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## Baltimore County, Maryland

## Department of Health----



JEFFERSON BUILDING TOWSON, MARYLAND 21204

October 31, 1973

DONALD J. ROOP, M.D., M.P.H.



Mr. S. Eric DiNenna Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. DiNenna:

This is to acknowledge and thank you for your letter of October 25 with which you enclosed a portion of the file concerning the zoning for the extension of the Harry T. Campbell plant. You recall at the time of our conversation concerning this, I expressed my regret that such a letter had been written, and following this, this was brought to the attention of Mr. Phillips.

I am fully in agreement that the agencies in Baltimore County must work closely together and be extremely careful in making general statements as was made in Mr. Phillips' letter.

To further rectify this situation, we have asked that all correspondence in the Bureau of Environmental Services which is directed to Federal, State or Local authorities, County Councilmen and other departments be reviewed by the Director of Environmental Services prior to being sent. This directly ie applies to all correspondence other than routine business. Although this procedure may seem burdensome, it has been in effect on a non-official basis for a long time as we are aware of the sensitivity of among of the subjects with which we deal.

Again, I regret this incident and will make every effort to see that a similar incident does not happen again.

Sincerely yours,

Donald J. Roop / M. W Deputy State and

County Health Officer

DJR:mah

cc: Mr. Dewberry

Mr. Devlin

Mr. Phillips

Dr. Sherrard

FROM. -- Mr. William L. Phillips, Director
DIVISION OF ANY POLICEPAS AND Industrial Hygiene SUBJECT COMPLEX SOURCE AIR POLLUTION REGULATIONS

The attached proposed regulations have been promulgated by the Bureau of Air Quality Control to fulfill the requirements of EPA for control of complex sources as set forth in the Federal Register Volume 38 No. 74, April 18, 1973 (copy attached).

Comments were solicited by the Bureau of Air Quality Control on May 4, 1973. Comments from this agency were made on May 10, 1973 (copy attached).

We are of the opinion that if the proposed amendments to Air Quality regulations are approved, as written, it places the Darwan in the position of determining land use, highway construction, construction of all installation of stated square footage and housing developments of 400 units or now minimum construction, and suthorizes the Bureaus to deep construction of such accuracy.

It is our opinion that this is not the Intention of EPA and is very undesirable from the standpoint of all concerned.

I segently recommend that all interested agencies submit comments on

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CURPESPONDENCE

From the attached memo to this office from Mr. Phillips, it seems very apparent that various county agencies should become familiar with and react to some of the new air pollution regulations being proposed. There must be a cooperative effort among county agencies to meet the problems and challenges being created by

Therefore, I ask that Dr. Roop and Mr. Fromm arrange a meeting to discuss these matters and their impact on the County. The meeting should include any agencies, bureaus or divisions, or individuals whose particular responsibilities may be

Please report the outcome of such meeting to this office.

William L. Phillips, Director Division of Air Pollution and Industrial Hygiene

October 17, 1973

OCT 17 73 PM -

WLP/of



TO Dr. D. J. Roop; Mr. W. D. Fromm

SURJECT Air Pollution Complex Source Regulations

FROM Frederick L. Dewberry

FLD: 1k

cc: Mr. A. B. Kaltenbach Mr. T. M. Mouring Mr. S. Eric DiNenna Mr. T. H. Devlin Mr. W. L. Phillips Mr. H. B. Staab

Att.

Maruland

*QEPARTMENT OF HEALTH AND MENTAL HYGIENE* 

ENVIRONMENTAL HEALTH ADMINISTRATION . 181-2719

October 3, 1988 [ [ ]"

All Deputy State Health Officers

Mr. George P. Ferreri, Director Bureau of Air Quality Control

Amendments to Regulations 10.03.35 through 10.03.41

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Complex source or maintenance of standards regulation

(2) Mobile Source regulation
(3) Hydrocarbon control regulation

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The mobile source regulations (pages 3-4) will require some additional effort on the part of both state and local agencies, but will bring into control some of the rest often complained of sources of visible ecisions. Little additional cost to either the programs or the affected sources is expected, however,

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Mr. Frederick L. Dewberry, Jr.

Date\_ October 15, 1973

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William L. Phillips, Director Industrial Hygiene

WLP/ef

ADMINISTRATIVE OFFICE

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DEPARTMENT OF HEALTH AND MENTAL HYGIENE

ENVIRONMENTAL HEALTH ADMINISTRATION 383-2779

October 3, 1985 CFMIT

All Deputy State Health Officers

Deputy State Health Officers

much appreciated.

C.

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cc: Dr. Jean Rose Stifler, Local Health Service Administration

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Please review the proposed regulations and amendments and indicate comments

OCT 5'73 Mr. George P. Ferreri, Director Bureau of Air Quality Control

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE October 3, 1973

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Dr. Do. H. J. Roep TO Mesas. Kelterbook. Cliffore, Mouring, Di Nenro, Devlin, Phillips, Study Date October 19, 1973

FROM William D. Fromm, Director of Planning

SUBJECT Air Pollution Regulations

Mr. Devidency has asked Dr. Pago and me to set up a meeting with all of you to discuss the new air pollution regulations as promulgated by the Bureau of Air Quality Control and to report the outcome of this meeting to him.

We are setting the meeting tentatively for 10:00 a.m., October 20 in my office. If you cannot make this first meeting, please send someone else. We suspect that this meeting will be very technical and may evolve additional

William D. Fromm Director of Planning

WDF:mr

cc: Mr. Frederick J. Dewberry

DCT 23 '73 AM

October 3, 1973

Deputy State Health Officers

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Please review the proposed regulations and amendments and indicate comments and changes, if any, as soon as possible. Your quick attention to this matter is much appreciated.

GPF:ELC:dab

cc: Dr. Jean Rose Stifler, Local Health Service Administration

Mr. George P. Fer.eri, Chief Compliance Division, FAOC Donortroop of Boalth Crara of Manual Environmental Monith Services 610 Vorth House of Co. halt from Manufact 21221

Re: hith Proposals for New Source Bowley

In reply to the request of Alvin Bowles of your bureau the following

- It is our opinion that a complete review of all now stationary sources of air pollution is essential to determine the effect on the makenet air quality, the present system of review of installations to be constructed or modified do not premit a cop-prehendive review by a commission, board or any such body, but is a piccesseal thing with yir pollution usually not constructed.
- 2. It is essential that size legislation be matted for such review as the local agencies have too many blaned interests for a local ordinance to accomplini this. The legislation to make the required by the local agencies and have sufficient clout to prevent construction where necessary. This in effect, puts land use planning on a local level with the necessary legislation to second table.
- The present system of construction on the local level is such that there is practically no way to insure coupliance with air quality

An example of this is the proposed expansion of Cappell's Quarry. The request for zoning was approved by the zoning constantoner without consultation or input from anyone. Campbell's procented their case for zoning and at the hearing the residents were not prepared to . icnd therewises not twa granted. An appeal was made by the local residents and a hearing heav but this agency was not pertited to express its views except by subposen by the was not pertited to express its views except by subposen by the properties of the control of the cont

Our thoughts on an additional 650 acres of eyes all relating by Casabell's which, no!". Underground mining and complete control is the only thing we wanted to acttle for. In addition, we have this fourther at present is not needing the standards, so thy allow examation until they do. Of course, we cannot, under present regulations, prevent then from operating as they will use portable crushers, etc. that do not require a permit to construct or operato.

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It must be remembered that when large installations are being considered to obtain such installations are being considered to obtain such installation for the Nobustrial Development Consission, whose job it is point out our requirements as stated in proceen regulations which generally are agreeable.

The next consideration is the tax base of the county and the employment created. This is a tough mut to crack. If our restrictions are to be attringent the company may back out and we get the lumps.

The builder has a large problem here go he has usually botrowed the boney by this time and paying a considerable amount of interest and wants to get this project off the ground, so prequire is applied to all to get it started.

building perits its egrouss, so propuse as appared to fill to get it started.

Once the resing is approved and the contractor rabes application for his building permits its go-go-go with no one holding it up. We get into the ricture at the permit stage but only on the permit to one of the termination. The usual procedure is to issue the building permits with a provise the contraction. The usual lations be couplied with but what are these regulations as regards emblets after building the building phase we do police the installation to a great degree as reported to the contract of the contraction of the contraction

You can readily see that some orall study of such installations is re-quired. The Public Works Department is answered in water, sever, roads, etc.; the traffic people are interested in the traffic specify the wolld waste disposal is considered by another agency and so it poes. I see the equinon that an overall study by all agencies at the local level is necessary and this study be substitted to a State Agency for approval prior to any large installation being constructed.

We are presently being faced with the expansion of the Greater Saltimore Industrial Park, nob Tyler's landfill on Norris Lane and a considerable number of housing developments all ever the county. Additional shopping centers are being planned as well as the end-of-line facilities for mass transit:

DRAFT, 27 -3-

Estating Average Daily Traffic (ALT) and design year ADT (highways only)
Lemith of highway (highways only)
Highway besign Speed for existing and design year (highways only)
Afteratt innifings and tabouting styring and projected) C. Sources Required to Submit an Application for Approval. As prescribed in .04A, the following counter sources are required to obtain written approva

Any airport handling regularly scheduled commercial airline flights. Any sports stadium or complex having a seating capacity of 7,500 or

more persons.

Any nulti-family housing development having 400 or more do Uling units. (3) (4) (5)

(3) Any mail: (and by housing development having 400 or more A ling units.)

(a) Any single-trainly housing a development having 400 or more Avoiling units.

(3) Any highest having a design wear projected Average Baily Traffic of La00 vehicles.

(4) Any shopping center having 100,000 ft. 2 gross floor area or more or simple cornected it facility laying 30,000 ft. 4 moss floor area or more of the conditional of compareity and office building having a cest, of English (1.5) along out title press floor area and 25,000 ft. 4 or more floor area or more conditional or the conditional of the second secon

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(19) More sections .04 C (1) to .04 C (11) above.

D. Action on an Application for Approval. The Department shall schnowledge Isselfs of an amplication for Approval. The Department shall seeknowledge Isselfs of an amplication for approval which is Deptition days: Utifit 3 days, the Department of Adva. The Department of Adva. The Department of Experiment of Experime copy of the public notice and a certification of publication must be on file with the Department before the pepartment shall make a final decision.

E. Denial of Application. Whenever it shall appear to the Department that the senting the money and it called not only complex carees in which an application for applying the suggest that the money are the statement of t DRAFT

- F. Notification of Denial; Hearings. An order denying approval of an application Rotification of Denial, Hearings. An order Comping approval of an application shall be served as accurate are served or by certified main own the applicant shall be fined unless the scalling trements a hearing before the Repartment within 10 days often very ce. There much a hearing before the Repartment within 10 days often very ce. There much a hearing is requested by the applicant. If all be held pursuant to Article 25, Section 255.
- g. Sevien Clease. Anarowal of any construction or a miditation shall not affect the responsibility of the owner or operator of a complex source to comply with applicable certifier of any approved plan for implementation of schings aft quality standard or regulation governing the control of air pollution in the Matter.

10.03.36, 10.03.37

- .02 Control and Prohibition of Visible Emissions
  - E. Visible Emissions from Internal Combustion Engine Powered Equipment

    (I) For pursuant of this regulation 'Internal Combustion 'Internal Combustion' the bristians free Internal Combustion Notice Powder Laurent for purpose of this repulsion Total Combustion Engine", hereafter retarred to as "engine", shall mean all engines except those used for promalizing of shing, or which of Internal to cover upon the public bishows within the stair, unloss designated by the Bengingent as an internal part of a stafforary installation.
  - (2) He person shall cause, suffer, allow or permit the discharge of erisatons from any contine operating at idle, other than vater in an unterbined fore, which are visible to haven observers.
  - (3) No person shall cause, suffer, allow or permit emissions from any engine, operating at other than jule conditions, that are greater then AU's opacity.

- a. Faragraph (2) above shall not apply to enissions resulting di-rectly from cold engine start up and wars-up at idle conditions for a period of 15 consecutive minutes.
- b. Preparate (2) and (3) shows shall not apply while maintenance or repair its being performed by qualified rechanics.

10.03.33, 10.03.39

.02 Control and Prohibition of Visible Emissions C. Wielbe Edission from Internal Combustion Engine Powered Equipment
Same as proposed 10,03.36.07k

D. Wielbe Edissions from Ships
The following provisions shall apply ONLY to ships

(I) Shies undergov shall not discharge enissions which are greater than 20% oscity, except derive perchise, aschoring or any other concuvering re-gaining classes in more, they doll not discharge emissions which are greater that it, obscury for a period or periods regregating no more than four minutes in any sixty sinutes.

All of this construction will have considerable function the ethient air quality but members in there a requirement that an air pollution study be made or that we be consulted. If we are consulted we have no repulations or power to prevent degradation of present ambient air or to insure ambient air standardo hatne not

Very truly yours.

Annual property of the second second

(2) Ships, or berth or at anchor shall not discharge enissions which are present than 20, country encoun during status, the size and status, the size and status, the size and status of community of the size of

After May 1, 1975 thing at herth or at ambor wightn one wile of there shall not discharge emissions other than enter in an assembland fore; bitch is visible to began observers, exceed during anothering and admittent of contaction control evaluation to stating, chambing and without of contaction control evaluation to tasting a few intelligible at which the they say have a twictor few protect than 50 smooth for a period or periods appreciate an error than lost return any mixty mixture.

(1) Shing while undergon shall not blee coat from beller tubes within one mile of one course. Ships while or berely, or at anchor within one mile of chapt, shall be the son from tubes within the first 2 bears of arrival or, or within the last 25 hours before departure from, such betth or undergon, belies at work, or at anchor within one with of shorts, in any other to hour, which not have been the course of the son of the course of

.038(6) Feel Burning Installation on Ships. Fuel Burning installations

.04J(1)i. "Mhotocherically Reactive Organic Materials" shall include any of the following: (1) Hydrocarbons, alcohols, aldehydes, esters, or ketone any of which has

(1) Redensathous, allocable, althoughes, esteria, or Refore any of Orien has no collection or use instituted by a second of the collection of the instituted by the collection of the colle

.04J(3)c Delete present subprragraph and renumber .04J(3)d as .04J(3)c

on ships shall be enemted from the provisions of Section .03 .04n(3) Fuel Burning installations on ships shall be exempt from the

provisions of this section pertaining to the burning of fuel of specified sultur content.

gacing no tore than lour minutes in any sixty minutes.

DRAF

William L. Phillips, Director Division of Air Pollution and Industrial Evelene Rurery of Environmental Services

UI Plof

10.03.35 to 10.03.41 inclusive

9/28/73

10 02 35 Definitions

AM Rinselmann Spoke Chert. Add lines to read: Ringelmann Scoke Chert. Add lines to read:
... substituted therefore. For autopoes of these togulations, the equivalent opacity on links executing monet of the kineshmann tearnibusians as follows:
https://doi.org/10.1007/

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AT "Sain shall mean any vators oft of phatever nature which coplays a faskil fuel burning onlief or internal co-matter entire in the paragas of propulsion of far annilliery solar.

All "standard Industrial Classification" shall mean that classification assigned Secondary Industrial Editable ("shall mean that classification assigned to an incentry an abilitied in the Strict of Industrial Classification Health [152], Josephy of Side of the Secondary Office of Lamereant and Robert Schrift of Lamereant and Robert S

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the girs of an object in the background

10.03.35.04 Complex Sources

A. Requirements for Review. No person shall cause, suffer, allow or permit the Requirements for Besselve to be seen and the seed of an aphasetion for topating from a mid-livetien of our combon source | or a subsection foot without list obtaining willing assumed little the lipstrians of other fact distribution by the her literal. Additional on such approved should be used to

B. Essential Information for Application for Approval. The information to be Executed Information for Amplication for Amplication to Amplication for Amplication for Amplication for Amplication for Amplication for Internation In

Dates for construction including timetables and milestones for completion.

-5-\_.06G Control and Probibition of Sources of Photoch ally Reactive Organic

> (I) No person shall construct any source or group of sources of the same So refered that the contraction from Comp const or operated by the same proper in E. Alf Poulley Control Arca, which, there exist plying the late operation in E. Alf Poulley Control Arca, which, there exist plying the late operations provisions of these control toom, ethil discharge to the strongerous core than 200 bear, ser day of phasedness feelby reactive engine fractions.

(2) No person shall cause, suffer, allow or permit emissions of photo-So organ shall come, entire, allow or permit emissions of shall contentially rearries entering naturals (special powers) at these of contential process, at these of cities 200 comes per a volume retained in the process constitution emission of permit emission of the process constitution emission of permit emission of permit emission of the constitution, and the restained process of the cities of this resource, we attend or the restained of the constitution, we then the process of the constitution of the constitution, which constitutions are constitutions.

10.03.40, 10.03.41

.02 Control and Probinition of Visible Emissions E. Visible Industries from Internal Combunties, Envine Powered Equipment Same as 10.03.35.025

F. Visible Emissions from Ships Same as 10.03.38.028

\_.035(5) Same as 10,03.38.035(6)

.04h(3) Same as 10.03.38.04b(3)

.06D(3) Same as 10.03.38.06E(3)

#### INTER-OFFICE CORRESPONDENCE

Mr. S. Eric DiNenna, Commissioner Date October 15, 1973

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WLP/ef



#### BALTIMORE COUNTY, MARYLAND

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TO Dr. D. J. Roop; Mr. W. D. Fromm October 17, 1973 Date...

FROM Frederick L. Dewberry

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FLD: 1k

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Mr. S. Eric DiNenna
Mr. T. H. Devlin
Mr. W. L. Phillips
Mr. H. B. Staab



72 275 Maryland

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

ENVIRONMENTAL HEALTH ADMIN'STRATION

October 3, 198565111111

All Deputy State Health Officers

OCT 5'73 Mr. George P. Ferreri, Director Bureau of Air Quality Control BEFL. DE mentit

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GPF:ELC+dah

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BALTIMORE COUNTY, MARYLAND

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William D. Fromm Director of Planning

cc: Mr. Frederick J. Dewberry

- OCT 23 '73 AM -ZONING U

BALTIMORE COUNTY, MARYLAND

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FROM Mr. Willism L. Phillips, Director Pivision of Air Pollution and Industrial Hygiene

SUBJECT COMPLEX SOURCE AIR POLLUTION RECULATIONS

The attached proposed regulations have been presulgated by the Bureau of Air Quality Centrol to fulfill the requirements of EPA for control of complex sources as set forth in the Federal Register Volume 38 Nc. 74, April 18, 1973 (copy attached).

Comments were solicited by the Bureau of Air Quality Control on May 4, 1973. Comments from this agency were made on May 10, 1973 (copy

We are of the opinion that if the proposed amendments to Air Quality regulations are approved, as written, ir places the Bureau in the position of determining land use, highway construction, construction of all installations of stated square feetage and housing developments of 400 units or more and other ction, and authorizes the Bureau to deny construction of such sources.

