

**ENVIRONMENTAL ADVISORY
COUNCIL – APRIL 19, 2006
@ 3:00 P.M., Room 003
Carroll County Office Building**



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

MINUTES

Members Present: Karen Merkle, Chair
Kevin Dayhoff
Robert Foor-Houge
David Pyatt
Sher Horosko
Christopher Spaur
Jim Johnson

Members Absent: Robyn Gilden
Brian Rhoten

County Government: Kim Millender, County Attorney
Cynthia Parr, County Commissioners Office
James E. Slater, Jr., Office of Environmental Compliance
Jeffery Keefer, Office of Environmental Compliance
Ann L. Baugher, Secretary to EAC

The Press: Carrie Knauer, Carroll County Times
Matt Santoni, Baltimore Examiner

Other Attendees: Henry Hepner, Resident
Cheri Grubby, resident/Carroll Joint Neighborhood Association
Mary A. Kowalski, resident/Carroll Joint Neighborhood Association
Debra Weidman, Gamber resident
Herb Meade, MDE, Office of Environmental Protection
Vince Campanella, C&A Associates
Kurt Deery, Lehigh Cement
Peter Lukas, Lehigh Cement Plant Manager
Ellen Cutsail, Union Bridge Council Member
Edwin Singer, Carroll County Health Department
Charles Zeleski, Carroll County Health Department

CALL TO ORDER:

Ms. Merkle officially called the meeting to order at 3:08 P.M. by asking for approval of the January 18, 2006 and March 15, 2006 minutes.

APPROVAL OF MINUTES:

MOTION NO. 35: Motion was made by David Pyatt and seconded by Bob Foor-Hogue, to approve the minutes of January 18, 2006, with the addition of the missing language, added on pg. 5, next to last paragraph at the bottom, beginning with “A representative from the Carroll County Health Department” and ending with “by the contamination, before more research can be done.”

MOTION NO. 36: Motion was made by Ms. Sher Horosko and seconded by Mr. Jim Johnson, to approve the March 15, 2006 minutes, as written. Motion unanimously carried.

COMMUNICATIONS:

Ms. Merkle announced that EAC member, Mrs. Robyn Gilden gave birth to a baby girl two weeks ago and mother and baby are doing well.

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. Ms. Merkle stated that after comments are made, the council will have the opportunity to ask questions. She asked that due to a heavy agenda, the residents please try to keep their concerns to three (3) minutes.

- Mr. Henry Hepner – Carroll County resident reaffirmed his concerns expressed at the March 15, 2006 meeting, on the issues of public dumping in the Saw Mill Road and areas around that stream of potential contamination, especially the Carroll Lutheran Village. Mr. Hepner asked that the record show his disagreement of MDE’s report. He indicated that the volume of debris in the report was much lower than actual. Mr. Hepner also stated his volunteers have cleaned up approximately 85% of the debris. After speaking to Area Roads Chief, Mr. Bob Manahan of Carroll County Highways (CCH), Mr. Manahan informed Mr. Hepner that pick up of such items was not something CCH would be able to send a crew out daily to handle. Since the items were in a parking lot, they did not fall under CCH’s jurisdiction. Mr. Hepner asked what the EAC can do to assist in getting his concerns resolved. Mr. Hepner stated he has taken his concerns to several security state and federal agencies as well as a Washington reporter.

As a follow-up that Mr. Hepner brought before the EAC members at the March meeting, Mr. Slater confirmed that MDE did forward him a report of this field inspection describing the debris as trash and not a groundwater hazard. Mr. Hepner was given a copy of MDE’s 3/9/06 report. The report states the tires were to be picked up and disposed of properly and this nuisance condition needs to be addressed by Carroll County. Mr. Slater will speak to Mr. Ralph Green about an additional plan.

Mr. David Pyatt commented that he, as a Mount Airy Council person, sees this situation as being ugly and unsightly but not an environmental concern. Federal funding to MDE has declined and unfortunately funding to resolve issues is getting thinner and thinner.

Ms. Horosko asked Mr. Hepner what would it take to consider this situation resolved, what would be the bottom line of what most he wanted to see happen. Mr. Hepner responded he wants the bottom of the hill cleaned up for the landowner and more area patrols for safety reasons. Ms. Horosko stated she will work with Mr. Hepner and Mr. Slater to resolve this issue.

