

## Sayers, Margery

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**From:** Lambert Cissel <wlcissel@gmail.com>  
**Sent:** Sunday, April 08, 2018 7:10 AM  
**To:** James Nickel  
**Cc:** County Executive - Allan H. Kittleman; County Executive - Dr. Calvin Ball; County Executive - Harry Dunbar; District 001 - Elizabeth 'Liz' Walsh; District 001 - Jon Weinstein; District 001 - Raj Kathuria; District 002 - John Liao; District 002 - Opel Jones; District 003 - Christina Rigby; District 003 - Greg Jennings; District 003 - Hiruy Hadgu; District 003 - Steven F. Hunt; District 004 - Deb Jung; District 004 - Ian Moller-Knudsen; District 004 - Janet Siddiqui; District 004 - Lisa Kim; District 005 - China Williams; District 005 - David Yungmann; District 005 - Jim Walsh; Governor Larry Hogan; CouncilMail; Kate Magill; MD Senate District 12 - Clarence K. Lam; MD Senate District 12 - Joseph 'Joe' Hooe; MD Senate District 12 - Mary Kay Sigaty  
**Subject:** Re: CB 21-2018 Testimony - What is the Plan for Remediation?

I have been following this debate , and so far have never found out who is to benefit from this bill.

On Sun, Apr 8, 2018 at 6:47 AM James Nickel <[james.nickel55@gmail.com](mailto:james.nickel55@gmail.com)> wrote:

Council Members,

There are health issues with the proposed legislation. You know that. They've been pointed out repeatedly for over four years. While I was more involved researching the airborne health risks of wood dust and fungal spores, I was also aware of the health risks of water contamination with heavy metals. The science shows us that wood dust and fungal spores in mulch and compost are measured in microns and can enter deep into the respiratory system. Unfortunately, the Office of the County Executive and the sponsors ignore that the science that shows those micron sized particles travel thousand of yards and think setbacks of a few hundred feet make a substantive difference. Cancer and respiratory disorders are the still valid. Water contamination with heavy metals can result in neurological disorders and cancer. This legislation does nothing to address that. This testimony focuses on the long term implications of possible water contamination and the liability exposure to the County.

The legislative process is such that every time this legislation is proposed, we're obligated to re-submit prior testimony. With that in mind, there are two pieces of testimony I offer in testimony. They can be found at the following links: [Groundwater Metals Contamination](#) and [Investigation of the Impacts to Groundwater Quality from Compost/Vegetative Organic Waste by Suffolk County, NY](#).

From page 82 of the Suffolk County Report

"Table 14 illustrates the analytes in the study that had concentrations reported in exceedance of a groundwater and/or drinking water standard, nine of which were metals (manganese, sodium, iron, thallium, arsenic, lead, copper, zinc, magnesium). Sodium, manganese, and iron exceeded a standard in the most number of wells (24, 22 and 22 wells respectively), and monitoring wells [PA-3](#), [PA-4](#) and PA-5 from Site # [11 \(Peconic Avenue, Medford\)](#) each had six different metals exceeding a standard.

Manganese exceeded the groundwater/drinking water standard of 300 ppb most consistently at significant concentrations. **Of the 233 groundwater samples analyzed for manganese, 34% (80) exceeded the standard, and 12% (27) had concentrations that were at least 10 times the standard. The well exhibiting the highest manganese concentration was MS-3 located at Site # [7 \(East Main St., Yaphank\)](#) with the top three profile levels reporting concentrations of 49,300 ppb, 31,500 ppb and 26,700 ppb (20-25 fbg, 30-35 fbg, and 40-45 fbg respectively).** Table 15 summarizes the manganese concentrations found at each site, and shows that each site had at least one downgradient well with a sample containing a manganese concentration in excess of the 300 ppb groundwater/drinking water standard."

These were the worst of the tested sites. All 11 tested sites had at least some groundwater contamination.

Let's pause for a moment for a question. When you have airborne pollutants it is possible to stop the activity that produces those pollutants. When the groundwater is contaminated stopping the contamination is insufficient. The groundwater/well water is contaminated and unsafe to drink. Which then begs the question. **What is the remediation plan in the event that the mulch and compost operations contaminate the water supply in RR or RC zoned areas?**

That question has been repeatedly been asked and been unanswered. **Is the thought by the County Executive, sponsors, and those that vote for this legislation that by the time that happens I'll be long gone and it will be someone else's problem?**

If you can't answer the question then perhaps you shouldn't expose residents to the risk and the county to the future liabilities.

Does anyone else smell a lawsuit in Howard County's future? I believe we're making excellent progress establishing gross negligence.

Best Regards,  
James Nickel  
Dayton, MD

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groundwater/well water is contaminated and unsafe to drink. Which then begs the question. **What is the remediation plan in the event that the mulch and compost operations contaminate the water supply in RR or RC zoned areas?**

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Best Regards,  
James Nickel  
Dayton, MD

## Sayers, Margery

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**From:** John Tegeris <johntegeris@gmail.com>  
**Sent:** Saturday, April 07, 2018 12:10 PM  
**To:** Ted Mariani; Rick Lober/Annette; Brent Loveless; Stu Kohn; Rob Long; Preserve Dayton; Velculescu Victor; Jeff Harp; Jeff Harp; Luv of My Life; Tim Mayer; Mike Navarre/Lynn; Bethany Hooper; Rob Bundy; Dan O'Leary; Andrew Royle; Lisa Markovitz; Susan Garber; Carol Jane Gray; Ocheltree Janet; Erin Allen; John Allen; Al Risdorfer; Bono Tony V; Paul Morris; Paul Retzbach; Colleen Retzbach; Kristin Robertson; Lora Houck; Trip Kloser; Craig Ostrom; Julius Tunji Akintade; Chelakara Shankar; James Nickel; Banwarth Dave; dave.kromer@tunnellgov.com; Sylvie Leary; Alan Schneider; Paul Shoffeitt; Mike Bucci; Robert Scales; Katie Hester; Mike; Patricia Soffen; Joanne Heckman; <darbus37@gmail.com>; Jennifer Bush; SHARON KEENY; tilycog@comcast.net; cathydatz@yahoo.com; Richard Valentine; Belkacem Manseur; Alex Xu; Richard Taber; Phil Montag; <bstrickland@wtplaw.com>; ST Balimtas; Michael Burns; Paul Retzbach; <fernandesgj@washpost.com>; Eric Goldberg; <benabili@hotmail.com>; Rob Bovello; Paul Robertson; Michael Price; Doug Lee; Jay and Santa Bhalani; Ajay soodan; jmathew@acidd.us; Om Prakash Gupta; <jthensel61@gmail.com>; Benjamin Lee; <joelhouck66@yahoo.com>; Ty Shrader; sdwerlinich@aol.com; Williams; Z Zhang; Brian Lehman; Lisa Valentine; Denise Howze; Hafida Manseur; Ning Hu; dianawscases@gmail.com; Richard and Susan Taber; Marisa Montag; <estrickland@offitkurman.com>; Robin Balimtas; Kathy Burns; Home; Dahna Goldberg; Michelle Meney; <jmbovello@comcast.net>; Delia Velculescu; Annette Lober; rajput31@yahoo.com; Melissa and Larry Kramer; Jyoti Gupta; <s.hensel@live.com>; Carol Werlinich; Mirra Morris; Sally Ostrom; Karen K; Laurie Lehman; kf321jump@verizon.net; Paul Capodanno; Fred Hazeltine; China Williams; info@davidyungmann.com; walshforone@gmail.com; John Tegeris  
**Cc:** Kittleman, Allan; CouncilMail; Ball, Calvin B; Terrasa, Jen; Weinstein, Jon; Sigaty, Mary Kay; Fox, Greg; Lazdins, Valdis; Gowan, Amy; Peter Jensen; pwood@baltsun.com; mdzwonchyk@baltsun.com; aburnett@wjz.com; Kim Dacey; sorman@sbgvtv.com; bzumer@sbgvtv.com; ambarnett@sbgvtv.com; andrew.green@baltsun.com  
**Subject:** CB21-2018 - A Horrible Bill for Howard County, Get Ready to Testify

Fellow Supporters,

Here is the first in a series of Notes from the President leading up to the Apr 16 County Council Public Hearing. At that hearing, we MUST have a strong turnout with many citizens testifying in opposition to CB21-2018. It is mind-boggling that County Executive Kittleman and Council members Sigaty and Fox, who were all elected into office to promote responsible, safe and high quality growth of one of the most desirable counties to live in in the country, could push forward such reckless mulch/composting zoning regulations.

The proposed CB21-2018 puts Howard County in a much worse position than CB20-2014, which is currently in effect. Simply put, CB21-2018 will allow for any farm in Howard County, including all ag preserve farmland, to become a satellite commercial landfill of either 3 to 5 acres, with the ability to truck in food waste, animal mortality and manure (Type 2 feedstock) for composting, as well as to truck out product for commercial sale (their new definition of legitimate farming). Also allowed is 1 to 5 acres of industrial mulch processing for commercial sale, making the situation even more dangerous for your families.

Now picture two farms that share boundaries and industrial/commercial interests, for example in Dayton, and we could see mulch/compost facilities 8-20 acres in size across two farms (I refer to this as stacking). When this happens, it will undoubtedly be labeled as "unintended consequences" that we will then need to spend time, energy and money to

"fix." Isn't it time to learn from the mistakes of the past and anticipate consequences BEFORE they become a hazard that puts families and children throughout western Howard County at serious risk?

To all Council Members supporting this bill, and to County Executive Kittleman who supported this bill at its inception and is now trying to distance himself from it: We will remember your actions throughout the upcoming election process, from start to finish.

Below is an excellent and accurate look at the facts written by David Banwarth and submitted as testimony opposing CB21-2018. Mr. Banwarth is a fire expert professional who has opposed industrial mulch/composting facilities from operating on the farmland since this problem arose in 2014. Please read and remember why we must remain active in opposing CB21-2018. Please forward this email to all others in your personal and professional networks within Howard County to spread the word. Many thanks.

Best,  
John Tegeris, PhD  
President DRPS

All Councilpersons, please consider this as my formal testimony concerning CB 21-2018.

I studied the composting allowances in CB 21-2018, and the companion MDE regulations, particularly as they would apply to ALPP. They are extremely threatening to our quality of life in Dayton and any similar areas. Of course, the composting threats are in addition to the well documented and dangerous industrial mulch grinding provisions of CB 21 to which I and many health professionals and subject matter experts have previously testified.

Some particularly alarming composting aspects:

- Up to **3 acres** of Type 1 or Type 2 "Small" composting facilities are permitted.
- Type 2 composting materials include **rotting animal carcasses, "industrial" food processing materials, food scraps waste**, manure and bedding, and any other "**compostable products**". They can be piled up to 9 feet high per MDE regulations.
- The amount of sales is **unlimited**, for a farm with no currently ongoing ALPP payments, like the Dayton Orndorff farm which adjoins existing rural subdivisions.

What is proposed by sponsoring Councilpersons Fox and Sigaty is the allowance of 3 acres of rotting animal carcasses, food waste, and trash into the middle of our residential community (and similar ones throughout Western Howard County). Toxic pathogens, aquifer and groundwater contamination, rodent infestations, stench, and constant trucking of unlimited waste is proposed in this CB. Even the MDE regulations, describe food waste as "Industrial" waste. It cannot be any clearer that this does not belong outside of M1/M2 zoned land.

I cannot imagine how any Councilpersons could possibly sponsor such reckless, irresponsible, and dangerous legislation. It is bad enough that Councilpersons Fox and Sigaty, along with Councilperson Weinstein, voted against County residents health and safety to allow industrial mulch manufacturing in the midst of our rural communities during the last legislative cycle. Now, they apparently want to take it even a step further in their ongoing war against residents health and safety.

In contrast, I appreciate Councilpersons Ball and Terrasa's thoughtful regard for citizen's safety in the past and wish other Councilpersons can do the same regarding the threats to public safety contained in CB 21-2018. I also appreciate County Executive **Kittleman** removing himself as requesting the legislation during this legislative cycle and propose that he **veto CB 21-2018** if it reaches his desk to rectify his original request for this dangerous legislation.

