

MARYLAND DEPARTMENT OF THE ENVIRONMENT

**AIR AND RADIATION ADMINISTRATION
APPLICATION FOR A PERMIT TO CONSTRUCT**

**FINAL SUPPLEMENT TO
DOCKET #16-21**

COMPANY: Stancills, Inc.
LOCATION: 499 Mountain Hill Road, Perryville, Maryland 21903
APPLICATION: Permit to Construct to install one (1) 300-ton per hour crushing and screening plant.

<u>ITEM</u>	<u>DESCRIPTION</u>
1	Notice of Final Determination
2	Final Determination and Responses to Comments
3	Copy of Public Hearing Transcript
4	Final Permit to Construct and Conditions

**DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION
NOTICE OF FINAL DETERMINATION REGARDING A PERMIT TO CONSTRUCT
TO INSTALL ONE (1) 300-TON PER HOUR CRUSHING AND SCREENING PLANT**

**SUBMITTED BY STANCILLS, INC
TO BE LOCATED IN PERRYVILLE, MARYLAND**

FIRST NOTICE

The Department of the Environment, Air and Radiation Administration (ARA), has made a final determination to issue a Permit to Construct to Stancills, Inc. The proposed project will be located at 499 Mountain Hill Road, Perryville, Maryland 21903 in Cecil County. Copies of the application, the final determination, the permit conditions and emissions limitations, the Department's responses to public comments, and other supporting documents are available for public inspection on the Department's website. Look for Docket #16-21 at the following link:

<https://mde.maryland.gov/programs/Permits/AirManagementPermits/Pages/index.aspx>

ARA is issuing the permit, including the conditions and emissions limitations presented in the docket, with an effective date of December 8, 2022.

Pursuant to Section 1-601 of the Environment Article, Annotated Code of Maryland, a final determination by the Department is subject to judicial review at the request of any person that: (1) Meets the threshold standing requirements under federal law; and (2)(i) Is the applicant; or (ii) Participated in a public participation process through the submission of written or oral comments.

Any petition for judicial review must be filed pursuant to Section 1-605 of the Environment Article, Annotated Code of Maryland. The petition shall be filed by January 13, 2023 in the circuit court for the county where the application for the permit states that the proposed activity will occur and otherwise conform to the requirements of Title 1, Subtitle 6 of the Environment Article, Annotated Code of Maryland.

Further information may be obtained by calling Ms. Shannon Heafey at 410-537-4433.

Christopher R. Hoagland, Director
Air and Radiation Administration

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
AIR AND RADIATION ADMINISTRATION**

**FINAL DETERMINATION CONCERNING A PERMIT-TO-CONSTRUCT APPLICATION
SUBMITTED BY STANCILLS, INC FOR THE INSTALLATION OF ONE (1) 300 TON PER
HOUR CRUSHING AND SCREENING PLANT**

I. INTRODUCTION

The Maryland Department of the Environment (the "Department") received an application from Stancills, Inc. on July 15, 2021 for the installation of a asphalt paving materials mixing plant and crushing and screening plant. A revision was received on May 26, 2022, for a Permit to Construct for only the installation of one (1) 300 ton per hour crushing and screening plant. Stancills, Inc. is no longer seeking to install the asphalt plant. The crushing and screening plant will be located at 499 Mountain Hill Road, Perryville, Maryland 21903.

On October 20, 2021, an informational meeting was held at the Cecil County Administration Building, located at 200 Chesapeake Blvd., Elkton, MD 21921 to provide interested parties opportunities to discuss with the Company and the Department the permit application and the proposed installation.

After reviewing the application and other pertinent information, the Department made a tentative determination to issue a permit-to-construct that would authorize construction of the crushing and screening installation as proposed in the Company's applications. A draft permit with draft conditions was made available for public review on the Department's website. A Notice of the Tentative Determination, Public Hearing, and Opportunity to Submit Written Comments was published in the Cecil Whig on April 20, 2022, and again on April 27, 2022.

On May 4, 2022, a public hearing was held at the Cecil County Administration Building, located at 200 Chesapeake Blvd., Elkton, MD 21921 to provide interested parties an opportunity to comment on the Department's tentative determination and draft permit conditions, and/or to present other pertinent concerns about the proposed installation.

II. COMMENTS RECEIVED AND THE DEPARTMENT'S RESPONSE

The public comment period on the application initially expired on May 20, 2022, but was extended until July 19, 2022, following public request for a one-time, 60-day extension. The comments received at the public hearing, and those submitted in writing during the public comment period, expressed concerns about the impact of the proposed new installation on the surrounding community. The Department's responses to the comments are attached.

III. DEPARTMENT'S FINAL DETERMINATION

The Department has reviewed the application and the comments received and has determined that the proposed installation would not cause violations of any applicable air pollution control regulations. The Department has made a final determination to issue the permit-to-construct. A copy of the final permit to construct conditions is included in the public docket.

MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE)

AIR AND RADIATION ADMINISTRATION (ARA)

RESPONSE TO COMMENTS

**RECEIVED AT THE PUBLIC HEARING HELD ON MAY 4, 2022, IN ELKTON,
MARYLAND RELATING TO THE INSTALLATION OF A CRUSHING AND
SCREENING PLANT.**

Purpose of the Hearing: The purpose of the public hearing was to receive public comment on an application submitted by Stancills, Inc. for an air quality permit to construct that would authorize the installation of a 300 ton per hour crushing and screening plant. Initially, Stancills applied to install a 400 ton per hour asphalt paving materials plant and hot oil heater in addition to the crushing a screening plant. On April 27, 2022, Stancills notified the Department that they would be withdrawing the asphalt paving materials plant and associated hot oil heater from their permit application. An official addendum to the application was submitted to the Department on May 26, 2022, reflecting the removal of this equipment. The proposed facility would be located at 499 Mountain Hill Road, Perryville, Maryland 21903.

Date and Location: The public hearing was held on May 4, 2022, at 7:00 p.m. at the Cecil County Administration Building, 200 Chesapeake Boulevard, Elkton, Maryland 21921.

Attendance: Shannon Heafey, Air and Radiation Administration, served as the Hearing Officer for ARA. Approximately 137 members of the public attended the hearing. Four representatives from Stancills, Inc. and seven local officials were also present. Janay Mendez presented ARA's public hearing statement and Suna Sariscak and Marcie Gurley from ARA were also present.

Comment Period:

Following a request for a one-time 60-day extension to the public comment period, the public comment period was extended through July 20, 2022. Comments were received from the public both at the hearing and in writing during the comment period.

Comments, Questions, and Responses:

I. ISSUES RELATED TO AIR QUALITY

Comment: Multiple sources of air pollution already exist in the area and Cecil County is ranked among the highest in the State for air pollution. The cumulative effects from all of these sources are harmful to our health. *(This comment was made by several commenters.)*

Response: As part of its evaluation of an air quality permit to construct application, the Department reviews technical information contained in both the application and the Department's files and in published reference materials. A determination is then made as to whether the estimated emissions from the equipment under review will or will not cause or create:

1. A violation of any of the National Ambient Air Quality Standards (for federal criteria pollutants) or regulatory requirements associated with those standards.
2. An adverse effect on public health (for toxic air pollutants).
3. A nuisance.

Cumulative air quality impacts for federal criteria pollutants are not taken into account directly, except in the case of very large sources whose emissions could possibly cause a significant deterioration in air quality. Cumulative impacts for criteria pollutants relative to existing sources are taken into account indirectly in that the emissions from all existing sources are reflected in the pollutant concentrations measured by monitors located around the State. From a permit review standpoint, the monitored value for a criteria pollutant is considered to be a background level (more detail regarding this is provided in the next paragraph). If an existing source or a collection of existing sources has an adverse impact on air quality, it would be reflected in the monitoring data. Cumulative impacts associated with toxic air pollutants are also not taken into account directly but are done so indirectly in the setting of the standard: the regulatory standards established for toxic air pollutants were set conservatively (1/100th of the worker safety level) to, among other things, account for the presence of multiple sources.

For criteria pollutants, the Department reviews modeling information (or conducts its own modeling exercise) and determines the maximum ambient pollutant concentration the equipment is expected to generate. This maximum concentration is then added to the background (monitored) concentration to determine an overall estimated impact. If the overall impact is estimated to be below the federal ambient air quality standard, the determination is that the equipment will not adversely impact air quality.

For toxic air pollutants, the Department reviews modeling information (or conducts its own exercise) to determine whether the maximum ground-level concentration is below conservative standards established by the Department that are considered protective of public health. If the modeling determines that the maximum concentration is below the standards, the Department's conclusion is that the equipment will not harm public health. For the Stancills, Inc. facility, the conclusion reached by the Department is that the emissions from the facility would not cause a violation of any ambient air quality standard and the maximum concentration of any toxic air pollutant would be below any threshold that the Department considers injurious to public health.

Comment: The area is in non-compliance with the National Ambient Air Quality Standard (NAAQS) for ozone and volatile organic compounds (VOC) and oxides of nitrogen (NOx) are emitted from this plant.

Response: Although the air quality in the Philadelphia metropolitan area (which includes Cecil County) does not consistently meet the federal standard with regard to ozone, regulations do allow issuance of permits for certain new sources that would cause emissions of VOC or NOx that could contribute to the formation of ozone. Permits can be issued for new sources that would maintain emission levels for such pollutants below the specified major source level for each pollutant.

With the removal of the asphalt paving materials plant from the permit application, the only source of VOC and NOx would be emitted from engines used to power the crushing and screening plant. Expected emissions are 0.54 tons for NOx and 0.25 tons for VOC per year, well below the major source threshold for each pollutant. It is not expected that the crushing and screening plant will impact Maryland's attainment status with respect to the federal NAAQS for ozone.

Comment: Regarding Particulate Matter Emissions

Particulate matter emissions from the plant will further degrade our health and quality of life. *(This comment was made by several commenters.)*

The wind speed used in the model does not represent adverse weather events where wind speed is significantly higher. Sensors and alarms should be used to alert residents nearby when there is increased particulate matter moving through the area due to a high wind event. Moreover, will the plant be shut down during adverse wind events?

Response: The following types of particulate matter are regulated by the Department and the U.S. EPA: PM-10 (airborne particles with a nominal diameter of 10 micrometers or less) and PM_{2.5} (airborne particles with a nominal diameter of 2.5 micrometers or less, also referred to as fine particulate matter or PM_{fine}). Maryland meets the federal National Ambient Air Quality Standard for PM-10 and PM_{2.5}.

Expected emissions from the proposed plant are 0.86 tons of PM-10 per year. The major source threshold for either pollutant is 100 tons per year. The proposed plant is a minor source and will not impact Maryland's attainment status with federal National Ambient Air Quality Standards with respect to emissions of PM-10 and PM_{2.5}.

Stancills must use reasonable precautions to prevent particulate matter from becoming airborne and maintain a Fugitive Dust Plan outlining the methods used. During extreme weather events, if fugitive particulate matter cannot be contained, Stancills must take steps to ensure compliance which may require shutdown of operations until compliance can be achieved.

The air quality permit to construct for the proposed plant requires wet suppression systems to be installed to control fugitive particulate matter as needed, which would include both normal and adverse weather conditions. In addition, the permit limits the opacity of visible emissions from the crusher and all other sources of fugitive particulate matter. Stancills must conduct monthly inspections of wet suppressions systems to ensure proper operation and keep records that will be reviewed by Department inspectors to ensure compliance.

Comment: Regarding Toxic Air Pollutant and Crystalline Silica Emissions

There is no evidence to support a safe level of crystalline silica dust exposure.

Did we use the new OSHA standard for crystalline silica?

Stancills has not demonstrated that the proposed project will not unreasonably endanger human health as stated in COMAR 26.11.15.06A(1).

Response: With regard to toxic air pollutants (TAPs), screening levels (i.e., acceptable ambient concentrations for toxic air pollutants) are generally established at 1/100th of allowed worker exposure levels.

The current threshold limit value for crystalline silica published by the American Conference of Governmental Industrial Hygienists is 25 micrograms per cubic meter exposure for a normal 8-hour workday. The Department's screening level for crystalline silica would be 1/100th of this value, or 0.25 micrograms per cubic meter. If the proposed plant's emissions do not cause a concentration of crystalline silica beyond the fence line greater than 0.25 micrograms per cubic meter over any 8-hour period, the proposed plant's emissions would be considered protective of public health.

In this case, maximum off-site ground level concentrations of crystalline silica were determined to be less than the applicable screening level. The value is based on worst-case emissions from the proposed facility and was predicted by EPA's SCREEN3 model, which provides conservative estimations concerning the impact of pollutants on ambient air quality.

Comment: There are concerns that the plant would be a source of odor.

Response: The Department's air quality control regulations prohibit a source from causing a nuisance. Under normal operations, the plant is not expected to be a source of odors. Odor surveys will be conducted when the plant is inspected by Department personnel. Inspections occur on an announced and an unannounced basis. The Department can take specific legal actions to remedy a situation if a company is found to be in violation of any regulation. Specific enforcement actions would be determined after a company is found to be in violation of a requirement, as each case is unique.

Citizens can also make odor complaints to the Department. Complainants should make an effort to contact the Department as soon as possible about incidents of odor nuisance and other air pollution control violations so that the Department has the best opportunity to investigate and identify the likely source and the causes contributing to the problem.

For incidents involving nuisance odors it is helpful if the complainant makes note of the time and local wind direction at the time of the incident and reports this information when contacting the Department. Call 410-537-3215 to report complaints.

Comment: Can Stancills add an asphalt paving materials plant at a later date, and if so, what is required? *(This comment was made by several commenters.)*

Response: In order to construct an asphalt paving materials plant at the site, Stancills would be required to submit an application for a permit to construct. The application would also be subject to expanded public participation before a permit for the plant could be issued.

Comment: There are concerns about issuing a flexible permit that allows for equipment to be replaced or used under contract.

Response: Stancills requested a flexible permit to allow them to hire contractors using their equipment to conduct crushing and screening operations at the site. The equipment may not always be identical, but it must be considered equivalent. The federal New Source Performance Standards applicable to crushing and screening plants allows this type of replacement without triggering new standards as long as certain requirements are met. The permit includes these requirements. The Department must be notified of any equipment replacement and compliance with opacity requirements must be demonstrated after replacement of any equipment. The permit requires extensive record keeping to ensure that subsequent equipment is considered equivalent so that it would have no impact on the operation and emissions of the plant.

Comment: Who is responsible for oversight of the proposed plant if it is installed – including checking reports submitted by Stancills, making sure they operate properly, and inspections? *(This comment was made by several commenters.)*

Response: The Air Quality Compliance Program conducts announced and unannounced compliance inspections for facilities that require a State Permit to Operate, such as Stancills. These inspections are intended to ensure that a source in violation of air quality regulations or permit conditions is not overlooked. In addition, these inspections ensure sources determined to be in compliance with applicable emission limitations have been thoroughly and completely evaluated.

These inspections generally include visible emissions observations and an odor survey. Records and logbooks on source operations are also reviewed. Annual emissions certification reports are also reviewed by our Compliance staff.

Comment: Will the findings of inspections be posted for public viewing?

Response: As of July 1, 2022, information regarding inspections can be found online on the Department's new OpenMDE portal located here: <https://mde.maryland.gov/Pages/Open-MDE.aspx>

New information is added to the site regularly, but some information may not be available for public review. Maryland law protects documents that contain personal and confidential business information from being released to the public automatically. Furthermore, some documents, dependent on the issuance date, may not have been uploaded when the portal was created. These documents may be provided upon submission of a MDE Public Information Request here: <http://mdepia.mde.state.md.us/>

Comment: Permit violations will occur and the only course of action that the Department can take is to fine the company.

Response: There are a number of remedies under state law for addressing violations of any permit or direct regulatory requirement, not all of which involve fining a violator. The Department has the authority to seek administrative penalties and civil penalties. Administrative penalties are capped at \$50,000 and civil penalties are capped at \$25,000 for each day of violation. The Department can also seek criminal penalties if warranted by the situation. The Department can remedy environmental harm and restore a facility to compliance through the issuance of corrective orders, which can require a violator to take specific actions to correct deficiencies that led to the violations. Going to court to seek injunctive relief to remedy a situation is also an available option. There need not be a fine associated with every violation.

II. ISSUES RELATED TO OTHER MINING AND WATER PERMITTING

Comment: What permit is Stancills currently working under?

Response: The Department's regulatory focus in evaluating an application for a permit for the construction of an air pollution source is limited to air quality impacts associated with the equipment presented in the application.

Water, land use, solid waste, noise and other such issues are not considered within the context of the Department's evaluation but may be considered independently as part of reviews conducted for other state or local permits which may need to be secured.

Stancills currently operates under a surface mining permit, which is in good standing with the Mining Program, and allows Stancills to disturb 101.9 acres for mining purposes. The site is considered active, and the company has reported mining material from the site as recently as 2021. Stancills also has two Water Appropriation and Use Permits (WAUPs) that authorize withdrawals from Principio Creek (WAUP No. CE1977S021(04) an on-site quarry (WAUP No. CE1992G059(03)). Stancills has applied for a National Pollutant Discharge Elimination System permit and will be required to adhere to those requirements as well as reporting discharges as outlined in that permit.

