IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY
*

PETITION OF:
SOBCZAK FAMILY LLC *
2206-D Lakeside Boulevard
Edgewood, Maryland 21040 *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE COUNTY BOARD OF APPEALS No. **3-C-04-10679**
OF BALTIMORE COUNTY *
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE *
TOWSON, MARYLAND 21204
*

IN THE MATTER OF
HONEYGO RUN RECLAMATION *
CENTER, INC., ET AL – LEGAL OWNERS
10710 Philadelphia Road *
Perry Hall, Maryland 21128
*

11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT *

Board of Appeals Case No.: 04-089-SPHX *

* * * * * * * * * * * *

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY:

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

RECEIVED FOR FILING
2004 NOV 29 A 11: 45
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

ENTRIES FROM THE DOCKET OF THE BOARD APPEALS AND DEPARTMENT OF PERMITS & LICENSES OF BALTIMORE COUNTY

04-089-SPHX

August 22, 2003	Petition for Special Hearing and Special Exception filed by John B. Gontrum, Esquire on behalf of Honeygo Run Reclamation Center, Inc., by Carl H. Lentz, Donald Lentz, Charles Volpe and Honeygo Mobile Park by Wayne B. Knight, Owner, requesting a special exception for an excavation, controlled in conjunction with a special exception for a rubble landfill; Modification and amendment to 94-87-SPHXA; Termination of special exception granted in case 3902-RX and Excavation controlled in a M.L.R. zone
September 3	Notice of Zoning Hearing
September 5	Entry of Appearance filed by People's Counsel for Baltimore County
September 27	Certificate of Posting
September 30	Publication in newspaper
October 10	ZAC Summary of Comments
October 16	Hearing Held before the Zoning Commissioner
January 5, 2004	Findings of Fact and Conclusions of Law issued by the Zoning Commission. Petition for Special Hearing Request and Special Exception GRANTED.
January 13	Notice of Appeal from Office of People's Counsel for Baltimore County
February 3	Notice of Appeal filed by John T. Willis, Esquire, on behalf of Sobczak Family LLC
July 14	Hearing by Board of Appeals – Day #1

July 21 Hearing by Board of Appeals – Day #2

Petitioner's Exhibits

1	David Taylor's Vital
2	Letter dated February 27, 2003 from Edward C. Adams, Jr. to Mr. Edward M. Dexter, Administrator re: Honeygo Run and letter dated February 24, 2003 from Thomas J. Peddicord, Jr. to Ed Adams, Director re: Resolution 18-03 and attached Resolution 18-03 – 7 pages
3A – 3D	Site Plan
4	LARGE EXHIBIT – RETAINED AT BOARD OF APPEALS – Development Plan – color mosaic
5	14 separate site plan sheets
6	Baltimore County Memorandum from David Iannucci, Executive Director to Timothy Kotroco, Director, PDM RE; Honeygo Reclamation Center Expansion, dated July 9, 2003 – 2 pages
7	William P. Monk – Resume – 10 pages
8	Display Map of Baltimore County MLR Zones
8A	GIS Map – Western Area
9	Bill No. 58-04 – Baltimore County County Council – 1 page
10A – 10G	Photographs of Landfill
11	Black and White Photograph – unmarked – 'rear of building – view from Knight property' listed on exhibit sheet
12A – 12E	LARGE EXHIBITS – RETAINED AT THE THE BOARD OF APPEALS consisting of photo collage; elevation sections; locations 3 and 3A and location 6

13	Ramesh Venkatakrishnan PhD, P.G. Resume – 13 pages
14	Lines of Site Location Map
15	Qualifications of Consultant – George P. Frizzell, CRE, MAI – one page

Protestant's Exhibits

1	Baltimore County Solid Waste Management Plan dated 1992
2	Letter from Monte Kamp to Maryland Department of the Environment dated August 13, 2002 – 2 pages
3A – 3F	Baltimore County – My Neighbor – Map Output highlighted sections
4A	Maryland Department of the Environment Solid Waste Tonnage Report – Reporting Year 2003 – 7 pages w/topo map
4B	Maryland Department of the Environment Solid Waste Tonnage Report – Reporting Year 2001 – 7 pages
4C	Maryland Department of the Environment Solid Waste Tonnage Report – Reporting Year 2002 – 4 pages w/topo map
5	Development Plan and Grading Plan
6A – 6T	Color photographs unmarked
7	Site plan of Honeygo Landfill showing legend of where pictures were taken in exhibits 6A through and including 6T
7A	Development Plan /PDM file # XI-611 Sheet 2 of 2
7B	The Field of White Marh Site Plan - one page
8	Comprehensive Overview – Rockwell Collins – EW/SIGINT – 9 pages

9A – 9J	Photographs – unmarked
10	Alfred W. Barry, III Resume – 8 pages
August 17	Memorandum of Petitioner field by John B. Gontrum, Esquire. Brief of Protestant, Sobczak Family LLC filed by John T. Willis, Esquire. Memorandum of Protestant, Rockwell Collins, Inc., filed by C. William Clark, Esquire and Robert L. Hanley, Jr., Esquire adopting Brief filed by Respondent, Sobczak Family LLC filed by John T. Willis, Esquire.
August 25	Board of Appeals convened for public deliberation
September 21	Opinion issued by the Board of Appeals Petition for Special Exception GRANTED; Petition for Special Hearing – GRANTED
October 12	Petition for Judicial Review filed in the Circuit Court for Baltimore County by John T. Willis, Esquire on behalf of Sobczak Family LLC. Civil Action Case No.: C-04-10679
October 18	Second Petition for Judicial Review filed by C. William Clark, Esquire on behalf of Rockwell Collins, Inc. Civil Action No.: C-04-10903
October 19	Certificate of Notice sent to interested parties. Civil Action Case No.: C-04-10679
October 19	Transcript of Proceedings filed for July 21, 2004
October 20	Second Certificate of Notice sent to interested parties Civil Action No.: C-04-10903
November 23	Transcript of Proceeding filed for July 14, 2004
November 29	Record of Proceedings filed in the Circuit Court for Baltimore County for Civil Action Case No.: C-04-10679

ALL DOCUMENTS AND EXHIBITS ARE FILED WITH CIVIL ACTION NO. C-04-10679.

EXHIBITS AND DOCUMENTS CAN NOT BE DUPLICATED. DOCUMENTS AND EXHIBITS ARE THE SAME FOR BOTH CASES.

FOR CIVIL ACTION NO. C-04-10903, PLEASE SEE CIVIL ACTION C-04-10679

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, Petitioner's Exhibit Nos.: 4 and 12A – 12E, which are of an unwieldy or bulky nature will be retained in the Board of Appeals office and upon request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton, Legal Secretary
County Board of Appeals of Baltimore County
400 Washington Avenue, Room 49
Towson, MD 21204 (410) 887-3180

cc: John T. Willis, Esquire
John B Gontrum, Esquire
C. William Clark, Esquire
Robert L. Hanley, Jr., Esquire
People's Counsel for Baltimore County

9/21/04

IN THE MATTER OF THE APPLICATION OF HONEYGO RUN RECLAMATION CENTER, INC., ET AL -LEGAL OWNERS / PETITIONERS FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE N & S/S SILVER SPRING ROAD, W/S OF PHILADELPHIA ROAD (10710 PHILADELPHIA ROAD) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 04-089-SPHX

* * * * * * * * *

OPINION

This matter is before the Board on an appeal from a decision of the Zoning Commissioner dated January 5, 2004 in which the Commissioner granted a Petition for Special Exception pursuant to § 248.4A of the *Baltimore County Zoning Regulations* (BCZR) for an "excavation, controlled" and a "rubble landfill" facility in a M.L.R. zone and granting a Petition for Special Hearing pursuant to § 412.3 of the BCZR as it references § 412 under the 1987 regulations seeking approval of the following:

1. An amendment to the previously approved site plan and Order issued in Case No. 94-87-SPHXA for a landfill expansion and the relocation of accessory uses;
2. A special exception for an "excavation, controlled" in conjunction with a special exception for a "rubble landfill" on the same site;
3. A determination that the special exceptions as part of the expansion of the existing operations have no time limit for utilization, or alternatively, a 5-year period for utilization of the special exception;
4. The modification or elimination of restrictions 3, 4, and 6 of the Order issued in Case No. 94-87-SPHXA;
5. The continuation of the existing variance from §§ 409.8A.2 and 409.8A.6 of the *Baltimore County Zoning Regulations* to permit a crushed concrete surface for the

internal haul road and parking areas in lieu of the required durable and dustless surface and to permit same without the required permanent striping for off-street parking facilities; and

6. The termination of the special exception granted in Case No. 3902-RX for a trailer court.

A hearing was held before the Board on July 14, 2004 and July 21, 2004. The Petitioners, the owners of the subject property, Donald C. Lentz, personal representative of the Estate of Carl H. Lentz; Charles F. Volpe and Jane Volpe; the Honeygo Mobile Park, by Wayne B. Knight, Owner; Nottingham Dodge, Inc., by Bruce S. Campbell III, Senior Vice President; and Baltimore County, Maryland, a body politic, by Dr. Anthony G. Marchione, Administrative Officer, and the Contract Purchasers, Honeygo Run Reclamation Center, Inc., by Philip J. Auld, Area President, were represented by John B. Gontrum, Esquire, WHITEFORD, TAYLOR & PRESTON, L.L.P.

The Protestants, Sobczak Family, L.L.C., were represented by John T. Willis, Esquire, and BOWIE & JENSEN, LLC, and Protestant Rockwell Collins was presented by C. William Clark, Esquire, NOLAN, PLUMHOFF & WILLIAMS, CHTD.

Both sides participated fully and submitted Briefs in support of their positions. A public deliberation was held on August 25, 2004.

Background

The Honeygo Run Reclamation Center, Inc., previously received approval for a special exception to operate a rubble landfill by decision of the Zoning Commissioner for Baltimore County in Case No. 94-87-SPHXA on December 13, 1993. Subsequent to receiving that approval for the requested special exception, related variances, and development plan, a permit was issued by the Maryland Department of the Environment on January 8, 1997 for the operation of a rubble landfill on the north side of Silver Spring Road.

The rubble landfill occupies 38.3 acres on the 68-acre tract of ground that was previously the site of a sand and gravel excavating operation that dated back to the 1920s. The tract is bounded on the north by the stream known as Honeygo Run, on the south by Silver Spring Road and residential properties, on the east by Philadelphia Road, and on the west by Interstate 95. The landfill was granted a permit by the Maryland Department of the Environment on January 8, 1997 and began landfill operations on March 29, 1999. Petitioner is the owner of three parcels and the contract purchaser of seven additional parcels of land on which it seeks to establish a rubble landfill utilizing 41.1 acres of the 49.8 acres as rubble disposal area. The properties proposed to be used as a rubble landfill were previously used as residential dwellings and a trailer park or are undeveloped land in the M.L.R. zoning classification. The portion of the property containing a former mobile home park was rezoned to M.L.R. from D.R. 3.5 in the 2000 Comprehensive Zoning Map Process, thereby permitting a rubble landfill on the site by special exception.

The Petitioner proposes to construct on the additional properties by excavation and fill a large landfill. The completed landfill will cover 41.1 acres of land and is being designed to contain 5.6 million cubic yards of rubble landfill material. The proposal is to excavate to depths ranging from 20 to 70 feet below existing grade on the various parcels of property. The finished rubble landfill is proposed to have grades ranging from 20 to 110 feet above the elevation of the existing land.

The County amended its Solid Waste Management Plan by Resolution 18-03 to include the proposed expansion of the existing facility. In addition, Baltimore County enacted Bill No. 58-04 clarifying prior amendments to § 412 of the *Baltimore County Zoning Regulations*. Bill 58-04 permits the expansion of existing rubble landfills with approved development plans under regulations in effect as of the date of the original approval. It appears that this particular expansion was the subject of discussion in consideration of the Bill by the County Council, and

the Council approved the Bill with its grandfathering provisions with full knowledge of its impact on the site while this appeal was pending before the Board of Appeals.

The existing facility required both a special exception for controlled grading and for a rubble landfill. Seven to eight hundred thousand cubic yards of material have been excavated. In addition, the existing facility required a special hearing for recycling of concrete and wood chipping as accessory uses to the landfill. As a result of the recycling operations, only 50 to 60 percent of the material brought into the site has been placed in the landfill. It was originally planned to occupy 50 to 60 acres on a 70-acre site. Surveys reduced the size of the site to 68 acres and the use of a liner and adherence to the State regulations reduced the size of the landfill to 39 acres. The landfill opened in 1999 and is expected to be completely filled in the Fall of 2005.

Petitioners presented David Taylor, employed by Morris & Ritchie Associates, who was the landscape architect and project manager overseeing the preparation of the Plan for the new landfill. Mr. Taylor was accepted by the Board as an expert in landscape architecture and is familiar with the *Baltimore County Zoning Regulations*. Taylor testified that the proposed expansion of the existing landfill and grading operations will occur on an assemblage of properties consisting of 48 acres. The landfill area will occupy approximately 40 acres and the existing recycling operation will be moved from its present location to the rear of the property near I-95. The entrance to the site and inspection station will remain in the same location. Silver Spring Road will be closed just past the Sobczak property and would only be used by emergency vehicles if necessary to access the property. No access is proposed to the site on a right-of-way through the Sobczak property.

Mr. Taylor stated that all the properties in the proposed assemblage are zoned M.L.R. Several of the properties are being used as residences. Also included in the site is a former mobile home park. The mobile home park was zoned D.R. 3.5 until the 2000 Comprehensive

Zoning Maps at which time the property was changed to the M.L.R. zone which does not permit mobile home parks. The mobile home park was closed in 2003. Petitioner submitted several exhibits showing the plans for the proposed expansion and Mr. Taylor indicated that the closest point from the start of the landfill to the subject Sobczak property was approximately 173 feet. Taylor also indicated that the new landfill would have two cells with various elevations. The maximum elevation of the landfill will probably be approximately 202 feet above ground. He estimated this would be approximately 470 feet from the Sobczak property line. The landfill would be graded at approximately a 4 percent slope and the sides would slope in a ratio of 3 to 1, would have a shelf, and then go up again approximately 3 to 1 feet until they reach the top of the landfill area. Mr. Taylor stated that after the expanded landfill was completed and capped off, it would be used as a park. The road around the landfill would convert to a trail and there would be various loop systems and trails for hiking and biking to the top of the park. It would cost approximately $1 million to develop the park, and it would take approximately 10 years to fill in the landfill. A 100-foot buffer line around the landfill and a berm 15 feet to 18 feet in height with vegetation on top of it would be built to shield the surrounding properties from the landfill.

Mr. Taylor testified with respect to the requirements under § 502.1 of the BCZR.

A. He did not feel that the landfill would be detrimental to the health, safety or general welfare of the locality involved because of the berms and screening required, as well as the fact that the operations of the landfill had been in accordance with the County and Maryland State regulations and no violations have been recorded against the landfill.

B. He felt that there would not be any congestion in road, streets, or alleys therein because the landfill has been operating without any problems from truck traffic and traffic going in and out of the site, and it would continue to use the same entrance and exits as previously used.

C. He did not think that there was a potential hazard from fire, panic or other danger since the operation has been safely operated during the past 4 years and would continue to operate in the same manner.

D. He did not feel that the landfill would tend to neither overcrowd the land nor cause undue concentration of population, particularly since the mobile home park would be closed.

E. He did not feel that it would interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements due to the fact that there would be an additional park after the landfill was capped off, and there was no sanitary use, waste was trucked off, and there was no public sewer or water to the site.

F. He did not feel that it would interfere with adequate light and air because ultimately a park would be created when the landfill is capped.

G. In addition, he did not feel it was inconsistent with the purposes of the property's zoning classification or inconsistent with the spirit and intent of the zoning regulations since a landfill was allowed by special exception in an M.L.R. zone.

H. He did not feel it would be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations, again since the landfill would be converted to a parkland with vegetation, and the buffer area around the site, as well as the berms to be constructed, would offer protection to the neighboring properties.

I. He also felt that it would not be detrimental to the environmental and natural resources of the site and vicinity, including forest, streams, wetlands, aquifers,

and floodplains in an R.C. 2, R.C. 4, R.C. 5 or R.C. 7 zone, since the entire zone was M.L.R.

Mr. Taylor also stated that the County had abandoned the land and did not wish to have it transferred to them upon completion of the park. Further, Mr. Taylor indicated that it was necessary to amend the site plan in Case No. 94-87-SPHXA for the landfill expansion in order for material to be excavated and to recycle material. He also said that the second special exception for controlled excavation in conjunction with a special exception for a rubble landfill was necessary for the expansion of the present landfill. He felt that it was necessary also to have an expansion of the permits for the special exception for unlimited or 5 years at the least because of the requirements of Baltimore County in obtaining permits, etc., for the landfill, and asked for the modification of the three conditions in the Order in Case No. 94-87-SPHXA. These conditions are:

#3 - That the property be turned over to the County after completion of the landfill. The County has made it clear that it does not desire to obtain the property upon completion of the landfill.

#4 – Restore the Honeygo stream. Mr. Taylor stated that the stream restoration was not desired by the County at this point since the County had put in a sewer. He did not feel that it would be necessary to take any action with respect to the stream unless the County required it.

#6 – The elimination of the requirement to pay the salary of an inspector. Mr. Taylor testified that the neighborhood community group that inspects the site on a periodic basis, at least quarterly, has not asked for an inspector to be appointed. The group intends to continue and he sees no need for the continuation of the requirement for an inspector.

He also asked for a continuation of the variance from a paved road to a concrete roadway as is currently in place. The road will move in accordance with the excavation and filling operations of the landfill. Taylor stated that it would be most difficult and impractical to pave it

and then remove the paving when the operations would require it, then repave it again. The method now in operation, watering roadways with the company water truck, has been sufficient to keep the dust down. He felt that the berm and vegetation would protect any neighboring properties from any dust that might be generated. He asked that the special hearing be allowed to remove the special exception from the mobile home park, which has been abandoned and closed since 2003.

Mr. Edward M. Dexter, Administrator of the Solid Waste Plan for Department of the Environment for the State of Maryland, testified that the State has regulations with respect to rubble landfills. He said that no law enforcement actions had been taken against the operator of the Honeygo landfill since its operation. One problem with fly ash being accepted by Honeygo was corrected on the spot and did not require any citation to the landfill.

The Petitioner also presented William Monk, a principal of Morris & Ritchie Associates, who was accepted as an expert in land planning. Mr. Monk testified that the M.L.R. zone provides designated areas for manufacturing light activities. He identified various M.L.R. zones in Baltimore County in an exhibit presented to the Board. The various zones were shown on the west side of Towson; a portion on Security Boulevard; an office park off of Liberty Road; a portion of land on the north side of I-83 north of the Marriott Inn; and an area in Rosedale. It was Mr. Monk's opinion that the proposed landfill would have no more impact on the Sobczak property than it would on any other property in the M.L.R. zone. Mr. Monk also felt that when the proposed use was completed the park would actually provide a visual relief from the sea of parking and buildings that typically is found in a designated growth area.

Petitioners also provided Dr. Ramesh Venkatakrisnan, a geologist with Golden and Associates. Dr. Venkatakrisnan stated that he had done three-dimensional illustrations to show the line of sights and visual impact analysis of the landfill. He presented an exhibit that provided

a line of sight analysis based on existing topography, contending that the buffers around the landfill would preclude a view of the landfill.

On being recalled in rebuttal, Mr. Taylor testified that 100-foot wide buffer area would permit a berm of such height and vegetation on top of it that it would provide substantial screening to the Sobczak property. He indicated that the Petitioner would agree to have the landscape architect from Baltimore County review the screening, and that the Board could require that in its Order. In addition, Mr. Taylor testified that a bond or letter of credit would be issued to Baltimore County that would insure that the Petitioner or Baltimore County would have to erect the park as had been proposed by the Petitioner.

Petitioner also presented George Frizzell, an expert in real estate appraisal, who indicated that the Knight property to the north of the landfill was under contract to the Keelty Company to erect apartments, townhomes, and condominiums in that area. He stated that it was his understanding that the homes were going to start at $250,000 for the cheapest unit. He had reviewed the real estate listings for the Sobczak property and had also conducted real estate evaluations for the existing landfill and for the contract purchaser of adjacent property. He believed that the value of the Sobczak property, which Sobczak's broker had rated as a Class B industrial building, depended far more on the income stream from the lease and potential issues with the tenant than from any impact of the landfill.

Protestants presented Mr. Sobczak of the Sobczak Family, LLC. This is a property management company who owns the property next to the landfill. Mr. Sobczak stated that he purchased the property in White Marsh in order to be in an upscale neighborhood. He purchased the building for possible expansion and had a road constructed to access the industrial park. Mr. Sobczak stated that his business was not presently in the building. He stated that he had to look for additional space for his operations so he now leases the property to Rockwell Collins, a

manufacturer of electronic equipment. The building is a clean, bright building which has a manufacturing floor as well as offices. The windows are sealed.

At the time that he purchased the property, Sobczak was aware of the Honeygo landfill and he did not object to the current operation. However, when he became aware of the expansion, he was quite alarmed. He did not see how his tenant could operate next to a landfill. He thought that there would be noise and dust, and the visual effect would adversely affect the employees of his tenant. The back area behind the office building is used by employees for picnics and he is worried about the downflow of dust from the landfill. He was also quite concerned about the marketability of the property with it being located next to the landfill.

Protestants also presented Raymond Miller, a neighbor who lives on Philadelphia Road. Mr. Miller was aware of the expansion of the landfill and was concerned that dust would accumulate on his property.

Protestants also presented Robert Biller, Director of Marketing for Rockwell Collins, the tenant in the Sobczak building. Mr. Biller was concerned that the operation of the landfill would create dirt and noise which would filter over to the company's property. He stated that the employees leave their car windows open in the summer time and was concerned that the dust from the landfill would get into their cars and cover their cars. In addition, he was concerned with the dirt and dust getting into the manufacturing area and hindering the products which they were producing at the plant. He conceded that the windows in the building did not open and that, if the berm was constructed on the north side of the property so that they could not see the landfill, that might help.

Protestants also presented Alfred W. Barry, a land planning consultant and accepted by the Board as an expert land planner with familiarity of Baltimore County's zoning regulations. Barry felt that the Master Plan for the Perry Hall-White Marsh Growth Area was clear as to what should happen in the area. He felt that the construction of the landfill was inconsistent with the

Master Plan for this area and the zoning ordinances for the M.L.R. zone. Barry felt that the construction of the landfill was not in accordance with the requirements of § 502.1 of the BCZR. He felt that it would be detrimental to the health, safety and welfare of the general population. He stated that the Master Plan calls for growth in the White Marsh area and that the landfill was inconsistent with the goal of extended Route 43. He also felt that the landfill would overcrowd the land when you considered the size of the rubble landfill which he felt would be 10 times the size of the building that could be placed on the property. He felt that it would exceed the criteria. He felt that it would not provide adequate light and air because of the dump trucks and dust that would be created by them coming in and out of the landfill. He also felt it was inconsistent with the zoning classification of the M.L.R. zone. He believed this site was unique and that the placing of a landfill in the area would remove much of the M.L..R. zoned property from the County inventory.

Decision

The application of § 412 of the BCZR.

Section 412 of the BCZR was rewritten in Council Bill No. 97-1987 to recognize issues with rubble landfills. Council Bill No. 97-1987 called for a landfill to sit back 100 feet from the property line. It also stated that the Zoning Commissioner had the right to determine appropriate screening. However, it did not mandate screening or any particular buffer area.

In 1997 prior to the opening of the instant landfill, but after its approval by the County, the County adopted Bill No. 28-1997. That bill called for a minimum landfill site of 50 acres. It also called for new landfills to have a 500-foot wide edge, including a 300-foot buffer area and a transition area of 200 feet into which fill could be placed at a rise of 1 foot for every 6.67 feet. Additional standards also had to be met. Adopted with the bill, however, was language grandfathering existing landfills and additions to them.

BCZR § 412.3 states:

> Any landfill or expansion thereof for which a development plan was approved prior to the effective date of Bill No. 28-1997 shall comply with the landfill requirements in effect at the time of the original approval.

The Council may have felt that this language permitted expansion of the current landfill by Honeygo. However, the grandfather language of § 412.3 appeared to give rise to some confusion after the Zoning Commissioner's decision in the instant case. Apparently, the County Council then passed Bill No. 58-2004 which was adopted "for the purpose of clarifying the application of Bill No. 28-1997 upon previously approved landfills and providing for a buffer area that shall be landscaped or screened and generally related to landfills." Provided that § 412.3 should be amended to read as follows: "Any landfill for which a development plan was approved, pursuant to Bill 1-1992 as amended, prior to the effective date of Bill No. 28-1997 shall comply with the landfill requirements in effect at the time of the original approval. The zoning regulations in effect at the time of the approval of the development plan for the original landfill shall apply to any subsequent expansion, refinement or material amendment to the development plan for the landfill. Landscaping or screening shall be provided within the 100-foot wide buffer area as may be required by the Director of Permits and Development Management."

It seems clear to the Board that in enacting this legislation the County Council contemplated the expansion of the present landfill by Honeygo and that the expansion of the landfill is just that, an expansion and not a new landfill subject to the new requirements of § 412 which provides for a buffer area of 500 feet paralleling the boundaries of the site.

Protestants state that 58-04 is unconstitutional under Maryland law, citing the Maryland Constitution which states, "the General Assembly shall pass no special law, for any case, for which provision has been made, by an existing general law." This Board has consistently taken the position that it is not the duty or obligation of this Board, nor does the Board have the authority, to rule on the constitutionality of any laws passed by the Council or the State of

Maryland. Constitutionality is to be ruled on by the courts, and not administrative agencies of the County.

Protestants also argue that the proposed landfill is not exempt from § 412 as enacted by Bill 28-1997. There is a development plan for the original landfill but no development plan for the expansion of the existing landfill prior to the effective date of Bill No. 28-1997. This issue is related to the question concerning the constitutionality of Bill No. 58-04. As stated above, the Board will not rule on the constitutional issue.

Protestants also contend that the Petitioner did not comply with the restrictions set forth in the Zoning Commissioner's decision in Case N o. 94-87-SPHXA. Specifically, the Zoning Commissioner approved the Development Plan subject to restrictions including the transfer of the land to Baltimore County "upon full utilization of the fill, restoration of Honeygo Run, and payment of the salary and necessary related expenses for an independent inspector to periodically monitor the operation of the landfill." Protestants also contend that the Petitioner agreed to limit rubble to only local customers. They contend that evidence submitted in the documents produced in the instant case and the testimony of the Petitioner's witnesses indicates that none of the restrictions above were followed.

As part of this hearing, Petitioners seek the modification of the restrictions set forth in the Zoning Commissioner's decision of December 17, 1993. With respect to eliminating Restriction #3, that the property be transferred to Baltimore County upon the completion and capping of the landfill for use by the Department of Recreation & Parks at no cost to Baltimore County, there was testimony that the County no longer wishes to have the land transferred to the County. Therefore, there is no need for the transfer and retention of the restriction requiring the transfer.

With respect to the restriction regarding the restoration of the Honeygo Run stream, the Zoning Commissioner stated that the restoration should be completed within 5 years from the date of the issuance of final permits authorizing the rubble fill operation. At this point, though,

the Petitioner is under no current obligation to restore the stream. In addition, during the period of time the landfill has been operating, the County has constructed a main sewer line in Honeygo Run to serve the Honeygo area of Perry Hall. The restoration of the Honeygo Run stream is not being required by the Department of Environmental Protection & Resource Management, and the Board will delete that restriction from the requirements of the Zoning Commissioner's decision.

With respect to the requirement of hiring and paying the expenses of an independent inspector, the Zoning Commissioner states in his decision, "The identity and specific duties of this individual shall be determined by the community advisory committee, which the Petitioner shall maintain and keep in place throughout the life of the fill." Petitioners, in their special hearing, have requested that this be removed from the decision of the Zoning Commissioner since the committee has been maintained throughout the operation of the landfill and has never requested that an inspector be employed. The committee meets quarterly and goes over the landfill with respect to any issues which might arise in the operation of the landfill. In addition, the Department of the Environment for the State of Maryland makes periodic inspections of the landfill, and the operators have added additional inspection equipment to insure that material that is not appropriate for the landfill not be deposited in the landfill. The Board sees no reason to continue this restriction and will also lift that restriction.

Finally, the Zoning Commissioner did not place geographical limits as to the customers who were allowed to deposit rubble in the landfill, even though it was mentioned in the body of his decision. The Petitioner files yearly reports with the County and the State concerning the amounts of rubble going into the landfill and the area from which the rubble comes. No one has objected to the rubble which may be coming from out of state, even though it is clearly marked on the reports filed by the Petitioner. The Board does not feel that this is a basis for denying the special exception in this matter.

Protestants also contend that the expansion of the landfill is inconsistent with the Master Plan of the County and would overcrowd the land.

The County Charter and the Code repeatedly indicate that the Master Plan serves as a guide for the development of the County and is not a condition for it. In *Nottingham Village v. Baltimore County*, 266 Md. 339, 292 A.2d 680 (1972), the Court found no requirement that the zoning plan conform to the Master Plan. In addition, Petitioner's expert, William Monk, indicated that the end use of this site as recreational open space had to be considered as a relief from the "urban fabric" of the area. He felt this would be consistent with the Master Plan and would provide a "visual relief from the parking and buildings that is typically found in designated growth areas."

Finally, the Protestants contend that the expansion of the landfill does not meet the requirements of § 502.1 of the BCZR. In evaluating this issue, the Board credits the testimony of Petitioner's witnesses, Charles Taylor and William Monk. The evidence indicates that:

(a) The expansion of the landfill will not be detrimental to the health, safety and general welfare of the locality involved. There will be a berm erected around the buffer area of the landfill and vegetation will be placed at the top of the berm in accordance with the requirements of the Baltimore County architect. In addition, the Petitioner has agreed to pave a portion of the road directly in back of the Sobczak property, at the discretion of Baltimore County and the County's Landscape Architect, based upon the success and construction of the buffer berm and screening.

(b) The expansion of the landfill will not tend to create congestion on roads, streets or alleys therein. The landfill has been operating for several years without any problems of this nature, and intends to continue to operate with the same access and egress. There is no indication that future operations will create any congestion.

(c) The expansion will not create a potential hazard for fire, panic, or other danger. The landfill's record with respect to safety is exemplary and there have been no problems so far with respect to fires, etc. It is not anticipated that the future operation will create such a hazard.

(d) There does not appear to be any overcrowding of the land or undue concentration of population with respect to a landfill. The trailer home park, which is currently in the proposed area to be used for the expansion, will be removed. The ultimate objective is to create a park with hiking and bike trails.

(e) There will be no interference with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. In fact, the landfill, when it is completed, will create a large park area for the use of citizens living in the area.

(f) The landfill will not interfere with adequate light and air. While it will create a large mound of fill in the center of the landfill, it does not appear that this will hinder the light and air of any of the property owners in the area.

(g) The landfill will not be inconsistent with the purposes of the property's zoning classifications nor inconsistent with the spirit and intent of the zoning regulations. A landfill may be constructed in an M.L.R. zone by special exception, and it does not appear to be inconsistent with the zoning regulations.

(h) It is not inconsistent with the impervious surface and vegetation retention provisions of the zoning regulations. Once again, upon completion, the landfill will be covered and made into a parkland with various types of wildflowers and vegetation, as well as riding and hiking trails.

(i) It will not be detrimental to the environmental and natural resources of the site and vicinity, including forests, streams, wetlands, aquifers, and floodplains in an R.C. 2, R.C. 4, R.C.

5 or R.C. 7 zone. The zone in question is an M.L.R. zone, and there is no indication that the landfill will affect any of the natural resources of the site.

Finally, the Board finds that the construction of the landfill meets the requirements of *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981). The Court stated, "We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied, is whether there are facts and circumstances shown that the Petitioner's use proposed at the location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone."

The Court of Special Appeals in *Days Cove Reclamation Co. v. Queen Anne's County*, 146 Md.App. 469, 486-487, stated, "Applicant argues correctly in our view that the *Schultz* requirement is not satisfied simply by identifying some unique characteristic of the neighborhood. In order for a unique characteristic of the neighborhood to support the denial of the conditional use, it is necessary that the ordinary adverse conditions of the conditional use be greater at the location in question because of the unique characteristics of that location's neighborhood than would be the case if the use were located elsewhere in the zone."

William Monk was clear in his testimony that other M.L.R. zoned properties in the County would not be acceptable for a rubble landfill. The present property is bounded on the north by Honeygo Stream, on the south by Silver Spring Road and residential properties, which will be sold to the Petitioner, on the east by Philadelphia Road, and on the west side by Interstate 95. The existing rubble landfill has been operating there for several years. It is clear that all of the neighbors will be protected by the berm to be constructed in the 100-foot buffer area around the landfill. Other sites in the M.L.R. zones cited by Mr. Monk in his testimony, such as the Hunt Valley site, the Security Boulevard site, and the Rosedale site are not appropriate for a

landfill of this nature. It seems quite apparent that this is the least objectionable site of all the M.L.R. properties in the County for the location of the landfill.

The Board also finds that an amendment to the previously approved site plan and Order issued in Case No. 94-87-SPHXA for a landfill expansion and the relocation of accessory uses should be granted. A special exception for an "excavation, controlled" in conjunction with a special exception for a "rubble landfill" on the same site should also be granted.

The Board will grant the expansion of the time limit for the utilization of the special exception. There will be no time limit for utilization or alternatively a 5-year period for utilization of the special exception. As previously stated, the Board will modify and eliminate the conditions in 3, 4 and 6 in Case No. 94-087-SPHXA. In addition, the Board will continue the existing variance from BCZR §§ 409.8A.2 and 409.8A.6 to allow crushed concrete surface for the internal haul road and parking areas in lieu of the required durable and dustless surface, and to permit the same without the required permanent striping for off-street parking facilities.

The Board is not convinced that this variance is needed. However, out of an abundance of caution, it will continue the variance. The Board considers the property in question unique, since it is the largest piece of property in the area and will be connected to the current landfill. It will require excavation of dirt and filling of the area once the cells of the landfill are filled. The roadway will go down into the landfill at certain points and will then be relocated to allow for the filling operations. Without the movement of the road, there is no grading or landfilling. It is impractical to pave the road, take up the paving as the road changes, and repave again as the elevations of the road change. This is a unique characteristic of the property, which would allow for the continuation of the granting of the variance. In continuing the variance for the unpaved road, the Board notes that the company cannot violate the Clean Air Act, and any excessive dust could be the subject of a charge with the Environmental Protection Agency to remedy the situation. In addition, the Petitioner has agreed to pave a portion of the hard road directly in back

5. The continuation of the existing variance from §§ 409.8A.2 and 409.8A.6 of the *Baltimore County Zoning* Regulations (BCZR) to permit a crushed concrete surface for the internal haul road and parking areas in lieu of the required durable and dustless surface and to permit same without the required permanent striping for off-street parking facilities; and
6. A termination of the special exception granted in Case No. 3902-RX for a trailer court

be and are hereby **GRANTED**; and it is further

ORDERED that the Petitioner be required to construct a berm around the property with plantings on the top to be approved by the Landscape Architect of Baltimore County. In the event the Landscape Architect should determine that the buffer berm and screening do not successfully control the dust at the point of the Sobczak property, the Architect may require the Petitioner to pave a portion of the access road directly in back of the Sobczak property in order to attempt to control any dust in the area.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Donald I. Mohler III

John P. Quinn

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

September 21, 2004

John T. Willis, Esquire
BOWIE & JENSEN, LLC
6th Floor, 29 W. Susquehanna Avenue
Towson, MD 21204

Peter M. Zimmerman, People's Counsel
for Baltimore County
Room 47, Old Courthouse
Towson, MD 21204

RE: *In the Matter of: Honeygo Run Reclamation Center, Inc.* -
Petitioner / Case No. 04-089-SPHX

Dear Mr. Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.**
If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

COPY

Kathleen C. Bianco
Administrator

Enclosure

c: The Sobczak Family LLC
John B. Gontrum, Esquire
Philip J. Auld /Honeygo Run Reclam Cntr
Donald C. Lentz, P.R. for the
Estate of Carl H. Lentz
Charles F. Volpe and Jane Volpe
Wayne B. Knight /Honeygo Mobile Park
Bruce S. Campbell III /Nottingham Village
David Taylor /Morris & Ritchie Assoc.
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

1/5/04.

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION – N & S/S Silver Spring Road, W/S Philadelphia Road **(10710 Philadelphia Road)** 11th Election District 5th Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 04-089-SPHX
Honeygo Run Reclamation Center, Inc., et al Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, Donald C. Lentz, Personal Representative of the Estate of Carl H. Lentz; Charles F. Volpe and Jane Volpe; the Honeygo Mobile Park, by Wayne B. Night, Owner; Nottingham Village, Inc., by Bruce S. Campbell III, Senior Vice President; and Baltimore County, Maryland, a body politic, by Dr. Anthony G. Marchione, Administrative Officer, and the Contract Purchasers, Honeygo Run Reclamation Center, Inc., by Phillip J. Auld, Area President, through their attorney, John B. Gontrum, Esquire. The Petitioners request a special exception, pursuant to Section 248.4.A of the Baltimore County Zoning Regulations (B.C.Z.R.) for an "excavation, controlled" and a "rubble landfill" facility in a M.L.R. zone. In addition, the Petitioners request a special hearing, pursuant to Section 412.3 of the B.C.Z.R. as it references Section 412 under the 1987 regulations, seeking approval of the following: **1)** an amendment to the previously approved site plan and Order issued in Case No. 94-87-SPHXA for a landfill expansion and the relocation of accessory uses; **2)** a special exception for an "excavation, controlled" in conjunction with a special exception for a "rubble landfill" on the same site; **3)** a determination that the special exceptions as part of the expansion of the existing operations have no time limit for utilization, or alternatively, a five year period for utilization of the special exceptions; **4)** the modification or elimination of Restrictions 3, 4 and 6 of the Order issued in Case No. 94-87-SPHXA; **5)** the continuation of the existing variance

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and 409.8.A.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a crushed concrete surface for the internal haul road and parking areas in lieu of the required durable and dustless surface and to permit same without the required permanent striping for off-street parking facilities; and, **6)** a termination of the special exception granted in Case No. 3902-RX for a trailer court. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 5.

Appearing at the requisite public hearing in support of the request were Phillip J. Auld, Area President of Republic Services, Inc., the parent company of Honeygo Run Reclamation Center, Inc.; David Taylor, Landscape Architect with Morris & Ritchie Associates, Inc., the consultants who prepared the site plan for this property; and John B. Gontrum, Esquire, attorney for the Petitioners. Also appearing and testifying in support of the request were Monte Kamp, General Manager of the facility; George Frizzell, an appraiser; Florin Gheorghiu, a hydrogeologist, and William P. Monk, a Land Use Planning and Zoning Consultant. Bruce S. Campbell III, Senior Vice President of Nottingham Village, Inc., co-owner of the subject property; Donna Irons and Mark Pedersen, also appeared. John T. Willis, Esquire appeared on behalf of the Sobczak Family, LLC, adjacent property owners/Protestants. The sole witness who appeared and testified in opposition to the request on behalf of that family was William M. Pellington.

The subject property under consideration is located on the northwest side of Philadelphia Road and Silver Spring Road, near the Maryland Route 43/I-95 interchange in White Marsh. The overall tract contains a combined gross area of 116.85 acres, more or less, zoned M.L.R. A portion of the property is currently owned and utilized as a rubble landfill by Honeygo Run Reclamation Center, Inc. That property is identified on the site plan (Petitioner's Exhibit 5) as Parcel #107 and contains approximately 68 acres in area. The balance of the acreage (approximately 48 acres) is comprised of a number of separate parcels jointly owned by a number of individuals as identified above. In fact, there are 11 additional separate parcels that are included under the instant Petitions. These are identified on the plan as Parcels 16A, 16B, 27, 649, 686, 739, 763, 764, 765, 776 and 796. Mr. Knight owns Parcels 16A, 16B and 649; Nottingham Village, Inc. owns Parcels 27 and

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686; the Lentz family owns Parcels 739; Charles and Jane Volpe own Parcel 776; the Honeygo Mobile Park owns Parcel 796 and the Honeygo Run Reclamation Center, Inc. owns Parcels 763, 764 and 765.

By way of background, the development plan for that portion of the tract referred to as the existing rubble landfill, identified as Parcel #107, was considered by the undersigned Zoning Commissioner/Hearing Officer under prior Cases Nos. XI-611 and 94-87-SPHXA. In that case, Honeygo Run Reclamation Center, Inc. sought development plan approval and zoning relief to continue then-existing mining operations and a proposed rubble landfill on its 68-acre tract. Following a lengthy public hearing, a 51-page written opinion was issued by the undersigned on December 17, 1993, approving the development plan and granting the zoning relief, subject to certain restrictions and conditions as more fully set forth therein. The Petitioners now come before me seeking approval to expand the rubble landfill operation onto the adjoining 48 acres.

Testimony and evidence offered was that the mining operations that existed in 1993 were ultimately completed and the site then developed and utilized as a rubble landfill. The area of the rubble landfill is more particularly shown on a colorized plan that was submitted into evidence as Petitioner's Exhibit 3A. Mr. Taylor, who prepared the site plan, Mr. Auld of Republic Services, Inc., and Mr. Kamp, the General Manger of the Honeygo Reclamation Center, offered testimony regarding the general operation of the landfill in recent years and the site plan. Mr. Kamp's testimony was particularly helpful in understanding the day to day operation on the site. He testified that the landfill operation began in March 1999 and operates six days a week, Monday through Saturday, with more limited hours on Saturday. Trucks enter the site from an access road off of Philadelphia Road and their loads are weighed and inspected. He described in some detail the material accepted and how it is processed. Generally, the landfill accepts construction and demolition debris. Certain materials, such as concrete and soil, are recycled and this material is then sorted. There are three separate cells in the existing operation. Mr. Kamp indicated that Cell 1 has been filled to capacity and Cell 2 is approximately 85% full at the present time. He anticipated that utilization of Cell 3 would begin in late 2003. Messrs. Kamp and Auld also described the

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monitoring process and general business operation on the site. Their testimony was persuasive to a finding that the landfill operation is well managed and has been conducted without detrimental impacts to surrounding properties. In addition to a rigorous inspection/sorting procedure, wells and piezometers have been installed to insure that the landfill is not accepting inappropriate or hazardous material. Any material that is determined to be unacceptable during the inspection process is rejected. Apparently, the operation enjoys an outstanding safety record. The Maryland Department of the Environment (MDE) oversees the operation. Although counsel for the Protestants questioned certain aspects of the operation, the testimony and evidence offered was persuasive to a finding that the facility is efficiently operated and complies with the rigorous state and local standards imposed for the operation of a rubble landfill.

Although the Petitioner has operated the facility in accordance with the approval granted in Cases Nos. XI-611 and 94-87-SPHXA, the evidence presented demonstrated that the existing cells are filling up and that the landfill operation has a limited life span. Thus, the applicants propose the acquisition of the neighboring parcels described above and the expansion of the rubble landfill operation onto those parcels. The details of the expansion are more particularly shown on Petitioner's Exhibits 3A, 3B, 3C and 3D. Collectively, these exhibits are a series of plans that depict the existing outline of the rubble landfill as well as the proposed expansion. The plans are persuasive to a finding that the expansion will be on contiguous parcels and that surrounding properties and land uses will be appropriately buffered.

Section 412 of the B.C.Z.R. sets out specific regulations governing the operation of sanitary and rubble landfills. The applicability of that Section is a major issue in this case. The Petitioner avers that the standards set out in Section 412 are not applicable to the proposed expansion. This argument relies upon the language of Section 412.3 of the B.C.Z.R. which states "Any landfill or expansion thereof for which a development plan was approved prior to the effective date of Bill No. 28-1997 shall comply with the landfill requirements in effect at the time of the original approval." The regulations that were in effect at the time the existing operation was

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approved (1993) do not require the extensive buffers and screening required under the current regulations.

The Protestants argue that the requirements of Section 412 are applicable. In essence, its argument is that the proposal is not an "expansion" but rather, is a new operation and as such, the current requirements in Section 412 are applicable. The Protestants offer a variety of arguments in support of its position that the instant proposal is a new operation. First, it is claimed that the land on which the Petitioner is proposing to expand its operation is made up of additional parcels that were not part of the original proposal. Second, it is noted that the additional parcels of land are owned by individuals/entities different from the applicants in the original proposal. Finally, it is observed that Parcel 107, which was previously approved for the operation, is located entirely on the north side of Silver Spring Road. The new rubble landfill operation will include lands on both sides of the road and as explained at the hearing, will result in the closure of that road.

In response thereto, the applicant offers several arguments. First, it is clear that Baltimore County Government considers the proposed operation to be an expansion. The applicant offered a copy of Resolution No. 1803, which was passed by the County Council and amended Baltimore County's 1992 Solid Waste Management Plan. That Bill references a "proposed expansion" of the Honeygo Run Reclamation Center. Moreover, the written comment in support of the instant Petitions from the Department of Economic Development expresses support for the "expansion of the Honeygo Reclamation Facility."

The undersigned Zoning Commissioner was unable to locate any controlling decision by an appellate court of this State that clarifies when a land use is considered "new" versus when it is an expansion.[1] Indeed, there was no case law offered by either party in support of their position. Section 101 of the B.C.Z.R. defines certain words used throughout the regulations. Further, that Section provides that if a word is not defined in the B.C.Z.R., the reader is directed to Webster's

[1] In Pierce v. Montgomery Co., 116 Md. App 522, 698 A2d 1127 (1997), the Court of Special Appeals dismissed whether the construction of additional buildings constituted an expansion of an existing special exception. Unfortunately, that holding is not relevant here.

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Third New International Dictionary. The word "expansion" is not defined in the B.C.Z.R. but is defined in Webster's as "The act or process of increasing in extent, size, number, volume or scope." Utilizing this definition and based upon the testimony and evidence offered, I am persuaded that the proposal is in fact an expansion and not a new operation. I rely upon the following findings in reaching this decision. First, there is no authority that an expansion must, by definition, remain within the four corners of the property previously designated. In this case, the fact that the new lands that will be used in the operation lie immediately adjacent to and abut the existing operation is significant. The new parcels are not separated by a public road or in fee properties owned by others. These are abutting parcels that will be combined into a single tract, not unlike that frequently presented scenario wherein a developer acquires multiple adjacent properties and develops same with an integrated and comprehensive plan. Second and perhaps most important, the testimony of Mr. Auld and Mr. Kamp was persuasive to a finding that the operation on the new lands will be used as a continuation of the existing operation. The means of access is the same, as is the procedure utilized in accepting rubble. I place great reliance upon the fact that the use of the new lands is indeed a "carryover" of the existing operation and the processes employed thereon are a continuation of the existing operation.

The Protestant also argues that even if the use is an expansion, there should be no exemption from Section 412 because no development plan was approved for the "new lands" prior to May 22, 1997. This assertion misinterprets the clear meaning and intent of that regulation. Obviously, a development plan cannot be in place for the "new lands" that are proposed for the rubble landfill expansion. The development plan approved in the prior case was concerned only with that acreage within the four corners of the existing landfill operation. Nonetheless, the clear intent of Section 412.3 is to exempt any landfill operation for which development plan approval was obtained prior to the effective date of Bill No. 28-1997. The development plan approved in the prior case was before that date. Given that the instant proposal is an expansion of the existing operation, an amendment to the previously approved development plan is appropriate and the new plan approval relates back to the prior approval. Finally, it is to be noted that this is the only rubble

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landfill presently operating in Baltimore County. It is clear that the County Council envisioned the potential expansion of this facility not only when Bill No. 28-1997 was enacted, but also when the Council amended its Solid Waste Management program.

The Protestant further contends that the Petitioner is not exempt from the requirements of Section 412 because certain conditions and restrictions of the approval in the prior case have not been met and that the prior approval should be considered null and void due to this alleged failure to comply. In this regard, there is no record of any zoning violation or other action taken by Baltimore County or other interested persons alleging that the operation has not followed the requirements and conditions established in the prior development plan approval. Some of the restrictions imposed relate to requirements once the landfill is filled to capacity, which has not yet occurred. Simply stated, the Protestant's assertions in this regard are misplaced. The conditions and restrictions imposed were not "conditions precedent" to the approval and operation of the landfill. Thus, that some of the restrictions have not yet been satisfied does not prohibit the proposed expansion.

Turning to the relief requested within the Petitions, it is clear that the test to be applied is as set forth in Section 502.1 of the B.C.Z.R. Essentially, that Section requires a finding that the proposed use will not be detrimental to the health, safety and general welfare of the locale. The specific standards to be addressed are enunciated in Subsections A through I of Section 502.1. In this regard, the overwhelming weight of the testimony and evidence presented was persuasive to a finding that the proposed expansion will comply with these standards. There was a substantial volume of testimony and evidence offered by the Petitioner in support of that finding and little testimony/evidence offered by the Protestants.

The undersigned particularly notes the applicability and similarity of the subject case to Mossberg v. Montgomery Co., 107 Md. App. 1 A2nd 1253 (1995). In Mossberg, the zoning authority in Montgomery County considered a proposed special exception/conditional use for a solid waste transfer station. Solid waste transfer stations are similar to rubble landfills to the extent that they are not favored land uses. They can produce noise, dust and other impacts which can be

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detrimental to adjacent properties. Nonetheless, there is a need for solid waste transfer stations, rubble landfills and similar disfavored land uses in our modern society.

In Mossberg, infra, the Court of Appeals noted the inherent impacts associated with the concrete batching plant. The Court observed that the special exception/conditional test was not reliant upon the existence of those impacts, which are assumed in the first instance by designation of the use as a special exception/conditional use rather than a use permitted by right. Rather, the test to be applied is whether the use proposed carried an impact that was particularly egregious to the locale in which it is proposed.

In the instant case, the Protestant offered testimony and evidence regarding the scarcity of M.L.R. zoned land in Baltimore County. This testimony was offered in support of its proposition that the proposed use at this location would create adverse impacts above and beyond those inherently associated with the use.

I disagree. Again, weight is given to the undisputed fact that the landfill has existed for several years at this location and that ongoing operations have continued without apparent detrimental impact to the health, safety and general welfare of the locale. The absence of large-scale opposition to the instant proposal is a factor that supports this conclusion. In my judgment, the impacts associated with the proposed expansion do not adversely impact the surrounding locale in a manner over and above the inherent effects of any rubble landfill. I am appreciative of the size and scope of the expansion. Indeed, the scale of the facility, both existing and proposed, is quite large. However, properly managed, I believe that this use is appropriate at this location.

Having reached these conclusions, the relief requested within the Petitions for Special Hearing and Special Exception shall be granted. I find that the proposal represents an expansion of the existing facility, is therefore not applicable to the current requirements of Section 412 of the B.C.Z.R., and can be carried on without detrimental impacts to the surrounding locale in accordance with the standards established in Section 502.1 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

RECEIVED FOR FILING
Date 12/5/14
By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of January, 2004 that the Petition for Special Hearing to approve a special exception, pursuant to Section 248.4.A of the Baltimore County Zoning Regulations (B.C.Z.R.) for an "excavation, controlled" and a "rubble landfill" facility in a M.L.R. zone, in accordance with Petitioner's Exhibit 5, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing, pursuant to Section 412.3 of the B.C.Z.R. as it references Section 412 under the 1987 regulations, seeking approval of the following: **1)** an amendment to the previously approved site plan and Order issued in Case No. 94-87-SPHXA for a landfill expansion and the relocation of accessory uses; **2)** a special exception for an "excavation, controlled" in conjunction with a special exception for a "rubble landfill" on the same site; **3)** a determination that the special exceptions as part of the expansion of the existing operations have no time limit for utilization, or alternatively, a five year period for utilization of the special exceptions; **4)** the modification or elimination of Restrictions 3, 4 and 6 of the Order issued in Case No. 94-87-SPHXA; **5)** the continuation of the existing variance from Sections 409.8.A.2 and 409.8.A.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a crushed concrete surface for the internal haul road and parking areas in lieu of the required durable and dustless surface and to permit same without the required permanent striping for off-street parking facilities; and, **6)** a termination of the special exception granted in Case No. 3902-RX for a trailer court, in accordance with Petitioner's Exhibit 5, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 1/5/04
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

January 5, 2004

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
N & S/S Silver Spring Road, W/S Philadelphia Road
(10710 Philadelphia Road)
11th Election District – 5th Council District
Honeygo Run Reclamation Center, Inc., et al - Petitioners
Case No. 04-089-SPHX

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Donald C. Lentz, 5206 Silver Spring Road, Baltimore, Md. 21128
Mr. & Mrs. Charles Volpe, 5210 Silver Spring Road, Baltimore, Md. 21128
Mr. Wayne B. Knight, Honeygo Mobile Park, 8814 Cowenton Ave., Baltimore, Md. 21128
Mr. Bruce S. Campbell, III, Senior V.P., Nottingham Village, Inc.
100 W. Pennsylvania Ave., Towson, Md. 21204
Dr. Anthony G. Marchione, Baltimore County Administrative Officer
Mr. Phillip Auld, Honeygo Run Reclamation Center,
10710 Philadelphia Rd., Baltimore, Md. 21128
Mr. Mark Pedersen, 4400 Mt. Pisgah Road, York, Pa. 17402
Ms. Donna Irons, 140 Marks Road, Millersburg, Pa. 17061
Mr. David Taylor, Morris & Ritchie Assoc., Inc., 110 West Road, #245, Towson, Md. 21204
John T. Willis, Esquire, Bowie & Jenson, 29 W. Susquehanna Ave., Towson, Md. 21204
People's Counsel; Case File

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11/17/03

IN THE MATTER OF HONEYGO RUN RECLAMATION CENTER, INC. - SOUTHERN EXPANSION	*	BEFORE THE
	*	ZONING COMMISSIONER
10710 Philadelphia Road North and South Side of Silver Spring Road 5 th Councilmanic District 11th Election District	*	FOR
	*	BALTIMORE COUNTY
Honeygo Run Reclamation Center, Inc. Petitioner	*	CASE NO. 04-089-SPHX

RECEIVED
NOV 17 2003
ZONING COMMISSIONER

MEMORANDUM OF PETITIONER

STATEMENT OF THE CASE

Petitioner Honeygo Run Reclamation Center, Inc. filed the above referenced matter seeking a special exception pursuant to the Baltimore County Zoning Regulations (BCZR) Section 248.4A for an excavation, controlled in a M.L.R. zone and a special exception pursuant to BCZR Section 248.4A for a rubble landfill in a M.L.R. zone. In addition, Special Hearing relief was sought as follows:

(1) To amend the site plan and order in zoning Case No. 94-87-SPHXA for a landfill expansion and to permit relocation of accessory uses.

(2) To permit a special exception for an "excavation controlled" in conjunction with a special exception for a "rubble landfill" on the same site.

(3) To determine that the special exceptions as part of the expansion of the existing operations have no time limit for utilization, or alternatively, a five (5) year period for utilization of the special exceptions.

(4) To modify or eliminate the following conditions in the Order in Case No. 94-87-SPHXA: Conditions 3, 4 and 6.

(5) To continue the existing variance from BCZR Sections 409.8A.2 and 409.8A.6 to allow a crushed concrete surface for the internal haul road and parking areas in lieu of the required durable and dustless surface and to permit same without the required permanent striping for off street parking facilities.

(6) To terminate the special exception granted in Case No. 3902-RX for a trailer court.

STATEMENT OF FACTS

In Development and Zoning Case Nos. XI-611 & 94-87-SPHXA, special exceptions were granted for an "excavation controlled" and for a "rubble landfill" as defined in the BCZR. The hearings took up seven days of testimony in late 1993. The property was comprised of a little over 68 acres of which about 38 acres was proposed for landfilling. As the development project progressed through the engineering and approval process the anticipated capacity of the fill lessened. Placement of a liner and the reengineering that occurred as a result of the liner caused a significant diminution in capacity. The fill officially opened to receive outside traffic in 1999 after grading and excavation. After almost five (5) years of operation it has a projected life span of about another two (2) years.

Upon its inception a citizens' advisory group was formed. The advisory group has met continuously since the opening of the landfill. It is comprised of representatives of nearby residential community associations and immediate residential neighbors. They supported the waiver of the full development hearing process in this

case. At the hearing on the expansion in contrast to the initial special exception and development proceedings, there was no residential community opposition to the zoning requests.

In order to be able to file the requests in this hearing several preliminary steps had to be undertaken over several years. These steps involved public hearings and participation on numerous levels of government. In 1997 Bill 28-1997 was introduced to amend existing regulations pertaining to sanitary and rubble landfills. The existing landfill had been approved with a requirement of a 100′ buffer. See Attachment A. The proposed regulations purported to regulate new landfills with a 500 foot buffer and transition area in addition to a finding of need and a minimum acreage of 50 acres. Although the amendments called for the filing of concept and development plans and contained other indicia that they were meant to cover only new landfills, an amendment was filed and adopted to the original bill which specifically exempted existing landfills and their expansion. Section 412.3 states: "Any landfill or expansion thereof for which a development plan was approved prior to the effective date of Bill No. 28-1997 shall comply with the landfill requirements in effect at the time of the original approval." At the time of the Bill's passage there were three operating landfills in Baltimore County. The one sanitary landfill was the Baltimore County landfill on Allender Road, which as a county facility already was exempted. A rubble landfill located adjacent to the county landfill in the confines of the Gunpowder Falls State Park (Days Cove Landfill) had been determined to be on public land and serving public needs and consequently not subject to local regulation. Only the Honeygo Reclamation

Facility approved in Case Nos. XI-611 and 94-87-SPHXA was subject to the county zoning and development regulations.[1] The Bill and amendment passed without objection.

During the 2000 comprehensive zoning map process the mobile home park located near the end of Silver Spring Road adjacent to the landfill was the subject of a zoning request to change the zoning from D.R. 3.5, which permits mobile home parks but not rubble landfills, to M.L.R. zoning, which permits rubble landfills but not mobile home parks. That zoning request was supported at all levels and approved by the county council.

In 2002 a request was made to the Baltimore County Department of Public Works for inclusion of the proposed expansion of the Honeygo Reclamation Center in the Baltimore County Solid Waste Master Plan.[2] This application required review by the Department of Public Works, and the conduct of a public hearing. The hearing notice was mailed to all adjacent property owners, and placed in numerous newspapers throughout the county. Not one person testified against the expansion. The matter was then forwarded to the Baltimore County Council, which adopted by resolution the amendment to the Solid Waste Management Plan approving the inclusion of the proposed expansion in the plan.

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[1] At this time the Days Cove landfill is closed pending a further expansion request from the State. Honeygo Reclamation Center currently is the only operating rubble landfill in Baltimore County.

[2] The counties of Maryland are required by state law (Annotated Code of Maryland, Environment, Title 9, Subtitle 5) to maintain a comprehensive plan managing its solid waste disposal for a ten year period. See COMAR 26.03.03.

Finally, earlier in 2003 the proposed expansion went before the Baltimore County Development Review Group for review of a request for a limited exemption under the Baltimore County Code from the hearing process. The hearing was advertised, and there was no opposition to the granting of the waiver of the hearing process for the expansion.

This proposal covers almost 49 acres contained in several parcels on both sides of Silver Spring Road. Although the acreage subject to the expansion is less than the original landfill, because of the melding of the buffer areas by adding to the existing rubble fill, the proposed fill area will be slightly larger than the original area. The entrance way from Philadelphia Road will remain unchanged. The recycling operation, which now accounts for about 50% more or less of the material brought on site will be moved from its current location near Philadelphia Road to the rear of the property near the former mobile home park. The elevations were derived in conjunction with the excavation to give the landfill the anticipated life of ten (10) years.

There has been activity in grading and excavation at the existing fill site as well as filling since at least 1998. Over that time there has been an exemplary record of compliance with state and local regulations. There have been no violations and no hazardous or nuisance conditions created at the site. There was no evidence put in the record to indicate that this record would change with the expansion. There was no evidence of any sort that the existing operation created any adverse impact to the surrounding properties.

At the hearing the Petitioner put on David Taylor, a landscape architect with Morris & Ritchey Associates, Monte Kamp, the general manager of the facility, and Philip Auld, the regional president of Republic Services, the parent company of the Petitioner. Mr. Taylor was accepted as an expert witness. The witnesses addressed not only the special exception requests but also the issues contained in the special hearing. The uses are clearly permitted in the zone and on their face are consistent with the public health, safety and general welfare.

The special hearing requests follow directly from the zoning requests and the approvals previously granted. The three conditions sought to be amended have been specifically addressed with the relevant constituencies. Recreation and Parks is not opposed to the removal of Condition 3, for it is a liability issue. If the facility is owned by the Petitioner and bonded by it, the use can be turned over to the public without ownership. In that way the county obtains a park use without the liability. The substance of the condition has not changed, only the form.

Condition 4 only is ripe now in that Petitioner had five years to do the work from final permits, which would have been the permit to operate, which was in 1998. The Department of Environmental Protection and Resource Management visited the issue in 1997 at the time that a red-lined plan was presented and a determination was made that such stream restoration was not necessary in this section. Any stream work that needed to be done was going to have to occur with the construction of the public sewer in the floodplain of Honeygo, which is on-going. DEPRM has not made any comments negative to this request in the advisory comments filed.

Condition 6 was not implemented because the Community Advisory Committee elected not to name and state the individual's duties. The Committee has been kept fully apprised of all issues and was well aware of the condition since several of the members were active in the first hearing. Given the reviews of the project which the state implemented in the late 1990's such independent review was deemed superfluous. [3] The condition mandated that a Community Advisory Committee be implemented by the Petitioner, which was done, and which the Petitioner intends to continue. There is no need for an independent reviewer, and there was no testimony or evidence that one was necessary.

The special hearing requests to extend the variances from the durable and dust free surface and the striping requirement were not opposed. Indeed, the Protestant's counsel stated that there were absolutely no problems with the operation of the existing facility in any regard. In this case the unique nature of the haul roads and parking areas, which shift over time indicate that the variance as granted was warranted and continues to be warranted.

The Protestant in this case put on the stand only one witness. The witness was the real estate agent marketing the property for the Protestant. He was not admitted as an expert but did opine that if the expansion occurred it could diminish the value of the property. He also offered that much of the building was subject to a lease that ran until

[3] It may also be that the change in ownership from the relatively inexperienced original operators to the much larger and more experienced current operator assuaged certain advisory group concerns over the quality of the operation.

2007.[4] He felt it might be hard to re-lease the premises for the same amount of rent. He acknowledged, however, that he was not an appraiser and was not familiar with land fill uses.

In addition to the realtor the Protestant introduced several documents. Two of the documents pertained to the existing landfill and went to its usage. Although it was anticipated that most of the tonnage into the facility would come from the Baltimore region, there was never a prohibition in the zoning order against other material from entering the facility. Indeed, the interstate commerce provisions of the United States Constitution preclude restrictions or discrimination in favor of purely local usage in cases such as this one. *See e.g.,* Fort Gratiot Sanitary Landfill v. Michigan Department of Natural Resources, 504 U.S. 353, 112 S. Ct. 2019, 119 L.Ed. 2d 139 (1992); Chemical Waste Management v. Hunt, 504 U.S. 334, 112 S. Ct. 2009, 119 L.Ed. 2d 121 (1992); Philadelphia v. New Jersey, 437 U.S. 617, 98 S. Ct. 2531, 57 L.Ed. 2d 475 (1978). It would seem clear from the data available that the life of the landfill has not been shortened by the receipt of out of state material as much as by the reduction in capacity by the liner system and reengineering. There was no testimony about the data presented.

A third document was data from a monitoring report from 2002 and a fourth contained extracts from the Phase II report from the expansion. There was no testimony from Protestant about the documents. Petitioner did put on an expert

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[4] Of more impact to value might be the lease term. As a lease term comes to a close, the speculative quality of whether the property can be re-leased at a favorable rent increases and with it the capitalization rate that one would put on the lease value, especially when the property value is based purely on the income stream as was indicated by the realtor. With an increase in the capitalization rate there is a concurrent decrease in present value of the income stream.

hydro-geologist, who testified that he had prepared the Phase II monitoring report of which excerpts had been filed and was familiar with the previous monitoring reports. He opined that nothing in the reports indicated any unsafe conditions resulting from the landfill at all. In fact, he opined that the numbers in the report were not atypical of what one would find anywhere in the area based on the natural geologic conditions. There was no rebuttal or explanation as to what the documents proved by the Protestant. There is no evidence that the State Department of the Environment is in any way concerned about or finds objectionable any of the information in the reports. There was no evidence linking the reports to any criteria in Section 502.1 of the BCZR.

Finally, the Protestant placed in evidence a county-produced map indicating the MLR zones in Baltimore County. There is no question but that the subject parcels represent one of the larger tracts of MLR zoned property. Protestant put on no witnesses about the usage or surroundings of the properties indicated on the map or how they differed from the subject site.

Petitioner put on William Monk, a land planner from Morris & Ritchie Associates, and an acknowledged expert on Baltimore County zoning to testify as to the locations shown on Protestant's Exhibit 5. He was familiar with all of the locations and found that there was nothing unique about this site that made the special exception use more burdensome than the other areas similarly zoned. In addition, he found that this site might be much more suitable than some of the other larger sites due to environmental constraints and the residential and commercial communities located adjacent to the other large sites.

In addition to Mr. Monk and the hydrogeologist Petitioner also put on Mr. George Frizzell, an appraiser with Lipman, Frizzell and Mitchell LLC, who testified that he had familiarity with other landfills and their impacts on surrounding properties plus he had done several appraisals of properties near the subject site. Mr. Frizzell opined that this site would have no negative impact on the adjacent industrial property as evidenced by the strong residential investment going in on adjoining property and the strong residential and commercial development now ongoing near the Texas landfill in central Baltimore County.

DISCUSSION

Protestant through counsel has raised five (5) issues in this case. They are the following:

1. Whether the proposed expansion is an expansion of an existing landfill subject to the regulations in effect at the time of the original approval or a new landfill subject to regulations adopted in 1997.
2. Whether landfills should be held to different standards of consideration from other special exception uses when evaluating the proposal under Section 502.1 of the BCZR.
3. Whether the proposed use at this location is inconsistent with the purpose of the zone.

