

**ENVIRONMENTAL ADVISORY  
COUNCIL – FEBRUARY 15,  
2006 @ 3:00 P.M., Room 003  
Carroll County Office Building**



**James E. Slater, Jr., AICP, QEP  
Environmental Compliance Officer  
225 N. Center Street  
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410.386.2756**

## **MINUTES**

**Members Present:** Karen Merkle, Chair  
Kevin Dayhoff  
David Pyatt  
Robyn Gilden  
Sher Horosko  
Christopher Spaur  
Jim Johnson  
Brian Rhoten

**Members Absent:** Robert Foor-Houge

**Other Attendees:** Ellen Cutsail, UB Council Member  
**Jim Richmond, MDE Oil Control**  
**Marion Eckenrode, Resident**  
**Carol Kirshner, Resident**  
**Jane Schneider, resident**  
**Kim Stenley, Resident**  
**Terri Unglesbee, Resident**  
**Jennifer Baldwin, resident**  
**Debra Wideman, Resident**  
**Stephen West, resident**  
**Paul Wideman, Resident**  
**Carolyn Solomon, Resident**  
**David Solomon, Resident**  
**Vince Campanella,**  
**Perry Jones, Commissioner**  
**Jeff Keefer, Office of Environmental Compliance**  
Tom Devilbiss, Bureau of Resource Management  
Tim Feeser, Commissioners Office  
Vinne Legge, Department of Public Works  
Carrie Knauer, Carroll County Times  
James E. Slater, Jr., Office of Environmental Compliance  
Ed Singer, Carroll County Health Department

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### **CALL TO ORDER:**

Ms. Karen Merkle officially called the meeting to order at 3:05 pm

### **APPROVAL OF MINUTES:**

Ms. Merkle asked for any corrections to the January 18, 2006 minutes.

Ms. Robyn Gilden clarified her statement on page five, paragraph two of the minutes. She asked that *Ms. Gilden indicated the process seems incredibly fast*. Be corrected to read: *Ms. Gilden indicated the process seems to be working relatively quickly compared to other technology*.

Ms. Merkle revised the last sentence on page one to read: *Ms. Merkle stated the Council would continue to operate under the Robert's Rules of Order Guidelines for Small Assemblies which allows for some informality, however, she will be continuing with the precedent set last year as a non-voting Chair except in cases of a tie vote*.

Ms. Merkle indicated an important portion of discussion is missing on page five of the minutes. There were comments made about informing the public and a response by a representative from the Health Department, Mr. Brian Flynn. Mr. Slater indicated Mr. Flynn stood at the back of the room during the discussion, and it is possible that the tape did not record that portion of the discussion. He indicated the tape would be reviewed, and, if necessary, Mr. Flynn would be contacted regarding his comments.

Ms. Merkle suggested the minutes not be approved until the additional language is available for review by the Council.

There were no other changes to the minutes.

#### **COMMUNICATIONS:**

There were no communications.

#### **OPEN FORUM:**

Ms. Merkle indicated the Open Forum is an opportunity for County residents to express concerns or to propose issues to be considered as future EAC agenda items. She requested that anyone interested in discussing MTBE please hold their comments until later in the meeting. Ms. Merkle suggested a three-minute time limit per person, and then a brief time for questions from the Council.

- Mr. David Solomon indicated he has 15 acres of property containing a water source of hundreds of thousands of gallons of water. A year ago, it was discovered that an endangered species, Bog Turtle, exists in the area. Mr. Solomon shared a slide presentation with the Council illustrating his concerns about run-off from an adjacent property, a horse farm with an existing dog kennel and a new dog kennel being constructed, and the affects on the water source and the endangered species habitat. MDE was asked to investigate the situation. They visited the site and found no problems with the situation. As a concerned citizen, Mr. Solomon indicated he came to the Council for any assistance it can offer.

