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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

July 8, 1986

Mr. Jeff Elseroad
EA Engineering, Science, and Technology, Inc.
Hunt Valley/Loveton Center
15 Loveton Circle
Sparks, Maryland 21152

RE: Case No. 84-128-SPH
Flintkote Company,
et al, Petitioners

Dear Mr. Elseroad:

In response to your letter of June 19, 1986, I interpret the Second Amended Order, dated December 19, 1983, as follows:

1. Open-pit quarrying on the Genstar property is restricted to the areas within the "Quarry Limits" indicated on Exhibit 3.

2. Surface mining of common borrow or sand is restricted to the same areas.

3. Underground mining is permissible to the limits of the "Special Exception Line" shown on Exhibit 3.

4. A buffer or earth berm between the proposed highway and the open-pit quarry is not required by the Baltimore County Zoning Regulations or the zoning Order.

5. If the road alignment is set far enough to the south, thereby leaving a portion of the Genstar property on the north side still subject to the original special exception, any future use of this portion would necessitate a special hearing to reduce the area of the original special exception.

EA ENGINEERING,
SCIENCE, AND
TECHNOLOGY, INC.

Mr. Arnold Jablon
Zoning Commissioner for Baltimore County

19 June 1986
Page 2

Thank you for your attention to this request. We would appreciate a response as soon as possible in order to expedite the State's review of the road alternates. If you require additional information, please call.

Very truly yours,

Jeff Elseroad
Project Manager

JE:vlr

cc: J. Trenner
L. Ege
WRE51A

86-378

6/19/86
TO CA-ZC mtg
8

EA ENGINEERING,
SCIENCE, AND
TECHNOLOGY, INC.

Corporate Headquarters
Hunt Valley/Loveton Center
15 Loveton Circle
Sparks, Maryland 21152
(301) 771-4950

19 June 1986

JUN 19 AM

Mr. Arnold Jablon
Zoning Commissioner for Baltimore County
Baltimore County Office Building
Towson, Maryland 21204

RE: Warren Road Extended
Baltimore County Job No. 5-392-1

FLINTKOTE Co., etal

Dear Mr. Jablon:

EA Engineering, Science, and Technology, Inc. (EA) is under contract to the Baltimore County for preparation of environmental documentation for the proposed extension of Warren Road to I-83. Several alternative road alignments are being considered that cross the northern edge of Genstar Stone Products Company property west of Beaver Dam Road. The value of the minerals under those alternatives is one component of project cost that is being evaluated closely. That value depends on the volume of mineral resources lost if the road is built, which in turn, depends on how much of the resource is extractable under current permit limitations.

We are requesting of you, therefore, an interpretation of the zoning limitations on quarrying, as specified in the Second Amended Order, 19 December 1983, for Special Hearing No. 84-128-SPH. Specifically,

1. What are the present zoning limits to open-pit quarrying?

2. What are the present zoning limits to surface mining of common borrow and sands?

3. What are the present zoning limits to underground mining?

4. Would any buffer zone or earth berm be required between an open-pit quarry and the road right-of-way if the State Highway Administration selects an alignment that crosses Genstar property?

5. Would the State, the County, or Genstar be required to petition for a Special Hearing before the road could be built?

PETITION FOR SPECIAL HEARING

ZONING: Petition for Special Hearing
LOCATION: Northeast corner of Padonia Road and Interstate Route 83
DATE & TIME: Wednesday, November 9, 1983 at 1:30 P.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 Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hear ing 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 the review of Special Exceptions for controlled excavation with ex-posures on, on, and under property owned by the Baltimore Gas & Electric Company, as Special Exceptions for controlled excavation with exposures on, on, and under property owned by the Baltimore Gas & Electric Company in the 8th Election District of Baltimore County, as granted by Case No. 81-78-X.

All that parcel of land in the Eighth District of Baltimore County

Beginning for the same at a point distant North 8 degrees 28 minutes 20 seconds West 102.67 feet from a point in the centerline of Padonia Road, said point of the centerline of Padonia Road being located 807.46 feet westerly measured along the centerline of Padonia Road from the intersection of the centerline of Padonia Road with the center of Deerco Road and running thence from said point of beginning parallel with and distant 80 feet northerly measured at right angles from the north right of way line of Padonia Road, South 80 degrees 00 minutes 00 seconds West 182.62 feet, thence North 43 degrees 34 minutes 56 seconds West 118.35 feet, thence running parallel with and distant 100 feet northerly measured radially and at right angles from the right of way lines of the ramp leading to the north bound land of Interstate Route No. 83, the two following lines viz: Westerly by a line curving toward the left having a radius of 260.00 feet for a distance of 267.47 feet (the chord of said arc bearing North 89 degrees 03 minutes 00 seconds West 255.52 feet) and South 58 degrees 34 minutes 00 seconds West 50.44 feet and thence running parallel with and distant 50 feet northerly measured radially and at right angles from the right of way lines of the Northern Central Railroad, Penn Central Railroad and running thence in a northwesterly direction by a line curving toward the right having a radius of 3947.92 feet for a distance of 1,000.00 feet (the chord of said arc bearing North 51 degrees 00 minutes 00 seconds West 997.01 feet) thence North 43 degrees 34 minutes 56 seconds West 1,000.00 feet, thence North 46 degrees 26 minutes 04 seconds East 50.00 feet, thence South 43 degrees 34 minutes 56 seconds East 1,000.00 feet, thence by a line curving toward the right having a radius of 3997.92 feet for a distance of 1,012.00 feet (the chord of said arc bearing South 36 degrees 18 minutes 30 seconds East 1,009.40 feet) thence South 29 degrees 02 minutes 04 seconds East 1,000.00 feet, thence by a line curving toward the right having a radius of 3947.92 feet for a distance of 1,000.00 feet (the chord of said arc bearing South 21 degrees 46 minutes 00 seconds East 997.01 feet) thence South 14 degrees 30 minutes 00 seconds East 50.00 feet, thence South 75 degrees 30 minutes 00 seconds West 1,000.00 feet, thence by a line curving toward the right having a radius of 3947.92 feet for a distance of 1,000.00 feet (the chord of said arc bearing South 82 degrees 46 minutes 00 seconds West 997.01 feet) thence South 90 degrees 02 minutes 04 seconds West 1,000.00 feet, thence North 43 degrees 34 minutes 56 seconds West 1,000.00 feet, thence North 46 degrees 26 minutes 04 seconds East 50.00 feet, thence South 43 degrees 34 minutes 56 seconds East 1,000.00 feet, thence by a line curving toward the right having a radius of 3947.92 feet for a distance of 1,000

EXPLANATION

UNCONSOLIDATED TO SEMI-CONSOLIDATED — QUATERNARY

Alluvium (0.5-6m. thick)

Inter-bedded, poorly-sorted country rock and vein quartz gravels, quartzose sands, micaceous silts and kaolinitic clays. Typically confined to flood plains of perennial streams in valleys and gathering areas dissected by ephemeral streams in upland areas. Sediment size and mineralogy are directly relative to the adjacent country rock and geomorphic setting. In rural, deeply dissected areas, alluvium may be mixed with fine to very coarse colluvium. In urban areas it is until cannot be adequately shown since it is commonly overlain by artificial fill and/or has been severely disturbed.

Structural symbols on alluvium represent bedrock exposures in stream valleys. These are typically either along the margins of the flood plain or close to the main channel of the drainage.

Cluc

Colluvium and Alluvium (0.5-6m. thick)

Unsorted, massive clays to gravels interbedded with poorly-sorted alluvial(?) sands and gravels. Defined on the basis of lithology, geomorphic setting and soil series.

Unconformity

CRETACEOUS(?)

pc / ps

Potomac Group (?) (0.5-10m. thick)

Unconsolidated to locally cemented sediments identical with Lower Cretaceous Patuxent Formation sands and clays mapped elsewhere. The sediment caps, however, lack palynological data and are isolated from the continuous Coastal Plain sequence to the east.

ps *Sand-gravel lithofacies. Poorly to well sorted quartz sands containing variable amounts of vein quartz and quartzite gravel. Ferruginous components are commonly coated with ferric oxides and are locally limonite-cemented. Variable amounts of silt and clay are present in lenses, pods and as matrix. Sands are typically planar to cross-bedded, where exposed below the soil zone. Pebbles commonly range from 1 to 10 cm. in diameter and are concentrated in coarse planar beds or are disseminated in finer sediments.*

pc *Clay-silt lithofacies. Gray to brown, massively bedded to poorly laminated kaolinitic clay to clayey silt. Delineated in this quadrangle by auger borings and soil series.*

unconformity

INTRUSIVE ROCKS — SILURIAN(?)

Pegmatite

Massive, coarse-grained to very coarse-grained, light colored rock composed of muscovite, quartz, and feldspar.

PRECAMBRIAN(?)

Slaughterhouse Gneiss

Medium-grained, locally massive, orange-weathering biotite-muscovite-microcline-quartz-plagioclase gneiss.

top of crystalline stratigraphic section

BALTIMORE MAFIC COMPLEX

m

Mount Washington Amphibolite

Fine- and medium-grained, generally massive, dark rock consisting of hornblende and plagioclase, and locally, pyroxene. Includes very subordinate (less than 10%) actinolite schist or felsite, most commonly as very thin layers (3 cm or less). Variations in hornblende/plagioclase ratio define in places a layering ranging from a few centimeters to more than a decimeter thick. Weathers to a clay-rich, red saprolite enclosing numerous residual cobbles and boulders.

thrust fault

WISSAHICKON GROUP — GLENARM SUPERGROUP — CAMBRO-ORDOVICIAN(?)

Oella Formation

9 *Oella Formation. Fine- to medium-grained biotite-plagioclase-muscovite-quartz schist, locally garnetiferous and chloritic, with subordinate interlayered fine-grained biotite-plagioclase-quartz gneiss or felsite (metagraywacke) in beds ranging from a few centimeters to two decimeters in thickness.*

s *serpentinite. Bluish-black, chromite-bearing serpentinite with amphibole and sparse relict olivene and pyroxene. Intricately and irregularly fractured and slickensided. Veined by white magnesite, chalcedony, calcite, dewerylite, chrysotile, and common opal. Locally talc-rich.*

9s *Sweethouse Amphibolite Member. Fine-grained epidote amphibolite, commonly laminated, with subordinate interlayered schist and gneiss (described above).*

Loch Raven Schist

l *Loch Raven Schist. Uniform, medium- to coarse-grained biotite-plagioclase-muscovite-quartz schist with lenticles and pods of vein quartz. Locally rich in biotite and feldspar. Includes rare quartzite.*

(g) *garnet facies. Garnet common; staurolite and kyanite rare or absent.*

(g-s) *garnet-staurolite facies. Garnet and staurolite common; kyanite rare or absent.*

(g-k) *garnet-kyanite facies. Garnet and kyanite common; staurolite rare or absent.*

(g-s-k) *garnet-staurolite-kyanite facies. Garnet, staurolite, and kyanite all common.*

ea *epidote amphibolite. Concordant zones of thin-bedded epidote amphibolite ranging from fine-grained to coarse-grained and from finely laminated to uniform. Quartz usually associated with epidote. Locally includes thin beds of quartzite.*

a *amphibolite. Similar to above but with epidote rare or absent.*

q *quartz. Massive, milky vein quartz.*

lr *Ruth Brook Member. Fine- to medium-grained, slabby weathering biotite-plagioclase-muscovite-quartz schist, commonly less micaceous and more gneissic, with very subordinate quartzite in layers one to two decimeters or less in thickness. Rarely garnetiferous, but commonly bearing accessory tourmaline.*

m *marble*

Cockeysville Marble

Contacts between members of the Cockeysville Marble are interpreted as facies boundaries.

c *Cockeysville Marble undivided.*

cm *Layered marble member. Metalimestone and metadolostone interlayered generally on a scale of one meter. Metalimestone commonly medium-grained and moderately silicate-rich (chiefly phlogopite), but may be finer-grained or quite pure. Metadolostone generally finer-grained than associated metalimestone, and generally silicate-rich (chiefly phlogopite and tremolite) and calcite-bearing, but locally quite pure. Outcrops commonly weather to a carbonate sand with embedded metadolostone boulders.*

Oella Formation

Undifferentiated sg and sq.

sgs *Garnet schist member. Uniform, medium-grained biotite-plagioclase-muscovite-quartz schist with abundant garnet accompanied by either abundant staurolite or kyanite but rarely both.*

sg *Gneiss member. Fine- and medium-grained schists with a variable biotite/muscovite ratio, locally approaching a gneissic texture. Clots of biotite typically give the rocks a distinctive spotted appearance.*

sq *Quartzite member. Thin-bedded, medium-grained biotite-muscovite-microcline-quartz schist and fine-grained, slabby weathering muscovite-microcline quartzite, both commonly bearing tourmaline.*

unconformity

PRECAMBRIAN*

pCb / pCgs / pCgn / pCgs

Baltimore Gneiss

pCbl *Layered gneiss member. Dark and light biotite-microcline-quartz-plagioclase gneiss interlayered generally on a centimeter to decimeter scale; may vary from biotite schist to quartz-feldspar granofels. Locally hosts muscovite, and rarely hornblende. Includes augen gneiss in places. Complexly deformed locally.*

pCgs *Streaked-augen gneiss member. Uniform, medium-grained biotite-microcline-quartz-plagioclase gneiss generally bearing augen that have a stretched appearance; magnetite abundant in places; minor garnet and hornblende locally. Subordinate, fine-grained, dark biotite-quartz-feldspar gneiss generally in layers less than one meter thick.*

pCgn *Hornblende gneiss member. Similar to the layered gneiss member described above, but with hornblende-bearing dark gneiss constituting about 50% of the total outcrop area. Garnet very rare.*

pCga *Augen gneiss member. Similar to the layered gneiss member described above, but containing large (1-3 cm), light-colored ovoids (augen) consuting either of feldspar or feldspar and quartz.*

sz *silicified zone. Massive, silicified, brecciated rock, locally with quartz-crystal-lined vugs.*

For the crystalline rocks primary minerals are listed in order of increasing abundance. Grain size definitions are: fine = less than 1 mm; medium = 1-5 mm; coarse = 5 mm to 3 cm; very coarse = greater than 3 cm.

contact

Generally approximate or inferred. Distribution and concentration of structural symbols is an approximate measure of the reliability of any contact.

boundary between mineral facies of the Loch Raven Schist

normal fault — U - upthrown side, D - downthrown side

thrust fault — teeth on upper plate

axial trace of anticline or dome

vertical — inclined — horizontal

foliation or schistosity (everywhere virtually parallel to compositional layering)

symmetric — dextrally asymmetric — sinistrally asymmetric — inclined — horizontal

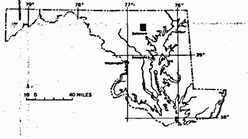
axis and symmetry of minor fold

inclined — horizontal

mineral lineation

*Age designations based on radiometric dates on *Geologic Map of Maryland* (1968).

QUADRANGLE LOCATION



STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
MARYLAND GEOLOGICAL SURVEY
Kenneth N. Weaver, Director

Copies of Atlas available from
Maryland Geological Survey
Johns Hopkins University
Baltimore, Maryland 21218



Base map from U.S. Geological Survey, 1957 (photorevised 1974)
7½ Minute Series
Cockeysville Quadrangle

Crystalline rocks mapped by William P. Crowley; sediments by Juergen Reinhardt and Emery T. Cleaves.

Field mapping done, 1972-1975.

Map drafted by Karen R. Kuff and Margaret P. Ketcham

UTM GRID AND 1966 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

COCKEYSVILLE QUADRANGLE: GEOLOGY, HYDROLOGY AND MINERAL RESOURCES

MAP 1. GEOLOGIC MAP OF THE COCKEYSVILLE QUADRANGLE, MARYLAND

By

William P. Crowley, Juergen Reinhardt and Emery T. Cleaves

1975

SCALE 1:24000

CONTOUR INTERVAL 20 FEET
DATUM IS MEAN SEA LEVEL

PETITIONER'S EXHIBIT 12

JUL 25 1984

6. It must be demonstrated to the Zoning Office that alternative screening methods will be employed, where possible, in order to satisfy the intent of the plan approved by the Zoning Commissionet in the special exception hearing.

7. If any trade-off agreements are executed involving mineral rights under the State right of way and the particular areas are not covered by the Order or plans approved as a result of the special exception hearing, another hearing will be required.

Sincerely,

Arnold Jablon

ARNOLD JABLON
Zoning Commissioner

AJ/srl

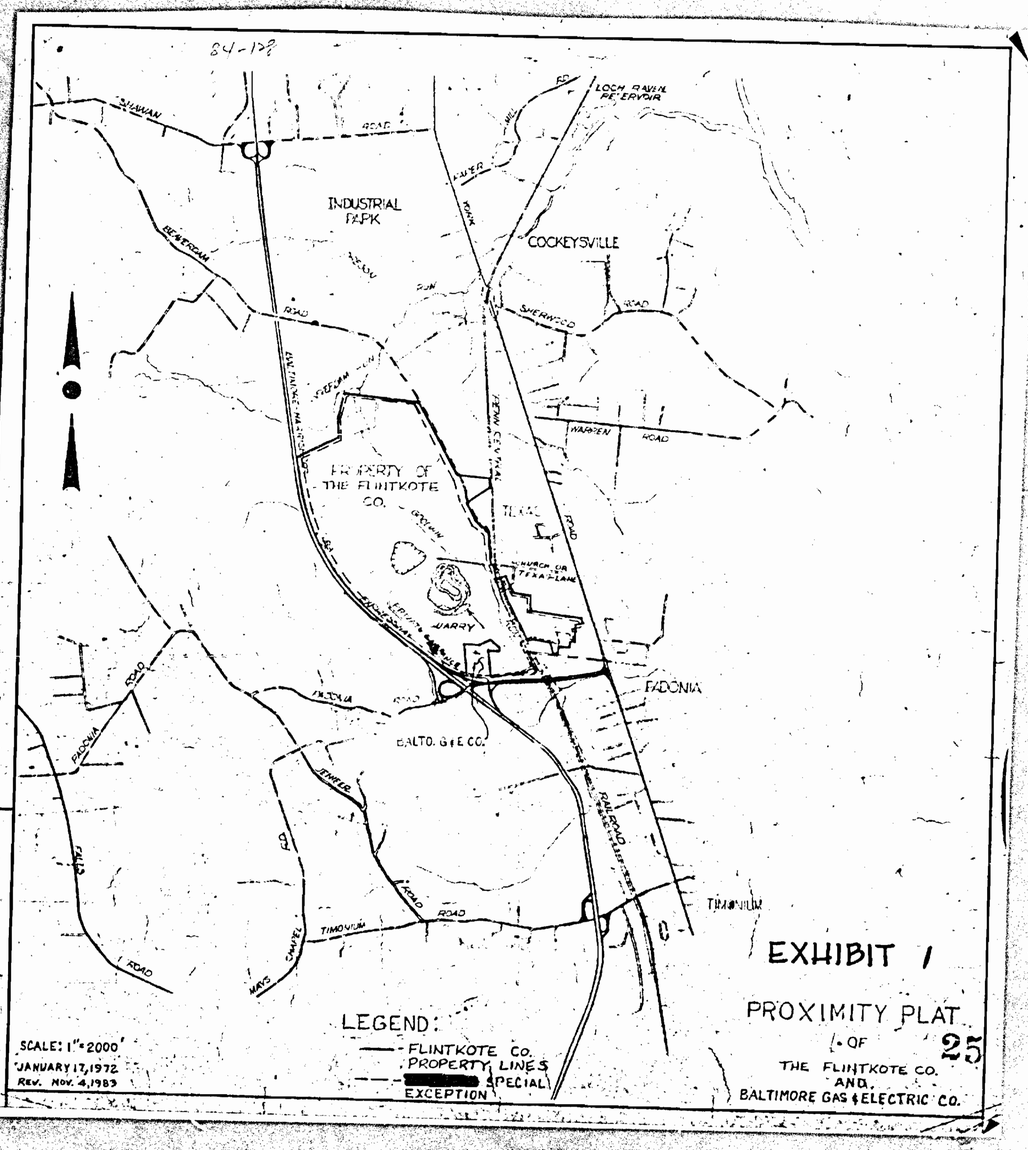


EXHIBIT 1

PROXIMITY PLAT OF THE FLINTKOTE CO. AND BALTIMORE GAS & ELECTRIC CO.

25

ML-IM
USE
Special Exception For Controlled Excavation With The Use Of Explosives - Underground Mining Only

ELECTRICAL TRANSMISSION LINE

N 55°14'40"E 141.35'

S 41°27'00"E 136.06'

30'

S 42°E 237.92'

BALTIMORE COUNTY GRID MERIDIAN

N 46°34'00"E 425.33'

ML-IM
ELECTRIC SUB STATION

S 40°14'20"E 51.30'

S 34°21'20"E 50.61'

S 84°14'00"E 310.04'

30'

RUN

335

ELECTRICAL TRANSMISSION LINE

PROPERTY LINE

S 30°16'40"E 191.78'

340

PROPERTY LINE

GOODWIN

15.73AC.±

N 82°46'30"W 483.86'

BALTIMORE GAS & ELECTRIC CO.

BALTIMORE GAS & ELECTRIC

N 3°28'20"W 714.77'

TO

345

S 3°28'20"E 699.31'

TO BUTLER

ROADWAYS

BALTIMORE GAS & ELECTRIC - ELECTRIC SUB STATION BUILDINGS

MACADAM

ML-IM
USE
Special Exception For Controlled Excavation With The Use Of Explosives - Underground Mining Only

ML-IM
USE
Special Exception For Controlled Excavation With The Use Of Explosives - Underground Mining Only

Chd. N85°33'00"W
265.82'
R=195.00'
L=292.47'

352

30'

30'

N64°17'37"W 140.19'

355

S56°34'20"W 50.41'

N42°34'55"W 116.28'

S80°00'00"W 152.42'

360

365

100'

100'

370

FLINTKOTE COMPANY

PROPERTY LINE

RAMP RIGHT-OF-WAY No 2.30

BITUMINOUS CONCRETE

PLANT ENTRANCE ROAD

PADONIA ROAD RIGHT OF WAY No 24.83

N 03°28'20"W 132.67'

55'

52'

RAMP TO I-83 N.B.L.

BITUMINOUS CONCRETE PAVING

MEDIAN

BITUMINOUS CONCRETE PAVING

675'± TO LEEKES RUAL

ROAD
(WATER & SEWER IN PADONIA ROAD)

PADONIA

RAMPS FROM I-83 N.B.L.

DEEKES

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY John W. Wimbley
PLANNING
DATE 1/7/81
for James E. Dyer
ZONING COMMISSIONER
DATE 1/7/81
Case # 81-75-X

Date Dep. Dir. 1-22-81

NOTE:

1. If required, 3 twelve-inch (12) diameter & 1 three-foot (3) diameter air-escapeways may extend to the surface from the underground mine.
2. Building permits will be obtained if required.
3. Exact location to be determined at a later date.

SITE PLAN FOR
SPECIAL EXCEPTION FOR CONTROLLED EXCAVATION WITH THE USE OF EXPLOSIVES IN A ML-IM ZONE.

PROPERTY OF
BALTIMORE GAS & ELECTRIC CO. &
THE FLINTKOTE COMPANY

SCALE: 1" = 100' DATE: July 3, 1980
ELECTION DISTRICT No 8 Rev. December 15, 1980

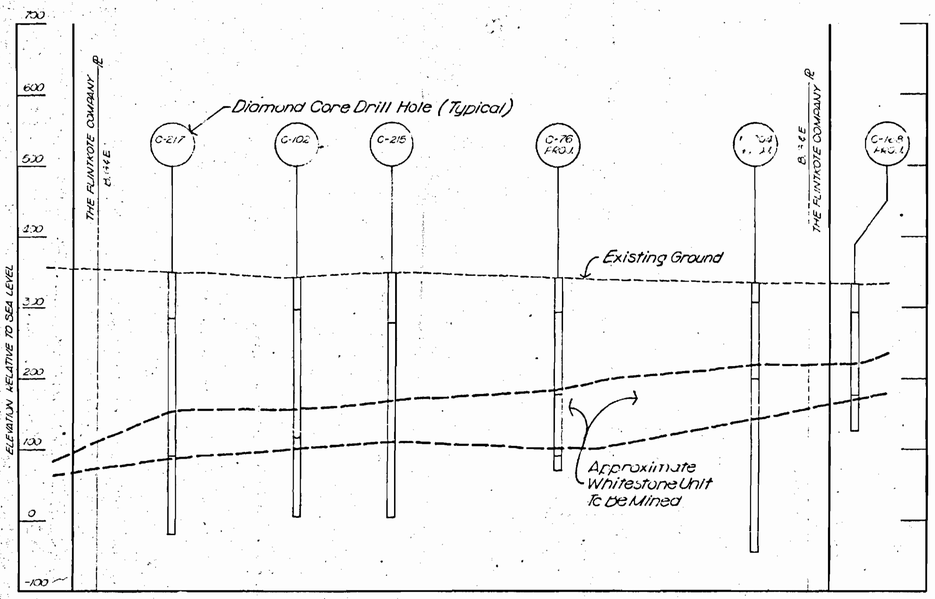
EXISTING ZONING • ML-IM
• SPECIAL EXCEPTION FOR CONTROLLED EXCAVATION WITH THE USE OF EXPLOSIVES (UNDERGROUND) 253.2A3
ADJACENT PROPERTY WAS SUBJECT OF PREVIOUS HEARING CASE No 72-275-X ITEM No 135

GERICKE, GROSS & FITZER

MICROFILMED

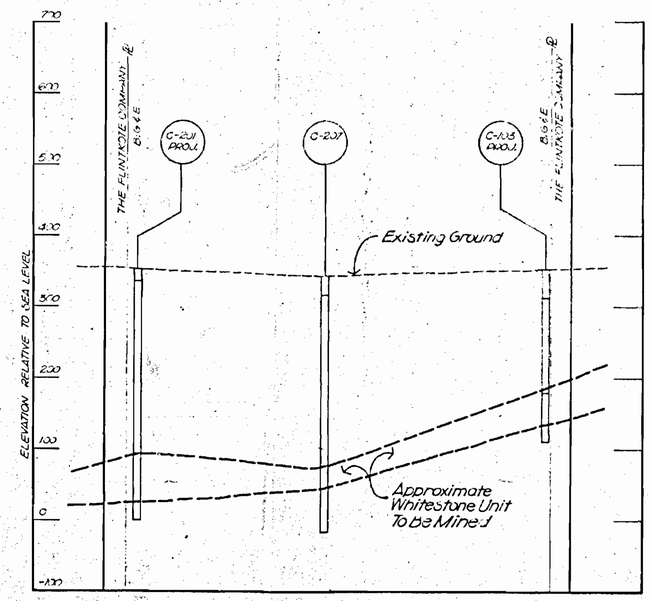
2/3

PETITION No 81-75-X ITEM No 24



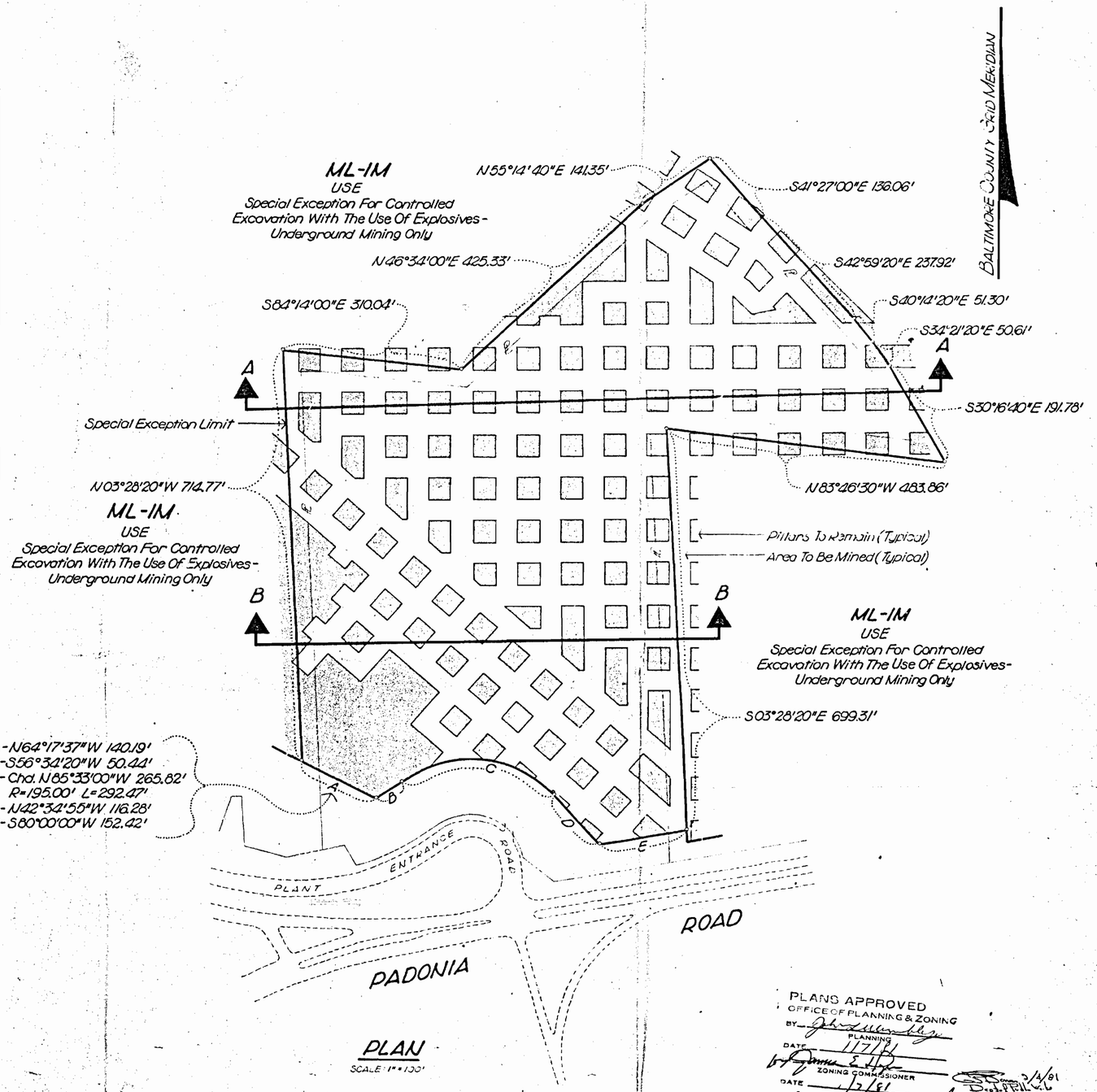
SECTION A-A

SCALE 1"=100'



SECTION B-B

SCALE 1"=100'



PLAN

SCALE: 1"=100'

RESTRICTIONS:

1. This special exception shall be reviewed at the same time and in the same manner as the special hearing required by the granting of Case No. 72-275-X; the first such hearing shall be set by petition on or before the tenth anniversary of the Baltimore County Board of Appeals' Order dated June 6, 1973.
2. Compliance with all pertinent requirements of the Maryland Department of Natural Resources, Bureau of Mines, both the Baltimore County and State of Maryland Departments of Health, and the Baltimore County Building Code.
3. Approval of a site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning.