4. Whether landfills should be held to different standards of consideration from other special exception uses when evaluating the proposal under Section 502.1 of the BCZR.

5. Whether the county needs are met by the proposed expansion of the facility.

It is important to recognize that the Protestant is not contesting any of the special hearing relief sought by the Petitioner. Indeed, the Protestant, through counsel, repeatedly indicated that the existing landfill operation has been exemplary and that there were no complaints or contest against the existing landfill and recycling operation. The real issues go to the proposed uses as requested by special exception.

It also is important to recognize that every county agency, which has reviewed the special exception requests, has indicated that the requests are consistent with the property's zoning and with their agency's standards and responsibilities at least insofar as the special exceptions are concerned.[5] Both Public Works and the Office of Economic Development fully support the relief requested.

1. IS THE PROPOSED EXPANSION REALLY AN EXPANSION?

[5] It is understood that there are still issues to be addressed with respect to the particular development including issues raised by Planning, Recreation and Parks and Environmental Protection, but these issues do not fundamentally contest the granting of the special exception requests.

There really is no other way in which to look at the proposal put forth by the Petitioner other than as an expansion of an existing landfill. The argument posed by the Protestant is sort of like asking: if it looks like a duck, quacks like a duck and flies like a duck is it really a duck?

The evidence presented clearly shows that what is physically proposed on the site is an expansion. It is directly tied into the existing facility and vertically as well as horizontally expands the existing facility. There is an economy to scale by tying in to the existing facility in that the setbacks previously established for the existing facility are used. If the acreage set aside for setbacks from the existing facility were added back to the facility then not only would the gross acreage of the existing facility be larger than the proposed addition, but also the area covered by the landfill would be larger.

The expanded facility uses the same recycling components of the existing facility but relocates them. The expanded facility uses the same entrance way and loading area as the existing facility. The expanded facility uses the same inspection station and scale as the existing facility, and it uses the same liner technology tied into the same leachate collection facility. Physically, the only difference is that the existing facility will cover more acreage and become higher. There was no evidence offered to the contrary.

Protestant has argued that there was no contemplation that the existing facility would become so large at the time the legislation was enacted, but there has been no proof whatsoever of any limits placed on the amount of expansion allowed. At the time of the legislation in 1997 this was probably the only private rubble landfill

operating under county supervision so clearly the expansion of this landfill was contemplated. There were no restrictions on the amount of the expansion. Such restrictions do explicitly exist elsewhere where there is an intent to restrict an expansion. A perfect example is the expansion of non-conforming uses. Initially, such uses were restricted to 50% by the old zoning regulations and now the expansion is restricted to 25% (BCZR Sec. 104.3). The restrictions on non-conforming use expansion, however, were absolutely explicit.

This use unlike a non-conforming use is a permitted use, and Bill No 28-1997 explicitly grandfathers existing landfills and their expansion. It does not render either the use or the expansion non-conforming. What it does say explicitly is that such uses are subject to a different set of regulations. Consequently, this expansion is subject to restrictions, which were the restrictions contained in Bill No. 97-1987, which was in effect when the existing landfill was approved.

Protestant argues that the number of parcels comprising the expansion was not contemplated. There never has been a "parcel" test in any zoning use. It is fairly common to have parcels accumulated for the purpose of a project. It is always difficult to say what was contemplated and what was not, which is why the courts have consistently held that it takes strong evidence to indicate that the legislature contemplated something different from the clear meaning of the legislation. *See* People's Counsel for Baltimore County v. Beachwood I Ltd. Partnership, 107 Md. App. 627, 670 A. 2d 484 (1995). In this case all of the parcel owners including Baltimore County signed the applications. It is ludicrous to say that the county government did

not intend to apply the expansion to the area across the road when the county government is signing an application to apply the expansion across the road.

Protestant also argued that the expansion could not be considered an expansion because the development plan approval was not finalized because the Petitioner had not complied with the development plan order. This would seem to be contrary to the assertions that the present operation was fine and that there were no issues with it. It also would negate the finality of the order in Case Nos. XI-611 and 94-87-SPHXA. This Order has been final for almost nine (9) years. Nevertheless, the existing landfill is in compliance with the development plan. There have never been any violations filed. The removal of the restrictions sought be special hearing are timely and make sense. The community group is meeting and is actively assisting in the preparation of plans for the expansion.

What really makes the argument of Protestant fail is that all of the evidence is that this existing landfill has met all county criteria as determined by the reviewing agencies, has been an excellent neighbor in its operation as evidenced not only by the lack of neighborhood opposition but also by the support of the community group and the proffers by Protestant's counsel as to the conduct and the lack of objection to the existing facility. The Baltimore County government through legislative action signed by the County Executive has passed amended legislation approving an expansion, granted rezoning to further the expansion, and has included the proposed expansion area as part of its obligation in addressing its solid waste disposal requirements.

2. ARE LANDFILLS TO BE HELD TO DIFFERENT STANDARDS OF CONSIDERATION FROM OTHER SPECIAL EXCEPTION USES WHEN EVALUATING THE PROPOSAL UNDER SECTION 502.1 OF THE BCZR?

The issue raised by the Protestant based on its argument might be more properly worded as "should landfills be held to a different standard." The implications of the word "should" are for the county council to determine, yet Protestant is arguing that because the preamble to Section 402 cites specific uses of "dumps and junk yards", the uses requested herein "should" be included. Protestant is wrong on this issue not just because what the wording "should" be is not an issue for the Zoning Commissioner, but also because every special exception use including "junk yards" are held to the same special exception standard, and because unlike "dumps and junk yards" the requirements pertaining to the proposed uses herein are far more strictly regulated and designed than the former uses to which Protestant refers.

Section 502 states prior to Section 502.1: "In granting <u>any</u> special exception, the Zoning Commissioner and the County Board of Appeals, upon appeal, <u>shall</u> be governed by the following principles and conditions" [emphasis added]. There is no ranking of special exception uses. They are grouped together, and there is no special wording addressing issues raised by the Protestant. It may be suggested that additional conditions should be added such as impact on property values or special use assessment or compatibility with adjacent uses, but the fact is that such provisions in the zoning regulations are not present. These requested uses are subject the standards

that "are" and not the standards that "should be" present, at least in the opinion of the Protestant.

3. IS THE PROPOSED USE CONSISTENT WITH THE PURPOSE OF THE MLR ZONE?

The case law indicates that because the use is listed as a special exception it is presumed to be consistent with the zoning of the property. Mossburg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995). There has to be some proof that the location proposed has unique qualities that render the use more problematic than it ordinarily would be at similarly zoned property. No proof of any kind has been offered that this property has unique qualities that make the use at this location more objectionable than elsewhere.

The only testimony as to suitability came from Petitioner's witnesses. George Frizzell, an acknowledged expert real estate appraiser, testified that the use in this location as a matter of fact was having no impact on adjacent property values being planned for upscale residential use. As a matter of fact no adjoining residential users protested the use. Mr. Frizzell opined in his experience that residences and commercial users were more sensitive to such uses than industrial type users. There was no contest to this opinion, only speculation that the Protestant's property may be tougher to lease in the future.

Mr. William Monk, an expert land planner, who is eminently familiar with Baltimore County properties was able to describe the uses on other MLR properties and

felt that this use certainly was consistent with the property's zoning. The Baltimore County Office of Planning and the Zoning Bureau both agreed that there were no inconsistencies in the use of the property within the MLR zone at this location. There was actually no proof whatsoever offered to the contrary.

4. DOES THE SIZE AND SCALE OF THE PROPOSED FACILITY CREATE A UNIQUE ADVERSE IMPACT ON ADJOINING PROPERTIES?

The Petitioner's counsel is tempted to respond with a very short rejoinder. The Petitioner' counsel will refrain. The size and scale of this facility let alone the impact are nowhere close to the size and scale of the project litigated in Moseman v. County Council of Prince George's County, 99 Md. App. 258, 636 A. 2d 499 (1994). Hundreds of acres were involved in that case. The proposed landfill expansion would surround a group of homes on three sides; there was evidence of stream degradation, noise and odors from the existing landfills. There also was shared, inadequate access with the residences. None of these factors were presented in this case. The evidence actually showed that the residences did not believe themselves to be adversely impacted. The access was acknowledged by all witnesses to be superior, and there was no evidence of any environmental degradation. The site plans and testimony confirmed that the environment was being protected and that the buffer to the Protestant's site was actually significantly larger than required by code. In addition, Protestant's facility was positioned in such a way as to locate the warehouse and trucking uses in closer proximity to the proposed development than the office use and that a minimal amount

of the office use actually would have any view whatsoever of the filling activities. One entire building side facing the landfill has no windows and the other building side has no windows for 2/3's of its length. The visual impact with the planted buffer will be minimal. There can be no comparison with the landfill expansion in the other Moseman.

The proposed expansion is sized to meet the county's objective of handling demolition and construction debris for a period of ten (10) years. It is anticipated that with the construction of Route 43 within close proximity to the site along with other construction and redevelopment that capacity in the county would not otherwise be sufficient. The depth of the controlled grading is determined by ground water elevations, which have been determined after a year of monitoring. The horizontal expansion is physically limited by I-95, Route 43, Route 7, and adjacent wetlands. There is little else for the proposed expansion to go. The height, therefore, is determined by projected need, limitations on depth and horizontal expansion, and by projected recycling efforts, which do account for a substantial amount of the material brought on to the site. The Petitioner has sought to provide a height that will yield the necessary capacity yet also will provide a usable amenity of a park setting.

Statements by the legal counsel for Protestant are not evidence. Heard v. Foxshire Associates, LLC, 145 Md. App. 695, 806 A. 2d 348 (2002). His statements as to the height and scale are not evidence. The only evidence as to impact was that from the realtor, who suggested that the mere presence of the expansion would have a negative impact. There was no suggestion that any change in height or shape would have a

lesser impact or what would be a suitable size without an impact.[6] Consequently, the only evidence presented was that the landfill as designed would have virtually no impact on surrounding properties. In Sharp v. Howard County Board of Appeals, 98 Md. App. 57, at 77-78, 632 A. 2d 248 (1993) the Court emphasized a part of the decision of Anderson v. Sawyer, 23 Md. App. 612, 329 A. 2d 716 (1974), *cert. denied*, 274 Md. 725 (1975) in stating "...Because there were neither facts nor valid reasons to support the conclusion that the grant of the requested special exception would adversely affect adjoining and surrounding properties in any way other than result from the location of any funeral home in any residential zone, **the evidence presented by the protestants was, in effect, no evidence at all.** [emphasis in original]" In this case the evidence presented by Protestant was, in effect, no evidence at all.

5. IS THERE A LEGAL "NEED" STANDARD TO BE APPLIED TO THIS SPECIAL EXCEPTION, AND IF SO, ARE THE COUNTY NEEDS MET BY THE PROPOSED EXPANSION?

This landfill expansion does not have to meet a "need" standard or show that a need exists under the zoning regulations. New landfills in Baltimore County are subject to certain findings made by the Director of Public Works. Such standards were

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[6] Of course, some negative impact is inferred by the special exception requirement. As the court in Mossberg v. Montgomery County, 107 Md. App. 1, at 8-9, 666 A. 2d 1253 (1995) stated: "Moreover, it is not whether a use permitted by way of special exception will have adverse effects (adverse effects are implied in the first instance by making such uses conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use that is to be considered by the agency."

not in effect under the legislation enacted in Bill No. 97-1987 (See Attachment A). There is no necessity of showing a need for the expansion.

Even if these standards were in effect, however, the Solid Waste Management Plan, which details the needs and objectives of the county, contains findings which indicate that there is a shortage of landfill capacity for the disposal of rubble waste generated by the county (as the only open rubble landfill such could be presumed); that without the expansion there will be a shortage in the next five (5) years (the existing Honeygo landfill by fact will reach capacity before the end of five (5) years and there are no other rubble landfills in the pipeline), and additional rubble landfill capacity is needed to comply with any regional agreement (each county has to have a plan for handling its rubble waste and the amendment to the solid waste plan was Baltimore County's way of responding to its requirement to comply). See Resolution No. 18-03 (Petitioner's Exhibit 2).

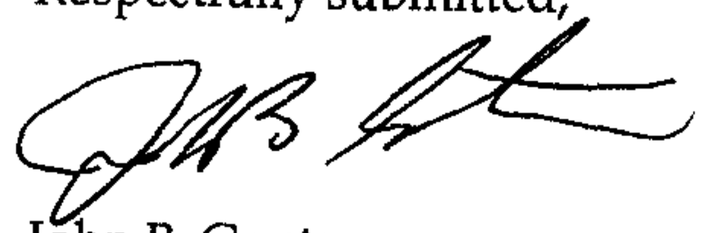
The evidence and comments from the Department of Public Works clearly indicate that the expansion is in the interest of Baltimore County. There is an acknowledged need to be served, and this proposal meets that need. Once again, Protestant failed to produce any evidence that the county need was being met elsewhere or that the county's adoption of the amendment to its solid waste management plan was in error.

CONCLUSION

Petitioner has met all of the standards contained in Sections 403, 412 and 502.1 of the B.C.Z.R. There has been no evidence introduced that indicates that these requirements have not been met. Petitioner has met its burden of production of evidence to show that this use at this location will not cause injury to the health, safety or general welfare of the public. The Protestant has failed to introduce any testimony or exhibits which indicate that this use at this location will create more of an adverse condition than at similarly zoned sites.

In conclusion Petitioner respectfully requests the Zoning Commissioner for Baltimore County to grant the special exception and special hearing relief requested.

Respectfully submitted,



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11/14/03

IN RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION 10710 Philadelphia Road; N & S side of Silver Spring Road, W of Philadelphia Rd 11th Election & 5thCouncilmanic Districts Legal Owner(s): HoneygoRun Reclamation Ctr, Inc., Philip J Auld, Area President, et al; Contract Purchasers: Honeygo Run Reclamation Ctr., Philip J. Auld, President Petitioners	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No. 04-089-SPHX

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MEMORANDUM

Statement of the Case

The Petitioner, Honeygo Run Reclamation Center, Inc. (now a wholly owned subsidiary of Republic Services, Inc., the nation's third largest waste management company) has filed an application for a special exception for a controlled excavation and a special exception for a rubble landfill along with an application for a special hearing requesting related amendments, exceptions, determinations, variances, modifications, eliminations and terminations of previous decisions of the Zoning Commissioner.

On December 13, 1993, by decision of the Zoning Commissioner for Baltimore County (Case No. 94-87-SPHXA), the Honeygo Run Reclamation Center, Inc. (then owned by different local individuals), received approval for a special exception to operate a rubble landfill. The approved, currently operating rubble landfill is located on a site previously used for a sand and gravel mining operation. This property consists of a single tract of land bounded on the north by the stream known as HoneyGo Run, on the south by Silver Spring Road and residential properties, on the east by Philadelphia Road and on the west side by Interstate 95. Subsequent to receiving approval from the Zoning

Commissioner for the requested special exceptions, related variances and development plan, a permit was issued by the Maryland Department of Environment on January 8, 1997, for the operation of a rubble landfill on the north side of Silver Spring Road. (Permit No. 1993-WRF-10338)

ARGUMENT

I. The Petitioner's Proposed Use Should be Subject to the Requirements of Section 412 of the Baltimore County Zoning Ordinance.

The potential adverse consequences of landfills on adjacent and neighboring property owners have been generally recognized in the evolution of the land use statutes, ordinances, regulations and judicial decisions applicable to Baltimore County, and throughout the State of Maryland. In Baltimore County, "dumps" and "landfills" have been specifically acknowledged and specially treated since the county zoning ordinance was first adopted in 1955. The current zoning ordinance of Baltimore County continues to reflect the legislative judgment of the Baltimore County Council of the necessity for special requirements for landfills in the balancing of interests among different property owners and between the private interests of property owners and the general public.

The beginning "NOTE" to Section 502 of the Baltimore County Zoning Ordinance, entitled "Special Exceptions," states in pertinent part, "A few uses such as dumps and junkyards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone to which they are restricted." Rubble landfills are only permitted by special exception in five (5) out of the thirty-six (36) zoning classifications in Baltimore County. Rubble landfills are not a permitted use

in any zoning classification with the unique exception as an accessory use or structure in the R.C.2 (Agricultural) Zone "provided that the actual fill area does not exceed 3% of the total contiguous acreage of the property in the same ownership." (Section 1.A.01.29.j., Baltimore County Zoning Ordinance.) Section 412 of the Baltimore County Zoning Ordinance, titled "Sanitary Landfills and Rubble Landfills," was last revised in 1997 with the express legislative intent "to help minimize the short- and long-term effects of sanitary and rubble landfills." Section 412 contains detailed requirements for buffer areas, transition areas, traffic considerations and compliance with federal, state and county environmental regulations.

The Petitioner asserts that the proposed rubble landfill, which is the subject of this case, should be exempt from the reasonable requirements of Section 412 because of Subsection 412.3, which states:

> "Any landfill or expansion thereof for which a development plan was approved prior to the effective date of Bill No. 28-1997 shall comply with the landfill requirements in effect at the time of the original approval."

The Protestant, Sobczak Family LLC, believes that the reasonable requirements of Section 412 should apply to the Petitioner's request for special exceptions based upon one or more of the reasons presented hereinbelow.

First, the Petitioner should not be exempt from Section 412 because the Petitioner is, in essence, proposing to construct a new landfill. The significant differences between the existing rubble landfill and the new proposed rubble landfill area include: (a) In the previous Case No. 94-87-SPHXA, the rubble landfill consisted of a single parcel of property with a single owner. The Petitioner is requesting that nine additional parcels of property, with seven separate owners, now be developed with a controlled excavation and

a rubble landfill. (b) The parcel previously approved for a rubble landfill was located entirely on the north side of Silver Spring Road, a public roadway. The proposed new rubble landfill would not only be located on both sides of Silver Spring Road but would close, excavate and bury that public roadway with up to 110 feet of rubble above current ground elevation. (c) The existing rubble landfill was the site of a former sand and gravel mining operation that was operational since the 1920's. The proposed new rubble landfill area contains properties that were, and are, residential in character or are undeveloped. Clearly, the Petitioner is proposing a new landfill on different properties and not simply an expansion of an existing landfill on a single property already owned by the Petitioner.

Second, even if the Petitioner's proposed use is considered an expansion of the existing rubble landfill, it should not be exempt from Section 412 because there was no development plan approved for the expansion prior to May 22, 1997, the effective date of Bill 28-1997, which created the current requirements contained in Section 412 of the Baltimore County Zoning Ordinance. Nothing in the previous case decided on December 13, 1993, which approved a development plan for the existing rubble landfill operation, hinted or contemplated an expansion on the properties now proposed for the location of the new excavations and rubble landfill. In fact, one of the then adjacent owners (Carlton Bennett), who the Zoning Commissioner found on page 24 of his decision "candid and creditable," testified in the 1993 hearings that he was to "acquire approximately one acre ... after the landfill operation is completed" from the rubble landfill owners. The Bennett property is now included in the Petitioner's plan for a new rubble landfill. The Petitioner's original permit from the Maryland Department of Environment, dated January 8, 1997, was issued with the express description "north side of Silver Spring

Road." The Petitioner's Area Vice President, Philip J. Auld, testified that he began discussing expansion with Baltimore County officials "about two and a half years ago." Attached to Petitioner's Exhibit No. 2 in this case is a letter from Mr. Auld, dated August 16, 2002, requesting an amendment to the Baltimore County Solid Waste Management Plan "to provide for the expansion/addition of its existing rubble landfill." The County Council Resolution 18-03 adding the proposed expansion of the Honeygo Run Reclamation Center rubble landfill to the Baltimore County's Solid Waste Management Plan was just approved on February 20, 2003. Accordingly therefore, by definition, fact and regulation, there could not have been, and there was not, any approval of a development plan for the "expansion" of the existing landfill prior to the effective date of Bill No. 28-1997. The Petitioner's broad interpretation of Section 412 would mean that all landfills existing in Baltimore County prior to the effective date of Bill No. 28-1997 could expand without any such expansion being subject to the requirements of the current Section 412. Such a broad interpretation would potentially deregulate all existing landfills from even the strictures of the 1987 version of Section 412 and have them subject only to "requirements in effect at the time of their original approval."

Finally, the Petitioner is not saved from the requirements of Section 412 by the approval of a site development plan by the Zoning Commissioner in the previous Case No. 94-87-SPHXA, because the restrictions and conditions of that approval were not followed. Therefore, that prior approval should be considered null and void and of no force and effect with respect to the interpretation of the Section 412, as currently enacted. On December 13, 1993, the Zoning Commissioner approved the development plan for the existing rubble landfill subject to restrictions including transfer of the land to Baltimore

County "upon full utilization of the fill," restoration of Honeygo Run, and payment of "the salary and necessary related expenses for an independent inspector to periodically monitor the operation of the landfill." (*See* pages 47-51.) In addition, the Petitioner "agreed to limit rubble to only local customers." (page 46). Such a restriction is permissible under Maryland law and should have been enforced. *See* J. Roland Dashiel Realty Co. v, Wicomico County, 122 Md.App. 239 (1998). As evidenced by the documents introduced in the instant case and the testimony of the Petitioner's witnesses, none of the restrictions noted above were followed.

The Petitioner's Request for Special Hearing seeks to modify or eliminate restrictions imposed on the development plan ten years after their imposition. The Protestant, Sobczak Family, LLC, objects to this attempt to remedy the Petitioner's non-compliance with the 1993 approval of a development plan for the existing rubble landfill and asserts that Section 412 of the Baltimore County Zoning Ordinance should apply to the Petitioner's Request for Special Exceptions in this case. The reasonable requirements of Section 412 would satisfy most of the concerns of the Protestant with respect to the potential impact of the rubble landfill on, and provide the protection needed for, the continued productive use of the Protestant's property.

II. The Petitioner's Proposed Use is Inconsistent With the Property's Zoning Classification and with the Spirit and Intent of the Zoning Regulations.

All of the property Petitioner seeks to use for a rubble landfill is located in the M.L.R. zoning classification the purpose of which is set forth in Section 247 of the Baltimore County Zoning Ordinance:

> "to permit grouping of high types of industrial plants in industrial subdivisions in locations with convenient access to expressways or other primary roadways so as to minimize the use of residential streets; to fill special locational needs of certain types of light industry; to permit planned dispersal of industrial employment centers so as to be conveniently and satisfactorily related to a residential communities; and as transitional bands between residential or institutional areas and M.L. or M.H. Zones."

It is submitted that the area consisting of nine separate parcels of M.L.R. zoned land that the Petitioner proposes to use as a rubble landfill epitomizes the definition of an M.L.R. zone. This 49.8 acre area, along with adjacent parcels along White Marsh Boulevard and Philadelphia Road, arguably represents the best location in Baltimore County for the "high type of industrial plants" contemplated by the M.L.R. zone. This area contains the only largely undeveloped M.L.R. acreage along Interstate 95, the most heavily traveled expressway in Eastern Baltimore County. The interchange with White Marsh Boulevard (Md. Route 43), slated for even more future improvements, makes this area ideal to fulfill the purposes of the M.L.R. Zone.

The proposed rubble landfill is not a "high type of industrial plant." A landfill, unlike other permitted uses and special exceptions, permanently disables land from productive use and severely limits future alternative uses of the affected property. If the Petitioner's proposed use were approved, it would mean that a total of 117 acres out of the 940 acres of the M.L.R. zone in Baltimore County would, at one location, be unavailable to fulfill the purposes and intent of the zone. (*See* Protestant's Exhibit No. 6.) Given the limited availability of land designated for the M.L.R. zoning classification, and the existing development on M.L.R. zoned parcels in Baltimore County, approval of the Petitioner's application would, in essence, be destroying the full potential of the M.L.R. zone in Baltimore County and the inconsistent "with the purposes of the

property's zoning classification" and "the spirit and intent" of the zoning regulations. (Section 502.1.G., Baltimore County Zoning Ordinance)

III. The Petitioner's Proposed Use Overcrowds the Land.

The size and scale of the Petitioner's proposed use is enormous. The Petitioner proposes to construct a rubble landfill on 49.8 acres of M.L.R. zoned land not currently used for that purpose. As reflected on the plans submitted to the Zoning Commissioner, the proposed rubble landfill would require substantial excavations to over 70 feet below the existing ground level. More significantly, the proposed rubble landfill at completion would be in excess of 110 feet above existing ground level. The proposed rubble landfill would have a capacity of 5,600,000 cubic yards of rubble. This proposed use would be among the largest man-made structures in Baltimore County.

The Petitioner has asserted that the proposed new rubble landfill is necessary to meet "county needs" citing the passage of County Council Resolution 18-03. An examination of the Baltimore County Solid Waste Management Plan and official records filed with county departments and the MDE make it clear that the Petitioner's proposed use is not being done simply to meet the "county needs." If this case were only about "county needs" the size and scale of the proposed development plan would be very different. The Baltimore County Solid Waste Management Plan currently contains estimates far below the annual tonnage and cubic yards flowing into the existing rubble landfill. If the Petitioner had complied with the 1993 restriction "to limit rubble to only local customers," the existing rubble landfill would have more capacity to accommodate "county needs." In the 2001 Annual Tonnage Report filed by the Petitioner with the

Waste Management Administration of the Maryland Department of Environment, it is reported on page two that 165,762 tons (58.25%) of the 284,572 tons accepted at the rubble landfill were from out-of-state. In the 2002 Annual Tonnage Report filed by the Petitioner, it is reported that only 170,401.44 tons (48.34%) out of the 329,881.22 tons accepted at the rubble landfill were from non-Baltimore County sources. The existing rubble landfill has become, and the proposed new rubble landfill area will be, a mid-Atlantic regional facility for one of the nation's largest waste management companies. The Petitioner's proposed use at the proposed location would violate Section 502.1.D. of the Baltimore County Zoning Ordinance as it would "tend to overcrowd land." Further, it would "overwhelm and dominate the surrounding landscape," especially adjacent properties such as the Protestant's property. *See* People's Counsel v. Mangione, 85 Md. App. 738, 752 (1991). At a minimum, the Petitioner's proposed use should be subject to the height, area, bulk, floor area and design criteria of other man-made structures.

IV. The Petitioner's Proposed Use Violates the Standards for Special Exceptions

The standard for the granting of special exceptions in Maryland was enunciated by the Court of Appeals in Schultz v. Pritts, 291, Md. 1 (1981). After a lengthy discussion of prior decisions the Court declared:

> "We now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Id.*, at 22-23.

The Protestant submits that the Petitioner's "particular use proposed at the particular location proposed" fails to meet this judicial standard. In addition to concerns about the potential adverse impacts to the health, safety and general welfare of the two hundred employees working at industrial/office building owned by the Protestant and the potential adverse impacts on groundwater and air quality from the Petitioner's proposed use (*See* Protestant's Exhibits 1 and 2), the Protestant is concerned about the unique adverse consequences of the Petitioner's proposed use on the Protestant's property.

In the Memorandum from the Baltimore County Department of Economic Development, dated July 9, 2003, it is noted "Because of the existing rubble landfill, the additional acreage does not lend itself to other suitable economic development uses, such as attracting new industrial users to the site." (Petitioner's Exhibit No. 6.) The logic of this observation also applies to the impact of the Petitioner's proposed use on the Protestant's property. In addition, the cumulative impact of a mammoth landfill being constructed alongside of the existing rubble landfill, quickly rising only 100 feet from a property line would be devastating to the potential use of Protestant's property. There is a substantial difference between the top height of the current rubble landfill being located approximately 1200 feet from the Protestant's property and the top height of the proposed huge new rubble landfill being approximately 450 feet from the Protestant's property. *See* Brandywine Enterprises, Inc. v. County Council for Prince George's County, 117 Md. App. 525 (1997).

The Zoning Commissioner noted on page four of the previous decision, dated December 13, 1993, that the subject property "has been mined out" and the Petitioner's proposal for a rubble landfill "appears to make logical sense in that the rubble will be

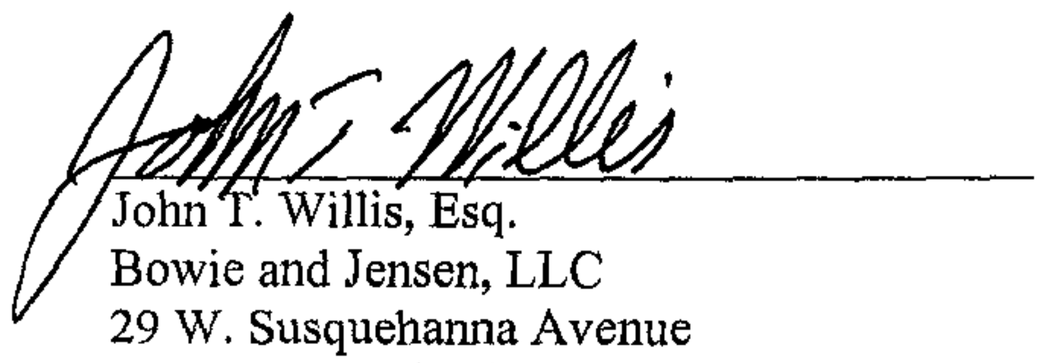
utilized to fill up pits previously created." In contrast, the Petitioner's proposed use at the proposed location of these different properties for a rubble landfill is illogical. Instead of being utilized "to fill up pits previously created," the Petitioner proposes to construct a veritable mountain of rubble at elevations as high as 110 feet above current ground level. Indeed, the Petitioner's proposed development plan is incongruous with the meaning of a landfill. Webster's Third New International Dictionary of the English Language, Unabridged, defines landfill as the "disposal of trash and garbage by burying it under layers of earth in low ground." (*emphasis added*) The property proposed to be used by the Petitioner does not fit this definition nor the popular understanding of a landfill. Curiously and accurately, Mr. Auld referred in his testimony to the landfill's capacity as "airspace."

In consideration of the nature of the existing topography of the land proposed to be used by the Petitioner, the intent and purpose of the M.L.R. zone, the severe impact on the adjacent property owners, and the potential impacts on groundwater and air quality, the adverse impacts of the "particular use proposed at the particular location proposed" are substantially beyond what they would be at other locations in the M.L.R. zone and should therefore be denied. Schultz v. Pritts, 291 Md. 1 (1981).

CONCLUSION

For the aforegoing reasons, the Petitioners' Application for Special Exceptions for a controlled excavation and rubble landfill should be denied. Further, the Petitioner's requests for various amendments, exceptions, modifications, eliminations, variances and terminations set forth in the Petitioner's Application for Special Hearing should be denied.

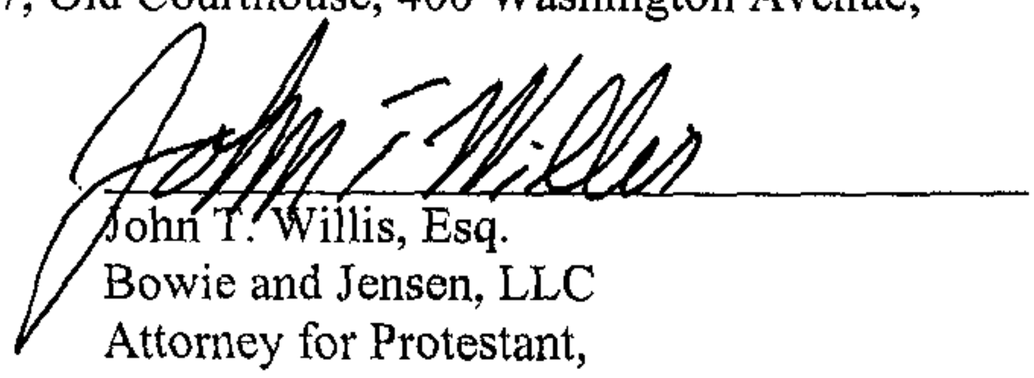
Respectfully submitted,



John T. Willis, Esq.
Bowie and Jensen, LLC
29 W. Susquehanna Avenue
Towson, Maryland 21401
Attorney for Protestants,
Sobczak Family, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November, 2003, a copy of the foregoing Memorandum was mailed, postage prepaid, to John B. Gontrum, Esq., Whiteford, Taylor & Preston, LLP, 210 W. Pennsylvania Avenue, Suite 400, Towson, Maryland 21201, Attorney for Petitioner(s); and to Peter Max Zimmerman, People's Counsel for Baltimore County, Room 47, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204



John T. Willis, Esq.
Bowie and Jensen, LLC
Attorney for Protestant,
Sobczak Family, LLC

Flood

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at North and South side of Silver Spring Road ~~10710 Philadelphia Road~~

which is presently zoned MLR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded 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.

Contract Purchaser/Lessee:

Honeygo Run Reclamation Center, Inc.
Name - Type or Print

Signature
Philip J. Auld, Area President
10710 Philadelphia Road
Address — Telephone No.

Perry Hall MD 21128
City — State — Zip Code

Attorney For Petitioner:

John B. Gontrum, Esquire
Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP
Company

Suite 400, 210 W. Pennsylvania Avenue
Address — Telephone No.

Towson, MD 21204-4515 (410) 832-2000
City — State — Zip Code

Legal Owner(s):

See Attached List
Name - Type or Print

Signature

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Representative to be Contacted:

Name

Address — Telephone No.

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 5 DAYS
UNAVAILABLE FOR HEARING

Reviewed By JL Date 8/22/03

Case No. 04 089 SPHX

REV 09/15/98

SPECIAL EXCEPTION REQUESTS

1. A SPECIAL EXCEPTION PURSUANT TO SECTION 248.4A FOR AN EXCAVATION CONTROLLED IN A M.L.R. ZONE.
2. A SPECIAL EXCEPTION PURSUANT TO SECTION 248.4A FOR A RUBBLE LANDFILL IN A M.L.R. ZONE.

portion thereof underground would be greater than locating it overhead, in any given case, shall not in itself be deemed sufficient cause to prevent a requirement f or underground construction. EB.C.Z.R., 1955.]

(7) Any other matter or thing deemed by him or them to be ,Daterial in connection with the public health, safety or general welfare. (B.C.Z.R., 1955.]

6

Section 412——SANITARY LANDFILLS AND RUBBLE LANDFILLS [B.C.Z.R., 1955; Bill No. 145, 1962; No. 97, 1987.]

412.1——Landfills must comply with all applicable requirements of the Baltimore County Department of Health and the Department of Environmental Protection and Resource Management.

412.2——All landfills must comply with the County's applicable permit requirements.

412.3——Screening shall be provided of such types and at such locations as may be required by the Zoning Commissioner on recommendation of the Director of Planning and Zoning.

412.4——Road access shall be adequate for the truck traffic generated by the landfill.

412.5—A post—use land reclamation plan approved by the Baltimore County Soil Conservation District and the Baltimore County Office of Planning and Zoning and the Department of Environmental Protection and Resource Management is required before the use may be authorized by the Zoning Commissioner.

412.6——A landfill may not be located within 100 feet of any property line or well or septic system or within 100 feet of any stream or natural water course or wetlands or floodplain.

412.7——The Department of Environmental Protection and Resource Management periodically shall inspect a rubble landfill in order to monitor the type of waste material being received for disposal.

412.8——The right to maintain a rubble landfill which is not in compliance with th~s section and which was in operation before the effective date of this section shall cease one hundred eighty days after the effective date, unless within that time the owner or agent files with the Zoning commissioner a petition for approval of a special exception.

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.

Legal Owner(s):

Honeygo Run Reclamation Center, Inc.
By:

Signature:
10710 Philadelphia Road
Perry Hall, Maryland 21128
Phone:

All phone contacts to attorney.

Carl H. Lentz

Signature: PR
Donald C. Lentz

Signature:
5206 Silver Spring Road
Perry Hall, Maryland 21128
Phone:

Charles F. Volpe

Signature:

Jane Volpe

Signature:
5210 Silver Spring Road
Perry Hall, Maryland 21128
Phone:

Honeygo Mobile Park
By: Wayne B. Knight, Owner

Signature:
8814 Cowenton Avenue
Perry Hall, Maryland 21128
Phone: 410-335-5424

Wayne B. Knight

Signature: Wayne B. Knight
8814 Cowenton Avenue
Perry Hall, Maryland 21128
Phone: 410-335-5424

Nottingham Village, Inc.
By: Bruce S. Campbell III Senior V.P.

Signature: B. Campbell
100 W. Pennsylvania Avenue
Towson, Maryland 21204

Baltimore County, Maryland
By: Dr. Anthony G. Marchione
County Administrative Officer

Signature: Anthony G. Marchione
400 Washington Avenue
Towson, Maryland 21204

portion thereof underground would be greater than locating it overhead, in any given case, shall not in itself be deemed sufficient cause to prevent a requirement for underground construction. [B.C.Z.R., 1955.]

(7) Any other matter or thing deemed by him or them to be material in connection with the public health, safety or general welfare. [B.C.Z.R., 1955.]

Section 412--SANITARY LANDFILLS AND RUBBLE LANDFILLS[6]
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412.5-A post-use land reclamation plan approved by the Baltimore County Soil Conservation District and the Baltimore County Office of Planning and Zoning and the Department of Environmental Protection and Resource Management is required before the use may be authorized by the Zoning Commissioner.

412.6--A landfill may not be located within 100 feet of any property line or well or septic system or within 100 feet of any stream or natural water course or wetlands or floodplain.

412.7--The Department of Environmental Protection and Resource Management periodically shall inspect a rubble landfill in order to monitor the type of waste material being received for disposal.

412.8--The right to maintain a rubble landfill which is not in compliance with this section and which was in operation before the effective date of this section shall cease one hundred eighty days after the effective date, unless within that time the owner or agent files with the Zoning commissioner a petition for approval of a special exception.

ZONING DESCRIPTION OF FUTURE HONEYGO RUN RECLAMATION CENTER LANDFILL

BEGINNING for the same 670 feet more or less along the northern side of Silver Spring Road from the centerline of Philadelphia Road at an Axle found at the beginning of the First or South 06 degrees 11 minutes East 442.28 foot line of First Parcel in a deed from White Marsh Enterprises, Inc., to Honeygo Run Reclamation Center, Inc., dated October 15, 1992 and recorded among the Land Records of Baltimore County, Maryland Liber 9440 folio 422, said point also being the end of the Fourth or South 33 degrees 30 minutes West 152.57 foot line of a deed from Mary Lou Bennet and Carlton W. Bennet, Jr. to Honeygo Run Reclamation Center, Inc., dated June 15, 1995 and in the aforesaid Land Records in Liber 11093 folio 13, thence
binding on a portion of the First line of said Liber 9440 folio 422

1. South 14 degrees 12 minutes 11 seconds East 49.06 feet to intersect the eastern right of way of the 30 foot Baltimore County maintained right of way for Silver Spring Road and a non tangent curve to the right, Thence binding on the arc of said curve and eastern maintained right of way
2. southeasterly along the arc of said curve having for its elements a radius of 150.00 feet, an arc length of 40.28 feet, a central angle of 15 degrees 23 minutes 07 seconds and a chord bearing and distance of South 20 degrees 02 minutes 07 seconds East 40.16 feet, Thence continue binding on said right of way
3. South 13 degrees 08 minutes 51 seconds East 221.50 feet to the end of the Third or North 14 degrees 12 minutes 11 seconds West 52.20 foot line of a description for "Extra Parcel "B" to be added to Silver Spring Road Baltimore County maintained right of way (intended to be previously recorded) Thence binding reversely on said Third line and eastern right of way
4. South 14 degrees 12 minutes 11 seconds East 52.20 feet to the northwestern most corner of the Hammer Property described in a deed from White Marsh Enterprise, Inc. to Kenneth R. Hammer and Darlene E. Hammer dated March 22, 1988 and recorded among the aforesaid Land Records in Liber 7876 folio 141, Thence binding on the western line of the Hammer property and the eastern right of way
5. South 14 degrees 12 minutes 11 seconds East 79.71 feet to the northwestern corner of the Hammer Property described in a deed from Charles L. Cook and Grace Cook to Kenneth Hammer and Darlene Elizabeth Hammer dated May 14, 1985 and recorded among the aforesaid Land Records in Liber 6927 folio 750, Thence for a new line of division across the aforesaid Extra Parcel "B" and the aforesaid 30 foot maintained right of way
6. South 39 degrees 59 minutes 19 seconds West 41.97 feet to an Iron pipe found at the end of the Third or North 63 degrees 05 minutes 30 seconds East 197.65 foot line of a deed from Derek Moir and Patricia R. Moir to Raymond F. Miller and Cathy L. Miller dated May 17, 1999 and recorded among the aforesaid Land Records in Liber 13863 folio 19, Thence binding reversely on a portion of said Third line
7. South 54 degrees 27 minutes 51 seconds West 16.28 feet to the southeastern corner of the Stormwater Management Easement on Lot 1 of the plat entitled "Subdivision of Wayne B. Knight Property" recorded among the aforesaid Land Records in Plat Book 67 folio 139,

Thence binding on the eastern line of the said easement and Lot 1 the following two courses and distances, viz:

8. North 12 degrees 41 minutes 20 seconds West 65.13 feet to a curve to the left, Thence
9. northwesterly along the arc of said curve having for its elements a radius of 640.00 feet, an arc length of 243.83 feet, a central angle of 21 degrees 49 minutes 45 seconds and a chord bearing and distance of North 23 degrees 36 minutes 12 seconds West 242.36 feet to an Iron Rod and Cap "LDE 313" set at a non tangent line at the northern line of aforesaid Lot 1 and southern line of Parcel "A" as shown on the aforesaid plat, Thence binding on the northern line of said Lot 1 the two following courses and distances, viz:
10. South 74 degrees 17 minutes 33 seconds West 251.41 feet to an Iron Rod and Cap "LDE 313" set, Thence
11. South 41 degrees 32 minutes 32 seconds West 547.00 feet to an Iron Rod and Cap "KCW 20" found at the intersection of the Third or South 44 degrees East 623.65 foot line of a deed from Harry Matschulat and Margaret Matschulat to Jesse R. Carr and Mary Lee Carr dated July 15, 1948 and recorded among the aforesaid Land Records in Liber 1678 folio 239, Thence binding reversely on the remaining portion of said Third, Second and a portion of the First lines the following three courses and distances, viz:
12. North 48 degrees 27 minutes 28 seconds West 498.37 feet to a Stone found, Thence
13. South 42 degrees 32 minutes 32 seconds West 424.01 feet to a Stone found, Thence
14. South 48 degrees 27 minutes 28 seconds East 332.10 feet to an Iron Rod and Cap "LDE 313" set on the Northern Right of way for White Marsh Boulevard, State Road 43 as shown on State Roads Commission of Maryland Right of way Plats 14786 and 14664,said point being a point of cusp of a non tangent curve to the left, Thence binding on the said northern right of way and a non tangent curve
15. northwesterly along the arc of said non tangent curve having for its elements a radius of 11609.16 feet, an arc length of 263.12 feet, a central angle of 01 degrees 17 minutes 55 seconds and a chord bearing and distance of North 70 degrees 57 minutes 52 seconds West 263.07 feet to an Iron Rod and Cap "LDE 313" set at a non tangent line, Thence along the said right of way
16. North 18 degrees 19 minutes 51 seconds East 100.64 feet to an Iron Rod and Cap "LDE 313" set at the beginning of Ramp "H" for Interstate I-95 North as shown on State Roads Commission of Maryland Right of way Plat 39057, said point being a non tangent curve to the left, Thence continue along the eastern side of Ramp "H" the following six courses and distances, viz:
17. northwesterly along the arc of said non tangent curve having for its elements a radius of 11709.16 feet, an arc length of 424.11 feet, a central angle of 02 degrees 04 minutes 31 seconds and a chord bearing and distance of North 72 degrees 44 minutes 17 seconds West 424.09 feet to a compound curve to the right, Thence
18. northwesterly along the arc of said compound curve having for its elements a radius of 821.45 feet, an arc length of 726.54 feet, a central angle of 50 degrees 40 minutes 32 seconds and a chord bearing and distance of North 48 degrees 38 minutes 07 seconds West 703.09 feet to a point of compound curve to the right, Thence
19. northwesterly along the arc of said compound curve having for

its elements a radius of 519.49 feet, an arc length of 206.47 feet, a central angle of 22 degrees 46 minutes 19 seconds and a chord bearing and distance of North 11 degrees 54 minutes 41 seconds West 205.11 feet to a point of compound curve to the right, Thence

20. northeasterly along the arc of said compound curve having for its elements a radius of 821.45 feet, an arc length of 180.49 feet, a central angle of 12 degrees 35 minutes 22 seconds and a chord bearing and distance of North 05 degrees 46 minutes 09 seconds East 180.13 feet to a non tangent line, Thence
21. North 21 degrees 53 minutes 27 seconds East 204.44 feet, Thence
22. North 39 degrees 26 minutes 04 seconds East 151.89 feet to intersect the northern right of way for the aforesaid 30 foot maintained right of way, Thence binding on the said northern maintained right of way the following two courses and distances, viz:
23. South 74 degrees 11 minutes 37 seconds East 120.49 feet, Thence
24. South 74 degrees 12 minutes 04 seconds East 34.58 feet to an Iron Pipe found at the intersection of the Second or North 03 degrees 33 minutes 30 seconds East 353.09 foot line of a deed from Carl H. Lentz to Carl H. Lentz and Donald C. Lentz dated July 28, 1994 and recorded among the aforesaid Land Records in Liber 10754 folio 741, Thence binding on a portion of the said Second line
25. North 05 degrees 16 minutes 20 seconds West 344.10 feet to intersect the eastern right of way for aforesaid Interstate I-95 North as shown on aforesaid Plat 14701, Thence binding on said eastern right of way
26. North 39 degrees 26 minutes 06 seconds East 4.81 feet to intersect the Third or North 82 degrees 54 minutes 30 seconds East 50.00 foot line of the aforesaid Liber 10754, Thence binding on the remaining portion of said Third line
27. North 74 degrees 04 minutes 40 seconds East 45.27 feet to an Iron Rod and Cap "LDE 313" set at the intersection of the Second or North 07 degrees 45 minutes West 529.97 foot line of a deed from Forrest Gilbert Kirckhoff and Janice Carol Kirckhoff to Charles F. Volpe and Jane Frances Volpe dated October 29, 1992 and recorded among the aforesaid Land Records in Liber 9486 folio 436, Thence binding on a portion of the said Second line
28. North 15 degrees 55 minutes 20 seconds West 31.28 feet to intersect the aforesaid eastern right of way of Interstate I-95 North, Thence binding on the said eastern right of way the following three courses and distances, viz:
29. North 39 degrees 26 minutes 04 seconds East 281.56 feet, Thence
30. North 33 degrees 54 minutes 40 seconds East 100.47 feet, Thence
31. North 38 degrees 46 minutes 42 seconds East 39.58 feet to an axle found at the beginning of the Sixth or South 56 degrees 46 minutes 22 seconds East 449.64 foot line of a deed from Martha A. Kirckhoff to Honeygo Mobile Park, Inc., dated October 31, 1992 and recorded among the aforesaid Land Records in Liber 9448 folio 486, said point also being on the Last or

North 49 degrees 21 minutes West 948.74 foot line of Parcel two of the aforesaid Liber 9440 folio 442, Thence binding on the said Sixth line of Liber 9448 folio 486 and reversely with the remaining portion of the Last line of Parcel Two Liber 9440 folio 442

32. South 56 degrees 45 minutes 59 seconds East 449.54 feet to an axle found at the beginning of the Seventh or South 25 degrees 54 minutes 29 seconds West 644.07 foot line of aforesaid Liber 9448 folio 486 and intersects the Second or North 31 degrees East 81 perches line of the Parcel Four of the aforesaid Liber 9440 folio 442, Thence binding on a portion of the said Seventh line and binding reversely on a portion of the said Second line
33. South 25 degrees 54 minutes 07 seconds West 641.79 feet to intersect the northern right of way for the aforesaid 30 foot maintained right of way for Silver Spring Road, said intersection is North 25 degrees 54 minutes 07 seconds East 2.07 feet from an Iron Rod found, Thence binding on the said northern right of way the following eight courses and distances, viz:
34. South 73 degrees 35 minutes 21 seconds East 169.22 feet, Thence
35. South 73 degrees 36 minutes 08 seconds East 237.03 feet, Thence
36. South 73 degrees 55 minutes 54 seconds East 186.08 feet, Thence
37. South 74 degrees 27 minutes 14 seconds East 146.38 feet to intersect the Last or South 31 degrees West 61 perches line of aforesaid Parcel Four of Liber 9440 folio 442 and the Sixth or North 33 degrees 30 minutes East 1006.5 foot line of Parcel Three of Liber 9440 folio 442, Thence continue on the aforesaid northern right of way
38. South 74 degrees 27 minutes 14 seconds East 25.24 feet, Thence
39. South 73 degrees 51 minutes 42 seconds East 296.41 feet, Thence
40. South 73 degrees 44 minutes 20 seconds East 98.67 feet, Thence
41. South 73 degrees 52 minutes 30 seconds East 112.18 feet to intersect the Second or North 35 degrees 04 minutes East 170.00 foot line of Parcel 1 in a deed from Arubula Cooney, a/k/a/ Emma A. Cooney, by James C. Adams, her attorney to Honeygo Run Reclamation Center, Inc., dated October 2, 1995 and recorded among the aforesaid Land Records in Liber 11257 folio 675, said point is North 27 degrees 17 minutes 04 seconds East 1.59 feet from an Axle found, Thence binding on the said Second line of Parcel 1 and the Third or North 35 degrees 04 minutes East 100.00 foot line of Parcel 2 of aforesaid Liber 11257 folio 675 as one line
42. North 27 degrees 17 minutes 04 seconds East 268.41 feet to an Iron Rod and Cap "LDE 313" set at the beginning of the Fourth or South 54 degrees 56 minutes East 121.00 foot line of aforesaid Parcel 2 Liber 11257 folio 675, Thence binding on said Fourth and a portion of the Fifth lines the following two courses and distances, viz:
43. South 62 degrees 43 minutes 05 seconds East 121.00 feet to an Iron Rod and Cap "LDE 313" set, Thence
44. South 27 degrees 17 minutes 03 seconds West 61.79 feet to an Iron Rod and Cap 'LDE 313" set at the beginning of the Third or South 58 degrees 02 minutes East 210.55 foot line in the aforesaid Liber 11093 folio 13, Thence binding on the said Third and Fourth lines of said Liber 11093 folio 13 the following two courses and distances, viz:

45. South 65 degrees 48 minutes 56 seconds East 210.55 feet, Thence
46. South 25 degrees 42 minutes 42 seconds West 152.53 feet an Axle found at the point of beginning.

Containing an area of 2,134,386 sq.ft or 48.9988 acres, more or less.
Said parcel is in Councilman District Number 5
This is a description to be used for zoning only.

Being all of the land in a deed from Mary Lou Bennet and Carlton W. Bennet, Jr. to Honeygo Run Reclamation Center, Inc., dated June 15, 1995 and in the Land Records of Baltimore County, Maryland in Liber 11093 folio 13; all of the land in a deed from Arubula Cooney, a/k/a/ Emma A. Cooney, by James C. Adams, her attorney to Honeygo Run Reclamation Center, Inc., dated October 2, 1995 and recorded among the aforesaid Land Records in Liber 11257 folio 675;all of the land in a deed from Carl H. Lentz to Carl H. Lentz and Donald C. Lentz dated July 28, 1994 and recorded among the aforesaid Land Records in Liber 10754 folio 741; all of the land in a deed from Forrest Gilbert Kirckhoff and Janice Carol Kirckhoff to Charles F. Volpe and Jane Frances Volpe dated October 29, 1992 and recorded among the aforesaid Land Records in Liber 9486 folio 436; all of the land in a deed from Martha A. Kirckhoff to Honeygo Mobile Park, Inc., dated October 31, 1992 and recorded among the aforesaid Land Records in Liber 9448 folio 486; all of the land in a deed from Richard L. Burchett and Darlene Burchett to Wayne B. Knight dated May 3, 1999 and recorded among the aforesaid Land Records in Liber 13730 folio 309; a portion of the land in a deed from Leroy M. Merritt to Wayne B. Knight dated August 4, 1993 and recorded in the aforesaid Land Records in Liber 9931 folio 345 and noted as Parcel A, B and dedicated roadway widening areas as shown on the plat entitled "Subdivision of Wayne B Knight Property" as recorded in aforesaid Land Records as Plat Book 67 page 139; a portion of the land in a deed from Nottingham Farms, Inc., to Nottingham Village, Inc., dated March 29,1968 and recorded among the aforesaid Land Records in Liber 4860 folio 607; a portion of the land in a deed from Nottingham Farms, Inc., and Nottingham Village, Inc., dated April 4, 1968 and recorded among the aforesaid Land Records in Liber 4862 folio 594; a portion of the land in a deed from White Marsh Enterprises, Inc., to Honeygo Run Reclamation Center, Inc., dated October 15, 1992 and recorded among the aforesaid Land Records in Liber 9440 folio 422; and a portion of the Baltimore County maintained right of way for Silver Spring Road.

STATE OF MARYLAND
JOHN L. WARD
No. 10927
REGISTERED
PROFESSIONAL LAND SURVEYOR

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-089-SPHX
10710 Philadelphia Road
North and South side of Silver Spring Road
11th Election District - 5th Councilmanic District
Legal Owner(s): Honeygo Run Reclamation Center, Philip J. Auld, President
Contract Purchaser: Honeygo Run Reclamation Center

Special Exception: 1. A special exception for an excavation controlled in a M.L.R. zone. 2. A special exception 248.4A for a rubble landfill in a M.L.R. zone.

1. Special Hearing to permit an amendment to the site plan and order in Case No. 94-87-SPHXA for a landfill expansion and to permit relocation of accessory uses. 2. A special exception for an "excavation, controlled" in conjunction with a special exception for a "rubble" on the same site. 3. A determination that the special exceptions as part of the expansion of the existing operation have no time limit for utilization, or alternatively, a five (5) year period for utilization of the special exceptions.

4. Modification or elimination of the following conditions in the Order in Case No. 94-87-SPHX: Conditions 3, 4, and 6; 5. Continuation of the existing variance from Section 409.8A2 and Section 409.8A6 of the BCZR to allow a crushed concrete surface for the internal haul road and parking areas in lieu of the required durable and dustless surface and to permit same without the required permanent stripping for off-street parking facilities. 6. Termination of the special exception granted in Case No. 3902-RX for a trailer court.

All pursuant to current Section 412.3 as it references Section 412 under 1987 regulations.

Hearing: Thursday, October 16, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/9/820 Sept. 30 C629071

CERTIFICATE OF PUBLICATION

10/1, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/30, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JL 089 **No. 27077**

DATE 8/22/03. ACCOUNT 001 006 6150

AMOUNT $ 710.00

RECEIVED FROM: Honeygo Run Townfill

FOR: SPH # 325.00
SPX # 385.00

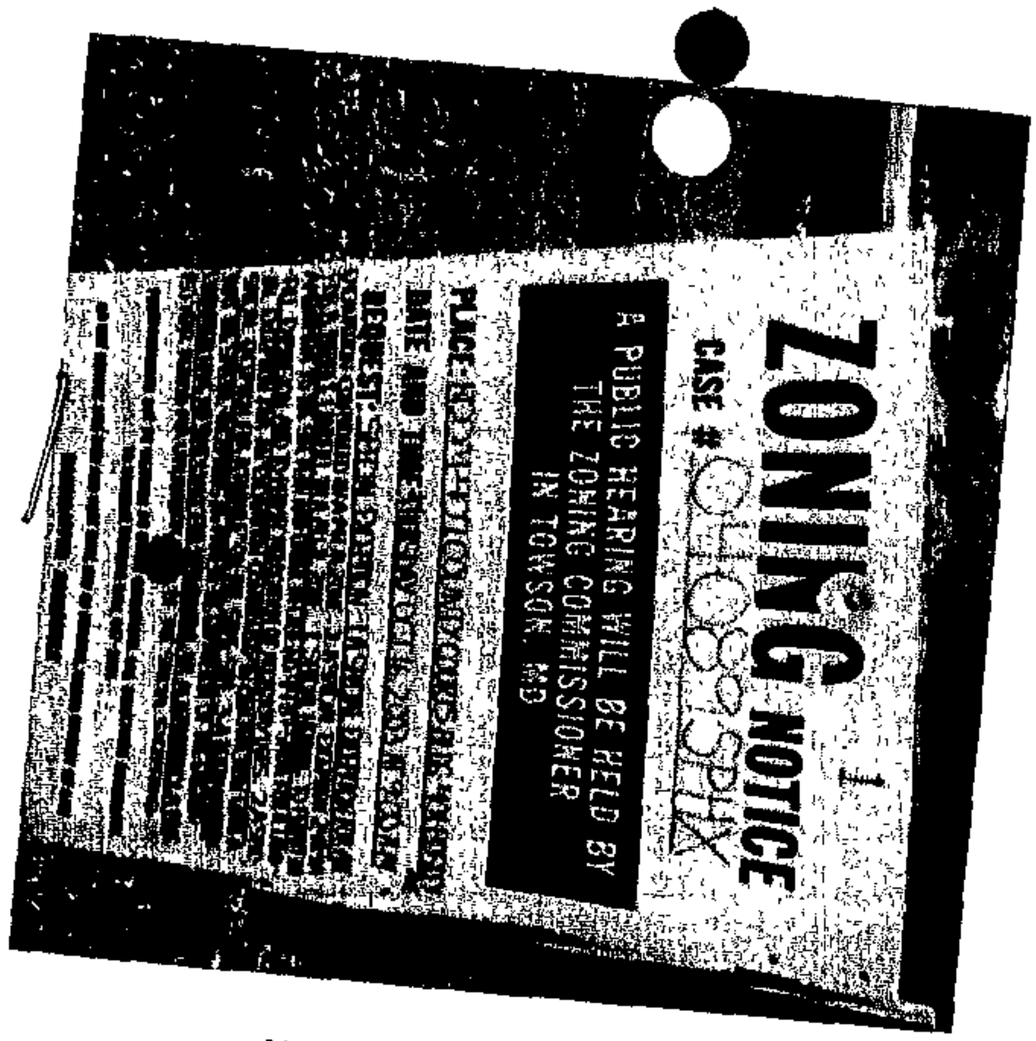
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

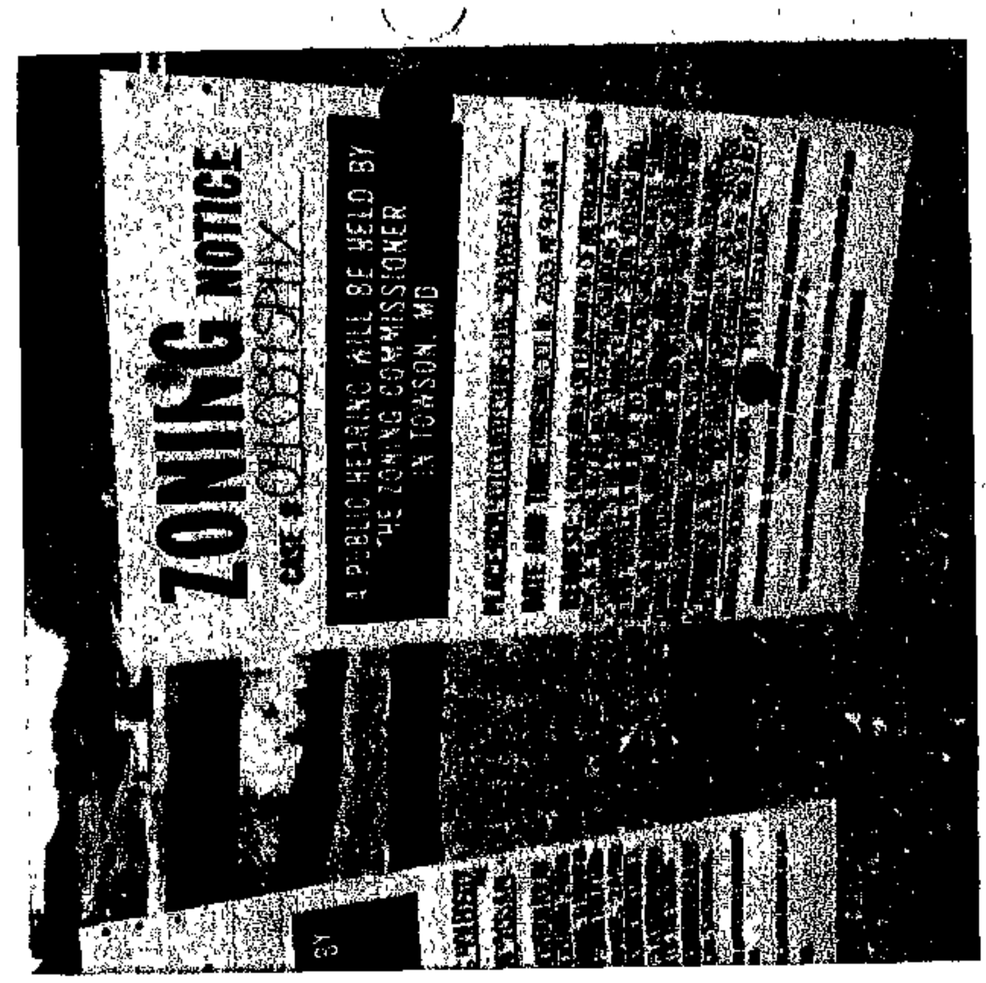
DATE DEPSTDT
FMLU RECEIPT

BUSINESS	ACTUAL	TIME	MNU
8/25/2003	8/22/2003	11:06:15	5

REG USR5 WALKIN MEL MAH
>RECEIPT # 32410 8/25/2003 OFLN
Dept 5 529 ZONING VERIFICATION
CR NO. 027077
Recpt Tot $710.00
705.00 CK 10.00 CA
5.00- CG
Baltimore County, Maryland

CASHIER'S VALIDATION





ATTN: Becky

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 10710 PHILADELPHIA RD

The sign(s) were posted on 9/27/03
(Month, Day, Year)

NEEDED 2 ~~SIGNS~~ SIGNS
FOR LENGTH OF SIGN.

Sincerely,

9/27/03
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

September 3, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-089-SPHX
10710 Philadelphia Road
North an South side of Silver Spring Road
Legal Owner: Honeygo Run Reclamation Center, Philip J. Auld, President
Contract Purchaser: Honeygo Run Reclamation Center

Special Exception: 1. A special exception for an excavation controlled in a M.L.R. zone. 2. A special exception 248.4A for a rubble landfill in a M.L.R. zone.
1. Special Hearing to permit an amendment to the site plan and order in Case No. 94-87-SPHXA for a landfill expansion and to permit relocation of accessory uses. 2. A special exception for an "excavation, controlled" in conjunction with a special exception for a "rubble" on the same site. 3. A determination that the special exceptions as part of the expansion of the existing operation have no time limit for utilization, or alternatively, a five (5) year period for utilization of the special exceptions.
4. Modification or elimination of the following conditions in the Order in Case No. 94-87-SPHX: Conditions 3, 4, and 6. 5. Continuation of the existing variance from Section 409.8A2 and Section 409.8A.6 of the BCZR to allow a crushed concrete surface for the internal haul road and parking areas in lieu of the required durable and dustless surface and to permit same without the required permanent stripping for off-street parking facilities. 6. Termination of the special exception granted in Case No. 3902-RX for a trailer court.
-All pursuant to current Section 412.3 as it references Section 412 under 1987 regulations.

Hearings: Thursday, October 16, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:rlh

C: Honeygo Run Reclamation Center, Inc., Philip Auld, 10710 Philadelphia Road, Perry Hall 21128
John B. Gontrum, Whiteford, Taylor & Preston, Suite 400, 210 W. Pennsylvania Avenue, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 1, 2003.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 30, 2003 Issue - Jeffersonian

Please forward billing to:
John Gontrum, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave., Suite 400
Towson, MD 21204-4515

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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10710 Philadelphia Road
North an South side of Silver Spring Road
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-All pursuant to current Section 412.3 as it references Section 412 under 1987 regulations.

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 04-089-SPHX

Petitioner: WAYNE B KNIST ET AL

Address or Location: 10710 Philadelphia Rd.

PLEASE FORWARD ADVERTISING BILL TO: W Hutton Taylor + Buxton

Name: John B Gontrum

Address: Suite 400 210 W Pa Ave

Towson 21204

Telephone Number:

Department of Permits and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 10, 2003

John B. Gontrum
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Ste. 400
Towson, MD 21204-4515

Dear Mr. Gontrum:

RE: Case Number: 04-089-SPHX, 10710 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 22, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Honeygo Run Reclamation Ctr., Inc., Philip Auld, 10710 Philadelphia Rd., Perry Hall 21128

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 15, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 10710 Philadelphia Road

INFORMATION:

Item Number: 04-089

Petitioner: Honeygo Run Reclamation Center, Inc.

Zoning: MLR

Requested Action: Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's requested special hearing and special exception subject to the following:

On December 20, 1993 a special hearing, special exception and variances were granted for the Honeygo Reclamation Center, Inc. Development Plan. As part of the original plan approval, considerable testimony and evidence was provided (page 26) that the site could be used for active recreational needs. The petitioners own testimony (page 28) supports the conclusions. In the final analysis, however, it was determined that the site could not be used for such purposes as proffered by the applicant and the County. In exchange, a monetary contribution for use at the local parks was offered in the amount of $200,000. To date (even after subsequent sale of the property) there is no evidence that such a contribution has been made.

The petitioner now proposes to expand the landfill by over 100% (3.2 million tons capacity existing, to 6.6 million tons proposed) and to increase the height of the mound by 50 feet (equivalent of a 4-5 story building). The original purpose of contributing some type of public purpose has now been replaced with the planting of flowers around and on top of the mound with some limited public access. There is no doubt that the cost of such an endeavor is great, however, most of the cost would be incurred regardless of planting wild flowers. The basic community's needs still remain within the general area in which this landfill is located.

The landfill will generate impacts such as additional truck traffic, noise etc. for many years. The community is still in need of active recreational amenities. The existing contribution of $200,000 should be doubled to accommodate the increased size and impact of the landfill. Such funding should be released immediately rather than at some point in the future.

