

**ENVIRONMENTAL ADVISORY
COUNCIL – April 20, 2005 @
3:00 P.M., Room 003
County Office Building
MINUTES**



**James E. Slater, Jr.
Environmental Compliance Officer
225 N. Center Street
Westminster MD 21157-5194
410.386.2756**

Members Present: Kevin Dayhoff, Chair
Bob Foor-Hogue
Robyn Gilden
Jim Johnson
Karen Merkle
David Pyatt
Brian Rhoten

Members Absent: Henry Heine

Lehigh Cement: Shane Alesi, Vice President, Lehigh HTC
Wally Brown, Environmental Engineer
James Eyler, Mill Foreman
Mike Fox, Plant Administrator
Peter Lukas, Plant Manager
Tim Matz, Corporate Environmental Manager
Edward L. Morton, Alternative Fuels Manager
Albrecht Schall, Vice President of Operations, Lehigh North
Dennis Warner, Project Manager

MDE: Ralph Hall, Chief, Industrial Compliance Div., Air & Radiation
Karen Irons, Permits Environmental Administrator, Air Quality Program
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, County Attorney
Neil Ridgely, Zoning Administrator

Other Attendees: Vince Campanella, Campanella & Associates
Ellen Cutsail, Union Bridge Town Council
Jacqueline Eyler, Resident
M. Foreman, Resident
Carrie Knauer, Carroll County Times
Mary Lathroom, Resident
Mary Beth McCabe, Carroll Air/Carroll County Resident
Frank Maxwell, Resident
Sam Pierce, Resident
Judith M. Smith, Concerned Citizen
Lynne Spector, Project Manager/Project Engineer, Zephyr Environmental
Charles Zeleski, Carroll County Health Department

Mr. Dayhoff opened the meeting at 3:10 p.m. by introducing Brian Rhoten, a newly appointed member of the EAC. Mr. Rhoten currently works with Bartlett Tree Experts and is professionally certified as a licensed tree expert, pest control applicator and arborist. All other members introduced themselves.

Mr. Dayhoff asked for approval of the minutes from February and March. Motion was made as follows:

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MOTION NO. 5: Motion was made by Dave Pyatt and seconded by Bob Foor-Hogue, to approve the minutes of February 16, March 4 and March 16 as written. Motion was unanimously carried.

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Some members of the audience expressed concern over a Letter to the Editor by Mr. Pyatt that appeared in the Carroll County Times on March 18, 2005. Mr. Pyatt responded with an apology and read a follow-up Letter to the Editor that is expected to appear in the Carroll County Times on April 21, 2005. He stressed the March 18th letter was his own opinion and not that of the EAC. He also pointed out that he is committed to looking out for the health and quality of life of the residents of the County.

Ms. Gilden suggested that the EAC consider adding the following items for future agendas:

- Pesticide Use Policy for Carroll County Public Schools
- Implementation of Pesticide Use Policy
- Public Education for Use of Pesticides in the County's Schools

Mr. Slater also suggested MTBE (Methyl Tertiary Butyl Ether) issues within the County and the New Windsor Quarry be added to a future agenda. The EAC needs to allow for other agenda items so they can successfully fulfill the charge from the Board of Carroll County Commissioners.

Messrs. Slater and Dayhoff reported giving presentations at the Envirothon held at Bear Branch earlier on this day. It was well attended by 9th graders throughout the State of Maryland. Carroll's students did very well in responding to the question of the day about preserving the cultural landscape.

Mr. Dayhoff reported that Lehigh was unable to complete their presentation at the last meeting of the EAC on March 16th; therefore, they would be completing their presentation at this meeting.

Mr. Hall, MDE, gave a brief update on the Consent Agreement and reported it was signed on March 31, 2005, and effective as of that date. He also reported that:

- Lehigh is complying with the agreement.

- The siding on the east side of the building is being replaced; they have until the end of this year to complete it.
- Lehigh must also install the vac system for the railcars and trucks and complete the truck wash.
- Plans have been submitted for paving the roads.
- Lehigh is waiting for final approval for the building permit for variances.
- Lehigh paid the \$90,000 penalty fine to MDE.

Open discussion included, but is not limited to, the following (Q = question; A = Answer; C = Comment):

Q Mary Beth McCabe – Based on Dave Pyatt’s views in the newspaper, does the EAC agree with what he had to say?

