THE LAW OFFICE OF MR MICHELE ROSENFELD, LLC

March 14, 2025

Shannon Bohrer, Chair
Frederick County Board of Appeals
30 N. Market Street
Frederick MD 21071

RE: Compost Crew at Utica Bridge Farms (Reapproval)
Planning Commission File Number SP19-17 (AP SP277005 APFO A277003)
Site Development Plan Approval ("Site Plan")

Dear Chair Bohrer and Board Members:

Please accept this appeal of the Planning Commission's approval of Compost Crew at Utica Bridge Farms (Reapproval) Site Development Plan No. SP19-17 (AP SP277005 APFO A277003, filed on behalf of my clients:

1. John and Amie St. Angelo who own and farm 7114A Lakeview Drive,[1] directly across Stull Road from the Site Plan property, and the adjoining farm at 10900 Hessong Bridge Road. Both farm have large aquaculture ponds (one 5 acres and the other 7-plus acres).
2. Zachary Matter and Victoria St. Angelo who live at 7114 Lakeview Drive
3. Luke and Valerie Myers, who own 10700 Stull Road.
4. Nicholas & Shannon St. Angelo who own and live at 10690 Stull Road.
5. Christoper and Ashley St. Angelo who own and live at 10670 Stull Road.

The Planning Commission voted to approve the application by a 3-2 vote.

There is no written Planning Commission decision in this matter. Exhibit 1 (2/27/2025 Email from Planning Commission's legal counsel.)

My clients' adult children, and their 11 grandchildren (all 5 years old and younger) live within sight, sound and smell of the proposed use. See Exhibit 2 ("St. Angelo," "Child Lots" and "Site Plan" properties delineated).

My clients opposed the Site Plan at the Planning Commission's February 12, 2025 public hearing and seek Board of Appeals' review of the Planning Commission approval.

We request that the Board reverse and vacate the Planning Commission decision under its authority as set forth in Frederick County Zoning Code § 1-19-3.32(D)[2] for the reasons explained in this appeal.

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[1] The St. Angelo property is owned by Lakeview LLC and Mr. and Mrs. St. Angelo are the sole members of that LLC.

[2] The Board may, "in conformity with Md. Ann. Code, Land Use Article, as amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken."

The Site Plan Applicant (Utica Bridge Farms LLC, or "Current Applicant") represented that it merely seeks "reapproval" of a previously-approved site plan granted to a different applicant. The Current Applicant's assertion before the Planning Commission that this prior approval enjoys some level of deference was inaccurate. The current record is materially different from the last one in a number of material ways:

1. In the most recent hearing my clients testified, under oath and based on first-hand knowledge, about their experience with offensive odors, well contamination (9 failed bacteria tests), health-issue, noise, nuisance-level bird activity (at a time when avian flu is a significant nationwide health concern) and racoons, possums, feral cats and vectors (birds), truck activity blocking road access and other site-specific issues which were not raised as direct evidence during the 2022 Planning Commission hearing. This testimony introduced material factual evidence which was not entered into the 2022 site plan proceedings and which differentiates the 2025 application hearing record from the 2022 hearing record.

2. The Current Applicant at this time is allowing and conducting commercial composting activity which requires (and has not received) site plan approval to continue to operate. "*Limited food waste composting: commercial activity.* Activities and operations require site plan approval and shall not exceed 10 acres in size."[3] This site plan requirement was not addressed at the 2022 hearing and, at this time, it is clear that the ongoing operation is a commercial (not agricultural) use.

3. The Current Applicant is not licensed to operate any facility at this location, another material difference between this and the prior application. Exhibit 3, Exhibit 4. The permit, held by Resolution Solutions LLC, does not transfer automatically to a new business owner.

   The current operating commercial use appears to be operating without the required MDE permit, which was issued to the prior operator and is non-transferrable to a new owner. This appears to be an ongoing violation of State law which did not exist at the time of the 2022 hearing and is new information. Exhibit 5 p. 15. The permit explicitly says:

   > "Transfer of Ownership Authorization under this general permit is not transferable and authorizes only the signatory party to operate the permitted facility. In the event of any change in control or ownership of the property not caused by death of the permittee, the permittee shall notify the succeeding owner by certified mail of the existence of this general permit and of any outstanding permit noncompliance, a minimum of 60 calendar days prior to transferring control or ownership. A copy of this notification shall be forwarded to the Department at the same time."

4. The Rural Roads Commission did not exist in 2022 when the original site plan was considered. It is now established to ensure the protection and preservation of rustic roads, two impacted by this site plan application. Stull Road is a designated rural road (tar-and-chip) which is not striped and has no posted speed limit. Lakeview Road was a candidate rural road whose value was also recognized by the Commission.

   This information is a matter of public record and the Board of Appeals can take administrative notice of them, and they confirm additional factual changes which have occurred since 2022.

[3] Zoning Code § 1-19-8.408(A)(3).

Maryland's "Change of Mind" Principle Does Not Limit Board Discretion In This Case

While an agency may not reverse an earlier decision simply because of a "change of mind," it certainly has the authority to do so if presented with new factual information. "An agency . . . not otherwise constrained, may reconsider an action previously taken and come to a different conclusion upon a showing that the original action was the product of fraud, surprise, mistake, or inadvertence, or that *some new or different factual situation exists that justifies the different conclusion*." *Halici v. City of Gaithersburg*, 180 Md. App. 238, 265, 949 A.2d 85, 101 (2008), citing *Calvert County Planning Comm'n v. Howlin Realty Mgmt., Inc.,* 364 Md. 301, 325, 772 A.2d 1209 (2001)). In this case the Planning Commission was presented with first-hand sworn testimony from my clients confirming that the currently-operating facility emits noxious odors, offensive noise, attracts flocks of nuisance birds, and trucks delivering food waste block the local road.

The applicant is not the same applicant, the evidence presented to the Planning Commission in 2025 by my clients confirms that the existing facility continues to operate in violation of the law both with respect to noise, odors and nuisance but my clients have since confirmed that the Applicant does not have a composing permit from MDE to operate the current commercial composting use, and does not have the requisite site plan approval to operate the current composting use.

This information offers more than ample grounds to deny the subject application, as more fully explained herein.

I. Grounds for Site Plan Denial

The Site Plan should be denied for any one of the following reasons:

1. **The Existing Commercial Compost Facility Already Emits Odors That Cross The Site Plan Property Line And Intensification Of The Use Would Violate The Zoning Code's Prohibition Against Composting Odors Leaving The Site.**

   Code Section 1-19-8.408(D) says: "Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line." Emphasis added.

   There is a small existing composting facility on the site. Staff Report p. 1. Although the proposed facility has a Lakeview Drive address, the bulk of the operations are proposed to be located directly across the street from my clients. See Figure 1.

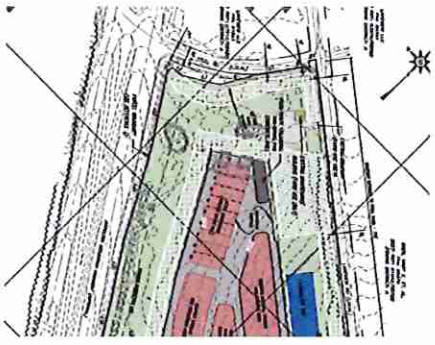


Figure 1 (excerpted from Site Plan): "Food Waste Unloading and Mixing Pad (Concrete Pad) directly across Stull Road from Client's Property.

The existing commercial composting facility (which the applicant proffered is less than 5,000 square feet in size but which my clients dispute) already generates offensive odors that frequently extend into my clients' property. Nothing in the operational or physical description of the proposed composting facility in any way addresses how future – and significantly greater – odors will be controlled.

The proposed Site Plan is based on 18 peak hour morning and evening trips: on average one food waste truck every three minutes in each peak hour arriving and leaving the site, dumping food waste on the concrete plan with each trip, each generating beeping, metal clanging, and the introduction of what will be a metal loader scoop lifting materials off the concrete pad in addition to other associated noise, odors and liquid.

This food is up to a week old (pickup occurs only once a week) and so already is well into decomposition, fermentation and liquification and stenchification.

While the composting process itself may not generate offensive odors, the process of delivery and relocating food waste to be composted absolutely does.

Odors associated with commercial composting are routine. "Odor is perhaps the most common problem associated with composting, and the failure to adequately address it has led to numerous neighbor complaints and the closure of many large-scale facilities."[4] "Odor has been referred to as the Achilles heel of composting."[5]

There was no evidence whatsoever in the staff report indicating if – let alone how - how the applicant intends to control odor other than general proffers of "composting facilities if properly run do not cause offensive odors".

It bears repeating that this Unloading and Mixing Pad is the active use located closest to my clients' property.

My client's experience is vastly different.

Not only is the existing commercial compost operation generating significant offensive waste, the Site Plan shows a "Food Waste Unloading and Mixing Pad" (a concrete slab") on this 29-acre property as the composting activity located closest to my client's property, and this activity generates highly offensive smells.

This is where food and other organic waste trucks dump the compost materials (including organic matter from the Baltimore Zoo and food waste from local restaurants and private homes), where liquids dripping from the waste trucks first land, and where there is no measure of control over odors. The waste dumping on the concrete slab constitutes the most odor producing and animal attracting (birds and rodents) activity, is the part of the site where the most activity occurs (with multiple daily trucks dumping compost waste), and is the noisiest area (trucks banging and clanging while offloading).

The concrete pad located closest to residential homes and wells - presumably to prevent food waste runoff from entering the groundwater – but shows no control of liquid runoff from the concrete slab once it runs off the slab.

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[4] https:///www.compost.ccs.cornell.edu/odors/odor.html

[5] https://www.waste360.com/composting/battling-composting-sites-top-problem-odor

The record shows that this entire operation will occur outdoors without any coverings and without the benefit of any operational parameters (*e.g.*, limits on the type of organic materials that will be accepted or how often the compost will be aerated).

Without any affirmative evidence in the record to show how the applicant will address the issue of controlling odor to the confines of the Site Plan property, the application lacks evidence to support a finding that it can be approved under the standards established pursuant to § 1-19-8.408(D).

More specifically, it does not comply with the Site Plan review standards, including Code § 1-19-3.300.4.A (approval criteria for site plans) requires a finding that "Existing and anticipated surrounding land uses have been adequately considered in the design of the development and *negative impacts have been minimized through such means as building placement or scale*, landscaping, or screening, and an evaluation of lighting."

Based on the evidence now in the record, and the Code prohibition against a commercial compost facility generating odors that cross property lines, this standard has not been met. The applicant has not met its burden of proof with respect to this factor, site plan approval based on the existing record would be arbitrary and capricious, and the Site Plan should be denied.

2. **The Site Plan Lacks Any Evidence Demonstrating That "Food Waste" Would Be Incorporated Within 24 Hours Or That Liquids Would Be Controlled In A Manner To Prevent Runoff During Offloading, Storage and Processing Of Waste Products."**

Code § 1-19-8.408(K) says: All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes." This standard also is not addressed (or even quoted) in the staff report, and for the same reasons as noted above the Site Plan must be denied for lack of evidence in support of the application.[6]

My clients testified at length about how their residential wells have repeatedly failed health testing, and have been advised that the source of contamination is the existing compost facility. There is nothing on the Site Plan which shows how liquid runoff from the compost slab – located within [/// feet] of my client's well, will be controlled during offloading, storage or processing of this waste.

Some Planning Commission members expressed the view that this standard must be addressed as a post-approval enforcement action.

However, when the Site Plan itself is utterly devoid of any explanation of how these liquids will be controlled, and in the absence of any explanation of how these liquids will be managed, the record cannot support a finding that the application complies with this required Site Plan finding:

"Existing and anticipated surrounding land uses have been adequately considered in the design of the development and *negative impacts have been minimized through such means as building placement or scale*, landscaping, or screening, and an evaluation of lighting."[7]

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[6] Nor is there any explanation of how food which may be related to food recalls (including listeria) to be handled.

[7] Code § 1-19-3.300.4.A (approval criteria for site plans).

The concrete mixing slab is a feature of this Site Plan application and liquid runoff associated with this function has not been addressed and the Site Plan must be denied.

3. **The Site Plan Lacks Any Evidence Demonstrating How The Facility Will Prevent "Harboring or Breeding of Insects or Animals" and "Prevents Creation of Odor."**

Code § 1-19-8.408(J) says: "All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment."

This was addressed in the 2022 Staff Report which merely say "This requirement must be complied with throughout the operation's lifespan." Report p. 8. Nothing in the Site Plan, the staff report or the Conditions indicate how this is to occur. Without any standards in effect to ensure that these requirements can be met, there is no basis in the record to approve the Site Plan.

My clients testified about the significant number of birds which gather at the site, eating food waste scraps, to the point where they become a nuisance. There is no evidence in the record as to how or to what degree this nuisance will be managed.

Maryland law requires affirmative findings to support Site Plan applications, and simply reciting the Code standard is insufficient as a matter of law. There is no evidence on these points to support a finding of site plan approval, for the same reasons provided in Section II.1.

4. **The Application Lacks The Required Turning Radius And Safe Vehicle Movement Information Required By The Code.**

Code § 1-19-8.408(G) says: "The applicant shall submit a vehicle circulation plan indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided."

The staff report does not reference this Code provision, there is no information regarding turning radii into or out of the site, and there is no analysis that discusses "safe movement of all vehicles and equipment" on the site. The question of adequate access into and out of the site, and safe vehicle circulation within the site, is more significant in this case given the modification requests seeking approval of an oversized loading space and five overlength parking spaces for larger trucks.

Lacking evidence in the record on this point, the Commission was not in a position to make an affirmative finding that the Site Plan satisfies the Code standards for this use. Even if this information is supplied in advance of the hearing, my clients are entitled to review and have an opportunity to have an expert consider any technical documents provided in support of this finding, which is not possible between now and the scheduled hearing.

5. **The Site Plan Impedes the Rustic Road Designation for Stull Road.**

Stull Road is a designated rustic road and as such has a "chip and tar" surface, and nothing in the APFO LOU requires that the road be "paved" to current County road standards. Moreover, Stull Road was designated a rural road after the 2022 hearing, and the introduction of the volume of truck traffic necessary to serve this facility will be visually and physically detrimental to this designation.

Widening and restriping (as required by the APFO LOU) is directly contrary to this September 2022 recommendation by the Frederick County Rural and Scenic Roads Advisor Committee: "Any work undertaken on an existing designated Rural Road or on any road included on the Candidate Road list, including work already contracted for, should not result in detrimental changes to the roadway width, surface type, surface thickness, or right-of-way tree inventory. The Division of Public Works is responsible for monitoring contractors' adherence to this requirement."[8] Exhibit 6 p. 5.

Instead, ingress/egress should be directed towards Hessong Bridge Road, already 20' wide and paved, rather than towards and onto rural Stull Road. These rural roads are highly used by the large Frederick County cycling community and by local residents for walking.

III. The Board of Appeals Must Hold A De Novo Hearing

Contrary to Maryland law, the Planning Commission did not issue findings of fact and conclusions of law to support its decision. As a result, the Board of Appeals has no basis to understand the Commission's decision and must hold a *de novo* hearing in order to understand the evidence of record, assess the credibility of witnesses, and determine what weight to give the evidence. This case was complex, and decided on a 3-2 vote, confirming that the factual and legal issues raised were challenging.

IV. Conclusion

We ask that the Board of Appeals hold a de novo hearing and DENY the Site Plan application for the reasons stated herein.

We reserve the right to supplement this testimony during the public hearing.

Respectfully Submitted,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld

[8] We note that the APFO LOU does not stipulate that the fronting roads must be "paved," which is required by the zoning code, but submit that paving would be contrary to the rustic road designation of these roads.

Exhibit 1

Outlook

RE: Key City Compost at Utica Bridge Farms: SP19-17

From Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Date Thu 2/27/2025 11:49 AM
To Michele Rosenfeld <michele@marylandpropertylaw.com>

The Planning Commission does not issue written decisions. Their decision is the motion that passed.

Thanks.

Kathy

Kathy L. Mitchell
Senior Asst. County Attorney
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301-600-6054
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From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Thursday, February 27, 2025 10:13 AM
To: Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: Key City Compost at Utica Bridge Farms: SP19-17

[EXTERNAL EMAIL]

Hi Kathy:

Has the Planning Commission issued a written decision in this case? If so, would you please forward it to me?

Thanks, Michele

Michele Rosenfeld

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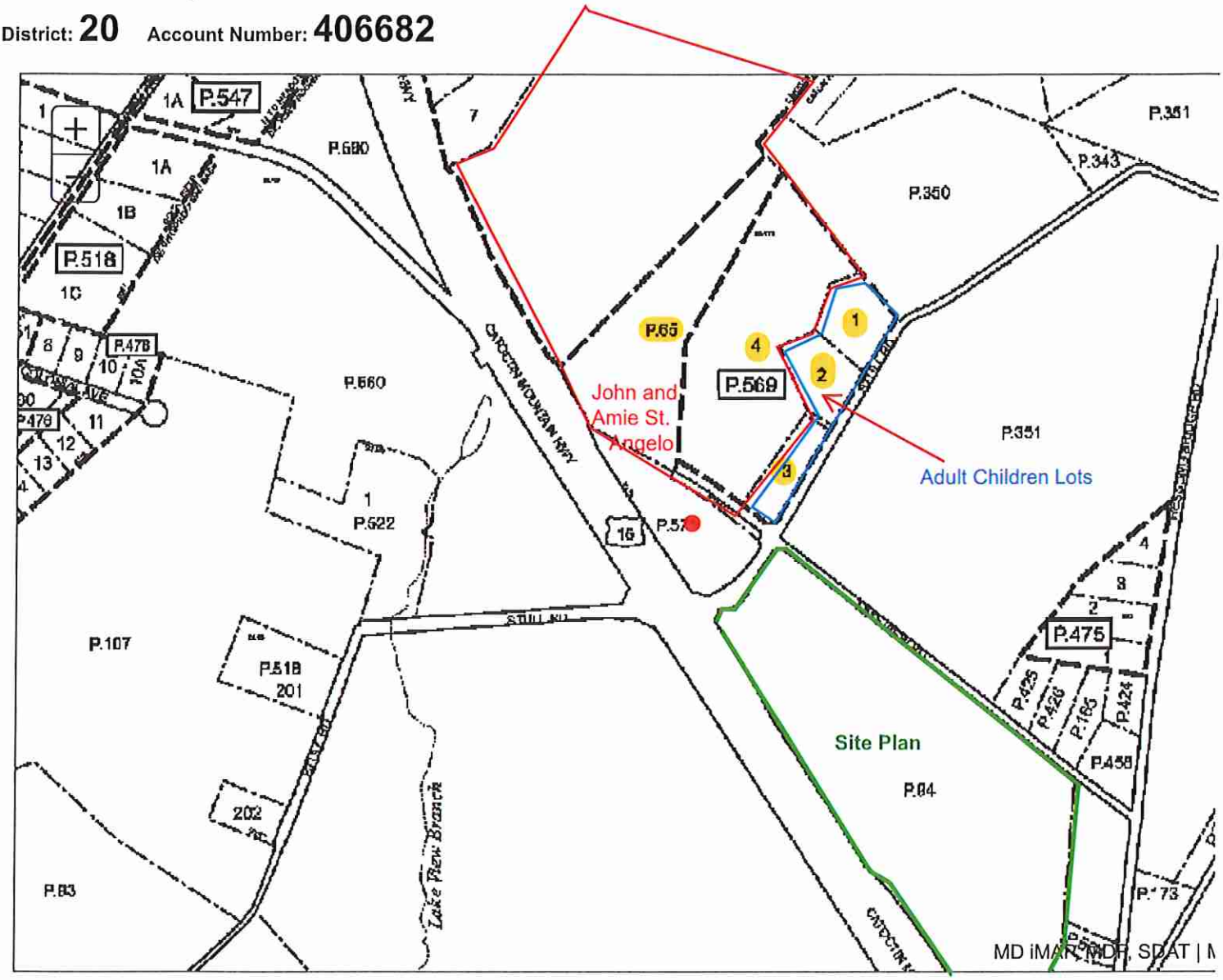


Exhibit 2

New Search (https://sdat.dat.maryland.gov/RealProperty)

Frederick County

District: 20 **Account Number: 406682**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at **www.plats.net (http://www.plats.net)**.

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at **http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx (http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx)**.

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Larry Hogan
Governor

Land and Materials Administration • Resource Management Program
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410-537-3314 • 800-633-6101 x3314 • www.mde.maryland.gov

Maryland
Department of
the Environment

General Composting Facility Registration
Registration Number: 2021-GCF-0023

EFFECTIVE DATE: April 28, 2021 **EXPIRATION DATE:** March 27, 2026

Issued to: Resolution Solutions, LLC

Authorizing: Coverage under the General Composting Facility Permit (GP-CF01), which is issued in accordance with February 1, 2021 Notice of Intent for General Composting Facility Permit and November 30, 2020 Composting Facility Operations Plan.

At: Key City Compost at Utica Bridge Farm Composting Facility located at 10661 Stull Road in Thurmont, Frederick County, Maryland 21788.

This permit is issued pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and is subject to the attached terms and conditions, and compliance with all applicable laws and regulations.

Kaley Laleker, Director
Land and Materials Administration

MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Blvd. • Suite 610 • Baltimore, MD 21230
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COMPOSTING FACILITIES - PERMITTING & OPERATIONAL STATUS

January 2025

County	Facility Name	Facility /Feedstock Type	Feedstock Capacity Tons/Year	Address	Operator	Contact	Telephone	Permiiting & Operational Status
Anne Arundel	Millersville Landfill and Resource Recovery Facility Composting Pad	Tier I - Yard Trimmings	35,000	389 Burns Crossing Road, Severn, MD 21144	WeCare Denali, LLC.	Sarah Harrison, Environmental Director	229-326-1149	Operating - GCFP Issued 4/6/2021
	Tolson & Associates LLC	Tier I - Yard Trimmings	25,000	End of Capitol Raceway Road, Crofton, MD 21114	Tolson & Associates LLC	Michael Ensor, Agent	301-428-0800	Operating - GCFP Issued 4/2/2021
	Veteran Compost - Lothian	Tier II Small - Food Scraps/ Manure/ Wood Chips	24,000	4900 Sands Road, Lothian, MD 20711	Garrity Renewables, LLC	Justen Garrity, President	410-935-6404	Planned - GCFP Issued 4/15/2021
Baltimore	Eastern Sanitary Landfill Solid Waste Management Facility	Tier I - Yard Trimmings	20,000	6259 Days Cove Road, White Marsh, MD 21162	Baltimore County DPW	Nicholas Rodricks, Chief	410-887-2794	Operating - Refuse Disposal Permit Issued 5/7/2020
Baltimore City	Charm City Compost Facility	Tier II Large - Food Scraps /Manure/Yardwaste	89,000	3501 E. Biddle Street, Baltimore, MD 21213	Charm City Compost, LLC	Gabriela Santa Cruz	202-718-9599	Planned-GCFP Issued 6/13/2024
Caroline	Twin Maples Compost Facility	Tier II Large - Food Scraps /Manure	15,000	14130 Clarks Lane, Ridgley, MD 21660	Mid Atlantic Organics Resource Company LLC	Mark Jastram, General Manager	443-477-4598	Operating - GCFP Issued 4/9/2021
Carroll	WeCare Denali Composting Facility	Tier I - Yard Trimmings	60,000	7901 Kabik Court, Woodbine, MD 21797	WeCare Denali, LLC.	Sarah Harrison, Environmental Director	229-326-1149	Operating - ICFP Issued 11/15/2019
Cecil	Cecil County Central Landfill	Tier I - Yard Trimmings	10,000	758 E. Old Philadelphia Road, Elkton, MD 21921	Cecil County DPW	Craig Marker, Manager	410-996-8373	Operating - Refuse Disposal Permit Issued 6/7/2019
	West Coast Mushrooms	Tier II Large - Hay /Straw/Poultry Litter/Cotton Seed/Corn Slover	35,000	342 Hopewell Road, Rising Sun, MD 21911	West Coast Mushrooms Inc.	Charles Lasito, Manager	410-658-7699	Operating - GCFP Issued 5/21/2021
Charles	Calvert Wood Recycling	Tier I - Yard Trimmings/NWW	5,000	6585 Ripley Road, La Plata, MD 20646	Calvert Wood Recycling, LLC	Randy Whitsell, Manager	301-743-9011	Operating - GCFP Issued 6/22/2021
Frederick	Frederick County Department of Solid Waste Management	Tier I - Yard Trimmings	25,000	9031 Reiches Ford Road, Frederick, MD 21704	Frederick County DPW	Phil Harris, Director	301-600-2923	Operating - Refuse Disposal Permit Issued 1/5/2021
	Key City Compost at Utica Bridge Farm	Tier II Small - Yard Trimmings, Food Scraps, Manure etc.	20,000	10661 Stull Road, Thurmont, MD 21788	Resolution Solutions, LLC	Phil Westcott, President	240-608-0283	Operating - GCFP Issued on 4/28/2021
Harford	Harford Waste Disposal Center Mulch Compost Facility	Tier I - Yard Trimmings/NWW	50,000	3139 Scarboro Road, Street, MD 21154	MES	David Gostomski, Manager	410-638-3018	Operating - GCFP Issued 4/26/2021
	Veteran Compost - Aberdeen	Tier II Small - Food Scraps /Manure/Wood Chips	24,000	328 Bush Chapel Road, Aberdeen, MD 21001	Garrity Renewables, LLC	Justen Garrity, President	410-939-6404	Operating - GCFP Issued 5/21/2021
Howard	Composting Facility at Alpha Ridge Landfill	Tier II Large - Food Scraps /Yard Trimmings/Manure	12,000	2350 Marriottsville Road, Marriottsville, MD 21104	Howard County DPW	Mark DeLuca, Chief	410-313-4414	Operating - GCFP Issued 5/21/2021
Montgomery	Level Land Lisbon Mulch Yard	Tier I - Yard Trimmings	6,250	1000 Madison Street, Lisbon, MD 21765	Level Land Inc.	Justin Brendel, Operator	410-489-5206	Operating - GCFP Issued 6/22/2021
	Montgomery County Yard Trim Composting Facility	Tier I - Yard Trimmings	77,000	21210 Martinsburg Road, Dickerson, MD 20842	MES	Greg Africa, Chief	410-729-8379	Operating - GCFP Issued 6/2/2021
	ACME Biomass Reduction, Inc.	Tier I - Yard Trimmings	19,000	21601 New Hampshire Ave, Brookeville, MD 20833	ACME Biomass Reduction, Inc.	Caitlin Sherwood, Manager	240-774-2968	Operating - GCFP Issued 6/22/2021
	Aspen Nursery	Tier I - Yard Trimmings	1,250	15710 New Hampshire Ave, Silver Spring, MD 20905	Aspen Landscape Contractors Inc.	Michael Grodin, President	301-384-4800	Operating - GCFP Issued 6/2/2021
	Compost Crew at Wasche Farm	Tier II Small - Yard Trimmings, Food Scraps, Manure etc.	20,000	18930 Wasche Road, Dickerson, MD 20842	Compost Crew, Inc., A Benefit Corporation	Kristie Blumer, Senior Director	301-202-4450	Planned - GCFP Issued 6/12/2023
Prince George's	Prince George's County Organics Composting Facility	Tier II Large - Food Scraps /Yard Trimmings	69,000	6550 S.E Crain Highway, Upper Marlboro, MD 20772	MES	Steven Birchfield, Operator	240-712-1021	Operating - GCFP Issued 6/2/2021
	City of College Park	Tier I - Yard Trimmings	5,600	9217 51st Avenue, College Park, MD 20740	City of College Park	Jonathan Nagelvoort, Assistant Director	240-508-2683	Operating - GCFP Issued 6/2/2021
Washington	40 West Landfill	Tier I - Yard Trimmings	5,000	12630 Earthcare Road, Hagerstown, MD 21740	Washington County DPW	David A. Mason, D Director	240-313-2634	Operating - Refuse Disposal Permit Issued 12/2/2019
Worcester	Ocean Compost	Tier II Small - Food Scraps /Yard Trimmings	500	11925 St. Martins Neck Road, Bishopville, MD 21813	Ocean Compost, LLC	Garvey Helderman	443-783-4835	Operating - GCFP Issued 9/1/2023

GCFP - General Composting Facility Permit
ICFP - Individual Composting Facility Permit
Tier II Large - Produces > 10,000 cubic yard of compost

MARYLAND DEPARTMENT OF THE ENVIRONMENT

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GENERAL COMPOSTING FACILITY PERMIT

Permit No. GP-CF01

Effective Date: March 28, 2021 ***Expiration Date: March 27, 2026***

PART I. COVERAGE UNDER THIS GENERAL PERMIT:

A. Property Rights

Authorization conveyed under this general permit does not convey any property rights in either real or personal property, or any exclusive privilege or franchise, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

B. Suspension or Revocation

1. In addition to other reasons authorized by statute or regulations, coverage under this general permit may be suspended or revoked if the permittee lacks, or is in violation of, any federal, State or local approval necessary to conduct the activity authorized by this general permit, including a local zoning or land use approval.

2. In addition to other reasons authorized by statute or regulation, after written notification and an opportunity to request a hearing, the Department may suspend, revoke, or modify coverage under this general permit if the Department finds that:

   a. False or inaccurate information was contained in the Notice of Intent (NOI) or Composting Facility Operations Plan (CFOP) submitted to the Department, or in any other information required to be submitted to the Department under this general permit;

   b. As part of a regulated activity by a permittee, there is or has been a violation of:

      i. Any applicable State law or regulation;

      ii. Any term or condition of this general permit;

      iii. Any term or condition of a State or National Pollutant Discharge Elimination System (NPDES) discharge permit issued under Code of Maryland Regulations (COMAR) 26.08.02.09 or COMAR 26.08.04; or

      iv. Any term or condition of an air quality permit issued under COMAR 26.11.02;

   c. Substantial deviation from the CFOP submitted to the Department has occurred, as determined by the Department;

   d. The Department or an authorized representative of the Department has been refused entry to the premises for the purpose of inspecting or sampling to ensure compliance with the terms and conditions of this general permit;

e. Conditions exist which are causing or may cause an undue risk to the environment or public health, safety, or welfare as may be determined by the Department;

f. The permittee has been negligent or incompetent in operating the composting facility; or

g. Any other good cause exists for suspending, revoking, or modifying authorization under this general permit.

3. In addition to other reasons authorized by statute or regulation, the Department may immediately suspend or revoke coverage under this general permit in accordance with COMAR 26.04.11.16A(2) if the Department determines there is an immediate and substantial threat to the environment, public health, safety, or welfare.

C. Administrative, Civil, and Criminal Liability

Nothing in this general permit shall be construed to preclude the institution of any legal action nor to relieve the permittee from administrative, civil, or criminal responsibilities and/or penalties for non-compliance with Title 9 of the Environment Article, Annotated Code of Maryland, or any federal, local, or other State law or regulations.

D. Right of Entry

The permittee shall allow the Department's authorized representatives, at reasonable times and upon presentation of credentials to:

1. Enter the facility covered under this general permit or any location where records are required to be kept under the terms and conditions of this general permit;
2. Have access to and copy any records required to be kept under statute, regulation, or the terms and conditions of this general permit;
3. Inspect any equipment or process regulated under this general permit;
4. Inspect any collection, treatment, pollution management or control facilities, or transport vehicles regulated under this general permit;
5. Sample waste, feedstocks, compost, groundwater, surface water, contact water, stormwater, soil, or vegetation on the site of the facility authorized by this general permit; and
6. Obtain photographic documentation or evidence.

E. Applicability

This authorization applies to a person choosing to operate a Tier 1 or Tier 2 composting facility in the State of Maryland under the provisions of this general permit.

F. Authorization and Authority

To be authorized to operate under this general permit, a person is required to submit a NOI and CFOP in accordance with COMAR 26.04.11.11 and to comply with all the terms and conditions of this general permit and any other requirements of law and regulation.

The Department may require a person to obtain an individual Composting Facility Permit if the Department determines site-specific permit conditions are necessary to ensure compliance with the general restrictions in COMAR 26.04.11.04B, facility location and design requirements in COMAR 26.04.11.08, or operating requirements in COMAR 26.04.11.09.

Authority for this general permit is Environment Article, §§9-1701 and 9-1725, Annotated Code of Maryland, and COMAR 26.04.11.05—.06 and .11.

G. Effective Date of Coverage

Authorization to operate a composting facility is effective on the date the Department acknowledges receipt and approval of the NOI and a CFOP that meets the requirements of COMAR 26.04.11.

H. Local Requirements

1. Nothing in this general permit authorizes the construction or the operation of the facility in violation of local government laws or regulations, including planning, zoning, and land use requirements.
2. The issuance of this general permit does not prevent any duly authorized local authority from taking action to enforce applicable local laws and regulations, including zoning, planning, and land use requirements.

PART II REQUIRED INFORMATION:

A. Required Information

All of the following must be accessible at all times and must be available on site at the facility prior to commencement of operations under this general permit:

1. A current version of the CFOP, including any updates and all information required to be included under COMAR 26.04.11.09B(1);
2. An erosion and sediment control plan that meets the requirements of COMAR 26.17.01 and has been approved by the local soil conservation district or appropriate approving authority, if required;
3. A grading permit as required by the local jurisdiction;
4. An approved stormwater management plan as required by the local jurisdiction; and

5. Copies of all other applicable permits required under local, State, or federal laws, including the General Permit for Stormwater Discharges Associated with Industrial Activity, if required, and the air Permit to Operate and/or Permit to Construct, if required.

B. Submission of a Revised NOI or CFOP

1. A permittee shall submit a revised NOI a minimum of 60 calendar days before either of the following changes occurs:
   a. A Tier 1 Facility becomes a Tier 2 Facility by beginning to accept Type 2 feedstocks; or
   b. A Tier 2 Small Facility becomes a Tier 2 Large Facility by increasing production to greater than 10,000 cubic yards of compost per year.
2. The permittee shall submit to the Department with the revised NOI an updated CFOP incorporating any proposed operational changes to be made in association with a change in facility tier.
3. Prior to the occurrence of a change in facility tier, the facility shall:
   a. Comply with all requirements of COMAR 26.04.11 and of this general permit applicable to the new facility tier; and
   b. Receive written acknowledgement and approval from the Department of the revised NOI and CFOP.
4. If the permittee revises the CFOP for a reason other than a change in facility tier, the permittee shall submit to the Department a copy of the revised CFOP prior to changing operations.

PART III. CONDITIONS FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF THE FACILITY:

A. Feedstocks Authorized

1. The permittee is authorized to accept, process, and store only Type 1 and Type 2 feedstocks listed in the facility's current CFOP. This general permit does not authorize acceptance, processing, or storage of Type 3 feedstocks.
2. Under this permit, Type 1 feedstocks includes:
   a. Yard waste, which is defined as organic plant waste derived from gardening, landscaping, and tree trimming activities, including leaves, garden waste, lawn cuttings, weeds, and prunings;
   b. Wood materials, including wood chips or shavings, that are unpainted, untreated, unlaminated and free from contamination by bonding agents, dyes, finishes, chemical preservatives, or physical contaminants such as metal or plastic, and are mixed with other Type 1 or Type 2 feedstocks during active composting as a bulking agent or carbon source; and

c. Other materials that the Department determines pose a low level of risk from hazardous substances, human pathogens, and physical contaminants.

3. Under this permit, Type 2 feedstocks includes:

   a. Source-separated, pre-consumer and post-consumer food scraps and non-recyclable paper;

   b. Animal manure and bedding;

   c. Industrially produced food processing materials, including industrial poultry and seafood residuals;

   d. Animal mortalities;

   e. Manufactured organic materials such as waxed-corrugated cardboard, non-coated paper, and compostable products; and

   f. Other materials that the Department determines pose a low level of risk from hazardous substances, and a higher level of risk from physical contaminants and human pathogens, compared to Type 1 feedstocks.

4. Type 3 feedstocks includes:

   a. Sewage sludge and biosolids, as defined in COMAR 26.04.06.03;

   b. Used diapers;

   c. Mixed municipal solid waste; and

   d. Any other feedstocks that are not Type 1 or Type 2 feedstocks and that the Department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens, compared to Type 1 and Type 2 feedstocks.

B. Facility Design

1. Prior to acceptance of any feedstocks at the facility, the facility shall be located, designed, and constructed in compliance with the requirements in COMAR 26.04.11.08 applicable to the facility's tier, as defined in COMAR 26.04.11.02.

2. The facility shall be designed in a manner that allows the facility to be operated in accordance with the approved CFOP submitted with the NOI and to meet all other requirements in COMAR 26.04.11 and this general permit.

3. The facility shall have the following minimum depth to the seasonal high water table for any surfaces used for feedstock receiving, feedstock storage, active composting, curing, or compost storage:

   a. For a composting facility located outside the coastal plain province, as shown in COMAR 26.04.02.13, the minimum depth shall be 4 feet.

   b. For a composting facility located within the coastal plain province, as shown

in COMAR 26.04.02.13, the minimum depth shall be:

i. For a composting facility located in an area with an applicable groundwater protection report approved by the county health department under COMAR 26.04.02.04, the depth specified in the report as the minimum soil treatment zone for an on-site sewage disposal system, but no less than 2 feet; and

ii. For a composting facility located in an area where no approved groundwater protection report applies, 4 feet.

c. Areas of a composting facility that are located completely indoors are exempt from the minimum depth to the seasonal high water table.

C. Facility Operation

The permittee shall operate the facility in accordance with the NOI and the approved CFOP and the requirements in COMAR 26.04.11.04, .09, .12, .13, and .15 that apply to the feedstock types accepted by the facility.

D. Hours of Operation

1. The permittee shall ensure that the facility's operating hours comply with the CFOP and any local zoning requirements.

2. The composting facility shall have a sign at its entrance that lists the name and address of the composting facility, the days and hours of operation, and emergency contact information, including name, address, and telephone number. The emergency contact person shall be available by telephone at all times when the facility is closed.

3. The permittee shall not operate the composting facility outside the posted hours of operation unless approved by the Department and authorized under any local zoning laws. If authorized by local zoning laws, the following activities are not considered operating for purpose of the prohibition on operating outside of the posted hours of operation: administrative tasks, indoor equipment maintenance, environmental monitoring or other activities not associated with handling or processing of feedstocks, compost, contact water or use of heavy equipment.

E. Operational Requirements

The facility may not be operated in such a manner as to:

1. Create a nuisance;

2. Be conducive to insect and rodent infestation or the harborage of animals;

3. Cause nuisance odors or other air pollution in violation of COMAR 26.11.06 or involve construction of a source of air pollution subject to a permit to construct or operation of a source of air pollution subject to a permit to operate unless permitted pursuant to COMAR 26.11.02;

4. Cause a discharge of pollutants derived from organic materials or solid waste to waters of this State unless otherwise permitted by the Department;

5. Harm the environment; or

6. Create other hazards to the public health, safety, or comfort as may be determined by the Department.

F. Supervision

The composting facility shall be under the direct supervision of a responsible party on site at all times during operation. The responsible party shall be accountable for ensuring that the terms and conditions of this general permit are met. The facility shall operate under the supervision of a certified composting operator in accordance with COMAR 15.18.04.03.

G. Controlled Access

1. Access to the facility shall be controlled at all times.

2. Gates, fencing, and other ingress/egress controls around the perimeter of the facility shall be adequate to prevent access when the facility is not in operation.

3. Access to the facility shall be limited to those times when authorized personnel are on duty at the facility and supervisory personnel are on site.

H. Inspection and Receipt of Incoming Feedstocks

1. All incoming loads of material shall be inspected to ensure that materials not authorized to be composted under this general permit or feedstock types other than those identified in the CFOP are not accepted by the permittee. The CFOP shall specify:

    a. Procedures for visually inspecting each incoming load to assess the estimated portion of unauthorized material in the load;

    b. Procedures to follow in the event that an operator observes significant quantities of unauthorized materials in the incoming load, including:

        i. Notifying the hauler or generator of the feedstocks; and

        ii. Rejecting the load, if unauthorized materials are present in more than *de minimis* quantities, as defined in the CFOP; and

    c. Procedures for preventing, identifying, segregating, handling, storing, and recycling or disposing of unauthorized material.

2. If the Department determines that the permittee has accepted feedstocks containing unauthorized materials in more than *de minimis* quantities, the Department may require the permittee to modify its CFOP to provide for rejection of loads containing more than a maximum percentage of unauthorized materials.

3. Any solid waste shall be segregated and stored in a manner to prevent any wastes or runoff from wastes from entering the waters of the State.

4. Any solid waste shall be properly disposed at an appropriate permitted solid waste acceptance facility:

    a. Within the timeframe specified in the CFOP;

    b. As required by the local regulating authority; and

    c. Prior to or within 24 hours after the solid waste container becomes full.

5. Any hazardous waste shall be separated and handled in accordance with the applicable requirements of COMAR 26.13.01 "Disposal of Controlled Hazardous Substances."

6. Feedstocks may not be accepted, processed, or stored in quantities that cause the facility to exceed the maximum capacity or annual throughput specified in the CFOP.

I. Access Roads

1. The facility shall have all-weather access roads, as defined in COMAR 26.04.11.02, and shall have fire lanes sufficient to provide emergency equipment with access to all portions of all piles of feedstocks, active composting material, curing material, and compost. The width and location of fire lanes shall comply with any State and local requirements, including COMAR 29.06.01.08.

2. All access roads and fire lanes shall be passable in all weather conditions by emergency vehicles, loaded delivery vehicles, and other transportation vehicles and shall be provided and maintained from the entrance gate of the facility to the feedstock receipt, feedstock storage, composting, curing, compost storage, and solid waste storage areas.

J. Storage of Unprocessed Feedstocks

1. By the end of the operating day on which they are received, Type 2 feedstocks shall be:

    a. Incorporated into active composting piles;

    b. Transferred to leak-proof containment; or

    c. Mixed with carbon-rich bulking material and covered in a manner that prevents nuisance odors and scavenging by vectors.

2. Upon receipt, Type 2 feedstocks with free liquid shall be promptly mixed with drier feedstocks, bulking material, or compost so that the liquid is absorbed and not allowed to flow from the piles or windrows.

3. Feedstock storage piles shall be in an area that is enclosed or visually screened from adjoining properties, unless the absence of an enclosure or visual screening

is specifically identified in the CFOP and authorized under local law, and the CFOP identifies other design or operational controls to prevent nuisances including noise, dust, odors, and blowing debris.

4. The distance between feedstock storage piles and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.

5. The maximum height and width of each feedstock storage pile and the minimum spacing of piles shall be specified in the CFOP and shall comply with any local requirements for pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

K. Active Composting Piles

1. Active windrows or piles shall be composed only of Type 1 feedstocks, Type 2 feedstocks, and compost.

2. The distance between active composting piles or windrows and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.

3. Active windrows or piles shall be in an area that is enclosed or visually screened from adjoining properties, unless the absence of an enclosure or visual screening is specifically identified in the CFOP and authorized under local law, and the CFOP identifies other design or operational controls to prevent nuisances including noise, dust, odors, and blowing debris.The maximum height and width of each active composting pile or windrow and the minimum spacing of piles or windrows shall be specified in the CFOP and shall comply with any other local requirements for pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

L. Curing

1. Material that is being cured shall be kept separate from feedstocks or active composting material.

2. The distance between curing piles and a property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.

3. Areas used for curing shall be separated from contact water in a manner that prevents contact water from entering the curing area, including by run-on or by direct application.

4. The maximum height and width of each curing pile and the minimum spacing of piles shall be specified in the CFOP and shall comply with any local requirements for pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

M. Compost Storage

1. Compost may not be stored longer than 12 months, unless otherwise approved by the Department.
2. The permittee shall ensure that a market or use is identified and available for the compost that is, or is to be, produced.
3. The permittee shall notify the Department if a finished product is produced that is classified as "restricted use compost" under COMAR 15.18.04.05 or is otherwise unmarketable or unusable. The Department may require the permittee to properly dispose of the product or may authorize one of the uses specified in COMAR 15.18.04.05D.
4. The maximum height and width of each compost storage pile and the minimum spacing of piles shall be specified in the CFOP and shall comply with any local requirements restricting pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

N. Monitoring

1. In order to ensure that temperature and moisture conditions are maintained and controlled during composting, the permittee shall:
   a. Take temperature readings in accordance with the temperature monitoring plan specified in the CFOP, which shall include methods to ensure pathogen reduction requirements are met and a maximum temperature upon which piles must be turned or actively aerated; and
   b. Monitor moisture levels in accordance with the monitoring plan specified in the CFOP, which shall include a target moisture range.
2. A record of all temperature readings, moisture monitoring results, dates and times that windrows or piles were turned, and all other information required to be recorded by COMAR 26.04.11.12 shall be updated daily when the facility is in operation and maintained and kept on site at all times.
3. Upon request by the Department, the permittee shall collect and analyze samples of any waste, feedstocks, compost, groundwater, surface water, contact water, stormwater, soil, or vegetation and report the results of such sampling to the Department.

O. Dust

Dust resulting from the facility's operation shall be controlled at all times.

P. Emergency Preparedness

1. The permittee shall comply with the emergency preparedness plan that is included in the CFOP.

2. The emergency preparedness plan shall, at a minimum, contain:

   a. A list of names and telephone numbers of the persons to contact in the event of a fire, flood, or other emergency situation at the facility;

   b. A statement identifying a local fire agency that has been notified of the composting facility by the permittee;

   c. A list of emergency response equipment present at the facility or available for use at the facility, the location of the equipment, and how the equipment must be used in the event of a fire or other emergency;

   d. The procedures facility personnel shall follow from discovery of an emergency until the situation is corrected, including measures to minimize the occurrence, recurrence, or spread of fires and releases;

   e. Location of known water supplies, fire hydrants, dry chemical extinguishers, or other materials that may be used for firefighting purposes;

   f. Provision for reporting emergency situations to the Department without delay; and

   g. Provision for familiarizing all employees with the requirements of the emergency preparedness manual.

3. The permittee shall revise the emergency preparedness plan if a change in the operations occurs, or if the Department requires revisions. Any changes made at the permittee's initiation shall be reported in writing to the Department prior to or within one business day of the change.

Q. Nuisance Odor Prevention

1. The permittee shall comply with the nuisance odor prevention plan that is included in the CFOP and shall be maintained at the facility at all times.

2. The nuisance odor prevention plan shall, at a minimum, contain:

   a. Methods and procedures to prevent and control odors and other potential nuisance conditions at the facility; and

   b. A complaint response protocol.

R. Personnel and Equipment Maintenance

Adequate personnel and equipment shall be provided to:

1. Assure safe, continuous, and adequate operations;

2. Maintain compliance with the terms and conditions of this general permit and regulatory requirements; and

3. Assure prompt attention to correct problems associated with the construction and maintenance of the facility.

S. Fire Prevention and Control

1. The permittee shall notify the local fire agency of the composting facility prior to commencement of operations.
2. The permittee shall operate the facility in accordance with the applicable requirements of the local and State Fire Marshal.
3. The permittee shall take suitable measures to prevent and to control fires that may occur during operation of the facility.
4. An adequate water supply and the means to apply it shall be available in case of a fire. The Department, the local fire department, or the State Fire Marshal may direct that the permittee install, alter or expand the volume and manner of water supply or water storage capacity available at the site, or inclusion of other fire retardant materials such as ground or soil, and shall specify a time frame for compliance with that directive. Compliance within the specified time frame is a condition of compliance with this general permit.
5. A means to notify the local fire agency shall be available on-site at all times (e.g. telephone and radio).

T. Disposal of Solid Waste Prohibited

Nothing in the permit authorizes the acceptance of regulated solid waste or the disposal of regulated solid waste at the facility without approval from the Department as required by Section 9-204 of the Environment Article.

U. Noise Control

Nothing in this general permit authorizes the operation of the facility in a manner that violates the applicable noise provisions of any local law or regulation relating to noise control.

V. Wetland and Waterways Construction

The permittee shall operate the facility in accordance with the Maryland Non-Tidal Wetland and Waterways Regulations, COMAR 26.23.01 and 26.24.01.

W. Stormwater Management and Pollutant Discharge

1. Any stormwater discharges associated with industrial activity, as defined in 40 Code of Federal Regulations (C.F.R.) §122.26(b)(14), shall be managed in accordance with:
   a. A NPDES discharge permit issued by the Department under COMAR 26.08.01 - .04;

b. State and local stormwater requirements; and

c. State and local erosion and sediment control requirements.

2. For Tier 2 Large facilities, contact water shall be collected and contained in a collection basin, tank, or other containment system designed in accordance with COMAR 26.04.11.08F prior to:

   a. Reuse on feedstocks or active composting piles in accordance with the CFOP and in a manner that prevents contamination of materials that have undergone the pathogen reduction requirements in COMAR 26.04.11.09;

   b. Transport off site for treatment at a permitted facility; or

   c. Discharge pursuant to COMAR 26.08.01 - .04.

3. One foot of freeboard shall be maintained for a collection basin, open tank, or other containment system exposed to precipitation that is used to store contact water.

4. The permittee is responsible for ensuring that all required discharge permits are obtained prior to commencement of operations.

X. Erosion and Sediment Control

The permittee shall operate the facility in accordance with the Erosion and Sediment Control Plan regulations as set forth in COMAR 26.17.01 and applicable local approval.

Y. Recordkeeping and Reporting

1. All records and information required to be maintained under this general permit or under COMAR 26.04.11.12 shall be retained by the permittee on site (unless otherwise authorized by the Department) for a minimum period of 5 years.

2. An annual report shall be submitted to the Department for each calendar year in which the facility is in operation. All annual reports shall be for the calendar year ending December 31 and shall be submitted to the Department by January 31 of the following year on the form provided by the Department.

3. The report shall include a minimum of:

   a. The quantity and type of feedstocks received during the preceding calendar year, indicating the county within Maryland, or the state outside Maryland, in which each quantity of material was generated;

   b. The quantities of compost and residues, including unauthorized feedstocks and solid waste, produced by composting during the preceding calendar year;

   c. The quantities of compost and residues removed from the facility during the preceding calendar year; and

   d. Any other information requested on the form provided by the Department.

4. Except for information found to be confidential in accordance with the Maryland Public Information Act, all information submitted in conjunction with this general permit shall be available for public inspection at the Department.

5. The permittee shall submit all reports required by this general permit to:

Maryland Department of the Environment
Land and Materials Administration
Resource Management Program
1800 Washington Boulevard, Suite 610
Baltimore, Maryland 21230-1719

PART IV. GENERAL CONDITIONS:

A. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether the permittee is in compliance with this general permit or whether cause exists for termination of the permittee's authorization to operate under this general permit.

B. Expiration or Renewal

1. Authorization under this general permit ends when the earliest of the following events occurs:
   a. The permit term expires, unless the permittee submits to the Department a request for continuing coverage at least 60 calendar days before this general permit expires;
   b. The permittee permanently ceases operations after notifying the Department in accordance with the closure requirements in COMAR 26.04.11.13;
   c. A change in ownership or control of the composting facility occurs; or
   d. The Department provides written notice to a permittee of suspension or revocation of the permittee's coverage under this general permit.
2. Request for Continuing Coverage.
   a. A request for continuing coverage may be fulfilled by submission of a renewal NOI and current CFOP.
   b. Once a request for continuing coverage has been submitted by the permittee to the Department, this general permit will remain in force and effect until this general permit is renewed and any deadline for opportunity to register under the renewed general permit is reached or this general permit is revoked or withdrawn.

C. Transfer of Ownership

Authorization under this general permit is not transferable and authorizes only the signatory party to operate the permitted facility. In the event of any change in control or ownership of the property not caused by death of the permittee, the permittee shall notify the succeeding owner by certified mail of the existence of this general permit and of any outstanding permit noncompliance, a minimum of 60 calendar days prior to transferring control or ownership. A copy of this notification shall be forwarded to the Department at the same time.

D. Compliance

1. The requirements of this general permit and other applicable laws and regulations shall be complied with at all times.
2. If for any reason the permittee does not comply with or will be unable to comply with any condition specified in this general permit, the permittee shall notify the Department by telephone at (410) 537-3314 on the same day, or on the next working day, following any noncompliance. Within 5 working days after this notification, the permittee shall provide the Department with the following information in writing:
    a. A description of the noncompliance, including date, time and type of noncompliance;
    b. Cause of noncompliance;
    c. Anticipated time the noncompliance is expected to continue or if such condition has been corrected;
    d. Steps taken by the permittee to correct the noncompliance; and
    e. Steps to be taken by the permittee to prevent recurrence of the noncompliance.

E. Severability

If any provision of this general permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from this general permit.

F. Signatory Requirements

All information submitted to the Department shall be signed, dated and certified as true and correct by the responsible party.

Director, Land and Materials Administration

Exhibit 6

RUSTIC ROADS COMMISSION

FREDERICK COUNTY, MARYLAND

30 North Market Street, Third Floor Frederick, Maryland 21701 (301) 600-1149

June 27, 2024

Letter on the Hessong Bridge Rd. Bridge Replacement Project from the Project Review Subcommittee

The Division of Public Works (DPW) is performing a Capital Improvement Program (CIP) project to replace the bridge on Hessong Bridge Rd. over Little Hunting Creek. The existing bridge is a one-lane Acrow panel bridge, which are designed to be temporary crossing structures. DPW is looking to replace the bridge with a two-lane structure.

Hessong Bridge Rd., north of the bridge, and Blacks Mill Rd., the crossing street after the bridge, are both candidate roads. Candidate roads are tar-and-chip roads with a speed limit of 35 miles or less, less than 1000 trips per day, and are not inside community growth areas or rural major subdivisions. Based on these criteria, both are considered roads to be potentially included into the Rustic Roads Program.

The project has many variables that DPW is considering when designing this project including input from the Maryland Department of the Environment, related to the impacts to Little Hunting Creek, Maryland Historic Trust, for the nearby archaeological site that contains a school, chapel, and cemetery, as well as the Maryland Department of Natural Resources and the Army Corp of Engineers.

The initial design phase was unable to completely satisfy the comments from the state and local agencies to move into the construction phase. Since DPW is looking at alternative designs for this crossing, the Project Review Subcommittee met with the Project Manager of this CIP project. They discussed the status of the design phase and the subcommittee's concerns of the initial design's potential negative impacts on Hessong Bridge and Blacks Mill Roads' eligibility to be included into the Rustic Roads Program in the future. They also considered different actions that could mitigate those potential negative impacts.

This letter is fashioned to be the Rustic Roads Commission's comments for the project while the new drawings are being created so that the Commission's concerns can be considered.

RUSTIC ROADS COMMISSION

FREDERICK COUNTY, MARYLAND

30 North Market Street, Third Floor Frederick, Maryland 21701 (301) 600-1149

RUSTIC ROADS
FREDERICK COUNTY MARYLAND

July 10, 2024

Tracy Diggs
Chief, Office of Transportation Engineering
355 Montevue Ln.
Suite 200
Frederick, MD 21702

Dear Tracy Diggs,

In our continuing work to preserve Frederick County's Rustic Roads for the benefit of all users, the Rustic Roads Commission has become aware of a bridge project that involves two candidate roads; Hessong Bridge Road and Blacks Mill Road. The Commission feels this is an opportunity for a replacement bridge to be designed with the values and objectives set forth in the recommendations of *A Rustic Roads Program for Frederick County Maryland.*

Given this bridge replacement's design phase began prior to the establishment of the Rustic Roads Commission, and at a time when the impacts to all users were potentially not considered, the Commission requests that this letter be retroactively treated as part of the study phase, and to be considered when moving forward into the design phase.

Referencing page 24 of the report, under Bridge Replacement: "*Bridge replacement must be of a design and material which preserves or enhances the historic appearance of the road. Bridges must be replaced at a scale and with materials similar to those of the previously existing structure.*" It is our understanding that the initially designed replacement bridge would have been significantly wider, 32 feet including shoulders, the road would be straightened, and the design speed would increase for the south approach to the bridge. This change would have negatively affected the safety of all users, particularly non-automobile users. Recent studies have shown that lane widening increases vehicle speeds, induces increased traffic volume, increases construction costs, and reduces safety.[1]

Hessong Bridge Road is one of the roads most frequently used by cyclists in Frederick County. It is a critical north-south corridor from US15 to MD550 for the County's cycling network and is featured on many cycling routes and events. In this six-mile segment it makes connections to not just Blacks Mill Road, but many other low-speed, low-volume

[1] Shima Hamidi, PhD, *A National Investigation on the Impacts of Lane Width on Traffic Safety: Narrowing Travel Lanes as an Opportunity to Promote Biking and Pedestrian Facilities Within the Existing Roadway Infrastructure*, Johns Hopkins Bloomberg School of Public Health, November 2023, pages 4, 17.

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rural roads, including Lakeview Road, Stull Road, Utica Road, Lewistown Road, Powell Road, Fish Hatchery Road, Angleberger Road, Kellys Store Road, Blue Mountain Road, and Layman Road. This road is an important cornerstone of Frederick County's cycling network. While wide shoulders on the bridge would seemingly provide safety to cyclist, any safety benefits afforded by that space would be undone by increasing speed and traffic. Existing nearby higher speed roads parallel Hessong Bridge Road on both sides: US15 and Old Frederick Road - serving the same destinations to automobile users.

The Commission agrees that the current bridge has safety concerns and was never intended to be a permanent bridge. However, it is in the best interests of the residents, users, and taxpayers of the County to ensure that a suitable design moves forward. The design should not be excessively wide to keep design speeds at their current level. This bridge also has the opportunity to become a visible gateway feature from Utica into the Catoctin Furnace area through stamped concrete, pronounced corner pillar, or other architectural details.

There are good examples in Frederick County of shoulder-less, two lane bridges on collector roads, such as the LeGore Bridge over the Monocacy River. While LeGore Bridge's structure differs in overall scale from the Hessong Bridge project, the road design on the bridge is more in keeping with the values and objectives of the Rustic Roads Program than the potential 32-foot-wide bridge.

The Rustic Roads Commission respectfully requests that the future design of the Hessong Bridge Road bridge replacement be sensitive to the Rustic Roads setting north of the project and consider the suggestions outlined in this letter. The Project Review Subcommittee of the Commission is open to meet with the Project Manager for the bridge replacement if they have any further questions.

Our intention is not to cause delay but rather to explore the possibility of finding a more appropriate and suitable solution that better serves the criteria set forth in *A Rustic Roads Program for Frederick County Maryland*, the users of these roads, and the residents and taxpayers of Frederick County.

Respectfully,

Susan Hanson, Chair
Frederick County Rustic Roads Commission

DRAFT

A Rustic Roads Program for Frederick County Maryland

Page 24: Road Maintenance and Reconstruction Guidelines: Reconstruction of Rustic Roads:

iv) Bridge Replacement: Bridge replacement must be of a design and material which preserves or enhances the historic appearance of the road. Bridges must be replaced at a scale and with materials similar to those of the previously existing structure. If a different design is required for environmental, economic, or safety reasons, new bridges must be of a design and material that complement or enhance the rustic appearance of the roadway. Correction of substandard approach road geometries must be made in character with existing unmodified portions of the roadway. All new bridges must adhere to weight bearing capacity and safety requirements. Consultation with the HPC or County historic preservation planner must precede improvements to bridges that are designated County landmarks, listed in the National Register of Historic Places, or evaluated as eligible for the National Register of Historic Places.



Image 1: LeGore Bridge road surface

KEY CITY COMPOST
AT UTICA BRIDGE FARMS

MONDAY - SATURDAY
7:00 AM - 6:00 PM
7245 LAKEVIEW ROAD

EMERGENCY CONTACT
PHIL MCSTOCUTT
4539 METROPOLITAN CT,
FREDERICK, MD 21704
PHONE: 240-409-1879

BUSINESS SIGN
N.T.S.

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L1	S16° 37' 08"W	15.50'
L2	S86° 16' 57"W	30.14'
L3	S58° 11' 10"W	100.67'
L4	S30° 05' 22"W	102.55'
L5	S35° 51' 24"W	97.46'
L6	S30° 05' 08"W	15.03'
L7	S75° 08' 30"W	22.45'
L8	S32° 29' 26"E	25.90'
L9	S38° 03' 37"W	18.29'
L10	S33° 26' 25"E	204.04'
L11	S30° 34' 40"E	100.13'

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L12	S25° 36' 44"E	151.33'
L13	S30° 34' 40"E	100.13'
L14	S33° 26' 25"E	100.00'
L15	S36° 52' 26"E	200.36'
L16	S36° 52' 26"E	50.00'
L17	S44° 45' 00"E	101.98'
L18	S33° 26' 25"E	400.00'
L19	S31° 39' 53"E	150.00'
L20	S33° 26' 25"E	150.00'
L21	S38° 51' 58"E	250.00'
L22	S33° 26' 25"E	197.00'

USE AND SAFETY NOTES

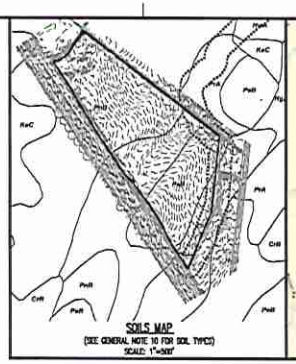
1. PROPOSED IDENTIFICATION SHALL BE COMPLIANT WITH FREDERICK COUNTY ORDINANCE 05-01-302. THIS INCLUDES THAT DESIGNATION OF THE ADDRESS SHALL BE INCORPORATED IN ALL MONUMENTAL OR SITE SIGNS.
2. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE ACCESSIBLE DURING ALL TYPES OF WEATHER AND AT ALL TIMES.
3. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF 20 FEET.
4. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13'-6".
5. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE PROVIDED WITH A SURFACE ALL-WEATHER DRIVING SURFACE.
6. EACH COMMERCIAL BUILDING SHALL HAVE AN ACCESS BOX (KNOX BOX) FOR FIRE DEPARTMENT USE AT THE MAIN ENTRANCE.

REFERENCES

1. EXISTING TOPOGRAPHY PROVIDED BY CMC ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2018.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2018.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0430D, EFFECTIVE SEPTEMBER 10, 2007.

LEGEND

- EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID-ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECS MID-ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK





OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10818 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(818) 762-4771
OPERATOR:	KEY CITY COMPOST
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(802) 277-0401

GENERAL NOTES

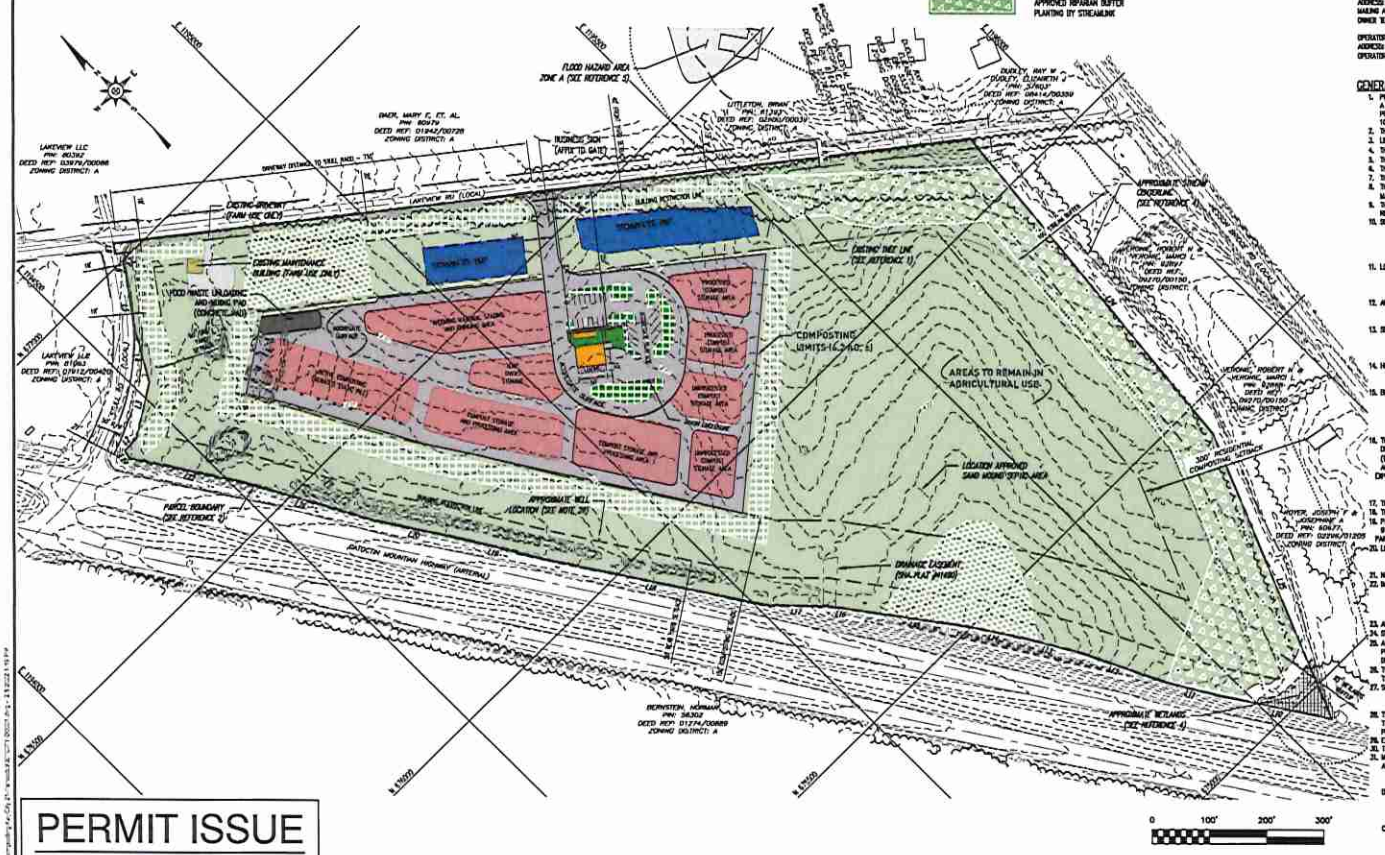
1. PROPOSED USE: KEY CITY COMPOST WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY; A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A 'TIER 2 SMALL COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21788
3. LIBER 10018 / FOLIO 0040
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINDALE PLANNING REGION.
7. THERE IS NO PLANNED SERVICE IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHIN ZONE 'X' OF THE FLOOD INSURANCE RATE MAP NO. 24021C0430D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 10, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2018 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    - CnB — CROTON-ARGILLITEOUTCROPS 15-7 LOAMS, 3 TO 8 PERCENT SLOPES
    - PmB — PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
    - PtB — PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    - RdA — READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	200 FEET	1,060 FEET

12. AREA SUMMARY
    PROPERTY: 29.06± ACRES
    COMPOST OPERATIONS AREA: 6.26± ACRES
13. SETBACKS

FRONT YARD:	40 FEET
SIDE YARD:	50 FEET
REAR YARD:	50 FEET

14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON BREAKOUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    MAXIMUM HEIGHT: 30 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
    PROPOSED POLE BARN: 24 FEET (TO PEAK OF ROOF)
    GROSS FLOOR AREA: 2,130 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 8 AND 50 GROSS FLOOR AREA = 2,130 SQUARE FEET TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO HOURS TESTING (9-20-2021). ALSO SEE THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATE 10 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    COMPLETED VEHICULAR TRIPS
    WEEKDAY AM PEAK: 10 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF VISITOR VEHICLES STORED ON SITE IS 8.
19. PARKING AS REQUIRED BY 1-19-4.220.A.4 FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION' REQUIRED PARKING: 13 EMPLOYEES/2 + 8 VEHICLES = 14 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL.
20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 8,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 30 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    EXISTING: 8,000 SF (0.4%)
    PROPOSED: 267,000 SF (21.2%)
    TOTAL: 275,000 SF (21.6%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19894. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1-19-6.300 FOR BUSINESS IDENTIFICATION WITHIN THE MC OR A DISTRICTS:
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUEST:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.310 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT OR TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THOSE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL-TIME AND 1 PART-TIME PERSONNEL AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.B TO ALLOW AN INCREASE IN SMALL DIMENSIONS FOR SYNC (S) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.



PERMIT ISSUE
NOT FOR CONSTRUCTION

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SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.829.0177
1524 Richland St., Columbia SC 29201

STATE OF MARYLAND — STACEY A. SMITH — 21708 — PROFESSIONAL ENGINEER
2/28/2022

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION
1	3/8/21	RESPONSE TO FC COMMENTS
		PRELIMINARY SUBMITTAL #1
		LINDO PROPERTY COMBINATION
2	9/7/21	RESPONSE TO FC COMMENTS
		DATED MARCH 17, 2021
3	11/22/21	RESPONSE TO FC COMMENTS
		DATED OCTOBER 14, 2021
4	1/3/22	RESPONSE TO COMMENTS
		DATED DEC. 7, 2021
5	2/28/22	PFOPC CONDITIONS OF
		APPROVAL DATED JAN. 6, 2022

This plan is the property of Smith Gardner, Inc. and may not be used in part or whole without the written permission of Smith Gardner, Inc. Any reuse or unauthorized modification of this plan without such consent will be at the user's sole risk and without liability to Smith Gardner, Inc. It will be the sole duty of the recipient, if they are copying this plan for distribution, that any and all copyright notices are included on all copies. Smith Gardner, Inc. will not be responsible for any unauthorized use of this plan.

KEY CITY COMPOST AT UTICA BRIDGE FARMS

SITUATED AT 7245 LAKEVIEW ROAD

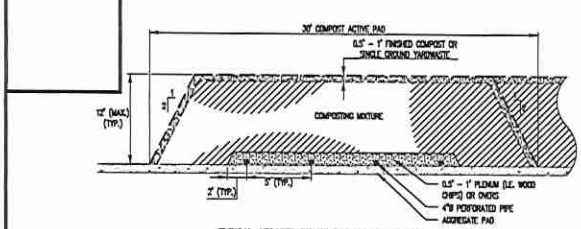
FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5

FREDERICK COUNTY, MARYLAND

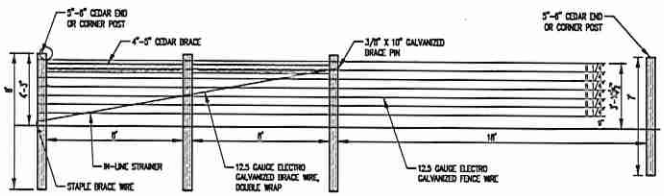
TYPE I SITE PLAN
SITE OVERALL
SP 19894
APFO 19095
FRO 19896

DESIGNED:	J.B.F.
DRAWN:	C.T.J.
CHECKED:	S.A.S.
PROJECT #:	KEYCITY-00001
SCALE:	AS SHOWN
DATE:	MARCH 2021
SHEET NO.:	SP1

FILE #:	SP19-17
A/P #:	19894
DUE DATE:	



TYPICAL AERATED STATIC PILE CROSS SECTION
N.T.S.



7 STRAND HIGH TENSILE FENCING
N.T.S.

OWNER/APPLICANT INFORMATION

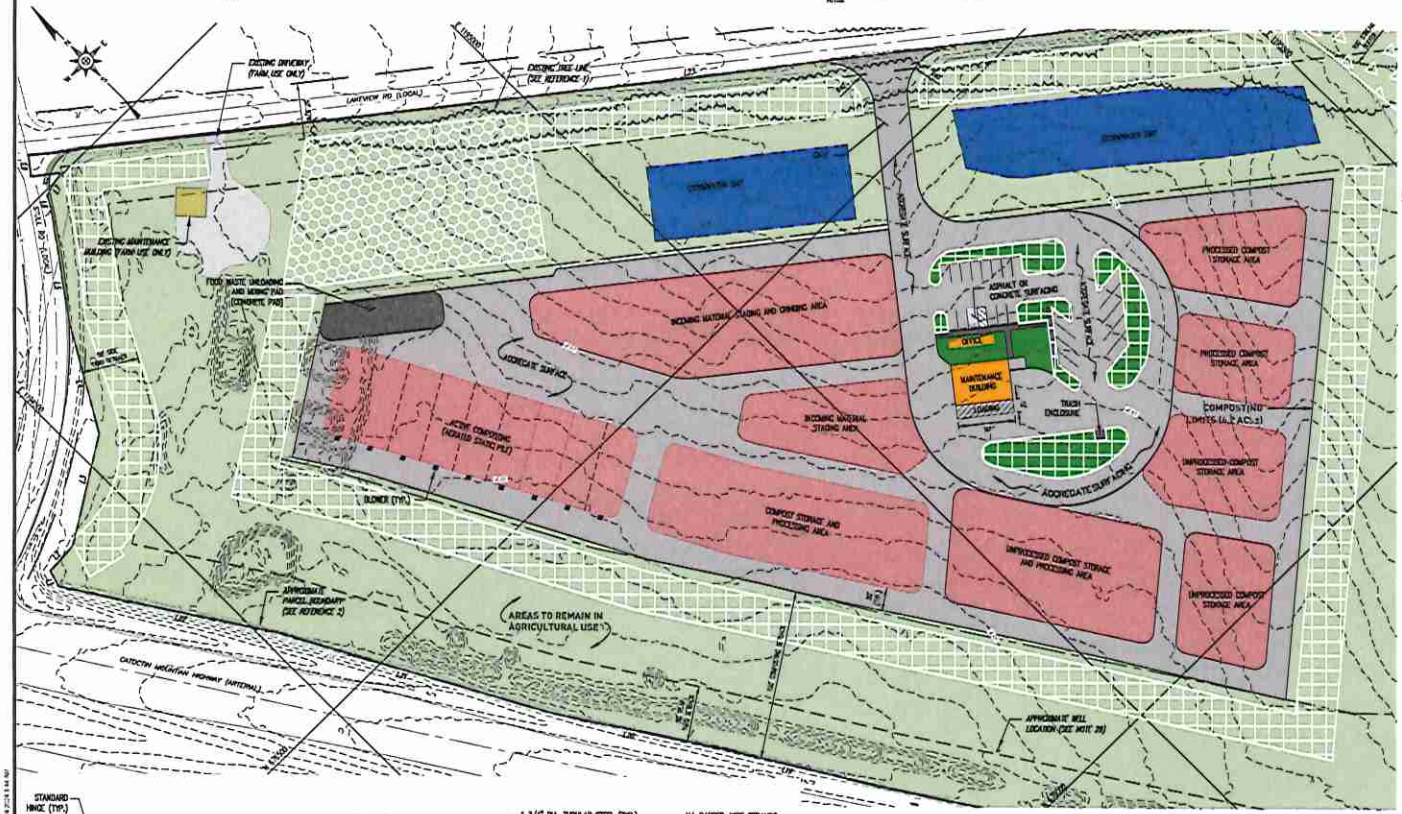
APPLICANT:	UTICA BRIDGE FARMS, LLC
AGENCY:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10898 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(301) 792-4771
OPERATOR:	COMPOST CREW
AGENCY:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202-4480

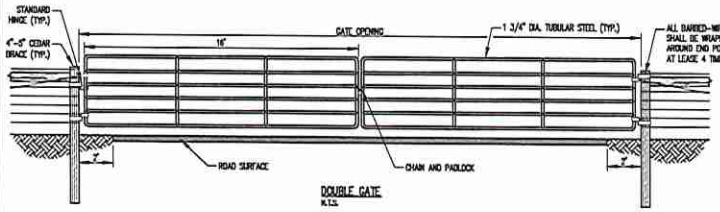
REFERENCES

1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY CRACTA LAND SURVEYORS DATED MARCH 22, 2018.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2018.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0040D, EFFECTIVE SEPTEMBER 18, 2007.

LEGEND

- EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECO MID-ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECO MID-ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK





DOUBLE GATE
N.T.S.

COMPOSTING NOTES

1. LIMITED FOOD WASTE COMPOSTING ACTIVITIES ARE COVERED UNDER THE GENERAL COMPOSTING PERMIT (GP-07-01) BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
2. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE FLOODPLAIN DISTRICT AND 100 FEET FROM THE BANKS OF RIVERS, STREAMS, OR OTHER BODIES OF WATER.
3. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL NOT CAUSE ANY ODOR, DUST, SMOKE, VIBRATION, OR UNREASONABLE NOISE WHICH CAN BE DETECTED AT OR BEYOND ANY PROPERTY LINE.
4. ALL ACTIVITIES AND OPERATIONS ASSOCIATED WITH THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE LOCATED A MINIMUM OF 100 FEET FROM PROPERTY LINES AND AT LEAST 300 FEET FROM A DWELLING NOT OWNED OR OPERATED BY THE OPERATOR OF THE COMPOSTING FACILITY.
5. COMPOSTING OPERATIONS WILL MAINTAIN A 4 FEET SEPARATION FROM THE SEASONAL HIGH-WATER TABLE AS DETERMINED BY SCS ENGINEERS IN A MEMORANDUM DATED JULY 24, 2020.
6. THE APPLICANT SHALL MAINTAIN RECORDS DETAILING THE DATE AND SOURCE OF OFF-SITE GENERATED FOOD WASTE. THE RECORDS MUST BE MADE AVAILABLE TO THE ZONING ADMINISTRATOR UPON REQUEST.
7. ALL MATERIALS AT THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE SORTED AND PROCESSED IN A MANNER THAT PREVENTS HARBORING OR BREEDING OF INSECTS OR ANIMALS, AND PREVENTS CREATION OF ODOR, LITTER, OR OTHER NUISANCES THAT MAY BE HARMFUL TO THE PUBLIC HEALTH OR THE ENVIRONMENT.
8. ALL INCOMING MATERIALS ASSOCIATED WITH FOOD WASTE MUST BE INCORPORATED INTO THE COMPOSTING PROCESS WITHIN 24 HOURS. LOADS MUST BE CONTROLLED TO PREVENT RUN OFF DURING OFFLOADING, STORAGE, AND PROCESSING OF ALL RECEIVED WASTES.
9. OPERATING WILL ONLY OCCUR BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY.
10. MARYLAND DEPARTMENT OF THE ENVIRONMENT CONTACT INFORMATION:
RESOURCE MANAGEMENT PROGRAM: (410) 537-3314

PERMIT ISSUE
NOT FOR CONSTRUCTION

GENERAL NOTES

1. PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRES ON JANUARY 13, 2020. COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY, A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A TIER 2 SMALL COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21788
3. LIBER 13018 / FOLIO 0941
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MEDITERRANEAN PLANNING REGION.
7. THERE IS NO PLANNED SERVICE* IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP NO. 24021C0040D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 18, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2018 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
CRD – CROTON-ARBOTTSOMS SILT LOAMS, 3 TO 8 PERCENT SLOPES
PNB – PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
PED – PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
RDA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	39 ACRES
LOT WIDTH:	300 FEET	1,200 FEET

12. AREA SUMMARY
PROPERTY: 39.0± ACRES
COMPOST OPERATIONS AREA: 6.2± ACRES
13. SETBACKS
FRONT YARD: 40 FEET
SIDE YARD: 50 FEET
REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
MAXIMUM HEIGHT: 35 FEET
PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
PROPOSED POLE BARN: 24 FEET (ONE-STORY, TO RIDGE OF ROOF)
GROSS FLOOR AREA: 2,200 SQUARE FEET
16. THIS DEVELOPMENT IS PREDICTED TO GENERATE BETWEEN 8 AND 30 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1-20-120(I)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PREDICTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
EXPECTED VEHICULAR TRIPS
WEEKDAY AM PEAK: 18 TOTAL TRIPS
WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 8.
19. PARKING AS REQUIRED BY §1-19-6.220.A FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION' REQUIRED PARKING: 13 EMPLOYEES/3 + 8 VEHICLES = 18 SPACES
PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL.
20. LOADING
REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
EXISTING: 8,900 SF (0.20)
PROPOSED: 267,600 SF (6.2±)
TOTAL: 277,700 SF (25.8±)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY §1-19-6.300 FOR 'BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICT'
MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATIONS REQUESTED:
A. THE APPLICANT REQUESTS A VARIANCE FROM §1-19-6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PACKAGED MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ACCURATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
B. THE APPLICANT REQUESTS A VARIANCE FROM §1-19-6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 13 FULL-TIME AND 1 PART-TIME PERSONNEL, AND WILL MAINTAIN 8 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 8 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
C. THE APPLICANT REQUESTS A VARIANCE FROM §1-19-6.220.D TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

FILE #:	SP19-17
A/P #:	277005
DUE DATE:	

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COMPOST CREW
good to grow
COMPOST CREW
AT UTICA BRIDGE FARMS

NC LIC. NO. C-0312 ENGINEERING
SC COA NO. 02409

SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.829.0577
1134 Richland St., Columbia SC 29201

PROFESSIONAL CERTIFICATION
Stanley A. Smith
12/4/2020
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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PROJECT TITLE
COMPOST CREW AT UTICA BRIDGE FARMS
SITUATED AT 7245 LAKEVIEW ROAD
FREDERICK COUNTY
ELECTION DISTRICT NO. 5
FREDERICK COUNTY, MARYLAND

DRAWING TITLE
TYPE I SITE PLAN
COMPOST OPERATIONS PLAN
SP 277005
APFO 19895
FRO 19896

DRAWN BY:	LBP	PROJECT:	COMPOST CREW 2x3
CHECKED BY:	JP	SCALE:	AS SHOWN
APPROVED BY:	SAS	DATE:	MARCH 2021
FILE NAME:	CCPRV-IN0001		
SHEET NUMBER:	3	DRAWING NO.:	SP2

FREDERICK COUNTY PLANNING COMMISSION
February 12, 2025

TITLE: **Compost Crew at Utica Bridge Farms (Reapproval)**

FILE NUMBER: **SP19-17 (AP SP277005 APFO A277003)**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Development Plan reapproval for the establishment of a limited food waste composting facility located on a 29-acre Site.

PROJECT INFORMATION:

ADDRESS/LOCATION:	Located at 7245 Lakeview Road
TAX MAP/PARCEL:	Tax Map 40; Parcel 94
COMP. PLAN:	Agricultural/Rural
ZONING:	Agricultural (Ag)
PLANNING REGION:	Mountaindale
WATER/SEWER:	No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT:	Utica Bridge Farms, LLC
OWNER:	-same-
ENGINEER:	Smith + Gardner
ARCHITECT:	N/A
ATTORNEY:	N/A

STAFF: Cody Shaw, Principal Planner II

RECOMMENDATION: **Conditional Approval**

Enclosures:
Exhibit #1 – A/P 19894 Staff Report (to be printed under a separate cover)
Exhibit #2 – APFO Letter of Understanding
Exhibit #3 – Modification Requests

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting a new Site Development Plan approval for the establishment of a limited food waste composting facility located on a 29-acre Site that recently expired. The plan under review proposes no changes to the previously approved site plan.

Background

The original site plan for this proposed development was approved for a limited food waste composting facility on a 29-acre Site. The Frederick County Planning Commission approved the original Site Development Plan application (A/P 19894 titled "Key City Compost at Utica Bridge Farms) on January 12, 2022.

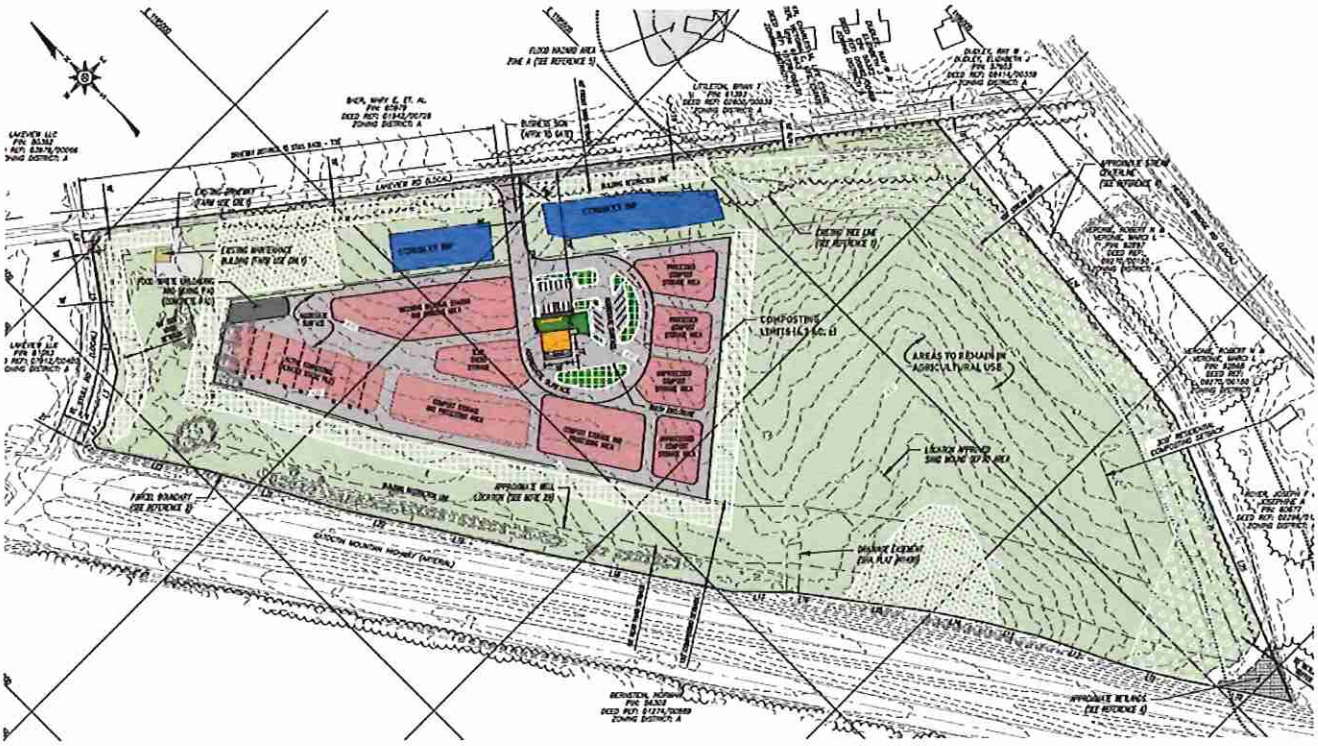
The original Site Development Plan (A/P 19894) approval is valid for three (3) years, or until January 12, 2025, in accordance with the Frederick County Zoning Ordinance. The APFO associated with the original site plan was valid for a period of three years and also expired on January 12, 2025.

ANALYSIS

The application is identical to the previously approved plan. There are no proposed alterations or change of design with this current site plan application. The only differences with this current application are as follows:

- Updated county file numbers
- Updated name for the Site (originally named "Key City Compost at Utica Bridge Farms" and proposed to be titled "Compost Crew at Utica Bridge Farms")
- Updated notes explaining the reasoning for why this application has been submitted
- Revised and updated APFO Letter of Understanding

Graphic 1- Project Rendering



The staff report and all associated modfications originally submitted and approved for A/P 19894 Site Development Plan has been attached in support of this current application (Exhibit #1).

Other Applicable Requirements

Forest Resource Ordinance (FRO) – Chapter 1-21

The FRO Plan (A/P 19896) for the original site plan was approved on February 4, 2022. The plan set outlines the forest conservation mitigation requirements for the 8.32-acre Net Tract Area. This Net Tract Area contains no existing forest. The Applicant is required to provide 1.66 acres of afforestation. Total mitigation provided is 1.81 acres, comprised of 1.40 acres of afforestation planting and 0.41 acres of street tree and landscape credits.

Conditions of Approval

FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer: This Project Site is classified as no planned service. The Site will be served by well and septic.

Road Improvements: This Project generates 18 am and 18 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent street, per Section 1-20-30. In accordance with Section 1-20-12(H) of the APFO, the Applicant is required to pay its proportionate contributions toward existing road escrow accounts, a total of $26,975. Additionally, per Section 1-20-31, Stull Road and Lakeview Road shall be widened to 20 feet and restriped to meet commercial access requirements, as noted in the attached Letter of Understanding (LOU).

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval will expire on February 12, 2028.

APFO for this Site was previously approved on January 12, 2022 and subject to Letter of Understanding 19895. This APFO approval expired on January 12, 2025 prior to meeting the requirements listed in the LOU. The Site is subject to a new LOU (A277003) documenting a slight increase in the required pro rata escrow contributions and the identical road widening requirement.

Modifications

Several modifications were granted for the original Key City Compost at Utica Bridge Farms (A/P 19894). This application requests the reappoval of all previously approved modifications. The modifications that need reappoval are as follows:

1. A parking space modification to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.

2. A loading space modification to allow for one large loading space, rather than the one small loading space required.

3. A parking space modification to allow for 5 spaces to have an increased stall length of 22' over the 18' required.

Summary of Agency Comments

Other Agencies:	*Comment*
Office of Life Safety (DOLS)	Approved
Development Review Planning (DPZ)	Approved
Development Review Transportation Engineering (DRTE)	Approved
Division of Water and Sewer Utilities (DWSU)	Not applicable
Health Department (EH)	Approved
Public Works Development Review (PWDR)	Approved
Forest Conservation (FRO)	Approved
Adequate Public Facilities (APFO)	Approved
Street Name Review (STRNAME)	Approved
Historic Preservation (HISTORIC)	Approved
State Highway Administration (SHA)	Approved
Board of Education/Frederick County Public Schools (BOE)	Not applicable

RECOMMENDATION

Staff has no objection to the conditional approval of the Compost Crew at Utica Bridge Farms Site Development Plan.

If the Planning Commission approves the Site Development Plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through February 12, 2028).

Based upon the findings and conclusions as presented in the original staff report, the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following conditions are met and modifications granted:

Planning Commission reapproval of the following modification requests from the Applicant:

1. Approval of a Parking Space Modification Request under §1-19-6.220(A)(2) to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.

2. Approval of a Loading Space Modification Request under §1-19-6.210(A) to allow for one large loading space, rather than the one small loading space required.

3. Approval of a Parking Space Modification Request under §1-19-6.220(B) to allow for 5 spaces to have an increased stall length of 22' over the 18' required.

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

2. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION

MOTION TO CONDITIONALLY APPROVE

I move that the Planning Commission **CONDITIONALLY APPROVE** Site Development Plan SP19-17, AP SP277005, APFO A277003, **with conditions and modifications** as listed in the staff report for the Compost Crew at Utica Bridge Farms Site Plan, based on the findings and conclusions of the staff and the testimony, exhibits, and documentary evidence produced at the public meeting.

FREDERICK COUNTY GOVERNMENT
Jessica Fitzwater
County Executive
DIVISION OF PLANNING AND PERMITTING *Deborah A. Carpenter, AICP, Division Director*

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Compost Crew at Utica Bridge Farms

SP277005, F277004, A277003

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Compost Crew Inc, A Benefit Corporation ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Compost Crew at Utica Bridge Farms site plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied, and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 29.0 +/- acre parcel of land, which is zoned A (Agricultural) and located east of US 15, bounded by Stull Road on the north and Lakeview Road to the east. This APFO approval will be effective for the new development of a 6.2-acre composting facility as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on February 12, 2025.

Schools: Schools are not impacted because this is a commercial development

Water and Sewer: This property is classified as No Planned Service. The property will be served by private well and septic system.

Road Improvements: This Project generates 18 am and 18 pm weekday peak hour trips which does not exceed the 50 peak hour trip threshold required for APFO testing. In accordance with Section 1-20-31, the following improvements must be guaranteed and completed prior to the issuance of any permits:

1. Widen and restripe Stull Road and Lakeview Road from US 15 to the proposed site access on Lakeview Road to provide a 20' pavement width.

30 North Market Street, Frederick, MD 21701 • 301-600-1153 • Fax 301-600-1645
www.FrederickCountyMD.gov

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow account in the Project area:

1. US 15 at Auburn Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 4050 for median reconstruction at Auburn Road and turn lane enhancements at Fish Hatchery Road. The estimated cost of this Road Improvement is $533,391. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.69%. Therefore, the Developer hereby agrees to pay $ 3,680 to the escrow account for this Road Improvement.
2. US 15/Hessong Bridge Road Intersection: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3805 for the northbound acceleration lane. The estimated cost of the intersection improvement is $59,613. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $227 to the escrow account for this Road Improvement.
3. US 15 Median Reconstruction at Devilbiss Bridge Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3742 for the J-turn median construction. The estimated cost of the intersection improvement is $6,070,607. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $23,068 to the escrow account for this Road Improvement.

Therefore, prior to the issuance of any permits, the Developer hereby agrees to pay $26,975 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on February 12, 2028.

Disclaimer: This Letter pertains to APFO approval only and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

DEVELOPER: Compost Crew Inc, A Benefit Corporation

By: _____ Date: 01/09/2025

Developer/Owner/Contract Purchaser

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____

Chair or Secretary

ATTEST:

By: _____ Date: _____

Gary Hessong, Deputy Director

November 22, 2024

Mr. Cody Shaw
Principal Planner
Frederick County Planning & Permitting
30 N. Market St.
Frederick, MD 21701

RE: Modification Request
Compost Crew at Utica Bridge Farms (A/P: SP277005)

Dear Mr. Shaw:

Compost Crew Inc, A Benefit Corporation is submitting this modification request for site plan approval of Application Number SP277005: Compost Crew at Utica Bridge Farms. As you are aware, the Applicant's previous approval[1] expires on January 12, 2025. This request, along with the accompanying site plan drawings, reflects the same conditions as the prior approval. The requested modifications are restated below:

1. The Applicant requests a variance from 1-19-6.210 to allow one (1) large loading space. Due to the nature of operations, process material and equipment may arrive on transfer trailers, which require larger unloading space than standard small loading areas.
2. The Applicant requests a variance from 1-19-6.220.A to allow 23 total parking spaces. The site will employ 12 full-time and 1 part-time personnel in addition to staging 9 company owned vehicles on-site. The proposed parking spaces will allow all 13 employees and 9 company vehicles to be parked while providing 1 additional space for visitors or accessible parking.
3. The Applicant requests a variance from 1-19-6.220.B to allow an increase in the stall dimensions for 5 parking spacing. These spaces will accommodate single-axle trucks (under 26,000 gross vehicle weight) without obstructing aisle access.

If you have any questions or require additional information, please contact me at (301) 202-4450 or by email, below.

Sincerely,

Compost Crew Inc, A Benefit Corporation

Kristie Blumer

Kristie Blumer
Senior Director, Composting
kristie@compostcrew.com

FREDERICK COUNTY PLANNING COMMISSION
January 12, 2022

TITLE: **Key City Compost at Utica Bridge Farms**

FILE NUMBER: **SP19-17, AP-19894 (APFO-19895, FRO-19896)**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Plan approval for the establishment of a limited food waste composting facility on a 5.95-acre Site within a 29-acre parcel.

PROJECT INFORMATION:

LOCATION:	7245 Lakeview Road, Thurmont, MD
TAX MAP/PARCEL:	Tax Map 40, Parcel 94
COMP. PLAN:	Agricultural/Rural
ZONING:	Agricultural
PLANNING REGION:	Frederick
WATER/SEWER:	Water -No Planned Service/Sewer – No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT:	Utica Bridge Farms, LLC
OWNER:	– same -
ENGINEER:	Smith + Gardner Engineers
ARCHITECT:	N/A
ATTORNEY:	N/A

STAFF: Cody Shaw, Principal Planner

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:
Exhibit 1 – Close view of Site
Exhibit 2 – Modification Requests
Exhibit 3 – Letter of Understanding

STAFF REPORT

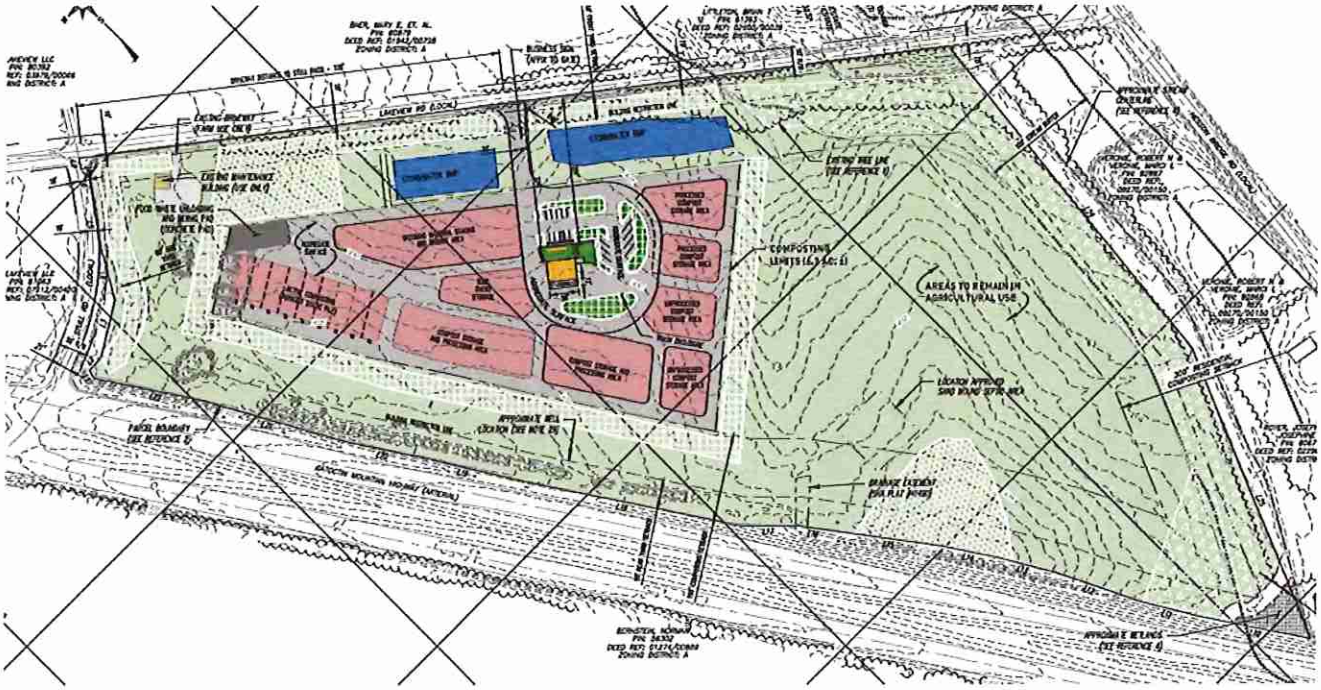
ISSUE

Development Request

The Applicant is requesting Site Plan approval to establish a limited food waste composting use on a portion of a 29-acre parcel. The Project is subject to the requirements of the Frederick County Code, specifically Sections 1-19-3.300 through 1-19-3.300.4 for Site Development Plan Review. The request is being reviewed under the use "limited food waste composting: commercial activity" per §1-19-5.310 Use Table in the Zoning Ordinance.

The Site is zoned 'Agricultural' and the proposed use is being reviewed under §1-19-8.408 Limited Food Waste Composting in the A District of the Zoning Ordinance. The site proposes several improvements, including a 320 sq ft office, a 6,800 sq ft maintenance building, and several areas that serve the composting operations. Composting operations areas include incoming material staging and grinding, compost storage and processing, and processed compost storage.

Figure 1 – Site Overview



BACKGROUND

Development History

The subject property is located in the Agricultural Zoning District. The Site has been an active agricultural field for many years. On September 4, 2018, Bill No. 18-22 was introduced to allow the use "limited food waste composting." It became effective December 15, 2018.

The Site has been operating recently performing composting operations on a scale of less than 5,000 sq ft, as permitted under 1-19-8.408 of the Zoning Ordinance All necessary permits and approvals to do this have been obtained. This proposed site plan application is to allow the composting to increase in size.

Existing Site Characteristics

The 29+/- acre property is located on the south side of Lakeview Road and on the north side of US 15. The subject Site, which consists of a 5.95 acre portion of the property, is currently an active agricultural field.

Figure 2 – Site Aerial – Existing Conditions

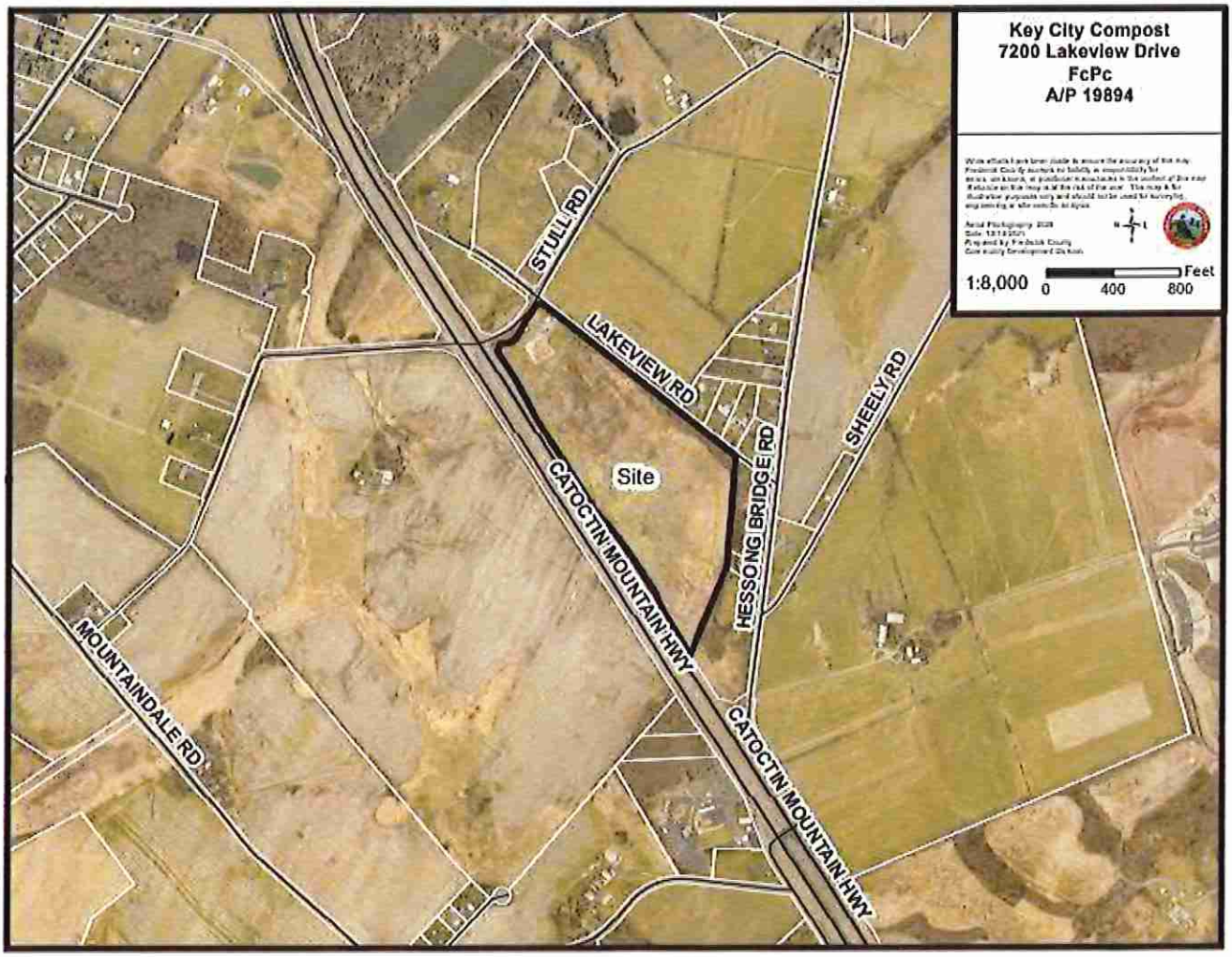
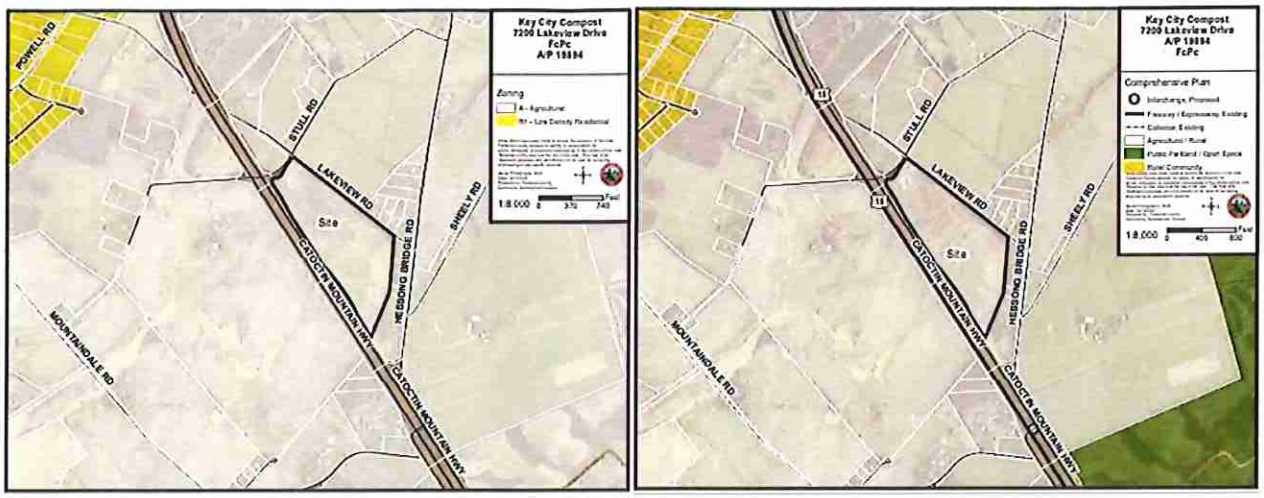


Figure 3 – Zoning / Comprehensive Plan



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development are:

- Demonstrating compliance with site design standards
- Demonstrating compliance with Maryland Historic National Road Model Design Guidelines.
- Demonstrating compliance with §1-19-8.408 Limited Food Waste Composting in the A District

Modification Requests:

- §1-19-6.220(A)(2): The Applicant is requesting a parking space modification to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.
- §1-19-6.210(A): The Applicant is requesting a loading space modification to allow for one large loading space, rather than the one small loading space required.
- §1-19-6.220(B): The Applicant is requesting a parking space modification to allow for 5 spaces to have an increased stall length over the standard 9'x18' to accommodate single axle trucks.

Detailed Analysis of Findings and Conclusions

Site Plan Approval shall be granted based upon the criteria found in:

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

Dimensional Requirements/Bulk Standards *§1-19-6.100*:

1. Per §1-19-6.100, setbacks require a 40' front yard, 50' side yard, and 50' rear yard. In addition to this, §1-19-8.408 states a minimum setback of 150 feet must be provided from the property lines and at least 300 feet must be provided from a dwelling not owned or operated by the operator of

the composting facility. All setbacks and dimensional standard have been met.

2. **Signage *§1-19-6.300*:** The appropriate sign category is "Business Identification within the RC or A District". The proposed signage is 24 sq ft and 8 feet high and meets the code requirements.

3. **Landscaping *§1-19-6.400*:** The landscaping shown on this plan contains a variety of plant species, which provide screening for the proposed commercial composting Site. The plan proposes a mix of evergreen and deciduous trees, and meets the predominately native species requirement with 84.7% of the plantings being native to Frederick County.

   The ordinance requires one street tree for every 35 feet of public street frontage, which equates to 91 street trees. Due to the nature of the site, the street tree requirement is being met with a combination of street trees, existing tree lines, FRO easements, and landscaping/screening buffers.

4. **Lighting *§1-19-6.500*:** The Site is proposing one lighting fixture to be mounted to the office structure, at a proposed 10 feet height. It will be downcast and will not emit light trespass or glare onto neighboring properties.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** One 30 +/-' wide entrance is proposed off of Lakeview Road. Site access requires the use of Stull Road and Lakeview Road and there are portions of each road that do not meet the 20' wide public road requirement. These deficient roads will be brought up to minimum width, allowing for safe truck access, as documented in the Letter of Understanding.

2. **Loading:** One small loading space is required, and one large loading space has been provided. A modification request has been submitted for this.

3. **Public Transit:** There is no local bus service for this Site.

4. **Parking:** 16 parking spaces are required, and 23 have been proposed. A modification request has been submitted to add the 7 additional spaces. A modification has also been submitted for 5 parking spaces to have an increased stall length of 22', instead of the 18' required by Code.

5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Site is not intended to have public visitors. There is a 24' wide aisle around the parking area and 24' wide aisle through the parking lot.

6. **Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required or proposed.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where*

proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

Findings/Conclusions

1. **Water and Sewer Classifications**: The Site is not served by public water or by public sewer and is currently classified as Water - No Planned Service and Sewer – No Planned Service in the Frederick County Water and Sewerage Plan.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The Site has rolling topography with varying areas of elevation changes.
2. **Vegetation:** The Site is comprised of trees and is currently an agricultural field.
3. **Sensitive Resources:** There is a stream buffer located on the eastern portion of the Site and a wetland located on the southeast corner of the site.
4. **Natural Hazards:** There are no natural hazards located on Site that affect the development proposal.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

No common areas are required or proposed.

Other Applicable Regulations

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer: This Project Site is classified as no planned service. The Site will be served by well and septic.

Road Improvements: This Project generates 18 am and 18 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent

street, per Section 1-20-30. In accordance with Section 1-20-12(H) of the APFO, the Applicant is required to pay its proportionate contributions toward existing road escrow accounts, a total of $22,337. Additionally, per Section 1-20-31, Stull Road and Lakeview Road shall be widened to 20 feet and restriped to meet commercial access requirements, as noted in the attached Letter of Understanding (LOU).

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval will expire on January 12, 2025.

Stormwater Management – Chapter 1-15.2

Stormwater Management will be provided via onsite facilities located throughout the Site.

Limited Food Waste Composting in the A District – Chapter 1-19-8.408

Findings/Conclusions

(A) All limited food waste composting activities and operations shall be located on land zoned agriculture. Food waste composting activities and operations shall be limited in size as follows:

(1) *10-acre limit:* Limited food waste composting activities and operations that exceed 10 acres must obtain approval of a solid waste floating zone designation.
The proposed food composting operations are under 10 acres in size.

(2) Limited food waste composting: agricultural activity. Activities and operations up to 5 acres in size shall not require site plan approval.
Not applicable.

(3) *Limited food waste composting: commercial activity.* Activities and operations require site plan approval and shall not exceed 10 acres in size.
This site plan application has been applied for and is under 10 acres in size.

(B) No portion of the limited food waste composting activity or operation shall be located within the floodplain district as defined in § 1-19-9.100.
None of the proposed food waste composting operations are located in a floodplain.

(C) All limited food waste composting activities and operations shall be set back a minimum of 25 feet from the floodplain district and 100 feet from the banks of rivers, streams, or other bodies of water.
All setbacks have been adhered to.

(D) Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.
This requirement must be complied with throughout the operation's lifespan.

(E) All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.
These setbacks are shown on the plan and have been met.

(F) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road. Commercial/Industrial entrance standards shall be utilized in the design of any point of access to a public road as determined to be necessary by the Frederick County traffic engineer.

The Applicant has proposed to widen Lakeview Road to the required 20'.

(J) All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.

This requirement must be complied with throughout the operation's lifespan.

(M) Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all federal and State of Maryland permits and other approvals.

All required federal/state/local permits will be required at the time of permitting.

Forest Resource Ordinance (FRO) – Chapter 1-21

The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan. The plan set outlines the forest conservation mitigation requirements for the 8.32-acre Net Tract Area. This Net Tract Area contains no existing forest and no specimen trees. The Applicant is required to provide 1.66 acres of afforestation. Total mitigation provided is 1.81 acres, comprised of 1.40 acres of afforestation planting and 0.41 acres of street tree and landscape credits.

Conditions of Approval

The Preliminary/Final FRO plan must be approved prior to Site Plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Historic Preservation – Chapter 1-23

This property does not have a historic designation.

Maryland Historic National Road

This application was reviewed for compliance with the *Corridor Management Plan for the US 15 Catoctin Mountain Scenic Byway*. This plan's vision is for the byway to serve as the gateway to Frederick County's scenic, natural, recreational, and historic opportunities with protected scenic views of farmsteads, orchards, and the Catoctin Mountains. To accomplish this vision, the *Management Plan* identifies several management strategies including strategies for conserving the intrinsic qualities along the Byway. For commercial development, the *Management Plan* identifies potential issues with building mass and size, parking lot design, and landscaping as these elements may impact the view from the Byway. The *Management Plan* suggests that adequately landscaped setbacks should be established to screen buildings and parking areas. The size of the landscaped setback area should be determined based on the height of the buildings and the position of the driver. Additionally, building mass should be broken down in scale through the use of fenestration, variation in roof and building height, and creative use of color and materials.

The Applicant has incorporated several of these strategies into the proposed project. The area is set 150 feet from the road with a landscape buffer surrounding the north, east, and south edges of the project. This landscape buffer will adequately screen the composting areas, parking lot, and buildings. Additionally, the proposed maintenance building is a simple design with the massing broken up with fenestration on the east, south, and west elevations and the use of different wall colors to provide a faux foundation. No renderings of the proposed office building were requested due to its very low impact to the scenic views. It is a one story building that will be obscured by the maintenance building and the

landscaping. Additionally, both buildings have taken advantage of the topography on the site and are sited lower than the existing Byway. Staff has no objection to the proposed project.

Findings/Conclusions

Based upon the review and analysis as provided above, Staff finds that the proposed application meets or will meet the Site Plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process to address all agency comments as the plan proceeds through to completion.

Summary of Agency Comments

Other Agency or Ordinance Requirements	*Comments*
Public Works Department:	Approved
Development Review Planning:	Conditionally Approved
Forest Resource (FRO):	Approved
Health Dept.:	Approved
Office of Life Safety:	Approved
Street Naming:	Approved
DPDR Traffic Engineering:	Approved
State Highway Administration:	Approved
Historic Review:	Approved
APFO Review:	Approved

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan for Key City Compost at Utica Bridge Farms. If the Planning Commission conditionally approves the Site Plan, it is valid for a period of three (3) years from the date of Planning Commission approval (valid through January 12, 2025).

Based upon the findings and conclusions as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

Planning Commission approval of the following modification requests from the Applicant:

1. Approval of a Parking Space Modification Request under §1-19-6.220(A)(2) to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.

2. Approval of a Loading Space Modification Request under §1-19-6.210(A) to allow for one large loading space, rather than the one small loading space required.

3. Approval of a Parking Space Modification Request under §1-19-6.220(B) to allow for 5 spaces to have an increased stall length of 22' over the 18' required.

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.

2. Remove FRO details from landscape plan and update the planting schedule to show the correct sizes of materials at planting (street trees and parking lot trees).

3. The Preliminary/Final FRO plan must be approved prior to Site Plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION

I move that the Planning Commission **APPROVE** the **Site Plan (SP19-17, AP 19894), including FRO (19896) and APFO (19895) with modifications and conditions** as listed in the staff report for the proposed **Key City Compost at Utica Bridge Farms**, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1 – Close view of site

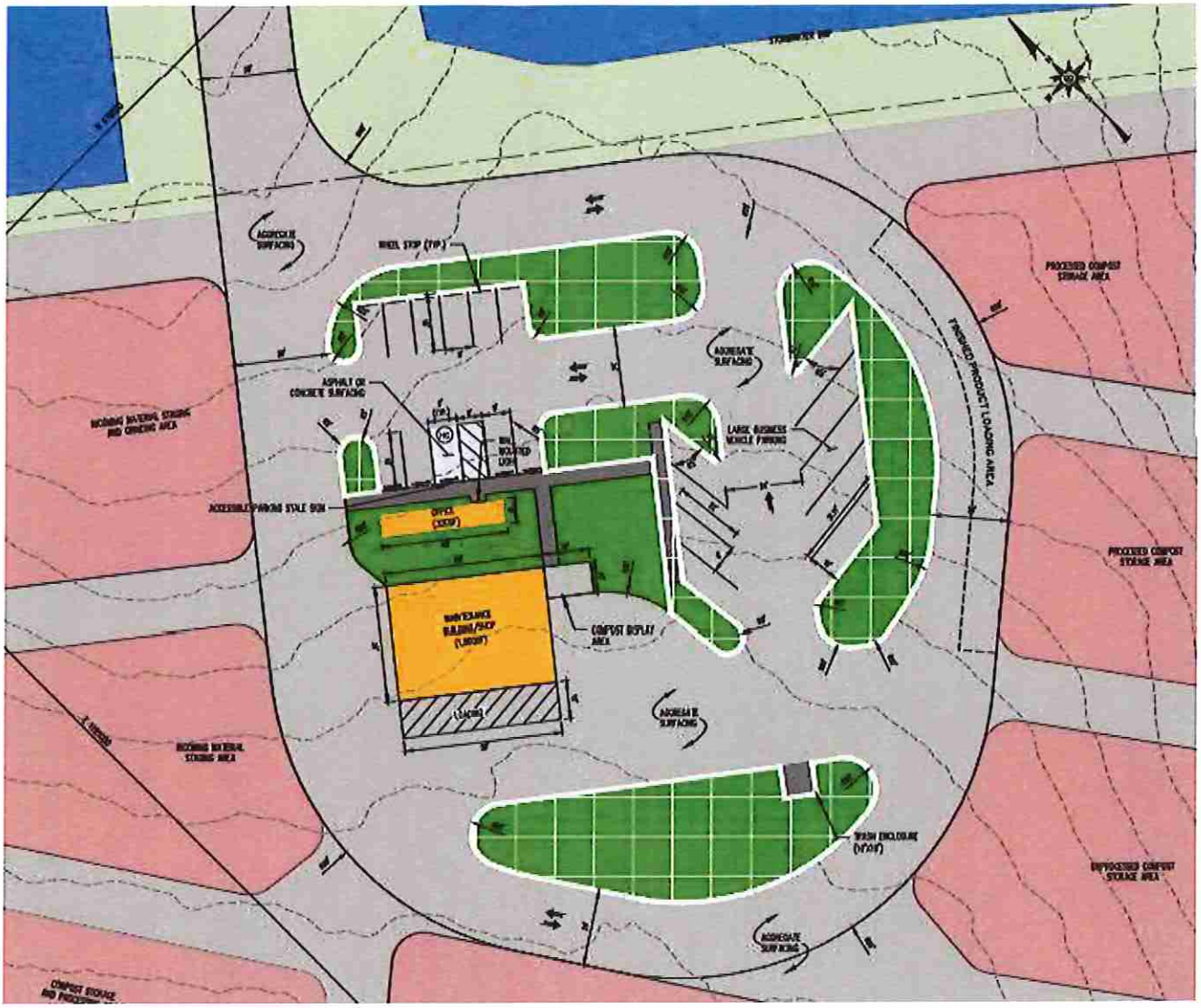


Exhibit 2 – Modification Requests

Cody Shaw
Planning and Permitting Division, Frederick County
30 N. Market Street
Frederick, MD 21701

RE: Key City Compost at Utica Bridge Farms (AP 19894)

Mr. Shaw:

This letter is to respond to two (2) comments issued by the County on December 3, 2021. We are requesting a modification request to have more parking spaces than what is required and to have a larger loading space area than what is required.

Comment: If you are providing more parking spaces that what's required, you will need to provide a modification request. Provide a modification request with a statement of justification as to why you're requiring additional parking. Be sure to note it on the site plan as well. If you don't want a modification, please revise the parking so that you're providing the same amount of spaces that's required.

Request 1. I request a variance from 1-19-6.220.A to allow 23 total parking spaces. The site will employ 12 full-time and 1 part-time personnel and will maintain 9 company owned vehicles on-site. The proposed parking spaces will allow all 13 employees and 9 company vehicles to be parked while maintaining one (1) additional parking space for visitors or accessible parking.

Request 2. I request a variance from 1-19-6.220.B to allow an increase in stall dimensions for five (5) parking spaces. These spaces proposed will allow single axle trucks (less than 26,000 gross vehicle weight) to park without blocking aisles.

Comment: If a larger loading space is being provided than what's required, you will need to provide a modification request. Provide a modification request with a statement of justification as to why you're requesting a larger loading space than what's required. Be sure to note it on the site plan as well. If you don't want a modification, please revise the loading space so that you're providing the same size of loading space that's required.

Request 3. I request a variance from 1-19-6.210 to allow a large loading space. We may receive process materials or equipment on transfer trailers and a large loading space will allow these vehicles to unload and would be more adequate for the proposed use than a small loading space.

If you have any questions, please feel free to contact me at 818-762-4771 or rjp9999@aol.com.

Sincerely,

Richard Jefferies
Owner, Utica Bridge Farms

FREDERICK COUNTY GOVERNMENT
Jan H. Gardner
County Executive

DIVISION OF PLANNING AND PERMITTING
Department of Development Review and Planning
Steve Horn, Division Director
Mike Wilkins, Director

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Key City Compost at Utica Bridge Farms

SP 19894, APFO 19895, FRO 19896, #SP19-17

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Key City Compost ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Key City Compost at Utica Bridge Farms site plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 29 +/- acre parcel of land, which is zoned A (Agricultural) and located east of US 15, bounded by Stull Road on the north and Lakeview Road to the east. This parcel This APFO approval will be effective for the new development of a 6.2 acre composting facility as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on January 12, 2022.

Schools: Schools are not impacted because this is a commercial development

Water and Sewer: This property is classified as No Planned Service. The property will be served by private well and septic system.

Road Improvements: This Project generates 18 am and 18 pm weekday peak hour driveway trips which does not exceed the 50 peak hour trip threshold required for APFO testing. In accordance with Section 1-20-31, the following improvements must be guaranteed and completed prior to the issuance of a building permit:

1. Widen and restripe Stull Road and Lakeview Road from US 15 to the proposed site access on Lakeview Road to provide a 20' pavement width.

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow account in the Project area:

1. US 15 at Auburn Road: the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 4050 for median reconstruction at Auburn Road and turn lane enhancements at Fish Hatchery Road. The estimated cost of this Road Improvement is $500,000. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.69%. Therefore, the Developer agrees to pay $3,450 to the escrow account for this Road Improvement.
2. US 15/Hessong Bridge Road Intersection: the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3805 for the northbound acceleration lane. The estimated cost of the intersection improvement is $48,334. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $184 to the escrow account for this Road Improvement.
3. US 15 Median Reconstruction at Devilbiss Bridge Road: the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3742 for the J-turn median construction. The estimated cost of the intersection improvement is $4,922,000. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $18,703 to the escrow account for this Road Improvement.

Therefore, prior to the issuance of building permits, the Developer hereby agrees to pay $22,337 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on January 12, 2022.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

DEVELOPER: ~~UTIA~~ UTICA BRIDGE FARMS, LLC

By: Richard L. Jefferies Date: 12/9/2021

Developer

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____

Chair or Secretary

ATTEST:

By: _____ Date: _____

Gary Hessong, Deputy Director

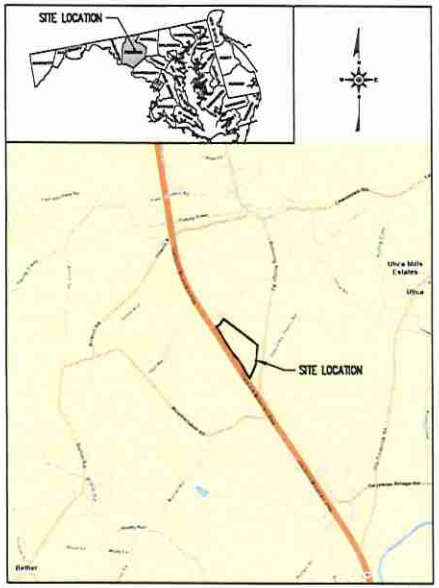
Planner's Initials / Date
(Approved for technical content)

County Attorney's Office Initials / Date
(Approved as to legal form)

COMPOST CREW AT UTICA BRIDGE FARMS

TYPE I SITE PLAN

SP 277005
PERMIT DRAWINGS
SITUATED AT 7245 LAKEVIEW ROAD
DECEMBER 2024

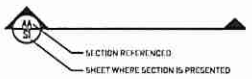


SITE VICINITY MAP
1" = 2,000'

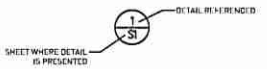
COMPOST CREW
good to grow

SHEET NO.	DRAWING NO.	DRAWING TITLE	PREPARED BY	REVISION
1	--	TITLE-COVER SHEET	SMITH GARDNER, INC.	1
2	SP1	SITE OVERALL	SMITH GARDNER, INC.	1
3	SP2	COMPOST OPERATIONS PLAN	SMITH GARDNER, INC.	1
4	SP3	PARKING AND BUILDING PLAN	SMITH GARDNER, INC.	1
5	SP4	SIGHT DISTANCE CROSS SECTION	SMITH GARDNER, INC.	1
6	SP5	PLANTING PLAN (SHEET 1 OF 2)	ECS - MID-ATLANTIC, LLC	1
7	SP6	PLANTING PLAN (SHEET 2 OF 2)	ECS - MID-ATLANTIC, LLC	1

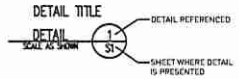
STANDARD SECTION LOCATION
CALLOUT (SHEET AND DETAIL)



STANDARD DETAIL CALLOUT



STANDARD DETAIL LABEL AND CALLOUT



STANDARD REVISION
CALLOUT (SHEET AND DETAIL)





PROFESSIONAL CERTIFICATION.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV	DATE	DESCRIPTION
1	12/19/24	RESPONSE TO FREDERICK CO.
		COMMENTS, 12/6/2024

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OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10810 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(916) 742-4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 200-4400

NC LIC. NO. P-1370 (ENGINEERING)
SC COA NO. C01488

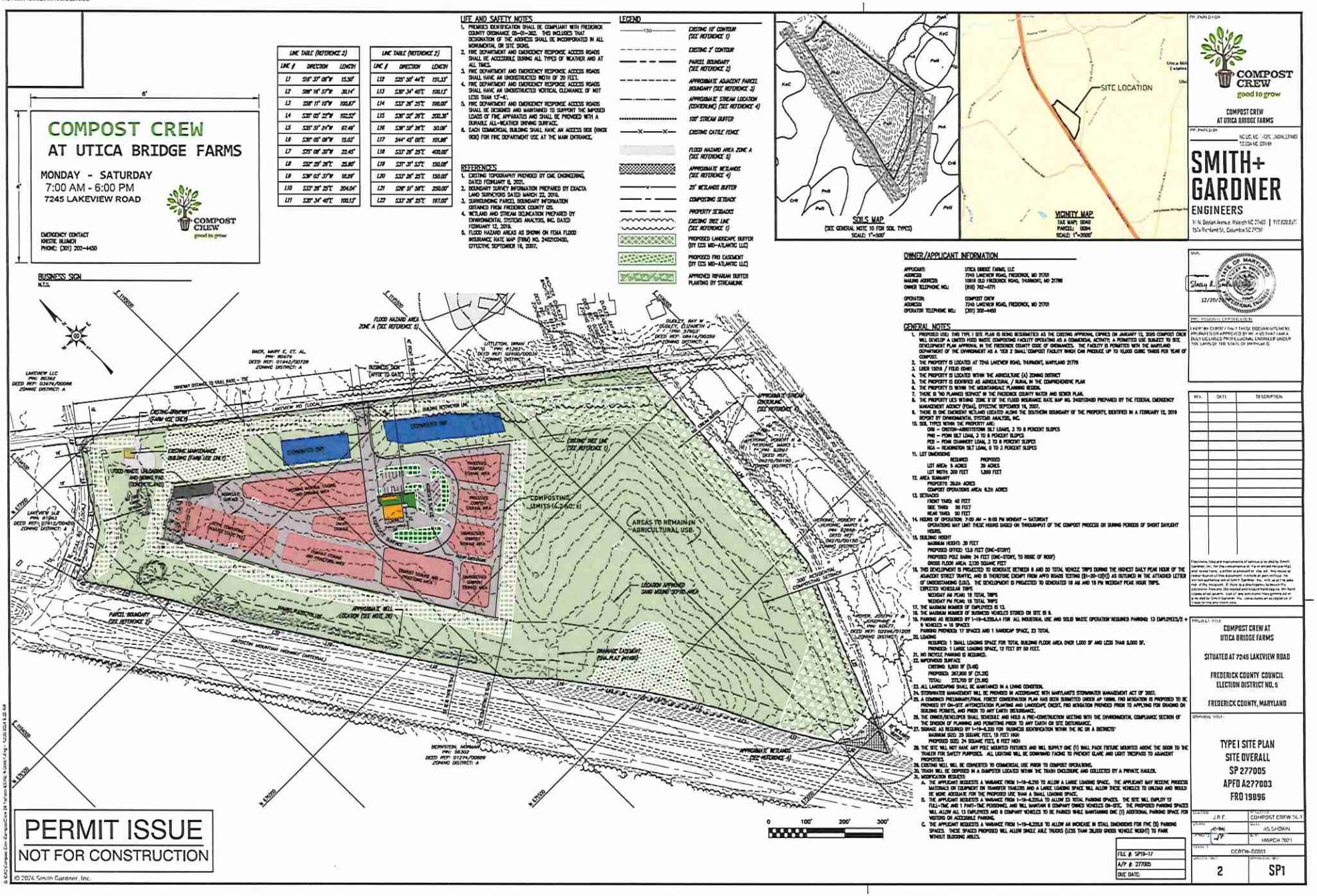
SMITH+GARDNER
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

PERMIT ISSUE
NOT FOR CONSTRUCTION

FILE #: SP 19-17
A/P #: 277005

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Docusign Envelope ID: F521F80B-F1C6-4A28-A45F-FA5F0B2BF89AD



PERMIT ISSUE
NOT FOR CONSTRUCTION

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LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L1	S16° 37' 08"W	15.56'
L2	S86° 16' 57"W	30.14'
L3	S58° 11' 10"W	100.87'
L4	S33° 05' 27"W	102.52'
L5	S35° 51' 24"W	62.46'
L6	S30° 05' 08"W	15.03'
L7	S72° 08' 30"W	22.45'
L8	S52° 25' 28"E	25.90'
L9	S38° 07' 37"W	18.29'
L10	S33° 38' 25"E	204.04'
L11	S35° 34' 40"E	100.15'

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L12	S25° 50' 44"E	151.33'
L13	S30° 34' 40"E	108.13'
L14	S33° 38' 25"E	198.00'
L15	S36° 52' 26"E	200.36'
L16	S38° 38' 36"E	30.08'
L17	S44° 45' 00"E	101.86'
L18	S33° 38' 25"E	408.00'
L19	S31° 31' 53"E	150.06'
L20	S33° 38' 25"E	150.00'
L21	S28° 51' 38"E	250.00'
L22	S33° 38' 25"E	197.00'

LIFE AND SAFETY NOTES
1. PREMISES IDENTIFICATION SHALL BE COMPLIANT WITH FREDERICK COUNTY ORDINANCE 00-01-362. THIS INCLUDES THAT DESIGNATION OF THE ADDRESS SHALL BE INCORPORATED IN ALL MONUMENTAL OR SITE SIGNS.
2. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE ACCESSIBLE DURING ALL TYPES OF WEATHER AND AT ALL TIMES.
3. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF 20 FEET.
4. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13'-6".
5. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE PROVIDED WITH A DURABLE ALL-WEATHER DRIVING SURFACE.
6. EACH COMMERCIAL BUILDING SHALL HAVE AN ACCESS BOX (KNOX BOX) FOR FIRE DEPARTMENT USE AT THE MAIN ENTRANCE.