A Council member questioned how long the turtle habitat has been there. Mr. Solomon indicated the turtle was identified on an adjacent property in 1993 by DNR. No one came to him and told him about it at that time. He indicated he has the actual habitat on his property. A question was asked as to how long the horse farm has been in existence. Mr. Solomon indicated the horse farm has been in existence since 1986, and he has lived on his property

since 1988. He indicated the trees were cleared for the horse farm. Mr. Solomon indicated he contacted DNR last year to resurrect the area as a Bog Turtle protected area.

Mr. Kevin Dayhoff questioned whether it was a horse farm. Mr. Solomon indicated it is a horse farm with an existing kennel that just received a variance for an additional kennel. Mr. Dayhoff questioned whether there was a site plan for the additional kennel. Mr. Solomon indicated they were not required to provide a site plan. Mr. Dayhoff questioned who Mr. Solomon spoke to at MDE. Mr. Solomon indicated he spoke with Mr. Hutzell from MDE in Hagerstown and Mr. Dotterer, a Cooperative Extension representative. They visited the site and spoke with Mr. Solomon.

Mr. Brian Rhoten questioned whether Mr. Solomon had any testing performed regarding the pollutants he mentioned. Mr. Solomon indicated he was a homeowner on a limited income, and could not afford to have testing performed. He stated there needs to be some sampling done to determine the impact.

Ms. Gilden questioned the current zoning of the property. Mr. Solomon indicated the property is zoned agriculture. Ms. Terri Jones indicated the property owner got a conditional use in the agricultural zone. Ms. Gilden questioned whether there were any County regulations requiring stormwater management in this situation. Mr. Jim Slater indicated there were none for an agricultural use in the agricultural zone.

A Council member questioned whether there was some issue with the combination of horses and dogs that raised concern versus other farm animals. Mr. Solomon indicated they are both fecal matter producers and bacteria producers, adding additional nitrate load into the ecosystem. There is no abatement to that, and no requirement for abatement under current law. Mr. Solomon indicated he felt the circumstances were unusual in this instance because of the steep hillside, the wetland areas, and the Bog Turtle endangered species.

A Council member indicated that the grazing area of the horses is actually something the Bog Turtle habitat is dependent upon, although the nutrient loading is probably not helpful to them.

Mr. Dayhoff requested a copy of the powerpoint presentation provided by Mr. Solomon. Mr. Solomon indicated the presentation was available at marylandturtle.org. Mr. Dayhoff asked Mr. Solomon if he had spoken with the Right to Farm Reconciliation Committee. Mr. Solomon was unfamiliar with the Committee. Mr. Dayhoff explained the purpose of that Committee, etc. He suggested Mr. Solomon ask for contact information from one of the Special Assistants in attendance at the meeting.

Ms. Gilden asked Mr. Solomon what he felt needs to happen to solve the problem. Mr. Solomon indicated he was not an expert, but the issue is the run-off.

### **UNFINISHED BUSINESS:**

#### **MTBE Contamination Issues in Carroll County:**

- Ms. Joan Warfield indicated she was representing her husband and herself, as well as two other homeowners affected by MTBE. They discovered in 2003 that their well

and others in the Hillcrest area was contaminated with MTBE. Filtration systems were installed in her basement and in nine other homes three months after the contamination was discovered. The MTBE readings ranged from 290 ppb to 20.5 ppb. Safe levels are 20 ppb or lower. The Town of Hampstead has offered to annex the affected area to allow the homeowners to get public water service, if enough homeowners agree to it. The Town is also investigating the possibility of grants, etc., to help lower the costs to the homeowners. Ms. Warfield questioned what the Council might be able to do to get the homeowners help from the County and State.

Ms. Gilden questioned how Ms. Warfield would define “help”. Ms. Warfield requested monetary assistance to join the Hampstead public water system. She indicated the Town has been very cooperative in working with the residents. Enough homeowners have to agree to join the system. Ms. Warfield indicated the cost will be approximately \$2,000 per home.

