

**Montgomery County Agricultural Advisory Committee  
Minutes  
June 15, 2021**

**Attendance:** Ben Butler, Debbie Tropp, Eleanor Leak, Chuck Schuster, Doug Lechliden, Pete Driscoll, Patrick Jamison, Lori Larson, Russ Allnutt, *(Please note that Jeremy was taking notes for the minutes so he may have missed other members that joined after the meeting started?)*

1. **Call the Meeting to Order-Introductions: Thoughts and Prayers for Lonnie Luther-** The meeting was called to order at 7:05 pm.
2. **Approval of the May 18, 2021 AAC meeting minutes.** Leak/Driscoll
3. **COVID-19 Update:**

**Montgomery County started to reopen County Buildings on Monday June 7, 2021. We have developed a plan to open the Agricultural Activities Center to agricultural agency employees.**

**The County Executive wants all County employees vaccinated before opening County buildings.**

**We encourage all agricultural employees to be vaccinated. UME, OAG, MSCD, NRCS, FSA etc.**

**Employees that are not able to telework will return to the office building.**

**Employees that can telework will develop a schedule for days assigned at the office verses telework days and approved by their managers.**

**We are still developing a plan to open the Agricultural Activities Center to the public and volunteers.**

**64.7 % of the County's population have received one dose of the vaccine and 56.4% are fully vaccinated.**

**[Data - COVID-19 Information Portal - Montgomery County, Maryland \(montgomerycountymd.gov\)](https://montgomerycountymd.gov)**

The agricultural agencies are targeting September 1, 2021 as the date to reopen the Agricultural Activities Center to the public and volunteers.

1. **The Department of Environmental Protection Legislative Proposals:**

**Individual Water Supply and Sewage Disposal Systems-The proposed legislation has still not been introduced. In response to the OAG concerns surrounding the language on lines 158-170, the Director of DEP has stated they will delete the language below entirely and he said, "We think we can make significant progress**

without that provision.” *Please see the attached report outlining septic regulations in surrounding counties in Maryland.*

**[(d) Emergency authority. If the Director or the Director of Environmental Protection finds that the condition of an individual sewage disposal system presents an immediate danger to the public health or safety because of an unsafe condition or poor maintenance, the Director may take any needed action to protect the public and make the system safe, including entering the property to make any needed repair. The County must assess any cost incurred as a result of the Director’s or the Director of Environmental Protection’s actions against the owner of the system. The County may collect the costs in the same manner as real property taxes are collected against the property where the individual sewage disposal system is located. In addition, the County may seek reimbursement under any other method legally available to collect debts owed to the County.]**

Jeremy said that DEP has decided to remove the enforcement and penalties language from the proposed legislation. This means that Montgomery County’s septic pump program-law will be like Howard County where the pumping of septic tanks will be educational and promoted to extend the life of the septic systems. Jeremy said that agricultural groups can still oppose the proposed legislation when the public hearing is scheduled.

**Introduction of Bill 16-21-Environmental Sustainability – Building Energy Use Benchmarking and Performance Standards – Amendments to Chapter 18 Environmental Sustainability.** The Office of Agriculture recommends that all

**existing and new agricultural buildings be added to Section 18A-38B Applicability and exempt from the bill. *There is a public hearing scheduled on July 20, 2021 and the agricultural organizations should provide a letter outlining that all existing and new agricultural buildings should be exempt from this Bill 16-21.*** [2707 1 14390 Bill 16-2021 Introduction 20210504.pdf](#)

Jeremy discussed the AAC letter to the County Council recommending that all existing and new agricultural buildings be exempt from the application of Bill 16-21. Jeremy is recommending that agricultural groups should provide similar comments to the County Council prior to the July 20, 2021 public hearing. Lori Larson asked if **farming** is defined in the County Code and Jeremy said the Chapter 59.3.2.6 Zoning clearly outlines the definition of farming in the County.

**Electric Lawn Care – The proposed legislation has still not been introduced. The Office of Agriculture is consulting with the DEP on the scope of the legislation. The legislation proposes a Sale Prohibition and Use Prohibition starting in 2025 for residential gasoline lawn mowers with a deck less than 30 inches including gas trimmers and gas blowers. The legislation excludes gasoline chain saws. The legislation proposes the commercial sale and use of gasoline lawn mowers with decks less than 100 inches starting in 2027.**

Jeremy said he is not sure when this DEP legislative proposal will be introduced, and he has not seen a draft version of the legislation. Lori Larson asked are they really going to do this and expect everyone to get rid of their gasoline lawn mowers? Chuck said that many small engines are inefficient. Ben Butler asked if Craig Ruppert or David Rippeon are aware of this proposal. Chuck Schuster offered to assist Jeremy with the UM Newsletter in getting the word out to the horticultural and lawn care businesses. Lori Larson said the County has so many bigger issues to address. Peter said the proposed legislation is like what Washington DC has adopted and Chuck Schuster agreed with Pete.

- 2. Update on the gravel portion of River Road. We received notice from DOT that on Friday May 28, 2021, they are working with an independent contractor to physically take core samples of gravel from River Road itself in 12 locations to test for asbestos like the way Linda Lewis did her testing in the fall of 2019 which found asbestos. The Office of Agriculture is working with MNCPPC on a technical update of the Rustic Road Master Plan to explore how the significant feature of gravel can be addressed from a public health and safety issue.**

Jeremy said that DOT core sample test results found that asbestos is in the gravel along River Road. Jeremy said that DOT staff said they would get back to us on the next steps etc. Linda Lewis showed everyone that attended the May 6, 2021 meeting her own lab tests results that found asbestos along the River Road frontage of her 400 acre farm. Jeremy is hopeful that the County DOT will begin to use millings rather

than lose gravel for the surface of River Road between Whites Ferry and Elmer School Road.

