



CASE SUMMARY REPORT

Case Number: 20242342
Lead Investigator: Ekstrom, Gretchen
Case Type/Sub-Type: Ambient Air - Open Burning - Unpermitted
Date Opened - Date Closed: 2024/09/23 - 2024/12/23

Description:

Case Description From 311: SR Open date :09/21/2024 06:3: Attn: DEP; no burn permits

There are several fires lit on this property for The Field of Screams. The smoke and fumes are objectionable, and the fires are seemingly unpermitted. Objectionable smoke and fumes are prohibited under their conditional use documents as well., 1575878822 : Smoke from fires coming from property, 1577311770 : I am so thankful to DEP for recently inspecting the fires at OBGC, and confirming they are safe. That is reassuring.

Having said that, the smoke from all of the dozens of fires is over the top and making it difficult to enjoy being outside. Perhaps it's the topography but the smoke just flows into our yard. We ask that someone visit our home to experience this, as being forced to close our windows to avoid the smoke for the duration of fall is imbalanced from a neighborhood perspective., 1577368993 : Strong odor of smoke outside our home - likely caused by Field of Screams close to where we live. Seems excessive., 1578373821 : Multiple large bonfires being burned at the Field of Screams event are creating a bothersome amount of smoke settling over our yard and home. We are concerned about fire safety given the proximity to our dry cornfield and our forest during the current drought conditions. On multiple occasions the fires have been left to burn out unsupervised at the end of the event. The form will not recognize the address of the event, which is 4501 Olney-Laytonsville Rd. Olney

Contacts:

Contact Type	Contact Name	Company	Contact Info	Address
CaseLocation	Scott, Brad	Olney Boys and Girls Club Inc.	301-570-7049	4501 Olney Laytonsville Rd , OLNEY -20832
Contactors	Cundick, Joel			4108 Brookeville Rd , BROOKEVILLE -20833
Contactors	Korson, Nikki		(301) 221-5712	4106 BROOKEVILLE Rd , BROOKEVILLE -20833
Contactors	Owens, Caragh		(301) 367-1102	4104 Brookeville Rd , BROOKEVILLE -20833
Contactors	Smith, Lenny			4412 Brookville Rd , BROOKEVILLE -20833
Contactors	Smith, Taylor Smith		(301)775-1422	4112 Brookeville Rd. , Brookeville -20833
Suspects	Mclaren, Kevin	U. S. Lawn Services, Inc.	(301)570-1408	16613 NORBECK FARM DR P.O. Box #, OLNEY - 20832
Investigator	Ekstrom, Gretchen	MC DEP	240-777-7750	2425 Reedie Drive Fourth Flo, SILVER SPRING -20902

History:

Action	Investigator	Action Date
Close Case	EKSTRG01	12/23/2024 9:02:12 AM

Description

DEP received complaints concerning fire pit usage at Olney Boys and Girls Club. Recreational fire are allowed under the Air Quality Ordinance, Chapter 3. I confirmed that OBGC had recreational fires.

Exhibit 74 - S2385



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

Case Number: 20242342

Action	Investigator	Action Date
Close Case	EKSTRG01	12/23/2024 9:02:11 AM

Description

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Close Case	EKSTRG01	12/23/2024 9:02:11 AM
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Close Case	EKSTRG01	12/23/2024 9:02:11 AM
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Description

DEP received complaints concerning fire pit usage at Olney Boys and Girls Club. Recreational fire are allowed under the Air Quality Ordinance, Chapter 3. I confirmed that OBGC had recreational fires.

Contact Communication	EKSTRG01	12/6/2024 11:27:00 AM
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Description

Text message from Mr. McClaren with link to a firepit with chimney:

Hi Gretchen,
I read the MD state definition of open air burning, the definition states burning with a chimney is NOT open air burning. Is my reading of the definition correct?

Is the attached wood burning unit NOT considered open air burning?

Thank you in advance for your help. We are trying to come up with a solution for a possible state wide open air burning ban in the future.
...Kevin

I responded with: I cannot speak to the MD state definition. You would have to contact DNR, 410-260-8367. I must rely on the definition in Chapter 3. I recommend you look at propane fire pits.

He requested the Chapter 3 definition which I sent a screenshot of it.

Contact Communication	EKSTRG01	12/5/2024 11:38:00 AM
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Description

OBGC has been told by DPS that they can't use the firepits without a special events permit.

Office Research	EKSTRG01	11/19/2024 11:57:00 AM
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Description



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Action	Investigator	Action Date
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SDAT Property:

District - 08 Account Number - 03087577

Owner Information

Owner Name: OLNEY BOYS & GIRLS CLUB INC

Mailing Address: PO BOX 2

OLNEY MD 20830-0002

Location & Structure Information

Premises Address: 4501 OLNEY LAYTONSVILLE RD

OLNEY 20832-0000

SDAT Business:

Department ID Number: D00283259

Business Name: OLNEY BOYS AND GIRLS COMMUNITY SPORTS ASSOCIATION, INC.

