

**ENVIRONMENTAL ADVISORY
COUNCIL – March 16, 2005 @
3:00-5:15 P.M., Room 003
County Office Building
MINUTES**



**James E. Slater, Jr.
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Members Present: Kevin Dayhoff, Chair **Members Absent:** Henry Heine
Robyn Gilden Bob Foor-Hogue
Jim Johnson Karen Merkle
David Pyatt

Lehigh Cement: Shane K. Alesi, VP of Heidelberg Technology Center
Wally Brown, Environmental Engineer, Lehigh Cement Co.
Jim Eyler
Peter Lukas, Plant Manager
Dennis Warner, Project Manager

MDE: Ralph Hall, Chief, Industrial Compliance Div., Air & Radiation
William Limpert, MDE Water Management Administration
Steven G. Lang, Air Quality Compliance Program
Nolan Penney, Air Toxics Section Head

County Government: Tom Devilbiss, Chief of Resource Management
Tim Feeser, Commissioners Office
Terri Jones, Assistant County Attorney
Jeff Keefer, Office of Environmental Compliance
James E. Slater, Jr., Environment Compliance Officer
Dot Smith, Office of Environmental Compliance

Other Attendees: N. E. Barrett, NEWCAP
Vince Campanella, Campanella & Associates
Ellen Cutsail, Union Bridge Town Council
George Maloney, NEWCAP
Frank Maxwell, Union Bridge Resident
Kevin Shaughness, Carroll Air
Judy Smith, Union Bridge Resident
Lynne Spector, Project Manager/Project Engineer, Zephyr Environmental
Dan Strickler, NEWCAP
Gene Ward, Union Bridge Resident
Charles Zeleski, Carroll County Health Department

Mr. Dayhoff opened the meeting at 3:07. Due to the fact that we did not have a quorum, the meeting proceeded without the benefit of approving the minutes of February 16th and March 4th. The following was agreed to:

Mr. Slater will look into:

- Getting a replacement for Jim Piet who originally accepted, then decided to decline the appointment;
- Getting the membership up to 9, as required by Chapter 16, § 16-2 of the Code of Public Local Laws; OR
- The possibility of amending Chapter 16 to a 7 or 8 member council.

Mr. Dayhoff announced the meeting would proceed as a continuation of the February 16th meeting wherein Mr. Slater and representatives from both MDE and Lehigh provided information as to the regulations and productivity of Lehigh Cement in Union Bridge as it relates to air quality. He turned the meeting over to Mr. Lukas, who immediately introduced Mr. Brown to do Lehigh's presentation.

Mr. Brown reported that the Consent Agreement between MDE and Lehigh was executed. This agreement subjects Lehigh to State law for control of air pollution as codified in Title 2 of the Environment Article of Maryland Code and COMAR.

Mr. Dayhoff introduced the staff from MDE, Ellen Cutsail (Union Bridge Town Council) and Lynne Spector (Zephyr Environmental).

Mr. Brown did a slide presentation entitled "Plant Modernization and Environmental Improvement Program", which included various charts and tables. The presentation indicated the progress that Lehigh has made over the years in improving emissions and the expansion of the operation to be made within the next couple of years. He invited the audience to submit questions/comments at any time.

Numerous questions (Q), answers (A) and comments (C) were submitted, but are not limited to, the following:

Q – Are MDE's emissions' requirements met by Lehigh and is there a reporting process?

A – Lehigh - Yes, it is done on a monthly basis with a rolling 12-month status for mine stack emissions. As shown in the presentation, Lehigh is not anywhere near exceeding the limits. It is closely monitored.

Q – Who sets the limitations, State, EPA or local?

A – Lehigh - EPA. Lehigh is operating at 65% capacity at the highest.

Q – Gene Ward – Who gets the money generated by fines for violations?

A – Lehigh - MDE.

Q – Can a portion of that money be set aside to collect the fugitive emission dust?

A – No.