Prepared by: _____

Section Chief: _____

AFK/LL:MAC:kma

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 26, 2003

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 8, 2003
Item Nos. 088, 089, 090, 091, 092, 093,
094, 096, and 097

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTEROFFICE CORRESPONDENCE

TO: ☐ Design & Review
X PDM Attn. Kristen Weis
☐

DATE: September 29, 2003

PROJECT NAME: Honeygo Reclamation Center Southern Expansion
TYPE OF PLAN: Limited Exemption Development Plan
PLAN/REV. DATE: August 1, 2003

Staff of Environmental Impact Review (EIR) have reviewed the subject submission. The following recommendations are made:

☐ Approved X Disapproved

1. The preliminary forest conservation plan and worksneet must be revised to address the offsite reforestation requirements for both the southern expansion and the existing rubble fill including the Knight/Cellular Systems Supply minor subdivision that was to be addressed at the existing landfill. This combination of forest conservation requirements into one comprehensive reforestation effort was previously agreed to by the developer (see attached correspondence).
2. The outfall for the proposed, temporary sediment basin on phase 2 must be relocated out of the Forest Buffer, or at least further from the stream head. No utilities may be constructed in the Forest Buffer Easement unless an alternatives analysis approved by EIR demonstrates that there is no alternative that avoids the impact and that impacts can be adequately minimized and mitigated. Any alternative analysis must be approved by EIR prior to approval of the development plan.
3. A variance to the Regulations for the Protection of Water Quality, Streams, Wetlands, and Floodplains is required to fill the isolated wetlands onsite. No development plan will be approved by EIR until and unless this variance is granted. Should a variance be granted, wetland and buffer mitigation will likely be required as a condition thereof. An offsite wetland mitigation plan was submitted to EIR on September 25, 2003 and is under review.
4. A note must be added to the development plan on sheets D-5 through D-9 stating that the existing sediment basin #2 must be restored to original elevation and reforested upon abandonment of that facility as required by the DEPRM variance granted to allow its construction in the Forest Buffer Easement.
5. A note must be added to the development plan stating: "There shall be no clearing, grading or disturbance of, vegetation in either the Forest Buffer Easement and Forest Conservation Easement." This note must be on this and all plans submitted to Baltimore County for approval.
6. A note must be added to the development plan stating: "Any Forest Buffer Easement and Forest Conservation Easement shown hereon is subject to protective covenants, which may be found in the Land Records of Baltimore County and which restrict use

and disturbance of these areas." This note must be on this and all plans submitted to Baltimore County for approval.

7. This development plan must be reviewed and approved by the Waste Management Section of DEPRM.

X State and Federal review will be required. This will result in issuance (or denial) of a Corps of Engineers 404 Permit, a State Water Quality Certification, and/or a State Nontidal Wetlands Permit; a letter of no jurisdiction: or a letter of permission.

X An Environmental Agreement will be required. No permits shall be issued until any required mitigation and restoration is properly secured.

X No permits shall be issued for the expansion until all easements for the existing landfill, the expansion, and any offsite mitigation area are recorded in Baltimore County Land Records along with the appropriate Declarations of Protective Covenants.

X Channels exist onsite that may be regulated by the U.S. Army Corps of Engineers (COE) as Waters of the U.S. in accordance with the recent guidance found in the 2000 Nationwide Permit. These same areas may or may not be regulated by Baltimore County Code. You are advised that COE permits may be required to impact these channels. Based on these refined criteria, the COE can take jurisdiction on projects, including those under construction, and issue stop work orders and/or violation notices.

REVIEWER: Glenn Shaffer PHONE: 410-887-3980

Attachment

c. (no attachment) Jerry Siewierski, Waste Management
Bruce Seeley, Development Coordination

Hgrlctrexplex1.doc/sheir/gs

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

September 10, 2003

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 089 (JLL)

Dear Ms. Hart:

Please see the attached comments from the Maryland Transportation Authority.

Should you require any additional information regarding this subject, please contact Larry Gredlein at 410-545-5606 or by E-mail (lgredlein@sha.state.md.us).

Very truly yours,

for L. J. Gredlein

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 2, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 2, 2003

Item No.: 088 089 097

Dear Ms. Hart:

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

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS / TGT

DATE: October 1, 2003

SUBJECT: Zoning Item 04-089
Address Honeygo Run Reclamation Center

Zoning Advisory Committee Meeting of September 2, 2003

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

__X__ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

Additional Comments:

See the attached comments regarding the development plan.

Reviewer: Glenn Shaffer Date: October 1, 2003

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 13, 2004

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING & EXCEPTION
N & S/S Silver Spring Road, W/S Philadelphia Road
(10710 Philadelphia Road)
11th Election District; 5th Council District
Honeygo Run Reclamation Center, Inc et al – Petitioner(s)
Case No.: 04-089-SPHX

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated January 5, 2004 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

RECEIVED
JAN 13 2004
Per...

PMZ/CSD/rmw

cc: John Gontrum, Esquire, Whiteford, Taylor & Preston,
210 W Pennsylvania Avenue, Suite 500, Towson, MD 21204
John T. Willis, Esquire, Bowie & Jensen, 29 W Susquehanna Avenue, Towson, MD 21204

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

February 11, 2004

John Gontrum
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Ste. 400
Towson, MD 21204

Dear Mr. Gontrum:

RE: Case :04-089-SPHX, 10170 Philadelphia Road

Please be advised that an appeal of the above-referenced case was filed in this office on January 13, 2004 by People's Counsel and also on February 3, 2004 by John Willis attorney for the Sobczak Family, LLC. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Honeygo Run Reclamation Ctr., Mr. Auld, 10710 Philadelphia Rd., Perry Hall 21128
John T. Willis, Bowie & Jensen, 29 W. Susquehanna Avenue, Towson 21204

Printed on Recycled Paper

BOWIE & JENSEN, LLC

ATTORNEYS AT LAW
6TH FLOOR 29 W. SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
HTTP://WWW.BOWIE-JENSEN.COM/
INFO@BOWIE-JENSEN.COM
(410) 583-2400
FAX (410) 583-2437

JOHN T. WILLIS

WILLIS@BOWIE-JENSEN.COM

February 3, 2004

Department of Zoning
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Attn.: Timothy Kotroco, Director
Department of Permits and
Development Management

RE: PETITION FOR SPECIAL HEARING & EXCEPTION
N & S/S Silver Spring Road, W/S Philadelphia Road
(10710 Philadelphia Road)
11th Election District; 5th Council District
Honeygo Run Reclamation Center, Inc., et al - Petitioner(s)
Case No.: 04-089-SPHX

Dear Mr. Kotroco:

Please enter an appeal by Sobczak Family, LLC to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated January 5, 2004 by the Baltimore County Zoning Commissioner in the above-entitled case.

If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,

John T. Willis,
Attorney for Sobczak Family, LLC

cc: Dave M. Sobczak, President
Sobczak Family, LLC
John B. Gontrum, Esquire
Whiteford, Taylor & Preston,
210 W Pennsylvania Ave., Suite 500, Towson, MD 21204
Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County,
Room 47, Old Courthouse, 400 Washington Ave., Towson, MD 21204

RECEIVED
FEB 4 2004
04-254
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

APPEAL

Petition for Special Hearing & Special Exception
10710 Philadelphia Road
N & S/s Silver Spring Rd., W/s of Philadelphia Rd.
11th Election District – 5th Councilmanic District
Honeygo Run Reclamation Center, Inc., - Petitioner's

Case No.: 04-089-SPHX

Petition for Special Hearing and Special Exception (August 22, 2003)

Zoning Description of Property (Existing and Future Site Description)

Notice of Zoning Hearing (September 3, 2003)

Certification of Publication (September 30, 2003)

Certificate of Posting (September 27, 2003) by SSG Robert Black

Entry of Appearance by People's Counsel (September 5, 2003)

Petitioner(s) Sign-In Sheet
One Sheet

Protestant(s) Sign-In Sheet
One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit
1. David Taylor's Resume
2. Letter to Mr. Dexter of MD Dept. of Environment dated February 27, 2003
3A. Site Plan for Honeygo Run Reclamation Center, Southern Expansion
4. Not located in file.
5. Revised plan to accompany special exception and special hearing cover sheet.
6. Memorandum to Timothy Kotroco, from David Iannucci dated July 9, 2003.
7. Florin Gheorghiu's Resume
8. William Monk's Resume

Protestants' Exhibits:
1A. Letter dated August 13, 2002 to Edward Dexter
1B. Letter dated August 7, 2002 to Mr. Heiniger of Solid Waste
2. Groundwater Site Plan
3. Phase I Report
4A. Annual Tonnage Report (Calendar Year 2001)
4B. Annual Solid Waste Tonnage Report (Reporting Year 2002)
5. Analytical Summary Monitoring Report – 1st & 2nd Quarter 2002
6. Site Plan
7. Professional Profile of William Pellington

Miscellaneous (Not Marked as Exhibit)
1. Note to File
2. Hearing Officer's Opinion and Development Plan/Variance Order (12/14/93)
3. Entry of Appearance of John Willis
4. Memorandum dated July 9, 2003 to Timothy Kotroco
5. Letter dated December 20, 1993
6. Letter to Kristin Weis dated September 4, 2003
7. Memorandum (Statement of the Case)
8. Memorandum of Petitioner (Statement of the Case)

Zoning Commissioner's Order (January 5, 2004 - GRANTED)

Notice of Appeal received on January 13, 2004 from Peter Zimmerman of People's Counsel
And on February 3, 2004 from John T. Willis attorney for Sobczak Family

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
John Gontrum, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
John T. Willis, Bowie & Jensen, 29 W. Susquehanna Ave., Towson 21204
Mr. Auld, Honeygo Run Reclamation, 10710 Philadelphia Rd., Perry Hall 21128

date sent February 12, 2004 klm

MARYLAND TRANSPORTATION AUTHORITY

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Robert L. Flanagan
Chairman

Louise P. Hoblitzell
Walter E. Woodford, Jr., P.E.
Carolyn W. Evans
John B. Norris, Jr., P.E.
Rev. Dr. William C. Calhoun, Sr.
Andrew N. Barrow

Thomas L. Osborne
Executive Secretary

Engineering Division
300 Authority Drive
Baltimore MD 21222-2200
410-288-8470
410-288-8475 (fax)

410-355-7024 (TTY)
1-888-754-0098

e-mail: mdtaengineer@mdtransportationauthority.com

www.mdtransportationauthority.com

September 4, 2003

Ms. Rebecca Hart
Baltimore County
Office of Permits and Development
County Office Building, Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Subject: Honeygo Run Reclamation Center-Southern Expansion
Baltimore County
ZAC Agenda
I-95
Item #089

Dear Ms. Hart,

We have reviewed the plans you forwarded to the State Highway Administration for the expansion of the Honeygo Reclamation Center and found that the proposed improvements to I-95 will impact this property. While our plans aren't yet finalized, it would appear that the reconstruction of the White Marsh Boulevard (MD 43) interchange will, at a minimum, encroach into the County's required 100' buffer area along the ramp. Therefore it is requested that this 100' requirement be retained.

Thank you for the opportunity to comment. Should you have any questions, please feel free to contact Ms. Roxane Mukai at 410-288-8484.

Sincerely,

Keith A. Duerling, P.E.
Director, Division of Engineering

CC: Ms. Roxane Y. Mukai
Mr. Steve Hurtt
Mr. Larry Gredlein
Mr. Charles Harrison

PETITION OF:

SOBCZAK FAMILY LLC

CIVIL ACTION NO.: 3-C-04-10679

MATTER OF: HONEYGO RUN RECLAMATION

RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS AND THE BOARD'S RECORD EXTRACT AND TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE, AND ZONING COMMISSIONER'S FILE AND EXHIBITS.

CLERK'S OFFICE

DATE: November 29, 2004

Case Number _____

PLEASE *PRINT* LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
John T. Willis, Esq. Bowie Howard	29 W. Susquehanna Ave ~~Towson~~	Towson, Md	21204
On behalf of Sobczak Family LLC			

Revised 4/17/00

CASE NAME
CASE NUMBER
DATE

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
MARK PEDERSEN	4400 MT PISGAH RD	YORK, PA 17402	
MONTE KAMP	10710 PHILADELPHIA RD.	PERRY HALL MD 21128	
Donna Irons	140 Marks Rd.	Millersburg, PA 17061	
Bruce Campbell	100 W. Penna Ave 21204	Towson Md 21204	
Phillip Auld	Republic		
David TAYlor			

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
10710 Philadelphia Road; N & S/side of Silver Spring Road W of Philadephia Rd	*	ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts	*	FOR
Legal Owner(s): Honeygo Reclamation Ctr, Inc, Philip J Auld, Area President et al;	*	BALTIMORE COUNTY
Contract Purchaser(s): Honeygo Reclamation Ctr, Philip J Auld, President	*	04-089-SPHX
Petitioner(s)		

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of September, 2003, a copy of the foregoing Entry of Appearance was mailed to John B Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, St 400, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
SEP 05 2003
Per.....

BEFORE THE ZONING COMMISSION

FOR BALTIMORE COUNTY

IN RE: SPECIAL EXCEPTION HEARING	*	Case No.: 04-089-SPHX
1. A special exception for an		
excavation controlled in a	*	
M.L.R. zone 2. A special		
Exception 248.4A for a rubble	*	
landfill in a M.L.R. zone.		
10710 Philadelphia Road	*	
5th Councilmanic District		
Honeygo Run Reclamation Center, Inc.,	*	
Petitioner		

* * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of John T. Willis and BOWIE & JENSEN, LLC as counsel for the SOBCZAK FAMILY, LLC, adjacent property owner, in the above-captioned matter.

John T. Willis
Bowie & Jensen, LLC
29 W. Susquehanna Ave.
Suite 600
Towson, Maryland 21204
(410) 583-2400
Attorneys for Sobczak Family, LLC

cc: John B. Gontrum, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204
Attorney for Petitioner

Note to File

Based upon recent conversations with the petitioner's representatives, the Office of Planning is providing amended comments, rather than wait to receive the monetary remuneration for park improvements required in the original approval at some future date. The petitioner has agreed to forward fund the original amount of $200,000 in lieu of a future amount. Staff therefore recommends that the following condition be added to the approval of the petitioner's request.

Condition of Approval:
Prior to the issuance of any permits for the expansion of the Honeygo Reclamation Center beyond the limits as originally approved, the petitioner shall provide Baltimore County with $200,000 as agreed in the original 12/20/93 approval, for park improvements to be used in the general area.

04-089-SPHX

EXHIBITS

Pet No 1

DAVID L. TAYLOR, JR., ASLA

Morris & Ritchie Associates, Inc.
1220-C East Joppa Road
Suite 505
Towson, Maryland 21286

PROFESSIONAL EXPERIENCE

2001-Present Morris & Ritchie Associates, Inc. Towson, Maryland
Senior Landscape Architect / Planner

- Land planning, and landscape architecture.
- Prepare proposals, set budgets, monitor billing / accounts receivable.
- Supervise a staff of four (4) Landscape Architects, schedule workloads, prioritize project deadlines and delegate responsibilities.
- Set and enforce Quality Control standards.
- Client development and satisfaction.
- Provide project coordination among engineers, scientists, landscape architects, and planners from project inception to project completion.
- Project management and organization. Develop reports, feasibility studies, master plans and construction documents for Residential Subdivisions, Commercial Sites, Churches, Athletic Fields and Institutions.
- Public presentations, renderings and plan graphics.

1993-2001 Edsall & Associates LLC Columbus, Ohio
Associate,
Landscape Architect / Planner

- Project management and organization. Develop reports and construction documents for Urban Streetscapes, Multi-use Parks, Sports Complexes, Playgrounds, Bikeway Planning and Design. Project bids up to $3.5 million.
- Provide project coordination among consultant engineers, scientists and artists from project inception to project completion.
- Develop consistently accurate and thorough construction documents including layout, grading, subgrade drainage, detailing, landscaping, quantity and cost estimating.
- Project administration, construction observation, shop drawing review / approval.
- Master plan development, plan graphics and renderings.
- Provide conceptual and technical design guidance to staff landscape architects.
- Manage computer network and develop CADD /organizational standards.
- Develop and enforce all CADD standards.
- Research, recommend and purchase all hardware and software.
- Maintain and troubleshoot a five station peer-to-peer network with networked peripherals.
- Manage IT consultants.

EDUCATION

WEST VIRGINIA UNIVERSITY 1993 Morgantown, WV
Bachelor of Science in Landscape Architecture

CONTINUING EDUCATION

- Course work in statistics and CADD. Local and national seminars on landscape architecture, planning, information technology and horticulture.

PROFESSIONAL LICENSES, MEMBERHIPS AND AWARDS

- **Registered Landscape Architect** **1996, State of Ohio #835**
  2001, State of Maryland #3115
  2003, Commonwealth of Pennsylvania #LA002542
- Member, American Society of Landscape Architects (ASLA)
- Merit Award, American Society of Landscape Architects for Excellence in Undergraduate Studies

Professional Projects Receiving Awards:

- Wellington Park 2000 "Outstanding Award", Ohio Parks and Recreation Assoc.
- Broad Street Median Study 2000 "Merit Award", State of Ohio, ASLA
- Xenia Station 1998 "Way to Go Award", USEPA
- Fred Beekman Park 1998 "Merit Award", State of Ohio, ASLA

PROFESSIONAL PROJECT EXPERIENCE

ACADEMIC INSTITUTIONS, SCHOOLS AND PUBLIC FACILITIES

- Coppin State College, *Baltimore, Maryland*
- Kelton House Museum and Garden, *Columbus, Ohio*
- Westerville Community Center, *Westerville, Ohio*
- The Ohio State University West Campus Parking Lot, *Columbus, Ohio*
- Concord Elementary School Construction, *Troy, Ohio*
- Troy Police Facility, *Troy, Ohio*
- Sunken Garden Master Plan, Central State University, *Wilberforce, Ohio*
- Sunken Garden Construction, Central State University, *Wilberforce, Ohio*
- Easter Seal Rehabilitation Center Playground, *Columbus, Ohio*
- Village Academy School: Phase 2 Development, *Powell, Ohio*
- Streetsboro Police Facility, *Streetsboro, Ohio*
- Reynoldsburg Police Facility, *Reynoldsburg, Ohio*

BIKEWAY PLANNING AND DESIGN

- Alum Creek Bikeway / Leisure Path, *Westerville, Ohio*
- Xenia Station Bicycle Transportation Hub, *Xenia, Ohio*
- Graphic Design Manual Bicycle Friendly Community, *Greene County, Ohio*
- Gahanna Bikeway Master Plan & Report, *Gahanna, Ohio*

INSTITUTIONAL AND COMMERCIAL

- Klein's Super Market, *Jacksonville, Maryland*
- Northrop Grumman Corporation, *Baltimore, Maryland*
- Carroll Community Church, *Reisterstown, Maryland*
- Honeygo Run Reclamation Center, *Perry Hall, Maryland*

PARK AND RECREATION PLANNING

- Comprehensive Recreation Plan, *Greene County & Xenia, Ohio*
- Ross County Park District Master Plan, *Ross County, Ohio*
- Strategic Park, Recreation and Open Space Plan, *Westerville, Ohio*

PARKS AND RECREATION

- Columbus Zoo Amphitheater, *Powell, Ohio*
- Spring Street Parkway, *Columbus, Ohio*
- Shawnee Park Master Plan, *Xenia, Ohio*
- North Neighborhood Park: Phase I, *Powell, Ohio*
- Columbus Zoo Dinomation Exhibit, *Powell Ohio*
- Columbus Zoo Main Entrance / Amphitheater Area, *Powell, Ohio*
- Alum Creek Corridor Park Development Master Plan, *Westerville, Ohio*
- Fairgrounds Recreation Center Expansion Master Plan, *Greene County, Ohio*
- Wellington Park, *Dublin, Ohio*
- Oxford Community Park, *Oxford, Ohio*
- Hocking Hills State Park: Old Man's Cave Accessible Trail, *Hocking County, Ohio*

RESIDENTIAL SUBDIVISIONS

- Arthur Becker Property Subdivision, *Cockeysville, Maryland*
- Walker Station Subdivision, *Parkton, Maryland*
- Burns Property Subdivision, *Lutherville, Maryland*
- Ruppert Farms Subdivision, *Kingsville, Maryland*
- Gann Property Subdivision, *Cockeysville, Maryland*
- Arthur Tracey Property Subdivision, *Freeland, Maryland*
- Miller Property Subdivision, *Parkton, Maryland*
- Bartholme Property Subdivision, *Parkton, Maryland*
- Lee Property Subdivision, *Owings Mills, Maryland*
- Rauh Property Subdivision, *Freeland, Maryland*
- Becker Property Subdivision, *Lutherville, Maryland*

SPORTS COMPLEX DESIGN

- Graham Youth Athletic Association Sports Field Complex, *St. Paris, Ohio*
- The Ohio State University Recreation and Intramural Sports Fields Complex, *Columbus, Ohio*
- Westerville Sports Complex, *Westerville, Ohio*

URBAN PLANNING AND DESIGN

- Old Hilliard Revitalization Plan: Phase IV, *Hilliard, Ohio*
- Old Hilliard Revitalization Plan: Phase V, *Hilliard, Ohio*
- Old Dublin Signage & Graphic Guidelines, *Dublin, Ohio*
- Old Reynoldsburg Main Street Revitalization, *Reynoldsburg, Ohio*
- Oakwood Comprehensive Business District Study & Guidelines, *Oakwood, Ohio*
- Old Powell Villagescape Plan, *Powell, Ohio*
- Old Powell Villagescape Streetscape Improvements, *Powell, Ohio*
- Central Business District Streetscape, *Worthington, Ohio*

URBAN PLANNING AND DESIGN (Cont.)

- Central Business District Streetscape Construction, *Worthington, Ohio*
- Broad Street Median Study, *Columbus, Ohio*
- State Teachers Retirement System Streetscape, *Columbus, Ohio*
- Broad Street Median Project Construction Documents, *Columbus, Ohio*

Baltimore County
Department of Public Works

Office of the Director
111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3300
Fax: 410-887-3406

February 27, 2003

Mr. Edward M. Dexter, Administrator
Maryland Department of the Environment
Solid Waste Program
1800 Washington Blvd., Suite 605
Baltimore, MD 21230

Dear Mr. Dexter:

Transmitted herewith is a copy of the Baltimore County Council resolution which approves amending the Baltimore County Solid Waste Management Plan to include the attached proposal of Republic Services Company to expand the Honeygo Run Reclamation Center.

If you have any questions, contact Stephen G. Lippy of the Bureau of Solid Waste Mangement.

Sincerely yours,

Edward C. Adams, Jr.

ECA/MBR/SGL:rdn

Attachments

C: Phil Auld
John B. Gontrum
George G. Perdikakis
Charles M. Reighart

MAR 3 2003

County Council
of
Baltimore County

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

S.G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

February 24, 2003

Ed Adams, Director
Department of Public Works
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Adams:

Attached please find a copy of Resolution 18-03 amending the 1992 Solid Waste Management Plan to include a proposed expansion of the Honeygo Run Reclamation Center, Inc., an existing rubble landfill located on Philadelphia Road and Silver Spring Roads in Eastern Baltimore County.

This Resolution was approved by the County Council at its February 20, 2003 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

r01803.publicworks.wpd

RECEIVED
FEB 2003

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2003, Legislative Day No. 4

Resolution No. 18-03

Mr. Kevin Kamenetz, Chairman
By Request of County Executive

By the County Council, February 20, 2003

A RESOLUTION for the purpose of amending the 1992 Solid Waste Management Plan to include a proposed expansion of the Honeygo Run Reclamation Center, Inc., an existing rubble landfill located on Philadelphia and Silver Spring Roads in Eastern Baltimore County.

WHEREAS, the Director or Public Works is required to provide for the solid waste management needs of Baltimore County and the rubble landfill capacity of Baltimore County is limited, and, moreover, the only other privately owned and operated rubble landfill located within the County will reach capacity and be closed during 2003; and

WHEREAS, an amendment to the Baltimore County Solid Waste Management Plan is required for Republic Services Company to proceed with plans to expand its Honeygo Run Reclamation Center, Inc., a rubble landfill at Philadelphia and Silver Spring Roads, by 49.8 acres, and to obtain the necessary permits; and

WHEREAS, the proposal of Republic Services Company to expand the Honeygo Run Reclamation Center, Inc., has been aired at Solid Waste Management public meetings during a two year period, and the Company's intention to expand by 49.8 acres

READ AND PASSED this ***20th*** day of ***February,*** 2003.

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

ITEM: ***RESOLUTION 18-03***

Honeygo Run Reclamation Center

A Republic Services Company

Edward C. Adams Jr. , Director
Baltimore County Department of Public Works
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

August 16, 2002

Re: Honeygo Run Reclamation Center

Dear Mr. Adams:

Honeygo Run Reclamation Center, Inc. wishes to request Baltimore County to amend its existing Solid Waste Management Plan to provide for an expansion/addition to its existing rubble landfill located on Philadelphia and Silver Spring Roads in eastern Baltimore County. The existing rubble landfill is an important component of Baltimore County's recyling efforts in that much of the concrete and clearing debris brought for disposal to the facility is recycled into usable aggregate and mulch. The facility also provides a much needed waste disposal facility.

The existing facility, however, does not have the capacity anticipated at its inception and as presented in the current Solid Waste Management Plan due, in part, to the determination that the facility should be lined as an additional measure to protect ground water. The grading and redesign necessitated by this added safeguard has substantially reduced the remaining life expectancy of the existing rubble landfill. As a result, less than three (3) years of capacity remain.

Attached to this request is a proposed description of the addition to the facility, similar in format to the one used in the existing plan. At the proposed capacity and with the remaining permitted airspace, the landfill is expected to have ten (10) years of life at the expected annual volumes. Baltimore County rubble waste will be accepted for the life of the landfill for both recycling and placement in the fill. In the end, as with the existing facility, it is anticipated that the site would be turned over to the county for community use.

It is our understanding that the property will need to be posted by us, and the requested amendment to the solid waste management plan will be advertised for a public hearing and comment. We also understand that it is our obligation to cover the costs of posting and advertising the public hearing, and the bills for same may be sent directly to us for payment.

Given the limited life expectancy of the existing fill and for the foregoing reasons, time is of the essence. Your assistance in this regard, therefore, is much appreciated.

Very truly yours,

Phil Auld, President

10710 Philadelphia Road • Perry Hall, Maryland 21128
Phone: 410-335-9500 • Fax: 410-335-1743

HONEYGO RUN RECLAMATION CENTER, INC.
PROJECT ADDITION

Location: Route 7 and Silver Spring Road
White Marsh, Maryland 21162
(See attached map)

Owner: Honeygo Run Reclamation Center, Inc.

Operator: Honeygo Run Reclamation Center, Inc.
10710 Philadelphia Road
Perry Hall, Maryland 21128

Purpose: To reclaim an existing sand and gravel pit. An open mining permit still exists on a portion of the site. A current permit for operation of a rubble landfill exists on a portion of the site, which has current zoning and development approvals. The existing site is comprised of approximately 68 acres containing both the landfill and recycling facilities. The current fill originally was projected to have a capacity of approximately 4,000,000 bcy. The current fill as of December 31, 2001, had an estimated remaining capacity of 1,475,684 bcy. An addition to the existing site of approximately 50 acres is proposed. Of this area, approximately 41 acres will be additional fill. The anticipated expansion should add a minimum of approximately 5,600,000 bcy of capacity for a total remaining minimum capacity of approximately 7,075,684 bcy. The owner/operator will work with the County and with the community in the development of a reclamation plan and a grading plan for the site. It is expected that in the end, a substantial area will be offered to the county for the use and benefit of the local community.

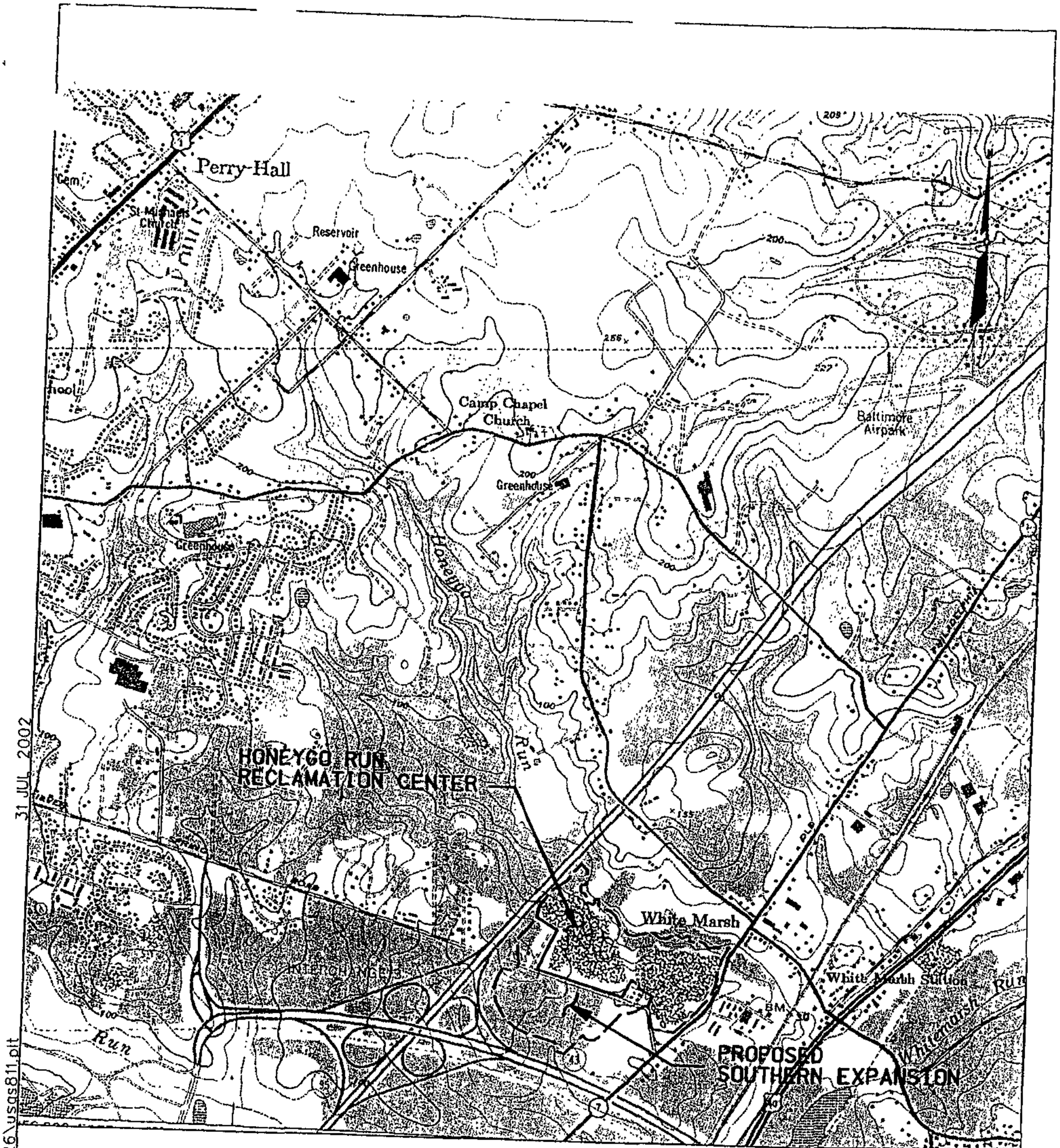
Size:

Existing parcel of land	68.18 acres
Proposed area of additional parcels of land	49.8 acres
Existing area of actual rubble landfill	38.9 acres
Proposed additional area of actual landfill	41.1 acres
Total actual rubble land fill coverage as expanded	80 acres

Types of Waste: Recycling and waste materials generated in Baltimore County and also outside Baltimore County. During the life of the landfill waste materials generated in Baltimore County will be accepted at the site. Materials will be accepted both for placement in the fill and for recycling. The types of acceptable waste will be comparable to existing facility. (See Pages C-41 and C-42 of the Solid Waste Management Plan.)

Recycling: To operate a Commercial Recycling Center for the following materials:

- Asphalt
- Concrete



EARTH TECH

FIGURE 1

USGS MAP

1" =2000'
WHITE MARSH, MD
1949, PHOTOREVISED 1986

JUNE 2002

PROJECT 53026

ED- 08-14
This is being sent to you per your telephone conversation with George Perdikakis.

BA → RK file
Honeygo
Pfe

neygo Run Reclamation Center, Inc.
10710 Philadelphia Road
Perry Hall, MD 21128
410-335-9500

August 13, 2002

RECEIVED
AUG 16 2002
SOLID WASTE PROGRAM

Prot NO 1 A

Maryland Department of the Environment
Solid Waste Program
2500 Broening Highway
Baltimore, MD 21224

Attention: Edward Dexter
Administrator

Subject: Waste Identification Correspondence
Honeygo Run Reclamation (HGR) – Perry Hall, MD

Dear Mr. Dexter:

This letter serves as the written follow-up to our 07/08/02 telephone conversation concerning the acceptance of a total of 118 tons of industrial waste from the C.P. Crane Power Plant. After a complete investigation, it was determined that non-hazardous industrial waste, consisting of baghouse filter bags, was inadvertently taken to, and received at our facility during the time period 10/19/01 to 02/22/02. The hauler identified the waste as construction/demolition waste upon entering the landfill. Attached, please find a detailed description of the filter bags from Constellation Power Source Generation.

The actions being taken to prevent similar future incidents include the following items:

- The retraining of HGR on-site personnel for special waste conducted within 60 days.
- Special waste training for all sales/sales support personnel conducted within 90 days.
- Periodic unannounced working face inspections conducted by special waste manager. This will be initiated within 30 days.
- Installation of a camera system with new scale/scale house to view all loads when entering the landfill. This will be completed within 120 days.

Honeygo Run Reclamation takes compliance very serious and conducts all business to ensure 100% environmental compliance. We will aggressively pursue the outlined actions to help maintain the Department's confidence. Please feel free to contact me at 410-335-9500 if you have any questions concerning this correspondence.

Sincerely,

Monte Kamp MCP

Monte Kamp
General Manager

cc: HGR File

1000 Brandon Shores Road
Baltimore, Maryland 21226

Constellation
Power Source Generation

A Member of the
Constellation Energy Group

FILE-
HONEYGO
RUBBLE FILL

Prof
1B

t 7, 2002

RECEIVED
AUG 0 9 2002
COMPLIANCE ENFORCEMENT &
DATA MANAGEMENT DIVISION

Robert Heiniger
Solid Waste Program
Waste Management Administration
Maryland Department of the Environment
2500 Broening Highway
Baltimore, MD 21224

Dear Mr. Heiniger:

This letter is a follow up to our phone conversation on August 5, 2002, when I reported the inadvertent disposal of non-hazardous baghouse filter bags from our C. P. Crane Power Plant at Honeygo Run Reclamation Center in Perry Hall, Maryland. Unfortunately, this incident demonstrates that CPSG needs to remain more actively involved in the disposal of our non-hazardous industrial waste to ensure proper disposal. This will be accomplished through revised environmental work practices and training. The information below documents what happened, the non-hazardous nature of the material, the quantity, and time when the disposal occurred.

The C. P. Crane Power Plant burns mid-sulfur coal to produce electricity. Ash resulting from the combustion of the coal collects in hoppers and is removed from the flue gas using a baghouse. The baghouse filters the air similar to a vacuum cleaner and collects the ash in fiberglass bags. The bags require replacement every 5-7 years resulting in a waste stream that contains the filter bags and residual fly ash that could not be easily separated from the bags. The bags are supported by cadmium coated steel and stainless steel rings.

The C. P. Crane coal ash is a non-hazardous industrial waste that is exempt from hazardous waste regulation under the Beville Determination. However, samples of the coal ash have been analyzed monthly for TCLP metals for over 10 years. None of these routine samples have ever failed the regulatory TCLP requirements (see attached TCLP data).

The used baghouse filter assemblies were TCLP tested in 1995 and 1989 (results are attached). The TCLP results show that the composite samples passed all TCLP requirements with the exception of arsenic and selenium in the 1995 sample. The slightly elevated arsenic and selenium results are inconsistent with the > 10 year history of monthly TCLP results indicating that the ash is non-hazardous. Since the source of the arsenic and selenium is the ash, it is more

appropriate to use the results of the historical TCLP database to demonstrate the non-hazardous nature of this material. Cadmium results of the two filter composite samples (<0.05 mg/L, 0.09 mg/L) were well below the regulatory limits, which was a concern due to the cadmium coating on some of the filter bag assemblies. The baghouse filters have always been disposed of as non-hazardous waste in the past and there is no reason to believe these would have any different characteristics.

The filter bag removal and replacement was performed by BHA Group, Inc. This contractor was also made responsible for waste disposal to facilitate coordination of waste generation with disposal. BHA Group subcontracted the filter bag disposal to Calvert Trash, who then determined the disposal location. An MSDS on the flyash was provided to BHA to assist with waste determination. Apparently no additional information was requested. Calvert Trash delivered the filter bags to the Honeygo Run Reclamation facility between the dates of 11/19/01 – 2/22/02. The total weight was approximately 119 tons. I became aware that this material went to Honeygo Run in July following my efforts to determine the disposal location for ECPRA Section 313 reporting purposes.

Please contact me if you have any questions or need any additional information (410-787-5456).

Sincerely,

Yvonne A. Dedrickson

Yvonne A. Dedrickson
Sr. Engineer
Environmental Management Section

Attachments:
Historical coal ash TCLP data
TCLP data on historical baghouse filter wastes

TABLE F-1

EP/TCLP Test Results

C.P. Crane Ash

Sample Date	Unit Source	Cl	CN	F	NH_4	NO_4	NO_2	NO_3	Pb	SO_4	As	Ba	Be	Cd	Ca	Cr(VI)	Cr	Cu
12/01/93	(1&2)	19.0	*	1.30	*	*	*	*	*	1300	0.022	0.160	*	0.0140	*	*	0.0280	*
01/06/94	(1)	27.0	*	1.40	*	*	*	*	*	1400	0.022	0.380	*	0.0180	*	*	0.0180	*
02/16/94	(1)	42.0	*	1.30	*	*	*	*	*	1500	0.020	0.220	*	0.0290	*	*	0.1300	*
03/16/94	(1&2)	45.0	*	1.80	*	*	*	*	*	1500	0.011	1.000	*	0.0190	*	*	0.3000	*
04/13/94	(2)	7.0	*	1.10	*	*	*	*	*	1500	< 0.005	0.280	*	0.0240	*	*	0.0420	*
05/11/94	(1&2)	20.0	*	1.60	*	*	*	*	*	1200	< 0.005	< 1.000	*	0.0180	*	*	0.0540	*
06/08/94	(1&2)	7.0	*	1.40	*	*	*	*	*	1800	< 0.005	< 1.000	*	0.0230	*	*	0.0530	*
07/13/94	(1&2)	10.0	*	1.40	*	*	*	*	*	1800	0.014	< 1.000	*	0.0320	*	*	0.0840	*
08/10/94	(1&2)	4.0	*	1.60	*	*	*	*	*	1600	0.009	0.320	*	0.0300	*	*	0.1200	*
09/21/94	(1&2)	74.0	*	2.00	*	*	*	*	*	1400	0.015	0.150	*	0.0290	*	*	0.1200	*
10/14/94	(1&2)	7.0	*	2.00	*	*	*	*	*	1300	0.009	< 1.000	*	0.2400	*	*	0.1600	*
11/16/94	(1&2)	12.0	*	1.90	*	*	*	*	*	1300	0.014	< 1.000	*	0.0250	*	*	0.1900	*
12/07/94	(1&2)	15.0	*	1.60	*	*	*	*	*	1400	0.014	< 1.000	*	0.0048	*	*	0.0420	*
02/01/95	(1&2)	17.0	*	1.60	*	*	*	*	*	2000	0.020	< 1.000	*	0.0320	*	*	0.0300	*
03/08/95	(1&2)	20.0	*	1.20	*	*	*	*	*	2000	0.017	< 1.000	*	0.0260	*	*	0.0640	*
04/12/95	(1)	12.0	*	1.20	*	*	*	*	*	2100	0.024	< 1.000	*	0.0180	*	*	0.0390	*
05/17/95	(1)	15.0	*	0.60	*	*	*	*	*	2000	0.110	< 1.000	*	0.0330	*	*	0.0110	*
06/21/95	(1&2)	14.0	*	0.50	*	*	*	*	*	1800	0.014	< 1.000	*	0.0280	*	*	0.0160	*
07/19/95	(1&2)	29.0	*	0.70	*	*	*	*	*	530	0.140	< 1.000	*	0.0055	*	*	0.0250	*
08/16/95	(1&2)	24.0	*	0.80	*	*	*	*	*	1700	0.091	< 1.000	*	0.0210	*	*	0.0460	*
10/18/95	(1&2)	24.0	*	1.30	*	*	*	*	*	1800	0.015	< 1.000	*	0.0250	*	*	0.0360	*
11/17/95	(1&2)	18.0	*	1.10	*	*	*	*	*	2100	0.048	< 1.000	*	0.0220	*	*	0.1200	*
12/20/95	(1&2)	23.0	*	0.40	*	*	*	*	*	2000	0.310	< 1.000	*	0.0170	*	*	0.1200	*
01/31/96	(1&2)	17.0	*	1.10	*	*	*	*	*	1900	0.022	< 1.000	*	0.0220	*	*	0.0090	*
02/28/96	(1&2)	1.4	*	0.10	*	*	*	*	*	1900	0.017	< 1.000	*	0.0280	*	*	0.0150	*
03/20/96	(1&2)	24.0	*	0.80	*	*	*	*	*	1700	0.120	< 1.000	*	0.0079	*	*	0.0200	*
04/24/96	(1&2)	12.0	*	1.20	*	*	*	*	*	1500	0.024	< 1.000	*	0.0240	*	*	0.0550	*
05/22/96	(1&2)	15.0	*	1.70	*	*	*	*	*	840	0.017	< 1.000	*	0.0210	*	*	0.0230	*
06/26/96	(1&2)	< 1.0	*	1.40	*	*	*	*	*	1100	0.032	< 0.200	*	0.0110	*	*	0.1100	*
07/31/96	(1&2)	1.0	*	0.90	*	*	*	*	*	1200	0.074	0.240	*	0.0190	*	*	0.0700	*
08/14/96	(1&2)	6.0	*	1.00	*	*	*	*	*	850	0.022	< 0.200	*	0.0200	*	*	0.0700	*
09/18/96	(1&2)	2.0	*	1.40	*	*	*	*	*	800	0.042	< 0.200	*	0.0230	*	*	0.1400	*
10/23/96	(1&2)	3.0	*	1.30	*	*	*	*	*	1050	0.028	< 0.200	*	0.0230	*	*	0.1400	*
11/13/96	(1&2)	3.0	*	1.40	*	*	*	*	*	800	0.020	< 0.200	*	0.0150	*	*	0.0800	*
12/11/96	(1&2)	6.0	*	1.20	*	*	*	*	*	1275	0.028	< 0.200	*	0.0160	*	*	0.0800	*
01/22/97	(1)	< 0.3	*	2.00	*	*	*	*	*	1350	0.030	< 0.200	*	0.0190	*	*	0.1100	*
02/26/97	(1)	17.0	*	2.00	*	*	*	*	*	1150	0.019	< 0.200	*	0.0180	*	*	< 0.0500	*
03/12/97	(1)	8.0	*	1.20	*	*	*	*	*	1100	0.026	< 0.200	*	0.0250	*	*	0.1000	*

TABLE F-1 (continued)
EP/TCLP Test Results
C.P. Crane Ash

Sample Date	Unit Source	Fe	Pb	Mg	Mn	Hg	Ni	K	Se	Ag	Na	Zn	Phenols	Al	Sb	Tl
12/01/93	(1&2)	< 0.100	0.005	*	0.680	< 0.0005	*	*	0.012	< 0.0010	*	*	*	*	*	*
01/06/94	(1)	1.100	0.026	*	0.910	< 0.0005	*	*	0.012	< 0.0010	*	*	*	*	*	*
02/16/94	(1)	0.700	0.023	*	0.930	< 0.0005	*	*	0.015	< 0.0010	*	*	*	*	*	*
03/16/94	(1&2)	0.500	0.170	*	0.740	< 0.0005	*	*	0.010	< 0.0010	*	*	*	*	*	*
04/13/94	(2)	0.100	0.013	*	0.700	< 0.0005	*	*	0.006	< 0.0010	*	*	*	*	*	*
05/11/94	(1&2)	0.700	< 0.005	*	0.970	< 0.0005	*	*	0.009	< 0.0010	*	*	*	*	*	*
06/08/94	(1&2)	0.700	< 0.005	*	1.200	< 0.0005	*	*	0.005	< 0.0010	*	*	*	*	*	*
07/13/94	(1&2)	0.300	0.028	*	0.890	< 0.0005	*	*	< 0.005	< 0.0010	*	*	*	*	*	*
08/10/94	(1&2)	0.700	0.018	*	0.960	< 0.0005	*	*	0.009	< 0.0010	*	*	*	*	*	*
09/21/94	(1&2)	0.300	0.010	*	0.990	< 0.0005	*	*	0.006	< 0.0010	*	*	*	*	*	*
10/14/94	(1&2)	0.370	0.006	*	0.840	< 0.0005	*	*	< 0.005	< 0.0010	*	*	*	*	*	*
11/16/94	(1&2)	0.700	0.022	*	0.081	< 0.0005	*	*	0.006	< 0.0010	*	*	*	*	*	*
12/07/94	(1&2)	0.500	0.018	*	0.960	< 0.0005	*	*	< 0.005	< 0.0010	*	*	*	*	*	*
02/01/95	(1&2)	0.500	0.020	*	0.850	< 0.0005	*	*	< 0.005	< 0.0010	*	*	*	*	*	*
03/08/95	(1&2)	< 0.100	0.005	*	0.910	< 0.0005	*	*	0.100	< 0.0010	*	*	*	*	*	*
04/12/95	(1)	< 0.100	< 0.005	*	0.600	< 0.0005	*	*	0.110	< 0.0010	*	*	*	*	*	*
05/17/95	(1)	< 0.100	< 0.005	*	0.700	< 0.0005	*	*	0.160	< 0.0010	*	*	*	*	*	*
06/21/95	(1&2)	< 0.100	0.007	*	0.780	< 0.0005	*	*	0.130	< 0.0010	*	*	*	*	*	*
07/19/95	(1&2)	< 0.100	< 0.005	*	0.260	0.0100	*	*	0.069	< 0.0010	*	*	*	*	*	*
08/16/95	(1&2)	< 0.100	< 0.005	*	0.630	< 0.0005	*	*	0.170	< 0.0010	*	*	*	*	*	*
10/18/95	(1&2)	< 0.100	< 0.006	*	0.990	< 0.0005	*	*	< 0.005	< 0.0010	*	*	*	*	*	*
11/17/95	(1&2)	< 0.100	< 0.010	*	0.660	< 0.0005	*	*	0.140	< 0.0010	*	*	*	*	*	*
12/20/95	(1&2)	< 0.100	< 0.005	*	0.520	< 0.0005	*	*	0.170	< 0.0010	*	*	*	*	*	*
01/31/96	(1&2)	< 0.100	0.008	*	0.810	< 0.0005	*	*	0.041	< 0.0010	*	*	*	*	*	*
02/28/96	(1&2)	< 0.100	0.009	*	0.930	< 0.0005	*	*	0.023	< 0.0010	*	*	*	*	*	*
03/20/96	(1&2)	< 0.100	< 0.005	*	0.480	< 0.0005	*	*	0.084	< 0.0010	*	*	*	*	*	*
04/24/96	(1&2)	< 0.100	0.009	*	0.66	< 0.0005	*	*	0.029	< 0.0010	*	*	*	*	*	*
05/22/96	(1&2)	< 0.100	0.006	*	0.750	< 0.0005	*	*	0.027	< 0.0010	*	*	*	*	*	*
06/26/96	(1&2)	0.180	< 0.003	*	0.62	< 0.0010	*	*	0.020	< 0.0020	*	*	*	*	*	*
07/31/96	(1&2)	0.120	0.009	*	0.460	< 0.0010	*	*	< 0.010	< 0.0020	*	*	*	*	*	*
08/14/96	(1&2)	0.140	0.006	*	0.510	< 0.0010	*	*	< 0.010	< 0.0020	*	*	*	*	*	*
09/18/96	(1&2)	0.770	0.009	*	1.040	< 0.0010	*	*	< 0.010	< 0.0020	*	*	*	*	*	*
10/23/96	(1&2)	0.700	0.012	*	0.630	< 0.0010	*	*	< 0.010	< 0.0020	*	*	*	*	*	*
11/13/96	(1&2)	< 0.100	< 0.003	*	0.530	< 0.0010	*	*	0.018	< 0.0020	*	*	*	*	*	*
12/11/96	(1&2)	1.090	0.003	*	0.650	< 0.0010	*	*	< 0.010	< 0.0020	*	*	*	*	*	*
01/22/97	(1)	0.280	< 0.003	*	1.100	< 0.0001	*	*	< 0.010	< 0.0001	*	*	*	*	*	*
02/26/97	(1)	0.240	< 0.003	*	0.820	*	*	*	< 0.010	< 0.0010	*	*	*	*	*	*
03/12/97	(1)	< 0.280	< 0.005	*	0.690	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*

TABLE F-1

EP/TCLP Test Results

C.P. Crane Ash

Sample Date	Unit Source	Cl	CN	F	NH_4	NO_4	NO_2	NO_3	Pb	SO_4	As	Ba	Be	Cd	Ca	Cr(VI)	Cr	Cl
04/09/97	(1)	0.5	*	1.60	*	*	*	*	*	1200	0.029	0.140	*	0.0200	*	*	0.1400	*
05/14/97	(1&2)	< 0.3	*	1.40	*	*	*	*	*	1300	0.088	0.210	*	0.0230	*	*	0.6300	*
06/05/97	(1&2)	10.0	*	1.00	*	*	*	*	*	1400	0.021	0.140	*	0.0210	*	*	0.0500	*
07/09/97	(1)	12.0	*	1.20	*	*	*	*	*	1450	0.021	0.150	*	0.0190	*	*	0.1300	*
08/06/97	(1)	10.0	*	0.70	*	*	*	*	*	1650	0.018	< 0.200	*	0.0140	*	*	0.0600	*
09/07/97	(1)	8.0	*	1.60	*	*	*	*	*	1350	0.062	0.180	*	0.0180	*	*	0.2300	*
10/01/97	(1)	12.0	*	1.30	*	*	*	*	*	1700	0.046	< 0.200	*	0.0210	*	*	< 0.0500	*
11/20/97	(1)	16.0	*	0.10	*	*	*	*	*	90	0.028	0.440	*	0.0080	*	*	< 0.0500	*
12/04/97	(1&2)	6.0	*	1.30	*	*	*	*	*	1450	0.010	< 0.200	*	0.0220	*	*	0.1100	*
01/14/98	(1&2)	14.0	*	1.00	*	*	*	*	*	1700	0.111	< 0.200	*	0.0230	*	*	< 0.0500	*
02/11/98	(1&2)	11.0	*	0.50	*	*	*	*	*	1700	0.065	< 0.200	*	0.0260	*	*	< 0.0500	*
03/05/98	(1&2)	11.0	*	1.20	*	*	*	*	*	1150	0.022	< 0.200	*	0.1640	*	*	0.1600	*
04/15/98	(1&2)	5.0	*	1.00	*	*	*	*	*	1150	0.027	< 0.200	*	0.0140	*	*	0.6500	*
05/13/98	(1&2)	6.0	*	0.70	*	*	*	*	*	1600	< 0.010	< 0.200	*	0.0120	*	*	0.8500	*
06/10/98	(1&2)	5.0	*	0.70	*	*	*	*	*	1650	0.036	< 0.200	*	0.0120	*	*	< 0.0500	*
07/15/98	(1&2)	11.0	*	1.30	*	*	*	*	*	140	0.019	0.230	*	0.0160	*	*	0.1100	*
08/12/98	(1&2)	6.0	*	1.10	*	*	*	*	*	1550	0.029	0.250	*	0.0050	*	*	0.1300	*
09/16/98	(1&2)	10.0	*	0.60	*	*	*	*	*	1345	0.049	0.200	*	0.0040	*	*	< 0.0500	*
10/14/98	(1)	100.0	*	1.00	*	*	*	*	*	1850	0.053	< 0.200	*	0.0090	*	*	< 0.0500	*
11/18/98	(1)	6.0	*	1.20	*	*	*	*	*	954	0.040	< 0.200	*	0.0110	*	*	< 0.0500	*
12/09/98	(1)	5.0	*	0.40	*	*	*	*	*	1380	0.061	< 0.200	*	0.0140	*	*	0.0500	*
01/26/99	(2)	1.0	*	1.00	*	*	*	*	*	1260	0.049	0.220	*	0.0160	*	*	2.6900	*
02/24/99	(2)	4.0	< 0.02	0.70	*	*	*	*	*	1340	0.031	< 0.200	0.002	0.0160	*	*	0.8500	0.2
03/25/99	(1&2)	< 1.0	< 0.02	0.60	*	*	*	*	*	1652	0.106	< 0.200	< 0.001	0.0040	*	*	0.8800	0.0
04/21/99	(1&2)	6.0	< 0.02	0.90	*	*	*	*	*	1614	0.022	< 0.200	0.001	0.0140	*	*	0.8500	0.1
05/13/99	(1&2)	9.0	< 0.02	1.00	*	0.5	*	*	*	1596	0.048	< 0.200	0.003	0.0160	*	*	0.9100	0.2
06/25/99	(1&2)	6.0	< 0.02	0.70	*	*	*	*	*	2026	0.175	0.135	< 0.002	0.0020	*	*	0.1560	0.0
07/28/99	(1&2)	39.0	< 0.02	0.60	*	*	*	*	*	15	0.045	0.112	*	0.0150	*	*	0.0220	*
09/22/99	(1&2)	< 1.0	*	1.30	*	*	*	*	*	1346	0.534	0.913	*	0.0640	*	*	0.6590	*
09/22/99	(1&2)	10.0	*	0.80	*	*	*	*	*	1793	0.666	0.841	*	0.0140	*	*	1.0600	*
10/13/99	(1&2)	5.0	< 0.02	1.90	*	*	*	*	*	2317	0.226	0.152	< 0.002	< 0.0020	*	*	0.2670	*
11/03/99	(1&2)	6.0	< 0.02	1.00	*	*	*	*	*	1425	0.162	0.207	< 0.002	< 0.0020	*	*	0.3230	*
12/08/99	(1&2)	7.0	< 0.02	< 1.00	*	*	*	*	*	1737	0.125	0.504	< 0.002	< 0.0020	*	*	0.4120	*
04/01/00	(1&2)	< 1.0	< 0.02	< 0.10	*	*	< 0.10	5.40	< 0.002	1621	0.168	0.181	< 0.002	< 0.0020	*	*	0.4580	0.0
04/12/00	(1&2)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05/01/00	(1&2)	< 1.0	< 0.02	0.50	*	*	< 0.10	8.00	< 0.002	1232	0.092	0.248	< 0.002	< 0.0020	*	*	0.2600	0.0
05/05/00	(1&2)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07/25/00	(na)	4.0	< 0.02	0.70	*	*	< 0.10	3.30	0.019	1668	0.086	0.216	< 0.002	0.0060	*	*	0.0160	0.0

TABLE F-1 (continued)
EP/TCLP Test Results
C.P. Crane Ash

Sample Date	Unit Source	Fe	Pb	Mg	Mn	Hg	Ni	K	Se	Ag	Na	Zn	Phenols	Al	Sb	Tl	pH
04/09/97	(1)	0.200	0.004	*	1.040	< 0.0010	*	*	0.018	< 0.0010	*	*	*	*	*	*	8.3
05/14/97	(1&2)	4.600	0.005	*	1.450	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	8.7
06/05/97	(1&2)	0.180	0.004	*	1.170	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	8.8
07/09/97	(1)	0.240	0.006	*	0.940	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	8.6
08/06/97	(1)	< 0.100	0.006	*	0.720	< 0.0010	*	*	0.015	< 0.0010	*	*	*	*	*	*	9.6
09/07/97	(1)	1.930	0.010	*	0.720	< 0.0010	*	*	0.039	< 0.0010	*	*	*	*	*	*	8.8
10/01/97	(1)	0.820	0.007	*	0.820	< 0.0010	*	*	< 0.010	0.0010	*	*	*	*	*	*	8.7
11/20/97	(1)	< 0.100	0.004	*	0.070	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	8.8
12/04/97	(1&2)	< 0.100	0.003	*	0.570	< 0.0010	*	*	0.014	< 0.0010	*	*	*	*	*	*	9.0
01/14/98	(1&2)	0.690	0.026	*	0.060	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	9.9
02/11/98	(1&2)	< 0.100	< 0.003	*	0.050	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	9.0
03/05/98	(1&2)	0.470	0.004	*	0.570	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	9.2
04/15/98	(1&2)	0.210	< 0.003	*	0.630	< 0.0010	*	*	0.013	< 0.0010	*	*	*	*	*	*	9.4
05/13/98	(1&2)	0.140	< 0.003	*	0.690	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	9.5
06/10/98	(1&2)	0.160	< 0.003	*	0.420	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	8.9
07/15/98	(1&2)	1.210	0.006	*	0.680	< 0.0010	*	*	0.011	< 0.0010	*	*	*	*	*	*	9.4
08/12/98	(1&2)	1.420	0.005	*	0.480	< 0.0010	*	*	0.160	< 0.0010	*	*	*	*	*	*	8.3
09/16/98	(1&2)	1.020	< 0.003	*	0.520	< 0.0010	*	*	0.013	< 0.0010	*	*	*	*	*	*	8.2
10/14/98	(1)	1.010	< 0.004	*	0.470	< 0.0010	*	*	0.042	< 0.0010	*	*	*	*	*	*	8.0
11/18/98	(1)	1.590	0.003	*	0.540	< 0.0010	*	*	< 0.010	< 0.0010	*	*	*	*	*	*	9.4
12/09/98	(1)	0.130	< 0.003	*	0.500	< 0.0010	*	*	0.034	< 0.0010	*	*	*	*	*	*	9.4
01/26/99	(2)	2.030	< 0.003	*	0.560	< 0.0010	*	*	0.009	< 0.0010	*	*	*	*	*	*	8.7
02/24/99	(2)	2.180	< 0.003	*	0.920	< 0.0010	0.261	*	0.017	< 0.0010	*	0.920	*	2.800	0.005	0.077	8.9
03/25/99	(1&2)	1.840	< 0.003	*	0.550	< 0.0010	0.189	*	0.031	< 0.0010	*	0.130	*	*	*	*	10.2
04/21/99	(1&2)	1.440	< 0.003	*	0.870	< 0.0010	0.205	*	0.018	< 0.0010	*	0.820	*	11.300	0.013	0.040	9.1
05/13/99	(1&2)	1.730	< 0.003	*	0.860	< 0.0010	0.234	*	0.018	< 0.0010	*	0.990	*	13.300	0.011	0.072	9.6
06/25/99	(1&2)	0.017	< 0.002	*	0.403	< 0.0010	0.227	*	0.086	0.0110	*	0.055	*	0.099	0.014	0.034	9.4
07/28/99	(1&2)	0.118	< 0.002	*	0.567	< 0.0010	*	*	0.064	0.0100	*	*	*	*	*	*	9.2
09/22/99	(1&2)	5.260	< 0.002	*	1.940	< 0.0010	*	*	0.083	0.0120	*	*	*	*	*	*	8.6
09/22/99	(1&2)	0.568	< 0.002	*	1.200	< 0.0010	*	*	0.260	0.0200	*	*	*	*	*	*	9.2
10/13/99	(1&2)	0.170	< 0.002	*	0.004	< 0.0010	0.026	*	0.203	0.0040	*	0.007	*	0.419	0.011	0.021	10.6
11/03/99	(1&2)	0.085	< 0.002	*	0.004	< 0.0010	0.020	*	0.157	0.0140	*	0.022	*	0.460	< 0.002	0.021	10.6
12/08/99	(1&2)	0.003	< 0.002	*	< 0.002	< 0.0010	0.013	*	0.146	0.0120	*	< 0.002	*	2.800	< 0.002	0.006	11.6
04/01/00	(1&2)	0.560	< 0.002	*	0.013	< 0.0010	0.039	*	0.174	0.0180	*	0.008	*	0.724	0.009	0.014	*
04/12/00	(1&2)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	10.5
05/01/00	(1&2)	0.042	< 0.002	*	< 0.002	< 0.0010	0.016	*	0.130	0.0160	*	< 0.002	*	8.150	0.015	0.010	*
05/05/00	(1&2)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	10.4
07/25/00	(na)	0.233	0.019	*	0.396	< 0.0010	0.382	*	0.246	0.0080	*	0.106	*	0.799	0.035	0.035	*

TABLE F-1
EP/TCLP Test Results
C.P. Crane Ash

Sample Date	Unit Source	Cl	CN	F	NH_4	NO_4	NO_2	NO_3	Pb	SO_4	As	Ba	Be	Cd	Ca	Cr(VI)	Cr	Cu
08/03/00	(na)	3.0	< 0.02	0.30	*	*	< 0.10	1.60	0.012	318	0.053	0.283	< 0.002	< 0.0020	*	*	0.0750	0.007
12/01/00	(na)	33.0	< 0.02	0.30	*	*	*	4.32	< 0.002	1814	0.141	0.158	< 0.002	< 0.0020	*	*	0.2890	0.006
01/01/01	(na)	35.0	< 0.02	1.80	*	*	*	< 1.00	< 0.002	2260	0.434	0.247	< 0.002	< 0.0020	*	*	0.4590	0.009
02/01/01	(na)	37.0	< 0.02	2.30	*	*	*	< 1.00	< 0.002	2642	0.174	0.191	< 0.002	< 0.0020	*	*	0.4270	0.008
03/01/01	(na)	5.0	< 0.02	< 1.00	*	*	< 1.00	2.00	< 0.002	2215	0.189	0.197	< 0.002	< 0.0020	*	*	0.5070	0.016
04/01/01	(na)	4.0	< 0.02	< 1.00	*	*	< 1.00	5.00	< 0.002	2324	0.337	0.227	< 0.002	< 0.0020	*	*	0.4340	0.014
05/01/01	(na)	3.0	< 0.02	< 1.00	*	*	< 1.00	1.00	< 0.002	1866	0.173	0.247	< 0.002	< 0.0020	*	*	0.3540	0.014
06/01/01	(na)	8.0	0.02	< 1.00	*	*	< 1.00	1.00	< 0.002	1700	0.040	0.171	< 0.002	< 0.0020	*	*	0.0560	0.014
07/01/01	(na)	9.0	0.02	< 1.00	*	*	< 1.00	< 1.00	< 0.002	25	0.046	0.197	< 0.002	< 0.0020	*	*	0.0780	0.012
08/01/01	(na)	26.0	0.03	1.00	*	*	< 1.00	< 1.00	0.028	1447	0.067	0.196	< 0.002	< 0.0020	*	*	0.0700	0.012
09/01/01	(na)	19.0	0.03	< 1.00	*	*	< 1.00	< 1.00	< 0.002	1191	0.160	0.189	< 0.002	0.0020	*	*	0.0140	0.013
10/01/01	(na)	22.0	*	< 1.00	*	*	< 1.00	< 1.00	< 0.002	913	0.051	0.183	< 0.002	< 0.0020	*	*	0.0040	0.023
11/01/01	(na)	27.0	*	2.00	*	*	< 1.00	< 1.00	< 0.002	2267	0.142	0.202	< 0.002	< 0.0020	*	*	0.2470	0.014
12/01/01	(na)	20.0	*	3.00	*	*	< 1.00	< 1.00	< 0.002	2026	0.117	0.191	< 0.002	< 0.0020	*	*	0.2380	0.018
01/01/02	(na)	17.0	*	< 1.00	*	*	< 1.00	< 1.00	< 0.002	2051	0.166	0.211	< 0.002	< 0.0020	*	*	0.3060	0.020
mean		< 12.1	0.02	< 0.91	0.1	0.7	< 0.76	2.26	< 0.005	1447	< 0.045	< 0.327	< 0.003	< 0.055	287.4	< 0.005	0.1361	0.236
maximum		100.0	0.03	3.00	0.2	4.2	< 1.00	8.00	< 0.028	11700	0.666	2.200	0.008	0.781	475.0	0.020	2.6900	2.650
EPA MCL+		**	**	4.00	**	10.0	1	10	0.015 **	250	0.050	2.000	**	0.0050	**	**	0.1000	**
EPA SMCL+		250	**	2.00	**	**	**	**	**	**	**	**	**	**	**	**	**	1.000
EPA toxicity		**	**	**	**	**	**	**	5 **		5.000	100	**	1.0000	**	**	5.0000	**

+ US EPA Maximum Contaminant Level (MCL) and Secondary MCL (SMCL) for drinking water.

* - Not tested.

** Comparison criteria not available.

Notes:

1. All results are in milligrams/liter (mg/l).
2. Unit 1:coal fly ash; Unit 2:cofired coal fly ash with RDF (refuse-derived fuel) through 1990, subsequently coal fly ash; Units 1&2:composite fly ash.
3. All samples were obtained from trucks unloading at the site. These results represent all ash placed at the site since 4/84; during some months, due to outages, ash source was predominantly Unit 1 or 2 rather than approximate even mix from common silo.
4. Beginning June 1990, TCLP was performed rather than EP as per revised EPA requirements.
5. No ash was placed in May 1991, due to a scheduled outage at the C.P. Crane plant.
6. Fly ash from C.P. Crane was placed at the Rossville fill site in January 1995 but not tested due to the large volume of Brandon Shores and Wagner ash placed at the Rossville site.