REFERENCES
1. EXISTING TOPOGRAPHY PROVIDED BY CMC ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2016.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0145D, EFFECTIVE SEPTEMBER 18, 2007.

LEGEND
- 150 — EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY CCS MID-ATLANTIC LLC)
- PROPOSED FIRE EASEMENT (BY CCS MID-ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK

OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10818 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(818) 762-4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202-4450

GENERAL NOTES
1. PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRES ON JANUARY 12, 2025. COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY, A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A "TIER 2 SMALL" COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21788
3. LIBER 13018 / FOLIO 00481
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS DESIGNED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINSIDE PLANNING REGION.
7. THERE IS NO PLANNED SEWAGE IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP NO. 24021C0340D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 18, 2007.
9. THERE IS ONE (1) EXISTENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2019 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    - CRB — CROSTON-ARENDTSVILLE SILT LOAMS, 3 TO 8 PERCENT SLOPES
    - PHB — POHL SILT LOAM, 3 TO 8 PERCENT SLOPES
    - PCD — POHL-CLEARBROOK LOAM, 3 TO 8 PERCENT SLOPES
    - WGA — WORKINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	20 ACRES
LOT WIDTH:	300 FEET	1,200 FEET

12. AREA SUMMARY
    - PROPERTY: 20.04± ACRES
    - COMPOST OPERATIONS AREA: 6.2± ACRES
13. SETBACKS
    - FRONT YARD: 40 FEET
    - SIDE YARD: 50 FEET
    - REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    - MAXIMUM HEIGHT: 35 FEET
    - PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
    - PROPOSED POLE BARN: 24 FEET (ONE-STORY, TO RIDGE OF ROOF)
    - GROSS FLOOR AREA: 2,320 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 8 AND 50 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1-20-12(H)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 10 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICLE TRIPS
    - WEEKDAY AM PEAK: 10 TOTAL TRIPS
    - WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY §-19-6.220(A.4 FOR ALL INDUSTRIAL USE AND SOLID WASTE OPERATION REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 15 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    - EXISTING: 9,800 SF (0.4±AC)
    - PROPOSED: 267,900 SF (7±AC)
    - TOTAL: 273,700 SF (7±AC)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRD MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRD MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HELD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY §1-19-6.220 FOR BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS"
    - MAXIMUM SIZE: 25 SQUARE FEET, 10 FEET HIGH
    - PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONNECTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUESTED
    - A. THE APPLICANT REQUESTS A VARIANCE FROM §-19-6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    - B. THE APPLICANT REQUESTS A VARIANCE FROM §-19-6.220(A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 13 FULL-TIME AND 1 PART-TIME PERSONNEL AND WILL MAINTAIN 8 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 8 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    - C. THE APPLICANT REQUESTS A VARIANCE FROM §-19-6.220(B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SMALLER AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

FILE #:	SP19-17
A/P #:	277005
DUE DATE:	

SMITH+ GARDNER
ENGINEERS
11 N. Boylan Avenue, Raleigh NC 27603 | 919.600.0157
1356 Richland St., Columbia SC 29201

STATE OF MARYLAND — SHARON R. SMITH — 21708 — PROFESSIONAL ENGINEER
12/20/2021

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

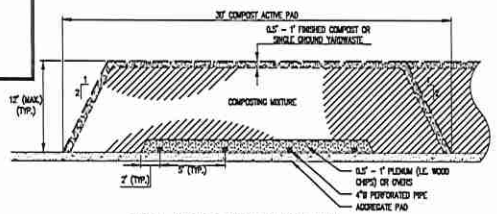
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PROJECT TITLE:
COMPOST CREW AT UTICA BRIDGE FARMS
SITUATED AT 7245 LAKEVIEW ROAD
FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5
FREDERICK COUNTY, MARYLAND

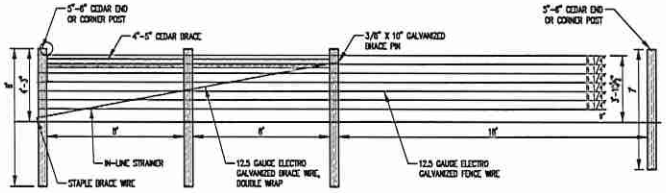
DRAWING TITLE:
TYPE I SITE PLAN
SITE OVERALL
SP 277005
APFO A277003
FRD 19896

DESIGNED:	J.R.F.	PROJECT #:	COMPOST CREW 24-1
DRAWN:	C.M.	SCALE:	AS SHOWN
CHECKED:	J.R.F.	DATE:	MARCH 2021
SHEET #:	CCFRW-00001		
SHEET NO.:	2		SP1

Document Envelope ID: 1121F808-F1C6-4A26-9FF7-A87C92EF8A43



TYPICAL AERATED STATIC PILE CROSS SECTION
N.T.S.



7 STRAND HIGH TENSILE FENCING
N.T.S.

OWNER/APPLICANT INFORMATION

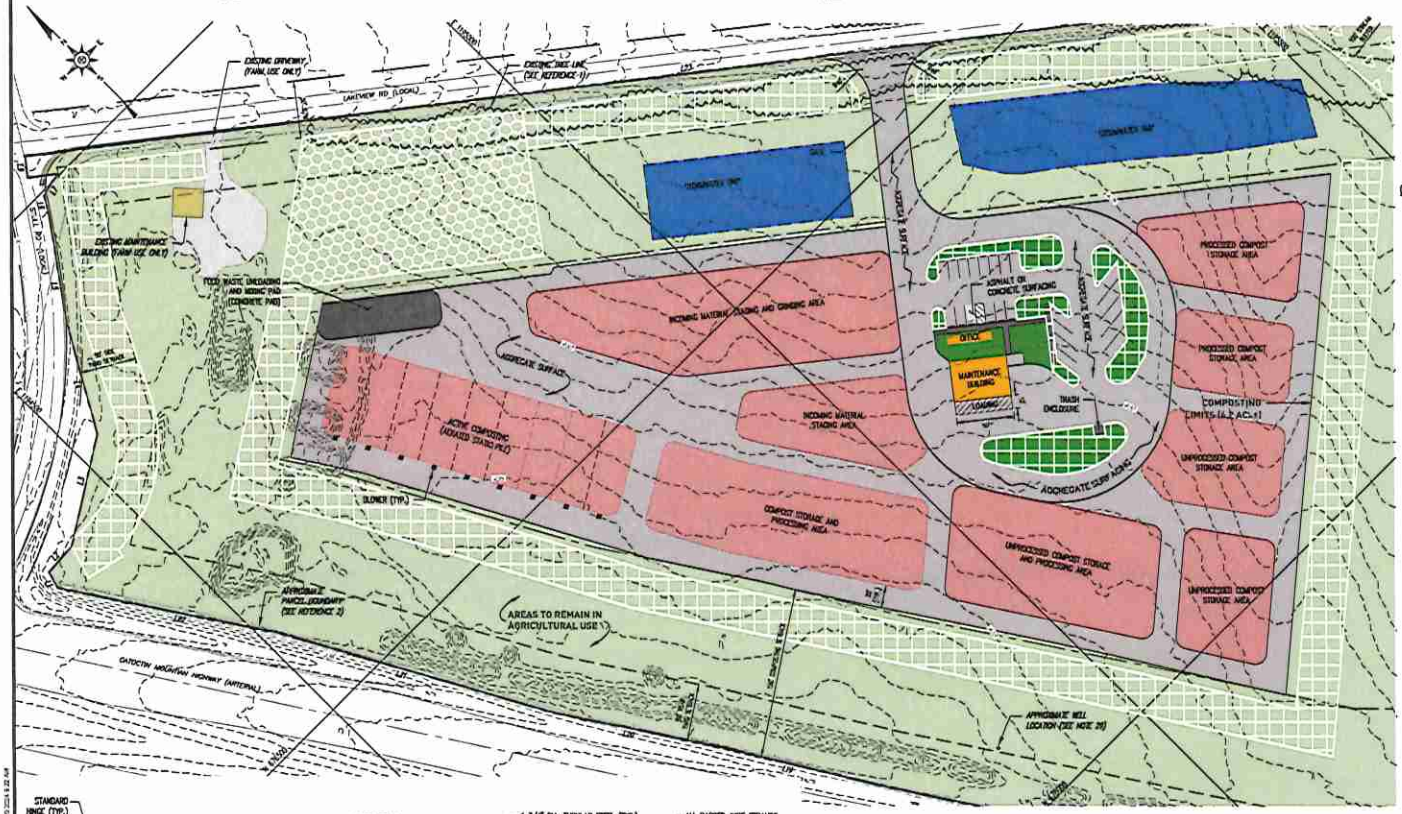
APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7345 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10816 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(810) 703-4771
OPERATOR:	COMPOST CREW
ADDRESS:	7345 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 209-4450

REFERENCES

1. EXISTING TOPOGRAPHY PROVIDED BY CMC ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2019.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2018.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0430D, EFFECTIVE SEPTEMBER 19, 2007.

LEGEND

- 150 — EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY CCG MID-ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY CCG MID-ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK



GENERAL NOTES

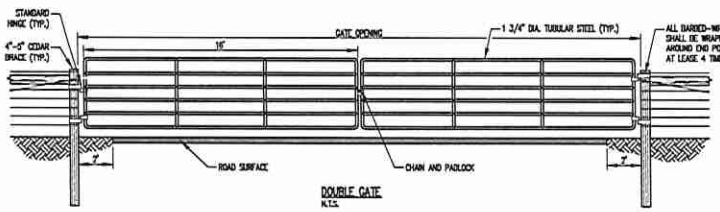
1. PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRED ON JANUARY 12, 2020. COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY; A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A "TIER 2 SMALL COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7345 LAKEVIEW ROAD, THURMONT, MARYLAND 21788
3. LIBER 13018 / FOLIO 00491
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINSIDE PLANNING REGION.
7. THERE IS "NO PLANNED SERVICE" IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHIN ZONE X"OF THE FLOOD INSURANCE RATE MAP NO. 24021C0430D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 19, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2018 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    - CHD – CROSTON-HERSTERVILLE SILT LOAMS, 3 TO 8 PERCENT SLOPES
    - PHB – POAH SILT LOAM, 3 TO 8 PERCENT SLOPES
    - PES – POAH CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    - RSA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	39 ACRES
LOT WIDTH:	300 FEET	1,200 FEET

12. AREA SUMMARY
    PROPERTY: 39.06 ACRES
    COMPOST OPERATIONS AREA: 6.26 ACRES
13. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    MAXIMUM HEIGHT: 35 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
    PROPOSED POLE BARN: 24 FEET (ONE-STORY, TO RIDGE OF ROOF)
    GROSS FLOOR AREA: 2,100 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 8 AND 50 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (11-20-120(E)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICULAR TRIPS:
    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 6.
19. PARKING AS REQUIRED BY 1-19-6.220(L)-4 FOR "ALL INDUSTRIAL USE AND SOLID WASTE OPERATION REQUIRED PARKING 13 EMPLOYEES/2 + 6 VEHICLES = 19 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 8,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    EXISTING: 9,800 SF (0.4%)
    PROPOSED: 257,600 SF (21.2%)
    TOTAL: 272,700 SF (21.8%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1-19-6.330 FOR BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICT
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUESTS:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT OR TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ACCURATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220(L)-4 TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL-TIME, AND 1 PART-TIME PERSONNEL, AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220(J) TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR TYPE (S) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

COMPOSTING NOTES

1. LIMITED FOOD WASTE COMPOSTING ACTIVITIES ARE COVERED UNDER THE GENERAL COMPOSTING PERMIT (GP-0791) BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
2. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE FLOODPLAIN DISTRICT AND 100 FEET FROM THE BANKS OF RIVERS, STREAMS, OR OTHER BODIES OF WATER.
3. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL NOT CAUSE ANY ODOR, DUST, SMOKE, VIBRATION, OR UNREASONABLE NOISE WHICH CAN BE DETECTED AT OR BEYOND ANY PROPERTY LINE.
4. ALL ACTIVITIES AND OPERATIONS ASSOCIATED WITH THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE LOCATED A MINIMUM OF 150 FEET FROM PROPERTY LINES AND AT LEAST 300 FEET FROM A DWELLING NOT OWNED OR OPERATED BY THE OPERATOR OF THE COMPOSTING FACILITY.
5. COMPOSTING OPERATIONS WILL MAINTAIN A 4 FEET SEPARATION FROM THE SEASONAL HIGH-WATER TABLE AS DETERMINED BY SCS ENGINEERS IN A MEMORANDUM DATED JULY 24, 2020.
6. THE APPLICANT SHALL MAINTAIN RECORDS DETAILING THE DATE AND SOURCE OF OFF-SITE GENERATED FOOD WASTE. THE RECORDS MUST BE MADE AVAILABLE TO THE ZONING ADMINISTRATOR UPON REQUEST.
7. ALL MATERIALS AT THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE SORTED AND PROCESSED IN A MANNER THAT PREVENTS HARBORING OR BREEDING OF INSECTS OF ANIMALS, AND PREVENTS CREATION OF ODOR, LITTER, OR OTHER NUISANCES THAT MAY BE HARMFUL TO THE PUBLIC HEALTH OR THE ENVIRONMENT.
8. ALL INCOMING MATERIALS ASSOCIATED WITH FOOD WASTE MUST BE INCORPORATED INTO THE COMPOSTING PROCESS WITHIN 24 HOURS. LEACHATE MUST BE CONTROLLED TO PREVENT RUN OFF DURING OFFLOADING, STORAGE, AND PROCESSING OF ALL RECEIVED WASTES.
9. GRINDING WILL ONLY OCCUR BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY.
10. MARYLAND DEPARTMENT OF THE ENVIRONMENT CONTACT INFORMATION:
    RESOURCE MANAGEMENT PROGRAM: (410) 537-3314



DOUBLE GATE
N.T.S.

PERMIT ISSUE
NOT FOR CONSTRUCTION

FILE #:	SP19-17
A/P #:	277005
DUE DATE:	

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COMPOST CREW
good to grow

COMPOST CREW
AT UTICA BRIDGE FARMS

SMITH+ GARDNER
ENGINEERS
11 N. Boylan Avenue, Raleigh NC 27603 | 919.829.0537
1504 Rhett St., Columbia SC 29201

STATE OF MARYLAND
STACEY R. SMITH
PROFESSIONAL ENGINEER
12/29/2020

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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APPLICANT:
COMPOST CREW AT UTICA BRIDGE FARMS

SITUATED AT 7245 LAKEVIEW ROAD

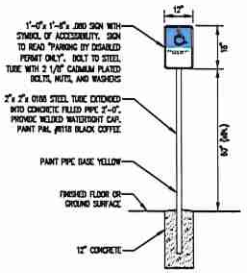
FREDERICK COUNTY
ELECTION DISTRICT NO. 6

FREDERICK COUNTY, MARYLAND

DRAWING TITLE:
TYPE I SITE PLAN
COMPOST OPERATIONS PLAN
SP 277005
APFO A277003
FRO 19896

DRAWN BY:	J.P.T.	PROJECT #:	COMPOST CREW 24.1
CHECKED BY:	J.P.T.	DATE:	MARCH 2021
SCALE:	AS SHOWN		
DRAWING #:	COMPW-00001		
SHEET NO.:	3	OF SHEETS:	SP2

TRASH ENCLOSURE
N.T.S.



ACCESSIBLE PARKING SPACE SIGN
N.T.S.

OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10015 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(410) 792-4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 302-4480

REFERENCES

1. EXISTING TOPOGRAPHY PROVIDED BY GMC ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2016.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0430D, EFFECTIVE SEPTEMBER 29, 2007.

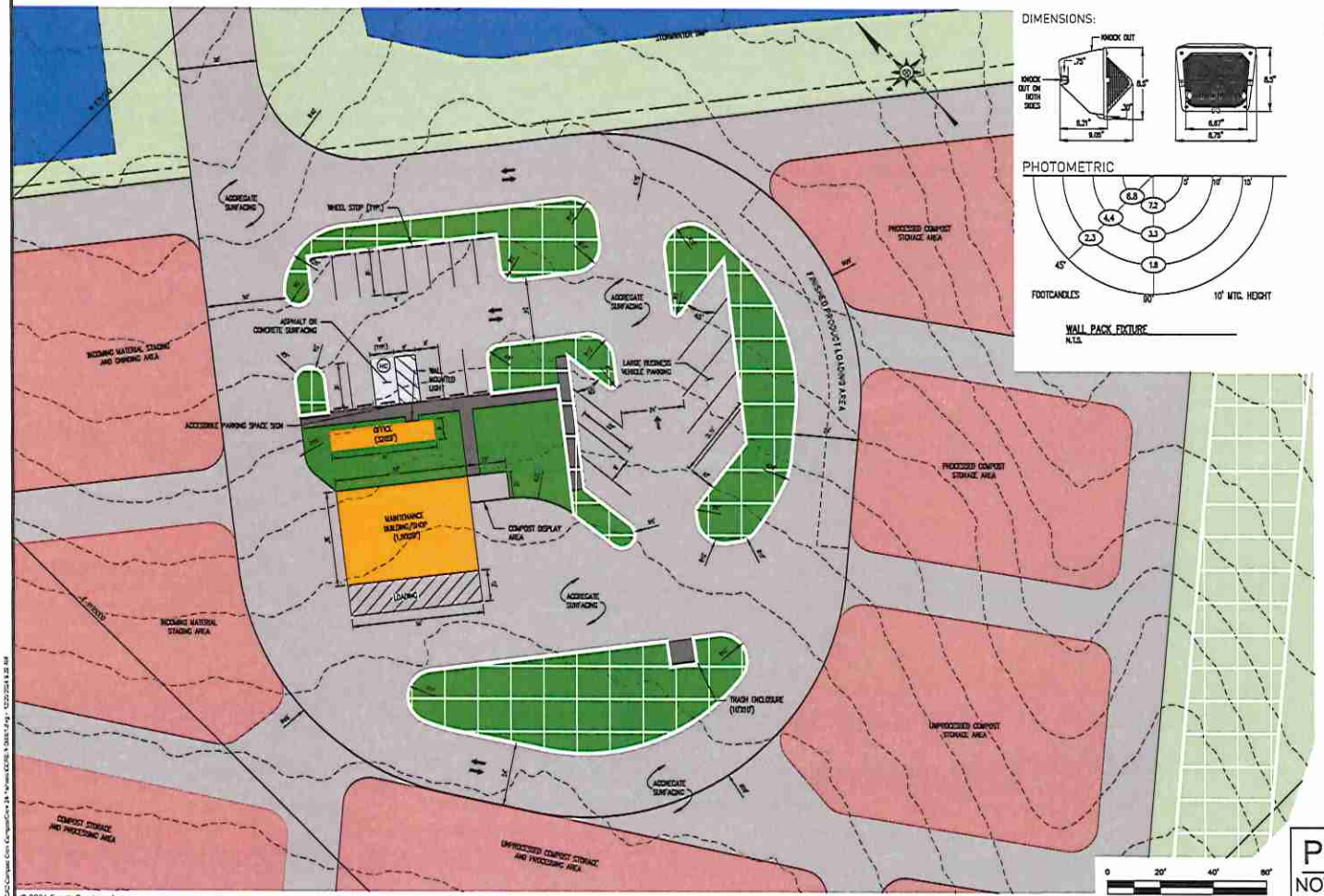
LEGEND

- 150 — EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- PROPOSED FRO LANDSCAPE (BY ECO MID-ATLANTIC LLC)

DIMENSIONS:

PHOTOMETRIC

WALL PACK FIXTURE
N.T.S.



GENERAL NOTES

1. PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRES ON JANUARY 12, 2025. COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY, A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A "TIER 2 SMALL COMPOST FACILITY WHICH CAN PROCESS UP TO 15,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21788
3. LIBER 10898 / FOLIO 0048
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINSIDE PLANNING REGION.
7. THERE IS "NO PLANNED SEWAGE" IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHIN "ZONE X OF THE" FLOOD INSURANCE RATE MAP NO. 24021C0430D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 29, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2019 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    - CRB – CROTON-ARGILLITHONS 38.1 LOAMS, 3 TO 8 PERCENT SLOPES
    - FNB – FOWLER SILT LOAM, 3 TO 8 PERCENT SLOPES
    - PCB – POWH CHAMBERT LOAM, 3 TO 8 PERCENT SLOPES
    - RDA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS:

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	300 FEET	1,300 FEET

12. AREA SUMMARY
    - PROPERTY: 29.06 ACRES
    - COMPOST OPERATIONS AREA: 6.26 ACRES
13. SETBACKS
    - FRONT YARD: 40 FEET
    - SIDE YARD: 50 FEET
    - REAR YARD: 80 FEET
14. HOURS OF OPERATION: 7:00 AM – 8:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    - MAXIMUM HEIGHT: 30 FEET
    - PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
    - PROPOSED POLE BARN: 24 FEET (ONE-STORY, TO RIDGE OF ROOF)
    - GROSS FLOOR AREA: 2,100 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 6 AND 50 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1-20-12(D)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 15 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICULAR TRIPS
    - WEEKDAY AM PEAK: 15 TOTAL TRIPS
    - WEEKDAY PM PEAK) 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY §-19-6.230.A.4 FOR ALL INDUSTRIAL USE AND SOLID WASTE OPERATION REQUIRED PARKING 13 EMPLOYEES/2 = 6 VEHICLES = 16 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
20. LOADING
    - REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    - PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    - EXISTING: 11,800 SF (0.4%)
    - PROPOSED: 267,900 SF (21.3%)
    - TOTAL: 273,700 SF (21.4%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY §-19-6.300 FOR BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS:
    - MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    - PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUESTS
    - A. THE APPLICANT REQUESTS A VARIANCE FROM §-19-6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    - B. THE APPLICANT REQUESTS A VARIANCE FROM §-19-6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 13 FULL-TIME AND 1 PART-TIME PERSONNEL, AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    - C. THE APPLICANT REQUESTS A VARIANCE FROM §-19-6.230.B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

PERMIT ISSUE
NOT FOR CONSTRUCTION

FILE #: SP19-17
A/P #: 277005
DUE DATE:

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COMPOST CREW
good to grow
COMPOST CREW AT UTICA BRIDGE FARMS

SMITH+ GARDNER
ENGINEERS
31 N. Gordon Avenue, Raleigh NC 27603 | 919.828.0177
154 Portland St., Columbia SC 29201

STATE OF MARYLAND — STACEY R. SMITH — 21708 — PROFESSIONAL ENGINEER
12/20/2021

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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PROJECT TITLE
COMPOST CREW AT UTICA BRIDGE FARMS

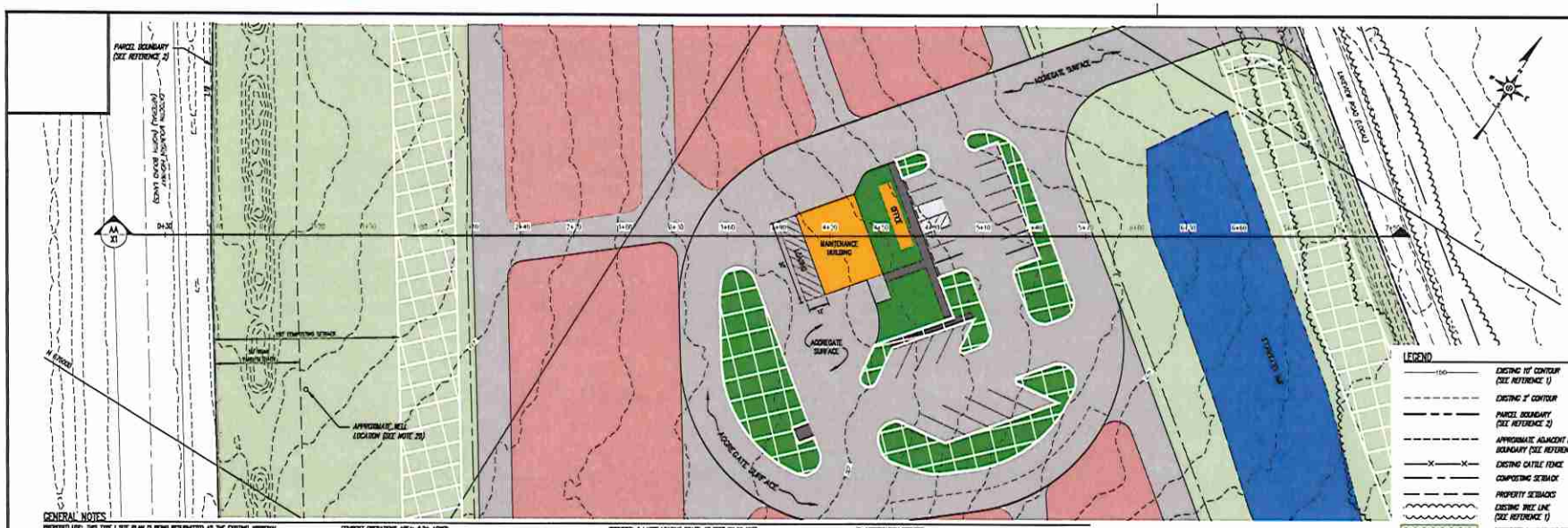
SITUATED AT 7245 LAKEVIEW ROAD

FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5

FREDERICK COUNTY, MARYLAND

DRAWING TITLE
TYPE I SITE PLAN
PARKING AND BUILDING PLAN
SP 277005
APFO A277003
FRO 19896

DESIGNED: J.P.F.	DRAWN: COMPOST CREW 24-1
CHECKED: J.P.F.	SCALE: AS SHOWN
	DATE: MARCH 2021
PROJECT NO.:	CCRFW-00001
SHEET NO.: 4	DRAWING NO.: SP3



GENERAL NOTES

PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRES ON JANUARY 13, 2020. COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY. A PERMITTED USE, SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A 'TIER 2 SMALL' COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.

1. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21788
2. LIBER 10018 / FOLIO 0349
3. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
4. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
5. THE PROPERTY IS WITHIN THE MOUNTAINSIDE PLANNING REGION.
6. THERE IS TWO PLANNED SERVICE IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
7. THE PROPERTY LIES WITHIN ZONE 'X' OF THE FLOOD INSURANCE RATE MAP NO. 24021C0430D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 29, 2007.
8. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2016 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
9. SOIL TYPES WITHIN THE PROPERTY ARE:
   CND – CROSBY–ARENDTSVILLE SILT LOAMS, 3 TO 8 PERCENT SLOPES
   PNB – PONN SILT LOAM, 3 TO 8 PERCENT SLOPES
   PCD – PONN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
   HGA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
10. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	20 ACRES
LOT WIDTH:	300 FEET	1,300 FEET

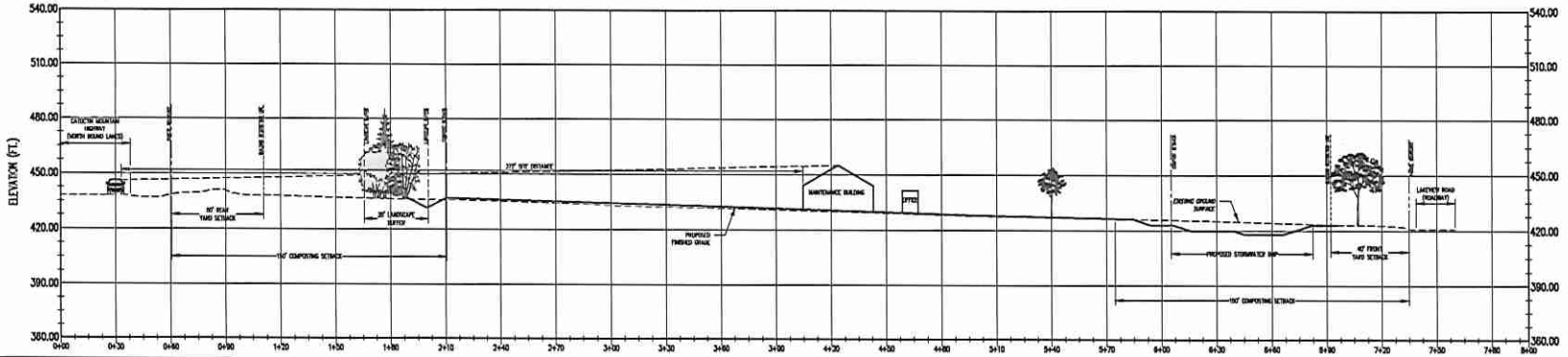
11. AREA SUMMARY
    PROPERTY: 28.0± ACRES
    COMPOST OPERATIONS AREA: 8.2± ACRES
12. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
13. HOURS OF OPERATION: 7:00 AM – 8:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
14. BUILDING HEIGHT
    MAXIMUM HEIGHT: 35 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE–STORY)
    PROPOSED POLE BARN: 24 FEET (ONE–STORY, TO RIDGE OF ROOF)
    GROSS FLOOR AREA: 2,100 SQUARE FEET
15. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 8 AND 30 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (TH–20–12(1)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS. EXPECTED WORKDAY TRIPS
    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
16. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
17. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
18. PARKING AS REQUIRED BY 1–19–6.230.4 FOR ALL INDUSTRIAL, USE AND SOLID WASTE OPERATION REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 15 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL.
19. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 80 FEET.
20. NO BICYCLE PARKING IS REQUIRED.
21. IMPERVIOUS SURFACE
    EXISTING: 5,800 SF (0.4%)
    PROPOSED: 267,800 SF (21.2%)
    TOTAL: 273,700 SF (21.8%)
22. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19886. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON–SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE–CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1–19–6.320 FOR BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS:
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUESTS
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.310 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL–TIME AND 1 PART–TIME PERSONNEL, AND WILL MAINTAIN 8 COMPANY OWNED VEHICLES ON–SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.220.D TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10915 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(518) 762–4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 208–4400

REFERENCES

1. EXISTING TOPOGRAPHY PROVIDED BY CMC ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2016.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2016.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0430D, EFFECTIVE SEPTEMBER 29, 2007.



CROSS SECTION AA X1
NOT TO SCALE

PERMIT ISSUE
NOT FOR CONSTRUCTION

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PREPARED FOR
COMPOST CREW
good to grow
COMPOST CREW
AT UTICA BRIDGE FARMS

PREPARED BY
NCUE, NC · GTC, UNION, STANLY
TCCOA, NC CDH #1
SMITH+ GARDNER
ENGINEERS
111 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0617
1524 Richland St., Columbia SC 29201

SEAL
Signed by Stacey A. Smith
12/20/2021
PROFESSIONAL ENGINEER

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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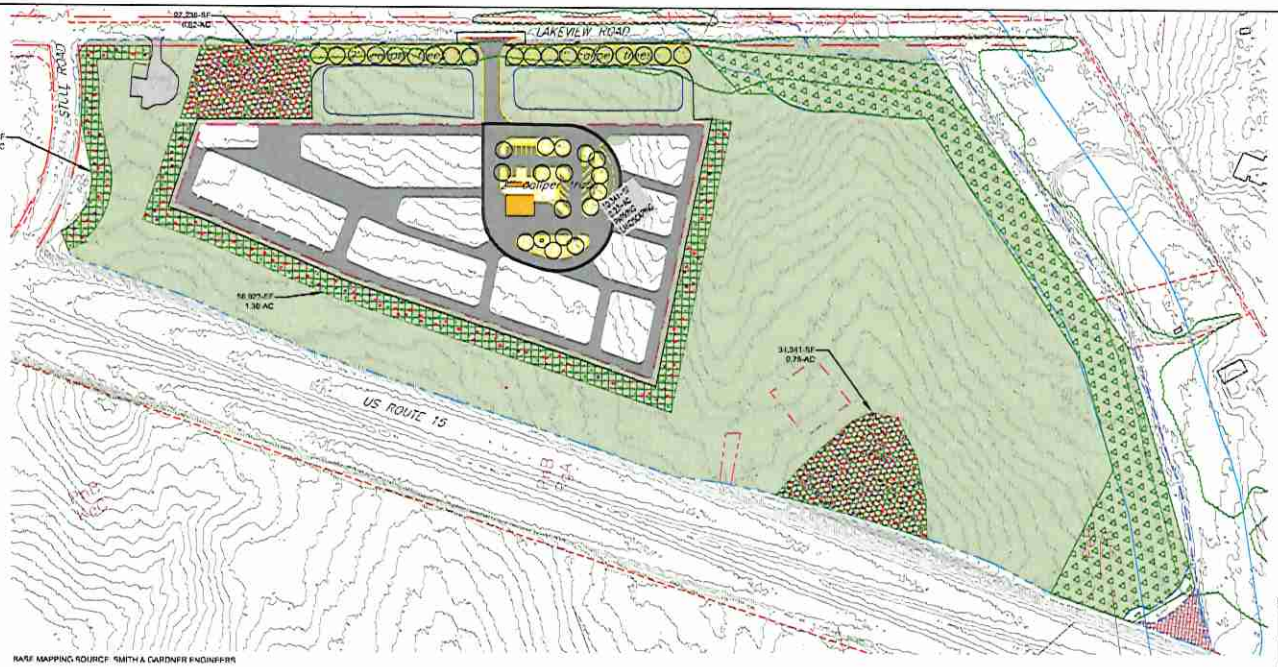
PROJECT TITLE
COMPOST CREW AT UTICA BRIDGE FARMS
SITUATED AT 7245 LAKEVIEW ROAD
FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5
FREDERICK COUNTY, MARYLAND

DRAWING TITLE
TYPE1 SITE PLAN
SIGHT DISTANCE
CROSS SECTION
SP 277005
APFO A277003
FRO 19896

DRAWN BY:	J.P.T.	PROJECT #:	COMPOST CREW 24-1
DESIGN BY:	J.P.T.	SCALE:	AS SHOWN
CHECKED BY:	J.P.	DATE:	MARCH 2021
DRAWING #:			CCRFW-02001
SHEET NO. OF SHEETS:	5	DRAWING NO.:	SP4

FILE #: SP19-17
A/P #: 277005
DUE DATE:

G:\ECS\Compost Crew Farmgate\Civil\24 Farmgate ECS\24 Plans\24 SP\24 SP4.dwg - 12/20/2021 8:42 AM


LAKEVIEW ROAD
STULL ROAD
US ROUTE 15
97,238-SF
2.23-AC
14,784-SF
0.34-AC
58,923-SF
1.35-AC
31,341-SF
0.72-AC
Culpeper
Culpeper
Culpeper

Evergreen Species				
Scientific Name	Common Name	Planting Stock Type	Size	Total Number Planted
Pinus strobus	Eastern white pine*	Balled & burlapped	1/4"-1/2"	104
Pinus virginiana	Virginia pine*	Balled & burlapped	1/4"-1/2"	7
Juniperus virginiana	Eastern red cedar*	Balled & burlapped	1/4"-1/2"	4
Pinus resinosa	American red pine	Balled & burlapped	1/4"-1/2"	25
Picea glauca	White spruce	Balled & burlapped	1/4"-1/2"	25
Abies balsamea	Balsam fir	Balled & burlapped	1/4"-1/2"	10
Abies fraseri	Fraser fir	Balled & burlapped	1/4"-1/2"	10
Taxodium distichum	Bald cypress*	Balled & burlapped	1/4"-1/2"	10
Deciduous Species				
Betula alleghaniensis	Yellow birch*	Balled & burlapped	1/4"-1/2"	12
Quercus bicolor	Swamp white oak*	Balled & burlapped	1/4"-1/2"	22
Liriodendron tulipifera	Tulip poplar*	Balled & burlapped	1/4"-1/2"	12
Betula lenta	Sweet birch*	Balled & burlapped	1/4"-1/2"	77
Quercus alba	White oak*	Balled & burlapped	1/4"-1/2"	35
Robinia pseudoacacia	Black locust*	Balled & burlapped	1/4"-1/2"	40
Juglans nigra	Black walnut*	Balled & burlapped	1/4"-1/2"	40
Quercus palustris	Pin oak*	Balled & burlapped	1/4"-1/2"	1
Carya ovata	Shagbark hickory*	Balled & burlapped	1/4"-1/2"	8
Quercus rubra	Red oak*	Balled & burlapped	1/4"-1/2"	25
Acer rubrum	Red maple*	Balled & burlapped	1/4"-1/2"	7
Liquidambar styraciflua	American sweetgum**	Balled & burlapped	1/4"-1/2"	10
Salix nigra	Black willow*	Balled & burlapped	1/4"-1/2"	7
Carya laciniosa	Shellbark hickory*	Balled & burlapped	1/4"-1/2"	5
Shrubs				
Sambucus nigra	Elderberry*	Container	1/4"-1/2"	12
Cornus racemosa	Gray dogwood*	Container	1/4"-1/2"	54
Corylus/Hamamelis spp.	Buttonbush	Container	1/4"-1/2"	54
Cornus canadensis	Redbud*	Container	1/4"-1/2"	55

Alternate Species			
Evergreen Species			
Scientific Name	Common Name	Planting Stock Type	Size
Taxus x media	Mountain Laurel	Balled & burlapped	1/4"-1/2"
Deciduous Species			
Cornus florida	Flowering dogwood	Balled & burlapped	1/4"-1/2"
Calycanthus floridiflorus	American hornbeam	Balled & burlapped	1/4"-1/2"
Cornus sericea	Red osier dogwood	Balled & burlapped	1/4"-1/2"
Chamaecrista fasciculata	Fringe tree	Balled & burlapped	1/4"-1/2"
Shrubs			
Cornus amomum	Silky dogwood	Container	1/4"-1/2"
Viburnum prunifolium	Blackhaw	Container	1/4"-1/2"

* NATIVE TO FREDERICK COUNTY
** NATURALIZED ADDITION TO FREDERICK COUNTY

TOTAL # OF NATIVE PLANTINGS: 741
TOTAL # OF NON-NATIVE PLANTINGS: 134
TOTAL PLANTINGS: 875
741 native plantings / 875 total trees/shrubs planted = 84.7% native plantings

Deciduous Species- Parking Lot				
Scientific Name	Common Name	Planting Stock Type	Size	Total Number Planted
Betula alleghaniensis	Yellow birch*	Balled & burlapped	2"	3
Betula lenta	Sweet birch*	Balled & burlapped	2"	3
Tilia americana	Basswood*	Balled & burlapped	2"	8
Salix nigra	Black willow*	Balled & burlapped	2"	3

Deciduous Species- Lakeview Road				
Scientific Name	Common Name	Planting Stock Type	Size	Total Number Planted
Quercus bicolor	Swamp white oak*	Balled & burlapped	2"	3
Liriodendron tulipifera	Tulip poplar*	Balled & burlapped	2"	3
Acer rubrum	Red maple*	Balled & burlapped	2"	3
Evergreen Species				
Scientific Name	Common Name	Planting Stock Type	Size	Total Number Planted
Pinus strobus	Eastern white pine*	Balled & burlapped	2"	3
Pinus virginiana	Virginia pine*	Balled & burlapped	2"	4
Juniperus virginiana	Eastern red cedar*	Balled & burlapped	2"	3

STREET TREE CALCULATION
(ROADWAY FRONTAGE):

LAKEVIEW ROAD:
285-ft / 35-ft = 8.4 trees (0 trees provided)
327-ft / 35-ft = 9.3 trees (10 trees provided)

STULL ROAD:
373-ft / 35-ft = 10.6 trees (provided via landscaping buffer)

US-15:
2,136-ft / 35-ft = 61.0 trees (provided via landscaping buffer)

20% PARKING LOT CANOPY CALCULATION:

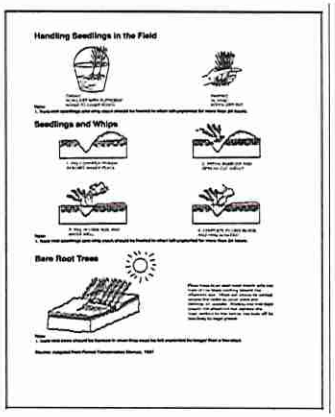
PARKING LOT PAVEMENT COVERAGE:
51,705-sf

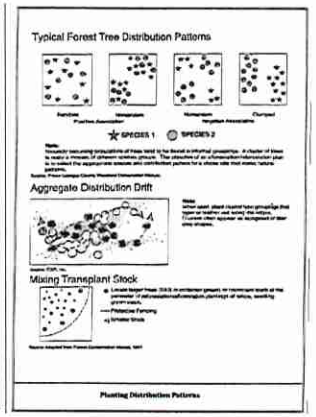
51,705-sf x 0.2 = 10,341-sf
10,341-sf / 707-sf = 14.6 trees (17 provided)

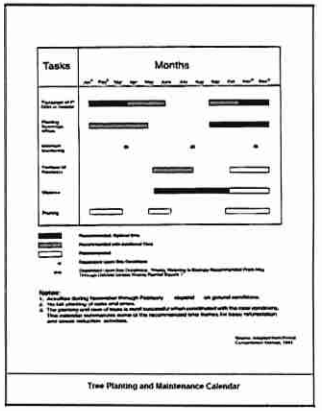
PLANTING QUANTITY CALCULATION:

1.40-ac x 350 stems/ac = 490 stems (875 provided)

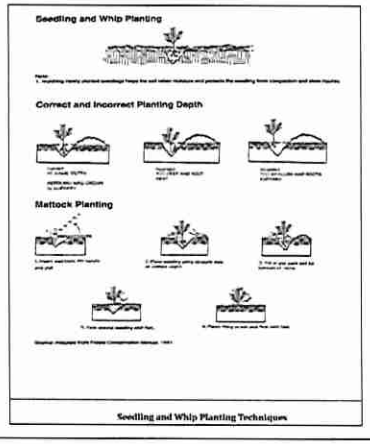
Planting Specification Notes
1. Type: tree planting schedules this sheet and cover sheet.
2. Plant Quality Standards: The plants selected shall be healthy and sturdy representatives of their species. Seedlings shall have a minimum tap growth of 18". The diameter of the root collar (the part of the root just below ground level) shall be at least 3/8". The roots shall be well developed and at least 8" long. No more than twenty - five percent (25%) of the root system (both primary and secondary/fibrous roots shall be present. Plants that do not have an abundance of well developed terminal roots on the leaders and branches shall be rejected. Plants shall be shipped by the nursery immediately after lifting from the field or removed from the green house, and planted immediately upon receipt by the landscape contractor. If the plants cannot be planted immediately after delivery to the reforestation site, they shall be stored in the shade with their root masses protected from direct exposure to sun and wind by the use of straw, peat moss, compost, or other suitable material and shall be maintained through periodic watering, until the time of planting.
3. Plant Handling: The quantity of seedlings taken to the field shall not exceed the quantity that can be planted in a day. Seedlings, once removed from the nursery or temporary storage area shall be planted immediately.
4. Timing of Planting: The best time to plant seedlings is while they are dormant, prior to spring budding. The most suitable months for planting are March and April, when the soil is moist, but may be planted from March through November. No planting shall be done while ground is frozen. Planting shall occur within one growing season of the issuance of grading/building permits and/or reaching the final grades and stabilization of planting areas.
5. Seedling Planting: Tree seedlings shall be hand planted using a dibble bar or sharpshooter shovel. It is important that the seedling be planted in the hole so that the roots can spread out naturally; they should not be bended, balled up or bent. Moist soil should then be packed firmly around the roots. Seedlings should be planted at a depth where their roots lie just below the ground surface. Air pockets should not be left after closing the hole which would allow the roots to dry out. See planting details for further explanation. If the contractor wishes to plant by another method, the preparer of this tree conservation plan must be contacted and give his approval before planting may begin.
6. Spacing: See Landscaping Plan for spacing requirements. Also refer to the Landscaping Plan for a description of the general planting theory, details this sheet.
7. Soil: Upon the completion of all grading operations, a soil test shall be conducted to determine what soil preparation and soil amendments, if any, are necessary to create good tree growing conditions. Soil samples shall be taken at a rate that provides one soil sample for each area that appears to have a different soil type (if the entire area appears uniform, then only one sample is necessary), and submitted for testing to a private company. The company of choice shall make recommendations for improving the existing soil. The soil will be tested and recommended for corrections of soil texture, pH, magnesium, phosphorus, potassium, calcium and organic matter.
8. Soil Improvement Measures: The soil shall then be improved according to the recommendations made by the testing company.
9. Fencing and Signage: Final protective fencing shall be posted on the visible and/or development side of planting areas. The final protective fence shall be installed upon completion of planting operations unless it was installed during the initial stages of development. Signs shall be posted per the signage detail on this sheet.
10. Planting Method: Consult the Planting Detail(s) shown on this sheet.
11. Mulching: Apply two-inch thick layer of woodchips or shredded hardwood mulch (as noted) to each planting site (see detail shown on the Landscaping Plan).
12. Ground Cover Establishment: the remaining disturbed area between seedling planting sites shall be seeded and stabilized within appropriate mix from the Natural Resources Conservation Practice Standard for Conservation Cover (Code 327).
Table 2: Selected List of Herbaceous Cover Mixes based on the specific characteristics of the site.
13. Mowing: No mowing shall be allowed in any planting area.
14. Source of Seedlings: state name, address, and phone number of nursery or supplier.

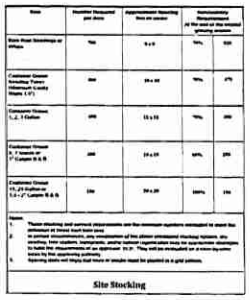


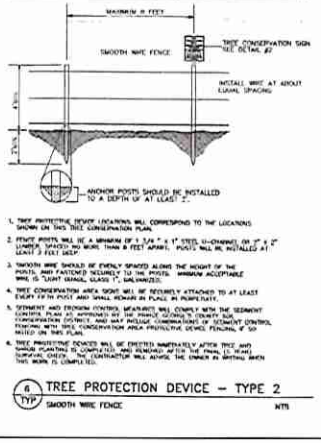


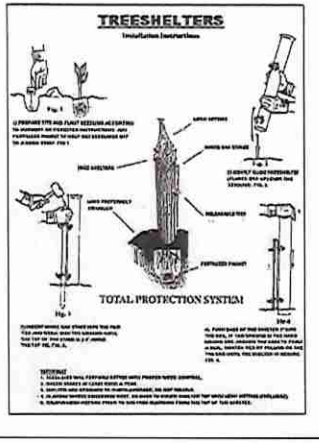












CELEBRATING OVER 26 YEARS OF EXCELLENCE

ECS MID-ATLANTIC LLC
9030 STELLA LINK ROAD
SUITE B
MANASSAS, VA 20110
(410) 415-6105
FAX: (703) 530-2537

"SETTING THE STANDARD FOR SERVICE"

ECS

Compost Crew
7245 LAKEVIEW ROAD
FREDERICK COUNTY, MARYLAND

PLANTING PLAN
UTICA BRIDGE FARM

ECS REVISIONS
12/10/2021 LSC
2/22/22 JDA

ENGINEER	DRAFTING
AMM	LSC

SCALE: NTS
PROJECT NO.: 47:11703
SHEET: SP6
DATE: 11/18/2021

SilvoCulture
NUTS FOR THE FUTURE

To: Frederick County Planning Commission
Subject: Compost Crew at Utica Bridge Farms

February 5, 2025

Dear Frederick County Planning Commission,

I am writing to you to express my support on behalf of SilvoCulture for Compost Crew to build a "Tier 2 Small" composting facility on Utica Bridge Farms LLC at 7245 Lakeview Road, Frederick, MD 21701.

SilvoCulture is an independent 501(c)3 non-profit organization whose mission is to help plant one million tut trees in the mid-Atlantic region.

Our Strategy:

1. Expand Nut Orchards: Identify opportunities for plantings, secure funding, and support landowners in establishing productive, sustainable nut orchards.
2. Develop Local Markets: Build robust connections among growers, gatherers, researchers, and markets to streamline the sourcing, aggregation, and marketing of nuts. Enhance systems for efficient harvesting, processing, and distribution to maximize economic and ecological benefits.
3. Sourcing and Disseminating Quality Planting Stock: Establish and maintain strong partnerships with nurseries specializing in high-quality nut tree genetics, ensuring access to superior planting stock and promoting its availability to growers and landowners.

SilvoCulture supports the composting facility project, "Compost Crew at Utica Bridge Farms" which will expand Compost Crew's current on-farm composting program to be able to divert approximately 5,000 tons of local food scraps annually (as well as 15,000 tons of yard material) to be recycled into agriculture-grade soil amendments. This planned program will support job creation as well as increase the County's self-resilience of local recycling capacity, high quality agricultural soil amendments and local food security.

Thank you for your consideration of this important project. If you have any questions, feel free to contact me at lisa@silvoculture.org or 443-538-6201.

Sincerely,

LISA BAIRD, Executive Director
lisa@silvoculture.org
(443) 538-6201
www.silvoculture.org

US Composting Council

Compost: Nature's Way to Grow!

February 7, 2025

Officers

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Iowa Waste Reduction Center University of Northern Iowa

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Lorrie Rossiter
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Elliot Schneider
City of St. Peters Earth Centre

Kate Sullivan
McGill Premium Compost

Executive Director
Frank Franciosi

Frederick County Planning Commission
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

To the Frederick County Planning Commission:

The **US Composting Council** advances compost manufacturing, compost utilization, and organics recycling to benefit our members, society, and the environment. We believe compost manufacturing and compost utilization are central to creating healthy soils, clean air and water, a stable climate, and a sustainable society.

With these as our mission and vision, we actively support composting facilities, programs, legislation and regulations that contribute to a nationwide system of increasing opportunities for composting and using compost to benefit healthy soils.

Adding composting facilities – private and public – to local communities supports these goals. See our Target Organics Hub for more benefits of composting to your community and your economy! () We urge you to support the ability to divert organic materials right in your own locality through new facilities run by trained compost professionals.

We urge you to support **Compost Crew's project at Utica Bridge Farms** (SP19-17 (AP SP277005 APFO A277003)) so that together your community can:

- Divert methane and useable resources from landfills by sending the 13M tons of inedible foods scraps US residents generate each year
- Use compost to fight drought, sequester carbon and help to filter harmful components from stormwater
- Increase plant nutrient cycling, soil organic matter and plant health

The compost industry is also a multi-billion dollar industry creating numerous jobs. Data from the Institute of Local Self Reliance (ILSR) shows that the composting industry creates more jobs per ton than landfilling or incineration.

The US Composting Council supports your local jurisdictions' efforts to divert food scraps and recycle them into compost.

Sincerely,

Linda Norris-Waldt

Linda Norris-Waldt
Deputy Director, US Composting Council

US Composting Council • PO Box 19246, Raleigh, NC 27619
phone: 301.897.2715 • uscc@compostingcouncil.org• www.compostingcouncil.org

From: James, Karen
To: Wilkins, Michael; Moore, Ashley; Mitchell, Kathy (Legal); Mishler, Mark; Shaw, Cody
Cc: James, Karen
Subject: Emailed Public Comment for Compost Crew
Date: Tuesday, February 11, 2025 3:23:13 PM
Attachments: image001.png

Public Comment I received today. See below.

Karen L. James
Administrative Specialist II
Division of Planning and Permitting
Livable Frederick Planning and Design Office
Development Review and Planning
Frederick County (Maryland) Government
30 North Market St.
Frederick, MD 21701
301-600-1138



From: Joe Richardson <joesr@bar-t.com>
Subject: Support of Compost Crew project at Utica Bridge

I am writing to express my enthusiastic support for Compost Crew"s planned composting project in Frederick County entitled Compost Crew a Utica Bridge Farms

In 2016 I was asked to serve on the "What's Next Steering Committee" at the request of County Executive Jan Gardner. I served on the committee and in 2018 we published the findings which advocated for organics diversion from landfills. At the time there was no commercial compost facility in Frederick County and organics were transported to Charlestown West Virginia.

Phil Wescott from Key City Compost identified a site for composting and has worked for several years to achieve compliance with State and County officials and securing permission of operate a commercial compost facility. Diverting organics from the waste stream is a major source for reducing green house gas emissions and provides an enormously beneficial soil amendment. In short we have the opportunity to create a

valuable commodity from a waste product that produces harmful methane gas. In every aspect the proposal is a win, win.

Over the past 6 years I have worked with public schools in Frederick and Montgomery Counties to introduce compost, waste diversion and food recovery programs in cafeterias called "Lunch out of Landfills." Teaching students to understand the environmental impact of our consumption and providing tangible, measurable and effective options addressing waste is invaluable. Students that have participated in the program have diverted as much as 85% of cafeteria waste and learned how to decontaminate recycling, divert organics from landfills to produce compost, and recover as much a 9,000 pounds of recoverable edible food per school every year. School systems throughout the country have the opportunity to participate in this behavior changing practice that truly addresses the existential threat of climate change and Frederick County is in a position to lead the nation in this effort.

This initiative is vital to our share goals of sustainability reducing waste and improving soil health. Compost Crew has collaborated with Lunch out of Landfills since 2019 working with over 40 schools in Montgomery and Frederick Counties.

We respectfully request and over 10,000 FCPS Students demand approval of this project. The compost program at Utica Bridge was envisioned by County Executive Jan Gardner and has been in the hands of Frederick County officials since 2019. It is time to make this project a safe, viable and functional reality.

Please do not hesitate to reach out to me with questions and follow up

Sincerely

Joe Richardson
Founder Lunch out of Landfills

From: Shaw, Cody
To: James, Karen
Subject: FW: Support of Compost Crew project at Utica Bridge
Date: Tuesday, February 11, 2025 1:40:07 PM
Attachments: ~WRD3071.jpg

FYI, more public comment

Cody L. Shaw
Principal Planner II
Frederick County Division of Planning and Permitting
Department of Development Review and Planning
30 North Market Street
Frederick, MD 21701
301-600-1145
cshaw@frederickcountymd.gov

From: Kristie Blumer <kristie@compostcrew.com>
Sent: Monday, February 10, 2025 2:55 PM
To: Shaw, Cody <CShaw@FrederickCountyMD.gov>
Subject: Fwd: Support of Compost Crew project at Utica Bridge

[EXTERNAL EMAIL]

Cody,

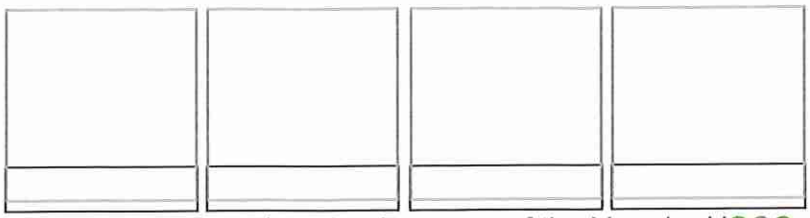
Please find Joe's letter of support via email as well (in case you do not receive his mailed letter).

Sincerely,

Kristie Blumer
Senior Director, Composting
Office: (301) 202-4450
Compost Crew Inc, A Public Benefit Corporation

"Unless someone like you cares a whole awful lot,
Nothing is going to get better. It's not." - Dr. Seuss, The Lorax





Named Organics Diversion Program of the Year by USCC Compost Crew in 2023 & 2024

---------- Forwarded message ---------
From: **Ben Parry** <ben@compostcrew.com>
Date: Sun, Feb 9, 2025 at 12:50 PM
Subject: Fwd: Support of Compost Crew project at Utica Bridge
To: Kristie Blumer <kristie@compostcrew.com>

---------- Forwarded message ---------
From: **Joe Richardson** <joesr@bar-t.com>
Date: Sun, Feb 9, 2025, 12:48 PM
Subject: Fwd: Support of Compost Crew project at Utica Bridge
To: Ben Parry <ben@compostcrew.com>, Kathleen Turk <kathleen@compostcrew.com>

Begin forwarded message:

From: Joe Richardson <joesr@bar-t.com>
Subject: Support of Compost Crew project at Utica Bridge
Date: February 6, 2025 at 12:53:30 PM EST
To: Planning Commission@FrederickCountyMD.gov
Cc: Ben Parry <ben@compostcrew.com>

Frederick County Planning Commission
Division of Planning and Permitting
30 North Market Street, Frederick, MD 20701

I am writing to express my enthusiastic support for Compost Crew"s planned composting project in Frederick County entitled Compost Crew a Utica Bridge Farms

In 2016 I was asked to serve on the "What's Next Steering Committee" at the request of County Executive Jan Gardner. I served on the committee and in 2018 we published the findings which advocated for organics diversion from landfills. At the time there was no commercial compost facility in Frederick County and organics were transported to Charlestown West Virginia.

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We respectfully request and over 10,000 FCPS Students demand approval of this project. The compost program at Utica Bridge was envisioned by County Executive Jan Gardner and has been in the hands of Frederick County officials since 2019. It is time to make this project a safe, viable and functional reality.

Please do not hesitate to reach out to me with questions and follow up

Sincerely

Joe Richardson
Founder Lunch out of Landfills

SPEAKER SIGN-UP SHEET

Frederick County Planning Commission

February 12, 2025

SP277005 Compost Crew at Utica Bridge Farms

Public Comments – 3 Minutes per Speaker			
	NAME (please print)	**STREET ADDRESS (please print)**	
1	Michele Rosenfeld, Esq	1 Research Ct. Suite 450 Rockville 20850	
2	Nicholas StAngelo	10690 Stull Rd ✓	ALL OPPOSED TO PROJECT.
3	Valerie ~~[illegible]~~ Myers	10700 Stull Rd ✓	
4	Christopher StAngelo	10670 Stull Rd ✓	
5	Victoria StAngelo	7114 Lakeview Rd ✓	
6	please cc: Michele Rosenfeld Esq	(JOHN/AMY STANGELO) ✓	
7		REPRESENTING	
8			
9	① TELEPHONE CALL IN FAVOR		
10	LINDA NORRIS WALT	MIDDLETOWN, MD	
11			
12			
13			
14			
15			
16			
17			
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20			

The County's Lobbying Ordinance (Chapter 1-7.2 of the Code) requires the registration of individuals and entities that qualify as lobbyists. If you will be testifying before the Board of County Commissioners, the Ordinance may require that you register as a lobbyist. If you have a question as to the applicability of this Ordinance, please contact the County Attorney's Office at (301) 600-1030.

FREDERICK COUNTY GOVERNMENT
Jessica Fitzwater
County Executive

DIVISION OF PLANNING & PERMITTING
Department of Development Review & Planning
Deborah A. Carpenter, AICP, Division Director
Michael L. Wilkins, Director

FCPC DECISION LETTER
Site Development Plan for Compost Crew at Utica Bridge Farms
SP19-17, AP SP277005, APFO A277003

February 13, 2025

Kristie Blumer
Compost Crew
12343 Carroll Avenue
Rockville, MD 20852

This letter is to inform you that the Site Development Plan for the above referenced project was conditionally approved by the Frederick County Planning Commission (FCPC) on February 12, 2025. The approval is subject to the following conditions:

Modifications:

1. Approval of a Parking Space Modification Request under §1-19-6.220(A)(2) to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.

2. Approval of a Loading Space Modification Request under §1-19-6.210(A) to allow for one large loading space, rather than the one small loading space required.

3. Approval of a Parking Space Modification Request under §1-19-6.220(B) to allow for 5 spaces to have an increased stall length of 22' over the 18' required.

Staff Conditions:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

2. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Once all conditions have been met, the plan will be stamped and signed as approved and will be available for download from the ProjectDox site. The Site Development Plan approval is valid for a period of 3 years from the date of Planning Commission approval (valid through February 12, 2028). Start of construction, as defined under 1- 19-11.100 of the Zoning Ordinance, must begin under valid permits prior to the Site Plan expiration date.

If you have any questions concerning the matters stated herein, please do not hesitate to contact me.

Cody L. Shaw
Principal Planner II
Division of Planning and Permitting
Phone: 301-600-1145
cshaw@frederickcountymd.gov

Jessica Fitzwater
County Executive

FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING *Deborah A. Carpenter, AICP, Division Director*
Department of Development Review & Planning *Michael L. Wilkins, Director*

SITE PLAN APPROVAL LETTER
February 26, 2025

Kristie Blumer
Compost Crew
12343 Carroll Avenue
Rockville, MD 20852

Re: File #SP19-17 AP SP277005 Compost Crew at Utica Bridge Farms – Type 1 Site Plan approval

Dear Applicant:

The aforementioned plan has been approved. A digital stamped-approved PDF is available to download from the ProjectDox website.

This approval is granted with the understanding that all applicable conditions will be satisfied as the project moves forward to completion.

The approval period for this project is three (3) years from the date of the site plan approval and will expire on February 12, 2028.

If you have any questions concerning the matters stated herein, please do not hesitate to contact me.

Best regards,

Cody L. Shaw
Principal Planner II
Division of Planning and Permitting
Phone: 301-600-1145
cshaw@frederickcountymd.gov

THE LAW OFFICE OF MICHELE ROSENFELD LLC

June 5, 2025

Shannon Bohrer, Chair
Frederick County Board of Appeals
30 N. Market Street
Frederick MD 21071

RE: Compost Crew at Utica Bridge Farms (Reapproval)
Planning Commission File Number SP19-17 (AP SP277005 APFO A277003)
Site Development Plan Approval ("Site Plan")

Dear Chair Bohrer and Board Members:

Please accept this letter and the concurrently filed supplemental exhibits in support of my clients' opposition to the above-referenced Site Plan application. For the reasons explained here, and as substantiated by the exhibits and as will be further explained in testimony at the hearing in this case, this application fails to satisfy the site plan standards applicable to a commercial composting facility and should be DENIED, and that the Planning Commission's 2-3 approval of the Site Plan be reversed and vacated.

In the alternative, if not denied, it should be subject to additional conditions of approval listed at the end of this letter.

My clients are:

1. John and Amie St. Angelo who own and farm 7114A Lakeview Drive,[1] directly across Stull Road from the Site Plan property, and the adjoining farm at 10900 Hessong Bridge Road. Both farm have large aquaculture ponds (one 5 acres and the other 7-plus acres).
2. Zachary Matter and Victoria St. Angelo who live at 7114 Lakeview Drive
3. Luke and Valerie Myers, who own 10700 Stull Road.
4. Nicholas & Shannon St. Angelo who own and live at 10690 Stull Road.
5. Christoper and Ashley St. Angelo who own and live at 10670 Stull Road.

The the four adult children of Mr. and Mrs. St. Angelo, along with their families (with a total of 11 children under the age of five) live directly across the street from the proposed use. Their homes and properties are located within sight, sound and smell of the proposed use. See Exhibit 2 ("St. Angelo," "Child Lots" and "Site Plan" properties delineated).

I. General Background

My clients proffer that they will testify, under oath and based on first-hand knowledge, about their experience with offensive odors, well contamination, health-issue, noise, road access limitations and other site-specific issues.

[1] The St. Angelo property is owned by Lakeview LLC and Mr. and Mrs. St. Angelo are the sole members of that LLC.

It must be noted that the current Applicant – which is operating a commercial composting activity does not yet have valid site plan approval to continue to operate and has been operating for several years without (a) site plan approval; and (b) until April of this year, without the required Maryland Department of the Environment stormwater discharge permits, and without providing the required associated water sampling reports and without a County stormwater plan.

The Zoning Code makes absolutely clear that a "*Limited food waste composting: commercial activity"* greater than 5,000 square feet requires site plan approval and shall not exceed 10 acres in size."[2] Despite this requirement, after three months and multiple zoning enforcement requests on behalf of my clients, the Applicant still continues to operate, and in April of 2025 was managing nearly two acres of compost on the Property. Exhibit 030B (5.6.2025 Frederick County Notice of Violation).

The current Applicant is not licensed to operate any facility at this location, another material difference between this and the prior application. Applicant Compost Crew does not have a state license in their name (the prior applicant was Key City) and the license was in Key City's name in 2022. Exhibit 003. Moreover, Compost Crew's permit to sell compost - another commercial activity – was (and may still be) expired.

In addition, the current operating commercial use appears to be operating without the required MDE permit, which was issued to the prior owner (Key City) and is non-transferrable to a new owner. Exhibits 004, 005.

Former operator Key City holds the permit to operate the current composting facility. When Compost Crew bought the Key City business, the permit did not transfer to the business operator and owner. The permit says "Transfer of Ownership Authorization under this general permit is not transferable and authorizes only the signatory party to operate the permitted facility. In the event of any change in control or ownership of the property not caused by death of the permittee, the permittee shall notify the succeeding owner by certified mail of the existence of this general permit and of any outstanding permit noncompliance, a minimum of 60 calendar days prior to transferring control or ownership. A copy of this notification shall be forwarded to the Department at the same time." Upon information and belief, no such transfer has yet occurred.

II. Grounds for Site Plan Denial

The Site Plan should be denied for the following reasons:

1. The Applicant's MDE Stormwater Management Plan Cannot Be Implemented Consistent With The Approved Site Plan.

In the Applicant's 2020 MDE submission seeking approval for a General Permit, it proposedthe following Stormwater Management facilities:

1. A 24-foot wide, 4½-foot tall berm -downslope of a 20-foot wide swale, located around the perimeter of the composting piles.

[2] Zoning Code § 1-19-8.408(A)(3).

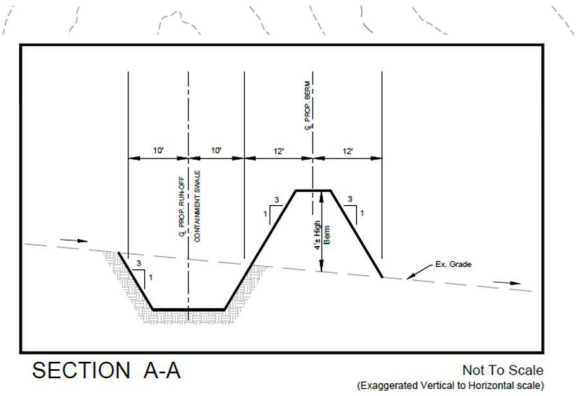


Figure 1 (Excerpted Exhibit 005A) (MDE SWM concept plan).

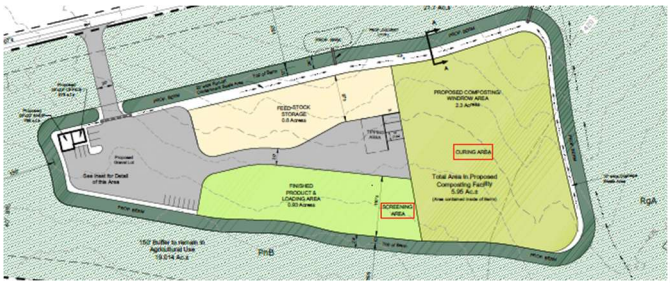


Figure 2 (Dark Green "ribbon" around facility represents "berm") (excerpted from Exhibit 005A. last page).[3]

In colloquy during the February 12, 2025 Planning Commission hearing, one Commissioner cautioned against the Planning Commission getting into the enforcement business with respect to matters regulated by MDE, saying "So I would advise the planning commission not to make a decision based on a concern for groundwater, because it's out of your wheelhouse. We'd also have to be very careful not to approve this with any conditions that would be contrary to the state approvals that have been granted already to this project."[4]

However, the Planning Commission did not have full information to assess this concern, because the Applicant failed to disclose to the Planning Commission that the Site Plan then under review is in conflict with the proposed stormwater management concept plan on file with MDE. Specifically, the stormwater management controls are designed in the same location as landscape planting, FRO and stormwater facilities shown on the approved Site Plan.

[3]Excerpt from Exhibit (Note 3).

3. AREA SUMMARY:

Total area of Site:	29 Acres±
Total area of Building Footprint:	1,344 s.f.±
Total area of Paving:	1.44 Ac.± (62,752 s.f.±)
Total area in Perimeter Berm:	1.3 Acres±
Total area of Composting Operation:	5.95 Acres±
Total area of Agricultural Use:	21.7 Acres±

[4] See February 12, 2025 hearing video: Planning Commission - Feb 12th, 2025.

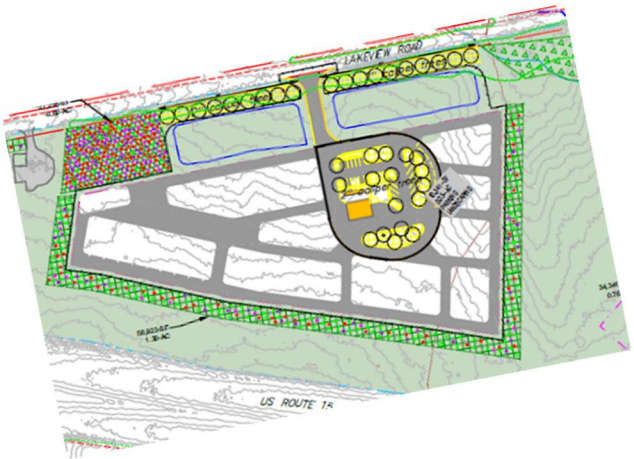


Figure 3 Excerpted from Exhibit 0018A (2025 Site Plan Landscaping Plan).

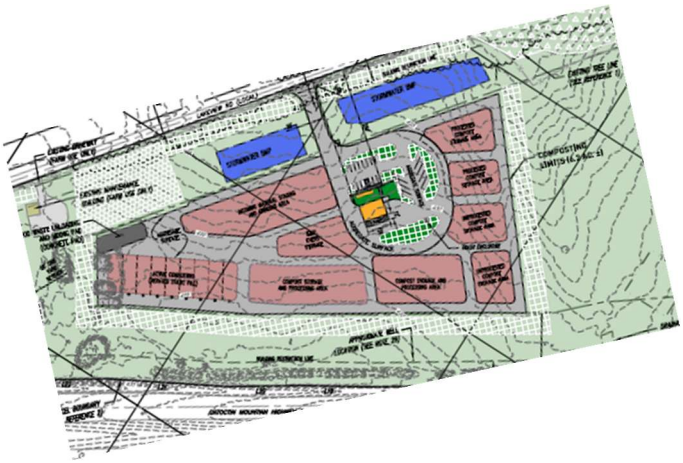
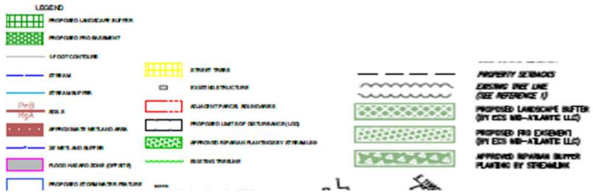


Figure 4 Excerpted from Attachment 5 (2025 Site Plan)



These inconsistencies are underscored by the recent enforcement actions taken by MDE (for lack of an industrial stormwater discharge permit, which we understand the Applicant received after my clients filed their appeal with the Board of Zoning Appeals) and by Frederick County for operating a "commercial compost facility at this location and exceeding the area allowed to be used." Exhibit 030B. Not only has the Applicant failed to adhere to state and County permitting requirements, it has not made any attempt to secure and comply with fundamental regulatory approvals necessary to legally operate this use. Rather than limit its commercial operations to 5,000 square feet, it expanded to nearly 80,000 square feet without (a) site plan approval; (b) stormwater management facilities; and (c) a state stormwater discharge permit.[5]

The Site Plan application should be denied because as currently submitted it cannot be fully implemented in a manner consistent with its state approvals.

2. **The Location of the "Concrete Food Waste And Dumping Pad" Is Located Where It Will Maximize Rather Than Minimize Noise, Odor, and Contaminated Contact Water Runoff, and Noxious Animal Attractant Impacts On Closest Properties In Direct Violation Of Governing Site Plan Design Requirements.**

Code Section 1-19-8.408(D) says: "Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line." Emphasis added.

Although the Staff Report describes a small existing composting facility on the site, at the time of the last inspection report made available to my clients, there were nearly 80,000 square

[5] Even the current Site Plan is incomplete and inaccurate. It fails to show two large storage container units located, evidently permanently, next to a small structure near the proposed Concrete Food Waste and Dumping Pad (Exhibit 007A), and justifies denial.

feet of compost. The unprocessed, raw composting materials are proposed in the Site Plan to be located directly across the street from my clients, while the less odorous and more stabilized compost material is located more distant from my clients.[6] See Figure 1.

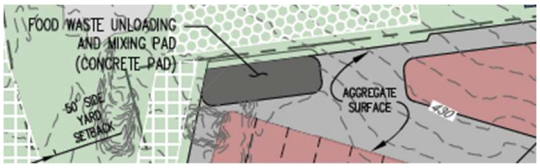


Figure 1 (excerpted from Site Plan): "Food Waste Unloading and Mixing Pad (Concrete Pad) directly across Stull Road from Client's Property.

Regardless of size, the existing commercial composting facility already generates offensive odors that frequently extend into my clients' property. Nothing in the operational or physical description of the proposed composting facility in any way addresses how future – and significantly greater – odors will be controlled. It must be noted that odors are carried by particulates, and my clients have experienced ongoing, persistent and highly offensive odors. They also have reason to believe, based on first-hand experience and confirmation from a medical doctor, that Mrs. Valerie St. Angelo Meyers' son and Zach Matter's two sons have medical conditions that are exacerbated – if not caused – by these conditions.[7]

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[6] We assert that these operations are in violation of Frederick County's Zoning Code which we interpret as allowing commercial compost facilities in excess of 5,000 square feet only upon site plan approval and implementation, and in violation of MDE requirements because the operator has changed without securing necessary MDE transfer of the governing permit to operate:

on the Compost area
being used, the area measured 256 X
311.Property is
supposed to only be Ag use at this time
which allows a 5000 sq
ft area to be used for the compost.

Excerpted from Exhibit 030B.

[7] "The process of composting is often divided into three major stages (sanitization, stabilization, and maturation) and involves the interrelated activities of a diverse range of microorganisms (Searl, 2008; Taha et al., 2007). These microorganisms become airborne, giving rise to fugitive emissions during the composting process, particularly during agitation activities, such as shredding, turning, and screening (Taha et al., 2006). The bioaerosol components studied and identified as potentially harmful (Searl, 2008; Swan et al., 2003) are:

- Fungi and fungal spores—including the thermotolerant species *Aspergillus fumigatus*.
- Bacteria—including gram-negative bacteria and the spore-producing gram-positive bacteria actinomycetes.
- Endotoxin—structural components of some bacteria released through cell wall damage, including lipopolysaccharides (LPS) or lipo-oligo-saccharides (LOS).
- Dust or particulate matter (PM) containing microbial fragments.
- Beta (1→3) glucans—polysaccharides found in the cell walls of certain fungi, particularly *Aspergillus* species."

"The main routes of exposure to bioaerosols are through ingestion and inhalation. The risk of occupational exposure to bioaerosols via ingestion may be controlled by application of good hygiene practices (Swan et al., 2003). Exposure to bioaerosols through inhalation is of most

The proposed Site Plan is based on 18 peak hour morning and evening trips: on average one food waste truck every three minutes in each peak hour arriving and leaving the site, dumping food waste on the concrete pad with each trip, each generating beeping, metal clanging, and the introduction of what will be a metal loader buckets scooping materials off the concrete pad in addition to other associated noise, odors and liquid.

This food is up to a week old (pickup occurs only once a week) and so already is well into decomposition, fermentation and liquification and stenchification. Missed pickups notated by customers can lead to month-old food being delivered to the mixing pad. In addition this food is transported from Virginia and other distant locations for more than an hour, often in very hot weather.

Odors associated with commercial composting are routine. "Odor is perhaps the most common problem associated with composting, and the failure to adequately address it has led to numerous neighbor complaints and the closure of many large-scale facilities."[8] "Odor has been referred to as the Achilles heel of composting."[9]

There was no evidence whatsoever in the staff report indicating if – let alone how - how the applicant intends to control odor other than general proffers of "composting facilities if properly run do not cause offensive odors." In addition, my clients have noted that the particulate matter and dust leaving the property stick in your throat and leave a taste in your mouth.

It bears repeating that this Unloading and Mixing Pad is the active use located closest to my clients' property and cannot satisfy that site design requirement.

The concrete pad which serves as the "Food Waste Unloading and Mixing Pad" on this 29-acre property, the location of the most noxious activity associated with the compositing facility and is located closest to my client's property and generates highly offensive smells .Please note that the waste can sit on the pad for up to 24 hours untreated.. This is a clear failure to satisfy Code § 1-19-3.300.4.A (approval criteria for site plans) which requires a finding that "Existing and anticipated surrounding land uses have been adequately considered in the design of the development and *negative impacts have been minimized through such means as building placement or scale*, landscaping, or screening, and an evaluation of lighting." My clients do not believe that landscaping or screening would do anything to mitigate these adverse impacts.

The concrete pad is where food and other organic waste trucks would dump the compost materials (including organic matter from the Baltimore Zoo and food waste from local restaurants and private homes), where liquids dripping from the waste trucks first land, and where there is no measure of control over odors. The waste dumping on the concrete slab constitutes the most odor producing and animal attracting (e.g., birds, rodents, feral cats, possums, racoons and snakes) activity, is the part of the site where the most activity occurs

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concern. Once airborne, bioaerosols may travel considerable distances and be potentially inhaled by workers at the composting sites, as well as nearby residents."
Exposures and Health Outcomes in Relation to Bioaerosol Emissions From Composting Facilities: A Systematic Review of Occupational and Community Studies - PMC (Emphasis added).

[8] https:///www.compost.ccs.cornell.edu/odors/odor.html

[9] https://www.waste360.com/composting/battling-composting-sites-top-problem-odor

(with multiple daily trucks dumping compost waste) and is the noisiest area. The most constant, audible and irritating sound are reverse warning beeping sounds from large heavy equipment continuously drives forward and backward as they mix the compost piles. This noise occurs daily, throughout a workday. Other noise includes trucks banging and clanging while offloading materials. Some of these animals carry raw food waste from the dumping pad and leave it in my clients' properties.

Please note that at this time there is no concrete mixing pad. It is unclear what barrier, if any, exists between raw food leachate and groundwater at this location.

The concrete pad located closest to residential homes and wells - presumably to prevent food waste runoff from entering the groundwater – but shows no control of liquid runoff from the concrete slab once it runs off the slab.

The record shows that this entire operation will occur outdoors without any coverings and without the benefit of any operational parameters (*e.g.*, limits on the type of organic materials that will be accepted or how often the compost will be aerated).

Without any affirmative evidence in the record to show how the applicant will address the issue of controlling odor dust, particulates, noise and nuisance animals to the confines of the Site Plan property, the application lacks evidence to support a finding that it can be approved under the standards established pursuant to § 1-19-8.408(D).

Based on the evidence now in the record, and the Code prohibition against a commercial compost facility generating odors that cross property lines, this standard has not been met. The applicant has not met its burden of proof with respect to this factor, site plan approval based on the existing record would be arbitrary and capricious, and the Site Plan should be denied.

3. **The Site Plan Lacks Any Evidence Demonstrating That "Food Waste" Would Be Incorporated Within 24 Hours Or That Liquids Would Be Controlled In A Manner To Prevent Contact Water Runoff During Offloading, Storage and Processing Of Waste Products" Further Exacerbating Odor and Runoff Concerns.**

Code § 1-19-8.408(K) says: All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes." This standard also is not addressed (or even quoted) in the staff report, and for the same reasons as noted above the Site Plan must be denied for lack of evidence in support of the application.

My clients testified at length about how their residential wells have repeatedly failed health testing, and have been advised that the suspected source of contamination is the existing compost facility. There is nothing on the Site Plan which shows how liquid runoff from the Concrete Food Waste And Dumping Pad – located within 500 feet of my client's well, would be controlled during offloading, storage or processing of this waste.

Some Planning Commission members expressed the view that this standard must be addressed as a post-approval enforcement action.

However, when the Site Plan itself is utterly devoid of any explanation of how these liquids will be controlled, and in the absence of any explanation of how these liquids will be managed, the record cannot support a finding that the application complies with this required Site Plan standard.

"Existing and anticipated surrounding land uses have been adequately considered in the design of the development and *negative impacts have been minimized through such means as building placement or scale*, landscaping, or screening, and an evaluation of lighting."[10]

The property at 10670 Stull Road - the one located closest to the facility - has had repeated failed well tests in the past three years, and the other Stull Road properties likewise have suffered from failed well tests. Exhibits 016B – 016D. The ditch along Stull Road tested positive for excessive e-coli levels in the last months, and alone serves as a basis to deny the site plan. Exhibit 016A. Moreover, the question of liquid runoff associated with this function has not been addressed at all in the Site Plan, providing yet another compelling basis for denial, because the placement and scale of these facilities have not been addressed adequately. Finally, it is our view that the leachate from vehicles delivering waste material (and as they leave), and from tires driven through the waste materials that have been dumped on the site, is deposited on the public roads, further fostering uncontrolled contact water runoff into the adjoining properties.

4. The Site Is Operating Without Any Stormwater Management Controls Resulting In Excessive And Unsafe Off-Site Runoff.

There are no stormwater management facilities on the property, and runoff is severe and, based on water testing, unsafe. The ditch along Stull well tested positive for e-coli in the last months. Exhibit 016A.



Exhibit 024. See also Exhibits 024B, 024C and 024D (video of stormwater during rain events).

5. The Site Plan Lacks Any Evidence Demonstrating How The Facility Will Prevent "Harboring or Breeding of Insects or Animals" and "Prevents Creation of Odor."

Code § 1-19-8.408(J) says: "All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment."

The staff report merely recites this provision of the Code and further says "This requirement must be complied with throughout the operation's lifespan." Exhibit 019, p. 8. Nothing in the Site Plan, the staff report or the Conditions indicate how this is to occur. Without any standards

[10] Code § 1-19-3.300.4.A (approval criteria for site plans).

in effect to ensure that these requirements can be met, there is no basis in the record to approve the Site Plan.

My clients testified about the significant number of cats, racoons and other nuisance animals which gather at the site, eating food waste scraps, to the point where they become a nuisance. There is no evidence in the record as to how or to what degree this nuisance will be managed.

Maryland law requires affirmative findings to support Site Plan applications, and simply reciting the Code standard is insufficient as a matter of law. There is no evidence on these points to support a finding of site plan approval, for the same reasons provided in Section II.1.

6. The Application Lacks The Required Turning Radius And Safe Vehicle Movement Information Required By The Code.

Code § 1-19-8.408(G) says: "The applicant shall submit a vehicle circulation plan indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided."

The staff report does not reference this Code provision, there is no information regarding turning radii into or out of the site, and there is no analysis that discusses "safe movement of all vehicles and equipment" on the site. This lack information is made worse by the fact that current traffic into the site routinely include large, and occasionally, "oversize load" truck and trailers. Exhibit 028. The question of adequate access into and out of the site, and safe vehicle circulation within the site, is more significant in this case given the modification requests seeking approval of an oversized loading space and five overlength parking spaces for larger trucks. For example, the Site Plan does not appear to provide passable drive aisles adequate to allow fire vehicles and other large rescue equipment access to combustible compost piles as per state and County regulations.

This is particularly true with respect to the vehicular access point to the Concrete Food Waste And Dumping Pad, which has no information at all even with respect to sight distance.

Lacking evidence in the record on this point, the Commission was not in a position to make an affirmative finding that the Site Plan satisfies the Code standards for this use. Even if this information is supplied in advance of the hearing, my clients are entitled to review and have an opportunity to have an expert consider any technical documents provided in support of this finding, which is not possible between now and the scheduled hearing.

III. Additional Conditions

Should the Board decide to approve the site plan, we request the following additional conditions be expressly added:

1. The APFO LOU should expressly require that as part of any road improvements that Stull Road which now has a "chip and tar" surface, be "paved" as required by the Zoning Code. There is a difference between the two, and paving is essential to support the hundreds of heavy vehicle trips weekly over this stretch of roadway.

2. Ingress/egress should be directed towards Hessong Bridge Road via Lakeview Road, which is already 20' wide and paved, rather than towards and onto rural Stull Road. These rural roads are highly used by the large Frederick County cycling community and by local residents for walking.

3. All site ingress and egress must continue to be directed by the Applicant to be only from Hessong Road, with a left-in-only and a right-out-only on Lakeview Road.

4. The applicant should be required to widen and pave Stull Road from Rt. 15 to Hessong Bridge Road, as a considerable amount of traffic travels from Lakeview Road to Hessong Bridge Road.

5. The "Agricultural" vehicular access point to the "farm" should be closed and any new entrance should be south on Lakeview Road.

6. The new Site Plan should be updated to show all-season traversable drive aisles adequate to serve fire/rescue equipment, as required by COMAR. These site plan modifications cannot be administratively approved by staff and the applicant must return for another public hearing.

7. There should be "no parking" and "no trucks allowed" signs installed on the northern portion of Lakeview Road the full length of its status as a public road (and stopping at the point it becomes the St. Angelo driveway).

8. The Applicant must designate and pay for a third-party independent inspector who will timely respond to complaints about noise, runoff and odors, as County and MDE staff are not available for timely inspections at those times.

9. All reports provided to MDE in connection with any permit requirements for this use must simultaneously be copied to Frederick County's Planning Department and filed in connection with this site plan approval.

10. The Applicant must weekly collect all trash collecting along abutting roads and ditches (both sides).

11. No composting beyond 5,000 square feet may occur until the Applicant has secured all necessary federal, County and state permits and licenses, and has implemented and is in compliance with all requirements of each of them.

12. No composting beyond 5,000 square feet may occur before the Applicant has fully and completely construction and/or complied with all site plan implementation requirements.

13. The Applicant must identify all equipment and limit that equipment to those pieces allowed to operate in residential areas.

14. If site changes are required as the result of stormwater management plan review those changes cannot be administratively approved by staff and the applicant must return for another public hearing.

IV. CONCLUSION

For all of the reasons stated herein, we ask that the Board of Zoning Appeals DENY the site plan application.

We reserve the right to supplement this testimony during the public hearing.

Respectfully Submitted,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld

March 14, 2025

Shannon Bohrer, Chair
Frederick County Board of Appeals
30 N. Market Street
Frederick MD 21071

RE: Compost Crew at Utica Bridge Farms (Reapproval)
Planning Commission File Number SP19-17 (AP SP277005 APFO A277003)
Site Development Plan Approval ("Site Plan")

Dear Chair Bohrer and Board Members:

Please accept this appeal of the Planning Commission's approval of Compost Crew at Utica Bridge Farms (Reapproval) Site Development Plan No. SP19-17 (AP SP277005 APFO A277003, filed on behalf of my clients:

1. John and Amie St. Angelo who own and farm 7114A Lakeview Drive,[1] directly across Stull Road from the Site Plan property, and the adjoining farm at 10900 Hessong Bridge Road. Both farm have large aquaculture ponds (one 5 acres and the other 7-plus acres).
2. Zachary Matter and Victoria St. Angelo who live at 7114 Lakeview Drive
3. Luke and Valerie Myers, who own 10700 Stull Road.
4. Nicholas & Shannon St. Angelo who own and live at 10690 Stull Road.
5. Christoper and Ashley St. Angelo who own and live at 10670 Stull Road.

The Planning Commission voted to approve the application by a 3-2 vote.

There is no written Planning Commission decision in this matter. Exhibit 1 (2/27/2025 Email from Planning Commission's legal counsel.)

My clients' adult children, and their 11 grandchildren (all 5 years old and younger) live within sight, sound and smell of the proposed use. See Exhibit 2 ("St. Angelo," "Child Lots" and "Site Plan" properties delineated).

My clients opposed the Site Plan at the Planning Commission's February 12, 2025 public hearing and seek Board of Appeals' review of the Planning Commission approval.

We request that the Board reverse and vacate the Planning Commission decision under its authority as set forth in Frederick County Zoning Code § 1-19-3.32(D)[2] for the reasons explained in this appeal.

[1] The St. Angelo property is owned by Lakeview LLC and Mr. and Mrs. St. Angelo are the sole members of that LLC.

[2] The Board may, "in conformity with Md. Ann. Code, Land Use Article, as amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken."

The Site Plan Applicant (Utica Bridge Farms LLC, or "Current Applicant") represented that it merely seeks "reapproval" of a previously-approved site plan granted to a different applicant. The Current Applicant's assertion before the Planning Commission that this prior approval enjoys some level of deference was inaccurate. The current record is materially different from the last one in a number of material ways:

1. In the most recent hearing my clients testified, under oath and based on first-hand knowledge, about their experience with offensive odors, well contamination (9 failed bacteria tests), health-issue, noise, nuisance-level bird activity (at a time when avian flu is a significant nationwide health concern) and racoons, possums, feral cats and vectors (birds), truck activity blocking road access and other site-specific issues which were not raised as direct evidence during the 2022 Planning Commission hearing. This testimony introduced material factual evidence which was not entered into the 2022 site plan proceedings and which differentiates the 2025 application hearing record from the 2022 hearing record.

2. The Current Applicant at this time is allowing and conducting commercial composting activity which requires (and has not received) site plan approval to continue to operate. "*Limited food waste composting: commercial activity.* Activities and operations require site plan approval and shall not exceed 10 acres in size."[3] This site plan requirement was not addressed at the 2022 hearing and, at this time, it is clear that the ongoing operation is a commercial (not agricultural) use.

3. The Current Applicant is not licensed to operate any facility at this location, another material difference between this and the prior application. Exhibit 3, Exhibit 4. The permit, held by Resolution Solutions LLC, does not transfer automatically to a new business owner.

   The current operating commercial use appears to be operating without the required MDE permit, which was issued to the prior operator and is non-transferrable to a new owner. This appears to be an ongoing violation of State law which did not exist at the time of the 2022 hearing and is new information. Exhibit 5 p. 15. The permit explicitly says:

   > "Transfer of Ownership Authorization under this general permit is not transferable and authorizes only the signatory party to operate the permitted facility. In the event of any change in control or ownership of the property not caused by death of the permittee, the permittee shall notify the succeeding owner by certified mail of the existence of this general permit and of any outstanding permit noncompliance, a minimum of 60 calendar days prior to transferring control or ownership. A copy of this notification shall be forwarded to the Department at the same time."

4. The Rural Roads Commission did not exist in 2022 when the original site plan was considered. It is now established to ensure the protection and preservation of rustic roads, two impacted by this site plan application. Stull Road is a designated rural road (tar-and-chip) which is not striped and has no posted speed limit. Lakeview Road was a candidate rural road whose value was also recognized by the Commission.

   This information is a matter of public record and the Board of Appeals can take administrative notice of them, and they confirm additional factual changes which have occurred since 2022.

[3] Zoning Code § 1-19-8.408(A)(3).

Maryland's "Change of Mind" Principle Does Not Limit Board Discretion In This Case

While an agency may not reverse an earlier decision simply because of a "change of mind," it certainly has the authority to do so if presented with new factual information. "An agency . . . not otherwise constrained, may reconsider an action previously taken and come to a different conclusion upon a showing that the original action was the product of fraud, surprise, mistake, or inadvertence, or that *some new or different factual situation exists that justifies the different conclusion*." *Halici v. City of Gaithersburg*, 180 Md. App. 238, 265, 949 A.2d 85, 101 (2008), citing *Calvert County Planning Comm'n v. Howlin Realty Mgmt., Inc.,* 364 Md. 301, 325, 772 A.2d 1209 (2001)). In this case the Planning Commission was presented with first-hand sworn testimony from my clients confirming that the currently-operating facility emits noxious odors, offensive noise, attracts flocks of nuisance birds, and trucks delivering food waste block the local road.

The applicant is not the same applicant, the evidence presented to the Planning Commission in 2025 by my clients confirms that the existing facility continues to operate in violation of the law both with respect to noise, odors and nuisance but my clients have since confirmed that the Applicant does not have a composing permit from MDE to operate the current commercial composting use, and does not have the requisite site plan approval to operate the current composting use.

This information offers more than ample grounds to deny the subject application, as more fully explained herein.

I. Grounds for Site Plan Denial

The Site Plan should be denied for any one of the following reasons:

1. The Existing Commercial Compost Facility Already Emits Odors That Cross The Site Plan Property Line And Intensification Of The Use Would Violate The Zoning Code's Prohibition Against Composting Odors Leaving The Site.

Code Section 1-19-8.408(D) says: "Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line." Emphasis added.

There is a small existing composting facility on the site. Staff Report p. 1. Although the proposed facility has a Lakeview Drive address, the bulk of the operations are proposed to be located directly across the street from my clients. See Figure 1.

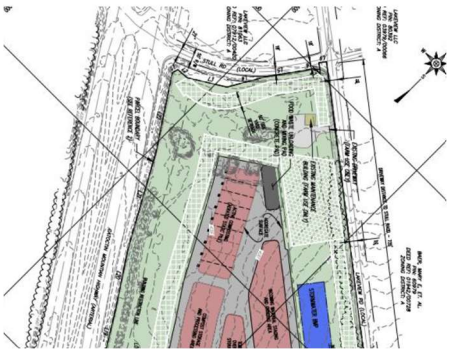


Figure 1 (excerpted from Site Plan): "Food Waste Unloading and Mixing Pad (Concrete Pad) directly across Stull Road from Client's Property.

The existing commercial composting facility (which the applicant proffered is less than 5,000 square feet in size but which my clients dispute) already generates offensive odors that frequently extend into my clients' property. Nothing in the operational or physical description of the proposed composting facility in any way addresses how future – and significantly greater – odors will be controlled.

The proposed Site Plan is based on 18 peak hour morning and evening trips: on average one food waste truck every three minutes in each peak hour arriving and leaving the site, dumping food waste on the concrete plan with each trip, each generating beeping, metal clanging, and the introduction of what will be a metal loader scoop lifting materials off the concrete pad in addition to other associated noise, odors and liquid.

This food is up to a week old (pickup occurs only once a week) and so already is well into decomposition, fermentation and liquification and stenchification.

While the composting process itself may not generate offensive odors, the process of delivery and relocating food waste to be composted absolutely does.

Odors associated with commercial composting are routine. "Odor is perhaps the most common problem associated with composting, and the failure to adequately address it has led to numerous neighbor complaints and the closure of many large-scale facilities."[4] "Odor has been referred to as the Achilles heel of composting."[5]

There was no evidence whatsoever in the staff report indicating if – let alone how - how the applicant intends to control odor other than general proffers of "composting facilities if properly run do not cause offensive odors".

It bears repeating that this Unloading and Mixing Pad is the active use located closest to my clients' property.

My client's experience is vastly different.

Not only is the existing commercial compost operation generating significant offensive waste, the Site Plan shows a "Food Waste Unloading and Mixing Pad" (a concrete slab") on this 29-acre property as the composting activity located closest to my client's property, and this activity generates highly offensive smells.

This is where food and other organic waste trucks dump the compost materials (including organic matter from the Baltimore Zoo and food waste from local restaurants and private homes), where liquids dripping from the waste trucks first land, and where there is no measure of control over odors. The waste dumping on the concrete slab constitutes the most odor producing and animal attracting (birds and rodents) activity, is the part of the site where the most activity occurs (with multiple daily trucks dumping compost waste), and is the noisiest area (trucks banging and clanging while offloading).

The concrete pad located closest to residential homes and wells - presumably to prevent food waste runoff from entering the groundwater – but shows no control of liquid runoff from the concrete slab once it runs off the slab.

[4] https:///www.compost.ccs.cornell.edu/odors/odor.html

[5] https://www.waste360.com/composting/battling-composting-sites-top-problem-odor

The record shows that this entire operation will occur outdoors without any coverings and without the benefit of any operational parameters (*e.g.*, limits on the type of organic materials that will be accepted or how often the compost will be aerated).

Without any affirmative evidence in the record to show how the applicant will address the issue of controlling odor to the confines of the Site Plan property, the application lacks evidence to support a finding that it can be approved under the standards established pursuant to § 1-19-8.408(D).

More specifically, it does not comply with the Site Plan review standards, including Code § 1-19-3.300.4.A (approval criteria for site plans) requires a finding that "Existing and anticipated surrounding land uses have been adequately considered in the design of the development and *negative impacts have been minimized through such means as building placement or scale*, landscaping, or screening, and an evaluation of lighting."

Based on the evidence now in the record, and the Code prohibition against a commercial compost facility generating odors that cross property lines, this standard has not been met. The applicant has not met its burden of proof with respect to this factor, site plan approval based on the existing record would be arbitrary and capricious, and the Site Plan should be denied.

2. The Site Plan Lacks Any Evidence Demonstrating That "Food Waste" Would Be Incorporated Within 24 Hours Or That Liquids Would Be Controlled In A Manner To Prevent Runoff During Offloading, Storage and Processing Of Waste Products."

Code § 1-19-8.408(K) says: All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes." This standard also is not addressed (or even quoted) in the staff report, and for the same reasons as noted above the Site Plan must be denied for lack of evidence in support of the application.[6]

My clients testified at length about how their residential wells have repeatedly failed health testing, and have been advised that the source of contamination is the existing compost facility. There is nothing on the Site Plan which shows how liquid runoff from the compost slab – located within [/// feet] of my client's well, will be controlled during offloading, storage or processing of this waste.

Some Planning Commission members expressed the view that this standard must be addressed as a post-approval enforcement action.

However, when the Site Plan itself is utterly devoid of any explanation of how these liquids will be controlled, and in the absence of any explanation of how these liquids will be managed, the record cannot support a finding that the application complies with this required Site Plan finding:

"Existing and anticipated surrounding land uses have been adequately considered in the design of the development and *negative impacts have been minimized through such means as building placement or scale*, landscaping, or screening, and an evaluation of lighting."[7]

[6] Nor is there any explanation of how food which may be related to food recalls (including listeria) to be handled.

[7] Code § 1-19-3.300.4.A (approval criteria for site plans).

The concrete mixing slab is a feature of this Site Plan application and liquid runoff associated with this function has not been addressed and the Site Plan must be denied.

3. **The Site Plan Lacks Any Evidence Demonstrating How The Facility Will Prevent "Harboring or Breeding of Insects or Animals" and "Prevents Creation of Odor."**

Code § 1-19-8.408(J) says: "All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment."

This was addressed in the 2022 Staff Report which merely say "This requirement must be complied with throughout the operation's lifespan." Report p. 8. Nothing in the Site Plan, the staff report or the Conditions indicate how this is to occur. Without any standards in effect to ensure that these requirements can be met, there is no basis in the record to approve the Site Plan.

My clients testified about the significant number of birds which gather at the site, eating food waste scraps, to the point where they become a nuisance. There is no evidence in the record as to how or to what degree this nuisance will be managed.

Maryland law requires affirmative findings to support Site Plan applications, and simply reciting the Code standard is insufficient as a matter of law. There is no evidence on these points to support a finding of site plan approval, for the same reasons provided in Section II.1.

4. **The Application Lacks The Required Turning Radius And Safe Vehicle Movement Information Required By The Code.**

Code § 1-19-8.408(G) says: "The applicant shall submit a vehicle circulation plan indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided."

The staff report does not reference this Code provision, there is no information regarding turning radii into or out of the site, and there is no analysis that discusses "safe movement of all vehicles and equipment" on the site. The question of adequate access into and out of the site, and safe vehicle circulation within the site, is more significant in this case given the modification requests seeking approval of an oversized loading space and five overlength parking spaces for larger trucks.

Lacking evidence in the record on this point, the Commission was not in a position to make an affirmative finding that the Site Plan satisfies the Code standards for this use. Even if this information is supplied in advance of the hearing, my clients are entitled to review and have an opportunity to have an expert consider any technical documents provided in support of this finding, which is not possible between now and the scheduled hearing.

5. **The Site Plan Impedes the Rustic Road Designation for Stull Road.**

Stull Road is a designated rustic road and as such has a "chip and tar" surface, and nothing in the APFO LOU requires that the road be "paved" to current County road standards. Moreover, Stull Road was designated a rural road after the 2022 hearing, and the introduction of the volume of truck traffic necessary to serve this facility will be visually and physically detrimental to this designation.

Widening and restriping (as required by the APFO LOU) is directly contrary to this September 2022 recommendation by the Frederick County Rural and Scenic Roads Advisor Committee: "Any work undertaken on an existing designated Rural Road or on any road included on the Candidate Road list, including work already contracted for, should not result in detrimental changes to the roadway width, surface type, surface thickness, or right-of-way tree inventory. The Division of Public Works is responsible for monitoring contractors' adherence to this requirement."[8] Exhibit 6 p. 5.

Instead, ingress/egress should be directed towards Hessong Bridge Road, already 20' wide and paved, rather than towards and onto rural Stull Road. These rural roads are highly used by the large Frederick County cycling community and by local residents for walking.

III. The Board of Appeals Must Hold A De Novo Hearing

Contrary to Maryland law, the Planning Commission did not issue findings of fact and conclusions of law to support its decision. As a result, the Board of Appeals has no basis to understand the Commission's decision and must hold a *de novo* hearing in order to understand the evidence of record, assess the credibility of witnesses, and determine what weight to give the evidence. This case was complex, and decided on a 3-2 vote, confirming that the factual and legal issues raised were challenging.

IV. Conclusion

We ask that the Board of Appeals hold a de novo hearing and DENY the Site Plan application for the reasons stated herein.

We reserve the right to supplement this testimony during the public hearing.

Respectfully Submitted,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld

[8] We note that the APFO LOU does not stipulate that the fronting roads must be "paved," which is required by the zoning code, but submit that paving would be contrary to the rustic road designation of these roads.

Exhibit 1

Outlook

RE: Key City Compost at Utica Bridge Farms: SP19-17

From Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Date Thu 2/27/2025 11:49 AM
To Michele Rosenfeld <michele@marylandpropertylaw.com>

The Planning Commission does not issue written decisions. Their decision is the motion that passed.

Thanks.

Kathy

Kathy L. Mitchell
Senior Asst. County Attorney
Frederick County
12 East Church Street
Frederick, Maryland 21701
Kmitchell2@FrederickCountyMD.gov
301-600-6054
240-224-2649 (cell)

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From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Thursday, February 27, 2025 10:13 AM
To: Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: Key City Compost at Utica Bridge Farms: SP19-17

[EXTERNAL EMAIL]

Hi Kathy:

Has the Planning Commission issued a written decision in this case? If so, would you please forward it to me?

Thanks, Michele

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

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Office Hours: M-F 8:30 - 5:00

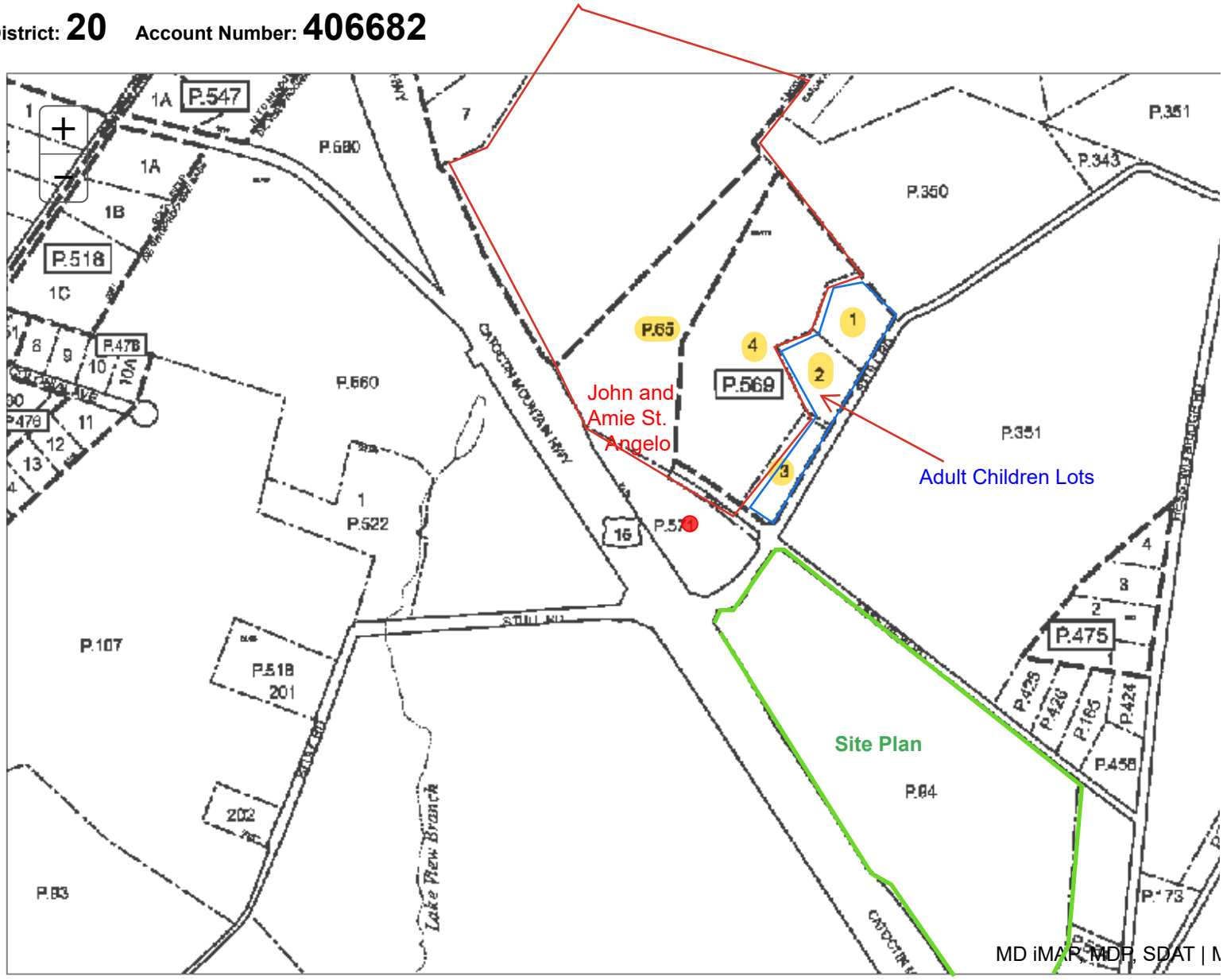


Exhibit 2

New Search (https://sdat.dat.maryland.gov/RealProperty)

Frederick County

District: 20 **Account Number: 406682**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at **www.plats.net (http://www.plats.net)**.

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at **http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx (http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx)**.

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Larry Hogan
Governor

Land and Materials Administration • Resource Management Program
1800 Washington Boulevard • Suite 610 • Baltimore, Maryland 21230-1719
410-537-3314 • 800-633-6101 x3314 • www.mde.maryland.gov

Maryland
Department of the Environment

General Composting Facility Registration
Registration Number: 2021-GCF-0023

EFFECTIVE DATE: April 28, 2021 **EXPIRATION DATE:** March 27, 2026

Issued to: Resolution Solutions, LLC

Authorizing: Coverage under the General Composting Facility Permit (GP-CF01), which is issued in accordance with February 1, 2021 Notice of Intent for General Composting Facility Permit and November 30, 2020 Composting Facility Operations Plan.

At: Key City Compost at Utica Bridge Farm Composting Facility located at 10661 Stull Road in Thurmont, Frederick County, Maryland 21788.

This permit is issued pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and is subject to the attached terms and conditions, and compliance with all applicable laws and regulations.

Kaley Laleker, Director
Land and Materials Administration

MARYLAND DEPARTMENT OF THE ENVIRONMENT
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COMPOSTING FACILITIES - PERMITTING & OPERATIONAL STATUS

January 2025

County	Facility Name	Facility /Feedstock Type	Feedstock Capacity Tons/Year	Address	Operator	Contact	Telephone	Permiiting & Operational Status
Anne Arundel	Millersville Landfill and Resource Recovery Facility Composting Pad	Tier I - Yard Trimmings	35,000	389 Burns Crossing Road, Severn, MD 21144	WeCare Denali, LLC.	Sarah Harrison, Environmental Director	229-326-1149	Operating - GCFP Issued 4/6/2021
	Tolson & Associates LLC	Tier I - Yard Trimmings	25,000	End of Capitol Raceway Road, Crofton, MD 21114	Tolson & Associates LLC	Michael Ensor, Agent	301-428-0800	Operating - GCFP Issued 4/2/2021
	Veteran Compost - Lothian	Tier II Small - Food Scraps/ Manure/ Wood Chips	24,000	4900 Sands Road, Lothian, MD 20711	Garrity Renewables, LLC	Justen Garrity, President	410-935-6404	Planned - GCFP Issued 4/15/2021
Baltimore	Eastern Sanitary Landfill Solid Waste Management Facility	Tier I - Yard Trimmings	20,000	6259 Days Cove Road, White Marsh, MD 21162	Baltimore County DPW	Nicholas Rodricks, Chief	410-887-2794	Operating - Refuse Disposal Permit Issued 5/7/2020
Baltimore City	Charm City Compost Facility	Tier II Large - Food Scraps /Manure/Yardwaste	89,000	3501 E. Biddle Street, Baltimore, MD 21213	Charm City Compost, LLC	Gabriela Santa Cruz	202-718-9599	Planned-GCFP Issued 6/13/2024
Caroline	Twin Maples Compost Facility	Tier II Large - Food Scraps /Manure	15,000	14130 Clarks Lane, Ridgley, MD 21660	Mid Atlantic Organics Resource Company LLC	Mark Jastram, General Manager	443-477-4598	Operating - GCFP Issued 4/9/2021
Carroll	WeCare Denali Composting Facility	Tier I - Yard Trimmings	60,000	7901 Kabik Court, Woodbine, MD 21797	WeCare Denali, LLC.	Sarah Harrison, Environmental Director	229-326-1149	Operating - ICFP Issued 11/15/2019
Cecil	Cecil County Central Landfill	Tier I - Yard Trimmings	10,000	758 E. Old Philadelphia Road, Elkton, MD 21921	Cecil County DPW	Craig Marker, Manager	410-996-8373	Operating - Refuse Disposal Permit Issued 6/7/2019
	West Coast Mushrooms	Tier II Large - Hay /Straw/Poultry Litter/Cotton Seed/Corn Stover	35,000	342 Hopewell Road, Rising Sun, MD 21911	West Coast Mushrooms Inc.	Charles Lasito, Manager	410-658-7699	Operating - GCFP Issued 5/21/2021
Charles	Calvert Wood Recycling	Tier I - Yard Trimmings/NWW	5,000	6585 Ripley Road, La Plata, MD 20646	Calvert Wood Recycling, LLC	Randy Whitsell, Manager	301-743-9011	Operating - GCFP Issued 6/22/2021
Frederick	Frederick County Department of Solid Waste Management	Tier I - Yard Trimmings	25,000	9031 Reiches Ford Road, Frederick, MD 21704	Frederick County DPW	Phil Harris, Director	301-600-2923	Operating - Refuse Disposal Permit Issued 1/5/2021
	Key City Compost at Utica Bridge Farm	Tier II Small - Yard Trimmings, Food Scraps, Manure etc.	20,000	10661 Stull Road, Thurmont, MD 21788	Resolution Solutions, LLC	Phil Westcott, President	240-608-0283	Operating - GCFP Issued on 4/28/2021
Harford	Harford Waste Disposal Center Mulch Compost Facility	Tier I - Yard Trimmings/NWW	50,000	3139 Scarboro Road, Street, MD 21154	MES	David Gostomski, Manager	410-638-3018	Operating - GCFP Issued 4/26/2021
	Veteran Compost - Aberdeen	Tier II Small - Food Scraps /Manure/Wood Chips	24,000	328 Bush Chapel Road, Aberdeen, MD 21001	Garrity Renewables, LLC	Justen Garrity, President	410-939-6404	Operating - GCFP Issued 5/21/2021
Howard	Composting Facility at Alpha Ridge Landfill	Tier II Large - Food Scraps /Yard Trimmings/Manure	12,000	2350 Marriottsville Road, Marriottsville, MD 21104	Howard County DPW	Mark DeLuca, Chief	410-313-4414	Operating - GCFP Issued 5/21/2021
	Level Land Lisbon Mulch Yard	Tier I - Yard Trimmings	6,250	1000 Madison Street, Lisbon, MD 21765	Level Land Inc.	Justin Brendel, Operator	410-489-5206	Operating - GCFP Issued 6/22/2021
Montgomery	Montgomery County Yard Trim Composting Facility	Tier I - Yard Trimmings	77,000	21210 Martinsburg Road, Dickerson, MD 20842	MES	Greg Africa, Chief	410-729-8379	Operating - GCFP Issued 6/2/2021
	ACME Biomass Reduction, Inc.	Tier I - Yard Trimmings	19,000	21601 New Hampshire Ave, Brookeville, MD 20833	ACME Biomass Reduction, Inc.	Caitlin Sherwood, Manager	240-774-2968	Operating - GCFP Issued 6/22/2021
	Aspen Nursery	Tier I - Yard Trimmings	1,250	15710 New Hampshire Ave, Silver Spring, MD 20905	Aspen Landscape Contractors Inc.	Michael Grodin, President	301-384-4800	Operating - GCFP Issued 6/2/2021
	Compost Crew at Wasche Farm	Tier II Small - Yard Trimmings, Food Scraps, Manure etc.	20,000	18930 Wasche Road, Dickerson, MD 20842	Compost Crew, Inc., A Benefit Corporation	Kristie Blumer, Senior Director	301-202-4450	Planned - GCFP Issued 6/12/2023
Prince George's	Prince George's County Organics Composting Facility	Tier II Large - Food Scraps /Yard Trimmings	69,000	6550 S.E Crain Highway, Upper Marlboro, MD 20772	MES	Steven Birchfield, Operator	240-712-1021	Operating - GCFP Issued 6/2/2021
	City of College Park	Tier I - Yard Trimmings	5,600	9217 51st Avenue, College Park, MD 20740	City of College Park	Jonathan Nagelvoort, Assistant Director	240-508-2683	Operating - GCFP Issued 6/2/2021
Washington	40 West Landfill	Tier I - Yard Trimmings	5,000	12630 Earthcare Road, Hagerstown, MD 21740	Washington County DPW	David A. Mason, D Director	240-313-2634	Operating - Refuse Disposal Permit Issued 12/2/2019
Worcester	Ocean Compost	Tier II Small - Food Scraps /Yard Trimmings	500	11925 St. Martins Neck Road, Bishopville, MD 21813	Ocean Compost, LLC	Garvey Heiderman	443-783-4835	Operating - GCFP Issued 9/1/2023

GCFP - General Composting Facility Permit
ICFP - Individual Composting Facility Permit
Tier II Large - Produces > 10,000 cubic yard of compost

MARYLAND DEPARTMENT OF THE ENVIRONMENT

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GENERAL COMPOSTING FACILITY PERMIT

Permit No. GP-CF01

Effective Date: March 28, 2021 ***Expiration Date: March 27, 2026***

PART I. COVERAGE UNDER THIS GENERAL PERMIT:

A. Property Rights

Authorization conveyed under this general permit does not convey any property rights in either real or personal property, or any exclusive privilege or franchise, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

B. Suspension or Revocation

1. In addition to other reasons authorized by statute or regulations, coverage under this general permit may be suspended or revoked if the permittee lacks, or is in violation of, any federal, State or local approval necessary to conduct the activity authorized by this general permit, including a local zoning or land use approval.

2. In addition to other reasons authorized by statute or regulation, after written notification and an opportunity to request a hearing, the Department may suspend, revoke, or modify coverage under this general permit if the Department finds that:

   a. False or inaccurate information was contained in the Notice of Intent (NOI) or Composting Facility Operations Plan (CFOP) submitted to the Department, or in any other information required to be submitted to the Department under this general permit;

   b. As part of a regulated activity by a permittee, there is or has been a violation of:

      i. Any applicable State law or regulation;

      ii. Any term or condition of this general permit;

      iii. Any term or condition of a State or National Pollutant Discharge Elimination System (NPDES) discharge permit issued under Code of Maryland Regulations (COMAR) 26.08.02.09 or COMAR 26.08.04; or

      iv. Any term or condition of an air quality permit issued under COMAR 26.11.02;

   c. Substantial deviation from the CFOP submitted to the Department has occurred, as determined by the Department;

   d. The Department or an authorized representative of the Department has been refused entry to the premises for the purpose of inspecting or sampling to ensure compliance with the terms and conditions of this general permit;

e. Conditions exist which are causing or may cause an undue risk to the environment or public health, safety, or welfare as may be determined by the Department;

f. The permittee has been negligent or incompetent in operating the composting facility; or

g. Any other good cause exists for suspending, revoking, or modifying authorization under this general permit.

3. In addition to other reasons authorized by statute or regulation, the Department may immediately suspend or revoke coverage under this general permit in accordance with COMAR 26.04.11.16A(2) if the Department determines there is an immediate and substantial threat to the environment, public health, safety, or welfare.

C. Administrative, Civil, and Criminal Liability

Nothing in this general permit shall be construed to preclude the institution of any legal action nor to relieve the permittee from administrative, civil, or criminal responsibilities and/or penalties for non-compliance with Title 9 of the Environment Article, Annotated Code of Maryland, or any federal, local, or other State law or regulations.

D. Right of Entry

The permittee shall allow the Department's authorized representatives, at reasonable times and upon presentation of credentials to:

1. Enter the facility covered under this general permit or any location where records are required to be kept under the terms and conditions of this general permit;

2. Have access to and copy any records required to be kept under statute, regulation, or the terms and conditions of this general permit;

3. Inspect any equipment or process regulated under this general permit;

4. Inspect any collection, treatment, pollution management or control facilities, or transport vehicles regulated under this general permit;

5. Sample waste, feedstocks, compost, groundwater, surface water, contact water, stormwater, soil, or vegetation on the site of the facility authorized by this general permit; and

6. Obtain photographic documentation or evidence.

E. Applicability

This authorization applies to a person choosing to operate a Tier 1 or Tier 2 composting facility in the State of Maryland under the provisions of this general permit.

F. Authorization and Authority

To be authorized to operate under this general permit, a person is required to submit a NOI and CFOP in accordance with COMAR 26.04.11.11 and to comply with all the terms and conditions of this general permit and any other requirements of law and regulation.

The Department may require a person to obtain an individual Composting Facility Permit if the Department determines site-specific permit conditions are necessary to ensure compliance with the general restrictions in COMAR 26.04.11.04B, facility location and design requirements in COMAR 26.04.11.08, or operating requirements in COMAR 26.04.11.09.

Authority for this general permit is Environment Article, §§9-1701 and 9-1725, Annotated Code of Maryland, and COMAR 26.04.11.05—.06 and .11.

G. Effective Date of Coverage

Authorization to operate a composting facility is effective on the date the Department acknowledges receipt and approval of the NOI and a CFOP that meets the requirements of COMAR 26.04.11.

H. Local Requirements

1. Nothing in this general permit authorizes the construction or the operation of the facility in violation of local government laws or regulations, including planning, zoning, and land use requirements.
2. The issuance of this general permit does not prevent any duly authorized local authority from taking action to enforce applicable local laws and regulations, including zoning, planning, and land use requirements.

PART II REQUIRED INFORMATION:

A. Required Information

All of the following must be accessible at all times and must be available on site at the facility prior to commencement of operations under this general permit:

1. A current version of the CFOP, including any updates and all information required to be included under COMAR 26.04.11.09B(1);
2. An erosion and sediment control plan that meets the requirements of COMAR 26.17.01 and has been approved by the local soil conservation district or appropriate approving authority, if required;
3. A grading permit as required by the local jurisdiction;
4. An approved stormwater management plan as required by the local jurisdiction; and

5. Copies of all other applicable permits required under local, State, or federal laws, including the General Permit for Stormwater Discharges Associated with Industrial Activity, if required, and the air Permit to Operate and/or Permit to Construct, if required.

B. Submission of a Revised NOI or CFOP

1. A permittee shall submit a revised NOI a minimum of 60 calendar days before either of the following changes occurs:
   a. A Tier 1 Facility becomes a Tier 2 Facility by beginning to accept Type 2 feedstocks; or
   b. A Tier 2 Small Facility becomes a Tier 2 Large Facility by increasing production to greater than 10,000 cubic yards of compost per year.
2. The permittee shall submit to the Department with the revised NOI an updated CFOP incorporating any proposed operational changes to be made in association with a change in facility tier.
3. Prior to the occurrence of a change in facility tier, the facility shall:
   a. Comply with all requirements of COMAR 26.04.11 and of this general permit applicable to the new facility tier; and
   b. Receive written acknowledgement and approval from the Department of the revised NOI and CFOP.
4. If the permittee revises the CFOP for a reason other than a change in facility tier, the permittee shall submit to the Department a copy of the revised CFOP prior to changing operations.

PART III. CONDITIONS FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF THE FACILITY:

A. Feedstocks Authorized

1. The permittee is authorized to accept, process, and store only Type 1 and Type 2 feedstocks listed in the facility's current CFOP. This general permit does not authorize acceptance, processing, or storage of Type 3 feedstocks.
2. Under this permit, Type 1 feedstocks includes:
   a. Yard waste, which is defined as organic plant waste derived from gardening, landscaping, and tree trimming activities, including leaves, garden waste, lawn cuttings, weeds, and prunings;
   b. Wood materials, including wood chips or shavings, that are unpainted, untreated, unlaminated and free from contamination by bonding agents, dyes, finishes, chemical preservatives, or physical contaminants such as metal or plastic, and are mixed with other Type 1 or Type 2 feedstocks during active composting as a bulking agent or carbon source; and

c. Other materials that the Department determines pose a low level of risk from hazardous substances, human pathogens, and physical contaminants.

3. Under this permit, Type 2 feedstocks includes:

   a. Source-separated, pre-consumer and post-consumer food scraps and non-recyclable paper;

   b. Animal manure and bedding;

   c. Industrially produced food processing materials, including industrial poultry and seafood residuals;

   d. Animal mortalities;

   e. Manufactured organic materials such as waxed-corrugated cardboard, non-coated paper, and compostable products; and

   f. Other materials that the Department determines pose a low level of risk from hazardous substances, and a higher level of risk from physical contaminants and human pathogens, compared to Type 1 feedstocks.

4. Type 3 feedstocks includes:

   a. Sewage sludge and biosolids, as defined in COMAR 26.04.06.03;

   b. Used diapers;

   c. Mixed municipal solid waste; and

   d. Any other feedstocks that are not Type 1 or Type 2 feedstocks and that the Department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens, compared to Type 1 and Type 2 feedstocks.

B. Facility Design

1. Prior to acceptance of any feedstocks at the facility, the facility shall be located, designed, and constructed in compliance with the requirements in COMAR 26.04.11.08 applicable to the facility's tier, as defined in COMAR 26.04.11.02.

2. The facility shall be designed in a manner that allows the facility to be operated in accordance with the approved CFOP submitted with the NOI and to meet all other requirements in COMAR 26.04.11 and this general permit.

3. The facility shall have the following minimum depth to the seasonal high water table for any surfaces used for feedstock receiving, feedstock storage, active composting, curing, or compost storage:

   a. For a composting facility located outside the coastal plain province, as shown in COMAR 26.04.02.13, the minimum depth shall be 4 feet.

   b. For a composting facility located within the coastal plain province, as shown

in COMAR 26.04.02.13, the minimum depth shall be:

i. For a composting facility located in an area with an applicable groundwater protection report approved by the county health department under COMAR 26.04.02.04, the depth specified in the report as the minimum soil treatment zone for an on-site sewage disposal system, but no less than 2 feet; and

ii. For a composting facility located in an area where no approved groundwater protection report applies, 4 feet.

c. Areas of a composting facility that are located completely indoors are exempt from the minimum depth to the seasonal high water table.

C. Facility Operation

The permittee shall operate the facility in accordance with the NOI and the approved CFOP and the requirements in COMAR 26.04.11.04, .09, .12, .13, and .15 that apply to the feedstock types accepted by the facility.

D. Hours of Operation

1. The permittee shall ensure that the facility's operating hours comply with the CFOP and any local zoning requirements.

2. The composting facility shall have a sign at its entrance that lists the name and address of the composting facility, the days and hours of operation, and emergency contact information, including name, address, and telephone number. The emergency contact person shall be available by telephone at all times when the facility is closed.

3. The permittee shall not operate the composting facility outside the posted hours of operation unless approved by the Department and authorized under any local zoning laws. If authorized by local zoning laws, the following activities are not considered operating for purpose of the prohibition on operating outside of the posted hours of operation: administrative tasks, indoor equipment maintenance, environmental monitoring or other activities not associated with handling or processing of feedstocks, compost, contact water or use of heavy equipment.

E. Operational Requirements

The facility may not be operated in such a manner as to:

1. Create a nuisance;

2. Be conducive to insect and rodent infestation or the harborage of animals;

3. Cause nuisance odors or other air pollution in violation of COMAR 26.11.06 or involve construction of a source of air pollution subject to a permit to construct or operation of a source of air pollution subject to a permit to operate unless permitted pursuant to COMAR 26.11.02;

4. Cause a discharge of pollutants derived from organic materials or solid waste to waters of this State unless otherwise permitted by the Department;

5. Harm the environment; or

6. Create other hazards to the public health, safety, or comfort as may be determined by the Department.

F. Supervision

The composting facility shall be under the direct supervision of a responsible party on site at all times during operation. The responsible party shall be accountable for ensuring that the terms and conditions of this general permit are met. The facility shall operate under the supervision of a certified composting operator in accordance with COMAR 15.18.04.03.

G. Controlled Access

1. Access to the facility shall be controlled at all times.

2. Gates, fencing, and other ingress/egress controls around the perimeter of the facility shall be adequate to prevent access when the facility is not in operation.

