

Montgomery County Agricultural Advisory Committee -April 11, 2023, Minutes

Attendance: Doug Lechliden, Ben Butler, Jane Evans, Debra Tropp, Eleanor Leak, Pete Driscoll, Russ Allnutt, John Brewer, Lori Larson,

Guests: Caroline Taylor, Ellen Gordon, Margaret Chasson,

Staff: Chuck Schuster, Jeremy Criss

Call the meeting to Order and Introductions-

The meeting was called to order at 7:06 pm.

Approval of the March 21, 2023, AAC minutes-

Evans/ Tropp- approved as written

Update on the PFAS Article on the Wells #2 and #3 in Poolesville taken offline because they detected Forever Chemicals-PFAS These wells are located towards the center of town and in residential and commercial areas.

Timeline of events surrounding this PFAS issue

January 3, 2023	Community Meeting in the Town of Poolesville
January 9, 2023	Ag Community Leaders and Ag agency staff meeting to develop a proactive strategy
January 26, 2023	Webinar conducted by Bloom representatives on PFAS testing etc.
January 30, 2023	Meeting between PEER, MCA, SCA, OAG, DEP, CEX to review PFAS test results
January 31, 2023	Letter from PEER, MCA, SCA to the CE and Council President on PFAS
February 7, 2023	Follow up meeting for Ag Community Leaders and Bloom representatives
February 8, 2023	DEP Briefing with the CE on the letter from PEER, MCA, SCA
February 16, 2023	The County Executive supports House Bill 319, <i>Environment – Pesticide Registration - PFAS Testing - Requirements</i>
February 21, 2023	The County Attorney reported that MC does not have the authority at this time to ban the application of biosolids on farmland.
February 24, 2023	The OAG has included a new PFAS resource page on our website outlining all of the applicable research on this issue. https://montgomerycountymd.gov/agservices/faq.html
March 3, 2023	HB 319/SB 158 Pesticides Registration-PFAS Testing. The MDA, MDE and the State Health Department are to study the validation issues with testing for PFAS in mosquito control pesticides.
March 14, 2023	The Federal EPA has issued a new Enforceable Limits of PFAS in drinking water.

March 28, 2023

The DC Water and Bloom Representatives conducted a tour of the Bloom Biosolids facility with members of the MCFB and Dale Tibbitts from CE.

May 22, 2023

There is a PFAS Summit scheduled for elected officials hosted at DC Waters Headquarters.

Jeremy discussed items highlighted in yellow above as the only updates on the PFAS issue since our March 21, 2023, AAC meeting. The March 28, 2023, tour of the Blue Plains Facility where Bloom Bio-solids is produced was informative everyone that attended said they really learned many new things about the Bio-solids process. The HB 319 SB 158 will be discussed during the summer and the OAG will monitor these discussions and report back on the recommends/findings.

Bill 40-21- Individual Water Supply and Sewage Disposal Systems - Amendments (McCartney-Green)

During the October 24, 2022, Transportation and Environment Committee work session several questions were raised that DEP staff did not have all the information. On March 7, 2023, the County Council passed a Resolution to extend the effective date of Bill 40-21. We will continue monitoring this Bill 40-21 that will be scheduled for a second T&E Committee Work Session.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230307/20230307_3A.pdf

Jeremy said there was no update on this Bill 40-21 and the OAG will continue to monitor the County Council agenda and T&E Committee work session to be scheduled after the FY24 budget is approved.

Bill 18-22 Noise Control – Leaf Removal Equipment – Amendments-

This Bill 18-22 Noise Control-Leaf Removal Equipment was discussed during the T&E Committee work session on February 13, 2023, Councilmember Marilyn Balcombe presented an amendment to permit the use of gasoline blowers for farming uses and agricultural producers. On March 7, 2023, the Full Council voted unanimously to support the amendment to exempt agricultural producers from this Bill 18-22. The Bill 18-22 was scheduled for final reading for a second time on March 21, 2023.

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230321/20230321_4G.pdf

Jeremy said that there was no update on this Bill 18-2 that was tabled by the County Council in March. The OAG will continue to monitor the County Council agenda and T&E Committee work session to be scheduled after the FY24 budget is approved.

