

Sayers, Margery

From: E. Greene <haggwell@gmail.com>
Sent: Friday, May 18, 2018 4:13 PM
To: CouncilMail
Subject: CB 21-2018

Members of the Howard County Council:

I am glad that CB-21 bill is tabled; however, I fear that it will be resurrected and raise its ugly head later. Some of the Howard County Council members and Allan Kittleman do not want the CB-21 CLOUD hovering over the election.

I thank all the wonderful people who have worked so hard to protect the health and safety of the citizens of Howard County and Maryland. One would think that one of the functions of elected officials would be to protect the health and safety of the citizens they govern. Elected officials should take one of the ideas from the Hippocratic Oath- DO NO HARM.

I understand citizen activism and involvement, but expecting citizens to attend the various meetings of all these committees to insure that elected officials do not screw the citizens is ridiculous. If the citizens have to attend all these meetings, why bother to have elected officials? I thank God for all those dedicated citizens.

It appear this bill was written under the guise of benefiting the farmers of Howard County, The aspects of this bill pit the farmers against those citizens who fear for their health and safety; the third party who is the major beneficiary of this bill is the individuals who want to engage in industrial composting and mulching and whose bottom line would benefit if the bill were to pass." As it has been said many times, "money makes the world go around"

As I said before, if you do not to live in an area negatively affected by this bill and/or you do not want your family members to **live** in an area negatively affected by this bill, then no one should have to live in an area negatively affected by this bill.

Please kill this bill once and for all. Please do **NOT** let this issue be resurrected in the future.

Thank you,

Eileen Haggerty

Sayers, Margery

From: Laura Halsor <lshalsor@gmail.com>
Sent: Friday, May 18, 2018 1:40 PM
To: CouncilMail
Subject: KILL BILL CB21-2018

Do the right thing!!!! Kill this bill...for good!!!!

Laura Halsor...a long time Howard,County Resident!!!!

Sent from my iPad

Sayers, Margery

From: Bill Hayden <bill.hayden.ohm@gmail.com>
Sent: Friday, May 18, 2018 11:52 AM
To: CouncilMail
Subject: CB21-18

Please kill or significantly modify CB21-18. We must avoid grouping heavy industry with agriculture. It really harms the future of farming and the welfare of farmers, it risks the health and lifestyle of our county citizens, and it destroys the trust and respect we expect of our elected county government. Its not worth this price by being expedient or trying to support local business. We all want these things but not handled like this.

Bill Hayden, long time resident of Clarksville.

Sayers, Margery

From: Pioneer Painting <pioneerpainting@verizon.net>
Sent: Friday, May 18, 2018 11:38 AM
To: CouncilMail
Subject: CB21-2018 WITHDRAW THE BILL!!!

Do not table it. WITHDRAW it.

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Sunday, May 06, 2018 9:41 PM
To: CouncilMail; Kittleman, Allan
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; Rossman, Maura; Vickery, Antigone
Subject: CB 21-2018 Testimony - Is Death an Environmental Hazard?
Attachments: 1 - Message from the County Executive - 6 Jul 2017.jpeg; 2 - Letter to Sigaty - 12 Dec 2013.pdf; 3 - 2016 NWWRF Diversion.docx; 4 - Man dies after inhaling fungal spores from garden compost.pdf

Council Members and County Executive,

These are the first words that appear in the zoning regulations for Howard County: “These Zoning Regulations and maps are being enacted for the purpose of preserving and promoting the health, safety and welfare of the community.”

The sponsors of CB60-2017 and CB21-2018 have FAILED to be in compliance with the Legislative intent of the very legislation you propose to change. The County Executive has appointed a Director of DPZ who states health risks are not part of his job. His priority is land development. His priority is that property owners have a right to develop their property. Not one sponsor nor DPZ has engaged the Howard County Health Department in preparation of either of these bills. I believe that sponsors and those that work for them have done whatever they can to dismiss that legislative intent.

You have failed to comply with the first 23-word sentence of the Zoning Code. Perhaps you need to amend CB21-2018 to replace that sentence with: **These Zoning Regulations and maps are being enacted for the purpose enabling property owners to develop their property regardless of how it may affect the health, safety and welfare of the community.**

The other evening Mr. Kittleman said that he didn't know that MALPF properties were excluded from CB 60-2017. This directly contradicts his message of July 6, 2017 (Ref. Attachment 1) where he states:

“The regulations as proposed did not include MALPF properties since they are regulated through the State program as well as individual easement requirements. However, in response to concerns we plan to file an amendment that applies the same regulations to the MALPF properties as those in the County's ALPP program. This will add zoning requirements and limitations to MALPF properties, in addition to the state and easement restrictions. We will continue to listen to testimony on the issue and be prepared to offer amendments as needed “

I'd like to go back to 2013 when Rob Long wrote to Council Member Mary Kay Sigaty about the mulch operation at 2600 Woodbine Rd. (Ref. Attachment 2) Notice that he referenced complaints sent to MALPF, Council Member Greg Fox, County Executive Ken Ulman and then MD State Senator Allan H. Kittleman. Also included were complaints to DPZ and MDE citing specific violations. No action was taken.

That operation continued for years. I obtained the most recently available report from MDE for the NWWRF diversion report (Ref. Attachment 3) through a PIA request. It, 2016 NWWRF Diversion is attached below. Oak Ridge Farms reported mulch production in 2016. Perhaps the Office of Law would be willing to contact MDE for the 2017 copy of the diversion report. I'll also add that I made contact with the MDE office that issues Transfer Station Permits. The facility in Woodbine does not have one, nor would they be allowed one if related to wood waste.

Why did Mr. Long write to Council Member Sigaty? A relative of Mr. Long was talking to Ms. Sigaty and Ms. Sigaty told the person she would see what she could do. Fast forward to 2017 and Ms. Sigaty, Greg Fox and County Executive Allan H. Kittleman propose that MALPF properties be exempt from Howard County regulations regarding NWWRF. That would have exempted the operations that negatively affected the residents of Woodbine for many years. That was seen as nothing less than a complete abandonment of those residents in Howard County.

Note also in the same document (Ref. Attachment 3) that in Howard County there were two NWWRFs operating without Conditional Use approval from Howard County, Oak Ridge Farms and Level Land. Inc.