A Council member questioned what the MDE has told the residents about their search for the responsible party for the contamination, and the possibility of that person contributing to the cost of hook up or paying for the entire process. Ms. Warfield said she thought the EAC would be updating the homeowners on the status. She indicated that at the last meeting held with the Town, they still could not identify the source of the contamination. Ms. Warfield raised concern about the value of the homes, and the necessity to sell them. A Council member questioned whether the homeowners were ever told that they would have to pay the upfront cost of the hookup, but it may be reimbursed.

Ms. Gilden questioned who is covering the cost of the filtration systems and carbon filters, etc. Ms. Warfield indicated the State is still covering the cost and currently monitoring them every three months.

Ms. Sher Horosko questioned who contacts the homeowners to come to their homes to check and/or change the filters. Ms. Warfield indicated the State calls the homeowner and has a contractor do the actual work. Ms. Horosko questioned the explanation homeowners have been given about the potential health affects of MTBE. Ms. Warfield indicated they received a report detailing the dangers of MTBE, cancer-wise.

A Council member questioned whether there were any leads or clues as far as the source of the contamination. Ms. Warfield indicated a number of potential sources were checked by the State, and a list was provided to the residents by the Town. The Council member questioned whether there was any feel for how likely it would be to have someone pay for the hook ups, how long it would take, etc. Ms. Warfield indicated the residents would have to pay approximately \$2,000 to hook up to the system, and would be paying double the water rate for a period of time to cover the costs of installing the lines.

Ms. Merkle questioned how many residents had been affected. Ms. Warfield indicated there were 10 homes. Ms. Merkle questioned how many of these residents wish to hook up to the system. Ms. Warfield indicated the Town would be sending out letters to each homeowner in the area. They need a certain percentage of homeowners to agree in order to extend the system.

Ms. Gilden questioned what the rationale was to have residents hook up to the public water system versus allowing them to continue with the State funded carbon filtration systems. Ms. Warfield indicated the residents are not sure how long it will take to discover the source and how long the State will continue to fund the systems.

Ms. Merkle questioned whether there were residents resisting the hook up to the public water system. Ms. Warfield indicated there are some residents that want to remain on their private systems because they are not affected by the MTBE contamination.

A Council member questioned whether the State has offered to pay the hook up fee for the residents. Ms. Warfield stated they had not agreed thus far; Ken Decker has been working with the State.

Ms. Gilden questioned how many people would be required to hook up to public water. A resident indicated approximately 80 homes would be impacted.

Ms. Horosko indicated she spoke with Herbert Meade about this situation. Her impression was that the filters are viewed as a stop gap measure while they look for a longer term solution. The responsible party has to be determined. There is a precedent in other places for the responsible party to fund the hook up costs. Ms. Horosko stated her personal opinion is that citizens should not be obligated to pay the hook up costs. She suggested there could be things the Council could look at in terms of being an advocate to determining who the responsible party is.

A resident indicated the biggest issue is not the residents with the MTBE contamination issues; it is the other houses which are not experiencing contamination issues that will be required to hook up to the public water system if the property is annexed. He stated that Maryland law required annexed property to be contiguous to the Town boundaries. Ms. Horosko asked whether other solutions are being considered if hooking up to the water supply is not feasible because of the number of households involved without contamination issues.

Mr. Jim Richmond, MDE, indicated he is the Oil Control Program Inspector for Carroll County. He stated he has been working on the Hampstead case for three months. MDE has not determined where the contaminants are coming from. Investigations are being done; the old school was reviewed and several residential properties. Mr. Richmond indicated the State, in the next several months, will probably look at doing some borings or additional well installation in Hampstead to test for the source of the contamination. The carbon filtration systems are working properly on the homes. Sampling is done on a regular basis. A slight fluctuation does occur in the contamination levels, but that is probably due to changes in groundwater levels. Mr. Richmond indicated he is the contact person for the contamination issues in the Hampstead area, and can be reached by e-mail at [jrichmond@mde.state.md.us](mailto:jrichmond@mde.state.md.us). He indicated he would provide additional contact information to anyone interested.

