

## Sayers, Margery

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**From:** Wade J. Gallagher <wjgallagher@mdgg.com>  
**Sent:** Tuesday, April 17, 2018 10:07 AM  
**To:** 'Shun Lu'; 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; tttrarj@aol.com; lmarkovitz@comcast.net; lync377@gmail.com; artklaunberg@verizon.net; kathleen.e@verizon.net; johncinsao@netscape.net; 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; chanceland@aol.com; chi\_chi37@msn.com; agintomboy@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; jess4tigers@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; dmeteyer@yahoo.com; saddleinfo@comcast.net; tglacken@verizon.net; sunnyside1998@aol.com; CouncilMail  
**Subject:** RE: CB21-2018 Testimony

Well said. I pray the Council reflects on the numerous negative comments and the long term consequence of approving industrial mulching. Once approved, you can never go back.

Wade J.and Rita S. Gallagher  
Woodbine/Lisbon

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**From:** Shun Lu [mailto:shunlu88@yahoo.com]  
**Sent:** Monday, April 16, 2018 9:24 PM  
**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; tttrarj@aol.com; lmarkovitz@comcast.net; lync377@gmail.com; artklaunberg@verizon.net; kathleen.e@verizon.net; johncinsao@netscape.net; 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; chanceland@aol.com; chi\_chi37@msn.com; agintomboy@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; jess4tigers@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; dmeteyer@yahoo.com; saddleinfo@comcast.net; tglacken@verizon.net; sunnyside1998@aol.com; CouncilMail <councilmail@howardcountymd.gov>  
**Subject:** CB21-2018 Testimony

Dear Howard County Council Members,

I am writing to urge you to carefully consider the concerns of Howard County residents over the negative impact of the proposed industrial mulching operation on our rural residential community using well and septic system. PlanHoward 2030, the blue print for county growth sets the goals: “to maintain its high quality of life by enhancing the environment, economy, and community.” Does the industrial mulching business in our rural preservation land enhance our environment, economy, and community?

It is well documented in the General Plan that the most cost effective way to protect our environment is **to be preventive**, and not to approve any new projects that put our environment, health and safety of the public at risk. Unfortunately, this guideline has often been ignored while actual implementation is badly needed. You may know after the approval for Clarksville Mortuary, SDP-14-059 in March 2016, a County stream/wetland/forests mitigation project was being designed for a small parcel in Windy Knolls downstream of the mortuary site. The starting mitigation budget is 1 million tax payers' money. The community had presented numerous evidence and facts that commercial construction at this site would most likely destroy our environment -- the damage could be irreversible, nonetheless, the costs to environment and taxpayers were not considered.

It makes business sense for the investors to buy at a low price and then apply for a conditional use to convert the residential property into intense commercial use. But what sense does this make to the residents who live around these businesses and will suffer the negative consequences of water and air contamination? And the community where the business is in? How much will cost the County/taxpayers to treat any contamination? Has any economic study been done that demonstrates an approval of the commercial operation at the proposed site will enhance environment, economy, and community?

We expect you to guide us to follow the Vision of the General Plan, weigh the consequences of any business application, not only on the benefits to the business, but also the sustainability of environment, the best interest of the public, and the future of our County. We rely on you to make a right decision on CB 21-2018.

Thank you for consideration!

Respectfully,

Shun Lu  
Clarksville resident

## Sayers, Margery

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**From:** Shun Lu <shunlu88@yahoo.com>  
**Sent:** Monday, April 16, 2018 9:24 PM  
**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; ttrraj@aol.com; lmarkovitz@comcast.net; lyns377@gmail.com; artklaunberg@verizon.net; kathleen.e@verizon.net; johncinsao@netscape.net; kenbh2008@hotmail.com; gregorytg@verizon.net; gklaunberg@verizon.net; eric.conn@gmail.com; jleng1747@gmail.com; drivinghorses@gmail.com; donnorsays@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; chanceland@aol.com; chi\_chi37@msn.com; agintomboy@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; jess4tigers@aol.com; johnteigeris@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; dmeteyer@yahoo.com; saddleinfo@comcast.net; tglacken@verizon.net; sunnyside1998@aol.com; CouncilMail  
**Subject:** CB21-2018 Testimony  
**Attachments:** CB 21-2018 Testimony 1.pdf

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Respectfully,

Shun Lu  
Clarksville resident

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Thank you for consideration!

Respectfully,  
Shun Lu  
Clarksville resident

## Sayers, Margery

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**From:** David Smith <dosmith99@gmail.com>  
**Sent:** Monday, April 16, 2018 8:05 PM  
**To:** CouncilMail  
**Subject:** Written Testimony: Opposition to CB 21-2018 (ZRA183)

County Council,

I am very concerned with CB21 which will allow for industrial mulching and composting on ag preserve farmland and on all of RR/RC throughout Howard County. The current zoning language contained in CB21 is unacceptable and not only puts the rural communities at risk for well-documented safety and health concerns from industrial mulching, but now also makes this a countywide issue.

As it currently reads, there are clear loopholes that will allow those posing as a horticultural nursery to conduct industrial mulching activities from 2 acres up to 5 acres, depending on whether on Howard County ag (ALPP), RR or RC parcels. This will result in unacceptable risks to ensuring the well-being of children, families and all individuals living in affected areas. Furthermore, DPZ has demonstrated a clear inability to enforce clear violators of CB20. We now ask, how can DPZ protect our families when loopholes in CB21-2018 will allow for industrial mulching to occur, making enforcement even more challenging?