It is our opinion that this is not the intention of EPA and is very undesirable from the standpoint of all concerned

I urgently recommend that all interested agencies submit comments on

William L. Phillips, Director

ADMINISTRATIVE OFFICE

WLP/ef

Marylana DEPARTMENT OF HEALTH AND MENTAL HYGIENE

ENVIRONMENTAL HEALTH ADMINISTRATION 313-2779

October 3, 1993 [ [ ]

OCT 5'73 All Deputy State Health Officers Mr. George P. Ferreri, Director Bureau of Air Quality Control BEPL OF BEALIN

Amendments to Regulations 10.03.35 through 10.03.41

Attached are a set of proposed air quality regulations or amendments to regulations for your examination and approval as required under DDMH #1 of April 24, 1972. Due to severe time constraints necessary to preclude Federal

promulgation, please review as soon as possible, indicate any appropriate comments or suggested changes and return to the Bureau by October 15, 1973. If you have no comments or suggested changes, please so indicate on this letter. To aid you, the regulations may be considered in the following groups:

(1) Complex source or maintenance of standards regulation (2) Mobile Source regulation

(2) Mobile Source regulation
(3) Hydrocarbon control regulation

The complex source regulations on pages 1-3 of the attached set are to satisfy Federal Environmental Protection Agency requirements for the control of this type source. While the inclusion of these sources will significantly expand the scope of the Department of Health and Mental Hygiene activities as concerns evaluation of applications for premist to construct, a minimum expansion of work force and expense is expected.

Applicants will be required, at their expense. Additional cost to applicants will range from a binism of \$15 for a full real expense. Additional cost to applicants will range from a binism of \$15 for advertisement of public comment opportunity through several hundred dollars for a full reals site evaluations by a qualified contractor. These coars, however, are very minor as compared to the coat of the affected projects, or the potential affect of emissions on the health or welfare of the affected public.

The mobile source regulations (pages 3-4) will require some additional effort on the part of both state and local agencies, but will bring into control some of the root often complained of sources of visible emissions. Little additional cost to either the programs or the affected sources is expected, however.

Deputy State Health Officers

October 3, 1973

since field observation may be carried on during existing patrol activities and compliance can be achieved through reasonable and cost effective maintenance and

The hydrocarbon control regulations (on pages 4-5) were written as the regulatory forms of the previously approved implementation plan policy element for hydrocarbon control. No additional cost to the Department is projected, since most affected sources are known and either in compliance now or are working on plans for compliance. The reduction of hydrocarbon emission or the prevention of additional burden to the atmosphere is most effectively controlled at these stationary sources rather than through gasoline rationing or vehicle use controls on a portion or all of the automotive fleet.

Please review the proposed regulations and amendments and indicate comments and changes, if any, as soon as possible. Your quick attention to this matter is much appreciated.

cc: Dr. Jean Rose Stifler, Local Health Service Administration

quarry area is required by the company because (1) the present quarry pit will be economically depleted in the near future; (2) there is an unabated need at present and in the foreseeable future for stone products in the area: (3) the investment in plant and plant facilities in a quarrying operation is extremely high; in fact, one of the highest investments in any industry, and in order to justify replacement of older machinery and equipment, it is necessary that the company have assurance of continued coerations; and (4) the investment in equipment for the control and eradication of fugitive dust and other sources of pollution is very bigh and assurance of continued operations is necessary so that such investment might continue to be made.

The area for which special exception is requested is large primarily because of the fact that stone differs in quality and type and the Petitioner must have flexibility to extract at varying locations on its tract in order to meet specification established by purchasers, including Governmental users who invariably establish specifications for construction materials

Of paramount importance is recognition that the quarry is a value to the surrounding community and, in fact, to the entire Baltimore County area. This contention is brought home forcefully by the testimony of Mr. Howard Shanklin, President of the Chamber of Commerce. Mr. Shanklin, in presenting to the Board the Chamber's prepared statement (Exhibit 23), testified that the quarry operation provides direct benefits to the County (such as taxes paid, payroll and extensive employment), and indirect benefits (such as the business afforded area individuals and small

ROYSTON, MUELLE THOMAS & MCLE/ SUITE 600 102 W. PENNA. AVE. TOWSEN, MG. 2120-023-1800

businesses producing services or goods for the company). His testimony, however, is perhaps most important in its recognition of the irreplaceable nature of quarries. As he testified, the Chamber is aware that other quarries in the area have been lost either through exhaustion of material or through surface use of the material-bearing land for residential or industrial uses which are in the long run less valuable to the community. His testimony makes it clear that the Chamber of Commerce is well aware of the scarcity of land available for quarrying use in Baltimore County.

It is not necessary, however, to rely on either the company or the Chamber of Commerce in considering whether or not quarrying land is available in the County. We can rather look to such concerned agencies as the State of Maryland Department of Natural Resources, the Regional Planning Council and, indeed, to the Baltimore County Zoning Advisory Committee and the Baltimore County Department of Planning and Zoning. Evidence was presented from the State of Maryland Department of Natural Resources (Exhibit 11) that at least 75% of the land in Baltimore County bearing stone suitable for crushed stone use has/been lost to the County through sirface development of the mineral-bearing cracts The concern of the State geologists is further evidenced by Exhibit 12a which warns specifically against failure to protect that mineral-bearing land from which stone can yet be extracted The concern of the Regional Planning Council is shown by Exhibit 12b, wherein that Council's desire to protect accessability of mineral deposits is stated forcefully. The concern of the

Baltimore County Zoning Advisory Committee is expressed in their favorable comments on the Petitioners request for special exception (Exhibit 38). Finally, the concern of the Baltimore County Department of Planning and Zoning was expressed by Mr. Gerber, a Protestant's witness, who was asked whether a quarry or residential expansion in the area should be given priority. His answer was that in general, the uses are not incompatible; but if they could be considered incompatible, then a quarry should be given preference because, in substance, "that's where the stone is and that's where you have to get it.

Finally, in order to eliminate any lingering doubt that might have remained, the testimony of Dr. H. Eugster is extremely important. Dr. Eugster, a geology professor at Johns Hopkins University whose professional qualifications are both unimpeachable and impressive, presented to the Board evidence pertaining to area geology. Of particular importance is Exhibit 10 showing the geological formations in Baltimore County. His testimony. uncontradicted, is that the Cockeysville marble formation (the formation producing the necessary quality of stone) is limited in area and that a large majority of that formation has already been lost through surface development. Wy use of Exhibit 10, Dr. Eugster explained the characteristics of each area of the County where Cockevsville marble might be found and proved that, with the exception of the Texas area, either through surface development, impossibility of sconomic extraction or prohibitions on extraction, there is no area in the County in which Cockeysville marble can be expected to be quarried.

Finally, not even the Protestants attempted to show that stone, if in fact available, could be transported from distant areas. Mr. S. James Campbell, in his testimony, made it perfectly clear that transportation costs, which double the cost of the stone for each 25 miles transported, soon make it impossible to transport stone from areas ir distant counties or from outside or the State of Marylar

#### The Specific Requirements of Section 502.1

Inasmuch as the Protestant's Attorney stated to the Board that the only concern is with blasting at the quarry and the effects of blasting, prime emphasis will be on Sub-Section a. However, mention will be made of the other sub-sections in a somewhat cursory fashion.

## 02.la. The Use Must Not be Detrimental to the salth, Safety or General Welfare of the Locality

By the Protestant's specific admissions, they are concerned only with blasting occurring at the quarry and principally with three aspects of such blasting: a. - noise; b. - vibration; c. - dust. At the outset, it should be realized that, given the present state of technology, if the quarry is to operate there must be blasting. There is no other known way to produce the stone required. Considering the Protestant's expressed concerns in order:

a. Noise - Blasting does produce noise. It is recognized that "noise pollution" has become a subject of concern to environmentalists, the ordinary citizen and to Federal and local Governments. It should be borne in mind, however, that true noise pollution is a continuing noise subjecting the listener to

extended periods of a noise level at a range sufficiently high to cause discomfort. For example, the noises associated with urban life, the roar of traffic, the continuous chatter of a jackhaumer, the shrick of sirens on fire and police vehicles and the never ending clatter of a rock band are all noises with which we are familiar and which, to some extent, should be abated and controlled This is recognized by all. In contradistinction to these continyour noises, which are the true subjects of legislation, the noise produced by the blasting of stone is an instantaneous sound lasting perhaps 2/10ths of a second. The O.S.H.A. Regulations recognize this distinction by differentiating in their regulation between continuous noise levels and "import" noise levels. The noise of a motorcycle approaching and disappearing from and to block away may last as long as a minute or more - 300 times as long as the sound produced by a blast lasting 2/10ths of a second. Company officials have testified that in an average week, there may be approximately eight blasts of all types. There is, therefore, a total of 1.6 seconds, more or less, or noise produced by blasting per week. Being near a passing motorcycle once exposes the listener to a longer period of noise than

Mr. Anthony Petro, an independent expert and consultant and President of Vibra-Tech Engineers, Inc., performed over 30 monitorings with modern sophisticated instrumentation of actual blasts from the Campbell guarry. These tests, the reports of which are contained in Exhibits 26a through c, were performed at

the listener is exposed to because of all quarry blasts combined

location; surrounding the quarry ranging from locations on the quarry property and as far from the quarry property as 13,000 feet. He presented, in chart form (Exhibit 27), the results of those tests. Concurrently with those tests, he made recordings of other natural producers of noise and the decibel range of those phenomena (Evhibit 26d). Such other noise producers tested included a passing motorcycle, thunder, a passing school bus and a gust of wind. The db levels attained were then utilized for comparison purposes on the charts presented. The value of such charts cannot be appreciated unless the Board takes into account the duration of the noises recorded. In all instances sounds from blasts are of a duration equal only to a infinitesimal percentage of the duration of the noises produced by other natural phenomena. Mr. Petro testified, for example, that the instrumentation required to record the sound from a blast was extremely more sophisticated than is the instrumentation remired to record other sounds, such as cassing automobiles the blowing of car horns and factory noises. He stated quite clearly that the duration of the sound from a biggt is so short that the usual instruments used by industry to comply with O.S.H.A Regulations are not able to record the sound from a blast. He, therefore, used a "peak impact meter" in his monitoring of quarry blasts. Mr. Petro, through a series of comparison tests, then determined that the readings produced by his "peak impact meter" and reported in Exhibits 26a through c, were at least 30 dbs above the readings that would have been recorded on an O.S.H.A. "slow-response" meter (Exhibit 29). He then turned to an

examination of the O.S.H.A. Regulations. These Regulations promulgated by the United States Department of Health, Education & Welfare, limit the noise level encountered by employees in factories by providing that the lower the noise level (db level as recorded by an O.S.H.A.-type meter), the longer an individual employee can continue his duties at that noise-producing site. For example, under these Regulations, an individual can be employed for eight hours a day at an allowable sound level of 90 dbs, and for two hours a day at a db level of 100 and for 1/4 hour at a db level of 115. It is important to note that of the numerous tests monitored by Mr. Petro's consulting firm, the highest level on the sophisticated peak-impact equipment was 122 dis. Using the comparison tosts which were presented to the Board, it can be seen that the <u>Mighest</u> sound level reported for any test, after allowing for the 30 db difference resulting from difference in instrumentation was 92dbs. Under the C.S.H.A. Regulations, exposure to dbs of this level can be for a period of six hours per day. In actual fact, however, as has been noted abo the exposure to sound from a blast is not for hours, nor for minutes, nor, in fact, for seconds - it is instead for approximately 2/10ths of one second. Again referring to the O.S.H.A. Regulations, it should be pointed out that the draftsmen realized that there might, on occasion, be impact or instantaneous noise levels. The O.S.H.A. Regulations allow a db limit of 140 for an impact noise. This means that even without adjusting for the minimum 30 db difference between the slowresponse and peak-impact instruments, the highest recorded sound

level from a quarry blast was well below the O.S.H.A. maximum

We feel that we have proven, therefore, that, although there is sound connected with blasting, it is not harmful to the listener and, in fact, is well below other ordinary sounds associated with contemporary life. to have also proven that the duration of the sound of a blast is so short, that curtailment of the company's blasting operations because of sound would be to the economic detriment of the community at large and would be nconscionable.

b. Vibration - To predict the future it is necessary to explore the past. For over 15 years, each blast at the Texas Quarry has been monitored by an outside, independent consultant with admitted expert knowledge of vibration and its effects. Substantiation of the expert ability of Mr. Paul Hosking and his company, Vibration Measurement Engineers, Inc., and, in fact, of My. Anthony Petro and his company, Vibra-Tech Engineers, Inc., is found not only in their resumes of qualification introduced respectively as Exhibits 18 and 24, but also by Protestant's Exhibit A, a technical article written by Philip R. Berger while president of Vibra-Tech Engineers, Inc., which article speaks very highly of the ability of Paul C. Hosking of Vibration Measurement Enganeers, Inc. It should also be borne in mind that constant vibration measurements and recordations are taken generally on locations on or immediately adjacent to the Texas Quarry where the maximum vibration effect would be felt. There is no reason to assume that a company which has been so meticulous at its operations in the past will not continue such activities in the future.

during one year or more

-10-

ModeBefor a Special Exception, under the said Zoning Law and Zoning Regulations of Bultimore County, to use the herio described property, for ".guound-xexvation.gad, extraction with the use of explosives of the property shown on description and exhibits A. B. B-1. R-2 and C. Alfancined.gad.gade a. part of. Enils Petition. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising. I, or we, agree to pay expresses or source recreasing and/or opecial nacepuon sourcitaing, titing, etc., upon filing of this petition, and further agree to and are to be bound by the zoning juilations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

By: Robert B Samill Printer

Campball Building Towson, Maryland 21204

HARRY T. CAMPBELL SONS' COMPANY

Protestant's Attorney

#78-275

Address 102 W. Pennsylvania Ave. Towson, Md. 21204

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18E

AN A

VASOBSPECIE

ORDERED By The Zoning Commiss

..., 197 .2, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of gene eral circulatio\_ hrough-County, that property be posted, and that the public hearing be had before the Zoning e County in Room 106, County Office Building in Towson, Baltimore ..., 192 2, at 10:300'clock

Harry T. Campbell - #72-275-X

- Has the owner and/or operator, at the time of the hearing, made every effort to leave closed or completed sections of the quarry and mining opera-tion in a condition that represents its most reasonab state with regard to the health, sufety and general ents its most reasonable
- The overall productivity of the operation is of such magnitude and importance to the County in general to warrant the continuance of this special exception

In addition to the above, it shall be the responsibility of the owner and/o

- Petition the Zoning Commissioner for the above mentioned special hearing on each tenth anniversary of the date of this Order
- Submit reasonable evidence at the hearings indicating that he is taking accontage of all modern mining and quarrying practices that would make the operation more compatible with its surroundings.
- Prior to said special hearing, submit plans of future operations. Solid plans to be approved by the Departmen of Health, the Department of Public Works, the Department of Fulfill Works, the Department of Traffic Engineering, the State Highway Administration and the Office of Planning and Zoning.

Any appeal from this decision must be in accordance with Chanter 1100

RE: PETITION FOR SPECIAL EXCEPTION : ed above groun COUNTY BOARD OF APPEALS underground excavation and extraction, with the use of OF

explosives

Explosives

NW corner Texas Lane and

Beaver Dam Road,

8th District

Harry T. Campbell Sons' Corp., BALTIMORE COUNT No. 72-275-X

..................

OPINION

This case comes before the Board on an appeal by the protestants from an Order of the Deputy Zoning Commissioner which granted the requested special exception The subject property is the very large land holdings (approximately 613.55 acres) of the Harry T. Campbell Sons' Corporation at Texas, in the Eighth Election District of Baltimore County. The area includes the existing quarrying operation located at Texas Lane and Beaver Dam Road, and considerable additional land north of same on which this petitione wishes to expand the quarrying business. 
The property is bound by I-83 on the west side, Padonia Road on the south side, and partly by Becver Dam Road on the east side. The Greater Baltimore Industrial Park lies a short distance north of the subject property.

The petitioner seeks a special exception for controlled above ground and The subject prop underground excavation and extraction with the use of explosives. erty is zoned industrial. Fcr this special exception to be granted, the petitioner must bear the burden of proving that all of the provisions of Section 502.1 will be fully satisfied. This is the sole question of determination. If the petitioner can prove some, the special exception shall be granted. Section 502.1 is as follows:

"Before any Special Exception shall be granted, it must appear that the use for which the Special Exception is requested will not

- Be detrimental to the health, safety, or general welfare of the locality involved; Tend to create congestion in roads, streets or alleys
- Create a potential hazard from fire, panic or other
- dangers; Tend to overcrowd land and cause undue concentration
- of population; Interfere with adequate provisions for schools, parks, water, sewercze, transportation or other public require-ments, conveniences, or improvements; Interfere with adequate light and air."

PETITION POR SPECIAL EXCEPTION

LCCATION: N/E Quadrant of Esitimore-Harrisburg Expressway

PEFORE

0

and Padonia Road

PETITIONER: Harry T. Campbell

Sons Company 8TH DISTRICT

ITEM 136

MEMORANDUM OF LAW AND PACT

The legal justification for the granting of a special exception is rather clear and needs but a few comments. In thos areas, such as Baltimore County, where special exceptions are provided for in applicable zoning regulations, it is clear that the nature of a special exception is totally unlike the nature of either a zoning reclassification or a zoning variance. The Court of Appeals has held, for example, that where land uses are permitted by way of special exception, the Petitioner is not required to show change or error as would be required in a reclassification request nor evidence that practical difficulty or reasonable hardship is at issue as would be required in a request for variance. The Court of Appeals has held that a special exception is a use which has been legislatively predetermined to be conditionally compatible with the uses permitted as of right in a particular zone. Further, the Court has held that the zoning body such as this Board must in each case decide only whether under specific statutory standards the presumptive compatibility in fact exists. Creswell v. Baltimore Aviation

Harry T. Campbell - #72-275-X

The presentation of this case consumed four full days of hearings before the Fleven witnesse: testified for the petitioner: eight witnesses for the protest The petitioner introduced forty-four exhibits; the protestants fourteen exhibits. testifying on behalf of the petitioner included a professor of geology from Johns Hopkins University the President of the local Chamber of Commerce, a vibration consultant, sound consultant, a traffic expert and six key employees of the petitioner. The employee of the petitioner testifying included the President of the corporation, the Executive Vice President, the Vice President of Quarrying Operations, the Director of Land Manage a mining engineer and the superintendent of the quarry. Those testifying for the protestants were an air pollution expert of the Baltimore County Health Department, the chief of the Land Use Map Planning Division of the Baltimore County Office of Planning,

The Board will make no attempt to summarize the lengthy testimony and evidence presented over the four days of hearings, but might note that the Deputy Zoning Commissioner's Opinion contains a summary which substantially sets out the testimony and evidence presented to thir Board by those witnesses he cites. Also it might be noted that a Memorandum submitted after the conclusion of the Board's hearings by the attorney for the petitioner, fairly summarizes much of the testimony and evidence.

This petition is of great magnitude and the Board, in this instance, understands that the granting or denying of this special exception will have considerable impact on Baltimore County. The use of the explosives is the major cause of concern. Same causes vibration, noise and air pollution which must be controlled at all times. is also a factor to be co. afully weighed. 
The protestants, few in number, pointed out such ills caused by the existing quarrying operation and expressed their concern if the quarry is expanded. At best, one might conclude that the existing operations are not grossly oggravating the surrounding community. In any event, this Board is not directly concerned with the existing operations, but the or y issue for us to decide is whether or not the expansion as requested can be accomplished while satisfying in full all of the provision of Section 502.1. Most of the protestants lived one to two miles north and west of the subject property in semi-rural type areas. In the quiet of such communities the noise

Bervice, Inc., 257 MD. 712 at page 719. Of course, the conditions

which have been given this Board are those contained in Section

clear that the Petitioner need show no unreasonable hardship to

in the case of Oursler v. Board of Zoning Appeals of Baltimore

obtain its special exception. As was said by the Court of Appeals

County ot al, 204 MD. 397 at page 402, the Petitioner is required

to show " \* \* \* only that the exception would be in harmony with

the zoning plan and would not be detrimental to the welfare of

ourts of Maryland, including the Court of Appeals, in many

instances have reiterated the legal proposition that although

of harm or disturbance or failure to meet the established

the burden is on the Petitioner if there is no probative evidence

standards, then denial of a Petitioner's application for special

exception will be held to be arbitrary, capricious and illegal.

