14 November 1983

ATLNOLD JABLON ZONING COMMISSIONER

> Coseph F. Alcarese, Esq. Divisio: Counsel Martin Marietta Aerospace Beltimore Division 103 Chesapeaks Park Plaza Baltimore, Haryland 21220

> > Re: Rolling Road Facility

Dear Mr. Alcarese:

As you are aware, a complaint has been received by my office that the above-captioned facility is operating in contradiction to the baltimore County Zoning Regulations. Specifically, the complaint made states that the facility is operating as a "laboratory", which requires a special exception in the particular zone that the facility is located, rather than as a "research institute" which does not.

The particular issue was made part of an appeal to the County Board of Appear from a decision of the Deputy Zoning Cormissioner which granted a variance to Martin Marietta for that sits. Briefs were filed by both Martin Marietta and the Protestants to the variance, and who in fact are the complainants here. At the time of the complaint, the appeal was pending and subsequently briefs filed with the Board. I then decided to withhold any determination as to the validity of the complaint until such time as the Board of appeals rendered its decision. I have recently received a copy of the decision of the Board, and although the Board elected not to give its opinion as to this issue, I have come to a decision tased on the information and facts presented to the Board by both sides, i.e., the briefs filed and evidence presented.

I have carefully read both briefs, and after due consideration, I have determined that no violation of the zoning regulations exist. The facility is in fact a research institute within the meaning of the regulations. I am, therefore, convinced that both the intent and meaning of the regulations are being complied with.

Please be advised that pursuant to the Baltimore County Code, a private cause of action exists to any party who wishes to apply for injunctive relief from the Courts. However, this office will take no i rther action.

Sincerely.

Windle Jabien Me

cc: Ms. Mary Jane MacGill
President of Gun Hoad Mistorical and Protection Assoc.
319 Gun Hoad
Baltimore, Haryland 21227

Hon. Rorald E. Hickernell County Council Pirst District

Jean M. H. Jung Doputy Zoning Commissioner

Edward Seibert, Fsq. Assistant County Attorney

Mr. James E. Dyer Zoning Supervisor

Case Nos. 61-206-A 63-210-SPHA / C-83-963 BALTIMON COUNTY
OF ICE OF PLAY NING & ZONING
TO VSCN MARYLAND 21204
494-3353

ARNOLD LABION ZONING COMMISSIONER

July 30, 1984

Ms. Mary Jane Macgill Vice President The Gun Road Historical and Protective Association 319 Gun Road Baltimore, Maryland 21227

> RL: Martin Marietta Rolling Road Facility 13th Election District

Dear Ms. Macgill:

I am in receipt of your letter dated July 25, 1984 requesting a hearing on alleged zoning violations by Martin Marietta.

I am aware of the "admissions" to which you refer. but I do not believe that either warrant a hearing. As I have indicated to you and others before, there must be some evidence that the public health, safety, and general welfire are being endangered, in this case by the existence of toxic chemicals on the site. The mere presence does not in and of liself represent a violation of Section 418.1. Baltimore County Zoning Regulations (BCZR). It could be expected that a research institute or laboratory would need to possess toxic chemicals to perform its functions. The same is true for the existence of a machine shop for prototype development. They are an integral part of the operation. However, if you have any evidence that either is a danger, then I would hold a hearing to determine the validity of the allegations. I do not believe it is fair to any party to conduct a hearing on mere supposition unsupported by facts. By this, I mean potential or real danger to the surrounding community created by the existence of the toxic chemicals.

If you want, I will request that the Health Department investigate your complaint to determine if a public danger exist. If such an investigation would find creditie evidence that a danger does exist. I will have a hearing immediately.

Singerely

ABNOLT BABLON
Zoning Commissioner

AJ/mrl

rc: Joseph P. Alcarese, Esquire



July 25 1984

Mr. Arnold Jablon Zoning Commissioner Baltimore County Office of Planning & Zoning Towson, Maryland 21204

Dear Mr. Jation:

Based on new evidence present 1 by Martin Marietia Laboratories and Baltimore County, 11 is apparent that Martin Marietia Marietta Laboratories has violated the intent of Section 418.1 of Baltimore County Zoning Regulations at follows:

- 3y operating a machine shop for prototyp+ development in a residential zone.
- By the handling, use and disposal of toxic chemicals in a residential zone.

Under the present zoning regulations allowing Martin Marietta Laboratories to coexist in a residential zone, it specifically restricts conditions that may "create any dangerous, injurious, noxious or otherwise objectionable fire, electrical, explosive radioactive, or other hazardous condition affecting adversely the surrounding area."

Therefore, we are submitting a zoning complaint against Martin Marietta Laboratories, and request a public hearing

Sincerely.

Ory Jane Macoull

Mary Jane Macgill Vice President

JOHING ( SPAZ-MENT

scribed in the description and plat attached	property situate in Baltimore County and which is hereto and made a part hereof, hereby petition for a
	102.2) to pormit a distance between
uildings of 40' in lie of the requi	red 90'; 80' in lieu of the required
10' and 35' in live of the required.	80'
	to the Zoning Law of Reltimore County: for the
he variances are required to avoid a equired 100' from an eighthring pr	wination office/work shop building 50' X 125'. woving the building site closer than the operty line and to avoid excessive excavation placing the building closer to the property
Property is to be posted and advertised	
I, or we, writes to pay expenses of above \	Variance advertising, posting, etc., upon filing of this many by the zoning regulations and restrictions of
	I/We do solemnly declare and aftern, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
ontract Purchaser:	Legal Owner(s):
(T, pe or Print Name) Signature Adding:	Type of Print Name)  (Type of Print Name)  (Type of Print Name)  Assistant Secretary
Corner for Petitioner:	Signature Signature
John P. Alcarese	1450 S. Rolling Road
P. Bleaue	Address Phone No.  Baltimore Saryland 21227 City and State
103 C Napsake Park I'laza	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
Balanote, Maryland 21220	Joseph P. Alcarese
City and State Attorney's Telephone No.: 338-5130	Nome 193 Chesapeake Park Plaza
AURODEA B	Address Phone No. 338-5130
equired by the Loming Law of Bantimore Cou	the subject matter of this petition be advertised, as nty, in two newspapers of general circulation through, and that the public hearing be had before the Zoning 106. County Office Building in Towson, Baltimore
Commissioner of Baltimore County in Room	
Commissioner of Baltimore County in Room County, on the 17th day of	Merch 9:15 o'clock

132

PETITION FOR SPECIAL HEARING \$3-210-5PHA TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached nereto and made a part hereof, hereby petition for a special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan in Zoning Case #81-208-A to allow the construction of an additional building and to revise the parking layout. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Britimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly deciare and affirm, under the penalties of perjury, that I/we are the legal owne. (s) of the property which is the subject of this Petition. Contract Purchaser Legal Owner(s): MARTIN MARIETTA CORPORATION (Type or Print Name) (Type or Print Name) Joseph P. Alcarese 1450 S. Rolling Road Balcimore, Maryland 21227 RECEI Name, address and phone number of legal owner, contract purchaser or representative to be contacted timore, Maryland 21220 103 Chesapeake Park Plaza 338-5130 ORDERED By The Zoning Commissioner of Baltimore County, this of \_\_\_January\_\_\_\_\_, 19 83 ., that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, t'altimore 17th day of March ...A..M. Zoning Commissioner of Baltimore County. 9:15 E.C.O.-No. 1

Phone No. 338-5130

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCES W/S Rolling Rd., 1,635' 5 of Gun OF BALTIMORE COUNTY Rd., 13th District MARTIN MARIETTA CORPORATION, Petitioner : Case No. 83-210-5PHA ...... ORDER TO ENTER APPEARANCE Mr. Commissioners Pursuant to the authority contained in Section 524, 1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith. lay Commermen Medican H Peter Max Zimmerman John W. Hessian, III People's Counsel for Baltimrre County Deputy People's Counse! Rm. 223, Court House

I HEREBY CERTIFY that on this 18th day of February, 1983, a copy of the foregoing Order was mailed to Joseph P. Alcarese, Esquire, 103 Chesapeake Park Plaza, Baltimore, MD 21220, Attorney for Petitioner.

494-2188

· Wedgen 14

Towson, Maryland 21204

BEFORE IN THE MATTER OF THE APPLICATION OF COUNTY BOARD OF APPEALS MARTIN MARIETTA CORPORATION FOR SPECIAL HEARING TO APPROVE OF AN AMENDMENT TO SITE PLAN IN CASE #8 -- 208-A. AND A BALTIMORE COUNTY VARIANCE FROM SECTION 1802.28 (V.B.2 and 102.2) OF THE BALTIMORE COUNTY NO. 93-212-595A ZONING RECULATIONS W/S ROLLING ROAD 1635' S. GUN ROAD 13th DISTRICT

### WENDED CEDICAL

Amending the Orinion and Order of this Board dated November 2. 1983, the record researed that the Deputy Zoning Commissioner approved the Petitioner's patition for a special hearing with restrictions, nowever, no appeal from that Order was taken by Petitioner or Protestants in this matter. As such, though not specifically before the Board for Jeteralistics, the Board notes its affirmation of the Deputy Zering Commissioner's Order approximative petition for special hearing with restrictions

# CRDER

For the reasons set for n in this Amended Opinion, the Order of this Board, dated November 2, 1983, is hereby MYENDED to and that the petalion for special hearing requested by Petitioner be approx i with the following restrictions:

- No toyle or volatile hemicals chall be used and stringent precautions small be taken with fonventional solvents.
- The proposed building shall not be used in any manner that will create dangerous, injurious, moximus, or otherwise objectional fire, electriral, explosive, radioactive, or other hazardous conditions that could adversely affect adjacent properties. Additionally, said building shall be screened from view of the mail house of the Oblate Sisters of Providence.
- Compliance with all requirements of the EPA. MOSHA, OSHA, and Maryland State Department of Health and Mental Hygiene, as well as Section 418 of the Baltimore County Zoning Regulations.

MARTIN MARIETTA CORPORATION - #83-210-SPHA

Marvland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS Franz, Licting Chairman

Approval of the aforementioned site , lan by the

Any appeal from this decision must be in accordance with dules B-1

Date: November 23, 1983

BALTIMORE COUNTY ZONING PLAI'S ADVISORY COMMITTEE

March 1, 1983

distribution black. III a Themape and Ave. was was yeard 21204

district them. REMBERS Ermin der tr., Sebastment we.... "ratific Engineering lines foods Communers

Northeaday B. Corroller.

muchae at te Prevention Scalth Department "cate " Planning au iding Department heard of Edgration ioning Muministration odustrial

Joseph P. Alcarese, Esquire 103 Chesapeake Park Plaza Baltimore, Maryland 21220

RE: Item No. 132 - Case No. 83-210-SPHA Petitoner - Martin Marietta Corp. Special Hearing & Variance Petitions

Dear Mr. Mcarese:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recom endations as to the suitability of the requested zoning.

This combination hearing is required as a result of your client's proposal to amend the site plan for the previous hearing (Case Nc. 81-208-A) by constructing an additional building closer to the existing structures than

For additional information on the comments from the Department of Permits and Licenses, you may contact Mr. Charles Burnham at 494-3987.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the heating file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. hearing scheduled accordingly.

> 1) Gameston NICHOLAS R. COMMODARI, Chairman Zoning Plan: Advisory Committee

NBC:bsc Enclosures

cc: Meyers and D'Aleo Inc. 108 Water Street Baltimore, Md. 21202

BALTIMORE COUNT! DEPARTMENT OF PUBLIC WORK TOWSON M RYLAND 21204 BALTIMORE COUNT!

HARRY I PISTEL P E

March 3, 1983

Mr. Will: am E. Harmond Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #132 (1982-1983) Property Owner: Martin Marietta Corporation E/5 Rol .ng Rd. 1635' S. of Gun FJ. Ac.es: 23.9 District: 13th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for reliew by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in conjunction with the Zoning Advisory Committee raview of this property in connection with frem 181 (1930-1981) are referred to for your consideration.

Development of this property through stripping, grading and stabilization could result 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 stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damagen to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 132 (1982-1983).

Burrau of Public Services

RAN: EAM: FWR: SS

Attachment

C-NW Key Sheet 23 & 24 St 19 & 20 Pos. Sheets SW 6 E Topo 108 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/smalltxness result in practical difficulty and unreasonable hard-hip upon the Petitioner(s) and the granting of the variance(s) requested will/will not edversely affect the health, safety, and general walfare of the community, the variance(s) should /should xusk ac grante.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6 th day of \_\_\_\_\_April \_\_\_\_\_, 19 33 \_\_\_ that the facetin Petition for Variance(s) to permit distances between buildings of 40 feet in lieu of the required 90 feet, 80 feet in lieu of the required 110 feet, and 35 feet in lieu of the required 80 feet, in accordance with the site plan filed herein, is hereby GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions contained in the accompanying Special Hearing Order.

Pursuant to the advertisena at, posting of property, and public hearing on the petition and it appearing that by reason of the inlowing finding of facts that to amend the site plan filed in Case No. 81-208-A to permit the construction of an additional building and to revise the parking layout would be in strict harmony with the spirit and intent of the Be timore County Zoning Regulations and would not be detrimental to the health, safety, and general welfare of the community, and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this day of April, 1983, that the amendments to the site plan filed in Case No. 81-208-A to permit the construction of an additional building and to revise the parking fayout, in accordance with the site plan prepared by Meyers and D'Aleo, Inc., dated December 13. 1982, is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following re-

- 1. No toxic or volatile chemicals shall be used and stringent precautions shall be taken with conventional solvents.
- 2. The proposed building shall not be used in any manner that will create dangerous, injurious, noxious, or otherwise objectional fire, electrical, explosive, radioactive, or other hazardous conditions that could adversely affect adjacent properties. Additionally, said building shall be screened from view of the main house of the Oblate Sisters of Providence.
- 3. Compliance with all requirements of the EPA, MOSHA, OSHA, and Maryland State Department of Health and Mental Hygiene, as well as Section 418 of the Baltimore County Zoning Regulations.

App. oval of the aforementioned site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Panning and Zoning.

FOR

ORDER RECEIVED

M. 4. Cathidar

January 19, 1983

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: Z& Meeting of Jan. 18, 1983 TTEM: #132. Property Owner: Martin Marietta Corporation Location: E/S Rolling Road Route 166, 1635' S. of Gun Rd. Existing Zoning: D.R. 1 Proposed Zoning: Special Hearing to amend the site plan in Case #81-208-A to allow the construction of an additional building and to revise the parking layout. Acres: 23.9 District: 13th

On review of the site plan of December 13, 1982 and field inspection, the State Highway Administration finds the plan generally acceptable.

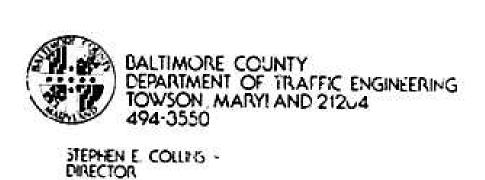
> Very truly yours, Charle C Charles Lee, Chief Bureau of Engineering Access Permits

CL:Gd:man

cc: tr. J. Ogle

By: George Wittman

My telephone sumber to \*(301) 659-7350 Teletypeuriter for impaired Hearing or Speech 363-7555 Beltimore Metro - 865-0451 D.C. Metro - 1-500-452 5082 Statewide Toir Free P.O. Box 717 / 701 North Calvert St., Baltimore, Maryland 21203 - 0717



January 25, 1983

dr. William Rammond Zoning Commissioner County Office Building Towson, Maryland 21204

ZAC - January 18, 1983 Item No. 132, 133, 134, 135, 136, 137, 138, 139, and 140. Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers (132) 133, 134, 135, 136, 137, 138, 137, and 140.

Traffic Engineer Associate !!

MSF/cas

Hey 4, 1981

Mr. William S. Hammond Sening Commissioner County Office Building Towns, Maryland 21:04

> 20: Item #181 (1990-1981) Property Owner: Martin Marietta Organition 8/40 Bolling Mt. 1,635' 9. of Gas Mt. Acres: >1.7 District: 13th

The following comments are furnished in regard to the plat submitted to this office for review by the Soming Advisory Committee in connection with the subject item.

# Michelle.

Rolling Read (Md. 166) and I-95 are State Roads; therefore, all improvements intersections, entrances and drainers requirements so they affect the reads come under the jurisdiction of the Maryland State Highway Administration. Any willity construction within the state and right-of-way will be subject to the standards, specifications and approval of the State is addition to those of Baltimore County

## Stom Dreine:

The Petitioner must provide reseasery drainage facilities (temperary or personant) to prevent creating any suisances or demages to adjacent proporties, especially by the concentration of surface vaters. Correction of any problem which may recall, due to improper gration or improper installation of drainage facilities, would be the full responsibility of the Potitioner.

# Stdimont Control:

Development of this property through stripping, grading and stabilization could receit in a sediment pollution problem, demograp private and public holdings demotrates of the property. A grading possit is, therefore, necessary for all quading, including the stripping of top soil.

# Water and S-mitary Sener:

This property is served from the 8-inch public water twin acr 2 and 16-inch public conitary severage near holling hand at the mortiment quadrant of the I-85 - Metropoliton Souleverd Interchange. This public semitary severage, constructed under Job Order 1-52-46, S.R.C. Contract 2725-7-472, was extended and connected to the Heddard Souge Pumping Station per Directive 5697 and Job Order 1-2-731, Drawing 880-0380, Fil: 1.

Itom #181 (1980-1981) Property Owner: Martin Mariotte Corporation May 4, 1981

Water and Sanitary Severy (Cost'd)

The Soltinere County Mater and Squerage Plane M & S-22 & & B, as Amended, indicate "Planned Service" in il to 30 years.

This property is tributary to the Patapeon Semmes Pemping Station Subject to State Meelth Department allocations and regulations.

> Very truly yours. 7.7-2.17

ROBERT A. HORSON, P.S., Chief Durenu of Public Services

17

C-104 Key Sheet 23 & 24 SW 19 & 20 Pos. Sheets at 6 5 Topo

100 Day Man

Feb. 15, 1983

DALTIMORE COUNTY DEPARTMENT OF HEALTH

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Office of Plannir			
County Office Bui		ā.	
Toweon, Maryland			
Zoning Item # 1	32 , Zoning	Advisory	Cour
Property Owner:	mart.	. /h	N2 (3)

amittee Meeting of Jan. 18, 1983 Martin Marietta Corporation Els Rolling Rd, 1635 5. of Compresent 13 Water Supply Public Sewes Sewes Seposal Public COMMENTS ARE AC FOLLOWS:

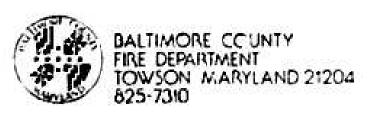
- ( ) Prior to approval of a Buildang Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility. complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- (X) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain require-
- ( ) A permit to construct from the Division of Ai. Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts
- into the atmosphere.

  ( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Frior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plane and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tube, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plane and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreations' Hygiene Section, Division of Environmental Support
- ( ) Prior to approval for a nursery school, owner or applicant must comply with al? Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the minimation of waste oil must be in secondance with Water Resources Administration requirements.

88 20 1082 (1)

Pego	ng Item #
( )	Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the antents removed by a licensed haller and either be removed from the property or property backfilled.
( )	Soil percolation tests have been conducted.  The results are valid until Revised plans muct be submitted prior to approval of the percolation tests.
)	Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.  In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
	shall be valid until  is not acceptable and must be reteated. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
)	All roads and parking areas should be surfaced with a dustless, bonding material.
9	No health hazards are anticipated.
<b>(</b> )	Others 1) Any waste oil generated by the
	machine shop must be properly disposed of in accordance with water Resources Administra.
	requirements.
-	
V <del>S</del>	
S.	
0.00	

88 20 1080 (2)



January 21, 1983

Mr. William Mammond Coming Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

E: Property tamer: Martin Marietta Corporation

Location: E/S Rolling Inad 1635' S. of Gun Road

Item No.: 132

Zoning Agenda: Meeting of January 18, 1983

Gertlenen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_\_feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A s cond means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Cor's prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Associa ion Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Frevention Eureau has no comments, at this time.

Special Inspection Division

Planding Group (1-24 1) Approved: Fire Prevention Bureau

I' I THE MATTER OF THE APPLICATION OF MARTIN MARIETTA CORPORATION For Special Hearing to approve an amendment to the site plan in Zoning Case #81-208-A and a Variance from Sec. 1802.28 (V. B. 2 & 102.2) On property located or, the west side of Rolling Rd., 1,635' south

of Gun Rd. - 13th District

BEFORE

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

No. 83-210-5PHA

OPINION

This case comes before this Board on petition for a variance to permit the distance between buildings of 40 feet in lieu of 90 feet, 80 feet in lieu of 110 feet, and 35 feet in lieu of 80 feet. The petition for variance was granted with restrictions by the Deputy Zoning Commissioner in an Order dated April J., 1983.

The Protestants in this case appealed the Deputy Zaning Commissioner's decision on the basis that the Petitioner was in violation of a number of health regulations governing the use, handling, majufacturing and shipping of toxic chemicals. Residents of the neighboring community produced testimony, including expert testimony, attesting to these alleged violations.

The fact is that, while the Protestants may have reason to be concerned regarding health violations, the matter at hand is one of zoning. The Petitioner is asking for variances in distances between existing and proposed buildings for the convenience of the employees, to avoid considerable additional cost witch would be necessary to resoute public facilities, and to utilize topography conducive to the new buildings design and pianned use.

The evidence shows that the Petitioner has taken all the required steps, both in the development of the site, according to the Baltimore County Zoning Pegulations and the application for the variances. Granting of this petition woul 'not, in the opinion of this Board, be detrimental to the health, sufety, or welfare of the neighboring community.

LALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON MARYLAND 21204
494-3900

Mr. Villiam E. Economi, Zoning Countspions Office of Planning and Zoning County Office Building Towns, Maryland 21204

Comments on Item # 132 Zoning Advisory Committee Meeting January 18, 1983

Property Comer: Martin Marietta Corporation
Location: E/S Rolling Road 1635' S. of Gun Road
Existing Stating: D.R. 1
Proposed Stating: Special Mearing to amend the site plan in Case #81-208-A to allow the construction of an additional building and to revise Acres: District: the parking layout.

Pebruary 2. 1983

- X A. All structure shall conform to the Baltimer's County Building Code 1981/ Council Bill is-82 State of Maryland Code for the Tendicopped and Aged:
- X P. A building/and other missellaments parmits shall be required sefere beginning construction.
- C. Be "wrise. Three outs of construction drawings are required to file a permit muglicention. Architect/Legiment seel is/is not required.
- X D. Semmercial: There sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a parmit application.
- E. An exterior wall erected within 6'0 of an edjacent let line shall be of one hour fire recistive construction, no openings permitted within 3'-0 of let lines. A firewall 17 required if construction is on the let line, See Table 101, line 2. Section 1807 and Table 1802.
- 7. Esquested verience conflicts with the Bultimere County Building Code, Section/s
- S. A change of accompancy shall be applied for, along with an alteration permit application, and three required agts of drawings indicating how the structure will meet the Gods requirements for the proposed change. Drawings may require
- II. Refere this office can comment on the above structure, please have the owner, thru the corvices of a Registered in Maryland Architect or Regimeer cortify to this effice, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- I. Commune: Show compliance to state handicapped code on plans: parking, signs, walks, remps, building access, etc. The variance plot indicates this as an addition, however, it appears to be a completely individual new structure.

HOTE: These comments reflect only on the information provided by the drawings remnitted to the office of Planning and Zoning and are not intended to be construed as the full excent of any permit. If desired, additional information may be obtained by visiting hoos #122 (Plane Review) at 111 Veet Cheespeake Ave., 21204

Very truly poure.

PORM 01-82

Martin Marietta Corporation Case No. 83-210-SPHA

ORDER

For the reasons set forth in the ata-egoing Opinion, it is this 2nd day

of November , 1983, by the County toard of Appeals. ORDERED that the Petition

for Variances to permit the distance between buildings of 40 feet in lieu of 40 feet.

80 feet in lien of 110 feet, and 35 teet in lieu of 80 feet, according to the Baltimore

County Zoning Regulations, Section 1802.28, be GRANTED and that the decision of the Deputy Zoning Commissioner be upheld.

Any appeal from this decision must be in accordance with Rule: 8-1 thru B-13 of the Maryland kules of Procedure

Joannie L. Suder

COUNTY BOARD OF APPEALS

Kein S. Franz, Acting Chairman

OF BALTIMORE COUNTY

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y Dube Superintendent

Towner, Maryland - 21204

hate: January 17, 1983

Mr. William L. Hammond Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

7.A.C. Meeting of: January 18, 1983

RL: Item No: 132 133, 134, 135, 136, 137, 138, 139, 140 Property Owner: Location: Present Zoning: Proposed Zoning

District No. Atres

Dear Mr. Harmond:

All of the above have no bearing on studen, population,

Very trul yours.

Valuet, Thank Mm. Nick Petrovich, Assistant Department of Planning

WNP/bp

MARTIN MARIETTA AEROSPACE

BALTIMORE D'ISION '03 CHESAPEARE FARE PLAZA BALTIMORE MARYLAND 2:250 TELEPHONE MOTI MA 400.

August 2:, 1983

Co nt Board of Appeals Room .19 Court House Towson, Maryland 21204

Attn: Mrs June Holmen, Secretary

Re: Case No. 83-210-SFMA Martin Marietta Corporation

Dear Mrs. Holmen:

In accordance with the instructions of the Board, there is submitted herewith the Memorandum o' the Petitioner.

As specified by the Board, the Appellants' copy will be transmitted to the People's Counsel.

-- Very truly yours,

MARTEN MARIETTA CORPORATION

Caroli P. Else en Joseph P. Alcarese Attorney for the Petitioner

enclosure

Mary Jane Macgill (Pres.) 319 Gun Road Baltimore, Maryland 21227 Harold E. Hedeman (Vice Pres.) 408 Gun Road Baltimore, Moryland 21227 Kave White (Secretary) 409 Gun Road Baltimore, Maryland 21227 Lucy Merrill (Treasurer) 403 Gun Road 83 44 Baltimore, Maryland 21227 Charles G. Macgill 319 Gun Road Baltimore, Maryland 21227

RESIDENTS AND MEMBERS THE GUN ROAD HISTORICAL AND PREECTIVE ASSOCIATION

Gloria S. Watson 422 Gun Road Baltimore, Maryland 21227

" JALTIMORE COUNTY

APPEALS

Laws of the State of Maryland

Appellee Case No. \$ 1,270 -5PHA

ORDER FOR APPEAL

DEMA MR/MS. CLERK

Frank Lindberg

Baltimore, Maryland 2:327

BALTIMORE COUNTY, a body

Corporate Chartered under the

511 Gun Road

The Control No Att Allert Committee of Control of Contr Please note the appeal of Mr. Mary Jane Macgill, Mr. Harold E. Hedeman, Mrs. Kaye White, Mrs. Lucy Merrill, Mr. Charles G. Macgill, Mr. Frank Lindberg, and Mrs. Gloria S. Watson from the decision of the Zon ng commissioner. made on March 17, 1983 in regard to the approval of the Martin Marietta Laboratories, lic. variance

Mary Jane Macgill Harold E. Medenan 319 Gun Road 408 Gun Ruad Baltimure, Maryland 21227 (242-3027) Baltimore, Maryland 71227 (242-3137 Licy Merrill +09 trun Road 403 Gun Road Baltimore, Mar-land 21227 (242-8431) Baltimore, Maryland 21227 (241-8854

Xin Marie Charles C. Macgili Mr. Frank Lindberg

319 Gen Road 511 Gur. Road Baltimure, Maryland 21227 (242-302") Saltimore, Maryland 21237 (242-2186) railes & Marque Trank of Lindberg

422 Gun Road Be timore, Maryland 21227 (142-8113) Elever X Ratson

Gloria S. Watson

I hereby certify that mi this 3rd day of May, 1983 is copy of the foregoing order was delivered to the Baltimer Lount Board

MARTIN MARIETTA AEROSPACE

BALTIMONE DIVISION 100 CHESAPIARE PARE PLAZA BALTIMORE MARYLAND 21220 TELEFRONE (SE !: 330-4000

August 24, 1983

J. W. Hessian, Esq. People's Counsel Room 223 Court House Towson, Maryland 21204

Re: Case No. 63-210-SPHA Martin Marietta Corneration

Dear Mr. Hessia ..

In accordance with the directions of the Board of Appeals. there is enclosed a copy of the Memorandum of the Petitioner.

I would appreciate you obtaining and transmitting to me a copy of the Memorandum of the Appellants.

Very truly yours.

MARTIN MARIE: TA CORPORATION

Attorney for the Petitions:

enclosure

## COUNTY BOARD OF APPEALS

CASE NO. 63-210-SPHA MARTIN HARIETTA CORPORATION

MI.MORANDEM

PETATIONER.

In accordance with the request of the Board, the Petitioner, Martin Marietta Corporation, herewith submits its Memorandum in connection with the above referenced case.

The Petitioner has operated a research institute on a 23+ acre tract, r. Rolling Road and 195, since 1965. Similar to any research institute, the facility houses laworatories, offices, sturne area, a small workshop area, etc. The facility amploys approximately 250 people, the majority of which are scientific personne?.

The Petitioner requires additional space and plans to build on its premises a new one-story building 50' X 125'. In this connection, the Petitioner has requested three distance variances which would permit the placing of the new building closer to its existing buildings than is usual. The Petitioner filed the necessary Petition for the three variances. At the same time the Office of Planning and Zoning requester Martin Marietta to file a Petition to update its site plan, and this was accomplished.

The Deputy Poning Commissioner granted the requested variances and approved the revised site plan, however, the Deputy Zoning Commissioner's decision imposed the following restriction upon use of the new building:

"No toxic or volatile chemicals shall be used ..."

An appeal from the Deputy Foning Commissioner's decision was taken to the County Board of Appeals.

-1-

THE RESIDENCE OF THE PROPERTY OF THE PROPERTY

# 3. DOES THE PETITIONER PROPERLY HANDLE TOXIC SUBSTANCES AND MAZARDOUS WASTES IN ITS OPERATIONS?

In the Hearing with respect to the requested variances, the Appellants raised the issue of toxic substances and hazardous wastes related to the Petitioner's operations. In view of the vecent horror stories concerning dioxins, etc., it is apparent that every community should have sufficient concern to inquire and determine the nature of any notential danger to its environment. Rather than concerned inquiry, which could generate mutual investigation, directosure and discussions, the Appellants' concerns were expressed in accusations, some rather ludicrous, punctuated by placards and television.

The Petitioner established that, as is the case with any research operation, it does use some substances classified as toxic, and any waste must, therefore, be handled and disposed of as a hazardous waste.

So that the Board is not mislead, the Petitioner must point out that the Appellants' concerns about toxics, hezardous wastes and the environment arose only in connection with these requested variances; and this is not a case of the neighbors having been ignored or stonewalled by the big corporation. The Appellants introduced no evidence of any expressed concerns about Martin Marietta operations prior to this zoning matter — and that's because there were none — they are all tied to the requested variances; although the variances have nothing to do with, and are completely unrelated to any question concerning toxic substances and hazardous wastes.

Specifically, the Appellants alleged the following:

Mr. Merrill alleged that Martin Marietta was storing drums of dangerous material in the open, on its property, and, to substantiate his allegation, he introduced into evidence a police report concarning a drum found at Holling Road. However, in rebuttal, Mr. Tunney of Martin Marietta testified that he was the person who discovered the drum on the Martin

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The Petitioner believes that in rendering a decision upon this matter, the Box d must consider and decide the following issues:

# 1. WILL GRANTING OF THE REQUESTED VARIANCES CAUSE SUBSTANTIAL INJURY TO PUBLIC HEALTH, SAFETY AND GENERAL WELFARE?

The Baltimore County Zonin, Regulations provide that the County Board of Appeals shall have the power to grant variances only in such manner to grant relief without substantial injury to public health, safety and general welfare. The Petitioner contends that granting of the requested variances will not cause any injury to public health, safety or general welfare.

The Peritioner must emphasize that its request involves distance variances, not a use variance. Its request is to place a building closer to its existing buildings than is usual. The Peritioner is not requesting anything which would change the nature or character of the neighborhood or which would be inconsistent with the zoning laws or regulations. The Peritioner is not requesting permission to operate a bog rendering or similar plant on its cremises -- it operates a research institute there, and it has strived to create a university atmosphere. The pictures introduced into evidence show architecturally pleasing buildings and well landscaped and maintained grounds. The Martin Marietta Corporation has a substantial investment in the community and a substantial less than a substantial investment in the community and a substantial less than a substantial investment of the neighborhood.

The evidence shows that the Petitioner's tract is hordered on the south and cast by 195 and the 195 access road, and on the north by the 30 acre tract of the Oblate Sisters. The evidence area shows that the area is hilly and very wooded, and the Appellants, who are residents of the Gun Road community, are far removed from the Petitioner's property. In these circumstances, the impact of the requested distance variances upon the Gun Road community must be next to zero. The Appellants never addressed themselves to the merits or impact of the requested variances, and that is because they are not

. 2 .

property at the edge of Rolling Road; that he called both the police and the fire department; that the drum was found to contain the residue of a cher cal used to manufacture narcotics; and that he had been informed by the police that they found such drums discarded all over the County.

shipped through his neighborhood to the Martin Marietta facility for testing, and he speculated that nuclear waster from closed power plants would also be shipped to the Petitioner's facility. Since Mr. Merrill lives on Gun Road; since Gun Road is a dead end road; and since all traffic moving to Martin Marietta uses Rolling Road, and not Gun Road, it is obvious that nothing moving to the Martin Marietta premises can go through Mr. Merrill's neighborhood. In addition, as testified by Mr. Goldheim, in rebuttal, the only materials sent to the Martin Marietta premises for testing are marine life samples for test in connection with the Chesapoake Bay ecology studies and material from air samples taken in environmental studies. This is a Jar cry from the hazardous and nuclear wastes about which Mr. Merrill speculated.

Mr. Macgill pointed out that the Petitioner had a permit for one outfall, but did not have a permit for three additional outfalls. Mr. Macgill was correct Sowever, as testified by Mr. Tunney, the failure to have the three additional permits was due to a misunderstanding with the State representative, and an application for those permits has been made. In any event, the failure to have a permit for an outfall is not evidence that hazardous wastes are being improperly handled or disposed of. Since the outfall permit showed floor drains moing to the outfall, Mr. Macgill speculated that a spill in a lab could carry toxic substances into the floor drains, into the outfall and into the stream. This type of statement arises from lack of knowledge, brought about by an adversary, accusatory atmosphere which prevents mutual discussion and disclosure. As testified by Mr. Tunney, in rebuttal, only the floor drains for the boiler roca go to the outfall. None of the floor drains from the labs go to the outfall; they all go into the sanitary sewer

opposed to the variances. As a number of them testified, and on their public statements reflect, what they are opposed to is any further building by Mart'n Marietta; which they refer to as "expansion". The Appellants obviously believe that the Petitioner's use of its property chouse be by plebiscite and special dispensation of the community, and, therefore, the merits and impact of the requested variances becomes, in their minds, quite academic.

As the Petitioner testified, its need for the additional building, which is platively small, is for added space to relieve cramped quarters. The building has not been planned to house major new programs or efforts. There is, therefore, no indication of traffic increase which might be argued to affect safety. Additionally, since Gum Road is a dead end road, none of the traffic to and from the Martin Marietta facility moves through the Gum Road community -- it all uses Rolling Road.

It was established that the operations in the new building will not create any pollution, dust, glare, noise, odors, abnormal heat, fire or radiation danger. The evidence also shows that there will be adequate access for fire equipment and that the new building will be equipped with an automatic sprinkler system. Granting of the requested variances will not, therefore, create a safety problem from the point of view of fire hazard.

The Appellants have raised the issue of toxic substances and hazardous wastes, and that is dealt with in Item 3 below. Suffice it to say at this point that the issue of toxic substances and hazardous wastes has to do with the conduct of operations of the total complex and is not related to the nature of the variances requested or the granting of such variances.

The Petitioner, therefore, asserts that granting of the requested distance variances will not cause any injury to public health, safety or general welfare.

- 1 -

system. Thus, if one is to speculate a spill into a lab floor drain, such spill would go into the ranitary sewer system. The County and State do not permit anyone to connect a floor drain from a leboratory, manufacturing, etc. type area into an outrall, which could endanger our streams and the environment.

Mr. Mecgill also referred to a State blide report, which was introduced as an exhibit, to note that certain chemical trace readings were higher on the north side of 195 than on the south side. The report attempted no analysis of source. In rebutial testimony, br. Banks noted that none of the readings were high in terms of what one would expect to find in ground samples most anywhere; that some of the trace chemicals were obviously from farm fertilizer and insecticides and the iron readings probably resulted from iron mining operations which used to be performed in the area.

Mr. Kline testified that he analyzed a sample from the stream into which the fartin Marietta outfall flows, and he found it to be low in insect life, except for midges. Although he made no specific determination as to the cause, he stated that one of the causes could be chlorine in the water.

content. It is noted that the Petitioner's outfall carries storm water and non-contact cooling water into the stream. The non-contact cooling water into the stream. The non-contact cooling water is City tap water, which would be high in chlorine. Mr. Kline made no other findings and could not identify where he took the nample, from a stream which is several miles long.

Mr. Wherler, who resides on the south side of 195, alleged that the Martin Marietta sewerage system under 195 was leaking. It is common knowledge that private parties do not own public sanitary sewer lines, and Martin Marietta, of course, did not install, and does not own, control or maintain the public sanitary sewer line under 195. In addition, on rebuttal, Mr. Tunney read into the record an excerpt from the State slide report which stated that they had conducted tests on the line and found no leakage.

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# 2. WILL STRICT COMPLIANCE WITH THE ZONING REGULATIONS RESULT IN PRACTICAL DIFFICULTY OR UNREASONABLE HARDSHIP TO PETITIONER?

The Petitioner contends that failure to grant the requested distance variances and requiring strict compliance with the Zoning Regulations, will result in practical difficulty and unreasonable hardship to the Petitioner.

As established in the testimony of Mr. Goldheim, at the proposed location, the proposed new buildin could only be moved back and this would not eliminate the need for the side variances. It would also place the building closer to the Jblate Sisters property than is usual. This also would require a variance, and the Petitioner would prefer not to so impose upon its reighbor. Failure to grant the requested distance variances would, therefore, mean that the building could not be erected at that proposed location. Alternative sites involve substantial practical difficulty and unreasonable bardship. All of the alternate sites would involve locating the personnel who would occupy the new building away from those with whom they have to work and coordinate, and this would create a very impractical situation and a hardship, especially for the scientific personnel involved, In addition to the problem of separating the people; because of the hilly nature of the property, the alternative sites would require extensive excavation and grading or, as an alternative, the construction of a twostory building with an elevator which would present an expensive and impractical working situation. Such alternate sites would also require construction of additional parking facilities and the running of added utilities. Thus, in addition to separation of the people, alternate sites will involve he hardship of substantial added expense in the event the requested vari nees are not granted.

The Petitioner, therefore, asserts that failure to grant the requested variances and requiring strict compliance with the zoning regulations will result in practical difficulty and unreasonable hardship to the Petitioner.

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This is the sum and substance of the Appellant's facts and evidence to support their allegations with respect to toxic substances and hazardous wastes in contrast, the Petitioner established that in its research operations it does handle texte and volatile substances, and joes, of course, have westes to dispose of, which unde. Some and Federal law are classified as hazardous westes and are required to be disposed of in a controlled manner. The Fetitioner also established that it inderstands and is well qualified to handle such substances, being a research leader and educator in environmental, health and safety matters; that its operations are monitored, inspected and licensed by a meber of Federal, State and Count, agencies, including the Federal Environmental Protection Agency (EPA), the Federal Occupational Safety and Health Agency (OSHA), the Maryland Occupational Safety and Health Agency (MOSHA), the Maryland State and Baltimore County Departments of Health and Hygiene and the Maryland State Department of Natural Resources; that it handles such substances and such matters properly and has never been cited for an environmental violation or for any violation in connection with the use and control of toxic of volatile substances or the handling, storage and disposal or wastes. hazardous or otherwise; that the substances which Petitioner uses are used by most research facilities, including college and university labe; and that the use of such substances is inherent in and essentia! to the operation of a research institute.

Dr. Banks appeared as a witness for the Petitioner. He is a toxicologist and, by virtue of his educational and experience background, he was qualified as an expert witness in toxics and hazardous substances and in environmental, safety and health matters. Dr. Banks testified that he visited the Mattin Marietta research (acility, inspected and reviewed its operations, and tested its emissions. Dr. Banks also testified that he found the materials being used to be the same as found in any research institute, including colleges and universities, and that he found the Potitioner's operations to be competently run and in compliance with

Federal, State and County requirements for the handling of toxics and volatiles and the disposal of hazardous wastes.

The Petitioner. therefore, asserts that the evidence clearly establishes that the Petitioner conducts a competent operation; is knowledgeable and qualified in the matter of toxics; volatiles and hazardous wastes; is knowledgeable and qualified in environmental, safety and health matters; does in fact comply with Federal, State and County requirements with respect thereto; is not endangering any aspect of the environment or public health, safety or welfare; and that the Appellants' allegations are unfounded, without merit, and in some instances, irresponsible and ludicrous.

# 4. IS THE PETITIONER'S OPERATION A RESEARCH INSTITUTE OR A LABORATORY?

Under the Baltimore County Zoning Regulations, Research lumbitues
is, under certain prescribed circumstances, permitted in a residential area
as a matter of right, in contrast to a Laboratory which is permitted only
by way of a special exception.

Under the regulations a Research Institute is defined as:

"Research Institute: A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above."

In contrast, a Laboratory is defined as:

"Laboratory: A building or group of buildings used primarily for applied and development research where

- 9 -

imposed a number of restrictions in connection with use of the building.

Most of the restrictions impose so particular problem or hardship because they involve things which are already being done and with which any well run business operation should comply. However, one restriction of the Deputy Zoning Commissioner provides that:

No toxic or volatile chemicals shall be used...", and the Patitioner asserts that such restriction should be set aside by the Board.