There are many other key amendments needed in CB21 to make it acceptable to the health and well-being of thousands of families throughout Howard County. We are counting on the County Council to course correct with amendments added to CB21 to clearly prevent any chance of industrial mulch facilities from operating throughout farmland in Howard County, other than in M1/M2 commercially zoned land. This is the only way our Councilmembers will ensure everyone in potentially affected areas continues to be protected by current zoning regulations defined in CB21. Please take this matter seriously and add needed amendments to CB21 that we feel is unacceptable as it now stands.

Questions that need to be answered:

- 1) Would you move your family into a home located next to a farm that was also a NWWRF? (~1/4 miles away)
- 2) Wood dust is created when machines or tools are used to cut or shape wood. Has wood dust been linked to causing cancer?
- 3) Has exposure to wood dust been associated with a variety of adverse health effects, including dermatitis, allergic respiratory effects, mucosal and nonallergic respiratory effects, and cancer?
- 3) Would it take less wood dust exposure to cause health issues to infants and toddlers?
- 4) Is it true that The National Institute for Occupational Safety and Health (NIOSH) has set a recommended exposure limit (REL) of 1 mg/m<sup>3</sup> over an 8-hour workday?
- 5) Accounting for wind, how far away from a NWWRF can 1 mg/m<sup>3</sup> exposure be evident? Assume a 2 acre NWWRF with multiple mulch piles in addition to wood grinding operations.

I plead to you all to please push back this vote until we have honest and true medical experts speak to the health concerns and documented research. You all are making a HUGE mistake and jeopardizing the families of nearby residential communities. Why put us all at risk? Please vote no to this bill!! PLEASE!

A very concerned Howard County Citizen,

David Smith  
5020 Green Bridge Rd, Dayton, MD 21036

## Sayers, Margery

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**From:** Joanne Heckman <joanne.heckman@mdsierra.org>  
**Sent:** Monday, April 16, 2018 6:05 PM  
**To:** CouncilMail  
**Subject:** Testimony in opposition to CB21-2018 as written

To: the Howard County Council

The Sierra Club policy is that farmland should be used for farming. Mulch and compost are used on farms, and they may be produced on farms from waste. Like any other commodity produced on a farm, these commodities should be saleable. However, no farm has enough waste, or needs enough mulch and compost, to justify industrial-scale processing onsite. At that scale, wood waste is shipped in by tractor trailer and mulch is shipped out by dump truck; everything from spoiled food to dead animals to manure is collected and decomposed for export as compost. In the industrial process, the raw materials are not produced on the land and the finished products are not used on the land. This is manufacturing, not farming.

Manufacturing should be done on land zoned for manufacturing, as this bill specifies. The processing setup should have dust filtration, leachate recovery, fire-fighting equipment, and whatever else is needed to safeguard the environment and the workers.

The land zoned for manufacturing is taxed at a rate that represents the cost to society of industrial pollution, noise, and heavy traffic, as well as the higher profits of factory production. Farmland, on the other hand, is subsidized with lower taxes and even payments for permanent preservation. Our zoning laws and our tax laws are meant to protect our countryside and our agricultural resources. To use farmland for industry seems like an exemption that serves only to allow an unfair business advantage to one industrialist over another.

To help farm-owners succeed at farming, we allow some conditional uses of farmland. These are side businesses that take up little land and add to, but don't replace, the agricultural income: a snowball stand, for example. Industrial manufacturing of mulch and compost is nothing like a snowball stand. A snowball stand doesn't occupy 3 acres of land, it doesn't require tractor-trailers to haul in the raw materials, it doesn't earn industrial profits and it doesn't endanger the health and safety of everyone around it.

We want to allow the small-scale agricultural production and sale of these commodities, but not allow large-scale industrial processing and sales. The difference is quantitative. We should be able to set limits by considering the volume of material collected and produced, the amount of land used, the amount of money earned, and the size and nature of the equipment used, to allow farmers to farm but prevent industrialists from exploiting our farmland for industry. The bill as currently written does not seem to close that loophole and therefore we must oppose it as written.



## Sayers, Margery

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**From:** Donna Smeins Howard <daeva77@verizon.net>  
**Sent:** Monday, April 16, 2018 5:46 PM  
**To:** CouncilMail; Kittleman, Allan  
**Subject:** CB21-2018

Donna Howard  
13839 Dayton Meadows Ct.  
Dayton, MD 21036  
4105318144  
[daeva77@verizon.net](mailto:daeva77@verizon.net)

4/15/18

Dear County Council Members and County Executive,

Please accept this letter as my electronic testimony regarding CB21-2018.

I am opposed to CB21-2018 as it is currently written because it does not adequately address the health and safety concerns commercial mulching and composting pose to the residents of the county. I want you to vote no or significantly amend this bill to put people before profits.

You have been provided with evidence that our groundwater and air may be contaminated, 3-axle dump trucks were barreling through our small streets well over the posted speed limit and the double yellow lines, there are adverse health conditions related to this activity from expert witnesses, there is an inability/unwillingness of DPZ to monitor and enforce current regulations, as well as, the many concerns from the community. In light of all of this, it baffles me that you have chosen to ignore the health and safety concerns of the community by, at the very least, not including amendments specifically to protect those who live, work and play in the rural parts of the county. Since you refuse to protect us proactively via amendment or voting "no" on this bill, I would like to know how you plan to protect us reactively.

Since past behavior is a strong indicator of future behavior, let's examine some of the issues that have been raised with this in mind.