A landmark case on point is Montgomery County v. Merland Club,

Irg., 202 MD. 279. A more recent case announcing the same con-

Petitioners, therefore, in this brief will concentrate on

the standards propounded by Section 502.1 the Baltimore County

Zoning Regulations. Mention will be made of other factors which

similar factors but only to support Petitioner's contention that

Petition for Special Exception and would be irreparably injured

are deemed important, such as economics, overall area need and

the overall community good would be served by granting the

clusion is Casca v. Board of County Commissioners for Prince

Georges County, 261 MD. 639.

by denying such petition.

the neighborhood." The burden of proving compliance with established standards is, of course, on the Petitioner; but, the

502.1 of the Baltimore County Zoning Regulations. It is also

Harry T. Campbell - #72-275-X

and vibrations from the quarry blast can be heard and felt. No one appeared from the heavily populated areas near the York Road, Warren Road, Padonia Road, and nearer the It could be assumed that the noise and vibrations of the blasts are lost in the hustle and bustle ever present in these more densely populated

As to the real issue of whether or not the petitioner can expand the existing operation and still comply in full with Section 502.1, this Board has carefully reviewed all the testimony and evidence and related same to the provisions of this section. The B subject to certain restrictions which will be imposed, is satisfied that the petitioner and sa satisfy Section 502.1. From the testimony of the traffic expert, the Board is satisfied that the traffic flow generated will not be a problem. Certainly, as was stated, full industrial development of these 600+ acres would cause much more traffic. Independent experts in vibration and sound presented extensive testimony and evidence which satisfies this Board that with proper and continuing effort and subject to certain restrictions, the quested special exception can be granted in compliance with Section 502.1. Hence the Board will affirm the decision of the Deputy Zoning Commissioner and grant the requested special exception, subject to certain restrictions which are set out in the Order

#### ORDER

of June, 1973, by the County Board of Appeals, ORDERED that the special exception stitioned for the and the same is hereby GRANTED, subject to the following restrict

- This special exception shall be reviewed in a special hearing every ten (10) years. Said special hearing shall be advertised and posted in accordance with the requirements
- At such special hearing, the petitioner shall present sufficient evidence and testimony to satisfy the proper authority that
  - The entire quarry is then being operated within the provisions of Section 502.1, and in accordance with the plans as presented to the Board in this case
  - Is the owner and/or operator complying, to the best of his obility, with all air, water and noise pollution standards, as presently exist and/or that may exist at the time the petition is reviewed

#### TESTIMONY AND EXHIBITS

In order to evidence the merit of the request for special exception, Petitioner felt it appropriate to show the value of the Texas Quarry of the Harry T. Campbell Sons Company, not only to the company but also to the community at large. Therefore, before discussing the specific provisions of Section 502.1 of the Baltimore County Zoning Regulations, a short summary of the testimony and exhibits as they pertain to the value or usefulness of the quarry is indicated

#### Value of the Quarry

Witnesses, including Mr. Robert Hamill, Mr. S. James Campbell and Mr. Roland Manger, testified extensively as to use of the quarry and its value. The quarry is in the heart of an area which has been used for the extraction of limestone for building agricultural and other purposes since approximately 1814. The Harry T. Campbell Sons Company has been extracting from the quarry area in question since approximately 1926. The two principal types of stone extracted were referred to at the Hearing as "blue" stone and "white" stone (Exhibits 7b and 7a), with the former being used primarily in the construction industry for roads, pavements, buildings, airports and concrete structures of all types and as aggregates and riprap, and the latter, a higher grade stone, being used in an increasing variety of industries including the paint and plastic induscries and for food and agricultural purposes. It was established that this quarry is one of the few and, in fact, is the principal quarry serving the Baltimore County area. Evidence was presented to the effect that the special exception for the necessary additional

-3-

subtitle B of Maryland Rules of Procedure, 1961 edition

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

quarry area is required by the company because (1) the present quarry pit will be economically depleted in the near future: (2) there is an unabated need at present and in the foreseeable future for stone products in the area; (3) the investment in plant and plant facilities in a quarrying operation is extremely high: in fact, one of the highest investments in any industry, and in order to justify replacement of older machinery and equipment. it is necessary that the company have assurance of continued operations; and (4) the investment in equipment for the control and eradication of furitive dust and other sources of pollution is very high and assurance of continued operations is necessary so that such investment might continue to be made.

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Paltimore County Zoning Advisory Committee is expressed in their

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By the Protestant's specific admissions, they are concerned only with blasting occurring at the quarry and principally with three aspects of such blesting: a. - noise; b. - vibration; c. - dust. At the outset, it should be realized that, given the present state of technology, if the quarry is to operate there must be blasting. There is no other known way to produce the stone required. Considering the Protestant's expressed concerns in order:

a. Noise - Blasting does produce noise. It is recognized that "noise pollution" has become a subject of concern to environmentalists, the ordinary citizen and to Federal and local Governments. It should be borne in mind, however, that true noise pollution is a continuing noise subjecting the listener to

extended periods of a noise level at a range sufficiently high to cause discomfort. For example, the noises associated with urban life, the roar of traffic, the continuous chatter of a jackhammer, the shriek of sirens on fire and police vehicles and the never ending clatter of a rock band are all noises with which we are familiar and which, to some extent, should be abated and controlled. This is recognized by all. In contradistinction to these continuous noises, which are the true subjects of legislation, the noise produced by the blasting of stone is an instantineous sound. lasting perhaps 2/10ths of a second. The O.S.H.A. Regulations recognize this distinction by differentiating in their regulations between continuous noise levels and "impact" noise levels. The noise of a motorcycle approaching and disappearing from and to a block away may last as long as a minute or more - 300 times as long as the sound produced by a blast lasting 2/10ths of a second. Company officials have testified that in an average week, there may be approximately eight blasts of all types. There is, therefore, a total of 1.6 seconds, more or less, of noise produced by blasting per week. Being near a passing motorcycle once exposes the listener to a longer period of noise than the listener is exposed to because of all quarry blasts combined

Mr. Anthony Petro, an independent expert and consultant and President of Vibra-Tech Engineers, Inc., performed over 30 monitorings with modern sophisticated instrumentation of actual blasts from the Campbell quarry. These tests, the reports of which are contained in Exhibits 26a through c, were performed at

locations surrounding the quarry ranging from locations on the quarry property and as fa. rom the quarry property as 13,000 feet. He presented, in chart form (Exhibit 27), the results of those tests. Concurrently with those tests, he made recordings of other natural producers of noise and the decibel range of those phenomena (Exhibit 26d). Such other noise producers tested included a passing motorcycle, thunder, a passing school bus and a gust of wind. The do levels attained were then utilized for comparison purposes on the charts presented. The value of such charts cannot be appreciated unless the Board takes into account the duratica of the noises recorded. In all instances sounds from blasts are of a duration equal only to a infinitesimal percentage of the duration of the noises produced by other natural phenomena. Mr. Petro testified, for example, that the instrumentation required to record the sound from a blast was extremely more sophisticated than is the instrumentation required to record other sounds, such as passing automobiles the blowing of car horns and factory noises. He stated quite clearly that the duration of the sound from a biast is so short that the usual instruments used by industry to comply with O.S.H.A. Regulations are not able to record the sound from a blast. He. therefore, used a "peak impact meter" in his monitoring of quarry blasts. Mr. Petro, through a saries of comparison tests, then determined that the readings produced by his "peak impact meter" and reported in Exhibits 26a through c. were at least 30 dbs above the readings that would have been recorded on an O.S.H.A. "slow-response" meter (Exhibit 29). He then turned to an

evamination of the O.S.H.A. Regulations. These Regulations. promulgated by the United States Department of Health, Education & Welfare, limit the noise level encountered by employees in factories by providing that the lower the noise level (db level as recorded by an O.S.H.A.-type meter), the longer an individual employee can continue his duties at that noise-producing site. For example, under these Regulations, an individual can ba employed for eight hours a day at an allowable sound level of 90 dbs. and for two hours a day at a db level of 100 and for 1/4 hour at a db level of 115. It is important to note that of the numerous tests monitored by Mr. Petro's consulting firm, the highest level on the sophisticated peak-impact equipment was 122 dbs. Using the comparison tests which were presented to the Board, it can be seen that the highest sound level reported for any test, after allowing for the 30 db difference resulting from difference in instrumentation was 92dbs. Under the O.S.H.A. Regulations, posure to dbs of this level can be for a period of six hours per day. In actual fact, however, as has been noted above, the exposure to sound from a blast is not for hours, nor for minutes, nor, in fact, for seconds - is instead for approximately 2/10ths of one sacond. Again referring to the O.S.H.A. Regulations, it should be pointed out that the draftsmen realized that there might, on occasion, be impact or instantaneous noise levels. The O.S.H.A. Regulations allow a db limit of 140 for an impact noise. This means that even without adjusting for the minimum 30 db difference between the slowresponse and peak-impact instruments, the highest recorded sound

level from a quarry blast was well below the O.S.H.A. maximum.

We feel that we have proven, therefore, that although there is sound connected with blasting, it is not hansful to the listener and, in fact, is well below other ordinary sounds associated with contemporary life. We have also proven that the duration of the sound of a blast is so short, that curtailment of the company's blasting operations because of sound would be to the economic detriment of the community at large and would be

b. Vibration - To predict the future it is necessary to explore the past. For over 15 years, each blast at the Texas Quarry has been monitored by an outside, independent consultant with admitted expert knowledge of vibration and its effects. Substantiation of the expert ability of Mr. Paul Hosking and his company, Vibration Measurement Engineers, Inc., and, in fact, of Mr. Anthony Petro and his company, Vihra-Tech Engineers, Inc., is found not only in their resumes of qualification introduced respectively as Exhibits 18 and 24, but also by Protestant's Exhibit A. a technical article written by Philip R. Barger while president of Vibra-Tech Engineers, Inc., which article speaks very highly of the ability of Paul C. Hosking of Vibration Measure ment Engineers, Inc. It should also be borne in mind that constant vibration measurements and recordations are taken generally on locations on or immediately adjacent to the Texas Quarry where the maximum vibration effect would be felt. There is no reason to assume that a company which has been so meticulou at its operations in the past will not continue such activities in the future.

The uncontradicted evidence in our case is that the limit established by the consultant and followed rigorously by the company pertaining to vibrations, is a mere fraction of the vibration intensity that could be expected to cause structural damage to even the weakest structure. Exhibit 19 illustrates graphically that vibrations from the company's quarry blasts are not allowed to exceed a factor of 1, as shown on that Exhibit, whereas a tripling to a factor of 3 would be necessary before there might be damage to old plaster. Mention has been made of the Pennsylvania, Massachusetts and New Jersey laws and testimony has been presented, uncontradicted, that the limit - 1, selfimposed by the company after consultation with the consultant, would meet any of the standards established by the laws of those States. Further, it is important to note the testimony of Mr. Hosking to the effect that on numerous occasions monitoring and recordation of vibration effects were at sites removed from the Campbell quarry. Mr. Hosking and other witnesses testified that monitoring at off-site locations was undertaken at the request of local industry contemplating moves to areas within one mile to three miles of the quarry and who therefore wanted test results to assure themselves that vibration would not adversely affect the delicate instruments used in their particular businerses. Te. mony was also presented to the effect that monitoring at other than commercial sites was done on occasion either at the request of individuals or on the company's own initiative. The uncontradicted testimony is that the highest percentage reading ever obtained from such off-site test was 5% of the limit - 1

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allowed by Vibration Measurement Engineers. This is not 5% of the limit which might cause damage to the weakest known structures (limit - 3) but is 5% of the self-imposed limit - 1. A further example of test results is found in Exhibit 22, a report on monitorings taken near the Bauman residence at Ivy Hill and Poole Roads. At the specific request of Mrs. Bauman, shots were monitored on June 5 and June 6, 1972, and, as reported on page 16 of that Exhibit, the shots recorded are typical of the Campbell operations. The initial shot monitored was of the secondary type and resulted in energy levels so low that no impulses were recorded on the seismogram. The next shot monitored was primary-type shot (using a much larger amount of blasting agent) and resulted in an energy level reading of .0003 - approximately 2% of the limit allowed by Vibration Measurement Engineers (limit - 1). As stated by the consultant in his report on page 17, "It is of interest that the average thickness of a human hair is .003 thick, thus, the motion at the Bauman residence was about 1/10th of a hair."

Finally, i should be noted that, although fears were expressed by several Protestants as to vibration effects, all such witnesses denied suffering structural or damage of any type from vibration. Complaint, however, was made of air concussion which "rattled windows" on occasion. This is possible and the possibility was admitted by the consultants. They pointed out, however, that a moderate gust of wind can and often does produce the same rattling of improperly seated windows and mentioned that air concussions can be likened to a moderate gust of wind which dissipates almost instantaneously.

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c. Dust - Only one Protestant mentioned that dust was in any way a concern. Mrs. Barbara Dodd, who lives approximately two miles from the quarry, stated that in the summer, with open windows, her furniture "gets dusty." We find it difficult to attribute all or even the majority of such dust to a quarry two miles away, rather than to the building construction that admittadly is constantly occurring at locations nearer such property or to dust from fields or area roads or to other normal conditions. Mr. James Pearce, approximately 1 1/2 miles from the quarry, Mrs. Lavinia Epple, approximately one mile from the quarry and Mrs. Barbara Griffiths, approximately two miles from the quarry, all stated in answer to questions from their Counsel that dust was not a problem. We must feel that the one complaint recistered is somewhat forced.

Admittedly, the operation of a guarry as well as the operation of any other industrial enterprise creates dust. We must accept, however, that if stone is to be wrested from the ground, dust must result. The important thing to consider is what steps have been taken in the past and are presently being taken to reduce to the lowest possible level the generation of dust The testimony of Mr. Joseph Ellis in important here. He has stated in substance that the company has been an industry leader in dust control facilities citing the "rain birds", which help to eliminate dust blowing from stockpiled material, the collectors and scrubbers, which help eliminate dust from the crushing and other processing operations, the loading procedures and specifically the mandatory "watering down" of all loads, thus

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coad aweepers which help control dust agitated by moving vehicles. The testimuny of Mr. Ellis, which again is uncontradicted, should be sufficient to reach a conclusion that all steps hus unly possible have been and are being taken to control fugitive dust. We are fortunate, how wr. in that we need not rely on Mr. Ellis testimony alone, but can instead refer to the testimo y of a Protestant's witness, Mr. Daniel L. Raley of the Baltimore County Department of Health. Mr. Raley's primary responsibility is with the Division of hir Pollution and in his official capacity he is intimately familiar with the operations of the Texas Quarry, having visited the guarry on at least 30 occasions in the last six months. Mr. Raley testified that the company has operated since 1970 under a Plan of Compliance between the company and the State pursuant to the Maryland statute relating to air pollution control. He further testified that the company's actions are all in accordance with that Plan of Compliance and that the company is not in violation of such Plan. He further testified that after blasting there is a cloud of sirborne dust but that it dissipates in approximately 15 to 20 minutes and that, in general, the "fall out" of the larger particles is on Petitioner's land. He further substantiated the Petitioner's assertion that it was doing everything possible to eliminate completely fugitive dust by stating that all industry in the State is allowed a variance to proposed standards that are unattainable. He stated that if there is no known technology to control certain types of fugitive dust (and he, an expert in the field, knows of no

controlling dust from vehicles and the road water sprays and

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found, is contained in a series of aquifers, with each individua

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is considered granted. There would appear to be no bona fide complaint of sufficient gravity to justify denial of the special exception requested by Petitioner

technology to control fugitive dust from blasting) then variance

Create Congestion in Roads, Streets or Alleys

Although the testimony of Mr. Reichart alone might have been sufficient to negate the concept of congestion, the Petitioner: presented Dr. W. Worthington Swell, an acknowledged expert in the field of traffic engineering who has testified on many occasions before the Board. Dr. Ewell, through the use of physical traffic counts as well as through the use of company and Baltimore County traffic records, determined that the area road network, including the Harrisburg Expressway, Padonia Road, York Road and Beaver Dam Road, was sufficient not only for the peak hour traffic presently generated from the Texas Quarry, but was also sufficient for maximum amounts of traffic that might be expected by the year 1980 (Exhibits 31, 32, 33). Of importance here is the fact that Dr. Ewell used, in every instance, the highest traffic generation that might be expected. He used, for example, peak hour traffic figures rather than slack hour figures and, for his projections to 1980, he used a rate of assumed business growth of the company well in excess of the historical growth of the company experienced over the past eight years. Even with his use of the highest possible figures, he was able to categorically state that the existing road network is sufficient to carry the traffic. He further testified that the continuing improvements

to the Harrisburg Evoressway now in process and the planned and budgeted improvements to York Road and Beaver Dam Road, although not necessary for the traffic generated by the quarry, would, of course, further improve the area traffic situation. His testimony not contradicted in any way, is, in fact, in part substantiated by a Protestant's witness. Mr. Norman Gerber, who is the Chief of the Land Use Master Plan Division of Baltimore County. Mr Gerber admitted on direct examination and in response to a question from a Board member, that Beaver Dam Road and York Road to Cockeysville are to be improved within the very near future and that such improvements are currently budgeted and contained in current County and State plans

Dr. Ewell further did a complete analysis of accidents in the area for the pariod from October, 1971, through October, 1972 (Exhibit 34). That analysis showed that out of a total of 80 accidents in the large area covered, only 2 involved trucks which were utilizing the facilities of the Cockeysville quarry.

It should therefore be abundantly clear that continuation of the quarrying operation will not create congestion in roads,

Dr. Ewell did, however, testify, based on his extensive experience with traffic generated by the industrial park to the north of the quarry, that if the Campbell acreage were developed for industrial uses rather than continuing in its quarrying operations, the volume per hour of traffic generated by such industrial facilities would be approximately 6,000 vehicles. This huge per hour figure should be contrasted with the traffic

presently generated by the quarry: 1,193 trucks per day, being the highest per day figure shown on Exhibit 30.

502.lc. There must be No Potential Hazard from Fire, Panic or Other Dangers

All testimony presented negated these potential hazards Both Mr. Manger and Er. Hosking specifically declared that no such hazard results from the operation of the quarry. The testimony as to the safety requirements, requirements for permit for blasting and the multitude of inspections by Governmenta. agencies make it clear that no such hazard can be expected.

