

## Sayers, Margery

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**From:** Jeff Harp <jeffandbhakti@hotmail.com>  
**Sent:** Sunday, April 15, 2018 4:45 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 Magill; MD Delegate District 13 - Jen Terrasa; MD Senate District 12 - Clarence K. Lam; MD Senate District 12 - Joseph 'Joe' Hooe; MD Senate District 12 - Mary Kay Sigaty; Kittleman, Allan; AskHealth  
**Subject:** CB21-2018 Testimony  
**Attachments:** Ltr to DEC 9.13.16 re part 360.pdf; SCDHS Comments re part 360highlight.pdf

Howard County Council Members,

Please include this email as CB21-2018 testimony for Jeff Harp:

I have previously presented two investigation reports performed by the Suffolk County Department of Health Services in NY that identify groundwater contamination caused by mulch facilities.

Each year that passes more evidence is discovered. I have attached as part of my testimony a copy of a 2016 cover letter and comments issued to the NY Dept. of Environmental Conservation by the Suffolk County Department of Health Services. These comments are specific and include recommendations to amend the State's solid waste regulations governing the composting of natural wood waste to prevent impacts to human health.

Three specific comments of interest:

### Comment 4

Unpackaged finished mulch product stored on a site need to be regulated, as storage of these materials has been shown to cause groundwater contamination. Unpackaged product stored on the Gardens/Long Island facility in Yaphank was observed to significantly impact groundwater quality and a nearby private well.

In comment 13, the Health Department comments on existing regulations regarding a 200-foot setback:

**Comment 13.**

What is the justification for the 200-foot distance from a potable well? Department of Health Services has monitoring wells located 1,500 feet downgradient of a management site that exhibits water quality impacts above standards. This language should be revised to indicate that regulated activities must not have the potential to impact potable water wells.

In comment 20 they discuss facility size:

**Comment 20:**

What is the justification for exempting sites less than 2 acres? Relatively small sites that are located upgradient of a private well could potentially cause an impact to that well. For example, a 1.1-acre site in Moretown, Vermont was determined to be a likely cause of elevated manganese in a private well, significantly above the drinking water standard.

Mulch facilities cause groundwater contamination. If you allow these facilities in groundwater use areas, then the consequence will be contamination and impact to resident's health. The responsibility of the County Council is to adequately review the scientific information provided from testimony.

**I request that the council provide this cover letter and comments along with copies of the two NY investigation reports to the Howard County Health Department and any other environmental regulatory authority for an official response.** Therefore, upon review, the council should provide the Health Department's response (opinions and conclusions) to the community as part of the public record for this proposed legislation CB21-2018. This is a reasonable request and one that should have already been performed.

Regards,

Jeff Harp

5034 Green Bridge Road

Dayton, MD 21036

# COUNTY OF SUFFOLK



**STEVEN BELLONE**  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

**JAMES L. TOMARKEN, MD, MPH, MBA, MSW**  
Commissioner

September 13, 2016

Melissa Treers, P.E.  
New York State Department of Environmental Conservation  
Division of Materials Management  
625 Broadway  
Albany, NY 12233-7260

***Subject: Suffolk County Department of Health Services' Comments on Proposed Amendments to NYSDEC Part 360 Regulations***

Dear Ms. Treers:

The Suffolk County Department of Health Services (SCDHS) appreciates the opportunity to comment on the proposed amendments to the Part 360 Regulations for Solid Waste Management Facilities in New York State. SCDHS is optimistic that many of the proposed changes will have a positive impact on the environment with respect to solid waste activities in New York State, in particular the proposed new regulations regarding mulching facilities.

In order to further strengthen the proposed regulations, particularly with respect to the protection of groundwater, SCDHS recommends that additional changes be considered. These include requiring impermeable surfaces to prevent leachate and runoff impacts to groundwater from vegetative organic wastes, assistance to property owners with private wells impacted from solid waste management activities, and enhancing NYSDEC's ability to require monitoring groundwater where impacts from a site are suspected. Additionally, with respect to the use of on-site soils during redevelopment, some language clarification, additional options for developers and review of SCOs not reflecting background concentrations in Suffolk County are recommended. Attached are our specific comments for your consideration.

Thank you for taking the time to consider our comments. Should you have any questions, or if you would like to discuss our comments further, please call Walter Dawydiak at 631-852-5804.

Sincerely,

*Christina Capobianco*

Christina Capobianco, CPA  
Deputy Commissioner

Cc: Carrie Gallagher, NYSDEC, Regional Director  
Richard Clarkson, PE, NYSDEC, Chief, Facilities Section, Division of Materials Management  
James L. Tomarken, MD, MPH, MBA, MSW, Commissioner, SCDHS  
Walter Dawydiak, PE, Director, Division of Environmental Quality, SCDHS



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**Suffolk County Department of Health Services**

**Comments on:**

**Part 360: Solid Waste Management Facilities; General Requirements**

**Use of On-Site Soils during Re-Development**

Section 360.12 (Beneficial Use), of the current regulations, contains a statement which allows the use of soils from a property being converted to a realty subdivision as long as it is approved by the local health department (see below for current regulation).

*360-1.15 Beneficial use.*

*(b) The following items are not considered solid waste for the purposes of this Part when used as described in this subdivision:*

*8) nonhazardous, contaminated soil which has been excavated as part of a construction project, other than a department-approved or undertaken inactive hazardous waste disposal site remediation program, and which is used as backfill for the same excavation or excavations containing similar contaminants at the same site. Excess materials on these projects are subject to the requirements of this Part. (Note: use of in-place and stockpiled soil from a site being converted to a realty subdivision, as defined by the Public Health Law [10 NYCRR 72], must be approved by the local health department.);*

Under the proposed regulations such soils would be not be solid waste as long as they below Part 375 Unrestricted Soil Clean up Objectives (SCOs).