Q – Mr. Maxwell – His research indicates that, in his neighborhood, chromium trace tests amounts are the highest emitted in the State of Maryland.

A – MDE – There are many other chemicals that are emitted.

C – Ms. Judy Smith – Would like to see exactly what is in the air in the way of elements.

A – Lehigh – Lehigh reports all plant emissions to MDE/EPA on a quarterly, semi-annual and annual basis.

A – Mr. Pyatt – Indicated that the height of the stack is very important as to how much of the emission is carried off and diluted. The dust in Union Bridge is fugitive dust.

Q – Mr. Maxwell – Does the dust get swept up by the wind?

A – Lehigh – Yes it does, and it can get stuck in the tires of vehicles too, as well as other things.

C - Taneytown and Westminster are also affected by the fugitive dust.

C – Ms. Judy Smith – The smaller the dust, the more harmful it is because it gets into the lungs.

C - A plant emission comparison shown for 1999 vs. 2004 indicated the newer plant showed an overall reduction in emissions ranging from 14% to 99% in all categories except CO emissions.

Q – Mr. Maxwell – Are the units shown in metric tons?

A – Lehigh – No, it is total tons emitted per year.

Q – Mr. Maxwell – The total cumulative value is above the name. Total production has been increasing.

Q – Ms. Judy Smith – Where does the fly ash come from?

A – Lehigh – Fly ash is a product used by Lehigh.

Q – Are there any hazardous constituents in the ash?

A – Lehigh – It is not a problem. They analyze what is in the fly ash.

Lehigh also reported that emergency consumption is also coming down. A picture was displayed showing a plume which some residents were concerned that the plume indicated fugitive dust being spewed out into the air. It is actually steam coming from the stack.

Q – Are NOV's (Notifications of Violations) given even if there is violation?

A – Lehigh – Yes, NOV's are given even when they are in violation. The Consent Agreement covers a wider spectrum for improvements than the NOV.

Q – Ms. Horosko – Will there be any way for the trucks to bi-pass the system?

A – Lehigh – Installation of additional scales will come later. The trucks will have to go through both the scales and the truck wash.

Q – But if they are in a hurry, can they bi-pass it?

A – Lehigh – Yes they can now, but in the future, Lehigh will make sure they cannot bi-pass it.

Q – Ms. Judy Smith – What happens with the water that is going to be used for washing the trucks?

A – Lehigh – It gets cleaned every so often and it will not be discharged. The rail cars will not have a wash system.

Q – Ms. Judy Smith – Will the rail cars be covered?

A – Lehigh – Yes.

Q – Mr. Shaughness – Does Lehigh have a system that indicates when the bags are done?

A – Lehigh – They have inspections and bag house week. They are checking and replacing wherever necessary.

Q – Ms. Cutsail – Does the trucking company belong to Lehigh?

A – Lehigh – No, the trucking company will be leaving by October 1st.

Q – Mr. Maxwell – Has a copy of a letter dated 2002 to MDE from Lehigh stating fugitive emissions will become nonexistent. That hasn't happened; why?

A – Lehigh – Lehigh has done considerable improvements and when the permit for the new plant came, the north end was open. They just had a straight away. Now it's enclosed. They never really addressed the whole crane way because they expected to totally close it up.

Q – How about the noise emission from the crusher?

A – It will have to be within acceptable limits. Mr. Slater has developed a Noise Ordinance that has been proposed for adoption by the Commissioners. Lehigh will fall under the requirements of that ordinance.

Q – What is the status of that Ordinance?

A – Mr. Slater – Comments are still being received and replies are being drafted. The MDE air quality permit is nowhere near completion by the State. When it is issued, there will be a public hearing.

Q – Mr. Strickler – Since the Noise Ordinance is not in effect yet, how can we be sure of the limit? Will it apply to industry?

A – Mr. Slater – The ordinance is written with an industrial category, and when adopted, Lehigh will be subject to it. The levels are the same as the State requirements that are already in COMAR. The County is adopting the ordinance so that they will have local authority to enforce it.

