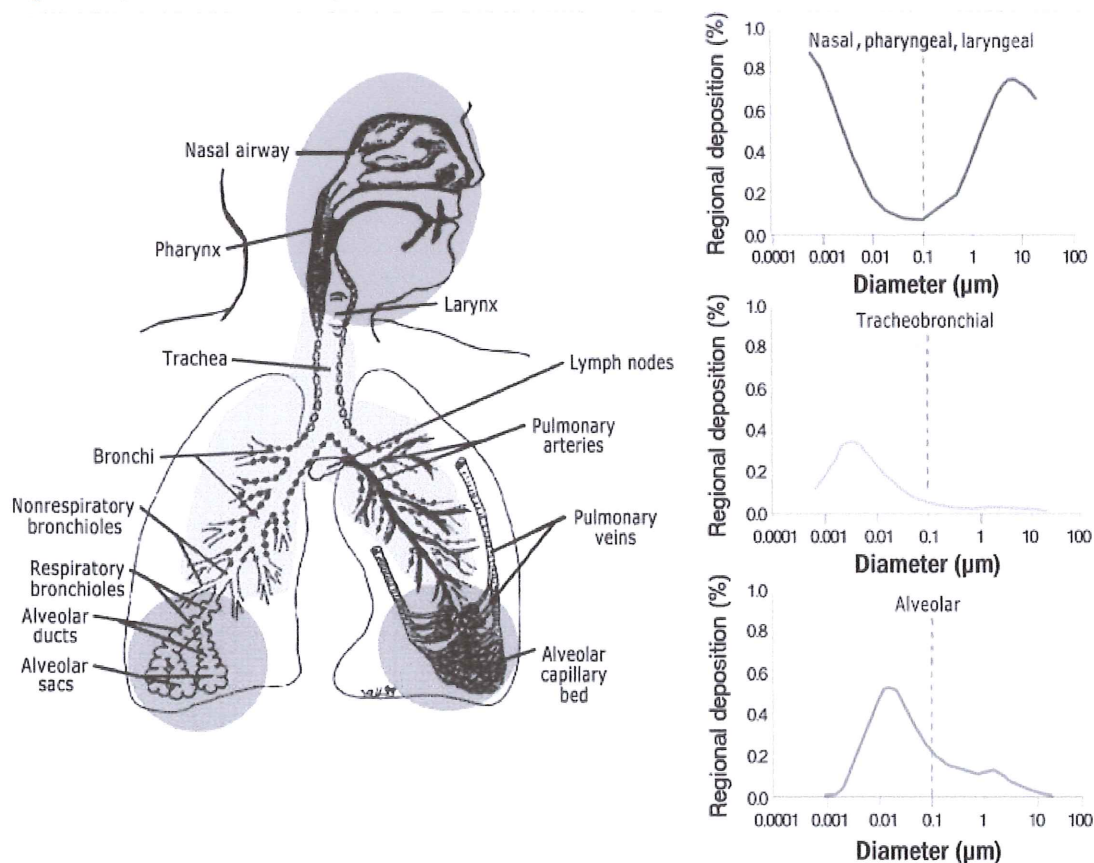
CB60-2017 Testimony - July 17, 2017

operation, dust, and mud on the road have plagued the people in Woodbine. These noises can be heard by residents over a mile, ^{sometimes} starting at 5:00am. and go ^{for} past midnight 7 days per week. People complain about the stress raising their blood pressure, the inability to sleep, headaches. This operation is not even allowed in Howard County and DPZ has failed to enforce zoning.

These open air (uncontained) mulch, wood waste, soil compo facilities are being shut down across the county because of the health and safety issues. M1/M2 sites keeps the truck traffic. Howard County has a blend of developments intermingled with farms. Let's keep the tranquility.

Please don't let the avarice of certain individuals guide you. Do no harm. Please Vote against CB60.

Fig. 4.1 Deposition of inhaled particles in the human respiratory tract during nasal breathing



From Oberdörster *et al.*, (2005). Drawing courtesy of J Harkema. Reproduced with permission from Environmental Health Perspectives.

Extracted from the presentation, dated 7 Oct 2014, by Dr. Velculescu to the Task Force.

Otolaryngology Houston

Bechara Y. Ghorayeb, MD
OTOLARYNGOLOGY - HEAD & NECK SURGERY
Memorial Hermann Professional Building
1140 Business Center Drive, Suite 560
Houston, Texas 77043
For appointments, call 713 464 2614

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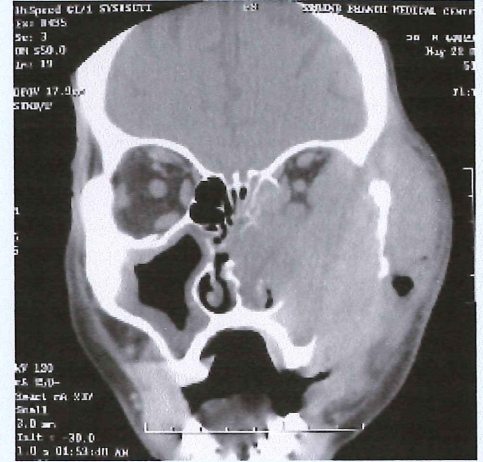
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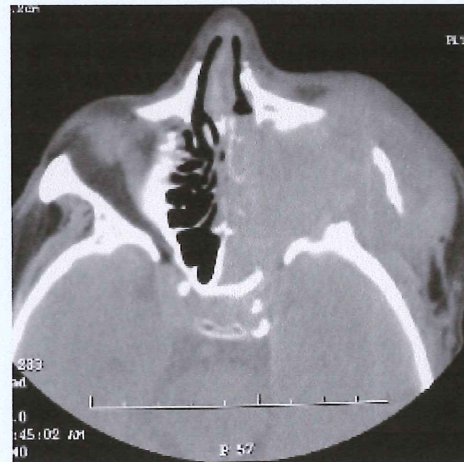
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Advanced squamous cell carcinoma of the maxillary sinus extending from the alveolar ridge to the orbit.



Coronal CT scan of the patient to the left. Note the erosion of the maxilla, ethmoid and orbit.



Axial CT showing involvement of the maxillary sinus and ethmoids.



Axial CT showing involvement of the left orbit and proptosis.

Carcinoma of the Paranasal Sinuses

Squamous cell carcinomas make up 50 to 80 % of paranasal sinus tumors.
Adenocarcinomas of salivary gland origin make up 4 to 8%.
Adenoid cystic carcinoma is the second most common salivary tumor of the sinuses.
Mucoepidermoid carcinoma is a distant third in frequency.

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October 4, 2014

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CE _____

Department of Planning and Zoning

Division of Public Service and Zoning Administration
3430 Courthouse Drive, Ellicott City, Maryland 21043 410-313-2350 [FAX: 410-313-3391]

Request to Conduct Zoning Inspection and Acknowledgment of Disclosure Laws

I request that an inspection for compliance with the Howard County Zoning Regulations be conducted at the following address:

2600 WOODBINE RD., WOODBINE, MD. 21797 - MULCH GRINDING KNOWN
(Address of Alleged Violation)

AS OAK RIDGE FARM, LLC AND/OR RECYCLED GREEN INDUSTRIES
Nature of Complaint: (Continue on Back of Form if Necessary) - NO DPZ SPECIAL EXEMPTION
NOISE POLLUTION - LOUD EXCESSIVE NOISE FROM A MULCHING
MACHINE, BULLDOZERS, LOADERS, TRUCKS AND EQUIPMENT.
NOISE STARTS EARLY AM TO PM, 6-7 DAYS/WK. MULCH
GRINDER IS LOUDER THAN A COMBINE AND CAN BE ^{over}

Please read: In accordance with the Maryland Public Information Act, and the Department of Planning and Zoning Policy in implementing this Act, please be advised that your name may be disclosed to any interested party upon the closing of any violation case. For this reason, the Department is unable to guarantee confidentiality regarding this request, after the case is closed.