TABLE F-1 (continued)
EP/TCLP Test Results
C.P. Crane Ash

Sample Date	Unit Source	Fe	Pb	Mg	Mn	Hg	Ni	K	Se	Ag	Na	Zn	Phenols	Al	Sb	Tl
08/03/00	(na)	0.113	0.012	*	< 0.002	< 0.0010	0.004	*	0.030	< 0.0020	*	0.004	*	8.780	< 0.002	< 0.001
12/01/00	(na)	0.594	< 0.002	*	0.051	< 0.0010	0.069	*	0.148	0.0140	*	0.055	*	0.881	0.006	0.022
01/01/01	(na)	0.681	< 0.002	*	0.003	< 0.0010	0.033	*	0.346	0.0130	*	0.020	*	2.070	0.004	0.031
02/01/01	(na)	0.677	< 0.002	*	0.003	< 0.0010	0.076	*	0.327	0.0120	*	0.033	*	1.830	0.003	0.018
03/01/01	(na)	0.648	< 0.002	*	0.013	< 0.0010	0.058	*	0.203	0.0110	*	0.013	*	1.350	0.028	0.018
04/01/01	(na)	0.627	< 0.002	*	0.024	< 0.0010	0.062	*	0.166	0.0100	*	0.013	*	1.110	0.020	0.027
05/01/01	(na)	0.436	< 0.002	*	0.004	< 0.0010	0.034	*	0.150	0.0090	*	0.011	*	3.060	0.019	0.017
06/01/01	(na)	0.287	< 0.002	*	0.075	< 0.0010	0.069	*	0.103	0.0030	*	0.015	*	0.450	0.018	0.016
07/01/01	(na)	0.334	< 0.002	*	0.076	< 0.0010	0.076	*	0.113	0.0040	*	0.013	*	0.504	0.020	0.012
08/01/01	(na)	0.292	< 0.002	*	0.078	< 0.0010	0.064	*	0.218	0.0050	*	0.013	*	0.384	0.028	0.010
09/01/01	(na)	0.506	< 0.002	*	0.262	< 0.0010	0.130	*	0.265	0.0070	*	0.599	*	0.593	0.018	0.021
10/01/01	(na)	1.030	< 0.002	*	0.511	< 0.0010	0.100	*	0.056	< 0.0020	*	0.043	*	1.760	< 0.002	0.013
11/01/01	(na)	0.397	< 0.002	*	0.002	< 0.0010	0.007	*	0.126	< 0.0020	*	0.014	*	1.890	0.003	0.015
12/01/01	(na)	0.249	< 0.002	*	0.007	< 0.0010	0.011	*	0.155	< 0.0020	*	0.016	*	0.928	0.005	0.013
01/01/02	(na)	0.584	< 0.002	*	0.011	< 0.0010	0.023	*	0.163	< 0.0020	*	0.020	*	1.250	0.011	0.018
mean		0.841	< 0.032	30.7	0.741	< 0.0007	0.136	34.8	0.036	< 0.0081	66.49	0.520	< 0.099	2.708	0.012	0.023
maximum		39.000	0.710	45.7	3.160	0.0100	0.510	58.8	0.346	0.8800	192.00	4.130	< 0.500	13.300	0.035	0.077
EPA MCL+		**	0.015	**	**	0.0020	**	**	0.050	**	**	**	**	**	0.006	0.002
EPA SMCL+		0.300	**	**	0.050	**	**	**	**	0.1000	**	5.00	**	0.2	**	**
EPA toxicity		**	5.000	**	**	0.2000	0.1	**	1.000	5.0000	**	**	**	**	**	**

Baltimore, MD 21224-6697

REPORT OF ANALYSIS

(410) 633-1800
(800) GAS-COYN
FAX NO.
(410) 633-5443

Report No. 95-03-270

Report Date: April 03, 1995

Report To: Baltimore Gas & Electric

Sample I.D. Submitted Solid: Baghouse Fly Ash & Filters, Composite, dated 03/13/95 (0800)

TCLP (Method 1311)	Result	Detection Limit	Regulatory Limits	Matrix Spike Recovery (%)
Arsenic (As)	5.1	0.5	5.0 max.	101
Barium (Ba)	ND	5	100.0 max.	91
Cadmium (Cd)	<0.05	0.05	1.0 max.	94
Chromium (Cr)	2.7	0.1	5.0 max.	90
Lead (Pb)	ND	0.5	5.0 max.	89
Mercury (Hg)	ND	0.01	0.2 max.	91
Selenium (Se)	2.0	0.5	1.0 max.	105
Silver (Ag)	0.07	0.05	5.0 max.	91
Copper (Cu)	3.8	0.01	-	95
Nickel (Ni)	0.89	0.02	-	83
Zinc (Zn)	4.8	0.02	-	96

es

(1) Results expressed as mg/l TC extract.
(2) Analysis performed according to method EPA SW 846.

William L. Lock
Laboratory Director

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Baltimore, MD 21224-6697

REPORT OF ANALYSIS

(410) 633-1800
(800) GAS-COYN
FAX NO.
(410) 633-6443

eport No. 95-03-270 Report Date: April 03, 1995

eport To: Baltimore Gas & Electric Page: 2 of 2

ample I.D. Submitted Solid: Baghouse Fly Ash & Filters, Composite, dated 03/13/95 (0800)

	Test Results	Detection Limits	Method	Analyst	Date Test Completed
lashpoint, °F	>200	NA	ASTM D3828	PRG	03/22/95
H	4.9	NA	EPA 9045A	TLK	03/22/95
yanide (CN), Reactive	ND	50	EPA SW 846	PRG	03/20/95
ulfide (S), Reactive	ND	50	EPA SW 846	PRG	03/20/95

tes

(1) Results expressed as mg/kg (ppm).

William L. Look
Laboratory Director

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Copied from Earl Lewis copies RECEIVED DEC 4 1989

TECHNICAL TESTING LABORATORIES

A DIVISION OF COMMERCIAL TESTING & ENGINEERING CO.

LABORATORY ANALYSIS REPORT

ste Management-TTL EAST

P. CRANE STATION: FABRIC
LTER BAG AND ASH

te Sampled 11/20/89

Laboratory Number AE792E

Sampled by CLIENT
Date Received 11/22/89

Respectfully
Submitted:

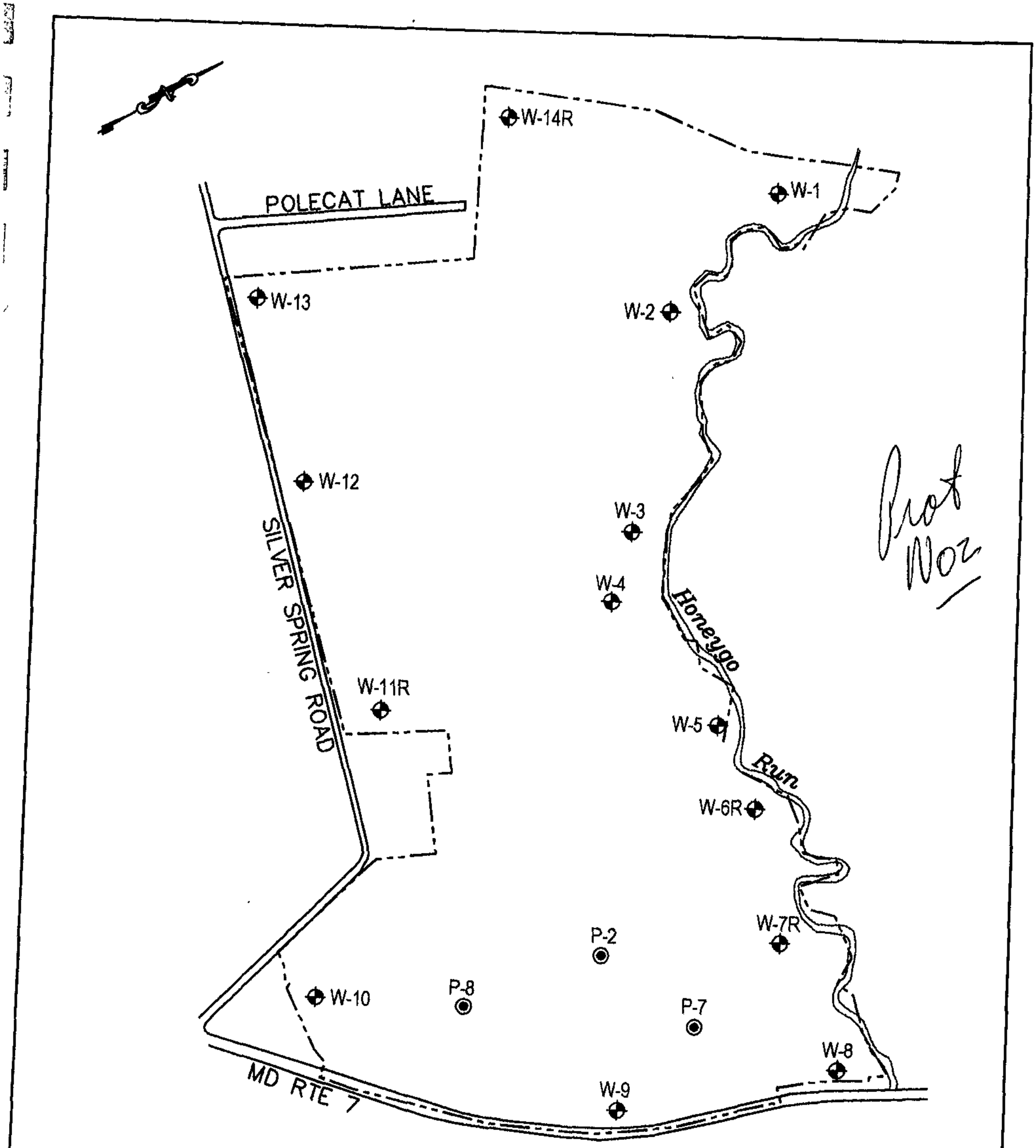
ANALYSIS OF METALS IN EPTOX LEACHATE:STANDARD LIST

RAMETER	RESULT	MDL	UNITS	METHOD	ANALYZED DATE/TIME/ANALYST
senic(in EPTOX leachate)	ND	0.10	MG/L	SW6010	11/28/89 18:00 PV
rium(in EPTOX leachate)	0.2	0.003	MG/L	SW6010	11/28/89 18:00 PV
dmium(in EPTOX leachate)	0.09	0.007	MG/L	SW6010	11/28/89 18:00 PV
romium(in EPTOX leachate)	0.3	0.025	MG/L	SW6010	11/28/89 18:00 PV
ad(in EPTOX leachate)	ND	0.085	MG/L	SW6010	11/28/89 18:00 PV
lenium(in EPTOX leachate)	ND	0.2	MG/L	SW6010	11/28/89 18:00 PV
lver(in EPTOX leachate)	ND	0.01	MG/L	SW6010	11/28/89 18:00 PV
rcury(in EPTOX leachate)	ND	0.0005	MG/L	SW7471	11/29/89 18:00 LH

Not detected at a concentration greater than or equal to the MDL - Method Detection Limit.

1 USEPA; Test Methods For Evaluating Solid Wastes; SW-846,3rd Ed.;Nov,1986.

1256 GREENBRIER STREET, CHARLESTON, WEST VIRGINIA 25311 — TELEPHONE 304 346-0725



LEGEND

P-1 ◉ – Piezometer

W-1 ⊕ – Monitoring Well

NORMANDEAU ASSOCIATES
ENVIRONMENTAL CONSULTANTS
3428 Schuylkill Road Spring City, PA 19475-1124

HONEYGO RUN RECLAMATION CENTER
GROUNDWATER SITE PLAN
January - June 2002

DRAWN BY:	SGS	DATE:	06-24-02
CHECKED BY:	BJS	DETAIL NO.:	18579002
JOB NO.:	18579.006	SCALE:	1"=350'

FIGURE 1

PHASE I REPORT

HONEYGO RUN RECLAMATION CENTER, INC.
10700 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128

RECEIVED
JAN 3 1994
SOLID WASTE DIVISION

Prepared By:

CENTURY ENGINEERING, INC.
32 West Road
Towson, Maryland 21204

CEI CONTRACT 92-037.00
JANUARY 1994

Prod No3

CENTURY ENGINEERING, INC.

CONSULTING ENGINEERS

December 28, 1993

Mr. Ed Dexter, Chief
Maryland Department of The Environment
2500 Broening Highway
Baltimore, MD 21224

Subject: Submittal of Phase I Report and Application for a Solid Waste Disposal Permit for the Honeygo Run Reclamation Center, Inc.
Our Contract: 92-037.00

Dear Mr. Dexter:

On behalf of our clients, Mr. Wayne Knight and Mr. Charles Volpe, we are submitting twelve copies of a Phase I Report on the proposed rubble landfill at White Marsh, Maryland. The report contains a completed and signed solid waste permit application and documentation showing the inclusion of the proposed rubble landfill into Baltimore County's *Solid Waste Master Plan*. We will anticipate receiving a Phase I hearing date from your office. If you have any questions or comments, please give us a call.

Very truly yours,

CENTURY ENGINEERING, INC.

Dixon L. Wood, C.P.G.
Project Geologist
Environmental Division

DLW/ec

HON-PHSI.LTR

32 WEST ROAD | TOWSON, MARYLAND 21204 | 410 823-8070 | FAX 410 823-2184

PHASE I REPORT

HONEYGO RUN RECLAMATION
CENTER, INC.
10700 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128

PREPARED BY:

CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204

CEI CONTRACT 92-037.00
JANUARY 1994

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Appendix C - Solid Waste Master Plan Approval ..... C-1 to C-5

Drawings (Not Attached)

1 of 5	Title Sheet
2 of 5	Site Map
3 of 5	Zoning Map
4 of 5	Soils Map
5 of 5	Geologic Map

I. SITE DESCRIPTION

The Honeygo Run Reclamation Center site comprises 68.1776 acres at the intersection of Philadelphia Road and Silver Spring Road. The site has approximately 1300 ft. full frontage on the west side of Philadelphia Road and nearly 2200 feet on the north side of silver Spring Road. The western boundary abuts I-95 and the Honeygo Mobile Park and the northern boundary is defined by Honeygo Run. Wetlands along Honeygo Run have been identified and located in the field and must remain undisturbed throughout construction of the rubble landfill. A 100 foot buffer shall be maintained between the property lines and rubble waste. Additionally, a 100-foot buffer is provided along the floodplain and at the wetlands. No waste shall be placed in any of these buffers. The reclamation site will be located outside of buffers, wetlands and floodplains.

The western portion of the site has the higher elevations with lower elevations occurring in the eastern part of the site near Philadelphia Road. Honeygo Run at the northern boundary flows from west to east. Surface water flows off site, mostly to the north through five existing basins while only a small amount of runoff flows to the south. Groundwater flow patterns directly beneath the site flow into the Honeygo Run to the north and an unnamed tributary to the south. See Site Map, Drawing 2 of 5.

II. ZONING

The present zoning classification for this area within 1/2 mile of the site is shown in drawing 3 of 5. The classifications were obtained from the Comprehensive Zoning Map of 1988 by the Baltimore County Office of Planning and Zoning.

The proposed site is zoned MLR (manufacturing light restricted) which permits industrial plants and offices with convenient access to expressways to serve as industrial employment centers. This zone allows landfills as a permitted special exception. The areas to the south and southeast of the site are zoned under several manufacturing zones from MLR to MH (manufacturing heavy) the most permissive industrial classification. Areas to the north and northwest of the site are zoned MLR to residential. East of the site along Route 40 the area is primarily zoned under several business zones such as B.L. (business local), B.M. (business major) and B.R. (business roadside). Zoning Board approval documents are located in the Appendix. See Zoning Map, Drawing 3 of 5.

III. SOILS

Drawing 4 of 5 shows the soils as classified and mapped by the Soil Conservation Service in the Soil Survey of Baltimore County as published in 1976. The soils listed are briefly described below.

Alluvial Land (AV) - This soil is mapped along the floodplain on either side of Honeygo Run. The soil is described as consisting primarily of sand deposited along floodplains.

Beltsville Silt Loam (Bt) - This soil is mapped at the southwestern corner of the site. It is described as a deep, well drained, acid soil that usually contains a fragipan at less than 30 inches deep.

Christiana Loam (Cm) - This soil is shown as located in the southeastern section of the site adjacent to Silver Spring Road. The soil is described as deep, well-drained acid soils formed over plastic clays, generally red in color.

Fallsington Loam (Fs) - This soil is mapped along Silver Spring near the southwest corner of the site. The soil is described as deep but poorly drained gray soils on flats or uplands formed over silty sands.

Loamy and Clayey Land (Ly) - These soils are mapped as being located in an area near the Bennett and Cooney residences along Silver Spring Road, in the area of monitoring wells W-12 near Silver Spring Road and through the center of the western half of the site. These soils are described as sandy loams, loams or silty loams formed over old clay deposits.

Made Land (Ma) - This soil type nearly encompasses the entire eastern half of the site according to the Survey. This unit is described as soils placed by man as fill material.

Sassafrass Sandy Loam (Sh) - This soil occurs in the northeast corner of the site according to the Survey. The soil is described as a deep, well-drained soil formed over very old sandy sediments on the Coastal Plain.

The area inside the dashed line on the Soils drawing indicates the area where the soil column has been removed through excavation and mining. It is unlikely that any of the mapped soils within the area of excavation are still in existence. A discrepancy was found between the Geologic Map and the soil survey. The area immediately north of Honeygo Run was mapped as artificial fill on the Geologic Map but is shown as local soil series units in the soil survey. Descriptions of the soil units were taken from the previously referenced soil survey. See Soils Map, Drawing 4 of 5.

IV. GEOLOGY

The geologic map, drawing 5 of 5, shows the formations as mapped by the Maryland Geologic Survey on Map #1. Geologic Map of the Whitemarsh Quadrangle, published in 1976. Four formations are shown outcropping on the site. Alluvial deposits, the Arundel

formation, the Patuxent formation and the Bradshaw Layered Amphibolite are mapped within the bounds of the site. A brief description of each formation follows:

Alluvial Deposits (Qal) - This unit is mapped along the Honeygo Run Floodplain and generally corresponds to the alluvial land unit on the soils map. The unit is described as consisting of interbedded gravels, sands, silts and clays of variable constituencies and sortings.

Arundel Formation (Kac) - This formation is mapped as being located along the southeastern edge and center of the western section of the site. The unit is described as consisting of gray, brown, black and red kaolinitic and illitic clays with locally interbedded silt or sand lenses and pods. The clays are poorly bedded and massive with occasional color mottling, siderite ledges and lignitized wood. The formation was deposited in a flood plain back swamp complex with variable input.

Patuxent Formation, Sand Facies (Kxs) - Most of the site except for the units previously mentioned and one small section of Piedmont geology is mapped as the sand facies of the Patuxent Formation. The formation is described as consisting of a highly variable, interbedded sand, gravel, silt and clay containing ferruginous cements.

Bradshaw Layered Amphibolite (Bl) - This unit is mapped as a small unit extending into the site from the western edge. The unit is described as am amphibolite and hornblend - quartz - plagioclose-gneiss with subordinate biolite - quartz-plagioclase-gneiss.

These units as mapped have not been field checked, but it is possible that most if not all of the Arundel Formation mapped in the interior of the site has been excavated and no longer exists in that area. The formation would still be in place along the edges of the site. See Geologic Map, Drawing 5 of 5.

V. DESCRIPTION OF PROPOSED ACTIVITY

A. Type Of Facility

The proposed reclamation center will consist of a rubble landfill and recycling center. Materials such as yard waste, brush, stumps and some concrete will be processed for recycling into mulch, aggregate or scrap metal. Other materials which cannot be efficiently recycled will be deposited in a waste cell of the rubble landfill.

B. Area To Be Served

This landfill, will serve the Baltimore Region.

The life expectancy is based on a "trucked in" volume of approximately 4.4 million cubic yards of rubble within a ten-year period.

C. Life Expectancy and Volume

The volume between existing grades and operating grades (the operating grades are defined as the bottom of the landfill) is approximately 600,000 cubic yards of compacted cut material. The volume between operating grades and final grades is approximately 3,160,000 cubic yards of compacted fill material. Of this volume, 3,100,000 cubic yards is inside the limit of landfill. Therefore, 465,000 cubic yards or 15% of the 3.1 million yards is cover material, and the remaining 2,635,000 cubic yards is compacted rubble waste.

Generally, compacted rubble waste weights approximately 1,200 lbs./c.y., whereas uncompacted rubble waste weighs between 800 and 900 lbs./c.y. This equates to a 33% increase in volume from compacted to uncompacted rubble waste. Clean fill material has approximately a 15% increase in volume under the same conditions.

The total uncompacted, "trucked-in" volume of cut, fill and cover material equals:

$$1.15\ (600{,}000 + 465{,}000 + 60{,}000 = 1{,}293{,}750 \text{ c.y.}$$

The total uncompacted, "trucked-in" volume of rubble waste destined for the landfill equals:

$$1.33\ (2{,}635{,}000) = 3{,}505{,}000 \text{ c.y.}$$

It is assumed that 20% of the total "trucked-in" volume of rubble waste will constitute recyclable material. Therefore, the total uncompacted, "trucked-in" volume of recyclable material equals:

$$(0.20/0.80)\ 3{,}505{,}000 = 876{,}250 \text{ c.y.*}$$

*It is assumed that the recycled material will be trucked into the site, processed and shipped off of the site. Therefore, the volume should be counted twice when computing the Average Daily Trips.

Therefore, the total uncompacted, "trucked-in" volume of material equals:

1,293,750 c.y.
+3,505,000 c.y.
+876,250 c.y.
+876,250 c.y.
6,551,250 c.y.

The site has a designed life expectancy of 10 years, assuming a 2,240 hour work year, which is a 5-1/2 day work week with an allowance for 6 holidays or a total of two hundred eighty, 8-hour operational days each year. On a daily basis, it would require an incoming volume of:

$$\frac{6{,}551{,}250 \text{ c.y.}}{280/\text{day/yr.} \times 10 \text{ years}} = 2{,}340 \text{ c.y./day (uncompacted)}$$

This volume of waste "truck-in" per day is required to complete the landfill within the ten-year period.

(D) Trips Per Day

Based on approximately 2,340 cubic yards per day, the tons per day equals:

(2,340 c.y./day x 900 #/c.y.)/2,000 #/ton = 1,053 tons/day

This amount of waste is arriving at the landfill for disposal in average loads of 10 tons each or 105 vehicles arriving at the landfill bearing disposable and recyclable material. Add to this total the employees', visitors', and state and county officials' vehicles (approximately 15 additional vehicles per day) and the total becomes 120 vehicles per day for Average Daily Trips of 240.

(E) Type, Source and Components of Acceptable Rubble Waste

The landfill will accept rubble waste from domestic, municipal, commercial, industrial, agricultural, silvicultural, construction, and other sources, except as restricted by the Refuse Disposal Permit and the Owner's description.

The following specific items are considered as acceptable materials to be disposed of at this rubble landfill. The Owner has the right to reject any material that he considers unacceptable.

Specific Components of Waste to be Accepted at this Facility

Clearing debris - debris from land clearing operations.

Demolition debris - debris associated with razing of buildings, roads, bridges and other structures including:
structural steel, concrete, bricks (excluding *refractory type)* lumber, plaster, plasterboard, insulation material, cement, shingles and roofing material, floor and wall tile, pipes and wires and other items physically attached to the structure.

Construction debris - structural building materials including cement, concrete, bricks (excluding refractory type) lumber, plaster, plasterboard, insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet, wallpaper, felt or other structural fabrics.

Paper - paper or cardboard packaging, spacing or building materials provided that they do not exceed .10 percent by volume of the waste.

Paint container - paint containers, caulk containers or glaze containers provided that they are empty, and any residual material which is dried before acceptance and does not exceed one (1) percent by volume of the waste accepted.

White goods - refrigerators, stoves, washers, dryers, dishwashers, bath and kitchen fixtures and similar appliances and fixtures. White goods will be separated and placed in appropriate containers and hauled off site to be recycled by others.

E. Unacceptable Waste Description

The following items will not be accepted at this rubble landfill. The Owner has the right to reject any material that he considers unacceptable.

Not Accepted At This Site:

a. Controlled hazardous substances as specified by Federal or State regulations.

b. Liquid waste.

c. Special medical waste as defined in COMAR 26.13.11.

d. Radioactive materials, as defined in COMAR 26.12.01.

e. Asbestos as regulated in COMAR *26.13.01.03.B(26)*.

f. Motor vehicles.

g. Drums or tanks.

h. Animal carcasses.

i. Untreated septage or sewage scavenger waste.

j. Municipal solid waste including garbage from households and street sweepings from governmental road operations and other items, that in the opinion of the owner are not acceptable, may also be rejected.

k. Batteries.

l. Hot ashes.

m. Tires.

APPENDIX A

REFUSE DISPOSAL PERMIT APPLICATION

DEPARTMENT OF THE ENVIRONMENT
HAZARDOUS AND SOLID WASTE MANAGEMENT ADMINISTRATION
2500 BROENING HIGHWAY
BALTIMORE, MARYLAND 21224

REFUSE DISPOSAL PERMIT APPLICATION

(Please Type or Print Clearly)

1. Applicant's Name (County, corporation, person):
   Honeygo Run Reclamation Center, Inc.
   Address:
   8814 Cowenton Avenue, Perry Hall, MD 21128
   Telephone Number:
   (410) 335-5424

2. Type of Facility
   a. Municipal Landfill _____
   b. Rubble Landfill _____
   c. Land Clearing Debris Landfill x
   d. Industrial Waste Landfill _____
   e. Transfer Station _____
   f. Processing Facility _____
   g. Incinerator _____
   h. Other (Specify) _____

3. Location:
   a. County Baltimore Co.
   b. Site Size (acres) 68
   c. Facility Size (acres) 48
   d. Street(s) or road(s) Philadelphia Rd., Silver Spring Road
   e. Election District 11

4. Is Proposed facility in conformance with:
   a. Approved county solid waste plan Yes* x No ____ (See Note "A" Below)
   b. County zoning and land use requirements Yes* x No ____
   *(If Yes, attach documentation from County)

12/20/93
Date

Wayne B. Knight
Signature of Applicant or Authorized Agent

Wayne B. Knight
(Print or Type Name of Applicant or Authorized Agent

Refer to COMAR 26.04.07 for additional information to be submitted with this application form.

Please sign other side of this application form.

Upon receipt of a signed Refuse Disposal Permit Application, the Department shall execute the following "right of entry" clause based on COMAR 26.04.07.27.D(2). Agents of the approving authority, after proper identification, shall be allowed entry to all buildings, structures, and premises owned by counties, municipalities, districts, corporations, companies, and persons supplying refuse disposal service, or upon all private properties, for the purpose of collecting samples, records, and information

Note "A"
County Solid Waste Plan is being revised to include new Rubble Landfill in County plan.

orm.jpk

TABLE 2

TYPES AND QUANTITIES OF SOLID WASTE TO BE ACCEPTED
In Tons (T), Gallons (G), or Cubic Yards (CY) per year, as appropriate

	TYPE		FIRST YEAR - CY	FIFTH YEAR - CY
a.	Residential (household, domestic)		0	0
b.	Commercial	20%	131,025	131,025
c.	Industrial (nonhazardous)	15%	98,269	98,269
d.	Institutional (noninfectious from hospitals, schools, etc.)		0	0
e.	Land Clearing (tree stumps, brush, leaves, etc.)	25%	163,781	163,781
f.	Demolition debris/Construction debris	35%	229,294	229,294
g.	Agricultural (crop residues and animal manures)		0	0
h.	Dead animals (carcasses resulting from medical research activities or destruction of diseased animals not allowed)		0	0
i.	Bulky of "special" (large appliances, etc.)		0	0
j.	Tires		0	0
k.	Recreational (from parks, boat landings, etc.)	5%	32,756	32,756
l.	Litter		0	0
m.	Water treatment plant sludge		0	0
n.	Wastewater treatment plant sludge		0	0
o.	Asbestos		0	0
p.	Infectious ***		0	0
q.	Ashes (combustion residues from municipal incinerators and power plants)		0	0
r.	Other (specify each type)	---	0	0
		---	0	0
		---	0	0

Please specify the approximate percentage of the waste stream which will come from the following sources:

A. Immediate Disposal Facilities
1. Transfer Stations 0
2. Incinerators 0
3. Processing Facilities 30

Regions:
1. In-County 60
2. Out-of-County 40
Maryland
Other States (specify)

* In tons unless otherwise noted.
** These materials will be sorted to separate recyclable material for on-site processing.
**** These objects will be set-asie for transport to a processing facility.

TYPEQUAN.CHT

APPENDIX B

ZONING BOARD APPROVAL

ty Code, the advertising of the property, and public hearing held thereon, I will approve the development plan, Petitions for Special Exception, Special Hearing and Variances as requested herein consistent with the comments contained above and shall so order.

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner for Baltimore County this 17th day of December, 1993 that, pursuant to the Petition for Special Exception, approval to allow an "Excavation Controlled" on the subject site in an M.L.R. zone under Section 248.4 of the B.C.Z.R. and to allow rubble landfill, pursuant to Section 218.4 of the B.C.Z.R., be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval for a proposed concrete recycling and wood waste chipping operation as accessory uses to the existing mining operation and proposed rubble landfill, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that a variance from Sections 409.8A.2 and 409.8A.6 of the B.C.Z.R. to allow a crushed concrete surface for the internal haul road in lieu of the required durable and dustless surface and to permit same without the required permanent striping for offstreet parking facilities, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that a variance from Section 413.6.B. of the B.C.Z.R. to allow two free standing signs with 50 sq. ft. per face, and 8 ft. in height, in lieu of the permitted one free standing sign with 25 sq. ft. per face with a permitted height of 6 ft., be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the development plan for Honeygo Run Reclamation Center, identified herein as Developer's Exhibit No. 4, be and is hereby APPROVED, subject, however, to the following restrictions:

(1) Some type of liner will be required as set forth above. The exact nature and type of liner required will be deferred to the judgment of the Maryland Department of the Environment. If they do not require such a liner, a Petition for Special Hearing need be filed to reconsider this issue. This will enable the parties to complete studies and enable the zoning authority to render an intelligent decision as to this issue.

(2) The period for utilization of the special exception shall be 5 years. I am appreciative of the long and arduous regulatory procedure which the Petitioner must complete through the State of Maryland. Thus, an extension of this nature shall be given, as has been requested by the Petition.

(3) Upon full utilization of the fill and capping of same, the property shall be transferred to Baltimore County, for use by the Department of Recreation and Parks, at no cost to Baltimore County.

(4) The Petitioner shall be required to restore Honeygo Run, in a manner substantially similar to that proposed within the report authored by Robert Sheesley (Pet. Exh. No. 27). The restoration shall be completed within 5 years from the date of the issuance of final permits authorizing the rubble fill operation.

(5) The Petitioner shall cooperate fully with the Department of Public Works in Baltimore County and the Maryland State Highway Administration in the realignment of the intersection of Maryland Route 7/Cowenton Avenue/Ebenezer Road including the conveyance of any property adjacent thereto necessary to realign said intersection, at no cost to the appropriate State or County agencies.

(6) The Petitioner shall pay the salary and necessary related expenses for an independent inspector to periodically monitor the operation of the landfill. This individual shall ensure that regular and thorough inspections of material is ongoing and ensure that the operation is conducted in a manner consistent with what is proposed in the Operations Manual. The identify and specific duties of this individual shall be determined by the Community Advisory Committee, which the Petitioner shall maintain and keep in place throughout the life of the fill.

(7) The Petitioner shall prepare and submit to Zoning Administration and Development Management (ZADM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions and restrictions, if any, of this Order.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and other applicable provisions of the law..

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

APPENDIX C

SOLID WASTE MASTER PLAN APPROVAL

A proposed major facility is the Honeygo Reclamation Project, which will recycle materials, as well as being a rubble landfill. It is further described at the end of this chapter. With this facility, the County will have sufficient capacity for landclearing and demolition debris for ten years. Operating in-County sites for recycling rubble materials include:

Norpoint Farms
525 Earls Road
Chase, Maryland 21220
(410)477-5650
concrete and asphalt only

Genstar Products
Texas Quarry
Whitemarsh Quarry
(410)527-4181
asphalt only

Recycling & Rehandling Corporation of Maryland/Paving Materials Supply Co.
Batavia Farm Road
Rosedale, Maryland 21237
(410)889-9406

There is also a facility located in Carroll County for recycling concrete, asphalt, brick, and block:

Miller Asphalt
2803 Dede Road
Finksburg, Maryland 21048
(410)833-3780

The County will encourage the establishment of environmentally acceptable recycling operations such as grinding of stumps and logs into mulch, and crushing and recycling of asphalt and concrete.

Permitted sites for recycling trees, stumps, etc. include:

Edridge Lumber Company
9700 Old Court Road
Gwynn Oak, Maryland 21207
(410)992-5999

Transway Recycling, Inc. (not operational yet)
Transway Road
Halethorpe, Maryland 21227
(410)335-7727

If additional private disposal options do not materialize, the County will investigate the feasibility of constructing landclearing and demolition debris disposal areas at closed landfills.

HONEYGO RECLAMATION PROJECT

Location: Route 7 and Silver Spring Road
White Marsh, Maryland 21162
(See attached map)

Owners: Wayne B. Knight and Charles F. Volpe

Operator: "to be named corporation"
8814 Cowenton Avenue
Perry Hall, Maryland 21128

Owned and controlled by Wayne B. Knight and Charles F. Volpe

Purpose: To reclaim an existing sand and gravel pit. An open mining permit still currently exists for a portion of the site. A County Review Group (CRG) plan has been approved for the site for warehousing and trucking terminals. However, in lieu of implementing the CRG plan, the property is proposed to be restored from its existing state as a sand and gravel pit through the use of a commercial recycling and land reclamation operation. The operator and owners will work with the County and community in the development of a reclamation plan and grading plan for the site. It is expected that in the end, a substantial area of the property will be given to the County for the use and benefit of the area as a park.

Size: Parcel of land - 70 acres
Landfill area - Approximately 50-60 acres

Types of Waste: Recycling and waste materials generated in Baltimore County and adjacent areas with NO waste being accepted from out-of-state. It is anticipated that there will be enough rubble fill from the immediate Baltimore Metropolitan area to bring the site to capacity. Materials will be accepted both for placement in the fill and for recycling.

Recycling: To operate a Commercial Recycling Center for the following materials:

* Concrete
* Asphalt
* Trees and clearing debris, stumps, logs
* White goods (such as washers, dryers, and major appliances with metal to be sold as scrap)

Reclamation Site: The types of acceptable waste will be comparable to that approved for the Days Cove Road Land Reclamation Project. See listing in Appendix C. There will also be additional restrictions enforced by the owners. The property is to be used as a rubble landfill. General categories of acceptable types of waste include:

* Demolition Debris (associated with the razing of buildings, roads, bridges and other structures)

* Construction Debris (structural building materials)
* Landclearing Debris (stumps, brush, trees, logs, roots)
* Earth (material from private companies and County vehicles for use as cover)

Maryland Grid Coordinates: N 563,500
E 958,500

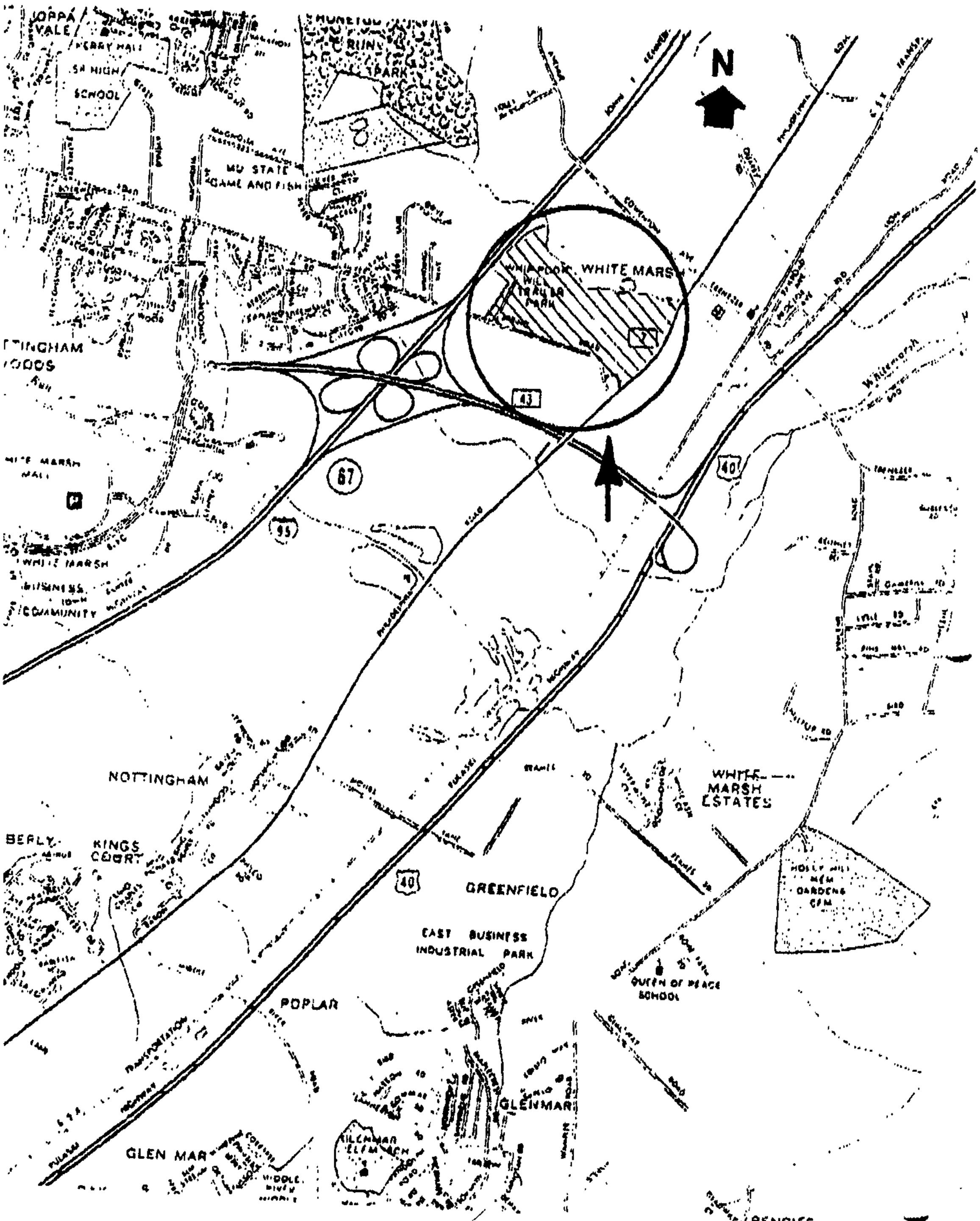
Tax Map 72, Block 23, Parcel 107

Capacity of Site: Approximately 4,000,000 cubic yards. Final volumes will be available after engineering study is completed.

Estimated Input and Life Expectancy: 400,000 cubic yards per year. Life expectancy approximately 10 years.

Hours and Days of Operation: 7:00 a.m. - 5:00 p.m. Monday through Saturday

Anticipated Construction - Acceptance Date: 1993



PROPOSED
Honeygo Reclamation Project

MARYLAND DEPARTMENT OF THE ENVIRONMENT
2500 Broening Highway • Baltimore • Maryland • 21224
(410) 631-3314 • 1-800-633-6301 (Within Maryland) • http://www.mde.state.md.us

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FILE

Waste Management Administration

Annual Tonnage Report

Permitted Solid Waste Acceptance Facilities

Calendar Year 2001

Facility Name: Honeygo Run Reclamation Center Permit # 1993-WRF-0338

Mailing Address: 10710 Philadelphia Road
Perry Hall, MD 21128

Contact: Monte R. Kamp
Title: General Manager
Phone # (410) 335-9500
FAX # (410) 335-1743
e-mail N/A

****

Instructions:

The Annual Tonnage Report describes the activities of permitted solid waste acceptance facilities for the preceding calendar year commencing on January 1, 2001 and ending on December 31, 2001. The information provided in the Annual Tonnage Report will be used by the Department to prepare a report to the Maryland legislature as described in § 9-204(m) of the Environment Article, Annotated Code of Maryland on the types, quantities and management of waste in Maryland for calendar year 2001

1. All quantities of solid waste and other materials managed at a facility are to be reported by category and by activity (accepted, processed, transported, stored on site, recycled or disposed) for the reporting period.
2. The point of origin of waste accepted and the point of final disposal for all waste managed at the facility is to be reported.
3. The Annual Tonnage Report is due on or before **March 1, 2002** and is to be submitted to:

Mr. Frank Diller, Plans Coordinator
Planning, Recycling & Outreach Program
Waste Management Administration
Maryland Department of the Environment
2500 Broening Highway
Baltimore MD 21224

4. Waste quantities are to be reported in units of tons (1 Ton = 2,000 Pounds). For facilities without scales, the conversion factor used to convert cubic yards to tons shall be included in the Report.
5. If additional pages are required, identify all pages with the facility name and Refuse Disposal Permit number.

****

Facility Name: Honeygo Run Reclamation Center

Permit # 1993-WRF-0338

Tonnage Of Solid Waste & Other Materials Accepted By Category

Category of Waste	In – State			Out-of-State		Total
County or State of Origin						
Municipal Solid Waste (MSW)						
Residential						0
Commercial						0
Mixed (Residential / Commercial)						0
Construction & Demolition Waste * (C&D)						0
C & D - Highway		118,810		165,762		284,572
C & D - Structural						
Land Clearing Debris						
Industrial Waste						0
Special Wastes						0
Asbestos						0
Incinerator Ash						0
Sewage Sludge						0
Special Medical Waste						0
Other Materials						0
Scrap Tires						0
White Goods / Bulky Items						0
Yard Waste						0
Total						284,572

* C & D not broken down

Conversion Factor Used To Convert Cubic Yards To Tons: all waste weighed at scale

1. How Is The Category Of Incoming Waste Determined? at scale house via visual examination

2. How Is The Origin Or Source Of Incoming Waste Determined? driver/manifest

Facility Name: Honeygo Run Reclamation Center Permit # 1993-WRF-0338

Total Amount Of Solid Waste & Other Materials Accepted By Month

Month	January	February	March	April	May	June
Tons	25,593	22,115	23,566	27,408	32,737	31,559

Month	July	August	September	October	November	December
Tons	30,985	23,843	18,147	22,357	14,874	11,388

****

Waste Management Activities Conducted At The Facility

Category of Waste	Material Accepted *(From Page 2)*	Material Processed [1]	Material Stored on Site [2]	Material Transported Off Site [3]	Waste Disposed or Incinerated
Municipal Solid Waste (MSW)	0				
Construction & Demolition Waste (C&D)	284,572 *				
Land Clearing Debris	0				
Industrial Waste	0				
Special Wastes	0				
Asbestos	0				
Incinerator Ash	0				
Sewage Sludge	0				
Special Medical Waste	0				
Other Materials	0				
Scrap Tires	0				
White Goods / Bulky Items	0				
Yard Waste	0				
Recyclables	0				
Total	284,572				

* Does not include the following: Concrete & Soils

NOTE: The Number In The "Material Accepted" Column Should Equal The Sum Of The "Material Stored on Site" Colum + "Material Transported Off Site" Column + "Waste Disposed or Incinerated" Column? If Not, Explain The Difference Below.

Definitions:

1 *"Material Processed" means the consolidation, classification, grinding, separation, or shredding of a material.*

2 *"Material Stored on Site" means the temporary storage or holding of a material on a site for future use or transport to anot site.*

3 *"Material Transported Off Site" means the transport of a material off of a site for disposal or other for other use.*

Facility Name: Honeygo Run Reclamation Center

Permit # 1993-WRF-0338

Materials Transported From The Facility Site

Category	Quantity Transported (Tons)	Location(s) Where Material Was Transported (In State / Out-of-State Facility)
Municipal Solid Waste	0	
C&D (Rubble) Waste	0	
Land Clearing Debris	0	
Industrial Waste	0	
Special Wastes (Identify)	0	
Other Materials	0	
Scrap Tires	0	
White Goods / Bulky Items	0	
Yard Waste	0	
Compost	0	
Recyclables	0	
Total	0	

Residual Waste Managed At Incinerators

Incinerator Ash (Tons)	0
Location Where Ash Was Transported:	n/a
By-Pass Material (Tons)	0
Location Where By-Pass Material Was Transported:	n/a

Current Tipping Fees Or Other Charges

Include A Copy Of The Current Tipping Fee And Other Charges With This Report

Facility Name: Honeygo Run Reclamation Center

Permit # 1993-WRF-0338

Additional Information To Be Submitted By Landfill Permit Holders

1. Total Volume Of Waste Landfilled. (To Be Reported As In-Place Cubic Yards.) 507,908 BCY
   (01/01/01 - 12/31/01)
2. Percent Of Total Permitted Landfill Capacity Used During Reporting Period. 18 %
3. Remaining Capacity In Active Landfill Cell Reported In Cubic Yards. 248,282 BCY
   (Cells 1A, 1B, 1C & 2A)
4. Projected Calendar Year When Active Landfill Cell Will Reach Capacity. 07/2002

   How Was The Above Projection Determined? 0.56 T/BCY, 220,000 T/YR
5. Total Remaining Permitted Landfill Capacity Reported In Cubic Yards. 1,457,684 BCY
   (As of 12/31/01)
6. Number Of Permitted Cells Remaining In Landfill. (As Identified In Approved Plans) 1.5
   (Cells 2B & 3)

   Total Number Of Permitted Cells In The Landfill. (As Identified In Approved Plans) 3.0
7. Projected Calendar Year When The Landfill Will Reach Permitted Capacity. 08/2005

   How Was The Above Projection Determined? 0.56 T/BCY, 220,000 T/YR
8. A Topographic Map Generated By A Survey Performed Within The Last Three Months Of The Reporting Period. The Topographic Map is to accurately describe the permitted landfill area; be signed and sealed by a professional land surveyor; be drawn to a scale between 1" = 40' and 1" = 200', as appropriate; and at a minimum, contain the following information:
   (a.) The total permitted area of the landfill; See Attached
   (b.) The volume of the total permitted landfill capacity that has been utilized; and
   (c.) The remaining landfill capacity that is currently constructed.

****

Certification

This is to certify that the information contained on this report is true and accurate to the best of my knowledge.

Signature: Monte R. Kamp

Print Name: Monte R. Kamp

Title: General Manager

Date Signed: 02/27/02

Facility Name: Honeygo Run Reclamation

Permit #1993-WRF-0338

Optional Information Relating To The Economic Benefits Of The Facility:

(Note: Suggested Questions To Assist In Providing The Requested Information Are Provided In Italics.)

1. **The Facility's Economic Benefits Provided To The Locality Where The Facility Is Located.** *(e.g Types of economic benefits provided, taxes paid, services provides, etc. How do the economic benefits provided impact the locality?)*

Taxes paid during 2001 were approximately $ 30,000.00.

2. Value Of The Disposal and Recycling Facilities Provided To The Locality At No Cost Or At A Reduced Cost. *(e.g. Does the facility replace or complement any government services or facilities?)*

Not Applicable

3. **Direct Employment Associated With The Facility.** *(e g How many people does the facility employ? Types of jobs? Total value of salaries paid to employees?)*

Honeygo Run currently employs ten full-time personnel with a payroll of more than $ 400,000.00. Ninety percent (90%) of the workforce lives within 20 miles of the facility.

4. **Other Economic Benefits Resulting From The Facility During The Reporting Period.** (e.g. *Estimated value of goods and services purchased from the locality for the facility? Estimated value of materials produced or recycled for the year? Estimated value of savings to taxpayers for services provided?)*

Honeygo Run supports a host of local businesses in Perry Hall and Baltimore County and surrounding municipalities through the purchase of products and services supporting disposal operations.In 2001 vendors and contractors were paid approximately $ 3,200,000.00 for materials, services fuel oil, office products, parts, equipment and construction goods and services.

Honeygo Run
Reclamation Center

A Republic Services Company

PRICE LIST SPRING 2001

PRODUCT	PRICE
RC #2	$ 5.75 per ton *
RCR6	$ 4.75 per ton *
Screened Topsoil	$ 10.00 per ton *
Select Fill Material	$ 1.75 per ton *
Common Fill Material	$ 1.50 per ton *
Clay	$ 3.00 per ton *
Gabion	$ 5.75 per ton *

* $ 15.00 min charge on all outbound products plus tax

TIPPING RATES	
Dirt	$ 40.00 per T/A load
	$ 30.00 per S/A load
Clean Concrete	$ 30.00 per T/A load
	$ 15.00 per S/A load
Mixed Loads	$ 75.00 per T/A load
	$ 55.00 per S/A load

CONSTRUCTION DEBRIS

Rolloff Rates ALL SIZES	$ 35.00 per ton/$ 75.00 min chg
Transfer Trailers (walking floor/push out)	$ 35.00 per ton/$ 75.00 min chg
Demo Dump Trailers	$ 35.00 per ton/$75.00 min chg
Dump Truck ALL SIZES	$ 35.00 per ton/$ 75.00 min chg
Pick Up Truck	$ 30.00 per load(1 ton max)
P/U/Svc Truck/Vans w/ Tag Along Trailer/Stakebodies etc.	$ 35.00 per ton/& 75.00 min chg
Cleanout of frozen or stuck load charge	$ 40.00 all trucks
	$ 100.00 all trailers
Non-Friable Asbestos *	$ ICB *Please call for details

C:/Documents/Intro Pak

10710 Philadelphia Road • Perry Hall, Maryland 21128
Phone: 410-335-9500 • Fax: 410-335-1743

MDE
Robert L. Ehrlich
Governor

Maryland Department of the Environment

Hg 5.16

1800 Washington Blvd., Suite 610 • Baltimore • Maryland • 21230-1719
(410) 537-3314 • 1-800-633-6301 (within Maryland) • http://www.mde.state.md.us

Richard F. Pecora
Secretary

Via FedEx
8371-7977-2142

Annual Solid Waste Tonnage Report
Permitted Solid Waste Acceptance Facilities

Pro 4B

Reporting year: 2002

Company Name: Honeygo Run Reclamation Center, Inc **Permit #:** 2001-WRF-0338

Facility Name: Honeygo Run Reclamation Center

Facility Address: 10710 Philadelphia Road (Street) — (410) 335-9500 (Facility Telephone number)

Facility Address: Perry Hall, MD 21128 (City, State, Zip) — (410) 335-1743 (Facility Fax number)

Contact name: Monte R. Kamp, General Manager — kampm@repsrvnj.com (e-mail address)

Contact Address: 10710 Philadelphia Road (Street) — (410) 335-9500 (Contact Telephone number)

Contact Address: Perry Hall, MD 21128 (City, State, Zip) — (410) 335-1743 (Contact Fax number)

Return the completed form by **March 1** to:

Planning, Recycling and Outreach Program
Waste Management Administration
Maryland Department of the Environment
1800 Washington Blvd., Suite 610
Baltimore, MD 21230-1719

Facility Name: Honeygo Run Reclamation Center Permit #: 2001-WRF-0338

E -- Additional Information To Be Submitted By All Permit Holders

1. How is the category(ies) of incoming waste determined?

Truck driver; visual inspection at scale and working face

2. How is the origin or source of incoming waste for each waste category determined?

Truck driver and/or manifest

3. If applicable, report the conversion factor used to convert cubic yards to tons for each waste category:

N/A

4. Total amount of solid waste *and other materials* in tons accepted by month. Reporting year 2002

January	February	March	April	May	June
38,493	23,641	26,193	28,182	27,511	30,198

July	August	September	October	November	December
29,682	27,532	24,802	29,436	22,997	21,214

5. Include a copy of the current tip fee and other charges with this report.

F -- Additional Information To Be Submitted By Landfill Permit Holders Only

1. Total volume of waste landfilled this reporting period. (To be Reported as In-Place Cubic Yards.) — 1. 355,724 BCY
2. Percent of total permitted landfill capacity used during reporting period. — 2. 12.6%
3. Remaining capacity in *active* landfill cell reported in cubic yards. (as of 11/24/02) — 3. 264,214 BCY
4a. Projected calendar year when *active* landfill cell will reach capacity. — 4a. 2003

4b. How was the above projection determined?

(264,214 BCY) X (0.51 T/BCY)/(215,000)Tons/Yr)=0.63 Years

5. Total remaining permitted landfill capacity reported in cubic yards. — 5. 906,236 BCY
6. Number of permitted cells *remaining* in landfill. (As identified in Approved Plans) — 6. 1
7. Total number of permitted cells in landfill. (As identified in Approved Plans) — 7. 3
8a. Projected calendar year when the landfill will reach permitted capacity. — 8a. 2005

8b. How was the above projection determined?

(906,236 BCY) X (0.51 T/BCY)/(215,000 Tons/Yr)= 2.15 Years

9. A topographic map generated by a survey performed within the last three months of the reporting period.

The topographic map is to accurately describe the permitted landfill area; be signed and sealed by a professional land surveyor; be drawn to a scale between 1" = 40' and 1" = 200', as appropriate; and at a minimum, contain the following information:

(a). The total permitted area of the landfill; (b). the volume of the total permitted landfill capacity that has been utilized; and (c), the remaining landfill capacity is currently constructed.

G -- Certification

This is to certify that the information contained in this report and any attached documents are true, accurate and complete to the best of my knowledge.

Monte R. Kamp
Name *(please print or type)*

Monte R. Kamp
Signature

2/28/03
Date

Facility Name: Honeygo Run Reclamation Center, Inc. **Permit #:** 2001-WRF-0338

Reporting year 2002

Optional Information Relating to the Economic Benefits of the Facility

(Note: Suggested questions to assist in providing the requested information are provided in italics.)

1. The facility's economic benefits provided to the locality where the facility is located.
(e.g. Types of economic benefit provided, taxes paid, services provided, etc. How do the economic benefits provided impact the locality?)

Taxes paid during 2002 were approximately $ 50,000.00.

2. Value of the disposal and recycling facilities provided to the locality at no cost or at a reduced cost.
(e.g. Does the facility replace or complement any government services or facility?)

Not Applicable

3. Direct employment associated with the facility.
(e.g. How many people does the facility employ? Types of jobs? Total value of salaries paid to employees?

Honeygo Run currently employs eleven full-time personnel with a payroll of more than $ 400,000.00. Eighty percent (80%) of the workforce lives within 20 miles of the facility.

4. Other economic benefits resulting from the facility during the reporting period.
(e.g. Estimated value of goods and services purchased from the locality for the facility? Estimated value of materials produced or recycled for the year? Estimated value of savings to taxpayers for services provided?)

Honeygo Run supports a host of local businesses in Perry Hall/White Marsh and Baltimore County and surrounding municipalities through the purchase of products and services supporting disposal operations. In 2002 vendors and contractors were paid in excess of $ 3,800,000.00 for materials, services, fuel oil, office products, parts and equipment and construction goods and services.

HONEYGO RUN RECLAMATION CENTER
WASTE SUMMARY
Origin Report
2002

Origin	C & D Tonnage	Mixed D & C	Dirt Tonnage	Concrete Tonnage	Special	
BA City	16,908.10	3,464.22	6,773.16	8879.20	100.47	36,125.15
BA County	49,018.23	19,873.99	55,340.63	45089.18	1,079.41	170,401.44
Anne Arundel Co	8,954.88	52.29	142.58	850.20	55.55	10,055.50
Prince Georges Co	539.73	22.75	34.46	192.45	3.40	792.79
Harford County	25,849.99	955.25	986.12	3523.67	37.09	31,352.12
Montgomery County	264.51	43.27	15.94	186.68	218.06	728.46
Cecil County	1376.25	0.00	0.00	202.87	0.00	1,579.12
Carroll County	410.61	0.00	0.00	44.88	0.00	455.49
Howard County	20,990.60	69.66	53.72	775.43	0.00	21,889.41
Calvert County	4,259.03	0.00	0.00	0.00	61.23	4,320.26
Frederick County	337.45	0.00	0.00	357.82	0.00	695.27
Talbott County	36.27	0.00	0.00	0.00	0.00	36.27
St. Mary's County	222.56	0.00	0.00	12.90	0.00	235.46
Charles County	15.49	0.00	0.00	0.00	0.00	15.49
Washington DC	116.12	0.00	12.43	92.83	8.07	229.45
Delaware	24.91	0.00	0.00	6.04	0.00	30.95
Pennsylvania	50,790.71	0.00	0.00	0.00	0.00	50,790.71
Virginia	49.02	0.00	0.00	24.60	25.87	99.49
New Jersey	48.39	0.00	0.00	0.00	0.00	48.39
	180,212.85	24,481.43	63,359.04	60,238.75	1,589.15	329,881.22
						329,881.22

cover page

ASSOCIATES

ANALYTICAL SUMMARY MONITORING REPORT

1ST AND 2ND QUARTER 2002

HONEYGO RUN RECLAMATION CENTER

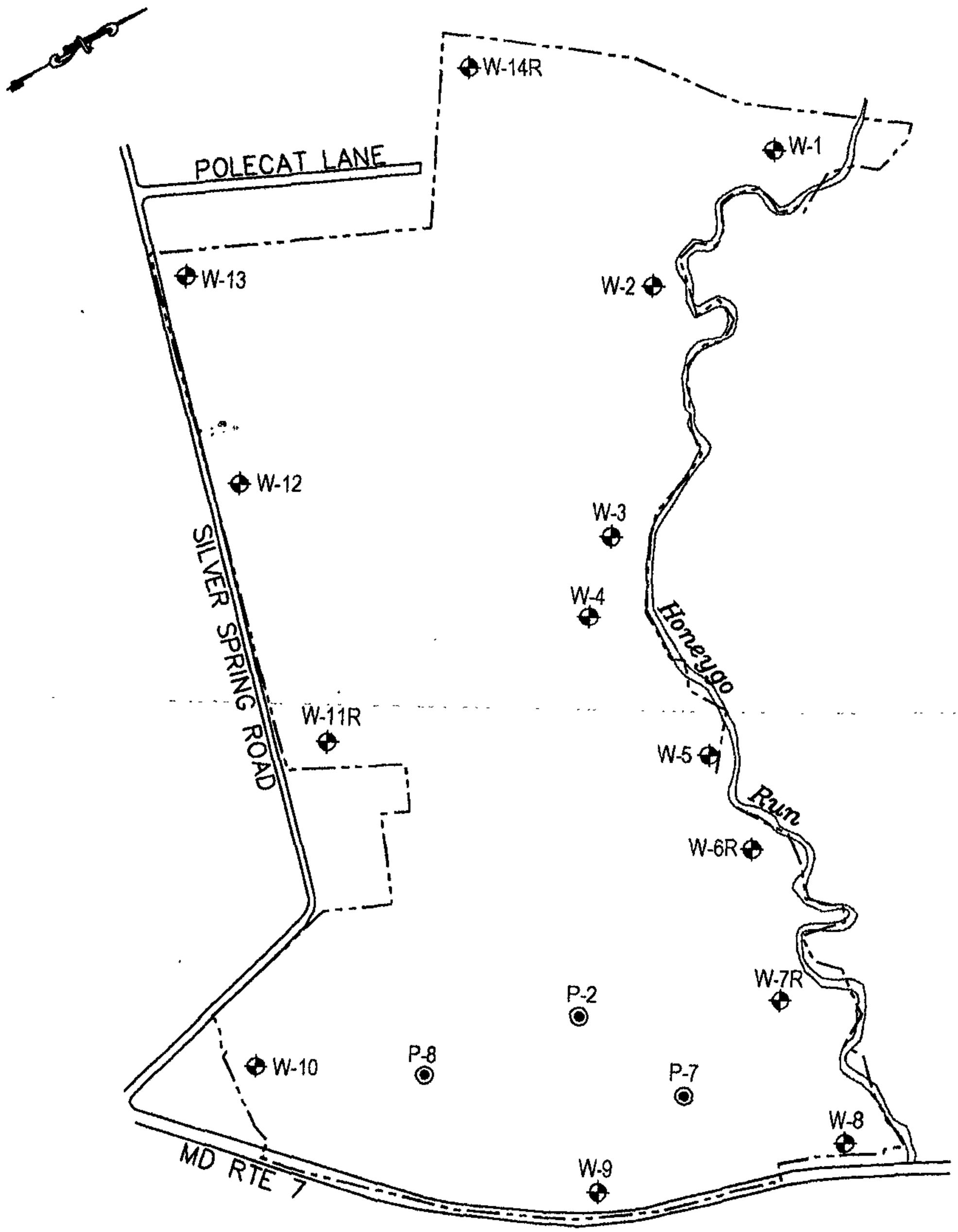
WHITE MARSH, BALTIMORE COUNTY
MARYLAND

Part No 5

Prepared by:

NORMANDEAU ASSOCIATES, INC.
3450 Schuylkill Road
Spring City, PA 19475

January - June 2002



LEGEND

P-1 ◉ – Piezometer

W-1 ⊕ – Monitoring Well

NORMANDEAU ASSOCIATES ENVIRONMENTAL CONSULTANTS 3428 Schoolhouse Road Spring City, PA 19475-1124	HONEYGO RUN RECLAMATION CENTER GROUNDWATER SITE PLAN January - June 2002	DRAWN BY: SGS	DATE: 06-24-02	FIGURE: 1
		CHECKED BY: BJS	DETAIL NO.: 18579002	
		JOB NO.: 18579.006	SCALE: 1"=350'	

Table 5

HONEYGO RUN RECLAMATION CENTER

Table 5

1st Semi-Annual 2002 - Groundwater Sampling Event

Summary of Sample Locations / Parameters That Exceed Primary and Secondary Drinking Water Standards

Sample Point	Parameter	**Q-1-02 Results**	Q-3-01 Results	Q-1-01 Results	Q-3-00 Results	Q-1-00 Results	Q-3-99 Results	Q-1-99 Results	EPA MCL	Units
W-1	Iron, Total [2]	**6.3**	3.4	13	5.1	2.2	2.4	9.09	0.3	mg/l
	Solids, Total Dissolved [2]	**851**	1040	896	1130	858	1000	850	500	mg/l
	Chloride [2]	**400**	592	432	613	499	631	479	250	mg/l
W-2	Iron, Total [2]	**4.8**	1.5	0.83	8.4	3.7	7.9	9.50	0.3	mg/l
	Mercury, Total	ND [1]	ND	ND	ND	ND	0.0006	0.00047	0.002	mg/l
	Chloride [2]	72.6 [1]	84.1	82.0	118	141	262	118	250	mg/l
W-3	Iron, Total [2]	**2.1**	0.62	5.1	4.0	1.5	7.6	5.16	0.3	mg/l
W-4	Iron, Total [2]	**8.5**	22	4.8	17	3.2	23	9.91	0.3	mg/l
	Arsenic, Total	ND [1]	ND	ND	ND	ND	0.004	ND	0.05	mg/l
	Cadmium	0.002 [1]	0.034	ND	ND	ND	ND	ND	0.005	mg/l
	Chromium, Total	0.020 [1]	0.024	0.006	0.005	0.010	0.032	ND	0.1	mg/l
W-5	Iron, Total [2]	**7.9**	17	4.7	7.7	18	5.4	4.63	0.3	mg/l
	Nitrogen, Nitrate/Nitrite	5.38 [1]	12.1	6.86	12.4	0.50	10.3	10.6	10	mg/l
W-6/W-6R	Iron, Total [2]	**0.71**	0.37	0.49	0.99	6.0	2.4	8.60	0.3	mg/l
	Nitrogen, Nitrate/Nitrite	**30.5**	33.1	32.4	35.2	29.2	28.9	23.6	10	mg/l
	Solids, Total Dissolved [2]	**618**	589	618	689	555	576	586	500	mg/l
	Sulfate [2]	233 [1]	289	241	277	237	263	242	250	mg/l
V-7/W-7R	Iron, Total [2]	**1.8**	2.2	1.7	1.6	Well Dry	Well Dry	4.82	0.3	mg/l
	Nitrogen, Nitrate/Nitrite	6.91 [1]	6.51	9.48	4.18	Well Dry	Well Dry	13.1	10	mg/l
/-8	Iron, Total [2]	**4.5**	3.1	1.4	1.1	5.4	2.8	7.90	0.3	mg/l
	Chloride [2]	242 [1]	59.7	285	59.8	19.6	36.1	612	250	mg/l
	Solids, Total Dissolved [2]	**782**	520	899	508	213	311	1180	500	mg/l
-9	Iron, Total [2]	**1.2**	0.95	0.20	0.47	5.6	0.52	27.6	0.3	mg/l
	Chromium, Total	0.009 [1]	0.007	ND	0.003	0.030	0.004	0.172	0.1	mg/l
	Nitrogen, Nitrate/Nitrite	**10.3**	12.2	12.8	12.4	12.5	12.0	14.4	10	mg/l
-10	Iron, Total [2]	0.22 [1]	0.30	0.17	0.14	3.5	0.90	13.1	0.3	mg/l
11R	Iron, Total [2]	**2.0**	3.2	0.40	0.68	2.6	0.23	12.6	0.3	mg/l
	Nitrogen, Nitrate/Nitrite	9.43 [1]	11.2	11.5	12.8	14.2	14.3	14.3	10	mg/l
12	Iron, Total [2]	**3.9**	0.44	0.16	3.0	0.10	ND	0.33	0.3	mg/l
	Chromium, Total	0.020 [1]	0.006	0.003	0.015	ND	ND	ND	0.1	mg/l
	Nitrogen, Nitrate/Nitrite	3.22 [1]	3.92	3.84	4.9	5.56	6.90	9.3	10	mg/l
3	Iron, Total [2]	**2.4**	2.4	6.1	2.5	1.7	14	NA	0.3	mg/l
4R	Iron, Total [2]	**2.0**	1.4	0.31	0.97	Well Dry	Well Dry	NA	0.3	mg/l

[1] - Noted due to past results that exceeded the MCL.
[2] - Secondary Standards

NA - Not Analyzed

ND - Not Detected

NL - Not Listed

Golder Associates Inc.