Ms. Merkle questioned when the installation of the well might occur. Mr. Richmond indicated they are currently doing a similar project in Gamber with MES. Once the Gamber monitoring wells are installed, they will move to Hampstead.

Ms. Horosko questioned what occurs if the State cannot make a determination regarding the responsible party. She asked whether MDE would step in to take over the role of the responsible party to determine a long term solution to the problem.

Mr. Richmond indicated there is an Orphan Program which has limited funding and a prioritized list of applicants.

Mr. David Pyatt indicated annexations require contiguous property. If only 20 percent of the people in the area (registered voters) are opposed to the annexation in the area to be annexed than it can be stopped.

A Council member questioned how long Mr. Richmond has been working as an Oil Control Program Inspector. Mr. Richmond indicated he has been there for about six months. The Council member questioned who the previous representative was. Mr. Richmond indicated he did not know, but he could check the files. The Council member questioned, in Mr. Richmond's opinion, has the State been doing everything fast enough to address the concerns of the residents in the area. The State has been working on this area for three years. He asked Mr. Richmond for his stance on the situation as to whether this was a serious, significant health threat. Mr. Richmond indicated he has not taken a stance; it is his job to determine the responsible party and make sure the citizens are safe. He indicated the carbon filtration systems provide safety for the residents. The Council member questioned what the future plans were. Mr. Richmond indicated the future plans are to drill several monitoring wells to determine if the contamination is coming from a gas station or a private residence that had a fuel tank, etc.

Mr. Ed Singer, Health Department, indicated that most of the potential sources of contamination have been taken out of the ground. Most of the tanks have been pulled. If MDE thought there was still a source out there leaking contaminants into the groundwater, they would be a lot more vigilant in chasing after it. The source is likely gone.

- Ms. Merkle directed the discussion to what MDE has been doing with the Gamber situation. She asked Mr. Richmond to provide an update.

Mr. Richmond indicated MDE has been working at the intersection of MD 32 and MD 91. MTBE is in the drinking water wells in that area. MDE is investigating the source of the contamination in that area, as well. Tank pulls have been completed, including two 550 gallon steel tanks located at the former Discover Carpet property which was formally a gas station. Both tanks had clean soils around them. Along with the MTBE, there is also some benzene contamination. MDE has been going to each property that is a potential source. If there are tanks onsite, they are checked to see if they are leaking. At least four homes have carbon filtration systems maintained by the State, and one home has a system personally maintained. Additionally, sampling will also be done on homes that previously registered levels of MTBE below the action

level. He will be working with MES to create some monitoring wells. Three monitoring wells are already installed at the High's Store and the Royal Farms Store. Information collected will be coordinated amongst the monitoring wells.

Ms. Horosko questioned how the benzene level is and how was that contamination discovered. Mr. Richmond indicated there was a complaint from a citizen about an abandoned underground tank. Then either MDE or the Health Department went out and sampled the person's well and discovered the contamination. The highest level of benzene was 128 ppb and the NCL for benzene is 5 ppb.

A Council member questioned whether MDE would take action to mitigate the situation once the source of contamination is found. Mr. Richmond indicated MDE would go to the responsible party and require them to develop a plan designed to clean up the source.

Ms. Gilden questioned whether MTBE and benzene plumes are going in different directions or does the MTBE just travel faster. Mr. Richmond indicated it is quite possible that the MTBE is out ahead, but that will be determined by using the additional wells.

Ms. Merkle asked for the Gamber resident that wished to speak to come forward.