By signing below, I hereby acknowledge that I have read and understand the statement above:

Leslie P. Long 11/20/2013
(Signature) (Date)

LESLIE P. LONG
(Print Name)

21701 WOODBINE RD., WOODBINE, MD. 21797
(Print Your Address - Required)

410-442-9705 OR LAUREL REGIONAL HOSPITAL 301-497-
BON SECOURS HOSPITAL - 410-362-6236
(Phone Number During Business Hours)

SUNNYSIDE1998@AOL.COM
(Email Address)

(Nature of Complaint, Continued)

HEARD INDOORS WHILE WEARING EARPLUGS.

TRUCK TRAFFIC - FREQUENTLY, NUMEROUS TRACTOR TRAILERS AND 50 FT. PLUS TRUCKS (MARKED RECYCLED GREEN) ARRIVE AND DEPART FROM ENTRANCE OFF RT 94. SECOND ENTRANCE IS OFF FLORENCE RD.

AIR POLLUTION - MALODOROUS AIR CONTAMINATES ARE ON OUR FARM AND SURROUNDING AREA. AIRBORNE PARTICULATE MATTER (WOOD DUST) IS SEEN INSIDE AND OUTSIDE OUR HOME, BARN, ET

HEALTH HAZARD - RESIDENTS ON OUR FARM ARE EXPERIENCING "FLU-LIKE" SYMPTOMS (? ODS - ORGANIC DUST TOXIC SYNDROME), SINUSITIS, PRURITIS, DYSPNEA, SHORTNESS OF BREATH, COUGHING, HEADACHE, MALAISE, FATIGUE, RHINITIS, EYE IRRITATION WITH WATERING, PSYCHOLOGICAL STRESS. HORSES AND LIVESTOCK ARE COUGHING, CHOKING AND EXHIBITING SIGNS OF RESPIRATORY DISTRESS.

NEGATIVE HEALTH IMPACT -

EXPOSURE FROM MULCH PROCESSING MAY CAUSE "ORGANIC DUST TOXIC SYNDROME", PULMONARY FIBROSIS, CANCER OF THE PARANASAL SINUSES AND MUCH MORE. WOOD DUST IS A CATEGORY I CARCINOGEN. THE WIND BLOWS FROM THE TOP OF THAT HILL TOWARD OUR FARM. THE BIOAEROSOLS CARRY BACTERIA, FUNGI, AND MOLD SPORES THAT CAN CAUSE MANY INFECTIONS SUCH AS LEGIONELLOSIS, ASPERGILLOSIS, ETC.

WATER RUN-OFF CONTAMINATION - MULCH OPERATION IS ON A MUCH HIGHER ELEVATION THAN OUR FARM. THERE IS A POTENTIAL FOR POLLUTION OF SURFACE WATER RUN-OFF FROM FINE ORGANIC MATERIAL, LEACHATE AND CHEMICAL CONTAMINATES TO OUR CROPLAND AND PASTURES. THIS POSES A SIGNIFICANT HEALTH HAZARD IF CONTAMINATED COMPOSITES ENTER THE FOOD CHAIN.

17 July 2017

Subject: CB60-2017 Mulching

Good evening. My name is Stu Kohn and I reside at 8709 Yellow Bird Court, Laurel, Md. 20723. I am the President of the Howard County Citizens Association, HCCA. I was a member of the Task Force where we met 24 times and unfortunately we have nothing to show three years later. The fact that the Maryland Department of the Environment refused to appear in any of our meetings was atrocious. The former DPZ Director asked them to participate, but they refused. You have heard and will here tonight the overwhelming and compelling concerns regarding Health and Safety issues from residents – your constituents. We only hope you will take more seriously these concerns as compared to the Planning Board when we met with them on 25 May. They completely ignored the volume of material presented. Their sole goal was to make a decision that same night regardless of the volume of evidence before them. They just did not care about the concerns of Howard County citizens. If nothing else they should have continued the case so they could analyze the facts before any decision was made.

When you take a look at the Power Point presentation last Monday to the Council I refer you to the last slide. It consists of recommendations to conduct studies in various areas. The question is -- if one has to conduct studies then there are obvious concerns which need to be rectified before thinking about passing such a Bill without amendments. The slide states the following:

- Study additional road access criteria by road type to further limit truck traffic.
- Study need for specific emergency declaration in zoning regulations.
- Study IRS tax implications on ALLP properties based on commercial activities.
- Study establishing ALLP cumulative totals for composting and NWWWR in association with tree farms.
- Determine need for Christmas tree farms as part of ALLP uses.
- Addition of MALPF properties to ZRA.
- Explore need for Tier 2 Large facilities.

So nothing should happen until at a minimum the aforementioned studies are completed.

I was also a member of the APFO Task Force. On three different occasions, Fire Chief John Butler appeared at our meetings. This was because he wanted to voice his concerns regarding the Cisterns in western Howard County being able to handle any potential disaster.

We concerned citizens are in no way anti-farmer. What we are is anti-having someone or a corporation taking advantage of a situation that if the "I" isn't dotted and the "T" not crossed could very well be detrimental to us all. You simply cannot allow this to happen to if you care about the health and safety of your constituents. So please review all the facts before you as the future depends on your sound judgement.

Thank You,

A handwritten signature in black ink, appearing to read "Stu Kohn". The signature is written in a cursive style with a large, stylized "S" and "K".

Stu Kohn
HCCA, President

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,

Hilary Miller, Director
Land Management Administration

cc: Ben Grumbles, Secretary, MDE



CB- 60 -2017



**NATURAL WOOD WASTE RECYCLING
AND COMPOSTING REGULATIONS**

**COUNTY COUNCIL PUBLIC HEARING
JULY 17, 2017**



CB 60 Summary

- Does not permit industrial or large scale mulch operations on ALPP properties.
- Allows composting and wood waste recycling activities that do not require an MDE permit, are farming related, and accessory to a farm use.
- MDE regulations, MDA- required Nutrient Management Plans, and Conditional Use criteria address many environmental issues.
- CB 60 contains criteria (such as setbacks and size limits) that are enforceable and objective.
- Howard County Zoning Regulations includes a Conditional Use process to allow for public input.
- Proposed amendments have been under study for some time based on additional public input.



Not a Recipe for Disaster Steps 1 & 2

Step 1: Operator purchases or leases farmland. **Five acres requires an active 100 acre farm.**

Step 2: Operator sets up a 3-acre “composting facility” for commercial shipment under a county permit (Section 128). CB60 contains no restriction on use of compost. **CB60 requires composting to be accessory to a farm with limited opportunity for sales and with commercial vehicle restrictions.**

Accessory Use - a use that is customarily incidental to the principal use, serving no other use, and which is subordinate in area, intensity, and purpose to the principal use.



Not a Recipe for Disaster Step 3

Step 3: Operator hires local farmer to plant 13.3 acres of trees so that he can apply for a Conditional Use (CU) to operate a “natural wood waste recycling facility” (NWWR) on 2 acres, fulfilling the condition in CB60 that the NWWR facility shall not exceed 15% of the area actively farmed in trees. **Planting trees does not constitute a tree nursery.**



Not a Recipe for Disaster Step 4

Step 4: Once CU is approved, operator sets up a 5 acre facility for industrial mulching/NWWR and industrial composting combined. According to CB60, the NWWR facility is “accessory to the farm,” and therefore allows the operator to ship the mulch he produces without also shipping out any trees, shrubs, or plants grown on the farm.

Cannot be industrial – must be accessory to the farm.



