

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, May 19, 2014 4:23 PM
To: BrewerWeld@aol.com
Subject: RE: Council Bill 21-2014

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: BrewerWeld@aol.com [<mailto:BrewerWeld@aol.com>]
Sent: Monday, May 19, 2014 4:19 PM
To: CouncilMail
Subject: Council Bill 21-2014

Dear Council Members:

Because I cannot attend this evenings section I would like to state I am **against** Council Bill 21-2014 because it is a way for farmers to replenish top soil and fertilize fields naturally.

William I. Brewer
13070 Triadelphia Rd.
Ellicott City, MD 21042

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, May 19, 2014 4:23 PM
To: Habicht, Kelli
Subject: FW: Testimony for County Council Meeting Monday May 19, 2014
Attachments: Mulch Factory Health Effects Velculescu.pptx; Velculescu Howard County Council Testimony May 19 2014.doc

Cb 20 and 21 file

From: Victor Velculescu [<mailto:velculescu@jhmi.edu>]
Sent: Monday, May 19, 2014 4:08 PM
To: CouncilMail; Tolliver, Sheila
Cc: 'James Nickel'; 'John Tegeris'; 'Victor Velculescu'; 'jabh@outlook.com'; 'Dave Banwarth'
Subject: Testimony for County Council Meeting Monday May 19, 2014

Dear Ms. Tolliver and Members of the Howard County Council,

Please find attached documents related to Howard County Council meeting for this evening related to the health effects of the proposed industrial mulch facilities. Please share these with other members of the Council.

Many thanks,
Victor Velculescu

Victor E. Velculescu, M.D., Ph.D.
Professor of Oncology
Co-Director of Cancer Biology
Johns Hopkins Kimmel Cancer Center
Koch Cancer Research Building
1550 Orleans St., Rm 144
Baltimore, MD 21287
tel 410-955-7033
FAX 410-502-5742
email velculescu@jhmi.edu

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Testimony from Victor Velculescu, M.D., Ph.D. regarding proposed Mulch Facility

My name is Victor Velculescu and I reside in Dayton, MD. I am a professor of oncology at Johns Hopkins University School of Medicine where I am the Co-Director of Cancer Biology at the Sidney Kimmel Comprehensive Cancer Center. I am also on the Board of Directors of the American Association of Cancer Research, the largest cancer research organization in the United States.

I am here today to speak about the health implications of the proposed mulching operations in the residential area of Dayton. It is clear from the medical literature that industrial wood waste recycling processes result in the generation of wood fragments or mulch that have a number of inherent dangers. You have heard about some of these already in the form of fire risks and water pollution. I would like to focus on health hazards and you will hear from Jim Nickel next on the effects that have already been felt in another community in Maryland.

The two primary hazards from industrial mulch processing are increased exposure to infectious agents, such as fungi and bacteria, and carcinogenic effects of wood dust. Although we often think of wood fragments as something natural, the amount, type, and storage of materials that are generated in an industrial mulch facility are no longer on a scale that we would encounter naturally or that are inherently safe.

These are not theoretical risks. I have shared with you in my submitted testimony a recent case report of a healthy retired gentleman that developed fungal pneumonia after exposure to mulch. He developed kidney injury and failure and died of infections months later. It was clear that fungal spores from mulch were the route of infection. There are dozens of reports in the literature from throughout the world that are related to infectious agents in mulch, primarily fungi and bacteria. Fungal spores can travel large distances on the order of miles and are of particular risk to immune comprised individuals, including children and the elderly. A recent study found that of patients with the disease called fulminant mulch pneumonitis, half of those died to infection and underlying kidney disease.

The second clear health risk is from exposure to wood dust. The Centers for Disease Control (or CDC) has documented that wood dust particles are associated with a variety of health effects including dermatologic effects such as dermatitis, allergic respiratory effects including asthma, and mucosal and nonallergic respiratory effects, including bronchitis, irritation, bleeding, and obstruction, as well as coughing, wheezing, sinusitis, and prolonged colds.

However, the health effect that is of most concern to me is that wood dust has been categorized by the World Health Organization (WHO) and the Centers for Disease Control as a carcinogen. The CDC states: "The association between exposure to wood dust and various forms of cancer has been explored in many studies and in many countries." And the WHO indicates "Wood dust causes cancer of the nasal cavity and paranasal sinuses, and of the nasopharynx. It is carcinogenic to humans." There are hundreds of papers in the medical

literature that document the increased risk from wood dust for nasal cancers, lung cancers, Hodgkin's lymphoma, and potentially other kinds of cancers.

Carcinogens by definition increase the risk of cancer, especially to those exposed over longer periods of time. Dayton is in part a residential community where there are a large number of children and many residents that spend a significant amount of time outdoors and would be directly exposed to the health risks I have described. And of course, many residents plan to live in the community for many years, even their entire lives. To allow exposure to infectious and carcinogenic agents from this type of facility to a large number of individuals in a residential area does not seem to be in the public interest. This would make Dayton the equivalent of a petri dish of health experimentation. Given this and other testimony that you will hear today, I would urge members of the Howard County Council to support legislation that would limit these type of industrial mulching operations to industrial areas and prevent them from occurring in farming, agricultural, conservation, and residential areas like those of Dayton.

Health Hazards

Industrial mulch processing results in increased health risks

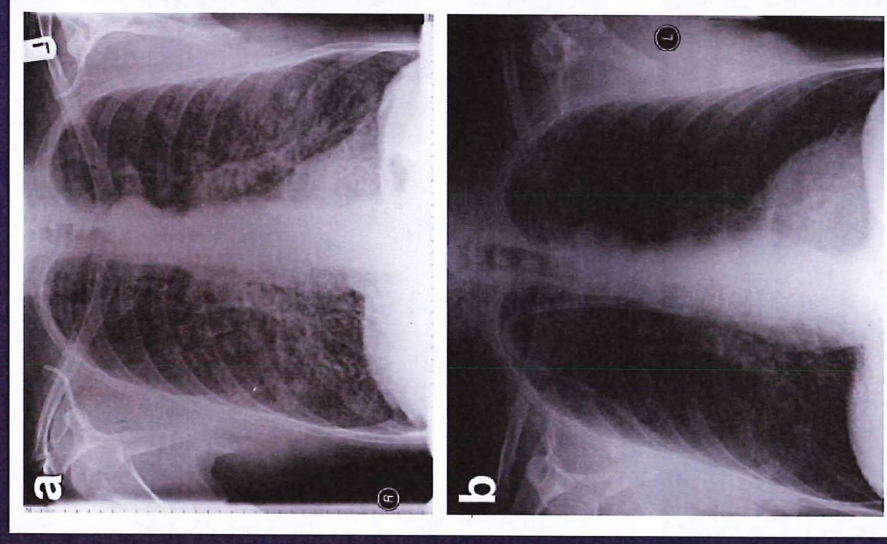
- **Infectious agents – fungi and bacteria**
- Wood dust – allergic effects
- Wood dust – cancer

Health Hazards of Industrial Wood Waste

Victor Velculescu, M.D., Ph.D.

Sidney Kimmel Comprehensive Cancer Center
Johns Hopkins University

Example: Acute fungal pneumonia



At presentation

2 months later

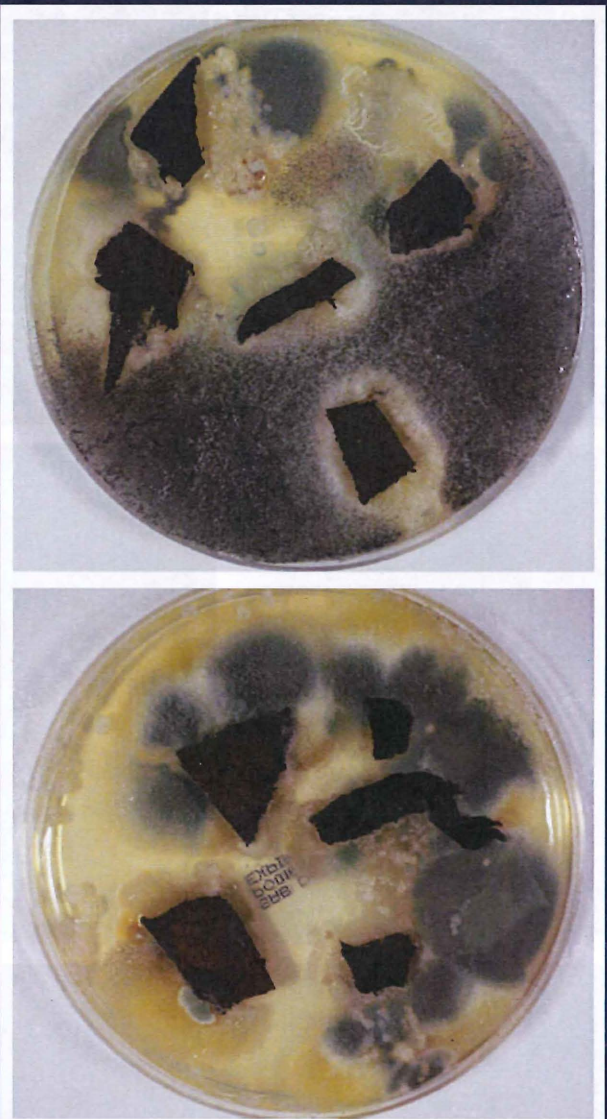
A 69 year old retired man with no significant medical history. Developed acute pneumonia after spreading tree bark mulch.

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

Died of sepsis 10 months later.

Inhalation of fungal spores from mulch was determined 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-Assayaq 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, Marcello-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 – allergic effects**
- Wood dust – cancer

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.”

1988 CDC OSHA PEL Documentation

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.”

Health Hazards

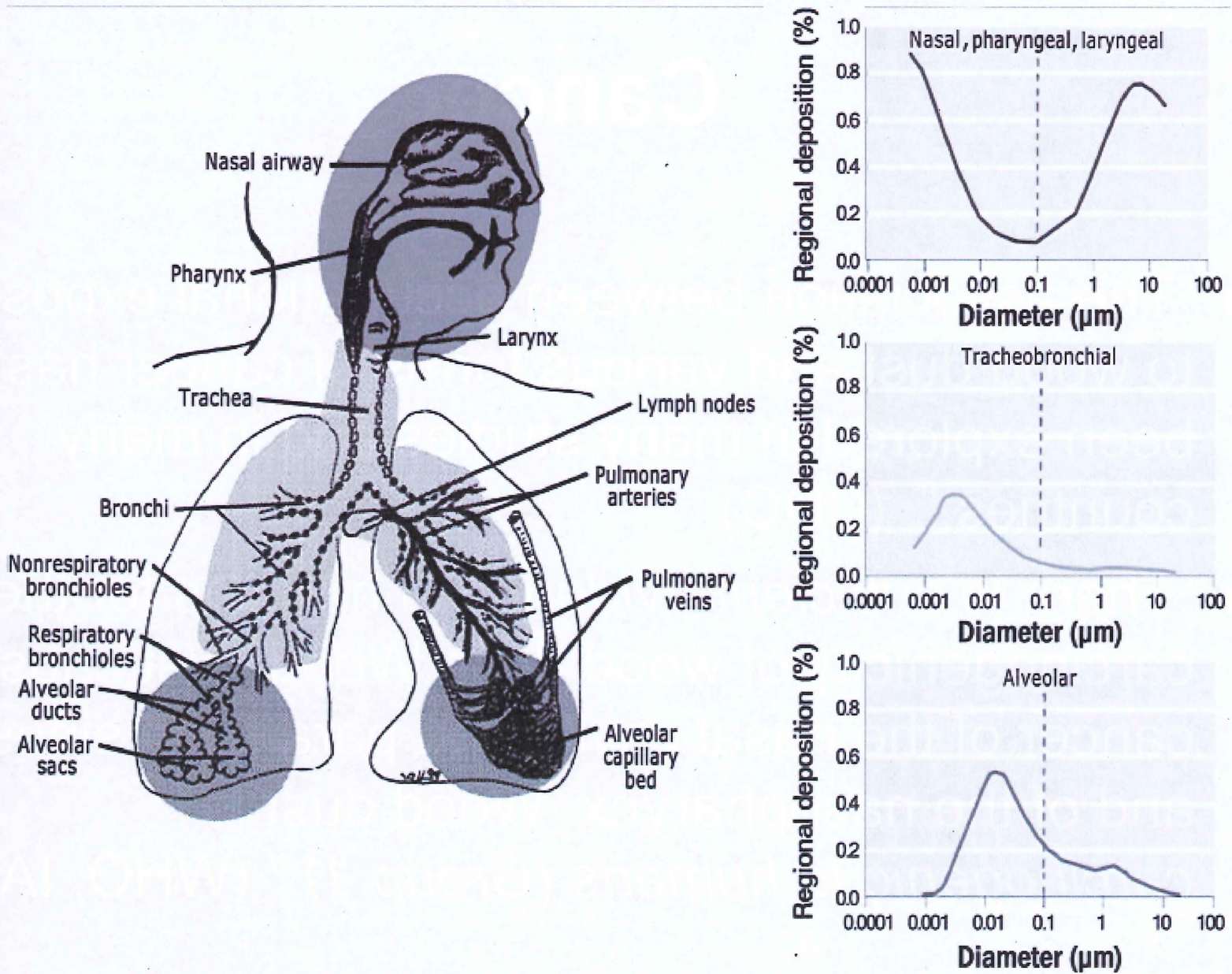
Industrial mulch processing results in increased health risks

- Infectious agents – fungi and bacteria
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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 100 times-greater incidence of nasal adenocarcinoma among those exposed to wood dust 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 exposed to wood dust.