- Ms. Debra Weidman, of Gamber, spoke on the issue regarding groundwater contamination in the Gamber area that she brought before the EAC two (2) months ago. She began by expressing her appreciation to the EAC for pushing to have a long over due public meeting held on March 16, 2006. She feels some of the issues like Benzene and Xylene contamination affecting some of the Gamber residents were glossed over. Ms. Weidman asked for more public meetings updating the residents of the investigation, approximately every six (6)

months and the residents' water monitored until remediation. Appreciates the EAC advocating for the residents and would like to see them continue to do so.

- Ms. Cheri Grubby, a resident and member of the Carroll Joint Neighborhood Association, the first of two members to express their opposition of the Carroll County Airport expansion. Ms. Grubby lives on Indian Valley Trail. Ms. Grubby gave a letter from the association along with a draft report from URS to Karen Merkle, Chair. (Copies were mailed to all EAC members of this document.) Ms. Grubby stated concerns of noise, declining home values, tree removal and especially safety issues. 122 residents received letters of the final Airport Expansion Plan in January, 2006, learning a committee has been working on this expansion project since 2003. Ms. Grubby contacted Mr. Joe Varrone, County Auditor and Airport Manager of the concerns in surrounding residential communities opposing the expansion. Mr. Varrone advised Ms. Grubby to continue attending meetings since the expansion is still a proposal and a decision has not been made.

Mr. Slater informed Ms. Grubby there will be a public meeting prior to any approval being made. There is a committee that meets regularly putting together a proposal for Commissioner approval. Mr. Slater said there is Federal presence in airports, and, the expansion plans are preliminary at this time.

Ms. Horosko stated Commissioners will have an open meeting for citizens to present their concerns. The Commissioners will look very carefully at this issue and take into consideration residents' views.

Ms. Grubby asked, "What is the process of environmental assessment?" Are impact studies done prior to construction? Mr. Slater responded that the impact study is done before construction since so much Federal money is involved. Projects such as the proposed Airport Expansion are required to follow a complete environmental impact statement process.

Ms. Grubby asked whether MTBE is used in the large fuel tanks at the airport and are they in danger since all the residents surrounding the airport have private wells.

Mr. Slater stated the tanks are all double-wall contained, ballistic proof and above ground. Also, his office is very involved with the airport on environmental issues.

Ms. Merkle asked Mr. Slater for the council's knowledge, what is the next step. Mr. Slater indicated he would have Mr. Joe Varrone attend the May EAC meeting to give a 15-minute briefing on the expansion project progress-to-date and what part the EAC might have regarding this issue.

- Ms. Mary Kowalski, also a resident and Co-Chair of the Carroll Joint Neighborhood Association, expressed her opposition to the airport expansion. She feels the residents have been left out on the expansion project. She has canvassed 50 – 70 neighbors willing to sign a petition to stop the expansion but feel they have no power or say in the situation. Ms. Kowalski also contacted the Historical Preservation Commission who has not been involved in this expansion. Several historical sites would be affected by the expansion. The 15-member TAC committee is made up of pilots, airport personnel with no local residents surrounding the airport being asked to serve. Concerns were also brought before the EAC of bigger planes, air traffic control and security issues. Ms. Kowalski stated the resident in Sullivan Heights did not receive the Airport Expansion mailing.

Ms. Merkle sympathized with Ms. Kowalski's concerns and the fact that local residents were not included in the TAC meetings and assured Ms. Kowalski that she and the Carroll Joint Neighborhood Association will get to attend public meetings and voice their concerns while the process is still open.

COUNCIL MEMBERS CONCERNS:

- Bio-Solids – Ms. Horosko stated the bio-solids demonstration has been placed on hold until product (bio-solids fuel) arrives from SynaGro. She is trying to schedule a June meeting, pending product arrival so they can see what the air quality is as a result of combusting the product.
- The New Windsor Town Council resolved their issues and signed the quarry agreement with Lehigh.

UNFINISHED BUSINESS:

MTBE contamination issues in Carroll County:

Ms. Merkle reviewed the two (2) EAC recommendations [Motion Nos. 32 & 33, approved at the March 15, 2006 EAC meeting] to the Commissioners of Carroll County in a letter to them dated, April 7, 2006.

