

begin file
CB 20-2014

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SP

Oak Ridge Farm

2600 Woodbine Road

Woodbine, Howard County

Fax containing the Maryland Department of the Environment's (MDE) Site Complaint and corresponding inspections. Any questions or inquiries can be made to Ed Dexter, Program Administrator, at (410) 537-3318.

MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard, Suite 605 • Baltimore Maryland 21230-1719
(410) 537-3315 • 1-800-633-6101 • [http:// www. mde. state. md. us](http://www.mde.state.md.us)

LAND MANAGEMENT ADMINISTRATION
SOLID WASTE PROGRAM

SITE COMPLAINT

NUMBER: **SC-O-14-NW-045**

DATE: Thurs. 01/09/14

NAME OF VIOLATOR: Oak Ridge Farm & Nursery, C/O Eric Bonner

ADDRESS: 7398 Gaither Road

PHONE: 410-207-5758

Sykesville, Maryland 21784

COUNTY WHERE VIOLATION OCCURRED: Howard

The person, company, or entity named above is violated Maryland laws, regulations, and/or permits regarding:

- ☐ Sewage Sludge Utilization (Environment Article, Sections 9-230 through 9-249, 9-269 and 9-270; COMAR 26.04.06).
- ☐ Solid Waste Management (Environment Article, Sections 9-201 through 9-227; COMAR 26.04.07).
- ☐ Scrap Tires (Environment Article, Sections 9-228, 9-229, and 9-273 through 9-278; COMAR 26.04.08).
- ☒ Natural Wood Waste Recycling (Environment Article, Sections 9-1701 and 9-1708; COMAR 26.04.09).
- ☐ Air Quality (Environmental Article, Title 2, and COMAR 26.11.07 _____)

Specifically, the person, company, or entity named above has:

(Details of Violation) **Operation of a Natural Wood Waste Recycling Facility without a permit. Although previously advised of MDE's policy, the facility was again grinding a Natural Wood Waste to a product (some portion of which was designated for public sale) without coverage under a Natural Wood Waste Recycling Facility Permit. (See report dated 12/2/13 for further details.)**

in violation of: **COMAR 26.04.09.04 A., Permit needed for operation of a Natural Wood Waste Recycling Facility.**

at the following location: **Oak Ridge Farm & Nursery Property**

~2600 Woodbine Road (Rte 94)

Woodbine, Maryland 21797

You are advised the following corrective actions are necessary. Compliance with these corrective actions does not preclude the Department from imposing further requirements. In addition, the Department reserves the right to impose sanctions or penalties for the underlying violation(s).

Immediately contact Brian Coblentz, Chief, Compliance Division, MDE Solid Waste Program at 410-537-3315 to begin the application process to obtain coverage under a Natural Wood Waste Recycling Facility Permit, and with any further questions regarding compliance. Immediately cease acceptance of any more Natural Wood Waste for processing until further direction is given.

Operating without a permit or license, or in violation of a permit, license or law may result in the assessment of civil or administrative penalties. Each day a violation occurs is a separate violation.

The violation(s) described above may result in the Department seeking legal sanctions against you, including the imposition of civil and/or criminal penalties. Continuation of the violation(s) or failure to take the corrective actions described above may result in additional sanctions or penalties. The recipient's signature below acknowledges receipt of this document. It should not be construed as an admission of guilt, an agreement to take the above corrective actions, or as an acknowledgement that a violation exists.

ISSUED BY	RECIPIENT
NAME <u>James P. Wagner</u>	NAME _____
TITLE <u>Regional Inspector</u> PHONE <u>(410) 537-3315</u>	TITLE _____ PHONE _____
SIGNATURE <u>James P. Wagner</u>	SIGNATURE _____

Form Number MDENV/AS/COM.033
Revision Date 2/12/04

Mailed Eric Bonner a copy, 1/10/14

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(410) 537-3315 • 1-800-633-6101 • http://www.mde.state.md.us

Solid Waste Program-Land Management Administration
Report of Observations

Case # _____

Type of Inspection/Observations: (NWW) Natural Wood Waste: Recheck of Site Needing a PermitDate Mon. 03/31/14Site/Facility Name: Oak Ridge Farm, LLCTime In: 9:55 AMLocation: 2700 Woodbine Road (Rte 94); Woodbine, MD 21797 (Howard County)Time Out: 11:37 AM

Remarks (Background): See report of 2/10/14. Investigation of the site is continuing. I had phoned Erich Bonner of the facility on Friday, 3/28/14 to arrange to visit. See previous reports for other details of the site and the operation. (The name and address of the site, as understood, are given above.)

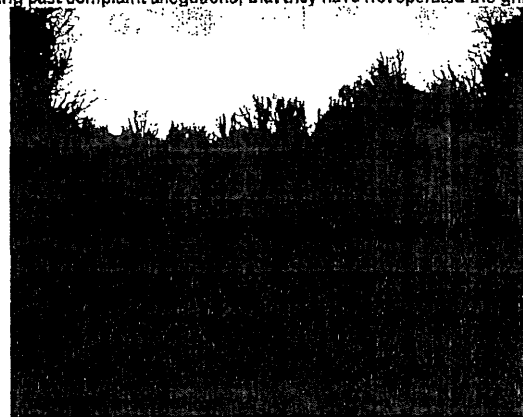
(Observations & Actions): [Weather at the time of my visit was sunny, ~45°, soft and muddy ground from rain and snow over the weekend, wind with strong gusts prevailing to the SE.]

The following are my observations and notes.

• I met Erich Bonner on site. He indicated that there was a recent Community Meeting (3/20/14) regarding the facility's Conditional Use (CU) of the property under Howard County Zoning Regulations for Agricultural property. The Community Meeting was required in advance of the facility's submission of a petition to use the agricultural property conditionally under the category of a Mulch, Firewood and Soil operation. Erich stated that ~130 people attended the Community Meeting and that they were also concerned about another facility, a proposed mulching facility to be operated in Dayton (Howard County) by the company RLO. Erich said that Oak Ridge Farm's CU petition has subsequently been submitted, and that the County has 30 working days from the date of submittal to schedule a Zoning hearing addressing the facility's request for Conditional Use.

• We discussed the facility's need for a NWW Recycling Facility permit. Erich mentioned that his main concern is that the NWWRF permit will authorize conditions that will be in conflict with Zoning and other restrictions on the use of this land, which is in Agricultural Preserve. I understood that he is also concerned that the public perception may be that this is an Industrial operation if the facility gets a NWWRF permit. I mentioned that in addition to the common NWW General permit, MDE also issues Individual Permits, which allow variations in the General Permit conditions. I said that an Individual Permit might be able to resolve any conflicts.

• At the base of the hill to the SE and downgrade of the NWW operations, there was a slight noise from the grinder running up top. No NWW odor or dust was detected at this location. Grinding was occurring today, via a tub grinder, at approximately 10:20 AM when I was up top, and the sound of the grinder was heard throughout my visit in the area today. (Erich mentioned, regarding past complaint allegations, that they have not operated the grinder at night.)



One of the main 2nd grind mulch piles currently on site. The remaining material to be ground. This is at the SW end of the "up top" area.
(The long tail in the right pile (foreground) is ~125 ft X 15 ft X 2.5 ft tall. The left pile is ~200 ft x 15 ft X 6 ft tall)

• At an area near the periphery of the facility, near Woodbine Road, ~S and downgrade of the grinder, no grindings odor or dust was observed. Noise from the grinder was faint. The prevailing wind was not directly toward this area from the grinder.

• On the SE side of Woodbine Road approximately S across Woodbine Road from the area just mentioned, observing for ~10', no NWW odor or dust was observed. No residue of dust was observed on any object in this area. The prevailing wind was not in this direction from the grinder, but there were occasional gusts that were. I estimate that the grinder was 2,000 or more ft away to the approximate N. Noise from the grinder was very slight here.

Operating without a permit or license, or in violation of a permit, license or law may result in the assessment of civil or administrative penalties. Each day a violation occurs is a separate violation.

Observer: James P. Wagner
James P. Wagner, Regional InspectorPerson Interviewed: Sent Erich Bonner an e-copy, 3/31/14

Form Number MDE/VAS/COM.030
Revision Date 08/29/03
TTY Users 1-800-735-2258


Recycled Paper

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Solid Waste Program-Land Management Administration
Report of Observations

Case # 2014-NW-039

Type of Inspection/Observations: (NWW) Natural Wood Waste: Complaint InvestigationDate Fri. 01/10/14Site/Facility Name: Oak Ridge Farm & Nursery PropertyTime In: 10:11 AMLocation: ~2600 Woodbine Road (Rte 94); Woodbine, MD 21797 (Howard County)Time Out: 10:39 AM

Remarks (Background): See report of 12/2/13, and Site Complaint SC-O-14-NW-046, dated 1/9/14. Mary Ogunjinmi of MDE Air and Radiation Management Administration (ARMA) and I tried to arrange to meet at the facility this morning to check for dust offsite and/or other problems in further investigation of the complaint. (The MDE Solid Waste Program incident sequence number for the complaint is in the upper right corner of the page.)

(Observations & Actions): The weather this morning (~32°, foggy, with freezing rain earlier in the morning) was not conducive to the appearance of dust offsite, so observations regarding offsite dust this morning may not be representative of the usual situation. However, the site was on my travel route for the day, so I stopped by for a solo check anyway. When I arrived, a man in a white hooded jacket was working on a tub grinder on site, at the top of the facility. I did not speak with him. I briefly saw that there appeared to be more mulch on site than in my previous visit. An additional small mulch pile to the NE was noted, and another mulch pile SW of the main mulch pile was noted. I did not take photos today.

There was light rain at the time of my visit. No unusual odor and no airborne dust was observed. I did not see or hear the grinder running during my visit.

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Observer: James P. Wagner
James P. Wagner, Regional InspectorPerson Interviewed: Mailed Erich Bonner of the
Facility a copy, 2/14/14.Form Number MDE/WAS/COM.030
Revision Date 08/29/03
TTY Users 1-800-735-2258
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Solid Waste Program-Land Management Administration
Report of Observations

Case # 2014-NW-039

Type of Inspection/Observations: (NWW) Natural Wood Waste: Complaint InvestigationDate Mon. 02/10/14Site/Facility Name: Oak Ridge Farm & Nursery PropertyTime In: ~10:15 AMLocation: ~2600 Woodbine Road (Rte 94); Woodbine, MD 21797 (Howard County)Time Out: 12:03 PM

Remarks (Background): See report of 1/10/14.

(Observations & Actions): I spoke with company principal, Erich Bonner on site. He mentioned that this past Friday he had faxed to the MDE Solid Waste Program a response to the recent Site Complaint I had issued. He indicated that the facility is still grinding material on site, however, he said that they have not taken any new material on site as advised in the Site Complaint. He mentioned that they have not taken any new material in 18 months.

At about 10:45 AM, Mary Ogunjinmi and Sally Smith of MDE Air and Radiation Management Administration (ARMA) arrived on site to conduct a joint Land Management Administration (LMA)/ARMA inspection of the facility in further investigation of the complaint allegations. Weather at the time of our inspection was ~33°, sunny, with slight occasional variably directed breezes. Erich Bonner, when we were all at the bottom of the hill near the entrance lane to the facility, mentioned that the grinder was currently running. I noted a faint noise, detectable at this location, from the grinder running up top in the operations area.

Erich Bonner drove us all in his vehicle up top to the operations area. I took the photos indicated at the bottom of the page.

There is much more material at the N end of the site than in my 1/10/14 visit. My understanding is that these additional piles are 2nd grind mulch, having been ground from the 1st grind mulch starting material. A tub grinder was in operation in the NE area up top. No wood dust odor or blowing dust was observed at a time when the wind was blowing to the S and we were standing downwind of the running grinder, up top. Erich Bonner mentioned that their mulch is not dyed. He indicated that the dark color of some product is the natural color.

Erich Bonner took us on a brief tour of the site in his vehicle. At ~11:30AM, he stopped at a location that was adjacent to (just NW of) Woodbine Rd. The location was in line with buildings on the complainant's property (to the SW across Woodbine Road) and the still running tub grinder (which I understood to be to the NE, an estimated 2,000 or more feet away). The tub grinder was not visible from this location. The location was down grade (an unknown distance) from the operations area. The wind direction at the time was to the SW. At this location, a faint noise from the tub grinder was audible. No dust or unusual (wood dust/mulch) odor was observed at this location.

At ~12:00PM, in my state vehicle, I was at the entrance lane to the complainant's property. Here I could hear a faint noise from the tub grinder. The wind at the time was to the S and SW. The tub grinder was to the N and NE, as I understood. I was down grade (an unknown distance) from the tub grinder. The wind was blowing in my direction from the area of the tub grinder, as I understood. I could not see the tub grinder from this location. No dust or unusual (wood dust/mulch) odor was detected. Buildings on the complainant's property were an estimated 1,000 ft to the SSW, and an estimated 20 ft down grade of my location.

Today, I did not find evidence of off site dust and odor. I plan to inform the complainant of my findings and close my present investigation of the complaint. I plan to follow up with Erich Bonner on the issue of the facility's need for a Natural Wood Waste Recycling Facility Permit.

Photos taken, in chronological order

- 1, Tub grinder in operation, up top. Viewed from the ~NW
- 2, Long mulch pile on site, which was approximately S of the tub grinder
- 3, Panoramic view looking to the SE, toward the complainant's property.

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Observer: James P. Wagner
James P. Wagner, Regional Inspector

Person Interviewed: Mailed Erich Bonner a copy,
2/14/14,

Form Number MDE-WAS/COM.030
Revision Date 08/29/03
TTY Users 1-800-735-2258


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Solid Waste Program-Land Management Administration
Report of Observations

Case # 2014-NW-039

Page 1

Type of Inspection/Observations: (NWW) Natural Wood Waste: Complaint InvestigationDate Mon. 12/02/13Site/Facility Name: Oak Ridge Farm & Nursery PropertyTime In: 10:38 AMLocation: ~2600 Woodbine Road (Rte 94); Woodbine, MD 21797 (Howard County)Time Out: 4:19 PM

Remarks (Background): This is a complaint I received from Brian Coblenz of MDE on 11/26/13. The incident sequence number for the complaint is in the upper right corner of the page. The complaint alleges that the wood waste mulch at this facility is making the complainant and the complainant's neighbors sick. Previous recent emails from Brian Coblenz indicated that Howard County had been investigating the site and that the issue was dust from the facility blowing off site. (See my reports of 2/14/12 and 9/10/12 for further background on this facility.)

(Observations & Actions): (Weather today is cloudy, ~48°, humid. Little wind was noted in the morning, but in the afternoon I noted a slight occasional breeze to the SW).

I detected no odors or dust at the entrance to the site, adjacent to Woodbine Road. I walked up to the top of the site where NWW activity was occurring in the past. (There was a cable across the road up to the site, but I saw no postings indicating that I should not enter.) Up top, I met employee Allen Franklin who was working on a tub grinder. He indicated that material on site was being ground to the product mulch pile that was at the NE end of the site, (although grinding was not occurring in the morning (10:18 AM-12:18 PM) when I was up top). I took the photos indicated at the bottom of page 2 during my investigation today. (See photo notes at the bottom of page 2 for further details.) There were fire lanes around piles. I asked Allen about other fire prevention measures on site and noted the following. There was a fire extinguisher on the grinder. I saw and photographed a spigot protruding from the ground E of the trailer, which is toward the W side of the site up top, adjacent to the grinding site. There was a manhole cover indicating a water meter just SW of the spigot. There was also a fire hose stored under the trailer. There was a well head near this general area. I informed Allen of the reason for my visit, that the facility needs a NWW Recycling Facility Permit for its mulch-making activities. However, after Allen asked, I stated that I would not "shut him down" today, and I indicated that he could proceed with his work.

I left the site at 12:18 PM. I noted that the site, with the cable across the road, and a mound of soil to the right of the access road, would not be easily accessed by emergency vehicles.

I phoned the complainant and arranged to meet same on complainant's property. Before going to the complainant's property I returned to the site at 2:19 PM and heard a motor running, which I presumed to be the grinder. The noise was slight to moderate in my estimation, near the cable mentioned above, (at the bottom of the access road which leads up to the facility.) I noted a very slight, occasional breeze to the SW at this time. The wind was not directly toward the complainant's property. I did not note any odor or dust here at this time.

I was on the complainant's property, from ~2:32-3:00 PM. There, I, the complainant, and the complainant's spouse could hear the sound coming from the Oak Ridge Farm site, however, I detected no odors or dust. The noise was slight in my estimation. The complainant pointed out a hazy area over the trees that same asserted as possible dust from the facility, but I do not believe this was dust from the facility, but a natural phenomenon (possibly humid air). The complainant's spouse mentioned that same has sinusitis which is alleged to be the result of dust from the facility. The complainant's spouse blew same's nose and showed me the nasal secretion that was alleged to contain dust, as I understand. However, the complainant's stated that dust has not been a problem since August of this year.



Dark colored mulch under the end of the grinder



Dark colored mulch has been incorporated into the mulch product pile.

[Continued on p.2]

 Observer: James P. Wagner
 James P. Wagner, Regional Inspector

Person Interviewed: _____

 Form Number MDE/WAS/COM.030
 Revision Date 09/20/03

Mailed Eric Bommer a copy, 11/01/14.

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Solid Waste Program-Land Management Administration
Report of Observations

Case # 2014-NW-039

Page 2

Type of Inspection/Observations: (NWW) Natural Wood Waste: Complaint InvestigationDate Mon. 12/02/13Site/Facility Name: Oak Ridge Farm & Nursery PropertyTime In: 10:38 AMLocation: ~2600 Woodbine Road (Rte 94); Woodbine, MD 21797 (Howard County)Time Out: 4:19 PM

Remarks [Continued from p. 1]

On the phone and on the complainant's property, the complainant indicated that other agencies were investigating the site. It was stated that Tamara Frank of Howard County Planning & Zoning is investigating, as is Mary Ogunjinmi of MDE Air and Radiation Management Administration. The complainant stated that the complainant filed a complaint with Maryland Agricultural Preservation 2 years ago about the site. Other concerns mentioned by the complainant and the complainant's spouse about the site, in addition to noise and dust, were the possible leachate contamination of water and the possible creation of a mosquito problem due to the water around piles. It is alleged that the facility is grinding throughout the year, even at night, and that 2 years ago, the (noise and dust, as I understand) was very bad. The complainant stated that same would fax to me 12 other complaints from other neighbors of the facility site.

I returned to the facility site at 3:10 PM. Eric Bonner, one of the principals of the facility, was on site. I mentioned the complaint we had gotten. Mr. Bonner indicated that the facility is selling the mulch ground on site with their trees. He suggested that he and I meet to discuss the facility getting a permit.

Allen Franklin was still on site. He indicated that he had been grinding mulch and had just stopped (about 10 minutes before I re-entered the site.) I took the photos on page 1, which indicate that recently ground black colored mulch has been added to the mulch pile at the NE end of the site.

For operating an unpermitted Natural Wood Waste Recycling Facility, I plan to issue a Site Complaint to the facility. The Site Complaint will be number, SC-O-14-NW-045. The facility should follow the directions given in the Site Complaint. I plan to mail the Site Complaint and this report to Eric Bonner. The Site Complaint should be signed and mailed back to me at the following address:

James P. Wagner, Suite 605
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230-1718

The facility should keep a copy of the Site Complaint for its records. It should follow the directions given in the Site Complaint.

I later phoned the complainant and told same that I could not substantiate the complainant's allegations. However, I said that Mary Ogunjinmi and I are planning to jointly inspect the site sometime in the near future. The complainant mentioned that the mulch is being dyed and had concerns about the toxicity of the dye. I told same that I would try to follow up on that by trying to look at an MSDS (Material Safety Data Sheet) for mulch dye. I indicated that the facility needs a permit with MDE.

Summary, this inspection

Violations, per the NWW checklist

#1, The facility needs a Natural Wood Waste Recycling Facility Permit, and does not have one.

Photographs taken, in chronological order

•1, Large mulch pile (approx. 75 x 50 x 11 ft tall) at the NE end of the site. •2, The starting material for the on-site grinding. (Appeared to be wet, in long piles 6-10 ft tall) •3, Old looking mulch piles at SW end of site. •4, Spigot E of trailer. •5, (later in the day) Black colored mulch under grinder. This is the left-most photo on page 1. •6, Black colored mulch has been recently added to mulch pile at NE. This is the other photo on page 1.

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Observer: James P. Wagner
James P. Wagner, Regional InspectorPerson Interviewed: Maile Eric Bonner a copy, 1/10/14.

Form Number MDE/NAS/COM-030
Revision Date 08/29/03
TTY: 410-537-3315



Habicht, Kelli

From: Tolliver, Sheila
Sent: Wednesday, June 18, 2014 10:37 AM
To: Habicht, Kelli
Cc: Sayers, Margery
Subject: FW: CB 20 Doesn't Undermine Farmers' Rights

Please file w/ cb 20-2014

From: Sigaty, Mary Kay
Sent: Wednesday, June 18, 2014 10:35 AM
To: Tolliver, Sheila
Subject: FW: CB 20 Doesn't Undermine Farmers' Rights

From: Dayton Rural Preservation Society <info@preservedayton.com>
Reply-To: "info@preservedayton.com" <info@preservedayton.com>
Date: Saturday, June 14, 2014 at 10:45 PM
To: Mary Kay Sigaty <mksigaty@howardcountymd.gov>
Subject: CB 20 Doesn't Undermine Farmers' Rights

Council Bill 20 Doesn't Undermine Farmers'
Rights



Fellow Supporters,

Now that things have slowed down enough for us to catch our collective breath, there are a couple of thoughts to clarify.

DRPS has noticed a number of signs have been placed throughout the community that suggest County Executive Ken Ulman has “turned his back on the farmers”. Some might assume that the signs relate to our “no industrial mulch manufacturing/composting on ag preserve” cause. That is not our understanding.

What County Executive Ulman has supported, both in issuing his statement on April 28, and in his recent signing of Council Bill 20-2014 (“CB-20”), in no way undermines the rights of farmers. What he supported was keeping industrial processes, like the one we oppose, off of our rural

farmland. CB-20 protects ag preserve farmland as it was protected before last year's Comprehensive Zoning changes.

In a nutshell, CB-20 ensures that farmland remains preserved, that farmers' rights remain intact and that farming and residential communities remain free of health and safety risks from industrial facilities.

At no time has this push to prevent the unintended consequences of Comprehensive Zoning been aimed at denying farmers the right to their livelihood. All along, the goal has been to prevent the mulch manufacturing/composting industry from changing our Howard County farmland setting into an industrial setting. This issue is not political in nature, and did not require anyone to choose political sides in order to resolve it.

Part of the legacy of County Executive Ulman's 8-year leadership is a county that continues to see strong growth while remaining one-third farmland, including 21,000 acres in ag preserve.

We applaud our County Executive and County Council, as well as our amazing supporters who have handled themselves with total professionalism. We look forward to being a part of the task force to ensure the continuing success and sustainability of our farming and residential communities.

With much appreciation,

Best,
John Tegeris
President, Dayton Rural Preservation Society

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Dayton Rural Preservation Society | P.O. Box 88 | Dayton | MD | 21036



Try it FREE today.

Habicht, Kelli

From: Tolliver, Sheila
Sent: Wednesday, June 18, 2014 10:43 AM
To: Habicht, Kelli
Cc: Sayers, Margery
Subject: FW: Favorable Vote for DRPS But It's Not Over

Legislative files CB 20-2014

From: Sigaty, Mary Kay
Sent: Wednesday, June 18, 2014 10:37 AM
To: Tolliver, Sheila
Subject: FW: Favorable Vote for DRPS But It's Not Over

From: Dayton Rural Preservation Society <info@preservedayton.com>
Reply-To: "info@preservedayton.com" <info@preservedayton.com>
Date: Thursday, June 12, 2014 at 10:11 AM
To: Mary Kay Sigaty <mksigaty@howardcountymd.gov>
Subject: Favorable Vote for DRPS But It's Not Over

Having trouble viewing this email? [Click here](#)



Howard County Council Passes and County Executive Signs
Council Bill 20 Becomes Law!
It Isn't Over Though. What's Next?



Farmers Rob & Leslie Long with Vice President of DRPS, Erin Allen and President of DRPS, John Tegeris outside of the Howard County government building before the County Council Vote

Letter from the President:

Fellow Supporters,

Heartfelt thanks to each of you for playing the most important role in our recent success with the 4-0 vote to eliminate

***No Industrial Mulching On
Howard County or MD State Ag
Preserve farms in Howard Co!***

Effective 8.4.14

Keep Informed

industrial mulch manufacturing on both Howard County/ALPP and State of MD/MALPF ag preserve farmland throughout our county. This is a huge win for Howard County, especially in our rural communities, to ensure health and safety for all of our residents.

To our support base and our county leadership, heartfelt gratitude from your team at DRPS for all that we have accomplished together in only four months. The result is simply amazing and credit goes to each and every one of you.

Specifically, we owe a big thank you to our five County Council members, our County Executive, and their amazing staff persons, for tirelessly working their way through a complex issue and for their leadership to arrive at a meaningful solution that protects us all.

The high road chosen by every one of you reaffirms our belief that, done the right way working together, we can trust the process and our Council to do what is best for our communities. We simply could not have accomplished what we did without each of you making time to attend all of the important community meetings, County Council hearings and most recently the Council Legislative Session. Thank you for believing in our approach, "One Thousand

Primary Election

Tuesday, June 24th

VOTE for Candidates who support keeping industrial mulch, compost, topsoil off of Howard County farmland, who want to preserve HoCo

Task Force

Saturday, November 15th

Draft Task Force report due

Quick Links

[Council Bill 20](#)

[Task Force Legislation](#)

[HoCo Candidates running in Primary Election](#)

[Where to Vote: Your Polling Location](#)

[Howard County Ag Preserve](#)

[Maryland State Ag Preserve](#)


THANK YOU!!

Children in Dayton, Maryland thank DRPS but we also thank all of you for your support now and going forward as we work to preserve Dayton and all farms in Ag Preserve in Howard County.



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People as One Voice," to build our case with total professionalism and passion.

Now on to the official good news. We learned late yesterday from Ginnie Gick in Ken Ulman's office, that our County Executive just signed Council Bill CB-20 into law, which will go into effect 60 days from signing. This bill prevents industrial mulching from being placed on farms that are part of the Howard County or State of Maryland Agricultural Preservation Program. We believe this represents the bigger win for our rural communities given that the business incentives most attractive to mulch manufacturing/composting facility owners of low cost farmland (no development rights) and low property taxes that exist primarily in ag preserve are no longer in play. As such, the barriers to entry for these industrial business owners to locate/relocate their industrial mulch/composting operations onto farmland in our county are much higher.

That said, consistent with the zoning regulations that existed prior to Comprehensive Zoning (July 2013), the current bill still allows mulching and composting operations of unlimited size on farms not in ag preserve but, rather, in Rural Residential (RR) and Rural Conservation (RC) zones. To note, however, one of

the amendments to the bill just signed into action is the requirement that facilities in RR and RC first obtain a permit from the Maryland Department of the Environment (MDE) before they can take next steps in the process for approval. This would next include a Conditional Use Hearing that is also required to establish mulching or composting operations on RR and RC, which must go before the Hearing Examiner to obtain pre-approval to proceed. Finally, the bill appropriately allows for these type of industrial processes in areas zoned commercial or industrial, in M1 where they belong, and made provisions to allow farmers their rights to true farming processes, something we at DRPS strongly advocate for and will continue to support going forward.

Also on June 2, a resolution was put forth to form a 19 person task force composed of several groups, including DRPS, farmers, county experts and businessmen, to further discuss zoning laws needed to both protect residents and allow farmers the right to processes needed for carrying out normal farming operations. The task force will also make recommendations on where industrial mulch/composting facilities should be placed.