Comment: If the Department issues a permit to construct for this proposed crushing and screening plant, Stancills will be in violation of their Surface Mining and Water Appropriation and Use permit.

Response: The issuance of an air quality permit to construct does not authorize the violation of any other applicable permits issued by the Department. Stancills will be required to seek modifications of other Department permits as needed.

Stancills has submitted a Water Appropriation and Use Permit modification for CE1977S021(04) to cover all on-site water uses associated with the permitted withdrawal from Principio Creek. Stancills has informed the Department that they will not be appropriating groundwater for new uses, as such, a Water Appropriation and Use Permit modification for CE1992G059(03) is not required.

Comment: The Department should not issue a permit for this proposed project because Stancills has a history of violating its water permit requirements.

Response: Stancills is required to comply with all conditions listed in their Water Appropriation and Use Permits. Violations of water appropriation and use permit conditions could be subject to a civil penalty of up to \$5,000 per day for violation of the appropriation law authorized in the Annotated Code of Maryland, Environment Article § 5-514. In addition, violation of permit conditions could be subject to the suspension or revocation of their permits.

Comment: Contaminated dust and water from Stancills, Inc. will runoff or otherwise pollute the Chesapeake Bay and other tidal wetlands nearby. *(This comment was made by several commenters.)*

Response: Stancills has submitted a Notice of Intent (NOI) to comply with a National Pollutant Discharge Elimination System permit. The general discharge permit will contain conditions and a requirement for a Stormwater Pollution Prevention Plan (SWPPP) to ensure protections are in place to minimize pollution in stormwater runoff from the site.

Comment: This project includes the appropriation of water from anadromous spawning habitat (Principio Creek) for a use not authorized in the applicable Water Appropriation and Use Permit.

Response: The Department of Natural Resources (DNR) reviewed the surface water appropriation from Principio Creek and provided comments to the Department. The DNR recommended that a water withdrawal restriction period or a mesh screen installation on the surface water intake be conditioned in CE1977S021(04). Stancills is required by permit condition to cover the surface water intake with a specific screen and appropriately size the screen to control the water intake velocity. The modification in the use of surface water does not affect the previous recommendations made by DNR nor does it warrant additional review since the surface water source remains the same.

Comment: Will the proposed project be a source of nitrogen emitted into nearby Baker's Cove?

Response: Department findings for mineral mines permits have been that extractive operations typically contribute minimal nutrients. The Department does not expect this site to be a significant contributor of nutrients to the Bay. The sediment controls in the general discharge permit are designed to minimize contributions from site runoff. General permit registrants are included in the non-significant aggregate loading for the Bay TMDL.

Comment: Does this project require a water permit, and will there be a public meeting relating to water issues?

Response: Stancills holds two existing Water and Appropriation and Use Permits and is not seeking water appropriation increases under either permit. Since the Permittee is not seeking a modified allocation under their surface water permit for more than 10,000 gpd on an annual average basis, there will be no public hearing to discuss the Water Appropriation and Use Permit. The Water Supply Program plans to issue the modified surface water WAUP concurrently with the air quality permit to construct. Please reach out to other Water and Science Programs for questions related to other permits.

III. ISSUES RELATED TO OVERALL HEALTH EFFECTS

Comment: There is a concern that this plant should not be located in an area with a high rate of cancer, asthma, COPD and emphysema. (*This comment was made by several commenters.*)

Response: Cancer Concerns
The Maryland Department of Health and Mental Hygiene has a Center for Cancer Surveillance and Control, which is responsible for assessing the cancer problem in Maryland. The Maryland Cancer Registry is a Division in the Center:

Maryland Cancer Registry
201 W. Preston Street, Suite 400
Baltimore, MD 21201

https://health.maryland.gov/phpa/cancer/pages/mcr_home.aspx

The following information is from the Maryland Cancer Registry website:

1. It is estimated that diet and tobacco together may account for approximately 2 out of every 3 cancer deaths.
2. Does the environment cause cancer? The answer depends in part on how environment is defined. Many cancer researchers use the word to mean hereditary factors, and therefore, consider things such as tobacco use, diet, alcohol, a woman's age when she has her first child, lifestyle factors, infections and exposure to sunlight. In this very broad sense, it is likely that a large percentage of cancers are environmental in their origin.

However, if environment is defined more narrowly as one's surroundings, then the percentage of cancers that can be attributed to the environment is probably small. Most geographic differences in cancer rates seem to result more from the differences between people than from anything in their physical surroundings.

3. What if I'm concerned about the number of cancer cases in my neighborhood? Cancer is common enough that one can expect to see many cases, usually a combination of common and less common types, in any neighborhood. The number of cases that can be expected to occur will depend on the mix of the ages and the ethnic origins of the individuals who live in the neighborhood. For example, in a community of about 1,000 people which includes many young families and persons of all races, one can expect that about 1 to 10 new cases of some type of cancer will be diagnosed every year. In a retirement community of 1,000 people, one can expect many more cases per year, between 12 and 35. The number will also be higher if the neighborhood includes many people with a history of smoking or consuming a lot of alcohol. Because over 50 percent of people diagnosed with cancer will still be alive at least five years after their diagnosis, the number of people in a neighborhood who have ever had cancer will be several times higher than the number of new cases. Cases of cancer among individuals, like many other events, do not necessarily occur in a regular fashion throughout the community; they may appear in little groups among neighboring houses, or people in the same office. This does not necessarily mean that they have the same underlying cause; the grouping may have occurred by chance.
4. What if I'm still concerned? You can call your local health department. The local health department will coordinate with the Cancer Registry staff to evaluate whether the cancers you are concerned about conform to the usual types and numbers that can be expected to occur in the neighborhood, or whether they seem unusual.

The following information is from the Maryland Department of Health 2021 Cancer Data Report:

1. From 2009-2018 the annual overall cancer incidence rate in Maryland has remained steady, increasing by only 0.1%. Maryland ranks 31st highest in cancer mortality amongst all the states.
2. The leading cause of cancer deaths in Maryland are lung, colo-rectal, breast, and prostate cancers.

Asthma and Emphysema Concerns

The Maryland Asthma Control Program addresses both adult and childhood asthma. The Maryland Asthma Control Program has published surveillance reports regarding asthma in Maryland. The most recent report may be obtained at the following website address:

http://dlslibrary.state.md.us/publications/Exec/MDH/HB420C_h366%282%292002_2021.pdf

The American Lung Association of Maryland, established in 1919, is actively engaged in the fight against lung diseases including asthma, emphysema, and lung cancer. Information about emphysema and programs related to air quality and lung diseases may be obtained at the following website addresses:

<https://www.lung.org/research/sota/city-rankings/states/maryland/cecil>

IV. ISSUES RELATED TO LAND USE, ZONING, NOISE, AND TRAFFIC

Comment: Property values in the area will be negatively impacted by the installation of the proposed source. (*This comment was made by several commenters.*)

Response: The Department's review of the permit application for Stancills, Inc. has shown that emissions from the plant will not have an adverse impact on the health of the citizens living in the area, which is the regulatory basis upon which the Department must decide whether to issue or deny a permit.

The effect a project may have on property values is not an issue that bears upon the Department's decision to issue or deny a permit. Such an issue is a land use matter. If a violation of the permit or the underlying regulations occurs, the Department has authority in statute to take action against the company to the extent necessary to satisfactorily address the violation.

Comment: The installation of the proposed source will negatively impact tourism in the area.

Response: The effect a project may have on tourism is not an issue that bears upon the Department's decision to issue or deny a permit.

Comment: This proposed project is in conflict with the future land use designated for this area.

Response: The Department's decision on the air quality permit application is based solely upon the projected air pollution related environmental impact on the area. Local issues such as zoning and land use are under the purview of Cecil County. State law precludes the Department from considering these land-use issues. As long as the facility meets local zoning and land-use requirements, the Department is obligated to review an air quality permit application for activities related to the facility.

Comment: Stancills does not have proper zoning approval for the proposed use of the site.

Response: The Department requested that Stancills provide an updated zoning approval letter after the public hearing stating that the proposed portable crushing and screening equipment is an allowed use of the site. The updated zoning letter was received by the Department on August 22, 2022. The letter states that the property is located in the Mineral Extraction A zoning district and that the use is permitted, as long as the conditions of Zoning Ordinance Section 146 are followed/met and a major site plan is submitted to the Planning and Zoning Division and approved prior to the issuance of a building permit. As long as the facility meets local zoning and land-use requirements, the Department is obligated to review an air quality permit application for activities related to the facility.

Comment: Concerns about the creation of a nuisance due to noise. (*This comment was made by several commenters.*)

Response: As of October 2012, the Department no longer enforces noise regulations. During the 2012 legislative session, House Bill 190 effectively transferred noise enforcement authority to local governments. In Cecil County, noise complaints should be referred to the Board of Commissioners.

Comment: Concerns about increased truck traffic. (*This comment was made by several commenters.*)

Response: The Department when reviewing an application for an Air Quality Permit to Construct cannot take issues such as truck traffic volume, truck routes, and traffic lights into consideration, and the Department does not have the authority to direct a permit applicant or a state or local agency to address such matters. The Department's permit application review is based strictly on a project's air quality impact. The State Highway Administration and the Cecil County Public Works Department can best address traffic related issues. In addition, the Department cannot dictate which routes trucks can take coming to and going from the plant.

V. OTHER ISSUES

Comment: Concerns about the impact of this proposed project on local wildlife, fish, trees, crops, and livestock. This includes the effects of air pollution, water discharge, and noise. (*This comment was made by several commenters.*)

Response: The Department has no jurisdiction to manage wildlife. The federal Clean Air Act only gives special air quality and visibility protection to national parks larger than 6,000 acres and national wilderness areas larger than 5,000 acres that were in existence when it was amended in 1977. These are designated as Class I areas. All other areas are Class II and allow for a moderate amount of air quality deterioration. Class I areas are managed by the National Park Service, US Fish and Wildlife Service, US Forest Service, and several Native American Tribes. There are no Class I areas in Maryland.

VI. COMPANY SPECIFIC ISSUES

All responses in this section were provided by Stancills, Inc.

Comment: Accordingly, a crushing and screening facility can only be considered a “Mineral Extraction” Use under the Cecil County Zoning Code, or part of a surface mining operation under COMAR, when it occurs on a site from which resources are still being extracted. COMAR 27.01.07.01(B)(7); County Zoning Ordinance § 12, 202-C(1). Applicant stated during the public meeting on May 4, 2022, that it does not intend to extract any mineral resources from the Subject Property and instead intends to exclusively process off-site materials to produce a specialized product for customers. As a result, the Applicant’s proposed use does not satisfy the definition of Mineral Extraction or Surface Mining under the definitions provided in the Cecil County Zoning Ordinance or COMAR.

Response: Subsequent to the hearing held by the Department, the Department asked Stancills to obtain confirmation from the Cecil County Zoning office that addressed the crushing & screening plant specifically. Stancills obtained this confirmation from the County Zoning Office. Therefore, Cecil County Zoning considers the crushing & screening plant to be an allowed use on the site.

Comment: The Department should deny the requested Permit to Construct pursuant to COMAR 26.11.02.06.D.2 because Stancills, Inc. has a past history of violating applicable pollution control laws when it uses water. COMAR 26.11.02.06.D.2 provides that MDE may deny an application for a Permit to Construct if “based on past history of the applicant or source, the Department determines that the source is not expected to comply with all applicable requirements of the State air pollution control law.” As described above, Stancills, Inc. has a history of violations and noncompliance of applicable regulations for a period of approximately 12 years (1981 – 1994). Most, if not all, of the violations during this time related to Stancills Inc.’s use of water in their processing activities.

One of the Letter to Shannon Heafey July 18, 2022 aforementioned violations resulted in severe and permanent impacts on surrounding water bodies (Principio Creek and Furnace Bay). Since 1994, Stancills stopped using water in their processing activities and instances of violations largely stopped as well. The proposed use will add water back into Stancills’ processing activities via the wet suppression system which, according to the Applicant, will be used throughout the entire property.

Based on the significant impacts caused by Stancills' past history of violations related to the use of water, MDE should deny the requested Permit to Construct pursuant to COMAR 26.11.02.06.D.2.

Response: P. Flanigan & Sons, Inc. (PFS) has owned Stancills since 2017. It continues to operate with the Stancills name, but it is wholly owned by PFS and is currently operating under the management of PFS. PFS has operated asphalt plants co-located with crushing and screening plants in Baltimore City for at least 100 years and has consistently met the ever-increasing environmental requirements for these plants. PFS has a commitment to operate all their facilities with a focus on environmental compliance. If any judgements based on past performance are to be made relative to issuing the permit, they should be made based on PFS' past performance only.

The statement "the wet suppression system ... will be used throughout the entire property" was made in one of the paragraphs. This is a false statement. The wet suppression system is designed to be used with the crushing & screening plant (CSP) only. The system consists of a number of nozzles which direct water spray very specifically to process materials at various stages of the production process. The water is adsorbed by the materials which prevents dust from becoming airborne. This is the only addition of water usage that will be introduced to the site with the installation of the CSP. Water is currently used on the site to control fugitive dust on vehicle travel surfaces only. It is not sprayed "throughout" the site indiscriminately.

Comment: Concerns about previous history regarding fly ash.

Response: Some time in its history, Stancills applied for and received a permit to allow them to handle fly ash. However, Stancills never started up the fly ash operations and PFS has no intention of getting involved with fly ash at this site.

Comment: COMAR 26.11.06.08 provides that "an installation or premises may not be operated or maintained in such a manner that a nuisance or air pollution is created." The proposed use on the Subject Property is likely to create a nuisance in three ways. First, studies have demonstrated that rock crushing facilities can create harmful noise pollution. As a result, a stone crushing facility on the Subject Property has the potential to create a nuisance via unregulated noise pollution.

Response: There are a number of ways to mitigate noise. However, as this is a nuisance regulation, any claims that the noise has become a nuisance to nearby residents will have to be investigated and confirmed that a nuisance exists. When it is determined that a noise nuisance exists relative to the CSP, PFS/Stancills will address the situation appropriately. Many of these types of CSPs are operating around the State of Maryland and, to date, they have not been classified as a nuisance source for noise.

Comment: Are the loads going to be covered up that are going in and out of the plant?

Response: Yes, the beds of loaded haul vehicles will be covered both when they arrive on the site and when they leave the site with a load of materials. This is a state law and PFS requires all trucks hauling to/from their sites to comply with federal and state laws.

Comment: What is Stancills bringing to the table for the community?

Response: Adding a CSP operation at the Stancills site will add more opportunities for employment.

In the Matter of:

Maryland Department of the Environment

May 4, 2022
Public Hearing

Condensed Transcript with Word Index



For The Record, Inc.
(301) 870-8025 - www.ftrinc.net - (800) 921-5555

1

1 MARYLAND DEPARTMENT OF THE ENVIRONMENT

2 AIR AND RADIATION ADMINISTRATION

3

4

5

6 PUBLIC HEARING ON A PERMIT-TO-CONSTRUCT

7 BY STANCILLS, INC.

8

9

10

11 The hearing in the above matter commenced on

12 Tuesday, May 4, at the Cecil County Administration

13 Building, 200 Chesapeake Boulevard, Elkton, Maryland.

14

15

16 BEFORE: SHANNON HEAFEY, Hearing Officer

17

18

19

20

21 Reported by: Karen Willoughby, CER

2

1 A P P E A R A N C E S

2

3 ON BEHALF OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT:

4 SHANNON HEAFEY

5 Air Quality Permitting Program

6 Maryland Department of the Environment

7 1800 Washington Boulevard

8 Baltimore, Maryland 21230

9 410-537-4433

10

11 JANAY MENDEZ

12 Air and Radiation Administration

13 Maryland Department of the Environment

14 1800 Washington Boulevard

15 Baltimore, Maryland 21230

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3

1 I N D E X

2 Speaker: Page:

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4 Hearing Statement, Janay Mendez, MDE 22

5 Public Comments 32

6 Closing Remarks, Shannon Heafey, MDE 92

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1 P R O C E E D I N G S

2 - - - - -

3 (6:39 p.m.)

4 MS. HEAFEY: Well, first of all, I want to

5 thank everybody for coming in. There's still a few seats

6 if you would consider please taking one. I want to keep

7 the aisles clear as possible. I have two up front here,

8 and I think there's some in the middle. That would be

9 very helpful.

10 Okay. And, again, if people haven't signed in,

11 it's very important that you do sign in and give me a

12 contact number -- excuse me, a contact email or address,

13 because as we go through this permitting process, we will

14 be sending out notifications. I want to make sure

15 everybody gets the notifications. So feel free to sign

16 in now or before the end of the evening, or grab one of

17 us. In the back corner are the sign-in sheets.