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.”
- Other studies concluded that men working in the wood industries in the eastern United States as well as Washington state were at special risk for Hodgkin’s disease.

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.”
- ■ Emerging evidence that risks of oral cancer increase with exposure to wood dust.

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

Health Hazards Associated with
Wood Dust and Fungi
from Mulch Producing Facilities

19 May 2014

Presentation to the Howard County Council

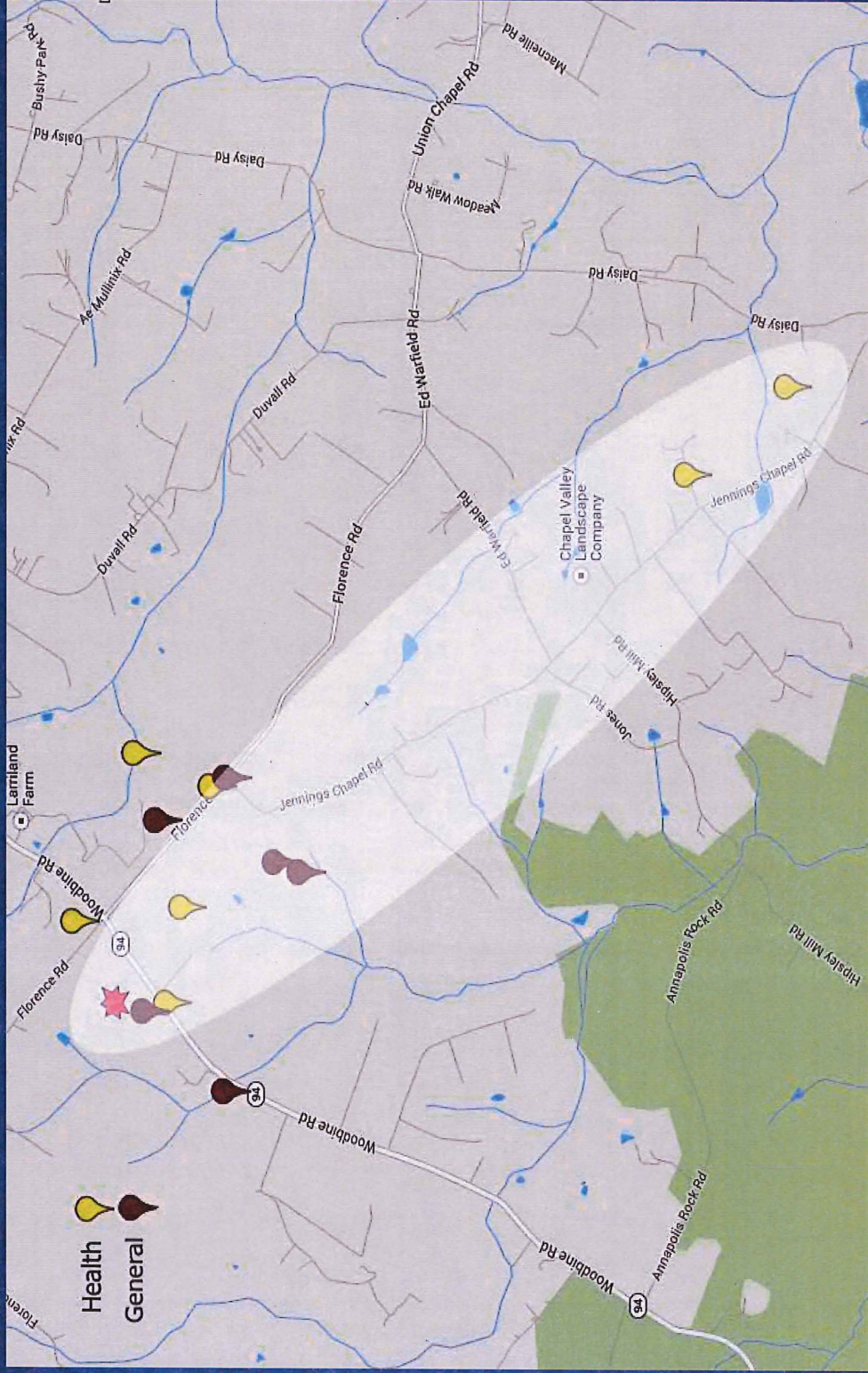
James and Cynthia Nickel
4904 Green Bridge Rd., Dayton, MD 21036

Contributors: Rob and Leslie Long
2701 Woodbine Rd., Woodbine, MD 21797

Zoning Inspections Requests Oak Ridge Farms

- Residents of Woodbine made a minimum of 17 requests to DPZ [Nov-Dec 2013]
- 9 Requests explicitly stated respiratory related issues
 - All with health issues were age 51 and older
 - 2 residents under care at Johns Hopkins were tested and found to have wood particulate matter in their respiratory system
 - Distance between the Oak Ridge facility and most distant health issue was 3.1 miles [airborne fungi spores can travel longer distances than wood dust]
- 8 Requests were of a general nature
 - Traffic
 - Pollution & contaminants
 - Decline in air quality
 - Odor
 - Noise, e.g., “louder than a combine”
 - Residents can feel the vibrations of the grinding equipment
 - Occurring 6 or 7 days a week

Inspection Requests - Clustering



Prevailing North West Winds Affecting Residents to 3.1 Miles
Florence and Jennings Chapel Roads may provide "corridors" for wind

Follow on Data Gathering

- Chronic Sinusitis
- Flu that last “months”
- Serious and rapid degradation of respiratory abilities
- Wood particulate matter found in nasal passages
- Use of respiratory masks directed by ENT
- Nasal polyps
- Polyps of the throat

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, May 19, 2014 2:55 PM
To: dabandel@gmail.com
Subject: RE: CB20 and CB21

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: dabandel@gmail.com [<mailto:dabandel@gmail.com>]
Sent: Monday, May 19, 2014 2:48 PM
To: CouncilMail
Subject: CB20 and CB21

Data from form "Contact Howard County Government" was received on 5/19/2014 2:47:29 PM.

Contact Howard County Government

Field	Value
HCGEmailAddr	councilmail@howardcountymd.gov
YourEmailAddr	dabandel@gmail.com
Name	David Bandel
Subject	CB20 and CB21
MessageBody	Dear Sir or Madam, I would like to express my opposition to CB20 and CB21. As written, they are unworkable to our farmers who rely on their ability to compost as part of normal farm operations that have existed for decades. Respectfully, -David Bandel

Email "CB20 and CB21" originally sent to councilmail@howardcountymd.gov from dabandel@gmail.com on 5/19/2014 2:47:29 PM.

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, May 19, 2014 12:53 PM
To: Habicht, Kelli
Subject: FW: CB21 Wood processing on County Farm Preservation

Cb 20 and 21

From: Ken Derrenbacher [<mailto:KDERREN@schnabel-eng.com>]
Sent: Monday, May 19, 2014 12:45 PM
To: CouncilMail
Subject: CB21 Wood processing on County Farm Preservation

As a Dayton resident, I am interested in this bill. However, I am against modifying it, ie. Restricting the composting to 1 acre on "farms"

I very much appreciate the rural nature of western Howard County and would like to see more of it preserved. By continuing to limit the uses for the preserved farmland, you reduce the number of landowners wanting to enter the program. The result is more houses.

I believe that farmers in the program can use their farms for conditional uses- as long as they meet good neighbor criteria concerning noise, dust, pollution. In other words meet all the normal permitting requirements. In the Dayton case, it sounds to me like the owner is locating the area out of sight, in the center of the farm, where disruption is minimal.

The local home owners are being the typical NIMBYs. They feel they are entitled to the open rolling farmland, without regard to how the farmers can sustain it. They must be willing to compromise If the farmers can't make a living, the farms will fall into disrepair, not be farmed, and will not serve the neighbors or the County well. I understand this is the case for the Dayton farm property.

If we continue to restrict the farmers, the rural Howard County will be no more. I encourage you to seek middle ground. There must be reasonable measures to allow the farmers to make a living and sustain their farms, yet protect the surrounding neighbors from unreasonable disturbances.

Thank you.

—
Ken Derrenbacher

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, May 19, 2014 8:41 AM
To: Habicht, Kelli
Subject: FW: Presentation to the Council - 19 May 2014
Attachments: Nickel - County Council Presentation - 19 May 2014.ppt

Also, please file with CB 20-21

From: James Nickel [<mailto:james.nickel55@gmail.com>]
Sent: Monday, May 19, 2014 8:29 AM
To: Tolliver, Sheila
Subject: Presentation to the Council - 19 May 2014

Attached is a copy of the presentation I plan to give this evening on the health hazards resulting from mulch production operations. Please copy the presentation to your laptop for presentation.

I will also bring 10 black and white printed copies.

Best Regards,
Jim Nickel

Habicht, Kelli

From: Tolliver, Sheila
Sent: Monday, May 19, 2014 8:43 AM
To: Ball, Calvin B; Courtney Watson; Fox, Greg; Greg Fox (Greg.Fox@Constellation.com); Sigaty, Mary Kay; Terrasa, Jen
Cc: Habicht, Kelli
Subject: FW: Submission to the County Council
Attachments: Nickel - County Council Submission - Black and White.ppt; Nickel - County Council Presentation - Black and White.ppt; Nickel - County Council Submission - 19 May 2014.ppt

Members, for your information, testimony on CB 20 and 21.

Kelli, please file with those bills.

Sheila

From: James Nickel [<mailto:james.nickel55@gmail.com>]
Sent: Monday, May 19, 2014 8:34 AM
To: Tolliver, Sheila
Subject: Submission to the County Council

Ms. Tolliver,

In addition to the presentation material, I would like to provide for further consideration by the council members more detailed materials that my 3 minute time does not allow.

I have also included a black and white version of the presentation material.

Best Regards,
Jim Nickel

Health Hazards Associated with Wood Dust and Fungi from Mulch Producing Facilities

19 May 2014

Submission to the Howard County Council

James and Cynthia Nickel
4904 Green Bridge Rd., Dayton, MD 21036

Contributors: Rob and Leslie Long
2701 Woodbine Rd., Woodbine, MD 21797

Mulch, Fungi and Wood Dust

Peer Reviewed Studies

- Mulch is generally considered “safe” for residential application. The production of mulch produces high concentrations of wood dust and fungal spores that are hazardous.

Here are but five studies that begin to touch on the potential consequences.

- Fulminant Mulch Pneumonitis: An Emergency Presentation of Chronic Granulomatous Disease
- Infectious Diseases Society of America
- Fungal spores: hazardous to health
- US National Library of Medicine, NIH
- Adverse Human Health Effects Associated with Molds in the Indoor Environment
- American College of Occupational and Environmental Medicine
- Pulmonary responses after wood chip mulch exposure.
- US National Libratory of Medicine, NIH
- Binding of *Aspergillus fumigatus* spores to lung epithelial cells and basement membrane proteins: relevance to the asthmatic lung.
- I.M. Bromley and K. Donaldson

Fungal Spores: Hazardous to Health

- “Fungi have long been known to affect human well being in various ways, including disease of essential crop plants, decay of stored foods with possible concomitant production of mycotoxins, superficial and systemic infection of human tissues, and disease associated with immune stimulation such as hypersensitivity pneumonitis and toxic pneumonitis. The spores of a large number of important fungi are less than 5 micron aerodynamic diameter, and therefore are able to enter the lungs. They also may contain significant amounts of mycotoxins. Diseases associated with inhalation of fungal spores include toxic pneumonitis, hypersensitivity pneumonitis, tremors, chronic fatigue syndrome, kidney failure, and cancer.”

W.G. Sorenson – US Library of Medicine, NIH

Wood Dust: Hazardous to Health

- “Cancers have been associated with wood dust exposure. The National Institute for Occupational Safety and Health (NIOSH) considers both hardwood and softwood dust to be potentially carcinogenic to humans. *The three types of cancers associated with wood dust exposure are nasal and sinus cavity cancer, lung and other cancers, and Hodgkin's disease.* The wood and cancer relationship was studied by Milham (1974), who conducted a mortality study involving the AFL-CIO United Brotherhood of Carpenters and Joiners of America. This study supports the hypothesis that wood contains carcinogenic agents. The cancer mortality patterns found were:
 - Excess lung cancer in acoustical tile applicators and insulators.
 - Excess gastrointestinal cancer in pile drivers.
 - Excess leukemia lymphoma group cancers in millwrights, mill workers, and lumber and sawmill workers.
 - Excess lung and stomach cancer in construction workers with the greater excesses found in workers in major urban areas.
- Hodgkin's disease has also been associated with wood dust.”