Ms. Deborah Widerman indicated she has lived at 1704 Georgia Avenue in Gamber since June 9, 2005. On July 16, the Carroll County Health Department stopped by the house to sample the water as part of an ongoing investigation of MTBE contamination in the area that started with a contamination issue found in March 2005 at the Royal Farms Store. She indicated she was unaware of any issues prior to purchasing the house, and the water was tested as part of the routine inspection process. Unfortunately, MTBE is not something that is normally tested for, and is a costly procedure. Ms. Widerman indicated the Health Department test showed MTBE in her water at 42 ppb which is above the action level. The State installed a carbon filtration system on August 23, 2005. She reviewed several examples of how other states handle contamination issues. Ms. Widerman expressed concern about the maintenance and monitoring of the filters, especially where her three young children are concerned. She indicated she requested sampling every month, and expressed concern about not getting the results of the testing for a month following the testing. Ms. Widerman indicated that the contractor hired by the State previously tested her water using the wrong methodology; they used wastewater criteria. She expressed concern about when the State's contract ends, and different contractors come in to monitor the systems. Ms. Widerman reminded the Council that MTBE is not the only contaminant at the site. She indicated she has requested MDE to have a forum at a fire hall, etc., where the community can gather together to get information about this situation.

Ms. Horosko questioned whether the houses in the area were tested in March, 2005. Ms. Widerman indicated they were not; that was when the contamination issue was discovered at the Royal Farms Store, less than half a mile away.

Mr. Christopher Spaur questioned, in terms of the water purification technologies, carbon filtration, reverse osmosis, etc., how effective are those technologies if you have them installed. He questioned whether you can have a high degree of confidence that you are meeting safety criteria. Mr. Richmond indicated he was not an expert on water treatment, but his exposure to this has shown that carbon filtration systems are very effective. Typically, these systems are sampled more often after initial installation to make sure the system is working properly.

Ms. Widerman indicated that the State had contractors come out every month the first two months following installation, and then they wanted to drop it back to every three months. She stated that she called and raised concern about it, so they agreed to come every two months.

A Council member questioned whether there was a fluctuation in the levels, etc., that led the State to reduce the testing. Ms. Widerman indicated the only reason ever provided is monetary. She stated that several neighbors' levels of MTBE were below the action level of the State, and they were told by letter that they would be retested to monitor the situation and see whether the MTBE had traveled. After seven months, the neighbors have still not been retested.

Ms. Gilden asked whether there has been any kind of public meeting regarding the Gamber contamination. Ms. Widerman indicated there was not. Ms. Gilden asked whether someone from MDE or the Health Department would like to address that issue. Mr. Richmond stated that if MDE cannot come to the public meeting with maps, diagrams, and updated information for the citizens, it is worse than having no meeting at all. He indicated that one of the stipulations in the consultant's contract is to have them provide detailed maps of the area, including location of tanks, wells, etc.

Ms. Widerman stated that the investigation has been ongoing for almost a full year, and there should have been some kind of public meeting to inform the citizenry. She indicated it should not be up to the individual residents to go after the information. She receives information because she regularly contacts MDE, etc. There needs to be a public forum even if you cannot tell the citizens what the source of the contamination is.

Mr. Dayhoff asked whether Ms. Widerman has kept a detailed timeline of all the events. He requested an e-mail copy of the timeline and Ms. Widerman's presentation. Ms. Merkle requested the timeline be e-mailed to Mr. Slater who will distribute the information to the entire Council.

Mr. Dayhoff questioned whether Ms. Widerman had pursued the legal avenue in terms of being sold a home with this kind of existing condition.

Jennifer Baldwin indicated Ms. Widerman and others were not informed of the situation because the legislation requiring citizens within a half mile radius to be notified did not get adopted until June 2005. The condition was discovered in March 2005, and existed prior to the June 2005 date, so they did not fall under this legislation.

Ms. Gilden asked for clarification as to whether the previous owner was aware of the contamination issue and did not disclose it to the new buyer. It was confirmed that the previous owner was not aware of the contamination. Ms. Gilden indicated the legislation was passed in June, but did not go into effect until October 2005.

Ms. Widerman requested that the public meeting focus on all the contamination issues, i.e., benzene, etc., and not just the MTBE issue.