A seat on this task force will allow DRPS to represent our rural communities in the discussions

and allow for full transparency to report back to our supporters, in real time, what is under consideration. DRPS believes this task force will be a positive step in creating win:win relationships among residents and farmers.

One effort still in process is the commitment by our County Council to shut down any illegal mulch manufacturing/NWWF facilities that have been cited and are currently still in operation. It is our understanding that our Council is working with our County Executive's office this week to encourage DPZ to take the necessary action right now in order to further protect residents that have been adversely impacted by such operations. We appreciate this follow through on the part of concerned leadership within Howard County, as it is important unfinished business for DRPS and its supporters that must continue until enforcement action is taken to protect the people affected.

Finally, we are pleased to inform our followers that DRPS will continue as a formal organization, going forward through the task force process and beyond. We will continue to work with you, our collective communities together as "One Voice," to better understand both the needs of residents near working farms and the needs of our farmers/neighbors, while pushing hard to keep industrial

uses off of farms placed in Agricultural Preserve or very near residences. The zoning laws for Howard County are extremely complex. Rest assured that DRPS will continue to monitor the overall situation within our county to keep our rural communities informed of any changes.

We will press ahead to represent you and your families to the best of our ability and in a highly professional manner, consistent with the spirit of DRPS and how we have operated since our inception. Much appreciation to all for your relentless support and many contributions, both with respect to time, donations, exchanging of ideas and, most of all, your belief that together we could beat overwhelming odds to achieve great results for the welfare of our communities.

Best,
John
President, DRPS

Keep informed at our web site -
www.PreserveDayton.com

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Dayton Rural Preservation Society | P.O. Box 88 | Dayton | MD | 21036

Habicht, Kelli

From: Tolliver, Sheila
Sent: Wednesday, June 18, 2014 11:34 AM
To: Habicht, Kelli
Cc: Sayers, Margery
Subject: FW: Believe It!! Results Of HoCo Council Vote!

Cb20-2014 files

From: Sigaty, Mary Kay
Sent: Wednesday, June 18, 2014 10:53 AM
To: Tolliver, Sheila
Subject: FW: Believe It!! Results Of HoCo Council Vote!

From: Dayton Rural Preservation Society <info@preservedayton.com>
Reply-To: "info@preservedayton.com" <info@preservedayton.com>
Date: Tuesday, June 3, 2014 at 12:45 AM
To: Mary Kay Sigaty <mksigaty@howardcountymd.gov>
Subject: Believe It!! Results Of HoCo Council Vote!

DRPS Efforts Were Successful!



The vote is in...

THERE WILL BE NO INDUSTRIAL MULCH PROCESSING ON AG PRESERVE!

There was a lot of applause and standing ovations tonight!

Council Bill 20 with one amendment which had 6 more amendments attached to it, was PASSED by the 4 present Councilmembers! No industrial mulch, compost facilities will be allowed in HoCo Ag Preserve (like the Muth property purchased recently by JBRK, LLC in Dayton) nor will these facilities be allowed in MD Ag Preserve (like the illegally operating facility in Woodbine).

The only two entities that can enforce this newly passed law are the Maryland Dept. Of The Environment since "Oak Ridge Farms" is operating without an NWWR license and DPZ of Howard County.

Councilman Fox stated this will become law about 60 days after signed by Ken Ulman.

Additionally, a task force was created with 19 members including DRPS to study mulching, composting and wood processing policies and

regulations. More to come on this!

Thank you to DRPS leaders John and Rick for their tireless efforts, our core team for their hours of work and devotion, and the Howard County Council for fixing this situation that arose through Comprehensive Zoning Amendment process and protecting the health, safety, environment and quality of life for all Howard County farmers and residents neighboring Ag Preserve farmland.

Thank you to Councilmembers Calvin Ball, Courtney Watson, Greg Fox and Mary Kay Sigaty for your decision tonight!

And, lastly, thank you to all of our supporters because without you following us on Facebook, putting signs in your yard, writing legislators, attending meetings, etc.... We would not have been successful!

www.PreserveDayton.com

[Forward this email](#)



This email was sent to mksigaty@howardcountymd.gov by info@preservedayton.com | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Dayton Rural Preservation Society | P.O. Box 88 | Dayton | MD | 21036



Subject: How the old reg included Md Ag under HoCo AG

Date: Fri, 30 May 2014 20:31:53 -0400

John-

Here is what the old zoning regs state:

Section 103 - Definitions

6.1 Agricultural Land Preservation Easement: An easement held by the Maryland Agricultural Land Preservation Foundation or the Howard County Agricultural Land Preservation Program.

Here is how the new regs were changed to keep the rules on MD Ag Preserve different from the Howard County Ag preserve Program - why would the County want to do this outside of some special interest party intervening...

This Section enumerates the uses permitted on property in the RC or RR Districts which has been encumbered with a County Preservation Easement through:

1. The purchase of development rights by the Howard County Agricultural Land Preservation Program (ALPP Purchased Easement).
2. The dedication of a preservation parcel to the Howard County Agricultural Land Preservation Program, via Sections 104.0.G, 105.0.G or 106.0 (ALPP Dedicated Easement).
3. The dedication of a preservation parcel to one or more of the entities identified in Sections 104.0.G and 105.0.G, via Sections 104.0.G, 105.0.G or 106.0 (other Dedicated Easements).

Most of the land subject to preservation easements in the RC and RR Districts falls into one of these three County Preservation Easement categories. However, there are a significant number of properties that are encumbered by State-held easements that are subject to the regulations as defined by each easement holder and the underlying zoning, whichever is more restrictive. The State easement holders are the Maryland Agricultural Land Preservation Foundation, the Maryland Historical Trust and the Rural Legacy Program.

Rick

--

Rick Lober

rick.lober@gmail.com

410-531-7479 (H)

858-774-5705 (C)



Howard County

Internal Memorandum

SUBJECT: *Amendment to Council Bill 20-2014*
Returns requirements governing composting, mulching, and other wood processing uses to their pre-Comprehensive Zoning status
OOL Tracking No.: L14-054

TO: Mary Kay Sigaty
Howard County Council

THROUGH: Margaret Ann Nolan *JU-G MAU*
County Solicitor

FROM: Paul T. Johnson *PTJ*
Deputy County Solicitor

DATE: May 29, 2014

I have reviewed the attached Amendment and it is legally sufficient. If you have any questions, please do not hesitate to contact me. Thank you.

JDV:fml

Attachment

cc: Sheila Tolliver
Theodore Wimberley



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Calvin Ball, Chairperson
District 2
Courtney Watson, Vice Chairperson
District 1
Jennifer Terrasa
District 3
Mary Kay Sigaty
District 4
Greg Fox
District 5

MEMO

To: Margaret Ann Nolan, County Solicitor
Office of Law

From: Mary Kay Sigaty
Howard County Council

Subject: Request for Legal Sufficiency--

Date: May 28, 2014

Please review the attached amendment(s) which will be prefiled tomorrow at 2pm. Please render an opinion as to whether it/they is/are legally sufficient.

Thank you for your attention to this request.

A handwritten signature in black ink, appearing to read "MK Sigaty".

Mary Kay Sigaty

MKS/TW

Attachment

cc : Shelia Tolliver
Theodore Wimberly

(410) 313-2001

fax: (410) 313-3297
<http://cc.howardcountymd.gov>

tty: (410) 313-6401

Amendment 1 Council Bill No. 20-2014

BY: Greg Fox
Mary Kay Sigaty

Legislative Day No:
Date: June 2, 2014

Amendment No. 1

(This amendment returns the regulations governing composting, mulching, and other wood processing uses generally back to their pre-Comprehensive Zoning status.)

On the title page, strike the title, in its entirety, and substitute the following:

“AN ACT amending the Howard County Zoning Regulations to remove references to composting and to limit areas where sawmills and mulch manufacturing are permitted; and generally relating to the Howard County Zoning Regulations.”.

On page 1, in line 3, strike “*amending*” and substitute “*repealing*”. On the same page, strike lines 7 through 9. Also, on the same page, strike lines 12 and 13, and substitute: “*The definition of “Yard Waste Composting Facility”*”. Lastly, on the same page, strike lines 20 through 22, in their entirety.

On page 2, strike lines 1 through 7, in their entirety. On the same page, in line 9, strike “amending” and substitute “*repealing*”. Immediately following line 9, insert “*Number 15. “Composting”*”.

On page 2, immediately following line 12, insert the following:

“10. By adding:

Number 60. Yard Waste Composting Facility

Subsection N. Conditional Uses and Permissible Zoning Districts

Section 131.0: “Conditional Uses” ”.

Renumber the enactment clauses accordingly.

On page 2, in line 18, immediately before “*Composting*”, insert double brackets. In the

1 same line, after "facility", strike the double brackets. On the same page, in line 21, after the
2 double brackets, strike the remainder of the page.

3
4 On page 3, strike lines 1 through 3, in their entirety. On the same page, strike lines 5
5 through 17, in their entirety and substitute the following:

6 "YARD WASTE COMPOSTING FACILITY: A FACILITY AT WHICH YARD WASTE AND NATURAL
7 WOOD WASTE IS RECEIVED AND PROCESSED TO PRODUCE COMPOST FOR OFF-SITE USE."

8
9 On page 4, in lines 1 and 2, strike "UP TO A MAXIMUM OF 1 ACRE" and substitute "OR UP
10 TO A MAXIMUM OF 1 ACRE FOR CLUSTER SUBDIVISION REMAINDER PARCELS."

11
12 On page 4, strike lines 18 through 19, in their entirety and renumber the remainder of the
13 subsection. On the same page, in line 22, strike the double brackets. On the same page, strike
14 lines 23 through 27, in their entirety.

15
16 On page 6, strike lines 1 and 2, in their entirety. Lastly, on the same page, strike lines 23
17 through 27, in their entirety.

18
19 On page 8, in line 25, strike "NATURAL WOOD WASTE RECYCLING FACILITY" and
20 substitute "MULCH MANUFACTURE".

21 On the same page, strike beginning with line 28 down through line 21 of page 9.

22
23 Strike pages 14 through page 17, in their entirety and page 18 through line 29 and
24 substitute the following:

25 "60. YARD WASTE COMPOSTING FACILITY

26
27 A CONDITIONAL USE MAY BE GRANTED IN THE RC, RR, OR M-1 DISTRICTS FOR A YARD
28 WASTE COMPOSTING FACILITY, PROVIDED THAT:

- 1 A. ONLY YARD WASTE (LEAVES, GRASS, BRUSH, YARD TRIMMINGS) AND NATURAL
2 WOOD WASTE (TREE AND OTHER VEGETATIVE REFUSE INCLUDING TREE STUMPS,
3 LIMBS AND ROOT MATS) SHALL BE RECEIVED FOR COMPOSTING ON THE SITE.
4
- 5 B. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT,
6 THE FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:
7 (1) FROM AN EXISTING RESIDENCE ON A DIFFERENT LOT 500 FEET
8 (2) FROM ADJACENT RESIDENTIALLY-ZONED LOTS 300 FEET
9 (3) FROM PUBLIC STREET RIGHTS-OF-WAY 100 FEET
10 (4) FROM EXISTING STREAMS AND WETLANDS 100 FEET
11
- 12 C. A LANDSCAPED BUFFER AREA WITH A MINIMUM WIDTH OF 100 FEET SHALL BE
13 MAINTAINED AROUND THE PERIMETER OF THE SITE. THE LANDSCAPED BUFFER SHALL
14 BE USED ONLY FOR PLANTING, FENCING, AND DRIVEWAYS FOR INGRESS AND EGRESS
15 TO THE SITE.
16
- 17 D. THE OPERATION SHALL NOT RESULT IN ODORS WHICH ARE DETECTABLE ON
18 SURROUNDING PROPERTIES.
19
- 20 E. THE OPERATION SHALL BE CONDUCTED IN A SAFE AND ENVIRONMENTALLY
21 SOUND MANNER, AS PRESCRIBED BY LAW OR REGULATIONS AND WITH RESPECT TO
22 THE LIKELIHOOD OF HAZARD TO PERSONS OR DAMAGE TO LANDS, NATURAL
23 RESOURCES, STREETS, BRIDGES, AND PUBLIC RIGHTS-OF-WAY.
24
- 25 F. THE OPERATION SHALL BE CONDUCTED IN A MANNER WHICH WILL PREVENT
26 INSECT AND/OR RODENT INFESTATION.
27
- 28 G. THE FACILITY SHALL BE MAINTAINED IN A CLEAN AND SANITARY CONDITION.
29 AREAS WHERE YARD WASTE OR COMPOST IS PROCESSED, LOADED, OR UNLOADED

1 SHALL BE DESIGNED AND CONSTRUCTED TO DRAIN FREELY TO PREVENT THE
2 ACCUMULATION OF STANDING LIQUID.

3
4 H. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED
5 FROM THE COMPOSTING FACILITY SHALL BE COLLECTED AND TREATED PRIOR TO
6 DISPOSAL, IN ACCORDANCE WITH APPLICABLE REGULATIONS.

7
8 I. IN THE RC AND RR DISTRICTS, THE HOURS OF OPERATION SHALL BE RESTRICTED
9 TO BETWEEN 7:00 A.M. AND 6:00 P.M., AND NO OPERATION SHALL BE PERMITTED
10 ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT AND IMPROVEMENTS.

11
12 J. ON-SITE RETAIL SALES OF FINISHED COMPOST SHALL BE PERMITTED IF
13 SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.

14
15 K. THE STRUCTURAL ELEMENTS OF THE ROADS SERVING THE SITE SHALL BE ADEQUATE
16 FOR THE TRUCK TRAFFIC TO BE GENERATED BY THE COMPOSTING FACILITY. THE
17 PETITION SHALL INCLUDE A ROAD CONDITION STUDY TO ALLOW THE HEARING
18 AUTHORITY TO MAKE THIS DETERMINATION.

19
20 L. THE CONDITIONAL USE PLAN SUBMITTED WITH THE PETITION SHALL
21 SHOW THE FOLLOWING:

22 (1) SURVEY BOUNDARIES OF THE SUBJECT PROPERTY.

23 (2) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS,
24 SPRINGS, AND WETLANDS.

25 (3) EXISTING AND PROPOSED TOPOGRAPHY.

26 (4) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING
27 AND FENCING.

28 (5) PORTION OF TRACT TO BE USED FOR COMPOSTING OPERATIONS, INCLUDING
29 THE LOCATION AND LAYOUT OF:

- 1 (A) YARD WASTE UNLOADING, RECEIVING AND STORAGE AREAS;
2 (B) YARD WASTE PROCESSING AREAS, INCLUDING AREAS FOR
3 GRINDING, SCREENING, MIXING AND OTHER OPERATIONS TO
4 PREPARE YARD WASTE FOR COMPOSTING;
5 (C) COMPOSTING AREAS;
6 (D) COMPOST CURING AREAS;
7 (E) COMPOST FINAL PRODUCT PREPARATION AREAS (SCREENING AND
8 OTHER OPERATIONS); AND
9 (F) FINISHED COMPOST STORAGE AND LOADING AREAS.
10 (6) EXISTING AND PROPOSED STRUCTURES AND MAJOR
11 MECHANICAL EQUIPMENT.
12 (7) EXISTING AND PROPOSED ACCESS DRIVEWAYS.
13 (8) WATER SUPPLY (INCLUDING QUANTITY REQUIREMENTS) AND
14 SEWAGE DISPOSAL.
15 (9) STORM WATER MANAGEMENT FACILITIES FOR QUANTITY AND
16 QUALITY CONTROL.
17 (10) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER
18 LIQUIDS GENERATED BY THE OPERATION.
19 (11) OTHER EXISTING OR PROPOSED USES ON THE SITE.
20
21 M. AN OPERATIONS PLAN SHALL BE SUBMITTED BY THE APPLICANT TO ENABLE THE
22 HEARING AUTHORITY TO EVALUATE THE POTENTIAL IMPACTS OF THE PROPOSED USE.
23 IF THE PETITION IS APPROVED, SUBSTANTIAL CHANGES TO THE OPERATIONS PLAN
24 SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF THE HEARING
25 AUTHORITY. THE PLAN SHALL PROVIDE THE FOLLOWING INFORMATION:
26 (1) TYPES, ANTICIPATED QUANTITIES AND SOURCES OF YARD WASTE.
27 (2) METHODS BY WHICH UNACCEPTABLE WASTES DELIVERED TO THE FACILITY
28 WILL BE IDENTIFIED, SEGREGATED, AND HANDLED FOR REMOVAL AND
29 DISPOSAL.

- (3) OFF-SITE LOCATION WHERE UNACCEPTABLE WASTES DELIVERED TO THE COMPOSTING FACILITY WILL BE DISPOSED OF.
- (4) METHODS BY WHICH WASTE QUANTITIES DELIVERED WILL BE DETERMINED INCLUDING WEIGHING FACILITIES TO BE PROVIDED.
- (5) A DESCRIPTION OF MAJOR ITEMS OF EQUIPMENT AND ASSOCIATED CAPACITIES.
- (6) A DESCRIPTION OF PROPOSED BUILDINGS AND PADS FOR STORAGE, COMPOSTING AND PROCESSING.
- (7) A DESCRIPTION OF YARD WASTE DELIVERY METHODS AND REQUIREMENTS.
- (8) A DESCRIPTION OF INCOMING YARD WASTE HANDLING AND PROCESSING METHODS INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.
- (9) A DESCRIPTION OF THE COMPOSTING PROCESS TO BE UTILIZED INCLUDING COMPOSTING CAPACITY TO BE PROVIDED, COMPOSTING TECHNOLOGY, REQUIRED COMPOSTING TIME, AND ASSURANCE OF ACCEPTABLE LEVEL OF PATHOGEN REDUCTION.
- (10) A DESCRIPTION OF COMPOST CURING, HANDLING AND PROCESSING METHODS INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.
- (11) A DESCRIPTION OF FINISHED COMPOST STORAGE, DISTRIBUTION AND DELIVERY METHODS AND REQUIREMENTS.
- (12) METHODS OF CONTROLLING ODORS, DUST, LITTER, NOISE, AND INSECT OR RODENT INFESTATION; METHODS OF INSURING PUBLIC SAFETY; METHODS OF PREVENTING AND, IF NECESSARY, CONTROLLING FIRES; AND METHODS OF COLLECTING AND TREATING LIQUIDS GENERATED BY THE USE.
- (13) PROCEDURES FOR CLEANING AND MAINTAINING THE APPEARANCE OF THE FACILITY, INCLUDING COLLECTION OF LITTER AND WASTE WHICH FALLS FROM TRANSPORT VEHICLES IN THE VICINITY OF THE SITE, INCLUDING ADJACENT PRIVATE PROPERTIES AND PUBLIC ROADS.

1
2 N. A REHABILITATION PLAN SHALL BE SUBMITTED AT THE TIME OF THE CONDITIONAL
3 USE APPLICATION FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL
4 PROVIDE FOR THE FOLLOWING MINIMUM REHABILITATION PROGRAM:
5

6 (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED
7 AND UNDERLYING EXCAVATIONS FILLED TO GRADE AND PLANTED IN GRASS
8 EXCEPT STRUCTURES OR MACHINERY THAT ARE TO BE CONTINUED IN
9 OPERATION FOR A USE PERMITTED UNDER THE ZONING CLASSIFICATION.

10 (2) ALL IMPERVIOUS SURFACES SHALL BE REMOVED AND PROPERLY DISPOSED
11 OF. THE AREAS FROM WHICH THE SURFACES ARE REMOVED SHALL BE
12 BACKFILLED WITH SUITABLE SOIL AND REGRADED AS NECESSARY TO PROVIDE
13 ADEQUATE DRAINAGE. ALL SUCH AREAS SHALL BE PLANTED IN GRASS WHICH
14 SHALL BE MAINTAINED THROUGH ONE YEAR'S GROWTH.

15 (3) ALL YARD WASTE, COMPOSTING MATERIAL, AND FINISHED COMPOST
16 SHALL BE REMOVED FROM THE SITE AND SHALL BE DISPOSED OF IN
17 CONFORMANCE WITH APPLICABLE LAWS OR REGULATIONS.

18 (4) ALL ACCESS ROADS SHALL BE SUITABLY BARRICADED TO PREVENT THE
19 PASSAGE OF VEHICLES EITHER INTO OR OUT OF THE ABANDONED AREA,
20 EXCEPT SUCH ACCESS AS NEEDED FOR VEHICLES USED IN REHABILITATION
21 WORK, UNTIL THE PLAN FOR REHABILITATION HAS BEEN COMPLETED AND A
22 DIFFERENT USE NECESSITATING ACCESS HAS COMMENCED ON THE
23 PROPERTY.'.

Habicht, Kelli

From: Tolliver, Sheila
Sent: Friday, May 16, 2014 2:14 PM
To: Habicht, Kelli
Subject: FW: Update Before Monday's HoCo Council Meeting

Cb 20 and 21

From: Sigaty, Mary Kay
Sent: Friday, May 16, 2014 1:48 PM
To: Tolliver, Sheila; Terrasa, Jen; Courtney Watson; Ball, Calvin B
Subject: FW: Update Before Monday's HoCo Council Meeting

FYI.

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

3430 Court House Drive
Ellicott City, MD 21043

From: Dayton Rural Preservation Society [mailto:info@preservedayton.com]
Sent: Friday, May 16, 2014 12:26 PM
To: Sigaty, Mary Kay
Subject: Update Before Monday's HoCo Council Meeting



Dayton Rural Preservation Society
Letter from the President



PRINT FLYER AND SHARE!

Thank you!

WE WILL SEE YOU ON

MAY 19, 2014 AT 6:30PM

**GEORGE HOWARD BUILDING
3430 COURTHOUSE DR
ELLCOTT CITY, MARYLAND**

COUNTY COUNCIL MEETING

Fellow Supporters,

It is truly amazing to see the level of continued support that has shown just how united we are to oppose industrial mulch manufacturing/composting on our rural farmlands. We are thankful for each and every one of you. Well **over 500 people showed for our Apr 28 community meeting**. We are grateful that so many supporters made time to attend. It is clear to anyone following this issue that we are united and gaining momentum. Your voice, our voice, is being heard. Your presence alone is testament to that fact.

And here's how we know: A **statement issued on Apr 28 by County Executive Ken Ulman supporting the current bill** introduced by Greg Fox and co-sponsored by Councilmembers Watson and Sigaty, **AND promising to take it a step further and make amendments that apply the one acre cap in RC as well as in ag preserve**. We are on the right track and making progress, together. However, as Councilman Greg Fox stated, we need to keep pushing until the end because anything can change!

WATCH video of Ginnie Gick reading statement from Ken Ulman, Howard County Executive:

We will send a clear message once again on **May 19 at the County Council Hearing** as we all stand together to support our case that industrial mulch manufacturing/composting be kept off our farmland, anywhere in rural Howard County. With all of us there together, our Council Members will hear loud and clear that this is what YOU want. We will pack the room and spill out into the lobby area where the hearing will be televised. Rest assured we will hear all of you no matter where you stand in the George Howard Building. Know that we need you. We will be "One Thousand People as One Voice."

RSVP to May 19th Council Hearing

To note, DRPS and our supporters will not be the only ones in attendance. The industrial business interests and others that oppose our efforts will also be there in full force. Please make every effort to attend with your family and to **arrive early, before the 6:30pm start.**

Let's run through what has essentially transpired in the two weeks since our strong turnout at the

Apr 28 community meeting, in continuing our effort to represent communities from all four corners of Howard County:

- **We met with Chair, Dr. Calvin Ball and Councilmember Mary Kay Sigaty** on May 5 to make our case. It was another productive and progressive meeting where we discussed much of the information in higher level form that we presented on Apr 28, including the key videos.
- **DRPS received the full support of the Sierra Club, Maryland Chapter** regarding our mission to oppose industrial mulch manufacturing and composting facilities on our rural farmland. We presented our cause and environmental concerns to the local chapter prior to the Apr 28 community meeting and received their official support shortly thereafter.
- **We presented at the Environmental Sustainability Board meeting** on May 8, which was attended by DPZ Director, Marsha McLaughlin. Although we didn't get much time to present, what we did convey to the Board was the environmental risks and inevitable impact, which included major concerns for groundwater contamination/heavy metals, mulch fires/inadequate water supply given no public water/hydrants, carcinogenic mulch dust/mulch spores/respiratory illnesses, heavy 18-wheeler truck traffic/equipment, noxious odor/high decibel noise...the list goes on. We believe our team of experts at the table told a compelling story to create unavoidable concerns that the Board must carefully consider. We succeeded as a team to accurately create 'reasonable doubt.' That report is due out on May 23, before the County Council convenes again to vote on our issue on June 2. We need you back at the George Howard Building then to witness the vote by our Council to amend the zoning regs!
- **We attended a meeting organized/mediated by Councilmembers Fox and Sigaty** held on May 10 **between farmers with legitimate farming concerns, Bob Orndorff/Erick Bonner who run industrial mulch manufacturing facilities, DRPS leadership and legitimate farmers who oppose industrial mulch operations on our rural farmland.** Both parties expressed their respective concerns and stated their positions. We walked away from the farmers meeting where we started (support true farming, oppose true industrial processes on our rural farmland). **Councilmember Fox did make a suggestion that we need to consider a return to the old zoning regs that existed prior to Comprehensive Zoning that took place in July 2013.**
- **We met with Councilmember Jen Terrasa** on May 14 to convey our concerns, provide the facts and to state our current position to oppose these industrial mulch/composting facilities. We had an informative and productive meeting to openly discuss the path forward.

We remain **determined and committed to bring about amendments to the current zoning regs that preserve the well-being of our rural communities,** both its people and the environment in which we live. Here is where we continue to stand. **We are fully supportive of legitimate farming operations** and believe the zoning regs, both old and new, allow a farmer to mulch/compost on the farm if product either originates from, or is to be used on, the farm itself. **What we continue to strongly oppose is endless trucking in of natural woodwaste for industrial processing to truck back out for commercial sale.** This cannot happen. This is clearly not farming. It is industry, pure and simple. These types of **industrial facilities pose unacceptable and evidence-based health, safety and environmental risks** that the families in our communities we represent are NOT willing to allow.

Please join us on May 19 to show your support for our cause as we present your case before our County Council. To finish strong, please also **circle your calendars to return to the George Howard Building on June 2 to witness what we believe will be historic change as our County Council votes on our issue** and what is best for the families of rural Howard County and the environment in which we live.

Together as "One Thousand People as One Voice" we will make this happen. **Thank you** all for your support!

Best,
John
President, Dayton Rural Preservation Society

Dayton Rural Preservation Society
P.O. Box 88, Dayton, Maryland, 21036
info@PreserveDayton.com ~ www.PreserveDayton.com

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Dayton Rural Preservation Society | P.O. Box 88 | Dayton | MD | 21036

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, May 19, 2014 7:45 AM
To: Habicht, Kelli
Subject: FW: Presentation to County Council by David M Banwarth, Monday 05/19/14
Attachments: BANWARTH - COUNTY COUNCIL PRESENTATION - 05 19 14.pptx

Please copy for files, too. CB 20 and 21.

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

From: David M Banwarth [<mailto:dmbanwarth@verizon.net>]
Sent: Sunday, May 18, 2014 11:59 PM
To: Tolliver, Sheila
Cc: Fox, Greg; Courtney Watson; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Goddard, William
Subject: Presentation to County Council by David M Banwarth, Monday 05/19/14

Ms. Tolliver,

I plan to present the attached PowerPoint presentation to the County Council during Monday night's hearings. Please load the attached onto your laptop for my presentation. I will also bring 10 printed copies as recommended. Thanks very much for your assistance. I intend to see you Monday.

If there are any other items I need for my presentation, please let me know.