Principal Office: 4501 OLNEY LAYTONSVILLE ROAD

OLNEY MD 20832

Resident Agent: BRAD SCOTT

4501 OLNEY-LAYTONSVILLE ROAD

OLNEY MD 20832

Contact Communication	EKSTRG01	11/2/2024 11:51:00 AM
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Description

Email to Kevin on bcc line. A text was sent as well:

All,

Maryland Department of Natural Resources has issued a statewide burn ban. You may not have fires tonight.

<https://news.maryland.gov/dnr/2024/11/01/maryland-department-of-natural-resources-enacts-statewide-burn-ban/>

Gretchen

Update Contact Description	EKSTRG01	10/31/2024 11:23:49 AM
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Description

Contact Description updated from :CONFIDENTIAL COMPLAINANT to CONFIDENTIAL - request made 10/31/24

Update Contact Description	EKSTRG01	10/31/2024 11:22:27 AM
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Description

Contact Description updated from : to CONFIDENTIAL COMPLAINANT

Update Contact Description	EKSTRG01	10/28/2024 8:16:32 AM
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Description

Contact Description updated from : to Complainant SR 1578373821, 8:45pm, 10/25/24

Add Contact to Case	EKSTRG01	10/28/2024 8:15:31 AM
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Description

Contact Smith,Taylor Smith -(301)775-1422 Added to the Case

Contact Communication	EKSTRG01	10/25/2024 11:11:00 AM
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Description

The Fire Marshal responded that DPS had staff on site in the past week at closing. The fire pits were extinguished at the end of the evening.



CASE SUMMARY REPORT

Case Number: 20242342

Action	Investigator	Action Date
Update Contact Description	EKSTRG01	10/25/2024 7:44:01 AM

Description

Contact Description updated from : to 10/24/24 complainant

Add Contact to Case	EKSTRG01	10/25/2024 7:43:48 AM
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Description

Contact Smith,Lenny - Added to the Case

Contact Communication	EKSTRG01	10/24/2024 8:15:00 PM
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Description

Email request for the case file:

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Thursday, October 24, 2024 8:13 PM
To: Heller, Joanne <Joanne.Heller@montgomerycountymd.gov>
Cc: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: Case file

[EXTERNAL EMAIL]

Hi Joanne,

Please email me a copy of the case file for:
Olney Boys & Girls Club (OBGC)
4501 Olney Laytonsville Rd,
Olney MD 20832.

Thank you for your help.

Best Regards,

Kevin McLaren
(301) 252-1289
kmclaren@greeneearthinc.com

Contact Communication	EKSTRG01	10/24/2024 7:29:00 PM
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Description

Email with photograph of smoke next to the berm:

From: Lenny Smith <lensmithcp@gmail.com>
Sent: Thursday, October 24, 2024 7:29 PM
To: Martin, Steve <Steve.Martin@montgomerycountymd.gov>
Subject: Obgc fires

[EXTERNAL EMAIL]

Good evening, I'm concerned about the bonfires at OBGC tonight. There is an active advisory about fire danger from the weather service. They leave the fires burning when they leave at night.

Lenny Smith



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

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Case Number: 20242342

Action	Investigator	Action Date
Contact Communication	EKSTRG01	10/24/2024 7:15:00 PM

Description

Kevin McLaren texted at 7:15pm:

Hi Gretchen,
Sorry I missed you tonight. Did you receive another complaint from the neighbor? Is everything okay?Kevin

Kevin McLaren called at 7:28pm as I was driving:
We discussed my visit. DEP continues to receive complaints about the fires. I was doing a site visit to determine if there was any recommendations I could make to reduce the smoke. I didn't have any recommendations the time. I wanted to speak with my supervisor first. The fires are started with Duraflame logs starting at 4:30pm. I spoke with Mark, Kurt, and Nick. Mr. McLaren wanted to know who was complaining about the fires. I suggested he ask for the case file because I didn't know the status of the confidentiality of the complainants.

Field Investigation	EKSTRG01	10/24/2024 6:15:00 PM
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Description



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Site visit by Gretchen Ekstrom. I parked in the lot closest to the fire pit area. I smelled wood smoke when I exited my vehicle, approximately 900 feet from the center of the fire pit area. I photographed smoke rising from the fire pits as I walked toward the fire pit area. The smell of smoke came and went. The smoke was rising up at a 30' angle. I observed a slight wind coming from the southwest. (The wind is blowing in the direction of the 4100 block of Brookeville Rd.)

I met Kurt on the way. He is the general handyman. He pointed me toward Mark Nicosia, SHP night boss, 301-785-1794. Mark stated that there are 25 fires pits. (I confirmed there are 25 fire pits for guests.) He didn't know that DEP was receiving complaints about the smoke. He stated that there have been individuals on the berm taking photographs and calling the county about everything. He mentioned a complaint about serving alcohol which they don't and the distance of the hand sinks from the port-a-potties which is within regulation. Mark pointed out the three fire attendants standing around the 26th fire pit.

