

Date: April 07, 2021
Subject: Landfill Update

The AAC Board of Appeals (BOA) has scheduled an Appeal Hearing

on **Wed, June 23rd, at 3 PM.** (see attached notice) This meeting is for the

lawyers; we will be able to "listen in" via Zoom (link to be provided later).

The TRR-LOC is preparing a petition to the BOA Chair to request a subsequent meeting where the public can express their views on the impact of the proposed landfill on our community. If you would like to support this petition, please send us an email at tworiversloc@gmail.com with your name and street address. (You are not signing up to speak; you are merely indicating your support of our request for a public input meeting.)

Historical Background Info

As you know from our past status reports about the proposed Chesapeake Terrace Rubble Landfill (CTRL) project, National Waste Managers (NWM) has been trying to get this new landfill permitted since 1990. To date, NWM has been unable to complete the permitting process at the State level (MDE) and the County level (AAC Planning & Zoning). NWM has faced many obstacles thanks to the efforts of local opposition groups, and especially the Forks of the Patuxent Improvement Association (FOTPIA). The location of the proposed landfill is just north of the Two Rivers development area (see attached sketch).

In October 2020, the latest two-year permit clock expired. An AAC Administrative Hearing was scheduled for January 5th to consider arguments about whether to restart another 2-3 year permit time clock. That hearing was cancelled in response to a challenge from FOTPIA. Presently, the BOA has scheduled a Public Hearing on June 23rd. Lawyers from NWM and FOTPIA will make legal arguments before the BOA. AAC Planning & Zoning will also be involved in the Hearing.

In essence, the MD Court of Special Appeals (COSA) and the Circuit Court remanded to the BOA that it should have considered several factors in October 2018, when they approved the last two-year permit time clock restart. The factors include whether or not the CTRL project is: (1) detrimental to the public welfare; (2) will alter the essential character of the neighborhood; and (3) impair the appropriate use and development of adjacent properties. We expect that NWM's lawyers will argue that there are minimal impacts and FOTPIA's lawyers will take the opposite position. TRR-LOC has provided extensive ideas to AAC Planning & Zoning to support opposition arguments.

For the last 1.5 years, a small group of volunteers formed the Two Rivers Residents - Landfill Opposition Committee (TRR-LOC). We have been reviewing documents from the last 30 years, developing opposition arguments, and contacting government officials and local opposition groups. We are optimistic that the permitting process for the CTRL project will finally be permanently stopped on/or before 12/31/2023, when the Army Corps of Engineers' federal permit expires. The current snails-pace of activity at AAC is encouraging.

We will provide info on the Zoom link instructions for the BOA hearing when it becomes available. It may be helpful to have several hundred people sign in for the Zoom meeting to continue to demonstrate the overwhelming public opposition to the CTRL project.

**In the meantime, please join our petition to the BOA Chair with
your email to us at tworiversloc@gmail.com.**

If you would like to peruse some historical documents, you can find them at

<http://ourtworivers.com/landfill/landfill.html>

TRR-LOC Members

Villages

Highlands - Rick Bock
Regency - Pete Baer & Bill Radlinski
Bluffs - Dick Talbot
Watershed - Cathy Buckman, Jack Jacobs, Ed Riehl
Riverview -

Hamlets

Woodlands -
Sanctuary -
Heritage -
Cascades -
Overlook -



BOARD OF APPEALS
P O BOX 2700
44 CALVERT STREET, RM. 160
ANNAPOLIS, MARYLAND 21404
410-222-1119

March 29, 2021

NOTICE OF APPEAL HEARING

BA 12-13V, BA 13-13V
National Waste Managers, Inc./ Chesapeake Terrace

The Board of Appeals will conduct a public hearing on the above matter on Wednesday, June 23, 2021, at 3:00 p.m., over the internet via Zoom.