Thanks,

David

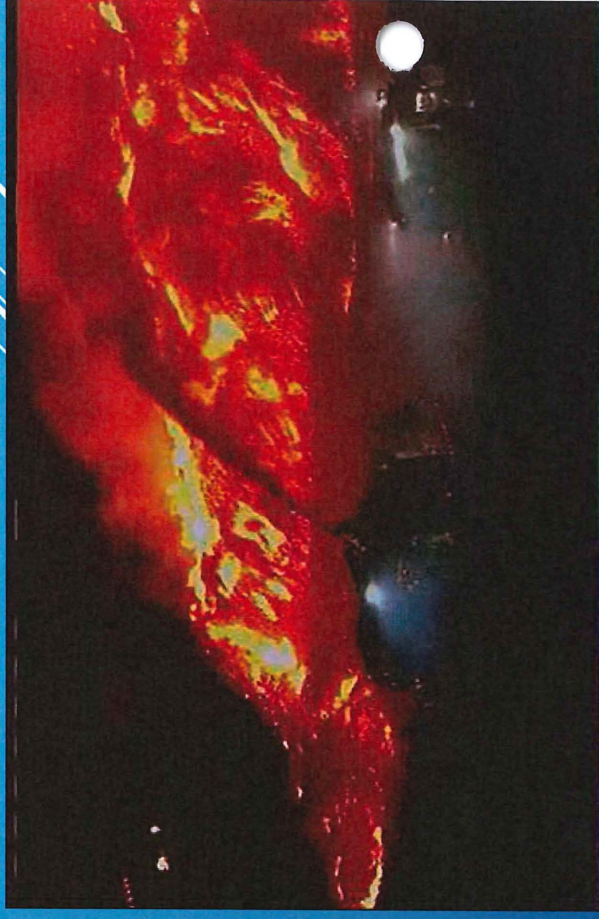
--

DMBA - David M Banwarth Associates, LLC
Fire Protection Engineers
www.DMBAfire.com

COMMUNITY FIRE PROTECTION IMPACTS OF INDUSTRIAL MULCH MANUFACTURING FACILITIES IN RC & RC-AG PRESERVE ZONES

David M Banwarth, PE
Fire Protection Engineer

1000 Green Bridge Road, Dayton, MD 21036



CAUSES OF MULCH PILE FIRES

2. SPONTANEOUS COMBUSTION – A NATURAL OCCURRENCE FOR MULCH PILES

“With moist organic materials, the initial heat-producing chemical reactions are largely biological, e.g., assisted by microorganisms. As the temperature surpasses 180 F, the biology quits and purely chemical (“abiotic”) processes take over. This chemical reaction chain can raise temperatures high enough to cause the material to ignite and burn.”

3. CIGARETTES, ARSON, MULCH GRINDERS, ‘HOT’ FEED STOCK

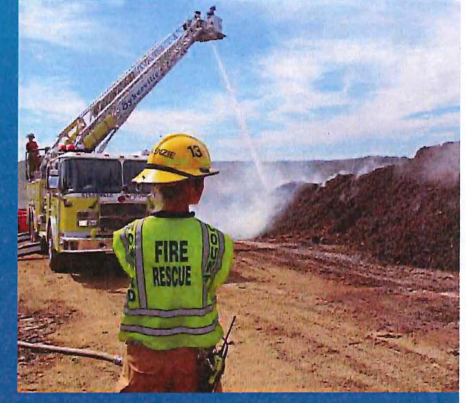
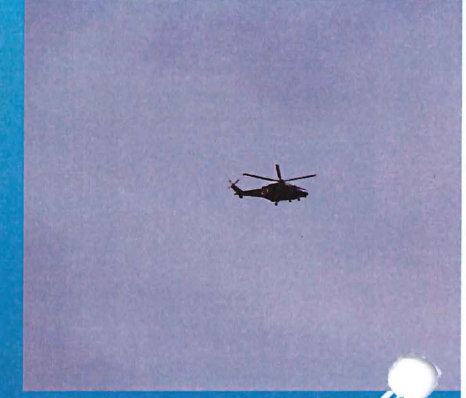
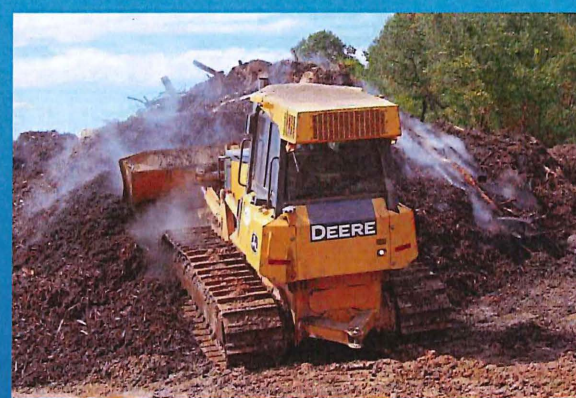
“Fires in Mulch Piles – Advice and Experience from the Industry – of a Preliminary Survey” - July 7, 2009

Byronk, Agricultural Engineering, State University of New York (SUNY)
Hill and Richard Buggein, Center for Industrial Services, University
of Tennessee

WATER ACCESS, PUBLIC WATER SUPPLY, LIMITED EXPOSURES ARE

Nearby Mulch Manufacturing Facility Fires					
Location	Date	Fire Fighters	Water Used	Water Supply	Zoned
cycled Green, Woodbine Carroll County	09/26/2013 10 hour fire	35+, Estimate Carroll, Howard, Montgomery, Frederick	~350,000 gallons	No, drafted from creek	Rural

J M Banwarth, PE - Fire Protection Engineer



RESPONSIBLE COMMUNITY PLANNING FOR MULCH MFGR HAZARD

MANUFACTURING FACILITIES ARE INDUSTRIAL HAZARDS AND BELONG IN INDUSTRIAL ZONE
NEED TO HANDLE THE FIRE THREATS POSED BY THEM

BE THEY ARE EASILY ACCESSIBLE BY FIRE APPARATUS IN ALL WEATHER CONDITIONS
BE THERE ARE LIMITED EXPOSURES TO OTHER STRUCTURES, HOMES, WOODS, GRASSLANDS
● THERE ARE CONTINUOUS AND RELIABLE PUBLIC WATER SUPPLIES FOR FIREFIGHTING
BE CONTAMINATED FIRE RUNOFF DOES NOT ENTER THE WATERSHED OR RURAL AQUIFERS

FIRES CAN EXPEND HUGE RESOURCES OF FIREFIGHTERS AND APPARATUS, REDUCING
UNITY OR REGIONAL EMERGENCY SERVICES FOR EXTENDED PERIODS
THE THREAT WITH PROPER PLACEMENT. GIVE FIREFIGHTERS THEIR BEST CHANCE TO PROTECT LIVES AND
PROPERTY. DO NOT PLACE ADVERSE SAFETY RISKS ON FIREFIGHTERS.
GUARD THE COMMUNITY AT LARGE FOR OTHER EMERGENCY CALLS.

● **G INDUSTRIAL FIRE HAZARDS TO RURAL LOCATIONS MAY RESULT IN ISO
SCHEDULE PENALTIES AND INCREASE HOMEOWNER INSURANCE PREMIUMS.**

ISO system: ISO compares the available water supply at
tentative community locations with the needed fire
or those locations. The supply works, water main
ity, or fire hydrant distribution may limit the available
.” (30 Points out of 105.5 Total Points)



Habicht, Kelli

CB 20

From: Tolliver, Sheila
Sent: Tuesday, April 08, 2014 1:25 PM
To: Habicht, Kelli
Subject: RE: Vested Right in Existing Zoning

No, there is no bill yet. There probably will be a bill filed in May or June. Just hold in the ZRA 148-149 file.

sheila

From: Habicht, Kelli
Sent: Tuesday, April 08, 2014 1:18 PM
To: Tolliver, Sheila
Subject: RE: Vested Right in Existing Zoning

Is this CR38?

From: Tolliver, Sheila
Sent: Friday, February 28, 2014 3:52 PM
To: Habicht, Kelli
Subject: FW: Vested Right in Existing Zoning
Importance: High

For legislative files re: ZRA Greg is filing next week that will become a bill in a couple of months.

Sheila

From: Fox, Greg:(Constellation) [<mailto:Greg.Fox@Constellation.com>]
Sent: Thursday, February 27, 2014 11:56 AM
To: Fox, Greg; Wimberly, Theo
Cc: Knight, Karen; Tolliver, Sheila
Subject: RE: Vested Right in Existing Zoning
Importance: High

I don't want to add anything additional. Paul had convinced me that how are proceeding will handle what I need.

Sent from my Android phone using TouchDown (www.nitrodesk.com)

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

From: Wimberly, Theo [twimberly@howardcountymd.gov]
Received: Thursday, 27 Feb 2014, 8:13AM
To: Fox, Greg [gfox@howardcountymd.gov]; Fox, Greg:(Constellation) [Greg.Fox@Constellation.com]
CC: Knight, Karen [kknight@howardcountymd.gov]; Tolliver, Sheila [STolliver@howardcountymd.gov]
Subject: FW: Vested Right in Existing Zoning

Greg/Karen,
See Paul's comments below.

From: Johnson, Paul
Sent: Wednesday, February 26, 2014 6:00 PM

Habicht, Kelli

From: Tolliver, Sheila
Sent: Friday, May 09, 2014 8:08 AM
To: Habicht, Kelli
Subject: FW: Dayton, MD, Rural Preservation
Attachments: Mulch letter R. Sigaty.docx

CB 20-21 files

From: Sigaty, Mary Kay
Sent: Thursday, May 08, 2014 7:10 PM
To: Tolliver, Sheila
Subject: FW: Dayton, MD, Rural Preservation

Testimony for CB20-2014 & CB21-2014.

—
Mary Kay Sigaty
Howard County Council, District 4
(410) 313-2001

3430 Court House Drive
Ellicott City, MD 21043

From: Lindsay Van Staden [<mailto:lindsay.vanstaden@gmail.com>]
Sent: Sunday, April 27, 2014 2:12 PM
To: Sigaty, Mary Kay
Subject: Dayton, MD, Rural Preservation

Please see the attached letter regarding my concerns over proposed industrial facility in Dayton, MD.

Thank you for your time,
Lindsay van Staden

Lindsay van Staden
5095 Green Bridge Rd.
Dayton, MD 21036

April 27, 2014

The Honorable Mary Kay Sigaty
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Dear Representative Sigaty,

I am writing to ask you for your vote to amend the zoning laws for agricultural preserves in Howard County, specifically regarding a proposal for a light industrial scale project in Dayton. This project is the result of well-intentioned zoning laws and state regulations that are designed to help those in the farming community preserve the rural and agricultural nature of Western Howard County and the State of Maryland. Specifically, they allow for conditional uses such as wineries, ice cream stands, and mulching/composting facilities. I welcome these uses by our neighboring farming community but feel that in this case, the zoning regulations are being misused to allow for the construction of a light manufacturing facility in these rural areas. I am concerned for what this means not only for Dayton but for all of Howard County.

We moved to this area a few years ago. I am a local teacher at Talbott Springs Elementary School and my husband works in pastoral care. When we moved here, we were seeking a quiet place to raise our family. We live directly across the street from the game reserve that was rezoned last year and is now the proposed site for an industrial mulching and compost facility. When we moved here, we were assured this was an area devoted to preserving the rural and agricultural nature of our community. However, if this facility were to receive approval, we would end up living across the street from an industrial facility, not a local farm.

We have several concerns about this proposed facility. First, we are concerned about the safety of the roads for our children. Our son boards a bus on Green Bridge Road, and the number of trucks anticipated with the project are a danger to him and the other children who live on our road. These proposed facilities would result in over 50 large, 18-wheel trucks with gross weights of over 100,000 pounds to traverse our small local and scenic roads every day for 6 days a week at a rate of about one every 12 minutes passing through our community. It would also produce a significant amount of noise in the use of the facility for mulching. The noise of the facility and its trucks would significantly change the quality of life in our currently quiet area.

But we are most concerned about the fine dust and water pollution that is produced by such a facility and the very real health threat it poses to our family. Zoning law permits mulching

within 500 feet of our homes and this dust carries in the air for up to 2000 feet. We understand this dust causes health problems and is a known carcinogen. We are also concerned about the leaching of pollutants into the local Triadelphia watershed and into our own wells that we all use as a water source. Obviously, we want our two young boys to be raised without the fear that our very home is in a location that could cause them long-term health problems. We are also concerned for other parts of Howard County and the precedent set with this farm. No one in our county should be concerned that a home in which they currently live could become a place that could cause them long-term health problems.

While smaller scale conditional uses such as this can benefit our local farming community, we understand that in this case, the land will be purchased by Robert Orndorff (JBRK, LLC), a local businessman, the owner of the RLO Contractors, Inc., and Chairman of the Board of Sandy Spring Bank. We believe Mr. Orndorff has no intention of living on the property or farming the property (that will be done by local farmers), but only in moving a current facility located at 7531 Cemetery Lane in Elkridge, MD, (zoned light industrial) to our rural community for the benefit of RLO Corporation – a local excavating company that collects wood and trees in its daily operation for mulching at these facilities.

This is a bigger issue than Dayton. This is a Howard County issue, and I am asking you to stand on the side of preserving our farmland. I am also asking you to stand with all of us to keep our community from becoming a dangerous place to live. No one should have to worry about the air they breathe and the water they drink in their own neighborhood. Like any other mother, I want my children to be safe! I am urging you to amend the zoning of agricultural preserves, and I ask that you will set a precedent to keep companies from using our residential neighborhoods for their industrial purposes.

Sincerely,

Lindsay van Staden



Current RLO Mulching Operation in Elkridge zoned light industrial



Proposed Location of new mulching facility in Dayton zoned rural conservation in Ag. Preserve

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, May 08, 2014 9:55 AM
To: Habicht, Kelli
Subject: FW: Environmental Sustainability Board - added information
Attachments: Mulch Factory Health Effects Velculescu.pptx

CB 20-21

From: Knight, Karen **On Behalf Of** Fox, Greg
Sent: Thursday, May 08, 2014 9:47 AM
To: Tolliver, Sheila
Subject: FW: Environmental Sustainability Board - added information

Karen Knight

From: Rick Lober [<mailto:rick.lober@gmail.com>]
Sent: Thursday, May 08, 2014 8:39 AM
To: Ned Tillman
Cc: Fox, Greg; Sigaty, Mary Kay; Ball, Calvin B; Courtney Watson; Victor Velculescu; David M Banwarth; jeffandbhakti@hotmail.com; John Tegeris; McLaughlin, Marsha
Subject: Environmental Sustainability Board - added information

Ned-

I am resending some health information on mulch and wood dust from Dr Victor Velculesco who is a Director of Cancer Research at JHU. I am not sure you got it and wanted to copy the other interested parties.

It is disappointing to hear that only Public Works and Marsha from DPZ will present and that my request for 5 minutes by each of our 3 experts in fire, water and health cannot be accommodated (although I do appreciate the time you have given us for a short summary of any issue missed).

I feel that these three experts can give the board a broader understanding of the issues in addition to that of our County officials. They also represent the community who has concerns in this area that should be heard. Please note that the ES Board was sanctioned to look into this issue after our group met with Courtney Watson and presented some of the information I have sent you. As promised, we have not deluged you with speakers - just a few well qualified individuals.

I hope you will reconsider and let our three experts speak.

Thanks

Rick Lober
Dayton Rural Preservation Society, LLC

--

Rick Lober

rick.lober@gmail.com

410-531-7479 (H)

858-774-5705 (C)

Health Hazards of Mulch and Wood Dust

Victor Velculescu, M.D., Ph.D.
Sidney Kimmel Comprehensive Cancer Center
Johns Hopkins University

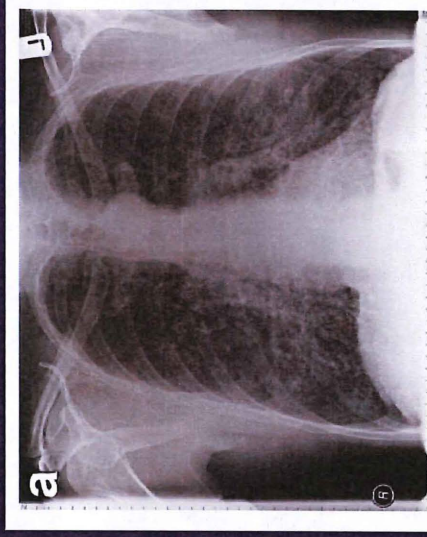
Health Hazards

Industrial mulch processing results in increased exposure to

- **Infectious agents – fungi and bacteria**
- Wood dust

Example: Acute fungal pneumonia

At presentation

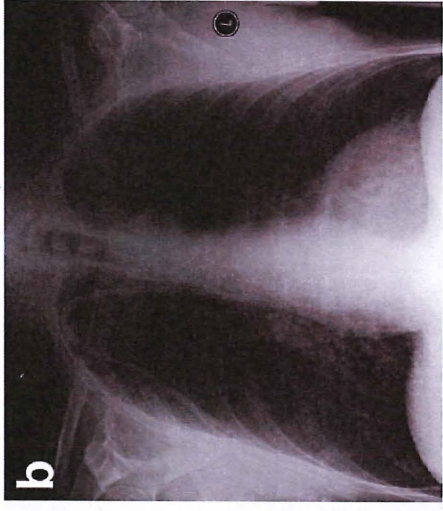


A 69 year old retired man with no significant medical history. Developed acute pneumonia after spreading tree bark mulch.

Hospitalized, developed kidney injury and failure. Remained dialysis dependent and housebound.

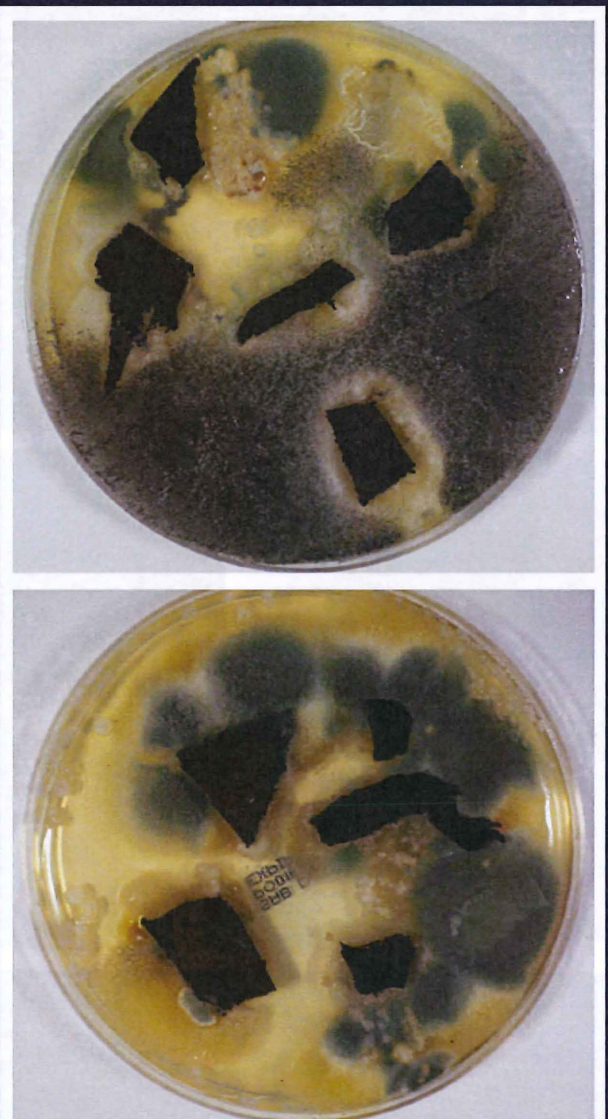
Died of sepsis 10 months later.

2 months later



Inhalation of fungal spores was thought to be the likely route of infection.

Example: Acute fungal pneumonia



Mulch culture showing growth of microorganisms
(*Aspergillus fumigatus*, *Rhizopus* spp., *Sporobolomyces* spp. and bacteria)

Medical Mycology Case Reports 2(2013)125–127

Many examples of mulch related infections in medical literature

1: Ameratunga R, Woon ST, Vyas J, Roberts S. Fulminant mulch pneumonitis in undiagnosed chronic granulomatous disease: a medical emergency. *Clin Pediatr (Phila)*. 2010 Dec;49(12):1143-6. doi: 10.1177/0009922810370057. Epub 2010 Aug 19.

2: Siddiqui S, Anderson VL, Hilligoss DM, Abinun M, Kuijpers TW, Masur H, Witebsky FG, Shea YR, Gallin JI, Malech HL, Holland SM. Fulminant mulch pneumonitis: an emergency presentation of chronic granulomatous disease. *Clin Infect Dis*. 2007 Sep 15;45(6):673-81. Epub 2007 Aug 8.

3: Veillette M, Cormier Y, Israël-Assayag E, Meriaux A, Duchaine C. Hypersensitivity pneumonitis in a hardwood processing plant related to heavy mold exposure. *J Occup Environ Hyg*. 2006 Jun;3(6):301-7.

4: Nagai K, Sukoh N, Yamamoto H, Suzuki A, Inoue M, Watanabe N, Kuroda R, Yamaguchi E. [Pulmonary disease after massive inhalation of *Aspergillus niger*]. *Nihon Kokyuki Gakkai Zasshi*. 1998 Jun;36(6):551-5. Japanese.

5: Weber S, Kullman G, Petsonk E, Jones WG, Olenchock S, Sorenson W, Parker, Marcelo-Baciu R, Frazer D, Castranova V. Organic dust exposures from compost handling: case presentation and respiratory exposure assessment. *Am J Ind Med*. 1993 Oct;24(4):365-74.

6: Johnson CL, Bernstein IL, Gallagher JS, Bonventre PF, Brooks SM. Familial hypersensitivity pneumonitis induced by *Bacillus subtilis*. *Am Rev Respir Dis*. 1980 Aug;122(2):339-48. PubMed PMID: 6774642.

Dozens of examples of scientific articles from throughout the world related to infectious agents in mulch.

Particularly important and dangerous for immune compromised individuals.

Recent study found that of patients with fulminant mulch pneumonitis, half of those died of due to infection and underlying kidney disease.

Health Hazards

Industrial mulch processing results in increased exposure to

- Infectious agents – fungi and bacteria
- **Wood dust**

Health Effects of Wood Dust

From Centers for Disease Control and Prevention:

“Exposure to wood dust has long been associated with a variety of adverse health effects, including dermatitis, allergic respiratory effects, mucosal and nonallergic respiratory effects, and cancer. The toxicity data in animals are limited, particularly with regard to exposure to wood dust alone; there are, however, a large number of studies in humans.”

Health Effects of Wood Dust

From *Ann Agric Environ Med* 2010, **17**, 29–44.

- **Abstract:** This paper reviews the literature on associations between dry wood dust exposure and non-malignant respiratory diseases ... The results support an association between dry wood dust exposure and asthma, asthma symptoms, coughing, bronchitis, and acute and chronic impairment of lung function. In addition, an association between wood dust exposure and rhino-conjunctivitis is seen across the studies. ”

Dermatitis

- “Dermatitis. There are a large number of case reports, epidemiological studies, and other data on the health effects of wood dust exposure in humans. Dermatitis caused by exposure to wood dusts is common, and can be caused either by chemical irritation, sensitization (allergic reaction), or both of these together. As many as 300 species of trees have been implicated in wood-caused dermatitis.”

Asthma

- “Allergic respiratory effects. Allergic respiratory responses are mediated by the immune system, as is also the case with allergic dermatitis. Many authors have reported cases of allergic reactions in workers exposed to wood dust ... Asthma is the most common response to wood dust exposure”

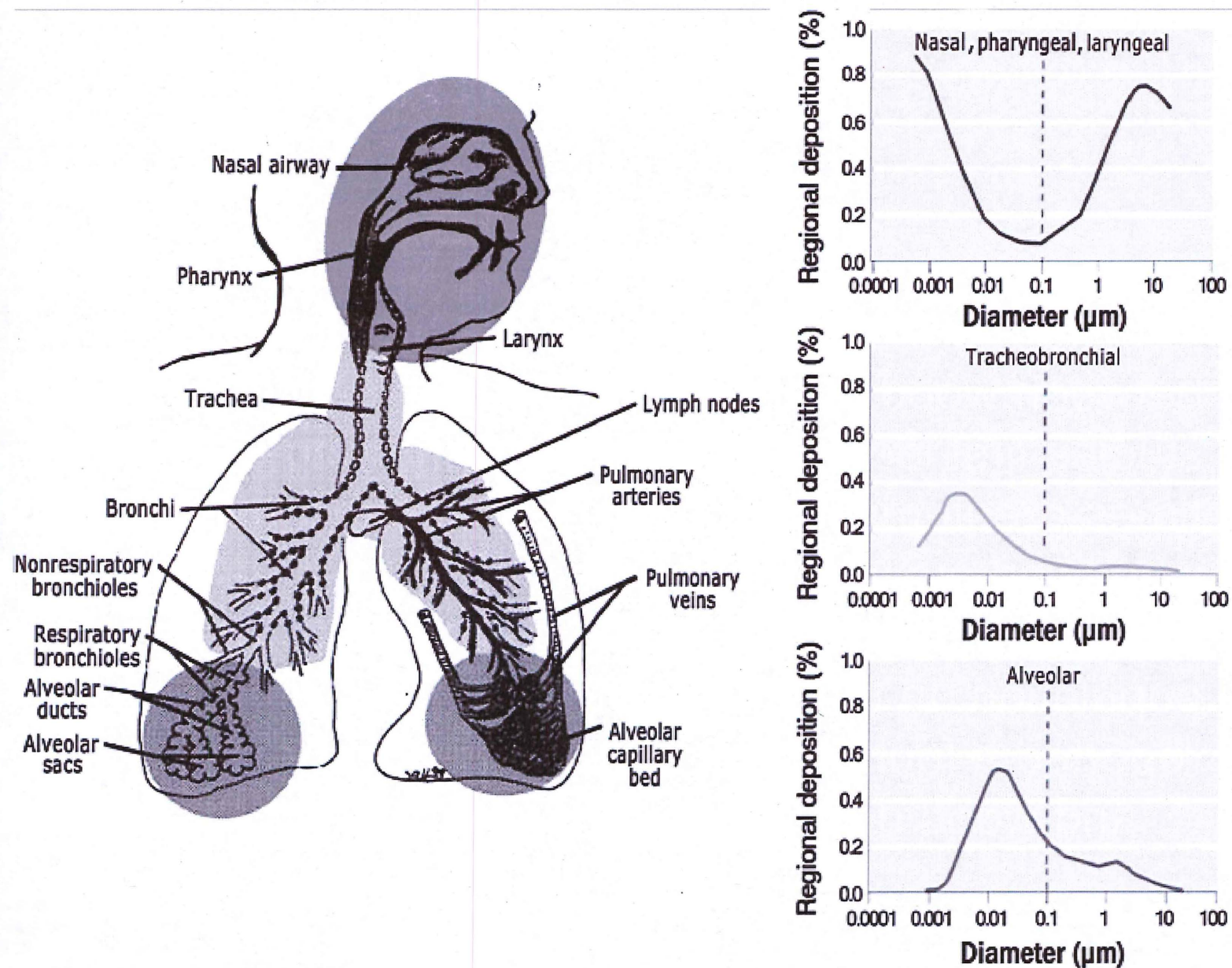
Other Lung Effects

- “Mucosal and nonallergic respiratory effects (changes in the structure and function of the nasal mucosa and respiratory tract that are caused by exposure to wood dust). These changes include nasal dryness, irritation, bleeding, and obstruction; coughing, wheezing, and sneezing; sinusitis; and prolonged colds.”