Wood Dust Exposure Hazards AEX-595.1-2006

Thomas L. Bean, in collaboration with Timothy W. Butcher and Timothy Lawrence
Ohio State University

Wood Dust and Fungi Risk Mitigation

- It is inevitable that mulch dust and fungal spores will be carried by prevailing winds
 - Grinding wood and frequent churning of mulch piles ejects dust and fungal spores into the air.
 - Fungal Spores can't be seen with the naked eye [< 5 microns] and are airborne to greater distances than mulch dust. Mulch processing requires the use of water to reduce mulch dust both as an irritant and to mitigate against mulch fire risk.
 - Moisture stimulates the growth of mold.
 - Fungi/fungal spores are dormant when dried and reactivated when inhaled.

Howard County Test Case

Sponsored by Oak Ridge Farms, LLC

- Oak Ridge Farms, LLC has inadvertently provided Howard County with a test case of the possible consequences of mulching and composting facility on Agricultural Preservation Properties.
- The residents of Woodbine, including farmers and livestock, have been the unwitting and unwilling subjects in this test case.
- We can learn a lesson from this experiment on Woodbine Residents.
- Observation, sample collection and analysis of the Woodbine experience is necessary.

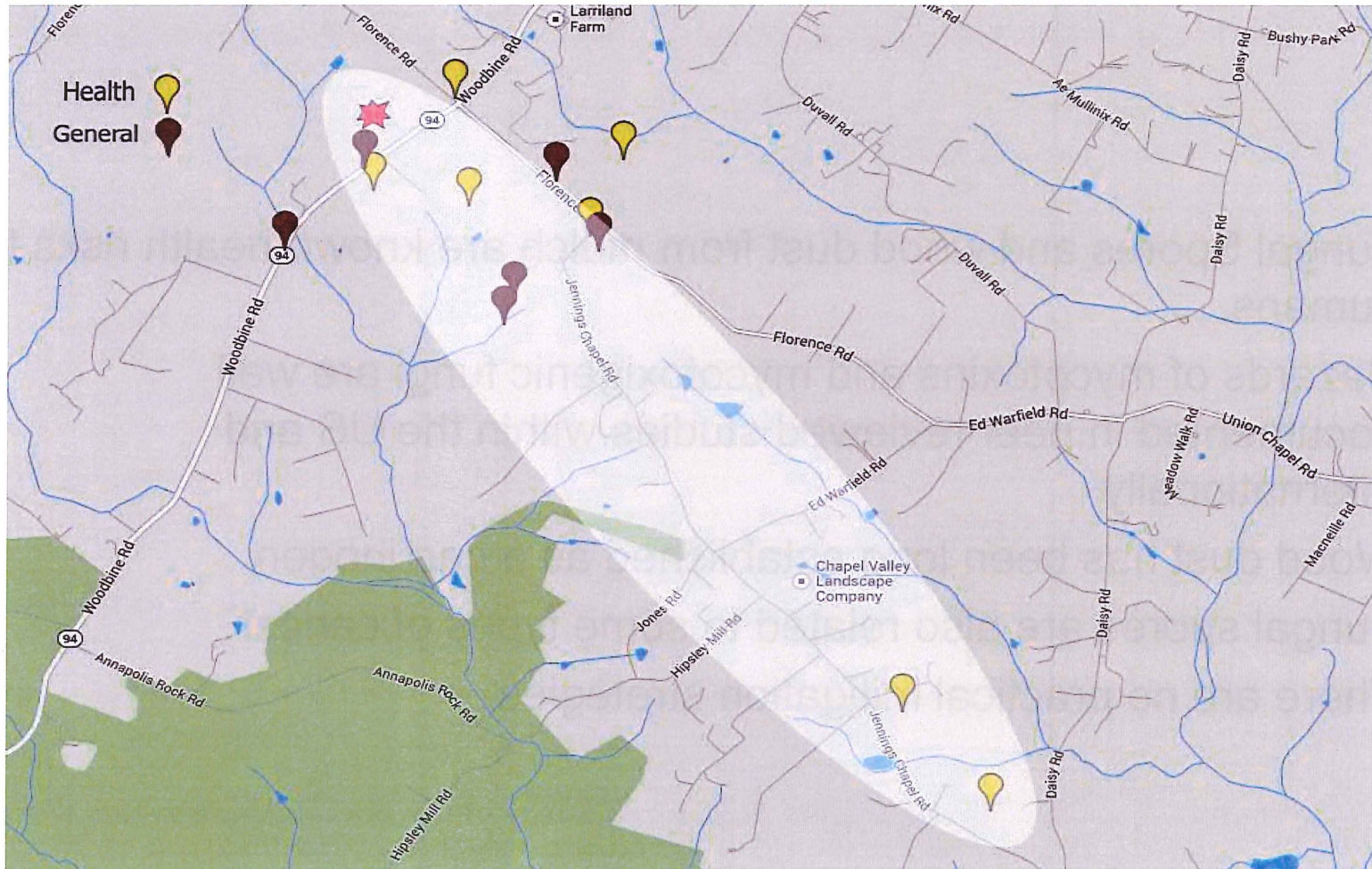
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Prevailing North West Winds Affecting Residents to 3.1 Miles
Florence and Jennings Chapel Roads may provide “corridors” for wind

Summary – Health Hazards

- Fungal Spores and wood dust from mulch are known health risks to humans.
- Hazards of mycotoxins and mycotoxigenic fungi are well documented in peer reviewed studies within the US and Internationally.
- Wood dust has been long established as a carcinogen.
- Fungal spores are also related to some types of cancer.
- There are no practical mitigation strategies.

Summary - Woodbine Test

- Woodbine Residents have been unwitting participants in a “test” resulting from operations by Oak Ridge Farms, LLC.
- In a relatively short period of time, residents and livestock are showing symptoms commonly associated with fungal spore contamination and wood dust inhalation.
- The clustering of those affected is consistent with prevailing winds.
- The affected persons in Woodbine are more than 3 miles away from the Oak Ridge Farms, LLC facility.
- Horses and livestock are showing respiratory distress.

Health Hazards Associated with
Wood Dust and Fungi
from Mulch Producing Facilities

19 May 2014

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James and Cynthia Nickel
4904 Green Bridge Rd., Dayton, MD 21036

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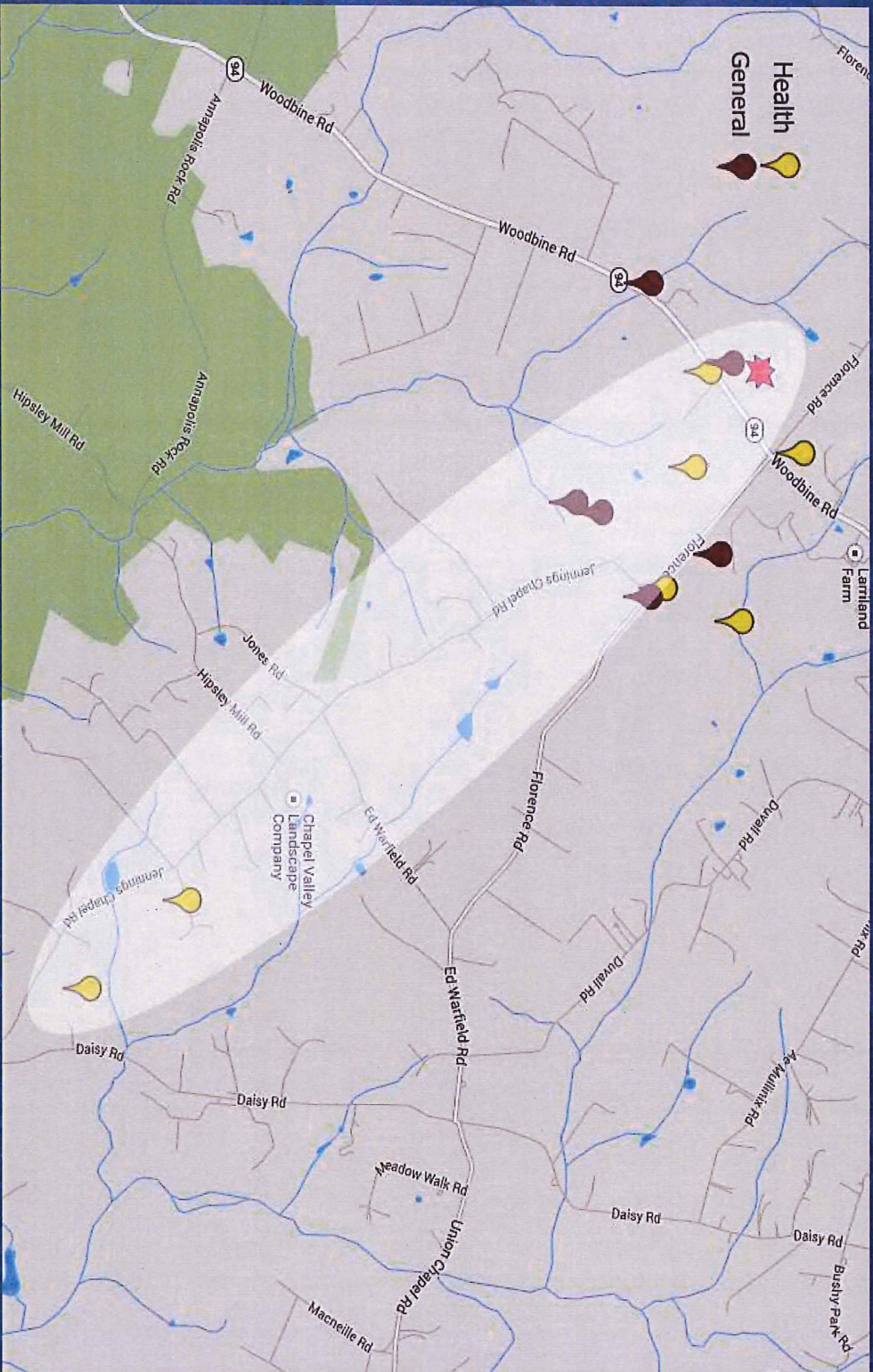
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- Requests explicitly stated respiratory related issues
 - All with health issues were age 51 and older
 - 2 residents under care at Johns Hopkins were tested and found to have wood particulate matter in their respiratory system
 - Distance between the Oak Ridge facility and most distant health issue was 3.1 miles [airborne fungi spores can travel longer distances than wood dust]
- 8 Requests were of a general nature
 - Traffic
 - Pollution & contaminants
 - Decline in air quality
 - Odor
 - Noise, e.g., “louder than a combine”
 - Residents can feel the vibrations of the grinding equipment
 - Occurring 6 or 7 days a week

Follow on Data Gathering

- Chronic Sinusitis
- Flu that last "months"
- Serious and rapid degradation of respiratory abilities
- Wood particulate matter found in nasal passages
- Use of respiratory masks directed by ENT
- Nasal polyps
- Polyps of the throat

Inspection Requests - Clustering



Prevailing North West Winds Affecting Residents to 3.1 Miles
Florence and Jennings Chapel Roads may provide "corridors" for wind

Summary – Health Hazards

- Fungal Spores and wood dust from mulch are known health risks to humans.
- Hazards of mycotoxins and mycotoxigenic fungi are well documented in peer reviewed studies within the US and Internationally.
- Wood dust has been long established as a carcinogen.
- Fungal spores are also related to some types of cancer.
- There are no practical mitigation strategies.

Summary - Woodbine Test

- Woodbine Residents have been unwitting participants in a “test” resulting from operations by Oak Ridge Farms, LLC.
- In a relatively short period of time, residents and livestock are showing symptoms commonly associated with fungal spore contamination and wood dust inhalation.
- The clustering of those affected is consistent with prevailing winds.
- The affected persons in Woodbine are more than 3 miles away from the Oak Ridge Farms, LLC facility.
- Horses and livestock are showing respiratory distress.

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, May 29, 2014 11:38 AM
To: Habicht, Kelli
Subject: FW: Letter of opposition to current zoning laws

Cb 20-21 file

From: Sigaty, Mary Kay
Sent: Thursday, May 29, 2014 11:19 AM
To: Tolliver, Sheila
Subject: FW: Letter of opposition to current zoning laws

From: Adam Jacobs <abcdjmos@gmail.com>
Date: Thursday, May 29, 2014 at 1:54 AM
To: Mary Kay Sigaty <mksigaty@howardcountymd.gov>
Subject: Letter of opposition to current zoning laws

Dear Council Member Sigaty,

My name is Adam Jacobs and I'm a twenty-two year old resident of Dayton. I'm writing to you to express my opposition to the current, and relatively new, zoning laws, which would allow for the realization of projects like the one currently proposed by JBRK LLC. To be sure, I take this position for a couple reasons.