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY [signature] PLANNING
DATE 11/7/81
[signature] ZONING COMMISSIONER
DATE 12/1/81
Case # 81-75-X
[signature] 2/4/81
[signature] 1-26-81

SITE PLAN SHOWING PROPOSED UNDERGROUND MINING PLAN & CROSS SECTIONS

PROPERTY OF
BALTIMORE GAS & ELECTRIC CO. &
THE FLINTKOTE COMPANY

SCALE: As Shown
ELECTION DISTRICT No. 8
DATE: July 3, 1980
Rev. December 15, 1980

MICROFILMED

3/3

ZONED ML-IM

ZONED ML-IM

ZONED ML-IM
RECREATIONAL & HISTORICAL USE

PROPERTY LINES

ZONED ML-IM

ZONED ML-IM

ZONED ML-IM

ZONED ML-IM
BALTIMORE COUNTY, MARYLAND

ZONED ML-IM
INDUSTRIAL USE

ZONED ML-IM

ZONING LINE ML-IM / ML-IM

ZONING LINE ML-IM / ML-IM

ADDITIONAL R.O.W.

BALTIMORE COUNTY MD

BALTIMORE COUNTY MD

COCKEYSVILLE ROAD

BEAVER DAM ROAD

BEAVER DAM ROAD

NORTHERN CENTRAL RAILROAD

N09°58'36"W 388.00

S85°18'30"W 637.12

N84°56'00"W 1200.00

S20°01'30"W 1025.25

S71°48'30"W 496.05

S71°18'20"W 450.01

S38°44'54"E 455.51

S90°E

N 15°57'30"W 650.30

S84°03'32"E 600.05

1128.71'
21°43'

1115°50'34"
259.91

1110°56'00"
169.19

135'

165'

180'

N

ZONED ML-IM

ZONING LINE ML-IM / MH-IM

ZONING LINE ML-IM / MH-IM

ZONED ML-IM

ZONED ML-IM

ZONED ML

ZONED M.H-1M

AREA ACQUIRED BY STATE OF MARYLAND FOR EXPRESSWAY

ZONED DR2 UNIMPROVED

ZONING LINE M.H-1M (TO M.L.-IM LINE)

S53°-16'-16"E 2128.36'

ELECTRICAL TRANSMISSION LINE R/W

PROPERTY LINES

BALTIMORE GAS & ELECTRIC CO. ELECTRICAL TRANSMISSION SUBSTATION FLINTKOTE COMPANY RETAINED MINERAL RIGHTS

S53°-16'-16"E 618.02'

LEGAL RIGHT OF WAY LINE

PROPERTY LINE

PADONIA ROAD (WATER ESSENTIAL PROPOSED)

ZONED M.L.-IM INDUSTRIAL USE

BALTIMORE GAS & ELECTRIC CO. PROPOSED SANITARY SEWER PUMPING STATION ON SITE

Beginning

CHURCH LANE

RESIDENTIAL INDUSTRIAL AND COMMERCIAL USE

ZONED ML-IM

N 11°-33'-40" W 455.58'

N 84°-01'-41" W 133.17'

NORFOLK CENTRAL RAILROAD

ELECTRICAL TRANSMISSION LINE R/W

M.L.-IM

FLINTKOTE COMPANY RETAINED MINERAL RIGHTS

ML DE 3.5

DE 3.5

ML

BL.CCC

BM CCC

OLD YORK ROAD

EXISTING ZONING MH, ML & BM
PROPOSED LAND USE SPECIAL EXCEPTION FOR CONTINUED EXCAVATION WITH THE USE OF EXPLOSIVES

TOTAL AREA IN SPECIAL EXCEPTION = 629.28 ACRES±

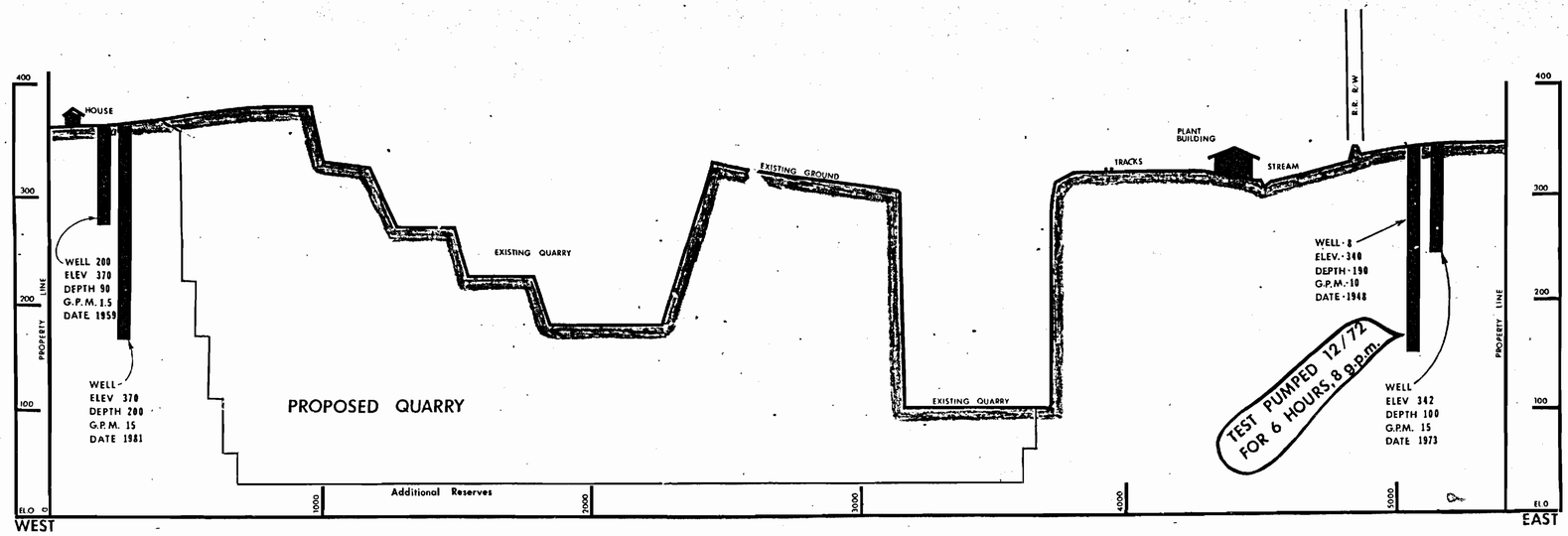
PLAT FOR
SPECIAL EXCEPTION
PROPERTY LOCATED
IN
8TH DISTRICT BALTIMORE CO. MD.

PROPERTY OF
THE FLINTKOTE COMPANY

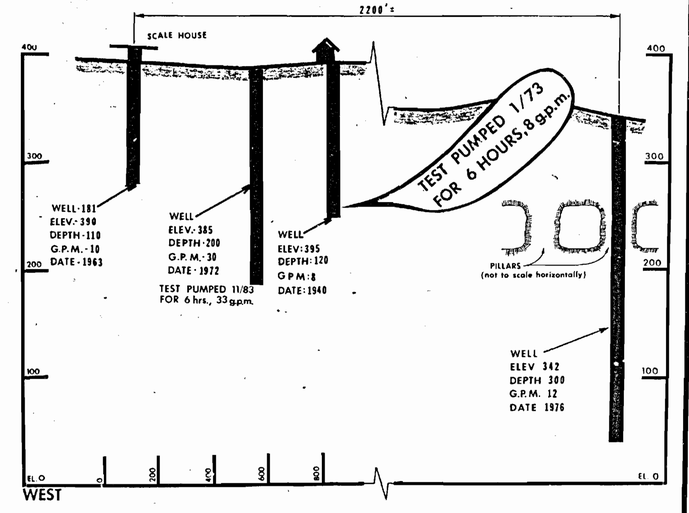
EXHIBIT B

SCALE 1"=200' JUNE 3, 1983
GERHOLD CROSS & ETZEL
REGISTERED LAND SURVEYORS
412 DELAWARE AVE. TOWSON MD

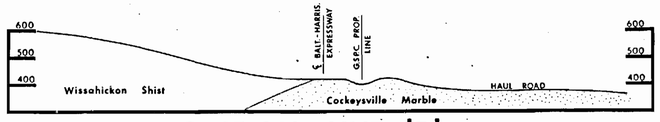
MICROFI



SECTION LINE 'B'

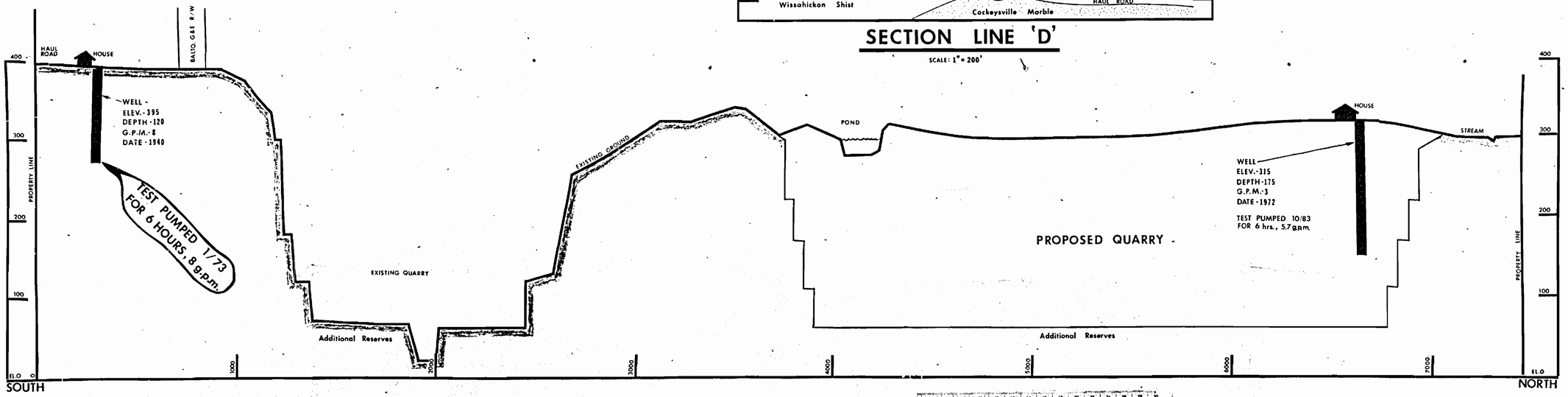


SECTION LINE 'C'



SECTION LINE 'D'

SCALE: 1" = 200'



SECTION LINE 'A'

SCALE: HOR. 1"=200'
VERT. 1"=50'

Cross Section To Accompany Texas Area Water Well & Geological Data Plat

EXHIBIT 7

REVISED AUGUST 31, 1983

II. General Conditions

9. Civil and Criminal Liability

Except as provided in permit conditions on "bypassing", "upset" and "power failure", nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from civil or criminal responsibilities and/or penalties for non-compliance with Title 8 of the Natural Resources Article, Annotated Code of Maryland (1974 Volume) as amended, or any Federal, Local, or other State law or regulation.

10. Property Rights/Compliance with other Requirements

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations

11. Severability

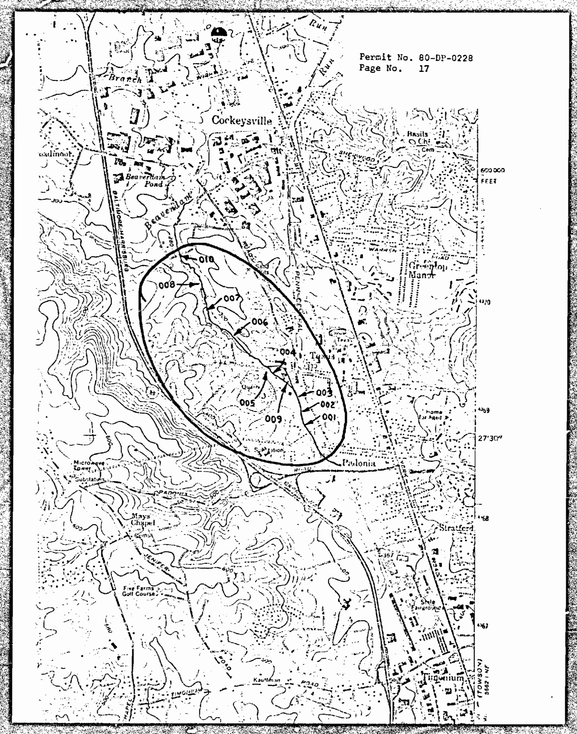
The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

12. Waterway Construction and Obstruction

This permit does not authorize the construction or placing of physical structures, facilities or debris, or the undertaking of related activities in any waters of the State.

13. Compliance with Water Pollution Abatement Statutes

The permittee shall comply at all times with the provisions of Natural Resources Article, Sections 8-1401 through 1416 of the Annotated Code of Maryland, (1974 Volume) as amended, and the Clean Water Act.



II. D. NPDES PERMIT

On September 5, 1974 the Administrator of the U.S. Environmental Protection Agency approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters pursuant to Section 402 of the Federal Clean Water Act.

Pursuant to the aforementioned approval, this Discharge Permit is both a State of Maryland Discharge Permit and a NPDES Permit.

This permit and the authorization to discharge shall expire at midnight on August 15, 1986. Permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge after above date of expiration, the permittee shall submit such information, forms, fees as are required by DNRM no later than 180 days prior to the above date of expiration.

William M. Eichbaum
Assistant Secretary for
Environmental Programs

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFER, III
THOMAS F. McDONOUGH
LAWRENCE F. HAISLIP

OF COUNSEL
JOHN L. ASKEW

November 8, 1983

HAND DELIVERED

Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
401 Bosley Avenue
4th Floor
Towson, Maryland 21204

Re: Petition for Special Hearing
NE/corner of Padonia Road and
Interstate Route 83
The Flintkote Company, et al. - Petitioners
Case No. 84-128-SPH

Dear Commissioner Jablon:

The Special Hearing in the above-entitled case scheduled for November 9th is the result primarily of the Order of the Board of Appeals in Case No. 72-275X dated June 8, 1973. Part of that Order stated:

"c. Prior to said special hearing, submit plans of future operations. Said plans to be approved the (sic) the Department of Health, the Department of Public Works, the Department of Traffic Engineering, the State Highway Administration, and the Office of Planning and Zoning."

Accordingly, we are delivering to you herewith ten copies of the plans listed below and have thus complied with our obligation under Paragraph c. above. We believe, however, that the portion of the Order requiring review of these plans by the Departments referred to in Paragraph c. has been pre-empted by the enactment by the State of Maryland in 1975 of the Surface Mining Act found in Md. Code Natural Resources, Sections 7-6A-01, et seq. and will so contend at the hearing.

Exhibit 2*- Existing operation.

Exhibit 3 - Proposed future operations.

Exhibit 4 - breakdown of proposed future operations between underground (hatched) and open pit mining.

Exhibit 5 - Typical detail of underground mining referred to in Exhibit 2.

Exhibit 6 - Typical detail of open pit mining referred to in Exhibit 3.

Exhibit 7 - Typical cross-section detail showing the existing and proposed elevations in locations referenced on Exhibits 2 and 3.

Very truly yours,

Richard A. Reid

RAR/keg
Enclosures

*Exhibit numbers are those which will be attached to the exhibits when offered in evidence at the Special Hearing along with other exhibits, including Exhibit 1 which does not relate to future operations and is therefore not included herein.

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

CARROLL W. ROYSTON
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C. S. KLINGELHOFER, III
THOMAS F. McDONOUGH
LAWRENCE F. HAISLIP

OF COUNSEL
JOHN L. ASKEW

October 11, 1983

Mr. Nicholas B. Commodari
Office of Planning and Zoning
4th Floor
401 Bosley Avenue
Towson, Maryland 21204

Re: The Flintkote Company
Petition for Special Exception No. 72-275-X
Petition for Special Exception No. 81-75-X

Dear Nick:

This letter is in response to your request for an explanation as to why the Baltimore Gas and Electric Company did not sign the Petition for Special Hearing to review the above-referred to Sepcial Exceptions.

Special Exception No. 72-275-X was granted to Petitioners predecessor in title and did not, in any way, involve the Baltimore Gas and Electric Company.

Special Exception No. 81-75-X also was granted to Petitioners predecessor in title, and did involve land owned by the Baltimore Gas and Electric Company. The Order in that case provided that "This Special Exception shall be reviewed at the same time and in the same manner as the Special Hearing required by the granting of Case No. 72-275-X. *** "

The Order in Case No. 72-275-X provided that "*** It shall be the responsibility of the owner and/or operator to: a. Petition the Zoning Commissioner for the above-mentioned Special Hearing on each 10th Anniversary of the date of this Order ***."

OK

October 11, 1983
Mr. Nicholas B. Commodari
Page 2

Accordingly, the Petition herein could have been filed by either the owner, the operator, or both. Since Genstar is the operator under both Special Exceptions, there was no need for anyone else to sign. Furthermore, Genstar is the owner of all the land involved in Case No. 72-275-X and the owner of all the minerals in Case No. 81-75-X.

Very truly yours,

Richard A. Reid

RAR:tmy

83-275-X

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFER, III
THOMAS F. McDONOUGH
LAWRENCE F. HAISLIP

NOV 29 AM

November 29, 1983

HAND DELIVERED

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

Re: Petition for Special Hearing
NE/corner of Padonia Road & I-83
Eighth Election District
The Flintkote Company, et al. Petitiorers
Case No. 84-128-SPH

Dear Commissioner Jablon:

I am sorry to trouble you again about the above matter, but I feel I must since it is, as you know, a matter of the utmost importance to my client. I understand that you amended your original Order to require a review every 50 years following a conversation with People's Counsel involving an interpretation of B.C.Z.R. §403.

In my opinion, there is nothing in §403 which would require you to change the portion of your original Order which eliminated all requirements for further review and redemonstration of compliance with B.C.Z.R. §502.1. Apparently, the phrase causing some confusion is as follows:

"Section 403 - EXCAVATIONS, CONTROLLED

* * *

Any Special Exception granted hereunder may include the right to erect and operate buildings, machinery, and equipment for a temporary period, consistent with other provisions of the order of the Zoning Commissioner, or the Board of Zoning Appeals, on appeal."

This phrase has no application to the subject special exception because all of the buildings, machinery and equipment at Texas are

JUL 25 1984

EXHIBIT 2

EXISTING TOPOGRAPHY

8-24-83

- WELL
- PROPERTY LINE
- QUARRY LIMITS
- ZONING LINE
- EXISTING BERMS

Revised Plan #271 9/28/83 SPM

Topography Compiled By Photogrammetric Methods in Compliance With National Map Accuracy Standards

Kenneth Adelberg

KENNETH ADELBERG PE 3784

Photogrammetry By MAPS INCORPORATED 7677 Oakton Center Drive Baltimore, Maryland 21224

REVISED BY HARFORD AERIAL SURVEY, INC. JARRETTSVILLE, MD 21084

THE FLINTKOTE COMPANY

TEXAS

REVISIONS	DATE	BY
DATE OF PHOTOGRAPH	4-26-83	
DATE OF PHOTOGRAPHY	5-11-83	

Scale 1" = 200'
Contour Interval 5'
Date of Photography April 4, 1976
Baltimore County, Maryland
Election District 3rd B

Proposed

Future

Proposed

Quarry

Future

Quarry

LIMIT OF SPECIAL EXCEPTION

EXISTING BERM

SEE EXHIBIT 6 DETAIL

SEE EXHIBIT 5 DETAIL

Section Line 'A'

Section Line 'B'

Section Line 'C'

Section Line 'D'

ML-IM
MH-IM

MH-IM
ML-IM

D.R. 3.5
ML-IM

W-13,000
W-12,000
W-11,000
W-10,000
W-9,000
W-8,000
W-7,000
W-6,000

N-66,000
N-65,000
N-64,000
N-63,000
N-62,000
N-61,000
N-60,000
N-59,000
N-58,000
N-57,000

CENTRAL

BEAVER

BALTIMORE - HARRISBURG EXPRESSWAY

GOODWIN RUN

PADONIA RD.

Trees

Cultivated

Stock Pile

Transmission

Station

Dense Trees Contrd to Special

WELL
PROPERTY LINE
ZONING LINE
SPECIAL EXCEPTION LINE
QUARRY LIMITS
EXISTING BERMS
PROPOSED BERMS
NEW CHANNEL LOCATION FOR GOODWIN RUN

EXHIBIT 3

PROPOSED MINING AREAS -
OPEN PIT QUARRYING &
UNDERGROUND MINING
8-24-83

Topography Compiled By
Photogrammetric Methods in
Compliance With National
Map Accuracy Standards
Kenneth Feldberg
KENNETH A. FELDBERG
DE 1784

Photogrammetry By
MAPS INCORPORATED
3077 Fusion Center Drive
Baltimore, Maryland 21224

THE FLINTKOTE COMPANY

TEXAS

REVISIONS	DATE	BY
DATE OF PHOTOGRAPHY	4-26-81	
DATE OF PHOTOGRAPHY	5-11-83	

Scale 1" = 200'
Contour Interval: 5'
Date of Photography: April 4, 1976
Baltimore County, Maryland
Election District No. 8

REVISED BY HARFORD AERIAL SURVEY INC.

N

12,000 W

Railroad Easement

TO YORK

(I-83)

LIMIT OF
SPECIAL EXCEPTION

PROPOSED

PROPOSED

10,000 W

LIMIT OF
SPECIAL EXCEPTION

EXPRESSWAY

FUTURE

FUTURE

MH-1 M ML-1M

64,000 N

QUARRY

QUARRY

8,000 W

BEAVER

Railroad

ROAD

HARRISBURG

62,000 N

JUL 31 1984

PETITION FOR SPECIAL HEARING 84-128-SPH

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 hereto and ma' 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 to review~~ the Special Exceptions for controlled excavation with explosives on and under Petitioner's property and the property of the Baltimore Gas & Electric Company at Texas, Maryland, pursuant to the Order of the County Board of Appeals of Baltimore County of June 8, 1973 and the Order of the Deputy Zoning Commissioner of Baltimore County dated October 30, 1980, respectively Case No. 72-275-X and Case No. 81-75-X.

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 Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

MAP / I/We / EXCEPTION / DISTRICT / DATE / TYPE / HEARING / BY / MAIL / BY

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Legal Owner(s):

THE FLINTKOTE COMPANY

(Type or Print Name)

Thomas O. Nuttle

Signature

THOMAS O. NUTTLE, AGENT AND ATTORNEY-IN-FACT

(Type or Print Name)

Signature

Genstar Stone Products Company
Executive Plaza IV
11350 McCormick Road 628-4708
Address Phone No.

Hunt Valley, Maryland 21031
City and State

Attorney for Petitioner:

RICHARD A. REID

(Type or Print Name)

Signature

Suite 600
102 West Pennsylvania Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-1800

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ROLAND E. MANGER, DIRECTOR, LAND MANAGEMENT
Name Genstar Stone Products Company
Executive Plaza IV 11350 McCormick Road
Hunt Valley, MD 21031 628-4161
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of September, 1983, 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, Baltimore County, on the 9th day of November, 1983, at 1:30 o'clock P. M.

Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1 (over)

ORDER RECEIVED FOR FILING
DATE 9/19/83
BY Nicholas B. Commodari

271

84-128-SPH

The Flintkote Company - Petitioner
Petition for Special Hearing
Location: NE Corner Padonia Rd. & Interstate Rte. 83, 8th District
Date of Posting: October 8, 1983

BOYSTON, MUELLER, McLEAN & REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
21204-4573
823-1800

MEMORANDUM IN SUPPORT OF
PETITION FOR SPECIAL HEARING

Although many of the requirements of the order of the Board of Appeals dated June 8, 1973[1] and the order of the Deputy Zoning Commissioner of October 30, 1980 (incorporating such requirements) appear to be outdated, superseded by State and Federal law or illegal, Petitioner will offer evidence at the hearing, without prejudice, to show full compliance with the orders of the Board and Deputy Zoning Commissioner. At the conclusion of such hearing, Petitioner will, however, ask the Zoning Commissioner to review the requirements of such orders to determine if it will be necessary to have future hearings at 10 year intervals and, if so, which of the requirements of the orders of June 8, 1973 and October 30, 1980 will be preserved for consideration at such hearings.

Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204
823-1800

Attorney for Petitioner

1/ The order of June 8, 1973 was directed to Harry T. Campbell Sons' Company, but that company was, at the time, a Division of The Flintkote Company, the Petitioner herein.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NE Corner Padonia Rd. & Interstate Rt. 83, 8th District : OF BALTIMORE COUNTY

THE FLINTKOTE COMPANY, et al., Petitioners : Case No. 84-128-SPH

:::::::

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

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.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 24th day of October, 1983, a copy of the foregoing Order was mailed to Richard A. Reid, Esquire, Suite 600, 102 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioners.

John W. Hessian, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 1, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cdo

Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Richard A. Reid, Esquire
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 271 - Case No. 84-128-SPH
Petitioner - The Flintkote Company
Special Hearing Petition

Dear Mr. Reid:

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 recommendations as to the suitability of the requested zoning.

As you are aware, this hearing originates from the Orders of the two previous cases (No. 72-275-X and No. 81-75-X) covering this site. Among other restrictions in said Orders, the existing operation was to be reviewed every ten years. Therefore, the subject hearing was requested.

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 hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari, bee

NICHOLAS B. COMMODARI, CHAIRMAN
Zoning Plans Advisory Committee

NBC:nr
Enclosures
cc: Gerhold, Cross, & Etzel
412 Delaware Avenue
Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.
DIRECTOR

July 23, 1983

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

Re: Item #271 (1982-1983)
Property Owner: The Flintkote Company
Center of Texas Lane 63.54' W. from centerline
Penn Central Railroad
Acres: 629.28 District: 8th

Dear Mr. Hammond:

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

General:

Comments were supplied in conjunction with the Zoning Advisory Committee review for Items 136 (1971-1972) and 24 (1980-1981).

This office has no further comment in connection with this Item 271 (1982-1983).

Very truly yours,

ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

S-NE Key Sheet
58 & 59 NW 5 & 6 Pos. Sheets
NW 15 B Topo
51 Tax Map

Attachments

September 18, 1980

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

Re: Item #24 (1980-1981)
Property Owner: Baltimore Gas & Electric Company
(The Flintkote Company)
N/E Padonia Rd. 357.46' W. of Deerco Drive
Acres: 15.73 Acres District: 8th

Dear Mr. Hammond:

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

General:

Comments supplied in connection with Item 136 (1971-1972), not Item 135 as indicated, (Case 72-275-X) for quarrying and mining the adjacent 600-700± acres property, and also the comments transmitted January 24, 1974 to Harry T. Campbell Sons' Company by the Baltimore County Bureau of Public Services are referred to for your consideration.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 24 (1980-1981).

Very truly yours,

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

S-NE Key Sheet
58 & 59 NW 5 & 6 Pos. Sheets
NW 15 B Topo
51 Tax Map

Attachments

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO J. Eric Hissey Date March 30, 1972
ATTN: Oliver L. Myers

FROM Ellsworth N. Diver, P.E.

SUBJECT Item 135 (1971-1972)
Property Owner: Harry T. Campbell Sons Company
N/E Quadrant of Baltimore-Harrisburg Expressway and Padonia Road
Present Zoning: M.L. & M.H.
Proposed Zoning: Special Exception for controlled above and underground excavation
District: 8th
No. Acres: 615.55 Acres

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

General:

The magnitude of this property is considerable, comprising approximately 750 acres, of which an area of approximately 616 acres is the subject of this Petition for a Special Exception.

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

Highways:

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

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

(Old) Padonia Road east of the proposed Beaver Dam Road is proposed to be improved in the future as a 40-foot closed-type roadway cross-section on a 60-foot right-of-way. That portion of Old Padonia Road remaining within the Campbell property west of the proposed Beaver Dam Road is proposed to ultimately be abandoned as a public road.

JUL 25 PM

FUTURE

FUTURE

QUARRY

QUARRY

EXPRESSWA

HARRISBURG

BALTIMORE

10 BALTIMORE

ML-IM MH-IM

B.G.&E.

R/W

MH-IM ML-IM

BEAVER

DAM

TEXAS

LANE

8,000 W

BEAVER

ROAD Railroad

62,000N

SRC

INTERCHANGE

AREA

BALTIMORE GAS & ELECTRIC COMPANY PROPERTY

B. G. & E.

R/W

Pennsylvania

OF

ROUTE

TENTATIVE

PADONIA

ROAD

ML-IM D.R. 35

OLD PADONIA ROAD

60,000N

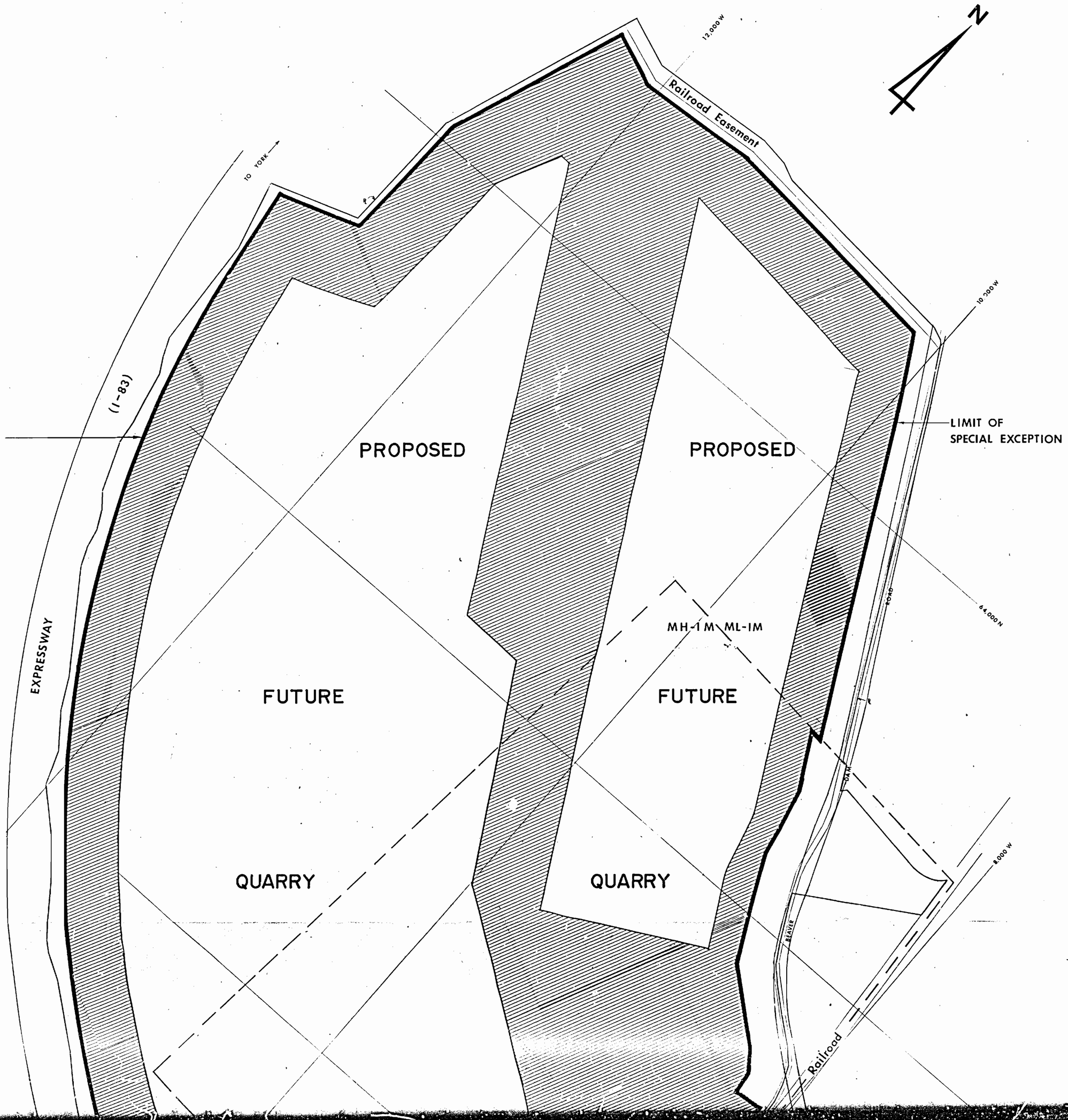
EXHIBIT 4

EXTENT OF UNDERGROUND MINING AREAS

SCALE: 1" = 200' JANUARY 24, 1972

REVISED AUGUST 24, 1983

JUL 31 1984


N
12,000 W
Railroad Easement
TO YORK
(I-83)
LIMIT OF
SPECIAL EXCEPTION
PROPOSED
PROPOSED
LIMIT OF
SPECIAL EXCEPTION
10,200 W
EXPRESSWAY
MH-1 M ML-1M
FUTURE
FUTURE
QUARRY
QUARRY
64,000 N
ROAD
DAM
BEAVER
8,000 W
Railroad

FUTURE

FUTURE

QUARRY

QUARRY

EXPRESS

HARRISBURG

BALTIMORE

TO BALTIMORE

ML-IM MH-IM

B.G. & E.

