

**ENVIRONMENTAL ADVISORY
COUNCIL – JANUARY 18, 2006
@ 3:00 P.M., Room 003
Carroll County Office Building**



**James E. Slater, Jr., AICP, QEP
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MINUTES

Members Present:

Karen Merkle, Chair
Kevin Dayhoff
David Pyatt
Robyn Gildea
Sher Horosko
Christopher Spaur

Members Absent:

Jim Johnson
Robert Foor-Houge
Brian Rhoten

Other Attendees:

Tom Devilbiss, Bureau of Resource Management
Hugh Murphy, Bureau of Resource Management
Tim Feeser, Commissioners Office
Perry Jones, Commissioner
Steven Horn, Department of Planning
Vinnie Legge, Department of Public Works
Carrie Knauer, Carroll County Times
Terri Jones, County Attorney's Office
James E. Slater, Jr., Office of Environmental Compliance
Brian Flynn, Carroll County Health Department

REMARKS FROM THE CHAIR:

Ms. Karen Merkle officially called the meeting to order. She welcomed those scheduled to make presentations, including Mr. Jack Tevis, Mr. John Huff, and Mr. Ken Decker. Ms. Merkle introduced Mr. Chris Spaur, newly appointed Council member.

Ms. Merkle re-capped the purpose of the Environmental Advisory Council as established in Chapter 16 of the Code of Public Laws and Ordinances: (1) to participate in the development of broad policy plans designed to guide the County's environmental future; (2) to review specific issues of environmental concern and assist the Board of County Commissioners to protect Carroll County's environmental heritage, conserve Carroll County's natural resources, and restore environmentally degraded areas within Carroll County; (3) to advise the Board of County Commissioners and the citizens of Carroll County of actions that could be taken to improve the quality of the environment in Carroll County, as well as of any that may threaten it; (4) to assist with environmental education efforts; and (5) to serve as the County Tree Commission.

Ms. Merkle stated the Council would continue to operate under the Robert's Rules of Order for Small Assemblies.

APPROVAL OF MINUTES:

Ms. Merkle asked for any corrections to the November 16, 2005 minutes.

Ms. Sher Horosko referred to page 5 of the minutes. The second item states: *The Colonial Pipeline has a phase-out program for their customers that they will not allow MTBE in their pipeline in 2008.* She indicated she had in her notes the timeframe was 2007. She suggested it was worth checking on the date.

Ms. Horosko then referred to Mr. Singer's comments in the first paragraph of the CCHD MTBE section. The fourth sentence reads: *He also said that 15-20 ppb MTBE in water has such an odor that people will detect it and not want to drink it even though at that level, it does not prove to be harmful.* Ms. Horosko stated that Mr. Singer could not say definitively that it is not harmful; it is not known. She suggested the Council should not give the impression to the public that it is safe when it is unknown.

Mr. Jim Slater suggested the last part of the sentence be deleted. The sentence would now read: *He also said that 15-20 ppb MTBE in water has such an odor that people will detect it and not want to drink it even at that level.*

Ms. Horosko asked that the first sentence in the last paragraph on page 5 be deleted. The sentence reads: *Ms. Horosko asked if this issue is something the EAC should be investigating now or at a latter date.* She indicated she had not made the statement.

Ms. Horosko asked that "Mr. Horosko" be changed to "Ms. Horosko" under Motion No. 28 on page 6.

The minutes were approved as amended.

COMMUNICATIONS:

There were no communications.

OPEN FORUM:

- Mr. John Woodhull, a Mt. Airy resident, indicated he had some of the same concerns that he raised during the November 16 EAC meeting regarding the Mt. Airy plan for simple water intake from the South Branch of the Patapsco River. The County Commissioners asked the County Planning Department to do a feasibility study on the concept of a simple intake from Gillis Falls. Mr. Woodhull stated Steve Horn is scheduled to report the results of that study to the Commissioners on January 19th. He indicated the Town of Mount Airy hired a consultant to study various surface water alternatives, including the South Branch Patapsco, a simple intake at Gillis Falls, and extending an existing Frederick water main to the Town. Mr. Woodhull suggested there were additional questions that he hoped the EAC would address, including:
 1. Does it make sense to mix surface water with the relatively pure groundwater in use at Mount Airy? Without further growth, there may be enough groundwater for current residents, and there is certainly more groundwater available, just not on ground controlled by developers. What risks are associated with the surface water source?
 2. Does a simple surface water intake at Gillis Falls pose any environmental risks?