Here is the web page for [Level Land Inc.](#) How many of you can look at the web page and call that a farming operation? From their web page:

"In 2001 Level Land Inc. was formed by Justin Brendel. A few years later his brother Zack Brendel bought into the business and they became partners. Focusing primarily on septic installs small grading jobs and equipment rental jobs. After a few years they hired on their first employee Ben Millard and he has now been with the company over 10 years. Through the years they completed a diverse collection of projects including community septic treatment systems, site projects as well as large demolition projects.

Currently, Level Land has grown and transformed their primary work into land clearing, material processing and organic products manufacturing. Level Land operates an MDE permitted Natural Wood waste processing facility as well as An MDE General Composting facility in Howard County. We manufacture mulch, topsoil, compost, and soil blends. The facility also provides an outlet for local contractors to dump soil leaves and green waste. Level Land also provides demolition, grading, excavating, site work, septic install, and storm water management as we well as storm water maintenance."

You may also recall from testimony provided by Mr. Brendel at the Planning Board, he originally asked his father if they could have the operation on the family farm. He testified that his father told him it didn't belong on his farm. When you look at the photos on the web site you can understand that position. Someone else's property is fine, just not his. Much to my surprise, Mr. Brendel said he agreed with his father.

You might also notice that in the same document (Ref. Attachment 3) that there is not an NWWRF permit for Mr. Rutley's property. At the Task Force meeting, Mr. Rutley said that technically he was required to have an NWWRF permit because he was bringing in feed stock from off site. He just doesn't bother to get one. That

accounts for three persistent violators of Howard County and/or MDE regulations. Mr. Kittleman seeks out two of those persistent violators for their input on what the mulch and compost regulations should be. It's a bit like interviewing all of the persons in traffic court found guilty of ignoring traffic laws to determine what traffic laws should apply to them.

The Director of DPZ says regulations are difficult to enforce because of "magically disappearing trucks." He states his inspectors can't measure the height of a pile of mulch or the acreage of an operation. Mr. Kittleman proposes an amendment that allows a 1-acre operation to go to 3 acres if the piles of mulch are 5 ft high instead of 10 feet high. Who is going to measure the pile heights or acreage? We know it won't be DPZ. The variant of acreage and pile height is an unenforceable regulation by design.

I wonder if Mr. Kittleman has considered the increase in surface area that will result in 3 acres of mulch piles vs. 1 acre at 10 ft high piles. It seems obvious that will increase the quantity of endospores that become airborne. Perhaps Mr. Kittleman wasn't told by the Director of DPZ about the evidence presented that indicated airborne endospores can travel miles. Within my sample study, it was noticed by residents at a distance of one mile. I took a conservative approach in my testimony by stating the effects of endospores were reported in excess of 1/2 of a mile. It perplexes me that, only for schools, that the setback for operations was increased to only 1,000 ft. Is there no concern about where the children live? How about the retirement community that is being built in Clarksville off RT. 108? The elderly, who might reasonably be expected to have a weakened immune system, should be a concern. There are also people with respiratory issues, e.g., asthma, that reside throughout Howard County that should be a concern. Everyone in Howard County deserves to breathe clean air.

Sponsors to CB60-2017 and CB21-2018 had been given ample evidence of the health risks of mulch and compost operations to residents. In the staff report for CB21-2018 (ZRA-183) the Director of DPZ states quite clearly that the report was coordinated with the Howard County Health Department. Yet, in correspondence with Dr. Rossman and Mr. Nixon they confirmed they have had no involvement in this area since the Task Force. Mr. Nixon suggested that perhaps DPZ was confused and was referring to the MD Department of Health. Let's take a look at the specific text as it appears in ZRA 183, Page 6.

1. In addition to discussions with the MWG, DPZ reviewed the work of the Wood Waste Task Force and collaborated with representatives from Fire and Rescue Services, Howard Soil Conservation District, Environmental Health Department, DPZ Resource Conservation Division, Economic Development Authority, and the Office of Community Sustainability to develop ZRA 180.

Every one of those entities is local to Howard County. Nothing in that paragraph would indicate they collaborated outside of Howard County. Even IF the Environmental Health Department was a State entity, why would DPZ exclude the Howard County Health Department, Bureau of Environmental Health? From their web page: **"The Bureau of Environmental Health protects the health of the citizens of Howard County from diseases and hazards found in the environment. Our role is to identify hazards in the environment that may cause disease, and to develop plans and partnerships to reduce or eliminate those hazards."**

See the Guardian article (Ref. Attachment 4) dated June 12, 2008, *Man dies after inhaling fungal spores from garden compost*. Does "death" constitute an environmental hazard? How many acres of compost do you want to toss into the air and allow airborne endospores? This article might very well be referring to an exceptional case, but mulch and compost have pathogens you can't pretend don't exist.

DPZ has misrepresented who the report has been coordinated with and has failed to coordinate with the Howard County Health Department? No sponsor of CB60-2017 or CB21-2018 has ever sought the opinion of the Howard County Department of Health or the Board of Health on health risk in spite of the legislative intent of the Zoning Code.

Mr. Jeff Dannis did mention during the Task Force meetings that there were mulch fires at Alpha Ridge, though I don't recall him saying that in any testimony he gave on CB60-2017 or CB21-2018. There is public water supply there and that is important.

I also recall him testifying that endospores in mulch and compost are in the air we all breathe. That is true. Though he didn't mention that the quantity of endospores might be expected to be much larger when mulch and compost piles were turned, as would be required with a proper process.

He has questioned whether wood dust from mulch is as small as wood dust generated in woodworking. I might have thought that he would have done a Google search before raising that question as testimony. He is responsible for the mulch operation at Alpha Ridge. It took me less than 2 minutes to find that mulch wood dust and wood dust from woodworking are both measured in microns. Both would allow deep penetration into the respiratory system.

Mr. Jeff Dannis also testified that there was no water contamination at Alpha Ridge due to mulch or compost operations. I don't know if Mr. Dannis actually filed his report that detailed where and how many samples were taken and the specific test results. Mr. Jeff Harp, who provided expert testimony, on the risk of water contamination pointed out that Mr. Dannis failed to mention that those areas were provided with an engineered non-permeable barrier to prevent water contamination.

Mr. Greg Fox stated that no one in Montgomery County complained about a mulch operation in that county. Obviously, there would be no report to back up no one complaining. But accepting that at face value, what is Mr. Fox implying about the people in Woodbine? What about the 17 people that filed inspection requests/reports? What about the 28 people that signed a letter to the Board of Health complaining about ill effects? There aren't many different possible answers to that question. He seems to believe non-existent people in a non-existent report over the signed statement of at least 28 people in Woodbine.