R/W

DAM

BEAVER

8,000 W

ROAD

Railroad

62,000N

TEXAS

LANE

MH-IM ML-IM

BEAVER

SRC

INTERCHANGE

AREA

BALTIMORE GAS & ELECTRIC
COMPANY PROPERTY

B. G. & E.

R/W

Pennsylvania

O.F.

ROUTE

TENTATIVE

60,000N

PADONIA

ROAD

ML-IM
D.R.35

OLD PADONIA ROAD

EXHIBIT 4

EXTENT OF UNDERGROUND MINING AREAS

SCALE: 1" = 200' JANUARY 24, 1972
REVISED AUGUST 24, 1983

JUL 31 1984

MICROFILM

Proposed

Future

Proposed

Quarry

Future

Quarry

LIMIT OF SPECIAL EXCEPTION

EXISTING BERM

Section Line 'A'

Section Line 'B'

Section Line 'C'

Section Line 'D'

SEE EXHIBIT 6 DETAIL

SEE EXHIBIT 5 DETAIL

ML-IM / MH-IM

MH-IM / ML-IM

D.R. 3.5 ML-IM

CENTRAL

BEAVER DAM RUN

GOODWIN RUN

OLD PADONIA RD.

PADONIA

BALTIMORE HARRISBURG EXPRESSWAY

I-83

Transmission

Dense Tree Conts not to Specs

W-13,000 W-12,000 W-11,000 W-10,000 W-9,000 W-8,000 W-7,000 W-6,000

N-66,000 N-65,000 N-64,000 N-63,000 N-62,000 N-61,000 N-60,000 N-58,000 N-57,000

EXHIBIT 3

PROPOSED MINING AREAS - OPEN PIT QUARRYING & UNDERGROUND MINING
8-24-83

- WELL
- PROPERTY LINE
- ZONING LINE
- SPECIAL EXCEPTION LINE
- QUARRY LIMITS
- EXISTING BERMS
- PROPOSED BERMS
- NEW CHANNEL LOCATION FOR GOODWIN RUN

THE FLINTKOTE COMPANY

TEXAS

REVISIONS	DATE	BY
DATE OF PHOTOGRAPHY	4-26-81	
DATE OF PHOTOGRAPHY	5-11-83	

Scale 1" = 200'
Contour Interval 5'
Date of Photography April 4, 1976
Baltimore County, Maryland
Election District No 8

Topography Compiled By
Photogrammetric Methods
Some Data Added From Ground Survey
Kenneth Carlson
KENNETH CARLSON

Photogrammetry By
MARK T. WILLIAMS
2577 Riva Road
Annapolis, Maryland

REVISED BY

MICROFILMED

Existing Quarry

Existing Quarry

Section Line 'A'

Section Line 'B'

Section Line 'C'

Section Line 'D'

EXISTING BERM

EXISTING BERM

SEE EXHIBIT 6 DETAIL

SEE EXHIBIT 5 DETAIL

UNDERGROUND MINE AREA (pillars not shown)

Stock Pile

Trees

Cultivated

Dense Trees (Limits not to Scale)

BALTIMORE HARRISBURG EXPRESSWAY

D.R. 3.5

MH-IW

IW-IM

IM-IL

IL-IM

IM-IW

IW-MH

W-12,000

W-11,000

W-10,000

W-9,000

N-66,000

N-65,000

N-63,000

N-62,000

N-61,000

N-60,000

N-59,000

N-57,000

E-6,000

EXHIBIT 2

EXISTING TOPOGRAPHY

8-24-83

- WELL
- PROPERTY LINE
- QUARRY LIMITS
- ZONING LINE
- EXISTING BERMS

Topography Compiled By Photogrammetric Methods in Compliance With National Map Accuracy Standards

Kenneth Adelberg

KENNETH ADELBERG P.E. 3784

Photogrammetry By MAPS, INCORPORATED 7677 Carton Center Drive Baltimore, Maryland 21224

THE FLINTKOTE COMPANY

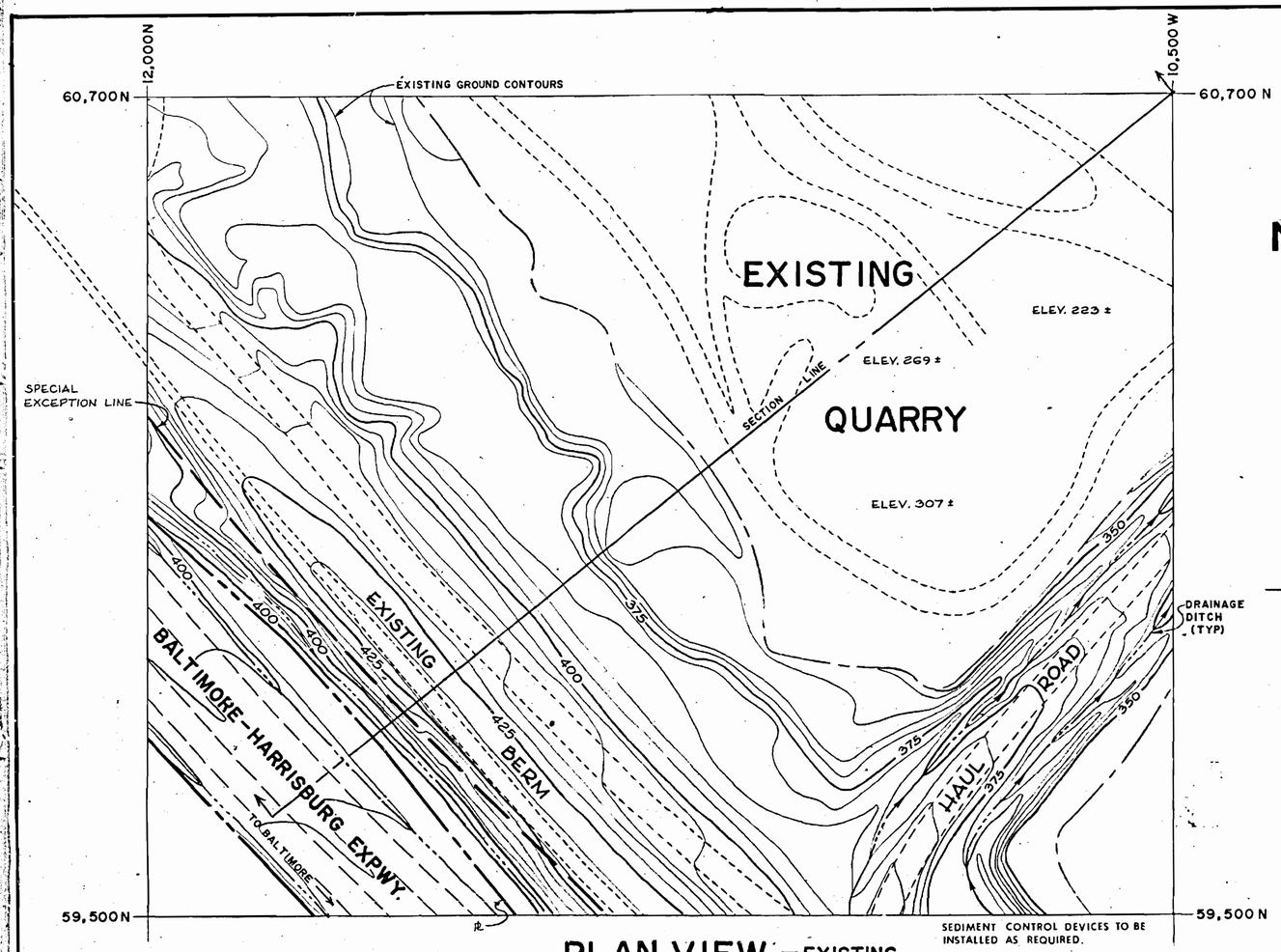
TEXAS

REVISIONS	DATE	BY
DATE OF PHOTOGRAPHY	4-26-81	
DATE OF PHOTOGRAPHY	5-11-83	

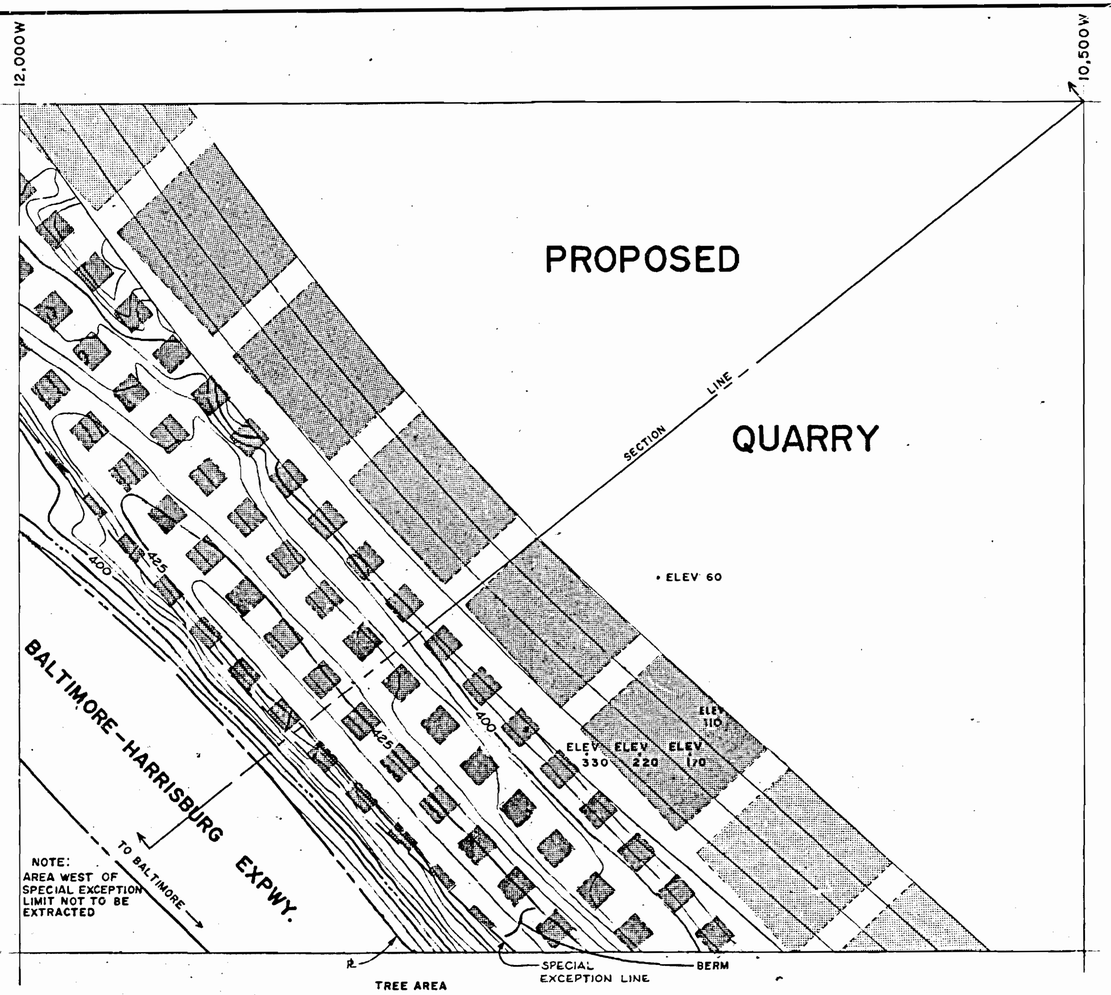
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Contour interval: 5'
Date of Photography: April 4, 1976
Baltimore County, Maryland
Election District No. 8

REVISED BY: HARFORD AERIAL SURVEY, INC. JARRETTSVILLE, MD. 21084

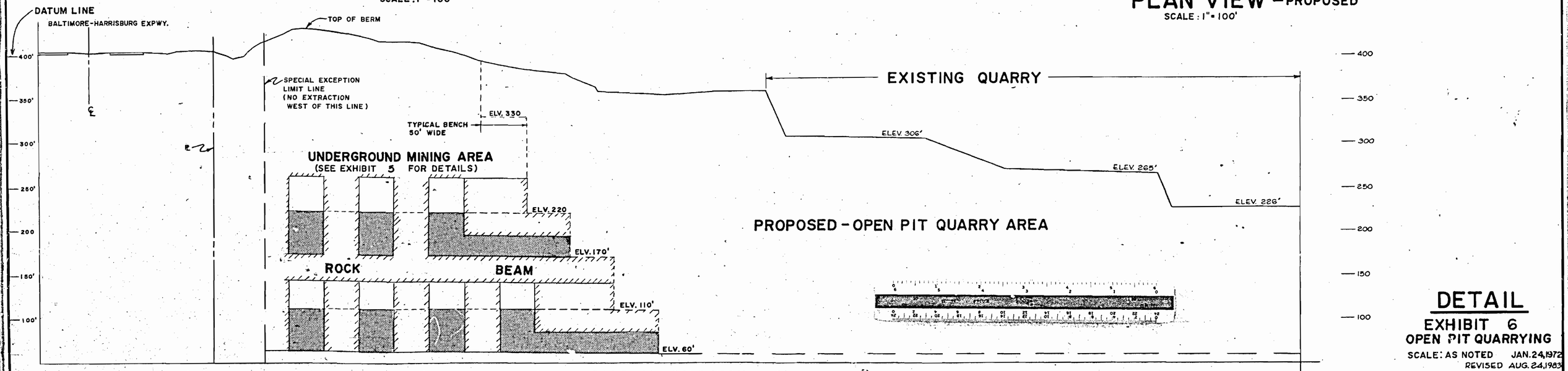
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PLAN VIEW – EXISTING
SCALE: 1" = 100'



PLAN VIEW – PROPOSED
SCALE: 1" = 100'



SECTION VIEW (EXISTING & PROPOSED)
SCALE: 1" = 50'

DETAIL
EXHIBIT 6
OPEN PIT QUARRYING

SCALE: AS NOTED JAN. 24, 1972
REVISED AUG. 24, 1983

MICROFILMED

there as permitted uses under the M.L. and M.H. zoning and are not there by special exception. Indeed, no part of your Order or those of your predecessors purported to grant petitioner any right to construct temporary buildings, etc.

Even if such sentence did apply to the subject special exception it would not justify the conclusion that periodic review of all special exceptions for controlled excavations is required. The sentence in question was inserted in the law not to limit special exceptions for controlled excavations, but to broaden such special exceptions by giving the Zoning Commissioner power to permit buildings, machinery and equipment as part of the special exception where they would not otherwise be permitted by zoning law.

The Schedule of Special Exceptions at page 136 of B.C.Z.R., indicates that controlled excavations are permitted in all zones, except the M.L.R. zone, by special exception. With the exception of the manufacturing zones, the buildings, machinery and equipment necessary to process the material excavated are not permitted. Accordingly, the quoted sentence of §403 was enacted so that the Zoning Commissioner could include the right to construct such buildings, etc. as part of the special exception. The word "temporary" simply means that when the excavation is ended, the buildings, etc. will be removed to maintain consistency of use with the underlying zone. There is nothing here which would indicate periodic review of a special exception for controlled excavation.

Accordingly, it is requested that you revise your Amended Order to conform it to your original Order by striking paragraphs 2 and 3 thereof requiring review every 50 years and a redemonstration of compliance with B.C.Z.R. §502.1.

I have discussed this matter with People's Counsel. He and I are willing to meet with you to review the matter further if you so desire.

Very truly yours,

Richard A. Reid

RAR/keg

cc: John W. Hessian III, People's Counsel

§ 7-605. Cooperation by Department with other State agencies and political subdivisions.

The Department may cooperate with any other State unit or political subdivision and expend funds jointly for any water pollution control project undertaken under the provisions of this subtitle where the objectives of the project may be achieved better or economy realized by a cooperation and joint action, or where the cooperation and joint action is in the public interest. (An. Code 1957, art. 66C, § 674F; 1973, 1st Sp. Sess., ch. 4, § 1.)

§ 7-606. Federal programs.

The Department may take advantage of any available federal program to augment the money it has available under the provisions of this subtitle. (An. Code 1957, art. 66C, § 674G; 1973, 1st Sp. Sess., ch. 4, § 1.)

Subtitle 6A. Surface Mining.

§ 7-6A-01. Definitic

(a) *In general.* — In this subtitle the following words have the meanings indicated.

(b) *Active operation.* — "Active operation" means one from which a minimum of 500 tons per acre of pits being mined, excluding coal, has been extracted for commercial purposes in the preceding year.

(c) *Affected land.* — "Affected land" means the land from which the mineral is removed by surface mining, and all other land area in which the natural land surface has been disturbed as a result of or incidental to the surface mining activities of the operator, including private ways and roads appurtenant to the area, land excavations, workings, refuse piles, spoil piles, and tailings.

(d) *Borrow pit.* — "Borrow pit" means an area from which soil or other unconsolidated materials are removed to be used, without further processing, as fill for activities such as landscaping, building construction, or highway construction and maintenance.

(e) *Contiguous.* — "Contiguous" means in actual contact, sharing a common property boundary, or separated only by a stream or the right-of-way of a road or highway.

(f) *Department.* — "Department" means the Department of Natural Resources.

(g) *Land.* — "Land" means the surface of the land upon which surface mining is conducted.

(h) *Landowner.* — "Landowner" means a person who possesses legal title to the land.

(i) *Minerals.* — "Minerals" means any solid material, aggregate, or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including clay, diatomaceous earth, gravel, marl, metallic ores, sand, shell, soil, and stone. The term does not include coal.

(j) *Mining and reclamation plan.* — "Mining and reclamation plan" means the operator's written proposal as required and approved by the Department for the conduct of mining and the reclamation of the affected land.

(k) *Neighboring.* — "Neighboring" means in close proximity or in the immediate vicinity, but not in actual contact.

(l) *Operation.* — "Operation" means the pit located upon a single tract of land or a continuous pit embracing or extending upon two or more contiguous tracts of land.

(m) *Operator.* — "Operator" means a person engaged in surface mining as a principal, as distinguished from an agent or independent contractor who owns the minerals as a result of the mining.

(n) *Overburden.* — "Overburden" means the strata or material overlying a mineral deposit, or in between mineral deposits in its natural state, and before its removal by surface mining.

(o) *Person.* — "Person" means an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

(p) *Pit.* — "Pit" means the place any minerals are being mined by the surface mining method.

(q) *Pre-law surface mine.* — "Pre-law surface mine" means a noncoal surface mine which was mined and unreclaimed prior to January 1, 1977.

(r) *Reclamation.* — "Reclamation" means the reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area including ponds.

(s) *Refuse.* — "Refuse" means all waste soil, rock, mineral, scrap, tailings, slimes, and other materials directly connected with the mining, cleaning, and preparation of substances mined and includes all waste materials deposited on or in the permit area from other sources.

(t) *Spoil pile.* — "Spoil pile" means the overburden and reject materials as piled or deposited in surface mining.

(u) *Surface mining.* (1) "Surface mining" means all of the following:

(i) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals;

(ii) Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location; and

(2) "Surface mining" does not mean any of the following:

(i) Those aspects of deep mining which do not have a significant effect on the surface, if the affected land does not exceed three acres in area;

(ii) Operations engaged in processing minerals;

(iii) Excavation or grading conducted solely in aid of on-site farming or on-site construction for purposes other than mining;

(iv) Removal of overburden and mining of limited amounts of any mineral when done only for the purpose of prospecting and to the extent necessary to determine the location, quantity, or quality of any natural deposit, if no minerals are sold, processed for sale, or consumed in the regular operation of a business;

(v) The handling, processing, or storage of slag and stone on the premises of a manufacturer as a part of the manufacturing process which requires stone as a raw material or produces slag as a by-product;

(vi) The extraction of minerals, by a landowner for his own noncommercial use from land owned or leased by him;

(vii) Mining operations if the affected land does not exceed one acre in area;

(viii) The extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities, if the work is performed under a bond, contract, and specifications of the Department which provide for and require reclamation of the area affected in the manner provided by this subtitle; or

(ix) Dredging from submerged public or private lands in the State if this activity is conducted under a license from the State Board of Public Works or by permit from the Department, as provided for in Title 9 of this article.

(v) *Tract.* — "Tract" means a single parcel of land or two or more contiguous parcels of land with common ownership.

(w) *Unreclaimed.* — "Unreclaimed" means land which has not been rehabilitated for useful purposes or the protection of natural resources. (1975, ch. 581; 1976, chs. 452, 624; 1978, ch. 361; 1982, ch. 356.)

Effect of amendment. — The 1982 amendment, effective July 1, 1982, substituted "and unreclaimed prior to January 1, 1977" for "prior to issuance of a permit under this subtitle" in subsection (q) and added subsection (w).

§ 7-6A-02. Legislative intent.

(a) *Findings.* — The General Assembly finds and declares that the extraction of minerals by mining is a basic and essential activity making an important contribution to the economic well-being of the State and the nation. Furthermore, it is not practical to extract minerals required by our society without disturbing the surface of the earth and producing waste materials, and the very character of certain surface mining operations precludes complete restoration of the land to its original condition. However, it is possible to conduct mining in a way to minimize its effects on the surrounding environment. Furthermore, proper reclamation of mined land is necessary to prevent undesirable land and water conditions that would be detrimental to the general welfare, health, safety, beauty, and property rights of the citizens of the State. In addition, there are certain circumstances when surface mining is not desirable, such as when the operation will have an unduly adverse effect on wildlife or fresh water, estuarine or marine fisheries. The General Assembly finds that the conduct of mining and reclamation of mined lands as provided by this subtitle will allow the mining of valuable minerals and provide for the protection of the State's environment and the subsequent beneficial use of the mined and reclaimed land.

(b) *Purpose of subtitle.* — This subtitle is an exercise of the police powers of the State for the general welfare of the people of the State, by providing for the protection and conservation of the natural resources of the State and the reclamation of areas of land affected in the surface mining of metallic and

nonmetallic minerals other than coal, to aid in the protection of birds and wildlife, to decrease soil erosion, to prevent pollution of rivers, streams, and lakes, to prevent loss or waste of valuable mineral resources, to prevent and eliminate hazards to health and safety, to provide for reclamation of mined areas so as to assure the use of these lands for productive purposes, and generally to provide for the continued use and enjoyment of these lands. (1975, ch. 581.)

§ 7-6A-03. Rules and regulations.

The Department may adopt rules and regulations reasonably necessary for the administration of this subtitle. Rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedures [Procedure] Act. (1975, ch. 581.)

§ 7-6A-04. Surface Mined Land Reclamation Fund.

(a) All funds received by the Department from license fees, permit fees, special reclamation fees, the forfeiture of bonds and of cash deposits and securities, and fines collected upon conviction of an operator under §§ 7-6A-06 (e) and 7-6A-07 (h) shall be deposited to the credit of the State Treasurer in a bank he designates, and shall be maintained as a special fund on the books of the Comptroller of the Treasury in an account, to be known as the "Surface Mined Land Reclamation Fund." This Fund shall be used by the Department for the administration and implementation of this subtitle, including rehabilitating the area of land affected by the operation upon which liability was charged on the bond.

(b) For the reclamation of pre-law surface mines, the Department may use funds received from the following sources:

(1) A forfeiture in excess of the amount required for reclaiming the area of land affected by the operation on which the liability was charged;

(2) A forfeiture relating to land which the Department determines to be physically impossible to reclaim; and

(3) Licensing fees, permitting fees, fines, funds received from the special reclamation fees established by § 7-6A-07 (f), or any other source. (1975, ch. 581; 1977, ch. 129; 1981, ch. 266; 1982, ch. 356.)

Effect of amendments. — The 1981 amendment, effective July 1, 1981, added "special reclamation fees" near the beginning of subsection (a) and substituted "§§ 7-6A-06 (e) and 7-6A-07 (h)" for "§§ 7-6A-06 (c) and 7-6A-07 (f)" in the first sentence in that subsection.

The 1982 amendment, effective July 1, 1982, substituted "pre-law surface mines" for "surface mined lands other than coal abandoned and unreclaimed before July 1975" in the introductory language of subsection (b), and substituted "§ 7-6A-07 (f)" for "§ 7-6A-07 (e)" in paragraph (3) thereof.

§ 7-6A-05. Surface mine inspectors.

The Department may employ qualified surface mine inspectors and other personnel deemed necessary by the Department to enforce the provisions of this subtitle and any rules and regulations adopted under it. The Department shall establish standards of qualification for surface mine inspectors, particularly as regards the disciplines of mining engineering, civil engineering, water quality, geology, hydrology, agronomy, forestry, biology, health, safety, and any other field deemed necessary for qualification. (1975, ch. 581.)

§ 7-6A-06. Operator's license.

(a) *Required.* — After January 1, 1977, no person may conduct an active operation to extract minerals by the surface mining method as an operator within the State without first obtaining a surface mining operator's license.

(b) *Application.* — An application for a license shall be in writing and on a form prepared and furnished by the Department. If the application is made by a corporation, partnership, or association it shall contain information concerning its officers, directors, and principal owners, as the Department reasonably requires.

(c) *Fee and license renewal.* — The application shall be accompanied by a $100 fee. The license shall be renewable annually, and the renewal fee is $50. The application for renewal shall be made annually by January 1.

(d) *Department not to issue or renew under certain circumstances.* — The Department may not issue any new surface mining operator's license or renew any existing surface mining operator's license to any person if it finds, after investigation, that the applicant has failed and continues to fail to comply with any of the provisions of this subtitle.

(e) *Penalty.* — Any person who violates the provisions of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than $10,000. The fine shall be paid to the Surface Mined Land Reclamation Fund. (1975, ch. 581.)

§ 7-6A-07. Surface mining permit generally.

(a) *Permit required.* — After January 1, 1977, no licensed operator may engage in surface mining within the State without first obtaining a surface mining permit which covers the affected land.

(b) *Application.* — The application shall be in writing and on a form prepared and furnished by the Department and shall fully state the information called for. In addition, the applicant may be required to furnish other information the Department reasonably deems necessary in order to enforce this subtitle.

(c) *Permit for more than one tract.* — A permit may cover more than one tract of land, if the tracts are contiguous and are described in the application.

(d) *Additional documents.* — (1) Right of entry. — Except as waived by the provisions of paragraph (3) of this subsection, the application shall be accompanied by an agreement, in a form specified by the Department, signed

by the applicant and the landowner, if he is a different person from the operator, stating that:

(i) The Department may enter the land, after making a reasonable effort to notify the operator or owner, at any reasonable time during the term of the permit and for an additional period of five years following the expiration of the permit to inspect the condition of the land, and while on the property, Department personnel shall comply with all government regulations; and

(ii) If a bond forfeiture is ordered, the Department, its representatives, and contractors may enter the land and take actions necessary to carry out reclamation which the operator has failed to complete.

(2) Mining and reclamation plan. — The application shall be accompanied by a mining and reclamation plan and map which meets the requirements of § 7-6A-19 of this subtitle. No permit may be issued until the plan is approved by the Department.

(3) Waiver. — The Department may waive the requirements of paragraph (1) of this subsection if a contract between the applicant and the landowner, if he is a different person from the operator, was entered into before July 1, 1974.

(e) *Fees.* — Each application for a permit shall be accompanied by a $200 filing fee. An additional fee shall be charged for a modification or renewal of a permit or issuance of a new permit following cancellation of an existing permit.

(f) *Special reclamation fee.* — In addition, before a surface mining permit is issued every applicant shall pay a special reclamation fee of $30 for each acre of land affected. The payment shall be based on the same number of acres as that for which bond is required.

(g) *Every special reclamation fee shall be matched equally by the State.* — The Governor each year shall place an item in the budget to provide for the matching moneys required by this subsection. These matching funds may be provided by the State in the current budget at the time the permit is issued or in the next succeeding State budget. When all pre-law surface mined lands have been reclaimed, this fee shall cease to be collected.

(h) *Penalty.* — Any operator who violates the provisions of this section or who knowingly or intentionally has filed false information in the application for a permit, or who has not fully complied with all provisions and requirements of the permit, is guilty of a misdemeanor, and, on conviction, is subject to a fine that is sufficient to cover the cost of reclaiming the land affected but not more than $25,000. The fine shall be paid into the Surface Mined Land Reclamation Fund. (1975, ch. 581; 1976, ch. 624.)

§ 7-6A-08. Review of application and accompanying documents.

On receipt of an application and accompanying documents, the Department shall review it and make further inquiries, inspections, or examinations as necessary or desirable for proper evaluation. If the Department objects to any part of the application or accompanying documents, it shall notify promptly the operator by registered mail of its objections, setting forth its reasons, and shall

afford the operator a reasonable opportunity to make amendments or take actions required to remove the objections. The Department shall submit a copy of the application and accompanying documents to the Department of State Planning for review with respect to matters that are the responsibility of that Department. (1975, ch. 581; 1976, ch. 452.)

§ 7-6A-09. Approval or denial of permit.

(a) The Department shall approve and grant or deny the permit requested as expeditiously as possible, but not later than 60 days after the application forms or any supplemental information required are filed with the Department.