3. Access to the facility shall be limited to those times when authorized personnel are on duty at the facility and supervisory personnel are on site.

H. Inspection and Receipt of Incoming Feedstocks

1. All incoming loads of material shall be inspected to ensure that materials not authorized to be composted under this general permit or feedstock types other than those identified in the CFOP are not accepted by the permittee. The CFOP shall specify:

    a. Procedures for visually inspecting each incoming load to assess the estimated portion of unauthorized material in the load;

    b. Procedures to follow in the event that an operator observes significant quantities of unauthorized materials in the incoming load, including:

        i. Notifying the hauler or generator of the feedstocks; and

        ii. Rejecting the load, if unauthorized materials are present in more than *de minimis* quantities, as defined in the CFOP; and

    c. Procedures for preventing, identifying, segregating, handling, storing, and recycling or disposing of unauthorized material.

2. If the Department determines that the permittee has accepted feedstocks containing unauthorized materials in more than *de minimis* quantities, the Department may require the permittee to modify its CFOP to provide for rejection of loads containing more than a maximum percentage of unauthorized materials.

3. Any solid waste shall be segregated and stored in a manner to prevent any wastes or runoff from wastes from entering the waters of the State.

4. Any solid waste shall be properly disposed at an appropriate permitted solid waste acceptance facility:

    a. Within the timeframe specified in the CFOP;

    b. As required by the local regulating authority; and

    c. Prior to or within 24 hours after the solid waste container becomes full.

5. Any hazardous waste shall be separated and handled in accordance with the applicable requirements of COMAR 26.13.01 "Disposal of Controlled Hazardous Substances."

6. Feedstocks may not be accepted, processed, or stored in quantities that cause the facility to exceed the maximum capacity or annual throughput specified in the CFOP.

I. Access Roads

1. The facility shall have all-weather access roads, as defined in COMAR 26.04.11.02, and shall have fire lanes sufficient to provide emergency equipment with access to all portions of all piles of feedstocks, active composting material, curing material, and compost. The width and location of fire lanes shall comply with any State and local requirements, including COMAR 29.06.01.08.

2. All access roads and fire lanes shall be passable in all weather conditions by emergency vehicles, loaded delivery vehicles, and other transportation vehicles and shall be provided and maintained from the entrance gate of the facility to the feedstock receipt, feedstock storage, composting, curing, compost storage, and solid waste storage areas.

J. Storage of Unprocessed Feedstocks

1. By the end of the operating day on which they are received, Type 2 feedstocks shall be:

    a. Incorporated into active composting piles;

    b. Transferred to leak-proof containment; or

    c. Mixed with carbon-rich bulking material and covered in a manner that prevents nuisance odors and scavenging by vectors.

2. Upon receipt, Type 2 feedstocks with free liquid shall be promptly mixed with drier feedstocks, bulking material, or compost so that the liquid is absorbed and not allowed to flow from the piles or windrows.

3. Feedstock storage piles shall be in an area that is enclosed or visually screened from adjoining properties, unless the absence of an enclosure or visual screening

is specifically identified in the CFOP and authorized under local law, and the CFOP identifies other design or operational controls to prevent nuisances including noise, dust, odors, and blowing debris.

4. The distance between feedstock storage piles and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.

5. The maximum height and width of each feedstock storage pile and the minimum spacing of piles shall be specified in the CFOP and shall comply with any local requirements for pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

K. Active Composting Piles

1. Active windrows or piles shall be composed only of Type 1 feedstocks, Type 2 feedstocks, and compost.

2. The distance between active composting piles or windrows and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.

3. Active windrows or piles shall be in an area that is enclosed or visually screened from adjoining properties, unless the absence of an enclosure or visual screening is specifically identified in the CFOP and authorized under local law, and the CFOP identifies other design or operational controls to prevent nuisances including noise, dust, odors, and blowing debris.The maximum height and width of each active composting pile or windrow and the minimum spacing of piles or windrows shall be specified in the CFOP and shall comply with any other local requirements for pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

L. Curing

1. Material that is being cured shall be kept separate from feedstocks or active composting material.

2. The distance between curing piles and a property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.

3. Areas used for curing shall be separated from contact water in a manner that prevents contact water from entering the curing area, including by run-on or by direct application.

4. The maximum height and width of each curing pile and the minimum spacing of piles shall be specified in the CFOP and shall comply with any local requirements for pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

M. Compost Storage

1. Compost may not be stored longer than 12 months, unless otherwise approved by the Department.
2. The permittee shall ensure that a market or use is identified and available for the compost that is, or is to be, produced.
3. The permittee shall notify the Department if a finished product is produced that is classified as "restricted use compost" under COMAR 15.18.04.05 or is otherwise unmarketable or unusable. The Department may require the permittee to properly dispose of the product or may authorize one of the uses specified in COMAR 15.18.04.05D.
4. The maximum height and width of each compost storage pile and the minimum spacing of piles shall be specified in the CFOP and shall comply with any local requirements restricting pile size or placement. Where applicable, local requirements for pile size and spacing shall be referenced in the CFOP.

N. Monitoring

1. In order to ensure that temperature and moisture conditions are maintained and controlled during composting, the permittee shall:
   a. Take temperature readings in accordance with the temperature monitoring plan specified in the CFOP, which shall include methods to ensure pathogen reduction requirements are met and a maximum temperature upon which piles must be turned or actively aerated; and
   b. Monitor moisture levels in accordance with the monitoring plan specified in the CFOP, which shall include a target moisture range.
2. A record of all temperature readings, moisture monitoring results, dates and times that windrows or piles were turned, and all other information required to be recorded by COMAR 26.04.11.12 shall be updated daily when the facility is in operation and maintained and kept on site at all times.
3. Upon request by the Department, the permittee shall collect and analyze samples of any waste, feedstocks, compost, groundwater, surface water, contact water, stormwater, soil, or vegetation and report the results of such sampling to the Department.

O. Dust

Dust resulting from the facility's operation shall be controlled at all times.

P. Emergency Preparedness

1. The permittee shall comply with the emergency preparedness plan that is included in the CFOP.

2. The emergency preparedness plan shall, at a minimum, contain:

   a. A list of names and telephone numbers of the persons to contact in the event of a fire, flood, or other emergency situation at the facility;

   b. A statement identifying a local fire agency that has been notified of the composting facility by the permittee;

   c. A list of emergency response equipment present at the facility or available for use at the facility, the location of the equipment, and how the equipment must be used in the event of a fire or other emergency;

   d. The procedures facility personnel shall follow from discovery of an emergency until the situation is corrected, including measures to minimize the occurrence, recurrence, or spread of fires and releases;

   e. Location of known water supplies, fire hydrants, dry chemical extinguishers, or other materials that may be used for firefighting purposes;

   f. Provision for reporting emergency situations to the Department without delay; and

   g. Provision for familiarizing all employees with the requirements of the emergency preparedness manual.

3. The permittee shall revise the emergency preparedness plan if a change in the operations occurs, or if the Department requires revisions. Any changes made at the permittee's initiation shall be reported in writing to the Department prior to or within one business day of the change.

Q. Nuisance Odor Prevention

1. The permittee shall comply with the nuisance odor prevention plan that is included in the CFOP and shall be maintained at the facility at all times.

2. The nuisance odor prevention plan shall, at a minimum, contain:

   a. Methods and procedures to prevent and control odors and other potential nuisance conditions at the facility; and

   b. A complaint response protocol.

R. Personnel and Equipment Maintenance

Adequate personnel and equipment shall be provided to:

1. Assure safe, continuous, and adequate operations;

2. Maintain compliance with the terms and conditions of this general permit and regulatory requirements; and

3. Assure prompt attention to correct problems associated with the construction and maintenance of the facility.

S. Fire Prevention and Control

1. The permittee shall notify the local fire agency of the composting facility prior to commencement of operations.
2. The permittee shall operate the facility in accordance with the applicable requirements of the local and State Fire Marshal.
3. The permittee shall take suitable measures to prevent and to control fires that may occur during operation of the facility.
4. An adequate water supply and the means to apply it shall be available in case of a fire. The Department, the local fire department, or the State Fire Marshal may direct that the permittee install, alter or expand the volume and manner of water supply or water storage capacity available at the site, or inclusion of other fire retardant materials such as ground or soil, and shall specify a time frame for compliance with that directive. Compliance within the specified time frame is a condition of compliance with this general permit.
5. A means to notify the local fire agency shall be available on-site at all times (e.g. telephone and radio).

T. Disposal of Solid Waste Prohibited

Nothing in the permit authorizes the acceptance of regulated solid waste or the disposal of regulated solid waste at the facility without approval from the Department as required by Section 9-204 of the Environment Article.

U. Noise Control

Nothing in this general permit authorizes the operation of the facility in a manner that violates the applicable noise provisions of any local law or regulation relating to noise control.

V. Wetland and Waterways Construction

The permittee shall operate the facility in accordance with the Maryland Non-Tidal Wetland and Waterways Regulations, COMAR 26.23.01 and 26.24.01.

W. Stormwater Management and Pollutant Discharge

1. Any stormwater discharges associated with industrial activity, as defined in 40 Code of Federal Regulations (C.F.R.) §122.26(b)(14), shall be managed in accordance with:
    a. A NPDES discharge permit issued by the Department under COMAR 26.08.01 - .04;

b. State and local stormwater requirements; and

c. State and local erosion and sediment control requirements.

2. For Tier 2 Large facilities, contact water shall be collected and contained in a collection basin, tank, or other containment system designed in accordance with COMAR 26.04.11.08F prior to:

a. Reuse on feedstocks or active composting piles in accordance with the CFOP and in a manner that prevents contamination of materials that have undergone the pathogen reduction requirements in COMAR 26.04.11.09;

b. Transport off site for treatment at a permitted facility; or

c. Discharge pursuant to COMAR 26.08.01 - .04.

3. One foot of freeboard shall be maintained for a collection basin, open tank, or other containment system exposed to precipitation that is used to store contact water.

4. The permittee is responsible for ensuring that all required discharge permits are obtained prior to commencement of operations.

X. Erosion and Sediment Control

The permittee shall operate the facility in accordance with the Erosion and Sediment Control Plan regulations as set forth in COMAR 26.17.01 and applicable local approval.

Y. Recordkeeping and Reporting

1. All records and information required to be maintained under this general permit or under COMAR 26.04.11.12 shall be retained by the permittee on site (unless otherwise authorized by the Department) for a minimum period of 5 years.

2. An annual report shall be submitted to the Department for each calendar year in which the facility is in operation. All annual reports shall be for the calendar year ending December 31 and shall be submitted to the Department by January 31 of the following year on the form provided by the Department.

3. The report shall include a minimum of:

a. The quantity and type of feedstocks received during the preceding calendar year, indicating the county within Maryland, or the state outside Maryland, in which each quantity of material was generated;

b. The quantities of compost and residues, including unauthorized feedstocks and solid waste, produced by composting during the preceding calendar year;

c. The quantities of compost and residues removed from the facility during the preceding calendar year; and

d. Any other information requested on the form provided by the Department.

4. Except for information found to be confidential in accordance with the Maryland Public Information Act, all information submitted in conjunction with this general permit shall be available for public inspection at the Department.

5. The permittee shall submit all reports required by this general permit to:

Maryland Department of the Environment
Land and Materials Administration
Resource Management Program
1800 Washington Boulevard, Suite 610
Baltimore, Maryland 21230-1719

PART IV. GENERAL CONDITIONS:

A. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether the permittee is in compliance with this general permit or whether cause exists for termination of the permittee's authorization to operate under this general permit.

B. Expiration or Renewal

1. Authorization under this general permit ends when the earliest of the following events occurs:

   a. The permit term expires, unless the permittee submits to the Department a request for continuing coverage at least 60 calendar days before this general permit expires;

   b. The permittee permanently ceases operations after notifying the Department in accordance with the closure requirements in COMAR 26.04.11.13;

   c. A change in ownership or control of the composting facility occurs; or

   d. The Department provides written notice to a permittee of suspension or revocation of the permittee's coverage under this general permit.

2. Request for Continuing Coverage.

   a. A request for continuing coverage may be fulfilled by submission of a renewal NOI and current CFOP.

   b. Once a request for continuing coverage has been submitted by the permittee to the Department, this general permit will remain in force and effect until this general permit is renewed and any deadline for opportunity to register under the renewed general permit is reached or this general permit is revoked or withdrawn.

C. Transfer of Ownership

Authorization under this general permit is not transferable and authorizes only the signatory party to operate the permitted facility. In the event of any change in control or ownership of the property not caused by death of the permittee, the permittee shall notify the succeeding owner by certified mail of the existence of this general permit and of any outstanding permit noncompliance, a minimum of 60 calendar days prior to transferring control or ownership. A copy of this notification shall be forwarded to the Department at the same time.

D. Compliance

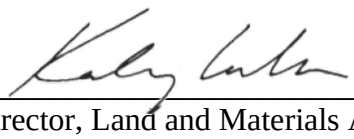
1. The requirements of this general permit and other applicable laws and regulations shall be complied with at all times.
2. If for any reason the permittee does not comply with or will be unable to comply with any condition specified in this general permit, the permittee shall notify the Department by telephone at (410) 537-3314 on the same day, or on the next working day, following any noncompliance. Within 5 working days after this notification, the permittee shall provide the Department with the following information in writing:
    a. A description of the noncompliance, including date, time and type of noncompliance;
    b. Cause of noncompliance;
    c. Anticipated time the noncompliance is expected to continue or if such condition has been corrected;
    d. Steps taken by the permittee to correct the noncompliance; and
    e. Steps to be taken by the permittee to prevent recurrence of the noncompliance.

E. Severability

If any provision of this general permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from this general permit.

F. Signatory Requirements

All information submitted to the Department shall be signed, dated and certified as true and correct by the responsible party.



Director, Land and Materials Administration

KEY CITY COMPOST

Composting Facility Operations Plan

Revised November 2020

Prepared by

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Acknowledgment

The Key City Compost Composting Facility Operations Plan was prepared in accordance with the following Code of Maryland Regulations (COMAR):

● COMAR 26.04.11 – Composting Facilities: This includes COMAR 26.04.11.09 – Composting Facility Operating Requirements.

● COMAR 15.18.04 – Compost: This includes COMAR 15.18.04.04 – Composting Facility Operator Requirements.

The format of this Compost Facility Operations Plan follows the Maryland Department of the Environment, Composting Facility Operations Plan Checklist dated March 28, 2016.

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#11 Staff Training Log Form
#12 Non-Compliance Log Form
#13 Site Plan

Definitions

Active Composting – the phase of composting prior to curing (COMAR 26.04.11).
Aerobic – a process that requires oxygen (Rynk 1992).
All-weather road – is a road of sufficient construction and firmness for vehicles and equipment to traverse during normal inclement weather, including expected rain, snow, and freezing temperatures (COMAR 26.04.11).
Areas in Support of Composting – areas used to conduct any phase of the composting process, including but not limited to feedstock receiving, feedstock preparation, active composting, curing, compost storage, composting equipment storage or maintenance, or storage of any solid waste or non-compostable materials (COMAR 26.04.11).
Brand – the term, design, trademark, or other specific designation under which a compost product is distributed in the State (COMAR 15.18.04).
Certified Operator – an owner, operator, or employee of a composting facility who is certified by the Secretary under this chapter (COMAR 15.18.04).
Carbon-to-Nitrogen Ration (C:N ratio) – the ratio of the weight of organic carbon (C) to that of total Nitrogen (N) in an organic Material (Rynk 1992).
Code of Maryland Regulations (COMAR) – the State regulations that contain requirements for the acceptance, processing, storage and distribution of materials related to composting operations as well as the acceptance, processing and disposal of solid waste.
Compost – a stabilized organic product produced by the controlled aerobic decomposition process in such a manner that the product may be handled, stored, and applied to the land or used as a soil conditioner in an environmentally acceptable manner without adversely affecting plant growth (COMAR 15.18.04). Also, a product of composting that meets the requirements and standards of the Maryland Department of Agriculture (COMAR 26.04.11).
Composting – the process in which organic solid waste is biologically decomposed under controlled (aerobic) conditions to yield a nuisance-free humus-like product (COMAR 26.04.07).
Composting Facility – a facility where organic material is processed using composting technology, including: physical turning; windrowing; and aeration or other mechanical handling of organic matter (COMAR 15.18.04). Also, the designated facility where composting operations take place, which does not include a facility that is required to obtain: a Natural Wood Waste Recycling Facility Permit under COMAR 26.04.09; a Sewage Sludge Utilization Permit under COMAR 26.04.06; or a Refuse Disposal Permit under COMAR 26.04.07 (COMAR 26.04.11).

Contact Water – the liquid, including runoff from precipitation that has been in contact with feedstocks or active composting material and runs off the feedstock receiving area, feedstock storage area, or active composting area. Includes liquid that has passed through or emerged from feedstocks or active composting material and contains soluble, suspended, or miscible materials removed from the piles (COMAR 26.04.11).

County - Frederick County, Maryland

Distribute or Distribution – to import, manufacture, produce, compound, mix, blend, barter, sell, offer for sale, consign, furnish, provide, or otherwise supply compost as part of a commercial enterprise (COMAR 15.18.04).

Existing Composting Facility – any composting facility that began operations on, or before July 1, 2015 (COMARs 26.04.11).

Labeling – all written, printed, or graphic matter on or accompanying any compost product or the contents of any advertisement, brochure, poster, or television or radio announcement used in promoting the sale of a compost product (COMAR 15.18.04).

Lot – a definite quantity of a compost product by name, classification, or code designation as registered by the Secretary for distribution (COMAR 15.18.04).

Maryland Department of the Environment (MDE) – the State regulatory service agency responsible for the protection and restoration of Maryland's air, water and land resources through the enforcement of federal (delegated) and State environmental regulations. MDE is the primary regulatory authority in the State of Maryland for solid waste management programs and activities including composting. MDE creates regulations, issues permits, performs inspections and provides technical assistance to businesses and jurisdictions with pollution control, growth issues, and environmental emergencies. MDE also provides public education and outreach to citizens as well as institutes enforcement actions for noncompliance.

Mesophilic Phase of Composting – this Phase utilizes mesophilic bacteria/microorganisms that breakdown or decompose organic material within an optimal temperature range between 50degreeF and 105degreeF (10degreeC and 40degreeC) (Rynk 1992). Often occurs during the initial active composting period and final curing.

Municipal Landfill – a solid waste acceptance facility permitted under the regulations (COMAR) that is designed, installed, and operated so that all types of waste generated by a community, except waste specifically prohibited by the regulations or a permit issued under the regulations can be accepted (COMAR 26.04.07).

Natural Wood Waste – tree and other natural vegetative refuse. Includes: tree stumps, brush and limbs, root mats, logs, and other natural vegetative materials (Environmental Article, 9-1701). Natural wood waste does not include food waste.

New Composting Facility – a composting facility that began operations after July 1, 2015 (COMAR 26.04.11).

Processes to Further Reduce Pathogens (PFRP) – requires Composting Operations using the windrow composting method, to maintain the temperature of the (compost material) or sewage sludge at 55 degrees C (131degreeF) or higher for 15 days or longer. During the period when the compost is maintained at 55 degree C (131degreeF) degrees or higher, there shall be a minimum of five turnings of the windrow (COMAR 26.04.11.09(B)(10)(a) per 40 CFR Part 503, Appendix B(B)(1)).

Run-on – any rainwater or other liquid that drains over land onto any part of a composting facility (COMAR 26.04.11).

Soil Conditioner – any substance or mixture of substances (except a commercial fertilizer, unmanipulated animal and vegetable manures, agricultural liming material, or gypsum) intended for sale, offered for sale, or sold for: manorial, soil enriching, or soil corrective purposes; promoting or stimulating the growth of plants; increasing the productivity of plants; improving the quality of crops; or producing any chemical or physical change in the soil. Includes, but is not limited to, materials such as compost, peat, vermiculite, or perlite, that are incorporated into the soil (COMAE 15.18.04).

Stormwater – stormwater runoff, snow melt runoff, and surface runoff and drainage. Does not include contact water (COMAR 26.04.11).

Tier 1 Facility – a composting facility that accepts only Type 1 feedstocks (COMAR 26.04.11).

Tier 2 Facility - (a) "Tier 2 Facility" means a composting facility that accepts Type 2 feedstocks. (b) "Tier 2 Facility" includes a composting facility that accepts Type 1 feedstocks in addition to Type 2 feedstocks. (c) "Tier 2 Facility" does not include a composting facility that accepts Type 3 feedstocks. (COMAR 26.04.11)

Thermophilic Phase of Composting – this Phase utilizes thermophilic or heat-loving bacteria/microorganisms that breakdown or decompose organic material within an optimal temperature range of 105degreeF and 150degreeF (40degreeC and 65degreeC) (Rynk 1992).

Type 1 Feedstock – yard waste, as defined in Environment Article, 9-1701, Annotated Code of Maryland; and other materials determined by the Maryland Department of the Environment to pose a low level of risk from hazardous substances, human pathogens, and physical contaminants (COMAR 26.04.11).

Type 2 feedstock - (a) Source-separated organics from residential curbside or drop-off programs and non-residential sources, including but not limited to pre-consumer and post-consumer food scraps and non-recyclable paper; (b) Department-approved animal manure and bedding, with Department approval based on factors such as moisture content and pathogen risk; (c) Department-approved industrially produced food processing materials, including industrial poultry and seafood residuals; (d) Animal mortalities; (e) Manufactured organic materials such as waxed-corrugated cardboard, non-coated paper, and compostable products; and (f) Other

materials that the Department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens, compared to Type 1 feedstocks. (COMAR 26.04.11)

Seasonal High Water Table – the highest water table as determined in the soil profile by the encountered indications of soil mottling or iron concretions or by measuring seasonal fluctuations of the water table in a water table well over a period acceptable to the Maryland Department of the Environment (COMAR 26.04.11).

Stabilized Compost – any compost that has ceased active biological decomposition, that is, the temperature of a 4-foot-high, 6-foot-diameter pile of compost may not rise more than 20degreeC above ambient temperature when the pile is left undisturbed for 72 hours at the composting facility (COMAR 15.18.04).

Yard Waste – organic plant waste derived from gardening, landscaping, and tree trimming activities, and includes leaves, garden waste, lawn cuttings, weeds, and tree pruning's (COMAR 15.18.04). Yard waste does not include food waste.

- - - END OF SECTION - - -

1.0 Facility Information

1.1 Facility Name:

- Key City Compost (KCC) at Utica Bridge Farm.
- Key City Compost submitted a Notice of Intent for a General Composting Facility Permit to MDE on 12/26/2019, revised in November 2020.

1.2 Operator Name, Email address, and Emergency Contact Number

- Phil Westcott, General Manager
- phil@keycompost.com
- Office: 802-277-0401
- Cell: 240-409-1979

1.3 Facility Address, including County Name

- Key City Compost, 10661 Stull Road, Thurmont, Maryland 21788
- Frederick County

1.4 Facility Phone Number:

- Facility Office: 802-277-0401

1.5 Listing of Facility Personnel that hold a Composting Operator Certification issued by the Maryland Department of Agriculture:

- Phil Westcott, KCC's general manager passed the Composting Operator Certification in 6/28/2019. Phil Westcott, KCC's general manager has attended and received certificate of completion for the Compost Facility Operators Training Course with the U.S. Compost Council.

1.6 Facility Operating Hours:

- Normal operating hours will be Monday - Saturday; 9:00 AM - 4:00 PM.

1.7 Facility Background and Program Description

- KCC is located within a 29 acre regenerative agriculture farm and demonstration site. The Composting Operations are limited to the interior 10 acres as to comply with County maximum acreage, State and County setback requirements, and planned agricultural use.

- KCC operates a food-waste collection program and will be the primary processing site for its internal operations.
- KCC will collect tipping fees from both public and private entities for the effective processing of permitted feedstocks.
- KCC will sell both wholesale, retail, and bagged products when permitted to do so in the State of Maryland and Frederick County.
- KCC will straddle two different composting technologies as it builds revenue and infrastructure. The team at KCC believes that "extended ASP" is the preferred technology and has designed its site plan around this technology. During the initial months of our site operations, we may also use a tractor pulled windrow turner, for we already own and operate that equipment.
- Access to the site will be provided by an all weather road.
- Tipping will take place on an improved, hardened surface such as concrete or asphalt.

1.8 Compliance with Regulatory Siting and Design Criteria

The new regulations for composting facilities in Maryland, COMAR 26.04.11, and the new General Permit for Composting Facilities as enforced by MDE contain regulatory siting criteria for existing and new composting facilities, which require:

- A 50-feet setback to the property line of a property not owned or controlled by the operator of the composting facility.
- A 100-feet setback to a domestic well.
- A 100-feet setback to a dwelling not owned or operated by the operator of the composting facility.
- A minimum depth of 4-feet for separation between the seasonal high water table and any surfaces used for feedstock receiving and storage, active composting, curing or compost storage.

A Site Plan presenting compliance with the regulatory siting and design requirements is provided as Attachment # 13.

- - - END OF SECTION - - -

2.0 Description of Methods, Equipment, and Feedstocks to be Used

2.1 List of Feedstocks to be Accepted

- The Composting Facility is a Tier 2 Small Facility.
- The feedstocks will include Type 1 feedstocks such yard waste (leaves, grass clippings, garden waste, prunings, and weeds) and wood materials (wood chips and shavings). . The feedstocks will also include Type 2 feedstocks such as source-separated pre-consumer and post-consumer food scraps and non-recyclable paper, animal manure and bedding (horse, goats, chickens, and other farm animals), industrially produced food processing materials, and manufactured organic materials (waxed corrugated cardboard, non-coated paper, and compostable products). Approval from the Department will be obtained prior to accepting other feedstocks. .
- Quantities of feedstock will be measured using volumetric assessments and conversions to weight based metrics using both historical and real time conversions.

2.2Composting Method

- KCC will use the windrow composting method and the Extended Aerated Static Pile (EASP) composting method.
- The EASP composting method uses forced aeration utilizing aeration blowers, timers, and perforated pipes placed under the composting piles. Through this method, a composting pile a built and the second pile is built adjacent to it. The third pile is adjacent to the second, and so on. Prior to the first pile being removed, the second pile must have met the time-temperature requirements. This allows the first pile to be removed without concerns, which the second pile acts as a buffer until the third pile meets the time-temperature requirements, and so on. Each one of the piles will be covered by a biocover (consisting of compost, recycled overs, or single ground) to provide insulation and ensure proper composting of the material.
- Each pile will have an individual blower assigned to it, this will be considered an aeration zone. The blower to be used is a Kodiak 1.5 HP or equivalent.
- Temperatures will be taken per each aeration zone daily during hours of operation.
- Regular EASP maintenance includes making sure the blowers and timers are working properly, manifold and pipes are not damaged or disconnected, and that there are end caps at the end of the perforated pipes. Additional details are found on Section 3.3.

2.3 Equipment to be used On-Site

- Front-End Loaders, Skid-Steers, and telehandlers
- Horizontal Grinder, Windrow Turner, and Trommel Screen
- Water Truck
- Conveyor belts
- Bagging Equipment

2.4 Key Parameters and Conditions for the Composting Process

- **Composting:** is a process in which organic material is biologically decomposed under controlled (aerobic) conditions to yield a nuisance-free humus-like product. As such, there are a variety of parameters and
    - conditions that facilitate and aid this process. These parameters and conditions include: nutrient balance; particle size; moisture content; oxygen; temperature; and pH [Rynk 1992). Other parameters not mentioned by Rynk are nutrient solubility and digestibility.
- **Nutrient Balance**: relates lo lhc nutrients within the feedstock material, carbon and nitrogen, which is often referred to as the Carbon-to-Nitrogen (C:N) Ratio. The microorganisms that facilitate the decomposition process for organic material use carbon sources for both energy and growth and nitrogen for protein and reproduction. If the C:N ratio is not properly balanced, the rate of composting can slow (insufficient nitrogen) or accelerate (excess nitrogen). Conditions with excess nitrogen can lead to a depletion of oxygen, which can turn the composting process to anaerobic conditions that can create nuisance odors. Another problem of excessive nitrogen, or of a soluble nitrogen combined with a slowly digestible carbon source is the release of ammonia. A range of 25-30: 1 C:N ratio is generally recommended. This is where the usage of off farm supplies of agricultural feedstocks comes into play to allow Mr. Tribbett to maximize the utilization of the feedstocks produced on his farm.
- **Particle Size:** Particle size relates to the size of the feedstock generated from grinding and mixing, which ultimately impacts the ability for aeration and the introduction of oxygen into the composting feedstock mixture. For Active ASP composting, a variety of particle sizes is preferred, for a high porosity leads to adequate oxygen levels throughout the entirety of the mass.
- **Moisture:** The microorganisms that are responsible for the decomposition process of organic material require moisture to sustain their metabolic processes. T he moisture content of the mixture prior to composting is very important with in-vessel composting.

This is because the moisture will remain essentially the same throughout the composting period. A moisture content of 40% to 50% is generally recommended for active ASP.

- **Oxygen**: For aerobic decomposition to occur, oxygen must be present, which helps to prevent and minimize nuisance odors during the composting process. Oxygen can be introduced through forced aeration in the in-vessel compost units. It is also introduced into the mixture as the composting unit turns, mixing the composting material and incorporating air (oxygen). A minimum of 5 % oxygen within the composting material is generally required for aerobic conditions; however 10% oxygen or greater is often considered to be an optimum conditions (air contains 21 % oxygen).
- **Temperature:** As the microorganisms metabolize organic material, heat is generated. There are two (2) general ranges for temperature regarding composting: mesophilic and thermophilic. Mesophilic Composting often occurs between 50°F and 105°F (10°C and 40°C) during the initial active composting period and during final curing. Thermophilic Composting is required to further breakdown organic material within a temperature tangc of 105°F to 150°F (40°C to 65°C). Thermophilic Composting at the upper threshold of the temperature range is typically required to destroy pathogens and weed seeds. Monitoring for consistency and/or fluctuations within the temperature range allows Key City Compost Facility Operator to assess whether the composting process is proceeding as planned.
- **pH:** As decomposition occurs, the pH of the organic materials from the receipt of feedstock through the production of stabilized compost changes. Having a nutrient balanced feedstock within the tolerance range of the recommended C:N ratios helps to manage variability in pH. However, as mentioned above, some feedstocks are highly soluble and easily digestible. With these feedstocks it may be necessary to utilize a buffering agent such as calcium carbonate in the mix. The optimum pH range for composting is generally considered to be 6.5 to 8.0.

2.5Geographic Areas Served:

- Targeted geographic areas served by the Composting Facility include but are not limited to:
  - Frederick County Maryland
  - Northern Montgomery County Maryland
  - Eastern Washington County Maryland
  - City of Frederick, Maryland
  - City of Gaithersburg, Maryland
  - City of Hagerstown, Maryland

- - - END OF SECTION - - -

3.0 Basic Facility Design and Capacity

The section below addresses the basic facility design and capacity and provides descriptions for the different processes in the composting operation. The different processes will take place on top of an all-weather pad made up of at least compacted aggregate base course (also known as crush and run) to create an even working pad. The specifications will be determined during the County level Grading Permit approval process. The composting areas will drain to a stormwater pond. More details described below.

3.1 Flow of Materials throughout the Composting Process

Storage of Unprocessed Feedstocks

- Feedstocks will arrive at the facility in a variety of trucks. KCC uses mostly pickups, vans, and straight box trucks for "container swap" collection methods. Feedstocks from other haulers may come in the form of front load, side load, or rear loading refuse haulers.
- For Type 2 feedstocks, with the possibility of high water content: These trucks or containers will be dumped onto the concrete tipping area. This tipping area will be inspected and maintained throughout the day by KCC staff and will be dressed, mixed, or sent to windrow soon after arrival.
- Type 1 feedstocks may be tipped directly on the feedstock storage area or tipped on this concrete tipping area for inspection and categorization by KCC staff. If needed, this material will be sent direct to windrow with incoming Type 2 feedstocks.
- By the end of the operating day on which feedstocks are received, Type 2 feedstocks will be:
    - Incorporated into active composting piles;
    - Transferred to leak-proof containment; or
    - Mixed with carbon-rich bulking material and covered in a manner that prevents nuisance odors and scavenging by vectors.
- Upon receipt, Type 2 feedstocks with free liquid shall be promptly mixed with drier feedstocks, bulking material, or compost so that the liquid is absorbed and not allowed to flow from the piles or windrows.
- Feedstock storage piles shall be in an area that is enclosed or visually screened from adjoining properties, as per County approval.
- The distance between feedstock storage piles and the property boundary shall be a minimum of 50 feet.

- The normal height of feedstock storage piles will be 15 feet, and shall not exceed 25 feet. The length or width of feedstock piles shall be such that all material will be able to be reached from 50 feet away by fire fighting equipment.

Active Composting Piles

- Extended ASP will be built using only Type 1 and 2 feedstocks and compost. These will be added on as a constant additive and subtractive process. New materials will be mixed for proper recipe on the downward slope, while the "ready to cure" materials will be taken from the uphill side and placed to the next stage for adequate curing.
- A plenum (minimum 6-inch layer of carbon-rich substrate, such as wood chips) will be placed on top of all weather pad beneath each active composting pile prior to adding blended materials to be composted.
- The distance between active composting piles or windrows and the property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
- Active windrows or piles shall be in an area that is enclosed or visually screened from adjoining properties, as per County approval.
- For dimensions, please refer to Section 3.3.

Curing

- Material that is being cured shall be kept separate from feedstocks or active composting material.
- The distance between curing piles and a property boundary of a property not owned or controlled by the facility operator shall be a minimum of 50 feet.
- Areas used for curing shall be separated from contact water in a manner that prevents contact water from entering the curing area, including by run-on or by direct application.
- The normal height of curing piles will be 15 feet, and shall not exceed 25 feet. The length or width of feedstock piles shall be such that all material will be able to be reached from 50 feet away by fire fighting equipment.

Compost Storage

- Storage is planned for 12 months maximum.
- Compost is to be sold into the residential, agricultural, horticultural, construction, and turf markets.
- If finished product is classified as "restricted use compost" under COMAR 15.18.04.05 or is otherwise unmarketable or unusable, KCC shall notify the Department.

- The normal height of curing piles will be 15 feet, and shall not exceed 25 feet. The length or width of feedstock piles shall be such that all material will be able to be reached from 50 feet away by fire fighting equipment.

3.2 Locations to be used at the Composting Facility Feedstock Receipt Active Composting, Curing, and Storage Phases

- Refer to Attachment # 13 for the location of the different phases of the feedstock receipt (Feedstock Storage), processing, composting (Proposed Composting/Windrow Area), screening (Screening Area), and storage (Finished Product & Loading Area). Material will be held for such time as needed to allow for proper curing, transport to retail lots, and for potential offsite or onsite bagging activities.

3.3 Maximum Height, Width and Spacing of Piles

- KCC sent the documentation to the local and state fire marshals on October 15, 2020.
- KCC plans to compost either using the windrow composting method or the Extended Aerated Static Pile (EASP).
    - For windrow composting, the maximum height of a single windrow shall be 8 feet, maximum width 6 feet, with a minimum spacing of at least 5 feet.
    - For EASP, the maximum height of the material shall be 15 feet, maximum width of the pad is 80 feet, and maximum length of the pad 300 feet. Each EASP shall consist of 10 aeration zones. Each aeration zone shall measure 80 feet by 30 feet. See two diagrams below:

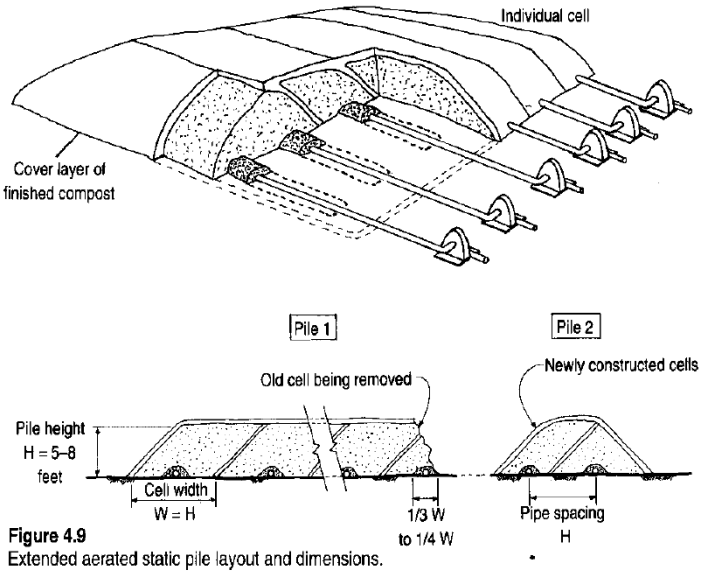
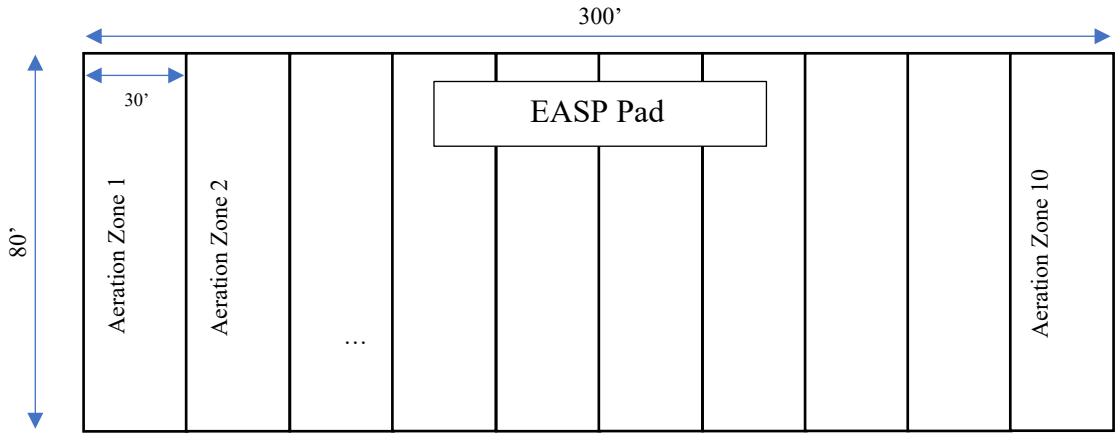


Figure 4.9
Extended aerated static pile layout and dimensions.
Adapted from Willson, *Manual for Composting Sewage Sludge by the Aerated Pile Method.*

Example of Extended Aerated Static Pile Layout – Plane View.



3.4 Maximum Incoming Feedstocks of the Composting Facility

- The maximum incoming feedstock capacity of the composting facility is 20,000 Tons Per Year. See calculation below:

Incoming Feedstocks

The primary two feedstocks will be food scraps and yard waste and a typical volumetric composting recipe will be 3 wood to 1 food.

6,500 tons per year (TPY) food scraps @ 1,300 lbs/cy = 10,000 CY/yr
13,500 TPY ground yard waste @ 900 lbs/cy = 30,000 CY/yr

Mixing Feedstocks

Blended initial composting bulk density = 1,000 lbs/cy.
Total incoming mix = 40,000 CY/yr

Composting Process

Assumed composting and curing volume reduction 50%
Unscreened compost production = 20,000 CY/yr

Screening

Screening separation = 50%
Recycled overs = 10,000 CY/yr (recycled overs will be used on top of the EASP to act as a biofilter and will be blended into the original mix to decrease the need for additional wood)

Production

Finished compost production = 10,000 CY/yr

3.5 Annual Throughput for the Composting Facility

- The annual throughput for the Composting Facility will not exceed 40,000 Cubic Yards Per Year. The annual compost production will not exceed 10,000 Cubic Yards Per Year.

3.6 Registration Process for Compost

- To market a stabilized compost material as a soil conditioner for distribution and lot sale (e.g. a defined quantity of material such as bulk sale in tons or cubic yards) in the State of Maryland, the compost must be registered in accordance with the requirements of COMAR 15.18.04, which is under the regulatory authority of MDA.
- KCC will adhere to the State registration process for Compost.

- - - END OF SECTION - - -

4.0 Methods and Plans for Meeting Performance Standards

4.1 Plan to Prevent Creation of Nuisances, Including Nuisance Odors, Litter, and Dust and Respond to Complaints

- Odors:
    - Encourage the tipping materials immediately after collection. Both from internal and external hauler operations.
    - Maintain the proper conditions for ideal composting: carbon-to-nitrogen ratios, moisture, oxygen and temperature. Key parameters and conditions are measured and monitored by KCC Staff.
    - Use preferred technologies, such as our Extended ASP, to encourage aerobic conditions at all times.
    - If odors are a chronic problem, adjust the active composting process by increasing the turning frequency for enhanced aeration, increase forced air volume and duration, adding moisture to the windrows, or by adding additional carbon sources or bulking agent such as mulch.
    - If contact water is ponding or becomes odorous, cover the contact water with compost for absorption and reintroduce the material into the windrow.
    - As feasible and practical, maintain records of inbound feedstock types, times and days of odors, wind direction, and other factors and weather data that will assist staff in assessing the root cause of odor problems.
    - Establish an odor response protocol for responding to odor complaints. Identify areas along the Compost Facility, the property line, adjacent roadways, and nearby residential receptors. When odors are reported, investigate and document the observations.

- Litter:
    - Identify areas along the perimeter of the property that are problem areas for external sources of litter. Address and maintain those areas.
    - Inspect inbound vehicle and reject loads with high percentages of unacceptable waste and contamination.
    - Restrict grinding, windrow turning or screening operations to low-wind days.
    - Have KCC staff trained and assigned to sort both incoming loads as well as any “rogue” litter that may be wind-blown throughout the site.

- Dust: Dust and other fine airborne debris (i.e. particulate matter) are generated during most phases of the composting operation.

- Apply moisture to the windrows prior to turning or tum after a rain event.
- Restrict grinding, windrow turning or screening operations to days when winds are calm.
- Scrape, sweep or wash down the all-weather asphalt pads and roads.

- Noise:
  - Noise is generated through the use of heavy equipment. To address noise we have designed the composting facility to mitigate potential impact to neighbors.
  - We will construct an earthen berm along the perimeter of the composting facility.
  - While it does not give us an excuse to generate noise pollution, we are located in an area where highway noise is quite loud already. When walking around the neighborhood while the Composting Facility has active, running equipment, it cannot be easily differentiated from the preexisting road noise.

- Respond to Complaints:
  - Within 15 days, KCC will, when possible or necessary, directly work with the party of complaint to maximize communication feedback loops. It is through open channels of communication that KCC's Composting Facility will stay productive and useful and not be a nuisance to its neighbors and community.

4.2 Plan to Prevent Harborage and Infestation of Disease Vectors, Including Rodents

- KCC's compost facility will use a variety of BMPs to prevent Harborage and Infestation.
  - Covers: We use CompostTex or equivalent tarps or covers for multiple reasons. One of these is to reduce access to vectors such as rodents and birds.
  - Visually exposed spaces: Both research and experience on composting facilities tells us that rodents do not like crossing open spaces, due to the increased likelihood of predation. This fact can be leveraged by a composting facility by designing in strips of open space between areas at risk of rodent pressure.
  - Scheduled Cleanup: KCC will operate a tight cleanup schedule to limit the presence of any spilled, loose, or rogue bits of unprocessed feedstocks. Especially around incoming feedstock areas.
  - Feedstock areas are to be maintained and their materials incorporated in as tight of a time window as physically possible. Often well below the State of Maryland and Frederick County "incorporation time window".

- Newly formed windrows and ASPs will be capped by high-carbon wood waste or finished compost as a tool to mitigate physical access as well as odor attraction to the N heavy feedstocks within a newly formed windrow.
- All onsite staff will be trained and encouraged to report any and all signs of vectors. Feedback loops are critical in understanding where our practices are falling short and where we need to put effort and attention.

4.3 Description of Methods Used to Control Contact Water and Stormwater

- The composting facility is designed with numerous features to assist in the management of Contact and Stormwater.
- Site slope: The site has been selected for its advantageous baseline slope. The site will be graded to reduce pockets and imperfections in this desired slight grade.
- Material placement: Finished, curing, or aging materials will be placed uphill of incoming feedstocks and materials in early and mid-life processing stages.
- The site will be burmed on all sides to control both run-off and run-on to areas dedicated as the "Composting Facility".
- A swale system as well as a bio-remediation area is in place to allow for passive treatment to both contact and stormwater.
- Please see Section A-A of attached site plan for cross sectional detail of SWM features. A MDE General Permit for Discharges of Stormwater Associated with Industrial Activity (Maryland General Permit No. 12-SW-A) will be obtained prior to starting operations.

4.4 Emergency Preparedness Plan for Responding to and Minimizing an Occurrence of Fires and Other Emergencies

- Prevention Measures:
  - Design facility to meet regulatory requirements.
    - 30 ft. of clear space at end of feedstock piles and active composting/curing windrows.
    - 10 ft. aisles between composting windrows.
    - Monitor temps (multi-point) within all windrows frequently.
  - Have a no smoking policy on the composting facility.
    - Post "no smoking" signs throughout the facility.
  - Have a summarized prevention plan and provide staff training on that plan.
- Response Measures:
  - Maintain ease of access to all emergency response resources.

    - Including but not limited to:
    - Pumps, Ponds, and all Water Management equipment.
    - Use heavy equipment such as front-end loaders to break up or isolate problematic windrows.
    - Equipment fires should be extinguished with portable fire extinguishers.
    - In the event of an emergency that cannot be controlled using on site personnel and resources, or if personnel is at risk, 911 will be called. Site staff will be trained to give description, location, and materials involved.
- For emergencies please call:
    - 9-1-1, or
    - Phil Westcott, phil@keycompost.com, 240-409-1979; or
    - Richard Jefferies, rjp9999@aol.com, 818-762-4771; or
    - Maryland Department of Environment at 410-537-3314.

- - - END OF SECTION - - -

5.0 Monitoring and Quality Control

5.1 Plan and Procedure for Monitoring Temperatures

- A handheld, calibrated temperature probe will be used to monitor the internal temperature of the windrows.
- Temperature measurements will be taken daily when the facility is in operation.
- Windrows will be turned at temperatures above 180°F for fire prevention.
- Temperature monitoring will be performed and recorded by a Certified Compost Facility Operator. Temperature monitoring will be recorded in logs, and will be accessible to all staff and interested visitors.
- To meet PFRP, temperatures within the windrows will be maintained at 131°F and above for 15 days or longer with a minimum of five turnings of the windrow.
- To meet PFRP, temperature within the EASPs will be maintained at 131°F for at least 3 days.
- Temperature measurements will take place every 50 feet for windrow composting. For EASP, the temperatures will be measured between the center and 2/3 from the blower along the length of each aeration zone. For reference see below Figure 4.10 (On-Farm Composting Handbook).

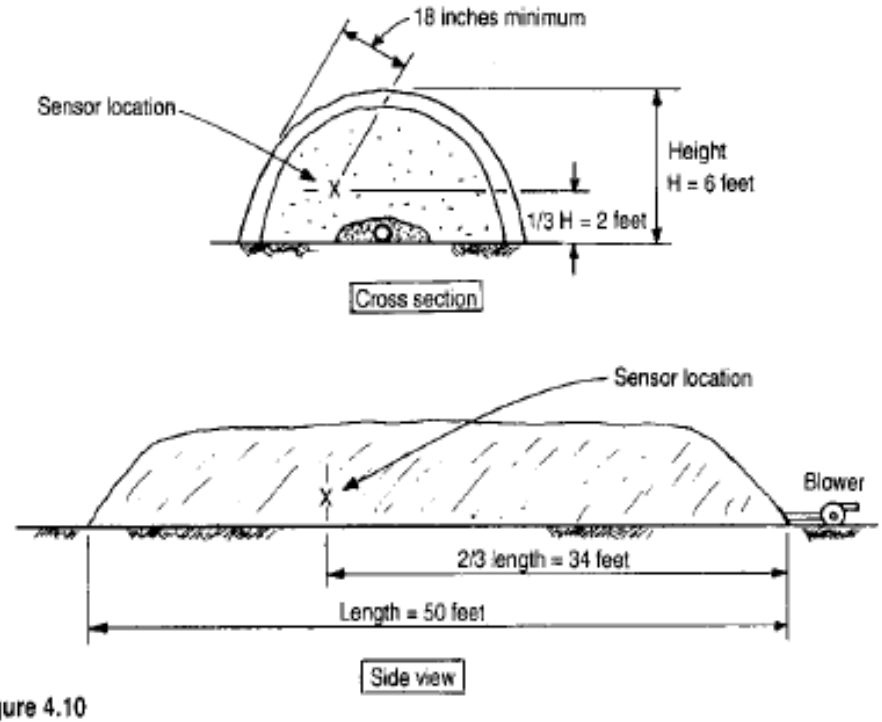


Figure 4.10
Temperature sensor location for an aerated static pile.

5.2 Plan and Procedure for Measuring Moisture during Composting

- Optimum moisture content ranges between 40% and 65% by weight.
- Operators will perform the "Squeeze Test" to measure moisture content, multiple times a week during the composting period.
    - How to perform test:
        - Grasp a handful of compost material. Squeeze it lightly in palm of hand, paying attention to drips or moisture "ringing" out from between knuckles.
    - If drops of moisture do not squeeze out, the material is too dry.
    - If several drops drip out, the material is too wet.
- If additional moisture is needed for the windrow, water may be pumped from ponds, wells, or rainwater catchment systems.
- H2O and O2 content will be documented and recorded on an electronic logging form.
- Finished compost is analyzed routinely by an independent testing lab. KCC will attempt to use a singular, consistent lab for quality results. This lab will produce all, if not more than, the required metrics for all regulatory agencies.

5.3 Plan and Procedure for Reducing Vector Attraction

- As stated in section 4.2, KCC has taken proven BMPs into consideration during the initial planning of the facilities layout.
- Standing water will be avoided through proper planning but will be mitigated and resolved immediately to reduce vector potential.
- Feedstock tipping and storage areas will be maintained multiple times a day, when necessary, to reduce vector potential.

5.4 Description of Methods for Handling Unacceptable Wastes Delivered to the Composting Facility

- As the chief location of our own hauling company, we will take great care on the up-stream supply chain to mitigate contamination risk. When possible, loads when even a remote risk of high contamination will be tipped in a designated space for inspection and sorting if needed.
- Materials from new haulers will be inspected, if possible, before acceptance.
- Unacceptable wastes will be rejected before tipping, or reloaded and sent to landfill.
- Loads with 10% or more (by volume) contamination will be rejected.

- Any contamination removed from the incoming feedstocks will be placed in a proper trash container and disposed on a regular basis to prevent nuisances, insect and rodent infestation, odors, discharge of pollutants, harm the environment, or create other potential hazards.
- Tipping of unacceptable wastes will lead to fees to the offending hauler. KCC has a zero-tolerance policy for unacceptable wastes.
- 3rd party haulers are required to provide digital communication information for their companies. Unacceptable wastes will be documented and kept on file.

5.5 Plan for Determining Whether the Product is Stable, Meets Pathogen Reduction Requirements, and is Suitable for Placement in the Curing or Compost Storage Area

- There are a number of bench test that will be performed to confirm the material is ready to move from stage to stage, and area to area. This includes the "respiration test", "solvita test" and "bio-assessment test".
- No material is allowed to move past the initial processing, or active stage, if temperature requirements for P.F.R.P are not met.
- When material passes all of these tests, the material is moved to its designated space and is tested using a 3rd party laboratory test (for curing piles moving to complete-compost storage area).

5.6 Plan for Disposal of Product that Does Not Meet Quality or Regulatory Requirements.

- If at the end of the composting process, the final product does not meet quality requirements, the material may take one of the following tracks, if legal requirements are met.
    - Land application on our own acreage at the Stull Road Composting Facility.
    - Reintroduced back to the beginning of the active composting process. Flowing it through as a feedstock that can be blended with new feedstocks and have future chances to meet P.F.R.P requirements.
    - Trucked to landfill or transfer station for final disposal if metals, or man-made inerts cannot be resolved internally.

5.7 Plan for Keeping Records under COMAR 26.04.11.12

- Staff at Key City Compost are responsible for collecting and maintaining multiple metrics to stay in regulatory compliance. These include but may not be limited t o:
    - P.F.R.P and other process related quality metrics. Initial feedstocks, added feedstocks and date, pile temperature, pile moisture, turn date.
    - Weight and volume of incoming materials.

    - Baseline classification of those materials (carbon, nitrogen) as well as quality information (such as contamination).
    - Source of incoming materials.
    - Volume of sold product.
    - Quantity of residues produced by the compost facility.
    - Results of analytical testing of finished product.
- The facility manager will keep records in both digital and paper form and such records will be accessible to inspectors during both planned and unplanned visits.
- Records will be kept for a minimum of 5 years.
- Facility manager will produce an annual report (submitted by January 31st) in compliance with the requests in regulation COMAR 26.04.11.12 section D.
- Annual submission of CFOP in observation of COMAR 26.04.11.12 section E.

5.8 Plan for Keeping Records under COMAR 15.18.04

- Key City Compost's Facility Operations Manager will maintain and renew their certification every 3 years.
- Testing of stabilized compost or any compost distributed from the Compost
- Facility shall be tested each quarter or once every 20,000 tons of compost per COMAR 15.18.04.05. If compost test results are within acceptable testing limits during the first year of operation, then testing shall occur once per year.
- Testing records for lab analyses shall be recorded and retained for two years from the date of each record, on-site at the Compost Facility.
- Prepare and submit semi-annual tonnage reports. One for Jan 1 through June 30th and another for July 1st through December 31st.
- Prepare and submit a registration renewal to MDA by February 1st of each year.

- - - END OF SECTION - - -

6.0 Maintenance, Inspection, and Safety

6.1 Plan for Periodic Inspection of the Site by the Facility Operator or Personnel

- All weather pads and roads of the Compost Facility are monitored periodically and in accordance with SWPPP requirements to ensure proper slope and drainage to prevent ponding.
- Stormwater management infrastructure is periodically monitored and inspected after rain or storm events to ensure proper drainage and directional flow. The SWPPP for the Compost Facility, which includes composting areas, requires visual monitoring as well as inspections on a routine, quarterly, and annual basis and following each significant rainfall event.
- Inspection reports will be maintained on site at the Compost Facility.

6.2 Plan for Periodic Cleaning and Inspection

- Routine cleaning of the compost facility will be scheduled on a regular basis. Weekly reviews and reports will be given to workers. The facility manager will instruct all staff to report trash or cleanliness issues to facility manager immediately.
- Roads and pads will be scraped to remove debris, to return loose compost material to the windrows, and to remove contaminated compost or unacceptable waste.
- Manual trash picking by hand will occur on a periodic and scheduled bases. ● The Composting Facility will follow general good housekeeping practices.

6.3 Methods Used to Prevent Mud, Soil, and Debris from the Composting Facility from Entering Public Roadways and Procedure for Cleaning Roads if Necessary

- The Composting Facility utilizes all-weather pads, especially around designated tipping areas for associated traffic.
- The Composting Facility utilizes maintained gravel drives to prevent incoming traffic from coming in contact with Mud, Soil and Debris.

6.4 Description of Employee Safety Training

- The facility will have at least one certified Compost Facility Operations Manager. This manager will design and organize employee training.
- Safety training will be documented and logged using the Staff Training Log Form (Attachment # 11)

- Emergency Management and Response procedures are contained within the employee handbook. These points are discussed quarterly as well as during each new employee onboarding.

6.5 Description of Procedures for Recording and Reporting Instances of Non-Compliance at the Facility

- In the event of non-compliance, MDE shall be notified by phone within two (2) hours of the non-compliance event. Formal written documentation will follow within twenty-four (24) hours of the non-compliance event.
    - These instances will be investigated by the Certified Compost Facility Operator in charge. Instances of non-compliance will be documented using the Non-Compliance Log Form (Attachment # 12).
    - KCC shall manage the non-compliance incident within 30 days or notify MDE in case that it will take longer.

- - - END OF SECTION - - -

Staff Training Log Form

Name of employee: _____

Employee number: _____

Department: _____

Job title: _____

Training Subject	Date Trained	Retrained	Comments

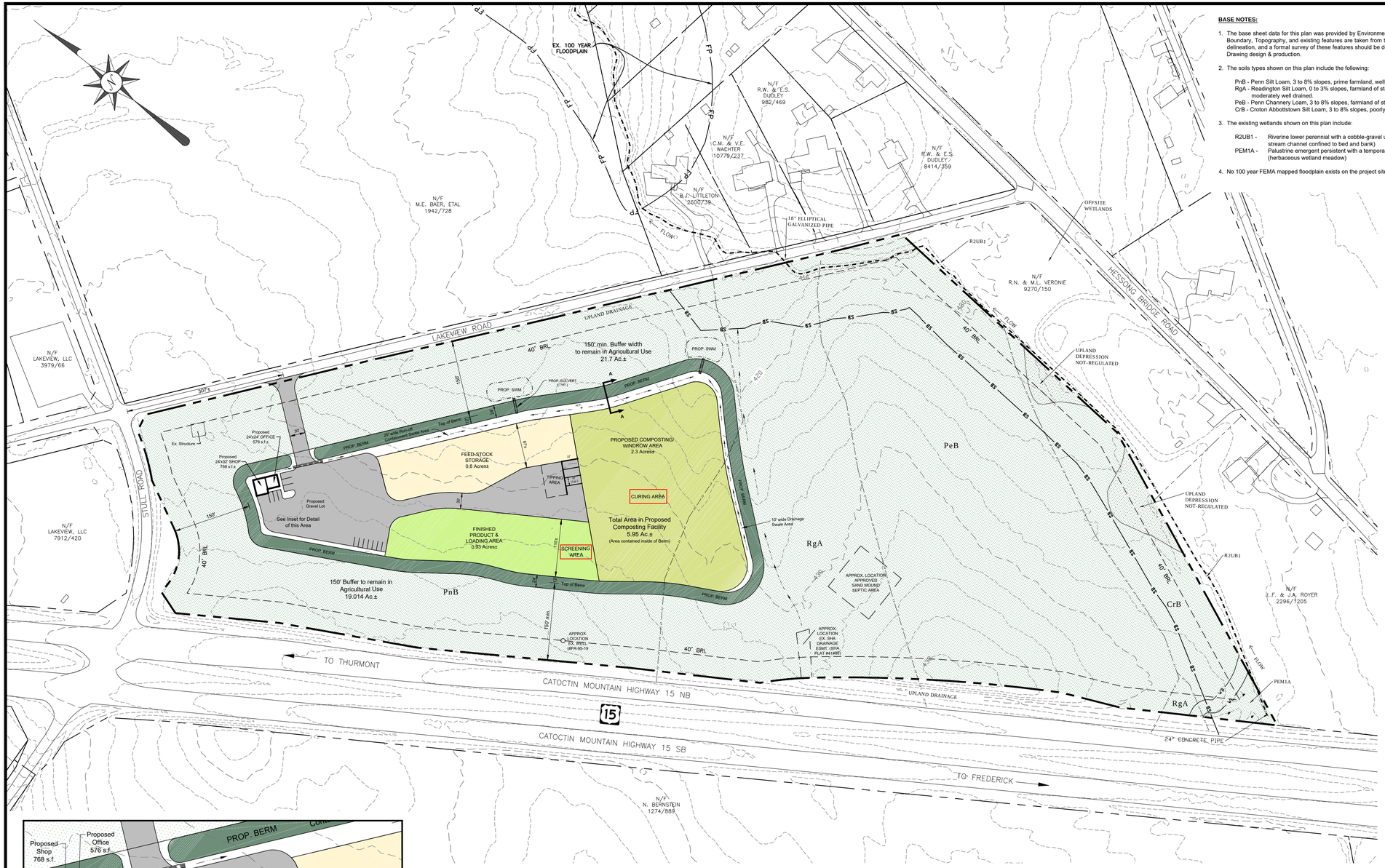
I have received and understood the safety and health training listed above and acknowledge that it has been given to me.

Employee's Signature	Date	Supervisor's Signature	Date

NON-COMPLIANCE LOG FORM

PROTOCOL TITLE:		
PROTOCOL NO.:	PRINCIPAL INVESTIGATOR:	SITE NAME:

Serial No.	Details of Non-compliance (please include reason for non-compliance, date of occurrence and date of site's awareness)	Subject ID(s)	Corrective Action(s)	Preventive Action(s)	MDE Notification Date & Time	Note



BASE NOTES:

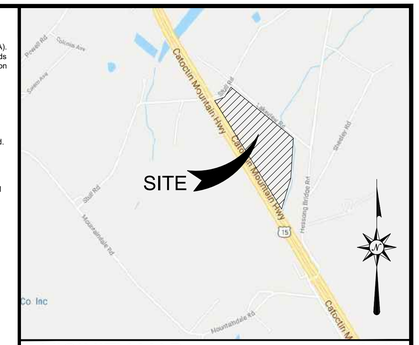
1. The base sheet data for this plan was provided by Environmental Systems Analysis, Inc. (ESA). Boundary, Topography, and existing features are taken from their previously prepared wetlands delineation, and a formal survey of these features should be done prior to Site Plan/Construction Drawing design & production.
2. The soils types shown on this plan include the following:

   PnB - Penn Silt Loam, 3 to 8% slopes, prime farmland, well drained.
   RgA - Readington Silt Loam, 0 to 3% slopes, farmland of statewide importance, moderately well drained.
   PeB - Penn Channery Loam, 3 to 8% slopes, farmland of statewide importance, well drained.
   CrB - Croton Abbottstown Silt Loam, 3 to 8% slopes, poorly drained.

3. The existing wetlands shown on this plan include:

   R2UB1 - Riverine lower perennial with a cobble-gravel unconsolidated bottom (perennial stream channel confined to bed and bank)
   PEM1A - Palustrine emergent persistent with a temporarily flooded water regime (herbaceous wetland meadow)

4. No 100 year FEMA mapped floodplain exists on the project site.



VICINITY MAP 1" = 1,200'

DEVELOPMENT PROGRAM & GENERAL NOTES

1. The Project site totals approximately 29 acres ± and is zoned Agricultural (AG), The project site is located along US. Route 15 at Stull Road within Frederick County, MD.
2. Proposed use is a State & County Permitted "Tier 2 Small" Limited Commercial Food Waste Composting Facility on the interior 5 acres ± of the subject site, and Agricultural Activities for Utica Farms on the perimeter areas totaling 21.7 acres± of the site.
3. AREA SUMMARY:

Total area of Site:	29 Acres±
Total area of Building Footprint:	1,344 s.f.±
Total area of Paving:	1.44 Ac.± (62,752 s.f.±)
Total area in Perimeter Berm:	1.3 Acres±
Total area of Composting Operation:	5.95 Acres±
Total area of Agricultural Use:	21.7 Acres±

4. Parking Requirements:

   Solid Waste Operations: 1 space for every 2 employees, plus 1 for each business motor vehicle.

Max Employees Proposed:	10 employees
Number of Business Vehicles:	8
TOTAL PARKING REQUIRED:	13 Spaces Required.
TOTAL PARKING PROVIDED:	13 Spaces Provided.

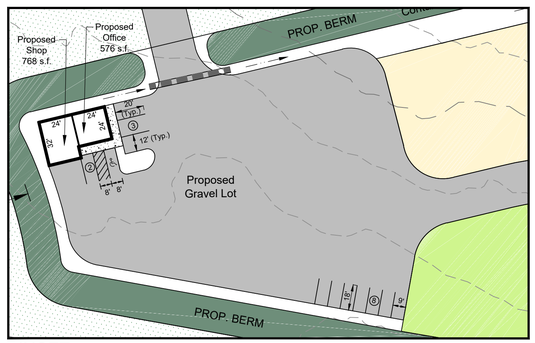
5. Windrows will be established in "Extended Aerated Static Piles", on a pads with forced air for appropriate curing of finished product.
6. Feedstock types proposed are: Woodchips, Yard Debris, Food Waste (Organics), Manure and Animal Bedding.
7. Incoming Food Waste will be dumped into a containment pit, mixed, and turned immediately with existing feedstock, put to Windrow, and capped with additional feedstock.
8. A berm will be constructed, as shown on plan, 150' off of property line and will be planted with buffer trees. Additional vegetative screening will also be provided along the property lines at the perimeter of the site.
9. Anticipated Employees proposed for the Composting operation is 6-10 employees.
10. The proposed Office & Shop will employ the use of a composting toilet and gray-water system similar to "Clivus Multrum" & "Nutricycle" systems, or approved equal.
11. Anticipated Traffic for the Composting operation will be mostly Single Axle, 10+/- visits per day.
12. Bulk/Wholesale sales only are anticipated. No on-site Retail Sales are planned at this time.
13. All relevant requirements as set forth in the Frederick County Code, and all required approvals, including Storm Water Management measures, Adequate Public Facilities Ordinance & Forest Conservation Ordinance approvals, Landscaping, etc. must be met through the normal Frederick County approval process. Future Office, Shop, Scales, Signs, & Lighting will be proposed with a formal Site Plan and approval will be obtained prior to implementation.
14. No portion of the limited food waste composting activity or operation shall be located within the floodplain.
15. Per Section 1-19-8.408 of the Frederick County Zoning Ordinance entitled "LIMITED FOOD WASTE COMPOSTING IN THE A DISTRICT", the following criteria shall be met:

    i. Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.
    ii. All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.
    iii. A vehicular circulation plan shall be submitted indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided.
    iv. All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.
    v. All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes.
    vi. Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all federal and State of Maryland permits and other approvals.

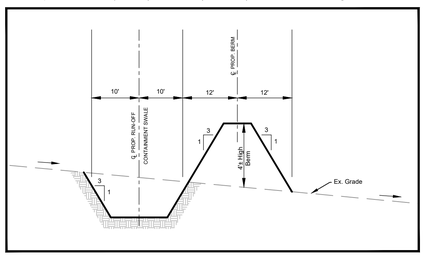
Additional Note: Jorge L. Montezuma, P.E. added the information in the red boxes on 10/7/2020. Nothing else was added or removed.

OWNER:

William D. Jefferies Revocable Trust
Richard Jefferies, Trustee
10616 Old Frederick Road
Thurmont, MD 21788



INSET 1"=50'



SECTION A-A Not To Scale (Exaggerated Vertical to Horizontal scale)

LEGEND:

- PROPOSED WINDROWS
- FEED-STOCK STORAGE
- FINISHED PRODUCT & LOADING AREA
- PROPOSED GRAVEL
- PROPOSED BERM
- AREA REMAINING IN AGRICULTURAL USE BUFFER

CONCEPT SKETCH PLAN

Key City Compost

SITUATED ON STULL ROAD AT U.S. ROUTE 15
FREDERICK COUNTY COUNCIL ELECTION DISTRICT No. 5
FREDERICK COUNTY, MARYLAND

ONE INCH

DAFT McCUNE WALKER INC
8 EAST SECOND STREET SUITE 201 FREDERICK, MD 21701
P: 301 696 9040 F: 301 696 9041 WWW.DMW.COM

Note:
The information provided hereon is for conceptual purposes only, and is based on current regulations and existing information available. No detailed engineering has been designed, nor have any jurisdictional or regulatory agency approvals been obtained. Therefore, all of the information contained on this Concept Sketch should be used for general conceptual purposes only. Any density or building square footage yields or other potential uses of this property set forth on any Conceptual Plan are subject to the full engineering design and regulatory agency approval processes prior to assuming that any of the proposed uses or yields can be realized on this property. Detailed planning, engineering, and surveying must be completed during the normal plan preparation process and all jurisdictional approvals must be obtained. The conceptual information show hereon is subject to change as the project proceeds through these processes. Therefore, all information hereon must be utilized for conceptual purposes only.

LAND DESIGN BY :	LPC
PRELIMINARY ENGINEERING FEATURES BY :	DMW/LPC
DRAFTED BY :	LPC/DMW
AUTOCAD VERSION 2014	

PLAN REVISIONS :

NO.	REVISIONS	BY	DATE
1	Added label locations for curing and screening areas.	JLM	10/7/2020

SEAL :

LINGG PROPERTY CONSULTING
256 West Patrick Street, Suite 2A
Frederick, Maryland 21701
www.LinggPropertyConsulting.com
LinggPC@xecu.net - e
(301) 644-2121 - o
(301) 698-3221 - f
Land Use Consulting • Land Planning & Design • Project Management • Site Planning
Subdivision Planning • Zoning Entitlement Consulting • Development Rights & Approval Strategies
Civil Engineering & Land Surveying Management

SCALE:	1" = 100'
INITIAL DWG DATE:	APRIL 2019
SHEET	1 OF 1
LPC PROJECT NO.	0042-23

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A RUSTIC ROADS PROGRAM

FOR FREDERICK COUNTY MARYLAND

cover painting: "Country Road" by Ann Reid

photo credit: Buck Lantz Road by David Olney



A Rustic Roads Program for Frederick County, Maryland

Recommendations for Criteria, Nomination, Policies, Education, and Promotion

Frederick County Rural and Scenic Roads Advisory Committee

September 2022



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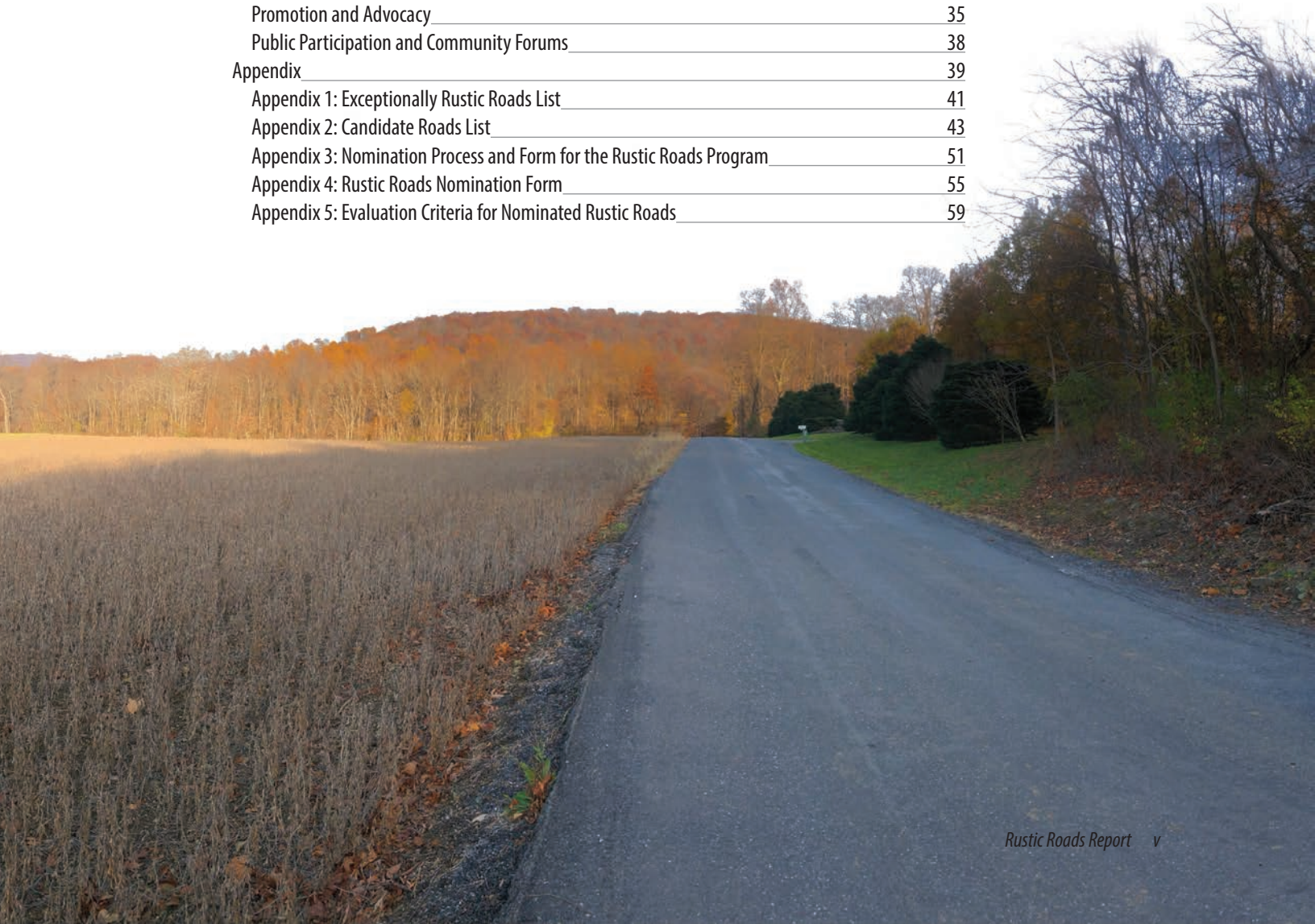
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Introduction

The Frederick County Rural Roads Program was created by Resolution No. 02-23, approved by the Board of County Commissioners on September 24, 2002. Responsibility for the program was given to the already existing Roads Board, which was established in 1930 (Article II, §§2-11-26 – 2-11-72). The intent of the Rural Roads Program, within the Division of Public Works, was to protect the scenic and historic qualities of designated roads and provide for their continued maintenance. The 62 roads designated by the resolution included 65.4 miles of gravel roads, 30.4 miles of tar-and-chip roads, and 15.2 miles of asphalt roads, for a total of 111 miles.

In the twenty years the program has existed, some roads have been removed from the program due to privatization, owner complaints, or a change in jurisdiction. Another loss is the reduction in the number of gravel roads. Today, 56 designated Rural Roads total 73.7 miles, with 45.7 miles still gravel—the last of Frederick County's gravel roads. Clearly, the program has suffered, with the County losing both total miles in the program and miles of gravel roads.

Over the years, many County residents became increasingly disappointed with administration of the program, including the ability of property owners and elected officials to influence the removal of roads from the program. Dissatisfaction with the maintenance and repair of designated roads also became issues of concern. Advocates for program improvements shared their views with the County Executive, members of the Frederick County Council, and staff of the Division of Public Works.

In 2021, County Executive Jan Gardner appointed interested and knowledgeable individuals to a board she created to review the existing Rural Roads Program and design a program that would better meet community needs. In September 2021, the Frederick County Rural and Scenic Roads Advisory Committee began its study of issues evident in the existing program, effective rustic road programs elsewhere, and concepts for expansion of the existing program. Based on the County Executive's specific goals for the committee, it carried out the following tasks:

1. Reviewed and assessed the current Frederick County Rural Roads Program;
2. Drafted criteria for designating eligible roads in Frederick County;
3. Created a recommended list of candidate roads for the new program;
4. Drafted revised policy guidelines for the program;
5. Drafted recommendations for a standing advisory board and program;
6. Developed recommendations for the program's role in education and for promoting and increasing tourism; and
7. Prepared a written report outlining the Committee's recommendations.

The Committee was asked to complete these tasks within 12 months. This report, the final task, is submitted to the County Executive, with hopes that she is satisfied with the Committee's work. Furthermore, the Committee hopes that all elected officials find the loss of Rural Roads under the existing program sobering and a call to speedy action.

photo credit: Rum Springs Road by Maria Olney





Members of the Rural and Scenic Roads Advisory Committee are:

Tiffany Ahalt, chair

Susan Hanson, vice-chair

Jim Bonneville

Ron Burns

Sam Castleman

Howard Looney

Darius Mark

Peter Pearre

Barbara Wyatt

Jeff Yocum

Dave Ziedellis

The committee is grateful for the assistance provided by the Division of Planning and Permitting and the Division of Public Works, including:

Kimberly Golden Brandt

John Dimitriou

Beau Lockard

Mark Mishler

David Olney

Denis Superczynski

Amanda Whitmore

Mike Wilkins

photo credit: Middle Point Road by David Olney



Summary of Recommendations

All recommendations are described in more detail in this report. Candidate Roads mentioned in these recommendations are roads that meet the threshold qualities for Rustic Road designation and are included on the proposed Candidate Road List. Candidate Roads were not designated by the original Rural Roads program but are priorities for designation as Rustic Roads when the program is in place.

Recommendations for Action Prior to Implementation

1. A level of immediate protection should be applied to roads on the Candidate Road list, including requirements to maintain all character-defining features in the right-of-way, including surface treatment, width, and right-of-way vegetation and tree canopies.

2. Any work undertaken on an existing designated Rural Road or on any road included on the Candidate Road list, including work already contracted for, should not result in detrimental changes to the roadway width, surface type, surface thickness, or right-of-way tree inventory. The Division of Public Works is responsible for monitoring contractors' adherence to this requirement.

3. Appropriate funding for development of the Rustic Roads section of the Streets and Roads Design Manual to be included in the revised Manual when funded. This should reflect regional and national standards and practices and, ideally, the Rustic Roads section will be contracted to an engineering firm with relevant experience with rustic roads.

4. Until revision to the Manual is completed, temporary standard operating procedures, consistent with this report, should be developed by the DPW and endorsed by the existing Roads Board. Inclusion on a Roads Board agenda will provide an opportunity for public comment and discussion. After the Rustic Roads Program is established, this temporary oversight will switch to the Rustic Roads Commission.

5. Develop a Rustic Roads Program with authority for the designation and protection of Frederick County roads that meet the criterial for Rustic Road designation. The program should be codified as a part of the Code of Frederick County to firmly establish rustic road preservation as County policy. The program should be under the jurisdiction of the Division of Planning and Permitting, with a Rustic Roads Commission created to oversee the designation and protection of designated Rustic Roads and Candidate Roads. This commission will assume oversight of the existing designated Rural Roads, which will be reclassified as Exceptionally Rustic Roads and brought into the program. The existing Roads Board will continue as a platform for citizen advocacy and concerns for all other County road issues.

Recommendations for Implementing a New Rustic Roads Program

1. Incorporate all roads presently in Frederick County's Rural Roads Program into Frederick County's Rustic Roads Program with a designation of "Exceptionally Rustic."

2. Establish a nomination procedure for use by citizens proposing a road for inclusion in the Rustic Roads Program. The County staff and a Rustic Roads Commission shall review nominations and present the Commission's recommendations for approval or disapproval to the County Executive before it is submitted to the Frederick County Council.

3. The highest priority roads for new designations are included on the list of Candidate Roads, included in Appendix 2 of this report. The Objective Criteria outlined in this report was applied to all Frederick County tar and chip roads

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Division of Planning and Permitting
Department of Development Review and Planning

Approved: Cody Shaw 1/12/2022

Frederick County Planning Commission

6'

4'

KEY CITY COMPOST
AT UTICA BRIDGE FARMS

MONDAY - SATURDAY
7:00 AM - 6:00 PM
7245 LAKEVIEW ROAD

EMERGENCY CONTACT
PHIL WESTCOTT
4539 METROPOLITAN CT.
FREDERICK, MD 21704
PHONE: 240-409-1979

BUSINESS SIGN
N.T.S.

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L1	S16° 37' 06"W	15.50'
L2	S86° 16' 57"W	30.14'
L3	S58° 11' 10"W	100.67'
L4	S30° 05' 22"W	102.52'
L5	S35° 51' 24"W	97.49'
L6	S30° 05' 06"W	15.03'
L7	S75° 08' 30"W	22.45'
L8	S52° 29' 26"E	25.90'
L9	S39° 03' 37"W	18.29'
L10	S33° 26' 25"E	204.04'
L11	S30° 34' 40"E	100.13'

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L12	S25° 50' 44"E	151.33'
L13	S30° 34' 40"E	100.13'
L14	S33° 26' 25"E	100.00'
L15	S36° 52' 26"E	200.36'
L16	S36° 52' 26"E	50.09'
L17	S44° 45' 00"E	101.98'
L18	S33° 26' 25"E	400.00'
L19	S31° 31' 53"E	150.08'
L20	S33° 26' 25"E	150.00'
L21	S28° 51' 58"E	250.00'
L22	S33° 26' 25"E	197.00'

LIFE AND SAFETY NOTES

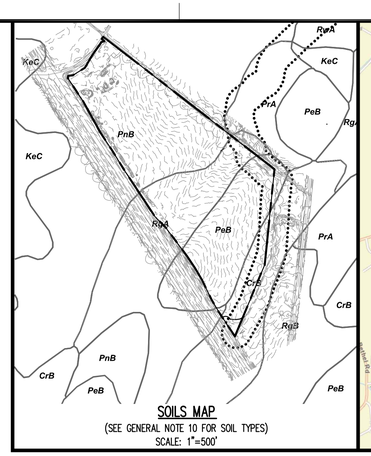
1. PREMISES IDENTIFICATION SHALL BE COMPLIANT WITH FREDERICK COUNTY ORDINANCE 05-01-362. THIS INCLUDES THAT DESIGNATION OF THE ADDRESS SHALL BE INCORPORATED IN ALL MONUMENTAL OR SITE SIGNS.
2. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE ACCESSIBLE DURING ALL TYPES OF WEATHER AND AT ALL TIMES.
3. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF 20 FEET.
4. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13'-6".
5. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE PROVIDED WITH A DURABLE ALL-WEATHER DRIVING SURFACE.
6. EACH COMMERCIAL BUILDING SHALL HAVE AN ACCESS BOX (KNOX BOX) FOR FIRE DEPARTMENT USE AT THE MAIN ENTRANCE.

REFERENCES

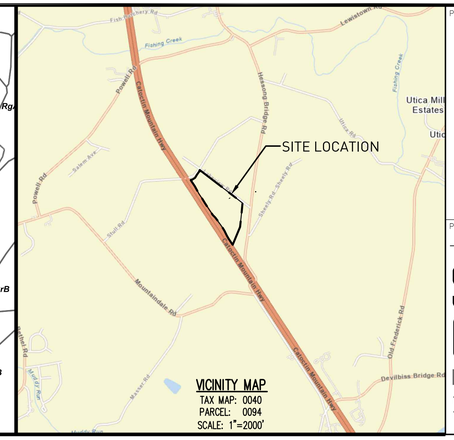
1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2019.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0450, EFFECTIVE SEPTEMBER 19, 2007.

LEGEND

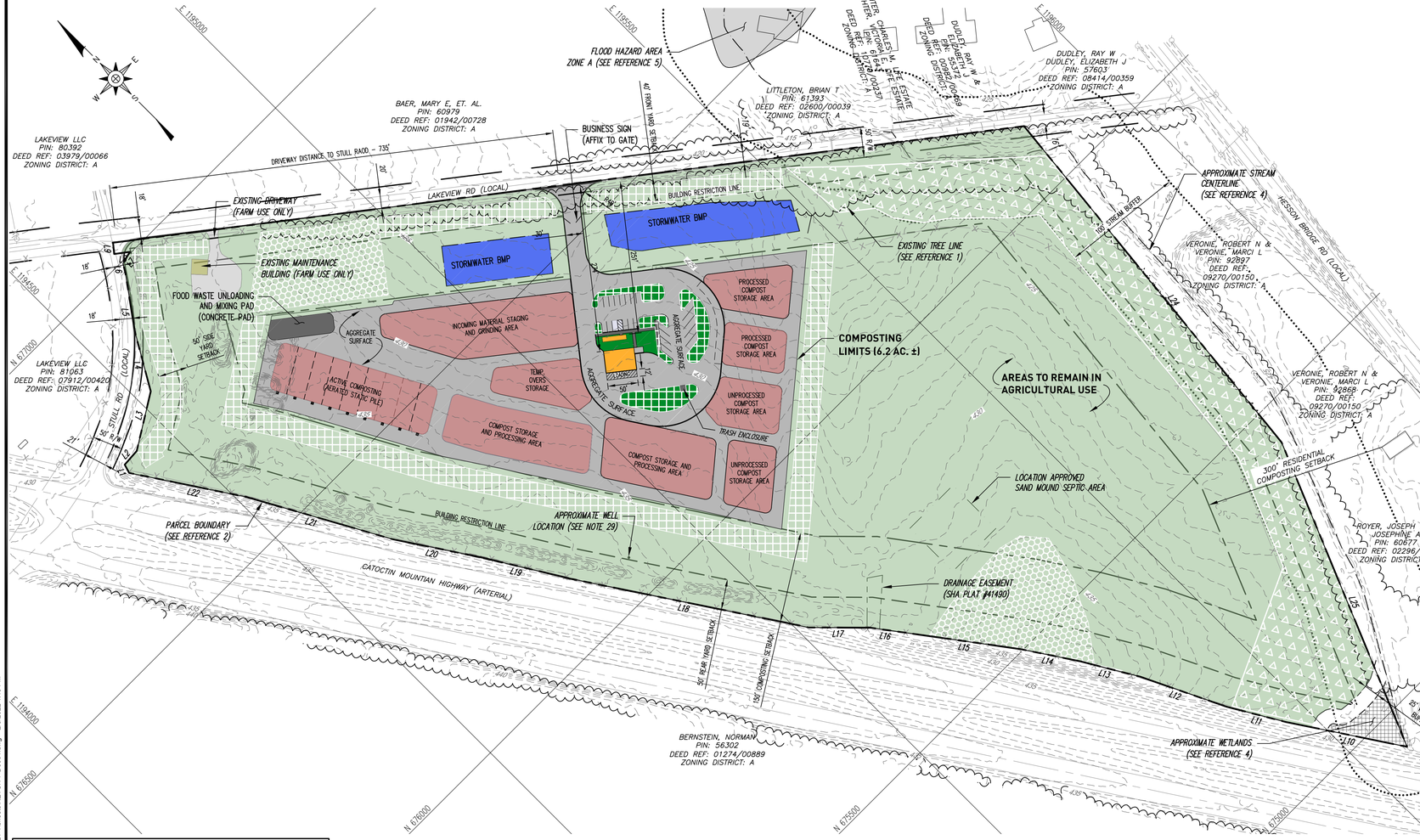
- 150 — EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID-ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECS MID-ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK



SOILS MAP
(SEE GENERAL NOTE 10 FOR SOIL TYPES)
SCALE: 1"=500'



VICINITY MAP
TAX MAP: 0040
PARCEL: 0094
SCALE: 1"=2000'



PERMIT ISSUE
NOT FOR CONSTRUCTION

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G:\CAD\Key City Composting\KeyCity 21-1\sheets\KEYCITY-D0001.dwg - 2/8/2022 1:19 PM

OWNER/APPLICANT INFORMATION

APPLICANT: UTICA BRIDGE FARMS, LLC
ADDRESS: 7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS: 10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.: (818) 762-4771

OPERATOR: KEY CITY COMPOST
ADDRESS: 7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.: (802) 277-0401

GENERAL NOTES

1. PROPOSED USE: KEY CITY COMPOST WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY; A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A 'TIER 2 SMALL' COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21778
3. LIBER 15016 / FOLIO 00491
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINDALE PLANNING REGION.
7. THERE IS 'NO PLANNED SERVICE' IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHING 'ZONE X' OF THE FLOOD INSURANCE RATE MAP NO. 24021C0450 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 19, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2019 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    CRB – CROTON-ABBOTTSTOWN SILT LOAMS, 3 TO 8 PERCENT SLOPES
    PNB – PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
    PEB – PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    RGA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	300 FEET	1,550 FEET

12. AREA SUMMARY
    PROPERTY: 29.0± ACRES
    COMPOST OPERATIONS AREA: 6.2± ACRES
13. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    MAXIMUM HEIGHT: 30 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
    PROPOSED POLE BARN: 24 FEET (TO RIDGE OF ROOF)
    GROSS FLOOR AREA: 2,120 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 6 AND 50 GROSS FLOOR AREA = 2,120 SQUARE FEET TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1-20-12(H)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICULAR TRIPS
    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY 1-19-6.220.A.4 FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION'REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 16 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    EXISTING: 5,800 SF (0.4%)
    PROPOSED: 267,900 SF (21.2%)
    TOTAL: 273,700 SF (21.6%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1-19-6.320 FOR 'BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS'
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUEST:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL-TIME AND 1 PART-TIME PERSONNEL AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

FILE #: SP19-17
A/P #: 19894
DUE DATE:

PREPARED FOR:
KEY CITY COMPOST
AT UTICA BRIDGE FARMS

PREPARED BY:
NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488

SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

SEAL
DocuSigned by: Stacey A Smith 3369F8A0088E4...
2/28/2022
STATE OF MARYLAND · STACEY A. SMITH · 55946 · PROFESSIONAL ENGINEER

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION
1	3/8/21	REVISIONS TO FC COMMENTS
		PREVIOUS SUBMITAL BY
		LINGG PROPERTY CONSULTING.
2	9/23/21	RESPONSE TO FC COMMENTS
		DATED MARCH 23, 2021
3	11/23/21	RESPONSE TO FC COMMENTS
		DATED OCTOBER 18, 2021
4	12/8/21	RESPONSE TO COMMENTS
		DATED DEC. 3, 2021
5	1/27/22	FCPC CONDITIONS OF
		APPROVAL DATED JAN. 14, 2022.

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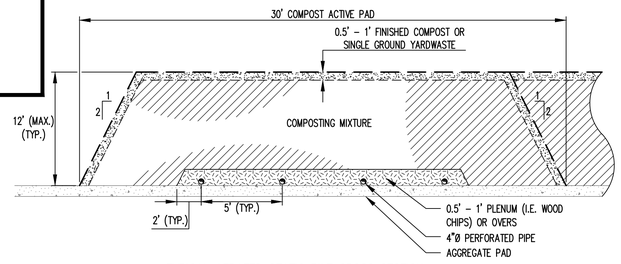
PROJECT TITLE:
KEY CITY COMPOST AT UTICA BRIDGE FARMS
SITUATED AT 7245 LAKEVIEW ROAD
FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5
FREDERICK COUNTY, MARYLAND

DRAWING TITLE:
TYPE I SITE PLAN
SITE OVERALL
SP 19894
APFO 19095
FRO 19896

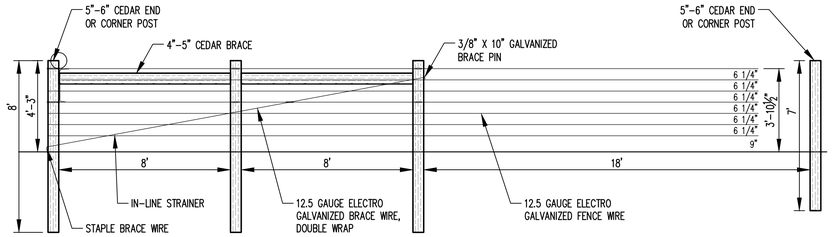
DESIGNED: J.R.F.	PROJECT NO: KEYCITY 21-1
DRAWN: C.T.J.	SCALE: AS SHOWN
APPROVED: SAS	DATE: MARCH 2021
FILENAME: KEYCITY-D0001	
SHEET NUMBER: —	DRAWING NUMBER: SP1


WARNING
7245
GOLD
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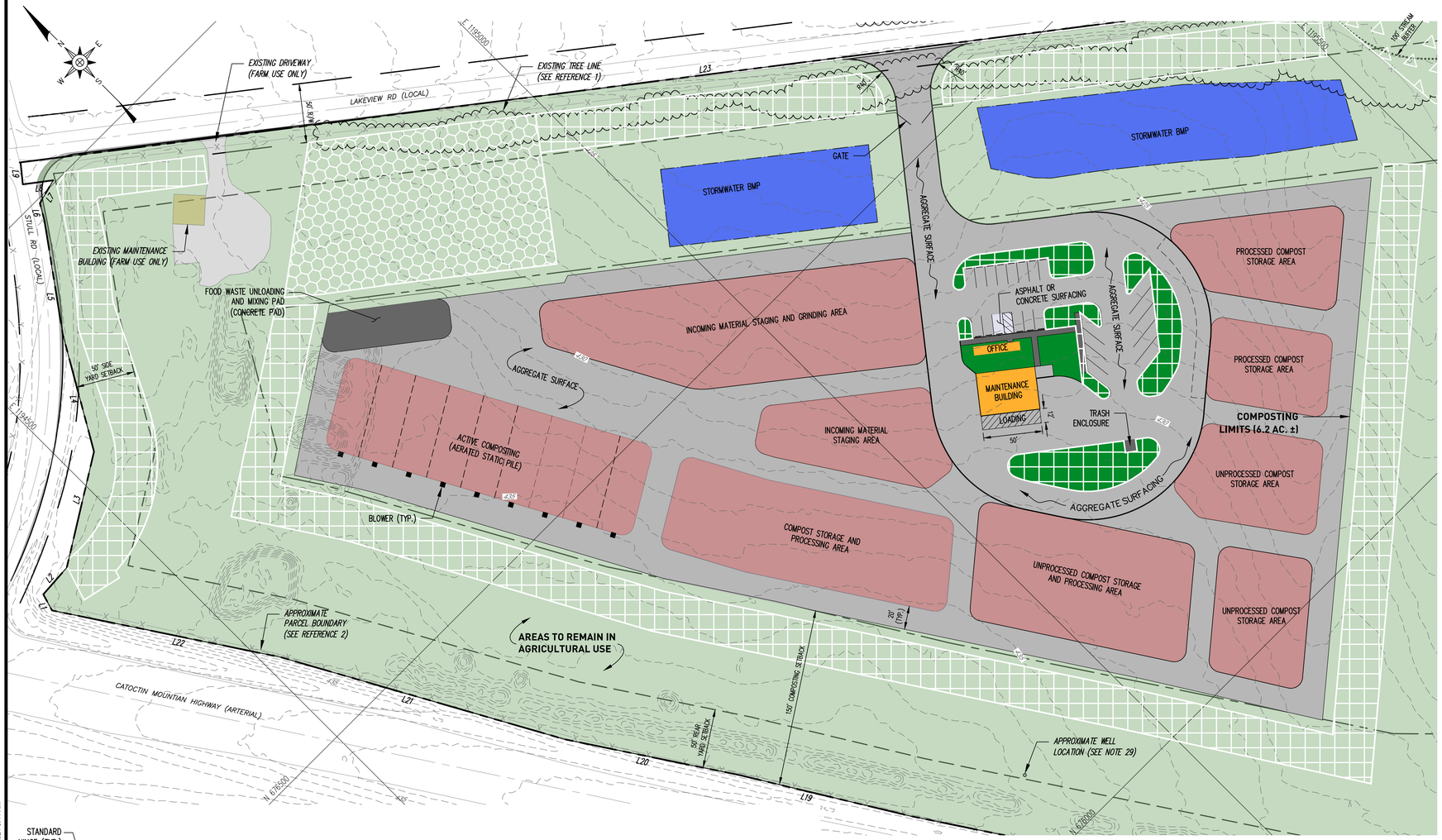
7 STRAND HIGH TENSILE FENCEING
N.T.S.

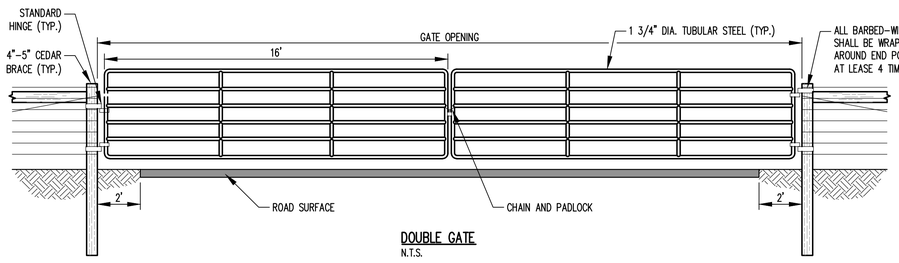
OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(818) 762–4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202–4450

REFERENCES
1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2019.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0445D, EFFECTIVE SEPTEMBER 19, 2007.

LEGEND
- EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID–ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECS MID–ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK





DOUBLE GATE
N.T.S.

COMPOSTING NOTES
1. LIMITED FOOD WASTE COMPOSTING ACTIVITIES ARE COVERED UNDER THE GENERAL COMPOSTING PERMIT (GP–CF01) BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
2. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE FLOODPLAIN DISTRICT AND 100 FEET FROM THE BANKS OF RIVERS, STREAMS, OR OTHER BODIES OF WATER.
3. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL NOT CAUSE ANY ODOR, DUST, SMOKE, VIBRATION, OR UNREASONABLE NOISE WHICH CAN BE DETECTED AT OR BEYOND ANY PROPERTY LINE.
4. ALL ACTIVITIES AND OPERATIONS ASSOCIATED WITH THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE LOCATED A MINIMUM OF 150 FEET FROM PROPERTY LINES AND AT LEAST 300 FEET FROM A DWELLING NOT OWNED OR OPERATED BY THE OPERATOR OF THE COMPOSTING FACILITY.
5. COMPOSTING OPERATIONS WILL MAINTAIN A 4 FEET SEPARATION FROM THE SEASONAL HIGH–WATER TABLE AS DETERMINED BY SCS ENGINEERS IN A MEMORANDUM DATED JULY 24, 2020.
6. THE APPLICANT SHALL MAINTAIN RECORDS DETAILING THE DATE AND SOURCE OF OFF–SITE GENERATED FOOD WASTE. THE RECORDS MUST BE MADE AVAILABLE TO THE ZONING ADMINISTRATOR UPON REQUEST.
7. ALL MATERIALS AT THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE SORTED AND PROCESSED IN A MANNER THAT PREVENTS HARBORING OR BREEDING OF INSECTS OR ANIMALS, AND PREVENTS CREATION OF ODOR, LITTER, OR OTHER NUISANCES THAT MAY BE HARMFUL TO THE PUBLIC HEALTH OR THE ENVIRONMENT.
8. ALL INCOMING MATERIALS ASSOCIATED WITH FOOD WASTE MUST BE INCORPORATED INTO THE COMPOSTING PROCESS WITHIN 24 HOURS. LIQUIDS MUST BE CONTROLLED TO PREVENT RUN OFF DURING OFFLOADING, STORAGE, AND PROCESSING OF ALL RECEIVED WASTES.
9. GRINDING WILL ONLY OCCUR BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY.
10. MARYLAND DEPARTMENT OF THE ENVIRONMENT CONTACT INFORMATION:
    RESOURCE MANAGEMENT PROGRAM: (410) 537–3314

0 50' 100' 150'

PERMIT ISSUE
NOT FOR CONSTRUCTION

GENERAL NOTES
1. PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRES ON JANUARY 12, 2025 COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY; A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A 'TIER 2 SMALL' COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21778
3. LIBER 15016 / FOLIO 00491
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINDALE PLANNING REGION.
7. THERE IS 'NO PLANNED SERVICE' IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHING 'ZONE X' OF THE FLOOD INSURANCE RATE MAP NO. 24021C0445D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 19, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2019 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    CRB – CROTON–ABBOTTSTOWN SILT LOAMS, 3 TO 8 PERCENT SLOPES
    PNB – PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
    PEB – PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    RGA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	300 FEET	1,550 FEET

12. AREA SUMMARY
    PROPERTY: 29.0± ACRES
    COMPOST OPERATIONS AREA: 6.2± ACRES
13. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    MAXIMUM HEIGHT: 30 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE–STORY)
    PROPOSED POLE BARN: 24 FEET (ONE–STORY, TO RIDGE OF ROOF)
    GROSS FLOOR AREA: 2,120 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 6 AND 50 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1–20–12(H)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICULAR TRIPS
    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY 1–19–6.220.A.4 FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION' REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 16 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    EXISTING: 5,800 SF (0.4%)
    PROPOSED: 267,900 SF (21.2%)
    TOTAL: 273,700 SF (21.6%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON–SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE–CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1–19–6.320 FOR 'BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS'
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUEST:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL–TIME AND 1 PART–TIME PERSONNEL AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON–SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.220.B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

FILE #: SP19–17
A/P #: 277005
DUE DATE:

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PREPARED FOR:

COMPOST CREW
good to grow

COMPOST CREW
AT UTICA BRIDGE FARMS

PREPARED BY:

NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488

SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

SEAL

Signed by: Stacey M. Smith 3369FBA0088...
12/4/2024

STATE OF MARYLAND · STACEY A. SMITH · 35648 · PROFESSIONAL ENGINEER

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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PROJECT TITLE:

COMPOST CREW AT
UTICA BRIDGE FARMS

SITUATED AT 7245 LAKEVIEW ROAD

FREDERICK COUNTY
ELECTION DISTRICT NO. 5

FREDERICK COUNTY, MARYLAND

DRAWING TITLE:

TYPE I SITE PLAN
COMPOST OPERATIONS PLAN
SP 277005
APFO 19895
FRO 19896

DESIGNED: J.R.F.	PROJECT NO.: COMPOST CREW 24-1
DRAWN: R.V.W.	SCALE: AS SHOWN
APPROVED: S.M.S.	DATE: MARCH 2021
FILENAME: CCREW-D0001	
SHEET NUMBER: 3	DRAWING NUMBER: SP2

THE LAW OFFICE OF MICHELE ROSENFELD LLC

April 21, 2025

Shannon Bohrer, Chair
Frederick County Board of Appeals
30 N. Market Street
Frederick MD 21701

RE: Appeal B277447
Site Development Plan SP 19-17 (AP SP277005 APFO277003 ("Site Plan")
Compost Crew at Utica Bridge Farms

Dear Chair Bohrer and Members of the Board:

On behalf of my clients John and Amie St. Angelo who own and farm 7114A Lakeview Drive,[1] located directly across Stull Road from the Site Plan property and the adjoining farm at 10900 Hessong Bridge Road,[2] Zachary Matter and Victoria St. Angelo who live at 7114 Lakeview Drive, Luke and Valerie Myers, who own 10700 Stull Road (and did not move in until October, 2023), Nicholas & Shannon St. Angelo who own and live at 10690 Stull Road, and Christoper and Ashley St. Angelo who own and live at 10670 Stull Road ((and who had multiple failed well tests in 2023) please accept this letter into the record of the above-referenced case in support of our request that the Board hold a full de novo hearing in this case, for the reasons stated herein.

In short, my clients (at the recommendation of Planning Commission members during and after the Site Plan hearing) contacted MDE and learned that – contrary to representations made by the Applicant during the Site Plan hearing – they have been operating the site "in violation of Environmental Article Titles 9," by failing to obtain the requisite "20-SW Industrial Stormwater Permit coverage." Attachments 1 and 2.

As explained below, when questioned by the Planning Commissioners about their permit status and MDE's oversight, the Applicant's testimony led the Commissioners to believe that they were in compliance with MDE permits, and as a direct result the Commissioners approved in a 3-2 vote to approve the Site Plan.

All Appellants were directly and materially prejudiced by the lack of fundamental fairness in the proceedings, and the sole means by which the underlying lack of due process can be cured is with a full *de novo* appeal hearing before the Board of Appeals.

[1] The St. Angelo property is owned by Lakeview LLC and Mr. and Mrs. St. Angelo are the sole members of that LLC.

[2] Both farms have large aquaculture ponds (one 5 acres and the other 7-plus acres).

I. Procedural Background

In 2022 the Planning Commission approved a Site Plan for a compost facility located at 7245 Lakeview Road.[3] That Site Plan, filed by applicant Utica Bridge Farms, LLC ("Applicant") with "Key City Compost" as the operator ("First Operator"), expired January 12, 2025. A second Site Plan application, also filed by Utica Bridge Farms, LLC, requested Site Plan approval, this time with Compost Crew, Inc. as the operator ("Second Operator").

My clients testified at length regarding significant and ongoing concerns related to odors, water contamination (one having nine failed well tests in the two years prior to the 2025 Site Plan hearing and air quality concerns resulting from repeated childcare visits to pediatricians, including two children diagnosed with reactive airway disorder, with particulates associated with the compost facility as a suspected cause.

The Planning Commission, in a 3-2 vote, approved the Site Plan, after a majority declined to postpone a decision for several weeks to allow more investigation into the well water and air quality issues raised.

In this case, the Board has the authority to "reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken." Zoning Code § 1-19-3.230(D). Nothing in the Zoning Code or Board's Rules dictate whether an appeal must be "on the record" or *de novo*. For the reasons explained herein, a *de novo* hearing is clearly called for.[4]

II. Argument

A. The Board of Appeals Must Hold A *De Novo* Hearing Because The Compost Facility Is In Violation Of Its General Permit Contrary To Applicant Representations Before The Planning Commission.

There was extensive discussion at the Planning Commission level regarding concerns about groundwater and air quality regulations, and where enforcement authority falls. In response to direct questions Applicant representative Jeffries testified that:

MDE would do all, all of our permits would come through MD on any type of environmental concerns. So an example would be, we have a solid waste permit that we've already approved for the composting operations, which includes, we will need an industrial stormwater permit, which

[3] For some inexplicable reason, the address on the Site Plan does not match the one on the General Permit, *i.e*, 10661 Stull Road. See Attachments 5 and 6.

[4] The Board may hear from its legal counsel that *People's Counsel for Baltimore County v. Country Ridge Shopping Center, Inc*., 799 A.2d 425, 426, 144 Md. App. 580 (2002) is relevant to this proceeding. In fact it is not, as that case was limited solely to the question of "whether the Baltimore County Board of Appeals, on a remand to it by this Court, adequately complied with the terms of our mandate remanding for "further proceedings." In this case, the Board is considering the issues on appeal in the first instance and not following a remand for further proceedings from a court.

will test regularly anything that's coming off of the site. So they call it contact water, so any water that then contacts in the material and then goes into our already pre planned stormwater best management practices, so they will be tested there regularly and will be monitored by MDE. Anything With An air is an air permit, so you would have to make sure the air is also being regulated depending on the type of equipment you utilize.[5]

In response to a question asking "is MDE doing that now" Mr. Jeffries said:

> Right now we are, we are small, we're big, we're a farm, so we are the right to farm currently as an ag land, and what we're doing is zoning, and then this will then be regulated by MDE in the future. Yeah, but, but they have, they have already come out to the site and inspected to make sure that we are in compliance with existing regulations related to on farm composting. So they are actively policing this site and other sites that we operate.
>
> He also said "The Maryland Department of Environment regulations govern any environmental concerns that have been raised, and we'll have to follow those regulations according to our our state permit, which has been approved."

Commissioner Nicklas raised the following specific concerns: "

> And the two specific things were the nine failed bacteria tests, I think that's big and to me, unless somebody came forward two years ago and said, My well is failing all the bacteria tests, that's new information and the children's respiratory issues . . . I pulled those out as too serious, potentially public safety and environmental issues . . . if there is something happening that is related to an environmental concern of public safety, to have a continuance for a short amount of time, to do some subject matter experts at the county to do some investigation to find out, is there something here, and if there is, could that be mitigated by by doing a redesign of of of the site plan? But I am uncomfortable approving this when across the street we're getting failed bacteria tests in wells.

Applicant representative Mr Jeffries responded by saying:

> So MDE would do all, all of our permits would come through MD on any type of environmental concerns. So an example would be, we have a solid waste permit that we've already approved for the composting operations, which includes, *we will need an industrial stormwater permit,* which will test regularly anything that's coming off of the site. So they call it contact water, so any water that then contacts in the material and then goes into our already pre planned stormwater best management practices, so they will be tested there regularly and will be monitored by MDE. Anything with an air is an air permit, so you would have to make sure the air is also being regulated depending on the type of equipment you utilize.[6]

[5] See February 12, 2025 hearing video: Planning Commission - Feb 12th, 2025.

[6] See February 12, 2025 hearing video: Planning Commission - Feb 12th, 2025.

What Mr. Jeffries failed to disclose is that on October 4, 2024 MDE inspected the site, found that it is now operating without the required Industrial Stormwater Permit and issued the following violation notice:

> "This site is in violation of Environmental Article Titles 9. The following violations//corrective actions should be addressed immediately:
>
> The site was operating without 20-SW Industrial Stormwater Permit coverage. This site would meet the description of Sector C, subsector C1 as described in the 20-SW. // A notice of intent and application should be submitted immediately to MDE for 20-SW Industrial Stormwater Permit coverage for this facility listed above."

Attachment 1 (highlighting added). This notice was emailed to Kristie Blumer (who was present and testified at the 2025 Site Plan hearing. She also did not disclose this open violation.

Rather than taking corrective actions "immediately," an inspection carried out by MDE on March 13, 2025 confirmed that the site remained in violation (and to my clients' knowledge the compost facility remains in violation as of the date of submission of this letter):

> Currently there is no active permit for the operations conducted onsite. Once a 20-SW permit has been issued, this facility falls under sector C, subsector C1 (Agricultural Chemicals) requiring quarterly benchmark sampling for Nitrate plus Nitrite Nitrogen, Total Lead, Total Zinc, and Phosphorous. Additional requirements will include quarterly visual monitoring, quarterly routine inspections, annual comprehensive inspections, annual employee training records, and log/record of spills that occur onsite. Benchmark sampling results should be submitted to NetDMR at the required frequency as detailed in the 20-SW permit.
>
> While the MDE WSA Compliance Program recognizes that efforts have been made to obtain permit coverage and employ some best management practices (BMPs) currently in use at this site,
>
> Currently the operations at this site are in Violation of Maryland Environmental Article Title 9. The following violations // corrective actions should be addressed immediately to bring the site back into compliance:
>
> 1. Active Composting is occurring onsite without 20-SW permit coverage//You are advised to employ all BMPs listed in the SWPPP that has been developed for this site and begin quarterly benchmark sampling, quarterly visual monitoring, quarterly routine and annual comprehensive facility inspections, employee training, and records of spills. Sample results, visual monitoring records, inspections, and records of training and spills should be kept with the SWPPP onsite.

Attachment 2 (highlighting added). According to the report, this violation notice also was emailed to Ms. Blumer. Attachment 2 p. 6 of 7.

So while the Applicant on the one hand testified that the Planning Commission should rely on MDE for enforcement of environmental regulations, on the other hand did not disclose that the site is in violation of some of the very same environmental regulations that were discussed at the hearing. The misleading testimony regarding MDE's active oversight clearly mitigated some of the serous concerns of the Commissioners: "Now that I've heard about the role of MDE, I'm a little more comfortable that hopefully the health issues and the environmental issues to be addressed . . ."[7] This was clearly prejudicial to the Appellants during that hearing.

B. <u>The Applicant's Stormwater Management Plan Cannot Be Implemented Consistent With The Approved Site Plan.</u>

In the Applicant's 2020 MDE submission seeking approval for a General Permit, it proposes the following Stormwater Management facilities:

1. A 24-foot wide, 4½-foot tall berm -downslope of a 20-foot wide swale, located around the perimeter of the composting piles.

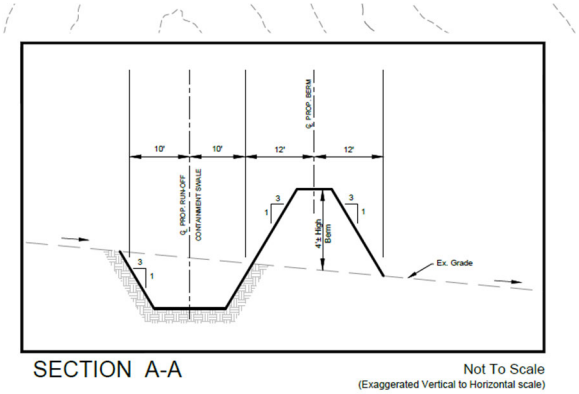


Figure 1 (Excerpted from Attachment 3) (MDE SWM concept plan).

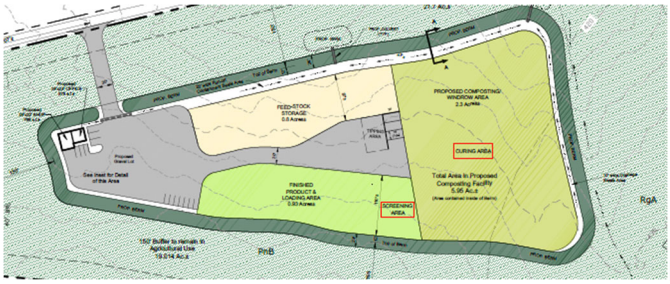


Figure 2(Dark Green "ribbon" around facility represents "berm") (excerpted from Attachment 3).[8]

[7] One Commissioner suggested a continuance "for a short amount of time, to do some subject matter experts at the county to do some investigation to find out, is there something here, and if there is, could that be mitigated by -- by - doing a redesign of of of the site plan? But I am uncomfortable approving this when across the street we're getting failed bacteria tests in wells," which was countered with an assertion that "But a continuance is a harm to the applicant." See February 12, 2025 hearing video: Planning Commission - Feb 12th, 2025. Rather, as the current information confirms, the lack of a continuance was a harm to the Appellants.

[8] Excerpt from Attachment 4 (Note 3).

See also Attachment 3, second page of document ("The site will be bermed on all sides to control both run-off and run-on to areas dedicated as the "Composting Facility;" and "A swale system as well as a bio-remediation area is in place to allow for passive treatment to both contact and stormwater.")

In colloquy during the February 12, 2025 Planning Commission hearing, one Commissioner cautioned against the Planning Commission getting into the enforcement business with respect to matters regulated by MDE, saying "So I would advise the planning commission not to make a decision based on a concern for groundwater, because it's out of your wheelhouse. We'd also have to be very careful not to approve this with any conditions that would be contrary to the state approvals that have been granted already to this project."[9]

However, the Planning Commission did not have full information to assess this concern, because the Applicant failed to disclose to the Planning Commission that the Site Plan then under review could not be implemented consistent with the proposed stormwater management concept plan on file with MDE. Specifically, the stormwater management controls are designed in the same location as landscape planting, FRO and stormwater facilities shown on the approved Site Plan. Compare the "berm" on Attachment 3 with Site Plan layout in Attachments 4 and 5.

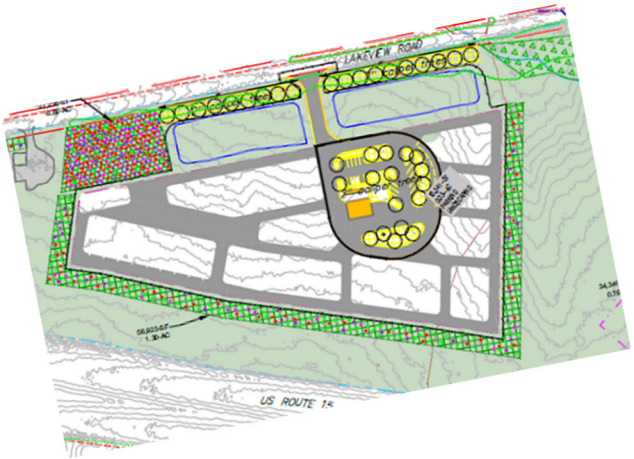


Figure 3 Excerpted from Attachment 4 (2025 Site Plan Landscaping Plan).

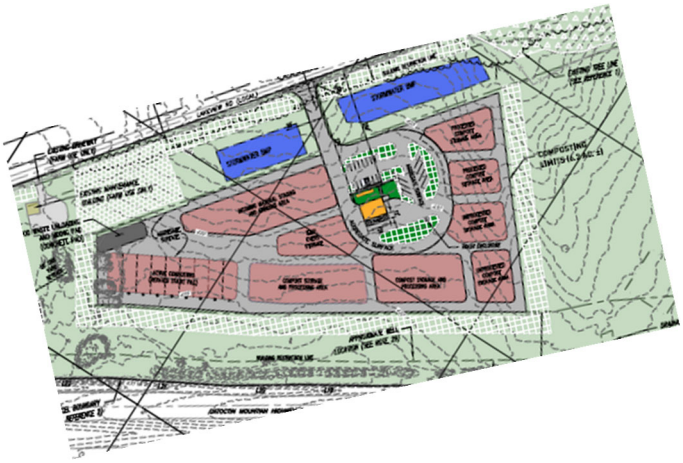
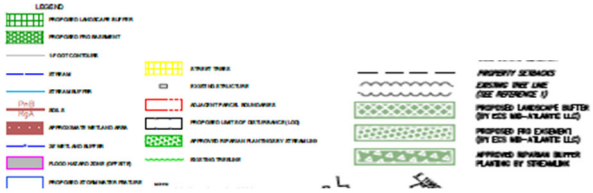


Figure 4 Excerpted from Attachment 5 (2025 Site Plan)



3. AREA SUMMARY:

Total area of Site:	29 Acres±
Total area of Building Footprint:	1,344 s.f.±
Total area of Paving:	1.44 Ac.± (62,752 s.f.±)
Total area in Perimeter Berm:	1.3 Acres±
Total area of Composting Operation:	5.95 Acres±
Total area of Agricultural Use:	21.7 Acres±

[9] See February 12, 2025 hearing video: Planning Commission - Feb 12th, 2025.

C. Collateral Estoppel Does Not Apply To Administrative Proceedings Where The Applicant Misrepresents Material Facts.

The Applicant argues that this case does not merit de novo review by the Board of Appeals on "collateral estoppel" grounds. This argument fails for at least three reasons.

First, the Applicant does not contest Appellants' request for a de novo hearing with respect to Zoning Code § 1-19-3.300.4.A (approval criteria for site plans), which requires a finding that "Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting." Multiple Appellants testified as to Site Plan elements causing negative impacts including site access, screening, runoff, noise and odors and suggesting ways in which those negative impacts should be minimized through alternative site design. This section of the Zoning Code goes to the heart of the issues raised during the course of the hearing.

Second, the Applicant has argued that collateral estoppel should be applied against all of the Appellants based on the question "was the party against whom the [collateral estoppel argument] is asserted given a fair opportunity to be heard on the issue?" Luke and Valerie Myers (10700 Stull Road); Nicholas & Shannon St. Angelo (10690 Stull Road); and Christoper and Ashley St. Angelo (10670 Stull Road) did not yet live in their homes. Christopher St. Angelo (10670 Stull Road) directly testified that he had nine well tests fail "in the past two years" (*after* the 2022 Site Plan hearing) and Victoria St. Angelo testified that two of her four children have been diagnosed with[10] a "reactive airway disorder" and her opinion that it is the result of the extensive offensive odors which many of the Appellants testified they, their visitors and others who are present on their properties routinely experience. This testimony also goes to the heart of Code Section 1-19-8.408(D) ("Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property

---

[10] Victoria St. Angelo (7114 Lakeview Drive) testified that:

> I take my kids frequently for ER visits, urgent care visits or pediatric visits, specifically to address their respiratory illness symptoms, coughing, wheezing, trouble, breathing at these visits every time they test our kids for COVID, RSV and flu, and I'm frequently told they have none of them. Two out of my four kids have now been diagnosed with a reactive airway disorder, which is literally described as their bronchial tubes overreacting to irritants in the air. And I feel strongly based on our living conditions and being that we are outside around this all the time that it has to do with this, if you look, I provided you a page that talks about the health concerns and specifically the air irritants that we notice, as you know, like odor is accompanied by particles. So to say, like the odor bothers me is one thing, but to think, what is the odor? What's causing the odor, and what is this odor doing when I'm inhaling it into my lungs? So I'm just here to ask that you consider the impact that the current design of the facility has on my family and all the others in our community, and that you suggest a design that relocates the odor and the dust producing areas to a more buffered area.

See February 12, 2025 hearing video: Planning Commission - Feb 12th, 2025

line") and this new information (along with other new testimony presented by other witnesses) materially changes the record between the 2022 and 2025 Site Plan hearings.

To deprive these Appellants the benefit of a *de novo* hearing on "collateral estoppel" grounds would be highly prejudicial to their interests, particularly given that many of their core complaints turn on the MDE issues which were core to the Planning Commission's deliberations.

Third, Appellant's argument overlooks the "real issue" here, which is that the Applicant mislead the Planning Commissioners as to the real status of the property with respect to MDE's enforcement actions. One Commissioner said to the Applicant "I would kind of make the request of the applicant that they go out of the way to communicate to the neighbors and get them the information of who they can contact, MBE, numbers, websites." Following receipt of that information, Appellants followed up with MDE and it was only at that point that they understood (a) that the Application is in active violation of MDE regulations and permit requirements; and (b) the extent to which the Applicant had misdirected the Planning Commissioners with respect to these core points. We note that the MDE documents are all a matter of public record, and the Board of Appeal can take administrative notice of them.

The Applicant's misleading testimony deprived my clients of their right to a public hearing predicated on fundamental fairness and due process. The only way to cure these violations of the Site Plan hearing now on appeal is to hold a de novo hearing with a new opportunity to cross-examine witnesses and introduce supplemental testimony.

D. The Applicant Does Not Appear To Have A Valid General Permit

Maryland Regulations say that "Authorization under the General Composting Facility Permit ends when the earliest of the following events occurs," and includes "A Change in ownership or control of the composting facility." COMAR 26.04.11.11(G)(2)(c). General Permit GP-CF01 was issued to owner Resolutions Solutions LLC in 2021. Attachment 6. The 2022 Site Plan (filed by applicant Utica Bridge Farms, LLC ("Applicant")) identified "Key City Compost" as the operator ("First Operator"). That Site Plan expired January 12, 2025. The 2025 Site Plan application, also filed by Utica Bridge Farms, LLC, identified Compost Crew, Inc. as the operator ("Second Operator"). These are two distinctly different corporate entities, and as such the Applicant no longer has authorization under GP-CF01 to operate at all. As the Planning Commission was under the impression that all necessary permits had been approved, remained valid, and the facility was operating in accordance with them, this additional concern as to whether the Applicant actually has the requisite underlying permit further underscores the need for a *de novo* hearing.

III. Conclusion

For the reasons stated hearing, Appellants request that the Board of Appeals reverse and vacate the Site Plan approval in its entirety. In the alternative, Appellants request that the Board's hearing on the pending appeal be a de novo evidentiary hearing, with express direction that the Appellants will have an opportunity to submit new evidence, testimony, and conduct cross-examination in order to cure the lack of due process in the Planning Commission's proceedings resulting from

the Applicant' misrepresentation and/or misleading testimony in the current Planning Commission record. Failure to do so will be unfairly highly prejudicial to the Appellants by stripping them of their due process right to a fundamentally fair hearing..

Respectfully Submitted,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld

Cc: Casey L. Cirner, Esq., Attorney for Applicant
Scott C. Wallace, Attorney for Applicant
Tolson DeSa, Zoning Administrator
Michael Paone, Zoning Planner I
Thomas P. Sinton, Assistant County Attorney
Kathy L. Mitchell, Senior Assistant County Attorney

Maryland Department of Environment
Water and Science Administration
Compliance Program
1800 Washington Blvd, Suite 420
Baltimore, MD 21230-1719
410- 537-3510, 1-800-633-6101

Inspector: Jacob Haglund
AI ID: 167276
Site Name: Key City Compost at Utica Bridge Farm
Facility Address: 10661 Stull Road, Thurmont, MD 21788
County: Frederick County
Start Date/Time: October 04, 2024 09:50 AM
End Date /Time: October 04, 2024 11:20 AM
Complaint Number: 293243
Media Type(s): NPDES Industrial Stormwater
Contact(s):
- Phil Westcott - phil@thecompostcrew.com
- Devin - devin.m@compostcrew.com
- Reuben Krofft – MDE, LMA: reuben.krofft@maryland.gov
- Kristie Blumer - kristie@compostcrew.com
- Julie- julie@thecompostcrew.com

NPDES Industrial Stormwater

Permit / Approval Numbers: Not obtained
NPDES Numbers: Not obtained
Inspection Reason: Complaint, Initial Quarterly, Initial Yearly, Routine Scheduled
Site Status: Active
Compliance Status: Noncompliance
Recommended Action: Continue Routine Inspection
Evidence Collected: Record Review, Visual Observation
Delivery Method: Emailed to the above contacts on 10/08/2024.
Weather: Overcast

Inspection Findings:

An announced complaint meeting and inspection were conducted at the location listed above. There site representatives listed above were all on-site and provided site details. This inspection was done with LMA, Reuben Krofft. The site is operating without 20-SW Industrial Stormwater Permit coverage. The operation of the site would be covered under Composting in Sector C, subsector C1 of the 20-SW permit.

While walking around the site it was observed that compost piles are evident that are potentially exposed to stormwater. Such compost waste has the likelihood to discharge off-site from stormwater and therefore the site should obtain SW coverage. The site is receiving compost and mixing the material with mulch material. No other containments are outside and exposed to stormwater.

The 20-SW permit would require a stormwater pollution prevention plan, routine facility inspections, comprehensive site compliance evaluations, quarterly visual sampling, benchmark monitoring, trainings, and maintaining a spill log. Ensure a notice of intent and application are submitted for permit coverage. Details and how to apply for the permit can be found on this website: https://mde.maryland.gov/programs/permits/watermanagementpermits/pages/stormwater.aspx

This site is in violation of Environmental Article Titles 9. The following violations// corrective actions should be addressed immediately:

1) The site was operating without 20-SW Industrial Stormwater Permit coverage. This site would meet the description of Sector C, subsector C1 as described in the 20-SW. // A notice of intent and application should be submitted immediately to MDE for 20-SW Industrial Stormwater Permit coverage for this facility listed above.

Inspector:  10/04/2024

Jacob Haglund /Date
jacob.haglund@maryland.gov
301-689-1486

Received by: _____

Signature/Date

_____

Print Name

KEY CITY COMPOST

Composting Facility Operations Plan

Revised November 2020

Prepared by

Key City Compost
4539 Metropolitan Court
Frederick, MD 21704
240.608.0283
info@keycompost.com

with assistance from
Atlas Organics Consulting, LLC
156 Magnolia St
Spartanburg, SC 29304
864.278.2322
info@atlasorganics.net

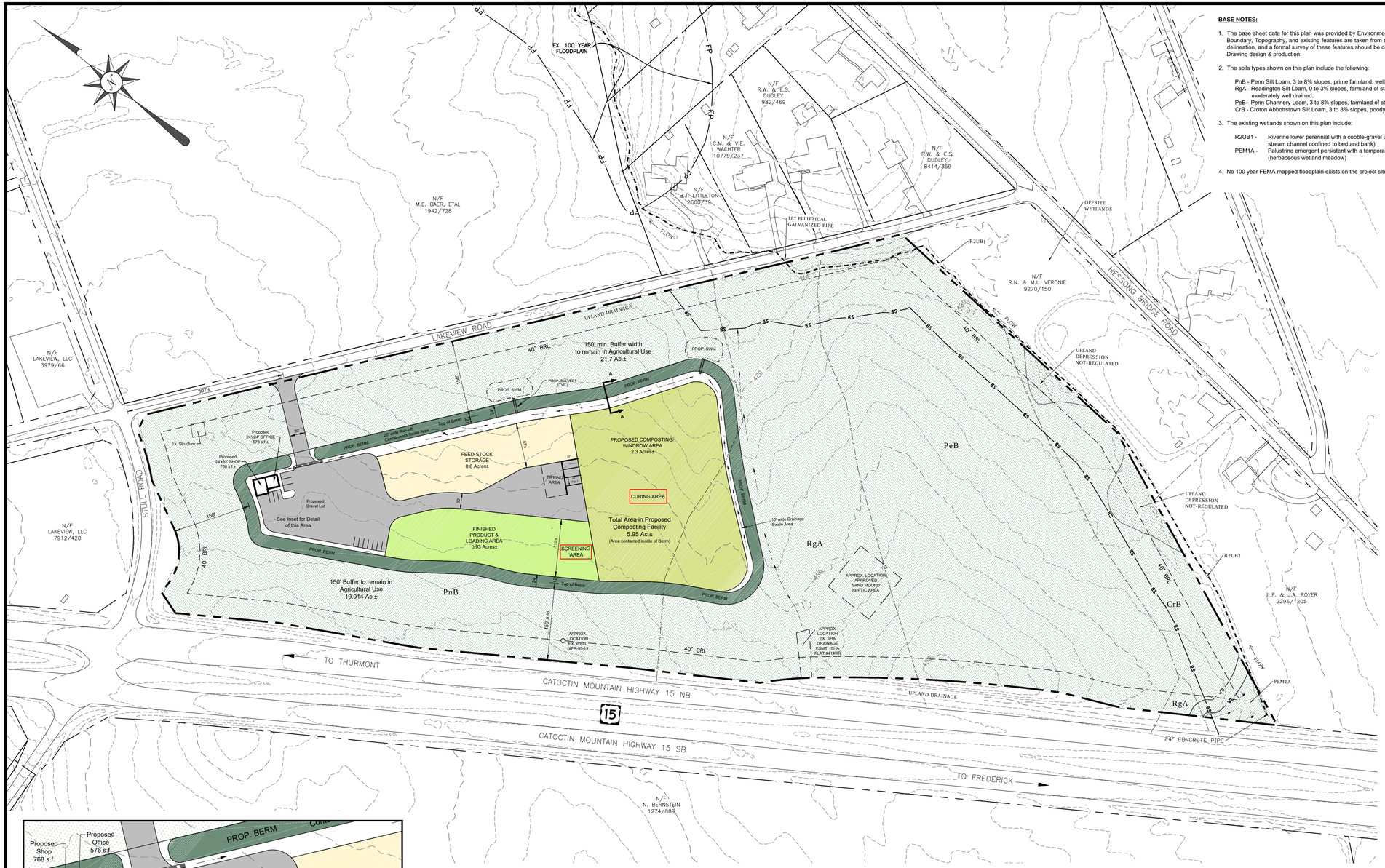
- Newly formed windrows and ASPs will be capped by high-carbon wood waste or finished compost as a tool to mitigate physical access as well as odor attraction to the N heavy feedstocks within a newly formed windrow.
- All onsite staff will be trained and encouraged to report any and all signs of vectors. Feedback loops are critical in understanding where our practices are falling short and where we need to put effort and attention.