1951 Old Cuthbert Road, Suite 301
Cherry Hill, NJ 08034
Telephone (856) 616-8166
Fax (856) 616-1874
www.golder.com

Front page

Golder Associates

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SOLID WASTE PROGRAM

PHASE II
GEOLOGY AND HYDROGEOLOGY REPORT
FOR THE SOUTHERN EXPANSION OF THE HONEYGO RUN RECLAMATION CENTER
PERRY HALL, MARYLAND

Prepared for:

Honeygo Run Reclamation Center, Inc.
10710 Philadelphia Road
Perry Hall, Maryland 21128
410-335-9500

Prepared by:

Golder Associates Inc.
1951 Old Cuthbert Road, Suite 301
Cherry Hill, New Jersey 08034

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July 2003

023-6114

page iii

EXECUTIVE SUMMARY

Honeygo Run Reclamation Center, Inc. (HRRC) has completed the Phase II Geology and Hydrogeology Report for the horizontal/vertical Southeastern Expansion at the HRRC site located in Perry Hall, Maryland. HRRC retained Golder Associates Inc. (Golder Associates) to complete the geologic/hydrogeologic data interpretation and Earth Tech to conduct the field work related to this project.

The Phase II Geology and Hydrogeology Report addresses COMAR 26.04.07.15 pertaining to permitting of rubble landfills. A field investigation program was implemented at the HRRC site based on a work plan presented to the Maryland Department of the Environment (MDE) during a meeting attended by the MDE Solid Waste Group, Republic Services, Inc. (Republic), GGP & Associates, LLC, Golder Associates, and Earth Tech (2002). Several refinements to the work plan were made based on the feedback provided by MDE during that meeting and during telephone conversations between MDE and Golder Associates/Earth Tech and Republic. The final work plan included installation of five 4-inch monitoring wells, installation of four 2-inch piezometers, monthly groundwater level measurements, quarterly groundwater sampling, and slug testing of all the newly installed piezometers/monitoring wells. All the field work was conducted by Earth Tech, except slug-testing, which was completed by Golder Associates.

The Phase II Geology and Hydrogeology Report includes a narrative of the property features, a presentation of the regional setting (topography, physiography, regional geology, regional hydrogeology, and climatology), site investigations (borehole drilling and piezometer installations, monthly groundwater level measurements, quarterly groundwater sampling, and slug testing), site geologic and hydrogeologic setting, and groundwater chemistry including potential groundwater impacts. Additional regional information is presented in appendices to this report including the Federal Emergency Management Agency for flood insurance rate map (FEMA map) and a survey of all groundwater production wells within 1/2 mile of the HRRC site boundary.

Table 1
Summary of Groundwater Elevation Data
Honeygo Run Reclamation Center

MEASURING LOCATION	MEASURING POINT ELEVATION [feet msl]	12-May-03 DEPTH TO WATER [feet]	12-May-03 GROUNDWATER ELEVATION [feet msl]	HIGHEST OBSERVED GROUNDWATER ELEV [feet msl]	LOWEST OBSERVED GROUNDWATER ELEV [feet msl]	DIFFERENCE BETWEEN HIGHEST AND LOWEST GW ELEV [feet]
PZ-01	139.65	91.57	48.08	48.14	47.56	0.58
PZ-02	122.85	80.70	42.15	42.16	41.64	0.52
PZ-03	118.40	68.40	50.00	50.00	49.44	0.56
PZ-04	107.51	67.02	40.49	40.62	40.07	0.55
PZ-05	72.20	35.71	36.49	36.49	35.83	0.66
PZ-06	85.43	47.81	37.62	37.62	36.54	1.08
PZ-07	100.92	69.34	31.58	31.58	30.73	0.85
PZ-08	99.73	63.08	36.65	36.65	34.85	1.80
PZ-09	112.88	73.05	39.83	39.83	39.03	0.80
W-1	47.85	6.65	41.20	41.76	37.93	3.83
W-2	52.81	10.87	41.94	42.40	36.16	6.24
W-3	42.04	5.04	37.00	38.07	35.32	2.75
W-4	42.61	6.80	35.81	37.18	33.32	3.86
W-5	36.85	8.07	28.78	29.91	27.98	1.93
W-6R	56.57	28.13	28.44	28.58	27.53	1.05
W-7R	54.79	27.68	27.11	27.26	26.04	1.22
W-8	43.08	17.20	25.88	27.02	21.91	5.11
W-9	83.83	52.88	30.95	30.95	28.56	2.39
W-10	87.06	55.47	31.59	31.59	29.21	2.38
W-11R	112.61	76.37	36.24	36.24	34.64	1.60
W-12	101.14	61.72	39.42	39.42	38.35	1.07
W-13	127.94	84.61	43.33	43.33	42.03	1.30
W-14R	122.25	73.21	49.04	49.04	48.39	0.65
P-2	46.53	14.96	31.57	31.57	29.76	1.81
P-7	39.82	8.85	30.97	30.97	25.76	5.21
P-8	54.49	20.45	34.04	34.04	30.63	3.41

Summary Table 1 page 4 of 4

ANALYTICAL LABORATORY SERVICES, INC.
www.analyticallab.com
NELAP Accredited
PA 22-293 NJ 77010
ACCREDITED IN ACCORDANCE WITH nelac
34 Dogwood Lane - Middletown, PA 17057 Phone: 717-944-5541 Fax: 717-944-1430

Certificate of Analysis

March 27, 2003

Mr. Paul Whitty
Earth Tech
4 NesNaming Interplex
Suite 300
Feasterville Trevose, PA 19053

Lab ID #: 229583001
Received: 03/07/03 09:15
Discard: 04/10/03

Project Name: Honeygo Run Southern Expansion PO#: 57530

Sample ID: PZ-08
Date Collected: 03/06/03 07:40
Matrix: Water
Collected by: Collected by Customer

Analysis Parameter	Result	Units	RDL	Method	Completed	Prep Date	By
WET CHEMISTRY							
Alkalinity, Total	18	mg/L	5	SM18-2320 B	03/14/03 16:00	03/14/03	CGS
Chemical Oxygen Demand (COD)	ND	mg/L	15	EPA 410.4	03/14/03 11:55	03/14/03	DAP
Chloride	35.1	mg/L	5.0	EPA 300	03/08/03 06:11	03/08/03	WAM
Hardness	101	mg/L	5	SM18-2340 C	03/21/03 12:00	03/21/03	DAP
Nitrate	5.59	mg/L	0.50	EPA 300	03/08/03 06:11	03/08/03	WAM
Nitrate/Nitrite	5.59	mg/L	0.50	EPA 300	03/08/03 06:11	03/08/03	WAM
Nitrite-N	ND	mg/L	0.05	EPA 300	03/08/03 06:11	03/08/03	WAM
Specific Conductance	254	umhos/cm	1	EPA 120.1	03/08/03 03:55	03/08/03	SCW
Total Dissolved Solids	177	mg/L	5	SM18-2540 C	03/11/03 21:15		MCD
pH [1]	5.8	pH_Units		EPA 150.1	03/07/03 09:15	03/07/03	SCW
VOLATILE ORGANICS							
Acrolein	ND	ug/L	10	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Acrylonitrile	ND	ug/L	4.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Benzene	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Bromodichloromethane	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Bromoform	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Bromomethane	ND	ug/L	2.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
2-Butanone (MEK)	ND	ug/L	4.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Carbon Tetrachloride	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Chlorobenzene	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Chlorodibromomethane	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK

1 - This sample was received at the laboratory after the holding time for pH had expired.

ANALYTICAL LABORATORY SERVICES, INC.
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PA 22-295 NJ 77010
ACCREDITED IN ACCORDANCE WITH nelac
54 Dogwood Lane • Middletown, PA 17057 Phone: 717-944-5541 Fax: 717-944-1430

Certificate of Analysis

March 27, 2003

Mr. Paul Whitty
Earth Tech
4 Neshaming Interplex
Suite 300
Feasterville Trevose, PA 19053

Lab ID #: 229583001
Received: 03/07/03 09:15
Discard: 04/10/03

Project Name: Honeygo Run Southern Expansion PO#: 57530

Sample ID: PZ-08
Date Collected: 03/06/03 07:40
Matrix: Water
Collected by: Collected by Customer

Analysis Parameter	Result	Units	RDL	Method	Completed	Prep Date	By
VOLATILE ORGANICS (continued)							
Chloroethane	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
2-Chloroethylvinyl ether	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Chloroform	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Chloromethane	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
1,1-Dichloroethane	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
1,2-Dichloroethane	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
1,1-Dichloroethene	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
trans-1,2-Dichloroethene	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
1,2-Dichloropropane	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
1,3-Dichloropropene, Total	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Ethylbenzene	ND	ug/L	2.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Methylene Chloride	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
1,1,2,2-Tetrachloroethane	ND	ug/L	2.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Tetrachloroethene	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Toluene	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
1,1,1-Trichloroethane	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
1,1,2-Trichloroethane	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Trichloroethene	ND	ug/L	1.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK
Vinyl Chloride	ND	ug/L	2.0	SW846 8260B	03/17/03 22:11	03/17/03	CPK

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Certificate of Analysis

March 27, 2003

Mr. Paul Whitty
Earth Tech
4 Neshaming Interplex
Suite 300
Feasterville Trevose, PA 19053

Lab ID #: 229583001
Received: 03/07/03 09:15
Discard: 04/10/03

Page: 3 Of 3

Project Name: Honeygo Run Southern Expansion

PO#: 57530

Sample ID: PZ-08
Date Collected: 03/06/03 07:40

Matrix: Water
Collected by: Collected by Customer

Analysis Parameter	Result	Units	RDL	Method	Completed	Prep Date	By
METALS							
Arsenic, Total	ND	mg/L	0.009	SW846 6010B	03/14/03 13:17	03/13/03	JRG
Barium, Total	0.076	mg/L	0.011	SW846 6010B	03/14/03 13:17	03/13/03	JRG
Cadmium, Total	0.002	mg/L	0.001	SW846 6010B	03/14/03 13:17	03/13/03	JRG
Chromium, Total	0.017	mg/L	0.006	SW846 6010B	03/14/03 13:17	03/13/03	JRG
Lead, Total	ND	mg/L	0.006	SW846 6010B	03/14/03 13:17	03/13/03	JRG
Mercury, Total	ND	mg/L	0.0005	EPA 245.2	03/17/03 15:08	03/14/03	NAH
Zinc, Total	0.19	mg/L	0.02	SW846 6010B	03/14/03 13:17	03/13/03	JRG

Surrogates	Result	Units	Recovery	Limits
1,2-Dichloroethane-d4	28.8	ug/L	96.0%	(70 - 134)
Dibromofluoromethane	26.4	ug/L	88.0%	(71 - 135)
Toluene-d8	28.7	ug/L	95.7%	(74 - 132)
4-Bromofluorobenzene	26.4	ug/L	88.0%	(84 - 116)

This report relates only to the sample as received by the laboratory, and may only be reproduced in full.

Raymond J. Martrano
Laboratory Manager

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Certificate of Analysis

March 27, 2003

Mr. Paul Whitty
Earth Tech
4 Neshaming Interplex
Suite 300
Feasterville Trevose, PA 19053

Lab ID #: 229583002
Received: 03/07/03 09:15
Discard: 04/10/03

Project Name: Honeygo Run Southern Expansion PO#: 57530

Sample ID: PZ-07
Date Collected: 03/06/03 08:15

Matrix: Water
Collected by: Collected by Customer

Analysis Parameter	Result	Units	RDL	Method	Completed	Prep Date	By
WET CHEMISTRY							
Alkalinity, Total	18	mg/L	5	SM18-2320 B	03/14/03 16:00	03/14/03	COS
Chemical Oxygen Demand (COD)	29	mg/L	15	EPA 410.4	03/14/03 11:55	03/14/03	DAP
Chloride	70.2	mg/L	5.0	EPA 300	03/08/03 06:25	03/08/03	WAM
Hardness	89	mg/L	5	SM18-2340 C	03/21/03 12:00	03/21/03	DAP
Nitrate	3.03	mg/L	0.50	EPA 300	03/08/03 06:25	03/08/03	WAM
Nitrate/Nitrite	3.03	mg/L	0.50	EPA 300	03/08/03 06:25	03/08/03	WAM
Nitrite-N	ND	mg/L	0.05	EPA 300	03/08/03 06:25	03/08/03	WAM
Specific Conductance	378	umhos/cm	1	EPA 120.1	03/08/03 03:55	03/08/03	SCW
Total Dissolved Solids	231	mg/L	5	SM18-2540 C	03/11/03 21:15		MCD
pH [1]	5.9	pH_Units		EPA 150.1	03/07/03 09:15	03/07/03	SCW
VOLATILE ORGANICS							
Acrolein	ND	ug/L	10	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Acrylonitrile	ND	ug/L	4.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Benzene	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Bromodichloromethane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Bromoform	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Bromomethane	ND	ug/L	2.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
2-Butanone (MEK)	ND	ug/L	4.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Carbon Tetrachloride	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Chlorobenzene	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Chlorodibromomethane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH

1 - This sample was received at the laboratory after the holding time for pH had expired.

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Certificate of Analysis

March 27, 2003

Mr. Paul Whitty
Earth Tech
4 Neshaming Interplex
Suite 300
Feasterville Trevose, PA 19053

Lab ID #: 229583002
Received: 03/07/03 09:15
Discard: 04/10/03

Project Name: Honeygo Run Southern Expansion PO#: 57530

Sample ID: PZ-07
Date Collected: 03/06/03 08:15

Matrix: Water
Collected by: Collected by Customer

Analysis Parameter	Result	Units	RDL	Method	Completed	Prep Date	By
VOLATILE ORGANICS (continued)							
Chloroethane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
2-Chloroethylvinyl ether	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Chloroform	1.5	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Chloromethane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
1,1-Dichloroethane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
1,2-Dichloroethane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
1,1-Dichloroethene	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
trans-1,2-Dichloroethene	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
1,2-Dichloropropane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
1,3-Dichloropropene, Total	ND	ug/L	2.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Ethylbenzene	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Methylene Chloride	ND	ug/L	2.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
1,1,2,2-Tetrachloroethane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Tetrachloroethene	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Toluene	4.4	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
1,1,1-Trichloroethane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
1,1,2-Trichloroethane	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Trichloroethene	ND	ug/L	1.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH
Vinyl Chloride	ND	ug/L	2.0	SW846 8260B	03/19/03 02:55	03/19/03	TEH

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

MEMORANDUM

To: Timothy Kotroco, Director, Department of Permits & Development Management

From: David Iannucci, Executive Director

Date: July 9, 2003

Re: Honeygo Reclamation Center Expansion

The Department of Economic Development supports the expansion of the Honeygo Reclamation Facility. In addition to job retention and strong capital investment, Honeygo provides a necessary service to the businesses and residents of the County. DED understands that the center would provide substantial savings to the County by retaining an active reclamation facility. Because of the existing rubble landfill, the additional acreage does not lend itself to other suitable economic development uses, such as attracting new industrial users to the site.

Representations have been made that the expansion will:

- Double capacity at the site.
- Increase the life span from 24 months to 10 years.
- Recycle 50% of materials brought to the landfill.
- Include a "lined" landfill.
- Retain 25 jobs at Republic Industries, the operating company.
- Result in a capital expenditure of $50 million for site expansion.
- Retain the only privately owned rubble landfill in County.
- Replace the closed Days Cove landfill. (Day's Cove may apply for an extension in the future).
- Build on Republic's reputation and excellent community history.

Councilman Gardina, Nottingham Properties, Allison Transmissions, et al. are aware of and support the project. DED has no objection to this proposal.

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Cc: Councilman Vincent J. Gardina, Fifth District
Councilman Joseph Bartenfelder, Sixth District
Lawrence E. Schmidt, Zoning Commissioner
Ed Adams, Director, Department of Public Works
John Gontrum, Attorney
Richard Cobert, Department of Economic Development

Ref No 7

Florin Gheorghiu, C.P.G., P.G.

1982 - 1987 **Geological Survey of Romania** **Bucharest, Romania**

Engineering Geologist.

Completing mining feasibility studies as a member of a team. The responsibilities related to these types of projects included: Completing mining exploration work plans required for the definition of ore extent and concentration; Conceptual mining design of the ore zone; Performing reserve calculations and estimating ore value; Estimating groundwater infiltration in mine workings; Estimating slope stability of mine spoils and mine excavations; Producing conceptual dewatering plans for open pit mines and estimating optimum pumping rates; Selecting potential location of dams for industrial water supply related to the ore preparation process; Performing studies for prognosis of mineral occurrences.

1977 - 1982 **Prospectiuni S.A.** **Bucharest, Romania**

Engineering Geologist.

Responsible for geologic mapping of sedimentary and metamorphic terrain; Interpreting site stratigraphy, structural geology, groundwater geochemistry; Performing reserve calculations based on mining exploration results and statistical analysis of chemistry data; Conducting geological investigation of tunnels for hydroelectric power plants.

National Awards

On behalf of Golder Associates, Mr. Gheorghiu received from the National Ground Water Association "The Year 2000 Outstanding Groundwater Project Award," for the design and installation of the longest blast trench in North America for environmental applications.

Publications

Robert E. Glazier, Ramesh Venkatakrishnan, **Florin Gheorghiu**, Lindsey Walata, Robert Nash , and Wei-xian Zhang, 2003, "Nanotechnology," Civil Engineering Magazine, Vol 73, No. 5, May 2003.

Florin Gheorghiu, Ramesh Venkatakrishnan, Robert E. Glazier, Lindsey Walata, Robert Nash , and Wei-xian Zhang, 2003, "Hydrogeological Site Characterization for the Implementation of a Pilot Test of In-Situ Groundwater Treatment using Dual-Phase Slurry Injection In Fractured Bedrock," proceedings of the 2003 EGS-AGU-EUG Joint Assembly, Nice, France, April 6-11, 2003.

Wei-xian Zhang , Lindsey Walata , Robert Nash, **Florin Gheorghiu**, Robert Glazier Ramesh Venkatakrishnan, 2003, "Field Testing of Bimetallic Nanoscale Particle Technology for In-Situ Groundwater Treatment of a Fractured Rock DNAPL Zone," proceedings of the 2003 EGS-AGU-EUG Joint Assembly, Nice, France, April 6-11, 2003.

Ramesh Venkatakrishnan, and **Florin Gheorghiu**, 2003, "Conceptual Groundwater Flow Models Identified in the Triassic Basins, Eastern United States," proceedings of the 2003 EGS-AGU-EUG Joint Assembly, Nice, France, April 6-11, 2003.

Florin Gheorghiu, Jay Smerekanicz, and Mark Pedersen, 2001, "Conceptual Model Discretization, Numerical Model Calibration and Field Verification for Groundwater Control using an Enhanced Bedrock Permeability Zone," Proceedings of the XXXI International Association of Hydrogeologists Congress, Munich, Germany 10-14 September 2001, New Approaches Characterizing Groundwater Flow, Vol. 1 pp. 321-326.

David Ley, **Florin Gheorghiu**, Ramesh Venkatakrishnan, and Rainer Domalski, 2001, "Use of Water Balance Calculations in the Design of a Groundwater Extraction System in Karst Terrains," Proceedings of

of an enhanced permeability zone using bedrock blasting to maximize the land use and airspace at a landfill site; Design and implementation of work plans for geologic and hydrogeologic investigations, and groundwater monitoring plans for municipal landfill permit applications; Designing, conducting and analyzing various aquifer tests in porous and fractured media; Providing technical support for expert witness testimony regarding environmental litigation.

Representative projects and clients included: Modern Landfill, Modern Landfill & Recycling, PA; Elizabethtown Landfill, SCA, PA; G.R.O.W.S. Landfill, WMNA, PA; T.R.R.F. Landfill, WMNA, PA; Foulton Plant, Berwick Industries, PA; Cinnaminson Landfill, SLI, NJ; Bendix Facility, AlliedSignal, NJ; Patterson Avenue Superfund Site, WMNA; NJ; WDI Landfill; WDI, NJ; MarTee Landfill, WMNA, NJ; Lyman Street Site General Electric, MA; East Street Site, General Electric, MA; New Millford Landfill, WMNA, CO; Saint Etienne Landfill W.M. of Canada; NENT Landfill, Hong-Kong, WMI; SENT Landfill Hong-Kong, WMI;

1988 to 1993 **Golder Associates Inc.** **Cherry Hill, New Jersey**

Project Engineering Geologist, then Senior Engineering Geologist, then Associate.

Responsible for management and coordination of various geological, hydrogeological, and geophysical investigations for environmental and civil engineering projects including contaminant investigations, and municipal landfill design projects.

Directed technical effort for groundwater flow and solute transport modeling using computer codes FLOWPATH, MODFLOW, MODPATH and FTWORK, for contaminant plume characterization, civil engineering projects and remedial system design including extraction/reinjection system design, cut-off wall design and hydraulic containment of NAPL contaminated sites; Probabilistic assessment of monitoring system efficiency; Probabilistic assessment and Monte Carlo simulations of groundwater flow and contaminant migration rates; Designing, conducting and analyzing various aquifer tests in porous and fractured media such as: step-drawdown tests, constant rate pumping tests, withdrawal/injection or pulse tests using straddle packer assembly, constant rate or constant head pump-in tests, etc.; Defining nature and extent of contaminant plumes, including DNAPL and LNAPL plumes, using geologic, hydrogeologic, geochemical, and geophysical data at industrial and landfill sites; Integration of regional and site geology/hydrogeology based on drilling, trenching, geologic mapping and aerial photographs; Writing expert witness reports; Geotechnical and hydrogeologic assessments for potential landfill sites including baseline hydrogeologic conditions for Phase I and Phase II permit application.

Representative projects and clients included: Modern Landfill, WMNA, PA; Elizabethtown Landfill, WMNA, PA; Pottstown Landfill, WMNA, PA; Harmony Grove Landfill, WMNA, PA; Cinnaminson Landfill, WMNA, NJ; Monroe Landfill, BFI, NJ; Tabernacle Drum Dump Site, USX NJ; Sandy Hill Landfill, WMNA/Prince George's County, MD; Wheatfield Plant, Bell Aerospace Textron, NY; Lyman Street and East Street Sites, General Electric, MA; Woburn, ISRT, MA; Coakley Landfill Superfund Site, Coakley Landfill Group, NH; Duffield Plant, Cyprus Foote Minerals, VA.

1987 - 1988 **Ambric Engineering, Inc.,** **Philadelphia, Pennsylvania**

Engineering Geologist.

Responsible for environmental studies, preparation of sampling plans and site assessment reports in accordance with EPA requirements; implementing computer programs for calculation of slope stability and retaining walls; providing geotechnical assistance for pile driving and assessment of bearing capacity of soil.

the XXXI International Association of Hydrogeologists Congress, Munich, Germany 10-14 September 2001, New Approaches Characterizing Groundwater Flow, Vol. 1 pp. 559-564.

Jay Smerekanicz, **Florin Gheorghiu**, Cristian Enachescu, and Mark Pedersen, 2001, "Hydrogeologic Testing in Blast-Shattered Heterogeneous Bedrock," Proceedings of the XXXI International Association of Hydrogeologists Congress, Munich, Germany 10-14 September 2001, New Approaches Characterizing Groundwater Flow, Vol. 2 pp. 1063-1067.

Florin Gheorghiu, Jay Smerekanicz, Ramesh Venkatakrishnan, Mark Pedersen, and Jeff Shanks, 2001. "Geologic and Hydrogeologic Model for Groundwater Flow Control in Fractured Bedrock," Proceedings of the Fractured Rock 2001 Conference, March 26-28, 2001,Toronto, Ontario, Canada, pp. 91.

Alan Cameron, Jay Smerekanicz, **Florin Gheorghiu**, and Mark Pedersen, 2001, "Blasting for the Enhanced Western Groundwater Extraction System, Modern Landfill, York Pennsylvania." Paper accepted for presentation at the 27-th Annual Conference on Explosives and Blasting Techniques, Orlando January 2001.

Richard King, **Florin Gheorghiu**, 1993. "Geologic/Hydrogeologic Investigation and Remedial Design of DNAPL and Dissolved Phase Plumes at an Industrial Site, Niagara Falls, New York." International Business Communications, March 1993 Symposium, London, England.

Florin Gheorghiu, Richard King, Scott Miller, Jeff Shanks, Mark Neely, 1990. "Geologic/Hydrogeologic Setting of Modern Landfill Piedmont Province, South Central Pennsylvania." Association of Engineering Geologists, 1990 Symposium, Baltimore, Maryland.

Lucia Tanasescu, **Florin Gheorghiu**, Ion L. Popovici, 1981. "Preliminary Study of the Hydrothermal Mineralizations in Central-Eastern Area of Iezer-Papusa Mountains," Institute of Geology and Geophysics, Bucharest, Romania.

Significant Presentations

Florin Gheorghiu, 2001. "Hydrogeologic Characterization of Blasted Rock Mass," Invited Key Note Speaker to the Geological Society of Philadelphia Meeting, Philadelphia Pennsylvania.

Florin Gheorghiu and Jay Smerekanicz, 2000. "Enhanced Western Groundwater Control System," Invited Key Note Speakers to the Regional Hydrogeologists Meeting of the Department of Environmental Protection, Harrisburg, Pennsylvania.

Florin Gheorghiu, 1997. "Application of Analytical and Numerical Models for Natural Attenuation Characterization," Presentation at the Natural Attenuation Seminar Organized by Golder Associates, Princeton, New Jersey.

Florin Gheorghiu, 1996. "Advanced Test Analysis Methods for the Hydrogeological Characterization of Potential Nuclear Waste Repositories in Switzerland and Germany," Presentation to the technical staff of the USEPA Region III, Philadelphia, Pennsylvania.

Florin Gheorghiu and Cristian Enachescu 1995. "Use of Derivative for Hydrogeologic Test Flow Model Identification with Application in Deep Borehole Testing," Presentation to the technical staff of the USGS, Trenton, New Jersey Office.

Florin Gheorghiu, C.P.G., P.G.

LITIGATION EXPERIENCE

Modern Landfill Superfund Site **York, Pennsylvania**

Mr. Gheorghiu completed an expert witness report in support of Modern Landfill litigation with adjacent property owners. Mr. Gheorghiu reviewed the geologic and hydrogeologic setting of the site and leachate constituent migration. Mr. Gheorghiu was able to show that the properties in question were located side gradient of the landfill. Modern Landfill was not found liable for impacting the groundwater quality.

G.R.O.W.S. Landfill Site **Pennsylvania**

Mr. Gheorghiu provided technical support to the attorneys for Waste Management, Inc. in a litigation case involving a citizens group claiming that unpermitted disposal al the landfill resulted is groundwater impacts around the landfill. The case was settled out of court.

Confidential Site **New Jersey**

Mr. Gheorghiu is currently providing expert consultant services to attorneys for an industrial client for a litigation case. Mr. Gheorghiu's involvement includes reviewing existing geologic, hydrogeologic and groundwater chemistry data to evaluate the impact of the upgradient industrial properties on the Site groundwater quality.

Confidential Site **New Jersey**

Mr. Gheorghiu provided technical assistance to attorneys for an industrial client for several litigation cases. Mr. Gheorghiu's involvement included reviewing existing site data to evaluate the impact of the adjacent industrial property owners on the Site groundwater quality. Currently there are more than 40 property owners potentially impacting the groundwater quality at the Site.

Confidential Site **New York**

Mr. Gheorghiu provided technical assistance to the legal counselor for an industrial client. Mr. Gheorghiu prepared an affidavit in support of property value loss as a result of unintended and unexpected release of contaminants into the environment.

Confidential Site **New Jersey**

Mr. Gheorghiu is providing expert consulting services to attorneys retained by an industrial client. Mr. Gheorghiu provided technical evidence that the upgradient releases of chlorinated solvents have impacted groundwater quality at a former industrial site.

Confidential Site **New Jersey**

Currently Mr. Gheorghiu is providing expert consulting services for a civil action case involving releases of volatile organics at an industrial site in New Jersey. Mr. Gheorghiu is evaluating the costs recoverable under CERCLA Sections 107 and 113 and the New Jersey Spill Compensation and Control Act ("Spill Act") and cost allocation among the responsible parties.

WILLIAM P. MONK
Principal

Project Assignment:

Expert Witness / Project Manager

Years of Experience:

MRA:	2
Other Firms:	25

Education:

Master of Urban Planning,
University of Illinois, 1975
Bachelor of Urban Planning,
University of Illinois, 1973

Professional Affiliations:

American Planning Association,
Member

Mayor's Transition Committee for
Economic Development, Mayor
Martin O'Malley, City of Baltimore
1999-2000

Towson Development Corporation
President 1998-2000
Bd. of Directors 1994-2001

National Golf Association, Member

MORRIS & RITCHIE ASSOCIATES, INC.

C:\WINDOWS\TEMP\WPM.DOC

Qualifications:

Mr. Monk is a Principal of MRA and provides site planning, project management, government and community liaison services, and expert witness testimony for commercial, industrial, and residential projects.

His experience also includes golf course community master planning and golf course routing design.

Mr. Monk has extensive experience providing expert witness testimony. He is an approved expert witness in twelve jurisdictions throughout the mid-Atlantic region, including Prince George's County, Annapolis, Anne Arundel County, Baltimore, Baltimore County, Carroll County, Frederick County, Harford County, Howard County, and St. Charles Community in Maryland. Furthermore, he has testified in more than 400 zoning hearings over the past 25 years.

Pet No 8

AIRPORTS

CENTERS / CHILD CARE / YOUTH / VISITORS

COMMERCIAL/ RETAIL CENTERS

Canton Crossing, Baltimore City, Maryland - Master planning for six square block of mixed-use development incorporating hotel, office, retail, food market, structured parking, restaurant, and marina.

Glen Burnie Super Block, Anne Arundel County, Maryland - Prepared site plan for redevelopment of key 5+ acre parcel in heart of Glen Burnie Urban Renewal District. Project includes food store anchor, retail, office, residential, structured parking, and town center plaza with skating rink.

BP Amoco Oil Company, Baltimore-Washington - Site/zoning feasibility studies and civil engineering for more than 80 sites.

Chick-fil-A, Inc., Baltimore-Washington - Site/zoning feasibility studies and civil engineering for more than 30 sites.

Hagerstown Commons, Hagerstown, Maryland - A 42-acre, 350,000-SF, phased, mixed-use center containing office, retail and a cinema-plex.

Commerce Place, Prince George's County, Maryland - A 43-acre, 480,000-SF mixed-use retail, office and cinema-plex development.

Manassas Center, Manassas, Virginia - A 10-acre mixed-use, retail strip shopping center and low-rise office development project.

Taco Bell Corporation, Baltimore-Metropolitan - Evaluation of more than 75 sites for proposed Taco Bell Restaurants.

Arundel Crossing East, Anne Arundel County, Maryland - Prepared a 40-acre site development plan containing both a Super K-Mart Store (190,000+ SF) and a Hechingers Home Care Center (130,000 SF.)

Allied Signal Company, Harbor Point, Baltimore, Maryland - Prepared mixed-use master plan for a 20+ acre site strategically located at entry to Baltimore's Inner Harbor. Includes retail, office, housing, entertainment, marina, and cruise ship docking facilities.

Kentucky Fried Chicken Restaurants, Baltimore-Washington - Site and zoning feasibility studies and civil engineering for more than 20 sites.

Old Town Mall, Baltimore, Maryland - Prepared site plans for re-design of historic urban renewal project, anchored by supermarket.

Boston Street Quay, Baltimore, Maryland - Prepared site plans for 3-acre mixed-use development project on Baltimore's Inner Harbor waterfront, in Canton, incorporating retail, housing, and pier restaurant, with waterfront pedestrian promenade.

Tyson's Corner, Virginia - Preparation of site plan alternatives for a 2-acre, multi-story retail/office and parking project

containing more than 160,000 SF with structured parking.

Krispy Kreme Restaurants, Baltimore-Washington - Site and zoning feasibility studies and civil engineering for more than 15 sites.

Light House Point, Boston Street, Canton, Maryland - Prepared master plan for large scale mixed use waterfront development in historic Canton on Baltimore's "Gold Coast." Project includes housing, marina, specialty/maritime retail, restaurants, and pedestrian waterfront promenade.

Office Condominium Site Assessments, Mid-Atlantic Region - Prepared over 75 site development plans for the development of suburban office parks. Projects range in size from 5,000 SF to over 100,000 SF.

Liberty Valley Country Club, Baltimore County, Maryland - Assisted client through the special exception and variance procedures and obtained approval for redevelopment of Liberty Valley Country Club. Prepared golf course preliminary design plan.

Landover Center Rezoning, Prince George's County, Maryland - Prepared the master plan for a 15-acre mixed-use retail, motel, and office building project. He also served as expert witness in the successful rezoning.

Lee Property Master Plan, Frederick County, Maryland - Preparation of a 102-acre mixed-use commercial complex containing over 400,000 SF of office, research and development space, a 190,000-SF Wal-Mart Super Store, a hotel/conference center complex and open space system. A historic Guilford farmstead comprising approximately 15 acres is the centerpiece of the complex. This area is on the National Register of Historic Places. The master plan calls for the conversion of historic farmhouse into an inn/restaurant while retaining the farmstead outbuildings and incorporating them into an educational/learning center.

Arundel Delight Quarry, Baltimore County, Maryland - This one 125-acre parcel in northwest Baltimore County utilizes an abandoned quarry as its centerpiece by transforming it into a 25-acre lake. The master plan calls for a mix of commercial (village center), employment (office), elderly care/retirement community and a mix of housing types (estate and carriage homes). Additionally an extensive open space system along with active recreational facilities and a Baltimore County fire station are incorporated into this unique master plan. This master plan was prepared over a period of 18 months in concert with a community and business task force that resulted in the approval of the overall master plan and securing the appropriate zoning to accommodate the mix of uses.

Patapsco Planned Community, Baltimore County, Maryland - Preparation of master plan for an 800-acre planned residential and commercial project. Plan includes country club, open space system, community shopping facilities/office, research and development park and a mix of residential housing types.

Run About Cove, Anne Arundel County, Maryland - 110-acre residential community containing over 700 housing units with a commercial village center and extensive recreational/open space amenities.

Edmondson Square Shopping Center, Baltimore, Maryland - Prepared site development plans for redevelopment of the 6-acre site for new Giant Food, Hollywood Video, and Advance Auto Parts stores.

U-Store, Anne Arundel County, Maryland - Prepared site development plans of an 8-acre parcel for 120,000-SF self-storage facility including subdivision to create pad sites.

Point Breeze Business Center, Baltimore, Maryland - Prepared plans for re-development of existing 5.5-acre parking and loading area to create more functional utilization of the area and to including staging for trucks waiting to load. Included critical area mitigation for part of the site.

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CLIENTS REPRESENTED

- US CAN COMPANY
- CARDINAL HEALTH, INC
- ST. AGNES HEALTHCARE
- JOHNS HOPKINS HEALTH SYSTEM
- NOTTINGHAM PROPERTIES, INC.
- CIGNA INVESTMENT MANAGEMENT
- JOS. A. BANKS CLOTHIERS
- PIER 1 IMPORTS
- OPUS EAST
- HAGEMEYER, NORTH AMERICA
- TIME WARNER ENTERTAINMENT CO.
- SUPERVALU
- FIRST INDUSTRIAL REALTY TRUST, INC.
- DUNBAR ARMORED INC.
- FERGUSON ENTERPRISES, INC.

PROFESSIONAL EXPERIENCE

William Pellington joined CB Richard Ellis in 1994 and specializes in the representation of corporate clients for facility acquisitions and dispositions throughout the Mid Atlantic region. Mr. Pellington has over 17 years of experience in the real estate industry working in both the development and brokerage areas of the business. Combining strong market knowledge with a comprehensive understanding of commercial properties and land, Bill provides value added expertise and services to his clients.

SIGNIFICANT ASSIGNMENTS

William Pellington has represented corporate tenants as well as local and institutional owners in large commercial transactions in Baltimore and the surrounding Metropolitan area. Among his notable transactions are the Baltimore City Proctor & Gamble facility (675,000 SF), the former Warner Bros. Distribution Center (392,500 SF), 65 acres for development of an 800,000 square foot General Motors facility in White Marsh, Maryland, the sale of the former Luskins headquarters in Columbia, MD (621,000SF) for redevelopment to office and the sale and leaseback of SuperValu Distribution Center in Aberdeen, Maryland (527,600 SF).

MAJOR CLIENT REPRESENTATIONS	SIZE
Black & Decker	880,000 SF
Proctor & Gamble	675,000 SF
Preferred Real Estate	621,000 SF
Cigna	600,000 SF
SuperValu	527,600 SF
Time Warner Entertainment Company	392,500 SF
Principal Capital Real Estate Investors	354,000 SF
Pier 1 Imports	346,150 SF
First Industrial Realty Trust	250,000 SF
US Can Company	200,000 SF
Hagemeyer, North America	133,700 SF
Case – Mason Filling	133,000 SF
Grief Brothers Corporation	106,000 SF
Microflex Medical, Inc.	104,000 SF
St. Agnes HealthCare	68,000 SF
Integrated Health Services	140 Acres
General Motors	65 Acres

PROFESSIONAL AFFILIATIONS

- National Association of Industrial & Office Parks (NAIOP)
- Alzheimer's Association of Central Maryland – Board Member

ACHIEVEMENTS

- CB Richard Ellis Congressional Circle – 2003, 2002, 2000, 1999, 1998, 1997, 1996
- CB Richard Ellis Top Five Producers – 2002, 1997, 1996
- CB Richard Ellis Top 100 (International) – 2002, 2000
- NAIOP Maryland Broker of the Year – 2002

Pat No 7

INDUSTRIAL SERVICES

MARYLAND INDUSTRIAL TEAM

2002 ACCOMPLISHMENTS

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2002 ACCOMPLISHMENTS

John Wilhide

Mr. Wilhide joined CB Richard Ellis, Inc. in 1994 specializing in advising corporations in the Baltimore-Washington Region regarding facility needs i.e. leasing, acquisition, build-to-suits. Major assignments included build-to-suit consulting for Ford Motor Company, General Motors and Automatic Data Processing. Prior to coming to CB, Mr. Wilhide worked for Casey & Associates, Oncor International, as a Vice President for eight (8) years. During his time there Mr. Wilhide represented both landlords and tenants in lease and acquisition negotiations in the Baltimore-Washington Corridor. He also consulted Pharmacia-Ent/Procordia on their potential 150,000 sq.ft. lab facility in Columbia, Maryland, sold 40,000 sq.ft. lab facility to Synthecell Corporation, sold 150,000 sq.ft. food distribution facility to W.D. Class & Sons, and leased 287,000 square feet to County Seat stores. Currently, he represents major corporations such as Ford Motor Company, KENCO Logistics, Wheaton Van Lines, General Motors Corporation, JFC International, Black and Decker, ADP, Mohawk Industries, OPUS East and Washington Quality Foods. Mr. Wilhide has represented both landlords and tenants in lease and acquisition negotiations in multi-market transactions.

Jim Lighthizer

Mr. Lighthizer joined CB Richard Ellis, Inc. in 1989 as a member of the Industrial Real Estate Department specializing in leasing and sales in the Baltimore/Washington Corridor. With over 13 years of experience at CB Richard Ellis, Jim Lighthizer brings a wealth of experience to the Industrial Properties marketplace. While originally working within the Baltimore/Washington Corridor, Mr. Lighthizer consistently placed among the top producers in the Baltimore office. Working with the CB Richard Ellis Global Logistic Group, Mr. Lighthizer's work now includes numerous regional and national client representations. Mr. Lighthizer's accomplishments have resulted in numerous awards including Industrial Transaction of the Year by the Baltimore Board of Realtors in 1996, CB Richard Ellis National Recognition Conference 1997, *1999, 2000 and the Baltimore/Washington Regional Work Ethic Award 1995.

Bill Pellington

Mr. Pellington joined CB Richard Ellis, Inc. in 1994 and specializes in the representation of corporate clients for facility acquisitions and dispositions throughout the Mid-Atlantic region. Mr. Pellington has over 17 years of experience in the real estate industry working in both the development and brokerage areas of the business. Combining strong market knowledge with a comprehensive understanding of commercial properties and land, Bill provides value added expertise and services to his clients. William Pellington has represented corporate tenants as well as local and institutional owners in large commercial transactions in Baltimore and the surrounding Metropolitan area. Among his notable transactions are the Baltimore City Procter & Gamble facility (675,000 sf), the former Warner Bros. Distribution Center (392,500 sf), 65 acres for development of an 800,000 square foot General Motors facility in White Marsh, Maryland, the sale of the former Luskins headquarters in Columbia, MD (621,000 sf) for redevelopment to office and the sale and leaseback of the Supervalu Distribution Center in Aberdeen, Maryland (527,600 sf).

Ed Harris

Ed joined CB Richard Ellis in 1996 after serving as a market researcher and broker with Casey & Associates in Baltimore. After matriculating into sales, Ed now concentrates on the sale and leasing of industrial and office/warehouse facilities. These transactions have ranged from 4,800 SF to 202,000 SF of space. Ed was named CB Richard Ellis Rookie of the Year in 1997. He also received Gateway Park's prestigious Super Eagle Award in 1998 for bringing the largest transaction of the year to the 1,200-acre master planned park.

Ketch Secor

Born and raised in Baltimore, Ketch Secor has a vast knowledge of the market and its players. Mr. Secor joined CB Richard Ellis in 1997 after eight years with Colliers Pinkard. He focuses on sales and leasing of industrial and flex properties throughout Maryland, representing users and property owners. Ketch actively tracks inventory and user activity to provide comprehensive and up-to-date market expertise to his clients. Much of Ketch Secor's work is repeat business, serving as his clients' on-going real estate representative, ensuring their best interest in the market, integrating their real estate needs with their business plan to enhance the bottom line and maximize productivity. Mr. Secor has represented Fortune 500 Companies such as Science Applications International Corporation (SAIC) in four (4) flex transactions encompassing over 72,000 square feet in three buildings, dovetailing strategic terms. Other notable representation is Skidmore Sales & Distributing Co. for 130,000 square feet in three buildings with constant expansion and contraction needs. Regarding property owner representation, Ketch handled the marketing of 10 multi-tenant flex and industrial buildings and has recently sold three buildings.

Justin Mohler

Justin Mohler joined CB Richard Ellis, Inc. in 2001 and specializes in the sale and leasing of commercial and industrial properties throughout the mid-Atlantic Region. Mr. Mohler has over 12 years of experience in the real estate industry working in various areas of the business. Mr. Mohler received the 2002 Rookie of the Year Award for the Baltimore/Washington Region as a result of his accomplishments. Since joining CB Richard Ellis, Mr. Mohler has become a vital part of the Baltimore Industrial Properties team representing both landlords and tenants in the Baltimore/Washingoin market. Mr. Mohler has recently represented companies such as Case Mason Filling, Inc. for 133,000 square feet in east Baltimore City. Other notable representation is Dunbar Armored, Inc. with their constant expansion around the country for over 85 Industrial/Office properties.

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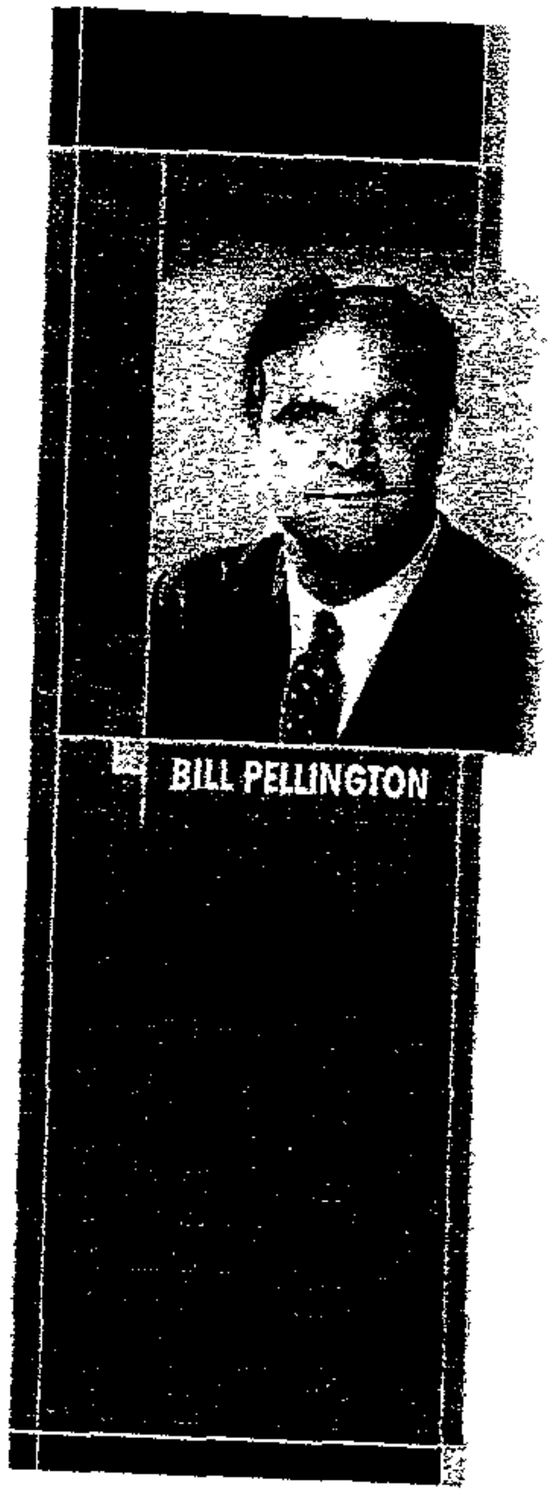

CB Richard Ellis, Inc. is
pleased to announce

Bill Pellington
First Vice President

has been awarded the
Broker of the Year Award

by **The Developer's Council of the NAIOP's Maryland Chapter**

CB Richard Ellis
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IN RE: DEVELOPMENT PLAN HEARING AND PETITIONS FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE 300 ft. NW of intersection of Philadelphia & Silver Spring Rds Honeygo Run Park 5th Councilmanic District Honeygo Run Reclamation Center, Inc., Developer

* BEFORE THE

* ZONING COMMISSIONER

* Case No. XI-611 & 94-87-SPHXA (Project No. 92-285-Z)

* * * * * * * * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN/VARIANCE ORDER

This matter comes before the Hearing Officer/Zoning Commissioner as a combined development plan review hearing and zoning petition hearing for the proposed project known as the Honeygo Run Reclamation Center. The zoning petitions and development plan are presented by the owner of the subject property, Honeygo Run Reclamation Center, Inc. The property owner requests approval of the development plan submitted as Petitioner's Exhibit No. 4. That approval is sought pursuant to the development plan regulations as codified in Section 26-206 of the Baltimore County Code.

As to the zoning petitions, they come before me as Zoning Commissioner pursuant to the authority granted by Section 26-127 of the Baltimore County Code and Section 500 of the Baltimore County Zoning Regulations (B.C.Z.R.). A Petition for Special Exception, Petition for Special Hearing, and Petition for Zoning Variance are all filed. As to the Petition for Special Exception, relief is sought to allow an "Excavation Controlled" on the subject site in an M.L.R. zone, pursuant to Section 248.4 of the B.C.Z.R. The definition of Excavation Controlled in Section 101 of the B.C.Z.R. encompasses the mining operation on this site. It is to be noted from the onset that this site has been actively mined for sand and gravel since the 1920s. Thus, that use would be permissible as a nonconforming use pursuant to Section 104 of the B.C.Z.R. However, the Petitioner wishes to legitimize the use through the special exception process. As

a second prong of the special exception petition, relief is requested to allow a rubble landfill operation on the subject site, pursuant to Section 218.4 of the B.C.Z.R. It is envisioned that the rubble landfill operation will commence when the excavation operation ceases. Obviously, the mining operations have resulted in the creation of deep pits throughout the property. The Petitioner desires to fill these pits through the rubble landfill operation. Thereafter, the property will be conveyed to Baltimore County for use as a recreational facility, to include ball fields and similar facilities.

As to the Petition for Special Hearing, approval is sought for a proposed concrete recycling and wood waste chipping operation as accessory uses to the existing mining operation and proposed rubble landfill. That is, the site will be improved with a concrete recycling operation and wood recycling center. In addition to accepting rubble waste for burial and disposal, the site will accept concrete and wood waste and contain facilities to grind and recycle those materials.

Lastly, two variances are requested. The first is from Sections 409.8A.2 and 409.8A.6 of the B.C.Z.R. to allow a crushed concrete surface for the internal haul road in lieu of the required durable and dustless surface and to permit same without the required permanent striping for offstreet parking facilities. Second, a variance is sought from Section 413.6.B. of the B.C.Z.R. to allow two free standing signs with 50 sq. ft. per face, and 8 ft. in height, in lieu of the permitted one free standing sign with 25 sq. ft. per face with a permitted height of 6 ft.

As noted above, this matter was scheduled for a combined hearing on the development plan and zoning petitions which was conducted over seven (7) full days. At that hearing, the Developer was represented by John B.

Gontrum, Esquire. Several Protestants, including individuals and community groups appeared and participated. Nottingham Improvement Association, Inc., White Marsh Civic Association, Irene Albin, Bernard and Edna Jednoralski and Gladys Cook were all represented by J. Carroll Holzer, Esquire.

A substantial volume of testimony and evidence was offered. The testimony will be recounted here, in relevant part. However, 15 full double sided tapes were used to record the proceedings. They reflect the full record of this case. Moreover, 28 Petitioner's exhibits and 12 Protestants' exhibits were accepted and form part of this case file. Lastly, the Hearing Officer visited the site and the surrounding locale. All of this body of evidence was considered carefully by me in adjudging the merits of the zoning petitions and development plan.

As to the history of the development plan process, a Concept Plan was originally submitted and a meeting thereon held on December 7, 1992. This meeting was continued and completed on December 14, 1992. Thereafter, as required, a Community Input Meeting was conducted on January 7, 1993 at the White Marsh Library. Thereafter a development plan was submitted and a meeting held thereon on September 22, 1993. The Hearing Officer's hearing commenced on October 15, 1993 and the last day of hearing was on November 10, 1993. Counsel were then allowed until December 3, 1993 to submit memorandum in lieu of closing argument. Memorandums have been submitted by both the Developer/Petitioner and Protestants and have been carefully read and considered by the Hearing Officer. Moreover, it was agreed by all parties that the Hearing Officer's opinion would be rendered no later than 15 days after the due date for those memorandums, as required by the Baltimore County Code.

Although the relevant testimony presented by the witnesses will be detailed hereinafter, a brief overview of the property and project is appropriate. The property is comprised of approximately 64 acres and, as noted above, zoned M.L.R. It is located on the north side of Silver Spring Road, west side of Old Philadelphia Road (Route 7), east side of I-95 and south of Cowenton Avenue in the White Marsh area of Baltimore County.

As noted above, the site is presently used and has been used for many years for mining operations. These operations fall within the definition of an Excavation Controlled, as defined within Section 101 of the B.C.Z.R. However, it is clear that the mining operations are nearly completed. In that the property has been mined out and the available minerals fully extracted, the Petitioner wishes to redevelop the property for use as a rubble landfill. This proposal appears to make logical sense in that the rubble will be utilized to fill up the pits previously created. The landfill operation will be comprised of three cells. The first to be utilized (cell 1) is located on the western portion of the site near I-95. The center of the site is comprised of cell 2 which will be utilized when cell 1 has been filled. The smallest cell, cell 3, is located on the eastern site adjacent to Old Philadelphia Road. That cell will be filled last. Immediately to the north of cell 3 is the concrete recycling and wood waste recycling centers. Moreover, the sole means of vehicular access to the site will by by way of an access road on the northwest corner of the site. This access road will provide vehicular ingress/egress from Old Philadelphia Road. The proposed entrance/exit will be improved to accommodate the anticipated truck traffic as shown on the development plan. Generally, trucks delivering waste to the site will enter the site

from Old Philadelphia Road where they will be inspected and pass the offices and inspection stations provided. They will then be directed to dispose their loads in whatever cell is operational at that given time or at one of the recycling centers. Obviously, a fee will be collected for each truckload of rubble to be received. The Petitioner anticipates that the capacity of the site will be 4,000,000 cubic yards of space and that 400,000 cubic yards will be utilized per year; with a life expectancy of the fill for 10 years. After the fill is completed, the owner/operator proposes to turn the facility over to Baltimore County's Department of Recreation and Parks. Thereinafter, it will be utilized to house ball diamonds, athletic fields and similar recreational purposes.

Testifying on behalf of the Petition was Frank Roscoe, a Professional Engineer, who is a Vice-President at Century Engineering. Mr. Roscoe is the Project Manager for this development and has coordinated all of the various engineering studies prepared in support of the zoning Petitions and Development Plan. He qualified as a professional engineer with expertise in site design and planning and more particularly was designated as an expert in storm water management and sediment control.

Mr. Roscoe testified that he was very familiar with the area and described the surrounding uses. The property is surrounded by both commercial and residential uses. To the southwest is the Honeygo Trailer Park and several residences. Other residential communities exist to the north. To the east is the McIlvain Lumber Yard and the Knight Trucking Company. The property is bounded on the west by I-95. Mr. Roscoe also identified and also introduced into evidence the development plan (Petitioner's Exhibit No. 4). This is a 10 page plan which includes numerous plats reflecting the studies which have evaluated the parcel and the pro-

posed use. Mr. Roscoe noted that the site is zoned M.L.R. and that such zoning designation permits an Excavation Uncontrolled as of right. An Excavation Controlled, which includes surface mining activities, is permitted by special exception. Thus, a special exception has been requested to clean up, from a zoning standpoint, the activity which goes on at present. Mr. Roscoe also indicated that approximately 12 acres of the site continue to be mined at the present time pursuant to a mining permit issued by the State. The balance of the site has been mined out over the years. Sand and gravel is extracted from the soils.

Mr. Roscoe also described the setback buffers to the proposed rubble fill operation. He noted that the proposed landfill would be setback a minimum of 100 ft. on all sides. Mr. Roscoe also noted that this site had received C.R.G. approval for a project to be known as the I-95 Business Center. This was a combination/office warehouse facility which would contain over 870,000 sq. ft. of warehouse/office use. The site would contain numerous large buildings and large impervious parking and road network area. No doubt if this plan would be implemented traffic generated to the site would be substantial. However, these plans have been abandoned in favor of the proposed rubble fill. Mr. Roscoe also described the proposed access to the facility. He noted that the sole means of vehicular access would off Philadelphia Road. The proposed access lane is 35 ft. wide and 100 ft. in length. Near the entrance, the road would be paved. However, the haul road would then continue into the interior of the site and would be constructed of crushed concrete stone material.

He also described other features of the proposed landfill. That is, there would be an inspection station near the entrance and also inspection at the working cells to ensure only permitted material would be accepted.

The operation would be divided into a 3 cell operation with only one cell working at any one time. Thus, only a limited open dumping area will be exposed. He also described other improvements to the site which include the installation of a water line so as to provide two fire hydrants on the site. These hydrants will be located where wood chips are stored near the wood recycling facility. Mr. Roscoe also described the material which will be accepted; namely, demolition debris, paving, stumps and similar items. He contrasted these items with the garbage and household waste items which are allowed at a sanitary landfill. Also, this facility will not accept tires, asbestos, drums, white goods and hazardous waste.

He also described the extensive review and permitting process procedures required for approval to be obtained from the State. In addition to County approval, the facility will need approval from the Maryland Department of Environment. Also a permit will be needed to ensure air quality and to regulate the wood waste and concrete recycling center.

Mr. Roscoe also testified that the State approval process may take 3 to 4 years, thus it can be expected that the facility would not be operational for some time. He also noted that the fill area will be a minimum of 100 ft. from all wetlands to ensure that the wetlands are not compromised.

Mr. Roscoe also discussed the storm water management plan. He noted that the middle of the site will have the highest elevation and that there will be a swale around the perimeter. This will provide excellent drainage and water quality management. There will be no need for a storm water management pond due to the swale system. Calculations show that there will be less storm water runoff than presently occurs due to the installation of the swale system. This method of storm water management, known as

the "reach routing system", captures the water and disposes same into the underground water system within the perimeter of the site. He noted the existence of the Honeygo Run on the north portion of the site and efforts made by the Petition to protect same from contamination. He observed that the stream would have to rise more than 6 ft. above the 100 year flood plain to cause flooding into the fill. That is, his studies show that even in the worse case scenario (100 year storm) the water would have to rise 6-1/2 ft. (12 ft. in most places) to flood into the fill. Thus, he concluded that the development will have no adverse affect on the flood plain, wetland or storm water management issues. Actually, he concluded that storm water would be more better managed than is presently the case.

As to the ground water, Mr. Roscoe testified that 12 wells have been on site for approximately 1 year in addition to 12 piezometers. The water has been monitored by these devices for more than one year to ensure that a clear understanding as to the ground water system has been realized. The effects of the proposed use on the ground water system were explained in detail by other witnesses.

Mr. Roscoe opined that the recycling center will have three positive effects on the use of the property. It will (1) extend the life of the landfill (2) provide a profitable operation for the operator and (3) will provide the opportunity to additional sorting to ensure that hazardous materials are not placed into the fill. Also, he said that personnel will be trained by the Fire Department to prevent the possibility of an under-ground fire and that the sprinkler truck will be kept on the property to control dust and be available in the event of any type of fire. Also, he indicated that most traffic will be routed from I-95 onto Ebenezer Road to Route 40 to Philadelphia Road into the site. The developer has promised

to assist in the realignment of the intersection of Cowenton, Ebenezer and Philadelphia Roads in the future. There is no F level of service intersection nearby. In Mr. Roscoe's view, traffic appears not to be a problem.

As to security, the site will have a 8 ft. high chain link fence around the perimeter. There will also be lighting, a significant berm and vegetation. In terms of the timetable of operation, it is anticipated that cell No. 1 will be filled after three years, cell No. 2, after 8 years, and cell No. 3 after 10 years. As to the development plan, Mr. Roscoe believes that all County issues have been resolved and community issues have been addressed. He also noted, the significant community involvement in the project which was received through a Community Advisory Committee. This Committee has assisted in the resolution of many issues. Among the changes to the plan, which have been implemented due to the Community Advisory Committee input, are (1) the water truck (2) the movement of the inspection station towards the interior of the site to provide internal traffic stacking spaces, (3) additional landscaping near the entrance, (4) a left turn only lane at the exit of the site onto Philadelphia Road, (5) elimination of the entrance to the property from Silver Spring Road and (6) a limitation to the height of the top off.

As to cross examination, he admitted that the precise location of the gate was not shown on the plan. This must be added. He also admitted that the number of trucks going in and out per day is variable and advised that the type of vehicles bringing rubble would be roll offs, which are similar to tractor trailers, and 10 wheel dump trucks. He also acknowledged that many of the safeguards built into the plan are dependent on the operator complying with the proposed manual. He opined that 18 to 20 tons of debris would come in per truck and was questioned as to how an inspec-

tor can see and inspect each load, particularly with a large volume of traffic entering the site on a daily basis. He said there would be sufficient inspections to ensure that no hazardous materials would be accepted. He also noted that material eventually destined for the subject site would be sorted where it was being collected as part of "razing permit" process. This additional inspection provides further opportunity to evaluate the material to be disposed. He did admit certain unclarity as to the developer's exact responsibility relating to the realignment of the intersection at Cowenton, Ebenezer and Route 7. Also, he acknowledged that the slope of the finished fill will be 4% per the State's requirement. There will be steeper slopes to the north and east with a more gradual slope towards the south and west.

Also testifying on behalf of the Petitioner was Robert Harris, a civil engineer, employed with Century Engineering. Mr. Harris submitted an extensive resume (Pet. Exh. No. 17) as well as an extensive traffic study which he had conducted relative to the site and surrounding locale. (Pet. Exh. No. 13). He testified as a traffic expert as to his studies and conclusions.

Mr. Harris conducted an extensive study concerning the proposed entrance/exit from the site. As part of this study, he conducted counts of traffic volume on Philadelphia Road. He also computed the stopping distance necessary based on the posted speed limit (40 mi. per hr.). His calculations and studies are shown within his report. Based on the studies, Mr. Harris concluded that there was sufficient sight distance for both exiting vehicles from the landfill as well as for traffic northbound and southbound on Philadelphia Road. That is, both drivers of vehicles exiting the operation, as well as general traffic on Philadelphia Road,

will have sufficient distance to identify vehicles and avoid accidents from traffic generated by the proposed operation. Moreover, Mr. Harris noted that the actual average speed limit on Philadelphia Road at the site was less than the 40 mi. an hour speed limit. According to his studies, the average vehicles proceeding northbound traveled at 39 miles an hour and the average southbound speed was 37 mi. per hour.

Mr. Harris also calculated the peak traffic to be generated by this use. He concluded that 240 trips in and 240 trips out would be generated per day. Of this amount, 13% would be generated during the A.M. peak hours and 7% during the P.M. peak traffic hours for vehicular traffic on Philadelphia Road. Computing these percentages into actual vehicle trips, he concluded that 35 trucks would come in and out during the morning peak hour and 35 trucks in and out during the evening peak hour. In Mr. Harris' opinion, such a volume could be handled by the existing and surrounding road network. Therefore, he concluded that the traffic generation produced by the proposed use would not adversely affect the traffic scheme in this area. Lastly, Mr. Harris observed that the Petitioner has agreed to post a no right turn for vehicles exiting the site onto Philadelphia Road. Thus, traffic would be mandated to proceed north. He felt that this restriction was appropriate in that a routing of traffic to the north of the site onto Ebenezer Road and ultimately to Route 40 and the surrounding interstate highway would reduce potential traffic congestion in the residential neighborhoods which lie to the south of the property.

Also testifying in favor of the Petition was John Rist, an environmental engineer who is also employed with Century Engineering. Mr. Rist's field of expertise related to the environmental effects expected to be produced by the landfill operation, as they relate to noise levels. Mr.

Rist referred to standards produced not only by the State (see Code of Md. Regulations) but also federal highway standards. Based on his studies, as codified within his analysis marked as Petitioner's Exhibit No. 19, Mr. Rist concluded that noise expected to be generated from this site would not adversely affect the surrounding locale. He noted that the loudest pieces of equipment expected to be present on the site were the concrete crusher and wood shredder. He has reviewed the manufacturer's informational booklet about this machinery as part of his noise evaluation study. Mr. Rist concluded that the wood shredder would generate 70 decibels of noise at a distance of 25 ft. and the concrete crusher would produce 80 decibels of noise at 25 ft. This can be compared to a lawn mower, which would be expected to generate 95 decibels at a distance of 3 ft. Moreover, Mr. Rist noted that approximately 7.5 decibels are reduced at each doubling of the distance measured. Using these calculations and information, Mr. Rist evaluated potential noise levels at the Cooney/Bennett properties to the south of the site, the Hampshire Village community on Philadelphia Road and the trailer park community to the southeast of the property. From all of these points, Mr. Rist concluded that noise levels would be acceptable. Moreover, he noted that the ambient noise levels in this area are approximately 57 decibels. Ambient noise is defined as the existing background noise levels generated by traffic, machinery, people and other natural sources. Mr. Rist compared the ambient noise levels at this site favorably to suburban and urban areas. Thus, based on the existing scenario, the size of the site and the expected noise to be generated, Mr. Rist concluded that noise pollution would not be significant and that the amount of noise to be generated on the property would not harmfully affect the surrounding locale.

Another expert witness who testified on behalf of the Petitioner was Dickson Wood. Mr. Wood is also employed with Century Engineering and is a professional geologist. He testified extensively as to his studies and conclusions regarding the ground water under this site and the potential effects of the proposed special exception uses. Although he has not finalized his comprehensive studies, Mr. Wood was able to offer a number of opinions. These were largely the result of information which was obtained from 12 monitoring wells and 7 piezometers which have been monitoring ground water on site for more than one year.

Mr. Wood testified that there are two existing aquifers under the surface at this site. The upper aquifer begins at a depth of approximately 40 ft. below the natural grade. This aquifer is covered by a layer of sand and silt materials. The water contained within this upper aquifer contains some acidity, nitrates and iron. Mr. Wood opined that the water found in this upper aquifer is not drinkable. Below this aquifer, according to the witness' testimony, is a thick layer of silt and clay. Below this level is a second aquifer which Mr. Wood labeled a confined aquifer. That is, he testified that the aquifers are separated and that the ground waters which exist in each do not co-mingle. Thus, Mr. Wood believes that any pollutant which might affect the upper aquifer would not affect the confined (deeper) aquifer.

Mr. Wood also determined the ground water flow direction. These flow directions are shown on Petitioner's Exhibit No. 22. Although unable to determine the exact flow rate, Mr. Wood testified that the ground water will not flow across the Honeygo stream. Also, Mr. Wood opined that the direction of the ground water flow was away from the trailer park, which constitutes the nearest residential neighbors to the site. Mr. Wood also

noted on direct examination that additional reviews would be necessary in order to obtain State of Maryland Department of the Environment approvals and that information obtained from the monitoring devices on site would be reviewed at least two times per year during the operation. Thus, he concluded that if any pollution resulted, same could be controlled before it adversely affected ground water offsite.

On cross examination, Mr. Wood's opinions were broadened. He conceded that he did not know the rate of flow or the quantity of ground water flow. Moreover, he admitted that an analysis had not been completed to fully adjudge the impact of recharge on the Honeygo Run. That is approximately 25% of the volume in the unconfined aquifer feeds into the Honeygo Run. However, Mr. Wood did state that due to the large recharge area of the site, there would be little possibility of a significant adverse impact by storm water infiltration into the Honeygo Run.

A significant point raised on cross examination was Mr. Wood's testimony about the standards regarding the necessary distance to be maintained between the bottom of the fill and the top of the aquifer. Mr. Wood placed great reliance on the standard which has been established by the State requiring a 5 ft. cover from the top of the ground water to the bottom of the fill. Mr. Wood insisted that this distance would be maintained uniformly throughout the site. Unfortunately, he did not explain why the 5 ft. was an appropriate distance from a geological standpoint. Instead, there appeared to be a blind reliance upon this standard without independent inquiry as to whether it was sufficient at this site. That is, Mr. Wood relied significantly on the State standards, rather than offering expert geological opinion as to the validity of those standards in this instance.