I spoke with one fire attendant, Nick. He has been working for SHP for 12 years. They are taking the firewood from under the west end of the covered area. (photograph) They start lighting fires at 4:30pm with Duraflame logs. There is a new pallet of Duraflame logs that was delivered since my last visit. I asked about the smoke from the fires. He stated that there is more smoke when the pile falls over and he would check on those fires. Nick pointed out the fire extinguishers mounted on poles around the fire pits. They have wheelbarrows loaded with firewood to replenish the fires.

I walked around the fire pits. There are customers sitting around the fires roasting marshmallows and chatting. A staff member is walking around in a costume.

I observed that 2/3 fires were producing more smoke. The firewood was piled in a triangle and burning very hot. Most of the fire pits had flames and not smoldering coals. The fire pit where the firewood had fallen over was smokier then the others.

I continued to see smoke rising straight up or at a slight angle.

I counted six fire extinguishers around the fire pit area. All were new.

The berm is blocked off so I couldn't climb it to determine if the smoke was going over the berm. I walked along the berm starting at the east end. While standing at the east end, I smelled wood smoke on and off but also cooking odors. I noted the voice from the scarecrow was too low for me to understand the words. A flock of geese in the field to the east were louder than the patrons' screams.

I walked north along the berm. The smoke was most notable just north of the wood shed where the berm is low. I noted that the wood was not "popping" (indicating dry wood) and not all the fires were smoking.

I couldn't smell strong smoke odors at the north end of the berm where the berm is the tallest.

I left the fire pit area at approximately 7:15pm after making one last circuit of the fire pit area.

I observed a boombox at the entrance where customers are searched before entering (security guards are using a wand to search for metal objects). The boombox was playing Michael Jackson's Thriller at a low volume.

I spoke with John Moriarty, head of security, in the parking lot. He is a 20 year volunteer. He stated that the climate around the event has changed with the changes in the neighboring property ownership.

Contact Communication	EKSTRG01	10/21/2024 1:10:00 PM
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Description



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Action	Investigator	Action Date
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Email from complainant with photographs:

From: Nikki Korson <nikkikorson@gmail.com>
Sent: Monday, October 21, 2024 1:10 PM
To: Martin, Steve <Steve.Martin@montgomerycountymd.gov>
Subject: Re: Field of Screams - Smoke Odor and Haze

[EXTERNAL EMAIL]

Hi Steve,

Happy Monday! Thanks for visiting us, much appreciated!

Here's a few photos of a few hours before you came.

It seems like the fire and smoke fumes are strongest when the fires are first lit (makes sense they are probably biggest then). You can smell it inside my house if the windows are open. We have been closing them this season. It's just overkill. One recreational fire is one thing, but dozens within a few feet of eachother is not really how I think recreational fires are designed to be measured and implemented.

Perhaps fewer fires until zoning weighs in might be a useful compromise. The amount of smoke is smelly and disruptive. Honestly I normally enjoy the smell of bonfires but this is too much. The dog comes in reeking of smoke, can't leave the windows open, and its not permissible use under zoning as we've discussed. This isn't what we signed up for in this corridor.

Caragh's horse barn is the real issue (the building featured in this photo), but I will let you confirm her experience directly with her. Those poor animals.

As an aside, it is very difficult to photograph smoke and fog at night, or even at sunset as I'm sure you can imagine. This photo doesn't really do it justice.

Thanks,
Nikki

Contact Communication	MARTIST	10/21/2024 1:03:00 PM
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Description

From: Martin, Steve
Sent: Monday, October 21, 2024 1:02 PM
To: nikkikorson@gmail.com
Subject: Field of Screams - Smoke Odor and Haze

Nikki,

In response to your recent service request, I visited your cul-de-sac on Friday, 10/18/24, at 8:25 p.m. to check for smoke odors and haze. At the time of my visit, I did not detect any wood smoke odor or see any haze.

Did you observe any issues with smoke or haze this past weekend, and if so, what nights and times?

Thanks.

Steve Martin
Environmental Compliance Supervisor
Department of Environmental Protection

Field Investigation	MARTIST	10/18/2024 8:25:00 PM
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Description



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Protection Division of Environmental Policy and Compliance

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I made a site visit on Friday, 10/18/24, at 8:25 p.m. to check for smoke odor and haze at the cul-de-sac where Nikki Korson lives. I stopped my vehicle, exited, and walked around the cul-de-sac and did not detect any smoke odor or observe any haze. Also, no noise from the Field of Screams attraction could be heard.

Update Contact Description	MARTIST	10/14/2024 8:46:39 AM
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Description

Contact Description updated from : to Complainant SR 1577368993 10/11/2024 09:59:33 PM

Add Contact to Case	MARTIST	10/14/2024 8:46:05 AM
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Description

Contact Cundick,Joel - Added to the Case

Contact Communication	MARTIST	10/14/2024 8:46:00 AM
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Description

Received two new SRs alleging excessive smoke from bonfires at Field of Screams. The SRs were submitted on 10/11/24 by Nikki Korson and Joel Cundick.