Introduction – March 14, 2023 Rustic Roads Functional Master Plan Update - Planning Board Draft (Orlin)

Public Hearing is scheduled for 4/18/23 at 1:30 p.m.
TE Committee work session will be scheduled at a later date.

Found in this link, https://montgomeryplanning.org/wp-content/uploads/2023/02/Rustic-Roads-Functional-Master-Plan-Update-Volume-I_-The-Plan-Planning-Board-Draft.pdf

Page 59

Recommendations:

28. To add diversity to the Committee while continuing to give commodity farmers a strong voice, the County Council should revise the membership criteria in Section 49-80 as follows:

Membership. The County Executive must appoint, subject to confirmation by the County Council, a Rustic Roads Advisory Committee. In making appointments, the Executive should strive to achieve diversity on the Committee in support of racial equity and social justice. The Committee has nine voting members. Each member must be a resident of the County. The Executive should appoint:

- (1) three members who operate commercial farmland earning 50 percent or more of their income from farming;*
 - (2) one member who is a representative of the Agricultural Advisory Committee and has been recommended to the Executive by the AAC;*
 - (3) one member who knows rural preservation techniques through practical experience and training;*
 - (4) one member who knows roadway engineering through practical experience and training; and*
 - (5) three at-large members to be drawn from other users of rustic roads. Examples of the at-large members include, but are not limited to: a table crop farmer who does not earn more than 50 percent of their income from farming; an expert in tourism or historic sites along the roads; a member of a religious institution on a rustic road; an operator of an agritourism business, such as a winery, brewery, farm stand, or recreation or entertainment venue on a rustic road; or a person who regularly uses the roads to engage in or reach places for outdoor recreation, such as to bike, boat, kayak, hike, fish, ride horses, or go birding.*
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Jeremy shared his screen to show the draft letter from the AAC (that Lori Larson and Doug Lechliden prepared) to the County Council for the April 18, 2023, public hearing on the Rustic Roads Master Plan Update. The Committee as a group reviewed the draft letter one sentence at a time to further edit it and finalize it for remittance to the Council. Hearing no additional suggestions for editing the letter, Jane Evans motioned to approve the group edited letter with minor edits and John Brewer seconded the motion and it passed unanimously.

Jeremy thanked Lori Larson for her efforts to refine the letter from the AAC. Ben Butler said he was very appreciative of the contributions from everyone on the editing of the letter. Doug Lechliden said this is an important letter and issue for the agricultural community and he thanked everyone for their input etc.

Agricultural Representatives are needed on the following Boards and Committees

Rustic Roads Advisory Committee-DOT Staff ????

Water Quality Advisory Work Group-DEP Staff Amy.Stevens@montgomerycountymd.gov
Travis Gorleski has requested to serve at the agricultural representative of the WQAWG.

Agricultural Preservation Advisory Board-OAG Staff Mike.Scheffel@montgomerycountymd.gov
Non-Farmer Member-Nick Deluca
Farmer Member-John Fendrick-Replace with Randy Stabler
Farmer Member-Michael Jamison

Agricultural Advisory Committee-OAG Staff Jeremy.Criss@montgomerycountymd.gov

The Administration has not processed an **announcement like the one that is attached** for AAC appointments for over two years. Moving forward, this outcome of delaying will result in all 15 AAC members will need action taken annually on the status of their appointments. This outcome is in conflict with the County Code Chapter 2B as outlined below where the AAC appointments are supposed to be staggered so that only 1/3 of the AAC members would need action taken annually.

Sec. 2B-21. Agricultural Advisory Committee.

(h) *Staff.* The Chief Administrative Officer must provide appropriate staff to the Committee. (2009 L.M.C., ch. 26, § 1; 2010 L.M.C., ch. 49, § 1; 2015 L.M.C., ch. 36, § 1.)