A Mr. Pyatt read his prepared response for publication in the Carroll County Times. He reiterated that he is very much an environmentalist, expressed his apology again, and that it was strictly his own opinion, not that of the EAC. Mr. Pyatt also stated that the State is the one that has the ability to make and enforce regulations for air quality, not the County.

Ms. Merkle – As a member of the EAC, she feels certain Mr. Pyatt submitted his letter independent from the EAC. She also declined further comment because she is a member of the Carroll Community College.

Judy Smith stated she felt a follow-up Letter to the Editor by Mr. Pyatt was a good idea, and that he should have considered all the information before sending his letter; she also felt he should not have identified himself as Vice Chair of the EAC.

Q Frank Maxwell – Mr. Maxwell did not feel the question by Ms. McCabe was answered in that her question was whether or not the members of the EAC agreed with Mr. Pyatt.

A Mr. Slater – Sometimes as professionals, personal opinions may not be a factor in a member’s response. Since the EAC does not have any regulatory powers, they will not be voting on any issues; they will be making recommendations to the Commissioners and will file a report with the Board of Carroll County Commissioners on specific issues. The EAC will form a set of bylaws that will govern how the EAC will act.

C Frank Maxwell thought Mr. Pyatt’s letter represented the entire EAC, and that the members should have responded individually to the letter in the newspaper.

Q Mary Lathroom – What exactly is the EAC’s function? What do they do?

A Mr. Slater – The Environmental Advisory Council members were appointed by the Board of Carroll County Commissioners. Although the EAC has no power to make regulations or enforce them, their purpose is to make recommendations, or advise, the Commissioners on environmental issues as they arise.

Q Mary Lathroom – Who should she contact for air quality issues – who do you go to? Is it the State or a higher level?

A Mr. Slater responded that the EAC can discuss the issues and make recommendations; however, anyone can contact the State or EPA with any environmental issue.

C Further discussions ensued over Mr. Pyatt's Letter to the Editor.

A Mr. Dayhoff addressed the residents' concerns by stating that it would not happen again; that the EAC will be adopting bylaws, and if the EAC draws a conclusion, then it will be done by a majority vote before advising anything to the Commissioners. The EAC will draw up a report, discuss it, and agree to submit it to the Commissioners.

C Mr. Foor-Hogue – He feels he is a strict environmentalist and as such, will honestly speak his mind to the Commissioners.

Further discussion ensued over Mr. Pyatt's Letter to the Editor. Mr. Dayhoff said that after the bylaws are adopted by the EAC, then this kind of thing will not happen again. Anything from anyone on the Committee concerning environmental issues that are discussed by the EAC, will be a result of the majority vote of the council.

C Frank Maxwell felt that Mr. Pyatt's response read a lot like the Mt. Airy water assessment.

A Mr. Dayhoff stated the need to move on to business so that presentations could be completed.

Q Ms. Gilden – Can the penalty money be used for any of Union Bridge's priority needs?

A MDE – No, it is too late for that in this situation.

Q Frank Maxwell – Couldn't any of the \$90,000 penalty paid by Lehigh be used toward installing two particulate matter monitors in Union Bridge?

A MDE – It is not likely that any of the penalty money would be used locally.

Q Judy Smith – The County or EAC should look into a monitoring system for the water that was for Lehigh.

C Frank Maxwell – He wrote a letter to MDE's Air and Radiation Management Administration requesting installation of at least two monitoring systems for Union Bridge/New Windsor that would cost about \$36,500/each. He suggested the project could be funded by using some of the penalty money (\$90,000) which was levied on Lehigh. Some of the residents offered up some of their own property to get this done.

C Mr. Slater asked for a copy of Mr. Maxwell's letter, and Mr. Maxwell said he would send it (Attachment A).

C Judy Smith – That is where the EAC comes into play.

After further discussion on the monitoring issue, a motion was made by the EAC as follows:

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MOTION NO. 6: Motion was made and seconded that the Council would direct the Chair to write a letter to the Commissioners advising them to take into consideration asking MDE for another air quality monitoring station in for the Union Bridge area.

Motion was unanimously carried.

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Mr. Dayhoff and Mr. Slater will get together soon to develop the EAC bylaws.

Ms. Lynne Spector, Project Manager/Project Engineer, Zephyr Environmental, gave a presentation about toxic release inventory and asked that everyone hold their questions until the end of the presentation. During her presentation, she noted a few numbers that she believes to be too high and she also noted that the numbers are from 2002. Retesting will be done and new data will become available. (Presentation is Attachment B for EAC members.)

