



**2017 ANNUAL REPORT TO
BALTIMORE COUNTY EXECUTIVE AND
BALTIMORE COUNTY COUNCIL
May 19, 2019**

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BACKGROUND

The Baltimore County Advisory Commission on Environmental Quality (CEQ), which was established by legislation in 2003, met eight times throughout the 2017 calendar year. Lois Jacobs, Chair, set the agendas and presided at the meetings. Secretary, Andy Miller, took minutes at the meetings.

This Baltimore County Advisory Commission on Environmental Quality (CEQ) 2017 Annual Report to the Baltimore County Executive and Baltimore County Council fulfills the requirement specified in Baltimore County Code Subsection 3-3-2106 and provides a summary of CEQ activities during 2017.

CEQ MEMBERSHIP

The CEQ enjoyed active membership during 2017. The 2017 CEQ membership included the following individuals:

Name	Appointed By
Linda Davis	County Executive at Large
Brian Fath, PhD	County Executive at Large
Brian Bernstein	County Executive at Large
James Derui	County Executive Home Builders Representative
S. Glenn Elseroad	County Executive Agricultural Representative
Andy Miller, PhD	County Executive Educator and Scientist
Rex Wright, PE	County Executive Business Community Representative
Valerie Androutsopoulos	Council District 1
Lois Jacobs, Chair	Council District 2
Chris Overccash	Council District 3
Lynda Eisenberg	Council District 4 (appointed 11/17)
Carol Newill, MD, PhD	Council District 5
Dan Doerfer	Council District 6
Karen Wynn	Council District 7
Brian Lindley	County Government Liaison, EPS
Kui Zhao	County Government Liaison, Planning

CEQ MISSION STATEMENT

The CEQ activities in 2017 furthered the mission previously established for this Commission.

The purpose of the CEQ, through its duties and responsibilities as described in the Baltimore County Code, Subsection 3-3-21, is to encourage protection and preservation of the natural environment in Baltimore County and its waterways, including the Chesapeake Bay, by educating the community to

make environmentally sustainable decisions and by enlightening, advising, and initiating dialogue with County officials. It facilitates communication between the County government and its residents on environmental needs, programs, and legislation.

As a group of dedicated volunteers for environmental integrity, the members understand the need for following and monitoring environmental plans.

PRESENTATIONS AND REPORTS

Solar Facilities Bill

The Council struggled to find agreement on the Solar Facilities Bill during much of 2017. The CEQ was involved throughout the process; we testified at work sessions, had discussions with and presentations by several Councilmen and received important information from Commissioner Rex Wright, our Commissions expert on solar power and the Solar Industry. At our April 26th meeting, Councilwoman Vicki Almond presented an update of the latest effort to introduce a new Solar Bill with agreement on acreage size, number of projects per district, and technical advances. There are some groups that will oppose Solar Facilities regardless of how well a final Bill resolves outstanding issues; the Council plans to review the Bill after a year and make necessary changes. CEQ has been asked to serve on the Review Committee. A Solar Facilities Bill was finally passed on 7-3-17.

10 Year Solid Waste Plan

The Department of Public Works (DPW) is working on a new Ten Year solid waste management plan to cover the period 2019 to 2028. Recent community meetings on the proposed plans were the subject of a February CEQ presentation and discussion led by Commissioners Jacobs and Androutopoulos who attended the District 2 DPW Presentation. The Community presentations focused on current recycling levels, future recycling goals, and toxic waste reduction. The single stream recycling program was also discussed. At the CEQ presentation, Commissioner Androutopoulos briefed us on the technical, economic and political success and problems involved in single stream recycling and waste reduction in commercial and residential efforts. She also commented that there were composting restrictions in Baltimore County, a subject that CEQ suggests revisiting as part of the Commission's Input on the new plan. As comments on the 10-Year Plan were to be submitted by March 2, 2017, it was agreed that all CEQ members would submit comments to the Chair. Commissioner Jacobs put these into a letter to Director of DPW, Steven Walsh and hand delivered it to DPW by the deadline. CEQ followed the ongoing process, and obtained a plan draft when it became available. The original Public Hearing was cancelled due to a snowstorm, the snow-date conflicted with our CEQ meeting, so the letter served as our official input and report. This letter is posted on the CEQ website and contains CEQ Recommendations for the final 10 Year Plan.