Not a Recipe for Disaster

- He can use 18-wheel tractor-trailers to continuously truck wood waste product onto the farm for processing, and continuously ship his mulch and/or compost product off the farm for commercial sale. **That truck size currently serves many existing farms.**
- His 5-acre facility will use at least 20 tractor-trailers each day to ship 40,000 tons of product each year, conservatively. **The basis for 40,000 tons is incorrect –that volume is based on a transfer station not a NWWWR facility.**
- This allows the operators primary revenue generating activity to be industrial NWWWR/compost on a limitless scale and not farm product, but that is OK according to C B60. **Scale is limited to that allowed by the conditional use and must be accessory to the farm - it cannot be the primary revenue generator.**



County Executive and Sponsor Amendments

- Limit truck traffic on local county roads - restrict mulching/compost operations to properties close to state roads and interstate. Require site access to be approximately within 0.5 mile of a state arterial road or interstate.
- Strike the emergency declaration – do not believe it is needed.
- Look at establishing ALPP cumulative totals for composting and NWWR in association with tree farms.
- Need for Christmas tree farms as part of ALPP uses?
- Apply the CB 60 ALPP regulations to MALPF properties.
- Need for Tier 2 Large facilities?
- Continued assessment of IRS tax implications on ALLP properties for certain commercial activities.

Tractor-trailer strikes, kills two children as they run across road to school bus

By [Dana Hedgpeth](#) and [Justin Wm. Moyer](#) March 30

Two children were struck and killed by a tractor-trailer Thursday morning when they ran across a road to board a school bus near the town of Dillwyn in central Virginia, officials said.

At about 7:40 a.m., officers responded to a report of a fatal crash in Buckingham County just north of Dillwyn, which is about 65 miles west of Richmond, the Virginia State Police said in a statement.

A tractor-trailer was traveling north on Route 15 when a Buckingham County school bus, with its yellow flashing lights activated, approached from the opposite direction to pick up a group of children, the statement said. As the bus slowed, two children ran across the road toward it. The driver of the tractor-trailer braked, but the vehicle, loaded with 75,000 pounds of mulch and traveling downhill, hit the children before it could stop.

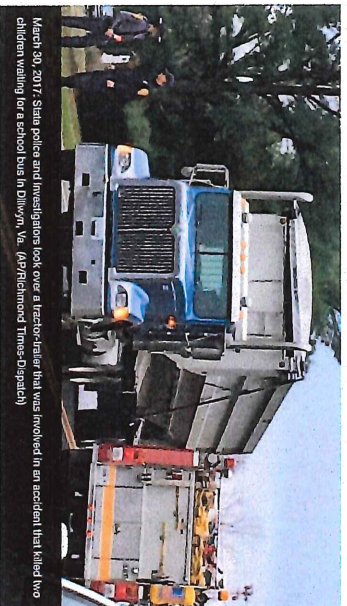
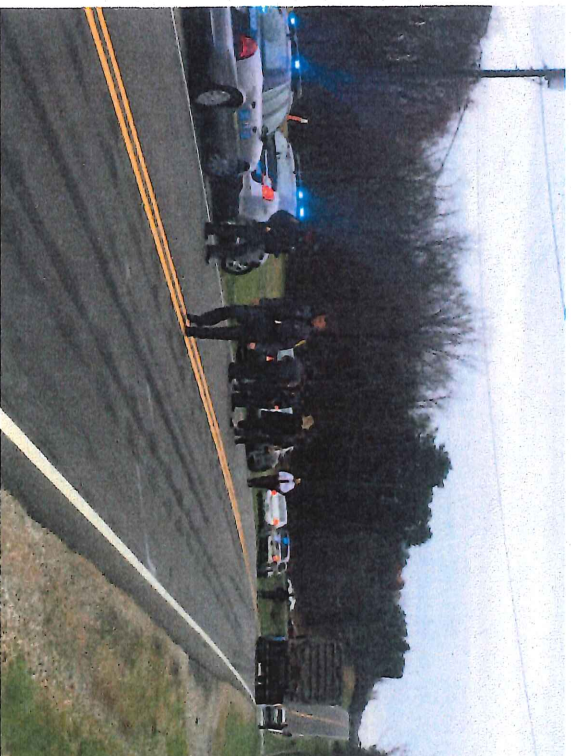
The children, identified as Tori Perez, 5, and Jaiden Bartee, 6, died at the scene.

The tractor-trailer driver, a 66-year-old man from Dillwyn, has a valid commercial driver's license, according to police, and the tractor-trailer was in compliance with commercial vehicle regulations.

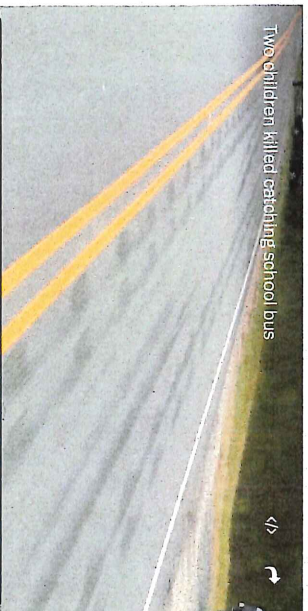
No charges will be filed, police said.

Dana Hedgpeth is a Post reporter, working the early morning, reporting on traffic, crime and other local issues. 🐦 Follow @postmetrogirl

Justin Wm. Moyer is a reporter for The Washington Post.
🐦 Follow @justinwmmoyer



March 30, 2017: State police and investigators look over a tractor-trailer that was involved in an accident that killed two children waiting for a school bus in Dillwyn, Va. (AP/Richmond Times-Dispatch)



Two children killed catching school bus

Local

Massive mulch pile catches fire in Centreville

By Justin Jovenal April 13

Firefighters are battling a blaze that sent flames and smoke shooting from a massive mulch pile in the Centreville area overnight, according to the Fairfax County fire department.

The blaze was sparked early this morning in the 15700 block of Lee Highway, sending firefighters from Fairfax, Prince William and Loudoun counties to the scene.

Video from the scene showed firefighters were using ladder trucks and backhoes to attack the large, smoldering pile after dawn on Thursday morning. The flames had been knocked down.

No injuries or damages to structure were reported.



<http://www.nbcwashington.com/>

Mulch Fire Sends Clouds of Smoke Over Parts of Centreville

By [Connie Howard](#) and [Samuel Nassau](#)

You may see some smoke in the air Thursday morning if you live in the Centreville area. Firefighters are on the scene of a mulch fire at a mulch plant along Lee Highway. News4's Derrick Ward has more from the scene.

(Published Thursday, April 13, 2017)

You may see some smoke in the air Thursday morning if you live in the Centreville, Virginia, area.

Firefighters spent the morning extinguishing a smoking pile of mulch along Lee Highway. A passerby discovered the fire at the mulch plant next to the Luck Stone Quarry about 1:45 a.m. Thursday.

More than 100 firefighters were called to the scene.

No injuries were reported.

At 7 a.m., backhoes were still digging through the smoking mulch.

Firefighters used a crane to douse the flames.

The cause of the fire is under investigation.

Published at 8:13 AM EDT on Apr 13, 2017.

Crews respond to mulch fire in Centreville

WUSA 10:52 AM EDT April 13, 2017



CENTREVILLE, VA. (WUSA9) - Crews responded to a mulch fire in the Centreville area overnight, according to Fairfax County officials.

The large mulch pile fire started around 1:45 a.m. in the 15000 block of Lee Hwy. This was a big water supply operation due to lack of hydrants in the area.

There were some eastbound lane closures on Lee Hwy due to the fire, officials said.

Drivers in the area are being advised to slow down and be aware of the apparatus.

CB60 – A Recipe for Disaster

County Executive Kittleman, Council Member Fox and Council Member Sigaty as well as DPZ think CB60 will not allow for industrial mulching and/or industrial composting in RR, RC and Howard County ag preserve farmland. Think again.

The “recipe for disaster” outlined here shows what is possible under the irresponsible zoning language in the proposed CB60.

Howard County Ag Preserve Farmland (ALPP)

Step 1: Operator purchases or leases farmland.

Step 2: Operator sets up a 3-acre “composting facility” for commercial shipment under a county permit (Section 128). CB60 contains no restriction on use of compost.

Step 3: Operator hires local farmer to plant 13.3 acres of trees so that he can apply for a Conditional Use (CU) to operate a “natural wood waste recycling facility” (NWWR) on 2 acres, fulfilling the condition in CB60 that the NWWR facility shall not exceed 15% of the area actively farmed in trees.