The Petitioner established that the use of texic and volatile chemicals is inherent in and essential to the operation of the earth, and a research institute; that it is well qualified to use and properly handle such substances; that its operations are munitored, inspected, licensed and controlled by EPA, OSnA, HOSNA, the State and County Health and Hygiene Departments and the Maryland Department of Natural Resources; that it does in fact handle such substances properly; and that it has never been cited for an environmental violation or for any violation in connection with the use and control of toxic or volatile substances or the handling or disposal of wastes, hazardous or otherwise. The Petitioner also established that the research to be conducted in the new building is not new, different or added research. The work is presently being performed at the site and the Petitioner is simply looking for additional space to relieve the congestion and perform more efficiently.

It is obvious that the public welfare requires governmental oversight and control of the method of use and handling of toxic and volatile substances. But, it is also obvious that it does not require indiscriminate prohibition of use. That type of action would shut down research and industries and would be detrimental to the public welfare.

In general, the Petitioner believes that logic mitigates against imposition of any of the restrictions. However, specifically, the

the product testing process is a major function of the operation but where the operation does not involve any mans manufacturing."

The Appellants have tried to make the case that the Petitioner's operation is a laboratory and not a research institute, and on several occasions referred to the Martin Marietta facility as a "non-conforming use". Mr. Lindberg specifically made the point that a brochure published by the Petitioner used the word "laboratory" more than the words "research institute". In addition, Mr. Lindberg alleged that the Petitioner's operation is primarily routine testing and not research.

Although the Baltimore County Zoning Regulations make a valid distinction between "Research !nstitute" and "Laboratory", as Mr. Goldheim testified, in the science world, the words "lab" or "laboratory" and "research institute" ere generally used interchangeably. He cited, for example, "Bell Laboratories", one of this country's renowned research institutes, and college and university research facilities which are generally referred to as "labs" or "laboratories". However, regardless of what the Petitioner calls its operation, or how the Appellants try to characterize it, the basic questionis: "what is the nature of the actual operation and the does it stack up against the definitions of the Balt.more County Zoning Regulations?"

The Zoning Regulations describe a laboratory as being involved in applied and development research -- where product testing is a major function or part of its activity. This is distinguished from a research institute which is involved in basic and applied research, where the scientific inquiry process is similar to institutions of higher learning, and where the development research process (e.g. product testing) is incidental. Thus the emphasis of activity of a research institute abou'd be basic and applied research, similar to an institution of higher learning; where product testing is incidental, contrasted to a laboratory where the emphasis of activity is

- 10 -

Petitioner asserts that the restriction against the use of toxic or volatile chemicals/sur tances in the new building is unwarranted, is improper and is detrimental to the operation of a research facility.

The Petitioner also asserts that it is the province of OSHA, MOSHA, EPA, the State and county Health Departments and the State Department of Natural Pesources to see to the proper use and control of toxic and volatile substances; and that, in absence of a nuisance which violates roning laws, the restriction imposed by the Deputy Zoning Commissioner is an unwar, ented impingment upon a lawfully operated business, and should be set aside by the Board.

applied and development research, where product testing is a major function. It is, therefore, clear that some analysis and testing does not make a research institute a laboratory. Recognizing that some analysis and testing is a necessary facet of any research, the Zoning Regulations recognize that the emphasis of activity of research institutes, similar to institutions of higher learning, will be basic and applied research, but necessarily will involve, as an incidental aspect of that research, some analysis and testing.

Associate Director of the Martin Marietta Facility, testified that they are not involved in routine testing and that their analytical work is performed in support of studies being performed. As testified by Mr. Goldhein, a major number of the personnel employed at the Martin Marietta research facility are scient; ic personnel holding Ph.D. Masters and Bachelor degrees. One who operates a laboratory, where product testing is the major function, would have little or no need for, and rould not afford to employ, numbers of scientists holding Ph.D. Masters and Bachelors degrees. Their employment emphasis would be on lab technicians with either no degree or a Bachelor's degree. It is the research institute, which is involved in fundamental knowledge, studies of the basic laws of nature and research which will produce a better understanding of the universe, which requires a cadre consisting of the Ph.D. the Masters and Bachelors and which utilizes the lab technician for incidental resting.

Mr. Goldheim described some of the research being conducted by the Petitioner. He described the bio-technology work being performed in the agricultural area, the results of which could contribute to development of new and better crops and 'ood products. This research involves the basic laws of nature, similar to the photosynthesis work described in the Martin Marietta brochure, intribuced into evidence by the Appellants as Exhibit L. He also described the Chesapeake Bay Studies being performed for the State of Maryland. In this connection, pages 22 and 23 of the

- 11 -

# CONCLUSION

In conclusion, the Petitioner states that the facts and evidence show that the Petitioner conducts a Research Institute, and not a Liboratory, as defined by the Baltimore County Zoning Regulations; that the Petitioner properly handles toxic and volatile substances and hazardous wastes in its operations, and that its operations comply with all the requirements of the law in connection therewith; that the granting of a requested variances will not cause substantial injury to the public health, safety and/or general welfare; and that failule to grant the variances and requiring strict compliance with the zoning regulations will result in practical difficulty and unreasonable hardship to the Petitione..

The Petitioner, therefore, requests the Board to grant the requested variances and approve the revised site plan, without any restriction upon the proper use of the correlatile substances in the new building.

Pater August 24, 1783

Joseph P Alcarese

the study of the effect of industry and population on Hudson River fisheries performed for the National Oceanic and Atmospheric Administration; and the ecology studies for the State of Maryland involving the Chesapeake Bay and its tributaries and effects of fossil and nuclear fueled generating plants on plant and marine life. This type of research cannot realistically be described as routine testing that could be performed by a laboratory. Mr. Goldheim also described in some detail the research being conducted by their scientists in semiconducto: physics which is advancing the state of the technology in the growt's, characterization and passivation of crystals involved in infrared sensor science. In addition to the environmental seminars conducted by the Martin Marietta research facility, discussed by Mr. Coldheim; page 23 of th Martin Marietta brochure (Exhibit L) discusses the prize-winning "Environmental Atlas of the Potomac Estuary', published by their Environmental Center, which is a major contribution to understanding the ecology of Maryland. Thus the Martin Marietta facility is more than a research institute. It is an educator in environmental ociences and, because it also creates new knowledge that explains basic physical phenomena, it is ir a sense a center of higher learning. This obviously, is not the type of activity conducted by a laboratory, where product testing is the major function; nor is it "routine testing", as characterized by the Appellants.

Martin Marietta brochure (Exhibit L) describe the study of the effects of

dredging on aquatic habitats performed for the U.S. Corps of Engineers;

The Petit one: asserts that the record shows that the work performed by its research facility is that it a research institute, as defined by the Raltimore County Zoning Regulations, and that the allegations of the Appellants to the contrary are erroneous.

# 5. SHOULD THE BUARD SET ASIDE CERTAIN RESTRICTIONS IMPOSED BY THE DEPUTY ZONING COMMISSIONER?

At the Zoning Commissioner level, the Deputy Zoning Commissioner granted the requested variances for construction or the new building but

- 12 -

# 8\_ \_ v = [ \* v : 182 tt | 200 = 15

> 511 Gun Road Baltimore, MD 2\_227 August 23, 1983

County Scard of Appeals Room 200, Court House Towson, Maryland 21204

To Whom It May Concerns

We respectively request that the members of the Board of Appeals, Mr. Franz, Ms. Vincent and Ms. Sutton, fully review our testimony and exhibits presented on August 3, 1983.

We reel that we have proven without a doubt that:

- There is no need for a variance due to the fact that Martin Marietta has a substantial amount of preperty on which to build, all of which is basically of the same topographical nature.
- No economic hardship would be created.
- 3. A machine shop is not in compliance with the zoning.

We thank the Board for their time.

Frank Lindberg, Spokesman for the Protestants

Ms. Mary Jane Macgill Frank Lindberg Harold E. Hedeman Kaye White

Frank Lindberg Harold E. Hedeman Kaye White Lucy Merrill Charles G. Macgill Gloria S. Watson

Very truly yours,

cc: Congresswoman Barbara Mikulski County Executive Lonald Hutchinson Sonatur John Coclahan Councilman Fonald Hickernell

Bec 3:45 P.M.

- 13 -

- 14 -

- 15

- 15 -

In RE: Martin Marietta Corp. Petition for Zoning Variance Case No.: 85-210-SPHA

Before the County Board of Appeals of Baltimore County

Exhibit

(0) Petition for

Special Exception

(X) Letter from RIAS

dated Nov 18, 1969

August 23, . 33

Summary of Testimony and Arguments by the Protestants

Mary Jane Macgill Dick Merrill Berchy Manley Herold E. Hedeman Richard Kline Charles G. Macgill Gloria S. Watson Kaye Mhite Stephen Wheeler Lucy Merrill Frances Hosner Frank Lindberg

Icem 1: Change of Use

The neighborhood in which Martin Marietta is located is very old and well established. Gun Road dates back to before the American Revolution. Some of the houses on Gun Road were built before the American Civil War and several were on recent house and garden tours. The last two houses which sold on Gun Road were sold for an average price of \$201,500. This indicates an extremel, well maintained and desirable residential area. An expanding industrial activity challenges this long standing residential use by changing the character of the neighborhood and establishing a new use which can be used as an example to argue in

In 1904 when Martin Marietta first applied for a special exception to establish their operation in a residential zone, their intentions were genuine. They referred to other "institutions" in that area which they perceived thesselves as being compatible with or similar to such as: various churches, the YMCA, Catonsville Community College, Rolling Road Country Club, Catonsville Senior High School, etc. They argued, at the time, that this use which is open and pacious "provides vitally needed open area complementing the more densely populated areas in the immediate proximity."

favor of even greater industrial related use.

In 1969 there was a proposed zoning reclassification to change some of the area to MLR classification. Martin Marietta, under the direction of Mr. E.H. Parkison, joined the community in opposing the reclassification. He wrote a letter to the Baltimore County Planning Board expressing his reasons why the neighborhood should remain residential in character. He said Martin Marietta made a commitment to the community to be good neighbors and to keep Relay a beautiful community. He went into detail about their expensive building architecture and landscaping He said the peaceful setting was conducive to doing Lasic research and that their organization was one of the tew in the country which was supported by their parent company

to do basic research without any product development. He went on to say, 'We cannot visualize the utilization of the Gun Road/South Rolling Road area by any manufacturing the county as being essential to the industrial and land located in the eastern and north-central part of he county which already possess excellent access."

Obviously, the Martin Mariotta facility had a desire to maintain the neighborhood in a desirable residential condition but, unfortunately, administrations and goals have changed. The laboratory is not an independent, autonomous organization but rather is wholly owned by Martin Marietta Corporation which is a multi-national, \$4 Billion per year profic motivated company. The zoning laws governing land use should provide stability to the residential areas so that the land use is not determined by a large multi-national company who has no interest in preserving residential uses. threat of industrial reclassification by their they argued against in 1969 under their previous administration.

Martin Marietta Labs is well under their maximum 8.5% of their total land area so the natural question that arises is why do they need a variance to allow close spacing by tween buildings? The answer is that they have binger plans for the open area they have for bigger buildings in the future. By clustering the proposed building into an otherwise unusable section of their property, they will achieve greater density in that area than is provided for by present building and fire regulations. This will provide more free space for their real expansion plans which are to at least double their present floor space. If the variance is denied, they can build on another section of their 91.5%

Martin Marietta's argument that the variance is without additional carthnoving.

Item 1: Thange of Use (Cont'd)

or commercial organization without forseeing the destruction of the basic character of the neighborhood." "We fail to see the importance of including industrial land in this part of economic growth of Baltimore County in view of the available

It is ironic that Martin Marietta is providing the expansion of a non-conforming use when this is what

permitted floor area ratio of 20%. Their present floor area is vacant land anyway without a variance.

needed because of topography is not true. If they were to locate the building closer to the Clinte Sisters, it would require more excavation because the building would be placed deeps, into a hillside but there are many other places on their property where the building could be built Exhibit Item 1: Change of Use (Cont'd)

> If Martin Marietta is successful in persuading the zoning appeal board that this one spot on their property is the only one suitable to put another ouilding, and that the topography of the rest of the property is not suitable for putting any buildings, then the approval of this variance should be accompanied by an order that no other buildings will be allowed by variance, special exception, or otherwise in the future because the petitioner's arguments in favor of this variance are based on the premise that no other land on their property is suitable for building. If other areas of their land are suitable for building but a greater expense, then the variance should be denied because financial or profit goals on the part of the petitioner should not be allowed as considerations for the approval of a variance.

The amployment at Martin Marietta Lats represents about .71 of the total population of the parent company so the expansion of this facility will not make or break Martin Marketta but it could easily break the residential character of the neighborhood. The Martin Marietta Labs should be made to conform to their original character of operation (a research institute) which they argued so forcefully for in the beginning. The other, more industrial aspects of their operation can easily be handled by their other plants located in industrial parks which are zoned properly for that type of activity.

None of the reasons stated by Martin Marietta for the need to place the building where they want it are valid; i.e., extra utility lines, walking distance, communication, etc. Martin Marietta has yet to prove why they cannot locate the building where there is room for it.

Item 2: 'estrictions Placed on the Variance

The zoning law apparently makes no provision for restrictions to be placed on a variance, unlike the law for special exceptions which do have provisions for restrictions. Restrictions on a variance then appear to be a matter of policy and not law. A variance should not be given if the restrictions are not enforceable under law.

Since the zoning commissioner did approve the subject variance with restrictions, the restrictions must have been thought to be necessary.

Item 2: Restrictions Placed on the Variance (Cont'd)

Mr. Goldheim of Martin Marietta Labs testified that these restrictions would create a hardship that they couldn't live with. He went on to state that they would seek an appeal to have the restrictions removed.

Variance restriction No. 1

Exhibit

Exhibit

(L) Page 11

(L) Page 18 & 23

(L) Page 16 & 17

(L) Page 11

(V) Letter by

Martin Marietta

dated 2/20/AJ

The first of four restrictions placed on the variance is: 'wo toxic or volatile chemicals shall be used and stringent precautions shall be taken with conventional olvents".

a) This restriction is vague in that it does not specifically state if it refers only to the new building or if it pertains to the whole laboratory complex located at 1450 S. Rolling Rd. If it was intended to refer only to the new building and if there were a reason for restricting the chemical activity in the new building as it pertains to the health or well being of the employees or surrounding community then it should apply to the entire complex as well. Any reasons why the restriction should apply only to the new building and not to the entire complex are not stated.

b) this restriction is ambiguous because it states that toxic or volatile chemicals shall not be used but also states that stringent precautions shall be taken with conventional so vents. All conventional solvents (with the exception of water) are both toric and volatile.

c) This restriction is not broad enough in its mention of categories of dangerous materials. Other catagories of mangerous materials handled on the Martin Mariecta Lab complex are: Ignitable, Reactive, Corrosive, and RCRA listed.

d) Other classifications of materials which might be considered for future use by Martin Marietta should be listed in the restriction along with a ruling as to whether they are allowed. Such other classifications include radioactive and explosive. of petition 83-210-SPNA

(J) Restriction No. 1

Exhibit

(k) Dangerous Properties of Industrial Materials

(B) EFA regulations for the identification and listing of hazardous waste.

(D) Dits inspection

(L) Laboratory information booklet. P. II. reference to quarry blasting. P. 22, reference to nuclear generating plants.

# Variance Restriction No. 3

The third restriction placed on the variance is: "Concliance with all requirements of the EPA. MOSHA, OSHA, and the Maryland Dept of Health and Mental Hygiene, as well as Section 418 of the Baltimore County Zoning Regulations."

It is impossible to comply with these stated requirements for several reasons which are listed as follows:

a) Section 418.2a(2) equires that "access to the site is possible entirely b, way of existing or proposed streets with rights of way not less than sixty feet in width". The right of way of the section of kolling Road which provides the only access to the Martin Marietta property has a right of way of thirty feet.

b) Section 418 allows research institutes in a DR1 zone without a special exception but requires a special exception for a laboratory to be in a DRI zone. The Martin Marietta Labs (originally called RIAS for 'Research Institute for Advanced Study") petition I for a special exception in 1964 which was granted with restrictions. The special exception was withdrawn after Bill 76 was enacted so they would not be bound by the restrictions imposed with the special exception. The main restriction which was avoided was one which said that no change in the plat plan would be allowed without another special exception. Without that restriction to hamper them, Martin Marietia expanded the size and scope of their operation to the point where they were a laboratory rather than a research institute. Their employment has risen from 100 in 1964 to 300 in 1983. Their building space has grown from 20,000 square feet in 1364 to 80,000 square feet in 1983. Their long range plans are to double their present employment of 300 and increase their floor space to about 160,000 square feet. Since they have no special exception they are already in violation of section 418. The reasons they are a laboratory rather than a research institute are developed as follows:

b.1) Bill 76 and section 418 define a laboratory as: "A building or group of buildings used primarily for applied and development research where the p. aduct testing process is a major function of the operation but where the operation does not involve any mass manufacturing'.

(J) Restriction 3 of petition 83-21C-SPHA

(M) Section 418

(N) Baltimore County engineering drawing showing 30 foot right of way.

(0) Petition for Special Exception. (P) Order of With-

(Q) Bill 76

(R) Letter from Martin Marietta

dated 5/18/76 (S) 1964 Site drawing (T) 1983 Site drawing.

(v) Bili 76

(M) Sect. 418

Variance Restriction No. 3 (Cont'd)

b. 2) Bill 76 and section 418 define a research institute as: "A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process. e.g., product testing, are incidental to the above".

b. 3) When Martin Marietta applied for a special exception in 1964 (before bill 76) they fit the description of a research institute because they defined the term "research institute". They used the term RIAS (Research Institute for Advanced Scudies) as the name they originally called the operation. They defined their work as follows: They were "studying pure "clence", they had about 100 people with many Ph D. legrees. They were doing "fundame ral research" and 'fundamental studies of a scientific nature". They did not build or test anything. Because there was a public hearing nothing was mentioned about the use of any toxic materials. The description of the activity was similar to that of a college. Out of these descriptions the term 'Research Institute' carried over into Bill 76 and then into Section 418.

b.4) The Martin Marie:ta Lab complex carries out research, development, and even engineering programs for government agencies and other organizations.

b.5) The Martin Mariett Laboratory does routine testing of toxic materials for all of the Martin Marietya plants rocated in 41 states and un a contract basis for others. This is not a research activity but rather a business activity which fits the description of a testing laboratory. The degree of hazard is not known until they bring .: i to

b.6) The Martin Marietta booklet uses the word "Laboratory" 34 times in describing the activity but does not use the term "msearch institute"

a potentially severe hazard for the community.

the residential area and analyze it. This creates

b.7) They have coined other names of activities that go on at the lab complex such as:

Environmental Center Center for Occupational Health Engineering

(L) MM booklet Page 18 & 23 (L) Page 16 & 17

Exhibit

(0) Petition for

(L) MM booklet

(U) MM national

booklet

Page 25

(L) MM booklet

Page 24

Special

Exception

Variance Restriction No. 3 (Cont'd)

Analytical Center

These operations are apparently the ones which do the routine and regular tusting of toxic materials. These three extra activities are not defined in Section 418 or anywhere else as uses permitted in a residential zone without a special exception.

Environmental Center - Hazardous wastes are identified (analyzed).

Center for Occupational Health Engineering -

This laboratory is accredited by the Industrial Hygene Association and regularly analyzes samples for such diverse contaminants as silica, zinc, lead, asbestos, cadetom, and a variety of organic vapors.

Analytical Center - provides tech. :31 service for the liboratories and the environmental center and for the rest of the corporation. This capability includes elemental and compound characterization and mineralogical and petrographic analysis.

b.8) Martin Marietta wants to build a building to house a machine shop and an electronics lab. neither of which is allowed in a residential zone without a special exception. Martin Marietta does not have a special exception so it would be impossible for this new building to comply with Section 418. Also, the fact that Martin Marietta wants to either establish or relocate a machine shop shows that their activity fits the description of a laboratory rather than a research incut te. A research institute would have such infrequent need for machine shop service that it would not be worthwhile to establish their own when they could subcontract all of their machining requirements to many local machine shops.

There are three reasons why the proposed variance cannot comply with Section 418 of the Baltimore County coming regulations. 1) The right of way of the street by which access is possible is thirty feet instead of the required sixty feet. 2) The complex is being used as a laboratory according to Martin Mariatta's own descriptive literature. This is a nonconforming use (violation) according to Section 418. 3) The use of highly toxic materials in a residential zone was never intended by the wording of Bill 76 and Section 418. They (Bill 76 and Section 418)

Variance Restriction No. 3 (Cont'd)

say that the research institute or laboratory shall not create any dangerous or hazardous condition adversely affecting the surrounding area. if Martin Arietta originally proposed that they wanted to use a residential coned area to locate a testing turiness for testine toxic raterials from all of their operating plants and on contract for siner companies, it never would have passed.

Item o: Toxic Material Zoning Requirements

The issue of hazardous materials relates directly to zoning decisions by the wording used in Section 418 of the Baltimore County 2 ming Regulations, i.e. (418.1): "It is the intent of these regulations that land or buildings occupied by research institutes or laboratories shall not be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, electrical, explosive. radioactive, or other hazardous condition affecting adversely the surrounding area. It is further the intent that there shall be no objectionable or offensive increase over normal residential conditions of noise, dust, odors, vibrations,

The words "toxic or poisonous" do not appear specifically anythere in the wording of Section 418; only the words 'dangerous, injurious, noxious, objectionable, and offensive" are used. The interpretation of whether "toxic or poisonous" fits these categories could set a precedent for Baltimore County policy with respect to chemical activities of this kind operating in a residential

glare, heat or other emanations at or cutside the

boundary of the research institute property line."

At the zoning variance appeal hearing on July 28, 1983 Martin Marietta Labs, 1450 S. Rulling Road, presented their arguments in favor of the variance to build a 6200 square foot building with less thus the required spacings to their existing buildings. At that time, they volunteered a great deal of testimony that had to do with their use of toxic materials on the site and how safe they perceived their handling procedures to be. The inclusion of all this testimony probably resulted from the fact that they denied that they used any toxic materials at the original zoning hearing on March 17, 1983 which prompted the protestants to point out, at that time, their use of several extremely toxic materials described in their own descriptive literature.

Exh. bit

Ethibit

(M) P 212

(L) 9 7, 17, 75

## Item 3: Toxic Material Zoning Requirements (Cont'd)

The important points of the protestant's testimony with regard to the toxic materials used at the laboratory complex are listed as follows:

- a) On the first day of testimony (on July 28, 1983) the petitioners admitted to handling toxic materials measured in gram quantities or "thimble" amounts. The hetardous waste report for 1982 filed with the IPA by Martin Marietta adds up to 5,059 lb of toxic materials.
- b) In the absence of an expert witness to discuss the relative toxicity of the materials listed, the protestants had to re'y on handbooks such as "Dangerous Properties of Industrial Materials" by Irving Sax.

  This manual is in its firth printing and is written by thirteen authors and six consultants with a total of five Ph.D. degrees and five M.D. degrees among them. Some of the materials listed on the 1982 Hazardous waste Report in large quantities (6 lb of mercury and 300 lb of chromic acid) are 100 times more toxic than cyanide according to Sax's mesual.
- c) Most of the materials listed in Exhibit A are also listed in the Federal Register, "Identification and Listing of Hazardous Waste"
- d) The Designated Hazardous Substances Form, filled out by an OEP inspector indicated the following:
- d.l) The categories of wastes generated are ignitable, EP toxic, Reactive, RCRA listed, and corresive.
- d.2) Waste containers are not marked as to wen accumulation becan.
- d.3) Containers are not properly labeled.
- d.4) Mr tin Marietta does not have an approved emergency contingency plan-
- d.5) Martin Marietta does not have a DHS permit for its activity nor has it applied for one.

# Exhibit

(A) P 2, 3, 4, 5

(K) Sax's Marmal of

(A) P 2, 3, § 4 (B) P 16, 17, § 19

(B) Pages 33152

(D) DHS Form

(K) P 13

Dangerous Materials

e) Martin Marietta has a discharge permit for one outfall to empty into Sompstone Run. They received a site complaint for having three illegal outfalls. The site complaint required that they apply for a permit to incorporate their three extra outfalls within five working days. Two months after the site complaint they applied for the permit for the three extra outfalls.

Item 3: Toxic Material Zoning Requirements (Cont'd)

f) Questioning of Martin Marietta's plant manager indicated the lack of accounting procedures which could be checked by an outside agency (or even an internal auditor) to determine the amount of toxic materials purchased or brought in for analysis with the amount held in inventory and waste storage so that the amounts which evaporated into the air and which went into the sanitary sewer could be determined.

g) A document submitted by Martin Marietta, which was drafted for the purpose of the hearing, indicated that they had accumulated about 500 lbs. of toxic material in their toxic waste storeroom from January 1, 1983 - August 1, 1983. The Federal Register (Exhibit B), requires that they have a permit as a waste storage facility if they store toxic waste more than 90 days. They have shown no such permit. Their hazardous waste report for 1982, which adds up to 5,059 lbs., indicates one of several possibilities.

 Their present inventory sheet was falsified to show small amounts,

 Their present waste inventory was reduced by illegal dumping into the sanitary sewer or their old septic system,

3) The toxic materials are located in other parts of the laboratory in different storage areas under different classifications such as unused inventory, or inventory in use. In either case, the material is just as toxic as when it is finally taken to the maste storage area. It is still being used and stored in a residential zone.

h) In any laboratory, the proper disposal of unwanted chemical materials is largely dependent on the honor system. Many different holding containers have to be located at various places on the laboratory complex so that improper combinations of waste materials are not inadvertently mixed. The temptation to pour a small amount of a chemical down the drain to save a walk down the nall can be great. Since there is no inventory procedure to compare the official incoming and outgoing chemical

Exhibit

(G) Discharge Permit

(F) Site Complaint (H) Application for three more outfalls

(B) EPA Regulations

(A) Hazardous waste report for Martin Marietta, 1982 Item 3: Toxic Material Zoning Requirements (Cont'd)

flow or outfall water analysis it puts the local residents in a very uncomfortable position of relying on Martin Marietta's honor system to properly handle and dispose of their toxic chemicals, especially in light of their demonstrated credibility problem with respect to admitting the amount and potential hazards of the materials they use.

From 1964 until about 1981, Martin Marietta had a septic system with ten seepage pits 10 feet in diameter and 15 feet deep. From their beginning in 1964 there was a gradual change in their activity from a purely theoretical organization to an applied organization dealing routinely in chemical analysis and experimentation-In 1980, Martin Marietta became registered as a toxic waste generator. Their chemical activity must likely did not begin instantaneously in 1980. From 1964 to 1980 an unknown amount of chemicals went into their septic system and over their outfalls. The land around the Martin Marietta site has many springs and underground water activity as seen by the mad clide report on the land downstream from Martin Marietta. A surface stream passes through the property of the Oblate Sisters of Providence (next to Martin Marietta), then through the Martin Marietta property, then under Route 195 and into Relay. Testimony by Mr. Richard Kline of Save Out Streams and Mr. Stephen Wheeler, a lifelong resident of Relay, indicated that this water is contaminated as evidenced by a disappearance of normal aquatic life.

i) The testimony on both sides about the use of toxic materials raised many questions which probably are not strictly in the domain of zoning regulations. The testimony raived some issues which should be addressed by other regulatory agencies to provide for a reliable procedure to account for the various hazardous materials used and to monitor the outfall water, sewer water, and septic system contents.

(j) Dr. Banks, the expert witness for Martin Marietta, testified that the dangers to the community from the storage and use of toxics at MML were small compared to the much greater hazards from chemical spillage in truck accidents on 1-95.

We would like to point out that all toxics at Martin Marietta are shipped in and out by trucks going through our residential community, and that their route is much closer than 1-95.

On behalf of the Protestants

Frank A. Lindberg Aug 25, 1983

Frank A. Lindberg

S11 Gun Road

Baltimore, Maryland 21227

Exhibit

(0) Page 5

1.3

511 Qun Road Baltimore, MD 21227

September 13, 1963

Cheirman, County Board of Appeals Room 219, Court House Towson MD 21204

RE: Case No. 63-210-SPHA Hartin Merietta Comporation

Dear Mr. Chairman:

The appellants in the above case wish to accomplish two things with this letter. a) We wish to respond to the rebuttal remarks offered by Mr. Alcarese in his letter to you dated August 30, 1983. These rebuttal remarks (numbered 1 through 5) pertain to the document entitled, "Summary of Testimony and Arguments by the Protestants", dated August 23, 1983 and b) We wish to offer our rebuttal pertaining to the document entitled, "Memorandum of Petitioner" stamped as received August 25, 1983.

In as much as no rebuttal remarks were authorized by you, and since the petitioner has submitted rebuttal anyway, we have written this letter. If your decision is to disallow all unrequested rebuttal remarks from both parties, we will concur with your decision.

The remarks contained in the rebuttal letter dated August 30, 1983 are as follows:

1. At the 2nd mage, 3rd paragraph, the Appellants state, "This will provide more free space for their real expansion plans which are to at least double their present floor space." And at the 5th page, paragraph b), the Appellants state, "Their long range plans are to double their present employment of 300 and increase their floor space to about 160,000 square feet."

The Petitioner asserts that there was no discussion of and no metter introduced into evidence, either at the Zoning Commissioner level or at the Board hearing as to "expansion" or long range plans of Martin Marietta.

A review of the transcript will reveal that this was discussed toward the end of the hearing, on August 3, 1983 by Mr. Merrill.

9/14/83-4:30 P.M.

2. At the air page paragraph b.5) the Appellants state, "The Martin Marietta Laboratory does routine testing of toxic materials for all of the Martin Marietta plants located in 41 states and on a contract basis for others." And the Apellants cite Exhibit U. page 25.

The Petitioner asserts that mage 25 of Exhibit U does not, in any sense, state that the Petitioner "does routine testing of toxic materials" for anyone. And, there was no other evidence introduced at the hearing which would justify such a statement.

Exhibit U is a copy of several pages of a booklet entitled, "Diversified World of Martin Marietta" which describes the overall company. There is one paragraph (on page 25) out of 31 pages devoted to be Martin Marietta Laboratory located on Rolling Road so this description is racessarily brief. The paragraph on page 25 of exhibit U states:

Martin Marietta Laboratories is the Corporation's central research and development organization. With its associated environmental and occupational health centers, the Laboratories also provides testing and analytical services for Martin Marietta's operating companies and, under contract, for other organizations in Industry and government. Its sophisticated technical facilities, located near Baltimore, are staffed with specialists in mechanics, physics, mathematics, metallurgy, chemistry, biology, and mineralogy. Their studies and field work are dedicated to product improvement, new product development, and increased productivity.

The cover page (page 1) of exhibit U states:

Martin Marietta Corporation is a diversified multi-industry enterprise, providing products and services basic to the nation's ecunomic well-being, technological advancement and security. The Corporation employs approximately 40,000 persons in 41 states, the District of Culumbia, Puerto Rico, the U.S. Virgin Islands, Canada, and 13 other countries. Principal products include aerospace systems, aluminum, specialty chemicals, cement, construction aggregates, and data systems.

A more detailed description of the toxic testing aspects of the laboratory are described on page 17 of exhibit L which is a booklet detailing the Martin Marietta Laboratory on Rolling Road. This exhibit should have also been sited by the appellants in support of this particular claim. Page 17 states:

COME's Laboratory is accredited by the American Industrial Hygiene Association and regularly analyzes samples for such diverse contaminants as silica, zinc, lead, cadmium, asbestos, and a variety of organic vapors.

These three paragraphs from exhibits L and C support the claim that, "The Martin Marietta Laboratory does routine testing of toxic materials for all of the Martin Marietta plants located in 41 states and on a contract basis for others."

3. At the 8th page, last paragraph, the Apellants state, "The inclusion of all this testimony probably resulted from the fact that they denied that they used any toxic materials at the original zoning hearing March 17, 198

The Petitioner asserts that this is a misstatement of the facts. The record of the Zoning Commissioner hearing will show that the Petitioner did not deny that it used toxic materials. The record will show that was not an item of discussion at the Zoning Commissioner hearing. The record will show that the question was whether the Petitioner planned to use toxic or volatile materials in the proposed new building. Mr. Goldheim stated in his testimony that either he misunderstood the question or his answer was misunderstood, because he understood that the Zoning Commissioner's record indicated that he said that no toxic substances would be used in the proposed new building.

A review of the tape recording of the hearing held on March 17, 1983 should reveal that one of the first questions asked of Martin Marietta was whether they handled any toxic materials on their lab site; not whether they planned to handle any in the proposed building. The answer was hard to misunderstand since it was a one-word answer, "No." This answer prompted the protestants to point out the listing of several extremely toxic substances in their descriptive information booklet later identified as exhibit; by the protestants. This booklet describes past and ongoing work, and not proposed work for their new building. Even if Mr. Goldwim misunderstand the question, the discussion of past and ongoing work should have clarified it enough for him to realize that the discussion was not about the new building. The above rebuttal remarks by Martin Marietta states that they testified that, "no toxic substances would be used in the proposed new building." This statement is inconsistant with Martin Marietta's position as stated by them on two different occasions. a) At the hearing on July 28, 1983 Mr. Goldheim stated



Charte - Marie A. M.D.

DEPARTMENT OF NATURAL RESOURCES

September 13, 1983

Ms. Kaye White The Gun Road Historica: & Protective Assn. 409 Gun Road Baltimore, Maryland 21227

Dear Kaye:

In the early part of July of this year I examined the macroinvertebrate life in an unnamed tributary to the Patapsco River at two points. This tributary enters the Patapsro River from the north side and approximately 5 mile upstream of Route 1. The samples were collected just upstream and cownstream of the I-95 crossing.

At both points the stream was uniformly degraded. Both samples were dominated by Thironomics. Trichopters larvae were present but few in numbers and Ephemeroptera nymphs were absent. These findings indicate that the stream is in poor condition. Dased upon the abundance of Chironomids the most likely cause is a toxic material or a physical impart originating somewhere upstream of I-95. Possible sources which you might wish to pursue is the Martin-Marietta facility or any other industrial operation, the convent or other institutions and any other facility which might handle, store or usy toxic substances

If I can be of any further assistance please do not hesitate to call. Best of luck with your effo is to protect the stream.

Respectfully,

Richard L. Klein, Coordina

Save Our Streams

Telephysis (301) 269-2103

TIN to the d. American Sections for All as Sections

that Martin Marietta would seek to have the restriction removed from the variance which disallowed toxic or volatile materials. The People's Counsei (Mr. Hessian) questioned his sincerity on this since Martin Marietta ... lowed the appeal deadline to pass without seeking an appeal. b) In the meson and unsubmitted by Martin Marietta (rages 12, 13, and 14) their position was restated and amplified that the restriction on toxic materials should be set aside.

w. At the 10th page, (paragraph g), the Appellants stole, "Their nazardous waste report for 1982, which adds up to 5,039 lbs., invinctes one of several possibilities. 1) Their present inventory sheet was falsified to show small amounts, or 2) Their present waste inventory was reduced by illegal dumping into the sanitary sever or their old septic system."

The Petitioner asserts that there was no evidence as to falsification or illegal dumping into a sanitary sewer or septic system, and such statements by the Appellants are grossly improper.

The ampellants agree that no evidence was submitted to prove that either of the above two possibilities actually happened, but also asserts that the statement made by the appellants is true without any evidence. The statement simply said that there were several possibilities to explain the discrepancy in the two waste reports.

5. At the 11th page, 2nd paragraph, the Appellants state, "From 1964 to 1980 an unknown amount of chemicals whent into their apetic system or over their outfalls."

The Petitioner asserts that there was not a scintilla of evidence indicating that the Petitioner ever discharged any chemicals in their septic system or "over their outfalls." The Appellants cite as substantiation of their statement page 3 of Exhibit G. Page 3 of Exhibit C shows nothing relevant. Page 4 of Exhibit O shows:

"#1 - 5000 gallon septic tank"

"#9 - Laboratory wastes to be discharged into a separate system . . . "

From 1964 until 1981 Martin Marietta had 2 septic system. In 1981 they connected to the county sewer system and stopped using their septic system. In Martin Marietta's memorandum they state on pages 6 and 7:

None of the floor drains from the labs go to the outfall; they all go into the sanitary sewer system. Thus, if one is to speculate a spill into a lab floor drain, such spill would go into the sanitary sewer system.

Before 1964 the sever line was still connected to their septic system and so from 1964 until 1960 it is reasonable to state that an unknown amount of laboratory spills, either into the sinks or into the floor drains, went into their septic tank and then into the seepage pits where they were absorbed into the ground and entered underground streams.

The site complaint (exhibit F) describes the three illegal outfalls and also describes an "unidentified gray substance" at one of the outfalls.

Rebutt'l to Martin Marietta's Memorand a

Item 1. Will granting of the Requested Variances Cause Substantial Injury to Public Health, Salety and General Welfare?

On Page 2 the petitioner states:

The Baltimore County Zoning Regulations provide that the County Board of Appeals shall have the power to grant variances only in such menner to grant relief without substantial injury to public health, safety and general welfare. The Peitioner contends that granting of the requested variances will not cause any injury to public health, safety or general welfare.

The appellants contend that the issues of public health, safety, and welfare, although important, are not the only issues to be considered in the decision to grant a variance. A variance should not be used to accomplish preplanted expansion or to create or contribute to a change of use of a residential zone. A single variance considered by itself may not appear to have a great deal of impact on anything but when considered as a part of an oversil plan to create a new use not originally intended by zoning regulations, then the variance should be disallowed.

On page 2 the petitioner continues:

The Patitioner must emphasize that its request involves distance variances, not a use variance.

The appellants agree that the subject variance is not a use variance but the appellants also contend that the petitioner has already created a charge in use over the years unofficially without calling attention to it by expanding the scope of their operation from a research institute definition to a laboratory definition.

In addition, as testified by Mr. Goldheim, in rebuttal, the only materials sent to the Martin Marietta premises for testing are marine life samples for test in connection with the Chesapeake Bay ecology studies and material from air samples taken in environment studies. This is a far cry from the hazardous and nuclear wastes about which Mr. Marrill speculated.

This statement reflects their present stated testing activity. The fact still remains that their present charter includes doing testing of toxic materials for their operating companies and on a contract basis for others (Exhibits L and U).

On page 7 the petitioner states:

Mr. Kline made no other findings and could not identify where he took the sample, from a stream which is several miles long.

The record will indicate that Mr. Kline testified that he took two samples from the streem; one was as close as he could get to Martin Marietta's property where the streem ren under a chain link fence (up streem of I-95) and at another location downstreem of I-95 to determine if the runoff from I-95 would make a difference in his findings of the two samples. He said there were no differences in the two samples with respect to the loss of normal equatic life. All but a few hundred feet of this streem are located downstreem of Martin Marietta. The few hundred feet upstreem are on the property of the Oblate Sisters of Providence, which is a convent and not an industrial activity.

Item 4. Is the Petitioner's Operation a Research Institute or a

On page 10 the petitioner states:

Although the Beltimore County Zoning Regulations make a valid distinction between "Research Institute" and "Laboratory", as Mr. Goldheim testified, in the science world, the words "lab" or "laboratory" and "research institute" are generally used interchangeably. He cited, for example, "Bell Laboratories," one of this country's renowned passages institutes, and college and university research facilities which are generally referred to as "labe" or "laboratories".

There was nothing introduced as evidence to support the claim that Bell Laboratories is's research institute instead of a laboratory. The comparison between Bell Labs and Martin Merietta Labs is rether for fetched since Bell Labs is located in Murray Hill, New Brasy with different zoning regulations and definitions and it is not in a residential zone. If this analogy is taken seriously, and we doubt that it will, we can supply information that would show that Bell Labs in Murray Hill, New Jersey would fit the Beltipore County Zoning definition of a laboratory if such a comparison would have any bearing on the case.

On page 2 the patitioner continues:

The Martin Marietta Corporation has a substantial investment in the community and a substantial reason for maintaining the nature and character of the maintainborhood.

This statement is misleading. Actually, what Martin Marietta means is that they have a substantial investment in their laboratory complex and its equipment, and not a substantial investment in the community. There is really no reason for them to try to maintain the nature and character of the neighborhood. There is a substantial reason for them to maintain the profitability of the laboratory complex however. The present charter of the complex is for them to be the main research and development organization of Martin Marietta and to enhance and improve the parent company's profitability, productivity, and competitive posture. (Exhibit L, page 3). This was not their original charter as set forth by them in Exhibit D.

The charter of the laboratory on Rolling Road is dictated by the parent company and is, therefore, subject to change. The reasons to maintain the residential character of the neighborhood should be set and preserved by law and not entrusted to an organization who has limited control over its own charter.

On page 2 the petititioner continues:

The evidence also shows that the area is hilly and very wooded, and the Appellants, who are residents of the Qun Road community, are far removed from the Petitioner's property. In these circumstances, the impact of the requested distance variances upon the Qun Road community must be next to zero.

On page 3 the petitioner states:

As the Petitioner testified, its need for the additional building, which is relatively small, is for added space to relieve cramped quarters. The building has not been planted to house major new programs or efforts. There is, therefore, no indication of traffic increase which might be argued to affect safety.

Starting on page 11, the petitioner lists some selected research work with an ecologically oriented humanitarian flavor. It should be pointed out that the results of these kinds of studies are made available to the public at large to the extent specified by the procuring agency. The procuring agency, not the contractor, determines the scale of the work and the distribution of the reports. Work that is done on Martin Marietta's strategic funds, however, is company proprietary if its purpose is to maintain a competitive posture. This is a business related effort and is not related to the needs of the residential community members not is it intended for community participation like the other institutions wited by the printioner or junally in Exhibit 0.

Item 5. Should the Board Set Aside Certain Restrictions Imposed by the Deputy Zoning Commissioner?

