

DEB'S DISTRICT UPDATE

Deb Jung • District Four

September 2025

Greetings

The lazy days of summer have been swapped for the non-stop schedule of school, sports, and community events. I've been at fundraisers, cultural gatherings, community meetings, town halls, and everything in between. My schedule is packed but I'm thankful that Howard County has so many community groups doing so much good locally.

The last several weeks have been dominated by my concern for the Cedar Creek neighborhood and the surrounding communities that have persevered in their fight against WR Grace's toxin-emitting plastic-burning pilot plant. The zoning violation case appeared before the Board of Appeals starting on August 21 and ending on September 4. It was so frustrating and disappointing to watch the community endure proceedings that were rigged against them from the very start. These appeals cases are so expensive and cause so much distress for community members who are just trying to live quiet lives. I have included a lengthy description of the Board of Appeals' hearing and the decision against the community in this newsletter.

On the plus side, I introduced legislation that would completely remove the cap on the Aging in Place tax credit for residents 65 years and older who have lived in their homes for more than 30 years. This credit also applies to miliary personnel who are seniors. My bill would allow seniors to receive the credit for as long as they continue to live in their qualifying home. The County Executive filed a competing bill that would extend the cap from eight to 10 years. Seniors sure are popular. Read more about these bills on page 6. If you haven't done so, please contact your Councilmember in support of my bill.

Deb

WR Grace Update

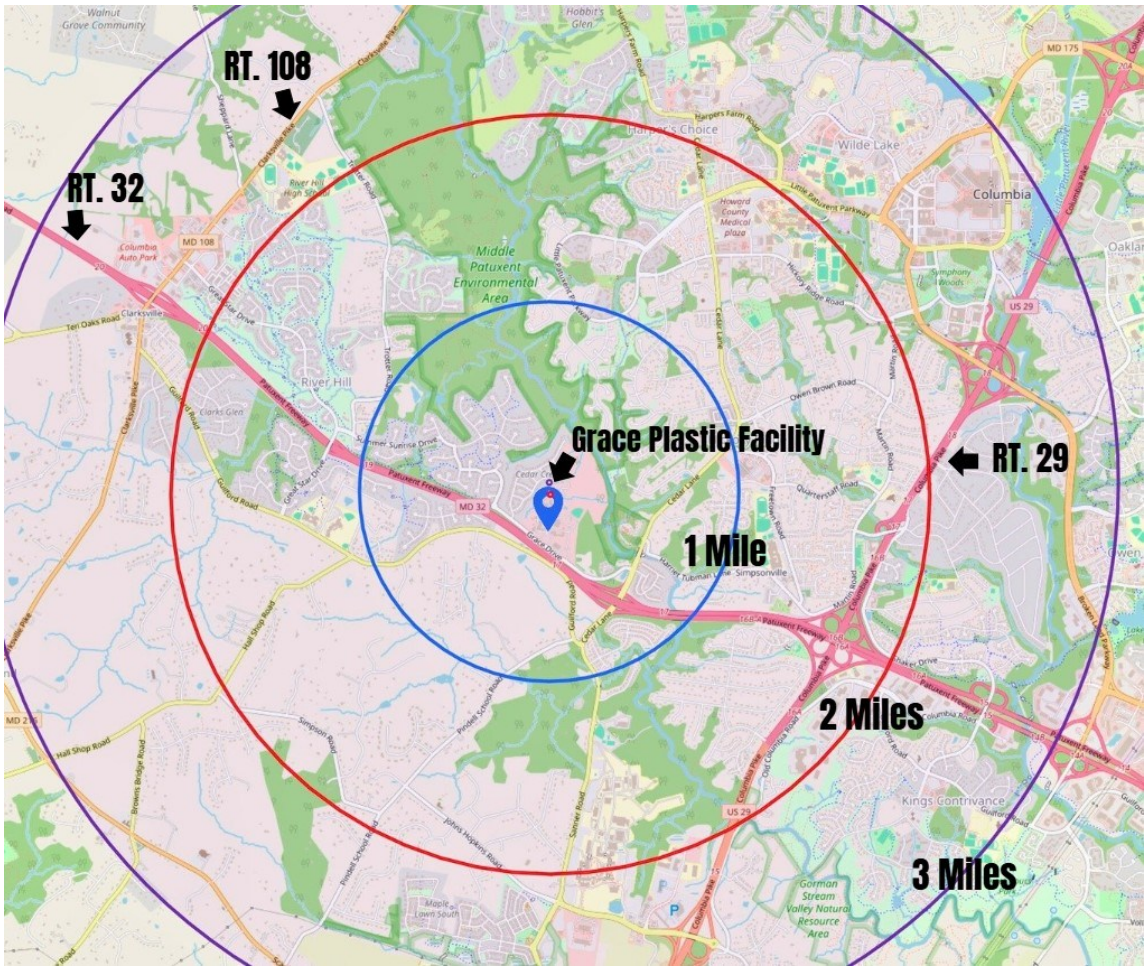
After an unfavorable ruling by the Hearing Examiner, WR Grace appealed the case involving their proposed plastic burning pilot plant to the Board of Appeals. The Board of Appeals conducted two hearings, after which they overturned the Hearing Examiner's findings that DPZ needed to conduct a more thorough investigation.

