

**ENVIRONMENTAL ADVISORY
COUNCIL – MARCH 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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MINUTES

Members Present: Karen Merkle, Chair
Robert Foor-Houge
David Pyatt
Robyn Gildea
Sher Horosko
Christopher Spaur
Jim Johnson
Brian Rhoten

Members Absent: Kevin Dayhoff

County Government: Terri Jones, Assistant County Attorney
Perry Jones, Commissioner
Tim Feeser, Assistant to Commissioner Gouge
Steven Horn, Director of Planning
Tom Devilbiss, Bureau of Resource Management
Frank Johnson, Director of Legislative Services
James E. Slater, Jr., Office of Environmental Compliance
Ann L. Baugher, Secretary to EAC

The Press: Carrie Knauer, Carroll County Times
Mary Gail Hare, Baltimore Sun

Other Attendees: Henry Hepner, Resident
Ellen Cutsail, Union Bridge Council Member
Helen Wolfe, Woman's Club of Westminster
Carol Quinn, Woman's Club of Westminster
Russ Ulrich, Baltimore Metropolitan Council
Sara Tomlinson, Baltimore Metropolitan Council
Brian Flynn, Carroll County Health Department
Naomi Feiman, Carroll County Health Department
Charles Zeleski, Carroll County Health Department

CALL TO ORDER:

Ms. Merkle officially called the meeting to order at 3:07 P.M. Mr. Slater introduced Dot Smith's replacement, Ann Baugher, who comes into the position of Environmental Compliance Technician with nearly 16 years of service to Carroll County Government, all with the Bureau of Utilities. Ms. Baugher's official start date is March 23, 2006. Ms. Merkle warmly welcomed Ms. Baugher to the position.

APPROVAL OF MINUTES:

Ms. Merkle asked for any changes to the February 15, 2006 minutes. She pointed out that on Page 12; MOTION No. 31 was blank as to who made the motion. Sher Horosko stated she made the motion. The February 15, 2006 minutes were approved with the one correction.

COMMUNICATIONS:

Mr. Slater mentioned the Royal Farms article which Ms. Merkle acknowledged all EAC members had a copy.

Ms. Horosko wished the members to recall that the January 18, 2006 minutes were still open pending tape review. Ms. Merkle stated Brian Flynn, of the Carroll County Health Department, would be called to clarify the issue. The minutes for January 18, 2006, would be held and approved at the April 19, 2006, meeting.

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. Due to the heavy agenda at this session, if no council objections, Ms. Merkle asked residents to please limit their comments to three minutes. After comments are made, the council will have the opportunity to ask questions.

- Mr. Henry Hepner – Carroll County resident expressed concerns of illegal dumping of waste including hazardous waste. Implications escalated by the February, 2005, flood by the Homestead in Union Mills, washing hazardous waste through the Union Mills parking area off of Saw Mill Road, a very secluded dirt road and area. Mr. Hepner stated the Carroll County Health Department acknowledged this area has been a dumping site for the past 20 to 40 years. He spoke of numerous concerns brought up to various state and county agencies with little or no action. Mr. Hepner stated the Carroll County Health Department, in their letter to the Sierra Club, revealed no action would be taken by them. Mr. Hepner expressed his frustration with the dumping and lack of action thereof. A group of volunteers are assisting in clean-up; however, he acknowledged that the very steep topography hinders this effort. He feels the County is responsible since the area is a wetland abating to the watershed and ultimately into the Potomac. Just recently a fire singed two acres. Mr. Hepner produced a petition signed by residents regarding this issue.

Mr. Hepner was pleased that Congressman Bartlett's office took action in removing glass on the area's horse trail.

Mr. Hepner contacted Jim Slater, Office of Environmental Compliance who contacted MDE. Mr. Slater stated that MDE will send a letter to the property owner to clean up at least the 300 – 400 tires. Mr. Slater stated that the Department of General Services had done some cleanup in this area. He also confirmed the cleanup hindrance due to the steep topography.

Mr. Robert Foor-Hogue questioned if people are still dumping in this area.

Mr. Jim Johnson stated the fees need to be higher to deter future dumping.

Ms. Horosko sympathized with Mr. Hepner; she too has similar issues. She stated the council needs to fashion a collective solution fair to all players on this complicated issue.