In part 5 the patitioner presents arguments in favor of setting aside any restrictions about the use of toxic materials even though the people's council reminded them that if they really wanted that they should have appealed before the appeal deadline passed. This is in conflict with Martin Marietta's position as stated in their latter of Agusut 30, 1983:

Item 3: "Mr. Goldheim stated in his testimony that he either misunderstood the question or his answer was misunderstood, because he understood that the Zoning Commissioner's record indicated that he said that no toxic substances would be used in the proposed new building."

Un bahalf of the appellants

Frence A. Lindberg 511 Can Road Beltimore, MD 21227 This statement is inconsistent with other statements made by the netitioner such as in Exhibit V:

"We have projects (some for the Department of Defense and some for our operating plants) that must be started by mid-year to meet contract obligations. We will be hiring some scientific and administrative staff for this work but cannot do so until we have offices and labs in which to place them."

tem 2. Will Strict Compliance With the Zoning Regulations Result in Practical Difficulty or Universonable Hardship to Petitioner?

On page 4 the petitioner states:

Alternative sites involve substantial practical difficulty and unreasonable hardship. All of the alternate sites would involve locating the personnal who would occupy the new building away from those with whom they have to work and coordinate, and this would create a very impractical situation and a hardship, especially for the scientific personnal involved.

This statement implies that the extra walking distance would create a hardship. Actually, on a 28 acre site there would not be excessive walking distance no metter where the buildings were located. Most colleges and universities, which Martin Marietta compares themselves with, are located on much larger sites then 28 acres and walking distance is not a problem. If the new building all really house a machine shop, as they say it will, then there is no real need for constant interfacing with it anyway since many companies subcontract machining work to machine shops located across town.

On page 4 the petitioner continues:

In addition to the problem of separating the people; because of the hilly nature of the property, the alternative sites would require extensive excavation and grading or, as an alternative, the construction of a two-story building with an elevator which would present an expensive and impractical working situation.

We contend that there are planty of alternative sites that would require less grading then the site they plan to use. These sites are their present parking lots which could be relocated to areas less suitable for buildings. If this plan to use the parking lot space is declared to be unacceptable by Martin Marietta than it should not be allowed as an option for them in the future. Even if they did build a two story building there was no evidence submitted as to why an elevator would be required or why a two-story building would be impractical since they already have three story buildings without elevators.

The appellants realize that the petitioner could build the building at another site on their property without a variance. Bill 76, which was enacted the year after Martin Marietta applied for a special exception, provided a limitation of a 20% floor area ratio which, in their use, allowed a maximum floor space of 200,000 square feet. This was a rather extreme departure from the wording of their special exception which limited them to their stated size at the time of 20,000 square feet.

Beside the 200,000 square foot limitation there are many other zoning and building regulations which should be adhered to such as road set backs, property line setbacks, distances between buildings, etc. The present 200,000 square foot limit should not be considered as a goal of primary importance to be used as an argument to allow variances so that the maximum allowed floor space can be reached. The only hardship that would result in denying the variance is that it would be more difficult for the petitioner to attain their maximum allowed floor space which is ten times the amount they had when they presented their original arguments of residential compatability which were based, in part, on their small size (Exhibit 0).

Itam 3 Does the Petitioner Properly Handle Toxic Substances and Hazardous Wastes in its Operations?

On page 5 the petitioner states:

In view of the recent horror stories concerning dioxins, etc., it is apparent that every community should have sufficient concern to inquire and determine the nature of any potential danger to its environment. Rather than concerned inquiry, which could generate mutual investigation, disclosure and discussions, the Apellant' concerns were expressed in accusations, some rather ludicrous, punctuated by polacards and television.

The tape recording of the zoning hearing on March 17 should reveal thit Mr. Coliman denied that Martin Marietta used any toxic materials. At the Appeal Hearing on July 28 he admitted to handling them in gram quantities or "thimble-full" amounts. At the continuation of the hearing on August 3, Martin Marietta's plant manager was brought in by them to testify about the toxic material handling and the inventory system used at the sice. When cross-examined by the People's Counsel, he was unable to provide satisfactory answers about inventory control and how to determine the amount, kind, and locations of various toxic materials located at the site at any given time. After stating that he was not the one to answer these questions, the People's Counsel asked Mr. Alcarese why he did not bring in the right person to provide satisfactory answers. His reply was, on the record, "You run your case and I'll run mine." This kind of evasive and arrogant attitude and the general lack of credibility and responsiveness to the zoning board and the community makes its difficult to imagine any "concerned inquiry" to 'wartin Marietta by a random group of citizens which would generate "mutual investigation, disclosure, and discussion."

On page 6 the petitioner states:

MARTIN MARIETTA AERCSPACE

BALTIMORE DIVISION 103 CHESAPEAKE PARK PLAZA PALTIMORE, WARYLAND 21220 TZLEPHONE (301) 338-8000

August 30, 1983

Chairman, County Board of Appeals Room 219 Court House Towsor, Maryland 21204

Re: Case No. 83-210-SPHA Martin Marietta Corporation

Dear Mr. Chairman:

At the conclusion of the hearing in the subject case, the Board ordered Memoranda be submitted by the parties. The Board did not order or authorize rebuttal memoranda, and it is with some caution that the Petitioner approaches this matter so that it will take on any aspects of rebuttal.

The Petitioner realizes that considerable latitude should be allowed in the expression of opinion and argument in the Memoranda summing up the position of the respective parties. However, it is incumbent upon both parties, in their argument, to not misetate the facts end, also, to not state as "fact" that which as of established at the hearing or is not, otherwise, part of the record.

It is with some reluctance that the Petitioner must point out the following misstatements of facts and also statements made as "fact" which were not established at the hearing, and request that they be stricken from the "Summary of Testimony and Arguments by the Protestants":

1. At the 2nd page, 3rd parcgraph, the Appellants state, "This will provide more free space for their real expansion plans which are to at least double their present floor space". And at the 5th page, paragraph b), the Appellants state, "Their long range plans are to double their present employment of 300 and increase their floor space to about 160,000 square feet".

The Petitioner asserts that there was no discussion of and no matter introduced into evidence, either at the Zoning Commissioner level or at the Board hearing as to "expansion" or long range plans of Martin Marietta.

SUBJ: Case No. 83-210-SPHA Martin Marietta Corporation Aug ist 30, 1983

2. At the oth page, paragraph b.b) the Appellants state, "The Martin Marietta Laboratory does routine testing of texts materia's for all of the Martin Marietta plants located in the sea and on a contract basis for others". And the Appellants cite inhibit U. page 25.

Page ?

The Petitioner asserts that page 25 of Exhibit U does not, in any sense, state that the Petitioner "does routine testing of toxic materials" for anyone. And, there was no other evidence introduced at the hearing which would justify such a statement.

3. At the 2th page, last paragraph, the Appellants state, "The inclusion of all this testimony probably resulted from the fact that they denied that they used any toxic materials at the original zoning hearing March 17, 1983".

The Peritioner asserts that this is a misstatement of the lacts. The record of the Zoning Commissioner hearing will show that the le itioner did not deny that it used toxic materials. The record will show that was not an item of discussion at the Zoning Commissioner hearing. The record will show that the question was whether the Petitioner planned to use toxic or volatile materials in the proposed new building. Mr. Coldheim stated in his testimeny that either he misunderstood the question or his answer was misunderstood, because he understood that the Zoning Commissioner's record indicated that he said that no toxic substances would be used in the roposed new building.

4. At the inth page, paragraph g), the Appellants state, "Their hazardous wasce report for 1982, which adds up to 5,039 lbs., indicates one of several possibilities. 1) Their present inventory sheet was falsified to show small amounts, or 2) Their present waste inventory was reduced by illegal dumping into the sanitary sewer or their old septic system".

The Petitioner asserts that there was no evidence as to falsification or illegal dumping into a sanitary sewer or septic system, and such statements by the Appellants are grossly improver.

5. At the 11th page, 2nd paragraph, the Appellants state, "From 1964 to 1980 an unknown amount of chemicals went into their septic system or over their outfalls".

Beil 9.2.83

August 30, 1983

The Petitioner asserts that there was not a scintilla of evidence indicating that the Petitiones ever discharged any chemicass in their septic system or "over their outfalls". The Appellants cite as substantiation of their statements page 3 of Exhibit O. Page 3 of Exhibit O shows nothing relevant Page of Exhibit O shows:

> "#1 - 5000 gallon septic tank" "#9 - Laboratory was es to be discharged into a separate system .... "

For the reasons stated, the Petitione: moves that the above-cited statements of the Appellants be stricken . a being inconsistent with and/or not substantiated by the evidence.

> Very truly yours. MARTIN MARIETTA CORPURATION supe Paleanera Joseph P. /lcares Counsel for Petitioner

cc: J. W. Hessian, Esq.

Case No.: 81-208-A

Petition for Zoning Variance

In re: Martin Marietta Corp.

Before the County Board of Appeals of Baltimore County

# APPLICATION FOR THE ISSUANCE OF SUBPOENA AND SUBPOENA CUCES TECHN

Pursuant to Rule 5 of the Rule: of Practice and Procedure of the County Board of Appeals, the protestant, the Gun Rd. Historic and Protective Assoc, hereby request that a subpoena be issued to the following person. requiring that he appea to testify at the hearing in this case on August 3, 1983 at 9:15 a.m., Room 218, Courthouse, 400 Washington Ave., Towson, MD and requiring that he bring with him the records described:

> Mr. M. Slade Caltrider State Highway Administration Division of Materials & Research 2323 West Joppa Road Brooklandville, MD 21022

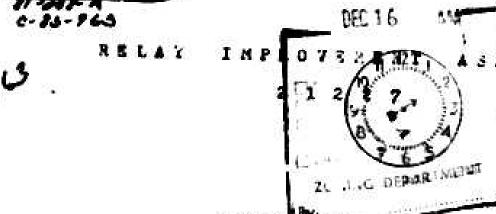
to be required to bri a with him all writings, documents and records of any kind whatsoever in his possession or custody of the State Highway Administration, Division of Materials & Research pertaining to:

(A) Slide Area

Bradley T. Johnson Property Relay, Maryland

Mr. Shortff.

Jose Nelson, best of Assesse



RELAY IMPROVE ASSOCIATION 5128 S. Holling Road Beltimore. MD 21227 ZL .1..G DEPARTMENT December 13, 1983

14/16/13

Consel Touton

Pear Sir:

13-dul-sona

I invite you to a discussion concerning a likely relationship between the Relay mudslide and the partin-parietta Labor tory. Apparently sewage from Martin-Magietta Lab is entering the County's sewage pumping installation on Woodland Drive at : rate about four times greater than the facility was intended to handle when it was installed; and the overflow has been entering the ground close to the audalide and adding to the water

I have a scenario to suggest as to now to handle this situation with a minimum of adverse publicity, and I will offer those suggestions at

Those invited are: up to 3 recresentatives (ro .artin-hariette. Harry Pistel, Donald Hutchinson, Hon Ackernell, Arnold vactor, william Sichbaum and Slade Caltrider. Nobely from this community besides me will attend, nor have they been informed - even the affected landowners.

The discussion will take place at the Relay Fam mall on Arlington Avenue at 1 PM on Sunday, Dec. 15th. (lavatories do not operate in the oull over winter, but there will be neet.)

If meanwhile you can show that there is no connection detween antin- arietta lab's seway- and the sudslide, ple se let me know as soon as

> sincer(), yours, Thurston 7 97 Thurston iriggs

""CROFILMED

In re: Martin Marietta Corp. Petition for Zoning Variance Case No.: 31-208-A

Before the County Board of Appeals of Bartimore County

# APPLICATION FOR THE ISSUANCE OF SUBPOENA AND SUBPOENA DUCES TECUM

Pursuant to Rule 5 of the ules of Practice and Procedure of the County Boar ' of Appeals, the protestant, the Gun Rd. Historic and Protective Assoc, hereby request that a subpoena be issued to the following person, requiring that he appear to testify at the hearing in this case or August 3, 1983 at 3:15 a.m., Room 218, Courthouse, 400 Washington Ave., Towson, MD and requiring that he bring with him the records described:

Mr. Thomas Pactle Dept. of Health and Mental Hygiene Office of Lryironmental Programs Hazardous Waste Division, 201 W. Preston Street Baltimore, MD 21267

to he required to bring with him all writings, documents and records of any kind chatscaver in his possession or custody or in possession or custody of the Dept. of Health and Hantal Hygiene pertaining to the:

(A) Martin Marietta Corp. for the years of 1981, 1982 to present.

Mr. Shartiffs

No inch : board of Assess

P.S. Since this was written, I have received your letter with enclosures, both of which were informative and hel ful.

If this situation I believe the is facto "violation" was caused by the County, which faile to carry out its collimation to conduct suitable engineering management of the sewer system. The fact remains, nowever, as I described on the phone, that Martin-Marietta's being there originated the offending secure. I wrate to the State Health Te artment for help in this matter but herri mothing - telephone call not returned, eliver.

'y own prococal for familing this matter is not based on filing a coming complaint. It is not clear nowever, whether the parties involved will accest my solution - and even then, whether it will work independent of official communications. Indeed the affected property owners, in their struggle to read settlements with Martin-Marietta and the Co nty. might insist upon a more modic handling of the catter than I expect to Throat a they might insist up zoning enforcement. I leave it to your fiseretton to determine whether or not you will come to the discussion in -lay.

there are a letter should that the s cutifying the the executation were cutterined to weetly. This issue was to be algorithm by the freehight or Vice President and the formal of the executation. The second latter as algorithms to state the ries of the execution as to this zenies asso. ETE

494-3180

County Bourd of Apprels Room 219, Court mouse Towner, Maryland 21204 May 18, 1983 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRAINTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING IN IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POS. PONE-MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL \$108

CASE NO. 83-210-SPHA

MARTIN MARIETTA CORP.

W/S Rolling Rd., 1635' S of Gun Rd.

13th District

SM-smendment to site plan Va: ->> permit distance between buildings of 40' in lieu of 90' and 80' in lieu of 110', 35' and 80'-Sec. 1802, 28 (V.8.2 & 102.2)

4/6/83 - D.Z.C. 's Order-GRANTED w/ restrictions

ASSIGNED FOR:

HURSDAY, JULY 28, 1983, at 10 a.m. 4 15 WEDNESDAY, AUG. 3 1983 11 # AM cc. Joseph P. Alcarese cig. Counsel for Petitioner

- Corned for Protestante OUT - Set letter

Martin Marietta Corp.

Ms. Mary Jone Macaill, et ai Protestant Frank Lindberg Harold E. Hedeman Kare White Lucy Merrill Charles G. Macgill Glaria S. Watson J. E. Dyer J. Jung N. Gerber J. Hosweil

The ICE ... J. W. Hessian, Esq. People's Counsel Dr. Paul Becker (sect notice 5/24/83 - per phone call)

June Holmen, Secretary

In re: Martia Marietta Corp. Partition for Zoning Variance Case No : 81-208-A

Before the County Board of Appeal of Baltimore County

## APPLICATION FOR THE ISSUANCE OF SUBPOENA AND SUGPOENA DUCES TECUM

Pursuant to Rule 5 of the Rules of Prartice and Procedure of the County Board of Appeals, the protestant, the Gun Rd, Historic and Protective Assoc, hereby request that a subpoena be issued to the following person. requiring that he appear to testify at the hearing in this case on August 3, 1983 at 9:15 a.m., Room 218, Courthouse, 400 Washington Ave., Towson, MD and requiring that no bring with him the records described:

> Mr. Thomas Pattle Dept. of Health and Mental Hygiene Office of Environmental Programs Hazardous Waste Division, 201 W. Preston Street Baltimore, MD 21207

to be required to bring with him all writings, documents and records of any kind whatspever in his possession or custody or in possession or custody of the Dept. of Health and Mental Hygiene pertaining to the:

(A) Martin Marietta Corp. for the years of 1981, 1982 to present,

of Balthaute County

In re: Martin Marietta Corp. Petition for Zoning Variance Case No .: 81-208-A

Board of Appeals

Conne

Before the County of Baltimore County

APPLICATION FOR THE IDSUANCE OF SUBPOENA AND 'L POENA DUCES TECUM

Pursuant to Rule 5 of the Rules of Practice and Procedure of the

County Board of Appeals, the protestant, the Gun Rd. Historic and rejective Assoc, hereby request that a subpoena be issued to the following person. requiring that he appear to lestify at the hearing in this case on August 3, 1983 at 9:15 a.m., Know 218, Courthouse, 400 Washington Ave., Towson, MD and requiring that he bring with him the records described.

Mr. M. Slade Caltrider State Highway Administration Division of Macerials & Research 2323 West Joppa Road Brooklandville, MD 21022

to be required to bring with him all writings, documents and records of any kind whatsoever in his possession or custody of the State Highway Administration. Division of Materials & Research pertaining to:

(A) Slide Area

Bradley T. Johnson Property Relay, Maryland

At. Shortff

she Haliston, Beard of August

In re: Martin Marietta Corp. Petition for Zoning Variance Case No.: 81-208-A

Before the County Beard of Appeals or Baltimore County

\* \* \*

# APPLICATION FOR THE ISSUANCE OF SUBPOENA AND SUBPOENA DUCES TECHM

Pursuant to Rule 5 of the Rules of Practice and Procedure of the County Board of Appeals, the protestant, the Gun Rd. Historic and Protective Assoc, hereby request that a subpoena be issued to the following person, requiring that he appear to testify at the nearing in this case on August 3, 1983 at 9:15 a.m., Room 218, Courthouse, 400 Mashington Ave., Towson, MD and requiring that he bring with him the records described.

> Mr. M. Slade Coltrider State Highway Achinistration Division of Materials & Research 2323 West Joppa Road Brooklandville, MD 21022

to be required to bring with him all writings, documents and records of any kind whatsoever in his possession or custody of the State Highway Administration, Division of Materials & Research pertaining to:

(A) Slide Area

Bradley T. Johnson Property

Relay, Maryland

Mr. Sheriff:

CASES COMPRESENT AND SECURE SECURE SERVICE SERVICE SECURE SECURE

County Board of Appeals

Attn: Mrz. Edith Eisenhart

Re: Case No. 85-210-SPHA Martin Marietta Corp.

In accordance with your request, I am enclosing a copy

Please let me know if we can be of any further assistance

of Petitioner's Exhibit No. 5 entitled, "Variance Flat."

Room 219, Court House

Dear Mrs. Eisenhart:

enclosure

Towson, MD 21204

MARTIN MARIETTA AEROSPACE

Place issue the above summons.

Fine Holmen, Board of Appeals

BALTIMORE DIVISION

103 CHESAPEANE PARK PLAZA

BALTIMORE, MARYLAND 21239

August 5, 1983

Very truly yours,

Division Counsel

Baltimore Division

MARTIN MARIETTA CORPORATION

Joseph P. Alcarese

Martin Marietta Aerospace

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AL NO

Samuel Commence

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BALTIMORE COUNTY, MARYLAND EXECUTIVE OFFICE TOWSON, MARYLAND SIZO4

Donald Privatchinson ---

September 1, 1983

Lile # 83.210.XSPX

Mr. Frank Lindberg 511 Car Road Beitimore, 100 21227

Dear Mr. Lindberg:

Thank you for your recent letter regarding the Zoning Board of Appeals review of your testimony in the Martin Marietta Corporacion.

Since the Board of Appeals is under the auspices of the Baltimore County Council, I have referred your letter to Councilwomen Barbara Bachur and to Mr. William Hackett, Chairman of the Board of Appeals.

If I can be of further assistance, place do not hesitate to contact my office.

Sincerely,

Donald P. Buchinson County Executive

cc: Berbara Bachur William Backett

(Book) - "

MARTIN MARKETTA AEP ISPACE

BALTIMORE DIVISION 103 CHESAFEAKE PARK PLAZA DALTIMORE, MARYLANG 21220 TELEPHONE (301) 338-5000

May 12, 1983

Mr. William T. Hackett Chairman, Baltimore County Board of appeals Room 200 Courthouse Towson, MD 21204

> Re: Petitions for Special Hearing and Variances W/S of Rolling Rd. . 1, 635' S of Cun Rd. Martin Marietta Corporation - Petitioner Case No. 83-210-SPHA

Dear Mr. Hackett:

The Martin Marietta Corporation has been advised by the Office of Zoning Commissioner that an appeal has been filed from their decision with respect to Martin Marietta's petitions for Special Hearing and Variances.

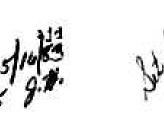
The variances were requested in connection with a proposed 6,200 square foot building. We have projects - some for the Department of Defense - which must be started as soon as possible in order to be aule to meet contract performance and schedule obligations. The additional space is ur ently required for these projects and the additional employment which will be involved.

te, therefore, request that the Board of Appeals schedule this matter for hearing as soon as reasonably possible.

Very touly yours,

MARTIN MARIETTA CORPORATION

Joseph P. Alcarese Division Counsel Martin Marietta Aerospace Baltimore Division







County Board of Appeals of Baltimore County Room 200 Court Mouse Comeon, Margland 21204 (301) 494-3180 November 2, 1983

Ms. Mary Jane Macgill, et al 319 Gun Road Baltimore, Maryland 21227

Dear Ms. Macgill:

Re: Case No. 83-210-5PHA Martin Marietta Corp.

Washington D L Orm .

1146 CONSCINCUT ARENO... N. W.

William D C 20036

CALANDO F. GAIDA DECISIO

TO WHEEL PART BY LEY ORGANDO FLORIDA ! H'!

NEW YORK NEW YORK O FICE TT WATER STREET NEW YORK NEW YEAR LOOKS

\*\*\*\*\*\*\*\*\* 1112: 143 1400

CARL STREET WITE

\*\*\*\* \* \*\*\*\*\*\*

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

cc: Joseph P. Alcarese, Ésq. Frank Lindberg Martin Marietta Corp. Dr. Paul Becker J. E. Dyer J. Jung N. Gerber J. Hoswell A. Jablon J. W. Hessian, Esq.

OBER. GRIMES & SHRIVER

ATTORNEYS AT LAW

A PERSONAL PRINCIPLING PROFESS - NA. CORPORATIONS

1600 MARYLAND NATIONAL BANK BUILDING

BALTIMORE MARYLAND 21202

Thy American (Bill) Back (B)

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16.11 # 1114

There is part of the common of

RE: Case No. 83-210-SPHA

Joseph P. Alcarese, Esquire

Martin Marietta Corp.

determined not to participate in the appeal.

County Board of popeals

.owson, Maryland 21204

cc: Sister Mary Paul

Room 219

Gentlemen:

WLB: CW

Jurt House

May 23, 1983

I received a Notice of Assignment in the above matter in

Very truly vours,

Waren Roll.

William L. Balfour

which I was lirted as counsel for Protestants. In fact I

represent only the Oblate Sisters of Providence which have



# County Board of Appeals of Baltimore County Room 200 Court Mouse Esteon, Margiand 21204 (301) 454-3180

November 23, 1983

Ms. Mary Jane Macgill, et al 319 Cun Road Baltimore, Maryland 21227

> Re: Case No. 83-210-SPHA Martin Marietta Corp.

Dear Ms. Macgill:

Enclosed herewith is a copy of the Amended Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Encl.

cc: Frank Lindberg Joseph P. Alcarese, Esq. David Goldheim Dr. Paul Becker John W. Hessian, III, Esq. A. Jablon J. Jung J E. Dyer N. E. Gerber J. G. Hoswel

494-3190

Coming Boart of Supposts Room 219, Court House Terren, Maryland 21204 July 13, 1983

Mrs. Charles Macgill, President The Gun Road Historical and Protective Assoc. 319 Gun Road Boltimore, Md. 21227

Dear Mrs. Macgill:

Re: Case No. 83-210-SPHA Martin Marietta Corp.

In answer to your letter to the Board of July 11, 1983, requesting a postponement in case #83-21.1-5PHA, the Board must deny your request for the postponement of the above case.

Hopefully you can designate someone in your organization to present your testimony. Please also be aware that if they wish to testify as representing the Gun Road Historical and Protective Association, compliance with Rule 8 of the Board's Rules must be followed.

Very truly yours,

WHA

July 11, 1983

County Board of Appeals Room 219, Court House Toweon, Maryland 21204

Re: Case No. 83-210-SPHA Martin Marietta Corp.

Dear Sire:

As President of the Gun Road Historical and Protective Association and one of its spokespersons, I find it necessary to request a postponement of the above case, presently assigned for Thurs'ay, July 28, 1983, at 10 a.m.

Because of family responsibilities it will be necessifor me to be out of the state until August 5th.

1m

MARTIN MARKETTA LABORATORIE:

1450 SOUTH ROLLING ROAD ENTINONE, MARYLAKO 2132 TELEPHONE: ("OI) 247-0700 TWIK # 710-236-1076

December 7, 1983

Mr. Arnold Jablon Zoning Commissioner of Baltimore County Baltimore County Office of Planning & Zoning Towers, Maryland 21234

Re: Zoning Case #83-210-SPHA C-1668-8-3

Dear Mr. Jablon.

We hereby request that Baltimore County review construction plans for a building permit for Building H . Shop Addition at the site of Martin Marietta's research institute at 1450 South Rolling Road. We understand the period for appeal has not yet lapsed and we assume responsibility for pervit feet in the event a permit cannot be issued at this time. We also understand that if the order is reversed, Martin Merietta will return and be responsible for returning said property to its original condition.

> Very truly yours, MARTEN MARIETTA CORPORATION Jopan P. Aicarese Division Counsel Martin Marietta Aerospece Saltimore Division

:kf

Enclosures

Sensig Bourt of Appeals Rose 219, Court House Towner, Maryland 2120

July 14, 1983

Mr. Harold E. Hedeman, Vice President The Gun Road Historical and Protective Assoc. 408 Gun Road

Baltimore, Md. 21227

Dear Mr. Hedeman:

Re: Case No. 83-210-SPHA Martin Marietta Corp.

In answer to your letter of July 12, 1983, requesting a postponement in Case No. 83-210-SPHA, the Board will dany your request for postponement.

If the information you claim as vital to your case would not be available at the time of the hearing, the Board will then consider receiving such testimony at a later date.

Very truly yours,

William T. Hockett, Chairman

**WHA** 

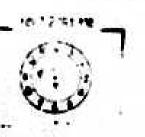
201 & 10-10 Date 50-10-10 Mar 10-10 50-10 Mar 10-10 50-28 April 1961

The Munerable taxate Hickory)
Councilose Sut Statrict
Jid Frenerick Spec
Catenguille, PD 21224 The attached correspondence is provided to support our application to the County for a souling vertance.

watter As I pertiamed on the phone, time to at the example .. Incomplete as our hids assumed the the phone, time to at the example ... Incomplete as our hids assumed timelitaneous considered time too buildings time attached drawing ) a dalay tryone the May 70th will result to adaptitionally introduced construction costs that may presently the project. If I may be at further assistance please call. Thent's spale for your help.

Surie 1 Coleman

Da G par



FROTESTANT'S

.XHIBIT\_3

The Gun Bad Historical and Protecto Association

408 Gun Road Paltimore, Maryland 21227

July 12, 1983

County Board of Appeals Room 219, Court House Towson, Karyland 21204

Re: Case No. 83-210-SPHA Martin Marietta Corp.

Dear Sirs

I hereby request a postponement of the above case because the state cannot provide information in regards to this case in a timely mone. In view of this fact we shall be unable to present a technically and scientifically intelligent statement before the Board.

We therefore request that a hearing not be held until at least two weeks after we receive the requested information.

Very truly yours,

Harde E Hedeman Harold E. Hedeman Vice-President

1m

MARTIN MARIETTA LABORATORIES

rains of the designers where MALTINOME COMPOSITED \$1007 THE PHATOM . HOW 2 4 6 FOO TAKE PURCH STORY

February 10, 1963

Mr. James D. Lucas, Jr. Director - Economic Development Commission Baltimore County Room 311 County Office Building Towson, Maryland 21204

Bear Jim

The building proposed for construction on our site is a one story 6.200 sq ft structure of brick and wood trim finish consistent with our existing building (see Figure 2). It will be used to house a machine shop in one section and offices and electronics-type laboratories in the other section. The building will be placed behind our main building, visible only from the property caned by the Oblate Sisters of Providence, (Figure 1).

Insofar as coming regulations are concerned, the only issue is access by fire fighting equipment due to proximity to our main building and to a brick storage building. Driveways in front of the building assure accessability and a fire hydrant is located at the entrince to the read to this building (blueprint). We consulted with the beltimore County Fire Denartment's Fire Protection Engineer, Mr. John Bryan, Jr., during the des . of the building and my understanding is that he found the plan acceptable.

The Oblate Sisters, our only neighbors who could see the building from their property, were invited here to review our plans and to examine the construction site. The building will be set into the hillside and thus only the roof and the uppermost 5 feet of brick wall will be visible from their property. Sister Mary Paul, representing the Order, believed the plan to be acceptable.

As we discussed, we are now anxions to begin construction. The funds approved will not be adequate if construction is delayed beyond April 1 -- the last date on which our general contractor is obligated to hold a firm price. Additional funds are not available, therefore, if approval is not received, the entire project is in jeopardy for this year. If that happens, the associated jobs for construction workers will not be available. Of even greater concern is the fact that Joseph Alcorese, Esq. Martin Marietta Corp. Mary J. Macgill, et d

5/18/83 - Following were notified of hearing set for Thurs. July 28, 1983, at 10 a.m.:

F. Lindberg H. Hedeman Kaye White Lucy Merrill C. Macgill G. Watson N. Gerber J. Howell

7/28/83 - Continued Hearing set for WEDNESDAY, AUGUST 3, 1983 at hearing or 7/28/83

Dr. P. Becker - 5/24/13

J. Dy J. Jung

W. Hammond

J. W. Hessian

. . . . . . .

Page 2 February 10, 1983

we have projects (some for the Department of Defense and some for our operating plants) that must be started by mid-year to meet contract oblings ons. We will be hiring some scientific and acministrative staff for this work but cannot do so until we have offices and labs in which to place them.

inr all of these reasons, I urgently request an early March hearing before the Zoning Commission. We do not expect opposition, we believe the issue of fire protection is adequately addressed and we believe productivity and employment in Baltimore County will be enhanced if we are able to bugin expanding our facilities .uring the next month.

Thank you for your help.

Sincerely,

David L. Goldheim Associate Director

DLG:kk



# SOUTHWEST COALITION INC.

211 INGLESIDE AVE., BALTIMORE, MARYLAND 21228

March 15, 1983

Mr. William E. Harmand Zoning Commissioner County Cifice Bu'lding 111 W. Chesapeake Avenue

lowcon, Maryland 21204

Dear Mr. Hawmond,

The Southwest Coalition hereby states opposition to the granting of a variance in case #89-10-SPriA as requested by Martin Marietta Laboratories. the applied use of this variance is the pre-planned gradual expansion of the Martin Marietta sice. This use is controry to the purpose and incent of a variance.

The 1923 Standard State Zoning Enabling Act, published by the United States Depurtment of Commerce and widely adopted, described the variance device as follows:

The board of adjustment shall have the following powers:

3. To / uthorize upon appear in specific cases such variance from the terms of the ordinance at will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unneces ary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

The indictment (of the variance) has been that, far free being a safety valve, the variance is a handy gimmick to permit "leakerpe" from the certainty provided by the concept of districting. Today, the variance has

burges a rather anall born arpon to the special of the municipality, not

14 SECTION 1

promote or accelerate physical impairment through inferaction with other chemical or biologic agents In spite of the fact that serious injury is not believed likely as a result of exposure to the threshold irm " concentrations the best practice is to maintain concentrations of all atmospheric containingness as low as is prac-

These limits are intended for use in the practice of industrial hygiene and should be interpreted and applied only by a person trained in this discipline. They are not intended for use or for modification for use (1) as a relative index of hazard or toxicity. (2) in the evaluation or control of colomunity air pollution nuisances. (3) in estimating the toxic potential of continuous uninterrupted exposures or other extended work periods. (4) as provid or disproof of an existing disease or physical con-Jition or (5) for adoption by countries whose working conditions dier from those in the United States of America and where substances and processes differ

Ceriving vs. Time-Weighted Average Lymits. Although the time-weighted average concentration provides the most satisfactory, practical way of monitoring airborne ages to for compliance with the limits, there are certain substances for which it is inappropriate in the latter group and schistances which are preduminantly fast ecting and whose "reshold limit is more appripriately based on this particular response. Substances with this type of response are best controlled by a ceiling. C isnit that should not be exceeded. It is implicit in these definitions that the manner of sampling to determine nonce:inpliance with the limits for each group must differ, a simple brief sample, that is applicable to a. C. limit, is not appropriate to the time-weighted limit, her? a sufficient number of samples are needed to permit a time-weighted average concentration throughout a complete cycle of operations or throughout the work shift.

Whereas the colling limit places a refinite borndary which concentrations should not be permitted to exceed the line-weighted average limit requires an explicit limit to the excursions that are permissible above the listed values. The magnitude of these excursions may be pegged to the magnitude of the thresicald limit by an appropriate factor shown in Appendix D It should be noted that the same factors are used by the Committee in determining the magnitude of the value of the STELS. or whether to include or exclude a substance for a C

"Skin" Notation Listed substances followed by the designation. Skin refer to the potential contribution to the overall exposure by the cutaneous route including mucous membran and eye, either by airborne, or more particularly, by direct contact with the substance Vehicles can alter skin absorption. This aftention calling designation is intended to suggest appropriate me a utes for the prevention of cutaneous absorption so test the

the shold limit is not invalidated. Murtures Special consideration should be given also a) the application of the TLVs in assessing the health hazards which may be associated with exposure to mixtures of two or more substances. A binel discussion of basic considerations involved in developing threshold timit value, for motures, and methods for their development, amplified by specific example; are given in Appendo: C

Nusance Particulates In contrast to hiprogenic dusts which cause scar tissue to be formed in lungs when inhated in excersive amounts, so-called, nursarice, circls. have a long history of trule advict at effect on lungs and

do not produce significant organic disease or toxic effect when exposures are expt under reasonable control. The nuisance dusts have also been called (biologically) inert dusts but the latter term is inappropriate to the extent that there is no dust which does not evoke some cell, a response in the lung when inhaled in sufficient a nount. However, the lung-tissue reaction caused, y inhalation of nuisanci, dusts has the following characteris-

tics (1) The architecture of the air spaces remains in-

tact (2) Collagen (scar tissue) is not formed to a

s.q.uticant extent (3) The tissue reaction is potentially Eucessive conjuntrations of nuisance dusts in the workroom air may seriously reduce visibility, may cause unplea int deposits in the eyes ears and nasal passages (Portland Cemeni fust), or cause injury to the skin or mucous membranes ... chemical or mechanical action per se or by the rigorous rkin cleansing procedures necessary for their removal

A threshold limit of 10 mg/m3, or 30 mupcl, of total dust < 1% quartz, or, 5 mg/m3 respirable dust is recommended for substances in these categories and for which no specific inveshold limits have been assigned This territ, for a normal workout, does not apply to breexposures at higher concentrations Meither ches : apply to those substances which may cause physic "Go impairment at lower concentrations but for which a thresh, 'd fimit has not yet been adopted. Some nuisance particulides are given in Appendix 5

Smale Asphysiants — "Inert" Gases or Vapors A number of gases and vapors, when present in logic concertrations in air, act primarity as simply asphysiants without other significant physiologic effects. A TLV may not be recommended for each simple asphysiant because the limiting factor is the available daygen. The minimal oxygen content should be 18 percent by volume under normal atmospheric pressure (equivalent to a partial pressure, p0<sub>2</sub> of 135 mm Hg). Atmospheres deficient in 0, do not provide adequate warning and most simple: asphyxiants are odoriess. Several simple asphyxiants present an explosion hazard. Account should be taken of this factor in limiting the concentration of the asphysiant Specific examples are listed in Appendix i

Physical Factors It is recognized that such physical factors as heat, ultraviolet and ionizing radiation, humidity, abnormal pressure (altitude) and the like may place added stress on the birdy so that the effects from exposure at a threshold limit may be altered. Most of there stresses act adversely to increase the loxic response or a substance. Although most threshold limits have built-in safety factors to guard against adverse effects to moderate deviations from normal environments, the safety facfors of most substances are not of such a magnitude as to take care of gross deviations. For example, continuous work at temperatures above 90°F, or overtime extending the workweek more than 25%, might be considered gross deviations. In such instances judgment must be exercised in the proper adjustments of the Threshold Limit Values

Birthoic Limit Values (BLVs). Other means must and may be necessary for monitoring worker exposure other than reliance on the Threshold Limit Values for industrial air, namely the diologic Limit Values. There values reresent timiting amounts of substances (or their effects) to which the worker may be exposed without hazard to health or well-being at determined in his tissue; and fluids or in his exhaleu breath. The biologic measurements on which the BLVs are based can furnish two

because if the criticism directed against it but because of its inadequacy as a device for weeting the pressures placed upon our municipalities by the developers and by the outsiders who wish to or me into the municipality." (Excerpts quoted from The Zoning Grme by Richard F. Babcock)

A variance, as utilized by Baltimure County, is from area and height regulations which should not have a significant impact on the community. Granting this variance ultimatel allows the tontinued expansion of the Martin Marietta Labora tories site. The Southwest Conlition requests a denial of this variance.

Sincerely,

Deche X. Marley

Berchie L. Manley

President

Southwest Coalition

# Industrial Materials

Fifth Edition

# N. IRVING SAX

Marilyn C Bracken/Robert D Bruce/William F Durham/Benjamin Feiner/ Edward G. Fitzgerald/Joseph J. Fitzgerald/Barbara J. Goldsmith/John H. Harley/ Robert Herrick/Richard J. Lewis/James R. Mahoney/John F. Schmutz/ E June Thompson/Elizabeth K. Weisburger/David Gordon Wilson

MEDIT 2

Assisted by

VAN NOSTRAND REINHOLD COMPANY

# Dangerous Properties of

TOTALT'S

(TLV STEL) - the maximal conditionation to which workers can be exposed for a pervidiup to 15 minutes. continuously without suffering from 11 irritation 21 incomic or irreversible tissue trange or 3 naticosis of sufficient degree to increase accident proneness impair self-rescue, or materially reduce work efficiency, provid-

are specified herein, as follows:

after day, without adverse if ect

Kerth R Long Ph D

Floyd A Madsen

Ronald S Ratney

Frederick T McDermott

Walter W. Mervin H. M.D. Sc.D.

Leonard D. Pagnotto Secretary

Meier Schneider PE CIH

Elizabeth K. Weisburger, Ph. [

COMBULTANTS

Any comments or questions regarding these limits

CHERICAL CONTAMMANTS

which it is believed that nearly all workers may be repea-

teoly exposed day after day without adverse effect. Be

cause of wide variation in individual susceptibility, how

ever a small percentage of workers may experience

discomfort from some substances at concentrations at

or below the threshold limit a smaller percentage may

be affected more seriously by aggravation of a pre-exist

ing condition or by development of an occupational ill

Tests are available (J. Occup. Med. 15, 564, 1973)

Ann N Y Acad Sci 151 Art 2 968 1968) that may

be used to detect. hose individuals hypersusceptible to a variety of industri i chemicals irespiratory irritants. he

months chemicals promis isocyanates carbon disul-

Three categories of Threshold Limit Values (TLVs)

al Threshold Limit Value Time Weighted Ave. .e

b) Threshold Limit Value Short Term Exposure Limit

ITEV TWA! - the time-weighted average concentration

for a normal 8-hour workday of 40-hour workweek to

which nearly all workers may be repeatedly exposed, day

ad that no more than to \_ excursions per day are permit.

Threshold limit values refer to airborne concentrations of substances and represent conditions under

Richard D. Stewart M.D.

Herbert E Stokinger Ph D

Vera F Thomas Ph C

David H. Wegman, M.D.

Hastromatteo Mil

Marshall Steinberg, Ph. C

Mitchell R. Zavon M.D.

should be addressed to

Industrial Hygienists

Executive Secretary

P.D Box 1937

Theodore H. Torkelson, Sc. D.

American Conference of Governmental

Cincolnati OH 45201 1513: 625-0312

James F. Morgan

Paiph C Wands

William D. Wagner

and with at east 60 minutes between apposure periods and provided that the dark TEV TWA sisp is not exceed. ed. The STEL should be considered a maximal allowable

concentration or ceiling, not to be exceeded at any time during the 15-minute excursion period. STELS are based on one or more of the following criteria - Adopted "Livs including those with a Cook certific limit is TWA TLY Excursion Factors listed in Appendix D Pennsylvania Short-Term Limits for Exposure to Air. borne Contaminants (Pennal Dept. of Hith. Chapter 4) Art 437 Rev. art 25 1968 4 OSHA Occupationa Safety and Health Standards 40 FR 25073 May 28 1975 (5) NIOSH criteria for recommended standards un occupational exposure to specific substances. The TWA STEL should not be used as enquiee my design criterion

THE HISTORICAL PERSPECTIVE 13

centration that should not be exceeded even instantan-For some substances e.g. irritant gases, only one nategory, the TLV Ceiting, may be relevant for other substances, either had or time dategones may be new vant depending upon their physiologic action of it important to observe that if any one of these three "bivs is exceeded, a potential hazard from that substance is pre-

or considered as an emergency expusure level (EEL)

ic) Threshold Little Value Ceiling (TLV C: - the son

The Tilly TWA should be used in guiden in the control of hearth hazards and unbould his be used as fini-

thes between value and dangerous concentrations. Time weighted averaging permit excursions above the which provided they are con pensated by equivalent excursions below the umit during the workday in sort !

illistances it may be permissible to calculate the average concentration for a workweek rather than for a workday. The degree of permissible excursion is related to the magintude of the threshold limit value of a particular habitance as given in Appendix C. The relationship between threshold, mill and permissible evaluation is a fullof thumb and in certain cas a may not such the amount by which threshold limits may be exceeded for short periods without mury to health tepends upon a number of factors such as the nature of the contaminand whether very high concentrations — over for shirt periods — produce you're poisoning. A vetter the effects are cumulative, the requency with which high London. frations occur, and the duration of such periods. All factors must be taken and consideration in acrosing at a decision as to whether a hazardous condition exists.