- 3. Update on the FY22 Operating Budget for the Office of Agriculture- The Council appropriated an additional \$25,000 to cover how the Matching Grant Cost Share program reimbursements from MARBIDCO uses the OAG appropriation and when MARBIDCO reimbursements are deposited into the General Fund, this funding does not come back to the OAG; And to explore a new FTE full time position assigned to the OAG be discussed during the summer.**

Jeremy said the County Council understood how the MARBIDCO reimbursements decrease the annual expenditures and projects that OAG can complete annually. Jeremy is encouraged by the additional appropriation to the Matching Grant Cost Share program totaling \$25,000 to the FY22 Operating Budget. Jeremy is also encouraged by the County Council wanting to study the need for a new FTE position assigned to the OAG.

- 4. Update on Leaf-gro that is provided by Maryland Environmental Service that many farmers use annually as a soil amendment. Senator Chris Van Hollen' staff are helping to address this leaf-gro issue of colored ink in the bags. While we understand that MDA must follow USDA-National Organic guidelines, their adherence to such a strict interpretation is not logical based on the information we have presented. (80 pounds of color ink for every 60,000 Tons of yard trim material) The MDA is not going to question the NOP guidelines and risk forfeiting the ability to issue organic certifications. The Sugarloaf Citizens Association-SCA has created a sub-committee to consider reducing the size of trucks below 40-yards that deliver leaf grow to farmers.**

Jeremy said that they are still waiting on a response from US Senator Chris Van Hollen on the USDA and MDA decertification of Leaf-Gro as an organic soil amendment due to the colored ink used in paper bags for residents to gather yard trim materials. Debra Tropp said she would provide names and contact information for USDA NOP staff that may be able to assist us. *Please see the attached response we received from the staff of Senator Van Hollen including how the MDA requested a review of Leaf-Gro due to the material being decertified by another certifier.*

- 5. The Annual Farm Tour Weekend in July usually brings out thousands of people to the County farms. The Office of Agriculture has replaced this year's Farm Tour with the following opportunities:**

**[Grape and Grain Tour story and route Final with Doc Waters.pdf \(montgomerycountymd.gov\)](#)**

**[Final Revive Sunday Drive.pdf \(montgomerycountymd.gov\)](#)**

**[2pg Farm2Feast Tours.pdf \(montgomerycountymd.gov\)](#)**

Jeremy said the annual farm tour will be replaced with self-guiding tours of the Agricultural Reserve. Jeremy did not want the participating farmers to be stressed with

hundreds of people visiting their farms and he hopes that with more time more people will be vaccinated.

**6. MD Farm Bureau and MCFB Farmside Chats:**

**Food Resiliency - Tuesday, June 8th at 9:30 AM - Butler's Orchard-Productive conversation and good turnout.**

**Livestock Processing & Grain Farming - Thursday, July 1st at 9:30 AM - Seneca Ayr Farm**

**Deer Damage - Thursday, August 5th at 7 PM - Jamison Farm**

**Forest Banking - Wednesday, September 8th at 9:30 AM - Willard Family Farm**

**Ag Reserve Solar - Wednesday, October 6th at 9 AM - Rockhill Orchard**

Jeremy said the first farmside chat was very informative. The smaller groups of officials visiting the farms created a good opportunity for dialog and exchange of ideas. Jeremy said that Ben Butler and his brother Tyler did a great job with their comments and demonstration of Community Food Rescue and Shepard's Table volunteers that were gleaning strawberries the same day as the farmside chat on food resiliency. The expanded Farm to Food Bank program in Montgomery County was discussed and the program may be applied statewide. Debra Tropp offered to be a resource to help promote food resiliency including volunteers working with Food Assistance Providers and the Montgomery County Food Council.

**7. Thrive 2050 Public Hearing with County Council-June 17 and 29, 2021**

**[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210615/20210615\\_16D.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20210615/20210615_16D.pdf)**

Jeremy said the County Council will be discussing the Planning Board Draft of the Montgomery Thrive 2050 New General Plan. Jeremy said that he needs to compare the Profitability and Viability report to the recommendations from the Planning Board. Jeremy said he would talk with Doug Lechliden to see if the Office of Agriculture should remit a letter for the public hearing since the AAC will not meet again until July 20, 2021.

Comments from AAC Chair Doug Lechliden- Doug said he received letters requesting opportunities for forest mitigation on his farm that are associated with development projects involving rapid rail transportation between

Washington and Baltimore. Patrick Jamison said his family has received similar letters from MD Department of Transportation regarding forest mitigation associated with plans to widen the Capital Beltway I-495.

Meeting Adjourned: 8:14 pm Driscoll/Larson

**Upcoming Meetings and Events:**

**Montgomery Soil Conservation District-June 11, 2021 9:00 am**

**Montgomery County Agricultural Advisory Committee-June 15, 2021**

**Montgomery County Farm Bureau Board of Directors- July 6, 2021 7:00 pm**

**Agricultural Preservation Advisory Board-July 13, 2021 7:00 pm**

**MCPS/CBF-Connecting Farmers with Teachers-August 12, 2021**

**Montgomery County Agricultural Fair- August 13, 2021 through August 21, 2021**