"Farmers", or people who want to run non-farming businesses, seem to think that it is their inherent right to do whatever they want with their property; I'm sorry, they don't have a right to run a business that is illegal. They don't have the right to run a business that violates the language of an easement that encumbers their property. They can't toss out the language they don't like. If the easement states that commercial and industrial operations are prohibited, then they are **not** allowed. They can't open a gas station because using gas is an accessory to farming. I don't think they are allowed to drill for oil. I'm on RR and I don't think I'm allowed to do either of those and nor should I be allowed. Property owners should not be allowed to contaminate the water supply and they should not be allowed to conduct business operations that are detrimental to the health, safety and welfare of the community.

Again, the legislative intent of the Zoning regulations is: **"These Zoning Regulations and maps are being enacted for the purpose of preserving and promoting the health, safety and welfare of the community."**

I am convinced that our Howard County Government has forgotten that. Worse, it's apparent that this government is prone to the fabrication of evidence and can't recall what claims they made in the past. That

certainly is apparent with respect to this proposed legislation. They should read carefully the intent of the legislation here: [ZONING REGULATIONS COUNTY OF HOWARD, MARYLAND](#)

If the elected officials, their appointees or staff wish to ignore the legislative intent, the County would be much better off if they sought a different career path.

Please pass a copy of this testimony to the Office of Law. I have some questions that I will be sending to the Office of Law separately.

Best Regards,
James Nickel
Dayton, MD

[July 6, 2017: A message from the County Executive](#)

A message from the County Executive regarding future changes to the legislation:

Since the filing of Council Bill 60-2017 (ZRA 180), we have received a number of communications from various stakeholders in the process. As the Council, especially the bill co-sponsors are aware, the filing of the bill is just another step in this open and transparent process. Unfortunately, there appears to be a substantial amount of misinformation that has complicated the process.

The bill itself is a result of a broad community task force and a separate, smaller work group that worked on various compromises. As this task force and work group didn't develop legislative language, this is the bill's first iteration.

To help clarify some of the key issues that we know are out there, we have put this communication together. First of all, we were well aware from the beginning that there would likely be a number of amendments that would be required as part of the legislative process. Some of the changes will be done to tighten up or clarify intentions of the bill while others might be needed to broaden the shared goals of all of the stakeholders.

A number of these issues are outlined below, but we are sure that we will receive other constructive suggestions throughout this process that allow the shared goals to be met:

- In ALPP and other easement properties, it was never intended for the property to have both up to a three-acre composting facility and up to a two-acre mulch facility if it had a tree farm. This could be addressed by making this an either/or situation or possibly establishing a cap for the combined uses. This is something that we and DPZ intend to address.
- While we have heard concerns that there could be an unintended loophole regarding the tree farm provision on easement properties, numerous areas of the bill attempt to address that concern. If, after hearing testimony on July 17th, we believe that this can be tightened up we will consider appropriate amendments.
- We still need to confirm that existing operations that were supported by all participants of the task force, as a common goal, will be able to operate. Right now, at least one of these operations (not on easement property) is not fully addressed.
- The regulations as proposed did not include MALPF properties since they are regulated through the State program as well as individual easement requirements. However, in response to concerns we plan to file an amendment that applies the same regulations to the MALPF properties as those in the County's ALPP program. This will add zoning requirements and limitations to MALPF properties, in addition to the state and easement restrictions. We will continue to listen to testimony on the issue and be prepared to offer amendments as needed

Again, this is just the beginning of the legislative process. To further assist stakeholders in understanding the details of CB60-2017, DPZ briefed the Council and the public as part of the Council's July 10th monthly meeting at 8:30 in the morning. The meeting was streamed and the video is posted above for anyone who wasn't able to attend in person.

Robert Long
2701 Woodbine Rd.
Woodbine, Md. 21797

Mary Kay Sigaty
District 4 Council Member
3430 Court House Dr.
Ellicott City, Md. 21043

December 12, 2013

Dear Ms. Sigaty,

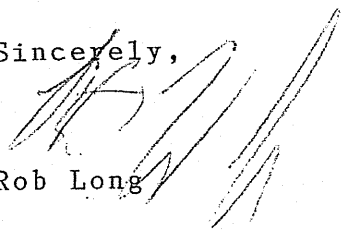
Enclosed are complaints to MAIPF, DPZ, MDE, Greg Fox, Ken Ulman, and Mr. Kittleman. To my knowledge, no action has been taken. An industrial scale mulching operation is operating at 2600 Woodbine Road. I believe this operation has no sediment control, no dust control, no noise control, no site plan and no conditional use from either Howard County DPZ or MDE.

As you can see, from the complaints to the DPZ, we in this neighborhood are becoming ill from the dust particulate matter and bioaerosols, coming from one of the highest points in Howard County. The dust is on our pastures, in our homes, on our cars and windows. Their Tub Grinder and Loader can be heard over a mile away, indoors with windows and doors closed. Hundreds of Tractor Trailer loads of off-site wood waste debris are brought on to this site for processing causing truck traffic and noise in our pristine agricultural/residential neighborhood.

In my opinion, this Mulching Facility has created such a nuisance that it is making this area uninhabitable for Humans and Live-stock. Many more complaints are on the way to the DPZ.

Please help us in this matter if you can. The Neighborhood would so appreciate your help.

Sincerely,


Rob Long

Natural Wood Waste Recycling Facility

NWW consists of trees and other natural vegetative materials, including tree stumps and limbs, brush, root mats, logs, leaves, grass clippings, and unadulterated wood wastes. NWW does not include pallets, crates, lumber, wood chips, firewood, or other products that may be made from NWW, but have subsequently been processed. Owners or operators of facilities that recycle NWW must obtain a permit to operate under Code of Maryland Regulations (COMAR) 26.04.09. A natural wood waste recycling (NWWR) facility does not include a collection or processing facility operated by a nonprofit or governmental organization located in the State, or a single individual or business that provides recycling services solely for its employees or for its own recyclable materials generated on its own premises.

NWW recycling facility waste management practices are presented in Table 12. Details on NWW permits are provided in Appendix C. Additional information on Maryland's NWW program is available on the Department's Solid Waste Management in Maryland web page at www.mde.maryland.gov/programs/LAND/SolidWaste/Pages/index.aspx, or by contacting the Department's Solid Waste Program at 410-537-3315 or kaveh.hosseinzadeh@maryland.gov.