4.3 Description of Methods Used to Control Contact Water and Stormwater

- The composting facility is designed with numerous features to assist in the management of Contact and Stormwater.
- Site slope: The site has been selected for its advantageous baseline slope. The site will be graded to reduce pockets and imperfections in this desired slight grade.
- Material placement: Finished, curing, or aging materials will be placed uphill of incoming feedstocks and materials in early and mid-life processing stages.
- The site will be burmed on all sides to control both run-off and run-on to areas dedicated as the "Composting Facility".
- A swale system as well as a bio-remediation area is in place to allow for passive treatment to both contact and stormwater.
- Please see Section A-A of attached site plan for cross sectional detail of SWM features. A MDE General Permit for Discharges of Stormwater Associated with Industrial Activity (Maryland General Permit No. 12-SW-A) will be obtained prior to starting operations.

4.4 Emergency Preparedness Plan for Responding to and Minimizing an Occurrence of Fires and Other Emergencies

- Prevention Measures:
  - Design facility to meet regulatory requirements.
    - 30 ft. of clear space at end of feedstock piles and active composting/curing windrows.
    - 10 ft. aisles between composting windrows.
    - Monitor temps (multi-point) within all windrows frequently.
  - Have a no smoking policy on the composting facility.
    - Post "no smoking" signs throughout the facility.
  - Have a summarized prevention plan and provide staff training on that plan.
- Response Measures:
  - Maintain ease of access to all emergency response resources.



BASE NOTES:

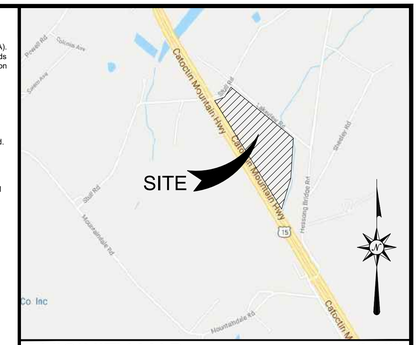
1. The base sheet data for this plan was provided by Environmental Systems Analysis, Inc. (ESA). Boundary, Topography, and existing features are taken from their previously prepared wetlands delineation, and a formal survey of these features should be done prior to Site Plan/Construction Drawing design & production.
2. The soils types shown on this plan include the following:

   PnB - Penn Silt Loam, 3 to 8% slopes, prime farmland, well drained.
   RgA - Readington Silt Loam, 0 to 3% slopes, farmland of statewide importance, moderately well drained.
   PeB - Penn Channery Loam, 3 to 8% slopes, farmland of statewide importance, well drained.
   CrB - Croton Abbottstown Silt Loam, 3 to 8% slopes, poorly drained.

3. The existing wetlands shown on this plan include:

   R2UB1 - Riverine lower perennial with a cobble-gravel unconsolidated bottom (perennial stream channel confined to bed and bank)
   PEM1A - Palustrine emergent persistent with a temporarily flooded water regime (herbaceous wetland meadow)

4. No 100 year FEMA mapped floodplain exists on the project site.



VICINITY MAP 1" = 1,200'

DEVELOPMENT PROGRAM & GENERAL NOTES

1. The Project site totals approximately 29 acres ± and is zoned Agricultural (AG), The project site is located along US. Route 15 at Stull Road within Frederick County, MD.
2. Proposed use is a State & County Permitted "Tier 2 Small" Limited Commercial Food Waste Composting Facility on the interior 5 acres ± of the subject site, and Agricultural Activities for Utica Farms on the perimeter areas totaling 21.7 acres± of the site.
3. AREA SUMMARY:

Total area of Site:	29 Acres±
Total area of Building Footprint:	1,344 s.f.±
Total area of Paving:	1.44 Ac.± (62,752 s.f.±)
Total area in Perimeter Berm:	1.3 Acres±
Total area of Composting Operation:	5.95 Acres±
Total area of Agricultural Use:	21.7 Acres±

4. Parking Requirements:

   Solid Waste Operations: 1 space for every 2 employees, plus 1 for each business motor vehicle.

Max Employees Proposed:	10 employees
Number of Business Vehicles:	8
TOTAL PARKING REQUIRED:	13 Spaces Required.
TOTAL PARKING PROVIDED:	13 Spaces Provided.

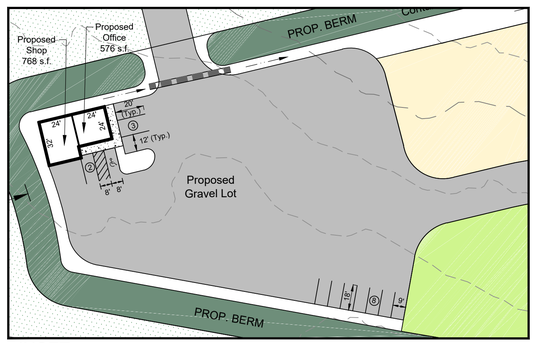
5. Windrows will be established in "Extended Aerated Static Piles", on a pads with forced air for appropriate curing of finished product.
6. Feedstock types proposed are: Woodchips, Yard Debris, Food Waste (Organics), Manure and Animal Bedding.
7. Incoming Food Waste will be dumped into a containment pit, mixed, and turned immediately with existing feedstock, put to Windrow, and capped with additional feedstock.
8. A berm will be constructed, as shown on plan, 150' off of property line and will be planted with buffer trees. Additional vegetative screening will also be provided along the property lines at the perimeter of the site.
9. Anticipated Employees proposed for the Composting operation is 6-10 employees.
10. The proposed Office & Shop will employ the use of a composting toilet and gray-water system similar to "Clivus Multrum" & "Nutricycle" systems, or approved equal.
11. Anticipated Traffic for the Composting operation will be mostly Single Axle, 10+/- visits per day.
12. Bulk/Wholesale sales only are anticipated. No on-site Retail Sales are planned at this time.
13. All relevant requirements as set forth in the Frederick County Code, and all required approvals, including Storm Water Management measures, Adequate Public Facilities Ordinance & Forest Conservation Ordinance approvals, Landscaping, etc. must be met through the normal Frederick County approval process. Future Office, Shop, Scales, Signs, & Lighting will be proposed with a formal Site Plan and approval will be obtained prior to implementation.
14. No portion of the limited food waste composting activity or operation shall be located within the floodplain.
15. Per Section 1-19-8.408 of the Frederick County Zoning Ordinance entitled "LIMITED FOOD WASTE COMPOSTING IN THE A DISTRICT", the following criteria shall be met:

    i. Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.
    ii. All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.
    iii. A vehicular circulation plan shall be submitted indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided.
    iv. All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.
    v. All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes.
    vi. Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all federal and State of Maryland permits and other approvals.

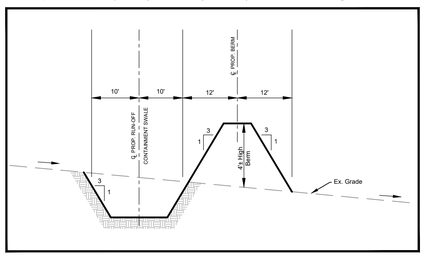
Additional Note: Jorge L. Montezuma, P.E. added the information in the red boxes on 10/7/2020. Nothing else was added or removed.

OWNER:

William D. Jefferies Revocable Trust
Richard Jefferies, Trustee
10616 Old Frederick Road
Thurmont, MD 21788



INSET 1"=50'



SECTION A-A Not To Scale (Exaggerated Vertical to Horizontal scale)

LEGEND:

- PROPOSED WINDROWS
- FEED-STOCK STORAGE
- FINISHED PRODUCT & LOADING AREA
- PROPOSED GRAVEL
- PROPOSED BERM
- AREA REMAINING IN AGRICULTURAL USE BUFFER

CONCEPT SKETCH PLAN

Key City Compost

SITUATED ON STULL ROAD AT U.S. ROUTE 15
FREDERICK COUNTY COUNCIL ELECTION DISTRICT No. 5
FREDERICK COUNTY, MARYLAND

ONE INCH

DAFT McCUNE WALKER INC
8 EAST SECOND STREET SUITE 201 FREDERICK, MD 21701
P: 301 696 9040 F: 301 696 9041 WWW.DMW.COM

Note:
The information provided hereon is for conceptual purposes only, and is based on current regulations and existing information available. No detailed engineering has been designed, nor have any jurisdictional or regulatory agency approvals been obtained. Therefore, all of the information contained on this Concept Sketch should be used for general conceptual purposes only. Any density or building square footage yields or other potential uses of this property set forth on any Conceptual Plan are subject to the full engineering design and regulatory agency approval processes prior to assuming that any of the proposed uses or yields can be realized on this property. Detailed planning, engineering, and surveying must be completed during the normal plan preparation process and all jurisdictional approvals must be obtained. The conceptual information show hereon is subject to change as the project proceeds through these processes. Therefore, all information hereon must be utilized for conceptual purposes only.

LAND DESIGN BY :	LPC
PRELIMINARY ENGINEERING FEATURES BY :	DMW/LPC
DRAFTED BY :	LPC/DMW
AUTOCAD VERSION 2014	

PLAN REVISIONS :

NO.	REVISIONS	BY	DATE
1	Added label locations for curing and screening areas.	JLM	10/7/2020

SEAL :

LINGG PROPERTY CONSULTING
256 West Patrick Street, Suite 2A
Frederick, Maryland 21701
www.LinggPropertyConsulting.com
LinggPC@xecu.net - e
(301) 644-2121 - o
(301) 698-3221 - f
Land Use Consulting • Land Planning & Design • Project Management • Site Planning
Subdivision Planning • Zoning Entitlement Consulting • Development Rights & Approval Strategies
Civil Engineering & Land Surveying Management

SCALE:	1" = 100'
INITIAL DWG DATE:	APRIL 2019
SHEET	1 OF 1
LPC PROJECT NO.	0042-23

D:\Projects\Key City Compost\Plans\Working\Key-Compost-Sketch-Plan-06049-19-Color.dwg

Maryland Department of Environment
Water and Science Administration
Compliance Program
1800 Washington Blvd, Suite 420
Baltimore, MD 21230-1719
410- 537-3510, 1-800-633-6101

Inspector: Peter Resh
AI ID: 167276

Site Name: Compost Crew, formerly "Key City Compost" at Utica Bridge Farm
Facility Address: 10661 Stull Road, Thurmont, MD 21788
County: Frederick County

Start Date/Time: March 18, 2025 12:45 PM
End Date /Time: March 18, 2025 01:45 PM

Complaint Number: 293243
Media Type(s): NPDES Industrial Stormwater

Contact(s): Kristie Blumer (Business Owner, Compost Crew) Via Phone
Julie Williamson (Operations Superintendent, Compost Crew)
Devin McElfresh (Operator, Compost Crew)

NPDES Industrial Stormwater

Permit / Approval Numbers: N/A
NPDES Numbers: N/A
Inspection Reason: Initial Quarterly, Initial Yearly, Routine Scheduled
Site Status: Active
Compliance Status: Noncompliance
Site Condition: Noncompliance
Recommended Action: Continue Routine Inspection
Evidence Collected: Photos or Videos Taken, Visual Observation
Delivery Method: Email
Weather: Clear

Inspection Findings: Today's inspection was conducted in response to continued citizen complaints alleging impacts/pollution to stormwater ditches adjacent to this site. Upon arrival at the site, I was met by Ms. Williamson and Mr. McElfresh who answered questions and accompanied me during my inspection. I spoke with Ms. Blumer about obtaining a 20-SW permit, she explained that a Stormwater Pollution Prevention Plan (SWPPP) has been developed, and a Notice of Intent (NOI) has been submitted to MDE's WSA Industrial Stormwater Permits Division. I conducted a site walkthrough. During my inspection I observed an area of active compost operations. The area consisted of various stockpiles; nine (9) windrows of active composting in various stages of decomposition, three (3) stockpiles of finished product. I observed noticeable leachate/runoff from the operation. Vegetation along the flow path was noticeably greener and lusher than surrounding vegetation. The discharge flows toward Lakeview Road and into a stormwater ditch that ultimately drains to an Unnamed Tributary of Fishing Creek. Aside from the slight odor from the compost operation, I did not see any noticeable impact to the stormwater ditch and receiving waters. I did notice some windblown plastic bags that came from the operation. The water used on the compost piles and other cleaning operations (bin cleaning) conducted indoor onsite is collected solely from rain barrels. All wash water is collected and reused in the compost operation. No discharge from the washing operation was observed. I did not observe any other

potential sources of pollutants from this operation. There were two spill kits located onsite to be used in the event of a spill of fuel or other liquid waste material.

Currently there is no active permit for the operations conducted onsite. Once a 20-SW permit has been issued, this facility falls under sector C, subsector C1 (Agricultural Chemicals) requiring quarterly benchmark sampling for Nitrate plus Nitrite Nitrogen, Total Lead, Total Zinc, and Phosphorous. Additional requirements will include quarterly visual monitoring, quarterly routine inspections, annual comprehensive inspections, annual employee training records, and log/record of spills that occur onsite. Benchmark sampling results should be submitted to NetDMR at the required frequency as detailed in the 20-SW permit.

While the MDE WSA Compliance Program recognizes that efforts have been made to obtain permit coverage and employ some best management practices (BMPs) currently in use at this site,

Currently the operations at this site are in Violation of Maryland Environmental Article Title 9

The following violations // corrective actions should be addressed immediately to bring the site back into compliance:

1. Active Composting is occurring onsite without 20-SW permit coverage // You are advised to employ all BMPs listed in the SWPPP that has been developed for this site and begin quarterly benchmark sampling, quarterly visual monitoring, quarterly routine and annual comprehensive facility inspections, employee training, and records of spills. Sample results, visual monitoring records, inspections, and records of training and spills should be kept with the SWPPP onsite.

The MDE WSA Compliance Program advises that all locations operating under the business name "Compost Crew" in the State of Maryland obtain 20-SW permit coverage for their respective locations. Additionally, you are advised to continue to work with MDE's WSA Industrial Stormwater Permits Division to obtain 20-SW permit coverage for this site location.

Please contact me upon implementation of the requested corrective actions necessary to bring the site into compliance. If you have any questions or need assistance, please contact me at the email address listed below or you can call me at 443.835.9397. You may also contact my supervisor Kate Ansalvish at 443.829.9405.

Photos of today's inspection are provided below:



Photo 1: Compost windrows and piles at this site. Photo looking west.



Photo 2: Leachate from one of the unfinished compost piles. Photo looking east.



Photo 3: Area of site runoff toward Lakeview Road.



Photo 4: Area of site runoff looking toward the compost windrows and onsite buildings. Photo looking west.



Photo 5: Spill kits loctaed outside of the building.



Photo 6: Fuel and lubricants stored on secondary containment pad inside the building.



Photo 7: Stormwater ditch along Lakeview Road. Photo looking south east.



Photo 8: discharge of stormwater ditch into an unnamed tributary of Fishing Creek.

NPDES Industrial Stormwater - Inspection Checklist

Inspection Item	**Status**	**Comments**	
Does the facility have a discharge permit?	Out of Compliance	see findings	
Has a Stormwater Pollution Prevention Plan (SWPPP) been implemented as required?	Corrective Actions Required	see findings	
If monitoring of benchmark parameters is required, has the permittee performed the required quarterly monitoring?	Corrective Actions Required	see findings	
Were visible pollutants observed in the receiving waters or in a position likely to pollute water of the State?	Corrective Actions Required	see findings	
If discharges were observed, were samples of the discharge taken?	No	see findings	

Report provided to: Kristie Blumer kristie@compostcrew.com

Inspector: _____ Received by: _____

Peter D. Resh /Date
peter.resh@maryland.gov
301-689-1483

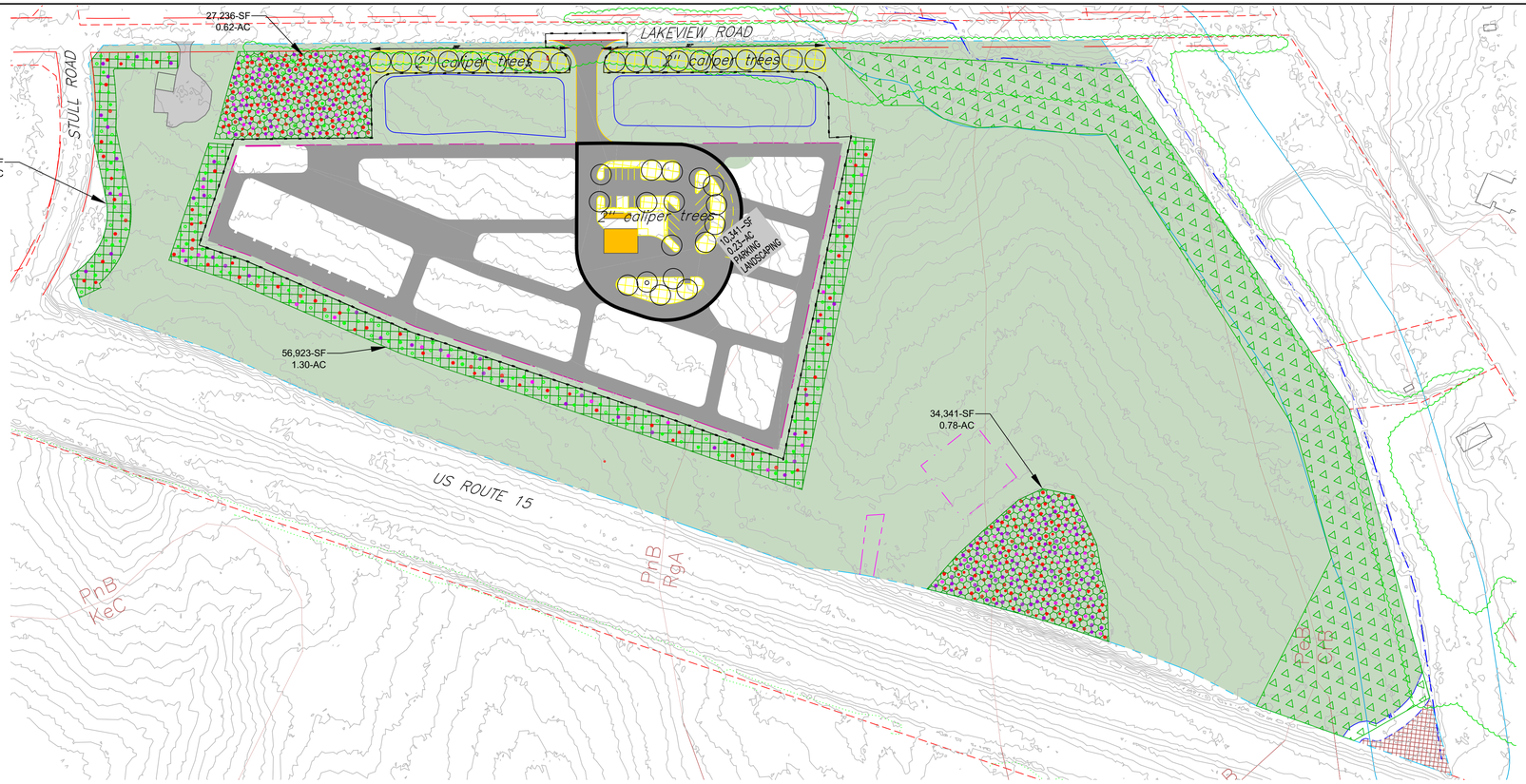
Signature/Date

Print Name

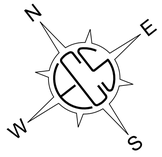
Division of Planning and Permitting
Department of Development Review and Planning

Approved: Cody Shaw 1/12/2022

Frederick County Planning Commission



BASE MAPPING SOURCE: SMITH & GARDNER ENGINEERS



LEGEND

- PROPOSED LANDSCAPE BUFFER
- PROPOSED FRO EASEMENT
- 1-FOOT CONTOURS
- STREAM
- STREAM BUFFER
- SOILS (PnB / RgA)
- APPROXIMATE WETLAND AREA
- 25' WETLAND BUFFER
- FLOOD HAZARD ZONE (OFFSITE)
- PROPOSED STORMWATER FEATURE
- PROPOSED PAVEMENT
- PROPOSED BUILDING
- EXISTING SEPTIC AREA
- STREET TREES
- EXISTING STRUCTURE
- ADJACENT PARCEL BOUNDARIES
- PROPOSED LIMITS OF DISTURBANCE (LOD)
- APPROVED RIPARIAN PLANTINGS BY STREAMLINK
- EXISTING TREELINE

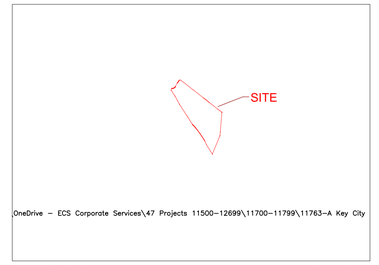
NOTES:
1. NO FOREST AREA CURRENTLY EXISTS ONSITE.
2. RIPARIAN AREA HAS BEEN PLANTED BY STREAMLINK DNR GRANT AND THEREFORE CANNOT BE PLANTED IN ASSOCIATION WITH FRO.
3. STREET TREE REQUIREMENT IS BEING MET VIA PROPOSED STREET TREES, FRO, EXISTING TREE LINES, AND LANDSCAPING SCREENING PLANTINGS.

OWNER/APPLICANT:
UTICA BRIDGE FARMS, LLC
7245 LAKEVIEW ROAD,
FREDERICK MD 21701
818-762-4771

LANDSCAPING LEGEND

SYMBOL	COMMON NAME	BOTANICAL NAME
EVERGREEN TREES		
	EASTERN WHITE PINE*	PINUS STROBUS
	VIRGINIA PINE*	PINUS VIRGINIANA
	EASTERN RED CEDAR*	JUNIPERUS VIRGINIANA
	AMERICAN RED PINE	PINUS RESINOSA
	WHITE SPRUCE	PICEA GLAUCA
	BALSAM FIR	ABIES BALSAMEA
	FRASER FIR	ABIES FRASERI
	BALD CYPRESS*	TAXODIUM DISTICHUM
DECIDUOUS TREES		
	YELLOW BIRCH*	BETULA ALLEGHANIENSIS
	SWAMP WHITE OAK*	QUERCUS BICOLOR
	TULIP POPLAR*	LIRIODENDRON TULIPIFERA
	SWEET BIRCH*	BETULA LENTA
	WHITE OAK*	QUERCUS ALBA
	BLACK LOCUST*	ROBINIA PSEUDOACACIA
	BLACK WALNUT*	JUGLANS NIGRA
	PIN OAK*	QUERCUS PALUSTRIS
	SHAGBARK HICKORY*	CARYA OVATA
	RED OAK*	QUERCUS RUBRA
	RED MAPLE*	ACER RUBRUM
	AMERICAN SWEETGUM**	LIQUIDAMBAR STYRACIFLUA
	BLACK WILLOW*	SALIX NIGRA
	SHELLBARK HICKORY*	CARYA LACINIOSA
	BASSWOOD*	TILIA GLABRA
SHRUBS		
	ELDERBERRY*	SAMBUCUS CANADENSIS
	GRAY DOGWOOD*	CORNUS RACEMOSA
	BUTTONBUSH	CEPHALANTHUS OCCIDENTALIS
	REDBUD*	CERCIS CANADENSIS

* NATIVE TO FREDERICK COUNTY
** NATURALIZED ADDITION TO FREDERICK COUNTY



VICINITY MAP 1" = 2,000'
TAX MAP 40, GRID 21, PARCEL 94
ACCOUNT NO. 20-394129
SOURCE: POINTFINDER SUITE



SOIL MAP

Map Unit Symbol	Map Unit Name	Hydric Soil	K-Value
CrB	Croton-Abbottstown silt loams, 3 to 8 percent slopes	Yes	.37
PeB	Penn channery loam, 3 to 8 percent slopes	No	324
PnB	Penn silt loam, 3 to 8 percent slopes	No	.37
RgA	Readington silt loam, 0 to 3 percent slopes	Yes	.43

Planting Specification Notes
1. Type: see planting schedules this sheet and cover sheet.
2. Plant Quality Standards: The plants selected shall be healthy and sturdy representatives of their species. Seedlings shall have a minimum top growth of 18". The diameter of the root collar (the part of the root just below ground level) shall be at least 3/8". The roots shall be well developed and at least 8" long. No more than twenty –five percent (25%) of the root system (both primary and auxiliary/fibrous roots shall be present. Plants that do not have an abundance of well developed terminal buds on the leaders and branches shall be rejected. Plants shall be shipped by the nursery immediately after lifting from the field or removal from the green house, and planted immediately upon receipt by the landscape contractor. If the plants cannot be planted immediately after delivery to the reforestation site, they shall be stored in the shade with their root masses protected from direct exposure to sun and wind by the use of straw, peat moss, compost, or other suitable material and shall be maintained through periodic watering, until the time of planting.
3. Plant Handling: the quantity of seedlings taken to the field shall not exceed the quantity that can be planted in a day. Seedlings, once removed from the nursery or temporary storage area shall be planted immediately.
4. Timing of Planting: The best time to plant seedlings is while they are dormant, prior to spring budding. The most suitable months for planting are March and April, when the soil is moist, but may be planted from March through November. No planting shall be done while ground is frozen. Planting shall occur within one growing season of the issuance of grading/building permits and/or reaching the final grades and stabilization of planting areas.
5. Seedling Planting: Tree seedlings shall be hand planted using a dibble bar or sharp-shooter shovel. It is important that the seedling be placed in the hole so that the roots can spread out naturally; they should not be twisted, balled up or bent. Moist soil should then be packed firmly around the roots. Seedlings should be planted at a depth where their roots lie just below the ground surface. Air pockets should not be left after closing the hole which would allow the roots to dry out. See planting details for further explanation. If the contractor wishes to plant by another method, the preparer of this tree conservation plan must be contacted and give his approval before planting may begin.
6. Spacing: See Landscaping Plan for spacing requirements. Also refer to the Landscaping Plan for a description of the general planting theory, details this sheet.
7. Soil: Upon the completion of all grading operations, a soil test shall be conducted to determine what soil preparation and soil amendments, if any, are necessary to create good tree growing conditions. Soil samples shall be taken at a rate that provides one soil sample for each area that appears to have a different soil type (if the entire area appears uniform, then only one sample is necessary), and submitted for testing to a private company. The company of choice shall make recommendations for improving the existing soil. The soil will be tested and recommended for corrections of soil texture, pH, magnesium, phosphorus, potassium, calcium and organic matter.
8. Soil Improvement Measures: the soil shall then be improved according to the recommendations made by the testing company.
9. Fencing and Signage: Final protective fencing shall be placed on the visible and/or development side of planting areas. The final protective fence shall be installed upon completion of planting operations unless it was installed during the initial stages of development. Signs shall be posted per the signage detail on this sheet.
10. Planting method: Consult the Planting Detail(s) shown on this sheet
11. Mulching: Apply two-inch thick layer of woodchip or shredded hardwood mulch (as noted) to each plating site (see detail shown on the Landscaping Plan).
12. Groundcover Establishment: the remaining disturbed area between seedling planting sites shall be seeded and stabilized withan appropriate mix from the Natural Resources Conservation Practice Standard for Conservation Cover (Code 327), Table 2: Selected List of Herbaceous Cover Mixes based on the specific characteristics of the site.
13. Mowing: No mowing shall be allowed in any planting area.
14. Source of Seedlings: state name, address, and phone number of nursery or supplier.

This Forest Stand Delineation has been prepared in accordance with all State and local ordinances which were in effect as of the date shown below. The undersigned is a qualified professional in accordance with COMAR 08.19.06.01.

Jennifer Anderson 02/22/2022
Jennifer Anderson

STREET TREE CALCULATION (ROADWAY FRONTAGE):

LAKEVIEW ROAD:
295-ft / 35-ft = 8.4 trees (9 trees provided)
327-ft / 35-ft = 9.3 trees (10 trees provided)

STULL ROAD:
373-ft / 35-ft = 10.6 trees (provided via landscaping buffer)

US-15:
2,136-ft / 35-ft = 61.0 trees (provided via landscaping buffer)

20% PARKING LOT CANOPY CALCULATION:

PARKING LOT PAVEMENT COVERAGE:
51,705-sf

51,705-sf x 0.2 = 10,341-sf
10,341-sf / 707-sf = 14.6 trees (17 provided)

PLANTING QUANTITY CALCULATION:

1.40-ac x 350 stems/ac = 490 stems (875 provided)

SCALE (IN FEET)
50 100
100 0

CELEBRATING OVER 30 YEARS OF EXCELLENCE

ECS - MID-ATLANTIC, LLC
1340 CHARWOOD ROAD
SUITE B
HANOVER, MD 21076
1-800-822-3489
410-859-4300
(FAX) 703-834-5527

"SETTING THE STANDARD FOR SERVICE"

KEY CITY COMPOST
7245 LAKEVIEW ROAD
FREDERICK COUNTY, MARYLAND

PLANTING PLAN
UTICA BRIDGE FARM

ECS REVISIONS
12/10/2021 LSC
2/22/22 JDA

ENGINEER	DRAFTING
AMM	LSC

SCALE 1" - 100'
PROJECT NO. 47:11763
SHEET SP5
DATE 11/18/2021

DocuSign Envelope ID: B2F15BF-CD4F-42D0-B93D-35CE27834ED9

Division of Planning and Permitting
Department of Development Review and Planning

Approved: Cody Shaw 1/12/2022

Frederick County Planning Commission

6'

4'

KEY CITY COMPOST
AT UTICA BRIDGE FARMS

MONDAY - SATURDAY
7:00 AM - 6:00 PM
7245 LAKEVIEW ROAD

EMERGENCY CONTACT
PHIL WESTCOTT
4539 METROPOLITAN CT.
FREDERICK, MD 21704
PHONE: 240-409-1979

BUSINESS SIGN
N.T.S.

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L1	S16° 37' 06"W	15.50'
L2	S86° 16' 57"W	30.14'
L3	S58° 11' 10"W	100.67'
L4	S30° 05' 22"W	102.52'
L5	S35° 51' 24"W	97.49'
L6	S30° 05' 06"W	15.03'
L7	S75° 08' 30"W	22.45'
L8	S52° 29' 26"E	25.90'
L9	S39° 03' 37"W	18.29'
L10	S33° 26' 25"E	204.04'
L11	S30° 34' 40"E	100.13'

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L12	S25° 50' 44"E	151.33'
L13	S30° 34' 40"E	100.13'
L14	S33° 26' 25"E	100.00'
L15	S36° 52' 26"E	200.36'
L16	S36° 52' 26"E	50.09'
L17	S44° 45' 00"E	101.98'
L18	S33° 26' 25"E	400.00'
L19	S31° 31' 53"E	150.08'
L20	S33° 26' 25"E	150.00'
L21	S28° 51' 58"E	250.00'
L22	S33° 26' 25"E	197.00'

LIFE AND SAFETY NOTES

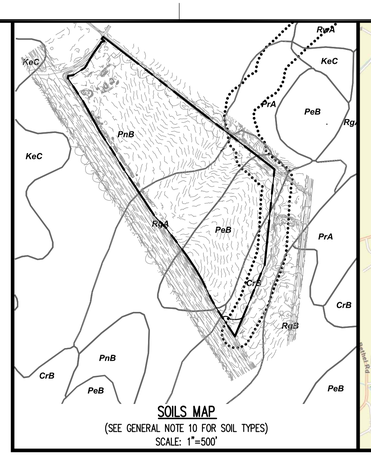
1. PREMISES IDENTIFICATION SHALL BE COMPLIANT WITH FREDERICK COUNTY ORDINANCE 05-01-362. THIS INCLUDES THAT DESIGNATION OF THE ADDRESS SHALL BE INCORPORATED IN ALL MONUMENTAL OR SITE SIGNS.
2. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE ACCESSIBLE DURING ALL TYPES OF WEATHER AND AT ALL TIMES.
3. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF 20 FEET.
4. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13'-6".
5. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE PROVIDED WITH A DURABLE ALL-WEATHER DRIVING SURFACE.
6. EACH COMMERCIAL BUILDING SHALL HAVE AN ACCESS BOX (KNOX BOX) FOR FIRE DEPARTMENT USE AT THE MAIN ENTRANCE.

REFERENCES

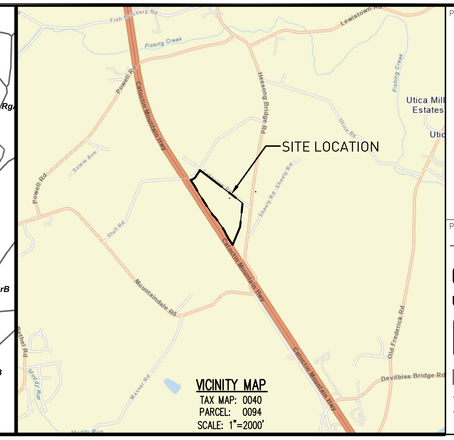
1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2019.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0450, EFFECTIVE SEPTEMBER 19, 2007.

LEGEND

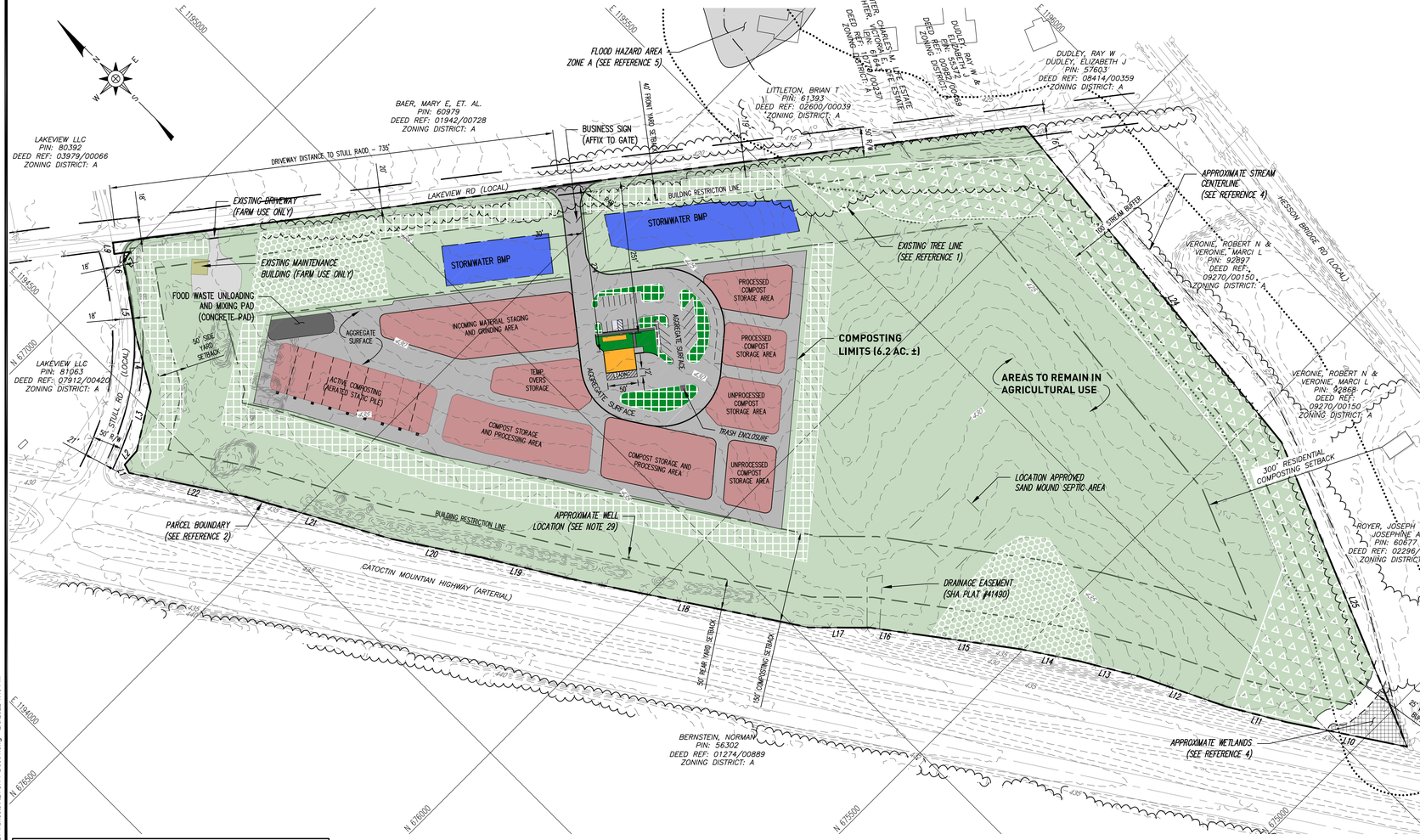
- 150 — EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID-ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECS MID-ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK



SOILS MAP
(SEE GENERAL NOTE 10 FOR SOIL TYPES)
SCALE: 1"=500'



VICINITY MAP
TAX MAP: 0040
PARCEL: 0094
SCALE: 1"=2000'



PERMIT ISSUE
NOT FOR CONSTRUCTION

© 2022 Smith Gardner, Inc.

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OWNER/APPLICANT INFORMATION

APPLICANT: UTICA BRIDGE FARMS, LLC
ADDRESS: 7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS: 10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.: (818) 762-4771

OPERATOR: KEY CITY COMPOST
ADDRESS: 7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.: (802) 277-0401

GENERAL NOTES

1. PROPOSED USE: KEY CITY COMPOST WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY; A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A 'TIER 2 SMALL' COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21778
3. LIBER 15016 / FOLIO 00491
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINDALE PLANNING REGION.
7. THERE IS 'NO PLANNED SERVICE' IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHING 'ZONE X' OF THE FLOOD INSURANCE RATE MAP NO. 24021C0450 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 19, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2019 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    CRB – CROTON-ABBOTTSTOWN SILT LOAMS, 3 TO 8 PERCENT SLOPES
    PNB – PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
    PEB – PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    RGA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	300 FEET	1,550 FEET

12. AREA SUMMARY
    PROPERTY: 29.0± ACRES
    COMPOST OPERATIONS AREA: 6.2± ACRES
13. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    MAXIMUM HEIGHT: 30 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
    PROPOSED POLE BARN: 24 FEET (TO RIDGE OF ROOF)
    GROSS FLOOR AREA: 2,120 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 6 AND 50 GROSS FLOOR AREA = 2,120 SQUARE FEET TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1-20-12(H)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICULAR TRIPS
    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY 1-19-6.220.A.4 FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION'REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 16 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    EXISTING: 5,800 SF (0.4%)
    PROPOSED: 267,900 SF (21.2%)
    TOTAL: 273,700 SF (21.6%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1-19-6.320 FOR 'BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS'
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUEST:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL-TIME AND 1 PART-TIME PERSONNEL AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

FILE #: SP19-17
A/P #: 19894
DUE DATE:

PREPARED FOR:
KEY CITY COMPOST
AT UTICA BRIDGE FARMS

PREPARED BY:
NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488

SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

SEAL
DocuSigned by: Stacey A Smith 3369F8A0088E4...
2/28/2022
STATE OF MARYLAND · STACEY A. SMITH · 55946 · PROFESSIONAL ENGINEER

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION
1	3/8/21	REVISIONS TO FC COMMENTS
		PREVIOUS SUBMITAL BY
		LINGG PROPERTY CONSULTING.
2	9/23/21	RESPONSE TO FC COMMENTS
		DATED MARCH 23, 2021
3	11/23/21	RESPONSE TO FC COMMENTS
		DATED OCTOBER 18, 2021
4	12/8/21	RESPONSE TO COMMENTS
		DATED DEC. 3, 2021
5	1/27/22	FCPC CONDITIONS OF
		APPROVAL DATED JAN. 14, 2022.

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PROJECT TITLE:
KEY CITY COMPOST AT UTICA BRIDGE FARMS
SITUATED AT 7245 LAKEVIEW ROAD
FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5
FREDERICK COUNTY, MARYLAND

DRAWING TITLE:
TYPE I SITE PLAN
SITE OVERALL
SP 19894
APFO 19095
FRO 19896

DESIGNED: J.R.F.	PROJECT NO: KEYCITY 21-1
DRAWN: C.T.J.	SCALE: AS SHOWN
APPROVED: SAS	DATE: MARCH 2021
FILENAME: KEYCITY-D0001	
SHEET NUMBER: —	DRAWING NUMBER: SP1

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Larry Hogan
Governor

Land and Materials Administration • Resource Management Program
1800 Washington Boulevard • Suite 610 • Baltimore, Maryland 21230-1719
410-537-3314 • 800-633-6101 x3314 • www.mde.maryland.gov

Maryland
Department of
the Environment

General Composting Facility Registration
Registration Number: 2021-GCF-0023

EFFECTIVE DATE: April 28, 2021 **EXPIRATION DATE:** March 27, 2026

Issued to: Resolution Solutions, LLC

Authorizing: Coverage under the General Composting Facility Permit (GP-CF01), which is issued in accordance with February 1, 2021 Notice of Intent for General Composting Facility Permit and November 30, 2020 Composting Facility Operations Plan.

At: Key City Compost at Utica Bridge Farm Composting Facility located at 10661 Stull Road in Thurmont, Frederick County, Maryland 21788.

This permit is issued pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and is subject to the attached terms and conditions, and compliance with all applicable laws and regulations.

Kaley Laleker, Director
Land and Materials Administration

FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING AND PERMITTING
Jessica Fitzwater
County Executive
Deborah A. Carpenter, AICP, Division Director

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Compost Crew at Utica Bridge Farms

SP277005, F277004, A277003

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Compost Crew Inc, A Benefit Corporation ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Compost Crew at Utica Bridge Farms site plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied, and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 29.0 +/- acre parcel of land, which is zoned A (Agricultural) and located east of US 15, bounded by Stull Road on the north and Lakeview Road to the east. This APFO approval will be effective for the new development of a 6.2-acre composting facility as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on February 12, 2025.

Schools: Schools are not impacted because this is a commercial development

Water and Sewer: This property is classified as No Planned Service. The property will be served by private well and septic system.

Road Improvements: This Project generates 18 am and 18 pm weekday peak hour trips which does not exceed the 50 peak hour trip threshold required for APFO testing. In accordance with Section 1-20-31, the following improvements must be guaranteed and completed prior to the issuance of any permits:

1. Widen and restripe Stull Road and Lakeview Road from US 15 to the proposed site access on Lakeview Road to provide a 20' pavement width.

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow account in the Project area:

1. US 15 at Auburn Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 4050 for median reconstruction at Auburn Road and turn lane enhancements at Fish Hatchery Road. The estimated cost of this Road Improvement is $533,391. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.69%. Therefore, the Developer hereby agrees to pay $ 3,680 to the escrow account for this Road Improvement.
2. US 15/Hessong Bridge Road Intersection: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3805 for the northbound acceleration lane. The estimated cost of the intersection improvement is $59,613. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $227 to the escrow account for this Road Improvement.
3. US 15 Median Reconstruction at Devilbiss Bridge Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3742 for the J-turn median construction. The estimated cost of the intersection improvement is $6,070,607. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $23,068 to the escrow account for this Road Improvement.

Therefore, prior to the issuance of any permits, the Developer hereby agrees to pay $26,975 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on February 12, 2028.

Disclaimer: This Letter pertains to APFO approval only and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

DEVELOPER: Compost Crew Inc, A Benefit Corporation

By: _____ Date: 01/09/2025

Developer/Owner/Contract Purchaser

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: 2.12.2025

Chair or Secretary

ATTEST:

By: _____ Date: 2-13-25

Gary Hessong, Deputy Director

Memorandum

To: Mark Mishler
Transportation Engineering Supervisor
Division of Planning & Permitting
Frederick County, MD

Date: February 22, 2021

Project #: 39187.01

From: Daniel L. Lovas, PE
Senior Transportation Engineer

Andrew Topp, PE, PTOE
Senior Project Manager

Re: Key City Composting Trip Generation Memorandum – Frederick County, MD

Project Background

Key City Composting is proposing to construct a new composting facility for processing food waste and carbon-based materials. The site will be located at a parcel between US 15 (Catoctin Mountain Highway) and Lakeview Road, just east of Stull Road in Frederick County, Maryland. The project will develop up to 10 acres of the 29-acre parcel located at 10661 Stull Road. According to the Frederick County Notice of Intent to Develop (NID) form, a Traffic Impact Analysis (TIA) may be considered, but not necessarily required for a site that is expected to generate between 6 and 25 new peak hour trips during the adjacent street peak hour. This memorandum will outline the expected trip generation for the new composting facility, including a breakdown of the various types of trips expected at the facility.

Trip Generation Methodology and Results

The ITE Trip Generation Manual, 10th Edition is most often used to estimate trips for a TIA. However, the proposed facility is a unique land use that is not covered within the manual. The most appropriate methodology for this proposed land use is to estimate a maximum trip generation associated with both employee and loading activity on the property. The site will have maximum permitted tonnage requirements, which can be converted into vehicular trips based on the site operational characteristics. The composting facility is estimated to take in daily truckloads of raw material, both food waste and carbon-based, and send out truckloads of compost. In addition, there will be a rotating staff of employees at the site, working in shifts, as well as other miscellaneous visits to the site via trucks or other personal vehicles. Table 1 displays the estimated volume of vehicular trips expected at the proposed facility, as well as approximated daily volume based on these values.



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P 703.847.3071

Memorandum

Table 1: Site Trip Generation Information

Site Information	Incoming Food Waste	Incoming Carbon Waste	Outgoing Compost	Employee Traffic
Annual Material Quantities (tons/year)	6,500	13,500	5,000	-
Average Truck Capacity (tons/load)	2	10	12	-
Yearly Loads	3,250	1,350	417	-
Weekly Loads	62.5	26.0	8.0	-
Working Days per Week	5	5	5	5
Loads/Day	12.5	5.2	1.6	-
Trucks/Day (rounded up)	13	6	2	-
Arrival/Departure Window (hrs)	8.0	8.0	8.0	-
Trucks (vehicles)/Hour during Weekday AM Peak	2.0	1.0	1.0	6.0
Trucks (vehicles)/Hour during Weekday PM Peak	2.0	1.0	1.0	6.0

As shown in Table 1, the site expects to receive up to 6,500 tons per year of food waste and 13,500 tons per year carbon waste material, which will be mixed to process up to 5,000 tons of finished compost. The arrivals are expected to arrival uniformly across the workday and year. This results in approximately 4 trucks entering and exiting during the peak hour periods. The site's six on site employees were assumed to drive independently to the site and all enter during the AM peak and exit during the PM peak.

Table 2 presents the estimated daily and peak hour trips based on the amount of truck and employee traffic utilizing the proposed composting facility. The site is not expected to have retail sales or substantial visitor activity; however, an additional two trips were added to each peak in the event of an occasional delivery or other miscellaneous trip to the site. The analysis assumes no reduction in trips due to internal capture or alternative transportation modes. All trips generated by the proposed facility are assumed to be new trips being added to the network.

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Memorandum

Table 2: Key City Composting Facility Trip Generation Results

Trip Type	Daily (2-Way)	Weekday AM (7-8 AM)			Weekday PM (5-6 PM)		
		Enter	Exit	Total	Enter	Exit	Total
Incoming Food Waste Truck Trips	26	2	2	4	2	2	4
Incoming Carbon Truck Trips	12	1	1	2	1	1	2
Outgoing Compost Truck Trips	4	1	1	2	1	1	2
Misc Additional Truck Trips	20	1	1	2	1	1	2
Total Truck Trips	**62**	**5**	**5**	**10**	**5**	**5**	**10**
Employee Trips	40	6	0	6	0	6	6
Misc Non-Truck Trips	20	1	1	2	1	1	2
Total Non-Truck Trips	**60**	**7**	**1**	**8**	**1**	**7**	**8**
Total Truck and Non-Truck Trips	**122**	**12**	**6**	**18**	**6**	**12**	**18**

As reported in Table 2, the composting facility is expected to generate 122 daily site trips with 18 site trips (12 entering, 6 exiting) occurring during the AM peak hour and 18 site trips (6 entering, 12 exiting) occurring during the PM peak hour. The peak trip rate is equivalent to over three minutes between a vehicle arriving or departing the site.

The site will have a single driveway that will access Lakeview Road, near its intersection with Stull Road. Site generated traffic will use these two roads to access US 15. A TIA for this site may be considered, but this analysis indicates no significant impact on the surrounding roadway network, due to the low number of trips generated.

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GENERAL PERMIT FOR DISCHARGES FROM STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

DISCHARGE PERMIT NO. 20-SW-A NPDES PERMIT NO. MDR0000

Effective Date: February 1, 2023 Expiration Date: January 31, 2028

Modified Date: February 7, 2025

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You are only permitted to discharge under this permit after notifying and getting approval from the Department.

PART I. APPLICABILITY

By this permit the Maryland Department of the Environment (the Department) authorizes the discharge of stormwater associated with industrial activity to waters of this state. This authorization is only for operators located in the state of Maryland, who have submitted a notice of intent (NOI) and received written approval from the Department to discharge in accordance with the eligibility requirements and other conditions in this permit and consistent with your NOI, as on file with the Department. This authorization is pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and the provisions of the Federal Clean Water Act (CWA), 33 U.S.C. §1251 *et seq.* and implementing regulations 40 CFR Parts 122, 123, 124, and 125. "You" and "Your" are used in this permit to refer to the permittee or the permit applicant, as the context indicates, and that party's facility or responsibilities.

A. Geographic Coverage

This permit applies to facilities operating within the state of Maryland and discharging to waters of this state.

B. Facilities Covered

To be eligible to apply for authorization to discharge under this permit you must either (1) have been authorized to discharge under previous permit 12-SW or (2) have a stormwater discharge associated with industrial activity, as defined in Appendix E, from a primary industrial activity included in Appendix A or (3) be notified by the Department that you are eligible for coverage under Sector AD: Non-Classified Facilities, as defined in Appendix A.

C. Limitations on Coverage

The following stormwater discharges are not eligible for coverage under this permit. Additional limitations on coverage for each sector covered under this permit are listed in Appendix D. You must determine which sector(s) listed in Appendix A apply to your industrial activities to determine which additional limitations from Appendix D apply.

1. Stormwater discharges associated with construction activity, as defined in Appendix E and 40 CFR 122.26(b)(15);

2. Stormwater discharges subject to effluent limitations guidelines (see Part I.G.2);

3. Stormwater discharges that are mixed with non-stormwater, other than those non-stormwater discharges listed in Part I.E.3;

4. Stormwater discharges for which a National Pollutant Discharge Elimination System (NPDES) permit has been terminated (other than at your request) or denied, or those for which the Department requires an individual permit to address stormwater discharges or an alternative general permit (Part I.G.2.b);

5. New dischargers discharging to water quality "impaired waters," as defined in Appendix E, are not eligible for coverage under this permit unless you:

- **a.** prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired, and retain documentation of procedures taken to prevent exposure onsite with your SWPPP; or
- **b.** document that the pollutant(s) for which the waterbody is impaired is not present at your site, and retain documentation of this finding with your SWPPP; or
- **c.** in advance of submitting your NOI, provide to the Department data to support a showing that the discharge is not expected to cause or contribute to an exceedance of a water quality standard, and retain such data onsite with your SWPPP. To do

this, you must provide data and other technical information to the Department sufficient to demonstrate:

i.) For discharges to impaired waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody; or

ii.) For discharges to impaired waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow your discharge and that existing dischargers to the waterbody are subject to compliance schedules designed to bring the waterbody into attainment with water quality standards.

You are eligible to discharge to impaired waters if you receive an affirmative determination from the Department that your discharge will not contribute to the existing impairment, in which case you must maintain such determination onsite with your SWPPP.

D. Prohibited Stormwater Discharges

If you are covered (i.e., authorized to discharge) under this permit, a stormwater discharge to waters of this state that causes or contributes to a violation of a water quality standard is a permit violation and subject to corrective actions (see Part IV).

E. Eligible Discharges

Unless otherwise ineligible under Part I.C, and subject to the eligibility requirements and limitations described throughout this permit, the following discharges may be covered under this permit:

1. Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities if that activity is listed in Appendix A, or discharges previously covered under permit 12-SW;

2. Industrial stormwater discharges per the Department's discretion under Sector AD in Appendix A, which includes established Sector AD.a, Sector AD.b, Sector AD.d or Sector AD.e, or on a site specific basis as determined by the Department;

3. Non-stormwater discharges from:

- **a.** water used to fight active fires (*not from fire system cleaning or testing),*
- **b.** pavement wash waters, provided that detergents or hazardous cleaning products are not used (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities (see Part III.C.5), or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
- **c.** landscape watering, only if all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- **d.** routine external building wash down that does not use detergents or hazardous cleaning products and any dislodged paint chips are filtered;
- **e.** uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
- **f.** irrigation drainage;
- **g.** uncontaminated ground water or spring water;

h. foundation or footing drains where flows are not contaminated with process materials; and

i. incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

4. [RESERVED].

5. Use of Chemical Additives for Sediment Control: Use of any chemical additives (defined in Appendix E) for sediment control requires prior notice, indicating your intent to use them on your NOI and listing the additives and any pertinent associated documentation in your Stormwater Pollution Prevention Plan (SWPPP). In addition, the use of Cationic Chemical Additives (defined in Appendix E) for sediment control is subject to the Department's approval policy as outlined in Appendix D Sector L (Part L.5.4) of this permit. Any substances not approved by the Department are prohibited.

F. No Exposure Certification

If a facility has no exposure of industrial materials or activities to rain, snow, snowmelt, or runoff and meets the requirements in 40 CFR § 122.26(g), the operator may apply for a no exposure exclusion from the Department by submitting a no exposure certification. 40 CFR § 122.26 shall govern no exposure exclusions. Each no exposure certification shall also include the following information (as found on the Departments form found on MDE's website https://mdewwp.page.link/NEForm):

1. Total size of the site associated with industrial activity;

2. The EJScore for the census tract where the facility that requests the no exposure exclusion is located;

3. The receiving water or municipal separate storm sewer system (MS4) where rain, snow, snowmelt, or runoff from the facility flows;

4. Whether the receiving water is impaired or has a total maximum daily load (TMDL), and, if so, for what pollutants;

5. Whether the facility is located within the Base Flood Elevation; and

6. The facility's primary and secondary Standard Industrial Classification System (SIC) code or activity codes.

G. Alternative Permit Coverage

The Department may require you to obtain, or you may also request, an individual permit or coverage under another general permit as described below, even though you may be eligible for coverage under this permit. If the Department requires you to apply for and obtain an alternative permit and you do not apply as required, the Department will terminate your coverage under this permit; however, The Department may grant additional time to submit the application or NOI if you request it. Any resulting termination is effective at the end of the day that the Department specified for the application or Notice of Intent (NOI) to be submitted, after which you must cease discharges that were covered by this permit. The Department may take appropriate enforcement action for any unpermitted discharge.

1. You must meet applicable water quality standards. You are ineligible for coverage under this permit if the Department determines prior to your authorization to discharge that your discharges will not meet an applicable water quality standard. In such case, the Department may notify you that an individual permit application is necessary, or, alternatively, the Department may authorize your coverage under this permit after you implement additional control measures so that your discharges will meet water quality

standards.

2. The following situations require that you apply for an individual or general permit based on your activity.

a. You are ineligible for coverage under this permit for any stormwater discharges at your facility that are subject to effluent limitations guidelines (ELG) which provided in the following table or any new source performance standards under 40 CFR Subchapter N:

40 CFR Section	ELG Regulated Discharge
40 CFR 411, Subpart C – Cement Manufacturing	Runoff from material storage piles at cement manufacturing facilities
40 CFR 418, Subpart A – Fertilizer Manufacturing	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)
40 CFR 419 – Petroleum Refining	
40 CFR 423 – Steam Electric Power Generating	Runoff from coal storage piles at steam electric generating facilities
40 CFR 429, Subpart I – Timber Products Processing	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas
40 CFR 443, Subpart A – Paving and Roofing Material (tars & asphalt)	Runoff from asphalt emulsion facilities
40 CFR 445, Subparts A and B – Landfills	Runoff from hazardous waste and nonhazardous waste landfills
40 CFR 449 - Airfields	Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures

For a complete list of current effluent guidelines by industry, see the indicated 40 CFR part on the Environmental Protection Agency's (EPA) website for Industrial Regulations (*http://www.epa.gov/waterscience/guide/industry.html*). If your industry is included in this list then you should review the applicable 40 CFR part to determine if you are subject to effluent limitation guidelines for stormwater. This permit may cover parts of your facilities not covered by effluent limitation guidelines or new source performance standards.

b. If you are eligible for coverage under an industry-specific general permit for the stormwater discharges, you must apply for coverage under that permit for the stormwater and process water related discharges. Currently, those specific permits are:

i.) General Discharge Permit For Discharges from Mineral Quarries, Borrow Pits, and Concrete and Asphalt Plants: (General Permit No. 15-MM or replacement),

ii.) General Permit for Discharges from Surface Coal Mines and Related Facilities: (General Discharge Permit No. 06-CM or replacement),

iii.) General Permit for Discharges from Marinas including Boat Yards and Yacht Basins (Maryland General Permit No. 16-MA or replacement), and

iv.) General Discharge Permit for Animal Feeding Operations (General Permit No. 09-AF/MDG01 or replacement).

3. You may request to be excluded from coverage under this permit by applying for an individual state or NPDES discharge permit or submitting an NOI for coverage under

another general permit. The Department may grant your request if the Department determines your reasons are adequate. If you are issued an individual NPDES permit or apply for coverage under an industry-specific general permit, the Department may terminate your coverage under this permit.

H. Continuation of an Expired General Permit and Permit Coverage

Upon the expiration of the 20-SW, the Department may administratively extend the 20-SW. To maintain 20-SW Coverage, You must submit a Continuation of Registration statement at least 60 days before the expiration of the 20-SW. Late Continuation of Registration statements will not be accepted.

I. Duty to Reapply

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once the Department issues it.

PART II. AUTHORIZATION UNDER THIS PERMIT

A. How to Obtain Authorization

If you are eligible for coverage under this permit, per PART I, to obtain authorization you must

• Select, design, install, and implement control measures in accordance with Part III.A and Part III.B to meet numeric and non-numeric effluent limits;

• Submit a complete and accurate Notice of Intent (NOI) or Permit Transfer Request with Permit Fee as indicated below; and

• Develop and submit to the Department, a Stormwater Pollution Prevention Plan (SWPPP) according to the requirements in Part III.C and, where applicable, Part III.A.2 of this permit.

Based on a review of your NOI or Transfer Request, the Department may delay your authorization for further review, notify you that additional effluent limitations are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit. In these instances, the Department will notify you in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

1. Notice of Intent (NOI) and Transfer Requests

a. Notice of Intent (NOI)

You must complete all information required on this permit's corresponding NOI form (MDE-WMA-PER004), or an equivalent electronic form provided by the Department. Detailed instructions are included on the NOI form. If you operate multiple facilities, you must submit an NOI for each noncontiguous site.

You are required to provide the following information on the appropriate NOI form.

- Facility Operator Information including your name, mailing address, email address, telephone number, IRS Employer Identification Number (EIN) and Worker's Comp Insurance company and policy.
- Facility Information including the facility location, including physical address and coordinates in degrees decimal; the primary and any subsequent co-located Standard Industrial Classification (SIC) codes relevant to this permit, verification if this is a new discharger or if there is any preexisting NPDES permit number for stormwater coverage, the total acres of property at that address and whether the

facility is presently inactive and unstaffed.

- Outfall coordinates in degrees decimal, for each outfall discharging stormwater associated with Industrial Activity.
- Information on the receiving waters of the industrial stormwater. Identify the receiving water body(s) and 8 digit identifier for your discharges, including whether they qualify as high quality Tier II, and identification of any impairments. Specify the MS4 jurisdiction you operate in.
- Identify who has prepared the Stormwater Pollution Prevention Plan (SWPPP), including email and phone number, along with how you have provided the SWPPP to the Department.
- Identify if your facility is subject to the Chesapeake Bay Restoration requirements, quantifying the total impervious surface area (square feet), the untreated impervious surface area (in square feet) and the impervious surface area subject to 20% restoration requirement (in acres).
- Identify which industry sector benchmarks apply to the operation, for each applicable outfall.
- Selection of either annual payments, or an upfront payment for 5 years and annual payments thereafter, or if you are exempt.
- Identify if your operation is within a census tract with an EJScore >=0.76. EJScore is defined in Appendix E.
- Identify if your operation is within the Base Flood Elevation (BFE). Base Flood Elevation is defined in Appendix E.
- If you intend to use cationic chemical additives, include the approved product you intend to use.
- Provide the signatory name, title and contact information and space for the actual signature. Provide the NOI preparer information, including phone number and email address.

b. Transfer of Authorization.
For transfer of ownership, you can complete the Permit Transfer Request Form for General NPDES Permits referred to as MDE/WMA/PER.079 found on the Department's website or at https://mdewwp.page.link/GPXferForm. Detailed instructions are included with the form. If you operate multiple facilities, you must submit a Transfer Request for each noncontiguous site. The authorization under this permit is not transferable to any person except in accordance with this section. Authorization to discharge under this permit may be transferred to another person if:

- The current permittee notifies the Department in writing of the proposed transfer.
- A written agreement, indicating the specific date of the proposed transfer of permit coverage and acknowledging the responsibilities of the current and new permittee for compliance with the terms and conditions of this permit, is submitted to the Department.
- The new permittee either confirms in writing that the type of discharge, number of outfalls, and other information given on the original NOI remain correct or updates this information.
- The new permittee confirms in writing that either they will follow the existing SWPPP or that they have developed a new SWPPP.
- Neither the current permittee nor the new permittee receives notification from the Department, within 30 days of receipt of items above, of intent to terminate coverage under this permit.

2. Permit Fee

a. You must submit the initial permit fee to the Department with the NOI form for the fee in effect at the time that the payment is due as specified in COMAR 26.08.04.09-

1(C)(1)(a).

b. Make the initial fee payable to the Maryland Department of the Environment and send it together with the completed NOI to:

Maryland Department of the Environment
P.O. Box 2057
Baltimore, MD 21203-2057

c. If you pay the NOI fee by a check that does not clear for any reason, you will have 30 calendar days from the date the payment fails to make proper payment, including any interest and other charges. If payment is not received by the 31st calendar day following the failed payment, your coverage under this permit must be considered void from the outset. When payment is made successfully and authorization issued, you should save the cancelled check or other proof of payment, a copy of the completed NOI, and the letter confirming your authorization from the Department. These documents must be provided to the Department upon request.

d. A new owner of a facility as a result of a transfer of ownership is responsible for any fees unpaid by the former owner.

3. SWPPP

Proper formats for submitting your SWPPP are provided below.

a. You should not include any confidential information in your submitted SWPPP, which will be a public document available for review by the public.

b. You must submit an electronic copy of the SWPPP to the Department and have a hard copy available onsite. Your electronic copy (PDF, JPEG or Word) of the SWPPP must be provided to the Department by one of these methods.

i.) Including a file on electronic media (CD, DVD, USB drive, or other approved media) along with your mailed copy of the NOI.

ii.) Emailing the file to swppp.permit@maryland.gov when you send your NOI to the Department. The email cannot exceed 25 MB and so you may need to use more than one email to deliver the entire file. The email subject line should include "20SW", your previous registration number (if you did have previous coverage under 12SW) and your facility name.

iii.) Posting a copy of the SWPPP using your NetDMR account when you send your NOI to the Department.

iv.) Including a link (URL) to your SWPPP on your NOI, which provides access to your SWPPP on a publicly available company website.

v.) Other electronic means that you make accessible to the Department such as a link to DropBox, Google Drive, SkyDrive, etc.

B. Deadlines for Coverage

You will be in violation of state and federal requirements to obtain a permit and subject to enforcement action by the Department if you fail to submit a i) No Exposure Certification, or ii) an NOI, SWPPP and fee payment or iii) transfer request in a timely manner as provided in the following table. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

Category	NOI Submittal Deadline
Existing Dischargers – in operation as of Effective Date of this permit and previously authorized for coverage under 12-SW, that are not subject to Chesapeake Bay Restoration Requirements (Part III.A).	Within 6 months after the effective date of this permit. Authorization to discharge under 12-SW continues in the interim.
Existing Dischargers – in operation as of Effective Date of this permit and previously	Within 6 months after the effective date of this permit. Authorization to discharge

authorized for coverage under 12-SW that are subject to Chesapeake Bay Restoration Requirements (Part III.A).	under 12-SW continues in the interim.
New Dischargers or New Sources	A minimum of 60 days prior to commencing discharge.
New Owner/Operator of Existing Discharger - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.
Other Eligible Dischargers – in operation prior to permit effective date, but not covered under the 12-SW or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.

C. Required Signatures

1. Certification

Any person signing documents in accordance with part II.C.2 and II.C.3 above must include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. All applications, including NOIs, transfer requests, and No Exposure Certifications must be signed by a Signatory as follows:

a. *For a corporation*: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

i.) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

ii.) the manager of one or more properties belonging to the owner, provided the manager is authorized to make management decisions which govern the operation of the regulated facility having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively; or

c. *For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

i.) the chief executive officer of the agency; or

ii.) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of the EPA).

3. Your SWPPP, including changes to your SWPPP to document any corrective actions taken as required by Part IV, the Comprehensive Site Compliance Evaluation, and all reports submitted to the Department, must be signed by a person described in Part II.C.2 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. the authorization is made in writing by a Signatory;

b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

c. the signed and dated written authorization is included in the SWPPP and made available to the Department upon request.

4. If an authorization for a representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of PART II.C.3 must be submitted to the Department prior to submitting or with any reports, information or applications that must be signed by a duly authorized representative.

D. Failure to Notify

If you (1) engage in an activity covered under this permit, (2) fail to notify the Department of your intent (Part II.A) to be covered under this permit within the deadlines established in this permit (Part II.B), and (3) discharge to waters of this state without an NPDES discharge permit, then you are in violation of the Federal Clean Water Act and of the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

E. Additional Notification

If stormwater from your facility discharges into a Municipal Separate Storm Sewer System (MS4) you must notify the MS4 owner/operator that you are authorized to discharge under this permit. If the MS4 owner/operator notifies you of additional requirements that you must meet to discharge into that system then you must comply with those requirements to remain authorized to discharge under this permit.

F. Changes in Permit Coverage

Certain planned changes in stormwater discharge or termination of permit coverage, both described below in this section, require notification to the Department's Water Permits Program at this address:

Maryland Department of the Environment
Wastewater Permits Program
1800 Washington Blvd, Ste 455
Baltimore, MD 21230

1. Planned Changes

When possible, consider the contours/elevations at a particular site and aim to site new structures on the higher elevations at a site and put parking or other structures that can be flooded at the lower elevations, in anticipation of climate change effects. You must

give written notice to Department's Water Permits Program as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1); or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan; or

d. Anticipated Noncompliance Notification - You shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2. Termination of Permit Coverage

a. Submitting a Notice of Termination
To terminate permit coverage, you must submit a complete and accurate Notice of Termination (NOT) https://mdewwp.page.link/GPNOT to the Wastewater Permits Program, or an equivalent electronic form provided by the Department. Your authorization to discharge under this permit terminates at midnight of the day that a complete Notice of Termination is processed and acknowledged by the Department. If you submit a Notice of Termination without meeting one or more of the conditions identified in Part II.F.2.b, then your Notice of Termination is not valid. You are responsible for meeting the terms of this permit until your authorization is terminated.

b. When to Submit a Notice of Termination
You must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

i.) All operations at your facility have permanently ceased and there will be no further exposure of stormwater to any industrial activity, process, material or transport at the facility, and you have already implemented necessary sediment and erosion controls as required by Part III.B.1.b.v; or

ii.) You move your operation to a new location (After submitting an NOT you must then apply for coverage at the new location per Part II.); or

iii.) A new owner or operator has taken over responsibility for the facility; or

iv.) You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit, unless the Department has required that you obtain such coverage under Part I.E.4, in which case coverage under this permit will terminate automatically.

c. The Department may terminate your coverage under this general permit if the Department finds good cause to do so.

G. Requirement to Post a Sign of your Permit Coverage.

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to your facility and at potentially impacted public access areas.

You must use a font large enough to be readily viewed from a public right-of-way and conduct periodic maintenance of the sign to ensure that it is legible, viable, and factually correct. At minimum, the sign must include:

1. The State and NPDES permit number (i.e., permit tracking number assigned to your NOI);
2. The Department's wastewater permits portal URL (https://mdewwp.page.link/WWPPortal); and
3. A contact name and phone number for obtaining additional facility information.

PART III. STORMWATER MANAGEMENT REQUIREMENTS

A. Chesapeake Bay Restoration Requirements

You must comply with the requirements in this section if you meet ALL of these criteria:

- your facility is located within the Chesapeake Bay Watershed;
- your facility is 5 acres or greater in size;
- any portion of your facility is located within a Phase I or Phase II municipal separate storm sewer system (MS4) jurisdiction[1]; and
- your facility is not owned by or leased from an entity that is permitted as an MS4.

All facilities not owned by or leased from an entity that is permitted as an MS4, including those (Refer to Appendix G).

1. Control Measures for Nutrient Reduction
   - **a.** You must select, design, install and implement restoration of 20% of the untreated impervious surface area at your facility or equivalent control measures for the reduction of nutrients.
     - ***i.)*** Restoration of impervious surfaces and allowed equivalent control measures are defined in paragraph "c" below.
     - ***ii.)*** "Untreated" means not meeting the definition of treatment in Appendix E, "Treatment of Impervious Surfaces." The amount of required restoration is determined from the impervious areas within your permitted industrial area as defined in paragraph "b" below. However the control measures may be implemented outside this industrial area, including but not limited to restoration of parking lots within your entire facility, or projects offsite in coordination with your local stormwater authority as described in paragraphs "c" or "d" below.
     - ***iii.)*** The control measures must be fully implemented within the time frame described in paragraph "e" below and must be consistent with other MDE policies as described in paragraphs "f" and "g" below.
   - **b.** The total area of untreated impervious surfaces that existed at your facility on January 1, 2006, as determined to the best of your ability, shall be your baseline for determining the applicable amount of control measures. For the purposes of this permit requirement, impervious surfaces are those surfaces that do not allow stormwater to infiltrate into the ground and may include any driveway, road or parking lot that is paved (concrete, asphalt) or used for vehicular storage or traffic, any building or storage facility rooftop, any water resistant material covers, any sidewalks/paths, any decks, any paved storage areas, any tanks or containment structures or any surfaces that are paved or covered for other reasons. These impervious surfaces also must collect or convey stormwater discharges associated with industrial activity (as defined in Appendix E "Stormwater Discharges Associated with Industrial Activity"), for your primary industrial or co-located industrial activities at

[1] Including operators in the 13-IM-5500 (MDR055500) Phase 2 jurisdictions.

your facility.

c. Control measures must be designed and implemented using any combination of the following three methods. Any treatment of impervious surfaces added since January 1, 2006 may be counted towards meeting the 20% requirement (including restoration completed under the previous permit 12SW).

i.) Practices found in the Design Manual (as defined in Appendix E, "Design Manual"), or other Proprietary Practices (as defined in Appendix E, "Proprietary Practices") approved by the Department. Restoration of impervious surfaces is defined as the treatment of untreated impervious surfaces with structural or non-structural stormwater management practices using structural best management practices (BMPs) found in the Design Manual, or through other Proprietary Practices approved by the Department, based upon designs that treat the volume from one inch of rainfall. Successful implementation of these structural BMPs in the industrial environment also requires some flexibility to accommodate site specific conditions. Restoration opportunities should be pursued where they make sense and where engineering adjustments allow for the successful functioning of any BMP used. The sources of pollutants that may impede the practices may require specific consideration such as pretreatment.

ii.) Practices found in the Accounting Guidance (as defined in Appendix E, "Accounting Guidance"). This nutrient accounting guidance provides several approved equivalent controls used by municipalities ranging from street sweeping to septic system upgrades, which can be considered by industrial facilities. In addition, this guidance addresses situations where site constraints prevent the capture of the full one inch or Water Quality Volume (WQv) treatment, and in these situations the impervious area considered as treated shall be pro-rated based on the total volume treated. The total impervious surface area draining to a BMP may be considered treated when the full WQv is provided for one inch of rainfall; otherwise, proportional treatment will be granted based on the percentage of the WQv captured. For example, if only a half inch of rainfall is treated, then only one half of the impervious surface area in the drainage area shall be considered treated.

iii.) Other equivalent control measures. Measures that achieve reduction of 5.4 lbs total nitrogen (TN) per year shall be considered equivalent to restoration of one acre of impervious surface area. The equivalent measures may include any of these options.

- New controls required by this permit for erosion and sediment control, or for reduced use of fertilizer. Refer to EPA Chesapeake Bay Program Office Phase 5.3 Community Watershed Model, dated December 2010, for guidance on evaluating reductions (later Model performance data may also be used in this evaluation). This is referred to by document number “EPA 903S10002 - CBP/TRS-303-10” and can be found at the website “http://ches.communitymodeling.org/models/CBPhase5/documentation.php”. New erosion and sediment control reduction efficiencies are found in this document under “6.7.3 Erosion and Sediment Control” and reduced use of fertilizer load reductions are found under “6.7.10 Urban Nutrient Management”.
- New controls to achieve the benchmarks for nitrogen required by this permit, if benchmarks are applicable for your facility. The control design and resulting TN reductions must be fully documented and approved by the Department.
- Reducing an existing TN load allocation under an individual NPDES permit, issued to the permittee.

d. You must implement these control measures (Part III.A.1.c) at your facility(s) unless

infeasible (as defined in Appendix E, "Infeasible"). If it is infeasible to implement any or all of these practices at your facility(s), you may satisfy the restoration requirement by working through your local jurisdiction to implement project(s) offsite or through trading to acquire credits, but only as authorized under, and in accordance with the Maryland Water Quality Trading Program regulations (COMAR 26.08.11). If you intend to trade to meet these requirements, you must

i.) notify the Department and address all applicable regulatory requirements, including all reporting and notification requirements under Appendix G of this permit;

ii.) translate the restoration requirements from impervious acres to Total Nitrogen (TN), Total Phosphorus (TP) and Sediment (TSS), using the calculation method prescribed by COMAR 26.08.11; and

iii.) complete the acquisition of verified credits no later than 3 months (end of March) following the end of the calendar year in which the credits are applicable.

e. Existing facilities with prior coverage under the 12-SW subject to the Chesapeake Bay restoration requirements were required to implement control measures to meet the 20% restoration within the five (5) year term of the previous permit, beginning with the effective date of that permit or up to four (4) years from the date that the facility filed the NOI. This permit does not relieve such facilities from meeting those prior permit terms. Facilities with prior coverage under the 12-SW that were not previously subject to the Chesapeake Bay restoration requirements or facilities that are newly covered under 20-SW for the first time which are now subject to the Chesapeake Bay restoration requirements, must implement control measures within four (4) years from the date an NOI is filed.

f. The reduction of nutrients associated with compliance with the 20% restoration requirement shall not generate any marketable credits. Reductions beyond the requirements in this permit may be eligible as marketable credits in accordance with Maryland Water Quality Trading Program regulations (COMAR 26.08.11).

g. This requirement must be implemented in a manner that is consistent with any other permits, schedules or requirements by the Department for the control or mitigation of pollutants at the site.

2. Nutrient Control Measure Planning and SWPPP Documentation

For those facilities that were entirely developed or entirely redeveloped after 2002, such that all impervious surfaces have been treated with stormwater BMPs in the Design Manual, you must complete only step “a” and step “b” below and document the results in your SWPPP. For all other facilities, you must develop a plan by completing all the following steps and document in your SWPPP (required in Part III.C.4 of this permit) the results of each step.

a. Identify all impervious surfaces that are subject to this permit, as defined in Part III.A.1.a, and calculate the total impervious surface area for your facility.

b. Identify the impervious surface area treated with existing stormwater best management practices (BMPs) that provide the full one inch or WQv treatment (as defined in Appendix E, "Treatment of Impervious Surfaces").

c. Identify the impervious surface area partially treated by existing stormwater best management practices (BMPs) that don’t provide the full one inch or WQv treatment. Convert the partially treated area total to its equivalent fully treated area total by applying a proportional factor based on the percentage of the WQv captured. This result is the “adjusted partially treated area.” For example, if only a half inch of rainfall is treated, then only one half of the impervious surface area in the drainage area shall be considered treated.

d. Subtract the treated area result in “b” above and the adjusted partially treated area result in “c” above from the total impervious surface area result in “a” above. The

resulting value represents the untreated impervious surface area.

e. Multiply the untreated impervious surface area (result in "d" above) by 20% to calculate the impervious surface area subject to the 20% control measure requirement. Convert this area to acres by dividing your square feet of impervious area by 43,560.

f. Determine all of your available options as follows:

i.) restoration control measures using the Design Manual and/or Proprietary Practices as referenced in Part III.A.1.c.i;

ii.) control measure alternatives through the Accounting Guidance as referenced in Part III.A.1.c.ii; and

iii.) equivalent control measures as referenced in Part III.A.1.c.iii.

g. Evaluate and then select practices from the options (identified in "f" above) that you will implement to comply with the control measure requirement of this permit (result in "e" above).

h. If after evaluating your potential options for nutrient reductions, you determine it is infeasible to meet the nutrient reduction requirements at your facility, provide your rationale and describe your alternate plan and schedule consistent with Part III.A.1.d for coordinating with the local jurisdiction to implement equivalent off-site projects.

i. Document your selection of BMPs and equivalent measures, including calculations that show your approach will achieve the nutrient reduction requirement.

j. Provide a schedule and basis for all options you selected that cannot be implemented within 30 days of registration under this permit.

k. Specify appropriate routine maintenance schedules for all new and existing BMPs. Include in your plan a procedure for inspection and documentation of those inspections for all structural, nonstructural and other equivalent control measures.

l. Modify the resulting plan as needed to keep implementation on pace to meet the permit deadline in Part III.A.1.e.

3. Nutrient Control Measure Verification

a. When the required selection of BMPs and equivalent measures have been implemented, you shall obtain written certification by either a Professional Engineer (PE), a Certified Professional in Storm Water Quality (CPSWQ), a Registered Architect, or a Landscape Architect. The certification shall be kept with your SWPPP. This certification is to provide verification that:

- the type and capacity of the control(s) specified in the SWPPP meet the current design standards specified in the Design Manual, approved Proprietary Practices specification or Accounting Guidance satisfying the permit restoration requirements;
- all equivalent measures specified in the SWPPP have been implemented to achieve the planned nutrient reduction levels;
- all structural BMPs in the SWPPP are properly maintained in accordance with approved design plans;
- all BMPs are supported by procedures in the SWPPP for required inspections and testing;
- all BMPs are fully implemented; and
- the professional signing the verification has visited and examined the facility.

b. You must provide an updated SWPPP and complete the Nutrient Reduction Progress Report Form, provided in Appendix F, and send both documents to the Department within four (4) years from the date you file an NOI.

4. Ongoing Requirements:

a. For those facilities that have certified their implementation of the Chesapeake Bay Restoration requirements of this permit (see Part III.A.3), and for those facilities who

have reached their required deadline for certification, you must continue to maintain structural practices, and/or continue to perform any non-structural requirements (such as street sweeping or trading), yearly as required by this permit, as long as this permit remains effective (or administratively extended). You must document these continued maintenance, ongoing non-structural practices or trading requirements in your SWPPP (Part III.C.5.v).

b. Operators seeking to achieve nutrient reduction via trading must continue to provide additional information verification of compliance annually. (Refer to Appendix G).

B. Control Measures and Effluent Limits

In the technology-based limits included in Part III.B.1 and in Appendix D, the term "minimize" means reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

1. Control Measures

Considering the control measure selection and design considerations, you must select, design, install, and implement control measures (including best management practices) to meet the non-numeric effluent limits, as described below. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. Note that you may deviate from such manufacturer's specifications where you provide justification for such deviation and include documentation of your rationale in the part of your SWPPP that describes your control measures. If you find that your control measures are not achieving their intended effect of minimizing pollutant discharges, you must modify these control measures as expeditiously as practicable. Regulated stormwater discharges from your facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at your facility.

a. *Control Measure Selection and Design Considerations*

You must consider the following when selecting and designing control measures:

i.) preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;

ii.) using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in your stormwater discharge;

iii.) assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;

iv.) minimizing impervious areas at your facility and infiltrating runoff onsite (including bioretention cells, green roofs, pervious pavement, or improving soils on-site by adding organic matter, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;

v.) attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

vi.) conserving and/or restoring riparian buffers will help protect streams from stormwater runoff and improve water quality;

vii.) using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants; and

viii.) adapting operations to address climate change impacts by implementing structural improvements, enhanced pollution prevention measures, and other mitigation measures, to minimize impacts from stormwater discharges from major storm events that cause extreme flooding conditions, such as the following:

- Reinforce materials storage structures to withstand flooding and additional exertion of force;
- Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE)[2] level or securing with non-corrosive device;
- When a delivery of materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or store materials as appropriate (refer to emergency procedures);
- Temporarily store materials and waste above the BFE level;
- Temporarily reduce or eliminate outdoor storage;
- Temporarily relocate any mobile vehicles and equipment to upland areas;
- Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning and identify emergency contacts for staff and contractors; and
- Conduct staff training for implementing your emergency procedures at regular intervals.

b. *Non-Numeric Technology-Based Effluent Limits (BPT/BAT/BCT)*

i.) *Minimize Exposure.* You must minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended). You must store solid chemical products, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials under cover on an impervious surface. In minimizing exposure, you should pay particular attention to the following:

- use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- locate materials, equipment, and activities so that leaks are contained in existing containment and diversion systems (confine the storage of leaky or leak-prone vehicles and equipment awaiting maintenance to protected areas);
- clean up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- use drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- use spill/overflow protection equipment;
- drain fluids from equipment and vehicles prior to onsite storage or disposal;
- perform all cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also that capture any overspray; and
- ensure that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under the vehicle washing general permit (https://mdewwp.page.link/VWGP), a separate NPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

[2] Base Flood Elevation (BFE) is the computed elevation to which floodwater is anticipated to rise during the base flood. BFEs are shown on the Federal Emergency Management Agency's Flood Maps and on the flood profiles, which can be access through https://msc.fema.gov/portal/search. Refer also to Appendix E.

Note: Industrial materials do not need to be enclosed or covered if stormwater runoff from affected areas will not be discharged to receiving waters or if discharges are authorized under another NPDES permit.

ii.) *Good Housekeeping.* You must keep clean all exposed areas that are potential sources of pollutants, using such measures as sweeping at regular intervals, keeping materials orderly and labeled, and storing materials in appropriate containers. A good practice for ensuring housekeeping activities are performed at regular intervals would be keeping a schedule for routine grounds maintenance and cleanup. Keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment). Consistent with Part I.E.3 above, this permit does not authorize dry weather discharges from dumpsters or roll off boxes;*

iii.) *Maintenance.* You must regularly inspect, test, maintain, and repair all industrial equipment and systems to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharged to receiving waters. You must maintain all stormwater control measures used to restore impervious surfaces. You must also maintain all control measures that are used to achieve the effluent limits required by this permit in effective operating condition. This includes cleaning catch basins when the depth of debris reaches two-thirds (2/3) of the sump depth and keeping the debris surface at least six inches below the lowest outlet pipe. Particular care should be taken to inspect compaction dumpsters to prevent debris around or under the dumpster as well as prevent hydraulic fluid leakage. Nonstructural control measures must also be diligently maintained (e.g., spill response supplies available, personnel appropriately trained). *Maintenance Deadlines*.If you find that your control measures need to be replaced or repaired, you must conduct the necessary maintenance immediately in order to minimize pollutant discharges. If you find that your control measures need to be repaired or replaced, you must immediately take all reasonable steps to prevent or minimize the discharge of pollutants until the final repair or replacement is implemented, including cleaning up any contaminated surfaces so that the material will not be discharged during subsequent storm events. Final repairs/replacement of stormwater controls should be completed as soon as feasible but must be no later than the timeframe established in Part IV.A.2 for corrective actions, i.e., within 14 days or, if that is infeasible, within 45 days. If the completion of stormwater control repairs/replacement will exceed the 45 day timeframe, you may take the minimum additional time necessary to complete the maintenance, provided that you notify the Department Compliance Program of your intention to exceed 45 days, and document in your SWPPP your rationale for your modified maintenance timeframe. If a control measure was never installed, was installed incorrectly or not being properly operated or maintained, you must conduct corrective action as specified in Part IV. Note: In this context, the term “immediately” means the day you identify that a control measure needs to be maintained, repaired, or replaced, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the work day to initiate action, you must perform the action the following work day morning. “All reasonable steps” means you must respond to the conditions triggering the action, such as, cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new Stormwater Control Measure (SCM) to be installed.

iv.) *Spill Prevention and Response Procedures.* You must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur. These procedures are complementary to and do not replace any requirements of RCRA (42 U.S.C. §6901), the Department's Land and Materials Administration Oil Control Program, NFPA 30 Flammable and Combustible Liquids Code or the Spill Prevention, Control and Countermeasure (SPCC) Plan (as a requirement of 40 CFR § 112), At a minimum, you must implement:

- Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Quarterly inspection procedures for containers that are susceptible to spillage or leakage (e.g., used oil) to ensure the containment structures have no leaks/cracks, and that the outlets are properly sealed. Check that plugs are properly affixed, that valves are in working condition, and that neither are leaking;
- Procedure for the discharge of any stormwater from a containment structure, requiring that a sample is taken to ensure that no visible or odorous pollutants are discharged. If a sample contains a visible sheen, floating solids or a noxious smell, then you must discharge the remaining wastewater to a sanitary sewer system or haul it to a recycler or TSDF (Treatment Storage & Disposal Facilities) or disposal facility;
- Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
- Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of your stormwater pollution prevention team as described in Part III.C.1; and
- Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period, you must notify the Department's Emergency Spill Response number at (866) 633-4686 and EPA's National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. Local requirements may necessitate reporting spills or discharges to local emergency response, public health, or drinking water supply agencies. Contact information must be in locations that are readily accessible and available.

v.) *Erosion and Sediment Controls.* You must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants. Among other actions you must take to meet this limit, you must place flow velocity dissipation devices at discharge locations and within outfall channels where necessary to reduce erosion and/or settle out pollutants. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Soil Erosion & Sediment Control

Handbook, EPA's internet-based resources relating to BMPs for erosion and sedimentation, including the sector-specific Industrial Stormwater Fact Sheet Series, (https://mdewwp.page.link/ISWGuidance), and National Management Measures to Control Nonpoint Source Pollution from Urban Areas (https://mdewwp.page.link/NPSFS).

vi.) *Management of Runoff.* You must divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in your discharges. In selecting, designing, installing, and implementing appropriate control measures, you are encouraged to consult with the Department's Design Manual, EPA's internet-based resources relating to runoff management, including the sector-specific Industrial Stormwater Fact Sheet Series, (https://mdewwp.page.link/ISWGuidance), and National Menu of Stormwater BMPs (https://mdewwp.page.link/SWBMPs).

vii.) *Salt Storage Piles or Piles Containing Salt.* You must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces. Refer to Sector Specific requirements for Sector AD.d for additional requirements for Salt Terminals. You must implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. Piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged or if discharges from the piles are authorized under another NPDES or State discharge permit.

viii.) *Sector Specific Non-Numeric Effluent Limits.* Appendix A of this permit identifies your specific Industry Sector. You must achieve any additional non-numeric limits stipulated in the relevant sector-specific section(s) of Appendix D: Sector-Specific Requirements for Industrial Activity.

ix.) *Employee Training.* You must train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of your stormwater pollution prevention team described in Part III.C.1, below. Training must cover the specific control measures used to achieve the effluent limits in this part, and monitoring, inspection, planning, reporting, and documentation requirements in other parts of this permit. As part of the employee training program you must address, at a minimum, the following activities (as applicable): an overview of what is in the SWPPP; used oil management, spent solvent and paint management, disposal of spent abrasives (e.g., blasting materials, etc.), spill prevention and control, fueling procedures, general good housekeeping practices (e.g., dumpster/debris removal), used battery management, waste recycling (e.g., metals, plastics), used container controls (e.g., re-banding barrels, plugging drums), the location of all the controls required by this permit, and how they are to be maintained, etc. The Department recommends training be conducted at least annually (or more often if employee turnover is high).

x.) *Non-Stormwater Discharges.* You must eliminate non-stormwater discharges not authorized by a NPDES or State discharge permit. See Part I.E.3 for a list of non-stormwater discharges authorized by this permit.

xi.) *Waste, Garbage and Floatable Debris.* You must ensure that waste, garbage, and floatable debris are not discharged to receiving waters by keeping exposed areas free of such materials or by intercepting them before they are discharged. The Department recommends practices including placing garbage or recycling containers at traffic areas, and identifying a schedule for personnel to walk site for trash and litter daily/weekly/monthly, etc.

xii.) *Dust Generation and Vehicle Tracking of Industrial Materials.* You must

minimize generation of dust and offsite tracking of raw, final, or waste materials.

2. Water Quality-Based Effluent Limitations

a. *Water Quality Standards*

Your discharge must be controlled as necessary to meet applicable water quality standards. The Department expects that compliance with the other conditions in this permit will control discharges as necessary to meet applicable water quality standards. There shall be no discharge that causes visible oil sheen, and no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour of point of discharge. If at any time you become aware, or the Department determines, that your discharge causes or contributes to an exceedance of applicable water quality standards, then you must (1) take corrective action, (2) document the corrective actions, and (3) report the corrective actions to the Department's Water and Science Administration Compliance Program as required by Part IV. Additionally, if information in your NOI or required reports or if information from other sources indicates that your discharge is not controlled as necessary to meet applicable water quality standards, the Department may impose additional control measures (to meet narrative water quality-based effluent limit above in Part III.B) on a site-specific basis or require you to obtain coverage under an individual permit. You must implement all measures necessary to be consistent with an available wasteload allocation in an EPA established or approved TMDL, including the restoration requirements (Part III.A).

b. *Discharges to Water Quality Impaired Waters*

You are considered to discharge to an impaired water if the first Waters of This State to which you discharge is identified by the State, or EPA as not meeting an applicable water quality standard, and:

- Requires development of a TMDL (pursuant to section 303(d) of the CWA);
- Is addressed by an EPA-approved or established TMDL; or
- Is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR130.7(b)(1).

Note: For discharges that enter a separate storm sewer system prior to discharge, the first Waters of This State to which you discharge is the waterbody that receives the water from the storm sewer system.

i.) *Existing Discharge to an Impaired Water with an EPA-Approved or Established TMDL.* If you discharge to an impaired water with an EPA-approved or established TMDL, the Department will inform you if any additional monitoring, limits or controls are necessary for your discharge to be consistent with the assumptions and requirements of any available wasteload allocation in an EPA approved or established TMDL, or if coverage under an individual permit is necessary in accordance with Part I.G.

ii.) *Existing Discharger to an Impaired Water without an EPA-Approved or Established TMDL*. If you discharge to an impaired water without an EPA-approved or established TMDL, the Department will inform you as to what actions are required to comply with Part III.B.2.a, and the monitoring requirements of Part V.B.3. Note that the impaired waters monitoring requirements of Part V.B.3 also apply where the Department determines that your discharge is not controlled as necessary to meet applicable water quality standards in an impaired downstream water segment, even if your discharge is to a receiving water that is not identified as impaired according to Part III.B.2.b.

iii.) *New Discharger or New Source to an Impaired Water*. If your authorization to discharge under this permit relied on Part I.C.5 for a new discharger or a new source to an impaired water, you must implement and maintain any measures that enabled you to become eligible under Part I.C.5, as determined by the

Department and modify such measures as necessary pursuant to any corrective actions. The Department will also inform you as to what actions are required to comply with Part III.B.2.a and the monitoring requirements of Parts V.B.3.

c. *Tier II Antidegradation Requirements for New or Increased Dischargers*
If you are a new discharger or are required to notify the Department of a modified discharge (Part II.F.1), and you discharge directly to waters designated by the State as Tier II for antidegradation purposes under 40 CFR 131.12(a), you must perform an antidegradation review (COMAR 26.08.02.04-1), including the social and economic justification (SEJ) and alternatives analysis provisions, and establish stormwater controls to protect the water resource. The Department may notify you that additional analyses, control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part I.G.

d. *Criteria Selection*
Any additional numerical water quality-based limits for any specific discharger under Part III.B.2 of the permit shall be based solely on Maryland's Numeric Water Criteria for Designated Uses in COMAR 26.08.02.03-3 and Maryland's Criteria for Toxic Substances in Surface Waters in COMAR 26.08.02.03-2, applied at end of pipe, or the applicable wasteload allocation in a final approved TMDL. For any additional control requested by the Department you must include a plan to implement BMPs to address the pollutant of concern in your SWPPP.

C. Stormwater Pollution Prevention Plan (SWPPP) Requirements

The SWPPP is intended to document the selection, design, and installation of control measures. The SWPPP does not contain effluent limitations; the limitations are contained in Part III.A, and Part III.B of the permit, and, for some Industry Sectors, Appendix D of the permit.

Upon registration under this Permit, if you are also subject to other individual NPDES permits or have coverage under an industry-specific general permit for the discharge of stormwater associated with industrial activity, then the requirements of this permit supersede the SWPPP requirements of the other permit(s). All other requirements of the other permit(s) remain in full effect.
Your SWPPP must contain all of the following elements, as described below. You must also meet all of this section's additional SWPPP requirements.

- Stormwater pollution prevention team (see Part III.C.1);
- Site description (see Part III.C.2);
- Summary of potential pollutant sources (see Part III.C.3);
- Description of control measures (see Part III.C.4);
- Schedules and procedures (see Part III.C.5); and
- Signature requirements (see Part III.C.6).

The SWPPP is a living document. Facilities must keep their SWPPP up-to-date throughout their permit coverage, such as making revisions and improvements to their stormwater management program based on new information and experiences with major storm events (see Part III.B.a.viii). As distinct from the SWPPP, the additional documentation requirements (see Part.III.C.8) are so that you document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.

1. Stormwater Pollution Prevention Team

You must identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities. Your stormwater pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of this permit and your SWPPP.

2. Site Description

Your SWPPP must include the following:

a. *Activities at the Facility.* Provide a description of the nature of the industrial activities at your facility.

b. *General location map.* Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility. Ideally this map will extend one-quarter of a mile beyond the property boundaries of the facility and identify any water body where discharge is conveyed. At least one public roadway must be identified on the map.

c. *Site map.* Provide a map showing:

i.) the size of the property in acres;

ii.) the location and extent of significant structures and impervious surfaces

iii.) the location and extent for planned restoration of impervious surfaces, or other nutrient reduction control measures;

iv.) directions of stormwater flow (use arrows);

v.) locations of all existing structural control measures or BMPs;

vi.) locations of all receiving waters in the immediate vicinity of your facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;

vii.) locations of all stormwater conveyances including ditches, pipes, and swales;

viii.) locations of potential pollutant sources identified under Part III.C.3;

ix.) locations where significant spills or leaks identified under Part III.C.3 have occurred;

x.) locations of all stormwater monitoring points;

xi.) locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if you are treating one or more outfalls as substantially identical, and an approximate outline of the areas draining to each outfall;

xii.) municipal separate storm sewer systems, where your stormwater discharges to them;

xiii.) locations and descriptions of all non-stormwater discharges identified under Part I.E.3;

xiv.) locations of the following activities where such activities are exposed to precipitation:

- fueling stations;
- vehicle and equipment maintenance and/or cleaning areas;
- loading/unloading areas;
- locations used for the treatment, storage, or disposal of wastes;
- liquid storage tanks;
- processing and storage areas;
- immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;

- transfer areas for substances in bulk; and
- machinery;
- manufacturing buildings and

xv.) locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

3. Summary of Potential Pollutant Sources

You must document areas at your facility where industrial materials or activities are exposed to stormwater and from which allowable non-stormwater discharges are released. Industrial materials or activities include, but are not limited to: material handling equipment or activities; industrial machinery; raw materials; industrial production and processes; and intermediate products, by-products, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each area identified, the description must include:

a. *Activities in the area.* A list of the industrial activities exposed to stormwater (e.g., material storage; equipment fueling, maintenance, and cleaning; cutting steel beams).

b. Pollutants. A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, and cleaning solvents) associated with each identified activity. The pollutant list must include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the date you prepare or amend your SWPPP. In addition to your own evaluation, the following resources or guidelines must be taken into account when determining the potential pollutants.

i.) The Department has included on the industrial stormwater website, the industry specific fact sheets produced by EPA, that do include potential pollutants based on your industrial activity.

ii.) Certain industries are potential sources of Polychlorinated Biphenyls (PCBs), and should be aware of these for any required monitoring in this permit. These industries are included in Table III.C.3.b.ii below.

Table III.C.3.b.ii - Activities with higher likelihood as sources of Polychlorinated Biphenyls (PCB)

Sector or Subsector or (specific SICs)	Sector Description
(SIC 7600)	Miscellaneous Repair Service
(SIC 9700)	National Security and International Affairs
AA	FABRICATED METAL PRODUCTS
AB (SIC 3711-3799)	Transportation Equipment
AC (SIC 3612)	Transformers
B	PAPER AND ALLIED PRODUCTS
C (SIC 2812-2899)	Chemicals & Allied Products
F	PRIMARY METALS
M	AUTOMOBILE SALVAGE YARDS
N1	Scrap Recycling and Waste Recycling Facilities except Source-Separated Recycling.
P (SIC 4212-4215, 4231)	Motor Freight Transportation
P (SIC 4011)	Railroads, Line Haul Ops
Q	Water Transportation
R1	Ship and Boat Building or Repairing Yards
U	Food and Kindred Products
V (SIC 2211-2299)	Textile Mill Products
X	Printing Publishing & Allied Industries

Y1	Tires and Inner Tubes, Rubber and Plastics Footwear, Gaskets, Packing and Sealing Devices, and Rubber and Plastic Hoses and Belting, Fabricated Rubber Products, Not Elsewhere Classified

iii.) You must identify potential sources of certain per- and polyfluoroalkyl substances (PFAS) at your operation which could be exposed to stormwater and list and address these sources in your SWPP. The PFAS compounds of interest are those addressed in EPA methods 533 and 537.1. Sources would include areas where fire retardants were discharged or stored, or where PFAS containing material used in your production process is stored or disposed of or may be accidentally spilled. For more information review https://www.epa.gov/pfas/basic-information-pfas. You should also be aware that the Department may require ongoing monitoring under this permit if a PFAS-related impairment is identified in your receiving stream.

c. *Spills and Leaks.* You must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfall(s) that would be affected by such spills and leaks. You must document all significant spills and leaks of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the 3 years prior to the date you prepare or amend your SWPPP. The plan may refer to applicable portions of other existing plans, such as Spill Prevention, Control, and Countermeasure (SPCC) plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil must also be in accordance with applicable sections of 40 CFR Part 112.
Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances.

d. *Non-Stormwater Discharges.* You must document that you have evaluated for the presence of non-stormwater discharges and that all unauthorized discharges have been eliminated. Documentation of your evaluation must include:

i.) The date of any evaluation;
ii.) A description of the evaluation criteria used;
iii.) A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
iv.) The different types of non-stormwater discharge(s) and source locations; and
v.) The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), if any were identified. For example, a floor drain was sealed, a sink drain was re-routed to sanitary, wash water is collected and hauled away, exterior vehicle washwater is discharged to groundwater under the vehicle washing general permit, or an NPDES permit application was submitted for an unauthorized cooling water discharge.

e. *Salt Storage.* You must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

f. *Sampling Data History.* You must summarize what you have observed (visual monitoring) or sampled for benchmarks (DMR data) as potential problems from stormwater during the previous permit term.

4. Description of Control Measures to Meet Technology- and Water Quality-Based Effluent Limits

You must document the location and type of control measures you have installed and implemented at your site to achieve the non-numeric effluent limits in Part III.B.1.b and, where applicable, in Appendix D Sector-Specific Requirements for Industrial Activity, and the water quality-based effluent limits in Part III.B.2, and describe how you are addressing the control measure selection and design considerations, if applicable, in Part III.A.1.a. This documentation must describe how the control measures at your site address both the pollutant sources identified in Part III.C.3 and any stormwater run-on that commingles with any discharges covered under this permit.

5. Schedules and Procedures

a. Pertaining to Control Measures Used to Comply with the Effluent Limits in Part III.B. The following must be documented in your SWPPP:

i.) *Good Housekeeping (See Part III.B.1.b.ii or Appendix D)* – A schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers;

ii.) *Maintenance (See Part III.B.1.b.iii or Appendix D)* – Preventative maintenance procedures, including regular inspections, testing, maintenance, and repair of all industrial equipment and systems, and control measures, to avoid situations that may result in leaks, spills, and other releases, and any back-up practices in place should a runoff event occur while a control measure is off-line;

iii.) *Spill Prevention and Response Procedures (See Part III.B.1.b.iv or Appendix D)* – Procedures for preventing and responding to spills and leaks. You may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) developed for the facility under Section 311 of the CWA or BMP programs otherwise required by a NPDES permit for the facility, provided that you keep a copy of that other plan onsite and make it available for review consistent with Part III.C.8; and

iv.) *Employee Training (See Part III.B.1.b.ix or Appendix D)* – The SWPPP must identify how often training will take place. All training must be held at least once per calendar year (or more often if employee turnover is high).

v.) *Restoration Requirements* – You must identify the ongoing maintenance of restoration practices, non-structural practices, or ongoing trading required by this permit.

b. *Pertaining to Inspection and Monitoring*

i.) You must document in your SWPPP your procedures for performing, as appropriate, the three types of inspections specified by this permit, including:
- Routine facility inspections (see Part V.A.1);
- Quarterly visual assessment of stormwater discharges (see Part V.A.3); and
- Comprehensive site inspections (see Part V.A.2).

ii.) For each type of inspection performed, your SWPPP must identify:
- Person(s) or positions of person(s) responsible for inspection; and
- Specific items to be covered by the inspection, including schedules for specific outfalls.

iii.) If benchmark monitoring is required for your industry or industries, per Appendix D your SWPPP must document:
- Locations where samples are collected, including any determination that two or more outfalls are substantially identical;
- Parameters for sampling and the frequency of sampling for each parameter;
- Schedules for monitoring at your facility;
- Any numeric control values (benchmarks, TMDL-related requirements, or

other requirements) applicable to discharges from each outfall; and
- Procedures (e.g., responsible staff, logistics, laboratory to be used, etc.) for gathering storm event data, as specified in Part V.C.

iv.) You must document the following in your SWPPP if you plan to use the substantially identical outfall exception for your quarterly visual assessment requirements in Part V.A.3 or your benchmark monitoring requirements in Part V.B:
- Location of each of the substantially identical outfalls;
- Description of the general industrial activities conducted in the drainage area of each outfall;
- Description of the control measures implemented in the drainage area of each outfall;
- Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
- An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
- Why the outfalls are expected to discharge substantially identical effluents.

v.) If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by Parts V.A.4. If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by Part V.B.5.

6. Signature Requirements
You must sign and date your SWPPP in accordance with Part II.C, including the date of signature.

7. Required SWPPP Modifications
You must modify your SWPPP whenever necessary to address any of the triggering conditions for corrective action in Part IV and to ensure that they do not reoccur, or to reflect changes implemented when a review following the triggering conditions in Part IV.B indicates that changes to your control measures are necessary to meet the effluent limits in this permit. Changes to your SWPPP document must be made in accordance with the corrective action deadlines in Parts IV.A and IV.B, and must be signed and dated in accordance with Part II.C.

8. Documentation Requirements
You must retain a copy of the current SWPPP required by this permit at your facility. This SWPPP may be paper or stored as an electronic file accessible by the site, however it must be immediately available to employees at the facility and to the Department. The Department encourages you to post your SWPPP online and provide the website address on your NOI. You are required to keep the following inspection, monitoring, and certification records with your SWPPP that together keep your records complete and up-to-date, and demonstrate your full compliance with the conditions of this permit:

a. A copy of the NOI submitted to the Department along with any correspondence exchanged between you and the Department specific to coverage under this permit;
b. A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable);
c. A copy of the relevant portion of any other facility document referred to in your SWPPP, such as a Spill Prevention, Control and Countermeasure (SPCC) Plan;

d. Descriptions and dates of any incidences of significant spills, leaks, or other releases that resulted in discharges of pollutants to Waters of This State, through stormwater or otherwise; the circumstances leading to the release and actions taken in response to the release; and measures taken to prevent the recurrence of such releases (see Part III.B.1.b.iv);
e. Records of employee training, including date training received (see Part III.B.1.b.ix);
f. Documentation of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair/replacement, and for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance/repair schedules (see Part III.B.1.b.iii);
g. All inspection reports, including the Routine Facility Inspection documentation (see Part V.A.1), the Quarterly Visual Monitoring Form in Appendix B, and the Comprehensive Site Inspection reports (see Part V.A.2);
h. Description of any deviations from the schedule for visual assessments and/or monitoring, and the reason for the deviations (e.g., adverse weather or it was impracticable to collect samples within the first 30 minutes of a measurable storm event) (see Parts V.C.5);
i. Description of any corrective action (Part IV.A and Part IV.B) taken at your site, including triggering event and dates when problems were discovered, and modifications occurred as required under Part IV.C;
j. Documentation of any benchmark exceedances and how they were responded to, including either (1) corrective action taken, (2) a finding that the exceedence was due to natural background pollutant levels, or (3) a finding that no further pollutant reductions were technologically available and economically practicable and achievable in light of best industry practice consistent with Part IV;
k. Documentation to support any determination that pollutants of concern are not expected to be present above natural background levels if you discharge directly to impaired waters, and that such pollutants were not detected in your discharge or were solely attributable to natural background sources (see Part I.C.5).
l. Schedule of compliance for nutrient control measure planning per Part III.A.2.

If during the term of this permit, your site becomes inactive, you must contact the Department immediately and provide, in writing, the date of inactivity, the facility contact phone number and the location of the SWPPP and additional documentation. These must be made available during normal working hours. Note inactivity does not refer to seasonal closures.

D. Additional Requirements for Facilities Subject To SARA Title III, Section 313 Requirements

If you are subject to SARA Title III, Section 313 (42 U.S.C.11023) reporting requirements, in your SWPPP you must, in addition to the requirements of this Part, provide additional narrative on the preventive measures used to eliminate the exposure of these chemicals to stormwater run-on or run-off. To identify if your facility is subject to this requirement, visit the Maryland Department of the Environment's Community Right-to-Know website (*http://www.mde.state.md.us*). A list of the Section 313 chemicals can be found at the EPA's LIST OF LISTS Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA) and Section 112(r) of the Clean Air Act (*http://www.epa.gov/*). Additionally, SARA Title III, Section 313 water priority chemicals are often identified on Material Data Safety Sheets (MSDS).

PART IV. CORRECTIVE ACTIONS AND ADDITIONAL IMPLEMENTATION MEASURES (AIM)

A. Corrective Action

1. Conditions Requiring SWPPP Review and Revision to Ensure Effluent Limits are Met

When any of the following conditions occur, or are detected during an inspection, monitoring or other means, or the Department or the operator of the MS4 through which you discharge informs you that any of the following conditions have occurred, you must review and revise, as appropriate, your SWPPP (e.g., sources of pollution; spill and leak procedures; non-stormwater discharges; the selection, design, installation, and implementation of your control measures) so that this permit's effluent limits are met and pollutant discharges are minimized:

a. an unauthorized release or discharge (e.g., spill, leak, or discharge of non-stormwater not authorized by this or another NPDES permit) occurs at your facility;

b. a discharge violates a numeric effluent limit;

c. your control measures are not stringent enough for the discharge to meet applicable water quality standards or the non-numeric effluent limits in this permit;

d. a required control measure was never installed, was installed incorrectly, or not in accordance with Parts III.A, III. B and/or in Appendix D, or is not being properly operated and maintained; or

e. whenever a visual assessment (Part V.A.3) shows evidence of stormwater pollution (e.g., color, odor, floating solids, settled solids, suspended solids, foam).

2. Corrective Action Deadlines

a. Immediate Actions. You must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events. In Part IV, the term "immediately" means that the day you find a condition requiring corrective action, you must take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a permanent solution. However, if you identify a problem too late in the work day to initiate corrective action, you must perform the corrective action the following work day morning. The term "all reasonable steps" means you must respond to the conditions triggering the corrective action, such as cleaning up any exposed materials that may be discharged in a storm event (e.g., through sweeping, vacuuming) or making arrangements (i.e., scheduling) for a new Stormwater Control to be installed.

b. Subsequent Actions. If additional actions are necessary beyond those implemented pursuant to Part IV.A.2.a, you must complete the corrective actions (e.g., install a new or modified control and make it operational, complete the repair) before the next storm event if possible or within no more than 14 calendar days from the time of discovery that the condition in IV.A.1 is not met. If it is infeasible to complete the corrective action within 14 calendar days, you must document why it is infeasible to complete the corrective action within the 14-day timeframe. You must also identify your schedule for initiating the work and complete the corrective action identified as

soon as practicable after the 14-day timeframe but no longer than 45 days after discovery. If the completion of corrective action will exceed the 45-day timeframe, you may take the minimum additional time necessary to complete the corrective action, provided that you notify the Department Compliance program of your intention to exceed 45 days, your rationale for an extension, and a completion date, which you must also include in your corrective action documentation (see Part IV.C). Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 14 calendar days of completing corrective action work. These time intervals are not grace periods, but are schedules considered reasonable for documenting your findings and for making repairs and improvements. They are included in this permit to ensure that the conditions prompting the need for these repairs and improvements are not allowed to persist indefinitely.

3. Effect of Corrective Action

If the event triggering the review is a permit violation (e.g., non-compliance with an effluent limit), correcting it does not remove the original violation. Additionally, failing to take corrective action in accordance with this section is an additional permit violation. The Department may consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

4. Substantially Identical Outfalls

If the event triggering corrective action is linked to an outfall that represents other substantially identical outfalls, your review must assess the need for corrective action for each outfall represented by the outfall that triggered the review. Any necessary changes to control measures that affect these other outfalls must also be made before the next storm event if possible, or as soon as practicable following that storm event. Any corrective actions must be conducted within the timeframes set forth in Part IV.A.2.

B. Additional Implementation Measures (AIM)

If any of the following events in Parts IV.B.1, IV.B.2, or IV.B.3 occur, you must follow the response procedures described in those parts, called “additional implementation measures” or “AIM.” There are multiple AIM levels: AIM Benchmark Action Level 1 through Benchmark Action Level 3. You are required to respond to different AIM levels which prescribe increasingly robust responses depending on the nature, duration, and magnitude of the benchmark exceedance. In the context of the following parts “year you are subject to benchmarks” means 4 quarters of monitoring. See Part IV.B.4 for AIM exceptions.

1. Benchmark Action Level 1 (AIM Level 1):

a. AIM Level 1 Triggering Events. If, during the first year you are subject to benchmarks (Year 1), any of the following events occur, you are in AIM Level 1. You must follow the AIM Level 1 responses (Part IV.B.1.b) and deadlines (Part IV.B.1.c).

i.) One Annual Average Over the Benchmark Threshold. If one annual average for a parameter is over the benchmark threshold during Year 1, you are in AIM Level 1. An annual average exceedance can occur from the average of four quarterly samples for a parameter, or from less than four samples with results such that an exceedance is mathematically certain (i.e., if the sum of quarterly sample results to date is already more than 4 times the benchmark threshold).

ii.) One Single Sampling Event Over 4 Times the Benchmark Threshold. If one

single sampling event during Year 1 for a parameter is over 4 times the benchmark threshold, you are in AIM Level 1.

b. AIM Level 1 Responses. Except as provided in Part IV.B.4 (AIM Exceptions) if any of the triggering events in Part IV.B.1.a occur, you must:

i.) Review Stormwater Control Measures. Immediately review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary to meet the benchmark threshold for the applicable parameter (Examples include: review sources of pollution, spill and leak procedures, and/or non-stormwater discharges; conducting a single comprehensive clean-up, making a change in subcontractor, implementing a new control measure, and/or increasing inspections.) and

ii.) Implement Additional Measures. After reviewing your control measures, you must implement additional implementation measures to ensure the effectiveness of your control measures to bring your exceedances below the parameter's benchmark threshold; or if you determine nothing further needs to be done with your control measures, you must document per Part III.C and include in your annual report why you expect your existing control measures to bring your exceedances below the parameter's benchmark threshold; and

iii.) Continue Quarterly Benchmark Monitoring. After compliance with (i) and (ii) in this Part, you must continue quarterly benchmark monitoring into the next year. You must also attach your updated Comprehensive Annual Report to your next DMR.

c. AIM Level 1 Deadlines: If any modifications related to control measures are necessary, you must implement those actions or modifications within 14 days of the occurrence of the triggering event under Part IV.B.1.a, unless doing so within 14 days is infeasible. If doing so within 14 days is infeasible, you must document per Part IV.C why it is infeasible and implement such modifications within 45 days. **Exception:** You do not have to implement any modifications if, with the Department agreement, you determine and document in your SWPPP that the exceedance is solely attributable to natural background sources or run-on sources, consistent with Part IV.B.5 (AIM Exceptions).

2. Benchmark Action Level 2: (AIM Level 2)

a. AIM Level 2 Triggering Events. If, during the second year you are subject to benchmarks (Year 2), any of the following events occur, you are in AIM Level 2. You must follow the AIM Level 2 responses (Part IV.B.2.b) and deadlines (Part IV.B.2.c).

i.) The second Annual Average Over the Benchmark Threshold. If your second annual average for a parameter is over the benchmark threshold during Year 2, you are in AIM Level 2. An annual average exceedance can occur from the average of four quarterly samples for a parameter, or from less than four samples with results such that an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).

ii.) One Single Sampling Event Over 4 Times the Benchmark Threshold. If one single sampling event during your second year of coverage for a parameter is over 4 times the benchmark threshold, you are in AIM Level 2.

b. AIM Level 2 Responses. Except as provided in Part IV.B.4 (AIM Exceptions), if any of the triggering events in IV.B.2.a occur, you must:

i.) Install Permanent Controls. Install structural source controls (e.g. permanent controls such as permanent cover, berms, and secondary containment), and/or treatment controls (e.g., sand filters, hydrodynamic separators, oil-water separators, retention ponds, the use of Chemical Additives (Part I.E.5), and infiltration structures), except as provided in Part IV.B.5 (AIM Exceptions). The treatment technologies or treatment train you install must be appropriate for the pollutants that triggered AIM Tier 2 and must be more rigorous than the pollution prevention-type measures employed under AIM Level 1 in Part IV.B.1. You must select controls with pollutant removal efficiencies that are sufficient to bring your exceedances below the benchmark threshold. You must have a professional engineer, stormwater professional or geologist assist with the installation of such controls for the discharge point in question and for substantially similar discharge points, unless you individually monitor those substantially similar discharge points and demonstrate that AIM Level 2 requirements are not triggered at those discharge points; and/or

ii.) Alternative Option: As an alternative or adjunct to structural source controls and/or treatment controls, you may increase impervious surface restoration for your industrial stormwater about the baseline required by this permit, if such an approach is appropriate and feasible for your site-specific conditions. If this approach is feasible, the execution must be compliant with regulations for ground water protection and underground injection control (UIC). The analysis that shows infiltration/retention is appropriate for your site-specific conditions must be provided to the Department BEFORE you can choose this option and the Department must concur with your conclusions. Successful compliance with the provisions in this part may allow the Department to waive benchmark monitoring requirements (if this removes an outfall) and may generate marketable credits (refer to Part III.A); and

iii.) Continue Quarterly Benchmark Monitoring. After compliance with (i) and/or (ii) (if the Department approves) in this Part, you must continue quarterly benchmark monitoring into the next year. You must also attach your updated Comprehensive Annual Report to your next DMR.

c. AIM Level 2 Deadlines. You must install the appropriate structural source and/or treatment control measures within 30 days of the occurrence of the triggering event under Part IV.B.2.a. If it is not feasible within 30 days, you may take up to 90 days to install such measures, documenting in your SWPPP why it is infeasible to install the measure within 30 days. The Department may also grant you an extension beyond 90 days, based on an appropriate demonstration by you, the operator. Exception: You do not have to install structural source controls or treatment controls if, with the Department agreement, you determine and document in your SWPPP that the exceedance is solely attributable to natural background sources or run-on sources, consistent with Part IV.B.4 (AIM Exceptions).

3. Benchmark Action Level 3+: (AIM Level 3)

a. AIM Level 3 Triggering Events. If during the third or subsequent year you are subject to benchmarks (Year 3+) any of the following events occur, you are in AIM Level 3. You must follow the AIM Level 3 responses (Part IV.B.3.b) and deadlines (Part IV.B.3.c).

i.) The fourth Annual Average Over the Benchmark Threshold. If your third or subsequent year's annual average for a parameter is over the benchmark threshold during Year 3+, you are in AIM Level 3. An annual average

exceedance can occur from the average of four quarterly samples for a parameter, or from less than four samples with results such that an exceedance is mathematically certain (i.e., the sum of quarterly sample results to date is already more than four times the benchmark threshold).

ii.) One Single Sampling Event Over 4 Times the Benchmark Threshold. If one single sampling event during your third or subsequent year of coverage for a parameter is over 4 times the benchmark threshold, you are in AIM Level 3.

b. AIM Level 3 Responses. Except as provided in Part IV.B.4 (AIM Exceptions), if any of the triggering events in IV.B.3.a occur, you must:

i.) consult a professional engineer, stormwater professional or geologist to prepare an action plan. You may take up to 30 days to select the professional, and an additional 30 days to prepare the action plan for the Department, which must include milestone dates and either option below:

- installing additional structural source controls (see Part IV.B.2.b.i), enhancing existing structural source controls, enclosing operations in storm resistant shelters (see Part III.B.1.a.i) and/or addition of treatment controls or
- an adequate demonstration to the Department that your discharge does not result in any exceedance of water quality standards and the Department approves such demonstration within 60 days of receipt (the Department may take up to 180 days upon notice to you before the 60th day that the Department needs such extra time). The demonstration to the Department, which shall be made publicly available, must include the following minimum elements in order to be considered for approval by the Department:
  - the water quality standards applicable to the receiving water;
  - the flow rate of the stormwater discharge;
  - the instream flow rates of the receiving water immediately upstream and downstream of the discharge point;
  - the ambient concentration of the parameters) of concern in the receiving water immediately upstream and downstream of the discharge point demonstrated by full-storm composite sampling;
  - the concentration of the parameter(s) of concern in the stormwater discharge demonstrated by full-storm, flow-weighted composite sampling;
  - any relevant dilution factors applicable to the discharge; and
  - the hardness of the receiving water.

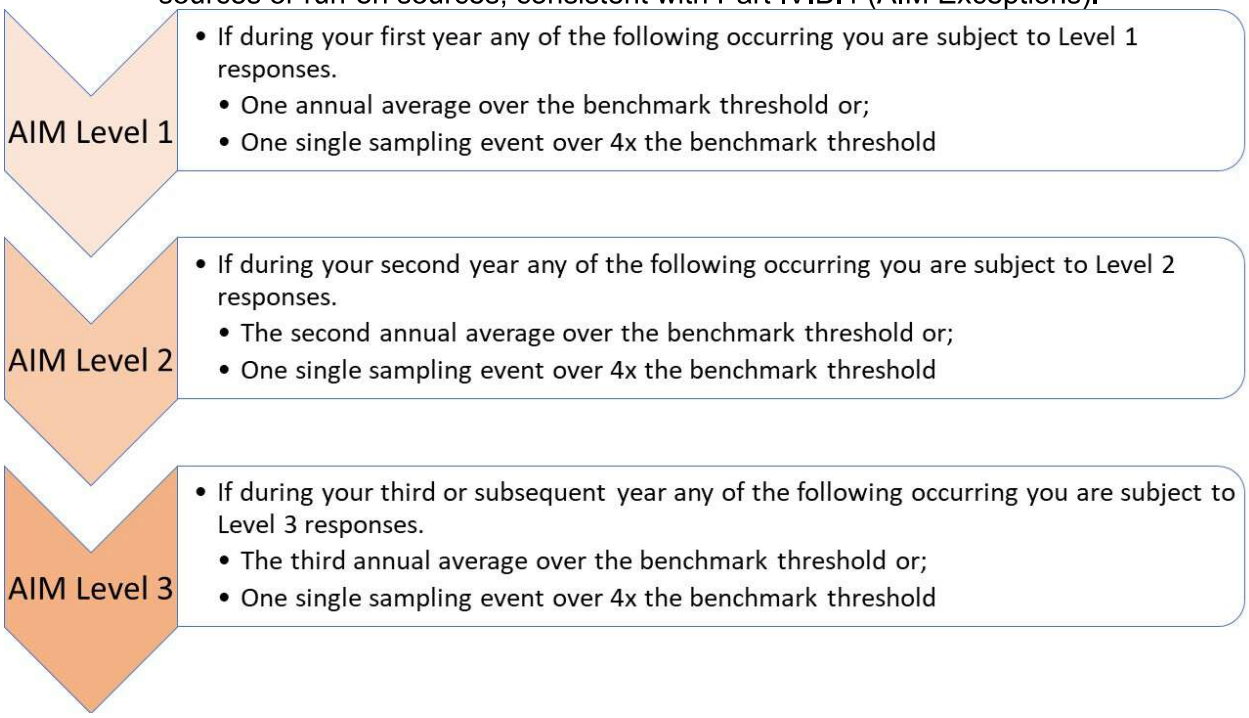
  If the Department disapproves such demonstration within 60 days (or 180 days if the Department notifies you that it needs more than 60 days), you must install structural source controls and/or treatment controls within 30 days of such disapproval (or 60 days if you document in your SWPPP why it is infeasible within 30 days; the Department may also grant an extension beyond 60 days based on an appropriate demonstration by you, the operator). It is recommended that you work with the Department well in advance of the required demonstration and prepare to install controls if the demonstration cannot be approved. If the Department does not reject the plan within the required 60 days or does not provide for an extension, you are obligated to proceed with plan implementation. However, the Department may impose additional requirements.

ii.) If you continue to exceed the quarterly benchmark threshold for the same parameter and cannot demonstrate at least a 20% reduction from the previous

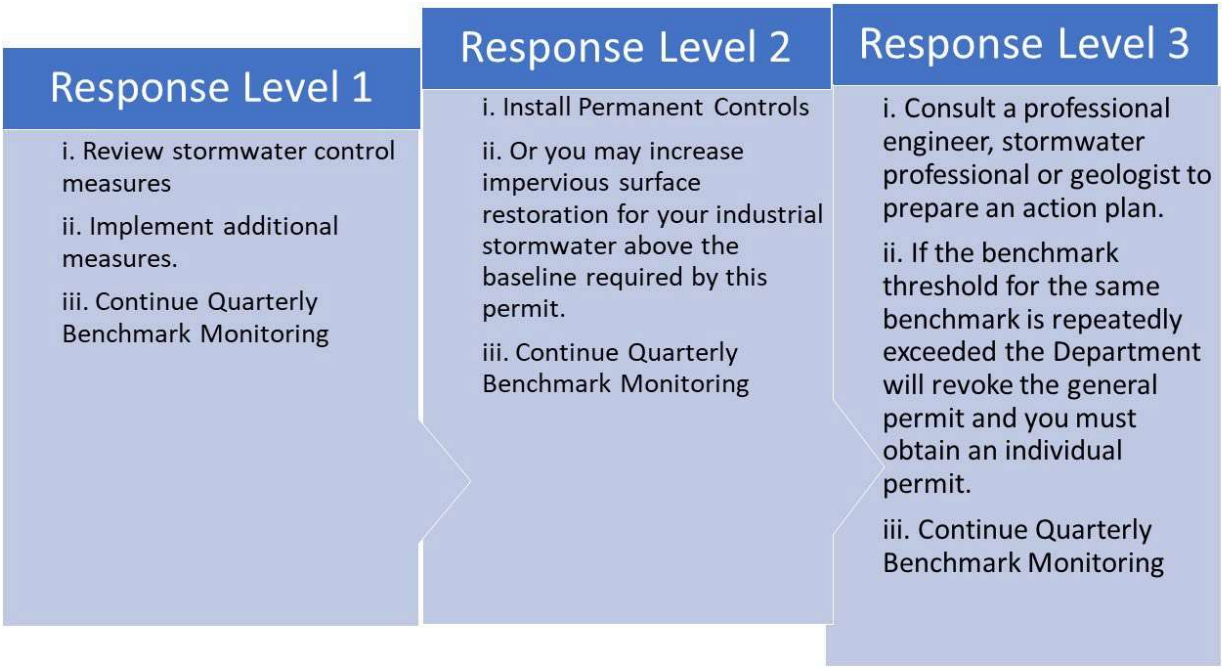
year performance, even after installation of structural source controls or treatment controls as required in Part IV.B.3.b.i, the Department will revoke coverage under this permit through the development of an individual permit to address site specific water quality limits, or a final determination to deny permit coverage, unless you are under a consent order.

iii.) Continue Quarterly Benchmark Monitoring. After compliance with (i), or (ii), in this Part, you must continue quarterly benchmark monitoring into the next year. You must also attach your updated Comprehensive Annual Report to your next DMR.

c. AIM Level 3 Deadlines. You must install the appropriate structural source and/or treatment control measures within 90 days of the occurrence of the triggering event under Part IV.B.3.a. If it is not feasible within 90 days, you may take up to an additional 30 days to install such measures, documenting in your SWPPP why it is infeasible to install the measure within 90 days. The Department may also grant you an extension beyond 120 days, based on an appropriate demonstration by you, the operator. Exception: You do not have to install structural source controls or treatment controls if, with the Department agreement, you determine and document in your SWPPP that the exceedance is solely attributable to natural background sources or run-on sources, consistent with Part IV.B.4 (AIM Exceptions).



The above image shows a simplified view of how a site would progress through the AIM levels.



The above image shows the actions a site is required to take as they progress through the aim levels. Refer to IV.B for the detailed requirements.

4. AIM Exceptions.

At any point or Benchmark Action Level of AIM, the below exceptions from AIM requirements and additional benchmark monitoring below may apply. You must still review your stormwater control measures, SWPPP, and other on-site activities to determine if actions or modifications are necessary or appropriate.

a. Natural Background Pollutant Levels: You are not required to perform AIM or additional benchmark monitoring for any parameters for which you can demonstrate with Department agreement that the benchmark exceedance is attributable solely to the presence of that pollutant in the natural background (i.e. you would not have exceeded the benchmark if it were not for the contribution of that natural background pollutant). You are not required to perform corrective action or additional benchmark monitoring provided that all the following conditions are met, and you submit your analysis and documentation to the Department's Permitting Program:

i.) The four-quarter average concentration of your benchmark monitoring results (or fewer than four-quarters of data that trigger an exceedance) is less than or equal to the concentration of that pollutant in the natural background; and

ii.) You document and maintain with the SWPPP as required in Part III.C, your supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. You must include in your supporting rationale any data previously collected by you or others (including literature studies) that describe the levels of natural background pollutants in your stormwater discharge; and

iii.) You notify the Departments Permitting Program and get concurrence, and include the concurrence on your final quarterly benchmark monitoring report that the benchmark exceedances are attributable due to natural background pollutant levels. The Department will take into consideration any impairments for that pollutant, potential impacts to receiving waters, in addition to the methodologies and information provided (refer to Part III.B.2).