Please do the following regarding CB 21-2018:

1. **Eliminate Tier 2 composting provisions proposed for any proposed zoning category other than M1/M2.** They do not belong outside M1/M2 due to the hazardous and noxious nature.
2. **Tier 1 composting on other than M1/M2 should be limited to "from the farm - for the farm", with no trucking of materials onto or off of the site, except occasional transport to other farms for "on the farm" use there, with no commercial sales beyond that point.**
3. **Eliminate proposed mulch manufacturing from other than M1/M2 zones (as is current law).** The many hazards associated with this industrial practice are well documented and by their very nature need to be limited to M1/M2 zones. Even a 1 acre mulch manufacturing operation is dangerous to communities health and safety, can damage the aquifer, contaminates air quality, poses severe fire risk, causes noise and odors, and reduces the quality of life in surrounding neighborhoods. It belongs only on M1/M2, as per the current law.

**4. Honor the easements and covenants established on Ag Pres contracts and limit all operations there to agricultural uses and currently approved accessory uses (as per the easement requirements and the current regulations - i.e. wineries, hair salons, and other currently allowed accessory uses).** Mulch manufacturing is not agriculture by MDE definition and is hazardous. No uses currently within M1/M2 should not be moved onto Ag Pres lands according to the easement contracts established with our Ag Pres payments, which run with the land recordations and apply in perpetuity. Doing otherwise would violate those pre-recorded easement restriction contracts, violate the public trust, and may well subject the County to liabilities and damages.

Rest assured all Councilpersons and County Executive Kittleman that your vote/actions will be remembered beyond this Bill into upcoming elections, both local and Statewide, going forward.

Thank you, please do the right thing to protect residents,

David Banwarth  
Dayton, MD

## Sayers, Margery

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**From:** Lambert Cissel <wlcissel@gmail.com>  
**Sent:** Friday, April 06, 2018 7:00 PM  
**To:** James Nickel  
**Cc:** County Executive - Allan H. Kittleman; County Executive - Dr. Calvin Ball; County Executive - Harry Dunbar; District 001 - Elizabeth 'Liz' Walsh; District 001 - Jon Weinstein; District 001 - Raj Kathuria; District 002 - John Liao; District 002 - Opel Jones; District 003 - Christina Rigby; District 003 - Greg Jennings; District 003 - Hiruy Hadgu; District 003 - Steven F. Hunt; District 004 - Deb Jung; District 004 - Ian Moller-Knudsen; District 004 - Janet Siddiqui; District 004 - Lisa Kim; District 005 - China Williams; District 005 - David Yungmann; District 005 - Jim Walsh; Governor Larry Hogan; CouncilMail; Kate Magill; MD Senate District 12 - Clarence K. Lam; MD Senate District 12 - Joseph 'Joe' Hooe; MD Senate District 12 - Mary Kay Sigaty  
**Subject:** Re: CB 21-2018 Testimony - Preponderance of Negative Impact

I agree with you.

On Fri, Apr 6, 2018 at 6:46 PM James Nickel <[james.nickel55@gmail.com](mailto:james.nickel55@gmail.com)> wrote:  
Council Members,

Some years back I met a resident of Woodbine who lived across from the NWWRF that was operating across the street. That NWWRF was not permitted to operate in Howard County, nonetheless it operated for over 7 years.

While there were numerous complaints over those 7 years, at one point in time there was a consolidation of complaints/inspection requests prepared and sent to DPZ. There were 17 residents that complained of dust, noise, truck traffic, etc. going on 6 days a week sometimes late into the evenings. Not only were people negatively affected but farm animals were affected as well. Farm animals don't have the option of going indoors and closing the windows to escape the dust and noise.

This can't be categorized as typical farm activities when farmers are also filing the complaints. This is an activity that goes well beyond that. It denies residents the ability to open their windows and sit outside to enjoy a rural atmosphere 6 days a week into the late hours. There were residents who said their windows rattled due to the noise levels.

17 people, and most likely more, were penalized for the benefit of one operator.

As a mathematician and systems engineer I know how to research and examine data. I spent an entire career doing so. I obtained copies of the inspection requests, examined the data, and plotted locations on a map. I compared the complaints against known ill effects of the types of "dust" that were released in that kind of operation. I urge you to review the presentation I made at that time. It is available at this link: [Dust and Fungi](#)

I'll note that farmers have survived in Howard County for a very long time without CB 21-2018. "Long time" as in since before there was a Howard County. Only 4 years ago did this "need" arise. Farmers have been composting and mulching on their own farms as needed without CB 21-2018. They are doing so today.

I recall one working session 4 years ago when more farmers showed up to oppose the legislation than showed up to support it. They don't consider it farming. Isn't this legislation really targeted at "farmers" who don't especially want to farm? Isn't this in fact an effort to support commercial-industrial operations on agricultural properties that have a low cost to entry [relative to M1/M2] under the cover of "helping farmers." When more farmers show up in opposition than in support, the claim of "helping farmers" rings hollow.



What does that result in? A business operation that has been restricted to M1/M2 zoned areas in the past would now be permitted in RC and RR zoned properties. For each single operation, how many residents might be negatively impacted? Perhaps 17 or more? What is it all for? Garbage Recycling.

Is it worth it? I can't imagine how anyone can answer that with a Yes.

Regards,  
Jim Nickel  
Dayton, MD

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**Sent:** Wednesday, April 04, 2018 8:31 AM  
**To:** CouncilMail  
**Cc:** County Executive - Allan H. Kittleman; County Executive - Dr. Calvin Ball; County Executive - Harry Dunbar; District 001 - Elizabeth 'Liz' Walsh; District 001 - Jon Weinstein; District 001 - Raj Kathuria; District 002 - John Liao; District 002 - Opel Jones; District 003 - Christina Rigby; District 003 - Greg Jennings; District 003 - Hiruy Hadgu; District 003 - Steven F. Hunt; District 004 - Deb Jung; District 004 - Ian Moller-Knudsen; District 004 - Janet Siddiqui; District 004 - Lisa Kim; District 005 - China Williams; District 005 - David Yungmann; District 005 - Jim Walsh; Governor Larry Hogan; Kate Madill; MD Senate District 12 - Clarence K. Lam; MD Senate District 12 - Joseph 'Joe' Hooe; MD Senate District 12 - Mary Kay Sigaty  
**Subject:** Draft - CB21-2018 Testimony - Another Lesson Learned

To be submitted as testimony for CB21-2018

- Exigent Fire Protection Service - On 24 March, 2018 a property owner on Jennings Chapel Rd started a fire to get rid of a large pile of wood waste. There was no permit for the fire and he departed the property shortly after he started it. Calls were made to 911 that Saturday and Sunday. The Fire Marshall was frustrated enough by the resident that he suggested the resident should read the Fire Code. That fire continued to burn or smolder producing smoke that managed to find it's way to a horse barn on an adjacent property. Daily calls to 911 and various calls to Howard County officials were made by one resident. The resident was informed by a Fire Marshal that Fire Services could not put out the fire because the gate to the property was locked and it wasn't an exigent circumstance. Thus, they could not put out the fire due to the 4th amendment rights of the property owner where the fire was burning. This continued until the afternoon of 29 March. For six days that fire continued to burn.

If CB21-2018 is approved It's only reasonable to expect at some point there will be mulch fire in some rural area. I suppose according to the Fire Code, the fire services will extinguish the fire IF it is an exigent circumstance where the imminent life of residents or property is being threatened.

I assume that the County Executive and Council members that voted to approve last year's version of this bill are fully aware of this nuance of the Fire Code and don't really care. If they did, this wouldn't be allowed on RR or RC properties in the County. It seems that the County Executive and Council members have a higher priority for garbage dump recyclers than they to the residents.

Do you really think that you can put the health, safety and property values of residents at risk and we will accept or forget it?

Best Regards,  
James Nickel

## Sayers, Margery

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**From:** John Tegeris <johntegeris@gmail.com>  
**Sent:** Monday, March 26, 2018 6:15 PM  
**To:** CouncilMail; Kittleman, Allan; Lazdins, Valdis; Gowan, Amy; Peter Jensen; pwood@baltsun.com; mdzwonchyk@baltsun.com; aburnett@wjz.com; Kim Dacey; srorman@sbgvtv.com; bzumer@sbgvtv.com; ambarnett@sbgvtv.com; Ted Mariani; Rick Lober/Annette; Brent Loveless; Stu Kohn; Rob Long; Preserve Dayton; Velculescu Victor; Jeff Harp; Jeff Harp; andrew.green@baltsun.com; John Tegeris  
**Cc:** Tim Mayer; Mike Navarre/Lynn; Bethany Hooper; Rob Bundy; Dan O'Leary; Andrew Royle; Lisa Markovitz; Susan Garber; Carol Jane Gray; Ocheltree Janet; Erin Allen; John Allen; James Nickel; Banwarth Dave; dave.kromer@tunnellgov.com; Sylvie Leary; Alan Schneider; Paul Shoffeitt; Katie Hester; Mike; Patricia Soffen; Joanne Heckman; <darbus37@gmail.com>; SHARON KEENY; tilycog@comcast.net; cathydatz@yahoo.com; kf321jump@verizon.net; Paul Capodanno; Fred Hazeltine  
**Subject:** Mulch Bill CB21-2018, Worse Than Ever: Time to Rally the Troops

Fellow Supporters,

It is time once again to mobilize quickly. As you know, horrible bill CB60 passed Nov 6 but was nullified due to the County Council unknowingly going beyond the statutory requirement of 125 days to vote on the bill (expired Nov 5), which set a repeat process in motion early in 2018. The Planning Board recently voted unanimously to go forward 'as is' with ZRA-183 filed again by bill sponsors Sigaty and Fox, which is essentially CB60 but with a few notable changes.

One key omission is that County Executive Kittleman, whose name was on the previous ZRA/bill and presented to the County Council through DPZ on his behalf, decided to remove his name from the current one. Interesting timing given that elections loom large and he is now fully aware that thousands oppose this bill and that we will all vote again soon. Could he be growing concerned that broken campaign promises on our mulch issue will come back to haunt him during the elections? You bet, and we intend to remind him of this fact all the way up to the polls when we vote in November should this new mulch bill CB21-2018 pass 'as is'.

Allan Kittleman has turned his back on you. He has put the welfare and quality of life at risk for potentially thousands of families, and voters, across Howard County due to the well-documented health and safety risks associated with industrial mulching and composting. Simply put, the current County Executive can run (literally) but he can't hide. We will not let him quietly slip away from owning this bill, one that puts thousands of children/families at risk. This is cowardice, with a capitol 'K'.

We just signed on the Law Offices of Katherine Taylor with a sizeable retainer financed through recent donations. We stand ready to take immediate legal action should CB21-2018 pass in its current form. If this occurs, we will file suit against Howard County and County Executive Kittleman.

In the coming days and weeks, we will be calling on our support base raise more funds for the legal battle that likely lies ahead, in representing each of your families in this fight. We fought back in 2014 when the collective community effort rising up together won the good fight with passage of current mulch bill CB20-2014. These funds will also be used for the elections, to bring light and name recognition to those running for office that have supported us, such as Councilmember Dr. Calvin Ball who recently announced his candidacy for County Executive, and to cast a shadow on those that have worked against us, such as Councilmember Jon Weinstein running again for County

Council, and Mary Kay Sigaty who will be in the race for Maryland State Senate. We will also support their opponents, should they take an active position to support our opposition to CB21-2018.

Over the next two weeks, we will be putting out a series of shorter Notes from the President to detail what everyone who is still engaged in our fight and willing to do their part will need to know. These Notes will detail what is inherently wrong with CB21-2018, to remind you of the real and evidence-based health and safety risks associated with industrial/commercial mulching and composting, what has transpired over the past few months, and what our strategy will be this go-round. We will spell out specifically what swift action must be taken by all between now and the Council Public Hearing planned for Mon Apr 16, where we will once again testify in opposition to CB21-2018, and the Legislative Session likely on Mon Apr 30 when the Council will vote on the fate of industrial/commercial mulching and composting throughout Howard County.