Though this was a major blow, the community can appeal the case to the Circuit Court on the grounds of error in law, which there were several that I will discuss in this section.

It is worth noting that the Hearing Examiner is a zoning and land use attorney with years of professional experience. The only requirement for membership on the Board of Appeals is to be a resident of the County and that no more than three members can be registered with the same political party.

More information about this case can be found on the Board of Appeals webpage for BA 813-D Aidan and Sara Morrell.

Community members are also challenging in court the issuance of an environmental air permit by Maryland Department of Environment (MDE).



This map shows the location of the WR Grace facility, where the proposed plastic burning facility will be located. The concentric circles show the radial distance from the pilot plant in miles. Two adjacent neighborhoods include Cedar Creek and Robinson Overlook. Parts of Hickory Ridge are within a mile radius and parts of River Hill are within two miles.

WR Grace Update

The Community Never Had a Chance

Before the start of the first hearing, Board Chair Gene Ryan granted a motion by WR Grace to exclude all evidence dealing with the pilot plant. The WR Grace attorney alleged that zoning violations only apply to existing uses and that it is impossible for DPZ to investigate a use that is not yet in existence. He alleged that the pilot plant was a prospective use because it was not operational as of September 13, 2024, the date that DPZ issued their "no violation" letter. During the hearing, the WR Grace attorney cited no case law or code section to support his argument.

If you are confused by this argument and the relevance of this date, I would agree that it makes little to no sense. I would also counter these claims in two ways:

1) DPZ can investigate prospective uses and the Hearing Examiner, in her written opinion on the first appeal, disputed the "prospective use" argument with case law that gives Counties the ability to enforce zoning regulations on proposed activities.
2) The pilot plant was an imminent and nascent use not a future fantasy. Prior to September 13, 2024, the following steps were taken: WR Grace applied to MDE for the required air permit for the pilot plant; DPZ granted WR Grace's request to write a letter to MDE that a pilot plant was an allowed use; and WR Grace began altering an existing building for the installation of the pilot plant's equipment.

WR GRACE TIMELINE

September 21, 2023: WR Grace applied for an air permit for a plastic burning pilot plant.

August 6, 2024: Community members filed a DPZ zoning complaint against WR Grace.

September 13, 2024: DPZ found no zoning violations.

March 3, 2025: My legislation (CB11-2025) to help the community by prohibiting chemical conversion plants from research and development uses failed by a vote of 3 to 2.

June 20, 2025: MDE issued a permit to Grace to operate the pilot plant.