**Comments:**

1. Soils from redevelopment parcels do not appear to fall under the current or proposed definition of solid waste. Currently as written, a material is considered solid waste if it is discarded, i.e., "...spent, worthless, or in excess to the generator..." (Section 360.2 (a)(2)). In most cases these soils are used at the site and therefore not discarded. In addition, most of these cases presumably result from a lawful activity, such as the application of a pesticide, not from improper use or disposal of a material.

Recommendation: If it is NYSDEC's intent to regulate these soils as solid waste, the definition should be clearer.

2. If soils from redevelopment parcels are regulated as solid waste, is the intent to require off-site disposal of soils above unrestricted criteria? Using arsenic as an example, arsenic concentrations above unrestricted levels may be present across many acres of the property previously used for agricultural purposes and in many cases down to a foot of soil.

Recommendation: The SCDHS recommends that the regulations provide developers an option in which they can seek a case-specific beneficial use determination under Section 12 (d) by submitting a soil management plan to NYSDEC for approval.

3. For some contaminants, such as arsenic, the unrestricted use limits contained in Part 375 are based on rural upstate soil sampling and may not be appropriate for native soils on Long Island. The unrestricted soil clean up objective (SCO) for arsenic is 13 ppm. Data specific to Suffolk County indicates that background arsenic concentration in unimpacted, non-agricultural soils is approximately 4 ppm (unpublished 2002 SCDHS data; Sanok et al, 1995). Furthermore, previous soil management plans for redevelopment projects have been based on minimizing exposure to soil with arsenic above 4 ppm. Therefore, the proposed regulations would be less protective than past practices.

Recommendation: The relevance of SCO's that are not based on data reflecting background levels in Suffolk County and Long Island should be reviewed.

**Comments on:**

**Proposed Part 360 (General Requirements)**

**Proposed Subpart Part 361-3 (Composting and Other Organics Processing Facilities)**

**Proposed Subpart 361-4 (Wood Debris and Yard Trimmings Processing Facilities)**

**General Comments**

- 1) The NYSDEC Solid Waste Management Program should have a mechanism to provide assistance to private well users whose water quality is impacted by facilities performing solid waste activities. The NYSDEC Division of Environmental Remediation has such a mechanism (DER-24/ Assistance for Contaminated Water Supplies), along with a funding source. A companion mechanism for the solid waste program is needed.
- 2) There needs to be a clear, unequivocal statement that all facilities (*Exempt, Registered, and Permitted*) covered under Part 361-3 and Part 361-4 should expressly be prohibited from causing impacts to groundwater quality that exceed groundwater or drinking water standards. A similar statement expressly prohibiting impacts from dust and odors to surrounding properties should also be included.
- 3) The regulations should explicitly allow the NYSDEC to require groundwater monitoring wells if groundwater impacts are suspected at any type of facility (*Exempt, Registered and Permitted*).
- 4) Unpackaged finished product (such as compost and mulch products) stored on a site need to be regulated, as storage of these materials has been shown to cause groundwater contamination. Unpackaged composted material (product) stored on a site (Gardens/Long Island Compost facility in Yaphank) was observed to significantly impact groundwater quality and a nearby private well.
- 5) Section 361-3.5(7) requires that facilities handling particular types of material such as municipal solid waste, biosolids, septate, sludges, etc. must conduct activities such as waste storage, processing, leachate storage and product storage “on surfaces that minimize leachate release into the groundwater under the facility and the surrounding land surface...” This is presumably required due to concerns about these materials detrimentally impacting groundwater quality. Since the *Horseblock Road Investigation* report (July 2013), and the *Investigation of the Impacts to Groundwater Quality from Compost/Vegetative Organic Waste Management Facilities in Suffolk County* report (January 2016) both concluded that

vegetative organic waste management (VOWM) activities can cause significant impacts to groundwater quality, the requirement of the handling materials on surfaces that prevent leaching into groundwater should be expanded to VOWM facilities. The state of California is in the process of amending their regulations to require that certain types of composting activities be performed on impermeable surfaces for the protection of groundwater. The state of Illinois requires all landscape waste compost activities be performed on impermeable surfaces, or have an early detection groundwater monitoring system in place, due to concerns regarding detrimental impacts to groundwater. The state of Iowa requires that composting activities be performed on a low permeability base. It appears requiring VOWM activities be performed on a base that prevents impacts to groundwater from leachate and/or run-off would be consistent with current or pending requirements of other states. Due to the particular sensitivities involving contamination of groundwater designated as a sole source aquifer, consideration could be given to having the impermeable surface requirement for counties that have such a designation regarding their groundwater.

- 6) It is our understanding that a number of commercial VOWM sites accept and store animal manure at their sites to be provided as compost, or to mix with other composted material. It is also our understanding that this activity is not currently regulated. However, activities related to handling biosolids are regulated due such concerns as exposure to pathogens, potential groundwater and/or surface water impacts, etc. Since many of the same concerns regarding the handling of biosolids extend to the handling of animal manure, the regulation of animal manure at commercial VOWM sites should be considered to mitigate these concerns.