Step 4: Once CU is approved, operator sets up a 5 acre facility for industrial mulching/NWWR and industrial composting combined. According to CB60, the NWWR facility is “accessory to the farm,” and therefore allows the operator to ship the mulch he produces without also shipping out any trees, shrubs, or plants grown on the farm. He can use 18-wheel tractor-trailers to continuously truck wood waste product onto the farm for processing, and continuously ship his mulch and/or compost product off the farm for commercial sale. His 5-acre facility will use at least 20 tractor-trailers each day to ship 40,000 tons of product each year, conservatively.

This allows the operators primary revenue generating activity to be industrial NWWR/compost on a limitless scale and not farm product, but that is OK according to CB60.

Rural Residential (RR), Rural Conservation (RC) and State of MD Ag Preserve Farmland (MALPF) as part of RC

Same as above, but instead of a 5-acre facility, the operator sets up a 10-acre NWWR/compost facility combined (5-acres of each through the CU process).

In RR, RC (includes State of MD ag preserve farmland) there are:

NO restrictions on amount of wood waste material trucked onto the farm

NO restrictions on the amount of mulch/compost trucked off the farm

NO limit on size of trucks

NO tie in for mulching/composting processing to any other activities on the farm/parcel

NO restrictions on commercial sale

NO way DPZ can enforce what will be allowed per CB60 (they can't even enforce clear violators of CB20)

ALLOWS for Tier I and Tier II composting, which means on Howard County ag, RR and RC composting of grass, leaves, food waste, manure and in some case animal carcasses is allowed (3-5 acres near you)

ALLOWS for retail sales on site

In essence, an industrial processing facility with limitless trucking in/out at scale.

If this is County Executive Kittleman's idea of good leadership, then we need new leadership. Councilmembers Sigaty and Fox, as well as DPZ's Director Lazdins and Deputy Director Amy Gowan, also have their fingerprints on crafting CB60, so there is plenty of blame to go around for everyone in charge of your family's health and safety in Howard County.

CB60 is blatantly irresponsible and reckless in terms of the risks it now puts on residents throughout all of Howard County. If you weren't angry before this "recipe for disaster," then hopefully you are now. The following steps will ensure we have a massive response with one unified voice to express our collective opposition to CB60:

1. Email councilmail@howardcountymd.gov to express your anger with CB60 and issue a call for major amendments. We have a letter ready for you on our DRPS website at www.preservedayton.com to copy and paste as your email.
2. Sign up to testify on July 17 at www.howardcountymd.gov through the weblink located across the top bar of the homepage that will take you to the 'County Council' page. From there you can navigate your way to registering and signing up to testify at the July 17 County Council session where we can voice our opposition to CB60 one-by-one (Banneker Room in the George Howard Building).
3. Encourage everyone you know within Howard County to show up in person on July 17 at 7pm so our County Council can see firsthand just how off the mark CB60 is.

Bottom line, CB60 does not get the job done to protect residents in the rural communities and beyond. Keep industrial mulching/composting facilities located in M1/M2 commercial zones, and make sure if they exist in those areas they are run properly to also keep nearby residents safe from any health risks (i.e., protection from mulch dust). Please stand with us as one unified voice of thousands to express your unwillingness to accept CB60 as is. Many thanks.

Here are our MAJOR concerns with CB60:

NO restrictions on use or scale

NO restrictions on amount of mulch/compost/wood waste in or out of the facility

NO restrictions on commercial sale of any kind (even retail sales on site at the facility)

ENDLESS/LIMITLESS trucking in and out of wood waste into the facility (18-wheeler tractor-trailers and 3-axle large commercial trucks)

ENDLESS/LIMITLESS mulch or compost trucked out after industrial processing at the facility (18-wheeler tractor-trailers and 3-axle large commercial trucks)

NO requirement to be associated with tree farming or legitimate farming of ANY kind

NO restriction on size or frequency of trucks in and out of the facility all day long

NO restrictions on State of MD ag farmland (MALPF)

ALLOWS for Tier I and Tier II composting, which means on Howard County ag, RR and RC composting of grass, leaves, food waste, manure and in some case animal carcasses is allowed (3-5 acres near you).

NO ability for DPZ to enforce CB60 for mulching/composting given what it allows (unacceptable). DPZ has shown an inability to enforce, or exercised selective enforcement discretion, for even clear violators of CB20. To expect anything more from DPZ would be ridiculous (how can they distinguish between mulch and compost when they admit they can't even enforce something as simple as mulch pile height).

If this is County Executive Kittleman's idea of good leadership, then we need new leadership. CB60 is blatantly irresponsible and reckless in terms of the risks it now puts on residents, families, children throughout all of Howard County. If you weren't angry before this "recipe for disaster" then hopefully you are now, and willing to take the following steps now to ensure we have a massive response with one unified voice to express our collective opposition to CB60:

Please email councilmail@howardcountymd.gov to express your anger with CB60 and a call for major amendments (visit www.preservedayton.com to copy-and-paste the CB60 opposition letter to email).

Please sign up to testify at www.howardcountymd.gov through the weblink located across the top bar of the homepage that will take you to the 'County Council' page. From there you can navigate your way to registering and signing up to testify on July 17 at 7pm for the County Council session where we can voice our opposition to CB60 one-by-one (Banneker Room in the George Howard Building).

Please encourage everyone you know within Howard County to show up in person July 17 so our County Council can see firsthand just how off the mark CB60 is, thanks to poor leadership putting your families in harm's way.

Bottom line, CB60 does not get the job done to protect residents in the rural communities and beyond. Keep industrial mulching/composting facilities located in M1/M2 commercial zones, and make sure if they exist in those areas they are run properly to also keep nearby residents safe from any health risks (i.e., protection from mulch dust). Please stand with us as one unified voice of thousands to express your unwillingness to accept CB60 as is. Many thanks.

Amendments Required for CB60

- 1) Mulching only conducted on M1/M2 zoned parcels and under appropriate conditions (ie covering, misting).
- 2) Limit mulching and composting operations to 1 acre for mulch and 1 acre of compost on all ag preserve, which included Howard County ag (ALPP) and State of MD ag (MALPF).
- 3) No trucking out of mulch or compost for commercial sale on RR/RC, which includes all ag preserve in Howard County.
- 4) Limitations on truck size that will prohibit any 3 axle or tractor trailer trucks in/out for mulching and composting operations.
- 5) Mulch product only to be trucked out if combined with trees, plants, or shrubs as part of legitimate tree farming operations.
- 6) Specific Tier I and Tier II materials (food waste, manure, and animal carcasses) prohibited for composting.
- 7) No industrial grade tub grinders allowed for mulching operations.
- 8) Escalating fines for violations for those that continue to operate in violation of zoning regulations.

COMMUNITY
MEETING
TO OPPOSE
INDUSTRIAL
MULCHING
ON AG PRES

JUNE 29, 2017



CALLS TO ACTION

LEADING UP TO CB60 COUNCIL VOTE

- **June 29:** Community Meeting; we've taken the first step
- Spread the word to everyone (countywide issue)
- Email councilmail@howardcountymd.gov stating your opposition to industrial mulching on farmland including RR, RC, ag preserve, and cluster subdivision parcels given safety, health and environmental risks
- **July 5:** Sign up to testify for the County Council meeting on July 17th where CB60 will be introduced
- **July 17:** Attend the County Council meeting (7pm) along with your entire family, children included
- **July 31:** Be prepared to attend the Legislative Session where CB60 will be voted on by our County Council **with amendments** (could be tabled if we flood the gates)

HOW WE GOT HERE

- 2013: Comprehensive zoning allowed for mulching to be considered farming
 - Up to 10 acres compost/mulch on ag preserve land - "unintended consequences"
- Jan 2014: Conditional use submitted by RLO
- Large community meetings and large turnout at legislative session
 - We don't win without you
- Feb 2014: DRPS filed its own ZRA
- Apr 2014: Greg Fox sponsored modified DRPS ZRA, with Courtney Watson as co-sponsor

CURRENT ZONING LAW: CB20

- June 2014: CB20 passed, 4-0
- Compost/mulch no longer allowed on Howard County ag preserve farmland per Greg Fox and DRPS input
- Compost/mulch no longer allowed on State of MD ag preserve farmland - credit goes to Calvin Ball (Amendment 5)
- Committee to be formed to further study issue – Resolution 74

KITTLEMAN'S CAMPAIGN PROMISE

"In response to your inquiry regarding industrial mulching on agricultural farm land, I can unequivocally state that I am opposed.