County Trees and Urban Tree Canopy

This is a topic of ongoing concern for the CEQ. Previous reports on Urban Street Trees and the CEQ Forest Canopy Report addressed these issues, but changes in the Department of Environmental Protection and Sustainability (EPS), citizens questions, County actions and requests by Council members brought Urban Tress and Forestry issues to the forefront in 2017. Much of our work and discussions this year centered on these topics and led to several guests and County representatives speaking and presenting

Reports on County and State level practices, research on the Urban Tree Canopy, and suggestions for future actions and practices to foster Tree Cover in Baltimore County.

Brian Lindley, our CEQ Liaison with EPS, gave us an overview of EPS Departments and their operations at our March 22nd meeting. There were many changes throughout EPS due to budget constraints and personnel loss. The loss of the Stormwater Remediation Fee limited programs as current program requirements had to be covered with less funding across the board. We were also informed by EPS Director, Vince Gardina, that Don Outen's position in Forestry was not yet filled, and that parts of the Forestry program will now be contracted out. EPS is now less focused on street trees and moving towards larger tree stands.

Commissioner Newill informed us that State Delegate Steve Lafferty requested that she write a report on the State Roadside Tree Law and wanted input on how other states and municipalities protected their trees. This was done in 2015. A proposed amended law did not pass, but it will be re-submitted with changes.

A stand of mature trees was cut down without citizen input or a permit in place at a "Gateway" intersection – this led to a large scale protest by Towson citizens and much controversy. Councilman David Marks and the Green Towson Alliance were deeply disturbed by this incident and other similar events which appeared to them to violate the County's own laws and established procedures. CEQ was asked to respond to the following presentations and/or requests on Urban Tree Canopies.

Commissioner Newill reported at the April 26th CEQ meeting that Councilman David Marks asked that CEQ help with guidance on the resolution that trees only be taken down on County property for good reason and should be replaced. He did not have the necessary support for such a bill, but wanted input for a future bill and/or actions to achieve a coherent Urban Tree policy.

Brian Lindley (EPS) explained that EPS changes have had a major effect on Tree Canopy programs. Urban and Street trees originally were handled by DPW, then came under the EPS Forest Canopy initiative. As EPS moves toward large forest stands, the lines of authority are no longer clear. Trees are taken down but not replaced. "The County is not getting permits from the State, and the State does not know what the County is doing" was a comment by guest speaker Larry Fogelson. Liaison Lindley said he would speak again in May on which Department or Agency is responsible for what.

Green Towson Alliance – Larry Fogelson, a member of the Green Towson Alliance, attended the April and May CEQ meetings. At the May meeting he spoke on Urban Tree issues and the way trees are abused inside the URDL. He and the Green Towson Alliance believe there needs to be a sea change in the way the County deals with Urban Trees. We all agreed ways should be found to implement new procedures across departments and agencies.

Councilman David Marks was a guest at the May CEQ meeting. His observations were that there are many good professionals in the Baltimore County government who care about what we are trying to do, but sometimes decisions are made for the sake of efficiency that is not consistent with environmental sustainability. Property management tends to be a major obstacle due to issues of maintenance and liability and he is frustrated that County government doesn't follow its own rules. We have to better diagnose tree diseases and replacements. We should look at the process that other jurisdictions use to remove trees as well as maintenance provisions. The power to issue permits is "fuzzy" and un-clear. Is

there an actual document that delegates to the County the right to implement the State Road Tree Statute? That is what happens in practice. There is no enforcement or real reporting back to the State.

Agency jurisdiction of Urban Tree categories: Brian Lindley described a current list of responsible parties on this issue in May. Public Works (DPW) controls right of way. Property Management (not the Department of Recreation and Parks) handles parks and recreation land. The Department of Education deals with school properties, EPS handles forest conservation easements, forest buffers and Critical Areas (three separate sets of regulations). At present, no one person has Don Outen's role overseeing trees for the whole County in a coordinated way. Brian Lindley does oversee the last three items, and a Watershed Monitoring Group oversees tree plantings associated with restoration projects.