18 Okay. So I have a statement that I'll be

19 reading. This is going to be how we're doing this. I'm

20 going to be reading a statement. The representatives

21 from Stancills is going to make a statement, and then I'm

5

1 going to continue with the housekeeping part of this
 2 hearing, and we'll go on from there.
 3 So the first thing I wanted to do, my name is
 4 Shannon Heafey. I don't remember how many of you were
 5 here at the informational meeting, but I'm the hearing
 6 officer this evening. I'm with the Air Quality
 7 Permitting Program for the Maryland Department of the
 8 Environment. My cards are in the back corner, feel free
 9 to grab one. Send me any questions you might have about
 10 the process or the status of the process at any time
 11 you'd like.
 12 Okay. So, Mr. Pierce Flanigan of Stancills
 13 would like to make a statement before we begin the
 14 hearing report.
 15 MR. FLANIGAN: Hi. Good evening, everyone.
 16 Thanks for coming out. My name is Pierce Flanigan. I'm
 17 the president and owner of Stancills, and P. Flanigan and
 18 Sons, as well.
 19 I have spent my entire career building and
 20 maintaining infrastructure, such as roads, highways,
 21 airfields, and marine terminals. I'm here tonight to

6

1 talk about our plans to recycle aggregate at Stancills,
 2 Incorporated's Furnace Bay facility.
 3 I was last in this building in October for the
 4 informational hearing to discuss our plans to build a hot
 5 mix asphalt plant at the site. As happens in business
 6 and in life, our plans have changed. P. Flanigan and
 7 Sons became partners in the Principio asphalt plant on
 8 Belvedere Road, and that facility will serve the needs
 9 for pavement resurfacing and reconstruction. The plant
 10 will satisfy the market need for hot mix asphalt, and I'm
 11 happy to be a part of it, and therefore we have removed
 12 our request for a permit-to-construct one on the
 13 Stancills site.
 14 At Stancills, we produce specialty aggregate
 15 mixes such as bioretention soil, green roof soil, path
 16 mixes, sport mixes, and custom blends. Our products are
 17 used to clean stormwater, bring vegetation to the roofs
 18 of buildings, and for horses to race on; also, to
 19 construct pathways through parks and other public spaces.
 20 We are interested in adding recycled aggregates
 21 to our product offerings. Recycled aggregates such as

7

1 recycled asphalt pavement and crushed brick can be used
 2 as the base of a pavement section, or can be used by
 3 themselves. We also plan to use these recycled
 4 aggregates as a part of our blending operation.
 5 I've been interested in recycling aggregates my
 6 whole career. They are less expensive, can be of equal
 7 quality, and they divert material from ending up in
 8 landfills. By recycling aggregates, we reduce the
 9 economic and environmental cost of construction.
 10 In order to recycle aggregates, we need to
 11 crush and screen construction debris. I can tell you
 12 that the crusher we plan to use at Stancills will be used
 13 on an as-needed basis. We can manage our stockpiles in a
 14 way that does not necessitate daily crushing year round.
 15 Dust is controlled through modern dust control measures.
 16 And the equipment that you see behind me is similar in
 17 size, and in many ways function, to equipment that is
 18 already on the site that we already use as a part of our
 19 blending operation.
 20 Otis Harrison is here. He's our plant manager,
 21 and he's going to be going into some more specifics about

8

1 the crushing equipment.
 2 Our location on Mountain Hill Road is normally
 3 closed to the public for safety reasons, however, if you
 4 are interested in touring the site, I encourage you to
 5 sign up and we would love to host an open house. We have
 6 some sheets near the sign-in sheets. Based on how many
 7 people are interested, we'll organize it and determine
 8 how to do it. But I'd love to show people around.
 9 And, also, if you have students who are
 10 interested in learning about engineering, environmental
 11 science, or just think that checking out industrial
 12 operations is cool, let me know. I'd be happy to arrange
 13 for a tour. I've done it for college engineering
 14 students, Boy Scouts, elementary school students, all
 15 kind of different things. So I would love to make that
 16 happen if there's anyone who's interested.
 17 With that, I'll hand it over to Otis, who's
 18 going to talk about the crusher briefly.
 19 MR. HARRISON: Thank you, Pierce.
 20 Welcome, everyone here this evening. Again, my
 21 name is Otis Harrison. I'm the operations and production

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1 manager at the Furnace Bay facility of Stancills,
2 Incorporated.

3 The facility there, what we do, as Pierce
4 mentioned, we do a lot of environmental products there.
5 It once was a sand plant, but no longer obviously. We
6 import our materials in. We do a lot of blending,
7 screening, and sending the material back out.

8 The green materials that we produce, the
9 bioretentions, the green roof media and all, helps
10 protect the water, treat the water, reintroduce it into
11 the groundwater table in a safe manner, thus helping with
12 the streams, and ultimately the Chesapeake Bay that we
13 all live on.

14 Other products that we do, as Pierce also
15 mentioned, the path mixes. If you've been down to the
16 National Mall, path mixes around there is what we've
17 blended and placed down there. We do a lot of sand
18 blends for horse arenas. Fair Hill, you all know, we did
19 the arenas there, blended the sand there. The growing
20 media under the grass tracks and all is materials that we
21 supplied up there.

10

1 A lot of the materials that we work with we
2 bring in or we repurpose and find a new home for them.
3 We like to take -- as they're saying about the repurpose
4 of construction materials, for example, one of the things
5 that we like to do is crush brick, bring brick in, crush
6 it. We found a way we can reintroduce it into our green
7 roof medias and repurpose that material and make it a
8 useful product again so it's not placed into a landfill
9 or buried in a pit somewhere. So that's primarily a lot
10 of things that we do.

11 The plant that we're talking about, this
12 particular crusher here, is what we like to use at our
13 facility. It's a portable crusher. It's something we
14 can track around the premises, we would use to crush the
15 product and restock our bins as needed, put into the
16 products. It's something that -- say, for brick, it
17 would take us two days to crush the brick to refill our
18 bin for -- which would give us material for at least a
19 month or two before we'd have to crush again.

20 It can also be used for asphalt, for millings.
21 We see a lot of millings going down. Right now we've put

11

1 some down on Charter Hall to help that road. That's the
2 type of material that would -- this crusher would
3 actually be utilized for.

4 This particular machine here, when it's all
5 stretched out, is roughly -- to give you an idea -- about
6 60-foot long, about 20-foot wide, with the conveyors out
7 and all. Height-wise, when I stand next to it, my head
8 was right here on this -- on the wording there, 320, was
9 how big the machine is. It's relatively small. It's
10 something you can actually put in your driveway if you
11 wanted to.

12 The other machine that we have, our screening
13 machine, right here, we use this currently for screening
14 topsoils. We also use it for screening sands, scalping
15 sands. This machine, too, altogether is something that's
16 on tracks, can be moved around anywhere on the site,
17 screen what we need to screen. we use it for a lot of
18 blend -- soil blends that we do for the military, in
19 contracts with them. We produce soils for them for -- in
20 the past, for Afghanistan and Iraq, they needed to test
21 their equipment to see how the soils would react with

12

1 bombs and that type -- explosives and that type thing.
2 So we replicated the soils for that. This is the type
3 equipment that we use on the site now to make those
4 materials and screen them.

5 The sands for the horse arenas, we use that
6 type of machine to scalp it, to take the pebbles out so
7 it doesn't hurt the horses when they step on -- when they
8 run and jump on the sand, et al. So it's all relatively
9 smaller equipment. But, like I say, this particular
10 piece here is a picture at our site. We currently use it
11 and have been using it for probably eight to 10 years
12 already.

13 MS. HEAFEY: Thank you. Okay. We're going to
14 begin the rest of the hearing. And before continuing,
15 I'm going to be reading most of this because it's very
16 long, so forgive me.

17 But we would like to acknowledge that the
18 county has decided to broadcast a livestream of this
19 hearing to allow members of the public to view the
20 hearing virtually. The Department is not responsible for
21 the quality or availability of the livestream broadcast,

13

1 and cannot take testimony from anyone viewing the
 2 livestream virtually.

3 We can accept written comments during the
 4 comment period following the hearing from those watching
 5 the livestream and anyone who would like to amend or add
 6 to their statements.

7 Also, here from the Department is Ms. Suna
 8 Sariscak, she's the Air Quality Permits Program manager;
 9 Ms. Marcy Gurley, chief of the Technical Support
 10 Division; and Ms. Janay Mendez, department engineer for
 11 this permit.

12 This Company is being represented by Mr. Pierce
 13 Flanigan, Mr. Brian Russell, Mr. Otis Harrison, and Ms.
 14 Kathleen (sic) Gunkel, their consultant.

15 This public hearing is being held to accept
 16 comments from the public on an air quality permit
 17 application submitted by Stancills for the installation
 18 of one 300 ton per hour crushing and screening plant.
 19 The proposed installation would be located at 499
 20 Mountain Hill Road, Perryville, Maryland 21903.

21 As you heard here this evening, Stancills has

14

1 decided to withdraw their request to install a hot mix
 2 asphalt plant and a hot oil heater, but is still planning
 3 to install their proposed crushing and screening plant
 4 that was part of the original application submitted to
 5 the Department.

6 The Department has requested Stancills to send
 7 to the Department written confirmation that they are
 8 formally withdrawing the hot mix asphalt plant from the
 9 application.

10 The Department has made a tentative
 11 determination that the proposed crushing and screening
 12 plant will meet all applicable federal and state air
 13 quality rules and regulations and may be issued.

14 This hearing is to offer the public the
 15 opportunity to formally comment on the Department's
 16 tentative determination and draft permit conditions, or
 17 to submit written statements to the Department during the
 18 comment period. You can send them to my attention.
 19 Again, my card is in the back, and email is fine, or you
 20 can address them through the U.S. Post.

21 Notification of this hearing appeared in the

15

1 Cecil Whig on April 20th, 2022, and April 27th, 2022. A
 2 docket of information containing the air quality
 3 application, the tentative determination, and the draft
 4 permit conditions is available on the MDE website under
 5 the air tab, then under the Air Quality Permits Program,
 6 and on that main page, if you scroll down, you will see a
 7 list of tables for opportunities for informational
 8 meetings or hearings and scheduled hearings. It's listed
 9 on the scheduled hearings table, under Stancills, and
 10 there's a link to click for the docket. There will be
 11 both -- if you find it, it's going to say initial docket
 12 in the beginning. Then read through that, that's where
 13 the application is. And as you get further down into
 14 that docket, the amendments are there, which includes the
 15 draft permit conditions, the tentative determination, and
 16 the fact sheet.

17 The Department has received a one time, 60-day
 18 extension request to the comment period, which has been
 19 granted. The comment period expires July 19th, 2022. A
 20 notification will be sent to those who have participated
 21 in the permit process, local elected officials, and will

16

1 be posted on our website.

2 Before you leave again tonight, please, please
 3 make sure that you've signed in the sign-in sheet if you
 4 would like to be updated throughout this permitting
 5 process.

6 Okay. Now for the fun part. This is the
 7 housekeeping. The first order of statement is I did my
 8 introduction. Ms. Mendez will read her statement about
 9 the tentative determination, the draft conditions, and
 10 the fact sheet into the formal record.

11 I will first invite elected officials present
 12 to make a statement before the general public is called.
 13 After officials have made statements, I will call people
 14 who have indicated on the sign-in sheets that they would
 15 like to comment. After everyone who so indicated that
 16 they would like to make a statement has had the
 17 opportunity to do so, I will invite anyone else who did
 18 not originally intend to make a statement to come up.
 19 There is a three minute clock on the timer. You will
 20 have three minutes to make your statements. Any
 21 additional information you would like to include should

17

1 be emailed to my attention, and it will be added to your
 2 statement.
 3 The second is basic rules of consideration.
 4 Please give the exact consideration to people making
 5 statements that you would expect when giving your
 6 testimony. Please do not interrupt or talk over anyone
 7 giving testimony. Please do not applaud or shout. Any
 8 such disruption may cause the court reporter to miss all
 9 or part of the statement and may delay the continuance of
 10 the hearing.
 11 Please refrain from personal attacks of any
 12 kind against any person in this room this evening.
 13 Please keep your statements to the topic of the air
 14 pollution concerns. We understand that there are a lot
 15 of concerns with this facility, the location, and other
 16 environmental aspects, but this is an air quality permit
 17 only, and as such the purview of this permit, we are
 18 restricted to the air quality regulations, federal and
 19 state. So that's going to be the focus for this
 20 particular hearing.
 21 Protesting will not be allowed in this room

18

1 during the hearing. We've actually had that happen, and
 2 we ask folks to go on outside and protest out of the
 3 room. If these rules are not followed, I will stop the
 4 commenter to remind you of the rules. I'll do this twice
 5 during this evening's proceedings. If I must remind
 6 anyone of these rules a third time, I will conclude the
 7 hearing, and any further comments will have to be
 8 submitted in writing to the Department's attention by the
 9 date of July 19th, 2022.
 10 So I noticed that there's people that have --
 11 it looks like a sign or something. I will ask folks not
 12 to hold signs up that would block anyone further in the
 13 room from seeing what's going on. And any comments that
 14 are visual, if you want them submitted to the formal
 15 record, I'm going to need to have that sent -- given to
 16 me, like a printout or a scan, something that I can add
 17 to the record. I've had people bring up 300 photographs
 18 to me. I've had people bring up dirty filter screens to
 19 me. It's really hard to put those in the formal record
 20 for everybody to get to see. So please send photographs,
 21 if you want to, in an email to me, or mail me a copy of a

19

1 scan. That's fine.
 2 Okay. The presentation for the comments for
 3 the formal record. When I call your name to make your
 4 statement, please come up to the podium, state your name,
 5 and spell it for the court reporter. If you use any
 6 abbreviations in your statement, please state the full
 7 name and spell it for the benefit of the court reporter
 8 and those of us who don't know what all the acronyms
 9 might be.
 10 Commenters will have three minutes to speak, as
 11 I mentioned. And if there's time after everyone has had
 12 the opportunity, I will invite people to come back up to
 13 continue their statements. I don't know how much time
 14 we're going to need tonight. Currently I've got 25
 15 people who are signed in to speak. So I'm hoping we have
 16 enough time to get through everybody once and a little
 17 bit more if people want to add to their statements. But,
 18 again, you can certainly send them in writing to us and
 19 we will just -- we'll annotate your comments with the new
 20 ones you want to send.
 21 And, again, I'm going to ask, please keep the

20

1 comments on topic. That is, please restrict your
 2 comments to the matters of air quality and the draft
 3 conditions for this proposed project. Any comments made
 4 in the form of a question will be included with all the
 5 other formal testimony and will be addressed at the end
 6 of the comment period. They will not be answered
 7 tonight. This is not an informational meeting.
 8 So, yes, you absolutely may ask questions, but
 9 they will be added to the formal testimony of all the
 10 commenters during the course of this comment period and
 11 will be addressed at the end of the comment period. And
 12 due to the large number wishing to comment this evening,
 13 if you have lengthy comments, please summarize them
 14 tonight to keep within that three minute range and then
 15 submit to me the full statement that you would like to
 16 have in the record.
 17 And, again, if you don't have it tonight to
 18 leave with me, please email them to me tomorrow, Friday.
 19 If you can do that, the sooner the better. I am going to
 20 need to get them added to the court reporter's
 21 information so we have the complete record.

21

1 Okay. Does everybody get it? Are we okay?
 2 Excellent, wonderful.
 3 At the conclusion of the comment period, all
 4 comments received will be addressed in a document called
 5 the response to comments. That will be prepared by the
 6 Department and sent to the commenters and those who
 7 participated in the public review process for this
 8 application. That will include elected officials, the
 9 people who came to the informational meeting, those who
 10 came to the hearing, and submitted comments.
 11 So -- I need a drink. Hold on one second.
 12 Okay. So here's the either/ors. If the Department does
 13 not receive any comments it considers to be adverse to
 14 the tentative determination for this air quality permit,
 15 that determination will become the final decision at the
 16 end of the comment period. If the Department does
 17 receive comments that it deems adverse to the tentative
 18 determination, it will make a final determination as to
 19 whether to issue or deny the permit.
 20 A notice of final determination will be placed
 21 in the legal section of a newspaper of general

22

1 circulation in the area, probably the Whig, placed on the
 2 MDE air quality website -- the permitting webpage, excuse
 3 me -- and emailed/mailed to all of the elected officials
 4 and everyone who participated in this process.
 5 Any person contending that they would be
 6 adversely affected by the Department's final
 7 determination may seek remedy within the Circuit Court
 8 system of Maryland. A petition for judicial review must
 9 be filed with the Circuit Court for the county where the
 10 proposed activity will occur, in this case Cecil County,
 11 and must be filed within 30 days after the publication of
 12 a notice of final determination.
 13 Ms. Mendez will give a statement about the
 14 determination -- excuse me, tentative determination, the
 15 fact sheet, and then we'll go through the permit
 16 conditions, and then I'm going to invite people to make
 17 their statements. And I'll probably renew some of these
 18 -- go through these again as we go through the evening.
 19 So, Ms. Mendez?
 20 MS. MENDEZ: Good evening, everyone. Thank you
 21 all for coming. My name is Janay Mendez, and I am the

23

1 air quality permit engineer assigned to review the
 2 application and draft the permit for the proposed
 3 project.
 4 The Maryland Department of the Environment has
 5 reviewed the application submitted by Stancills,
 6 Incorporated, for an air quality permit-to-construct
 7 that would authorize the installation of a 400 ton per
 8 hour asphalt paving materials mixing plant equipped with
 9 a bag house, a 3 million btu per hour hot oil heater, and
 10 a 300 ton per hour crushing and screening plant equipped
 11 with wet suppression systems.
 12 The proposed installation will be located at
 13 499 Mountain Hill Road, Perryville, Maryland 21903 in
 14 Cecil County. Based on the Company's statement this
 15 evening that they are going to withdraw their request to
 16 install the 400 ton per hour asphalt paving materials
 17 mixing plant and the associated hot oil heater, the
 18 Department will move forward with the permitting process
 19 for the 300 ton per hour crushing and screening plant
 20 only. A formal addendum to the permit-to-construct
 21 application submitted by the company, including a revised