Past performance is, unfortunately in this case, a good predictor of future events. Thanks to County Executive Kittleman, CB21-2018 bill sponsors Sigaty and Fox, and an ineffective DPZ, the deck is stacked against us once again, as it has been since the start of the Mulch Task Force in July 2014 all the way through failed passage of CB60-2017, and up to where we find ourselves once again, for the moment. We will need to do everything we accomplished together in 2014 and during our successful attempts in July 2017 to delay their plan to rush the vote by us for CB60 that same month. Will these delays ultimately work to our advantage? We hope so given we are now in election season and the stakes are higher for these candidates. One thing is for sure, we will be more aggressive than ever before. We hope to count on you for your support on many levels knowing that everyone remains concerned for their children, families and their communities should CB21-2018 pass in its current form. More to follow soon.

Thank you for also forwarding this Note, and those to follow, to family, friends and colleagues, as well as to your respective organization's membership. Many thanks.

Best,  
John Tegeris, PhD  
President, DRPS

## Sayers, Margery

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**From:** David M Banwarth <dmbanwarth@verizon.net>  
**Sent:** Monday, March 26, 2018 4:57 PM  
**To:** CouncilMail; Terrasa, Jen; Ball, Calvin B; Fox, Greg; Sigaty, Mary Kay; Weinstein, Jon; Kittleman, Allan  
**Subject:** Testimony concerning CB 21-2018  
**Attachments:** PROPOSED NEW COMPOSTING ALLOWANCES ON ALPP PROPERTIES BY CB 21-2018.pdf

All Councilpersons, please consider this (including the attachment) as my formal testimony concerning CB 21-2018.

I studied the composting allowances in CB 21-2018, and the companion MDE regulations, particularly as they would apply to ALPP. They are extremely threatening to our quality of life in Dayton and any similar areas. Please see the attached analysis regarding composting. Of course, the composting threats are in addition to the well documented and dangerous industrial mulch grinding provisions of CB 21 to which I and many health professionals and subject matter experts have previously testified.

Some particularly alarming composting aspects:

- Up to **3 acres** of Type 1 or Type 2 "Small" composting facilities are permitted.
- Type 2 composting materials include **rotting animal carcasses, "industrial" food processing materials, food scraps waste**, manure and bedding, and any other "**compostable products**". They can be piled up to 9 feet high per MDE regulations.
- The amount of sales is **unlimited**, for a farm with no currently ongoing ALPP payments, like the Dayton Orndorff farm which adjoins existing rural subdivisions.

What is proposed by sponsoring Councilpersons Fox and Sigaty is the allowance of 3 acres of rotting animal carcasses, food waste, and trash into the middle of our residential community (and similar ones throughout Western Howard County). Toxic pathogens, aquifer and groundwater contamination, rodent infestations, stench, and constant trucking of unlimited waste is proposed in this CB. Even the MDE regulations, describe food waste as "Industrial" waste. It cannot be any clearer that this does not belong outside of M1/M2 zoned land.

I cannot imagine how any Councilpersons could possibly sponsor such reckless, irresponsible, and dangerous legislation. It is bad enough that Councilpersons Fox and Sigaty, along with Councilperson Weinstein, voted against County residents health and safety to allow industrial mulch manufacturing in the midst of our rural communities during the last legislative cycle. Now, they apparently want to take it even a step further in their ongoing war against residents health and safety.

In contrast, I appreciate Councilpersons Ball and Terrasa's thoughtful regard for citizen's safety in the past and wish other Councilpersons can do the same regarding the threats to public safety contained in CB 21-2018. I also appreciate County Executive **Kittleman** removing himself as requesting the legislation during this legislative cycle and propose that he **veto CB 21-2018** if it reaches his desk to rectify his original request for this dangerous legislation.

Please do the following regarding CB 21-2018:

1. **Eliminate Tier 2 composting provisions proposed for any proposed zoning category other than M1/M2.** They do not belong outside M1/M2 due to the hazardous and noxious nature.

2. **Tier 1 composting on other than M1/M2 should be limited to "from the farm - for the farm", with no trucking of materials onto or off of the site, except occasional transport to other farms for "on the farm" use there, with no commercial sales beyond that point.**

3. **Eliminate proposed mulch manufacturing from other than M1/M2 zones (as is current law).** The many hazards associated with this industrial practice are well documented and by their very nature need to be limited to M1/M2 zones. Even a 1 acre mulch manufacturing operation is dangerous to communities health and safety, can damage the aquifer, contaminates air quality, poses severe fire risk, causes noise and odors, and reduces the quality of life in surrounding neighborhoods. It belongs only on M1/M2, as per the current law.

4. **Honor the easements and covenants established on Ag Pres contracts and limit all operations there to agricultural uses and currently approved accessory uses (as per the easement requirements and the current regulations - i.e. wineries, hair salons, and other currently allowed accessory uses).** Mulch manufacturing is not agriculture by MDE definition and is hazardous. No uses currently within M1/M2 should not be moved onto Ag Pres lands according to the easement contracts established with our Ag Pres payments, which run with the land recordations and apply in perpetuity. Doing otherwise would violate those pre-recorded easement restriction contracts, violate the public trust, and may well subject the County to liabilities and damages.

Rest assured all Councilpersons and County Executive Kittleman that your vote/actions will be remembered beyond this Bill into upcoming elections, both local and Statewide, going forward.

Thank you, please do the right thing to protect residents,

David Banwarth

Dayton, MD



# PROPOSED NEW COMPOSTING FACILITIES PERMITTED ON ALPP PROPERTIES BY CB 21-2018

CB 21 – Composting Facilities are to be Allowed as an Accessory Use on ALPP – 106.1, (pages 7-9)

## SECTION 105.0 RR (Rural Residential) District

### C. Accessory Uses

The following are permitted accessory uses in the RR District, except that only the uses listed in Section 106.1 shall be permitted on County preservation easements. More than o

## SECTION 106.1: County Preservation Easements

### C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

CB 21 – Composting Facilities on ALPP are to be subject to Section 128.0.I (page 11)

## X. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

CB 21 – Section 128.0.I, “Tier I or Tier II” Composting Facilities up to 3 acres to be Allowed on ALPP (pages 15-17)

## SECTION 128.0: Supplementary Zoning District Regulations

### I. Permits for Special Farm Uses

#### 9. COMPOSTING FACILITY

A TIER I OR TIER II-SMALL COMPOSTING FACILITY, AS DEFINED IN COMAR, IS PERMITTED AS AN ACCESSORY USE TO FARMING IN THE RC AND RR DISTRICTS PROVIDED THAT:

- A. THE COMPOSTING FACILITY SHALL NOT EXCEED THREE ACRES.

CB 21 – ALPP May Sell (Unlimited amounts of) Compost, provided no outstanding installment ALPP purchase agreement. (page 18)

IN ACCORDANCE WITH PARAGRAPHS C. AND D. OF THIS SUBSECTION 9, A FARMER WHO PRODUCES COMPOST IN EXCESS OF THE AMOUNT THAT MAY BE USED ON THE FARMER’S FARM IN ACCORDANCE WITH THE NUTRIENT MANAGEMENT PLAN FOR THE FARM MAY SELL THE EXCESS COMPOST, PROVIDED THERE IS NO OUTSTANDING INSTALLMENT PURCHASE AGREEMENT FOR AN AGRICULTURAL LAND PRESERVATION EASEMENT ON THE PROPERTY, OR, IF THERE IS SUCH AN INSTALLMENT PURCHASE AGREEMENT, SALES MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).

**What are MDE Tier Types 1 and Tier 2 “Small” (As Are To be Allowed on ALPP by CB 21) – Ref: “Permitting Guidance for Maryland Composting Facilities, June 12, 2015”, MDE**

Tier 1	Tier 2 - Small
<ul style="list-style-type: none"> <li>Composts only Type 1 feedstocks.</li> </ul>	<ul style="list-style-type: none"> <li>Composts only Type 1 and Type 2 feedstocks.</li> <li>Produces ≤ 10,000 cubic yards of compost per year.</li> </ul>

**What Feedstock Types Permitted are permitted by MDE on Tier 1 and Tier 2 “Small” – This includes Industrial Food Processing Materials, Food Scraps, Animal Mortalities, and any “Compostable Products” (whatever that includes?)**

Type 1	Type 2
<ul style="list-style-type: none"> <li>Yard waste</li> </ul>	<ul style="list-style-type: none"> <li>Food scraps</li> <li>Non-recyclable paper</li> <li>Department approved animal manure and bedding</li> <li>Department approved industrial food processing materials</li> <li>Animal mortalities</li> <li>Compostable products</li> </ul>

**MDE Design Requirements for Composting facilities (Note that an “all-weather pad” is required).**

**Appendix C – Table of Major Design Requirements for Composting Facilities**

Tier	Pad Requirements <sup>1,3</sup>	Water Collection Requirements <sup>1</sup>
Exempt from CF Permit NWW Composting	None (but must avoid prohibited acts in COMAR 26.04.11.04) Subject to NWW regulations at COMAR 26.04.09 and conditions of the NWW Recycling Facility Permit.	None (but must avoid prohibited acts in COMAR 26.04.11.04) <u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.  Subject to NWW regulations at COMAR 26.04.09 and conditions of the NWW Recycling Facility Permit.
Tier 1	All-weather pad Slope 1-6% (except indoor facilities) Distance from water table 2 - 4 ft, depending on location within coastal plain province and other factors.	<u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.
Tier 2 – Small	All-weather pad Slope 1-6% (except indoor facilities) Distance from water table 2 - 4 ft, depending on location within coastal plain province and other factors. 6-inch carbon-rich substrate beneath active piles Active piles must be covered with one of the following: <ul style="list-style-type: none"> <li>6 inches compost</li> <li>6 inches high-carbon material such as wood chips</li> <li>Synthetic cover</li> <li>Roof</li> </ul>	<u>Stormwater:</u> Manage in accordance with the Stormwater Associated with Industrial Activity General Discharge Permit and local stormwater and sediment and erosion control requirements.

<sup>1</sup> An applicant for an individual Composting Facility Permit may apply for a variance from one or more of these requirements for proposed facility designs that would be equally protective of the environment.

<sup>2</sup> “Covered” means that the feedstock and active piles are covered with a synthetic cover or tarp or the piles are under a roof, as long as the roof has a means of preventing run-on from contacting the materials (such as walls, berms, etc.)

<sup>3</sup> Except where otherwise specified, the pad requirements apply to the feedstock receipt, feedstock storage, active composting, curing, and compost storage areas.

## Sayers, Margery

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**From:** James Nickel <james.nickel55@gmail.com>  
**Sent:** Sunday, March 25, 2018 1:37 PM  
**To:** CouncilMail  
**Cc:** County Executive - Allan H. Kittleman; County Executive - Dr. Calvin Ball; County Executive - Harry Dunbar; District 001 - Elizabeth 'Liz' Walsh; District 001 - Jon Weinstein; District 001 - Raj Kathuria; District 002 - John Liao; District 002 - Opel Jones; District 003 - Christina Rigby; District 003 - Greg Jennings; District 003 - Hiruy Hadgu; District 003 - Steven F. Hunt; District 004 - Deb Jung; District 004 - Ian Moller-Knudsen; District 004 - Janet Siddiqui; District 004 - Lisa Kim; District 005 - China Williams; District 005 - David Yungmann; District 005 - Jim Walsh; Governor Larry Hogan; Kate Madill; MD Senate District 12 - Clarence K. Lam; MD Senate District 12 - Joseph 'Joe' Hooe; MD Senate District 12 - Mary Kay Sigaty  
**Subject:** CB21-2018 - Mulch and Compost Legislation - Lessons learned  
**Attachments:** Howard County Times - Letter to Editor 12 07 17.jpg

Council Members,

This is to be included as testimony for [CB21-2018](#)

I've been at this for nearly 4 long years. This has given me the opportunity to see the working processes of Howard County elected officials. I'm not sure that I would have ever moved here had I known how some elected officials hold residents in contempt. The favoritism towards businesses is overwhelming and wholly disregards the health and welfare of residents. I know many of us have lost patience presenting testimony the is ignored or dismissed out of hand.