(b) The Department may deny the permit on finding that:

(1) Any requirement of this subtitle or any rule or regulation adopted under it will be violated by the proposed operation;

(2) The operation will have an unduly adverse effect on wildlife or fresh water, estuarine, or marine fisheries;

(3) The operator has failed to provide applicable permits covering the operation from all State and local regulatory agencies responsible for air and water pollution and sediment control;

(4) The operation will constitute a substantial physical hazard to a neighboring dwelling house, school, church, hospital, commercial or industrial building, public road, or other public or private property in existence at the time of application for the permit;

(5) The operation will have a significantly adverse effect on the uses of a publicly owned park, forest, or recreation area in existence at the time of application for the permit;

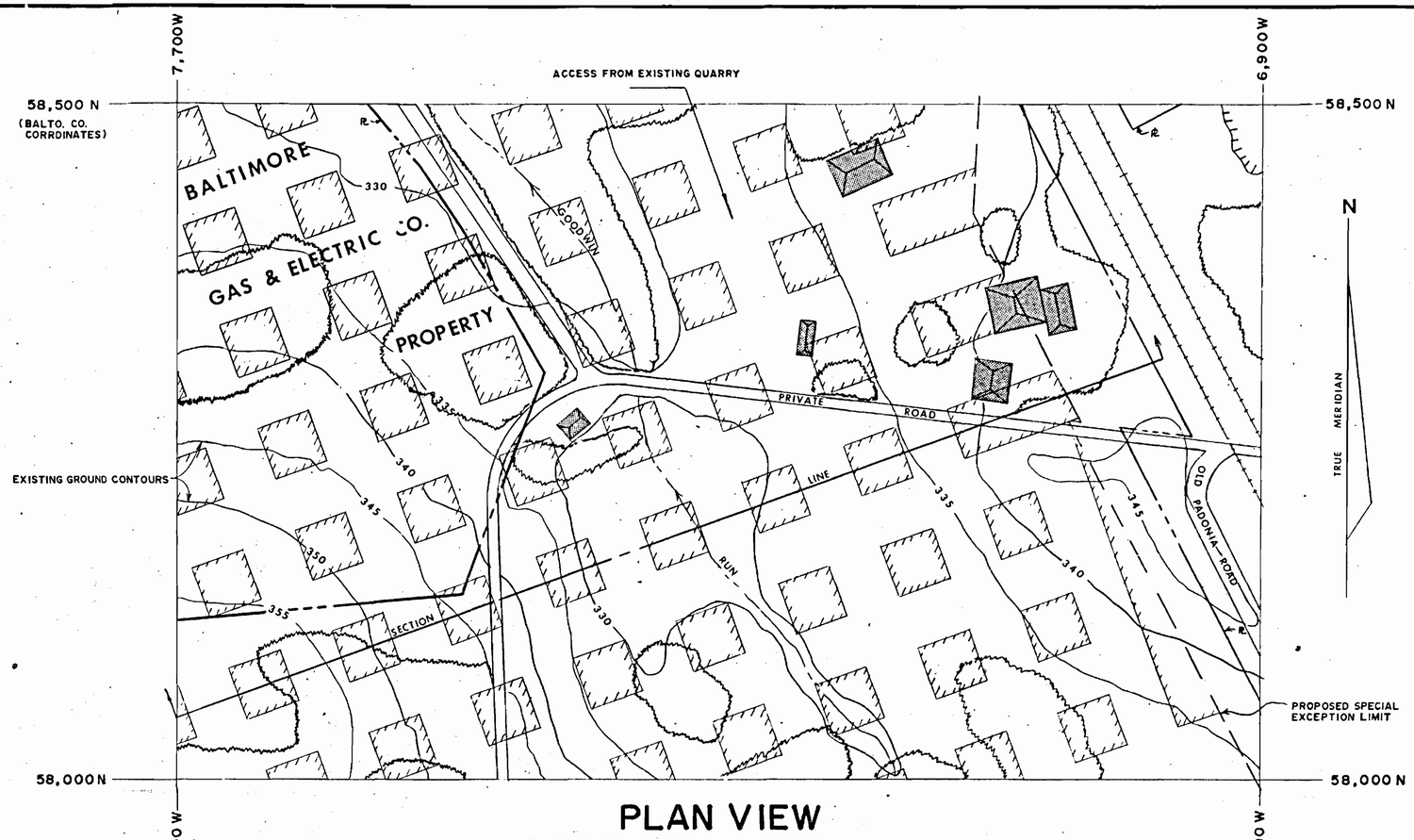
(6) The operator does not possess a valid surface mine operator's license from the State;

(7) The operator has not corrected all violations which he may have committed under any prior permit and which resulted in (i) revocation of his permit, (ii) termination of the operation by order of the Department, (iii) forfeiture of part or all of his bond or other security, (iv) conviction of a misdemeanor under §§ 7-6A-06 (c), 7-6A-07 (h), or (v) any other court order issued against the operator as a result of departmental action; or

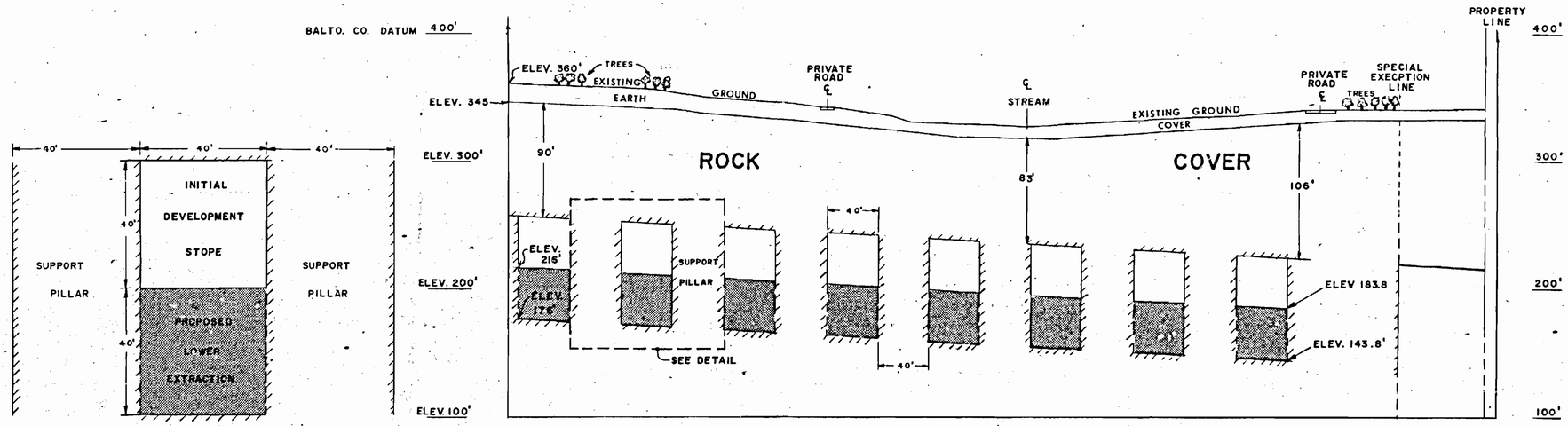
(8) Previous experience with similar operations indicates a substantial probability that the operation will result in substantial deposits of sediment in stream beds or lakes, landslides, or other water pollution.

(c) In the absence of any of these findings, a permit shall be granted. However, no permit becomes effective until the operator has deposited with the Department an acceptable performance bond or other security pursuant to § 7-6A-20 of this subtitle. If at any time the bond or other security, or any part of it, lapses for any reason other than a release by the Department, and the lapsed bond or security is not replaced by the operator within 30 days after notice of the lapse, the permit to which it pertains automatically becomes void and has no further effect and the operation shall be declared terminated by order of the Department.

JUL 25 1984



PLAN VIEW
UNDERGROUND MINE AREA

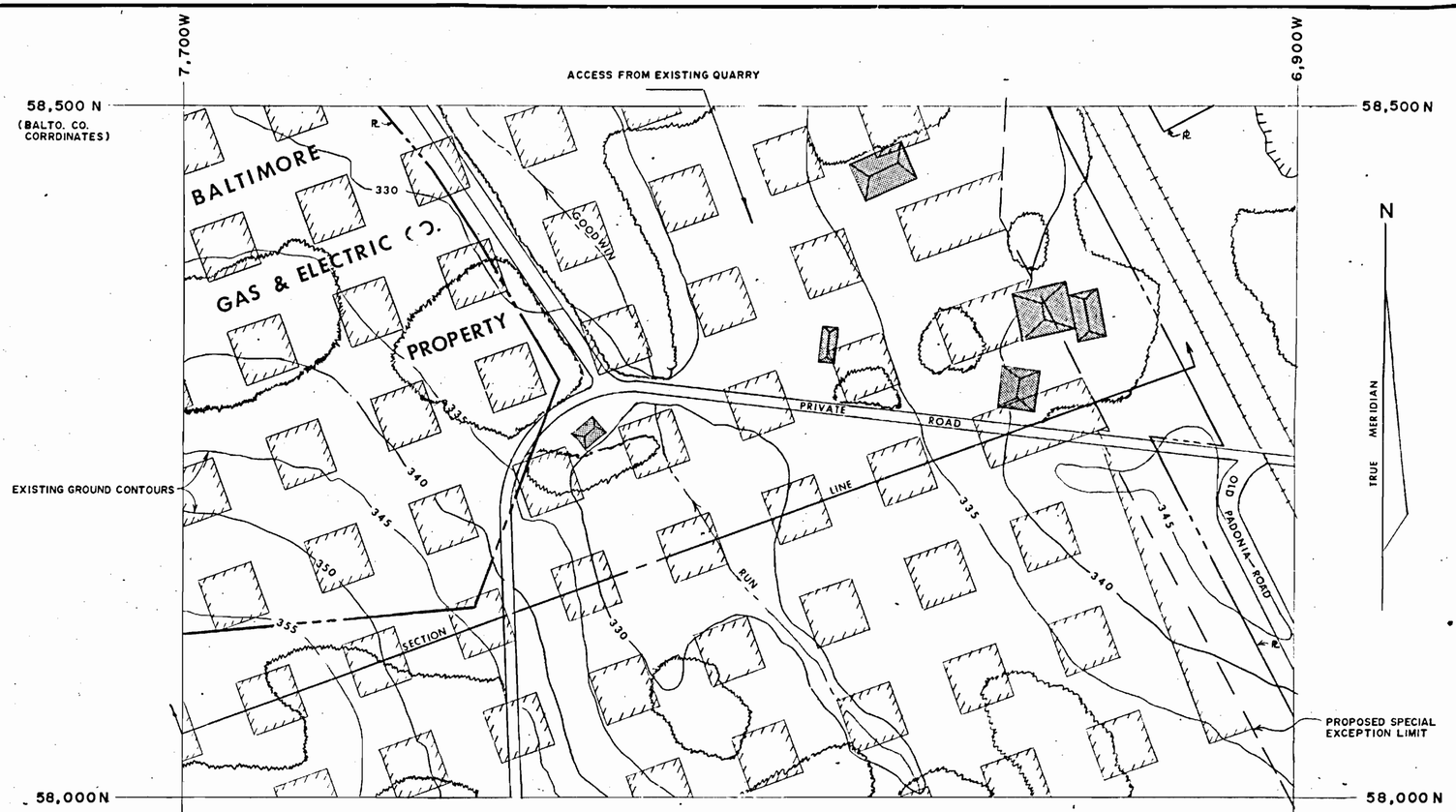


DETAIL
(TYPICAL STOPE)
SCALE: 1" = 20'

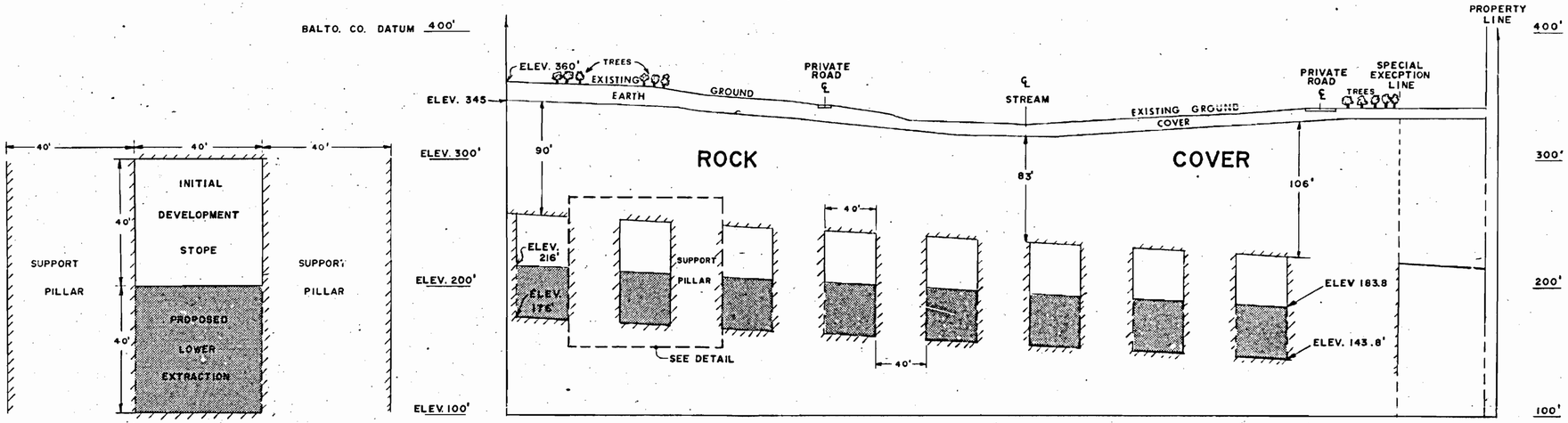
SECTION VIEW
UNDERGROUND MINE AREA

DETAIL
EXHIBIT 5
UNDERGOUND MINING
SCALE: 1"=50' JAN. 21, 1972
REVISED AUG. 24, 1983

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PLAN VIEW
UNDERGROUND MINE AREA

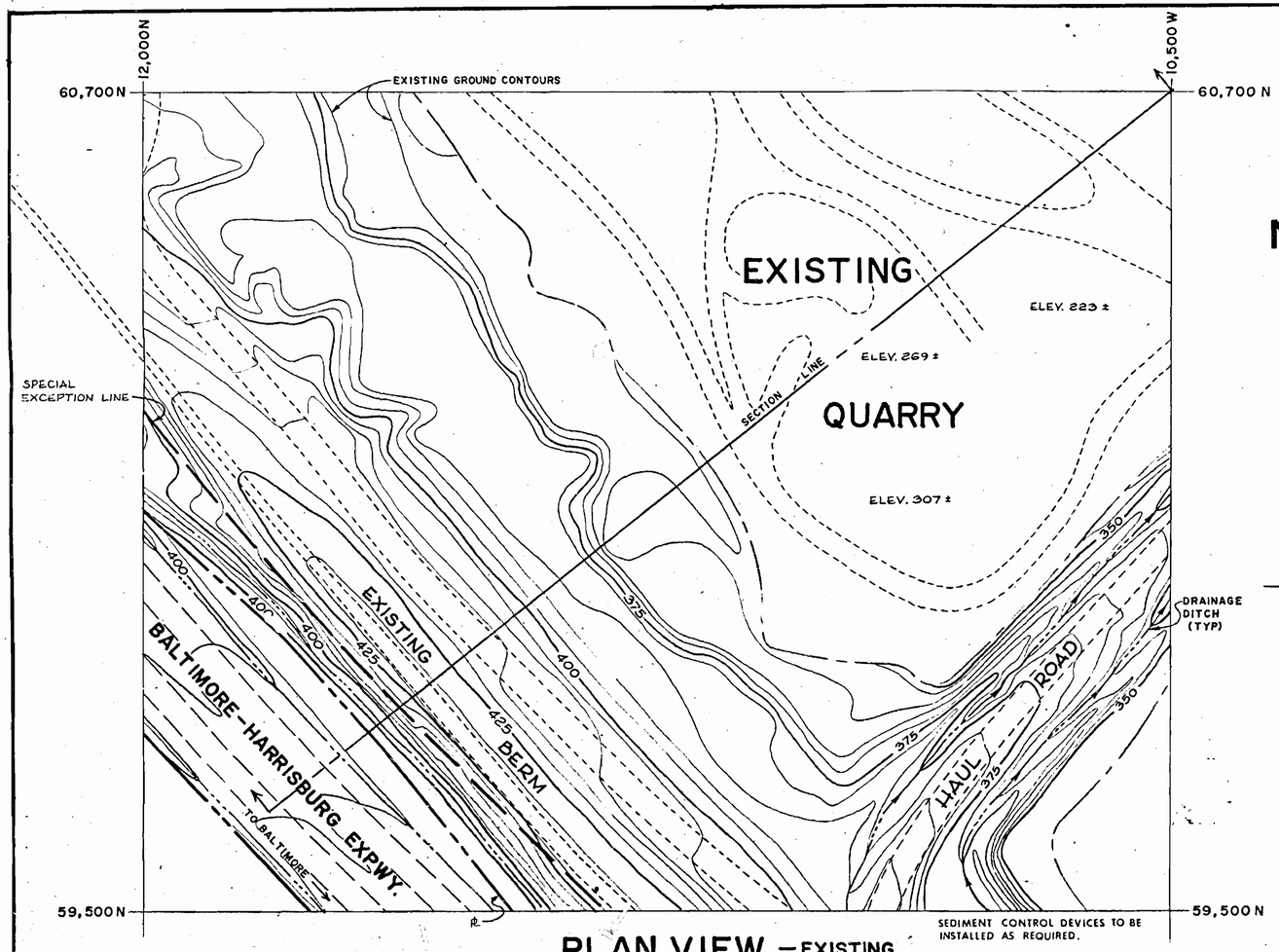


DETAIL
(TYPICAL STOPE)
SCALE: 1" = 20'

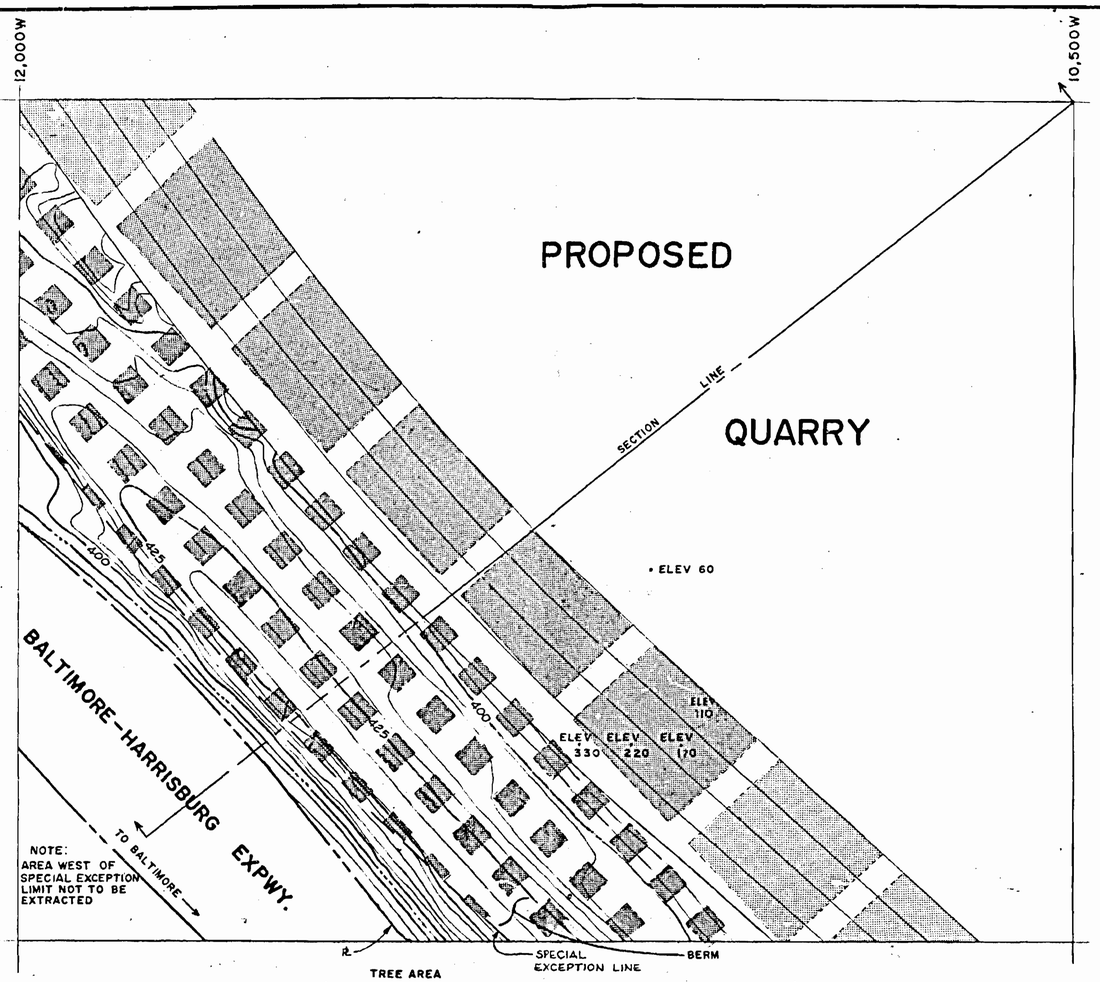
SECTION VIEW
UNDERGROUND MINE AREA

DETAIL

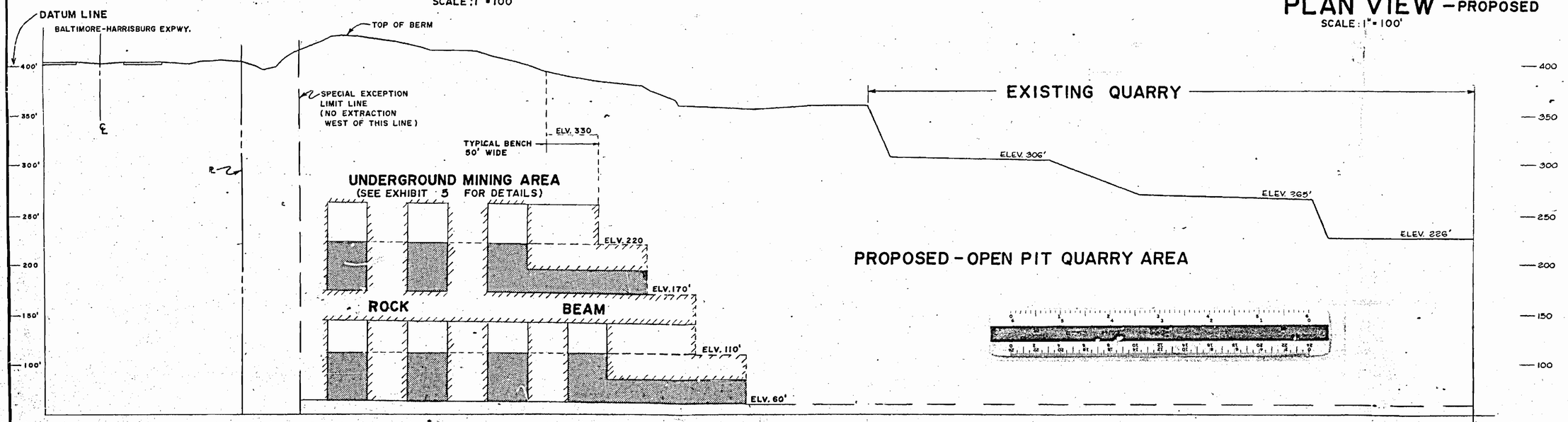
EXHIBIT 5
UNDERGOUND MINING
SCALE: 1"=50' JAN. 21, 1972
REVISED AUG. 24, 1983



PLAN VIEW – EXISTING
SCALE: 1" = 100'



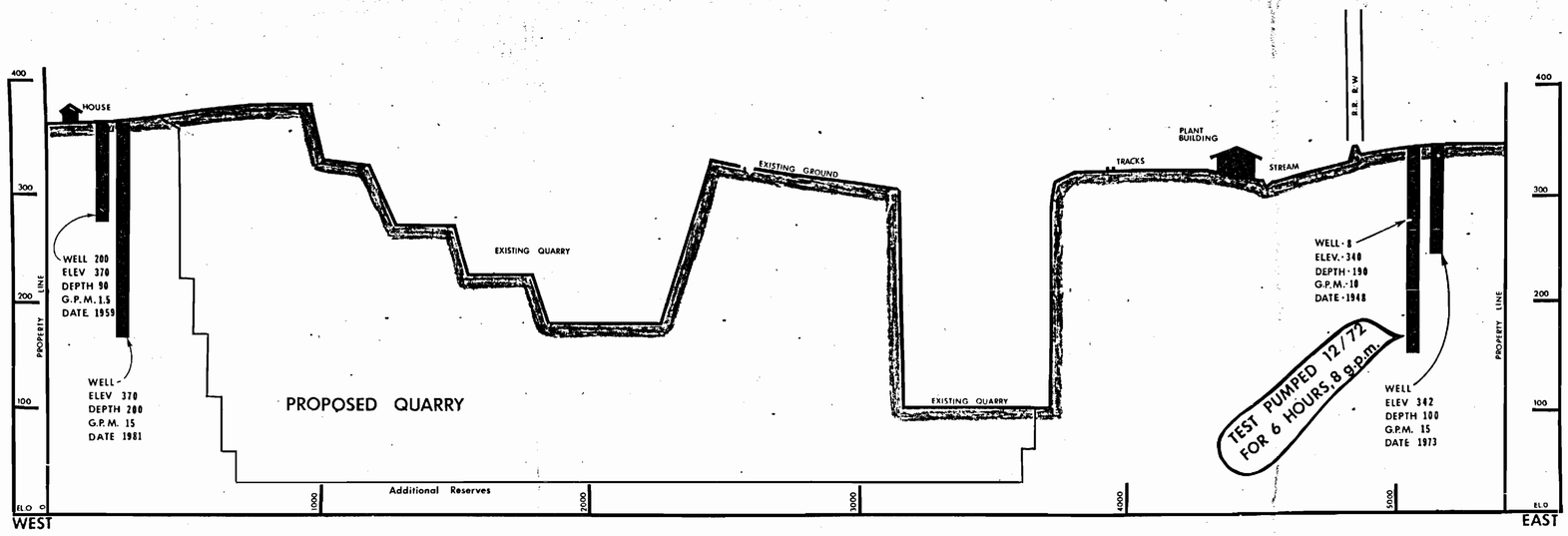
PLAN VIEW – PROPOSED
SCALE: 1" = 100'



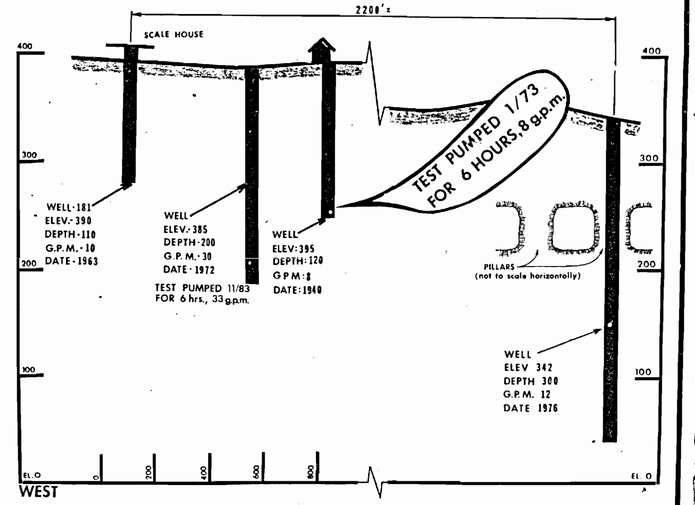
SECTION VIEW (EXISTING & PROPOSED)
SCALE: 1" = 50'

DETAIL
EXHIBIT 6
OPEN PIT QUARRYING

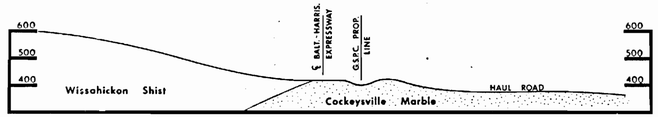
SCALE: AS NOTED JAN. 24, 1972
REVISED AUG. 24, 1983



SECTION LINE 'B'

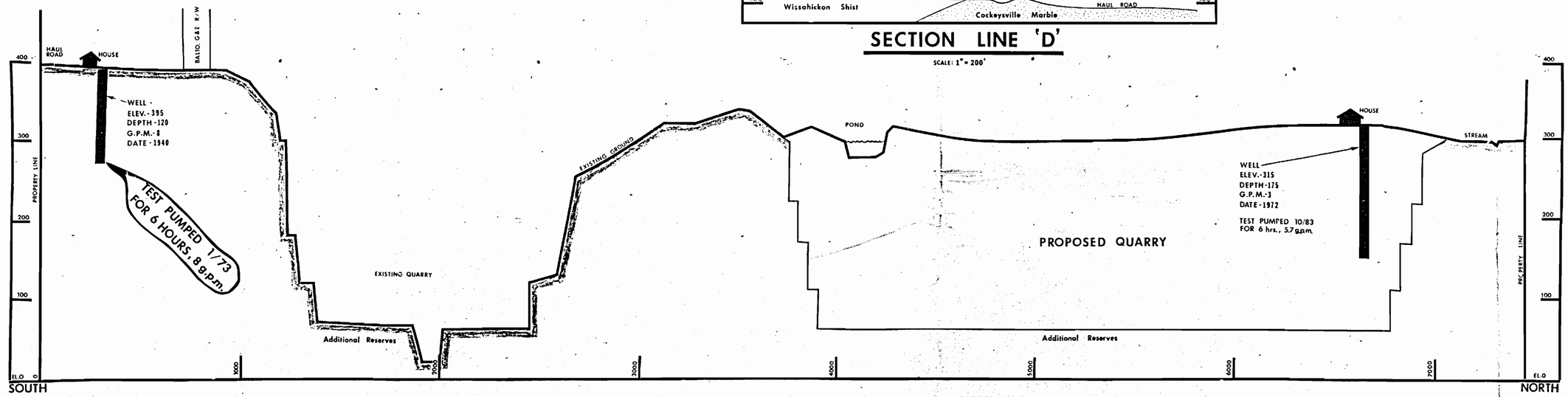


SECTION LINE 'C'



SECTION LINE 'D'

SCALE: 1" = 200'



SECTION LINE 'A'

SCALE: HOR. 1"=200'
VERT. 1"=50'

Cross Section To Accompany Texas Area Water Well & Geological Data Plat

EXHIBIT 7

REVISED AUGUST 31, 1983

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

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

Highways: (Cont'd)

Beaver Dam Road is proposed to be relocated as indicated on the submitted plans and constructed in the Capital Improvement Program in 1976-1977 as a 50-foot closed-type roadway cross-section on a 70-foot right-of-way.

Church Lane (Texas Road) is proposed to be improved in the future as a 40-foot closed-type roadway cross-section generally on a 60-foot right-of-way, but varying to a 50-foot right-of-way as a minimum. That portion of Church Lane, west of the Railroad is considered a private road.