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1 equipment and emissions summary, will be made
 2 available for the public to review and comment on once we
 3 receive it. Interested parties will be notified via
 4 email when it is available.
 5 To our knowledge, the 300 ton per hour crushing
 6 and screening plant will process waste concrete and
 7 recycled asphalt pavement materials. This plant consists
 8 of a 300 ton per hour crusher powered by a diesel engine,
 9 a 500 ton per hour screener powered by a diesel engine,
 10 one stacker conveyer powered by a diesel engine, and
 11 eight associated conveyors.
 12 The crushing and screening plant is equipped
 13 with wet suppression systems to control fugitive dust.
 14 The Department's review process included determinations
 15 of worst-case air emissions from the proposed facility,
 16 including the asphalt paving materials mixing plant that
 17 is no longer going to be installed, and determinations of
 18 the impact of those emissions on ambient air
 19 quality.
 20 Emissions from the proposed facility were
 21 projected based on U.S. Environmental Protection Agency

25

1 emissions factors established for asphalt paving
 2 materials plants, materials handling, crushing and
 3 screening plants, and hot oil heaters.
 4 The effects of the proposed facility's
 5 emissions on ambient air quality were estimated
 6 using U.S. EPA-approved computer screening models that
 7 provide conservative estimates of such effects.
 8 Details concerning the facility's emissions
 9 and their impact on ambient air quality are provided in
 10 the Department's Tentative Determination, which is
 11 included in the docket that has been made available for
 12 public review and is also available at this hearing.
 13 Based on the findings and determinations
 14 following the review of the information provided with the
 15 application, the proposed facility can be expected to
 16 comply with all applicable air pollution control
 17 regulations; therefore, the Department has made a
 18 tentative determination that the permit-to-construct,
 19 with enforceable conditions, can be issued.
 20 In order to ensure consistent compliance with
 21 air pollution control requirements, Stancills,

26

1 Incorporated, will be required to do all of the
 2 following:
 3 (1) Obtain a State permit-to-operate before
 4 operating the crushing and screening plant after the
 5 initial 180 day temporary operating period allowed for
 6 testing.
 7 (2) Operate in compliance with all applicable
 8 federal and state air quality regulations pertaining to
 9 visible emissions and emissions of particulate matter,
 10 volatile organic compounds, sulfur oxides, nitrogen
 11 oxides, and toxic air pollutants. This includes
 12 maintaining all emissions below major source
 13 thresholds.
 14 (3) Conduct opacity tests to determine compliance
 15 with visible emissions requirements.
 16 (4) Use reasonable control methods to control dust
 17 from all fugitive dust sources at the facility.
 18 (5) Operate so as to prevent discharges of emissions
 19 that create a nuisance beyond property lines.
 20 (6) Annually certify in writing actual emissions of
 21 regulated pollutants from the facility.

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1 (7) Maintain sufficient records to support the
 2 annual certifications of emissions.
 3 And, lastly, (8) Report all occurrences of
 4 excess emissions.
 5 So those are some of the permit conditions that
 6 they'll have to comply with. And now we're going to move
 7 forward to receive your comments.
 8 MS. HEAFEY: Okay. So I'm going to invite our
 9 elected officials to come and speak first, and then I'm
 10 going to call people on the sign-in sheet as I happen to
 11 have you. There's no specific order that they were
 12 called in.
 13 Ms. Capano, would you like to make a statement?
 14 Oh, thank you.
 15 MS. CAPANO: You just want me to --
 16 MS. HEAFEY: If you could speak into the
 17 microphone so everybody can hear it and the court
 18 reporter can. That's wonderful, I appreciate it.
 19 MS. CAPANO: My name is Renee Capano. I'm with
 20 the Town of Charlestown. I'm the vice president of the
 21 board. First, I want to thank you for withdrawing the

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1 application for the asphalt plant. However, I'm still
 2 going to put this on record because of the fact that we
 3 are in -- we do not want an asphalt plant. Charlestown
 4 is only three miles away from where that plant is, and
 5 the school is right there as well.
 6 The Town of Charlestown would like to express
 7 its disappointment with MDE and Cecil County for making a
 8 tentative determination and plans and permits can be
 9 approved and issued for this project, despite the
 10 existing laws that may govern such use. The proposed
 11 project will clearly have a negative impact on the
 12 quality of life for the town residents who live just
 13 downwind of the site. Property values will decrease;
 14 environmental quality will decrease; all health issues
 15 will increase, and surrounding residents don't have to be
 16 okay with it simply because the current laws might allow
 17 it.
 18 There might be an allowable limit for air
 19 pollutions for such facilities, but does the MDE
 20 requirements take into account the fact that Cecil County
 21 already ranks amongst the highest of air pollution and

29

1 asthma rates in the State of Maryland?
 2 It seems that this project shouldn't be
 3 reviewed as a single site independent of its surrounding
 4 situations. Given the surroundings, being this close to
 5 Furnace Bay, and the valuable natural and historic
 6 resources found in between Perryville and Charlestown,
 7 this type of operation is in conflict with the future
 8 land use designated for this area.
 9 We realize that the land use is regulated by
 10 Cecil County, but these facilities shouldn't be permitted
 11 while actively mineral extractions is in occurrence.
 12 Once the minerals have been extracted, a study should be
 13 completed to determine the future land use of this site.
 14 MDE should take into account whether or not proposed
 15 facilities fit in with their surroundings or are solely
 16 focused on the air quality. How do you measure what is
 17 allowable or permissible in rural areas? How do you
 18 measure what is allowable in the areas that are already
 19 polluted? Do you have some type of threshold for any of
 20 the given areas that might be clearly classified as --
 21 project for unacceptable or one of the -- contributes

30

1 towards the surpassing at a tipping point?
 2 Please find the list of questions below that we
 3 simply hope that MDE is capable of thoughtfully
 4 answering.
 5 Do MDE projects review requirements take into
 6 account the fact that Cecil County already ranks among
 7 the highest for air pollution and asthma rates in the
 8 State of Maryland?
 9 How does MDE determine the level of air
 10 pollution is permissible in a predominantly rural area?
 11 How does MDE determine what level of air
 12 pollution is permissible in an area that is already
 13 highly polluted?
 14 Does MDE have some type of air pollution
 15 threshold for any given area that might classify a
 16 specific project as unacceptable because it contributes
 17 towards the surpassing tipping point in this area?
 18 Thank you for your opportunity to provide these
 19 comments for the proposed project. If you have any
 20 questions or concerns, please don't hesitate to contact
 21 us. Sincerely, Karl H. Fockler, president of the Town of

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1 Charlestown, and Renee L. Capano, Vice President of the
 2 Town of Charlestown.
 3 MS. HEAFEY: All right. Thank you very, very
 4 much. Is Ms. Linskey available? Michelle Linskey?
 5 Linkey?
 6 MS. LINKEY: Michelle Linkey. I'm sorry. I'm
 7 from Perryville and I'm just here to listen and gather
 8 information. I'm very glad that you decided to pull the
 9 asphalt. Thank you.
 10 MS. HEAFEY: Okay. I appreciate that. I'm
 11 going to move on to the general -- oh, I'm sorry. First,
 12 are there any elected officials that I did not notice on
 13 the sign-in sheet?
 14 Hi.
 15 MR. GILLESPIE: Jordan Gillespie. I'm
 16 representing Senator Jason Gallion.
 17 MS. HEAFEY: Okay. Are you making a statement?
 18 MR. GILLESPIE: No, just gathering information.
 19 MS. HEAFEY: Oh, okay.
 20 MR. GILLESPIE: I'm here as a resource if
 21 anybody needs to contact us.

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1 MS. HEAFEY: Oh, okay. Great, great. So no
 2 statement for the senator. All right.
 3 Next -- oh, I'm sorry, Ms. Jarrow (phonetic),
 4 are you available?
 5 (No response.)
 6 MS. HEAFEY: Okay. Okay, then. I'm going to
 7 move on with the general public questions. And I
 8 appreciate everyone who came out tonight to make a
 9 statement. So the first who would like to make a
 10 statement is Alex Votaw.
 11 MS. VOTAW: Good evening. Can you hear me
 12 okay?
 13 COURT REPORTER: A little louder.
 14 MS. VOTAW: Okay, great. I'll be a little
 15 louder. I'm Alex Votaw. I'm an attorney representing
 16 some citizens in the Protect Greater Perryville group.
 17 And I thought I would go first to kind of --
 18 MS. HEAFEY: I'm sorry, can you spell your name
 19 for the court reporter? So sorry.
 20 MS. VOTAW: Oh, I'm sorry. Alex, A-l-e-x,
 21 Votaw, V, like Virginia, o-t, like Tom, a-w. I thought

1 I'd go first to kind of introduce some of the themes of
 2 concerns that we have regarding this application because
 3 at this moment we're in opposition to it even with the
 4 retraction of the HMA plant so far.
 5 So the first group, or category, of concerns
 6 that we have is with the emissions. Is it the applicant
 7 who submitted the emissions calculations, or did MDE
 8 calculate them themselves? And the other concern we have
 9 is enforcement. Of course they have to follow the laws,
 10 but who is going to be checking on whether or not they
 11 actually do that? Is that going to fall on the backs of
 12 the citizens, or will there be some other mechanism for
 13 making sure that occurs over time?
 14 The second bucket of concerns is that MDE is
 15 required to determine that this facility has the proper
 16 zoning approval and conforms with the appropriate zoning
 17 code requirements. MDE -- the Maryland Code
 18 environmental section 2-401 requires MDE to determine
 19 that the proposed use has either been approved by the
 20 zoning bodies or complies with the zoning and land use
 21 regulations. Half of this property is covered by the

1 resource conservation area and the Chesapeake Bay
 2 critical areas program.
 3 The applicant has submitted a request to the
 4 local division of zoning and planning to confirm that
 5 they can use this type of plant on the facility in the
 6 NEA zone. That division said that they can use an
 7 asphalt plant in that zone, but they did not address the
 8 RCA zone. According to Section 146 of the County Zoning
 9 Ordinance, which this use would fall under, they're
 10 required to get approval for a growth allocation
 11 expansion. They have not done so so far, so we believe
 12 this application is premature, and that MDE is required
 13 to wait for the zoning division to approve a growth
 14 allocation for this use at this property.
 15 Although the initial structures were proposed
 16 outside of the RCA zone, tonight we heard testimony that
 17 the crushing facility could be located anywhere on the
 18 property and move as it needs to, which means it could be
 19 located in the RCA zone. We believe that the zoning code
 20 -- the zoning board should have the opportunity to review
 21 this application first before it's approved by MDE.

1 The third issue we have identified is the fact
 2 that Cecil County is a nonattainment zone for ozone, and
 3 this project, as proposed, is going to emit nitrogen
 4 oxide and volatile organic compounds which contribute to
 5 the creation of ozone.
 6 According to COMAR 26.11.02.06D(2) --
 7 THE COURT: Oh, ma'am. I'm sorry. Are we
 8 okay? That was three minutes.
 9 MS. VOTAW: Oh, okay. Okay.
 10 THE COURT: So, I'm sorry, as each person only
 11 has three minutes to do --
 12 MS. VOTAW: That was three minutes?
 13 THE COURT: Apparently.
 14 MS. VOTAW: I'm sorry about that.
 15 THE COURT: That was fast.
 16 MS. VOTAW: Can I just say two more things?
 17 THE COURT: Very quickly, because the longer
 18 that someone takes, the less time for others.
 19 MS. VOTAW: Yes, absolutely. So the next issue
 20 that we have -- just two more issues -- is that it
 21 doesn't comply with the water appropriation use permit

1 that MDE approved. And according to COMAR
 2 26.11.02.06C(2), they're required to ensure compliance
 3 with that before you can approve it.
 4 And, finally, we're concerned that this could
 5 create a nuisance in terms of water pollution, noise
 6 pollution, and traffic. And we'll be submitting
 7 additional comments after this. Thank you so much for
 8 your time.
 9 MS. HEAFEY: Okay. The next person that I have
 10 on my list who would like to make a statement is Matthew
 11 Stark.
 12 MR. STARK: Hi, good evening, and thank you for
 13 allowing me this time, although if I could --
 14 MS. HEAFEY: I'm so sorry. Can you spell your
 15 name for the court reporter? And you need to speak a
 16 little louder.
 17 MR. STARK: All right. My name is Matthew
 18 Stark, M-a-t-t-h-e-w, S-t-a-r-k. I'm a veteran owner of
 19 a small business here in Cecil County. I moved to Cecil
 20 County with my family with the idea of I wanted to get
 21 out into the country. When you look at the sign of Cecil

1 County up there, you'll see ducks in the water. That's
2 what I think of when I think of Cecil County. And lately
3 I've been hearing from my construction friends who I work
4 very close with, as well as many of my fellow neighbors,
5 that this has become an industrial city; one that does
6 not represent Cecil County.

7 We have more jobs than we can even fill. I
8 used to be an employment counselor, and I can tell you
9 that there are more people looking for employees than
10 there are employees looking for work. Now, maybe it's
11 the times where people don't want to work, but I can tell
12 you everybody has a family to feed and they want to work.

13 On that, I wish I could have gave my three
14 minutes to you for -- you have all the legalities. I'm
15 just a man trying to take care of my family, and I live
16 within the two-mile radius of where this plant's going to
17 be. Now, I know they mentioned filters to keep the dust
18 down, but in none of the pictures did they show where
19 that filter is or how it works, and that it works well.
20 I can tell you in my construction industries that I've
21 worked in, you can water it down all you want, but

1 eventually the sun's going to evaporate that water, that
2 dust is going to get into the air, the wind is going to
3 blow it into our waterways, into our families' back
4 yards, into our airways.

5 I have many children. Maybe I should stop, but
6 I just can't help it. But we have five kids and
7 counting, and I don't want any of them to have health
8 issues. I don't want them to have asthma. We're a very
9 active family. We love being outdoors in nature. And I
10 feel like these plants that are around us, not only are
11 they destroying our forest with all these warehouses --
12 which is something I hope you guys take into
13 consideration considering we don't need more jobs, we
14 need more land. This is what makes Cecil County great.

15 My family is outdoorsy. I don't want my kids
16 to run out of breath when they're running down the beach
17 or running to the woods. I don't want them to end up
18 with health issues that's going to hinder them from
19 having long healthy lives.

20 My health, it's already shot. I used to be a
21 Marine. But they still have a chance. And we need to

1 think about the future of Cecil County, the future of our
2 children, and not just the future of our wallets, our
3 bank accounts, and more industries and more jobs that we
4 just don't need representing Cecil County. Do we want to
5 be an industrial town or do we want to be the beautiful,
6 luscious scenery that used to make Cecil County great?
7 And that's all I have to add tonight. Thank you.

8 MS. HEAFEY: Thank you. Again, folks, please,
9 no applauding because it's taking time away. A lot of
10 folks want to speak.

11 So, okay. The next person that I'd like to
12 invite up is Patricia Clifton.

13 MS. CLIFTON: Hi, I'm Patricia Clifton.
14 Patricia Clifton is C-I-i-f, as in Frank, t-o-n. And I
15 just want to say how much I totally agree with Mr. Stark,
16 Ms. Capano, and Ms. Votaw.

17 I moved to Cecil County just four years ago for
18 the trees and the water. It was beautiful. It still can
19 be. I thought the cleanup was in process, being done,
20 not being ruined. And you say you withdraw the hot
21 asphalt mix from Mountain Mill Road, but it's in

1 Belvedere Road, just as close. It's going to ruin -- and
2 I don't understand how our elected officials who let the
3 Great Wolf waterpark build expecting tourism dollars --
4 when they smell that asphalt, I don't -- they're not
5 coming back.

6 And I just hope that everything is reconsidered
7 here tonight, that you realize how much the residents of
8 Cecil County need the environment to be cleaned up, not
9 made worse. Thank you.

10 MS. HEAFEY: Thank you very much.

11 Okay. The next person that I have listed is
12 Kathleen Kennedy.

13 MS. KENNEDY: Kathleen, K-a-t-h-l-e-e-n,
14 Kennedy, K-e-n-n-e-d-y. Good evening. I'd like to thank
15 you for withdrawing the hot asphalt plant, but I would
16 like to address some of that information.

17 As you stated, it is a defunct sand pit. The
18 idea behind having a hot asphalt plant on a gravel or
19 sand pit is that you're going to be using those resources
20 in order to make that hot asphalt. When you make
21 asphalt, approximately 60 percent of those contents are

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1 gravel. So it would make a lot of sense that it is on a
2 gravel mine. Only 5 percent is from actual sand. So
3 that would mean if it was an actual working sand pit, 95
4 percent of the items that would be used to create asphalt
5 would have to be shipped in.

6 So you now have a hot asphalt plant that's
7 probably going to use RFO, which is refined -- recycled
8 fuel oil, which is dirty oil from your cars that's now
9 going to be burned in order to fire that plant. You have
10 the increased emissions from all the trucks that are
11 going to be trucking in all of that -- those products to
12 make that end product, and then all of those trucks that
13 are going to be trucking it out.