- 1.
2. Water:
3.
  - a.
  - b. We know from studies in other areas that mulching/composting can cause groundwater contamination. What is your plan for safeguarding our water supply? Are you performing baseline testing of our wells followed by periodic testing to make sure our water is safe? What is the plan if the water becomes contaminated? Are you running public water to our area? Who is liable for the contamination and remediation?
  - c.
  - d.
  - e. We know from Ricky Bauer's testimony that the building of houses has caused his well to go dry. We also know that mulching/composting requires a lot of water to keep the piles wet and to fill a tank for fire suppression. Is all the water needed coming from our aquifer? Who is monitoring our aquifer to see if it can support this level of water

consumption? If our wells run dry, who is liable and who will pay for new wells to be drilled?

f.

## 2. Fire

d.

e. We know that mulch piles can spontaneously combust. We also know from the fire at the Sykesville/Woodbine mulch facility that the amount of water located on the property is inadequate for fire suppression. Not all farms are near the Patapsco River, so that may not be a source of fire suppression water in the event of fire as it was in Sykesville. What is your fire plan? Will you put more water tanks in the rural areas? Are you purchasing more tanker trucks? What is the county's liability for the destruction of private property caused by mulch fires?

f.

## 3. Air pollution

g.

h. You have been provided with studies from other areas demonstrating that particulate can travel one thousand feet. The set-back in this bill is only 200 feet. What is your plan to monitor the air quality in the areas surrounding commercial mulching/composting facilities? What baseline testing will be conducted prior to mulch/compost operations beginning? Who will be liable for illness/ injury resulting from poor air quality? What will be the standards used to keep these facilities from polluting the air during days when we are on air quality alert?

i.

## 4. Traffic

j.

k. You have been provided with evidence of the dump trucks speeding through Dayton and swerving over the double yellow lines. We have children waiting for buses, bikers, joggers, walkers and drivers trying to conduct their everyday lives. What is your plan to ensure safe driving throughout the rural areas? Are you putting more police in the areas? Are you putting cameras in place? What liability does the county bear for injury/death caused by traffic incidents related to commercial mulching in the rural area?

l.

## 5. Health Conditions

m.

n. You have been provided with evidence that people living near mulch/compost facilities suffer from respiratory distress, asthma, cancer, heart disease, allergies, eye issues, etc. What is your plan to monitor the health of the residents? Are you doing baseline health surveys followed by periodic review to ascertain who has worsening or developing health issues related to this industry? Who bears liability for health issues arising from this industry? Is there going to be a fund for residents who need financial support due to health issues caused by this industry?

o.

## 6. Monitoring/enforcement by DPZ

- p.
- q. We know from DPZ testimony that they have difficulty measuring mulch pile height and conducting inspections when the mulch facilities are in operation. What is your plan for ensuring DPZ has the proper training, oversight, and confidentiality to monitor/enforce the regulations? Will you be providing training on pile height measurement? Will you acquire the appropriate tools for pile height measurement? Who will ensure that surprise inspections occur? How often will DPZ conduct these inspections? What will the significant consequences of repeated offenses be? What liability does the county incur if regulations are not enforced and injury/illness result?
- r.

The questions raised by this proposed bill could go on and on. It concerns me that I can rattle off this many unanswered questions regarding a bill that could have a significant negative impact on our county. Why are you willing to roll the dice and hope for the best with a bill that could easily be amended to proactively protect residents of the county? Your refusal to put the health and safety of the residents first is irresponsible and negligent. I believe that until you can provide a plan for the above issues, it is immoral for you to support this bill.

Very truly yours,  
Donna Smeins Howard

Donna Smeins Howard  
daeva77@verizon.net

## Sayers, Margery

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**From:** David M Banwarth <dmbanwarth@verizon.net>  
**Sent:** Monday, April 16, 2018 5:44 PM  
**To:** CouncilMail  
**Subject:** Banwarth - CB 21- 2018 Additional Testimony to County Council for the Record  
**Attachments:** Banwarth - CB 21-2018 - Land Use Non-Conformance 04 16 18.pdf

All Councilpersons,

Please read the attached document and include it as my additional testimony regarding CB 21- 2018. For the reasons contained therein, I urge Council to withdraw or defeat CB 21- 2018.

Respectfully submitted,

David M Banwarth

Dayton, MD

04/16/2018

David M Banwarth,  
4892 Green Bridge Road  
Dayton, MD 21036

**RE:** This additional testimony, to be included in the official record concerning CB 21-2018 (CB 21)

This testimony primarily pertains to the proposed land use and zoning changes of CB 21 which are in conflict with existing laws, contracts and regulations, primarily as follows:

- The land use changes are incompatible with the Existing Character of Rural Communities, and there are no justifying reasons or demonstrated needs for those changes, and
- The resulting commercial trucking and associated decreases in road safety are incompatible with the rural character of the existing neighborhoods and roadways and thereby violate adopted zoning safeguards intended to prevent same, and
- The sweeping land use changes proposed by the CB 21 bypass the due process required to so amend the County General Plan, and
- The proposed legislation directly conflicts with “safeguards” provisions contained in the County Zoning Regulations for health and safety and economic viability of housing and land values, and
- The proposed legislation is in non-compliance with the Agricultural Preservation Land Use (ALPP) program, Including Past Precedents and decisions of the Maryland Agricultural Land Preservation Foundation (MALPF) and the individual contracts and easements recorded between the County and such landowners.