Industry Lane is proposed to be improved in the future as a 42-foot (40-foot minimum) closed-type roadway cross-section on a 60-foot right-of-way and will be extended to the proposed Beaver Dam Road as relocated.

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

Sediment Control:

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.

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

Storm Drains:

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

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

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

Open stream drainage generally requires a drainage reservation or easement of sufficient width to cover the flood plain of a 50-year design storm, with a minimum width of 50 feet required. However, in regard to this property, its projected use and considering the proximity of Goodwin Run, and any relocation of the Run to the quarry-mine operations, it is recommended that the channel and flood plain should be established on the basis of a 100-year design storm.

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

Storm Drains: (Cont'd)

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

Drainage and utility easements will be required through this property to serve offsite properties.

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

Water:

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

Sanitary Sewer:

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

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

Ellsworth N. Diver

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

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

cc: John Trenner
Derwin Grice
Samuel Bellestri
John Loss

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

July 28, 1983

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

Item No. (271) -ZAC- Meeting of June 21, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

NO PLANS TO REVIEW.

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/ccm

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

July 15, 1983

Mr. William R. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #271, Zoning Advisory Committee meeting of June 21, 1983, are as follows:

Property Owner: The Flintkote Company

Location: Center of Texas Lane 63.54' W. from center-line Penn Central Railroad

Existing Zoning: No Plats
Proposed Zoning: Special Hearing to review the Special Exception for controlled excavation with explosives on and under petitioners property and the property of the Baltimore Gas and Electric Co. pursuant to the order of the County Board of Appeals of June 8, 1973 and the order of the Deputy Zoning Commissioner dated October 30, 1980 respectively Case Nos. 72-275-X & 81-75-X.

Acres: 629.28
District: 8th

No health hazards are anticipated.

Very truly yours,

Ian J. Forrest, Director
Bureau of Environmental Services

IJF:ru

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

September 15, 1983

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: The Flintkote Company

Location: Center of Texas Lane 63.54' W. from centerline Penn Central Railroad

Item No.: 271 *Zoning Agenda:* Meeting of June 21, 1983

Gentlemen:

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 second 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 Code prior to occupancy or beginning of operation.*

( ) 5. *The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.*

( ) 6. *Site plans are approved, as drawn.*

(x) 7. *The Fire Prevention Bureau has no comments, at this time.*

REVIEWER: Lt. J. Kelly 9-19-83 *Approved:* George M. Regnold
Planning Group *Fire Prevention Bureau*
Special Inspection Division

JK/mb/cm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Nicholas Commodari, Zoning Department
FROM: Mr. Charles Burnham, Plans Review Chief, Zoning Advisory Committee
SUBJECT: Meeting of June 21, 1983
Date: July 25, 1983

Item #269	See Comments
Item #270	See Comments
Item #271	No Comments
Item #272	Standard Comments
Item #273	Standard Comments
Item #274	Standard Comments

dtl

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent — Towson, Maryland – 21204

Date: June 20, 1983

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

Z.A.C. Meeting of: June 21, 1983

RE: Item No: 269, 270, (271) 272, 273, 274
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

JUL 25 0



BALTIMORE COUNTY AERIAL PHOTOGRAPHS

DATE OF PHOTOGRAPHY: APR., 1982

SCALE : 1" = 500'

○ - RED OUTLINES INDICATE SITES DEVELOPED SUBSEQUENT TO 1972

Exhibit 10


YORK ROAD
PENN P.R.R.
BEAVER DAM RD.
BALTIMORE HARRISBURG

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 900
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFER III
THOMAS F. McDONOUGH
LAWRENCE F. HAISLIP

OF COUNSEL
JOHN L. ASKEW

83-88-12

NOV 15 AM
ZONING DEPARTMENT
By .....

November 14, 1983

HAND DELIVERED

Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
401 Bosley Avenue
4th Floor
Towson, Maryland 21204

Re: Petition for Special Exception
NE/corner of Padonia Road and Interstate Route 83
The Flintkote Company, et al. - Petitioners
Case No. 84-128-SPH

Dear Commissioner Jablon:

In accordance with your request at the hearing of the above-entitled matter, I am forwarding herewith the following documents of The Flintkote Company for its operation at Texas:

1. Surface Mining License #83-SL-0008
2. Permit to Surface Mine #77-SP-0055
3. Application to modify and renew the permit to surface mine
4. Letter from the Surface Mining Division to The Flintkote Company renewing the permit to surface mine as modified.
5. Operating Permit from the Air Management Administration of the Department of Health and Mental Hygiene
6. Water Discharge Permit from the Department of Health - State Discharge Permit Number 80-DP-0228.

If there is any additional information you require or desire, please give me a call.

Very truly yours,
Richard A. Reid

RAR/keg
Enclosures

State of Maryland
Department of Natural Resources
Water Resources Administration

Surface Mining License

Number 83-SL-0008
Expires DECEMBER 31, 1983

This is to certify that

THE FLINTKOTE COMPANY

has complied with the Maryland Surface Mining Act of 1975, Title 7, Section 6A06 of the Natural Resources Laws of the Annotated Code of Maryland (1974 Volume as amended); and is duly licensed as a Surface Mine Operator in the State of Maryland.

This license:

1. may be cancelled at any time
2. is not transferable
3. must be displayed publicly
4. is subject to provisions of Sections 7-6A01-31 of the Natural Resources Act

Signed by T. Schmidt Jr.
DIRECTOR
Water Resources Administration

I CERTIFY this is a true copy of this Surface Mining License.

No 1068
Roland E. Magner, Director, Land Rec. (Auth. Sig.) Date

STATE OF MARYLAND
Water Resources Administration

Permit to Surface Mine

№ 106

Surface Mine Permit Number	77-SP-0055
Effective Date	September 26, 1977
Expiration Date	October 31, 1982

Pursuant to Title 7, Subtitle 6A of the Natural Resources Article, Annotated Code of Maryland (1974 Volume as amended), the Water Resources Administration hereinafter referred to as "the Administration" hereby authorizes:

The Flintkote Company
Campbell-Grove Division
100 West Pennsylvania Avenue
Towson, MD 21204
to engage in a Surface Mine Operation located at:

Texas Plant on Church Lane, Cockeysville, in Baltimore County

as shown on Mining and Reclamation Plan and map dated April 4, 1976 and prepared by Kenneth Adelberg P.E.3784 and in accordance with the special and general conditions attached hereto as part of this Permit.

CONDITIONS

1. This Surface Mining Permit is issued in addition to, and not in substitution of, the requirements of other permits or authorizations granted for this facility.
2. This permit is valid only for use by the Permittee and may not be transferred to another unless written permission for such transfer is obtained from this Administration.
3. This Permit shall become null and void if the mining activity authorized under this Permit has not begin within two years from the date of this Permit.

PERMIT TO SURFACE MINE 77-SP-0055

Page Two

4. This Permit is further subject to all laws and regulations now in effect and may be suspended and/or revoked if it becomes at variance with the laws of the State, or the appropriate County, or if the Permittee may fail to comply with the conditions of this Permit.
5. The Mining activity shall comply with the terms of this Permit and the Mining and Reclamation Plan and Map. The location, dimensions and type of all structures, excavation and filling is to be in accordance with plans submitted by the Permittee, unless application for Permit modification is submitted to and approved by this Administration. A copy of the plans and of this Permit are to be kept at the mining site available for reference during the permit period.
6. Blasting or the use of explosives in stream channels is not permitted unless prior written authorization for same is obtained from the Director, Maryland Fisheries Administration, Tawes State Office Building, Annapolis, Maryland with copy to this Administration.
7. The Permittee shall notify this Administration in writing at least 10 days before mining is initiated and completed.
8. The mining activity shall be considered abandoned if no mineral has been produced or overburden removed for a period of one year and the operator has vacated the site of the operation without having complied with all the requirements of the Mining and Reclamation Plan.
9. The mining activity shall be considered halted if active work has ceased temporarily due to weather or market conditions, or other reasonable cause. An operation may not be halted for a period exceeding 24 months. All environmental controls shall be maintained during this period.
10. The Permittee shall mark each corner of the perimeter of the permitted area by placing stakes. In addition, the Permittee shall place stakes along the perimeter of the permitted area no more than three hundred (300) feet apart. The stakes shall be no less than three (3) feet in height. All of the required stakes shall be in place no later than sixty days from the effective date of this Permit and shall be maintained by the Permittee throughout the life of this Permit.
11. All haul roads shall be treated for dust control by the Permittee as directed by this Administration.

---

12. The Permittee shall install all sediment and erosion controls as shown on the approved sediment control plan within sixty days of the effective date of this Permit.
13. Upon completion of the mining of twenty percent of the permitted area, reclamation, in accordance with the approved Mining and Reclamation Plan and Map, shall be completed at the rate of additional land disturbance, on an acre for acre basis.

WATER RESOURCES ADMINISTRATION

Herbert M. Sachs, Director

By: Michael A. Ports 10/24/77
Michael A. Ports, Chief
Watershed Permits Section

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES ADMINISTRATION
TAWES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

TO BE FILLED IN BY DEPARTMENT
FILE NO. 77-SP-0055

CHECK ONE:

☐ ORIGINAL ☒ RENEWAL ☒ MODIFICATION ☐ TRANSFER

APPLICATION FOR PERMIT TO SURFACE MINE

1. Name of Operator — 2. License No.
The Flintkote Company — 82-SL-0008

3. Business Mailing Address — 4. Business Telephone No.
c/o Genstar Stone Products Company
Executive Plaza IV, 11350 McCormick Road — (301) 628-4000
Hunt Valley, Maryland 21031

5. Name of Operation (for example: #1 pit or Smith Tract)
Texas Plant

6. Location of Operation
Church Lane, Cockeysville, Maryland 21030

7. Name and Address of Surface Land Owner(s)
The Flintkote Company
c/o Genstar Stone Products Company
11350 McCormick Road
Hunt Valley, Maryland 21031

8. Name and Address of Mineral Owner(s)
Same as Above

9. Commercial Name of Mined Products and Geological Description of Mineral Deposit.
Common Borrow - Unconsolidated Soil
Construction Aggregate - Crushed Stone
Cockeysville Marble

(OVER)

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10. Date Mine Opened (if applicable) 1926 — Probable Mine Closure Date 2088

11. Acreage Affected 556

12. Present uses of Land to be mined
Agricultural and existing mining operations

COMPLETE ITEM 13 ONLY IF APPLYING FOR A PERMIT MODIFICATION

13. Reasons for Requesting Modifications:
Change in planned land use ☐ ; Change in reclamation practices ☐ ; Change in schedule of reclamation ☐ ; Increased land area ☐ ; Decreased land area ☐ ; Other ☒ : Describe: Revising final excavation depth and to allow mining of common borrow from unspecified future stripping areas and areas where future strippings are to be placed.

I hereby certify that all of the information contained in the Application for Permit to Surface Mine is true and correct to the best of my knowledge and that any willful misrepresentation of facts is a violation of Title 7, Section 6A of the Natural Resources Law, Annotated Code of Maryland as amended and may be cause for penalty provided in aforesaid section.

TYPEWRITTEN NAME AND TITLE
Thomas O. Nuttle, Agent & Attorney-in-Fact

SIGNATURE — DATE
November 3, 1982
(revised 12/3/82)
(revised 3/31/83)

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES ADMINISTRATION
TAWES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

TO BE FILLED IN BY DEPARTMENT
FILE NO.

SURFACE MINING AND RECLAMATION PLAN

1) Name of Applicant The Flintkote Company

Name of Operation (pit, tract) Texas Plant

2) Total Acreage Affected 556

3) What are the present land uses of the affected acreage?

☒ Agriculture - crops x
grazing
☒ Mining
☐ Forest
☒ Undeveloped Land
☒ Other Processing Plants, Stockpile Areas

4) What is the existing land use of all neighboring properties including any significant natural or man-made features?

☐ Agriculture - crops
grazing
☒ Mining
☐ Forest
☒ Undeveloped Land
☒ Other Industrial Park, Landfill, I-83

(OVER)

JUL 25

5) Describe the proposed use of the affected acreage following completion of mining.

Quarries will be allowed to fill, creating a lake. Remaining areas will be graded, stabilized and returned to industrial, agricultural and/or recreational area.

6) a. What is the existing zoning classification for the site? MH-IM; ML-IM BM-CCC; Special Exception granted June 8, 1973.

b. Is mineral extraction an accepted land use for this zoning classification and have all zoning approvals been obtained? ☒ Yes ☐ No

If no, explain.

c. Do the future intended uses given in Item 5 for above conflict with the present zoning? ☐ Yes ☒ No

If "Yes" explain.

7) Indicate the type of mining equipment to be used:

☒ Dragging	☒ Bulldozer	☒ Conventional Trucks
☒ Power Shovel	☒ "Off Road" Trucks	☐ Hydraulic
☒ Dragline	☒ Pipeline	☒ Conveyor Belt
☒ Self-Loading pan	☒ Explosives	☒ Other (Specify)
☒ Front-End Loader		Processing Plant, Drilling, Crushing & Screening Equipment

8) Describe Fully:

a. The mining method, including the mining sequence and mining direction;

Within the 556-acre affected area, we are presently operating two independent quarries. For the purpose of identification, Quarry I is located south of the main haul road, and Quarry II north of the main haul road. Quarry II begins at the haul road and parallels I-83 on the western side of the affected area. The dolomite sand pit, Quarry III, is located on the northeastern section of the 556-acre affected area.

The mining methods are identical for Quarries I and II. The rock is drilled, blasted and hauled to the primary crushers to begin (CONTINUED ON SEPARATE SHEET ...)

b. Procedures for providing and maintaining access to the mining area (include entrance roads as well as haul roads);

Existing haul roads and extensions of same into proposed quarry areas will be established and maintained as required.

c. Describe how mud and dust will be controlled;

Dust on haul roads will be controlled by water and/or oil spray. Mud control is not necessary due to self containment design of pit. If mud is distributed off property via the haul road, it will be removed by plant personnel.

d. Site preparation, including the removal and disposal of trees and brush;

Where feasible, all saleable timber will be harvested. All other trees and brush will either be burned or incorporated into berms, not to exceed 10% by volume.

e. Method and amount of topsoil and subsoil to be conserved and restored. (If conditions do not favor this, provide a full explanation of alternatives);

Topsoil will be stripped and stockpiled for future use in berm and slope stabilization. Subsoil (overburden) to be used for berm construction and creating fill areas, which will be returned to agricultural use. Excess overburden may be sold for fill.

f. Method of placement of overburden. State thickness and description of overburden if different than topsoil and subsoil; and overburden will be used in the perimeter berms, adjacent to property lines. This will be accomplished utilizing pans, dozers and similar earth moving equipment. Located in the northeast end of the property, there exists a large deposit of dolomitic sand. This deposit may or may not be excavated, contingent upon the possibility of this material being used as a blacktop aggregate.

g. Blasting Procedure (if applicable).

Blasting procedure is the same for both Quarries I and II. Approximately 20 to 40 holes, 3½ to 6" in diameter. These holes are then loaded with a blasting agent and then detonated. Each primary shot is monitored with a portable seismograph. There will be no blasting at Quarry III.

9) Describe the manner of screening the mining operation exposed to public view;

The enclosed drawing, "Mining Plan 2/6"*, shows the correct location of the proposed berm along Beaver Dam Road. The original submittal was revised due to the proposed concrete plant which is planned to occupy the northeast

(OVER)

(CONTINUED ON SEPARATE SHEET ...)

10) Describe the provisions proposed to protect adjacent properties, including waters of the state, from runoff and sediment.

All necessary sediment and erosion controls to be established and maintained as required. Safety buffer strips adjacent to abutting property owners to be established. Berms to be established as per plans (Sheet 2 of 6 prepared by Kenneth A. Adelberg, dated April 4, 1976, latest revision 12/1/82 by G.B.) Fencing to be placed as needed. Berms and slopes to be stabilized adjacent to abutting properties. Standard noise abatement practices on equipment to be followed. Fugitive dust from haulage ways to be controlled as required.

11) a. Describe how the surface gradient will be restored to a surface suitable for proposed use of land after reclamation. Include specifications on the gradient as well as maximum and/or minimum final slopes.

Following extraction, the excavations will be allowed to fill with water, creating lakes. The final surface gradient for the excavated areas will vary depending on ground and surface water activities. Berms will be left in place or regraded to suit final reclamation. Slopes will vary, but the maximum slope will be no steeper than two to one. The majority of the final slopes will most likely be graded on 3:1 slopes. No slopes at less than 5% will be allowed. Maximum underwater highwall height 100'. Minimum bench width 50'.

b. Where backfilling is required, describe the manner in which the compaction will be accomplished.

Only minor backfilling will be required at this operation. Therefore, compaction will not be a problem. The berms are constructed utilizing pans and dozers. The weight of this equipment offers compaction which is sufficient for our needs.

12) Will highwalls be included in the final land form?

☒ Yes ☐ No

If "yes", please answer each of the following:

a. State how highwalls are compatible with the intended future use of each mining area. The probable mine closure date for this operation is 2088. The final land form will be lakes. To anticipate the future use of the property 100+ years in the future seems impractical. Whatever the use at that time, the lakes and the highwalls will have to be compatible.

b. State practices to be used to stabilize remaining highwalls.

Minor grading of the slopes (overburden) may be required. The highwalls are to remain as existing. We are operating under the MSHA Regulations, and to my knowledge, the existing highwalls meet safety regulations and need no further stabilization.

c. What provisions will be made to restrict access to highwalls?

Access to the highwalls will be protected with fencing and berms. As stated above, the final land form will be lakes. The final (CONTINUED ON SEPARATE SHEET ...)

d. What provisions will be made if mining is not carried out to completion?

The quarries will be allowed to fill with water. Perimeter will be sloped around the affected area.

13) Describe provisions for safety to persons and to adjoining property:

a. Provisions to prevent slump, cave-offs, or landslides;

The overburden is sloped at approximately 3:1 and is stabilized. MSHA is constantly monitoring the highwalls to make certain these walls remain in a safe condition.

b. Provisions to provide safety around the upper perimeter of all excavations or highwalls (e.g. fencing, safety benches, etc.).

Adjacent property is protected through buffer lands, the areas between the operation and neighboring properties. The upper perimeter is protected by berms and fencing.

14) How will the following be handled during and after the mining operation?

a. Metal, lumber, and debris;

To be removed from site.

b. Abandoned or worn out equipment;

To be removed from site.

c. Boulders and large rocks;

Boulders and large rocks not suitable for production material will be incorporated into berms and/or overburden storage areas.

d. Will any permanent buildings be left following completion of the operation? If "yes," list and give intended use for such buildings.

All buildings which are compatible with residual land use will remain. Residences - continue to use such.

(OVER)

15) Manner and type of revegetation or other surface treatment of the affected areas.

a. Grasses (specify species) — Pounds/Acre

Kentucky 31 Tall Fescue — 120 lbs/acre

b. Legumes (specify species)

None unless required

c. Nurse Crop (fast-growing annual) grass or grain)

Small grain straw (preferably wheat) — 1.5 to 2 tons/acre

d. Trees

Species	Spacing	Acreage of Area planted
Tulip Poplar	6'x7' 2 rows	1.5 acres
White Pine	6'x7' 2 rows	3.25 acres
Sugar Maple	1 row-10' centers	1800 ±
Locust	1 row-10' centers	1000 ±
Red Cedar	1 row-10' centers	1000 ±

e. Amount of lime and fertilizer.

1 ton dolomitic limestone/acre
10-10-10 fertilizer 1000 lbs/acre
(or as required by soil test)

f. Describe reclamation procedures if not planted.

N/A

16) List all permits and approvals required by State and local regulatory agencies with regard to air and water pollution sediment control, and zoning. Also, submit copy of sediment and erosion control plans and permits approved by the local Soil Conservation District and confirmation of appropriate zoning.

PERMIT	PERMIT NUMBER	DATE ISSUED	EXPIRATION DATE

SEE ATTACHED SHEET

17) Describe the method of prevention, elimination, or minimization of conditions that would be hazardous to fish or animal life in or adjacent to the affected areas.

Berms, slopes, planting and fencing (if needed) to protect animals. Streams to be relocated away from mining operations. Used oil to be recycled. Sediment controls have been properly installed and will be maintained for life of operation.

18) Describe the provisions of prevention of noxious, odious, or foul water collection remaining in the affected areas during and after mining.

We do not anticipate any noxious, odious or foul water to be collected. Lakes created by the excavation intercepting ground water should remain fresh. Positive surface drainage to be maintained after reclamation.

19) Describe the method of rehabilitation of settling ponds, sediment basins, and sediment traps.

Upon completion of mining, the settling ponds will be de-watered, regraded and topsoil will be spread and the area stabilized.

20) Describe the method of restoration or establishment of stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution.

Channel relocation excavations, when completed, will be stabilized with seed and mulch. Jute mat to be used on invert, along with stone lining where necessary. Existing stream to be directed into new channel.

(OVER)

21) Will permanent impoundments (ponds, lakes, sediment basins, etc.) be included in the final land form?

☒ Yes ☐ No

If "Yes," provide the following information for each impoundment.

a. What is the drainage area contributing to the impoundment?

Surface area of proposed excavation only. All other drainage to be diverted.
Quarry I = 76.0 acres Quarry II = 88.2 acres
Quarry III = 12.8 acres

b. Will the impoundment be a dugout type or dam?

Dugout - below mean terrain. There will be 3 permanent impoundments.

c. What are the elevations of the principle spillway(s) and emergency spillway(s)? What will be the area and maximum depth of each impoundment?

No spillways anticipated. It is expected that ground water will reach a static head below rim of excavation. Due to an anticipated maximum depth of greater than 400 feet in Quarries I and II (Quarry III to have greater than 200 feet) (and continual ground water recharge), there should be no surface contamination problem. Quarry III will have a 12.8 acre final area. *

d. What is the major contributing source of water for each impoundment described above?

☒ groundwater ☐ surface water

e. How will contamination of water in the impoundment be prevented?

Surface runoff to remain diverted. Present pumping reports indicate that over 1 billion gallons of water per year recharge through the pits. This figure should substantially increase as depths increase. Any contamination from surface sources will have a negligible effect on this volume flux.

22) Complete Table I: (see page 9) For each item listed fill in the number of acres and the expected starting date of construction for that item and the date which that item is expected to be removed or reclaimed.

* At this time, it is anticipated that Quarries I and II will maintain a static water level between 310 and 315 M.S.L. Quarry III's water level should find equilibrium near M.S.L.

TABLE I

SCHEDULE FOR COMPLETION OF MINING AND RECLAMATION SHOWING AFFECTED LAND BY LAND USE CLASSIFICATION AND RECLAMATION OBJECTIVE

Identification of How Lands Are to be Affected	No. Acres	Expected Mining Dates (Month/Year)		Expected Reclamation Dates (Month/Year)	
		Construction Date	Removal Date	Date to Begin	Date to Complete
PIT	220	Existing	To Remain	Part of Reclamation Plan	
HAUL ROADS	7	Existing	2088±	2088±	2088±
SEDIMENT BASINS/TRAPS	10	Existing	2088±	2088±	2088±
TOPSOIL STOCKPILE AREAS	65	Existing	2088±	2088±	2088±
SEDIMENT CONTROL DIVERSIONS	25	Existing	To Remain	Part of Reclamation Plan	
OFFICE-SHOP	1	Existing	To Remain	N/A	N/A
PLANT SITE	6	Existing (Some Existing During Ops.	2088±	2088±	2088±
EQUIPMENT STORAGE	1	2088±	2088±	2088±	2088±
WATERWAYS	2	1970	To Remain	Part of Reclamation Plan	
OVERBURDEN STOCKPILE AREAS	N/A	N/A	N/A	N/A	N/A
REFUSE-DEBRIS STORAGE	17	Existing	To Remain	Part of Reclamation Plan	
OTHER (SPECIFY)					
BUFFER	184	Existing	To Remain	Part of Reclamation Plan	

JUL 25 1984

I hereby certify that all information contained in the Mining and Reclamation Plan is true and correct to the best of my knowledge and that any willful misrepresentation of facts will be a violation of Title 7, Section 6A-07 of the Natural Resources Law, Annotated Code of Maryland, as amended and may be cause for penalty provided in the aforesaid section.

Typewritten Name and Title

Thomas O. Nuttle, Agent & Attorney-in-Fact

Signature — Date

Thomas O. Nuttle — November 5, 1982
(revised 12/3/82)
(revised 3/31/83)

I hereby certify that all information contained in the Mining and Reclamation Plan is true and correct to the best of my knowledge and that any willful misrepresentation of facts will be a violation of Title 7, Section 6A-07 of the Natural Resources Law, Annotated Code of Maryland, as amended and may be cause for penalty provided in the aforesaid section.

Typewritten Name and Title

Thomas O. Nuttle, Agent & Attorney-in-Fact

Signature — Date

Thomas O. Nuttle — November 5, 1982

Thomas O. Nuttle — Rev. January 26, 1983

Continuation of 8(a)

processing. Quarry III and common borrow excavation is completed by front end loader and conventional brucks. Quarry III sand is hauled to the sand plant; common borrow is hauled and removed from site by private truckers.

Sequence: All three quarries are mined simultaneously. They will continue that method of operation until Quarry I is fully depleted. Quarry III has been opened to supply the raw feed for r. stone sand product. It is anticipated this material will be needed to take the place of depleting natural sand reserves in eastern Baltimore County. Common borrow material is removed as marketability dictates.

Direction: Quarry I may be enlarged along the north and northeast side.. This is contingent on the relocation of existing primary crushers and conveyor system. Beyond that lateral expansion, the benches will be moved back until they reach 50 feet in width. Further, it is forecasted to deepen Quarry I to an elevation of (-100'). Quarry II will expand its benches slightly to the west and east, but mostly to the north, along with deepening. Quarry III will begin within the southwest corner of the permitted boundary. Presently, mining involves the southeast area. Future mining will expand northward. Common borrow material is selected from sites as individual project specifications dictate. All fill to be removed from site will be excess to amount needed for final reclamation. Sue "Mining Plan", 2 of 6.*

Continuation of 9

corner of the property. Earth berms will screen the mining operation from public view. At various locations, evergreen trees will be planted.

* Reference: Sheet 2 of 6, prepared by Kenneth A. Adelberg, dated April 4, 1976; latest revision 12/1/82 by G.B.

Continuation of 12(c)

water surface elevation is contingent upon several factors. The elevation will be influenced by surface and ground water activity. Presently, we control this activity by pumping. If and when we stop pumping, the water would fill the quarry to an elevation no higher than the elevation of Goodwin Run. At tnis time, it would be impractical, if not impossible, to predict the final water elevation of the lakes, especially considering the many influences to the surface water and ground water over the next 100 years.

* Sheet 2 of 6, prepared by Kenneth A. Adelberg, dated April 9, 1976; latest revision 12/1/82 by G.B.

ir & Water State and County Annual Permits to Operate

Identification	Permit Number	Issued	Expire
73 Plant	03-69-9-00001	8/1/82	7/31/83
74 Plant	03-69-9-00006	8/1/82	7/31/83
76 Plant	03-69-9-00016	8/1/82	7/31/83
77 Plant	03-69-9-00017	8/1/82	7/31/83
30 Plant	03-69-9-00018	8/1/82	7/31/83
31 S.B.M. (Old)	03-69-9-00019	8/1/82	7/31/83
31 S.B.M. (New)	03-73-9-00142	8/1/82	7/31/83
elt Transfer	03-70-9-00103	8/1/82	7/31/83
32 Plant	03-76-9-00225	8/1/82	7/31/83
tone Sand Plant	03-76-9-00237	8/1/82	7/31/83
76 Dustless Loading Chute	03-69-9-00016	9/2/82	9/1/83
alcite Crushing	03-69-9-00037	4/1/82	3/31/83
st Mill	03-69-9-00044	4/1/82	3/31/83
oiler	03-69-4-00449	7/8/69	None
per Zeater	03-69-5-00086	7/8/69	None
ombuster	03-69-5-00087	7/8/69	None
ry Mill	03-69-9-00045	4/1/82	3/31/83
pplementary	03-69-9-00048	4/1/82	3/31/83
fflectolite	03-69-9-00049	4/1/82	3/31/83
ecification Sand	03-72-9-00115	4/1/82	3/31/83
arehouse & Bagging	03-72-9-00117	4/1/82	3/31/83
ash Dryer	03-72-9-00133	4/1/82	3/31/83
leaner Boiler	03-73-5-00502	1/2/73	None
exas Blacktop			
,000 lb. H & B	C-00003-00042	1/1/82	12/31/82
,000 lb. Cedar Rapids	C-00003-00041	1/1/82	12/31/82
ir - Permit to Construct/Registration - State & County			
oncrete Plant	03-69-9-00032	5/20/69	None

continued ...

ir & Water State and County Annual Permits to Operate (continuation)

Mine	72-DP-0228-001	4/1/82	3/31/83
Lindsey Pond	72-DP-0228-002	4/1/82	3/31/83
Quarry Sump	72-DP-0228-003	4/1/82	3/31/83
Calcite Cooling	72-DP-0228-004	4/1/82	3/31/83
Concrete Run-Off	72-DP-0228-005	4/1/82	3/31/83
Quarry - 876 Emergency	72-DP-0228-006	4/1/82	3/31/83
880 Settling Pond	72-DP-0228-007	4/1/82	3/31/83
874 Settling Pond	72-DP-0228-008	4/1/82	3/31/83
	80-DP-0228 NPDES 0000175	10/2/81	8/15/86
Ground Water	BA-70-GAP-010	1/26/82	1/25/92
	BA-63-GAP-007	12/4/81	12/3/91
Surface Water	69-SAP-023	12/10/80	12/9/90

TORREY C. BROWN, M.D. SECRETARY
LOUIS N. PHIPPS, JR. DEPUTY SECRETARY

THOMAS C. ANDREWS DIRECTOR

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES ADMINISTRATION
TAWES STATE OFFICE BUILDING
ANNAPOLIS, MARYLAND 21401

June 23, 1983

The Flintkote Company
Executive Plaza IV
11350 McCormick Road
Hunt Valley, Maryland 21031
ATTN: Mr. Roland Manger

RE: Permit to Surface Mine No. 77-SP-0055-RENEWAL AND MODIFICATION 'B'

Dear Mr. Manger:

Your application to renew and modify the above referenced permit has been reviewed by this office and found to be acceptable. In my letter of June 2, 1983 it was stated that the permit, as issued, did not substantially achieve the purpose of the Surface Mining Act and that the Administration was modifying the permit by deleting one (1) condition of the present permit and adding three (3) new conditions (see attachment). In addition, that letter provided you with the opportunity for a hearing if you did not agree with the proposed change.