Cancer

- “The association between occupational exposure to wood dust and various forms of cancer has been explored in many studies and in many countries.” (CDC)
- “There is *sufficient evidence* in humans for the carcinogenicity of wood dust. Wood dust causes cancer of the nasal cavity and paranasal sinuses and of the nasopharynx. Wood dust is *carcinogenic to humans* (Group 1).” (WHO, IARC)

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



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

Nasal Cancer

- “Summary of evidence for nasal and sinus cavity cancers. The literature clearly demonstrates an association between wood dust exposure and nasal cancer. English studies first identified this link by showing a 10- to 20-times-greater incidence of nasal adenocarcinoma among woodworkers in the furniture industry than among other woodworkers and 100 times greater than in the general population. In the United States, three studies have reported a fourfold risk of nasal cancer or adenocarcinoma ... and wood dust exposure. “

Lung Cancer

- “Pulmonary cancer. A number of studies investigating the association between wood dust exposure and the development of lung cancer have been conducted. Milham (1974/Ex. 1-943) found a significant excess of malignant tumors of the bronchus and lung in workers who had belonged to the AFL-CIO United Brotherhood of Carpenters and Joiners of America. “

Hodgkin Lymphoma

- “Hodgkin's disease. Milham and Hesser concluded, on the basis of a case-cohort study of 1,549 white males dying of this disease ... that there was an association between Hodgkin's disease and exposure to wood dust. Another study concluded that men working in the wood industries in the eastern United States were at special risk for Hodgkin's disease. A Washington State epidemiological study also found that woodworkers had an increased risk of Hodgkin's disease, and the work of these authors was supported by the results of another study.”

Other Cancers

- “Other cancers. NIOSH (1987a/Ex. 1-1005) concluded that the data on the relationship between occupational exposure to wood dust and the development of cancers other than nasal, Hodgkin's disease, or lung cancers are insufficient and inconclusive.”

Summary

- - Mulch processing can pose risks for human health due to increased exposure of infectious and hazardous agents. These include
 - infections due to fungal spores
 - Increased risk of dermatitis, allergic respiratory effects, and mucosal and nonallergic respiratory effects
 - Increased risk of cancer, including nasal, lung, and Hodgkin lymphoma
-

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, May 08, 2014 9:54 AM
To: Habicht, Kelli
Subject: FW: Mulch Fires in Rural Areas
Attachments: TYPICAL MULCH FIRE IN AN INDUSTRIAL PARK.pdf; ESB Stressors.pdf; mulch fire chart II.pdf

Please add email and attachments to CB 20-21

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

From: Knight, Karen On Behalf Of Fox, Greg
Sent: Thursday, May 08, 2014 9:46 AM
To: Tolliver, Sheila
Subject: FW: Mulch Fires in Rural Areas

Karen Knight

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

From: David M Banwarth [<mailto:dmbanwarth@verizon.net>]
Sent: Wednesday, May 07, 2014 6:01 PM
To: Ned Tillman
Cc: Fox, Greg; Courtney Watson; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay
Subject: Mulch Fires in Rural Areas

Chairman Tillman,

I am a Fire Protection Engineer and a licensed Professional Engineer in MD and 5 other States and reside in Howard County. I plan to be present at tomorrow night's board meeting at Cedar Lane concerning Mulch Manufacturing and NWWR facilities.

Please see that attached information regarding mulch fires in rural areas. It is intended for distribution to your Environmental Sustainability Board for preparation for the Board's deliberations.

Mulch fires occur naturally, and very frequently, as a byproduct of the heat generated by biological processes taking place in the piles. The mulch piles are self insulating and captive heat exceeds the auto-ignition temperature of the wood chips, thereby spontaneously combusting. The fires are deep-seated and not easily visually noted until they become expansive. They are unpredictable, since they rely on biological processes which in turn rely on moisture content, temperature, and other factors.

The attached "mulch fire chart II" document shows a few significant mulch fires that have recently occurred locally. Many/most mulch fires (which are not shown in the chart) are quickly extinguished as small smoldering fires before they become significant. Usually, those non-noteworthy fires are in facilities having adequate public water supplies, convenient fire equipment access, and close proximity to fire service response (i.e. - industrial parks). Please note in the chart that some larger fires which occurred in areas where public water supply was present, were extinguished in matters of hours (as opposed to days).

In contrast, those fires in rural areas lacking public water supply and good vehicular access burned for days and exhausted large quantities of firefighters and fire apparatus during those periods. Fires in rural areas are extremely more difficult to fight, are more dangerous, and demand many more resources - and thereby deprive the community at large of those same services.

The chart entitled "EST Stressors" demonstrates the environmental sustainability (ES) impacts of mulch fires on communities, families, individuals and natural habitats. It is apparent that the inappropriate placement of mulch manufacturing facilities (e.g. - outside of Industrial Parks) causes severe stressors that are contradictory to sound ES practices.

Finally, the chart entitled "Typical Mulch Fires in an Industrial Part vs a Rural Setting" demonstrates how inappropriate siting of industrial mulch manufacturing plants affects the fire growth curve relative to fire department response times, times to establish a continuous and reliable water supply for fire-fighting, overall fire-fighting dangers and duration, and times to return to service. Again, improperly located facilities have huge community wide impacts on public safety which are largely avoidable.

Thank you for taking the time to review these materials and I look forward to discussing them with you tomorrow evening if there are any questions or concerns.

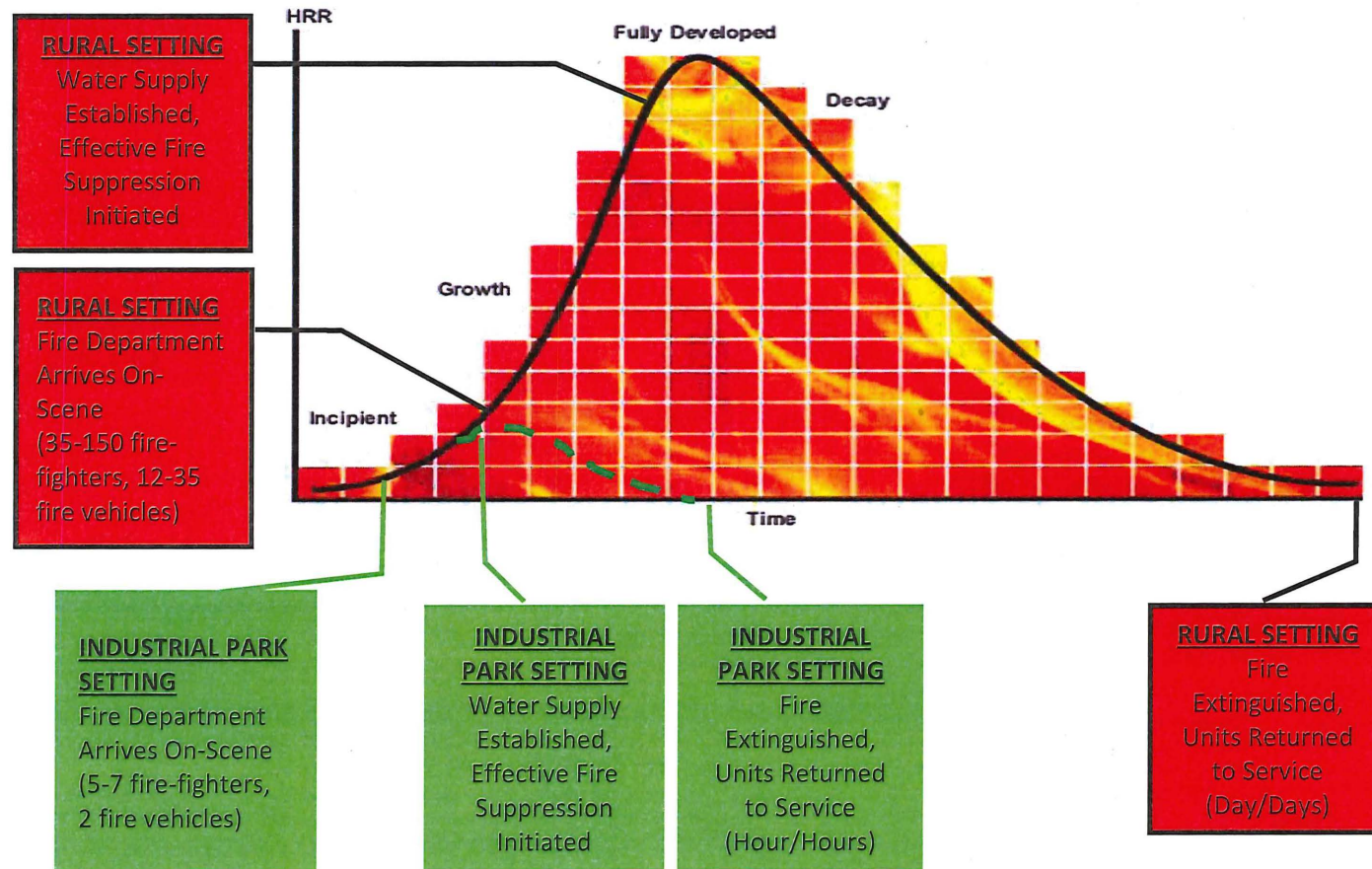
Respectfully submitted,
David Banwarth, PE
4892 Green Bridge Road
Dayton, MD 21036
(H) 410-531-6458

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DMBA - David M Banwarth Associates, LLC
Fire Protection Engineers
www.DMBAfire.com

TYPICAL MULCH FIRE GROWTH CURVE IN AN INDUSTRIAL PARK SETTING (WITH PUBLIC WATER SUPPLY AND ACCESS) VS. RURAL SETTING WITHOUT PUBLIC WATER SUPPLY AND ACCESS)

Mulch fires in rural settings take longer to respond to, take much longer to establish a continuous and effective water supply, and tie up apparatus and fire-fighter for days, instead of hours in an Industrial Park setting. This is largely because the fire growth curve is hugely increased during the length of time required to manually set up a water supply and begin active fire suppression. And, because limited access for fire-fighting occurs in rural settings vs. Industrial Parks, which are located on major highways vs. remote farm fields.



Legend:

HRR = Heat Release Rate,

Green Dashed Line (—) is Fire Growth Curve in Industrial Setting

Black Solid Line (—) is Fire Growth Curve in Rural Setting).

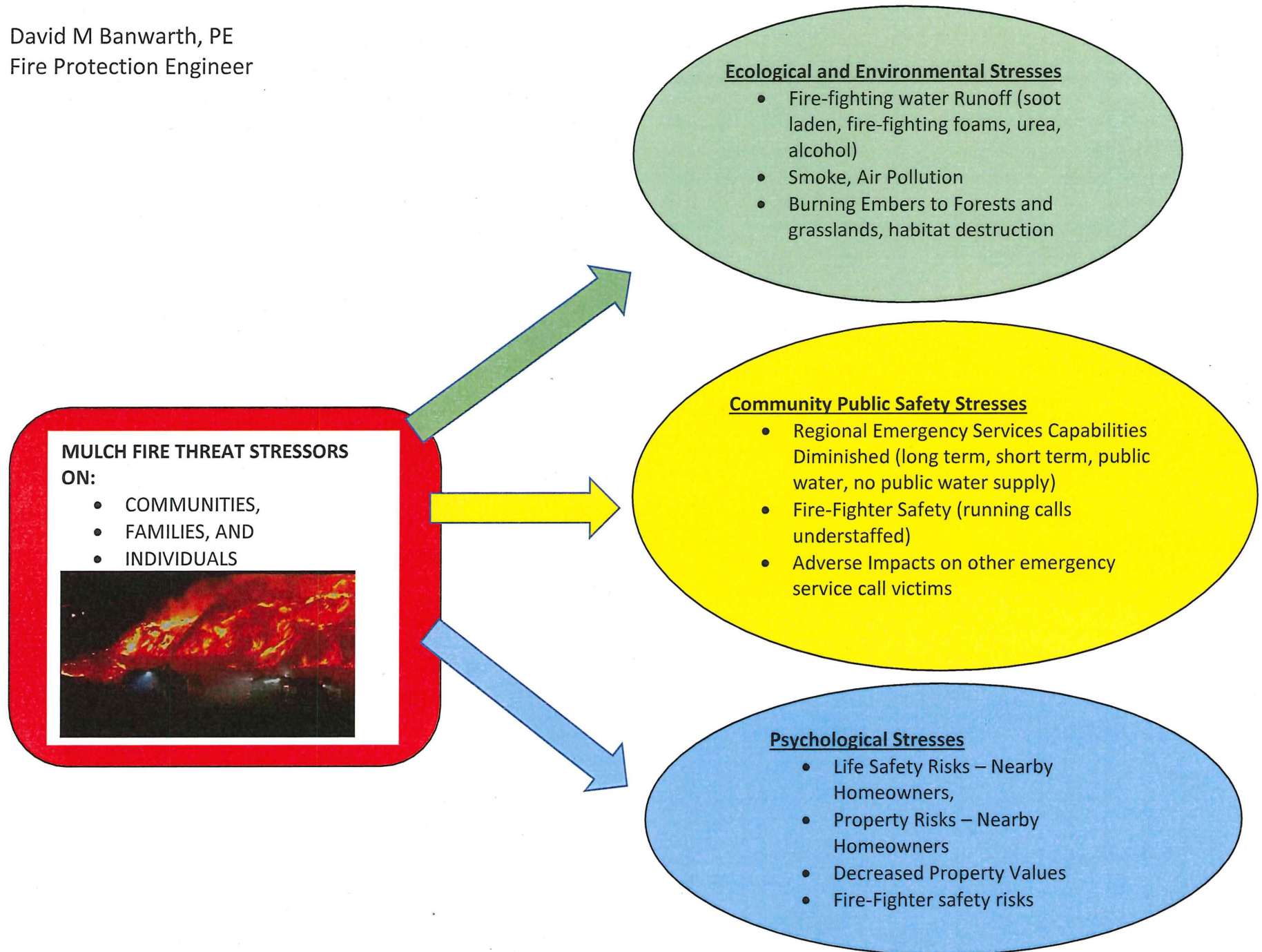
David M Banwarth, PE – DMBA, LLC

Fire Protection Engineers

May 2014

ENVIRONMENTAL SUSTAINABILITY IMPACTS OF MULCH FIRES

David M Banwarth, PE
Fire Protection Engineer



	Location	Date	Fire Fighters	Equipment/Apparatus	Water Used	Water Supply	Damage	Size	Zoned
2	5402 Van Dusen Rd, Beltsville	2/19/2011, 11am-9pm 10 hour fire	150 F/F's		Est. Min. 8,000 gpm X 60 X 8 = 3.84M gals	Public	>\$1M, PGFD	300 A wind-swept crossed RT. I-95	Industrial
3	Upper Marlboro, Md	4/11/2013 3 Day Fire	55, with replacements (100+)	Brush Trucks, Foam Units from Andrews AFB, Many Engines Many Tankers, 3 Counties		No, 1 mile away		200 x 500 x 50'H	Rural
4	Recycled Green, Woodbine	September 1, 2013 1 Day Fire	35+, Estimate	Tanker 13, Tanker 3, Aerial Truck 8+ Engines, Other Also, Commercial Water Trucks	360,000 gallons estimated	No, drafted from creek			Rural
5	Nova Services Curtis Bay, Baltimore 711 Pittman Rd.	04/25/2013 5 hour fire	57 AA Co., Balt. Co., Balt. City, Ft. Meade			Public		1/4 Acre 60' high in places	Industrial

David M Banwarth, PE
Fire Protection Engineer

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, May 05, 2014 2:22 PM
To: Wimberly, Theo; Habicht, Kelli
Subject: FW: Comments on 20-2014 and 21-02014
Attachments: Howard SCD initial comments on proposed legislation 5-5-14.docx

Fyi and legis file cb 20 and 21-2014

From: Ensor, Robert R
Sent: Monday, May 05, 2014 11:54 AM
To: CouncilMail
Subject: FW: Comments on 20-2014 and 21-02014

From: Ensor, Robert R
Sent: Monday, May 05, 2014 11:42 AM
To: 'CouncilMail@howardcountymd.com'
Subject: Comments on 20-2014 and 21-02014

The Howard Soil Conservation District met this morning for the expressed purpose of discussing Council Bills 20-2014 and 21-2014. We wish to make our comments available to each Council member for your information. Those initial comments are attached for your review.

We offer our assistance in working toward an equitable and fair solution to the issue. We feel an open and timely discussion between all involved stakeholders would be appropriate.
Thank you for your continued support.

Bob

Bob Ensor, District Manager
Howard Soil Conservation District
410-489-7987

Howard SCD initial comments on proposed legislation 21-2014 (ZRA-148) and 21-2014 (ZRA-149)

May 5, 2014

This appears to be a highly charged emotional issue doesn't warrant the amount of political attention being devoted to the issue at the moment.

We would recommend that time be taken to properly study the issue with all involved parties, look at the science behind the issue and come to a sensible proposal that works for the majority and in the best interests of the County, not just the few vocal individuals or groups.

Generally every farming operation with livestock has some sort of composting facility on the property. Usually more than one acre (208' X 208') is required to properly compost wastes, residues, etc. on an average size Howard County farm. We expect that over 100 farm operators will be impacted by the proposed regulations (about 33% of the farmers actively farming in the county). These farmers need some place to take their wastes if they can't or choose not to do "on-farm" composting.

Another issue is the Ag Land Preservation Contracts between the County and local farmers. Is this proposed legislation a removal of a key item in the remaining "bundle of rights" associated with the farms in the Ag Preservation Program?

The Howard Soil Conservation District offers the following initial comments:

- New regulations and legislation are not needed. Current regulations adequately cover operations in Howard County and give farmers the flexibility required to manage the farming operation.
- MDE and MDA are constructing new statewide regulations for wood recycling and composting operations, they have been through the public input and comment process. Wait until the new regulations are released by MDE
- The Howard County Staff recommendation seems sensible, go with that and no additional limitations which allow for conditional uses as appropriate,
- Require that any wood recycling/composting operation be managed in accord with a Conservation Plan developed with the Howard Soil Conservation District which focuses on runoff, nutrient pollution and proper management of the farm area.

Bob Ensor

HSCD District Manager

410-489-7987

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, May 01, 2014 5:04 PM
To: Habicht, Kelli
Subject: FW: Post-Community Meeting Letter from President, John Tegeris DRPS

Make that 4 more to file (sorry)

This goes with the two mulching bills (ZRA 148-149)

From: Knight, Karen **On Behalf Of** Fox, Greg
Sent: Thursday, May 01, 2014 4:30 PM
To: Tolliver, Sheila
Subject: FW: Post-Community Meeting Letter from President, John Tegeris DRPS

FYI

Karen Knight

From: daytoncommunity@gmail.com [<mailto:daytoncommunity@gmail.com>] **On Behalf Of** Dayton Rural Preservation Society
Sent: Thursday, May 01, 2014 4:00 PM
To: info@preservedayton.com
Subject: Post-Community Meeting Letter from President, John Tegeris DRPS

Fellow Supporters,

Heartfelt gratitude from your DRPS team to all of our passionate supporters for making time to attend what was a very special and productive community meeting on Mon night. Without "**One Thousand People as One Voice**," we could not have arrived at this point in only two short months. We are building momentum, and there is still more to accomplish together.

Our sincere gratitude to County Executive, Ken Ulman, for his focused attention and swift response to the issue of preventing industrial mulching on rural farmland. We were very pleased with Ken's decision to endorse the bill limiting industrial mulching to one acre on ag preserve farmland, and to also apply the same limitation to RC farmland. We appreciate the leadership he has demonstrated to tackle this issue head on.

Please check out the article by Amanda Yeager per the weblink below published this week in the Baltimore Sun, entitled "*Ulman weighs in on mulching issue*," to get a good recap of what transpired at our community meeting:

<http://www.baltimoresun.com/news/maryland/howard/lisbon-fulton/ph-ulman-mulching,0,2833570.story>

Our sincere thanks also to Councilmember Greg Fox for the bill he introduced, and to Councilmembers Watson and Sigaty for co-sponsoring his bill, all of whom were in attendance Mon night. With all of us working together, DRPS is confident that needed changes will be made to the zoning regulations in order to protect our rural communities. That said, in light of the potential health, safety and environmental consequences that can result from a mulching operation even one acre in size, we will continue to push to disallow any type of industrial mulching on anything but areas zoned industrial. DRPS is working to affect changes to the current zoning regulations that will prevent this. We hope the County will work with Industry to find the appropriate areas versus putting these facilities within 500 feet of our homes.

To be clear, DRPS supports a farmer's right to tend to his own land, including to mulch what exists on the farmland in order to increase the cropland footprint. We see nothing in any of the proposed bills that would prevent a farmer from mulching his own property, or a homeowner from creating composting areas for personal use.

We look forward to taking next steps when the County Council holds its public hearing on May 19 at the George Howard Building (3430 Court House Road, Banneker Room, Ellicott City), which we just learned will begin at 6:30pm instead of the 7pm start time previously noted. At this hearing, DRPS will present evidence-based testimony to support its opposition to allowing industrial mulch manufacturing/composting facilities onto our rural farmland. On behalf of the rural communities we represent throughout Howard County, we strongly oppose this and do not recognize it as a true farming activity.

And here is the call to action: **Attend the Public Hearing with our County Council on May 19 beginning at 6:30pm.** All of our combined efforts to date have led us to this hearing. You matter. Your presence at this hearing makes a difference, so please make plans to show up early. We will be handing out "No InDUSTry" pins for everyone to wear. Let the County Council see the power of a community standing together committed to one cause. Bring children (with signs; 'Keep Us Safe!,' 'Protect Our Kids!,' 'No Big Trucks!'), bring grandparents and bring your neighbors and friends.

Be prepared for one standing ovation after another as we stand proudly together as one community. This will be a memorable and special evening if we join as one to pack the courtroom, to be a part of something bigger than any one individual. Many thanks for your commitment to the cause and special thanks to the donors who have contributed so generously. See you May 19th!

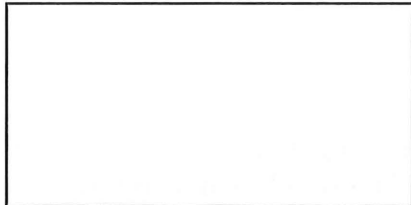
Best,

John

Dayton Rural Preservation Society

info@preservedayton.com

www.PreserveDayton.com



Habicht, Kelli

From: Tolliver, Sheila
Sent: Friday, April 18, 2014 12:17 PM
To: Stu Kohn
Cc: Habicht, Kelli
Subject: RE: A Night to Remember -- Proposed Composting Facility in Dayton

Thank you for your e-mail to the members of the County Council. They appreciate your interest in the matters that may come before them and will bear in mind your comments as they consider the ZRAs related to composting.

Sheila Tolliver
Administrator
Howard County Council

From: Stu Kohn [<mailto:stukohn@verizon.net>]
Sent: Friday, April 18, 2014 12:14 PM
To: howard-citizen@yahoogroups.com
Cc: Ken S. Ulman; CouncilMail
Subject: A Night to Remember -- Proposed Composting Facility in Dayton

FYI.

At last night's Planning Board (PB) Hearing the Banneker Room at the George Howard Building was full. Yes - over 300 people who are to put it mildly very irate about the proposed composting facility to be located in Dayton. The reason it was in the Banneker room was they had to move the audience from their PB room because of the capacity.

The Dayton Group presented convincing power point presentations and clearly discussed the cons of such a proposal. I truly don't know of many pros. I'm proud to say that HCCA testified and gave the Dayton Group a lot of credit for their presentation and the fact they had only spent two months working on their case. They spoke about the safety and health hazards of such a proposed project and cited major problems in New York and Pennsylvania. When I thanked them in my testimony the entire audience gave a standing ovation. It was well deserved. When I finished my testimony I was asked a question by the PB. It was about the site on Route 1. I stated this should be fully investigated and the operation halted until such time the County can guarantee the safety regarding potential water contamination and fire after viewing the presentation by the Dayton people.

This is an example of our County needing to fully define what our vision is, stick to it, and ensure our quality of life does not in any way deteriorate. The question is what is the compelling need for such a facility especially in the rural west.

Here are some informational links that are also posted on our Howard County Citizens Association (HCCA) website <http://howardcountyhcca.org/>

scroll down to "Important Links" or go to the tab on our homepage. They are as follows:

Dayton Rural Preservation Society -- <http://www.preservedayton.com/>
Citizens Working to Fix Howard County -- <http://fixhoco.com/>
Rescue Howard County -- <http://www.rescuehoco.com/>

Sincerely,

Stu Kohn
HCCA, President

Habicht, Kelli

From: Tolliver, Sheila
Sent: Friday, April 18, 2014 1:50 PM
To: James Nickel
Cc: Habicht, Kelli
Subject: RE: Presentation to the Planning Board - 17 Apr 2014 - Health Hazards

Thank you for your e-mail to the members of the County Council. They appreciate your interest in the matters before them and will bear in mind your comments as they consider this item.

Sheila Tolliver
Administrator
Howard County Council

From: James Nickel [<mailto:james.nickel55@gmail.com>]
Sent: Friday, April 18, 2014 1:48 PM
To: CouncilMail; Feldmark, Joshua D
Subject: Presentation to the Planning Board - 17 Apr 2014 - Health Hazards

Prior the Comp Zoning 2013, Wood Waste Recycling Facilities were restricted in Howard County to M1 Zoned Property. The Comp Zoning 2013, enabled placement of these types of facilities on RC and RC Preservation Properties. I believe that the health risks associated with those facilities was not addressed properly. In fact, nowhere in the notes of the session, including the working session, is there any indication that health risks were addressed. Perhaps because of the common perception that the mulch we spread in our gardens and beds is harmless.

Last night I was fortunate to be able to testify to the Howard County Planning Board on the Health Hazards of Wood Waste Recycling Facilities on RC and RC Preservation Land. While there are many significant environmental risk, my presentation specifically addressed the health hazards of wood dust and fungi that are present in large quantities that are made airborne by the fundamental nature of the wood waste recycling process.

There is currently a wood waste recycling facility operating in Howard County, Woodbine by Oak Ridge Farms. While this facility was ordered by the enforcement division of Howard County to shut down, the company continues to operate without consequences.

Unfortunately, for the residents of Woodbine, they have become a test case of the impacts of Wood Waste Recycling Facilities placed in RC Preservation Properties. This is not "theoretical". This is real. Right now, the residents, horses and livestock in this rural area of Howard County are suffering from symptoms associated with wood dust and mycotoxin contamination. This isn't mere sniffing, these are significant breathing issues. The second half of my presentation elaborates on those conditions and shows quite clearly the cluster of affected residents of Woodbine. My presentation of 17 April is attached for your consideration.

In the coming weeks, you will be asked to make a decision affecting the lives of Howard County residents when ZRA-148 and/or ZRA-149 comes before you. This is when you will decide whether Howard County residents should breathe significant quantities of wood dust and fungal spores. This is when you will tell the residents of Woodbine that, either you find their ingestion of cancer causing agents and toxins to be acceptable or not.

I think that is an easy decision. I can't comprehend how anyone who says the care about the residents of Howard County can make any other decision. These facilities do NOT belong on RC or RC Preservation Property; permitted or conditionally.

I do understand there is an ongoing budget process to be completed. Please take a few minutes of your time to review the attached presentation. If you have any questions please contact me at your convenience. I would be more than happy to come in and tak to you or any of your staff.

Regards,
James Nickel
Dayton, MD
443-326-1275

Habicht, Kelli

From: Tolliver, Sheila
Sent: Wednesday, April 23, 2014 10:43 AM
To: Habicht, Kelli
Subject: FW: Flyer for Upcoming Meetings
Attachments: Apr 28 May 19 Flyer (2).pdf

File with ZRA 148-149 please

From: Knight, Karen **On Behalf Of** Fox, Greg
Sent: Wednesday, April 23, 2014 10:16 AM
To: Wimberly, Theo; Tolliver, Sheila
Subject: FW: Flyer for Upcoming Meetings

FYI

Karen Knight

From: daytoncommunity@gmail.com [<mailto:daytoncommunity@gmail.com>] **On Behalf Of** Dayton Rural Preservation Society
Sent: Wednesday, April 23, 2014 10:09 AM
Subject: Flyer for Upcoming Meetings

Hello Supporters!