- Speaking for the Howard County Executive, the Director of DPZ has stated in an open hearing that it is not their role to assess health risk. That's the role of the County Council. The County Executive is not concerned with the health of Howard County residents.
- While the prior ZRA's and Council Bills to CB21-2018 clearly indicated that the legislation was coordinated with the Howard County Health Department, it was not. I was initially suspect because the wording indicated that there was no formal concurrence. I have confirmation in writing that the Board of Health has not been involved since the original task force where they quite proudly say they recommended a change of the setback from 100 ft. to 200 ft. I suppose they imagine that change was effective in protecting residents from fungal spores and wood dust that would travel thousands of yards through the air.
- The Howard County Health Department refused to investigate the health complaints in Woodbine that residents believed were caused by the illegally operating NWWRF. Refused. The Health Department representative to the Mulch Task Force explained why. He said if they found a cause and effect between that operation and health issues there was no regulation they could enforce. Every contact I had with the Health Department

pleading for them to investigate was always received with a “We care.” Just not enough to look into it.

- I've learned of the difficulty of enforcement of an unallowed NWWRF in Howard County because of "magically disappearing trucks." Yes, those words are an exact quote from the Director of DPZ who represents the County Executive. On the other hand, DPZ can issue a violation for having a Veterinary Clinic in an empty building operated by a Veterinarian who lives in another state. They “see” things that aren't there and can't see things because they magically disappear.
- The Director of DPZ has also stated that the General Nuisance Requirements of the code apply. However, when ask by a resident of Woodbine how many people have to complain, the Director of DPZ said he doesn't care if it's 1,000 he's not in Public Relations.
- The Director of DPZ stated his inspectors are not capable measure the height of a pile of mulch or acreage. Apparently, they are unfamiliar with an instrument called a measurement stick. I've also learned in a separate instance that DPZ inspectors are not competent to measure the size of a shed. I suspect this is something that makes Allan Kittleman quite proud of employing highly trained inspectors.
- I've seen Council Member Sigaty claim that proposed legislation does not allow industrial mulching. When provided with MDE data that proves otherwise she is silent and maintains her claim. Even giving her the benefit of the doubt that her original claim was out of ignorance, it's quite clear that Council Member Sigaty just lies.
- Council Member Sigaty also claims that a rectangular section of compacted stone is "soil conservation." I believe that establishes the Rt. 32 widening as a "soil conservation" effort as well. I suppose that might explain why Council Member Sigaty declined to answer my question about what Maryland agricultural products are best grown on compacted stone. Even the Head of the Farm Bureau was stumped with that question. I believe that compacted stone can serve as an all-weather pad for composting rotting food waste and animal carcasses. But you probably know that.
- Council Member Sigaty claims that the MD Department of Agriculture asserts that compost and mulch are agricultural products. I did send her a link to the MD Department of Agriculture that lists agricultural products in MD. Compost and mulch weren't listed there. Nor were they listed at the USDA website as an agricultural product. I did find it listed by the State of Maryland as "refuse", i.e., garbage. Of course, Alpha Ridge land fill has compost and mulch. Which begs the question of which best describes Alpha Ridge Land Fill: 1. farm producing agricultural products or 2. a garbage dump?
- I've learned that Alpha Ridge has had mulch fires. Fortunately, a public water supply is available there to guarantee a continuous water supply, which has been deemed unnecessary for Rural Residential areas.

- I've learned from testimony on fire risk that mulch fires can be caused by spontaneous combustion and there have been multiple cases where interstate highways have been shut down due to those fires. DPZ has responded to that testimony by requiring mulch facilities to abut an interstate highway. That's correct, a mulch fire can shut down an interstate and Council Members Fox and Sigaty and the County Executive decide the best place to put a mulch facility is right next to an interstate. Brilliant.
- I've heard Council Member Sigaty say she may not know as much about cancer as an oncologist from Johns Hopkins and ask if he was just briefing the same material as last time, suggesting she could ignore it if it was the same. He actually had more material, but there really was no indication that Council Member Sigaty [or apparently other members of the Council that ended up voting for the previous legislation] would accept the expert testimony of an oncologist. They preferred the "expert" testimony of Jeff Dannis who pointed out the wood dust in the furniture industry was at the micron size, but who knows, maybe mulch dust is larger? In fact, it's easy to find documentation that wood dust from mulch can also be measured at microns. Dust that can easily get deep in a person's air passages.
- I can tell you that one of the Mulch Task Force co-chairs told me and another person that he reviewed the oncologist's presentation and said "What difference does it make. It's [carcinogens] everywhere."
- I've learned that a study prepared by Suffolk County on the contamination of the ground water with heavy metals at wood waste and composting sites in that county was of no apparent concern to either the County Executive or County Council members that voted for the prior legislation. No one would even answer the question of what the remediation would be if rural water supplies were contaminated. Crickets.
- I asked Council Members Fox, Sigaty and County Executive about the Suffolk County report and assumed at that time that certainly they would have obtained an opinion from the Howard County Health Department. As indicated earlier that was a mistake in judgement on my part. Little did I know back then that it was not the job of our County Executive to be concerned about health risks. I wrote several pieces of correspondence to the County Executive, eventually I did receive some correspondence in return, though it had nothing to do with anything I wrote to him about. What I got was a pat on the head and referred to a "Fact Sheet" prepared by DPZ. That fact sheet was filled with errors and vague claims which I refuted in writing. No reply to that either.
- The DPZ said they would do water tests. They didn't say what or when those water tests would be conducted. They said they do soil testing. They didn't say what those tests would be or when conducted.
- Perhaps one the most amazing pieces of this proposed regulation is an operator who obtained approval has two full years to comply. You can interpret that as the operator can ignore the regulations for two full years. What happens if after two years, they don't

comply? It doesn't say. I expect they will receive the standard violation notice that says they must correct the violations in a reasonable period of time. If they get two years to comply, that must be a reasonable time to come in compliance. So, do they get another two years to flout the regulations?

I would contend there is ample proof that the County Executive and Council Members that vote to approve this legislation are not fit to serve in any capacity as elected officials and should not be re-elected or elected to any new positions. We were slightly encouraged when the County Executive dropped as a sponsor of this legislation, but he also appeared to oppose it prior to the last election. We remember.

I've included all the candidates for who are running for public office in Howard County on distribution. They have my permission in any way they choose to use this correspondence to oppose any elected official that votes in favor of this legislation.

I'd like to make some brief comments about two of those candidates.

**David Yungman.** Mr. Yungman was asked on his Facebook page whether he supported mulch and composting in rural residential areas. Rather than answer that question he deleted it. Mr. Yungman, we have ample representation of elected officials who decline to answer questions about their positions. We are hoping for something different from our elected officials. We have been ignored and dismissed too many times.

**Janet Siddiqui.** Ms. Siddiqui was a member of the Board of Education. There was a movement on the part of the community to not have the contract of the School Superintendent renewed. Ms. Siddiqui was part of the majority that voted first, to not allow other Board members who opposed the renewal to speak and then voted to renew the contract. Then the school board took the unusual step of paying to terminate the Superintendent's contract, as reported in the Baltimore Sun article below. This is what it cost Howard County taxpayers.

[Howard County board pledged to pay Foose \\$1.65 million package to step down as school superintendent](#)

For the 2016 election cycle not a single member of the Board of Education who voted for the renewal of Superintendent's contract was re-elected. WE VOTED EVERY ONE OF THEM OUT. I believe that those who vote in favor of, or support CB21-2018, will face the same consequences that face Janet Siddiqui. We remember.

I have also attached a letter to the editor published in the Howard County Times for those that may not have seen it.

Council Members Calvin Ball and Jen Terrasa have listened and have both asked good questions. Both Council Members have written in response to my emails and I thank them.

Regards,

James Nickel

bcc: 136 Howard County Residents

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## LETTERS

### The fallout from allowing large mulch operations

After hearing testimony from dozens of concerned medical professionals, subject matter experts and impacted residents, the Howard County Council passed Bill 60 anyway to allow hazardous industrial wood waste and mulch production on farmland, even including agricultural preservation farmland which had been supposedly protected against such commercial exploitation with expensive taxpayer-funded easements ("Passage of bills on mulching, APFO invalid," Nov. 9).

This legislation was requested by County Executive Allan Kittleman and sponsored by council members Mary Kay Sigaty and Greg Fox. Due to an administrative technicality, the recent passage was nullified until it can be reheard by the planning board and Howard County Council again. That effort is already underway by the same proponents who were joined by Councilman Jon Weinstein in recent voting. Council members Calvin Ball and Jen

Terassa have been the only voices of reason in actually caring about residents safety.

Deep-pocketed industrial special interests are placed squarely ahead of resident's safety by this legislation. Ms. Sigaty, Mr. Fox and County Executive Kittleman claim that this does not allow industrial scale facilities.

The facts clearly prove otherwise.

Neighboring residents to these proposed facilities will be subjected to endless heavy truck traffic, commercial grinding and processing noise, hazardous endospores and other particulate emissions, potential drinking water leachate contamination, fires and other documented hazards. These hazards are not speculative but have occurred and are well documented at many other such sites.

This is not about "farming" as some would falsely claim. In fact, many alarmed Howard County farmers have testified against this attempted despoiling of farmland. Mr. Kittleman's reelection slogan of "People Before Politics" rings hollow as he instead places deep-pocketed special interests ahead

of the safety of county residents.

Factual testimony has not mattered to the proponents in their quest to move these facilities from industrially zoned properties (where they are currently permitted and rightly belong) into the midst of residential communities anywhere in Howard County.

Stench, noise, dust and tractor-trailers may soon be coming to your residential neighborhood courtesy of Mr. Kittleman, Mr. Fox, Ms. Sigaty (and now Mr. Weinstein), as they railroad this legislation again.

**David Banwarth**  
Dayton



## Sayers, Margery

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**From:** Lambert Cissel <wlcissel@gmail.com>  
**Sent:** Monday, January 29, 2018 8:47 AM  
**To:** James Nickel  
**Cc:** Kittleman, Allan; CouncilMail  
**Subject:** Re: ZRA 183 and Enforcement

I agree with you.

On Mon, Jan 29, 2018 at 8:39 AM James Nickel <[james.nickel55@gmail.com](mailto:james.nickel55@gmail.com)> wrote:

ZRA 183 is unique in the respect that the sponsors and DPZ have built in a provision to allow the permitted facility to violate this regulation. Perhaps DPZ felt they were bothered too many times in over 7 years by the residents of Woodbine.