Natural background pollutants are those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources which are not naturally occurring, such as other industrial facilities or roadways.

b. Run-On: You are not required to perform AIM or additional benchmark monitoring for any parameters for which you can demonstrate and obtain the Department's agreement that run-on from a neighboring source (e.g., a source external to your facility) is the cause of the exceedance, provided that all the following conditions are met and you submit your analysis and documentation to the Department for concurrence:

i.) After reviewing and revising your SWPPP, as appropriate, you should notify the other facility or entity contributing run-on to your discharges and request that they abate their pollutant contribution.

ii.) If the other facility or entity fails to take action to address their discharges or sources of pollutants, you should contact the Department's Compliance Program.

c. Due to an abnormal event: You must immediately document per Part IV.C that the AIM triggering event was abnormal, a description explaining what caused the abnormal event, and how any measures taken within 14 days of such event will prevent a reoccurrence of the exceedance. You must also collect a sample during the next measurable storm event to demonstrate that the result is less than the benchmark threshold, in which case you do not trigger any AIM requirements based on the abnormal event. You must report the result of this sample in NetDMR in lieu of the result from the sample that caused the AIM triggering event. You may avail yourself of the "abnormal" demonstration opportunity at any AIM Level, one time per parameter, and one time per discharge point, which shall include substantially identical discharge points (SIDP), provided you qualify for the exception.

d. For Aluminum and Copper benchmark parameters only: Demonstrated to not result in an exceedance of your facility-specific value using the national recommended water quality criteria in-lieu of the applicable benchmark threshold: To be eligible for the exception, you must demonstrate to the Department that your stormwater discharge(s) that exceeded the applicable benchmark threshold would not result in an exceedance of a derived facility-specific value. The demonstration to the Department, which will be made publicly available, must meet the minimum elements below in order to be considered for and approved by the Department. If you exceed the benchmark threshold for aluminum or copper, you must still comply with any applicable AIM requirements and additional benchmark monitoring until the demonstration is made to and approved by the Department. In this case, the Department suggests that samples collected for any continued benchmark monitoring also be analyzed for the required input parameters for each model for efficiency. If you are an existing operator and you anticipate an exceedance of the benchmark(s) based on previous monitoring data and expect to utilize this exception(s), the Department recommends you begin the required data collection in your first year of permit coverage.

i.) Aluminum (only for discharges to freshwater):
Conditions for this exception are:

- Use of EPA's 2018 National Recommended Aluminum Aquatic Life Criteria: https://www.epa.gov/wqc/aquatic-life-criteria-aluminum;
- In-stream waterbody sampling for the three water quality input parameters for the recommended criteria model: pH, total hardness, and dissolved organic carbon (DOC); and

- Completion of sampling events sufficient to capture spatial and temporal variability. Sampling events must adequately represent each applicable season at the facility's location, which would likely be over the course of at least one year. An equal number of ambient waterbody samples must be collected at a single upstream and downstream location from the operator's discharge point(s) to the receiving Waters of this State. Where there exists no ambient source water upstream of the operator's discharge point(s) to the receiving waters of this State, samples of the ambient downstream waterbody conditions are sufficient.

The demonstration provided for aluminum to the Department must include, at minimum:

- A description of the sampling, analysis, and quality assurance procedures that were followed for data collection, following the guidance in Section 3 of EPA's Industrial Stormwater Monitoring and Sampling Guide. https://mde.maryland.gov/programs/Permits/WaterManagementPermits/Documents/GDP%20Stormwater/EPA%20Industrial%20Stormwater%20Guidance/EPA_Monitoring_Guide.pdf ;
- The input parameters and export of results from the Aluminum Criteria Calculator, available at: https://mdewwp.page.link/ISWGuidance; and,
- A narrative summary of results.

ii.) Copper (only for discharges to freshwater):

Conditions for this exception are:

- Use of EPA's 2007 National Recommended Freshwater Copper Aquatic Life Criteria: https://www.epa.gov/wqc/aquatic-life-criteria-copper;
- In-stream waterbody sampling for the 10 water quality input parameters to the BLM for copper: pH; dissolved organic carbon (DOC); alkalinity; temperature; major cations (calcium, magnesium, sodium, and potassium); and major anions (sulfate, chloride);
- The water quality input parameters, with the exception of temperature, must fall within the range of conditions recommended for use in the Biotic Ligand Model (BLM), found in Table 1-1 of the Data Requirements document: https://www.epa.gov/sites/production/files/2015-11/documents/copperdata-requirements-training.pdf; and
- Completion of sampling events sufficient to capture spatial and temporal variability. Because some of the BLM input parameters are known to vary seasonally, the Department suggests a possible starting point of at least one sampling event per season. Sampling events must adequately represent each applicable season at the facility's location, which would likely be over the course of at least one year. An equal number of ambient waterbody samples must be collected at a single upstream and downstream location from the operator's discharge point(s) to the receiving Waters of this State. Where there exists no ambient source water upstream of the operator's discharge point(s) to the receiving Waters of this State, samples of the ambient downstream waterbody conditions are sufficient.

The demonstration provided for copper to the Department must include, at minimum:

- A description of the sampling, analysis, and quality assurance procedures that were followed for data collection, following the guidance in Section 3 of EPA's Industrial Stormwater Monitoring and Sampling Guide. https://mde.maryland.gov/programs/Permits/WaterManagementPermits/Doc

uments/GDP%20Stormwater/EPA%20Industrial%20Stormwater%20Guidance/EPA_Monitoring_Guide.pdf;

- A discussion of how the data collected reflects the site-specific characteristics and how the operator considered special circumstances that may affect copper toxicity throughout the expected range of receiving water conditions;
- The input file and export of the results from the BLM software, which can be requested at: https://www.epa.gov/wqs-tech/copper-biotic-ligandmodel; and
- A narrative summary of results.

C. Corrective Action and AIM Documentation

1. Documentation within 24 Hours.

You must document the existence of any of the conditions listed in Parts IV.A.1, IV.B.1.a, IV.B.2.a, and/or IV.B.3.a within 24 hours of becoming aware of such condition. You are not required to submit this documentation to the Department, unless specifically required or requested to do so. However, you must summarize your findings in the annual report per Part V.A.2. Include the following information in your documentation:

a. Description of the condition or event triggering the need for corrective action review and/or AIM response. For any spills or leaks, include the following information: a description of the incident including material, date/time, amount, location, and reason for spill, and any leaks, spills or other releases that resulted in discharges of pollutants to Waters of this state, through stormwater or otherwise;

b. Date the condition/triggering event was identified;

c. Description of immediate actions taken pursuant to Part IV.A.2.a to minimize or prevent the discharge of pollutants. For any spills or leaks, include response actions, the date/time clean-up completed, notifications made, and staff involved. Also include any measures taken to prevent the reoccurrence of such releases (see Part III.B.1.b.iv); and

d. A statement, signed and certified in accordance with Part II.C.1.

2. Documentation within 14 Days.

You must also document the corrective actions and/or AIM responses you took or will take as a result of the conditions listed in IV.A.1, IV.B.1.a, IV.B.2.a, and/or IV.B.3.a within 14 days from the time of discovery of any of those conditions/triggering events. Provide the dates when you initiated and completed (or expect to complete) each corrective action and/or AIM response. If infeasible to complete the necessary corrective actions and/or AIM responses within the specified timeframe, per Parts IV.A.2, IV.B.1.c, IV.B.2.c, and/or IV.B.3.c, you must document your rationale and schedule for installing the controls and making them operational as soon as practicable after the specified timeframe. If you notified the Department regarding an allowed extension of the specified timeframe, you must document your rationale for an extension, and attach your documented rationale to your next discharge monitoring report through NetDMR. Include any additional information and/or rationale that is required and/or applicable to the specified corrective action and/or AIM response in Part IV. You are not required to otherwise submit this documentation to the Department, unless specifically required or requested to do so. In addition, you must summarize your corrective actions and/or AIM responses in the annual report required in Part V.A.2.

PART V. INSPECTIONS, MONITORING, AND REPORTING

A. Site Inspections and Evaluations

You must conduct the following inspections or evaluations at your facility in accordance with the monitoring procedures outlined in Part V.C. You must keep a copy of the documentation from all inspections and evaluations onsite with your SWPPP per Part III.C.8.g.

1. Routine Facility Inspection

At least once per quarter, you must conduct a site assessment that will review the effectiveness of the SWPPP. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is happening. The facility inspections must be documented with a checklist (refer to Part V.A.2.a.i - Part V.A.2.a.viii for a minimum list of what to include) or other summary signed in accordance with Part II.C.1 of this permit, by qualified personnel, with at least one member of your stormwater pollution prevention team participating. The checklist must include a certification that the site is in compliance with the SWPPP and this permit, or a record of the deficiencies and necessary follow up actions. Refer to Part IV.C Corrective Action and AIM Documentation and Part IV.A.2 Corrective Action Deadlines for appropriate time frames.

2. Comprehensive Site Compliance Evaluation

You must conduct a comprehensive site compliance evaluation once a year. The evaluation must be performed by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can evaluate the effectiveness of all existing BMPs. The personnel conducting the evaluation may be either facility employees (such as pollution prevention team members) or contractors you hire. If a scheduled compliance evaluation overlaps with a routine facility inspection, the annual compliance evaluation may be used as one of the four routine facility inspections. The Comprehensive Site Compliance Evaluation must be documented and signed in accordance with Part II.C.1 of this permit.

a. Evaluations must include all areas where industrial materials or activities are exposed to stormwater, at a minimum:

- ***i.)*** Industrial materials, residue or trash that may have or could come into contact with stormwater;
- ***ii.)*** Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;
- ***iii.)*** Offsite tracking of industrial or waste materials or sediment where vehicles enter or exit the site;
- ***iv.)*** Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;
- ***v.)*** Evidence of, or the potential for, pollutants entering the drainage system;
- ***vi.)*** Evidence of pollutants discharging to surface waters at all facility outfalls;
- ***vii.)*** The condition of and around any outfall, including flow dissipation measures to prevent scouring;
- ***viii.)*** Inspection of BMPs/control measures;
- ***ix.)*** Training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs (including those required for Chesapeake Bay Restoration); and
- ***x.)*** Visual and analytical monitoring results from the past year.

b. A report must be written summarizing the scope of the evaluation, name(s) of personnel performing the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP. Based on the results of the evaluation, the SWPPP must be modified as necessary. Include a summary of any incomplete

actions remaining related to Corrective Actions triggered under Part IV, and include the AIM Documentation as required under Part IV.C. If your EJScore is >= 0.76, then you must submit your annual Comprehensive Site Compliance Evaluation using NetDMR, emailed to the Department, or submitted through an eNOI system when established by the Department. EJScore is defined in Appendix E and identified on your NOI, and will be indicated on your authorization letter.

3. Quarterly Visual Sampling/Inspections

You are required to begin visual inspections in the first full quarter after you have been notified that you are covered by this permit. For example, if you obtain permit coverage in June, then your first monitoring quarter is July 1 - September 30 of that year. Once each quarter, you must collect a stormwater sample from each outfall (except in adverse weather conditions, substantially identical outfalls, or inactive and unstaffed sites as noted below) and assess the sample visually. Samples may be taken during any precipitation event (except as noted in Areas Subject to Snow below) where there is a measurable discharge and must be sampled within the first 30 minutes of the storm event. In the case of snowmelt, samples must be taken during a period with a measurable discharge from your site. These samples are not required to be collected consistent with 40 CFR 136 procedures but must be collected in such a manner that the samples are representative of the stormwater discharge.

a. The Quarterly Visual Monitoring Form found in Appendix B of this permit must be completed for each sample, evaluated during the comprehensive site evaluation, and be kept with the SWPPP so as to be available to an inspector as necessary.

b. Adverse Weather Conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical, such as drought or extended frozen conditions. When adverse weather conditions prevent the collection of samples during the quarter, a substitute sample must be taken during the next qualifying storm event. Documentation of the rationale for no visual assessment for the quarter must be included in SWPPP records.

c. *Areas Subject to Snow:* In areas subject to snow, at least one quarterly visual assessment must capture snowmelt discharge. The assessment should identify the date when the sample was taken.

d. *Substantially identical outfalls:* If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part III.C.5.b, you may conduct quarterly visual assessments of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform visual assessments on a rotating basis of each substantially identical outfall throughout the period of your coverage under this permit. If stormwater contamination is identified through visual assessment performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

4. Inactive and Unstaffed Sites Exceptions to Routine Facility Inspections.

The requirement to conduct routine facility inspections and visual monitoring on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection in accordance with the requirements of Part V.A.2. To invoke this exception, you must maintain a statement in your SWPPP pursuant to Part III.C.5.b.v indicating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to precipitation, in accordance with the substantive requirements in 40 CFR 122.26(g)(4)(iii). The statement must be signed and certified in accordance with Part II.C.2. If circumstances change and

industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately resume quarterly facility inspections. Consistent with Part V.B.3.b.ii, you must indicate in a "Change NOI" form that the facility has materials or activities exposed to stormwater or has become active and/or staffed. If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must include the same signed and certified statement as above and retain it with your records pursuant to Part III.C.5.b.v.

B. Industry Specific Benchmarks and Impaired Waters Monitoring Requirements

This permit stipulates pollutant benchmark concentrations that may be applicable to your discharge (Part V.B.1). Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity. Impaired water monitoring requirements below (Part V.B.3) are based on the impairment status of the receiving waters (refer to Part III.B.3.b). Benchmark or impaired water monitoring, if required, must be conducted according to the monitoring below (Part V.C) or as specified for the impaired water by the Department (Part V.B.3).

1. Applicability of Benchmark Monitoring

You must monitor for any benchmark parameters specified for the industrial sector(s), both primary industrial activity and any co-located industrial activities, applicable to your discharge. Your industry-specific benchmark concentrations are listed in the sector-specific sections of Appendix D. The benchmark concentrations are not effluent limitations; a benchmark exceedance, therefore, is not a permit violation. Benchmark monitoring data are primarily for your use to determine the overall effectiveness of your control measures and to assist you in knowing when Additional Implementation Measures (AIM) may be necessary to comply with the effluent limitations in Part III.B. Failure to conduct any required measures would be a permit violation.

If your facility is in one of the industrial sectors subject to benchmark concentrations that are hardness-dependent, you are required to submit to the Department with your first benchmark discharge monitoring report (Part V.B.4) a hardness value, established consistent with the procedures in Appendix C, which is representative of your receiving water, if you plan to modify your benchmark based on receiving water hardness.

At your discretion, you may take more than four samples during separate discharge events to determine the average benchmark parameter value for facility discharges.

2. Benchmark Monitoring Schedule

You must conduct benchmark monitoring quarterly for four (4) full quarters, starting the first full monitoring period (found in Part V.C.7) that occurs, after registering under this permit. For example, if you obtain permit coverage in June, then your first monitoring period is July 1 – September 30. If the annual average for any parameter does not exceed the benchmark threshold, you have fulfilled your benchmark monitoring requirements for that parameter for the permit term and you can request to discontinue benchmark monitoring for that parameter by 1) entering all data for the parameters in NetDMR, 2) requesting the Department's Permit Program to verify your calculation and 3) receiving confirmation from the Department. For averaging purposes, use a value of zero for any individual sample parameter, analyzed using procedures consistent with Part V.C, which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value

halfway between zero and the quantitation limit. You must comply with Part IV (Additional Implementation Measures) and continue quarterly benchmark monitoring for any parameter with data exceeding the benchmark threshold as specified in Part IV.

3. Impaired Waters Monitoring.

For the purposes of this permit, your facility is considered to discharge to an impaired water if the first Waters of This State to which you discharge is identified by the State or EPA pursuant to section 303(d) of the CWA as not meeting an applicable water quality standard (i.e., without an EPA-approved or - established TMDL, see Part V.B.3.a below), or has been removed from the 303(d) list either because the impairments are addressed by an EPA-approved or established TMDL or is covered by pollution control requirements that meet the requirements of 40 CFR 130.7(b)(1) (see Part V.B.3.b below). For discharges that enter a separate storm sewer system prior to discharge, the first Waters of this State to which you discharge is the waterbody that receives the stormwater discharge from the separate storm sewer system.

a. Facilities Required to Monitor Discharges to Impaired Waters without an EPA-approved or established TMDL:

Beginning in the first full quarter following your date of discharge authorization, you must monitor for pollutants of concern once per year at each discharge point (except substantially identical discharge points) discharging stormwater to impaired waters without an EPA-approved or established TMDL, as follows:

i.) Determine which pollutant of concern to monitor for:

- Review the potential pollutants you have listed in your SWPPP (Part III.C.3) and any sector specific benchmark monitoring pollutants, and compare these to the list of pollutants for which the waterbody is impaired and for which a standard analytical method exists (see 40 CFR Part 136). The pollutant of concern will be where there is an overlap.
- Except where otherwise directed by the Department, if the pollutant of concern for the impaired waterbody is suspended solids, turbidity, or sediment/sedimentation, you must monitor for Total Suspended Solids (TSS).
- If a pollutant of concern is expressed in the form of an indicator or surrogate pollutant, you must monitor for that indicator or surrogate pollutant.
- No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or other non-pollutant.
- Operators should consult the Department for any available guidance regarding required monitoring parameters under this part.

ii.) If the monitored pollutant is not detected in your discharge, or is within the acceptable range for a given parameter for the waterbody to meet its designated use (e.g., pH or temperature), for three consecutive years, or it is detected but you have determined that its presence is caused solely by natural background sources (see iv below), you may discontinue monitoring for that pollutant.

iii.) If the monitored pollutant is detected in your discharge, or is outside the acceptable range for a given parameter for the waterbody to meet its designated use (e.g., pH or temperature), for three consecutive years, or it is

detected but you have determined that its presence is caused solely by natural background sources (see iv below), you must continue to monitor for the pollutant(s) annually until no longer detected, after which you may discontinue monitoring for that pollutant.

iv.) Natural Background Condition: To support a determination that the pollutant's presence is caused solely by natural background sources, you must document:

- An explanation of why you believe that the presence of the pollutant of concern in your discharge is not related to the activities or materials at your facility; and
- Data and/or studies that tie the presence of the pollutant of concern in your discharge to natural background sources in the watershed.

You must submit this determination to the Department's Permitting Program and receive verification that the request was granted, and maintain request and verification with your SWPPP, as required by Part III.C.8.

Natural background pollutants include those that occur naturally as a result of native soils, and vegetation, wildlife, or ground water. Natural background pollutants do not include legacy pollutants from earlier activity on your site, or pollutants in run-on from neighboring sources that are not naturally occurring. However, you may be eligible to discontinue annual monitoring for pollutants that occur solely from these sources and should consult the Department's Compliance Program for related guidance.

b. Facilities Required to Monitor Discharges to Impaired Waters With an EPA-approved or established TMDL.

For stormwater discharges to waters for which there is an EPA-approved or established TMDL, you are not required to monitor for the pollutant(s) for which the TMDL was written unless the Department informs you, upon examination of the applicable TMDL and its wasteload allocation, that you are subject to such a requirement consistent with the assumptions and requirements of the applicable TMDL and its wasteload allocation. The Department's notice will include specifications on monitoring parameters and frequency. If there are questions, you may consult the Department's Compliance Program for guidance regarding required monitoring under this Part.

c. Impaired Water Exception for Inactive and Unstaffed Sites
The requirement for impaired waters monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

i.) Maintain a statement with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Part II.C.

ii.) If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable impaired waters monitoring requirements under Part V.B as if you were in your first year of permit coverage. You must submit an NOI indicating this change in operations, now that your facility has materials or activities exposed to

stormwater or has become active and/or staffed.

iii.) If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must submit an NOI indicating this change in operations. You may discontinue impaired waters monitoring once you have submitted the NOI, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

4. Submitting Benchmark or Impaired Water Discharge Monitoring Reports (DMRs)

You must summarize and submit benchmark or Impaired Water monitoring information electronically using NetDMR once you are granted access to this tool, unless you demonstrate a reasonable basis that precludes the use of NetDMR. Specific requirements regarding submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

a. NetDMR is a U.S. EPA tool allowing regulated Clean Water Act permittees to submit monitoring reports electronically via a secure Internet application. You must apply for access to NetDMR at www.epa.gov/netdmr and register for a NetDMR Webinar, unless you are able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for submitting DMRs ("opt-out request"). Before you can submit official DMRs using NetDMR you must attend a training Webinar and successfully set-up and submit test monitoring results electronically. You must complete all requirements to gain access to NetDMR within six (6) months of authorization under this permit, including applying for access within one (1) month of being registered.

b. Opt-out requests must be submitted in writing to the Department for written approval at least sixty (60) days prior to the date you would be required under this permit to begin using NetDMR. This demonstration shall be valid for twelve (12) months from the date of the Department approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department unless the permittee submits a renewed opt-out request and such request is approved by the Department. All opt-out requests and subsequent hardcopy DMRs should be sent to the following addresses with "Attn: DMRs":

Maryland Department of the Environment
WMA – Compliance Program
1800 Washington Blvd., Suite 425
Baltimore, MD 21230

c. If you are required to perform monitoring and report for specific pollutants you must report the quarterly measurements no later than 28 days following the Monitoring Period (Part V. C.7), and according to the other Monitoring Procedures (Part V.C). Failure to sample and report is considered a permit violation.

1. Benchmark Exception for Inactive and Unstaffed Sites

The requirement for benchmark monitoring does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. To invoke this exception, you must do the following:

- Maintain a statement onsite with your SWPPP stating that the site is inactive and unstaffed, and that there are no industrial materials or activities exposed to stormwater in accordance with the substantive requirements in 40 CFR 122.26(g) and sign and certify the statement in accordance with Part II.C; and
- If circumstances change and industrial materials or activities become exposed to stormwater or your facility becomes active and/or staffed, this exception no

longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements under Part V.B as if you were in your first year of permit coverage. You must indicate in your first benchmark monitoring report that your facility has materials or activities exposed to stormwater or has become active and/or staffed.

- If you are not qualified for this exception at the time you are authorized under this permit, but during the permit term you become qualified because your facility is inactive and unstaffed, and there are no industrial materials or activities that are exposed to stormwater, then you must provide written notification to the Department's Compliance Program of this change in your next benchmark monitoring report. You may discontinue benchmark monitoring once you have notified the Department, and prepared and signed the certification statement described above concerning your facility's qualification for this special exception.

2. Substantially identical outfalls
If your facility has two or more outfalls that you believe discharge substantially identical effluents, as documented in Part III.C.5.b, you may perform benchmark or impaired water monitoring of the discharge at just one of the outfalls and report that the results also apply to the substantially identical outfall(s) provided that you perform benchmark or impaired water monitoring on a rotating basis of each substantially identical outfall throughout the period you are required to under this permit. If stormwater contamination is identified through benchmark monitoring performed at a substantially identical outfall, you must assess and modify your control measures as appropriate for each outfall represented by the monitored outfall.

3. Additional Monitoring Required by the Department.
The Department may notify you of additional discharge monitoring requirements that the Department determines are necessary to meet the permit's effluent limitations. Any such notice will briefly state the reasons for the monitoring, locations, and parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

C. Monitoring Procedures

You must collect and analyze stormwater samples and document monitoring activities for visual and benchmark monitoring consistently with the procedures described in this section and the industry specific benchmark monitoring requirements.

1. Monitored Outfalls
You must conduct monitoring as required by this permit at each outfall authorized by this permit, except when an outfall is exempt from monitoring as a substantially identical outfall. If your facility has two or more outfalls that you believe discharge substantially identical effluents, based on the similarities of the general industrial activities and control measures, exposed materials that may significantly contribute pollutants to stormwater, and runoff coefficients of their drainage areas, you may monitor the effluent of just one of the outfalls and report that the results also apply to the substantially identical outfall(s). As required in Part III.C.5, your SWPPP must identify each outfall authorized by this permit and describe the rationale for any substantially identical outfall determinations.

2. Commingled Discharges
If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable. The following are some examples of mixed water source situations that should not be sampled.

a. A common ditch that carries stormwater from properties upstream. In this case, the stormwater from the permitted facility is mixed with other water. You should find a location or locations where your facility's stormwater alone can be sampled.
b. A partially submerged storm sewer pipe where it discharges into the receiving water body. In this case, this final discharge point should not be used as a sampling point because the stormwater flow is mixed with the receiving water.
c. A manhole that carries stormwater not only from the permitted facility but from other stormwater sources as well. If taking a grab sample from a manhole, you should make sure that the flow in that pipe is entirely from your facility.

3. Measurable Storm Events

All required monitoring must be performed on a storm event that results in an actual discharge from your site ("measurable storm event") that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if you are able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at your site.

For each monitoring event, except snowmelt monitoring, you must identify the date and duration (in hours) of the rainfall event, rainfall total (in inches) for that rainfall event, and time (in days) since the previous measurable storm event. For snowmelt monitoring, you must identify the date of the sampling event.

4. Sample Type

You must take a minimum of one grab sample from a discharge resulting from a measurable storm event as described above. Samples must be collected within the first 30 minutes of a measurable storm event. However, the Department does not advocate impractical or potentially unsafe sampling methods during periods of adverse weather conditions. Therefore, if it is not possible to collect the sample within the first 30 minutes of a measurable storm event, the sample must be collected as soon as practicable after the first 30 minutes and documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples must be taken during a period with a measurable discharge.

For benchmark monitoring, you may use a composite sampling method instead of taking grab samples as described above. This composite method may be either flow-weighted or time weighted. Flow-Weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge. Composite samples must be initiated during the first 30 minutes of the same storm event. If it is not possible to initiate composite sampling within the first 30 minutes of a measurable storm event, you must initiate composite sampling as soon as possible after the first 30 minutes and keep documentation with the SWPPP explaining why it was not possible to initiate composite sampling within the first 30 minutes. Composite sampling may not be used to measure parameters that have a short holding time for processing or that degrade or transform quickly such as pH, temperature, and oil and grease (O&G).

If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department.

5. Adverse Weather Conditions
When adverse weather conditions, as described in Part V.A.3.b, prevent the collection of samples according to the relevant monitoring schedule, you must take a substitute sample during the next qualifying storm event. Adverse weather does not exempt you from having to file a benchmark monitoring report in accordance with your sampling schedule. You must keep a record with your SWPPP of any failure to monitor as specified, indicating the basis for not sampling during the usual reporting period.

6. Representative Sampling
You must take all required samples and measurements at times to be representative of the quantity and quality of the discharges during the specified monitoring periods. At a minimum, samples must be taken once every quarter unless otherwise specified.

The sampling and analytical methods used must conform to procedures for the analysis of pollutants as identified in 40 CFR 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" except for visual monitoring which is not subject to 40 CFR 136, or unless otherwise specified. You must select test procedures with quantitation limits at or below benchmark values for all benchmark parameters for which you are required to sample and for impaired waters based on guidance from the Department.

7. Monitoring Periods
Visual (Part V.A.3) and benchmark (Part V.B.2) monitoring are required on a quarterly basis, following these 3-month intervals:
a. January 1 – March 31;
b. April 1 – June 30;
c. July 1 – September 30; and
d. October 1 – December 31.

8. Data Recording Requirements
If you are required to perform monitoring, you must record the following information for each sample:
a. The exact place, date, and time of sampling or measurement;
b. The person(s) who performed the sampling or measurement;
c. The dates and times the analyses were performed;
d. The person(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of all required analyses.

D. Additional Reporting Requirements

In addition to the reporting requirements stipulated in Part IV, you must submit the following reports to the Department. If you discharge through an MS4, you must also submit these reports to the MS4 operator.

1. Noncompliance which may Endanger Health or the Environment
You must report any noncompliance which may endanger health or the environment to WSA Compliance within 24 hours. The following shall be included as information which must be reported under this paragraph.
- Any unanticipated bypass which exceeds any effluent limitation in the permit.
- Any upset which exceeds any effluent limitation in the permit.
- Violation of a maximum daily discharge limitation for any of the pollutants.

a. 24-hour reporting – Any information must be provided orally within 24 hours from the time you become aware of the circumstances; and

b. 5-day follow-up reporting to the 24 hour reporting – A written submission must also be provided within five days of the time you become aware of the circumstances.

2. Hazardous Substances or Oil in Stormwater Discharge(s) Reporting

a. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill.

b. You must prevent the discharge of hazardous substances or oil in the stormwater discharge(s) from your facility in accordance with your SWPPP. This permit does not relieve you of the reporting requirements of 40 CFR part 117 and 40 CFR part 302. If a spill or discharge of hazardous substances or oil occurs you must do the following:

i.) Notify the Department by calling its Emergency Response Division at (866) 633-4686 and notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, at (202) 426-2675 in accordance with the requirements of COMAR 26.10.01.03, 40 CFR 117 and 40 CFR 302 respectively as soon as he or she has knowledge of the discharge;

ii.) Submit to the Department a written description within 10 working days of knowledge of the incident including: the type and estimate of the amount of material released, the date it occurred, the circumstances leading to it, and steps to be taken in accordance with Part V.C.1.c, below, and any other information as required by COMAR 26.10.01.03; and

iii.) Modify the SWPPP within 14 calendar days of knowledge of the incident to (1) provide a description of the release, the circumstances leading to it, and the date it occurred and (2) identify measures to prevent the reoccurrence of respond to such releases and modify the plan where appropriate.

E. Records Retention

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), you shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

PART VI. STANDARD PERMIT CONDITIONS

A. Duty to Comply

You must comply at all times with the terms and conditions of this permit, the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitles 2 and 3 of the Annotated Code of Maryland, and the Clean Water Act, 33 U.S.C. § 1251 et seq. Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act, and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit coverage. As detailed in Part IV (Corrective Actions) of this permit, failure to take any required corrective actions constitute an independent, additional violation of this permit and the Clean Water Act. As such, any actions and time periods specified for remedying noncompliance do not absolve parties of the initial underlying noncompliance. However, where corrective action is triggered by an event that does not itself constitute permit noncompliance, there is no permit violation provided you take the required corrective action within the relevant deadlines established in Part IV.

B. Property Rights.

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

C. Water Construction and Obstruction

This permit does not authorize you to construct or place physical structures, facilities, or debris or undertake related activities in any Waters of this State. Operations within the floodplain may require additional permit coverage and may justify flood insurance in those flood prone areas, especially due to climate change effects on increased frequency of flooding.

D. Right of Entry

You must permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials, to:

1. enter upon your premises where a discharges' source is located or where any records are required to be kept under the terms and conditions of this permit;
2. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. sample, at reasonable times, any discharge of pollutants; and
6. take photographs (which may require direction for reasons of national security).

E. Duty to Provide Information.

You must provide within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit to the Department. You must also provide copies of records required to be kept by this permit to the Department, upon request.

F. Availability of Reports

Except for data determined to be confidential under the Maryland Public Information Act and/or Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data, plans or reports prepared pursuant to this permit, including self-inspection information, must be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

G. Submitting Additional or Corrected Information

When you become aware that you failed to submit any relevant facts or submitted incorrect information in the NOI or in any other approved plans or report to the Department, you must submit the facts or information to the Department within 30 days.

H. Removed Substances

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters or facility operations, must be disposed of in a manner to prevent any wastes or runoff from wastes from contacting Waters of this State. You must comply with standards for sewage sludge use or disposal established under section 405(d) of the Federal Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal.

I. Toxic Pollutants

You must comply with effluent standards or prohibitions for toxic pollutants established under section 307(a) of the Federal Clean Water Act, or under Section 9-314 and Sections 9-322 to 9-328 of the Environment Article, Annotated Code of Maryland. You must be in compliance within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

J. Oil and Hazardous Substances Prohibited

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act (33. U.S.C. § 1321), or under the Annotated Code of Maryland. Permittees may be subject to additional requirements and regulations dictated by the Department's Oil Control Program and Emergency Planning and Community Right-to-Know Act (EPCRA) (40 CFR 116). Any requirements listed in this permit which control grease, oil or fuel are to address potential pollutants not governed directly by Oil Pollution Prevention (40 CFR 112), as the handling and storage of fuel and other petroleum products has a potential to cause negative impacts to waters of this state.

K. Proper Operation and Maintenance.

You shall at all times properly operate and maintain all systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the installation and operation of backup, auxiliary, or similar systems or controls, by a permittee when necessary to achieve compliance with the conditions of the permit.

L. Bypass

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

1. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
2. there are no feasible alternatives;
3. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and
4. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

M. Upset

Conditions Necessary for Demonstration of an Upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. an upset occurred and that the permittee can identify the specific cause(s) of the upset;
2. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
3. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of Corrective Actions above;

4. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and
5. the permittee complied with any remedial measures required to minimize adverse impact.

N. Need to Halt or Reduce Activity Not a Defense.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general permit.

O. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to Waters of this State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

P. Permit Actions.

Authorization under this permit may be modified, revoked and reissued, or terminated for cause. At any time at the discretion of the Department or the U.S. Environmental Protection Agency, or if there is evidence indicating that stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the Department may require the owner or operator of such discharge to obtain an individual permit or alternative general permit coverage. A request by the permittee for a modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not suspend the permittee's obligation to comply with all permit conditions.

Q. Reopener Clause for Permits

The Department may revoke this permit or modify this permit to include different limitations and requirements, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 C.F.R. §§ 122.62, 122.63, 122.64 and 124.5, to comply with any applicable TMDL, or any effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation issued or approved:

1. contains different conditions or is otherwise more stringent than any effluent limitation in this permit; or
2. controls any pollutant not limited in this permit.

This permit, as modified or reissued under this section, must also contain any other requirements of the Act then applicable.

R. Severability.

The provisions of this permit are severable. If any provisions of this permit must be held invalid for any reason, the remaining provisions must remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances must not be affected.

S. Civil and Criminal Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 309 of the CWA, with Title 9 of the Environment Article, Annotated Code of Maryland, any applicable State or Federal law, or regulation under authority preserved by section 510 of the CWA.

T. Action on Violations

The issuance or reissuance of this permit does not constitute a decision by the State not to proceed in an administrative, civil, or criminal action for any violations of State law or regulations occurring before the issuance or re-issuance of this permit, nor a waiver of the State's right to do so.

U. Civil Penalties for Violations of Permit Conditions.

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act and EPA regulations at 40 C.F.R. Part 19 provide that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed $37,500 per day for each violation. Statutory penalties of the CWA are subject to the Civil Monetary Penalty Inflation Adjustment Rule (40 CFR 19.4). Nothing in this permit precludes the institution of any legal action or relieves You from any responsibilities, or penalties for which You are or may be subject to under the CWA, Title 9 Environmental Article or any applicable federal or State law.

V. Criminal Penalties for Violations of Permit Conditions.

In addition to the criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or both; In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to a fine of not more than $50,000 per day of violation or by imprisonment of not more than two years, or both;
2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three years, or both; in the case of a second or subsequent conviction for a knowing violation, a person shall be subject to a fine of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both;
3. Any person who knowingly violates Sections 301, 302, 306, 307, 308, 311(b)(3), 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than $250,000 or imprisonment for not more than 15 years, or both; in the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both; an organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than $1,000,000 for a first violation and up to $2,000,000 for second or subsequent convictions;

Provides discharge authorization only upon Maryland Department of the Environment notification of registration.

W. Administrative Penalties for Violations of Permit Conditions.

In addition to administrative penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

1. Class I Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500).
2. Class II Penalty. Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $187,500).

X. Penalties for Falsification and Tampering

Per the Environment Article, §9-343, Annotated Code of Maryland, any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. Per the federal Clean Water Act, any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act, or who knowingly makes any false statement, representation, or certification in any records or other documents submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

PART VII. AUTHORITY TO ISSUE GENERAL NPDES PERMITS

On September 5,1974, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the Federal Clean Water Act, 33 U.S.C. Section 1342.

On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a general permit program.

Under the approvals described above, the general discharge permit is both a State of Maryland general discharge permit and a NPDES general permit.

Nony Howell (Modification)
Naomi Howell, Program Manager
Wastewater Pollution Prevention and Reclamation Program
Water and Science Administration

D. Lee Currey
D. Lee Currey (Nov 8, 2022 08:50 EST) Nov 8, 2022
D. Lee Currey, Director
Water and Science Administration

April 9, 2025

Kristie Blumer
Compost Crew- Utica Bridge Farm Compost Outpost
12343 Carroll Ave
Rockville, MD 20852

Re: Registration of Application Number: **20SW3922**; NPDES Number: **MDR003922**

Dear Kristie Blumer:

This letter will serve as notification that your NOI has been accepted for registration under the General Discharge Permit for Storm Water Associated with Industrial Activities, Permit No. 20SW for stormwater discharges into **the Upper Monocacy River - 02140303.** Keep this for your records and provide it to your local jurisdiction as required by the permit. A copy of the permit and this letter should also be kept with your SWPPP onsite. The permit may be printed from MDE's website at this link **https://mdewwp.page.link/ISW.**

In signing the NOI and providing your updated SWPPP you have certified your agreement to comply with the terms of this permit for the **1.5** acre facility located at **7245 Lakeview RD**. Your facility's permit coverage is identified by Registration Number **20SW3922**. This coverage will continue until January 31, 2028, or as extended, under the terms of the 20SW permit.

Impairments

Your facility discharges into a watershed which is impaired for the following categories:

- Bacteria
- Nutrients
- Sediments

Based on this status you must evaluate your control measures to ensure you are minimizing your facility discharges relating to these impairments during each annual comprehensive site compliance evaluation.

The facility is registered for the following discharges

Your registration is subject to Benchmark Monitoring and Numeric Limits as specified below. If you need to update these, send in an updated NOI and a new registration letter will be provided.

Outfall Specific Benchmark Monitoring and/or Limits for Outfall 001

Table C-1 - Subsector C1 Benchmarks (Agricultural Chemicals for SIC 2873-2879)

Parameter	Benchmark	Units	Frequency	Sample Type
Nitrate plus Nitrite Nitrogen	0.68	mg/L	1/quarter	Grab
Total Lead (freshwater)[1]	0.082	mg/L	1/quarter	Grab

Total Zinc (freshwater)[1]	0.12	mg/L	1/quarter	Grab
Phosphorus	2.0	mg/L	1/quarter	Grab

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, you must determine the hardness of the receiving water per Appendix C.

Other Requirements

Your facility is subject to the required Benchmark Monitoring in the permit. You will need to report the Benchmarks for the industry sector(s) quarterly until the requirements of the permit are met. See Part V.B of the permit. Reporting is done on-line with NetDMR. The Maryland Department of the Environment offers NetDMR for filing your required NPDES Discharge Monitoring Reports. NetDMR is a freely available Web based tool that allows National Pollution Discharge Elimination System (NPDES) permittees to electronically sign and submit their discharge monitoring reports (DMRs) to EPA via a secure internet connection. NetDMR is designed to improve data quality, reduce reporting liabilities, save paper, and provide cost savings. It allows participants to discontinue mailing in hard copy forms under 40 CFR 122.41 and 403.12. For more information go to the EPA website at www.epa.gov/netdmr or call the MDE Water Management Administration, Compliance Program, at 410-537- 3510 and ask to speak to a NetDMR coordinator. You will need to apply for access to NetDMR by July 1, 2025, and begin reporting your monitoring results, as required by the permit, starting in the monitoring period July 1, 2025 - September 30, 2025. A brochure about NetDMR and how to register is enclosed. Enclosed is also a copy of the Federal Register, Part 136-- 'Guidelines Establishing Test Procedures for Analysis of Pollutants'. The most recent version of Title 40CFR, Part 136 can be found online at www.ecfr.gpoaccess.gov. Unless otherwise specified, these guidelines are to be used for the analyses required by this permit.

Changes at the facility, such as new outfalls or new types of processes, require a new NOI so that the facility may be evaluated for continued general permit eligibility. If you have any questions, please do not hesitate to visit our General Permit for Discharges from Stormwater Associated with Industrial Activities Permit website, found at https://mdewwp.page.link/ISW, or call the department at 410-537-3323.

You should thoroughly review the permit to make sure you are always in compliance with its requirements. Those requirements include, but are not limited to, selecting and implementing the specific control measure for your industry, performing quarterly visual monitoring requirements, performing the annual Comprehensive Site Compliance Evaluations. The permit also has triggers and requirements for corrective actions.

Please direct all future correspondence regarding permit compliance to the following address:

Maryland Department of the Environment
1800 Washington Boulevard
Compliance Program, Suite 425
Baltimore, Maryland 21230-1708
(410) 537-3510 (410) 537-3573 FAX

If you have any questions, please do not hesitate to contact the Industrial Stormwater Permits Division at 410-537-3323.

Sincerely,

Casey Leach

Casey Leach
Natural Resource Planner
Industrial Stormwater Permits Division
Water and Science Administration

cc: WSA, Compliance Program (Frederick)
WSA, NetDMR Division (Frederick)

Check # 0009

MARYLAND DEPARTMENT OF THE ENVIRONMENT

General Discharge Permit for Discharges of Stormwater Associated with Industrial Activity No. 20-SW
Notice of Intent (NOI)

DISCHARGE PERMIT NO. 20-SW-0000 **NPDES PERMIT NO. MDR00000**

SECTION I: Facility Operator Information

(A) Owner/Operator Name

Compost Crew

(B) Primary Contact Name	Title
Kristie Blumer	Senior Director, Composting
Telephone Number	Email Address
301-202-4450	Kristie@compostcrew.com

(C) Mailing Address

Street

12343 Carroll Avenue

City	State	ZIP Code
Rockville	MD	20852

(D) IRS Employer Identification Number (EIN)	**(E)** Ownership Type - check below
[redacted]	[x] Private [ ] Federal [ ] State/Local

(F) Worker's Compensation Insurance:	Insurance Company Name	Policy Number
	Accident Fund	[redacted]

SECTION II: Facility Information

(G) Name of Facility

Utica Bridge Farm Compost Outpost

(H) Facility Address (if different than your mailing address)

Street

7245 Lakeview Rd

City	State	ZIP Code	County
Frederick	MD	21701	Frederick

For MDE use only:	Facility #	Receipt #	Date:
PCA 13710	Comp Object 5707	Suffix 406	

Scanned

MARYLAND DEPARTMENT OF THE ENVIRONMENT
NOI for Permit No. 20-SW

Submission of this NOI constitutes notice that the party identified in Section I of this form intends to be authorized by a State/ National Pollutant Discharge Elimination System (NPDES) permit issued for discharges from stormwater associated with industrial activities identified in Section II of this form. All information requested must be provided in order to be considered for authorization to discharge under this permit. Instructions are provided at the end of this form.

SECTION II (continued): Facility Information

(I) Provide the primary four-digit SIC code that best represents the principal products or activities ovided by the facility, and any co-located SIC codes.

Primary SIC:	Co-located SICs:	Description of your primary industrial activity:
2875	,	Composting

(J) Latitude 39.524400360 (in decimal degrees)	Longitude -77.417048277 (in decimal degrees)	**(K)** ☒ Check here if you a new discharger.
		If not a new discharger, provide the previous registration (e.g., 12SW1234)
(L) Total property size 1.5 (in acres)		**(M)** ☐ Check if your facility is inactive and unstaffed.

(N) Identify the 8 digit identifier(s) and name(s) of the receiving water(s).

, 02140303 Upper Monocacy River Watershed

,

Identify which of these impairments have been identified for the receiving water(s). (Category 4a, 4b, 4c, or 5 waterbodies)	☒ Bacteria ☐ Biological ☐ Ions ☐ Metals ☒ Nutrients ☐ PCBs	☐ Pesticides ☐ pH ☐ Stream Modifications ☒ Sediments ☐ Toxics ☐ Trash

☐ Check here if your facility is required to preform impaired water monitoring based on your selection above.

☐ Check here if any of the receiving water(s) are listed as high quality (Tier 2)

Check if stream is protected for ☒ Use III ☐ Use IV

Identify your local MS4 jurisdiction or N/A if your facility is not within an MS4: Frederick County

SECTION III: Restoration

☐ **(O)** Check here if your facility is subject to the Chesapeake Bay Restoration Requirements.

☐ Check here if you failed to complete restoration under your previous authorization (12SW).

(P) If you are subject to Chesapeake Bay Restoration Requirements, provide these 3 values:

Total impervious surface area (square feet)	
Untreated impervious surface area (in square feet)	
Impervious surface area subject to 20% restoration requirement (in acres)	

SECTION IV: Discharge Information

Use the table in the instructions to choose the appropriate benchmarks and effluent limitations that apply for the stormwater discharges at each of the outfalls at your facility and fill out the information in the table below:

Outfalls Information: (Attach a separate list if necessary)

Indicate here if the discharge is to Salt ☐ or Fresh ■ water.

List all of outfalls from your facility. Each outfall must be identified by a unique 3-digit ID (e.g. 001, 002).		**Benchmark Table(s)**				
Outfall ID	**001**	☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ B-1 ■ C-1	☐ C-2 ☐ C-3 ☐ C-4 ☐ D-1 ☐ E-1 ☐ E-2	☐ F-1 ☐ F-2 ☐ F-3 ☐ F-4 ☐ I-1 ☐ K-1	☐ L-1 ☐ L-2 ☐ M-1 ☐ N-1 ☐ Q-1 ☐ R-1	☐ S-1 ☐ U-1 ☐ U-2 ☐ Y-1 ☐ AA-1 ☐ AD-A-1 ☐ AD-D-1
Latitude (decimal)	39.5243					
Longitude (decimal)	-77.4167					
* Identical Outfalls						
Outfall ID		☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ B-1 ☐ C-1	☐ C-2 ☐ C-3 ☐ C-4 ☐ D-1 ☐ E-1 ☐ E-2	☐ F-1 ☐ F-2 ☐ F-3 ☐ F-4 ☐ I-1 ☐ K-1	☐ L-1 ☐ L-2 ☐ M-1 ☐ N-1 ☐ Q-1 ☐ R-1	☐ S-1 ☐ U-1 ☐ U-2 ☐ Y-1 ☐ AA-1 ☐ AD-A-1 ☐ AD-D-1
Latitude (decimal)						
Longitude (decimal)						
* Identical Outfalls						
Outfall ID		☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ B-1 ☐ C-1	☐ C-2 ☐ C-3 ☐ C-4 ☐ D-1 ☐ E-1 ☐ E-2	☐ F-1 ☐ F-2 ☐ F-3 ☐ F-4 ☐ I-1 ☐ K-1	☐ L-1 ☐ L-2 ☐ M-1 ☐ N-1 ☐ Q-1 ☐ R-1	☐ S-1 ☐ U-1 ☐ U-2 ☐ Y-1 ☐ AA-1 ☐ AD-A-1 ☐ AD-D-1
Latitude (decimal)						
Longitude (decimal)						
* Identical Outfalls						
Outfall ID		☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ B-1 ☐ C-1	☐ C-2 ☐ C-3 ☐ C-4 ☐ D-1 ☐ E-1 ☐ E-2	☐ F-1 ☐ F-2 ☐ F-3 ☐ F-4 ☐ I-1 ☐ K-1	☐ L-1 ☐ L-2 ☐ M-1 ☐ N-1 ☐ Q-1 ☐ R-1	☐ S-1 ☐ U-1 ☐ U-2 ☐ Y-1 ☐ AA-1 ☐ AD-A-1 ☐ AD-D-1
Latitude (decimal)						
Longitude (decimal)						
* Identical Outfalls						
Outfall ID		☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ B-1 ☐ C-1	☐ C-2 ☐ C-3 ☐ C-4 ☐ D-1 ☐ E-1 ☐ E-2	☐ F-1 ☐ F-2 ☐ F-3 ☐ F-4 ☐ I-1 ☐ K-1	☐ L-1 ☐ L-2 ☐ M-1 ☐ N-1 ☐ Q-1 ☐ R-1	☐ S-1 ☐ U-1 ☐ U-2 ☐ Y-1 ☐ AA-1 ☐ AD-A-1 ☐ AD-D-1
Latitude (decimal)						
Longitude (decimal)						
* Identical Outfalls						

SECTION V: Environmental Justice and Climate Change Considerations	
☐	**(Q)** Check here if your facility is located within a census tract with an EJScore >=0.76.
☐	Check here if your operations are within the Base Flood Elevation (BFE).

SECTION VI: Stormwater Pollution Prevention Plan (SWPPP) and Monitoring

The 20-SW permit does require you to evaluate and implement specific control measures and effluent limits. It requires you to perform quarterly visual monitoring, may include numeric limits, benchmark monitoring and reporting for specific industrial sectors. It requires you to update your SWPPP to encompass the new controls required and provide this in conjunction with your NOI, and then keep an updated SWPPP onsite.

(R) Has the SWPPP been prepared in advance of filing this NOI, as required? ■ Yes ☐ No

(S) Stormwater Pollution Prevention Plan (SWPPP) Primary Contact (if different than section I.B)

Name	Kristie Blumer	
Title	Senior Director, Composting	
Telephone Number	Email Address	Kristie@compostcrew.com
301-202-4450		
SWPPP Delivery Method (URL, email, etc.)	email	

SECTION VII: Chemical Additives

(T) Will you use chemical additives? ☐ Yes Will you use cationic chemical additives? ☐ Yes

The use of any cationic chemical additives, that will mix with stormwater or that might otherwise become part of the effluent discharged, is prohibited without prior approval.
To obtain approval, refer submit a signed *Request for Cationic Chemical Additive Form* and refer to the *Use of Treatment Chemicals Guidance Document* for further requirements.

SECTION VIII: Permit Fee Selection

Annual Payment – Select this fee structure if you prefer to pay annually. The first $120 annual payment shall be submitted with this NOI and then paid annually by July 1 thereafter.	$120	☒
One-Time Payment – Select this fee structure if you prefer to pay one-time for the term of the permit (until January 31, 2028). Additional annual fees may apply after that time, if the permit is administratively extended. Send check for this amount with this completed NOI.	$550	☐
Select this if you are State or Local Government.	No Fee	☐

SECTION IX: Certification

To be completed by a responsible corporate officer, proprietor, general partner, principal executive officer, or ranking elected official or their duly authorized representative, as detailed in Part II.C of the permit.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature/Certifier	Date
Kristie Blumer	03/12/2025

Signatory Name/Title: Typed or Printed	Telephone Number
Kristie Blumer, Senior Director, Composting	301-202-4450

NOI Preparer (Complete if NOI was prepared by someone other than the certifier)

Prepared by:	
Telephone Number	Email Address

Submit completed form and FEE (payable to Maryland Department of the Environment) to:

Maryland Department of the Environment, P.O. Box 2057, Baltimore, MD 21203-2057

MARYLAND DEPARTMENT OF THE ENVIRONMENT
NOI for Permit No. 20-SW, NPDES PERMIT NO. MDR0
FORM INSTRUCTIONS

WHO MUST FILE

The operator of a facility that is requesting to discharge water from stormwater associated with industrial activity must submit a Notice of Intent (NOI) to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Discharge Permit No. 20-SW. If you have a question about whether you need this permit or any NPDES permit, contact the Maryland Department of the Environment (MDE), Wastewater Permits Program, at 410-537-3323.

Submission of this NOI constitutes notice that the party identified in Section I of this form intends to be authorized by a State/ NPDES permit issued for stormwater discharges from industrial facilities identified in Section II of this form. Authorization to discharge begins upon notification of registration by MDE. The permit is available using this link https://mdewwp.page.link/ISW or via MDE's website.

SECTION I: Owner/Operator Information

(A) Provide the legal name of the person, firm, public organization, or other entity that operates the industrial facility described in Section II of this application. An operator of a facility is a legal entity that controls the operation of the facility.

(B) Provide the name of the Primary Contact; title of Primary Contact; Primary Contact phone number; Primary Contact e-mail address.

(C) Provide the primary facility contact mailing address; city; state; zip. All correspondence will be sent to this address.

(D) Provide the IRS Employer Identification Number (EIN).

(E) Identify whether the owner/operator is private, federal or state/local government.

(F) Provide worker's compensation insurance information for the facility identified in this section of the application.

SECTION II: Facility Information

(G) Provide the name of facility – enter "same" if the name does not differ from the information in Section I(A).

(H) Provide the physical address; city; state; zip – enter "same" if the address does not differ from the information in Section I(C); Provide the County where the facility is located. If this is a contiguous system spanning multiple counties or cities, list all county or city associated with mailing address.

(I) Provide the primary and any co-located four-digit Standard Industrial Classification (SIC) code describing the facility. Also provide a short written explanation of the industrial process category (e.g., scrap recycling of automobiles). The current Department of Labor's - Occupation, Safety and Health Administration (OSHA) website http://www.osha.gov/pls/imis/sicsearch.html provides a detailed written description of SIC codes.

(J) Provide latitude and longitude of the discharge/outfalls requesting to be permitted. To obtain coordinates, you may use a GPS to find location within your site. There are internet options that you can also use, such as Google's Tool. A step by step method can be found at this URL: https://mdewwp.page.link/FindGPS. We require the coordinates be in degrees decimal. An example of this for Maryland Department of the Environment at 1800 Washington Blvd, Baltimore, MD would be latitude of 39.276027, longitude of -76.644779.

(K) Identify if you are a new discharger, or previously covered under another permit. Identify any previously obtained NPDES permit (general or individual) for your stormwater discharges. If applicable, include the permit number. (e.g., 12SW1234 general permit or 12DP1234 individual permit, where 1234 was the unique 4 digit designation for your coverage).

(L) Provide the total property size at the address, including both the industrial and non-industrial portions of your property (e.g., 2 acres).

(M) Indicate whether your facility is currently inactive and unstaffed (Part V.A.4 of the permit). Note that if your facility becomes inactive and unstaffed during the permit term, you must notify the Department immediately.

(N) This section is to verify information about where the stormwater is discharged. Identify the name(s) and 8 digit identifier of the receiving stream or water (e.g., Gwynns Falls 02130905), using the Department's "FindMyWatershed" tool at this link https://mdewwp.page.link/MDWatershedMap. When using they "FindMyWatershed" tool type in your address, and then place your mouse at your discharge points and left-click to bring up the identifier and receiving water.

To verify if receiving waters are impaired (Category 4a, 4b, 4c, or 5 water bodies), use the Departments "Integrated Report Water Quality Assessment Maps" at this link https://mdewwp.page.link/MDIRMap and


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YOU GLAD
YOU COMPOST?


ORANGE
YOU GLAD
YOU COMPOST?

MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Blvd. ● Suite 610 ● Baltimore, MD 21230
410-537-3314 ● 800-633-6101 x3314 ● www.mde.maryland.gov/composting

COMPOSTING FACILITIES - PERMITTING & OPERATIONAL STATUS

January 2025

County	Facility Name	Facility /Feedstock Type	Feedstock Capacity Tons/Year	Address	Operator	Contact	Telephone	Permiiting & Operational Status
Anne Arundel	Millersville Landfill and Resource Recovery Facility Composting Pad	Tier I - Yard Trimmings	35,000	389 Burns Crossing Road, Severn, MD 21144	WeCare Denali, LLC.	Sarah Harrison, Environmental Director	229-326-1149	Operating - GCFP Issued 4/6/2021
	Tolson & Associates LLC	Tier I - Yard Trimmings	25,000	End of Capitol Raceway Road, Crofton, MD 21114	Tolson & Associates LLC	Michael Ensor, Agent	301-428-0800	Operating - GCFP Issued 4/2/2021
	Veteran Compost - Lothian	Tier II Small - Food Scraps/ Manure/ Wood Chips	24,000	4900 Sands Road, Lothian, MD 20711	Garrity Renewables, LLC	Justen Garrity, President	410-935-6404	Planned - GCFP Issued 4/15/2021
Baltimore	Eastern Sanitary Landfill Solid Waste Management Facility	Tier I - Yard Trimmings	20,000	6259 Days Cove Road, White Marsh, MD 21162	Baltimore County DPW	Nicholas Rodricks, Chief	410-887-2794	Operating - Refuse Disposal Permit Issued 5/7/2020
Baltimore City	Charm City Compost Facility	Tier II Large - Food Scraps /Manure/Yardwaste	89,000	3501 E. Biddle Street, Baltimore, MD 21213	Charm City Compost, LLC	Gabriela Santa Cruz	202-718-9599	Planned-GCFP Issued 6/13/2024
Caroline	Twin Maples Compost Facility	Tier II Large - Food Scraps /Manure	15,000	14130 Clarks Lane, Ridgley, MD 21660	Mid Atlantic Organics Resource Company LLC	Mark Jastram, General Manager	443-477-4598	Operating - GCFP Issued 4/9/2021
Carroll	WeCare Denali Composting Facility	Tier I - Yard Trimmings	60,000	7901 Kabik Court, Woodbine, MD 21797	WeCare Denali, LLC.	Sarah Harrison, Environmental Director	229-326-1149	Operating - ICFP Issued 11/15/2019
Cecil	Cecil County Central Landfill	Tier I - Yard Trimmings	10,000	758 E. Old Philadelphia Road, Elkton, MD 21921	Cecil County DPW	Craig Marker, Manager	410-996-8373	Operating - Refuse Disposal Permit Issued 6/7/2019
	West Coast Mushrooms	Tier II Large - Hay /Straw/Poultry Litter/Cotton Seed/Corn Stover	35,000	342 Hopewell Road, Rising Sun, MD 21911	West Coast Mushrooms Inc.	Charles Lasito, Manager	410-658-7699	Operating - GCFP Issued 5/21/2021
Charles	Calvert Wood Recycling	Tier I - Yard Trimmings/NWW	5,000	6585 Ripley Road, La Plata, MD 20646	Calvert Wood Recycling, LLC	Randy Whitsell, Manager	301-743-9011	Operating - GCFP Issued 6/22/2021
Frederick	Frederick County Department of Solid Waste Management	Tier I - Yard Trimmings	25,000	9031 Reiches Ford Road, Frederick, MD 21704	Frederick County DPW	Phil Harris, Director	301-600-2923	Operating - Refuse Disposal Permit Issued 1/5/2021
	Key City Compost at Utica Bridge Farm	Tier II Small - Yard Trimmings, Food Scraps, Manure etc.	20,000	10661 Stull Road, Thurmont, MD 21788	Resolution Solutions, LLC	Phil Westcott, President	240-608-0283	Operating - GCFP Issued on 4/28/2021
Harford	Harford Waste Disposal Center Mulch Compost Facility	Tier I - Yard Trimmings/NWW	50,000	3139 Scarboro Road, Street, MD 21154	MES	David Gostomski, Manager	410-638-3018	Operating - GCFP Issued 4/26/2021
	Veteran Compost - Aberdeen	Tier II Small - Food Scraps /Manure/Wood Chips	24,000	328 Bush Chapel Road, Aberdeen, MD 21001	Garrity Renewables, LLC	Justen Garrity, President	410-939-6404	Operating - GCFP Issued 5/21/2021
Howard	Composting Facility at Alpha Ridge Landfill	Tier II Large - Food Scraps /Yard Trimmings/Manure	12,000	2350 Marriottsville Road, Marriottsville, MD 21104	Howard County DPW	Mark DeLuca, Chief	410-313-4414	Operating - GCFP Issued 5/21/2021
	Level Land Lisbon Mulch Yard	Tier I - Yard Trimmings	6,250	1000 Madison Street, Lisbon, MD 21765	Level Land Inc.	Justin Brendel, Operator	410-489-5206	Operating - GCFP Issued 6/22/2021
Montgomery	Montgomery County Yard Trim Composting Facility	Tier I - Yard Trimmings	77,000	21210 Martinsburg Road, Dickerson, MD 20842	MES	Greg Africa, Chief	410-729-8379	Operating - GCFP Issued 6/2/2021
	ACME Biomass Reduction, Inc.	Tier I - Yard Trimmings	19,000	21601 New Hampshire Ave, Brookeville, MD 20833	ACME Biomass Reduction, Inc.	Caitlin Sherwood, Manager	240-774-2968	Operating - GCFP Issued 6/22/2021
	Aspen Nursery	Tier I - Yard Trimmings	1,250	15710 New Hampshire Ave, Silver Spring, MD 20905	Aspen Landscape Contractors Inc.	Michael Grodin, President	301-384-4800	Operating - GCFP Issued 6/2/2021
	Compost Crew at Wasche Farm	Tier II Small - Yard Trimmings, Food Scraps, Manure etc.	20,000	18930 Wasche Road, Dickerson, MD 20842	Compost Crew, Inc., A Benefit Corporation	Kristie Blumer, Senior Director	301-202-4450	Planned - GCFP Issued 6/12/2023
Prince George's	Prince George's County Organics Composting Facility	Tier II Large - Food Scraps /Yard Trimmings	69,000	6550 S.E Crain Highway, Upper Marlboro, MD 20772	MES	Steven Birchfield, Operator	240-712-1021	Operating - GCFP Issued 6/2/2021
	City of College Park	Tier I - Yard Trimmings	5,600	9217 51st Avenue, College Park, MD 20740	City of College Park	Jonathan Nagelvoort, Assistant Director	240-508-2683	Operating - GCFP Issued 6/2/2021
Washington	40 West Landfill	Tier I - Yard Trimmings	5,000	12630 Earthcare Road, Hagerstown, MD 21740	Washington County DPW	David A. Mason, D Director	240-313-2634	Operating - Refuse Disposal Permit Issued 12/2/2019
Worcester	Ocean Compost	Tier II Small - Food Scraps /Yard Trimmings	500	11925 St. Martins Neck Road, Bishopville, MD 21813	Ocean Compost, LLC	Garvey Heiderman	443-783-4835	Operating - GCFP Issued 9/1/2023

GCFP - General Composting Facility Permit
ICFP - Individual Composting Facility Permit
Tier II Large - Produces > 10,000 cubic yard of compost

Register now for Compost Crew's weekly curbside food scrap collection services for households in Maryland, Washington, DC and Northern Virginia. Convenient residential collection service starts at $32 per month. Many neighborhoods have lower rates due to the number of people already composting or from support from your City or Town.

For example:

- Service is free and funded by the local government for residents of the City of Greenbelt, Town of Edmonston, Town of Bladensburg, City of College Park, Town of Chevy Chase, Town of Somerset, Chevy Chase Section 3 and Section 5, Village of Chevy Chase North and the Village of Martin's Additions
- City of Alexandria residents with City trash service receive free service through June 30, 2025 & then pay a discounted fee
- City of Falls Church residents pay a discounted fee
- City of Manassas residents get the first three months free & then pay a discounted fee
- Other neighborhoods may have discounts depending on the number of homes participating

See the specific service options & pricing for your neighborhood in Step 2 as long as your address is within our service area.

Street address

Apt/building #

City

State

Zip code

Email Address

Redeem Gift Certificate

Next

Outlook

RE: Lakeview road & stull rd covered with suds

From Green, Joe <JGreen1@FrederickCountyMD.gov>
Date Wed 5/28/2025 12:25 PM
To John & Amie StAngelo <johnsainta@aol.com>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Cc Michele Rosenfeld <michele@marylandpropertylaw.com>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>

Good afternoon , Amie

Thank you for your email. Unfortunately, there isn't anything I can do with this matter as it is not in our Zoning purview . You will need to contact Department of Public works (DPW) as they hold jurisdiction over the public right away.

Regards,

Joe Green
Lead Zoning Enforcement Inspector
30 North Market Street
Frederick, MD 21701
Jgreen1@frederickcountymd.gov
(301) 600-2341

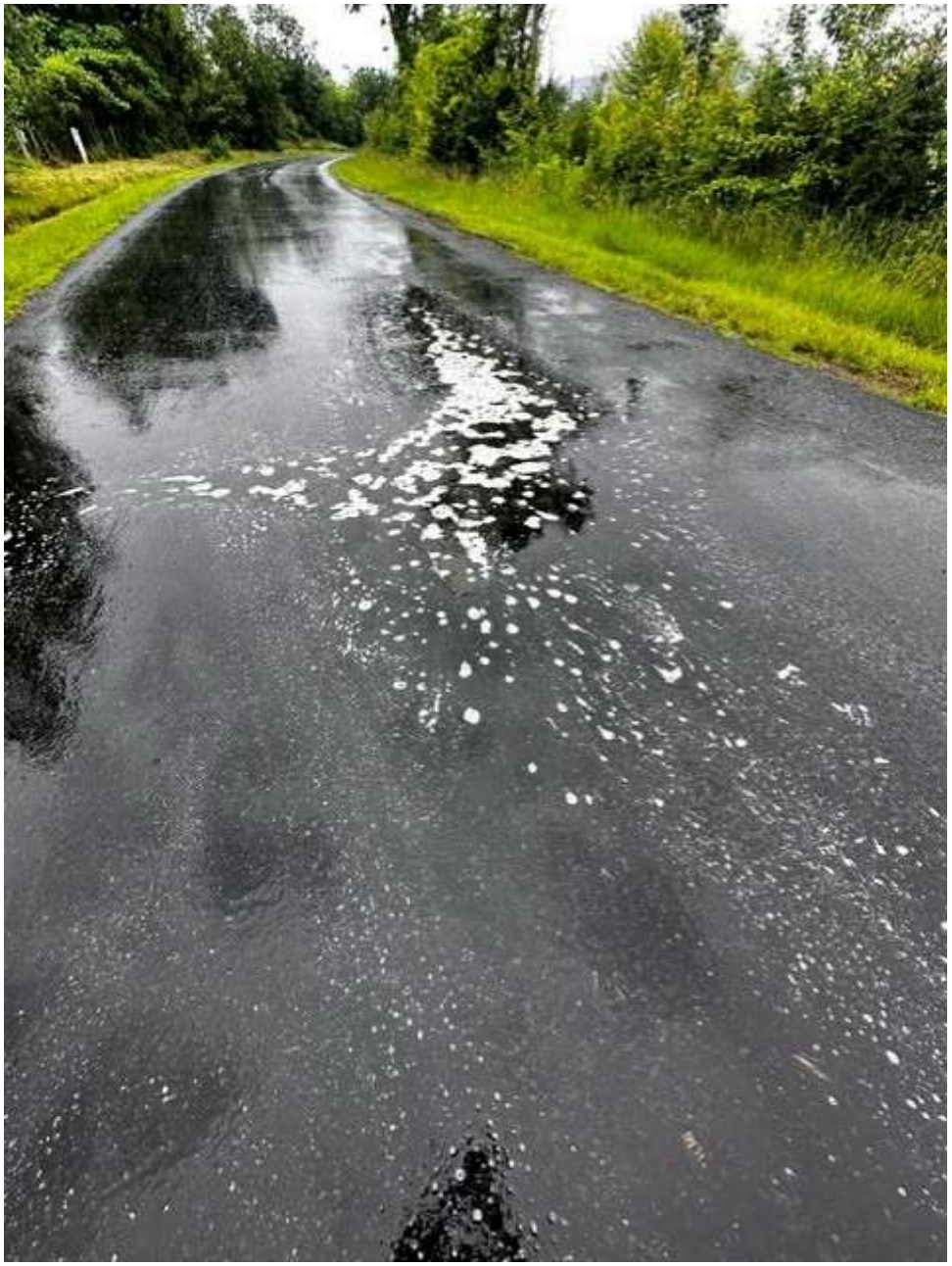
From: John & Amie StAngelo <johnsainta@aol.com>
Sent: Tuesday, May 27, 2025 3:45 PM
To: Green, Joe <JGreen1@FrederickCountyMD.gov>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Cc: Michele Rosenfeld <michele@marylandpropertylaw.com>
Subject: Lakeview road & stull rd covered with suds

[EXTERNAL EMAIL]

Download full resolution images

Available until Jun 26, 2025 Interested to know what chemicals are being used in what dilution & volume to have this on the road. Each car that passed me generated bubbles behind their tires & created tracks. I took pictures & found evidence 3/4 way down my driveway. I left msg hoping you could come inspect in person asap













Sent from my iPhone

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

E.Coli ANALYSIS

Reporting Date: May 15, 2025

Date/Time Collected: May 14, 2025 @ 1415

Collected By: Scott Haines 2170SH

Received In Lab: May 14, 2024 @ 1455

Location: Ditch
Stull Road Rd.
Thurmont, MD 21788

Sample Number: **7E05252025**

PARAMETER	RESULTS MPN/ 100 ml	ANALYSIS DATE/TIME	TEST COMPLETED DATE/TIME	METHOD NUMBER	ANALYST	PRES.
E.Coli	**648.8**	05/14/2025 1455	05/15/2024 1455	SM 9223 B	VW	≤6°C

Acceptable Limits: For recreational use the E. coli average limit is 126 bacteria/100 ml of water and the single sample limit varies from 235 to 500 depending on intensity of use (235 for beach areas, 500 for occasional use).

Note: All tests were performed according to procedures outlined in "EPA Methods for Chemical Analysis of Water and Wastes" and "Standard Methods for the Examination of Water and Wastewater-21st edition".
These methods are referenced from the Federal Register 40CFR136.

Respectfully Submitted,
Certified Water Testing, LLC

V Willhide

Vanessa Willhide
Laboratory Manager

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: March 13, 2023
Time: 16:00
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1399
Bottle No: 3MPN0323

Residual Cl: 0.00
Iced: Yes
pH: 6.9
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide State Certification No: 2228VW

Permit # 358710 Nitrate analyzed 03/15/2023

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 16:25 3/13/2023 Examined: 16:25 03/13, 03/14

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	193.5 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
Nitrate	EPA 353.2	10.0 mg/L Maximum	0.5 mg/L
Turbidity	SM 2130 B	5.0 NTU Max 10.0 COMAR	0.92 NTU

Bacteriological analysis of this sample, on this specified date, indicates the water is ***UNSAFE*** **for human consumption, according to APHA/EPA Standards.**

Analyst VWillhide Date: March 14, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: March 29, 2023
Time: 11:35
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1399
Bottle No: 2MPN0323

Residual Cl: 0.00
Iced: Yes
pH: 6.9
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide

State Certification No: 2228VW

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 12:00 3/29/2023 Examined: 12:00 03/29, 03/30

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	123.6 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is *UNSAFE* for human consumption, according to APHA/EPA Standards.

Analyst VWillhide Date: March 30, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: April 24, 2023
Time: 11:21
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1399
Bottle No: 1MPN0423

Residual Cl: 0.00
Iced: Yes
pH: 6.7
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide

State Certification No: 2228VW

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 11:40 4/24/2023 Examined: 11:40 04/24, 04/25

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	36.9 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is *UNSAFE* for human consumption, according to APHA/EPA Standards.

Analyst VWillhide Date: April 25, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: May 03, 2023
Time: 09:54
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1399
Bottle No: 2MPN0523

Residual Cl: 0.00
Iced: Yes
pH: 6.4
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide State Certification No: 2228VW

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 10:10 5/3/2023 Examined: 10:10 05/03, 05/04

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	21.6 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is *UNSAFE* for human consumption, according to APHA/EPA Standards.

Analyst VWillhide Date: May 04, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: May 10, 2023
Time: 09:35
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1399
Bottle No: 6MPN0523

Residual Cl: 0.00
Iced: Yes
pH: 6.6
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide

State Certification No: 2228VW

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 10:10 5/10/2023 Examined: 10:10 05/10, 05/11

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	90.6 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is *UNSAFE* for human consumption, according to APHA/EPA Standards.

Analyst VWillhide Date: May 11, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: June 06, 2023
Time: 10:52
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1399
Bottle No: 2MPN0623

Residual Cl: 0.00
Iced: Yes
pH: 6.4
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide

State Certification No: 2228VW

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 11:15 6/6/2023

Examined: 11:15 06/06, 06/07

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	2.0 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is *UNSAFE* for human consumption, according to APHA/EPA Standards.

Analyst VWillhide Date: June 07, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: June 13, 2023
Time: 12:23
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1399
Bottle No: 3MPN0623

Residual Cl: 0.00
Iced: Yes
pH: 6.4
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide

State Certification No: 2228VW

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 12:50 6/13/2023 Examined: 12:50 06/13, 06/14

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	3.0 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is *UNSAFE* for human consumption, according to APHA/EPA Standards.

Analyst VWillhide Date: June 14, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: August 01, 2023
Time: 11:45
Type:4

County: Frederick
Source: Basement Spigot
Well No: FR-95-1399
Bottle No: 8MPN823

Residual Cl: 0.00
Iced: Yes
pH: 6.8
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide State Certification No: 2228VW

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 12:05 8/1/2023 Examined: 12:05 08/01, 08/02

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is SAFE for human consumption, according to APHA/EPA Standards.

Analyst VWillhide Date: August 02, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: September 19, 2023
Time: 14:28
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1399
Bottle No: 5MPN0923

Residual Cl: 0.00
Iced: Yes
pH: 6.3
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide State Certification No: 2228VW

Permit # 358710 Nitrate analyzed 03/15/2023, Turbidity was analyzed 03/13/2023

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 14:45 9/19/2023 Examined: 14:45 09/19, 09/20

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
Nitrate	EPA 353.2	10.0 mg/L Maximum	0.5 mg/L
Turbidity	SM 2130 B	5.0 NTU Max 10.0 COMAR	0.92 NTU

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. **SAFE**

Analyst VWillhide Date: September 20, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: August 02, 2023
Time: 15:00
Type:4

County: Frederick
Source: Basement Spigot
Well No: FR-95-1399
Bottle No: 12MPN823

Residual Cl: 0.00
Iced: Yes
pH: 6.8
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Scott Haines

State Certification No: 2170SH

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 15:35 8/2/2023 Examined: 15:35 08/02, 08/03

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	3.1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is *UNSAFE* for human consumption, according to APHA/EPA Standards.

Analyst VWelch Date: August 03, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: September 20, 2023
Time: 14:40
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1399
Bottle No: 6MPN0923

Residual Cl: 0.00
Iced: Yes
pH: 6.4
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Scott Haines

State Certification No: 2170SH

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 15:45 9/20/2023 Examined: 15:45 09/20, 09/21

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. **SAFE**

Analyst _____ Date: September 21, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

FIELD RECORD

Customer: Amie St. Angelo
10670 Stull Road
Frederick, MD 21702

Date: January 28, 2025
Time: 13:42
Type:4

County: Frederick
Source: Pressure Tank
Well No: FR-95-1399
Bottle No: 2MPN0125
Reason For Sample: Homeowner
Treatment: Raw
Collector: Scott Haines

Residual Cl: 0.00
Iced: Yes
pH: 6.9
EPA acceptable range for pH is 6.5 - 8.5

State Certification No: 2170SH

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 15:30 1/28/2025 Examined: 15:30 01/28, 01/29

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. **SAFE**

Analyst UWelch Date: January 29, 2025

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10690 Stull Road
Frederick, MD 21702

Date: February 12, 2024
Time: 12:30
Type:0

County: Frederick
Source: Kitchen Sink
Well No: FR-95-1400
Bottle No: 3MPN0224

Residual Cl: 0.00
Iced: Yes
pH: 7.0
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide

State Certification No: 2228VW

Permit # 358713 Nitrate analyzed 02/15/2024

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 12:45 2/12/2024 Examined: 12:45 02/12, 02/13

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	30.9 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
Nitrate/Nitrite	EPA 353.2	10.0 mg/L Maximum	1.8 mg/L
Turbidity	SM 2130 B	5.0 NTU Max 10.0 COMAR	0.63 NTU

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. ***UNSAFE***

Analyst VWillhide Date: February 13, 2024

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10690 Stull Road
Frederick, MD 21702

Date: February 21, 2024
Time: 15:30
Type:0

County: Frederick
Source: Kitchen Sink
Well No: FR-95-1400
Bottle No: 4MPN0224

Residual Cl: 0.00
Iced: Yes
pH: 6.7
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Scott Haines

State Certification No: 2170SH

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 16:00 2/21/2024 Examined: 16:00 02/21, 02/22

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. **SAFE**

Analyst VWillhide Date: February 22, 2024

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10690 Stull Road
Frederick, MD 21702

Date: February 22, 2024
Time: 16:10
Type:0

County: Frederick
Source: Kitchen Sink
Well No: FR-95-1400
Bottle No: 5MPN0224

Residual Cl: 0.00
Iced: Yes
pH: 6.7
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Scott Haines

State Certification No: 2170SH

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 16:35 2/22/2024 Examined: 16:35 02/22, 02/23

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	3.1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. ***UNSAFE***

Analyst V Weichel Date: February 23, 2024

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10690 Stull Road
Frederick, MD 21702

Date: February 28, 2024
Time: 11:18
Type:0

County: Frederick
Source: Kitchen Sink
Well No: FR-95-1400
Bottle No: 6MPN0224

Residual Cl: 0.00
Iced: Yes
pH: 6.7
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Scott Haines

State Certification No: 2170SH

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 12:15 2/28/2024 Examined: 12:15 02/28, 02/29

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. **SAFE**

Analyst VWilleke Date: February 29, 2024

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10690 Stull Road
Frederick, MD 21702

Date: February 29, 2024
Time: 13:15
Type:0

County: Frederick
Source: Kitchen Sink
Well No: FR-95-1400
Bottle No: 7MPN0224

Residual Cl: 0.00
Iced: Yes
pH: 6.8
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Scott Haines

State Certification No: 2170SH

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 13:35 2/29/2024 Examined: 13:35 02/29, 03/01

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is SAFE for human consumption, according to APHA/EPA Standards.

Analyst VWellhud Date: March 01, 2024

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10690 Stull Road
Frederick, MD 21702

Date: January 28, 2025
Time: 13:56
Type:0

County: Frederick
Source: Pressure Tank
Well No: FR-95-1400
Bottle No: 3MPN0125
Reason For Sample: Homeowner
Treatment: Raw
Collector: Scott Haines

Residual Cl: 0.00
Iced: Yes
pH: 7.5
EPA acceptable range for pH is 6.5 - 8.5

State Certification No: 2170SH

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 15:30 1/28/2025 Examined: 15:30 01/28, 01/29

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. **SAFE**

Analyst VWillard Date: January 29, 2025

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10700 Stull Road
Frederick, MD 21701

Date: March 07, 2023
Time: 09:17
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1398
Bottle No: 3MPN0323

Residual Cl: 0.00
Iced: Yes
pH: 7.2
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide

State Certification No: 2228VW

Nitrate analyzed 03/08/2023 Permit # 278107

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 9:45 3/7/2023

Examined: 09:45 03/07, 03/08

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	38.3 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
Nitrate	EPA 353.2	10.0 mg/L Maximum	1.5 mg/L
Turbidity	SM 2130 B	5.0 NTU Max 10.0 COMAR	1.1 NTU

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards.

UNSAFE

Analyst VWillhide

Date: March 08, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10700 Stull Road
Frederick, MD 21701

Date: March 13, 2023
Time: 16:06
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1398
Bottle No: 4MPN0323

Residual Cl: 0.00
Iced: Yes
pH: 7.3
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide

State Certification No: 2228VW

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 16:25 3/13/2023 Examined: 16:25 03/13, 03/14

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. **SAFE**

Analyst VWillhide Date: March 14, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10700 Stull Road
Frederick, MD 21701

Date: March 14, 2023
Time: 16:11
Type:4

County: Frederick
Source: Half Bath Sink
Well No: FR-95-1398
Bottle No: 6MPN0323

Residual Cl: 0.00
Iced: Yes
pH: 7.2
EPA acceptable range for pH is 6.5 - 8.5

Reason For Sample: COP - Certificate of Potability
Treatment: Raw
Collector: Vanessa Willhide

State Certification No: 2228VW

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 16:45 3/14/2023 Examined: 16:45 03/14, 03/15

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. **SAFE**

Analyst V Willhide Date: March 15, 2023

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Certified Water Testing, LLC
(P) 301.663.5323
15009 N. Franklinville Road
Thurmont, MD 21788

FIELD RECORD

Customer: Amie St. Angelo
10700 Stull Road
Frederick, MD 21701

Date: January 28, 2025
Time: 14:19
Type:4

County: Frederick
Source: Bathroom Sink 1st Floor
Well No: FR-95-1398
Bottle No: 4MPN0125
Reason For Sample: Homeowner
Treatment: Raw
Collector: Scott Haines

Residual Cl: 0.00
Iced: Yes
pH: 7.0
EPA acceptable range for pH is 6.5 - 8.5

State Certification No: 2170SH

NOTE: Certified Water Testing LLC will not be responsible for any sample result if the sample was collected or transported by non-affiliated personnel.

LABORATORY RECORD

Received: 15:30 1/28/2025 Examined: 15:30 01/28, 01/29

PARAMETER	METHOD	U.S. EPA Drinking Water Recomendations	SAMPLE RESULTS
MPN Total Coliform	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml
MPN E. coli	SM 9223 (E)	<1MPN/100ml	<1 MPN/100ml

Bacteriological analysis of this sample, on this specified date, indicates the water is for human consumption, according to APHA/EPA Standards. **SAFE**

Analyst VW Wellnight Date: January 29, 2025

Maryland State Certification Number 135

EPA Primary Secondary Radon Listing 2070100
EPA Individual Radon Listing 156520T

Frederick Pediatric Associates

Leena Dev, MD Sheetal Dhote, MD, Thomas Koerner, MD Brian Swinton, MD , Kari Pratt, CPNP
Stefanie Spessard, CPNP Taylor Steed, CPNP Brittany Henry, PA-C Christina Kirkpatrick, PA-C
Christina Wiley, CPNP, Mariah Bucher, PA-C, Allison Anderson, CRNP, Elizabeth Rankin,CRNP,

June 4, 2025

RE: Jackson Myers
DOB: 06/01/2023
10700 Stull Road
Frederick MD 21701

To Whom It May Concern:

This letter is to certify that Jackson Myers is a patient of mine at Frederick Pediatric Associates. Jackson has two problems going on. First he has a chronic cough which he has had for months. This cough is severe enough so that it keeps him up at night. Secondly he has had chronic diarrhea with loose stools 5 out of every 7 days.

Jackson lives across the street from a composting plant and it certainly is possible that increased particulate matter and bacteria from the plant could be causing these symptoms.

If you have any further questions, please feel free to contact me at 301-694-0606.

Thank you!

Sincerely,

Thomas Koerner

Thomas Koerner, MD

87 Thomas Johnson Dr. #101
Frederick, MD 21702
Phone: 301.694.0606
Fax: 301.662.6928

6550 Mercantile Dr. East #106
Frederick MD 21703
Phone: 301.668.6347
Fax: 301.668.9780

1311 S. Main Street #304
Mt. Airy, MD 21771
Phone: 301.829.6145
Fax: 301.829.6148

3500 Campus Drive #101
Frederick, MD 21704
Phone: 301.874.6107
Fax: 301.874.2496

Valerie St. Angelo Myers
10700 Stull Road, Frederick

I am the mother of three children ages 3 years, 24 month, and 4 months.

My kids are at home full time and not exposed to germs through preschool or daycare. We spend as much time outside as possible to promote healthy living – my 3 year old can ride a two wheeler from hours of outdoor practice.

Our family has a large garden & eats a healthy diet to promote good health. We are self insured with a $15,200 out of pocket deductible.

Below is a summary list of illnesses suffered by my 24-month old child, based on medical records. This list includes only a mere fraction of his sicknesses in addition to countless sleepless nights & suffering he has endured.

I only take him in for medical visits when I am fearful of serious conditions. On 6/3/25 his pulse oxygen level was reading 84. I have been previously instructed by his pediatrician to take him directly to the emergency room if it drops below 90. I don't like giving my kids antibiotics and he has been prescribed 5 in the past 18 months in addition to multiple steroids. In addition to his respiratory illnesses he has suffered from GI issues daily for the past 18 months.

I am one of 5 homeschooled children who spent countless hours outside <u>on this very farm</u> and on Jefferson farm raising beef & chickens. We rarely, if ever, needed antibiotics as children. It wasn't necessary.

I believe that these illnesses are caused by – and at a minimum made worse by – the bacteria, fungi and fungal spores, and dust carrying all or parts of these toxins, as well as other airborne particulates from the compost facility , which enters my property and the properties of my siblings and parents, where we all spend most of our time. The odors alone are evidence of the airborne materials which leave the compost facility and drift onto my property.

<u>Jackson</u>
6/4/25- respiratory illness antibiotics
5/23/25 – full stool sample
5/19/25 – full blood panel
5/16/25 Johns Hopkins Gastroenterologist
5/08/25 – respiratory illness steroid given
4/10/25 – respiratory illness antibiotic given
11/20/24 – respiratory illness steroid given
11/6/24 – respiratory illness, pink eye, pneumonia- antibiotic
8/10/24 – bloodwork split because too much for one visit
8/3/24 - stool samples done
8/1/24 – 6 weeks of nonstop diarrhea

7/26/24 -Celiac Panel
6/24/24 diarrhea and vomiting daily for a week – said give iron
6/7/24 bloodwork split because too much needed for one visit
6/5/24 – one year check concerns about weight due to diarrhea
3/5/24 – respiratory illness – antibiotic given
12/16/23 - respiratory illness – antibiotic given

Charlotte
1/24/25 – respiratory illness
11/11/24- pneumonia and pink eye -antibiotic
3/8/24 – respiratory illness & diarrhea

SEE CLEARLY VISION GROUP **PATIENT NAME:** CABLE, UVA **DATE:** 05/12/2025

1. **Wait 5 minutes between each drop given at the same time.**
2. **If you run out of drops please call the office to request refills.**
3. **If you have any questions regarding your medication instructions, please call the office to verify.**

Drop Name	Top Color	EYE	Other
Loteprednol	PINK	Both eyes	1 drop 3 times daily
cromolyn		Both eyes	1 drop 2 times daily
Refresh		Both eyes	1 drop 3 times

ADDITIONAL INSTRUCTIONS:

6 months

Nov. 17 11:40



Outlook

RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

From Green, Joe <JGreen1@FrederickCountyMD.gov>
Date Wed 5/28/2025 12:28 PM
To Michele Rosenfeld <michele@marylandpropertylaw.com>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>

Hello Michele,

Thank you for your email on 5-27. The property is still in violation, however upon their request we have granted them a 60-day extension to come into compliance as they appear to be working toward compliance.

Regards,

Joe Green
Lead Zoning Enforcement Inspector
30 North Market Street
Frederick, MD 21701
Jgreen1@frederickcountymd.gov
(301) 600-2341

From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Tuesday, May 27, 2025 1:29 PM
To: Green, Joe <JGreen1@FrederickCountyMD.gov>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Subject: Re: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Hello Joe:

I am following up on the attached NOV, which had a compliance date of May 22. Please let me know the status of the property, whether it is now in compliance, and if not, what are the next steps in enforcement?

Regards,

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

301-519-8001 (fax)

Office Hours: M-F 8:30 - 5:00

THE LAW OFFICE OF MR MICHELEROSENFELD LLC

From: Green, Joe <JGreen1@FrederickCountyMD.gov>
Sent: Tuesday, April 29, 2025 12:52 PM
To: Michele Rosenfeld <michele@marylandpropertylaw.com>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Subject: RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Good afternoon, Michele

Staff conducted a site inspection on April 16, 2025.

A Zoning case has been opened, and a Courtesy Notice of Violation has been sent.

Regards,

Joe Green
Lead Zoning Inspector
30 North Market St
Frederick, MD 21701
Jgreen1@frederickcountymd.gov
(301) 600-2341

From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Monday, April 28, 2025 4:46 PM
To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Cc: Green, Joe <JGreen1@FrederickCountyMD.gov>
Subject: Re: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Hi Tolson: Would you please give me a status update on this inspection?

Many thanks,

Michele.

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

301-519-8001 (fax)

Office Hours: M-F 8:30 - 5:00

THE LAW OFFICE OF MICHELE ROSENFELD LLC

From: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Sent: Friday, April 11, 2025 3:03 PM
To: Michele Rosenfeld <michele@marylandpropertylaw.com>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Cc: Green, Joe <JGreen1@FrederickCountyMD.gov>
Subject: FW: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Thank you Michelle,

I have forwarded your concerns to our Inspection Staff.

Please let me know if you have any questions.

Regards,

Tolson DeSa
Zoning Administrator
tdesa@frederickcountymd.gov
301.600.1491
30 N. Market Street
Frederick, MD 21701

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From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Thursday, April 10, 2025 7:26 AM
To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Subject: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Mr. DeSa:

Please see the attached self-explanatory complaint, alleging multiple ongoing zoning violations in connection with the above-referenced property.

Regards,

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

301-519-8001 (fax)

Office Hours: M-F 8:30 - 5:00

THE LAW OFFICE OF MICHELE ROSENFELD LLC

Outlook

RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

From DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Date Wed 5/28/2025 1:26 PM
To Michele Rosenfeld <michele@marylandpropertylaw.com>; Green, Joe <JGreen1@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>

Hello Michelle,

Yes, the SP was required due to the proposed commercial activity. Currently they are not engaged in any commercial sales of the food waste products.

Regards,

Tolson DeSa
Zoning Administrator
tdesa@frederickcountymd.gov
301.600.1491
30 N. Market Street
Frederick, MD 21701

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From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Wednesday, May 28, 2025 12:49 PM
To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Green, Joe <JGreen1@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: Re: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Hi Tolson: The 5-acre provision applies only if it is an agricultural activity.

It is undisputed in the Planning Commission record that this is not an agricultural activity. It was clearly established in the Planning Commission proceedings that this is a commercial activity, and so subject to a site plan requirement under Section 1-19-8.408.A.3.

Regards, Michele.

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

301-519-8001 (fax)

Office Hours: M-F 8:30 - 5:00



From: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Sent: Wednesday, May 28, 2025 12:39 PM
To: Michele Rosenfeld <michele@marylandpropertylaw.com>; Green, Joe <JGreen1@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Hello Michelle,

Per the Code section below a food waste composter may conduct processing operations on a property up to 5 acres without a site plan. A site plan is required at 5 acres or greater per 1-19-8.408.A.2.

§ 1-19-8.408. LIMITED FOOD WASTE COMPOSTING IN THE A DISTRICT.

The following provisions shall apply to limited food waste composting activities and operations in the A District that are greater than 5,000 square feet in size.

(A) All limited food waste composting activities and operations shall be located on land zoned agriculture. Food waste composting activities and operations shall be limited in size as follows:

(1) *10-acre limit:* Limited food waste composting activities and operations that exceed 10 acres must obtain approval of a solid waste floating zone designation.

(2) *Limited food waste composting: agricultural activity.* Activities and operations up to 5 acres in size shall not require site plan approval.

(3) *Limited food waste composting: commercial activity.* Activities and operations require site plan approval and shall not exceed 10 acres in size.

(B) No portion of the limited food waste composting activity or operation shall be located within the floodplain district as defined in § 1-19-9.100.

(C) All limited food waste composting activities and operations shall be set back a minimum of 25 feet from the floodplain district and 100 feet from the banks of rivers, streams, or other bodies of water.

(D) Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.

(E) All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.

(F) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road. Commercial/Industrial entrance standards shall be utilized in the design of any point of access to a public road as determined to be necessary by the Frederick County traffic engineer.

(G) The applicant shall submit a vehicle circulation plan indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided.

(H) Limited food waste composting activities may include delivery and incorporation of off-site generated food waste into the on-site composting operation.

(I) The applicant shall maintain records detailing the date and source of off-site generated food waste. The records must be made available to the Zoning Administrator upon request.

(J) All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.

(K) All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes.

(L) Commercial sales of on-site generated compost to the general public are allowed only for the limited food waste composting: commercial activity use. Such commercial sales shall not be allowed for the limited food waste composting: agricultural activity use.

(M) Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all federal and State of Maryland permits and other approvals.

(Bill No. 18-22, 10-16-2018)

Please let me know if you have any questions.

Regards,

Tolson DeSa

Zoning Administrator

tdesa@frederickcountymd.gov

301.600.1491

30 N. Market Street

Frederick, MD 21701

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From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Wednesday, May 28, 2025 12:32 PM
To: Green, Joe <JGreen1@FrederickCountyMD.gov>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Subject: Re: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Joe: Thank you for the update. Does compliance mean they are reducing the amount of compost to less than 5,000 square feet pending compliance with an valid site plan?

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

301-519-8001 (fax)

Office Hours: M-F 8:30 - 5:00



From: Green, Joe <JGreen1@FrederickCountyMD.gov>
Sent: Wednesday, May 28, 2025 12:28 PM
To: Michele Rosenfeld <michele@marylandpropertylaw.com>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Subject: RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Hello Michele,

Thank you for your email on 5-27. The property is still in violation, however upon their request we have granted them a 60-day extension to come into compliance as they appear to be working toward compliance.

Regards,

Joe Green

Lead Zoning Enforcement Inspector

30 North Market Street

Frederick, MD 21701

Jgreen1@frederickcountymd.gov

(301) 600-2341

From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Tuesday, May 27, 2025 1:29 PM
To: Green, Joe <JGreen1@FrederickCountyMD.gov>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Subject: Re: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Hello Joe:

I am following up on the attached NOV, which had a compliance date of May 22. Please let me know the status of the property, whether it is now in compliance, and if not, what are the next steps in enforcement?

Regards,

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

301-519-8001 (fax)

Office Hours: M-F 8:30 - 5:00

THE LAW OFFICE OF MICHELE ROSENFELD LLC

From: Green, Joe <JGreen1@FrederickCountyMD.gov>
Sent: Tuesday, April 29, 2025 12:52 PM
To: Michele Rosenfeld <michele@marylandpropertylaw.com>; DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Subject: RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Good afternoon, Michele

Staff conducted a site inspection on April 16, 2025.

A Zoning case has been opened, and a Courtesy Notice of Violation has been sent.

Regards,

Joe Green

Lead Zoning Inspector

30 North Market St

Frederick, MD 21701

Jgreen1@frederickcountymd.gov

(301) 600-2341

From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Monday, April 28, 2025 4:46 PM
To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Cc: Green, Joe <JGreen1@FrederickCountyMD.gov>
Subject: Re: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Hi Tolson: Would you please give me a status update on this inspection?

Many thanks,

Michele.

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

301-519-8001 (fax)

Office Hours: M-F 8:30 - 5:00

THE LAW OFFICE OF MICHELE ROSENFELD LLC

From: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Sent: Friday, April 11, 2025 3:03 PM
To: Michele Rosenfeld <michele@marylandpropertylaw.com>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>
Cc: Green, Joe <JGreen1@FrederickCountyMD.gov>
Subject: FW: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Thank you Michelle,

I have forwarded your concerns to our Inspection Staff.

Please let me know if you have any questions.

Regards,

Tolson DeSa

Zoning Administrator

tdesa@frederickcountymd.gov

301.600.1491

30 N. Market Street

Frederick, MD 21701

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From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Thursday, April 10, 2025 7:26 AM
To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Subject: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Mr. DeSa:

Please see the attached self-explanatory complaint, alleging multiple ongoing zoning violations in connection with the above-referenced property.

Regards,

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

301-519-8001 (fax)

Office Hours: M-F 8:30 - 5:00

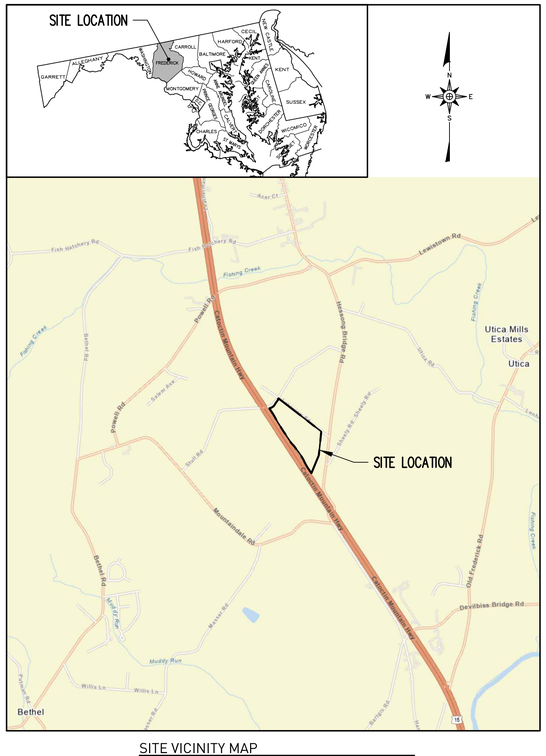


Docusign Envelope ID: C3231485-17D1-4E35-8D65-CF26AE45FA2E

COMPOST CREW AT UTICA BRIDGE FARMS

TYPE I SITE PLAN

SP 277005
PERMIT DRAWINGS
SITUATED AT 7245 LAKEVIEW ROAD
DECEMBER 2024



SITE VICINITY MAP
1" = 2,000'

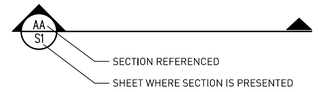
OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(818) 762-4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202-4450

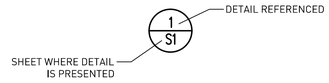
COMPOST CREW
good to grow

SHEET NO.	DRAWING NO.	DRAWING TITLE	PREPARED BY
1	--	TITLE-COVER SHEET	SMITH GARDNER, INC.
2	SP1	SITE OVERALL	SMITH GARDNER, INC.
3	SP2	COMPOST OPERATIONS PLAN	SMITH GARDNER, INC.
4	SP3	PARKING AND BUILDING PLAN	SMITH GARDNER, INC.
5	SP4	SIGHT DISTANCE CROSS SECTION	SMITH GARDNER, INC.
6	SP5	PLANTING PLAN (SHEET 1 OF 2)	ECS - MID-ATLANTIC, LLC
7	SP6	PLANTING PLAN (SHEET 2 OF 2)	ECS - MID-ATLANTIC, LLC

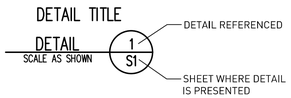
STANDARD SECTION LOCATION CALLOUT (SHEET AND DETAIL)



STANDARD DETAIL CALLOUT



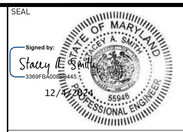
STANDARD DETAIL LABEL AND CALLOUT



STANDARD REVISION CALLOUT (SHEET AND DETAIL)



SEAL



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BT ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEERS UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488

SMITH+GARDNER
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

PERMIT ISSUE
NOT FOR CONSTRUCTION

FILE #: SP 19-17
A/P #: 277005

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G:\CAD\Compost Crew\CompostCrew 24-1\sheets\CCREW-D0002.dwg - 12/2/2024 1:48 PM

DocuSign Envelope ID: B2F15BF-CD4F-42D0-B93D-35CE27834ED9

Division of Planning and Permitting
Department of Development Review and Planning
Approved: Cody Shaw
Frederick County Planning Commission

6'

KEY CITY COMPOST
AT UTICA BRIDGE FARMS

MONDAY - SATURDAY
7:00 AM - 6:00 PM
7245 LAKEVIEW ROAD

EMERGENCY CONTACT
PHIL WESTCOTT
4539 METROPOLITAN CT.
FREDERICK, MD 21704
PHONE: 240-409-1979

4'

BUSINESS SIGN
N.T.S.

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L1	S16° 37' 06"W	15.50'
L2	S86° 16' 57"W	30.14'
L3	S58° 11' 10"W	100.67'
L4	S30° 05' 22"W	102.52'
L5	S35° 51' 24"W	97.49'
L6	S30° 05' 06"W	15.03'
L7	S75° 08' 30"W	22.45'
L8	S52° 29' 26"E	25.90'
L9	S39° 03' 37"W	18.29'
L10	S33° 26' 25"E	204.04'
L11	S30° 34' 40"E	100.13'

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L12	S25° 50' 44"E	151.33'
L13	S30° 34' 40"E	100.13'
L14	S33° 26' 25"E	100.00'
L15	S36° 52' 26"E	200.36'
L16	S36° 52' 26"E	50.09'
L17	S44° 45' 00"E	101.98'
L18	S33° 26' 25"E	400.00'
L19	S31° 31' 53"E	150.08'
L20	S33° 26' 25"E	150.00'
L21	S28° 51' 58"E	250.00'
L22	S33° 26' 25"E	197.00'

LIFE AND SAFETY NOTES

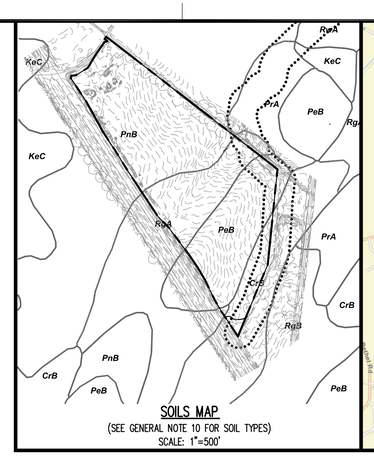
1. PREMISES IDENTIFICATION SHALL BE COMPLIANT WITH FREDERICK COUNTY ORDINANCE 05-01-362. THIS INCLUDES THAT DESIGNATION OF THE ADDRESS SHALL BE INCORPORATED IN ALL MONUMENTAL OR SITE SIGNS.
2. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE ACCESSIBLE DURING ALL TYPES OF WEATHER AND AT ALL TIMES.
3. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF 20 FEET.
4. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13'-6".
5. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE PROVIDED WITH A DURABLE ALL-WEATHER DRIVING SURFACE.
6. EACH COMMERCIAL BUILDING SHALL HAVE AN ACCESS BOX (KNOX BOX) FOR FIRE DEPARTMENT USE AT THE MAIN ENTRANCE.

REFERENCES

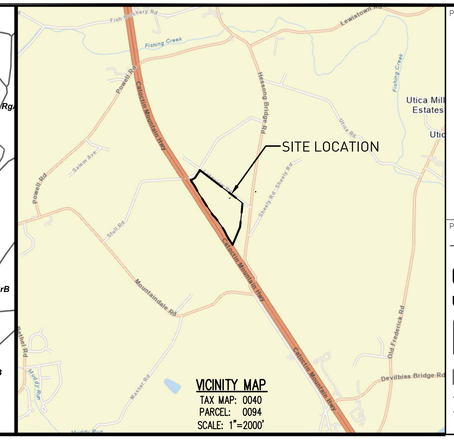
1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2019.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0450, EFFECTIVE SEPTEMBER 19, 2007.

LEGEND

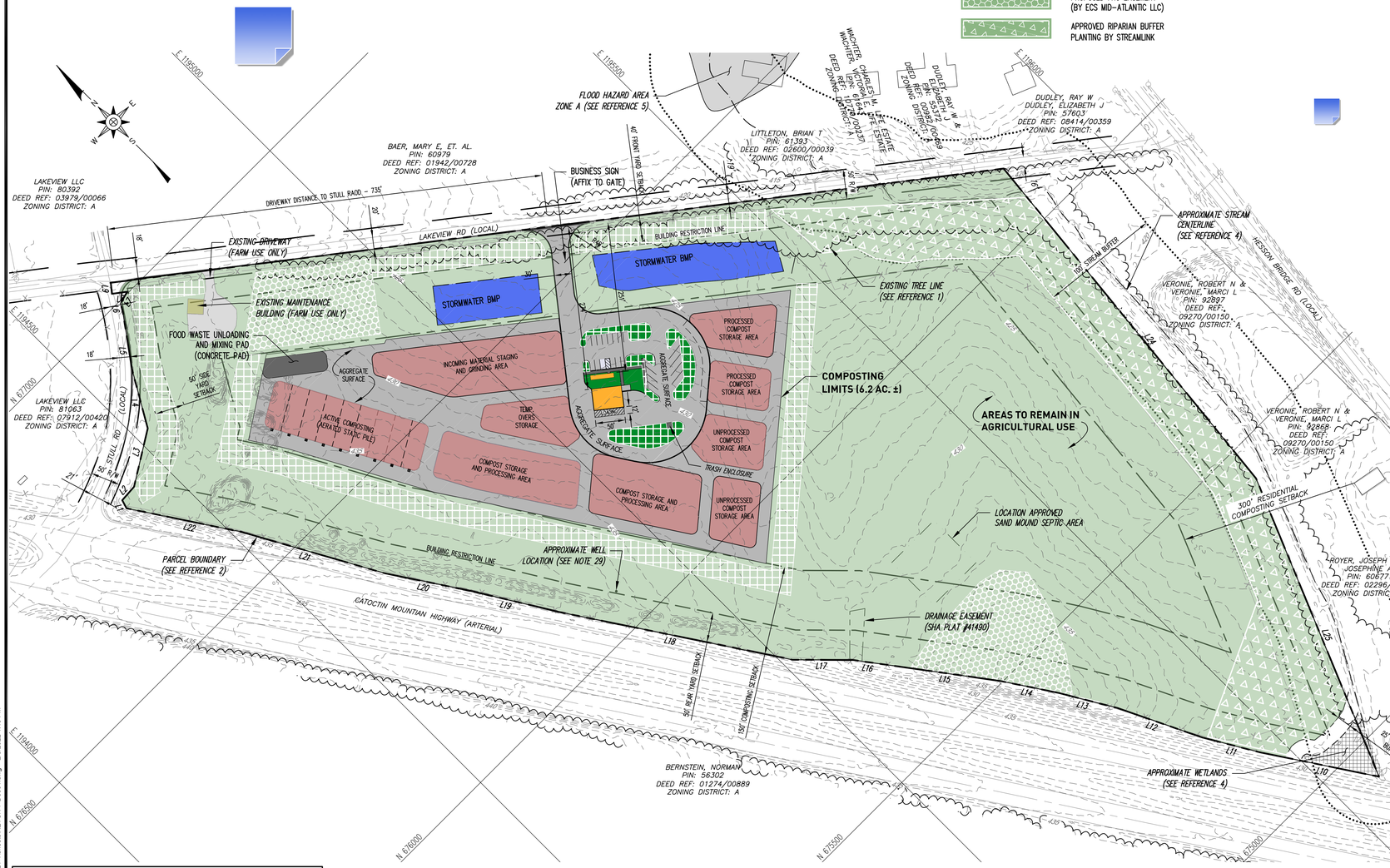
- EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID-ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECS MID-ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK



SOILS MAP
(SEE GENERAL NOTE 10 FOR SOIL TYPES)
SCALE: 1"=500'



VICINITY MAP
TAX MAP: 0040
PARCEL: 0094
SCALE: 1"=2000'



OWNER/APPLICANT INFORMATION

APPLICANT: UTICA BRIDGE FARMS, LLC
ADDRESS: 7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS: 10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.: (818) 762-4771

OPERATOR: KEY CITY COMPOST
ADDRESS: 7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.: (802) 277-0401

GENERAL NOTES

1. PROPOSED USE: KEY CITY COMPOST WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY; A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A 'TIER 2 SMALL' COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21778
3. LIBER 15016 / FOLIO 00491
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINDALE PLANNING REGION.
7. THERE IS 'NO PLANNED SERVICE' IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHING ZONE X'OF THE FLOOD INSURANCE RATE MAP NO. 24021C0450 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 19, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2019 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    CRB - CROTON-ABBOTTSTOWN SILT LOAMS, 3 TO 8 PERCENT SLOPES
    PNB - PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
    PEB - PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    RGA - READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	300 FEET	1,550 FEET

12. AREA SUMMARY
    PROPERTY: 29.0± ACRES
    COMPOST OPERATIONS AREA: 6.2± ACRES
13. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM - 6:00 PM MONDAY - SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    MAXIMUM HEIGHT: 30 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
    PROPOSED POLE BARN: 24 FEET (TO RIDGE OF ROOF)
    GROSS FLOOR AREA: 2,120 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 6 AND 50 GROSS FLOOR AREA = 2,120 SQUARE FEET TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1-20-12(H)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICULAR TRIPS
    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY 1-19-6.220.A.4 FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION'REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 16 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    EXISTING: 5,800 SF (0.4%)
    PROPOSED: 267,900 SF (21.2%)
    TOTAL: 273,700 SF (21.6%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1-19-6.320 FOR 'BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS'
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUEST:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL-TIME AND 1 PART-TIME PERSONNEL AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

FILE #:	SP19-17
A/P #:	19894
DUE DATE:	

PERMIT ISSUE
NOT FOR CONSTRUCTION

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PREPARED FOR:
KEY CITY COMPOST
AT UTICA BRIDGE FARMS

PREPARED BY:
NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488

SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

SEAL
STATE OF MARYLAND · STACEY A. SMITH · 55940 · PROFESSIONAL ENGINEER
DocuSigned by: Stacey A Smith 3369F8A0088E4...
2/28/2022

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION
1	3/8/21	REVISIONS TO FC COMMENTS
		PREVIOUS SUBMITAL BY
		LINGG PROPERTY CONSULTING,
2	9/23/21	RESPONSE TO FC COMMENTS
		DATED MARCH 23, 2021
3	11/23/21	RESPONSE TO FC COMMENTS
		DATED OCTOBER 18, 2021
4	12/8/21	RESPONSE TO COMMENTS
		DATED DEC. 3, 2021
5	1/27/22	FCPC CONDITIONS OF
		APPROVAL DATED JAN. 14, 2022

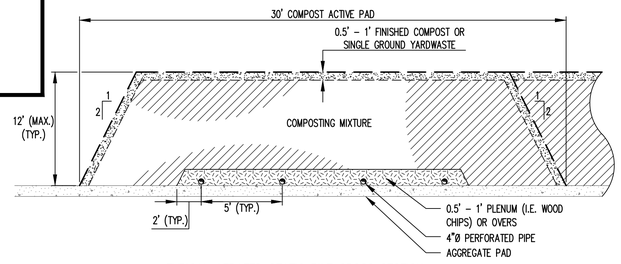
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PROJECT TITLE:
KEY CITY COMPOST AT UTICA BRIDGE FARMS
SITUATED AT 7245 LAKEVIEW ROAD
FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5
FREDERICK COUNTY, MARYLAND

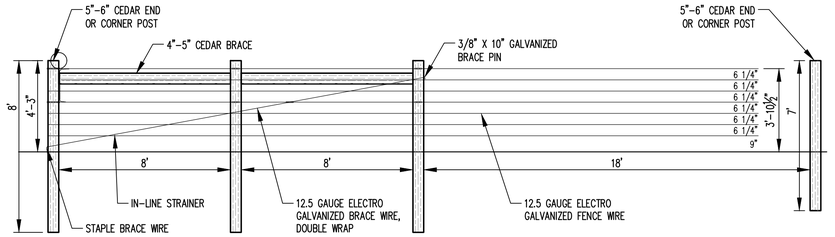
DRAWING TITLE:
TYPE I SITE PLAN
SITE OVERALL
SP 19894
APFO 19095
FRO 19896

DESIGNED: J.R.F.	PROJECT NO: KEYCITY 21-1
DRAWN: C.T.J.	SCALE: AS SHOWN
APPROVED: SAS	DATE: MARCH 2021
FILENAME: KEYCITY-D0001	
SHEET NUMBER:	DRAWING NUMBER: SP1

Docusign Envelope ID: C3231485-17D1-4E35-8D65-CF26AE45FA2E



TYPICAL AERATED STATIC PILE CROSS SECTION
N.T.S.



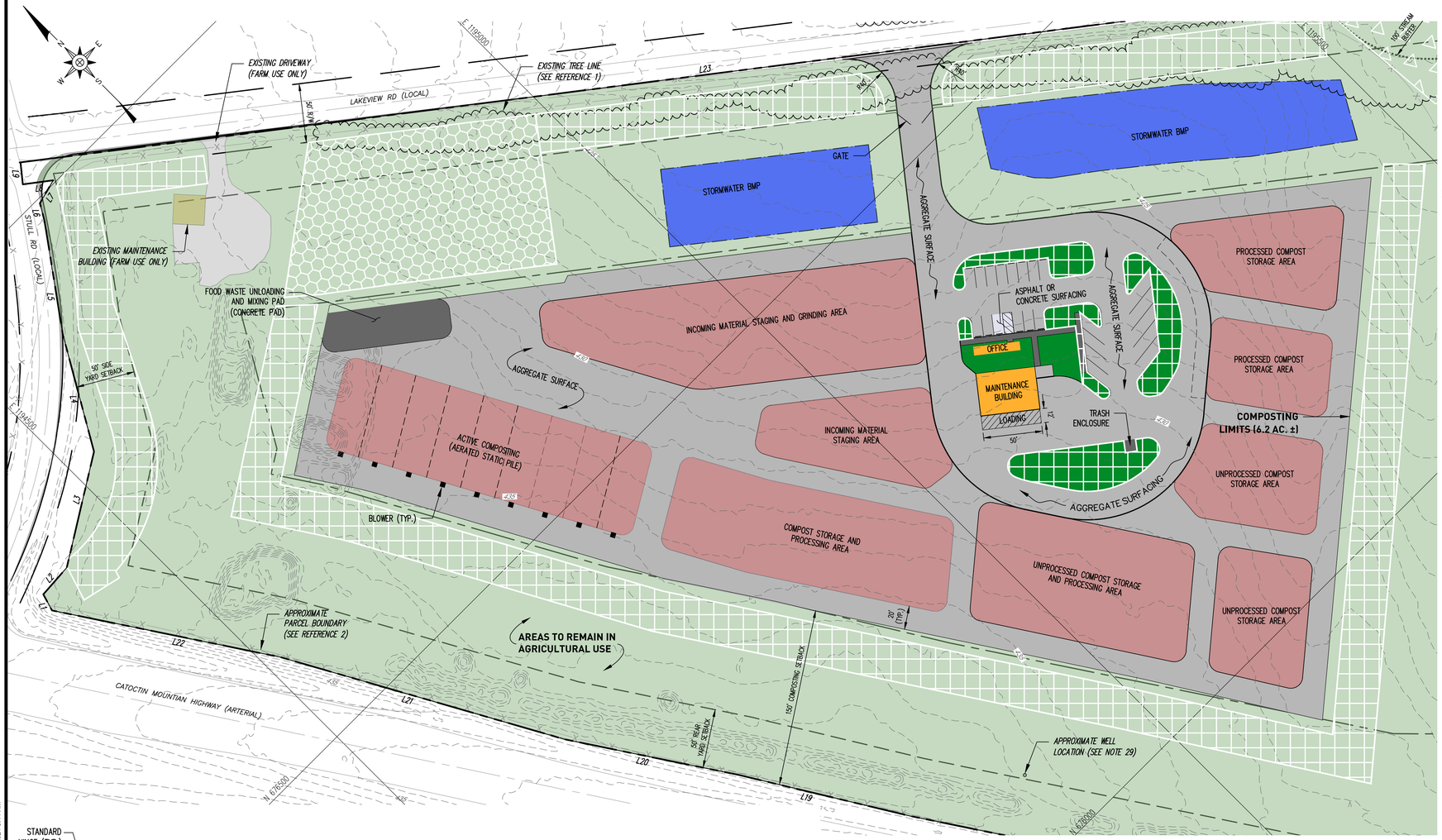
7 STRAND HIGH TENSILE FENCEING
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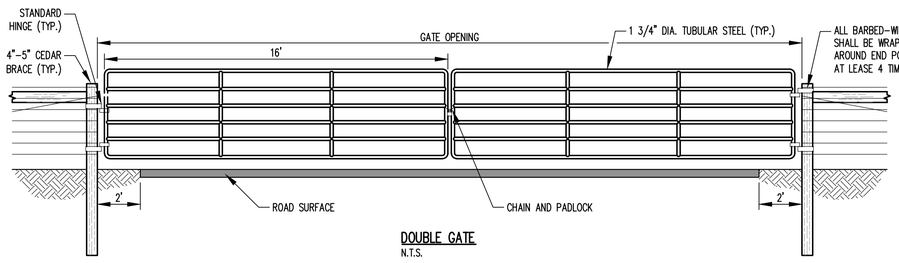
OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(818) 762–4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202–4450

REFERENCES
1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2019.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0445D, EFFECTIVE SEPTEMBER 19, 2007.

LEGEND
- EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID–ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECS MID–ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK





DOUBLE GATE
N.T.S.

COMPOSTING NOTES
1. LIMITED FOOD WASTE COMPOSTING ACTIVITIES ARE COVERED UNDER THE GENERAL COMPOSTING PERMIT (GP–CF01) BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
2. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE FLOODPLAIN DISTRICT AND 100 FEET FROM THE BANKS OF RIVERS, STREAMS, OR OTHER BODIES OF WATER.
3. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL NOT CAUSE ANY ODOR, DUST, SMOKE, VIBRATION, OR UNREASONABLE NOISE WHICH CAN BE DETECTED AT OR BEYOND ANY PROPERTY LINE.
4. ALL ACTIVITIES AND OPERATIONS ASSOCIATED WITH THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE LOCATED A MINIMUM OF 150 FEET FROM PROPERTY LINES AND AT LEAST 300 FEET FROM A DWELLING NOT OWNED OR OPERATED BY THE OPERATOR OF THE COMPOSTING FACILITY.
5. COMPOSTING OPERATIONS WILL MAINTAIN A 4 FEET SEPARATION FROM THE SEASONAL HIGH–WATER TABLE AS DETERMINED BY SCS ENGINEERS IN A MEMORANDUM DATED JULY 24, 2020.
6. THE APPLICANT SHALL MAINTAIN RECORDS DETAILING THE DATE AND SOURCE OF OFF–SITE GENERATED FOOD WASTE. THE RECORDS MUST BE MADE AVAILABLE TO THE ZONING ADMINISTRATOR UPON REQUEST.
7. ALL MATERIALS AT THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE SORTED AND PROCESSED IN A MANNER THAT PREVENTS HARBORING OR BREEDING OF INSECTS OR ANIMALS, AND PREVENTS CREATION OF ODOR, LITTER, OR OTHER NUISANCES THAT MAY BE HARMFUL TO THE PUBLIC HEALTH OR THE ENVIRONMENT.
8. ALL INCOMING MATERIALS ASSOCIATED WITH FOOD WASTE MUST BE INCORPORATED INTO THE COMPOSTING PROCESS WITHIN 24 HOURS. LIQUIDS MUST BE CONTROLLED TO PREVENT RUN OFF DURING OFFLOADING, STORAGE, AND PROCESSING OF ALL RECEIVED WASTES.
9. GRINDING WILL ONLY OCCUR BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY.
10. MARYLAND DEPARTMENT OF THE ENVIRONMENT CONTACT INFORMATION:
    RESOURCE MANAGEMENT PROGRAM: (410) 537–3314

0 50' 100' 150'

PERMIT ISSUE
NOT FOR CONSTRUCTION

GENERAL NOTES
1. PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRES ON JANUARY 12, 2025 COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY; A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A 'TIER 2 SMALL' COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21778
3. LIBER 15016 / FOLIO 00491
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINDALE PLANNING REGION.
7. THERE IS 'NO PLANNED SERVICE' IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHING 'ZONE X' OF THE FLOOD INSURANCE RATE MAP NO. 24021C0445D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 19, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2019 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    CRB – CROTON–ABBOTTSTOWN SILT LOAMS, 3 TO 8 PERCENT SLOPES
    PNB – PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
    PEB – PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    RGA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	300 FEET	1,550 FEET

12. AREA SUMMARY
    PROPERTY: 29.0± ACRES
    COMPOST OPERATIONS AREA: 6.2± ACRES
13. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    MAXIMUM HEIGHT: 30 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE–STORY)
    PROPOSED POLE BARN: 24 FEET (ONE–STORY, TO RIDGE OF ROOF)
    GROSS FLOOR AREA: 2,120 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 6 AND 50 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1–20–12(H)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICULAR TRIPS
    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY 1–19–6.220.A.4 FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION' REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 16 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    EXISTING: 5,800 SF (0.4%)
    PROPOSED: 267,900 SF (21.2%)
    TOTAL: 273,700 SF (21.6%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON–SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE–CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1–19–6.320 FOR 'BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS'
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUEST:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
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FILE #: SP19–17
A/P #: 277005
DUE DATE:

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PREPARED FOR:

COMPOST CREW
good to grow

COMPOST CREW
AT UTICA BRIDGE FARMS

PREPARED BY:

NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488

SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

SEAL

Signed by: Stacey M. Smith 3369FBA0088...
12/4/2024

STATE OF MARYLAND · STACEY A. SMITH · 35648 · PROFESSIONAL ENGINEER

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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PROJECT TITLE:

COMPOST CREW AT
UTICA BRIDGE FARMS

SITUATED AT 7245 LAKEVIEW ROAD

FREDERICK COUNTY
ELECTION DISTRICT NO. 5

FREDERICK COUNTY, MARYLAND

DRAWING TITLE:

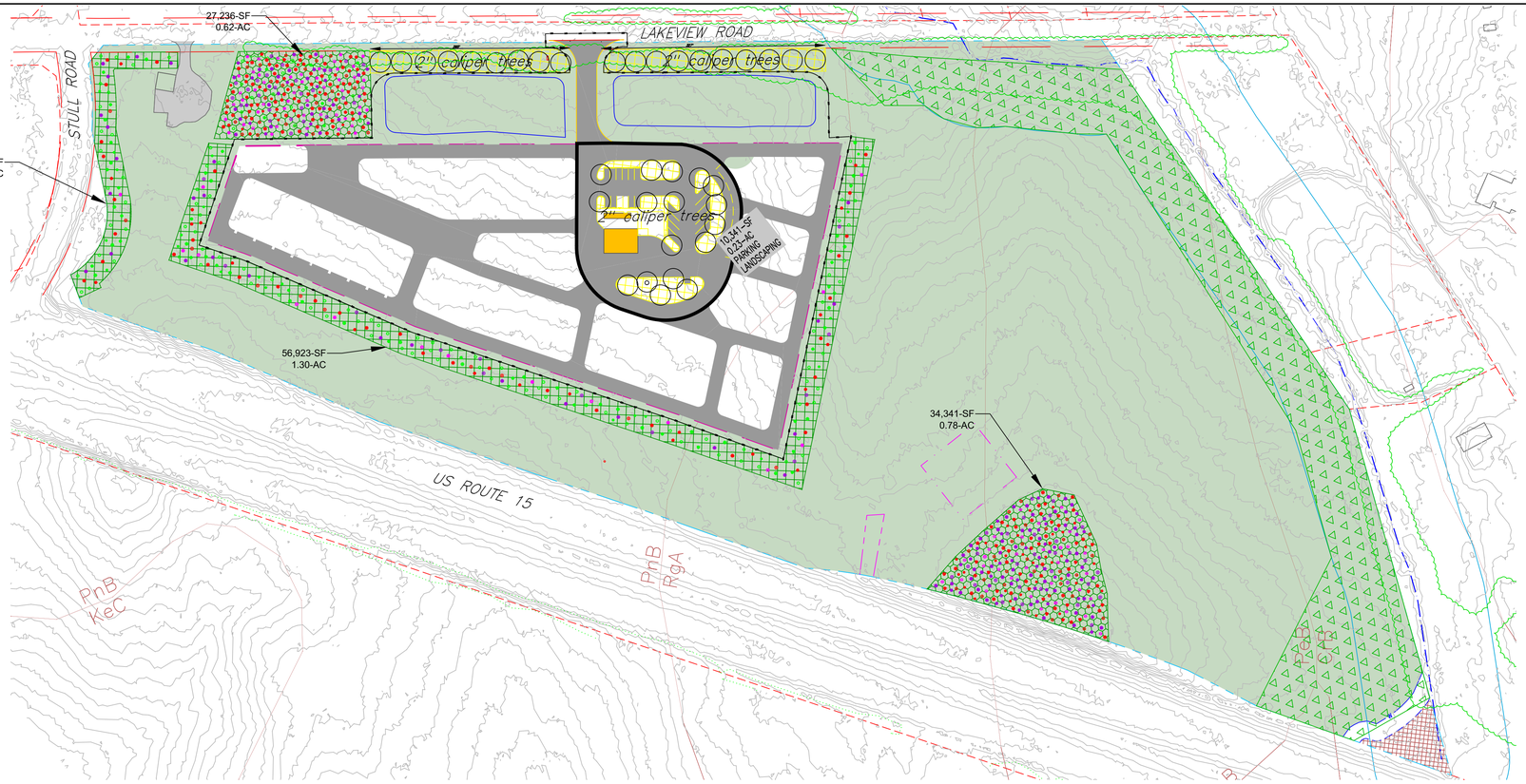
TYPE I SITE PLAN
COMPOST OPERATIONS PLAN
SP 277005
APFO 19895
FRO 19896

DESIGNED: J.R.F.	PROJECT NO.: COMPOST CREW 24-1
DRAWN: R.V.W.	SCALE: AS SHOWN
APPROVED: S.M.S.	DATE: MARCH 2021
FILENAME: CCREW-D0001	
SHEET NUMBER: 3	DRAWING NUMBER: SP2

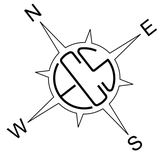
Division of Planning and Permitting
Department of Development Review and Planning

Approved: Cody Shaw 1/12/2022

Frederick County Planning Commission



BASE MAPPING SOURCE: SMITH & GARDNER ENGINEERS



LEGEND

- PROPOSED LANDSCAPE BUFFER
- PROPOSED FRO EASEMENT
- 1-FOOT CONTOURS
- STREAM
- STREAM BUFFER
- SOILS (PnB / RgA)
- APPROXIMATE WETLAND AREA
- 25' WETLAND BUFFER
- FLOOD HAZARD ZONE (OFFSITE)
- PROPOSED STORMWATER FEATURE
- PROPOSED PAVEMENT
- PROPOSED BUILDING
- EXISTING SEPTIC AREA
- STREET TREES
- EXISTING STRUCTURE
- ADJACENT PARCEL BOUNDARIES
- PROPOSED LIMITS OF DISTURBANCE (LOD)
- APPROVED RIPARIAN PLANTINGS BY STREAMLINK
- EXISTING TREELINE

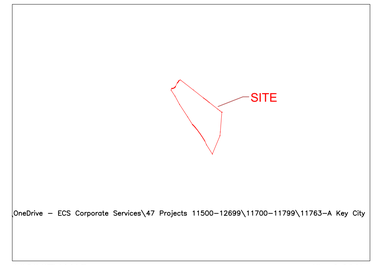
NOTES:
1. NO FOREST AREA CURRENTLY EXISTS ONSITE.
2. RIPARIAN AREA HAS BEEN PLANTED BY STREAMLINK DNR GRANT AND THEREFORE CANNOT BE PLANTED IN ASSOCIATION WITH FRO.
3. STREET TREE REQUIREMENT IS BEING MET VIA PROPOSED STREET TREES, FRO, EXISTING TREE LINES, AND LANDSCAPING SCREENING PLANTINGS.