This matter is before this Board as a remand from Circuit Court of Anne Arundel County in Case No. C-02-CV-18-003469. This is an appeal of the conditional granting of a variance to allow an extension in the time required for the implementation and completion of a previously approved special exception and variance for a rubble landfill and an appeal of the conditional granting of a variance to allow an extension in the time for the implementation and completion of a previously approved special exception for a sand and gravel operation, for property known as 515 Patuxent Rd., Odenton. *(The Board will hear legal argument only-no public comment)*

Another notice will be sent to other interested persons closer to the hearing date.

Anyone needing accommodations must contact the office or via Maryland Relay 7-1-1 at least 7 days in advance of the event. All materials available in alternative formats upon request.

PLEASE NOTE: Due to the Covid-19 pandemic state of emergency, this hearing or meeting will be held remotely via Zoom. The link to join a particular hearing or meeting will be posted under the individual hearing or meeting on the Board of Appeals Hearing Schedule, you may find the hearing or meeting schedule at this link: <https://www.aacounty.org/boards-and-commissions/board-of-appeals/board-of-appeals-calendar/list> Each hearing or meeting will have a separate link and phone number.

Please see the enclosed Rule 4-106 outlining the procedures for virtual hearings before the Board of Appeals


Deana L. Bussey
Clerk to the Board



BOARD OF APPEALS

P O BOX 2700

44 CALVERT STREET, RM. 160

ANNAPOLIS, MARYLAND 21404

410-222-1119

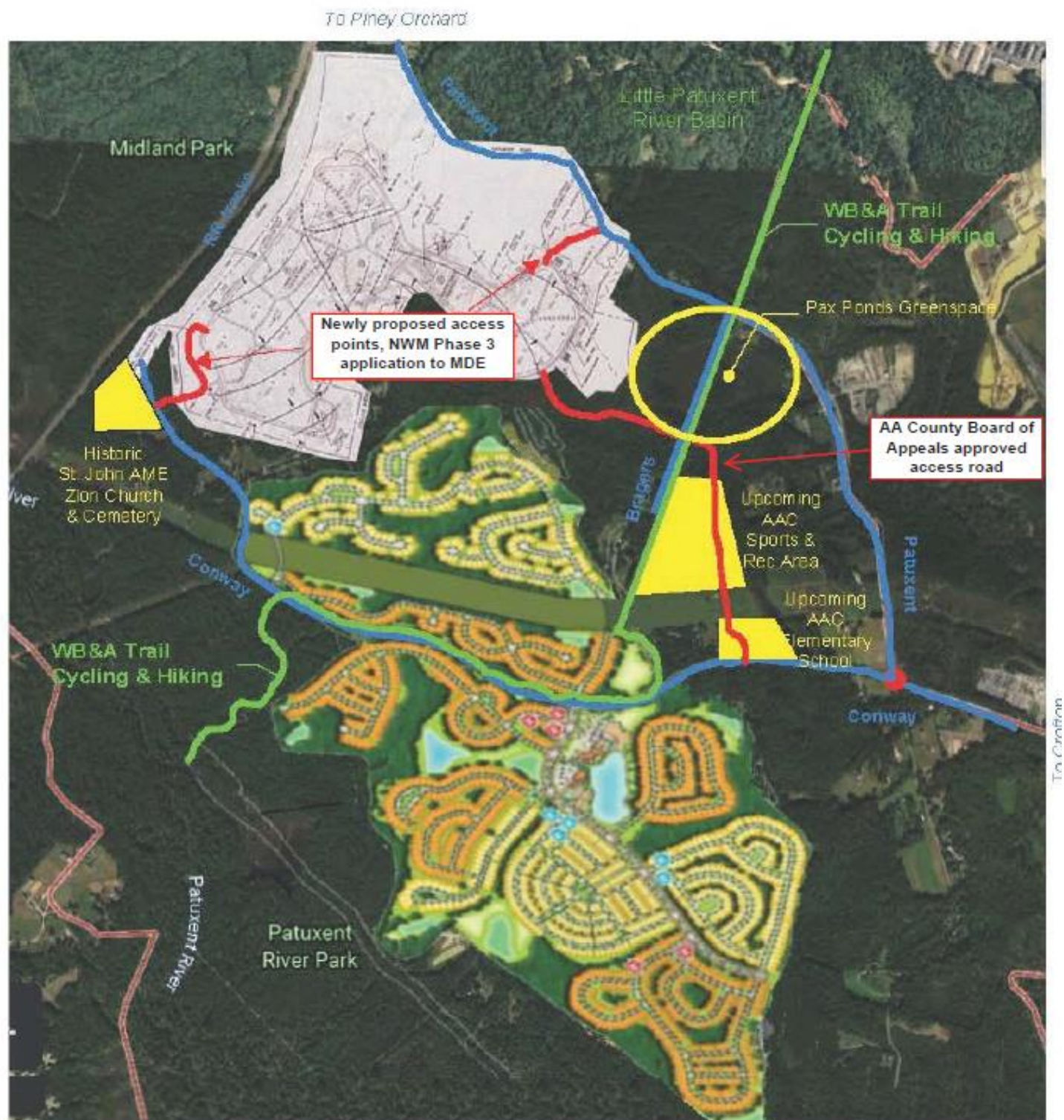
cc: Susanne K. Henley, Esq.
 Steven P. Resnick, Esq.
 Joseph F. Devlin, Esq.
 Ana L. Henry, Esq.
 Kelly Phillips Kenney, Esq.
 Sterling Seay (2012-0300-V, 2012-0301-V)
 Jennifer Weiland
 Forks of the Patuxent Improvement Association, Inc.
 Holly Colby
 Stephen Fleishman
 Veronica Foster
 Sue Meyer
 Stacy Murphy
 Mike Murphy
 Robert Fleshman, Sr.
 Cathy Fleshman
 Ulis Fleming
 Gregory Lane
 Diana Lane
 Leon Thomas
 Ann Marie Thomas
 Linton C. Pumphrey
 Andrew Meyer
 Sue Ellen Meyer
 Rick Bock
 Edward Dexter

