

**ENVIRONMENTAL ADVISORY
COUNCIL – June 15, 2005
@ 3:00 P.M., Room 003
County Office Building
MINUTES**



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

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

Members Absent: Bob Foor-Hogue
Henry Heine

Lehigh Cement: Wally Brown, Environmental Engineer
Mike Fox, Plant Administrator
Mike Kilbourne, Corporate Geologist
Peter Lukas, Plant Manager
Tim Matz, Corporate Environmental Manager
Dennis Wanner, Project Manager

State of MD: Michael Caughlin, Air & Radiation Management Administration
Louis G. Gieszl, Deputy Executive Director of MACRO
Craig Holdefer, Air & Radiation Management Administration
Herb Janssen, Air & Radiation Management Administration
Ed Larrimore, Mining

County Government: Tom Devilbiss, Chief of Resource Management
Terri Jones, Senior Assistant County Attorney
Neil Ridgely, Zoning Administrator
James E. Slater, Jr., Environmental Compliance Officer
Dorothy K. Smith, Secretary to EAC

Others: Vince Campanella, C & A Associates
Ellen Cutsail, Union Bridge Town Council
Sher Horosko, Carroll Air
Carrie Knauer, Carroll County Times
George E. Maloney, NEWCAP
Pat Maloney, Resident
Helen Wolfe, Resident
Sam Pierce, Town of New Windsor
Mr. Roop, Town of New Windsor
Helen Wolfe, Resident

Mr. Dayhoff opened the meeting at 3:05 P.M. by:

- Reminding everyone that Mr. Heine could not serve on the Council any more.

- Asking that everyone sign the attendance sheet for our records, and
- Asking for approval of the May 31st Minutes. Motion was made as follows:

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MOTION NO. 14: Motion was made by Dave Pyatt and seconded by Jim Johnson, to approve the minutes of May 31, 2005 as written. Motion was unanimously carried.

(NOTE: Ms. Smith noticed the Motion numbering was incorrect and made the necessary corrections.)

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Mr. Dayhoff asked if the EAC members had any comments or wished to discuss any aspects of the two previous four meetings concerning Union Bridge and Lehigh’s operation. These meetings resulted in the EAC's decision to make a recommendation to be presented to the Board of Carroll County Commissioners requesting MDE to install at least two particulate dust monitors in Union Bridge. Ms. Merkle continues to recuse herself from any actions in Union Bridge/Lehigh options. Mr. Dayhoff also reminded everyone that the Commissioners have very limited authority on this issue. Mr. Slater will complete the report for the Commissioners to reflect the EAC's recommendation. Mr. Dayhoff opened the meeting for Council member comments:

- Mr. Pyatt feels HCL emissions still need to be reduced even through it is not a legal requirement, and some kind of a study or a good explanation of the cost and steps involved should be done.
- Mr. Lukas suggested that time is needed for the last stack test results because the current reports are based on estimates, not actuals. He’d like more time to come up with those results. TRI tests still are shown on the old tests. Mr. Pyatt felt this was a step in the right direction and would like to revisit the subject at a later date. Mr. Slater stated that the topic should remain open. At that time, the Commissioners may ask the EAC to remain involved. In addition, further concerns may be raised by the public.
- Ms. Gilden feels there is a need for formalized communications lines to be kept open; thus reducing the issues as far as the community is concerned. She also expressed a need for health education as it relates to health quality and quality of life.
- Mr. Johnson feels that the issues are on the way to being resolved. “Lehigh is doing a lot to improve their facility; open discussions with the community are on-going; and understanding things will be a lot better in the future.
- Mr. Rhoten agreed with the need to keep communications open and feels the EAC provides an opportunity to resolve such issues. He also suggested that it may be beneficial for Lehigh to have a monthly meeting with the community.
- Mr. Dayhoff recommended that the Town of Union Bridge consider having a regular report at the Town meetings. Ms. Cutsail responded that it would not be a problem. The Town is always happy to have anyone attend the meetings and have someone read a written report. Mr. Lukas agreed.

- Mr. Slater – Lehigh and the Town have opened up regular communications. He suggested that the EAC invite them back for open discussion around six months from this date. Mr. Lukas reported Lehigh keeps their neighbors informed and they provide all the information they have upon request.
- Ms. Horosko is committed to re-visiting the issues after the stack tests are completed. They will continue to work on the air quality issues and they have had 3-4 hour meetings with Lehigh. She stated that Lehigh and CarrollAir have established a mutual respect for one another.
- Mayor Pierce agreed and stated that he believes that communication is excellent and that he expects it to continue.
- Mr. Roop expressed his opinion that Leigh is a great partner for the Town of New Windsor.
- Mr. Maloney interjected that he is concerned that if subcontractors are used at the New Windsor Quarry, that even though things seem better than they have been in 18 years, subcontractors may cause reduced communication, resulting in a “nightmare”.