In Mr. Paul Carney's letter dated June 20, 1983 it is stated that you waived your right to the hearing. Therefore, please be advised that Permit to Surface Mine No. 77-SP-0055 is hereby renewed and modified. Specifically, page one of the permit shall read as follows:

Pursuant to Title 7, Subtitle 6A of the Natural Resources Article, Annotated Code of Maryland (1974 Volume as amended), the Water Resources Administration hereinafter referred to as "the Administration" hereby authorizes:

The Flintkote Company
Executive Plaza IV
11350 McCormick Road
Hunt Valley, Maryland 21301

to engage in a Surface Mining Operation known as the Texas Quarry and located at the east side of Interstate 83 and north of Padonia Road, near Cockeysville in Baltimore County, Maryland as shown on Mining and Reclamation Plan dated November 5, 1982 and map dated

TELEPHONE (301-269-3875)
TTY FOR DEAF-BALTIMORE 269-2609, WASHINGTON METRO 565-0450

(continued)

(301-269-3875)
Mr. Roland Manger
The Flintkote Company
June 22, 1983
Page No. 2

April 4, 1976 and October 28, 1976 latest revision December 1, 1982 and prepared by Kenneth Adelberg P.E. 3784 and in accordance with the special and general conditions attached hereto as part of this permit. The permit area shall not exceed 556 acres as shown on the aforementioned Mining and Reclamation Plan and map.

Unless you are notified otherwise, the modificarion shall be considered as part of Permit to Surface Mine No. 77-SP-0055 which is subject to all the original conditions and the attached conditions. The new expiration date shall be May 31, 1988.

If you have any questions or require additional information, please do not hesitate to contact this office at the above number.

Sincerely,

Timothy J. Schmidt, Chief
Surface Mining Division

TJS:zlr

Enclosure - Conditions No. 13, 14 & 15

cc: Mr. Leroy Jonas

DEPARTMENTAL MODIFICATION OF PERMIT TO SURFACE MINE NO. 77-SP-0055:

DELETE Original Condition No. 13 and REPLACE with the following:

No. 13 - Upon the completion of mining and before the final reclamation the Permittee shall obtain pond approval in accordance with Section 8-803 of the Natural Resources Article of the Annotated Code of Maryland for any permanent impoundment included in the final landform.

Also, ADD

No. 14 - At the end of each calendar year, but before March 31 of the succeeding year, the permittee shall submit an annual mining and reclamation report to the Administration on a form prescribed and furnished by the Administration.

No. 15 - Reclamation activities shall be completed no later than two (2) years after the completion of mining.

JUL 25 1983

(d) If the Department denies an application for a permit, it shall notify the operator in writing, stating the reasons for its denial and any modifications in the application which would make it acceptable. The operator may modify his application or file an appeal as provided in Title 1. The appeal shall be taken within 60 days after notice of disapproval has been mailed to the operator at the address shown on his application. (1975, ch. 581; 1982, ch. 356.)

Effect of amendment. — The 1982 amendment, effective July 1, 1982, in subsection (b), deleted "or" at the end of paragraph (6) and at the end of clause (iii) of paragraph (7), substituted "§§ 7-6A-06 (e), 7-6A-07 (h)" for "§§ 7-6A-06 (c), 7-6A-07 (b)" in clause (iv) of paragraph (7), and substituted a semicolon and "or" for a period at the end of clause (v) of paragraph (7).

§ 7-6A-10. Conditions for a permit.

(a) *Conditions.* — Any permit issued shall be expressly conditioned upon compliance with all requirements of the approved mining and reclamation plan for the operation and with further reasonable and appropriate requirements and safeguards deemed necessary by the Department to assure that the operation will comply fully with the requirements and objectives of this subtitle. The conditions may include a requirement of visual screening, vegetative or otherwise, to screen the view of the operation from public highways, public parks, or residential areas existing at the time of the original application, if the Department finds screening to be feasible and desirable.

(b) *Violations.* — Violation of these conditions shall be treated as a violation of this subtitle and constitutes a basis for suspension or revocation of the permit. (1975, ch. 581.)

§ 7-6A-11. Length of term of permit.

(a) A surface mining permit shall be granted for such period as requested and deemed reasonable, but not exceeding 25 years. If the mining operation has been completed and the reclamation required under the approved mining and reclamation plan is completed prior to the expiration of the permit, the permit may terminate. Termination of a permit does not relieve the operator of any obligations which he has incurred under his approved mining and reclamation plan or otherwise. If the operator wishes to continue operation of his preparation plant, his permit may remain valid but shall be modified.

(b) A permit shall be void if surface mining has not commenced within two years of its issuance. (1975, ch. 581.)

§ 7-6A-12. Permit modification.

(a) Any operator engaged in surface mining under a surface mining permit may apply at any time for modification of the permit. The application shall be in writing on forms furnished by the Department and fully state the information called for. In addition, the applicant may be required to furnish other information the Department reasonably deems necessary to enforce this subtitle. However, it is not necessary to resubmit information which has not changed since the original application, if the applicant so states in writing.

(b) A modification under this section may affect the land area covered by the permit, the approved mining and reclamation plan coupled with the permit, or other terms and conditions of the permit. A permit may be modified to include land contiguous to the existing affected land, but not other lands. The mining and reclamation plan may be modified in any manner, if the Department determines that the modified plan fully meets the standards set forth in § 7-6A-19 and that the modifications would be generally consistent with the bases for the issuance of the original permit. Other terms and conditions may be modified only if the Department determines that the permit as modified would meet the requirements of §§ 7-6A-07 and 7-6A-09. No modification may extend the expiration date of any permit issued under this subtitle.

(c) A $100 fee shall be charged for a permit modification. (1975, ch. 581.)

§ 7-6A-13. Permit renewal.

(a) The procedure to be followed and standards to be applied in renewing a permit shall be the same as those for the initial application for a permit, except that it is not necessary to resubmit information which has not changed since the time of the original application, if the applicant so states in writing. However, the applicant may be required to furnish other information the Department deems necessary to enforce this subtitle. In the absence of any changes in legal requirements for the issuance of a permit since the date on which the original permit was issued, the only basis for the denial of a renewal permit shall be (1) an uncorrected violation of the type listed in paragraph (7) of § 7-6A-09 (b), (2) failure to submit an adequate mining and reclamation plan in light of conditions existing at the time of renewal, or (3) failure or refusal to pay the renewal fee.

(b) Application for a renewal of a permit cannot be made any earlier than two years prior to the expiration date of the original permit.

(c) The fee to be charged for a permit renewal shall be the same as that charged for an initial permit. (1975, ch. 581.)

§ 7-6A-14. Effective date of modification or renewal.

No modification or renewal of a permit becomes effective until any required changes have been made in the performance bond or other security posted under the provisions of § 7-6A-20, so as to assure the performance of obligations assumed by the operator under the permit and the mining and reclamation plan. (1975, ch. 581.)

§ 7-6A-15. New permit in lieu of modification or renewal.

In lieu of a modification or renewal, an operator may apply for a new permit in the manner prescribed by §§ 7-6A-07 and 7-6A-19. (1975, ch. 581.)

§ 7-6A-16. Transfer of permit.

(a) When one operator succeeds to the interest of another in any uncompleted mining operation by virtue of a sale, lease, assignment, or otherwise, the Department may release the first operator from all liabilities imposed upon him by this subtitle with reference to the operation and transfer the permit to the successor operator, if both operators have complied with the requirements of this subtitle and the successor operator assumes the duties and responsibilities of the first operator with reference to reclamation of the land according to the authorized mining and reclamation plan and posts suitable bond or other security required by § 7-6A-20.

(b) The successor operator shall pay a $100 fee on filing a transfer of permit. (1975, ch. 581.)

§ 7-6A-17. Departmental modification of permit or of mining and reclamation plan.

(a) If the Department determines from the inspections of the affected land required by § 7-6A-25 that the activities under the mining and reclamation plan and other terms and conditions of the permit fail substantially to achieve the purposes and requirements of this subtitle, the Department shall give the operator written notice of:

(1) The Department's determination,

(2) The Department's intention to modify the mining and reclamation plan and other terms and conditions of the permit in a stated manner, and

(3) The operator's right to a hearing on the proposed modification at a stated time and place.

(b) The date for the hearing may not be less than 30 days nor more than 60 days after the date of the notice unless the Department and the operator mutually agree on another date. Following the hearing the Department may modify the mining and reclamation plan and other terms and conditions of the permit in the manner stated in the notice or in another manner it deems reasonably appropriate in view of the evidence submitted at the hearing. Refusal of the operator to comply with the conditions set forth in the permit so modified by the Department shall result in the revocation of the permit.

(c) No fee may be charged to the operator for a departmental modification of the permit. (1975, ch. 581.)

§ 7-6A-18. Suspension or revocation of a permit.

(a) The Department shall serve written notice of a violation on the operator, specifying the facts constituting the apparent violation if the Department has reason to believe that a violation of (1) this subtitle, (2) any rules or regulations adopted under it, or (3) the terms and conditions of a permit, including the approved mining and reclamation plan has occurred. The Department also shall inform the operator of his right to a hearing at a stated time and place. Subsequent to or concurrent with service of the written notice, the Department may suspend the permit or issue an order until the violation is corrected.

(b) The Department shall inform the operator of his right to a hearing at a stated time and place. The date for the hearing may not be less than five days nor more than 15 days after the date of the notice, unless the Department and the operator mutually agree on another date. The operator may appear at the hearing, either personally or through counsel, and present evidence on his behalf. The Department shall render a decision regarding the violation within ten days from the date of the hearing.

(c) The Department may revoke the permit if the violation is not corrected.

(d) Any operator whose permit is suspended or revoked shall be denied a new permit or a renewal of the old permit to engage in mining until he has complied fully with (1) the provisions of this subtitle, (2) any rules and regulations adopted under it, and (3) the terms and conditions of his permit, including any modifications, and the approved mining and reclamation plan, and until he has satisfactorily corrected all previous violations. (1975, ch. 581.)

§ 7-6A-19. Mining and reclamation plan.

(a) The operator shall submit with his application for a surface mining permit a proposed mining and reclamation plan. The plan shall include at least the following:

(1) The purpose for which the land previously was used;

(2) The use which is proposed to be made of the land following reclamation;

(3) The manner in which the land is to be opened for mining and how the mining activity is to progress across the tract;

(4) The location of affected areas;

(5) The manner in which topsoil and subsoil are to be conserved and restored and, if conditions do not permit the conservation and restoration of all or part of the topsoil and subsoil, a full explanation of the conditions and alternate procedures proposed;

(6) Where backfilling is required, or where the proposed subsequent land use requires fill, the manner in which the compaction of the fill will be accomplished;

(7) The manner and type of landscaping and screening of the working areas which are exposed to public view during mining;

(8) The proposed practices to protect adjacent surface resources;

(9) The specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and the proposed method of accomplishment;

(10) The manner and type of revegetation or other surface treatment of the affected areas;

(11) A time schedule that meets the requirements of this section; and

(12) Maps and any other supporting documents required by the Department to illustrate the above points.

(b) The operator shall furnish with the mining and reclamation plan, in a reasonable manner satisfactory to the Department, an accurately surveyed topographic map, in duplicate, on a scale of not smaller than one inch equals 200 feet and with a contour interval of spacing appropriate for the area,

showing the location of the tract of land to be affected by mining, and representative cross-sections. The surveyed topographic map and cross-sections shall be prepared and certified by a registered professional engineer or registered surveyor and show the boundaries of the proposed affected land, together with the drainage area above and below the area, the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area, the outcrop line of any mineral deposit to be mined, the location of all buildings within 200 feet of the outer perimeter of the area affected, the names and addresses of the owners and present occupants, the purpose for which each building is used, the name of the owner of the tract where the proposed mining is to occur, and the names of the adjacent landowners, the municipality or district and county and nearest municipality. The topographic map also shall show the locations of test borings or sampling which the operator has conducted or will conduct at the site of the proposed operation. The cross-sections shall include the location of the test borings or sample sites, the nature and depth of the various strata, the thickness of any mineral seam or deposit, and analysis of any mineral deposit or ore, the thickness of the overburden, and an analysis of the overburden. Aerial photographs of the tract of land to be affected by the mining also shall be provided if they are required by the Department. The information resulting from the test borings is confidential information and not a matter of public record. The Department may waive any of the requirements of this subsection if the operator extracts less than 30,000 tons per year or 20,000 cubic yards per year of minerals and the affected area is less than five acres in size.

(c) The plan shall include a summary statement covering:

(1) The method of compliance with State air and water pollution requirements;

(2) The method of prevention, elimination, or minimization of conditions that would be hazardous to animal or fish life in or adjacent to the area;

(3) The method of rehabilitation of settling ponds;

(4) The method of control of contaminates and disposal of mining refuse; and

(5) The method of restoring or establishing stream channels and stream banks to a condition minimizing erosion, siltation, and other pollution. All permits required by all State and local regulatory agencies with regard to air and water pollution and sediment control shall be a prerequisite to issuance of the permit.

(d) The plan shall provide that reclamation activities, particularly those relating to control of erosion, shall be conducted to the extent feasible simultaneously with mining operations and be initiated at the earliest feasible time after completion or termination of mining on any segment of the permit area. The plan shall provide that reclamation activities be completed promptly and not later than two years after completion of mining on each segment of the area for which a permit is requested unless the Department specifically permits a longer period.

(e) The Department may approve, approve subject to stated modifications, or reject the plan which is proposed. The Department shall approve a reclamation plan, as submitted or as modified, if it finds that the plan adequately provides

for timely completion of those actions necessary to achieve the purposes and requirements of this subtitle and that, in addition, the plan meets the following minimum standards:

(1) The final slopes in all excavations in soil, sand, gravel, and other unconsolidated materials shall be at an angle to minimize the possibility of slides and be consistent with the future use of the land;

(2) Provisions for safety to persons and to adjoining property shall be provided in all excavations in rock;

(3) In open-pit mining operations, all overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and suitable for the proposed subsequent use of the land;

(4) Suitable drainage ditches or conduits shall be constructed or installed or grading completed to avoid the collection or existence of small pools of water that are, or likely to become, noxious, odious, or foul on the mined area;

(5) The type of vegetative cover and methods of its establishment shall be specified and conform to accepted and recommended agronomic and reforestation practices established by the Department. Advice and technical assistance may be obtained through the State soil and water conservation districts.

(f) If conditions do not permit the planting of vegetation on all or part of the affected land, and if these conditions pose an actual or potential threat of soil erosion and siltation, alternative procedures shall be proposed to prevent the threat of soil erosion and siltation. If the procedures do not prevent these conditions, the Department may not approve them.

(g) Lakes, ponds, and marshland shall be considered adequately reclaimed land when approved by the Department. (1975, ch. 581; 1977, ch. 129; 1978, ch. 765.)

§ 7-6A-20. Performance bonds or cash deposits.

(a) After receiving notification from the Department that his application for a permit has been approved, but prior to commencing mining, the operator shall file with the Department a bond for each mining operation, on a form to be prescribed and furnished by the Department, payable to the State and conditioned that the operator will perform faithfully all the requirements of this subtitle.

(b) The amount of the bond required shall be for a maximum of $750 per acre based on the number of acres of affected land covered by the permit. But, a bond may not be filed for less than $7,500. However, the Department shall determine whether the total bond fee is unreasonable and excessive for a particular tract of land and whether a lesser total amount for the bond is sufficient to cover reclamation. In making this determination, the Department shall consider the size of the operation, the amount of land to be mined, the acreage that is unreclaimed at any one time, the proposed method of regrading and revegetation of the site, the proposed use of the land following reclamation, and any other relevant factors.

(c) Liability under the bond shall be for the duration of the mining permit and for a period of five years after its expiration, unless previously released in whole or in part, as provided in § 7-6A-21 of this subtitle.

(d) The bond shall be executed by the operator and corporate surety licensed to do business in the State. In lieu of a corporate surety, one of the following shall be acceptable:

(1) Deposits of cash or negotiable bonds of the United States government. The cash deposit or market value of the securities shall be equal at least to the required sum of the bond. The Department, on receipt of any deposit of cash or securities, immediately shall forward it to the State Treasurer, who shall receive and hold the bond in the name of the State, in trust, for the purposes for which the deposit is made. The State Treasurer at all times is responsible for the custody and safekeeping of these deposits. The operator making the deposit may demand and receive from the State Treasurer the whole or any portion of any securities so deposited, on depositing with the State Treasurer other negotiable securities of the classes specified in this section having a market value at least equal to the sum of the bond;

(2) A certificate of deposit if it is equivalent to the required bond, issued by a bank within the State, and accompanied by written agreement of the bank to pay on demand to the State in event of forfeit; or

(3) An irrevocable letter of credit if it is equivalent to the required bond, issued by a bank within the State, and expressly states that the total sum is guaranteed to be available, and payable directly to the State on demand for the surface mining and reclamation. (1975, ch. 581; 1978, ch. 765; 1981, ch. 481.)

Effect of amendment. — The 1981 amendment, effective July 1, 1981, divided the former first sentence in subsection (b) into the present first, second and third sentences, made stylistic changes therein, and added "of this subtitle" at the end of subsection (c).

§ 7-6A-21. Release of bond.

(a) *Full release.* — On completion of the mining operations, and after the requirements of the permit have been fully complied with, the Department shall release the bond.

(b) *Partial release.* — An amount of the bond or cash deposit, proportioned to the restored portion of the affected land in ratio to all of the affected land covered by the permit, may be released on application by the operator and inspection and approval by the Department. (1975, ch. 581.)

§ 7-6A-22. Forfeiture of bond.

(a) *Grounds; notice.* — The performance bond or cash deposit in lieu of a bond shall be forfeited on failure of the operator to perform in the manner set forth in the authorized mining and reclamation plan and to reclaim the land as provided for in the permit or upon revocation of the permit. The Department shall notify the operator by registered mail of its intention to initiate forfeiture proceedings. The operator has 30 days to show cause why the bond or cash deposit should not be forfeited.

(b) *Showing of cause.* — On the operator's showing of cause, the Department shall provide for a reasonable time, but not less than six months for the operator to restore the land to comply with the permit.

(c) *Failure to show cause.* — On failure of the operator to show cause, the bond or cash deposit shall be forfeited nisi, and notice by the Department shall be given to the operator and legal owner of the land if different from the operator and surety of the forfeiture. If a showing of intention to restore in compliance with the permit is not submitted to the Department within 30 days from the forfeiture nisi, the bond or cash deposit shall be forfeited absolute.

(d) *Reclamation upon forfeiture.* — On an absolute forfeiture, the Department shall use the funds made available by the forfeiture to reclaim the affected land as promptly and completely as possible. (1975, ch. 581; 1976, ch. 452.)

§ 7-6A-23. Mining after forfeiture of bond.

No operator may conduct surface mining within the State if he previously has forfeited any bond posted pursuant to surface mining activities, unless on application by the operator, he repays the Department the cost of reclamation if the Department had reclaimed the land, plus interest at the current rate for the time elapsed, less the amount of the forfeited bond. If the land is still unreclaimed, the operator shall reclaim the land covered by the forfeited bond at his own expense, including any additional erosional, sedimentation, or pollution damage resulting from the lack of proper reclamation during the interim. (1975, ch. 581.)

§ 7-6A-24. Annual mining and reclamation reports.

(a) The operator shall file an operations and progress report with the Department by March 31 of each year, on a form prescribed and furnished by the Department, which shall cover the preceding calendar year and shall:

(1) Identify the mine, the operator, and the permit number;

(2) Identify the location of the operation as to county, district, nearest municipality, and nearest public road;

(3) Report the type of mineral produced, the volume produced, and the value of production of each for the previous year. Individual company data is confidential and may be released only with the operator's written consent;

(4) State the acreage disturbed by surface mining during the previous year;

(5) State and describe the amount and type of reclamation carried out during the previous year;

(6) Estimate the acreage to be newly disturbed by mining in the next year; and

(7) Provide any additional information or maps which the Department reasonably requires.

(b) In addition, at the end of each calendar year the operator shall furnish to the Department a new surveyed map, showing the status of the operation and indicating the area affected and reclaimed during the preceding year, particularly with relation to the property lines and boundaries shown on the map and survey furnished with the original application. A registered professional engineer or professional surveyor is not required to prepare this progress report map. However, if prepared by the operator's staff, the map shall be of

POST IN CONSPICUOUS PLACE

State of Maryland

CEP

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF ENVIRONMENTAL PROGRAMS

Adele Wilzack, R.N., M.S.
Secretary

201 W. PRESTON STREET
BALTIMORE, MARYLAND 21201

William M. Eichbaum
Assistant Secretary for Environmental Programs

[ ] Construction Permit [X] Operating Permit [ ] DHS Facility Permit

AIR MANAGEMENT ADMINISTRATION

PERMIT NO. See below

Date Issued August 1, 1983

PERMIT FEE None

Expiration Date July 31, 1984

LEGAL OWNER & ADDRESS

Genstar Stone Products Company
Executive Plaza IV
11350 McCormick Road
Hunt Valley, Maryland 21031
Attn: Rick Cole

SITE

Texas Quarry
Baltimore County

INSTALLATION DESCRIPTION

Operation	Plant No.	Permit No.
Screening plant	873	C-00003-00001
Screening plant and crushing	874	-00006
50 TPH crushing plant	875	-00033
Secondary crushing plant	876	-00324
Primary crushing & screening	877	-00017
Portable crushing plant	882	-00225
100 TPH crushing plant	897	-00184

Donald P. Andrew
Administrator, Engineering and Enforcement Program

George P. Ferreri
Director, Air Management Administration

(NOT TRANSFERABLE)

JUL 1980

State of Maryland

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
201 WEST PRESTON STREET • BALTIMORE, MARYLAND 21201 • Area Code 301 • 383-

Harry Hughes, Governor

Charles R. Buck, Jr., Sc.D. Secretary

DISCHARGE PERMIT

State Discharge Permit Number	80-DP-0228
NPDES Permit Number	MD0000175
Effective Date	October 2, 1981
Expiration Date	August 15, 1986

Pursuant to the provisions of Title 8 of the Natural Resources Article, Annotated Code of Maryland (1974 Volume) as amended and regulations promulgated thereunder and the provisions of the Federal Water Pollution Control Act Amendments of 1977 (33 U.S.C. Section 466 et. seq.) and implementing regulations 40 C.F.R. Parts 122, 123, 124 and 125, the Department of Health and Mental Hygiene hereinafter referred to as "DHMH" hereby authorizes

The Flintkote Company, c/o Genstar Stone Products Company
11350 McCormick Road
Hunt Valley, MD 21031

TO DISCHARGE FROM
a facility engaged in quarrying, crushing, milling, sizing and packaging of limestone

LOCATED AT
Beaver Dam Road and Church Lane, Texas, Baltimore County, Maryland

VIA OUTFALLS
001 to 010 as identified and described herein

TO
Goudwin Run which is classified for water contact recreation, for fish (natural trout waters), other aquatic life and wildlife

in accordance with the following general and special conditions, and map made a part hereof.

RECEIVED
OCT 6 1981
ENVIRONMENTAL CONTROL

Permit No. 80-DP-0228
Page No. 2

I. Special Conditions

A1. EFFLUENT LIMITATIONS and MONITORING REQUIREMENTS

Beginning on the effective date of the permit and lasting through August 15, 1986 the permittee is authorized to discharge from outfall(s) serial number(s) 001 consisting of groundwater from quarry pit, 002 consisting of quarry water pumpout, 003 consisting of process wastewater and 008 consisting of B74 Plant process wastewater, truck spray bar excess and emergency quarry pumpout, 010 consisting of pumpout from new (3rd) quarry pit.

Such discharges shall be limited and monitored at mouth of discharge ditch (001), outfall pipe to Goodwin Run (002,003,007,010), and outfall pipe from settling pond (009) by the permittee as specified below:

Constituent	Effluent Limitations kg/day(lbs/day)		Other Units(Specify)		Monitoring Requirements Measurement Frequency	Sample Type
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.		
Flow-M³/day(MGD)	N/A	N/A	N/A	N/A	1/Month	Estimate
Total Suspended Solids	N/A	N/A	30 mg/l	45 mg/l	1/Month	Grab

The pH shall not be less than 6.0 nor greater than 8.5 and shall be monitored once/month by grab sample.

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one-half hour of travel from point of discharge.

Permit No. 80-DP-0228
Page No. 3

I. Special Conditions

A2. EFFLUENT LIMITATIONS and MONITORING REQUIREMENTS

Beginning on the effective date of the permit and lasting through August 15, 1986 the permittee is authorized to discharge from outfall(s) serial number(s) 004 consisting of process wastewater, cooling waters, and 005 consisting of crusher and compressor non-contact cooling water.

Such discharges shall be limited and monitored at outfall pipes to Goodwin Run by the permittee as specified below:

Constituent	Effluent Limitations kg/day(lbs/day)		Other Units(Specify)		Monitoring Requirements Measurement Frequency	Sample Type
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.		
*Flow-M³/day(MGD)	N/A	N/A	N/A	N/A	1/Month	Estimate

009: The pH shall not be less than 6.0 nor greater than 8.5 and shall be monitored once/month by grab sample.

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one-half hour of travel from point of discharge.

*Monitoring data for 004 shall be tabulated and submitted with new renewal application. Submission of this data quarterly on Discharge Monitoring Report Forms is optional.

Permit No. 80-DP-0228
Page No. 4

I. Special Conditions

A3. EFFLUENT CONDITIONS AND MONITORING REQUIREMENTS

Beginning on the effective date of the permit and lasting through August 15, 1986 the permittee is authorized to discharge from outfall 006 consisting of concrete plant yard runoff.

Such discharges shall be controlled by the permittee as specified below:

The permittee shall maintain the existing runoff containment basin at maximum capacity by keeping basin walls in good repair, removing accumulated sediment and pumping out water (to be used for dust control) following precipitation events.

Permit No. 80-DP-0228
Page No. 5

I. Special Conditions

B. DEFINITIONS

1. The "monthly average" effluent limitation by concentration means the arithmetic average of all the daily determinations of concentration made during any thirty day period. When using a composite sample the monthly average concentration shall mean the concentration of the composite sample. When grab samples are used the daily determination of concentration shall be the arithmetic average of all the individual samples collected during any 24-hour period.

2. The "daily maximum" effluent limitation by concentration means the average concentration for a 24-hour period.

3. "Estimated" flow means a calculated volume or discharge rate which is based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharges volumes.

4. "Grab Sample" means an individual sample collected in less than 15 minutes.

5. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.

6. "Upset" means an exceptional incident in which there is unintentional and temporary non-compliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee.

C. OTHER REQUIREMENTS

Effluent limitations, monitoring requirements and requirements for submission of quarterly monitoring reports for discharge at that point. The permittee shall notify the Department upon commencement of this discharge.

Permit No. 80-DP-0228
Page No. 7

I. Special Conditions

D. REMOVED SUBSTANCES

1. Within 90 days of the effective date of this permit, the permittee shall submit to DHMH on a form provided, the following information:

   a) Locate, on a suitable map, all areas used for the disposal of any Removed Substances as defined by II. General Conditions B.7;

   b) The physical, chemical and biological characteristics and quantities of any Removed Substances handled, and the method of disposal;

   c) If disposal is handled by other than the permittee identify the contractor or subcontractor, their mailing address, and the information specified in a and b above.

2. Prior to the use of new or additional disposal areas or contractors or subcontractors the permittee shall notify, in writing DHMH.

E. WASTEWATER OPERATOR CERTIFICATION

Within six months from the date of issuance of this permit, the permittee's facility shall be operated by an industrial wastewater operator duly certified by the Maryland Board of Certification. At no time during the effect of this permit shall the treatment facilities be operated for more than six months without a certified operator.

JUL 25 1984

II. General Conditions

A. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods.

2. Reporting-Monitoring Results Submitted Quarterly

Monitoring results obtained during the previous quarter shall be summarized on a Discharge Monitoring Report Form (EPA No. 3320-1 or T-40). For each constituent monitored at a frequency of once per month or less, the results obtained during the reporting quarter shall be summarized on a single report form for each quarter. More frequently monitored constituents shall be reported on a separate form for each calendar month of the reporting quarter. Results shall be submitted to the DHMH postmarked no later than the 28th day of the month following the end of the reporting period. Reporting periods shall end on the last day of the following months: March, June, September and December. The first reporting period ends

The reports shall be submitted to:

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF ENVIRONMENTAL PROGRAM
WASTE MANAGEMENT ADMINISTRATION
INDUSTRIAL WASTE DIVISION
201 WEST PRESTSTON STREET
BALTIMORE, MARYLAND 21201

3. Sampling and Analysis Methods

The analytical and sampling methods used shall conform to procedures for the analysis of pollutants as identified in Title 40 CFR, Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants," and published in the Federal Register, in Volume 41, No. 232 - Wednesday, December 1, 1976.

4. Data Recording Requirements

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

II. General Conditions

a. The exact place, date, and time of sampling or measurement;

b. The person(s) who performed the sampling or measurement;

c. The dates the analyses were performed;

d. The person(s) who performed the analyses;

e. The analytical techniques or methods used; and

f. The results of all required analyses.

5. Monitoring Equipment Maintenance

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accurate of measurements.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the locations designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring, including the increased frequency shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1 or T-40).

7. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years. This period shall be automatically extended during the course of litigation, or when requested by DHMH.

II. B. MANAGEMENT REQUIREMENTS

1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. This discharge of any pollutant identified in this permit a level in excess of that authorized shall constitute a violation of the terms and

II. General Conditions

conditions of this permit. Anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharge pollutants shall be reported by the permittee by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to DHMH. Following such notice, the permit may be modified by DHMH to specify and limit any pollutants not previously limited.

2. Non compliance with Effluent Limitations

If for any reason the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall notify within 24 hours Enforcement Program by telephone at 301-383-6650 and within five days shall provide DHMH with the following information in writing:

a. A description of the noncomplying discharge including its impact upon the receiving waters;

b. Cause of noncompliance;

c. Anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;

d. Steps taken by the permittee to reduce and eliminate the noncomplying discharge;

e. Steps to be taken by the permittee to prevent recurrence of the condition of noncompliance;

f. A description of the accelerated or additional monitoring by the permittee to determine the nature and impact of the noncomplying discharge.

3. Facilities Operation

All treatment, control and monitoring facilities or systems installed or used by the permittee are to be maintained in good working order and operated efficiently.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as neccessary to determine the nature and impact of the noncomplying discharge.

II. General Conditions

5. Bypassing

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

a. The bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources; and

b. There are no feasible alternatives; and

c. Notification is received by DHMH within 24 hours (if orally notified, then followed by a written submission within five (5) days) of the permittee's becoming aware of the bypass. Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to DHMH for approval at least ten (10) days before the date of bypass; and

d. The bypass is allowed under conditions determined by the DHMH to be necessary to minimize adverse effects.

II. General Conditions

6. Conditions Necessary for Demonstration of an Upset

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a. An upset occurred and that the permittee can identify the specific cause(s) of the upset; and

b. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures; and

c. The permittee submitted a notification of noncompliance as required by paragraph 2 above; and

d. The permittee complied with any remedial measures required to minimize adverse impact.

7. Removed Substances

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations shall be disposed of in a manner to prevent any removed substances or runoff from such substances from entering or from being placed in a location where they may enter the waters of the State.

8. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

a. In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater collection and treatment facilities;

or, if such alternative power source is not in existence, and no date for its implementation appears in Part I,

b. Halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

II. General Conditions

C. RESPONSIBILITIES

1. Right of Entry

The permittee shall permit the Secretary, DHMH, the Regional Administrator for the Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials:

a. To enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;

b. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;

c. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;

d. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit; and

e. To sample, at reasonable times, any discharge of pollutants.