> 502.1d. There Must be Ko Overcrowding of the and Causing an Undus Co. of Population

Here again, specific testimony that such would not result was elicited from Mr. Manger by the Chairman of the Board and th facts as presented to the Board fully substantiate Mr. Manger's

502.le. There Must be Mo Interference With dequate Provisions for Schools, Parks, Wa:er, Sewage, Transportation or Other Public

a only specific item or issue here concerns adequate provisions for water. It was for that purpose that Dr. Eugster was commissioned to study the area and its water resources. His report to the Board, briefly summarized, is that the Cockeys, ill marble formation is not geologically susceptible to underground streams or underground lateral water transference from one area to another. His unrebutted testimony is that the geological nature of the Cockeysville formation precludes such transference. He stated instead that water in the Cockeysville formation, when

aguifer being comparable to a bottle of water placed in the ground with the bottle being generally impervious to lateral discharge or recharge of the water contained therein; but allowing discharge through wells sunk directly into the aquifer and recharge by ground water seepage from the surface to the aguifer. His study encompassed not only the company property (Exhibit 17), but also the area surrounding that property for distance of several miles or more (Exhibits 13, 14, 15 and 16). Purther, his study oncompassed most wellsdrilled within that area and an examination of the Baltimore County official record of County wells. Finally, he had available for use data as to current test pumpings of existing wells, the latest such pumping being in January of 1973. To evidence the nature of aquifers he studied extensively the residential area to the northwest of the guarry known as Broadmoor and prepared a chart (Exhibit 16) which shows graphically the lack of interdependence on wells located side by side. As is shown by that Exhibit, those wells are not fed by underground streams and the water available to one well is not transferable to another. For example, Wells #216 and #217 in ( at development, according to official Baltimore County records, were drilled in the same year, 1955, on the same lot no more than 200 feet apart. The first well was sunk to the depth of 275 feet and was dry. The second well, not more than 200 feet away, was sunk to a depth of 128 feet and water is being pumped from that well. Dr. Eugster explained that the first well did not strike an existing aquifer and, therefore, was dry; while the

Finally, Dr. Engster, in response to a question on cross examination, stated that even if there were u.. erground streams under both the quarry and under the residential property several miles to the north and west, the fall of the land is from the west and north to the Campbell property; and, since water doe

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not run uphill, any use of water on the Campbell property would have absolutely no effect on "uphill" property. He stated that even the ground water resulting from rains or snows flows from the residential property down to the Campbell property rather than in the opposite direction and thus, the operation of the Campbell quarry could not conceivably interfere with recharging by surface water of the aquifers on which the residential wells

#### There Must be No Interference With Adequate Light and Air

In none of the testimony presented by either the Petitioners or the Protestants was there any indication nor could there be any indication that use of the property as a quarry would interfere with adequate light and air. Mr. Manger's specific statement that no such interference would result is buttressed not only by the other testimony, but by the physical rize of the property involved and its location in an industrial zone completely surrounded by major roads and industrial uses

Finally, it should be remembered that the company has expressed its complete agreen at with the Zoning Commissioners requirement that operations of the quarry should be reviewed every ten years to insure that all State and County regulations are being followed. In addition, periodic grading plans must be approved by Baltimore County under its existing sedimentation control regulations as new acres of the area are quarried.

#### SUMMARY

In conclusion, Petitioners respectfully suggest that they have met and fully complied with the standards imposed on them

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that, specifically, they have proven beyond a reasonable doubt that the granting of the special exception is in the public interest and is without detriment to the community at large Petitioners, therefore, ask this Board to sustain the action of the Zoning Commissioner for Baltimore County and to grant the special exception requested.

by Section 502.1 of the Baltimore County Zoning Regulations; and

W. Lee Thomas, Attorney for Harry T. Campbell Scns Company

I to them.

The Petitioner is requesting a Special Exception for Controlled Aboveground and Undergrand Excavation and Extraction with the Use of Explosives on pro o sy shown on the description and Exhibits A, B, B-1, B-2 and C, which are attached and have been made a part of this Petition.

No T2-275-X (Item No. 136)

BEFORE THE

BALTIMORE COUNTY

:::

PETITION FOR SPECIAL EXCEPTION .

NW/corner of Texas Lane and

... ... ...

The site in question contains six hundred thirteen and fifty-five hundreths (613.55) acres of land, more or less. Said site is bound on the couth and west by Padonia Road and the Harrisburg Expressway, and on the north and east by a spur of the North Central Railroad and Beaver Dam Road, in the Eighth District of Baltimore County.

Mr. Robert B. Hamill, President of the Harry T. Campbell Sons' Corporation, who has been employed by said Corporation for fifteen (15) years, offered the following testimony:

> "The Corporation was established in 1892 and The Corporation was established in Abza and presently employ one thousand (1,000) employees. Thirty (30) percent of these employees have been with the Corporation for ten (10) years and ten (10) percent of the employees have been with the Corporation for over twenty-five (25) years.

The Texas quarry operation was established in 1926-1927. It was located on the subject site basically because certain minerals had been proven to exist at that location. The minerals include Cockeysville aarbel, blue stone and white stone. By-products include rubber soles and heels toothpaste, chewing gum and many other items used daily by everyone."

Mr. Roland B. Manger. Manager of Real Estate and Development for Harry T. Campbell Sons' Corporation presented Exhibits A through C and testified, in essence, as follows:

> "Exhibit A indicates the existing property EXHIBIT A Hadicates the existing property boundaries, zoning boundaries and contours. Ex-hibit B indicates the existing and future use, which includes a protective earth mound and/some screen adjacent to the Harrisburg Expressway, some stream change alignments within the property, and

6 68 the locations of open pil and undorground opera-tions. Exhibit B-1 indicates details of the exist-ing and proposed quarry contours, and the location of the underground mining areas as related to the open pit operation. Exhibit B-2 indicates details of the underground mining operation. Exhibit C in-

The above listed Exhibits had been presented The above listed Exhibits had been presented to and reviewed by the following groups: the Board of Directors of the local Chamber of Commerce; Maryland Properties, Incorporated, o ver and developer of the large industrial complex or porated, owner and future developer of large land holdings to the west; and the Baltimore County Committee consists of approximately exercise (The County Advisory Committee, (The Zoning Advisory Committee, The Joning Advisory Committee, The Joning Advisory Committee are incorporated agencies. Their comments are lirectly related agencies. Their comments are lirectly related use might encounter with respect to the various to any problems or conflicts that the proposed use might encounter with respect to the various previously submitted to W. Lee Thomas, attorney for Harry T. Campbell Sons' Corporation, an well as the Zoning Commissioner, and have been made a part of the subject Petition.)

expected to continue in use, consist of movable equipment and machinery used to transport, acreen and crush stone. The principal pieces of equipment and machinery are

Primary Crushers - used to re-a. Primary Crushers - used to reduce the stone to manageable proportions.

b. Secondary Crushers - used to ce the stone to certain specified

c. Tertiary Crushers - used to fur-ther reduce the stone to certain smaller desirable sizes.

d. Conveyors - used to transport the material to and from crushers and

e. Screens - used to sid in segre-gating material as to size.

f. Scalpers - used to allow small sizes of stone to bypass certain crushing operations.

q. Bins - used for the storage of small amounts of crushed saleable mate-

h. Power Equipment.

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Dust Arresting and Collecting Equipment - installed on or near crush-ers, conveyors, screens or bins.

There are no buildings, as such, utilized in excavation, although, for the purpose of safety, protection and dust collection, there are enclosed areas on certain machinery and equipment items

an.

Economically, this machinery and equipment must be located near the stone-in-ground. In many instances, as the quarry face changes loca-tion, the ancillary equipment moves in tandem with the face.

All such equipment or machinery is temporary a that it will be removed following extraction f the stone.

The operation, as described above, is expected to extend fifty (50) to seventy-five (75) years in the future."

Dr. H. P. Eugster, Professor of Geology at the Johns Hopkins University, gave the following testimony with regard to the

> "He felt that the Texas location was ideally suited for the existing quarrying operation. The Plant is located near its market area, has rail and expressway facilities, and does not have the ground water problems that usurlly accompanies operations of this type. Other locations with mineral at deposite possibly similar to the minerals at the Texas site cannot be used because the land is sim-ply not available, the land has been built over, the soil is too thick or the area is too steep.

Texac, Maryland, is the only known area in the United States where Cockeysville type marbel is found. Likewise, there has been no proven appearance of white stone, in the Maryland area, other than the Texas site. The Texas Plan processed blue stone at e per capita rate of 5.8 tons in 1960 and 7.5 tons in 1970."

Mr. Dewin J. Reichart, Vice President in charge of the quarrying operation, who has been with the Harry T. Campbell Sons Corporation for the past forty-four (44) years, submitted testimony regarding the truck traffic entering and leaving the subject site. Mr. Reichart's testimony included Exhibit E, which consists of a schedule indicating the exact number of trucks leaving the site from November 1, 1971, to November 10, 1971, and from May 1, 1972, to May 10, 1972. The exit points included Church Lane, on the east, and Padonia Road, on the south. The greatest number of trucks leaving the site at any one (1) specific exit, on the days recorded, was two hundred and ninety-two (292) using the east entrance or exit at Church Lane and nine hundred and twelve (912)

1 -39 using the south entrance at Padonia Road. In 1972, the highest number of trips were recorded as two hundred and fourteen (214) using the Church Lane exit and seven hundred and fifty-nine (759) was

ing the Padonia Road exit.

Mr. Joseph M. Ellis, a mining engineer registered in the State of Maryland and employed by the Harry T. Campbell Sons' Corporation, gave the following testimony with regard to the mining and quarrying operation in general:

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"He has been involved in the underground mining operation with the Harry T. Campbell Sons' Corporation since 1965. Mostly white stone is mining 1965. Mostly white stone is the has taken air pollution stone 1965. Mostly white stone is very active in attempting to control air pollution. Five Hundred Thousand Dollars (5500,000) has been spent on dust suppression equipment and scrubbers. The present air pollution system has been accepted by the State of Maryland and is one of the first to comply with the State air polluses accepted by the State of Maryland and is one of the first to comply with the State air polluses accepted by the State of Maryland and is one of the first to comply with the State air polluses accepted and consisted of several letters of repliant from various people and companies, including the County and State health departments. Some of the techniques used to combat air pollution include the automatic aster spraying of stockpiled materials when the wind speed reaches a corpical materials are speed when I awaring the provided the speed of the spe He has been involved in the underground min-

Testimony by Mr. Thomas O. Nuttle, Superintendent of the Texas Quarry, inc sted that the Harry T. Campbell Sons' Corporation must obtain permits regularly from the Department of Water Resources and that he is responsible for processing all waste water before it is released into the stream that rons through their property. Six (6) different tests are made of the water entering and eaving the site. He indicated that the State had visited the site out one (1) month ago, made tests and approved the water as meeting all State requirements.

Mr. Paul C. Hosking, a professional engineer and Regional anager of the Vibration Measurement Engineers, Incorporated, testified as to the effect of the blasting operation on the surrounding area.

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> Mr. Hosking explained that national stundards have been established indicating the safe or acceptable amount of vibration permitted in an operation of this type. His Company has made such tests for the Harry T. Campbell Sons' Corporation since 1966. The test consists of a seismographic recording of each blast. The test area or location of the seismograph may be located as far as three (3) miles away. Each report is transmitted to the home office in Miami. Florida, for review and comment. The report is coded by color and filed as a permanent record of the Harry T. Campbell Sons' Corporation. Mr. Hosking indicated that at no time, since his Company began making seismographic recordings for the Marry T Campbell Sons' Corporation, has the level of vibrations, resulting from blasts, reached a level considered harmful to any of the surrounding buildings or residences.

Mrs. W. A. Bauman, an area resident who attended the hearing, questioned Mr. Hosking about vibrations resulting from blasts at the Texas location. It was her opinion that her home was being damaged as a direct result of these plasts. As a result of her compaint, Mr. Hosking suggested that the amount of vibration taking place in her home could be determined by a seismographic test and, with Mrs. Bauman's approval, agreed to make such a

A complete report, including seismographic readings taken at the Bauman residence as a result of blasts made on June 5, 1972 and June 6, 1972, has been submitted and made a part of this case. An excerpt taken from this report, beginning from Paragraph 3 on Page 16, reads as follows:

> "The two shots recorded at the W. A. Bauman residence are typical of the operations of the H. T. Campbell Son's Company operation. The first, Recording No. 148751 is typical of the secondary operation to break up large pieces of rock into suitable sizes. As can be seen from the copy of the recording appended to this report, the energy levels were so low that no impulses were record-ed on the seismogram.

The second typical recording No. 148778 consisted of 6550 lbs. of blasting agents discharged at .017 second intervals with 872 lbs. being discharged per interval. As can be anticipated at

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9000 feet distance to the Bauman residence, the reading was .003 inch motion or 2% of the limit allowed by VIBRATION MEASUREMENT ENGINEERS.

It is of interest that the average thickness of a human hair is 0.003 thick, thus, the motion at the Bauman residence was about 1/\*9 of a hair.

Based on more than thirty-five years' experience, during which time VIENATION MEASUREMENT FORMERS are conded the vibration of many thousands of blasts of every size and every description, and further supported by the content of the

In addition to Mr.. Buuman, the only other residents in attendance were Mr. Thomas N. Earp, Jr., and Mr. A. D. McComas, who is the President of the Falls Road Community Association, Incorporated. Mr. McComas objected to the subject Special Exception.

During the hearing, Mr. McComas asked questions of several of the expert witnes as with regard to their opinion of the Campbell operation. Subsequent to the hearing, Mr. McComes re quested and received permission to sabnit a letter and/or letters of protest. It was agreed that a personal letter, which was to be written immediately, would be accepted and that a letter representing the tall membership of the Association could be submitted at a later date. Mr. McComas' personal letter has been made a part of the file. No other letters have been received as of August 23, 1972. The first two (2) paragraphs of his letter read as follows:

"As you are aware I registered a protest at the hearing which you conducted on 5 June 1972 re lative to the petition of the Harry T. Campbell Co. (zoning case number 72-275-X) for the exten-sion and expansion of the use of explosives at their quarry in the Cockeysville area. It is the purpose of this letter to state the basis for the

As the current president of the Falls Road Community Association I represent this group in matters such as this, however it the present instance since the hearing provided the first opportunity to become informed of Campbell's plans we have not yet obtained the views of our full membership and, therefore, the views expressed here are necessarily my own. On the basis of a sampling of opinion I have been able to gather

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BATE 3 during the past week I believe that there is a high probability that my views reflect the con-cern of our association as well as of other as-sociations in the Cockeysville area."

The body of Mr. McComas' letter expressed concern as to acoustic nuisances, noise pollution, the ability of dwellings to withstand earth tremors over long periods of time and of possible hidden structural damage to foundations, fatigue effects in various structures, shifting of underground water supply sources and other cumulative long term effects. In summary, Mr. McComas made the following statements:

"The community (at least that to the West) has not been provided an adequate opportunity to assess the impact of this propos-

There are serious community problems with the present quarry and the Zoning office should not perpetuate these and perhaps introduce others.

Future community needs will place an in-creasing importance on Campbell's ability to coexist in a relatively dense residential area. Adequate safeguards must be developed and enforced to protect the public interest.

It is therefore respectfully requested that in the greater public interest you deny the subject Pe-

#### OPENTON

Mr. McComas is President of the Falls Road Community Association, Incorporated. As pointed out in his letter, it is important to recognize that he represents many area residents. Many of his points are well taken and some will by incorporated in this Order. However, it must be considered very unusual to have a hearing concerning an operation of this magnitude, covering an area of over six hundred (600) acres, in which only three (3) area residents appeared. One must assume that at least some of the residents have accepted the use.

In any case, the operation is one of long standing, is well established and could, in all probability, continue in varying degrees for years to come. The location of the quarry is, in fact,

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in an industrial corridor surrounded by the Harrisburg Expressway on the west and industry or industrially goned land on the east and north. The quarty has been in couration at this location since 1926 and has no doubt helped to bring about many of the features previously mentioned, i.e., the present alignment of the Parrisburg Expresswe/, and the industrial zoning to the east and north hatweet the Harrichurg Pynrogeway and York Boad

It is evident that the Potitioner is making a serious effort to make his heavy industrial operation compatible with the surrounding industries and residential developments at large. It is also quite evident that the minerals existing at this specific location represent a wery important need insofar as industry buildings, roads, etc., are concerned. The by-products resulting from the subject operation are also important insofar as the needs of the average citizen are concerned.

After considering all of the above facts and testimony. it is the opinion of the Deputy Zoning Commissioner that the Special Exception will not be detrimental to the health, safety and general welfare of the community and that it meets the requirements of Section 502.1 of the Baltimore County Zoning Regulations. The operation, which is expected to continue for the next fifty (50) to severity-five (75) years, should, however, be conditioned on a review every ten (10) years. The review should consist of a Special Hearing, to be advertised and posted in accordance with the present requirements, for the purpose of determining the following

> Is the quarry being operated in accordance with plans approved in connection with this case.

2. Is the owner and/or operator complying, to the best of his ability, with all air, water and noise pollution standards, as presently exist and/or that may exist at the time the Pe-tition is reviewed.

Has the owner and/or operator, at the time of the hearing, made every effort to loave closed or completed sections of the quarry and mining operation in a condition that represents

- 9 -

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its most reasonable state with regard to the health, safety and general welfare of the com-munity at large, and/or future feasible uses.

4. The productivity of the overall operation shall be reviewed and recorded at each ten (10) year hearing. When the productivity decreases to a point that is no longer considered productive, the owner and/or operator shall be given a period of time to cease the operation, as conditioned in Paragraph 3 above.

In addition to the above, it shall be the responsibility of the owner and/or operator to:

a. Petition the Zoning Commissioner for the above mentioned Special Hearing on each tenth anniversary of the date of this Order.

b. Submit reasonable evidence at the hearings indicating that he is taking advan-tage of all modern mining and quarrying prac-tice. tices that would make the operation more patible with its surroundings.

c. Submit two (2) sets of approved plans, i.e., Exhibits A, B, B-1, B-2 and C, to the Zoning Commissioner for insertion in this file as a permanent record, said plans to be approved by the Department of Pablic Works, the Department of Traffic Engineering, the State Highway Administration, and the Office of Planning and Zoning and the Office of Planning and Zoning and

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 25 day of \_\_\_\_\_\_ day of \_\_\_\_\_\_ 1972, that, for the reasons stated in the above Opinion, the herein petitioned for Special Exception should be and the same is GRANTED, subject, however, to the conditions set forth in the above Opinion

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COMMENTS TO ACCOMPANY APPLICATION BY HARRY T. CAMPBELL SONS' COMPANY TO BALTIMORE COUNTY, MARYLAND FOR A SPECIAL EXCEPTION FOR A CONTROLLED EXCAVATH USING EXPLOSIVES AT THE TEXAS, MARYLAND QUARRY LOCATED IN THE ELECTRIC DIS

Attached to these comments are various plats that graphically portrathe existing land use at Campbell's Texas Quarry and also general concepts regarding future development of the property.

The Campbell landholdings consist of approximately 750 acres of land. all lying North of Padonia Road, West of York Road, Maryland Route No. 45. Tac major portion of the landholdings, consisting of approximately 632 acres, lies between the Penn Central Railroad--Beaver Dam Road on the East and Interstate Route 1-83 (Harrisburg Expressway) on the West. Approximately 80 acres lies West of Interstate 83 and approximately 38 acres lies East of the Penn Cont. 1 Railroad

The land is presently zoned Manufacturing Heavy, Manufacturing Light, Business Major, Density Residential 2, and Density Residential 3.5. The W. H. zoning is situate West of the Penn Central Reilroad and is virtually surrounded by the M.L. zone. Business Major zoning is located on the Easternmost portion of the lands lying between the Penn Central and York Road. A small segment of this property adjacent to Old Padonia Road is also zoned D.%. 3.5. This procedure does not request any change in the present zoning classifications.