### Specific Comments

#### Part 360

- 7) ***Exempt facilities 360.14 (b)*** "A facility is no longer considered an exempt facility if it fails to comply with any operational conditions that apply or if the facility poses a potential adverse impact to public health and the environment. In either case, the facility must cease accepting waste and remove and properly dispose of all waste and products resulting from the processing of waste at the facility in accordance with department instructions."

An *Exempt* facility causing groundwater and/or surface water quality to exceed groundwater, drinking water or surface water standards, in an area with a designated sole source aquifer, should also be required to cease accepting waste.

- 8) **Permit application requirements and permit provisions 360.16 (c)(2)(iii)(b)** “the location of all public and private water wells, surface water bodies, roads, residences, public areas and buildings, including the identification of any buildings which are owned by the applicant or operator, on the property and within 800 feet of the perimeter of the property;”

This provision should be expanded to 360.14 (*Exempt Facilities*) and 360.15 (*Registered Facilities*). In addition, all public and private wells and surface water bodies beyond 800 feet that could potentially be impacted from site activity should also be identified.

- 9) If impacts to public or private wells are identified as a result of *Exempt, Registered* or *Permitted* site activities, the facility owner should be required to mitigate the impacts. Additionally, if such impacts are from an *Exempt* or *Registered* facility, the facility should be required to obtain a permit.

- 10) **Operating requirements 360.19 (b)(2)** “The owner or operator of a facility must operate the facility in a manner that minimizes the generation of leachate and does not allow any leachate to enter surface waters or groundwater except under the authority of a State Pollution Discharge Elimination System Permit.”

Since sections 361-3 and 361-4 of the proposed regulation states that “*Precipitation, surface water, and groundwater that come into contact with*” [the materials regulated under these sections] “*is not considered leachate*”, there must be language that expressly prohibits this contact water (run-off?) from entering surface waters and groundwater, consistent with what is required for leachate. Also, the term “run-off” needs to be expressly defined.

### **Part 361-3 Composting and Other Organic Processing Facilities**

- 11) **Exempt facilities 361-3.2 (b)** “A composting or other organics processing facility that accepts no more than 3,000 cubic yards of yard trimmings, either processed or unprocessed, per year. This quantity does not include tree debris materials that are not intended for composting. For these facilities, precipitation, surface water, and groundwater that has come in contact with yard trimmings or the resultant product is not considered leachate; however, it must be managed within the site and must not enter a surface waterbody or a conveyance to a surface waterbody, or cause a violation of water quality standards promulgated in Part 750 of this Title.



What is the justification for exempting facilities processing less than 3,000 cubic yards of material per year? Are these facilities less likely to negatively impact the groundwater, neighbors or the environment?

The contact waters that results when precipitation, surface water, and groundwater comes into contact with yard trimmings or the resultant product, needs to be defined , see Comment #9.

The following should replace the second part of the third sentence, after the word "however":  
*"it [run-off?] must be managed within the site and must not enter a surface waterbody or a conveyance to a surface water body, to groundwater, or cause a violation of water quality standards promulgated in Part 750 of this Title, or Part 703, Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations."*

12) **Registered facilities 361-3.3 (a)(1)** *"...precipitation, surface water, and groundwater that has come in contact with yard trimmings or the resultant compost is not considered leachate..."*

See comment #9 above.

*"The facility must have a written runoff plan that is acceptable to the department that outlines the methods that will be used to prevent runoff from entering and leaving the site and minimizing the movement of organic matter into the soil under the site."*

The following should be added to the end of the above sentence, after the word "site": *" , or cause impacts to groundwater or surface waters that result in a violation of groundwater, drinking water, or surface water quality standards."*

13) **Registered facilities 361-3.3 (b)(7)** *"The activities regulated under this section must be at least 200 feet from the nearest surface water body, potable water well and state-regulated wetland, unless provisions are implemented to prevent leachate from leaving the boundaries of the site in a manner acceptable to the department."*

**What is the justification for the 200 foot distance from a potable well? SCDHS has monitoring wells located 1,500 feet downgradient of a VOWM management site that exhibits water quality impacts above standards. This language should be revised to indicate that regulated activities must not have the potential to impact potable water wells, surface waters, etc.**

14) **Permit application requirements 361-3.4 (b)(9)** *"The method used to control surface water run-off and to manage leachate, including the method for treatment or disposal of leachate generated."*

Is the “run-off” referenced here the same as the “contact” water discussed in comment #9?

- 15) **Design and operating requirements 361-3.5 (a)(1)** – *“Unlined compost areas located on soils with a coefficient of permeability greater than six inches per hour may require installation of groundwater monitoring wells or other monitoring devices and groundwater monitoring, as determined by the department.”*

What is the significance of 6 inches per hour, and what is the origin of this reference? Considering the sandy soils on Long Island, perhaps monitoring wells should be required at all permitted facilities in Nassau and Suffolk Counties.

- 16) **Design and operating requirements Section 361-3.5 (a)(6)** *“All Leachate must be collected and disposed in a manner approved by the department. For uncovered processing facilities, the leachate collection and treatment system must be adequate to manage the quantity of leachate generated at the facility based on rainfall intensity of one-hour duration and a 10 – year return period.”*

Since section 361-3.5 (a) (5) states that precipitation coming into contact with yard trimmings or compost is not considered leachate, it is unclear why this section is referring to the quantity of leachate generated based upon an intensity of precipitation (“rainfall intensity of one-hour”).

This should also be required for the “run-off” discussed in comment #9.