Contact Communication	EKSTRG01	10/10/2024 10:26:00 AM
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Description

ECCD reached out to OCA for clarification on the use of fog machines. OCA responded that fog machines are allowed under the Air Quality Ordinance.

Contact Communication	EKSTRG01	10/9/2024 3:42:00 PM
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Description

Email conversation between complainant and Steve Martin:

From: Martin, Steve <Steve.Martin@montgomerycountymd.gov>
Sent: Wednesday, October 9, 2024 3:42 PM
To: Caragh Fay <caraghfay@gmail.com>
Cc: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: RE: OBGC- Field of Screams

The code contains no reference to the number of recreational fires that may be conducted. Recreational fires are allowed without prior approval of DEP.

I have inquired with the County Attorney's Office regarding fog from fog machines.

Steve Martin
Environmental Compliance Supervisor
Department of Environmental Protection
2425 Reddie Dr., 4th Floor
Wheaton, MD 20902
Office: 240-777-7746

From: Caragh Fay <caraghfay@gmail.com>
Sent: Wednesday, October 9, 2024 1:32 PM
To: Martin, Steve <Steve.Martin@montgomerycountymd.gov>
Cc: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: Re: OBGC- Field of Screams

[EXTERNAL EMAIL]

So just to clarify you are saying that they are allowed to have 30 fires every friday and saturday night from 6pm to 10 pm with over 2,000 people walking around the fires (with no permit), and they are allowed to have a commercial grade fog machine going at the same time causing smoke and fog to build up and flow into my barn?



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I just want to make sure I understand your position.

Caragh Owens

On Wed, Oct 9, 2024 at 1:11?PM Martin, Steve <Steve.Martin@montgomerycountymd.gov> wrote:
Dear Caragh,

DEP has not permitted OBGC or SHP Corp for any activities at 4501 Olney Laytonsville Rd. A DEP staff member inspected the property in response to allegations of large bonfires at this location. The inspection found they are using commercially manufactured fire bowls, which are allowed in Montgomery County and are classified as recreational fires, which do not require a burn permit from DEP.

Only dry, aged wood may be burned in a recreational fire. It was verified that the facility uses dry, aged wood stored on pallets under cover per the EPA's best wood-burning practices.

If you would like to discuss this further, my schedule is open on Thursday, 10/10/24. Please get in touch with me at the number below.

Steve Martin
Environmental Compliance Supervisor
Department of Environmental Protection
2425 Reddie Dr., 4th Floor
Wheaton, MD 20902
Office: 240-777-7746

From: Caragh Fay <caraghfay@gmail.com>
Sent: Tuesday, October 8, 2024 5:59 PM
To: Martin, Steve <Steve.Martin@montgomerycountymd.gov>; Ekstrom, Gretchen
<Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: OBGC- Field of Screams

[EXTERNAL EMAIL]

Hello Mr. Martin- I was wondering if you could take the time to speak to me sometime this week about the Field of Screams. I am a concerned neighbor who lives on the back side of the Field of Screams property. (Yes, you can see my house when you stand on the berm, I suggest you walk to the left.)
I have horses and a horse barn. I am not sure if it is simply the use of the fire pits or the mix of the fire pits along with a commercial grade fog machine releasing toxins but there is an excessive amount of smoke that flows into my barn at night from the Field of Screams.
I would like to understand why OBGC and SHP Corp, Inc is allowed by your department to get a permit in an agricultural area beyond the normal time limitations according to COMAR and in violation of their "special exception".
Please let me know what dates and times you would be available for a call.

Thank you

Caragh Fay
Fay Law Group, P.A.
6205 Executive Blvd
North Bethesda, MD 20852
202-589-1300
www.FayLawPA.com

Contact Communication	EKSTRG01	10/8/2024 5:59:00 PM
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Description



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Action	Investigator	Action Date
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Email from complainant:

From: Caragh Fay <caraghfay@gmail.com>
Sent: Tuesday, October 8, 2024 5:59 PM
To: Martin, Steve <Steve.Martin@montgomerycountymd.gov>; Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: OBGC- Field of Screams

[EXTERNAL EMAIL]

Hello Mr. Martin- I was wondering if you could take the time to speak to me sometime this week about the Field of Screams. I am a concerned neighbor who lives on the back side of the Field of Screams property. (Yes, you can see my house when you stand on the berm, I suggest you walk to the left.)

I have horses and a horse barn. I am not sure if it is simply the use of the fire pits or the mix of the fire pits along with a commercial grade fog machine releasing toxins but there is an excessive amount of smoke that flows into my barn at night from the Field of Screams.

I would like to understand why OBGC and SHP Corp, Inc is allowed by your department to get a permit in an agricultural area beyond the normal time limitations according to COMAR and in violation of their "special exception".

Please let me know what dates and times you would be available for a call.