"hirechold limits are based on the best available information from industrial experience, from experimental human and animal studies, and when possible from a combination of the three. The basis on which the values are established may differ from substance to substance protection against impairment of liealth may be a guiding factor for some whereas reasonable freedom from installion, harcosis, huisance of other forms of stress may form the basis for others

The amount and nature of the contrative available for establishing a TEV wines from substance in substance consequents, the precision of the issimulated lies. is also subject to variation and the latest Discurrentation should be consulted in order to essent the extent if the data available for a given substance. The normattee holds to the opinion that imaginaries

on physical inflation should be considered on less bind. ing than those based on physical impairment. There is the easing evidence that physical criticish has a false

16 SECTION 1

Footnotes to their ity see Page 2.

1978 Addition

"See Notice of Intended Changes

	VALU	ES	TENTA VALL	Æ\$				VAI	PTEC LVES	TENTA	JES.
	THE		\$14					77	MA	\$11	EK
Substanc)	ppm"	mg m'	bbw.	ud m,			Set stance	ppm	mê m,	7.00	mg m"
Smohen i A ser		and the same of the same					Carbon mongaide	50	55	400	440
Dignycoun ether DGE:	6.5	3.0	-	-		- 2	Carbon tetrabromes	0.0	5.183(8)	0.3	39
Besmuth tellunde	1670	14		20			Carbon		0 25000	508040	0.0018
Be much relivinge				3000			tetractrioride - war	10	65	20	130
Se doped	_	50	-	10			7 Carbonyl chloride				
donates tetra sodium							(P * /sigene)	0.1	0.4	_	-
MAD .							* Carbony i fluoride	5	15	-	halo.
Annya ous		1	-				Canachol (Pyrocatechol)	5	20	1000	77
Decatydrate	-	- 6	100	1-2-1			Cellulose (pager floer)	-	31	5.704	20
Pentahydrate	100	100		_			Cesum hydroxide	-	2	-	200
Boron gaide	100	10	-	20	120		Chlordane - Skin	0.00	0.5	_	2
Boron tribromide	1	10	3	30		***	Chloringled				
Boron Influence		3		7.22			camphene - Skin	-	0.5	-	19
Bromew	0.1	0.7	0.3	7			Chlorwated dipheryl				
Bromine pentafluoride	0 1	0.7	0.3	2			country	-	0.5	_	2
Brom schioromethane	<b>W</b> 5.07.	365 CO	340040	95.0			Chlorine	- S	- 1	1	9
chloropromethane	200	1 050	250	1 300	-		Divine honds	0.1	03	0.3	0.9
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3-butadiene)	1 600	7 200	8028	7,750			Phenacyl chloride	0.05	0.3		100
Butane	600	1 430	0.00	7.84			Chlorobenzene	- MOMPAGE	1 4000	-	
Butanethio: see Buty	100						(Monochlorobenzene)	75	350	100	833
mentagian.	0.5	1.5		333				17.3	330		_
2 Butanone	200	590	300	642			o Chiorobenzylidene	4			
2-Butoxyethano: Jtyl	0.7792		24/21/22				maionostrile — Skin	0.34	0.4	-	177
Certosolve) — Rum	50	240	150	720			Chorobromomethane	200	279407978	SERVICE CONTROL	11.00
- Butyl scetate	150	710	200	950			Bromachiuromes. Inte	200	104	250	1,300
tec Butyl acriste	200	950	250	1 190			7 Chioro 1 3-butadiene				
tert Buty gretate	2:00	950	250	1 190			see µi Chloropione —		433	75	1752
Butyl acrylate	10	55	- 000	-			Saan	25		35	125
n-Butyl aconol - Sain	50	150	1				Chiarodifluoromethane	1 000	3 500	1.250	4 375
sec Butyl skohol	150	450	and the same of				Chlorodiphenyl (42%				
tert-Butyl alcohol	100	300	150	<b>*50</b>			Chlorine I → Skin		. 17	-	2
Sutviamine — Skin	3	15	22	977			Chigradipheny' (54%)				
lert-But-1 chromate (as	-	311771943					Chlorine - Skin	-	0.5	-	521
(10s) — ( in		0 1		125			N. C.				
	379	383					1 Chiero 2				
n-Burni glycidyl ather		270					3 epart propane				
(BGE)	50		8.50				(Epichiorhydrin)	VO	54940.0	12915	326
n Butyl lactate	. 5	25	0.000				Ske	¥5	20	10	40
Butyl mercaptan	0.5	1.5	7.				C 2 Chloroethanol				
p-tert Bully lichusms	13	50	20	120			(Ethylene				
Cadmium, duct & salts							chiorohydrini) — Skin	Ja.	1	-	-
(es Cd)	. 30	0.05		0.7	1/2		** Chloroethylene (Viny)				
Cadmium oxide fume (as		yazaza					chloridei	(A12)	725	(A3c)	100
[4]	a mark that are	0.05					* Chioroform				
Cadmium oxide	V-17-17-17-17-17-17-17-17-17-17-17-17-17-						(Trichloromethane)	10 A2	50 A/	100	225
production (as Cd)		(A2)	100			29	ca-Chioromethyl ether	0.001	Ala		A13
Calcium carbonale						_	1 Chlore 1 nare propana	20		-	
marble	-	E	24	20			Chloropicrin	0.1	6.7	0.3	2
Calcium arsunate (as As)		- N		(32)			" # Chloroprene - Skin	1251	(90)	(35)	11351
Calcium cyanizmide		0.5	- 10 m				Chierpyritos	14.91		1000	10000
Calcium hydroxide		~ š	300	<u> </u>			(Dyrabana ) — Skir		0.2	1	0.6
Calcam pride	1000	ž						50	285	75	430
Camphor, synthetic	2	12	3	18			o-Chlorostyrene	50	250	75	375
Jamonor, symmetic Caprovactari	-	1.5	17	35			o Chiorotoluene — Skin	24	1,20		3,47
The state of the s				3			? Chloro				
Dust	5	3	100				6 (trichloromethy)				
Vapor	(3)	20	10	40			byridine (N. Serve <sup>®</sup> )	-	10	-	370
Captatol		(2000)					Chromates certain		\$2500000000000		18520
(Difolatari*) — Skin	-	0.1	1647	-			insoluble forms	-	0 05 4	1,000	A12
Captan	2 (-2.2)	5	(5.75.5)	15			Chromic acid and		ovapami Abbirbi		
Carbanyl (Sevent )		5	-	4.2			Chromates (as Cr)		0.65	700	100
Carboluran (Furadan*)	323	0 1	400	-			Chromite re-processing		nest MIED		
Care Stack		3 5	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	7			(chromate) as Cr		0 05 Ata		120
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	MY RES		ANTHES			ANTHER ME. ALIED		WALUES	
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hydrocarbons)	_	0 7 414	1000	A 13	dichionere	7%	724	110	
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L'striersethene)					Demethosymathane see			- 3	
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Discetone alcohol (4-hydroxy 4-mathy)					chlonde Denethylamere	A2		7.5	
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1, 2-Diaminochane see				7.77	pre Ryldone — Seut	- 5	25	10	
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Destron — Stan	200	0 1	-	0.3	4-Demothy lamiting ( —				
Nazomettiene	3 2	0.4	- 6		Shin	\$	23	3.0	
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2 44 Distripts introduction of	1000	0 6-60	300	v 1135	Dibrom	-	7	-	
Shan	2			) 26	Desettydomenide —	3325	339	822	
Očivityl phosphate Dioutyl pisthatore	98	5	3	10 10	Skin 2 8-Osmathys-4-haptanon	10	30	M	
Orchoracotylane	9.1	0.4		12	See Oppopulation	25	150		
o-Dichlorobenzene	50	100	1 5	1 1 2	1 1-Density-mydratory	0000			
p-Dichterebenzene	75	450	110	E75	— Stein	0 5		+	
Nichtoroberund-ne			W 10000	7/ 1473.4 (10)	Dynainyghthalas		5		
Sim	-	142	200	A2	C Demotryl sulface — Skin	0 1 A2	0.5 42	90	
Nichtraphillupromphyre	1 700	4 950	1.250	6 200	Dintrobassene (all	0 15	96	0.5	
1. 3-Chichtero-5 5-6-hethyl hydenton	-	0.2		04	mamers) — Skin Dintro-o-cresol — skin	U 13	0.2	77.77	
1 1-2 killurgathene	200	810	250	7 010	3 5-Dentro o-letuemide	1775	7.5		
1 2-Oschlore rehane	(50)	(200)	(75)	(300)	(Zostene <sup>®</sup> )	342	5.5	-	
2-Dichtor: ethylene	200	740	250	1 000	Dinitrotatuene — \$35	-	1.5	-	
Dichlorosthyl ether		- 3			Dickare tech grade -				
Sar	•	×	10	60	Sain	50	180	350	
Dichip-amethane see	and policy and a	a company	CONTRACTOR	To a transfer with the second	Organies (Deinave)		COLUMN TO SERVICE		
Methylane chloride Dervoromonothucro-	(200)	(700)	(250)	1970)	Skin Digitarnyi saa Sigiharnyi	6.5	02	0.0	
AN JOHNSON CLO.	:1 0001	(4.200)	- 1	2	Dightenyi sati Signanyi	V: 2	16	0.0	
TO STATE OF THE PARTY OF THE PA		The second secon					(CM)		

THE HISTORICAL PERSPECTIVE 15

ppm" mg/m" ppm" mg/x1

1000 2 466 1250 3 000

70 60

123 . 3

0.3

(20) (45) (30)

790 (250 110**00**)

1205

VALUES

VALUES

Substance

Acetone

**Acetoninne** 

Acarty terre

Acrohem

C Acetic anhyonide

Acetylene dichloride, see

Acetytene tetrabiromide.

Annytamids — Skin

" Acrysonitale - Sar.

Anyl stophol — Si iii

Ally objects time.

Allyl propyr disulfide

Auminum dade

Aldrin - Skin

Allyl chloride

1. 2 Decision retherens

lands of information useful in the cuntrol of wo ker exposure (1) measure of the individual worker's over-all exposure. (2) measure of the worker's individual and characteristic response. Measurements of ruliponse fur nish a superior estimate of the physiologic status of the worker, and may be made of (a) changes in amount of some critical biochemical constituent. (\*) disanges in activity of a critical enzyme. (c) changes -- some physiolodic function. Measurement of exposure may be made by (\*) determining in blood, urine, have hairs, in body its sues and fluids, the amount of substance to which the worker was exposed. (2) determination of the aniount of the metabolite(c) of the substance in trisues and fluids (3) determination of the amount of the substance in the cuthalled breath. The biologic winds may be used as an adjunct to the TLVs for air, or in place of them. The BIVs, and their associated procedures for determining compliance with them should thur he regarded as an effective means of providing health surveillance of the

Unlisted Substances Many substances present or handled in industrial processes do not appear on the TLY list. In a number of stances the material is rarely present as a particulate vapor or other airborne contaminan: and a TLV is not necessary. In lather cases sufficient information in warrant development of a TLV. even on a tentative basis is not available to the Commitiee Other substances of low toxicity could be included in Appendix E pertaining to nuisance particulates. The list (as well as Appendix F) is not meant to be all tiplusive the substances serve only as examples

In addition there are some substances of not inconsiderable toxicity, which have been omitted primarily be cause only a united number of workers (e.g., employ ives of a single plant) are known to have potential e-posure to possibly harmful concentrations

"Votice of Intent" At the beginning of each year proposed actions of the Committee for the forthcuming year are issued in the form of a Nuisce of Intended Changes Thic Monce provides not only an opportunity for primment but solicits suggestions of substances to be added to the list. The sunnestions should be accompanied by substantiating evil ince. The list of Intended Changes follows the Adopted Values in the TLV booklet Values listed in parenthesis in the "Adopted list are to be used during the period in which a proposed change production (as As) for that Value is listed in the Notice of Intended

"Mues for 1966 were made afficial foderal stanca ds for industrial air. Since 1971, new standards for certain of these substances have been promulgated by OSHA Ceprint Permission. This publication may be reprinted provided that written permission is obtained from the Secretary-Transurer of the Conference and It's it to published in its entirery

Lagar Status By publication in the Federal Register

(Vol. 35, No. 105, Mar. 29, 1571) the Threshold Limit

----VALUES : ANT FER Acetaldehyde 100 20 150 270

- A10 -4-Aminodiphery — 5kin 2 Aminoethan /i see Ethanolagine 2-Aminopyridi ve Ammonum chiorade furme Ammonium sulfamate (Ammunia L 100 530 150 n-Army acetate 125 676 150 sec-Amyl acetate " Aniane - Stin Ansides (0 p-isomers) - Skin \* Antimony & Compound Les 501 \* Antimony trigalde lianding and use tax - 0.5 - -" Anteriory tripude -0 5 A21 production (a) Still ANTU (a Naghthy) - 03 - 33 theoures) \*\* A seriic & compounds Asbestos (\* forms Asphalt (petroleum) Azinghos methyl - Sun cumpounds), as Bo Senzene production - Skin p-Benzogumone, see 01 04 03 2 Benzoyi perceide - A2 - A2 Senzia lovrene Benzyl chloride 02 15 06 Capital letters refer to Appendice

otroptes La Divis his like Page 22 \*15er Notices of Intended Changes 11676 Anstron

THE	HISTORICAL	PERSPECTIVE	19

£10: 250: 760

1 000 1 650 1 250 2 040

100 210 125 260

400 500 500 7,000

07 03 06

150

50 235

100 250

see House - Sim 100 410 175 510

100 477 597

Methoxychion

2 Methowethanol:

Skin (Methy)

celliosofve i

Methyl acetals

(propy ne.

Mitthyl builtylene

muture (MAPP)

Methylacrylondrife —

Methyl alcohol

Methylamine

Methyl acrylate - Skin

(methano) - 5km

Methyl arryl alcohol ser

Methyl isobuty!

carbinol - Sain Methyl 2 cyanoacrylate

Methys is arrest a month

Methyl bromide - Skin

Methy buty before see

2 Hexadone - Sain

Methyl cellcusive - Sur-

methyl cellosoire acetate

glycol monomethyl

Methyl chloroform (1 1

1 Trichloroethane:

Methycyclohexanone

Methylcyclonexane

Metawicyci onesanol

Methylcyclopentaldeny

sas Mns - Sain

expoyanate (MOI)

id-chloromethane:

Methylene hispheny

Methysene chioride

4. 4. Methylene bis

(2 -chios anione) ---

Methylene bit (4 cyclo

heavising anales

Methy! athy! ketone

7 Butanone

Methyl formate:

Methy ethyl ketone

Methyl lodide - Skin

Mother BOATH LETONE

Methyl isobutyl carbinol.

Methyl Bobutyl Retorn

-- Skin

E. Eyaniogen chloride

1.1.2 Dibromoethane

Dichioromononuoro

methane

C chinropropene

Diestranolamine

Devery benzene

Ethyl selicate

C Glutaraide/lyde

C Hydrogen cyanice -

- Tain

N-isopropylanikne -

\* Mis-yiene chio ....

\*C 2 Nitroproparie

Phenyl beta-

Phospho ous

Fromishic acid

1 Sodium besuffite

\* Suffur Conide

Tetrasocium

\* vim; i bromide

\* Vary - Moride

\*C Terphemyls

\* Towere-2

1 Sever metal

naghthylamine

pentachioride

\* Sodium metabisutfite

pyrophosphate

\* Trebloroacetic acid

4-desocyanate (TDI)

Mangonese fume (as

(dichioromethane)

1.4. 4 étethylene diamône

' Epichiothydrine - Skin

\* Ethylene dibromide see

\* Ethywene dichloride see

riexachiorobutadiene

1.2 Hydronyp upyl acrylate

1 2-Dibromoethane

2 Dichlorpethane

Cyclopentane

manganese tricarbony

Methyl demeton - Sain

ether acerate

Methyl chloride

- 54m

see 2 Mir thospethanol

- Sain see Ethylene

(2 Mediandine)

0.2

525

360 700

- 0 025

15

1.5

Hydrogen selenide Hydrogen sulfida

Iron pentacarbony

Isosowi alcoho-

isopropyl acetate

Isopropytainine

tsourceyl ether

Limestone

Lehum hydride

L P G (Liquided

C Manganin. A

tricarbonyl (as f)

Marble / calcium

Mercury (Altry)

mer Japtan

compounds: - Stan

Methonethigi see Methyl

Methomy (Lannaus) -

Clearly Letters refer to Appendicer

Footnotes is thrugi see Page 22

"See frace of interced Charges

to be applicable

petroleum gas i

iron salts, soluble (as

discocyanate - Skin

Isopropyl alcohol - Skin

isopropy! glycidy! #ther (IGE)

	ADOP		TENTA				ADOM MAL		TENTA		
			STEL				Th	M	STEL		
Sebelence	1000	mg/m³"	100000000000000000000000000000000000000	me m'		- Indiana	pp.0"	mg/m**	99w**	mg/m²*	
Diphenylmethane						Ethylene o'					
disocvanate see						monomethy Lether					
Methylene bisphenyl						acetate (Methy)					
isocyanate (MOI)	0.02	0.2	-	=		cesiosofve acetate)			200		
Dipropylene plycol		167404040	J 000000	400-24211		Stan	25	120	35	170	
methyl ethel — 5s m	100	600	150	900		Ethylene oxide	50	90	75	135	
Deguat		0.5				Ethylenimine — Sain	0.5	11.046	-	- 1	
Di-sec octyl phthouse						Ethylidena chloride, see			20.25	100	
(0:-2-ethylnesy				04211		1 1-Dichlorpethane	200	610	250	1.010	
phthalate)	1200	5		.0		C Ethylidene nort-ornene	5	25		1	
Disufficam	900	2	70	200		tEthylmorphukne —	372.23	(6254)			
Disyston — 5kin	-	0.1		0.3		Skin	20	94	0.00	- 1	
2. C Diteri						Fensulfothion (Dasanit)	-	0 1	-		
butyl-p-creset	-	10	-	20		Ferbam	-	10	-	20	
Deuron	-	10	-	-		Farrovanadium dust	-	72.20	-	0.3	
Dy'onate		0.1	_	<del>70</del> 0		Fluoride ras Fr	40	2 5	-	-	
Emery	***			20		fluorine		2			
Endosultan (Thiodan <sup>a</sup> )					1	Fluorotrichloromethane	1 000	5 600	1,250	7.000	
- San	_	0.1	-	0.3	83	C formaldehyde	2	37		2.5	
trin — San		0.1	W (20)	0.3		Formamide	20	30	30	45	
Ep shlorbydrin — Skin	(5)	(20)	(10)	(40)		Formic acid	5	9	7.00	150	
EP - Skn	300	0.5	100	2		Furtural — Skin	5	20	15	64	
. Epoxypropane see						Furfuryt alcohol — Skin	5	20	10	40	
Frogytene guide	100	240	150	360		Gasokne	-	9.7	7	82	
2 Epary 1-propanol	100					Germanium tetrahyunda	0.2	0.6	0.6	1.1	
see Cycidol	50	150	75	225		Glass "brous" or dust		10	772	100	
Em, and	E	1000		***		"C Glutar idenyide increated					
Ethanethiol, see Ethyl						or unactivated	-	(6) m/2		100	
mercaptan	0.5		7	1		Clycervi mist	-	€	_	Ī	
Ethanolamine	5050	. 5	6	1.5		Chicidol 12 3 Spully		W.W			
Ethion Nation 1 - San	100	0.4	127	5-1-20 5-1-20 5-1-20		oropano"	4.	150	7.5	221	
2-Ethunyethanol — Skin	100	370	150	550		Glyco-monoethyl ether			000000	10000	
2-Ethoryethyl acetate						see 7 a thousethanni					
(Cellosowe acetate) —						— Sim	100	370	150	560	
Shin	100	540	150	810		Graphite (Synt) with	100	(6) E	20.000	750	
Ethyl acetate	400	1 400		0.670		Guthich <sup>®</sup> see					
Ethyl acrylada — Skin	25	100		-		Azinohos methyl —					
Ethyr alcohol (Ethanol)	1 000	900		44		Skin	1	0.2	1	3238	
	.0	18	40	1125		Gepsum	-	ŧ		20	
Ethylamere Cthylamere	50	(4.5)	55%			Hafrison	14270	0.5	1000	36	
Ethyl sec amyl ketone (4. Methyl-3						H <sub>e</sub> agen		3723	7		
30 05 0 15 00 0 15 00 0 0 1	(25)	130	-32	944		Heptachica — Sein	777	0.5	- 12 <del>- 2</del> 3		
heptanone i	100	435	12*	y.		Heplane (* Heptane)	400	1 500	500	2 900	
Ethyl Denzene	200	830	200	1 110		Hexachlorocyclopenta	- MTM	and the second of			
Ethyl promide	6993	9.70	5.9%	0.004		diene	0.01	d f	0 03	0	
Ethyloutyl ketone	50%	230	75	345		Presactionominane	1000	8554.0	504000	376	
(3 Heptanone)	1 000	600	1 7 50	3 250		Shirt	300	310	- 3	//36	
Ethyl chaoride			500	1 500		Herachiotonaphthalene	5050	101700		10.00	
Ethyl ether	400	1.200	150	450		- Sam	1	0.2	62	0 1	
Elmy Adirmus	100	300				Hexafluoroacetone	0 1	0.7	0.3	, in	
Ethyl mercaptan	^ 5		7	7		Heane in Perane)	.00	360	125	45	
ETPy: salle, atte	11007	1850				' Hesamethy!		300	0.555	20.00	
(thylene	90.75		10-			phosphoramide —					
Athylene chloromydre	0.0	4				ynosphoramide —	4	12	102	-	
(-m)	1	3				2 Hexanone see Methy		100			
Ethylenedumine	10	75					25	100	40	16	
Ethylene difriornide liee	VM22411	PP\$2454741	A (AV0020)	952337			(100)	1996	152	0.99	
1.2 Diorom sethane	120	155	1001	230		Herone (Methy) isobuty	92,922	410	125	3046	
Efficient dichigrate see	1788			77.5		aetones - Sain	100			518	
2 Orchiorcettane	150	(200	11.86	13/00		sec Heavi acetate	50	300	100	98	
Ethylene glycol						C Herylene glyc/r.	25	125	-	1.5	
Particulate		10		20		Hydrating — Sain	0 1 A2	0 1 A2	100		
Vapor	100	250		325		Hydrogen	100	22		1	
Ethylene grycol dyndrate			5 59182	7/07/2017		Hydrogenated terphenyls	0.5	15	72.0	-	
and or Naroghyteria						Hydrogen bromide	3	10	-	0.3	
Sparre	0.5	7				C Hydrogen chintide	5	7	-	3	

Capta letters reter 1. Appendix of Forthedes, a troug lies Page 20 TOWN A STOWN "Type by to a distantification based

# 22 SECTION 1

Eutotance			VALUES		
Estates	23	YHA	STEL		
	Nhw.	mg/n, 1"	Dom.	mg/m²	
(Mus/emenabromo	200 000 000	2072000	0.000	20,000	
methane	1 000	5 100	200	7 300	
Transfryt benzene	25	125	35	77	
2 4 6-Trinkrophenol	A. Jane State			1000	
see Picric acid — Skin	-	0.1	-	00	
2 4 6-Trinitrophenyl					
methylneramene see					
Tetryi — Skin	-	1.5	-	3.0	
2.4.6-Transrotoluene					
(INI)	-	0.5	-	100	
Triorthocressi phosphate		0.1	-	0	
Inphunyl phosphale	100		-	2007	
rungsien & communes					
////77/155					
So role		3.	-	80	
Insolvate	4 - 4	. 5	0.000	- 1	
Turpentine	140	560	150	64	
Uranium (natural)					
source & insoluble		440040		6/16	
Compounds as U. Vanadium (V- fix) as V	-	<b>₽ 2</b>	-	0	
Dust		233		- 38	
Fume	-	0.5	100	3.8	
Valersigehyse	50	0.05	-		
Viny: acctate	10	175	20	- 7	
Vinyi benzene see	10		70	60	
Styrene	100	420	150	- 2	
Vinyt brecude	(250)	(1.100)	130	3.0	
Vicyl chloride	IATE	11 1001	(Ale)	***	
Veryl Syanida Je	1990,000,00		18161	-	
-crylonative - Sain	20	45	30	- 21	
Vinyi cyclohyzene	38.96	(2.50)	34		
dias de	10	60			
Vmykdene chloride	10	46	20	80	
Veryl totuene	100	480	150	720	
Warfano		6.1		3 3	
Werning tymes (NOC):	- 55	5 83		8.1	
We'nd dut'		W. OREMS		30-7	
(nonallergenic)	100	1999		10	
Zylene to- m-				300	
pinomenti — Sun	100	435	150	1655	
m-Kylene a la -damine	399	9.1	130	600	
Xylidene - Sain	1.00	24	10	50	
Yitrum		1		- 3	
Zinc chloride fume			_	3	
Zinc chromate (as Cr)	-	0 05 A2	- 1	25	
Zinc oxide fame		5	22	10	
Z stearate				20	
Zircenium compounds				100	
tes Zr)	-	5	5-4	10	
Captal atters reter to Access		475-8		2.96	

a) Par's of vapor or gas per million parts of consumnoted air by volume at 25°C and 760 mm. Hg. pre:

b) Approximate milligrams of substance per cubic meter d) An atmospheric concentration of not more than 0.02

ppm or personal protection may be necessary to avoid headache for intermittent exposure e) 1 7 mm in diameter I) As sampled by method that does not collect valid-

g) For control of general room air biologic monitoring

is essential for personnel control Radioactivity For permitsible concentrations of radio isotopes in air see U.S. Department of Costimerce ...a.

Occupational Exposure June 5, 1959, Addendum 1 Aug. at 1963 INCRP Report No. 221 Also see U.S. De partment of Committee National Bureau of Standards Han toook 59 Permissible Dose from External Sources of longing Radiation September 24 1954 an adden dum of April 15, 1958. A report. Basic Radiation Protect Radiation Protection revises and milidernize; the concept of the NCRP 5 andards of 1954 1957 and 1958 obta-nable as NCRF Rept No 39 7910 Woodmont Ave. Walnington D.C. 20014

MIMERAL DUCTS Substance SILICA SIO: Crystalline

TLV in impact\* + 30 M tz - 10 TLV for respirable dust in ring ring 10 mg m\* % Respirable quartz + 2 TLY for total dust respirable

and nonrespirable 30 mg m² Cr stobaste Use one-half the value calculated from the count or mass formulae for quartz Use one-half the value calculated from formulae for quartz

Silica: fused Use quartz formisiae Use respirar in mass quarte for \*\*Amorphous (20 hppcf\*

SILICATES ( 1% quart) "Asbestos all forms 15 fibers cc 5 m in length" At a)

Mica 20 mppct Mineral wool fibe: 10 mg/m<sup>2</sup> 30 mppc1 Portiant Cement 30 mappet 20 maps1 Taic (nonasbestiform) Tale (fibrous), use Asbestos limit Tremoine see Asbestos

COAL DUST 2 mg m2 (respirable dust fraction - 5% quarty)

## MUISANCE PARTICULATES (see Appendix E)

If - 5% quartz use respirable mass formula

30 impact or 15 mg/m\* of total dust - 1% quartz or 5 mg/m² respirable dust Conversion factors mppcf + 35 3 - Million particles per cubic meter

particles per to

The second secon They happy a marches thanger. See Foots de Touge 1

fighal Bureau of Standards Handbook 69 Maximus/s Permissible Body Burnens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for tion Criteria published by the National Committee on

traction passing a size-selector with the following characteristics **Aerodynamic** Diameter (um) \* passing fund density sphere! selector

a) containing < 1% quartz if quartz content - 1% use formulae for quartz I) Lint-free dust as measured by the vertical elutriator. cotton-dust sampler described in the Transactions of the National Conference on Cotton Dust J. R. Lynch

pg 32, May 2, 1970 m) As determined by the membrane filter method at 400-450X magnification (4 mm objective) phase cor trast illumination c) Based on "high volume" sampling

31 2 1970 - 133

Cooks where refer to Appendices

1978 Revision of Addition

"Not otherwise classified (NOC)

hi Millions or particles per cubic foot of air based or

The percentage of quartz in the formula is the a hount

) Both concentration and percent quarts in the apple

determined from airborne samples except in those

instances in which other methods have been shown

cation of this limit are to be drierming from the

impinger samples counted by light held tectaics

() 'Respirable' rust as defined by the dritish Medica' Research Council Criteria (1) and as sampled by a device producing equivalent results (2) (1) Hatch, T and Gross P. Pulmonary Deposit tion and Retenden of Inhaled Aeroscia L 149 Academic Press, New York, New York, 1964 (2) inferim Guide for Respirable Mass Sampling Alha Aerosol Technology Committee AHIA J

# NOTICE OF INTENDES CHANGES

These substances, with their corresponding values comprise those for which either a limit has been proposed for the first time, or for which a change in the "Adopted" listing has been proposed. In both cases, the proposed limits should be considered trial limits that will remain in the listing for a period of \_ leas --- years !" after two years no evidence comes to light that queshans the Lapropriateness of the values helein, the valuss will be reconsidered for the "Adopted" list Documentation is available for each of these substances

	73	DA.	STEL		
Substance	pps."	mg/m*	ppm"	mg/m*	
Acetyle: kayle ace		29.5			
(Asnem)	- 1000	- 50	5.00	-	
Acrylonarie	Aic	Ale	_		
Aluminum meta- and	2000				
Pr. 408	1523	10	100	25	
Fummum pyro powiers	-0	5		72	
Aluniaum melding himes	-	€.	100		
Aluminum suluble salts	-	2	-	-	
Aluminum allry's (NOC)*	-	2	_		
J-Amino 1 2 4 triggore	12	A2	-	-	
as goldmon and snanA	1.77				
Saun	2	10	5	4.5	

V" 4 P. Naphtha Capital Latters, refer to Appendices 1978 Addition

THE HISTORICAL PERSPECTIVE 23

	1.00		10.00	TO 100 (100)
Sebelonce	pper"	mg/m²	pper.	mg m³'
			- control of the control	33
Antimony soluble saits		- 3		
(#s.5b)		3.6		
Antimony tricalds		0.9		
production		- 2		
Arsenic Isotuble i las As		0.2		
Arsenic trioxide				
production		214		
Baytes		100		0.3
Benomy		1.0		1(3)
Brome #		10		20
o sec Butylphenol				0.000
Skin	35			
Cadmium cxide				
production		A2	-	
Carbon disurtide	t fi	30		
Envoyagetyl chloride	0.05	0.5		
Controller thethy				
6/her	A 2.6	416	-	
Chicroprene — 544	3500	45		
Cocart metal: dust S		90/2		7000076
fume (as Co)		705	-	0.1

85 250

16 5 20

08 75 6

5 5

1 A2 20 A2 - -

100 360 500 1 700

0.1

25 AZ 90 AZ

0.8

CARCINOGENS 300 850 457 7 000

should be thinked as a 1b carcinogen Ata Human Caronogens Substances or substances associated with industrial processe: recognized to have carcinogenic or cocarcinogenic potential with an assigned T.V

A senic fringide production (Ass 0> u 05 mg m- as ISLA C 5 0 ppn. (Stelle of 5 mg millians Asbestos all forms Stevers on Significant bis (Chloromethy), (thi) 0 (0) form Chromite ore processing (chromate) 0 05 mg m² (as Cr) 🦠 Nickel suinde roasting tume & dust 1.0 mg m³ (as No Particulate Polycyclic Aromatic. Hydrocarbons

Vinyi Chloride A'o Human Carcinegens Scostances or substances associated with industrial processes, recognized to have carcinogenic potential without an assigned

from this and others of these substraces or processes. 1 See Notice of Intended Changes

24 SECTION 1

\* falc (florous)

10 SECTION

Matter mer water

Mattyl mathacrytate

Methyl : 100yl Letone

a literary styrene Molybrighum (as Mo

Monocrotophos (Azodrera)

Monomethy anime

i. Mynomethy i hydraen

- Star

Nachthatene

# hughthy terrine

Nichel carbony!

Nickel sonthe

compourts (as Ni)

fume & oust (as No

p Nitroaniline Skin

Nerobenzene — Sain

p. Nicrochlorobenzene

4 infredighery

. Nellogen digside.

Narpmethane

\* Natiopropane

7 Nitropropane

Sam

Mitigrotuene Sain

LA COMMODERN

his processorant there

Octac high unagenth were

dismissing fetting ideas.

Or mail mineral

Q4

Dagge

Parather over former

Paragual reson on

Paratte in Saint

C. R. A. (Mar)

Part usate polytrys m

wideocarbons PRAM

appearance of the second of

topical advisor on the

at between ac uples

N Narosodimethylamine

dimethymetrospan inv

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	dust (+ 5 µm)
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# APPENDIX A

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The Committee lists below those substances in in dustrial use that have proven carcinogenic in the have induced cancer in animals under appropriate of the imental conditions. Present listing of those substitute carcinogenic for mail tiges three forms. Those for which a TLV has "een a line (fa) those for which environmental conditions twise hat been sufficiently defined to assign a 1.V (1b) and (1c) those whose reassignment of a TLV is awaiting more definitive data, and hence

> 0.2 mg m³ as benzene solubles

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Page 12 Page 1

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for the substances in 16 or 10 no exprainte or contact by any route - respiratory sair or oral as detected by the most sensitive methods shall be permitted No exposure or contact means hermitizing the process or operation by the best practicable engineering methods. The writter should be properly equipped to insure virtually no contact with the

Carcinogen 42. Industrial Substances Suspect of Carcinogenic Potenhal for MAN. Chemical substances or substances associated with industrial processes. which are suspent of inducing cancer based on enther its limited epidemiologic evidence, exclusive of clinical reports of slower cases or (2) demonstration of carcinogenesis it one or more animal species by appinpriate methods

3-A ning 1 2 4 Migrate

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Mr. Filling Hemrond Coming C relationer Beltimore : watv Flauring and Zoning Baltimore County Truce Fullding 111 F. Thranpeake Ase. Baltimore, Marylan . 1204

Re. Order of Appearance

Dear Mr. Hammand:

We, the uncersioned residents of Gun Foad, Welt more County, Maryland, auch total efter as an order of appearance in protest to the variance request and proposed charge to the Murtin Marietty Labora origs development plans.

Sincer-ly.

Many Jan Macou 409 Gran Food 

TROTESTANT'S

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Harry Spice 604 Jun Rd. 2027

Venda Just

DALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MARY! AND 21204 ARNOLD JABLON ZONING COMMISSIONER

September 2, 1983

Joseph P. Alcarese, Esquiry Division Counsel Martin Marietta Aerospace Baltimore Division 103 Chesapeake Park Plaza Baltimore, Maryland 2:220

Ms. Mary Jane MacGill, President un Road Historical and Protection Association Baltimore, Maryland 21227

RE: Rolling Road Facility

Dear Mr. Alcarese and Ms. MacGill:

I am in receipt of copies of Memorand, filed by Martin Marietta and by Protestants with the Board of Appeals in Case No. 83-210-SPHA. Inasmuch as the issue has been raised before the Board, and comprises the subject matter of the Memoranda. I feel the complaint filed with my office involving the same exact issue should be stayed pending a decision by the Board. After reviewing the decision of the Board, I will at that point make a decision whether a violation exists.

> Sincerely, Zoning Commissioner

AJ/srl

Welnes Jean Clayton 612 bon Road a Bradly Laufarthe, 610 tem Rd. France J. Normer 508 Hun Road Um F. Horman 508 1/2 Hen Rd Bessix Fisher 322 Gun Ra-511 Am Rel 409 Guns Rd. 409 an Pd se queline R. Meseman 488 Gem Read. 406 Gun Sano 409 Gus Road Duice A. Anderson 303 Gunkooch 303 Sen Rd.

DALTIM THE COUNTY OFFICE OF PLANNING & ZONII TOWSON, MARYLAND 21204 DALTIM THE COUNTY OFFICE OF PLANNING & ZONING

24 August 1983

ARNOLD JABLON ZONING COMMISSIONER

Joseph P. Alcarese, Esq. Livision Counsel Martin Marietta Aerospaco Baltimore Division 103 Chesapeake Park Flaza Butimore, Maryland 21220

Re: Rolling Road facility

Dear Mr. Alcareso,

I am writing to you inasmich as you are counsel to Martin Marietta and perhaps the one to whom I might address the problem which as been brought to my attention.

303 Hun Rd.

On or about 17 May 1933, a complaint was received by this office concorning the operation of the Rolling Rued Facility. The complaint brought to my attention the possible violation of Section 1801.1 A.11, BCZR, which permits as a matter of right the existence of a "research institute" in a DR 1 zone. It is clear that a "laboratory" is not s. permitted. The complaint objects to Martin Marietta carrying on a "laboratory" rather than a research institute in this zone. The complaint was based on the fact that there exists a sign identifying the facility as a "laboratory".

Under existing law, I m charged with administering the zoning regulations in order o ensure compliance and enforcement thereof. If, after investigation, I determine that a violation exists, I will cause a citation to be issued to the alleged violator which is returnable before the District Court of Maryland. The alleged violator shall then be given the choice of paying the fine and complying in whatever fashion with the appropriate regulations or appearing for trial. At trial, the alleged violator shall have the right to be represented by counsel, present witnesses on his behalf, and cross examine witnesses presented against him. If adjudged guilty, the violator shall be fined and forced to comply with the regulations. If found not guilty, the Court will, of course, dismiss the complaint.

Therefore, pursuant to the authority vested in me, I am requesting that within fourteen (1h) days of the date of this letter, you provide me with

appropriate information why Martin Marietta is not in violation of the Baltimore County Zoning Regulations, i.e., 1801.1 A.11, and the definitions es delineated in the BCZR. If no response is received, or if the information does not convince me, I will have cause to issue the citation

Sincerely,

Arnold Jablon Toning Commissioner of Paltimore County

as hereinbefore described.

Mr. William Hammond

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Merch 17, 1983

AEJ/sl

cc: Ms. Nar Jane MacGill President of Gun Road Historical and Protection Association 3:9 Gun Road Baltimr e, Maryland 21227 Erward Seibert, Esquire County Selicitur Mrs. Jean M.H. Jung

Mr. James E. Dyor Zoning Supervisor

Per ty Zoning Committatoner

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON ZONING COMMISSIONER

September 22, 1983

Ms. Mary Jane Macgill, President The Gun Road #:storical and Protective Association 319 Gun Road Baltimore, Maryland 21227

> RE: Martin Marietta Ro, 'ing Road Facility 13th Election District

Dear Ms. Macgill:

I am in receipt of your letter dated September 15, 1983.

I fully agree with your interpretation of the Z ning Regulations that the final decision as to the existence of a zoning violation rests with me as Zoning Commissioner, and rest assured that I will assume the obligation. However, the issue was reised at the hearing before the County Board of Appeals, and my understanding is that the issue was raised by your organization. Indeed, the Board requested memoranda from each side addressed to the issue of whether a laboratory or research facility exists at the Rolling Road facility.

It would be ridiculous for me to determine this issue prior to any decision rendered by the Board. Although not binding on me. it will certainly carry great eight. I will make the decision whether a violation notice shall be issued; I should decide there is a violation, Martin Marietta can correct the situation may a fine, or have the right to a trial before the District Court of Maryland, where the Court would dicide if a violation exists. If I should decide there is no violation, then the matter shall be put to rest.

I will forward to you any correspondence relating to the issue as described by you. Organization as I will reciprocally on to Martin Martette.

AJ srl

cc: The Honorable Lonald B Hickernell, County Council

Keith S. Franz, Esquire, County Board of Appeals /

Joseph P. Attarese, Esquire, Martin Marietta Aerospace

Ina

BASTIMORE COUR . MARYEAND

INTER-OFFICE CORRESPONDENCE

. omes E. Dyer, Zoning Supervisor February 14, 1983

TO. Office of Planning & Zoning James D. Lucas, Jr., Director, Economic Development Commission

SUBJECT Martin Marietta Laboratories

13-210-SPNA

As you know, Martin Marietta Labs submitted a request on December 27, 982 for a hearing on a variance needed in order to construct a 6,200 square fast building to house a machine shop and offices.

• When the hearing and not yet been scheduled on January 28th, we intervened and requested an early hearing date. You advised me on February 8th that the hearing could be scheduled the third week in March if they wrote a letter regressing an early hearing.

Frankly, Martin Marietta doesn't feel a hearing 3 months after its requested is an "early hearing", however, enclosed is a letter requesting same.

Please advise us what date is scheduled.

JDL/sb

enclosure :

cc: B. Melvin Cole Norman E. Gerber David L. Coidheim MARTIN MARIETTA LABORATORIES

THE SOUTH ROLLING ROAD SALTIMORE, JARYLAND 21221 TELEPHONE (101) 247-0700 TWY # 710-236-076

February 10, 1983

Mr. James D. Lucas, Jr. Director - Economic Development Commission Baltimore County Room 311 County Office Building Towson, Maryland 21204

Dear Jim.

The building proposed for construction on our site is a one story 6.200 sq ft structure of brick and wood trim finish consistent with our existing building (see Figure 2). It will be used to house a machine show in one section and offices and electronics-type laboratories in the other section. The building will be placed behind our main building. visible only from the property owned by the Obla: Sisters of Providence. (Figure 1).

Insofar as zoning regulations are concerned, the only issue is access by fire fighting equipment due to proximity to our main building and to a brick storage building. Oriveways in front of the building assure accessability and a fire hydrant is located at the entrance to the road to this building (blueprint). We consulted with the Baltimore County Fire Department's Fire Protection Engineer, Mr. John Bryan, Jr., during the design of the building and my understanding is that he found the plan acceptable.

The Oblate fisters, our only neighbors who could see the building from their property, were invited here to review our plans and to examine the construction site. The building will be set into the hillside and thus only the roof and the uppermost 5 feet of brick wall will be visible from their property. Sister Mary Paul, representing the Urder, believed the plan to be acceptable.