There have been three major public hearings on this issues: one at Dayton Oaks Elementary School, one in Sykesville and another at the Ten Oaks Ballroom with an estimated attendance of over five hundred, where I stated that I firmly opposed industrial mulching.

As County Executive, I will actively continue my opposition.

I hope this addresses your concerns. I appreciate that you have taken the time to personally contact me.

*Sincerely,
Allan Kittleman"*

CB58-2017 AG PRESERVE PARCEL EASEMENT LANGUAGE

- The property will only be used for agricultural purposes and the owner will give up development rights
- “Development Rights” means the rights of the Seller in the Land to develop the Land for any purpose other than Agricultural Uses. “Development Rights” shall include, but not be limited to, the right to use the Land for industrial or commercial uses.
- The County will receive the Seller’s development rights in the Land for conservation purposes, which includes the preservation of farm land, forest land and open space, pursuant to the County’s conservation policy and to enhance agriculture in Howard County and protect natural and ecological resources.

MULCH TASK FORCE

- July 2014 to March 2015
- 19 members: county representatives, farmers, residents
- 2 “leaders” – one representing the farmers, one representing the residents
- Committee met for 3 hr sessions, 25 times
- Majority and Minority report
 - Not allowed on ag passes by a slim margin
 - Tighter regulations on M1/M2 (covered facilities, etc)
 - Minority report submitted as “Concerned Citizens Report”
- CCR was basis for DRPS ZRA 160

MTF STACKED DECK

- We lost almost every vote (4-15)
- Attempted to shut-out our request for medical expert to present
- Richard Goldman – residents' representative served at Mary Kay Sigaty's request voted against us on almost every issue

President's Message – May 2017

MAY 2017

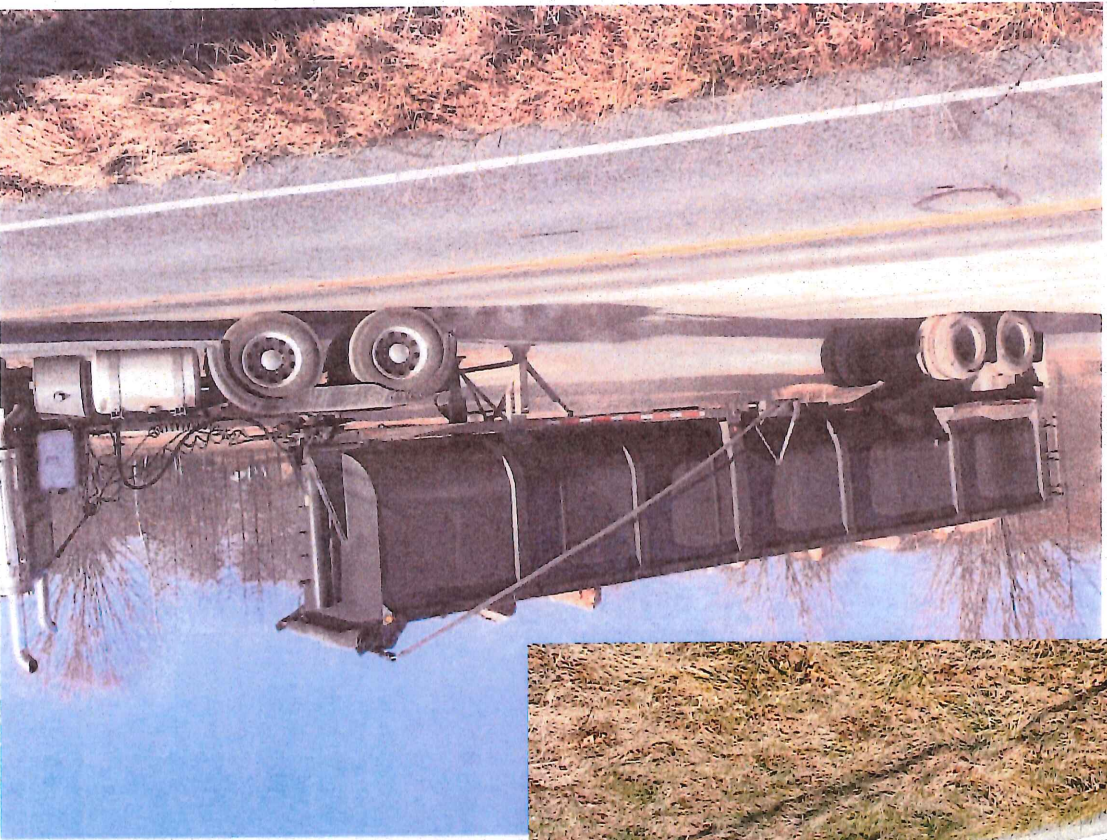
by Howie Feaga, President – Howard County Farm Bureau

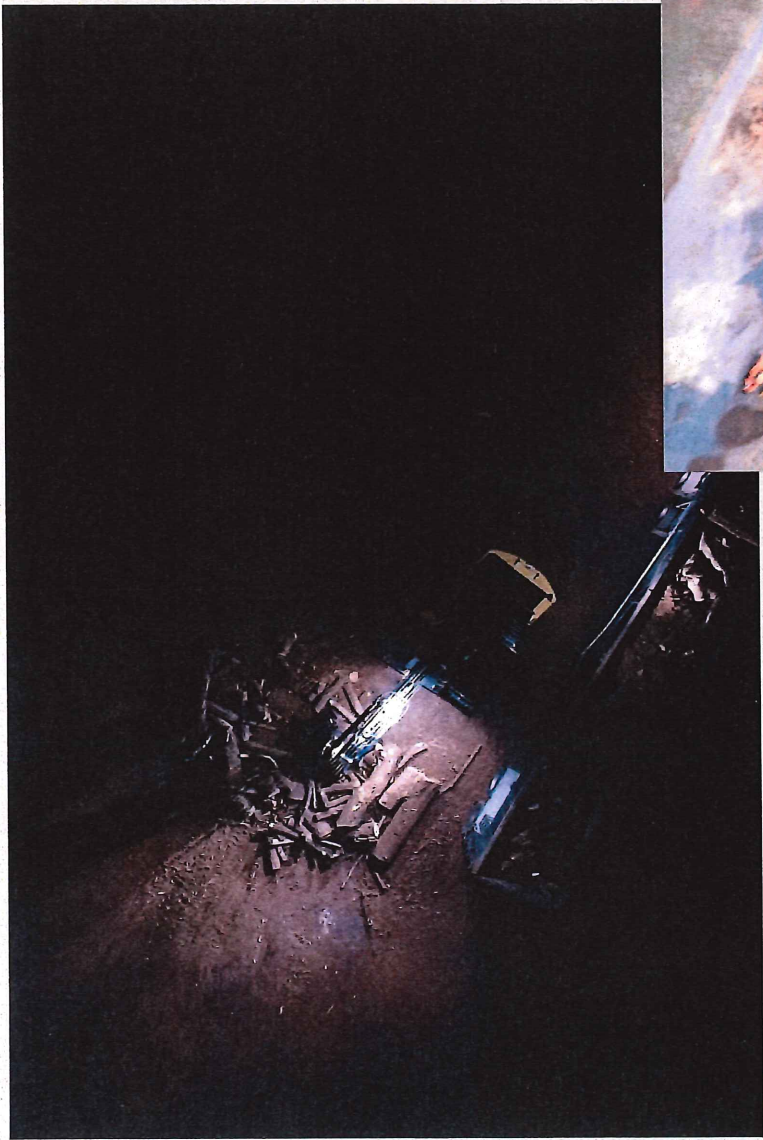
The "Friend of the Farmers" award went to Richard Goldman, he was the cochairman at the mulch task force with Zack Brendel. They did a great job and Richard was a great person to win the award.