On November 29th we heard from J. Morgan Grove PhD, Scientist and Team Leader for the US Forest Service Northern Research Station, and Miranda Mockrin, team research scientist, on the topic of "Urban Tree Canopy Cover: Improvement in Baltimore City and Effects on Surrounding Communities." The focus of our November 29th guests is research and development, especially land cover mapping using the LiDAR system (3D laser-guided data detection) and high resolution aerial imagery to assess land cover and tree canopy change. The mapping provides tools and data for developing urban tree canopy goals. He (Dr. Grove) has met with EPS. What is important are forest patches of at least one acre, with credit for individual trees. Canopy goals are to maximize process – plantings, and minimize events – cutting, disease, storms - otherwise (if trees are not replaced) "we are just treading water". Baltimore County has a larger zoning range than the City, and more lawns which have assessment value as cover. Departments need to coordinate and talk to each other. More information is needed on gains and losses and identification of forest "patches" to best foster goals and policies. The City's improved 1% net gain equates to an additional 200 acres of tree coverage. There is still much work to be done on Urban Trees and Forestry issues.

Litter and Trash Reduction

Another issue CEQ is focused on is dealing with increased litter and reduction of trash that winds up in landfills, streams, or the Chesapeake Bay. CEQ is fortunate that two of our commissioners, Karen Wynn (Executive Director of Back River Restoration) and Dan Doerfer (Director of Clean Creeks Project) are experienced in these areas and led discussions and presentations during 2017 dealing with these issues.

Our April presentation focused on Citizen and Volunteer Watershed Cleanup operations and public attitudes and perceptions. At cleanup events trash, tires, metal, and sometimes bottles are separated. Bottles are contaminated and cannot be recycled; plastic bags are often buried beneath sediment.

Back River Restoration will go anywhere cleanup help is requested and operates the County-funded trash boom. In 2016 they picked up 8000 pounds of trash and 2000 tires. The subject of dump mis-use was also addressed. Some people can't get to them or don't want to wait in line on Saturdays. Some companies say they haul junk to the dump but actually drop it illegally. The suggestion was made to have haulers come back with a landfill receipt before getting paid. Another option is to have cameras record tag numbers of dumpsters. Another point is that many people are not aware that storm drains lead to streams and not sewage treatment plants, and therefore they are more likely to simply leave trash in locations where it winds up getting into and clogging storm drains.

Councilwoman Almond informed us that there is little to no code enforcement due to lack of resources and personnel, and trash is accumulating. The Council has talked about using police cadets under supervision of a code enforcement officer to help make a dent in the problem. CEQ has no resources for a public information campaign; our only path forward is to convince the County Council to take action. We should consider a new report that supports a variety of issues and strategies; this should include recycling and County trash reduction. Plastic bag issues should also tie-in with the larger subjects of recycling and trash reduction. Identified areas of action include prevention, code enforcement, schools, dumpster cameras and neighborhood awareness.

Plastic Bags

EPS Director Vince Gardina suggested that the Council re-read the CEQ Plastic Bags Report and reconsider action on it. Although the Council did not pursue this topic after the Report, it was believed that it would be passed at the State level – either with a ban or fee, but this has failed for three years in a row. The problem will only get worse, and it will probably be introduced again. At the County level, it should be tied-in to a new CEQ Report on Trash Reduction as mentioned above. The Plastic Bags Report itself might need updating; we will discuss this at a future meeting.

“Painted Trees” Project at Oregon Ridge Park

The Perlow Foundation “Art Installation” at Oregon Ridge Park was a fund-raising project of a private group on public property to celebrate recovering opioid addicts and raise awareness of a severe problem. It was agreed the foundation meant well and had no malicious intent – but there was damage to the trees and other negative impacts on the park. Citizens have contacted CEQ members to vent their sadness and anger over defacement of a much loved park. Commissioner Davis prepared a Power-Point presentation at the October 25th meeting to explain the situation and describe unintended consequences of a poorly thought-out project which negatively affects tree health and other park uses, and also sets an alarming precedent. There was no input from the public, no naturalists or other experts were consulted, and no advance notice was provided before the trees were painted.

The CEQ agreed that we should compose a letter and report for the County Council and Executive to contain project background, CEQ’s concerns backed up by research and discussions with experts, and other recommendations. Our main goals at this point are to remediate the damage should this be possible, and to prevent anything similar from happening in the future.