Editor's note—2009 L.M.C., ch. 26, § 2, states: Transition. Section 2B-21, as added by Sec. 1 of this Act, establishes an Agricultural Advisory Committee. This Committee continues the Agricultural Advisory Committee created under Council Resolution 7-1138 and restructured under Council Resolution 8-705. The County Executive may reappoint, subject to Council confirmation, the members of the Agricultural Advisory Committee. **The Executive should continue to stagger the terms of the members of the Agricultural Advisory Committee so that approximately one-third of the terms continue to expire each year.**

Farmer Members- **Announcement is attached and the deadline to apply is April 26, 2023**

Doug Lechlida *Third term expired on 12-31-2022-Replace with Mathew Lechlida*
Susan Butler *Deceased-Replace with Tim Hussmann*
Angie McNally *first term expired on 12-31-2021-Replace with Michael Protas*

Pete Driscoll *second term expired on 12-31-2020-Request Waiver for 3rd term?*
Patrick Jamison *second term expired on 12-31-2020-Request Waiver for 3rd term?*
Eleanor Leak *second term expired on 12-31-2021-Request Waiver for 3rd term?*

James (Russ) Allnutt *second term which will end on 12-31-2025-Request reappointment*
Ben Butler *second term which will end on 12-31 2023-Request reappointment*
Amanda Cather *second term which will end on 12-31-2025-Request reappointment*

Jordan Cissel second term which will end on 12-31-2025-Request reappointment
Jane Evans second term which will end on 12-31-2024-Request reappointment
Lori Larson second term which will end on 12-31-2024-Request reappointment

Non-Farmer Members

Aliza Silver Aliza's 7th term ended on 12-31-2021-Request reappointment
John Brewer John's 1st term ended on 12-31-2021 -Request reappointment
Debra Tropp Debra's 1st term ended on 12-31-2022-Request reappointment

Jeremy said that he will work each eligible member of the AAC to help with the requests for new terms including requests for waivers to serve for a third term. *Please find attached a memorandum from the OAG to the administration helping to justify the requests or waivers to serve a third term for Eleanor Leak, Patrick Jamison, and Pete Driscoll.*

Farm Tire Recycling Program for Montgomery County

The County DEP and DOT are scheduling a farm tire recycling program on Earth Day Weekend for both Saturday and Sunday 9:00 to 2:00 pm.

**Saturday April 22nd – Crabbs Branch Depot
17000 Crabbs Branch Way
Rockville, MD 20855**

**Sunday April 23rd – Poolesville Depot
19200 Jerusalem Road
Poolesville, MD 20837**

****Only farm tractor tires and smaller tires are acceptable – NO OTR solids or wheel loader tires are allowed.**

Jeremy encouraged everyone to gather up their old farm tires to be brought to the two MCDOT Depots for recycling during the earth day weekend recycling event.

Update on the October 2023 Retirement of Jeremy Criss, Director of the Office of Agriculture

The Montgomery County Food Growers Association and Agricultural Advisory Committee remitted the attached letters to the County Executive, CE staff and County Council recommending the process to replace Jeremy Criss.

Jeremy said that he is hopeful the CE will follow the advice and suggestions on the process to replace him as he is retiring later this year. Jeremy said there is a quarterly meeting scheduled on April 20, 2023, with the CE and leaders of the agricultural community and the only item on the agenda is the process of how Jeremy Criss was selected in 1997 as a Merit Employee for the Division Manager of the Agricultural Services Division in the former Department of Economic Development.

Update on the Maryland definition of Community Solar and impact on Montgomery County

The State of Maryland revised the definition of Community Solar to allow up to a maximum of 5 MW as compared to the current threshold of 2MW and here are the specific bills SB0613/HB0908 and the links:

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0613?ys=2023RS>
<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/hb0908?ys=2023RS>

The OAG is hearing from different sources that our farm solar ZTA 20-01 may be revisited since the State definition of Community Solar has been expanded.

Jeremy said the State Community Solar program is migrating away from a pilot program and into a permanent program with the potential of developing up to 5 MW solar fields on farms. The County Zoning Text Amendments 20-01 and 18-01 will need to be amended to allow a solar field in the AR zone for up to 5 MW because the current maximum threshold is up to 2 MW.

Next AAC Meeting is scheduled for May 16, 2023

Upcoming Meetings and Events:

Agricultural Advisory Committee-April 11, 2023

Montgomery Soil Conservation District Board of Supervisors-April 14, 2023

Agricultural Preservation Advisory Board-April 24, 2023

Montgomery County Farm Bureau Board of Directors-May 2, 2023

Agricultural Preservation Advisory Board-May 9, 2023

Montgomery County Farm Bureau Picnic-June 11, 2023