Mr. Wood was recalled on a later day after additional studies had been performed by him. The testimony offered at that time was in response to testimony offered by the Protestants' expert witness, Dr. Robert Kondner. Mr. Wood noted that the rate of flow was determined by the grade of the aquifer (the amount of drop ground water takes in a given distance) and the porosity (the level of porous nature in a given material). Based on these two characteristics as found on this site, Mr. Wood concluded that the ground water would move approximately .7 ft. per day at this site. Thus, ground water will move approximately 200 to 250 ft. per year. Moreover, Mr. Wood noted that as ground water approached the Honeygo Run, the gradient was less and the water would slow down. The significance of this testimony was to support Mr. Wood's conclusion that any pollution to the ground water would not escape the site quickly. With the required monitored wells and piezometers, Mr. Wood believes that any potential problem can be detected and resolved before adversely impacting the underlying confined aquifer and the ground water systems below adjacent properties.

Also testifying on behalf of the Petitioner was James Krawczyk, another Century employee in the Environmental Division. Mr. Krawczyk qualified as an expert engineer and in landfill design. Mr. Krawczyk testified at length about the State process which governs approval and regulation of landfills. Apparently, this is a four stage process. Phase I constitutes a preliminary general application which has been made by the Petitioner at this time. Mr. Krawczyk noted, however, that the State would not consider the application until local zoning approval was obtained. Thus, the State process will continue only after the decision herein is rendered and finalized. Following the Phase I preliminary studies, Phase II is undertaken.

This phase includes submission of significant geology and ground water studies, which will no doubt be prepared in part by Mr. Wood. Assuming those studies are appropriate and are accepted, the process then moves into Phase III regarding the design of the landfill. The final review, Phase IV involves a public hearing on the proposed use.

Mr. Krawczyk corroborated the testimony offered by Mr. Wood regarding the 5 ft. standard between the bottom of the fill and top of the ground water. Mr. Krawczyk noted that this distance was established based upon the State's studies of other landfills. The State's position, in Mr. Krawczyk's view, is that this is a safe distance and ensures adequate protection to the underground water system. Mr. Krawczyk noted the Maryland Department of the Environment will insist that the fill operation not adversely impact the nature and character of the ground water below the site.

In designing the proposal, Mr. Krawczyk admitted that he had a "fair way to go between the plans prepared now and the final plans". He noted that these plans would be submitted to the State after zoning approval was obtained. However, Mr. Krawczyk listed a number of mitigating factors which have been developed and will be included in the plans. In his view, these factors will eliminate the possibility of adverse affect of the landfill operation on the surrounding locale. First, he observed that the list of materials to be accepted by the landfill will be limited. There will be no toxic or other hazardous chemicals nor materials such as asbestos, tires, etc. Secondly, Mr. Krawczyk noted that the site was protected by an extensive berm including an earth berm and 100 ft. buffer distance which would protect the Honeygo Run and neighboring properties. Thirdly, he described the operations manual which has been prepared and was de-

scribed in more detail by Mr. Volpe. He admitted that strict adherence to that manual was necessary to ensure that the landfill would be environmentally safe. He also noted that the waste will be compacted on an ongoing basis and that a cover will be placed upon waste every day. Every third day, a more extensive cover will be placed on the disposed rubble. Mr. Krawczyk also described in significant detail the State inspections while the site is operational. He noted that the regulatory review by the State has become much more extensive in recent years to ensure that landfills do not detrimentally affect natural resources of the State and surrounding properties. In his view, the proposed site meets all of the State's standards.

Mr. Krawczyk also talked about liners. These are devices which are inserted into a landfill as a protection from leachate, i.e., seeping contaminates into the ground water system. Liners can be man made (plastic) or natural dense soils, such as clay. Mr. Krawczyk does not believe a liner is appropriate in this case. He noted that they can break and fail, thereby causing a concentration of leachate to be released at a particular location. Overall, Mr. Krawczyk agreed with the testimony offered by Mr. Wood relating to the minimal potential of environmental impact by this landfill.

On cross examination, Mr. Krawczyk did admit that a nondetrimental operation of this site was dependent in large part upon proper operation of the facility. That is, if the operation manual is not followed closely, the chances for pollution and detrimental impact on the surrounding locale are increased. As is obvious from their presentation, the Protestants aver that the operation as proposed can be carried out as planned.

Further, Mr. Krawczyk held fast to his position that a liner was not appropriate in this case. Although admitting that same can provide additional protection, he does not believe that it is necessary in this instance and notes the possibilities of failure of the liner and large concentration of leachate at the failure site.

Mr. Krawczyk also testified extensively about the State regulatory system. As noted above, initial permits are issued only after a four phased inspection. Moreover, Mr. Krawczyk described the ongoing regulation of the landfill by the Maryland Department of Environment. He noted that landfill permits are good for a period of three years and the landfill undergoes an annual inspection to meet current Maryland regulations. Thus, there will be an ongoing review of the operation on this site. Mr. Krawczyk also noted that the Petitioner had a large economic incentive to conduct a clean operation. The cost of cleanup of any potential pollutions are excessive as well as potential sanctions imposed by the State.

As is with Mr. Wood, Mr. Krawczyk was also recalled during the Petitioner's presentation of rebuttal testimony. He emphasized again that the objective of the landfill was to create a disposal system friendly to the environment. He also discussed extensively the liner which the Protestants seek in this case. He noted that the recommendation as to the liner would occur only during the Phase II State review. He was unable to make any firm recommendation until the Phase II studies were done but corroborated his opinion that he does not believe a liner is necessary. In sum, the necessity and the type of liner required will be determined by the State.

Another expert witness testifying on behalf of the Petitioner was Sam G. Crozier. Mr. Crozier was accepted as an expert land planner/landscape

architect. He extensively discussed the proposed special exception uses, including the existing landfill excavation use and the proposed rubble fill operation.

As to the mining operation, he opined that same is not injurious to the health, safety and general welfare of the community and, therefore, complies with the special exception test set forth in Section 502.1 of the B.C.Z.R. Specifically, he noted that this use has been ongoing at the site for many years and, therefore, the effects of the use are well known. He noted that there was no proof of an existing traffic problem generated by this use, that the use did not pollute or overcrowd the property or its environs, and that there was no evidence of any detrimental effect. He also observed the existence of other mining operations to the south of the site, including the extensive Genstar property which is located nearby. Thus, he concluded that the existing use on the subject site is compatible with the surrounding location.

As to the proposed rubble fill operation, he noted many of the safeguards proposed by the Petitioner which he believes will minimize the impact of the use on the surrounding locale. This includes the significant landscaping and buffering which is to surround the perimeter of the property. This landscaping and buffering will shield the property and the effects of the rubble use on the surrounding locale. Moreover, Mr. Crozier viewed the single vehicular access from Philadelphia Road as appropriate. This will allow the Petitioner to control access to the site and direct traffic away from the residences on Silver Spring Road. Mr. Crozier discussed the inherent effects of any rubble landfill operation and concluded that they would not affect the surrounding locale near this property in any unique fashion.

Mr. Crozier also discussed the concrete recycling and wood chipping operation. He opined that same should be considered accessory to the landfill operation. He noted that there are temporary uses and would be shut down when the landfill was full. He also observed that they are appropriate and consistent type uses with the landfill operation.

Lastly, Mr. Crozier discussed the proposed signage and the variance necessarily related to same. He believes that the requested variance should be granted in that the amount of signage proposed is entirely appropriate for a site of 64 acres. He also noted the commercial activity around the property and that the proposed signage was consistent with existing signage in the community. He described the proposed signs as long, narrow and low; sufficient to provide needed directions to the site, not billboard in character and not intended to overwhelm and adversely affect the surrounding locale.

The last expert witness presented by the Petitioner was Robert W. Sheesley, a principal in the firm of Brightwater, Inc., and the former director of Baltimore County Department of Environmental Protection and Resource Management. Mr. Sheesley qualified as an expert witness in the areas of environmental science; specifically water, stream quality and natural resource conservation.

Mr. Sheesley is well familiar with the site from his days at Baltimore County and the extensive studies he has made in anticipation of this project. His testimony concerned Honeygo Run, a stream which borders the entire north perimeter of the site. This stream, as well as Winless Run, feed into the Bird River. From there, the water flows into the Gunpowder River and eventually to the waters of the Chesapeake Bay. Mr. Sheesley was, no doubt, retained by the Petitioner to ensure the quality of Honeygo

Run so as to prevent any detrimental effect from the proposed use from reaching the Chesapeake Bay and its tributaries.

Mr. Sheesley testified at great length about the Honeygo Run and the Bird River. He noted that these bodies of water are under stress at the present time, as a result of deforestation of land in this portion of the water shed and the increase in impervious surface. Moreover, the soils around the stream bed have become very erodible, which foster an extensive amount of sediment into the stream and ultimately to Bird River. Mr. Sheesley produced a report (Pet. Exh. No. 27) and a series of photographs which indicates points of stress along the stream and the severe erosion which has taken place. This erosion creates a destabilization of the stream system and results in an over sedimentation of the water system. This over sedimentation endangers aquatic life, including both fish, water vegetation, and other species which populate the system.

In order to correct this existing situation, Mr. Sheesley proposes three solutions. The first is to reduce and manage the flow of water into the system. In this respect, Mr. Sheesley observed that approximately 1600 acres drain into the stream. Limiting the volume and flow of runoff into the stream is an appropriate method to control sedimentation. Secondly, he notes that the water flow should be directed into the center of the stream channel. As shown from many of the photographs submitted, large sediment bars are created which disrupt the water's natural flow. These need be eliminated and/or reduced in order to protect the health of the system. Thirdly, Mr. Sheesley proposes increasing the vegetation on the existing stream banks.

Mr. Sheesley entered into a very technical explanation of how controlling these three factors would rehabilitate the health of the Honeygo

Run. In fact, he has prepared a plan to implement these procedures in the event the Petitions are approved and the development plan accepted. That is, the Petitioner offers to rehabilitate the 1,000 ft. length of Honeygo Run along its border if the plan is approved. Mr. Sheesley views this as an extremely positive development for this portion of the water shed.

As to the effects of the proposed use on the stream, Mr. Sheesley offered a cautious opinion that the proposed use will not be detrimental to the health of the water system. He noted that the site must be managed in accordance with the Operations Manual to ensure that only acceptable materials were allowed into the fill. Moreover, the proposed buffers must be preserved in order to protect the stream system. In sum, the developer is willing to commit to an extensive renovation of this portion of the Honeygo Run if this project is approved. This, of course, will be a benefit to the surrounding locale and bay tributary system, assuming that the proper safeguards are maintained once the operation of the landfill begins.

Mr. Sheesley remained steadfast to his opinions on cross examination. He did emphasize, however, that his conclusions would remain valid only if the proposed use was managed correctly. He also noted that safe operation of this facility is but a piece of the puzzle necessary to ensure revitalization of the Honeygo Run. Continuing development, farming activities and the removing of the forest cover have all contributed the stream's demise.

Mr. Sheesley was recalled to the stand and offered testimony following the presentation of testimony by the Protestants' expert witnesses. He re-emphasized his earlier conclusions and disputed some of the standards which had formed the basis of the Protestants' expert's opinions.

Significantly, Mr. Sheesley also discussed the need for the liner. In his view, the regulatory agencies of Baltimore County cannot require a liner; that issue is preempted by the authority of the Maryland Department of the Environment. However, he concluded that the State may very likely require a liner to safeguard the sensitive environment in this locale. However, he was unable to commit to a specific personal opinion in this respect, deferring instead to the State's judgment.

In addition to the expert witnesses produced by the Petitioner in support of the proposal, two members of a community advisory group, formed by the Petitioner, testified. This community advisory group was formed after the project was initially proposed. The purpose of the group was to obtain community input on a regular basis. No doubt the Petitioner sought to minimize community opposition through this advisory committee and also obtain valuable community input as to modifications to the plan. One such member of the community advisory committee who testified was Raymond Holter, who resides on Allender Road in White Marsh. He testified as to the use of the site as a sand and gravel excavation operation for many years. He further noted that he had been on a landfill regulatory committee established by Baltimore County since 1982 and had participated in reviewing plans for other landfills including the Eastern Landfill. As to the proposed project in White Marsh, he noted the citizens have had a great deal of impact and the applicant, in his view, has made exemplary efforts to satisfy the community concerns. In his opinion, all appropriate community concerns have been satisfied and addressed through the Petitioner's revisions to the plans. He does not anticipate any traffic problems and believes that there will be no pollution, be it water, noise or

air. Moreover, he is impressed by the fact that the Petitioner proposes to return the site to the County for use as a park in 10 years.

Also testifying from the community advisory group was Carlton Bennett. Mr. Bennett lives in the notch formed on the south of the subject property on Silver Spring Road. The Bennett property, as well as its neighbor (Cooney), are the closest residential properties. Mr. Bennett's testimony was candid and creditable. He recognized the obvious, that no one would like to live next to a landfill if it could be avoided. In his view, if the project could be prevented, he would favor the site remaining in its present condition. However, he conceded the Petitioner's right to develop the property and request the special exception and development approvals sought in this case. Recognizing those rights, Mr. Bennett expressed concerns as to pollution, noise, traffic and security. He noted that he had expressed these concerns sometime ago to the Petitioners and was satisfied with their response. He believes that the operation, if conducted carefully and regulated by the State and Baltimore County, will not cause an adverse affect to the locale.

On cross examination, he reiterated his concerns over living next to an operating landfill. He also expressed some concerns about his well in that his property is not supplied by public water. However, he believes that with proper precautions, the safety of his water will be guaranteed. He also acknowledged that he will acquire approximately one acre of property along the north portion of his site after the landfill operation is completed. Thus, he stands to gain additional land if the project moves ahead. Lastly, Mr. Bennett was pleased that the entrance on Silver Spring Road was to be closed and opined that a sole vehicular access on Philadelphia Road would eliminate any of his concerns as to traffic congestion.

Also testifying in support of the Petition were two representatives of Baltimore County; namely, Andrea VanArsdale from the Office of Planning and Zoning and Albert Svehla, Asst. Director of the Department of Recreation and Parks. Ms. VanArsdale submitted her agency's written comments regarding the project dated September 21, 1993 and October 6, 1993, as amended. As noted in those comments, the Petitioner and the Office of Planning and Zoning (OPZ) have reached an agreement as to certain restrictions and changes to the plan. With the implementation of these changes and restrictions, the plan is now supported by OPZ. OPZ's support includes an endorsement of both the development plan, as submitted, as well as the Petition for Special Exception. Within her testimony, Ms. VanArsdale noted the need for certain services and infrastructure within the Honeygo area. The needed infrastructure includes both waste disposal sites, which will be provided by the landfill, as well as recreation and park facilities, which will be provided on this site after the landfill is utilized and capped. Thus, the public benefit to be gained by these uses outweighs any potential detrimental effect on the surrounding locale. Moreover, Ms. VanArsdale indicated that OPZ had no open issues on the merits of the development plan as submitted. She acknowledged a monetary payment to be made to the County by the developer in lieu of a previous request that a pedestrian bridge be constructed over I-95.

As to Mr. Svehla's testimony, he noted that the site would serve the White Marsh community and White Marsh recreation council. He stated that the development of the site a a park was not originally a part of Recreation and Parks' Master plan. However, he believes that the site is a good place for ball fields in that it is close to the major roadways in this area (I-95, Philadelphia Road, Route 40, etc.) and is near a high growth

area. He likened the proposal to the development of Longview Golf Course and other recreation projects, which converted property which had been previously utilized for landfill purposes. He also noted that the site was being offered to Baltimore County at no cost which he believes constitutes a real public benefit in view of the fiscal restraints imposed on local government in this time.

There was also significant testimony about conversion of the site to athletic fields. Counsel for the Protestants believes that the site will be sloped to such a degree so as to make the property's use for athletic fields untenable. Specifically, four softball/baseball diamonds and two soccer/football fields are proposed. Mr. Svehla noted that a 2% slope is needed on any athletic field to promote drainage and that his department was satisfied with the slope of the proposed field. Mr. Svehla seemed convinced that his department could work with the developer, Maryland Department of Environment and other regulatory agencies after the landfill was capped to convert same to useable athletic fields. He did acknowledge, however, that the site could not be turned over to the County in phases. That is, vehicular access and use of the site would be prohibited until the entire operation was completed. Since Cell one is farthest from Old Philadelphia Road and would be capped first, users of the park facilities thereon would be forced to travel through the active operations on Cells two and three before accessing the fields on Cell one. Clearly, this is neither practical nor feasible. Nonetheless, Mr. Svehla's support for the project is understandable in that his agency stands to gain needed space for facilities. Thus, the Department of Recreation and Parks supports the project under these guidelines.

The final witness produced by the Petitioner was Charles Volpe. Mr. Volpe is a principal in Honeygo Run Reclamation Center, Inc. and will be the individual largely responsible for the facility's operation. He detailed his background and testified that he has been in the waste disposal industry for approximately 18 years. His duties at a company owned by him, Commercial Refuse, Inc., have provided him with experience as to disposal of commercial waste. He admitted, however, that he has never managed a landfill, per se. He has been involved, however, with the operation of the Days Cove Landfill and the Michaelsville Landfill in Aberdeen, Maryland. Mr. Volpe's testimony mainly addressed a number of concerns which were raised by the Protestants. He described in great detail the Operation Manual (Pet. Exh. No. 24) which was submitted and discloses the planned operation of the facility. He commented on the Advisory Committee which had been formed of concerned community members. This committee has provided the Petitioner with a number of suggestions which have been enacted. These suggestions have, in many respects, calmed the Protestants' fears. He proposes keeping the committee intact during the entire life of the project to assure community input as to the operation.

One of the changes arising out of the Advisory Committee concerns was the relocation of the interior gate and increased stacking spaces. As noted on the plan, the gate has been relocated so as to provide 16 stacking spaces between the inspection station and Philadelphia Road. Mr. Volpe noted that these spaces could be doubled by lining waiting vehicles side by side so as to give the site a 32 space stacking capacity. He also noted that the hours of operation of the facility would be 7:00 A.M. to 5:00 P.M. (Monday thru Saturday) and that the outer gate would open at approximately 6:00 A.M. The stacking scheme which has been developed will

ensure that vehicles waiting to enter the site will not queue onto Philadelphia Road and cause traffic congestion.

Mr. Volpe also described in detail the inspection system. He also agreed to restrict the plan by funding the salary of an independent inspector to assure that unacceptable material was not been placed on the site. He noted that both video cameras and personal inspection would be utilized on the site to ensure that only permitted waste was being accepted. Moreover, radio contact will be available between the inspector at the cell and the inspection station to ensure a continuity of inspection. Moreover, Mr. Volpe noted that users of the site who presented unacceptable material would be sanctioned, including but not limited to an assessment of the costs to remove objectionable material and prohibition from additional utilization of the site. Other features of the plan which had been added to address public fears was the installation of a 4,000 gallon water truck. Mr. Volpe noted that this truck would be utilized to reduce dust and would also be available to provide immediate water in the event of fire.

Additionally, Mr. Volpe described the evolution of the site from a landfill and eventual transfer of same to the Baltimore County's Department of Recreation and Parks. He believes that this will provide beneficial services to the Baltimore County community at large in that it will provide necessary infrastructure (rubble landfill) while ultimately providing needed recreational space. Lastly, Mr. Volpe noted a number of other conditions which had been agreed to between the developer and the County including the developer's rehabilitation of the Honeygo Run as described by Mr. Sheesley and improvements to the intersection at Cowenton Avenue, Ebenezer Road and Route 7. Finally, Mr. Volpe evaluated and commented

upon the specific requirements set forth in Section 502.1 of the B.C.Z.R. He believes that the proposed use will not be detrimental to the health, safety and general welfare of the community and that the proposed use complies with the special exception standards set forth within that section.

Testifying in opposition to the request were numerous residents of the surrounding locale. They were spearheaded by Adam Paul, who testified both individually and on behalf of the White Marsh Civic Association. Mr. Paul is a former Baltimore County Police Officer and has been employed in a number of other law enforcement positions. He cited ten specific concerns relating to the proposed use.

First, he was concerned about storm water management and the lack of a storm water management pond on site. He commented on the Petitioner's proposal to construct a swale around the perimeter of the property. He believes that this is an inadequate system to dispose of storm water. He expressed concerns that if a landfill is not lined, storm water could get into the underlying aquifer.

Second, Mr. Paul expressed certain concerns regarding the expected traffic to be generated from this site. In this regard, he drew on his vast experience as a police officer in Baltimore County. He believes that the proposed access/egress from the property on Philadelphia Road is inadequate. He also expressed concerns about the needed realignment of the Cowenton Road/Ebenezer Road/Old Philadelphia Road intersection which is located to the north of the site. Overall, Mr. Paul opined that he does not believe that Philadelphia Road was intended to carry the volume of traffic which is anticipated to be generated by this site.

Mr. Paul's next area of concern regarded the ultimate use of the property by the Department of Recreation and Parks. He questioned whether there was need for park space and athletic areas in this portion of the County. He expressed an opinion that there were other sites nearby which could accommodate athletic fields and recreational facilities if they were truly needed. He also observed that there were no sidewalks in the Philadelphia Road corridor which could make potential pedestrian traffic to the park dangerous.

The next area of concern expressed by Mr. Paul related to the ground water. This tied into his expressed reservations about the storm water management system. As set forth in much of the expert testimony produced by the Protestants, Mr. Paul believes that potential contamination of ground water could result from this site.

Mr. Paul also expressed concerns over the operation of the site. He stated the obvious; that if the landfill is not operated as proposed, the potential detrimental effects of same will be magnified. This is clearly the case, although same does not necessarily justify denial of the Petition for Special Exception and development plan. The Petitioner's commitment to operate the facility in a proper and prudent manner and assurance that the governmental regulatory authorities will monitor such an operation is important.

Six, Mr. Paul believes that the proposed use is inconsistent with the property's M.L.R. zoning. He believes that this development is fiscally irresponsible and that development of the parcel as an office park would increase the tax base to Baltimore County. He also observed a number of residences nearby which, he believes, are incompatible with the proposed use. Although understandable, Mr. Paul's comments regarding the expected

tax revenue which could be generated from the site are irrelevant. My decision in this case must be governed by the development regulations, the zoning regulations and case law. Comparison to other operations and their expected tax generating potential is not germane.

Surprisingly, Mr. Paul also objects to the restoration of Honeygo Run by the developer. It would seem that this is a benefit which everyone would appreciate. Clearly, preservation and restoration of our natural resources, including the Honeygo Run, is in the public interest. Although he acknowledged such, Mr. Paul objects to a perceived impropriety of the developer offering such services in exchange for OPZ's support of the project. I am appreciative of these sentiments and clearly the merits of the subject Petition and development plan must be considered in accordance with the applicable provisions of law. However, imposing reasonable restrictions on the Petitioner to benefit the health of the surrounding environment is appropriate.

Mr. Paul's remaining objections regarding the adjacent trailer park, the impact on the general health and welfare of the community, and fire protection were also duly noted within the record.

A number of other residents also testified. Among them was Ann Witlow who resides north of the intersection of Ebenezer and Cowenton Roads on Philadelphia Road. As did Mr. Paul, she expressed concerns over traffic to be generated by the site. She also fears any new development in the area which might increase storm water runoff and flooding to her property. However, it appears that her house is situated such a distance from this property that flooding would not be an issue as it relates to the subject site.

Also testifying was Barbara Bell, who lives approximately one mile south of the site on Philadelphia Road in the community of Nottingham. She noted a potential for structural damage to her house if truck traffic were increased. She observed that Philadelphia Road already carries a number of heavy trucks from the commercial/industrial uses which are in this area. She fears that the opening of a landfill would dramatically increase truck traffic in her area which could compromise the structural stability of her house.

Also testifying was Jesse Carr, a nearby resident of Philadelphia Road. He is a long time resident of this area and testified as to the history of the site and his recollection of same from when he was a child and played near this property. He believes that the landfill should only be allowed with a liner so as to protect the ground water in this area. He is also concerned about the finished grades of the property, although he clearly did not review the plan in detail.

Also testifying in opposition was James Maszczenski. He lives on Ebenezer Road around the corner from the site and down the street from the intersection of Philadelphia and Ebenezer Roads. He presented very real concerns about the traffic pattern at the Ebenezer Road/Philadelphia Road intersection. He noted that that large trucks have difficulty negotiating the turns at this intersection. He testified as to his personal knowledge of the heavy truck traffic at this locale and his observations that many trucks are unable to negotiate that corner. Often, traffic congestion will result when trucks are attempting to make this turn.

Based on part of Mr. Maszczenski's testimony, I visited the intersection and observed traffic. Unfortunately, no tractor trailers passed at the time of my visit. However, dump trucks and other commercial vehicles

were able to negotiate the corner without difficulty. Nonetheless, I am appreciative of Mr. Maszczenski's concern and the obvious need for realignment of the Ebenezer Road/Cowenton Road/ Philadelphia Road intersection.

Roy Reiner, President of Oliver Beach Community Association also testified. His association is concerned about the potential contamination of the Honeygo Run which leads to Bird River and ultimately to the Gunpowder River. He also expressed concerns over traffic and opined that if this Zoning Commissioner seriously considers the issue, the project would be denied.

Richard T. Burnett, a resident of Oliver Beach echoed Mr. Reiner's testimony. He, likewise, is concerned over potential pollution to the waterways in the Eastern end of the County and traffic concerns. He also expressed a concern whether out of state haulers would be able to utilize the site.

Marie Simoes, on behalf of the Nottingham Improvement Association, also testified in opposition. Nottingham is a residential community which is located approximately 1-1/2 miles south of the site on Philadelphia Road. She echoed many of the concerns previously set forth, including traffic, pollution, etc. She succinctly stated her general concerns that the proposed use at this location would negatively affect the quality of life in the residential communities which are nearby. She expressed a perceived conflict between the inherent nature of the immediate use as a landfill and the future use of the property as a park. That is, Mrs. Simoes believes that the diametrically opposed potential uses are inconsistent and incompatible. I am appreciative of this sentiment, however, need only refer Mrs. Simoes to Longview Golf Course and similar projects which have been developed in this manner. At first blush, a landfill operation

and park are on the opposite ends of the zoning use spectrum. However, upon further consideration, both provide important services and satisfy public needs. The services offered by a landfill operation are needed. Once the operation is completed, conversion of the property to another useful purpose is appropriate. There should be no prohibition on ball playing and recreational activities in the middle of an urban area. One need only examine Oriole Park at Camden Yards to see recreational opportunities being provided in the midst of an, otherwise, urban/manufacturing/business community. Mrs. Simoes was also concerned about the proposed operation of the site and whether the stated safeguards testified to by the Petitioner would actually be implemented. She is also concerned about many of the other inherent effects of the property, including potential pollution and noise.

The last lay Protestant who appeared was Ms. Julie Smith, who resides in Rogers Forge. It is quite difficult to understand Ms. Smith's standing to testify in this case, in that she did not appear on behalf of the organization in which she is a member, namely, the Sierra Club. Rather, she appeared in an individual capacity. Clearly, Ms. Smith is against all landfills. However, she did admit to a preference for the landfill to be located where proposed in lieu of downtown Rogers Forge. Ms. Smith's well meaning comments concerning pollution and the health of the Chesapeake Bay and its tributaries are well taken. Often it is most difficult to balance the uses such as the one proposed with the goal of a pristine environment. Clearly, careful balancing of these considerations is needed.

The Protestants also produced expert witnesses in reference to the issues presented in this case. These included Richard D. Klein, a principal in the firm of Community and Environmental Defense Services. Mr.

Klein was formerly employed by the Maryland Department of Natural Resources and did a number of studies while in that employment of landfills and issues related to those presented in this case. He was presented as an expert witness as to the environmental impact of landfills on aquatic systems. There was extensive cross examination of Mr. Klein on voir dire. His educational background is limited and he is not a college graduate. He did not qualify as an expert in the areas of hydrology, chemistry, biology, civil engineering, sanitary sciences, soil sciences or hydrogeology. However, based upon is broad work experience and background, he was accepted as an expert to offer opinion testimony regarding the environmental impact of the landfill on the surrounding water system.

In this respect, Mr. Klein reviewed the studies and plans offered by the Petitioner and was present for much of the testimony presented during the hearing. After presenting the foundation for his studies, he offered the following opinions.

He first took issue with the standards employed by the Maryland Department of Environment within the Code of Maryland Regulations. He noted that the standards for evaluating impacts on the ground water in this case are based on the State standards for drinking water. These standards are less stringent than those mandated by the State for the protection of aquatic life. That is, the Maryland Department of Environment will evaluate this project in accordance with drinking water standards rather than the more stringent aquatic life standards. When questioned by the Zoning Commissioner as to why drinking standards were not as rigorous, Mr. Klein noted that the aquatic life live within the water system and are less tolerant of certain pollutants. Thus, Mr. Klein opined that even if the proposed landfill does not adversely affect the surrounding aquatic system

when adjudged pursuant to MDE's standards, there still could be great detrimental effect to the aquatic life which reside in the Honeygo Run as a result of the impact of this use. Specifically, Mr. Klein opined that the underlying aquifer, the wetlands on or near the site, the Honeygo Run and the Bird River are all at risk.

In order to remedy these potential effects, Mr. Klein offered two alternatives. First, he proposed that a liner be inserted in the bottom of the fill operation. He proposed both a synthetic and natural clay liner to assure that leachate would not penetrate into the underground water system. Secondly, Mr. Klein suggested that the distance between the bottom of the fill and water table be increased to more than the required 5 feet. This would provide an additional safety net to ensure that pollution would not enter the underlying system. Lastly, this witness commented that the proposed landfill use would detrimentally effect this locale in a manner unique than the inherent effects of the use. Specifically, he pointed to the unusual natural features of the surrounding locale, including the existence of the Honeygo Run and aquifer, which he believed distinguished this site from other similarly zoned properties.

Also testifying as an expert witness was Dr. Robert Kondner, a civil engineer. Dr. Kondner testified extensively about potential contamination of the ground water system from the operation of the proposed landfill. He offered a variety of technical opinions about potential contamination of the underlying aquifer. Essentially, he noted that the soils on site were very porous and therefore would absorb a large percentage of the rainfall which falls on site. That is, there will be very little storm water runoff because of the high absorbency characteristics of the surface conditions. A full 85% of the rain on the site will be absorbed into the

soil by his calculations. Using this rate of absorbency, Dr. Kondner then computed the amount of actual water which would enter the site based on the annual rain projections for this area. In this respect, he concluded that 10,317 liters of water per day, per acre, would be infiltrated into the ground. Due to this large volume of rain water which will be absorbed, Dr. Kondner believes that the underlying aquifer will be contaminated. That is, the rain water will pass through the porous soils and enter the underlying aquifer without proper filtration. In order to mitigate this effect, he proposes an extensive series of liners including a combination of clay and a synthetic liner.

As with all witnesses, I am required to adjudge the credibility of Dr. Kondner's testimony. In this respect, it was difficult to accept this expert's testimony as accurate. It is first important to note that Dr. Kondner admitted that he had never been to the site and his conclusions were based entirely upon his review of the studies and exhibits presented by the Petitioner. Certainly, a field investigation would be appropriate for any expert witness in order to personally inspect conditions on which opinions would be based. Moreover, Dr. Kondner appeared to misinterpret some of the Petitioner's exhibits relating to ground water levels. His conclusions regarding absorbency also ignored interim levels of cover which will be applied on a regular basis as the cells are filled. That is, the Petitioner proposes to cover waste as same is accumulated. This natural cover would affect the absorbency and filtration of any rain water which would enter the system. Although this expert's educational and experienced credentials are indeed impressive, his evaluation of the subject site appear to be less than thorough and his conclusions therefore were questionable.

Having summarized the testimony and evidence offered, attention is next turned to the relief requested. Consideration is first given to the Petition for Zoning Variance which has been filed. Therein, the Petitioner requested relief from Sections 409.8A.2, 409.8A.6 and 413.6.B of the B.C.Z.R. The first two of these sections mandate a required durable and dustless surface paving of the internal roadway and permanent striping for the offstreet parking facilities. The remaining section limits signage to one free standing sign with 25 sq. ft. per face, 6 ft. in height.

As to the parking requirements, the Petitioner proposes a crushed concrete surface in the haul road which will not be striped. As to the signage, two free standing signs with 60 sq. ft. per face, 8 ft. in height, are requested.

Zoning variances must be evaluated in accordance with Section 307.1 of the B.C.Z.R. This section sets forth a three prong test. It provides that the Petitioner must demonstrate practical difficulty or unreasonable hardship, that a granting of a variance will be in strict harmony with the spirit and intent of the regulations, and that the relief granted will be without injury to the public health, safety and general welfare. Moreover, the definition of practical difficulty is well settled at law. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

As to the haul road requirements, I am persuaded that the Petitioner has met its burden. It is entirely logical for the haul road to be constructed of a nondurable material. First, the material to be used for construction (crushed concrete) will be readily available on site from the concrete recycling facility. Also, the road's configuration may be altered during the life of the landfill. That is, different areas of the site will be utilized during the 10 year expected life span of this facility. Thus, the length and configuration of the roadway will be changing. Moreover, this road will be used only for customers and employees of the site; that is, it is not a public facility. A crushed concrete surface will also promote better drainage and absorbency. For all of these reasons, it is entirely appropriate for this variance to be granted and strict adherence to Sections 409.8A.2 and 409.8A.6 should not be required.

As to the signage variance, I am, likewise, persuaded that this should be granted. The signs proposed by the Petitioner, as shown on the site plan, are entirely consistent with a property of this size. Clearly, two signs will not overwhelm a 64 acre parcel. Moreover, they are necessary in order to direct traffic and improve conditions at the vehicular entrance to the site. They will provide advance notice of the precise location of the entrance road to customers. I concur with the Petitioner's assertions that the signs proposed are the minimal necessary in order to serve their necessary function.

Next for consideration is the Petition for Special Hearing. Therein, the Petitioner requests approval of the proposed concrete recycling and wood waste chipping operations as permitted accessory uses to the existing mining operation and the proposed rubble landfill. Accessory uses are defined in Section 101 of the B.C.Z.R. Essentially, they are uses which are subordinate to a principal use, are subordinate in area, extent or purpose to a principal use, are located on the same lot as the principal use and contribute to the comfort, convenience or necessity of the business and industry involved in the principal use. In applying the characteristics of the recycling operations to the principal uses described, it is clear that all features of this definition are met. The recycling facilities are obviously located on the same site and are reasonable and appropriate uses in connection with the mining operation and proposed rubble landfill. They will particularly compliment the rubble landfill use by providing an additional sorting mechanism. Further, the life of the fill will be expanded by diverting material which might otherwise be buried in the fill to the recycling center. Moreover, I am persuaded that the accessory uses will not be detrimental to the health, safety and general welfare of the community. I am persuaded, in this respect, by the fact that these uses are located in the interior of the site and not on the perimeter. The testimony of Mr. Rist, the noise expert, was particularly persuasive and unchallenged. For these reasons, I will, likewise, grant the Petition for Special Hearing so as to approve these accessory uses.

The next item for consideration is the Petition for Special Exception. This is also a two prong request; for approval of both the existing Excavation Controlled business as well as the future rubble landfill operation. As to the Excavation Controlled operation, it is clear that same

should be approved. This operation has existed on this site for many years and no doubt predates many of the surrounding land uses. Moreover, this is an area of the County in which operations of this type are well known and have been conducted for many years. As noted above, the Genstar operation is a short distance south of this site. Thus, the mining operation fits in well with the surrounding locale. Moreover, much of the locale has grown up with this operation in place and has adjusted to the inherent effects of such an operation. I find no evidence that the mining operation is detrimental to the health, safety and general welfare of this community. I am satisfied that the Petitioner has satisfied the standards enunciated in Section 502.1 of the B.C.Z.R. which must be applied to all special exception uses. Thus, the special exception, for this use, will be and is hereby granted.

The next issue for consideration relates to the other prong of the special exception relief requested; namely, that approval be given to allow a rubble landfill. This issue sparked the most controversy and opposition from the surrounding communities. As noted above, consideration of special exceptions is governed by Section 502.1 of the B.C.Z.R. Therein, a laundry list of considerations are listed which the Zoning Commissioner must apply to any proposed special exception use. Those standards relate to the anticipated impact of the proposed special exception use on the surrounding locality involved and whether the said use would be detrimental to the health, safety and general welfare of the community. Specific considerations as to traffic, pollution, over taxing of public utilities, etc., are all listed.

Although these standards must be applied, it is to be noted that a special exception use is a use which has been predetermined by the Balti-

more County Council to be conditionally compatible with the uses permitted as of right in a particular zone. See Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970). Moreover, the Petitioner does not have the burden of establishing affirmatively that the proposed use will be a benefit to the community. Anderson v. Sawyer, 23 Md. App. 612, 329 A.2d 716 (1974).

The leading case in Maryland on special exceptions is Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981). Counsel for both parties have cited this case as controlling. Moreover, Schultz has been revisited by the Court of Special Appeals in Peoples Counsel v. Mangione 85 Md. App. 788 (1991), and most recently in Sharp v. Howard County Board of Appeals, No. 103, Sept, Term, 1993. These cases all discuss the special exception standard and the "unique effect" test which has been formulated by the courts. As noted above, a special exception use is presumptively appropriate. It has been predetermined by the local legislative body to be conditionally compatible with the uses permitted as of right in a given zone. Moreover, the courts have recognized that all special exception uses, by their very nature, cast certain inherent effects on their surroundings. For example, almost any commercial/industrial use can be expected to generate more traffic than an undeveloped property. These effects, in and of themselves, are not sufficient, however, to warrant a denial of the special exception. These characteristics must result in an adverse effect upon the adjoining and surrounding properties different than that which would, otherwise, result from the special exception use if located elsewhere within the zone. Pritts, supra, pg. 1327.

In Mangione, the Petitioner proposed constructing a nursing home within the center of a residential community in Lutherville. The court

noted that the construction and maintenance of the home would introduce additional traffic to the area and exacerbate a storm water runoff problem. Although these by-products of the use were inherent in the placement of a nursing home anywhere, the court sustained a denial of the special exception use by the County Board of Appeals due to the unique effect caused by these impacts in this area. Particularly, the character of the community in which the nursing home was planned was such that these inherent effects would cause detriment to a greater extent than would normally be the case.

In Sharp, the same law was applied but a different result was reached. In that case , the court, although identifying certain inherent impacts which would result from the operation of a small private airport, concluded that those impacts produced no unique effect on the locale in which the airport was to be located. Thus, the special exception use in that case was approved.

Applying these principals to the present case, the Protestants have presented two issues which they submit justifies a denial of the special exception. The first of these is traffic. In this respect, the Protestants claim that the special exception use should be denied because of the potential traffic congestion which might result. The Protestants argue that the narrowness of Philadelphia Road, a difficult intersection at Philadelphia Road, Ebenezer Road and Cowenton Avenue and the residential communities to the south all justify a denial of the special exception. I disagree.

In my view, traffic will not be so uniquely affected so as to justify a denial of the special exception. The site is located within close proximity of I-95 and U.S.Route 40, major thoroughfares in the eastern end of

Baltimore County. These thoroughfares were, no doubt, constructed to provide major arterial avenues for commercial vehicles. The presence of these major roadways in the immediate vicinity is, in my view, significant. As to Philadelphia Road, I am persuaded by the expert traffic testimony presented by the Petitioner. Particularly with the improvements offered by the Petitioner, I believe the roadway will be able to effectively handle the amounts of proposed traffic. Certainly, appropriate restrictions should be added to ensure minimal traffic impact. Moreover, the Petitioner has offered improvement to the Cowenton Avenue, Ebenezer Road and Old Philadelphia Road intersection which will be required as a condition to my approval. Moreover, the traffic control plans proposed for the access to the site must be implemented. These controls include the prohibition on trucks from turning southbound on Philadelphia Road as well as the physical improvements to the access point as shown on the site plan. I am convinced that as restricted in the manner set forth above, traffic will not be adversely effected.

The second issue presented relates to pollution. The Protestants fear pollution to the underground aquifers in the area and Honeygo Run from this facility. In addressing these concerns, it is first important to note the Petitioner's argument that this Zoning Commissioner is preempted from considering this issue by State regulations. That is, the Petitioner argues that this is an issue for another day, namely, during the Phase II consideration of the project by the Maryland Department of the Environment. Although I am appreciative of MDE's review, I am not persuaded that I may not consider this issue. The standards set forth in Section 502.1 of the B.C.Z.R. are broad and sweeping. I must consider all adverse impacts of a proposed use to the locale. Moreover, the Petitioner's ex-

perts' testimony relating to the State's deference of this issue until local zoning approval is obtained is significant. In my view, the State recognizes the authority of the local zoning ordinances to consider these issues. Thus, I will fully review this issue.

As recounted above, the testimony offered by the various expert witnesses regarding the pollution was diverse. Perhaps, the most credible testimony offered was that from Mr. Sheesley. He candidly admitted that he felt the State may require a liner after its investigation. It is clear from the testimony of all of the witnesses that environmental concerns for landfills are weighed more heavily at this time then in the past. Mr. Krawczyk, in fact, indicated that it is much more difficult to obtain State approval now then 10 years ago.

In considering this issue, I am particularly cognizant of the site's location near the Honeygo Run. This is an important tributary which ultimately feeds into the Chesapeake Bay. The preservation of the health of this tributary and the entire water shed is significant. Although I am satisfied that the Petitioner's will operate the site in accordance with their plans, the possibility of leachate entering the underwater table and Honeygo Run is real. Moreover, the porous nature of the soils on this site support a conclusion that the natural filtration of any leachate will not be effective as might be the case on another property.

After considering all of the issues, I believe that some type of liner on this site is appropriate. However, I am uncertain as to what is most appropriate. Dr. Kondner's suggestion of a combination clay/synthetic liners appears to be overkill. The determination of the exact type and quality of liner is difficult. In view of this dilemma, I will defer any final decision. My Order will contain a restriction to

require some type of liner at the bottom of the fill. However, the nature of the liner will be deferred pending the developer's application with the Maryland Department of Environment. If MDE requires a liner, I shall incorporate their final decision within my Order. That is, I will defer to that agency as to the particulars of the liner to be required. If no liner is required by MDE, the Zoning Commissioner shall reconvene this hearing by way of Petition for Special Hearing to determine the type of liner to be utilized.

In addition to these two major issues, several other concerns were voiced by the Protestants. These included the qualifications of the owner to operate the landfill and whether the landfill may be restricted to only local users. As to his qualifications, I am persuaded that Mr. Volpe possesses a sufficient background to run the landfill. To date, the presentation made by the Petitioner showed a high degree of professionalism and forethought. I am convinced that he will properly operate this facility as promised. Moreover, I will require certain restrictions to ensure same. As to the Constitutional issue, the Petitioner has agreed to limit rubble to only local customers. I believe that this limitation is appropriate. If it is unconstitutional, that issue is for the courts to decide. Thus, I will approve the plan with that self imposed restriction to be added. However, if it cannot be enforced because of constitutional failing, I do not find that condition so necessary as to warrant a denial of the special exception.

For the aforementioned reasons, I shall grant the Petition for Special Exception as requested. In my view, the proposed use meets the Schultz v. Pritts test and can be operated without unique detriment to the surrounding locale.

The next issue for consideration relates to the development plan. As required in the development regulations, I must determine if there are any open issues which need be resolved in evaluating the plan. The Petitioner's testimony and comments from Baltimore County representatives showed that there are no unresolved issues. The developer's plan as amended and filed, meets all County technical standards and regulations. The Protestants' concerns, clearly, relate more to the special exception use. Thus, the development plan will be approved.

Finally, as touched upon above, certain restrictions need be added to ensure the safety of the surrounding locale. It initially need be noted that the plan is approved as submitted. That is, the developer shall comply with the red line comments added on the plan to satisfy certain County concerns. Moreover, compliance with the development plan comments offered by the County agencies is required. Moreover, certain other restrictions shall be imposed, many of which the Petitioner previously agreed to. They are:

(1) Some type of liner will be required as set forth above. The exact nature and type of liner required will be deferred to the judgment of the Maryland Department of the Environment. If they do not require such a liner, a Petition for Special Hearing need be filed to reconsider this issue. This will enable the parties to complete studies and enable the zoning authority to render an intelligent decision as to this issue.

(2) The period for utilization of the special exception shall be 5 years. I am appreciative of the long and arduous regulatory procedure which the Petitioner must complete through the State of Maryland. Thus, an extension of this nature shall be given, as has been requested by the Petitioner.

(3) Upon full utilization of the fill and capping of same, the property shall be transferred to Baltimore County, for use by the Department of Recreation and Parks, at no cost to Baltimore County.

(4) The Petitioner shall be required to restore Honeygo Run, in a manner substantially similar to that proposed within the report authored by Robert Sheesley (Pet. Exh. No. 27). The restoration shall be completed within 5 years from the date of the issuance of final permits authorizing the rubble fill operation.

(5) The Petitioner shall cooperate fully with the Department of Public Works in Baltimore County and the Maryland State Highway Administration in the realignment of the intersection of Maryland Route 7/Cowenton Avenue/Ebenezer Road including the conveyance of any property adjacent thereto necessary to realign said intersection, at no cost to the appropriate State or County agencies.

(6) The Petitioner shall pay the salary and necessary related expenses for an independent inspector to periodically monitor the operation of the landfill. This individual shall ensure that regular and thorough inspections of material is ongoing and ensure that the operation is conducted in a manner consistent with what is proposed in the Operations Manual. The identify and specific duties of this individual shall be determined by the Community Advisory Committee, which the Petitioner shall maintain and keep in place throughout the life of the fill.

(7) The Petitioner shall prepare and submit to ZADM, within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions and restrictions, if any, of this Order.

Pursuant to the zoning and development regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore Coun-

ty Code, the advertising of the property, and public hearing held thereon, I will approve the development plan, Petitions for Special Exception, Special Hearing and Variances as requested herein consistent with the comments contained above and shall so order.

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner for Baltimore County this 17th day of December, 1993 that, pursuant to the Petition for Special Exception, approval to allow an "Excavation Controlled" on the subject site in an M.L.R. zone under Section 248.4 of the B.C.Z.R. and to allow rubble landfill, pursuant to Section 218.4 of the B.C.Z.R., be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval for a proposed concrete recycling and wood waste chipping operation as accessory uses to the existing mining operation and proposed rubble landfill, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that a variance from Sections 409.8A.2 and 409.8A.6 of the B.C.Z.R. to allow a crushed concrete surface for the internal haul road in lieu of the required durable and dustless surface and to permit same without the required permanent striping for offstreet parking facilities, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that a variance from Section 413.6.B. of the B.C.Z.R. to allow two free standing signs with 50 sq. ft. per face, and 8 ft. in height, in lieu of the permitted one free standing sign with 25 sq. ft. per face with a permitted height of 6 ft., be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the development plan for Honeygo Run Reclamation Center, identified herein as Developer's Exhibit No. 4, be and is hereby APPROVED, subject, however, to the following restrictions:

(1) Some type of liner will be required as set forth above. The exact nature and type of liner required will be deferred to the judgment of the Maryland Department of the Environment. If they do not require such a liner, a Petition for Special Hearing need be filed to reconsider this issue. This will enable the parties to complete studies and enable the zoning authority to render an intelligent decision as to this issue.

(2) The period for utilization of the special exception shall be 5 years. I am appreciative of the long and arduous regulatory procedure which the Petitioner must complete through the State of Maryland. Thus, an extension of this nature shall be given, as has been requested by the Petition.

(3) Upon full utilization of the fill and capping of same, the property shall be transferred to Baltimore County, for use by the Department of Recreation and Parks, at no cost to Baltimore County.

(4) The Petitioner shall be required to restore Honeygo Run, in a manner substantially similar to that proposed within the report authored by Robert Sheesley (Pet. Exh. No. 27). The restoration shall be completed within 5 years from the date of the issuance of final permits authorizing the rubble fill operation.

(5) The Petitioner shall cooperate fully with the Department of Public Works in Baltimore County and the Maryland State Highway Administration in the realignment of the intersection of Maryland Route 7/Cowehton Avenue/Ebenezer Road including the conveyance of any property adjacent thereto necessary to realign said intersection, at no cost to the appropriate State or County agencies.

(6) The Petitioner shall pay the salary and necessary related expenses for an independent inspector to periodically monitor the operation of the landfill. This individual shall ensure that regular and thorough inspections of material is ongoing and ensure that the operation is conducted in a manner consistent with what is proposed in the Operations Manual. The identify and specific duties of this individual shall be determined by the Community Advisory Committee, which the Petitioner shall maintain and keep in place throughout the life of the fill.

(7) The Petitioner shall prepare and submit to Zoning Administration and Development Management (ZADM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions and restrictions, if any, of this Order.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and other applicable provisions of the law..

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 20, 1993

John Gontrum, Esquire
819 Eastern Boulevard
Baltimore, Maryland 21221

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Project No. 92285Z
Case No. XI-611 & 94-87-SPHXA
Petitions for Special Hearing, Special Exception and Variance/
Development Plan
Honeygo Reclamation Center, Inc. Petitioner/Developer

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Petitions/Development Plan Order have been approved.

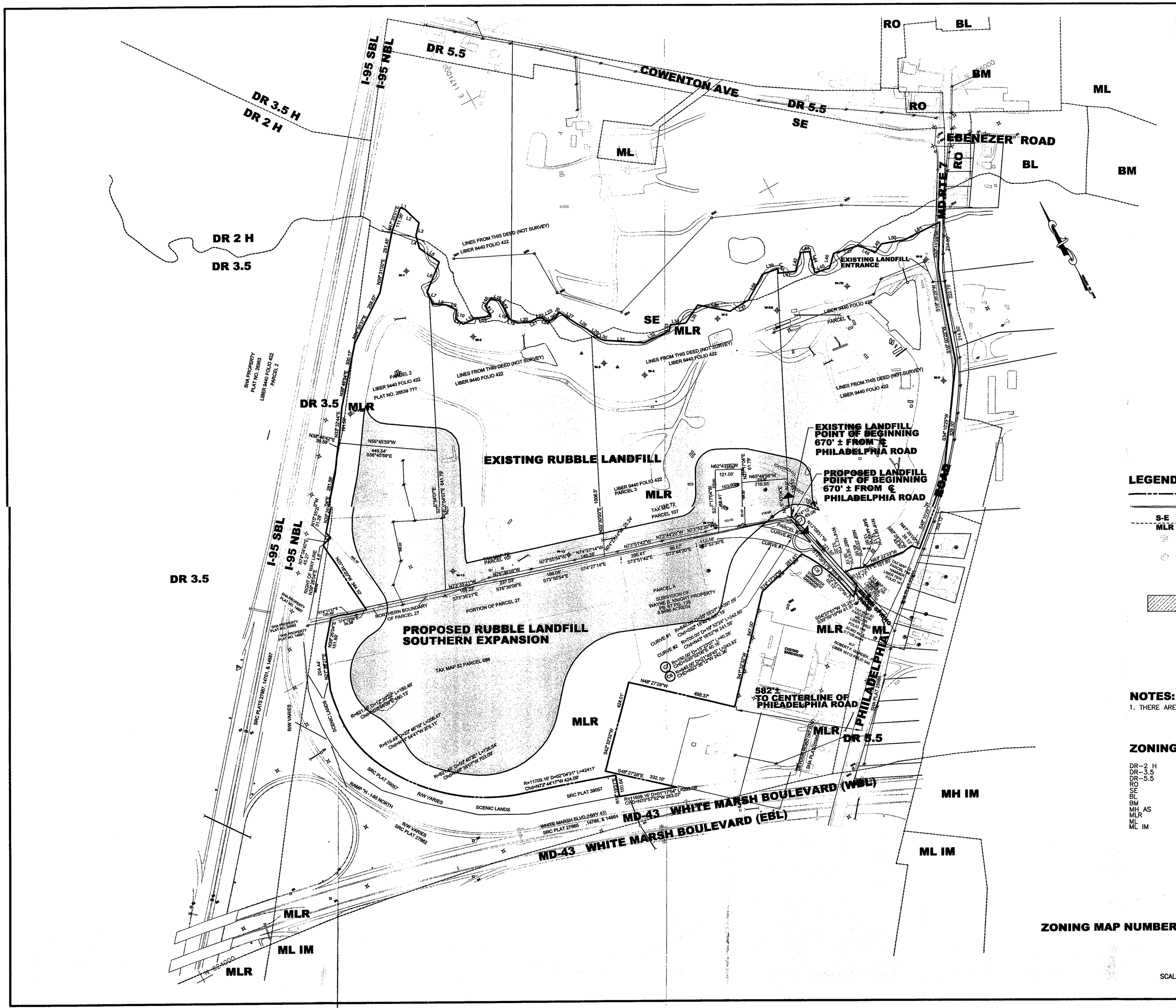
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. Adam E. Paul, Jr.
cc: All various County agencies

on Recycled Paper



LINE TABLE		
LINE	LENGTH	BEARING
L1	21.81	S42°24'59"E
L2	80.00	S17°24'59"E
L3	61.04	S47°28'01"W
L4	60.00	S13°05'01"W
L5	110.00	S22°54'59"E
L6	149.86	S50°05'01"W
L7	61.40	S20°55'29"W
L8	57.84	S58°05'21"E
L9	51.36	S35°17'42"E
L10	41.21	S31°42'47"W
L11	42.29	S22°16'33"E
L12	62.82	S87°21'55"E
L13	66.93	S68°33'03"E
L14	53.25	N07°23'23"E
L15	42.05	N52°19'07"E
L16	41.35	S46°10'21"E
L17	37.06	S02°07'49"E
L18	55.61	S04°47'05"W
L19	45.50	S35°42'36"E
L20	55.77	S68°35'55"E
L21	40.86	N83°55'54"E
L22	21.54	S61°46'11"E
L23	9.06	S13°07'59"E
L24	27.24	S44°17'40"E
L25	32.53	N53°32'49"E
L26	30.24	N62°30'18"E
L27	102.61	S27°58'46"E
L28	46.80	S32°49'14"E
L29	77.97	S22°09'54"E
L30	18.81	S43°55'55"E
L31	180.00	S57°55'15"E
L32	125.50	S36°55'15"E
L33	29.52	N32°04'09"E
L34	70.00	S67°55'51"E
L35	100.00	N62°04'09"E
L36	150.00	S50°40'51"E
L37	100.00	N87°49'09"E
L38	139.00	N36°49'09"E
L39	75.28	S81°09'51"E
L40	20.25	S25°49'09"W
L41	80.00	S67°31'11"E
L42	90.00	N43°58'49"E
L43	40.00	S68°31'11"E
L44	100.00	S14°58'49"W
L45	70.00	S78°01'11"E
L46	70.00	N43°58'49"E
L47	120.00	S80°01'11"E
L48	80.00	S36°31'11"E
L49	50.00	N64°28'49"E
L50	106.24	S77°22'31"E
L51	190.45	S88°56'01"E

LEGEND:

- PROPERTY LINE
- ADJACENT PROPERTY // LOT LINE
- S-E / MLR — BALTIMORE COUNTY ZONING
- EXISTING PRIVATE GROUNDWATER WELL
- EXISTING PRIVATE SEPTIC AREA
- EXISTING RUBBLE LANDFILL
- PROPOSED RUBBLE LANDFILL SOUTHERN EXPANSION

089

NOTES:

1. THERE ARE NO SCHOOLS, CHURCHES OR LANDMARKS IN THIS AREA.

ZONING DESIGNATION KEY:

DR-2 H	DENSITY RESIDENTIAL 2, HONEYGO AREA DISTRICT
DR-3.5	DENSITY RESIDENTIAL 3.5
DR-5.5	DENSITY RESIDENTIAL 5.5
RO	RESIDENTIAL OFFICE
SE	SERVICE EMPLOYMENT
BL	BUSINESS LOCAL
BM	BUSINESS MAJOR
MH AS	MANUFACTURING, HEAVY – AUTOMOTIVE SERVICES DISTRICT
MLR	MANUFACTURING, LIGHT RESTRICTED
ML	MANUFACTURING, LIGHT
ML IM	MANUFACTURING, LIGHT – MAJOR INDUSTRIAL DISTRICT

ZONING MAP NUMBERS: NE 8-I, NE 9-I

SCALE 0' 50' 100' 200'

SIGNATURE
8/22/03

STATE OF MARYLAND
KENNETH WAYNE MOORE
No. 3115
LICENSED LANDSCAPE ARCHITECT

NO	DATE	DRN	CHK	REVISIONS

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220 PRINCETON AVENUE, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

MRA

PREPARED BY EARTH TECH

4 NESHAMINY INTERPLEX SUITE 300 TREVOSE, PA 19053

DRN – DES – CHK – APP –

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PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

ZONING MAP

DATE	AUGUST 22, 2003
PROJECT NO	12491
SCALE:	1"= 200'
SHEET NO	1 OF 1
DRAWING NO	Z-1

OWNER / DEVELOPER / CONSULTANT:

1. PROPERTY OWNERS:

Parcel 107
HONEYGO RUN RECLAMATION CENTER, INC.
10710 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128
ATTN: MONTE R. KAMP, GENERAL MANAGER

Parcel 16A
Wayne B. Knight
8814 Cowenton Avenue
Perry Hall, Maryland 21128–9618

Parcel 16B
Wayne B. Knight
8814 Cowenton Avenue
Perry Hall, Maryland 21128–9618

Parcel 27
Nottingham Village, Inc.
100 W. Pennsylvania Avenue
Baltimore, Maryland 21204–4506

Parcel 649
Wayne B. Knight
8814 Cowenton Avenue
Perry Hall, Maryland 21128–9618

Parcel 686
Nottingham Village, Inc.
100 W. Pennsylvania Avenue
Baltimore, Maryland 21204–4506

Parcel 739
Carl H. Lentz and Donald C. Lentz
5206 Silver Spring Road
Perry Hall, Maryland 21128–9630

Parcel 763
Honeygo Run Reclamation Center, Inc.
10710 Philadelphia Road
Perry Hall, Maryland 21128–9624

Parcel 764
Honeygo Run Reclamation Center, Inc.
10710 Philadelphia Road
Perry Hall, Maryland 21128–9624

Parcel 765
Honeygo Run Reclamation Center, Inc.
10710 Philadelphia Road
Perry Hall, Maryland 21128–9624

Parcel 776
Charles F. Volpe and Jane Volpe
5210 Silver Spring Road
Perry Hall, Maryland 21128–9630

Parcel 796
Honeygo Mobile Park
8814 Cowenton Avenue
Perry Hall, Maryland 21128–9618

2. DEVELOPER / APPLICANT / CONTRACT PURCHASER:
HONEYGO RUN RECLAMATION CENTER, INC.
10710 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128

3. PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220–C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
ATTN: DAVID L. TAYLOR, JR., ASLA

EARTH TECH, INC.
4 NESHAMINY INTERPLEX, SUITE 300
TREVOSE, PA 19053
ATTN: PAUL A. WHITTY, P.E.

4. PROPERTY ADDRESS:
10710 PHILADELPHIA ROAD
PERRY HALL, MARYLAND 21128

SITE DATA / GENERAL NOTES:

1. SITE ACREAGE:

GROSS AREA EXISTING LANDFILL (PARCEL 107):	68.4095 AC.	± (2,979,917 S.F.)
GROSS AREA SOUTHERN LANDFILL EXPANSION: (INCLUDES GROSS AREA OF SILVER SPRING ROAD CLOSURE)	48.4377 AC.	± (2,109,948 S.F.)
PARCEL 16 'A'		
PARCEL 16 'B'		
PARCEL 27		
PARCEL 649		
PARCEL 686		
PARCEL 739		
PARCEL 763		
PARCEL 764		
PARCEL 765		
PARCEL 776		
PARCEL 796		
TOTAL GROSS AREA:	116.8472 AC.	± (5,089,865 S.F.)
NET AREA:	115.4520 AC.	± (5,029,087 S.F.)

2. EXISTING ZONING: MLR (MANUFACTURING, LIGHT, RESTRICTED)
3. EXISTING LAND USE: RUBBLE LANDFILL / VACANT / RESIDENTIAL
4. PROPERTY INFORMATION:
   a. TAX MAP / PARCEL / TAX ACCOUNT NUMBER:

TAX MAP 72, PARCEL 107	1118051240
	1118051241
	1118051242
	1118051243
TAX MAP 82, PARCEL 16 'A'	2200024392
TAX MAP 82, PARCEL 16 'B'	2200024393
TAX MAP 82, PARCEL 27	1414065918
TAX MAP 82, PARCEL 649	1119053410
TAX MAP 82, PARCEL 686	1114065379
TAX MAP 72, PARCEL 739	1112021200
TAX MAP 72, PARCEL 763	2200024514
TAX MAP 72, PARCEL 764	1103048875
TAX MAP 72, PARCEL 765	1108031000
TAX MAP 72, PARCEL 776	1111035450
TAX MAP 72, PARCEL 796	1111035451

   b. COUNCILMANIC DISTRICT: 5
   c. ELECTION DISTRICT: 11
   d. CENSUS TRACT: 411302
   e. ADC MAP LOCATION: MAP 29, GRID G9, G10, H9, H10
   f. ZONING MAP REFERENCE: NE 8I AND NE 9I
   g. TAX MAPS: 72, 82
   h. WATERSHED: BIRD RIVER
   i. SUBSEWERSHED: 16 AND 19

5. ZONING HISTORY:

CASE #3902–RX

1. PETITION THAT THE ZONING STATUS OF THE PROPERTY BE RECLASSIFIED FROM AN R–6 ZONE TO AN R–10 ZONE; AND 2. FOR A SPECIAL EXCEPTION TO USE THE PROPERTY FOR A TRAILER COURT. ORDER, JULY 20, 1956. BOTH GRANTED SUBJECT TO COMPLIANCE WITH THE ZONING REGULATIONS AND THE REGULATIONS OF THE BALTIMORE COUNTY HEALTH DEPARTMENT.

CASE #94–87–SPHXA

1. PETITION FOR SPECIAL EXCEPTION: RELIEF SOUGHT TO ALLOW AN "EXCAVATION CONTROLLED" ON THE SUBJECT SITE IN AN M.L.R. ZONE PURSUANT TO SECTION 248.4 OF THE B.C.Z.R.
2. PETITION FOR SPECIAL EXCEPTION: RELIEF REQUESTED TO ALLOW A RUBBLE LANDFILL OPERATION ON THE SUBJECT SITE PURSUANT TO SECTION 218.4 OF THE B.C.Z.R.
3. PETITION FOR SPECIAL HEARING: APPROVAL SOUGHT FOR A PROPOSED CONCRETE RECYCLING AND WOOD WASTE CHIPPING OPERATION AS ACCESSORY USE TO THE EXISTING MINING OPERATION AND PROPOSED RUBBLE LANDFILL.
4. VARIANCE REQUESTED FROM SECTION 409.8A.2 AND 409.8A.6 OF THE B.C.Z.R. TO ALLOW A CRUSHED CONCRETE SURFACE FOR THE INTERNAL HAUL ROAD IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE AND TO PERMIT SAME WITHOUT THE REQUIRED PERMANENT STRIPING FOR OFFSTREET PARKING FACILITIES.
5. VARIANCE FROM SECTION 413.6.B OF THE B.C.Z.R. TO ALLOW TWO FREE STANDING SIGNS WITH 50 SQ. FEET PER FACE, AND 8 FEET IN HEIGHT, IN LIEU OF THE PERMITTED ONE FREE STANDING SIGN WITH 25 SQ. FEET PER FACE WITH A PERMITTED HEIGHT OF 6 FEET.
6. THE DEVELOPMENT PLAN FOR HONEYGO RUN RECLAMATION CENTER, IDENTIFIED AS EXHIBIT NO. 4, BE AND IS HEREBY APPROVED, SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS:

(1). SOME TYPE OF LINER WILL BE REQUIRED AS SET FORTH ABOVE. THE EXACT NATURE AND TYPE OF LINER REQUIRED WILL BE DEFERRED TO THE JUDGEMENT OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT. IF THEY DO NOT REQUIRE SUCH A LINER, A PETITION FOR SPECIAL HEARING NEED BE FILED TO RECONSIDER THIS ISSUE. THIS WILL ENABLE THE PARTIES TO COMPLETE STUDIES AND ENABLE THE ZONING AUTHORITY TO RENDER AN INTELLIGENT DECISION AS TO THIS ISSUE.

(2). THE PERIOD FOR UTILIZATION OF THE SPECIAL EXCEPTION SHALL BE 5 YEARS. I AM APPRECIATIVE OF THE LONG AND ARDUOUS REGULATORY PROCEDURE WHICH THE PETITIONER MUST COMPLETE THROUGH THE STATE OF MARYLAND. THUS, AN EXTENSION OF THIS NATURE SHALL BE GIVEN, AS HAS BEEN REQUESTED BY THE PETITION.

(3). UPON FULL UTILIZATION OF THE FILL AND CAPPING OF SAME, THE PROPERTY SHALL BE TRANSFERRED TO BALTIMORE COUNTY, FOR USE BY THE DEPARTMENT OF RECREATION AND PARKS, AT NO COST TO BALTIMORE COUNTY.

(4). THE PETITIONER SHALL BE REQUIRED TO RESTORE HONEYGO RUN, IN A MANNER SUBSTANTIALLY SIMILAR TO THAT PROPOSED WITH THE REPORT AUTHORED BY ROBERT SHEESLEY (PET. EXH. NO. 27). THE RESTORATION SHALL BE COMPLETED WITHIN 5 YEARS FROM THE DATE OF THE ISSUANCE OF FINAL PERMITS AUTHORIZING THE RUBBLE FILL OPERATION.

(5). THE PETITIONER SHALL COOPERATE FULLY WITH THE DEPARTMENT OF PUBLIC WORKS IN BALTIMORE COUNTY AND THE MARYLAND STATE HIGHWAY ADMINISTRATION IN THE REALIGNMENT OF THE INTERSECTION OF MARYLAND ROUTE 7 / COWENTON AVENUE / EBENEZER ROAD INCLUDING THE CONVEYANCE OF ANY PROPERTY ADJACENT THERETO NECESSARY TO REALIGN SAID INTERSECTION, AT NO COST TO THE APPROPRIATE STATE OR COUNTY AGENCIES.