CB 21 proposes land uses for farmland under existing ALPP/MALPF covenants and also non-Agricultural Preservation farmlands in RR and RC Zones to permit mulch manufacturing, wood waste processing and Tier 1 and Tier 2 composting of materials originating from off-site, thereby establishing **newly created sweeping commercial/industrial land uses in non-conformance with the County General Plan, and without required due process for same.**

Historically, farmers have always had an unquestioned right to process on-site originated agricultural by-products of agricultural activities. There are no challenges or hardships to that right cited as evidence to substantiate any such need for legislative changes. This is obviously not an agriculturally justified bill. In fact, public testimony (during the previous legislative cycle) showed that the great preponderance of farmers adamantly opposed this legislation. Besides no demonstrated public need for such sweeping land-use changes, and the documented farming communities’ opposition to it, **this proposed legislation directly conflicts with ALPP regulations by displacing existing agriculturally used farm land “for other than agricultural uses”<sup>1</sup>.**

Taken together, it is apparent that the purpose of CB 21 is to permit non-agricultural industrial waste and garbage processing operators to exploit lower cost rural farmlands with large scale industrial facilities and the many noxious hazards they bring with them. These dramatically unsafe proposed land use changes would burden surrounding communities with large scale noxious and hazardous industrial uses and associated endless

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<sup>1</sup> ALPP laws (Sec. 15.511) states: "(b) Land subject to an agricultural land preservation easement may not be: (1) Developed for purposes other than agricultural uses.

heavy duty commercial truck traffic transporting off-site industrial wastes (animal mortalities, wood waste, paper garbage, etc.) via the undersized and inadequate rural county roads that would access them.

The proposed land use changes conflict with **the long-standing existing character of impacted rural neighborhoods and communities** in general and the County Zoning Regulations in particular.

Industrial/Commercial mulch and compost operations are not the **“most beneficial”**<sup>2</sup> relationship of land use of rural community farmland and is **not in harmony with the rest of the rural communities**.<sup>3</sup>

There has not been alleged, or proven, any error in the General Plan to justify the proposed changes in land uses by CB 21 which is the only criteria by which an Administrative modification can be made to the General Plan, such as CB 21 represents. This legislation therefore **circumvents established requirements and processes for updates to the General Plan**, as required by the County Zoning Regulations.<sup>4</sup>

In addition to CB 21 being not in keeping with the intent of the current land uses listed in the Zoning Regulations, there are serious technical and legal non-conformances which should result in unequivocal denial of the CB 21-2018, specifically as follows.

**1. The proposed land Uses are incompatible with the Existing Character of the Community and with Agricultural Preservation Use Easements, Including Past Precedents**

Existing solid waste<sup>5, 6</sup> mulch manufacturing and composting uses are currently properly located in industrially zoned properties in Industrial parks - where hazardous industrial manufacturing processes rightly belong. According to most recently published Maryland State waste processing records<sup>7</sup>, one such mulch manufacturing facility processed and marketed over 45,000 tons of wood waste marketed annually – and has announced plans to relocate to a Dayton Ag Pres farm if this legislation is approved (pre-submission application attached). The proposal calls for up to 50 tractor trailer and dump truck trips to the Dayton site, six (6) days per week from

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<sup>2</sup> Howard County Zoning Regulations, SECTION 100.0: General Provisions, A. Legislative Intent, “These Zoning Regulations and maps are being enacted for the purpose of preserving and promoting the **health, safety and welfare of the community**. It is the intention of the Zoning Board to guide the future growth and development of the County in accordance with a General Plan which represents the **most beneficial and convenient relationships** among the residential, non-residential and public areas within the County **considering the suitability of each area for such uses, as indicated by existing conditions...** “

<sup>3</sup> To **protect the character, the social and economic stability of all parts of the County**; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various **land use classes established by the General Plan** for Howard County, and by these comprehensive zoning regulations...”

<sup>4</sup> Howard County Zoning Requirements, p. 32, “General Plan: A plan for the County, approved by resolution of the County Council, which includes but is not limited to a plan for land use and land conservation and multi-year development plans for transportation, public facilities, water, sewerage, park land, housing, human services, historic preservation, and environmental protection.”

<sup>5</sup> “Maryland Department of the Environment, Maryland Solid Waste Management and Diversion Report, 2012”, (p. 1) solid waste classifications include: “rubble (construction and demolition (C&D)) landfills; industrial waste landfills; land clearing debris landfills; solid waste transfer stations; solid and medical waste processing facilities; solid waste processing facilities and transfer stations; municipal solid waste incinerator/waste-to-energy facilities; and natural wood waste recycling facilities” and requires permitting as “solid waste acceptance facilities”.

<sup>6</sup> “Howard County Zoning Regulations”, Section 186, “Solid Waste: Garbage, refuse, rubble, construction debris, demolition debris, land clearing debris, and other discarded materials. This term does not include hazardous waste.”

<sup>7</sup> Maryland Department of the Environment, Maryland Solid Waste Management and Diversion Report, 2012, p. 15

dawn to dusk. In no way is this proposal consistent with the current character of the rural neighborhood, as conditional uses are required to conform, nor is it consistent with the stated intentions of the ALPP, as follows.

ALPP laws (Sec. 15.511) state:

"(a) The restrictions and covenants imposed by the agricultural land preservation easement shall be held by the County or its assigns in perpetuity and shall run with the land and bind all subsequent owners.

(b) **Land subject to an agricultural land preservation easement may not be: (1) Developed for purposes other than agricultural uses. (2) Used for commercial, industrial or residential purpose...**"

Previous MALPP rulings have provided precedent that **processing of off-site generated debris on ALPP properties is not an agricultural use**, as intended by the MALPP program.<sup>8</sup>

"The Foundation's 'Guidelines for Non-Traditional Uses of Land in the MALPF Program' states the following conditions for Land Use category Firewood, **Mulch**:

Conditions:

- Must not interfere with other agricultural or silvicultural operations.
- Must not limit future agricultural or silvicultural production.
- **Majority of the products must be produced on site**; the remainder must be of species indigenous to Maryland... "

And, MALPF policy states "... per the Guidelines for Uses, **the use may not meet conditions for "MALPF staff approval" in that the conditions for production of a majority of products must come from the site ... and, the operation was considered a violation because none of the product came from the farm; all product was being trucked in from off site and processed on the easement property (chopped, dyed, etc.).** "

It is the documented policy of MALPF (and ALPP) to **prohibit an industrial site" which trucks the majority, or all, of its waste materials into and off of the site"**, as is proposed by CB 21.