It seems to me that many individuals who share my position have placed much emphasis on the safety threats that large trucks this project, and other possible ones like it, would bring to Dayton's narrow and winding roads, the sight and sound of industrial facilities in a beautiful, rural town, etc. While these concerns are absolutely valid and important, **what troubles me - and what should trouble any rational, responsible and empathetic individual - are the health risks posed by industrial facilities for which the current zoning laws allow: well and water contamination and carcinogenic air pollution.**

After the testimonies by several individuals - most notably Dr. Victor Velculescu's (associate professor of oncology at JHU and co-director of the Cancer Biology Program at JH's Sidney Kimmel Comprehensive Cancer Center), as well as those by the several residents of Woodbine currently living next to an industrial mulching and composting site a fraction of the size as the one proposed for Dayton - at the 19 May Howard County Council Meeting, the reality of these health risks are undoubtedly evident. **That is to say, if these zoning laws are kept, industrial facilities like the one proposed will - not might - adversely affect the health not only of the residents of Dayton, but, too, of neighboring cities and towns.**

The facts here are too clear to make the wrong decision. Dayton and its neighboring cities and towns are incredibly desirable places to live, but I'm more than certain that if these zoning laws are kept the way they are, this will increasingly cease to be the case.

At the Council Meeting it was amazing to hear those in favor of the current zoning laws and of the proposed mulching facility take a defensive position by asking how far we - those against the current zoning laws - are going to go in limiting the uses of rural land, etc. It's more than clear that it was they, not we, who changed, or who, at the very least, are in favor of, the new zoning laws. It is us - those against the current zoning laws - who are on the defensive; we are defending our health and our town from individuals who certainly care about neither. **Not we, but they - those for the current zoning laws - are on the offensive; it is they who want to change the laws for their benefit; we want to keep things the way they were. It is fundamentally misleading to ask how far we are going to go; the question that should be asked is how far they are going to go.**

Even one industrial facility like the one proposed - its inevitable well and water contamination and carcinogenic pollution - is too much. Would you voluntarily live next to such a facility? If not, then where's the legitimacy in forcing thousands of other people to?

I'm not at all against industry, etc. ... but to allow for the building of an industrial site like the one proposed - a facility that will assuredly pollute the ground, water and air - in the center of a residential area, thereby putting the health of thousands of individuals at risk, is not only unacceptable, but horrendous. I urge you to drive to the location of the proposed mulching facility in Dayton, and then drive through the town - there are thousands of homes all around ... and you will see that the proposed mulching facility would be incredibly, and irresponsibly, misplaced.

I urge you to change the zoning laws to disallow for the realization of this project and ones like it.

Thank you very much for your time, consideration and service.

Adam

Habicht, Kelli

From: Tolliver, Sheila
Sent: Wednesday, June 04, 2014 10:50 AM
To: Habicht, Kelli
Subject: FW: Thank You...

File CB 20-21

From: Clay, Mary
Sent: Wednesday, June 04, 2014 10:09 AM
To: Tolliver, Sheila
Subject: FW: Thank You...

From: johntegeris@juno.com [<mailto:johntegeris@juno.com>]
Sent: Wednesday, June 04, 2014 3:37 AM
To: Ball, Calvin B; Fox, Greg; Sigaty, Mary Kay; Terrasa, Jen; Courtney Watson
Cc: Pruim, Kimberly; Knight, Karen; Clay, Mary; Shopland, Jamie; Chaconas, Terry
Subject: Thank You...

Hi All,

On behalf of DRPS, I wanted to take a moment to thank our Council Members and your respective staff for working through an incredibly complex and challenging situation to arrive at what we believe is the right decision for the rural communities we represent. Equally important is the establishment of the Task Force to continue working through related issues to ensure we protect both quality of life for all citizens while protecting the rights of the true farmers in our great County to continue their existing farming operations unimpeded. We are thankful for a seat at the table and will approach the issues with continued professionalism for the discussions that will evolve as part of a continual improvement process.

On a personal note, I am extremely grateful for your accessibility to meet with us and intense focus to work through the many moving parts in such a short period of time. Your ability to do so while balancing fairness for all affected parties was truly extraordinary and a privilege to watch unfold.

The front end of my quote in the Baltimore Sun did not make it into print so I share it here given it speaks to the power of what you collectively have accomplished, by example, with our issue, "Our sincere thanks to the County Council for reaffirming our belief in the legislative process to do what is right for the people of Howard County when real changes are needed."

We look forward to continue serving both our County Council and the communities we represent in our new role on the Task Force. With much appreciation,

Best,
John

Habicht, Kelli

From: Tolliver, Sheila
Sent: Tuesday, June 03, 2014 11:17 AM
To: Habicht, Kelli
Subject: FW: amend Council Bill 21-2014 (ZRA 148 to remove Industrial Wood Waste Recycling)

Cb 20 and 21 files

From: Tolliver, Sheila
Sent: Tuesday, June 03, 2014 11:17 AM
To: 'Lester Brown'; kulman@howardcounty.gov; CouncilMail
Subject: RE: amend Council Bill 21-2014 (ZRA 148 to remove Industrial Wood Waste Recycling)

Thank you for your email of June 3, 2014 requesting action before June 2 on Council Bill 21-2014. The County Council voted on June 2 to withdraw Council Bill 21-2014. There was a second bill, Council Bill 20-2014, which also considered revised zoning regulations pertaining to mulch and composting on agricultural and preserved land. The Council adopted CB 20-2014 with amendments. The bill as amended prohibits mulch manufacturing on preserved agricultural land. A new resolution, Council Resolution 74-2014 was introduced last night, which proposes the creation of a task force to study land use provisions pertinent to mulch manufacturing and wood processing and to make recommendations to the Council for regulatory and policy changes.

As one of the co-sponsors of CB 20-2014 explained, the new zoning regulations adopted on June 2 give the Council some time to consider more carefully the appropriate balance of provisions to protect the farmers' investment and to ensure that agricultural operations are tailored to protecting the safety of the environment and the well-being of the County's citizens. These issues will be under review by the proposed task force for several months, and they will be resolved by the next County Council, as current council members will be unable to adopt new zoning provisions on or after the primary election later this month.

The Council members appreciate your interest in this legislation.

Sheila Tolliver
Administrator
Howard County Council
410 313-2001

From: Lester Brown [mailto:lesterbrown@earth-policy.org]
Sent: Tuesday, June 03, 2014 10:59 AM
To: kulman@howardcounty.gov; CouncilMail
Subject: amend Council Bill 21-2014 (ZRA 148 to remove Industrial Wood Waste Recycling)

Dear Ken Ulman and County Council,

Your action is urgently and immediately needed before June 2. Howard County, MD has been recognized for its achievements. You will receive even greater leadership recognition for an eco environment by protecting rural conservation land; protecting our future by protecting our dwindling natural resources; and protecting health and safety.

We most strongly urge you to amend Council Bill 21-2014 (ZRA 148) to remove Industrial Wood Waste Recycling from rural conservation and agricultural preservation land.

The dangers to our natural resources, our future, our health and safety are too great for any compromise.

We hope that we can recognize you as one of those forward thinkers who look ahead to sustain our future and build upon our dwindling resources.

Sincerely,

Lester R. Brown
President

The Earth Policy Institute is a nonprofit research organization providing policy research and recommendations on sustainable development and living, as well as on environmental issues. EPI's goals are (1) to provide a global plan for moving the world onto an environmentally and economically sustainable path, (2) to provide examples demonstrating how the plan would work, and (3) to keep the media, policymakers, academics, environmentalists, and other decision-makers focused on the process.

Eco-Economy: Building an Economy for the Earth. The purpose of Eco-Economy is to describe the new economy, to provide a vision of what it will look like, how it will work, and how we get from here to there (See Table of Contents). The eco-economy is designed to mesh with the Earth's ecosystem instead of destroying it. The book contains detailed descriptions of the policy instruments, such as tax shifting and eco-labeling, which will be at the center of the restructuring process. Currently being published in 18 languages, Eco-Economy is the Institute's flagship publication. Pulitzer Prize winner, E.O. Wilson, called it "an instant classic." TheGlobalist.com named it one of the Top Ten Books (in the world) in 2001. The Japanese edition was rated the number one recommended translation by Asahi Shimbun. *The Earth Policy Reader*. In scores of countries, converging ecological deficits are undermining local economies on a scale that has no precedent. In *The Reader*, Lester Brown, Janet Larsen, and Bernie Fischlowitz-Roberts examine the economic costs of these ecological deficits and assess progress in building an eco-economy.

LESTER R. BROWN, founder and President of Earth Policy Institute, has been described by the *Washington Post* as "one of the world's most influential thinkers" and as "the guru of the global environmental movement" by *The Telegraph of Calcutta*. The author of numerous books, including *Full Planet, Empty Plates: The New Geopolitics of Food Scarcity*, chapters, articles, etc., he helped pioneer the concept of environmentally sustainable development. His principal research areas include food, population, water, climate change, and renewable energy. The recipient of scores of awards and honorary degrees, he is widely sought as a speaker. In 1974, he founded Worldwatch Institute, of which he was President for its first 26 years. As President, he launched the *World Watch Papers*, the *Worldwatch/Norton* books, the annual *State of the World*, *World Watch* magazine, the annual *Vital Signs*, and the Institute's *News Briefs*.

Lester R. Brown
President
Earth Policy Institute
1350 Connecticut Ave., NW, Ste 403
Washington, DC 20036
(202) 496-9290 x 11
lesterbrown@earthpolicy.org

IMPORTANT VOTE!

ATTEND THE LEGISLATIVE SESSION

George Howard Building

3430 Courthouse Dr, Ellicott City

MONDAY JUNE 2ND @ 7:30PM

WEAR BLACK and your button TO SHOW YOUR SUPPORT

“1,000 People, One Voice”

Dayton Rural Preservation Society LLC is working to oppose industrial mulch, compost facilities on Ag Preserve farmland throughout Howard County especially the one already proposed in a pre-submission meeting in January 2014 for Dayton, Maryland and another operating illegally in Woodbine. Amendments to the zoning regulation have been submitted to undo recently amended laws last summer allowing industrial operations on Ag Preserve farmland. This will be voted on at the Legislative Session Monday Night. We will not have the chance to speak but our numbers will speak volumes!!!

FINAL VOTE!!!! EVERYONE MUST ATTEND!!!!

The types of facilities proposed utilize 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 will be introduced to our neighborhoods. If the zoning amendment isn't approved, it will significantly reduce your property values and quality of life.



Together we are making a difference, to make sure our County Council will make this right. We are counting on YOU to stand with us on June 2.

Show up early to get a seat!

Bring your signs, Bring your friends and Neighbors...this is our last chance!!!!

www.PreserveDayton.com

Email:info@PreserveDayton.com Facebook:www.Facebook.com/PreserveDayton Twitter:[@PreserveDayton](https://twitter.com/PreserveDayton)

CB 20-27
file

CB
ST
MB
SP
TW

Dear Mr. Ball;


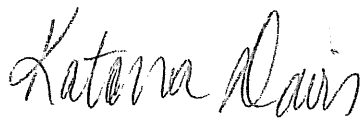
We live in your district, and were appalled to learn of the proposed mulching factories to be built on agricultural land in western Howard County. Although we don't live in that area, preserving its beauty is important to us – we take scenic drives on a lovely day, bike and bike race along the country roads, pick apples at Larriland, visit Sharp's at Waterford Farm, and cut down Christmas trees at TLV Farm. Our tax dollars pay for the agricultural preservation program and subsidize the lower taxes on agricultural land, and we have an investment in conserving western Howard County as a resource for us all.

We understand that this outcome is an effect of recent changes to the Howard County zoning laws, and at the time the changes were made, we were promised that unintended consequences and problems would be fixed. We strongly believe this qualifies as such a circumstance. Visits to the attractions we love would be marred by the stench of mulch and the deafening noise of grinding machines, and bikers will be exposed to the danger of constant dump truck traffic on narrow, windy roads. These factories could be approved anywhere on agricultural preservation land, and the qualifier as a "conditional use" only means there will be an argument as to the extent of the use – not to the activity itself.

We do not agree that "chipping wood" is an inherently agricultural activity, similar to raising pigs. Wood chipping is done everywhere - in suburban yards, along tree-trimmed roads, in furniture factories, and at landfills. The proposed function is a factory, where raw material is trucked to a facility, processed and trucked out – no different in concept than trucking in chemicals, mixing them together to make floor cleaner, and shipping out the final product.

Howard County DPZ's goal of improving opportunities for small farmers is very important, but we are unclear as to what problem this zoning change was intended to solve. It makes excellent economic sense for a businessman to buy inexpensive agricultural land, reap the benefits of lower cost operations and agricultural property taxes, and allow the taxpayer to subsidize the repair of roads not built for commercial traffic. We seek Democratic leadership in protecting the interests of your constituents and all Howard County residents, and look forward to your thoughts on the matter at the May 19, 2014 meeting.

Sincerely,



Habicht, Kelli

From: Tolliver, Sheila
Sent: Tuesday, May 27, 2014 3:30 PM
To: Habicht, Kelli
Subject: FW: Dayton Rural Preservation

File cb 20-21

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

From: Sigaty, Mary Kay
Sent: Tuesday, May 27, 2014 2:18 PM
To: Terrasa, Jen; Tolliver, Sheila
Subject: FW: Dayton Rural Preservation

FYI.