Ms. Gliden asked two questions: Is MDE's scrap tire program relative to this issue; and, what constituents would be hazardous? Mr. Slater said MDE found empty containers of antifreeze, trash, beer bottles, and noted this secluded area is a party site. MDE had found no large drums at the site so no testing was performed. Mr. Slater confirmed this is private property.

Mr. David Pyatt stated he felt the health department report was written more like a nuisance rather than a toxic waste site.

Mr. Rhoten asked could the State Department of Corrections place inmates in this area to assist in cleanup. Mr. Slater stated that they can only work on State roads and this is a County road.

Mr. Slater is still waiting to hear from MDE on the tire issue and the County will receive a copy of their inspection report. Ms. Merkle thanked Mr. Hepner for coming and explained that someone would get back to him about this matter upon receipt of the MDE report.

COUNCIL MEMBERS CONCERNS:

Ms. Horosko updated the Council on a few issues.

- Lehigh Cement – Ms. Horosko called Mr. Steve Lang at MDE to inquire if Lehigh had met the consent order. Mr. Lang affirmed that Lehigh met all items in a timely fashion pleasing Ms. Horosko. Due to the dust issue, Lehigh has enclosed the crane way and now placing mechanized units inside the crane way as a measure to prevent any health hazards to operators. Further dust elimination will be realized with the finish mill construction in Union Bridge. This will commence upon permit issuance to Lehigh.
- Bio-Solids Committee - Next meeting is on Tuesday, April 18, 2006, at 2:00 p.m., at Lehigh. Members will be looking at how the bio-solids are handled along with a plant tour demonstrating how these bio-solids are utilized in relation to coal. Preliminary air quality data should also be available at this meeting. This is an open meeting for those who wish to attend.
- Stambaugh's - Ms. Horosko received a call from a citizen regarding sand blowing from this business. Ms. Horosko called MDE. An MDE inspector went to the site on March 14, 2006, during 25 mph winds, and did not see any sand blowing. Stambaugh's advised the inspector they had taken action of wetting down the property to keep and maintain the sand and dust on their property. Ms. Horosko understands this is an ongoing concern of residents and the citizens need to keep raising their concern if it arises again. Ms. Horosko advised the resident that a pro-active approach, instead of a combative one, may work well in the form of an Action Plan. Mr. Slater suggested the citizens could bring up this concern before the Union Bridge Council.
- New Windsor quarry and the agreement – At MDE's request, a group met to put together an agreement. It was promptly signed by Peter Lukas of Lehigh. Regrettably New Windsor has not yet signed this agreement. The group strongly supporting this agreement attended the New Windsor Town Council placing pressure on New Windsor to sign.

UNFINISHED BUSINESS:

AGENDA CHANGE –

Update on 2006 Legislative Session moved on the agenda to accommodate Mr. Frank Johnson’s availability.

2006 Legislative Session – Mr. Frank Johnson gave a brief update on various bills before the legislative session on environmental laws and their impact. Mr. Johnson expressed his availability to assist the council or the residents at any time. Mr. Johnson reported there is environmental legislation on approximately 75 bills, of which many are cross files, touching on approximately 8 to 10.

- ▶ House Bill 189 – Healthy Air Act – emissions – may be of council interest
- ▶ House Bill 395 – Clean Energy Consensus Act of 2006 – went to Ways & Means Committee
- ▶ House Bill 476 – Community Grant & Economic – heard in February, 2006 – may have a chance
- ▶ House Bill 711 - Groundwater contamination – one to watch that may have a chance
- ▶ House Bill 1031 - Mandatory Greenhouse gas – no County impact
- ▶ House Bill 1041 - Mercury – Prohibition hearing was March 15, 2006
- ▶ House Bill 1597 – Mercury switch removal in cars
- ▶ House Bill 1141 – Comprehensive Plan - may impact Carroll County
- ▶ House Bill 1211 – Task Force on Green building – Finksburg Library, no County impact
- ▶ House Bills 1241 & 1220 – Sewage sludge studies; 15% control of sewage sludge as energy source
- ▶ House Bills 360 & 522 – MTBE ban related bills - No change, if passed, no impact to Carroll County

Mr. Johnson reiterated his availability for lobbying or facilitating in response to Ms. Gilden’s question of his role as Director of Legislative Services for Carroll County.