Area of the Special Exception as shown on the plat prepared by Dollenberg Brothers consists of 616 acres more or less. As can be seen from the plat, the Special Exception area lies East of Interstate 63 and does not include any of the Campbell ownership lying West of Interstate 83.

Historically, quarrying has been conducted in this area since the early 1800's. The Campbell Company began its operations here in 1926 and has

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Preliminary geologic udy of the landholdings reveals that the major portion of the property contains reserves of minoral aggregates and industrial mineral type materials. This is the reason for applying for the Special Exception over the major porcion of the property. Over the years, experience had indicated that stone types vary within the same geologic formation. Therefore, it is necessary simultaneously to extract material from more than one location. Market demands also require a variety of stone types and material specifications, further dictating where extraction will be conducted. Over the years, demand for the products has increased in relation to population growth in the surrounding area. Some expansion of the present facility in the future will be necessary in order to meet these demands. Temporary crushing and screening facilities should be allowed within the Special Exception area while operations continue on the property.

Exhibits A, B, B-1, B-2, and C portray in generalized graphics the long range proposal to extract materials from the 616 acre Special Exception area. These are being submitted as generalized plans with the scipulation that periodically grading permit applications will be filed with Baltimore County, Department of Permits and Licenses, to show in detail the future active areas of extraction on the property. Incorporated in these detailed plans will be such things as drainage studies, sediment control devices, required methods of erosion control and any other details if and when required in order to secure a grading permit. When necessary, and when an area would so require permits will also be obtained from the State of Maryland, or other governmental agencies, when applicable to continuing the extraction operation.

-2-

At the present time, day to day activities in regard to extraction and processing are regulated by the U. S. Bureau of Mines Act pertaining to nonmetallic quarries and mines.

Surface buffer strips with a minimum of 300 feet will be established around virtually the whole perimeter of the open pit extraction area. Where practical, earth berms will be constructed on the surface buffer strips for the purpose of minimizing public view of the operation. These berms will be treated aesthetically by slope seeding and tree planting. Exhibit B-1 shows much of the detail that will be incorporated in future operation plans.

In addition to the proposed future quarry sites, underground mining shall also be anticipated within the Special Exception area beneath surface buffer zones, plant sites, and other areas not programed for open pit quarrying. Exhibit C shows the approximate underground mining areas within the Special Exception. Generalized details regarding the concept of this type of extraction is shown on Exhibit B-2.

It is noted that when underground mining extraction is economically feasible within an area, no physical change takes place on the surface. Development of the surface could take place during underground extraction using proper precautions. A tertiary use of the land beyond surface development and underground mineral extraction could be the development of underground manufacturing or storage site . This type of land use is very prevalent in the Midwest even

Because the proposed future land use of this land assemblage is long term, no specific residual uses have been planne' at this time. However, it does seem logical that the open quarry areas cou. . be utilized in the future

for additional water supply, additional water storage, water oriented recreational area, or a combination of all three. That land not substantially disturbed by quarrying could be developed on the surface and as mentioned earlier, the underground mine areas also utilized in the future.

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In summary, the purpose of the Special Exception request is to allow maximum flexibility in order to continue extraction of a needed natural resource that is important to the economy of the Baltimore Metropolitan area. Operations will continue in the same manner as in the past with continuing attention being given to the responsibility of conducting this type of opera tion in an area being subjected to the rapid advance of metropolitanism.

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DOLLENBERG BROTHERS Resistened Professional Engineers & Land Someper

109 WASHINGTON AVENUE AT YORK POAD

January 31, 1972

Zoning Description

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County. State of Maryland and described as follows to wit:

signth filection District of Paltimore County. State of Maryland and sessible as follows to at:

Reginning for the same at a point in the center of Texas lame at the distance of 61-54, feet resammed wasterly along the center of Fesas lame from the center of the dight of Way of the Sorthern Countral Branch of the Fenn Central Salirond and running thence and binding in the center of Texas Lame South 69 degrees 12 minutes west 20.17 feet, thence leaving and lame and running parallel with and distant 50 feet resammed vaterly at high angles and radially from tweet right of way line of said Moreham Control Hallroad the worldwing lines with Sorth 69 degrees 12 minutes West 20.17 feet, thence leaving a radial from the right having a radial worth 1 degrees 51 minutes 12 seconds West 234, 50 feet the feet of the control of the worth 1 degrees 25 minutes 30 seconds West 150.25 feet there. South 56 degrees 25 minutes 30 seconds West 150.45 feet to a colm 185 feet measured westerly from the center of Seaver, bear Road, thence by the little that are a minimum of 185 feet measured westerly from the center of Seaver bear 100 feet with the center of Seaver 100 feet with the center of Seaver 100 feet with 100 feet as minute 20 seconds West 150.15 feet finance 3 the center of Seaver 100 feet with 100 f North 69 degrees 58 minutes 30 seconds west 308.00 feet to a point sist of 50 feet resourced seasons when the outline of the orecent of the petitioners herein, thence running parall 1 with and 50 feet measured as the petitioners herein, thence running parall 1 with and 50 feet measured courses and distances with 50 minutes 30 seconds west 1025,25 feet, South 1 degree 15 minutes 30 degrees 30 minute 30 seconds west 1025,25 feet, South 1 degree 15 minutes 30 seconds was 100 seconds feet 69 h/5 feet and South 71 degrees 15 minutes 20 seconds was 150.05 feet to a point distant 130 feet measured enterly at a right and a from the east right of way line of the eastings hardwarp known supplied. with and distant 100 feet measured easterly at right angles and radially from said east right of way line the three following lines viz: South 8

The second secon

DOLLENBERG BROTHERS Registered Professional Engineers & Land Surveyors

TOWBON, MD, 21204

degrees his minutes 54 seconds Bast 195.51 feet, Southeasterly by a line curving toward the left having a radius of 5529.55 feet for a distance of 1267.16 feet (the chord of said are bearing 3outh 30 degrees 57 sinutes 3% seconds Hast 1400.59 feet) and South 53 degrees 10 minutes 1% seconds Hast 1400.59 feet) and South 53 degrees 10 minutes 1% seconds Hast 100 feet to a point distant Sorth 36 degrees 19 minutes 1% seconds Hast 100 feet to a point distant Sorth 17 degrees 29 minutes 1% seconds Hast 100 feet to a point distant forth 17 degrees 52 minutes 15 seconds Hast 676.02 feet to a point distant forth 17 degrees 52 minutes 15 seconds Hast 676.02 feet to a point distant forth 17 degrees 52 minutes 05 seconds Hast 676.02 feet to a point distant forth 17 degrees 52 minutes 05 seconds Hast 180.72 foot line as shown on the Relocation of Fadonia Road plat HMS 97-251-27, thenes South 60 degrees 17 minutes 17 seconds Hast 180.72 foot line as shown on the Relocation of Fadonia Road plat HMS 97-251-27, thenes South 60 degrees 17 minutes 17 seconds Hast 180.72 feet to a point distant 10 feet seasured westerly at a right angle from 50 feet to a point distant 10 feet seasured westerly at a right angle from 50 feet seasured at right angles from the self-timore 63 and Electric Company, thene running parallel and distant 10 feet seasured at right angles from the outlines between the property of the Baltimore 63 and Electric Company the eleven following courses and distances vis: North 3 degrees 20 minutes 20 seconds 868 t 711.77 feet, 3 such 18 degrees 18 minutes 20 seconds 868 t 711.77 feet, 3 such 18 degrees 18 minutes 20 seconds 868 t 711.76 feet, south 10 degrees 19 minutes 20 seconds Bast 50.10 feet, south 18 degrees 59 minutes 20 seconds Bast 50.10 feet, south 18 degrees 59 minutes 20 seconds Bast 50.10 feet, south 18 degrees 20 minutes 20 seconds Bast 50.10 feet, south 18 degrees 19 minutes 20 seconds Bast 50.10 feet, south 18 degrees 19 minutes 20 seconds Bast 50.10 feet, south 18 degrees 19 minutes 20 seconds Bast

DOLLENBERS BROTHERS Registered Professional Engineers & Land Surveyors 709 WASHINGTON AVENUE AT YORK ROAD

TOWSON, MD. 21204 (3)

minutes 00 seconds East 15.71 feet, thence running parallel with and distant 100 feet measured northerly from the line between the property zorad DR 3.5 and the property zonad B.M. as shown on Baltimore County Zoning Maps, South 61 degrees 53 minutes 30 seconds meant this 2.21 feet to a point 30 feet westerly from the outlines of the property of the petitioners herein, thence running parallel with and distant 30 feet measured at right angles from the outlines of the property of the Petitioners herein, thence running parallel with and distant 30 feet measured at right angles from the outlines of the property of the Petitioners herein the universe following 255.32 feet, South 30 degrees 50 minutes 00 seconds East 285.63 feet, South 60 degrees 100 minutes 00 seconds South 87 degrees 32 minutes 00 seconds Most 141.05 feet, South 87 degrees 32 minutes 00 seconds East 177.57 feet, Morth 16 degrees 23 minutes 00 seconds East 178.11 feet, North 17 degrees 39 minutes 51 seconds West 267.05 feet, North 15 degrees 56 minutes 00 seconds West 155.11 feet, North 18 degrees 15 minutes 100 seconds West 155.01 feet, Worth 18 degrees 15 minutes 100 seconds West 156.01 feet, Worth 18 degrees 18 minutes 100 seconds West 156.01 feet, Worth 18 degrees 18 minutes 100 seconds West 156.05 feet themse running and feet measured with and distant 30 feet measured southeasterly from the outlines of the sections and fatances west 155.05 feet themse running and entering the West 95.00 feet and distant 30 feet measured southeasterly from the outlines of the settlement herein, 176.76 feet and South 72 degrees 15 minutes 22 seconds West 1006.41 feet, South 66 degrees 15 minutes 00 seconds west, running parallel with and distant 30 feet measured southeasterly from the outlines of the settlement herein, 176.76 feet and South 72 degrees 15 minutes 22 seconds West 1006.01 feet with 18 feet measured westerly from the outlines of the settlement herein, 176.76 feet and South 72 degrees 15 minutes 22 seconds (Sorthern Control of Latence 161.007 feet 161

Containing 613.55 Acres of land more or less.

Being a part of the land of the petitioners herein as shown on a plet filed in the Zoning Office of Baltimore County.



LAW OFFICE JOHN H. GARMEI

October 25, 1972

County Board of Appeals County Office Building Towsen, Maryland 21204

Re: Harry T. Campbell & Sons Incorporated File No.: 72-275-X

Gentlemen:

Kindly enter my appearance on behalf of A. Bouglas McGomas and George K. Zinkhan, Jr., appellants/protestants in the above referenced case.

I am aware of your letters to Mr. McComas and Mr. Zinkhan requesting information on witnesses to testify at the hearing. Because I have just entered the case and because of the technical nature of many of the issues involved. I respectfully request an additional 30 days in which to reply to those letters.

Thank you for your usual cooperation.

Very truly yours, JOHN H. GARMER

cc: W. Lee Thomas, Esq

RE: PETITION FOR SPECIAL EXCEPTION Ne/corner of Texas Lane and Beaver Dam Road - 8th District Harry T. Campbell Sons' Corpor MO. 72-275-X (Item No. 136)

BEFORE THE DEPUTY ZONING COMMISSIONER BALT THORK COUNTY

. . . . .

To the - ZONING COMMISSIONER OF BALTIMORE COUNTY County Office Building Towson, Nervland 21204

Please enter an appeal from the order of the Deputy Zoning Commissioner ore County dated August 25th, 1972, in the above-entitled matter, the County Board of Appeals, by the undersigned aggrieved taxpevers and ants of real property in proximity to the subject land.

· SEP 22 72 PM -

George M. Zinkhan, Jr.

### BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO. Mr. S. Eric DiNenna, Zoning Commissioner Date. June 5, 1972

FROM George E. Gavrelis, Director of Planning

Petition #72-275-X. Northwest corner of Texas Lane and Beaver Dam Road.

Petition for Special Exception for Controlled aboveground and underground excavation and extraction with the use of explosives. Harry T. Campbell Sons' Company - Petitione

8th District

HEARING: Monday, June 5, 1972 (10:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and ho

We note there is no identification of anticipated related activities such as stone crushers, batch plants, etc on the set of plans accompanying the petition. We suggest that future related uses be limited to that area now

Much of the surface land east of the Northern Central Railroad has been Much of the surface land east of the Northern Central Railroad has t. en enranked on the propased Central Sector plan for higher intensity uses. We cannot tell at this time if the proposed underground mining would still allow the suggested oboveground uses which could include large commercial buildings. We suggest that additional information be supplied concerning the potential uses above the underground mining areas other than the low laterality uses shown on on exhibits 8-1 and 8-2.

We also point out that the northern portion of the property could be affected by a proposed interchange of the Jones Falls Expressway Extended with 1–83 and

If the proofs of Sec. 502.1 are met, any new uses should be conditioned to  $\alpha$ Site plan which has approval of all concerned Federal, State and County agencies.

We would also suggest that since the petitioner is apparently unable to project a life span for this operation, that the order be validated for a limited period of time, say 10 - 15 years, after which the petitioner's plans must be reviewed

GEG: NEG: cm

#### BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG 111 V. Chesspeake Ave. Texness, Maryland 2120

e0a OLIVER L. MYERS Chairman

BUREAU OF DEPARTMENT OF TRAFFIC ENGINEERIN

STATE ROADS COMMIS BUREAU OF FIRE PREVENTION

PROJECT PLANNING BUILDING DEPARTMENT BOARD OF EDUCATION ZONING ADMINISTRATI INDUSTRIAL DEVELOPMENT

W. Lee Thomas, Esq., 102 W. Pennsylvania Avenue Maryland 21204

> RE: Type of Hearing: Special Exception Location: N/M Quadrant of Beltimore-Marrisburg Expressmy and Padonia Road Petitionar: Harry T. Campbell Sons Company 8th District

March 27, 1972

The attached comments were received by this office from the spartment of Water Resources and the United States Department the Interior, Bureau of Mines.

Very truly yours, Oliver L. Myor OLIVER L. MYERS, Chairmen

JJD:JD

Enc.

cct Mr. Roland Hanger Harry T. Campbell Sons' Company Campbell Building Towson, Haryland 21204



HERBERT M. SACHS

DEPARTMENT OF WATER RESOURCES STATE OFFICE BUILDING

Marc' 22, 1972

Baltimore County Office of Planning § Zoning County Office Building 111 W. Chesapeake Avenu Towson, Maryland 21204

Attention: Mr. John J. Dillon, Jr.

RSN: INC: ik

The following comments are provided on the request for special exceptions described in your letter of March 10, 1972 on the following two zoning cases:

Item 127 - Subguy property at Bird River Beach Road and Ebenezer Road

Item 136 - H. T. Campbell Co. Texas Md. Quarry

This Department has no objection to the proposed quarrying at these two sites but wishes to advise both these owners that permits from this Department will be required if water is to be taken from these ponds or if any wash water or waste water is planned to be d'scharged into any stream. As you are ware grading and sediment control plans are lkely required for these quarrying operations and these are reviewed and approved by the Baltimore Soil Conservation dustrying operation itself as long as no stream is changed in conservation and any pendage of water is entirely below the existing ground surface and not confined by embankments above existing ground surface and not confined by embankments above existing ground surface and not confined by embankments above existing ground level.

For any further information on approvals 'y this Department, the owners of items 127 and 136 should consult Mr. Brunori and Mr. Chicca respectively, the Watershed Managers of our Department for these areas.

Very truly yours,

Robert J. Norton . In Robert S. Norton, Jr. Chief, Surface Water Management

AN AGENCY OF THE MARYLAND DEPARTMENT OF NATI RAL RESOURCES



#### United States Department of the Interior

BUREAU OF MINES 4500 FORRES AVENUE PITTSBURGH, PENNSYLVANIA 15215

March 21, 1972

Mr. John J. Dillon, Jr. Zonine Technician II County Office Building 111 W. Chesapeake Avenu Towson, Maryland 21204

This is in answer to your letter of March 10, 1972, concerning two petitions by mining companies for exceptions to zoning regulations

As we discussed on the telephone, according to Fublic Law 89-577 the As we discussed on the telephone, according to rubite Law 9-37/ in Bureau of Mines Wetal and Nommetal kine Health and Safety activity only has a regulatory function. This Hists our activities to enforcement of the standards promulgated by the advisory committee. These standards apply only to health and safety conditions directly involved in mining operations.

We are able to give you our impressions of the companies involved in these peritions as they were gained by field inspection personnel in the course of enforcing the standards.

Item No. 136 refers to an application by Harry T. Campbell Sons' Company at the Texas, Maryland quarry located in the eighth election district. We have inspected an underground mining operation and a stone quarry operation, each in conjunction with stone processing stone quarry operation, each in conjunction with stone processing and associated facilities. We currently carry this company as the Texas Maryland Quarry and Plant, Harry T. Cambell Sons' Company and Division of the Flintchtee Company, Texas, Baltimore County, Haryland. We have found this company to be responsible and willing to cooyerate with our inspections done in accordance with Fublic Law 95-977. It would seem the company could be relied upon to discharge their casponsibilities according to their request for this special exception.

You indicated on the telephone that item No. 127 referred to Stan-cill Corporation, Aberdeen, Marford County, Naryland. We do not have any record of conducting inspections on this company's prop-erty; therefore, we are not in a position to comment on our impression of their activities.

If we can be of further assistance, please let as know.

Sincerely yours.

ather & Varlerry Arthur H. Yarberry Subdistrict Manager Metal and Nonmetal Mine Health and Safety Eastern District

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

OLIVER L. MYERS

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BUBEAU OF

DEPARTMENT OF TRAFFIC ENGINEERING BUREAU OF FIRE PREVENTION

REALTH DEPARTMENT PROJECT PLANNING BUILDING LEPARTMEN BOARD OF TRUCATION

ZONING ADMINISTRATIO INDUSTRIAL DEVELOPMENT

Merch 27, 1972

W. Lee Thomas, Esq., 102 W. Pennsylvania Avenue Towson, Maryland 21204

RE: Type of Hearings Special Exception Location: MAN Quadrant of Baltimore-Harrisburg Expressway and Padonia Road Petitioner: Harry T. Cambbell Sons Company 8th District

Dear Str.

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has ande an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the northess corner of Padonia Road and the Hersthurg Expressive, It is currently improved with the existing Herry I. Cambell Sons' quirry and Stone processing plent. The arometry extends approximately 4000 feet along I-83 and contains approximately 4000 feet along I-83 and contains approximately 600 feet along I-83 and contains approximately 602 acres. There is an edditional 80 acres that lies on the northesst corner of Padonia Road. Also another J8 acres which lies on the east vide of Fann Control Relirond. The area along the I-83 is in the process of being screened from any view from the Expressively by the use of earth borns any view from the Expressively by the use of earth borns and view from the Expressively by the use of earth borns control and the subject of a control and the subject is also the north of the subject is of so or residential, a clinder block processing plant and enabler industrial park. Here is no curry and gutter existing along deever can Road a The subject property is located on the northeast corner There is no curb and gutter existing along Beaver Cam Road at

The following comments are furnished in regard to the platr submitted to this office for review by the Zoning Mavisory Committee in connection with the subject item.