As we discussed, we are now anxious to begin construction. The funds approved will not be accounte if construction is delayed beyond April 1 -- the last gate on which our general contractor is obligated to hold a firm price. Additional funds are not available, therefore, if approval is not received, the entire project is in jeupardy for this year. If that happens, the associated jobs for construction workers will not be available. Of even greater concern is the fact that

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

William E. Hammond TO Zoning Commissioner

Norman E. Gerber

PROM Director of Plenning and Zoning Zoning Petition No. 83-210-Spita SUBJECT Martin Marietta Corporation

This office is not opposed to the granting of this petition. It is assumed that the wooded, bucolic character of the overall site will be preserved and that none of the improvements will be visible to adjacent properties.

Director of Planning and Zoning

March 11, 1983

NEG:JGH: cme

February 10, 1983

we have projects (some for the Department of Defense and some for our operating plants) that must be started by mid-year to meet contract obligations. We will be hiring some scientific and administrative staff for this work but cannot do so until we have offices and labs in which to place them.

For all of these reasons, I urgently request an errly March hearing before the Zoning Commission. We do not expect opposition, we believe the issue of fire protection is adequately addressed and we believe productivity and employment in Baltimore County will be enhanced if we are able to begin expanding our facilities during the next month.

Thank you for your help.

Sincerely,

lave David L. Goldheim Associate Director

DLG:kk



# PETITION FOR SPECIAL HEAPING AND VARIANCES

# 13th Election District

ZONING:

Petition for Special Hearing and Variances

LOCATION:

West side of Rolling Road, 1,635 ft. South of Gun Road

DATE & TIME:

Thursday, March 17, 1983 at 9:15 A.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 W. Chesapeake

Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and tegulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500. 7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zozing Commissioner should approve an amendment to the site plan in Zoning Case No. 81-203-A to allow the construction of an additional building and to revise the parking layout and Variances to permit a distance between buildings of 40 ft. in lieu of the r. uired 90 ft., 80 ft. in lieu of the required 110 ft. and 35 ft. in yeu of the required 80 ft.

The Zoning Regulation to be excepted as follows: Section 1B02. 2R (V. B. 2 & 102. 2) - distances between other principle buildings in a D. R. 1 zone

All that parce' of land in the Thirteenth District of Baltimore County

Being the property of Martin Marietta Corporation, as shown on plat plan filed with the Zoning Department.

Hearing Date: Thursday, March 17, 1983 at 9:15 A.M. Public Hearing: Room 106. County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

> BY ORDER OF WILLIAM E. HAMMOND

319 Gun Road Baltimore, Naryland 21227

September 15, 1983

Mr. Arnold Jablon Zoning Cormissioner Baltimyre County Office of Planning and Zoning Towson, Maryland 21204

> Re: Martin Marietta Rolling Road Facility

Dear Mr. Jablon:

I'm writing you regarding our conversation of September c, 1985, referencing your letter dated September 2, 1983 to Hr. Alcarase, of Martin Marietta, and myself. In your letter you stated that the complaint filed with you on the zoning violation will be stayed punding the Board of Appeal's decision. I want to point out that there are two separate issues -- the violation and the variance. I believe the Board is charged with a decision on the variance and is not responsible to decide on the violation. However, I do not feel the Board can decide on the variance if there is a violation on the zoning.

I would appreciate if you would let me know, by letter, whether the final decision on the violation will be made by your office or the Board of Appeal. I also want to request that we are sent copies of all correspondence your office receives from dartin Marietta regarding this violation.

Hary Jane Hacgill

cc: Joan Suder Keith Franz Diana Vincent Ronald B. Hickerns!1

Red 4-32-53

DALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON, MAINLAND 21204

108 Water Street Baitimuse Md 21202 301-752-7848

Meyers and D'Aleo Inc. Architects and Planners

Property Description for Variance

Martin Marietta Labor dories

1450 South Rolling Road

Baltimore, Maryland

The property known as 1450 Nouth Rolling Hoad is located on the southwest side

of South Polling Boad, situated in the 3th Election District of Baltimore

County, in the State of Mary and and which, according to a description prepared

by Beavin Co. Engineers and Surveyors, dated November 3, 1980, is found to

Beginning at the center of Rolling Road, 1,055 feet South of Gun Road, thence running and binding on the centerline of Rolling Road as now surveyed South 31

degrees 15 minutes 23 seconds Hast 31.68 feet to a point there set; thence still

binding on the centerline of Rolling Road South 45 degrees 25 minutes 47 seconds

Fast 216.75 feet to a point set on the centerline of South Rolling Road and

continuing south /1 degrees 49 minutes and 06 seconds East 171.99 feet to the

edge of a 25' utility easement recorded in the Land Records of Baltimore County

as R/W Plat #35671; thence South 28 degrees 43 minutes 53 seconds East 65.86

feet to R/W Plat #35656 at the edge of Interstate 95 Ramp "P" and continuing

South 1 degree 51 minutes 25 seconds East 41.87' to a point, thence South 1

degree 51 minutes 25 seconds East 165.11 feet to a 5/8" pin set, thence South 1

tegree 2 minutes 4 seconds East 242.14' to a 5/8" pin set, thence South 24

degrees 10 minutes 57 seconds West 279.08 feet along R/W Plat #35658 at the edge

of Interstate 95 Hamp "F", thence South 24 degrees ? minutes 45 seconds West

155.95 feet to a point. South 36 degrees 5 minutes 42 seconds West 355.10 feet

to a point and continue South 36 degrees 5 minutes 42 reconis West 109.90 feet.

thence North 48 degrees 40 minutes 14 seconds West 818.13 feet to a granite

stone found at the end of the eleventh line of the whole tract conveyed by J.

Brandt, Jr. and wife to E. A. Read, dated April ist, 1864 and recorded among the

Land Records of Baltimore County in Liber J.H.L. 40, folio 234, being also the

beginning point in a deed recorded in Liber 518, folio 371, being the beginning

po'nt of the first parcel of the last mentioned deed; thence leaving said point

of beginning as now surveyed, bearing referred to Baltimore County Metropolitan.

District. North 47 degrees 59 minutes 45 seconds West 185.51 feet to a granite

stone there found; theree North 43 degrees 26 minutes 32 seconds East 1278.61 feet to the place of beginning. Containing 25.9 acres of land, more or less.

within the following wetes, bounds, courses and distances, to wit:

WILLIAM E HAMMON'S ZONING COMMISSION E.

May 🔩 🤨

Joseph F. Alcarese, Esquire 103 Chesapeake Park Plaza Baltimore, Maryland 21220

> Re: Petitions for Special Hearing & Variances W'S of Rolling Rd., 1,635' S of Gun Rd. Martin Marietta Corporation - Petitioner Case No. 83-210-SPHA

Dear Mr. Alcarese:

Please be advised that an appeal has been filed by The Gun Road Historical and Protective Association, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notitied of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

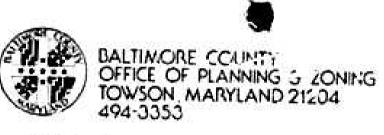
William E. Hammond

Zoning Commissioner

WEH:aj

cc: William L. Balfour, Esquire 10 Light Street, Suite 1600 Baltimore, Maryland 21202

> John W. Hessian, III, Esquire People's Counsel



WILLIAM E HAMMOND ZONING COMMISSIONER

April 6, 1983

Joseph P. Alcarese, Esquire 100 Chesapeake Park Plaza

Baltimore, Maryland 21220

RE: Petitions for Special Hearing and Variances W/S of Rolling Road, 1,635' S of Gun Road -13th Election District Martin Marietta Corporation - Petitioner NO. 83-210-SPHA (Item No. 132)

Dear Mr. Alcarese:

I have this date passed my Orders in the above referenced matter in accordance with the attached.

> ZEAN M.H. JUNG Deputy Zoning Commissioner

JMHJ/srl

Attachments

cc: William Ballour, Esquire 10 Light Street. Suite 1600 Baltimore, Maryland 21202

> Ms. Mary Jane MacGill 319 Gun Road Baltimore, Maryland 21227

Mr. Frank Lindberg 511 Gun Road Baltimore, Maryland 21227

John W. Hessian, III, Esquire People's Counsel

OF BALTIMORE COUNTY

8 December 1983

ARNOLD: JADLON ZONING COMMISSIONER

Mr. Thurston Griggs President, Relay Improvement Association 5128 S. Rolling Road Baltimore, Maryland 22227

Re: Martin Marietta

Dear Mr. Griggs.

I am in receipt of your letter dated 30 November 1983.

I am enclosing herewith copies of the decision of the Board of Appeals of Baltimore County involving Martin Marietta. Also enclosed will be found a copy of my letter to Joseph Alcarese, Esq., counsel to Martin Marie to concluding that the facility on Rolling Road is a research institute.

The only reference to Section 418 is found in the Board's Arended Opinion.

I must clarify some of the points you raised with me in our telephone conversation in smuch as it cores that indeed there has been some confusion. You must understand that planning and zoning are two distinct functions. It is the responsibility of soning to insure compliance with the laws as established by the County Council. I am not sure your distinction between tort actions and soning is material, but let me assure you that the zoning regulations have been, are, and will be enforced in a fair manner to ensure compliance. Any complaint made to my office will be investigated, provided that there is substance to the complaint and it is not made frivolously or with malice. If you have evidence that Martin Marietta has intentionally or otherwise violated the law, I will have an investigation conducted. If found to be true, Martin Marietta will be forced to correct any such violations and comply with the regulations; if found not to be true, the complaint will be closed. Intention to violate is not an issue--if there is a violation, any violation, there must be corrective action taken.

Section h18.1 provides for certain standards to be maintained. If these standards are not being met, then there would be a violation. If a violation exists, it must be corrected. I am sending you, enclosed here, a copy of that rection. If you have any evidence to suggest violations of Section 418.1. please let me know and an investigation will be conducted irmediately. I did suggest to you in our telephone conversation that if you believe there have been or are hazardous wastes or other pollutants being released into the water table or sewer lines, perhaps you ought to contact the Department of Health and request at its parliest cunvendence an investigation

AUG : 15th

In RE: 'Srtin Marietta Corp. Petition for Zoning Variance Case No.: 83-210-52HA

Before the County Board of Appeals of Baltimore County

August 23, 1983

Summary of Testimony and Arguments by the Protestants

Mary Jane Macgill Charles C. Macgill Gloria S. Watson

Harold E. Hedenar. Richard Kline

Berchy Manley Stephen Mheeler Frank Lindberg

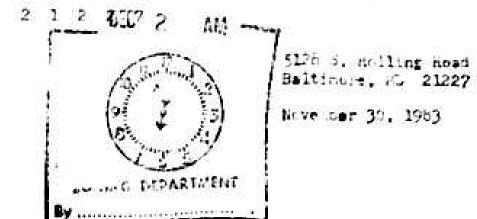
Item 1: Change of Use

The neighborhood in which Martin Marietta is located is very old and well established. Gim Road dates back to before the American Revolution. Some of the houses on Gun Road were built before the American Civil War and several were on recent house and garden tours. The last two houses which sold on Qun Road were sold for an average price of \$201,500. This indicates an extremely will maintained and desirable residential area. An expanding industrial activity challenges this long standing the neighborhood and establishing a new use which can be used as an example to argue in favor or even greater industrial related use.

for a mecial exception to establish their operation in a residential zone, their intentions were genuine. They referred to other "institutions" in that area which they perceived themselves as being compatible with or similar to such as: various churches, the YMCA, Catonsville Community College, Rolling Road Country Club, Catonsville Senior High School, etc. They argued, at the time, that needed open area complementing the more densely populated areas in the immediate proximity."

In 1969 there was a proposed zoning reclassi-fication to change some of the area to HER classification. Martin Marietta, under the direction of Mr. E.H. Parkison, joined the community in opposing the reclassification. He wrote a letter to the Baltimore County Planning Scard expressing his reasons why the neighborhood should remain residential in character. He said Martin Marietta code a commitment to the community to be good neighbors and to keep Relay a beautiful community. He went into detail about their expensive building architecture and landscaping. He said the peaceful setting was conducive to doing basic research and that their organization was one of the few

RELAY I. PREFELENT ASSOCIATION



Arnold Jablen Zoning Commissioner County Office Smilding Towson, 19 21204

Dear Comissioner:

Please send us a cory of the ruling or declaion that evolved out of the case of the artin-harietta Rolling 'coad ver ance action last month, particularly as it bears upon an inter-retation of . c. 415.1

This ansociation did not oppose the variable and was not involved in that case. Jo we are simply asking a out this in informational reasons.

If telephone inquiry and request for our statance sterms : fro. a new and different issue, raised in a different co ... aty pro-s. Albeit directed against martin- grietta. ... reference to the tenstallation and to Sec. 41..1 may have given you a mistaken impression that . was toping to follog to the previous variance action. Tot so.

As I understood it, the thrust of what you site to me is that interpretation of S c. 41 .1 t. age: on intent. .oning each landing: se what is intended or clanned is what counts. It is it clanned by anyone that certain trings occur - d? there is no intent; no that is - then whatever ray occur that was not planned, wetger it is incidental to the use that has been authorized in not, is not a zoning to the . . tigt ...d move into the region of tort when so so a sets nort, but an a carery violation does not give cause to revoce the initial enable ant. A sountly this Arelias even when hite are are established in ellipse.joines under the originally designate land . . . such an stance to re could permitter negligen or or or in linteni. Theregard of a min, therefore in rot, armo facto, a manifestation of office. intent.

first about wien a zoning dement on is reliberate? ". " " " a said to make the mbone sould seem to incl. that even then, respectively tould be through soull tort or causes, in other words, the blicin, of coming regulations is not the resions bility of doming: I have the elrost anywhere el = - under so e other replatetory prome re managey. In that your answers the quarties is a trying to as join

Another quistion is sked you is this what result. In the conmunito ame when incom authorized uses e play into once the security allower under the initial enablement? wont --course do not -- and and a

We believ that clarification of treso person in a real source printer to the . art new ariet's variance would have this disartions. n i. . leas sur le ent : els: rate as you think might :: p-juir i.

Thurster 18 1995

Ethi bi t

Item 1: Change of Use (Cont'd)

to do basic research without any product development. He went on to say. 'We cannot visualize the utilization of the Gam Road/South Rolling Road area by any manufacturing or commercial organization without forseeing the destruction of the basic character of the neighborhood." 'We fail to see the importance of including industrial land in this part of the county as being essential to the industrial and economic growth of Baltimore County in view of the available land located in the eastern and north-central part of the

Obviously, the Martin Marietta facility expansion of a non-conforming use when this is what they argued against in 1969 under their grevious

Martin Murietta Labs is well under their maximum 8.5% of their total land area so the natural question that arises is why do they need a variance to allow close spacing between buildings? The ensuer is that they have bigger plans for the open area they have for bigger buildings in the future. By clustering the proposed building into an otherwise musable section of their property, they will achieve greater density in that area than is provided for by present building and fire regulations. This will provide more free space for their real expansion plans which are to at least double their present floor space. If the variance is denied, they can build on another section of their 91.5% vacant land anymy without a variance.

MARTIN MARIETTA AEROSPACE

12000

BALTIMORE DIVISION 103 CHESAPEAKE PARK PLAZA BALTIMORE, MARYLAND 21220 TELEPHONE (301) 339-5000

April 22, 1983

Mr. William E. Harmond Zoning Commissioner Room 109, County Office Building Towson, MD 21204

Re: Case No. 83-210-SPHA Building Permit Application No. 13th Election District

Dear Mr. Harmond:

: 3 d

item 1: Change of Use (Cont'd)

We, the undersigned, being the owner of the above mentioned property and the applicant for the ab ve referenced building permit, do hereby acknowledge that we are fully aware of your Order being subject to a thirty (30 day appeal period, but wish to go ahead with the permit application prior to the expiration of said appeal period.

We hereby relieve our builder, Baltimore County, Mar, land, and you from any liability or responsibility for any consequences which might arise during the appeal period.

Very truly yours.

MARTIN MARIETTA CORPORATION

Joseph B. Alcarese Division ounsel Martin Marietta Aerospace Baltimore Divisios.

1\*\*

Exhibit

if Martin Mariette is successful in persuading the zoning appeal board that this one spot on their property is the only one suitable to put another building, and that the topography of the rest of the property is not suitable for putting any buildings, then the approval of this v riance should be accompanied by an order that no other buildings will be allowed by variance, special exception, or otherwise in the future because the petitioner's arguments in favor of this variance are based on the premise that no other land on their property is suitable for building. If other areas of their land are suitable for building but at greater expense, then the variance should be denied because financial or profit goals on the part of the petitioner should not be allowed as considerations for the approval of a variance.

The employment at Martin Marietta Labs moviesents about .7% of the total population of the parent company so the expansion of this facility will no: sake or break Martin Marietta but it could easily break the residential character of the neighborhood. The Martin Marietta Labs should be made to comform to their original character of operation 'a research institute) which they argued so forcefully for in the beginning. The other, more industrial aspects of their operation can easily be handled by their other plants located in industrial parks which are zoned properly for that type of activity.

None of the reasons stated by Martin Marietra for the need to place the building where they want it are valid; i.e., extra utility lines, walking distance, communication, etc. Martin Marietta has yet to prove why the, cannot locate the building where there is roce for it.

Item 2: Restrictions Placed on the Variance

The zoning law apparently makes no provision for restrictions to be placed on a variance, unlike the law for special exceptions which do have provisions for restrictions. Restrictions on a variance then appear to be a matter of policy and not law. A variance should not be given if the restrictions are not enforceable under law Since the zoning commissioner did approve the subject variance with restrictions, the restrictions must have been thought to be necessary .



# Saltimore County, Maryland

PEOPLE'S COUNSEL RM. 223. COURT HOUSE TOWSON, MARYLAND 2190.

JOHN W. HESSIAN. III People's Countel PETER MAX ZIMMERMAN Deput, Prople's Counsel

Tr. 494.2168

August 24, 1993

Joseph P. Alcorese, Esquire Division Counse! Mart's Marietta Aerosoace 3al- nore Division 103 Chesapeake Park Plaza Baltimore, Maryland 21220

> RE: Martin Marietta Corp., Petitioner Zoning Cose No. 83-210-SPHA

Dear Mr. Alcarese:

Enclosure

Mr. Hessian has requested that I send you the enclosed copy of "Summary

and Arguments by the Protestants".

Sincerel /.

Lang 11 Here Shirley M. Hess Legal Assistant

Item 2: Restrictions Placed on the Variance 'Cont'd)

Mr. Goldheim of Mart.n Marnetta Labs testified that these restrictions would create a hardship that they couldn't live with. He went on to state that they would seek an appeal to have the restrictions removed.

Variance restriction No.

are not stated.

The first of four restrictions placed on the variance is: "No toxic or volatile chericals shall be used and stringent precautions shall be taken with conventional solven:s".

a) This restriction is vague in that it does not specifically state if it refers only to the new building or if it pertains to the whole laboratory complex located at 1450 S. Rolling Rd. If it was intended to refer only to the new building and if there were a reason for rea ricting the chemical activity in the new building as it pertains to the health or well being of the employees or surrounding community then it should apply to the entire complex as well. Any reasons why the restriction should apply only to the new building and not to the entire complex

b) This restriction is ambiguous because it states that toxic or volatile chemicals shall not be used but also states that stringent precautions shall be taken with conventional solvents. All conventional solvents (with the exception of water) are both toxic and volatile.

c) This restriction is not broad enough in its mention of categories of dangerous materials. Other catagories of dangerous materials handled on the Martin Marietta Lab complex are: Ignitable, Reactive, Corrosive, and RCRA listed.

d) Other classifications of materials which might be considered for future use by Martin Marietta should be listed in the restriction along with a ruling as to whether they are allowed. Such other classifications include radioactive and explosive.

(k) Dangerous Properties of Industrial Materials

Exhibi:

(J) Restriction No. 1

of petition 81-210-SPHA

(B) EPA regulations for the identification and listing of hazardous waste.

(D) Dis inspection form.

(L) Laboratory information bookiet. P. 11, reference to quarry blasting. P. 22, frierence to nuclear generating plants.

Exhibit

(0) Petition for

Special Exception

(X) Letter from RIAS

dated Nov 18, 1969

Dick Merrill Kaye White Lucy Merrill Frances Homer

residential use by cianging the character of

In 1964 when Martin Marietta first applied this use which is open and specious 'provides vitally

in the country which was supported by their parent company

county which already possess excellent access.

had a desire to maintain the neighborhood in a desirable residential condition but, unfortunately, administrations and goals have charged. The laboratory is not an independent, autonomous organization out rather is wholly curred by Martin Marietta C. sporation which is a multi-national, \$4 fillion per year profit notivated company. The coning isus governing · land use should provide stability to the residential areas so that the land use is not determined by a large multi-national company who has o interest in preserving residential uses. 1: is ironic that Martin Marietta is providing the threat of industrial reclassification by their

administration. permitted floor area ratio of 20%. Their present floor area is

Martin Marietta's argument that the variance is meeded because of topography is not true. If they were to locate the building closer to the Obliate Sisters, it would require more excavation because the building would be placed deeper into a hillside but there are many other places on their property where the building could be built without additional earthmoving.

## Variance Restriction No. 3

The third restriction placed on the variance is: "Compliance with all requirements of the EPA, MOSHA, OSHA, and the Maryland Dept of Health and Mental Hygiene, as well as Section 418 of the Baltimore County Zoning Regulations."

It is inpossible to comply with these stated requirements for several reasons which are listed as follows:

- a) Section 418.2a(2) requires that "access to the site is possible entirely by way of existing or proposed streets with rights of way not less than sixty feet in width". The right of way of the rection of kolling Road which provides the only access to the Martin Marietta property has a right of way of thirty feet.
- b) Section 418 allow research institutes in a IR' zone without a special exception but requires a special exception for a laboratory to be in a IRI zone. The Martin Marietta Labs originally called RIAS for 'Research Institute for Advanced Study") petitioned for a special exception in 1964 which was granted with restrictions. The special exception was withdrawn after Bill 76 was enacted so they would not be bound by the restrictions imposed with the special exception. The main restriction which was avoided was one which said that no change in the plat plan would be allowed without another special exception. Without that restriction to hamper them. Martir Marietta expanded the size and scope of their operation to the point where they were a laboratory rather than a research institute. Their employment has riser from 100 in 1964 to 300 in 1983 Their building space has grown from 20,000 square feet in 1964 to 80,000 square feet in 1983. Their long range plans are to double their present employment of 300 and increase their floor space to about 160,000 square feet. Since they have no special exception they are already in violation of Section 418. The reasons they are a laboratory
- b.1) Bill 76 and section 418 define a laboratory as: "A building or group of buildings used primarily for applied and development resestate minite the product testing process is a major function of the operation but where the operation does not involve any mass manufacturing".

rather than a research institute are developed as

follows:

- (J) Restriction 3 of petition 83-710-SPHA
- (M) Section 418
- (N) Baltimore County engincering drawing showing 30 foot right of way.
- (O) Petition for Special Exception. (P) Order of With-
- drawl (O) Bill 76
- (k) Letter from Martin Marietta dated 5/18/76
- (S) 1964 Site drawing.
- (T) 1983 Site d.awing.
- (Q) Bill 76
- (M) Sect. 418

# Variance Restriction No. 7 (Cont'd)

b.2) Bill 76 and section 418 define a research institute as: "A building or group of buildings used primarily for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning, and where all parts of the operation involving the development research process, e.g., product testing, are incidental to the above'.

b.3) When Martin Marietts applied for a special exception in 1964 (before Bill 76) they fit the description of a research institute because they defined the term "research institute". They used the term RIAS (Research Institute for Advanced Studies) as the name they originally called the operation. They defined their work as follows: They were "studying pure science", they had about 100 people with many Ph.D. degrees. They were doing 'fundamental research' and "fundamental studies of a scientific nature". They did not build or test anything. Because there was a public hearing nothing was mentioned about the use of any toxic materials. The description of the activity was similar to that of a college. Out of these descriptions the term "Research Institute" carried over into Bill 76 and then into Section 418.

- b. 4) The Martin Marietta Lab complex carries out research, development, and even engineering programs for government agencies and other organizations.
- b.5) The Martin Harietta Laboratory does routine testing of toxic materials for all of the Martin Marietta plants located in 41 states and on a contract basis for others. This is not a research activity but rather a business activity which fits the description of a testing laboratory. The degree of nazard is not known until they bring it into the residential area and analyze it. This createa potentially severe nazard for the community.
- b. 6) The Martin Marietta booklet uses the word "laboratory" 34 times in describing the activity but does not use the term "research institute"
- b.7) They have coined other names of activities that go on at the Lab complex such as:
- Environmental Center

Center for Occupational Health Engineering

# Exhibit

(0) Petition for

Special

(L) MM booklet

(U) MM national

booklet

Page 25

(L) MM bookle\*

(L) MH booklet

(L) Page 16 & 17

Page 18 & 23

Exception

These operations are apparently the ones which do the routine and regular testing of toxic materials. These three extra activities are not defined in Section 418 or anywhere else as uses permitted in a residential arne without a special exception.

Variance Restriction No. 3 (Cont'd)

Analytical Center

Environmental Center - Hazardous wastes are identified (analyzed).

# Center for Occupational Hea'th Engineering -

This laboratory is accredited by the Industrial Hygene Association and regularly analyzes samples for such diverse contaminants as silica, zinc, lead, asbestos, cadmium, and a variety of organic vapors.

Analytical Center - provides technical service for the laboratories and the environmental center and for the rest of the corporation. This capability includes elemental and compound characterization and mineralogical and petrographic analysis.

b.8) Martin Marietta wants to build a building to house a machine shop and an electronics lab, neither of which is allowed in a residential zone without a special exception. Martin Marietta does not have a special exception so it would be impossible for this new building to comply with Section 418. Also, the fact that Martin Marietta wants to either establish or relocate a machine shop shows that their activity fits the description of a laboratory rather than a research institute. A research institute would have such infrequent need for machine shop service that it would not be worthwhile to establish their own when they could subcontract all of the r machining requirements to many local machine shoos-

There are three reasons why the proposed variance cannot comply with Section 418 of the Baltimore County zoning regulations. 1) The right of way of the street by which access is possible is thirty feet instead of the required sixty feet. 2) The complex is being used as a laboratory according to Martin Marietta's own descriptive literature. This is a nonconfurning use (violation) according to Section 418. 3) The use of highly toxic materials in a residential zone was never intended by the wording of Bill 76 and Section 418. They (Bill 76 and Section 418)

# Variance Restriction No. 3 (Cont'd)

Exhibit

(L) Page 11

(L) Page 18 & 23

(L) Page 16 & 17

(L) Page 11

(V) Letter by

Martin Marietta

dated 2/20/83

say that the research institute or laboratory chall not create any dangerous or hazardous condition adversely affecting the surrounding area. If Martin Marietta originally proposed that they wanted to use a residential zoned area to locate a testing business for testing toxic materials from all of their operating plants and on contract for other companies, it never would have passed.

# Item 3: Toxic Material Zoning Requirements

directly to zoning decisions by the wording used in Section 418 of the Baltimore County Zoning Regulations, i.e. (418.1): "It is the intent of these regulations that land or building; occupied by research institutes or laboratories shall not be used in any manner so as to create any <u>dangerous</u>, <u>injurious</u>, <u>noxious</u>, of otherwise <u>objectionable</u> fire, electrical, explosive, radioactive, or <u>other hazardous</u> condition affecting adversely the surrounding area. It is further the intent that there shall be no objectionable or offensive increase over normal residential conditions of noise, dust, odors, vibrations, glare, heat or other emanations at or outside the bour, any of the research institute property line."

The issue of hazardous materials felates

"he words "toxic or poisonous" do not appear specifically anywhere in the wording of Section 418: only the words "damerous, injurious, noxious, objectionable, and offensive" are used. The interpretation of whether "toxic or poisonous" fits these categories could set a precedent for Baltimore County policy with respect to chemical activities of this kind operating in a residential

At the coning variance appeal hearing on July 28, 1983 Martin Marietta Labs, 1450 S. Rolling Anad, presented their arguments in favor of the variance to build a 6200 square foot b. .ding with less than the required spacings to their existing buildings. At that time, they volunteered a great deal of testimony that had to do with their use of toxic materials on the site and how safe they perceived their handling procedures to be. The inclusion of all this testimeny probably resulted frog the fact that they denied that they used any toric materials at the original coning hearing on March 17, 1983 which prompted the protestants to point out, at that time, their use of several extremely coxic materials described in their own . scriptive literature.

Many Jene Macgin

(L) P 7, 17, 25

Exhibit

Exhibi t

(M) P 212

# Item 3: Toxic Material Zoning Requirements (Cont'd)

The important points of the protestant's testimony with regard to the toxic materials used at the laboratory complex are listed as

- a) On the first day of testimony (on July 28, 1983) the petitioners admitted to handling toxic materials measured in gram quantities or "thumble" am unts. The hazardous waster report for 1962 filed with the EPA by Martin Marietta adds up to 5,039 1b of toxic materials.
- b) In the absence of an expert witness to discuss the relative toxicity of the materials listed, the protestants had to rely on handbooks such as "Dangerous Properties of Industrial Materials" by Irving Sax. This manual is in its fifth printing and is written by thirteen authors and six consultants with a total of five Ph.D. degrees and five M.D. degrees among them. Some of the materials listed on the 1982 Hazardous Waste Report in large quantities (6 lb of mercury and 100 lb of chromic acid) are 100 times more toxic than cyanide according to Sax's manual.
- c) Most of the materials listed in Exhibit A are also listed in the Federal Register, "Identification and Listing of Mazardous Maste"
- filled out by an OEP inspector indicated the following:
- ignitable, EP toxic, Reactive, RCRA listed, and corresive.
- d.2) Waste containers are not marked as to when accumulation began.
- d.3) Containers are not properly labeled.
- approved emergency contingency plan-
- d.5) Martin Marietta does not have a IMS permit for its activity nor has it applied for one.

# Exhibit

(K) Sar's Manual of

(A) P 2, 3, 4 4 (K) P 16, 17, 4 19

(B) Pages 33132

(D) DHS Ferm

(K) P 13

Dangerous Material's

- (A) 2 2, 3, 4, 5

- d) The Designated Hazardous Substances Form,

- d.4) Martin Marietta does not have an

e) Martin Marietta has a d scharge permit for one outfall to empty into Soaps me Run. They received

a site complaint for having three illegal outfalls. The site complaint required that they apply for a permit to incorporate their three extra outfalls within five working days. Two months after the site complaint they applied for the permit for the three extra outfalls.

f) Quistioning of Amrtin Marietta's plant manager indicated the lack of accounting procedures which could be checked by an outside agency (or even an internal auditor) to determine the amount of toxic materials purchased or brought in for analysis with the amount held in inventory and waste storage so that the amounts which evaporated into the air and which went

- g) A document submitted by Martin Mar'etta, which was drafted for the purpose of the hearing, indicated that they had accumulated about 500 lbs. of toxic material in their toxic waste storeroom from January 1923 to August 1. 1983. The Federal Register (Exhibit B), requires that they have a permit as a waste storage facility if they store toxic waste more than 90 days. They have shown no such permit. Their hazardous waste report for 1982, which adds up to 5.039 lbs., indicates one of several cossibilities.
- 1) Their present inventory sheet was falsified to
- 2) Their present waste inventory was reduced by illegal dumping into the sanitary sever or their old septic sys en,
- 3) The taxic materials are located in other parts of the laboratory in different storage areas under different classifications such as unused inventory, or inventory in use. In either case, the material is just as toxic as when it is finally taken to the waste storage area. It is still being used and stored in a residential zone.
- unwanted chemical materials is largely dependent on the honor system. Many different holding containers have to be located at various places on the laboratory complex so that improper combinations of waste materials are not iredvertently mixed. The temptation to pour a small emount of a chemical down the drain to save a walk down the hall can be great. Since there is no inventory procedure to

# Item 3: Toxic Material Zoning Requirements (Cont'd)

(G) Discharge Permit

Exhibit

(F) Site Complaint (ii) Application for three more outfalls

(B) EPA Regulations

(A) Hazardous waste

report for Martin

Marietta, 1982

into the sanitary sewer could be determined.

- show small amounts,

- h) in any laborator , the proper disposal of compare the official incoming and outgoing chamical

# Item 3: Toxic sterial Zoning Requirements (Cont'd)

flow or outfall water analysis it puts the local residents in a very unconfortable position of relying on Martin Marietta's honor system to properly handle and dispose of their toxic chemicals, especially in light of their demonstrated credibility problem with respect to admitting the amount and potential hazards of the materials they use.

Frue 1964 until about 1981, Martin Marietta had a septic system with ten seepage pits 10 feet in diameter and 15 feet deep. From their beginning in 1964 there was a gradual change in their activity from a purely theoretical organization to an applied organization dealing routinely in chemical analysis and experimentation. In 1980, Martin Marietta became registered as a toxic waste generator. Their chemical activity most likely did not begin instantaneously in 1980. From 1964 to 1980 an unknown amount of chemicals went into their septic system and over ti. Foutfalls. The land around the Martin Marietta site has many springs and underground water activity as seen by the mud slide report on the land downstream from Martin Marietta. A surface stream passes through the property of the Oblate Sisters of Providence (next to Mattin Abrietta), then through the Martin Marietta property, then under Route 195 and into Relay. Testimony by Mr. Richard Kline of Save our Streams and Mr. Stephen Wheeler a lifelong resident of Relay, indicated that this water 's contaminated as evidenced by a disappearance of normal aquatic life.

- 1) The testimony on both sides about the use of toxic materials raised many questions which probably are not strictly in the dossin of zoning regulations. The testimony raised some issi which should be addressed by other regulatory agencies to provide for a reliable procedure to account for the various hazardous materials used and to monitor the outfall water, sewer water, and septic system contents.
- Martin Merietta are shipped in and out by trucks going through our residential community, and tuat their route is much closer than 1-95.

That A. Lindberg 511 Gun Road Baltimore, Noryland 21227

Exui bi t

(0) Page 3

(i) Dr. Banks, the expert witness for Martin Marietta, testified that the dangers to the community from the storage and use of toxics at MCL were small compared in truck accidents on 1-95.

We would like to point out that all toxics at

On behalf of the Protestants

Frank a findling ang 23, 1983

The Bun Road Bistorical and Protestive as. Hong me Baldwing 324 For Rose

H. I. Herbann 410 Gir 11d.

110 Stenwood the 2128 Carl Lamy 403 Bun Road

> 511 Gun Road 109 Gun Road 409 Gun Rd.

319 Dun Rd. 409 Qui Fd

319 Gun Rel

Mr. Arnold Jablon

of a center of higher learning.

or disposal of toxic or volatile substances.

located in the principal wilding.

wariances will be required.

- 3 -

that the Martin Mariecta facility is more than a research institute -

it is an educator in the environmental sciences and takes on aspects

As is the case with any research facility, including college and

university labs, the Martin Marietta research institute utilizes some

volatile. The use of such substances is inherent in and essential to

and licensed by a number of Federal, State and County agencies. The

Protection Agency (EPA), the Federal Occupational Safety and Health

substances which are classified as toxic and come solvents which can be

the operation of a research facility, and the acquisition, storage, use, handling and disposal of such substances is closely monitored, inspected

agencies which monitor, inspect, license and control these activities of

the Martin Marietta Research facility include the Federal Environmental

of operation, the Martin Marietta facility has never been cited for any environmental violation or for any violation in connection with the use

its principal building. The present zoning regulations permit a total

plans are to construct an 87,000 square foot addition to its principal

be serviced by the administrative functions, library, etc., presently

building. The new addition will house much needed modern research labs

and clean rooms and office space for the scientific personnel, which will

in traffic. However, since the research institute operates only one shift and since the access is direct on Rolling Road, and does not pass through

grade. The roof line will be at the same level us the existing roof line.

further removed from the closest neighbors, and it will not be visible to

any residential area, the impact of any traffic increase should be nil.

It will be located on the 195 side of the existing facility, which is

the reighbors. It will be designed and constructed in a way that no

Completion of the addition will provide employment for more scientific

The proposed addition will be four stories, with the lower level below

personnel and some administrative personnel. This will cause some increase -

Agency (OSHA), the Naryland Occupational Safety and Health Agency (MOSHA), the Maryland State and Bastimore County Departments of Health and Hygiene and the Maryland State Department of Natural Resources. In all its years

The Martin Marietta facility presently consists of approximately 90,000 square feet of space, 60,000 square feet of which is located in

development of 208,000 square feet of space on the site. Hartin Marietta's

March 29, 1984

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON MARYLAND 21204 494-3355

Joseph F. Alcarese, Esquire 103 Chesapeake Park Plaza Baltimore, Maryland 21220

> Re: Petition for Special Hearing & Variances W/S of Rolling Rd., 1,635' S of Gun Rd. Martin Marietta Corporation - Petitioner Case No. 83-210-SPHA

Dear Mr. Alcarese:

This is to advise you that \$102.60 is due for advertising and posting

Please make the check payable to Baltimore County, Maryland, and emit

WILLIAM E. HAMMOND Zoning Commissioner

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

₩. 115057

DATE 3/17/83 ACCOUNT R-01-615-000

RECEIVED MARTIE MARIEtta Advertising & Posting Case #83-210-EPHA

Reviewed by: M.O. 81-20814 Previous case: 64-80

Number of Signs:

FUNCTION

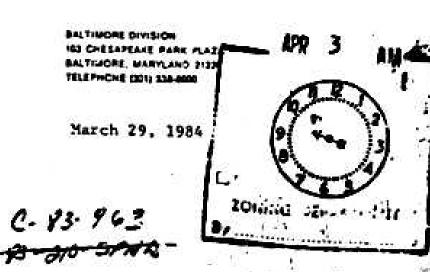
outline plotted on map

Denied

Map . \_ Z. if

. 7 / L . . . . L

MARTIN MARIETTA AEROSPACE



Mr. Arnold Jablon Zoning Comissioner Baltimore County Office of Planning & Zoning Towson, MD 21204

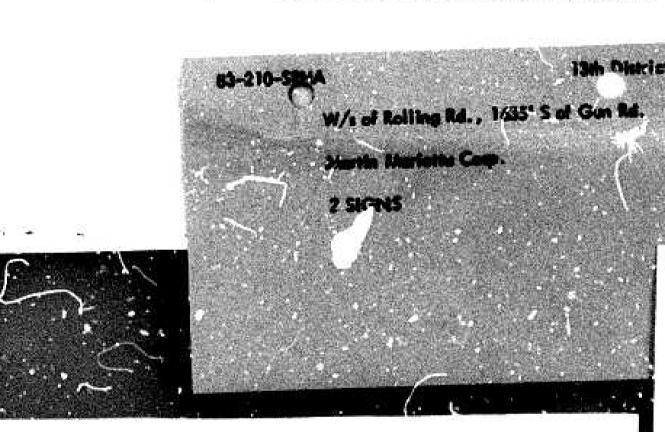
Dear Mr. Joblon:

The Martin Harietta Corporation plans to construct an addition to its research facility locates at 1450 S. Rolling Road, in the 13th election district of Baltimorr County. Under the requirements of the Baltimore County Development Regulations, the development plan will be submitted to and reviewed in detail by the County Review Group (CRG). In this connection, we have been requested to furnish to your office information and data which you may evaluate 'n your determination and advice to County representatives with respect to zoning compliance of the present facility and operations and of the facility as it is planned to be expanded.

Under Section 418.2 of the Baltimore County Zoning Regulations, the Martin Marietta Corporation has, since 1965, operated a research institute on a 23+ acre tract of land at halling Road and Interstate 95 (195). The tract of land on which the research facility is located in

Similar to any research institute, the facility houses laboratories. offices for scientifi: personnel, storage area, a small workshop area. administrative offices, a technical library, caferoria, etc.

The facility, which operates one shift a day, employs approximately 250 people. The majority of the staff are scientific personnel, most of whom hold a Ph.D or Masters degree in the sciences. The balance of the personnel are administrative, along with some maintenance and facilities personnel and a full time health/safety officer.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF RALTIMORE COUNTY

83-210-5044 District / Ith Date of Posting May 20 1843

Posted for Appe 2

Petitioner Date of Soften Bolling Prod 1635 Sif Gun Road

Location of Signs larger SN Comer of Belling and Gun Road, I sugar west and of Bolling of main interne.

Remarks:

Posted by A. at 5. Date of return Aprel 21, 1863.

> BALTIMORE COUNTY, MARYLAND OFFICE FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

₩. 117362

CERTIFICATE OF PUBLICATION

published in THE JEFFERS MAAN , weekly newspaper printed

and published in Towson Balamere County, Md. Mississes and

THIS IS TO LEE

Cost of Advertisement's H2 CC

appearing on the

19 83

February 24 19 05

as' the amnexed advert.sement was

THE JEFFERSONIAN.

The -

R-0]-615-000

AMOUNT \$80000 \$160,00

Cost of Appeal for Case No. 83-210-SPHA Martin Marietta Corp.

4 096 -- - - 16000: U 803 uA VAL-DATION OR SIGNATURE OF CASHIER

A LAM E + MAKONE . INING COMMISSIONET

March 11, 1983

of the above property.

to Arlene Janua y, "oning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours.

AMOUNT \$102, 60

6 043\*\*\*\*\*\*\*\*\* 02501b 0174A

VALIDATION OR SIZNATURY OF CASHIER

PETITION MAPPING PROGRESS SHEET Wall Map Original Duplicate

date by date by date by date by Descriptions checked and Petition number added to

Granted by ZC BA, CC, CA Revised Plans; Change in outline or description\_\_\_Yes

Item # 132

Hr. Arnold Jablon

not creating a fire or extery hazard.

require any additional information.

Charles & Balley . I have the Street and Street and Street

As is the case with the existing structures, the new addition

or emission problem and the new addition will be designed, constructed

and operated in a meaner to assure that no such problem is created.

The present facility creates no noise, dust, heat. light, redistion

Please call me at 338-5130 in the event you have any questions or

will be completely sprintlered and there will be adequate access for

fire equipment, so that we will continue to maintain a posture of

Merch 29, 1984

Mr. Arnold Jablon

- 2 -

The tract which houses the facility is bordered on the south and

east by 195 and the 195 access road; on the north by the 30 acre tract

and the surrounding wrea, is hilly and very wooded. The nearest

individual neighbors are approximately a quarter of a mile distance

(2 miles by road) and the facility is not visible to such neighbors.