Mr. Charlie Zeleski, Health Department, indicated he needed to clarify a few points. He stated that the original detection of the contamination was a result of a program the Health Department had initiated unilaterally within Carroll County to sample for MTBE for all our food facilities, including those that were gas stations. He stated the first knowledge of MTBE existing in Gamber was a result of that program. The Health Department detected it in the Royal Farms well and notified MDE. The Health Department, working in conjunction with MDE, began an evaluation of possible sources and performed sampling to determine the extent of the contamination. There was a law passed that required notification under certain conditions. That law became effective October 2005. The Health Department was working with ways to deal with those kinds of situations. A decision was made in August 2005, to notify residents within a half-mile radius of all spills, and this was before the law required the Health Department to do so. A mailing was completed for Gamber, some places in Finksburg, etc., that are not required by law. The Health Department worked to develop a policy and methodology before sending anything out. There were two types of letters developed: (1) indicated you may be contacted in the near future to sample your property, along with a facts sheet on MTBE (2) we don't think your water supply is impacted, but here is a facts sheet on MTBE anyway. Mr. Zeleski indicated there was a delay in the mailing of the letters, but the Health Department was developing its policy/processes on how to deal with contamination situations. Now that the policy has been developed, anytime a similar situation arises, letters are immediately mailed out.

Mr. Singer indicated he was surprised to hear the citizens indicate there was a desire for a public meeting. He stated he was on a leave of absence when this issue arose. He stated the Health Department has held public meetings in other communities where there were MTBE issues. Mr. Singer indicated he was aware the letters had gone out to the property owners, but he was not aware there was an interest in a public meeting. Mr. Singer indicated it is always a good idea to have an exchange of information even if all the questions cannot be answered. Ms. Merkle questioned whether Mr. Singer would be scheduling a meeting. Mr. Singer indicated he would talk with MDE staff to see if they are willing to commit to that; he can only speak for the Health Department. Mr. Richmond indicated he would work with Mr. Singer to schedule a meeting. Mr. Singer indicated he would try to develop a mailing list of people within a certain distance from the contaminated area to advertise the meeting.

Mr. Rhoten questioned whether the Health Department has an alternative water testing contract, different from the State. Mr. Singer indicated they rely on the State Laboratory Administration to run samples for them, and it takes from three to five weeks to have results returned. Mr. Rhoten asked whether there are other options; the

ability to use other facilities. Mr. Singer indicated he does not have the ability to hire a private laboratory to perform the testing.

Mr. Zeleski indicated there is a safety margin built in with the treatment devices. It is a two-carbon unit system, and the sampling is done in between. When we talk about breakthrough, we are asking when does it get through the first carbon unit and start to get into the second carbon unit. All the sampling, testing, and changes to the carbon units are made when it gets through the first carbon unit. That is an added safety factor that is built in to keep the water safe.

A question was raised as to how much it would cost for a citizen to privately test their water. Mr. Singer indicated the cost runs between \$600-\$800 to upwards of \$2,000 to run a full series of tests. Mr. Zeleski indicated if you just test for MTBE and volatile organics, a test would cost between \$150-\$250.

Ms. Widerman stated that the action level of 20 ppb is based on odor and taste alone, not health affects. The EPA is looking into the situation, and they should have a new advisory out in the spring.

Mr. Dayhoff asked whether Ms. Widerman had developed an action paper on how the State could handle these situations better based on her experience. She indicated she could write that up if he wanted. Mr. Dayhoff indicated there was legislation pending in Annapolis, and it would be good to have that information as soon as possible.

Ms. Merkle requested the Health Department notify the EAC, through Mr. Slater, when the community information meeting is scheduled.

#### **Update on the Status of MTBE Use and Actions Being Taken or Considered at the Federal and State Level:**

Mr. Singer indicated the only bill he is aware of in the legislature is a bill to ban the use of MTBE in Maryland. He indicated he was not aware of the status of the bill. Ms. Horosko indicated the bill is House Bill 360, and the first reading occurred on January 26<sup>th</sup> in the Environmental Matters Committee. The second hearing on the bill is scheduled for February 22<sup>nd</sup> at 1:00 p.m. The purpose of the bill is to prohibit the sale, supply, or offering of gasoline that contains more than .5 percent of MTBE by volume which would take effect if this bill were executed on January 1, 2009. Maryland would join 21 other states. Delegate Krebs is one of the co-sponsors.