The magnitude of this property is considerable, comprising approximately 750 acres, of which an area of approximately fish area is the subject of this Petition for a Special Exception.

W. Lee Thomas, Esq., . Re: Item 136 March 27, 1972

Sufficient information or detail in regration future or ultimate development specifics cannot be provided at this use. The protection of all public utilities and highway insurvements and any demap sustelined as a result of the Petitioner's querrying or underground mining operations would be the full responsibility of the Petitioner. Therefore, the need and requirements for all public and/or private rowds and utilities, including rights-of-way esaments, reservations, horizontal and vertical alignation, etc. can only us determined at such time as the specific development proposals for the site, or portions thereof, are reviewed by the John Suddivision Planning Committee. With this understanding, the following comments are supplied in regard to the submitted plans. submitted plans.

The Baltimore-Harrisburg Expreseway (I-83) is a Steep road, and as the future extension of the Jones Falls Expressing in this area is a proposed State Highway Administration project, all improvements, intersections and entronces on those roads will be subject to State Highway Administration requirements.

The relocated Padonia Road is a recently constructed dual lane County Road on a right-of-way of varying width. No further highway improvements are required at this time.

(Old) Padonia Road east of the proposed Beaver Dam Read is proposed to be improved in the future as a Ad-foot clased-type readway cross section on a 50-foot right-of-say. That portion of Old Padonia Road remaining within the Cambbell property wast of the proposed Boaver Dam Road is proposed to ultimately be abandoned as a public road bandoned as a public road.

Beaver Dan Road is proposed to be relocated as indicated on the submitted plans and constructed in the Capital Incroverent Proprint in 1957-1977 as a 50-foot closed-type readery cross-section on a Po-foot right-of-way.

Church Lane (Texas Road) is proposed to be improved in the future as a 60-foot closed-type realiny cross-section generally on a 60-foot right-of-way, but varying to a 50-foot right-of-way as a minimum. That portion of Church Lang, west of the Reliand is considered a privite road.

Industry Lane is proposed to be improved in the future as a 42-foot (40-foot minimum) closed-type roadway cross-section on a 50-foot right-of-may and will be extended to the proposed Bouver Dam Road as relocated.

The possibility of extending Marran Road westerly to Beaver Dan Road is under consideration as a 50-foot closed-type reaching cross-parties on a 70-foot right-of-way.

W. Lee Thomar, Esq., Re: Item 136 Page 3 March 27, 1972

#### Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sadiment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessar, for all grading, including the stripping of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

#### Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated

In accordance with the drainage policy for this type development, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed

The Baltimore-Harrisburg Expressway (I-83) is a State road and the future Jones Falls Expressing yettersion is a proposed State Highway Administration project. Therefore, drainage requirements as they affect these roads come under the jurisdiction of the State Highway Administration.

Open stream defining penerall, requires a defining resurration or essenant of sufficient width to come the flast plain of a Spaper cesting storage with a minimum width of 50 feat required. Mowever, in report to this property, its projected use and considering the producting of Goodwin Rum, and may reduction of the Rum to the query-mine operations, it is recommended that the channel and flood joint should be established on the basis of a 100-year casting storm.

Rechanneling and/or relocation of Goodwin Run or its tributaries is subject to the requirements and approval of the Maryland Pepartme it of Natural

Orainage and utility easements will be required through this property to serve off site properties.

Orainage flows which traverse this property are tributary to Loch Paven Reservoir via the Baismain Run, Goodwin Run and Delver Jam Run. The insturat drainage courses for these flows must be provided for so as to accommodate drainage from off site properties.

W. Lee Thomas, Esq., I 136 - Page 4 Re: Harry T. Campbell Sons Company March 27, 1972

#### Water:

Public water supply is available and serving this property.

Additional water service can be provided by construction of private water main extensions from the existing public water mains. Pressure differentials may require installation of pressure reducing valves on water service connection at various lower ground elevations within the site.

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#### Sanitary Sewers

Public sanitary sewerage can be made available to serve this property by construction of public sanitary sewer extension/extensions from the existing public sanitary sewerage in the area.

Public senitary outfall/interceptor severs together withleteral sewerage may be required to be constructed through this property in the future. Utility easements and temporary construction strips will be required in connection with such severage construction, generally following the alignment of the existing natural defanage courses.

#### HEALTH DEPARTMENT:

Metropolitan water and sewer are available to the site.

Air Pollution Communiti. The building or buildings on this site may be subject to registration and complience with the Haryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department

#### PROJECT PLANNING DIVISION:

The Office of Planning has reviewed the subject site olan and offers the

Because of the magnitude of the operation it is difficult to make specific comments, but the future use of the property after the quarry operation is completed should be indicated at the time of the hearing.

#### STATE HIGHWAY ADMINISTRATION:

The State Highway Administration has no objection to the general Expressory. Newworth the blank has no objection to the general Expressory. Newwer, the plan should indicate the recently completed and proceed highway widening and the right of way widening in order to portray the proper relationship of the highway to the proceed mining.

W. Lee Thomas, Csq., item 136 - Page 5 Re: Harry T. Campbell Sons Company March 27, 1972

The additional right of way along the expressway is currently in the process of being acquired from the Campbell Company.

The Administration proposes an additional highway improvement (Warren Road extended) that will affect the property. We feel that this area should be kept clear of querying and underground mining.

Transmitted herewith are two (2) copies of the site plan on which have been indicated the aforementioned right of ways. One copy is for your use and one is for the petitioner. The petitioner's plans should be revised accordingly.

#### DEPT. OF TRAFFIC ENGINEERING:

The proposed special exception for controlled above and underground excavation is not expected to increase the projected trip generation from this site.

#### INDUSTRIAL DEVELOPMENT COMMISSION:

The Industrial Development Commission has visited the subject site and offers the following comments:

The quarrying and manufacturing operations of this industry are an important asset to Baltimore County. The location of the corration at this site is dictated by the deposit of natural resources found in the area. The materials extracted and treated at the site are important to the continued growth of the region. Therefore, the continuation and expansion of this operation is important in that it supplies a vital need to the community both materially and financially.

The Industrial Development Commission recommends that this potition be granted so that the operation may continue to expand and help meet the material an' recommic needs of the area.

#### BOARD OF EDUCATION:

to bearing.

#### ZONING ADMINISTRATION DIVISION:

Due to the magnitude and scope of this proposed operation, and after en in doath office presentation and field investigation of the subject site, we find any comments that we would make would be imprictical at

W. Lee Thomas, Esq., Item 136 - Page 6 Re: Harry T. Campbell Sons Company March 27, 1972

3

Keeping in mind that we are considering a project that is projected for the next 75 years, I am recommending that you consider the enclosed plat and comments from the State Highway Administration. However, due to the fact that the proposed Warren Road is not definite for this location, revised plans will not be required prior to the hearing.

This polition is accepted for filling on the date of the  $\epsilon$  closed filling certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filling certificate, will be formarded to you in the near future.

Very truly yours,

Oliver of Mycaz OLIVER L. MYERS, Chairman

JJD:JD

Enc.

cc: Mr. Roland Hanger Harry T. Compbell Sons' Company Campbell Building Towson, Haryland 21204

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna

FROM Ellsworth N. Diver, P.E.

SUBJECT. 14st, 335 (1971-1972).

From the Conference of the Confer

District: 8th No. Acres: 615.55 Acres

The following ccaments are furnished in regard to the plats submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

The magnitude of this property is considerable, comprising approximately 750 acres, of which an area of approximately 016 acres is the subject of this Fet'tion for a Special Exception.

Sufficient information or detail in regard to future or ultimate develop-ment specifics cannot be provided at this time. The protection of all public utilities and history improvements and any damage materiand as a result of the Petitioner's quarrying or underground mining operations would be the full responsivility of the Petitioner. Therefore, the need and requirements for all public and/or private roads and utilities, including rights-of-way, esseants, reservations, horizontial and vortical alignment, etc. can only be determined at such time as the specific development proposals for the site, or portions thereof, are reviewed by the Joint Qubdivision Planning Committee. With this understanding, the following comments are supplied in regard to the submitted plans.

#### Highways:

The Baltimore-Harrisburg Expressway (I-83) is a State Road, and as the future extension of the Jones Palls Expressway in this area is a proposed State Highway Administration project, all improvements, intersections and entrances on these roads will be subject to State Highway Administration requirements.

The relocated Padonia Road is a recently constructed dual lane County Road on a right-of-way of varying width. No further highway improvements are required at this time.

(014) Padomia Rosed east of the proposed Beaver Daw Road is proposed to be improved in the fitter as a bo-foot closed-type roadway cross-section on a 60-foot right-of-way. That portion of 018 Padomia Road remaining within the Campbell property west of the proposed Beaver Daw Road is proposed to ultimately be oned as a public rosú.

Item 136 (1971-1972)
Property Owner: Try T. Campbell Sons Company
Page 2 March 20, 1972

Highways: (Cont'd)

Reaver Dam Road is proposed to be relocated as indicated on the submitted class and posatructed in the Capital Improvement Frogram in 1976-1977 as a 50-foot closed-type roadway cross-section on a 70-foot might-of-way.

Church Lane (Texas Road) is proposed to be improved in the future as a bu-loot closed-type roadway cross-section generally on a 60-foot right-of-way, but varying to a 50-foot right-of-way as a minism. That portion of Church Lans, west of the Rallroad is considered a private road.

Industry Lane is proposed to be improved in the future as a h2-foot Industry Large is proposed to be improved in the lattice as a activity (the-foot minimum) closed-type roadway cross-section on a 60-foot right-of-way and will be extended to the proposed Beaver Dam Road as relocated.

The possibility of extending Warren Road westerly to Beaver Dam Road is under consideration as a 50-foot closed-type roadway cross-section on a 70-foot

#### Sediment Control:

Development of this property through stripping, grading and stabilization of the property in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the surjoying of top soil.

Drainage studies and sediment control drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

Provisions for accommodating storm water or drainage have not been indicated on the submitted plans.

In accordance with the drainage policy for this type development, the Fetitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

The Baltimore-Harrisburg Expressway (1-83) is a State Road and the future Jones Falls Expressway extension is a proposed State Highway Administration project. Therefore, defaunce requirements as they affect these roads come under the jurisdiction of the State Highway Administration.

Open stream draining generally requires a draining reservation or quiescent of sufficient width to cover the flood plant of a 50-year design stom, with a minisum width of 50 feet required. However, in regard to this property, its projected use and considering the proxistity of Goodwin Rum, and any relocation of the Nun to the quarry-wine operations, it is recommended that the channel and flood plain should be established on the basis of a 100-year design storm,

Item 136 (1971-1972) Property Cener: arry T. Campbell Sons Company Page 3 March 20, 1972

#### Storm Drains: (Cont'd)

Rechanneling and/or relocation of Goodwin Run or its tributaries is subject to the requirements and approval of the Maryland Department of Natural

Drainage and utility easements will be required through this property to

Drainage flows which traverse this property are tributary to Loch Raven Reservoir via the Baisman Run, Goodwin Run and Beaver Dan Run. The natural drainage courses for these flows must be provided for so as to accommodate drainage from offsite properties.

#### Water:

Public water supply is available and serving this property. Additional water service can be provided by construction of private water main extensions from the existing public water mains. Pressure differentials may require installation of pressure reducing valves on water service connections at various lower ground elevations within the site.

#### Sanitary Sewer:

Public sanitary sewerage can be made available to serve this property by construction of public sanitary sewer extension/extensions from the existing public sanitary sewerage in the area.

Public sanitary outfall/interceptor sewers together with lateral sewerage may be required to be constructed through this property in the future. Utility easements and temporary construction strips will be required in connection with such sewerage construction, generally following the alignment of the existing natural drainage courses.

> ator. Diver Chief, Bureau of Engineering

#### END: EAM: FWR: 88

S-NE & V-SE Key Sheets NW 15, 16 & 17 H & NW 16 & 17 C 51 Tax Map

cc: John Trenner Dorwin Grise Samuel Bellestri BALTIMORE COUNTY, MAK LAND

INTER-OFFICE CORRESPONDENCE

TO Mr. Oliver Myers Date February 29, 1972 FROM Hoyt V. Bonner

SUBJECT Item 136 - Zoning Advisory Committee Meeting, February 28,1972

136. Property Owner: Harry T. Campbell & Sons Company
Location: N/E Quadrant of Balto-Harrisburg
Expressuay & Padetia Rd.
Present Zoning: M.L. & M.R.
Proposed Zoning: Special Exception for controlled
above and under groun: excavation

District: 8 No.Acres: 615.55

Metropolitan water and sewer are available to the site.

Air Pollution Comments: The building or buildings on the same and be subject to registration and compliance with the Haryland Sate Helath Air Pollution Control avgulations. Additional information may be obtained from the Division of Air Pollution, Ballinore County Department of Health.



## STATE HIGHWAY ADMINISTRATION

300 WEST PREE.ON STREET BA TIMORE MO 21201

March 9, 1972

Mr. S. Eric DiNenna Zoning Commissioner County Office Buildin Towson, Maryland 21204

TTEM 136: PRANT THE TRANS Location: N/S quadrant of Balto-Harrisburg Expy 5

Padonia Koad
Present Zoning: M.L. & M.H.
Proposed Zoning: Special Excep-tion for controlled above and ground excavation 8th district - 615.55 Acres

The State Highway Administration has no objection to the general concept of underground mining in the vicinity of the Baltimore-Harrisburg Expressivay. However, the plan should indicate the recently completed and oncosed highway widening and the right of way widening in order to portray the proper relationship of the highway to the proposed mining. The additional right of way along the expressive is currently in the process of being acquired from the Campbell Company.

The idministration proposes an additional highway improvement (Warren 'oad extended) that will affect the property. We feel that this area should be kept clear of quarrying and underground aining.

Transmitted herewith are two (2) copies of the site plan on which have been indicated the aforementioned right of ways. The copy is for your use and one is for the petitioner. The petitioner's plans should be revised accordingly.

Very truly yours.

Charles Lee, Chief Development Engineering Section Then & Meger 14,

CL:JEM:bk

cc: Mr. Holand M. Thompson

Encl.

## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna Attn: Oliver L. Hvers

Date March 15, 1972

FROM: Michael S. Flanigan

TO.

Item 136 - ZAC - February 15, 1972
Property Owner: Harry T. Campbill Sons Co.
NE Quadrant Balto-Harrisburg Expressway & Padon:a Rd.
Special exception for controlled above and under
ground excavation SUBJECT:

> The proposed special exception for controlled above and under ground excavation is not expected to increase the projected trip generation from this site.

### BALTIMORE COUNTY, MARYLAND

INTER-OFFICE COFRESPONDENCE

MAD -9 72 AM -

TO Mr. S. Eric DiNenna Zoning Commissioner

Date March 7, 1972

FROM H. B. Staab - Industrial Development Commission

SUBJECT Item 136 - ZAC Agenda of 2/15/72 Harry T Campbell Sons Company Expressway and Padonia Road Proposed Zoning - Special Exception for Controlled above and underground excavations - 8th S. D.

The Industrial Development Commission has visited the subject site and offers the following comments:

The quarrying and manufacturing operations of this industry are an important asset to Baltimore County. The location of the operation at this site is dictated by the deposit of natural resources found in the area. The materials extracted and treated at the site are important to the continued growth of the region. Therefore, the continuation and expansion of this operation is important in that it supplies a vital need to the community both materially and financially.

The Industrial Development Commission recommends that this petition be granted so that the operation may continue to expand and help meet the material and economic needs of the area.

H. B. STAAB

BALTIMORE COUNTY PARTS OF EDUCATION



ZONING ADVISORY COMMITTEE MAETING OF FEE 15, 1971

Potitioner: HARRY T. CAMPBELL Sons Co

Location:

District: 8

Proposed Zoning:

No. of Acres:

Comments: NO BEARING

#### BADIMORE COUNTY, MARYI ND

INTER-OFFICE CORRESPONDENCE

TO Zoning Commiss
John B. Win SUBJECT Zoning Advisory Agend Item 136

The Office of Planning has reviewed the subject site plan and offers the following comments

Because of the magnitude of the operation it is difficult to make specific comments, but the future use of the property after the quarry operation is completed should be indicated at the time of the hearing.

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertise

THE JEFFERSONIAN

Posted for SPECIAL EXCEPTION

Petitioner: HARRY T CAMPBELL + SOAS CO.

5 5/400 73-275-X

72-275-X

Date of Posting Hot Y 15- 1972

#### CERTIFICATE OF PUSTING ZONING DEPARTMENT OF BALTIMORE COUNT

51605

CERTIFICATE OF POSTING

IG DEPARTMENT OF BALTIMORE COUNT

Location of property N/N COR. CTEXAS LANE AND BEAVER DAN Rd.