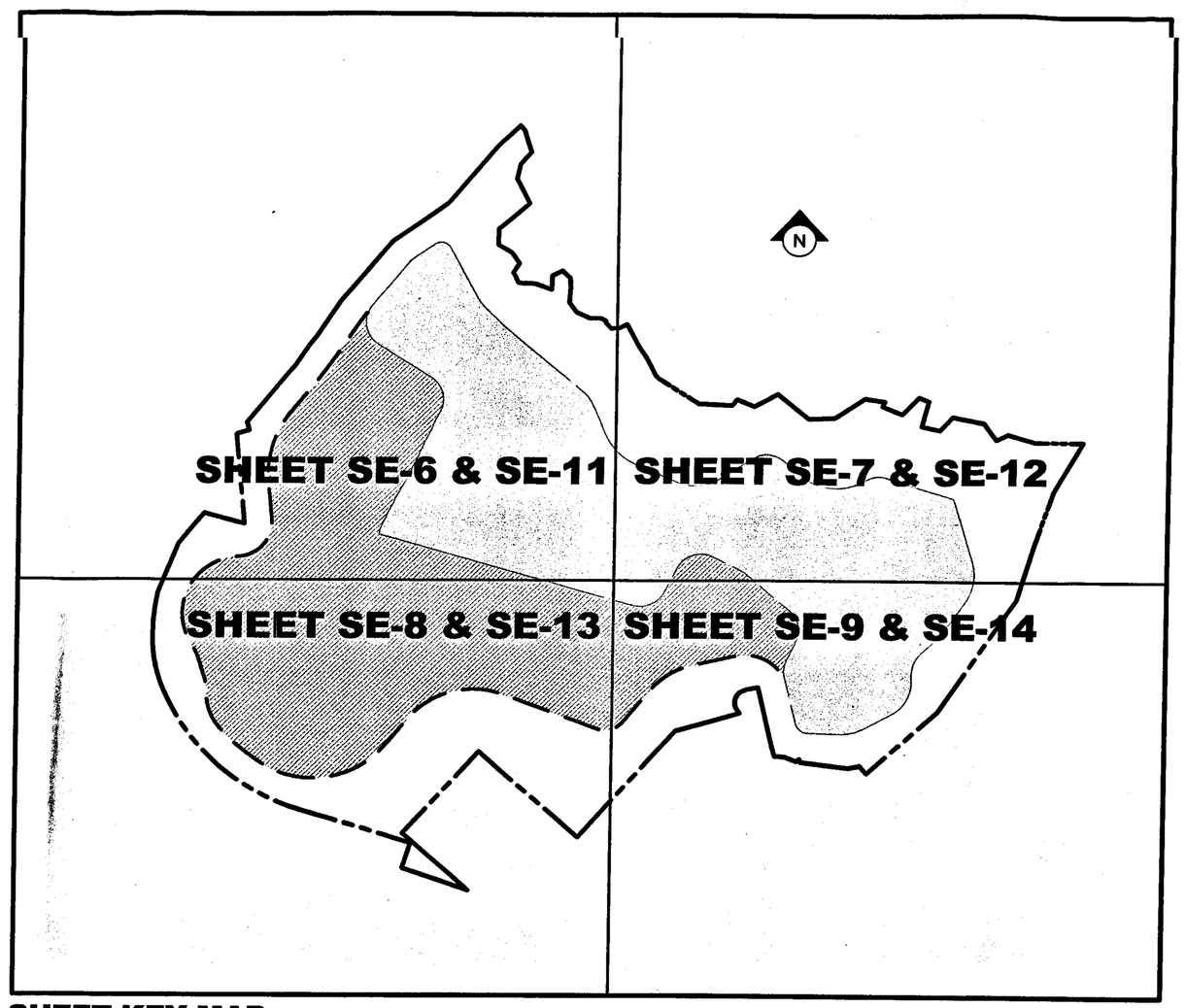
(6). THE PETITIONER SHALL PAY THE SALARY AND NECESSARY RELATED EXPENSES FOR AN INDEPENDENT INSPECTOR TO PERIODICALLY MONITOR THE OPERATION OF THE LANDFILL. THIS INDIVIDUAL SHALL ENSURE THAT REGULAR AND THOROUGH INSPECTIONS OF MATERIAL IS ONGOING AND ENSURE THAT THE OPERATION IS CONDUCTED IN A MANNER CONSISTENT WITH WHAT IS PROPOSED IN THE OPERATIONS MANUAL. THE IDENTIFY AND SPECIFIC DUTIES OF THIS INDIVIDUAL SHALL BE DETERMINED BY THE COMMUNITY ADVISORY COMMITTEE, WHICH THE PETITIONER SHALL MAINTAIN AND KEEP IN PLACE THROUGHOUT THE LIFE OF THE FILL.

(7). THE PETITIONER SHALL PREPARE AND SUBMIT TO ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT (ZADM), WITHIN 10 DAYS FROM THE DATE OF THIS ORDER, A DEVELOPMENT PLAN WHICH REFLECTS AND INCORPORATES THE TERMS, CONDITIONS AND RESTRICTIONS, IF ANY, OF THIS ORDER.

ORDER, DECEMBER 17, 1993, ALL ITEMS APPROVED.

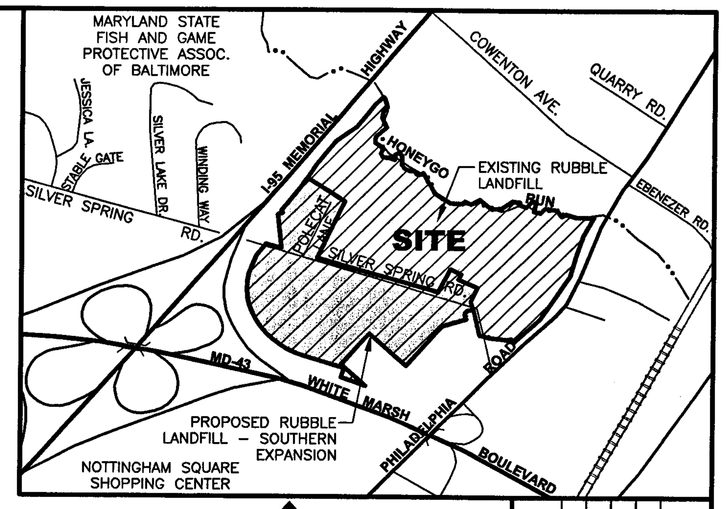
CASE #97–245A

1. PETITION FOR VARIANCE FOR THAT PROPERTY KNOWN AS 10700 PHILADELPHIA ROAD LOCATED IN THE VICINITY OF SILVER SPRING ROAD IN WHITE MARSH. RELIEF SOUGHT FROM SECTION 250.1 OF THE B.C.Z.R. TO PERMIT A FRONT SETBACK OF 24 FEET IN LIEU OF THE REQUIRED 40 FEET IN AN M.L.R. ZONE. ORDER, JANUARY 23, 1997. APPROVED.



SHEET KEY MAP
NOT TO SCALE

6. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. THERE ARE 100 YEAR FLOODPLAINS ON THIS SITE AS SHOWN ON THE PLANS.
8. PER JOHN MCGRAIN, BALTIMORE COUNTY HISTORIAN, THERE ARE NO BUILDINGS, PROPERTY OR SITES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY OF HISTORICAL PROPERTIES, THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORICAL PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY OR IDENTIFICATION OF ANY BALTIMORE COUNTY HISTORIC DISTRICT OR NATIONAL REGISTER DISTRICT OR NATIONAL REGISTER DISTRICT COVERING THE PROPOSED DEVELOPMENT.
9. PER LORI A. BYRNE, MARYLAND DEPARTMENT OF NATURAL RESOURCES AND MARY J. RATNASWAMY, US DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE THERE ARE NO KNOWN THREATENED OR ENDANGERED PLANTS OR ANIMALS WITHIN THIS PROJECT SITE.
10. UTILITIES EXIST IN AREA AS SHOWN ON PLANS.
11. THERE ARE COMMERCIAL BUILDINGS WITHIN 100' OF THIS PROPERTY AS SHOWN ON THE PLAN.
12. FLOOR AREA RATIO (FAR): 7648 S.F.± / 5,089,865 S.F. = 0.001 FAR
13. THERE ARE NO AMENITY OPEN SPACE (AOS) REQUIREMENTS FOR THIS SITE.
14. FIRE HYDRANTS ARE LOCATED ALONG PHILADELPHIA ROAD AT COWENTON AVENUE AS SHOWN ON PLAN APPROXIMATELY 350' FROM THE NORTHEASTERN CORNER OF PROPERTY.
15. PARKING REQUIREMENTS: (1 PER EMPLOYEE ON LARGEST SHIFT)= 7 PARKING SPACES
    EXISTING PARKING TO REMAIN: 15 PARKING SPACES
16. THIS SITE DOES NOT HAVE ANY EXISTING OR KNOWN IMPENDING FAILURE OF BASIC SERVICES PER THE BASIC SERVICES MAPS. (PER SECTION 4A02, BCZR)
17. NO BUILDINGS OVER 40' ARE PROPOSED OR EXISTING ON SITE.
18. SILVER SPRING ROAD SHALL BE CLOSED TO THE LIMITS SHOWN ON THE PLANS.



VICINITY MAP
SCALE: 1"= 1000'

N

PLAN REVISIONS (9/17/03)

ITEM:	REVISION:
1. TITLE BLOCK	REMOVED VARIANCE FROM TEXT
2. TITLE BLOCK	ADDED REVISION DATE AND DESCRIPTION
3. TITLE BLOCK	CHANGED SHEET NO. TO REFLECT ADDED SHEETS
4. SHEET INDEX	REMOVED THE WORD VARIANCE, ADDED SUMMARY SHEETS AND SHEETS SE–11 THRU SE–14
5. SHEET KEY MAP	REVISED SHEET NUMBERS AND ADDED SE– 11 THRU SE–14
6. SPECIAL EXCEPTION REQUESTS	CLARIFICATION OF SPECIAL EXCEPTION REQUESTS
7. SITE DATA / GENERAL NOTES	UPDATED GROSS AREA IN ACRES AND SQUARE FEET OF EXISTING LANDFILL TO REFLECT CURRENT DATA. ADDED NET AREA
8. SITE DATA / GENERAL NOTES	UPDATED GROSS AREA IN ACRES AND SQUARE FEET OF SOUTHERN LANDFILL EXPANSION TO REFLECT CURRENT DATA
9. SITE DATA / GENERAL NOTES	REMOVED GROSS AREA OF SILVER SPRING ROAD CLOSURE FOR CLARIFICATION
10. SITE DATA / GENERAL NOTES	UPDATED TOTAL GROSS AREA IN ACRES AND SQUARE FEET TO REFLECT CURRENT DATA
11. SITE DATA / GENERAL NOTES	MODOFIED NOTES
12. VICINITY MAP	REVISED PROPERTY BOUNDARY FOR SILVER SPRING ROAD CLOSURE
13. CASE #94–87–SPHXA	CLARIFICATION OF ZONING ORDER RESTRICTIONS
14. PROPERTY OWNERS	CLARIFICATION OF PROPERTY OWNERS / PARCEL NUMBERS

SPECIAL EXCEPTION REQUESTS:

1. SPECIAL EXCEPTION FOR A RUBBLE LANDFILL IN A M.L.R. ZONE.
2. SPECIAL EXCEPTION FOR AN "EXCAVATION, CONTROLLED" IN A M.L.R. ZONE.

SPECIAL HEARING REQUESTS:*

1. AN AMENDMENT TO THE SITE PLAN AND ORDER IN CASE NO. 94–87–SPHXA FOR A LANDFILL EXPANSION AND TO PERMIT RELOCATION OF ACCESSORY USES.
2. SPECIAL EXCEPTION FOR AN "EXCAVATION, CONTROLLED" IN CONJUNCTION WITH A SPECIAL EXCEPTION FOR A "RUBBLE LANDFILL" ON THE SAME SITE.
3. A DETERMINATION THAT THE SPECIAL EXCEPTIONS AS PART OF THE EXPANSION OF THE EXISTING OPERATIONS HAVE NO TIME LIMIT FOR UTILIZATION, OR ALTERNATIVELY, A FIVE (5) YEAR PERIOD FOR UTILIZATION OF THE SPECIAL EXCEPTIONS.
4. MODIFICATION OR ELIMINATION OF THE FOLLOWING CONDITIONS IN THE ORDER IN CASE NO. 94–87–SPHXA: CONDITIONS 3, 4, AND 6.
5. CONTINUATION OF THE EXISTING VARIANCE FROM SECTION 409.8A.2 AND SECTION 409.8A.6 OF THE BCZR TO ALLOW A CRUSHED CONCRETE SURFACE FOR THE INTERNAL HAUL ROAD AND PARKING AREAS IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE AND TO PERMIT SAME WITHOUT THE REQUIRED PERMANENT STRIPING FOR OFFSTREET PARKING FACILITIES.
6. TERMINATION OF THE SPECIAL EXCEPTION GRANTED IN CASE NO. 3902–RX FOR A TRAILER COURT.

*ALL PURSUANT TO CURRENT SECTION 412.3 AS IT REFERENCES SECTION 412 UNDER 1987 REGULATIONS.

SHEET INDEX:

SE–1	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING COVER SHEET
SE–2	SUMMARY SHEET: PROPERTY MOSAIC
SE–3	SUMMARY SHEET: "EXCAVATION, CONTROLLED" PLAN
SE–4	SUMMARY SHEET: RUBBLE LANDFILL CAP PLAN
SE–5	SUMMARY SHEET: END USE PARK PLAN
SE–6	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING
SE–7	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING
SE–8	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING
SE–9	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING
SE–10	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING END USE / PARK PLAN AND SCHEMATIC LANDSCAPE PLAN
SE–11	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING EXCAVATION CONTROLLED OPERATIONS PLAN
SE–12	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING EXCAVATION CONTROLLED OPERATIONS PLAN
SE–13	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING EXCAVATION CONTROLLED OPERATIONS PLAN
SE–14	PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING EXCAVATION CONTROLLED OPERATIONS PLAN

REVISED
04 087 SPHX

SCALE 0' 50' 100' 200'

SIGNATURE
9/17/03
STATE OF MARYLAND
DONALD RAYMOND KUNZ JR.
No. 3114
LICENSED LANDSCAPE ARCHITECT

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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TOWSON, MARYLAND 21286
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MRA

PREPARED BY EARTH TECH

4 NESHAMINY INTERPLEX
SUITE 300
TREVOSE, PA 19053

DATE:	NO:	REVISION DESCRIPTION:
9/17/03	1	CORRECTED SURVEY COORDINATE SYSTEM & ADDED CONTROLLED EXCAVATION / OPERATION PLAN

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PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING COVER SHEET

DATE	AUGUST 22, 2003
PROJECT NO	12491
SCALE:	AS SHOWN
SHEET NO	1 OF 14
DRAWING NO.	SE-1

100 YEAR FLOODPLAIN

COWENTON AVENUE

100 YEAR FLOODPLAIN

EXISTING FOREST BUFFER EASEMENT

PROPERTY BOUNDARY

BALTIMORE COUNTY ACCESS TO FCE (FROM PHILADELPHIA ROAD)

EXISTING ENTRANCE (TO REMAIN)

HIGHWAY WIDENING AREA

I-95 SBL

I-95 NBL

FOREST TO REMAIN

EXISTING RUBBLE LANDFILL LIMIT OF RUBBLE

TAX MAP 72 PARCEL 776

TAX MAP 72 PARCEL 796 ZONING CASE #3902-RX

TAX MAP 72 PARCEL 79

SILVER SPRING ROAD (PUBLIC USE 40')

ZONING CASE #97-245A

TAX MAP 72 PARCEL 764

TAX MAP 72 PARCEL 765

PROPOSED 20' BALTIMORE COUNTY ACCESS EASEMENT

FOREST TO REMAIN

TAX MAP 82 PARCEL 27

TAX MAP 82 PARCEL 16A

TAX MAP 82 PARCEL 16A

PROPOSED RUBBLE LANDFILL SOUTHERN EXPANSION LIMIT OF RUBBLE

TAX MAP 82 PARCEL 16A

STORMWATER MANAGEMENT EASEMENT

SILVER SPRING ROAD

SCENIC LANDS

PROPOSED 20' BALTIMORE COUNTY ACCESS EASEMENT

TAX MAP 82 PARCEL 656

PROPOSED 20' BALTIMORE COUNTY ACCESS EASEMENT

FOREST TO REMAIN

PROPOSED FOREST CONSERVATION EASEMENT

INTERMITTENT STREAM

100 YEAR FLOODPLAIN

FCE

MD RTE. 7

SCENIC LANDS

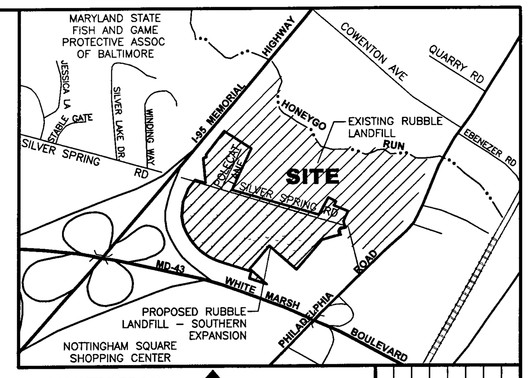
PROPOSED FOREST BUFFER EASEMENT

16" WATERLINE

PHILADELPHIA ROAD

MD-43 WHITE MARSH BOULEVARD

MD-43 WHITE MARSH BOULEVARD



VICINITY MAP
SCALE: 1"=1000'

N

LEGEND:

- PROPERTY BOUNDARY
- PROPOSED RIGHT-OF-WAY
- ADJACENT PROPERTY LINE
- SCENIC LANDS LIMIT
- PROPOSED 20' BALTIMORE COUNTY ACCESS EASEMENT
- FCE — PROPOSED FOREST CONSERVATION EASEMENT
- PROPOSED FOREST TO REMAIN
- PROPOSED FOREST BUFFER EASEMENT
- 100 YEAR FLOODPLAIN
- 100' RUBBLE LANDFILL SETBACK
- INTERMITTENT STREAM
- EXISTING RUBBLE LANDFILL LIMIT OF RUBBLE
- PROPOSED RUBBLE LANDFILL SOUTHERN EXPANSION LIMIT OF RUBBLE
- WETLANDS
- EXISTING FOREST BUFFER
- PROPOSED HIGHWAY WIDENING AREA
- SILVER SPRING ROAD CLOSURE AREA

SCALE 0' 50' 100' 200'

SIGNATURE

STATE OF MARYLAND — MICHAEL J. BOYLE — LICENSED LANDSCAPE ARCHITECT

NO	DATE	CHK	DRN	REVISIONS

NO	DATE	CHK	DRN	REVISIONS

NO	REVISIONS

4 NESHAMINY INTERPLEX
SUITE 300
TREVOSE, PA 19053

DRN	–
DES	–
CHK	–
APP	–

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MRA

PREPARED BY

EARTH TECH

PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

SUMMARY SHEET: PROPERTY MOSAIC

DATE	SEPTEMBER 23, 2003
PROJECT NO	12491
SCALE:	1"=100'
SHEET NO	2 OF 14
DRAWING NO	SE-2

PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

SUMMARY SHEET:
"EXCAVATION CONTROLLED" PLAN

PREPARED BY
EARTH TECH

MRA
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
110 WEST ROAD SUITE 245
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FAX (410) 821-1748

4 NESHAMINY INTERPLEX
SUITE 300
TREVOSE, PA 19053

DRN	–				
DES	–				
CHK	–				
APP	–				

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REVISIONS	DRN	CHK	DATE	NO	REVISIONS	DRN	CHK	DATE	NO

DATE	SEPTEMBER 23, 2003
PROJECT NO	12491
SCALE:	1"=100'
SHEET NO	3 OF 14
DRAWING NO	SE-3

Joseph R. Gibson
SIGNATURE
9-23-03
STATE OF MARYLAND
JOSEPH R. GIBSON
No. 22
PROFESSIONAL ENGINEER

LEGEND:

- EXISTING TREELINE / VEGETATION
- PROPERTY LINE
- PARCEL LINE
- PROPOSED RIGHT-OF-WAY LINE
- S-E / MLR — BALTIMORE COUNTY ZONING
- EXISTING FIRE HYDRANT
- 100 YEAR FLOODPLAIN
- AREA PROPERTY OWNER
- EXISTING FENCE
- EXISTING STRUCTURE
- EXISTING WETLANDS
- EXISTING FOREST BUFFER
- CURRENT AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYCLING, SOIL SCREENING AND STOCKPILING
- RELOCATED AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYCLING, SOIL SCREENING AND STOCKPILING
- EXISTING PRIVATE GROUNDWATER WELL
- EXISTING PRIVATE SEPTIC AREA
- EXISTING SANITARY SEWER
- EXISTING OVERHEAD LINES
- 100' RUBBLE LANDFILL SETBACK
- PROPOSED LANDFILL LIMIT OF LINER SOUTHERN EXPANSION
- FOREST CONSERVATION AREA
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN
- PROPOSED FOREST BUFFER

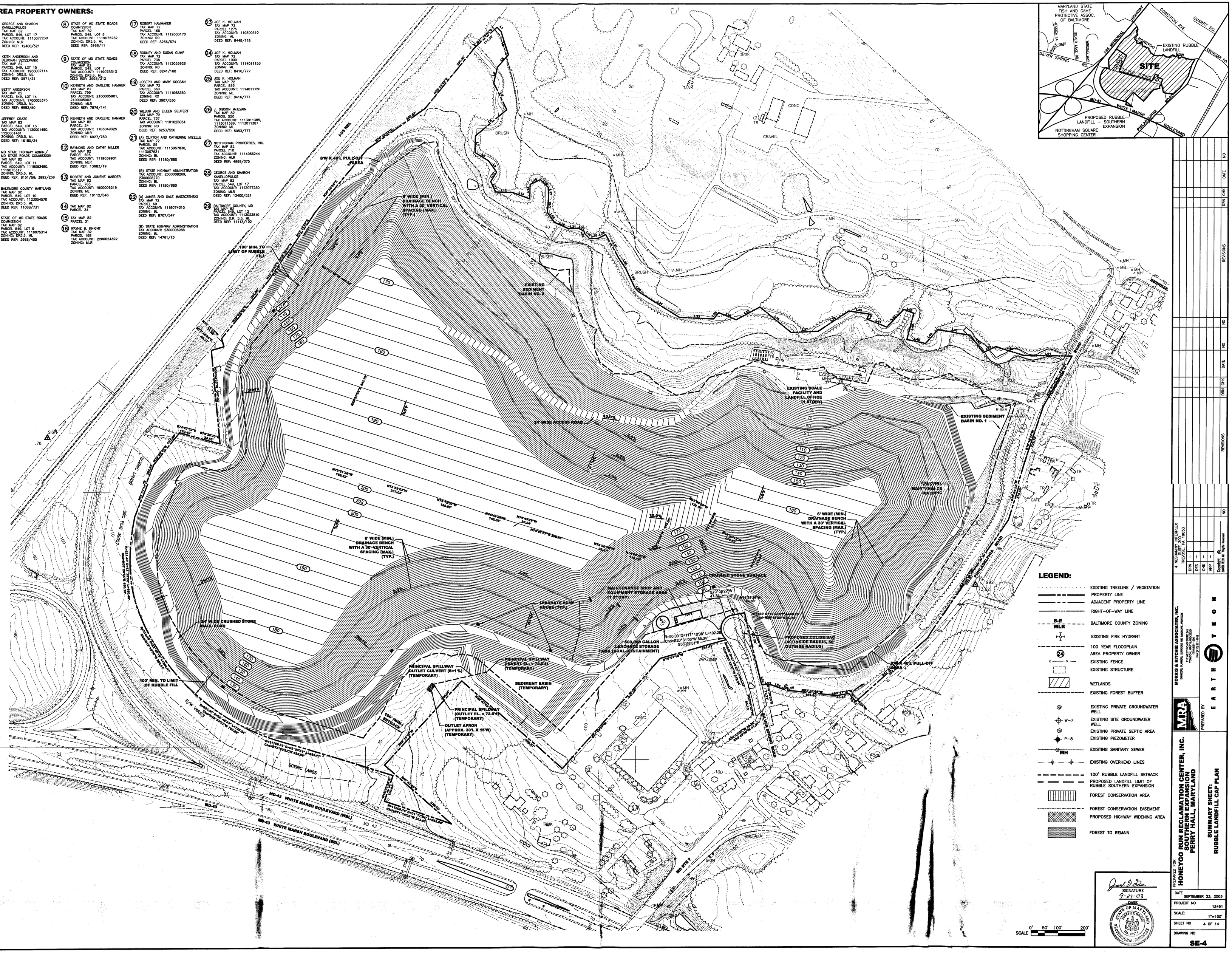
SCALE 0' 50' 100' 200'

AREA PROPERTY OWNERS:

1. GEORGE AND SHARON KANELLOPULOS, TAX MAP 82, PARCEL 549, LOT 17, TAX ACCOUNT 1113077230, ZONING MLR, DEED REF 12400/521
2. KEITH ANDERSON AND DEBORAH SZCZEPANIK, TAX MAP 82, PARCEL 549, LOT 15, TAX ACCOUNT 1190000714, ZONING DR5.5, ML, DEED REF 5871/31
3. BETY ANDERSON, TAX MAP 82, PARCEL 549, LOT 14, TAX ACCOUNT 1700005375, ZONING DR5.5, ML, DEED REF 6982/50
4. JEFFREY CRAZE, TAX MAP 82, PARCEL 549, LOT 13, TAX ACCOUNT 1120001460, 1120001451, ZONING DR5.5, ML, DEED REF 18180/54
5. MD STATE HIGHWAY ADMIN / MD STATE ROADS COMMISSION, TAX MAP 82, PARCEL 549, LOT 11, TAX ACCOUNT 1119053490, 1119075317, ZONING DR5.5, ML, DEED REF 8151/Alt. 3992/238
6. BALTIMORE COUNTY MARYLAND, TAX MAP 82, PARCEL 549, LOT 10, TAX ACCOUNT 1123004570, ZONING DR5.5, ML, DEED REF: 11086/731
7. STATE OF MD STATE ROADS COMMISSION, TAX MAP 82, PARCEL 549, LOT 9, TAX ACCOUNT 1119075314, ZONING DR5.5, ML, DEED REF. 3998/405
8. STATE OF MD STATE ROADS COMMISSION, TAX MAP 82, PARCEL 549, LOT 8, TAX ACCOUNT 1119075282, ZONING DR5.5, ML, DEED REF 3998/11
9. STATE OF MD STATE ROADS, TAX MAP 82, PARCEL 549, LOT 7, TAX ACCOUNT 1119075313, ZONING DR5.5, ML, DEED REF 3998/312
10. KENNETH AND DARLENE HAMMER, TAX MAP 82, PARCEL 39, TAX ACCOUNT 2100005901, 2100005902, ZONING MLR, DEED REF. 7876/141
11. KENNETH AND DARLENE HAMMER, TAX MAP 82, PARCEL 4, TAX ACCOUNT 1103049325, ZONING MLR, DEED REF 6927/750
12. RAYMOND AND CATHY MILLER, TAX MAP 82, PARCEL 686, TAX ACCOUNT 1119039901, ZONING MLR, DEED REF 13683/19
13. ROBERT AND JONENE WARDER, TAX MAP 82, PARCEL 793, TAX ACCOUNT 1900006219, ZONING ML, DEED REF 16112/546
14. TAX MAP 82, PARCEL 54
15. TAX MAP 82, PARCEL 31
16. WAYNE B. KNIGHT, TAX MAP 82, PARCEL 35, TAX ACCOUNT. 2200024392, ZONING MLR
17. ROBERT HAMMAKER, TAX MAP 72, PARCEL 125, TAX ACCOUNT 1112003170, ZONING RO, DEED REF 8456/574
18. RODNEY AND SUSAN GUMP, TAX MAP 72, PARCEL 738, TAX ACCOUNT 1113059928, ZONING RO, DEED REF 8241/168
19. JOSEPH AND MARY KOCSAN, TAX MAP 72, PARCEL 360, TAX ACCOUNT 1111066350, ZONING RO, DEED REF 3907/530
20. WILBUR AND EILEEN SEUFERT, TAX MAP 72, PARCEL 737, TAX ACCOUNT 1101025054, ZONING RO, DEED REF 6253/550
21. (A) CLIFTON AND CATHERINE MIZELLE, TAX MAP 72, PARCEL 59, TAX ACCOUNT 1113057830, ZONING BL, DEED REF 11180/680
22. (A) JAMES AND GALE MASCZCENSKI, TAX MAP 72, PARCEL 60, TAX ACCOUNT. 1119074310, ZONING BL, DEED REF 8707/547
23. JOE K. HOLMAN, TAX MAP 72, PARCEL 125, TAX ACCOUNT 1108000510, ZONING RO, DEED REF 8448/118
24. JOE K. HOLMAN, TAX MAP 72, PARCEL 1009, TAX ACCOUNT 1114011153, ZONING MLR, DEED REF. 8416/777
25. JOE K. HOLMAN, TAX MAP 72, PARCEL 883, TAX ACCOUNT 1114011150, ZONING MLR, DEED REF 8416/777
26. J. GIBSON McILVAIN, TAX MAP 82, PARCEL 550, TAX ACCOUNT 1113011385, 1113011386, 1113011387, ZONING ML, DEED REF 5053/777
27. NOTTINGHAM PROPERTIES, INC, TAX MAP 82, PARCEL 710, TAX ACCOUNT 1114056244, ZONING MLR, DEED REF. 4996/375
28. GEORGE AND SHARON KANELLOPULOS, TAX MAP 82, PARCEL 549, LOT 17, TAX ACCOUNT 1113077230, ZONING MLR, DEED REF 12400/521
29. BALTIMORE COUNTY, MD, TAX MAP 82, PARCEL 549, LOT 12, TAX ACCOUNT 1123023810, ZONING D R 55, ML, DEED REF 11113/102

AREA PROPERTY OWNERS:

1. GEORGE AND SHARON KANELLOPULOS
   TAX MAP 82
   PARCEL 549, LOT 17
   TAX ACCOUNT: 1113077230
   ZONING: MLR
   DEED REF: 12400/521
2. KEITH ANDERSON AND DEBORAH SZCZEPANIK
   TAX MAP 82
   PARCEL 549, LOT 15
   TAX ACCOUNT: 1900007114
   ZONING: DR5.5, ML
   DEED REF: 5671/31
3. BETTY ANDERSON
   TAX MAP 82
   PARCEL 549, LOT 14
   TAX ACCOUNT: 1700005375
   ZONING: DR5.5, ML
   DEED REF: 6982/50
4. JEFFREY CRAZE
   TAX MAP 82
   PARCEL 549, LOT 13
   TAX ACCOUNT: 1120001460, 1120001461
   ZONING: DR5.5, ML
   DEED REF: 16180/34
5. MD STATE HIGHWAY ADMIN./ MD STATE ROADS COMMISSION
   TAX MAP 82
   PARCEL 549, LOT 11
   TAX ACCOUNT: 1119053490, 1119075317
   ZONING: DR5.5, ML
   DEED REF: 8151/56; 3992/238
6. BALTIMORE COUNTY MARYLAND
   TAX MAP 82
   PARCEL 549, LOT 10
   TAX ACCOUNT: 1123054570
   ZONING: DR5.5, ML
   DEED REF: 11088/731
7. STATE OF MD STATE ROADS COMMISSION
   TAX MAP 82
   PARCEL 549, LOT 9
   TAX ACCOUNT: 1119075314
   ZONING: DR5.5, ML
   DEED REF: 3968/405
8. STATE OF MD STATE ROADS COMMISSION
   TAX MAP 82
   PARCEL 549, LOT 8
   TAX ACCOUNT: 1119075282
   ZONING: DR5.5, ML
   DEED REF: 3968/11
9. STATE OF MD STATE ROADS COMMISSION
   TAX MAP 82
   PARCEL 549, LOT 7
   TAX ACCOUNT: 1119075313
   ZONING: DR5.5, ML
   DEED REF: 3999/312
10. KENNETH AND DARLENE HAMMER
    TAX MAP 82
    PARCEL 799
    TAX ACCOUNT: 2100005901, 2100005902
    ZONING: MLR
    DEED REF: 7876/141
11. KENNETH AND DARLENE HAMMER
    TAX MAP 82
    PARCEL 24
    TAX ACCOUNT: 1103049325
    ZONING: MLR
    DEED REF: 6927/750
12. RAYMOND AND CATHY MILLER
    TAX MAP 82
    PARCEL 695
    TAX ACCOUNT: 1119039901
    ZONING: MLR
    DEED REF: 13683/19
13. ROBERT AND JONENE WARDER
    TAX MAP 82
    PARCEL 763
    TAX ACCOUNT: 1900006219
    ZONING: ML
    DEED REF: 16112/546
14. TAX MAP 82
    PARCEL 34
15. TAX MAP 82
    PARCEL 31
16. WAYNE B. KNIGHT
    TAX MAP 82
    PARCEL 168
    TAX ACCOUNT: 2200024392
    ZONING: MLR
17. ROBERT HAMMAKER
    TAX MAP 72
    PARCEL 162
    TAX ACCOUNT: 1112003170
    ZONING: RO
    DEED REF: 8256/574
18. RODNEY AND SUSAN GUMP
    TAX MAP 72
    PARCEL 738
    TAX ACCOUNT: 1113055926
    ZONING: RO
    DEED REF: 8241/168
19. JOSEPH AND MARY KOCSAN
    TAX MAP 72
    PARCEL 350
    TAX ACCOUNT: 1111068350
    ZONING: RO
    DEED REF: 3907/530
20. WILBUR AND EILEEN SEUFERT
    TAX MAP 72
    PARCEL 737
    TAX ACCOUNT: 1101025054
    ZONING: RO
    DEED REF: 6253/550
21. (A) CLIFTON AND CATHERINE MIZELLE
    TAX MAP 72
    PARCEL 59
    TAX ACCOUNT: 1113057830, 1113057831
    ZONING: BL
    DEED REF: 11180/680
    (B) STATE HIGHWAY ADMINISTRATION
    TAX ACCOUNT: 2300008269, 2300008270
    ZONING: BL
    DEED REF: 11180/680
22. (A) JAMES AND GALE MASCZCENSKI
    TAX MAP 72
    PARCEL 60
    TAX ACCOUNT: 1119074310
    ZONING: BL
    DEED REF: 8707/547
    (B) STATE HIGHWAY ADMINISTRATION
    TAX ACCOUNT: 2300006988
    ZONING: BL
    DEED REF: 14761/13
23. JOE K. HOLMAN
    TAX MAP 72
    PARCEL 1275
    TAX ACCOUNT: 1108005 10
    ZONING: ML
    DEED REF: 8448/118
24. JOE K. HOLMAN
    TAX MAP 72
    PARCEL 1009
    TAX ACCOUNT: 1114011153
    ZONING: ML
    DEED REF: 8416/777
25. JOE K. HOLMAN
    TAX MAP 72
    PARCEL 863
    TAX ACCOUNT: 1114011150
    ZONING: ML
    DEED REF: 8416/777
26. J. GIBSON McILVAIN
    TAX MAP 82
    PARCEL 62
    TAX ACCOUNT: 1113011385, 1113013386, 1113011387
    ZONING: ML
    DEED REF: 5053/777
27. NOTTINGHAM PROPERTIES, INC.
    TAX MAP 82
    PARCEL 710
    TAX ACCOUNT: 1114066244
    ZONING: MLR
    DEED REF: 4998/375
28. GEORGE AND SHARON KANELLOPULOS
    TAX MAP 82
    PARCEL 549, LOT 17
    TAX ACCOUNT: 1113077230
    ZONING: MLR
    DEED REF: 12400/521
29. BALTIMORE COUNTY, MD
    TAX MAP 82
    PARCEL 549, LOT 12
    TAX ACCOUNT: 1113023810
    ZONING: D.R. 5.5, ML
    DEED REF: 11113/102



LEGEND:

- EXISTING TREELINE / VEGETATION
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- S-E / MLR — BALTIMORE COUNTY ZONING
- EXISTING FIRE HYDRANT
- 100 YEAR FLOODPLAIN
- 24 — AREA PROPERTY OWNER
- EXISTING FENCE
- EXISTING STRUCTURE
- WETLANDS
- EXISTING FOREST BUFFER
- EXISTING PRIVATE GROUNDWATER WELL
- W-7 — EXISTING SITE GROUNDWATER WELL
- EXISTING PRIVATE SEPTIC AREA
- P-8 — EXISTING PIEZOMETER
- MH — EXISTING SANITARY SEWER
- EXISTING OVERHEAD LINES
- 100' RUBBLE LANDFILL SETBACK
- PROPOSED LANDFILL LIMIT OF RUBBLE SOUTHERN EXPANSION
- FOREST CONSERVATION AREA
- FOREST CONSERVATION EASEMENT
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN

SIGNATURE
9-23-03
DATE
STATE OF MARYLAND — JOSEPH W. GRAY — PROFESSIONAL ENGINEER — No. 20574

NO	DATE	DRN CHK	REVISIONS
NO	DATE	DRN CHK	REVISIONS
NO			

4 NESHAMINY INTERPLEX
TREVOSE, PA 19053

DRN	–
DES	–
CHK	–
APP	–

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MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1420 PRINCE MILLS LANE
TOWSON, MARYLAND 21286
(410) 821-7900 FAX (410) 821-7910

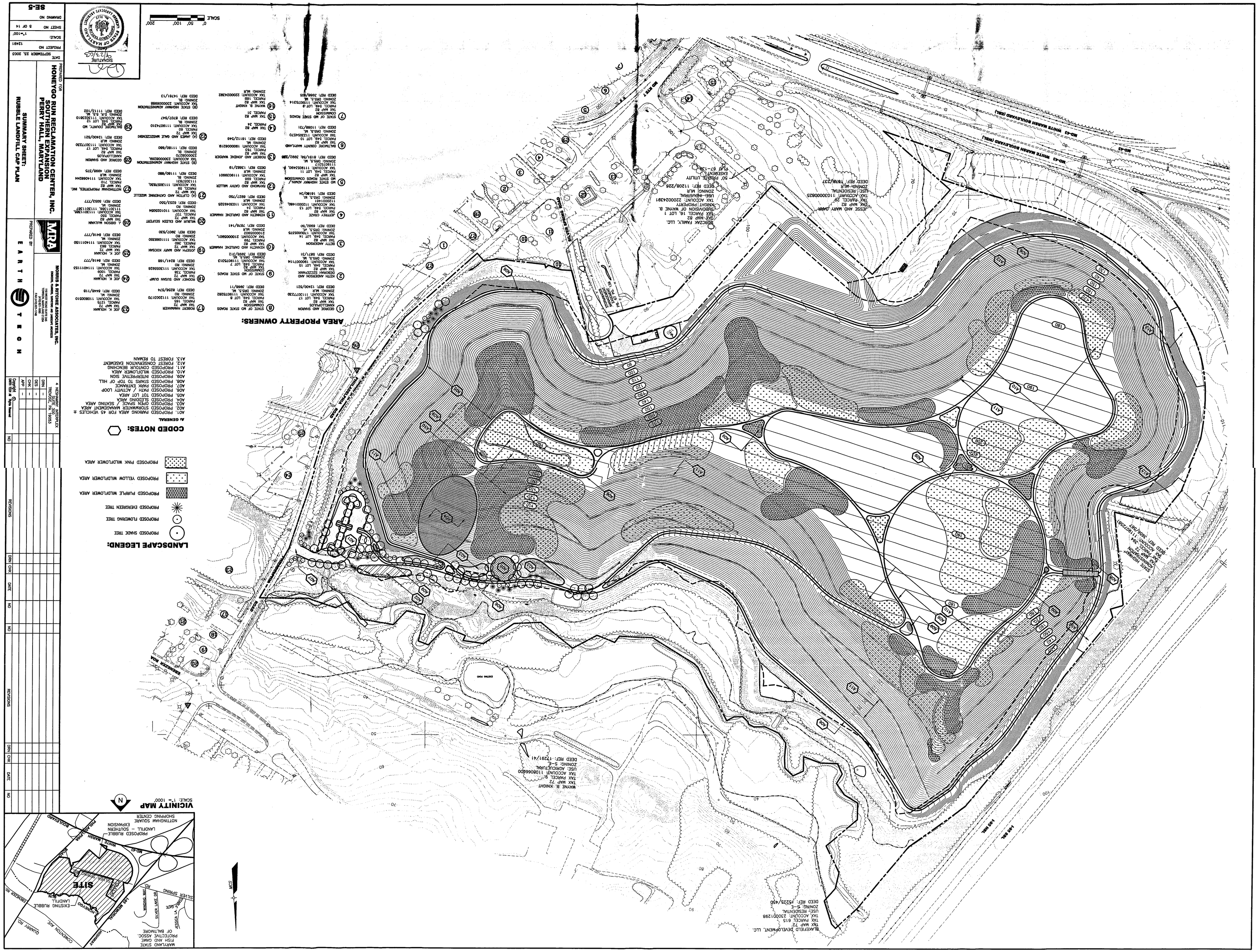
MRA

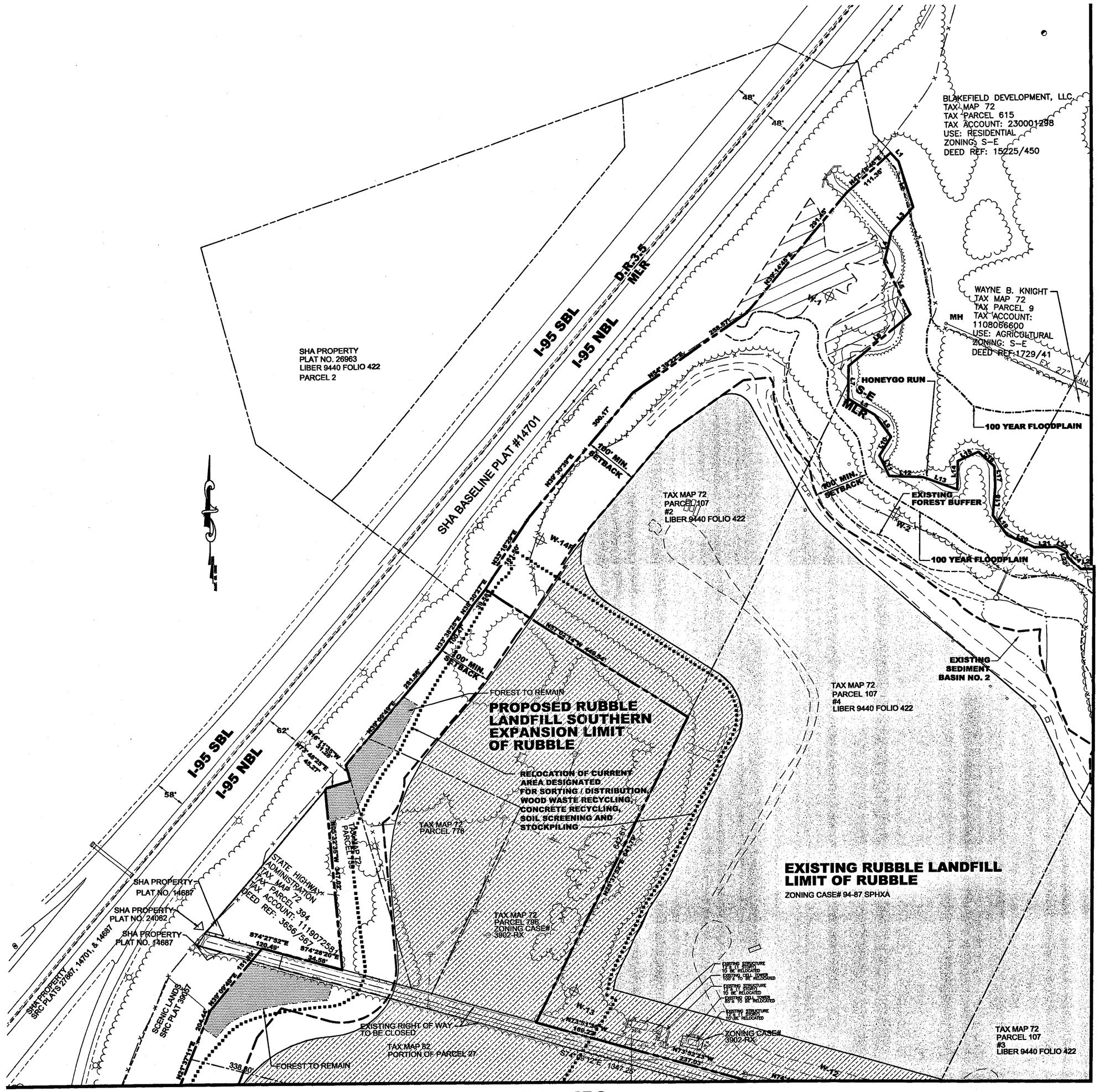
PREPARED BY
EARTH TECH

PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

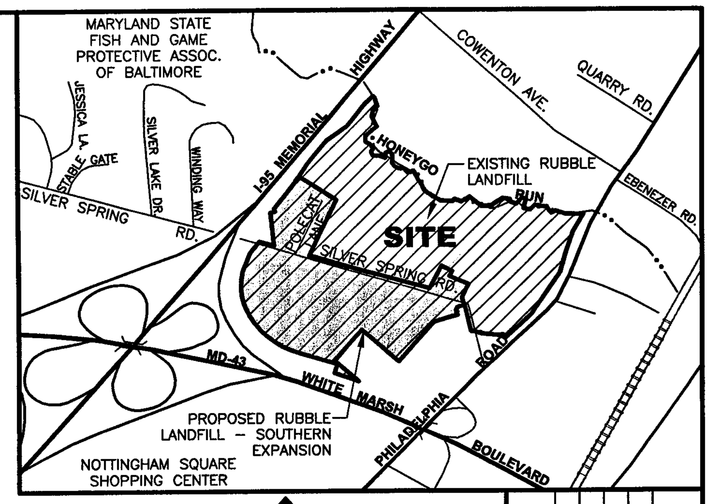
SUMMARY SHEET:
RUBBLE LANDFILL CAP PLAN

DATE	SEPTEMBER 23, 2003
PROJECT NO	12491
SCALE:	1"=100'
SHEET NO	4 OF 14
DRAWING NO	SE-4


AREA PROPERTY OWNERS:
1 GEORGE AND SHARON WASILEWICZ TAX MAP 82 TAX PARCEL 545 LOT 17 TAX ACCOUNT: 1113027230 ZONING: DRC.S. NL DEED REF: 12400/321
2 KEITH ANDERSON AND DEBORAH SZECHENYAKK TAX MAP 82 TAX PARCEL 545 LOT 15 TAX ACCOUNT: 1190019014 ZONING: DRC.S. NL DEED REF: 5871/31
3 BETTY ANDERSON TAX MAP 82 TAX PARCEL 545 LOT 14 TAX ACCOUNT: 1700043375 ZONING: DRC.S. NL DEED REF: 6662/50
4 JEFFREY CRATE TAX MAP 82 TAX PARCEL 545 LOT 13 TAX ACCOUNT: 1120014460 ZONING: DRC.S. NL DEED REF: 16180/34
5 MD STATE HIGHWAY ADMIN./ MD STATE ROADS COMMISSION TAX MAP 82 TAX PARCEL 545 LOT 11 TAX ACCOUNT: 1119034460, 1119027037 ZONING: DRC.S. NL DEED REF: 6131/56, 3921/288
6 BALTIMORE COUNTY MARYLAND TAX MAP 82 TAX PARCEL 545 LOT 10 TAX ACCOUNT: 1112045670 ZONING: DRC.S. NL DEED REF: 11068/731
7 STATE OF MD STATE ROADS COMMISSION TAX MAP 82 TAX PARCEL 31 DEED REF: 1368/605
8 STATE OF MD STATE ROADS COMMISSION TAX MAP 82 TAX PARCEL 545 LOT 8 TAX ACCOUNT: 1119075282 ZONING: DRC.S. NL DEED REF: 3946/11
9 STATE OF MD STATE ROADS COMMISSION TAX MAP 82 TAX PARCEL 545 LOT 7 TAX ACCOUNT: 1119075313 ZONING: DRC.S. NL DEED REF: 3946/312
10 KENNETH AND DARLENE HAMMER TAX MAP 82 TAX PARCEL 545 TAX ACCOUNT: 2100009091, 2100009092 ZONING: MLR DEED REF: 7876/141
11 KENNETH AND DARLENE HAMMER TAX MAP 82 TAX PARCEL 24 TAX ACCOUNT: 1100429225 ZONING: MLR DEED REF: 6027/750
12 RAYMOND AND CATHY MILLER TAX MAP 82 TAX PARCEL 656 TAX ACCOUNT: 1119039901 ZONING: MLR DEED REF: 13663/19
13 ROBERT AND JOANNE WARDER TAX MAP 82 TAX PARCEL 763 TAX ACCOUNT: 1900006219 ZONING: MLR DEED REF: 16112/546
14 TAX MAP 82 PARCEL 34
15 TAX MAP 82 PARCEL 60 TAX MAP 72 DEED REF: 8707/247
16 WAYNE B. KNIGHT TAX MAP 82 PARCEL 168 TAX ACCOUNT: 1119075314 ZONING: DRC.S. NL DEED REF: 3988/605
17 ROBERT MAHAFFEY TAX MAP 72 TAX MAP 82 PARCEL 163 TAX ACCOUNT: 1119031270 ZONING: RO DEED REF: 8236/574
18 RONEY AND SUSAN DUMP TAX MAP 72 PARCEL 750 TAX ACCOUNT: 1113056628 ZONING: RO DEED REF: 8241/168
19 JOSEPH AND MARY KOSCIAN TAX MAP 72 PARCEL 340 TAX ACCOUNT: 1111066320 ZONING: RO DEED REF: 3907/320
20 WILMER AND EDDEN SEDIMEY TAX MAP 72 PARCEL 72 TAX ACCOUNT: 1101025064 ZONING: RO DEED REF: 6253/300
21 (A) CLIFTON AND CATHERINE MOELLE TAX MAP 72 PARCEL 59 TAX ACCOUNT: 1113057821, 1113057820 ZONING: RL DEED REF: 11198/860
22 (A) JAMES AND GALE MASZCZENSKI TAX MAP 72 PARCEL 60 TAX ACCOUNT: 1119074310 ZONING: RL DEED REF: 12400/621
23 (B) STATE HIGHWAY ADMINISTRATION TAX MAP 72 PARCEL 61 TAX ACCOUNT: 2300006898 ZONING: RL DEED REF: 11198/680
24 JOE & NOLAND TAX MAP 72 PARCEL 1275 TAX ACCOUNT: 1100400010 ZONING: RL DEED REF: 6446/118
25 JOE & NOLAND TAX MAP 72 PARCEL 1109 TAX ACCOUNT: 1114011153 ZONING: RL DEED REF: 6416/777
26 L. GIBSON NELMAN TAX MAP 82 PARCEL 820 TAX ACCOUNT: 1113011364, 1113011362 ZONING: RL DEED REF: 5053/777
27 NOTTINGHAM PROPERTIES, INC. TAX MAP 72 PARCEL 710 TAX ACCOUNT: 1114066244 ZONING: MLR DEED REF: 4998/375
28 GEORGE AND SHARON WASILEWICZ TAX MAP 72 PARCEL 546 LOT 17 TAX ACCOUNT: 1113077330 ZONING: MLR DEED REF: 12400/621
29 BALTIMORE COUNTY, MD TAX MAP 72 PARCEL 545 LOT 12 TAX ACCOUNT: 1112020610 ZONING: D.R. 5.5, NL DEED REF: 11113/102
30 STATE OF MD STATE ROADS COMMISSION TAX MAP 72 PARCEL 1275 TAX ACCOUNT: 1100400010 ZONING: RL DEED REF: 6446/118
31 JOE & NOLAND TAX MAP 72 PARCEL 863 TAX ACCOUNT: 1114011150 ZONING: RL DEED REF: 6416/777
32 JOE & NOLAND TAX MAP 72 PARCEL 1109 TAX ACCOUNT: 1114011153 ZONING: RL DEED REF: 6416/777
33 JOE & NOLAND TAX MAP 72 PARCEL 1275 TAX ACCOUNT: 1100400010 ZONING: RL DEED REF: 6446/118
CODED NOTES:
A1 GENERAL
A01. PROPOSED PARKING AREA FOR 45 VEHICLES + PROPOSED OPEN SPACE / SEATING AREA
A02. PROPOSED STORMWATER MANAGEMENT AREA
A04. PROPOSED SLEEPING AREA
A05. PROPOSED TOT LOT AREA
A06. PROPOSED PATH / ACTIVITY LOOP
A08. PROPOSED STAIRS TO TOP OF HILL
A09. PROPOSED INTERPRETIVE SIGN
A10. PROPOSED PARK ENTRANCE
A11. PROPOSED OUTDOOR SEATING
A12. FOREST CONSERVATION EASEMENT
A13. FOREST TO REMAIN
LANDSCAPE LEGEND:
PROPOSED SHADE TREE
PROPOSED FLOWERING TREE
PROPOSED EVERGREEN TREE
PROPOSED PURPLE WILDFLOWER AREA
PROPOSED YELLOW WILDFLOWER AREA
PROPOSED PINK WILDFLOWER AREA
VICINITY MAP
SCALE 1"= 1000'
SITE
EXISTING RUBBLE LANDFILL
PROPOSED RUBBLE LANDFILL – SOUTHERN EXPANSION
NOTTINGHAM SQUARE SHOPPING CENTER
MARYLAND STATE FISH AND GAME PROTECTIVE ASSOC. OF BALTIMORE
SCALE 0' 50' 100' 200'
SCALE 1"=100'
SHEET NO 5 OF 14
DRAWING NO SE-5
PROJECT NO 12491
DATE SEPTEMBER 23, 2003
PREPARED FOR HONEYGO RUN RECLAMATION CENTER, INC. SOUTHERN EXPANSION PERRY HALL, MARYLAND
SUMMARY SHEET: RUBBLE LANDFILL CAP PLAN
PREPARED BY MRA EARTH TECH
MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS 110 WEST PIDMONT AVENUE, SUITE 204 LONAONO, MD 21093-5500 PHONE (410) 821-1690 FAX (410) 821-1748
4 NECESSARY INFORMATION TRANSFER, PA 19053
REVISIONS
DRN CHK DATE NO
DRN CHK DATE NO
DRN CHK DATE NO
DSN DRN CHK APP DATE
SIGNATURE
SIGNATURE 9/23/03
SEAL OF MARYLAND REGISTERED PROFESSIONAL ENGINEER



LINE TABLE		
LINE	LENGTH	BEARING
L1	21.81	S42°41'14"E
L2	90.00	S17°41'14"E
L3	61.94	S41°11'46"W
L4	60.00	S12°48'46"W
L5	110.00	S26°11'14"E
L6	149.86	S49°48'46"W
L7	61.43	S00°39'14"W
L8	57.84	S58°21'36"E
L9	51.36	S35°33'57"E
L10	41.21	S31°26'32"W
L11	42.29	S25°32'48"E
L12	62.82	S87°38'10"E
L13	66.93	S69°49'18"E
L14	53.25	N01°07'08"E
L15	42.03	N65°02'52"E
L16	41.35	S46°26'36"E
L17	37.08	S02°24'03"E
L18	55.61	S04°39'50"W
L19	45.50	S35°58'51"E
L20	55.77	S65°52'10"E
L21	40.88	N89°42'39"E
L22	21.54	S62°02'26"E
L23	9.05	S13°24'14"E
L24	27.24	S44°33'55"E
L25	32.53	N88°16'34"E
L26	30.24	N62°14'03"E
L27	102.61	S28°15'01"E
L28	45.80	S34°05'29"E
L29	77.97	S25°26'09"E
L30	18.81	S44°12'06"E
L31	180.00	S58°12'06"E
L32	125.50	S87°12'06"E
L33	29.52	N37°47'54"E
L34	70.00	S68°12'06"E
L35	100.00	N61°47'54"E
L36	150.00	S30°57'06"E
L37	100.00	N87°32'54"E
L38	125.00	N56°32'54"E
L39	75.26	S81°25'06"E
L40	20.25	S25°32'54"W
L41	80.00	S67°47'26"E
L42	90.00	N43°42'34"E
L43	40.00	S68°47'26"E
L44	100.00	S14°42'34"W
L45	70.00	S78°17'26"E
L46	70.00	N43°22'34"E
L47	120.00	S80°17'26"E
L48	80.00	S36°47'26"E
L49	50.00	N64°12'34"E
L50	106.24	S71°38'46"E
L51	180.43	S89°15'16"E
L52	52.20	N14°28'26"W
L53	38.19	N85°52'58"W
L54	49.56	N59°41'21"W
L55	13.66	S48°29'34"W
L56	12.13	N14°24'26"W



VICINITY MAP

SCALE: 1"= 1000'

N

LEGEND:

- EXISTING TREELINE / VEGETATION
- PROPERTY LINE
- PARCEL LINE
- RIGHT-OF-WAY LINE
- S-E / MLR — BALTIMORE COUNTY ZONING
- EXISTING FIRE HYDRANT
- 100 YEAR FLOODPLAIN
- 24 — AREA PROPERTY OWNER
- EXISTING FENCE
- EXISTING STRUCTURE
- WETLANDS
- EXISTING FOREST BUFFER
- CURRENT AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYLING, SOIL SCREENING AND STOCKPILING
- RELOCATED AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYCLING, SOIL SCREENING AND STOCKPILING
- EXISTING PRIVATE GROUNDWATER WELL
- W-7 — EXISTING SITE GROUNDWATER WELL
- EXISTING PRIVATE SEPTIC AREA
- P-8 — EXISTING PIEZOMETER
- MH — EXISTING SANITARY SEWER
- EXISTING OVERHEAD LINES
- EXISTING RUBBLE LANDFILL LIMIT OF RUBBLE
- PROPOSED RUBBLE LANDFILL SOUTHERN EXPANSION LIMIT OF RUBBLE
- 100' RUBBLE LANDFILL SETBACK
- PROPOSED LANDFILL SOUTHERN EXPANSION LIMIT
- FOREST CONSERVATION AREA
- FOREST CONSERVATION EASEMENT
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN

GENERAL NOTES:

1. SEE SHEET SE-1 FOR ZONING CASE DESCRIPTIONS.

PLAN REVISIONS (9/23/03)

ITEM:	REVISION:
1. TITLE BLOCK	REMOVED VARIANCE FROM TEXT
2. TITLE BLOCK	ADDED REVISION DATE AND DESCRIPTION
3. TITLE BLOCK	CHANGED SHEET NO. TO REFLECT ADDED SHEETS
4. PLAN SHEET	ADDED AREA DESIGNATED FOR SORTING / DISTRIBUTION WOOD WASTE RECYCLING, CONCRETE RECYCLING, SOIL SCREENING AND STOCKPILING PREVIOUSLY OMITTED
5. PLAN SHEET	REVISED DRAWING TO MARYLAND COORDINATE SYSTEM UPDATED BEARINGS ON PLAN
6. PLAN SHEET	ADDED 100' LANDFILL SETBACK
7. PLAN SHEET	ADDED LABELS FOR CLARIFICATION

SCALE 0' 50' 100' 200'

SIGNATURE
9/23/03

STATE OF MARYLAND
DAVID T. BROWN, JR.
No. 3118
LICENSED LANDSCAPE ARCHITECT

DATE:	NO	REVISION DESCRIPTION:
9/23/03	1	CORRECTED SURVEY COORDINATE SYSTEM & ADDED CONTROLLED EXCAVATION / OPERATION PLAN

4 NESHAMINY INTERPLEX
SUITE 301
TREVOSE, PA 19053

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA RD., SUITE 505
TOWSON, MARYLAND 21286
(410) 823-4470
FAX (410) 823-1748

PREPARED BY
EARTH TECH

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PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING

DATE	AUGUST 22, 2003
PROJECT NO	12491
SCALE:	1" = 100'
SHEET NO	6 OF 14
DRAWING NO.	SE-6

PLAN REVISIONS (9/23/03)

ITEM:	REVISION:
1. TITLE BLOCK	REMOVED VARIANCE FROM TEXT
2. TITLE BLOCK	ADDED REVISION DATE AND DESCRIPTION
3. TITLE BLOCK	CHANGED SHEET NO. TO REFLECT ADDED SHEETS
4. PLAN SHEET	ADDED CURRENT SOIL SCREENING AND CONCRETE RECYCLING OPERATIONS AREA PREVIOUSLY OMITTED
5. PLAN SHEET	REVISED DRAWING TO MARYLAND COORDINATE SYSTEM UPDATED BEARINGS ON PLAN
6. PLAN SHEET	ADDED 100' LANDFILL SETBACK
7. PLAN SHEET	ADDED LABELS FOR CLARIFICATION

GENERAL NOTES:

1. SEE SHEET SE-1 FOR ZONING CASE DESCRIPTIONS.

AREA PROPERTY OWNERS:

17 ROBERT HAMMAKER
TAX MAP 72
PARCEL 165
TAX ACCOUNT: 1112003170
ZONING: RO
DEED REF: 8256/574

18 RODNEY AND SUSAN GUMP
TAX MAP 72
PARCEL 738
TAX ACCOUNT: 1113055926
ZONING: RO
DEED REF: 8241/168

19 JOSEPH AND MARY KOCSAN
TAX MAP 72
PARCEL 360
TAX ACCOUNT: 1111068350
ZONING: RO
DEED REF: 3907/530

20 WILBUR AND EILEEN SEUFERT
TAX MAP 72
PARCEL 737
TAX ACCOUNT: 1101025054
ZONING: RO
DEED REF: 6253/550

21 (A) CLIFTON AND CATHERINE MIZELLE
TAX MAP 72
PARCEL 59
TAX ACCOUNT: 1113057830, 1113057831
ZONING: BL
DEED REF: 11180/680

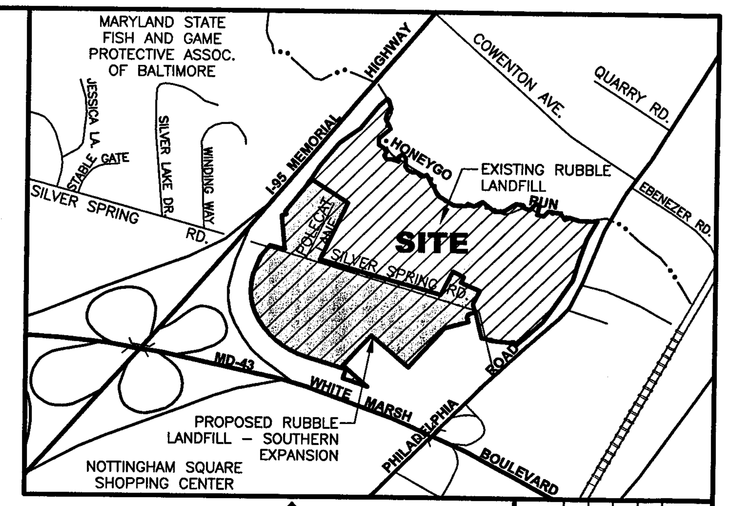
(B) STATE HIGHWAY ADMINISTRATION
TAX ACCOUNT: 2300008269, 2300008270
ZONING: BL
DEED REF: 11180/680

22 (A) JAMES AND GALE MASZCZENSKI
TAX MAP 72
PARCEL 60
TAX ACCOUNT: 1119074310
ZONING: BL
DEED REF: 8707/547

(B) STATE HIGHWAY ADMINISTRATION
TAX ACCOUNT: 2300005988
ZONING: BL
DEED REF: 14761/13

23 JOE K. HOLMAN
TAX MAP 72
PARCEL 1275
TAX ACCOUNT: 110800510
ZONING: ML
DEED REF: 8448/118

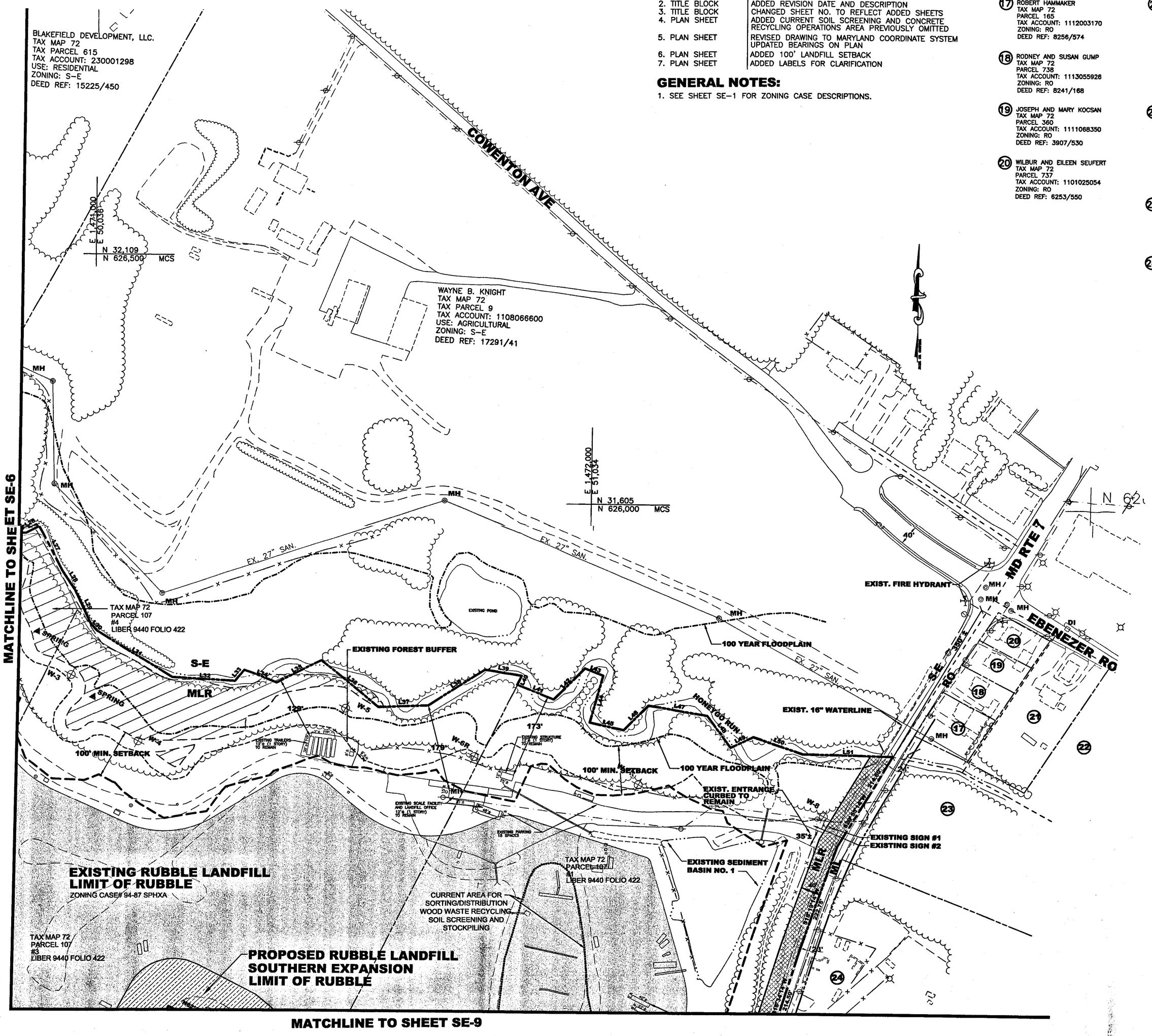
24 JOE K. HOLMAN
TAX MAP 72
PARCEL 1009
TAX ACCOUNT: 1114011153
ZONING: ML
DEED REF: 8416/777