NOTE: After this point, no one identified themselves; therefore, the questions/answers are not identified.

- Q Frank Maxwell – If the data is too high and is from 2002, then shouldn't it be considered irrelevant because the data is too old and the plant has been modernized.
- A Ms. Spector – It is not irrelevant because the permit application compares new to old.
- Q Who does the reporting?
- A Lehigh Rep – Lehigh does the reporting and they feel the figures are accurate.
- Q Who gets it?
- A The reports go to EPA and goes into a data base.
- Q Is there any penalty if standards are not met?
- A Yes.
- Q Frank Maxwell – Is there any way Lehigh can say their reporting is 100% correct?
- A Yes.
- Q How is anyone going to enforce anything if the reports are estimated?
- A People do the best they can.
- Q Are these monthly reports or quarterly?
- A Quarterly.

C Mr. Slater – All the permits are from EPA and MDE. Some of the reports are monthly and others are quarterly. There are a lot of things that are not regulated and the permits do not cover everything.

Q Ms. Gilden – Communication seems to be a really big issue. Is there anything we can think about to create better communication?

A Mr. Lukas – They can feel free to call Mr. Lukas or Wally Brown, both of Lehigh, or they can call MDE to get the information.

Q Judy Smith – Do you test at 50’ or what for the stack testing? How does the public know you will do the testing?

A Lehigh – Testing is already scheduled for the week of May 16.

Mr. Penney – There are a number of contacts and websites where anyone can go to in order to get the information.

Q What is your assessment of air quality in Carroll County?

A As a resident, he feels the air quality is good. There are some very strict air standards and they are under constant review by EPA. This is all a part of the Consent Agreement.

Q Judy Smith – Is the ozone holding down the pollution?

A Mr. Penney – It doesn’t help it, but the fine particulate falls to the ground.

Mr. Slater – The ozone is subject to the same problems as inversion – it will hold everything down.

MDE representatives and Ms. Spector will stay for a while after the meeting to address any concerns.

Mr. Morton, Alternative Fuels Manager for Lehigh, reported on biosolids being used for fuel. A sample of the pellet-sized biosolids in a small jar was passed around. Sludge is dewatered, sent to the landfill, and some is turned into biosolids. Baltimore has a thermal process that dries the moisture and then processes the sludge into a product that is sold for fertilizer. More is being made than is being used at the present time. It is a very good, clean burning fuel and less expensive than coal. The material meets both federal and State regulations and it has a chemical consistency. European countries, Switzerland and Germany, in particular, have been using biosolids for the last 20+ years.

Mr. Slater found a dramatic reduction in NOx limits on the website of a California company burning coal and biosolids.

Q Does the material come in pellet size form?

A Yes, it comes in enclosed trucks that will come in through the new entrance. Coal is also received from Pennsylvania and West Virginia.

Q Would this be transported by train?

A It could be, but it's more expensive.

Q Is there an odor associated with the biosolids?

A No, it is so efficient that organic components do not surface; therefore, no odor.

Q Terri Jones - Is Lehigh storing biosolids on site?

A Lehigh – No.

Q Terri Jones – Lehigh did not seek Zoning approval from the County to do the test. Is Lehigh aware they cannot store sludge in Carroll County?

A This is an issue that is being further investigated and further discussion will be held on both sides.

Q Can stack information be obtained from anywhere in Europe that has a tract record.

A Mr. Lukas – Yes, he will get it. There are 2 plants in Germany that have a lot of experience. They may even have a website.

Mr. Dayhoff said the Commissioners want something in writing from the EAC as soon as possible. He would like to gather the information and put it in narrative form. The letter will be certified. Anyone having any questions or comments for the narrative, please contact Jim Slater. He also wants an update on the permitting for New Windsor Quarry. At the next EAC meeting, someone will be there to take written comments.

Mr. Slater reported that there will be an “Earth Day” celebration on Sunday, April 24, at Bear Branch Nature Center and anyone can attend.

Mr. Dayhoff asked for a motion to close the meeting. Motion was made as follows:

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MOTION NO. 7: Motion was made by Mr. Foor-Hogue and seconded by Ms. Gilden to adjourn the meeting. The motion was unanimously carried and adjourned at 5:20 p.m.

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The next meeting will be held on Wednesday, May 18, at 3:00 in Room 003 of the County Office Building.