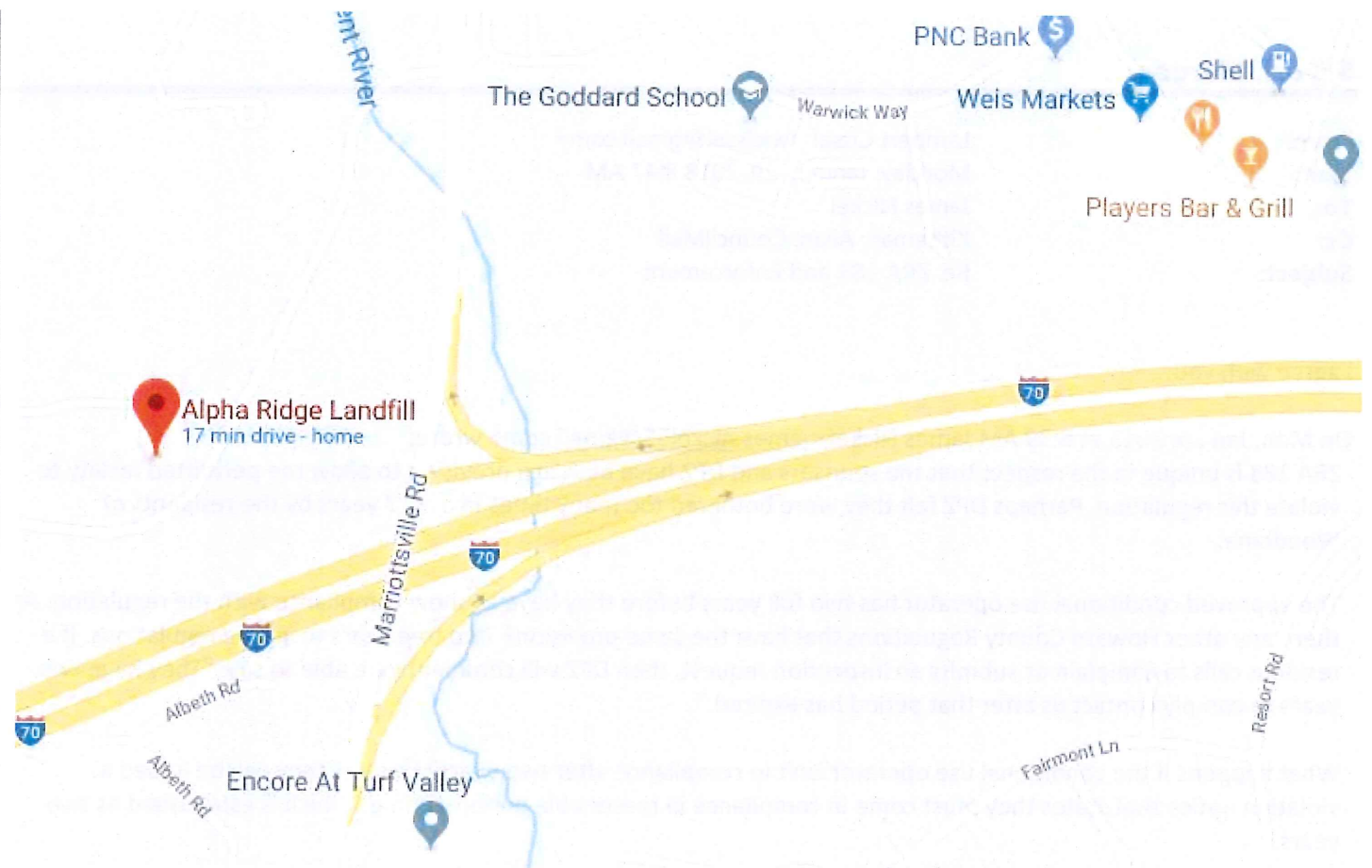
The approved conditional use operator has two full years before they have to show compliance with the regulation. Are there any other Howard County Regulations that have the same provision? Two free years to ignore regulations. If a resident calls to complain or submits an inspection request, then DPZ will confidently be able to say. "They have two years to comply contact us after that period has expired."

What happens if the conditional use operator isn't in compliance after two years? I expect they will be issued a violation notice that states they must come in compliance in reasonable period of time. Which is established as two years.

How does one even think of that provision unless you expect and want to allow the regulation to be ignored for at least two years?

Do the sponsors of ZRA 183 and DPZ think that the residents of Woodbine were lying all those years when they submitted complaints? Were they all lying? Did they fantasize the dust, noise and respiratory illnesses that would come and go when the facility across the street was in operation? They put up with it for over 7 years and the operation was never even allowed. BTW, Oak Ridge Farms is appealing the cease and desist order. No reason to appeal unless you plan to continue to operate under the same conditions that were impacting Woodbine. This regulation will make it easier for him.

There were some questions/comments during the Planning Board meeting about Alpha ridge. Look at the satellite view of the **Alpha Ridge Land Fill and Farm**. [We know it's a farm, because it produces compost which is an agricultural product). Look at the tree lines and think about the direction of the prevailing winds. The winds blow across Marriotsville Rd and across a golf course. On a straight line eastward from Alpha Ridge it's ~3/4 mile before you hit a residence.



What happens if the ground water is ever contaminated at Alpha Ridge. Unfortunate, but the area is on public water so the consequences are not catastrophic. What is the consequence and the remediation if the ground water in RR and RC is contaminated with heavy metals? ~"We kinda think that probably won't happen even though we know it does happen. Better not to talk about it." is not an acceptable answer. A significant part of my career involved risk management. When the consequences of failure are high, you have to take extraordinary means to properly manage that risk. This regulation fails in that regard.

Re: Compost is an agricultural product like corn? Ms Sigaty compares corn to compost. Would you like to share your favorite recipes for compost muffins? She states that it is approved by a chemist. I'm trying to think of other agricultural products that are approved in state by a chemist. Perhaps classifying compost as an agricultural product is not an corn cob to corn cob comparison?

The USDA doesn't list it as an agricultural product.

[https://www.nass.usda.gov/Quick\\_Stats/Ag\\_Overview/stateOverview.php?state=MARYLAND](https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=MARYLAND)

Maryland doesn't list it here.

[Maryland Agriculture, Farm Revenue](#)

Maryland does list it here:

[Solid Waste Management and Recycling in Maryland](#)

Waste Management, aka garbage recycling.

To the question from a Planning Board Member. Can you have a regulation that is acceptable? You bet you can. There was testimony last year that it can be done and how. Mr. Kittleman recently signed a contract with a company in Italy

that does it. There are companies in the US that build facilities that will process compost and mulch 365 days a year safely. The petitioners and DPZ choose to ignore that.

Is garbage management the savior of the agricultural industry in Howard County? My recollection is that Howie Feaga stated that the average farm in Howard County average \$105K in revenue with \$100K in expenses. \$100K is about the average household income for Howard County. Does garbage management make farming profitable. Only if you pretend that compost and mulch are farming products. Looking forward to the Howard County Fair competitions of who gets the blue ribbons for compost and mulch.

If you look at the USDA link way at the bottom, it notes that the net income for farms in Maryland is \$38,920/farm. As pitiful as that is, it's almost 8 times higher than for Howard County. I don't think it's because of mulch and compost. Unfortunately, the agricultural preservation program destroys the underlying value of farm land and it's larger usefulness. A well intentioned program that is trying to save an industry in MD and Howard County that isn't profitable. Paying cash for an easement doesn't make farming profitable. It delays the inevitable or turns it into a full time recycling garbage dump. Are you going to tell next generation that you need to be a garbage recycling dump to continue to farm. I don't think that will be very appealing.

I'd like to thank Council Members Ball and Terrasa for their diligence in protecting the health, safety and way of life of Howard County residents. I hope that Council Member Weinstein will join them in the future.

Agricultural Preservation programs, garbage recycling dumps and amendments to the Right to Farm Act to allegedly discourage frivolous law suits against farmers that have no legal weight aren't saving farms. If you want to address environmental sustainability there are ways to do it safely and without the health risks. It's done in enclosed facilities.

Regards,  
James Nickel

bcc: 138 Residents of Howard County

## Sayers, Margery

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**From:** James Nickel <james.nickel55@gmail.com>  
**Sent:** Monday, January 29, 2018 8:39 AM  
**To:** Kittleman, Allan; CouncilMail  
**Subject:** ZRA 183 and Enforcement

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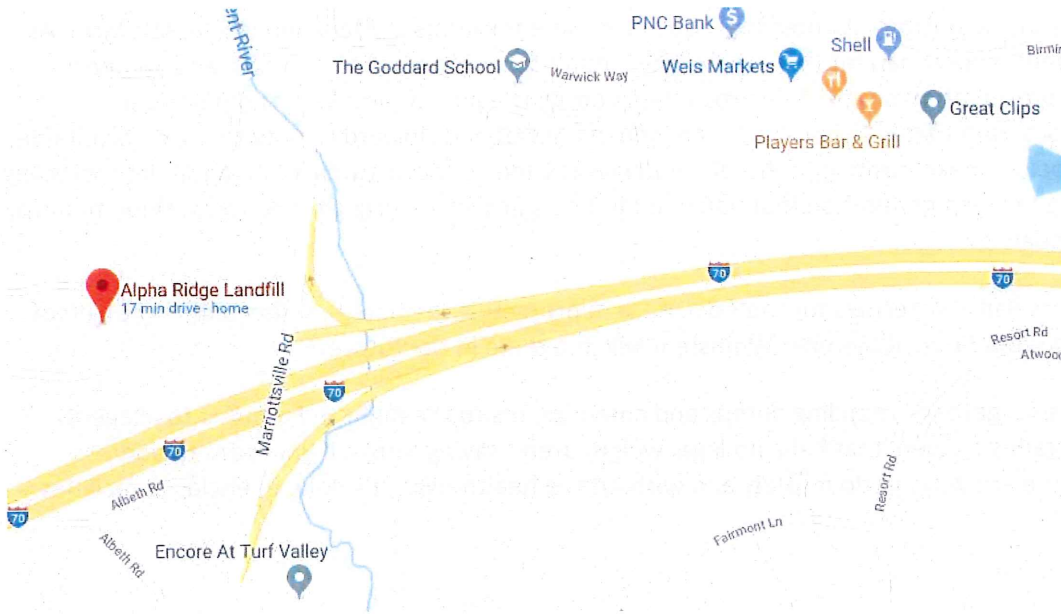
The approved conditional use operator has two full years before they have to show compliance with the regulation. Are there any other Howard County Regulations that have the same provision? Two free years to ignore regulations. If a resident calls to complain or submits an inspection request, then DPZ will confidently be able to say. "They have two years to comply contact us after that period has expired."

What happens if the conditional use operator isn't in compliance after two years? I expect they will be issued a violation notice that states they must come in compliance in reasonable period of time. Which is established as two years.

How does one even think of that provision unless you expect and want to allow the regulation to be ignored for at least two years?

Do the sponsors of ZRA 183 and DPZ think that the residents of Woodbine were lying all those years when they submitted complaints? Were they all lying? Did they fantasize the dust, noise and respiratory illnesses that would come and go when the facility across the street was in operation? They put up with it for over 7 years and the operation was never even allowed. BTW, Oak Ridge Farms is appealing the cease and desist order. No reason to appeal unless you plan to continue to operate under the same conditions that were impacting Woodbine. This regulation will make it easier for him.

There were some questions/comments during the Planning Board meeting about Alpha ridge. Look at the satellite view of the **Alpha Ridge Land Fill and Farm**. [We know it's a farm, because it produces compost which is an agricultural product). Look at the tree lines and think about the direction of the prevailing winds. The winds blow across Marriotsville Rd and across a golf course. On a straight line eastward from Alpha Ridge it's ~3/4 mile before you hit a residence.



What happens if the ground water is ever contaminated at Alpha Ridge. Unfortunate, but the area is on public water so the consequences are not catastrophic. What is the consequence and the remediation if the ground water in RR and RC is contaminated with heavy metals? ~"We kinda think that probably won't happen even though we know it does happen. Better not to talk about it." is not an acceptable answer. A significant part of my career involved risk management. When the consequences of failure are high, you have to take extraordinary means to properly manage that risk. This regulation fails in that regard.

Re: Compost is an agricultural product like corn? Ms Sigaty compares corn to compost. Would you like to share your favorite recipes for compost muffins? She states that it is approved by a chemist. I'm trying to think of other agricultural products that are approved in state by a chemist. Perhaps classifying compost as an agricultural product is not a corn cob to corn cob comparison?

The USDA doesn't list it as an agricultural product.

[https://www.nass.usda.gov/Quick\\_Stats/Ag\\_Overview/stateOverview.php?state=MARYLAND](https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=MARYLAND)

Maryland doesn't list it here.

[Maryland Agriculture, Farm Revenue](#)

Maryland does list it here:

[Solid Waste Management and Recycling in Maryland](#)

Waste Management, aka garbage recycling.

To the question from a Planning Board Member. Can you have a regulation that is acceptable? You bet you can. There was testimony last year that it can be done and how. Mr. Kittleman recently signed a contract with a company in Italy that does it. There are companies in the US that build facilities that will process compost and mulch 365 days a year safely. The petitioners and DPZ choose to ignore that.

Is garbage management the savior of the agricultural industry in Howard County? My recollection is that Howie Feaga stated that the average farm in Howard County average \$105K in revenue with \$100K in expenses. \$100K is about the average household income for Howard County. Does garbage management make farming profitable. Only if you pretend that compost and mulch are farming products. Looking forward to the Howard County Fair competitions of who gets the blue ribbons for compost and mulch.