14 Cecil County really only needs one asphalt
15 plant. Originally this would have made it a third
16 asphalt plant in Cecil County. So anything that would
17 have been produced from there would be shipped out. So
18 it's going to go to Pennsylvania, Delaware, or other
19 parts of Maryland.

20 We won't even get the benefits from the -- from
21 the asphalt plant. But even still, with what they're

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1 proposing now, you're still going to have an increased
2 amount of traffic into our county, which is an increased
3 amount of emissions that is going to be released into our
4 air. So that's going to decrease air quality. You have
5 the plant itself and the equipment that's going to be
6 used, which is going to increase emissions, and then you
7 also have all of that material that's going to be ground
8 up and sifted, which is also going to decrease the air
9 quality.

10 There are multiple schools nearby that plant,
11 within that three-mile radius. This plant is going to
12 have a huge effect in a negative way on Cecil County.
13 And I really hope that you think about this twice. Thank
14 you.

15 MS. HEAFEY: Thank you very much.

16 Okay. The next person that I have listed is
17 Matthew Vandervort, unless I totally obliterated your
18 name. Please forgive me.

19 MR. VANDERVORT: It's M-a-t-t-h-e-w, V-a-n-d-e-
20 r-v-o-r-t. And my comment is we're talking about the air
21 quality. All the gravel pits in this county, they're

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1 always having dust blown off of them, even if it's so
2 fine that you can't see it with the naked eye. This is
3 what created the Dust Bowl way back when, when they
4 plowed all the land up and had it open.

5 And I thank you for deciding not to put the
6 asphalt plant in such proximity to the Bay. I go fishing
7 over in Furnace Bay all the time in my boat, and I hate
8 to see the saturation because the blacktop -- I used to
9 be a construction foreman rebuilding Tidewater Marina,
10 and I used to have to go get blacktop at the plant over
11 in Aberdeen, and you can smell it for a couple of miles
12 away no matter which way the wind is blowing. Property
13 values can't be good there. The trucks, they track the
14 blacktop down the road, the little nuggets, the aggregate
15 in it.

16 I used to go to Stancills and get aggregate to
17 make washed sidewalks for Tidewater Marina, and the open
18 pit like that has always got dust. And it's -- it
19 saturates into the Bay, it floats around in the air, and
20 there needs to be close regulation on it. And just --
21 this whole county, it's -- their slogan for tourism is

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1 Live, Work, and Play in the County by the Bay, and it's
2 more like live, work, and play by the industrial park and
3 the gravel pit by the Bay.

4 And you need to think more about that if you
5 want people to come and live here, tourism to come here.
6 They don't want to come and see massive warehouses.
7 It's, you know, a long-term thought, you know? And how
8 much money are we getting for each truckload of this
9 stuff that's being carried out of the county? How much
10 is the county getting from them? Nothing. That's all I
11 have to say.

12 MS. HEAFEY: Okay, thank you.

13 The next person I have listed to make a
14 statement is Joseph Carabetta.

15 MR. CARABETTA: Good evening. Joe Carabetta,
16 that's C-a-r-a-b-e-t-t-a, a long time property owner in
17 Carpenter's Point.

18 This was the wrong place to put an asphalt
19 plant. We're glad you decided to move it away. But
20 don't ever think about it again because it's a bad idea
21 for many reasons. It is in a spot where the prevailing

1 winds will draw the air pollution over the most populated
2 areas, including schools, which have been mentioned. The
3 road leading in there is 1920s vintage, no shoulders, a
4 single lane underpass, which causes vehicles to stop,
5 which -- more idling, more pollution.

6 If this plant is a portable plant -- I was
7 ready to really talk about the asphalt plant because I
8 had the unique opportunity in my time at Aberdeen Proving
9 Ground to test both an asphalt mixing plant and a rock
10 crushing plant. Both of them are pretty dirty
11 operations. You try to do the best with them, but
12 they're not clean. There's off-gassing from the surge
13 bin of the asphalt plant. It's just a bad idea.

14 And, also, the trucks coming in and out, they
15 drop their load, it's -- it was mentioned earlier, it's
16 on the road, dust is created. It's just a bad spot. I
17 suggest you take this portable asphalt plant, recycling
18 plant, and move it up to Belvedere Road where there's
19 already a big grave operation.

20 Are the loads going to be covered that are
21 coming in and out of there? It's going to drop dust and

1 affect the air quality.

2 And the big thing -- the big point that I got
3 thinking about this -- because at Aberdeen we were not
4 allowed to fuel our vehicles on ozone action days, on the
5 action days. I think that their use of any operations
6 there should be shut down on action days. Any time that
7 MDE declares an action day, they need to be shut down
8 tight as a drum, no operations, because if it's an action
9 -- if it's so important, they need to be shut down.

10 Let's see, for so many years Cecil County has
11 been a dumping ground for every piece of filth that
12 mankind has created. It is the most polluted county in
13 the State of Maryland. There's five superfund sites -- I
14 bet you a lot of people don't know. There's five
15 superfund sites in this county. Okay? We don't need the
16 potential to try to create another one here.

17 Gravel pits always scare me because it's a good
18 place to bury stuff. They've already said the gravel is
19 going to be hauled in. That's more pollution in the area
20 because they're hauling this material in. We need to
21 consolidate these areas, take this plant and move it out.

1 If they're out of gravel and sand there -- I was not
2 aware of that, that they're out of gravel and sand.
3 Let's talk about the closure of the plant. Thank you
4 very much.

5 MS. HEAFEY: Okay, sir. Thank you very much.
6 If you have a copy of your statement that you would like
7 to either give me or send, that would be great.

8 MR. CARABETTA: I can submit it in writing. I
9 just (inaudible) --

10 MS. HEAFEY: That would be perfect. Thank you.
11 All right. Who do I have next? Okay. The next person I
12 have listed is Amelia Varas, Varas. I'm so sorry.

13 MS. VARAS: I'm submitting mine in writing.

14 MS. HEAFEY: Okay, that's fine. Thank you.

15 Okay. Jerry Kustich?

16 MR. KUSTICH: My name is Jerry Kustich, J-e-r-
17 r-y, K-u-s-t-i-c-h.

18 Now, I have just a brief statement. But my
19 wife and I retired here, 2405 Caroline Street,
20 Charlestown, in 2015. We moved there from beautiful
21 Montana for family purposes. But I lived in Montana for

1 30 years. And -- but we moved here to Charlestown for
2 its history, its proximity to accessible water -- I fish
3 a lot; made my living on fishing, in fact -- its
4 recreational value, and its quaintness, charm, because
5 older folks, quality of life matters.

6 For the past three years, I have served as a
7 member of the Gunpowder Riverkeeper board. Not only are
8 we concerned with Gunpowder river watershed issues
9 impacting the Greater Baltimore area, but we have
10 expanded our scope to monitoring water and air quality
11 issues that affect the entire northwestern shore of the
12 Chesapeake Bay.

13 Growing up in the Niagara River in the '50s,
14 when Lake Erie was officially declared biologically dead,
15 I have been a lifelong advocate for a clean and healthy
16 environment. For this reason, as a concerned citizen,
17 the proposed asphalt facility is very troubling on many
18 levels. Not only is it the proverbial back yard of
19 Charlestown, but the facility threatens to add to an
20 already diminished air quality factor along this section
21 of the I-95 corridor bordering the Chesapeake.

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1 I know from experience that drip by drip, a
 2 tainted environment slowly deteriorates until those
 3 living in the area pay the price in both health concerns
 4 and property values.
 5 There are places where folks should be able to
 6 live free of being impacted by heavy industrial use, and
 7 this area should be one of them. Why screw up a good
 8 thing? Quality of life matters. Thank you.
 9 MS. HEAFEY: Thank you.
 10 The next person I have listed in Wendy Wahl.
 11 MS. WAHL: It's Wendy, W-e-n-d-y, Wahl, W-a-h-
 12 l.
 13 I don't have a formal speech. I have basically
 14 been taking notes, and I haven't had a lot of time to
 15 prepare, and especially now that we don't have the hot
 16 asphalt plant part. But I know that from what my
 17 research has shown is that it will still have a lot of
 18 toxins in the asphalt that you're going to be recycling;
 19 that the dust will fly in the air; that -- I have a
 20 statement from one of the -- another state's EPA showing
 21 that asphalt processing and asphalt roofing manufacturing

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1 facilities are a major source of hazardous air pollutants
 2 such as formaldehyde, hexine, phenol, polycyclic organic
 3 matter, and toluene. Exposure to these air toxics may
 4 cause cancer, central nervous system problems, liver
 5 damage, respiratory problems, and skin irritation.
 6 That would be a concern for everyone. But as a
 7 cancer survivor, I'm also extremely concerned. In
 8 addition to smoke stack emissions -- which hopefully we
 9 are not looking at that -- but large amounts of harmful
 10 fugitive emissions are released as the asphalt is moved
 11 around in trucks and on conveyor belts and is stored in
 12 stockpiles.
 13 And as somebody had mentioned before, those
 14 stockpiles will dry -- and even though you've got the
 15 water going over it to try to keep the dust down, most
 16 likely it does dry up and go on.
 17 I'm also concerned about the traffic. I run
 18 into trucks as I go to work and as I come home to work.
 19 We also have that concrete plant there that I also run
 20 into their trucks. I don't need to see more trucks. I
 21 am racing to work. I don't -- plus the pollution. I am

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1 about a mile and a half driving from you. I am less --
 2 about a mile as the crow flies. So I will be in
 3 proximity of any of the dust particulates that are flying
 4 around.
 5 I also -- it was mentioned the -- who's doing
 6 the checks. Your statement was that they are responsible
 7 to responsibly report what the emissions are. But who's
 8 checking that they are correct? I mean, we have a lot of
 9 checks and measures on a lot of different things, and
 10 machines can become faulty. Who's checking those
 11 machines to make sure that they're measuring correctly,
 12 you know, assuming that they're reporting the correct
 13 things?
 14 Let's see, I think that's pretty much -- that
 15 I'm -- can say off the cuff.
 16 MS. HEAFEY: That's fine. And, again, for
 17 anybody who wants to submit additional comments or add to
 18 the comments they'd be making this evening, please grab
 19 my card at the back table and email those to me. I do
 20 need to have them in writing or spoken here at the
 21 hearing in order for them to be part of the formal

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1 testimony. So, again, if you find more things you want
 2 to add or if you run out of time, please feel free. Send
 3 them in writing to us. And, again, we have until July
 4 19th with that extension. So there's plenty of time to
 5 formulate whatever statements you'd like to put in.
 6 Okay. The next person that I have listed is
 7 Darcy Spangler.
 8 MS. SPANGLER: (Inaudible) no questions at this
 9 time.
 10 MS. HEAFEY: I'm sorry, I can't hear.
 11 MS. SPANGLER: No questions at this time.
 12 MS. HEAFEY: Oh, okay. Wonderful. Thank you
 13 so much. So sorry.
 14 Okay. Dawn Gordon? Okay. Is Dawn Gordon
 15 here?
 16 (No response.)
 17 MS. HEAFEY: Okay. I'll move on.
 18 All right. Let's see, Michael Falk?
 19 MR. FALK: Hi. My name is Michael Falk.
 20 That's M-i-c-h-a-e-l, F-a-l-k. I'll start by saying
 21 thank you, gentlemen, for changing your plans; I think

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1 one step in being a good neighbor to all of us. We live
2 probably two miles as the crow flies from the plant in
3 beautiful Charlestown.

4 I don't know that much about the crushing
5 process and what that does, but what little bit I do know
6 is it does release particulates in the air, such as
7 silica, which are a class 1A, I believe, carcinogen. I
8 don't know what kind of mitigation there is for that, but
9 that's something that needs to be addressed, I presume,
10 and is -- I presume that's addressed in your process, as
11 well as other VOCs.

12 So I'm hoping if this does go forward there is
13 a mitigation plan for that, because, again, like some of
14 the other folks have said, we moved to Cecil County
15 because it's a beautiful place. I had no idea moving
16 here about the air quality, and so far I personally
17 haven't experienced any negative stuff, but I don't want
18 any more negative pushed upon us if it's not already
19 there. So I just hope that going forward that the folks
20 at the air -- that are assessing the air follow a lot of
21 the suggestions that I agree with that were said prior to

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1 my speaking. So I don't need to duplicate all their
2 efforts. But I agree with all of you.

3 So that's what I have to say this evening.
4 Thank you.

5 MS. HEAFEY: Thank you.

6 MR. FALK: Sorry, one more thing. One question
7 I have is, with this type of approval for this crushing
8 process, if in the future they wanted to go forward with
9 an asphalt production plant, they would have to come back
10 in front of the folks -- your folks -- and get re-
11 permitted. They wouldn't be able to just decide once
12 they went into production, oh, we don't want to do
13 crushing, we actually want to do manufacturing of
14 asphalt. I presume that's not possible. Thank you.

15 MS. HEAFEY: Thank you.

16 Okay. The next person I have on my list is
17 Zachary Zetts.

18 MR. ZETTS: Zachary Zetts, Z-e-t-t-s. All
19 right. Good evening, everyone. Can you guys hear me?

20 So I have a brief statement. So my name is
21 Zachary Zetts. I moved here with my wife and my

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1 daughter. My daughter is not here right now because
2 she's two. But previously I lived here, you know, as a
3 child up until about 17 years old when I moved away for
4 the Navy.

5 After about 12 years in the Navy, I made the
6 rank of chief nuclear machinist mate and I decided to
7 move my family and myself back here because it's a
8 beautiful area. We love the area, right? And it's just
9 very concerning about what's happening.

10 So we decided -- we built a home last summer.
11 We're very happy with that decision, and we want to raise
12 our -- you know, our child to be in a healthy, pollution-
13 free place, which now, you know, more and more it's
14 becoming a rarity these days, you know, as countless acts
15 of environmental injustice are foisted upon innocent
16 community members. And we will not wait until we begin
17 getting sick to move. Right? We're going to take a
18 proactive approach, and if we need to move, you know,
19 we're going to have to move because of this -- you know,
20 environmental concerns.

21 And we pay an exorbitant amount of taxes to

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1 live here on the water. And I ask the Cecil County
2 members what will happen when we taxpayers all leave
3 because their homes are being polluted? Right? What
4 will happen to an already struggling Cecil County?

5 The proposal put forth by Stancills is very
6 vague in many areas. It seems to cut corners on several
7 issues. Now, when I made these questions, it was the
8 original docket for the asphalt plant, so I'm still going
9 to include that in there, but I'll address those if I
10 have enough time.

11 So air pollution and emissions data provided is
12 extensive and complex, mostly indecipherable to the non-
13 expert. Unfortunately, an explanation of the MDE review
14 process is not provided. Who within the MDE conducted
15 the review? I think we had that answered already. How
16 is the pollution emissions data reviewed and verified?
17 Did MDE run its own air pollution model specific to its
18 project and its review?

19 This one is specific to that asphalt plant.
20 Natural gas is the stated fuel to be used for the asphalt
21 plant equipment, with diesel fuel being as the backup.

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1 No information is provided that natural gas is even
2 available on the property.

3 Furthermore, the statement that number two fuel
4 oil will only be burned in the event of a local gas
5 supplier -- in the event that the local gas supplier
6 exercises their right to curtail natural gas to its
7 industrial customer, this leaves the door open to the
8 actual and intended fuel choice for the operation.

9 The next statement is on Section 3.5, page 6,
10 fuel burning of the hot oil heater and the engines are
11 exempt from the toxic air pollutants regulations. This
12 statement necessitates explanation by MDE. The document
13 includes a letter from Cecil County Planning & Zoning
14 about MEA, which has already been discussed.

15 The applicant concedes that toxic air
16 pollution --

17 MS. HEAFEY: Oh --

18 MR. ZETTS: I'll email the rest to you.

19 MS. HEAFEY: Okay, thank you. If you could
20 submit a copy of that statement to me, that would be
21 fabulous. Again, if you want to leave it tonight, great;

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1 if you want to email it to me, wonderful.

2 MR. ZETTS: I'll email. Thank you.

3 MS. HEAFEY: Thanks very much.

4 Catherine Alexander?

5 MR. ZETTS: I'm sorry, she's -- I (inaudible)
6 together.

7 MS. HEAFEY: Oh, okay. Great. Thank you.

8 Okay. Dennis Iracki. Do you want to read your
9 statement?

10 MR. IRACKI: Dennis Iracki, D-e-n-n-i-s, I-r-a-
11 c-k-i. And I, too, am really glad to hear that there
12 will no longer be a hot mix plant at Stancills, so thank
13 you for that.

14 But we see that you will now seek approval to
15 crush reprocessed asphalt and concrete material. And by
16 that, I am really alarmed by the tons of silica dust that
17 will be released into the air and spread to the
18 environment, especially from the crushing of brick and
19 concrete.

20 Also very concerning is the contaminated water
21 supply mist that will be released to the air as it's used

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1 to treat the production and the crushing, in addition to
2 all the water that will clean the equipment.

3 Please realize that quite a few of Stancills
4 neighbors who will be breathing the silica and misting
5 emissions have health conditions, including cancer,
6 asthma, COPD, respiratory -- other respiratory illness,
7 and compromised immune systems.