June 30, 2025: The Hearing Examiner remands the zoning complaint back to DPZ.

September 4, 2025: Board of Appeals rules against the community.

The Board Chair's decision to exclude pilot plant evidence blocked any debate about when the "clock" starts for DPZ to investigate illegal uses. The community's attorney challenged the decision with a reconsideration request but the other Board Members deferred to the Board Chair's unilateral order without discussion.

An Unwinnable Case

The community's attorney asserted that the Board's exclusion of pilot plant evidence was effectively a summary judgement. This means that the Board decided the case against the community before it even began.

WR Grace Update

But more constraints were placed on the community by the Board Chair's misinterpretation of who bears the burden of proof in a Board of Appeals case. In the Board of Appeals' Rule of Procedure (Sec. 2.210), the burden of proof is upon the appellant to show that the action taken by the administrative Agency (DPZ) was clearly erroneous, arbitrary and capricious, and/or contrary to law.

WR Grace appealed the case to the Board of the Appeals and, according to the rules, would have been responsible to prove their case. Instead of taking the advice from the Board's County-assigned attorney, the Board Chair sided with WR Grace's position that the community was the appellant and needed to prove their case again in front of the Board of Appeals after successfully arguing in front of the Hearing Examiner. But this time, the community, who didn't appeal the case to the Board of Appeals, had to argue their case without being able to talk about the reason why they had filed a complaint to DPZ.

If the law had been correctly applied, WR Grace would not have qualified for an appeal to the Board of Appeals because WR Grace had no disagreement with DPZ. Instead the case should have been remanded to DPZ by order of the Hearing Examiner. If DPZ determined a subsequent violation upon further investigation, then WR Grace could appeal the decision first to the Hearing Examiner and then to the Board of Appeals.

Did DPZ Do Its Job?

During the Hearing Examiner's case, the DPZ Director did not provide file notes and answered most questions with "I don't know." The lack of DPZ's documentation was cited by the Hearing Examiner as to why she determined that DPZ had failed in its investigation.



The WR Grace facility sits only 200 feet from some homes in the adjacent Cedar Creek neighborhood. Building 30, which is being reconfigured for the proposed plastic burning pilot plant, is one of the closest buildings to the neighborhood.

WR Grace Update

During the first day of the Board of Appeals case, I was surprised to see that the Director suddenly had documentation that was not produced during the Hearing Examiner's case. She testified with a level of detail that she did not provide during the Hearing Examiner's case. The Director also testified that the case had been entered into DPZ's case-tracking system on the same date that a "no violations" finding was recorded in the system. According to records, a site visit occurred after these entries in the tracking system. The DPZ Director reported that the investigator inspected Building 30 where the pilot plant would operate and that an unnamed MDE staff person was in attendance. Both DPZ staff members involved with the investigation are no longer working for the County and were not available to testify.

Closing Arguments

The community's attorney argued that a plastic burning pilot plant is not an allowed use in the assigned zoning district and that DPZ did not conduct a thorough investigation. He elaborated that DPZ had scant documentation and that the record was missing key correspondence and supplements. Non-conforming uses, the attorney alleged, are not favorable uses and should not be expanded. Instead they should remain status quo or phased out over time. The Hearing Examiner reached the same conclusion and cited case law to support her opinion.

The County attorney for DPZ argued in his closing statement that DPZ is not given zoning enforcement authority in this case and that they can't determine what is and isn't an allowed use for the non-conforming research and development use. He cited case law dealing with a parking lot in Baltimore County.

The attorney for WR Grace argued in his closing statement that the community failed to prove what DPZ should have done to investigate the violation complaint. He also claimed that he has never known MDE to make a site visit and that it is impossible to prove a negative. No amount of evaluation, according to the WR Grace attorney, would have satisfied the petitioners because they don't want WR Grace to exist in its current location. It is worth nothing here that the community is only challenging a proposed new use (the plastic burning pilot plant) at the WR Grace site.