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Posted by Color of Mark Date of return M+ 26 1972

Posted for APPEAL Petitioner HARRY T. CHAPBELL Sous CORP. LOCAGON OF PROPERTY NEW CORRES OF TEXAS LANG AND BEAVER DARI Rd. Location of Signa D. W. PADONIA. R.M. W. OF YORK R.G. PENSERIA OF TENNESS LAW QUE PARTE BANG EXPRESS CAY A. OF PASSESS A. N. THE TOWNS OF THE PASSES OF THE TOWNS

Petitioner: Herry T. Compbell Sens Comp

Posted by Charle Men Date of return Del 23 1972

Granted by ZC, BA, CC, CA

FUNCTION

Petition number added to

Denied

No. 2195 BALTIMORE COUNTY, MARYLAND May 4, 1972

Harry T. Campbell Sons' Co. Towson, Md. 21204 Petition for Special Exception

3193 4 ARION 4

RALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION

DATE June 5, 1972 ACCOUNT 01-662

Messrs. Roystor, Meller, Thoras & Melsan 102 V. Penna. Ave. Toward, Md. 21204 Advertising and posting of property for 55.75 Mess

BALTIMORE COUNTY, MARYLAND

BALT IORE COUNTY, MARY AND

OFFICE OF FINANCE

COURT HOUSE SON, MARYLAN

MAIL TO OFFICE OF FINANCE, REVENUE DIVISION

BALTI ORE COUNTY, MARY AND OFFICE OF FINANCE

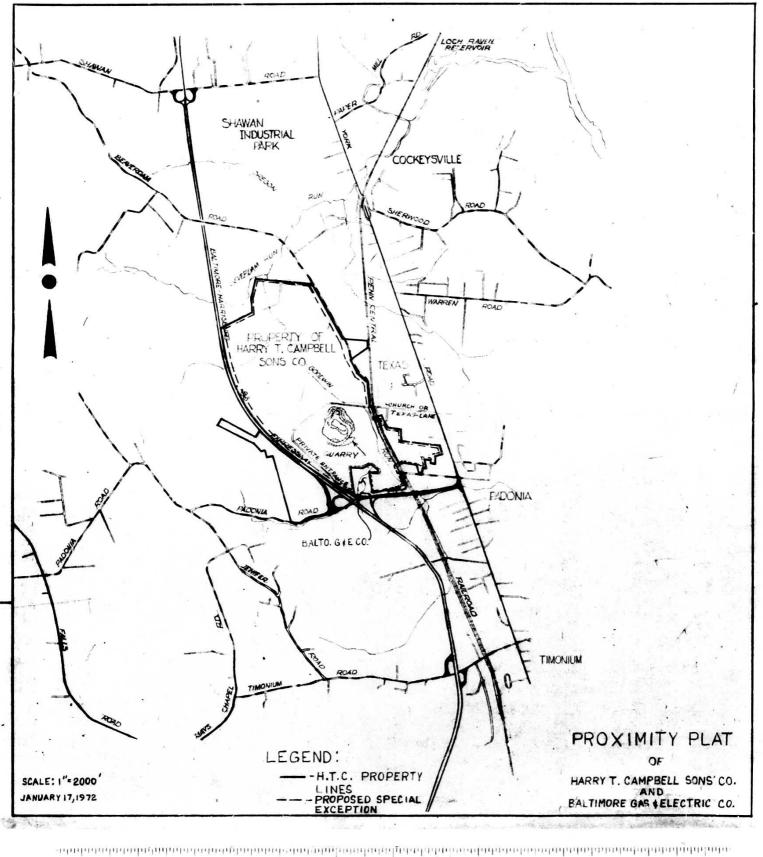
Revenue Division COURT HOUSE TOWSON, MARYLAND 2120

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO OFFICE OF FINANCE, REVENUE DIVISION
COURTHOUSE, TOWSON, MARYLAND 21204

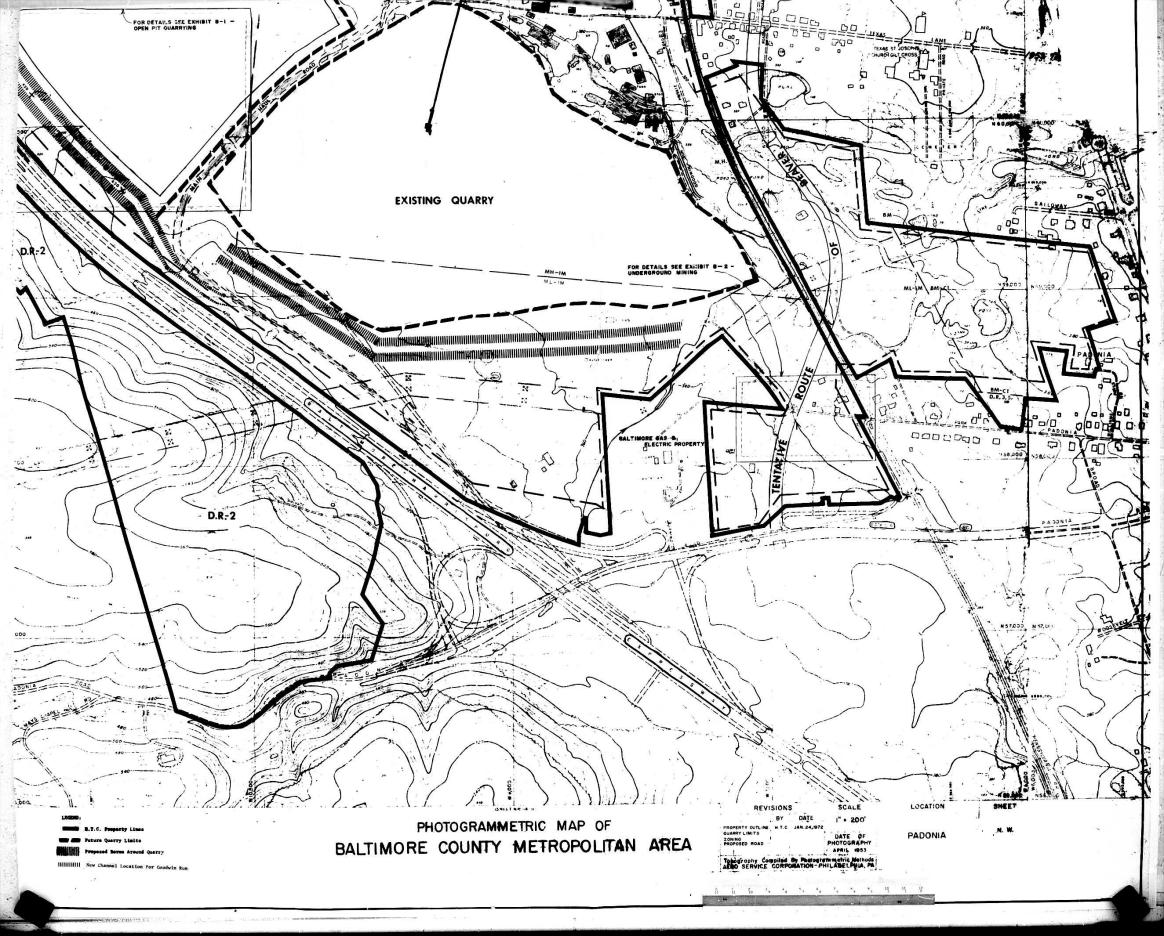
PETITION MAPPING PROGRESS SHEET

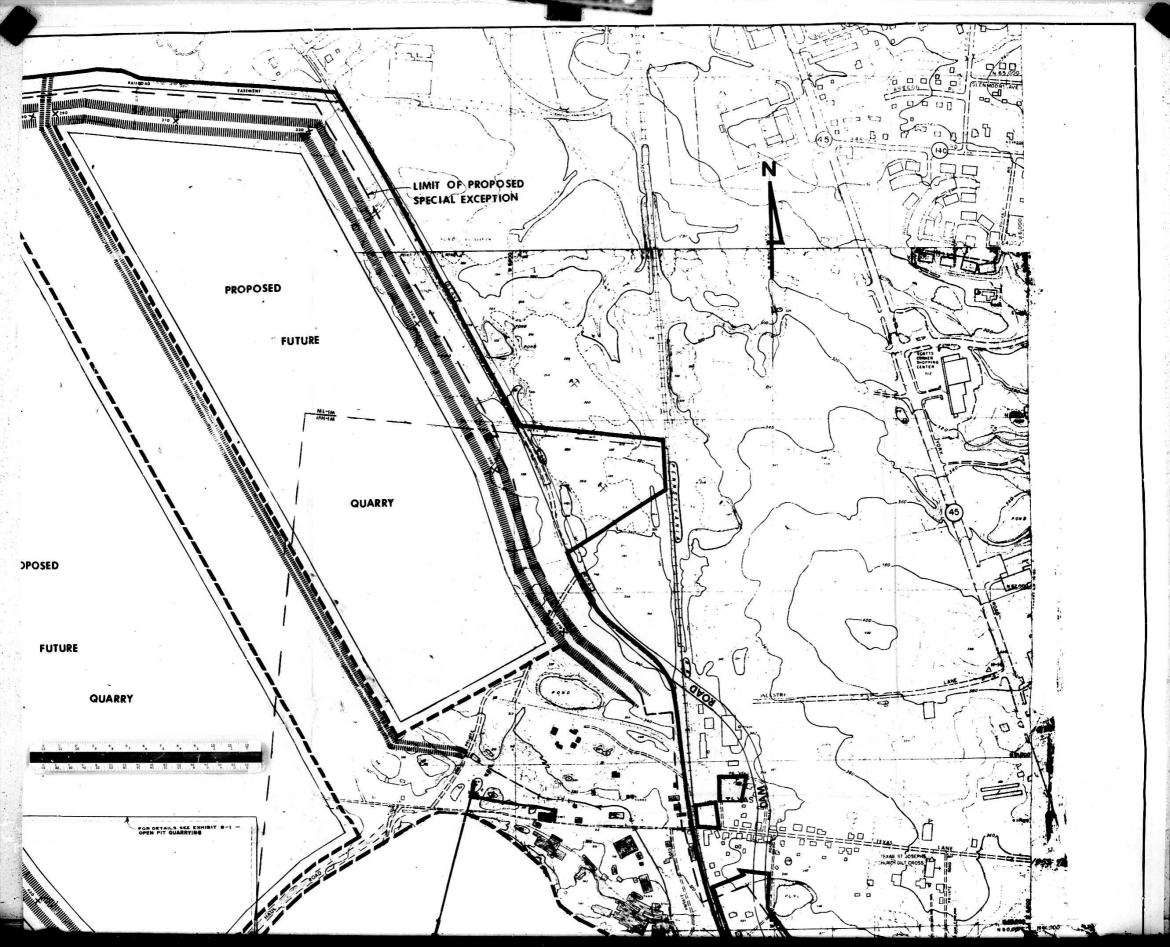
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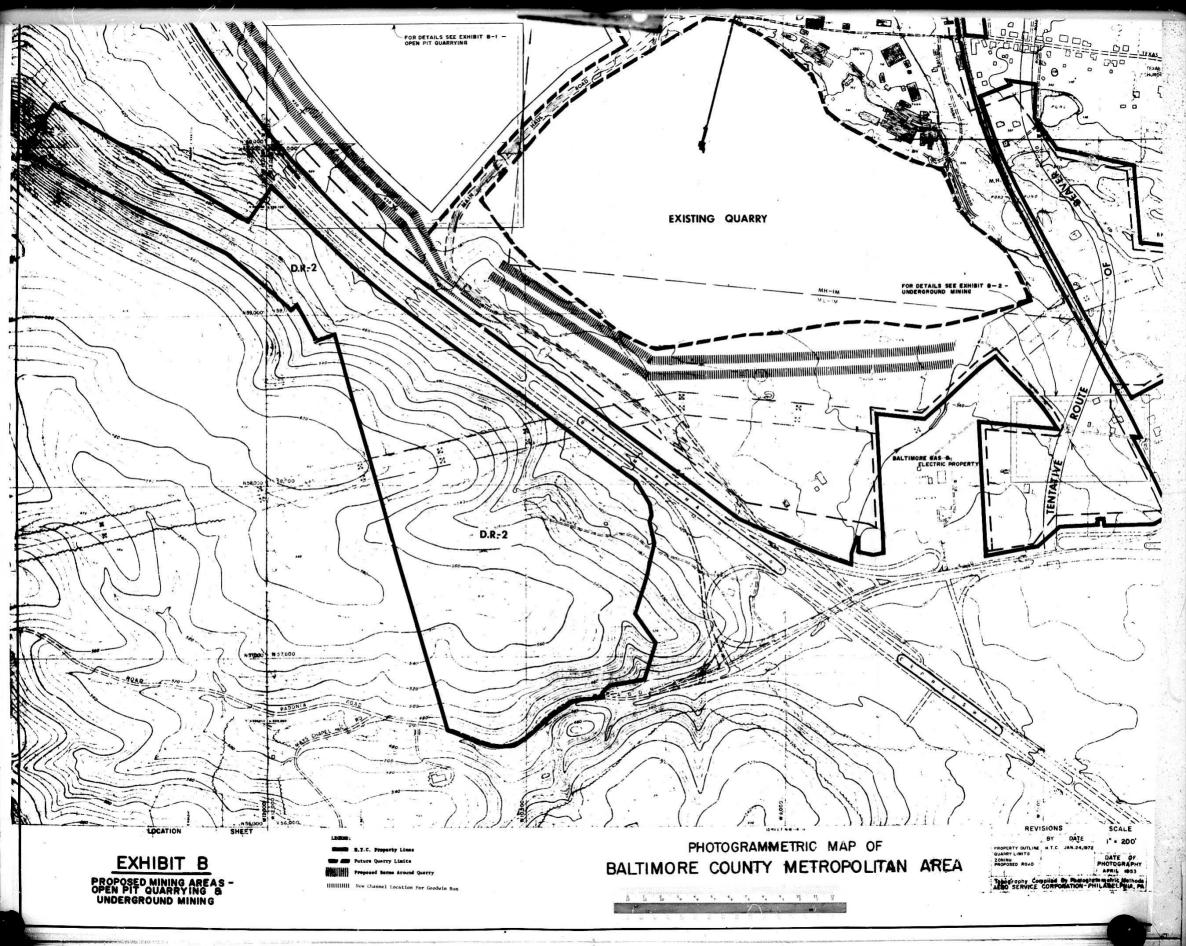
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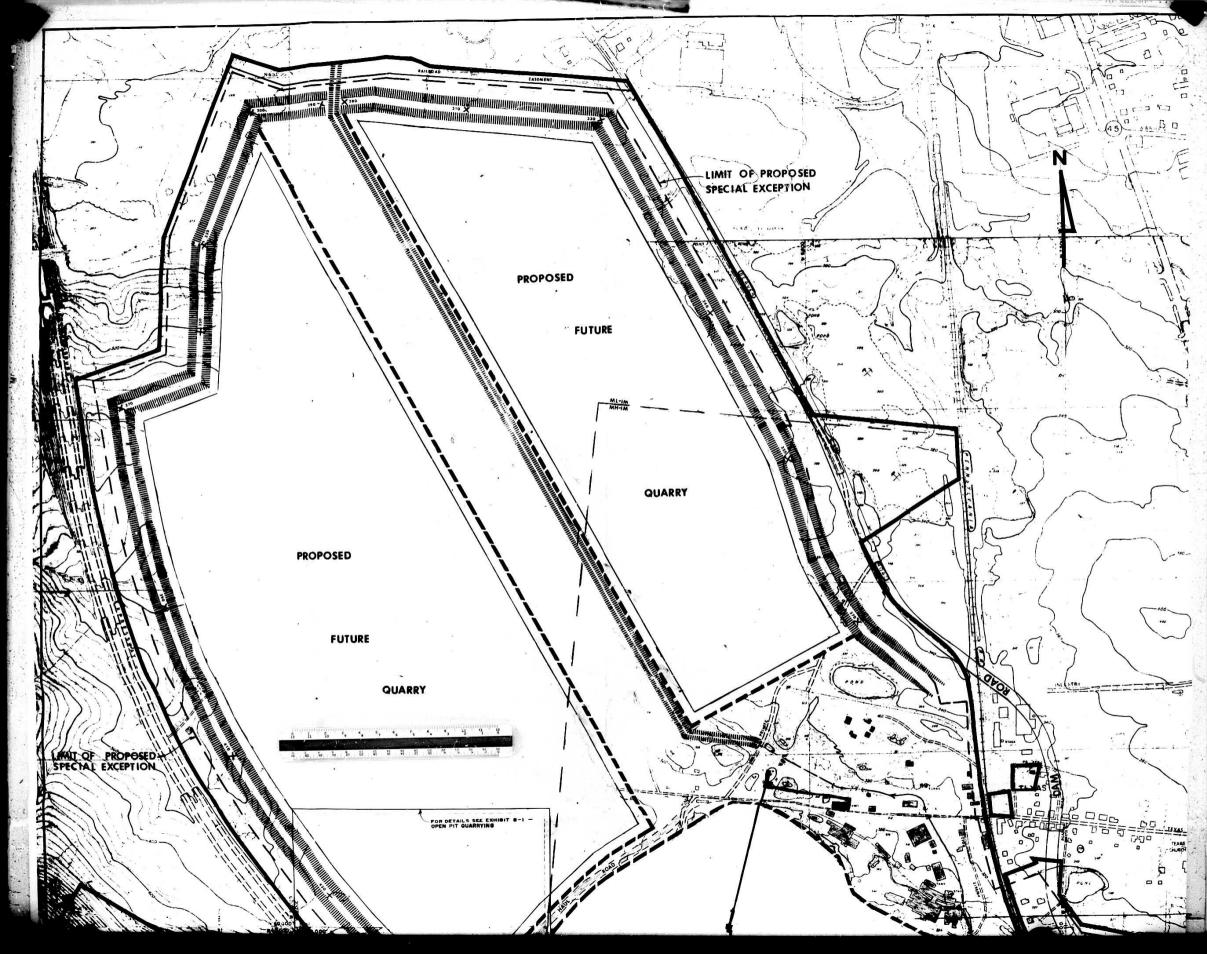