--

Mary Kay
Sigaty
Howard
County Council Member
District 4
3430 Court
House Drive
Ellicott City, MD 21043
410-313-2001

On 5/26/14, 3:12 PM, "Bos, Jonathan" <Jonathan_Bos@mcpsmd.org> wrote:

>Council Members,

>

>I am writing to urge all of you to do the right thing as regards the
>proposed mulching facility in Dayton. You have been to the meetings
>and you are well aware of the level of opposition Mr. Orndorff's
>development plans have raised in the community. I've knocked on plenty
>of doors and talked to plenty of people - NO ONE wants Mr. Orndorff's
>plans to go forward.

>

>As I understand, there are two amendments that would disallow
>industrial mulching on Ag Preserve land - the amendment put forward by
>Council Member Fox, and the amendment put forward by the Dayton Rural

>Preservation Society. I'm not particular; I think either one would do.
>But I urge you to take action and pass one of these amendments without
>delay. It's somewhat outrageous that this is even under discussion.
>Industrial mulching does not belong on Agricultural Preserve land, and
>it certainly doesn't belong in a largely residential community. Please
>do the right thing on this issue. I can guarantee you that the
>community will not stop opposing this. We will work, organize, and
>agitate until industrial mulching is moved out of Dayton and off Ag Preserve land.
>
>Jon Bos

Habicht, Kelli

From: Tolliver, Sheila
Sent: Tuesday, May 27, 2014 3:31 PM
To: Habicht, Kelli
Subject: FW: A few items to consider

Cb 20-21

From: Sigaty, Mary Kay
Sent: Tuesday, May 27, 2014 2:20 PM
To: Ball, Calvin B; Courtney Watson; Fox, Greg; Terrasa, Jen; Tolliver, Sheila
Subject: FW: A few items to consider

Just in case you did not receive this one.....MK

--

Mary Kay Sigaty
Howard County Council Member
District 4

3430 Court House Drive
Ellicott City, MD 21043
410-313-2001

From: Darlene Maxfield <dbmaxfield@verizon.net>
Date: Tuesday, May 27, 2014 at 11:13 AM
To: Darlene Maxfield <dbmaxfield@verizon.net>
Subject: A few items to consider

Good morning,

I am writing in response to the meeting held last week regarding the Agricultural zoning for an industrial mulching facility.

Thank you for the time and exceedingly long evening many of you endured to hear the personal testimonies from individuals that will be negatively impacted by this zoning.

I wanted to bring it to your attention that Dayton Oaks Elementary School is a regional special education school, often these children have more special needs when it impacts their health (asthma, allergies, etc.) I am within a mile of the intended facility and we also have a special needs child.

In addition, there is an elderly care facility within a mile of the intended location for the mulch facility. There are up to 16 elderly individuals that also will be impacted by the airborne dust and carcinogens.

Thank you for your help.

Darlene Maxfield

Tolliver, Sheila

From: Tolliver, Sheila
Sent: Thursday, May 22, 2014 11:10 AM
To: 'Johnathan_Bos@mcpsmd.org'
Subject: CB 20-2014 and CB 21-2014

Thank you for your e-mail of May 19, 2014 to members of the County Council concerning the hearing on proposed zoning regulation amendments pending consideration by the Council. The Council regrets that you and your son were unable to stay sufficiently long to hear the testimony of interest to you. I apologize for the length of this reply, but your thoughtful comments deserve a complete response.

The Council was aware of the considerable interest in the bills pertaining to mulch, and the electronic sign-in process allowed us to assess before the meeting the approximate number of people who would be testifying on each bill. (We do not know the age or employment status of those intending to testify, nor would it be appropriate to discriminate in scheduling testimony on that basis.)

The Council made every effort to make special accommodations and to give extra notice about the hearing schedule in light of the unusually broad public participation expected. Council bills 20 and 21-2014 were scheduled last and appeared last among the general bills on the agenda circulated and posted on our website weeks before the hearing. People who contacted the office in advance about their interest in testifying on those bills were given personal notice that these bills would be heard last, and fliers were circulated before the session in the lobby to alert people to the fact that these bills would be heard last. These efforts were made so that those interested in the mulch bills could plan their arrival time to coincide with the agenda. In addition, in light of the expected interest in the mulch bills, the Council scheduled their hearing an hour earlier than our usual start time. They also had the lobby televisions tuned to the government channel so that those who could not be accommodated immediately in the Banneker Room could follow the proceedings from the lobby. Moreover, all the legislation pertaining to the budget was read as a group, minimizing the time lost when people otherwise would come to the podium repeatedly to testify on budget-related items.

Unfortunately, these bills with widespread interest had to be introduced at the May legislative session, if the issue is to be given final consideration in the next several months, as the County Council may not vote on zoning legislation in an election year on or after the date of the primary election (which is in June). May also happens to be the month in which the County Council must consider and vote on the budget for the forthcoming fiscal year, as provided in the Charter of the County. This necessitated the scheduling of an unusually large number of bills having very broad public interest in the same hearing in May.

As a courtesy to people who will be testifying on bills for which the testimony is expected to be relatively quick, the Council usually schedules those bills ahead of the bills which will take considerably longer to hear. Most people leave the hearing immediately after testimony on the bill of interest to them. This not only means that people needn't wait through the longer testimony for the shorter part of the agenda, but also it frees up room in the Banneker Room for the larger crowd interested in the later bills. Of the 3 hour and 50 minute hearing on May 19, 2 hrs. and 17 minutes were devoted to testimony on the mulch bills, which began at 8:25 p.m. Total testimony on the 34 bills ahead of CB 20 and 21 took only 1 hr. and 33 minutes. Had the Council put the mulch bills first, those testifying on the shorter part of the agenda could not have begun testifying until after 9:00.

The Council members regret that they had to start their meeting approximately twenty minutes later than scheduled. They were having a budget work session immediately before the legislative hearing, and that discussion, which also involved public participants, took somewhat longer than scheduled. Nevertheless, they did begin at 6:52 p.m., which is more than a half-hour ahead of their usual 7:30 p.m. legislative hearing time.

Council members, all of whom are parents themselves, particularly appreciate having school-aged children in their audience, and they did, as they usually do, invite those with young children to testify ahead of others on the list for CB 20 and 21-2014. They do appreciate the need for children to get rest on a school night. There is an opportunity for you to complete that civics lesson you had planned for your son. We have posted on our website the video of the hearing, and you may click on Council Bill 20-2014 on the agenda that appears with the video to skip right to the portion of the agenda of interest to you. The link following should take you right to the "watch us" feature on the Council's web pages: <http://cc.howardcountymd.gov/Online-Tools/Watch-Us>.

In case you were planning to come for the work session and legislative session in which the bills will receive final consideration, it will help you to know that the work session originally scheduled for May 27 has been postponed. It will be scheduled at a later time. The bills are likely to be placed on the table at the June 2 legislative session, and a special session will be called for a later date in June, before the June primary election, to consider Council Bills 20 and 21. The date of that special session will be adopted at the June 2 legislative session, and we expect to post public notice of both the work session and anticipated special session before then. If you have not signed up to receive notices from the Council, you may want to do so at the Notify Me feature on the County's website: <https://notifyme.howardcountymd.gov/index.php?CCheck=1>

Again, the Council very much appreciates your interest in this legislation and your efforts to participate in the hearing.

Sheila Tolliver
Administrator
Howard County Council
410 313-2001

Tolliver, Sheila

From: Courtney Watson
Sent: Wednesday, May 21, 2014 12:00 PM
To: Ball, Calvin B; Tolliver, Sheila
Cc: Chaconas, Terry
Subject: Fwd:

did anyone respond to him?

Sent from my iPad

Begin forwarded message:

From: "Bos, Jonathan" <Jonathan_Bos@mcpsmd.org>
Date: May 19, 2014 at 9:08:32 PM EDT
To: "cball@howardcountymd.gov" <cball@howardcountymd.gov>, "cwatson@howardcountymd.gov" <cwatson@howardcountymd.gov>, "gfox@howardcountymd.gov" <gfox@howardcountymd.gov>, "mksigaty@howardcountymd.gov" <mksigaty@howardcountymd.gov>

Dear Council Members,

I just returned home from that completely farcical County Council meeting. I suppose it is still going on. Perhaps you have made it to testimony about mulching in Dayton at this point. I arrived at the court house at 6:30 PM, with my 13 year old son. I wanted him to hear testimony about an important local issue, to see civics in action. Instead, the meeting started 30 minutes late. Then, for over an hour, testimony was heard about other issues that I'm sure are very important, but clearly were not why most people were there.

I find it deeply offensive that the meeting was conducted and scheduled in that way. Fully 90% of the people in attendance were there to show their support for Dayton Rural Preservation. Looking around the room, about 60% of those in attendance wore DRPS buttons. Well over 300 people showed up (the hallway outside the meeting room was full of people when I left) to show their opposition to Mr. Orndorff's development plans. And they were made to wait and wait and wait. Families with children left. And therein is the most frustrating fact to me: people who are deeply committed to a civic issue were made to wait while retirees gave testimony about other issues. Did the Council not anticipate this sort of turnout? Did you not KNOW that there would be families there with small children, with school-age children? What possible justification is there for scheduling the amendments relating to zoning for mulching last? Was the intention to force people to leave? If that was not the case, I have to tell you, that was what it looked like.

The council and those responsible for planning did the community a grave disservice in the scheduling and planning of that meeting. If 300 people show up on a civic issue, many with young children, they should not be made to wait over an hour and a half to even get to ANY testimony about that issue. Were you TRYING to stifle civic participation???

Habicht, Kelli

From: Tolliver, Sheila
Sent: Tuesday, May 27, 2014 7:55 AM
To: Sunnyside1998@aol.com
Subject: RE: From Leslie Long,Woodbine

Thank you for your e-mail to the members of the County Council concerning Council Bills 20 and 21. 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: Sunnyside1998@aol.com [<mailto:Sunnyside1998@aol.com>]
Sent: Sunday, May 25, 2014 10:17 PM
To: CouncilMail
Cc: daytonsociety@gmail.com
Subject: Fwd: From Leslie Long,Woodbine

Habicht, Kelli

From: Tolliver, Sheila
Sent: Tuesday, May 27, 2014 7:52 AM
To: James Nickel
Subject: RE: Regarding the Report of Findings of the Howard County Environmental and Sustainability Board

Thank you for your e-mail to the members of the County Council regarding Council bills 20 and 21. 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: Saturday, May 24, 2014 12:40 PM
To: Ken S. Ulman; CouncilMail
Cc: Ned Tillman; Bethany Hooper; Dave Banwarth; Erin Donohue Allen; Janet Ocheltree; Jeff Harp; Jessica Groves; John Tegeris; Mike Navarre; Rick Lober; Rob/Leslie Long; Tim & Amber Mayer; Susan Gray; Jane Gray; Steve Curtis; Feldmark, Joshua D; Knight, Karen; Youmans, Monna; Gick, Ginnie; Alan Schneider; Fred Hazeltine
Subject: Regarding the Report of Findings of the Howard County Environmental and Sustainability Board

Mr. Ulman and Council Members,

We have read the Report of Findings of the Howard County Environmental and Sustainability Board, dated May 16, 2014. We agree there are issues. Council member Greg Fox suspected there would be issues and expressed his reservations at the working session in July 2013. Residents of Woodbine have been reporting health issues resulting from the Oak Ridge Farms facility since at least November of 2013. DRPS and other members of the community have been reporting for nearly the last five months that there are issues with health, fire safety, ground and water contamination, and traffic.

The ESB seems to think this is merely an issue of size of the facility. From their report, "We suggest that the council not rush into limiting the size of these facilities." For the residents of Howard County who are or who may be impacted, this isn't and has never been an issue of the size of an Natural Wood Waste Recycling Facility [NWWRF], it's been about the placement of such facilities on agricultural lands and in Howard County in close proximity to residential areas. Up until Jul 2013, NWWRF were permitted only at Alpha Ridge and locations in areas zoned for industry. Both locations have access to a continuous supply of water and a road infrastructure that can easily support heavy traffic demands.

After the Comp Rezoning, the rather vague language offered in the zoning regulations allowed such facilities on restricted rural roads and without a continuous supply of water to fight fires. Also, for some inexplicable reason they were prohibited from industrial zoned areas. Which other companies have been looking for new areas in M1 for NWWRF? We have not heard of a single case. Oak Ridge Farms has been operating illegally in Woodbine since 2007 and it took DPZ enforcement until Jan 2014 to "discover" they were violating Howard County Zoning Regulations.

Mulch fires have occurred in Howard County at Alpha Ridge and the fire department was summoned. We note

the plural, fires. If that occurs under the management of Howard County government, we do not expect the private sector to do any better. The new rezoning proposes placing these facilities on agricultural lands that, with few exceptions, have no access to a continuous water supply. Other fires that have occurred in the country have been on mulch piles as small as 1/4 acre. This isn't a size issue, it's a placement issue. Are you going to place a facility that has a significant risk of fire in a locality that has no access to a continuous water supply AND is surrounded by farm crops that can readily catch fire and spread to adjacent rural residential areas? That placement is a disaster waiting to happen.