Martin Marietta property line and the 195 right of way. The mearest

residential neighborhood is on Gun Road which dead ends into Rolling

Boad. Therefore, none of the traffic moving to or from the Martin

in emerging technologies, and does not involve production or routine

genetic engineering or bio-technology work in the agricultural area. aimed toward the development of new and better crops: research in

testing work. Its research includes such things as photosynthesis;

Marietta facility passes through any nearby residential area.

Rolling Road, on which the tract is located, dead ends at the

The work of the research facility is basic research, and research

raicro electronics involving very high speed, state of the art, electronic integraced circuitry, with power systems the size of a human hair, for

command and control detector systems; research in semiconductor physics; research in advanced ceramic materials for space applications, in laser protective systems, in artificial intelligence, including robotics,

and in optical signal processing for fiber optics communications. Their

of the Oblate Sisters; and on the west by a large farm. The property

March 29, 1984

OF PUBLICATION OF

THIS IS TO CERTIFY, that the annexed advertisement of

Special Exception W Rolling Rd.

weekly newspapers published in Baltimore County, Maryland

once a week for one successive weeks before the 26 day of February 19 83, that is to say.

February 24, 1983

was inserted in the following:

**⊠Catonsville Times** ☐Arbutus Times

the same was inserted in the issues of

Fobruary 15, 1983

Jeseph P. Alcarese, Esquire 103 Chosspeake Park Plans Britimore, Maryland 21220

NOTICE OF HEARING

Re: Petitions for Special Hearing and Variances W/S of Rolling Read, 1635' 5 of Gun Read Martin Marietta Corporation - Potitioner Case No. 83-210-SPHA

TIME: 9:15 A.M.

DATE: Thursday, March 17, 1983

PLACE: Room 106, County Office Building, 111 West

Chesapeake Avenue, Towson, Maryland

IG COMMISSIONER OF MORE COUNTY

BALTIMORE COUNTY, MARYLAND OFFICE OF PINANCE - NEVERUE DRABON MISCELLAMEOUS CASH RECEIPT

01-615-000

m. 112368

200.00

@ 05100000200000 5238A

VALIDATION OR SIGNATURE OF CARNER

work has also included environmental research, such as studies for the State of Maryland involving the Chesapeake Bay and its tributaries and the effects of fossil and nuclear fuel generating plants on plant life

and marine life; study of the effects of dredging on acquatic habitats, performed for the U.S. Corps of Engineers, and study of the effect of

the second transfer of the second second

industry and population on Mudson River fisheries performed for the Mational Oceanic and Atmospheric Administration. In addition to its research work, the Martin Marietta facility and its staff is actively involved in the field of education. The research facility has for years conducted environmental seminars at its facility, and has been cited for its prize-winning "Environmental Atles of the Potousc Estuary", which is a major contribution to understanding of the ecology of Maryland. It conducts joint programs with the University of Maryland College Part, the University of Maryland Baltimore Compus, Johns Hopkins University, Butgars University and the University of Tennessee. It furnishes adjunct professors to U.M.B.C. It furnishes summer employment to University of Maryland students under a program in which they are

assigned a specific research task and write a report on the task. It is involved in a program with the Baltimore County Department of Education which or ers summer employment to high school science teachers which will enable them to update their expertise and carry this into the classroom. And it funds faculty members in research projects at the University of Maryland and Johns Hopkins University. Thus, we believe

Zonine Comissioner

Very truly yours,

MARIN MARIETTA CORPORATION

Charles abor to transcript and

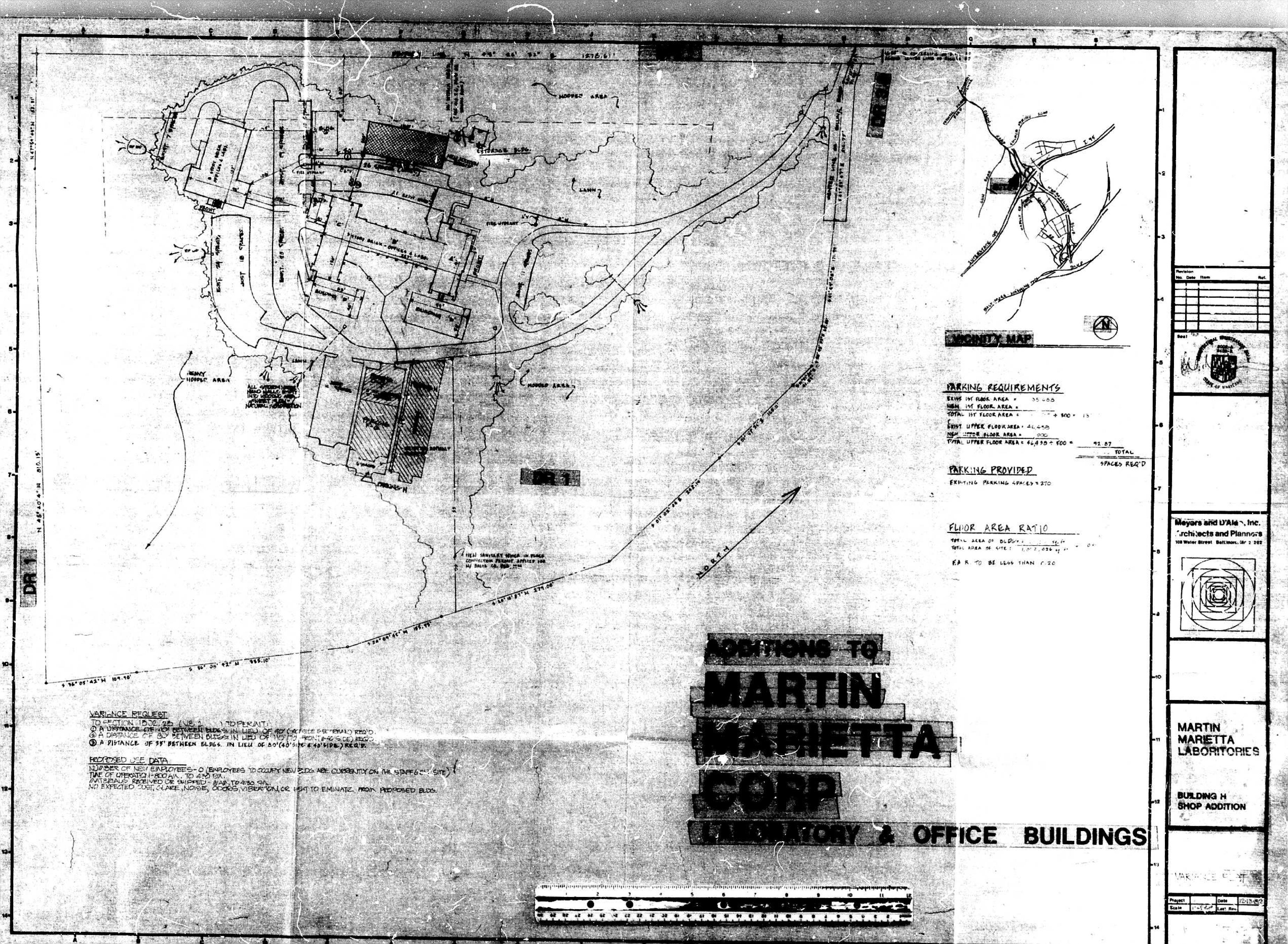
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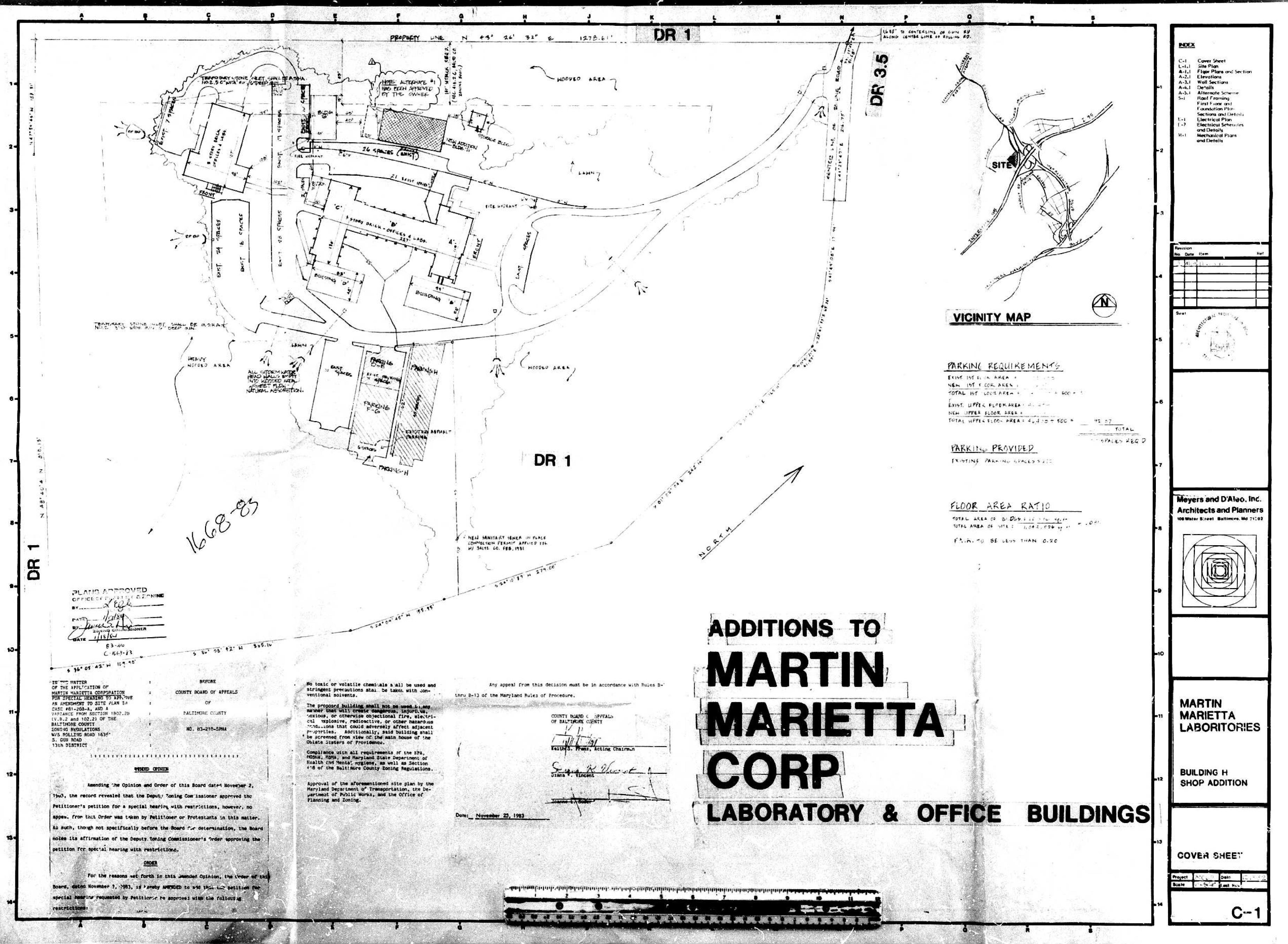
Based on the information you provide, there does not appear to be

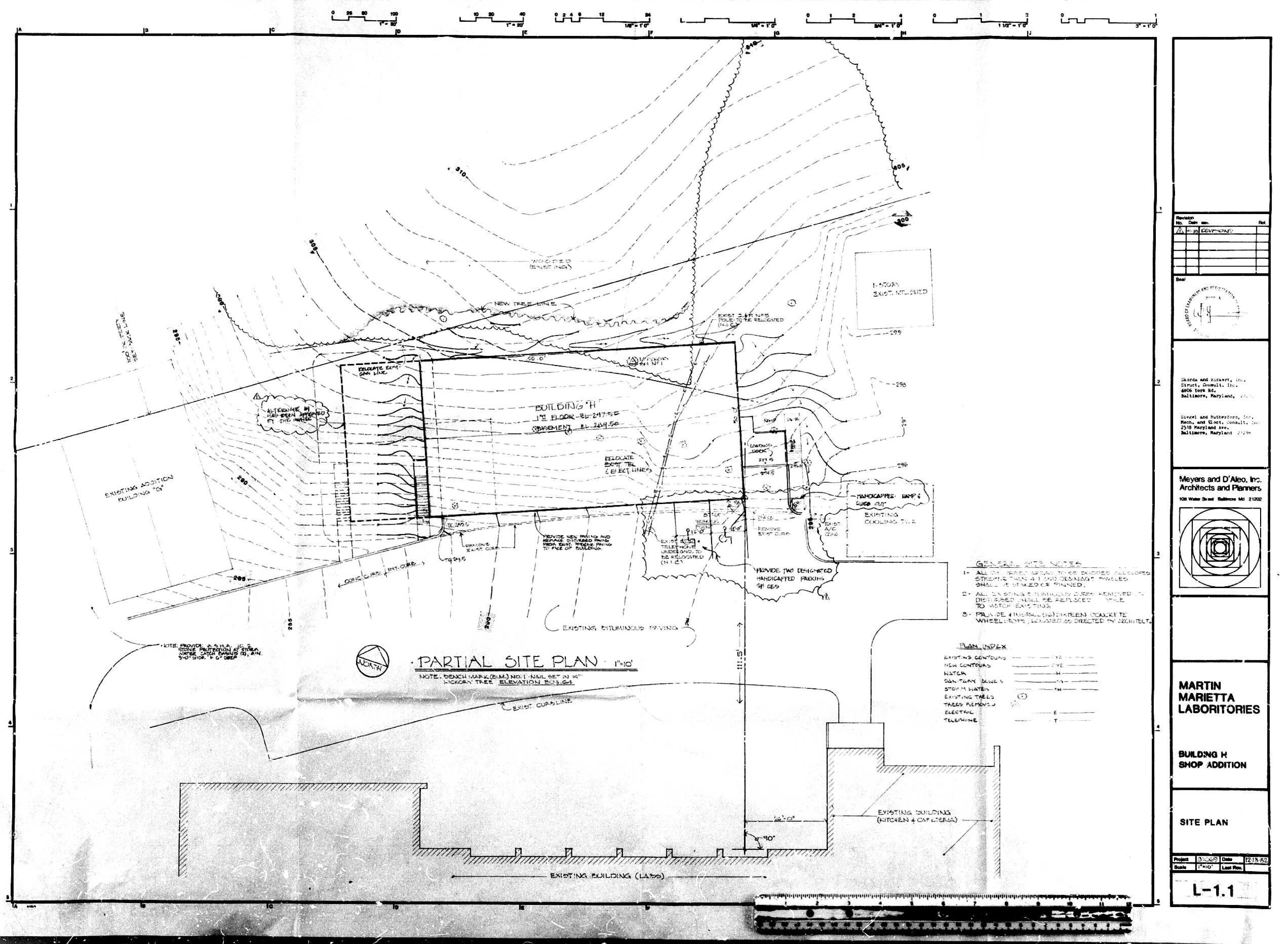
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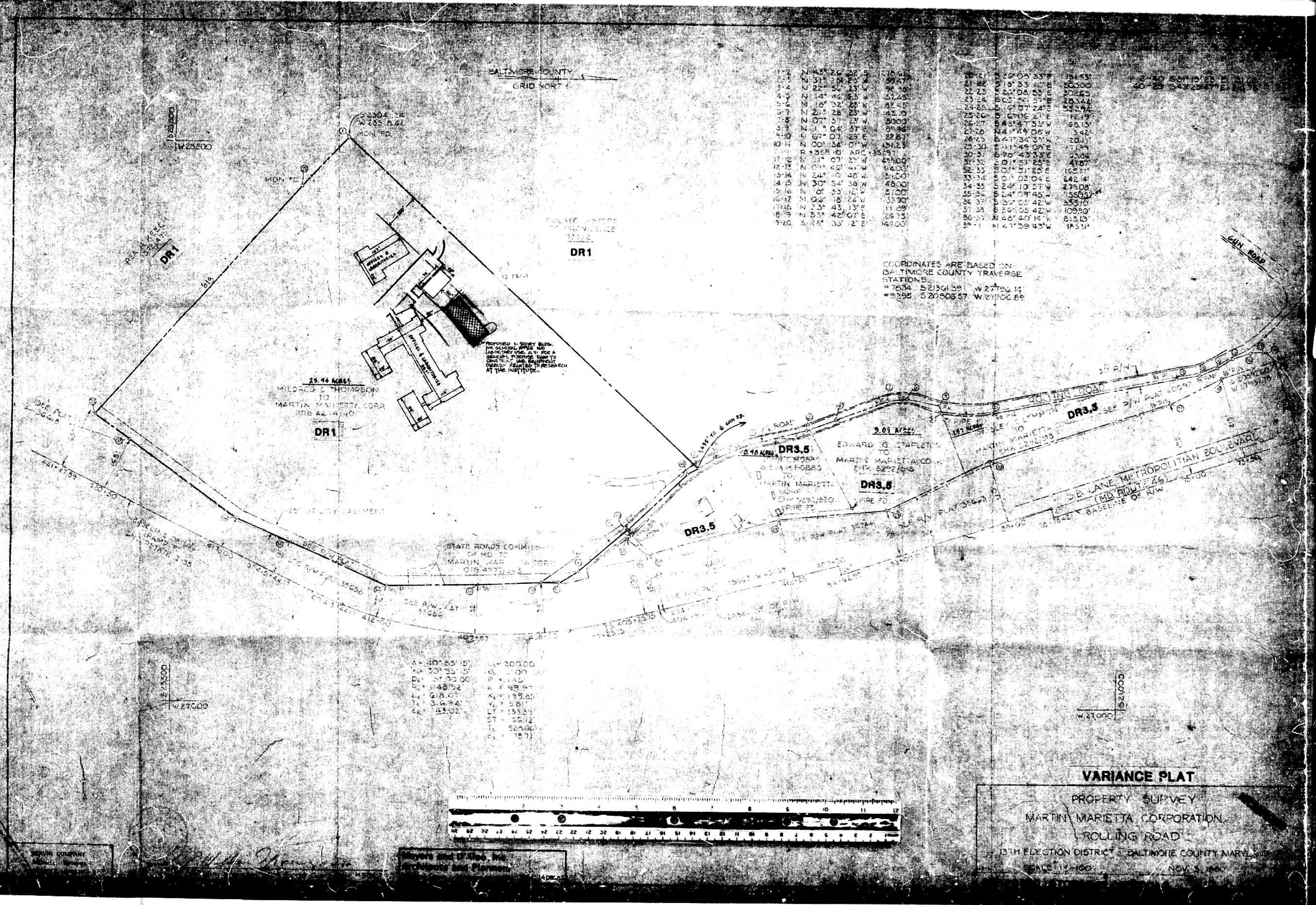
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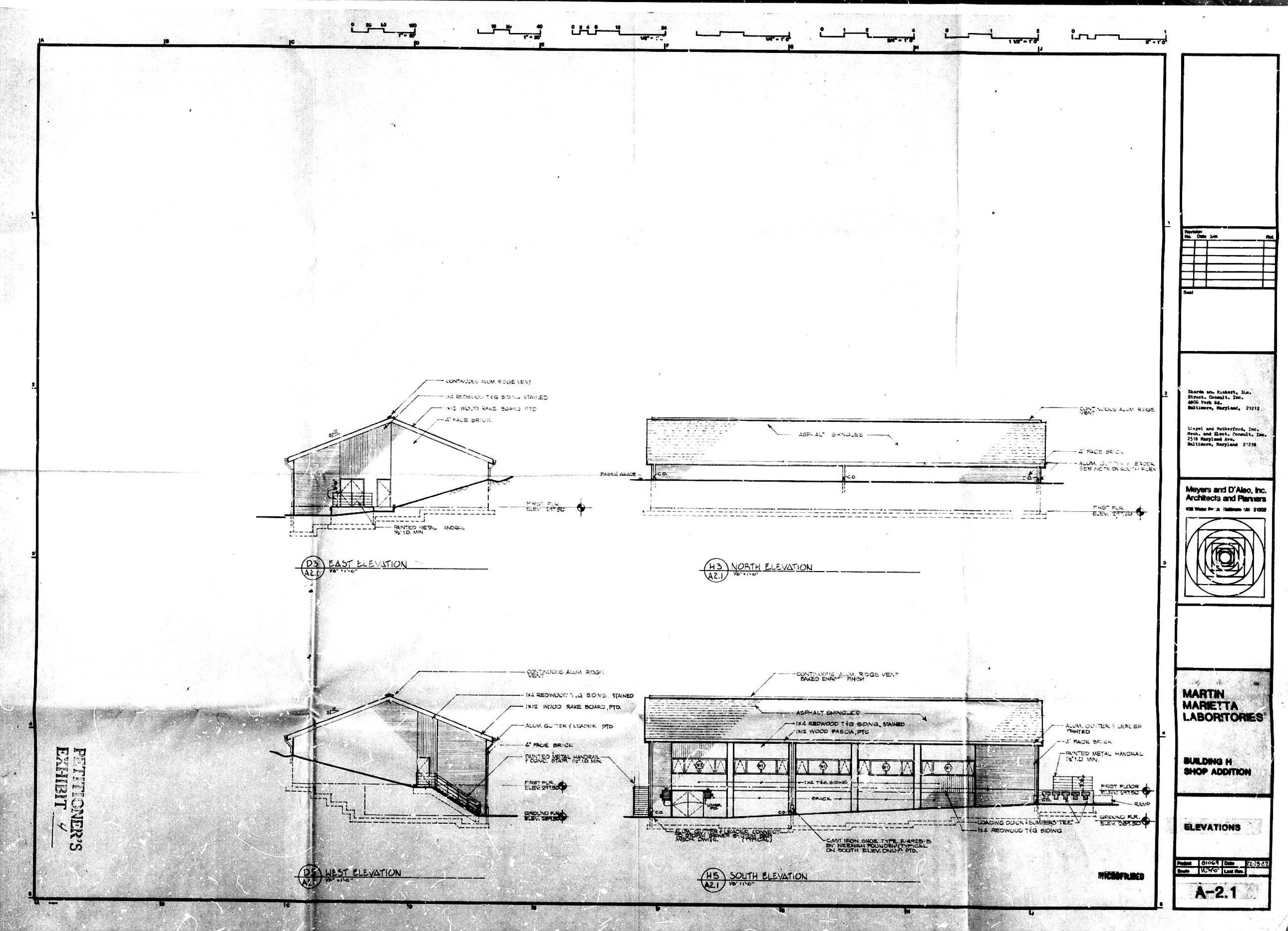
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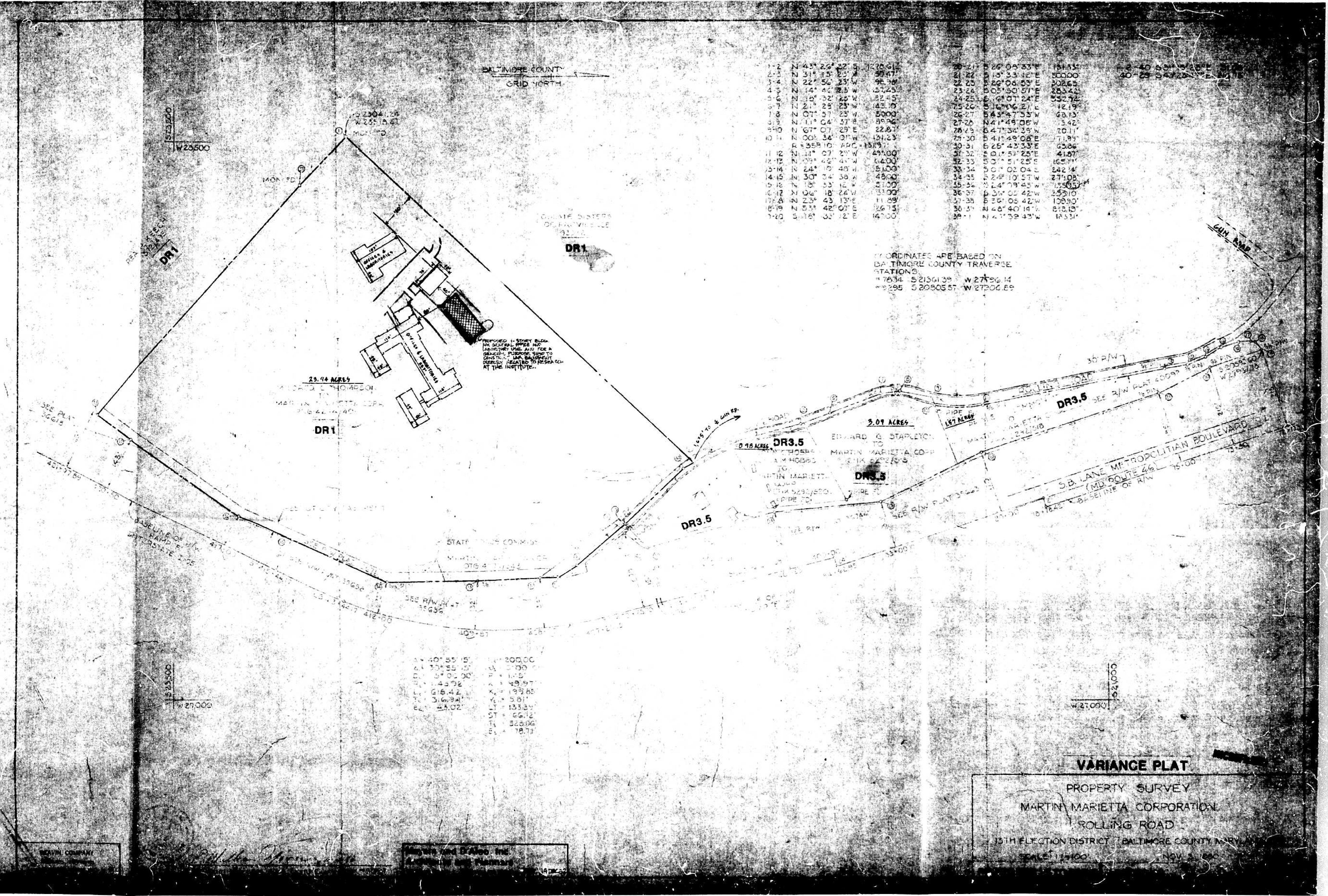