Mr. Dayhoff asked for a motion to approve the draft recommendation requesting MDE to install at least two new particulate monitors in Union Bridge. Motion was made as follows:

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MOTION NO. 15: Motion was made by Mr. David Pyatt and seconded by Ms. Robyn Gilden to approve the draft recommendation to the Board of Carroll County Commissioners as prepared by staff and amended to include EAC suggestions. Ms. Merkle recused herself from discussion and the vote. The motion was approved.

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Q Ms. Cutsail – Will the report be published somewhere?

A Mr. Slater – Yes. After the Commissioners’ approval, Ms. Smith will send it to everyone on the distribution list.

Mr. Slater reported that both Lehigh and MDE have presentations for this meeting to address the residents’ concerns regarding the Lehigh Quarry rock-crushing operations. Mr. Slater also stated that there are no decisions to be made on the County level as to the use of the quarry since it is regulated by both the State and EPA. Ms. Jones reported that the County would have to be notified if the plans are modified so they can be approved again.

Q Mr. Rhoten asked if the EAC had a task to investigate.

A Mr. Slater responded that the EAC provides a forum for issues of Carroll’s residents to be discussed. It is warranted for the EAC to have positions and hear more dialog. The EAC will hear the concerns and identify them for the Commissioners. The Commissioners do not have the authority to rule over some of the issues. He then turned the meeting over to Mr. Dennis Wanner, Project Manager for Lehigh.

Mr. Wanner gave a PowerPoint presentation giving a brief history of Lehigh’s 800 acre plant located in New Windsor between Rt. 31 and Old New Windsor Road. The Quarry has 120 million tons,

or more, of stone which can be crushed and sent to the York, PA, plant to be used in producing white cement. The low iron content of the limestone in the quarry is very limited and is good for white cement. The York plant is currently purchasing from two plants and the supply is limited. Union Bridge quarrying operations should be good for 10 years, with a worst case scenario of 5 years. The plant in New Windsor produces gray cement. However, the main purpose of the quarry is to continue to be the sole source of stone being supplied to Lehigh's Union Bridge plant.

The mining and shipping of the crushed stone will require another permit. Lehigh expects to operate the quarry for about 10 years while removing between 200,000 to 300,000 metric tons annually. Portable equipment will be used in the early phase of the project until such time the equipment can be purchased. Developing the new quarry is a long process requiring a lot of capital and time. The limestone is crushed to less than 1" in size. The stone that is not crushed to that size is run back through the process until it is fine enough for quality control. Lehigh plans on using both its own employee base and subcontractors. If the project is successful, then 150,000 tons a year will be shipped from the Union Bridge Plant in the development stage. Stone going to York will be drilled, blasted, and washed before being shipped. All processing will be done at the quarry.

The cost of the equipment is approximately 2.5M\$. Equipment in the development stage is too small for the future use. The stone washing is a part-time operation. The State permit allows Lopke to operate for 1,150 hours on a 6-7 month maximum. Drilling and blasting will be done on an as-need basis at the same time of the washing operation. The volume of the washing operation is undetermined at this time and will be done by Lopke. Any major change in the raw material will affect the supply to York and the operations. Both operations will be done in the existing pit.

The trucking of the stone will be done over the course of a year with an anticipated 45-50 trucks a day destined for York, PA and Union Bridge. In the future, Lehigh is looking into having a rail connection for transporting the stone. Blasting will be done typically M-F between 9:00 a.m. – 2:00 p.m. Safety guidelines will be followed and blasting will be monitored by using a seismograph. The blasting schedules will be published in the local newspaper; blasting will be restricted to daylight hours, water will be sprayed for dust suppression, haul road will be crushed stone to minimize dust emissions; mud will not be tracked onto public roads; and the overburden will be taken care of in the early Fall. The State permit allows for 550 tons per hour of stone to be washed; however, Lehigh's experience shows that of that tonnage, 150 tons goes back through the crushing process because it is too coarse, bringing the total down to 400 tons washed per hour.

The proposed truck route is north on Rt. 31 to 407, Rt. 27, 140, 97, 496, 30/94, 116 to Pa Rt. 30 onto to York. Lehigh is committed to not having trucks travel through New Windsor. The estimated schedule for stripping the top base is 1-3 months; site development is 3-4 months; mine start up 3 months; crusher set up and testing 4-5 months; and delivery to York to begin within 6 months. After the initial stripping, will allow 3-5 years of reserves. A diesel powered generator will run the plant. If this proves to be successful, they will install adequate electrical service to power the operation. Shipping will begin approximately 3 months and be good for the first 2-3 years. Lehigh is assuming the responsibility and will have their employees help to supervise the operations to make sure it is done safe and clean. The site development is necessary to remaining reserves at the plant and it is cost effective to use the contractor for stone washing at the Union Bridge plant.

