



Statement of Stephen Marley  
Regarding Bill 75-16  
An Ordinance concerning —Composting Facilities  
December 4, 2016

The Advocates for Herring Bay appreciate efforts by the County Council to regulate commercial composting facilities in an effective manner. However, we believe that Bill 75-16 errs in applying a single zoning standard to a wide spectrum of activities, putting communities and the environment at risk in certain circumstances. We urge you to postpone voting on Bill 75-16 until it is amended to tailor the zoning to the intensity of the operations permitted by the bill.

Our concerns stem from the scale and type of operations authorized by the bill. While some could be very small—such as farmers marketing compost made from materials generated on their property—other Tier 1 or Tier 2 facilities could have composting activities covering 10 acres of land. Operations of that size function as commercial transfer facilities that truck in raw materials and truck out finished products.

To understand the impact that such a facility would have on the roads immediately surrounding it, we have generated production data based on the Dickerson Composting Facility in Montgomery County, Maryland (<https://www.biocycle.net/2014/01/20/county-yard-trimmings-facility-achieves-ems-certification/>). Dickerson is a 48-acre site that has been in operation since 1983 and generates approximately 750,000 cubic feet of Leafgro per year. Scaling this operation to the maximum 10 acres authorized under this bill would translate to the equivalent of approximately 2,400 dump-trucks transferring material in and out of the facility each year. Put another way, this would be equivalent to about 9,250 trips if the material were carried in Ford F-150s instead.

Under Bill 75-16, such large-scale composting operations would be approved automatically, without regard to the increase in truck traffic on the scenic and historic roadways that are an essential part of rural communities. When the weather is warm, roads like ours fill with walkers, runners, bicyclists, and motorcyclists. Unfortunately, it is during these busy months that the compost facility traffic would peak. The road classifications in the bill bear no relationship to a roadway's capacity to safely handle large vehicles. Fairhaven Road—an arterial road in our area—is so narrow that it doesn't have line markers to separate two lanes (see photo below). Putting large trucks on narrow, winding roads where no shoulders exist to protect pedestrians and cyclists puts lives at risk.



Fairhaven Rd., an “arterial road” that serves RA properties

It is precisely for the purposes of balancing business needs and community interests that the county requires potentially high-impact uses to be approved on a case-by-case basis. The Special Exception process provides a means for ensuring that facilities are “right-sized,” thereby assuring that the new use will be “*no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in permitted uses,*” and that “*the use and its access streets will be compatible with the appropriate and orderly development of the district in which it is located.*” The county has already recognized the effectiveness of this process by classifying other agricultural solid waste facilities as Special Exceptions (see Natural Waste Wood facilities, Article 18-11-133 (4)).

***Bill 75-16 should be amended to make commercial-scale composting facilities subject to public review and analysis by classifying them as a Special Exception.*** The Conditional Zoning classification may be appropriate for composting activities that have a very low probability of having any adverse effects on any community anywhere in the county. Perhaps the project currently favored for expedited approval warrants that zoning because of its scale and location. But giving a blanket exemption to ***all*** future composting facilities from any review or scrutiny exposes communities to harm and erodes public confidence in the zoning process. The zoning must be “right-sized” too.

Finally, we endorse the recommendation of the Harwood Civic Association that commercial composting facilities be supervised by the county and required to post bonds that would cover any remediation costs that could result from their operations.

Thank you for considering our views.