Attached is a pdf of the most recent flyer we have put together for distribution. If you could forward them along to your circle of influence. Whether that is a friend, colleague, vendor, or neighbor. The number of people this issue affects is astounding and every time I run into someone new and discuss our problem I get some new insight. Our hope is that in spreading the word outside of our small circle here in western Howard County we will garner more support from other parts of the county and even the state that could be adversely effected as well. You never know where support could come from!

Thanks for your help and we look forward to seeing you all on Monday 4/28 and again on 5/19!

See you soon!

Erin Allen
Dayton Rural Preservation Society
info@preservedayton.com
www.PreserveDayton.com

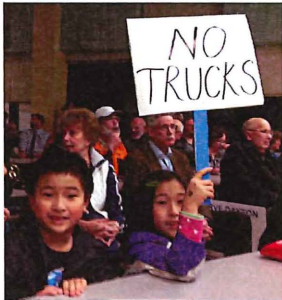


If you oppose industrial mulching on rural farmland, let your elected officials know by showing up with your entire family!

**Monday, April 28 7–9 pm
Ten Oaks Ballroom**

5000 Signal Bell Ln, Clarksville, MD 21029 (Rt. 32 & 108)

Updates, answers, Greg Fox, Allan Kittleman and more



How would it feel to wonder every day if the water that your kids are drinking and the air that they're breathing will cause cancer later in their lives?



**Monday, May 19 7 pm
Ellicott City Courthouse**

George Howard Building, 3430 Court House Dr, Ellicott City, MD 21043

The County Council, responsible for making zoning law changes, will hear arguments from DPZ and both sides!!!!

Numbers make a difference! We need EVERYONE at these 2 events.

Dayton Rural Preservation Society ♦ www.PreserveDayton.com

Habicht, Kelli

From: Tolliver, Sheila
Sent: Friday, April 18, 2014 7:37 AM
To: Leslie Bauer
Cc: Habicht, Kelli
Subject: RE: Please oppose ZRA 148 & ZRA 149

Thank you for your e-mail to the members of the County Council. They appreciate your interest in the matters that may come before them as legislation and will bear in mind your comments as these proposed zoning amendments.

Sheila Tolliver
Administrator
Howard County Council

From: Leslie Bauer [mailto:labauer5@verizon.net]
Sent: Thursday, April 17, 2014 5:42 PM
To: PlanningBoard
Cc: CouncilMail; McLaughlin, Marsha S.
Subject: Please oppose ZRA 148 & ZRA 149

Dear Planning Board Members,

I am writing to you in regards to ZRA 148 and ZRA 149, and to voice my opposition to these proposals.

I would like to ask for your consideration, first in regards to the matter of JBRK LLC property, which has sparked this recent controversy, but also to consider the bigger picture of the impact these proposals have on agriculture in Howard County.

I live adjacent to the Dayton property which JBRK LLC has recently purchased. Over the past few years, the property has been virtually abandoned. It has become a rundown eyesore, that quite frankly is an embarrassment to the community. Our driveway bisects the property, and I am ashamed to have people drive through and see the state of the property. In addition, since the property has been vacant, it has become a place that local teens have found to make a good party spot. We have run trespassers off the property and even called the police.

I am concerned that our neighbors have blown out of proportion the size and scope of the proposed Dayton mulching facility.

The JBRK LLC proposal for a mulching facility on the property is only on a small portion of the property.

- JBRK LLC is planning to farm the balance of the land – to which the neighbors want to know what/how the ground will be farmed. Under Right to Farm laws – they cannot protest the nature of the farming business.
- The mulching facility is a seasonal business.
- JBRK LLC has stated that there would only be 25-50 trips per day in/out of the property for business use. A trip is considered once in the driveway. Going back out the driveway is a second trip (so

roundtrip traffic would be about half of the proposed 25-50 trips). A trip may also constitute a pick-up truck going in or out, not just large trucks carrying mulch. I can tell you that my family of 5, along with UPS trucks and other traffic can easily make 25-50 trips in/out of my driveway in a day. While your driveways may not be as long, think about the comings and goings of your family members and how often you travel in and out of your own driveway each day.

- Speaking of traffic, I have young teenage drivers who will be sharing our driveway with the traffic generated by the proposed mulching facility. I have no concerns regarding their safety while travelling on our driveway or local county roads and the proposed truck traffic.
- Bob Orndorff's son is planning to build a house on the property. The proposed homesite will probably be the closest to the proposed mulching facility. Do you think that Bob would put a business on the property that would endanger his son and his future grandchildren?

As a society, we have become very concerned about our carbon footprint, and there has been a huge movement of "buy local". Why can't mulch be included in this? I am sure that many of our neighbors use mulch to landscape their large yards. I would think they would like the convenience of having a facility that produces mulch in their backyards – instead having it trucked in from other counties and states.

Think about the economic impact this facility brings to the county – a place to retain jobs in the county, instead of sending them elsewhere outside of the county.

Now on to the bigger picture, and impact to agriculture in Howard County. Please keep in mind when farmers placed their property in the Agricultural Preservation Program – be it the state or county program – all they sold was the development rights of the property. They did not sell their right to farm or their right to other land uses. Farmers should be able to continue to use their land as they see fit, within the constraints of what is allowable by law on agriculturally preserved ground.

Quite honestly, if the county is going to start dictating how the preserved farmland can be used, then maybe they need to let all farmers out of agriculture preservation programs. What these people really want is open space or parkland – not farmland.

If we were to change the nature of our farming operation, we would surely face complaints and protests from our neighbors. You may have recently heard about requests from the Mullinix family to be released from the Maryland Agricultural Land Preservation Program. The Mullinixes state they cannot be profitable under conventional farming methods. Alternative methods of farming and alternative agriculture ventures have been suggested to the Mullinix family. Quite honestly, I am not sure the residents of Dayton would allow them to try other avenues of agriculture to be successful with their farm.

The farmers in Howard County are an aging population. If you want to continue to encourage young farmers to stay in Howard County, the county needs to support their efforts. I have an 18 year old son, currently attending the University of Maryland where he is studying Farm Business Management. He has already initiated conversations with my husband and I about one day taking over the family farm (his dream). I have had to have the hard conversation with him that I am deeply concerned that there will not be a future for him farming in Howard County. That he may have to leave the property that he grew up on and go west in order to make a productive living.

The county has spent years trying to preserve farmland in Howard County. The ground has been preserved; the problem now is that it is becoming increasingly difficult to be profitable farming that ground. As the cost of land, and the cost of inputs for crop production, continues to rise, the price farmers receive stays virtually the same. Farmers need to have the ability to generate alternative sources of income on at least a small portion of the property.

If a young person today (or anyone for that matter) wanted to purchase farmland in Howard County, this is what they would be looking at:

- Preserved farmland – price per acre \$11,000
- Cost to plant an acre of corn (the farmer's inputs) - \$425/acre
- Yield per acre of corn (what each acre will produce) – 125 bushels/acre – if conditions are favorable in a good year – if there is a drought, yields could be much lower.
- Price per bushel of corn - \$5/bushel
- So one acre of corn has the potential to generate \$625 per acre. Deduct expenses (\$425/acre) and the farmer has cleared \$200/acre. At that rate, it takes the farmer 55 years to break even!

Looking at those numbers, I will repeat again, farmers need to have the ability to generate alternative sources of income on at least a small portion of the property. Otherwise it is not profitable to continue farming, and the next generation of farmers certainly will not be settling in Howard County.

Please be careful about allowing homeowners to dictate what can and cannot be done with preserved farmland. We are not members of their homeowners' associations. We were never consulted about the construction of their homes – which have ruined our views and quality of life – they should not be able to tell us how to use our land.

Based on the above information I have shared above, I would again ask that you not support ZRA 148 & ZRA 149.

Thank you for your time and consideration,

Leslie Bauer
443-812-1662
Labauer5@verizon.net

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, March 06, 2014 11:08 AM
To: Habicht, Kelli
Subject: Correspondence for files
Attachments: FW: Howard County zoning amendments; FW: Industrial scale project.; FW: Proposed Mulch Manufacturing, Soil Processing, and Composting Facility in Dayton MD.; FW: Preserve Dayton Good News Bad News; FW: Opposition to Mulch Manufacturing, Soil Processing and Composting Facility; FW: Dayton Rural Preservation Society; FW: proposed mulch facility on Greenbridge Road in Dayton; FW: RLO Facility and potential zoning amendments; FW: Proposed ZRA-Dayton Rural Preservation Society

Kelli,

There will be legislation pertaining to composting (there are two pending ZRA's , #148 and Greg's, which hasn't been numbered yet). Please hold these and other correspondence to put in the bill file, when a bill is filed on this subject.

Sheila

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 10:34 AM
To: Tolliver, Sheila
Subject: FW: Howard County zoning amendments

Here they come!!

Karen Knight

From: J Hastings [<mailto:run.mdvh@gmail.com>]
Sent: Wednesday, March 05, 2014 7:34 PM
To: Fox, Greg
Subject: Howard County zoning amendments

Dear Mr. Fox,

As a resident of Howard County, Maryland, I am writing to ask you to support recently submitted county zoning amendments that will be voted on in upcoming legislative sessions this Spring. These amendments correct loopholes in the 2013 rezoning plan approved last summer that are allowing industrial mulching facilities previously allowed only in industrially zoned (M1) areas to be placed in rural conservation (RC) and rural residential (RR) areas. I was also surprised/shocked to see that this type of facility would now be allowed on farms in Agricultural Preserve and that the former one acre cap on these conditional uses has been removed thus allowing for industrial sized projects on these farms that the County and its tax payers paid to keep in Agricultural Preserve in perpetuity.

My family moved to Dayton to enjoy a peaceful, rural environment. Given all the evidence, this Mulching Facility plan will destroy any future hopes of that kind of surroundings.

While I believe that the Howard County Council and Executive had good intentions in mind when these new conditional uses were proposed to help our farming community, some of the changes are allowing for uses that I cannot imagine the Council had intended when the zoning amendments were approved last summer.

Specifically, we have three projects in Howard County where large mulching operations are being proposed on farms that are very near our homes. Of most concern at present is a project in Dayton, MD proposed by JBRK, LLC that would:

- Involve paving a new road through beautiful, scenic farmland that would allow up to 50 large commercial dump trucks and tractor trailers a day to enter and exit the facility via Green Bridge Road and then travel on other local Dayton roads to Rt. 32.
- Affect local traffic for residents that is already overwhelmed with school busses and commuters travelling to work and school each day. Cyclists and athletes ride and run on these residential roads around the farm land. Children get on and off busses and play in their front yards.
- Allow large grinding machines and construction vehicles with a back-up beepers to make noise from early in the morning to 5PM each day including Saturday morning. The smell of an industrial mulch and compost facility will affect residents and school children for miles.

- Allow for potential environmental issues with our air and ground water and the generation of carcinogenic wood dust and fine particles that can travel far distances to our homes and families.
- Allow potential spontaneous mulch fires on a farm with an inadequate water supply and homes as close as 600 feet from the facility. See the ABC2 news story on an Upper Marlboro mulch fire in 2013.

Three years ago, the County spent millions to buy another 1200 acres of farmland to place into Agricultural Preserve. At that time Howard County Executive Ken Ulman stated "I want to thank these landowners and the Agricultural Land Preservation Board for helping us protect the Rural West now and for future generations. Preserving our farmland goes hand-in-hand with protecting the quality of life in Howard County. Local farms provide us with healthy, locally-grown food, scenic landscapes, jobs and recreational opportunities."

I am asking Mr. Ulman and the County Council to approve the zoning amendments recently proposed that correct loopholes which will ruin the vision he stated above and allow large industrial uses on our local farms in Howard County.

Sincerely,

Mrs. Janine Hastings

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 10:37 AM
To: Tolliver, Sheila
Subject: FW: Proposed Mulch Manufacturing, Soil Processing, and Composting Facility in Dayton MD.

Karen Knight

From: Lorie [<mailto:loriel902@comcast.net>]
Sent: Monday, March 03, 2014 6:26 PM
To: Fox, Greg
Subject: Proposed Mulch Manufacturing, Soil Processing, and Composting Facility in Dayton MD.

March 3, 2014

Mr. Gregory Fox
County Council Member, District 5
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Dear Council Member Fox,

Thank you for attending the recent meeting of concerned citizens on the proposal to build a Mulch Manufacturing, Soil Processing and Composting Facility on the agricultural preserved farmland between Howard and Green Bridge Roads. We were encouraged with your plan to submit a zoning regulation amendment, so that a facility such as the one that RLO Contractors propose to build would be prevented.

I have lived for almost 17 years on Green Bridge Road in Dayton, Maryland. While Green Bridge Road is designated as a "collector road", it is a rural residential road that passes through our neighborhood. It is a road where residents ride their bicycles, jog, and walk their dogs. It is a road where we walk to visit our neighbors who live up the street and for many years, I used a jogging stroller to take my daughter for a walk on Green Bridge Road and the surrounding roads. It is also a road where the neighborhood children stand on the edge while they wait for the bus and depending on the time of the year, many of the children have to wait for their buses in the dark. It is a road where the school buses stop at each house to pick up the students in front of their driveway because Green Bridge Road does not have sidewalks nor does it have street lights.

Green Bridge is also a road where our mailboxes are on the edge of our property and we must stand in the street to retrieve the mail. I am concerned about our elderly neighbors when they are retrieving their mail and could not quickly get out of the way if one of the large industrial hauling trucks comes barreling down the road. I am also concerned that the children in the neighborhood, including my own daughter, could be in danger when retrieving the family mail as well. Our community is on the route for the bicycle portion of triathlons and if this

facility is allowed to operate on the neighboring farmland, bicyclists who train year round will be in grave danger.

Having 25-50 large industrial hauling trucks of 100,000 lbs. GVWR drive up and down Green Bridge and Ten Oaks Roads five days a week between the hours of 6:30 am to 5:00 pm and half of the day on Saturday will create an enormous safety issue for the residents and anyone who travels in our neighborhood. Green Bridge and Ten Oaks Roads are really just two lane county roads. They cannot handle the increased traffic that would result if this mulching facility is allowed to operate on this farmland.

Lastly, I am concerned about the pollution and the health hazards that this type of facility would generate. All of the houses in the community are on well water and we are concerned about the contamination of our drinking water. As a mother with a child who has asthma, I am worried about the long term effects of her breathing in tree bark and wood dust. The target organ for wood dust is the immune system. She would not be able to take advantage of being outside on our beautiful property. Part of the reason we moved to western Howard County was to live in a community where our children could roll down the hill and play in the stream that flows through our property. We live in a community where our children pet the beef cattle next door and visit the horses that live around the corner.

I have always been proud to be a citizen of Howard County because of its commitment to preserving farm land. However, approving the proposed Mulch Manufacturing, Soil Processing and Composting Facility to be built on the agricultural preserved farmland between Howard and Green Bridge Roads is not preserving the farmland in Howard County. It is an open invitation to manufacturing facilities to build in our community and the rest of western Howard County.

Thank you for taking the time to read my letter. I hope that the Howard County Government will vote to amend the zoning laws to prevent an industrial manufacturing plant from being built in our community.

Respectfully yours,

Lorie E. Lana

5380 Green Bridge Road
Dayton, Maryland 20136

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 10:39 AM
To: Tolliver, Sheila
Subject: FW: Opposition to Mulch Manufacturing, Soil Processing and Composting Facility
Attachments: Council Member Greg Fox.docx

Karen Knight

From: michael pantos [<mailto:mjpantos@yahoo.com>]
Sent: Sunday, March 02, 2014 8:49 AM
To: Fox, Greg
Subject: Opposition to Mulch Manufacturing, Soil Processing and Composting Facility

Hello,

Thank You in advance for taking the time to read my attached letter opposing a proposed Commercial Mulch Manufacturing, Soil Processing and Composting Facility at 13825 Howard Road & Green Bridge Road in Dayton, MD.

I believe this proposal to be an EGREGIOUS misinterpretation of a recent change to Zoning Regulations allowing FARMERS to mulch and compost THEIR trees and farm waste. The proposed site in Western Howard County (Dayton) is an area that is Zoned Rural Conservation and in Agricultural Preserve.

Sincerely,

Dr. & Mrs. Michael Pantos
4540 Ten Oaks Road
Dayton, MD 20136

Dr. & Mrs. Michael Pantos
4540 Ten Oaks Road
Dayton, MD 21036

March 1, 2014

Greg Fox
Howard County Council (District 5)
3430 Courthouse Drive
Ellicott City, Maryland 21043

Dear Council Member Fox,

As a resident of Dayton in Western Howard County for the past 10 years, I am writing to express deep concern over a proposed light industrial scale project that is the planning stages to be built on property in the Dayton, situated a mere one-half mile from my house, which is Zoned Rural Conservation and in Agricultural Preserve.

I understand that the fine dust that these mulching facilities produce has been known to cause lung problems and is a known carcinogen. Zoning law permits mulching within 500 feet of our homes and this dust carries in the air for up to 2000 feet. My Father-In-Law recently died from lung problems, and my Sister currently is suffering from problems with her lungs. If these facilities are approved, I'm afraid she will no longer be able to come visiting to our house, which is only one-half mile from the proposed Dayton site. These large-scale facilities also contribute to issues with our local water tables and can result in leaching of pollutants into the nearby Triadelphia watershed. Most households in the area rely on the local water tables as we are serviced by wells.

- Recent zoning changed allow for mulch and composting but we believe an industrial operation was not foreseen by those making these allowances as a conditional use of agricultural preservation land zoned RC.
- JBRK, LLC proposes an industrial operation of 16 acres of Dayton farmland to manufacture mulch, soil processing and a composting facility.
- They proposed to pave a new road through beautiful, scenic farmland to provide a road wide enough to reach the proposed facility that up to 50 large commercial dump trucks and tractor-trailers can enter and exit onto a tiny residential road, Green Bridge Road.
- The project affects local traffic for residents that are already overwhelmed with school busses and commuters to work and school each day. Cyclists and athletes ride and run on these residential roads around the farmland. Children get on and off busses and play

in their front yards.

- Large grinding machines and machines with a back-up beepers will make noise from early in the morning to 5PM each day including Saturday morning. The smell of an industrial mulch and compost facility will affect residents and school children for miles.
- There are serious environmental concerns to air and ground water being explored, as well as the carcinogenic properties of wood dust and fine particles that travel far distances through the air.
- Spontaneous mulch fires can occur and with homes only 100 feet from the new road to 600 feet from the mulch facility, this should cause great pause. See the ABC2 news story on Upper Marlboro mulch fire in 2013.
- Undoubtedly, home values will decline and affect household finances greatly!

Sincerely,

Dr. & Mrs. Michael Pantos

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 10:40 AM
To: Tolliver, Sheila
Subject: FW: proposed mulch facility on Greenbridge Road in Dayton

Karen Knight

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

From: Susan Wilensky [\[mailto:Susanwilensky@aol.com\]](mailto:Susanwilensky@aol.com)
Sent: Friday, February 28, 2014 7:55 PM
To: Fox, Greg
Subject: proposed mulch facility on Greenbridge Road in Dayton

Dear Councilman Fox,

I attended the information meeting at the Ten Oaks Elementary School when you came and spoke and I appreciate that you took the time to come out and that you said that you will work to represent us to defeat the proposal for the mulch facility on Greenbridge Road.

I and my husband are residents of Dayton. We've lived here for more than 20 years and love it here. We love the peace and quiet, the green space, and the fresh air as we love to exercise outside.

The proposed mulch factory to be constructed on Greenbridge Road is frightening. As I understand it, such an installation would make noise that would carry for a good distance, create an odor that will carry for another good distance, possibly put toxins in the ground water putting us all at greater risk of ill health from drinking it, and will dispense fine particulate matter into the air making the air unhealthy to breathe. In addition, the increase in large truck traffic on Greenbridge necessary to move the mulch makes for a safety factor for all of us who like to bike on the roads in this area. I am one of those bikers and I often feel threatened by drivers who lack consideration. The thought of contending with large trucks in addition to cars is frightening. As I see it, there's little to gain and much to lose with regard to quality of life if this project is permitted to be built. The land that is under consideration to be used for this facility is currently farm preservation land and I DO NOT see this facility, a commercial mulching operation, as being farm preservation.

I beg of you to continue to represent the citizens of Dayton and the surrounding area by protecting our environment and disallowing the installation of this commercial mulch factory.

Respectfully submitted,

Susan Wilensky and Mark Wilensky

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 10:41 AM
To: Tolliver, Sheila
Subject: FW: Proposed ZRA-Dayton Rural Preservation Society

Karen Knight

From: Jeff Harp [<mailto:jeffandbhakti@hotmail.com>]
Sent: Wednesday, February 26, 2014 10:15 PM
To: Fox, Greg
Subject: Proposed ZRA-Dayton Rural Preservation Society

Karen,

Understand Greg's office has been working with the Sykesville community regarding ZRA for RC parcels. Would your office be willing to provide dual petitions or review our proposed changes for your petition?

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 10:35 AM
To: Tolliver, Sheila
Subject: FW: Industrial scale project.
Attachments: Mulch letter.docx

Karen Knight

From: Sharon L. Lewandowski [mailto:Sharon_Lewandowski@hcpss.org]
Sent: Wednesday, March 05, 2014 8:54 PM
To: Fox, Greg
Subject: Industrial scale project.

Dear Mr. Fox,

I am writing to express my concern with the two proposed light industrial scale projects that are planning to be built on properties in Dayton and Sykesville areas both of which are zoned for rural conservation and agricultural preserve. Attached is my letter opposing this facility.

*Thank you,
Sharon Lewandowski*

Sharon Lewandowski
2940 New Rover Road
West Friendship, MD 21794

March 5, 2014

Howard County Council
ATT: Greg Fox
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Dear Mr. Fox,

I am writing to express my concern with the two proposed light industrial scale projects that are planning to be built on properties in Dayton and Sykesville areas both of which are zoned for rural conservation and agricultural preserve. I am a long time resident in Howard County and hope that you will read my letter that will highlight the issues that concern me regarding these proposed facilities.

These projects are the result of well-intentioned zoning laws and state regulations that are designed to help those in the farming community preserve the rural and agricultural nature of Western Howard County and the State of Maryland. Specifically, they allow for conditional uses such as wineries, ice cream stands, and mulching/composting facilities. I welcome these uses by our neighboring farming community but feel that in these two cases, the zoning regulations are being mis-used to allow for the construction of a light manufacturing facility in these rural areas.

Recently held community meetings by JBRK, LLC outlined plans to purchase two entire farms that are in agricultural preserve and utilize approximately 10% of these farms for a large, industrial grade mulch and soil composting facility. These facilities would result in over 50 large, 18-wheel trucks with gross weights of over 100,000 pounds to traverse our small local and scenic roads every day for 6 days a week at a rate of about one every 12 minutes passing through our community. I cannot imagine our local and state officials had this scale of an operation in mind when these zoning laws were passed. I travel these roads each and everyday to work and the traffic on these roads is already high in volume.

In addition to the trucks which raise safety and adequacy of roads issues (our community's children wait for school busses on these small roads and the biking and jogging community are active on these roads), our local community of over 250 homes near this proposed facility will be impacted by continuous noise (large truck brakes, backhoes, beeping reverse warning

signals, etc) all day long. I also understand that the fine dust that these mulching facilities produce has been known to cause lung problems and is a known carcinogen. Zoning law permits mulching within 500 feet of our homes and this dust carries in the air for up to 2000 feet. These large scale facilities also contribute to issues with our local water tables and can result in leaching of pollutants into the nearby Triadelphia watershed.

While smaller scale conditional uses such as this can benefit our local farming community, we understand that in this case the land will be purchased by Robert Orndorff (JBRK, LLC) who is a local business man, the owner of the RLO Contractors, Inc., and is Chairman of the Board of Sandy Spring Bank. While the land will be purchased by an individual, our belief is Mr. Orndorff has no intention of living on the property or farming the property (that will be done by local farmers) but only in moving a current facility located at 7531 Cemetery Lane in Elkridge, MD. (zoned light industrial) to our rural community for the benefit of RLO Corporation – a local excavating company that collects wood and trees in its daily operation for mulching at these facilities.

I am concerned that current regulations allow for large scale business operations to move onto our local farms under the guise of an individual farmer and urge you to work with other elected officials in stopping the light industrial industries from moving into our rurally zoned farms using loopholes in the current law.

Sincerely,

Sharon Lewandowski

Signature via email



RLO Corporation Operations and typical truck sizes



Current RLO Mulching Operation in Elkridge zoned light industrial



Proposed Location of new mulching facility in Dayton zoned rural conservation in Ag. Preserve

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 10:38 AM
To: Tolliver, Sheila
Subject: FW: Preserve Dayton Good News Bad News
Attachments: ZRAFormLetter3.2.14final.docx

Karen Knight

From: daytoncommunity@gmail.com [<mailto:daytoncommunity@gmail.com>] **On Behalf Of** Dayton Rural Preservation Society
Sent: Sunday, March 02, 2014 6:12 PM
Subject: Preserve Dayton Good News Bad News

Hello Preservers!

As you may have guessed I am the eternal optimist so I will start with the *good news*.

Some of you may have heard that JBRK, LLC has proposed two locations for his mulch facilities, one in Sykesville and the other here in Dayton. Sykesville held their community meeting this past Thursday, and **the Sykesville farm's owner, Shiree Stedding, announced to a large crowd that she had decided to sell the farm to a true farmer and not JBRK, LLC.**! It was a very dramatic and emotional scene for everyone in attendance. We expect that the new owner will not allow for industrial uses such as those proposed by JBRK, LLC, but the zoning laws still allow this and the battle is not over for those of us in Howard County. Sykesville is now supporting our efforts in continuing to oppose large industrial uses of farms in Agricultural Preserve.

Now the bad news...

The second area being considered is Dayton and we have heard that the farm may have been sold this past week - possibly to JBRK, LLC or one of their owners. Regardless of who owns the farm, a conditional use hearing is required for the Mulch Facility and that only means that we need to double our efforts to stop this proposed project on this farm and others in Agricultural Preserve in Howard County.

But more good news...

Dayton Rural Preservation Society has been working closely with Greg Fox to relay our concerns and make sure they are included in his proposed zoning amendment. In addition, **on Friday, we submitted our own amendment to the zoning board.** Our hope is that with these proposed amendments we will prevent large, industrial mulch facilities from ever being considered in Rural Conservation and Rural Residential areas anywhere in the county. The attached Howard County Times article gives some added perspective on Greg Fox's efforts and the JBRK, LLC response.

Action Items...

We need more than just the support of Greg Fox to get these amendments passed! **It is now even more important to write your letters, call your council rep and reach out to your neighbors.** I would ask you to especially contact your family and friends in other parts of the county and ask them to write a letter

to their councilman. Our previous email outlined how to start a letter and included the names and addresses you will need. If you did not receive that email, let us know! Also, our web site, which was launched today, will include this information!

Attached is a new form letter asking council members to vote for these zoning amendments. Please send these out to as many council members as you can manage and ask your friends far and wide to do the same. You can also send emails, but handwritten or typed letters sent by mail usually get more attention from our busy politicians.

Preserve Dayton, Farmland Forever!

NEWS

Fox proposes zoning revision to block composting plant

By Amanda Yeager
ayeager@tribune.com

Howard County Council member Greg Fox told a Dayton community meeting Feb. 20 that he did not support a proposal for a compost and mulching facility off of Green Bridge Road.