If you look at the USDA link way at the bottom, it notes that the net income for farms in Maryland is \$38,920/farm. As pitiful as that is, it's almost 8 times higher than for Howard County. I don't think it's because of mulch and compost. Unfortunately, the agricultural preservation program destroys the underlying value of farm land and it's larger usefulness. A well intentioned program that is trying to save an industry in MD and Howard County that isn't profitable. Paying cash for an easement doesn't make farming profitable. It delays the inevitable or turns it into a full time recycling garbage dump. Are you going to tell next generation that you need to be a garbage recycling dump to continue to farm. I don't think that will be very appealing.

I'd like to thank Council Members Ball and Terrasa for their diligence in protecting the health, safety and way of life of Howard County residents. I hope that Council Member Weinstein will join them in the future.

Agricultural Preservation programs, garbage recycling dumps and amendments to the Right to Farm Act to allegedly discourage frivolous law suits against farmers that have no legal weight aren't saving farms. If you want to address environmental sustainability there are ways to do it safely and without the health risks. It's done in enclosed facilities.

Regards,  
James Nickel

bcc: 138 Residents of Howard County

## Sayers, Margery

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**From:** Victoria <vstewartmo@aol.com>  
**Sent:** Thursday, January 25, 2018 4:17 PM  
**To:** CouncilMail  
**Subject:** Request delay of CB60

Attention County Counsel,

There has been insufficient discussion and review of CB60 and the amendments to push forward with a vote. Request a delay so required considerations may be raised. To not do so and to move forward without adequate due diligence is negligent and maladroit on a bill, passage of which will negatively affect those of us who live close to or in the neighborhood of existing and potential mulching facilities.

Thank you for your consideration.

Respectfully,

Victoria Stewart-Moore  
Jennings Chapel Rd  
Woodbine, Md.

## Sayers, Margery

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**From:** James Nickel <james.nickel55@gmail.com>  
**Sent:** Thursday, January 25, 2018 11:25 AM  
**To:** Kittleman, Allan; CouncilMail  
**Cc:** Kevin McAliley  
**Subject:** ZRA 183 - Natural Wood Waste Recycling Facilities ("NWWRFs") and Composting Facilities ("CFs")

Mr. Kittleman and the County Council,

ZRA 180 [CB60-2017] was introduced last year at the request of Mr. Kittleman and cosponsored by Greg Fox and Mary Kay Sigaty. In spite of what may have been stated or inferred in ZRA 180, at no time did Mr. Kittleman, DPZ, or either Council Member seek the opinion or advice of the Howard County Health Department. The same applies to ZRA 183.

In retrospect, this is consistent with what the Director of DPZ stated at a Council hearing, that DPZ does not consider health risk. Since Council Members Mary Kay Sigaty and Greg Fox did not seek any advice or opinion from the Health Department when they had the opportunity, a reasonable person might also conclude those two council members had no interest in health risk.

It would be difficult to argue that this was an oversight. When ZRA 180 was being drafted, I notified the Office of the County Executive and those Council Members that Suffolk County had finalized their study showing that the vast majority of vegetative waste [mulch and compost] management sites in that County had well water contaminated by heavy metals. Those contaminants are well known to increase the risk of neurological disorders and cancer. On more than one occasion I asked if that study was referred to the Howard County Health Department and what comments they may have responded with. I never received a reply. I now know why; they never referred it to the Howard County Health Department. What excuse is there for drafting a regulation that has known health risks without seeking the advice of the Howard County Health Department?

The Howard County Health Department will acknowledge that health risks are complicated. To quote the Director, Bureau of Environment Risks ...*"evaluating "health risks" as they apply to these types of facilities, is a process that entails a number of factors – including level of exposure, duration and frequency (and many others), to try and determine these risks."* Who knew? Is the Health Department at all qualified to offer an opinion? Either they are not qualified in any way or the persons involved in the preparation of ZRA 180 don't want an opinion from a readily available resource.

The Director of the Bureau of Environment Risks further states the Task Force considered all that when they prepared the final report. Let me share with you the opinion of a co-chair of the Task Force that was offered to me during a break. *"I looked at Dr. Velculescu's presentation, what difference does it make? They [carcinogens] are everywhere."* A co-chair said that after only reading an advance copy. His decision was made before the presentation was even given.

The Director, Bureau of Environmental Risks also states, *"The County Council did evaluate these aspects via testimony from expert witnesses in an October 2017 workshop."* As mentioned earlier, the County Executive, nor DPZ, nor Greg Fox, nor Mary Kay Sigaty sought the opinion of anyone in the Health Department; not the Officer of the Health Department, not the Board of Health and not the Director of the Bureau of



Environmental Risks. The October meeting referred to above was originally scheduled for 11 Oct 2017, when Dr. Velculescu was able to attend. That schedule was changed to a date that Dr. Velculescu was unable to attend, 16 Oct 2017. Convenient.

There is a suggestion in ZRA 183 that the Howard County Health Department will enforce Health Regulations. During one Task Force meeting the Director of the Bureau of Environmental Health stated that all the requests I made to the Health Department to investigate the health complaints reported by Woodbine residents were rejected because there were no applicable health regulations to be enforced even if it was determined they could have been a result of the NWWRF operating in Woodbine. There are no regulations, he had no regulations to suggest and it was deemed best to not know whether the ill health effects reported by Woodbine residents were related to the NWWRF.

There is signed legislation by Gov. Hogan that requires the MDE to conduct a two-year study that includes the potential health risks. I've written to the MDE regarding that study, providing them a copy of both my presentation and the presentation of Dr. Velculescu on health risks. They reply in part, *"We also appreciated your enclosures to the PowerPoint slideshow by Dr. Victor [Velculescu] 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 will also be considered during the HB171 study."* MDE is interested in the presentation by Dr. Velculescu, but apparently not anyone in Howard County Government.

After all the testimony, oral and written, and scientific peer reviewed studies documenting the health risks of airborne pollutants and potential water contamination, the Council passed CB60-2017. Fortunately for the residents of Howard County, it was nullified due to incompetence.

Now we have ZRA 183 before us. Sponsors are Council Members Mary Kay Sigaty and Greg Fox. Not appearing in this ZRA is County Executive, Allan Kittleman. **The only sponsors of ZRA 183 are officials not running for re-election.** Perhaps Mr. Kittleman wants his name off this legislation for good reason. It's a political liability to sponsor legislation that puts the health of Howard County residents at risk for garbage recycling while running for re-election. [Mr. Weinstein, you might want to read that paragraph again.]

The Director of DPZ has moaned about "magically disappearing trucks" being a problem with enforcement. He also claims these operations are also covered by the General Nuisance regulations, but he's stated he doesn't care whether 1,000 residents complain about the operation being a nuisance. What good are those regulations if he doesn't care how many residents consider this a nuisance?

Council Member Sigaty claims that this regulation doesn't allow industrial operations, even though I have provided her MDE documentation that shows a 5-acre site can product 60,000 tons of mulch per year. For visualization that is equivalent roughly to a pile of roughly 30,000 vehicles. I asked if 60,000 tons isn't "industrial" then what is? Refer back to this quote from the Director, Bureau of Environmental Risks, *..."evaluating "health risks" as they apply to these types of facilities, is a process that entails a number of factors – including level of exposure, duration and frequency (and many others), to try and determine these risks."* When a council member dismisses out of hand the size of the operation as being industrial it seems pretty clear that there has been a pre-determined outcome that needs "justification" whether true or not.

The evidence is clear. From the beginning of the Task Force and all the way through to ZRA 183, no sponsor of this rezoning regulation ever had the slightest interest in health risk to residents.

ZRA 183 is a proposal to make Howard County the vegetative garbage recycling capital of Maryland...*"evaluating "health risks" as they apply to these types of facilities, is a process that entails a number of factors."* I don't expect that pitching that to Amazon would have increased the chances of getting 50,000 new jobs and \$2B in MD infrastructure spending. Montgomery County gets on the short list for that opportunity. Meanwhile our County Executive and two Council Members not running for election are laser focused on making Howard County the vegetative garbage recycling capital of Maryland, while disregarding the health and safety risks to residents. How many new jobs will that create in Howard County? You will be running for re-election on that Mr. Kittleman, whether your name is attached to ZRA 183 or not.

Best Regards,  
James Nickel  
Dayton, MD

bcc: 135 Howard County Residents

## Sayers, Margery

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**From:** Sayers, Margery  
**Sent:** Tuesday, January 23, 2018 3:42 PM  
**To:** Sayers, Margery  
**Subject:** FW: Thank you! ZRA 183

**From:** Trip Kloser [mailto:tripkloser@verizon.net]  
**Sent:** Tuesday, January 23, 2018 2:37 PM  
**To:** CouncilMail <CouncilMail@howardcountymd.gov>  
**Subject:** Thank you! ZRA 183

Hello Mr. Kittleman,

I want you to know we will remember you and the other Howard County Council this coming November that supported CB 60.

I have been a lifelong strong Republican, and voted for you last election. But with your disregard for most of your Dayton constituents health and safety, I will be voting for Mr. Ball and Democrat this time.

Active Voters:  
Trip & Karen Kloser

## Sayers, Margery

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**From:** no-reply@howardcountymd.gov  
**Sent:** Monday, January 22, 2018 9:43 PM  
**To:** don.howell05@gmail.com  
**Subject:** Mulching Operations

**First Name:** Don  
**Last Name:** Howell  
**Email:** [don.howell05@gmail.com](mailto:don.howell05@gmail.com)  
**Street Address:** 2918 Florence Road  
**City:** Woodbine  
**Subject:** Mulching Operations  
**Message:** What is the current status of ZRA 183, Council Bill 60 (CB60), "Mulching operations in western Howard County" ?

## Sayers, Margery

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**From:** Kenneth Harman <kenbh2008@hotmail.com>  
**Sent:** Saturday, January 13, 2018 7:46 PM  
**To:** CouncilMail; Kittleman, Allan  
**Subject:** Fw: DEFEAT ZRA183 and CB60 Type Legislation - NO MULCH OR COMPOST OPERATIONS on RC RR and Ag Pres properties.

I concur completely with the comments below:

**Council Members Fox, Sigaty, Weinstein - Do NOT** continue to attempt to destroy our residential communities with your proposed dangerous legislation that will poison our air and water, place our communities at risk of dangerous heavy truck traffic, and ruin our quality of life in rural areas. Keep mulch and composting on M1/M2 lands.

**Council Members Ball and Terrassa - THANK YOU** for your previous opposition to CB60, and your votes to protect our health and safety and quality of life. We hope we can count on you to continue to do so in this next round of legislation.

**County Executive Kittleman** - You have chosen to side against our health and safety and have broken your previous campaign pledge regarding mulch and compost on Ag Pres lands. We will remember at the voting booth and encourage others accordingly.

Ken Harman  
2335 Woodbine Rd.  
Woodbine Md. 21797

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**From:** sunnyside1998@aol.com <sunnyside1998@aol.com>  
**Sent:** Thursday, January 11, 2018 9:08 AM  
**To:** velculescu@gmail.com; tomlokey@rocketmail.com; edwarfield@outlook.com; tmayer7@gmail.com; t2underwood@verizon.net; sheilajonz@gmail.com; sandylutes@verizon.net; rsuritis@gmail.com; rockstroh@aol.com; dchsr23@aol.com; peter\_patrone@yahoo.com; ALEXRYANPACHECO@gmail.com; danielol12832h@gmail.com; peapod30@hotmail.com; mgshaw1@verizon.net; debbiemeteyer@yahoo.com; tttrarj@aol.com; lmarkovitz@comcast.net; lyns377@gmail.com; shunlu88@yahoo.com; artklaunberg@verizon.net; kathleen.e@verizon.net; johncinsao@netscape.net; jasonhartner@gmail.com; kenbh2008@hotmail.com; gregorytg@verizon.net; gklaunberg@verizon.net; eric.conn@gmail.com; jleng1747@gmail.com; drivinghorses@gmail.com; donnersays@aol.com; devon.cordle@juno.com; skfarm@juno.com; cma2447@aol.com; tankercapt@aol.com; wlcissel@gmail.com; laurie.alderman6@gmail.com; pabel99075@aol.com; agintombboy@aol.com; ajs333@aol.com; DAtticks@comcast.net; jazztmb@cs.com; brentloveless@aol.com; cathydatz@yahoo.com; contact@chinawilliams.com; dmbanwarth@verizon.net; daytonsociety@gmail.com; jenikingdeuber@icloud.com; drsjbstewart@aol.com; james.nickel55@gmail.com; jenikingdeuber@gmail.com; jess4tigrs@aol.com; johntegeris@gmail.com; madamoverseas@aol.com; martinsmac@aol.com; rick.lober@gmail.com; rml739@gmail.com; smithfam123@verizon.net; swatek1@yahoo.com; vstewartmo@aol.com; wjgallagher@mdgg.com  
**Subject:** Fwd: DEFEAT ZRA183 and CB60 Type Legislation - NO MULCH OR COMPOST OPERATIONS on RC RR and Ag Pres properties.