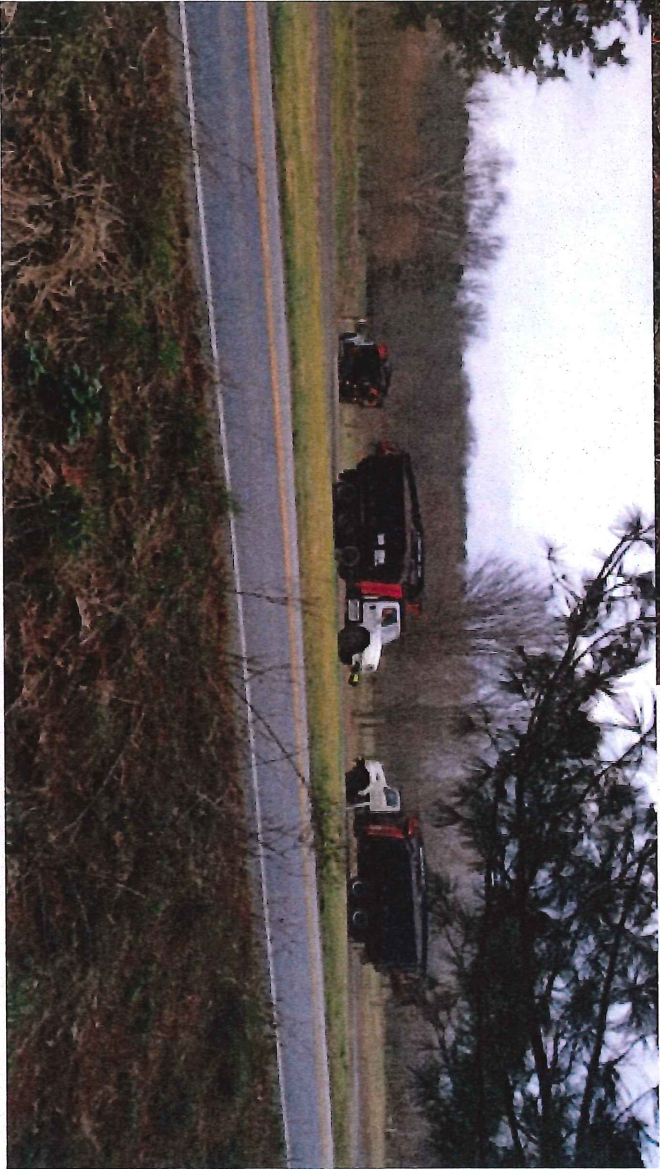
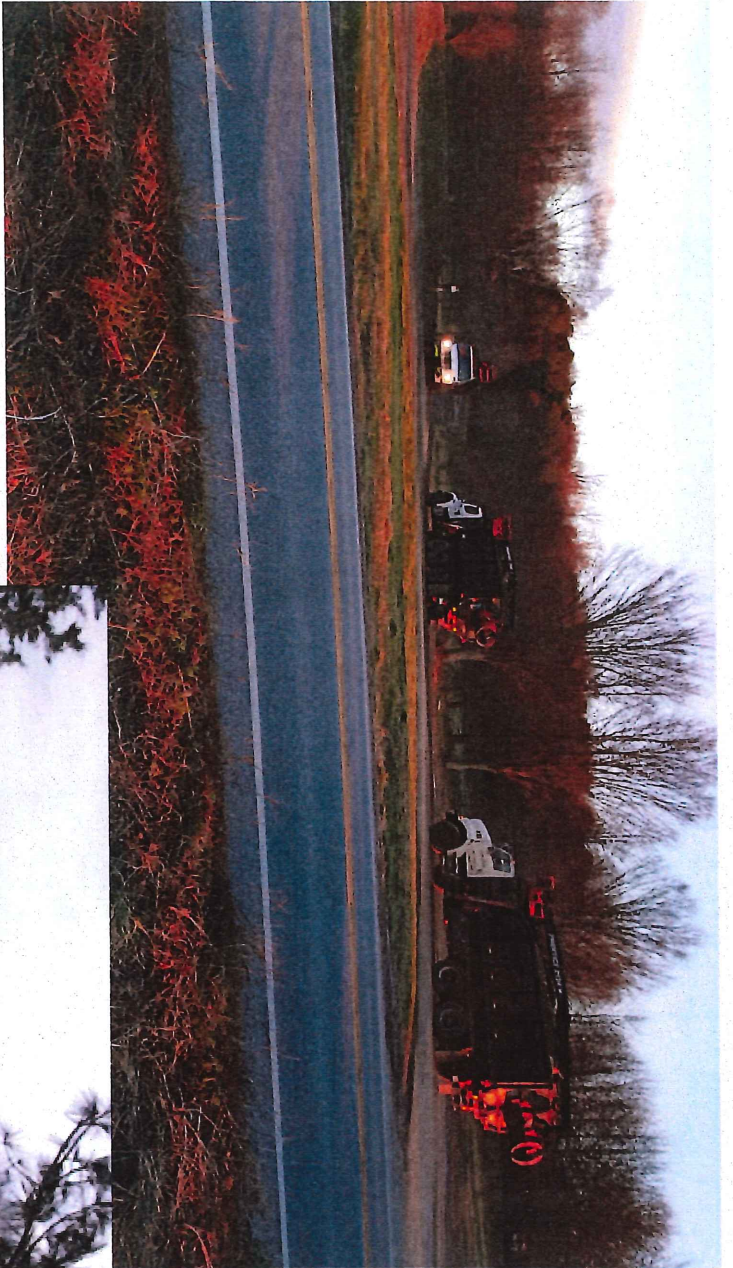
BONNER/OAK RIDGE

5 YEAR HISTORY OF VIOLATIONS

- 2010 – Woodbine residents suffer from dust, noxious odors, truck traffic and noise
- 2012 – Complaints made to DPZ
- Mar 2012 – Oak Ridge found in violation of Deed of Easement for mulch processing
- Jan 2013 – Oak Ridge found in violation for mulch manufacturing, soil processing and compro processing
- Sep 2014 – Oak Ridge reminded by DPZ of violations found 7 months prior
- Nov 2014 – Consent order issued by Hearing Examiner to shut down Bonner/Oak Ridge operations; fined \$1,000









2017 BONNER/OAK RIDGE

- March 9, 2017 letter from DPZ: “As no violations of the Howard County Zoning Regulations were observed, there is no cause for further action by this department and the case is being closed.”
- March 15, 2017 letter from DPZ: “...the letter closing the case was sent prematurely...the issues raised in your complaints are still being studied by this department.”
- April 21, 2017 letter from DPZ: “A zoning violation case was opened for this property...Should the violations not be corrected in a timely manner, the County will pursue enforcement actions...”

LACK OF ENFORCEMENT ACTION OR SELECTIVE ENFORCEMENT

Community Pressure

- Mar 10, 2017 – DRPS letter to address shocking news that Bonner/Oak Ridge investigation was closed with no violation despite overwhelming evidence to the contrary
- Apr 19, 2017 – meeting with County Executive Kittleman and DPZ Director Lazdins
 - Presented Bonner/Oak Ridge photos
 - Val Lazdins – *“hard to catch offenders in the act”*

It is unacceptable that the burden to hold DPZ accountable for addressing violations be on county residents

DPZ DIRECTOR VAL LAZDINS

- Reporting to County Executive Kittleman
- August 2015 meeting: CCR core team along with DPZ Deputy Director to discuss CCR position
- *“I’m okay with mulch on one side of the road and blueberry fields on the other”*
- CCR core team forced follow-up meeting with County Executive and DPZ Director to align on position on industrial mulching

ZRA 160 FILED BY DRPS - AUG 2015

- Attempts to meet farming community needs
- Compost
 - RR/RC/Ag – up to 3 acres for farming use only (materials shipped in and processed are used on the farm or are shipped with farming crops such as trees and shrubs; industrial shipment not allowed)
- Mulch
 - RR/RC/Ag – up to one acre for farming use only (materials shipped in and processed are used on the farm or are shipped with farming crops such as trees and shrubs; industrial shipment not allowed)
 - Large facilities requiring an MDE permit not allowed
 - Trucks not allowed off-site