2. Transfer of Ownership or Control of Facilities

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

II. General Conditions

C. RESPONSIBILITIES

a. The permittee notifies DHMH in writing, of the proposed transfer;

b. A written agreement, indicating the specific date of proposed transfer of permit coverage and acknowledging responsibilities of current and new permittees for compliance with the liability for the terms and conditions of this permit, is submitted to DHMH; and

c. Neither the current permittee nor the new permittee receive notification from DHMH, within thrity (30) days, of intent to modify, revoke, reissue or terminate the existing permit.

3. Reapplication for a Permit

At least 180 days before the expiration date of this permit, unless permission for a later date has been granted by DHMH the permittee shall submit a new application for a permit or notify DHMH of the intent to cease discharging by the expiration date. In the event that a timely and sufficient reapplication has been submitted and DHMH is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

4. Availability of Reports

Except for data determined to be confidential under Section 308 of the Clean Water Act, all submitted data shall be available for public inspection at the offices of DHMH and the Regional Administrator of the Environmental Protection Agency.

5. Permit Modification

A permit may be modified by DHMH upon written request of the permittee and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in 40 CFR 122.14 and 122.17.

II. General Conditions

6. Permit Modification, Suspension Revocation

After notice and opportunity for a hearing this permit may be modified, suspended, or revoked and reissued in whole or in part during its term for causes including, but not limited to, the following:

a. Violation any terms or conditions of this permit;

b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

d. Information that the permittee discharge poses a threat to human health or welfare.

7. Toxic Pollutants

Not withstanding II-C-D and above, if a Toxic Effluent Standard or Prohibition (including any schedule of compliance specified in such Toxic Effluent Standard or Prohibition) is established by the U.S. Environmental Protection Agency or pursuant to Section 8-1405 (b) of the Natural Resources Article Annotated Code of Maryland (1974 Volume) as amended, for a toxic pollutant which is present in the discharges authorized herein and such standard is more stringent than any limitations upon such pollutant in this permit, this permit shall be revoked and reissued or modified in accordance with the Toxic Effluent Standard or Prohibition and the permittee so notified. Any effluent standard established in this case for a pollutant which is injurious to human health is effective and enforceable by the time set forth in the promulgated standard, even absent permit modification.

8. Oil & Hazardous Substances Prohibited

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalities to which the permittee may be subject under Section 311 of the Clean Water Act (33 U.S.C. Section 466), or under the Maryland Code.

JUL 25 1984

reasonable quality, accuracy, and legibility, and acceptable to the Department. (1975, ch. 581; 1982, ch. 356.)

Effect of amendment. — The 1982 amendment, effective July 1, 1982, in subsection (a), deleted "at the end of each calendar year, following as soon after December 31 as is reasonable" at the beginning of the introductory language, inserted "by March 31 of each year" and substituted "which shall cover the preceding calendar year and shall" for "which shall" therein.

§ 7-6A-25. Inspection and approval of reclamation.

(a) At any reasonable time which the Department elects, but at least once a year, the Department shall cause each permit area to be inspected to determine if the operator has complied with the mining and reclamation plan, the requirements of this subtitle, any rules and regulations adopted under it, the terms and conditions of the operator's permit, and if the current status of the operation conforms with the most recent annual progress report. Accredited representatives of the Department at any reasonable time may enter on the land subject to the permit to inspect and investigate it but while on the property, Department personnel shall comply with all governmental regulations.

(b) The operator shall proceed with reclamation as scheduled in the approved mining and reclamation plan. Following each inspection, the Department shall notify the operator by registered mail of any deficiencies noted. The operator shall proceed with mining and reclamation as scheduled in the approved mining and reclamation plan. Following each inspection, the Department shall notify the operator of any deficiencies noted. Upon failure by the permittee to correct these deficiencies, the Department may take action to suspend or revoke the permit as provided in § 7-6A-18.

(c) If the Department finds that reclamation of the permit area is not proceeding in accordance with the mining and reclamation plan, or if the Department finds that reclamation has not been properly completed in conformance with the mining and reclamation plan within two years or longer if authorized by the Department, after termination of mining on any segment of the permit area, or if the permittee has not complied with corrective requirements following revocation of a permit, it shall initiate forfeiture proceedings against the bond or other security filed by the operator. (1975, ch. 581.)

§ 7-6A-26. Abandoned or halted operations.

(a) An operation is considered abandoned if no mineral has been produced or overburden removed for a period of one year, and the operator has vacated the site of the operation covered by the permit without having complied with all the requirements of the mining and reclamation plan, verified by inspection and written report made by the Department. If the operator, within 30 days after receiving notification from the Department terming the operation abandoned, does not submit sufficient evidence to the Department that the operation in fact is not abandoned and a reasonable timetable satisfactory to the Department regarding plans for the reactivation of the operation, the Department shall declare the operation abandoned and initiate legal proceedings against the operator.

(b) An operation is considered halted if active work has ceased temporarily due to weather conditions, market conditions, or other reasonable cause explained in writing by the operator to the satisfaction of the Department, and accompanied by a statement that the operator fully intends to resume active operation when the adverse conditions have passed. All necessary pollution controls shall be properly maintained during this period. No operation may be halted for a period exceeding 24 consecutive months, after which time mining activity shall be resumed or final reclamation work shall be commenced. On failure of the operator to resume mining or initiate reclamation, the Department shall declare the operation abandoned and initiate legal proceedings against the operator. (1975, ch. 581.)

§ 7-6A-27. Final completion inspection and report.

(a) On completion of reclamation of an area of affected land, the operator immediately shall notify the Department. The Department shall make an inspection of the area, and if it finds that the operator has not completed to the Department's reasonable satisfaction all the reclamation required by the permit, the Department shall order the operator to do so at once and shall reinspect the area following completion of the work. If the Department finds that reclamation has been completed properly, it shall notify the operator in writing and release him from further obligations regarding the affected land. At the same time it shall release all or the appropriate portion of any performance bond or cash deposit which the operator has posted under § 7-6A-20.

(b) Within six months following the completion of final reclamation work the operator shall furnish a final reclamation report which includes the following:

(1) The terms of the original surface mining permit and all subsequent modifications;

(2) A summary of the original mining and reclamation plan and all subsequent modifications;

(3) A statement summarizing any departures from the mining and reclamation plan and the reasons for them;

(4) A statement summarizing any problems encountered during the progress of mining work or reclamation work, and the measures taken to correct these problems;

(5) The total acreage of land disturbed and reclaimed;

(6) The status or condition of areas progressively reclaimed since the initiation of mining work in the area; and

(7) A final map that is consistent with the original mining and reclamation map required by § 7-6A-19 (b). (1975, ch. 581; 1978, ch. 765.)

§ 7-6A-28. Specifications for construction projects.

Architects, engineers, or other persons preparing specifications for construction projects, which specifications include the requirement that the construction contractor supply fill for the project, shall include within the specifications a specific reference to this subtitle and the rules and regulations

pertaining to it adopted by the Department. If this reference is omitted from the specifications and reclamation and planting of the land is required under this subtitle, any contract based on the specifications may be amended, at the option of the construction contractor, to allow a reasonable price for the reclamation and planting of the land in accordance with a plan acceptable to the Department. (1975, ch. 581.)

§ 7-6A-29. Injunctions.

On application of the Department, verified by oath or affirmation, the circuit court of the county or city where the mining operation is located, sitting in equity, may enforce by injunction compliance with, or restrain the violation of any order, notice, rule, or regulation of the Department made pursuant to the provisions of this subtitle or restrain the violation or attempted violation of any of the provisions of this subtitle. (1975, ch. 581.)

§ 7-6A-30. Inapplicability of subtitle.

This subtitle, including reclamation requirements, does not apply to surface mining operations or mined lands in existence on the effective date, nor to their continuance and extension for 18 months from that date, but subsequent operations of existing surface mines may be continued only by permit of the Department under the provisions of this subtitle. (1975, ch. 581.)

§ 7-6A-31. Exemptions.

(a) (1) The provisions of this subtitle do not apply to activities of the State Highway Administration, any county roads department in the State, any legally constituted public governing entities such as municipal corporations, or to activities of any person acting under contract with any of these public agencies or entities, on highway rights-of-way or borrow pits maintained solely in connection with the construction, repair, and maintenance of the public roads systems of the State or other public facilities.

(2) This exemption does not become effective until the public agencies or entities have adopted reclamation standards applying to the activities and the standards are approved by the Department.

(b) The provisions of this subtitle do not apply to mining on federal lands when performed under a valid permit from the appropriate federal agency having jurisdiction over the land.

(c) Any or all of the provisions of this subtitle do not apply in any county if the Secretary determines that the county laws are as restrictive as the provisions of this subtitle with respect to regulating surface mining, reclamation and revegetation procedures, abandoned areas, and bonding requirements. (1975, ch. 581; 1976, ch. 624; 1978, ch. 361.)

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Subtitle 6A. Surface Mining.

§ 7-6A-03. Rules and regulations.

The Department may adopt rules and regulations reasonably necessary for the administration of this subtitle. Rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act. (1975, ch. 581; 1983, ch. 8.)

Effect of amendment. — The 1983 amendment, effective July 1, 1983, substituted "Procedure" for "Procedures" in the second sentence.

Editor's note. — Section 2, ch. 8, Acts 1983, provides that "the provisions of this act are intended solely to correct technical errors in the law and that there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this act."

§ 7-6A-08. Review of application and accompanying documents.

On receipt of an application and accompanying documents, the Department shall review it and make further inquiries, inspections, or examinations as necessary or desirable for proper evaluation. If the Department objects to any part of the application or accompanying documents, it shall notify promptly the operator by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, of its objections, setting forth its reasons, and shall afford the operator a reasonable opportunity to make amendments or take actions required to remove the objections. The Department shall submit a copy of the application and accompanying documents to the Department of State Planning for review with respect to matters that are the responsibility of that Department. (1975, ch. 581; 1976, ch. 452; 1983, ch. 563.)

Effect of amendment. — The 1983 amendment, effective July 1, 1983, substituted "certified mail, return receipt requested, bearing a postmark from the United States Postal Service" for "registered mail" in the second sentence.

§ 7-6A-09. Approval or denial of permit.

(c) In the absence of any of these findings, a permit shall be granted. However, no permit becomes effective until the operator has deposited with the Department an acceptable performance bond or other security pursuant to § 7-6A-20 of this subtitle. If at any time the bond or other security, or any part of it, lapses for any reason other than a release by the Department, and the lapsed bond or security is not replaced by the operator, pursuant to § 7-6A-20, the permit to which it pertains automatically becomes void and has no further effect and the operation shall be declared terminated by order of the Department.
(1983, ch. 195.)

Effect of amendment. The 1983 amendment, effective July 1, 1983, substituted "pursuant to § 7-6A-20" for "within 30 days after notice of the lapse" in the third sentence of subsection (c).

As the remainder of the section was not affected by the amendment, it is not set forth above.

§ 7-6A-20. Performance bonds or cash deposits.

(e) A bond or other security filed as above shall contain a provision that it cannot be canceled by the surety, bank, or other issuing entity, except after not less than 90 days written notice to the Department and to the operator. At least 45 days prior to the cancellation date indicated in the notice, the operator shall file with the Department a commitment from a surety, bank, or other issuing entity, to provide a substitute bond or other security which will be effective on the cancellation date indicated in the notice.
(1983, ch. 195.)

Effect of amendment. The 1983 amendment, effective July 1, 1983, added subsection (e).

As the remainder of the section was not affected by the amendment, it is not set forth above.

§ 7-6A-22. Forfeiture of bond.

(a) *Grounds; notice.* — The performance bond or cash deposit in lieu of a bond shall be forfeited on failure of the operator to perform in the manner set forth in the authorized mining and reclamation plan and to reclaim the land as provided for in the permit or upon revocation of the permit. The Department shall notify the operator by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, of its intention to initiate forfeiture proceedings. The operator has 30 days to show cause why the bond or cash deposit should not be forfeited.
(1983, ch. 563.)

Effect of amendment. — The 1983 amendment, effective July 1, 1983, substituted "certified mail, return receipt requested, bearing a postmark from the United States Postal Service" for "registered mail" in the second sentence in subsection (a).

As the remainder of the section was not affected by the amendment, it is not set forth above.

§ 7-6A-25. Inspection and approval of reclamation.

(b) The operator shall proceed with reclamation as scheduled in the approved mining and reclamation plan. Following each inspection, the Department shall notify the operator by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, of any deficiencies noted. The operator shall proceed with mining and reclamation as scheduled in the approved mining and reclamation plan. Following each inspection, the Department shall notify the operator of any deficiencies noted. Upon failure by the permittee to correct these deficiencies, the Department may take action to suspend or revoke the permit as provided in § 7-6A-18.
(1983, ch. 563.)

PETITION FOR SPECIAL HEARING

8th Election District

ZONING: Petition for Special Hearing

LOCATION: Northeast corner of Padonia Road and Interstate Route 83

DATE & TIME: Wednesday, November 9, 1983 at 1:30 P.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 Regulations 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 Zoning Commissioner should approve the review of Special Exceptions for controlled excavation with explosives on and under petitioner's property and the property of the Baltimore Gas & Electric Company at Texas, Maryland, pursuant to the Order of the County Board of Appeals of Baltimore County of June 8, 1973 and the Order of the Deputy Zoning Commissioner of Baltimore County dated October 30, 1980, respectively Case No. 72-275-X and Case No. 81-75-X

All that parcel of land in the Eighth District of Baltimore County

Being the property of The Flintkote Company, et al, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3648

ROBERT L. HANNON
DIRECTOR

November 7, 1983

Mr. Arnold Jablon
Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: The Flintkote Company
Petition for Special Exception No. 72-275-X
Petition for Special Exception No. 81-75-X

Dear Mr. Jablon:

It has come to the attention of this office that Genstar Stone Products Company operates its Texas Quarry under a special exception which is due for consideration of renewal by your office on November 9, 1983.

In view of the potential economic impact related to the Texas Quarry operation in Baltimore County, this office deems it necessary to comment on behalf of the Genstar Stone Products Company.

The granting of the special exception related to the continued operation of Genstar's Texas Quarry operation hinges on some rather impressive employment and revenue figures.

Direct Employment - Texas Quarry Operation

1.	Aggregate Production	90
	a. Black Top	10
	b. Ready Mix Concrete	40
	c. Construction Shop	38
2.	Calcium Carbonate Production	120
	Total Direct Employment	298

Contract Employment - Texas Quarry Operation

1.	Private Hauling Contractors	95
2.	Private Paving Construction Crews	81
	Total Contract Employment	176
	TOTAL COMBINED EMPLOYMENT	474

Mr. Arnold Jablon
November 7, 1983
Page 2

Revenues Related to the Texas Quarry Operation

Genstar Stone Products Company Gross Sales (Quarry Related)	$39,000,000
Texas Quarry Products--Aggregates, [illegible] Sales	2,500,000 Tons
TOTAL GROSS SALES	[illegible]

Expenditures Related to Texas Quarry Operation

Direct Labor - Payroll & Benefits	$ 6,900,000
Taxes - Real Estate, Fuel, License, Personal Property & Payroll	$ 817,000
Purchased Materials & Services	$17,100,000
Other Transportation (including Conrail Services of 1.1 million)	$ [illegible] 5,600,000
TOTAL EXPENDITURES	[illegible] 30,417,000
TOTAL DOLLAR TURNOVER	[illegible] 69,417,000

Baltimore County Capital Improvement Projects account for 57% of the total tonnage mined annually at the Texas Quarry operation.

In view of the above facts and figures, it is the recommendation of the Office of Economic Development that Genstar's petition for special exception related to the Texas Quarry operation be granted.

Regards,

ROBERT L. HANNON
Director

RLH:jet

cc: Richard A. Reid
Roland E. Mangos

PETITIONER'S EXHIBIT 11A — Ex 11A

JUL 25 1984

BALTIMORE GAS AND ELECTRIC

CHARLES CENTER • P.O. BOX 1475 • BALTIMORE, MARYLAND 21203

ELECTRIC ENGINEERING DEPARTMENT

November 7, 1983

Mr. Roland Manger
Genstar Stone Products Co.
Executive Plaza 4
Hunt Valley, MD 21031

Dear Mr. Manger:

SUBJECT: Genstar Mining Operations at Texas, Maryland

In support of your pending zoning application, we can verify that Genstar's operations have not resulted in equipment damage or misoperation at our Texas Substation. We do not anticipate any problems associated with the continuation of such operations.

Very truly yours,

H. B. Childs
Principal Attorney
Legal Department

D. R. Holland
Supervising Engineer
Electric Engineering Department

HBC/DRH/sh

PETITIONER'S EXHIBIT 13

2484

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
TOWSON, MARYLAND 21204
494-3646

ROBERT L. HANNON
DIRECTOR

RECEIVED NOV 8 AM

November 7, 1983

Mr. Arnold Jablon
Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: The Flintkote Company
Petition for Special Exception No. 72-275-X
Petition for Special Exception No. 81-75-X

Dear Mr. Jablon:

It has come to the attention of this office that Genstar Stone Products Company operates its Texas Quarry under a special exception which is due for consideration of renewal by your office on November 9, 1983.

In view of the potential economic impact related to the Texas Quarry operation in Baltimore County, this office deems it necessary to comment on behalf of the Genstar Stone Products Company.

The granting of the special exception related to the continued operation of Genstar's Texas Quarry operation hinges on some rather impressive employment and revenue figures.

Direct Employment - Texas Quarry Operation

1. Aggregate Production	90
a. Black Top	10
b. Ready Mix Concrete	40
c. Construction Shop	38
2. Calcium Carbonate Production	120
Total Direct Employment	298

Contract Employment - Texas Quarry Operation

1. Private Hauling Contractors	95
2. Private Paving Construction Crews	81
Total Contract Employment	176
TOTAL COMBINED EMPLOYMENT	474

Mr. Arnold Jablon
November 7, 1983
Page 2

Revenues Related to the Texas Quarry Operation

Genstar Stone Products Company Gross Sales (Quarry Related)	$39,000,000
Texas Quarry Products--Aggregates, etc. Gross Sales	2,500,000
TOTAL GROSS SALES	$41,500,000

Expenditures Related to Texas Quarry Operation

Direct Labor - Payroll & Benefits	$ 6,900,000
Taxes - Real Estate, Fuel, License, Personal Property & Payroll	$ 817,000
Purchased Materials & Services	$17,100,000
Other Transportation (including Conrail Services of 1.1 million)	$ 3,200,000
TOTAL EXPENDITURES	$28,017,000
TOTAL DOLLAR TURNOVER	$69,517,000

Baltimore County Capital Improvement Projects account for 57% of the total tonnage mined annually at the Texas Quarry operation.

In view of the above facts and figures, it is the recommendation of the Office of Economic Development that Genstar's petition for special exception related to the Texas Quarry operation be granted.

Regards,

Robert L. Hannon
ROBERT L. HANNON
Director

RLH:jet

cc: Richard A. Reid
Roland E. Manger

PETITIONER'S EXHIBIT 11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Arnold Jablon, Zoning Commissioner Date October 24, 1983

FROM Norman E. Gerber, Director, Office of Planning and Zoning

SUBJECT The Flintkote Company, et al, 84-128-SPH

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber per J. Hoswell
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

IN RE: PETITION SPECIAL HEARING
NE/corner of Padonia Road and Interstate Route 83 - 8th Election District
The Flintkote Company, et al,
Petitioners

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY
* Case No. 84-128-SPH

* * * * *

SECOND AMENDED ORDER

Pursuant to the advertisement, posting of the property, and public hearing held on 9 November 1983, and it appearing that by reason of the requirements of Section 502.1, BCZR, having been met and the health, safety, and general welfare of the community not being adversely affected, the special exceptions granted by Case No. 72-275-X and Case No. 81-75-X should be granted, subject to the provisions of Section 405, BCZR. This section gives the Zoning Commissioner the right to include in a special exception for controlled excavations, the right of the Petitioners to erect and operate buildings, machinery, and equipment for a temporary period to process the material extracted in zones where such buildings, machinery, and equipment are not permitted as a matter of right by the underlying zoning. This means that upon the conclusion of the controlled excavation, any such buildings, machinery, and equipment not permitted by the underlying zoning must be removed. Otherwise, the granting of a special exception for controlled excavation which included the right to erect and operate such buildings, machinery, and equipment could constitute a de facto rezoning of the property to allow such industrial uses on a permanent basis in a zone where they are not permitted as a matter of right.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of December, 1983, that the relief prayed for by this Petition for Special Hearing to allow the special exceptions originally granted by Case No. 72-275-X and Case No. 81-75-X are and will be GRANTED, from and after the date of this SECOND AMENDED ORDER, subject, however, to the following conditions:

1. That hereafter Case No. 81-75-X shall be consolidated with Case No. 72-275-X.

2. There shall no longer be a requirement that either special exception be reviewed by a special hearing every ten years.

3. Upon conclusion of the use permitted by special exception herein, controlled excavations with the use of explosives, all buildings, machinery, and equipment not permitted by the then underlying zoning for the property or then qualifying as a non-conforming use independently of this special exception shall be removed from the property within one year from the date operations are concluded.

4. That the restrictions set forth in Case No. 72-275-X, by Order of the County Board of Appeals, and delineated therein as Paragraphs 2, a, b, c, and d be hereinafter not required of the Petitioners.

5. That the responsibilities of the Petitioners as set forth and delineated by said Order as Paragraphs a, b, c be hereinafter not required of the Petitioners.

6. That the restrictions set forth and delineated in Case No. 81-75-X, by Order of the Deputy Zoning Commissioner, as Restrictions 1, 2, 3, are no longer required.

7. That the Petitioners hereinafter shall comply with all standards & regulations as promulgated by any local, State, and/or Federal governmental agency that apply to the operation of a surface and sub-surface mining operation, including but not necessarily limited to those of the State Departments of Natural Resources and Health and Mental Hygiene.

8. That the restrictions and conditions as delineated in the Orders of Case No. 81-75-X and 72-275-X are hereinafter superseded and rescinded by the restrictions and conditions as set forth herein.

Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE December 19, 1983
BY Sadie A. Lowman
ADMINISTRATIVE ASSISTANT

IN RE: PETITION SPECIAL HEARING
NE/corner of Padonia Road and Interstate Route 83 - 8th Election District
The Flintkote Company, et al,
Petitioners

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY
* Case No. 84-128-SPH

* * * * *

AMENDED ORDER

Pursuant to the advertisement, posting of the property, and public hearing held on 9 November 1983, and it appearing that by reason of the requirements of Section 502.1, BCZR, having been met and the health, safety, and general welfare of the community not being adversely affected, the special exceptions granted by Case No. 72-275-X and Case No. 81-75-X should be granted subject to both special exceptions being reviewed in a special hearing every fifty (50) years as long as said property is being utilized for controlled excavations and pursuant to the site plans submitted and marked Petitioners' Exhibits 1 through 10.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of November, 1983, that the relief prayed for by the Petition for Special Hearing to allow the special exceptions originally granted by Case No. 72-275-X and Case No. 81-75-X are and will be GRANTED, from and after the date of this AMENDED ORDER, subject, however, to the following conditions:

1. That hereafter Case No. 81-75-X shall be consolidated with Case No. 72-275-X.

2. That both special exceptions shall be reviewed in a special hearing every fifty (50) years from the date of this Order. Said hearing shall be advertised and posted in accordance with the requirements for such hearing. This condition is in accordance with Section 405, BCZR.

3. That the Petitioner shall present sufficient evidence and testimony at said hearing to satisfy the Zoning Commissioner, or the Deputy, that the

ORDER RECEIVED FOR FILING
DATE November 22, 1983
BY Sadie A. Lowman
ADMINISTRATIVE ASSISTANT

JUL 25 1984

provisions of Section 502.1, BCZR, are being met.

4. That the restrictions set forth in Case No. 72-275-X, by Order of the County Board of Appeals, and delineated therein as Paragraph 2, a, b, c, and d be hereinafter not required of the Petitioners.

5. That the responsibilities of the Petitioners as set forth and delineated by said Order as Paragraphs a, b, and c be hereinafter not required of the Petitioners.

6. That the restrictions set forth and delineated in Case No. 81-75-X, by Order of the Deputy Zoning Commissioner, as Restrictions 1, 2, and 3 be and are no longer required.

7. That the Petitioners hereinafter shall comply with all standards and regulations as promulgated by any local, State, and/or Federal governmental agencies that apply to the operation of a surface and subsurface mining operation, including but not necessarily limited to those of the State Departments of Natural Resources and Health and Mental Hygiene.

8. That the restrictions and conditions as delineated in the Orders of Case No. 81-75-X and 72-275-I are hereinafter superseded and rescinded by the restrictions and conditions set forth herein.

Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE November 23 1983
BY Arthur E. Gregory
ADMINISTRATIVE ASSISTANT

IN RE: PETITION SPECIAL HEARING
NE/corner of Padonia Road and Interstate Route 83 - 8th Election District
The Flintkote Company, et al,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-128-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for review of a special exception granted June 8, 1973 (Case No. 72-275-X) and an amendment to the special exception granted October 30, 1980 (Case No. 81-75-X). The purpose of this Petition is to request permission to continue controlled excavation with explosives and to amend the previously granted special exceptions by deleting the restrictions placed therein.

After due consideration of all of the testimony and evidence presented, it is decided that the special exceptions granted pursuant to Case Nos. 72-275-X and 81-75-X shall be continued and the restrictions placed therein amended, as more fully described below.

The Petitioners appeared and were represented by Counsel. There were no Protestants. The Flintkote Company purchased the property in question in 1960 from the Harry T. Campbell & Sons Company. In 1980, The Flintkote Company was purchased by Genstar Stone Products Company and Flintkote became a wholly owned subsidiary. Numerous expert witnesses testified.

It is clear and uncontradicted that the quarry operation at the subject site, which comprises over 600 acres, has been in operation since 1926 continuously and without interruption. The testimony provided here was similar to that provided in Case No. 72-275-X and mostly by the same people. Inasmuch as the testimony

ORDER RECEIVED FOR FILING
DATE November 23 1983
BY Arthur E. Gregory
ADMINISTRATIVE ASSISTANT

provided at this hearing is so similar, referral is made to the decision rendered by the then Deputy Zoning Commissioner, who superbly summarized that testimony.

The operation at the site has been ongoing for many years and is expected to continue for many years to come. The property is zoned industrial, primarily M.L. and M.H., and a controlled excavation site is permitted as of right. The only reason a special exception was required was due to the use of explosives underground to mine the stone needed for the other operations located at the site. There is no question that the operation is being run in a prudent, safe, and proper manner compatible with the surrounding area.

Since the granting of the first special exception, the State of Maryland and Federal government have assumed a major, if not total, responsibility of governing such an operation as being conducted here. Surface mining operations, by the Natural Resources Art., Section 7-6A-01, et. seq., Annotated Code of Maryland, have been the responsibility of the State since 1977, and licenses and/or permits necessary to run a surface mining operation must be issued by the State Department of Natural Resources. Also, the effects of surface mining on the air and water, and noise resulting from the operation, are continually and periodically monitored by the State Department of Health and Mental Hygiene. Standards and regulations have been promulgated by each department, and found in COMAR, which must be followed by any surface mining operator. Permits are issued if there has been compliance with all such appropriate standards and regulations. If these are not met, the necessary permits are withheld and the operator is forced to cease operation until such time as compliance is met.

Testimony indicated that the Petitioners are licensed by the State until 1988, at which time renewal will be requested from the State Department of Natural Resources. Also, permits of compliance have been issued by the State Department of Health and Mental Hygiene indicating that the Petitioners have met the standards

ORDER RECEIVED FOR FILING
DATE November 23 1983
BY Arthur E. Gregory
ADMINISTRATIVE ASSISTANT

for air and water pollution, but tests for noise levels are made only if complaints are received. No complaints have been made which have resulted in tests by the State; however, the Petitioners regularly, and for the past ten years, test for noise impact by the underground blasting. The expert testimony presented at the hearing was unequivocal that the blasting effect on noise levels is minimal and cause no adverse impact on the public health, safety, and general welfare. The testimony was that the vibration level intensity has in fact decreased over the past several years, and the shocks of the blasting most definitely create less vibration than that which is assumed safe.

The cumulative testimony reiterates that the operation of underground excavation in no way adversely affects the public health, safety, and general welfare. The findings of the Deputy Zoning Commissioner in 1973 that the conditions of Section 502.1 of the Baltimore County Zoning Regulations (BCZR) had been met have not been altered by time. The burden of proof which was necessary to be met by the Petitioners then is no different today and has been met now just as it was met then.

The only physical difference made with the submission of the site plans for this hearing as opposed to the site plans submitted previously are:

1. the 1972 site plans show a separation between quarry 1 and quarry 2, which at that time was to be a proposed extension of quarry 1;
2. Petitioners' Exhibit 3 shows a combined quarry rather than a delineation between the two quarrys;
3. the Petitioners have combined the two special exceptions previously granted on the site plans introduced into evidence and marked as Petitioners' Exhibits 1 through 10; and
4. the 1972 site plans show the depth of the quarry, by a cross-section of the quarry, to be 60 feet above sea level, while the present plans show an expansion to 200 feet to 250 feet below sea level.

ORDER RECEIVED FOR FILING
DATE November 23 1983
BY Arthur E. Gregory
ADMINISTRATIVE ASSISTANT

As far as the special exceptions are concerned, the changes are of form rather than substance and in no way reflect a change in the special exceptions previously granted.

After consideration of all the evidence and testimony, it is the opinion of the Zoning Commissioner that the special exception granted in 1972 be and is hereby approved for extension, and without time limitation, as it will not be detrimental to the health, safety, and general welfare of the community, and that all of the standards delineated in Section 502.1 have been met.

The present and future use will not in any way be detrimental to the health, safety, and general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted without any time limitation as long as said property is being utilized for the purposes expressed and pursuant to the site plans submitted and marked Petitioners' Exhibits 1 through 10.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this ___ day of November, 1983, that the relief prayed for by the Petition for Special Hearing to allow the special exception originally granted by Case No. 72-275-X be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following conditions:

1. That hereafter Case No. 81-75-X shall be consolidated with Case No. 72-275-X.
2. There shall no longer be a requirement that either special exception be reviewed by a special hearing every ten years.

ORDER RECEIVED FOR FILING
DATE November 23 1983
BY Arthur E. Gregory
ADMINISTRATIVE ASSISTANT

3. The restrictions set forth in Case No. 72-275-X, by Order of the County Board of Appeals, and delineated therein as Paragraph 2, a, b, c, and d be hereinafter not required of the Petitioners.
4. The responsibilities of the Petitioners as set forth and delineated by said Order as Paragraphs a, b, and c be hereinafter not required of the Petitioners.
5. The restrictions set forth and delineated in Case No. 81-75-X, by Order of the Deputy Zoning Commissioner, as Restrictions 1, 2, and 3 be and are no longer required.
6. The Petitioners hereinafter shall comply with all standards and regulations as promulgated by any local, State, and/or Federal governmental agencies that apply to the operation of a surface and subsurface mining operation, including but not necessarily limited to those of the State Departments of Natural Resources and Health and Mental Hygiene.