Thank you

Caragh Fay
Fay Law Group, P.A.
6205 Executive Blvd
North Bethesda, MD 20852
202-589-1300
www.FayLawPA.com

Contact Communication	EKSTRG01	10/8/2024 9:11:00 AM
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Description



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Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

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Action	Investigator	Action Date
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Email conversation between complainant and DPS:

From: Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>
Sent: Tuesday, October 8, 2024 9:11 AM
To: Nikki Korson <nikkikorson@gmail.com>
Cc: Allen, Christopher <Christopher.Allen@montgomerycountymd.gov>; Caragh Fay <caraghfay@gmail.com>; Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>; Martin, Steve <Steve.Martin@montgomerycountymd.gov>; Lundy, Cynthia <Cynthia.Lundy@montgomerycountymd.gov>; Marchesani, Michael <Michael.Marchesani@montgomerycountymd.gov>
Subject: RE: 4501 Olney Laytonsville Rd - fire pits (20242342)

Nikki please call me on my cell 240-678-1787.

Greg Nichols
Section Manager, Code Compliance Section
Zoning and Code Compliance Division
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, MD 20902

240-777-6278 T
240-678-1787 C
?? ? Subscribe (and listen) to the DPS podcast.
?? ? Stay connected with the DPS newsletter.

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From: Nikki Korson <nikkikorson@gmail.com>
Sent: Tuesday, October 8, 2024 9:09 AM
To: Nikki Korson <nikkikorson@gmail.com>
Cc: Allen, Christopher <Christopher.Allen@montgomerycountymd.gov>; Caragh Fay <caraghfay@gmail.com>; Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>; Martin, Steve <Steve.Martin@montgomerycountymd.gov>; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; Lundy, Cynthia <Cynthia.Lundy@montgomerycountymd.gov>; Marchesani, Michael <Michael.Marchesani@montgomerycountymd.gov>
Subject: Re: 4501 Olney Laytonsville Rd - fire pits (20242342)

[EXTERNAL EMAIL]
Hi both,

Hope you are well. We are hoping to follow up on the below with Zoning.

Is phone easier?

Best,
Nikki Korson

Contact Communication	EKSTRG01	10/2/2024 4:44:00 PM
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Description



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Email from complainant to DPS:

From: Nikki Korson <nikkikorson@gmail.com>
Sent: Wednesday, October 2, 2024 2:44 PM
To: Allen, Christopher <Christopher.Allen@montgomerycountymd.gov>
Cc: Caragh Fay <caraghfay@gmail.com>; Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>; Martin, Steve <Steve.Martin@montgomerycountymd.gov>; Nichols, Greg <Greg.Nichols@montgomerycountymd.gov>; Lundy, Cynthia <Cynthia.Lundy@montgomerycountymd.gov>; Marchesani, Michael <Michael.Marchesani@montgomerycountymd.gov>
Subject: Re: 4501 Olney Laytonsville Rd - fire pits (20242342)

[EXTERNAL EMAIL]

Hi Mr Nichols and Ms Lundy,

We hope this finds you well.

Can we please follow up on the below? There is confusion as to how fires can be permitted on a property that is not permitted to omit objectionable fumes under their Special Exception (fumes/smoke that have been well documented as objected to).

With thanks,
Nikki
Sent from my iPhone

Contact Communication	EKSTRG01	10/2/2024 2:20:00 PM
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Description

Ekstrom reached out to DPS who supplied the updated FCC permit for the 30 fire pits.

Contact Communication	EKSTRG01	9/26/2024 2:55:00 PM
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Description

Email from complainant:

From: Nikki Korson <nikkikorson@gmail.com>
Sent: Thursday, September 26, 2024 2:55 PM
To: Caragh Fay <caraghfay@gmail.com>
Cc: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>; Martin, Steve <Steve.Martin@montgomerycountymd.gov>; Allen, Christopher <Christopher.Allen@montgomerycountymd.gov>
Subject: Re: 4501 Olney Laytonsville Rd - fire pits (20242342)

[EXTERNAL EMAIL]

Hi Gretchen,

Thank you for the update. At the very least, it is reassuring to know the fires are safely being managed and the large central bonfire has been discontinued. This operation opens this Friday.

I do however echo Caragh's inquiry. The zoning guardrails on this property are spelled out in a Special Exception which precludes fumes. How can a permit be issued for 30 fires given the smoke that is permeating our properties and adjacent barns in direct contradiction to that?

Best,
Nikki Korson
Sent from my iPhone

Contact Communication	EKSTRG01	9/26/2024 12:23:00 PM
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Action	Investigator	Action Date
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Description

Email from complainant:

From: Caragh Fay <caraghfay@gmail.com>
Sent: Thursday, September 26, 2024 12:23 PM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: Re: 4501 Olney Laytonsville Rd - fire pits (20242342)

[EXTERNAL EMAIL]

The smoke from the fires crosses the boundary line and impedes my property at 4104 brookeville rd brookeville md and i believe my neighbors reported it as well.

Caragh

Contact Communication	EKSTRG01	9/26/2024 9:25:00 AM
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Description



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Email from complainant and my response:

Ms. Owens,

The Department of Environmental Protection does not enforce conditional use authorizations. Please contact the Department of Permitting Services.

Under the Air Quality Ordinance, recreational fires are allowed. The Ordinance does not restrict recreational fires based on land use.