- 17) **Design and operating requirements 361-3.5 (7)(iv)** *“For composting facilities, product storage beyond the 50-day detention time requirement is not required to occur on a low permeability surface. For products other than compost, the department will determine when the product need no longer be stored on a pad.”*

As previously indicated in Comment #4, the SCDHS has observed significant groundwater impacts from composted material (unpackaged product) stored on a site (Gardens/Long Island Compost facility in Yaphank) that detrimentally impacted a nearby private well. The storage of unpackaged product on facilities needs to be done in such a way as to prevent impacts to groundwater quality.

- 18) **Design and operating requirements 361-3.5 (9)** *“For uncovered processing facilities, the facility must be able to manage the quantity of leachate generated at the facility based on a rainfall intensity of one-hour duration and a 10-year return period.”*

Since section 361-3.5 (a) (5) states that precipitation coming into contact with yard trimmings or compost is not considered leachate, it is unclear why this section is referring to the quantity of leachate generated based upon an intensity of precipitation (“rainfall intensity of one-hour”).

19) **Design and operating requirements 361-3.5 (a)(13) (i)** “a facility without a pad and leachate collection system must maintain a minimum separation of 200 feet to a potable water well or surface water body and 25 feet to a drainage swale.”

See comment #12

#### **Subpart 361-4 Wood Debris and Yard Trimmings Processing Facilities**

20) **Exempt facilities 361-4.2 (b)** “A facility (including storage of incoming material and processed debris) that occupies no more than two acres...”

What is the justification for exempting sites less than 2 acres? Relatively small sites that are located upgradient of a private well could potentially cause an impact to that well. For example, a 1.1 acre compost site in Moretown Vermont was determined to be a likely cause of elevated manganese in a private well (significantly above the drinking water standard, see attached). Language should be added that a site occupying no more than two acres may be exempt, provided there is no potential to impact potable water wells.

21) **Registered Facilities 361-4.3(12)** “For the purposes of Part 360 and this Part, precipitation, surface water, and groundwater that has come in contact with debris and trimmings, both incoming and processed, is not considered leachate, but must be managed in a manner acceptable to the department. The facility must have a written runoff plan that is acceptable to the department that outlines the methods that will be used to prevent runoff from entering and leaving the site and to minimize the movement of organic matter into the soil at the site.”

With respect to the term “run-off”, see Comment #9. The following should be added to the end of the above sentence, after the word “site”: “, or cause impacts to groundwater or surface waters that result in a violation of groundwater, drinking water, or surface water quality standards.”

22) **Registered Facilities 361-4.3(14)** “The following buffer zones from processing and storage must be followed: 200 feet to a water well or surface water body...”

See Comment #12.

23) ***Design and operating requirements 361-4.5*** “...Also, the facility must have stormwater controls that minimize the potential for organic matter to reach groundwater and surface water resources.”

Is the “stormwater” referenced in this section the same as the “run-off” discussed in Comment #9? If not, the word “run-off” should be added to the sentence along with “stormwater”. Also, the following should be added to the end of the above sentence, after the word “resources”: “, or cause impacts to groundwater or surface waters that result in a violation of groundwater, drinking water, or surface water quality standards.”

**Comments on:**

***Proposed Part 360 (General Requirements)***

***Proposed Subpart Part 361-5 (Construction and Demolition Debris Processing Facilities)  
and Proposed Part 364 (Waste Transporters)***

Apparent Conflict

**Section 361-5.7 C&D debris tracking from registered and permitted facilities** states:

(a) All material leaving a registered or permitted C&D debris processing facility, and any other material if required pursuant to a department-approved remedial plan, must be accompanied by a C&D debris tracking document prescribed by the department...

While, **SUBPART 364-2 EXEMPTIONS** states that the following transport is exempt from Part 364, including the requirement for a tracking document:

(b)(6) C&D debris and historic fill in quantities less than or equal to 10 cubic yards in any single shipment.

This introduces an apparent conflict. Would a C&D shipment of less than or equal to 10 cubic yards leaving one of the facilities described in Section 361-5.7(a) require a tracking document as required by that section or be exempt from the tracking document requirements as indicated in Part 364.

## Sayers, Margery

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**From:** Marty Svrcek <MSvrcek@mcagfair.com>  
**Sent:** Sunday, April 15, 2018 4:43 PM  
**To:** CouncilMail  
**Subject:** CB21-2018

Howard County Council Members

Oppose the passage of CB21-2018.

It is unnecessary for you to be reminded of the health, safety and quality of life issues surrounding Industrial Mulching operations. Your time is too valuable to provide information that you already know.

The risk of these processing operations to the citizens of Howard County are sufficient to say "No" when it is time to make a decision to reject CB21-2018.

The fact that this piece of legislation will help so few and hurt so many is in itself sufficient rationale to deny the request for passage.

To see value in this type of industry, operating on farmland that is the pride of our county is left to those who see significant financial gain at the expense of others.

Opposition to CB21-2018 is the rational and common sense position to take on the future of Industrial Mulching in Howard County. Regardless of where it is done, the risks are great.

If the price of processed organic material increases due to additional transportation costs due to more remote locations, this a cost that your community would happily bear.

Thanks,

Martin Svrcek  
16475 Ed Warfield Rd  
Woodbine, MD 21797  
Since 1977  
240-678-0451

**Sayers, Margery**

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**From:** Richard Tufts <tuftsdaisy@verizon.net>  
**Sent:** Sunday, April 15, 2018 1:56 PM  
**To:** CouncilMail  
**Subject:** CB 21-2018 Testimony

Council Members,

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

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

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

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

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

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

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

We urgently request that you recognize the very real threat mulching can have on the health of our citizens. This year in America Howard is the second healthiest county in which to live. We were number one just last year. The Horizon Foundation is committed to restoring our position to number one. Mulching will just make that goal more difficult to reach.

