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Aug 22, 2025, 11:22:47 AM

**to** STUART KOHN, councilmail@howardcountymd.gov, Calvin Ball

FYI,

The Howard County Citizens Association, HCCA continues to be very involved with communities concerns about the Board of Appeals (BoA). In the last several months with both Highland residents who are unfortunately have a GoKart track in their community and residents of Cedar Creek with the W. R. Grace Plastic Incineration Facility in their backyard. See below regarding the BoA Hearing conducted yesterday and a Press Release. You can review the Hearing Examiner's Decision and Order about the case by clicking [here](#). In particular refer to pages 18 and 19 whereby the Hearing Examiner states major issues with the Department of Planning and Zoning's (DPZ) investigation of potential violations by W.R. Grace.

The Manor Lane community has vigorously raised their major concerns as reported on this Listserve regarding potential violations with a farm conducting public events which is drastically disturbing their neighborhood concerning traffic and noise. In fact their latest battle is an Administrative Appeal Petition of DPZ response letter dated May 28, 2025 to BA 806D Decision & Order to be heard by the Hearing Examiner's on 9 September.

We do commend DPZ for their decision regarding the Go Kart Facility. They stated, in their Technical Staff Report that Go Kart racing is not listed as a permitted activity, nor should it be in the RR zone. Therefore, they are unable to evaluate the petition for compliance with General Standards in Section 131.0.B of the Conditional Section of the zoning requirements and minimum criteria in Section 131.0.N."

Unfortunately in the case of the Go Kart the Hearing Examiner's decision was overruled by a the BoA which no member is a legal expert by a 3 to 1 vote. It could very well be the same situation when the BoA will make their decision on Thursday 4 September.

To further exacerbate the situation the Highland and Cedar Creek residents have already spent over \$20 and \$30K respectively and counting in legal fees. Part of these expenditures are due to the fact the BoA conducts their Hearings as "De Nova" which is starting cases all over again. In addition, the Hearing Examiner's decision is not supposed to be a part of the proceedings which is ridiculous. The process needs to be revised as soon as possible. For one thing, this would save communities legal fees. **WE ARE HOPING OUR COUNCIL MEMBERS WILL TAKE THE INITIATIVE TO AMEND THE PROCESS.** I have been told on 29 September the Council will be conducting a Work Session to discuss the BoA revised Rules of Procedure which hasn't been revised in 35 years. As previously reported HCCA has been extremely involved with this exercise. Perhaps Council Members will discuss the BOA process in their Work Session. We believe their constituents would Appreciate the effort.

**The "Grace" Board of Appeals Hearing - 21 Aug**

[https://howardcounty.granicus.com/player/clip/6354?view\\_id=6&redirect=true](https://howardcounty.granicus.com/player/clip/6354?view_id=6&redirect=true)

## Press Release

### ***Howard County Residents Silenced By Board of Appeals Chair's Order on Plastic Incineration Facility Residents Raise the Alarm at Community Speak Out!***

Columbia, MD — Howard County residents are alarmed and outraged by an order issued Monday morning by the Howard County Board of Appeals (BOA) Chair, Gene Ryan, limiting their plastic incineration facility legal fight. The order has taken residents off guard in their year long battle to halt the W.R. Grace planned plastic incineration pilot project located on Grace Drive in Columbia, Maryland. Residents will speak out tomorrow morning at 8:30 a.m. in front of the George Howard Building in Ellicott City to raise the alarm about this order, which many community members believe is unlawful.

On August 18, 2025, the Howard County Board of Appeal Chair issued an order (Case BA-813D) that significantly narrows what residents may testify about in the zoning complaint about the W.R. Grace plastic incineration facility before the Board. The decision excludes discussion of future risks and past harms, limiting arguments only to whether there was a presently existing use violation in September 2024 and rejecting all review of pulled or applied-for permits or ongoing construction for a pyrolysis pilot plant. The case is before the BOA and will be heard Thursday, August 21<sup>st</sup>, beginning at 9:00 a.m. in the George Howard Building.