The County tracks all requests for information. You may request a copy of my case file by sending an email to Ms. Heller, Joanne.Heller@montgomerycountymd.gov, and requesting case file 20242342.

Request for records from the Department of Permitting Services may be made to:

MPIA Contact:

Gail Lucas

Division Chief (Customer Support and Outreach)

Montgomery County Department of Permitting Services

2425 Reddie Drive, 7th Floor

Wheaton, MD 20902

240-777-6267

Gail.Lucas@montgomerycountymd.gov

Regards,

Gretchen Ekstrom

Gretchen F. Ekstrom, REHS/RS

Licensed Environmental Health Specialist

Energy, Climate, and Compliance Division

2425 Reddie Dr, 4th Floor, Wheaton, MD 20902

m: 240.832.8010

o: 240.777.7750

e: gretchen.ekstrom@montgomerycountymd.gov

From: Caragh Fay <caraghfay@gmail.com>

Sent: Wednesday, September 25, 2024 10:45 AM

To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>

Cc: Martin, Steve <Steve.Martin@montgomerycountymd.gov>

Subject: Re: 4501 Olney Laytonsville Rd - fire pits (20242342)

[EXTERNAL EMAIL]

Hi Gretchen- thank you for getting back to me.

I would like to note that the property is zoned agricultural and there is a special exception for the use of this property and the special exception states that they are not allowed to cause "fumes".

Can you please send me a copy of the permits that obgc or SHP has gotten for the fire pits?

Caragh Fay Owens

Sent from my iPhone

Issue Case Document	EKSTRG01	9/25/2024 10:35:09 AM
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Description

Document Type: Documents Received

Contact Communication	EKSTRG01	9/25/2024 10:32:00 AM
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Description



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

Case Number: 20242342

Action	Investigator	Action Date
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Email from Kevin McLaren with dimensions of fire pit (34"x34"):

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Wednesday, September 25, 2024 10:32 AM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: Re: OBGC Smoke Complaint

[EXTERNAL EMAIL]
Thank you

For your records, the attached is the info on the metal pits that are used

Best Regards,

Kevin McLaren
(301) 252-1289

Contact Communication	EKSTRG01	9/25/2024 10:05:00 AM
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Description

Email to complainants on bcc line with cc to Steve Martin:

Good morning,

The Department of Environmental Protection received your inquiry concerning the use of fire pits at 4501 Olney Laytonsville Rd. I conducted a site visit yesterday. During my visit, the fires were not active. I confirmed that there are 30 commercially available metal fire pits that are situated on cement boards. The wood used for the fire pits is dried seasoned wood kept under a roof to keep it dry.

Under the Montgomery County Air Quality Ordinance, Chapter 3-8(b)(3), recreational fires are allowed. The fire pits at 4501 Olney Laytonsville Rd meet the requirement.

The Fire Marshal has inspected the fire pits as well. The fire pits are included in a DPS FCC Permit, #26294. If you have questions concerning the permit, please contact the Department of Permitting Services, Fire Code Compliance.

Please contact me if you have any questions.

Gretchen Ekstrom

Contact Communication	EKSTRG01	9/25/2024 9:45:00 AM
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Description

Email from Olney Boys & Girls Club and my response:

Kevin,

Thank you for the email. I received FCC Permit 26294 for the Haunted House which includes the fire pits, and the Emergency Action Plan.

I agree with your points concerning the fire pits except for the size. I did not measure the fire pits. The fire itself may not be more than three feet in diameter.

At the time of my inspection, I did not find any violations of the Montgomery County Air Quality Ordinance, Chapter 3. No fires were active during my inspection.

Regards,



CASE SUMMARY REPORT

Case Number: 20242342

Gretchen

Gretchen F. Ekstrom, REHS/RS
Licensed Environmental Health Specialist
Energy, Climate, and Compliance Division
2425 Reddie Dr, 4th Floor, Wheaton, MD 20902
m: 240.832.8010
o: 240.777.7750
e: gretchen.ekstrom@montgomerycountymd.gov

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Tuesday, September 24, 2024 5:08 PM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: OBGC Smoke Complaint
Importance: High

[EXTERNAL EMAIL]
Hi Gretchen,

Was great meeting you today, we have chatted and emailed enough times that it was great to finally meet.

Wanted to follow up on your inspection today.

Please let me know if I have missed anything.

- The fire pits do not require a DEP permit
 - o They are not an agricultural burn nor a ceremonial burn
 - o The fire pits meet the recreational burn requirements & guidelines
- The firewood is stacked and under cover
- The fire pits are metal and less than 3 feet in width
- The fire pits sit on a concrete sheet & are not in contact with any flammable substances
- There is a safety barrier around each fire pit and wooden benches

I have also emailed you the FCC approved permits and the DPS approved fire pit EAP, please confirm that you received the emails.

Please let me know if you need anything else.