As our trusted legislators, we ask that you do the right thing!! Vote NO TO ALL MULCHING!!! **Make Howard the safest county in America in which to live.**

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

## Sayers, Margery

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**From:** James Nickel <james.nickel55@gmail.com>  
**Sent:** Sunday, April 15, 2018 12:57 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 Magill; MD Delegate District 13 - Jen Terrasa; MD Senate District 12 - Clarence K. Lam; MD Senate District 12 - Joseph 'Joe' Hooe; MD Senate District 12 - Mary Kay Sigaty; Kittleman, Allan  
**Subject:** CB 21-2018 Testimony - Proposed Common Sense Amendments

Council Members,

Please include this email as testimony. I hope to see the proposed amendments discussed in a public forum by Council Members.

CB 21-2018 makes no connection between the owner of the property and the operator of the mulch/compost operation. Since similar facilities have already caused severe groundwater contamination elsewhere, which apparently the sponsors CB 210-2018 readily accept, it should be their own property that is made vulnerable to heavy metal contamination. I can't imagine why any Council Member, or the County Executive, would disagree with that.

It seems the Farm Bureau, and all the proponents of CB 21-2018, choose to ignore the documented health risks they choose to inflict on surrounding neighborhoods due to the operations they would like to perform. Since they are so inclined, it seems right that they themselves should not object to their facilities being required to be located on their place of permanent residence. If they did object, it would only serve to prove their disingenuous motives. Therefore, the following amendments to CB 21-2018 are requested:

**Amendment 1:** The RC or RR property that has an approved operation per CB 21-2018 must be owned by the operator.

**Amendment 2:** The parcel used for an approved operation per CB 21-2018 must also be the permanent residence of the operator or an immediate family member of the owner at all times.

**Amendment 3:** Approval of the operation shall be rescinded if the property owner changes or if the operator changes their permanent address. A new owner may seek to obtain approval for conditional use under the regulations that are valid at that time.

**Amendment 4:** In the event that the ground water does become contaminated with heavy metals due to the operation, the operator shall be liable for the entire remediation of the impact to any surrounding properties. In the event, that the owner/operator is unable to do so, it will be the responsibility of Howard County to bear the burden of remediation. This may include purchase of the properties affected. The purchase price shall be determined as the properties' fair market value prior to their contamination, plus 15%. This remediation shall not preclude or offset any other awards of damages that may arise from other legal actions or court determinations on behalf of the affected homeowner(s).

These are straightforward amendments. Those operators should share in negative impacts and risks shown to exist with these types of operations. They should bear the burden of the liabilities that result, including destruction of



property values. If they are unable to do that, then the Howard County Government should be held liable. These are common sense amendments.

Best Regards,  
James Nickel  
4904 Green Bridge Rd  
Dayton, MD

## Sayers, Margery

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**From:** John Tegeris <johntegeris@gmail.com>  
**Sent:** Saturday, April 14, 2018 2:27 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; dianawscales@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:** Dayton, Ground Zero for Industrial Mulch/Compost for Howard County if CB21-2018 Passes...

### Fellow Supporters

How many ways are there to convey the same message? Only the numbers are changing...CB20, CB60, CB21...by this pattern the next one must be CB61. Will there be another one if we lose the vote again? You bet. And we will work our tails off to help the right candidates who support us get elected and do the converse for those that have a hand in passage of CB21-2018, aka Kittleman, Sigaty and Weinstein (DRPS candidate endorsements coming soon). We simply can't stop until your children and families are safe. If we can't count on our County Executive, or CB21-2018 bill sponsors Sigaty and Fox to protect us, then we have to work to protect ourselves. Kittleman made campaign promises. Broken. Fox sponsored acceptable and current CB20-2014 that most impacts his own District 5. Betrayal. Sigaty voted for CB20-2014 then seemingly pushes for ways to help farmers, but finally admits new CB21-2018 allows for commercial operations. Deceitful.



This ag preserve parcel in Dayton looks like a good place to grow mulch and compost with food waste, and not to grow corn.

Let's take a big-picture look at how we got to this point, starting at the beginning:

- In 2013, a businessman and his lawyer started the ball rolling on Comprehensive Zoning changes that would allow mulch processing to be considered farming. For them this was necessary because ag preserve farmland is cheap to buy, but doesn't allow for industrial or commercial activity, which is what they had planned.
- In 2014, that same businessman files a pre-submission plan to construct a 16-acre industrial mulch manufacturing plant on his newly purchased ag preserve farmland in the heart of Dayton, exploiting the ag preserve program since changes in Comp Zoning paved the way for it.
- As a community, we work to get CB20-2014 passed that prohibits mulch manufacturing operations on all ag preserve farmland in Howard County.
- Sigaty and Fox immediately put forth Resolution 74-2014 to call for a Mulch Task Force to study the issue. They name members to the Task Force who support industrial mulch, with token members to represent the residents. Sigaty elects Richard Goldman to be the Chair for the residents group. Goldman proceeds to vote with the pro-mulch manufacturer contingent, and residents lose almost every vote taken during Mulch Task Force meetings 15-4. Goldman was subsequently honored by the Farm Bureau for "outstanding service on the Mulch Task Force."
- CB60-2017 is crafted based on recommendations from the Mulch Task Force majority report, and now allows for Type 2 feedstock (food waste, animal mortality, manure) to be trucked in/industrial processed/trucked out for commercial sale. Oddly enough, Type 2 feedstock was never discussed during the Task Force meetings, and likely a Sigaty addition for unknown personal agenda-driven reasons. Recommendations put forth in the residents' minority report were ignored.
- Around time CB60-2017 was introduced, said Dayton businessman begins an estimated 1,000 3-axle dump trucks in and out of his Dayton farm over a 6-8 week period. We are told he is conducting a soil conservation study, with no ulterior or forward-looking motive.
- On Nov 6, 2017 CB60-2017 passed, but was then determined invalid since the Council vote exceeded the statutory 125-day limit to vote on a bill.
- In 2018, hundreds more 3-axle dump trucks move in/out of businessman's Dayton ag preserve farm, this time resulting in some type of cementitious all weather pad being installed, seemingly in the same location that the original pre-submission plan shows planned construction of a mulch manufacturing plant. Interesting side note, a pre-sediment plan and an all-weather pad are requirements for building a mulch manufacturing plant.
- Looking to the future, sound business planning would suggest a partnership between neighboring "farms" to stack acreage devoted to industrial processing and commercial sale of mulch and compost containing food waste (think slaughterhouses, landfills and garbage dumps since CB21 will allow for Type 2 feedstock), thereby allowing a mulch/compost manufacturing plant of increased size to be operated within the allowed rules.

- We could then see an 8 acre industrial mulch and compost facility per CB21-2018 and the ability to do 1 acre of mulch and 3 acres of food waste riddled compost on each ag preserve parcel, with no restriction on truck size and no limit to what is trucked on/off for commercial sale. Isn't the County landfill Alpha Ridge just 6 acres in size? Guess that must be considered farming, too.

Bottom line is that CB21-2018 is a shameful product of poor leadership and lies that benefit industrial business owners, not farmers. Farmers live on the land that they farm. NWWWR operators don't live on the land that houses their operations, with good reason. NWWWR is not farming.

Show up Mon Apr 16 and testify so your voices of opposition to CB21-2018 will be heard. We need each and every one of you to attend. Many thanks.

Best,  
John Tegeris, PhD  
President, DRPS

## Sayers, Margery

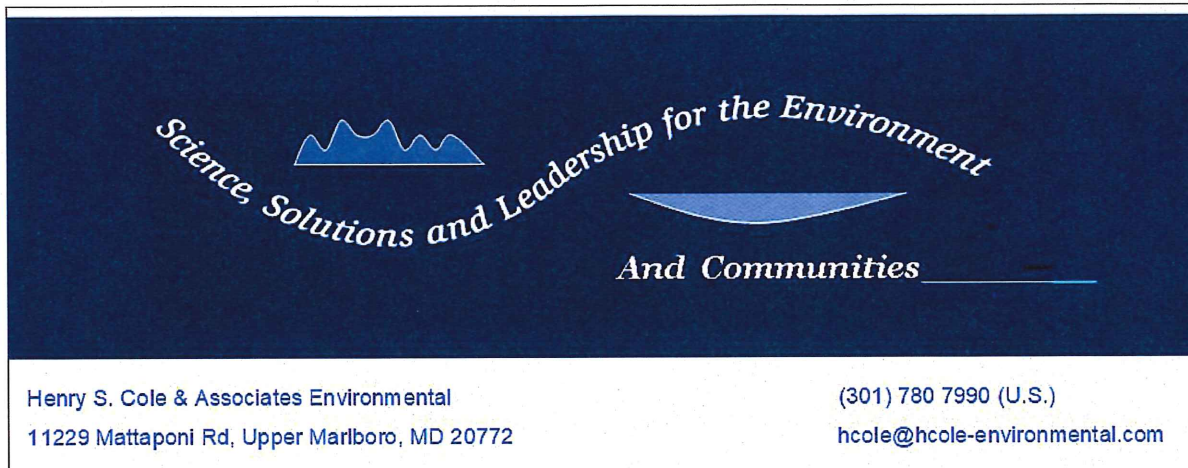
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**From:** Cole, Henry <hcole@hcole-environmental.com>  
**Sent:** Saturday, April 14, 2018 11:24 AM  
**To:** CouncilMail  
**Subject:** Letter in Support of CB21-2018  
**Attachments:** Howard County Council Letter to members on CB21-2018.pdf; Howard County Council Letter to members on CB21-2018.pdf

To: Members of the Howard County Council  
From: Henry S. Cole, Ph.D.

Please see attached. Thank you

--  
Henry S. Cole, Ph.D.  
President, Henry S Cole Environmental Associates, Inc.  
301 780 7990



Dear Members of the Howard County Council

Last October 17, 2017 I had the honor of testifying before the Howard County Council as a member of the expert panel addressing the potential impacts of composting facilities in rural areas of the County. My expertise is in the field of air pollution meteorology. In this capacity I have served as an expert witness in numerous cases involving odors and air quality impacts of landfills, composting, and other industrial sources. My comments pertaining to CB60-2017, current form CB21-2018, focused on the transport and dispersion of potential emissions from composting facilities.

As I stated at the Council meeting, it is my professional opinion that compost facilities that comply with the County's proposed CB-21 2018, applicable COMAR regulations and that obtain the required permits will not adversely affect offsite properties including nearby homes and public facilities. My opinion is based on: (1) low emission rates of dusts, gases and volatile organic compounds associated with odors for compliant operations (2) required setbacks and buffers that provide atmospheric dispersion and deposition rates sufficient to prevent nuisance levels of odors and dust.