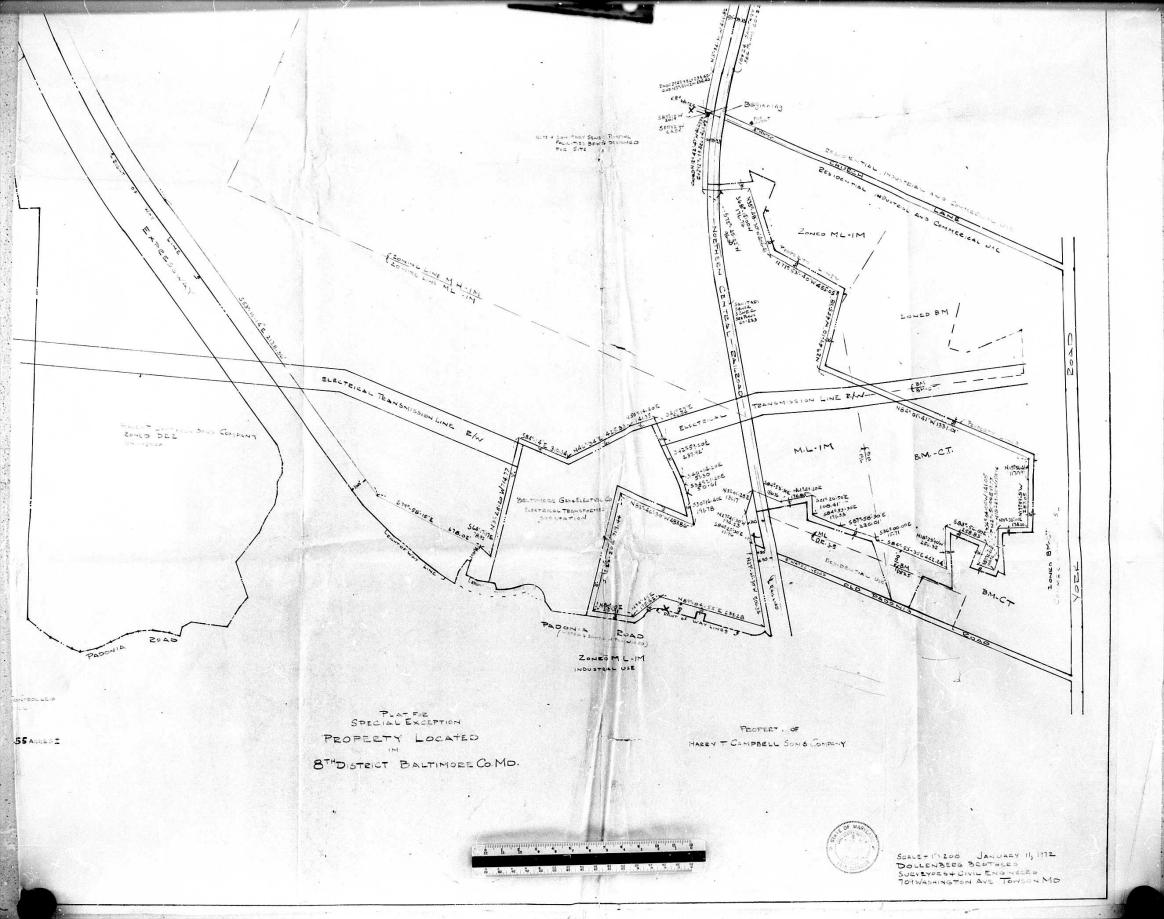


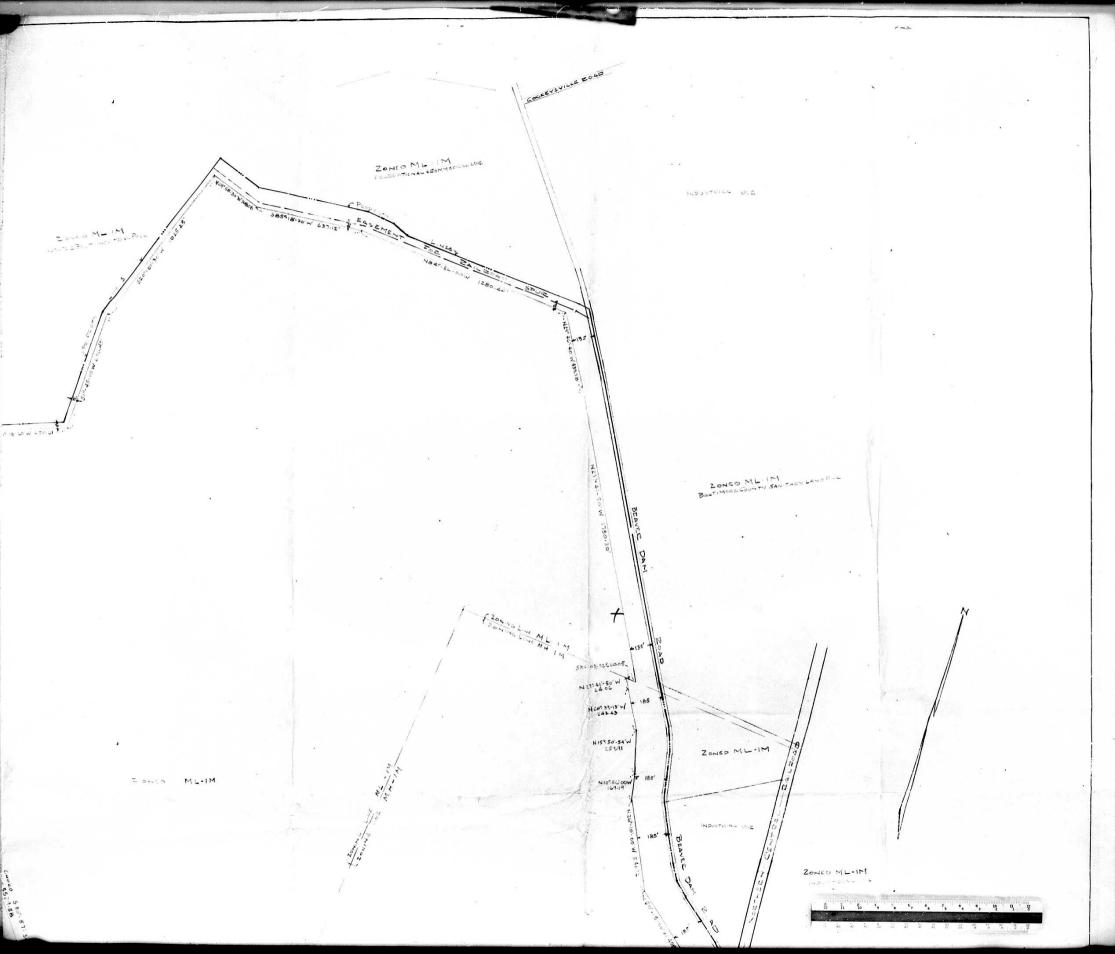




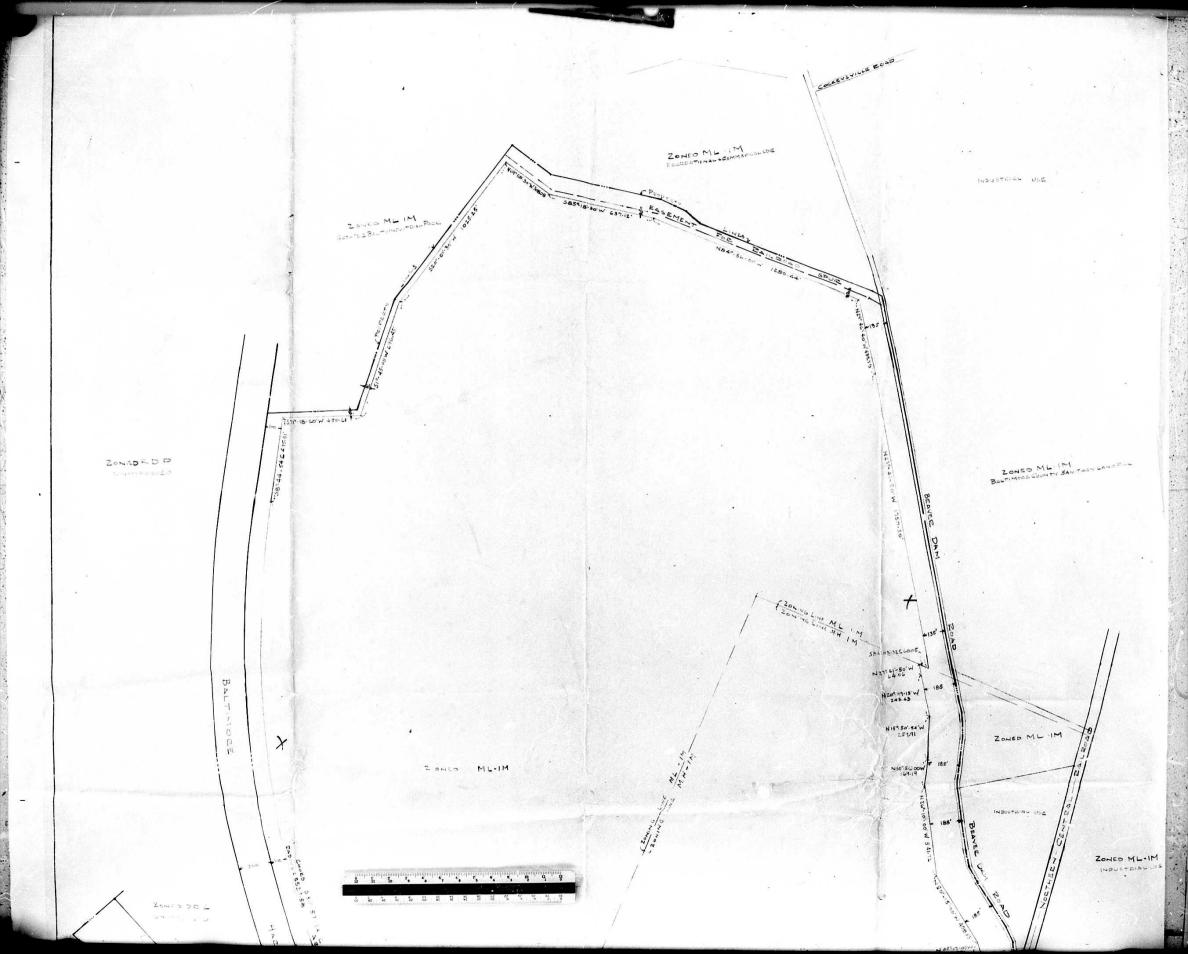


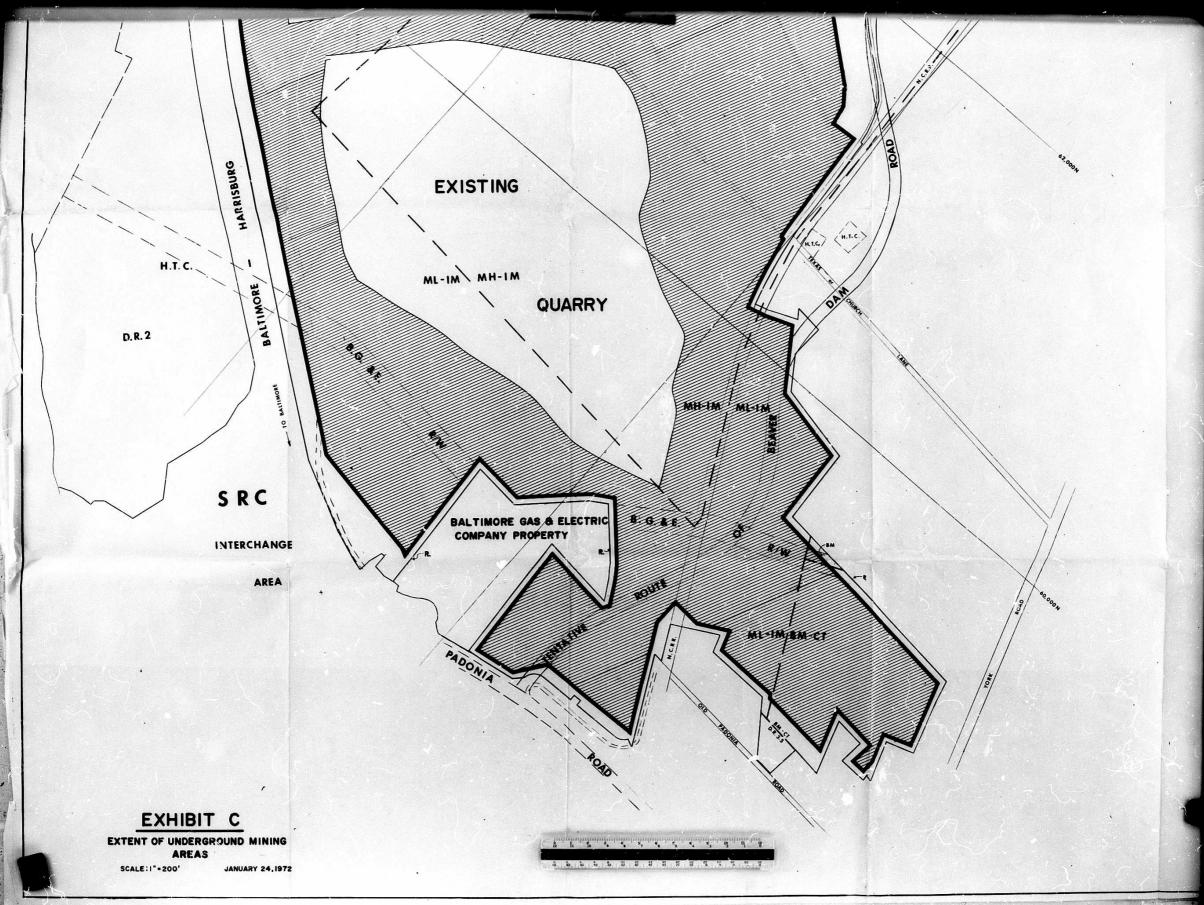


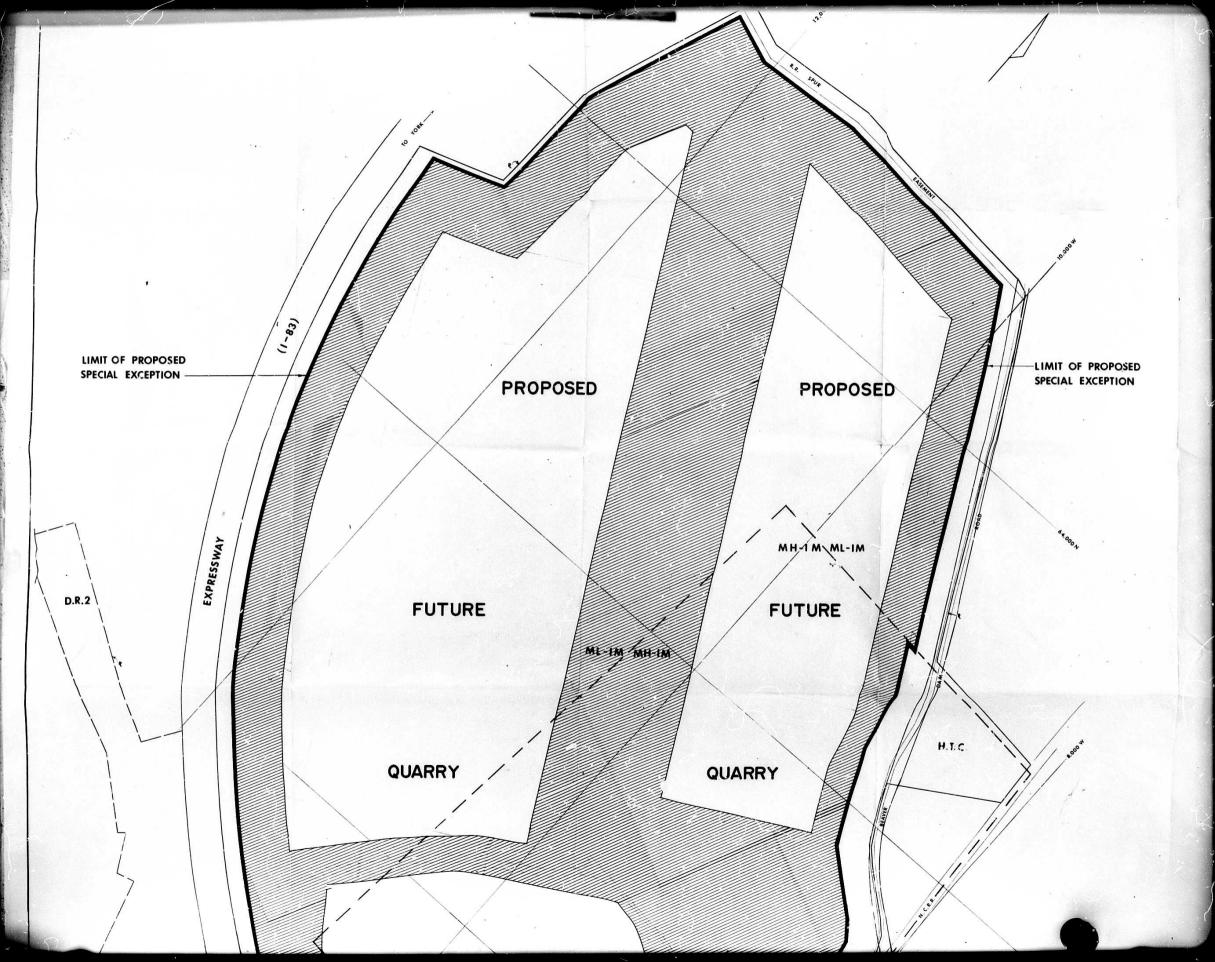


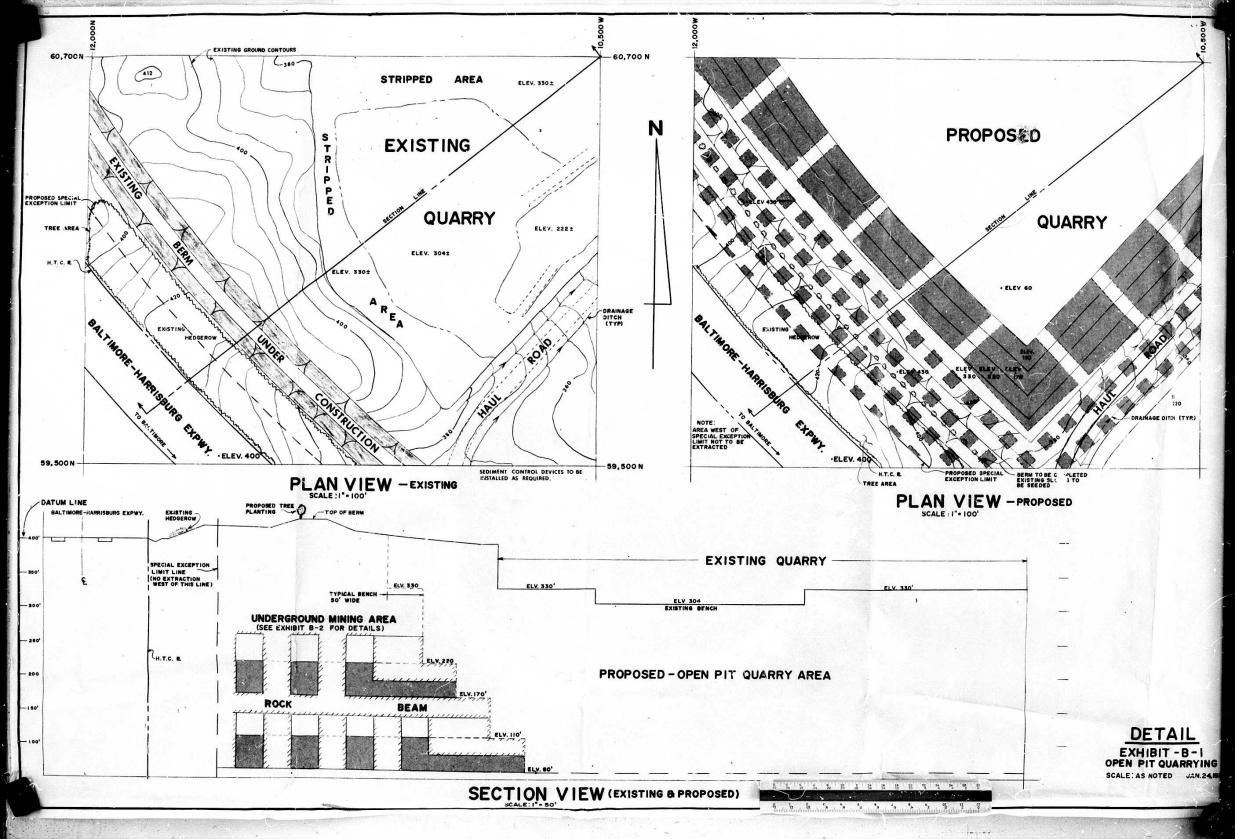


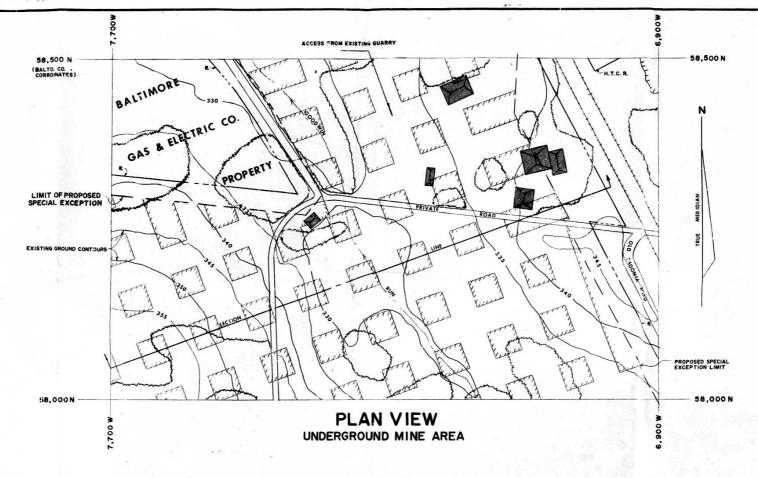








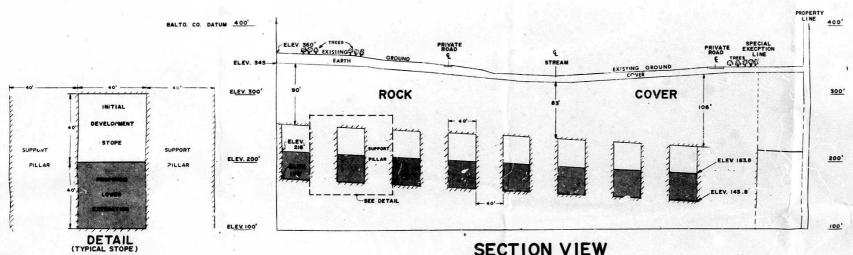




SECTION VIEW

UNDERGROUND MINE AREA

And the state of t



SCALE: 1" - 20"

DETAIL EXHIBIT-B-2 UNDERGOUND MINING SCALE: 1"-50"