Best Regards,
Kevin J. McLaren, President
Green Earth, Inc.
16121 Batson Road, Spencerville, MD 20868
Cell - (301) 252-1289 | Snow - (301) 858-6258
Office - (301) 570-1408 | Fax - (301) 570-0432

Issue Case Document	EKSTRG01	9/25/2024 9:38:58 AM
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Description

Document Type: Documents Received

Issue Case Document	EKSTRG01	9/25/2024 8:14:48 AM
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Description

Document Type: Documents Received

Contact Communication	EKSTRG01	9/24/2024 11:35:00 AM
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Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

Case Number: 20242342

Action	Investigator	Action Date
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Description

Email forwarded by Kevin McLaren from Brian Barnes, Fire Marshal. Note section concerning permitting of fire pits. See document section for permit:

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Tuesday, September 24, 2024 11:35 AM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: Fwd: Field of Screams, 4501 Olney Laytonsville Road

[EXTERNAL EMAIL]

Best Regards,

Kevin McLaren
(301) 252-1289

From: Barnes, Brian <Brian.Barnes@montgomerycountymd.gov>
Sent: Monday, September 23, 2024 10:39:49 PM
To: Kevin McLaren <kmclaren@greeneearthinc.com>
Cc: Marchesani, Michael <Michael.Marchesani@montgomerycountymd.gov>; Allen, Christopher <Christopher.Allen@montgomerycountymd.gov>; Nesta, Brandon <Brandon.Nesta@montgomerycountymd.gov>
Subject: Field of Screams, 4501 Olney Laytonsville Road

Kevin,

Below are the FCC permit numbers that are for the buildings that you have U&O's for. Also listed are the unpaid balances for each permit. You will note two permits below have open U&O's that require attention by both you and Mr. Allen. You may also want to contact a permit tech to make sure that all five FCC's are linked to your account.

Once you have paid the open balances, please let me know so I can work on the finale approval process.

FCC Permit 276831 Hayride Que Cover - \$102.74
FCC Permit 276819 Trail Ride Que Cover - \$102.74 – Open U&O 390107
FCC Permit 276818 Concession Stand - \$205.48
FCC Permit 262394 Haunted House Building - \$2,054.85 The Haunted House Que Cover is not being charged for an FCC permit. It is covered under the Haunted House Building FCC Permit. The Haunted house Que cover is one of the U&O's (365207) that is still open.
FCC Permit 262393 Administration Building - \$308.23

All 30 of the fire pits are approved for use. The general permit for the fire pits is attached to the Haunted House Building. Once the concession stand FCC is approved for use, we will move the general permit for the fire pits to that FCC. The EAP for the fire pits was approved by the department. All employees that are assigned to the fire pit under the EAP plane must be a minimum age of 18 years old.

While I was out doing the inspection with John, I did find several issues that needed to be addressed. Please find attached the open Notice of violation with the issues that need to be corrected. Repairs are expected to be made within 30 days. Once repairs are made, please contact me so I can close the NOV. If you should have an issue with making the repairs within the 30-day period please reach out to me.

If you need help with the above payments and linking all the FCC to your account, please contact Bradon Nesta who is copied above.

If you should have any questions, please feel free to contact me.

Thanks,

Brian Barnes



CASE SUMMARY REPORT

Case Number: 20242342

Fire Marshal I-704

Department of Permitting Services
Division of Fire Prevention & Code Compliance
2425 Reddie Drive 8th Floor
Wheaton, Md. 20902

Cell – 240-620-1814
brian.barnes@montgomerycountymd.gov

Field Investigation	EKSTRG01	9/24/2024 11:15:00 AM
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Description

Site visit by Gretchen Ekstrom. I met Kevin McLaren at the gate and we drove to the Field of Screams which is in the northeast corner of the property.

I observed 30 commercially available metal fire pits on 3/4" cement board. The cement board is 4'x4'. The fire pits are surrounded by a short pressure treated wooded fence.

Mr. McLaren stated:

1. The fire pits are supervised by two adults.
2. There will be six fire extinguishers mounted on the metal poles around the pits.
3. They use dried seasoned firewood from Pogo. I observed the firewood under a roof along the berm.
4. They use Duraflame logs to start the fires when needed. I observed a pallet of Duraflame logs under roof. They also have two pins of kindling/bark as fire starters.
5. The evacuation plan has individuals exiting in all directions if there is an emergency. The EAP was provided. See document section.
6. A berm was build to direct water runoff away from the area and noise mitigation.
7. The fire pits have been included in the FCC permit. Provided. See Document section under FCC permit 262394.

I stood on top of the berm and was unable to see the houses belonging to the complainants. (They are visible if you inspect the photograph. See Image section.)

McLaren asked about compliance. I stated that during my inspection, today, I didn't observe any violations.

Contact Communication	EKSTRG01	9/23/2024 1:11:00 PM
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Description



CASE SUMMARY REPORT

Case Number: 20242342

Action	Investigator	Action Date
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Email with EAP (see below) from Kevin:

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Monday, September 23, 2024 1:24 PM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: RE: 4501 Olney Laytonsville Rd - smoke (20242342)

[EXTERNAL EMAIL]
Hi Gretchen,

Attached is the EAP we submitted to the FM when they came out for the FCC inspections last week.