RULE 4-106. VIRTUAL/REMOTE HEARINGS, MEETINGS & CALCULATION OF TIME

- (a) WHEN THE CHAIR OF THE BOARD SHALL DETERMINE THAT EMERGENCY AND/OR EXTENUATING CIRCUMSTANCES EXIST, THE BOARD SHALL BE PERMITTED TO CONDUCT HEARINGS VIA A VIRTUAL/REMOTE FORMAT;
- (b) THE NOTICE OF THE HEARING AND/OR BOARD'S WEBSITE SHALL STATE THAT THE HEARING WILL BE HELD VIRTUALLY AND SHALL STATE THE TIME, DATE, VIRTUAL LOCATION AND REGISTRATION INFORMATION;
- (c) **PUBLIC ACCESS.** THE BOARD SHALL ENSURE THAT THE PUBLIC SHALL HAVE THE ABILITY TO LISTEN TO THE PROCEEDING THROUGH REMOTE ELECTRONIC MEANS.
- (d) **HEARING PARTICIPANTS.** ALL INTERESTED PARTICIPANTS, PARTIES AND PROPOSED WITNESSES SHALL REGISTER WITH THE BOARD PRIOR TO THE HEARING VIA THE OPTIONS FOR REGISTRATION SET FORTH IN THE NOTICE OF THE HEARING AND/OR ON THE BOARD'S WEBSITE. ALL PERSONS MUST USE THEIR REAL NAMES (NOT ALIASES) WHILE IN THE VIRTUAL/REMOTE HEARING TO ENSURE THEY WILL NOT BE PREVENTED FROM ENTERING THE HEARING. EACH WITNESS SHALL BE FULLY VISIBLE AT ALL TIMES DURING TESTIMONY. ALL PARTICIPANTS IN THE HEARING SHALL WEAR APPROPRIATE ATTIRE AND PRESENT THEMSELVES AS THEY WOULD IF THEY WERE APPEARING IN A PHYSICAL HEARING ROOM. ALL PARTICIPANTS SHALL ENSURE THAT THERE WILL BE NO INTERRUPTIONS OR DISTRACTIONS FOR THE DURATION OF THEIR APPEARANCE AT THE VIRTUAL/REMOTE HEARING.
- (e) **RIGHT TO OBJECT TO VIRTUAL/REMOTE HEARINGS.**
 - 1. **GENERALLY.** ANY PARTY TO AN APPEAL MAY, IN WRITING, OBJECT TO A HEARING VIA A VIRTUAL/REMOTE HEARING FORMAT. AN OBJECTION TO A VIRTUAL/REMOTE HEARING MAY NOT BE GRANTED EXCEPT FOR GOOD CAUSE SHOWN.
 - 2. **FORM OF REQUEST; DECISION.** AN OBJECTION TO A VIRTUAL/REMOTE HEARING SHALL BE IN WRITING, STATING IN DETAIL THE REASONS FOR THE OBJECTION. THE OBJECTION SHALL INCLUDE A STATEMENT BY THE PARTY OBJECTING THAT THE PARTY AGREES TO PAY ANY ADDITIONAL EXPENSES INCURRED IF THE OBJECTION IS GRANTED, INCLUDING READVERTISING, COSTS OF THE OFFICIAL STENOGRAPHER AND OTHER REASONABLE ADMINISTRATIVE COSTS AS ASSESSED BY THE BOARD. COPIES OF THE OBJECTION SHALL BE MAILED OR EMAILED BY THE CLERK TO ALL PARTIES AND ATTORNEYS OF RECORD AND TO THE COUNTY ATTORNEY. THE OBJECTION TO A VIRTUAL/REMOTE HEARING SHALL BE DECIDED BY A MAJORITY VOTE OF A QUORUM OF THE BOARD.
- (f) **EXHIBITS.** ALL PARTICIPANTS SHALL PRE-FILE PROPOSED EXHIBITS AT LEAST SEVEN (7) CALENDAR DAYS IN ADVANCE OF THE VIRTUAL

HEARING VIA THE OPTIONS FOR FILING SET FORTH IN THE NOTICE OF THE HEARING AND/OR ON THE BOARD'S WEBSITE. THE CHAIR MAY ALLOW EXHIBITS NOT SUBMITTED PRIOR TO THE HEARING TO BE USED AT THE HEARING, SUCH AS DOCUMENTS USED TO IMPEACH A WITNESS OR FOR REBUTTAL. AT THE CHAIR'S DISCRETION, THE CHAIR MAY PERMIT A PARTY TO TRANSMIT AN EXHIBIT TO THE BOARD DURING THE HEARING VIA EMAIL OR OTHER METHOD APPROVED BY THE CHAIR. UPON THE CONCLUSION OF THE HEARING, THE CLERK OF THE BOARD SHALL NOT BE OBLIGATED TO MAINTAIN ANY PROPOSED EXHIBITS THAT WERE NOT MADE PART OF THE RECORD AND MAY DELETE THEM FROM AN E-MAIL INBOX, VIRTUAL DROP BOX OR OTHER VIRTUAL STORAGE FOLDER AT THE CLERK'S CONVENIENCE.

- (g) **CALCULATION OF DATES DURING STATE OF EMERGENCY.** IF THE OFFICE OF THE BOARD IS CLOSED TO THE PUBLIC DUE TO A STATE OF EMERGENCY, APPEALS AND EVIDENCE SHALL BE DELIVERED VIA THE OPTIONS FOR FILING SET FORTH ON THE BOARD'S WEBSITE. IF THE DELIVERY DATE OF ANY ITEMS RECEIVED BY THE BOARD CANNOT BE IMMEDIATELY DETERMINED, THE DELIVERY DATE SHALL BE PRESUMED TO BE THE NEXT BUSINESS DAY AFTER THE CLERK LAST RECEIVED DELIVERIES.



Location of (Proposed) Chesapeake Terrace Landfill shown in relation to Two Rivers, Patuxent River watershed, St. John AME Zion Church and cemetery, WB&A Trail,