-----Original Message-----

From: David M Banwarth <dmbanwarth@verizon.net>

To: CouncilMail <CouncilMail@HowardCountyMD.gov>; Allan Kittleman <akittleman@howardcountymd.gov>  
Sent: Wed, Jan 10, 2018 5:24 pm  
Subject: DEFEAT ZRA183 and CB60 Type Legislation - NO MULCH OR COMPOST OPERATIONS on RC RR and Ag Pres properties.

**Council Members Fox, Sigaty, Weinstein** - Do NOT continue to attempt to destroy our residential communities with your proposed dangerous legislation that will poison our air and water, place our communities at risk of dangerous heavy truck traffic, and ruin our quality of life in rural areas. Keep mulch and composting on M1/M2 lands.

**Council Members Ball and Terrassa** - THANK YOU for your previous opposition to CB60, and your votes to protect our health and safety and quality of life. We hope we can count on you to continue to do so in this next round of legislation.

**County Executive Kittleman** - You have chosen to side against our health and safety and have broken your previous campaign pledge regarding mulch and compost on Ag Pres lands. We will remember at the voting booth and encourage others accordingly.

## Sayers, Margery

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**From:** Victoria Stewart Moore <vstewartmo@aol.com>  
**Sent:** Thursday, January 11, 2018 2:09 PM  
**To:** CouncilMail  
**Subject:** MULCHING

Dear Sir,

You started this mess with CB60 and you can end it. Western Howard County is no place for dumps which essentially this bill provides. If your intent is to get voted out of office, you've succeeded.

It's time to stand up for the law abiding residents and the farmers who make this splendid county a place where everyone wants to live, not a refuse dump.

Respectfully

Victoria Stewart- Moore  
Stewart Farms  
Jennings Chaired Rd  
Woodbine

Envoyé depuis AOL Mail sur mobile

## Sayers, Margery

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**From:** Wade J. Gallagher <wjgallagher@mdgg.com>  
**Sent:** Thursday, January 11, 2018 9:44 AM  
**To:** CouncilMail; Kittleman, Allan  
**Subject:** CB60

Do not change the zoning to permit this abuse of our western Ho Co environment. Once violated, like a virgin, it can never be restored.

I have lived in Ho Co longer than any of you and, those of you supporting this measure will be well remembered when the voting is to be done.

We, the silent majority, are getting tired of this constant distraction that has consumed so much time and effort to oppose the ambitions of your donors. Kittleman, I have voted republican forever, and, where you are concerned, that is about to change.

Wade J. Gallagher



Martell, Donnelly, Grimaldi & Gallagher, P.A.

11222 York Road

Second Floor

Hunt Valley, Maryland 21030

[410-771-0800](tel:410-771-0800)

facsimile: [410-510-1322](tel:410-510-1322)

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## Sayers, Margery

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**From:** Theresa Marrow <tmarrow@umbc.edu>  
**Sent:** Thursday, January 11, 2018 9:05 AM  
**To:** CouncilMail  
**Subject:** ZRA183 - Mulch Bill

Dear Howard County Council Members:

I'm writing to state my opposition to ZRA 183 Mulch bill introduced by Council members Fox and Sigaty. Howard County citizens have been voicing their opposition to such a bill for a long time. Citizens have been well educated by medical experts and others provided by DRPS and other sources on the dangers of bringing industrial mulch and compost to farmland and bringing heavy large commercial truck traffic.

As a member of the Friends and Family of Haviland Mill Road steering committee, I am against this bill.

Thank you,  
Theresa

--

Theresa Marrow  
Records & Registration Specialist  
UMBC Registrar's Office  
1000 Hilltop Circle  
Baltimore, Maryland 21250



## Sayers, Margery

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**From:** Joanne Griesser <joanne.griesser@verizon.net>  
**Sent:** Thursday, January 11, 2018 7:13 AM  
**To:** CouncilMail  
**Subject:** I am not in favor of the mulch facility in Dayton.

Council Members.

I do not want this facility in Dayton. I live in the Glenelg area and would be directly affected by this facility.

This is an industrial activity and should be placed in an area zoned as such.

Please review the data that has been provided by the Dayton group. There are negative health issues associated with this activity.

Ask yourself the question if you would like this facility in your neighborhood or would you move to an area close to this facility. I bet your answer would be no.

Please do not allow this to happen.

Joanne Griesser  
14831 Sapling Way  
Glenelg, MD 21737

**Sayers, Margery**

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**From:** garyandpatr <garyandpatr@yahoo.com>  
**Sent:** Thursday, January 11, 2018 5:55 AM  
**To:** CouncilMail  
**Subject:** mulching facility

No to ZRA 183  
No mulching facilities in Western County, please.

Pat and Gary Heinz

## Sayers, Margery

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**From:** Carol Montgomery <freshwindblow@gmail.com>  
**Sent:** Thursday, January 11, 2018 1:21 AM  
**To:** CouncilMail  
**Subject:** Warning: ZRA183 (mulch zoning bill)

Dear Council Members and County Executive Kittleman,

As Howard County residents for many years we have been grateful for the sacrifices our county council has made for the benefit of Howard County residents. Thank you for your service.

We intend to stay in Howard County, but actions by SOME of the council to push for zoning changes and allow industrial mulching in Howard County—including our lovely town of Dayton—alarm us. **ZRA 183 must be discussed and explained openly, not just listing a bunch of zoning amendments. Communication is KEY to a win/win/win.**

Thousands of us have GENUINE health and safety concerns. Some of us are ALREADY sick (e.g., asthma, allergies, chemical sensitivities, COPD, EI, cancer...). **This mulch zoning issue is not one of creating a short-term financial fix, but preventing a long-term perennial problem.**

Industrial mulching and composting do NOT belong in neighborhood areas like Dayton. Some see Dayton as a business opportunity to take advantage of legal loopholes. **Please, make sure the mulch zoning is for industrial areas only—not on ag preserve land or farms.**

We LOVE the farmers and have supported many local farmers (e.g., CSA, produce stands, agri-tourism, Christmas trees, nurseries). Mulching businesses belong in industrial areas, though—not neighborhoods. There must be a way for farmers to get other streams of income without compromising the health and safety of whole communities. **Let's create a win/win/win together!**

You know people are already **taking advantage of farming tax breaks** by “following the rules” (e.g., Mr. Orndorff)—and not following the rules (e.g., Oak Ridge Farm). Commercial (i.e., industrial) mulch (& compost) production for profit poses more risks than benefits to the community of Dayton and ALL of Howard County. **Please, stand up for what is right—people's health and safety.**

Facts:

1. We have read the letter from Hopkins' medical expert Victor Velculescu, M.D., Ph.D. (Professor of Oncology and Pathology). In his letter to the council he reminded you all that wood dust (even in composting activities) is **carcinogenic**, plus mulching and composting can pose **health risks at SIGNIFICANT distances due to infectious agents.**
2. According to Dr. Harriet Burge, Chief Aerobiologist and Director of the Scientific Advisory Board of EMLab P&K, **“Fungal spores can be transported long distance and can survive for many (even hundreds) of years.”** (See article for references:[https://www.emlab.com/s/sampling/env-report-06-2011.html#fungal\\_aerosols](https://www.emlab.com/s/sampling/env-report-06-2011.html#fungal_aerosols) )
3. We have seen the school children waiting for buses and getting off of buses locally. And, we have seen an increase in heavy trucks on our rural Dayton roads. We have seen commercial buses and trucks crossing the yellow line (e.g., little Ten Oaks bridge). **We need fewer trucks, not more on our Dayton rural roads for safety reasons.** Commercial (i.e., industrial) mulching (and composting) will bring in more big trucks.
4. We have seen the aerial photos and progress of the Orndorff farm. There appears to be NO intent to farm crops on this ag preserve parcel in the middle of family homes. Mr. Orndorff is NOT a farmer and appears to be biding his time until he can “follow the rules,” do what he wants, and move his commercial mulching to Dayton—**PROFIT over PEOPLE. Others will try to follow his lead.**

Would YOU want to live next to any proposed mulching project long-term? There's a cumulative effective to those hazardous exposures. **Some medical experts have already warned the council.**

Please, be PROACTIVE in protecting the health and safety of current and future Dayton and Howard County generations with safe and healthy zoning. It's a matter of LIFE and BREATH.

Sincerely,

Alan and Carol Montgomery & family

**Sayers, Margery**

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**From:** synkfamily <synkfamily@verizon.net>  
**Sent:** Wednesday, January 10, 2018 9:50 PM  
**To:** CouncilMail  
**Subject:** Vote NO to ZRA 183

Our family has lived in Glenelg for almost 25 years and we have witnessed many changes and much growth over time. These changes and increased growth are to be expected. Mulching operations that line the pockets of a few and risk the health of many are not to be expected or tolerated! Vote against this health hazard and do not allow our environment to become an eyesore.

Thank you for your attention,  
John Synk

## Sayers, Margery

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**From:** Susan Wilensky <susanwilensky@aol.com>  
**Sent:** Wednesday, January 10, 2018 9:24 PM  
**To:** CouncilMail  
**Subject:** Howard County Mulch Bill for Reconsideration

Dear Howard County Council Members,

It is inconceivable to me that this bill is still under consideration and hasn't been killed yet. After so much sound testimony about the dangers to the health of the residents of Howard County, I am outraged that some members of the Council still support this bill...absolutely outraged.

Please review the expert testimony and decide against this bill and in favor of the health and welfare of our citizens.

Sincerely,  
Susan Wilensky  
Dayton, MD

Sent from my iPad

## Sayers, Margery

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**From:** gdtravers@starpower.net  
**Sent:** Wednesday, January 10, 2018 9:10 PM  
**To:** CouncilMail  
**Subject:** industrial mulch bill, again on 11 Jan ???

Again???

If this is same bill we read earlier then there are still insufficient controls for monitoring AND affordable, county supported redress available for those harmed. The operator monitors themselves and if "fined" they pay the fine and move on; repeatedly if they sell enough to cover their normal business costs - and that includes the fine.

The monitors are not placed within the surrounding community, not automatically recorded and further the results are not required to be published so that all can see what thresholds are and when they may be violated.

The cost to the environment is enormous and should be borne by the operator/owners NOT the tax payers.

I was disappointed in the protection details, them all for the last sessions. I appreciate that you have labored with them as well. Please identify and tell me what documents have changed so that I may re-read those sections to see what yo are now offering.

Let's pay more attention to the what will be done, because you must assume that it will occur. As a taxpayer, I don't want to insure that operation. That is exactly what I thought I read for liability. Please assure otherwise, with a consenting opinion from both authoritative legal and oversight with jurisdiction over the hypothetical situation. That might live for a couple of hours under any administration but it might make me feel a bit better until event does happen.

The buck cannot and should not pass along to some federal or even state clean up fund. Howard County is making the assessment and the decision and it should be on the pointy end of making all ends are cleaned up. The operation is supposed to be for local purposes ONLY if that has also been unchanged.

