COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Ewing

AN EMERGENCY ACT to:
(1) limit the hours of operation of certain quarries and operations located in quarries; and
(2) generally amend the law governing operation of quarries.

By amending
Montgomery County Code
Chapter 38, Quarries
Section 38-17

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Section 38-17 is amended as follows:

38-17. Hours of operation.

(a) (1) Except for blasting activities and as provided in this Section, a licensee must engage in excavation, mining, processing, or materials handling only between 6 a.m. and 6 p.m., Monday through Friday and 7 a.m. and 5 p.m. on Saturday. Blasting must only be conducted between 7 a.m. and 5 p.m., Monday through Friday.

(2) From 6 p.m. to 6 a.m., only administration and maintenance activities are permitted within the license boundary.

(3) A licensee may conduct secondary and tertiary crushing of materials, associated conveyance of materials inside the license boundary, and screening and stockpiling of materials, between 6 p.m. and 8 p.m., Monday through Friday, from April 1 through September 30 of each year.

(4) Only those operations necessary for administration or security of a quarry may be conducted on Sunday.

(5) Activities listed in this subsection are permitted only if sound levels do not exceed the maximum property line sound levels specified in Chapter 31B or other requirements established in this Chapter or by regulation or as a license condition.

[b] The Director may approve extended operating hours for processing and materials handling under the procedures of this subsection.

(1) A licensee may submit an application for extended operating hours at least 12 days before the extended operating hours would begin. The Director must require each applicant to pay a fee, established by regulation under method (3), that is
sufficient to pay the Department's cost of processing the
application, notifying the public, and monitoring the extended
operating hours.

(2) After receiving an application for extended operating hours, the
Director must notify the public and civic associations in each
affected community by direct mail or other means that will
effectively inform them of the proposed extended hours at least
10 days before the extended operating hours begin.

(3) Any person may submit written comments to the Director
before the Director decides whether to approve the extended
operating hours.

(4) The Director may approve extended operating hours only if the
Director finds that:

(A) the applicant has shown substantial public need for the
extended hours; and

(B) the public interest will generally be served by allowing
the extended hours.

(5) The Director may also allow a licensee to load materials on
trucks and haul the materials outside the license boundary
during the extended operating hours if the Director finds that:

(A) the materials are required for work done by or for a
government agency; and

(B) timely completion of the work requires that the materials
be delivered to a work site between 6 p.m. and 6 a.m.

(6) Any approval order must specify the period of time during
which the extended operating hours are effective and any other
conditions of operation necessary to protect the public health, safety, or welfare or the environment.

(7) During extended operating hours, sound levels must not exceed the maximum property line sound levels specified in Chapter 31B or set under Section 38-14(d).

(8) The Director may require additional noise mitigation measures during extended operating hours. These measures may include:

(A) strobe light backup warning devices on mobile equipment during periods of darkness; and

(B) audible warning devices which are adjustable to 5 decibels over ambient background sound, measured 20 feet from the device.

[(c)] [(b) Materials must not be loaded on trucks or hauled outside the license boundary between 6 p.m. and 6 a.m.], except as allowed under subsection (b)(5)].

[(d)] (c) The Director may require additional periodic ambient air quality or noise monitoring during activities allowed under subsection (a)(3) [or extended operating hours authorized under subsection (b)] when necessary to protect the public health, safety, or welfare or the environment.

[(e) Notwithstanding any other provision of this Section, any independent asphalt production and distribution operation that was active within a license boundary before January 1, 1992, may operate from 6 p.m. to 6 a.m. if it complies with all applicable noise, water quality, and air quality requirements under this Chapter. This subsection does not allow any other licensee to operate during those hours.]

Sec. 2. Emergency Effective Date.
The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on the date on which it becomes law.

Approved:

________________________________________  ____________________________
Blair G. Ewing, President, County Council    Date

Approved:

________________________________________  ____________________________
Douglas M. Duncan, County Executive         Date

This is a correct copy of Council action.

________________________________________  ____________________________
Mary A. Edgar, CMC, Clerk of the Council    Date