On the morning of October 17, 2017, I conducted a 45-minute inspection of an active composting facility located on a Howard County farm. For extended times during the inspection, I was positioned within several feet of the windrows. I detected no noticeable odors coming from the windrows even during a period when the compost was being mechanically turned by the operator. Some dust was generated during the turning but was dispersed and/or settled within 30 or 60 feet downwind from the compost.

I am also a member of several organizations that advocate for locally-based farms including the Maryland Organic Food and Farming Association (MOFFA) and a Board Member of Patuxent River Keepers. As I said to the Council in October, composting is a vital part of community-based farm to food networks. The addition of compost to soils for growing vegetables, fruits and other crops preserves soil ecosystems and water retaining capacity critical to sustain local food production for the coming decades. The need for composting will continue to grow as landfill and incinerator capacity continue to

decline. Composting lowers the carbon input to the atmosphere and reduces the odors associated with landfills. Moreover, the current dependence on food from distant sources may grow increasingly difficult and expensive if current trends in climate change and water shortage worsen—as in the case of California.

I applaud Council members and its composting Task Force for putting forth a bill that facilitates composting and encourage that the Council will enact even broader measures to preserve agricultural lands in Howard County—measures which will boost local economic growth, employment, and food security for the future.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Henry S. Cole". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Henry S. Cole, Ph.D., President of Henry S. Cole Environmental Associates



*Science, Solutions and Leadership for the Environment*  
*And Communities*

Henry S. Cole & Associates Environmental  
11229 Mattaponi Rd, Upper Marlboro, MD 20772

(301) 780 7990 (U.S.)  
hcole@hcole-environmental.com

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I applaud Council members and its composting Task Force for putting forth a bill that facilitates composting and encourage that the Council will enact even broader measures to preserve agricultural lands in Howard County—measures which will boost local economic growth, employment, and food security for the future.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Henry S. Cole". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Henry S. Cole, Ph.D., President of Henry S. Cole Environmental Associates

## Sayers, Margery

---

**From:** Rick Lober <rick.lober@gmail.com>  
**Sent:** Friday, April 13, 2018 9:47 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 Magill; MD Senate District 12 - Clarence K. Lam; MD Senate District 12 - Joseph 'Joe' Hooe; MD Senate District 12 - Mary Kay Sigaty  
**Subject:** CB 21-2018 Testimony - Rick Lober  
**Attachments:** Lober Mulch Testimony 16 April 2018.docx

Please find attached my testimony for the hearing on Howard County CB-21-2018 to be held on April 16th 2018.

While I have been involved in the process leading up to this Bill from day one (January 2014), I cannot attend the hearing that evening and have submitted my testimony in written form.

Thank you for your consideration,

Rick Lober

Testimony of Richard M. Lober on CB-21-2018

My name is Rick Lober and I have been involved in the discussions on mulch and composting for the last 4 years having served on the residents/farming work group for over 20 sessions and on a smaller working group organized by DPZ and the County Executive.

I do appreciate the time spent by Greg Fox, Mary Kay Sigaty, Allan Kittleman, and members of DPZ over the last few years in dealing with this important issue. I also am grateful for what I have learned from our hard working farming community within Howard County.

However, the end result of the many hours spent on the issue is the current CB-21 which negates almost all input by Howard County residents groups and has little to do with farming. The bill is filled with special considerations for a small group of so-called "farmers" who have been operating land clearing and mulch manufacturing facilities for years on County and State agricultural preservation lands – often with no permit, conditional use hearing, or compliance with zoning laws in existence now or at the time operations began. All of this is being presented under the guise of "helping the farming community" or keeping Howard County "Green" while the end result is a gross violation of our County and State Agricultural Preservation Programs.

These programs allow the County or State to buy the development rights of farms in our community in order to preserve the farm for agricultural uses only - in perpetuity. Two such bills passed last year in which the County purchased development rights for a total of 112 acres at a cost of \$3.25 million dollars.

I fully support this program as it provides great benefit to our farming community and the residents of Howard County. However, I want to highlight certain portions of these bills that restrict development rights and express my concern over the County's efforts to continue to water down these provisions through zoning law amendments.

Per the bills language, "Development Rights" means the rights of the seller in the land to develop the Land for ANY purpose other than Agricultural Uses. "Development Rights" shall include, but not be limited to, the right to use the Land for INDUSTRIAL OR COMMERCIAL USES, for residential purposes, or the storage or depositing of trash, junk, rubbish or debris. These are the rights the County is buying and the farm owner is forfeiting to preserve our farmlands.

The bills also state that Agricultural Uses includes what most of us would consider farming activities (growing crops, breeding animals, and the sale of agricultural products produced on the land) along with other uses DIRECTLY RELATED TO or as an accessory use of the Land for FARMING AND AGRICULTURAL PURPOSES.

This all seems pretty clear cut – farming only, no homes AND no industrial OR COMMERCIAL uses for perpetuity; however, upon reading the Howard County Zoning Regulations, section 106 on Conditional uses allowed on ag preserve properties, the following is allowed on farms in the ag preservation program: Barber Shops, Hair Salons, Cell Towers, Animal Shelters, Commercial School Bus operations,

Solar Facilities and if CB21 passes next month, commercial compost and mulching (NWWR) businesses. It is hard to imagine how these relate to an accessory use of a farm for FARMING AND AGRICULTURAL PURPOSES.

My understanding and discussion with many of the farmers who have become part of this program is that they are proud that they themselves, their parents or even grandparents made this commitment to maintain the farm as an agricultural activity for perpetuity. However, the uses listed above are not farming activities or are any way related to an accessory agricultural use of the farm.

