

Date: July 08, 2021
Subject: Landfill Update/Information

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at: tworiversloc@gmail.com

The AAC Board of Appeals (BOA) conducted an Appeal Hearing on Wed, June 23rd, from 3:05 to 4:33 PM.

The BOA listened to arguments from the lawyers representing three parties concerning the impact of the proposed landfill on the surrounding areas.

The Appeal Hearing was available to the Public on Zoom and 111 people listened in.

At the conclusion of the Appeal Hearing, the BOA *unanimously* voted to schedule a Public Hearing to listen to testimony from interested citizens.

The BOA commented that a very large meeting facility would be needed to accommodate all interested citizens.

We do not know what led to the BOA decision to hold a Public Hearing, but the Petition from 873 residents of Two Rivers requesting a Public Hearing, may have influenced the BOA members.

Thanks to all of the Two Rivers residents that were willing to electronically sign our petition.

When the Public Hearing is scheduled, we will notify all Two Rivers residents and encourage your attendance.

The Two Rivers Residents - Landfill Opposition Committee (TRR-LOC) will prepare presentations regarding various neighborhood impact issues that have come to our attention.

Of course, all residents are encouraged to present their views.

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For those of you with more interest, a brief summary of the **Lawyer Arguments** made by the three attorneys follows.

There is also some **Historical Background Info** for those that are new to Two Rivers.

(all others, please feel free to get on with your day)

If you have any questions or feedback, please email us at tworiversloc@gmail.com. You are also welcome to call anyone on the TRR-LOC if you prefer.

Highlands - Rick Bock

Regency - Pete Baer & Bill Radlinski

Bluffs - Dick Talbot

Watershed - Cathy Buckman, Jack Jacobs, Ed Riehl

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Lawyer Arguments

(1) **National Waste Managers' (NWM)** attorney essentially stated that there was no need to discuss the impact of restarting the permit time clock on the neighborhood, because this was addressed by the BOA when they made their original decision in Dec 1993.

(2) **Forks of the Patuxent Improvement Association's (FOTPIA)** attorney pointed out that there have been significant changes in neighborhoods surrounding the proposed landfill in the 28 years since the BOA's Dec 1993 decision. One of the Special Exceptions in that Dec 1993 decision set forth only one approved access to the landfill along Conway Rd. This was challenged by NWM in the mid-1990s. Maryland's highest court, the Court of Appeals, upheld the legality of this Special Exception in their 1995 Halle decision. NWM has never able to acquire the property for the one approved entrance. (In April of 2020, AAC purchased this property from a subsidiary of one of the Two Rivers Developers [Koch Industries]. AAC plans to build an elementary school by 2024 on this property.) Although NWM is suggesting two alternate entrances to the landfill in their Phase III Operational Plan to MDE, these two alternate entrances were specifically prohibited by the BOA in Dec 1993. (the attached sketch depicts these locations)

(3) **Anne Arundel County Planning & Zoning's (AAC P&Z)** attorney recounted the recent Maryland court rulings relevant to the proposed landfill. The attorney recommended that Public Hearing be scheduled so that any member of the public could express their views. The last such hearing was conducted 8 years ago in 2013 by the BOA.

After pausing the Appeal Hearing for ~30 minutes, the **BOA** reconvened and unanimously voted to schedule a Public Hearing.

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Historical Background Info

For those of you who are new to Two Rivers, the below info will help you get up to speed on the proposed landfill.

Since 1990, National Waste Managers (NWM) has been trying to complete the permitting process for their proposed Chesapeake Terrace Rubble Landfill (CTRL). Before construction can begin, permits are required from the Federal Government (Army Corps of Engineers), the State (MDE), and the County (AAC Planning & Zoning). NWM has been unable to obtain the State & County permits during the last 31 years due to the efforts of local opposition groups, particularly the Forks of the Patuxent Improvement Association (FOTPIA). The location of the proposed landfill is just north of Two Rivers (see attached sketch). (In the aerial photo, the landfill area is in the upper right.)