Fox, a Republican, said he thought the composting processes permitted under a new definition in the zoning regulations passed by the council last summer were more industrial than agricultural.

The new zoning regulations expanded the scope of materials that can be composted and changed the areas where such operations are permitted. Previously, composting facilities were allowed as a conditional use in light manufacturing, rural conservation and rural residential districts. Now, they are only permitted in rural conservation districts.

The definition also was changed to say that organic material processed at a composting facility will be "obtained principally from off-site locations."

Fox said that during comprehensive zoning discussions, he and other council members agreed to re-examine any regulations that, in practice, generated concern.

"A lot of the council members said if we see things that are hurting farming or the community, we would go back and take a look," he said.

Fox said he planned to submit a zoning regulation amendment by the end of the month to restrict the type of composting allowed under the new definition in rural areas and permit it instead in light manufacturing areas. He said he would likely keep yard waste composting as a use in rural zones. And he said he would be careful not to impact any existing operations.

Sang Oh, the attorney representing RLO Contractors, the business behind the composting proposal, said he was surprised by Fox's announcement.

He said he would have to see the proposed ZRA before determining next steps. Until then, he said, RLO was unlikely to submit any further plans to the county.

"I think the prudent thing to do right now is to wait and see," Oh said.

About 300 community members had gathered in the cafeteria of Dayton Oaks Elementary School Feb. 20 to discuss the

proposed composting facility.

RLO Contractors, a Howard County-based residential and commercial excavating company, hopes to move its wood mulching and composting operations from a current site on Cemetery Road in Elbridge to two new locations—one on Howard Road in Dayton and another in Sykesville, near the Carroll County line.

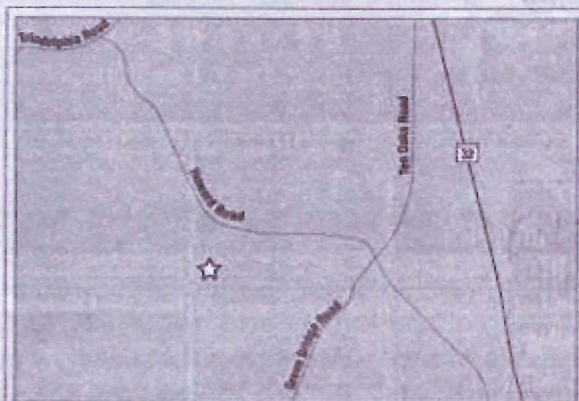
The Dayton plot, on the site of a 150-acre farm, would incorporate about 3 acres of mulching and topsoil operations as well as composting operations on another 13 acres. Local farmers would continue to cultivate the land around the composting and mulching activities.

But community members said they are worried about the potential for traffic problems from trucks entering and exiting the property, as well as noise, potential groundwater contamination and the consequent devaluing of home prices, among other concerns.

The land is under an agricultural preservation easement, which per the previous zoning regulations did not allow woodchip mulching. Now, that's possible as a conditional use.

At a community meeting last month, RLO president Bob Orndorff insisted he wanted the property to remain largely unchanged.

"It's a nice, beautiful piece of property in our community, and I want it to remain that way," Orndorff said.



COMPOSTING FACILITY PROPOSED ON DAYTON FARMLAND

RLO Contractors hopes to move its composting operations from a current site in Elbridge to two new locations in Dayton and Sykesville, both of which are on preserved farmland. The Dayton plot, on Howard Road, is on the site of a 150-acre farm.

against the proposal.

"Many of us are passionate about this project. We think it has no use in rural Dayton," said John Tegeris, of the Rural Dayton Preservation Society LLC, a group formed to fight the composting facility.

"We are going to fight this thing," he said,

years through the process to win this for the community."

Tegeris said the group had retained an attorney to help. The next step for the project would be for RLO's plan to be presented to the hearing examiner, who has the power to grant or deny conditional use applications.

Erin Allen
Dayton Rural Preservation Society
info@preservedayton.com



Your name
Address
Town

March XX, 2014

Recipient Name
Address
Town

Dear Title Name,

As a resident of Howard County, Maryland, *I am writing to ask you to support recently submitted county zoning amendments that will be voted on in upcoming legislative sessions this Spring. These amendments correct loopholes in the 2013 rezoning plan approved last summer that are allowing industrial mulching facilities previously allowed only in industrially zoned (M1) areas to be placed in rural conservation (RC) and rural residential (RR) areas.* I was also surprised to see that this type of facility would now be allowed on farms in Agricultural Preserve and that the former one acre cap on these conditional uses has been removed thus allowing for industrial sized projects on these farms that the County and its tax payers paid to keep in Agricultural Preserve in perpetuity.

{INSERT PERSONAL STORY}

While I believe that the Howard County Council and Executive had good intentions in mind when these new conditional uses were proposed to help our farming community, some of the changes are allowing for uses that I cannot imagine the Council had intended when the zoning amendments were approved last summer.

Specifically, we have three projects in Howard County where large mulching operations are being proposed on farms that are very near our homes. Of most concern at present is a project in Dayton, MD proposed by JBRK, LLC that would:

- Involve paving a new road through beautiful, scenic farmland that would allow up to 50 large commercial dump trucks and tractor trailers a day to enter and exit the facility via Green Bridge Road and then travel on other local Dayton roads to Rt. 32.
- Affect local traffic for residents that is already overwhelmed with school busses and commuters travelling to work and school each day. Cyclists and athletes ride and run on these residential roads around the farm land. Children get on and off busses and play in their front yards.
- Allow large grinding machines and construction vehicles with a back-up beepers to make noise from early in the morning to 5PM each day including Saturday morning. The smell of an industrial mulch and compost facility will affect residents and school children

for miles.

- Allow for potential environmental issues with our air and ground water and the generation of carcinogenic wood dust and fine particles that can travel far distances to our homes and families.
- Allow potential spontaneous mulch fires on a farm with an inadequate water supply and homes as close as 600 feet from the facility. See the ABC2 news story on an Upper Marlboro mulch fire in 2013.

Three years ago, the County spent millions to buy another 1200 acres of farmland to place into Agricultural Preserve. At that time Howard County Executive Ken Ulman stated *"I want to thank these landowners and the Agricultural Land Preservation Board for helping us protect the Rural West now and for future generations. Preserving our farmland goes hand-in-hand with protecting the quality of life in Howard County. Local farms provide us with healthy, locally-grown food, scenic landscapes, jobs and recreational opportunities."*

I am asking Mr. Ulman and the County Council to approve the zoning amendments recently proposed that correct loopholes which will ruin the vision he stated above and allow large industrial uses on our local farms in Howard County.

Sincerely,

Your Name Here

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 10:39 AM
To: Tolliver, Sheila
Subject: FW: Dayton Rural Preservation Society

Karen Knight

From: Karla Pinato [<mailto:karlapinato@northropteam.com>]
Sent: Friday, February 28, 2014 8:06 PM
To: Fox, Greg
Cc: McLaughlin, Marsha; Sigaty, Mary Kay; Ball, Calvin B; Watson, Courtney
Subject: Dayton Rural Preservation Society

Dear Greg and members of the Howard County Council,

As a resident of Howard County, Maryland, I am writing to express concern over two proposed industrial scale projects that are proposed to be built on properties in the Dayton and Sykesville areas – both of which are zoned rural conservation and in agricultural preserve.

I attended the meeting last week to learn more about the proposed industrial mulching project in Dayton. It is my understanding that there needs to be a special exception, by the county for this to go thru. Thank you, Greg for coming to share more facts and your intent with the group. As a Dayton resident and local realtor, I strongly oppose the change in zoning that would allow such a facility in rural Dayton. It would be a detriment to the community on many fronts as outlined by the group below.

Recent zoning changed allow for mulch and composting but we believe an industrial operation was not foreseen by those making these allowances as a conditional use of agricultural preservation land zoned RC.

- JBRK, LLC proposes an industrial operation of 16 acres of Dayton farmland to manufacture mulch, soil processing and a composting facility.
- They proposed to pave a new road through beautiful, scenic farmland to provide a road wide enough to reach the proposed facility that up to 50 large commercial dump trucks and tractor trailers can enter and exit onto a tiny residential road, Green Bridge Road.
- The project affects local traffic for residents that is already overwhelmed with school busses and commuters to work and school each day. Cyclists and athletes ride and run on these residential roads around the farm land. Children get on and off busses and play in their front yards.
- Large grinding machines and machines with a back-up beepers will make noise from early in the morning to 5PM each day including Saturday morning. The smell of an industrial mulch and compost facility will affect residents and school children for miles.
- There are serious environmental concerns to air and ground water being explored, as well as the carcinogenic properties of wood dust and fine particles that travel far distances through the air.
- Spontaneous mulch fires can occur and with homes only 100 feet from the new road to 600 feet from the mulch facility, this should cause great pause. See the ABC2 news story on Upper Marlboro mulch fire in 2013.
- Potential decline in home prices while folks are still trying to recover from the housing decline.

I would like to be kept informed of the progression of the situation and ask what else I can do to help oppose this.

Thanks in advance!

Respectfully,

Karla Pinato

Karla Pinato

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The Creig Northrop Team of Long & Foster Real Estate, Inc
12345 Wake Forest Road, Suite F, Clarksville, MD 21029

karlapinato@northropteam.com | www.northropteam.com

Direct: 410.884.2727 Office: 410.531.0321
Cell: 443.204.2400 Fax: 410.531.2439



*According to Closed Transaction Volume for 2010 & 2011 by The Wall Street Journal & Real Trends

This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 10:40 AM
To: Tolliver, Sheila
Subject: FW: RLO Facility and potential zoning amendments

Karen Knight

From: Erich Bonner [<mailto:erich@recycledgreenindustries.com>]
Sent: Wednesday, February 26, 2014 7:50 AM
To: Fox, Greg
Cc: Erich@recycledgreenindustries.com
Subject: RLO Facility and potential zoning amendments

Dear Councilman Fox,

I understand that you are in the process of drafting potential changes to the current zoning regulations. Unfortunately I was not able to attend the Dayton Community meeting and will remain on vacation out of the country until 3/2. I manage a nursery operation in Woodbine on my family's farm where we create a very high quality mulch product for horticultural use, grow more than 6800 trees for the same industry, and manage more than 50 acres of forest on our farm. I unfortunately have a neighbor who is disgruntled with everything that takes place in Woodbine with the exception of his desires. We have been the target of significant false accusations and unfounded reports to just about every government agency that exists from this couple. Like Larriland and the other neighbors who have become targets we will just push forward.

The additional use has been approved by both MALPF and the County Ag Preservation Board. At which time it was indicated we were and have always been zoning compliant. However since Mr. Long continues to blow up the zoning staff daily it seems they have been pushed to request we now comply with the conditional use criteria so they have a response when he calls. I understand their desire but obviously it is quite an expensive process for something that is so limited. I have started that process and we have our pre – submission meeting on 3/20. I don't want to see the current climate surrounding RLO affect my ability to continue to keep our farm productive. The financial impact of the continuing complaints and dealing with all the regulatory agencies involved has been extensive. The supplemental sales from the mulch at our farm is the difference between a 10 – 20K annual income, or economic disaster.

I as well do not believe the laws were crafted with permitting a facility like RLO suggests, nor where they ever designed to be the majority use of the property and outside of a supplemental income stream for farmers. I have quite a bit of knowledge and data surrounding these processes. I would welcome the opportunity to meet with you when I return, and hopefully the baby does not get thrown out with the bath water on the zoning changes and I end up with a farm that I am no longer able to support for my family after we have spent significant dollars to comply with all the agencies that have come at us with varying requests.

If you do have a draft of what you propose I would hope you could email me a copy so I may comment, and if we could follow up I think it would be beneficial for you and I to meet.

Sincerely,

Erich Bonner – 410-207-5758

Oak Ridge Farm & Nursery

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, March 06, 2014 11:58 AM
To: Habicht, Kelli
Subject: FW: OPPOSING mulch facility
Attachments: Mulch letter.docx

Compost/mulch file

From: Knight, Karen
Sent: Thursday, March 06, 2014 11:39 AM
To: Tolliver, Sheila
Subject: FW: OPPOSING mulch facility

Karen Knight

From: Turner, Frank Delegate
Sent: Thursday, March 06, 2014 10:46 AM
To: Bates, Gail Delegate; Miller, Warren Delegate; Kittleman, Allan Senator
Cc: 'Sharon_Lewandowski@hcpss.org'
Subject: OPPOSING mulch facility

Forwarded as constituent lives in District 9A.

From: Sharon L. Lewandowski [mailto:Sharon_Lewandowski@hcpss.org]
Sent: Wednesday, March 05, 2014 9:19 PM
To: Turner, Frank Delegate
Subject: mulch facility

Dear Delegate Turner,

I am writing to express my concern with the two proposed light industrial scale projects that are planning to be built on properties in Dayton and Sykesville areas both of which are zoned for rural conservation and agricultural preserve. Attached is my letter opposing this facility.

*Thank you,
Sharon Lewandowski*

Sharon Lewandowski
2940 New Rover Road
West Friendship, MD 21794

March 5, 2014

131 House Office Building
6 Bladen Street
Annapolis, MD 21401
ATT: Delegate Frank Turner

Dear Delegate Turner,

I am writing to express my concern with the two proposed light industrial scale projects that are planning to be built on properties in Dayton and Sykesville areas both of which are zoned for rural conservation and agricultural preserve. I am a long time resident in Howard County and hope that you will read my letter that will highlight the issues that concern me regarding these proposed facilities.

These projects are the result of well-intentioned zoning laws and state regulations that are designed to help those in the farming community preserve the rural and agricultural nature of Western Howard County and the State of Maryland. Specifically, they allow for conditional uses such as wineries, ice cream stands, and mulching/composting facilities. I welcome these uses by our neighboring farming community but feel that in these two cases, the zoning regulations are being mis-used to allow for the construction of a light manufacturing facility in these rural areas.

Recently held community meetings by JBRK, LLC outlined plans to purchase two entire farms that are in agricultural preserve and utilize approximately 10% of these farms for a large, industrial grade mulch and soil composting facility. These facilities would result in over 50 large, 18-wheel trucks with gross weights of over 100,000 pounds to traverse our small local and scenic roads every day for 6 days a week at a rate of about one every 12 minutes passing through our community. I cannot imagine our local and state officials had this scale of an operation in mind when these zoning laws were passed. I travel these roads each and everyday to work and the traffic on these roads is already high in volume.

In addition to the trucks which raise safety and adequacy of roads issues (our community's children wait for school busses on these small roads and the biking and jogging community are active on these roads), our local community of over 250 homes near this proposed facility will be impacted by continuous noise (large truck brakes, backhoes, beeping reverse warning signals, etc) all day long. I also understand that the fine dust that these mulching facilities produce has been known to cause lung problems and is a known carcinogen. Zoning law

permits mulching within 500 feet of our homes and this dust carries in the air for up to 2000 feet. These large-scale facilities also contribute to issues with our local water tables and can result in leaching of pollutants into the nearby Triadelphia watershed.

While smaller scale conditional uses such as this can benefit our local farming community, we understand that in this case the land will be purchased by Robert Orndorff (JBRK, LLC) who is a local business man, the owner of the RLO Contractors, Inc., and is Chairman of the Board of Sandy Spring Bank. While the land will be purchased by an individual, our belief is Mr. Orndorff has no intention of living on the property or farming the property (that will be done by local farmers) but only in moving a current facility located at 7531 Cemetery Lane in Elkridge, MD. (zoned light industrial) to our rural community for the benefit of RLO Corporation – a local excavating company that collects wood and trees in its daily operation for mulching at these facilities.

I am concerned that current regulations allow for large scale business operations to move onto our local farms under the guise of an individual farmer and urge you to work with other elected officials in stopping the light industrial industries from moving into our rurally zoned farms using loopholes in the current law.

Sincerely,

Sharon Lewandowski

Signature via email



RLO Corporation Operations and typical truck sizes



Current RLO Mulching Operation in Elkridge zoned light industrial



Proposed Location of new mulching facility in Dayton zoned rural conservation in Ag. Preserve

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, March 06, 2014 12:00 PM
To: Habicht, Kelli
Subject: FW: Dayton Mulching Facility
Attachments: Mulch_Manufacturing_Flyer_2-2.pdf

More compost

From: Knight, Karen **On Behalf Of** Fox, Greg
Sent: Thursday, March 06, 2014 11:32 AM
To: Tolliver, Sheila
Subject: FW: Dayton Mulching Facility

Karen Knight

From: Rick Lober [<mailto:rick.lober@gmail.com>]
Sent: Sunday, January 12, 2014 12:33 PM
To: Knight, Karen
Cc: Fox, Greg; John Tegeris; Paul Morris; Trip Kloser; Mike and Kim Bucci; David M Banwarth
Subject: Dayton Mulching Facility

Karen and Greg-

Hope you are both doing well.

We attended the Community Meeting on the proposed Dayton Mulching Facility on Thursday and wanted to learn more about the project and possibly meet with you in the future.

There are multiple HOAs around the proposed project that have concerns - mostly about the number and size of industrial trucks that will be driving around our roads - we understand this could be up to 50 a day. I have attached a flyer that shows the size of some of these vehicles and also list other concerns by many in your district.

It is disturbing that what was envisioned to be a farming and residential community zoned in Agricultural Preserve has new zoning amendments that permit these type of facilities. I understand this operation (ROL), is moving from Elkridge to both Dayton and Sykesville. Most of us did not envision the type of facilities we see in Elkridge to now be showing up in our backyards.

Can you let us know the following:

- 1) Has the Council voted to release the land out of Ag preserve? If not, when do you expect this? I did note that the new owner of this farm had requested the Ag Board in November allow him move the home on it to a new location - no mention of his intentions for the mulching facility...
- 2) When do you expect the conditional use hearing to occur?
- 3) Is there a date and time you can meet with multiple HOA leads to discuss this concerning turn of events?

4) Can you put us in touch with any other concerned communities in the Sykesville area?

Thanks for your interest in this matter - we appreciate your past support,

Rick Lober
Big Branch HOA

--

Rick Lober
rick.lober@gmail.com
[410-531-7479](tel:410-531-7479) (H)
[858-774-5705](tel:858-774-5705) (C)

01/10/2014

ATTENTION NEIGHBORS!!
NOTICE OF A PETITION TO PERMIT A MULCH MANUFACTURING, SOIL PROCESSING AND COMPOSTING FACILITY AT 13825 HOWARD ROAD AND GREEN BRIDGE ROAD, DAYTON, MD

To: Our Neighbors along Green Bridge Road and Other

We recently received correspondence from JBRD, LLC (an RLO Contractors' subsidiary) of "Notice of Pre-Submission Community Meeting" (attached). A meeting was held last night for a presentation of the proposed project at the 5th District Fire Station. Approximately 25-30 persons attended – not many were from Green Bridge Road. Apparently, many of you may not have been notified.

As presented last night at the meeting, the proposal calls for the existing "Agricultural Preserve" (150 acres) adjacent to Dayton Meadows to have a "mulch manufacturing, soil processing, and composting facility" constructed. **In addition to the industrial intrusion of grinding and other manufacturing equipment that is inconsistent with an Agricultural Preserve Use or Residential Zone, the project calls for the entire commercial truck access to be via a new entrance on Green Bridge Road, adjacent to the new "Oaks at Bridle Creek" homes (6 lots). Truck access is not planned for Howard Road where the existing farm access is located.**

JBRD advised that these trucks will run from 06:30am to 5:00pm (or later) M-F and half days on Saturdays, year around. They project that they will start with 25-50 trucks each day. These are extremely large industrial trucks (over 100,000 lbs. GVWR), on our small winding country road, where many children gather to await school buses. And, the noise from exhaust brakes, the diesel exhaust fumes, and other "commercial" activities and heavy traffic will be introduced to our Residentially zoned neighborhood.

If the petition is approved, it will significantly reduce neighboring Residential property values and quality of life by the introduction of:

1. Persistent industrial noise pollution from the mulching and soil treatment machinery Overloading of rural Green Bridge Road by the following planned vehicles:
 - Loaded 3 axle CAT 730 dump trucks weighing 112, 369 lbs. (GVWR)



Actual RLO Dump Truck Anticipated

- Loaded tractor-trailer trucks weighing up to 105,000 lbs. (GVWR)



Actual RLO Tractor Trailers

2. Industrial air pollution, mulch and soil operations dust, and mud trucked onto Green Bridge Road
3. Unsafe traffic for our children and others.
4. Potential leachate mulch and composting contaminants into the ground well water aquifers.
5. Potential polluted surface storm water runoffs into the WSSC reservoir.

All of the above factors, and possibly more, would cause a very significant deterioration of the quality of life and the property values in the neighboring residential areas bordering the Preserve and especially everyone who lives along Green Bridge Road. We neighboring residents have depended on the perpetual Agricultural Preserve status of the subject property in making significant economic decisions as a place to live. We were advised however at the presentation that the Preservation requirements were recently amended to permit these industrial uses.

If you think this won't affect you because the mulch plant is some distance from your home, you will be sorely surprised when heavily loaded commercial trucks are rolling up and down our road non-stop from 06:30 am over about 300 days a year - and then, it will be too late!

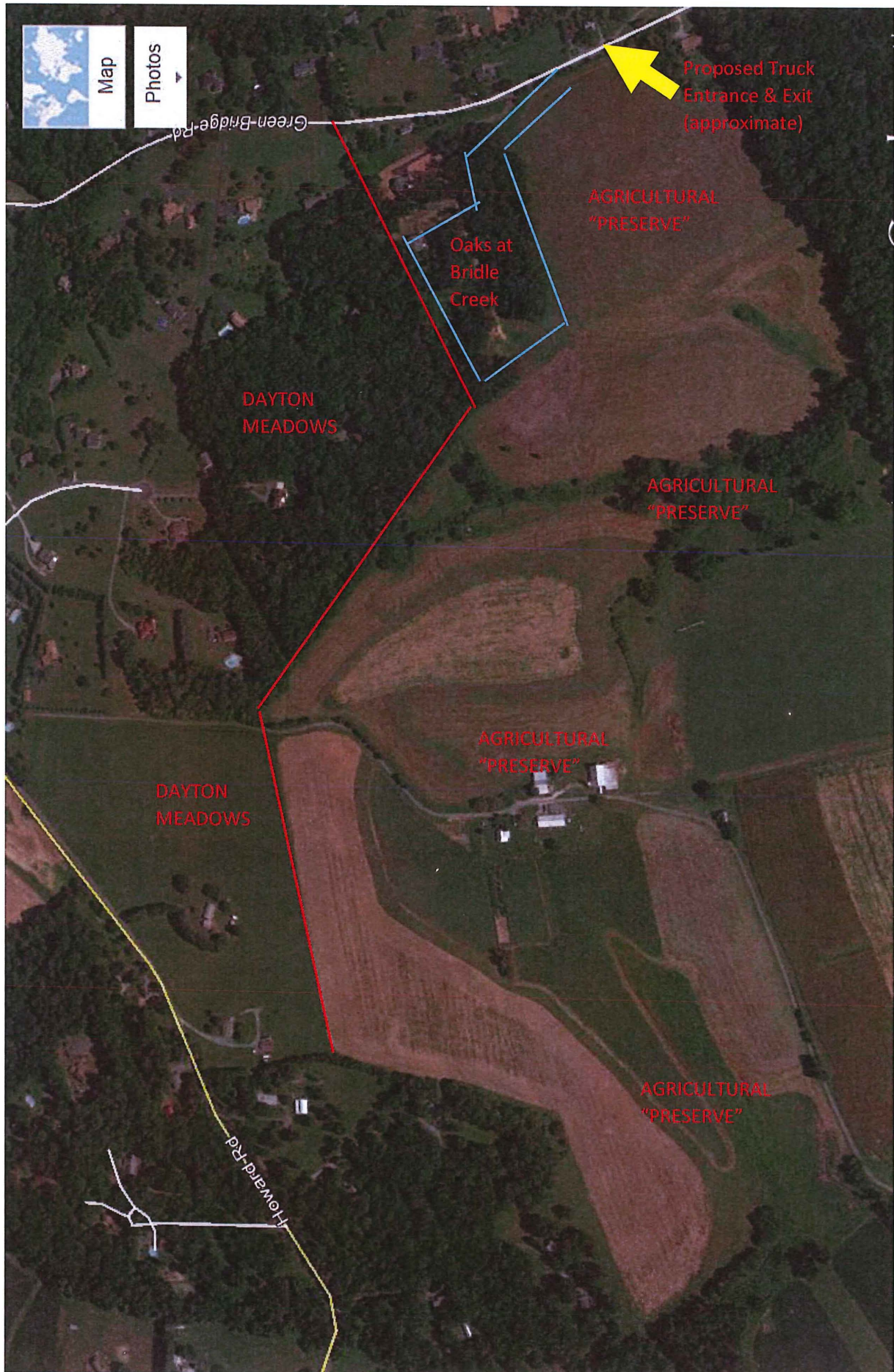
Please contact our elected officials and regulatory agencies to stop this proposed heavy industrial use in our residential neighborhood.

- Councilman Greg Fox (District 5): gfox@howardcountymd.gov 410-313-2001
- Howard County Public Works (road capacity/traffic and safety concerns) Bureau of Highways, William F. Malone, Jr., Chief, 410-313-7450
- Planning and Zoning Director: Marsha McLaughlin, Director mmclaughlin@howardcountymd.gov 410-313-4301 (Zoning, Preservation, and Incompatible Use concerns)
- County Executive Ken Ulman, (410) 313-2013, <http://howardcountymd.gov/executive.gov>
- WSSC
- Any others you can think of!!!

We cannot let this happen to our pastoral neighborhood. If you wish to receive further updates, please respond with your email address, name and street address and we will keep you posted.

David Banwarth, 4892 Green Bridge Rd.

dmbanwarth@verizon.net



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.

Habicht, Kelli

From: Tolliver, Sheila
Sent: Tuesday, April 15, 2014 12:27 PM
To: Habicht, Kelli
Subject: FW: Phone call regarding mulch zra

Zra 148-149 file

From: Sayers, Margery
Sent: Tuesday, April 15, 2014 11:52 AM
To: Tolliver, Sheila
Subject: Phone call regarding mulch zra

Sheila-

I just received a call from a constituent regarding the "mulch issue". She received a letter and was told to call us. She is against it!

She is from District 5

Amil Korangy
13607 Sheepshead Ct
Clarksville
410-988-8114

- Margery

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, March 06, 2014 11:19 AM
To: Habicht, Kelli
Subject: FW: Mulch facility on Green Bridge Road
Attachments: mulch1 001.jpg

More compost for legis file

From: Knight, Karen **On Behalf Of** Fox, Greg
Sent: Thursday, March 06, 2014 11:18 AM
To: Tolliver, Sheila
Subject: FW: Mulch facility on Green Bridge Road

Karen Knight

From: RONALD BROOKMAN [<mailto:jibrhb@verizon.net>]
Sent: Thursday, February 13, 2014 5:20 PM
To: Fox, Greg
Subject: Mulch facility on Green Bridge Road

Mr. Fox,

Please take the time to read my attached protest to the proposed mulch facility on my street.

Thank you,

Julie I Brookman

February 13, 2014

Greg Fox
District 5
Howard County Representative
gfox@howardcountymd.gov

Dear Mr. Fox,

My husband and I have recently been informed of the effort to have a mulching facility installed less than half a mile from our home by Mr. Robert Orndorff (RLO). He plans on moving his operation from an Elkridge industrial location to a residential area here off of Green Bridge Road in Dayton. We realize that an exception has been granted for farm land in preservation for this, but it will be significantly different from what is there now.