MTBE contamination issues in Carroll County

- No homeowners present to express MTBE concerns.
- Follow up regarding the February 15th, 2006, motion of the Council to support a ban of MTBE products in Maryland – Letters given to each council member. Ms. Merkle briefed the council on all the mixed messages of House Bill 360. Commissioners gave approval to present testimony. The Council did not move forward on the testimony and in lieu of that, Ms. Merkle sent a letter to Delegate Maggie MacIntosh, Chairperson of the Environmental Matters Committee, Maryland House of Delegates. Letter asked Ms. MacIntosh to support the ban of MTBE in Maryland and move forward in joining other states in this effort. Extra letters are available upon request. Mr. Johnson was asked to track any bill changes.
- No update on the MTBE use and actions being taken or considered at the Federal and State level as indicated by Mr. Frank Johnson’s “no change” update of bills in the House. No one from MDE was present to report any changes. Ms. Horosko noted she e-mailed the council a 15-page MDE report, on the Gamber/Finksburg area in MTBE contamination for anyone planning to attend the March 16, 2006, meeting. The report, a chronology of what was known, when known and what was done with what was known may be useful to members in any recommendations the council may make.

- Ms. Merkle stated a copy of petroleum spill response procedures was given to members and should there be any questions, representation from the Carroll County Health Department is in attendance.
- Discussion and Deliberation on BOC Recommendation – Ms. Merkle suggested the Council break down the MTBE issues asking are we satisfied in what we are hearing in response to citizens or preventing further contamination; if not satisfied, how can we respond or assist residents of Carroll County that have MTBE

Mr. J. Johnson did not have a motion, but is convinced MTBE will subside, but will be with us for some time. Some states have installed vapor recovery nozzles on fuel dispersing equipment. Required in California and believes Massachusetts as well, as an aid to cleaner air. Mr. Johnson inquired as to where this action may originate for us. Ms. Merkle asked Mr. Slater if the course of action would be handled on the state level, Mr. Slater affirmed. Ms. Merkle asked Mr. Slater to further check with MDE on this matter.

Ms. Gilden inquired if the Carroll County Health Department supplies contact numbers in their notification letters to residents or to concerned callers. Mr. Zeleski indicated that all calls are treated the same and divided up by regions. Ms. Gilden inquired, as assurance, as whether calls are consistently handled. Mr. Zeleski informed the council that each call is handled with the assumption the caller knows nothing about MTBE and receives the information they need in a timely fashion.

Mr. Pyatt stated that after hearing the residents speak last month, MTBE issues ultimately comes down to a financial burden. Mr. Pyatt feels the EAC should assist affected citizens, getting them going in the right direction.

Mr. Rhoten stated the CCHD has an intense program. Mr. Rhoten would like to see the water sampling test results be obtained faster than the six week turnaround. Mr. Zeleski does this sampling on an “as needed” basis at a cost of \$175 to \$200 per site. Mr. Rhoten would like to see the letter enhanced to include the long result turnaround time. Mr. Zeleski will modify the letter to include the information on private laboratories, available upon request, should homeowners obtain their own testing. Ms. Gilden inquired if the resident could recoup a portion of the cost. Mr. Zeleski stated the CCHD operates on a budget whereby MDE obtains recovery of monies expended where the County does not. He further explained the MTBE lengthy legal process, detailed documentation and the financial burden to homeowners involved in MTBE suits.

Mr. Foor-Hogue inquired as to the number of wells in Carroll County that have been closed by MTBE.

Ms. Horosko’s observation addressed the long lag time in citizens getting results whereby Royal Farms installed the carbon filtration system in a day compared to 3 months for residents. Ms. Horosko would like to see the council work with the CCHD to notify the homeowner in a timely manner as what will be done and when.

Ms. Gilden stated that homeowners are at the mercy of MDE’s available resources. Ms. Gilden asked the CCHD to clarify the term in the procedures “many wells”. Mr. Brian Flynn responded the CCHD reviews the case and determines the course of action related to each situation.

MOTION NO. 32: Motion was made by Brian Rhoten and seconded by Sher Horosko:

The Environmental Advisory Council will make a recommendation to the Board of Commissioners to request the Carroll County Health Department put a Plan of Action together for MBTE issues with time frames and standards for clear and concise communication regarding notification, testing, and remediation.

Amendment No. 1 to MOTION NO. 32 to add: “and ongoing communication with affected residents”
Amendment No. 1 to MOTION NO. 32 was made by Ms. Gilden and seconded by Mr. Johnson.