Table 12 – Permitted Natural Wood Waste Recycling Facilities

| Jurisdiction | Facility Name | Permittee | Waste Accepted | Waste Handled | |
|------------------|--|--|----------------|-----------------|-----------------|
| | | | | Waste Recycled* | Waste Marketed* |
| Allegany | Braddock Construction, LLC. | Braddock Construction, LLC. | 12 | 8 | 0 |
| Anne Arundel | A-A Recycle & Sand, Inc. | A-A Recycle & Sand, Inc. | 23,618 | 0 | 20,897 |
| | Bronson Contracting, Inc. | Bronson Contracting, Inc. | 0 | 0 | 0 |
| | L and W Recycling | L & W Recycling, Inc. | 35,252 | 35,252 | 15,277 |
| Baltimore County | King Mulch and Pallet | Albert J. Bierman | 4,442 | 4,442 | 3,518 |
| | Edrich Lumber, Inc. | Edrich Lumber, Inc. | 19,164 | 19,164 | 36,869 |
| | Northwest Recycling, LLC. | Northwest Recycling LLC. | 9,750 | 9,750 | 9,235 |
| | Wirtz & Daughters, Inc. | Wirtz And Daughters, Inc. | 16,796 | 16,796 | 36,758 |
| | Hollins Organic Products, Inc. | Hollins Organic Products, Inc. | 14,118 | 14,118 | 13,850 |
| | Hollins Organic Products, Inc. 2 | Hollins Organic Products, Inc. | 0 | 0 | 0 |
| Calvert | A & L Natural Wood Waste Facility | A.H Hatcher Inc. | 18,281 | 6,311 | 5,640 |
| | 231 Materials & Recycling Products, LLC. | 231 Materials & Recycling Products, LLC. | 0 | 0 | 0 |

| Jurisdiction | Facility Name | Permittee | Waste Accepted | Waste Handled | |
|--------------|-----------------------------------|-----------------------------------|----------------|-----------------|-----------------|
| | | | | Waste Recycled* | Waste Marketed* |
| Caroline | Cahall Construction, LLC | Cahall Construction, LLC | 929 | 0 | 0 |
| Carroll | C. J. Miller, LLC. | C. J. Miller, LLC. | 882 | 882 | 6,084 |
| | Harvest RGI, LLC | Harvest RGI, LLC | 19,054 | 21,777 | 21,777 |
| | Hidey's Landscape Supply Yard | Hidey's Lawn Services LLC. | 1,777 | 2,327 | 3,018 |
| Cecil | Chesapeake Wood Recycling | Chesapeake Investment, Inc. | 690 | 680 | 480 |
| | Mountain Mulch Elkton, LLC | Mountain Mulch Elkton, LLC | 5,605 | 5,639 | 5,475 |
| Charles | Beuchert Excavating, Inc. | Beuchert Excavating, Inc. | 564 | 3,272 | 486 |
| | Calvert Wood Recycling | Calvert Wood Recycling LLC | 7,460 | 7,371 | 5,774 |
| | Mona Recycling | Michael Mona Jr. | 130 | 120 | 0 |
| Frederick | Butler Wood Recycling | William Lee Butler | 1,099 | 754 | 752 |
| | Comus Stone-Woodsboro Operation | Comus Materials, LLC | 0 | 0 | 0 |
| | Grant County Mulch | Grant County Mulch, Inc. | 19,597 | 18,892 | 41,718 |
| | Bussard Brothers Landscape | R. W. Bussard & Sons, Inc. | 7,119 | 7,119 | 5,975 |
| Harford | Harford Industrial Minerals, Inc. | Harford Industrial Minerals, Inc. | 0 | 0 | 0 |
| | Heston's Mulch | Arthur D. Heston | 329 | 329 | 410 |
| | Brian Baker, Inc. | Brian Baker, Inc. | 4,984 | 4,713 | 4,213 |
| | Crouse Construction Company, Inc. | Crouse Construction Co., Inc. | 0 | 0 | 0 |
| | Comer Construction, Inc. | Comer Construction, Inc. | 6,049 | 5,497 | 4,151 |
| Howard | RLO Contractors, Inc. | RLO Contractors, Inc. | 60,190 | 60,190 | 63,133 |
| | Level Land Lisbon Mulch Yard | Level Land, Inc. | 15,935 | 15,488 | 11,553 |
| | Oak Ridge Farm | Oak Ridge Farm, LLC | 17 | 18 | 18 |
| Kent | Sharp Lawn & Tree, Inc. | Sharp Lawn & Tree, Inc. | 454 | 394 | 371 |
| Montgomery | Allentuck Landscaping, Inc. | Allentuck Landscaping, Inc. | 0 | 0 | 0 |
| | Acme Biomass Reduction, Inc. | Acme Biomass Reduction, Inc. | 23,368 | 19,864 | 10,064 |
| | Country Nursery | Country Nursery | 0 | 0 | 0 |
| | Grant County Mulch Ground Covers | Grant County Mulch, Inc. | 16,289 | 13,818 | 6,175 |

| Jurisdiction | Facility Name | Permittee | Waste Accepted | Waste Handled | |
|-----------------|--|--|----------------|-----------------|-----------------|
| | | | | Waste Recycled* | Waste Marketed* |
| Prince George's | Grant County Mulch Facility | Grant County Mulch, Inc. | 128,180 | 115,975 | 117,104 |
| Queen Anne's | Baker Rubble Landfill | R.B. Baker & Sons, Inc. | 2,807 | 2,807 | 870 |
| | Grange Hall Yard | Cole Ventures, Inc. | 2,976 | 0 | 1,843 |
| | Pardoe's Lawn and Tree Service, Inc. | Pardoe's Lawn and Tree Service, Inc. | 327 | 0 | 800 |
| St. Mary's | Charlotte Hall Lumber Yard | Bay Works Wood Processing, LLC | 10,548 | 10,443 | 10,338 |
| Talbot | Dependable Sand and Gravel Company, Inc. | Dependable Sand and Gravel Company, Inc. | 4,311 | 4,005 | 34 |
| Washington | Hess Road Recycling Center | Universal Contractor Inc. | 296 | 296 | 0 |
| Wicomico | Dunn's Tractor Service, Inc. | Dunn's Tractor Service Inc. | 680 | 680 | 680 |
| TOTAL | | | 484,079 | 429,191 | 465,340 |

* Waste Accepted will not always equal the sum of the waste handled columns. For example, waste may be accepted in 2016, but not managed until 2017.