Based on the BOA Chair's order, the appeal will now be limited to only operations that were current as of September 2024 and disallows any evidence based on any planned future activities, including the operation of W.R. Grace's planned plastic pilot facility. Under this order, Howard County residents concerned about plastic incineration in their neighborhoods will not be able to present the full scope of their arguments before the HoCo Board of Appeals this Thursday.

Sara Morrell, a plaintiff in the zoning complaint before the Board Appeals is alarmed and outraged by Chairman Gene Ryan's decision. "By blocking us from presenting any evidence, this order silences our community." Ms. Morrell and her husband, Aidan Morrell, are residents of Cedar Creek, the neighborhood that abuts the W.R. Grace campus and are the key plaintiffs in the zoning case. Ms. Morrell added "it also goes directly against the [Howard County] Hearing Examiner's [June 30<sup>th</sup>] recommendation that the Department of Planning and Zoning needs to conduct a thorough investigation before this project moves forward." The Morrells have a daughter with a pulmonary disease and have been leading the zoning fight against W.R. Grace. "Instead of ensuring a fair and lawful process, Mr. Ryan has short-circuited it entirely before we even got started— shutting the door on evidence, shutting out the public, silencing our voice, and setting the stage for W.R. Grace to advance without the proper investigation that should have been required from the beginning, and which the Hearing Examiner had correctly stated was lacking." [See Hearing Examiner's Decision & Order, June 30<sup>th</sup>, 2025, page 18 & 19.] As a mom, Ms. Morrell is deeply concerned about the potential health impacts of this polluting facility on not only on her own child, but on all children. "This process is unlawful, fundamentally flawed, and a betrayal of the responsibility the Board of Appeals has to protect the public interest and community health."

The Howard County BOA has suggested that environmental oversight falls to the Maryland Department of the Environment (MDE). But advocates stress that MDE is not responsible for local zoning rules. "It's DPZ role to protect local communities," said Lisa Krausz, co-facilitator of the Stop Grace Coalition, a grassroots group that works to keep the community informed about this planned plastics facility.

Golash Adady, whose house is 260 feet from the proposed plastic facility, believes that the BOA is refusing to let the community speak about the future activities of W.R Grace, and that by doing so, they are also ignoring the past abuses of W.R. Grace: “This company has poisoned children in other communities across the country. Families in Howard County should not have to wait until it happens here before our concerns are heard.”

Many community members believe this order is unlawful because the BOA Chair order is an interpretation which contradicts the HoCo Hearing Examiner’s ruling. According to BOA Chair Ryan, Howard County residents must wait until W.R. Grace operates the plastic incineration pilot plant before it can be challenged. Yet, DPZ already approved the zoning status for the future use of the plastics facility, but the public is banned from commenting on it until after it is operational.

Stu Kohn, President of the Howard County Citizen’s Association (HCCA) is concerned about the BOA Chair’s order. Mr. Kohn has served as the HCCA President since 2014. He referenced Abraham Lincoln when speaking about this project: “My great concern is not whether you have failed, but whether you are content with your failure.” More specifically, he added, “the Board of Appeals will indeed fail by allowing W. R. Grace to operate a plastic factory without proper inspection from those who are supposed to oversee safety and health for the protection of community’s concerns.”

The Stop Grace Coalition is hosting a [Community Speak Out](#) tomorrow morning at **8:15 a.m. before the Board of Appeals Hearing (Thursday, August 21st) in front of the George Howard Building** (Banneker Room, 3430 Courthouse Drive, Ellicott City, MD). In additions to having speakers, the group will have coffee and donuts to make the early morning wake-up easier. The BOA Zoning Hearing will begin at 9:00 a.m. addressing complaints about the proposed plastic incineration facility.

On June 30<sup>th</sup>, a Howard County Hearing Examiner sided with residents and reversed the Department of Planning and Zoning’s (DPZ) approval of W.R. Grace’s plastic incineration project’s zoning status and sent the case back to DPZ for a better assessment of the community impacts. You can read a copy of the Hearing Examiner’s decision [here](#). W.R. Grace appealed this decision to the HoCo Board of Appeals on July 15<sup>th</sup>. The community’s legal fight to halt the plastic incineration project is funded through a GoFundMe campaign.

Stu Kohn  
HCCA President

Cc: County Council and Executive