By November, information was received from other parks, municipalities, counties, professors at Universities, Forestry professionals, the Federal Government, the Nature Center Council, Naturalists, published literature, and input by CEQ members. There is a great deal to be compiled and organized for our report. Commissioner Elseroad suggested we discourage speculation or blame on any one person or official; just concentrate on the science and the wish of our citizens to see parks used and preserved for their original intent. We will continue this work in 2018.

Ongoing Education of CEQ Members

In addition to the presentations noted, speakers from County Staff and outside briefed our Commissioners on environmental and sustainable issues and programs useful to our work efforts.

Rona Kobell – Chesapeake Bay Journal

We invited her to speak at our January 25th meeting about her article on Gateways National Park along

New York City's Jamaica bay – an urban wilderness accessible by public transportation. She also talked about open space initiatives in other areas, and progressive policies to put in buffers, bring back trout streams and hold developers to rules. She believes local government could do much more for their citizens.

Andrea Rogers, Baltimore County Department of Public Works (DPW) – “Analytical Sidewalk Model for ADA Compliance”.

At our September 27th CEQ meeting Ms. Rogers explained her group's work on a GIS Weighting System for relative importance of pedestrian activity. She used a Power point presentation to demonstrate that different factor weighting schemes separate “themes” (schools, transportation, public facilities and services, seniors, disabilities/ADA Compliance, Commerce, Development, Culture, Recreation) to produce maps of different geographic patterns; these patterns help to determine where ADA compliant sidewalks are needed. The models are based on a still-ongoing survey.

CONTACT WITH CITIZENS

Citizen concerns and inquiries came to CEQ via its website and sometimes to individual Commissioners. Requests were referred to the proper County Agencies. Citizen concerns were discussed by the commissioners, who decided which issues needed follow-up and/or further response or action by the Commission. Frequent topics focused on litter and trash disposal, recycling problems, stream erosion, stormwater and flood damage, open space and Park issues, and lack of government response to citizen complaints. The last matter we shared with our County Liaisons who usually found the right person to deal with a specific problem.

CONTACT WITH COUNTY

During 2017, CEQ members:

- Communicated and met with Council members to update them on CEQ activities and to discuss environmental concerns and priorities in their districts and the County as a whole.
- Attended Council Work Sessions, Council meetings, Planning Board meetings and testified several times on Solar Facilities Bills and 10-Year Solid Waste Plan issues.
- Welcomed the ongoing, regular attendance of County government staff who attended meetings and provided advice and support to the Commission:
 - Brian Lindley, Supervisor of Environmental Enforcement, EPS.
 - Kui Zhao, Demographer & Master Plan Coordinator, Department of Planning
- Welcomed County Officials and Staff who came to one or more CEQ meetings to share insights and/or give presentations on specific issues.
 - Councilwoman Vicki Almond
 - Councilman David Marks
 - Andrea Rogers, Department of Public Works (DPW)

OUTSIDE GUESTS

The CEQ would like to thank several guests in 2017 who were interested in attending our meetings or provided expertise to help the Commission in its work:

- Rona Kobell, Chesapeake Bay Journal
- Suzanne Galletti, District 3 candidate for a CEQ open position
- Larry Fogelson, Green Towson Alliance
- John Alexander – retired County Planner
- J. Morgan Grove, PhD, US Forest Service
- Miranda Mockrin, US Forest Service

COMMISSION INFRASTRUCTURE AND COMMUNICATION

The Commissioners discussed concerns, questions and priorities in their districts and areas of environmental expertise. CEQ members:

- Updated the CEQ website and Commission handbook materials (a special thank-you to Brian Lindley and Debra Beatty at EPS for their help and expertise).
- Prioritized topics for ongoing and future consideration by the Commission.
- Attended environmental hearings, lectures, workshops and events around the County.

ONGOING CEQ MEMBER CONCERNS

The Commission will continue to review environmental issues confronting the County, with particular attention to those questions or topics referred by Council members, or environmental concerns by the Executive. Commissioners have raised the following issues for ongoing or future action:

- Recycling and waste reduction – with special emphasis on removing plastics from the waste stream
- Reduction of air-borne pollutants
- Deer Management
- Urban and Forest Tree Canopies
- Solar and other alternative energy generation/production in Baltimore County
- Effects of Climate Change in Baltimore County
- Update of CEQ Reports on Road Salt and Plastic Bags
- Invasive Species
- Redevelopment toward walkable Communities