Man dies after inhaling fungal spores from garden compost

• Common mould can harm lungs, scientists warn • An 'occupational hazard' for gardeners, but risk low



Aspergillus fumigatus fungus, commonly found in decaying vegetation. Photograph: Science photo library

Jo Adetunji

Thursday 12 June 2008 19.01 EDT

Gardeners should take extra care when handling old bags of compost after a man died from kidney failure after inhaling poisonous fungal spores, doctors have warned.

The 47-year-old welder from Buckinghamshire, who has not been named, died in intensive care a week after being engulfed by "clouds of dust" when he opened bags of rotting plant material that had been left to fester, in a case reported in the *Lancet*.

Doctors were baffled by his condition until his partner said he had fallen ill after working in the garden. Later tests revealed he had developed acute aspergillosis, a dangerous reaction to *Aspergillus fumigatus* spores. The fungus, which is commonly found growing on dead

leaves, compost piles and decaying vegetation, may trigger a relatively harmless allergic reaction but can cause serious problems if too many spores get into the lungs.

David Waghorn, a doctor at Wycombe hospital in Buckinghamshire and a microbiologist, said the man had been unlucky: "He'd been opening bags of compost and mulch which had been left to rot. The fungus spores had grown in perfect conditions. He was extremely unlucky - there must have been a very large number of spores which he inhaled."

People with weak immune systems are particularly vulnerable. "What we don't know is how strong his defences were. He was a smoker and a welder by trade and his lungs may have been damaged. It's a very unusual thing to happen but if people are dealing with big bags of mulch, there is a potential danger," said Waghorn.

The man, who had previously been healthy, became ill 24 hours later, but was not admitted to hospital until a week later, when he complained of chest pains and breathing difficulties. Despite being given oxygen by medical staff, tests showed his tissue was starved of oxygen and that he was suffering from "overwhelming sepsis", a life-threatening condition caused by an overactive immune system. Symptoms include a fast heart rate, low blood pressure and kidney problems.

Doctors initially thought he had developed pneumonia from a bacterial infection but treatment with antibiotics was not successful. Once aspergillosis was confirmed, intravenous antifungal drugs were given by doctors, but the treatment came too late.

Waghorn said: "I don't know if he could have been saved had we known about the spores, but we could have given the antifungal drugs sooner."

The authors of the article said that while acute aspergillosis after contact with decayed plant matter is rare, it "may be considered a hazard for gardeners".

In April, a group of German scientists raised concerns about the dangers of airborne mould spores produced when organic waste decayed. The spores could lead to allergic reactions, asthma attacks and hayfever-like symptoms, they said.

Harald Morr, a leading pneumologist, said: "Even just opening the lid of a bin containing organic waste can cause mould spores to be stirred up which, if breathed in, can damage the lungs."

Householders who regularly handled organic waste were advised to wear face masks and to keep a distance when handling rotting material.

Since you're here ...

... we have a small favour to ask. More people are reading the Guardian than ever but advertising revenues across the media are falling fast. And unlike many news organisations, we haven't put up a paywall - we want to keep our journalism as open as we can. So you can see why we need to ask for your help. The Guardian's independent, investigative journalism takes a lot of time, money and hard work to produce. But we do it because we believe our

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Friday, May 04, 2018 10:21 AM
To: CouncilMail; Kittleman, Allan
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; Vickery, Antigone
Subject: Breaking News - The Pending Demise of CB21-2018

Good Morning,

I'm pleased to pass on what we heard last night from County Executive Allan H. Kittleman regarding CB21-2018 at the HCCA Annual Meeting. The promises in a nutshell.

- Mr. Kittleman will ask Council Members Greg Fox and Mary Kay Sigaty to withdraw CB21-2018
- If they do not and the bill somehow passes then he pledges to veto it.

Some additional points made by Mr. Kittleman.

- Mr. Kittleman thought a consensus was achieved with the amendments he was to propose that would result in acceptable legislation. He came to realize that was not achieved.
- Maryland HB 171 requires MDE to conduct a study on vegetative waste diversion which will include a health risk assessment.
- Maryland Regulations are not consistent between various entities and that needs to be resolved.
- Howard County will be preparing a comprehensive rezoning effort.

My personal assessment was that Mr. Kittleman thought that it was necessary for both the HB 171 study be completed and Maryland regulations be made consistent, or at least more consistent than they are now. Implicitly, the comprehensive zoning effort may be a more appropriate time to revisit vegetative waste diversion for Howard County.

My opinion is that CB60-2017 and CB21-2018 were failed efforts for two major reasons:

- The main purpose was to develop a regulation to allow a few to manufacture organic products. Those that were involved in this issue knew that the framing of helping "farmers" was a false claim. To illustrate, this was one named "farming operation" [Level Land, Inc.](#) Look at the description of that business and try to find the word "farm." Notice the proud display of the Maryland Building Industry Association. That is a developer's lobbyist organization.

- Health Risk Assessment played no role in the development of either piece of legislation. The Director of DPZ stated in testimony that it was not his role to make assessment of health risks and that was the job of the County Council. At no point in time was the Howard County Health Department ever involved in the preparation of this legislation or the review of the numerous health studies and reports that were presented to the County Council in Testimony. The last time there was any involvement was providing a member of the Task Force over four years ago. Sadly, Mr. Kittleman was not aware of that. I believe he agreed that should be corrected in any future efforts.

I did have a brief discussion with the Deputy Officer of the Health Department, Antigone Vickery, MPH afterwards. I expressed my opinion that the Health Department needs to take a significant role in the development of legislation that may have health impacts to residents AND be involved in the review of the medical reports or studies that are presented as testimony. The County Council has no medical expertise. It is inevitable that two sides of an argument may give them conflicting information. They need to have unbiased assessments that are competent. I hope that the Department of Health call fill that role.

This was a piecemeal effort focused on serving some narrow business segment. A proper system's analysis needs to be performed on waste management needs in Howard County. The technologies exist to be able to manage health risks. Howard County just recently signed a partnership agreement with BTS Energy that specializes in natural, industrial-scale food waste processing. This is the type of forward thinking in technology that Howard County needs to do more.

We need to involve the Department of Health from the beginning on any legislation involving health risk. The risk of water contamination, airborne wood dust, and fungal spores that together increase the chances of cancer, neurological, and respiratory disorders is too important. Health regulations should not be driven by industries that have as their primary motivation reducing costs and improving margins.

Howard County needs to set a high bar for residents and businesses, not a "what can we get away with" approach as I believe was done here. Howard County should be leaders, not laggards.