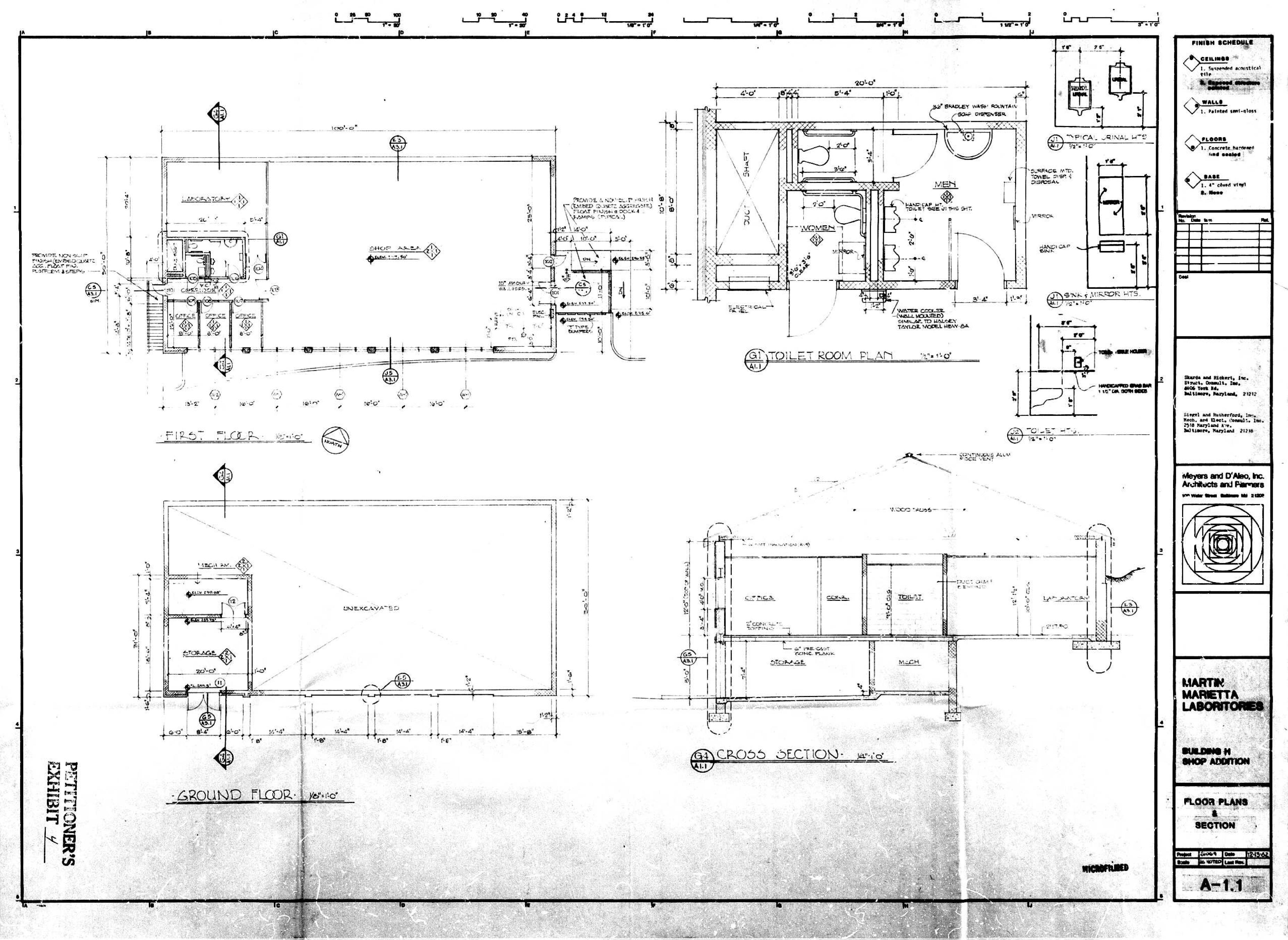


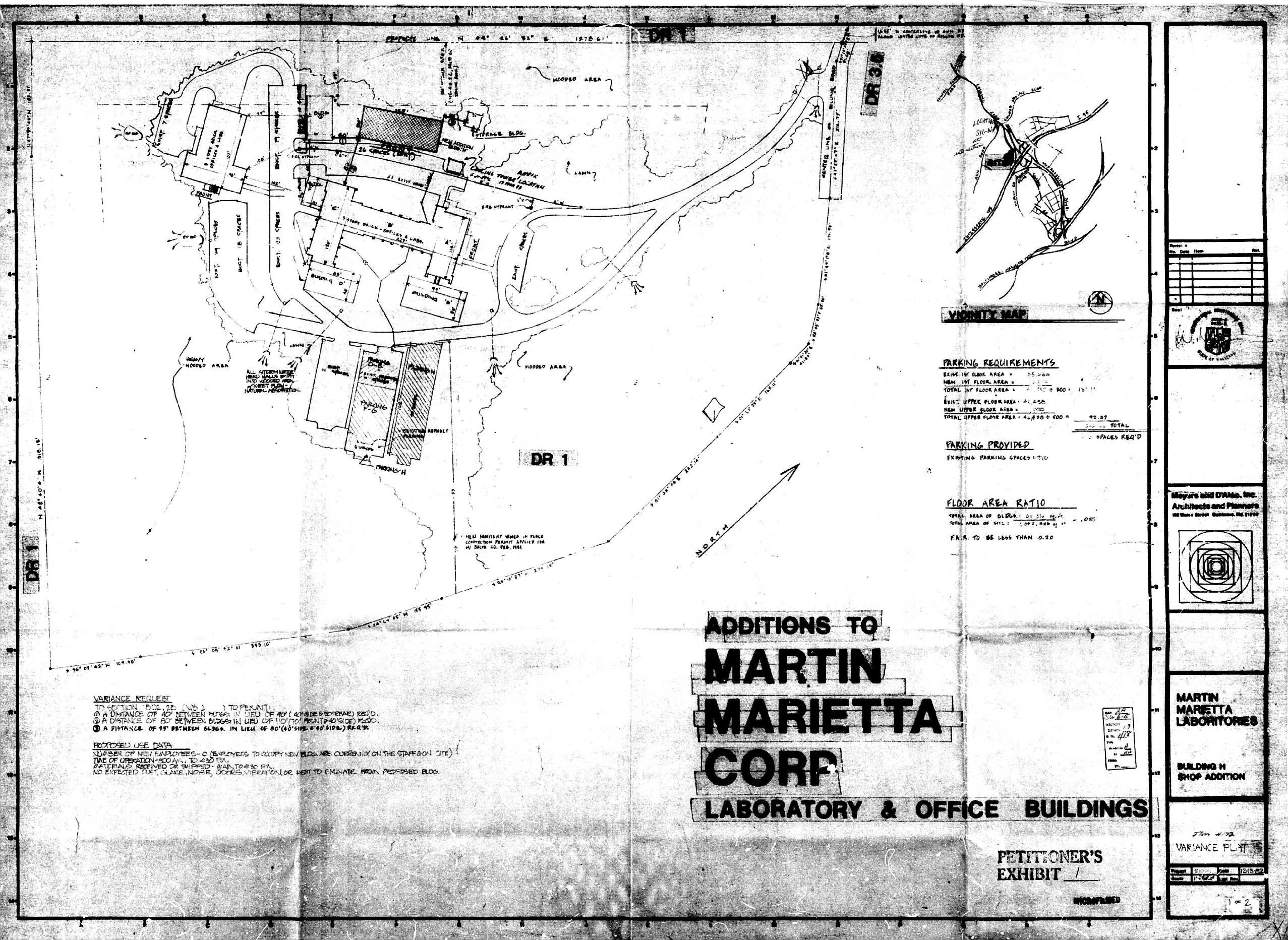


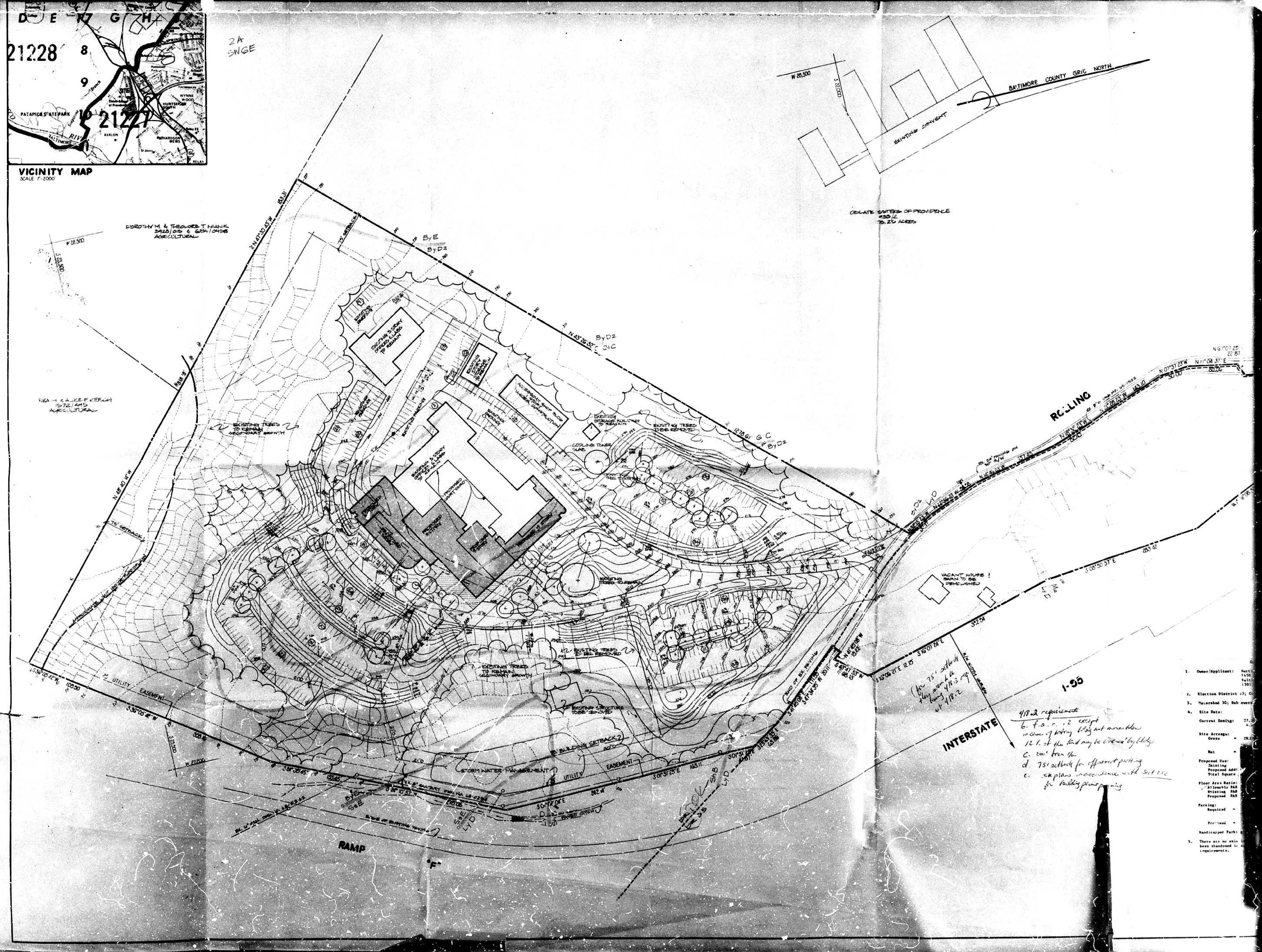




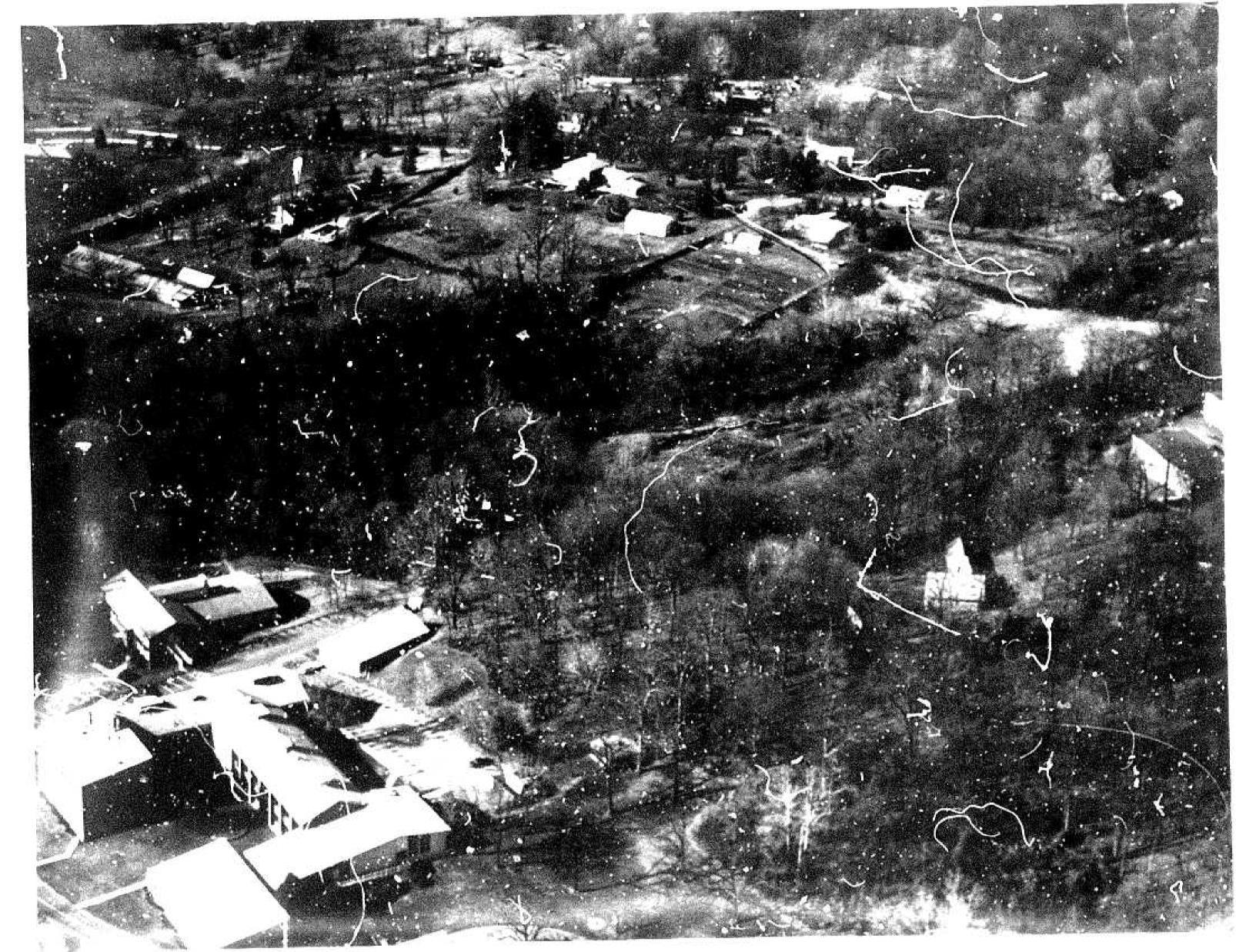




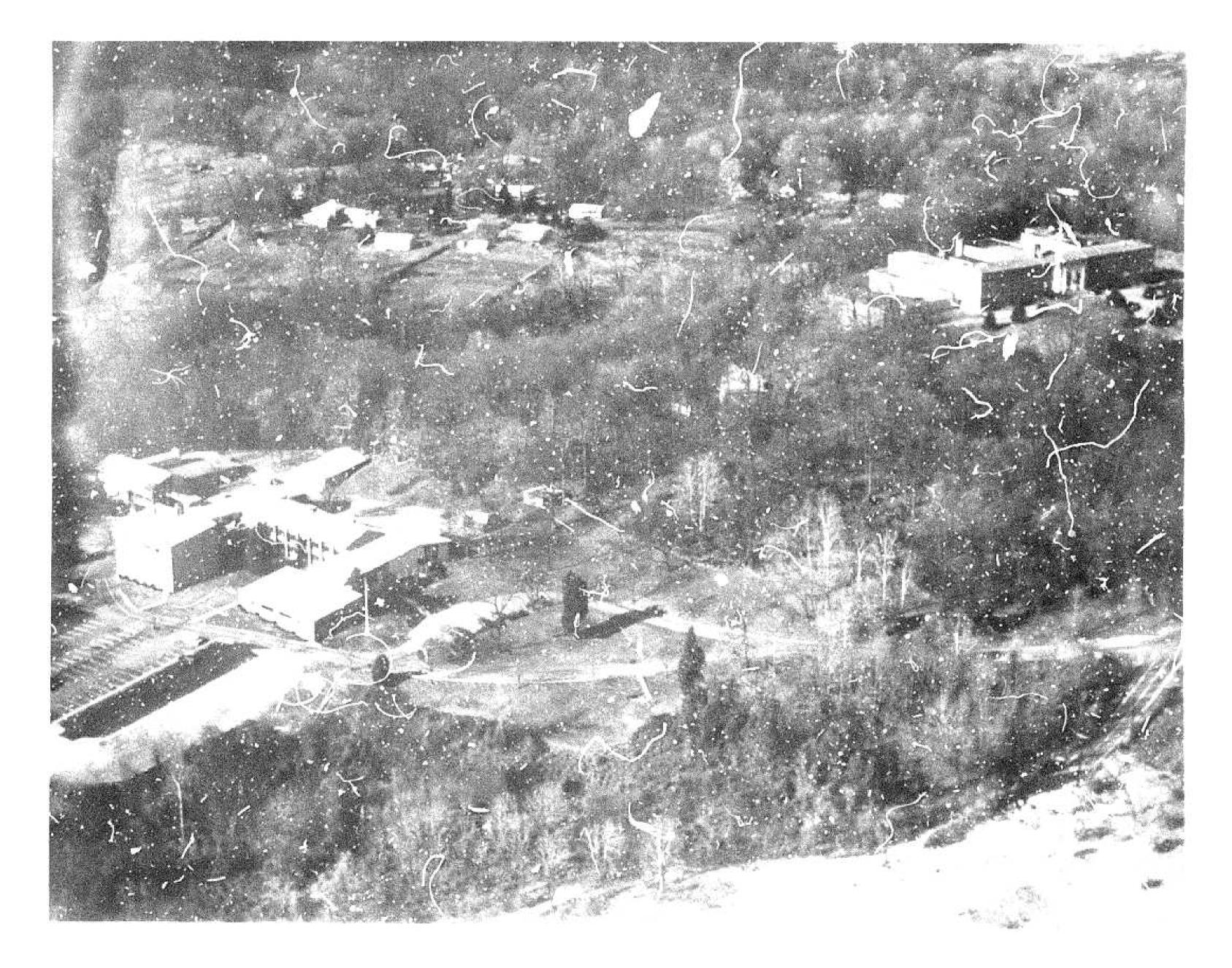








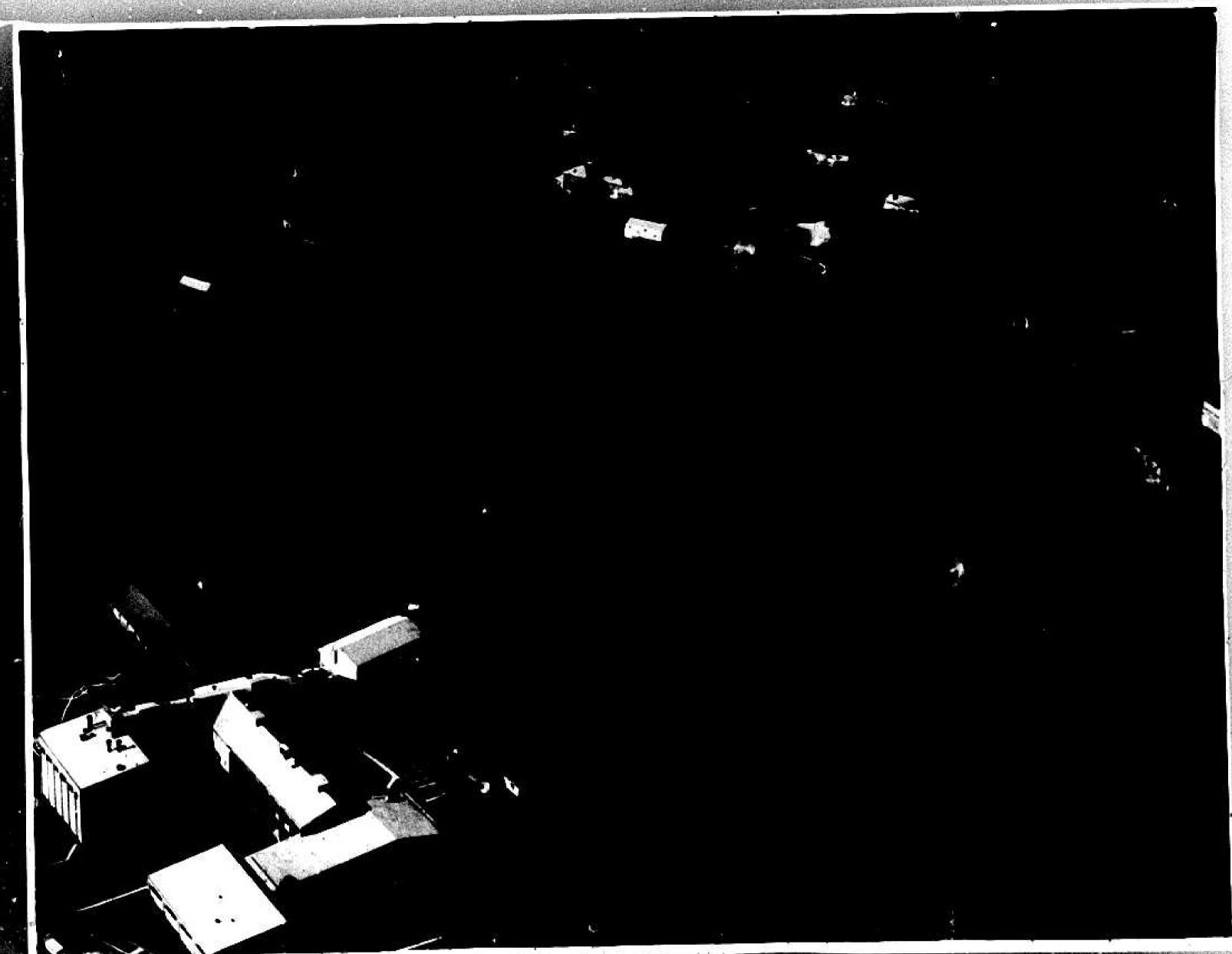


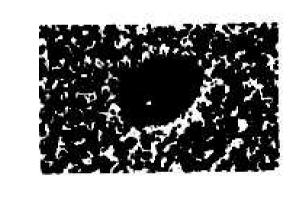


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Land and the same word



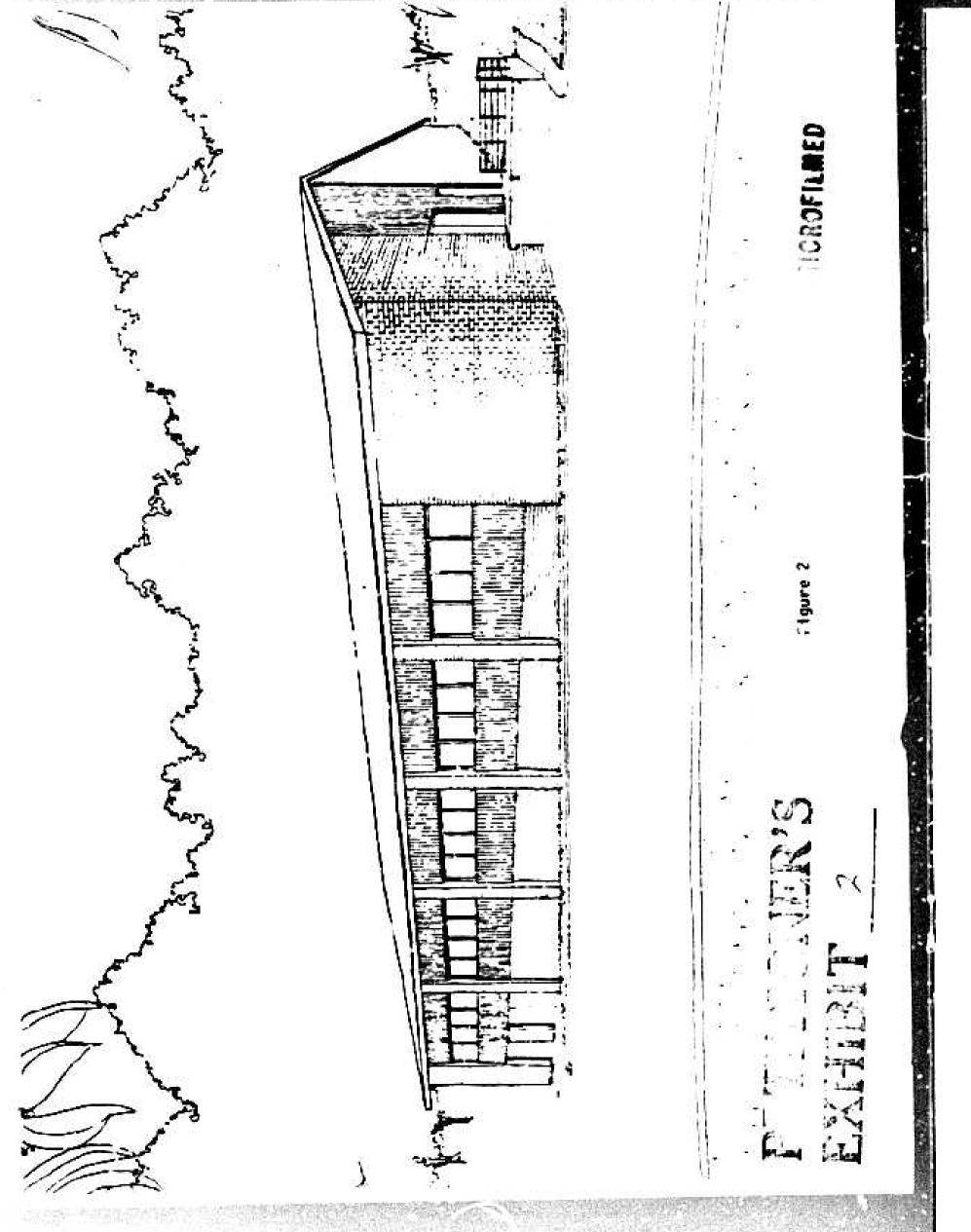




To question, and seek clear answers. To develop a sufficiently fundamental understanding of physical phenomena such that their behavior can be controlled, and put to our service.









BALTIMORE COUNTY EXECUTIVE OFFICE TOWSON, MARY (AND 21204 (301)494-2453.

DONALD P. HUTCHINSON COUNTY EXECUTIVE ND 21204 1 1

RECEIVED

BALTIMORE CO INTY

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OFFICE Use 1 Just G

AND ZUITEG

Dr. David Goldheim, Director Business Operations & Ventures Martin Marietta Laboratories 1450 S. Rolling Road Baltimore, Maryland 21227

Dear Dr. Coldheim:

Case File# C-83-963 "183-210-59:1A

The expansion of facilities at Martin Marietta Laboratories in Saltimore County is most welcome and is fully supported by my administration. I have been advised that concept plans for the enlarged research campus ": Rolling Road and I-95 were approved at the County Review Group meeting on Wednesday, May 2, 1984. The proposed expansion entails an unlargement of existing buildings by about 87,000 square feet and can be accomplished within the existing DRI zoning classification. I have directed all agencies and departments of County government to continue to land their full cooperation and assistance to ensure the timely development of this most important project.

Additionally, I am aware that the Office of Flanning & Zoning, in response to County Council Resolution 2-84, has recommended a new soning classification to accommodate research laboratories and institutes at opportune locations throughout Baltimore County, including the site occupied by Hartin Marietta Laboratories. This recommendation has now been unanimously endorsed by the land-use committee of the Planning Board and will be offered for full Planning Board wote on May 17, 1984.

However, Decause the proposed new zoning classification with spendments represents a change to the DRI land use allowances and their affect on Martin Marietta Laboratories, I wish to assure you specifically of what the County intends and does not intend by this zoning legislation.

First, the County does not intend to create a non-conforming use for research institutes and laboratories at your sits or others through-out the County that have this use through DR1, DR2 or DR3.5 soning.

Second, the County does not intend to enact any change in land use regulations that impedes the operation of Martin Mariettu's research facility as presently constituted or as planned for the future.

Third, the County does intend to provide your site with the necessary soning classification that specifically allows research laboratories and institutes. Dr. David Goldheim May 7, 1984 Page 2

Fourth, the County recognizer that the Mertin Marietta Corporation's decision to expand represents a substantial financial investment at its research facility and that the corporation's ability for future expansion at this site is of great importance. The County Council and I mutually support the long-term and future presence of Martin Marietta Laboratories and look forward to continuing County support through the soning map process. This will be done in accordance with our separate suthorities under the County Code and as is consistent with the Boltimore County Master Plan, 1979-1990.

This project has my enthusiastic support and I am committed to continuing the confident working relationship between the Martin Marietta Corporation and Baltimore County.

Sincerely,

DONALD P. HUTCHINSON County Executive

OC:

Honorable Bonald B. Hickernall Mr. Kenneth D. Dryden, Chairnen, Baltirore County Plenning Board

BCC:

Robert Manon Bornen Berber

8.7

COLTRACON BIVE. C. THE CHIEFANDLY HE HARRY PLAN DALFRADRE, MARYLAND BILL TELEPHONE (\$71) 250-0000 March 29, 1984 ZOMINE JEP- . .

Mr. Arnold Jablon Zoning Comissioner Baltimore County Office of Planning & Zoning Torone, 100 21204

Dear Mr. Jahlous

The Martin Mariatta Corporation plans to construct an addition to its research facility located St 1450 S. Rolling Road, in the 13th election district of Beltimore County. Under the requirements of the Baltimore County Development Regulations, the development plan will be submitted to and reviewed in detail by the County Review Group (CRG). In this connection, we have been requested to furnish to your office information and data which you may evaluate in your determination and advice to County representatives with respect to soming compliance of the present facility and operations and of the facility as it is planned to be expanded.

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The facility, which operates one shift & day, employs approximately 250 people. The majority of the staff are scientific personnel, most of when hold a Ph.D or Mesters degree in the sciences. The balance of the personnel are administrative, along with some maintenance and facilities personnel and a full time health/safety officer.

that the Martin Marietta facility is more than a research institute it is an educator in the environmental sciences and takes on aspects of a center of higher learning.

- 3 -

As is the case with any research facility, including college and university labs, the Martin Merietta research institute utilizes some substances which are classified as toxic and some solvents which can be voletile. The use of such substances is inherent in and essential to the operation of a research facility, and the acquisition, storage, use, headling and disposal of such substances is closely monitored, inspected and licensed by a number of Federal, State and County agencies. The agencies which monitor, imspect, license and control these activities of the Martin Mariette Research facility include the Pederal Environmental Protection Agency (EPA), the Pederal Occupational Safety and Health Agency (OSRA), the Naryland Occupational Safety and Health Agency (NOSRA), the Maryland State and Baltimore County Repartments of Health and Hygiene and the Maryland State Department of Matural Resources. In all its years of operation, the Martin Marietta facility has never been cited for any environmental violation or for any violation in connection with the use or disposal of toxic or volstile substances.

The Martin Marietta facility presently consists of approximately 90,000 square feet of spece, 60,000 square feet of which is located in its principal building. The present soming regulations permit a total development of 208,000 square feet of space on the site. Martin Marietta's plans are to construct am 87,000 square foot addition to its principal building. The new addition will house such needed modern research labo and clean rooms and office space for the scientific personnel, which will be serviced by the administrative functions, library, etc., presently located in the principal building.

Completion of the addition will provide employment for more scientific porsonnel and come administrative personnel. This will cause some increase in traffic. However, since the research institute operates only one shift and since the access is direct on Bolling Road, and does not pass through eny residential area, the impact of any traffic increase should be mil.

The proposed addition will be four storie:, with the lower level below grade. The roof line will be at the same level as the existing roof line. It will be located on the 195 mide of the existing facility, which is further removed from the closest neighbors, and it will not be visible to the maighbors. It will be designed and constructed in a way that no veriances will be required.



فالايوا

SELVE INDOANNESS TO STREET

5128 S. Aciliag Read Beltimore, NO 21227 December 13, 1983

1-16 5

and Taken

Dear Str:

I invite you to a discussion concerning a likely relationship between the Relay modelide and the Partin-Pariette Laboratory. Apparently smage from Martin-Anglette Lab is entering the County's smage pumping installation on Woodland Drive at a rate about four times greater than the facility was intended to handle when it was installad; and the overflow has been entering the ground close to the modelide and adding to the water table.

I have a scenerio to suggest as to how to handle this situation with a minimum of adverse publicity, and I will offer those suggestions at this discussion.

Those invited are: up to 3 representatives from Partin-Harietta. Harry Pistel, Donald Hutchinson, Hon Hickornell, Aracld vablom, William Sichbeum and Slade Castrider. Novody from this community besides me will attend, nor have they been informed - even the affected landouners.

The discussion will take place at the Relay Tam Hell on Arlington Avenue at 1 PM on Sunday, Dec. 16th. (Lawtories do not operate in the Hell over winter, but there will be heat.)

If meanwhile you can show that there is no connection between lartin-heriette leb's semme and the mudelide, places let me know as soon as not vible before the 18th.

Journally yours,

Tourston Griege
President

P.S. Since this was written, I have received your letter with enclosures, both of which were informative and helpful.

In this situation I believe the de facto "violation" was caused by the County, which failed to carry out its obligation to conduct suitable expineering management of the sever system. The fact remains, however, as I described on the phone, that Martin-Marietta's being there originated the offending sewage. I wrote to the State Health Department for help in this matter but heard nothing - telephone call not returned, either.

Ty own proposal for handling this matter is not based on filing a zoning complaint. It is not clear however, whether the parties involved will accept my solution - and even them, whether it will work independent of official zoning considerations. Indeed the affected property centre, in their struggle to reach settlements with Martin-Marietta and the County. Might insist upon a more public handling of the matter than I expect to propose - they might insist upon soming enforcement. I Leave it to pour discretion to determine whether or not you will some to the discussion in gelay.

fed, with at least 60 minutes between exposure periods

and provided that the daily TLV-TWA also is not encoed-

ed. The STEL should be considered a maximal allowable

concentration, or ceiling, not to be exceeded at any time

during the 15-minute encursion period. STELS are based

on one or more of the following criteria: (1) Adopted

TLVs including those with a "C" or casing" limit. (2)

TWA-TLV Excursion Factors listed in Appendix D. (3)

Pennsylvenia Short-Term Limits for Exposure to Air-

borne Contaminants (Penna Dept. of Hith., Chapter 4, 41. 432, Rev. Jan. 25, 1968). (4) OSHA Occupational

Safety and Health Standards, 40 FX 23073, May 26

1975. (5) NiOSK criteria for recommended standards for

occupational exposure to specific substances. The TWA-

STEL should not be used as engineering design criterion

c) Threshold Lamit Value-Ceiling (TLV-C) --- the con-

For some substances, e.g., irreant grees, only one

category, the TLV-G. Ing. may be relevant. For other

substances, either two or three categories may be rele-

vant, depending upon their physiologic action. It is im-

portant to observe that if any one of these three TLVs is

exceeded, a potential hexard from that substance is pre-

The TLV-TWA should be used as guides in the con-

Time-weighted everages permit excursions above the

trol of health hazards and should not be used as fine

limit provided they are compensated by equivalent ex-

cursions below the limit during the workday, in some

instances it may be permissible to calculate the average

concentration for a workweek rather than for a workday

The degree of permissible excursion is related to the

magnitude of the threshold limit value of a particular

substance as given in Appendix D. The relationship be-

tween threshold limit and permissible exhursion is a rule

of thumb and in certain cases may not apply. The

amount by which threshold limits may be exceeded for

short periods without injury to health depends upon a

number of factors such as the nature of the contamin-

ant, whether very high concentrations -- even for chori

periods - produce acute poisoning, whether the effects

are cumulative, the frequency with which high concen-

trations occur, and the duration of such periods. All-fac-

tors must be taken into consideration in arriving at a

mation from industrict experience, from experimental

human and animal studies, and, when possible, from a

combination of the three. The basis on which the values

are established may differ from substance to substance:

protection against impairment of health may be a guid-

ing factor for some, whereas reasonable freedom from

irritation, narcosis, nuisance or other forms of stress

The amount and nature of the information available

for establishing a TLV varies from substance to sub-

stance; consequently, the precision of the estimated TLV

is also subject to variation and the latest Documentation

should be consulted in order to assess the extent of the

The committee holds to the opinion that limits baced

on physical irritation should be considered no less bind-

ing than those bacad on physical impairment. There is

increasing evidence that physical irritation may initiate.

may form the basis for others.

data available for a given substance.

Threshold limits are based on the best available infor-

decision as to whether a hazardous condition exists.

ines between safe and dangerous concentrations.

surned to exist.

centration that should not be exceeded even instanten-

or considered as an emergency exposure level (EEL).

These limits are intended for use in the practice of industrial hygiene and should be interpreted and applied only by a person trained in this discipline. They are not intended for use, or for modification for use, (1) as a relative index of hazard or toxicity. (2) in the evaluation or control of community air pollution nuisances. (3) in estimating the lowic potential of continuous, unit, crrupted exposures or other extended work periods. (4) as proof or dispreal of an existing disease or physical condation, or (5) for adoption by . Juntines whose working conditions differ from those in the United States of America and where aubstances and processes differ.

Coiling vs Time-Weighted Average Limits Although the time-siciphted average concentration provides the most satisfactory, practical way of monitoring airborne agerits for compliance with the limits, there are certain substances for which it is anappropriate, in the latter group are substances which are predominantly tast acting and whose threshold limit is more at propriately based on this particular response. Substances with this type of response are bost controlled by a ceiling C limit that should not be exceeded. It is implicit in these definitions that the manner of sampling to determine noncompliance with the limits for each group must differ, a single brief sample, that is applicable to a . C. limit, is not appropriate to the time-weighted limit, heroa sufficient number of samples are needed to permit a time-acignted average concentration throughout a complate cycle of operations or throught \_1 the work shift

Vithereas the ceiling limit places a definite boundary which concentrations should not be permitted to exceed. the time-weighted average limit requires an explicit limit in the excursions that are permissible above the listed values. The magnitude of these excursions may be pegged to the magnitude of the threshold limit by an appropriate factor shown in Appendix D. It should be noted that the same factors are used by the Committee in determining the magnitude of the value of the STELs. or whether to include or exclude a substance for a -C "Skin" Notation Listed substances followed by the

designation. Skin refer to the potential contribution to the overall exposure by the cutarrous route including mucous membranes and eye sidner by airsorne, or more particularly, by direct cuntact with the substance Vehicles can alter skin absorption. This attention-calling designation is intended to suggest appropriate measures for the prevention of cutaneous absorption so that the threshold limit is not invalidated. Mustures. Special consideration should be given also

to the application of the TLVs in assessing the health hazards which may be associated with exposure to mixtures of two or more substances. A brief discussion of basic conside xions involved in developing threshold limit values for mixtures, and methods for their development, amplified by specific examples are given in Ap-Nuisance Paracurates in contrast to librogenic dusts

which cause scar tissue to be formed in lungs when inhaled in excessive amounts so-called nuisance dusts have a long history of little adverse effect on lungs and

do not produce significant organic disease or toxic effect when exposules are kept under reasonable control. The nuisance dusts have also been called (biologically) "ment" dusts but the latter term is inappropriate to the extent that there is no dust which does not evoke some cellular response in the lung when inhaled in sufficient amount. However, the lung-tissue reaction caused by inhalation of nursance dusts has the following characteristics (1) The architecture of the air spaces remains intact (2) Collagen (scar tissue) is not formed to a significant exact (3) The tissue reaction is potentially

Excessive concentrations of nuisance dusts in the workroom air may seriously reduce visibility. They cause unpleasant deposes in the eyes, ears and resal passages (Portiano Cement dust), or cause injury to the skin or mucous membranes by chemical or mechanical action per se or by the rigorous skin deansing proce-

dures necessary for their removal A threshold limit of 10 mg/m², or 31 mout, of total dust < 1% quarte, or, 5 mg/m² restriate dust is recommended for substances in these categories and for which no specific threshold limits have teen assigned. This limit, for a normal workday, days not apply to brief exposures at higher concentrations. Neither does it apply to those substances which say cause physiologic impairment at lower concentrations but for which a thrashold limit has not yet been adopted. Some auisance particulates are given in Appendix E.

Simple Asphyziants — "Inert" Gases or Vacors if numbr of gases and vapors, when present in high cocentrations in air, act primarily as simple asphymants without other significant physiologic effects. A TLV may not be recommended for each simple asphysiant because the imming factor is the available grycen. The minimal drygen content should be 16 percent by volume under normal atmospheric pressure (equivalent to a partal pressure, p0<sub>2</sub> of 135 mm Hg). Almospheres deticient in 02 do not provide adequate warning and most simple asphysiants are odoriess. Several simple asphysiants. present an explosion hazard. Account should be taken of this factor in limiting the concentration of the asphysiant. Specific examples are listed in Appendix F

Physical Factors It is recognized that calch physical factors as heat, utiraviolet and ionizing radiation, humidny, abnormal pressure (altitude) and the tike may place added stress on the body so that the effects from exposure at a threshold limit may be aftered. Most of these stresses act adversely to increase the loxic response of a substance. Although most threshold limits have built-in safety factors to guard against adverse effects to moderate deviations from nurmal environments, the safety factors of most substances are not of such a magnitude as to take care of gross deviations. For example, continuous work at temperatures above 90°F, or overtime is lending the workweek more than 25% might be considered gross deviations. In such instances judgment must be exercised in the proper adjustments of the Threshold Lemit Values Biologic Limit Value: (of Vs) Other means exist and

may be necessary for monitoring worker exposure other than relance on the Threshold Limit Values for industrial air, namely the Biologic Limit Values. These values represent limiting amounts of substances (or their uffects) to which the worker may be exposed without hazard to health or well-bed-u as Gelermined in his bissue, and fluids or in his exhaled breath. The biologic measure ments on which the BLVs are based can furnish two

Dangerous Properties of Industrial Materials

Fifth Edition

# N. IFVING SAX

Marity: C. Bracken/Robert D. Bruce/William F. Durham/Benjamin Feiner/ Edward G. Fitzgerald/Joseph J. Fitzgerald/Barbera J. Goldsmith/John H. Harley/ Robert Herrick/Richard J. Lewis/James R. Mahoney/John F. Schmutz/ E. June Thompson/Elizabeth K. Weisburger/David Gordon Wilson

> PROTESTANT'S EXHIBIT\_2

WAN NOSTRAND REINHOLD COMPANY
NEW YORK CHICAGNATI ATLANTA DALLAS SAN FRANCISCO
LONDON TORONTO MELBOURNE

	WALE	ES	TENTA	MES	<u> </u>		ADOPTED VALUES		TENTATIVE VALUES	
ALCO TOURS	710		87	TOTAL CONTRACTOR OF THE PARTY O		10000000	14	100	51	
Behalvace	bba	mg/m 3"	Som.	mg/m³		Substance	Com	und , m ,	b3w	The second second
Bispheno! A, see		1102020			-	Carbon monowide	52_		400	440
Diglycidal other (DGE)	0.5	3.0	-	20		Carbon Netracromide	0 1	14	0.3	
bearuch tellunde	-	10	_	20		Carbon tetrachionete — Sain	10	65	20	130
Bornuth teltunde, Se doped	(200	5	12000	10		* Carbonyl chloride	10	03		
Gerates, tetra, sedium	-	1090	100	3.500		(Phospine)	0.1	0.4	100	100
sats.						* Carbonyl fluoride	5	15	-	-
Anhydrous	-	1	-	_		Catechol (Pyrocatechol)	5	20	-	
Decallydrate	-	5	_	-		Cellulose (pager fider)	- 2	E	= 2	20
Pentahydrate		1		**		Cesum hydroxide				- 2
Boron guide	-	10 10	-	20 30	·	Chlordane — Shin		0.5		
Boron tribromids	- 0	2		30		CORRECTIVE - SAIN	223	35	110	
	01	0.7	0.3	- 2		Chineses deneral	- 50			- 12
Bromme pentalluoriste	0.1	C 7	0.3	ž		(416)	-	0.5	-	2
Bremeckeremethene/						Chlorine	1	1	1_	9
Contradinguisment -	200	1,050	250	1,300	W-1-1	Chipres donds	0.1	6.2	0.3	0.9
Grampiana Shin	0.5	•		-		C Chierre tribunide	0.;	04	200	
Bradere (1,	1.000	9.944	1.040	0.000		a -Chloracetr-tel-you	50		77	- 5
3-buladiene)	1,000	2,200 1,430	1,250 750	1,760		(Pringer chloride)	0.05	0.3	-	-
Butane			130	.,,		Cit' or Bargere				
morecular	0.5	1.5	300 <del>00</del> 3	-		(Monachiorobanzane)	75	350	-	-
2-battation	200	590	330	885		o-Chioroboruyldene	215			
2-Butamethanol (Butyl Calipsolve) — Skin	To describe to	100000000		1000000		melaneitnie — Skin	0 05	04		_
Company - Skin	50	240	150	720		Chlorotromomethene/	200	1,050	250	:,300
n-Bulyi acutate	150	710	200	950		Bromochieramethere 2-Chloro-1, 3-butatione.	200	1,000	270	.,,,,,,,,
noc-Bullyl acetale	200	950 95u	250 250	1,190		see B Chloroprena —				
Bright scryiste	10	55		100		Skin	25	90	35	125
n-Butyi atophol — Shin	50	150	_	_		Chioraciffuoromeths:se.	1,000	3 500	1.250	4,375
sec-Sulpt cicehol	150	450	-			Ohlorodiphenyl (42%		17.45		52
tert-Bulgi alcohol	100	300	150	450		Chlorine) Skin	-	1	_	2
Buty Lines — Shin	5	15	-	-		Chiaradiphenyi (54%				
tern-Busyl chromate (se CrOs) Shin	200	0.1	82538	225		Chierne) — Skin	-	0.5	5-0.0	3/94
n-Betyl glycidyl siller	-		-	-		1-CNore, 2.				
(868)	50	270		-		3-epoxy-propers (Epichiorhydrin) —				
n-Bodyl tactabe	5	25	-	-		Sin	5	20	10	40
Bully! Corcuption	0.5	1.5	=			C 2-Chloroethanol	0.50	55		
p-teri-Bulytotene Calimium, dust & salts	10	60	20	120		(Ethylene		925		
CHEMIUM, BUT & SINS	The The Control of th	0.05		0.2		chlorohydrin) — Skin	. 1	3	3.5	7
(as Cd)				W.2	-	" Chloroethylene (Vay)	****		14.14	
Co.	100	0.05	-	- 1		chlorate)	(A1c)	-	(A1c)	-
Coamium code		200				(Trchloromethane)	10. AZ	50. AC	_	
protection (as (d)	-	(42)	100			bs-Commeny ever	0.001	Ala		Ala
CONTRACTOR OF THE PARTY OF THE				-		1-Chloro-1-mire-progume	20	100	330mi	100
Markle	-	E	(45)5	20		Chiorepicrin	0.1	0.7	0.3	0002
Catcium pregnate (as An) Catcium opposition		05		7		" A Charagione — Shin	(25)	(90)	(35)	(135
Catalan by drawing		* 5	_			(Dursten <sup>®</sup> ) — Skin		0.2	- 1	0.6
Calcium oxida	-	2	-	2.0		o-Chlorostyrene	50	285	75	430
Complete, synthetic	2	12	3	10		o-Charatowene — Shin	50	250	75	375
Coprelectors	10.2	- 5				2-Chiero-		100	F 22	100
Deat	-	_1		3		6-firshipromethyl		17725		E 39
- New restaurance are	5	20	10	40		pyriphre (N-Srric <sup>®</sup> )	+-	10	-	20
Capacital	1	0.1	115425	12000		Chromates, certain	2.5393	444 44		122
(Distance <sup>®</sup> ) — Skin				15		insoluble forms	-	G.64, A1a		Au
Corbon (Sovin)		5	o T	10		Chromates, (as Ur)		0.05		
Carbohran (Furador <sup>a</sup> )		01	255	- 14		* Chromos ore processing	2000	0.00		-113
Carbon block	V/2003	3.5	27.7.4	7		(chromate), as Cr	2.5	0.05. Ata	120	7-1
Corbon diquide	5,600	9,000	15.000	19,000		Circleson, Sel				
Corton	<b>计图</b> 定			The state of		chromic chrome .	CETY	1 1 1 2 2 2 2 E	11545	
Charles Shire	(40)	(60)	(30)	(30)		salts (as Cr)	-	0.5		-

THE HISTORICAL PERSPECTIVE 17

12	WAL	+ . (D UE3	WAL	ATIVE MES	A	1944	PTED LUES		ATING.
29552-0050	N	NA.	\$1		ATMAT		MA .	1 10.750	TEL.
- Company	Ma.	mp/m³"	bûm	mg/m.	Substance	blus ,	mb/w <sub>2,.</sub>	60m*"	600/sp.a.
Cognition (Coydent <sup>®</sup> )	-	10	_	20	C 1, 1-Dichero-1-	363		A THE ST	
(Son Particulate					neroethane	*0	60	-	
potrojetie aromatic					1, 2-Dicktoroprogene				
hydrocarbons)	3223	0.7, 314	8210	Ata	see Propytene desirence	75	24.6		210
other makel, dust and		W L . 1750			D-Chlorged/ Whyoro-	13	320	110	510
tyme (as Co)	-	(0 1)	-	9-2	Spirit and	1.000	7.000	1.250	8,750
seper Name	1	0.2		<u> </u>	Dich savos (DOVP)	1.000	1.000	1.630	0.730
Dusts & Mett (as Cu)	322	1		2	— San	0.1	()	0.3	3
manual (Ab Co)		E	-	. i	Dicretophos (Bidrin*) -				- 57
den Buti, tea	-	62*	-	0.6	Sain		C 25	-	2 20 <del>44</del>
of property	1000	10	(2 <u>10</u>	20	Dicyclogentadiene	5	30	-	
esol, ali					Dicyclopentatienyi won	_	10	_	20
100/70/5 — 3kin	5	22	-		Dielers - Skin	-	0.25	-	0.75
	2		•	35	Distriptament	25	75	-	- 1
	50		-	20	Deflylationalitional —				
mons — Shin	0.00000	245	75	345	Sten	10	- 52	_	-
series, as CN — Shan	_	2	-		Destrytene tremine	72	394	100	
	10	- हो	-=		Shin Dannyi ether, 1 ve Ethel	13		_	1.55
	300	1.050	375	1,300	Ostodi distali 7 di Elishi	400	1,200	500	1,500
chipmans)	50	200		.,	Derity's photostate		1,200	360	1,500
Ciphosenere	50	200	_	_	Diffuorationgmomethers	100	860	150	1,290
defende	580	1.015	122	1109	C Deglycolyl asher (DGE)	0.5	- 73	120	
eista — erioritario	10	40	-	-	Differentianane, see	100000	) <u>Ş</u>	144	598
dapartona	75	200	150	400	Market Control Con	-	2		. 4
4-D (2, 4-Diphenesy-					Overbulyi batene	25	250	_	_
assite ocid)	***	10	**	20	Overgregyternine		n maun		
37 (Richtensdighenyl-		20		142	_ <b>DA</b>	5	20	-	-
NP. see Debisones —	-	1	-	3	Dimethespinishens, ses			100	0000
	9.1		0.3	3	MyDyld	1,300	3,160	1,250	3,875
seborges — Brin	0.05	0.3	0.15		Contraction approximate	460	72966		2000
Mater - San	0.81	0.1	0.63	0.9	Shin	10	35	15	50
teriore risultal		516		0.01	Cydrigs	A2	AZ.		
14 Indian 4 materi	1007				Density/service	70	16	85.5	1 000
2-gordgages)	50	240	75	360	Describeration and		2000	100	-
(4 Appropriate America) 2-postpagne) 2-Stormontone, see					Denotrykeniesbercene, see Nyklane — Skin Denotrykenies (N.	3	25	10	30
CT-910 SECTION	10	25	-	-	Dentificanian (N.	100	77.23	63	1.00
- Con	-	0.1	-	0.3	N-Dampthylamine)	533			
	0.2	0.4	-	-		5	25	10	50
***************************************	0.1	0.1	-	1 <del>-4</del>	Demolitudisament see				
2-06:5-200000					Nytone - Shim	100	435	150	630
(Rights Chrosts) — San	1044	-	1000	10000000	DemoStyl-1,	40.00	250/6		15555
	(20)	(195)	(30)	(220)	2-darame 2-dehicroshy	r e			
	3750	3	775	•	phosphale, see		200	12.5	
-95	. 2	14	4	20	Dittem	-	. 3	_	T
طباعين الرابا	1		- 2	10	<b>bo</b>	16	30	20	
Pine	100		150	10	2.80		1105	-	
	0.1	0.4		- 2	the Brooker torres	25	150	1000	_
	80	360	6 6	_	2. (-Ornsthyl-Haptenene, see Ornsthyl-laster. 1. 1-Ornsthylaptensee			3717	
	75	460	110	675	- Ban	2.5	1	1	2
Marchaeller			SVA	141	Description	-			10
8ab	-	N2	100	N2		0.1, 82	0.5, A2		100
	1,000	4,060	1,250	6.200	Outbrobengere (ell				
3-Captagog-5. S-Canadhyl Syclestown			R U.S.	- 447	bomore) (thin	0.15	. 1	0.5	. 3
		0.2	-	0.4	Dantro-o-crosel — Shin .	1	0.2	-	0.0
1-Dubingophare	200	810	250	1,010	3, 5-Onine-ostatemen	2		SE.	1
- Distriction	(100)	(200)	(75)	(380)	(Comm*)	-		-	10
2-Debt, restryions	367	799	250	1,000	Distribution - Drin		1.5		
	12 22	20	N.	- 60	Double, tech. grate	-	444	Albert .	THE AN
Maria Maria, see		HE ST	E Was	Consulation of	Danillon (Cultur) —	50	180		12 14 20
Maliyana players	(200)	(700)	(250)	(B70)		2.73	0.2	10.51	1370
Management				Transfer of	Diphoryl, see Diphoryl	0.2	13	0.6	- 7
	(1,000)	,4,900		1 S		4.6	10	0.0	23
ATTACK THE PARTY OF THE PARTY O	MERCANICAL IN	the Free Vi			THE RESIDENCE OF STREET OF CHARLES AND A STREET	WEST	Maria S	E. 10 C.	2.000
AND PERSONAL PROPERTY PROPERTY AND PERSONAL PROPERTY AND PERSONAL PROPERTY PROPERTY AND PERSONAL PROPERTY AND	100	rs/coartile	#ESENIO	CALHAZZENI	197 Adda.		SPECIAL SE	KUTHPAK	_ 5252H1

16 SECTION I

	WAL	PTF9 UES	MAL	ATTWE LIES		19 <del>-8</del>	7.7	SPTED AMES		a True DES
-	- 71		\$1	The second second				1986	8	MIL
Substance	blan.	mg/m <sup>3</sup>	bbw.	mg/m³		- Publishers	100.	M 14.	Ma.	mg/m³
C Dephenylmethane disocyanate, see Methylorie baphanyl isocyanate (MDI)	0.02	0.2	. <u>120</u> 6	45		Ethy ene gi (co) monome my i ether acetate (Methy) cellosoly / acetate) —				
Digrappione plycol						San	25	120	35	170
methyl other Skin	100	COO	150	900		Estyleny daide	50		75	135
Great Di-sac, octyl phthelate (Di-2-ethystapyl-	_	0.5	-	(A)		Emfenmer — Sain cthylogene chloride, see	0.5	Ť		<u>11</u> ( 2008)
picke(gay)	9150.5	5	2.	10		1 1-Dictionathere C Ethylidene nordomene	500	810	250	1,016
Owe House		ž		3		II-Emysmorpholine —	5	25	-	
Depotes — Bun	-	0.1	-	0.3		Skin	20	94		-
2. 6-Bays bulyl-p-cresol		10		las.		Fensicitathian (Dasane)	1	0 1		-
Dewon	_	10	=	20		Ferbam	-	:0	-	20
Cylonain	- 20	61		=		ferrovanao um dust Fluonde (as F)			-	0.3
Emery		E		20		fruorine	7	5.5	-	
tredsturten (Thinkley )		5 (225)		983	,	Floor British or principle ne	1.000	5,600	1.250	7.000
— San Endra, — San	-	0 1		0.3	SITIO	C formeldely de		3	-	
" Epichterhydna Shin	(5)	(20)	10)	(40)		Formamege	20	30	30	45
(Pt - 30)	-	6.5	199	2		formic acid Furtural — Siun	:	. 0	-	-
1. 2-Eponygrager s. see				A		Furhayi stocks - Shin	3	20 29	15	60 40
Propplete avide	100	240	190	360		Gasobne		82	<u></u>	82
2. 3-Epoxy-1-proposol.		- 44	25	200		GOTTON TOTAL GARGE	0.2	7.6	06	1.0
the Gyratel	50	150	75	225		Glass, Norous" or Out		10	-	_
Ethanethick, see Ethyl	ार	_				"C Gautarateshyde, activated or unactivated				
merceater	0.5	,	2	3		Glycer's mgr		(0.25)	_	7
Ethanatamine	3		6	15		Gycatol (2. 3-Epony-				
Ethian (Halase ) — Sain	-	0.4	-			1-propenol)	50	150	15	225
2-Ethanyethanai — Skin 2-Ethanyethyi acciste	100	370	150	560		Cycol monosthyl other		349900	350	18000
(Collegates assiste)						nee 2-Ethogrethanol — Skin		Contract of	Contraction (see 2.1.)	10000000
3.m.	100	540	150	810		Graphite (Synemetric)	100	378	150	540
ETY BLOOD	400	1 400	-			Guttion* see		150	-	
Ethyl acrylets — Skin	1 000	100	-	-		Atinghes-methyl —				
Ethyl alcohol (2thana) 2thylanina	1.000	1.900		-		3430 - 111	700	0.2	<del></del>	06
Ethyl sec-amyl latone	570		100	0.000		Gypsun Historyo	<u> </u>		***	20
(4-Marryt-3-						ttetun	7	0.5	7	1.5
hepterone)	25	130	-	-		Heptochlor Skin		0.5		
Ethyl benzene Ethyl brumide	100	475	125	545		Heriane (n Heptane)	400	1.600	500	2.000
Ethylbulyi ketone	200	890	250	1,110		Hexachlorocyclopenta-	24,524	-0404	22/22/07/1	0.000
(3-Nectanone)	50	230	75	345		Mesachigraphique —	0.01	0 1	0.03	0.3
Ethyl chloride	1.800	2.600	1.250	3.250		Shri	1	10	3	30
Ethyl ather	406	1.200	500	1,500		Mexachioronaghthalene	50	5.75		3.000
Ethyl formula	100	300	150	450		Shin	-	0.5	20 <u>20 </u>	9.6
" City sites	(100)	(850)	2	3		Mesafriorgacatoria Mesafri (n-hasana)	0 1	0.7	0.3	2
Ethylane			- 7	_		. Hermiteliki	100	360	125	450
C Exhylene chlorohydrin	1					phoubhoramide				
39	1	3	-	-		Shin	42	A2	99	1.0
Ethylanedamine	10	25	-	-		2-Houarone see Methy!	7626	9511	0.0023	33338
1, 2-Dipromonthane	(20)	(155)	(30)	(230)		Dutyl belone — Shiri Hexone (Methyl isobytyl	25	100	46	165
Ethylene Octionde, see	4.7	1.7	1307	16-341		hetone) Sain	100	410	125	20.68
1.2-Dichlaresthuse	(50)	(200)	(75)	(300)		sec-Henyl acetuse	50	300	160	SIC
Ethylane glyco	1					C Heaviene plycol	25	125	-	
Portcuste .	100	10	Z	20		Hydrane: - Sen	0 1 AZ	0 1, A2		-
C Ethylana Olycol dimersia	100	250	125	325		Podrogen				
942 or goulditein						Hydregonated terphenyls	0.5		-	-
— She	97	2	3000			Hydrugen bromete C Hydrogen chlorete	3	10		3000
<b>以外是是不是那种的</b>	HE I	The second		THE			7	(50)		

Fourthy IS thru gi see Pass 22

published in its entirety.

binds of information useful in the control of worker ex-

popula: (1) measure of the individual worker's over-all

exposure, (2) measure of the worker's individual and characteristic response. Measurements of response lui

nish a superior estimate of the physiologic status of the worker, and may be made of (a) changes in amount of

some critical biochemical constituent. (b) changes in ac tivity of a critical enzyme, (c) changes in some physiolooic function. Measurement of exposure may be made by

(1) determining in blood, urine, fair, nails, in body to

sues and fluids, the amount of substance to which the

worker was exposed; (2) determination of the amount of the metabolite(s) of the substance in tissues and fluids.