The FM did not have any concerns or issues with the fire pits.

Best Regards,
Kevin J. McLaren, President
Green Earth, Inc.
16121 Batson Road, Spencerville, MD 20868
Cell - (301) 252-1289 | Snow - (301) 858-6258
Office - (301) 570-1408 | Fax - (301) 570-0432

OBGC Field of Screams
Fire Pit Emergency Action Plan (EAP)
09/19/2024

- Thirty (30) fire pits
- Six (6) fire extinguishers with a rating of 4A80BC strategically placed throughout the fire pit area
 - o All extinguishers are inspected annually
- Two (2) full time fire pit monitors that continuously monitor all fire pits
 - o Start & maintain the fire pits
 - o Extinguish all fire pits with water at the close of the event
- Water hose & fire hydrant are also available on the property
- Minimum of two (2) safety monitors that monitor the areas in and around the fire pits.
 - o Ensure safe & proper conduct of patrons around the fire pits
- There is an EMT onsite during all events.
- There are Montgomery County Police onsite during all events.
- Incident plan;
 - o Call 911
 - o The safety monitors will evacuate everyone to the perimeter of the compound
 - o The fire pit monitors will extinguish the flames with the nearby fire extinguishers
 - o EMT will attend to anyone needing medical attention
 - o Montgomery County Police will assist

Contact Communication	EKSTRG01	9/23/2024 1:11:00 PM
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Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

Case Number: 20242342

Action	Investigator	Action Date
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Description

Kevin called, 301-252-1289. The neighbors want to shut down the event. Every county department has responded to their complaints.

In 2014-2016, Kevin has been work with the Boys and Girls Club to get the property up to code.

Last week, fire marshal came out and gave them the OK . He has worked with Chris Allen, DPS Fire Code Compliance.

Fire pits were added to the fire code compliance permit from DPS. Kevin submitted the EAP for approval.

Private event occurred on Saturday. The event was a media event. Visit Maryland is doing press. He was not there. There were fire pits lit.

There are two managers on site.

I will meet Kevin tomorrow, Gate code [REDACTED]



CASE SUMMARY REPORT

Case Number: 20242342

Action	Investigator	Action Date
Contact Communication	EKSTRG01	9/23/2024 12:58:00 PM

Description

Email from care taker and my response:

Kevin,

Are you available at 12:30pm tomorrow?

Gretchn

Gretchen F. Ekstrom, REHS/RS
Licensed Environmental Health Specialist
Energy, Climate, and Compliance Division
2425 Reedie Dr, 4th Floor, Wheaton, MD 20902
m: 240.832.8010
o: 240.777.7750
e: gretchen.ekstrom@montgomerycountymd.gov

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Monday, September 23, 2024 10:01 AM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: Re: 4501 Olney Laytonsville Rd - smoke (20242342)

[EXTERNAL EMAIL]

Hi Gretchen,

Hope you are well. I am available to meet any day this week, including today. I would be happy to send you pictures of the fire pits & the wood piles.

The FM inspected the fire pits last week, there were no issues. The seasoned wood is sourced from a local arborist, stacked on pallets, and stored under cover.

I would be happy to chat if you would like, (301)252-1289

Best Regards,

Kevin McLaren
(301) 252-1289

Contact Communication	EKSTRG01	9/23/2024 9:09:00 AM
Description		



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

Case Number: 20242342

Action	Investigator	Action Date
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Email to care taker:

Good morning, Kevin,

The Department of Environmental Protection received a complaint concerning wood fires at 4501 Olney Laytonsville Rd. I understand that there is a neighborhood group rallying behind a ban of the property being used for events.

What occurred on Saturday?

I need to make a site visit to check the fire pits and wood source. Do you have time this week to meet me on site?

Gretchen

Update Contact Description	MARTIST	9/23/2024 8:53:23 AM
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Description

Contact Description updated from : to Complainant

Add Contact to Case	MARTIST	9/23/2024 8:53:14 AM
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Description

Contact Owens,Caragh - Added to the Case

Add Suspect to Case	MARTIST	9/23/2024 8:25:57 AM
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Description

Suspects McLaren,Kevin -U. S. Lawn Services, Inc. Added to the Case

Update Contact Description	MARTIST	9/23/2024 8:25:40 AM
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Description

Contact Description updated from : to Complainant

Add Contact to Case	MARTIST	9/23/2024 8:25:32 AM
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Description

Contact Korson,Nikki - Added to the Case

Assign Lead Investigator	MARTIST	9/23/2024 8:23:24 AM
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Description

Assign Lead Investigator

Add Contact to Case	MARTIST	9/23/2024 8:23:24 AM
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Description

ContactNO 107801 Added to the 20242342

Open Case	MARTIST	9/23/2024 8:23:24 AM
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Description

Automatically generated when case first added to database.

Open Date	Close Date	Reason	Case Length	Work Hours	Fiscal Year
2024/09/23	2024/12/23	Unfounded/Unenforceable	91	1:00	2025