I don't believe that those costs have been identified nor published in the bill's contents. You're not just approving an operation , you're identifying a downstream cost that should/will require Howard County payment. What is it?

thank you  
Gary Travers  
a resident of Dayton  
14470 Triadelphia Mill Rd



## Sayers, Margery

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**From:** Carla Tevelow <perlpubl@gmail.com>  
**Sent:** Wednesday, January 10, 2018 8:48 PM  
**To:** CouncilMail  
**Subject:** mulching farm bill

Once again Councilpersons Fox and Sigaty are trying to pass an unwanted bill for mulching. There has been much medical testimony stating, mold spores and contamination of our groundwater over time will be unsafe for us and for our children! It is NOT safe to put industrial mulch businesses on farmland around our families. Listen to your constituents and keep this bill from passing.

Thank you,  
Carla Tevelow

## Sayers, Margery

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**From:** John Capece <johncapece@gmail.com>  
**Sent:** Wednesday, January 10, 2018 5:25 PM  
**To:** CouncilMail  
**Subject:** Do NOT Pass ZRA 183

Please do not pass ZRA 183. I believe passing this bill will threaten the health, safety, and welfare of county residents. I've lived in Howard County for over 40 years, 30 of them in Dayton. I care deeply about the county and my Dayton community, please do what's right and vote this bill down. Respectfully, John Capece

## Sayers, Margery

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**From:** David M Banwarth <dmbanwarth@verizon.net>  
**Sent:** Wednesday, January 10, 2018 5:24 PM  
**To:** CouncilMail; Kittleman, Allan  
**Subject:** DEFEAT ZRA183 and CB60 Type Legislation - NO MULCH OR COMPOST OPERATIONS on RC RR and Ag Pres properties.

**Council Members Fox, Sigaty, Weinstein - Do NOT** continue to attempt to destroy our residential communities with your proposed dangerous legislation that will poison our air and water, place our communities at risk of dangerous heavy truck traffic, and ruin our quality of life in rural areas. Keep mulch and composting on M1/M2 lands.

**Council Members Ball and Terrassa - THANK YOU** for your previous opposition to CB60, and your votes to protect our health and safety and quality of life. We hope we can count on you to continue to do so in this next round of legislation.

**County Executive Kittleman** - You have chosen to side against our health and safety and have broken your previous campaign pledge regarding mulch and compost on Ag Pres lands. We will remember at the voting booth and encourage others accordingly.

## Sayers, Margery

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**From:** Cynn timer <hood14106@comcast.net>  
**Sent:** Wednesday, January 10, 2018 4:46 PM  
**To:** CouncilMail  
**Subject:** ZRA183

Dear Council Member:

I urge you to vote "no" on ZRA183.

In Howard County, we need our council to be responsible and vote against the mulching industry setting up on rural land that is surrounded by those of us on well water. The medical community and the environmental experts have both given ample testimony as to why this policy should not be enacted. Please pay attention and vote to defeat ZRA183. Sigaty and Fox are not experts on this subject. Please pay attention to those who are well-informed.

Vote against ZRA183.

Sincerely,

Cynthia Hood...and yes, I have a well and live on a road that will be impacted by the decision you make.

14106 Howard Rd

Dayton, Maryland

## Sayers, Margery

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**From:** Laura Halsor <lshalsor@gmail.com>  
**Sent:** Wednesday, January 10, 2018 4:45 PM  
**To:** CouncilMail; info@preservedayton.com  
**Subject:** Mulch Bill

As a very long term resident of Howard County, I want to express my total displeasure regarding a 3rd attempt to allow the mulching being proposed in the bill. Why is the Council and Mr. Kittleman so intent on ruining the quality of life in Howard County. I can assure you, I will NEVER vote for Mr. Kittleman again....nor any other Council member who supports this bill!

Laura Halsor

Sent from my iPad

## Sayers, Margery

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**From:** Kim S <kimscanio@gmail.com>  
**Sent:** Wednesday, January 10, 2018 4:24 PM  
**To:** CouncilMail  
**Subject:** ZRA183

Please don't do this. Please do not pass a bill that is hazardous to the health and well being of the residents and brings large amounts of uncertainty to our area.

Please do not pass this bill that does not address the concerns of the people who live in the area and are still raising children in the area- unlike some of the preservation land owners.

Please, please, please consider the years and years worth of opposition to this bill.

I'm pleading with you 4 at this point that resolution not be one-sided.

The majority has spoken and it has been in opposition to the bill. How is it that there is still a chance?

I know that you will not reply with answers...as I found out when I testified-you are not here for the purpose of answering the questions of concerned residents like myself, but, I do ask that you at least listen. I OPPOSE ZRA183.

V/r

Kim Scanio

## Sayers, Margery

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**From:** steven patterson <steven\_patterson@hotmail.com>  
**Sent:** Wednesday, January 10, 2018 3:59 PM  
**To:** CouncilMail  
**Subject:** Please kill ZRA 183

Councilmembers,  
Please do not allow this bill for commercial mulch on ag land to continue. It is wrong on many levels and the citizens of HoCo deserve better than this.

Thank you for your time.

Sincerely,  
Steven L. Patterson

**Sayers, Margery**

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**From:** Don Howell <don.howell05@gmail.com>  
**Sent:** Monday, January 01, 2018 9:04 AM  
**To:** PlanningBoard; Weinstein, Jon; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; Feldmark, Jessica  
**Subject:** Testimony: ZRA 183, Council Bill 60 (CB60)  
**Attachments:** CB 60 - 1.jpg; CB 60 - 2.jpg; CB 60 - 3.jpg; CB 60 - 4.jpg

Attached is our testimony in reference to **ZRA 183, Council Bill 60 (CB60), "Mulching operations in western Howard County"**.

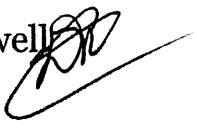
*Please* acknowledge receipt of this correspondence.

Ann and Don Howell  
2918 Florence Road  
Woodbine, Maryland 21797

[don.howell05@gmail.com](mailto:don.howell05@gmail.com)



To: Planning Board and the Department of Planning and Zoning (DPZ)  
Jon Weinstein, District 1  
Dr. Calvin Ball, District 2  
Jen Terrasa, District 3  
Mary Kay Sigaty, District 4  
Greg Fox, District 5  
Jessica Feldmark, Council Administrator

From: <sup>A.H.</sup> Ann and Donald Howell 

Date: December 31, 2017

Subject: "ZRA 183, Council Bill 60 (CB60)", "Mulch and composting facilities in western Howard County".

The following shall be our testimony to the pending "**ZRA 183, Council Bill 60 (CB60)**", "**Mulch and composting facilities in western Howard County**".

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We live at 2918 Florence Road, Woodbine, Maryland, 21797. This location makes my residence, at 800 feet, the 3<sup>rd</sup> closest to the current and proposed Mulching Operation. (See attachments #1A, #1B)

Having lived in our home for 40 years, since October of 1977, it was never our intent nor expectation that we would be adjacent to a commercial operation. Had I wanted to be live next to a business, I would have selected property in central, eastern or southern Howard County.

My initial position to the mulching operation is one of **opposition**.

However, since we live in rural western Howard County, we do acknowledge, that within reason, land owners should have the ability utilize their property in a responsible and neighborly manner. In this specific circumstance, even mulching.

**We will NOT object** to the 'Mulching Operation' adjacent to our property, provided that **each** of the following "stipulations" are met:

1. Days of operation shall be Monday thru Friday.
2. Daily hours of operation shall be 0700 Hours to 1700 Hours.
3. Saturday's and Sunday's, and from 1700 Hours to 0700 Hours daily, there shall be NO:
  - a. Delivery of materials to the site
  - b. Operation of equipment on site
  - c. Movement of materials on site
  - d. Mulching/Grinding of materials on site

We shall **OPPOSE** "ZRA 183, Council Bill 60 (CB60)" should any of the before mentioned "stipulations" not be implemented.

Respectfully submitted,

*Ann Howell*

Ann E. Howell

*Donald R. Howell*

Donald R. Howell

[don.howell05@gmail.com](mailto:don.howell05@gmail.com)

(PLEASE acknowledge receipt of this correspondence, [don.howell05@gmail.com](mailto:don.howell05@gmail.com))

Howell Residence 2918 Florence Road (800')  
↓

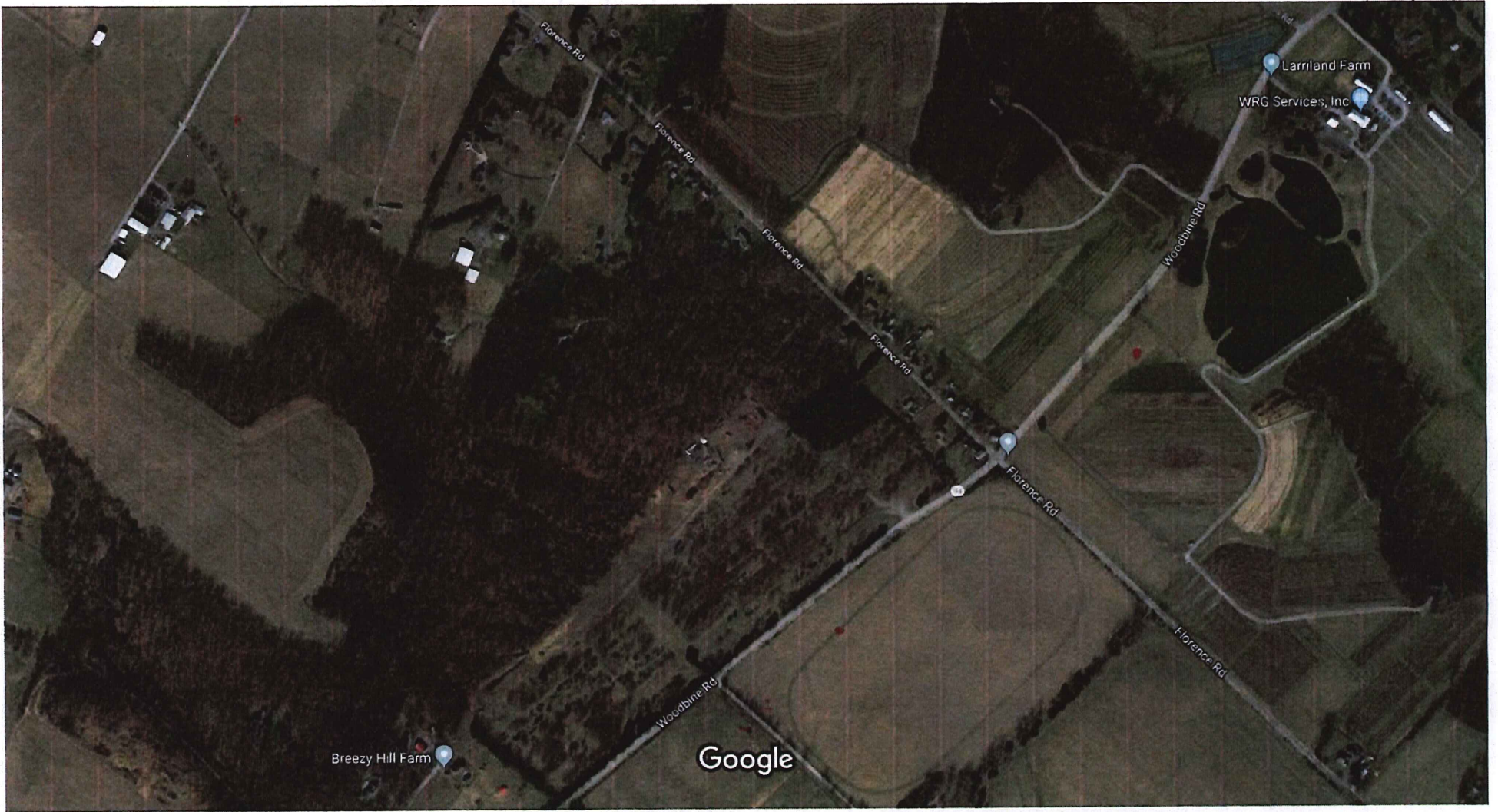
Unknown Residence ↓ (750')



Merson Residence (700')

Mulching  
Operation

Attachment "1A"



Attachment "1B"