The scope of this proposed operation is too large, too loud, and too smelly for a residential area. The odor that will emanate for miles, and the noise from the process itself, not to mention the 45 to 50 trucks or more PER DAY will ruin this quiet suburban neighborhood, our quality of life and the resale value of our homes. No one in their right mind would want to buy here with that facility just up the road. I wouldn't! And honestly, would you? In fact, I don't think Mr. Orndorff would either, or he would build it on the expansion of land (zoned agricultural) that *he* lives on here in Dayton.

When the values of our homes go down, so will the county's tax revenue from those homes. Has that been considered? This operation will serve as the catalyst to the gradual and inevitable decay of this area.

We have lived here for 27 years, renovating our over 100 year old home, landscaping, paying taxes, raising 4 children, and building many memories. We have invested far too much of our lives to lose all we've worked for now. Our 29 year old daughter had hopes of eventually moving here when we are ready to retire. Our youngest suffers from asthma, and this additional contaminant will only make his condition worse. And what about our wells? We all tap into the same underground water source that the byproducts will be leaching into. We'll never even be able to enjoy a backyard barbeque again!

We have heard that he wants to move this business from its Elkridge location because of an excellent offer from a developer. If it's true, that's fantastic! I'm glad he's able to sell his land for a decent profit. Who wouldn't? BUT moving it to an area where it doesn't belong is irresponsible, is not being a "good neighbor" as he has claimed he would be, and is rather Potter-like, if you ask me. Please do what you can to stop this attack on our homes and livelihood.

Thank you,



Julie I. Brookman
5152 Green Bridge Road, Dayton, MD 21036
jibrhb@verizon.net 410/531-5760

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, March 06, 2014 11:28 AM
To: Habicht, Kelli
Subject: More compost
Attachments: FW: Proposed Mulching facility next to farms and reservoir; FW: Community Meeting on Dayton Mulching Facility - Feb 20; FW: Opposition to mulch manufacturing in Dayton, MD.; FW: Proposed Mulch Processing Plant; FW: proposed industrial mulching facility on agricultural preserve land in dayton md; FW: Opposition to Mulch Manufacturing, Soil Processing and Composting Facility; FW: Proposed Heavy Industrial Use in Dayton

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:22 AM
To: Tolliver, Sheila
Subject: FW: Proposed Mulching facility next to farms and reservoir

Karen Knight

From: Tim Jock [<mailto:tjock@salesforce.com>]
Sent: Friday, February 07, 2014 4:18 PM
To: Fox, Greg
Subject: Fwd: Proposed Mulching facility next to farms and reservoir

Tim, Pamela, Dylan and Cayden Jock

4979 Green Bridge Road

Dayton, MD

February 7, 2014

Dear Mr. Fox,

We have been residents of Howard County MD for 14 years. Pamela and I chose to move here to raise a family because of its idyllic blend of suburban amenities and natural setting. We moved our family from Columbia to Dayton in May 2013 because it had what we desperately wanted -- homes with lots of land, peace and quiet, and away from being in the 'middle of everything'. Our sons love the farm-rich landscape and hiking around the adjacent Triadelphia Reservoir. Now the farmland, the water we use to drink and bathe from the Reservoir, and safety of all the children like ours is at serious risk. We are writing to our extreme concern over the two proposed light industrial scale projects. These projects are to be built on properties in the Dayton and Sykesville areas -- both of which are zoned rural conservation and in agricultural preserve.

These projects are the result of well-intentioned zoning laws and state regulations that are designed to help those in the farming community preserve the rural and agricultural nature of Western Howard County and the State of Maryland. Specifically, they allow for conditional uses such as wineries, ice cream stands, and mulching/composting facilities. I welcome these uses by our neighboring farming community but feel that in

this these two cases, the zoning regulations are being mis-used to allow for the construction of a light manufacturing facility in these rural areas.

Recently held community meetings by JBRK, LLC outlined plans to purchase two entire farms that are in agricultural preserve and utilize approximately 10% of these farms for a large, industrial grade mulch and soil composting facility. These facilities would result in over 50 large, 18-wheel trucks with gross weights of over 100,000 pounds to traverse our small, local and scenic roads (without shoulders, bike paths or sidewalks) six days a week at a rate of about one every 12 minutes going to or leaving these proposed facilities. We cannot imagine our local and state officials had this scale of an operation in mind when these zoning laws were passed.

In addition to the trucks, which raise safety and adequacy of roads issues (our community's children wait for school busses on these small roads and the biking and jogging community are active on these roads), our local community of over 250 homes near this proposed facility will be impacted by continuous noise (large truck brakes, backhoes, beeping reverse warning signals, etc) all day long. I also understand that the fine dust that these mulching facilities produce has been known to cause lung problems and is a known carcinogen. Zoning law permits mulching within 500 feet of our homes and this dust carries in the air for up to 2000 feet. These large scale facilities also contribute to issues with our local water tables and can result in leaching of pollutants into the nearby Triadelphia watershed.

While smaller scale conditional uses such as this can benefit our local farming community, we understand that in this case the land will be purchased by Robert Orndorff (JBRK, LLC) who is a Howard County resident, owner of the RLO Contractors, Inc., and is Chairman of the Board of Sandy Spring Bank. While the land will be purchased by an individual, our belief is Mr. Orndorff has no intention of living on the property or farming the property (that will be done by local farmers). Mr. Orndorf only seeks to purchase this zoned rural conservation and agricultural preserve property to move his current facility located at 7531 Cemetery Lane in Elkridge, MD. (zoned light industrial) and directly benefit his RLO Corporation – a local (Dayton, MD) excavating company that collects wood and trees in its daily operation for mulching at these facilities.

We are concerned that current regulations allow for large scale business operations to move onto our local farms under the guise of an individual farmer and urge you to work with other elected officials to stop light industrial industries from moving into our rurally zoned farms using loopholes in the current law.

Sincerely,

Tim and Pamela Jock



RLO Corporation Operations and typical truck sizes



Current RLO Mulching Operation in Elkridge zoned light industrial



Proposed Location of new mulching facility in Dayton zoned rural conservation in Ag. Preserve

Tim Jock
Principal Sales Engineer

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:24 AM
To: Tolliver, Sheila
Subject: FW: Opposition to mulch manufacturing in Dayton, MD.

Karen Knight

From: Bill & Anne [<mailto:stillpoint.haven@verizon.net>]
Sent: Tuesday, February 04, 2014 8:42 PM
To: Fox, Greg; McLaughlin, Marsha
Cc: 'Bill & Anne'
Subject: Opposition to mulch manufacturing in Dayton, MD.

Hello Mr Fox and Mz McLaughlin,

I just heard of a commercial sized composting and soil processing facility in our quiet and rural part of Ho Co, that has somehow managed to circumvent the Agricultural Preservation laws to move a completely unsuitable manufacturing facility near here.

I understand the developer had an essentially unannounced meeting to the community at which he down-played the community impact.

I really hope this is not going to be another example of how an unsuitable business can circumvent laws and the wishes of the community in the name of "progress".

Can you please explain what is going on and what you plan to do to listen to and work with the community on this?

Thank you

Bill Hayden

Bill Hayden & Anne Elixhauser
13029 Triadelphia Mill Rd
Clarksville, MD 21029
301-854-0087

In the present moment, spirit is kindled -- even a little spark glows.
When you cling to the past, the spark is covered with ash.

Sri Sri Ravi Shankar

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:27 AM
To: Tolliver, Sheila
Subject: FW: proposed industrial mulching facility on agricultural preserve land in dayton md

Karen Knight

From: j chiorini [<mailto:jchiorin@yahoo.com>]
Sent: Thursday, January 30, 2014 7:00 AM
To: Fox, Greg
Subject: proposed industrial mulching facility on agricultural preserve land in dayton md

John Chiorini
14651 Viburnum dr
Dayton md 21036

January 28, 2014

Dear Mr Fox,

As a resident of Dayton MD I am writing to express my concern over an industrial mulch processing facility proposed on a nearby farm in Dayton MD. I understand the property is in agricultural preserve. I am very familiar with the mulch processing facility in nearby woodbine (recycled green industries) and the constant noise and smell this place generates in the neighborhood. Mulch production is a loud dirty process and completely different than farming. Police have been called to the facility numerous times for the excessive noise that can be monitored exceeding 65 decibels a mile away and the grinding continues both day and night. Grinding trees is a loud process but the worst part of the proposed site is all the beep beep beep from the trucks, backing up which carries for miles.

I understand that small farmers need to diversify in order to be economically viable but I would like to understand how you or anyone else considers industrial scale mulch preparation to be farming as opposed to industrial work. Furthermore, this appears to have very little to do with farming and keeping farmers on their land but looks to be a move by a businessman and banker to expand and move his excavating company to another site.

I am an avid cyclist and enjoy the quiet country roads around Dayton as do many of my friends. From the last public meeting I was told we could expect over 50 18-wheelers going to and from the site every day 6 days a week. I cannot imagine these large trucks safely navigate these roads. It would ruin the area and I am sure result in accidents.

I really feel this is a complete misuse of the zoning regulation and should not be allowed. I would also encourage you as my elected official to close this kind of loop hole. I look forward to your reply on this proposed facility.

John Chiorini

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:28 AM
To: Tolliver, Sheila
Subject: FW: Proposed Heavy Industrial Use in Dayton

Importance: High

Karen Knight

From: Williams [<mailto:rawmlw@gmail.com>]
Sent: Tuesday, January 28, 2014 4:44 PM
To: Fox, Greg
Subject: Proposed Heavy Industrial Use in Dayton
Importance: High

Councilman Fox,

We were outraged to learn of RLO Contractor's subsidiary's proposal to submit a conditional-use petition to establish a mulch-manufacturing, soil processing, and composting facility in the agricultural preserve adjacent to several Dayton residential areas. This proposed heavy industrial use request must be denied with a recommendation that this company find an appropriate location, in an INDUSTRIAL-ZONE, to set up its business where the threat of noise, air, and water pollution as well as threatened property values are not thrust upon homeowners.

We made a significant financial investment to relocate to this area in Howard County based upon the agricultural preserve and residential zoning, and if this facility is approved, our quality of life will suffer as a result of:

Six days per week of persistent industrial noise from the facility and large dump trucks (minimum 25-50 trucks per day)

Industrial air pollution from wood dust and diesel exhaust fumes from the large truck fleet

Industrial water pollution resulting in ground well water aquifers

Heavy industrial traffic on small rural roads and along school-bus stops and biking/jogging routes.

Thank you for your support of the Dayton community.

Respectfully,

Monica and Rich Williams
Big Branch Drive
Dayton

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:23 AM
To: Tolliver, Sheila
Subject: FW: Community Meeting on Dayton Mulching Facility - Feb 20

Karen Knight

From: Rick Lober [<mailto:rick.lober@gmail.com>]
Sent: Wednesday, February 05, 2014 8:19 PM
To: Fox, Greg; Knight, Karen
Subject: Re: Community Meeting on Dayton Mulching Facility - Feb 20

PS - the meeting time is 7 PM.

On Wed, Feb 5, 2014 at 7:54 PM, Rick Lober <rick.lober@gmail.com> wrote:
Greg-

Hope you are doing well. As I am sure you are aware, there is a great deal of concern over the Mulching Facility being proposed by RLO Corporation on a farm in Dayton. We have over 100 residents now interested in seeing this facility remain in an industrially zoned area as it is now (off of Rt 1 in Elkridge). However, it appears that the current location has been zoned residential and the facility must move - that plan, if approved, would put it within 600 feet of Dayton homes in an area zoned rural conservation.

We understand how these zoning changes enacted last summer were designed to support our local farming community and we support the Council's efforts in that regard; however, we feel the Council had no intention of allowing a large corporation to drive fifty18 wheelers a day transporting over 45,000 tons of wood products for mulching through rural residential communities - that is one large truck every 12 minutes coming through our small, rural roads.

In addition, noise, water pollution, fire hazards and health hazards from wood dust make this large industrial facility a mistake for a local farm near over 250 homes. A small facility operated by a farmer seems to be what these new regulations allow - - an industrial facility operated by a commercial corporation should be placed in industrially zoned areas.

We appreciate the time you have taken to listen to your constituents over the years on zoning issues ranging from cell towers, to funeral homes to large religious schools. We hope that you will do the same for those who wish you to hear our concerns over this project. We also understand that you are not allowed to influence a conditional use hearing, but we do hope you will take an interest in our concerns about zoning loopholes that could allow projects such as this on agricultural preserve lands.

Our community and organization is inviting you to attend a meeting on this topic on Thursday February 20th at Dayton Oaks Elementary School. We expect a large turn-out of Dayton/Glenelg residents who have concerns over these zoning law loopholes and proposed industrial uses.

We hope you will be able to attend.

Best Regards,

Rick Lober
Dayton Rural Preservation Society, LLC

--

Rick Lober
rick.lober@gmail.com
410-531-7479 (H)
858-774-5705 (C)

--

Rick Lober
rick.lober@gmail.com
410-531-7479 (H)
858-774-5705 (C)

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:24 AM
To: Tolliver, Sheila
Subject: FW: Proposed Mulch Processing Plant

Karen Knight

From: Bos, Jonathan [mailto:Jonathan_Bos@mcpsmd.org]
Sent: Tuesday, February 04, 2014 11:20 AM
To: Fox, Greg
Subject: Proposed Mulch Processing Plant

Mr. Fox,

Thank you for taking the time to read this email. I am a resident of Dayton, and I'm sure I'm not the only one to have expressed concern about the proposed mulch processing plant that Mr. Orndorff wants to establish at 13825 Howard Road. My wife and I recently bought a house that abuts this property; we live at 13829 Howard Road. When we bought our house, we were assured that the land behind us was dedicated farmland in perpetuity. The farthest thing from our minds was that someone would soon want to establish a mulch processing plant.

Our concerns are numerous. Aside from the noise of an industrial wood-chipper in a residential area, the noise and traffic of dozens of tri-axle dump trucks coming in and out, and the health risks posed, there is the very obvious problem of what it will do to property values. My wife and I bought our house thinking it was an excellent investment. Dayton is known as a beautiful area with great schools. Our property value has already dropped, and will drop who knows how much more if a mulch processing plant goes in essentially in our backyard.

I know there are entrenched interests in favor of this. As I understand, Robert Orndorff is a respected businessman of long standing in Howard County. That actually makes it all the more unbelievable to me that he would want to situate his new business venture at this location. I attended the pre-submission hearing on January 6th, and I can tell you that there were three dozen outraged people in the room. All up and down Green Bridge Road there are people who do not want this mulch processing plant to be built. There were also a three people at the meeting who spoke in Mr. Orndorff's favor. They were all personal friends, or people who have a vested interest in his proposed business.

I will be calling your office soon to discuss this further. As a citizen and taxpayer of Howard County, I am adamantly opposed to further development of the dedicated farmland in western Howard County.

Jonathan Bos

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:27 AM
To: Tolliver, Sheila
Subject: FW: Opposition to Mulch Manufacturing, Soil Processing and Composting Facility
Attachments: Representative Greg Fox.docx

Karen Knight

From: michael pantos [<mailto:mjpantos@yahoo.com>]
Sent: Wednesday, January 29, 2014 7:24 PM
To: Fox, Greg
Subject: Opposition to Mulch Manufacturing, Soil Processing and Composting Facility

Hello,

Thank You in advance for taking the time to read my attached letter opposing a proposed Commercial Mulch Manufacturing, Soil Processing and Composting Facility at 13825 Howard Road & Green Bridge Road in Dayton, MD.

I believe this proposal to be an EGREGIOUS misinterpretation of a recent change to Zoning Regulations allowing FARMERS to mulch and compost THEIR trees and farm waste. The proposed site in Western Howard County (Dayton) is an area that is Zoned Rural Conservation and in Agricultural Preserve.

Sincerely,
Dr. & Mrs. Michael Pantos
4540 Ten Oaks Road
Dayton, MD 20136

Dr. & Mrs. Michael Pantos
4540 Ten Oaks Road
Dayton, MD 21036

January 29, 2014

Howard County Council
Attn: Greg Fox
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Dear Representative Fox,

As a resident of Dayton in Western Howard County for the past 10 years, I am writing to express deep concern over a proposed light industrial scale project that is the planning stages to be built on property in the Dayton, situated a mere one-half mile from my house, which is Zoned Rural Conservation and in Agricultural Preserve.

These projects are the result of well-intentioned zoning laws and state regulations that are designed to help those in the farming community preserve the rural and agricultural nature of Western Howard County and the State of Maryland. Specifically, they allow for conditional uses such as wineries, ice cream stands, and mulching/composting facilities. I welcome these uses by our neighboring farming community but feel that in these two cases, the zoning regulations are being misused to allow for the construction of a light manufacturing facility in these rural areas.

Recently held community meetings by JBRK, LLC outlined plans to purchase two entire farms that are in agricultural preserve and utilize approximately 10% of these farms for a large, industrial grade mulch and soil composting facility. These facilities would result in over 50 large, 18-wheel trucks with gross weights of over 100,000 pounds to traverse our small local and scenic roads every day for 6 days a week at a rate of about one every 12 minutes passing through our community. I cannot imagine our local and state officials had this scale of an operation in mind when these zoning laws were passed.

In addition to the trucks which raise safety and adequacy of roads issues (our community's children wait for school busses on these small roads and the biking and jogging community are active on these roads), our local community of over 250 homes near this proposed facility will be impacted by continuous noise (large truck brakes, backhoes, beeping reverse warning signals, etc) all day long. I also understand that the fine dust that these mulching facilities produce has been known to cause lung problems and is a known carcinogen. Zoning law permits mulching within 500 feet of our homes and this dust carries in the air for up to 2000 feet. My Father-In-Law recently died from lung problems, and my Sister currently is suffering from problems with her lungs. **If this facility is approved, I'm afraid she will no longer be able**

to come visiting to our house, which is only one-half mile from the proposed Dayton site. These large-scale facilities also contribute to issues with our local water tables and can result in leaching of pollutants into the nearby Triadelphia watershed. **Most households in the area rely on the local water tables as we are serviced by wells.**

While smaller scale conditional uses such as this can benefit our local farming community, we understand in this case the land will be purchased by Robert Orndorff (JBRK, LLC), a local businessman, and the owner of the RLO Contractors, Inc. Mr Orndorff is also the Chairman of the Board of Sandy Spring Bank. While an individual will purchase the land, our belief is Mr. Orndorff has no intention of living on the property or farming the property (that will be done by local farmers) but only in moving a current facility located at 7531 Cemetery Lane in Elkridge, MD. (Zoned Light Industrial) to our rural community for the benefit of RLO Corporation – a local excavating company that collects wood and trees in its daily operation for mulching at these facilities.

We are concerned that current regulations allow for large scale business operations to move onto our local farms under the guise of an individual farmer and urge you to work with other elected officials in stopping the light industrial industries from moving into our rurally zoned farms using loopholes in the current law.

Sincerely,

Michael Pantos, D. M. D.



RLO Corporation Operations and typical truck sizes



Current RLO Mulching Operation in Elkridge zoned light industrial



Proposed Location of new mulching facility in Dayton zoned rural conservation in Ag. Preserve

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:16 AM
To: Tolliver, Sheila
Subject: FW: Community Flyer - Compost Facility
Attachments: flyer for feb27.docx; ATT00001.htm

Karen Knight

From: Howard Blackman [<mailto:howard@1stsecurityusa.com>]
Sent: Saturday, February 15, 2014 9:27 AM
To: Fox, Greg; Allan Senator Kittleman; Warren.Miller@house.state.md.us; Gail.Bates@house.state.md.us
Subject: Fwd: Community Flyer - Compost Facility

Sent from my iPhone

Begin forwarded message:

From: "Nicholas E. Triska" <triskan@mac.com>
Date: February 15, 2014 at 8:22:16 AM EST
To: Donald & Christa Nuss <nuscc@verizon.net>, cjd5adams@gmail.com, toesf15@hotmail.com, biddlecomb@verizon.net, howard@1stsecurityusa.com, tbonier@gmail.com, brecht803@verizon.net, "4brewers@comcast.net Nyemade Brewer" <4brewers@comcast.net>, bart.buckethal@gmail.com, johnccampbell7@verizon.net, katrx.gator@verizon.net, christine_gaylor@hcpss.org, bethgerman@gmail.com, jgerman1@verizon.net, gspfan@verizon.net, ijmd2004@aol.com, mlj1241@verizon.net, kjubinski@yahoo.com, gkephart@frankparsons.com, mkirley@gmsil.com, peter.konold@gmail.com, briankroeger@msn.com, tkrzys@verizon.net, jim_and_colette@verizon.net, jieunpak@gmsil.com, peter_parlette@hcpss.org, luv2xplor@verizon.net, eranson1@hotmail.com, rawls@gmail.com, zoorusell@verizon.net, "Charlotte@CharlotteSavoy.com" <charlotte@charlottesavoy.com>, charlotte@simplyreferable.com, Nick Triska <triskan@mac.com>, jaylin52@gmail.com
Subject: Community Flyer - Compost Facility

Dear Neighbors,

Please see the attached flyer about the upcoming community meeting on Feb 27th regarding the proposed compost facility on Rt. 32.

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:17 AM
To: Tolliver, Sheila
Subject: FW: Dayton, MD, Rural Preservation
Attachments: mulch letter R. Fox.docx

Karen Knight

From: Lindsay Van Staden [\[mailto:lindsay.vanstaden@gmail.com\]](mailto:lindsay.vanstaden@gmail.com)
Sent: Friday, February 14, 2014 10:23 AM
To: Fox, Greg
Subject: Dayton, MD, Rural Preservation

Please see the attached letter regarding our concerns over proposed industrial facilities in Dayton, MD, and Sykesville, MD.

Thank you for your time,
Lindsay van Staden

Lindsay van Staden
5095 Green Bridge Rd.
Dayton, MD 21036

February 13, 2014

The Honorable Greg Fox
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Dear Representative Fox,

I am writing to express concern over two proposed light industrial scale projects in the Dayton and Sykesville areas, both of which are zoned rural conservation and are in agricultural preserve. I know that you are dedicated to protecting the environment and enhancing the quality of life through conservation and preservation of our natural resources, so I am writing to ask you to stop the proposal for these two facilities. In recently held community meetings by JBRK, LLC outlined plans to purchase two entire farms that are in agricultural preserve and utilize approximately 10% of these farms for a large, industrial grade mulch and soil composting facility. These projects are the result of well-intentioned zoning laws and state regulations that are designed to help those in the farming community preserve the rural and agricultural nature of Western Howard County and the State of Maryland. Specifically, they allow for conditional uses such as wineries, ice cream stands, and mulching/composting facilities. I welcome these uses by our neighboring farming community but feel that in these two cases, the zoning regulations are being misused to allow for the construction of a light manufacturing facility in these rural areas.

We moved to this area a few years ago. I am a local teacher, and my husband works in pastoral care, and we were seeking a quiet place to raise our family. We live directly across the street from the game reserve that was rezoned last year and is now the proposed site for an industrial mulching and compost facility. When we moved here, we were assured this was an area devoted to preserving the rural and agricultural nature of our community. However, if this facility were to receive approval, we would end up living across the street from an industrial facility, not a local farm.

We have several concerns about this proposed facility. First, we are concerned about the safety of the roads for our children. Our son boards a bus on Green Bridge Road, and the number of trucks anticipated with the project are a danger to him and the other children who live on our road. These proposed facilities would result in over 50 large, 18-wheel trucks with gross weights of over 100,000 pounds to traverse our small local and scenic roads every day for 6 days a week at a rate of about one every 12 minutes passing through our community. It would also produce

a significant amount of noise in the use of the facility for mulching. The noise of the facility and its trucks would significantly change the quality of life in our currently quiet area.

But we are most concerned about the fine dust and water pollution that is produced by such a facility and the very real health threat it poses to our family. Zoning law permits mulching within 500 feet of our homes and this dust carries in the air for up to 2000 feet. We understand this dust causes health problems and is a known carcinogen. We are also concerned about the leaching of pollutants into the local Triadelphia watershed and into our own wells that we all use as a water source. Obviously, we want our two young boys to be raised without the fear that our very home is in a location that could cause them long-term health problems.

While smaller scale conditional uses such as this can benefit our local farming community, we understand that in this case, the land will be purchased by Robert Orndorff (JBRK, LLC) who is a local businessman, the owner of the RLO Contractors, Inc., and is Chairman of the Board of Sandy Spring Bank. While the land will be purchased by an individual, our belief is Mr. Orndorff has no intention of living on the property or farming the property (that will be done by local farmers) but only in moving a current facility located at 7531 Cemetery Lane in Elkridge, MD. (zoned light industrial) to our rural community for the benefit of RLO Corporation – a local excavating company that collects wood and trees in its daily operation for mulching at these facilities.

We are concerned that current regulations allow for large scale business operations to move onto our local farms under the guise of an individual farmer and urge you to work with other elected officials in stopping the light industrial industries from moving into our rurally zoned farms using loopholes in the current law.

Sincerely,

Lindsay van Staden



RLO Corporation Operations and typical truck sizes



Current RLO Mulching Operation in Elkrige zoned light industrial



Proposed Location of new mulching facility in Dayton zoned rural conservation in Ag. Preserve

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:17 AM
To: Tolliver, Sheila
Subject: FW: mulch processing facility; Dayton, Md.
Attachments: 20140213fox_ohl.pdf

Karen Knight

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

From: Raymond Ohl [<mailto:raymond.ohl@gmail.com>]
Sent: Thursday, February 13, 2014 11:46 PM
To: Fox, Greg
Subject: mulch processing facility; Dayton, Md.

Dear Mr. Fox:

Please find attached a letter concerning the proposed, light-industrial mulch processing facility for Dayton. I am also mailing this letter to your office. I hope that you will please consider my letter in this matter.

Thank you for your service and best regards,

Raymond G. Ohl, IV, PhD

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, March 06, 2014 11:18 AM
To: Habicht, Kelli
Subject: More compost mail for legis. holding file
Attachments: FW: Proposed Mulching Facility in Dayton; FW: Community Flyer - Compost Facility; FW: Dayton, MD, Rural Preservation; FW: mulch processing facility; Dayton, Md.

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:15 AM
To: Tolliver, Sheila
Subject: FW: Proposed Mulching Facility in Dayton
Attachments: background info.docx; Meeting Flyer for February 20th at DOES.pdf

You may have this, I cannot tell from the e-mail who got this

Karen Knight

From: Dayton Rural Preservation Society [<mailto:daytoncommunity@gmail.com>]
Sent: Tuesday, February 18, 2014 4:52 PM
Subject: Proposed Mulching Facility in Dayton

I wanted to make you aware of the kind of projects that can evolve when zoning laws are changed - as we have seen enacted last year in Howard County.

In an attempt to open up uses for agricultural lands and help our farmers, the Council allowed for uses such as mulching facilities. Not a bad idea on a small scale for a local farmer. However, we understand that Ken Ulman personally became involved and allowed conditional uses of well over 1 acre (1 acre max was the previous law). Again a good idea on paper afterall how much additional income can you squeeze with just one acre.

However what we now have is a petition by a large corporation to move an existing Mulching facility in Elkridge (zoned industrial) to rural Dayton/Glenelg where it will be placed on agricultural preserve lands with many nearby homes.

A flyer outlining our concerns with this project is attached.

There will be a meeting this Thursday Feb 20th at 7 PM in the Dayton Oaks Elementary school to discuss our opposition and concerns to this project which are now allowed for consideration as a conditional use. We expect many concerned residents, local and state officials along with members of the press. We hope you or one of your staff can attend as well.

Regards,

Erin Allen
Dayton Rural Preservation Society

There are two proposed industrial scale projects that are planning to be built on properties in the Dayton and Sykesville areas – both of which are zoned rural conservation and in agricultural preserve.