Zoning Commissioner of
Baltimore County

IN RE: PETITION SPECIAL HEARING
NE/corner of Padonia Road and Interstate Route 83 - 8th Election District
The Flintkote Company, et al,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-128-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for review of a special exception granted June 8, 1973 (Case No. 72-275-X) and an amendment to the special exception granted October 30, 1980 (Case No. 81-75-X). The purpose of this Petition is to request permission to continue controlled excavation with explosives and to amend the previously granted special exceptions by deleting the restrictions placed therein.

After due consideration of all of the testimony and evidence presented, it is decided that the special exceptions granted pursuant to Case Nos. 72-275-X and 81-75-X shall be continued and the restrictions placed therein amended, as more fully described below.

The Petitioners appeared and were represented by Counsel. There were no Protestants. The Flintkote Company purchased the property in question in 1960 from the Harry T. Campbell & Sons Company. In 1980, The Flintkote Company was purchased by Genstar Stone Products Company and Flintkote became a wholly owned subsidiary. Numerous expert witnesses testified.

It is clear and uncontradicted that the quarry operation at the subject site, which comprises over 600 acres, has been in operation since 1926 continuously and without interruption. The testimony provided here was similar to that provided in Case No. 72-275-X and mostly by the same people. Inasmuch as the testimony

for air and water pollution, but tests for noise levels are made only if complaints are received. No complaints have been made which have resulted in tests by the State; however, the Petitioners regularly, and for the past ten years, test for noise impact by the underground blasting. The expert testimony presented at the hearing was unequivocal that the blasting effect on noise levels is minimal and cause no adverse impact on the public health, safety, and general welfare. The testimony was that the vibration level intensity has in fact decreased over the past several years, and the shocks of the blasting most definitely create less vibration than that which is assumed safe.

The cumulative testimony reiterates that the operation of underground excavation in no way adversely affects the public health, safety, and general welfare. The findings of the Deputy Zoning Commissioner in 1973 that the conditions of Section 502.1 of the Baltimore County Zoning Regulations (BCZR) had been met have not been altered by time. The burden of proof which was necessary to be met by the Petitioners then is no different today and has been met now just as it was met then.

The only physical difference made with the submission of the site plans for this hearing as opposed to the site plans submitted previously are:

1. the 1972 site plans show a separation between quarry 1 and quarry 2, which at that time was to be a proposed extension of quarry 1;
2. Petitioners' Exhibit 3 shows a combined quarry rather than a delineation between the two quarrys;
3. the Petitioners have combined the two special exceptions previously granted on the site plans introduced into evidence and marked as Petitioners' Exhibits 1 through 10; and
4. the 1972 site plans show the depth of the quarry, by a cross-section of the quarry, to be 60 feet above sea level, while the present plans show an expansion to 200 feet to 250 feet below sea level.

JUL 25 1984

provided at this hearing is so similar, referral is made to the decision rendered by the then Deputy Zoning Commissioner, who superbly summarized that testimony.

The operation at the site has been ongoing for many years and is expected to continue for many years to come. The property is zoned industrial, primarily M.L. and M.H., and a controlled excavation site is permitted as of right. The only reason a special exception was required was due to the use of explosives underground to mine the stone needed for the other operations located at the site. There is no question that the operation is being run in a prudent, safe, and proper manner compatible with the surrounding area.

Since the granting of the first special exception, the State of Maryland and Federal government have assumed a major, if not total, responsibility of governing such an operation as being conducted here. Surface mining operations, by the Natural Resources Art., Section 7-6A-01, et. seq., Annotated Code of Maryland, have been the responsibility of the State since 1977, and licenses and/or permits necessary to run a surface mining operation must be issued by the State Department of Natural Resources. Also, the effects of surface mining on the air and water, and noise resulting from the operation, are continually and periodically monitored by the State Department of Health and Mental Hygiene. Standards and regulations have been promulgated by each department, and found in COMAR, which must be followed by any surface mining operator. Permits are issued if there has been compliance with all such appropriate standards and regulations. If these are not met, the necessary permits are withheld and the operator is forced to cease operation until such time as compliance is met.

Testimony indicated that the Petitioners are licensed by the State until 1988, at which time renewal will be requested from the State Department of Natural Resources. Also, permits of compliance have been issued by the State Department of Health and Mental Hygiene indicating that the Petitioners have met the standards

As far as the special exceptions are concerned, the changes are of form rather than substance and in no way reflect a change in the special exceptions previously granted.

After consideration of all the evidence and testimony, it is the opinion of the Zoning Commissioner that the special exception granted in 1972 be and is hereby approved for extension, and without time limitation, as it will not be detrimental to the health, safety, and general welfare of the community, and that all of the standards delineated in Section 502.1 have been met.

The present and future use will not in any way be detrimental to the health, safety, and general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted without any time limitation as long as said property is being utilized for the purposes expressed and pursuant to the site plans submitted and marked Petitioners' Exhibits 1 through 10.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of November, 1983, that the relief prayed for by the Petition for Special Hearing to allow the special exception originally granted by Case No. 72-275-X be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following conditions:

1. That hereafter Case No. 81-75-X shall be consolidated with Case No. 72-275-X.

2. There shall no longer be a requirement that either special exception be reviewed by a special hearing every ten years.

3. The restrictions set forth in Case No. 72-275-X, by Order of the County Board of Appeals, and delineated therein as Paragraph 2, a, b, c, and d be hereinafter not required of the Petitioners.

4. The responsibilities of the Petitioners as set forth and delineated by said Order as Paragraphs a, b, and c be hereinafter not required of the Petitioners.

5. The restrictions set forth and delineated in Case No. 81-75-X, by Order of the Deputy Zoning Commissioner, as Restrictions 1, 2, and 3 be and are no longer required.

6. The Petitioners hereinafter shall comply with all standards and regulations as promulgated by any local, State, and/or Federal governmental agencies that apply to the operation of a surface and subsurface mining operation, including but not necessarily limited to those of the State Departments of Natural Resources and Health and Mental Hygiene.

Zoning Commissioner of
Baltimore County

83-2630
Case #4

#1(115)
8

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFER, III
THOMAS F. McDONOUGH
LAWRENCE F. HASLUP

SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

OF COUNSEL
JOHN L. ASKEW

NOV 21 AM
ZONING DEPARTMENT
By .....

November 18, 1983

HAND DELIVERED

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

Re: Petition Special Hearing
NE/corner of Padonia Road & I-83
Eighth Election District
The Flintkote Company, et al. Petitioners
Case No. 84-128-SPH

Dear Commissioner Jablon:

I am writing this note because I was unable to reach you by telephone this morning and I will be out of the office this afternoon.

I have reviewed your FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER in the above-entitled matter. It appears that you inadvertently failed to include the special exception granted in Case No. 81-75-X in the Order. As I read it, the Order only refers to the extension of the special exception in Case No. 72-275-X. If my reading of the Order is correct, it would be appreciated if you would file an Amended Order which, as I see it, would only require the inclusion of Case No. 81-75-X in the first paragraph of the Order on page 4.

Very truly yours,

Richard A. Reid

RAR/kng

cc: John W. Hessian III, People's Counsel

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

ARNOLD JABLON
ZONING COMMISSIONER

October 31, 1983

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

Re: Petition for Special Hearing
NE/corner of Padonia Rd. & I-83
The Flintkote Company, et al - Petitioners
Case No. 84-128-SPH

Dear Mr. Reid:

This is to advise you that $336.84 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

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

No. 122967

DATE 11/7/83 ACCOUNT R-01-615-000

AMOUNT $336.84

RECEIVED The Flintkote Co. c/o Richard A. Reid, Esq.
FROM
FOR Advertising & Posting Case #84-128-SPH

B 101****336.84D #0822A

VALIDATION OR SIGNATURE OF CASHIER

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFER, III
THOMAS F. McDONOUGH
LAWRENCE F. HASLUP

SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

OF COUNSEL
JOHN L. ASKEW

September 19, 1983

Mr. Nicholas B. Commodari
Office of Planning and Zoning
401 Bosley Avenue
4th Floor
Towson, Maryland 21204

Re: The Flintkote Company
Petition for Special Exception No. 72-275-X
Petition for Special Exception No. 81-75-X

Dear Nick:

This is in response to your request that I advise the Zoning Office of a date when all of our experts would be available for hearing the above-entitled matter. Please be advised that all of our experts will be available and we could be ready for hearing on November 9, 1983 if it fits into your docket.

Very truly yours,

Richard A. Reid

RAR/keg

HAND DELIVERED

83-1440
NE

THE LAW OFFICES OF
STEINBERG, LICHTER, COLEMAN & ROGERS
305 W. CHESAPEAKE AVENUE, TOWSON, MD. 21204 (301) 321-0600

MELVIN A. STEINBERG
JULIUS W. LICHTER
EDWARD L. COLEMAN
DONALD P. ROGERS

IN REPLY REFER TO:

June 29, 1983

JUN 30 AM
ZONING DEPARTMENT
By .....

COPY

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

RE: Petition For Special Exception
C-F Properties Partnership - 7.181 Acres ±
Allstate Leasing, Inc. - Lessee
Filed June 1, 1983

#267

Dear Mr. Hammond:

The Petition for Special Exception for a Service Garage was filed with the request that the matter be set for hearing promptly. I feel that a history of the circumstances surrounding the Petition would confirm the necessity for setting the hearing at the earliest possible date.

This location will be occupied by Allstate Leasing, Inc. which is a company that has been in business in Baltimore County since 1975 at 9808 Reisterstown Road, its present location. They propose to construct a 22,000 square foot building on the 7.181 acre site. The owners of the property have recently purchased the property at auction for the sum of $300,000 and propose to promptly construct the aforesaid facility at an approximate cost of $750,000. The company presently employs 49 employees. These employees will be transferred to the new location should the Special Exception be granted.

Some of the principals involved in the ownership of the land and/or Allstate Leasing, Inc. are also involved in the Heritage Chevrolet Dealership located at 11234 Reisterstown Road and in a new Oldsmobile dealership which must be open for business by January 31, 1984 in this area. It is proposed that the Oldsmobile dealership will open for business in the present facility occupied by Allstate Leasing, Inc. at 9808 Reisterstown Road. This new business proposes to hire 55 new employees and the new dealership will renovate the facility to accommodate dealership needs and the requirements of General Motors-Oldsmobile Division.

COPY

Mr. William Hammond
Zoning Commissioner

Page 2
June 29, 1983

RE: Petition for Special Exception
C-F Properties Partnership - 7.181 Acres ±

As you may be aware, the Heritage Chevrolet Dealership is now located on the same site formerly occupied by an Oldsmobile dealership known as Metro Oldsmobile which was forced to close. The agreement between the principals and General Motors-Oldsmobile Division require that the dealership be open for business no later than January 31, 1984 or run the risk of losing the dealership in this area. The principals have diligently sought the acquisition and/or leasing of property in the area designated as the territory by Oldsmobile and have been unable to do so for more than eighteen months until the subject site became available by auction sale.

The opportunity to relocate the Allstate facility to the subject site and to open the Oldsmobile dealership at 9808 Reisterstown Road offers the principals and Baltimore County an opportunity which ought to be maximized promptly. Therefore, I would appreciate your scheduling the hearing on the Special Exception at your earliest possible convenience.

Sincerely,

Julius W. Lichter

JWL:lsp

cc: Mr. Nicholas B. Commodari
Mr. Robert Hannon
Economic Development Commission

JUL 25 1984

84-128-SPH

ROYSTON, MUELLER, McLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR McLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFER, III
THOMAS F. McDONOUGH
LAWRENCE F. HAISLIP

OF COUNSEL
JOHN L. ASKEW

June 8, 1983

William Hammond, Zoning Commissioner
Office of Planning and Zoning
401 Bosley Avenue
4th Floor
Towson, Maryland 21204

Re: Petition for Special Exception No. 72-275-X
Petition for Special Exception No. 81-75-X

Dear Bill: Item No. 271

I have this date filed a Petiton For Special Hearing concerning the special exceptions granted The Flintkote Company in the above-referenced cases in accordance with the Orders based therein. I understand that the County will advise me of any additional documentation which it requires in order to process the Petition.

Several expert witnesses will be called to testify at the special hearing and their schedules are very demanding. Accordingly, it is requested that the special hearing not be scheduled before September 15, 1983, and that we be given as much advance notice as possible of the date thereof. Thank you.

Very truly yours,

Richard A. Reid

RAR/keg

cc: Mr. Roland E. Manger

RECEIVED
JUN 9 1983

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

ARNOLD JABLON
ZONING COMMISSIONER

November 15, 1983

Richard A. Reid, Esquire
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204

IN RE: Petition Special Hearing
NE/corner of Fadonia Road and
Interstate Route 83 - 8th
Election District
The Flintkote Company, et al,
Petitioners
Case No. 84-128-SPH

Dear Mr. Reid:

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

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

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

October 14, 1983

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Hearing
NE/corner of Fadonia Rd. & Interstate Rt. 83
The Flintkote Company, et al - Petitioners
Case No. 84-128-SPH

TIME: 1:30 P.M.

DATE: Wednesday, November 9, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Zoning Commissioner
of Baltimore County

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

No. 117395

DATE 6/6/83 ACCOUNT R-01-615-000

AMOUNT 100.00

RECEIVED FROM: Mr. Richard Reid

FOR: filing fee for Item #271
Flintkote Co.

B 030****10000:0 3C6:A

VALIDATION OR SIGNATURE OF CASHIER

CARL L. GERHOLD
PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG

June 3, 1983

Zoning Description

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

Beginning for the same at a point in the center of Church Lane formerly known as Texas Lane, at the distance of 63.54 feet measured westerly along the center of Church Lane from the center of the Right of Way of the Northern Central Railroad and running thence and binding in the center of Church Lane, South 89 degrees 12 minutes West 20.17 feet, thence leaving said Lane and running parallel with and distant 50 feet measured westerly at right angles and radially from the west right of way line of said Northern Central Railroad, the two following lines viz: Northerly by a line curving toward the right having a radius of 2947.93 feet for a distance of 234.45 feet (the chord of said arc bearing North 5 degrees 51 minutes 12 seconds West 234.40 feet) and North 3 degrees 34 minutes 30 seconds West 166.82 feet, thence South 86 degrees 25 minutes 30 seconds West 150.45 feet to a point 185 feet measured westerly from the center of Beaver Dam Road, thence by the lines that are a minimum of 185 feet measured westerly from the center of Beaver Dam Road, the eight following courses and distances viz: North 11 degrees 44 minutes 20 seconds West 114.10 feet, North 35 degrees 17 minutes 05 seconds West 107.79 feet, North 50 degrees 15 minutes 00 seconds West 158.13 feet, North 26 degrees 10 minutes 00 seconds West 541.72 feet, North 10 degrees 56 minutes 00 seconds West 169.19 feet, North 15 degrees 50 minutes 54 seconds West 259.91 feet, North 28 degrees 39 minutes 13 seconds West 243.43 feet and North 27 degrees 41 minutes 50 seconds West 64.06 feet to the line between the property zoned M.H. and the property zoned M. L. as shown on Baltimore County Zoning Maps, thence binding on said line, South 64 degrees 03 minutes 32 seconds East 60.05 feet, thence running for line that are a minimum of 135 feet westerly from the center of Beaver Dam Road, the two following courses and distances viz: North 27 degrees 41 minutes 50 seconds West 1750.30 feet and North 29 degrees 46 minutes 40 seconds West 439.98 feet to a point 30 feet measured southerly from the south side of an easement for a railroad spur track there situate, thence running parallel with and distant 30 feet measured southerly and at right angles from the south side of said railroad spur easement, the three following courses and distances viz: North 84 degrees 56 minutes 00 seconds West 1280.44 feet, South 85 degrees 18 minutes 30 seconds West 637.12 feet and North 69 degrees 58 minutes 30 seconds West 308.08 feet to a point distant 30 feet measured easterly at right angles from the outline of the property of the petitioners herein, thence running parallel with and distant 30 feet measured easterly and at right angles from said property outline, the three following courses and distances viz: South 20 degrees 01 minute 30 seconds West 1025.25 feet, South 1 degrees 45 minutes 00 seconds West 696.45 feet and South 71 degrees 18 minutes 20 seconds West 450.61 feet to a point distant 100 feet measured easterly at a right angle from the east right of way line of the Baltimore Harrisburg Expressway,

P Ex 9

CARL L. GERHOLD
PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470
(2)

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG

200 feet wide, thence running parallel with and distant 100 feet measured easterly at right angles and radially from said east right of way line, the three following lines viz: South 8 degrees 44 minutes 54 seconds East 495.51 feet, Southeasterly by a line curving toward the left having a radius of 5529.58 feet for a distance of 1,267.16 feet (the chord of said arc bearing South 30 degrees 57 minutes 34 seconds East 4180.59 feet) and South 53 degrees 10 minutes 14 seconds East 2128.36 feet to a point distant North 36 degrees 49 minutes 46 seconds East 100 feet from the intersection of the east right of way line of the Baltimore Harrisburg Expressway and the northeast right of way line of the Relocation of Fadonia Road, thence South 79 degrees 58 minutes 15 seconds East 678.02 feet to a point distant North 17 degrees 52 minutes 05 seconds East 100.94 feet from the beginning of the South 1 degrees 33 minutes 57 seconds East 58.72 foot line as shown on the Relocation of Fadonia Road plat HRW 59-251-27, thence South 64 degrees 17 minutes 37 seconds East 219.11 feet, thence North 56 degrees 34 minutes 20 seconds East 50.44 feet to a point distant 100 feet measured northwesterly radially from the north right of way line of the Relocation of Fadonia Road, thence running parallel with and distant 100 feet measured northwesterly and northeasterly radially from the said right of way line of Fadonia Road, Easterly by a line curving toward the right having a radius of 195.00 feet for an arc distance of 292.47 feet (the chord of said arc bearing South 85 degrees 33 minutes 00 seconds East 265.82 feet), thence South 42 degrees 34 minutes 55 seconds East 116.28 feet to a point distant 50 feet measured northerly at right angles from the north right of way line of Fadonia Road, thence running parallel with and distant 50 feet measured northerly at right angles from said right of way line, North 80 degrees 00 minutes 00 seconds East 152.42 feet, thence South 3 degrees 28 minutes 20 seconds East 20.28 feet to a point distant 30 feet measured northerly at right angles from the right of way line of the Relocation of Fadonia Road, thence running parallel with and distant 30 feet measured northerly at right angles from said right of way line, North 80 degrees 00 minutes East 257.91 feet, thence North 34 degrees 49 minutes 00 seconds East 195.52 feet, thence running parallel with and distant 68 feet northerly measured at right angles from the right of way line of the Relocation of Fadonia Road, North 89 degrees 04 minutes 55 seconds East 638.28 feet, thence running parallel with and distant 110 feet measured westerly at right angles from the center of the right of way of the aforesaid Northern Central Railroad, North 27 degrees 41 minutes 30 seconds West 506.34 feet, thence South 84 degrees 25 minutes 30 seconds East 11.96 feet, thence running parallel with and distant 100 feet measured westerly at right angles from the center of said railroad right of way , North 27 degrees 41 minutes 30 seconds West 194.23 feet, thence North 3 degrees 01 minute 28 seconds East 131.17 feet to a point on the westernmost right of way line of the aforesaid Northern Central Railroad, thence South 84 degrees 53 minutes 30 seconds East 180.76 feet, thence running parallel with and distant 30 feet measured northerly and easterly at right angles from the outlines of the property of the petitioners herein, the two following courses and distances viz:

CARL L. GERHOLD
PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON T. LANGDON

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823-4470
(3)

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG

North 61 degrees 49 minutes 20 seconds East 176.85 feet and South 21 degrees 20 minutes 50 seconds East 108.41 feet, thence South 84 degrees 53 minutes 30 seconds East 171.33 feet, thence running parallel with and distant 30 feet measured northerly and easterly from the outlines of the property of the petitioners herein, the two following courses and distances viz: South 67 degrees 58 minutes 30 seconds East 220.01 feet and South 36 degrees 00 minutes 00 seconds East 15.71 feet, thence running parallel with and distant 100 feet measured northerly from the line between the property zoned DR 3.5 and the property zoned ML as shown on Baltimore County Zoning Maps, South 84 degrees 53 minutes 30 seconds East 442.24 feet, thence running the nine following courses and distances viz: North 18 degrees 25 minutes 10 seconds West 255.32 feet, South 83 degrees 56 minutes 00 seconds East 258.83 feet, South 6 degrees 04 minutes 00 seconds West 141.05 feet, South 87 degrees 32 minutes 20 seconds East 100.76 feet, North 2 degrees 50 minutes 00 seconds East 97.57 feet, North 18 degrees 23 minutes 30 seconds West 158.14 feet, North 71 degrees 32 minutes 00 seconds East 174.00 feet, North 17 degrees 39 minutes 51 seconds West 287.05 feet and North 15 degrees 56 minutes 40 seconds West 117.79 feet to a point distant 30 feet southerly measured at a right angle from the property line of the petitioner herein, thence running parallel with and distant 30 feet measured southerly at right angles from said property lines, the three following courses and distances viz: North 84 degrees 01 minute 41 seconds West 1331.01 feet, North 2 degrees 49 minutes 10 seconds West 455.98 feet and North 77 degrees 53 minutes 40 seconds West 455.05 feet, thence running the three following courses and distances viz: North 35 degrees 48 minutes 30 seconds West 406.41 feet, South 68 degrees 15 minutes 00 seconds West, running parallel with and distant 30 feet measured southeasterly from the outlines of the petitioners herein, 176.76 feet and South 72 degrees 45 minutes 22 seconds West 96.00 feet and thence running parallel with and distant 30 feet measured westerly and radially from the west right of way line of the aforesaid Northern Central Railroad Right of Way, Northerly by a line curving toward the right having a radius of 2927.93 feet for a distance of 463.07 feet (the chord of said arc bearing North 12 degrees 42 minutes 47 seconds West 462.59 feet) to the place of beginning.

Containing 629.28 Acres of land more or less.

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

Richard A. Reid, Esquire
Suite 600
102 West Pennsylvania Ave
Towson, Md. 21204

Gerhold, Cross & Etzel
412 Delaware Ave
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 19th day of September, 1983.

ARNOLD JABLON
Zoning Commissioner

Petitioner The Flintkote Company Received by: Nicholas B. Commodari
Petitioner's Attorney Richard A. Reid, Esquire
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

84-128-SPH

District 8th

Date of Posting 10-21-83

Posted for: Special Hearing

Petitioner: The Flintkote Company, et al

Location of property: NE/Corner of Fadonia Road and I-83

Location of Signs: N/S of Fadonia Rd approx 640' West of North Central Rail Road

Cost Code of I-83 Approx 2,500' North of Fadonia Road, West side of Old Fadonia Road at N/S of Rail Road, 50' North of Church Lane Rd

Remarks: Beaver Dam Rd.

Posted by: West side of Beaver Dam Rd, approx 200' North of Church Lane

Date of return: 10-26-83

Signature

Number of Signs: 5

OF PUBLICATION

54-128-SPH

10/24 1983

TIFY, that the annexed

was published in THE TOWSON

y newspaper distributed in

ore County, Md., once a

successive weeks,

lication appearing on the

of Oct 1983.

THE TOWSON TIMES

M. Angell

lisement, $ 171.84

PETITION FOR SPECIAL HEARING
8th Election District

ZONING: Petition for Special Hearing

LOCATION: Northeast corner of Fadonia Road and Interstate Route 83

DATE & TIME: Wednesday, November 9, 1983 at 1:30 P.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 Regulations 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 Zoning Commissioner should approve the review of Special Exemptions for concreted excavation with existing sand and water pits on property and the property of the Baltimore Gas & Electric Company et al Texas, Maryland, pursuant to the Order of the Circuit Court for the City of Baltimore County of June 5, 1978 and the Order of the Board of Zoning Commissioners of Baltimore County dated October 26, 1981, respectively Case Nos. 78-275-X and Case No. 81-75-X

All that parcel of land in the Eighth District of Baltimore County

Beginning for the same at a point distant North 2 degrees 28 minutes 20 seconds West 152.42 feet from a point in the center of Fadonia Road, said point being the intersection of the projection of Fadonia Road with the center of Beaver Road and running thence in the said point of beginning parallel with and distant 30 feet northerly measured at right angles from the said north right of way line of Fadonia Road, North 80 degrees 00 minutes East 257.91 feet, thence North 34 degrees 49 minutes 00 seconds East 195.52 feet, thence running parallel with and distant 68 feet northerly measured at right angles from the right of way line of the Relocation of Fadonia Road, North 89 degrees 04 minutes 55 seconds East 638.28 feet, thence running parallel with and distant 110 feet measured westerly at right angles from the center of the right of way of the aforesaid Northern Central Railroad, North 27 degrees 41 minutes 30 seconds West 506.34 feet, thence South 84 degrees 25 minutes 30 seconds East 11.96 feet, thence running parallel with and distant 100 feet measured westerly at right angles from the center of said railroad right of way, North 27 degrees 41 minutes 30 seconds West 194.23 feet, thence North 3 degrees 01 minute 28 seconds East 131.17 feet to a point on the westernmost right of way line of the aforesaid Northern Central Railroad, thence South 84 degrees 53 minutes 30 seconds East 180.76 feet, thence running parallel with and distant 30 feet measured northerly and easterly at right angles from the outlines of the property of the petitioners herein as shown on a plat filed in the Zoning Office of Baltimore County, the two following courses and distances viz: Northerly by a line curving toward the right having a radius of 2927.93 feet for a distance of 234.45 feet (the chord of said arc bearing North 5 degrees 51 minutes 12 seconds West 234.40 feet) and North 3 degrees 34 minutes 30 seconds West 166.82 feet, thence South 86 degrees 25 minutes 30 seconds West 150.45 feet to a point 185 feet measured westerly from the center of Beaver Dam Road, thence by the lines that are a minimum of 185 feet measured westerly from the center of Beaver Dam Road, the eight following courses and distances viz: North 11 degrees 44 minutes 20 seconds West 114.10 feet, North 35 degrees 17 minutes 05 seconds West 107.79 feet, North 50 degrees 15 minutes 00 seconds West 158.13 feet, North 26 degrees 10 minutes 00 seconds West 541.72 feet, North 10 degrees 56 minutes 00 seconds West 169.19 feet, North 15 degrees 50 minutes 54 seconds West 259.91 feet, North 28 degrees 39 minutes 13 seconds West 243.43 feet and North 27 degrees 41 minutes 50 seconds West 64.06 feet to the line between the property zoned M.H. and the property zoned M. L. as shown on Baltimore County Zoning Maps, thence binding on said line, South 64 degrees 03 minutes 32 seconds East 60.05 feet, thence running for line that are a minimum of 135 feet westerly from the center of Beaver Dam Road, the two following courses and distances viz: North 27 degrees 41 minutes 50 seconds West 1750.30 feet and North 29 degrees 46 minutes 40 seconds West 439.98 feet to a point 30 feet measured southerly from the south side of an easement for a railroad spur track there situate, thence running parallel with and distant 30 feet measured southerly and at right angles from the south side of said railroad spur easement, the three following courses and distances viz: North 84 degrees 56 minutes 00 seconds West 1280.44 feet, South 85 degrees 18 minutes 30 seconds West 637.12 feet and North 69 degrees 58 minutes 30 seconds West 308.08 feet to a point distant 30 feet measured easterly at right angles from the outline of the property of the petitioners herein, thence running parallel with and distant 30 feet measured easterly and at right angles from said property outline, the three following courses and distances viz: South 20 degrees 01 minute 30 seconds West 1025.25 feet, South 1 degrees 45 minutes 00 seconds West 696.45 feet and South 71 degrees 18 minutes 20 seconds West 450.61 feet to a point distant 100 feet measured easterly at a right angle from the east right of way line of the Baltimore Harrisburg Expressway, and South 8 degrees 44 minutes 54 seconds East 495.51 feet, Southeasterly by a line curving toward the left having a radius of 5529.58 feet for a distance of 1,267.16 feet (the chord of said arc bearing South 30 degrees 57 minutes 34 seconds East 4180.59 feet) and South 53 degrees 10 minutes 14 seconds East 2128.36 feet to a point distant North 36 degrees 49 minutes 46 seconds East 100 feet from the intersection of the east right of way line of the Baltimore Harrisburg Expressway and the northeast right of way line of the Relocation 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seconds West 234.40 feet) and North 3 degrees 34 minutes 30 seconds West 166.82 feet, thence South 86 degrees 25 minutes 30 seconds West 150.45 feet to a point 185 feet measured westerly from the center of Beaver Dam Road, thence by the lines that are a minimum of 185 feet measured westerly from the center of Beaver Dam Road, the eight following courses and distances viz: North 11 degrees 44 minutes 20 seconds West 114.10 feet, North 35 degrees 17 minutes 05 seconds West 107.79 feet, North 50 degrees 15 minutes 00 seconds West 158.13 feet, North 26 degrees 10 minutes 00 seconds West 541.72 feet, North 10 degrees 56 minutes 00 seconds West 169.19 feet, North 15 degrees 50 minutes 54 seconds West 259.91 feet, North 28 degrees 39 minutes 13 seconds West 243.43 feet and North 27 degrees 41 minutes 50 seconds West 64.06 feet to the line between the property zoned M.H. and the property zoned M. 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of Fadonia Road, thence South 79 degrees 58 minutes 15 seconds East 678.02 feet to a point distant North 17 degrees 52 minutes 05 seconds East 100.94 feet from the beginning of the South 1 degrees 33 minutes 57 seconds East 58.72 foot line as shown on the Relocation of Fadonia Road plat HRW 59-251-27, thence South 64 degrees 17 minutes 37 seconds East 219.11 feet, thence North 56 degrees 34 minutes 20 seconds East 50.44 feet to a point distant 100 feet measured northwesterly radially from the north right of way line of the Relocation of Fadonia Road, thence running parallel with and distant 100 feet measured northwesterly and northeasterly radially from the said right of way line of Fadonia Road, Easterly by a line curving toward the right having a radius of 195.00 feet for an arc distance of 292.47 feet (the chord of said arc bearing South 85 degrees 33 minutes 00 seconds East 265.82 feet), thence South 42 degrees 34 minutes 55 seconds East 116.28 feet to a point distant 50 feet measured northerly at right angles from the north right of way line of Fadonia Road, thence running parallel with and distant 50 feet measured northerly at right angles from said right of way line, North 80 degrees 00 minutes 00 seconds East 152.42 feet, thence South 3 degrees 28 minutes 20 seconds East 20.28 feet to a point distant 30 feet measured northerly at right angles from the right of way line of the Relocation of Fadonia Road, thence running parallel with and distant 30 feet measured northerly at right angles from said right of way line, North 80 degrees 00 minutes East 257.91 feet, thence North 34 degrees 49 minutes 00 seconds East 195.52 feet, thence running parallel with and distant 68 feet northerly measured at right angles from the right of way line of the Relocation of Fadonia Road, North 89 degrees 04 minutes 55 seconds East 638.28 feet, thence running parallel with and distant 110 feet measured westerly at right angles from the center of the right of way of the 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