OWNER/APPLICANT:
UTICA BRIDGE FARMS, LLC
7245 LAKEVIEW ROAD,
FREDERICK MD 21701
818-762-4771

LANDSCAPING LEGEND

SYMBOL	COMMON NAME	BOTANICAL NAME
EVERGREEN TREES		
	EASTERN WHITE PINE*	PINUS STROBUS
	VIRGINIA PINE*	PINUS VIRGINIANA
	EASTERN RED CEDAR*	JUNIPERUS VIRGINIANA
	AMERICAN RED PINE	PINUS RESINOSA
	WHITE SPRUCE	PICEA GLAUCA
	BALSAM FIR	ABIES BALSAMEA
	FRASER FIR	ABIES FRASERI
	BALD CYPRESS*	TAXODIUM DISTICHUM
DECIDUOUS TREES		
	YELLOW BIRCH*	BETULA ALLEGHANIENSIS
	SWAMP WHITE OAK*	QUERCUS BICOLOR
	TULIP POPLAR*	LIRIODENDRON TULIPIFERA
	SWEET BIRCH*	BETULA LENTA
	WHITE OAK*	QUERCUS ALBA
	BLACK LOCUST*	ROBINIA PSEUDOACACIA
	BLACK WALNUT*	JUGLANS NIGRA
	PIN OAK*	QUERCUS PALUSTRIS
	SHAGBARK HICKORY*	CARYA OVATA
	RED OAK*	QUERCUS RUBRA
	RED MAPLE*	ACER RUBRUM
	AMERICAN SWEETGUM**	LIQUIDAMBAR STYRACIFLUA
	BLACK WILLOW*	SALIX NIGRA
	SHELLBARK HICKORY*	CARYA LACINIOSA
	BASSWOOD*	TILIA GLABRA
SHRUBS		
	ELDERBERRY*	SAMBUCUS CANADENSIS
	GRAY DOGWOOD*	CORNUS RACEMOSA
	BUTTONBUSH	CEPHALANTHUS OCCIDENTALIS
	REDBUD*	CERCIS CANADENSIS

* NATIVE TO FREDERICK COUNTY
** NATURALIZED ADDITION TO FREDERICK COUNTY



VICINITY MAP 1" = 2,000'
TAX MAP 40, GRID 21, PARCEL 94
ACCOUNT NO. 20-394129
SOURCE: POINTFINDER SUITE



SOIL MAP

Map Unit Symbol	Map Unit Name	Hydric Soil	K-Value
CrB	Croton-Abbottstown silt loams, 3 to 8 percent slopes	Yes	.37
PeB	Penn channery loam, 3 to 8 percent slopes	No	324
PnB	Penn silt loam, 3 to 8 percent slopes	No	.37
RgA	Readington silt loam, 0 to 3 percent slopes	Yes	.43

Planting Specification Notes
1. Type: see planting schedules this sheet and cover sheet.
2. Plant Quality Standards: The plants selected shall be healthy and sturdy representatives of their species. Seedlings shall have a minimum top growth of 18". The diameter of the root collar (the part of the root just below ground level) shall be at least 3/8". The roots shall be well developed and at least 8" long. No more than twenty –five percent (25%) of the root system (both primary and auxiliary/fibrous roots shall be present. Plants that do not have an abundance of well developed terminal buds on the leaders and branches shall be rejected. Plants shall be shipped by the nursery immediately after lifting from the field or removal from the green house, and planted immediately upon receipt by the landscape contractor. If the plants cannot be planted immediately after delivery to the reforestation site, they shall be stored in the shade with their root masses protected from direct exposure to sun and wind by the use of straw, peat moss, compost, or other suitable material and shall be maintained through periodic watering, until the time of planting.
3. Plant Handling: the quantity of seedlings taken to the field shall not exceed the quantity that can be planted in a day. Seedlings, once removed from the nursery or temporary storage area shall be planted immediately.
4. Timing of Planting: The best time to plant seedlings is while they are dormant, prior to spring budding. The most suitable months for planting are March and April, when the soil is moist, but may be planted from March through November. No planting shall be done while ground is frozen. Planting shall occur within one growing season of the issuance of grading/building permits and/or reaching the final grades and stabilization of planting areas.
5. Seedling Planting: Tree seedlings shall be hand planted using a dibble bar or sharp-shooter shovel. It is important that the seedling be placed in the hole so that the roots can spread out naturally; they should not be twisted, balled up or bent. Moist soil should then be packed firmly around the roots. Seedlings should be planted at a depth where their roots lie just below the ground surface. Air pockets should not be left after closing the hole which would allow the roots to dry out. See planting details for further explanation. If the contractor wishes to plant by another method, the preparer of this tree conservation plan must be contacted and give his approval before planting may begin.
6. Spacing: See Landscaping Plan for spacing requirements. Also refer to the Landscaping Plan for a description of the general planting theory, details this sheet.
7. Soil: Upon the completion of all grading operations, a soil test shall be conducted to determine what soil preparation and soil amendments, if any, are necessary to create good tree growing conditions. Soil samples shall be taken at a rate that provides one soil sample for each area that appears to have a different soil type (if the entire area appears uniform, then only one sample is necessary), and submitted for testing to a private company. The company of choice shall make recommendations for improving the existing soil. The soil will be tested and recommended for corrections of soil texture, pH, magnesium, phosphorus, potassium, calcium and organic matter.
8. Soil Improvement Measures: the soil shall then be improved according to the recommendations made by the testing company.
9. Fencing and Signage: Final protective fencing shall be placed on the visible and/or development side of planting areas. The final protective fence shall be installed upon completion of planting operations unless it was installed during the initial stages of development. Signs shall be posted per the signage detail on this sheet.
10. Planting method: Consult the Planting Detail(s) shown on this sheet
11. Mulching: Apply two-inch thick layer of woodchip or shredded hardwood mulch (as noted) to each plating site (see detail shown on the Landscaping Plan).
12. Groundcover Establishment: the remaining disturbed area between seedling planting sites shall be seeded and stabilized withan appropriate mix from the Natural Resources Conservation Practice Standard for Conservation Cover (Code 327), Table 2: Selected List of Herbaceous Cover Mixes based on the specific characteristics of the site.
13. Mowing: No mowing shall be allowed in any planting area.
14. Source of Seedlings: state name, address, and phone number of nursery or supplier.

This Forest Stand Delineation has been prepared in accordance with all State and local ordinances which were in effect as of the date shown below. The undersigned is a qualified professional in accordance with COMAR 08.19.06.01.

Jennifer Anderson 02/22/2022
Jennifer Anderson

STREET TREE CALCULATION (ROADWAY FRONTAGE):

LAKEVIEW ROAD:
295-ft / 35-ft = 8.4 trees (9 trees provided)
327-ft / 35-ft = 9.3 trees (10 trees provided)

STULL ROAD:
373-ft / 35-ft = 10.6 trees (provided via landscaping buffer)

US-15:
2,136-ft / 35-ft = 61.0 trees (provided via landscaping buffer)

20% PARKING LOT CANOPY CALCULATION:

PARKING LOT PAVEMENT COVERAGE:
51,705-sf

51,705-sf x 0.2 = 10,341-sf
10,341-sf / 707-sf = 14.6 trees (17 provided)

PLANTING QUANTITY CALCULATION:

1.40-ac x 350 stems/ac = 490 stems (875 provided)

SCALE (IN FEET)
50 100
100 0

CELEBRATING OVER 30 YEARS OF EXCELLENCE

ECS - MID-ATLANTIC, LLC
1340 CHARWOOD ROAD
SUITE B
HANOVER, MD 21076
1-800-822-3489
410-859-4300
(FAX) 703-834-5527

"SETTING THE STANDARD FOR SERVICE"

KEY CITY COMPOST
7245 LAKEVIEW ROAD
FREDERICK COUNTY, MARYLAND

PLANTING PLAN
UTICA BRIDGE FARM

ECS REVISIONS
12/10/2021 LSC
2/22/22 JDA

ENGINEER	DRAFTING
AMM	LSC

SCALE 1" - 100'
PROJECT NO. 47:11763
SHEET SP5
DATE 11/18/2021

Division of Planning and Permitting
Department of Development Review and Planning
Approved: Cory Shaw 1/12/2022
Frederick County Planning Commission

Evergreen Species				
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**	**Total Number Planted**
Pinus strobus	Eastern white pine*	Balled & burlapped	1/4"-1/2"	104
Pinus virginiana	Virginia pine*	Balled & burlapped	1/4"-1/2"	2
Juniperus virginiana	Eastern red cedar*	Balled & burlapped	1/4"-1/2"	4
Pinus resinosa	American red pine	Balled & burlapped	1/4"-1/2"	25
Picea glauca	White spruce	Balled & burlapped	1/4"-1/2"	25
Abies balsamea	Balsam fir	Balled & burlapped	1/4"-1/2"	10
Abies fraseri	Fraser fir	Balled & burlapped	1/4"-1/2"	10
Taxodium distichum	Bald cypress*	Balled & burlapped	1/4"-1/2"	10
Deciduous Species				
Betula alleghaniensis	Yellow birch*	Balled & burlapped	1/4"-1/2"	52
Quercus bicolor	Swamp white oak*	Balled & burlapped	1/4"-1/2"	22
Liriodendron tulipifera	Tulip poplar*	Balled & burlapped	1/4"-1/2"	52
Betula lenta	Sweet birch*	Balled & burlapped	1/4"-1/2"	77
Quercus alba	White oak*	Balled & burlapped	1/4"-1/2"	35
Robinia pseudoacia	Black locust*	Balled & burlapped	1/4"-1/2"	40
Juglans nigra	Black walnut*	Balled & burlapped	1/4"-1/2"	40
Quercus palustris	Pin oak*	Balled & burlapped	1/4"-1/2"	3
Carya ovata	Shagbark hickory*	Balled & burlapped	1/4"-1/2"	8
Quercus rubra	Red oak*	Balled & burlapped	1/4"-1/2"	25
Acer rubrum	Red maple*	Balled & burlapped	1/4"-1/2"	7
Liquidambar styraciflua	American sweetgum**	Balled & burlapped	1/4"-1/2"	10
Salix nigra	Black willow*	Balled & burlapped	1/4"-1/2"	7
Carya laciniosa	Shellbark hickory*	Balled & burlapped	1/4"-1/2"	5
Shrubs				
Sambucus nigra	Elderberry*	Container	1/4"-1/2"	52
Cornus racemosa	Gray dogwood*	Container	1/4"-1/2"	54
Cephalanthus occidentalis	Buttonbush	Container	1/4"-1/2"	54
Cercis canadensis	Redbud*	Container	1/4"-1/2"	55

* NATIVE TO FREDERICK COUNTY
** NATURALIZED ADDITION TO FREDERICK COUNTY

TOTAL # OF NATIVE PLANTINGS: 741
TOTAL # OF NON-NATIVE PLANTINGS: 134
TOTAL PLANTINGS: 875
741 native plantings / 875 total trees/shrubs planted = 84.7% native plantings

Deciduous Species- Parking Lot				
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**	**Total Number Planted**
Betula alleghaniensis	Yellow birch*	Balled & burlapped	2"	3
Betula lenta	Sweet birch*	Balled & burlapped	2"	3
Tilia americana	Basswood*	Balled & burlapped	2"	8
Salix nigra	Black willow*	Balled & burlapped	2"	3

Deciduous Species- Lakeview Road				
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**	**Total Number Planted**
Quercus bicolor	Swamp white oak*	Balled & burlapped	2"	3
Liriodendron tulipifera	Tulip poplar*	Balled & burlapped	2"	3
Acer rubrum	Red maple*	Balled & burlapped	2"	3
Evergreen Species				
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**	**Total Number Planted**
Pinus strobus	Eastern white pine*	Balled & burlapped	2"	3
Pinus virginiana	Virginia pine*	Balled & burlapped	2"	4
Juniperus virginiana	Eastern red cedar*	Balled & burlapped	2"	3

Alternate Species			
Evergreen Species			
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**
Kalmia latifolia	Mountain laurel	Balled & burlapped	1/4"-1/2"
Deciduous Species			
Cornus florida	Flowering dogwood	Balled & burlapped	1/4"-1/2"
Carpinus caroliniana	American hornbeam	Balled & burlapped	1/4"-1/2"
Cornus sericea	Red osier dogwood	Balled & burlapped	1/4"-1/2"
Chionanthus virginicus	Fringe tree	Balled & burlapped	1/4"-1/2"
Shrubs			
Cornus amomum	Silky dogwood	Container	1/4"-1/2"
Viburnum prunifolium	Blackhaw	Container	1/4"-1/2"

STREET TREE CALCULATION
(ROADWAY FRONTAGE):

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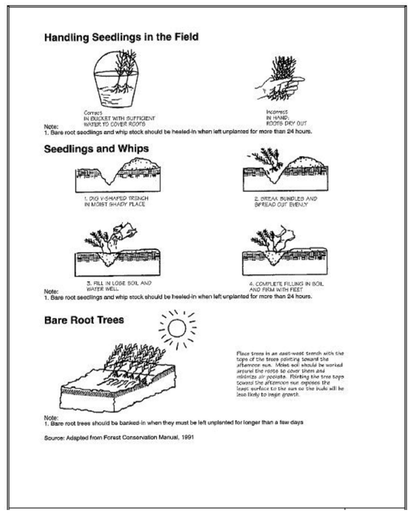
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51,705-sf

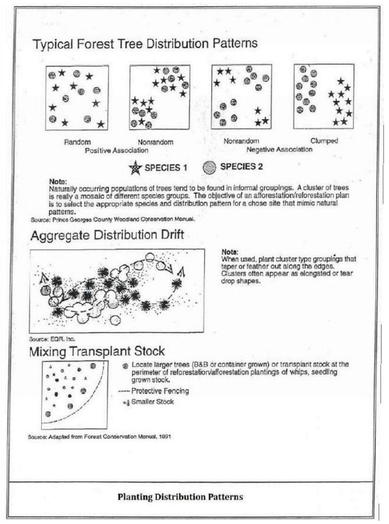
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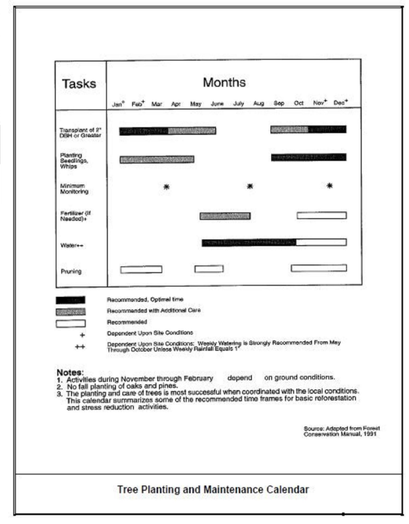
1.40-ac x 350 stems/ac = 490 stems (875 provided)

Planting Specification Notes
1. Type: see planting schedules this sheet and cover sheet.
2. Plant Quality Standards: The plants selected shall be healthy and sturdy representatives of their species. Seedlings shall have a minimum top growth of 18". The diameter of the root collar (the part of the root just below ground level) shall be at least 3/8". The roots shall be well developed and at least 8" long, No more than twenty –five percent (25%) of the root system (both primary and auxiliary/fibrous roots shall be present. Plants that do not have an abundance of well developed terminal buds on the leaders and branches shall be rejected. Plants shall be shipped by the nursery immediately after lifting from the field or removal from the green house, and planted immediately upon receipt by the landscape contractor. If the plants cannot be planted immediately after delivery to the reforestation site, they shall be stored in the shade with their root masses protected from direct exposure to sun and wind by the use of straw, peat moss, compost, or other suitable material and shall be maintained through periodic watering, until the time of planting.
3. Plant Handling: the quantity of seedlings taken to the field shall not exceed the quantity that can be planted in a day. Seedlings, once removed from the nursery or temporary storage area shall be planted immediately.
4. Timing of Planting: The best time to plant seedlings is while they are dormant, prior to spring budding. The most suitable months for planting are March and April, when the soil is moist, but may be planted from March through November. No planting shall be done while ground is frozen. Planting shall occur within one growing season of the issuance of grading/building permits and/or reaching the final grades and stabilization of planting areas.
5. Seedling Planting: Tree seedlings shall be hand planted using a dibble bar or sharp-shooter shovel. It is important that the seedling be placed in the hole so that the roots can spread out naturally; they should not be twisted, balled up or bent. Moist soil should then be packed firmly around the roots. Seedlings should be planted at a depth where their roots lie just below the ground surface. Air pockets should not be left after closing the hole which would allow the roots to dry out. See planting details for further explanation. If the contractor wishes to plant by another method, the preparer of this tree conservation plan must be contacted and give his approval before planting may begin.
6. Spacing: See Landscaping Plan for spacing requirements. Also refer to the Landscaping Plan for a description of the general planting theory, details this sheet.
7. Soil: Upon the completion of all grading operations, a soil test shall be conducted to determine what soil preparation and soil amendments, if any, are necessary to create good tree growing conditions. Soil samples shall be taken at a rate that provides one soil sample for each area that appears to have a different soil type (if the entire area appears uniform, then only one sample is necessary), and submitted for testing to a private company. The company of choice shall make recommendations for improving the existing soil. The soil will be tested and recommended for corrections of soil texture, pH, magnesium, phosphorus, potassium, calcium and organic matter.
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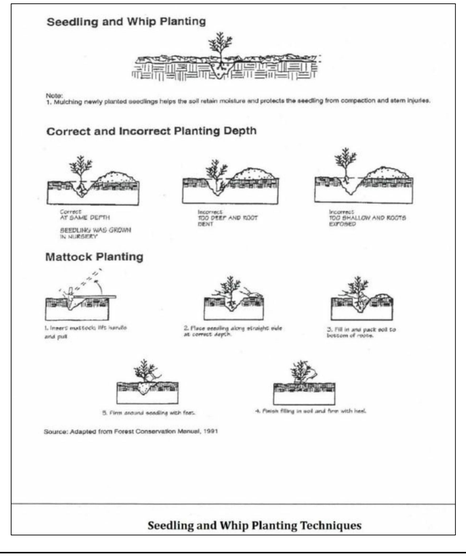
Planting Distribution Patterns



Tree Planting and Maintenance Calendar

PLANTING SPECIFICATIONS FOR WHIP AND SEEDLING STOCK

1. SITE SPECIFIC SOIL SAMPLING SHALL BE PERFORMED BY THE CONTRACTOR IN THE PLANTING AREA TO DETERMINE NECESSARY SOIL AMENDMENTS FOR THE PLANT MATERIALS SPECIFIED.
2. EXISTING SOIL SHALL BE TREATED, IF NECESSARY, SO AS TO ELIMINATE ANY HARMFUL OR INCOMPATIBLE HERBICIDES AND/OR PESTICIDES THAT MAY BE PRESENT. SOIL AMENDMENTS SUCH AS LIME AND FERTILIZER SHALL BE ADDED AS NEEDED IF DETERMINED TO BE NECESSARY. WITH SOME HERBICIDES, SUCH AS ATRIZINE, IT MAY BE NECESSARY TO WAIT A MINIMUM OF ONE YEAR AFTER THE LAST APPLICATION TO PLANT THE SITE.
3. COMPACTED OR DISTURBED AREAS WITHIN THE PLANTING AREA, IF NECESSARY, SHALL BE TREATED BY INCORPORATING NATURAL MULCH WITHIN THE TOP TWELVE (12) INCHES OF SOIL.
4. ALL INVASIVE AND EXOTIC, TREES, SHRUBS, VINES, AND HERBACEOUS VEGETATION SHALL BE REMOVED FROM THE PLANTING AREA PRIOR TO PLANTING. THE PLANTING SITE SHOULD BE MOWED PRIOR TO PLANTING IF IT DOES NOT CONTAIN JURISDICTIONAL WETLANDS AND/OR WATERWAYS.
5. AREAS THAT CAN BE TILLED WITHOUT DISTURBING JURISDICTIONAL WETLANDS AND/OR WATERWAYS SHALL BE TILLED PRIOR TO PLANTING.
6. INSTALL 24" X 24" BIODEGRADABLE WEED PRO WEED CONTROL TREE MATS OR THE EQUIVALENT, IN THE PROPER LOCATION FOR EACH INDIVIDUAL WHIP AND/OR SEEDLING TO CREATE A WEED BLOCKADE TO CONTROL COMPETING VEGETATION AND/OR INVASIVE SPECIES. TREE MATS ARE TO BE INSTALLED WITH A MINIMUM OF FOUR STABLES. IF WEED CONTROL MATS ARE NOT USED INDIVIDUAL TREES SHALL BE COVERED WITH MULCH (SEE DETAIL 3.8.7).
7. BARE ROOT STOCK SHALL BE PACKAGED AND HANDLED IN TRANSPORT AND IN THE FIELD SO AS TO RETAIN MOISTURE IN THE ROOTS. WHILE PLANTING, A MOIST CARRYING CONTAINER SHOULD BE USED TO PREVENT FURTHER DESICCATION (SEE DETAIL, 3.6.8).
8. IF SEEDLINGS CANNOT BE PLANTED WITHIN THREE (3) DAYS OF SHIPMENT, THEY SHALL BE HEELED IN (SEE DETAIL 3.6.3), AND MUST BE PLANTED BEFORE THEY START TO GROW.
9. WHIPS AND SEEDLINGS SHALL BE A MINIMUM OF 1/4" TO 1/2" CALIPER WITH ROOTS NO LESS THAN 8" LONG.
10. SEEDLINGS AND WHIPS SHOULD BE PLANTED IN ACCORDANCE WITH THE DETAILS PROVIDED HEREIN.
11. WHIPS AND SEEDLINGS SHALL BE TREATED WITH A PRE-PLANT ROOT DIP SUCH AS MYCOR-TREE MYCORRHIZAL ROOT DIP INOCULANTS OR EQUIVALENT WITH LIVE SPORES OF BENEFICIAL MYCORRHIZAL FUNGI, TERRA-SORB WATER ABSORBENT GEL, AND NATURAL BIOSTIMULANTS TO IMPROVE SEEDLING SURVIVAL AND GROWTH PRIOR TO PLANTING.
12. EACH WHIP AND/OR SEEDLING SHALL BE PLANTED WITH A LONG LASTING TIME RELEASED FERTILIZER TABLET OR SHOULD BE FERTILIZED AS NEEDED DURING THE TWO (2) YEAR MAINTENANCE PERIOD.
13. TREE PRO JUNIOR TREE PROTECTORS OR EQUIVALENT PHOTODEGRADABLE TREE PROTECTORS SHALL BE INSTALLED AROUND EACH INDIVIDUAL WHIP AND/OR SEEDLING TO PROTECT SEEDLINGS FROM HARMFUL ANIMALS AND TO INCREASE GROWTH POTENTIAL (SEE DETAIL).
14. PROTECTIVE DEVICES, SUCH AS FENCING AND/OR SIGNAGE, SHALL BE INSTALLED AROUND THE PERIMETER OF THE PLANTING AREA AS SPECIFIED ONCE PLANTING HAS OCCURRED.
15. DEVIATION FROM THESE SPECIFICATIONS AND DETAILS MAY BE MADE ONLY WITH APPROVAL OF THE PLAN PREPARER AND THE APPROVING AUTHORITIES.
16. REMOVE TREE PROTECTORS AND STAKES AS NECESSARY AFTER THE THREE-YEAR MAINTENANCE PERIOD. TREE SHELTERS SHALL ONLY BE REMOVED WHEN THE TREE DIAMETER REACHES 3 INCHES AND/OR THE TREE CAN SUPPORT ITSELF.
17. IF THE PLANTING AREA WAS TILLED PRIOR TO PLANTING, OVER-SEED THE PLANTING AREA WITH A SEED MIX CONSISTING OF COMMON OATS (OVINA SETIVA) AT A RATE OF 64 LBS/ACRE, RE-CLEANED SEED, AND ALSIKE CLOVER (TRIFOLIUM HYBIDUM) AT A RATE OF 8 LBS/ACRE. INOCULANT MATERIAL, ALFALFA/CLOVER POWDERED INOCULANT SHALL BE PROVIDED PROPORTIONALLY TO THE SEED MIX AS SPECIFIED ON THE INOCULANT PACKAGE.

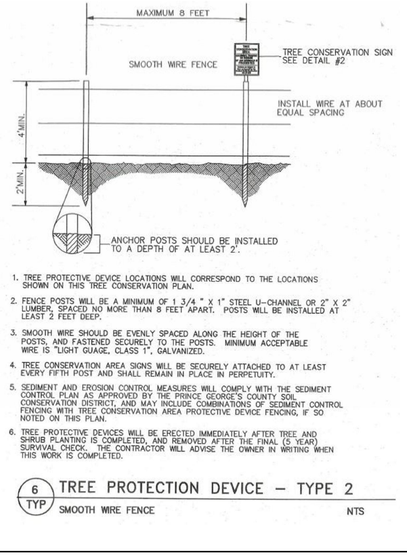


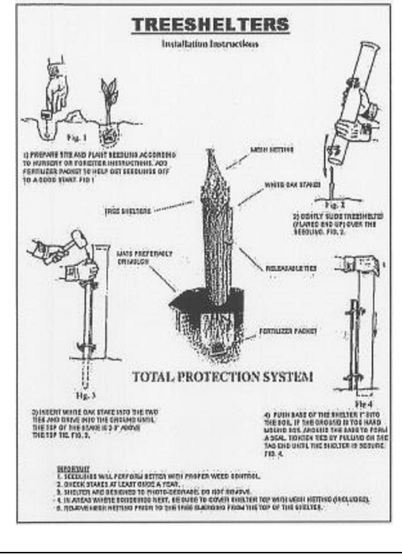
Seedling and Whip Planting Techniques

Size	Number Required per Acre	Approximate Spacing feet on center	Survivability Requirement At the end of the second growing season	
Bare Root Seedlings or Whips	700	8 x 8	75%	525
Container Grown Seedling Tubes (Minimum Cavity Width 1.5")	500	10 x 10	75%	375
Container Grown 1, 2, 3 Gallon	400	12 x 12	75%	300
Container Grown 5, 7 Gallon or 1" Caliper B & B	300	15 x 15	85%	255
Container Grown 15, 25 Gallon or 1.5 - 2" Caliper B & B	150	20 x 20	100%	150

Notes:
1. These stocking and survival requirements are the minimum numbers estimated to meet the definition of forest from bare land.
2. In certain circumstances, any combination of the above mentioned stocking options, dry seeding, tree shelters, transplants, and/or natural regeneration may be appropriate strategies to fulfill the requirements of an approved TCP. They will be evaluated on a case-by-case basis by the approving authority.
3. Spacing does not imply that trees or shrubs must be planted in a grid pattern.

Site Stocking





ECS - MID-ATLANTIC, LLC
1340 CHARWOOD ROAD
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ENGINEER	DRAFTING
AMM	LSC

SCALE: NTS
PROJECT NO.: 47:11763
SHEET: SP6
DATE: 11/18/2021


WARNING
7245
GOLD
CONTAINER
MGW.
TARE
NET
CU.CAP.

FREDERICK COUNTY PLANNING COMMISSION
February 12, 2025

TITLE: **Compost Crew at Utica Bridge Farms (Reapproval)**

FILE NUMBER: **SP19-17 (AP SP277005 APFO A277003)**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Development Plan reapproval for the establishment of a limited food waste composting facility located on a 29-acre Site.

PROJECT INFORMATION:

ADDRESS/LOCATION:	Located at 7245 Lakeview Road
TAX MAP/PARCEL:	Tax Map 40; Parcel 94
COMP. PLAN:	Agricultural/Rural
ZONING:	Agricultural (Ag)
PLANNING REGION:	Mountaindale
WATER/SEWER:	No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT:	Utica Bridge Farms, LLC
OWNER:	-same-
ENGINEER:	Smith + Gardner
ARCHITECT:	N/A
ATTORNEY:	N/A

STAFF: Cody Shaw, Principal Planner II

RECOMMENDATION: **Conditional Approval**

Enclosures:
Exhibit #1 – A/P 19894 Staff Report (to be printed under a separate cover)
Exhibit #2 – APFO Letter of Understanding
Exhibit #3 – Modification Requests

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting a new Site Development Plan approval for the establishment of a limited food waste composting facility located on a 29-acre Site that recently expired. The plan under review proposes no changes to the previously approved site plan.

Background

The original site plan for this proposed development was approved for a limited food waste composting facility on a 29-acre Site. The Frederick County Planning Commission approved the original Site Development Plan application (A/P 19894 titled “Key City Compost at Utica Bridge Farms) on January 12, 2022.

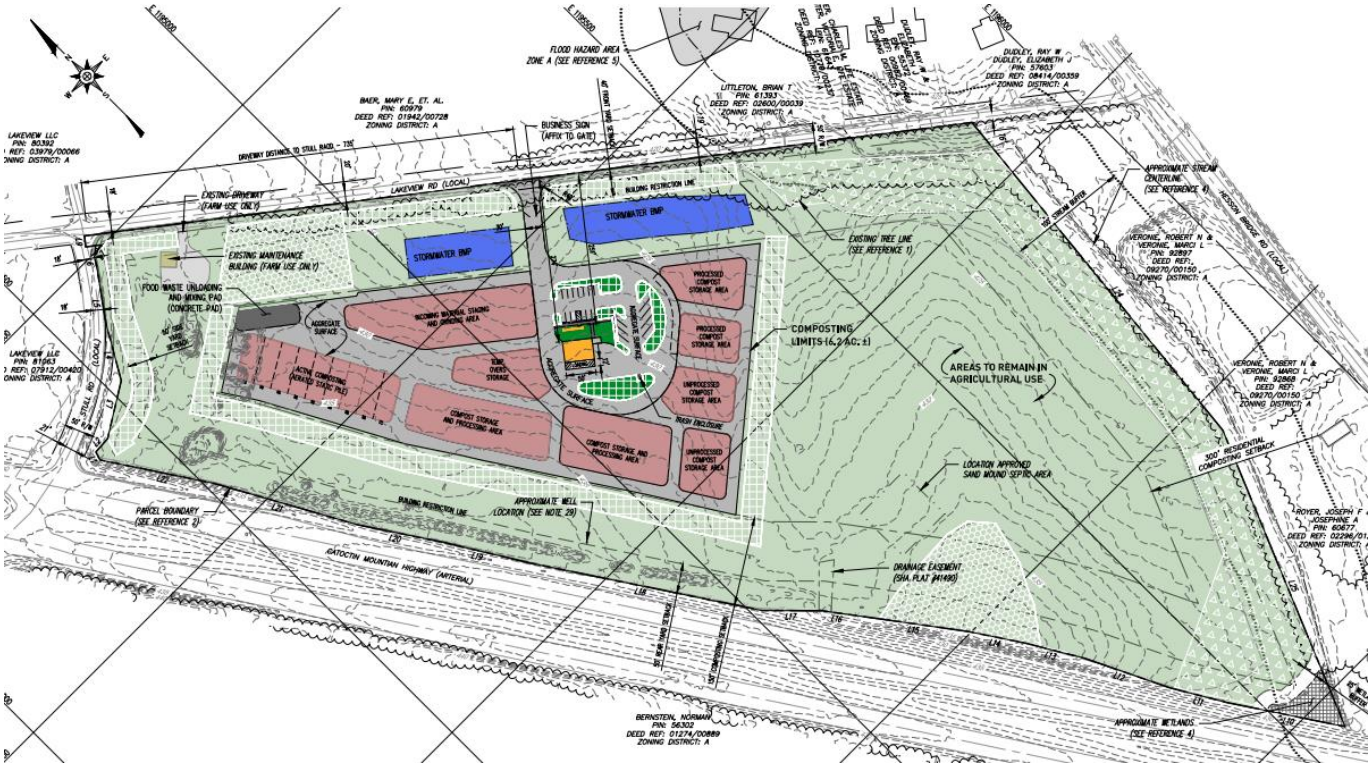
The original Site Development Plan (A/P 19894) approval is valid for three (3) years, or until January 12, 2025, in accordance with the Frederick County Zoning Ordinance. The APFO associated with the original site plan was valid for a period of three years and also expired on January 12, 2025.

ANALYSIS

The application is identical to the previously approved plan. There are no proposed alterations or change of design with this current site plan application. The only differences with this current application are as follows:

- Updated county file numbers
- Updated name for the Site (originally named “Key City Compost at Utica Bridge Farms” and proposed to be titled “Compost Crew at Utica Bridge Farms”)
- Updated notes explaining the reasoning for why this application has been submitted
- Revised and updated APFO Letter of Understanding

Graphic 1- Project Rendering



The staff report and all associated modfications originally submitted and approved for A/P 19894 Site Development Plan has been attached in support of this current application (Exhibit #1).

Other Applicable Requirements

Forest Resource Ordinance (FRO) – Chapter 1-21

The FRO Plan (A/P 19896) for the original site plan was approved on February 4, 2022. The plan set outlines the forest conservation mitigation requirements for the 8.32-acre Net Tract Area. This Net Tract Area contains no existing forest. The Applicant is required to provide 1.66 acres of afforestation. Total mitigation provided is 1.81 acres, comprised of 1.40 acres of afforestation planting and 0.41 acres of street tree and landscape credits.

Conditions of Approval

FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer: This Project Site is classified as no planned service. The Site will be served by well and septic.

Road Improvements: This Project generates 18 am and 18 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent street, per Section 1-20-30. In accordance with Section 1-20-12(H) of the APFO, the Applicant is required to pay its proportionate contributions toward existing road escrow accounts, a total of $26,975. Additionally, per Section 1-20-31, Stull Road and Lakeview Road shall be widened to 20 feet and restriped to meet commercial access requirements, as noted in the attached Letter of Understanding (LOU).

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval will expire on February 12, 2028.

APFO for this Site was previously approved on January 12, 2022 and subject to Letter of Understanding 19895. This APFO approval expired on January 12, 2025 prior to meeting the requirements listed in the LOU. The Site is subject to a new LOU (A277003) documenting a slight increase in the required pro rata escrow contributions and the identical road widening requirement.

Modifications

Several modifications were granted for the original Key City Compost at Utica Bridge Farms (A/P 19894). This application requests the reappoval of all previously approved modifications. The modifications that need reappoval are as follows:

1. A parking space modification to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.

2. A loading space modification to allow for one large loading space, rather than the one small loading space required.

3. A parking space modification to allow for 5 spaces to have an increased stall length of 22’ over the 18’ required.

Summary of Agency Comments

Other Agencies:	*Comment*
Office of Life Safety (DOLS)	Approved
Development Review Planning (DPZ)	Approved
Development Review Transportation Engineering (DRTE)	Approved
Division of Water and Sewer Utilities (DWSU)	Not applicable
Health Department (EH)	Approved
Public Works Development Review (PWDR)	Approved
Forest Conservation (FRO)	Approved
Adequate Public Facilities (APFO)	Approved
Street Name Review (STRNAME)	Approved
Historic Preservation (HISTORIC)	Approved
State Highway Administration (SHA)	Approved
Board of Education/Frederick County Public Schools (BOE)	Not applicable

RECOMMENDATION

Staff has no objection to the conditional approval of the Compost Crew at Utica Bridge Farms Site Development Plan.

If the Planning Commission approves the Site Development Plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through February 12, 2028).

Based upon the findings and conclusions as presented in the original staff report, the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following conditions are met and modifications granted:

Planning Commission reapproval of the following modification requests from the Applicant:

1. Approval of a Parking Space Modification Request under §1-19-6.220(A)(2) to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.

2. Approval of a Loading Space Modification Request under §1-19-6.210(A) to allow for one large loading space, rather than the one small loading space required.

3. Approval of a Parking Space Modification Request under §1-19-6.220(B) to allow for 5 spaces to have an increased stall length of 22’ over the 18’ required.

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

2. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION

MOTION TO CONDITIONALLY APPROVE

I move that the Planning Commission **CONDITIONALLY APPROVE** Site Development Plan SP19-17, AP SP277005, APFO A277003, **with conditions and modifications** as listed in the staff report for the Compost Crew at Utica Bridge Farms Site Plan, based on the findings and conclusions of the staff and the testimony, exhibits, and documentary evidence produced at the public meeting.

FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING AND PERMITTING
Jessica Fitzwater
County Executive
Deborah A. Carpenter, AICP, Division Director

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Compost Crew at Utica Bridge Farms

SP277005, F277004, A277003

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Compost Crew Inc, A Benefit Corporation ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Compost Crew at Utica Bridge Farms site plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied, and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 29.0 +/- acre parcel of land, which is zoned A (Agricultural) and located east of US 15, bounded by Stull Road on the north and Lakeview Road to the east. This APFO approval will be effective for the new development of a 6.2-acre composting facility as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on February 12, 2025.

Schools: Schools are not impacted because this is a commercial development

Water and Sewer: This property is classified as No Planned Service. The property will be served by private well and septic system.

Road Improvements: This Project generates 18 am and 18 pm weekday peak hour trips which does not exceed the 50 peak hour trip threshold required for APFO testing. In accordance with Section 1-20-31, the following improvements must be guaranteed and completed prior to the issuance of any permits:

1. Widen and restripe Stull Road and Lakeview Road from US 15 to the proposed site access on Lakeview Road to provide a 20' pavement width.

30 North Market Street, Frederick, MD 21701 • 301-600-1153 • Fax 301-600-1645
www.FrederickCountyMD.gov

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow account in the Project area:

1. US 15 at Auburn Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 4050 for median reconstruction at Auburn Road and turn lane enhancements at Fish Hatchery Road. The estimated cost of this Road Improvement is $533,391. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.69%. Therefore, the Developer hereby agrees to pay $ 3,680 to the escrow account for this Road Improvement.
2. US 15/Hessong Bridge Road Intersection: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3805 for the northbound acceleration lane. The estimated cost of the intersection improvement is $59,613. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $227 to the escrow account for this Road Improvement.
3. US 15 Median Reconstruction at Devilbiss Bridge Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3742 for the J-turn median construction. The estimated cost of the intersection improvement is $6,070,607. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $23,068 to the escrow account for this Road Improvement.

Therefore, prior to the issuance of any permits, the Developer hereby agrees to pay $26,975 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on February 12, 2028.

Disclaimer: This Letter pertains to APFO approval only and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

DEVELOPER: Compost Crew Inc, A Benefit Corporation

By: _____ Date: 01/09/2025

Developer/Owner/Contract Purchaser

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____

Chair or Secretary

ATTEST:

By: _____ Date: _____

Gary Hessong, Deputy Director

30 North Market Street, Frederick, MD 21701 • 301-600-1153 • Fax 301-600-1645
www.FrederickCountyMD.gov

November 22, 2024

Mr. Cody Shaw
Principal Planner
Frederick County Planning & Permitting
30 N. Market St.
Frederick, MD 21701

RE: Modification Request
Compost Crew at Utica Bridge Farms (A/P: SP277005)

Dear Mr. Shaw:

Compost Crew Inc, A Benefit Corporation is submitting this modification request for site plan approval of Application Number SP277005: Compost Crew at Utica Bridge Farms. As you are aware, the Applicant's previous approval[1] expires on January 12, 2025. This request, along with the accompanying site plan drawings, reflects the same conditions as the prior approval. The requested modifications are restated below:

1. The Applicant requests a variance from 1-19-6.210 to allow one (1) large loading space. Due to the nature of operations, process material and equipment may arrive on transfer trailers, which require larger unloading space than standard small loading areas.
2. The Applicant requests a variance from 1-19-6.220.A to allow 23 total parking spaces. The site will employ 12 full-time and 1 part-time personnel in addition to staging 9 company owned vehicles on-site. The proposed parking spaces will allow all 13 employees and 9 company vehicles to be parked while providing 1 additional space for visitors or accessible parking.
3. The Applicant requests a variance from 1-19-6.220.B to allow an increase in the stall dimensions for 5 parking spacing. These spaces will accommodate single-axle trucks (under 26,000 gross vehicle weight) without obstructing aisle access.

If you have any questions or require additional information, please contact me at (301) 202-4450 or by email, below.

Sincerely,

Compost Crew Inc, A Benefit Corporation

Kristie Blumer

Kristie Blumer
Senior Director, Composting
kristie@compostcrew.com

FREDERICK COUNTY PLANNING COMMISSION
January 12, 2022

TITLE: **Key City Compost at Utica Bridge Farms**

FILE NUMBER: **SP19-17, AP-19894 (APFO-19895, FRO-19896)**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Plan approval for the establishment of a limited food waste composting facility on a 5.95-acre Site within a 29-acre parcel.

PROJECT INFORMATION:

LOCATION:	7245 Lakeview Road, Thurmont, MD
TAX MAP/PARCEL:	Tax Map 40, Parcel 94
COMP. PLAN:	Agricultural/Rural
ZONING:	Agricultural
PLANNING REGION:	Frederick
WATER/SEWER:	Water -No Planned Service/Sewer – No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT:	Utica Bridge Farms, LLC
OWNER:	– same -
ENGINEER:	Smith + Gardner Engineers
ARCHITECT:	N/A
ATTORNEY:	N/A

STAFF: Cody Shaw, Principal Planner

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:
Exhibit 1 – Close view of Site
Exhibit 2 – Modification Requests
Exhibit 3 – Letter of Understanding

STAFF REPORT

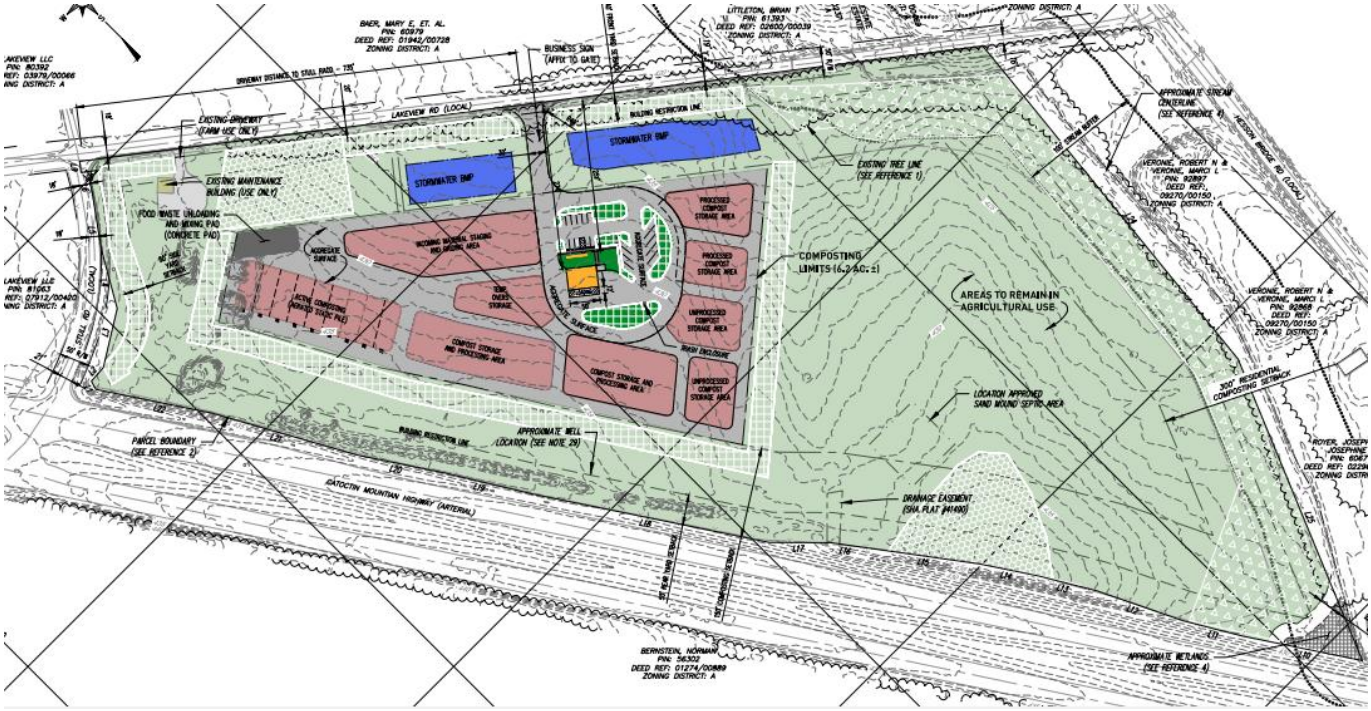
ISSUE

Development Request

The Applicant is requesting Site Plan approval to establish a limited food waste composting use on a portion of a 29-acre parcel. The Project is subject to the requirements of the Frederick County Code, specifically Sections 1-19-3.300 through 1-19-3.300.4 for Site Development Plan Review. The request is being reviewed under the use “limited food waste composting: commercial activity” per §1-19-5.310 Use Table in the Zoning Ordinance.

The Site is zoned ‘Agricultural’ and the proposed use is being reviewed under §1-19-8.408 Limited Food Waste Composting in the A District of the Zoning Ordinance. The site proposes several improvements, including a 320 sq ft office, a 6,800 sq ft maintenance building, and several areas that serve the composting operations. Composting operations areas include incoming material staging and grinding, compost storage and processing, and processed compost storage.

Figure 1 – Site Overview



BACKGROUND

Development History

The subject property is located in the Agricultural Zoning District. The Site has been an active agricultural field for many years. On September 4, 2018, Bill No. 18-22 was introduced to allow the use "limited food waste composting." It became effective December 15, 2018.

The Site has been operating recently performing composting operations on a scale of less than 5,000 sq ft, as permitted under 1-19-8.408 of the Zoning Ordinance All necessary permits and approvals to do this have been obtained. This proposed site plan application is to allow the composting to increase in size.

Existing Site Characteristics

The 29+/- acre property is located on the south side of Lakeview Road and on the north side of US 15. The subject Site, which consists of a 5.95 acre portion of the property, is currently an active agricultural field.

Figure 2 – Site Aerial – Existing Conditions

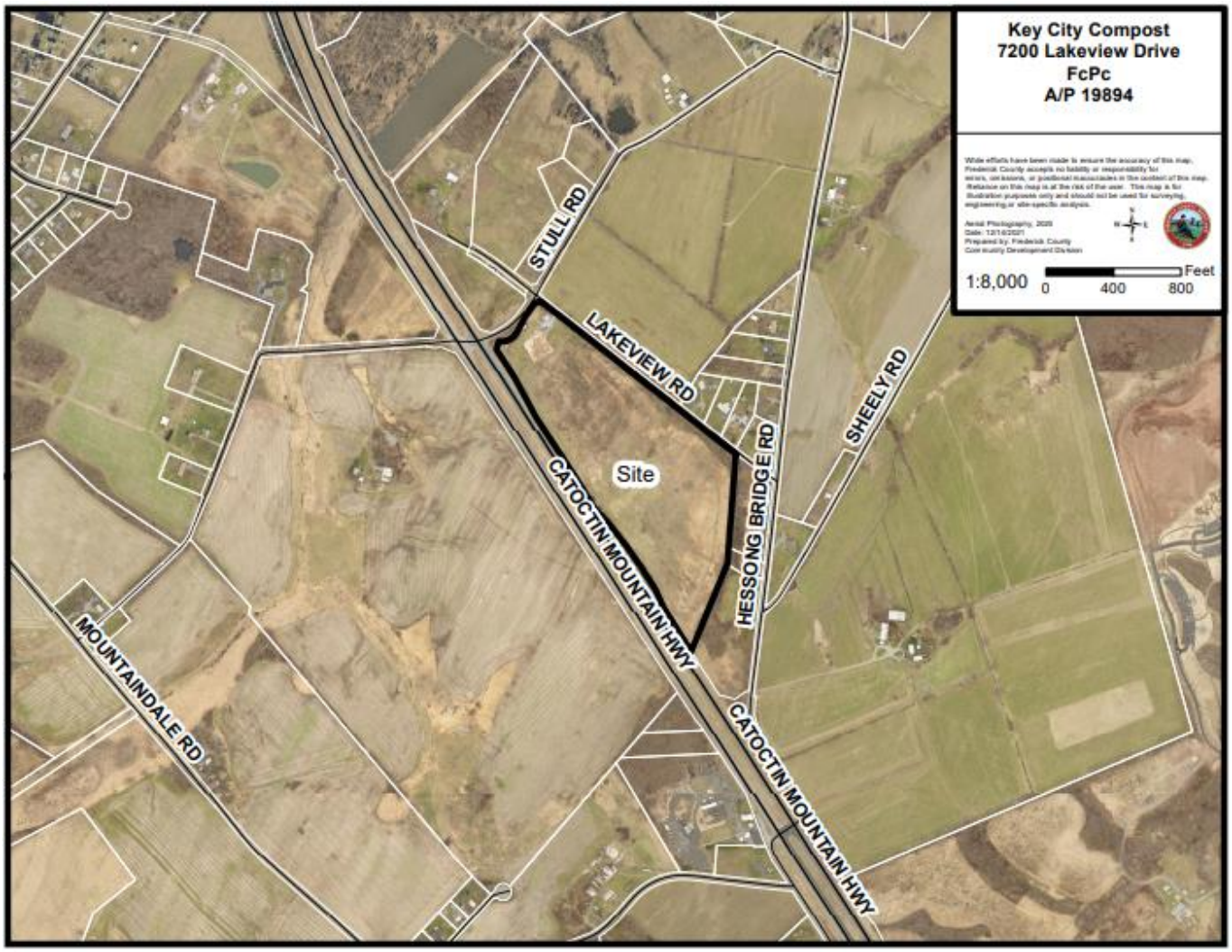
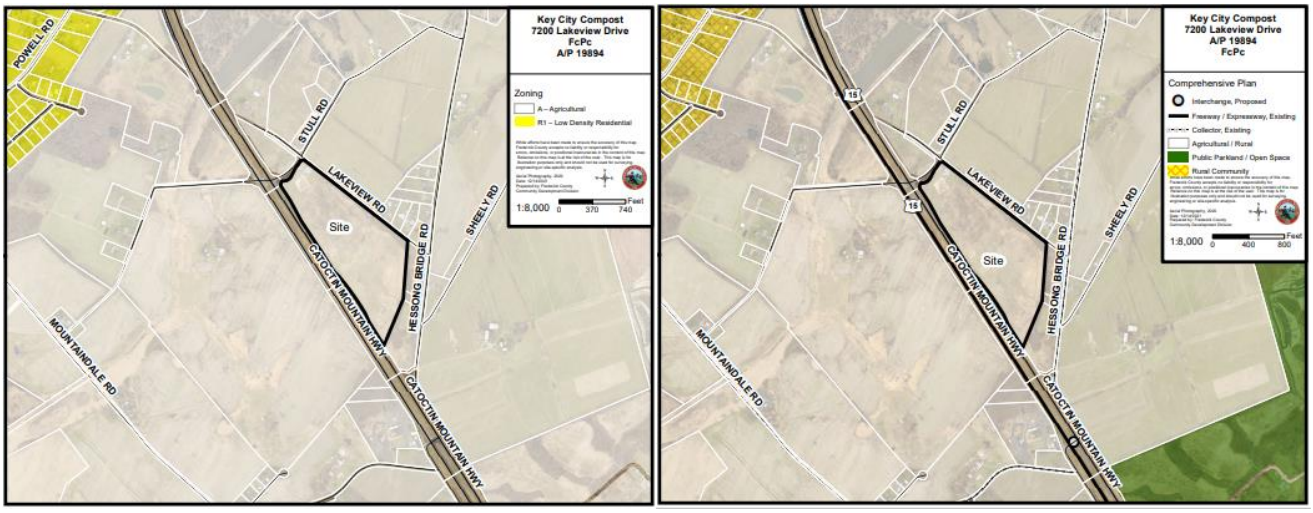


Figure 3 – Zoning / Comprehensive Plan



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development are:

- Demonstrating compliance with site design standards
- Demonstrating compliance with Maryland Historic National Road Model Design Guidelines.
- Demonstrating compliance with §1-19-8.408 Limited Food Waste Composting in the A District

Modification Requests:

- §1-19-6.220(A)(2): The Applicant is requesting a parking space modification to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.
- §1-19-6.210(A): The Applicant is requesting a loading space modification to allow for one large loading space, rather than the one small loading space required.
- §1-19-6.220(B): The Applicant is requesting a parking space modification to allow for 5 spaces to have an increased stall length over the standard 9'x18' to accommodate single axle trucks.

Detailed Analysis of Findings and Conclusions

Site Plan Approval shall be granted based upon the criteria found in:

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

Dimensional Requirements/Bulk Standards *§1-19-6.100*:

1. Per §1-19-6.100, setbacks require a 40' front yard, 50' side yard, and 50' rear yard. In addition to this, §1-19-8.408 states a minimum setback of 150 feet must be provided from the property lines and at least 300 feet must be provided from a dwelling not owned or operated by the operator of

the composting facility. All setbacks and dimensional standard have been met.

2. **Signage *§1-19-6.300*:** The appropriate sign category is "Business Identification within the RC or A District". The proposed signage is 24 sq ft and 8 feet high and meets the code requirements.

3. **Landscaping *§1-19-6.400*:** The landscaping shown on this plan contains a variety of plant species, which provide screening for the proposed commercial composting Site. The plan proposes a mix of evergreen and deciduous trees, and meets the predominately native species requirement with 84.7% of the plantings being native to Frederick County.

   The ordinance requires one street tree for every 35 feet of public street frontage, which equates to 91 street trees. Due to the nature of the site, the street tree requirement is being met with a combination of street trees, existing tree lines, FRO easements, and landscaping/screening buffers.

4. **Lighting *§1-19-6.500*:** The Site is proposing one lighting fixture to be mounted to the office structure, at a proposed 10 feet height. It will be downcast and will not emit light trespass or glare onto neighboring properties.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** One 30 +/-' wide entrance is proposed off of Lakeview Road. Site access requires the use of Stull Road and Lakeview Road and there are portions of each road that do not meet the 20' wide public road requirement. These deficient roads will be brought up to minimum width, allowing for safe truck access, as documented in the Letter of Understanding.

2. **Loading:** One small loading space is required, and one large loading space has been provided. A modification request has been submitted for this.

3. **Public Transit:** There is no local bus service for this Site.

4. **Parking:** 16 parking spaces are required, and 23 have been proposed. A modification request has been submitted to add the 7 additional spaces. A modification has also been submitted for 5 parking spaces to have an increased stall length of 22', instead of the 18' required by Code.

5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Site is not intended to have public visitors. There is a 24' wide aisle around the parking area and 24' wide aisle through the parking lot.

6. **Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required or proposed.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where*

proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

Findings/Conclusions

1. **Water and Sewer Classifications**: The Site is not served by public water or by public sewer and is currently classified as Water - No Planned Service and Sewer – No Planned Service in the Frederick County Water and Sewerage Plan.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography*:*** The Site has rolling topography with varying areas of elevation changes.
2. **Vegetation:** The Site is comprised of trees and is currently an agricultural field.
3. **Sensitive Resources:** There is a stream buffer located on the eastern portion of the Site and a wetland located on the southeast corner of the site.
4. **Natural Hazards:** There are no natural hazards located on Site that affect the development proposal.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

No common areas are required or proposed.

Other Applicable Regulations

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20

Schools: The Project is non-residential and not subject to schools testing.

Water and Sewer: This Project Site is classified as no planned service. The Site will be served by well and septic.

Road Improvements: This Project generates 18 am and 18 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent

street, per Section 1-20-30. In accordance with Section 1-20-12(H) of the APFO, the Applicant is required to pay its proportionate contributions toward existing road escrow accounts, a total of $22,337. Additionally, per Section 1-20-31, Stull Road and Lakeview Road shall be widened to 20 feet and restriped to meet commercial access requirements, as noted in the attached Letter of Understanding (LOU).

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval will expire on January 12, 2025.

Stormwater Management – Chapter 1-15.2

Stormwater Management will be provided via onsite facilities located throughout the Site.

Limited Food Waste Composting in the A District – Chapter 1-19-8.408

Findings/Conclusions

(A) All limited food waste composting activities and operations shall be located on land zoned agriculture. Food waste composting activities and operations shall be limited in size as follows:

(1) *10-acre limit:* Limited food waste composting activities and operations that exceed 10 acres must obtain approval of a solid waste floating zone designation.
The proposed food composting operations are under 10 acres in size.

(2) Limited food waste composting: agricultural activity. Activities and operations up to 5 acres in size shall not require site plan approval.
Not applicable.

(3) *Limited food waste composting: commercial activity.* Activities and operations require site plan approval and shall not exceed 10 acres in size.
This site plan application has been applied for and is under 10 acres in size.

(B) No portion of the limited food waste composting activity or operation shall be located within the floodplain district as defined in § 1-19-9.100.
None of the proposed food waste composting operations are located in a floodplain.

(C) All limited food waste composting activities and operations shall be set back a minimum of 25 feet from the floodplain district and 100 feet from the banks of rivers, streams, or other bodies of water.
All setbacks have been adhered to.

(D) Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.
This requirement must be complied with throughout the operation's lifespan.

(E) All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.
These setbacks are shown on the plan and have been met.

(F) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road. Commercial/Industrial entrance standards shall be utilized in the design of any point of access to a public road as determined to be necessary by the Frederick County traffic engineer.

The Applicant has proposed to widen Lakeview Road to the required 20'.

(J) All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.

This requirement must be complied with throughout the operation's lifespan.

(M) Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all federal and State of Maryland permits and other approvals.

All required federal/state/local permits will be required at the time of permitting.

Forest Resource Ordinance (FRO) – Chapter 1-21

The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan. The plan set outlines the forest conservation mitigation requirements for the 8.32-acre Net Tract Area. This Net Tract Area contains no existing forest and no specimen trees. The Applicant is required to provide 1.66 acres of afforestation. Total mitigation provided is 1.81 acres, comprised of 1.40 acres of afforestation planting and 0.41 acres of street tree and landscape credits.

Conditions of Approval

The Preliminary/Final FRO plan must be approved prior to Site Plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Historic Preservation – Chapter 1-23

This property does not have a historic designation.

Maryland Historic National Road

This application was reviewed for compliance with the *Corridor Management Plan for the US 15 Catoctin Mountain Scenic Byway*. This plan's vision is for the byway to serve as the gateway to Frederick County's scenic, natural, recreational, and historic opportunities with protected scenic views of farmsteads, orchards, and the Catoctin Mountains. To accomplish this vision, the *Management Plan* identifies several management strategies including strategies for conserving the intrinsic qualities along the Byway. For commercial development, the *Management Plan* identifies potential issues with building mass and size, parking lot design, and landscaping as these elements may impact the view from the Byway. The *Management Plan* suggests that adequately landscaped setbacks should be established to screen buildings and parking areas. The size of the landscaped setback area should be determined based on the height of the buildings and the position of the driver. Additionally, building mass should be broken down in scale through the use of fenestration, variation in roof and building height, and creative use of color and materials.

The Applicant has incorporated several of these strategies into the proposed project. The area is set 150 feet from the road with a landscape buffer surrounding the north, east, and south edges of the project. This landscape buffer will adequately screen the composting areas, parking lot, and buildings. Additionally, the proposed maintenance building is a simple design with the massing broken up with fenestration on the east, south, and west elevations and the use of different wall colors to provide a faux foundation. No renderings of the proposed office building were requested due to its very low impact to the scenic views. It is a one story building that will be obscured by the maintenance building and the

landscaping. Additionally, both buildings have taken advantage of the topography on the site and are sited lower than the existing Byway. Staff has no objection to the proposed project.

Findings/Conclusions

Based upon the review and analysis as provided above, Staff finds that the proposed application meets or will meet the Site Plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process to address all agency comments as the plan proceeds through to completion.

Summary of Agency Comments

Other Agency or Ordinance Requirements	***Comments***
Public Works Department:	Approved
Development Review Planning:	Conditionally Approved
Forest Resource (FRO):	Approved
Health Dept.:	Approved
Office of Life Safety:	Approved
Street Naming:	Approved
DPDR Traffic Engineering:	Approved
State Highway Administration:	Approved
Historic Review:	Approved
APFO Review:	Approved

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan for Key City Compost at Utica Bridge Farms. If the Planning Commission conditionally approves the Site Plan, it is valid for a period of three (3) years from the date of Planning Commission approval (valid through January 12, 2025).

Based upon the findings and conclusions as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

Planning Commission approval of the following modification requests from the Applicant:

1. Approval of a Parking Space Modification Request under §1-19-6.220(A)(2) to allow for 23 parking spaces, or 7 more spaces than the required 16 spaces.

2. Approval of a Loading Space Modification Request under §1-19-6.210(A) to allow for one large loading space, rather than the one small loading space required.

3. Approval of a Parking Space Modification Request under §1-19-6.220(B) to allow for 5 spaces to have an increased stall length of 22’ over the 18’ required.

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.

2. Remove FRO details from landscape plan and update the planting schedule to show the correct sizes of materials at planting (street trees and parking lot trees).

3. The Preliminary/Final FRO plan must be approved prior to Site Plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION

I move that the Planning Commission **APPROVE** the **Site Plan (SP19-17, AP 19894), including FRO (19896) and APFO (19895) with modifications and conditions** as listed in the staff report for the proposed **Key City Compost at Utica Bridge Farms**, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1 – Close view of site



Cody Shaw
Planning and Permitting Division, Frederick County
30 N. Market Street
Frederick, MD 21701

RE: Key City Compost at Utica Bridge Farms (AP 19894)

Mr. Shaw:

This letter is to respond to two (2) comments issued by the County on December 3, 2021. We are requesting a modification request to have more parking spaces than what is required and to have a larger loading space area than what is required.

Comment: If you are providing more parking spaces that what's required, you will need to provide a modification request. Provide a modification request with a statement of justification as to why you're requiring additional parking. Be sure to note it on the site plan as well. If you don't want a modification, please revise the parking so that you're providing the same amount of spaces that's required.

Request 1. I request a variance from 1-19-6.220.A to allow 23 total parking spaces. The site will employ 12 full-time and 1 part-time personnel and will maintain 9 company owned vehicles on-site. The proposed parking spaces will allow all 13 employees and 9 company vehicles to be parked while maintaining one (1) additional parking space for visitors or accessible parking.

Request 2. I request a variance from 1-19-6.220.B to allow an increase in stall dimensions for five (5) parking spaces. These spaces proposed will allow single axle trucks (less than 26,000 gross vehicle weight) to park without blocking aisles.

Comment: If a larger loading space is being provided than what's required, you will need to provide a modification request. Provide a modification request with a statement of justification as to why you're requesting a larger loading space than what's required. Be sure to note it on the site plan as well. If you don't want a modification, please revise the loading space so that you're providing the same size of loading space that's required.

Request 3. I request a variance from 1-19-6.210 to allow a large loading space. We may receive process materials or equipment on transfer trailers and a large loading space will allow these vehicles to unload and would be more adequate for the proposed use than a small loading space.

If you have any questions, please feel free to contact me at 818-762-4771 or rjp9999@aol.com.

Sincerely,



Richard Jefferies
Owner, Utica Bridge Farms

FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING AND PERMITTING
Department of Development Review and Planning

Jan H. Gardner
County Executive

Steve Horn, Division Director
Mike Wilkins, Director

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Key City Compost at Utica Bridge Farms

SP 19894, APFO 19895, FRO 19896, #SP19-17

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Key City Compost ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Key City Compost at Utica Bridge Farms site plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 29 +/- acre parcel of land, which is zoned A (Agricultural) and located east of US 15, bounded by Stull Road on the north and Lakeview Road to the east. This parcel This APFO approval will be effective for the new development of a 6.2 acre composting facility as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on January 12, 2022.

Schools: Schools are not impacted because this is a commercial development

Water and Sewer: This property is classified as No Planned Service. The property will be served by private well and septic system.

Road Improvements: This Project generates 18 am and 18 pm weekday peak hour driveway trips which does not exceed the 50 peak hour trip threshold required for APFO testing. In accordance with Section 1-20-31, the following improvements must be guaranteed and completed prior to the issuance of a building permit:

1. Widen and restripe Stull Road and Lakeview Road from US 15 to the proposed site access on Lakeview Road to provide a 20' pavement width.

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow account in the Project area:

1. US 15 at Auburn Road: the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 4050 for median reconstruction at Auburn Road and turn lane enhancements at Fish Hatchery Road. The estimated cost of this Road Improvement is $500,000. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.69%. Therefore, the Developer agrees to pay $3,450 to the escrow account for this Road Improvement.
2. US 15/Hessong Bridge Road Intersection: the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3805 for the northbound acceleration lane. The estimated cost of the intersection improvement is $48,334. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $184 to the escrow account for this Road Improvement.
3. US 15 Median Reconstruction at Devilbiss Bridge Road: the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3742 for the J-turn median construction. The estimated cost of the intersection improvement is $4,922,000. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $18,703 to the escrow account for this Road Improvement.

Therefore, prior to the issuance of building permits, the Developer hereby agrees to pay $22,337 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on January 12, 2022.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

DEVELOPER: ~~UTHA~~ UTICA BRIDGE FARMS, LLC

By: Richard L. Jefferies Date: 12/9/2021
Developer

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
Chair or Secretary

ATTEST:

By: _____ Date: _____
Gary Hessong, Deputy Director

Planner's Initials / Date _____
(Approved for technical content)

County Attorney's Office Initials / Date _____
(Approved as to legal form)

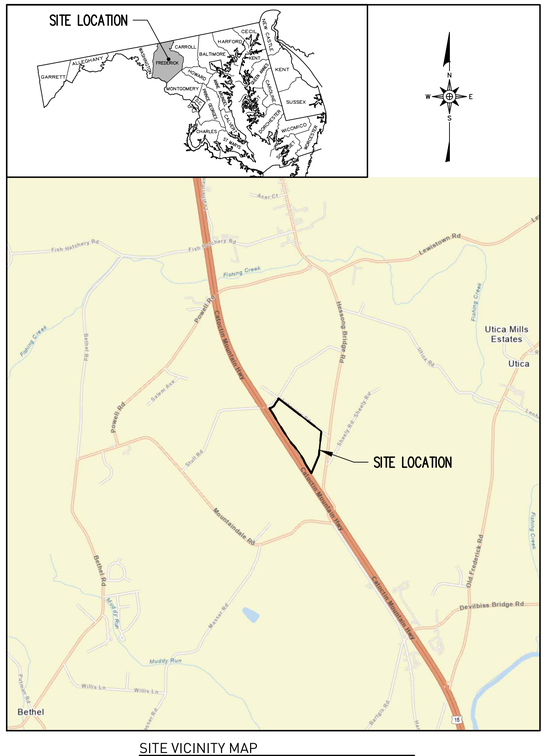
30 North Market Street, Frederick, MD 21701 • 301-600-1153 • Fax 301-600-1645
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COMPOST CREW AT UTICA BRIDGE FARMS

TYPE I SITE PLAN

SP 277005
PERMIT DRAWINGS
SITUATED AT 7245 LAKEVIEW ROAD
DECEMBER 2024



SITE VICINITY MAP
1" = 2,000'

SHEET NO.	DRAWING NO.	DRAWING TITLE	PREPARED BY	REVISION
1	--	TITLE-COVER SHEET	SMITH GARDNER, INC.	1
2	SP1	SITE OVERALL	SMITH GARDNER, INC.	1
3	SP2	COMPOST OPERATIONS PLAN	SMITH GARDNER, INC.	1
4	SP3	PARKING AND BUILDING PLAN	SMITH GARDNER, INC.	1
5	SP4	SIGHT DISTANCE CROSS SECTION	SMITH GARDNER, INC.	1
6	SP5	PLANTING PLAN (SHEET 1 OF 2)	ECS - MID-ATLANTIC, LLC	1
7	SP6	PLANTING PLAN (SHEET 2 OF 2)	ECS - MID-ATLANTIC, LLC	1

OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(818) 762-4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202-4450

SEAL

Signed by: Stacey D. Smith
3369FBA0088E445...
12/20/2024

STATE OF MARYLAND · STACEY A. SMITH · 55545 · PROFESSIONAL ENGINEER

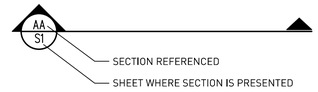
PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEERS UNDER THE LAWS OF THE STATE OF MARYLAND.

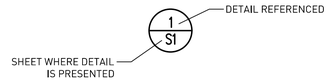
REV.	DATE	DESCRIPTION
1	12/19/24	RESPONSE TO FREDERICK CO.
		COMMENTS, 12/6/2024.

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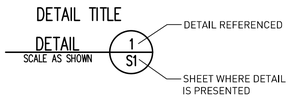
STANDARD SECTION LOCATION CALLOUT (SHEET AND DETAIL)



STANDARD DETAIL CALLOUT



STANDARD DETAIL LABEL AND CALLOUT



STANDARD REVISION CALLOUT (SHEET AND DETAIL)



NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488

SMITH+GARDNER
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

PERMIT ISSUE
NOT FOR CONSTRUCTION

FILE #: SP 19-17
A/P #: 277005

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6'

4'

COMPOST CREW
AT UTICA BRIDGE FARMS

MONDAY - SATURDAY
7:00 AM - 6:00 PM
7245 LAKEVIEW ROAD

COMPOST CREW
good to grow

EMERGENCY CONTACT
KRISTIE BLUMER
PHONE: (301) 202-4450

BUSINESS SIGN
N.T.S.

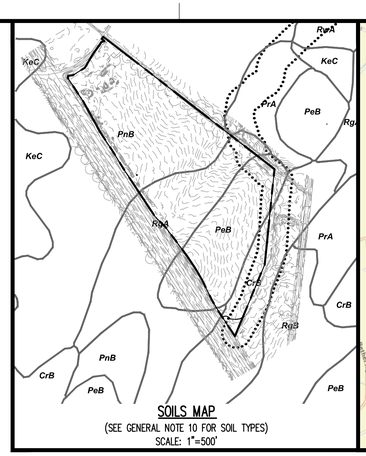
LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L1	S16° 37' 06"W	15.59'
L2	S86° 16' 57"W	30.14'
L3	S58° 11' 10"W	100.67'
L4	S30° 05' 22"W	102.52'
L5	S35° 51' 24"W	97.49'
L6	S30° 05' 06"W	15.03'
L7	S75° 08' 30"W	22.45'
L8	S52° 29' 26"E	25.90'
L9	S39° 03' 37"W	18.29'
L10	S33° 26' 25"E	204.04'
L11	S30° 34' 40"E	100.13'

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L12	S25° 50' 44"E	151.33'
L13	S30° 34' 40"E	100.13'
L14	S33° 26' 25"E	100.00'
L15	S36° 52' 26"E	200.36'
L16	S36° 52' 26"E	50.09'
L17	S44° 45' 00"E	101.98'
L18	S33° 26' 25"E	400.00'
L19	S31° 31' 53"E	150.08'
L20	S33° 26' 25"E	150.00'
L21	S28° 51' 58"E	250.00'
L22	S33° 26' 25"E	197.00'

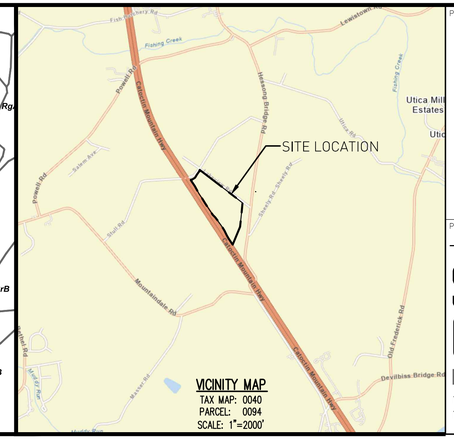
LIFE AND SAFETY NOTES
1. PREMISES IDENTIFICATION SHALL BE COMPLIANT WITH FREDERICK COUNTY ORDINANCE 05-01-362. THIS INCLUDES THAT DESIGNATION OF THE ADDRESS SHALL BE INCORPORATED IN ALL MONUMENTAL OR SITE SIGNS.
2. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE ACCESSIBLE DURING ALL TYPES OF WEATHER AND AT ALL TIMES.
3. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF 20 FEET.
4. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13'-6".
5. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE PROVIDED WITH A DURABLE ALL-WEATHER DRIVING SURFACE.
6. EACH COMMERCIAL BUILDING SHALL HAVE AN ACCESS BOX (KNOX BOX) FOR FIRE DEPARTMENT USE AT THE MAIN ENTRANCE.

REFERENCES
1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2019.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0450, EFFECTIVE SEPTEMBER 19, 2007.

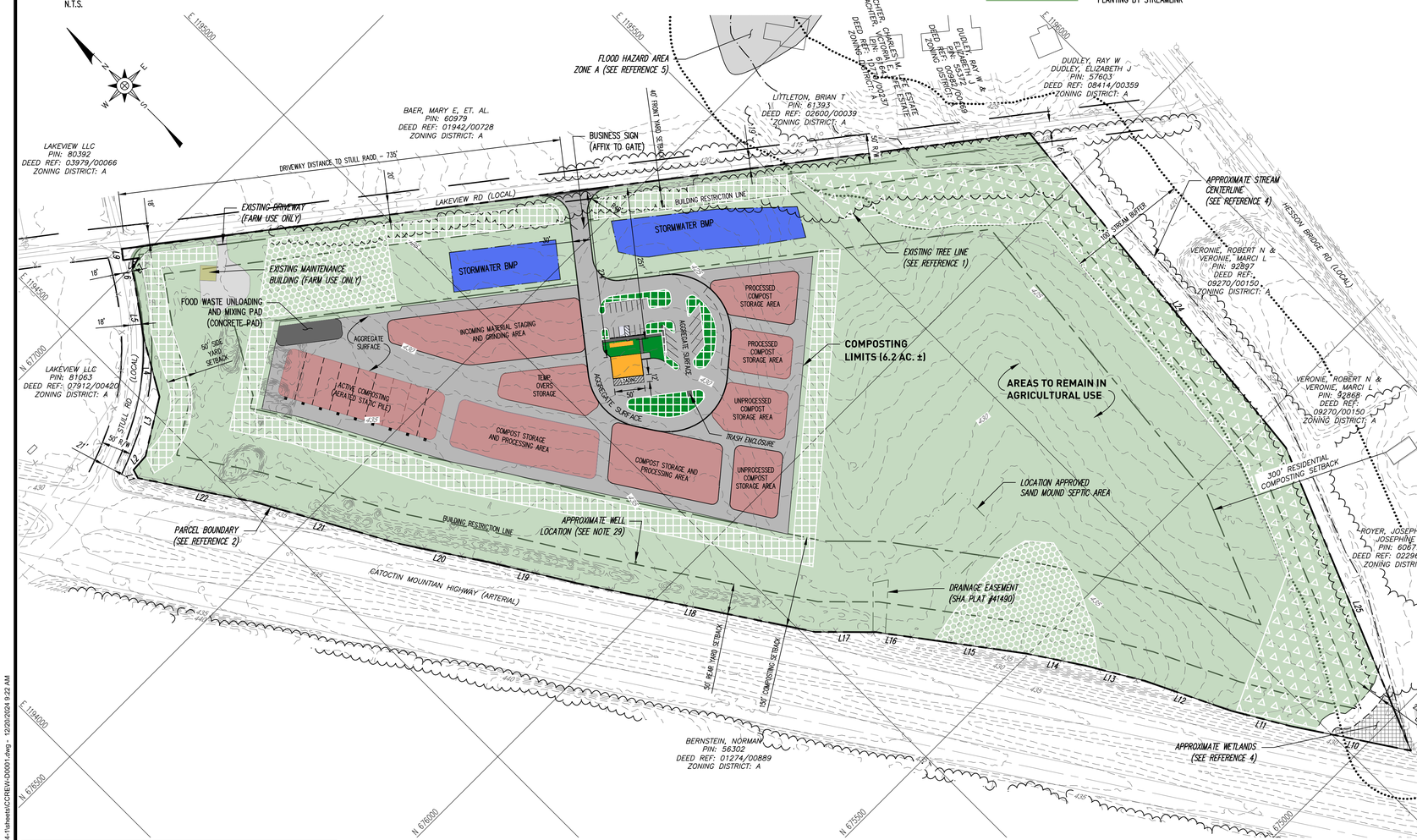
LEGEND
- EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID-ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECS MID-ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK



SOILS MAP
(SEE GENERAL NOTE 10 FOR SOIL TYPES)
SCALE: 1"=500'



VICINITY MAP
TAX MAP: 0040
PARCEL: 0094
SCALE: 1"=2000'



OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(818) 762-4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202-4450

GENERAL NOTES
1. PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRES ON JANUARY 12, 2025 COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY; A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A 'TIER 2 SMALL' COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7245 LAKEVIEW ROAD, THURMONT, MARYLAND 21778
3. LIBER 15016 / FOLIO 00491
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINDALE PLANNING REGION.
7. THERE IS 'NO PLANNED SERVICE' IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHING ZONE X OF THE FLOOD INSURANCE RATE MAP NO. 24021C0445D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 19, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2019 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    CRB – CROTON-ABBOTTSTOWN SILT LOAMS, 3 TO 8 PERCENT SLOPES
    PNB – PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
    PEB – PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    RGA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	300 FEET	1,550 FEET

12. AREA SUMMARY
    PROPERTY: 29.0± ACRES
    COMPOST OPERATIONS AREA: 6.2± ACRES
13. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    MAXIMUM HEIGHT: 30 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
    PROPOSED POLE BARN: 24 FEET (ONE-STORY, TO RIDGE OF ROOF)
    GROSS FLOOR AREA: 2,120 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 6 AND 50 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1-20-12(H)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICULAR TRIPS
    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY 1-19-6.220.A.4 FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION' REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 16 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    EXISTING: 5,800 SF (0.4%)
    PROPOSED: 267,900 SF (21.2%)
    TOTAL: 273,700 SF (21.6%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1-19-6.320 FOR 'BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS'
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUEST:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL-TIME AND 1 PART-TIME PERSONNEL AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1-19-6.220.B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

FILE #: SP19-17
A/P #: 277005
DUE DATE:

PERMIT ISSUE
NOT FOR CONSTRUCTION

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PREPARED FOR:
COMPOST CREW
good to grow
COMPOST CREW
AT UTICA BRIDGE FARMS

PREPARED BY:
NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488

SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

SEAL
STATE OF MARYLAND · STACEY A. SMITH · 35648 · PROFESSIONAL ENGINEER
Signed by: Stacy A. Smith 3369FBA0088B...
12/20/2024

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

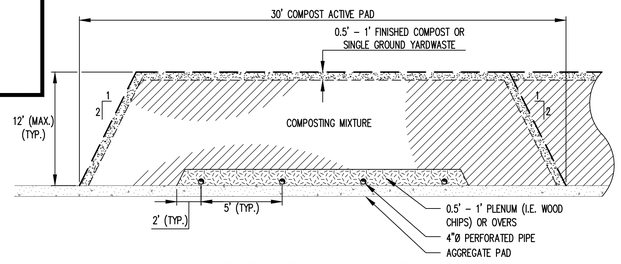
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PROJECT TITLE:
COMPOST CREW AT UTICA BRIDGE FARMS
SITUATED AT 7245 LAKEVIEW ROAD
FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5
FREDERICK COUNTY, MARYLAND

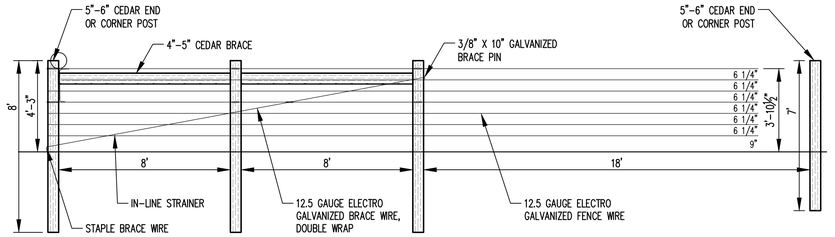
DRAWING TITLE:
TYPE I SITE PLAN
SITE OVERALL
SP 277005
APFO A277003
FRO 19896

DESIGNED: J.R.F.	PROJECT NO: COMPOST CREW 24-1
DRAWN: bsj	SCALE: AS SHOWN
APPROVED:	DATE: MARCH 2021
FILENAME: CCREW-D0001	
SHEET NUMBER: 2	DRAWING NUMBER: SP1

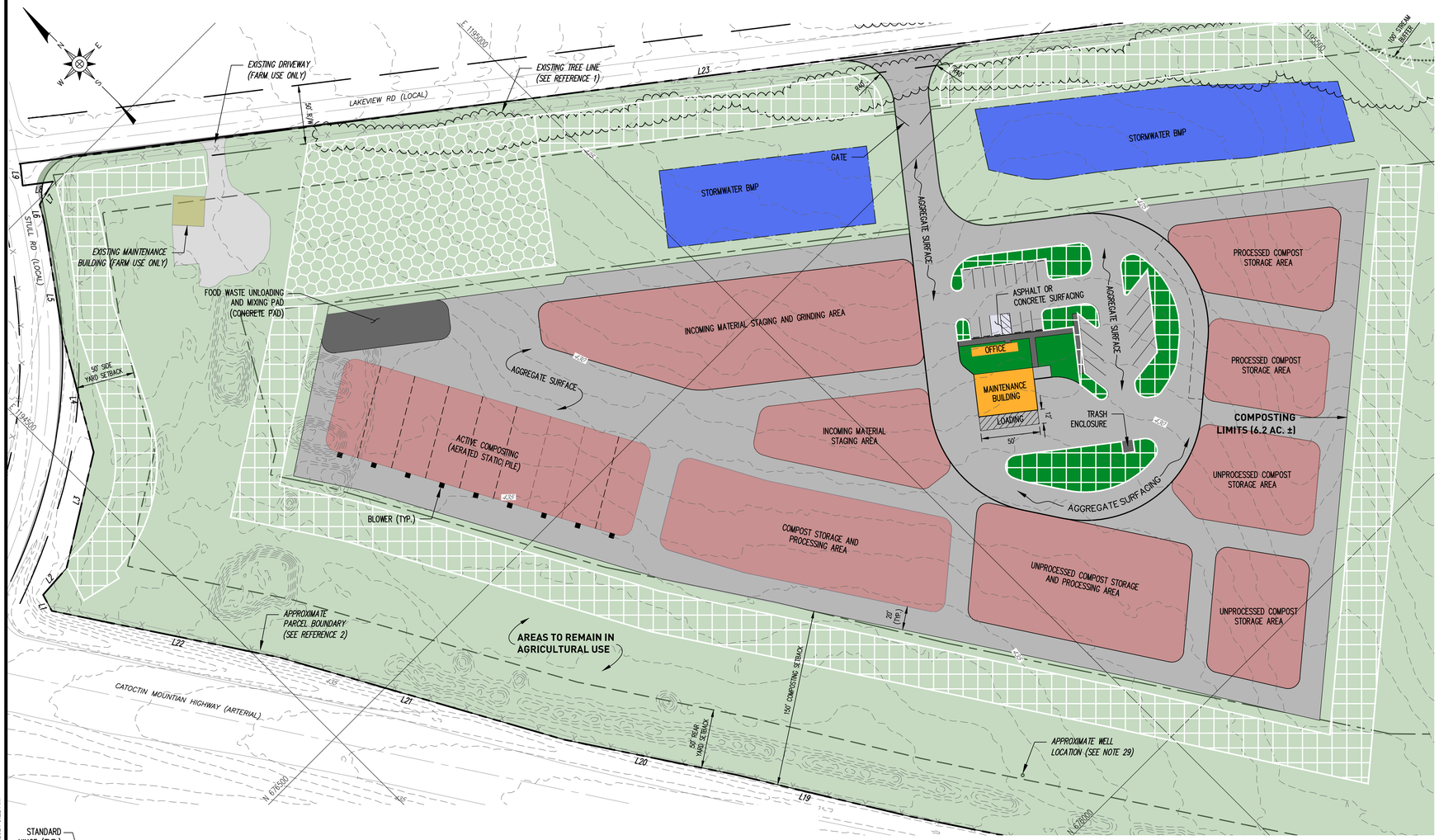
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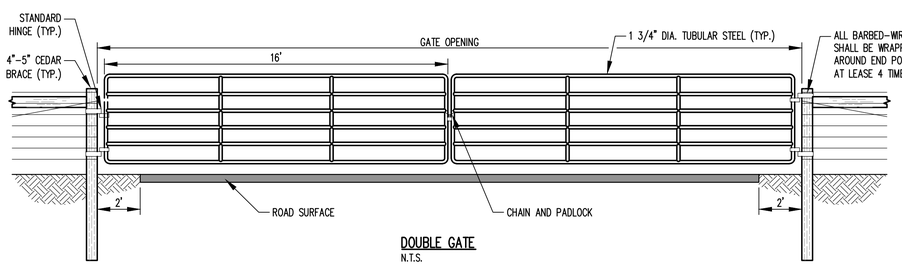


TYPICAL AERATED STATIC PILE CROSS SECTION
N.T.S.



7 STRAND HIGH TENSILE FENCEING
N.T.S.





DOUBLE GATE
N.T.S.

COMPOSTING NOTES
1. LIMITED FOOD WASTE COMPOSTING ACTIVITIES ARE COVERED UNDER THE GENERAL COMPOSTING PERMIT (GP–CF01) BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.
2. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL BE SET BACK A MINIMUM OF 25 FEET FROM THE FLOODPLAIN DISTRICT AND 100 FEET FROM THE BANKS OF RIVERS, STREAMS, OR OTHER BODIES OF WATER.
3. LIMITED FOOD WASTE COMPOSTING ACTIVITIES AND OPERATIONS SHALL NOT CAUSE ANY ODOR, DUST, SMOKE, VIBRATION, OR UNREASONABLE NOISE WHICH CAN BE DETECTED AT OR BEYOND ANY PROPERTY LINE.
4. ALL ACTIVITIES AND OPERATIONS ASSOCIATED WITH THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE LOCATED A MINIMUM OF 150 FEET FROM PROPERTY LINES AND AT LEAST 300 FEET FROM A DWELLING NOT OWNED OR OPERATED BY THE OPERATOR OF THE COMPOSTING FACILITY.
5. COMPOSTING OPERATIONS WILL MAINTAIN A 4 FEET SEPARATION FROM THE SEASONAL HIGH–WATER TABLE AS DETERMINED BY SCS ENGINEERS IN A MEMORANDUM DATED JULY 24, 2020.
6. THE APPLICANT SHALL MAINTAIN RECORDS DETAILING THE DATE AND SOURCE OF OFF–SITE GENERATED FOOD WASTE. THE RECORDS MUST BE MADE AVAILABLE TO THE ZONING ADMINISTRATOR UPON REQUEST.
7. ALL MATERIALS AT THE LIMITED FOOD WASTE COMPOSTING FACILITY SHALL BE SORTED AND PROCESSED IN A MANNER THAT PREVENTS HARBORING OR BREEDING OF INSECTS OR ANIMALS, AND PREVENTS CREATION OF ODOR, LITTER, OR OTHER NUISANCES THAT MAY BE HARMFUL TO THE PUBLIC HEALTH OR THE ENVIRONMENT.
8. ALL INCOMING MATERIALS ASSOCIATED WITH FOOD WASTE MUST BE INCORPORATED INTO THE COMPOSTING PROCESS WITHIN 24 HOURS. LIQUIDS MUST BE CONTROLLED TO PREVENT RUN OFF DURING OFFLOADING, STORAGE, AND PROCESSING OF ALL RECEIVED WASTES.
9. GRINDING WILL ONLY OCCUR BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY.
10. MARYLAND DEPARTMENT OF THE ENVIRONMENT CONTACT INFORMATION:
    RESOURCE MANAGEMENT PROGRAM: (410) 537–3314

0 50' 100' 150'

PERMIT ISSUE
NOT FOR CONSTRUCTION

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G:\CAD\Compost Crew\CompostCrew 24-1\sheets\CCREW-D0001.dwg - 12/20/2024 9:23 AM

OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(818) 762–4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202–4450

REFERENCES
1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2019.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0045D, EFFECTIVE SEPTEMBER 19, 2007.

LEGEND
- EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID–ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECS MID–ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINK

GENERAL NOTES
1. PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRES ON JANUARY 12, 2025 COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY; A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A 'TIER 2 SMALL' COMPOST FACILITY WHICH CAN PRODUCE UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
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3. LIBER 15016 / FOLIO 00491
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
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    CRB – CROTON–ABBOTTSTOWN SILT LOAMS, 3 TO 8 PERCENT SLOPES
    PNB – PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
    PEB – PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    RGA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	300 FEET	1,550 FEET

12. AREA SUMMARY
    PROPERTY: 29.0± ACRES
    COMPOST OPERATIONS AREA: 6.2± ACRES
13. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    MAXIMUM HEIGHT: 30 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE–STORY)
    PROPOSED POLE BARN: 24 FEET (ONE–STORY, TO RIDGE OF ROOF)
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16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 6 AND 50 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1–20–12(H)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
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    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY 1–19–6.220.A.4 FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION' REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 16 SPACES
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20. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
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21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
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    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUEST:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL–TIME AND 1 PART–TIME PERSONNEL AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON–SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.220.B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

FILE #: SP19–17
A/P #: 277005
DUE DATE:

PREPARED FOR:

COMPOST CREW
good to grow

COMPOST CREW
AT UTICA BRIDGE FARMS

PREPARED BY:

NC LIC. NO. F–1370 (ENGINEERING)
SC COA NO. C01488

SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

SEAL

STATE OF MARYLAND — STACEY A. SMITH — 35648 — PROFESSIONAL ENGINEER

Signed by: Stacey A. Smith
3369FBA0088B4...
12/20/2024

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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PROJECT TITLE:

COMPOST CREW AT UTICA BRIDGE FARMS

SITUATED AT 7245 LAKEVIEW ROAD

FREDERICK COUNTY ELECTION DISTRICT NO. 5

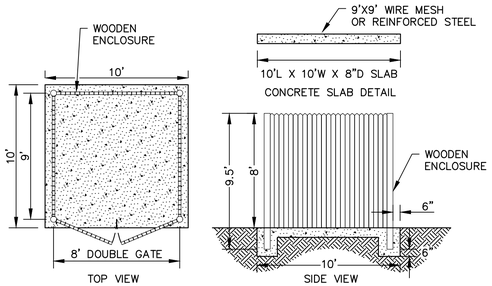
FREDERICK COUNTY, MARYLAND

DRAWING TITLE:

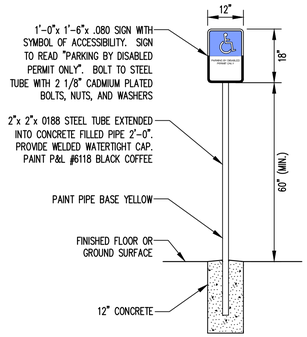
TYPE I SITE PLAN
COMPOST OPERATIONS PLAN
SP 277005
APFO A277003
FRO 19896

DESIGNED: J.R.F.	PROJECT NO.: COMPOST CREW 24-1
DRAWN: J.R.F.	SCALE: AS SHOWN
APPROVED: S.A.S.	DATE: MARCH 2021
FILENAME: CCREW–D0001	
SHEET NUMBER: 3	DRAWING NUMBER: SP2

Docusign Envelope ID: F5215B0B-F1C4-4A28-95F7-A07C92BFBAAD



TRASH ENCLOSURE
N.T.S.



ACCESSIBLE PARKING SPACE SIGN
N.T.S.

OWNER/APPLICANT INFORMATION

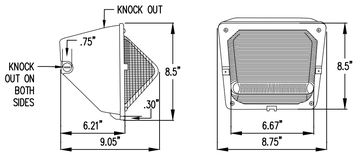
APPLICANT:	UTICA BRIDGE FARMS, LLC
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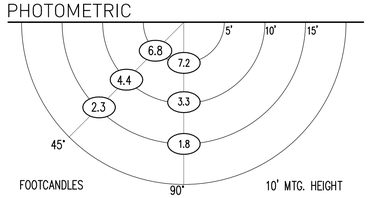
LEGEND
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- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- PROPOSED FRO LANDSCAPE (BY ECS MID-ATLANTIC LLC))



DIMENSIONS:



PHOTOMETRIC



WALL PACK FIXTURE
N.T.S.

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LOT WIDTH:	300 FEET	1,550 FEET

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PERMIT ISSUE
NOT FOR CONSTRUCTION

FILE #:	SP19-17
A/P #:	277005
DUE DATE:	

PREPARED FOR:
COMPOST CREW
good to grow
COMPOST CREW
AT UTICA BRIDGE FARMS

PREPARED BY:
NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488
SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

SEAL
Signed by: Stacy R. Smith 3369FBA0088B...
STATE OF MARYLAND · STACY R. SMITH · 55648 · PROFESSIONAL ENGINEER
12/20/2024

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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PROJECT TITLE:
COMPOST CREW AT UTICA BRIDGE FARMS

SITUATED AT 7245 LAKEVIEW ROAD

FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5

FREDERICK COUNTY, MARYLAND

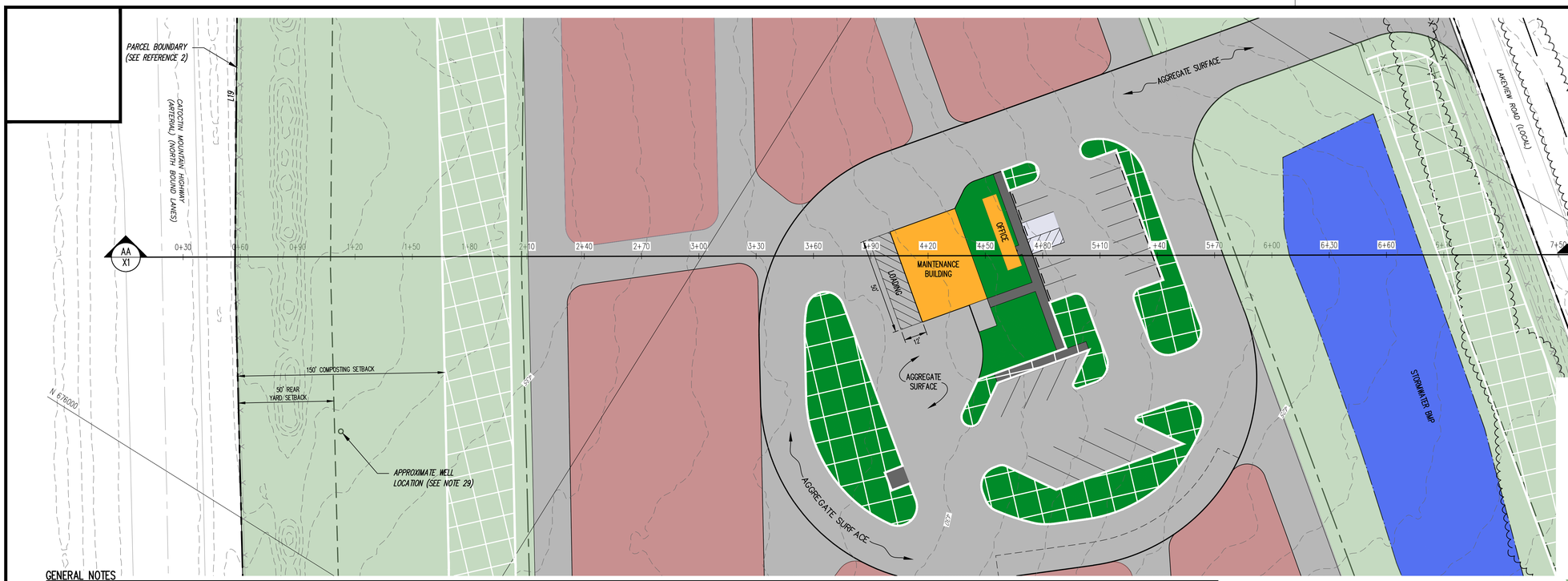
DRAWING TITLE:
TYPE I SITE PLAN PARKING AND BUILDING PLAN
SP 277005
APFO A277003
FRO 19896

DESIGNED: J.R.F.	PROJECT NO.: COMPOST CREW 24-1
DRAWN: C. Bsj.	SCALE: AS SHOWN
APPROVED: J.F.	DATE: MARCH 2021
FILENAME: CCREW-D0001	
SHEET NUMBER: 4	DRAWING NUMBER: SP3

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GENERAL NOTES

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3. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
4. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
5. THE PROPERTY IS WITHIN THE MOUNTAINDALE PLANNING REGION.
6. THERE IS 'NO PLANNED SERVICE' IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
7. THE PROPERTY LIES WITHING 'ZONE X' OF THE FLOOD INSURANCE RATE MAP NO. 24021C0345D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 19, 2007.
8. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2019 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
9. SOIL TYPES WITHIN THE PROPERTY ARE:
   CRB – CROTON–ABBOTTSTOWN SILT LOAMS, 3 TO 8 PERCENT SLOPES
   PNB – PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
   PEB – PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
   RGA – READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
10. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	29 ACRES
LOT WIDTH:	300 FEET	1,550 FEET

11. AREA SUMMARY
    PROPERTY: 29.0± ACRES
    COMPOST OPERATIONS AREA: 6.2± ACRES
12. SETBACKS
    FRONT YARD: 40 FEET
    SIDE YARD: 50 FEET
    REAR YARD: 50 FEET
13. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
14. BUILDING HEIGHT
    MAXIMUM HEIGHT: 30 FEET
    PROPOSED OFFICE: 13.5 FEET (ONE–STORY)
    PROPOSED POLE BARN: 24 FEET (ONE–STORY, TO RIDGE OF ROOF)
    GROSS FLOOR AREA: 2,120 SQUARE FEET
15. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 6 AND 50 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1–20–12(H)) AS OUTLINED IN THE ATTACHED LETTER OF UNDERSTANDING (LOU). THE DEVELOPMENT IS PROJECTED TO GENERATED 18 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    EXPECTED VEHICULAR TRIPS
    WEEKDAY AM PEAK: 18 TOTAL TRIPS
    WEEKDAY PM PEAK: 18 TOTAL TRIPS
16. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
17. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
18. PARKING AS REQUIRED BY 1–19–6.220.A.4 FOR 'ALL INDUSTRIAL USE AND SOLID WASTE OPERATION' REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 16 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL
19. LOADING
    REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
20. NO BICYCLE PARKING IS REQUIRED.
21. IMPERVIOUS SURFACE
    EXISTING: 5,800 SF (0.4%)
    PROPOSED: 267,900 SF (21.2%)
    TOTAL: 273,700 SF (21.6%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON–SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE–CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY 1–19–6.320 FOR 'BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS'
    MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONVERTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUEST:
    A. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.210 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PROCESS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    B. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 12 FULL–TIME AND 1 PART–TIME PERSONNEL AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON–SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    C. THE APPLICANT REQUESTS A VARIANCE FROM 1–19–6.220.B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

LEGEND

- EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 3)
- EXISTING CATTLE FENCE
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID–ATLANTIC LLC)

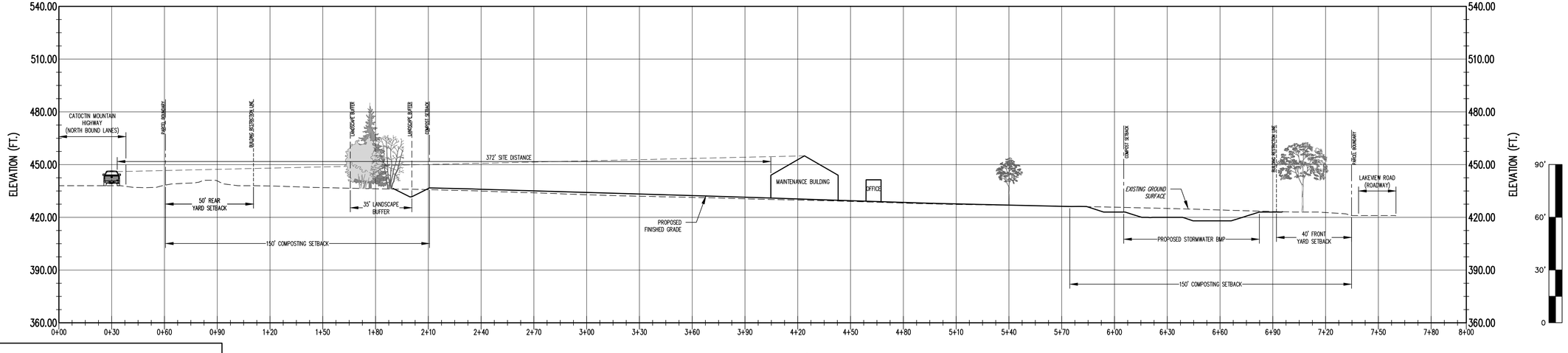
0 30' 60' 90'

OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10616 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(818) 762–4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202–4450

REFERENCES

1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2019.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2019.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C045D, EFFECTIVE SEPTEMBER 19, 2007.



CROSS SECTION AA / X1
NOT TO SCALE

0 30' 60' 90'

PERMIT ISSUE
NOT FOR CONSTRUCTION

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G:\CAD\Compost Crew\CompostCrew 24-1\sheets\CCREW-D0001.dwg – 12/20/2024 9:22 AM

PREPARED FOR:

COMPOST CREW
good to grow

COMPOST CREW
AT UTICA BRIDGE FARMS

PREPARED BY:

NC LIC. NO. F-1370 (ENGINEERING)
SC COA NO. C01488

SMITH+ GARDNER
ENGINEERS
14 N. Boylan Avenue, Raleigh NC 27603 | 919.828.0577
1526 Richland St., Columbia SC 29201

SEAL

STATE OF MARYLAND — STACEY A. SMITH — 35949 — PROFESSIONAL ENGINEER

Signed by: Stacey A. Smith
3369FBA0088B4...
12/20/2024

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

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PROJECT TITLE:

COMPOST CREW AT UTICA BRIDGE FARMS

SITUATED AT 7245 LAKEVIEW ROAD

FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5

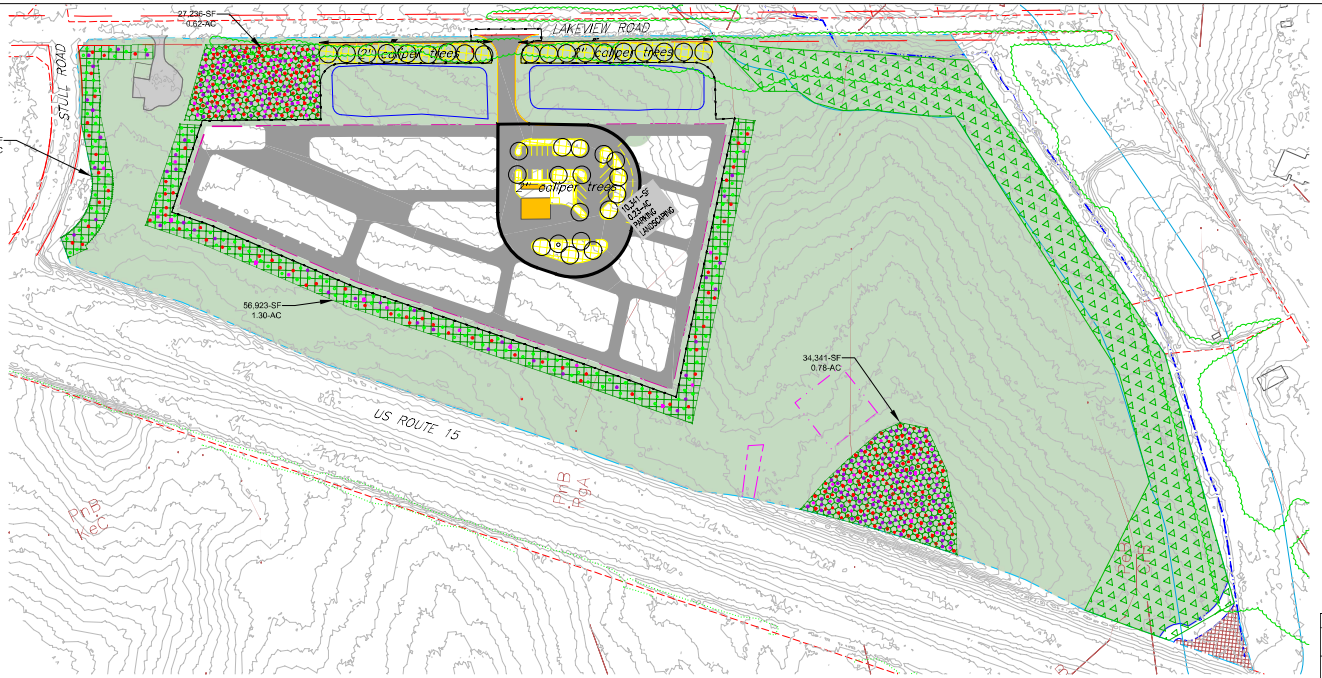
FREDERICK COUNTY, MARYLAND

DRAWING TITLE:

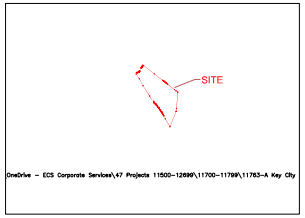
TYPE1 SITE PLAN
SIGHT DISTANCE CROSS SECTION
SP 277005
APFO A277003
FRO 19896

DESIGNED: J.R.F.	PROJECT NO: COMPOST CREW 24-1
DRAWN: BSJ	SCALE: AS SHOWN
APPROVED:	DATE: MARCH 2021
FILENAME: CCREW-D0001	
SHEET NUMBER: 5	DRAWING NUMBER: SP4

FILE #: SP19–17	
A/P #: 277005	
DUE DATE:	



BASE MAPPING SOURCE: SMITH & GARDNER ENGINEERS



VICINITY MAP 1" = 2,000'
TAX MAP 40, GRID 21, PARCEL 94
ACCOUNT NO. 20-394129
SOURCE: POINTFINDER SUITE



SOIL MAP

Map Unit Symbol	Map Unit Name	Hydric Soil	K-Value
CrB	Croton-Abbottstown silt loams, 3 to 8 percent slopes	Yes	.37
PeB	Penn channery loam, 3 to 8 percent slopes	No	324
PnB	Penn silt loam, 3 to 8 percent slopes	No	.37
RgA	Readington silt loam, 0 to 3 percent slopes	Yes	.43

LEGEND

- PROPOSED LANDSCAPE BUFFER
- PROPOSED FRO EASEMENT
- 1-FOOT CONTOURS
- STREAM
- STREAM BUFFER
- SOILS (PnB / RgA)
- APPROXIMATE WETLAND AREA
- 25' WETLAND BUFFER (W)
- FLOOD HAZARD ZONE (OFFSITE)
- PROPOSED STORMWATER FEATURE
- PROPOSED PAVEMENT
- PROPOSED BUILDING
- EXISTING SEPTIC AREA
- STREET TREES
- EXISTING STRUCTURE
- ADJACENT PARCEL BOUNDARIES
- PROPOSED LIMITS OF DISTURBANCE (LOD)
- APPROVED RIPARIAN PLANTINGS BY STREAMLINK
- EXISTING TREELINE

NOTES:
1. NO FOREST AREA CURRENTLY EXISTS ONSITE.
2. RIPARIAN AREA HAS BEEN PLANTED BY STREAMLINK DNR GRANT AND THEREFORE CANNOT BE PLANTED IN ASSOCIATION WITH FRO.
3. STREET TREE REQUIREMENT IS BEING MET VIA PROPOSED STREET TREES, FRO, EXISTING TREE LINES, AND LANDSCAPING SCREENING PLANTINGS.

OWNER/APPLICANT:
UTICA BRIDGE FARMS, LLC
7245 LAKEVIEW ROAD,
FREDERICK MD 21701
818-762-4771

LANDSCAPING LEGEND

SYMBOL	COMMON NAME	BOTANICAL NAME
EVERGREEN TREES		
	EASTERN WHITE PINE*	PINUS STROBUS
	VIRGINIA PINE*	PINUS VIRGINIANA
	EASTERN RED CEDAR*	JUNIPERUS VIRGINIANA
	AMERICAN RED PINE	PINUS RESINOSA
	WHITE SPRUCE	PICEA GLAUCA
	BALSAM FIR	ABIES BALSAMEA
	FRASER FIR	ABIES FRASERI
	BALD CYPRESS*	TAXODIUM DISTICHUM
DECIDUOUS TREES		
	YELLOW BIRCH*	BETULA ALLEGHANIENSIS
	SWAMP WHITE OAK*	QUERCUS BICOLOR
	TULIP POPLAR*	LIRIODENDRON TULIPIFERA
	SWEET BIRCH*	BETULA LENTA
	WHITE OAK*	QUERCUS ALBA
	BLACK LOCUST*	ROBINIA PSEUDOACACIA
	BLACK WALNUT*	JUGLANS NIGRA
	PIN OAK*	QUERCUS PALUSTRIS
	SHAGBARK HICKORY*	CARYA OVATA
	RED OAK*	QUERCUS RUBRA
	RED MAPLE*	ACER RUBRUM
	AMERICAN SWEETGUM**	LIQUIDAMBAR STYRACIFLUA
	BLACK WILLOW*	SALIX NIGRA
	SHELLBARK HICKORY*	CARYA LACINIOSA
	BASSWOOD*	TILIA GLABRA
SHRUBS		
	ELDERBERRY*	SAMBUCUS CANADENSIS
	GRAY DOGWOOD*	CORNUS RACEMOSA
	BUTTONBUSH	CEPHALANTHUS OCCIDENTALIS
	REDBUD*	CERCIS CANADENSIS

* NATIVE TO FREDERICK COUNTY
** NATURALIZED ADDITION TO FREDERICK COUNTY

Planting Specification Notes
1. Type: see planting schedules this sheet and cover sheet.
2. Plant Quality Standards: The plants selected shall be healthy and sturdy representatives of their species. Seedlings shall have a minimum top growth of 18". The diameter of the root collar (the part of the root just below ground level) shall be at least 3/8". The roots shall be well developed and at least 8" long. No more than twenty –five percent (25%) of the root system (both primary and auxiliary/fibrous roots shall be present. Plants that do not have an abundance of well developed terminal buds on the leaders and branches shall be rejected. Plants shall be shipped by the nursery immediately after lifting from the field or removal from the green house, and planted immediately upon receipt by the landscape contractor. If the plants cannot be planted immediately after delivery to the reforestation site, they shall be stored in the shade with their root masses protected from direct exposure to sun and wind by the use of straw, peat moss, compost, or other suitable material and shall be maintained through periodic watering, until the time of planting.
3. Plant Handling: the quantity of seedlings taken to the field shall not exceed the quantity that can be planted in a day. Seedlings, once removed from the nursery or temporary storage area shall be planted immediately.
4. Timing of Planting: The best time to plant seedlings is while they are dormant, prior to spring budding. The most suitable months for planting are March and April, when the soil is moist, but may be planted from March through November. No planting shall be done while ground is frozen. Planting shall occur within one growing season of the issuance of grading/building permits and/or reaching the final grades and stabilization of planting areas.
5. Seedling Planting: Tree seedlings shall be hand planted using a dibble bar or sharp-shooter shovel. It is important that the seedling be placed in the hole so that the roots can spread out naturally; they should not be twisted, balled up or bent. Moist soil should then be packed firmly around the roots. Seedlings should be planted at a depth where their roots lie just below the ground surface. Air pockets should not be left after closing the hole which would allow the roots to dry out. See planting details for further explanation. If the contractor wishes to plant by another method, the preparer of this tree conservation plan must be contacted and give his approval before planting may begin.
6. Spacing: See Landscaping Plan for spacing requirements. Also refer to the Landscaping Plan for a description of the general planting theory, details this sheet.
7. Soil: Upon the completion of all grading operations, a soil test shall be conducted to determine what soil preparation and soil amendments, if any, are necessary to create good tree growing conditions. Soil samples shall be taken at a rate that provides one soil sample for each area that appears to have a different soil type (if the entire area appears uniform, then only one sample is necessary), and submitted for testing to a private company. The company of choice shall make recommendations for improving the existing soil. The soil will be tested and recommended for corrections of soil texture, pH, magnesium, phosphorus, potassium, calcium and organic matter.
8. Soil Improvement Measures: the soil shall then be improved according to the recommendations made by the testing company.
9. Fencing and Signage: Final protective fencing shall be placed on the visible and/or development side of planting areas. The final protective fence shall be installed upon completion of planting operations unless it was installed during the initial stages of development. Signs shall be posted per the signage detail on this sheet.
10. Planting method: Consult the Planting Detail(s) shown on this sheet.
11. Mulching: Apply two-inch thick layer of woodchip or shredded hardwood mulch (as noted) to each plating site (see detail shown on the Landscaping Plan).
12. Groundcover Establishment: the remaining disturbed area between seedling planting sites shall be seeded and stabilized withan appropriate mix from the Natural Resources Conservation Practice Standard for Conservation Cover (Code 327).
Table 2: Selected List of Herbaceous Cover Mixes based on the specific characteristics of the site.
13. Mowing: No mowing shall be allowed in any planting area.
14. Source of Seedlings: state name, address, and phone number of nursery or supplier.

This Forest Stand Delineation has been prepared in accordance with all State and local ordinances which were in effect as of the date shown below. The undersigned is a qualified professional in accordance with COMAR 08.19.06.01.

Jennifer Anderson 02/22/2022
Jennifer Anderson

STREET TREE CALCULATION (ROADWAY FRONTAGE):

LAKEVIEW ROAD:
295-ft / 35-ft = 8.4 trees (9 trees provided)
327-ft / 35-ft = 9.3 trees (10 trees provided)

STULL ROAD:
373-ft / 35-ft = 10.6 trees (provided via landscaping buffer)

US-15:
2,136-ft / 35-ft = 61.0 trees (provided via landscaping buffer)

20% PARKING LOT CANOPY CALCULATION:

PARKING LOT PAVEMENT COVERAGE:
51,705-sf

51,705-sf x 0.2 = 10,341-sf
10,341-sf / 707-sf = 14.6 trees (17 provided)

PLANTING QUANTITY CALCULATION:

1.40-ac x 350 stems/ac = 490 stems (875 provided)

SCALE (IN FEET)
50 100
100 0

CELEBRATING OVER 30 YEARS OF EXCELLENCE

ECS MID-ATLANTIC, LLC
15941 DIAMOND ROAD
SUITE B
HANOVER, MD 21076
(410) 694-0439
(FAX) (703) 435-4507

"SETTING THE STANDARD FOR SERVICE"

Compost Crew
7245 LAKEVIEW ROAD
FREDERICK COUNTY, MARYLAND

PLANTING PLAN
UTICA BRIDGE FARM

ECS REVISIONS
12/10/2021 LSC
2/22/22 JDA

ENGINEER	DRAFTING
AMM	LSC

SCALE 1" - 100'
PROJECT NO. 47:11763
SHEET SP5
DATE 11/18/2021

Evergreen Species				
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**	**Total Number Planted**
Pinus Strobus	Eastern white pine*	Balled & burlapped	1/4"-1/2"	104
Pinus virginiana	Virginia pine*	Balled & burlapped	1/4"-1/2"	2
Juniperus virginiana	Eastern red cedar*	Balled & burlapped	1/4"-1/2"	4
Pinus resinosa	American red pine	Balled & burlapped	1/4"-1/2"	25
Picea glauca	White spruce	Balled & burlapped	1/4"-1/2"	25
Abies balsamea	Balsam fir	Balled & burlapped	1/4"-1/2"	10
Abies fraseri	Fraser fir	Balled & burlapped	1/4"-1/2"	10
Taxodium distichum	Bald cypress*	Balled & burlapped	1/4"-1/2"	10
Deciduous Species				
Betula alleghaniensis	Yellow birch*	Balled & burlapped	1/4"-1/2"	52
Quercus bicolor	Swamp white oak*	Balled & burlapped	1/4"-1/2"	22
Liriodendron tulipifera	Tulip poplar*	Balled & burlapped	1/4"-1/2"	52
Betula lenta	Sweet birch*	Balled & burlapped	1/4"-1/2"	77
Quercus alba	White oak*	Balled & burlapped	1/4"-1/2"	35
Robinia pseudoacia	Black locust*	Balled & burlapped	1/4"-1/2"	40
Juglans nigra	Black walnut*	Balled & burlapped	1/4"-1/2"	40
Quercus palustris	Pin oak*	Balled & burlapped	1/4"-1/2"	3
Carya ovata	Shagbark hickory*	Balled & burlapped	1/4"-1/2"	8
Quercus rubra	Red oak*	Balled & burlapped	1/4"-1/2"	25
Acer rubrum	Red maple*	Balled & burlapped	1/4"-1/2"	7
Liquidambar styraciflua	American sweetgum**	Balled & burlapped	1/4"-1/2"	10
Salix nigra	Black willow*	Balled & burlapped	1/4"-1/2"	7
Carya laciniosa	Shellbark hickory*	Balled & burlapped	1/4"-1/2"	5
Shrubs				
Sambucus nigra	Elderberry*	Container	1/4"-1/2"	52
Cornus racemosa	Gray dogwood*	Container	1/4"-1/2"	54
Cephalanthus occidentalis	Buttonbush	Container	1/4"-1/2"	54
Cercis canadensis	Redbud*	Container	1/4"-1/2"	55

* NATIVE TO FREDERICK COUNTY
** NATURALIZED ADDITION TO FREDERICK COUNTY

TOTAL # OF NATIVE PLANTINGS: 741
TOTAL # OF NON-NATIVE PLANTINGS: 134
TOTAL PLANTINGS: 875
741 native plantings / 875 total trees/shrubs planted = 84.7% native plantings

Deciduous Species- Parking Lot				
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**	**Total Number Planted**
Betula alleghaniensis	Yellow birch*	Balled & burlapped	2"	3
Betula lenta	Sweet birch*	Balled & burlapped	2"	3
Tilia americana	Basswood*	Balled & burlapped	2"	8
Salix nigra	Black willow*	Balled & burlapped	2"	3

Deciduous Species- Lakeview Road				
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**	**Total Number Planted**
Quercus bicolor	Swamp white oak*	Balled & burlapped	2"	3
Liriodendron tulipifera	Tulip poplar*	Balled & burlapped	2"	3
Acer rubrum	Red maple*	Balled & burlapped	2"	3
Evergreen Species				
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**	**Total Number Planted**
Pinus strobus	Eastern white pine*	Balled & burlapped	2"	3
Pinus virginiana	Virginia pine*	Balled & burlapped	2"	4
Juniperus virginiana	Eastern red cedar*	Balled & burlapped	2"	3

Alternate Species			
Evergreen Species			
Scientific Name	**Common Name**	**Planting Stock Type**	**Size**
Kalmia latifolia	Mountain laurel	Balled & burlapped	1/4"-1/2"
Deciduous Species			
Cornus florida	Flowering dogwood	Balled & burlapped	1/4"-1/2"
Carpinus caroliniana	American hornbeam	Balled & burlapped	1/4"-1/2"
Cornus sericea	Red osier dogwood	Balled & burlapped	1/4"-1/2"
Chionanthus virginicus	Fringe tree	Balled & burlapped	1/4"-1/2"
Shrubs			
Cornus amomum	Silky dogwood	Container	1/4"-1/2"
Viburnum prunifolium	Blackhaw	Container	1/4"-1/2"

STREET TREE CALCULATION
(ROADWAY FRONTAGE):

LAKEVIEW ROAD:
295-ft / 35-ft = 8.4 trees (9 trees provided)
327-ft / 35-ft = 9.3 trees (10 trees provided)

STULL ROAD:
373-ft / 35-ft = 10.6 trees (provided via landscaping buffer)

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20% PARKING LOT CANOPY CALCULATION:

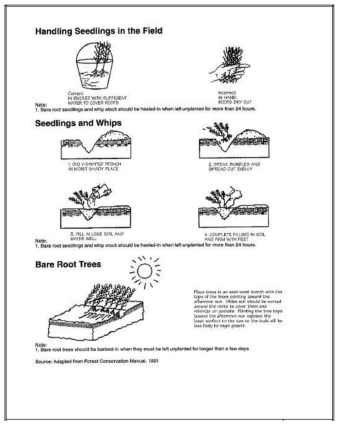
PARKING LOT PAVEMENT COVERAGE:
51,705-sf

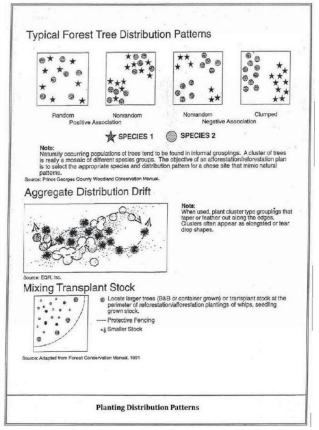
51,705-sf x 0.2 = 10,341-sf
10,341-sf / 707-sf = 14.6 trees (17 provided)

PLANTING QUANTITY CALCULATION:

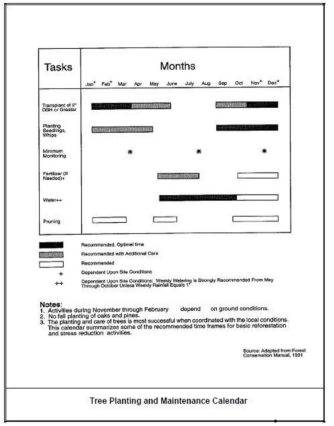
1.40-ac x 350 stems/ac = 490 stems (875 provided)

Planting Specification Notes
1. Type: see planting schedules this sheet and cover sheet.
2. Plant Quality Standards: The plants selected shall be healthy and sturdy representatives of their species. Seedlings shall have a minimum top growth of 18". The diameter of the root collar (the part of the root just below ground level) shall be at least 3/8". The roots shall be well developed and at least 8" long. No more than twenty +five percent (25%) of the root system (both primary and auxiliary/fibrous roots shall be present. Plants that do not have an abundance of well developed terminal buds on the leaders and branches shall be rejected. Plants shall be shipped by the nursery immediately after lifting from the field or removal from the green house, and planted immediately upon receipt by the landscape contractor. If the plants cannot be planted immediately after delivery to the reforestation site, they shall be stored in the shade with their root masses protected from direct exposure to sun and wind by the use of straw, peat moss, compost, or other suitable material and shall be maintained through periodic watering, until the time of planting.
3. Plant Handling: the quantity of soodlings taken to the field shall not exceed the quantity that can be planted in a day. Seedlings, once removed from the nursery or temporary storage area shall be planted immediately.
4. Timing of Planting: The best time to plant seedlings is while they are dormant, prior to spring budding. The most suitable months for planting are March and April, when the soil is most, but may be planted from March through Novermber. No planting shall be done while ground is frozen. Planting shall occur within one growing season of the issuance of grading/building permits and/or reaching the final grades and stabilization of planting areas.
5. Seedling Planting: Tree seedlings shall be hand planted using a dibble bar or sharp-shooter shovel. It is important that the seedling be placed in the hole so that the roots can spread out naturally: they should not be twisted, balled up or bent. Moist soil should then be packed firmly around the roots. Seedlings should be planted at a depth where their roots lie just below the ground surface. Air pockets should not be left after closing the hole which would allow the roots to dry out. See planting details for further explanation. If the contractor wishes to plant by another method, the preparer of this tree conservation plan must be contacted and give his approval before planting may begin.
6. Spacing: See Landscaping Plan for spacing requirements. Also refer to the Landscaping Plan for a description of the general planting theory, details this sheet.
7. Soil: Upon the completion of all grading operations, a soil test shall be conducted to determine what soil preparation and soil amendments, if any, are necessary to create good tree growing conditions. Soil samples shall be taken at a rate that provides one soil sample for each area that appears to have a different soil type (if the entire area appears uniform, then only one sample is necessary), and submitted for testing to a private company. The company of choice shall make recommendations for improving the existing soil. The soil will be tested and recommended for corrections of soil texture, pH, magnesium, phosphorus, potassium, calcium and organic matter.
8. Soil Improvement Measures: the soil shall then be improved according to the recommendations made by the testing company.
9. Fencing and Signage: Final protective fencing shall be placed on the visible and/or development side of planting areas. The final protective fence shall be installed upon completion of planting operations unless it was installed during the initial stages of development. Signs shall be posted per the signage detail on this sheet.
10. Planting method: Consult the Planting Detail(s) shown on this sheet
11. Mulching: Apply two-inch thick layer of woodchip or shredded hardwood mulch (as noted) to each plating site (see detail shown on the Landscaping Plan).
12. Groundcover Establishment: the remaining disturbed area between seedling planting sites shall be seeded and stabilized withan appropriate mix from the Natural Resources Conservation Practice Standard for Conservation Cover (Code 327).
Table 2: Selected List of Herbaceous Cover Mixes based on the specific characteristics of the site.
13. Mowing: No mowing shall be allowed in any planting area.
14. Source of Seedlings: state name, address, and phone number of nursery or supplier.





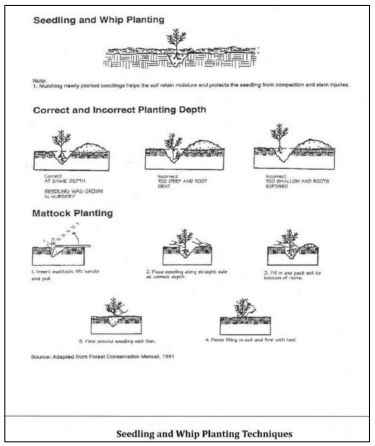
Planting Distribution Patterns



Tree Planting and Maintenance Calendar


PLANTING SPECIFICATIONS FOR WHIP AND SEEDLING STOCK

1. SITE SPECIFIC SOIL SAMPLING SHALL BE PERFORMED BY THE CONTRACTOR IN THE PLANTING AREA TO DETERMINE NECESSARY SOIL AMENDMENTS FOR THE PLANT MATERIALS SPECIFIED.
2. EXISTING SOIL SHALL BE TREATED, IF NECESSARY, SO AS TO ELIMINATE ANY HARMFUL OR INCOMPATIBLE HERBICIDES AND/OR PESTICIDES THAT MAY BE PRESENT. SOIL AMENDMENTS SUCH AS LIME AND FERTILIZER SHALL BE ADDED AS NEEDED IF DETERMINED TO BE NECESSARY - WITH SOME HERBICIDES, SUCH AS ARSENIC, IT MAY BE NECESSARY TO WAIT A MINIMUM OF ONE YEAR AFTER THE LAST APPLICATION TO PLANT TREES.
3. COMPACTED OR DISTURBED AREAS WITHIN THE PLANTING AREA, IF NECESSARY, SHALL BE TREATED BY INCORPORATING NATURAL MULCH WITHIN THE TOP TWELVE (12) INCHES OF SOIL.
4. ALL INVASIVE AND EXOTIC TREES, SHRUBS, VINES, AND HERBACEOUS VEGETATION SHALL BE REMOVED FROM THE PLANTING AREA PRIOR TO PLANTING. THE PLANTING SITE SHOULD BE MOWED PRIOR TO PLANTING IF IT DOES NOT CONTAIN JURISDICTIONAL WETLANDS AND/OR WATERWAYS.
5. AREAS THAT CAN BE TILLED WITHOUT DISTURBING JURISDICTIONAL WETLANDS AND/OR WATERWAYS SHALL BE TILLED PRIOR TO PLANTING.
6. INSTALL 24" X 24" BIODEGRADABLE WEED PRO WEED CONTROL TREE MATS OR THE EQUIVALENT, IN THE PROPER LOCATION FOR EACH INDIVIDUAL WHIP AND/OR SEEDLING TO CREATE A WEED BLOCKADE TO CONTROL COMPETING VEGETATION AND/OR INVASIVE SPECIES. TREE MATS ARE TO BE INSTALLED WITH A MINIMUM OF FOUR STAPLES. IF WEED CONTROL MATS ARE NOT USED INDIVIDUAL TREES SHALL BE COVERED WITH MULCH (SEE DETAIL 3.6.7).
7. BARE ROOT STOCK SHALL BE PACKAGED AND HANDLED IN TRANSPORT AND IN THE FIELD SO AS TO RETAIN MOISTURE IN THE ROOTS. WHILE PLANTING, A MOIST CARRYING CONTAINER SHOULD BE USED TO PREVENT FURTHER DESICCATION (SEE DETAIL 3.6.6).
8. IF SEEDLINGS CANNOT BE PLANTED WITHIN THREE (3) DAYS OF SHIPMENT, THEY SHALL BE HEELED IN (SEE DETAIL 3.6.3), AND MUST BE PLANTED BEFORE THEY START TO GROW.
9. WHIPS AND SEEDLINGS SHALL BE A MINIMUM OF 1/4" TO 1/3" CALIPER WITH ROOTS NO LESS THAN 8" LONG.
10. SEEDLINGS AND WHIPS SHOULD BE PLANTED IN ACCORDANCE WITH THE DETAILS PROVIDED HEREIN.
11. WHIPS AND SEEDLINGS SHALL BE TREATED WITH A PRE-PLANT ROOT DIP SUCH AS MYCOR-TREE MYCORRHIZAL ROOT DIP INOCULANTS OR EQUIVALENT WITH LIVE SPORES OF BENEFICIAL MYCORRHIZAL FUNGI, TERRA-SORB WATER ABSORBENT GEL, AND NATURAL BIOSTIMULANTS TO IMPROVE SEEDLING SURVIVAL AND GROWTH PRIOR TO PLANTING.
12. EACH WHIP AND/OR SEEDLING SHALL BE PLANTED WITH A LONG LASTING TREE RELEASED FERTILIZER TABLET OR SHOULD BE FERTILIZED AS NEEDED DURING THE TWO (2) YEAR MAINTENANCE PERIOD.
13. TREE PRO JUNIOR TREE PROTECTORS OR EQUIVALENT PHOTODEGRADABLE TREE PROTECTORS SHALL BE INSTALLED AROUND EACH INDIVIDUAL WHIP AND/OR SEEDLING TO PROTECT SEEDLINGS FROM HARMFUL ANIMALS AND TO INCREASE GROWTH DURING THE TREE SETBACK PERIOD.
14. PROTECTIVE DEVICES, SUCH AS FENCING AND/OR SIGNAGE, SHALL BE INSTALLED AROUND THE PERIMETER OF THE PLANTING AREA AS SPECIFIED ONCE PLANTING HAS OCCURRED.
15. DEVIATION FROM THESE SPECIFICATIONS AND DETAILS MAY BE MADE ONLY WITH APPROVAL OF THE PLAN PREPARER AND THE APPROVING AUTHORITIES.
16. REMOVE TREE PROTECTORS AND STAKES AS NECESSARY AFTER THE THREE-YEAR MAINTENANCE PERIOD. TREE SHELTERS SHALL ONLY BE REMOVED WHEN THE TREE DIAMETER REACHES 3 INCHES AND/OR THE TREE CAN SUPPORT ITSELF.
17. IF THE PLANTING AREA WAS TILLED PRIOR TO PLANTING, OVER-SEED THE PLANTING AREA WITH A SEED MIX CONSISTING OF COMMON OATS (AVENA SATIVA) AT A RATE OF 64 LBS/ACRE, RE-CLEANED SEED, AND ALSIKE CLOVER (TRIFOLIUM HYBIDUM) AT A RATE OF 8 LBS/ACRE. INOCULANT MATERIAL, ALFALFA/CLOVER POWDERED INOCULANT SHALL BE PROVIDED PROPORTIONALLY TO THE SEED MIX AS SPECIFIED ON THE INOCULANT PACKAGE.