Additionally, recorded Deeds of Easement as Agricultural Land Preservation Properties predate these proposed land use changes and cannot be retroactively applied to the contracts regarding these deeded easements, having been recorded to run in perpetuity with the land records. **The purchased easements and covenants comprise a completed contract, for which it is contended that the agreed conditions contained in it cannot be retroactively modified.**

## **2. Trucking and Road Safety are Unsafe and Incompatible with Rural Character of the Existing Neighborhoods**

The Howard County Zoning Regulates state: "**To promote the most beneficial relationship** between the uses of land and structures, and the road system which serves these uses, having particular regard for the potential amount and intensity of such land and structure uses in relationship to the traffic capacity of the road system, so as to avoid congestion in the streets and roadways, and **to promote safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and structures throughout the County.**"

How is it then that plucking an existing large scale industrial manufacturing plant from an existing industrial zone and dropping it into rural farms amid residential neighborhoods would be consistent with the intended zoning safeguards for our citizens? How is trucking 45,000 tons per acre of annual wood waste, from off-site, into and

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<sup>8</sup> "Maryland Agricultural Land Preservation Foundation – Open Meeting Minutes", March 26, 2013

out of the Dayton site on small rural roads "safe and appropriate" and how does it safeguard the neighborhood quality of life? It doesn't and is represents a non-conforming and unsafe land use change.

If approved, this legislation would endanger residents and significantly deteriorate the overall quality of life of through subjection of residents to known serious respiratory health hazards of airborne mulch dust, potentially toxic composting leachates entering into drinking water aquifers, diesel exhaust pollutants of intensive trucking, constant machinery noises, potentially contaminated runoffs into the Triadelphia Reservoir and increased (and unsafe) truck traffic congestion on our small rural roads.

No longer could children safely await school buses along rural access roads without serious threat from 80,000 pound vehicles passing by (at average 9.6 minute intervals) and exposure to diesel fumes and noise. According to the Howard County General Plan (p. 54), "**The major issue for many western County roads is not capacity, but safety. Some of the rural, two-lane roadways have narrow or no shoulders and are very winding, resulting in poor sight distances.**" Rural areas have narrow winding rural roads with no shoulders and dangerous sight line constraints. Rural roads are used by many bicyclists and joggers due to scenic vistas and quiet traffic. There have been no road studies in advance of CB 21 to demonstrate that adequate road capacity is available, as required by the Zoning Regulations for such land use changes. Road safety is cited as the **central issue is road safety according to the Adopted Howard County General Plan**. There have been no safety mitigations proposed in CB 21 for the existing narrow rural shoulder-less roads which lack sidewalks and guardrails to separate residential front yards and sidewalks from proposed industrial truck traffic.

### **3. Environmental Incompatibility and Violation of County, State, and Federal Policies**

The petition also conflicts with stated, and U.S. Federally approved environmental policies of Howard County, the State of Maryland, and Federal EPA regulations.<sup>9</sup> Page 37 of the environmental policy document states: "In 1996, **Howard County**, Montgomery County, Prince George's County, the Montgomery County Soil Conservation District, **the Howard County Soil Conservation District**, Maryland National Capital Parks and Planning Commission, and the **Washington Suburban Sanitary Commission** signed the Patuxent Reservoir Protection Agreement. The agreement recognized the importance of protecting water quality in the reservoirs, along with their contributing **watersheds**, and committed the parties to the long-term protection of the following six "priority resources":

- (1) **Water supply**,
- (2) Terrestrial habitat,
- (3) **Stream system**,
- (4) Aquatic biota,
- (5) **Rural character and landscape**, and
- (6) Public awareness and stewardship."

From Table 10 (p. 38), the Maryland National Capitol Park and Planning Commission, Howard County and Montgomery County approved joint policies to protect the Patuxent River watershed as follows:

- "Use zoning and land use policies to maintain rural character of watersheds", and
- "Continue easement acquisitions through agricultural land preservation programs"

Page 7 of the referenced WSSC/EPA approved policy document also states "There are no industrial sources permitted for discharging nutrients or sediments in the watershed of either reservoir."

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<sup>9</sup> "Total Maximum Daily Loads of Phosphorus and Sediments for Triadelphia Reservoir (Brighton Dam) and Total Maximum Daily Loads of Phosphorus for Rocky Gorge Reservoir, Howard, Montgomery, and Prince George's Counties, Maryland" (June 2008), State of Maryland, Department of the Environment, 1800 Washington Boulevard, Suite 540, Baltimore, MD



**CB 21 is in direct violation of protecting the Triadelphia watershed against the adverse environmental impacts of the proposed industrial mulch manufacturing, composting and soil processing uses.**

Regarding airborne pollution which would result from CB 21, recent written testimony to the Howard County Council by Dr. Victor E. Velculescu, M.D., Ph.D.<sup>10</sup>, a noted oncologist, cites the following specific eight health concerns associated with wood dust, carcinogens and infectious agents and their affects upon residents<sup>11</sup>, summarized herein:

1. ***Wood dust is a carcinogen.*** This is well-established as has been indicated by many national and international organizations, including the American Cancer Society, WHO, CDC, and the Department of Health and Human Services. Importantly, wood dust is a carcinogen regardless of whether it arises from wood cutting occupations or from composting activities, as indicated in the 14<sup>th</sup> Report on Carcinogens from the US Department of Health and Human Services
2. ***Mulching and composting have health risks due to infectious agents.***
3. ***Composting can lead to toxic and carcinogenic substances.***
4. ***Dust from mulch and composting can lead to inflammatory effects.***
5. ***Animal mortality and waste in composting can contaminate groundwater.***
6. ***Composting facilities have health effects on nearby communities.***
7. ***Infectious agents from mulch and composting facilities can pose health risks at significant distances. Individuals living near composting sites have exposures similar to those in high risk occupations.***

**Summary**

In summary, I request to keep industrial manufacturing and composting uses where they belong in M1/M2 zoning. Large-scale fire safety endangerment, noxious odors, unsafe dust and truck emissions, industrial noise pollution, environmental pollution, carcinogenic airborne pollutants, unsafe commercial truck traffic and other negative attributes that come with industrial mulch manufacturing, composting and soil processing do not belong in rural residential neighborhoods, in our protected watershed, and certainly not on ALPP "perpetual agricultural preserves".

**The County Council and the Planning Board have not followed due processes, nor appropriately evaluated the resulting severe consequences to public health and safety, as are required by law. CB 21 should be defeated or withdrawn immediately.** To do otherwise opens every rural farm to industrial exploitation and causes serious hazards to the neighboring residents, in direct violation of zoning protections that are adopted and intended to prevent same.

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<sup>10</sup> Dr. Victor E. Velculescu, M.D., Ph.D., Professor of Oncology and Pathology, Co-Director of Cancer Biology, Sidney Kimmel Comprehensive Cancer Center, Johns Hopkins University School of Medicine

<sup>11</sup>[https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKewi\\_7\\_jWmchXAhWPGuwKHRPxDIOQFggrMAE&url=http%3A%2F%2Fcc.howardcountymd.gov%2FLinkClick.aspx%3Ffileticket%3DH7OSwuomuyY%253D%26portalid%3D0&usg=AOvVaw0uo7J4IbYW0-MvLH\\_mIK\\_D](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKewi_7_jWmchXAhWPGuwKHRPxDIOQFggrMAE&url=http%3A%2F%2Fcc.howardcountymd.gov%2FLinkClick.aspx%3Ffileticket%3DH7OSwuomuyY%253D%26portalid%3D0&usg=AOvVaw0uo7J4IbYW0-MvLH_mIK_D)

JBRK, LLC  
c/o 5100 Dorsey Hall Drive  
Ellicott City, Maryland 21042

**Notice of Pre-Submission Community Meeting**

This is notice that JBRK, LLC, Petitioner, intends to submit a Conditional Use Petition for a mulch manufacture, soil processing and composting facility. The property consists of approximately 150 acres, more or less, and is located at 13825 Howard Road and Green Bridge Road, Dayton, Maryland 21036 (Tax Map 28, Block 7, Parcel 13, Parcels A and B).

You are invited to attend a pre-submission community meeting to meet with the Petitioner, who will provide information concerning the Petition, and to ask questions, make comments and discuss this project.

The meeting will be held at the Fifth District Volunteer Fire Department, Clarksville, 5000 Signal Bell Lane, Clarksville, Maryland 21029 on Thursday, January 9, 2014 at 6:00 p.m.

**Petitioner's Notice of Pre-Submittal Meeting**

## Sayers, Margery

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**From:** Dena Leibman <dena@futureharvestcasa.org>  
**Sent:** Monday, April 16, 2018 4:27 PM  
**To:** CouncilMail  
**Subject:** testimony on CB 21  
**Attachments:** Testimony for Howard County CB 21 - Final.pdf

To Whom It May Concern,

Please accept the attached testimony on CB 21.

Thank you,  
Dena Leibman

Dena Leibman, Executive Director  
[www.futureharvestcasa.org](http://www.futureharvestcasa.org)  
240-413-9495

[The Foodshed Field School](#) | Year-Round Learning with Future Harvest CASA



1114 Shawan Road, Suite 1, Cockeysville, MD 21030  
futureharvestcasa@gmail.com  
www.futureharvestcasa.org  
(410) 549-7878

April 16, 2018

RE: CB 21

Dear Howard County Councilman,

On behalf of Future Harvest: Chesapeake Alliance for Sustainable Agriculture – an 800-member organization working to advance profitable and Bay-friendly agriculture – I am submitting this written testimony supporting CB 21. Current Howard County zoning is too restrictive for farmers wanting to compost on their farms. Composting is a critical accessory activity to farming that allows farmers to thrive, build healthy soil vital to our planet, and provide nutritious food to our community.

Composting is the best source of organic matter that builds healthy soil. Rather than sending organic material to a landfill or incinerator, contributing to ecologically harmful methane emissions, the passage of CB 21 will allow farmers to maintain soil integrity, minimize losses to erosion and drought, and harness the economic and environmental benefits of healthy soil.

Indeed, the new MD Healthy Soils Program Act promotes the widespread use of healthy soils practices among farmers in Maryland. Increasing soil organic matter is specifically named, along with the ability of soil to sequester carbon and reduce greenhouse gas emissions. Because of their intimate knowledge of soils, farmers are perhaps the most appropriate stewards of the composting process.