Deliberation & Vote

During deliberation, the Board Chair was dismissive of the community's position, characterizing it as "talk and spin and hype." All four members voted in favor of WR Grace and denied the petition that DPZ acted in an arbitrary, capricious or unlawful manner when it failed to issue a zoning violation to WR Grace for their proposed plastic burning plant.

It was a sad day for the community and highlights deep flaws within the Board of Appeals.

My Legislation

Summer is typically quiet for the Council but I was busy with legislation.

Aging-in-Place

CB59 Removing the Cap on the Aging-in-Place Tax Credit

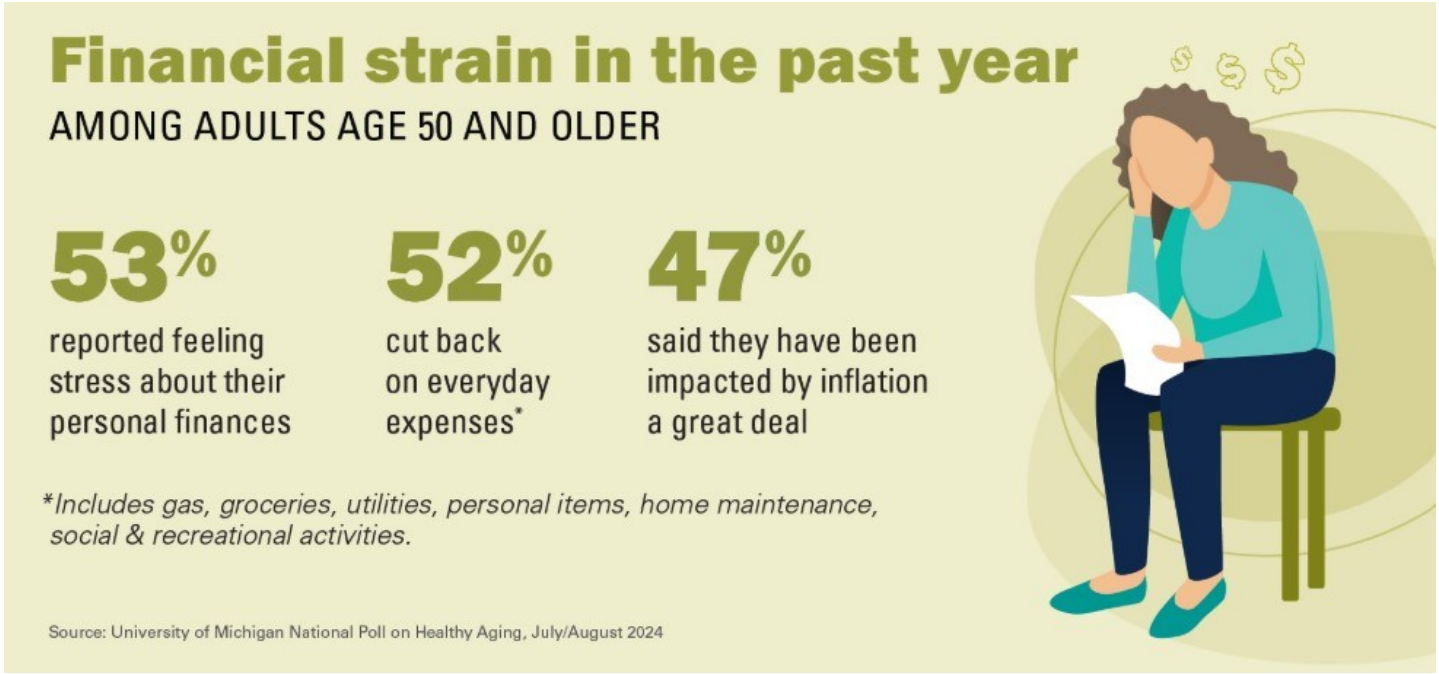
I have introduced or co-sponsored at least two bills that have expanded this important tax credit allowing our seniors to live in the community that they love. This bill removes the current eight-year cap and allows the credit to apply as long as seniors live in their homes for 30 years or more. The credit also applies to seniors who are military personnel and surviving spouses.