Best Regards,
James Nickel
Dayton, MD

Sayers, Margery

From: sunnyside1998@aol.com
Sent: Sunday, April 29, 2018 11:44 PM
To: Kittleman, Allan; CouncilMail; Ball, Calvin B; Terrasa@aol.com; Terrasa, Jen; Weinstein, Jon; Sigaty, Mary Kay; Fox, Greg
Subject: Mr. Bonner is at it again

Dear All,

As you know the Woodbine Residents have had difficulties with Mr. Bonner's operations for years. In spite of CB-20 and recent court action against Mr. Bonner he was still operating extremely loudly as of Thursday, Friday, and Saturday of this past week. On Saturday at 6:30pm., what sounded like a large tub grinder running wide open, we heard a loud crashing sound that suddenly brought it to a halt. Recently, several residents have testified seeing large trucks going in and out of his facility.

Should Mr. Bonner claim to be a nurseryman, are you going to allow him to operate his mulch and compost facility on MALPF Easement property should CB 21 pass? A one acre limitation does not stop him from "chipping then shipping" which will allow a continuous flow of truck traffic, deafening noise, bioaerosol contamination, and many more problems.

Can Mr. Orndorff plant trees and claim to be a nurseryman as well ?

We see you have ALPP in CB21 but does this include MALPF Easements ?

Much appreciation to those of you who have tried to stop Mr. Bonner's operations. A special thank you to Dr. Calvin Ball and Jen Terrasa for looking out for the health and safety of the citizens.

Respectfully,

Leslie Long

Sayers, Margery

From: Ellen Lee <ellenhui16@yahoo.com>
Sent: Friday, April 27, 2018 12:43 PM
To: Kittleman, Allan
Cc: CouncilMail; James Nickel; johnteageris@gmail.com
Subject: Industrial Mulch Plant/CB21 must be not be ALLOWED

Dear County Executive Kittleman,

Why is this still happening CB60-2017 and CB21-2018, we trusted you back in 2014 and the Team of Kittleman/Hogan. We have asked our children to pray for the Mulch Plant does not come here on Preserved Land and they will be safe from large trucks and good health, and if you and then Governor Elect Hogan to wins it will happen. See your Promise:

Also back in 2014, on the Campaign trail, on April 24, 2014, you criticized the DPZ about allowing Mulch Plant in the, you said, this;

"In what would become a theme throughout the night, Kittleman, a state senator from West Friendship, first broached the topic while answering a question about mulching on preserved farmland in the county, a practice he says he opposes when it's done on a large scale.

"I don't think industrial mulching is a proper use on a preserved farm," he told the audience of about two dozen people gathered at the Glenwood Library, but, "I think this is a bigger issue than just that. ... Here, we have a problem with the Department of Planning and Zoning. Here, we have a situation where the leadership of the county has allowed the Department of Planning and Zoning to be controlled by a few people."

Kittleman declined to elaborate on who he thought had undue influence over DPZ, although he said he thinks "the community knows who I'm talking about."

From Baltimore Sun: link

<http://www.baltimoresun.com/news/maryland/howard/lisbon-fulton/ph-ho-cf-political-notebook-0814-20140812-story.html>

We thought we will be able to live in Howard County and be able to raise our children safely away from large vehicles, well/water safety, and air borne contaminants, never considered there would be an Industrial Mulch Plant so close to our home and schools.

What does this sign mean anymore?



If this Bill CB21 passes, my family and our community will hold the County Executive Kittleman, and Governor Hogan, as well as Fox, Sigaty and Weinstein accountable. We will forever remember how the Republican's in office let us down and Vote for the candidates that have supported the citizen of Howard County (Dr. Calvin Ball) and China William for District 5. Many neighbors crossed party lines to vote Republican back in 2014, because of your promises. We praised your words to our children about the value of how government can stand up to the Big Business and was so Happy after the Election, but now it seems like all a lie to get our votes.

Your Monday email was almost the exactly same thing you said last year on July 7, 2017, Many BROKEN PROMISES. You were going to amend the Bill CB60 so that will protect the community and allow the farmer to be able to work the land. You were going to make sure it was a small portion of the land, not 5 acres. You said, that you will instructed the Health Department to amend the then Bill CB60. And at the voting all the 3 Councilperson, Fox, Sigaty and Weinstein, under your sponsored Bill CB60 REJECTED all the Amendments. CB60 Bill was PASSED. **CB60 was not amended per you recommendation and All the Amendments the Dayton Rural Preservation Society (DPRS) proposed was REJECTED**, and only with the Grace of God, we are here now, another day to stand up to RLO/Sandy Spring Bank and the Government Officials and DPZ that wants to allow the Mulch Plant on "FARMLAND Forever"/Preserved Land.

If this Mulching Plant is allowed to built and tree materials are allowed to be brought in and sold, we will let our voices be heard on election day. We will work hard to get the message out for the citizen of District 1. We will welcome Calvin Ball and China William for District 5. THANK YOU Councilman Dr. Calvin Ball and Councilwoman Jen Terrasa for all you support against this Bill.

KEEP YOUR PROMISE:

"I don't think industrial mulching is a proper use on a preserved farm," he told the audience of about two dozen people gathered at the Glenwood Library

Kittleman declined to elaborate on who he thought had undue influence over DPZ, although he said he thinks "the community knows who I'm talking about."

Sincerely,

Ellen Hui, see below what you wrote for CB60:

This was your email from July 17 2017,

From: "Kittleman, Allan"< AKittleman@howardcountymd.gov>
To: Ellen Lee <ellenhui16@yahoo.com>
Sent: Monday, July 17, 2017 5:41 PM
Subject: RE: Howard County Bill CB60 for Mulch Plant

Ellen,

Thank you for writing to me and expressing your concerns regarding Council Bill 60. It seems you have received some misinformation regarding this bill, its implications and my position. Please rest assured I remain firmly opposed to allowing industrial mulching on Agricultural Land Preservation Parcels (ALPP).

The purpose of this bill is to allow farmers to mulch or compost excess waste that is part of a farming operation, and to limit commercial wood waste and composting operations to properties that are not encumbered with an agricultural preservation easement and are able to obtain conditional use approval.

The proposed amendment allows Natural Wood Waste Recycling Facilities accessory to a tree farm as a conditional use on ALPP easements, subject to strict limitations. The exemption for tree farms is extremely narrow and protections have been included to ensure the scale is limited. The size restrictions are more stringent than all other conditional uses allowed on Agricultural Preservation land. Where other conditional uses on ALPP are limited to 2% of the easement, the tree farm use is further restricted to additional requirements - the lesser of 2 acres or 15% of the area farmed in trees. Further, the operation must be related to tree farm use, and at present the County is only aware of eight such operations in the Rural West. The tree farm allowance is intended to allow tree farmers the ability to process additional wood waste produced that would then be used as a soil amendment either on their farm or that could be shipped with nursery supply.