CB 21 incorporates the Maryland Department of the Environment's (MDE) 2015 composting regulations and the findings of a 2014 Task Force that was created to study mulching, composting and wood processing policies and regulations with respect to Howard County land use, planning processes and Zoning Regulations. The Permit for Special Farm Uses and Conditional Uses proposed in CB 21 appears clearly defined, well thought out, and outlines conditions designed to minimize any potential impacts; further county restrictions are unwarranted. The County should solicit the support of MDE to assure citizens that these regulations are achieving their intended goals of protecting people and the environment, and that any breaches will be addressed promptly.

Thank you for the opportunity to submit this testimony.

Dena Leibman, Executive Director, Future Harvest CASA

## Sayers, Margery

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**From:** Linda Bilsens <lbilsens@ilsr.org>  
**Sent:** Monday, April 16, 2018 4:05 PM  
**To:** CouncilMail  
**Subject:** Testimony in support of CB21 / ZRA183  
**Attachments:** ILSR Letter of Support for CB21 ZRA183.pdf

To Whom it May Concern:

Please find attached the Institute for Local Self-Reliance's testimony in support of CB21 / ZRA183 and farmers' rights to compost on their farms.

Sincerely,  
Linda Bilsens Brolis

--

**Linda Bilsens Brolis**  
Institute for Local Self-Reliance  
Project Manager  
Composting For Community  
Neighborhood Soil Rebuilders  
[lbilsens@ilsr.org](mailto:lbilsens@ilsr.org)  
202.898.1610x5260  
Direct: 202.827.0845



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

**County Council of Howard County, Maryland**  
**County Bill 21-2018 – Zoning Regulation Amendment 183**

**Position: Support**

**April 16, 2018**

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

The Institute for Local Self-Reliance (ILSR) urges a favorable vote on **Howard County Bill 21-2018 – Zoning Regulation Amendment (ZRA) 183**. ZRA 183 balances regulation changes that both recognize the importance of farming to the County and avoids undue burdens on farmers as they conduct agricultural activities, in particular composting. We echo the sentiment of the PlanHoward 2030 update of the County Plan, that “Howard County farmers should be able to utilize innovative farming practices so they too can adapt to the evolving market” and that “enhancing their ability to farm efficiently is critical to the growth of Howard County and its ability to maintain a diverse economy.” We contend that composting is both an essential agricultural activity, and a sustainable agricultural practice that can provide significant economic benefits to farmers.

While we support this amendment, we also recognize the concerns of the Howard County community regarding traffic safety, and potential impacts on water and air quality. These are real factors that need to be monitored and managed. It is for these reasons that we are proponents of having well-trained operators at these sites to avoid potential problems and impacts. In addition, we believe that a distributed composting infrastructure – one that prioritizes and supports small-scale facilities like those on farms over large industrial sites – will minimize these potential impacts while maximizing the benefits associated with local compost use.

Austria is a model for on-farm composting. In 2016, I studied with farmer composters in Austria who helped establish the thriving network of nearly 300 agricultural/municipal composting facilities help nurture local soils and provide the country with the highest recycling rates in Europe at 63% (European Environment Agency, 2013). These farmers are entrusted with this task as experts on what will yield the highest quality final product, but also as a way to allow supplemental income to support their small, family farms. According to the World Bank, in 2012, these facilities made up 64% total composting infrastructure in Austria, and processed 308,000 million tons of organic wastes. Because of how valuable this high-quality compost is as a soil amendment, Austrian farmers used 70-90% of it on their own crops, with the rest being sold to local markets (The World Bank, 2016).

Composting is an important waste and nutrient management practice for any farm, and can even be used to safely process animal mortalities (Brodie). During the avian influenza outbreak of 2016, ILSR partnered with the University of Maryland to train poultry farmers to compost any mortalities on their farms. Composting is a proven and widely-accepted practice for killing the virus as well as many other human pathogens, and keeping disease mortalities on-site acts as a quarantine (Elving, 2012).

We applaud the Department of Planning and Zoning's effort to engage concerned citizens, as well as representatives of the Fire and Rescue Services, Howard Soil Conservation District, Environmental Health Department, Planning & Zoning Resource Conservation Division, Economic Development Authority, and the Office of Community Sustainability in the zoning regulation amendment process. We further urge that the County continue this commendable stakeholder engagement process to provide both its farming community and the broader community ample opportunity for feedback as composters begin to implement these ZRA 183 amendments and the 2015 MDE composting regulation amendments.

**References:**

Brodie, H., Carr, L. University of Maryland Cooperative Extension Fact Sheet. *Composting Animal Mortalities on the Farm, Fact Sheet 717*. Retrieved from <https://extension.umd.edu/sites/extension.umd.edu/files/images/programs/poultry/Composting%20Animal%20Mortality%20on%20the%20FarmFS717.pdf>

Elving, J., Emmoth, E., Albihn, A., Vinneras, B., and Ottoson, J. (2012). Composting for Avian Influenza Virus Elimination. *Applied Environmental Microbiology*, vol. 78 no. 9 3280-3285. Retrieved from <http://aem.asm.org/content/78/9/3280.full>

Herczeg, Marton. (2013) *Municipal Waste Management in Austria*. Copenhagen, DK: European Environment Agency.

The World Bank. (2016). *Sustainable Financing and Policy Models for Municipal Composting*. Social, Urban, Rural & Resilience Global Practice, the Urban Development Series. Retrieved from [http://www.ccacoalition.org/sites/default/files/resources/2016\\_sustainable-financing-policy-municipal-composting\\_World-Bank\\_CCAC.pdf](http://www.ccacoalition.org/sites/default/files/resources/2016_sustainable-financing-policy-municipal-composting_World-Bank_CCAC.pdf)

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

## Sayers, Margery

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**From:** Suzanne E. Dorsey <sdorsey1@umd.edu>  
**Sent:** Monday, April 16, 2018 3:40 PM  
**To:** CouncilMail  
**Subject:** input for tonight's hearing on mulch

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern.