Q – Mr. Judy Smith – How much noise will be eliminated?

A – Lehigh – It will be about the same.

Q – Is there a negative airflow when the doors are open?

A – Lehigh – No, the trucks are cleaned with a vac system and then they leave.

Q – Mr. Strickler – Does Lehigh have plans to burn tires in the future?

A – Lehigh – It is being considered in the long-term planning.

Q – Ms. Judy Smith – What about the biosolids? What exactly is it?

A – Lehigh – Biosolids is treated dried sewage sludge. Lehigh did test burning of the sludge and it was monitored. Tests indicate it is a safe and cleaner fuel. Lehigh is waiting to get permanent permission to use the biosolids. Lehigh is installing better equipment and will use biosolids again and expect to prove it as a good viable fuel.

Agriculture creates more dust than the quarrying operation. Spring cultivating and fall harvesting create a tremendous amount of dust.

Q – Mr. Maxwell – There is no monitoring system in Carroll County. How is the data gathered?

A – Lehigh – There is a modeling estimate; a number of things have been done a number and given standard letter grades. Profiling was done to make a determination in the form of an estimate. Most of the things are done as a source of monitoring output of the stack.

Q – Mr. Maxwell – Why was the stack data not entered as a database?

A – Lehigh – When Lehigh got the plant up and running, MDE’s computers could not access the metering data. Mr. Brown is working on a more “user friendly” data base.

Q – Do complaints from the residents get logged?

A – Yes, they do.

Q – Will MDE do more responding to residents’ complaints?

A – Lehigh – Feels confident that MDE will be visiting the site more often to see that things improve.

Q – Is there a stipulation that MDE cannot monitor after sunset? When the tower is light up at night, there is no problem seeing dust. Nighttime is when the fugitive dust emissions happens. At night, it looks like it snowing when you shine a flashlight on the tower stack. MDE only does monitoring during the daylight hours. It is after hours that the majority of the dust falls.

A – MDE – MDE will try to investigate every complaint. They expect to be monitoring more often due to the Consent Agreement. MDE is trying to make things better. They are not using clinker in the area, so things should already be improved.

Q – Are there two types of dust?

A – Lehigh – There are two types of dust known as “black” and “white”. There is also another type of dust known as “salt and pepper” because the dust is mixed. Cement dust in the 50’s was unbelievable. Emissions have improved tremendously.

Q – Is there anything done differently at night at the plant than is done during the day?

A – Lehigh – No, it’s a 24-7 operation.

Q – Mr. Maxwell – Commented that even visitors to Union Bridge complain that it is terrible with the dust problem. He suggested cutting down the production until air quality gets better.

Q – How come so many children have health problems in the area? The residents are concerned about that.

Q - Mr. Strickler – Does not understand why the air quality got so bad last summer.

Q – Ms. Horosko – How confident is Lehigh that they will meet MDE’s deadline?

A – Lehigh – Very confident.

Q – Do you feel the elements of this plan are good for your business?

A – Lehigh – Yes, it helps to improve business.

Q - Ms. Horosko - Expressed concern that it will take time for the residents to trust that Lehigh is addressing the dust problem in Union Bridge.

A – Lehigh – Does not think it is possible to run a cement plant dust free and Lehigh has made, and will continue, to make great strides in improving air quality.

C – Ms. Horosko - Feels it is a giant step forward in meeting to discuss the issues; that the penalties imposed on Lehigh are very low, that the residents will be watching to see that time deadlines are met; and was appreciative of being able to communicate with MDE, Lehigh and Carroll County representatives.

Q – Has hazardous waste been burned in the last years at Lehigh? Are the trucks coming in from New Jersey?

A – Ms. Judy Smith responded she felt the resident was expressing concerns from sometime ago when Lehigh wanted to burn something, but could not get a permit.

A – Lehigh – No, hazardous waste was not burned, and yes, trucks do come in from New Jersey.

Mr. Dayhoff closed the meeting at 5:15 p.m.