Putting a time limit on the credit is an unfair burden that is not reflective of the financial realities of fixed income seniors.

You can read more about my legislation on the Council's News page.

My bill is competing with a bill sponsored by the County Executive that would extend the cap to 10 years and increase the net wealth qualification of another senior tax credit from $500,000 to $800,000. I do not know why the County Executive introduced legislation dealing with the aging-in-place tax credit after I had already filed my bill.

The Howard County Citizens Association invited me and the County Executive to a public event to discuss our two bills. The event was held on August 27 and I enjoyed hearing from many well-informed seniors who are supportive of my bill. Neither the County Executive nor a member of his staff attended.



Read current legislation: click here.

My Legislation

Restoring Peace & Quiet

Residents in an area of my District started contacting me in June about huge pool parties at a private residence. The resident of the home had informed neighbors that the home had been purchased as a business venture for hosting pool parties. These parties, often organized by party promoters, were transforming residential neighborhoods into nightclub zones with excessive drinking, loud music, and parking violations.

Howard County doesn't allow short-term rentals of homes or pools but the violation process is slow and was ineffective in discouraging the resident from curtailing the activity. Once I learned of Montgomery County's new law to address similar parties, I sprung into action and introduced legislation as an emergency bill so that it took effect immediately upon adoption. In July, I filed CB58 to address the use of residential homes and swimming pools as commercial venues. CB58 proposed a hefty fine on the owner or event organizer involved in the for-profit house parties. The bill passed with amendments and included a $2500 fine for the first occurrence and a $5000 fine for the second occurrence. So far this swift action has restored peace and quiet to the County's residential neighborhoods.

Building Electrification

CB24 Building Code Update

The County Council was successful in adding stricter electrification requirements to the Building Code through several amendments that I co-sponsored. These include:

- **Amendment 1:** Appendix RB & CB, solar ready infrastructure for residential and commercial buildings. *Passed*
- **Amendment 2:** Appendix CF, energy credits that promote energy efficiency for commercial buildings; the 2024 IECC doesn't have a companion residential appendix. This amendment was amended by

Upcoming Meetings

- September 29, 9:30am: Work Session
- October 6, 7pm: Legislative Session
- October 20, 7pm: Public Hearing
- October 27, 7pm: Work Session
- November 17, 7pm: Legislative Session

Click here for more.



Search for Legislation: click here.

Council Update

Christiana Rigby to delay effectiveness until the U.S. Department of Energy updated their building code software. Another successful amendment exempted restaurants from these electrification requirements.

Passed as amended.

- **Amendment 3:** Appendix CG, electric vehicle charging infrastructure. The companion residential appendix was not included because Howard County has more stringent local requirements. *Passed*
- **Amendment 4:** Appendix CH, electric readiness for commercial buildings. An amendment to amendment exempted restaurants from this requirement. *Passed as amended*
- **Amendment 6:** Appendix RK, electric readiness for residential buildings. *Passed*.

Recent Legislation

Highlights of recent legislation include:

CB54 Exclusion of Demolitions from Excise Tax

This bill removes rebuilds after demolition from being considered new construction and subject to excise tax. I voted against this bill because excise tax is an important revenue generator for road construction. In the first half of 2025, excise tax generated $2 million from residential and commercial properties. Sponsored by Christiana Rigby; *Passed*

CB55 Expanding Age Restricted Adult Housing

This Zoning Regulation Amendment added age-restricted housing as an allowed use in Planned Employment Center (PEC) districts. The legislation also added requirements that age-restricted developments have 5% low income units or disability income units. The bill was heavily amended to delete the affordability requirements. I voted against the bill because I do not support housing in PEC districts, which includes the WR Grace property. I agree with the community members who testified that adding housing to PEC introduces the possibility of more toxin exposure to residents near WR Grace and any other facility conducting polluting activities associated with research and development. Sponsored by Liz Walsh, *Passed as amended*.