Q Ms. Gilden – How does the water operation work at the stock pile?

A It is already washed before it gets to the stock pile.

- Q Ms. Gilden – Where is the water that is being used treated?
A The water will be in a closed loop system. The settling pond will have a divider in the center, and it will be using water from the quarry. The discharge from the process will go back to the settling pond.
- Q Ms. Gilden – How many trucks go between New Windsor and Union Bridge now?
A Part of the truck traffic has been very sporadic; it could be as many as 100 trucks a day for a few weeks and then none for a while.
- Q Ms. Gilden – The proposed schedule indicates 40-50 trucks a day. Will this be 5 days a week?
A It depends on the volume of stone going to York. Lehigh is hoping this proves very successful and is also hoping the stone gets evenly split between the two places.
- Q Ms. Gilden - Will the County be concerned about the truck route using 1-lane highways?
A Mr. Slater - The County has the authority to restrict load limits on roads according to tonnage. It cannot restrict a particular hauler. The County does not have any authority over State highways.
- Q Ms. Gilden - Where will the blasting schedule appear?
A Mr. Wanner - It will be placed in the local newspaper.
- Q Ms. Gilden - What about the dust created by stripping the materials?
A Mr. Wanner - The dust stays on site because it is part of the reclamation process.
- Q Ms. Gilden - How much supply do you think there is in the quarry?
A Mr. Wanner - About 120 million tons in one area and probably an additional amount on another location at the plant.
- Q Ms. Gilden - Is the quarry suitable for anything after it is finished being used?
A Mr. Wanner - Yes, it will offer water in the quarry and the overburden can be redistributed and used to stabilize and open water for future consumption and possible other things.
- Q Mr. Pyatt - Due to the site being so large, have all the sources of dust been identified and how do you estimate how much dust there will be and how do you determine how much water supply is needed?
A. Mr. Matz doesn't have the application with him, but it is calculated based on EPA's emission factors. This is done across the Country. Lopke will control whatever is needed because they cannot have dust escaping.
Mr. Holdefer, the engineer reviewer for the application for this project, stated the emissions from the plant are about 17 pounds per hour of particulate matter. They use emissions factors approved by EPA and many tests have been done and those factors are good for the United States. They base their review upon compliance of the regulations.
- Q Mr. Pyatt - Do you have worst-case assumptions?
A A major source review is done if things are too high.
- Q Mr. Rhoten - You estimated 17 pounds per hour from the new facility. Do you know what the current one in Union Bridge produces? Is that an estimate?
A MDE - There is no actual way to measure the exact amount because it is estimated by using emission factors established by the EPA.

Mr. Lukas - 900 tons per year.

Q Mr. Rhoten - How many tons do you wash in Union Bridge?

A About 150,000 tons.

Q Mr. Rhoten - Is the permit application sent to the State or is it a mining permit by the County?

A Ms. Jones - An operation site plan needs to be done with every change made and it requires other things that typically aren't required for dust plans. An amendment goes to the Planning and Zoning Commission for approval. It may need to be reviewed by the Bureau of Development Review.

Q Mr. Johnson - The 17 pounds to dust per hour - is this fugitive dust?

A Yes

Q Mr. Johnson - Will this create a dust problem in the neighborhood?

A Mr. Matz - No, it will not.

Q Are there any plans to enclose the plant in New Windsor?

A Mr. Lukas - The water supply system will be installed to suppress the dust. They will do what it takes to stay in compliance.

Q Mr. Gilden - How do we know fugitive dust is going over site?

A Mr. Janssen (MDE) - When MDE conducts inspection, they look at everything at the site and there is a 0% opacity limitation. They check for dust at residential locations off site and site violations if necessary. They monitor everything to make sure it is controlled.