The first issue – The EAC proposed that a request be forwarded by the Board of Commissioners to the Director of the Carroll County Health Department requesting a definite Plan of Action be developed by the Bureau of Environmental Health outlining their response process to MTBE contamination. The recommendation requests that the Plan specifically include “time frames and standards for clear and concise details regarding notification, testing, remediation and ongoing communication with affected residents”

The second issue – The EAC asked the Board of Commissioners to charge the Office of Environmental Compliance, with assistance from the Council, with working cooperatively with the local fuel companies on a public information effort also focused on MTBE. The EAC recommends that this effort be focused on encouraging property owners to have any underground storage tanks removed from their property and replaced, if necessary, with a new above ground unit.

Responding to the first issue, Mr. Charles Zeleski, Carroll County Health Department informed the EAC that no notification letters had gone out of their office regarding MTBE since the March 15, 2006, EAC meeting; however, future letters would include the availability of a list of private laboratories should the homeowner wish to contract lab testing themselves, the rather long time frames in receiving lab results, and notification of MTBE results every six (6) months, then, as long as MTBE levels are decreasing, annually. Mr. Zeleski also indicated that the numbers for MTBE contamination in Carroll County are high since local officials have been proactive in testing wells in areas where leaks have been detected. Mr. Zeleski stated there will be cases where the sources of the contamination may never be identified. Monitoring will continue so they know things are not getting worse and there are no new contaminations.

Mr. Ed Singer announced that Mr. Brian Flynn, of their office, has set up a schedule to regularly sample wells under 20 ppb. This is done to help ensure that something doesn't pop up that they don't know about.

The Carroll County Health Department statements of testing and time frames outlined in the letter of notification that Mr. Zeleski and Ms. Singer brought before the EAC satisfied Ms. Debra Weidman, as a Gamber resident.

Ms. Horosko stated that very good progress has been made with what has been developed as standards and the decision to test as levels have gone down. Her lingering concern is that there will be cases where the source of contamination will never be known leaving the citizens where? Ms. Horosko feels a need for some definition, a timeframe after several years have gone by and no responsible party found, what is the solution for remediation? And, where does the responsibility lie? When will this be settled and closed?

Mr. Herb Meade (MDE) stated that under the Oil Pollution Control and Disaster Fund that he has access to, \$64,000, which has been set aside for Gamber, for the monitoring well network, which is only the beginning. He is already using that money for the carbon units in Gamber, next is geo-physical work, which is high dollar. MDE is receiving 5 cents per barrel of oil sold in Maryland for this fund. An additional \$120,000 will be used for continuing the work in Gamber until the case is closed. There are many options and the case will not be closed until the levels are below EPA or MDE's action level. If they know of anyone who has Benzene, a known carcinogen, at or above 5 ppb in their drinking water, have them contact the CCHD or MDE right away. He stated that the source of contamination may never be found in some cases, especially the Gamber area. Mr. Meade stated that prior to closing a case, they get the community together for a meeting informing them the case will be closed and why they are closing the case in the next few weeks allowing the community to first give input.

Ms. Horosko asked if the process of determining whether finding who the responsible party takes one (1) year, two (2) years, or what time frame.

Mr. Meade stated the average case time is 6-to-10 years and he feels pretty comfortable after getting the first round of sample results, he would say the average is approximately six (6) months to determine responsibility. Sometimes they know the responsible party the day of the spill; and then again, there are cases like Hampstead that go on for quite some time.

Ms. Horosko asked about the Hampstead situation since this issue has been going on for almost three (3) years.

Mr. Meade said they feel they know the point source of contamination and are working on an administration action on that party. Good news is the MTBE levels are remaining flat even though he'd like to see them decreasing.

Responding to the second issue, Ms. Cynthia M. Parr, Special Assistant/Media Specialist to Commissioner Jones, stated that Steve Powell asked to bring the EAC up-to-date on this issue. The EAC letter dated 4/7/06, was distributed to the Commissioners and should be an agenda item within the next week or so.

Mr. Herb Meade (MDE) gave an MTBE update: 55 remediation cases open in Carroll County, 26 compliant cases, and 104 private wells have been impacted by MTBE contamination, making Carroll

County # 1 in Maryland for MTBE cases, seconded by Harford County with 101. MTBE is not an issue at the airport since lead is used to increase fuel octane. Hampstead Crown station levels have dropped from 610 ppb to 40 ppb and the filtration system is working real well. MDE is pleased that Royal Farms stepped forward testing their tanks.

