

June 26, 2020

Dear Planning Board Chair Anderson, Vice Chair Fani-Gonzalez, Commissioner Cichy, Commissioner Patterson, Commissioner Verma, Planning Director Wright, and Mr. Mills:

We respectfully petition for a reconsideration of the Planning Board's June 18, 2020 decision to allow synthetic turf to be installed on Ellsworth Drive as part of the Downtown Silver Spring proposal - Project Plan Amendment 91998005C / Site Plan Amendment 81999002M.

We are making this request because new concerns and more detailed information regarding the decision and affecting the public's well-being have been raised since the June 18, 2020 vote. These concerns were not reflected or were not adequately addressed in the Staff Report and during the Planning Board discussion.

The public has the right - and the need - to know more about these issues. The issues go to the very heart of government: people must know that they are being protected by the governmental bodies that serve them. Consideration of these critical issues will give the Planning Board the opportunity to make a truly informed decision on this matter.

In view of the issues previously raised as well as those which have since come to light, the better solution is to eliminate the synthetic turf from the proposal and to require the applicant to implement an environmentally sound alternative - or make no change at all to the surface on Ellsworth.

The following are issues that were not adequately addressed and new concerns:

- **Violation of the County's MS4 Permit.** The installation of synthetic carpet plus use of the adhesive proposed would potentially violate Montgomery County's MS4 Permit as a prohibited "non-stormwater discharge." This issue was unfortunately not considered during the Board discussion or in the staff report. However, the attached letter from the Stormwater Partners' Network (SWPN), raised the issue to the Board. The SWPN is the group of nonprofit and watershed experts who are key interlocutors with DEP on the MS4 Permit. The letter was sent the morning of the Board consideration, but was not reflected in the discussion. To add some detail to the general concern raised in the letter regarding "non-stormwater discharges," please see the [County's last valid MS4 permit \(2014\)](#), Part VI, Section A:

"The discharge of stormwater containing pollutants, which have not been reduced to the MEP, is prohibited...The County shall not cause the contamination or other alteration of the physical, chemical, or biological properties of any waters of the State...that will render the waters harmful to: 1. Public health, safety, or welfare; 2. Domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial use; 3. Livestock, wild animals, or birds; and 4. Fish or other aquatic life."

While “street wash water” is considered an exempt source of non-stormwater discharges “when properly managed,” it is clear that Ellsworth Drive will no longer be a traditional “street” once it is covered with synturf. The plastic blades, adhesives, and solvent-based wash products that will be required to clean it are materially very different from the materials and cleaning products used on ordinary cement or asphalt streets.

No one from the County has assessed that the stormwater facilities under Ellsworth that now protect Sligo Creek would be able to filter the runoff from the adhesives and solvent-based wash products - not to mention any small particulate deterioration of the turf.

- **Non-trivial care and maintenance concerns.** We appreciate Commissioner Cichy’s follow up on these matters, but the discussion was cut short. Otherwise, there was no consideration by the Board or staff given to potential hazards posed by products recommended for the turf’s care, including those described in the Care and Maintenance Manual (which, it appears, will be the legal basis for contractual turf upkeep).

Furthermore, the Planning Board should be aware that some of the cleaning and disinfecting materials may be toxic to our water, according to declarations on the Safety Data Sheet provided by the applicant and the manufacturer.

In one example, the consultant Oculus wrote in a memo to the applicants that he is concerned about vehicular fluid leakage on the turf (presumably from the emergency vehicles and delivery trucks that will be allowed). He referred to the instruction in the Care and Maintenance Manual, which recommends using mineral spirits or dry cleaning fluid. The Board and staff never commented on the fact that it is illegal to put these substances on our streets and down our storm drains.

- **How hot will the synthetic turf on Ellsworth get?** The applicant’s consultant has provided a shade map but not a temperature map. The applicant’s consultant has “guessed” that the synthetic turf would be around 10 degrees hotter than the current asphalt. This is an important question for people using the space and for Sligo Creek. To answer this question, we request that a square sample of the actual material be provided to our watershed groups in order to help determine heat impacts at this location, based on FLIR thermal and infrared equipment.
- **Does SYNLawn’s SYNTipede 343 contain perfluorinated chemicals, such as PFOA and PFOS or other per- and polyfluoroalkyl substances (PFASs)?** This issue had been raised by numerous speakers and in correspondence for the June 18 hearing, the Planning Board, staff, or the applicant never answered this question. It is critical that we not approve a product with PFAS chemicals that drains into Sligo (or any other) Creek. We are requesting a sample of the material in order for there to be independent testing.
- **What is the DPS-ROW view on the product’s flammability ?** In March 2020, DPS and MCDOT stated they would oppose synthetic turf because it was flammable unless the Council voted that Ellsworth Drive would be abandoned. In May 2020, DPS repeated its

opposition to allowing synthetic turf on Ellsworth but did not use the word “flammable.” Is the material flammable or not? If not, what are the chemicals that have been added to the material to make it flame retardant?

- **Many of the product’s durability claims are unsubstantiated.** Where is the supporting evidence that the SynLawn product is actually “vehicle certified,” as represented to DPS by the applicant’s consultant? Where is the evidence that the turf can handle traffic related to events in this location without dramatic loss of product life, particularly since the manufacturer only recommends it for landscaping, lawns, pets, playgrounds and golf?
- **The applicant has not provided recycling plans.** How and where will this material be recycled at the end of its limited lifespan? The applicant’s slide only indicated the material was “safe for landfills” and “can be processed and used as a combustible fuel.”
- **“Do no harm.”** In the discussion and applicant filings, no reason was provided why artificial turf must be installed in this location and why potential alternate surface treatments that are safe for people and the environment would not be possible. Even the requirement adopted by the Planning Board on June 18 that an alternative to synthetic turf be devised by the applicant in case the Council did not adopt AB-771 was never explained.

We urge you to reconsider this matter based on the new or more fully articulated information in this letter. We remind you that many organizations that work to protect people, children, pets, air and water are strongly opposed to synthetic turf, including the proposed Ellsworth installation. We also point you to this Facebook post, with a large portion of the comments being in opposition to synthetic turf. The majority of these comments came from individuals who have no affiliation with the groups that testified; they are representative of the opinions in the community. <https://www.facebook.com/MoCoShow/posts/2773916349378973>

Thank you.

Kit Gage, Advocacy Director, Friends of Sligo Creek
Eliza Cava, Co-Chair, Stormwater Partners Network, and Director of Conservation, Audubon Naturalist Society
Amanda Farber, Conservation Montgomery
Sheldon Fishman, Safe Healthy Playing Fields, Inc
Anne Vorce, Silver Spring