(3) determination of the amount of the substance in the

exhaled breath. The biologic limits may be used as an

adjunct to the TLVs for air, or in place of them. The

SEVs, and their associated procedures for determining

compliance with them, should thus be regarded as an effective means it' providing health surveillance of the

Unlisted Substances. Many substances present or handled in industrial processes do not appear on the TLV list. In a number of instances the material is rarely present as a particulate, vapor or other airborne contarminant, and a TLV is not necessary. In other cases sufficient information to warrant development of a 7LV even on a tentative basis, is not available to the Commit-

tee. Other substances, of low texicity, could be included in Appendix E pertaining to nuisance particulaies. This

list (as well as Appendix F) is not meant to be all inclu-

siderable loxicity, which have been omined primarily be cause only a limited number of workers (e.g., empl.)

ses of a single plant) are known to have potential

"Notice of intent." At the beginning of each year, proposed actions of the Committee for the forthcoming

year are issued in the form of a "Notice of Intended

Changes." This Notice provides not only an opportunity for comment, but solicits suggestions of substances to

be added to the list. The suggestions should be accompanied by substantisting evidence. The list of Intended Changes follows the Asepted Values in the TLV booklet. Values listed in parenthesis in the "Adopted" list are to be used during the period in which a proposed change for that Value is holed in the Notice of Intended

Ligal Status, by publication in the Federal Registr Vol. 36, No. 185, May 29, 1971) the Threshold Limit folwas fair 1986 were made official federal standards for Mustrial pir. Since 1971, new standards for certain o Mose substances have been promutested by OSHA.

Apprint Permission , This publication may be reprintof provided that written permission is obtained from the Secretary-Treesurer of the Conference and that it be

In addition there are some substances of not incon-

sive: the substances serve only at examples.

exposure to possibly harmful concentrations.

Capital letters refer to Appendig

0.072

THE HISTORICAL PERSPECTIVE 15

ppm" mg/m" ppm" mg/m"

2.400 1.250

MAL WES

C Acetic anhydride

Acetylene dichloride, see

1. 2-Dichtoroethylene

Acetylene tetrab romide

Acrylamide — Skin " Acrylonerile — Skin.

Adyl sicohol - 5km

May propy disult to Aluminum Jeide

Ammonium surfames

n-Amyl acetate .

" Anane — Sain

Ansigne (o-,

(as 5a)

\* Antimony Incide.

" Antimory moside

sec-Amyl acetate

p-momers) — Skin

franching and use las

production (as Sb)

Theuren) .....

Any plycolyl ether

Aldren - Shin

Ally! chierde ...

WLSES

Keith K. Long. Ph.D.

Hovd A. Madsen

Rorald S. Hatney

William D. Wagnst

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E. Mastromatteo, M.D.

Marshall Steinberg, Ph. D.

Mitchell R. Zavon, M.O.

should be addressed to:

Industrial Hygienists

American Conference of Governments

Circinnati OH 45201; (513) 825-0312

Theaders R. Torkelson Sc.D.

Any comments or questions regarding these limits

Threshold limit values refer to aichorge concentra-

Investigat limit values rater to airborne concentrations of substances and represent conditions under
which it is believed that nearly all workers may be repeatidly exposed day after day without adverse effect. Because of wide variation in individual susceptibility, however, it small percentage of workers may experience
discomitors from some subulances at concentrations at
or below the threshold limit a smaller percentage may
be affected more sensusly by appraisation of a pre-existing condition or by development of an occurational ilness.

Tests are evaluable (J. Occup. Med. 15: 564, 1973; Ann. N.Y. Acad. Sci., 151, Art. 2: 958, 1968) that may

be used to detect those individuals hypersusceptible to a

variety of industrial chemicals (reseivatory irritants, he-

molybe chemicals, organic isocyanates, carbon disul-

are specified herein, as follows
a) Threshold Limit Value-Time Weighted Average

(TLV-TWA) - the time-weighted average concentration

for a normal 8-hour workday or 40-hour workweek, to

which nearly all workers may be repeatedly exposed, day

b) Threshold Limit Value-Short Term Exposure Limit

(TLV STEL) — the maximal concentration to which

workers can be exposed for a period up to 15 minutes

continuously without suffering from 1) irritation, 2)

chronic or irreversible tissue change, or 3) narcosis of

sufficient pegree to increase accident proneness, impair

self-rescue, or materially reduce work efficiency, provid-

ed that no more than four excursions per day are permit-

after day, without adverse effect.

Three categories of Threshold Limit Values (TLVs)

James F. Morgan

Raigh C. Wands

**Executive Secretary** 

P.O. Bos 1937

# 2P SECTION

<u>-</u>	W	PTED LUES	YAL	ATIYE JUES		ATO	0.74.75.75.75.75.	TENT.	100.000
2900A 1040.0		44		EL	55/6/38/95/07	11		81	EL
Sabalance	bbw.	Pg/DI	bbm.	wd.m.),	Substance	Bon.	mg/m³	10m.	mg/m*
Methyl docyanate —	-170-07				Pentaborane	0.005	0.01	0.015	0.0
Shin	0.02	0.05		33 <del>233</del>	Pentachiorg sag-Mhaiene	42.5	0.5		705
blethyl merpapten	95	1 11	- <del></del>	: 13 <del>13</del>	Pentachioropheno! —				
Minnyl mathecrytate	100	<b>#10</b>	125	510	Ske	<del></del> -	0 5	-	1
Mathyl parathon — Skin	_	02	144	06	Pentarythriol	70000	E	-	. 2
Methyl propyl belane	444		1000		Pertant	600	1,800	750	2.25
net 2-Postanger	200	700	250	875	2-Pentanone	200	700	250	67.
Methyl sticate	100	30 480			Perchlorus/Rytene —	102320	02220	112220	0.539525
a-Michyl stylene Metyddynuni (as Mc)	300		_		Shin	100	670	150	1 00
Solution col-pounds		5		10	Perchipremethyl	200			
insoluble compounds	_ =	10	_	20	mercupton	01	0.0	- 7	- 7
Monocratophos		: 8€	-	- 44	Perchiaryi Swortes .	3	14	. 6	2
(Assirer <sup>a</sup> )	226	C 25	9 250	0.000	Ptenol — Saun	5	19	10	3
Monometri aning	_				Praesticine — Skn		5	-	H
San	2		76	13	p-Phytylane damine		1725		
Management by draggers	- 6	35	107	· 55	<b>9</b> ************************************	700	0.1	- 20	
-90	0.2	0.35	100	10.452	Phonyl other (vegor) Phonyl other-Deplemyl	000	7	2	37
Morstoins — St.n	20	70	30	105	17.0 - 17.	1	S <b>9</b> 0	1320	20
hapitonia — 241	10	50	15	75	mature (veger)	((7))	- T	2	3/
D-Venhanyaman	10	Alb	2	415	Phonylethylene, see	7.44	72.5		
(40)	7	- 22	7	72	Styrene, moreover	180	420	125	52
Nobel cerbany	0.05	0.35		<u> </u>	Pronyi glycelyl ether	10	250	2200	5334
Note: matel	9.99	3	- 2		(PCE)	05	60	15	9
Gradi sabble	_				Francisco Charles	11.75.27.11	2		4
compounds (as 15)		0 1		0.3	Phonythydrogote Stun	. 5	12	10	0.00
Nichel pulling rousting.	15	3,500	833	100.00	C Phanyiphosphine	G 05	0.75	<del></del>	3.
home & dust (as for)	212	19816	0.000	10.000	Phorate (Thimet <sup>®</sup> ) —		2722	257.0	1/2/02
Negative — Ship	= =	0.5	922	15	Sain	100	0.05	_	0 2
Mone acid	2	Š		10	Living at International 1	0 01	0 1	0 03	0:
Ners cade	25	20	35	45	— Sam * Phospene (contomy)	0.01	0.00	9.03	8.5
p-Netropaning — Skin	- 77	6	ొే	12	Establishe (charles)	0.1	6.4		
Heroberhene — Sain	- 34	5	2	10	Photoning	0.3	- 64		
p-!: *rochloroberzene —			-	100	Phosphore seid	0.5450	9.50	107	
Shn				2	Photohona (yellos)	73%	0 1	-	٥
4-Nerodohanyi	0.0444	Alb		Alb	"Phosphorus				V.
Neroethane	100	310	150	465	pertachloride		1000.0		974
Nitrogen diamete	5	- 9	12.23	<u> </u>	Phosphorus pentasuride	538	(1)	- 8	13
Nitrogen trifluoride	10	29	15	45	Phosphorus Inchier de	0.5		- 5	-7/2
Neroglycerus — Sius	0.2	3			Pricharc annyones	03	<u>ે</u>	7	2.
Signamethiane	100	250	150	375	m-Prime-penning	- 65	ំ	- 3	
1-Nerocropane	25	30	33	135	Picloram (Tordon <sup>®</sup> )	725	10	<u>. 6</u>	20
2-Nitropropani	(25)	(90)	- 1	100	Picne acid — Skin	7E	0 1	72	0.3
N-Nerocommethylamine	15755	1351			Page (2-Page)-1 3-		38.0	100	
(dimeth, introsperime)					adindone)	07- <del>44</del> 2	0 1		0.3
— Sk.)	-	A2	1,000	42	Pester of Paris	- 192	E	199	20
Netroto Jack - Shin	5	30	10	60	Plateium (Soluble saits)	3.300		0.000	0.44
kit .trickloromethene				- Server	at Pi		0 002	-	
see Chloreacrin	0 1	0.7	03	2	Polychiorobigheny's see			100	0.00
ivonane	200	1.050	250	1.300	Chlorobe lenyts				
Octachior praghthalene	57773	100000	888	3555550	Stun	6926	1025	3322	1.00
Shin	1722	0.1	93:22	0.3	Polytetrativoroethyle e	0.000		0.00	
Octane	300	1 450	375	1 800	decomposition				
Of met, mineral	92	5	722	10	products	11000	81		81
Osmoom tetrounde (as					C Potassum hydroxide	_	:: TS	-	100
Os)	0 0002	0 002	0 0006	0.005	Process		100		-
Oranic acres		1		2	р-Ргорюмстопе	9 <u>2</u>	1.7		A2
Onygen diffuoride	0.05	0 1	0 15	0.3	Propergyl atcohol —				337
Ozone	0 1	0.2	0.3	0.6	Shin	. 1	2	3	
Parattin our turne	3344		72	- 6	n-Propyi acetale	200	840	250	1.050
Paragual, respirable		353		120	Propri alcoiol — Sain	200	500	250	625
10MS	77.55	0.1	3=	322	n-Propyl narate	25	105	40	470
Parattion — Skin		0 1		6.3	Programe	- 1	103	Ť	100
Particulate polycyclic		12/8		53	Propylene dichloride (1		5-77-	300	9.75
and the Principle of th					2-Dichloropropane)	75	350	3.10	510
aromatic						11.7	4.00	-0.40¥0	419
					*C Propylene glycol dinerate	353,000			

# THE HISTORICAL PERSPECTIVE 21

		LUES		ative Mes			MALES.		STATUME SAMES
Behatenen		MA/AN <sup>T</sup>	— VA 1 * U = 1 * U	EL	880500		w	7	hu
Property of the		mg/m/	-	mg/m *	Selt takes	Con.	<b>100/m</b> 2	, Mar.	* mg/r
Propyrane glycol Propyrane glycol	100	344	150	540	<u># 10</u>	0 02	0:		
Propylene stone — State	2	7		240	1277 = 500	2 604	0.05		10
Propriet orde	100	240	10-00	360	""C Terptonyes	(1)	(7)	)	k 3
Propyrie, see Methyl	Graden.				2 divergebore	500	4.170	en oaras	
Acetylana	1,000	1,650		2.040	1. 1. 2. 2-Tetrachtero-1.	3000	29,350	1625	5.2
Pyrethoun Pyrethoun	-			10	2-4-huaresthene	500	4:70	625	5.2
Gamore	5	15	10	30	1,1,2,000	3775		100	0.5
ACX Sam	21	0.4 1.5		2	2-Tetrachtorograme				
Resorcaci	10	45		ું 90	— Sian		35	10	
Rhodern, Metal furne	1950	35	3 <b></b>	20	Tetrachieraethylena, aan Parchieraethylena —				
and dusts (as Rh)	-	0.1		0.3	Sin	100	à70	136	23
Solution solls (as Rin)		0.001		0 003	Tetrackingstations, and		7/8	1.00	1.0
Pannal Nasin care salder		10	-	30000000000000000000000000000000000000	Carbon tetrachterida				
Dyrotysis products (as					— <b>ba</b>	10	65	20	i
formaticity(s)	122-0	0.1		84443	701: bChigranaghtigage		7	72	- 3
Rotanone (commercial)		- U-1	5 28	03 10	Totroothyl lead (as Po)		323122		
Rouge	<b>- 2</b> 7	ī		50	— Sun		0.100	-	(
PURCET SANORY		59201888	77.5	33(1)	Tetrahydrofyran Tetramathyl laad (an Po)	z90	560	255	1
(Raphica)	400	1 600	y <del>S</del> ir	-	- Sec (5: 10)	922	0.150		
Selenium compounds (as		Cast			Tetrangelyl		Q. 130	1.5	•
Se) Selenium hexafluoride	_	0.2	_	_	Necconantrile — Stan	0.5	3	2	
as Se		1999	2525	3239	Trandromet one	1	ì	92	
Sevin® (see Carbanyl)	0 05	04	0 05	0.4	Tetryl (2, 4,				
Same (see Secon	0.55	39	1.00	10	6-trespenyl-				
tetrahydride)	0.5	7	896	2	methylneren ver) —		15.00		
SAcon	1813	ŧ	4	20	Skin TheRum, soluble	· ***	1.5	-	88
Sificon carbide	1500	£	2	20	compounds (as TI)				
Silicon letrativenide (Silane)			100		Shin		0.1		
Silver metal and soluble	0.5	0.7	3	2	4. 4 - Thiobis (6-cert		383	4000	-
compounds, as Ag	22	(0.01)		123220	Budyl-m-crosol)	: : <del>:</del> :	10	(440)	
Sodium ande	0.1	0.3	- 1	(0.03)	* Thioglycole seid	1	5	-	
S100m Nuoroacetale	250	3500	455	0.000	Thren <sup>o</sup>	_	5	-	
(1090) — Shin	3 <del>.0</del>	0 05	_	0 15	SARTOURES, Except				
Sedium hydroxide Starch	-	2	-		Sale and Saide (as Sa)	9 2225	2		
Starte Starte	0 1	∴E	2.75	20	Tim, organic compounds		: · · · · ·		
Stoddard sowent	190	0 5 575	0.3	1.5	(as Se) — Shin	-	0 1	_	
Strychnee		0 15	125	720 0 45	Ten cense (as Se)	_		2	-00
Silvrene, monomer				V-93	- TREMUM diameter (as Tr)		E	-	
(Phony:sthylene)	100	420	125	525	Tohane (tolsof) — Sain	100	375	150	5
Subtrasins (Proteolytic		60.07(0)	45.50	10.5750	4-description (TDI)	10.04.			
erzymes as 100%					o-Tabutino	(0.02) 5	(9 14) 22	10	03
gure crystaline enzyme)	31,745,23				Total Barry . Say	5 3 <b>5</b> 33	44	10	
Sucrose	_ 0	00006	-	( <u></u> )	Chipritated complete				
Suffer donds	(5)	(13)		20	- 3m	2	0.5	-	2
Sulfur heasthuoride	1.000	5 000	1,250	7.500	I Plutter   Break Proper	<del>11</del> 3	3	1	878
SHOWE KEE		1		700	*C 1, 2, 4-Trichterstengene 1, 1, 1-Trichtersethene	3	40	0.3	3.5
Suffer Monachionde			7000	10	see Mality! Chiorgians	350	1,900	100	32322
Suffer pertafluoride Suffer tetrafluoride	0 025	0.25	0 275	0 /5	1. 1. 2-Trickleroetheau	990	1,960	440	2.34
Sulluryi Records	01	0.4	0.3		— Stan	10	45	20	9
System see Compton®	( <b>.</b>	20	10	40	Trichloresthylene	100	\$35	139	80
\$&n	0 01	01	0 03	03	Trichloromethere, see	33,635	32,000	14.55	- T-
2 4, 5-7		10	υ <u>ω</u>	20	Chloroform	10. A2	50, A2		1.2
Tantalym		5	-	10	1. 2, 3-Trickleropropane	44	5		
TEOP — Shin	***	22		0.8	1, 1, 2-Tricklorg 1, 2,	50	300	75	45
Tellari <sup>®</sup> decomposition products		600.00		8000	2 trifluoroethane	1.000	7,800	1.250	مدرو
	***	91	-	81	Tredytomine	25	100	40	9.50 10
Tolluram A company					Trayclohaytto			10,555	- 25
Tehurism & compounds (as Te)		0.1	-	194	Pedrossie (Pactrari <sup>®</sup> )				

"See Nonce of Hemans Charges

22 SECTION 1

Tribuoromonobromo- methane Trimethyl be-sene 2. 4. 6-Trintrophenol see Picric acid Sein. 2. 4. 6-Trintrophenyl	990 ·	mg/m <sup>2</sup>	99m.	TEL mp/m/
Trifluoromonobromo- methare Trimethyl be-same 2. 4. 6-Trintrophenol see Picric acid	9 00°	mg/m²	90m.	mp/m²
methane Trimethyl bo-some 2. 4. 6-Trimtrophenol see Picric acid. — Sein. 2. 4. 6-Trimtrophenol				are made to Table 1.
Trimethyl be-zene  2. 4. 6-Trintrophenol see Picric acid — Sein  2. 4. 6-Trintrophenyl-	1 000		Daniel Control	72333
2. 4. 6-Trintrophenol. see Picric acid — Sein 2. 4. 6-Trintrophenyl-			200	7.30
see Picric acid — Sein 2. 4 6-Trintrepnenyl-	25	125	35	170
2.4 6-Tringrephenyl-				
	-	0.1	_	0.
				272.3
mathyindramine, see				
Tetnyi — Skin	-	1.5	-	31
°C 2, 4, 6-Transrossiyene		10000		
(TWT)	252	0.5		13
Triorthocresyl phosphate	-	0.1	_	0.3
Trohenyi phosphate	- 2	- T	_	27.3
Tungsten & compounds		555		
25 A				
Soluble	7.3	60	7523	
Insoluble		3		100
Turgenting	100	560	150	840
Uracium (national)	53570	1000	2.29	600
soluble & insoluble				
compounds as U		0.2	922	0.6
Variadium (V: Ox) 25 V			15.7	M.7
Dust	1000	0.5	0.000	1.5
C fur,		0.05	197	1.3
* Vale* idehyde	50	175	100	12
Vinyi acetate	10	30	20	60
Viny sengers see	33.0		4.0	00.
Stylvie	100	420	150	630
"" Virvi bromide	(250)	70 H0C1	20	630
NEW DESCRIPTION OF THE 21	Atel	335 SW-15	(Atr)	100
Virys grande, see		-	TATEL	
Acrylongrie - Sein	20	44	30	12%
Vityl cyclohesene	4.4	-	300	65
Ocade .	10	60	4223	
Vinjüdene chloride	10	40	26	-
Virtyl toluene	100	480	150	80
Martero	1999	0.1	1.34	720
Welding fumes (NOC)		5 83	1000	0.3
Wood dust		5.67	-	83
(nonaliergenic	E75W	899		32.5
Nytene (o. m.		5	550	19
Progress) — San	100	1000		
C m-Xylene a a -pam ne	194	435	150	655
Nysdene — ; ikin	5	25	4	33
Vitreem		23	10	50
Zinc chloride have				3
Zec chromate (as C )	123	0.05.42	10.03	2
Znc onde tume	33		7	55.
Jee France		5	100	10
Zircunum compou ids	-		-	20
(as Z:)		3		22
Captal laters refer to *operaces *(NCC) Nor Otherwis - Classified *1978 Addesir **See Notice of Interns of Changes		3	<del>55</del> 33	10

d) An atmr. spheric concentration of not more than 3 02 pora or personal protection may be recessary to

avoid headache for intermittent exposure e) - 7 µm in diameter As sampled by method that does not collect vapor. a) For sontrol of general room air, biologic maniforing is essential for personnel control

Radioactivity Fo: permissible concentrations of radio isotopes in air see U.S. Department of Commerce. Na

tional Bureau of Standarus Handbook 69 Maximur Permissible Body Burdens and Maximum Permissible Concentrations of Radionucides in Air and in Water sor Occupational Exposure June 5 1959 Acidengum August 1963 (NCRP Report No. 22). Also see U.S. Department of Commerce National Bureau of Standards Handonok 59 Permissible Dose from External Sources of longing Radiation September 24, 1954, an addendum of April 15, 1958. A report. Basic Radiation Profes tion Criteria, published by the National Committee of Radiation Protection revises and modernizes the concept of the NCRP standards of 1954, 1957 and 1958. contamable as NCRP Rept No. 39 7910 Woodmont Ave. Washington D.C. 20014

SILICA SIO: Crystaline Quarts "LV in mppct" % cuartz - 10 TLV for respirable dust in നാനു 10 mg m\*

N Respirable quartz - 2 TLV for total dust respirable and nonrespirable 30 nig m² \*s quartz - 3

(20 mppc\*\*\*\*

Cristobalite Use one-half the value calculated from the count or mass formulae for quartz Use one-not the value calculated from formulae for quartz Si ica fused Use quartz formulae Use respirable mass quartz for-Tipol

\*\*Amorphous SILICATES (< 1% quarte)

"Asbectos all forms 15 fibers cc Sum in "nogth" Ala 20 mppcf Mineral wool fiber 10 mg/m<sup>3</sup> 30 mapet Portland Cement 30 mapc1 20 mapet

Spapstone Talc (nonashest/form) "Tale (fibrous), use Asbertos limit "Tremplite, sie Aspestos COAL DUST

2 mg m3 ( resurrable dust fra tion - 5% quartz) If - 5% quarty use respirable mass formula

> **BUISANCE PARTICULATES** (see Appendix E) 30 mapet or 10 mg mm

of total dust " in quarty or 5 mg m' respirable dur! Conversion facines

mppcf - 35 - Million particles per cubic meter particles per cc

"The first of esecuting the ear-See FORWARD MARK 11

# THE HISTORICAL PERSPECTIVE 23

Anteriory soluble saits

Arstinic (soluble), as A

Antimony trionics

production

Arsenic trigaide

production.

\* o-sec Butyspheno:

Cadmius I puide

preduction

Carbon disultide

Chloroxcetyl chloride

" Chloromethyl methyl

ether • β-CNorps-ene - S

Copett metal, cust &

turne (as Co)

1 1, 2-Détromosthans -

memore...

Dwinyi benzene

Ethyl satcate ....

Epichiorhydrine -- Stati

Ethylene dibromide, see

\* Ethylane dichlaride, so

Mangarese fume ias

Capital letters refer to Appendices.

1. 2-Doromanhers.

Dichloropropere.

Cyanagen chloride

Bautes Benomy

Bromacil

h)	Makons of particles per cubic foot of air, based on impinger samples counted by light-held technics.
0)	The percentage of quartz in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.
il	Both concentration and percent quartz for the appli- cation of this limit are to be determined from the fraction passing a size-safector with the following characteristics:
	Aerodynamic

"See Notice of Internation Charges

Diameter (um) % passing

 containing < 1% quartz; if quartz content > 1%, use formulae for quartz. Lint-free dust as measured by the vertical-elutriator cotton-dust campier described in the Transactions of the National Conference on Cotton Dust. J. R. Lynch, pg. 33, Nay 2, 1970.

m) As determined by the membrane filter method at 400-4501 magnification (4 mm objective) phase contrast illumination. n) Based on "high volume" sampling.
o) "Respirable" dust as defined by the British Medical

Research Council Criteria (1) and as sampled by a device producing equivalent results (2).
(1) Hatch, T. E. and Gross, P., Pulmonary Deposition and Rotentian of Inhaled Aerosols, p. 149 Academic Pris. New York, New York, 1964. (2) Interim Guide for Respirable Mass-Saraping ANA Agresol Technology Committee, AHIA J 31: 2, 1970, p. 133.

# Notice of Introdes Charles

These substances, with their corn; sonding values, comprise these for which either a limit has been proposed for the first time, or for which a charge in the "Adopted" listing has been proposed. In both cases, the proposed lenits should be considered trist limits that will remain in the listing for a seried of at least two years. If, after two years no evidence comes to light that questions the appropriateness of the values kerem. The valwas will be reconsidered for the "Adepted" Let. Documentation is available for each of these substances.

proposed limits stitled by remain in the listing for a after two years no evid tions the appropriations was will be re-president mentation is available for	period once con a of the lor the	of at least men to lic values to "Adapte	toe ye in thei eren, t t" Lst.	urs. II, ques- he val- Docu-	* Methylane chlaride (dichlorentethane) * 4 , 4-Methylane diamine . *C 2-Mitropropine Phonyl-bets- nophibylamine * Phonyl-bets-
	1 - 1 - 1	d mp/m <sup>3</sup>		NEL MONTH	postachlor de
* Applyishing the sold	155				1 Step motel
(Apprix)	Atc	Ale	_ =		† Solium metablauffle
Aluminum metal and	MIL.		1 275	5	1 Cather Grande
Onide		10	100	20	*C Terphocyts
Aluminum pyro powders.	Section				Buttoche soft file
Aluminum pelding fumes		5		SEL	1 Taissan-2.
Aluminum, soluble salts	-	2	-	-	4-disservancia (***)
Abstraction, stepts (*50)*		2			1 Trublerescetic acid
3-Ammo 1, 7, 4-trigade	12	142	1. C.	-	1 Your brondly
* Anthre and Homotogues Shin	2	10	5	20	1 Very charide

		Ŕ	2	7. 4-triately	3-Ammo 1
20	5	10	2	d Famelogues	
Aw				•• rater to Appaind co:	Captur luma-
	in a second			ster to Apparates: sen er Addison	Captal lens-

eg/m <sup>2</sup>	S-batt.	003100°
66		¥.
2	-	(C)

	A4010
Extenses	TLV
* Asbestos Amoste	G.S filler/cc. Ala
Chrysotile	2 libers/cc, A1a
Crocigoliie	0 2 fiper/cc, A1a
Tremolite	0.5 fiber/cc, A1a
Other forms	2 fibers.cc, Ata
Diatomaceous earth, natural	1.5 mg/m³, Respirable dust
Stics, amorphous	5 mg/m³, Tutal dus (all sampled sizes)
	2 mg/m³, Respirable dust (< 5 μm)
† Talc (fibrous)	0.5 fiberion

"See lake a of intended Change

24 SECTION 1

The Committee lists below those substances in industrial use that have provan carcinopenic in man, or Neve induced cancer in animals under appropriate experimental conditions. Present listing of those substance's carcinogenic for man takes three forms: Those for which a TLV has been assigned (1a), those for which environmental conditions have not been sufficiently defined to assign a TLV (1b), and (1c), (2) in whose reassignment of a TLV is awaiting more desic tive data, and hence should be treated as a 1b carcinogen A1a. Numan Carcinogens, Substances, or substances

associated with industrial processes, recognized to have carcinogenic or cocarcinogenic potential, with an assistmen TLV: TLY " Arsenic trioxide

(SOr. C 5.0 ppm, (SteCo. 0.5 mg/m) (as "Asbestos, air forms" (5 hbers/ct. > 5 µm. bis (Chloromethyl) ether 0.001 ppm Chromits ore processing (chromate) 0.05 mg:m3 (as Cr) Nickel sulfide roastin

(Ass 0s. 0 05 mg/m3 as

1.0 ing/m3 (as Ni)

Aromatic Hydrocarbons (PPAH) 0.2 mg/m³, as benzene solubles V.nyi Chioride - 5 ppm A1b. Numer Cricinogens. Substances, or substances

associated with industrial processes, recognized to

have carcinogenic potential without an assigned

"Coparette sampling can enhance the incidence of respiratory cancers." non the and others of these substances or processes "54 Notice of Intended Changes

Nume & dust

Particulate Polycyclic

Chipromethyr methyl ether 4-Aminodiphenyl (p-Xenylamine) Benzidine production beta-Naphthylasine

4-Nidrodiginary)

Ate Human Carcinoge./s Substances with recognized carcinogenic potential awaiting reassignment of TLV pending further data acquisition

1. 2-Dipromoethane (Ethylene dipromide)

For the substances in 1b or 1c, no exposure or contact by any trute - respiratory, skin or oral as detected by the most sensitive methods shall be permitted "No exposure or contact" means hermitizing the process or operation by the best practicable engineering methods. This worker should be properly

equipped to insure virtually no contact with the A2 Industrial Substances Suspect of Carcinogenic Potenhal for MAN Chemical substances or substances associated with industrial processes. which are suspect of inducing cancer, based on either (1) limited epidemiologic evidence, exclusive of clinical reports of single cases, or (2) dernorstration of carcinogenesis in one or more animal

species by appropriate methods

3-Amino 1, 2, 4-triazole " Antimony trioxide production" (0.5 mg/m<sup>3</sup>) Benzene 10 ppm Benzia)pyrene Beryllium 20 µg m3 "" Cadmium oxide production (0.05 mg·m<sup>3</sup>) Chromates of lead and zinc ras 0 35 mg m 3. 3 - Dichloropenzidine Dimethylcarbamyi chloride 1, 1-Dimethyl hydrazine 0.5 ppm Dimethyl sulfate — Skin 0.1 ppm

Egichlorhydnn 5 ppm Hexachlorobutadiene Hexamethyl phosphoramide — Hydrazine 0.1 ppm 0.05 mg/m<sup>3</sup> Lead chromate 4, 4'-Methylene bis (2-chloroansine) - Skin 0 02 ppm Monomethyl hydrazine 0.2 ppm C 2-Nitropropane 25 ppm Nitrosamines Phenyl-beta-naphthylamin: \_\_\_ Propane sultone

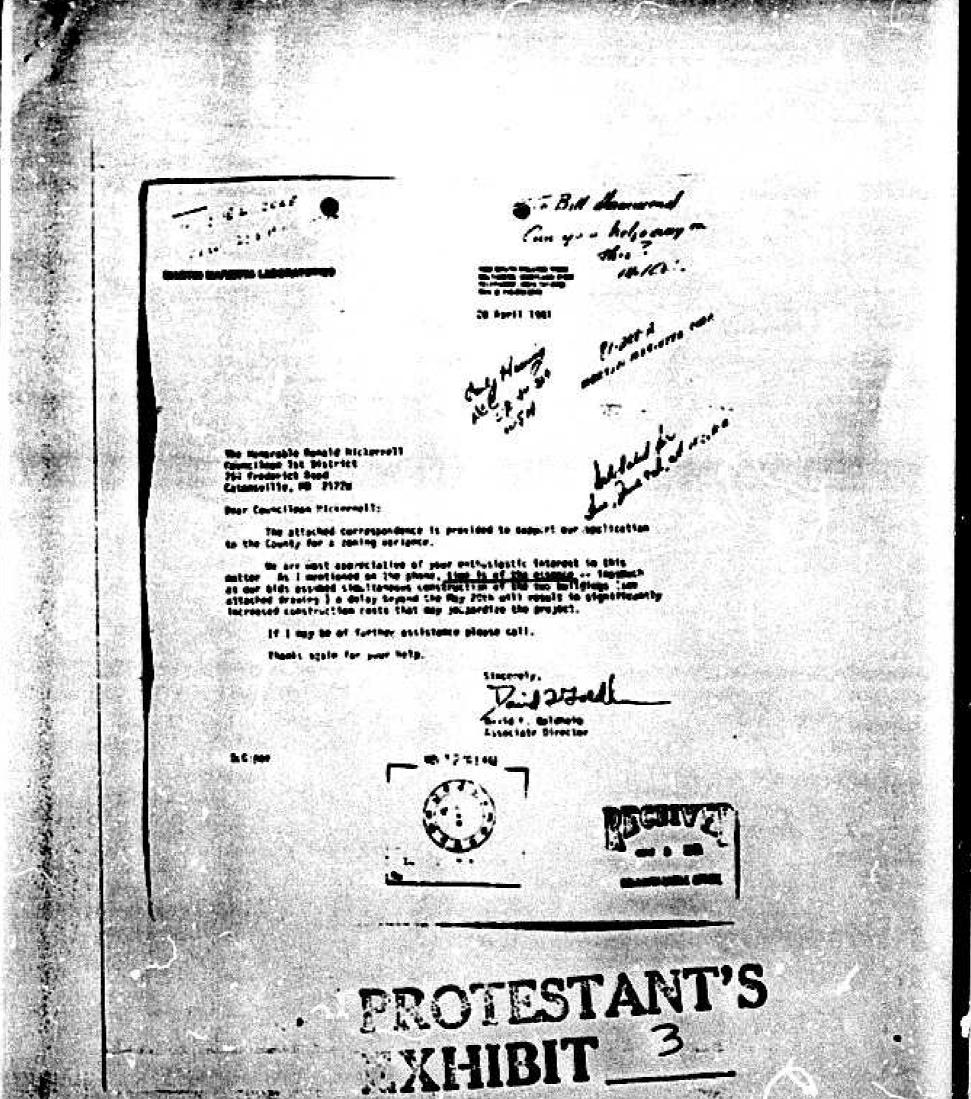
0.05 mg/m<sup>3</sup> Zinc chromate (as Cr) For the above, worker exposure by all routes should be carefully controlled to levels consistent with the animal and human experience data (see Documentations, including those substances with a tisted TLV

10 ppm

beta-Propioisctone

Vinyl cyclohezene dioxide

"Especial smilety can enture the medical of respectory come to from this or others of these setistances or processes



MARTIN MARKETTA LABORATORIES

1890 STATES BOYLENG BEAD HITEMAN MENTAND 213ES THE & PISTINGORS

February 10, 1963

Mr. James D. Lucas, Jr. Director - Economic Development Countssion Beltimore County Reum 311 County Office Building Towson, Maryland 21204

Dear Jim.

The building proposed for construction on our site is a one story 6,200 sq ft structure of brick and wood trim finish consistent with our existing building (see Figure 2). It will be used to house a machine shop in one section and offices and electronics-type laboratories in the other section. The cuilding will be placed behind our main building. visible only from the property owned by the Colate Sisters of Fravidence,

Insofar as zoning regulations are concerned, the only issue is access by fire fighting equipment due to proximity to our main building and to a brick storage building. Driveways in front of the building essure accessability and a fire hydrant is lor-ted at the entrance to the rood to this building (blueprint). We consulted with the Baltimore County Fire Department's Fire Protection Engineer, Mr. John Bryan, Jr., during the design of the building and my understanding is that he found the plan acceptable.

The Oblate Sisters, our only neighbors who could see the building from their property, were invited here to review our plans and to examine the construction site. The building will be set into the hillside and thus only the roof and the uppermost 5 feet of brick wall will be visible from their property. Sister Mary Paul, representing the Order, believed the plan to be acceptable.

As we discussed, we are new anxious to begin construction. The funds approved will not be adequate if construction is delayed beyond April 1 -- the last date on which our general contractor is obligated to hold a firm price. Additional funds are not available, therefore, if approval is not received, the entire project is in jeopardy for this year. If that happens, the associated jobs for construction workers will not be available. Of even greater concern is the fact that

For all of these reasons, I urgently request an early Harch hearing before the Zoning Commission. We do not expect opposition, we believe the issue of fire protection is adequately addressed and we believe productivity and employment in Baltimore County will be enhanced if we are able to begin expanding our facilities during the next month.

Thank you for your help.

Sincerely.

David L. Goldheim Associate Director

DLG:kk

Mr. William Henmond



Merch 17, 1983

THE GUN ROLL PISTORIGHE AND PROTECTIVE ADSOCIATION

319 Cun Road Bultimore, Maryland 21027 More: 17, 1987

Nr. 71111am Hemmond Zoning Commissioner Relticore County Planning and Moning Baltimore County Office Fullding 111 W. Chesnpeake fve. Baltimore, Marylan 21204

Re: Order of Appraiance

Dear Mr. Hummond:

We, the uncernighed residents of Gun Prad, Heltimore County, Marylane, submit tole letter as an order of appearance in protent to the firstance request and proposed change to the Martin Mariette Laboratories devilopment plans.

Sincerely.

Lay A. Mente

PROTESTANT'S

Mr. William E. Hammond Zoning Commissioner County Office Building 111 W. Chesapeake avenue

The Scuttmest Coalition hereby states opposition to the granting of use of this variance is the pre-planned gradual as ansion of the variancy.

States Department of Commerce and widely adopted, described the variance duvice as follows:

"The board of adjustment shall have the following powers:

The indictment (of the variance) has been that, for from heing a

Mr. William Hammond

- 5 -

March 17, 1983

Jesm Hederon 406 Gun 61 11/2 3 Mrs Michael Hass 301 Jun Rd 6 : Ma 22/ 1 Delis 314 min 185 Carol Secre 301 in Rec Sultin- Spine GISVUM Ed, 224 Jun Kel Cherry Buch

because of the criticism directed against it but because of its inadequacy

the developers and by the outsiders who wish to come into the municipality."

A variance, as utilized by Baltimore County, is from area and height

Buche & Mesley

Ferchie L. Manley

Southwest Coalition

President

as a device for meeting the pressures placed upon our municipalities by

regulations wiich should not have a significant impact on the community.

Granting this variance ultimately allows the continued expansion of the

Partin Marietta Laboratories site. The Southwest Coalition requests a

(Excerpts quoted from The Zoning Game by Richard F. Babcock)

Jenial of this variance.

500 in Jun Rd 409 Gun Rd. 409 an Pl 468 Jun Read 406 Gun Jano 209 COM 20. July A. Anderson 404 (Jus Road 303 Gunkood 303 Sen Rel. 303 Hand Rd.

Mr. William Hosmond

To question, and seek clear answers. To develop a sufficiently fundamental understanding of physical phenomena such that their behavior can be controlled, and put to our service.

March 17, 1985

- 2 -

FIGURETALT'S XHIBIT\_

Allun Deyon 518 Sun Final Jean Beyeld - 5-15 Den Rd.

Elger Begeld

May with 510 dan Re

Section Knowling 500 Den Rd.

Jally Janchy 500 Den Rd.

Many Lanchy 500 Hen Rd.

Mank Garris 424 Gun Rd. SOUTHWEST COALITION INC. 211 INGLESIDE AVE., BALTIMORE, MARYLAND 21228

March 15, 1982

Tuwson, Faryland 21204

a variance in case #89-10-SPHA as requested by Martin Marietta Laboratories. Martin Marietta site. This use is contrary to the purpose and intent of a

The 1923 Standard State Zoring Enabling Act, published by the United

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

safety valve, the variance is a handy gimnick to permit "leakage" from the certainty provided by the concept of districting. Today, the variance has

XHIBIT\_5