The ESB reports, "Environmental stressors [wood dust, odors and fungi] are important in disease incidence, especially respiratory ailments, however, it is not clear that the exposure levels will be high enough for anyone other than those working at the facility." We beg to differ. The residents of Woodbine have documented that their cars and houses have been covered and infused with wood dust. To deal with recurring sinusitis some residents, under direction of their doctors, have been told to wear respirator masks and irrigate their nasal passages. The ESB report further ignores the incidents of nasal and throat polyps in both human and horses and their potential as precursors of cancer. We were absolutely shocked that the ESB, knowing of the issues at Woodbine, could even suggest that the health issues are limited to only those working at the facility.

There are only slightly over 50 NWWRFs in the entire state of Maryland. There are two in Howard County. How many of these facilities does the council expect to have in Howard County? We can't imagine that the number of such facilities will exceed the number of fingers on one hand for the foreseeable future. Certainly Alpha Ridge isn't anywhere near full capacity of their NWWRF.

Since the Comp Rezoning was approved in Jul 2013, only two contractors have come forward with any intent to establish an NWWRF on agricultural lands. One is an RLO relocation from an existing facility that RLO acknowledges that they do not need to vacate and the other is by Oak Ridge Farms in Woodbine, that has been operating without an NWWRF permit and in violation of Howard County Zoning regulations. Are we going to reward contractors who violate state and county laws and continue to subject the residents of Woodbine to the known air pollution of wood dust and fungi?

The County Executive, every council member, DPZ and the Howard County Health Department have already been notified of the health issues at Woodbine and nothing has been done in response. No person or office in the government of Howard County has contacted the people of Woodbine to address their health issues or any possible remedial actions. The ESB report would suggest that the Woodbine health issues are a figment of the residents' imagination. You should inquire with Howard County's legal counsel on the meaning of the words "reckless and wanton disregard" and how that may apply if this situation continues.

Further study, even with some moratorium on facilities, on agricultural lands is unacceptable. All that would accomplish is holding everyone, residents, farmers and contractors in a state of quandary. The operation of the Oak Ridge Farms facility must stop now and NWWRFs on agricultural lands must be prohibited by changes to the current regulations.

It was this Howard County Government that created this issue when Comp Rezoning 2013 became law. It is this Council and County Executive that should fix it, rather than pass the problem on to the next administration.

Respectfully,
James and Cynthia Nickel
Dayton, MD 21036

Habicht, Kelli

From: Tolliver, Sheila
Sent: Tuesday, May 27, 2014 7:51 AM
To: bhfoston@comcast.net
Subject: RE: Mulch Industrial Plant Dayton, Howard County

Thank you for your e-mail to the members of the County Council regarding Council bills 20 and 21. 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: bhfoston@comcast.net [<mailto:bhfoston@comcast.net>]
Sent: Saturday, May 24, 2014 11:40 AM
To: CouncilMail; Ken S. Ulman
Cc: AJS333@aol.com
Subject: Mulch Industrial Plant Dayton, Howard County

Good Morning All:

Hope my email arrives in time. We need to do some more research before we make any hot headed decisions in reference to the mulch industrial plant.

1. I would like to know what the people living near the mulch industry in Elkridge think? They should have first-hand experience.
2. Who were in Dayton first, i.e. Mr. Orndorff or the residents?
3. Was the mulch industry already in existence before the residents moved into the area?
4. Can we find another place with equal value and use in exchange to relocate the mulch plant? The industrial mulch plant provides jobs for many and is a necessity for the surrounding areas.
5. Has anyone thought about the natural mulching process that exists in the forest or the tree preservation area?

How about tabling this issue until thorough research is done? I agree that there are some environmental issues but little was said about the economic impact and land use.

Hope this adds positively to the issue.

Thank you.

Bibi H. Perrotte-Foston

Concerned HC Citizen

Habicht, Kelli

From: Tolliver, Sheila
Sent: Tuesday, May 27, 2014 7:49 AM
To: rrfarm@verizon.net
Subject: RE: CB 20 & CB21 Opposition

Thank you for your e-mail to the members of the County Council opposing Council Bills 20 and 21. They appreciate your interest in the matters before them and will bear in mind your opposition as they consider this item.

Sheila Tolliver
Administrator
Howard County Council

From: rrfarm@verizon.net [<mailto:rrfarm@verizon.net>]
Sent: Friday, May 23, 2014 4:35 PM
To: CouncilMail
Subject: CB 20 & CB21 Opposition

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, May 29, 2014 8:07 AM
To: Habicht, Kelli
Subject: FW: Letter from President of the Dayton Rural Preservation Society

Cb 20-21 file

From: Stu Kohn [<mailto:stukohn@verizon.net>]
Sent: Wednesday, May 28, 2014 9:09 PM
To: howard-citizen@yahoogroups.com
Cc: info@PreserveDayton.com; CouncilMail
Subject: Letter from President of the Dayton Rural Preservation Society

All,

FYI.

This link <http://www.preservedayton.com/letter-from-president> is a letter dated 28 May 2014 by John Tegeris, President Dayton Rural Preservation Society (DRPS) to concerned citizens from their website <http://www.preservedayton.com/>. The research, perseverance, dedication, and tenacity by DRPS should be applauded as they deserve it. The number of attendees at their meetings and the County Council hearings is truly overwhelming and indeed speaks for the credibility of this Group.

The Howard County Citizens Association testified at both the Planning Board and County Council hearings in full support of DRPS.

Sincerely,

Stu Kohn
HCCA, President

Habicht, Kelli

From: Tolliver, Sheila
Sent: Friday, May 23, 2014 11:59 AM
To: Habicht, Kelli
Subject: FW: No Industrial Mulching in Ag Preserve and RC Zoning

Cb 20-21

From: Sigaty, Mary Kay
Sent: Friday, May 23, 2014 11:00 AM
To: Tolliver, Sheila
Subject: FW: No Industrial Mulching in Ag Preserve and RC Zoning

From: Ralph <rvanwey@verizon.net>
Date: Wednesday, May 21, 2014 at 10:43 AM
To: Ken Ulman <KUlman@howardcountymd.gov>, Greg Fox <gfox@howardcountymd.gov>, Jen Terrasa <jterrasa@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>, Courtney Watson <cwatson@howardcountymd.gov>
Subject: No Industrial Mulching in Ag Preserve and RC Zoning

I am opposed to the industrial mulching in Ag Preserve and in RC zoning including the current proposal of 2% or 1 acre. This type of activity belongs only in manufacturing zoning! This type of mulching activity creates major safety hazards (large noisy trucks bringing in and taking out wood and mulch and damaging our roads) , permits poison toxins to enter the air creating major health issues for people and to enter the water table impacting people's water wells, and an environmental problem with toxins entering our streams and the Bay. Howard County has always treasured the environment and a quality life for its citizens, why all of a sudden are you thinking about changing course?

Do the right thing and do not allow industrial mulching as proposed for Dayton and Woodbine, put it where it belongs -- in industrial/manufacturing zoning.

Ralph Van Wey

Habicht, Kelli

From: Tolliver, Sheila
Sent: Friday, May 23, 2014 11:59 AM
To: Habicht, Kelli
Subject: FW: Montgomery County's Zoning Hope it helps

Cb 20=21

From: Sigaty, Mary Kay
Sent: Friday, May 23, 2014 11:02 AM
To: Tolliver, Sheila; Courtney Watson; Ball, Calvin B; Terrasa, Jen
Subject: FW: Montgomery County's Zoning Hope it helps

FYI.

--

Mary Kay Sigaty
Howard County Council Member
District 4

3430 Court House Drive
Ellicott City, MD 21043
410-313-2001

From: Howie Feaga <howie@merryacresfarm.com>
Date: Tuesday, May 13, 2014 at 8:55 AM
To: Marsha McLaughlin <msmclaughlin@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Greg Fox <gfox@howardcountymd.gov>
Subject: Montgomery County's Zoning Hope it helps

Hi Howie,

For your reference, and for what it's worth, here are the relevant provisions from MoCo's new zoning code.

Definitions:

*Agriculture: The business, science, and art of cultivating and managing the soil; **composting**, growing, harvesting, and selling crops, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or sell- ing livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activi- ties. **Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product.***

Agricultural Processing as a free-standing (i.e., not accessory to farm) use is allowed in the Ag Reserve, and the Rural, and Rural Cluster zones, as a conditional use (i.e., special exception required):

Section 3.2.2. Agricultural Processing

A. Defined

Agricultural Processing means any operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural Processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include Slaughterhouse (see Section 3.2.8, Slaughterhouse).

B. Use Standards

Where Agricultural Processing is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- *The minimum lot area is 10 acres.*
- *The minimum setback for an Agricultural Processing structure from any lot line is 75 feet.*
- *The lot must front on and have access to a road built to primary residential road or higher standards unless processing materials are produced on-site.*
- *If the subject lot abuts property in the AR zone, screening under Division 6.5 is not required.*

Farming is a Permitted use in all ag, rural residential and detached residential zones. This means permitted as of right:

Section 3.2.6. Farming

Defined

*Farming means the practice of agriculture on a property, and any associated buildings. Agriculture means the business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, and the products of forestry, horticulture, and hydroponics; breeding, raising, managing, or selling livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product. **Farming includes the following accessory uses:***

- ***Accessory agricultural processing*** and storage of products grown or raised on-site or on property owned, rented, or controlled by the farmer. ***Accessory agricultural processing includes*** a milk plant, grain elevator, on-farm animal slaughtering, and ***mulch or compost production and manufacturing.***
- *The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled by the farmer.*
- *The sale of horticultural products grown off-site, but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.*
- *The delivery and installation of horticultural products grown on the farm.*
- ***The production and manufacturing of mulch or compost where up to 20% of the materials used in accessory processing can come from off-site sources.***

• *Accessory agricultural education and tourism activities conducted as a part of a farm's regular operations, with emphasis on hands-on experiences and events that foster increased knowledge of agriculture, including cultivation methods, animal care, water conservation, Maryland's farming history, the importance of eating healthy, and locally grown foods. Allowed activities include corn mazes, hay rides, and educational tours, classes, and workshops. The maximum foot- print for any structure and the total footprint of all structures primarily used for education or tourism is limited to 10% of the total footprint square footage of all structures on the site used for agriculture. The property must have DPS approved sanitation facilities for this accessory use.*

Jane Seigler
President
Maryland Horse Council
seigler.jane@gmail.com

Howie Feaga
MERRY ACRES FARM
443-472-6264

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, May 22, 2014 7:58 AM
To: Habicht, Kelli
Subject: FW: Council
Attachments: Farm Council letter.docx

Please file with CB 20-21

From: Sigaty, Mary Kay
Sent: Wednesday, May 21, 2014 10:17 AM
To: Tolliver, Sheila
Subject: FW: Council

FYI.

--

Mary Kay Sigaty
Howard County Council Member
District 4

3430 Court House Drive
Ellicott City, MD 21043
410-313-2001

From: Tom Meachum <tmm@carneykelehan.com>
Date: Tuesday, May 20, 2014 at 5:53 PM
To: Greg Fox <gfox@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Courtney Watson <cwatson@howardcountymd.gov>, Jen Terrasa <jterrasa@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>
Subject: FW: Council

Erich Bonner asked me to forward this to you.

Thanks.

Tom

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

Thomas M. Meachum, Esq.

10715 Charter Drive, Suite 200

Columbia, MD 21044

Voice (410) 740-4600 x206

Fax (410) 730-7729

Please respond to:

tmm@carneykelehan.com

Dear Honorable Councilmembers:

Initially I had felt it would not be required for me to speak at last night's meeting. But toward the end when my neighbor Mr. Robert Long rallied his band of seventeen to the podium that oppose everything new or perceived different in the Woodbine area it is quite difficult to digest all the misinformation, and then of course it is shocking for me to hear people so blatantly willing to outright lie.

I wanted to address a couple of items that were brought up by the DRPS, of course when they do their research they find information on the internet to corroborate the most extreme position or circumstances. There was talk about heavy metals and more specifically magnesium groundwater contamination surrounding facilities in the NYC area more specifically Long Island. Many of the sites in those areas were constructed on prior brownfields or adjacent to old landfills. This is a beneficial continuing use of these types of properties that are not suitable for housing the population. So many of the contaminants in fact are not from the compost or compost feed stock they are legacy issues from prior operations. There is potential for groundwater contamination from certain feedstock and the area most prevalent is from compost derived from horse manure. The manure from the equine industry has revealed high contamination's of persistent herbicides which are detrimental to future plant life when propagated in these soils. So in this situation it would be beneficial to have a composter in an ag setting that would follow the proper guidelines and aggregate the horse manure in a properly managed setting rather than have it distributed throughout the countryside on small farm where there is no containment and both surface and groundwater potential contamination is prevalent. Here is a situation where small unregulated operations cause more damage than having a combined facility properly managed. I am not suggesting I am doing this or desire at my farm in Woodbine just pointing out sometimes how trying to craft laws can have the inverse effect once implemented. There are significant concerns surrounding varying yard waste feed stocks as this stream is at potential risk to include higher levels of pesticides and chemicals used in the landscape industry and by homeowners improperly applying store bought chemicals without regulation. These materials should be composted with strict regulatory scrutiny and not in large volumes on our farms unless done to work within MDE framework to manage such a facility. So here are two examples where there should be concern but it was never made evident in the DRPS communications. Briefly back to the topic of groundwater pollution from mulch manufacturing and composting there was a presentation by DRPS that somehow our fractured soils contain mineral contaminants as all soils do that could leach into the groundwater and the composting process somehow ignites this exchange. This references what is the CEC index or Cation Exchange Capacity of soil. In typical Agronomy the higher the CEC at a specific PH level it indicates the soils ability to hold these minerals and retain them for future use by crops or plant life. In fact the introduction of humus or compost increases this ability so would have the inverse effect of what DRPS proposed, it would allow the soils to further retain these compounds and make them available for crop growth. A round - about way of saying the introduction of humus, compost, or organics to the soils as farmers have been doing for hundreds of years increases fertility. Unfortunately there is not enough of this material to serve the Ag introduce at competitive prices, so short of wholly or partially organic operations most of the farming industry relies on synthetic fertilizers where there is pricing economy. That is unfortunate and contributes to additional runoff and increased contaminants in surface and groundwater.