SMALLER ROUND OF MEETINGS FARMER AND RURAL COMMUNITY

- Aug 2015 – Strong reaction by Mary Kay Sigaty due to filing of DRPS ZRA
- Jan 2016 to Oct 2016 – small group meetings with DPZ (Val Lazdins and Amy Gowan)
 - Limit to tree farmers but could not reach agreement on industrial sale/shipment on ag preserve
- May 2017 – ZRA 180 submitted by DPZ/County Exec/ Greg Fox/Mary Kay Sigaty
 - Imposes limits but loopholes allow for industrial shipment

ZRA 180 / CB60-2017

“Introduced...at the request of the County Executive”

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 10

Bill No. 60-2017 (ZRA 180)

Introduced by: The Chairperson at the request of the County Executive
and cosponsored by Greg Fox and Mary Kay Sigaty

AN ACT allowing certain composting facilities and emergency natural wood waste recycling facilities as accessory uses under certain conditions in certain Zoning Districts; allowing certain natural wood waste recycling facilities and composting facilities as a use permitted as a matter of right under certain conditions in certain Zoning Districts; providing supplementary regulations for composting facilities and emergency natural wood waste recycling facilities; providing conditional use standards for composting facilities and natural wood waste recycling facilities; defining certain terms; making certain technical corrections; and generally relating to the Howard County Zoning Regulations.

MAY 17, 2017 - TOWN HALL MEETING HCCA ANNUAL MEETING

Question posed to County Executive Kittleman:

Has your stance in any way changed from your campaign promise that industrial mulching on Agricultural Preservation which includes both County and State should never happen? How can we be assured of enforcement of regulations regarding illegal mulching activities? The current fines are peanuts to those who profit from disobeying regulations.

"My stance has not changed. I live on agricultural preservation farm. I don't believe there should be industrial mulching on that."

MAY 25, 2017 - PLANNING BOARD MEETING

- ZRA 160 (DRPS) vs ZRA 180 (DPZ)
- DRPS as sponsor of ZRA 160 provided detailed testimony to urge Planning Board to consider safety and health concerns and to state that ZRA 180 was unacceptable
- DRPS recommended to maintain CB20 in its current form, or to accept ZRA 160, and to reject ZRA 180
- Other core team members that presented urged Planning Board to amend ZRA 180
- DPZ unwilling to even consider our amendment suggestions
- “Industry” vs “industrial”
- Dismissive of health and safety concerns

MAY 25, 2017 - PLANNING BOARD MEETING

- **Low turnout = no amendments!**



KEY CONCERNS

- Safety
- Fire
- Groundwater contamination
- Carcinogens
- Traffic
- Noise

SCHOOL CHILDREN FATALITIES

“A tractor-trailer was traveling north on Route 15 when a Buckingham County school bus, with its yellow flashing lights activated, approached from the opposite direction to pick up a group of children...As the bus slowed, two children ran across the road toward it. The driver of the tractor-trailer braked, but the vehicle, loaded with 75,000 pounds of mulch and traveling downhill, hit the children before it could stop. The children, identified as Tori Perez, 5, and Jaiden Bartee, 6, died at the scene.”



MULCH FIRE RISK

- Lack of public water supply
 - Recycled Green Fire, Woodbine, 9/26/2013
 - < 1 acre
 - 10 Hours, 80 firefighters, and 4 counties to control,
 - Over 360,000 gallons of water transported
- Lack of regulations enforcement
 - 7800 Block, Kabik Ct.
Woodbine, 5/14/2017
 - < 1 acre
 - 2 counties, 25+ firefighters
 - Pile height 68'; MDE requirements set limit at 10'
- Huge resource commitment
 - Nova Services, 711 Pittman Rd.
Curtis Bay, 4/05/2013
 - 1/4 acre
 - 2 counties + Baltimore City + Ft. Meade, 100+ firefighters



GROUNDWATER CONTAMINATION

- Data suggests that compost operations can cause an elevation of manganese concentrations in groundwater
- Finding in multiple states (CT, OR, NY) of heavy metals (manganese) groundwater contamination downstream of mulch/compost facilities confirmed

WOOD DUST: CARCINOGENIC RISK

- Cancers have been associated with wood dust exposure
- The National Institute for Occupational Safety and Health (NIOSH) considers both hardwood and softwood dust to be potentially carcinogenic to humans
- The three types of cancers associated with wood dust exposure are
 - nasal and sinus cavity cancer
 - lung and other cancers
 - Hodgkin's disease

MULCH DUST: CARCINOGENIC RISK

From Centers for Disease Control and Prevention:

“Exposure to wood dust has long been associated with a variety of adverse health effects, including dermatitis, allergic respiratory effects, mucosal and nonallergic respiratory effects, and cancer.”

“The association between occupational exposure to wood dust and various forms of cancer has been explored in many studies and in many countries.”

MULCHING OPERATIONS AND MAJOR MEDICAL RISKS DUE TO ENDOSPORES

While mulch is generally considered "safe," the context is typically residential application, not acres of mulch shredded and turned multiple times

Five studies that begin to touch on the potential consequences.

Fulminant Mulch Pneumonitis: An Emergency Presentation of Chronic Granulomatous Disease

- Infectious Diseases Society of America

Pulmonary responses after wood chip mulch exposure.

- US National Libratory of Medicine, NIH

Binding of *Aspergillus fumigatus* spores to lung epithelial cells and basement membrane proteins: relevance to the asthmatic lung.

- I.M. Bromley and K. Donaldson

Fungal spores: hazardous to health

- US National Libratory of Medicine, NIH

Adverse Human Health Effects Associated with Molds in the Indoor Environment

- American College of Occupational and Environmental Medicine

ZRA 180 / CB60-2017

Composting

RR/RC/State of MD Ag

Up to 3 acres by right

Up to 5 acres with conditional use [Type 1 (grass) and 2 (manure/food materials)]

Howard County Ag Preserve

Up to 3 acres with County permit (Type 1 and 2 materials)

State of MD Ag Preserve

Not mentioned

Mulch (NWWR)

RR/RC/State Ag - Up to 5 acres with conditional use (limitless in/out)

County Ag – Up to 2 acres with Conditional Use for a tree farm only

Loophole: Does not restrict industrial sale/shipment or size of truck

Emergency Mulch (NWWR)

Allowed on RR/RC/Ag up to one acre

Must be triggered by natural disaster or disease

Limited to 90 days per year

PROPOSED CHANGES

Compost/Mulch on RR/RC/All Ag

Limit shipment to that required for the farming product produced

i.e. shipment with trees, shrubs, plants

Limit truck size to small trucks (include definition) that must contain product from the farm

Restrict Industrial Shipment to M1/M2

Add restrictions on M1/M2 (covered facilities)

Add State Ag to County Ag – same rules

Ban these uses on cluster subdivision parcels

Stricter enforcement, larger fines that escalate as violations continue, and more aggressive enforcement for violations