This continuing watering down of the zoning regulations has allowed commercial business owners to purchase these farms at a very low cost (given development rights have been forfeited), place commercial operations such as those noted above on these farms, and reap the tax benefits (\$0 Property taxes) associated with the ag preserve program instead of paying what would be much higher taxes for facilities that should be placed on M1/M2 lands.

In looking at the specifics of CB-21, DPZ has given the false impression that commercial uses of ag preserve lands will not be allowed. For mulch, only a nursery may operate at one acre. For compost, the limit is set at 3 acres for any type of farm. However, while "retail sales" are limited to 5% of end product there is no stipulation on "commercial sales" or large 18 wheel trucks entering or leaving the facility. In addition, the bill defines ag preserve lands as only those that are continuing to receive payments from the County – not those that have been fully paid. This is a major loophole typical of what we have seen lawyers for special interests groups lobby to have inserted into language at the 12<sup>th</sup> hour.

In the spring of 2017, a residential group representative and I sat in meetings late in the Bill's process with County Council members and the County Executive. At that time, assurances were made that the bill would limit "commercial sales" to 5% for both mulch and compost and restrict truck size on agricultural preservation lands. This clearly would have stopped commercial operators from using lands in agricultural preserve for industrial mulch and compost operations thus allowing only farmers to produce what they need for the farm itself. However, all of that language has been eliminated, watered down or made subject to major loopholes in the current CB-21 thus opening the door to commercial operations.

Finally, it has been disappointing to see promises made by the winning candidates for County Council and County Exec in the 2014 election be broken by their sponsorship and initial endorsement of this Bill. I have also witnessed professionals in the areas of health, fire and the environment be ignored, humiliated and in some cases threatened with the loss of their job while trying to inform DPZ and the Council on the health and safety issues of the current bill before us. This is local politics at its worst.

Given the extensive time spent by County residents, farmers, Council Members, DPZ and the County exec, CB-21 should be tabled until loopholes are removed, agricultural preservation laws are maintained and the health and safety of our residents fully considered.

## Sayers, Margery

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**From:** John Tegeris <johntegeris@gmail.com>  
**Sent:** Wednesday, April 11, 2018 11:25 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; dianawscales@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 Really Bad Idea for Your Children's Safety...

### Fellow Supporters

Here is another reminder of the real potential consequences the come with turning our rural roads into industrial through ways if County Executive Kittleman and Council Members Sigaty and Fox succeed in getting CB21-2018 passed into legislation.

We have been warning all of them of this risk for the past four years

, but none have

taken these concerns for your children seriously. They have not been addressed in any way throughout the past four year ordeal that has arrived at this horrible bill, just as they have been dismissive of our other health risk concerns. Simply put, this is reckless and irresponsible leadership in Howard County. Can you imagine witnessing, as these parents did in Central VA a year ago, a tractor trailer truck running down your children as they crossed the street to board their school bus with yellow flashing lights, and in an instant your child is gone from your life

forever? From the Washington Post article below, here is the real basis for the concern and one of the major reasons we are fighting for your families to kill the bill CB21-2018:

*"The driver of the tractor-trailer braked, but the vehicle, loaded with 75,000 pounds of mulch and traveling downhill, hit the children before it could stop."*

The truck driver was not found to be at fault, even though the children were crossing the road to a school bus with yellow lights, but not yet red. The reality of the situation is that there was no egregious error, and yet two children were still killed in front of their mothers and other children because a tractor trailer was carrying such a heavy load of mulch that it simply could not stop in time.

Why Kittleman, Sigaty and Fox don't think this could happen to your children is beyond me. Please email each of them to justify their positions and ask what facts they have, or what assurances they can make, that their actions will not result in any risk to the lives of your children. Their email addresses are listed below. If you agree, please email to voice your concerns, and also sign up to testify on Apr 16. Let's let the Council know that this is not acceptable to your family.

Sign up online  
to testify

by going to <https://cc.howardcountymd.gov> and clicking on the Testify icon on the upper right side of the screen (looks like a hand).

I pray that we can stop the madness before we are mourning a  
child fatality

tragedy

in Western Howard County.

Hope to count on your support as we fight for the health and safety of your children, and to see  
you on Monday

Apr 16 for the County Council Public Hearing

County Executive and County Council emails:

akittleman@[howardcountymd.gov](mailto:akittleman@howardcountymd.gov)

mksigaty@[howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)

gfox@[howardcountymd.gov](mailto:gfox@howardcountymd.gov)

jweinstein@[howardcountymd.gov](mailto:jweinstein@howardcountymd.gov)

cball@[howardcountymd.gov](mailto:cball@howardcountymd.gov)

jtterrassa@[howardcountymd.gov](mailto:jtterrassa@howardcountymd.gov)

Remember to sign up to testify against CB21-2018. Many thanks.

John Tegeris, PhD  
President, DRPS

[https://www.washingtonpost.com/local/public-safety/two-va-children-struck-and-killed-by-tractor-trailer-as-they-approached-school-bus/2017/03/30/ca46f01e-1555-11e7-9e4f-09aa75d3ec57\\_story.html?utm\\_term=.86dadbdba594](https://www.washingtonpost.com/local/public-safety/two-va-children-struck-and-killed-by-tractor-trailer-as-they-approached-school-bus/2017/03/30/ca46f01e-1555-11e7-9e4f-09aa75d3ec57_story.html?utm_term=.86dadbdba594)

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

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

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

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

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

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

No charges will be filed, police said.