It was suggested that eliminating MTBE as an oxygenate would allow the use of another oxygenate that theoretically could have its own issues.

Ms. Merkle requested that Mr. Slater prepare a summary of all the related bills that the Council should be aware of regarding MTBE, etc.

Mr. Singer indicated there is a bill under review that repeals the bill passed last year requiring Health Departments to notify residents within a one-half mile radius of MTBE detection. He indicated there does not seem to be a lot of opposition to the bill.

**Discussion and Deliberation on BOC Recommendation:**

Ms. Merkle suggested the Council wait until the next meeting for this agenda item due to the amount of information that was shared during the meeting.

Mr. Dayhoff requested Mr. Singer and Mr. Zeleski provide the Council with information regarding their current notification procedure/policy. Mr. Singer indicated he had previously shared that information with Ms. Horosko, but he would be happy to provide it to Mr. Slater for distribution to the Council.

Ms. Merkle questioned what other information or resources the Council wishes to review prior to making a recommendation.

Mr. Spaur questioned what proactive measures are being taken to prevent similar situations in the future. He requested discussion on those issues.

Mr. Singer indicated there are regulations that require routine sampling at sites with commercial tanks located on them. The problem is there are many older tanks buried on properties that no one knows about, tanks on farms, heating oil tanks, etc.

Ms. Horosko stated the information that is missing from the Council's discussion is the potential health impacts of MTBE. The Council has heard about the allowable limit for MTBE, but she requested information about what other people are saying about the health impacts. Ms. Horosko read from a letter dated July 21, 2005, to EPA signed by 21 senators, including the two from Maryland. The paragraph stated the EPA is circulating for internal review a draft risk study that may conclude that MTBE is a likely human carcinogen. The senators called for further investigation and review. There has been no response from EPA to this letter. Ms. Horosko suggested that more discussion be held regarding how to prevent future situations with MTBE and how we assist citizens who are already affected to get the kind of response that they need.

Ms. Merkle suggested following Ms. Horosko's idea to divide the discussion in two parts. She indicated she would entertain a motion to table the issue for full consideration at the next meeting.

Mr. Dayhoff discussed several motions that he would like to make, including making a motion that the EAC communicate with the Commissioners to ask the Commissioners for their support of the MTBE legislation in the Maryland General Assembly. He suggested the Council request they evaluate the pending legislation with the Carroll County Legislative Liaison, Mr. Frank Johnson, and support legislation that would ban this pollution potential from Carroll County as soon as possible. Mr. Dayhoff suggested that communication needs to occur in a timely fashion. He also requested that Mr. Johnson attend the next meeting of the EAC to provide the Council with an update on the status of the bills.

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**MOTION NO. 30:** Mr. Dayhoff made a motion that the EAC request the Commissioners support MTBE legislation after an appropriate evaluation of the pending legislation with the appropriate parties to the affect of banning this potential pollutant from Carroll County in the future.

Ms. Horosko seconded the motion.

Ms. Horosko asked to revise the motion to state: “banning petroleum products containing MTBE.”

Mr. Dayhoff agreed.

The motion carried.

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Mr. Dayhoff questioned as to whether a report will be presented by Mr. Johnson at the next meeting as to current legislation concerning MTBE. Mr. Slater indicated a report was not necessary, the Council just wants a follow up on what is occurring with the legislation.

Mr. Merkle suggested a section be added to the agenda entitled “Director’s Report”. This item could be covered under that section.

The next meeting will include a full deliberation with Mr. Meade, Mr. Richmond, and Mr. Singer in attendance.