3. Would an off-stream reservoir at Gillis Falls fed by a simple intake pose any environmental risks?
4. If MDE approves the South Branch Patapsco application, will this Council help to protect a problematic watershed by making zoning recommendations to the Carroll County and Howard County planners? Even with a reservoir, immense danger could occur in the event of an environmental accident. Without a reservoir, there will be very little time to react, so the counties will have to do everything possible to ameliorate the existing hazards and carefully control growth in the watersheds to prevent the occurrence of new risks.
5. From an environmental standpoint, what are the risks to the South Branch Patapsco downstream of Mount Airy if the Town uses more water from any source and passes the resulting increase in sewage affluent to the South Branch Patapsco? Is there any environmental upper limit on the amount of affluent the Town can add to the stream? What is the maximum percentage of the flow of the South Branch Patapsco that can be sewage affluent?

There were no questions from the Council.

- Ms. Evelyn Cutsail, Union Bridge resident and Town Council member, indicated she has had a lot of concerns from residents regarding a dust problem in Union Bridge from Staumbaugh's. She indicated she has advised residents to contact MDE. Ms. Cutsail stated the Council had done a great job of working with the residents and Lehigh to address other issues, and suggested the Council might be willing to work towards a resolution to this issue.

Ms. Robyn Gilden questioned Stambaugh's type of operation. Ms. Cutsail indicated the issue is with the cement plant, specifically the piles of uncovered sand that are stored there. She stated her concern was for the sand causing silicosis, which is toxic. Ms. Gilden questioned whether there are County ordinances that apply to materials management on site and/or would the permits be at a State level. Mr. Slater indicated it is an existing facility, so the County ordinances would not regulate it. He suggested the State Industrial Stormwater Program may regulate the site. A request could be made for the State to review the situation and determine whether they feel the regulations should be applied.

Ms. Cutsail indicated that MDE has visited the site once. Ms. Horosko asked whether the company was cited. Ms. Cutsail indicated Stambaugh's were told to get the proper permit.

It was the consensus of the Council that Mr. Slater check into the situation.

Ms. Merkle referred back to Mr. Woodhull's item, indicating that at the November meeting, the EAC had suggested inviting MDE to a future EAC meeting to explain the legislation and regulations on water. She suggested that this would be one item to consider when the EAC discusses future agenda items later in the meeting.

UNFINISHED BUSINESS:

Distribution of the Accepted and Signed EAC By-laws:

The Council received copies of the signed By-laws. Mr. Slater reminded the Council that the By-laws are a living document, and can be changed if any issues/concerns arise regarding the document.

An Update Regarding the Work of the Biosolids Workgroup:

Ms. Horosko, Chair, indicated the Workgroup had its first formal meeting on January 11, 2006. Membership includes: Robert Bastian, EPA; Justin Hsu, MDE; and Dr. Tom Burke, John Hopkins School of Public Health. The meeting began by providing background to members regarding the Commissioners' action to adopt a temporary ordinance for the storage of Class A Biosolids. The group discussed Lehigh's permit application to MDE. The first test burn is scheduled for early February. A preliminary report on the impact on air quality should be available in March. The Workgroup plans to research: (1) the impact of utilizing biosolids as fuel in terms of the impact on air; (2) potential impact, if any, to the neighborhood in the form of odors or potential dust problems; and (3) any collateral consequences to land or water. The Workgroup is anticipating those impacts to be negligible. Ms. Horosko discussed the European experience with biosolids. Because this research could have implications nationwide, the Workgroup will be preparing a statement about the comparative benefits and deficits of land application versus utilizing biosolids as fuel. The Workgroup will also be presenting the Council and Commissioners with options as to the feasibility of constructing a biosolids drying facility here if all the other factors are positive.

MTBE Contamination Issues in Carroll County:

- **A private sector response to MTBE contamination in Carroll County – Jack Tevis, President and CEO of Tevis Oil; and John Huff, pha Environmental Restoration** – Mr. Tevis informed the Council that the Energy Bill passed by Congress last year, and taking effect in May, removes the oxygenate requirement in gasoline. He stated that MTBE is about 11-15 percent of the volume of gasoline. He suggested that because of the supply and demand for gasoline, the MTBE would probably not be removed all at once, but phased in over time. Mr. Tevis indicated he would anticipate a bill this Legislative Session to remove MTBE from gasoline. This would make Maryland another state to remove MTBE, and this effort would be supported by the industry. Even with these regulations, states still allow the use of MTBE, but in much smaller volumes. Mr. Tevis indicated that MTBE was originally introduced in the 1970's as a replacement for lead in gasoline.

Mr. Tevis noted there are many lawsuits across the country relating to MTBE contamination in groundwater. He provided some information regarding his situation with MTBE at the Shell/Jiffy Mart on MD 140 at Suffolk Road, including: amounts ranged from a high of 1,800 parts per billion to 44 parts per billion; a study was conducted and remediation technologies were explored; after a series of interviews with various consultants, a company and technology were chosen for remediation.