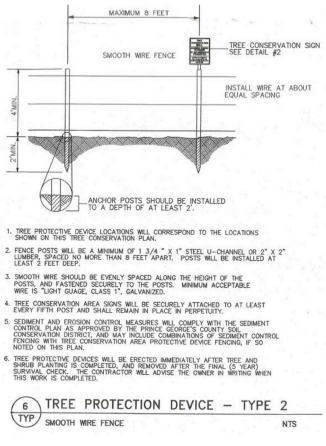


Seedling and Whip Planting Techniques

Site	Number Required per Acre	Approximate Spacing feet on center	Survivability Requirement At the end of the second growing season	
Bare Root Seedlings or Whips	700	8 x 8	75%	525
Container Grown Seedling Tubes (Minimum Cavity Width 1.5")	690	10 x 10	75%	370
Container Grown 1, 2, 3 Gallon	490	12 x 12	75%	369
Container Grown 5, 7 Gallon or 1" Caliper B & B	300	15 x 15	85%	255
Container Grown 15, 25 Gallon or 1.5 - 2" Caliper B & B	150	20 x 20	100%	150

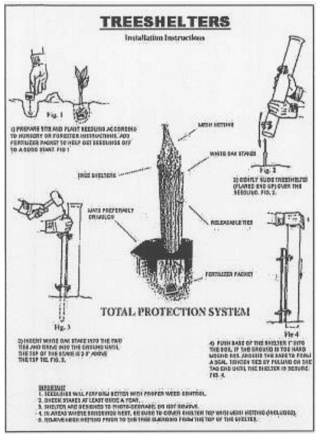
Notes:
1. These stocking and survival requirements are the minimum numbers estimated to meet the definition of forest from farm land.
2. In certain circumstances, any combination of the above mentioned stocking options, dry sowing, tree shelters, transplants, and/or natural regeneration may be appropriate strategies to meet the 35 trees per acre minimum survival TPA. They will be evaluated on a case-by-case basis by the approving authority.
3. Spacing does not imply that trees or shrubs must be planted in a grid pattern.

Site Stocking



1. TREE PROTECTIVE DEVICE LOCATIONS WILL CORRESPOND TO THE LOCATIONS SHOWN ON THIS TREE CONSERVATION PLAN.
2. FENCE POSTS WILL BE A MINIMUM OF 1 3/4 " X 1" STEEL U-CHANNEL OR 2" X 2" LUMBER, SPACED NO MORE THAN 8 FEET APART. POSTS WILL BE INSTALLED AT LEAST 2 FEET DEEP.
3. SMOOTH WIRE SHOULD BE EVENLY SPACED ALONG THE HEIGHT OF THE POSTS, AND FASTENED SECURELY TO THE POSTS. MINIMUM ACCEPTABLE WIRE IS "LIGHT DUAGE, CLASS 1", GALVANIZED.
4. TREE CONSERVATION AREA SIGNS WILL BE SECURELY ATTACHED TO AT LEAST EVERY FIFTH POST AND SHALL REMAIN IN PLACE IN PERPETUITY.
5. SEDIMENT AND EROSION CONTROL MEASURES WILL COMPLY WITH THE SEDIMENT CONTROL PLAN AS APPROVED BY THE PRINCE GEORGE'S COUNTY SOIL CONSERVATION DISTRICT, AND MAY INCLUDE COMBINATIONS OF SEDIMENT CONTROL FENCING WITH TREE CONSERVATION AREA PROTECTIVE DEVICE FENCING, IF SO NOTED ON THIS PLAN.
6. TREE PROTECTIVE DEVICES WILL BE ERECTED IMMEDIATELY AFTER TREE AND SHRUB PLANTING IS COMPLETED, AND REMOVED AFTER THE FINAL (5 YEAR) SURVIVAL CHECK. THE CONTRACTOR WILL ADVISE THE OWNER IN WRITING WHEN THIS WORK IS COMPLETED.

6 TYP — TREE PROTECTION DEVICE – TYPE 2
SMOOTH WIRE FENCE — NTS



ECS: MD ATLANTIC, LLC
134 CHESTER ROAD
SUITE 102
HANOVER, MD 21076
1-855-ECS-3489
1-443-755-1566
(FAX) 703-435-3507

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Compost Crew
7245 LAKEVIEW ROAD
FREDERICK COUNTY, MARYLAND

PLANTING PLAN
UTICA BRIDGE FARM

ECS REVISIONS
12/10/2021 LSC
2/22/22 JDA

ENGINEER	DRAFTING
AMM	LSC

SCALE: NTS
PROJECT NO.: 47:11763
SHEET: SP6
DATE: 11/18/2021

SUGGESTED EDITS AND CORRECTIONS
To Transcript
In the Matter of February 12, 2025 Planning Commission Hearing
Compost Crew at Utica Bridge Farms
(Prepared by the Office of the County Attorney -Frederick County)

*There is a small portion of the introduction of the Compost Crew Application that was not transcribed. The time stamp is as follows:
4:48:47 - 4:52:45
See attached Pages 3-4 for suggested Transcribed additions.

PAGE	LINE	ORIGINAL TEXT	CORRECTED TEXT
1	6	The front...	The FRO...
1	11	...A4 Station.	...Afforestation.
2	4	[inaudible]	LOU
2	18	...the data...	...the date...
2	22	...zoning APS on referral...	...zoning APFO and FRO...
3	20	...or logis- or ...	...or legis- or...
13	9	MR. TRESSLER:	CHAIR DAVIS:
13	10	CHAIR DAVIS:	MR. TRESSLER:
18	18	...and Barty	...and Bar-T
24 27 29	15 11,16,18,20 18, 22	ST. ANGELO:	(Add FULL name OR INITIAL initially to differentiate) Mr. NICHOLAS ST. ANGELO: (then maybe N. ST. ANGELO or Mr. NICHOLAS for consistency)
30 32 33	1, 5, 7 11,18 5,7	MR. CHRISTOPHER:	(Add FULL name OR INITIAL initially to differentiate) Mr. CHRISTOPHER ST. ANGELO: (then maybe C. ST. ANGELO or continue with Mr. CHRISTOPHER for consistency)
33 35	12, 15, 22 4,6,8	MS. VICTORIA	(Add FULL name OR INITIAL initially to differentiate) MS. VICTORIA ST. ANGELO: (then maybe V. ST. ANGELO or continue with MS. VICTORIA for consistency)
35	19	MS. CIRNER:	MS. MITCHELL:
35	20	...Hi Casey.	,,,Hi Kathy.
36	5	1198.408D	1-19-8.408 (d)
39	3	allocation...	a location...
44	19	grab...	scrap...

49	12,17,19,22,25	MALE SPEAKER:	MAHMOUD HELAL or MR. HELAL
52 53	4,7 3	MR. JOHN:	(Add FULL name initially or his last name) MR. JOHN FERRINGTON: (then maybe MR. FERRINGTON)
58	13	...site plant.	...site plan.

CHAIR DAVIS: Moving along to our final item of the day for site plan consideration, we have the Compost Crew at Utica Bridge Farms. If you are here to speak on this item, please stand and raise your right hand. Do you solemnly swear or affirm under the penalties of perjury that the testimony you're about to give will be the whole truth and nothing but the truth? Respond by I do.

AUDIENCE/APPLICANTS: I do. [inaudible]

CHAIR DAVIS: Thank you very much.

[Some Lines Omitted as Not Relevant]

CHAIR DAVIS: So, is Mr. Shaw with us?

MR. CODY SHAW: Yep. [inaudible]

CHAIR DAVIS: Alright. Well then carry on with the Compost Crew at Utica Bridge Farms.

MR. TRESSLER: Alright.

MR. SHAW: Thank you, Sir. As, uh, as just stated, I am here to present for conditional approval, the Compost Crew at Utica Bridge Farms. It's located at 7245 Lakeview Road. The applicant is requesting a new site development plan approval for the establishment of a limited food waste composting facility located on the 29-acre site, that recently expired. The plan under review proposes no changes to the proposed site plan. So, for some background information, this project looks pretty familiar to you guys. Uh, the original site plan for this proposed development was approved, uh, as stated for a limited food waste composting facility on the same, uh, site. Uh, the Frederick County Planning Commission approved this original site plan on January 12th, 2022. The original site plan was filed for a period of three years or until January 12th, 2025. The associated APFO with the original site plan was also filed for a period

three years so it expired on January 12th, 2025. This current application is identical to the previously approved plan.

IN THE MATTER OF:

FEBRUARY 12, 2025 PLANNING COMMISSION HEARING

SITE DEVELOPMENT PLAN SP 19-17 (AP SP277005 APFO277003)

COMPOST CREW AT UTICA BRIDGE FARMS

Planning Commission Members Present and Voting:

Tim Davis, Chair

Mark Long, Vice Chair

Barbara Nicklas

Joel Rensberger

Sam Tressler III

MR. SHAW: There are no proposed alterations or change of design with this current site plan application. Uh, the only differences with this application are the updates with, to the county file numbers, the site name, uh, some notes related to why this plan was being submitted and the reasoning for it, and a revised and updated APFO LOU. [Clears throat]. The front plan for this original site plan was approved on February 4th, 2022. The plan site outlines the forest conservation mitigation requirements for the 8. uh, 32 acre tract area. This tract area contains no existing forest. The applicant is required to provide 1.66 acres of A4 station. The total mitigation is provided. The total mitigation provided is 1.81 acres, [cough] uh, comprised of 1.4 acres of afforestation planting and 0.41 acres of street tree and landscape credits. Therefore, re-conditional approval will be that the furrow mitigation must be provided prior to applying for grading permits or building permits, whichever is applied to first. Now, regarding the APFO, uh, this project is non-residential and is not subject to schools testing. The project site is classified as no-plan service, as the site will be served by well and septic. This project generates 18 AM and 18 PM new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during a peak hour of the adjacent stream. The applicant is required to pay its proportionate contributions to the existing road escrow

accounts, a total of $26,975. Additionally, Stull Road and Lakeview Road shall be widened to 20 feet and re-striped to meet comm- commercial access requirements as noted in the [inaudible].

Several modifications are granted for the original Key City Compost at Utica Bridge Farm site plan. This application requests re-approval of all the previously approved modifications, which includes a parking space modification to allow for 23 spaces, a loading space modification for 1 large loading space rather than 1 small loading space, which is required, and a parking space modification to offer 5 spaces to have an increased stall length of 22 feet, which is more than the 18 feet that's required per county ordinances.

All reviewing agencies have entered their approvals, therefore staff has no objection to the conditional approval of the accomplished crew at Utica Bridge Farm site development plan. If the planning commission approves this plan, it will be valid for a period of 3 years from the data of planning commission approval, making it valid through February 12th, 2028. Based on the findings and conclusions as presented in the original staff report and this staff report, the application will meet all applicable zoning APS on referral requirements once the conditions listed in the staff report are met and modifications are granted. And I'm here to answer any questions that you all might have.

CHAIR DAVIS: Thank you Mr. Shaw. Mr. Tressler.
MR. TRESSLER: Mr. Shaw, the, uh, applicant has presented the exact same site plan. Any reasoning or what's the reason behind the, uh, exploration? Did, did they give you a reason why it expired like that?
MR. SHAW: Yeah, I mean, s- s- I can give you a, uh, the nitty-gritty and they … or I can give you an overview and they can give you the nitty-gritty. But long story short, um, in their L- in the l of … NLOU, uh, the road improvements to Stull Road and uh, and Lakeview Road, uh, were required prior to any building permit issuance. So to vest a site plan, you have to, you know, basically meet the definition of start of construction. Um, so they weren't able to obtain a building permit to basically start the construction until those road improvements were, were taken care of. Um, and approximately a couple of months ago, uh, the applicant had reached out and s- and said that, that, that there was no way they were going to be able to, to accommodate those, uh, road improvements prior to the site plan expiring. So, um, and, and there's no mechanism, uh, in the county ordinances o- or logis- or laws that allow for, um, an extension of a site plan approval. So, so therefore that's why they had to come in and essentially just get a re-approval, uh, to be able to, to, to make everything work.
MR. TRESSLER: Thank you.

CHAIR DAVIS: Ms. Nicklas.
MS. NICKLAS: Uh, so in the, um, submission in 2022, it said a limited food waste composting facility on a 5.95 acre site within a 29 acre parcel and this 1 is just saying located on a 29 acre site. When I look at it as, as it said, it looks like exactly the same. Was, was there any rationale as to the changing of the wording of that or is it just saying the same thing?
MR. SHAW: Uh, that- that would have been, that would have been operator error and I was the operator, so.
MS. NICKLAS: Okay.
MR. SHAW: So, uh, that was just me not, not catching all the verbiage that I included in, in the, in the first application.
MS. NICKLAS: So it's really the same thing. Okay.
MR. SHAW: Correct.
CHAIR DAVIS: Okay. If seeing no other further questions from the Planning Commission, we will, uh, turn it over to the applicant's testimony. Please, uh, come to the table and uh, identify yourselves. And you have 15 minutes.
MS. CIRNER: Good afternoon. Uh, for the record, my name is Casey Cirner with the law firm of Miles & Stockbridge, and I'm pleased to be here on behalf of the Compost Crew, which is a public benefit corporation. Uh, with me is Kristie Blumer. She is the Senior Director of Composting for Compost Crew. And with us virtually are Ben Parry, the CEO of Compost Crew, John

Farrington. He is the engineering consultant with Smith & Gardner and Richard Jefferies, the Utica Bridge Farms owner and operator. And you may remember, uh, Mr. Farrington and Mr. Jefferies from the 2022 hearing, um, where this Planning Commission unanimously approved the site development plan. So Compost Crew has since stepped in, uh, as they acquired Key City Composting in July 2024, and is here to re- request approval of the site plan to reinstate it following its expiration, as well as to … for approval of the modifications and the APFO, all associated with the commercial, uh, activity limited food waste composting use in the A district. And so we, um, wanna thank Mr. Shaw for his analysis of the application and agree with staff's proposed conditions. And as mentioned, there are no substantive changes to the site plan as from what was previously approved back in January 2022. And um, with that, I'll turn it over to, uh, Kristie for, uh, some information about the applicant. And uh, we're here to answer any questions and would like to reserve, if we can, any additional time that we have from our initial presentation for rebuttal. Thank you.

MS. BLUMER: Hi, everyone. Can you hear me? Last but not least, agenda item, right? [Laughter]. Um, hi. Again, my name is Kristie. I lead our Composting Division at Compost Crew. A little bit about Compost Crew, we are a Maryland-based, mission-driven local company that's mission is to divert food

scraps from the landfill and incinerator and make high quality domestically made soil amendments, which is compost.
Uh, we started in 2011 with a couple guys in a pickup truck to take it to a local farm where we composted that food scraps into high quality soil amendment back for that farmer. And since then, we've expanded to become the largest, uh, food waste diverter in the DC Metro region. Uh, and since then, we've also wanted to expand more ways that we can bring local, uh, food scraps, which is really an organic substance that we can utilize locally instead of shipping it far, far away and dumping it in a landfill incinerator. We wanted to use that more locally. So we decided to create these small-sized, decentralized composting systems partnered with agricultural land.
So we've developed now 7 other on-farm composting programs, small-sized, decentralized systems, where we divert food scraps from the local community, take it to a local farm, composting that material on site, on that farm, and then making a high quality soil amendment that can be used for that farmer to produce crops that can go back to that local community to make an amazing closed loop solution. That's really what we want. We wanna create more decentralized composting systems and less of large industrial centralized spaces where everything gets hauled really far away to create compost. And we wanna divert more food scraps away from the

landfill and incinerator and support our local agricultural lands and revitalize in a way that we can create more jobs, more ability to make more domestic soil conditioners, but also to create more county resilience for recycling infrastructure. There is currently no food scrap composting available in the county. So everything needs to get, if we wanna divert it, we wanna divert it into compost, we have to divert it outside of the county and pretty far away. So this is going to be hopefully an amazing program where we can create a demonstration site for more ways that we can divert food scraps to on-farm systems to create this amazing infrastructure partnered with local farmers. And so to emphasize the farming side of this, I would love to hand this over to Richard Jefferies, who is, by the way, we're talking a lot about trees today. He is an expert on trees, so he might be able to help you all [laughter] with your other tree questions. Um, so Richard, I know you're online. Um, he has some lambs he wanted to talk to you guys about. That is why he's online. So Richard, do you wanna say a few words?

CHAIR DAVIS: Uh, you're on mute, Richard.

Richard Jefferies: Okay. Can you see me and hear me cuz I'm not seeing me on the main meeting.

CHAIR DAVIS: We, we go- we, we … No, we got you now, Richard. Thank you.

MR. JEFFERIES: Good. Okay. Hi. Yeah, I've been running out to

the barn. I have 20 ewes that are about to drop their lambs. So they're fine for a while, but, uh, it's an exciting part of the year.

CHAIR DAVIS: 20.

MR. JEFFERIES: Um, yeah, I just wanted to, uh, say hi to those of you we saw 3 years ago and uh, hello to the new people, some of whom I know. And um, ge- get you up to date, 3 years ago, we were approved and uh, my partner, Phil Westcott and I went about the difficult challenge of finding financing, a financial partner to build out the facility as, as engineered by John and his team. And our criteria was really high in that we wanted to find a partner who shared our sense of mission and wasn't just in it as an investment or worse. So we, uh, we had a hard time. We met with several potential partners and concluded that they weren't a good fit for us and for this project.

But then, uh, Compost Crew came on our radar and we, we had known them as a friendly competitor to the south in Montgomery County. Uh, and we began talks, uh, and it led to a, a merger/buyout of Key City Compost. And they were very interested and equipped to build out the facility as, as engineered and approved. So it was a good fit. They needed a facility like ours on ag land on my farm and we needed a partner like them to grow. In the 3 years we, Key City Compost, grew rapidly, including a contract with the City of

Frederick and many other commercial and residential clients in the, I guess, 5 counties of Maryland and up into Pennsylvania and into Virginia. And um, we, uh, we faced a difficult challenge that many small businesses do in scaling up. So at times we were improvising and, and just staying 1 step ahead of, of the, uh, the challenge.

But, uh, you know, we got there. And I, I just wanted to make 1 comment about, um, how we've been … we've been operating a kind of, uh, improvised way because we're on the ag, ag land but we're not operating within the built out facility but that temporary facility kept growing and growing and growing and so we faced challenges. Uh, now you may hear some people say that their concern is odor from composting. Every time I've led a tour, and I've done it a lot of times, a tour of our facility, many people in the county and beyond have asked for to see our facility. So I take them over there, and they're random visits and timing. And the first thing I'll do is lead them into the middle of the compost windrows and say, "Okay, stop here. Take a deep breath and tell me what you don't smell."

And they take a deep breath and they said, "Oh, it smells like a forest." You know, "It's kind of sweet." I go, "Yeah, that's what properly made compost smells like, which is almost nothing." So occasionally, I would go to the site and I would smell something I didn't like and I would immediately investigate, work with Devon, our site manager, to … I'm sorry

is somebody talking?
CHAIR DAVIS: Oh no, sir. Please continue.
MR. JEFFERIES: Uh, okay. Uh, a- and so we would immediately take action and it was inevitably there would be a pocket of compost that had gone anaerobic. And anaerobic is what we don't like, because if the compost doesn't smell good, it means that it is growing the wrong kind of organisms. So we take immediate action, not only because we don't like that smell drifting on the wind, but we, uh … it's not good compost. And that's … our goal is to make good compost. So we immediately air rate, take actions, uh, check the hydration. So, uh, I guess the point I wanted to make is that while we were improvising, we had to deal with issues like that, growing pains. And we figured out how to deal with them, but they were infrequent. And a bigger problem was crows, to tell you the truth, because crows would just swarm in there and go after every apple core or anything they could dig out. We tried several methods of, uh, discouraging the crows and finally found 1 that worked. Um, I won't go into details, but it's a simple solution and it worked, so the crows aren't there anymore. Um, but, uh, I wanted to make the point that the built-out site, as engineered and approved, the 1 we're discussing today, will support an optimal workflow, not our kind of improvised workflow.
This optimal workflow will have the equipment and technology

to optimize the procedures and protocols that will ensure that the compost is made aerobically, that is with proper amounts of oxygen, hydrated properly, proper amounts of water, so it does not smell. And I've been to compost sites that do it right, that are as big as our … the 1 that we're talking about today. They … you walk right past the piles, uh, in, in Providence, Rhode Island, uh, Earth Care Farm, our, our shining example. The people have a house right in the middle of the composting site and live there with their kids. So it doesn't smell cuz they do it right. And so that's, that's what we are designed to do in this new, um, uh, facility as built out.

So anyway, it's a, you know, it's a, a, um … Because it's bigger doesn't mean the problems are gonna be bigger. They will actually be reduced because we'll have a consistent procedure in place and all the equipment and the space and the layout and the workflow to ensure that problems don't happen. Because if they do, the MDE can shut us down. We don't want that. So that- that's where I see the 3 years. You know, we're, we're at the point now where we can really do what we wanted to do to serve the community and local farmers and gardeners.

Um, so and I will just add 1 final word. I did a lot of the delivery of the co- our finished compost to customers in my truck. And I'd have a chance to talk to people about it and

it’s an- they, they are amazingly satisfied with what it does to the quality of their soil and their gardens and their flowers. I get nothing but rave reviews and repeat customers. So this is a, a valuable product that we do, let's call it a boutique level, where we actually are concerned about the quality of the product, not just the volume, not just the dollars in, dollars out. So, um, I couldn't be happier, uh, to work with Chris and Ben, Kristen and Ben and, and their team who will really help us, uh, take this big step that we've been wanting to take for a long time. That's it.

CHAIR DAVIS: Thank you very much. You still have 2 minutes. You want that?

MR. JEFFERIES: Can we yield it back to my, my compatriots there?

CHAIR DAVIS: Well, that's, that's, that was my notion here. Just … I just wanna confirm that they didn't have anything else they wanted to add. I thought you were pretty thorough, sir. [Laughter]. All right. Well, then it's up here for Planning Commission questions of the applicant, um, the varied group of folks that we have here. So anyone wanna start? Uh, Mr. Tressler?

MR. TRESSLER: Kristie.

MS. BLUMER: Yes.

MR. TRESSLER: I don't know what volume you're talking about,

but will the majority of the waste come from Frederick County and here's your primary end-user will be a local farm community and have you talked with the immediate neighbors and have any negative impact or anything like that?
MS. BLUMER: Good question. I- is … Do I respond now? I don't know the normal proceeding. Okay. Um, so to answer your first question, um, which was, did you ask about how much food scraps or your more question was about the end-user?
MR. TRESSLER: Where they come from.
CHAIR DAVIS: Just talk about maybe what volume we're talking about and how much [inaudible]
MS. BLUMER: Yes, so for the end-user, um, the majority of our material goes to local landscaping and farming, uh, communities. So we offer it in bulk. Um, we don't have the option of doing bag, cuz we handbag, so it's pretty difficult. Um, so we do bag a little bit to get back to our customers that are currently part of our food scrap diversion system. So if you guys don't compost, great time to get started. It's very easy. Um, we just … they just divert food scraps at their residential home or businesses and then they're eligible to get the finished compost back so they can get the closed-loop solution and then we do the dirty work. So it goes back to residents, it goes back to farmers, landscapers, um, and that's where we currently have it diverting to, the finished compost.

MR. TRESSLER: And you feel you have adequate consumers to take care of all your product. You won't have a backup or anything like that?

MS. BLUMER: Correct, yeah. So we would want to make sure we have a market. Um, the benefit of what's happening right now, we're in a fertilizer crisis, um, which is terrible. The majority of our fertilizer is not made from the United States. It is currently made in the Russian-Ukraine space, which currently is having a really tough time shipping that material. So getting fertilizer to farmers right now is extremely difficult and very expensive. So right now we currently make amazing compost. I mean, Richard doesn't emphasize it enough. The microbial activity of this material is really fantastic.

So the material we have on site will go back to our local community and um, we will be able to provide it back to our customer base which is about 20,000 customers in the DC Metro region, um, as well as any other types of individuals that are interested so we haven't had an issue with diverting the material.

MR. TRESSLER: And did you say that the majority of your product will come from Frederick County?

MS. BLUMER: The food scraps?

MR. TRESSLER: Yes.

MS. BLUMER: Um, so the primary amount will come from the City

of Frederick with their residential community space but we also have partners with also farmers, um, as well as a lot of different commercial entities, uh, and businesses as well, local residents outside of the area in Frederick County as well. We have a lot of Frederick County residents. Um, so it's really probably, if I look at total tonnage amount, probably half and half residential versus commercial, uh, farming communities of the food scraps that we divert.

MR. TRESSLER: Thank you.

MS. BLUMER: Yeah.

CHAIR DAVIS: Mr. Long.

MR. LONG: Yes. Um, thank you. Not so much a question. Um, uh, I wanna commend you for your mission and what you're doing. I totally support the mission. And uh, good to hear from you, Richard, and all the background of what's going on. Um, of course, I was aware of Phil's activities when he first got started. Uh, I wasn't quite sure what had happened to him, actually, so it was good to hear this kind of merger thing. Um, but I- I've appreciated hearing all the processes that you're going through and all the, you know, if you do sense a problem, you're right on it and taking care of that.

Um, you know, com- composting is a great thing. I mean, I, I was composting by the time I could walk. You know, my parents just did it. It was just something you didn't think about. It just was something you did. So I- I'm glad that this is, you

know, spreading around and gai- gaining more acceptance and uh, scaling up and, and having more benefit for the community and especially our farmers. So thank you.

MS. BLUMER: Thank you.

CHAIR DAVIS: Mr. Rensberger?

RENSBERGER: Thank you, Mr. Chairman. Um, uh, my compliments on your enthusiastic presentation.

MS. BLUMER: Thank you.

MR. RENSBERGER: Um, to Mr. Tressler's question, what percentage of your deliverables are consumed in Frederick County or city…

MS. BLUMER: Do you mean deliverables as finished compost?

MR. RENSBERGER: Yes.

MS. BLUMER: Is used in Frederick County?

MR. RENSBERGER: Uh-huh.

MS. BLUMER: All of it currently is used in Frederick County.

MR. RENSBERGER: And the split was about 50-50.

MS. BLUMER: The food scraps coming in was, um, around probably residential versus commercial, uh, businesses and the tonnage.

MR. RENSBERGER: Oh, the back of a restaurant.

MS. BLUMER: Yes, exactly.

MR. RENSBERGER: Or, or my house.

MS. BLUMER: Exactly.

MR. RENSBERGER: That's residential and commercial.

MS. BLUMER: That's the food scraps coming in. So the way we

try, try to talk about it, because everyone says, "Oh I compost," but maybe they put food scraps in a bin. So it's hard to demonstrate. So there's 2 things that we do; we divert food scraps which is like our feedstock coming in and then we make finished compost which is the end product going out. It is not dirt, but it is a soil condition that will help your dirt be way better [laughter] if that makes sense, yeah.

MR. RENSBERGER: Right. Are you working with Frederick County public schools or?

MS. BLUMER: I don't believe so. I would have to act, ask our team. Um, it would be amazing to work with more public schools. Unfortunately, there's a lot of red tape when it comes to public school systems and the funding. We have worked with a lot of school systems throughout the DC Metro region, because it's necessary for our students to have a way of diverting their food scraps. Um, however, because of funding, a lot of student organiz- based organizations have been getting grants, but, um, unfortunately a lot of that is drying up currently, and it's just not something that is able to be utilized as much as it could be, um, especially cuz they are paying for the trash services. So if they are paying for the trash services, stop paying for the trash and start paying for the food scraps.

MR. RENSBERGER: Right.

MS. BLUMER: So unfortunately that's a barrier we've hit.

MR. RENSBERGER: Thank you.

MS. BLUMER: Thank you.

MR. RENSBERGER: Um, there are about 8 people behind you. Who are they? [Laughter]

MS. BLUMER: I'm sure they will introduce themselves. [Laughter]

MR. RENSBERGER: Very well. Thank you.

CHAIR DAVIS: Mr. Long.

MR. LONG: So just to follow up on the, uh, compost from schools, 1 of our letters of support and I thought I had it here and I can't lay my hand on it, uh, came from Joe Richardson.

CHAIR DAVIS: [Inaudible[

MR. LONG: Came, came from Joe Richardson, um, that's doing this project, uh, I'm, I'm lost the name of it.

CHAIR DAVIS: Lunch out of Landfills.

MR. LONG: Yes.

MS. BLUMER: Yes, and Barty.

MR. LONG: So, um, where, where is that food going that he's collecting from schools or…

MR. PARRY: If I … if, if [inaudible]

MS. BLUMER: Yeah, this is Ben Parry, CEO.

MR. PARRY: I'm, I'm the CEO of Compost Crew. So we, so we do work with some schools on an individual basis in partnership with Joe and Lunch at a Landfills. So he's advocating

tirelessly to get more schools to divert their food scraps from the landfill and has been working hard. So we're not working with every school in, in Frederick County Public School System, but we are partnering with Joe and the individuals tools that he's able to, to get online which, you know, is, is handful at the moment, hopefully more down the road. But when we do have a Frederick County public school we do collect that … those food scraps and we are able to, to compost it at this site.

MR. LONG: So I apologize, the signal's kind of messed up coming through to us, but you did say the compost is going to this site, what you do collect. Is that what I heard?

MR. PARRY: Yeah, the, the site that's the, the limited number of schools that are participating, yes, they do go to this.

MR. LONG: Okay. Thank you.

CHAIR DAVIS: Okay. Thank you. Um, seeing no other questions from the commission, I have just a couple. Um, I just, I just wanna confirm, you all know that the US 15 is, uh, recognized as a National Scenic Byway, um, and I, I, I know your site, and I drive 15, and I know that stuff has grown up along 15 over the years and is probably doing a pretty good job of screening your property. But I did just wanna confirm that you didn't have any, have any hopes or dreams of putting any sort of signage along the, the, the highway?

MS. BLUMER: Uh, based on our plans, I don't believe we have

any plans for any signage.
CHAIR DAVIS: Okay.
MS. BLUMER: Thank you. So no. So no. Sorry. The answer is no.
[Laughter]
CHAIR DAVIS: No is good. Okay. All right. Very good. Um, and uh, Richard, you, you mentioned about wanting to do it right, because that was the best way to do it, but I, I, I gotta ask the question that is, is there a way of doing it wrong that is still more profitable than doing it right?
MS. BLUMER: Richard, can I jump in on this for a second, if you don’t mind?
MR. JEFFERIES: Yeah, go ahead and, and then I have a comment about the signage or lack of it cuz I wanna explain what's actually gonna be there instead of signage.
CHAIR DAVIS: Thank you.
MS. BLUMER: Okay. Great.
CHAIR DAVIS: Kristie.
MS. BLUMER: Um, so to talk about ideal food scrap composting. Um, so there are 2 forms of ways food scraps can break down. 1 is anaerobically, which is without oxygen, and 1 is with oxygen, aerobically. What we do is aerobic composting. It's the same thing as your, your stomach. You wanna give it food, nutrients, warmth, moisture, lots of water, um, and cover it and give it home to break down the material. And air is a really important part of that, just like us. That's gonna help

our microbes. When air is introduced, that means those nutrients, mostly the food scraps, um, they would stay in a solid form, which then combines with the material that's there, which then means that nitrogen that you might smell is not happening cuz it's not vaporizing. It's staying in a solid form.

So when you add air, it doesn't provide a smell. Now when you don't add air, that's anaerobic composting, right? That would then mean that that me- that methane, that nitrogen that's coming from the food scraps is not able to combine to that solid form of the compost and so then it will vaporize. And that's what you smell. The less you can have it vaporized, the more nitrogen is in your end product. And if any of you guys are farmers or know, nitrogen, potassium is … and phosphorus are ideal. NPK is ideal for your material. The more nitrogen you get in your end product, the more you can sell that material.

So you want to do that the right way so you can make a revenue profit. Now, there are places that just focus on diversion. Now, there are municipalities that have diversion metrics, they have a lot of things to do, so they have to just move this material as fast as possible. So sometimes they will … they don't wanna go anaerobic, because it's never a good thing to go anaerobic, doesn't make good quality compost, but they might make their temperatures really hot, really big piles,

um, and that breaks down faster, but it creates an ash. And that ash, um, isn't great for the end product, but it will … it is able to throughput more, which means more tonnage and revenue on the front end. So you get less revenue on the back end.

So when you talk about revenue, if you wanna make an ideal site, you really don't wanna make bad compost because you can't sell it properly. Um, but for us, we have the ability to control our feedstock cuz we are the ones that are diverting it. So if we don't want a certain amount so we can ideally process the material to make high quality compost, we can do that. So for us financially, it makes the most sense for us to do it right to make really great qu- quality compost. So hopefully I answered your question for that.

CHAIR DAVIS: Yes, thank you.

MS. BLUMER: Thank you.

CHAIR DAVIS: Um, Richard, did you have something you wanted to add regarding signage?

MR. JEFFERIES: Yeah, just briefly. Yes, there will be no signage along 15, or if for any reason there would be, it would be within the very tight restrictions about size. But we don't have any plans for signage. What we have is a vision of the, the area wrapping around the 6 a- uh, 6 a- uh, acres of composting will be, um, a demonstration farm, which will be a showcase of how compost is used, how s- healthy soil is built,

as a, a point of education and of, uh, showing our customers the benefits of compost. That can include, and in my vision and plan of that wraparound farm, is grazing. I have sheep, so grazing sheep and possibly cattle, they're compatible.
Uh, nut orchards. Um, I'm on the board of Silviculture. We're all about planting chestnut trees, so that's a natural for me to, to understand and implement. And a, a large area at the southern end of the property for vegetable production, up to 5 acres. Um, and along the … there's a little seasonal creek at the south border of the property. I've already had a stream-length plant 1200 trees in there, as a way of, of recovering that riparian zone and retaining water and runoff.
So it … we wanna make it a demonstration of regenerative farming, how you do it right, how you introduce the right kind of biological soil amendments, like the compost we'll be making right there. Uh, and that's what people will see when they drive along 15. It's sheep grazing nice green grass in August when everybody else's grass is turning brown.
CHAIR DAVIS: Okay. Well, thank you very much for that. Uh, seeing that I have worked on the Scenic Byway program with hundreds of people over more than 2 decades now, um, think I am not going to speak for them, but I think that’s certainly the sort of thing that you wanna see on a Scenic Byway, um, our natural environs, um, and not, uh, not billboards and medical office use buildings.

MR. JEFFERIES: Mm-hmm, no. No.
CHAIR DAVIS: So, uh, enough, enough of my editorializing here. Um, so we're going to now move to public comment. I have half a dozen folks signed up, um, so we're going to do the people that are here first, and if we have any, um, persons that have chosen to chime in technologically we'll get to those next. Um, I'll remind everyone that you're going to have 3 minutes to speak. The clock is over my left shoulder and I will call your name and come and, uh, introduce yourself and um, uh, where you live. And I have first on the list I have Nicholas, St. Angelo.
MS. BLUMER: Do we move or do we stay here?
MS. CIRNER: We stay.
MS. BLUMER: Okay.
ST. ANGELO: Okay. I'm gonna get my wife really quick. She's sitting right here.
CHAIR DAVIS: Okay. Was that Victoria? Uh, um, if he didn't come back quick. All right. Well, so while Mr. St. Angelo is getting his wife, um, let's move on to Valerie Myers. Stand by, Mr. St. Angelo, please.
MS. MYERS: Um, hello. Thanks so much for hearing us today. My name is Valerie Myers and I live at 10700 Stull Road, so just 3 houses down from the, um, compost site. I'm the mother of a 3-year-old, a 1-year-old, and a 7-day-old newborn, and I'm here because I think that the si- current site plan, um, could

be modified to address the problems of odor, noise, potential health issues, and et cetera. I don't know the phone number to zoning. I don't know who would be answering the phone there at midnight when I see activity happening at the compost site regularly. Um, I don't know who I would say the odors have rivet, risen beyond normal levels too, um, if when that does regularly occur. I'm busy working and enjoying my life and I try to respect others' rights to do the same.

Our concerns are not hypothetical. We lived as good neighbors of Key City Compost for the past 2 years. We have endured odors, dust, respiratory irritants, illness, noise, trucks passing us on our narrow rural farm roads that we love. We see heavy duty equipment abandoned in the road, trash in our yards, feral animals roaming our farm constantly throughout all seasons. We have tried to be neighborly. We have tr- never made any formal complaints about anything, um, but these issues are not exclusive to us. Guests and visitors of our homes, even contractors who have worked on our farm, have noticed and commented on the odor and the irritants and the air, as well as how many cats are constantly roaming around the area.

We realize this meeting is not a forum for discussion about the many birds that are attracted to the site as well as our homes and yards when we are in the midst of a bird flu epidemic. We haven't even questioned about Listeria or E. Coli

from all the food recalls to determine if those pathogens are making their way into our 5 wells, soil, and the air that we breathe. A friend of mine who is a veterinary pathologist stayed at our house, and when he went on a morning walk, he noticed the hay pile up at the site. He was shocked to learn it was coming from a zoo in Baltimore. He spent the next hour telling us about the potential pathogens, parasites, and viruses that could be coming from that hay that's being brought here.

We are most concerned that the current volume of production and activity and traffic is only a small fraction of the operation depicted in the site plan. We understand food composting is a permitted use in Frederick County, and we do feel, however, that the proposed site plan reflects the best, or we do not feel that the proposed site plan reflects the best practice and design to adeq- adequately consider our adjacent properties.

We are asking the county to recommend the relocation of the food waste unloading, mixing pad, incoming material, staging and activity composting area, to the southern or western side of the composting site. Can my husband finish the last bit? Oh, is that for the time?

CHAIR DAVIS: No.

MS. MYERS: Sorry. Uh, we are asking for the mandate of incoming and exiting traffic to utilize the southern portion

of Lakeview Road and Hessong Bridge Road out onto route 15, um, and close its inadequate exiting road entrance and utilize the new 1 that is being established.
CHAIR DAVIS: Okay, thank you Miss … Thank you Ms. Myers.
MS. MYERS: We feel these design changes would minimize the odor and noise.
CHAIR DAVIS: Thank you Ms. Myers. Your time is up. Thank you much.
MS. MYERS: Okay. Thanks.
CHAIR DAVIS: Um, Mr. St. Angelo?
ST. ANGELO: I have some pictures I wanna hand out while I give my speech. If you could look over these, we've been taking over the past couple weeks.
CHAIR DAVIS: Okay. Sir, do keep in mind you have 3 minutes to speak.
ST. ANGELO: Okay.
CHAIR DAVIS: Welcome and identify yourself and where you live.
ST. ANGELO: Okay I'm Nicholas St. Angelo. I live just 1 or 2 houses up from this site. That's my wife over there, my 2 kids. [Clears throat] 3 years ago when this site plan was opened up we didn't really have a problem with it. We would just see what would happen. After being there for numerous years, we've witnessed multiple issues, roads being blocked,

equipments just stranded in the road. The other day I walked up and there was a idling dump truck standing in the middle of the road. No one in sight. A kid could have walked up and got in the truck and drove it off and there was no one in sight. The mail trucks are normally pushed off the road for these trucks to go down the road. Star Road is barely wide enough for a small truck, let alone any trash trucks. When my small pickup truck is on the road, there is only 5 feet to where the road ends on the other side.

Uh, we normal- we take daily walks and bike rides, the 4 of us and we're consistently looking over our shoulder for big trucks that might be not paying attention or coming up behind us or in front of us. This new plan would allow 50 trucks a day to be coming down this small narrow road that is not even marked.

Um, the composting is being done to the closest possible point to our farm and there's not really a reason why they couldn't move it to the other end. Every time I have a guest come to my house, the first thing they ask me is what is that terrible smell every single time and I'm surprised that they don't see it when they pull off the highway, which are the giant piles of dirt with bags and peels hanging over the sides. I have never had someone from Key City Compost come over to my house and ask if there's anything to do. The only visitors from Key City Compost are cats and birds which I have, uh, received a

note that 1 of the ideas they were gonna use to get rid of all the birds was discharging a 17 caliber rifle to scare the birds and I have that in writing as well.
I'm concerned about the safety of my 4 kids, my 2 kids and my wife. Um, I'm asking you guys to really think twice before you pass this. Uh, let me see where I was at. I'm asking you to deny this. Uh, this is just gonna get worse and worse over the next 3 years and it's completely out of control that you guys would allow something like this to go on on a Scenic Byway down 15, just giant piles of dirt. There's nothing pleasant to it. It stinks and it's unsafe.
CHAIR DAVIS: Thank you Mr. St. Angelo. Um…
MR. RENSBERGER: Actually I have a question. Can I ask him a question?
CHAIR DAVIS: Yes.
MR. RENSBERGER: Mr. uh, St. Angelo, I just have 1 question for you. Are oh, are those photographs taken from your property?
ST. ANGELO: All those photographers were taken right from the front of our family farm.
MR. RENSBERGER: From the front of your farm. All right, thank you, sir.
ST. ANGELO: My driveway and my brother’s driveway.
MR. RENSBERGER: All right, thank you.
CHAIR DAVIS: Okay, next on the list I have Christopher St. Angelo. I thought it was going to be 1 of the kids.

MR. CHRISTOPHER: [Inaudible]
CHAIR DAVIS: Just, um, state your name and your locate, where you live for the record and do keep in mind you have 3 minutes to speak. The clock is over my left shoulder.
MR. CHRISTOPHER: Thank you, sir.
CHAIR DAVIS: Thank you.
MR. CHRISTOPHER: Oh, hello. Good afternoon. No longer morning. Um, my name is Christopher St. Angelo. Um, I brought you a picture to share of, um, on my phone as well of me on the way here with the giant box truck blocking the road, um, on my way here this morning. I reside at 10670 Stull Road along with my pregnant wife and our 2 dogs. My home is less than 600 feet from the proposed food waste unloading and mixing pad and my well is 450 feet from it. I had 9 failed bacteria tests on my well in the past 2 years.
My dogs are rarely privileged to enjoy my 2 acre yard because of the nuisances around. Fox, raccoons, feral cats, find shelter at the nearby area and are on my security cameras almost every day. Thurmont recently had a child attacked by a feral, feral cat with rabies. I cannot even describe to you the odor and the irritants I smell when I'm out cutting my grass. My pregnant wife doesn't even enjoy sitting in the yard anymore because any day that the winds blowing towards us it's terrible.
The current site plan shows the food waste unloading and

mixing pad, incoming material storage, grading area and active compost in the closest proximity to our residents. These areas show landscape plantings around them that may visually conceal the activity, but that does absolutely nothing to do to help the odor, noise, and environmental risk from the site. The most o- odor and noise producing areas are sited closest to the surrounding homes. I am concerned about an increase in the odor, dust and noise which already exists and will undoubtedly increase if the site plan is enacted as shown.

The concrete pad shown nothing around it to contain debris. I don't see any implements to clean the tires of these trucks that are pulling back onto the streets. Trash trucks entering and exiting the intersection on the corner of my property and Lake … of Lake View and Stull Road leak liquid and contamination 30 feet from my well. That's a hazard. Stull Road is 14 feet wide. I see the site plan intends to restripe these roads. We've been at this farm for over 20 years and these roads have never had stripes. I do not ever recall there being stripes on the small railroad. [Clears throat]. The proposed 50 trips at prime time arriving, leaving, accelerating and stop at a si- a stop sign 200 feet from my front door will be a tremendous noise impact.

The ing- ingress and egress through Hessong Bridge are already wider for this type of traffic. I don't see why they wanna use Stull Road. This site is 29 acres yet the activity is proposed

traffic is con- concentrated in the area with the most impact at the adjoining residents. I'm asking that you consider shifting the unprocessed food activities towards the middle of the property and directing the traffic in a larger, to the larger existing roads that the concerns and impacts can be minimized as well as work together. I heard talk of local food supplies, but I saw on their website that they're getting food from MDPA West Virginia and the Baltimore Zoo. I would like to point out...

CHAIR DAVIS: Your time is up, sir. Thank you very much.

MR. CHRISTOPHER: Thank you, sir. Thank you guys for being here and listening to what I have to say.

MR. TRESSLER: I have a question.

CHAIR DAVIS: Yes, Mr. Tressler.

MR. TRESSLER: Have you or your neighbors expressed or had conversation with the owner or has he been in touch with you? Has he approached you at all?

MR. CHRISTOPHER: I will not. That’s … they … I have … When you asked if she knew who we were standing, sitting behind us, she couldn't turn around and say. She had no idea who we are because they've never been to my door. I see a thousand cars come by all the time and I'm, I’m literally 75 yards from the entrance to their property and nobody's ever come to say anything to me. I do talk to 1 person that I don't know what he does there. He drives a truck and he passes me walking my

dogs all the time and he does wave, but I'm not sure how high up he is or what he does there. It's not him on camera, these 2 here.

MR. TRESSLER: Thank you.

MR. CHRISTOPHER: Yes, sir.

CHAIR DAVIS: Thank you very much.

MR. CHRISTOPHER: Thank you.

CHAIR DAVIS: Uh, the next person that we have to speak is Victoria St. Angelo. Ms. St. Angelo, if you don’t know the routine yet, you're new, and where you live, clocks over my left shoulder.

MS. VICTORIA: I- I’m, I'm the fifth child, I, I got it.

[Laughter]

CHAIR DAVIS: Very good, thank you, welcome.

MS. VICTORIA: All righty. Hi guys, my name is Victoria St. Angelo and I …

MS. BLUMER: [Inaudible]

MR. RENSBERGER: We'll get them back. Since we saw them, they should see them and, and then they'll [inaudible]

MS. BLUMER: Perfect. Sorry [inaudible]

CHAIR DAVIS: Thanks, Joel.

MS. VICTORIA: Okay. Um, my name is Victoria St. Angelo and I live at 7114 Lakeview Road. Um, I'm the mom of 4 kids and I am pregnant with our fifth child. Uh, we are outside every day. We garden, we push strollers, and sometimes wheelchairs when

my 98-year-old grandma comes to visit. And um, we have mainly concerns about our health. As a mom, I take my kids frequently for ER visits, urgent care visits or pediatric visits specifically to address their respiratory illness symptoms; coughing, wheezing, trouble breathing. At these visits, every time they test our kids for COVID, RSV and flu, and I'm frequently told they have none of them.

2 out of my 4 kids have now been diagnosed with a reactive airway disorder, which is literally described as their bronchial tubes overreacting to irritants in the air. And I feel strongly, based on our living conditions and being that we are outside around this all the time, that it has to do with this. If you look, I provided you a page right from the MDE website that talks about the health concerns and specifically the air irritants that we notice. As you know, like odor is accompanied by particles. So to say like the odor bothers me is 1 thing, but to think what is the odor, what's causing the odor, and what is this odor doing when I'm inhaling it into my lungs.

Um, so I'm just here to ask that you consider the impact that the current design of the facility has on my family and all the others in our community and that you suggest a design that relocates the odor and the dust producing areas to a more buffered area. Um, a better design will minimize the health related issues that are identified on the MDE site itself

regarding food composting. Um, thank you for your time and consideration.

MR. TRESSLER: You still have 1 minute.

MS. VICTORIA: Huh?

CHAIR DAVIS: That's not you.

MS. VICTORIA: That's all I had to say. [Laughter].

CHAIR DAVIS: Very good. Good job.

MS. VICTORIA: Thank you.

CHAIR DAVIS: Okay. Um, the last person that we have, uh, on our list today is Michele Rosenfeld. And I…

MS. MITCHELL: Mr. Chair. Sorry, it's me again.

CHAIR DAVIS: Yes, Ms. Mitchell.

MS. MITCHELL: I'm interrupting. Um, I wanted to say that those photos that you received, they really can't be considered as evidence if we don't have copies for the record, uh, and also the applicant needs copies as well.

CHAIR DAVIS: Okay. Thank you.

MS. MITCHELL: Mm-hmm.

MS. CIRNER: Hi Michele.

MS. ROSENFELD: Hi Casey.

CHAIR DAVIS: Okay. So, um, Ms. Rosenfeld, you certainly know the routine here, and welcome.

MS. ROSENFELD: Yes, I do. Thank you. Michele Rosenfeld, uh, the law office of Michele Rosenfeld, LLC in Rockville. And I am here today speaking on behalf of John and Amy St. St.

Angelo, parents and in-laws to, uh, the speakers that you've heard, uh, before me. They live directly across Stull Road from the compost facility at 7114A Lakeview Drive. I'm going to start with the standard that applies, 1 of them, to this project. The zoning code section 1198.408D says, limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.

You have heard first-hand personal sworn testimony from witnesses who live in the vicinity who say that the small existing facility, which is only 5800 square feet of impervious surface, already causes noise, odor, dust. My clients are very concerned that all of the activity on this very large property, as proposed, will be concentrated directly across the street from their homes. Only approximately 500 feet from the nearest street, it enclosed proximity to 4 of the 5 wells closest to the property.

At minimum, these activities should be moved to the southwestern side of the composting site. Activities including the unloading pad for food waste, the mixing pad, and the incoming mas- material staging and active composting areas.

The existing 5800 square feet of impervious surface, uh, which is related to the current operations, generates highly unappealing odors that blow to my client's property, already in violation of the code standard, which I just read to you.

This site plan, with some 300,000 square feet of impervious area, includes a concrete pad for unloading, mixing, and grinding incoming food waste. The runoff from this food waste, think garbage truck drippings, is uncontrolled. Certainly, will be a significant increase in odors and runoff leaching into the surrounding soil, potentially contaminating drinking water.

The commission should require the applicant to move the proposed operations to the southwest portion of the site. The appli- the commission should also require that the entry, the ingress and egress be relocated. The current site access from Stull Road is difficult and dangerous with a deep ditch on either side and a bunk which reduces visibility. My clients have seen accidents. They've pulled cars from their fence and field. These are rustic roads classified as low speed, low volume rural roads. The current site plan proposes widening both.

The existing use already causes odor and unreasonable noise on my client's property. The proposed site plan shows no means of mitigating those impacts. Instead will result in significant increases in odor and noise, and this project should be denied.

CHAIR DAVIS: Thank you, Ms. Rosenfeld.

MS. ROSENFELD: Thank you.

CHAIR DAVIS: Uh, I will note that the commission did receive,

uh, 3, uh, correspondences over the last several days, uh, in, in the affirmative for this application. And with that in mind, we now, um, will receive our email postal or, um, remote comments. Ms. James.

MS. JAMES: We do have 1 recorded comment. We will attempt to play it. If not, we will read it.

CHAIR DAVIS: Thank you, Ms. James.

MS. JAMES: And we will read it. Good afternoon. I am calling to comment on the application by Compost Crew in Thurmont, Maryland, or Thurm- in Thurmont, Frederick, Maryland. My name is Linda Norris-Walt. I am a resident of Middletown, Maryland in Frederick County and have worked for 12 years at the U.S. Composting Council. Our organization's mission is, is supporting composting as a means of soil health, climate change, mitigation, clean water, green infrastructure and stormwater and erosion control. Because of this mission, we educate, train, and set standards for not only compost as a product but for professionals who operate compost facilities such as Compost Crew, Compost crews, facility operators. Facility operators have been … I'm sorry I know this is very painful.

MALE SPEAKER: I can help you with that.

MS. JAMES: No, it keeps returning. Because Maryland has a ban on disposable or disposal of food, waste, and landfills by commercial entities, it is critical that facilities be located

around the state of Maryland that can help recover these valuable resources. And there is no better county for allocation than Frederick County, where I have list since 1987 because of our intersection of suburban and agricultural land in our community. The … I urge you to approve the plan for Compost Crew facility. Thank you very much. That's the end.
CHAIR DAVIS: Thank you, Ms. James. Um, having heard our public comments and our remote comments, um, it is now, uh, time for the applicant to provide their rebuttal. Uh, pardon me for not having everybody's last name, Casey and Kristie and Richard. Um, you all have 10 minutes, uh, the time clicking over my left shoulder. Thank you.
MS. CIRNER: Thank you. Casey Cirner with Miles & Stockbridge. Uh, we appreciate the testimony and just wanna highlight a few things for this commission to, um, consider, 1 of which is the site design. Uh, you heard a lot of testimony with respect to the site design, and as proposed, that is changing from what it currently is and how the site is currently operated. Um, the existing composting is up at the front corner of the property near the intersection of Lakeview Drive and Stull Road. It will be pushed back more central into the middle of the property. And this is keeping in mind a 29-acre property where approximately 5.9 acres will be dedicated to the composting facility with a total of 6.2 acres for the facility, including the access drives.

But, um, most importantly, the rest of the area around the facility will be left in agricultural use, as, um, Richard had explained earlier. And I think he best, uh, said it earlier when he explained how the Compost Crew has the experience and the knowledge and the innovation and equipment to come in here and to be able to operate a facility that really functions efficiently and, um, with operational excellence. And so they are proposing to, um, also relocate the driveway entrance for the facility, which was 1 of, uh, the pieces, components of testimony you heard from the neighbors. And the new access will be towards the middle of the Lakeview Drive frontage of the property.

And so that's where trucks will enter. Um, some of the photographs we did have an opportunity to look at, um, not all of the trucks pictured in the roadway belong to Compost Crew. Um, but again, the site proposes parking along, um, and within the site and Compost Crew has asked for a modification which will increase the number of parking spaces that's provided by 7 so that they have a parking space for the 9 trucks that will be, um, parked on this site as well as the employees, um, all except for 1 are full-time. So again, they're also increasing the number of employees to operate the facility on site.

And 1 of the modifications that was approved as part of this site plan is the, um, lengthening of the parking spaces, which will allow for trucks to park on site. And with that and the

number of parking spaces, even though the trucks parked in the roads in these photographs do not belong to Compost Crew, that would not be an issue here because of the circulation, the parking and the number of parking would prevent any type of queuing or parking on, on the roadways.

Um, and as, uh, is proposed as part of this application and a part of the letter of understanding for the adequate public facilities test is that both of these roads, um, are going to be widened to 20 feet. So that will address the testimony that you heard today with regards to the width of the roads, um, allowing, um, better circulation along the site. And again, the applicant proposes 9 trucks. We're not talking about 50 trucks coming in here.

Um, that was the threshold for testing the, um, the, uh, number of trips per hour. Um, and I know Kristie has some testimony to add, but I also just wanted to highlight that this use is something that the county really has envisioned for this county, and I think that is definitely expressed in the Livable Frederick Master Plan, where some of those vision themes, the environmental vision theme, the economic vision theme, and the community vision themes all kind of touch on this use, um, in that under the environmental vision theme there's a goal to, um, have 0 waste in the future. There's also a goal by 2024, 4 to divert 60% or excuse me by 2025 of waste.

Um, the economic theme also talks about supporting small businesses and Compost Crew would be a wonderful addition to the small business portfolio of this county. And then the vision theme that also talks about the strong restaurant culture in this county. So this use definitely directly supports that culture. Um, and so I wanted to touch on those items, and I will turn it over to Kristie to touch on a few more. Yeah.

MS. BLUMER: Thank you all, and, and thank you everyone for attending today. Um, I would just love to say thank you for all of the passionate responses that we have. We definitely want to make sure that people want to compost. So we wanna hear from all, all sides that it is important that everyone feels comfortable with the space and they're excited about the program as well. So thank you all for, for attending. Um, for this space, obviously there's a lot that you've already seen and approved pri- pre- previously. But the benefit of where we are right now is that we, as a composting program, so before Compost Crew came on board, have been operating. And we have found and fine-tuned the space that's going to create an ideal platform for operations once we're able to build and create this larger facility.

Also, outside of that, we have issues with, uh, that was quoted noise, odor, um, vector control, birds, rodents, um, any type of mitigation for health concerns. All of that is

currently and will be managed by county and state law. We have not received any formal complaints and we will make sure to always address any complaint, if any, is, is coming in. Now, I do know that our current operator, who was historically operating at the space previously, um, has, um, spoken to our neighbors, uh, including, uh, Kevin here, and um, they've had the ability to chat and receive any type of feedback so we can continue to be good neighbors. That is a cornerstone of any composting program and definitely would love, now that we are absorbing the space and absorbing the site, we would love to be more in front with the neighborhood around us. So definitely would love to speak with you more often as we hopefully will grow this program.

Um, it's important to note that Richard has such an expertise in farming and tree life that the entire site will be screened by trees. This is not only to help build the resilience of the soil on site but also to screen any of the potential odor, dust, uh, noise, any type of concern that might be coming from the space. And like was already previously stated, um, all of the material that's being processed will now be more centralized into the space. So there will not be any type of concern, hopefully, with any type of nuisance. So that includes noise, smell, um, dust, uh, anything that potentially could be received.

Now, on a composting space, we do receive comments of … and

concerns of this a lot. Um, so we do understand that the first thing when people see compost is like, ah, trash, landfill, this is gonna be smelly, it's gonna be terrible, it's gonna kill us all. Um, but we really need to establish that food scrap composting, but composting in general, has been done on farm forever. We've had manure and animal mortality composting on site. This is a way to just incorporate food scraps in a better way. So we wanna use this space as a demonstration site to prove ideal operation and site flow to counter that, um, uh, not in my backyard, NIMBY personality of, you know, this is gonna be terrible and it's gonna hurt all of us.
So I'm hoping that we can prove that concept with this new s- new space. And we've ideally created it based on our experience, um, and we've never received any type of roadway concern, uh, site concern at any of our locations, um, to prove this concept. Uh, and I would also like to highlight that, um, with this space, we have the opportunity to educate and give more feedback to the local community on what foods grab composting is. So hopefully all of that can, um, not only improve where we're at currently but also us as a, as a company can really provide, uh, an ability to not only recycle and create soil amendment but create a really valuable need in our s- in our community which is education of what this can do for hopefully our community and our county.
MS. CIRNER: And just 2 more points, uh, just from a legal

aspect. Um, I know the, uh, Ms. Rosenfeld was here in 2022 representing her clients at that point, um, and it's my understanding that this site plan was approved and no appeal of that approval ensued subsequently to that, um, commission action. And then again, we want to emphasize that nothing is really changing here than what was approved in 2022. And so there are legal, um, doctrines that do look at, um, a decision and making sure that the decision of the administrative body is consistent when it's reviewing an application that it has already seen before. And so I just wanted to fulfill my obligation as the attorney here sitting at the dais to bring those to your attention. Thank you.

CHAIR DAVIS: All right. Thank you very much. Uh, if we're up here now for Planning Commission deliberation, and we'll start with Ms. Nicklas.

MS. NICKLAS: Um, so I'd like to ask the applicant a couple of questions.

CHAIR DAVIS: Mm-hmm.

MS. NICKLAS: Um, so I wanna understand, um, what is your relationship to Key City Compo- Compost. I sort of got from what you recently said, you may own it, but they still do the operation, is that correct?

MS. BLUMER: Uh, no. So we absorbed Key City Compost, uh, this summer. Um, so we just absorbed it, and with that abs- absorption, so, so Key City and their employees are now under

our platform. So they are no longer the Key City brand, but we do have, uh, 1 of the operators that was historically there, um, who's learned an amazing amount and does a really great job on site. He also has been in contact with the neighbors, so I'd like to emphasize that he has done a really great job to try to build that relationship, um, something that myself and we should do more, um, as we move forward with the program.

MS. NICKLAS: I was just trying to find out, so you all came on board over the summer.

MS. BLUMER: Yes.

MS. NICKLAS: And when you talk about, um, com- tell us about the current size of the operations versus what it's going to be when this gets built?

MS. BLUMER: Yeah.

MS. NICKLAS: If you can give us sort of the scale.

MS. BLUMER: Yeah, great question. So we are under a on-farm exemption for the amount of food scraps that can be composted on the space. So, uh, if you take off site food scraps, which we do, you are now required to stay under a contiguous amount of square feet. So if you squish all our piles together and everything that we do for the actual composting side, um, it needs to be a required square footage. That's 5,000 square feet. There's now a 10,000 square foot, um, on-farm agricultural exemption as well, but that bill was approved in

2023, but it's not currently implemented.
Um, but either way, we're below that footprint. When we get to this larger space, we're up to about, it was, uh, on there, 6.2 acres of composting limits. So that's from 5,000 square foot. So 42,000-ish is an acre. So we're at like an eighth of an acre. And then it's going to about 5.5 acres.
MS. NICKLAS: Acres.
MS. BLUMER: So that's the difference of size.
MS. NICKLAS: Of about 10 times.
MS. BLUMER: Yeah.
MS. NICKLAS: Is that about right?
MS. BLUMER: That sounds right, yeah.
MS. NICKLAS: I was just trying to get…
MS. BLUMER: Yeah.
MS. NICKLAS: … an order of magnitude.
MS. BLUMER: Yeah. Okay.
MS. NICKLAS: Those are my questions. Now I'll, I'll give the, the mic to someone else.
MS. BLUMER: Mm-hmm.
CHAIR DAVIS: Okay. Well, why don't we just go down the row here, um? You’re on. You’re on.
MR. RENSBERGER: Okay. Yeah. Thank you, Mr. Chairman. Um, some … this is directed at you Ms.Cirner, some of Ms. Rosenfeld's comments you seem to speak to I just wanna re-repeat them back to the best of my ability and, and maybe you

can confirm. Ms. Rosenfeld asked that the existing, uh, food waste unloading and mixing pad be located to the south or west of the property and you said it's planned to be relocated to the center.
MS. CIRNER: Ms. Rosenfeld may be referring to the proposed. Yeah, she's ref-
MR. RENSBERGER: I, I see 1 near the intersection of Stull and Lakeview.
MS. CIRNER: Right.
MR. RENSBERGER: On your plan.
MS. CIRNER: Right, so I've … the gray box is what's proposed. What is existing is just to the west of that. Yeah.
MS. BLUMER: And that's the [inaudible]
MR. RENSBERGER: Can you … Oh, there we … on the screen. What's … the, the gray … there's a driveway and a gray area right there. Isn't that where the dumping.
MS. BLUMER: Yeah.
MR. RENSBERGER: And mixing is happening right now?
MS. CIRNER: Currently.
MR. RENSBERGER: And Ms. Rosenfeld asked that it be moved to the south or west, and you said it's planned to be moved to the center.
CHAIR DAVIS: Mm-hmm.
MS. CIRNER: Right. So it's gonna be moved from where the cursor just was to the right, I believe where that gray

rectangle is. And so that's gonna be behind the cross hatched white area, which will be, um, the landscape buffer.

MR. RENSBERGER: Oh, so you're moving it, but not nearly as far as she would have you move it.

MS. CIRNER: But we're adding landscaping in 2 sections, along the frontage as well as along the boundary of the composting. So those will be 2 additional characteristics that will be added.

MR. RENSBERGER: Thank you for that clarification. Um, traffic was cited as an issue from the, uh, our neighbors that came, um, but the road is slated to be widened. Isn't that right?

MALE SPEAKER: Yes, sir. The plan is to widen both roads for 20 feet for … this was actually started as like for tru- fire trucks to make sure that the site can … that the road can handle fire trucks.

MR. RENSBERGER: They're being widened…

MALE SPEAKER: Yes.

MR. RENSBERGER: …as Frederick County is growing. Is growing.

MALE SPEAKER: Yes.

MR. RENSBERGER: Yeah. Sorry, they're slated to be widened anyway not because of this project.

MALE SPEAKER: No, no, no. The, the, the intent is to widen the road, right?

MR. WILKINS: It's, it’s … the APFO LOU.

MALE SPEAKER: Yeah.

MR. WILKINS: As part of the traffic study for this, the determination was made that those roads had to be widened, so the applicant will be widening the roads.
MR. RENSBERGER: Oh, the applicant will be widening the road.
MR. WILKINS: Mm-hmm.
MR. RENSBERGER: Okay. Um, so this might be a question for Ms. Mitchell. Um, Frederick County is a, a right to farm county. I remember learning that term after some new arrivals that came to the county in the 90s. You know, like my wife came to Frederick County in 1999 and had her f- experience her first manure spreading day. And she's like, you know, "What the hell is that?" And I was like, "That's progress, babe." [Laughter]. And is, is this activity covered by that Right to Farm Act? I mean, it … ho- people don't like the way hog farms smell either, but they have a right to do it.
MS. MITCHELL: No, I know and that's a very good question. I, I would have to look into that. I could do a quick, quick search while we're talking here.
MR. RENSBERGER: You're a rock star. Thank you.
MS. MITCHELL: Or maybe, maybe the applicant knows. I don't know.
MR. RENSBERGER: Okay.
MS. MITCHELL: I do not.
MR. RENSBERGER: Thank you for that. I'll yield down the line to Mr. Long, I guess.

CHAIR DAVIS: Thank you, Mr. Rensberger. Mr. Long?
MR. LONG: Yes. Um, so as I said earlier, I'm very much for your mission, mission and what you're trying to do, and I know some of the people involved, and you know, they're all good people. But, uh, I can't disregard the comments I've been hearing from the neighbors and I don't wanna just disregard them and say, well, that's NIMBYism. I mean, they are feeling and hearing and smelling what they are hearing and smelling and seeing. Um, and I, I realize too that this site plan has already been approved previously and we have to be consistent. But at the same time, um, there is a lot of open farm space to the south, I guess it's south, um, and maybe this is a question for Richard and you, is there any reason why you can't move this further to the right on the graph here, uh, and get it a little further away from those folks?
MS. BLUMER: Yeah, great question. So we can't go further southeast, um, because there's a setback there. So a lot of that has to do with the stormwater that's in that space. Um, and so there's … a- and I'm sure John, who might be here, can give more specifics. And I think Richard's raising his hand. But, um, that's the reason why is we, we couldn't due to the stormwater, um, on that space but I'm sure Richard can give you more details on that.
CHAIR DAVIS: Is Richard willing to comment?
MR. JEFFERIES: Yeah, just ask John about that cuz he sent me a

note. There is a specific reason. He can, he can run it down for you.

MR. LONG: Okay, to follow up also…

MR. JOHN: Yes.

MR. LONG: …on the unloading spit. Oh, it's John here. Okay. I'm sorry.

MR. JOHN: I am here. Yes, sorry. Thank you. Um, so there is a drainage easement from US 15 that bisects this property, um, that is a swale that runs through the middle of the farm. And that is also shown, um, on the bottom half, kind of in the center of the plant. I say bottom because north is askew in this drawing. But so when we bisect the property, do that drainage uh, area, the southern portion of the property becomes, uh, significantly restricted. Uh, it's also located on a hill, uh, with much more undulating terrain. So from a spatial standpoint, um, layout and also just to have a driveway, uh, to get to that portion, it was more efficient of our use of the property to, uh, select the location that it's in today.

MR. LONG: Okay, to follow up a little bit on that then back to the unloading area that, uh, Mr. Rensberger was referring to, your, your driveway is more in the middle of, uh, the road now but why can't you have the unloading portion near where the entrance is, or more central to the whole processing center?

MS. BLUMER: Yeah, good question. The site flow was designed to

treat the ideal. Oh, sorry, go John.
CHAIR DAVIS: He couldn't hear you. Your mic was off.
MR. JOHN: I did. So the, uh, we have a, I guess, counterclockwise organization to the flow then here with the materials coming in. There is an ent- uh, incoming material area, um, that's kind of a larger trapezoidal, um, red box on the left side of the driveway. That's gonna be the bulk of the carbon, your food waste material. The food waste is going to be limited and because it is limited we did not want to put that right at the front of this facility to cause a log jam. Um, but the rationale is as it moves, the material as it comes in is gonna move counterclockwise. It'll come from incoming material to active composting, over to curing, um, and then as you're moving, uh, to the right, back up around to the finished, uh, composting piles to be, uh, loaded into vehicles and in the site.
So, uh, as you work around that clock, that is the, the rationale for it. And the selection of where the food waste was was just input from operators and, um, our previous compost engineer who has worked on, uh, these facilities across the US of, you know, how does this best suit, uh, the need for the operator to quickly incorporate the food waste into the active composting pile, which, you know, in this stance is 20 feet away versus moving that material further distance.

MR. LONG: Okay, thank you. If I may, 1 more question Mr. Chair?

CHAIR DAVIS: Please.

MR. LONG: Um, so we heard Richard state earlier that he's brought tours into the facility as it exists now, uh, different county officials and whoever they … else may be and you'd stand in the middle of the facility and ask them to breathe, and everything smelled like roses. No, he didn't say that. I- it didn't smell bad, I should say. So, uh, we're hearing from the neighbors, though, a quite different story. So how can you explain that, though? What- what's happening here?

MS. BLUMER: Yeah, so when you're on site, and I do recommend you all come on site, it is a great place to see what's happening and how we do composting and just in general seeing the ability to move food and scrap and make compost, which is a pretty cool science to see. Um, now, there are lots of farming spaces in that area. There have been times when, for example, our operator had a comment that was received from a neighbor, and they thought it was the smell was from our site, and it was actually, uh, a pig manure that was being laid nearby. Um, and we do have the, that large highway nearby, which does have a lot of sound and potentially nuisances coming from that space.

Um, and we do always make an effort to make sure we're, we’re

pro- operating ideally at all times. Um, so sometimes it just comes from the secondary factors that we can't control, um, and so all we can do is control what's on site. So with this site plan, we will make sure that these concerns are mitigated and that is what it was approved historically but also will and is approved currently cuz we do have the current state permit, um, and was the county's, um, approval as well. So this, this site is ideal to make sure we're mitigating all of those concerns moving forward.

MR. LONG: Thank you.

CHAIR DAVIS: Mr. Tressler.

MR. TRESSLER: I'm all in favor with the concept, and you have proffered a case of the … change your entrance and move your mixing compound power away from the neighbors and all. And you keep specifying food waste, but I've seen you have a lot of tree waste and residential waste and all. Like what percentage would actually be food waste from Frederick County?

MS. BLUMER: Yeah, great question. So ideal anaerobic or aerobic composting would have a 1 to 3 ratio. So we pro- process with about 1 percent, 1, that 1 ratio is food scraps and the 3 ratio is usually a carbon source, which is ideally leaves, wood chips, um, anything that might have a higher carbon, uh, constituent involved. Also, bulking agents. So lignin, so tree, trees don't break down. So that lignin is really important to help with bulking, to help with the

aeration.
So that means 25% of the food feedstock coming in is food scraps, ideally, and the rest of it is a carbon source. Um, so the majority of material that we currently and will be processing will be, uh, carbon oriented material, so leaves or wood chips.
MR. TRESSLER: And without proper management you get in the anaerobic which you don't want to do.
MS. BLUMER: Yeah.
MR. TRESSLER: And you have all kind of negative impacts in that area up there. Um, I wish your site was a lot larger. You know, if you would have a couple hundred acres there it'd be a lot better. You could spread out and all like that. I know you're kind of handicapped what you can do there with the ravine and all the water and all like that. But it's a … I guess that's the only comment I have.
CHAIR DAVIS: Ms. Nicklas.
MS. NICKLAS: Um, so I appreciate everything that you have said and yes, I know that the Planning Commission approved this 3 years ago. However, it was 3 years ago. This is perhaps new information. And the things that have jumped out at me, they have to do with public safety and environmental concerns. It’s, it is … I- I'm a huge fan of composting. You're totally right, it aligns with the vision. Um, it's a great project. However, I … from what we have heard today, sound to be

serious, again, public safety and environmental concerns. And I believe, at least for me, I'm not comfortable approving something without understanding more about this. And I, um, and uh, so I don't know what the step is, if, if we could have a continuance and if s- someone at the county who has environmental expertise could investigate it further. But I, I can just say public safety, environmental, there sou- there sounds to be some real concerns here, and I think we need more information on this. I know I do before I can vote on this.

CHAIR DAVIS: Mr. Rensberger.

MR. RENSBERGER: Thank you. Thank you, Mr. Chairman. Mr. Tressler and I were here when this, this 1 was approved the first time. So it's a 2 of 7 of those, that Planning Commission are still here in the room. Um, but I understand the statement about consistent government function, um, and I agree with you. This, this is a permitted use. I agree with you, too, that these are some serious concerns. They, they didn’t … they don't look like they're not telling the truth, right? Um, but this is a permitted use and the Frederick County Planning Commission is not law enforcement. So if they're breaking some guideline about odors going over property lines or noise after, you know, before 7 AM or after 7 PM, that’s a matter … to my mind, that's a matter for zoning.

Like, yeah, that's code enforcement. What we are supposed to

do is evaluate this plan, um, but these things need to be looked at. But a continuance is a harm to the applicant. We don't know that the harm … that the applicants done anything wrong, although we're hearing rumors about that. I- I'm not sure I'd be comfortable with a con- Maybe I have to be comfortable with the continuance. I don't know, but that's my thoughts. I wanna stay out of law enforcement. Thank you.

MS. MITCHELL: Mr. Rensberger.

MR. RENSBERGER: Yes, Ms. Mitchell.

MS. MITCHELL: I just wanna answer your question about the Right to Farm. It does not apply in this case, um, as Mr. uh, Wilkins reminded me, if this was a farm, a bonafide farm activity, they wouldn't need a site plant. So, um, it i- it is not something that, uh, gets modi- The other thing I do wanna say, just to be fair, is that, you know, there is the unreasonable change of mind role, but if facts, facts that apply to the site plan are different, then you can make a different decision. So it's not, it's not if you make a decision once you can never change your mind. So Michele, you can sit down, I said it for you. [Laughter].

MR. RENSBERGER: So you're saying, Ms. Mitchell, even though the plan is the same as we saw 3 years ago, some facts are different and that's this, what's come to light, this testimony here today, those are, that's different?

MS. MITCHELL: Correct me if I'm wrong, but 3 years ago, there

wasn't an existing ongoing compost, uh, operation. Is that right?
MR. RENSBERGER: Correct.
MS. BLUMER: Yeah.
MS. MITCHELL: There was? There was not?
MR. RENSBERGER: Oh, oh, pardon me.
MS. MITCHELL: [Laughter]. I'm looking at somebody who just told me like this.
MR. RENSBERGER: I was mistaken. Mr. Wilkins said yes there was an operation.
MS. MITCHELL: And was it the same…
MR. WILKINS: Yeah, there was a limited composting facility. This is to upgrade that use to the limited composting-commercial, which lets it go from 5 acres up to 10 and include more of that commercial activity.
MS. BLUMER: But if I may, it's...
MS. MITCHELL: Okay, so then what- what's happening today is no different than what was happening 3 years ago, like actually happening on the site. Is that correct?
MS. BLUMER: Correct.
MS. MITCHELL: Okay.
MR. RENSBERGER: Yes.
MS. MITCHELL: That might be a problem then as far as changing your mind. I was thinking that, you know, the, the odor and all that kind of stuff, I, I do … I did hear from staff, and

this is … I'm not saying this well, I'll let Mike talk. You could ask him about if there have been any zoning, um, complaints about the site cuz that might be important to know.
MR. WILKINS: Not that I'm aware of.
CHAIR DAVIS: Thank you very much, Ms. Mitchell.
MS. MITCHELL: Thank you.
Mr. MR. WILKINS: Thank you.
CHAIR DAVIS: Mr. Wilkins's mind is like a steel trap. Um, I, I have a, I have a couple staff and a couple for you and then I'm going to acknowledge Ms. Rosenfeld. I'm gonna be time restrained with you but I will acknowledge you in just a moment. Um, for the applicant, um, 1 thing that was mentioned that we haven't touched on was specifically hours of operation. Um, I, I heard stuff was going on late at night. I'll just be vague in that. Do you have a specific hours of operation, and if not can you commit to a certain specific hours of operation as many of our users in the county do?
MS. BLUMER: Yes, so in the compost facility operating plan that we have planned for this facility, there is, uh, hours of operation that's already been pre-listed and approved by the state, um, and so that would be what we would go based on. Yeah, which is from 7:00 to 3:00, um, but on sometimes it would be 9:00 to 5:00.
CHAIR DAVIS: 7 AM to 3 PM.
MS. BLUMER: Correct.

CHAIR DAVIS: Okay. Um, then the oth- then my question for our staff is I recall, and I- I've read far too many zoning ordinances to admit that I would admit to, but I recall reading somewhere in some agricultural, uh, language where it says that if you are a residential use in an agricultural zoning district then you are to be on notice that there could be detrimental odors and sounds and things associated with the agricultural use near your residence if you're ag and it's ag. Does this ring any bells?

MR. WILKINS: I think referring to kind of like the Right to Farm Bill, so if a New residential house or community builds next to an existing farm, that essentially that farm's operation is protected.

CHAIR DAVIS: Okay. Okay.

MR. WILKINS: Right. Yeah. Not applicable in this case in my, in my opinion.

CHAIR DAVIS: Thank you for bringing that forward. All right, so I don't … Ms. Nicklas?

MS. NICKLAS: You were about to say you don't see any more comments, right?

CHAIR DAVIS: I, I was.

MS. NICKLAS: I have a...

MR. PARRY: And, and I'm I allowed to make a comment from the line? This is Ben, uh, with Compost Crew.

CHAIR DAVIS: Yes, sir.

MR. PARRY: Yeah, just, just a couple things that I, I think haven't been mentioned in full yet. 1, um, we are … part … the, the site plan does contemplate us building out a, uh, more enhanced compost facility that will be regulated by Maryland Department of Environment, which regulates the environmental concerns that have been addressed. The other, as part of the build-out we will be investing in additional equipment that's going to more, uh,, better handle any odor issues. So any … the improvements in the site are going to significantly decrease any risk associated with, with odor issues. Um, and the Maryland Department of Environment regulations govern any environmental concerns that have been raised and we'll have to follow the, those regulations according to our, our state permit which has been approved.
CHAIR DAVIS: Okay, thanks Ben. You got 3 and that's, that's all I'm giving you, so good job. Um…
MR. PARRY: Gotcha.
MS. NICKLAS: Okay. So and thank you for saying that. I, I actually need to marinate on that a little bit cuz I don't actually totally understand how that would come into what I'm saying. But per- personally, I get the noise and odor, totally. My comment, my concern is not noise and odor. It is public safety and environmental concerns. And the 2 specific things were the 9 failed bacteria tests. I, I think that's big. And to me, unless somebody came forward 2 years ago and

said, my well is failing all the bacteria tests, that's new information. And the children's respiratory issues.
So I pulled those out specifically. I said, I came into this. I'm a huge fan of this. I compost. I'm a huge fan. But I pulled those out as too serious, potentially, public safety and environmental issues. I'm not trying to police this, but to me, if there is something happening that is related to an environmental concern, a public safety, to have a continuance for a short amount of time, to do some … have subject matter experts at the county do some investigation to find out is there something here. And if there is, could that be mitigated by, by doing a redesign of, of, of the site plan?
But uh, I am uncomfortable approving this when across the street we're getting failed bacteria tests in wells. So, um, again, it's not the noise, it's not the odor. It's those 2 things; public safety and the respiratory issues. So I started going, um, so if the Maryland, I guess my question then, after my comment, if the MDA is involved, how would they handle these issues? Would they test the wells? Would they be checking to see if this site is impacting the neighbors' health? How does that work?
MR. WILKINS: It certainly wouldn't be the Frederick County Planning Commission. Um…
MS. NICKLAS: Right. Agreed.
MR. WILKINS: Ground- ground- groundwater is controlled by the

state of Maryland, not Frederick County government. So I would advise the Planning Commission not to make a decision based on a concern for groundwater because it's out of your wheelhouse. Um, we'd also have to be very careful not to approve this with any conditions that would be contrary to the state approvals that have been granted already to this project.

So for example, the hours of operation from the testimony sounds like the state permit said 7:00 to 3:00. The Planning Commission shouldn't restrict that further than what the state has dictated, right? So just a few words of advice there.

MR. PARRY: And yes, the MDE does, does cover those concerns. I mean, Kristie, I don't know if you wanna go into more detail about the depth of the groundwater, et cetera?

MS. BLUMER: Yeah, so MDE would do all … all of our permits would come through MDE on any type of environmental concerns. So an example would be we have a solid waste permit that we've already approved for the composting operations, which includes the composting operations plan, we will need an industrial stormwater permit, which will, um, test, uh, regularly anything that's coming off of the site, so they call it contact water. So any water that then contacts in the material and then goes into our already pre-planned stormwater, uh, best management practices. So they will be tested there regularly and will be monitored by MDE.

Um, anything with an air is an air permit, so you would have

to make sure the air is also being regulated depending on the type of equipment you utilize. Um, so we would need multiple pieces of, uh, permits and pre-approvals, um, for this site to make sure that we're operating, uh, safely for everyone.

MS. NICKLAS: And is MDE doing that now?

MS. BLUMER: So right now we’re, we’re small, we're a farm. So we are the right to farm currently, um, as an ag land, uh, and what we're doing is zoning. Um, and then this will then be regulated by MDE.

MS. NICKLAS: In the future.

MS. BLUMER: Yeah.

MR. PARRY: But, but they have, they have already come out to the site and inspected to make sure that we are in compliance with existing regulations related to on-farm composting. So they are actively policing this site and other sites that we operate.

CHAIR DAVIS: Okay, thanks Ben. You went over your 3. Um, all right, so…

MS. MITCHELL: Well…

CHAIR DAVIS: We have, uh, we have concluded our Planning Commission…

MS. MITCHELL: Sorry about that.

CHAIR DAVIS: …comments for the time being. Um, Ms. Mitchell, did you have something you wanted to add?

MS. MITCHELL: No, I was, I was actually gonna say what Mike

said, so I'm good. Thank you.
CHAIR DAVIS: Okay.
MS. MITCHELL: Sorry, I forgot I left my mic on.
CHAIR DAVIS: Well, we, we know you and Mike are always on the same page. [Laughter]
MS. MITCHELL: Almost always, you're right.
CHAIR DAVIS: All right.
MS. ROSENFELD: And Mr. Chairman.
CHAIR DAVIS: Very good. Ms. uh, Ms. Mitchell, I am going to allow Ms. Rosenfeld 3 minutes of additional testimony. Is that in order from your point of view?
MS. MITCHELL: Is representing 2 people so I guess that's all right.
CHAIR DAVIS: Okay. All right.
MS. MITCHELL: You've done, you've done that in the past.
CHAIR DAVIS: Thank you very much. Miss Rosenfeld, um, let's stick to 3 minutes if you please, ma'am.
MS. ROSENFELD: Certainly. Thank you. Um, there, there are several things that I did want to address that came up, uh, after, after the testimony was presented, uh, from, from the community. And first, I do agree that there is no Right to Farm protection for this particular use. Instead this use is governed by the zoning code which does say, uh, you know, that composting activity shall not occur, odor, dust, smoke, vibration or unreasonable noise. The other thing that I wanted

to talk about, um, is the concept that's been raised that you can't, uh, change the, change the mind of the agency.
I will say that the facts that are before you today are significantly different from the information that was presented at the first hearing. The first hearing was held during COVID. Uh, I submitted a letter on behalf of Mr. and Mrs. St. Angelo. Uh, there was no direct testimony. Today you had first-hand personal sworn testimony from 5 individuals who live in this community. They raised issues about well, they … wells, they raised issues about, uh, respiratory health, um, including some medical information and uh, to the extent that the applicant is now, um, responding to that testimony by saying that there are elements incorporated into the site plan that we have not seen, it really is only fair for my clients to have an opportunity to, to review and understand that information.
And candidly, um, you know, 2 plus years after this plan was, uh, approved it expired, through no fault of my clients, um, a, a period of time of several weeks to allow that supplemental information to be provided and my clients who are directly and profoundly affected to have an opportunity to consider that information and speak to it is, is not prejudicial to the applicant and really is in the best interest of, of the community. So I would ask out for that, that supplemental information, a brief period of time for us

to have a chance to review it. Thank you.
CHAIR DAVIS: Thank you, Ms. Rosenfeld. I'm clo- I'm closing things up now. I'm gonna, I'm gonna bring it up here for us to, um, decide whether or not we wanna move this forward as a yay or nay or continue the case. So I'm, I'm up here with the, uh, with the Planning Commission and I see Mr. Rensberger's light is lit and what do we have from you, sir?
MR. RENSBERGER: I've been listening to all these or everything that's been said here. My pen can't move much faster. Um, so I list, as some of you know, I list and count the nature of the complaints that come in when there's public testimony. So there are 7 subjects; odor, noise, traffic, trash, feral animals, bacteria in the well, and respiratory health. If we wanted to decline this re-approval of a plan, we don't regulate odor, we don't regulate noise. We do regulate traffic on site and traffic movement. Trash, we regulate the enclosures of trash, the management of trash. Um, but feral animals, well in a bacteria and health concerns, those are not … that's not our ma- that's not our material.
Um, it doesn't make it something that shouldn't be looked into. It's just not something that this group is charged with. Um, I am mindful of Ms. Mitchell's statement about consistency. I don't want us to be found arbitrary and ca- capricious at the Board of Appeals or the Circuit Court. And while I agree to be concerned about health completely, that is

MDE. That is just not our role. Um, neither is zoning enforcement. Um, our role is … our only role is, and I think we should stay in our lane, is evaluate this plan on its merits and vote on what's inside our scope. I don't want us to run off the rails here. That's my thoughts. Thank you.

CHAIR DAVIS: Mr. Long.

MR. LONG: I would tend to agree with Mr. Rensberger. Uh, we've heard a lot of concerns and I certainly appreciate those concerns. Um, and, and there is a number of things that just aren't in our wheelhouse. It doesn't mean we can't be concerned about them, but, uh, it doesn't mean that we have the authority to actually act on them. Um, I'm, I'm … Now that I've heard about the role of MDE, I'm a little more comfortable that hopefully the health issues and the environmental issues can be addressed and I, I would kind of, uh, make the request of the applicant that they go out of the way to communicate to the neighbors and get them the information of who they can contact, you know, MDE numbers, websites, what- whatever the case may be, and be a little more proactive with trying to address their concerns, um, and uh, so, so they know who to get in touch with if things arise. I mean, the bacteria in the well, we don't know where that's coming from. It could be coming from this side, it could be coming from somewhere else, or it just may be the nature of where that well is at. Uh, there's all sorts of reasons that

can be happening. But, um, I think with this being approved to be more of a, a commercial type operation, that it sounds to me like the processes that are in place to … it, it sounds like most of the concerns will be addressed, that the, the waste will be handled more, uh, appropriately and in a way that might mitigate some of the odors and um, and that sort of thing, uh, if, if there are odors.

Uh, by the widening of the road, it seems like the traffic situation should be alleviated. And, you know, the applicant said that there were trucks in the photos that weren't theirs. I, I don't know whose trucks they would have been, but, um, hopefully by the new traffic, uh, flow that's designed into this, uh, into this plan that the traffic can move in and out without being caught up on the, the streets and being a hazard. So, um, I guess what I am trying to say, I am willing to move ahead with this.

CHAIR DAVIS: Thank you, Mr. Long. Um, then, uh, we’re, we're here for an orderly motion, second, and if any discussion, then the discussion for [crosstalk] motion.

MR. LONG: For my direction I received earlier this afternoon.

CHAIR DAVIS: So are you prepared to make a motion?

MR. LONG: I'm prepared. I move that the Planning Commission conditionally approve site plan development plan SP19-17, APSP277005, APFOA277003, with conditions and modifications as listed in the staff report for the Compost Crew at Utica

Bridge Farm site plan based on the findings and conclusions of the staff and the testimony exhibits and documentary evidence produced at the public meeting.

CHAIR DAVIS: Do we have a second?

MR. RENSBERGER: Second. All right.

CHAIR DAVIS: All right. With that motion by Mr. Long with conditions and a second by Mr. Rensberger I will call roll. Mr. Tressler.

MR. TRESSLER: Nay.

CHAIR DAVIS: Mr. Long.

MR. LONG: Aye.

CHAIR DAVIS: Mr. Rensberger.

MR. RENSBERGER: Aye.

CHAIR DAVIS: Ms. Nicklas.

MS. NICKLAS: Nay.

CHAIR DAVIS: And the chair votes yay. Uh, the motion approves 3, 2, 0, 2. Thank you very much.

MS. ROSENFELD: Thank you.

CHAIR DAVIS: [Inaudible]. Without any other matters of order for today, I call the Planning Commission meeting adjourned. Thank you very much.

[END]












SM-720 SA


Crop



Compost Crew
Dec 16, 2024 ·

Hay now! That's a lot of hay from the @MarylandZoo in Baltimore! Our Director of Commercial Sales, Rita, visited our Utica Bridge Farm Compost Outpost® and saw hay piles the size of an elephant! It's getting put to great use, getting mixed with our food scraps to create black gold. Rita and the rest of our team truly enjoy partnering with the zoo. Over the last few years, they have gone the extra mile to repurpose their organic waste even when they have giant animals to tend to! It's hard work, but it's worth it. 🌍🐃

Keep up the great work and we will continue to offer pick ups and drop-off locations to make sure we can continue this mission to find refuse disposal options for large-scale waste.

#commercial #composting #BaltimoreZoo #MarylandZoo #heynow #compost #hay #organicwaste #reducewaste #foodwaste #CompostOutpost





Industrial SWPPP Template

Introduction

To help you develop a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with industrial stormwater permits, MDE recommends using this template, which a modified version of the one that the U.S Environmental Protection Agency (EPA) has created. Use of the Template will help ensure that your SWPPP addresses necessary elements required in industrial stormwater permits.

Before completing the Template, make sure you read and understand the requirements in the **General Permit (20SW, 15MM, 16MA, etc)**. A copy of all the **General Permits are** available on our website, as is a guide for creating a SWPPP. You may also call us at 410-537-3323, if you have questions about this process.

Using the Industrial SWPPP Template

Tips for completing the Template:

- **This Template is designed for use by all facilities eligible for coverage. The Template is NOT tailored to your individual industrial sector. Depending on which industrial sector you fall under (see Appendix A of the General Permit 20-SW, 15-MM, 16-MA, etc) and on where your facility is located, you will need to address additional SWPPP requirements outlined in the permit SWPPP requirements in the permit or Appendix D and/or Chesapeake Bay Restoration Requirements of the permit.**
- **Complete a SWPPP *before* submitting your Notice of Intent (NOI) for permit coverage.**
- **Each section includes "instructions" and space for your facility's specific information. You should read the instructions for each section before you complete that section.**
- **The Template was developed in *Microsoft Word* so that you can easily add tables and additional text. Some sections may require only a brief description while others may require several pages of explanation.**
- **To make it easier to complete, the Template generally uses blue text where the operator is expected to enter information.**

MDE recognizes that while every effort has been made to ensure the accuracy of all instructions and guidance contained in the Template, the actual obligations of regulated industrial facilities are determined by the relevant provisions of the permit, not by the Template. In the event of a conflict between the Template and any corresponding provision of the **General Permit**, the permit controls. MDE welcomes comments on the Template at any time and will consider those comments in any future revision of this document.

Stormwater Pollution Prevention Plan

for:

Utica Bridge Farm Compost Outpost
7245 Lakeview Road
Frederick, Maryland 21701
301-202-4450

SWPPP Contact(s):

Kristie Blumer
12343 Carroll Avenue
Rockville, Maryland 20852
301-202-4450
Kristie@compostcrew.com

SWPPP Preparation Date:

Mar 12, 2025

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1. FACILITY DESCRIPTION AND CONTACT INFORMATION

1.1. Facility Information

Instructions:

You will need the information from this section to complete your NOI.
For further instruction, refer to the **General Permit** NOI form and instructions.
Detailed information on determining your site's latitude and longitude can be found at http://www.wikihow.com/Find-the-GPS-Coordinates-of-an-Address-Using-Google-Maps, or by using a search engine on your web browser and searching for "determining latitude and longitude of location".
You must include a copy of the **Permit**, or a reference or link to where a copy can be found, in Attachment C of your SWPPP.

Facility Information

Name of Facility: Utica Bridge Farm Compost Outpost
Street: 7245 Lakeview Road
City: Frederick State: MD ZIP Code: 21701
County: Frederick
Permit Registration Number: _____ (if covered under a previous permit)

Latitude/Longitude (Use decimal format)

Latitude:
1. 39.5244 º N (decimal)

Longitude:
1. -77.4170 º W (decimal)

Estimated area of industrial activity at site exposed to stormwater: 1.5 (acres)

Primary SIC Code or 2-letter Activity Code: 2875

(refer to Appendix A of the **General Permit**)

Identify your applicable sector and subsector: Sector C, Subsector C1 Benchmarks (Agricultural Chemicals 2875)

Name and 8 digit identifier of the receiving water body: Upper Monocacy River Watershed (MD 8-Digit code: 02140303)

Are any of your discharges directly into any segment of an "impaired" water? Yes

If Yes, identify name of the impaired water (and segment, if applicable): Upper Monocacy River

Identify the pollutant(s) causing the impairment: nutrients (1996, phosphorus), sediments (1996, TSS), impacts to biological communities (2002), and fecal bacteria (2002, E. Coli)

For pollutants identified, which do you have reason to believe will be present in your discharge? All may be present.

For pollutants identified, which have a completed TMDL? Phosphorus, TSS, and E.Coli

Do you discharge into a high quality receiving water designated as a Tier 2 water? No

1.2. Contact Information/Responsible Parties

Instructions:

List the facility operator(s), facility owner, and 24 hour emergency contact. Indicate respective responsibilities, where appropriate.

You will need the information from this section of the SWPPP Template for your NOI.

Refer to the NOI instructions.

SWPPP Contact:

Name: Kristie Blumer
Address: 12343 Carroll Avenue
City, State, Zip Code: Rockville, Maryland 20852
Telephone Number: (301) 717-2592
Email address: Kristie@compostcrew.com

Facility Owner:

Name: Compost Crew
Address: 12343 Carroll Avenue
City, State, Zip Code: Rockville, Maryland 20852
Telephone Number: (301) 202-4450
Email address: info@compostcrew.com

Facility Operator:

Name: Devin Mcelfresh
Address: 7245 Lakeview Road
City, State, Zip Code: Frederick, Maryland 21701
Telephone Number: (410) 717-6634
Email address: devin.m@compostcrew.com

1.3. Stormwater Pollution Prevention Team

Instructions (see General Permit Part III.C.1):

- Identify the staff members (by name or title) that comprise the facility's stormwater pollution prevention team as well as their individual responsibilities.
- Your stormwater pollution prevention team is responsible for assisting the facility manager in developing and revising the facility's SWPPP, implementing and maintaining control measures/BMPs, and taking corrective actions where required. Each member of the stormwater pollution prevention team must have ready access to either an electronic or paper copy of applicable portions of the General Permit and your SWPPP.

Staff Names	Individual Responsibilities
Kristie Blumer	SWPPP Contact
Julie Williamson	Facility Supervisor and Operator
Devin Mcelfresh	Facility Operator

1.4. Activities at the Facility

Instructions (see General Permit Part III.C.2):

- Provide a general description of the nature of the industrial activities at your facility.

Composting on a farm using food scraps and leaf or yard waste as feedstocks.

1.5. General Location Map

Instructions (see General Permit Part III.C.2):

- Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges (include as Attachment A of this SWPPP Template).

Include a copy of the general location map for this facility in Attachment A.

1.6. Site Map

Instructions (see General Permit Part III.C.2):

- Include a map showing the following information. The site map should be included as Attachment B of this SWPPP Template.
  - the size of the property in acres;
  - the location and extent of significant structures and impervious surfaces;
  - directions of stormwater flow (use arrows);
  - locations of all existing structural control measures;
  - locations of all receiving waters in the immediate vicinity of your facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
  - locations of all stormwater conveyances including ditches, pipes, and swales;
  - locations of potential pollutant sources identified under General Permit Part III.C.3.b;
  - locations where significant spills or leaks identified under General Permit Part III.C.3.c have occurred;
  - locations of all stormwater monitoring points;
  - locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if you are treating one or more outfalls as "substantially identical", and an approximate outline of the areas draining to each outfall;
  - municipal separate storm sewer systems, where your stormwater discharges to them;
  - locations and descriptions of all non-stormwater discharges identified under General Permit Part III.C.3.d;
  - locations of the following activities where such activities are exposed to precipitation:
    - fueling stations;
    - vehicle and equipment maintenance and/or cleaning areas;
    - loading/unloading areas;
    - locations used for the treatment, storage, or disposal of wastes;
    - liquid storage tanks;
    - processing and storage areas;
    - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
    - transfer areas for substances in bulk;
    - machinery; and
  - locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

Include a copy of the site map for this facility in Attachment B.

2. POTENTIAL POLLUTANT SOURCES

Instructions (see General Permit Part III.C.3):

- In this section, you are required to describe areas at your facility where industrial materials or activities are exposed to stormwater or from which allowable non-stormwater discharges are released.

2.1. Industrial Activity and Associated Pollutants

Instructions (see General Permit Parts III.C.3.a and III.C.3.b):

- Include a list of industrial activities exposed to stormwater (e.g., material storage; equipment/vehicle fueling, maintenance, and cleaning; cutting steel beams) and the pollutants or pollutant constituents (e.g., motor oil, fuel, battery acid, and cleaning solvents) associated with these activities.
- In your list of pollutants associated with your industrial activities, include all significant materials that have been handled, treated, stored, or disposed, and that have been exposed to stormwater in the 3 years prior to the date you prepare your SWPPP.

Industrial Activity	Associated Pollutants
Equipment/Supply fueling	Diesel fuel and gasoline
Equipment/Vehicle Maintenance	Grease, motor oil, DEF, coolant, hydraulic fluid, cleaning solvents, biodegradable cleaning materials
Composting	wasted organic feedstocks, for example food scraps, leaves, and woodchips.

2.2. Spills and Leaks

Instructions (See General Permit Part III.C.3.c):

- Include the following in this section:
  - **Potential spills and leaks:** A description of where potential spills and leaks could occur at your site that could contribute pollutants to your stormwater discharge, and specify which outfall(s) are likely to be affected by such spills and leaks.
  - **Past spills and leaks:** A description of significant spills and leaks in the past 3 years of oil or toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance.
- *Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602.*

Areas of Site Where Potential Spills/Leaks Could Occur

Location	Outfalls
impervious pad near barn	001
composting area	001

Description of Past Spills/Leaks

Date	Description	Outfalls
N/A	N/A	N/A

2.3. Non-Stormwater Discharges Documentation

Instructions (see General Permit Part III.C.3.d):

- The questions below require you to provide documentation of the following:
  - Your evaluation for the presence of non-stormwater discharges at your site; and
  - Your elimination of any unauthorized non-stormwater discharges.

N/A

2.4. Salt Storage

Instructions (see General Permit Part III.C.3.e):

- Document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.
- Note: You will be asked additional questions concerning salt storage in Section 3.7 of this SWPPP template, below.

We have a bag of salt (natural water softener salt) stored in the barn and used only when needed (sparsely on the impervious pad).

2.5. Visual Monitoring Summary

Instructions (See General Permit Part III.C.3):

- Summarize what you have observed as potential problems from stormwater during the previous permit term.

N/A

2.6. PFAS and PCB Source Identification

Instructions (See General Permit Parts III.C.3.ii, and III.C.3.iii):

- In Section 2.6 of this SWPPP template, you are asked to describe potential sources of per- and polyfluoroalkyl (PFAS) and Polychlorinated Biphenyls (PCBs). See the 20SW permit Part III.C.3.ii for a list of SIC codes that have a higher likelihood of containing PCBs. For please see Part III.C.3.iii for the chemicals we are looking for as well as the following link to the EPA's PFAS website https://www.epa.gov/pfas/basic-information-pfas for more detailed information. Provide a narrative summary below any potential current or historic uses of PFAS or PCB's below.

PCBs are unlikely to be encountered by stormwater on our site due to our composting activities. PFAS can be encountered everywhere in the environment now, including our air, rain, and soil. Higher sources of PFAS are usually associated with fire retardants like fire extinguishers and hydrophobic chemical additives like non-stick cooking pots. We do have a fire extinguisher onsite stored inside the barn for health and safety measures.

3. STORMWATER Control Measures

Instructions (See General Permit Parts III.C.4, III.A and III.B.1.b):

- In Sections 3.1 - 3.12 of this SWPPP template, you are asked to describe the stormwater control measures that you have installed at your site to meet each of the permit's "non-numeric effluent limits" in Part III.B of and in some cases "Chesapeake Bay Restoration Requirements" in Part III.A.

3.1. Minimize Exposure

Instructions (see General Permit Part III.B.1.b.):

- Describe any structural controls or practices used to minimize the exposure of industrial activities to rain, snow, snowmelt, and runoff. Describe where the controls or practices are being implemented at your site.

All composting piles are covered with a carbon cap (example: ~6 inches of wood chips) or compost covers (biodegradable fiber-based cover). Grading of the impervious area is in a gradient from the access road to the barn to prevent off-site discharges. All stormwater flow is directed to the northeastern portion of the site that is an existing unused and pervious portion of the farm that serves as a natural swale.

3.2. Good Housekeeping

Instructions (see General Permit Parts III.C.5. and III.B.1.b.):

Describe any practices you are implementing to keep exposed areas of your site clean. Describe where each practice is being implemented at your site. Include here your schedule for: (1) regular pickup and disposal of waste materials, and (2) routine inspections for leaks and of the condition of drums, tanks, and containers.

Equipment/vehicle/supply maintenance, and equipment/supply fueling is conducted within the barn or on the impervious surface. Maintenance supplies are stored in the barn or shipping container. Routine inspection of containers that store pollutants are done weekly. Any empty or expired containers are disposed of regularly when applicable.

3.3. Maintenance

Instructions (see General Permit Parts III.C.5 and III.B.1.b.):

- Describe procedures (1) to maintain industrial equipment so that spills/leaks are avoided, and (2) to maintain any of your site's control measures in effective operating condition. Include the schedule you will follow for such maintenance activities. Describe where each applicable procedure is being implemented at the site.

Equipment/vehicle/supply maintenance, and equipment/supply fueling is conducted within the barn or on the impervious surface. Maintenance supplies are stored in the barn or shipping container. Equipment/vehicles are expected for maintenance needs daily and performed approximately monthly (depending on hours used).

3.4. Spill Prevention and Response

Instructions (see General Permit Parts III.C.5. and III.B.1.b.):

- Describe any structural controls or procedures used to minimize the potential for leaks, spills, and other releases. You must implement the following at a minimum:

  - Procedures for plainly labeling containers (e.g., "Used Oil," "Spent Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
  - Preventative measures such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
  - Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases; and
  - Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.

  Describe where each control is to be located or where applicable procedures will be implemented.

- Note: Some facilities may be required to develop a Spill Prevention Control and Countermeasure (SPCC) plan under a separate regulatory program (40 CFR 112). If you are required to develop an SPCC plan, or you already have one, you should include references to the relevant requirements from your plan.

All containers of pollutants are labelled and stored within the barn or shipping container. Routine inspection of containers that store pollutants are done weekly. Any empty or expired containers are disposed of regularly when applicable. Spill kits are stored within and outside the barn. The site has a Health and Safety Plan (HASP) to address any emergency responses.

3.5. Erosion and Sediment Controls

Instructions (see General Permit Part III.B.1.b.):

Describe structural or non-structural controls used at your site to stabilize exposed areas and contain runoff to minimize onsite erosion and potential offsite discharges of sediment. Note: You must at a minimum implement flow velocity dissipation devices at outfalls and discharge channels. Describe the location at your site where each control will be implemented.

Grading of the impervious area is in a gradient direction from the access road to the barn to minimize off-site discharges. All stormwater flow is directed to the northeastern portion of the site that is an existing unused and pervious portion of the farm that serves as a natural swale. Flora and fauna (trees, etc.) exist at the property border as well.

3.6. Management of Runoff

Instructions (See General Permit Part III.B.1.b. and III.A.2):

Describe controls used at your site to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff. Describe the location at your site where each control will be implemented.

For facilities required to meet Chesapeake Bay Restoration Requirements, develop a plan by completing all the steps in Part III.A.2 of the permit and document in this section of the SWPPP the results of each step.

These steps will include the following:
Provide the total impervious surface area for your facility (in square feet).
Provide the the untreated impervious surface area (in square feet).
Provide the impervious surface area subject to the 20% control measure requirement (in acres).
Provide the selected practices from the options that you will implement to comply with the control measure requirement of this permit.

If after evaluating your potential options for nutrient reductions, you determine it is infeasible to meet the nutrient reduction requirements at your facility, provide your rationale and describe your alternate plan and schedule consistent with Part III.A.1.d for coordinating with the local jurisdiction to implement equivalent off-site projects.

Document your selection of BMPs and equivalent measures, including calculations that show your approach will achieve the nutrient reduction requirement.

Provide a schedule and basis for all options you selected that cannot be implemented within 30 days of registration under this permit.

Grading of the impervious area is in a gradient direction from the access road to the barn to minimize off-site discharges. The overall natural stormwater flow direction is to the northeastern portion of the site that is an existing unused and pervious portion of the farm that serves as a natural swale. Flora and fauna (trees, etc.) exist at the property border as well.

3.7. Salt Storage Piles or Piles Containing Salt

Instructions (see General Permit Part III.B.1.b.):

If applicable, describe structures at your site that either cover or enclose salt storage piles or piles containing salt, or that prevent the discharge of stormwater from such piles. Also, describe any controls or procedures used to minimize exposure resulting from adding to or removing materials from the pile. Describe the location at your site where each control and/or procedure will be implemented.

We have a bag of salt (natural water softener salt) stored in the barn and used only when needed (sparsely on the impervious pad).

3.8. Sector-Specific Non-Numeric Effluent Limits

Instructions (see General Permit Part III.B.1.b. and Appendix D):

- Describe any controls or procedures that will be used at your site to comply with any sector-specific requirements that apply to you in Appendix D of the General Permit. Describe the location at your site where each control and/or procedure will be implemented.
- Note: Sector-specific effluent limits apply to Sectors A, D, E, F, G, H, I, J, L, M, N, O, P, Q, R, S, T, U, V, X, Y, Z, and AA, AD.

Based on the composting activities onsite, the sector-specific benchmarks of Agricultural Chemicals (2875) are listed below:

Table C-1 - Subsector C1 Benchmarks (Agricultural Chemicals for SIC 2873-2879)

PARAMETER	Benchmark	Units	Frequency	Sample Type
Nitrate plus Nitrite Nitrogen	0.68	mg/L	1/quarter	Grab
Total Lead (freshwater)[1]	0.082	mg/L	1/quarter	Grab
Total Lead (saltwater)	0.21	mg/L	1/quarter	Grab
Total Zinc[1]	0.12	mg/L	1/quarter	Grab
Total Zinc (saltwater)	0.090	mg/L	1/quarter	Grab
Phosphorus	2.0	mg/L	1/quarter	Grab

[1] The benchmark values of some metals are dependent on water hardness. For these parameters, you must determine the hardness of the receiving water per Appendix C.

Stormwater sampling, inspection, and reporting procedure is listed in Sections 4 & 5 of this document. Our finished compost is required to be tested annually by MDA regulation that includes the above constituents (based on solid dry weight). Composting operations based on the site's Compost Facility Operating Plan (CFOP) is designed to minimize any off-site discharge.

3.9. Employee Training

Instructions (see General Permit Parts III.C.5 and III.B.1.b):

Describe your plan for training the employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of the General Permit, including all members of your Pollution Prevention Team. Included in your description must be the frequency of training (note: recommended at least one time per year), and the schedule you will follow.

All onsite staff will have access to an electronic copy of the SWPPP. A physical copy of the SWPPP will be stored in the barn for reference. New composting operators will be trained on the SWPPP and updated annually on any changes.

3.10. Non-Stormwater Discharges

Instructions (see General Permit Part III.B.1.b.):

Describe how you eliminated any unauthorized non-stormwater discharges at your site. The unauthorized non-stormwater discharges include any non-stormwater discharges that are not specifically identified in Part 1.1.3 of the **General Permit**. Note: If this section is already addressed by your documentation for Section 2.3 of the SWPPP template, you can simply include a cross-reference to that section of your SWPPP.

N/A

3.11. Waste, Garbage and Floatable Debris

Instructions (see General Permit Part III.B.1.b):

Describe controls and procedures that will be used at your site to minimize discharges of waste, garbage, and floatable debris. Describe the location at your site where each control and/or procedure will be implemented.

All garbage is disposed of properly in our onsite dumpster. Throughout the day, onsite staff will pick up any inorganic waste and/or floatable debris that may have accidentally dropped on the site and dispose of it properly. At the end of day, onsite staff will walk the perimeter of the site to pick up any floatable debris and dispose of it properly.

3.12. Dust Generation and Vehicle Tracking of Industrial Materials

Instructions (see General Permit Part III.B.1.b.):

Describe controls and procedures you will use at your site to minimize the generation of dust and off-site tracking of raw, final, or waste materials. Describe the location at your site where each control and/or procedures will be implemented.

Water is onsite for composting use. Water is used to add moisture to composting piles that would reduce dust, especially when mixing, loading/unloading, or moving material. The impervious pad is sprayed with a light mist of water if it is a dry/dusty day to prevent dust and off-site tracking of waste materials.

4. Schedules and Procedures FOR MONITORING

Instructions (see General Permit Part III.C.5):

- Describe your procedures for conducting the five types of analytical monitoring specified by the General Permit, where applicable to your facility, including:
  - Benchmark monitoring (General Permit Part V.B and relevant requirements in Appendix D); and
  - Impaired waters monitoring as required by MDE (General Permit Part III.B.2);
- Depending on the type of facility you operate, and the monitoring requirements to which you are subject, you must collect and analyze stormwater samples and document monitoring activities consistent with the procedures described in General Permit Part V.B and relevant requirements in Appendix D. Refer to General Permit Part V.E for reporting and recordkeeping requirements. Note: All monitoring must be conducted in accordance with the relevant sampling and analysis requirements at 40 CFR Part 136. Include in your description procedures for ensuring compliance with these requirements.
- If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, you must include in your SWPPP the information to support this claim as required by General Permit Part V.B.5.
- If you plan to use the substantially identical outfall exception for your benchmark monitoring requirements in General Permit Part V.B.6 and/or your quarterly visual assessment requirements in General Permit Part V.A.3.d, you must include the following documentation:
  - Location of each of the substantially identical outfalls;
  - Description of the general industrial activities conducted in the drainage area of each outfall;
  - Description of the control measures implemented in the drainage area of each outfall;
  - Description of the exposed materials located in the drainage area of each outfall that are likely to be significant contributors of pollutants to stormwater discharges;
  - An estimate of the runoff coefficient of the drainage areas (low = under 40%; medium = 40 to 65%; high = above 65%); and
  - Why the outfalls are expected to discharge substantially identical effluents.

For each type of monitoring, your SWPPP must include a description of:

1. **Sample Location(s).** Describe where samples will be collected, including any determination that two or more outfalls are substantially identical. Sampling sheet flow at Outfall 001.

2. **Pollutant Parameters to be Sampled**. Include a list of the pollutant parameters that will be sampled and the frequency of sampling for each parameter. Sector-specific benchmark constituents will be sampled quarterly (if able). If four consecutive samples detect the constituents below benchmark value, then laboratory sampling will cease unless otherwise specified by MDE.

3. **Monitoring Schedules.** Include the schedule you will follow for monitoring your stormwater discharge. Routine visual inspections. Quarterly visual monitoring and a representative sampling. One annual comprehensive site compliance evaluation.

4. **Numeric Limitations**. List here if any pollutant parameters subject to numeric limits, and which outfalls are subject to such limits. Note that numeric limits are only included for impaired water bodies where the Department notifies you. MDE noted we are not required to perform impaired water monitoring.

5. **Impaired Water Monitoring.** List here any parameters you are required to monitor based on your evaluation of your discharge and the TMDL status you have listed in section 1.1. MDE noted we are not required to perform impaired water monitoring.

6. **Procedures**. Describe procedures you will follow for collecting samples, including responsible staff who will be involved, logistics for taking and handling samples, laboratory to be used, etc. A representative from the composting staff will collect the sample per MDE guidelines.

Note: It may be helpful to create a table with columns corresponding to # 1 - 5 above for each type of monitoring you are required to conduct.

Inactive and Unstaffed sites exception (if applicable)
If you are invoking the exception for inactive and unstaffed sites for benchmark monitoring, include information to support this claim.
N/A

Substantially identical outfall exception (if applicable)
If you plan to use the substantially identical outfall exception for your benchmark monitoring and/or quarterly visual assessment requirements, include the following information here to substantiate your claim that these outfalls are substantially identical:
N/A

5. Inspections

Instructions:

- Describe your procedures for performing the three types of inspections required by the General Permit including:
  - Routine facility inspections;
  - Quarterly visual assessment of stormwater discharges; and
  - Comprehensive site inspections.
- If you are invoking the exception for inactive and unstaffed sites relating to routine facility inspections and quarterly visual assessments, you must include in your SWPPP the information to support this claim as required by General Permit.
- The quarterly visual monitoring reporting form is in Appendix B of the permit.

For the routine facility inspections and the comprehensive site inspections to be performed at your site, include a description of the following:

- The names of the person(s), or the positions of the person(s), responsible for inspection: A representative from the composting staff.
- The schedules to be used for conducting inspections. Routine visual inspections, quarterly visual monitoring, and one annual comprehensive site compliance evaluation, and
- Specific areas of the facility to be inspected, including schedules for specific outfalls: The composting site to include the barn, impervious area, and the Outfall 001 area.

For the quarterly visual assessments to be performed at your site, include a description of the following:

- The names of the person(s), or the positions of the person(s), responsible for inspection: A representative from the composting staff, and
- Specific areas of the facility to be inspected, including schedules for specific outfalls: The composting site to include the barn, impervious area, and the Outfall 001 area.

Inactive and Unstaffed sites exception (if applicable)
If you are invoking the exception for inactive and unstaffed sites for your routine facility inspections and quarterly visual assessments, include information to support this claim.
N/A

6. [Reserved]

7. SWPPP CERTIFICATION

Instructions (see General Permit Part III.C.6):

The following certification statement must be signed and dated by a person who meets the requirements of Part II.C, of the **General Permit**. Note: This certification must be re-signed in the event of a SWPPP modification in response to a trigger for corrective action.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Kristie Blumer Title: Senior Director, Composting

Signature: Kristin Blumer Date: March 12 ,2025

8. SWPPP MODIFICATIONS

Instructions (see General Permit Part III.C.7):

- Your SWPPP is a "living" document and is required to be modified and updated, as necessary, in response to corrective actions. See Part IV of the General Permit.
  - If you need to modify the SWPPP in response to a corrective action required by the General Permit, then the certification statement in section 7 of this SWPPP template must be re-signed in accordance with General Permit Signatory Requirements.
  - For any other SWPPP modification, you should keep a log with a description of the modification, the name of the person making it, and the date and signature of that person.

SWPPP ATTACHMENTS

Attach the following documentation to the SWPPP:

Attachment A – General Location Map

Include a copy of your general location map in Attachment A.

Attachment B – Site Map

Include a copy of your site map(s) in Attachment B.

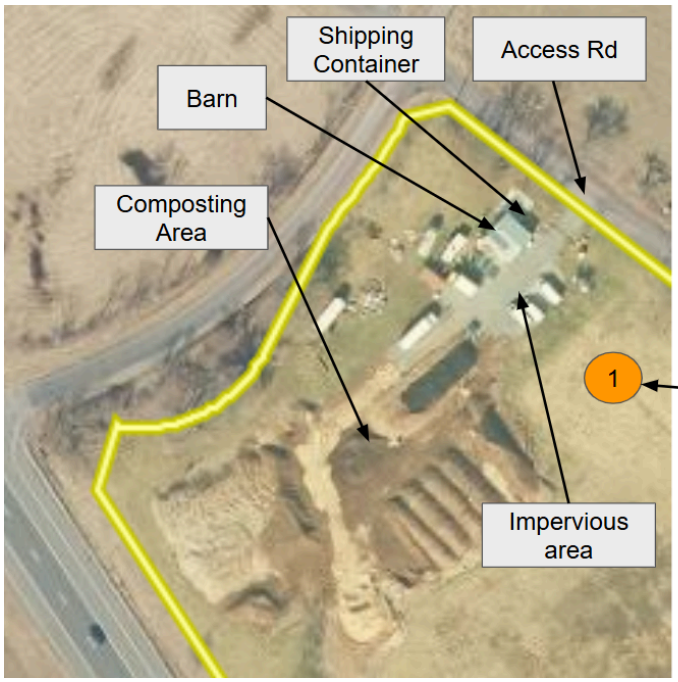
Attachment C – General Permit 20-SW, 15-MM, or 16-MA

Note: It is helpful to keep a printed-out copy of the Individual or General Permit so that it is accessible to you for easy reference. However, you do not need to formally incorporate the entire General Permit into your SWPPP. As an alternative, you can include a reference to the permit and where it is kept at the site.

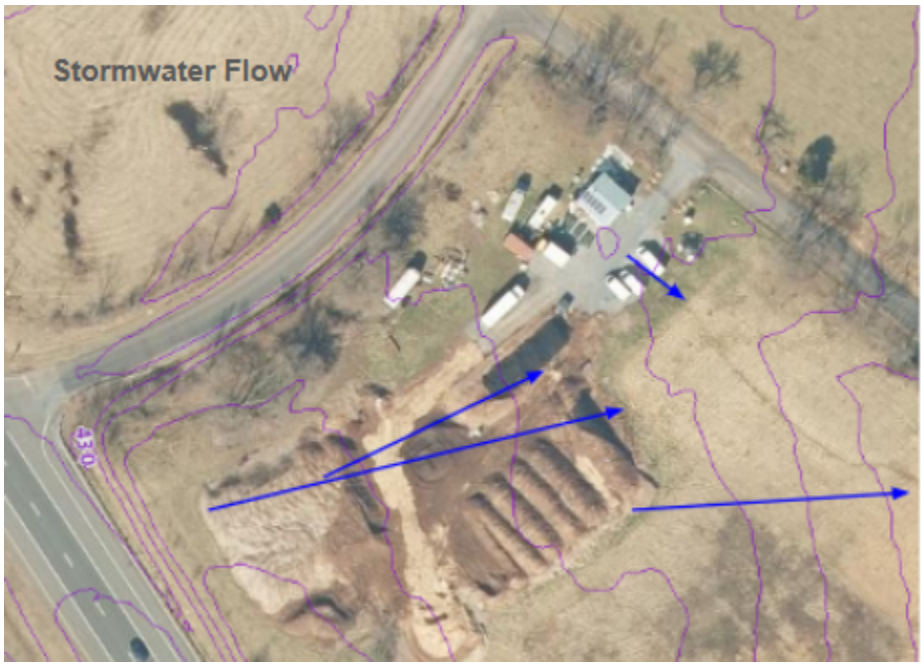
Attachment A – General Location Map



Attachment B – Site Map



Loading/unloading of feedstock is in composting area, as well as processing the feedstocks into compost.



Maryland Department of Environment

Land and Materials Administration
Resource Management Program
1800 Washington Blvd, Suite 610
Baltimore, MD 21230-1719
410- 537-3314, 1-800-633-6101

Inspector: **James Wagner**
AI ID: 167276

Site Name: **Key City Compost at Utica Bridge Farm**
Facility Address: 10661 Stull Road, Thurmont, MD 21788
County: **Frederick County**

Start Date/Time: Nov 18, 2020 11:00AM
End Date /Time: Nov 18, 2020 11:45AM
Media Type(s): **SWP - CF**

Contact(s):

Permit / Approval Numbers: General Permit Application being processed
Inspection Reason: Routine Scheduled
Site Status: Active
Site Condition: No violations observed
Recommended Action: Continue Routine Inspection
Evidence Collected: Photos, Visual Observations, Statements
Weather: Partly sunny, breezy, ~40 deg. F
Field Conditions: Slightly damp

Inspection Findings: (Background): Tariq Masood of MDE's Resource Management Program arranged this meeting on site today. The facility has submitted and NOI (Notice of Intent) under the General Permit, and a CFOP (Composting Facility Operations Plan) in order to operate a Tier 2 (small) Composting Facility on a 10 acre site at Utica Bridge Farm in Frederick County. Application Number 2020-GCF-022 has been assigned to the facility.
The meeting on site today was scheduled to identify any problems or questions regarding the planned Composting Facility operations here.

(Observations & Actions): Standard abbreviations for compass directions may be used in this report. I took some photos today, one of which is shown at the end of this report. This is looking toward the SW, and shows some of the current operating area.

●I Met Tariq Masood and Phil Westcott of the facility onsite. We had masks on and tried to maintain distance, due to the coronavirus.
●Richard Jefferies is the farmer at Utica Bridge Farm.
●The facility is currently using a demarcated area on site for a community-wide, Tier 2 (food scrap) composting operation, with a stated area of less than 5,000 square feet, and is therefore, by that criterion, currently exempt from an MDE Composting Facility Permit. Mr. Westcott stated that they are using wood chips under the piles, currently, to absorb any liquids. The Permit sought, if approved, would allow use of a larger area to conduct their operations on site.
●I asked about fire control and prevention. The facility's CFOP indicates that they will have a water truck on site. There are also plans to have a storm water pond on site (although there is none, currently) and the necessary pumps and hoses to pump water from the pond are also planned, as I understood. Mr. Westcott mentioned that they will try to get electricity on site, and that they can use petroleum powered generators as a fall back, in the absence of standard electrical service.

● Mr. Westcott mentioned that there are local requirements to have the facility screened from view on all sides, and that there are plans to plant trees around the site in accordance with that.
●The site appears to be well-isolated from neighboring residences. However, it was mentioned that there are some houses SE of the farm site.
●The facility plans to do both traditional windrow composting and aerated static pile composting. Jorge Montezuma, associated with the facility, has worked on the CFOP. Tariq Masood and I had some comments on the version of the CFOP that we had recently seen, and my understanding is that Mr. Montezuma would address those comments in a subsequent version of the CFOP. One of these comments was to describe the aerated static pile composting method in more detail.
●It was indicated that the facility will follow up to get the necessary Storm Water permit from MDE's Water and Science Administration. My understanding is that this will be the so-called, "12SW Permit", or Industrial Storm Water Discharge, General Permit.
●I plan to be in communication with Tariq Masood and the facility as the permitting process advances.



Operating without a Permit or License, or in violation of a Permit, License or Law may result in the assessment of Civil or Administrative penalties. Each day a violation occurs is a separate violation.

SWP - CF - Inspection Checklist

Inspection Item	***Status***	***Comments***
1 . Is the Compost operation permitted?	No Violations Observed	

Inspector: James P. Wagner
Wagner James/Date 12/7/20
(Sent report to Phil Westcott, 12/7/20)

Received by: _____
Signature/Date

_____
Print Name

IN THE MATTER OF:

FEBRUARY 12, 2025 PLANNING COMMISSION HEARING

SITE DEVELOPMENT PLAN SP 19-17 (AP SP277005 APFO277003)

COMPOST CREW AT UTICA BRIDGE FARMS

Planning Commission Members Present and Voting:

Tim Davis, Chair

Mark Long, Vice Chair

Barbara Nicklas

Joel Rensberger

Sam Tressler III

MR. SHAW: There are no proposed alterations or change of design with this current site plan application. Uh, the only differences with this application are the updates with, to the county file numbers, the site name, uh, some notes related to why this plan was being submitted and the reasoning for it, and a revised and updated APFO LOU. [Clears throat]. The front plan for this original site plan was approved on February 4th, 2022. The plan site outlines the forest conservation mitigation requirements for the 8. uh, 32 acre tract area. This tract area contains no existing forest. The applicant is required to provide 1.66 acres of A4 station. The total mitigation is provided. The total mitigation provided is 1.81 acres, [cough] uh, comprised of 1.4 acres of afforestation planting and 0.41 acres of street tree and landscape credits. Therefore, re-conditional approval will be that the furrow mitigation must be provided prior to applying for grading permits or building permits, whichever is applied to first. Now, regarding the APFO, uh, this project is non-residential and is not subject to schools testing. The project site is classified as no-plan service, as the site will be served by well and septic. This project generates 18 AM and 18 PM new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during a peak hour of the adjacent stream. The applicant is required to pay its proportionate contributions to the existing road escrow

accounts, a total of $26,975. Additionally, Stull Road and Lakeview Road shall be widened to 20 feet and re-striped to meet comm- commercial access requirements as noted in the [inaudible].

Several modifications are granted for the original Key City Compost at Utica Bridge Farm site plan. This application requests re-approval of all the previously approved modifications, which includes a parking space modification to allow for 23 spaces, a loading space modification for 1 large loading space rather than 1 small loading space, which is required, and a parking space modification to offer 5 spaces to have an increased stall length of 22 feet, which is more than the 18 feet that's required per county ordinances.

All reviewing agencies have entered their approvals, therefore staff has no objection to the conditional approval of the accomplished crew at Utica Bridge Farm site development plan. If the planning commission approves this plan, it will be valid for a period of 3 years from the data of planning commission approval, making it valid through February 12th, 2028. Based on the findings and conclusions as presented in the original staff report and this staff report, the application will meet all applicable zoning APS on referral requirements once the conditions listed in the staff report are met and modifications are granted. And I'm here to answer any questions that you all might have.

CHAIR DAVIS: Thank you Mr. Shaw. Mr. Tressler.
MR. TRESSLER: Mr. Shaw, the, uh, applicant has presented the exact same site plan. Any reasoning or what's the reason behind the, uh, exploration? Did, did they give you a reason why it expired like that?
MR. SHAW: Yeah, I mean, s- s- I can give you a, uh, the nitty-gritty and they … or I can give you an overview and they can give you the nitty-gritty. But long story short, um, in their L- in the l of … NLOU, uh, the road improvements to Stull Road and uh, and Lakeview Road, uh, were required prior to any building permit issuance. So to vest a site plan, you have to, you know, basically meet the definition of start of construction. Um, so they weren't able to obtain a building permit to basically start the construction until those road improvements were, were taken care of. Um, and approximately a couple of months ago, uh, the applicant had reached out and s- and said that, that, that there was no way they were going to be able to, to accommodate those, uh, road improvements prior to the site plan expiring. So, um, and, and there's no mechanism, uh, in the county ordinances o- or logis- or laws that allow for, um, an extension of a site plan approval. So, so therefore that's why they had to come in and essentially just get a re-approval, uh, to be able to, to, to make everything work.
MR. TRESSLER: Thank you.