These projects are the result of well intentioned zoning laws and state regulations that are designed to help those in the farming community preserve the rural and agricultural nature of Western Howard County and the State of Maryland. Specifically, they allow for conditional uses such as wineries, ice cream stands, and mulching/composting facilities. I welcome these uses by our neighboring farming community but feel that in these two cases, the zoning regulations are being mis-used to allow for the construction of a light manufacturing facility in these rural areas.

Recently held community meetings by JBRK, LLC outlined plans to purchase two entire farms that are in agricultural preserve and utilize approximately 10% of these farms for a large, industrial grade mulch and soil composting facility. These facilities would result in over 50 large, 18-wheel trucks with gross weights of over 100,000 pounds to traverse our small local and scenic roads every day for 6 days a week at a rate of about one every 12 minutes passing through our community. I cannot imagine our local and state officials had this scale of an operation in mind when these zoning laws were passed.

In addition to the trucks which raise safety and adequacy of roads issues (our community's children wait for school busses on these small roads and the biking and jogging community are active on these roads), our local community of over 250 homes near this proposed facility will be impacted by continuous noise (large truck brakes, backhoes, beeping reverse warning signals, etc) all day long. I also understand that the fine dust that these mulching facilities produce has been known to cause lung problems and is a known carcinogen. Zoning law permits mulching within 500 feet of our homes and this dust carries in the air for up to 2000 feet. These large scale facilities also contribute to issues with our local water tables and can result in leaching of pollutants into the nearby Triadelphia watershed.

While smaller scale conditional uses such as this can benefit our local farming community, we understand that in this case the land will be purchased by Robert Orndorff (JBRK, LLC) who is a local business man, the owner of the RLO Contractors, Inc., and is Chairman of the Board of Sandy Spring Bank. While the land will be purchased by an individual, our belief is Mr. Orndorff has no intention of living on the property or farming the property (that will be done by local farmers) but only in moving a current facility located at 7531 Cemetery Lane in Elkridge, MD. (zoned light industrial) to our rural community for the benefit of RLO Corporation – a local excavating company that collects wood and trees in its daily operation for mulching at these facilities.

We are concerned that current regulations allow for large scale business operations to move onto our local farms under the guise of an individual farmer our goal is to stop industrial industries from moving into our rurally zoned farms using loopholes in the current law.

Sincerely,

Signature

Name



RLO Corporation Operations and typical truck sizes



Current RLO Mulching Operation in Elkridge zoned light industrial



Proposed Location of new mulching facility in Dayton zoned rural conservation in Ag. Preserve

IMPORTANT MEETING NOTICE!
**ATTEND A NEIGHBORHOOD MEETING AT DAYTON OAKS
ELEMENTARY SCHOOL**
4691 Ten Oaks Rd, Dayton, MD 21036
THURSDAY FEBRUARY 20TH @ 7:00PM – 8:00PM

**REGARDING THE PROPOSED INDUSTRIAL MULCH MANUFACTURING, SOIL
PROCESSING AND COMPOSTING FACILITY ON DAYTON AGRICULTURAL
PRESERVATION FARMLAND**

The proposal calls for the existing "Agricultural Preserve" farm (150 acres) on Green Bridge and Howard Roads to have an industrial sized "mulch manufacturing, soil processing, and composting facility" constructed. The project calls for massive levels of tractor trailer and dump truck traffic via a new entrance on Green Bridge Road, accessed through Dayton, Glenelg and surrounding residential communities.

The Petitioner projects upwards of 50 truckloads per day to run from 6:30am to 5:00pm (or later) M-F and half days on Saturdays, year around. If their current facility is any indicator, the facility will use extremely large tractor trailers and dump trucks on our small rural roads. Excessive noise, diesel exhaust fumes, heavy industrial truck traffic, and mulching machinery noise and wood mulching/chipping dust can be expected to be introduced to our neighborhoods. If the petition is approved, we anticipate it will significantly reduce your property values and quality of life.



Actual Tractor Trailers at RLO's current Mulching Facility in Elkridge

If you think this won't affect you because the mulch plant is some distance from your home, you will be sorely surprised when heavily loaded commercial trucks are rolling up and down our roads approximately 300 days a year - and then, it will be too late!

FOR ADDITIONAL INFORMATION, CONTACT
DAYTON RURAL PRESERVATION SOCIETY
DaytonCommunity@gmail.com

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, March 06, 2014 11:13 AM
To: Habicht, Kelli
Subject: More compost mail for future legis. file
Attachments: FW: Suggested ZRA wording; FW: Composting Facility on Rt. 32; FW: Community Meeting - Feb 27; FW: Concern over Proposed Mulching Facilities; FW: Dayton Wide Community Meeting on Proposed Mulching Facility; FW: 1500 ROUT 32 SYKESVILLE MD

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:09 AM
To: Tolliver, Sheila
Subject: FW: Suggested ZRA wording
Attachments: Greg Fox - recommendations for ZRA sent 022514.docx

Karen Knight

From: Mark Bruce [<mailto:markbruce0007@gmail.com>]
Sent: Tuesday, February 25, 2014 10:21 AM
To: Fox, Greg
Subject: Suggested ZRA wording

Karen,
Find wording changes attached.
Thanks
Mark

Changes to the current Zoning Regulations

Remove the ~~Stikethrough~~ and insert the **RED** - All text in BLACK is verbatim from the 2013 Regulations

- Page 23 (Change the definition by removing “~~food waste~~” and adding “**not**”)

Composting Facility: A facility where organic material, specifically limited to vegetation, ~~food waste~~, and **not** manure, that is obtained principally from off-site locations is processed to generate a product through the microbiological degradation of this organic material under aerobic conditions.

- Page 29 (Changes to the definition of Farming, in “f.” and “i.”)

Farming: The use of land for agricultural purposes, including:

- a. Crop production, apiaries, horticulture, orchards, agricultural nurseries, viticulture, silviculture, aquaculture, and animal and poultry husbandry;
- b. The growing, harvesting and primary processing of agricultural products;
- c. The breeding, raising, training, boarding and general care of livestock for uses other than food, such as sport or show purposes, as pets or for recreation;
- d. The operation of agricultural machinery and equipment that is an accessory use to a principal farming function. Agricultural machinery and equipment may be used on farms that are not the farm on which the machinery and equipment is normally stored;
- e. The construction and maintenance of barns, silos and other similar structures subject to compliance with any applicable bulk regulations;
- f. The transportation, storage, handling and application of fertilizer, soil amendments, pesticides and manure, **exclusively for onsite Farming use** subject to all Federal, State and Local laws;
- g. The temporary, onsite processing of chickens or rabbits on a farm in accordance with the Agriculture Article of the Annotated Code of Maryland; and
- h. Other uses directly related to, or as an accessory use of, the premises for agricultural purposes including special farm uses permitted under Section 128.0.1.

i. but shall not include the acceptance or disposal of land clearing debris or rubble that originates offsite.

(FOOT NOTE #1)

- Page 36 (Add “whole or in part” to definition)

Land Clearing Debris: Those materials resulting from land clearing operations, **whole or in part**, which shall be limited to earthen material such as clays, sands, gravels and silts, topsoil, tree stumps, root mats, brush and limbs, logs, vegetation, and rock.

- Page 38 (The last sentence of the definition of Mulch Manufacturing) was previously argued to say Manufacturing of Mulch by bringing in material is just like bringing in corn seeds to grow corn, hence it should be allowed under the Farming definition. Needs clarification or removal.

Mulch Manufacture: The manufacture of horticultural mulch from wood, wood products or similar materials. **This term does not include the production of mulch as a by-product of on-site farming.**

continued

- Page 83 (Restore previous size limitations and move Composting Facility up to size limited section)

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement, **up to a maximum of 1 acre on dedicated easements and ¼ acre on ALPP.**

(FOOT NOTE #2)

The following Conditional Uses may be allowed:

- (1) Animal hospitals
- (2) Barber shop, hair salon and similar personal services facilities
- (3) Bottling of spring or well water
- (4) Communication Towers
- (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (6) Historic building uses
- (7) Home based contractors
- (8) Home occupations
- (9) Kennels and/or pet grooming establishments
- (10) Landscape contractors
- (11) Limited outdoor social assemblies
- (12) Sawmills, bulk firewood, mulch manufacture and/or soil processing
- (13) School buses, commercial service
- (14) Small wind energy systems, freestanding tower
- (15) Solar Facilities, commercial

(16) Composting Facility

b. In addition, the following Conditional Uses which may require additional land area may be permitted on agricultural preservation easements:

- (1) Agribusiness, limited to uses itemized in Section 131.0.N.
- (2) Farm winery – class 2
- ~~(3) Composting Facility~~

Greg Fox said he wanted to restore composting to ONLY - M-1. I don't think these changes do that. Pg. 213 item 54 would need to be modified, and or the table on pg. 381, depending on if it were a conditional use or permitted as a matter of right.

(FOOT NOTE #1) – Word for word from the definition of Farming prior to 2013 change

(FOOT NOTE #2) – Word for word from the “Conditional Use Area Limitations” prior to the 2013 change

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:11 AM
To: Tolliver, Sheila
Subject: FW: Concern over Proposed Mulching Facilities

Karen Knight

From: Robey, James Senator [mailto:James.Robey@senate.state.md.us]
Sent: Monday, February 24, 2014 1:09 PM
To: 'Williams'
Cc: McLaughlin, Marsha; Fox, Greg
Subject: RE: Concern over Proposed Mulching Facilities

Dear Mr. and Mrs. Williams, thank you for your email. Since this is a local zoning issue, I have contacted the Director of Howard County Planning and Zoning to make her aware of your concerns. Ms. McLaughlin has advised that a conditional use application for a mulching facility has not yet been submitted. However, your concerns will be noted when the application is received and DPZ prepares their recommendation to the Hearing Examiner.

I encourage you to review the file and attend the hearing when it gets scheduled.

I appreciate your taking the time to share your concerns with me on issues of importance to you. If there is anything I can assist you with at the State level, please don't hesitate to contact me.

Regards,
Jim

James N. Robey
Senator, District 13
Senate Majority Leader
The Senate of Maryland
11 Bladen Street, Room 120
Annapolis MD 21401
Phone: 410-841-3572
Fax: 410-841-3455
E-mail: James.Robey@senate.state.md.us
<http://mgaleg.maryland.gov/webmga/frm1st.aspx?tab=home>

From: Williams [mailto:rawmlw@gmail.com]
Sent: Sunday, February 23, 2014 5:51 PM
To: Robey, James Senator
Subject: Concern over Proposed Mulching Facilities
Importance: High

Senator Robey,

As residents of Howard County, Maryland, we were outraged to learn of JBRK, LLC's proposed **light industrial-scale projects** that are being proposed to be built on properties in the Dayton and Sykesville areas – both of which are **zoned rural conservation and in agricultural preserve**. We made a significant investment in relocating to our Dayton residence based on this rural zoning.

These projects are the result of well-intentioned zoning laws and state regulations that are designed to help those in the farming community preserve the rural and agricultural nature of Western Howard County and the State of Maryland. Specifically, they allow for conditional uses such as wineries, ice cream stands, and mulching/composting facilities. We welcome these uses by our neighboring farming community but feel that in these two cases, **the zoning regulations are being misused to allow for the construction of a light manufacturing facility in these rural areas**.

Recently held community meetings by JBRK, LLC outlined plans to purchase two entire farms that are in agricultural preserve and utilize approximately 10% of these farms for a large, **industrial grade** mulch and soil composting **facility**. These facilities would result in over 50 large, 18-wheel trucks with gross weights of over 100,000 pounds to traverse our small local and scenic roads every day for 6 days a week at a rate of about one every 12 minutes passing through our community. We cannot imagine that our local and state officials had this scale of an operation in mind when these zoning laws were passed.

In addition to the trucks which raise **safety and adequacy of roads issues** (our community's children wait for school busses on these small roads, and the biking and jogging communities are active on these roads), our local community of over 250 homes near this proposed facility will be impacted by continuous noise (large truck brakes, backhoes, beeping reverse warning signals, etc.) all day long. We also understand that the **fine dust** that these mulching facilities produce has been known to cause lung problems and is a **known carcinogen**. Zoning law permits mulching **within 500 feet** of our homes, and this dust carries in the air for **up to 2000 feet**. These large-scale facilities also contribute to issues with our local water tables and can result **in leaching of pollutants into the nearby Triadelphia watershed**.

While smaller-scale conditional uses such as this can benefit our local farming community, we understand that in this case the land will be purchased by Robert Orndorff (JBRK, LLC) who is a local business man, the owner of the RLO Contractors, Inc., and is Chairman of the Board of Sandy Spring Bank. While the land will be purchased by an individual, our belief is that Mr. Orndorff has no intention of living on the property or farming the property (that will be done by local farmers), but only in **moving a current facility** located at 7531 Cemetery Lane in Elkridge, MD. (**zoned light industrial**) to our **rural community** for the benefit of RLO Corporation – a local excavating company that collects wood and trees in its daily operation for mulching at these facilities.

We are concerned that current regulations allow for large-scale business operations to move onto our local farms **under the guise of individual farmers** and urge you to work with other elected officials in stopping the light-industrial industries from moving into our rurally-zoned farms using loopholes in the current law.

Sincerely,

Monica and Rich Williams
Big Branch Drive
Dayton

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:10 AM
To: Tolliver, Sheila
Subject: FW: Composting Facility on Rt. 32

Karen Knight

From: Lisa and Jeff Caplan [<mailto:ljcaplan@msn.com>]
Sent: Monday, February 24, 2014 7:28 PM
To: Fox, Greg
Subject: Composting Facility on Rt. 32

Dear Mr. Fox,

I am a 12 year old student who goes to Mount View Middle school and just was informed about possibly building a mulching facility about one mile north of where I live. I think this is a huge threat not only to the many people who drive on route 32 everyday, but also the people who live in the area around it. Building this facility means that dust and wood particles would pollute our air causing serious health issues, especially for the thousands of people who live in the area, also for the students like me who attend to Mount View and Marriott's Ridge schools. It would also contaminate our underground water systems. For example, if people have a well, the water coming from the well may be full of toxic chemicals that could cause serious issues or even kill the people who use well water, like me. Building this facility could cause serious health issues in the area. Why move the facility if it works fine where it is? I am extremely worried about what could happen to people, especially elders and young children if they build a mulching faculty. It could ruin the lives of millions.

Sincerely,

Brett Caplan

2127 Whitman way

Marriottsville, Maryland 21104

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:12 AM
To: Tolliver, Sheila
Subject: FW: Dayton Wide Community Meeting on Proposed Mulching Facility

Karen Knight

From: McLaughlin, Marsha
Sent: Friday, February 21, 2014 8:51 AM
To: Rick Lober
Cc: Fox, Greg; Sigaty, Mary Kay; Watson, Courtney; Terrasa, Jen; Ball, Calvin B; Gick, Ginnie; Flowers, Kimberley; Erin Allen; John Tegeris
Subject: Re: Dayton Wide Community Meeting on Proposed Mulching Facility

Still permitted in industrial areas. Will contact you as soon as an application comes in.

Marsha McLaughlin, Director
Dept. of Planning & Zoning
3430 Courthouse Drive
Ellicott City, MD 21043

(w) 410 313 4301
(c) 410 206 5478

On Feb 21, 2014, at 8:47 AM, "Rick Lober" <rick.lober@gmail.com> wrote:

Marsha-

It was a community meeting open to all. There were supporters there. The floor was open to any question or comments. If someone from RLO was there, they stayed silent. Opinion was overwhelmingly against this.

One ironic point we heard, and maybe you can conform, is that these facilities are now allowed in RC and RR but not in industrial (M?) zoned areas.

Let us know when application comes in and we will set a meeting with you

Thanks again for your interest,

Rick

Rick Lober
858-774-5705
Sent from my iPad

On Feb 20, 2014, at 11:18 PM, "McLaughlin, Marsha" <mmclaughlin@howardcountymd.gov> wrote:

Rick,

Did anyone attend from RLO to answer questions?

Sorry this is generating such upset. I'll contact you for a meeting as soon as we have an application.

Marsha

Marsha McLaughlin, Director
Dept. of Planning & Zoning
3430 Courthouse Drive
Ellicott City, MD 21043

(w) 410 313 4301
(c) 410 206 5478

On Feb 20, 2014, at 10:21 PM, "Rick Lober" <rick.lober@gmail.com> wrote:

Thanks Marsha-

We had over 200 people at the meeting and some good discussion. Please let us know when the petition is submitted and we will set a meeting to discuss at your convenience. Appreciate your interest in the issue.

Rick Lober
Dayton Rural Preservation Society, LLC

On Thu, Feb 20, 2014 at 2:00 PM, McLaughlin, Marsha <mmclaughlin@howardcountymd.gov> wrote:

Mr. Lober,

I have the Planning Board's hearing on the FY 2015 Capital Budget tonight, so I will not be in attendance. Since we haven't received an application yet for either of the potential sites, DPZ staff is not in a position to provide information on the scope or merits of a possible mulch facility in either location.

When an application is submitted, we'd be happy to meet with representatives from your group to discuss your concerns.

Marsha

Marsha S. McLaughlin, Director

Howard County Dept of Planning and Zoning

3430 Courthouse Drive

Ellicott City, MD 21043

Work: [410-313-4301](tel:410-313-4301)

Cell: [410-206-5478](tel:410-206-5478)

From: Rick Lober [<mailto:rick.lober@gmail.com>]

Sent: Saturday, February 15, 2014 3:04 PM

To: Fox, Greg; Ken S. Ulman; Ball, Calvin B; Watson, Courtney; Terrasa, Jen; Sigaty, Mary Kay; McLaughlin, Marsha

Subject: Dayton Wide Community Meeting on Proposed Mulching Facility

Howard County Executive and Council-

A community meeting will be held on Thursday February 20th at the Dayton Oaks Elementary School Cafeteria at 7 PM to discuss opposition to the proposed mulch facility that is planning to move from an industrial area on Route 1 in Elkridge to agricultural preserve land in Dayton.

This is a conditional use allowed per recent zoning changes that many feel were intended to help our local farmers but were never intended to allow for major industrial uses on rurally zoned areas in agricultural preserve.

Significant opposition to this project which will result in traffic, environmental, health, noise and land value concerns is building in the Dayton/Glenelg area and we expect those concerned residents to be in attendance on Thursday.

You or your staff are invited to attend.

A flyer outlining concerns with the proposed project is attached.

Rick Lober

Big Branch HOA

Dayton, MD

--

Rick Lober

rick.lober@gmail.com

410-531-7479 (H)

858-774-5705 (C)

Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:11 AM
To: Tolliver, Sheila
Subject: FW: Community Meeting - Feb 27

Karen Knight

From: Keep It Farm [<mailto:keepitfarm@gmail.com@mail184.wdc02.mcdlv.net>] **On Behalf Of** Keep It Farm
Sent: Saturday, February 22, 2014 9:14 PM
To: Fox, Greg
Subject: Community Meeting - Feb 27

Use this area to offer a short teaser of your email's content. Text here will show in the preview area of some email clients.

Email not displaying correctly?
[View it in your browser.](#)

**Help us oppose the conditional use permit for an
INDUSTRIAL Mulching/Composting facility at 1500
Rt 32, Sykesville**



**This does not belong on taxpayer
supported agricultural preservation land!**

**Visit our
website**



Small text line, likely a header or footer note.

Please attend our community meeting



When?

Thursday, February 27
at 7 pm



Where?

Friendship Baptist Church
1391 Rt 32, Sykesville

Can't make it to the meeting?

Visit www.keepitfarm.com
to find out how you can help

Dear Concerned Citizens,

JBRK, LLC (RLO Contracting) is considering applying for a Conditional Use Permit to move their INDUSTRIAL composting facility from Elkridge to our residential community at the old Turf Farm at 1500 Route 32, just north of Route 99. They held a Conditional Use Pre-submission meeting on 12/19/13. Over 100 community members attended. Many concerns were expressed and many unanswered questions still remain. The more we make our opposition known, the more likely it is that we can stop this facility and others like it from appearing all over Howard County Agricultural Preservation land. This facility may not be in your backyard, but if you live near Agricultural Preservation land, it could be.

Our concerns include:

- Rt 32 traffic & safety
- Air pollution & health impacts
- Water contamination
- Noise & Odor
- Property values & aesthetics
- Zoning issues
- Introduction of invasive pests

Join us to find out how you can help protect our community.

[Sign our petition](#)

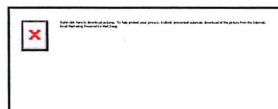
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Keep It Farm · Rt 32 · Sykesville, MD 21784 · USA



Habicht, Kelli

From: Knight, Karen on behalf of Fox, Greg
Sent: Thursday, March 06, 2014 11:12 AM
To: Tolliver, Sheila
Subject: FW: 1500 ROUT 32 SYKESVILLE MD

Karen Knight

From: Larry Boyd [mailto:larry.boyd.bvk2@statefarm.com]
Sent: Thursday, February 20, 2014 4:52 PM
To: Fox, Greg
Cc: Larry Boyd
Subject: 1500 ROUT 32 SYKESVILLE MD

Dear Councilman Greg Fox,

I am writing you from my business office about a personal matter in my community that I think you are aware about, or at least should be.

First, I want to tell you I am very angry and upset about this matter and the way it has "slipped" by under the radar. The citizens of Howard County should be furious the way they have been duped out of 2.75 million dollars. The actions of the County Council allowed a variance in zoning for land in Farmland Preservation that would allow mulching and composting on land in the program. I believe that this bill and change in use was done under the guise that it would allow farmers the ability to have a small composting/mulching production to assist in producing income. The truth is, this bill is really back room politics at its best. The change of use was done with the real intent to allow companies to use land in Farm Land preservation for a commercial industrial processing of mulch and compost. The farmland can be sold to these non- farmers who's intent is to open commercial composting. They will avoid the taxes that they should pay for the impact of their business on the county. This plot of land, about 90 acres pays about \$11,000 property tax. I pay over \$8000 for my 3 acre plot located on Coventry Meadows Dr, the community just north of the farm. I don't know who got this bills passed but it was done with the wrong intent. One of two things happened. The Council had no idea of the ramification of their actions and were duped into believing their actions would be good for farmers with land in the program to assist them with another way to produce some income, or due to the political connection of the owners of JBRF,LLC had personal reasons not in the best interest of the citizens of Howard County, but rather political or, financial backing or part of a deal brokered to get this change in usage passed. It is my understanding the JBRK,LLC currently operates a commercial mulching facility in Elkridge Maryland and that land is desired by either the State of Maryland or the county and it will be sold to one or the other.

This alone should get the citizens of the County upset, but the real damaged is going to be to the people who live close to the facility if it is allowed to proceed. Rt 32 is a deadly road. In the past few years there have been at least 4 deaths due to accidents. The road is heavily traveled and traffic is so bad I sit for over 5 minutes to make a left turn to go north in the morning from my road Coventry Meadows Dr onto RT 32. Attempting to go south is almost as bad because we have no lane to pick up speed and merge into traffic. The addition of 25 to 50 tractor trailers attempting to turn into the farm as well as the added vehicles for the employees who will transfer from the Elkridge location will only add to the already over- burdened road. This is certain to add in the number of accidents, injuries, and deaths on this very dangerous road.

The noise of the bulldozers that will be used to mix the compost will create a nuisance to those who currently sit on their deck and look out over 90 acres of beautiful farm land. The grinding of the wood to create mulch will also add to the constant noise. As a prior Industrial Arts Teacher in Howard County, I became aware of the carcinogens related to wood dust. There is medical evidence that wood dust causes cancer. The people who live close by as well as the

community including the middle and high school on RT 99 will be exposed as the winds blow from west to east most days. This is quite evident with the snow that blows from the farm onto RT32.

We all have wells and rely on the water in the ground to drink. There is no way to monitor where the wood products came from and if they were chemically treated and what toxins their composting will do to the water we drink. I don't think the county is ready to bring drinking water to our homes, heck they have done nothing to improve the safety of RT 32 other than a band aid. The turn lanes have become passing lanes. Just a matter of time until another head on accident.

I ask this question to you. Would you want to buy a \$900,000 home next to a commercial mulching composting facility? The 15 homes in Coventry Meadows pay on the average \$8000 a home in property taxes. That is \$120,000 a year. The farm pays \$11,000 as agricultural use and I believe since this is in farm land preservation, the county would not be able to assess the property properly for its use. There is no doubt in my mind that my property value will drop if this is allowed to proceed. Did you guys ever think about the health, safety, and property values of homeowners when this law was changed. I don't think any of you (unless part of this back room deal) had any idea that a farmer could sell his land to a business like JBRK,LLC and they could open a commercial processing operation and get away with farm rate taxes. I don't think (unless this was part of a back room deal) that any of you thought out that this could happen. You need to understand that you made a mistake, and change the zoning back so that commercial operations cannot buy land that was put in Farm Land preservation and the county taxpayers who paid millions to keep this as farm land, not a commercial operation are not duped.

Please consider these things:

1. The safety and the impact on RT 32 if this operation opens
2. The property values of homes in the community
3. The potential contamination of the wells from the dye, and mulching process
4. The health and safety of the air contaminated with the wood dust that can cause cancer. This air will flow past the schools and recreation fields.

Twenty years ago I built my dream home with the hopes of one day being able to sell it and provide additional retirement income. The loss of property value due to this operation will certainly hurt me as well as the rest of my community. I believe from comments I have heard in our community meeting that you want to distance yourself from this issue. That leads me to believe there is some conflict of interest with you and JBRK,LLC or its owners. I have no objection to a business operation, but not at the expense of county tax payers, their health, safety, and property values. Please do the right thing and help support the denial of the conditional use for this property

Thank you for reading
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Habicht, Kelli

From: Tolliver, Sheila
Sent: Friday, February 21, 2014 4:49 PM
To: Regner, Robin; Habicht, Kelli
Subject: FW: Mulch Manufacturing

Kelli,

We are likely to have legislation to amend the zoning regs. pertaining to this case. Please copy and hold for future legislative file (don't have a # yet.)

Sheila

From: rrfarm@verizon.net [<mailto:rrfarm@verizon.net>]
Sent: Friday, February 21, 2014 4:47 PM
To: Fox, Greg
Cc: CouncilMail
Subject: Mulch Manufacturing

Greg,

I was sorry to hear that you seem to be in favor of helping some of the same people fight another application for a conditional use.

I think we all know that Bob Orndorff is a person of integrity who will do things by the book. Mulch manufacturing is an allowable use on agriculturally preserved ground. It was also included in the new comprehensive zoning which the Council voted on and passed unanimously this past July. We know from previous experience that there seems to be no compromise with these groups, maybe they need to buy these two properties themselves (our property and the Muth property) and then they can figure out how to pay for them now and in the future.

Let me also remind you of Howard County's new Right to Farm Law which the Council also passed unanimously. This law was passed to protect farmers who produce ag products [to include timber and its by products - per the USDA], and should help in defense of Bob, should things continue to get ugly. Instead of joining in the fight with these people, why don't we educate these people to the rules and monitoring process to be able to implement this type of use?

Many of the concerns that have been presented by this group are half truths or incorrect - like a bad game of operator, the words and information that Bob presented at a pre-submission meeting in January have been distorted and twisted to gain public fear, outrage and opposition. If you have not done so already, you may want to consider contacting Bob for a copy of the minutes from that meeting.

If you would like to discuss this more, we (Ricky & Leslie) are more than willing to talk and maybe you need to come for a visit to the Muth property to see the condition it is in and what most neighbors have had to look at in the last two years. One last thing to remind you - many of these people who are opposed to the mulch manufacturing are the same ones that wanted the cell tower put on the Muth property because it wouldn't affect them there. Now they are opposing a proposed use of that property.

We are not writing this to you just for Bob's rights, but for the rights of all agriculture ground owners in Howard County. If agriculture is to continue to be a successful industry in Howard County it needs the support of the County Council.

Thanks for your time and consideration,

The Bauer Family
Ricky & Leslie Bauer