The other item talked about that the doctor so clearly presented was the exposure to fungus and wood dust. Fungus can exist in compost and wood dust is a pollutant. The illustrations referenced by the doctor and others are people who have long term exposure in industrial facilities and many who are working in closed quarters around these material. There are also a variety of molds that exist in all hay and bedding crops used by the equine industry. This bedding can be straw or wood shavings in most cases produced on a farm by a farmer who is selling shavings and sawdust as a supplemental ag - service. These are concerns that surround all of Agriculture in general.

There was also reference to a fire that existed at a mulch facility in Carroll County, Woodbine. There was quite a bit of misinformation surrounding this and it was crafted to give the illusion of something that was not. First and foremost this facility in Woodbine owned by Harvest Power whom is my employer is on the highest level of industrial zoning that exists in the county. The operation has existed since 2004 and there has never been a need to call 911 or have an emergency response. The fire that was in the early fall of 2013 existed in a pile of land clearing debris and not mulch. There are also water retention ponds on this site that have capacity well in excess of a million gallons much more than any municipal system can supply efficiently. The assistance of the local fire department was requested as the area where the small fire existed needed to be removed and disseminated from other material piles. This is proper procedure and what is directed under MDE guidelines and our emergency management plan. The facility asked for one truck to assist in case of potential for the fire to become more severe or spread due to high winds that day. The fire department did assist with an aerial truck and tanker. Harvest also provide tank trailer loads of water to the department throughout the day. The operations started around 10 am and was complete shortly after dark. It was requested that this become a training exercise as most fires the departments respond to are house fires and near public water supplies. This allowed them to utilize equipment to truck water and dispense it that they normally don't get to do often. The junior firefighters were brought in for education when they were released from school and any potential risk of fire was mitigated. There was reference to the helicopter as well, it is interesting the state police have the heat detection equipment so they were able to direct this equipment toward the site and see if there were any other areas of concern and there were not. I feel all proper procedures were followed and this proper handling mitigated any risks quickly and efficiently. I commend the employees I work with and the local Volunteer Fire Departments that utilized this as an educational experience for all so we are all that much more prepared in the future to both analyze where potential fire risks are, and in the event a fire exists in these type of facilities everyone is better prepared to safely extinguish it.

I wanted to move to the barrage of false statements that were presented at the latter portion of the meeting from some whom lived on Florence road 2997 and 3075. As well as 2466 and 2640 Jennings Chapel. It becomes interesting that these are the same people whom all wrote letters to the zoning department along with the last letter from my cantankerous neighbors the Long's once they found out that I had followed the procedure that was asked of me to go to the county Ag preservation board as well as the Maryland Board's and received approval for my farm. These are also the same people whom support Mr. and Mrs. Long in all their pursuits to include the frustration of the owner's of Larriland for

creating a tourist destination, causing Larrilander's to drift off of Larriland farm and eat his crops? Which of course are hay and soybeans so I suspect after the first taste anyone who strayed into his field to eat his beans or grass would not have much of an appetite. He also had launched the personal attack on the Walkers whom wanted to have a couple of wedding reception's a year on their farm. If you look back through the zoning history the same type of unfounded allegations existed between the former owner of my property before I purchased it.

As for the several allegations that somehow people in the neighborhood are getting sick again it was the 17 that seem to associate with Rob Long. Interestingly enough nobody that adjoins or touches my property came to any of the meetings or spoke about any concerns.

The person that can't sleep at night because of the grinder amazes me, we have never ran any machinery at night and the grinder only operated between 8am and 3:30pm during the week. It ran less than 25 days in 2013, and approx. 28 so far in 2014.

I am on the farm daily during the digging season and have never seen any dust, odors, or any of the other things they speak of. Nor has MDE on the numerous occasions they have been harassed by Mr. Long and required to investigate. From mid- May until November there is no farming activity related to mulch taking place so it amazes me that people are willing to again just flat out lie in a public setting to enhance their agenda. As some of you have visited my farm and I appreciate you taking the time, the offer is always there for those who wish to see it in the future.

The Long's also presented that in some way I am not a real farmer and no farmer could have the ability to purchase such equipment. I have worked in agriculture since high school on a full time basis, whether it was milking cows in the morning prior to school, raising beef cattle, working during my teen years on a large crop and hay farm during the summer and evenings while in school, I have always had a desire to pursue a career in agriculture or forestry. Unfortunately the barriers to entry are significant for a young farmer with no assets. I have been fortunate to be able to purchase Oak Ridge in 2007 albeit with a large mortgage at Farm Credit. The farm has been economically viable in the early years the housing market was still strong enough that the trees produced commanded enhanced pricing because they were grown natively and more productive when planted. The markets ability to pay more for a local product, versus a cheaper one grown in another region with lower labor and land prices no longer exists or the appetite has gone away. We had a managed timber Harvest take place on the forested parcel and the remnants of the harvest that are traditionally discarded I utilized and further processed into a premium mulch I can sell to my nursery customers and landscapers whom utilize the mulch in planting the trees. I started to import additional mulch that I could further process the way I desire to meet quality standards and my farm customers are willing to pay more for. Seems like a very progressive concept and one that has allowed me to maintain the nursery and preserve the woodlands at Oak Ridge. Having navigated the process at both the county and state levels I thought I could finally quiet a very difficult neighbor and life would go on. Not at all the case I have gotten caught up in the

whirlwind of the DRPS and Mr. Long has gained support and momentum from this organization. It is very frustrating to see and the amount of time, energy and financial expense required to fight this battle is ridiculous. I have been fortunate to be able to support this effort with off farm income or the farm would have already perished, it is frustrating though as these activities require the sacrifice of my immediate family and beyond. So at what point do you stop fighting and the farm remains economically unviable, which at this point the nursery and woodland that I have worked diligently to preserve is destined to become something else that is considered traditional agriculture. I could go on forever about the intensity and potential for other risks if traditional agricultural crops were raised on the property but won't. As far as the ability to purchase millions of dollars in machinery value there is quite a bit of sensationalism there as well. In 2009 I actually purchased a grinder to operate on the farm for 130,000 dollars and it quickly became evident the Long's were going to drive me crazy. When I was unsure about the certainty of my ability to keep farming the way I had been I sold the machine as I could not support the payments. Since I have used an outside contractor to come do the grinding for me with a very small machine known as a tub grinder. These are commonly used in many ag operations to grind a variety of hay crops and feedstock's used to feed livestock and create bedding for those industries. This is not the same type of machine RLO uses in their operations or has been pictured in many of the presentations. In fact the machine I am renting costs anywhere from 25,000 to 50,000 dollars used. I am required to grind so little that I am debating to purchase something or continue the rental relationship. The only other machine used is a front end loader that is a multi – purpose tractor that is used in the nursery and to move the mulch. These are the only two machines required for what I do and only one is on the farm all the time.

My wife was exposed to the venom last night, she made it through the pre – submission meeting where I had maybe 130 or so attend and was not impacted. After seeing how many in our community were willing to convict me and lie about something that I have never done she asked me if I should just forget about it all and sell the farm. My answer as you can imagine was I am not ready to stop fighting yet, and what makes me fight even harder is my desire to leave a legacy for my children who enjoy their time spent at Oak Ridge immensely of being good stewards of the land, having a successful agriculture enterprise, and do it without many of the synthetic chemicals and fertilizers that are required in traditional agriculture. I will be appealing to the Ag Preservation board in the near future to allow me to construct a home on the property and I would hope that my family is able to enjoy the farm and surrounding environment for the remainder of my life, and pass it on to their children and I can only imagine what will be considered agriculture at that time. I want to thank all of you for your time and efforts and hope the result of this is the ability to determine scale of what makes sense and provide opportunities for farmers and non – traditional agriculture to be successful for the long term and I can continue to preserve the wonderful asset called Oak Ridge Farm and Nursery.

Sincerely,

Erich, Anya, Emily, and Maria Bonner.

Habicht, Kelli

From: Tolliver, Sheila
Sent: Thursday, May 22, 2014 11:10 AM
To: Johnathan_Bos@mcpsmd.org
Subject: CB 20-2014 and CB 21-2014

Thank you for your e-mail of May 19, 2014 to members of the County Council concerning the hearing on proposed zoning regulation amendments pending consideration by the Council. The Council regrets that you and your son were unable to stay sufficiently long to hear the testimony of interest to you. I apologize for the length of this reply, but your thoughtful comments deserve a complete response.

The Council was aware of the considerable interest in the bills pertaining to mulch, and the electronic sign-in process allowed us to assess before the meeting the approximate number of people who would be testifying on each bill. (We do not know the age or employment status of those intending to testify, nor would it be appropriate to discriminate in scheduling testimony on that basis.)

The Council made every effort to make special accommodations and to give extra notice about the hearing schedule in light of the unusually broad public participation expected. Council bills 20 and 21-2014 were scheduled last and appeared last among the general bills on the agenda circulated and posted on our website weeks before the hearing. People who contacted the office in advance about their interest in testifying on those bills were given personal notice that these bills would be heard last, and fliers were circulated before the session in the lobby to alert people to the fact that these bills would be heard last. These efforts were made so that those interested in the mulch bills could plan their arrival time to coincide with the agenda. In addition, in light of the expected interest in the mulch bills, the Council scheduled their hearing an hour earlier than our usual start time. They also had the lobby televisions tuned to the government channel so that those who could not be accommodated immediately in the Banneker Room could follow the proceedings from the lobby. Moreover, all the legislation pertaining to the budget was read as a group, minimizing the time lost when people otherwise would come to the podium repeatedly to testify on budget-related items.

Unfortunately, these bills with widespread interest had to be introduced at the May legislative session, if the issue is to be given final consideration in the next several months, as the County Council may not vote on zoning legislation in an election year on or after the date of the primary election (which is in June). May also happens to be the month in which the County Council must consider and vote on the budget for the forthcoming fiscal year, as provided in the Charter of the County. This necessitated the scheduling of an unusually large number of bills having very broad public interest in the same hearing in May.

As a courtesy to people who will be testifying on bills for which the testimony is expected to be relatively quick, the Council usually schedules those bills ahead of the bills which will take considerably longer to hear. Most people leave the hearing immediately after testimony on the bill of interest to them. This not only means that people needn't wait through the longer testimony for the shorter part of the agenda, but also it frees up room in the Banneker Room for the larger crowd interested in the later bills. Of the 3 hour and 50 minute hearing on May 19, 2 hrs. and 17 minutes were devoted to testimony on the mulch bills, which began at 8:25 p.m. Total testimony on the 34 bills ahead of CB 20 and 21 took only 1 hr. and 33 minutes. Had the Council put the mulch bills first, those testifying on the shorter part of the agenda could not have begun testifying until after 9:00.

The Council members regret that they had to start their meeting approximately twenty minutes later than scheduled. They were having a budget work session immediately before the legislative hearing, and that discussion, which also involved public participants, took somewhat longer than scheduled. Nevertheless, they did begin at 6:52 p.m., which is more than a half-hour ahead of their usual 7:30 p.m. legislative hearing time.

Council members, all of whom are parents themselves, particularly appreciate having school-aged children in their audience, and they did, as they usually do, invite those with young children to testify ahead of others on the list for CB 20 and 21-2014. They do appreciate the need for children to get rest on a school night. There is an opportunity for you to complete that civics lesson you had planned for your son. We have posted on our website the video of the hearing, and you may click on Council Bill 20-2014 on the agenda that appears with the video to skip right to the portion of the agenda of interest to you. The link following should take you right to the "watch us" feature on the Council's web pages: <http://cc.howardcountymd.gov/Online-Tools/Watch-Us>.

In case you were planning to come for the work session and legislative session in which the bills will receive final consideration, it will help you to know that the work session originally scheduled for May 27 has been postponed. It will be scheduled at a later time. The bills are likely to be placed on the table at the June 2 legislative session, and a special session will be called for a later date in June, before the June primary election, to consider Council Bills 20 and 21. The date of that special session will be adopted at the June 2 legislative session, and we expect to post public notice of both the work session and anticipated special session before then. If you have not signed up to receive notices from the Council, you may want to do so at the Notify Me feature on the County's website: <https://notifyme.howardcountymd.gov/index.php?CCheck=1>

Again, the Council very much appreciates your interest in this legislation and your efforts to participate in the hearing.