CHAIR DAVIS: Ms. Nicklas.
MS. NICKLAS: Uh, so in the, um, submission in 2022, it said a limited food waste composting facility on a 5.95 acre site within a 29 acre parcel and this 1 is just saying located on a 29 acre site. When I look at it as, as it said, it looks like exactly the same. Was, was there any rationale as to the changing of the wording of that or is it just saying the same thing?
MR. SHAW: Uh, that- that would have been, that would have been operator error and I was the operator, so.
MS. NICKLAS: Okay.
MR. SHAW: So, uh, that was just me not, not catching all the verbiage that I included in, in the, in the first application.
MS. NICKLAS: So it's really the same thing. Okay.
MR. SHAW: Correct.
CHAIR DAVIS: Okay. If seeing no other further questions from the Planning Commission, we will, uh, turn it over to the applicant's testimony. Please, uh, come to the table and uh, identify yourselves. And you have 15 minutes.
MS. CIRNER: Good afternoon. Uh, for the record, my name is Casey Cirner with the law firm of Miles & Stockbridge, and I'm pleased to be here on behalf of the Compost Crew, which is a public benefit corporation. Uh, with me is Kristie Blumer. She is the Senior Director of Composting for Compost Crew. And with us virtually are Ben Parry, the CEO of Compost Crew, John

Farrington. He is the engineering consultant with Smith & Gardner and Richard Jefferies, the Utica Bridge Farms owner and operator. And you may remember, uh, Mr. Farrington and Mr. Jefferies from the 2022 hearing, um, where this Planning Commission unanimously approved the site development plan. So Compost Crew has since stepped in, uh, as they acquired Key City Composting in July 2024, and is here to re- request approval of the site plan to reinstate it following its expiration, as well as to … for approval of the modifications and the APFO, all associated with the commercial, uh, activity limited food waste composting use in the A district. And so we, um, wanna thank Mr. Shaw for his analysis of the application and agree with staff's proposed conditions. And as mentioned, there are no substantive changes to the site plan as from what was previously approved back in January 2022. And um, with that, I'll turn it over to, uh, Kristie for, uh, some information about the applicant. And uh, we're here to answer any questions and would like to reserve, if we can, any additional time that we have from our initial presentation for rebuttal. Thank you.

MS. BLUMER: Hi, everyone. Can you hear me? Last but not least, agenda item, right? [Laughter]. Um, hi. Again, my name is Kristie. I lead our Composting Division at Compost Crew. A little bit about Compost Crew, we are a Maryland-based, mission-driven local company that's mission is to divert food

scraps from the landfill and incinerator and make high quality domestically made soil amendments, which is compost.
Uh, we started in 2011 with a couple guys in a pickup truck to take it to a local farm where we composted that food scraps into high quality soil amendment back for that farmer. And since then, we've expanded to become the largest, uh, food waste diverter in the DC Metro region. Uh, and since then, we've also wanted to expand more ways that we can bring local, uh, food scraps, which is really an organic substance that we can utilize locally instead of shipping it far, far away and dumping it in a landfill incinerator. We wanted to use that more locally. So we decided to create these small-sized, decentralized composting systems partnered with agricultural land.
So we've developed now 7 other on-farm composting programs, small-sized, decentralized systems, where we divert food scraps from the local community, take it to a local farm, composting that material on site, on that farm, and then making a high quality soil amendment that can be used for that farmer to produce crops that can go back to that local community to make an amazing closed loop solution. That's really what we want. We wanna create more decentralized composting systems and less of large industrial centralized spaces where everything gets hauled really far away to create compost. And we wanna divert more food scraps away from the

landfill and incinerator and support our local agricultural lands and revitalize in a way that we can create more jobs, more ability to make more domestic soil conditioners, but also to create more county resilience for recycling infrastructure. There is currently no food scrap composting available in the county. So everything needs to get, if we wanna divert it, we wanna divert it into compost, we have to divert it outside of the county and pretty far away. So this is going to be hopefully an amazing program where we can create a demonstration site for more ways that we can divert food scraps to on-farm systems to create this amazing infrastructure partnered with local farmers. And so to emphasize the farming side of this, I would love to hand this over to Richard Jefferies, who is, by the way, we're talking a lot about trees today. He is an expert on trees, so he might be able to help you all [laughter] with your other tree questions. Um, so Richard, I know you're online. Um, he has some lambs he wanted to talk to you guys about. That is why he's online. So Richard, do you wanna say a few words?

CHAIR DAVIS: Uh, you're on mute, Richard.

Richard Jefferies: Okay. Can you see me and hear me cuz I'm not seeing me on the main meeting.

CHAIR DAVIS: We, we go- we, we … No, we got you now, Richard. Thank you.

MR. JEFFERIES: Good. Okay. Hi. Yeah, I've been running out to

the barn. I have 20 ewes that are about to drop their lambs. So they're fine for a while, but, uh, it's an exciting part of the year.

CHAIR DAVIS: 20.

MR. JEFFERIES: Um, yeah, I just wanted to, uh, say hi to those of you we saw 3 years ago and uh, hello to the new people, some of whom I know. And um, ge- get you up to date, 3 years ago, we were approved and uh, my partner, Phil Westcott and I went about the difficult challenge of finding financing, a financial partner to build out the facility as, as engineered by John and his team. And our criteria was really high in that we wanted to find a partner who shared our sense of mission and wasn't just in it as an investment or worse. So we, uh, we had a hard time. We met with several potential partners and concluded that they weren't a good fit for us and for this project.

But then, uh, Compost Crew came on our radar and we, we had known them as a friendly competitor to the south in Montgomery County. Uh, and we began talks, uh, and it led to a, a merger/buyout of Key City Compost. And they were very interested and equipped to build out the facility as, as engineered and approved. So it was a good fit. They needed a facility like ours on ag land on my farm and we needed a partner like them to grow. In the 3 years we, Key City Compost, grew rapidly, including a contract with the City of

Frederick and many other commercial and residential clients in the, I guess, 5 counties of Maryland and up into Pennsylvania and into Virginia. And um, we, uh, we faced a difficult challenge that many small businesses do in scaling up. So at times we were improvising and, and just staying 1 step ahead of, of the, uh, the challenge.

But, uh, you know, we got there. And I, I just wanted to make 1 comment about, um, how we've been … we've been operating a kind of, uh, improvised way because we're on the ag, ag land but we're not operating within the built out facility but that temporary facility kept growing and growing and growing and so we faced challenges. Uh, now you may hear some people say that their concern is odor from composting. Every time I've led a tour, and I've done it a lot of times, a tour of our facility, many people in the county and beyond have asked for to see our facility. So I take them over there, and they're random visits and timing. And the first thing I'll do is lead them into the middle of the compost windrows and say, "Okay, stop here. Take a deep breath and tell me what you don't smell."

And they take a deep breath and they said, "Oh, it smells like a forest." You know, "It's kind of sweet." I go, "Yeah, that's what properly made compost smells like, which is almost nothing." So occasionally, I would go to the site and I would smell something I didn't like and I would immediately investigate, work with Devon, our site manager, to … I'm sorry

is somebody talking?
CHAIR DAVIS: Oh no, sir. Please continue.
MR. JEFFERIES: Uh, okay. Uh, a- and so we would immediately take action and it was inevitably there would be a pocket of compost that had gone anaerobic. And anaerobic is what we don't like, because if the compost doesn't smell good, it means that it is growing the wrong kind of organisms. So we take immediate action, not only because we don't like that smell drifting on the wind, but we, uh … it's not good compost. And that's … our goal is to make good compost. So we immediately air rate, take actions, uh, check the hydration. So, uh, I guess the point I wanted to make is that while we were improvising, we had to deal with issues like that, growing pains. And we figured out how to deal with them, but they were infrequent. And a bigger problem was crows, to tell you the truth, because crows would just swarm in there and go after every apple core or anything they could dig out. We tried several methods of, uh, discouraging the crows and finally found 1 that worked. Um, I won't go into details, but it's a simple solution and it worked, so the crows aren't there anymore. Um, but, uh, I wanted to make the point that the built-out site, as engineered and approved, the 1 we're discussing today, will support an optimal workflow, not our kind of improvised workflow.
This optimal workflow will have the equipment and technology

to optimize the procedures and protocols that will ensure that the compost is made aerobically, that is with proper amounts of oxygen, hydrated properly, proper amounts of water, so it does not smell. And I've been to compost sites that do it right, that are as big as our … the 1 that we're talking about today. They … you walk right past the piles, uh, in, in Providence, Rhode Island, uh, Earth Care Farm, our, our shining example. The people have a house right in the middle of the composting site and live there with their kids. So it doesn't smell cuz they do it right. And so that's, that's what we are designed to do in this new, um, uh, facility as built out.

So anyway, it's a, you know, it's a, a, um … Because it's bigger doesn't mean the problems are gonna be bigger. They will actually be reduced because we'll have a consistent procedure in place and all the equipment and the space and the layout and the workflow to ensure that problems don't happen. Because if they do, the MDE can shut us down. We don't want that. So that- that's where I see the 3 years. You know, we're, we're at the point now where we can really do what we wanted to do to serve the community and local farmers and gardeners.

Um, so and I will just add 1 final word. I did a lot of the delivery of the co- our finished compost to customers in my truck. And I'd have a chance to talk to people about it and

it’s an- they, they are amazingly satisfied with what it does to the quality of their soil and their gardens and their flowers. I get nothing but rave reviews and repeat customers. So this is a, a valuable product that we do, let's call it a boutique level, where we actually are concerned about the quality of the product, not just the volume, not just the dollars in, dollars out. So, um, I couldn't be happier, uh, to work with Chris and Ben, Kristen and Ben and, and their team who will really help us, uh, take this big step that we've been wanting to take for a long time. That's it.

CHAIR DAVIS: Thank you very much. You still have 2 minutes. You want that?

MR. JEFFERIES: Can we yield it back to my, my compatriots there?

CHAIR DAVIS: Well, that's, that's, that was my notion here. Just … I just wanna confirm that they didn't have anything else they wanted to add. I thought you were pretty thorough, sir. [Laughter]. All right. Well, then it's up here for Planning Commission questions of the applicant, um, the varied group of folks that we have here. So anyone wanna start? Uh, Mr. Tressler?

MR. TRESSLER: Kristie.

MS. BLUMER: Yes.

MR. TRESSLER: I don't know what volume you're talking about,

but will the majority of the waste come from Frederick County and here's your primary end-user will be a local farm community and have you talked with the immediate neighbors and have any negative impact or anything like that?
MS. BLUMER: Good question. I- is … Do I respond now? I don't know the normal proceeding. Okay. Um, so to answer your first question, um, which was, did you ask about how much food scraps or your more question was about the end-user?
MR. TRESSLER: Where they come from.
CHAIR DAVIS: Just talk about maybe what volume we're talking about and how much [inaudible]
MS. BLUMER: Yes, so for the end-user, um, the majority of our material goes to local landscaping and farming, uh, communities. So we offer it in bulk. Um, we don't have the option of doing bag, cuz we handbag, so it's pretty difficult. Um, so we do bag a little bit to get back to our customers that are currently part of our food scrap diversion system. So if you guys don't compost, great time to get started. It's very easy. Um, we just … they just divert food scraps at their residential home or businesses and then they're eligible to get the finished compost back so they can get the closed-loop solution and then we do the dirty work. So it goes back to residents, it goes back to farmers, landscapers, um, and that's where we currently have it diverting to, the finished compost.

MR. TRESSLER: And you feel you have adequate consumers to take care of all your product. You won't have a backup or anything like that?

MS. BLUMER: Correct, yeah. So we would want to make sure we have a market. Um, the benefit of what's happening right now, we're in a fertilizer crisis, um, which is terrible. The majority of our fertilizer is not made from the United States. It is currently made in the Russian-Ukraine space, which currently is having a really tough time shipping that material. So getting fertilizer to farmers right now is extremely difficult and very expensive. So right now we currently make amazing compost. I mean, Richard doesn't emphasize it enough. The microbial activity of this material is really fantastic.

So the material we have on site will go back to our local community and um, we will be able to provide it back to our customer base which is about 20,000 customers in the DC Metro region, um, as well as any other types of individuals that are interested so we haven't had an issue with diverting the material.

MR. TRESSLER: And did you say that the majority of your product will come from Frederick County?

MS. BLUMER: The food scraps?

MR. TRESSLER: Yes.

MS. BLUMER: Um, so the primary amount will come from the City

of Frederick with their residential community space but we also have partners with also farmers, um, as well as a lot of different commercial entities, uh, and businesses as well, local residents outside of the area in Frederick County as well. We have a lot of Frederick County residents. Um, so it's really probably, if I look at total tonnage amount, probably half and half residential versus commercial, uh, farming communities of the food scraps that we divert.

MR. TRESSLER: Thank you.

MS. BLUMER: Yeah.

CHAIR DAVIS: Mr. Long.

MR. LONG: Yes. Um, thank you. Not so much a question. Um, uh, I wanna commend you for your mission and what you're doing. I totally support the mission. And uh, good to hear from you, Richard, and all the background of what's going on. Um, of course, I was aware of Phil's activities when he first got started. Uh, I wasn't quite sure what had happened to him, actually, so it was good to hear this kind of merger thing. Um, but I- I've appreciated hearing all the processes that you're going through and all the, you know, if you do sense a problem, you're right on it and taking care of that.

Um, you know, com- composting is a great thing. I mean, I, I was composting by the time I could walk. You know, my parents just did it. It was just something you didn't think about. It just was something you did. So I- I'm glad that this is, you

know, spreading around and gai- gaining more acceptance and uh, scaling up and, and having more benefit for the community and especially our farmers. So thank you.

MS. BLUMER: Thank you.

CHAIR DAVIS: Mr. Rensberger?

RENSBERGER: Thank you, Mr. Chairman. Um, uh, my compliments on your enthusiastic presentation.

MS. BLUMER: Thank you.

MR. RENSBERGER: Um, to Mr. Tressler's question, what percentage of your deliverables are consumed in Frederick County or city…

MS. BLUMER: Do you mean deliverables as finished compost?

MR. RENSBERGER: Yes.

MS. BLUMER: Is used in Frederick County?

MR. RENSBERGER: Uh-huh.

MS. BLUMER: All of it currently is used in Frederick County.

MR. RENSBERGER: And the split was about 50-50.

MS. BLUMER: The food scraps coming in was, um, around probably residential versus commercial, uh, businesses and the tonnage.

MR. RENSBERGER: Oh, the back of a restaurant.

MS. BLUMER: Yes, exactly.

MR. RENSBERGER: Or, or my house.

MS. BLUMER: Exactly.

MR. RENSBERGER: That's residential and commercial.

MS. BLUMER: That's the food scraps coming in. So the way we

try, try to talk about it, because everyone says, "Oh I compost," but maybe they put food scraps in a bin. So it's hard to demonstrate. So there's 2 things that we do; we divert food scraps which is like our feedstock coming in and then we make finished compost which is the end product going out. It is not dirt, but it is a soil condition that will help your dirt be way better [laughter] if that makes sense, yeah.

MR. RENSBERGER: Right. Are you working with Frederick County public schools or?

MS. BLUMER: I don't believe so. I would have to act, ask our team. Um, it would be amazing to work with more public schools. Unfortunately, there's a lot of red tape when it comes to public school systems and the funding. We have worked with a lot of school systems throughout the DC Metro region, because it's necessary for our students to have a way of diverting their food scraps. Um, however, because of funding, a lot of student organiz- based organizations have been getting grants, but, um, unfortunately a lot of that is drying up currently, and it's just not something that is able to be utilized as much as it could be, um, especially cuz they are paying for the trash services. So if they are paying for the trash services, stop paying for the trash and start paying for the food scraps.

MR. RENSBERGER: Right.

MS. BLUMER: So unfortunately that's a barrier we've hit.

MR. RENSBERGER: Thank you.

MS. BLUMER: Thank you.

MR. RENSBERGER: Um, there are about 8 people behind you. Who are they? [Laughter]

MS. BLUMER: I'm sure they will introduce themselves. [Laughter]

MR. RENSBERGER: Very well. Thank you.

CHAIR DAVIS: Mr. Long.

MR. LONG: So just to follow up on the, uh, compost from schools, 1 of our letters of support and I thought I had it here and I can't lay my hand on it, uh, came from Joe Richardson.

CHAIR DAVIS: [Inaudible[

MR. LONG: Came, came from Joe Richardson, um, that's doing this project, uh, I'm, I'm lost the name of it.

CHAIR DAVIS: Lunch out of Landfills.

MR. LONG: Yes.

MS. BLUMER: Yes, and Barty.

MR. LONG: So, um, where, where is that food going that he's collecting from schools or…

MR. PARRY: If I … if, if [inaudible]

MS. BLUMER: Yeah, this is Ben Parry, CEO.

MR. PARRY: I'm, I'm the CEO of Compost Crew. So we, so we do work with some schools on an individual basis in partnership with Joe and Lunch at a Landfills. So he's advocating

tirelessly to get more schools to divert their food scraps from the landfill and has been working hard. So we're not working with every school in, in Frederick County Public School System, but we are partnering with Joe and the individuals tools that he's able to, to get online which, you know, is, is handful at the moment, hopefully more down the road. But when we do have a Frederick County public school we do collect that … those food scraps and we are able to, to compost it at this site.

MR. LONG: So I apologize, the signal's kind of messed up coming through to us, but you did say the compost is going to this site, what you do collect. Is that what I heard?

MR. PARRY: Yeah, the, the site that's the, the limited number of schools that are participating, yes, they do go to this.

MR. LONG: Okay. Thank you.

CHAIR DAVIS: Okay. Thank you. Um, seeing no other questions from the commission, I have just a couple. Um, I just, I just wanna confirm, you all know that the US 15 is, uh, recognized as a National Scenic Byway, um, and I, I, I know your site, and I drive 15, and I know that stuff has grown up along 15 over the years and is probably doing a pretty good job of screening your property. But I did just wanna confirm that you didn't have any, have any hopes or dreams of putting any sort of signage along the, the, the highway?

MS. BLUMER: Uh, based on our plans, I don't believe we have

any plans for any signage.
CHAIR DAVIS: Okay.
MS. BLUMER: Thank you. So no. So no. Sorry. The answer is no.
[Laughter]
CHAIR DAVIS: No is good. Okay. All right. Very good. Um, and uh, Richard, you, you mentioned about wanting to do it right, because that was the best way to do it, but I, I, I gotta ask the question that is, is there a way of doing it wrong that is still more profitable than doing it right?
MS. BLUMER: Richard, can I jump in on this for a second, if you don’t mind?
MR. JEFFERIES: Yeah, go ahead and, and then I have a comment about the signage or lack of it cuz I wanna explain what's actually gonna be there instead of signage.
CHAIR DAVIS: Thank you.
MS. BLUMER: Okay. Great.
CHAIR DAVIS: Kristie.
MS. BLUMER: Um, so to talk about ideal food scrap composting. Um, so there are 2 forms of ways food scraps can break down. 1 is anaerobically, which is without oxygen, and 1 is with oxygen, aerobically. What we do is aerobic composting. It's the same thing as your, your stomach. You wanna give it food, nutrients, warmth, moisture, lots of water, um, and cover it and give it home to break down the material. And air is a really important part of that, just like us. That's gonna help

our microbes. When air is introduced, that means those nutrients, mostly the food scraps, um, they would stay in a solid form, which then combines with the material that's there, which then means that nitrogen that you might smell is not happening cuz it's not vaporizing. It's staying in a solid form.

So when you add air, it doesn't provide a smell. Now when you don't add air, that's anaerobic composting, right? That would then mean that that me- that methane, that nitrogen that's coming from the food scraps is not able to combine to that solid form of the compost and so then it will vaporize. And that's what you smell. The less you can have it vaporized, the more nitrogen is in your end product. And if any of you guys are farmers or know, nitrogen, potassium is … and phosphorus are ideal. NPK is ideal for your material. The more nitrogen you get in your end product, the more you can sell that material.

So you want to do that the right way so you can make a revenue profit. Now, there are places that just focus on diversion. Now, there are municipalities that have diversion metrics, they have a lot of things to do, so they have to just move this material as fast as possible. So sometimes they will … they don't wanna go anaerobic, because it's never a good thing to go anaerobic, doesn't make good quality compost, but they might make their temperatures really hot, really big piles,

um, and that breaks down faster, but it creates an ash. And that ash, um, isn't great for the end product, but it will … it is able to throughput more, which means more tonnage and revenue on the front end. So you get less revenue on the back end.

So when you talk about revenue, if you wanna make an ideal site, you really don't wanna make bad compost because you can't sell it properly. Um, but for us, we have the ability to control our feedstock cuz we are the ones that are diverting it. So if we don't want a certain amount so we can ideally process the material to make high quality compost, we can do that. So for us financially, it makes the most sense for us to do it right to make really great qu- quality compost. So hopefully I answered your question for that.

CHAIR DAVIS: Yes, thank you.

MS. BLUMER: Thank you.

CHAIR DAVIS: Um, Richard, did you have something you wanted to add regarding signage?

MR. JEFFERIES: Yeah, just briefly. Yes, there will be no signage along 15, or if for any reason there would be, it would be within the very tight restrictions about size. But we don't have any plans for signage. What we have is a vision of the, the area wrapping around the 6 a- uh, 6 a- uh, acres of composting will be, um, a demonstration farm, which will be a showcase of how compost is used, how s- healthy soil is built,

as a, a point of education and of, uh, showing our customers the benefits of compost. That can include, and in my vision and plan of that wraparound farm, is grazing. I have sheep, so grazing sheep and possibly cattle, they're compatible.
Uh, nut orchards. Um, I'm on the board of Silviculture. We're all about planting chestnut trees, so that's a natural for me to, to understand and implement. And a, a large area at the southern end of the property for vegetable production, up to 5 acres. Um, and along the … there's a little seasonal creek at the south border of the property. I've already had a stream-length plant 1200 trees in there, as a way of, of recovering that riparian zone and retaining water and runoff.
So it … we wanna make it a demonstration of regenerative farming, how you do it right, how you introduce the right kind of biological soil amendments, like the compost we'll be making right there. Uh, and that's what people will see when they drive along 15. It's sheep grazing nice green grass in August when everybody else's grass is turning brown.
CHAIR DAVIS: Okay. Well, thank you very much for that. Uh, seeing that I have worked on the Scenic Byway program with hundreds of people over more than 2 decades now, um, think I am not going to speak for them, but I think that’s certainly the sort of thing that you wanna see on a Scenic Byway, um, our natural environs, um, and not, uh, not billboards and medical office use buildings.

MR. JEFFERIES: Mm-hmm, no. No.
CHAIR DAVIS: So, uh, enough, enough of my editorializing here. Um, so we're going to now move to public comment. I have half a dozen folks signed up, um, so we're going to do the people that are here first, and if we have any, um, persons that have chosen to chime in technologically we'll get to those next. Um, I'll remind everyone that you're going to have 3 minutes to speak. The clock is over my left shoulder and I will call your name and come and, uh, introduce yourself and um, uh, where you live. And I have first on the list I have Nicholas, St. Angelo.
MS. BLUMER: Do we move or do we stay here?
MS. CIRNER: We stay.
MS. BLUMER: Okay.
ST. ANGELO: Okay. I'm gonna get my wife really quick. She's sitting right here.
CHAIR DAVIS: Okay. Was that Victoria? Uh, um, if he didn't come back quick. All right. Well, so while Mr. St. Angelo is getting his wife, um, let's move on to Valerie Myers. Stand by, Mr. St. Angelo, please.
MS. MYERS: Um, hello. Thanks so much for hearing us today. My name is Valerie Myers and I live at 10700 Stull Road, so just 3 houses down from the, um, compost site. I'm the mother of a 3-year-old, a 1-year-old, and a 7-day-old newborn, and I'm here because I think that the si- current site plan, um, could

be modified to address the problems of odor, noise, potential health issues, and et cetera. I don't know the phone number to zoning. I don't know who would be answering the phone there at midnight when I see activity happening at the compost site regularly. Um, I don't know who I would say the odors have rivet, risen beyond normal levels too, um, if when that does regularly occur. I'm busy working and enjoying my life and I try to respect others' rights to do the same.

Our concerns are not hypothetical. We lived as good neighbors of Key City Compost for the past 2 years. We have endured odors, dust, respiratory irritants, illness, noise, trucks passing us on our narrow rural farm roads that we love. We see heavy duty equipment abandoned in the road, trash in our yards, feral animals roaming our farm constantly throughout all seasons. We have tried to be neighborly. We have tr- never made any formal complaints about anything, um, but these issues are not exclusive to us. Guests and visitors of our homes, even contractors who have worked on our farm, have noticed and commented on the odor and the irritants and the air, as well as how many cats are constantly roaming around the area.

We realize this meeting is not a forum for discussion about the many birds that are attracted to the site as well as our homes and yards when we are in the midst of a bird flu epidemic. We haven't even questioned about Listeria or E. Coli

from all the food recalls to determine if those pathogens are making their way into our 5 wells, soil, and the air that we breathe. A friend of mine who is a veterinary pathologist stayed at our house, and when he went on a morning walk, he noticed the hay pile up at the site. He was shocked to learn it was coming from a zoo in Baltimore. He spent the next hour telling us about the potential pathogens, parasites, and viruses that could be coming from that hay that's being brought here.

We are most concerned that the current volume of production and activity and traffic is only a small fraction of the operation depicted in the site plan. We understand food composting is a permitted use in Frederick County, and we do feel, however, that the proposed site plan reflects the best, or we do not feel that the proposed site plan reflects the best practice and design to adeq- adequately consider our adjacent properties.

We are asking the county to recommend the relocation of the food waste unloading, mixing pad, incoming material, staging and activity composting area, to the southern or western side of the composting site. Can my husband finish the last bit? Oh, is that for the time?

CHAIR DAVIS: No.

MS. MYERS: Sorry. Uh, we are asking for the mandate of incoming and exiting traffic to utilize the southern portion

of Lakeview Road and Hessong Bridge Road out onto route 15, um, and close its inadequate exiting road entrance and utilize the new 1 that is being established.
CHAIR DAVIS: Okay, thank you Miss … Thank you Ms. Myers.
MS. MYERS: We feel these design changes would minimize the odor and noise.
CHAIR DAVIS: Thank you Ms. Myers. Your time is up. Thank you much.
MS. MYERS: Okay. Thanks.
CHAIR DAVIS: Um, Mr. St. Angelo?
ST. ANGELO: I have some pictures I wanna hand out while I give my speech. If you could look over these, we've been taking over the past couple weeks.
CHAIR DAVIS: Okay. Sir, do keep in mind you have 3 minutes to speak.
ST. ANGELO: Okay.
CHAIR DAVIS: Welcome and identify yourself and where you live.
ST. ANGELO: Okay I'm Nicholas St. Angelo. I live just 1 or 2 houses up from this site. That's my wife over there, my 2 kids. [Clears throat] 3 years ago when this site plan was opened up we didn't really have a problem with it. We would just see what would happen. After being there for numerous years, we've witnessed multiple issues, roads being blocked,

equipments just stranded in the road. The other day I walked up and there was a idling dump truck standing in the middle of the road. No one in sight. A kid could have walked up and got in the truck and drove it off and there was no one in sight. The mail trucks are normally pushed off the road for these trucks to go down the road. Star Road is barely wide enough for a small truck, let alone any trash trucks. When my small pickup truck is on the road, there is only 5 feet to where the road ends on the other side.

Uh, we normal- we take daily walks and bike rides, the 4 of us and we're consistently looking over our shoulder for big trucks that might be not paying attention or coming up behind us or in front of us. This new plan would allow 50 trucks a day to be coming down this small narrow road that is not even marked.

Um, the composting is being done to the closest possible point to our farm and there's not really a reason why they couldn't move it to the other end. Every time I have a guest come to my house, the first thing they ask me is what is that terrible smell every single time and I'm surprised that they don't see it when they pull off the highway, which are the giant piles of dirt with bags and peels hanging over the sides. I have never had someone from Key City Compost come over to my house and ask if there's anything to do. The only visitors from Key City Compost are cats and birds which I have, uh, received a

note that 1 of the ideas they were gonna use to get rid of all the birds was discharging a 17 caliber rifle to scare the birds and I have that in writing as well.
I'm concerned about the safety of my 4 kids, my 2 kids and my wife. Um, I'm asking you guys to really think twice before you pass this. Uh, let me see where I was at. I'm asking you to deny this. Uh, this is just gonna get worse and worse over the next 3 years and it's completely out of control that you guys would allow something like this to go on on a Scenic Byway down 15, just giant piles of dirt. There's nothing pleasant to it. It stinks and it's unsafe.
CHAIR DAVIS: Thank you Mr. St. Angelo. Um…
MR. RENSBERGER: Actually I have a question. Can I ask him a question?
CHAIR DAVIS: Yes.
MR. RENSBERGER: Mr. uh, St. Angelo, I just have 1 question for you. Are oh, are those photographs taken from your property?
ST. ANGELO: All those photographers were taken right from the front of our family farm.
MR. RENSBERGER: From the front of your farm. All right, thank you, sir.
ST. ANGELO: My driveway and my brother’s driveway.
MR. RENSBERGER: All right, thank you.
CHAIR DAVIS: Okay, next on the list I have Christopher St. Angelo. I thought it was going to be 1 of the kids.

MR. CHRISTOPHER: [Inaudible]
CHAIR DAVIS: Just, um, state your name and your locate, where you live for the record and do keep in mind you have 3 minutes to speak. The clock is over my left shoulder.
MR. CHRISTOPHER: Thank you, sir.
CHAIR DAVIS: Thank you.
MR. CHRISTOPHER: Oh, hello. Good afternoon. No longer morning. Um, my name is Christopher St. Angelo. Um, I brought you a picture to share of, um, on my phone as well of me on the way here with the giant box truck blocking the road, um, on my way here this morning. I reside at 10670 Stull Road along with my pregnant wife and our 2 dogs. My home is less than 600 feet from the proposed food waste unloading and mixing pad and my well is 450 feet from it. I had 9 failed bacteria tests on my well in the past 2 years.
My dogs are rarely privileged to enjoy my 2 acre yard because of the nuisances around. Fox, raccoons, feral cats, find shelter at the nearby area and are on my security cameras almost every day. Thurmont recently had a child attacked by a feral, feral cat with rabies. I cannot even describe to you the odor and the irritants I smell when I'm out cutting my grass. My pregnant wife doesn't even enjoy sitting in the yard anymore because any day that the winds blowing towards us it's terrible.
The current site plan shows the food waste unloading and

mixing pad, incoming material storage, grading area and active compost in the closest proximity to our residents. These areas show landscape plantings around them that may visually conceal the activity, but that does absolutely nothing to do to help the odor, noise, and environmental risk from the site. The most o- odor and noise producing areas are sited closest to the surrounding homes. I am concerned about an increase in the odor, dust and noise which already exists and will undoubtedly increase if the site plan is enacted as shown.

The concrete pad shown nothing around it to contain debris. I don't see any implements to clean the tires of these trucks that are pulling back onto the streets. Trash trucks entering and exiting the intersection on the corner of my property and Lake … of Lake View and Stull Road leak liquid and contamination 30 feet from my well. That's a hazard. Stull Road is 14 feet wide. I see the site plan intends to restripe these roads. We've been at this farm for over 20 years and these roads have never had stripes. I do not ever recall there being stripes on the small railroad. [Clears throat]. The proposed 50 trips at prime time arriving, leaving, accelerating and stop at a si- a stop sign 200 feet from my front door will be a tremendous noise impact.

The ing- ingress and egress through Hessong Bridge are already wider for this type of traffic. I don't see why they wanna use Stull Road. This site is 29 acres yet the activity is proposed

traffic is con- concentrated in the area with the most impact at the adjoining residents. I'm asking that you consider shifting the unprocessed food activities towards the middle of the property and directing the traffic in a larger, to the larger existing roads that the concerns and impacts can be minimized as well as work together. I heard talk of local food supplies, but I saw on their website that they're getting food from MDPA West Virginia and the Baltimore Zoo. I would like to point out...

CHAIR DAVIS: Your time is up, sir. Thank you very much.

MR. CHRISTOPHER: Thank you, sir. Thank you guys for being here and listening to what I have to say.

MR. TRESSLER: I have a question.

CHAIR DAVIS: Yes, Mr. Tressler.

MR. TRESSLER: Have you or your neighbors expressed or had conversation with the owner or has he been in touch with you? Has he approached you at all?

MR. CHRISTOPHER: I will not. That’s … they … I have … When you asked if she knew who we were standing, sitting behind us, she couldn't turn around and say. She had no idea who we are because they've never been to my door. I see a thousand cars come by all the time and I'm, I’m literally 75 yards from the entrance to their property and nobody's ever come to say anything to me. I do talk to 1 person that I don't know what he does there. He drives a truck and he passes me walking my

dogs all the time and he does wave, but I'm not sure how high up he is or what he does there. It's not him on camera, these 2 here.

MR. TRESSLER: Thank you.

MR. CHRISTOPHER: Yes, sir.

CHAIR DAVIS: Thank you very much.

MR. CHRISTOPHER: Thank you.

CHAIR DAVIS: Uh, the next person that we have to speak is Victoria St. Angelo. Ms. St. Angelo, if you don’t know the routine yet, you're new, and where you live, clocks over my left shoulder.

MS. VICTORIA: I- I’m, I'm the fifth child, I, I got it.

[Laughter]

CHAIR DAVIS: Very good, thank you, welcome.

MS. VICTORIA: All righty. Hi guys, my name is Victoria St. Angelo and I …

MS. BLUMER: [Inaudible]

MR. RENSBERGER: We'll get them back. Since we saw them, they should see them and, and then they'll [inaudible]

MS. BLUMER: Perfect. Sorry [inaudible]

CHAIR DAVIS: Thanks, Joel.

MS. VICTORIA: Okay. Um, my name is Victoria St. Angelo and I live at 7114 Lakeview Road. Um, I'm the mom of 4 kids and I am pregnant with our fifth child. Uh, we are outside every day. We garden, we push strollers, and sometimes wheelchairs when

my 98-year-old grandma comes to visit. And um, we have mainly concerns about our health. As a mom, I take my kids frequently for ER visits, urgent care visits or pediatric visits specifically to address their respiratory illness symptoms; coughing, wheezing, trouble breathing. At these visits, every time they test our kids for COVID, RSV and flu, and I'm frequently told they have none of them.

2 out of my 4 kids have now been diagnosed with a reactive airway disorder, which is literally described as their bronchial tubes overreacting to irritants in the air. And I feel strongly, based on our living conditions and being that we are outside around this all the time, that it has to do with this. If you look, I provided you a page right from the MDE website that talks about the health concerns and specifically the air irritants that we notice. As you know, like odor is accompanied by particles. So to say like the odor bothers me is 1 thing, but to think what is the odor, what's causing the odor, and what is this odor doing when I'm inhaling it into my lungs.

Um, so I'm just here to ask that you consider the impact that the current design of the facility has on my family and all the others in our community and that you suggest a design that relocates the odor and the dust producing areas to a more buffered area. Um, a better design will minimize the health related issues that are identified on the MDE site itself

regarding food composting. Um, thank you for your time and consideration.

MR. TRESSLER: You still have 1 minute.

MS. VICTORIA: Huh?

CHAIR DAVIS: That's not you.

MS. VICTORIA: That's all I had to say. [Laughter].

CHAIR DAVIS: Very good. Good job.

MS. VICTORIA: Thank you.

CHAIR DAVIS: Okay. Um, the last person that we have, uh, on our list today is Michele Rosenfeld. And I…

MS. MITCHELL: Mr. Chair. Sorry, it's me again.

CHAIR DAVIS: Yes, Ms. Mitchell.

MS. MITCHELL: I'm interrupting. Um, I wanted to say that those photos that you received, they really can't be considered as evidence if we don't have copies for the record, uh, and also the applicant needs copies as well.

CHAIR DAVIS: Okay. Thank you.

MS. MITCHELL: Mm-hmm.

MS. CIRNER: Hi Michele.

MS. ROSENFELD: Hi Casey.

CHAIR DAVIS: Okay. So, um, Ms. Rosenfeld, you certainly know the routine here, and welcome.

MS. ROSENFELD: Yes, I do. Thank you. Michele Rosenfeld, uh, the law office of Michele Rosenfeld, LLC in Rockville. And I am here today speaking on behalf of John and Amy St. St.

Angelo, parents and in-laws to, uh, the speakers that you've heard, uh, before me. They live directly across Stull Road from the compost facility at 7114A Lakeview Drive. I'm going to start with the standard that applies, 1 of them, to this project. The zoning code section 1198.408D says, limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.

You have heard first-hand personal sworn testimony from witnesses who live in the vicinity who say that the small existing facility, which is only 5800 square feet of impervious surface, already causes noise, odor, dust. My clients are very concerned that all of the activity on this very large property, as proposed, will be concentrated directly across the street from their homes. Only approximately 500 feet from the nearest street, it enclosed proximity to 4 of the 5 wells closest to the property.

At minimum, these activities should be moved to the southwestern side of the composting site. Activities including the unloading pad for food waste, the mixing pad, and the incoming mas- material staging and active composting areas.

The existing 5800 square feet of impervious surface, uh, which is related to the current operations, generates highly unappealing odors that blow to my client's property, already in violation of the code standard, which I just read to you.

This site plan, with some 300,000 square feet of impervious area, includes a concrete pad for unloading, mixing, and grinding incoming food waste. The runoff from this food waste, think garbage truck drippings, is uncontrolled. Certainly, will be a significant increase in odors and runoff leaching into the surrounding soil, potentially contaminating drinking water.

The commission should require the applicant to move the proposed operations to the southwest portion of the site. The appli- the commission should also require that the entry, the ingress and egress be relocated. The current site access from Stull Road is difficult and dangerous with a deep ditch on either side and a bunk which reduces visibility. My clients have seen accidents. They've pulled cars from their fence and field. These are rustic roads classified as low speed, low volume rural roads. The current site plan proposes widening both.

The existing use already causes odor and unreasonable noise on my client's property. The proposed site plan shows no means of mitigating those impacts. Instead will result in significant increases in odor and noise, and this project should be denied.

CHAIR DAVIS: Thank you, Ms. Rosenfeld.

MS. ROSENFELD: Thank you.

CHAIR DAVIS: Uh, I will note that the commission did receive,

uh, 3, uh, correspondences over the last several days, uh, in, in the affirmative for this application. And with that in mind, we now, um, will receive our email postal or, um, remote comments. Ms. James.

MS. JAMES: We do have 1 recorded comment. We will attempt to play it. If not, we will read it.

CHAIR DAVIS: Thank you, Ms. James.

MS. JAMES: And we will read it. Good afternoon. I am calling to comment on the application by Compost Crew in Thurmont, Maryland, or Thurm- in Thurmont, Frederick, Maryland. My name is Linda Norris-Walt. I am a resident of Middletown, Maryland in Frederick County and have worked for 12 years at the U.S. Composting Council. Our organization's mission is, is supporting composting as a means of soil health, climate change, mitigation, clean water, green infrastructure and stormwater and erosion control. Because of this mission, we educate, train, and set standards for not only compost as a product but for professionals who operate compost facilities such as Compost Crew, Compost crews, facility operators. Facility operators have been … I'm sorry I know this is very painful.

MALE SPEAKER: I can help you with that.

MS. JAMES: No, it keeps returning. Because Maryland has a ban on disposable or disposal of food, waste, and landfills by commercial entities, it is critical that facilities be located

around the state of Maryland that can help recover these valuable resources. And there is no better county for allocation than Frederick County, where I have list since 1987 because of our intersection of suburban and agricultural land in our community. The … I urge you to approve the plan for Compost Crew facility. Thank you very much. That's the end.
CHAIR DAVIS: Thank you, Ms. James. Um, having heard our public comments and our remote comments, um, it is now, uh, time for the applicant to provide their rebuttal. Uh, pardon me for not having everybody's last name, Casey and Kristie and Richard. Um, you all have 10 minutes, uh, the time clicking over my left shoulder. Thank you.
MS. CIRNER: Thank you. Casey Cirner with Miles & Stockbridge. Uh, we appreciate the testimony and just wanna highlight a few things for this commission to, um, consider, 1 of which is the site design. Uh, you heard a lot of testimony with respect to the site design, and as proposed, that is changing from what it currently is and how the site is currently operated. Um, the existing composting is up at the front corner of the property near the intersection of Lakeview Drive and Stull Road. It will be pushed back more central into the middle of the property. And this is keeping in mind a 29-acre property where approximately 5.9 acres will be dedicated to the composting facility with a total of 6.2 acres for the facility, including the access drives.

But, um, most importantly, the rest of the area around the facility will be left in agricultural use, as, um, Richard had explained earlier. And I think he best, uh, said it earlier when he explained how the Compost Crew has the experience and the knowledge and the innovation and equipment to come in here and to be able to operate a facility that really functions efficiently and, um, with operational excellence. And so they are proposing to, um, also relocate the driveway entrance for the facility, which was 1 of, uh, the pieces, components of testimony you heard from the neighbors. And the new access will be towards the middle of the Lakeview Drive frontage of the property.

And so that's where trucks will enter. Um, some of the photographs we did have an opportunity to look at, um, not all of the trucks pictured in the roadway belong to Compost Crew. Um, but again, the site proposes parking along, um, and within the site and Compost Crew has asked for a modification which will increase the number of parking spaces that's provided by 7 so that they have a parking space for the 9 trucks that will be, um, parked on this site as well as the employees, um, all except for 1 are full-time. So again, they're also increasing the number of employees to operate the facility on site.

And 1 of the modifications that was approved as part of this site plan is the, um, lengthening of the parking spaces, which will allow for trucks to park on site. And with that and the

number of parking spaces, even though the trucks parked in the roads in these photographs do not belong to Compost Crew, that would not be an issue here because of the circulation, the parking and the number of parking would prevent any type of queuing or parking on, on the roadways.

Um, and as, uh, is proposed as part of this application and a part of the letter of understanding for the adequate public facilities test is that both of these roads, um, are going to be widened to 20 feet. So that will address the testimony that you heard today with regards to the width of the roads, um, allowing, um, better circulation along the site. And again, the applicant proposes 9 trucks. We're not talking about 50 trucks coming in here.

Um, that was the threshold for testing the, um, the, uh, number of trips per hour. Um, and I know Kristie has some testimony to add, but I also just wanted to highlight that this use is something that the county really has envisioned for this county, and I think that is definitely expressed in the Livable Frederick Master Plan, where some of those vision themes, the environmental vision theme, the economic vision theme, and the community vision themes all kind of touch on this use, um, in that under the environmental vision theme there's a goal to, um, have 0 waste in the future. There's also a goal by 2024, 4 to divert 60% or excuse me by 2025 of waste.

Um, the economic theme also talks about supporting small businesses and Compost Crew would be a wonderful addition to the small business portfolio of this county. And then the vision theme that also talks about the strong restaurant culture in this county. So this use definitely directly supports that culture. Um, and so I wanted to touch on those items, and I will turn it over to Kristie to touch on a few more. Yeah.

MS. BLUMER: Thank you all, and, and thank you everyone for attending today. Um, I would just love to say thank you for all of the passionate responses that we have. We definitely want to make sure that people want to compost. So we wanna hear from all, all sides that it is important that everyone feels comfortable with the space and they're excited about the program as well. So thank you all for, for attending. Um, for this space, obviously there's a lot that you've already seen and approved pri- pre- previously. But the benefit of where we are right now is that we, as a composting program, so before Compost Crew came on board, have been operating. And we have found and fine-tuned the space that's going to create an ideal platform for operations once we're able to build and create this larger facility.

Also, outside of that, we have issues with, uh, that was quoted noise, odor, um, vector control, birds, rodents, um, any type of mitigation for health concerns. All of that is

currently and will be managed by county and state law. We have not received any formal complaints and we will make sure to always address any complaint, if any, is, is coming in. Now, I do know that our current operator, who was historically operating at the space previously, um, has, um, spoken to our neighbors, uh, including, uh, Kevin here, and um, they've had the ability to chat and receive any type of feedback so we can continue to be good neighbors. That is a cornerstone of any composting program and definitely would love, now that we are absorbing the space and absorbing the site, we would love to be more in front with the neighborhood around us. So definitely would love to speak with you more often as we hopefully will grow this program.

Um, it's important to note that Richard has such an expertise in farming and tree life that the entire site will be screened by trees. This is not only to help build the resilience of the soil on site but also to screen any of the potential odor, dust, uh, noise, any type of concern that might be coming from the space. And like was already previously stated, um, all of the material that's being processed will now be more centralized into the space. So there will not be any type of concern, hopefully, with any type of nuisance. So that includes noise, smell, um, dust, uh, anything that potentially could be received.

Now, on a composting space, we do receive comments of … and

concerns of this a lot. Um, so we do understand that the first thing when people see compost is like, ah, trash, landfill, this is gonna be smelly, it's gonna be terrible, it's gonna kill us all. Um, but we really need to establish that food scrap composting, but composting in general, has been done on farm forever. We've had manure and animal mortality composting on site. This is a way to just incorporate food scraps in a better way. So we wanna use this space as a demonstration site to prove ideal operation and site flow to counter that, um, uh, not in my backyard, NIMBY personality of, you know, this is gonna be terrible and it's gonna hurt all of us.
So I'm hoping that we can prove that concept with this new s- new space. And we've ideally created it based on our experience, um, and we've never received any type of roadway concern, uh, site concern at any of our locations, um, to prove this concept. Uh, and I would also like to highlight that, um, with this space, we have the opportunity to educate and give more feedback to the local community on what foods grab composting is. So hopefully all of that can, um, not only improve where we're at currently but also us as a, as a company can really provide, uh, an ability to not only recycle and create soil amendment but create a really valuable need in our s- in our community which is education of what this can do for hopefully our community and our county.
MS. CIRNER: And just 2 more points, uh, just from a legal

aspect. Um, I know the, uh, Ms. Rosenfeld was here in 2022 representing her clients at that point, um, and it's my understanding that this site plan was approved and no appeal of that approval ensued subsequently to that, um, commission action. And then again, we want to emphasize that nothing is really changing here than what was approved in 2022. And so there are legal, um, doctrines that do look at, um, a decision and making sure that the decision of the administrative body is consistent when it's reviewing an application that it has already seen before. And so I just wanted to fulfill my obligation as the attorney here sitting at the dais to bring those to your attention. Thank you.

CHAIR DAVIS: All right. Thank you very much. Uh, if we're up here now for Planning Commission deliberation, and we'll start with Ms. Nicklas.

MS. NICKLAS: Um, so I'd like to ask the applicant a couple of questions.

CHAIR DAVIS: Mm-hmm.

MS. NICKLAS: Um, so I wanna understand, um, what is your relationship to Key City Compo- Compost. I sort of got from what you recently said, you may own it, but they still do the operation, is that correct?

MS. BLUMER: Uh, no. So we absorbed Key City Compost, uh, this summer. Um, so we just absorbed it, and with that abs- absorption, so, so Key City and their employees are now under

our platform. So they are no longer the Key City brand, but we do have, uh, 1 of the operators that was historically there, um, who's learned an amazing amount and does a really great job on site. He also has been in contact with the neighbors, so I'd like to emphasize that he has done a really great job to try to build that relationship, um, something that myself and we should do more, um, as we move forward with the program.

MS. NICKLAS: I was just trying to find out, so you all came on board over the summer.

MS. BLUMER: Yes.

MS. NICKLAS: And when you talk about, um, com- tell us about the current size of the operations versus what it's going to be when this gets built?

MS. BLUMER: Yeah.

MS. NICKLAS: If you can give us sort of the scale.

MS. BLUMER: Yeah, great question. So we are under a on-farm exemption for the amount of food scraps that can be composted on the space. So, uh, if you take off site food scraps, which we do, you are now required to stay under a contiguous amount of square feet. So if you squish all our piles together and everything that we do for the actual composting side, um, it needs to be a required square footage. That's 5,000 square feet. There's now a 10,000 square foot, um, on-farm agricultural exemption as well, but that bill was approved in

2023, but it's not currently implemented.
Um, but either way, we're below that footprint. When we get to this larger space, we're up to about, it was, uh, on there, 6.2 acres of composting limits. So that's from 5,000 square foot. So 42,000-ish is an acre. So we're at like an eighth of an acre. And then it's going to about 5.5 acres.
MS. NICKLAS: Acres.
MS. BLUMER: So that's the difference of size.
MS. NICKLAS: Of about 10 times.
MS. BLUMER: Yeah.
MS. NICKLAS: Is that about right?
MS. BLUMER: That sounds right, yeah.
MS. NICKLAS: I was just trying to get…
MS. BLUMER: Yeah.
MS. NICKLAS: … an order of magnitude.
MS. BLUMER: Yeah. Okay.
MS. NICKLAS: Those are my questions. Now I'll, I'll give the, the mic to someone else.
MS. BLUMER: Mm-hmm.
CHAIR DAVIS: Okay. Well, why don't we just go down the row here, um? You’re on. You’re on.
MR. RENSBERGER: Okay. Yeah. Thank you, Mr. Chairman. Um, some … this is directed at you Ms.Cirner, some of Ms. Rosenfeld's comments you seem to speak to I just wanna re-repeat them back to the best of my ability and, and maybe you

can confirm. Ms. Rosenfeld asked that the existing, uh, food waste unloading and mixing pad be located to the south or west of the property and you said it's planned to be relocated to the center.
MS. CIRNER: Ms. Rosenfeld may be referring to the proposed. Yeah, she's ref-
MR. RENSBERGER: I, I see 1 near the intersection of Stull and Lakeview.
MS. CIRNER: Right.
MR. RENSBERGER: On your plan.
MS. CIRNER: Right, so I've … the gray box is what's proposed. What is existing is just to the west of that. Yeah.
MS. BLUMER: And that's the [inaudible]
MR. RENSBERGER: Can you … Oh, there we … on the screen. What's … the, the gray … there's a driveway and a gray area right there. Isn't that where the dumping.
MS. BLUMER: Yeah.
MR. RENSBERGER: And mixing is happening right now?
MS. CIRNER: Currently.
MR. RENSBERGER: And Ms. Rosenfeld asked that it be moved to the south or west, and you said it's planned to be moved to the center.
CHAIR DAVIS: Mm-hmm.
MS. CIRNER: Right. So it's gonna be moved from where the cursor just was to the right, I believe where that gray

rectangle is. And so that's gonna be behind the cross hatched white area, which will be, um, the landscape buffer.

MR. RENSBERGER: Oh, so you're moving it, but not nearly as far as she would have you move it.

MS. CIRNER: But we're adding landscaping in 2 sections, along the frontage as well as along the boundary of the composting. So those will be 2 additional characteristics that will be added.

MR. RENSBERGER: Thank you for that clarification. Um, traffic was cited as an issue from the, uh, our neighbors that came, um, but the road is slated to be widened. Isn't that right?

MALE SPEAKER: Yes, sir. The plan is to widen both roads for 20 feet for … this was actually started as like for tru- fire trucks to make sure that the site can … that the road can handle fire trucks.

MR. RENSBERGER: They're being widened…

MALE SPEAKER: Yes.

MR. RENSBERGER: …as Frederick County is growing. Is growing.

MALE SPEAKER: Yes.

MR. RENSBERGER: Yeah. Sorry, they're slated to be widened anyway not because of this project.

MALE SPEAKER: No, no, no. The, the, the intent is to widen the road, right?

MR. WILKINS: It's, it’s … the APFO LOU.

MALE SPEAKER: Yeah.

MR. WILKINS: As part of the traffic study for this, the determination was made that those roads had to be widened, so the applicant will be widening the roads.
MR. RENSBERGER: Oh, the applicant will be widening the road.
MR. WILKINS: Mm-hmm.
MR. RENSBERGER: Okay. Um, so this might be a question for Ms. Mitchell. Um, Frederick County is a, a right to farm county. I remember learning that term after some new arrivals that came to the county in the 90s. You know, like my wife came to Frederick County in 1999 and had her f- experience her first manure spreading day. And she's like, you know, "What the hell is that?" And I was like, "That's progress, babe." [Laughter]. And is, is this activity covered by that Right to Farm Act? I mean, it … ho- people don't like the way hog farms smell either, but they have a right to do it.
MS. MITCHELL: No, I know and that's a very good question. I, I would have to look into that. I could do a quick, quick search while we're talking here.
MR. RENSBERGER: You're a rock star. Thank you.
MS. MITCHELL: Or maybe, maybe the applicant knows. I don't know.
MR. RENSBERGER: Okay.
MS. MITCHELL: I do not.
MR. RENSBERGER: Thank you for that. I'll yield down the line to Mr. Long, I guess.

CHAIR DAVIS: Thank you, Mr. Rensberger. Mr. Long?
MR. LONG: Yes. Um, so as I said earlier, I'm very much for your mission, mission and what you're trying to do, and I know some of the people involved, and you know, they're all good people. But, uh, I can't disregard the comments I've been hearing from the neighbors and I don't wanna just disregard them and say, well, that's NIMBYism. I mean, they are feeling and hearing and smelling what they are hearing and smelling and seeing. Um, and I, I realize too that this site plan has already been approved previously and we have to be consistent. But at the same time, um, there is a lot of open farm space to the south, I guess it's south, um, and maybe this is a question for Richard and you, is there any reason why you can't move this further to the right on the graph here, uh, and get it a little further away from those folks?
MS. BLUMER: Yeah, great question. So we can't go further southeast, um, because there's a setback there. So a lot of that has to do with the stormwater that's in that space. Um, and so there's … a- and I'm sure John, who might be here, can give more specifics. And I think Richard's raising his hand. But, um, that's the reason why is we, we couldn't due to the stormwater, um, on that space but I'm sure Richard can give you more details on that.
CHAIR DAVIS: Is Richard willing to comment?
MR. JEFFERIES: Yeah, just ask John about that cuz he sent me a

note. There is a specific reason. He can, he can run it down for you.

MR. LONG: Okay, to follow up also…

MR. JOHN: Yes.

MR. LONG: …on the unloading spit. Oh, it's John here. Okay. I'm sorry.

MR. JOHN: I am here. Yes, sorry. Thank you. Um, so there is a drainage easement from US 15 that bisects this property, um, that is a swale that runs through the middle of the farm. And that is also shown, um, on the bottom half, kind of in the center of the plant. I say bottom because north is askew in this drawing. But so when we bisect the property, do that drainage uh, area, the southern portion of the property becomes, uh, significantly restricted. Uh, it's also located on a hill, uh, with much more undulating terrain. So from a spatial standpoint, um, layout and also just to have a driveway, uh, to get to that portion, it was more efficient of our use of the property to, uh, select the location that it's in today.

MR. LONG: Okay, to follow up a little bit on that then back to the unloading area that, uh, Mr. Rensberger was referring to, your, your driveway is more in the middle of, uh, the road now but why can't you have the unloading portion near where the entrance is, or more central to the whole processing center?

MS. BLUMER: Yeah, good question. The site flow was designed to

treat the ideal. Oh, sorry, go John.
CHAIR DAVIS: He couldn't hear you. Your mic was off.
MR. JOHN: I did. So the, uh, we have a, I guess, counterclockwise organization to the flow then here with the materials coming in. There is an ent- uh, incoming material area, um, that's kind of a larger trapezoidal, um, red box on the left side of the driveway. That's gonna be the bulk of the carbon, your food waste material. The food waste is going to be limited and because it is limited we did not want to put that right at the front of this facility to cause a log jam. Um, but the rationale is as it moves, the material as it comes in is gonna move counterclockwise. It'll come from incoming material to active composting, over to curing, um, and then as you're moving, uh, to the right, back up around to the finished, uh, composting piles to be, uh, loaded into vehicles and in the site.
So, uh, as you work around that clock, that is the, the rationale for it. And the selection of where the food waste was was just input from operators and, um, our previous compost engineer who has worked on, uh, these facilities across the US of, you know, how does this best suit, uh, the need for the operator to quickly incorporate the food waste into the active composting pile, which, you know, in this stance is 20 feet away versus moving that material further distance.

MR. LONG: Okay, thank you. If I may, 1 more question Mr. Chair?

CHAIR DAVIS: Please.

MR. LONG: Um, so we heard Richard state earlier that he's brought tours into the facility as it exists now, uh, different county officials and whoever they … else may be and you'd stand in the middle of the facility and ask them to breathe, and everything smelled like roses. No, he didn't say that. I- it didn't smell bad, I should say. So, uh, we're hearing from the neighbors, though, a quite different story. So how can you explain that, though? What- what's happening here?

MS. BLUMER: Yeah, so when you're on site, and I do recommend you all come on site, it is a great place to see what's happening and how we do composting and just in general seeing the ability to move food and scrap and make compost, which is a pretty cool science to see. Um, now, there are lots of farming spaces in that area. There have been times when, for example, our operator had a comment that was received from a neighbor, and they thought it was the smell was from our site, and it was actually, uh, a pig manure that was being laid nearby. Um, and we do have the, that large highway nearby, which does have a lot of sound and potentially nuisances coming from that space.

Um, and we do always make an effort to make sure we're, we’re

pro- operating ideally at all times. Um, so sometimes it just comes from the secondary factors that we can't control, um, and so all we can do is control what's on site. So with this site plan, we will make sure that these concerns are mitigated and that is what it was approved historically but also will and is approved currently cuz we do have the current state permit, um, and was the county's, um, approval as well. So this, this site is ideal to make sure we're mitigating all of those concerns moving forward.

MR. LONG: Thank you.

CHAIR DAVIS: Mr. Tressler.

MR. TRESSLER: I'm all in favor with the concept, and you have proffered a case of the … change your entrance and move your mixing compound power away from the neighbors and all. And you keep specifying food waste, but I've seen you have a lot of tree waste and residential waste and all. Like what percentage would actually be food waste from Frederick County?

MS. BLUMER: Yeah, great question. So ideal anaerobic or aerobic composting would have a 1 to 3 ratio. So we pro- process with about 1 percent, 1, that 1 ratio is food scraps and the 3 ratio is usually a carbon source, which is ideally leaves, wood chips, um, anything that might have a higher carbon, uh, constituent involved. Also, bulking agents. So lignin, so tree, trees don't break down. So that lignin is really important to help with bulking, to help with the

aeration.
So that means 25% of the food feedstock coming in is food scraps, ideally, and the rest of it is a carbon source. Um, so the majority of material that we currently and will be processing will be, uh, carbon oriented material, so leaves or wood chips.
MR. TRESSLER: And without proper management you get in the anaerobic which you don't want to do.
MS. BLUMER: Yeah.
MR. TRESSLER: And you have all kind of negative impacts in that area up there. Um, I wish your site was a lot larger. You know, if you would have a couple hundred acres there it'd be a lot better. You could spread out and all like that. I know you're kind of handicapped what you can do there with the ravine and all the water and all like that. But it's a … I guess that's the only comment I have.
CHAIR DAVIS: Ms. Nicklas.
MS. NICKLAS: Um, so I appreciate everything that you have said and yes, I know that the Planning Commission approved this 3 years ago. However, it was 3 years ago. This is perhaps new information. And the things that have jumped out at me, they have to do with public safety and environmental concerns. It’s, it is … I- I'm a huge fan of composting. You're totally right, it aligns with the vision. Um, it's a great project. However, I … from what we have heard today, sound to be

serious, again, public safety and environmental concerns. And I believe, at least for me, I'm not comfortable approving something without understanding more about this. And I, um, and uh, so I don't know what the step is, if, if we could have a continuance and if s- someone at the county who has environmental expertise could investigate it further. But I, I can just say public safety, environmental, there sou- there sounds to be some real concerns here, and I think we need more information on this. I know I do before I can vote on this.

CHAIR DAVIS: Mr. Rensberger.

MR. RENSBERGER: Thank you. Thank you, Mr. Chairman. Mr. Tressler and I were here when this, this 1 was approved the first time. So it's a 2 of 7 of those, that Planning Commission are still here in the room. Um, but I understand the statement about consistent government function, um, and I agree with you. This, this is a permitted use. I agree with you, too, that these are some serious concerns. They, they didn’t … they don't look like they're not telling the truth, right? Um, but this is a permitted use and the Frederick County Planning Commission is not law enforcement. So if they're breaking some guideline about odors going over property lines or noise after, you know, before 7 AM or after 7 PM, that’s a matter … to my mind, that's a matter for zoning.

Like, yeah, that's code enforcement. What we are supposed to

do is evaluate this plan, um, but these things need to be looked at. But a continuance is a harm to the applicant. We don't know that the harm … that the applicants done anything wrong, although we're hearing rumors about that. I- I'm not sure I'd be comfortable with a con- Maybe I have to be comfortable with the continuance. I don't know, but that's my thoughts. I wanna stay out of law enforcement. Thank you.

MS. MITCHELL: Mr. Rensberger.

MR. RENSBERGER: Yes, Ms. Mitchell.

MS. MITCHELL: I just wanna answer your question about the Right to Farm. It does not apply in this case, um, as Mr. uh, Wilkins reminded me, if this was a farm, a bonafide farm activity, they wouldn't need a site plant. So, um, it i- it is not something that, uh, gets modi- The other thing I do wanna say, just to be fair, is that, you know, there is the unreasonable change of mind role, but if facts, facts that apply to the site plan are different, then you can make a different decision. So it's not, it's not if you make a decision once you can never change your mind. So Michele, you can sit down, I said it for you. [Laughter].

MR. RENSBERGER: So you're saying, Ms. Mitchell, even though the plan is the same as we saw 3 years ago, some facts are different and that's this, what's come to light, this testimony here today, those are, that's different?

MS. MITCHELL: Correct me if I'm wrong, but 3 years ago, there

wasn't an existing ongoing compost, uh, operation. Is that right?
MR. RENSBERGER: Correct.
MS. BLUMER: Yeah.
MS. MITCHELL: There was? There was not?
MR. RENSBERGER: Oh, oh, pardon me.
MS. MITCHELL: [Laughter]. I'm looking at somebody who just told me like this.
MR. RENSBERGER: I was mistaken. Mr. Wilkins said yes there was an operation.
MS. MITCHELL: And was it the same…
MR. WILKINS: Yeah, there was a limited composting facility. This is to upgrade that use to the limited composting-commercial, which lets it go from 5 acres up to 10 and include more of that commercial activity.
MS. BLUMER: But if I may, it's...
MS. MITCHELL: Okay, so then what- what's happening today is no different than what was happening 3 years ago, like actually happening on the site. Is that correct?
MS. BLUMER: Correct.
MS. MITCHELL: Okay.
MR. RENSBERGER: Yes.
MS. MITCHELL: That might be a problem then as far as changing your mind. I was thinking that, you know, the, the odor and all that kind of stuff, I, I do … I did hear from staff, and

this is … I'm not saying this well, I'll let Mike talk. You could ask him about if there have been any zoning, um, complaints about the site cuz that might be important to know.
MR. WILKINS: Not that I'm aware of.
CHAIR DAVIS: Thank you very much, Ms. Mitchell.
MS. MITCHELL: Thank you.
Mr. MR. WILKINS: Thank you.
CHAIR DAVIS: Mr. Wilkins's mind is like a steel trap. Um, I, I have a, I have a couple staff and a couple for you and then I'm going to acknowledge Ms. Rosenfeld. I'm gonna be time restrained with you but I will acknowledge you in just a moment. Um, for the applicant, um, 1 thing that was mentioned that we haven't touched on was specifically hours of operation. Um, I, I heard stuff was going on late at night. I'll just be vague in that. Do you have a specific hours of operation, and if not can you commit to a certain specific hours of operation as many of our users in the county do?
MS. BLUMER: Yes, so in the compost facility operating plan that we have planned for this facility, there is, uh, hours of operation that's already been pre-listed and approved by the state, um, and so that would be what we would go based on. Yeah, which is from 7:00 to 3:00, um, but on sometimes it would be 9:00 to 5:00.
CHAIR DAVIS: 7 AM to 3 PM.
MS. BLUMER: Correct.

CHAIR DAVIS: Okay. Um, then the oth- then my question for our staff is I recall, and I- I've read far too many zoning ordinances to admit that I would admit to, but I recall reading somewhere in some agricultural, uh, language where it says that if you are a residential use in an agricultural zoning district then you are to be on notice that there could be detrimental odors and sounds and things associated with the agricultural use near your residence if you're ag and it's ag. Does this ring any bells?

MR. WILKINS: I think referring to kind of like the Right to Farm Bill, so if a New residential house or community builds next to an existing farm, that essentially that farm's operation is protected.

CHAIR DAVIS: Okay. Okay.

MR. WILKINS: Right. Yeah. Not applicable in this case in my, in my opinion.

CHAIR DAVIS: Thank you for bringing that forward. All right, so I don't … Ms. Nicklas?

MS. NICKLAS: You were about to say you don't see any more comments, right?

CHAIR DAVIS: I, I was.

MS. NICKLAS: I have a...

MR. PARRY: And, and I'm I allowed to make a comment from the line? This is Ben, uh, with Compost Crew.

CHAIR DAVIS: Yes, sir.

MR. PARRY: Yeah, just, just a couple things that I, I think haven't been mentioned in full yet. 1, um, we are … part … the, the site plan does contemplate us building out a, uh, more enhanced compost facility that will be regulated by Maryland Department of Environment, which regulates the environmental concerns that have been addressed. The other, as part of the build-out we will be investing in additional equipment that's going to more, uh,, better handle any odor issues. So any … the improvements in the site are going to significantly decrease any risk associated with, with odor issues. Um, and the Maryland Department of Environment regulations govern any environmental concerns that have been raised and we'll have to follow the, those regulations according to our, our state permit which has been approved.
CHAIR DAVIS: Okay, thanks Ben. You got 3 and that's, that's all I'm giving you, so good job. Um…
MR. PARRY: Gotcha.
MS. NICKLAS: Okay. So and thank you for saying that. I, I actually need to marinate on that a little bit cuz I don't actually totally understand how that would come into what I'm saying. But per- personally, I get the noise and odor, totally. My comment, my concern is not noise and odor. It is public safety and environmental concerns. And the 2 specific things were the 9 failed bacteria tests. I, I think that's big. And to me, unless somebody came forward 2 years ago and

said, my well is failing all the bacteria tests, that's new information. And the children's respiratory issues.
So I pulled those out specifically. I said, I came into this. I'm a huge fan of this. I compost. I'm a huge fan. But I pulled those out as too serious, potentially, public safety and environmental issues. I'm not trying to police this, but to me, if there is something happening that is related to an environmental concern, a public safety, to have a continuance for a short amount of time, to do some … have subject matter experts at the county do some investigation to find out is there something here. And if there is, could that be mitigated by, by doing a redesign of, of, of the site plan?
But uh, I am uncomfortable approving this when across the street we're getting failed bacteria tests in wells. So, um, again, it's not the noise, it's not the odor. It's those 2 things; public safety and the respiratory issues. So I started going, um, so if the Maryland, I guess my question then, after my comment, if the MDA is involved, how would they handle these issues? Would they test the wells? Would they be checking to see if this site is impacting the neighbors' health? How does that work?
MR. WILKINS: It certainly wouldn't be the Frederick County Planning Commission. Um…
MS. NICKLAS: Right. Agreed.
MR. WILKINS: Ground- ground- groundwater is controlled by the

state of Maryland, not Frederick County government. So I would advise the Planning Commission not to make a decision based on a concern for groundwater because it's out of your wheelhouse. Um, we'd also have to be very careful not to approve this with any conditions that would be contrary to the state approvals that have been granted already to this project.

So for example, the hours of operation from the testimony sounds like the state permit said 7:00 to 3:00. The Planning Commission shouldn't restrict that further than what the state has dictated, right? So just a few words of advice there.

MR. PARRY: And yes, the MDE does, does cover those concerns. I mean, Kristie, I don't know if you wanna go into more detail about the depth of the groundwater, et cetera?

MS. BLUMER: Yeah, so MDE would do all … all of our permits would come through MDE on any type of environmental concerns. So an example would be we have a solid waste permit that we've already approved for the composting operations, which includes the composting operations plan, we will need an industrial stormwater permit, which will, um, test, uh, regularly anything that's coming off of the site, so they call it contact water. So any water that then contacts in the material and then goes into our already pre-planned stormwater, uh, best management practices. So they will be tested there regularly and will be monitored by MDE.

Um, anything with an air is an air permit, so you would have

to make sure the air is also being regulated depending on the type of equipment you utilize. Um, so we would need multiple pieces of, uh, permits and pre-approvals, um, for this site to make sure that we're operating, uh, safely for everyone.

MS. NICKLAS: And is MDE doing that now?

MS. BLUMER: So right now we’re, we’re small, we're a farm. So we are the right to farm currently, um, as an ag land, uh, and what we're doing is zoning. Um, and then this will then be regulated by MDE.

MS. NICKLAS: In the future.

MS. BLUMER: Yeah.

MR. PARRY: But, but they have, they have already come out to the site and inspected to make sure that we are in compliance with existing regulations related to on-farm composting. So they are actively policing this site and other sites that we operate.

CHAIR DAVIS: Okay, thanks Ben. You went over your 3. Um, all right, so…

MS. MITCHELL: Well…

CHAIR DAVIS: We have, uh, we have concluded our Planning Commission…

MS. MITCHELL: Sorry about that.

CHAIR DAVIS: …comments for the time being. Um, Ms. Mitchell, did you have something you wanted to add?

MS. MITCHELL: No, I was, I was actually gonna say what Mike

said, so I'm good. Thank you.
CHAIR DAVIS: Okay.
MS. MITCHELL: Sorry, I forgot I left my mic on.
CHAIR DAVIS: Well, we, we know you and Mike are always on the same page. [Laughter]
MS. MITCHELL: Almost always, you're right.
CHAIR DAVIS: All right.
MS. ROSENFELD: And Mr. Chairman.
CHAIR DAVIS: Very good. Ms. uh, Ms. Mitchell, I am going to allow Ms. Rosenfeld 3 minutes of additional testimony. Is that in order from your point of view?
MS. MITCHELL: Is representing 2 people so I guess that's all right.
CHAIR DAVIS: Okay. All right.
MS. MITCHELL: You've done, you've done that in the past.
CHAIR DAVIS: Thank you very much. Miss Rosenfeld, um, let's stick to 3 minutes if you please, ma'am.
MS. ROSENFELD: Certainly. Thank you. Um, there, there are several things that I did want to address that came up, uh, after, after the testimony was presented, uh, from, from the community. And first, I do agree that there is no Right to Farm protection for this particular use. Instead this use is governed by the zoning code which does say, uh, you know, that composting activity shall not occur, odor, dust, smoke, vibration or unreasonable noise. The other thing that I wanted

to talk about, um, is the concept that's been raised that you can't, uh, change the, change the mind of the agency.
I will say that the facts that are before you today are significantly different from the information that was presented at the first hearing. The first hearing was held during COVID. Uh, I submitted a letter on behalf of Mr. and Mrs. St. Angelo. Uh, there was no direct testimony. Today you had first-hand personal sworn testimony from 5 individuals who live in this community. They raised issues about well, they … wells, they raised issues about, uh, respiratory health, um, including some medical information and uh, to the extent that the applicant is now, um, responding to that testimony by saying that there are elements incorporated into the site plan that we have not seen, it really is only fair for my clients to have an opportunity to, to review and understand that information.
And candidly, um, you know, 2 plus years after this plan was, uh, approved it expired, through no fault of my clients, um, a, a period of time of several weeks to allow that supplemental information to be provided and my clients who are directly and profoundly affected to have an opportunity to consider that information and speak to it is, is not prejudicial to the applicant and really is in the best interest of, of the community. So I would ask out for that, that supplemental information, a brief period of time for us

to have a chance to review it. Thank you.
CHAIR DAVIS: Thank you, Ms. Rosenfeld. I'm clo- I'm closing things up now. I'm gonna, I'm gonna bring it up here for us to, um, decide whether or not we wanna move this forward as a yay or nay or continue the case. So I'm, I'm up here with the, uh, with the Planning Commission and I see Mr. Rensberger's light is lit and what do we have from you, sir?
MR. RENSBERGER: I've been listening to all these or everything that's been said here. My pen can't move much faster. Um, so I list, as some of you know, I list and count the nature of the complaints that come in when there's public testimony. So there are 7 subjects; odor, noise, traffic, trash, feral animals, bacteria in the well, and respiratory health. If we wanted to decline this re-approval of a plan, we don't regulate odor, we don't regulate noise. We do regulate traffic on site and traffic movement. Trash, we regulate the enclosures of trash, the management of trash. Um, but feral animals, well in a bacteria and health concerns, those are not … that's not our ma- that's not our material.
Um, it doesn't make it something that shouldn't be looked into. It's just not something that this group is charged with. Um, I am mindful of Ms. Mitchell's statement about consistency. I don't want us to be found arbitrary and ca- capricious at the Board of Appeals or the Circuit Court. And while I agree to be concerned about health completely, that is

MDE. That is just not our role. Um, neither is zoning enforcement. Um, our role is … our only role is, and I think we should stay in our lane, is evaluate this plan on its merits and vote on what's inside our scope. I don't want us to run off the rails here. That's my thoughts. Thank you.

CHAIR DAVIS: Mr. Long.

MR. LONG: I would tend to agree with Mr. Rensberger. Uh, we've heard a lot of concerns and I certainly appreciate those concerns. Um, and, and there is a number of things that just aren't in our wheelhouse. It doesn't mean we can't be concerned about them, but, uh, it doesn't mean that we have the authority to actually act on them. Um, I'm, I'm … Now that I've heard about the role of MDE, I'm a little more comfortable that hopefully the health issues and the environmental issues can be addressed and I, I would kind of, uh, make the request of the applicant that they go out of the way to communicate to the neighbors and get them the information of who they can contact, you know, MDE numbers, websites, what- whatever the case may be, and be a little more proactive with trying to address their concerns, um, and uh, so, so they know who to get in touch with if things arise. I mean, the bacteria in the well, we don't know where that's coming from. It could be coming from this side, it could be coming from somewhere else, or it just may be the nature of where that well is at. Uh, there's all sorts of reasons that

can be happening. But, um, I think with this being approved to be more of a, a commercial type operation, that it sounds to me like the processes that are in place to … it, it sounds like most of the concerns will be addressed, that the, the waste will be handled more, uh, appropriately and in a way that might mitigate some of the odors and um, and that sort of thing, uh, if, if there are odors.

Uh, by the widening of the road, it seems like the traffic situation should be alleviated. And, you know, the applicant said that there were trucks in the photos that weren't theirs. I, I don't know whose trucks they would have been, but, um, hopefully by the new traffic, uh, flow that's designed into this, uh, into this plan that the traffic can move in and out without being caught up on the, the streets and being a hazard. So, um, I guess what I am trying to say, I am willing to move ahead with this.

CHAIR DAVIS: Thank you, Mr. Long. Um, then, uh, we’re, we're here for an orderly motion, second, and if any discussion, then the discussion for [crosstalk] motion.

MR. LONG: For my direction I received earlier this afternoon.

CHAIR DAVIS: So are you prepared to make a motion?

MR. LONG: I'm prepared. I move that the Planning Commission conditionally approve site plan development plan SP19-17, APSP277005, APFOA277003, with conditions and modifications as listed in the staff report for the Compost Crew at Utica

Bridge Farm site plan based on the findings and conclusions of the staff and the testimony exhibits and documentary evidence produced at the public meeting.

CHAIR DAVIS: Do we have a second?

MR. RENSBERGER: Second. All right.

CHAIR DAVIS: All right. With that motion by Mr. Long with conditions and a second by Mr. Rensberger I will call roll. Mr. Tressler.

MR. TRESSLER: Nay.

CHAIR DAVIS: Mr. Long.

MR. LONG: Aye.

CHAIR DAVIS: Mr. Rensberger.

MR. RENSBERGER: Aye.

CHAIR DAVIS: Ms. Nicklas.

MS. NICKLAS: Nay.

CHAIR DAVIS: And the chair votes yay. Uh, the motion approves 3, 2, 0, 2. Thank you very much.

MS. ROSENFELD: Thank you.

CHAIR DAVIS: [Inaudible]. Without any other matters of order for today, I call the Planning Commission meeting adjourned. Thank you very much.

[END]

FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING AND PERMITTING
Jessica Fitzwater
County Executive
Deborah A. Carpenter, AICP, Division Director

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Compost Crew at Utica Bridge Farms

SP277005, F277004, A277003

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Compost Crew Inc, A Benefit Corporation ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Compost Crew at Utica Bridge Farms site plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied, and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 29.0 +/- acre parcel of land, which is zoned A (Agricultural) and located east of US 15, bounded by Stull Road on the north and Lakeview Road to the east. This APFO approval will be effective for the new development of a 6.2-acre composting facility as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on February 12, 2025.

Schools: Schools are not impacted because this is a commercial development

Water and Sewer: This property is classified as No Planned Service. The property will be served by private well and septic system.

Road Improvements: This Project generates 18 am and 18 pm weekday peak hour trips which does not exceed the 50 peak hour trip threshold required for APFO testing. In accordance with Section 1-20-31, the following improvements must be guaranteed and completed prior to the issuance of any permits:

1. Widen and restripe Stull Road and Lakeview Road from US 15 to the proposed site access on Lakeview Road to provide a 20' pavement width.

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow account in the Project area:

1. US 15 at Auburn Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 4050 for median reconstruction at Auburn Road and turn lane enhancements at Fish Hatchery Road. The estimated cost of this Road Improvement is $533,391. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.69%. Therefore, the Developer hereby agrees to pay $ 3,680 to the escrow account for this Road Improvement.
2. US 15/Hessong Bridge Road Intersection: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3805 for the northbound acceleration lane. The estimated cost of the intersection improvement is $59,613. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $227 to the escrow account for this Road Improvement.
3. US 15 Median Reconstruction at Devilbiss Bridge Road: The applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3742 for the J-turn median construction. The estimated cost of the intersection improvement is $6,070,607. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.38%. Therefore, the Developer agrees to pay $23,068 to the escrow account for this Road Improvement.

Therefore, prior to the issuance of any permits, the Developer hereby agrees to pay $26,975 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on February 12, 2028.

Disclaimer: This Letter pertains to APFO approval only and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

DEVELOPER: Compost Crew Inc, A Benefit Corporation

By: _____ Date: 01/09/2025

Developer/Owner/Contract Purchaser

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: 2.12.2025

Chair or Secretary

ATTEST:

By: _____ Date: 2-13-25

Gary Hessong, Deputy Director

Outlook

RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

From DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Date Wed 5/28/2025 1:26 PM
To Michele Rosenfeld <michele@marylandpropertylaw.com>; Green, Joe <JGreen1@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>

Hello Michelle,

Yes, the SP was required due to the proposed commercial activity. Currently they are not engaged in any commercial sales of the food waste products.

Regards,

Tolson DeSa
Zoning Administrator
tdesa@frederickcountymd.gov
301.600.1491
30 N. Market Street
Frederick, MD 21701

This email in not intended for the receipt and use by anyone other than the intended addressee(s) and may contain confidential and privileged information. If you are not the intended recipient of this e-mail, you are hereby notified that any unauthorized use, distribution or forwarding of this email is strictly prohibited. This email is not intended to take the place of a zoning interpretation. For zoning interpretations please submit a written request to Zoning Administration.



From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Wednesday, May 28, 2025 12:49 PM
To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Green, Joe <JGreen1@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: Re: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Hi Tolson: The 5-acre provision applies only if it is an agricultural activity.

It is undisputed in the Planning Commission record that this is not an agricultural activity. It was clearly established in the Planning Commission proceedings that this is a commercial activity, and so subject to a site plan requirement under Section 1-19-8.408.A.3.

Regards, Michele.

Michele Rosenfeld

The Law Office of Michele Rosenfeld LLC

1 Research Court, Suite 450

Rockville MD 20850

michele@marylandpropertylaw.com

240-403-2653 (main office)

301-204-0913 (direct)

301-519-8001 (fax)

Office Hours: M-F 8:30 - 5:00

THE LAW OFFICE OF MR MICHELEROSENFELD LLC

From: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Sent: Wednesday, May 28, 2025 12:39 PM
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Subject: RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Hello Michelle,

Per the Code section below a food waste composter may conduct processing operations on a property up to 5 acres without a site plan. A site plan is required at 5 acres or greater per 1-19-8.408.A.2.

§ 1-19-8.408. LIMITED FOOD WASTE COMPOSTING IN THE A DISTRICT.

The following provisions shall apply to limited food waste composting activities and operations in the A District that are greater than 5,000 square feet in size.

(A) All limited food waste composting activities and operations shall be located on land zoned agriculture. Food waste composting activities and operations shall be limited in size as follows:

(1) *10-acre limit:* Limited food waste composting activities and operations that exceed 10 acres must obtain approval of a solid waste floating zone designation.

(2) *Limited food waste composting: agricultural activity.* Activities and operations up to 5 acres in size shall not require site plan approval.

(3) *Limited food waste composting: commercial activity.* Activities and operations require site plan approval and shall not exceed 10 acres in size.

(B) No portion of the limited food waste composting activity or operation shall be located within the floodplain district as defined in § 1-19-9.100.

(C) All limited food waste composting activities and operations shall be set back a minimum of 25 feet from the floodplain district and 100 feet from the banks of rivers, streams, or other bodies of water.

(D) Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.

(E) All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.

(F) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road. Commercial/Industrial entrance standards shall be utilized in the design of any point of access to a public road as determined to be necessary by the Frederick County traffic engineer.

(G) The applicant shall submit a vehicle circulation plan indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided.

(H) Limited food waste composting activities may include delivery and incorporation of off-site generated food waste into the on-site composting operation.

(I) The applicant shall maintain records detailing the date and source of off-site generated food waste. The records must be made available to the Zoning Administrator upon request.

(J) All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.

(K) All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes.

(L) Commercial sales of on-site generated compost to the general public are allowed only for the limited food waste composting: commercial activity use. Such commercial sales shall not be allowed for the limited food waste composting: agricultural activity use.

(M) Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all federal and State of Maryland permits and other approvals.

(Bill No. 18-22, 10-16-2018)

Please let me know if you have any questions.

Regards,

Tolson DeSa

Zoning Administrator

tdesa@frederickcountymd.gov

301.600.1491

30 N. Market Street

Frederick, MD 21701

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Joe: Thank you for the update. Does compliance mean they are reducing the amount of compost to less than 5,000 square feet pending compliance with an valid site plan?

Michele Rosenfeld

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1 Research Court, Suite 450

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Hello Michele,

Thank you for your email on 5-27. The property is still in violation, however upon their request we have granted them a 60-day extension to come into compliance as they appear to be working toward compliance.

Regards,

Joe Green

Lead Zoning Enforcement Inspector

30 North Market Street

Frederick, MD 21701

Jgreen1@frederickcountymd.gov

(301) 600-2341

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[EXTERNAL EMAIL]

Hello Joe:

I am following up on the attached NOV, which had a compliance date of May 22. Please let me know the status of the property, whether it is now in compliance, and if not, what are the next steps in

enforcement?

Regards,

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Subject: RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Good afternoon, Michele

Staff conducted a site inspection on April 16, 2025.

A Zoning case has been opened, and a Courtesy Notice of Violation has been sent.

Regards,

Joe Green

Lead Zoning Inspector

30 North Market St

Frederick, MD 21701

Jgreen1@frederickcountymd.gov

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Cc: Green, Joe <JGreen1@FrederickCountyMD.gov>
Subject: Re: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Hi Tolson: Would you please give me a status update on this inspection?

Many thanks,

Michele.

Michele Rosenfeld

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Cc: Green, Joe <JGreen1@FrederickCountyMD.gov>
Subject: FW: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Thank you Michelle,

I have forwarded your concerns to our Inspection Staff.

Please let me know if you have any questions.

Regards,

Tolson DeSa

Zoning Administrator

tdesa@frederickcountymd.gov

301.600.1491

30 N. Market Street

Frederick, MD 21701

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From: Michele Rosenfeld <michele@marylandpropertylaw.com>
Sent: Thursday, April 10, 2025 7:26 AM
To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Subject: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Mr. DeSa:

Please see the attached self-explanatory complaint, alleging multiple ongoing zoning violations in connection with the above-referenced property.

Regards,

Michele Rosenfeld

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Outlook

RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

From DeSa, Tolson <TDeSa@FrederickCountyMD.gov>
Date Tue 6/3/2025 4:09 PM
To Michele Rosenfeld <michele@marylandpropertylaw.com>; Green, Joe <JGreen1@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>

2 attachments (1 MB)
How to apply Zoning Verification Letters - Portal Instructions.pdf; Verification Letter Submittal Requirements.pdf;

Hello Michele,

Thank you for the below.

I agree with you that the Compost Crew use does not qualify as “Agricultural Activity” per 1-19-5.310 or 1-19-11.100.

Per the definition you cited below the composting activity that is permitted as an accessory to an “Agricultural Activity” must be combined with power generation from farm animal waste.

The use proposed at 7245 Lakeview is “Limited Food Waste Composting: Commercial Activity”, under the heading of Solid Waste Operations which is a principally permitted use subject to site development plan approval.

“Limited Food Waste Composting: Commercial Activity” is a separate use from the “Agricultural Activity” definition and is regulated within 1-19-8.408.

In accordance with 1-19-5.310 “Limited Food Waste Composting: Agricultural Activity”, is a by-right permitted use subject to design regulations.

Per 1-19-8.408 a composting operator may have up to 4.99 acres in composting and they would not be required to have site plan approval.

If you would like a formal verification letter, please see the attached submittal requirements.

Regards,

Tolson DeSa
Zoning Administrator
tdesa@frederickcountymd.gov
301.600.1491
30 N. Market Street
Frederick, MD 21701

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To: DeSa, Tolson <TDeSa@FrederickCountyMD.gov>; Green, Joe <JGreen1@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: Re: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

[EXTERNAL EMAIL]

Hi Tolson:

The highlighted section below does not apply in this case because the use does not qualify as an "agricultural activity" under Frederick County law. To qualify as an agricultural activity, composting must be an "accessory use" which is "clearly incidental" to a bona fide agricultural operation:

> ***AGRICULTURAL ACTIVITY.*** Land used exclusively as a bona fide agricultural operation by the owner or tenant. The use of land for agricultural purposes includes farming, viticulture (grape production), fish culture, animal and poultry husbandry, and equine activities. Necessary accessory uses such as packing, treating, or storing of produce, composting and power generation from farm animal waste are allowed provided that the operation of the accessory use is clearly incidental to the agricultural activity. The business of intensive swine feeding operations, garbage feeding of hogs, fur farms or the raising of animals for use in medical or other tests or experiments, commercial slaughtering of livestock, poultry, fish or meat processing is excluded from this definition.

Frederick County Zoning Code Section 1-19-11.100 (highlighting added). This County definition is consistent with state law governing food waste composting:

> 1. "Farm" means the site of a business or activity operated for the primary purpose of tilling, cropping, keeping, pasturing, or producing an agricultural product other than compost, including livestock, poultry, plants, trees, sod, food, feed, or fiber, by in-ground, out-of-ground, container, or other culture.

(ii) "Farm" does not include the site of a business or activity operated for the primary purpose of producing
compost.

Maryland Environmental Code Section 9-1725(4)(i), (ii) (emphasis added).

The site is not in any agricultural use, an undisputed fact established at the Planning Commission hearing. One hundred percent of the food waste material delivered to the property is collected from off-site locations, *i.e.*, residential homes and commercial establishments. All of this material is completely unassociated with any active bona fide agricultural operation on the property

and the composting activities currently underway do not qualify as an agricultural activity under the County (or state) definition of this use.

Moreover, even assuming it is true that the owner/operator no longer is making "commercial sales" of the end product, Compost Crew is paid by individuals and municipalities - and we believe also by businesses (*e.g.*, restaurants) - to collect food waste. This activity reflects a commercial business. See attachments, printed from Compost Crew's website. Compost Crew | Sign Up for Service

Under any reading of the Zoning Code, in the absence of a valid, implemented site plan, the owner/operator of this property is limited to a maximum of 5,000 square feet of composting.

I again ask for confirmation of the enforcement measures that the County will take to ensure compliance with governing zoning laws, including an immediate directive that no new food waste be brought to the site and that compost material beyond 5,000 square feet be removed.

Regards, Michele.

Michele Rosenfeld
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1 Research Court, Suite 450
Rockville MD 20850
michele@marylandpropertylaw.com
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Subject: RE: Zoning Complaint: 7245 Lakeview Road: Commercial Composting Facility

Hello Michelle,

Yes, the SP was required due to the proposed commercial activity. Currently they are not engaged in any commercial sales of the food waste products.

Regards,

Tolson DeSa
Zoning Administrator
tdesa@frederickcountymd.gov
301.600.1491

30 N. Market Street
Frederick, MD 21701

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Hi Tolson: The 5-acre provision applies only if it is an agricultural activity.

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Michele Rosenfeld

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(Bill No. 18-22, 10-16-2018)

Please let me know if you have any questions.

Regards,

Tolson DeSa

Zoning Administrator

tdesa@frederickcountymd.gov

301.600.1491

30 N. Market Street

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Hi Tolson: Would you please give me a status update on this inspection?

Many thanks,

Michele.

Michele Rosenfeld

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Regards,

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Zoning Administrator

tdesa@frederickcountymd.gov

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[EXTERNAL EMAIL]

Mr. DeSa:

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THE LAW OFFICE OF MICHELE ROSENFELD LLC

5/6/2025 12:03

INFORMATION - CASE# 265922

Case Type	ZONING
Case Type Description	ZONING CASE
Primary Contact	RICHARD
Primary Contact Last Name	JEFFERIES
Address	7245 LAKEVIEW RD Frederick MD 21788
Location	Site Plan Case is Open. Current milestone is Awaiting Action. Current unpaid amount of $0.00.
Use Application	no
Building Application	no
Planning Application	no
Project Application	no
License Application	no
Case	no

Case Information

Status Dates

Processed by	4/18/2025 13:11 JOE GREEN
Resolution by	
Expire Date	5/18/2025

Case Information

Case Group	ZSITPL
Resolution Code	
Source	NEIG
Case Name	Lakeview Rd, 7245
Priority	
Priority Description	

Comments

Property is no longer in compliance with the Ag use provisions of 1-19-8-408 Limited Food Waste Composting

Code Violations

(Tab Not Loaded)

Case Details

(Tab Not Loaded)

Reviews

(Tab Not Loaded)

Inspections

(Tab Not Loaded)

Hearings

(Tab Not Loaded)

Conditions

(Tab Not Loaded)

Fees

(Tab Not Loaded)

Contacts

(Tab Not Loaded)

Sites

(Tab Not Loaded)

Employees

(Tab Not Loaded)

Related Records

(Tab Not Loaded)

Logs

Event Log

Log Type	Description	Started	Started By	Stopped	Stopped By	Total Time	Review #	Inspection #	Comments
EMAILR	EMAIL RECEIVED	4/11/2025 13:21				0	1	1	Email received from Complainants attorney
VIOEXT	VIOLATION EXISTS	4/17/2025 07:55				0	1	1	Joe, Brian and Rob did a measurement on the Compost area being used, the area measured 256 X 311.Property is supposed to only be Ag use at this time which allows a 5000 sq ft area to be used for the compost.
CRESRH	CD RESEARCH CONDUCTED	4/18/2025 13:28				0	1	1	Property does have an approved site plan but has not been vested yet. Approved site plan is in the attachments.
VIOLTR	CD VIOLATION LETTER MAILED	4/22/2025 10:16				0	1	1	Courtesy NOV mailed to property owner and emailed to Kristie Blumer, Senior director

Status Log

Changed On	Milestone	Case Status	Changed By	System Generated Comments
4/18/2025 13:20	Awaiting Action	Open	JGREEN1	true
4/18/2025 13:20	Calculate Dates	Open	JGREEN1	true
4/18/2025 13:16	Notice of Violation	Open	JGREEN1	
4/18/2025 13:11	Notice of Violation	Open	JGREEN1	true
4/18/2025 13:11	Case Added	Open	JGREEN1	true

Attachments

Attachments

Title	Description	Filename	Document Type	Added DateTime	Last Modified DateTime	Document Information
001 - SP1_Site_Overall-Type_1_Site_Plan-Compost_Crew_1. pdf		001 - SP1_Site_Overall-Type_1_Site_Plan-Compost_Crew_1. pdf	IPS	4/18/2025 13:29		View
2025.04.10 complaint.signed.pdf		2025.04.10 complaint.signed.pdf	IPS	4/18/2025 13:22		View
Courtesy NOV 04212025.pdf		Courtesy NOV 04212025.pdf	IPS	4/21/2025 10:18		View
FW_ Zoning Complaint_ 7245 Lakeview Road_ Commercial Composting Facility.msg		FW_ Zoning Complaint_ 7245 Lakeview Road_ Commercial Composting Facility.msg	IPS	4/18/2025 13:22		View

Docusign Envelope ID: 1921180B-1C64-4A28-9AF7-A01C62BF89AD

8'

4'

COMPOST CREW

AT UTICA BRIDGE FARMS

MONDAY - SATURDAY
7:00 AM - 6:00 PM
7245 LAKEVIEW ROAD

COMPOST CREW
good to grow

EMERGENCY CONTACT
KRISTIE BLANER
PHONE: (301) 202-4450

BUSINESS SIGN
N.T.S.

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L1	S16° 37' 08"W	15.58'
L2	S88° 16' 57"W	30.11'
L3	S58° 11' 18"W	100.67'
L4	S30° 05' 22"W	102.52'
L5	S35° 31' 34"W	87.46'
L6	S30° 05' 08"W	15.03'
L7	S75° 08' 38"W	22.45'
L8	S53° 28' 28"E	25.86'
L9	S38° 01' 37"W	16.25'
L10	S33° 28' 25"E	204.04'
L11	S30° 34' 48"E	100.13'

LINE TABLE (REFERENCE 2)		
LINE #	DIRECTION	LENGTH
L12	S25° 39' 44"E	191.33'
L13	S30° 34' 48"E	100.13'
L14	S33° 28' 25"E	100.00'
L15	S36° 52' 28"E	200.28'
L16	S36° 52' 28"E	30.08'
L17	S44° 45' 02"E	101.86'
L18	S33° 28' 25"E	400.00'
L19	S31° 31' 53"E	130.08'
L20	S33° 28' 25"E	150.00'
L21	S28° 51' 38"E	250.00'
L22	S33° 28' 25"E	197.00'

LIFE AND SAFETY NOTES

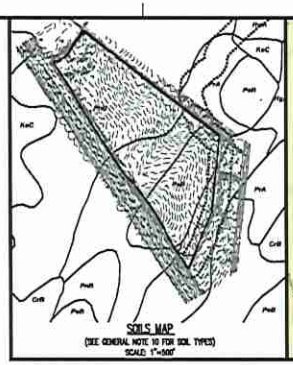
1. PREMISES IDENTIFICATION SHALL BE COMPLIANT WITH FREDERICK COUNTY ORDINANCE 01-01-302. THIS INCLUDES THAT DESIGNATION OF THE ADDRESS SHALL BE INCORPORATED IN ALL MONUMENTAL OR SITE SIGNS.
2. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE ACCESSIBLE DURING ALL TYPES OF WEATHER AND AT ALL TIMES.
3. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED WIDTH OF 20 FEET.
4. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13'-6".
5. FIRE DEPARTMENT AND EMERGENCY RESPONSE ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS AND SHALL BE PROVIDED WITH A DURABLE ALL-WEATHER DRIVING SURFACE.
6. EACH COMMERCIAL BUILDING SHALL HAVE AN ACCESS BOX (KNOX BOX) FOR FIRE DEPARTMENT USE AT THE MAIN ENTRANCE.

REFERENCES

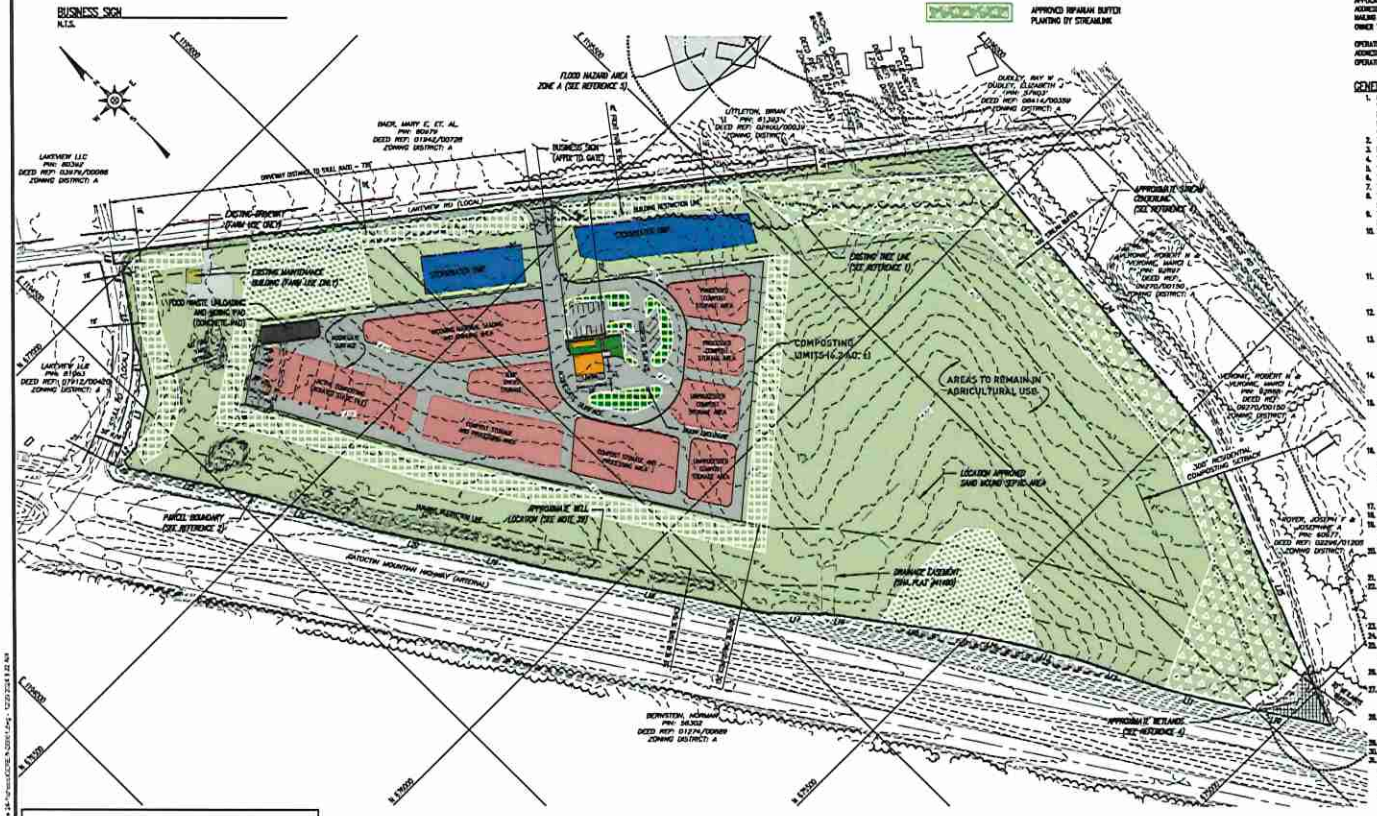
1. EXISTING TOPOGRAPHY PROVIDED BY CME ENGINEERING, DATED FEBRUARY 8, 2021.
2. BOUNDARY SURVEY INFORMATION PREPARED BY EXACTA LAND SURVEYORS DATED MARCH 22, 2016.
3. SURROUNDING PARCEL BOUNDARY INFORMATION OBTAINED FROM FREDERICK COUNTY GIS.
4. WETLAND AND STREAM DELINEATION PREPARED BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC. DATED FEBRUARY 12, 2016.
5. FLOOD HAZARD AREAS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NO. 24021C0430D, EFFECTIVE SEPTEMBER 19, 2007.

LEGEND

- 150 — EXISTING 10' CONTOUR (SEE REFERENCE 1)
- EXISTING 2' CONTOUR
- PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE ADJACENT PARCEL BOUNDARY (SEE REFERENCE 2)
- APPROXIMATE STREAM LOCATION (CENTERLINE) (SEE REFERENCE 4)
- 100' STREAM BUFFER
- X — X — EXISTING CATTLE FENCE
- FLOOD HAZARD AREA ZONE A (SEE REFERENCE 5)
- APPROXIMATE WETLANDS (SEE REFERENCE 4)
- 25' WETLANDS BUFFER
- COMPOSTING SETBACK
- PROPERTY SETBACKS
- EXISTING TREE LINE (SEE REFERENCE 1)
- PROPOSED LANDSCAPE BUFFER (BY ECS MID-ATLANTIC LLC)
- PROPOSED FRO EASEMENT (BY ECS MID-ATLANTIC LLC)
- APPROVED RIPARIAN BUFFER PLANTING BY STREAMLINE







PERMIT ISSUE
NOT FOR CONSTRUCTION

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OWNER/APPLICANT INFORMATION

APPLICANT:	UTICA BRIDGE FARMS, LLC
ADDRESS:	7246 LAKEVIEW ROAD, FREDERICK, MD 21701
MAILING ADDRESS:	10816 OLD FREDERICK ROAD, THURMONT, MD 21788
OWNER TELEPHONE NO.:	(856) 767-4771
OPERATOR:	COMPOST CREW
ADDRESS:	7245 LAKEVIEW ROAD, FREDERICK, MD 21701
OPERATOR TELEPHONE NO.:	(301) 202-4450

GENERAL NOTES

1. PROPOSED USE: THIS TYPE I SITE PLAN IS BEING RESUBMITTED AS THE EXISTING APPROVAL EXPIRES ON JANUARY 13, 2022. COMPOST CREW WILL DEVELOP A LIMITED FOOD WASTE COMPOSTING FACILITY OPERATING AS A COMMERCIAL ACTIVITY, A PERMITTED USE SUBJECT TO SITE DEVELOPMENT PLAN APPROVAL IN THE FREDERICK COUNTY CODE OF ORDINANCES. THE FACILITY IS PERMITTED WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT AS A "TIER 2 SMALL COMPOST FACILITY WHICH CAN PROCESS UP TO 10,000 CUBIC YARDS PER YEAR OF COMPOST.
2. THE PROPERTY IS LOCATED AT 7246 LAKEVIEW ROAD, THURMONT, MARYLAND 21788
3. LIBER 10006 / FOLIO 00491
4. THE PROPERTY IS LOCATED WITHIN THE AGRICULTURE (A) ZONING DISTRICT
5. THE PROPERTY IS IDENTIFIED AS AGRICULTURAL / RURAL IN THE COMPREHENSIVE PLAN
6. THE PROPERTY IS WITHIN THE MOUNTAINDALE PLANNING REGION.
7. THERE IS "NO PLANNED SERVICE" IN THE FREDERICK COUNTY WATER AND SEWER PLAN.
8. THE PROPERTY LIES WITHIN ZONE X OF THE FLOOD INSURANCE RATE MAP NO. 24021C0430D PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), EFFECTIVE SEPTEMBER 19, 2007.
9. THERE IS ONE EMERGENT WETLAND LOCATED ALONG THE SOUTHERN BOUNDARY OF THE PROPERTY, IDENTIFIED IN A FEBRUARY 12, 2016 REPORT BY ENVIRONMENTAL SYSTEMS ANALYSIS, INC.
10. SOIL TYPES WITHIN THE PROPERTY ARE:
    - CNB — CROTON-ABBOTTSTOWN SILT LOAMS, 3 TO 8 PERCENT SLOPES
    - PeB — PENN SILT LOAM, 3 TO 8 PERCENT SLOPES
    - PrB — PENN CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
    - RGA — READINGTON SILT LOAM, 0 TO 3 PERCENT SLOPES
11. LOT DIMENSIONS

	REQUIRED	PROPOSED
LOT AREA:	5 ACRES	39 ACRES
LOT WIDTH:	300 FEET	1,300 FEET

12. AREA SUMMARY
    - PROPERTY: 39.0± ACRES
    - COMPOST OPERATIONS AREA: 4.2± ACRES
13. SETBACKS
    - FRONT YARD: 40 FEET
    - SIDE YARD: 10 FEET
    - REAR YARD: 50 FEET
14. HOURS OF OPERATION: 7:00 AM – 6:00 PM MONDAY – SATURDAY
    OPERATIONS MAY LIMIT THESE HOURS BASED ON THROUGHPUT OF THE COMPOST PROCESS OR DURING PERIODS OF SHORT DAYLIGHT HOURS.
15. BUILDING HEIGHT
    - MAXIMUM HEIGHT: 35 FEET
    - PROPOSED OFFICE: 13.5 FEET (ONE-STORY)
    - PROPOSED POLE BARN: 24 FEET (ONE-STORY, TO RIDGE OF ROOF)
    - GROSS FLOOR AREA: 1,200 SQUARE FEET
16. THIS DEVELOPMENT IS PROJECTED TO GENERATE BETWEEN 0 AND 50 TOTAL VEHICLE TRIPS DURING THE HIGHEST DAILY PEAK HOUR OF THE ADJACENT STREET TRAFFIC, AND IS THEREFORE EXEMPT FROM APFO ROADS TESTING (§1-20-12(E)) AS OUTLINED IN THE ATTACHED LETTER FROM FREDERICK COUNTY. THE DEVELOPMENT IS PROJECTED TO GENERATED 10 AM AND 18 PM WEEKDAY PEAK HOUR TRIPS.
    PROJECTED VEHICULAR TRIPS
    - WEEKDAY AM PEAK: 10 TOTAL TRIPS
    - WEEKDAY PM PEAK: 18 TOTAL TRIPS
17. THE MAXIMUM NUMBER OF EMPLOYEES IS 13.
18. THE MAXIMUM NUMBER OF BUSINESS VEHICLES STORED ON SITE IS 9.
19. PARKING AS REQUIRED BY §1-19-6.220.A.4 FOR ALL INDUSTRIAL USE AND SOLID WASTE OPERATION REQUIRED PARKING: 13 EMPLOYEES/2 + 9 VEHICLES = 16 SPACES
    PARKING PROVIDED: 17 SPACES AND 1 HANDICAP SPACE, 23 TOTAL.
20. LOADING
    - REQUIRED: 1 SMALL LOADING SPACE FOR TOTAL BUILDING FLOOR AREA OVER 1,000 SF AND LESS THAN 5,000 SF.
    - PROVIDED: 1 LARGE LOADING SPACE, 12 FEET BY 50 FEET.
21. NO BICYCLE PARKING IS REQUIRED.
22. IMPERVIOUS SURFACE
    - EXISTING: 5,800 SF (0.4%)
    - PROPOSED: 267,800 SF (21.3%)
    - TOTAL: 273,700 SF (21.8%)
23. ALL LANDSCAPING SHALL BE MAINTAINED IN A LIVING CONDITION.
24. STORMWATER MANAGEMENT WILL BE PROVIDED IN ACCORDANCE WITH MARYLAND'S STORMWATER MANAGEMENT ACT OF 2007.
25. A COMBINED PRELIMINARY/FINAL FOREST CONSERVATION PLAN HAS BEEN SUBMITTED UNDER AP 19896. FRO MITIGATION IS PROPOSED TO BE PROVIDED BY ON-SITE AFFORESTATION PLANTING AND LANDSCAPE CREDIT. FRO MITIGATION PROVIDED PRIOR TO APPLYING FOR GRADING OR BUILDING PERMITS, AND PRIOR TO ANY EARTH DISTURBANCE.
26. THE OWNER/DEVELOPER SHALL SCHEDULE AND HOLD A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL COMPLIANCE SECTION OF THE DIVISION OF PLANNING AND PERMITTING PRIOR TO ANY EARTH OR SITE DISTURBANCE.
27. SIGNAGE AS REQUIRED BY §1-19-6.230 FOR BUSINESS IDENTIFICATION WITHIN THE RC OR A DISTRICTS
    - MAXIMUM SIZE: 25 SQUARE FEET, 15 FEET HIGH
    - PROPOSED SIZE: 24 SQUARE FEET, 8 FEET HIGH
28. THE SITE WILL NOT HAVE ANY POLE MOUNTED FIXTURES AND WILL SUPPLY ONE (1) WALL PACK FIXTURE MOUNTED ABOVE THE DOOR TO THE TRAILER FOR SAFETY PURPOSES. ALL LIGHTING WILL BE DOWNWARD FACING TO PREVENT GLARE AND LIGHT TRESPASS TO ADJACENT PROPERTIES.
29. EXISTING WELL WILL BE CONNECTED TO COMMERCIAL USE PRIOR TO COMPOST OPERATIONS.
30. TRASH WILL BE DISPOSED IN A DUMPSTER LOCATED WITHIN THE TRASH ENCLOSURE AND COLLECTED BY A PRIVATE HAULER.
31. MODIFICATION REQUESTS
    - A. THE APPLICANT REQUESTS A VARIANCE FROM §1-19-6.220 TO ALLOW A LARGE LOADING SPACE. THE APPLICANT MAY RECEIVE PRODUCTS MATERIALS OR EQUIPMENT ON TRANSFER TRAILERS AND A LARGE LOADING SPACE WILL ALLOW THESE VEHICLES TO UNLOAD AND WOULD BE MORE ADEQUATE FOR THE PROPOSED USE THAN A SMALL LOADING SPACE.
    - B. THE APPLICANT REQUESTS A VARIANCE FROM §1-19-6.220.A TO ALLOW 23 TOTAL PARKING SPACES. THE SITE WILL EMPLOY 13 FULL-TIME AND 1 PART-TIME PERSONNEL, AND WILL MAINTAIN 9 COMPANY OWNED VEHICLES ON-SITE. THE PROPOSED PARKING SPACES WILL ALLOW ALL 13 EMPLOYEES AND 9 COMPANY VEHICLES TO BE PARKED WHILE MAINTAINING ONE (1) ADDITIONAL PARKING SPACE FOR VISITORS OR ACCESSIBLE PARKING.
    - C. THE APPLICANT REQUESTS A VARIANCE FROM §1-19-6.220.B TO ALLOW AN INCREASE IN STALL DIMENSIONS FOR FIVE (5) PARKING SPACES. THESE SPACES PROPOSED WILL ALLOW SINGLE AXLE TRUCKS (LESS THAN 26,000 GROSS VEHICLE WEIGHT) TO PARK WITHOUT BLOCKING AISLES.

FILE #:	SP19-17
A/P #:	277005
DUE DATE:	

PREPARED FOR:
COMPOST CREW
good to grow
COMPOST CREW
AT UTICA BRIDGE FARMS

PREPARED BY
NCLC, INC. - CIVIL ENGINEERING
LC CDM, INC. - CIVIL
SMITH+ GARDNER
ENGINEERS
14 N. Boston Avenue, Raleigh NC 27603 | 919.828.0577
1520 Richland St., Columbia SC 29201

STATE OF MARYLAND — STACEY R. SMITH — 21677 — REGISTERED PROFESSIONAL ENGINEER
12/20/2021

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

REV.	DATE	DESCRIPTION

The plans, files and instruments of service as provided by Smith Gardner, Inc. for the commencement of the anticipated project(s) and/or work(s) are copyrighted materials. Any use of these materials without the written permission of Smith Gardner, Inc. shall constitute an infringement of copyright. Smith Gardner, Inc. shall be deemed the author of these materials and shall retain all common law, statutory and other reserved rights, including the copyright thereto. Use of any of the plans, specifications or documents provided by Smith Gardner, Inc., constitutes an acceptance of these terms and conditions.

PROJECT TITLE
COMPOST CREW AT UTICA BRIDGE FARMS
SITUATED AT 7245 LAKEVIEW ROAD
FREDERICK COUNTY COUNCIL ELECTION DISTRICT NO. 5
FREDERICK COUNTY, MARYLAND

DRAWING TITLE
TYPE I SITE PLAN
SITE OVERALL
SP 277005
APFO A277003
FRO 19896

DRAWN BY:	J.D.F.
PROJECT:	COMPOST CREW 20-1
SCALE:	AS SHOWN
DATE:	MARCH 2021
SHEET:	CCBFW-00001
SHEET NO.:	2
DRAWING NO.:	SP1

S:\CAD\Compost Crew Competitive Site\Planning\SP1.dwg, 12/20/2021 8:42 AM

FREDERICK COUNTY GOVERNMENT

Jessica Fitzwater
County Executive

DIVISION OF PLANNING & PERMITTING
Department of Development Review & Planning

Deborah A. Carpenter, AICP, Division Director
Michael L. Wilkins, Director

COURTESY NOTICE OF VIOLATION

April 21, 2025

Richard L Jefferies
10616 Old Frederick Rd
Thurmont, MD, 21788

Re: Zoning Case #265922
Violation Address: 7245 Lakeview Rd

To whom it may concern,

Staff have received a complaint regarding the property located at 7245 Lakeview Rd about this property operating a commercial compost facility at this location and exceeding the area allowed to be used. Staff conducted a site inspection of your property on April 16, 2025, during that visit staff measured the compost area at 256 x 311 feet.

This property should only be operated under the Limited Food Waste Composing in the Ag district at this time.

You will need to bring this property into compliance and continue to move forward to get the approved site plan vested.

§ 1-19-8.408. LIMITED FOOD WASTE COMPOSTING IN THE A DISTRICT.

The following provisions apply to limited food waste composting activities and operations in the Ag District that are greater than 5,000 square feet in size.

(A) All limited food waste composting activities and operations shall be located on land zone agriculture. Food waste composting activities and operations shall be limited in size as follows:

(1) *10-acre limit:* Limited food waste composting activities and operations that exceed 10 acres must obtain approval of a solid waste floating zone designation.

(2) *Limited food waste composting: agricultural activity.* Activities and operations up to 5 acres in size shall not require site plan approval.

(3) *Limited food waste composting: commercial activity.* Activities and operations require site plan approval and shall not exceed 10 acres in size.

(B) No portion of the limited food waste composting activity or operation shall be located within the floodplain district as defined in § 1-19-9.100.

(C) All limited food waste composting activities and operations shall be set back a minimum of 25 feet from the floodplain district and 100 feet from the banks of rivers, streams, or other bodies of water.

(D) Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.

(E) All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.

(F) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road. Commercial/Industrial entrance standards shall be utilized in the design of any point of access to a public road as determined to be necessary by the Frederick County traffic engineer.

(G) The applicant shall submit a vehicle circulation plan indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided.

(H) Limited food waste composting activities may include delivery and incorporation of off-site generated food waste into the on-site composting operation.

(I) The applicant shall maintain records detailing the date and source of off-site generated food waste. The records must be made available to the Zoning Administrator upon request.

(J) All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.

(K) All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes.

(L) Commercial sales of on-site generated compost to the general public are allowed only for the limited food waste composting: commercial activity use. Such commercial sales shall not be allowed for the limited food waste composting: agricultural activity use.

(M) Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all federal and State of Maryland permits and other approvals.

Be advised that the property is in violation of the Frederick County Zoning Ordinances as follows:
1-19-2.110. ZONING CERTIFICATE AND BUILDING PERMIT. (A) *Approval of Zoning Administrator required application to essential services and accessory structures.* It is unlawful to change the use, locate or to begin the new use, erection, construction, reconstruction, extension, conversion or structural alteration or development of any lot or structure without first obtaining a zoning certificate and building permit. No zoning certificate and building permit shall be issued unless it is approved by the Zoning Administrator.

If you have any questions, please contact me or to discuss this matter. Failure to comply by May 22, 2025, may result in a fine of up to $100 per day that violation exists. Your cooperation is appreciated.

Sincerely,

Joe Green
Lead Zoning Inspector
30 North Market St
Frederick, MD 21701
Jgreen1@frederickcountymd.gov
(301) 600-2341

cc: Tolson DeSa
cc: Cody Shaw

§ 1-19-8.408. LIMITED FOOD WASTE COMPOSTING IN THE A DISTRICT.

The following provisions shall apply to limited food waste composting activities and operations in the A District that are greater than 5,000 square feet in size.

(A) All limited food waste composting activities and operations shall be located on land zoned agriculture. Food waste composting activities and operations shall be limited in size as follows:

(1) *10-acre limit:* Limited food waste composting activities and operations that exceed 10 acres must obtain approval of a solid waste floating zone designation.

(2) *Limited food waste composting: agricultural activity.* Activities and operations up to 5 acres in size shall not require site plan approval.

(3) *Limited food waste composting: commercial activity.* Activities and operations require site plan approval and shall not exceed 10 acres in size.

(B) No portion of the limited food waste composting activity or operation shall be located within the floodplain district as defined in § 1-19-9.100.

(C) All limited food waste composting activities and operations shall be set back a minimum of 25 feet from the floodplain district and 100 feet from the banks of rivers, streams, or other bodies of water.

(D) Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.

(E) All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.

(F) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road. Commercial/Industrial entrance standards shall be utilized in the design of any point of access to a public road as determined to be necessary by the Frederick County traffic engineer.

(G) The applicant shall submit a vehicle circulation plan indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided.

(H) Limited food waste composting activities may include delivery and incorporation of off-site generated food waste into the on-site composting operation.

(I) The applicant shall maintain records detailing the date and source of off-site generated food waste. The records must be made available to the Zoning Administrator upon request.

(J) All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.

(K) All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes.

(L) Commercial sales of on-site generated compost to the general public are allowed only for the limited food waste composting: commercial activity use. Such commercial sales shall not be allowed for the limited food waste composting: agricultural activity use.

(M) Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all federal and State of Maryland permits and other approvals.

(Bill No. 18-22, 10-16-2018)

§ 1-19-3.300.4 APPROVAL CRITERIA.

Site development plan approval shall be granted when the Planning Commission or its authorized representatives find that the application for development has met the following criteria based upon the standards and provisions of this chapter:

(A) *Site development.* Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

(B) *Transportation and parking.* The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

(C) *Public utilities.* Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

(D) *Natural features.* Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

(E) *Common areas.* If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.

(Ord. 77-1-78, § 40-73(D), 1-24-1977; Ord. 08-26-502, 10-14-2008; Ord. 09-22-526, passed 7-14-2009; Ord. 14-23-678, 11-13-2014)

B-25-14 Videos Submitted by the Appellant

- Video 1 – Runoff - A
- Video 2 - Runoff - B
- Video 3 – Runoff - C
- Video 4 - Truck Turn
- Video 5 - Beeping
- Video 6 – Blind Curve
- Video 7 – Vehicle Conflicts

Anderson, Katrina

From: Sarah Kuhn <skuhn1124@gmail.com>
Sent: Thursday, June 26, 2025 9:53 AM
To: Planning and Zoning
Subject: Compost facility concern at Lakeview/Stull Rd

[EXTERNAL EMAIL]

I'm writing as concerned residents of Lewistown about the compost facility at the corners of Lakeview & Stull Rd. It is a health concern with the amount of cats, rats, raccoons etc that this attracts, not to mention the odor. The amount of trucks on these roads & the noise is also concerning. This is not the location for this type of facility.

Thank you,
Jeff & Sarah Kuhn

Sent from my iPhone

Anderson, Katrina

From: stigera@comcast.net
Sent: Thursday, June 26, 2025 12:45 AM
To: Planning and Zoning; Paone, Michael
Subject: Reference: Public Hearing for 7245 Lakeview Road - B277447 Administrative Appeal - planning Commission Approval of Site Plan SP19-17

[EXTERNAL EMAIL]

Dear Sirs:

I am writing as a concerned Frederick County, MD taxpayer urging your commission to reconsider its previous approvals and reject/deny approval of site plan SP19-17 Compost Crew at Utica Bridge Farms (7245 Lakeview Road) for the following reasons:

US-Route 15, which I commute on an almost daily basis, is widely recognized as a dangerous highway, especially the corridor on which this site plan abuts. Vehicles traveling both North and South on US-15 at high rates of speed, more often than not exceeding posted limits, are forced to dodge traffic entering from side roads (such as Stull Road and Hessong Bridge Road) that lack sufficient merge lanes or to suddenly brake in order to avoid crossing traffic. This already dangerous condition is exacerbated by the large vehicles, which the site plan greatly underestimates to be 36 (18 AM and 18 PM) additional peak hour trips, that visit this site daily. These are not just "additional trips" but in my experience include out-of-state refuse haulers. These additional "trips" are not made by eco-friendly Tesla/Prius type vehicles but instead by carbon spewing tractor trailers. The site plan mentions 5.5 million dollars in planned median reconstruction and road improvements that are needed to support the newly expanded dump. I am not opposed to these road improvements but to require a paltry 27k dollars escrow contribution from the Utica Bridge Farms operation, that is the primary cause of the need for these immediate improvements, seems unimaginably low.

In addition to the aforementioned public traffic safety concern (mark my words - this site, if approved will eventually result in a related traffic fatality), the site is an eyesore to the US 15 Catoctin Mountain Scenic Byway. Although the site plan may have been reviewed for compliance with the Corridor Management Plan for the US 15 Catoctin Mountain Scenic Byway, the planting plan (pages 31 and 32 of the following link https://www.frederickcountymd.gov/ArchiveCenter/ViewFile/Item/15662) has never been implemented, and odds are, never will be.

As a Frederick County taxpayer, I am appalled and bemused by the board's original decision to approve this plan, or to ever grant permission for this facility to operate. It makes one wonder if the approvals given by all of the fancy titled Frederick County government agencies shown in the Summary of Agency Comments (page 5 of the following link https://www.frederickcountymd.gov/ArchiveCenter/ViewFile/Item/15662) are anything more than a rubber stamp.

I urge each of the board members to visit the site and consider the above prior to rendering a decision on this matter.
Approving the plan without a first-hand assessment of the operation, such as was the case with the board's original February 2025 site plan approval, would be a dereliction of duty.

I strongly urge the commission to reject/deny approval of SP19-17 Compost Crew at Utica Bridge Farms site plan and secure all operations at this facility immediately.

Respectfully,

Scott Stiger
Sabillasville, MD

Anderson, Katrina

From: Greatrulord@comcast.net
Sent: Thursday, June 26, 2025 11:34 AM
To: Planning and Zoning
Subject: Objection to the compost facility on Lake View/Stull Roads

[EXTERNAL EMAIL]

I am writing in opposition of the proposed permits for the additional 38 dump truck loads per day of food waste to be added to the mulch for compost on the Stull/Lake View Road site.

For one, Frederick County has a landfill to dispose of waste ... what is wrong with using that facility?

2. US 15 north and south exits are dangerous enough especially in this area.

3. Water run-off - where will the water run-off end up? The nearest tributary is Fishing Creek which appears to already be compromised. The State of Maryland just spent thousands of dollars installing a sewer system in Lewistown to protect the groundwater but does this runoff compromise the groundwater?

4. Who will maintain the surrounding roads when they deteriorate from all this additional heavy truck traffic?Isn't Stull/LakeView roads tar and chipped? Not to mention there are no shoulders. These secondary roads are not constructed for truck traffic of this magnitude.

5. Health hazard due to the many rodents this facility already attracts compounded then by more waste.

6. The odor. What and who will be responsible for odor control?

7. Our stance on this proposal for additional truck loads per day as life long residents in Lewistown we urge you to please vote NO as this is not a proper location for such facility and frankly wish had never been approved at all.

Thank you,
Sincerely,
Denny & Sharon Eaton

Sent from my iPhone

Anderson, Katrina

From: seon chreky <slchreky@gmail.com>
Sent: Wednesday, June 25, 2025 6:56 PM
To: Planning and Zoning; Paone, Michael
Subject: Public hearing compose site

[EXTERNAL EMAIL]

i have biked down this road a few times. the smell that comes from site is enough to make you gag. i have seen the truck bring a load of trash and the truck was dripping muck/slush all the way down the road as it pulled out. very gross business and not the place

Anderson, Katrina

From: Anderson, Katrina
Sent: Thursday, June 26, 2025 1:15 PM
To: Anderson, Katrina
Subject: FW: 7245 Lakeview Road

From: Tom Whipp <bricoploy@gmail.com>
Sent: Thursday, June 26, 2025 11:58 AM
To: planningandzoning@frederickmd.gov; Paone, Michael <MPaone@FrederickCountyMD.gov>
Subject: 7245 Lakeview Road

[EXTERNAL EMAIL]

I'd like to ask a few questions and make a few comments on the above subject.
First of all, I'm surprised that this use was approved next to residential. Even though it's across the street from homes, where is a buffer yard. Was one required. If none is required, the planning depth needs to amend their ordinance. I'm also surprised that no entrance improvements into the site were not required. Also improvements to the Stull road intersection with rt 15. I'm shocked that it is assumed that large trucks entering onto rt 15 with what's there is safe. Was a traffic study performed? Will still road handle the truck traffic? Lastly and most importantly, where is stormwater management?? I'm told that they got their final without having any online! This is in the Chesapeake water shed! What kind of county allows this. Not to mention the fact that this runoff enters private properties. The County better take a good hard look at this or legal issues will be your next task to take on. Wake up people this use, although allowed, is ruining surrounding properties as it currently standsthank you

Van Brewer
10514 Hessong Bridge Road
Thurmont, MD 21788-2803

June 26, 2025

To Whom It May Concern,

Hello, my name is Van Brewer. We live at 10514 Hessong Bridge Road which is close to where the Utica Bridge Farm Compost Outpost is on Lakeview Drive. I came to appeal because of the unpleasant smell we have been experiencing from time to time. My concern is how it can be a health hazard to myself having a history of asthma and how it could affect my breathing especially during the hot weather. Sometimes the smell can come our way depending on direction of the wind. One of my son also has asthma and it does affect him in some ways. The idea of having this facility can also depreciate the value of our homes since it is not environmentally friendly. I was happy with the idea of a nursery that used to be there and how we can purchase home grown produce. Please let us put a stop to this as what we call a dumping ground and preserve the health among citizens in the neighborhood. I do not wish to see our future generation suffer with these problems and how it can affect their health. Please consider removing this facility from the site. Thank you for your time and support.

Warm Regards,

Van Brewer

Frederick County Board of Planning

Referencing 7245 Lakeview Road

Michael and Amy Jo Poffenberger
10734 Stull Road
Frederick, MD 21701

To Whom It May Concern,

Our names are Michael and Amy Jo Poffenberger. We live at 10734 Stull Road Frederick, MD 21701. We have lived on Stull Road 16 years and the house was built and owned by my wife's grandparents before we bought the property. My wife has seen the area around us change over her lifetime. One of the biggest changes is the compost facility at the end of Lakeview Road. Since the compost facility has started in 2022 there have been several negative impacts that we have noticed and directly affect those in the immediate area. These issues that have affected us even though we are over ½ mile away. We drive by this facility several times a day. Below are just some of the issues experienced in the last 3 years.

- The odor of the facility makes sitting outside our home unpleasant.
- Increased traffic from employee vehicles and large trucks including, tree trimming businesses. These businesses leave equipment in the middle of the road so that they can of unload tree trimmings and clippings. This leaves the road untravellable.
- Increased dust in the air, especially when they are grinding and mixing the compost.
- Increased feral cats, insects and wildlife. We have noticed an increase in birds and other wildlife. Flies, gnat and beetle We have seen more animals around like foxes, and several cats. There are more vultures around at all times. We have dogs and worry about the transfer of diseases from the wildlife to our pets.
- We can hear noise coming from chipping and equipment running on the facility. This makes doing outside activities unpleasant.
- We worried about the contamination that this could cause to the water table in the vicinity of the facility. Our dogs enjoy swimming in the pond on our road. We have noticed an increase of Alge and dirt laying on the top of the water. We bath our dogs after every pond swim because of this. The water that we use for our house (drinking, cleaning, cooking, etc..) comes from a well.
- Increased trash on the side of the road. This includes garbage bags, old tires, and general trash like wrappers and cardboard boxes.
- Several large trucks turn around in driveways on the street including ours.

- Increased traffic causing Route 15 crossover accidents from increased vehicles traveling our roads.
- Our road is not large enough to share with large trucks. This makes passing on the road challenging. This is causing damage to the ditches and roadway edges. It also makes it unsafe to travel.
- Several trucks have been seen dripping fluids on the roads as they enter and leave the facility. The environmental impact to the water and crops grown in the area may be more important to the county than just having the compost brought from other counties.
- We have several families who walk, run, and ride bikes up and down the road with their pets and children. I am worried for their safety as these trucks drive through the narrow roads and some are not abiding by the speed limit as well as there is a curve that is blind and you need to respect it for everyone's safety.

With all of these concerns in mind. I hope the Planning Commision will review the appeal and revise due to the environmental and community safety impacts of this facility and the possibility of the facilities expansion.

Thank you for your time and consideration,

Michael and Amy Jo Poffenberger