I would provide my input that Keith Ohlinger's farm practices the highest level of regenerative agriculture which is the most environmentally sound approach to agriculture. He uses multi species rotational grazing. He uses mulch as bedding for his animals and as a soil amendment. This type of small scale and innovative farming ensures a clean environment by keeping nutrients in the agri-ecosystem. Waste nutrients are recycled into plants which provide fodder.

When consumers purchase products from small farmers the impact to our statewide economy is multiplied 3-times. No food produced outside the state and sold in large supermarkets impacts our local communities to the extent that local farming operations do.

Without the ability to innovate and meet challenges that already exist in farming...drought, climate change, nutrient diet our small farm communities will collapse. Regulation DO cause agricultural businesses to fail. When working lands transfer to residential or industrial use, the impact to the environment is deleterious.

The Hughes Center for Agro-Ecology uses objective science to support environmentally sound and economically viable farms and forests in Maryland. I have observed Mr. Ohlinger's use of mulch on his farm and conclude that his use of this resource protect the environment while supporting a productive farm in Howard County.

Too many farms have been put out of business because well meaning people no longer understand that farms need to produce food AND make a living. For every one farmer that may show up to prevent additional regulations there are hundreds that are working night and day to keep their farms profitable and cannot take the time to testify. As a conservationist who supports profitable farms that are environmental stewards I urge you to consider Mr. Ohlinger's testimony carefully.

Working lands, farms and forests hold the secret to protecting our environment. Mr. Ohlinger's farm will sequester more carbon into the soil while preventing some small amount of the 1.9 million tons of wood fiber produced in Baltimore and surrounding suburbs from going into the landfill. His use of mulch should be protected. Without local use of fiber in Maryland more of our forests will go unmanaged and will succumb to disease and fire. The implications of your ruling today go beyond farming and into forestry in Maryland. Already the state has lost 50% of the mills since 2000. Closing mulching and other forest products industries make it too expensive to protect forests. Unhealthy forests cannot clean our air and our waterways and become fire hazards.

Thank you for your consideration.

*Suzanne*

Suzanne E. Dorsey, Ph.D.  
Executive Director



Harry R. Hughes Center for Agro-Ecology  
College of Agriculture and Natural Resources, University of Maryland

P.O. Box 169  
124 Wye Narrows Drive  
Queenstown, MD 21658

410-827-8056 (office)  
[sdorsey1@umd.edu](mailto:sdorsey1@umd.edu)



## Sayers, Margery

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**From:** Christine Fay <chriss1012@verizon.net>  
**Sent:** Monday, April 16, 2018 11:19 AM  
**To:** Kittleman, Allan; CouncilMail  
**Subject:** Re: CB21-2918 - BIG NO!

Sorry, meant to say "Sorry cannot attend May 7, 2018 meeting."

Jerry and Chris Fay  
chriss1012@verizon.net

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

From: Christine Fay <chriss1012@verizon.net>  
To: akittleman <akittleman@howardcountymd.gov>; councilmail <councilmail@howardcountymd.gov>  
Sent: Mon, Apr 16, 2018 11:12 am  
Subject: CB21-2918 - BIG NO!

Dears Sirs and Madams:

Over the past 25+ years, western Howard County has changed, Farms, sod farms, horse farms have disappeared and been replaced by houses - house on top of house!

Now, Howard County wants to change the western part again by allowing industrial mulching. Does this give the County more tax money - more money to spend wastefully/unwisely? It is the only reason that makes sense and that we can see why you would want to pass a bill like this.

Reasons against Council Bill CB21-2018/Industrial mulching:

1) Safety on the Roads - majority of the roads out here are narrow, two lane roads with no shoulders. By allowing industrial mulching, you are allowing numerous sixteen wheelers on these roads - these trucks are too big and will definitely interfere with the flow of our traffic, not to mention our children and jogger population. Bikes out here are already a problem - with the "3 feet law". when we have to pass a bicyclist, you are putting us into the wrong lane, facing oncoming traffic - good way to have a head on collision! So, now we will have to fight these sixteen wheelers - think about the citizens and not the extra tax income the County may collect.

2) Health issues - by allowing industrial mulching, it will increase air and noise pollution (sawmills) as well as ruin our groundwater which will be ruined because who knows what will be in the compost - wood waster, food waste, animal carcasses, manure, etc.).

3) Our property values will go down!

Keep in mind the following:

**"Councilmembers Fox and Sigaty didn't present any evidence showing that these future operations would be safe because they can't. There is no evidence! It is NOT safe!"**

***"In response to your inquiry regarding industrial mulching on agricultural farm land, I can unequivocally state that I am opposed. There have been three major public hearings on this issues: one at Dayton Oaks Elementary School, one in Sykesville and another at the Ten Oaks Ballroom with an estimated attendance of over five hundred, where I stated that I firmly opposed industrial mulching. As County Executive, I will actively continue my opposition." Please hold County Executive Kittleman to his promise!***

We are very sorry we cannot attend tonight's meeting, but can only hope you will listen to and pay attention to what your citizens are saying!

Thank you,

Jerry and Chris Fay  
District 5  
[chriss1012@verizon.net](mailto:chriss1012@verizon.net)

## Sayers, Margery

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**Sent:** Monday, April 16, 2018 11:12 AM  
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Jerry and Chris Fay  
District 5  
chriss1012@verizon.net