8 So I can even remember where there are times
9 I'm going down the road and a huge truck pulls into
10 Stancills with all that dirt and dust on the road, and I
11 have to close my windows just to -- not to get all the
12 dust from the road coming into my car; seems to be a
13 regular event.

14 This area is near Furnace Bay, one of the most
15 important environmental sanctuaries for wildlife in the
16 upper Bay. In fact, the eastern shore of Eastern Bay has
17 a large parcel of land that's locked into perpetuity with
18 the Maryland Environmental Trust as a haven for wildlife
19 in general, and is a bird sanctuary in particular. And I
20 wonder if the MDE even knows that or takes that into
21 consideration when you make your decision to approve

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1 these things.

2 So I've learned much -- I've not learned how
3 much dust will be emitted and how much diesel emission
4 will be emitted into the air from all these motors that
5 will be running. I'd like to believe there will be safe
6 levels of emissions. But in the past, Stancills has not
7 been a good steward of the environment. Principio Creek
8 used to take a straight shot, and when it rained hard
9 everything was washed out of Furnace Bay; no longer.
10 They piled so much undesirable material against the bank
11 years ago, it all fell in, and now it takes a circuitous
12 route whereby it goes to the western shore in a dogleg
13 fashion and now, as evidenced by my wife and I taking
14 readings for the Maryland Chesapeake Bay Foundation, when
15 we paddle out grasses and depths, it is now much less.
16 It's just totally shoaled in.

17 So another environmental catastrophe that
18 potentially happened is -- and more recently -- Stancills
19 wanted to fill the pit indefinitely with fly ash. That
20 has been done in Gambrills, Maryland. Their liner broke
21 and it contaminated all the wells. Imagine if that would

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1 have happened up in Cecil County.
 2 MS. HEAFEY: Sir, thank you very much.
 3 MR. IRACKI: Thank you.
 4 MS. HEAFEY: If you want to submit that -- oh,
 5 you did submit all this, right?
 6 MR. IRACKI: You have it.
 7 MS. HEAFEY: Thanks very much.
 8 Okay. Is there a Mr. Rickert?
 9 MR. RICKERT: Hi, Dr. Paul Rickert, P-a-u-l, R-
 10 i-c-k-e-r-t. Thank you for the opportunity to speak here
 11 this evening. My -- I also thank you for removing the
 12 asphalt plant from consideration at that site. I'm still
 13 also concerned about emissions from the crusher, though I
 14 haven't studied that as much. I'm also concerned about
 15 runoff, even though you have your catchment pits. I'm
 16 concerned about runoff when it rains. I'm also concerned
 17 about the air quality for those that live nearby, a
 18 family of mine that live within about half a mile that
 19 have compromised immune systems, and also friends that
 20 live just on the other side of the underpass from you
 21 that also have children.

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1 So I'd love to see a -- you know, in the spirit
 2 of the five star and our drag strip, cancel those plans
 3 and make it a dirt bike pit or something. That would be
 4 awesome. I'd pay to see dirt bike stuff going on there.
 5 Thank you.
 6 MS. HEAFEY: Thank you.
 7 Okay. The next person I have listed is
 8 Victoria Stone.
 9 MS. STONE: Hello, I'm Victoria Stone, V-i-c-t-
 10 o-r-i-a, S-t-o-n-e. I live less than 3,000 feet from
 11 where I estimate the plant or the equipment to be placed
 12 on Stancills property. I have lived here for 36 years,
 13 and my house was built before Stancills was constructed.
 14 I first want to say I appreciate Stancills for
 15 being here and offering to host us in an effort for
 16 transparency. I think that's all we all wanted to know,
 17 is what the plans were and have our voices to be heard.
 18 I agree with everything stated before, including
 19 oversight, and how they are going to check their particle
 20 filters.
 21 I'm going to focus tonight on the agricultural

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1 fields surrounding Stancills and within a radius. We do
 2 have a map, if you guys don't mind showing that, of the
 3 two and three-mile radius, while I speak.
 4 So my questions go as followed: Will particles
 5 have an adverse effect on the agricultural commodities
 6 surrounding Stancills? Has MDE done studies on what
 7 happens to the animal commodities that consume or
 8 interact with crops tainted by the byproduct of stone
 9 crushing, i.e. particles laced with the original
 10 chemicals found in the crushes material, as well as the
 11 potential new chemicals found in the used state of the
 12 crushed material, again, i.e. concrete used in industry,
 13 asphalt used on roadways, bricks used in building?
 14 My last agricultural question has to do -- has
 15 MDE considered the animal commodities within the two and
 16 three-mile radius of Stancills and the effect a stone
 17 crushing plant may have on them?
 18 Additionally, I have another few questions, but
 19 I'm going to submit those in writing as they've been
 20 spoken upon earlier. Again, thank you, Stancills, for
 21 being here today and to offer transparency. I need you

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1 to understand that I have two young kids, a husband with
 2 asthma, and parents who have COPD and on oxygen, less
 3 than 3,000 feet from whatever you decide to do. Thank
 4 you.
 5 MS. HEAFEY: Thank you.
 6 Okay. The next person that I have listed is
 7 Alissa Horn.
 8 MS. HORN: Hi, I'm Alissa Horn, A-l-i-s-s-a, H-
 9 o-r-n. I have several questions regarding the stone
 10 crushing plant. So typically stone crushing plants
 11 produce .2 to .10 microns of particulate matter. Just to
 12 give you an idea, pollen is 10 microns. So if you can
 13 think about how much allergy problems we have currently,
 14 you can imagine how much problems we will have from the
 15 emissions of the stone crushing plant.
 16 My question also is due to winds -- so in your
 17 calculations in your document, you have calculated these
 18 values based on a nine-mile per hour wind speed. Since
 19 January, I think we all know those have exceeded nine
 20 miles per hour. So how will you be monitoring those
 21 levels? Will you be shutting down the plant when we have

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1 high wind speeds? Again, who is monitoring these
2 emissions? Are you monitoring these every day? Is the
3 EPA coming in and looking at these emissions as well?

4 I can tell you I'm an organic chemist. I am in
5 this field. I know all of this matter very well. And I
6 can tell you that even if the EPA comes out and you
7 exceed your emissions, usually all that is done is
8 submitted is a fine. So that does not help us in any
9 way, sort, or form. It takes a long time, and several
10 people here, to shut down a plant. So once the stone
11 crushing plant has been in place, it will be hard to shut
12 down. And they will just keep getting fined for
13 exceeding these emissions. So that doesn't help our
14 health.

15 I'm also concerned about the wildlife that
16 flies over this plant, as well. Again, I'm not very
17 pleased with Stancills just in terms of air quality in
18 general. So I know that you're getting rid of the
19 asphalt plant, but your asphalt plant that you have in
20 other locations is a hot asphalt plant that runs at 360
21 degrees Celsius. There are other more sustainable, less

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1 carbon emission plants that more people are using that
2 operate at 100 degrees C that emit less particulate
3 matter and less emissions into the air.

4 So my question is, I understand that you're not
5 putting this at this site, but maybe you should be
6 thinking about these things at your other sites and
7 upgrading your equipment to think about the future of, I
8 guess, our environment and our health. So that's what a
9 lot of the companies around here are doing, is investing
10 in equipment to lower the emissions. Think about
11 sustainability and things like that.

12 So that is my statement. I will have several
13 other questions in my documents with research literature
14 to provide.

15 MS. HEAFEY: Okay.

16 MS. HORN: So, thank you.

17 MS. HEAFEY: That's great. Thanks very much.

18 Okay. Let's see, who have we got here? The
19 next person I have on my list is Bryan Bailey.

20 MR. BAILEY: My name is Bryan Bailey, B-r-y-a-
21 n, B-a-i-l-e-y. And I'm a local Carpenter's Point

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1 resident, been there 72 years. And I probably shouldn't
2 say this. At one time, my dad owned Stancills. He sold
3 it to Harold Mauertime (phonetic), and then Harold
4 Mauertime sold it to Stancills, who I guess transferred
5 it to you now.

6 I appreciate you pulling the application for
7 the asphalt plant. I hope that's permanent. I hope
8 that's not a stall tactic, go down the road and a year or
9 two down the road, you would try to reapply for it.

10 Another little thing, one of the speakers up
11 here said the comment about the dump trucks. Cecil
12 County had a running joke since the time we were kids was
13 that they were going to haul Cecil County away in dump
14 trucks because we've had York Building, Mason-Dixon Sand
15 & Gravel, which was at one time out where Stancills is
16 now, and of course it's been an ongoing gravel operation
17 for 50, 60 years.

18 I think it ruined my things that I wanted to
19 say because most of what I had in here was about the
20 asphalt plant. And if you pulled it, well, I'll try not
21 to comment on that.

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1 But I did want to comment, the crusher run or
2 whatever that -- there could be some nitrogen involved --
3 and my complaint, which is Maryland Department of
4 Environment -- which would be you people -- I've lost
5 four sales on a waterfront lot in Baker's Cove, which is
6 about three quarters of a mile from where Stancills is.
7 And I lost those due to the fact that you're telling me
8 that you wanted me to put in a BAT septic system -- best
9 available technology. And this BAT septic system was
10 supposed to monitor the nitrogen level. And the cost of
11 this system alone is \$50,000. And the people that were
12 going to buy my lot -- there's no home on it -- found
13 this out. The majority of them backed out of contracts.

14 So I don't know what you have -- what system
15 you have in effect for them, if they have any nitrogen
16 released in the atmosphere, what system you have to
17 monitor that. But mine was going to have to be
18 monitored, and monitored by an outside company. And I
19 can't believe that a couple people get a house, the
20 nitrogen released in the septic would be that much to
21 affect things when you were going to allow the asphalt

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1 plant, plus the rock crushing, how much nitrogen is going
 2 to be released there. I'm certainly sure that the little
 3 bit of nitrogen that we might add to the Bay would be
 4 nothing on the scale of this place.
 5 And there's also 11 homes built back in Poplar
 6 Point that have regular septic systems back in there,
 7 have had no problems with it. But none -- MDE now says
 8 there's a big nitrogen problem. I guess they overlooked
 9 it on this.
 10 Let's see, the other --
 11 MS. HEAFEY: Okay, sir. I want to thank you
 12 very much for your comments. You are welcome to --
 13 MR. BAILEY: Are you kidding me? I was just
 14 getting started.
 15 MS. HEAFEY: Sorry, dear. You can send any
 16 comments in writing you'd like to to us, and we will
 17 address them.
 18 MR. BAILEY: They say I was (inaudible) I was
 19 just getting started.
 20 MS. HEAFEY: Thank you very much.
 21 Okay. The next person I have online -- I mean,

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1 in line, rather, is Robert Caffrey.
 2 MR. CAFFREY: I'm going to send my comments in.
 3 MS. HEAFEY: Okay, sounds good. Thank you very
 4 much.
 5 Okay. All right. Richard Fiorentino. I think
 6 I've messed up your name every time. So sorry.
 7 MR. FIORENTINO: My name is Rich Fiorentino, R-
 8 i-c-h, F-i-o-r-e-n-t-i-n-o, on Dewberry Lane in
 9 Carpenters Point. My family has been vacationing on the
 10 North East River area for almost 35 years. Twelve years
 11 ago, we purchased a waterfront property and recently
 12 retired and moved into the area full time. I'm also
 13 representing a few of the neighbors in our area that
 14 couldn't be here tonight.
 15 I understand that this is an air quality
 16 meeting, but we can't ignore the impact the air quality
 17 will have on the Chesapeake Bay. If it's in the air, it
 18 will settle in the water. If the dust control is using
 19 water for control, it will end up in the Bay.
 20 With all the attention given to the health of
 21 the Chesapeake Bay these days, how can we as a community

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1 allow a project like this to move forward? As a Bay
 2 boater, we're taught to be constantly aware of our
 3 impact. If we spill a teaspoon of gas at the pump, the
 4 marina is supposed to deploy containment booms and spray
 5 detergent to dilute the gas. If cows poop 50 miles up
 6 Route 10 in Pennsylvania, we need to plant 1,000 trees to
 7 keep the nitrates from reaching the Bay.
 8 All these are noble efforts, but if we go
 9 through all of those efforts to attack the smaller leaks
 10 that add up to the pollution contribution, how can we
 11 justify a fire hydrant of pollutions only a mile from the
 12 shores of the Bay?
 13 What about our ecosystem? The striped bass
 14 have been, and still are, an issue with their numbers
 15 still in decline. The grasses that have been slowly
 16 returning are a constant issue. And with the overall Bay
 17 quality graded as a C-plus or B-minus, how can we in good
 18 conscience, as stewards of the Bay, allow a source of
 19 this magnitude to influence our Bay?
 20 A couple quick questions I would have for
 21 Stancill. Will Stancill be reimbursing residents for the

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1 difference of their home's value now versus after these
 2 plants are installed? Will our taxes be adjusted due to
 3 decrease in property value? And what is Stancill
 4 bringing to the table for us as a community? Thank you.
 5 MS. HEAFEY: Thanks very much.
 6 And the next person I have listed is Wyatt
 7 Wallace.
 8 MR. WALLACE: My name is Wyatt Wallace, W-y-a-
 9 t-t, W-a-l-l-a-c-e. Before you start the time, I'd like
 10 to make one statement. I am a member of the Cecil County
 11 Planning Commission for the last almost 15 years. It's a
 12 position that's appointed by the County Executive. The
 13 Planning Commission, though, has not been involved with
 14 this process at all. We have seen none of this come
 15 before our board. I am not a county employee.
 16 I want to make it very clear that I am speaking
 17 solely as a concerned private citizen who lives within a
 18 mile of this site. Thank you.
 19 I would like to thank Jim Massey of the county,
 20 who made the arrangements for this meeting tonight.
 21 Also, I appreciate those elected officials and others who

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1 are attending, particularly Ms. Gilbertson and Ms.
 2 Gregory, who took the time to show up tonight.
 3 I want to thank Shannon Heafey of MDE, even
 4 though I've given her a hard time lots of times for
 5 following the protocol of allowing the public to comment
 6 on the proposal submitted by Stancills.
 7 And, lastly, I really want to thank all of our
 8 neighbors and friends for coming out tonight to express
 9 their opinions. It's important that we do so.
 10 I have written comments and questions that will
 11 be presented to MDE before the end of the comment
 12 extension period, even with the withdrawal of the asphalt
 13 plant, which I thank you very much for doing that.
 14 That's a big part of this. But I have just as much
 15 concern, if not more, for the brick/stone/cement crushing
 16 operation. And, actually, my comments tonight were
 17 already going to address that. I feel that's more
 18 important to me. My wife has COPD; we live less than a
 19 mile away, and the stone dust is very important to us.
 20 When these materials are worked on, in any type
 21 of crushing, silica is released, as the lady mentioned

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1 before, as a fine dust known as respirable crystalline
 2 silica, or silica dust.
 3 In your presentation, Mr. Flanigan, the plant
 4 manager, talked about the current operation, which I
 5 supported. I talked to Mr. Stancill years ago, and his
 6 operation of the rooftop material was a very good
 7 operation, and I wished he would just continue that.
 8 Silica dust is harmful when inhaled into our
 9 lungs as it is 100 times smaller than a grain of sand.
 10 You can be breathing it without knowing. After 54 years
 11 of marriage, I don't want to lose my wife to further lung
 12 disease.
 13 Exposure to silica dust can lead to the
 14 development of lung cancer, silicosis, irreversible
 15 scarring and stiffening of the lungs, kidney disease, and
 16 chronic obstructive pulmonary disease to those exposed
 17 who live near a crushing operation.
 18 According to the American Conference of the
 19 Governmental Industrial Hygienists, there is no evidence
 20 to support a safe level of silica dust exposure. I have
 21 looked and looked, and no one has given a safe distance

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1 on how far away this material goes. It can be carried by
 2 the air. Certainly the chart that showed one or two
 3 miles is within that area for sure. I strongly urge MDE
 4 not to issue a final permit approval for this permit.
 5 One final comment: The residents of this part
 6 of Cecil County who moved here to live in a rural, water-
 7 oriented community, would simply like to have an
 8 approving authority -- MDE in this case, just to --
 9 MS. HEAFEY: Okay, sir. Thanks very much.
 10 MR. WALLACE: -- do the right thing for those
 11 families who want to live --
 12 MS. HEAFEY: Sir, you'll have to stop, please.
 13 MR. WALLACE: -- happy, healthy lives.
 14 MS. HEAFEY: You'll have to stop, please.
 15 MR. WALLACE: Thank you.
 16 MS. HEAFEY: Okay. The next person I have on
 17 my list is Lisa Anderson.
 18 MS. ANDERSON: Hi, my name is Lisa Anderson, L-
 19 i-s-a, A-n-d-e-r-s-o-n. Even though I spent a lot of my
 20 couple work days writing a statement, I won't read it
 21 because it's very repetitive of what everyone else has

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1 already said here tonight. We do live within 4,800 feet
 2 as the crow flies from Stancills. So we do appreciate
 3 nixing the asphalt plant, but we're still really
 4 concerned about the concrete crushing. My son was going
 5 to say something, but he chickened out. So that's it.
 6 MS. HEAFEY: Thank you very much. Okay. That
 7 is the end of the list of the folks I had who signed in
 8 to make a statement. If there are others who would like
 9 to make a statement that were not sure at the beginning
 10 when you signed in, please let me know, stand up, and
 11 we'll call on you.
 12 And before I forget, I have several people on
 13 my list that did not sign in with an address or any
 14 contact information. So I want to say again, if you
 15 would like to be notified of changes, process, what's
 16 happening with this application, I need to have your
 17 address, unless you read the Cecil Whig faithfully, and
 18 even then that won't be the answers to the response to
 19 comments document that we're going to be preparing at the
 20 end of this comment period.
 21 So, please, before you leave, come on up, make