Mr. Meade also informed the group of switching the oxygenate additive in gasoline from MTBE to Ethanol beginning on May 6, 2006. MTBE comes into Maryland via the Colonial Pipeline whereas Ethanol will come by rail or barge. Price increase from \$ 0.10 to \$0.15 cents per gallon when Ethanol begins to be added to gasoline instead of MTBE. A problem will be that supply will not be able to meet demand. On a positive note, Ethanol will not be a problem in groundwater since it rapidly biodegrades. There will be some growing pains such as storage issues, filter clogs, air issues, and low level smog. Mr. Meade advised the public to purchase their gasoline at high-volume stations during this switchover. November, 2008 is the date that has been targeted for the end of MTBE going through the pipelines. Newer cars will have no problem with the changeover but older vehicles will have problems finding a compatible product for their vehicles.

Mr. Slater expressed his concerns for the increased chance of spills due to the addition of transfer points. Ethanol being introduced will be known as E-10, representing 10% Ethanol.

Ms. Horosko asked Mr. Meade for an MTBE case report. Mr. Meade will forward this document to Mr. Slater. Ms. Merkle asked Mr. Slater to bring that report to the EAC meetings, monthly.

Ms. Merkle thanked the Carroll County Health Department and Maryland Department of the Environment for their part in handling MTBE issues in Carroll County.

Preliminary Survey Results:

Ms. Merkle discussed the preliminary results from six (6) she had received. The final results will be discussed at the May 17, 2006, EAC meeting, after tallying the last two (2) surveys.

Ms. Horosko suggested that a sub-committee be formed with time spent to investigate issues behind the scenes like the growing water issue and green buildings. Ms. Merkle agreed this is a good idea and there would be further discussion at the May meeting.

Mr. Slater stated that he and Ms. Merkle would schedule another Commissioner update on issues before the EAC.

Ms. Merkle informed the EAC that Mr. Tom Devilbiss could not attend the April meeting but would be on the May 17, 2006 agenda.

NEW BUSINESS:

1. **Mr. Peter Lukas of Lehigh Cement** gave a progress report presentation on Lehigh's Consent Order detailing compliance, construction, inspections and emission MDE monthly reporting. A copy of Mr. Lukas's presentation is attached to the April 19, 2006, meeting minutes.

Ms. Horosko asked the appropriate cost for the environmental upgrades at Lehigh. Mr. Lukas stated, to date, the cost to date has been approximately \$ 8 million dollars and upon completion of all phases will be approximately \$ 16 million.

Ms. Horosko stated that Lehigh has completely kept their word on all they have done through the whole upgrade process. This efficiency and professionalism was the consensus of the EAC. The EAC told Mr. Lukas that he will be greatly missed when he is relocated to Great Britain.

2. Mr. Slater advised the EAC of a few local implications of the Energy Policy Act of 2005, a 1,700 page bill.

- Regarding diesel emissions in school buses, there will be grants to local governments. Unfortunately, the Carroll County Board of Education utilizes private contractor bus transportation.

- Tax credits will be available for individuals for renewable fuels in homes and small businesses.

- This bill eliminates the requirement for MTBE additive to gasoline. As of February, 2006, Ethanol was discussed as a possible additive. The Federal Government can no longer be blamed for MTBE contamination and sources of contamination are no longer granted liability protection under the Energy bill. The new additive to gasoline will be Ethanol. Ethanol will be transported and stored separately. At this time, there are inadequate refining capabilities. It will take one (1) to two (2) years until supply exceeds demand. Ethanol efficiency is less than MTBE and less stable also. Ethanol evaporates very rapidly which could be an air quality issue. Mr. Slater spoke to a Tevco representative, and Tevco is putting out brochures to advise their customers that during the changeover from MTBE to Ethanol, additives like dry gas and fuel injector cleaner will keep their vehicles from clogging and running much more smoothly.

ANNOUNCEMENTS:

Ms. Merkle reminded the EAC of the upcoming Outdoor Day (formerly known as Earth day) on April 23rd, 2006, from Noon – 5 p.m. at the Bear Branch Nature Center.

UPCOMING MAY MEETING:

Mr. Tom Devilbiss, Bureau Chief of the Bureau of Resource Management, will talk on County Environmental Management programs and other related issues and Mr. Joe Varrone will be asked to give a 15-minute briefing on the Airport Expansion Project.

ADJOURNMENT:

MOTION NO. 37: Motion made by David Pyatt and seconded by Jim Johnson, to adjourn the meeting. Meeting adjourned at 5:36 p.m. The motion passed unanimously.

The next regularly scheduled meeting is May 17, 2006, at 3:00 p.m. in Room 003. Please let the secretary know if you will not be able to attend.