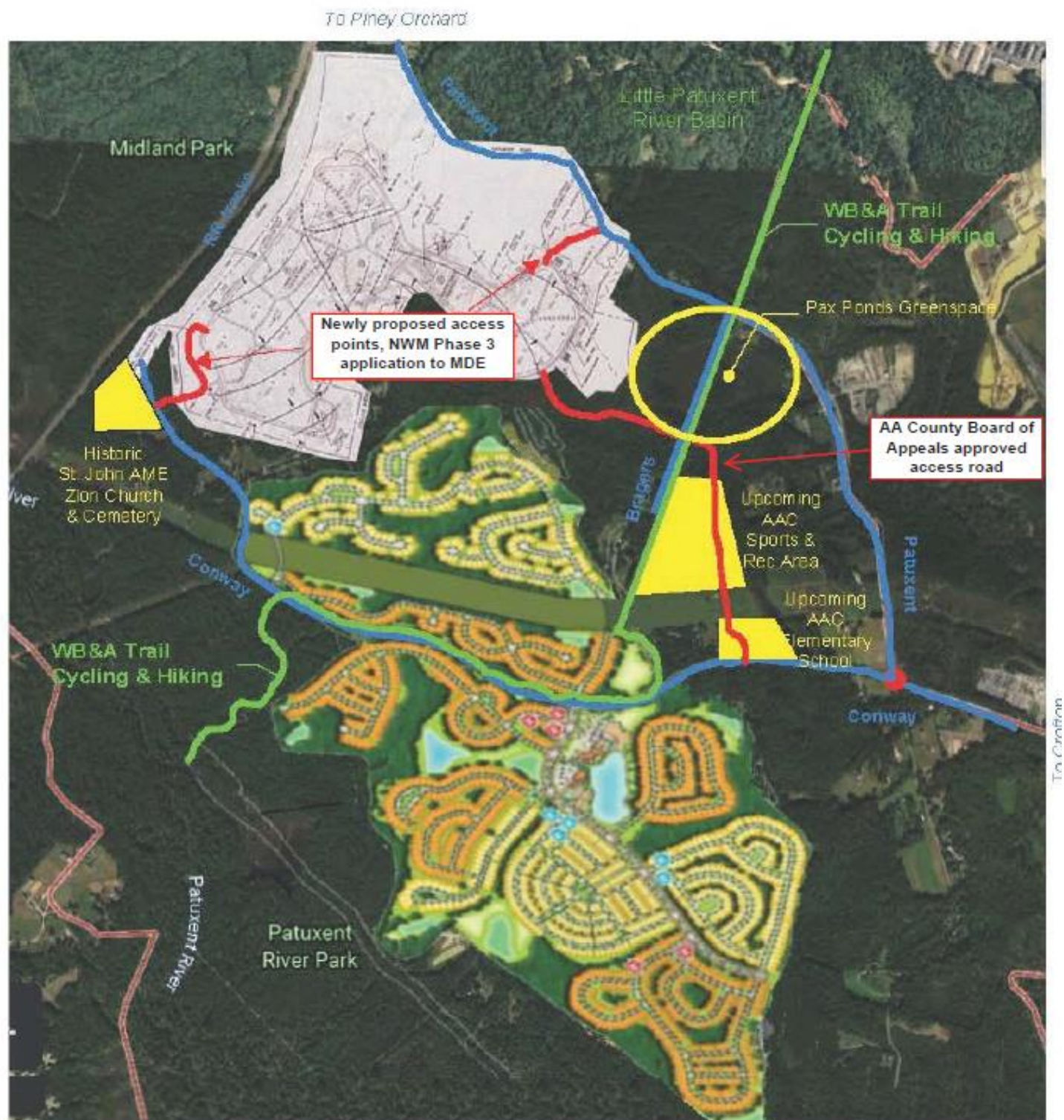
The permit clock stopped in October 2020. NWM would like to get approval to restart the permit clock for a three year period so they can try to get all of the permits necessary to begin construction of the

landfill. If approved, the landfill would be operational for 12 years based on one of the Special Exceptions in the BOA's Dec 1993 decision. The current proceedings before the BOA is one step in the legal process that NWM must overcome. The legal proceedings are moving very slowly, which is good for the opposition groups.

In October 2019, a small group of volunteers formed the TRR-LOC. We have been reviewing documents from the last 31 years, developing opposition arguments, and contacting government officials & local opposition groups.

If you would like to review historical documents, you can find them at <http://ourtworivers.com/landfill/landfill.html>.





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,