1 sure you sign your sign-in information.
 2 So, okay, you stood up first, sir. So, again,
 3 you'll have to come to the front, spell your name for the
 4 court reporter.
 5 MR. ANDERSON: My name is Jackson Anderson, J-
 6 a-c-k-s-o-n, A-n-d-e-r-s-o-n. And let the record reflect
 7 that I did not chicken out.
 8 I am only 18, and I moved here about a year and
 9 a half ago, but I somehow feel like I've grown up here.
 10 I mean, I bought a truck, and before you call me a
 11 hypocrite, it's a hybrid, so there's that. But I live
 12 right in front of the Furnace Bay golf course, and I take
 13 frequent bike rides around there. And I don't know about
 14 you guys, but cardio is already hard enough for me. So
 15 with an asphalt plant, I think it'll be a lot more
 16 difficult.
 17 But looking out over the Furnace Bay, I watch
 18 the sunset. Sometimes I watch, you know, the bald eagles
 19 fly over. And I always think to myself, you know, this
 20 is -- this is my place. This is where I live. This is
 21 where I belong. And I go home to my mom and dad, and I

1 sort of think to myself, this is our place. This is all
 2 of our place.
 3 So I don't think there should be any kind of,
 4 you know, corporate entity that owns or ruins what we
 5 have here together. So this is our place. Thank you.
 6 MS. HEAFEY: Thank you very much. The next
 7 person, come on up.
 8 MS. MILLER: My name is Donna Miller, D-o-n-n-
 9 a, M-i-l-l-e-r. I'm here for more of the emotional
 10 approach here. I'm in education for 36 years, and I
 11 worked at Aberdeen area, and I dealt with a lot of the
 12 impacts of the environment there.
 13 The last five years I went to an apartment so I
 14 could find just the right place to move in to retire
 15 because I'm the person that has asthma as a result of the
 16 environment impact, and that has made my life very
 17 difficult. I lost my life several times to asthma, COPD,
 18 and all of the environment impacts on my lungs.
 19 When we bought this place two months ago -- two
 20 months ago, right up the street from this place, I was
 21 ecstatic because this was my final place. This was not

1 far from the water. The community is beautiful, the
 2 people are fantastic, only to find out a couple of weeks
 3 ago that I'm right in the midst of a festering situation
 4 that could impact my life and the value of the homes that
 5 I worked so hard with my new husband, who also has been
 6 battling cancer, so that we could retire today and be
 7 near a community that we loved and we were happy to be
 8 with.
 9 So I am -- I also wanted to tell you this: As
 10 an administrator, I watched those little children suffer
 11 from the environmental impacts of their lungs and seeing
 12 the asthma that have taken them down and take them from
 13 being active people to children that can't even run
 14 through the field because it is so hard for them to
 15 breathe.
 16 So I am begging you and begging you to consider
 17 what you're doing, not only to the children, to us, to
 18 the seniors, but even the animals in the environment.
 19 Because I see these birds flying and I see the eagles out
 20 there, and I think, and how long will they be here?
 21 Thank you.

1 MS. HEAFEY: Thank you.
 2 I think you were standing back up for a little
 3 bit.
 4 MS. RICKERT: Hi, my name is C-h-l-o-e, R-i-c-
 5 k-e-r-t. I don't know much about this, but as a student
 6 that goes to many -- that goes to school here, I can see,
 7 like, a lot of the problems here. And I have friends
 8 that have asthma, too, and -- as well as family members,
 9 and all the dust and debris that gets into the air
 10 already messes with them a lot, as well as the pollen.
 11 And I -- it's hard for me to see them like that.
 12 And then it said on the board that the rock
 13 crusher machines that they were going to be using would
 14 use fuel, like the fuel that we use in our cars. People
 15 have been saying all over the place that the fuel that we
 16 use in our cars cause global warming, and that would
 17 cause detrimental effects on the ecosystem around us and
 18 our health as people. It would cause global impacts on
 19 large scale. So even the smallest things matter.
 20 And looking around, I can see many older folks
 21 in this room, and I can see all the things that people

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1 are saying, like, oh, ride your bike instead of driving,
2 many people can't really do, especially with the products
3 that are in the air now.

4 And as a 16-year-old, I do not want to be
5 getting asthma now for something that could have been
6 prevented, as well as the case that there's silica that's
7 going to be released. Silica is a product that is used
8 to collect moisture in packages. It has a little label
9 on it that says do not eat. So imagine if we're
10 breathing it in constantly, all the time. It would get
11 on the crops, and that gets put on our tables, in the
12 grocery stores, shipped out. From the air the silica
13 will get on all the food, then we eat that. It's just
14 the same as eating one of those toxic packets in the --
15 in all the things that we're told do not eat; it will
16 harm you. Thank you.

17 MS. HEAFEY: Thank you.

18 Sir?

19 MR. WARD: Nicholas Ward, N-i-c-h-o-l-a-s, W-a-
20 r-d. So I do not understand how MDE can only consider
21 air pollution in the acceptance and permitting of this

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1 plant seeing how state of the art filtration is going to
2 be used. With my experience, that's basically a
3 sprinkler shooting down the dust. That is going to cause
4 runoff. This is in the critical area. How is that
5 runoff not considered when doing this permitting?

6 Maryland Code of Federal Regulations 26.02.03
7 is noise restriction in residential areas to 65 decibels
8 during the day, 55 decibels at night. The original
9 permit was for 24-hour operations. The permit for
10 crushing was for 16 hours a day. That's from 8:00 a.m.
11 to midnight. There's people that have already said they
12 live within 300, 250, feet of this proposed location.
13 That will be greater than the 55 decibels and 65 decibels
14 throughout the day. Maryland does not regulate that
15 anymore. That is on the townships and the police
16 departments, which is already over stressed.

17 How does the Maryland Department of the
18 Environment allow this plant to self-regulate? Will
19 there be unannounced inspections, and how often? Will
20 we, as citizens, be given the information of these
21 inspections or the analysis that they do in-house?

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1 Like it was said before, I'm in the critical
2 area. I had to put in a BAT septic system. I have to
3 pay to have somebody come inspect it and send the county
4 a report. They do not send me a report; they send the
5 county a report.

6 How has noise -- light pollution not been
7 looked into? Who will take care of the roads in the area
8 when they are damaged? The current average daily truck
9 volume on Route 7 is 132 trucks a day. At the initial
10 hearing, it was said that five additional trucks an hour
11 would be expected. That's 80 trucks a day, an increase
12 of 60 percent, on a very small road. And that's 132
13 trucks on MD-7, not Mountain Hill Road. And as it was
14 said, that's a very small stone arch bridge that those
15 trucks have to pass under.

16 Will our property taxes be increased to
17 maintenance these roads? That is a lot of weight.
18 There's a small stream culvert that these trucks will
19 have to go over. I guess that's it.

20 MS. HEAFEY: Okay. Thank you very much.
21 Ma'am?

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1 MS. FOCKLER: My name is Tracy Fockler, F-o-c-
2 k-l-e-r. I really didn't prepare a statement, but after
3 listening to everyone speak I sort of felt compelled to
4 get up here and say something.

5 While we've addressed all the environmental
6 impacts that this will have, not only to the people, our
7 community, our children, our environment, the people who
8 are in this room, myself one of those -- am a longtime
9 Cecil County resident, my entire life; my parents before
10 me, my grandparents before them.

11 Why is it so important to put this plant plunk
12 down in the middle of a community of people who have
13 lived here all of our lives? My husband -- the home that
14 I live in was my husband's home. So we've owned it 60
15 years or something like that. And you want to put this
16 plant -- Mountain Hill Road is already industrialized.
17 So adding more to it is only going to continue to
18 deteriorate the area. We've hit the home pricing, but
19 it's the human aspect of it.

20 So I want to know, this young man that spoke a
21 few minutes ago said this is our community, especially

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1 for people who have lived here our entire lives. This is
2 our community, our home. So where do you guys live? And
3 that's a question you don't have to answer for me, per
4 se, but would you want this in your back yard, exposing
5 your family and your children? Because I do live within
6 the two-mile radius. That's all I have to say.

7 MS. HEAFEY: Thank you.

8 Sir, do you have a question -- I mean, do you
9 have a comment, sir?

10 MR. VIGGERS: Thank you. My name is Trevor
11 Viggers, T-r-e-v-o-r, V-i-g-g-e-r-s.

12 MS. HEAFEY: Thank you.

13 MR. VIGGERS: I like that the clock's right
14 there so you can look up and see. I also did not have
15 anything prepared, but I had a good friend of mine reach
16 out to me and ask if I'd attend this because, like a lot
17 of people, they didn't know.

18 I also -- I'm sure it's hearsay, but someone
19 told me -- a pillar of a community that I live in -- that
20 some of the county executives didn't even know that this
21 was happening. All right.

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1 I'm sure we've heard plenty about all of the
2 science to it. And I would assume you two gentlemen are
3 the Stancill guys. Is it the whole row or just you two?

4 Okay. I'm sure the whipping post hasn't been
5 great. I'll give you a little bit of a story because
6 you've heard all the other stuff. I've been in
7 Perryville for 30 years. I was born in Utah and moved
8 here when I was five. My whole family is from Cecil
9 County. I skip Route 40 any opportunity that I can get.
10 It drives my girlfriend crazy because it takes longer,
11 but I love going down Route 7. That was -- that's a
12 cruise, it's a scenic byway. Now it's just littered with
13 -- it's not as scenic as it once was.

14 I took -- recently took her out kayaking in
15 Furnace Bay. It's where I dropped a kayak for the first
16 time because it's something I always wanted to do, and I
17 finally got to do it. And she lived in McCall, Idaho.
18 She's a wildlife biologist. And she hadn't seen as many
19 bald eagles as she did on Furnace Bay, and she was just
20 blown away.

21 I don't know what it's going to take, and we --

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1 down at Perryville -- I had 60 seconds last night at a
2 town hall meeting in Perryville, and I was a little more
3 angry. But, yeah, I just think it's a really bad idea.
4 And that's what everyone agrees on. But I'm sure it pays
5 your bills. And I'm sure you can't turn tail now. But
6 I'm sure that this is going to keep going every time, and
7 it's fantastic to see these -- this room filled with
8 people that care. And I'm seeing a lot mor of that in
9 our community. So I just want to thank everyone for
10 coming out. I pulled into the parking lot, I was like,
11 oh, man, I got a long walk to get in here.

12 But it's fantastic. And, again, thanks for
13 strapping yourselves to the whipping post, because it's
14 not done yet.

15 MS. HEAFEY: Mr. Viggers, could you come here,
16 please?

17 MR. VIGGERS: Absolutely.

18 MS. HEAFEY: Thank you. I didn't see you sign
19 in. So could you sign in and --

20 MR. VIGGERS: (Inaudible) there was no --

21 MS. HEAFEY: (Inaudible).

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1 MR. VIGGERS: Yeah.

2 MS. HEAFEY: Okay. Is there anybody else who
3 would like -- oh, come up, sir.

4 MR. GILLESPIE: I'm Jeff Gillespie, G-i-l-l-e-
5 s-p-i-e. So I live on Carpenters Point for 30-some years
6 now. I just want to -- boy, a lot of good information
7 tonight, great crowd. This is so cool to hear all these
8 people that are concerned.

9 I guess we're supposed to be relieved that they
10 pulled the application for the hot asphalt plant. I'm
11 sorry I'm not relieved, because it sounds to me like this
12 concrete brick and asphalt crushing plant could be a
13 worse environmental issue than that one. So maybe this
14 is smoke and mirrors and they're going to come back in a
15 year and slip this in. I mean, I don't know.

16 But those of you who -- do you remember the
17 last great idea they had for Stancills?

18 AUDIENCE: Yes.

19 MR. GILLESPIE: Fly ash. Now, if you want to
20 see something really interesting, look up fly ash. It's
21 the stuff they collect from coal-fired power plants.

1 Now, you want to see a real cocktail of hazardous
 2 materials, boy, there's a beauty. Right?
 3 So I'm just kind of wondering what's next,
 4 right? So these guys need to be watched very carefully,
 5 very carefully. So it's a good idea that we're here.
 6 They need to find something to do with this pit
 7 because apparently they're out of sand, or gravel. So,
 8 gentlemen, that's your mission when you leave here, is to
 9 find something else to do that's not going to affect the
 10 environment of this county that we live in.
 11 I want to thank Victoria for putting up the
 12 slides, and I advise everybody here to go home and Google
 13 Earth Cecil County and look at Cecil County and how these
 14 mineral extraction companies have raped this county for
 15 years. And what do they intend to do with these pits
 16 when they're -- when they're done with them? Put a fly
 17 ash dump in? Put an asphalt plant in? It's ridiculous,
 18 hauling Cecil County away one truckload at a time.
 19 Mr. Bailey, you hit the nail on the head.
 20 That's the big issue here. Why are we allowing this to
 21 happen? They're destroying Cecil County. Look at Google

1 Earth. Look at the pits. Look at the damage that's been
 2 done not just by Stancills. These guys are small
 3 players, okay? Look at the Stewarts, look at the Yorks.
 4 Go out Route 7 -- remember Route 7, how nice that used to
 5 be when you'd go down to Perryville? Look at that
 6 disaster, they put a new road in. That's the power that
 7 these people have. They were able to move a road and
 8 supposedly clean it up and make it pretty. It's hideous.
 9 It's hideous. That's all I have.
 10 MS. HEAFEY: Thank you.
 11 Is there anyone else who would like to make a
 12 statement? Oh, sir?
 13 MR. DEMARIO: My name's Todd Demario, T-o-d-d,
 14 D-e-m-a-r-i-o.
 15 MS. HEAFEY: I'll get it.
 16 MR. DEMARIO: Did you get it? I mumble. To my
 17 friends, I'm usually the conservative grumpy guy of the
 18 group, as my friends would say. They probably don't
 19 think I really care, but I do. I care greatly about this
 20 community. That's why I live up in Cecil County. I love
 21 it. It's what I come home to. It's my refuge. Okay? I

1 work in Baltimore City every day. I see these crappy
 2 buildings every day. I think -- I know this issue is
 3 more about air pollution right now, this is what this
 4 whole thing is about. I'm in construction, I deal with
 5 silica every day. There's really no way to stop it. You
 6 can water it down all you want. It don't do crap.
 7 The bigger issue is that we just keep allowing
 8 these places to exist and keep coming into Cecil County,
 9 and we need to put a stop to it. I mean, every year
 10 there's another warehouse coming up, another plant going
 11 here, another plant going there. We need to stop it. I
 12 mean, you're going to stop having residents here if it
 13 just keeps happening. So, thanks.
 14 MS. HEAFEY: Thank you. Someone way in the
 15 back? Why don't you come up. Oh, there you are. Sorry,
 16 come on up. Thank you.
 17 MR. PESTANA: Hello, I am Gabe Pestana, G-a-b-
 18 e, P-e-s-t-a-n-a. And I know I'm young, but I know
 19 enough to know that what is going on here is going to be
 20 harmful for my family and friends and everyone around me.
 21 I like to go outside and walk down to the beach and

1 breathe in the fresh air. And with this plant or
 2 whatever, it's not going to be fresh anymore. And I
 3 don't like that at all. And I hope that you guys do
 4 something about it. That's all I have to say.
 5 MS. HEAFEY: Thank you.
 6 Okay. Is there anybody else who would like to
 7 make a statement tonight?
 8 (No response.)
 9 MS. HEAFEY: All right. I want to thank
 10 everyone for coming out tonight. I want to remind
 11 everybody to send in any of your statements that you read
 12 tonight in case either I or the court reporter get all
 13 the important details, because they're all important.
 14 And please take my card, feel free to send in comments.
 15 You can either mail them or email them to me. And,
 16 again, you have until July 19th. That was the extended
 17 comment period to submit any questions or comments.
 18 At the end of the comment period, we will be
 19 doing a response to comments document that will be sent
 20 out to everyone with the final determination. So I do
 21 want to make sure that if you didn't sign in, please come

1 up. I've got all the sign-in sheets up here now. Please
 2 come in and sign up -- sign in, rather. And if you know
 3 folks that were unable to attend tonight, please feel
 4 free to let them know that all this information is in the
 5 docket on the MDE website under the Air tab, under our
 6 Air Quality Permitting, and then look down for Stancills
 7 under the hearing, and you will see the docket. There's
 8 a link for the docket. I will be updating everything as
 9 we go through this process, including putting a notice
 10 together announcing the extension.