VICINITY MAP
SCALE: 1"= 1000'

LEGEND:

- EXISTING TREELINE / VEGETATION
- PROPERTY LINE
- PARCEL LINE
- RIGHT-OF-WAY LINE
- S-E / MLR — BALTIMORE COUNTY ZONING
- EXISTING FIRE HYDRANT
- 100 YEAR FLOODPLAIN
- 24 — AREA PROPERTY OWNER
- EXISTING FENCE
- EXISTING STRUCTURE
- WETLANDS
- EXISTING FOREST BUFFER
- EXIST./PROPOSED AREA DESIGNATED FOR RECYCLING WOOD, CONCRETE AND SOIL STOCKPILING
- CURRENT AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYLING, SOIL SCREENING AND STOCKPILING
- RELOCATED AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYCLING, SOIL SCREENING AND STOCKPILING
- EXISTING PRIVATE GROUNDWATER WELL
- W-7 — EXISTING SITE GROUNDWATER WELL
- EXISTING PRIVATE SEPTIC AREA
- P-8 — EXISTING PIEZOMETER
- MH — EXISTING SANITARY SEWER
- EXISTING OVERHEAD LINES
- EXISTING RUBBLE LANDFILL LIMIT OF RUBBLE
- PROPOSED RUBBLE LANDFILL SOUTHERN EXPANSION LIMIT OF RUBBLE
- 100' RUBBLE LANDFILL SETBACK
- FOREST CONSERVATION AREA
- FOREST CONSERVATION EASEMENT
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN



LINE TABLE		
LINE	LENGTH	BEARING
L1	21.81	S42°41'14"E
L2	90.00	S17°41'14"E
L3	61.04	S41°11'46"W
L4	60.00	S12°48'46"W
L5	110.00	S26°11'14"E
L6	149.86	S49°48'46"W
L7	61.43	S00°39'14"W
L8	57.84	S58°21'36"E
L9	51.36	S35°33'57"E
L10	41.21	S31°26'32"W
L11	42.29	S25°32'48"E
L12	62.82	S87°38'10"E
L13	66.93	S69°49'18"E
L14	53.23	N01°07'08"E
L15	42.03	N65°02'52"E
L16	41.35	S46°26'36"E
L17	37.08	S02°24'03"E
L18	55.61	S04°30'59"W
L19	45.50	S35°38'51"E
L20	55.77	S65°52'10"E
L21	40.88	N89°42'39"E
L22	21.54	S62°02'26"E
L23	9.05	S13°24'14"E
L24	27.24	S44°33'55"E
L25	32.53	N88°16'34"E
L26	30.24	N62°14'03"E
L27	102.61	S28°15'01"E
L28	45.80	S34°05'29"E
L29	77.97	S25°26'09"E
L30	18.81	S44°12'06"E
L31	180.00	S58°12'06"E
L32	125.50	S87°12'06"E
L33	29.52	N37°47'54"E
L34	70.00	S68°12'06"E
L35	100.00	N61°47'54"E
L36	150.00	S50°57'06"E
L37	100.00	N87°32'54"E
L38	135.00	N56°32'54"E
L39	75.26	S81°25'06"E
L40	20.25	S23°32'54"W
L41	80.00	S67°47'26"E
L42	90.00	N43°42'34"E
L43	40.00	S68°47'26"E
L44	100.00	S14°42'34"W
L45	70.00	S78°17'26"E
L46	70.00	N43°22'34"E
L47	120.00	S80°17'26"E
L48	80.00	S36°47'26"E
L49	50.00	N64°12'34"E
L50	106.24	S71°39'46"E
L51	180.43	S89°15'16"E
L52	52.20	N14°28'26"W
L53	38.19	N85°52'58"W
L54	49.56	N59°41'21"W
L55	13.66	S48°28'34"W
L56	12.13	N14°54'26"W

0' 50' 100' 200'
SCALE

SIGNATURE
9/23/03
DATE
STATE OF MARYLAND
TIMOTHY BERRY YAGER, JR.
No. 3119
LICENSED LANDSCAPE ARCHITECT

NO	DATE:	REVISION DESCRIPTION:
1	9/23/03	CORRECTED SURVEY COORDINATE SYSTEM & ADDED CONTROLLED EXCAVATION / OPERATION PLAN

4 NESHAMINY INTERPLEX
SUITE 300
TREVOSE, PA 19053

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MORRIS & RITCHIE ASSOCIATES, INC.
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TOWSON, MARYLAND 21286
(410) 823-4470
FAX (410) 823-4748

MRA

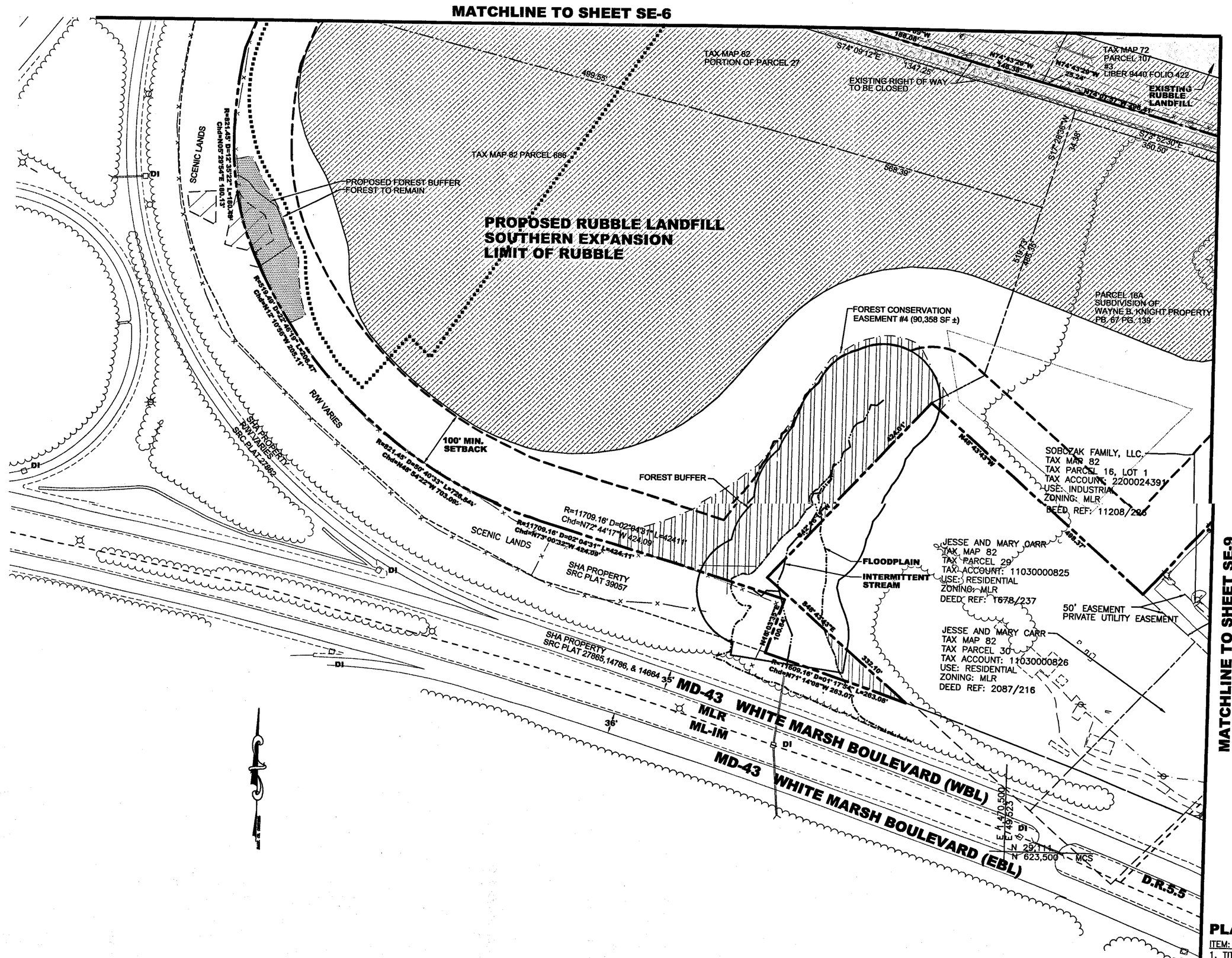
PREPARED BY
EARTH TECH

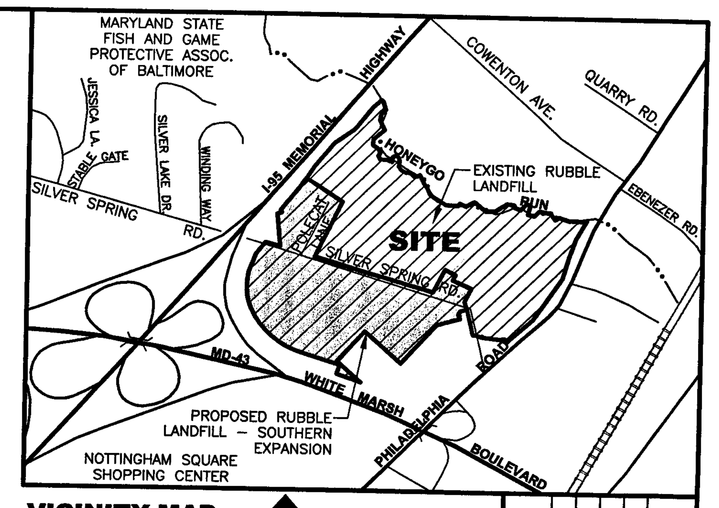
PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING

DATE	AUGUST 22, 2003
PROJECT NO	12491
SCALE:	1" = 100'
SHEET NO	7 OF 14
DRAWING NO.	SE-7





VICINITY MAP

SCALE: 1"=1000'

N

LEGEND:

- EXISTING TREELINE / VEGETATION
- PROPERTY LINE
- PARCEL LINE
- RIGHT-OF-WAY LINE
- S-E / MLR — BALTIMORE COUNTY ZONING
- EXISTING FIRE HYDRANT
- 100 YEAR FLOODPLAIN
- (24) AREA PROPERTY OWNER
- EXISTING FENCE
- EXISTING STRUCTURE
- WETLANDS
- EXISTING FOREST BUFFER
- CURRENT AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYLING, SOIL SCREENING AND STOCKPILING
- RELOCATED AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYCLING, SOIL SCREENING AND STOCKPILING
- (W) EXISTING PRIVATE GROUNDWATER WELL
- W-7 EXISTING SITE GROUNDWATER WELL
- (S) EXISTING PRIVATE SEPTIC AREA
- P-8 EXISTING PIEZOMETER
- MH EXISTING SANITARY SEWER
- EXISTING OVERHEAD LINES
- PROPOSED FOREST BUFFER
- EXISTING RUBBLE LANDFILL LIMIT OF RUBBLE
- PROPOSED RUBBLE LANDFILL SOUTHERN EXPANSION LIMIT OF RUBBLE
- 100' RUBBLE LANDFILL SETBACK
- FOREST CONSERVATION AREA
- FOREST CONSERVATION EASEMENT
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN

PLAN REVISIONS (9/23/03)

ITEM:	REVISION:
1. TITLE BLOCK	REMOVED VARIANCE FROM TEXT
2. TITLE BLOCK	ADDED REVISION DATE AND DESCRIPTION
3. TITLE BLOCK	CHANGED SHEET NO. TO REFLECT ADDED SHEETS
4. PLAN SHEET	ADDED AREA DESIGNATED FOR SORTING / DISTRIBUTION WOOD WASTE RECYCLING, CONCRETE RECYCLING, SOIL SCREENING AND STOCKPILING PREVIOUSLY OMITTED
5. PLAN SHEET	REVISED DRAWING TO MARYLAND COORDINATE SYSTEM UPDATED BEARINGS ON PLAN
6. PLAN SHEET	CLARIFIED 100' LANDFILL SETBACK
7. PLAN SHEET	ADDED LABELS FOR CLARIFICATION

SCALE 0' 50' 100' 200'

SIGNATURE
9/23/03
STATE OF MARYLAND
LANDSCAPE ARCHITECT
No. 3115

DATE:	NO	REVISION DESCRIPTION:
9/23/03	1	CORRECTED SURVEY COORDINATE SYSTEM & ADDED CONTROLLED EXCAVATION / OPERATION PLAN

4 NESHAMINY INTERPLEX
SUITE 300
TREVOSE, PA 19053

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MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748

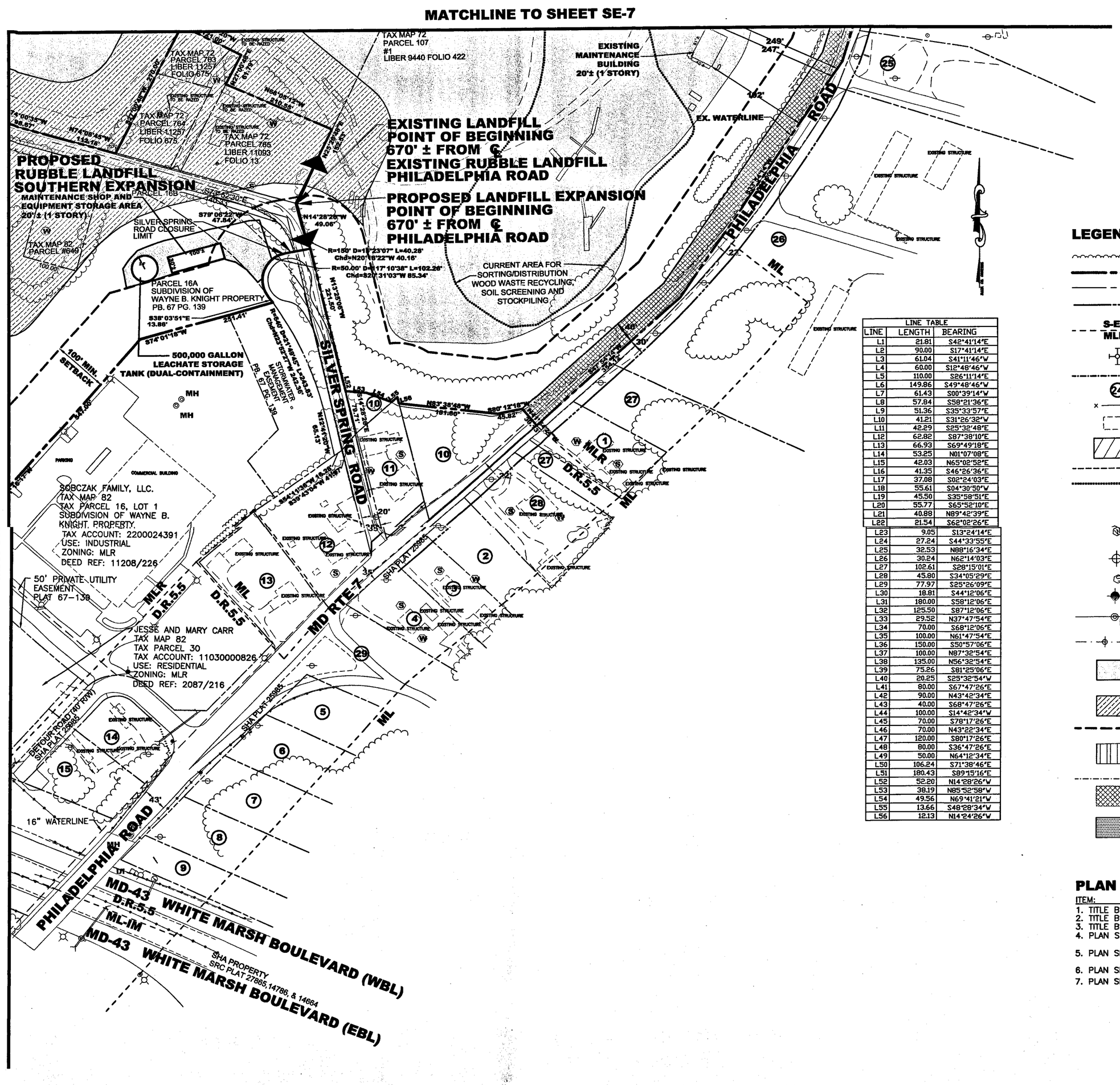
PREPARED BY EARTH TECH

PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING

DATE	AUGUST 22, 2003
PROJECT NO	12491
SCALE:	1" = 100'
SHEET NO	8 OF 14
DRAWING NO.	SE-8



LINE	LENGTH	BEARING
L1	21.81	S42°41'14"E
L2	90.00	S17°41'14"E
L3	61.04	S41°11'46"W
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L25	32.53	N88°16'34"E
L26	30.24	N62°14'03"E
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L29	77.97	S25°26'09"E
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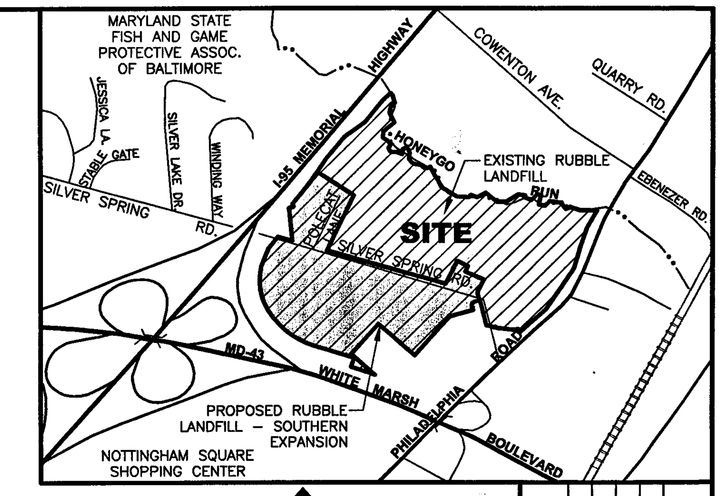
L54	49.56	N69°41'21"W
L55	13.66	S46°28'34"W
L56	12.13	N14°24'26"W



VICINITY MAP

SCALE: 1"= 1000'

N

LEGEND:

- EXISTING TREELINE / VEGETATION
- PROPERTY LINE
- PARCEL LINE
- RIGHT-OF-WAY LINE
- S-E / MLR — BALTIMORE COUNTY ZONING
- EXISTING FIRE HYDRANT
- 100 YEAR FLOODPLAIN
- (24) AREA PROPERTY OWNER
- EXISTING FENCE
- EXISTING STRUCTURE
- WETLANDS
- EXISTING FOREST BUFFER
- CURRENT AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYLING, SOIL SCREENING AND STOCKPILING
- EXISTING PRIVATE GROUNDWATER WELL
- W-7 — EXISTING SITE GROUNDWATER WELL
- EXISTING PRIVATE SEPTIC AREA
- P-8 — EXISTING PIEZOMETER
- MH — EXISTING SANITARY SEWER
- EXISTING OVERHEAD LINES
- EXISTING RUBBLE LANDFILL LIMIT OF RUBBLE
- PROPOSED RUBBLE LANDFILL LIMIT OF RUBBLE SOUTHERN EXPANSION
- 100' RUBBLE LANDFILL SETBACK
- FOREST CONSERVATION AREA
- FOREST CONSERVATION EASEMENT
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN

AREA PROPERTY OWNERS:

1. GEORGE AND SHARON KANELLOPULOS, TAX MAP 82, PARCEL 549, LOT 17, TAX ACCOUNT: 1113077230, ZONING: MLR, DEED REF: 12400/521
2. KEITH ANDERSON AND DEBORAH SZCZEPANIK, TAX MAP 82, PARCEL 549, LOT 15, TAX ACCOUNT: 1900007114, ZONING: DR5.5, ML, DEED REF: 5871/31
3. BETTY ANDERSON, TAX MAP 82, PARCEL 549, LOT 14, TAX ACCOUNT: 1700005375, ZONING: DR5.5, ML, DEED REF: 6982/50
4. JEFFREY CRAZE, TAX MAP 82, PARCEL 549, LOT 13, TAX ACCOUNT: 1120001460, 1120001461, ZONING: DR5.5, ML, DEED REF: 16180/34
5. MD STATE HIGHWAY ADMINISTRATION/ MD STATE ROADS COMMISSION, TAX MAP 82, PARCEL 549, LOT 11, TAX ACCOUNT: 1119053490, 1119075317, ZONING: DR5.5, ML, DEED REF: 8151/56; 3992/238
6. BALTIMORE COUNTY MARYLAND, TAX MAP 82, PARCEL 549, LOT 10, TAX ACCOUNT: 1123054570, ZONING: DR5.5, ML, DEED REF: 11088/731
7. STATE OF MD STATE ROADS COMMISSION, TAX MAP 82, PARCEL 549, LOT 9, TAX ACCOUNT: 1119075314, ZONING: DR5.5, ML, DEED REF: 3988/405
8. STATE OF MD STATE ROADS COMMISSION, TAX MAP 82, PARCEL 549, LOT 8, TAX ACCOUNT: 1119075282, ZONING: DR5.5, ML, DEED REF: 3988/11
9. STATE OF MD STATE ROADS COMMISSION, TAX MAP 82, PARCEL 549, LOT 7, TAX ACCOUNT: 1119075313, ZONING: DR5.5, ML, DEED REF: 3998/312
10. KENNETH AND DARLENE HAMMER, TAX MAP 82, PARCEL 799, TAX ACCOUNT: 2100005901, 2100005902, ZONING: MLR, DEED REF: 7876/141
11. KENNETH AND DARLENE HAMMER, TAX MAP 82, PARCEL 24, TAX ACCOUNT: 1103049325, ZONING: MLR, DEED REF: 6927/750
12. RAYMOND AND CATHY MILLER, TAX MAP 82, PARCEL 698, TAX ACCOUNT: 1119039901, ZONING: MLR, DEED REF: 13683/19
13. ROBERT AND JONENE WARDER, TAX MAP 82, PARCEL 763, TAX ACCOUNT: 1900006219, ZONING: ML, DEED REF: 16112/546
14. TAX MAP 82, PARCEL 34
15. TAX MAP 82, PARCEL 31
25. JOE K. HOLMAN, TAX MAP 72, PARCEL 863, TAX ACCOUNT: 1114011150, ZONING: ML, DEED REF: 8416/777
26. J. GIBSON McILVAIN, TAX MAP 82, PARCEL 550, TAX ACCOUNT: 1113011385, 1113011386, 1113011387, ZONING: ML, DEED REF: 5053/777
27. NOTTINGHAM PROPERTIES, INC., TAX MAP 82, PARCEL 710, TAX ACCOUNT: 1114066244, ZONING: MLR, DEED REF: 4998/375
28. GEORGE AND SHARON KANELLOPULOS, TAX MAP 82, PARCEL 549, LOT 17, TAX ACCOUNT: 1113077230, ZONING: MLR, DEED REF: 12400/521
29. BALTIMORE COUNTY, MD, TAX MAP 82, PARCEL 549, LOT 12, TAX ACCOUNT: 1113023810, ZONING: D.R. 5.5, ML, DEED REF: 11113/102

PLAN REVISIONS (9/23/03)

ITEM:	REVISION:
1. TITLE BLOCK	REMOVED VARIANCE FROM TEXT
2. TITLE BLOCK	ADDED REVISION DATE AND DESCRIPTION
3. TITLE BLOCK	CHANGED SHEET NO. TO REFLECT ADDED SHEETS
4. PLAN SHEET	ADDED CURRENT SOIL SCREENING AND CONCRETE RECYCLING OPERATIONS AREA PREVIOUSLY OMITTED
5. PLAN SHEET	REVISED DRAWING TO MARYLAND COORDINATE SYSTEM UPDATED BEARINGS ON PLAN
6. PLAN SHEET	ADDED 100' LANDFILL SETBACK
7. PLAN SHEET	ADDED LABELS FOR CLARIFICATION.

SCALE 0' 50' 100' 200'

SIGNATURE 9/23/03

STATE OF MARYLAND — DONETTE GOYAL VAUGHN — No. 3115 — LICENSED LANDSCAPE ARCHITECT

DATE:	NO	REVISION DESCRIPTION:
9/23/03	1	CORRECTED SURVEY COORDINATE SYSTEM & ADDED CONTROLLED EXCAVATION / OPERATION PLAN

4 NESHAMINY INTERPLEX SUITE 300 TREVOSE, PA 19053

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MORRIS & RITCHIE ASSOCIATES, INC.
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TOWSON, MARYLAND 21286
(410) 823-1470
FAX (410) 823-1748

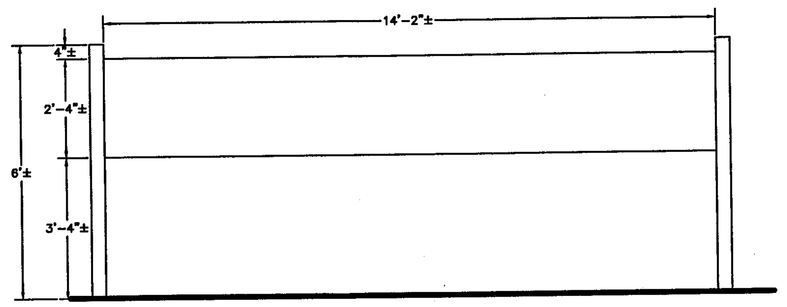
PREPARED BY EARTH TECH

PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

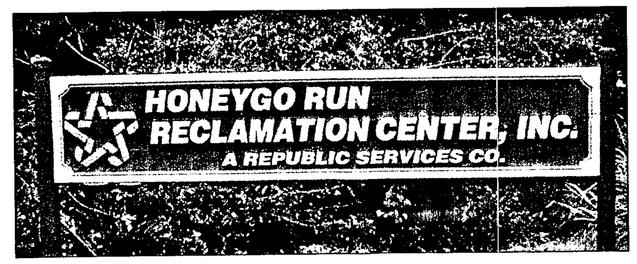
COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING

DATE	AUGUST 22, 2003
PROJECT NO	12491
SCALE:	1" = 100'
SHEET NO	9 OF 14
DRAWING NO.	SE-9

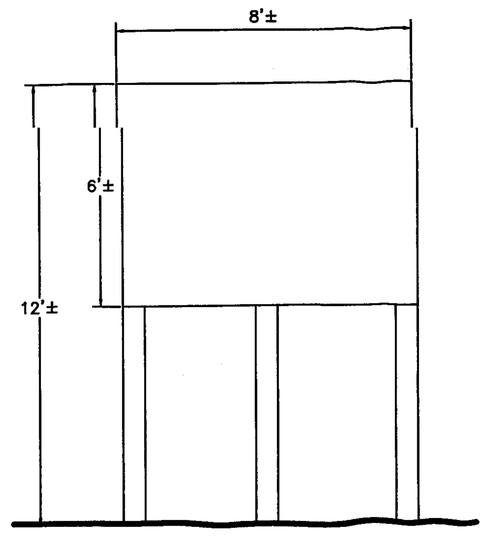


EXISTING FREE STANDING IDENTIFICATION SIGN
(PER VARAINCE GRANTED 12-17-1993, #94-87-SPHXA)
NON-ILLUMINATED, DOUBLEFACED
33.05 SF± PER SIDE
66.1 SF± TOTAL
SCALE: 3/8"=1'



EXISTING FREE STANDING IDENTIFICATION SIGN (AS EXISTS TODAY)
NOT TO SCALE

EXISTING SIGN #1



EXISTING FREE STANDING ENTERPRISE SIGN
NON-ILLUMINATED, SINGLE FACED
48 SF TOTAL
SCALE: 3/8"=1'

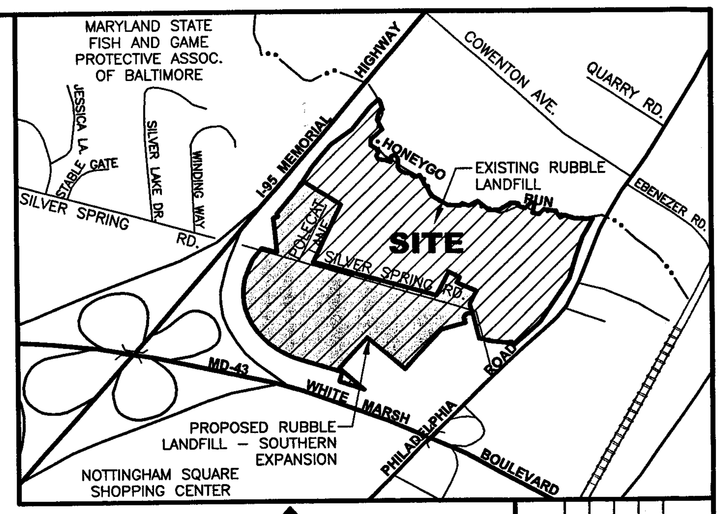
EXISTING SIGN #2

EXISTING FREE STANDING ENTERPRISE SIGN (AS EXISTS TODAY)
NOT TO SCALE

EXISTING SIGNS:

PLAN REVISIONS (9/17/03)

ITEM:	REVISION:
1. TITLE BLOCK	REMOVED VARIANCE FROM TEXT
2. TITLE BLOCK	ADDED REVISION DATE AND DESCRIPTION
3. TITLE BLOCK	CHANGED SHEET NO. TO REFLECT ADDED SHEETS
4. TITLE BLOCK	CHANGED SCALE TO REFLECT AS SHOWN
5. EXIST. SIGN	ADDED EXISTING SIGN ELEVATION AND PHOTOS



VICINITY MAP

SCALE: 1"= 1000'

N

LEGEND:

- TREELINE / VEGETATION
- PROPERTY LINE
- PARCEL LINE
- RIGHT-OF-WAY LINE
- 100 YEAR FLOODPLAIN
- WETLANDS
- EXISTING FOREST BUFFER
- EXISTING PRIVATE GROUNDWATER WELL
- EXISTING PRIVATE SEPTIC AREA
- FOREST CONSERVATION AREA
- FOREST CONSERVATION EASEMENT
- PROPOSED HIGHWAY WIDENING AREA

LANDSCAPE LEGEND:

- PROPOSED SHADE TREE
- PROPOSED FLOWERING TREE
- PROPOSED EVERGREEN TREE
- PROPOSED PURPLE WILDFLOWER AREA
- PROPOSED YELLOW WILDFLOWER AREA
- PROPOSED PINK WILDFLOWER AREA

CODED NOTES:

A: GENERAL

A01. PROPOSED PARKING AREA FOR 45 VEHICLES ±
A02. PROPOSED STORMWATER MANAGEMENT AREA
A03. PROPOSED OPEN SPACE / SEATING AREA
A04. PROPOSED SLEDDING AREA
A05. PROPOSED TOT LOT AREA
A06. PROPOSED PATH / ACTIVITY LOOP
A07. PROPOSED PARK ENTRANCE
A08. PROPOSED STAIRS TO TOP OF HILL
A09. PROPOSED INTERPRETIVE SIGN
A10. PROPOSED WILDFLOWER AREA
A11. FOREST CONSERVATION AREA
A12. FOREST TO REMAIN

SIGNATURE

9/17/03

STATE OF MARYLAND
RICHARD BURDY YALCOVE
No. 3115
REGISTERED LANDSCAPE ARCHITECT

4 NESHAMINY INTERPLEX
SUITE 300
TREVOSE, PA 19053

DATE:	NO	REVISION DESCRIPTION:
9/17/03	1	CORRECTED SURVEY COORDINATE SYSTEM & ADDED CONTROLLED EXCAVATION / OPERATION PLAN

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MORRIS & RITCHIE ASSOCIATES, INC.
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(410) 821-1690
FAX (410) 821-1748

MRA

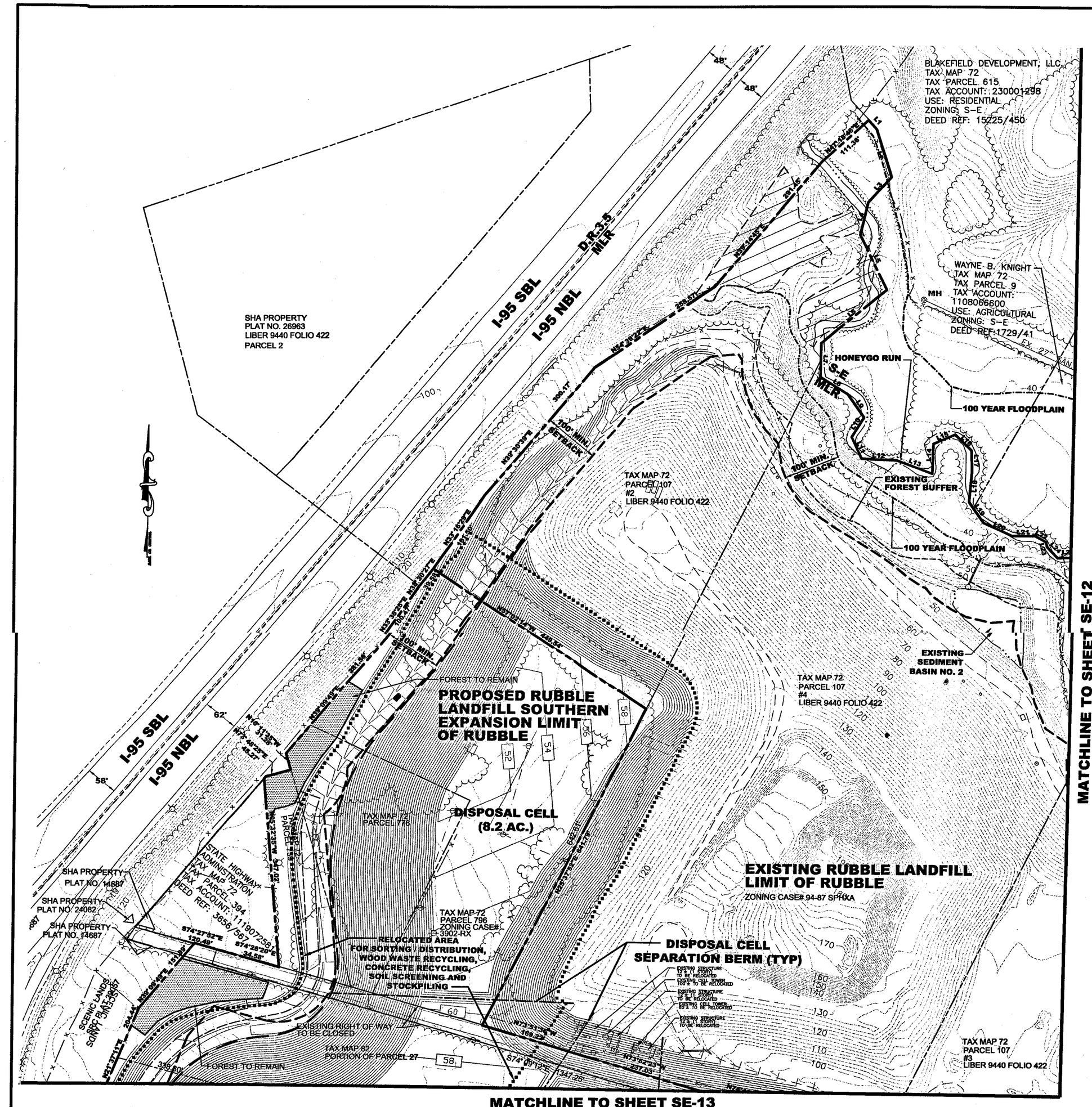
PREPARED BY EARTH TECH

PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING END USE / PARK PLAN AND SCHEMATIC LANDSCAPE PLAN

DATE	AUGUST 22, 2003
PROJECT NO	12491
SCALE:	AS SHOWN
SHEET NO	10 OF 14
DRAWING NO.	SE-10



LINE TABLE		
LINE	LENGTH	BEARING
L1	21.81	S42°41'14"E
L2	90.00	S17°41'14"E
L3	61.04	S41°11'46"W
L4	60.00	S12°48'46"W
L5	110.00	S26°11'14"E
L6	149.86	S49°48'46"W
L7	61.43	S00°39'14"W
L8	57.84	S58°21'36"E
L9	51.36	S35°33'57"E
L10	41.21	S31°26'32"W
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L15	42.03	N65°02'52"E
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L17	37.09	S02°24'03"E
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L20	55.77	S65°52'10"E
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L27	102.61	S28°15'01"E
L28	45.80	S34°05'29"E
L29	77.97	S25°26'09"E
L30	18.81	S44°12'05"E
L31	180.00	S58°12'06"E
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L34	70.00	S68°12'06"E
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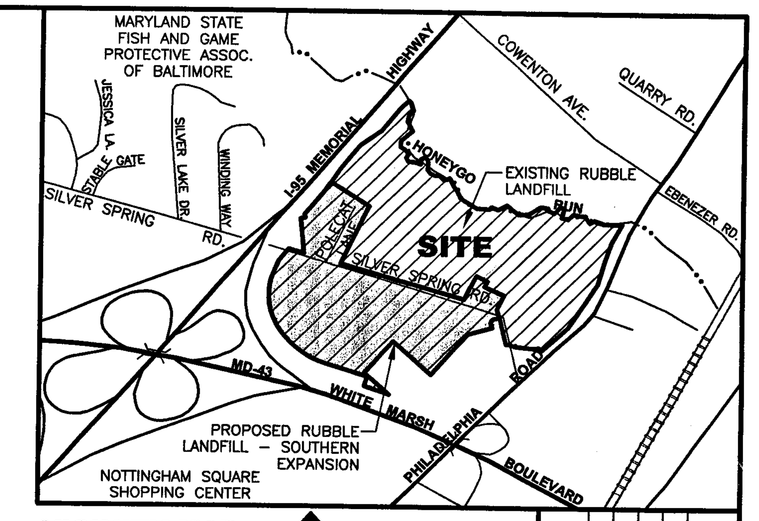

VICINITY MAP
SCALE: 1": 1000'

N

LEGEND:

- EXISTING TREELINE / VEGETATION
- PROPERTY LINE
- PARCEL LINE
- PROPOSED RIGHT-OF-WAY LINE
- S-E / MLR — BALTIMORE COUNTY ZONING
- EXISTING FIRE HYDRANT
- 100 YEAR FLOODPLAIN
- 24 — AREA PROPERTY OWNER
- EXISTING FENCE
- EXISTING STRUCTURE
- EXISTING WETLANDS
- EXISTING FOREST BUFFER
- CURRENT AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYLING, SOIL SCREENING AND STOCKPILING
- RELOCATED AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYCLING, SOIL SCREENING AND STOCKPILING
- EXISTING PRIVATE GROUNDWATER WELL
- EXISTING PRIVATE SEPTIC AREA
- MH — EXISTING SANITARY SEWER
- EXISTING OVERHEAD LINES
- 100' RUBBLE LANDFILL SETBACK
- PROPOSED LANDFILL LIMIT OF RUBBLE SOUTHERN EXPANSION
- FOREST CONSERVATION AREA
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN
- PROPOSED FOREST BUFFER

0' 50' 100' 200'
SCALE

SIGNATURE
9-23-03
DATE
STATE OF MARYLAND
JOSEPH R. GRUBER
No. 28670
PROFESSIONAL ENGINEER

DATE:	NO.	REVISION DESCRIPTION:

4 WESHAMMY INTERPLEX
SUITE 300
TREVOSE, PA 19053

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ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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FAX (410) 821-1748

MRA

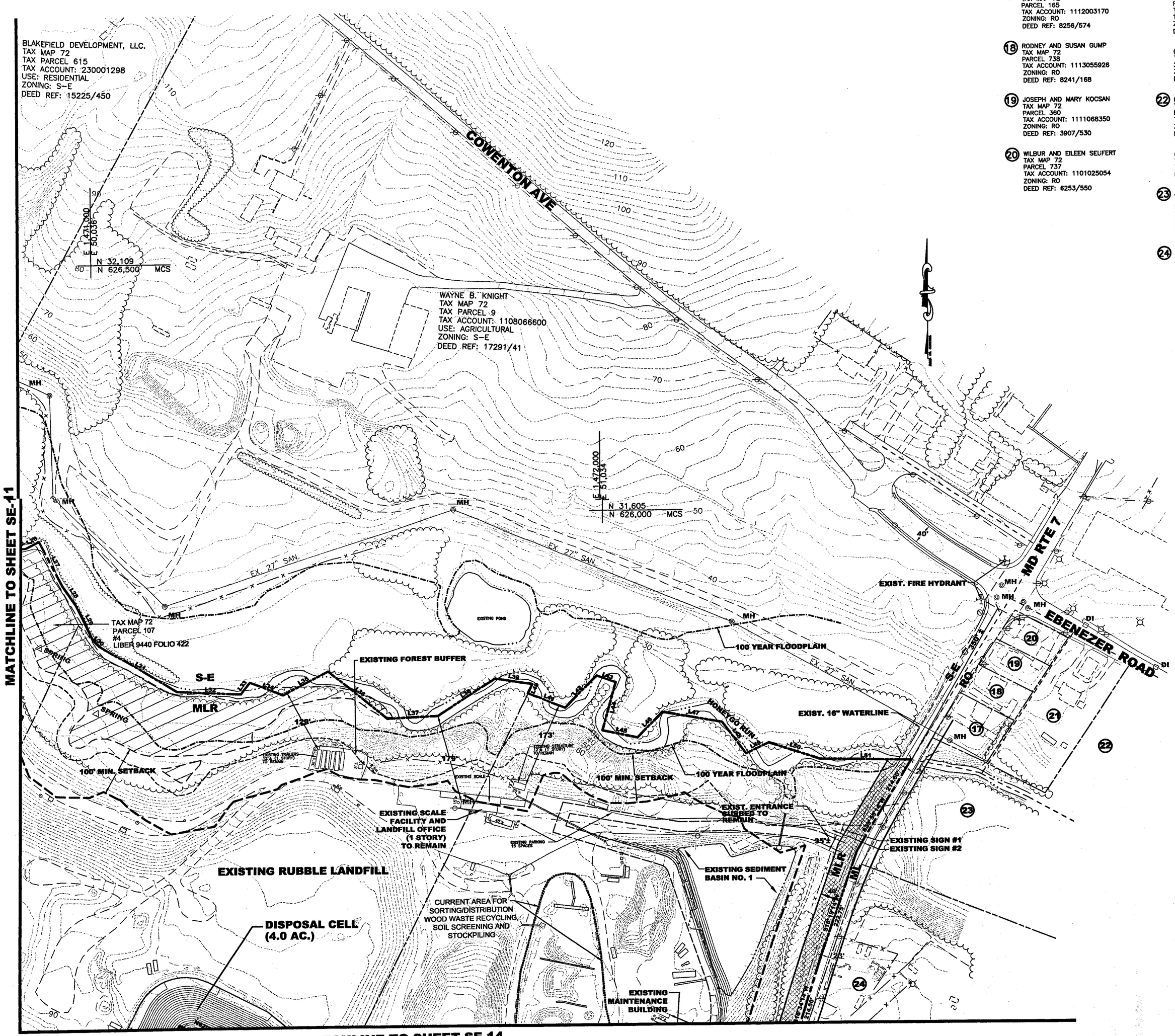
PREPARED BY
EARTH

PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING
EXCAVATION CONTROLLED OPERATIONS PLAN

DATE	SEPTEMBER 23, 2003
PROJECT NO	12491
SCALE:	1" = 100'
SHEET NO	11 OF 14
DRAWING NO.	SE-11



AREA PROPERTY OWNERS:

17 ROBERT HAMMAKER
TAX MAP 72
PARCEL 165
TAX ACCOUNT: 1112003170
ZONING: RO
DEED REF: 8256/574

18 RODNEY AND SUSAN GUMP
TAX MAP 72
PARCEL 738
TAX ACCOUNT: 1113055926
ZONING: RO
DEED REF: 8241/168

19 JOSEPH AND MARY KOCSAN
TAX MAP 72
PARCEL 360
TAX ACCOUNT: 1111068350
ZONING: RO
DEED REF: 3907/530

20 WILBUR AND EILEEN SEUFERT
TAX MAP 72
PARCEL 737
TAX ACCOUNT: 1101025054
ZONING: RO
DEED REF: 6253/550

21 (A) CLIFTON AND CATHERINE MIZELLE
TAX MAP 72
PARCEL 59
TAX ACCOUNT: 1113057830, 1113057831
ZONING: BL
DEED REF: 11180/680

(B) STATE HIGHWAY ADMINISTRATION
TAX ACCOUNT: 2300008269, 2300008270
ZONING: BL
DEED REF: 11180/680

22 (A) JAMES AND GALE MASZCZENSKI
TAX MAP 72
PARCEL 60
TAX ACCOUNT: 1119074310
ZONING: BL
DEED REF: 8707/547

(B) STATE HIGHWAY ADMINISTRATION
TAX ACCOUNT: 2300006988
ZONING: BL
DEED REF: 14761/13

23 JOE K. HOLMAN
TAX MAP 72
PARCEL 1275
TAX ACCOUNT: 110800510
ZONING: ML
DEED REF: 8448/118

24 JOE K. HOLMAN
TAX MAP 72
PARCEL 1009
TAX ACCOUNT: 1114011153
ZONING: ML
DEED REF: 8416/777

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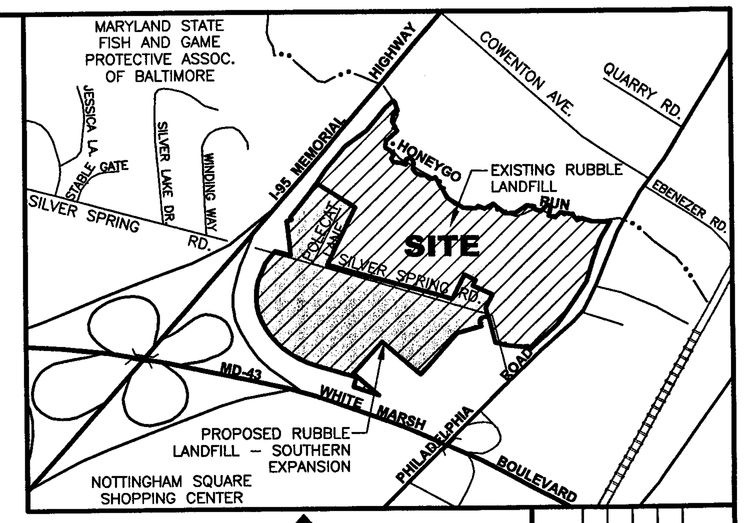

VICINITY MAP
SCALE: 1": 1000'

N

LEGEND:

- EXISTING TREELINE / VEGETATION
- PROPERTY LINE
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- EXISTING PRIVATE SEPTIC AREA
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- 100' RUBBLE LANDFILL SETBACK
- PROPOSED LANDFILL LIMIT OF LINER SOUTHERN EXPANSION
- FOREST CONSERVATION AREA
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN

0' 50' 100' 200'
SCALE

SIGNATURE
9-23-03
DATE

STATE OF MARYLAND
JOSEPH R. GRUBER
No. 22614
PROFESSIONAL ENGINEER

DATE:	NO.	REVISION DESCRIPTION:

4 NESHAMINY INTERPLEX
SUITE 101
TREVOSE, PA 19053

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TOWSON, MARYLAND 21286
(410) 821-7310
FAX (410) 821-7148

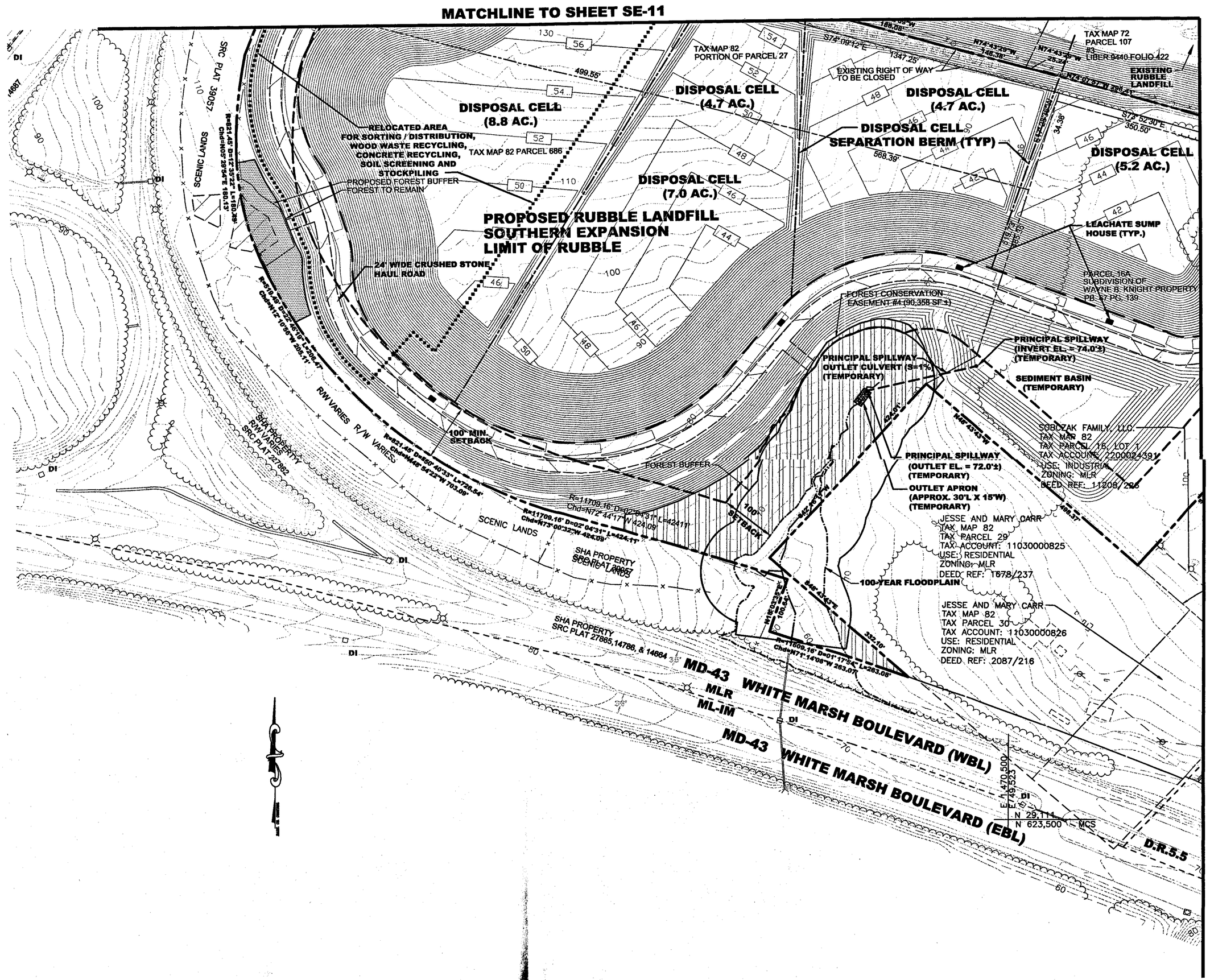
PREPARED BY
E A R T H

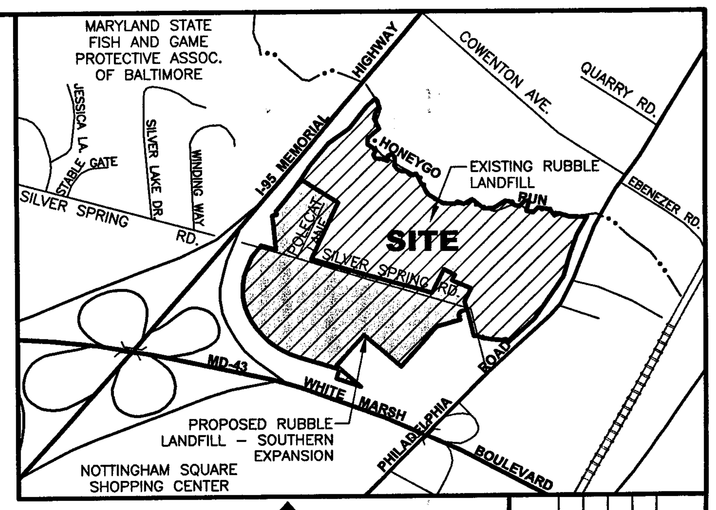
PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING
EXCAVATION CONTROLLED OPERATIONS PLAN

DATE	SEPTEMBER 23, 2003
PROJECT NO	12491
SCALE:	1" = 100'
SHEET NO	12 OF 14
DRAWING NO.	SE-12





VICINITY MAP
SCALE: 1": 1000'

N

LEGEND:

- EXISTING TREELINE / VEGETATION
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- PARCEL LINE
- PROPOSED RIGHT-OF-WAY LINE
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- PROPOSED LANDFILL LIMIT OF RUBBLE SOUTHERN EXPANSION
- FOREST CONSERVATION AREA
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN
- PROPOSED FOREST BUFFER

SCALE 0' 50' 100' 200'

Joseph J. Shea
SIGNATURE
9-23-03
DATE
STATE OF MARYLAND JOSEPH J. SHEA No. 23674 PROFESSIONAL ENGINEER

DATE:	NO.	REVISION DESCRIPTION:

4 NESHAMINY INTERPLEX SUITE 101 TREVOSE, PA 19053

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MORRIS & RITCHIE ASSOCIATES, INC.
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MRA

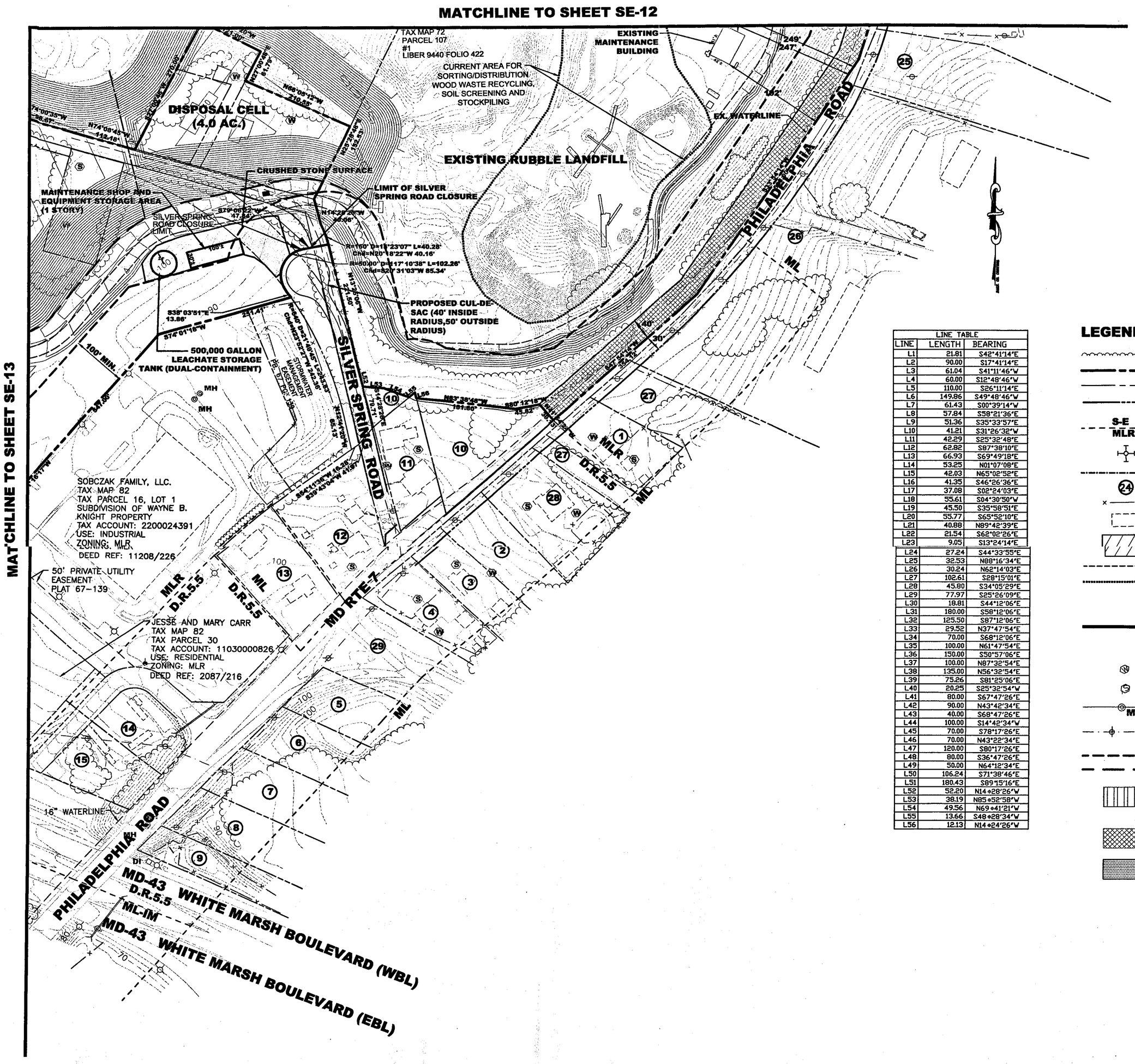
PREPARED BY
E A R T H T E C H

PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING
EXCAVATION CONTROLLED OPERATIONS PLAN

DATE	SEPTEMBER 23, 2003
PROJECT NO	12491
SCALE:	1" = 100'
SHEET NO	13 OF 14
DRAWING NO.	SE-13



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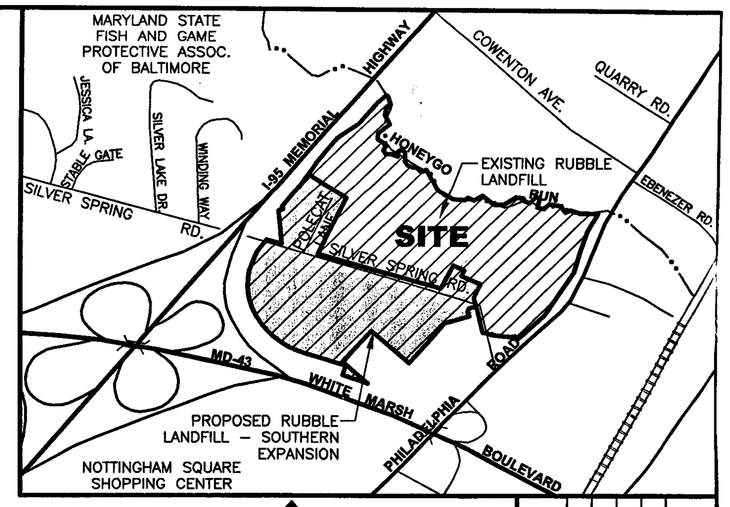
LEGEND:

- EXISTING TREELINE / VEGETATION
- PROPERTY LINE
- PARCEL LINE
- PROPOSED RIGHT-OF-WAY LINE
- S-E / MLR — BALTIMORE COUNTY ZONING
- EXISTING FIRE HYDRANT
- 100 YEAR FLOODPLAIN
- (24) AREA PROPERTY OWNER
- EXISTING FENCE
- EXISTING STRUCTURE
- EXISTING WETLANDS
- EXISTING FOREST BUFFER
- CURRENT AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYLING, SOIL SCREENING AND STOCKPILING
- RELOCATED AREA FOR SORTING/ DISTRIBUTION, WOOD WASTE RECYCLING, SOIL SCREENING AND STOCKPILING
- EXISTING PRIVATE GROUNDWATER WELL
- EXISTING PRIVATE SEPTIC AREA
- MH — EXISTING SANITARY SEWER
- EXISTING OVERHEAD LINES
- 100' RUBBLE LANDFILL SETBACK
- PROPOSED LANDFILL LIMIT OF RUBBLE SOUTHERN EXPANSION
- FOREST CONSERVATION AREA
- PROPOSED HIGHWAY WIDENING AREA
- FOREST TO REMAIN

SCALE 0' 50' 100' 200'



VICINITY MAP
SCALE: 1": 1000'

N

AREA PROPERTY OWNERS:

1. GEORGE AND SHARON KANELLOPULOS
TAX MAP 82
PARCEL 549, LOT 17
TAX ACCOUNT: 1113077230
ZONING: MLR
DEED REF: 12400/521

2. KEITH ANDERSON AND DEBORAH SZCZEPANIK
TAX MAP 82
PARCEL 549, LOT 15
TAX ACCOUNT: 1900007114
ZONING: DR5.5, ML
DEED REF: 5871/31

3. BETTY ANDERSON
TAX MAP 82
PARCEL 549, LOT 14
TAX ACCOUNT: 1700005375
ZONING: DR5.5, ML
DEED REF: 6982/50

4. JEFFREY CRAZE
TAX MAP 82
PARCEL 549, LOT 13
TAX ACCOUNT: 1120001460, 1120001461
ZONING: DR5.5, ML
DEED REF: 16180/34

5. MD STATE HIGHWAY ADMINISTRATION/ MD STATE ROADS COMMISSION
TAX MAP 82
PARCEL 549, LOT 11
TAX ACCOUNT: 1119053490, 1119075317
ZONING: DR5.5, ML
DEED REF: 8151/56; 3992/238

6. BALTIMORE COUNTY MARYLAND
TAX MAP 82
PARCEL 549, LOT 10
TAX ACCOUNT: 1123054570
ZONING: DR5.5, ML
DEED REF: 11088/731

7. STATE OF MD STATE ROADS COMMISSION
TAX MAP 82
PARCEL 549, LOT 9
TAX ACCOUNT: 1119075314
ZONING: DR5.5, ML
DEED REF: 3988/405

8. STATE OF MD STATE ROADS COMMISSION
TAX MAP 82
PARCEL 549, LOT 8
TAX ACCOUNT: 1119075282
ZONING: DR5.5, ML
DEED REF: 3988/11

9. STATE OF MD STATE ROADS COMMISSION
TAX MAP 82
PARCEL 549, LOT 7
TAX ACCOUNT: 1119075313
ZONING: DR5.5, ML
DEED REF: 3988/312

10. KENNETH AND DARLENE HAMMER
TAX MAP 82
PARCEL 799
TAX ACCOUNT: 2100005901, 2100005902
ZONING: MLR
DEED REF: 7876/141

11. KENNETH AND DARLENE HAMMER
TAX MAP 82
PARCEL 24
TAX ACCOUNT: 1103049325
ZONING: MLR
DEED REF: 6927/750

12. RAYMOND AND CATHY MILLER
TAX MAP 82
PARCEL 696
TAX ACCOUNT: 1119039901
ZONING: MLR
DEED REF: 13683/19

13. ROBERT AND JONENE WARDER
TAX MAP 82
PARCEL 763
TAX ACCOUNT: 1900006219
ZONING: ML
DEED REF: 16112/546

14. TAX MAP 82
PARCEL 34

15. TAX MAP 82
PARCEL 31

25. JOE K. HOLMAN
TAX MAP 72
PARCEL 863
TAX ACCOUNT: 1114011150
ZONING: ML
DEED REF: 8416/777

26. J. GIBSON McILVAIN
TAX MAP 82
PARCEL 550
TAX ACCOUNT: 1113011385, 1113011386, 1113011387
ZONING: ML
DEED REF: 5053/777

27. NOTTINGHAM PROPERTIES, INC.
TAX MAP 82
PARCEL 710
TAX ACCOUNT: 1114066244
ZONING: MLR
DEED REF: 4938/375

28. GEORGE AND SHARON KANELLOPULOS
TAX MAP 82
PARCEL 549, LOT 17
TAX ACCOUNT: 1113077230
ZONING: MLR
DEED REF: 12400/521

29. BALTIMORE COUNTY, MD
TAX MAP 82
PARCEL 549, LOT 12
TAX ACCOUNT: 1113023810
ZONING: D.R. 5.5, ML
DEED REF: 11113/102

SIGNATURE
9-23-03
DATE

STATE OF MARYLAND — JOSEPH R. BROW — No. 25674 — PROFESSIONAL ENGINEER

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, LANDSCAPE ARCHITECTS AND SURVEYORS
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MRA

PREPARED BY
EARTH TECH

4 NESHAMINY INTERPLEX
SUITE 300
TREVOSE, PA 19053

DATE:	NO	REVISION DESCRIPTION:

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PREPARED FOR
HONEYGO RUN RECLAMATION CENTER, INC.
SOUTHERN EXPANSION
PERRY HALL, MARYLAND

COUNCILMANIC DISTRICT: 5
ELECTION DISTRICT: 11

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING
EXCAVATION CONTROLLED OPERATIONS PLAN

DATE	SEPTEMBER 23, 2003
PROJECT NO	12491
SCALE:	1" = 100'
SHEET NO	14 OF 14
DRAWING NO.	SE-14

EDUCATION

- Bachelor of Arts, University of Virginia, Charlottesville, Virginia