Congratulations to the HCPSS students enrolled in the Agricultural Sciences Academy and involved in the Howard County FFA chapter. The chapter earned the FFA's highest honor among other awards at the Maryland FFA Convention in June.

HCPSS

Redistricting 2025

The Superintendent's proposed Attendance Area Adjustment Plan will be presented to the Board of Education at its meeting on September 25. Visit HCPSS School Planning webpage for more information.

The following schools are being considered for redistricting:

- Elementary schools: Bryant Woods, Running Brook, Swansfield, Longfellow, Clemens Crossing, and Centennial Lane
- Middle schools: Wilde Lake, Harper's Choice, and Burleigh Manor
- High schools: Centennial and Wilde Lake

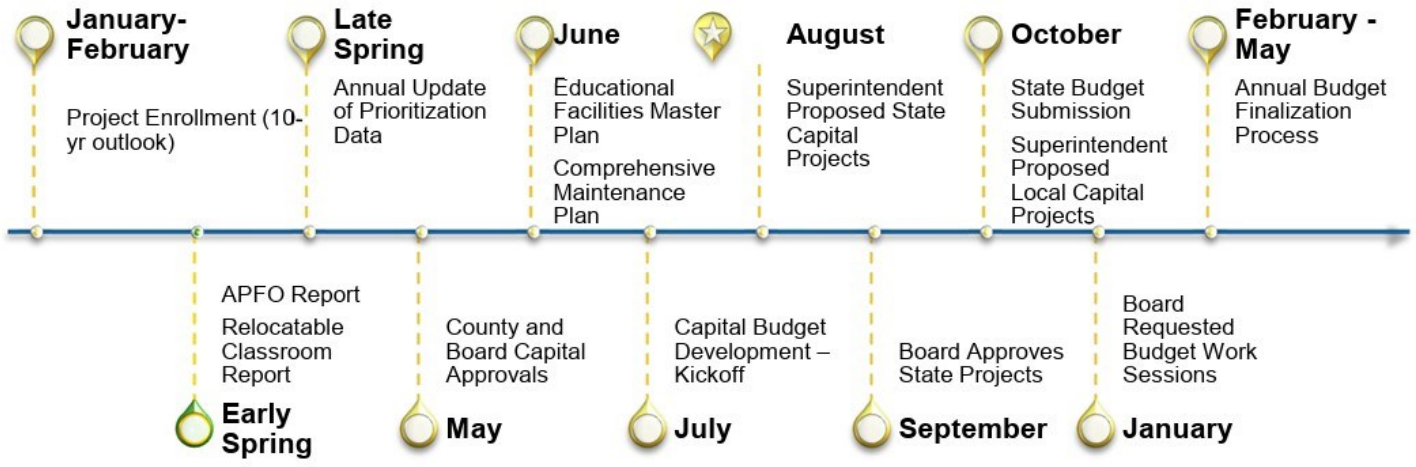
Newly Accredited PreK Program

HCPSS announced that ten more pre-kindergarten programs have achieved State accreditation. All HCPSS pre-kindergarten programs are expected to be accredited by the end of the 2025-2026 school year as part of HCPSS' ongoing work to satisfy Maryland's Blueprint for the Future requirements. Maryland Accreditation is awarded for five years. Visit HCPSS News webpage for a list of newly accredited schools.

FY27 State Capital Budget

The Superintendent has published the Fiscal Year 2027 State Capital Projects.

Capital Budget Timeline



More school news

APFO Review Committee Update

The most recent APFO Committee completed their review of the County's growth controls and issued their recommendations in August. I asked my intern Kevin He to follow the APFO Committee meetings and prepare this summary for my newsletter. Thanks, Kevin!