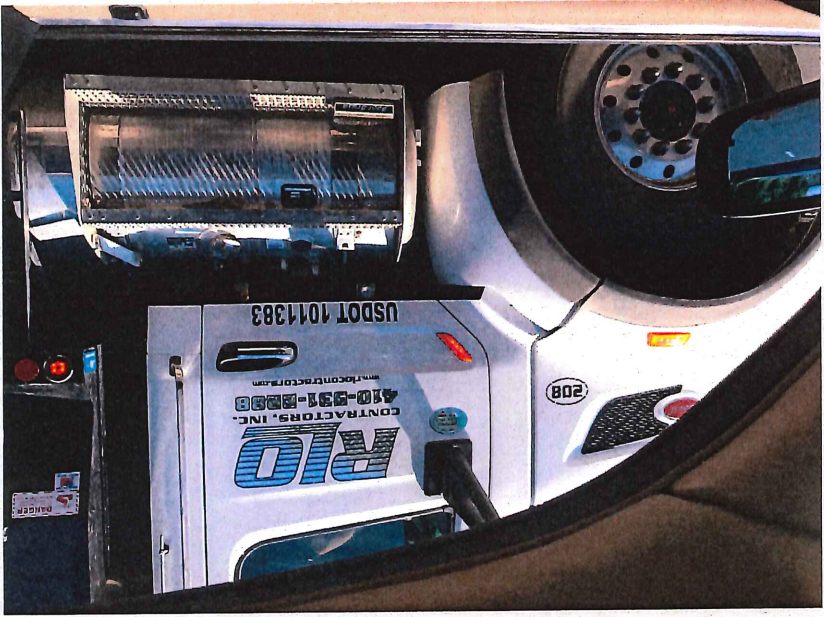
Further define "Emergency NWWR"

CONCERNS FOR RECENT RLO INDUSTRIAL TRUCK ACTIVITY

- Won contract for Rt. 32 land clearing
- Recent truck action
- Soon to be legislative session
- All spells trouble and confirms what we read in that CB60 contains serious loopholes to allow for industrial mulching



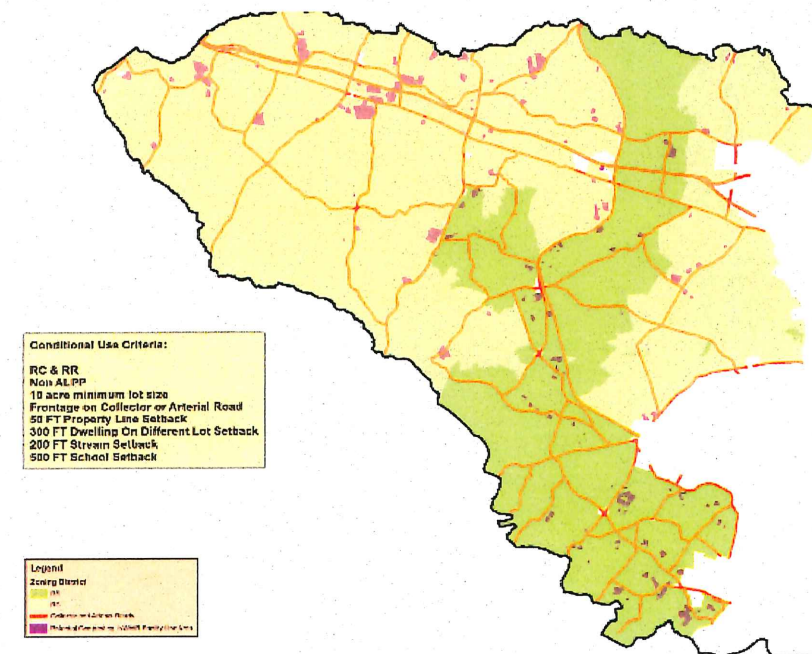
...a loophole you can literally drive a truck through



RLO TRUCK VIDEO

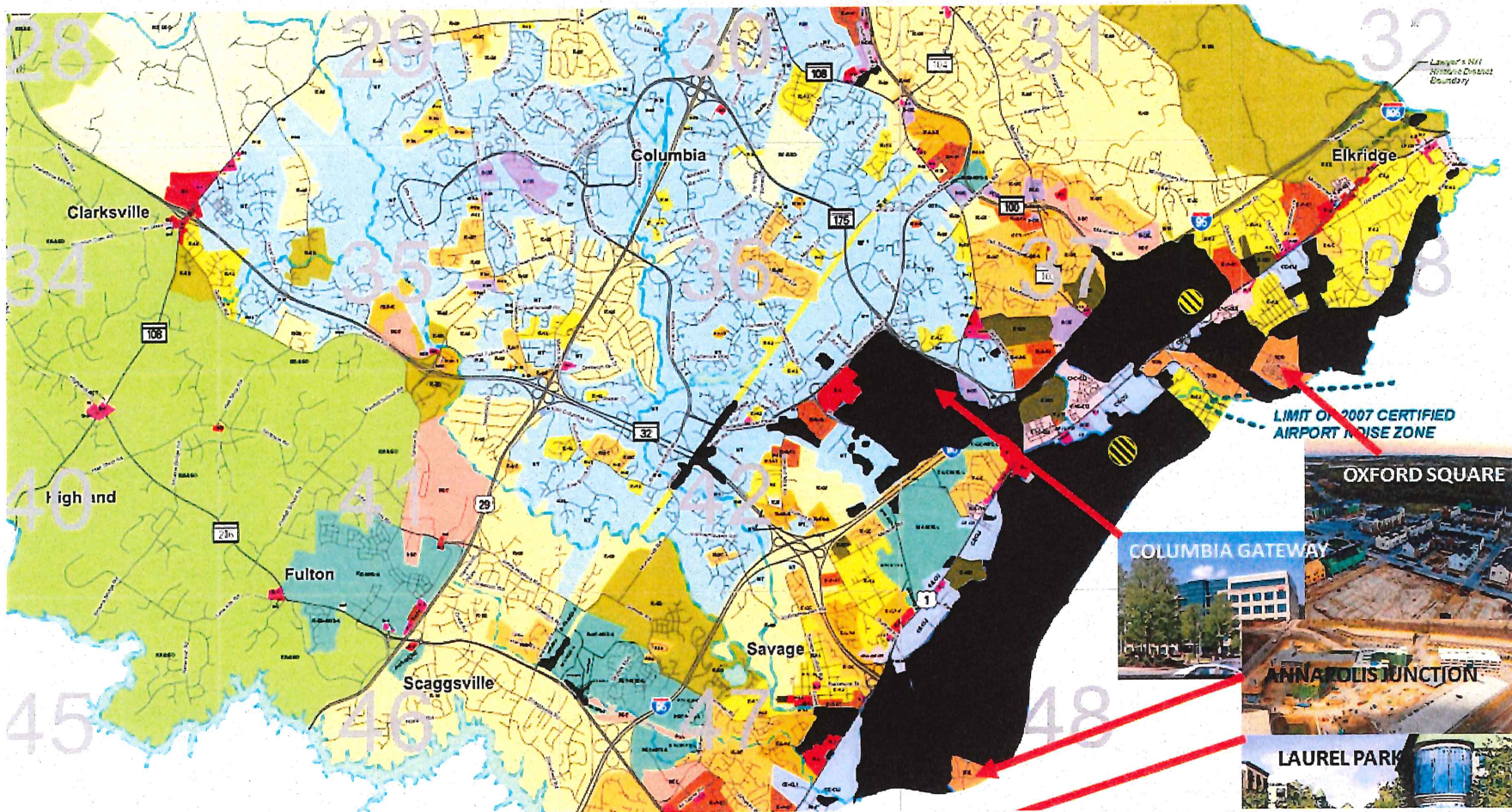
ELIGIBILITY MAP

Eligible Sites



HOWARD COUNTY GOVERNMENT, DEPARTMENT OF
PLANNING AND ZONING

M1 M2 SOLID WASTE OVERLAY



COMMUNITY MEETING TIME-OUT

- Let's take action now and email the entire County Council and County Executive Kittleman
- councilmail@howardcountymd.gov
- akittleman@howardcountymd.gov
- “Do not pass CB60 without major amendments that will protect our families, our children, and our communities from industrial mulching.”

WHAT WE NEED FROM YOU

- **June 29:** Community Meeting; we've taken the first step
- Spread the word to everyone (countywide issue)
- Email councilmail@howardcountymd.gov stating your opposition to industrial mulching on farmland including RR, RC, ag preserve, and cluster subdivision parcels given safety, health and environmental risks
- **July 5:** Sign up to testify for the County Council meeting on July 17th where CB60 will be introduced
- **July 17:** Attend the County Council meeting (7pm) along with your entire family, children included
- **July 31:** Be prepared to attend the Legislative Session where CB60 will be voted on by our County Council **with amendments** (could be tabled if we flood the gates)

THANK YOU!