Mr. Tevis introduced Mr. John Huff, pha Environmental Restoration, to describe the remediation process that was utilized. Mr. Huff explained his company utilizes a bio-remediation technique. The idea is to take the concepts of the technology and modify, optimize, and make scalable, so they can be utilized in an economically viable fashion on smaller sites, such as gas stations and

dry cleaners, etc. The technology is called MAGNUS, Multiple Application Gas Nutrient System. MAGNUS is a process of applying or injecting constituents into the subsurface primarily in gas and vapor form. It creates a subsurface condition that allows bacteria to thrive and their robust metabolic activity may result in a rapid conversion of the contaminants into nontoxic end products. Mr. Huff reviewed diagrams of the subject site detailing the location of new monitoring wells, contamination sites, injection sites, radius of influence, etc. He indicated the system was installed March, 2005, and reviewed MTBE levels since system installation.

Ms. Gilden questioned whether the propane that is injected weekly is monitored to ensure it is completely used by the bacteria. Mr. Huff explained the process and assured that safety monitors are in place. Ms. Gilden indicated the process seems incredibly fast. She questioned how it compares to other processes. Mr. Huff explained that when DOE first introduced this technology, they had discussed it as being 40 percent more effective than air sparging alone.

Ms. Horosko questioned whether all the MTBE will be removed from the wells of the citizens that currently have MTBE contamination by the end of the MAGNUS process. Mr. Huff indicated he is treating the Shell/Jiffy Mart property, so any contamination that has already left that site will have to naturally attenuate. If the Shell/Jiffy Mart property is the only source, contamination will eventually be eliminated, but the domestic waters are not being actively treated.

Ms. Horosko asked how Mr. Tevis had responded to the neighbors of this property who have experienced contaminated wells. Mr. Tevis indicated MDE does not have any requirements for MTBE at levels less than 20 parts per billion. He stated he was not required to do anything for any neighbor in that area with MTBE at less than 20 ppb. However, to be a good neighbor, he supplied each home owner with any trace of MTBE with bottled water and then installed a carbon filtration system on their domestic water well. Carbon filter changes are made at the expense of the homeowner. Generally, depending on the level of MTBE, this would be an annual fee. In any homes with MTBE higher than 20 ppb, Mr. Tevis indicated he is responsible for the cost of changing the carbon filters.

Ms. Horosko indicated she had made an effort to speak with a couple of the owners affected on Suffolk Road. She stated that there appears to be an uneven amount of knowledge on the potential affects of MTBE from their drinking water and showering. She expressed concern about the information being provided to the public. A representative from the Carroll County Health Department, Mr. Brian Flynn, responded that residents within a half mile radius of the site are notified and told about the testing procedure and monitoring. He added that the health department communicates directly with individuals and businesses affected. They are cautious in their approach so as not to cause a panic by informing all in a community, including those not affected by the contamination, before more research can be done.

- **A municipal perspective on MTBE and its impact on the community – Mr. Ken Decker, Town Manager, Town of Hampstead** – Mr. Decker indicated that several residents of the Hillcrest Street neighborhood in Hampstead have carbon filtration systems installed because of MTBE contamination. The Town has approached these residents to see if they would like to be annexed into the Town. The Town would install water mains and provide public water service. Mr. Decker spoke about the fractured rock geology of Carroll County, and how quickly MTBE can travel great distances because of this unique geology. He indicated the Town has had some traces of MTBE in its production wells over the years. Mr. Decker explained that the Town serves 6,500 people with six production wells. If one or two of those wells are lost, 8 – 12 percent of the

overall pumping capacity can be gone overnight. The Town uses groundwater for its water source. The Town could treat the water with traces of MTBE but that is an expensive process, and the residents lose confidence in the quality of the water. The Town is drilling four new wells on the Leister Property. Because MTBE has been detected at the Jiffy Mart, the Town is working with MDE on protecting these wells from becoming contaminated. This adds costs to the project. On behalf of the Hampstead Mayor and Council, Mr. Decker requested the EAC make a recommendation to make Maryland one of those states that move progressively to get MTBE out of the supply stream and to try to empower Legislature to act aggressively against property owners who have been less than cooperative.

Ms. Gilden questioned what public message regarding MTBE Mr. Decker would recommend if the Council was to make one. Mr. Decker indicated the most difficult thing about public messages is to get people to listen to them. He suggested the most important thing is to get private well owners to test their wells. Public water systems are already taking action against MTBE. Mr. Decker noted the Town has many tiny lots built before subdivision regulations, and those people need to hear that their water should be tested, even if they not near a gas station. He suggested people need to know what they are drinking. He further suggested that any property with a private well should be required to have broad spectrum water quality testing included as any part of transfer or conveyance of the property. This would allow the gathering of data as a community.