Mr. Caughlin of MDE gave a presentation stating they have a 400 ton per hour application from Lehigh for screening. A meeting was held in December, 2004, to discuss the issue for the permit. The next phase is the technical review which is currently being conducted by Mr. Holdefer. He will look at what regulations, emissions, what conditions need to be included in the permit to be sure the State and Federal regulations are met. After MDE conducts their hearing, the engineer will do a technical review and proceed if it is determined that the proposed application meets all requirements. A package includes the permit to construct, followed by a notice to be published in the local newspaper allowing an opportunity for a public hearing and more information to be gotten. There is an opportunity to submit comments by the public. This permit involves mediation between company officials, community and County staff to express concerns before proceeding. Ramona Buck is having a meeting on July 12th for this purpose. They will allow interested parties to attend. If the concerns do not support that the environmental laws of the State and Federal governments are being met, then they will go forward with the final determination. At that time, they will prepare a notice allowing representatives of the community to request a case hearing. If that request is made, then a determination would be made as to whether or not any misinformation of material was made and it would go through a technical review for air quality. The Attorney General's Office gets involved then. These permits, once issued, are regulated through the Compliance Program at the facility. There are a number of regulations in COMAR that are specific to using precautions to ensure air-borne emissions are within the limits. The water operations system is enough to generally control the dust. MDE also sets standards, and regulates equipment, by monitoring every 6 months. They also check control equipment to make sure it is operating properly, record requirements at the site, monitor emissions by diesel engines, etc.

Q Ms. Gilden – What do you do with the comments in the permit process phase that are valid, but not under MDE’s responsibility?

A They would be responded to and explained to the complaining party with a referral to the proper authority. They are restricted to look at air quality only under the permit.

Q Ms. Gilden – So the air quality permit would not be held up by that?

A No.

Q Ms. Gilden – Do you expect certain consideration for this permit?

A They have not gotten anything yet. There were a number of issues expressed, and they will be working through it prior to developing determination efforts that meet State requirements and regulations.

Q Mr. Johnson – Do they get involved with the noise regulations?

A It is a nuisance based program and they would have to have a complaint from a resident and then an inspector would go out to check on it. Noise standards are enforced by MDE, but not under the Air Quality permit.

Mr. Slater reported the County has a Noise Ordinance and a public hearing was just held on Monday, June 13, 2005 for Carroll County. It was well attended.

Ms. Jones reported that the Noise Ordinance will not be enforced by the State and may become County regulation.

Q Mr. Rhoten – How would you determine an air quality fine to Lehigh?

A That would be handled by an enforcement action under the Consent Agreement between MDE and Lehigh.

A The reporting done by Lehigh and the State’s inspectors and citizens complaints also help to determine air quality.

Q Mr. Pyatt – Is the size of this permit considered large?

A Medium.

Q Mr. Pierce – Expressed concerns over the trucking using Rt. 407 and Sams Creek Road. He feels it will put those two roads under stress. Private haulers will be more prone to taking non-designated short cuts. He is also concerned about the dust and hours of operation.

A They do not have requirements for hours of operations. They can work something out with MDOT for a contact to discuss the benefits of the route. Mr. Gieszl will have a primary meeting that may address that issue.

Mr. Larrimore accepts citizen complaints and citizen involvement which resulted in finding solutions to some of Lehigh’s problems.

Mr. Dayhoff reported that truck routes are difficult and he expressed appreciation for not wanting the haulers to go through New Windsor. The City of Westminster and the Town of New Windsor has spent several years trying to find an alternative for trucks traveling north on Rt. 27 to 140. This is a problem as determined by MDOT and Westminster officials.

Mr. Gieszl, Macro Mediation and Conflict Office, reported his office provides assistance and financial support through the State for people in conflict. He reported an open meeting is scheduled for July 12, 2005 from 4:00-6:00 to be held at the New Windsor Fire Hall. Mr. Pierce confirmed the time and place.

Mr. Dayhoff reported that the EAC does not have enough members available for the July 20th meeting to establish a quorum. Therefore, he asked for a motion that the meeting be canceled. The Motion was as follows:

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MOTION NO. 16: Motion was made by Ms. Merkle and seconded by Mr. Pyatt, to cancel the July 20th meeting of the EAC. Motion was unanimously approved.

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Mr. Slater reported he would like to see an open public forum at the August 17th meeting so the public can voice their concerns for future agenda items. Mr. Dayhoff and the Council agreed and decided the August 17th meeting will be at 7:00 p.m. in Room 003. Notice of that meeting will be advertised in the local newspaper.

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Mr. Johnson expressed his interest in going on a trip to Snyagro to see the conditions there, and suggested it would be nice if someone from the EAC could visit the Quarrying operations in Germany. Some of the EAC members would like to visit Snyagro; however, they do not want any more than four of the Council members to visit together because if they have a quorum, it is open to the public. Messrs. Johnson and Pyatt may visit Snyagro together.

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

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MOTION NO. 17: Motion made by Mr. Pyatt and seconded by Ms. Merkle, to adjourn the meeting. Motion was unanimously approved.

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The meeting adjourned at 5:45 p.m. The next meeting will be on August 17, 2005, at 7:00 p.m. in Room 003 of the County Office Building.