Much of the concern regarding this bill arises from the potential use of the Orndorff property for a mulching facility. My office has reached out to Mr. Orndorff to discuss this concern. The increase in traffic and noise you have noticed from the Orndorff property can be attributed to the work they are performing to make the property farmable, not an industrial mulching operation. It is also not a tree farm, another misconception.

I understand from Mr. Orndorff that he has obtained an approved conservation plan from the Howard County Soil Conservation to improve the farm. They are in the process of implementing the plan to provide more useable farmland. This plan calls for importing soil to fill low areas on the farm.

Councilmembers Fox, Sigaty and I have heard from many residents who share your concerns. In response, we have asked the Department of Planning and Zoning (DPZ) to explore several ways this bill can be **amended** to address these community concerns. DPZ has been tasked with considering:

-
- additional road access criteria by road type to further limit truck traffic;
 - determining the need for Christmas tree farms as a part of ALPP uses;
 - considering the inclusion of Maryland Agricultural Land Preservation Foundation (MALPF) properties;
 - and studying IRS tax implications on ALPP properties based on commercial activities.
-

Once we have received their recommendations, Councilmembers Fox, Sigaty and I plan to amend CB60 accordingly. I hope this alleviates your concerns. If you have any additional questions or If my office can be of further assistance on this or any other issue, please do not hesitate to contact me.

Allan

Allan H. Kittleman

County Executive

Howard County Government

410-313-2011

akittleman@howardcountymd.gov

Sayers, Margery

From: Stuart Kohn <stukohn@verizon.net>
Sent: Thursday, April 26, 2018 4:46 PM
To: Feldmark, Jessica
Cc: CouncilMail
Subject: Re: Amendments to CB21-2018 - Mulching, Composting and Wood Waste

Jessica,

Thanks. This is a good decision on the Council's part. The concern is that when the Amendments are pre-filed on 3 May and I assume posted on the County Council website the public has only 3 days to review which includes the weekend before the Council's Legislative Hearing.

I would like to see potential Legislation that states whenever Amendments are pre-filed the public should be given at least one week for review and comments. This would benefit the cause for transparency.

Thanks,

Stu Kohn
HCCA, President

Sent from my iPhone

> On Apr 26, 2018, at 4:03 PM, Feldmark, Jessica <jfeldmark@howardcountymd.gov> wrote:

>
> Hi Stu,
>
> The draft amendments are not posted as amendments because they have not been filed.

> However, the Executive's email to the Council (including the amendments which were attached to it) has been posted under the Related Documents tab for CB21-2018.

> Thanks,

> Jess

> Jessica Feldmark

> Administrator

> Howard County Council

> 410-313-3111

> jfeldmark@howardcountymd.gov

> -----Original Message-----

> From: Stuart Kohn [mailto:stukohn@verizon.net]

> Sent: Wednesday, April 25, 2018 8:44 AM

> To: CouncilMail <CouncilMail@howardcountymd.gov>

> Cc: stukohn@verizon.net

> Subject: Amendments to CB21-2018 - Mulching, Composting and Wood Waste

>
> Dear Council Members,
>
> Curious - I see on the Council website under Current Legislation there currently are no amendments listed for CB21. Being that the County Executive has suggested some amendments should they be listed on your site? I am asking to publicize so the public can have enough time to absorb any and all amendment information.
>
> Sincerely,
>
> Stu Kohn
> HCCA, President

Sayers, Margery

From: Feldmark, Jessica
Sent: Thursday, April 26, 2018 4:04 PM
To: Stuart Kohn; CouncilMail
Subject: RE: Amendments to CB21-2018 - Mulching, Composting and Wood Waste

Hi Stu,

The draft amendments are not posted as amendments because they have not been filed.

However, the Executive's email to the Council (including the amendments which were attached to it) has been posted under the Related Documents tab for CB21-2018.

Thanks,
Jess

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

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

From: Stuart Kohn [mailto:stukohn@verizon.net]
Sent: Wednesday, April 25, 2018 8:44 AM
To: CouncilMail <CouncilMail@howardcountymd.gov>
Cc: stukohn@verizon.net
Subject: Amendments to CB21-2018 - Mulching, Composting and Wood Waste

Dear Council Members,

Curious - I see on the Council website under Current Legislation there currently are no amendments listed for CB21. Being that the County Executive has suggested some amendments should they be listed on your site? I am asking to publicize so the public can have enough time to absorb any and all amendment information.

Sincerely,

Stu Kohn
HCCA, President

Sent from my iPhone

Sayers, Margery

From: Albert Risdorfer <arisdorfer@yahoo.com>
Sent: Thursday, April 26, 2018 10:18 AM
To: James Nickel; Kittleman, Allan
Cc: CouncilMail; 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; Rossman, Maura
Subject: Re: Amendments to CB21

If I can paraphrase St. Thomas Moore in *A Man For All Seasons*, "When government officials forsake their moral responsibility to protect the common good for the sake of political expediency, they lead their community by a short route to chaos."

Mr. Kittleman, Mr. Fox, Ms. Sigaty and Mr. Weinstein - if you don't see the chaos that you are causing across our county because of this bill, then you are not paying attention.

Howard County used to be a wonderful place to live, but you have turned it into a battle ground pitting neighbor against neighbor.

Few of us are objecting to a reasonably scaled "from the farm - for the farm" solution. But allowing rotting animal carcasses, food waste, and trash, as well as mulching on an industrial scale to be brought into the middle of our communities is absurd.

I find myself asking, what possibly could motivate anyone in county government to support this bill, especially when hours and hours of expert testimony has described how it would pollute our water and air, endanger the health of all of us, and risk the lives of our children. Why would anyone who truly cares for the common good, fight so aggressively for such a bill?

Well as a very experienced senior human resources executive, I know that pretty much all human behavior motivated. So, when I see people passionately arguing for such dangerous and irresponsible legislation as CB21 - and knowing the kind of BIG MONEY that is behind it - I have to ask, "what then is in it for them?" To paraphrase St. Thomas Moore again; "If honor were profitable, everybody would be honorable." I ask the council to choose honor, to opt for protecting the common good, and fix this horrible bill. The amendments may be a small step in the right direction.