Ms. Horosko questioned whether it would be acceptable for Council members to e-mail Ms. Merkle with our thoughts or recommendations prior to the next meeting, and she can forward them to the rest of the members. Ms Merkle agreed that she would forward any information sent to her to the other members.

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**MOTION NO. 31:** A motion was made by Ms. Horosko to table the deliberations on the MTBE recommendations to the Board of Commissioners until the March meeting. The motion was seconded by Mr. Dayhoff and carried.

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**Carroll County Solid Waste Management Plan Discussion and Deliberation on BOC Recommendations:**

Mr. Slater indicated comments had been received from two Council members following the last meeting. He indicated he would incorporate those comments into the comments he prepares during his review of the document.

Ms. Vinnie Legge offered to answer any further questions of the Council.

Mr. Horosko asked about Waste Collection in Carroll County, Section 4-5. She questioned why the County does not have an organized waste collection system, so homeowners do not have to pay much higher amounts when they reside in the County rather than within a municipality. Ms. Horosko questioned whether the County could negotiate rates for its residents to lower everyone's trash collection rates. Ms. Legge indicated a study was performed last year, and one of the recommendations was a uniform collection system. The Commissioners signed a resolution that granted the Public Works Department authority to further investigate the possibility of franchising. Ms. Legge indicated the Plan will reference the study, and the resolution will be included as well as the executive summary of the study. Ms. Horosko questioned the status of the waste to energy plant. Ms. Legge indicated they are further investigating that issue.

Mr. Dayhoff asked whether Mr. Mike Evans, Director, Department of Public Works, was aware that Frederick County is looking into action legislatively regarding uniform collection, and Baltimore County already does it. Mr. Slater indicated the Solid Waste legislation provides the County with the authority to do that. Mr. Dayhoff suggested that one or two members of the EAC participate on the Waste to Energy Committee.

Mr. Evans indicated the resolution signed by the Board provides very broad direction to work closely with the Northeast Authority as well as the community on developing a plan for controlling the waste stream and for exploring in depth the local and regional opportunities for waste to energy. Financing is always a big issue. As an alternative, the County is looking for a future landfill site. Mr. Dayhoff requested a copy of the resolution be provided to the Council. Mr. Evans indicated a Waste to Energy Committee had not been created at this time.

**Follow-up Report on Comment Received Regarding the Stambaugh Cement Batch Plant in Union Bridge:**

Mr. Slater indicated he contacted MDE, and Stambaugh's had previously been visited by Air Quality. At the County's request, MDE revisited the site. Stambaugh's was reminded of their responsibility under their permit to control dust. At the time of the inspection, Air Quality did not observe any problems, but they indicated they would return periodically to review the situation.

Ms. Gilden questioned whether residents were still experiencing issues with dust. Ms. Evelyn Cutsail indicated she had not received any recent complaints from citizens.

**Future Meeting Dates and Times – Report on the Availability of Meeting Room:**

Mr. Slater indicated he had a print out of all the uses of the meeting room. The meeting room is heavily used, and there is no consistently available block of time for the EAC to meet. Mr. Slater suggested that if the Council preferred a different meeting arrangement, they might want to submit the dates early in order to get on the schedule for 2007.

Ms. Merkle indicated the Council would continue to meet on the third Wednesday of each month at 3:00 p.m.

**NEW BUSINESS:**

**Yearly Election of Vice Chair:**

Ms. Merkle requested nominations from the floor for Vice Chair. Ms. Horosko nominated Ms. Gilden for Vice Chair. Ms. Gilden indicated she would accept her nomination, and nominated Mr. Pyatt for Vice Chair. Mr. Pyatt accepted the nomination. Because there were two candidates, the voting was done via ballot. Mr. Slater collected the ballots and tallied the results. Ms Gilden was elected as the new vice chair by a 4-3 vote.

Hearing no objection, Ms. Merkle tabled the remainder of the agenda to the March meeting. She distributed a draft list of future agenda items that had been prepared that will be discussed at the next meeting.

Ms Merkle adjourned the meeting at 5:35pm.