Sheila Tolliver
Administrator
Howard County Council
410 313-2001

FW:

Tolliver, Sheila

Sent: Tuesday, May 20, 2014 8:30 AM**To:** Habicht, Kelli

Files, cb 20-21

From: Sigaty, Mary Kay**Sent:** Tuesday, May 20, 2014 7:03 AM**To:** Terrasa, Jen**Cc:** Tolliver, Sheila**Subject:** Fwd:

The sender missed you.

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

Begin forwarded message:

From: "Bos, Jonathan" <Jonathan_Bos@mcpsmd.org>**Date:** May 19, 2014 at 9:08:32 PM EDT**To:** "cball@howardcountymd.gov" <cball@howardcountymd.gov>,cwatson@howardcountymd.gov" <cwatson@howardcountymd.gov>,gfox@howardcountymd.gov" <gfox@howardcountymd.gov>, "mksigaty@howardcountymd.gov"<mksigaty@howardcountymd.gov>

Dear Council Members,

I just returned home from that completely farcical County Council meeting. I suppose it is still going on. Perhaps you have made it to testimony about mulching in Dayton at this point.

I arrived at the court house at 6:30 PM, with my 13 year old son. I wanted him to hear testimony about an important local issue, to see civics in action. Instead, the meeting started 30 minutes late.

Then, for over an hour, testimony was heard about other issues that I'm sure are very important, but clearly were not why most people were there.

I find it deeply offensive that the meeting was conducted and scheduled in that way. Fully 90% of the people in attendance were there to show their support for Dayton Rural Preservation. Looking around the room, about 60% of those in attendance wore DRPS buttons. Well over 300 people showed up (the hallway outside the meeting room was full of people when I left) to show their opposition to Mr. Orndorff's development plans. And they were made to wait and wait and wait.

Families with children left. And therein is the most frustrating fact to me: people who are deeply committed to a civic issue were made to wait while retirees gave testimony about other issues. Did the Council not anticipate this sort of turnout? Did you not KNOW that there would be families

there with small children, with school-age children? What possible justification is there for scheduling the amendments relating to zoning for mulching last? Was the intention to force people to leave? If that was not the case, I have to tell you, that was what it looked like.

The council and those responsible for planning did the community a grave disservice in the scheduling and planning of that meeting. If 300 people show up on a civic issue, many with young children, they should not be made to wait over an hour and a half to even get to ANY testimony about that issue. Were you TRYING to stifle civic participation???

FW: Oak Ridge Farm

Tolliver, Sheila

Sent: Tuesday, May 20, 2014 8:42 AM**To:** Habicht, Kelli**Attachments:** Mulch Manufacture Definition.doc (26 KB) ; OakRidge_Fact_sheet.pdf (52 KB)

File cb 20-21 (Kelli, since we have so much testimony on this issue that is pertinent to both; instead of copying it all twice (in paper), you can put a cross reference in one of the files saying, "please see testimony on related cbXX-2014"; just be sure that the scanned copy gets attached to both bills).

Sheila

From: Sigaty, Mary Kay**Sent:** Monday, May 19, 2014 5:28 PM**To:** Tolliver, Sheila**Subject:** FW: Oak Ridge Farm

FYI.

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

3430 Court House Drive
Ellicott City, MD 21043

From: Tom Meachum [mailto:tmm@carneykelehan.com]**Sent:** Monday, May 19, 2014 5:26 PM**To:** Fox, Greg; Sigaty, Mary Kay; Courtney Watson; Terrasa, Jen; Ball, Calvin B**Subject:** FW: Oak Ridge Farm

Council members

In relation to the two bills concerning mulch manufacture, Oak Ridge Farm needs a use called mulch manufacture in the Zoning Regulations, because it is not a natural wood waste facility, as you see from a page I have taken from MDE's website. Their interpretation is that if a product is already processed when it reaches a business that makes something out of that processed product, that business is not a natural wood waste facility. The Farm receives coarse ground mulch, which is already processed, and the Farm grinds the mulch further, making it horticultural mulch.

Therefore, Oak Ridge Farm needs a reference to mulch manufacture in the Regulations. Attached is one alternative for a definition for mulch manufacture. One aspect of Erich Bonner's operation worth noting is that there is an agricultural use on the property he refines the coarse mulch he receives, silviculture and a nursery.

Thank you for your consideration. Let me know if you have any questions.

Regards
Tom

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

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Please respond to:

tmm@carneykelehan.com

From: Patty Miller

Sent: Monday, May 19, 2014 3:02 PM

To: Tom Meachum

Subject: Oak Ridge Farm

Mulch Manufacture Definition

Current definition: 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.

Definition of proposed Natural Wood Waste Recycling Facility: A privately operated commercial facility that recycles branches, leaves, limbs, logs, root mats, tree stumps and other similar previously unprocessed natural organic wood materials by processing these materials into raw material or products, and which operates under a permit from the Maryland Department of Environment.

Proposed definition for Mulch Manufacture: The manufacture of horticultural mulch from coarse ground mulch derived from natural organic wood. This term does not include the production of mulch as a by-product of on-site farming.



- Land
- County Coordinator Resources
- Education and Outreach
- FAQs
- Publications
- Recycling at Work and School
- Recycling in Maryland
- Scrap Tire
- Source Reduction
- Special Projects
- State Agency Recycling
- State County and City Contact Info
- Recycling Market Directory
- Animal Feeding Operations
- Waste Diversion & Utilization Home

Maryland's Natural Wood Waste Recycling Facility Program

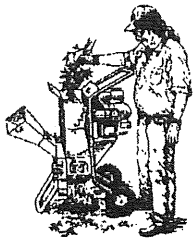


Definition

A Natural Wood Waste Recycling Facility (NWWRF) is a facility that accepts natural wood waste such as stumps and tree limbs. Natural wood waste is usually generated when land is cleared for construction purposes. A NWWRF produces a variety of products from this waste including mulch and compost, and sells it to consumers. These facilities are valued because they take a waste product that would otherwise go to a landfill and make it into something useful. Recycling natural wood waste saves valuable landfill space, extending the life of the landfills in your county.

MDE's Policy

MDE views natural wood waste as vegetation, in its natural state, that has been discarded or designated for disposal. This would not include pallets, crates, lumber, wood chips, firewood or other products that may have been made from wood but have subsequently been processed. Facilities that only accept these types of materials would not be required to obtain a NWWRF Permit from MDE.



Regulations

To provide clarification and guidance regarding natural wood waste recycling facilities, regulations were adopted. Any person or company engaging in natural wood waste recycling activities must be regulated under Code of Maryland Regulations 26.04.09.

Who Needs To Comply With The Natural Wood Waste Regulations?

Owners or operators of the facilities which will receive or process natural wood waste (trees, stumps, tree trunks, limbs, roots, or other materials derived from natural vegetation) and market this material must obtain a permit from MDE. A NWWRF does not include a collection or processing facility operated by a nonprofit or governmental organization located in the State, or single individual or business that provides recycling services solely for its own employees or for its own recyclable materials generated on its own premises.

General Permit For NWWRF

MDE issues general permits authorizing the operations of NWWRF within Maryland. Responsible parties desiring to operate a NWWRF may submit a Notice of Intent (NOI) to MDE. NOI's are mailed to companies who either request one or who have been determined to be a natural wood waste recycling facility by MDE. Depending on site specific conditions, MDE may elect to issue an individual permit. There is no fee for this permit.

How Does This Law Protect You?

MDE has a regulatory process that insures that a person or company may not engage in natural wood waste recycling in a manner that will likely:

- Create a nuisance;
- Be conducive to insect and rodent infestation or the harboring of animals;
- Cause a discharge of constituents derived from natural wood waste into the air or waters of the State unless permitted by MDE;
- Harm the environment; or
- Create other hazards to the public health, safety, or comfort as may be determined by MDE.



RE: Mulch Composting Bills (CB 20-21)

Tolliver, Sheila

Sent: Tuesday, May 20, 2014 10:52 AM**To:** Ensor, Robert R

Thank you for your e-mail to the members of the County Council regarding the mulch issue. They appreciate your offer to assist in their consideration of the matters before them and will bear in mind your comments as they plan for the work session.

Sheila Tolliver

Administrator

Howard County Council

From: Ensor, Robert R**Sent:** Tuesday, May 20, 2014 9:04 AM**To:** CouncilMail**Subject:** Mulch Composting Bills

Thank you for the hearing held last evening on the mulch and composting issue. This is a sticky issue as you have noted. The Howard Soil Conservation District wishes to offer our services and expertise during the upcoming Council Work Session on May 27.

I believe we can provide a balanced science based point of view as you seek a resolution or acceptable compromise to the industrial versus agricultural activity discussion.

Please let me know if we can be of service in your quest for a solution.

Bob Ensor

Howard Soil Conservation District

410-489-7987

410-490-4315 (cell)

FW: Mulch producer looking for help

Tolliver, Sheila

Sent: Tuesday, May 20, 2014 1:50 PM**To:** Habicht, Kelli

Cb 20-21

From: Sigaty, Mary Kay**Sent:** Tuesday, May 20, 2014 1:07 PM**To:** Ball, Calvin B; Courtney Watson; Terrasa, Jen; Tolliver, Sheila**Subject:** FW: Mulch producer looking for help

FYI. Was caught in Postini.

Mary Kay Sigaty

Howard County Council, District 4

(410) 313-2001

3430 Court House Drive

Ellicott City, MD 21043

From: zlevelland@gmail.com [mailto:zlevelland@gmail.com] **On Behalf Of** Zack Brendel**Sent:** Tuesday, May 20, 2014 11:57 AM**To:** Fox, Greg; Sigaty, Mary Kay; Knight, Karen; mclay@howardcounty.gov**Subject:** Mulch producer looking for help

All,

My name is Zack Brendel I am a resident of Woodbine. To put a name with a face my brother Justin and I where in the meeting a week before last with Howie Feage, Ricky Bower, Lynn Moore, and RLO Contractors at your offices. We also stayed till the end last night at the hearing. My brother and I were both on the fence about speaking last night and in the end did not. We sat with another small mulch producer and we all felt it would be in our best interest to keep out of the debate last night. The Dayton group did provide a lot of good points for debate and also a few stretched truths. The truck traffic volume is a problem the type of trucks are on these roads everyday for everything from home construction to hauling farm crops. The pollution from mulch is obviously a stretched truth everyone in the room has it at there home or business. The health affects I can't disagree with the speakers last night however I know numerous people that work directly in mulch operations everyday and have none of these symptoms. Some of the organizers have made this a hobby. The same group opposed a conditional use on a farm we rent. They used the same smear tactics against the owners of the farm who wanted to rent the farm out for weddings as another income. Luckily it worked out for the owners. The group will be back no matter what happens with the mulch. My fear is what for?. what kind of crops we can grow? What kind of animals we can raise? Farmers in Howard County have to diversify to survive in this area.

My brother and I have farmed with our family in Howard county our whole life. About ten years ago our father

and uncle split the operation and we now farm in Illinois and Maryland. There was simply not enough ground for my father and uncle to both make a living anymore. For example some of the ground we raised crops on are now Western Regional park, Marriotsville high school, and countless homes. As well as where our mulch operation located in the RC zone of Lisbon. It is nothing close to the size of the RLO and Oak Ridge operations. The property it is located on is part of a farm we used to rent for farming and now is a landscape supply store. We now lease a small section of otherwise useless ground from the owner and make mulch. After a lot of research we found this spot. It's access is through business zone and shares the road with one house a church and a county salt dome. There is a constant noise from 70 and the property also has a large pond that could be used for a fire if ever needed. The 4 acre operation has a full MDE permit. From the points raised last night this sounds like a we have those issues covered.

During a normal day (not during harvest) my brother and I run a landscaping company and an excavating/ land clearing company then farm at night and every weekend . The farm produces sod and straw to use with our landscaping jobs. The land clearing is turned into mulch for the landscaping company to use and sold to a select few customers including our Landlord where it is produced. When work slows instead of laying off employees they work at the farm and bag the mulch for our use or to be sold as well as help at the farm. We view being able directly market our products (straw, mulch, sod, hay) as Value Added Agriculture and supports us our employees and the county. 80% of our employees live within 10 miles of our operation. Over the last three years our mulch operation has grown to be a very important part of our business.

With the broad projected changes that are proposed we and a few small producers will definitely be an "un intended consequence".. We have invested a considerably large amount of money in equipment rent and time to set this operation up. If the bill passes as is it will be severely damage if not crush our chances of continuing to work farm and raise our families in Howard county. My brother and I have recently purchased property Lisbon and are planning our homes to be built here in Western Howard. If you would take the time consider it we would like to meet at your office or our site or farm. We have a unique situation plenty of real life examples I really think letting us both explain it to you would be very helpful. A very real example of how a family farm can and has to be diversified to "KEEP IT FARM".

Hope to hear from you Thanks for your time

J. Zack Brendel

4109841430