



# Composting and Natural Wood Waste (Mulching)

## *Frequently Asked Questions about Howard County's CB60/ZRA180*

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### What is the purpose of CB60/ZRA180?

To allow farmers to mulch or compost excess organic waste that is part of a farming operation whether their property is encumbered with an agricultural preservation easement or not; to limit commercial wood waste and composting operations in the RC and RR districts to properties that are not encumbered with an agricultural preservation easement only after receiving a Maryland Department of the Environment permit and conditional use approval; to establish criteria for the Compost and Natural Wood Waste conditional uses; and to allow Natural Wood Waste Recycling Facilities (NWWRF) and Composting Facilities (CF) in the M-1, M-2 and Solid Waste Overlay districts.

### Will CB60/ZRA180 permit industrial mulching on Agricultural Land Preservation Program (ALPP) Properties?

**No**, the proposed amendment **only** allows Natural Wood Waste Recycling Facilities that have an MDE permit on ALPP Easements, **if** they are accessory to a tree farm and are able to obtain Conditional Use approval by the Hearing Authority through a public hearing.



### What natural wood waste recycling activity would be permitted on land in agricultural preservation?

Natural wood waste recycling activities that do not require an MDE permit and are accessory to a farm are currently permitted on agricultural preservation properties and would continue to be permitted.

Natural Wood Waste Recycling Facilities would be permitted on ALPP purchased or dedicated easements only if they are accessory to a tree farm such as a tree nursery or Christmas tree farm. The minimum lot size for this use is 10 acres. The use area will be limited to 15% of the area actively farmed in trees, 2% of the easement or 2 acres- whichever is smallest.



Emergency Natural Wood Waste Recycling Facilities would be permitted through a Special Permit for a 90-day period. Permits for emergency facilities would only be issued if an MDE NWWRF permit is required and if the wood waste disposal operation is necessary because of a natural catastrophe, such as a major weather event or disease.

## What criteria will be used to determine conditional use approval?

The Conditional Use is subject to over a dozen criteria that must be met including but not limited to setbacks to property lines, residential dwellings on other properties, wetlands and schools; screening and buffering; review by the Fire Marshall; hours of operation; and size limitations that consider the size of the property and the size of the tree farm. The size limitations preclude industrial scale wood waste facilities from operating on ALPP land.

## What is included in the Conditional Use area?

All conditional uses require a Conditional Use Plan that shows the area of the conditional use. Included in the conditional uses area and depicted on the plan are all existing and proposed uses and structures, parking areas, storage areas for equipment, points of ingress and egress, landscaping, natural features such as wetlands and steep slopes, driveways, septic and well areas, and setbacks. This is a general requirement for all conditional uses and is therefore addressed in the general conditional use criteria and the petition.



## How are traffic and road safety addressed in CB-60-2017?

CB 60 requires that applicants for a NWWRF or CF Conditional Use provide a study of affected road and bridge conditions for the Hearing Authority to determine if the roads can adequately support truck traffic generated by the facility. Additionally, CB 60 limits hours of operation for proposed facilities and requires that a sight distance analysis be approved by the Department of Planning and Zoning (DPZ).

## What are the fire safety regulations and what would happen in case of a mulch fire?

The MDE General Permit limits mulch piles heights to 12 feet and the Howard County Fire Code limits pile heights to 18 feet. Therefore, the pile heights that have been reported in other counties would not be permitted under Howard County's Fire Code. The Howard County Fire Code also regulates distances between piles to allow for emergency vehicle access and requires a "reliable certified water supply" with capability to supply 1000 gallons for every 10,000 cubic feet of product or 30,000 gallons at all times.



## Why are Maryland Agricultural Land Foundation Program (MALFP) properties not included in this Bill?

MALFP properties are governed by individual easements between a property owner and the State. In addition to easement restrictions, MALFP also imposes the following restrictions on mulching operations:

- Must not interfere with other agricultural or silvicultural operations.
- Must not limit future agricultural or silviculture production.
- Majority of the products must be produced on site; the remainder must be of species indigenous to Maryland.
- Facility (or sale area) and parking area must cover no more than 2% of the easement or two acres, whichever is smaller.
- Parking area must be pervious.
- Accessory sales area must not exceed 600 square feet and in no case shall be greater than the area used for the sale of agricultural and forestry items.

Finally, Section 106.1 of the Howard County Zoning Regulations only applies to land preserved in the county's easement program. Therefore, all conditional use categories in the zoning regulations apply to the county's program only.

## What safeguards will CB 60 employ to ensure environmental, health, and safety concerns are addressed?

CB60 contains a number of provisions that protect health and safety of persons and the environment. To obtain Conditional Use approval for a CF or NWWRF, the County requires an MDE permit, operations plan, emergency preparedness plans, for review by the Fire Marshall, and an approved Howard Soil Conservation District (HSCD) Supplemental Project Evaluation (SPE). The SPE is a site-specific evaluation and plan to protect any natural resources potentially affected by the proposed facility. The SPE will cover three phases of evaluation:

- 1) Site selection- Soil types, slopes and other natural features will be analyzed to determine if a parcel is suitable.
- 2) Site design- HSCD will identify the optimal location of a facility based on MDE standards and specifications. Windbreak standards will be applied to control dust and odors. Buffering and setbacks will intercept sediment and other nutrients and mitigate potential pollutions.
- 3) Operations management- A soil and nutrient management plan will be required to maintain healthy, non-toxic soils.

Additionally, CB 60 applies substantial setbacks, as compared to other uses, to allow for dissipation of any airborne particles and requires screening and buffering as additional protection. Finally, all liquid, including leachate and stormwater runoff, must be treated prior to disposal to prevent groundwater contamination.

## How was CB 60 developed?

CB 60 was developed by the Department of Planning and Zoning and Councilmembers Sigaty and Fox. To develop the proposed regulations, DPZ reviewed the work of the Wood Waste Task Force that met from July 2014 through February 2015 and convened a small working group consisting of farmers and residents from November 2015 through March 2016. Additionally, DPZ collaborated with subject matter experts from Fire and Rescue Services, Howard Soil Conservation District, Bureau of Environmental Services, Economic Development Authority and the Office of Community Sustainability to craft criteria that regulates areas not already addressed by the Maryland Department of the Environment (MDE), Maryland Department of Agriculture (MDA), or the Howard County Fire Code.

## Who is responsible for enforcing the limitations outlined in this legislation?

The Department of Planning and Zoning will enforce any of the zoning and conditional use requirements, the Maryland Department of the Environment will enforce its composting and natural wood waste recycling permits and the Howard County Department of Fire and Rescue Services will enforce the Howard County Fire Code. Should a complaint be filed with the County, it is likely that the above agencies will work together to address any violations.