Up till now I was just an ordinary, tax-paying citizen, trying to live here in Howard County in peace. But I must tell all of you, I am now a very angry citizen. I am energized and I vote ...and I will remember how you vote on this bill.

Al Risdorfer

Big Branch Dr
Dayton MD

From: James Nickel <james.nickel55@gmail.com>
To: Kittleman Allan <AKittleman@howardcountymd.gov>
Cc: Howard County Council <councilmail@howardcountymd.gov>; County Executive - Allan H. Kittleman <team@kittleman.com>; County Executive - Dr. Calvin Ball <calvin@votecalvinball.com>; County Executive - Harry Dunbar <SlowGrowthDunbar@gmail.com>; District 001 - Elizabeth 'Liz' Walsh <walshforone@gmail.com>; District 001 - Jon Weinstein <jon@voteweinstein.com>; District 001 - Raj Kathuria <Rajkathuria@gmail.com>; District 002 - John Liao <jliao2012@icloud.com>; District 002 - Opel Jones <opel@opeljones.com>; District 003 - Christina Rigby <christiana@christianarigby.com>; District 003 - Greg Jennings <jenningsforhowardcounty@gmail.com>; District 003 - Hiruy Hadgu <joinus@hiruyhadgu.com>; District 003 - Steven F. Hunt <stevenhunt65@gmail.com>; District 004 - Deb Jung <debjung@verizon.net>; District 004 - Ian Moller-Knudsen <ian.knudsen.campaign2018@gmail.com>; District 004 - Janet Siddiqui <janet@janetsiddiqui.com>; District 004 - Lisa Kim <lfenton72@msn.com>; District 005 - China Williams <contact@chinawilliams.com>; District 005 - David Yungmann <davidyungmann@hcmove.net>; District 005 - Jim Walsh <JIMWALSH4HOCO@gmail.com>; Governor Larry Hogan <info@hoganvictory.com>; Kate Magill <kmagill@baltsun.com>; MD Delegate District 13 - Jen Terrasa <Jen@teamterrassa.com>; MD Senate District 12 - Clarence K. Lam <info@clarencelam.com>; MD Senate District 12 - Joseph 'Joe' Hooe <joehooe@msn.com>; MD Senate District 12 - Mary Kay Sigaty <electmksigaty@gmail.com>; "Maura J. Rossman, M.D." <mrossman@howardcountymd.gov>
Sent: Tuesday, April 24, 2018 7:14 AM
Subject: Re: Amendments to CB21

County Executive Allan Kittleman,

Thank you for your proposed amendments. They certainly are an improvement to CB21-2018. I have many questions, but I'd like to pose just one to you, or Council Members Fox, Sigaty or Weinstein or Dr. Rossmon of the Howard County Health Department.

What in CB 21-2018, or any proposed amendments, precludes the possibility of water contamination within the "magic mile" of Interstate I-70 to allow 5 acres to be permissible?

Best Regards,
James Nickel

On Apr 23, 2018, at 3:47 PM, Kittleman, Allan <AKittleman@howardcountymd.gov> wrote:

Good afternoon,

Since the County Council will be discussing CB 21 - 2018 at the work session later today, I wanted to let you know about amendments that I will be proposing to be considered by the Council when they vote on the legislation on May 7th.

First, I want to thank the residents (both farmers and non-farmers) for providing me with their opinions on how best we can deal with the mulch/compost issue. I particularly appreciate the efforts of Ted Mariani, Rick Lober, Zack Brendel and Brent Rutley in helping us to try to find common ground.

From the beginning, my goal has always been to a) ensure the health and safety of all our residents, b) prohibit industrial mulching on agricultural preservation properties and c) enable farmers to continue to perform activities necessary for their farming operation. I believe that CB 21 does not accomplish those goals in its current form. For this reason, I have prepared the amendments attached to this correspondence. I am also attaching a copy of CB 21 with my proposed amendments.

It is my hope that these amendments will provide greater confidence to the community that mulching and composting activities will be conducted in a safe manner. While the current legislation requires a 500 foot setback from any school property, my amendments will also prohibit mulch/compost facilities from being located closer than 1,000 feet to a school building. In addition, my amendments address a community concern by specifically requiring that every mulching operation control for dust.

CB 21 requires an owner of an agricultural preservation property to get a conditional use for a mulch facility. However, unless the property abuts an interstate, the operation cannot be larger than one acre, must be accessory to a horticultural nursery and onsite sales are restricted to 5% of the total yearly production, as reported to the Maryland Department of the Environment (MDE). To further ensure that no industrial mulching occurs on agricultural preservation properties, my amendments specify that any off-site sales must only be shipped with trees, shrubs or plants.

As many of you know, there are two current mulching and composting operations that have not caused concern among the community. Both operations abut Interstate Route 70. CB 21 will allow these two facilities to continue to operate. However, any similar facilities in the future must also abut an interstate, thus prohibiting such facilities from being located in other areas of the RC and RR zones.

Other than composting facilities that abut an interstate, my amendments restrict the total sales (onsite and offsite) to 5% of the total yearly production as reported to MDE. Understanding the requirement to remove excess compost from their property in accordance with a nutrient management plan, this limitation allows farmers to sell excess compost, but not to a level that will require industrial activity.

Many farmers, who need to compost on their properties, do not own large scale equipment, which prevents them from putting compost in high piles. Therefore, one acre may not be sufficient for their needs. Currently, CB 21 allows a composting facility under a Permit for Special Farm Uses to be up to three acres. My amendment will allow such farm activities to operate on up to three acres, but only if the pile heights are no higher than 5 feet. This limitation will still allow farmers to compost for their farm activities, however, when you combine this limitation with the 5% restriction on sales, it ensures that the activities will not result in heavy scale industrial activity.

There has also been a concern that mulching and composting facilities would be allowed to operate on dedicated easements created through the cluster subdivision process. While I believe the intent was to not allow this activity on those easements, my amendments specifically prohibit mulching and composting facilities on such properties.

Howard County has a long tradition of farming. It is important that we find ways to allow farmers to continue to operate in this ever-changing environment while at the same time protecting the health and safety of those who live near them. I believe my amendments help find the appropriate balance that will enable farmers to continue to operate in a productive and safe manner.

Sincerely,

Allan

Allan H. Kittleman
County Executive
Howard County Government
410-313-2011
akittleman@howardcountymd.gov

<image001.jpg> <image002.jpg > <image003.jpg> <image004 .jpg>

<CB21-2018 (ZRA183) draft enrolled 4-23-18.pdf><CB21 Amendments.pdf>