11 So, again, thanks everyone for coming out
 12 tonight. We really appreciate it. And have a great
 13 evening.

14 (Whereupon, at 8:27 p.m., the hearing was
 15 concluded.)
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CERTIFICATE OF COURT REPORTER

1 I, Karen Willoughby, do hereby certify that the
 2
 3 foregoing transcription was reduced to typewriting via
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 9 otherwise interested in the outcome of the action.
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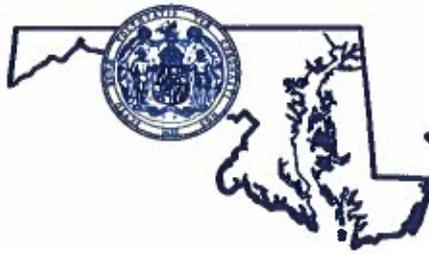
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Larry Hogan
Governor

State of



Maryland

Horacio Tablada
Secretary

DEPARTMENT OF THE ENVIRONMENT

Air and Radiation Administration
1800 Washington Boulevard, Suite 720
Baltimore, MD 21230

Construction Permit

Operating Permit

PERMIT NO. 015-0315-6-0398

DATE ISSUED December 8, 2022

PERMIT FEE \$2,000.00 (Paid)

EXPIRATION DATE In accordance with COMAR 26.11.02.04B

LEGAL OWNER & ADDRESS

Stancills, Inc.
2444 Loch Raven Road
Baltimore, Maryland 21218
Attn: Mr. Brian Russell
Vice President Plant Operations

SITE

Stancills, Inc.
499 Mountain Hill Road
Perryville, Maryland 21903
Premises #015-0315
AI #22058

SOURCE DESCRIPTION

This Permit to Construct authorizes the installation of one (1) reclaimed asphalt pavement/concrete crushing and screening plant.

This Permit serves as a Temporary Permit to Operate for a period of 180 days after the startup of the crushing and screening plant.

This source is subject to the conditions described on the attached pages.

Program Manager

Director, Air and Radiation Administration

STANCILLS, INC
PERMIT-TO-CONSTRUCT CONDITIONS
PERMIT No. 015-0315-6-0398

INDEX

- Part A – General Provisions
- Part B – Applicable Regulations
- Part C – Construction Conditions
- Parts D1-D2 – Operating and Monitoring Conditions
- Part E – Notifications and Testing
- Part F – Record Keeping and Reporting
- Part G – Temporary Permit-To-Operate Conditions

This permit covers the following registered installations:

ARA Registration Number	Description	Date of Installation
015-0315-6-0398	<p>One (1) Crushing and Screening Plant rated at 300 tons/hr consisting of the following:</p> <ul style="list-style-type: none"> • One (1) crusher powered by a minimum Tier 4i rated diesel engine rated at 525 bhp; • One (1) double deck screener powered by a minimum Tier 4i rated diesel engine rated at 200 bhp; • One (1) stacking conveyor powered by a minimum Tier 4i rated diesel engine rated at 99 bhp; and • Eight (8) conveyors 	2022 Equivalent replacement as needed

Part A – General Provisions

- (1) The following Air and Radiation Administration (ARA) permit-to-construct applications and supplemental information are incorporated into this permit by reference:
 - (a) Applications for Processing or Manufacturing Equipment (Form 5) for one (1) crushing and screening plant received July 15, 2021.
 - (b) Toxic Air Pollutant (TAP) Emissions Summary and Compliance Demonstration (Form 5T) for the combustion sources, and Screen 3 modeling results for the crushing and screening plant, and associated engines received July 15, 2021.
 - (c) Emissions Point Data (5EP) for one (1) crushing and screening plant with associated engines received July 15, 2021.

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- (d) Application for Internal Combustion Engines for three (3) diesel engines associated with the crushing and screening plant received July 15, 2021.
- (e) Supplemental Information: Process Flow Diagrams, Site Plans, Emissions Calculations, Safety Data Sheets, and Zoning Approval received July 15, 2021.
- (f) Addendum to the application submitted on May 26, 2022.
- (g) Updated Zoning Approval received August 22, 2022.

If there are any conflicts between representations in this permit and representations in the applications, the representations in the permit shall govern. Estimates of dimensions, volumes, emissions rates, operating rates, feed rates and hours of operation included in the applications do not constitute enforceable numeric limits beyond the extent necessary for compliance with applicable requirements.

- (2) Upon presentation of credentials, representatives of the Maryland Department of the Environment ("MDE" or the "Department") and the Cecil County Health Department shall at any reasonable time be granted, without delay and without prior notification, access to the Permittee's property and permitted to:
 - (a) inspect any construction authorized by this permit;
 - (b) sample, as necessary to determine compliance with requirements of this permit, any materials stored or processed on-site, any waste materials, and any discharge into the environment;
 - (c) inspect any monitoring equipment required by this permit;
 - (d) review and copy any records, including all documents required to be maintained by this permit, relevant to a determination of compliance with requirements of this permit; and
 - (e) obtain any photographic documentation or evidence necessary to determine compliance with the requirements of this permit.
- (3) The Permittee shall notify the Department prior to increasing quantities and/or changing the types of any materials referenced in the application or limited by this permit. If the Department determines that such increases or changes constitute a modification, the Permittee shall obtain a permit-to-construct prior to implementing the modification.

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- (4) Nothing in this permit authorizes the violation of any rule or regulation or the creation of a nuisance or air pollution.
- (5) If any provision of this permit is declared by proper authority to be invalid, the remaining provisions of the permit shall remain in effect.
- (6) Subsequent to issuance of this permit, the Department may impose additional and modified requirements that are incorporated into a State permit-to-operate issued pursuant to COMAR 26.11.02.13.

Part B – Applicable Regulations

- (1) This source is subject to all applicable federal air pollution control requirements including, but not limited to, the following:

All applicable terms, provisions, emissions standards, testing, monitoring, record keeping, and reporting requirements included in federal New Source Performance Standards (NSPS) promulgated under 40 CFR 60, Subpart OOO for Nonmetallic Mineral Processing Plants.

All notifications required under 40 CFR 60, Subparts A and OOO shall be submitted to both of the following:

The Administrator
Compliance Program
Maryland Department of the Environment
Air and Radiation Administration
1800 Washington Boulevard, STE 715
Baltimore MD 21230

and

United States Environmental Protection Agency
Region III, Enforcement & Compliance Assurance Division
Air, RCRA and Toxics Branch (3ED21)
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2852

- (2) This source is subject to all applicable federally enforceable State air pollution control requirements including, but not limited to, the following regulations:

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- (a) COMAR 26.11.01.07C, which requires that the Permittee report to the Department occurrences of excess emissions.
- (b) COMAR 26.11.02.04B, which states that a permit to construct or an approval expires if, as determined by the Department:
 - (i) Substantial construction or modification is not commenced within 18 months after the date of issuance of the permit or approval, unless the Department specifies a longer period in the permit or approval;
 - (ii) Construction or modification is substantially discontinued for a period of 18 months after the construction or modification has commenced; or
 - (iii) The source for which the permit or approval was issued is not completed within a reasonable period after the date of issuance of the permit or approval.
- (c) COMAR 26.11.02.09A, which requires that the Permittee obtain a permit-to-construct if an installation is to be modified in a manner that would cause changes in the quantity, nature, or characteristics of emissions from the installation as referenced in this permit.
- (d) COMAR 26.11.06.02C(1), which prohibits visible emissions, other than uncombined water, greater than 20 percent opacity.
Exceptions. The visible emissions standard in COMAR 26.11.06.02C(2) does not apply to emissions during start-up and process modifications or adjustments, or occasional cleaning of control equipment, if: (i) the visible emissions are not greater than 40 percent opacity; and (ii) the visible emissions do not occur for more than 6 consecutive minutes in any 60-minute period.
- (e) COMAR 26.11.06.03B(1)(a), which limits the concentration of particulate matter in any exhaust gases to not more than 0.05 grains per standard cubic foot of dry exhaust gas.
- (f) COMAR 26.11.06.03C and D, which requires that the Permittee take reasonable precautions to prevent particulate matter from unconfined sources and materials handling and construction operations from becoming airborne.

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- (g) COMAR 26.11.06.12, which prohibits the construction, modification, or operation of an NSPS source in a manner which results or will result in a violation of the provisions of 40 CFR, Part 60.
 - (h) COMAR 26.11.09.05A(1), which limits visible emissions other than uncombined water to not more than 20 percent opacity from fuel burning equipment.
 - (i) COMAR 26.11.09.07A(1), which limits the sulfur content of distillate fuel oils to not more than 0.3 percent by weight.
- (3) This source is subject to all applicable State-only enforceable air pollution control requirements including, but not limited to, the following regulations:
- (a) COMAR 26.11.02.13A(16), which requires that the Permittee obtain from the Department, and maintain and renew as required, a valid State permit-to-operate.
 - (b) COMAR 26.11.02.14D, which requires that the Permittee submit to the Department not later than 60 days prior to initiating operation of the installation for which this permit is issued a completed application for a State permit-to-operate.
 - (c) COMAR 26.11.02.19C & D, which require that the Permittee submit to the Department annual certifications of emissions, and that the Permittee maintain sufficient records to support the emissions information presented in such submittals.
 - (d) COMAR 26.11.06.08 and 26.11.06.09, which generally prohibit the discharge of emissions beyond the property line in such a manner that a nuisance or air pollution is created.
 - (e) COMAR 26.11.15.05, which requires that the Permittee implement "Best Available Control Technology for Toxics" (T – BACT) to control emissions of toxic air pollutants.
 - (f) COMAR 26.11.15.06, which prohibits the discharge of toxic air pollutants to the extent that such emissions would unreasonably endanger human health.

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Part C – Construction Conditions

- (1) Except as otherwise provided in this part the crushing and screening plant shall be constructed in accordance with specifications included in the incorporated applications.
- (2) This permit authorizes the installation of a crushing and screening plant and the installation of subsequent, equivalent replacement equipment for the porcrushing and screening plant, as needed. Engines shall be rated at Tier 4i or higher.
- (3) The crushing and screening plant shall be equipped with wet suppression systems as necessary to meet the fugitive particulate matter regulations of COMAR 26.11.06.03C & D and the opacity requirements of 40 CFR 60, Subpart 000.

Part D1 – General Operating Conditions

- (1) Except as otherwise provided in this part, all registered installations shall be operated in accordance with specifications included in the application and any operating procedures recommended by equipment vendors unless the Permittee obtains from the Department written authorization for alternative operating procedures.
- (2) The Permittee shall control fugitive dust on-site by using water, chemical dust suppressants, or a combination of both.
- (3) The Permittee shall maintain a written Fugitive Dust Control Plan which describes the reasonable control methods used to control dust from all fugitive dust sources at the facility.

**Part D2 – Operating and Monitoring Conditions for the
Crushing and Screening Plant**

- (1) The crushing and screening plant shall operate at a maximum throughput rate of 300 tons per hour.
- (2) Wet suppression systems shall be used for the crushing and screening plant whenever needed to comply with the fugitive particulate matter handling requirements of COMAR 26.11.06.03C and COMAR 26.11.06.03D and the following opacity limits for affected facilities at nonmetallic mineral processing plants constructed, modified, or reconstructed on or after April 22, 2008, as specified in 40 CFR 60, Subpart 000:

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- (a) No more than 12 percent opacity from the crusher; and
- (b) No more than 7 percent opacity from all other fugitive sources.
[Reference: 40 CFR §60.672(b) and Table 3 to 40 CFR 60, Subpart OOO]

- (3) The Permittee shall perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in all wet suppression systems. The Permittee must initiate corrective action within 24 hours and complete corrective action as expeditiously as practical if the Permittee finds that water is not flowing properly during an inspection of the water spray nozzles.
[Reference: 40 CFR §60.674(b)]

Part E – Notifications and Testing

- (1) The Permittee shall submit written or electronic notification to the Department of the initial startup date of the crushing and screening and the initial startup date of each subsequent, equivalent replacement of equipment within 15 days after such date. **[Reference: 40 CFR §60.7(a)(3) and §60.676(i)]**
- (2) For the initial crushing and screening plant and each subsequent, equivalent replacement equipment (if required), the Permittee shall demonstrate compliance with all applicable opacity standards within the applicable timeframes in accordance with 40 CFR 60, Subpart OOO for each emissions point. Except for the seasonal shutdown provision under 40 CFR §60.675(i), under no circumstance shall the demonstration for compliance with opacity standards occur later than 180 days after initial startup of the crushing and screening plant.
[Reference: 40 CFR §60.11(b) and §60.672(b)]
- (3) The Permittee shall use Method 9 of Appendix A-4 to 40 CFR, Part 60 and the procedures in 40 CFR §60.11, with the following additions:
 - (a) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).
 - (b) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9 of Appendix A-4 of this part, Section 2.1) must be followed.
 - (c) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission.

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When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

[Reference: 40 CFR §60.675(c)(1)]

- (4) The duration of the Method 9 (40 CFR, Part 60, Appendix A–4) observations must be 30 minutes (five 6-minute averages). Compliance with the applicable opacity standards must be based on the average of the five 6-minute averages.
[Reference: 40 CFR §60.675(c)(3)]
- (5) The Permittee shall submit notification of the intended date of the required Method 9 observations to the Department at least 7 days prior to that date unless an alternate date is mutually agreed with the Department.
[Reference: 40 CFR §60.675(g)]
- (6) Within 45 days following the required Method 9 observations, the Permittee shall submit the results to the Department.
- (7) The Permittee may use the results of the Method 9 opacity observations for the crushing and screening plant conducted at one site to satisfy the compliance demonstration required at each additional site where the equipment will be located.

Part F – Record Keeping and Reporting

- (1) The Permittee shall maintain for at least five (5) years, and shall make available to the Department upon request, records of the following information associated with the crushing and screening plant:
 - (a) The amount of material processed and total hours of operation each month in the crushing and screening plant;
 - (b) Calculations of the average throughput rating at the crushing and screening plant on a monthly basis;
 - (c) A log, kept onsite, of each periodic inspection of the wet suppression systems associated with the crushing and screening plant including the dates and any corrective actions taken
[Reference: 40 CFR §60.674(b) and §60.676(b)(1)]
 - (d) Copies of all notifications of initial start-up of the crushing and screening plant and each subsequent, equivalent replacement equipment;

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- (e) A copy of the Fugitive Dust Control Plan;
 - (f) Copies of all required opacity observation test results for the initial crushing and screening plant and each subsequent, equivalent replacement equipment; and
 - (g) Sufficient equipment information or vendor literature for all initial equipment associated with the crushing and screening plant and each subsequent, equivalent replacement equipment to substantiate equivalency and emissions.
- (2) The Permittee shall maintain at the facility for at least five (5) years, and shall make available to the Department upon request, records necessary to support annual certifications of emissions and demonstrations of compliance for toxic air pollutants. Such records shall include, if applicable, the following:
- (a) mass emissions rates for each regulated pollutant, and the total mass emissions rate for all regulated pollutants for each registered source of emissions;
 - (b) accounts of the methods and assumptions used to quantify emissions;
 - (c) all operating data, including operating schedules and production data, that were used in determinations of emissions;
 - (d) amounts, types, and analyses of all fuels used;
 - (e) any records, the maintenance of which is required by this permit or by State or federal regulations, that pertain to the operation and maintenance of continuous emissions monitors, including:
 - (i) all emissions data generated by such monitors;
 - (ii) all monitor calibration data;
 - (iii) information regarding the percentage of time each monitor was available for service; and
 - (iv) information concerning any equipment malfunctions.
 - (f) information concerning operation, maintenance, and performance of air pollution control equipment and compliance monitoring equipment, including:

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- (i) identifications and descriptions of all such equipment;
 - (ii) operating schedules for each item of such equipment;
 - (iii) accounts of any significant maintenance performed;
 - (iv) accounts of all malfunctions and outages; and
 - (v) accounts of any episodes of reduced efficiency.
- (g) limitations on source operation or any work practice standards that significantly affect emissions; and
- (h) other relevant information as required by the Department.
- (3) The Permittee shall submit to the Department by April 1 of each year a certification of emissions for the previous calendar year. The certifications shall be prepared in accordance with requirements, as applicable, adopted under COMAR 26.11.02.19D.
- (a) Certifications of emissions shall be submitted on forms obtained from the Department.
 - (b) A certification of emissions shall include mass emissions rates for each regulated pollutant, and the total mass emissions rate for all regulated pollutants for each of the facility's registered sources of emissions.
 - (c) The person responsible for a certification of emissions shall certify the submittal to the Department in the following manner:

"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."

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- (4) The Permittee shall submit to the Department by April 1 of each year a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee's facility during the previous calendar year. Such analysis shall include either:
- (a) a statement that previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
 - (b) a revised compliance demonstration, developed in accordance with requirements included under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.
- (5) The Permittee shall report, in accordance with requirements under COMAR 26.11.01.07, occurrences of excess emissions to the Compliance Program of the Air and Radiation Administration.

Part G – Temporary Permit-to-Operate Conditions

- (1) This permit-to-construct shall also serve as a temporary permit-to-operate that confers upon the Permittee authorization to operate the crushing and screening plant for a period of up to 180 days after initiating operation of the crushing and screening plant.
- (2) The Permittee shall provide the Department with written or electronic notification of the date on which operation of the crushing and screening plant is initiated. Such notification shall be provided within 15 business days after such date.
- (3) During the effective period of the temporary permit-to-operate the Permittee shall operate the new installation as required by the applicable terms and conditions of this permit-to-construct, and in accordance with operating procedures and recommendations provided by equipment vendors.
- (4) The Permittee shall submit to the Department an application for a State permit-to-operate no later than 60 days prior to expiration of the effective period of the temporary permit-to-operate.