Replace APFO with SOUP

The most significant recommendation from the Committee was the elimination of the school component of APFO and the adoption of an extra fee levied on residential developments in overcrowded school districts. Modeled after Montgomery County's utilization premium payment, this proposed fee was termed School Overcrowding Utilization Premium (SOUP) by the Committee.

How Does SOUP Differ from APFO?

Currently APFO requires new developments to wait for a specific number of years before building can occur in an overcrowded school district. The rational is that a wait period allows for the funding and building of new school capacity in the area.

Under SOUP, the wait time would be eliminated and developers would be charged an additional fee per residential square foot. The fee would be tiered based on the percentage of overcrowding at the assigned school: tier 1, 105%; tier 2, 110%; and tier 3, 115%.

The Committee is proposing that the base premium payment starts at $9.78 per square foot and increases up to $17.93 per square foot. Each tier would be assigned a percentage of the premium payment: 40% for tier 1, 80% for tier 2, and 120% for tier 3. SOUP would be cumulative for each assigned school.

Which Schools Would Qualify?

The Committee received briefing documents that modeled which schools would qualify for SOUP payments. Below is an excerpted table of elementary school assignments that would have qualified last year. More information can be found here, under the Committee's webpage for Meeting #15 on April 2:

ELEMENTARY SCHOOLS	HOWARD COUNTY PROPOSED Utilization (%LRC)	Seat Deficit
	Tier 1: =>105%	Tier 1: =>74
	Tier 2: =>110%	Tier 2: =>92
	Tier 3: =>115%	Tier 3: =>110
Hanover Hills	114.9%	121
St. Johns Lane	116.7%	102
Phelps Luck	116.1%	96
Bryant Woods	131.8%	92
Hammond	113.2%	86
Bollman Bridge	112.5%	76
Pointers Run	109.3%	69
Forest Ridge	107.3%	47
Northfield	106.7%	47
Bellows Spring	106.2%	45
Rockburn	106.3%	37
Cradlerock	109.0%	36
Laurel Woods	105.3%	32
Atholton	106.6%	28

Committee Report: click here

Keeping up with Deb





Howard Community College Union Rally



MACo Summer Conference



National Night Out
Enclave at Hines Farm



Pride in July at Columbia Lakefront

Keeping up with Deb



Enchanted Forest's 70th Birthday



Korean Festival



Ujamaa Business Roundtable Meeting



Visit HoCo Downtown Columbia Tour



Alumni of Harriet Tubman School on Harriet Tubman Day

Upcoming Events



Hispanic Heritage Festival

Visit Merriweather Arts & Culture Center's Events webpage.

Clarksville Commons Farmers' Market

Saturdays, 9am-1pm, until November 22
This farmers' market is still going strong with peppers, pumpkins, and pleasant temps.



Downtown Columbia Culinary Walking Tour

Visit Downtown Columbia Partnership's Eventbrite webpage.

Events at the Chrysalis

Visit the Inner Arbor Trust's Events webpage.

- October 5, 11am-12pm: Chrysalis Kids: Noa Baum
- October 12, 12-5pm: Howard County Pride
- October 19, 4-5pm: Columbia Orchestra Fall Pops Concert

Lakefront Live

October 11, 6pm
Visit the Lakefront Live webpage
The Lakefront festival will say goodbye to the season with a Y2K DJ dance party.

Saturday Night Fever

August 22-November 2
Toby's Dinner Theater
Visit Toby's Dinner Theater website.
Polyester suits, smooth dance moves, and hits from the Bee Gees relives the era in real time.

Celebration of the Arts

October 25, 6-10pm
Horowitz Visual & Perming Arts Center
Visit the Celebration of the Arts webpage.
The Howard County Center for the Arts will be hosting its annual fundraiser, visual performances, and Howie Award presentations.

St Louis Church Concert Series

Visit the Concert Series website

- October 24, Concert by Candlelight
- December 7, Christmas at St. Louis