Ms. Merkle suggested that during a future meeting the Council revisit the information discussed at the last two meetings and decide whether there are recommendations that need to be made to the Board of Commissioners, actions that should be taken, etc. She questioned whether there were any other people the Council should hear from.

Ms. Horosko indicated she had previously suggested an ad be run in the newspaper to let landowners know that the Council is discussing the issue of MTBE and request them to come forward with their information, concerns, issues, etc. To her knowledge, the ad was not run. She suggested the Town of Hampstead might also mail a letter to affected property owners, making them aware of a future meeting.

Ms. Merkle asked whether there were any issues with the Council putting an ad in the newspaper. Mr. Slater indicated there was no money allocated for that type of expenditure. He indicated a press release could be sent to the media, but there is no guarantee the information will be put in the newspaper. It was the consensus of the Council to invite the public to the February EAC Meeting. Mr. Slater will draft a press release, and include the item on the agenda. Mr. Decker offered to send letters to the property owners in the Hillcrest neighborhood that are affected by this issue, inviting them to the February meeting.

NEW BUSINESS:

Updating the Carroll County Solid Waste Management Plan:

Vinnie Legge, Chief, Bureau of Solid Waste Management, presented an overview of the Solid Waste Management Plan. She indicated that Maryland regulations require all jurisdictions to develop a plan that addresses solid waste for a minimum of ten years and that plan must be updated every three years. The State requires that the plan be divided into six sections, including an introduction and five chapters. Each chapter is required to include certain things: Chapter 1 – County goals, objectives, policies, and programs regarding solid waste management; Chapter 2 – Demographics and land use characteristics of the County; Chapter 3 – Existing waste management systems in the County, discussion and types of quantities of

waste, if significant, which are entering or leaving the County for processing, recovery, or disposal; Chapter 4 – Solid waste management system assessment and alternatives; Chapter 5 – County’s Solid Waste Management Plan of Action. Ms. Legge indicated the Council is one of several agencies that has been sent the draft plan for review and comment by January 31st. She stated the deadline could be extended to allow the Council the opportunity to comment before the draft plan is sent to the State in early spring. Ms. Merkle asked Mr. Slater if there were any particular chapters the Council should concentrate on. Mr. Slater suggested the Council closely review Chapter 5. The Council will review the draft and provide any comments to Mr. Slater, and a draft compilation of those comments will be presented by Mr. Slater at the February meeting.

Boards and Commissions Training:

Ms. Merkle reminded everyone of the County Attorney’s Office training session scheduled for 9:00 a.m. on February 1st at the Bear Branch Nature Center. Mr. Slater will send out a clarification to the Council members regarding the length of time the session is expected to last.

Discussion Regarding the Question of the Carroll County 2006 Environmental Awareness Awards:

Mr. Slater indicated he would discuss this item at the February EAC Meeting. He discussed a workshop scheduled for February 23, 2006 from 9:00 a.m. to 3:00 p.m. at the Carroll Community College for local businesses on pollution prevention. An agenda will be sent to the Council in the next week.

Future Meeting Dates and Times:

Ms. Merkle stated that the Council had discussed changing the day and time of their meetings to become more easily accessible to the public. She noted that in order to have agency participation, it would probably be better to avoid a 7:00 p.m. – 9:30 p.m. meeting time. Mr. Slater indicated the hearing room is booked throughout the year, and there is limited availability on a regular basis. Ms. Merkle indicated that the third Wednesday date would remain if the Council decided to maintain the 3:00 p.m. start. It was the consensus of the Council that Mr. Slater check on a 4:00 p.m. – 7:00 p.m. time slot on Wednesdays.

UPCOMING FEBRUARY MEETING:

The agenda for the February meeting will include: (1) Citizen input on the MTBE issue; (2) Deliberation and discussion of recommendations regarding MTBE (Mr. Slater will meet with the Commissioners and bring additional information to the Council); (3) Agenda items the Commissioners would like the Council to work on throughout the coming year; (4) Draft comment letter on the Solid Waste Management Plan; (5) Continuing education items for the Council on policies/regulations – develop a schedule to cover these items; (6) Election of Vice Chair.

Mr. Slater will invite MDE to the February meeting in case questions arise during the MTBE discussions.

MOTION NO. 29: Motion made by Mr. Pyatt and seconded by Ms. Horosko to adjourn the meeting. The motion passed unanimously.

The next regularly scheduled meeting is February 15, 2006 at 3:00 p.m. in Room 003 of the County Office Building.