MOTION NO. 32 with Amendment No. 1 now to read:

The Environmental Advisory Council will make a recommendation that the Board of Commissioners request the Carroll County Health Department develop a Plan of Action for MBTE response with time frames and standards for clear and concise details regarding: 1) notification, 2) testing, 3) remediation, and 4) ongoing communication with affected residents.

Ms. Horosko pointed out one of the facts that stood out in Herb Meade’s presentation was that 40% of MBTE contamination comes from home heating oil tanks, especially a concern for homeowners and the liability to them which could ultimately bankrupt them. Mr. Horosko would like to see an educational campaign put into place. Not only are heating oil tanks a problem, but gasoline tanks as well. Ms. Horosko wishes something simple and fast to remove underground tanks. Mr. Slater suggested cable access or other educational means as National Drinking Water Week, May 1 – 5, 2006.

MOTION NO. 33: Motion was made by Sher Horosko and seconded by Robin Gilden. Motion carried.

The Environmental Advisory Council will ask the Board of Commissioners to charge the EAC to work with oil companies on an education campaign designed to encourage homeowners with underground storage tanks to have them removed and replaced with new above ground units.

Ms. Horosko asked the Carroll County Health Department to supply the EAC information on how many cases are open, closed and how this number is determined. Mr. Zeleski indicated that even the CCHD is not privy to some data.

Mr. Slater indicated that we can obtain information from MDE on MTBE cases and hopefully obtain an updated status of cases, monthly, from MDE and the CCHD. Mr. Slater asked by Ms. Merkle to inquire what statistics are available from MDE and report the findings at the April, 2006, meeting.

Carroll County Health Department’s MTBE Public Forum is Thursday, March 16, 2006, at 7:00 P.M. at the Gamble Fire Hall. Ms. Merkle thanked the CCHD for their quick response to planning this public forum so promptly.

The second MTBE Public Forum, requested by Royal Farms, is set for Thursday, March 23, 2006, at 7:00 P.M. at the Reese Fire Hall.

DISCUSSION CONCERNING FUTURE TOPICS FOR CONSIDERATION:

Ms. Merkle asked Mr. Slater to review the list of future topics for consideration. The list was given to the Council. Mr. Slater asked for comments on this list and informed the EAC that Tom Devilbiss will be at the April 19, 2006, meeting to address wellhead protection in general and any water resource concerns.

Discussion was heard from several members on their priorities. Ms. Merkle asked the council to take the list home and prioritize the top five things that are the most important with local impact to Carroll County, and return to Ms. Merkle via e-mail on issues the EAC would like to tackle in 2006.

NEW BUSINESS:

Annual Report on the Environment in Carroll County - Ms. Merkle commented on action needed to complete this annual report, which could be titled "The State of the Environment in Carroll County". Ms. Merkle and Ms. Gilden will work on this report and bring it before the Council. Mr. Slater suggested this report be on a calendar year, this one being for 2005. Mr. Slater will supply copies of other reports, most being statistical, versus what the contents of this report will be to assist in its preparation.

2006 Environmental Awareness Awards – Establishment of an Awards Committee – Mr. Slater will forward to EAC guidelines, on past award criteria to assist the volunteers in establishing guidelines for the award categories. In the past, Mr. Slater said there were three awards – institutional award, business award and an individual award. The idea is to recognize people who are making a difference. Awards could be given out at the County Fair the end of June or in future years on Outdoor Day, formerly known as Earth Day. Ms. Merkle asked for volunteers to establish guidelines and reviewing applicants. Mr. Rhoten, Mr. Johnson and Mr. Foor-Hogue will serve on the Awards Committee for 2006.

UPCOMING APRIL MEETING

Mr. Tom Devilbiss, Bureau Chief of Water Resources, will talk on water, well water and other related issues. Mr. Slater will also ask Mr. Herb Meade of MDE to attend for MTBE follow-up and to address any further questions.

ANNOUNCEMENTS:

There were no announcements.

MOTION NO. 34: Motion made by Brian Rhoten and seconded by Ms. Gilden, to adjourn the meeting. Meeting adjourned at 5:31 p.m. The motion passed unanimously.

The next regularly scheduled meeting is April 19, 2006, at 3:00 p.m. in Room 003. Please let the secretary know if you will not be able to attend.