

**Date:** October 21, 2021  
**Subject:** Landfill Update

If you have any questions or feedback, please email the Landfill Committee at:  
[tworiversloc@gmail.com](mailto:tworiversloc@gmail.com)

Date: **October 21, 2021**

Subject: **Landfill Update & Public Meeting**

**DO NOT REPLY TO THIS EMAIL -If you have any questions or feedback, please email us at: [tworiversloc@gmail.com](mailto:tworiversloc@gmail.com)**

**The AAC Board of Appeals (BOA) has scheduled an Appeal Hearing on Wed, October 27th, 2021, beginning at 5 PM.**

**Council Chambers, First Floor, Arundel Center, 44 Calvert St., Annapolis, MD**

**This meeting is Open to the Public (see attached notice)**

The BOA will hear arguments from: (1) the developer's attorney, (2) FOTPIA's attorney, (3) AAC Planning & Zoning, and (4) the public.

The TRR-LOC has prepared several presentations opposing the rubble landfill.

**You are welcome to speak if you like, but your presence at the Public Meeting also sends a BIG message.**

The meeting room can only accommodate ~200 people. (Masks will be required since this is a government building).

If the meeting room cannot accommodate all of the attendees, then we expect the BOA will have to cancel the meeting and reschedule it with provisions to handle all interested attendees.

Delays are good.

We know it is a pain to set aside time in our busy lives to drive to Annapolis to attend a meeting that may be cancelled, BUT, if you can attend, you are helping to permanently stop the permitting process for the Chesapeake Terrace Rubble Landfill.

There are three parking garages in the vicinity of the meeting area.

Gott's Court, 25 Calvert St.

John Whitmore, 37 Clay St.

No name garage, 11 Bladen St.

The TRR-LOC hopes to see you at the Public Meeting.

If you have any questions or feedback, please email us at [tworiversloc@gmail.com](mailto:tworiversloc@gmail.com). You are also welcome to contact 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 from the last BOA Appeal Hearing on June 23rd, 2021

(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.

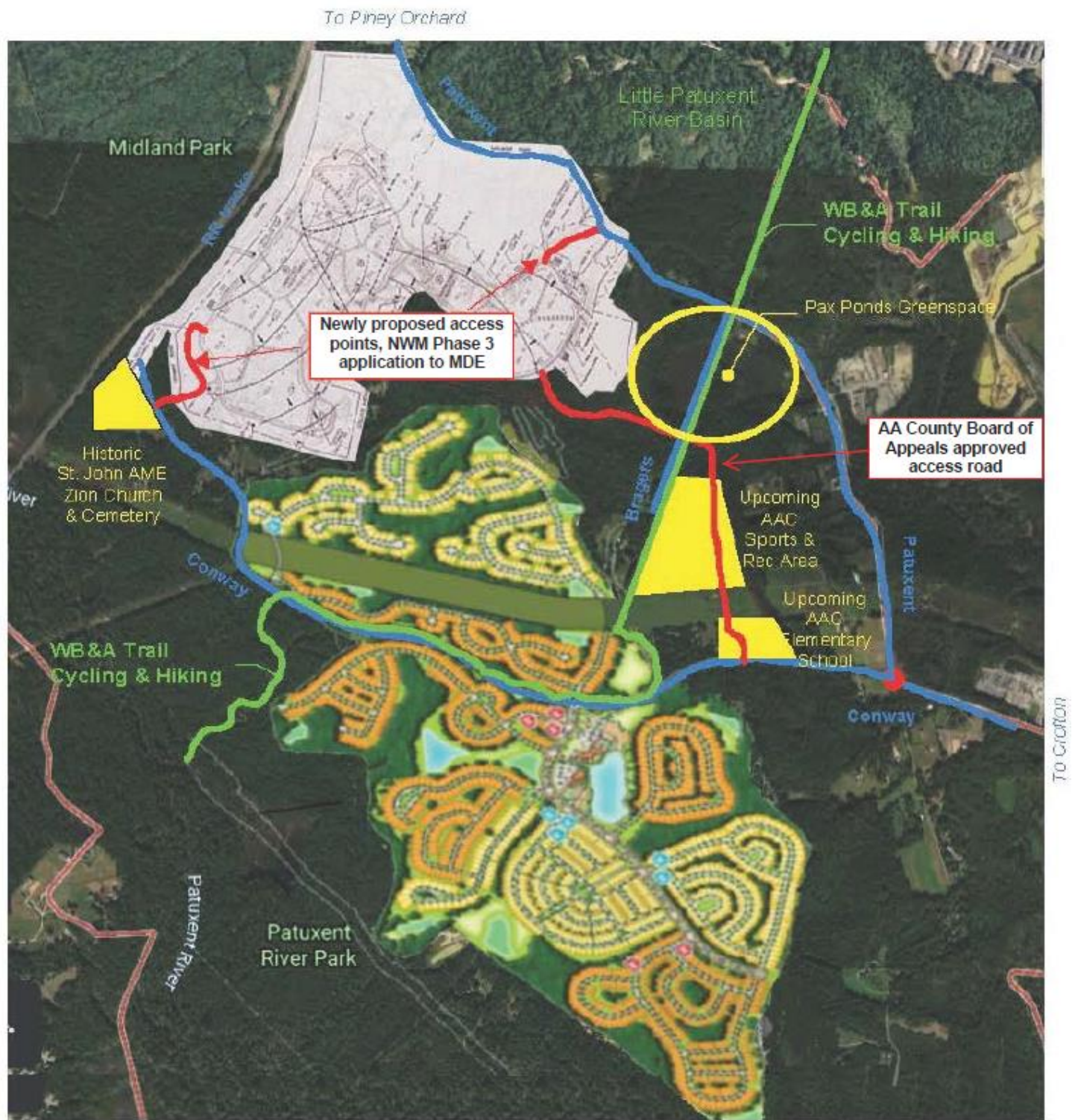
Since 1990, National Waste Managers (NWM) has been trying to complete the permitting process for their proposed Chesapeake Terrace Rubble Landfill (CTRL). Before construction can begin, permits are required from the Federal Government (Army Corps of Engineers), the State (MDE), and the County (AAC Planning & 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).

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 response to a MD Circuit Court decision in May 2021, MDE has resumed processing the State environmental permit. MDE is currently in Phase 3 of 5 phases. To date, FOTPIA & TRR-LOC have been unsuccessful in stopping the processing of this State Permit. There will be an opportunity for the public to weigh in during Phase V of the permitting process. If the MDE Permit is issued, NWM must still get a permit from AAC. We know that Steuart Pittman is opposed to the landfill, so we expect AAC to continue fighting the landfill application. There will also be more MD Court challenges.

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,





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

September 20, 2021

NOTICE OF APPEAL HEARING

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

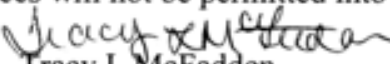
The Board of Appeals will conduct public hearings on the above case on Wednesday, October 27, 2021, at 5:00 p.m., Tuesday, January 25, 2022, at 5:00 p.m., Wednesday, January 26, 2022, at 5:00 p.m., and Thursday, January 27, 2022, at 5:00 p.m., in Council Chambers, First Floor, Arundel Center, 44 Calvert Street, Annapolis, Maryland.

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.

Interested persons are advised to contact the Board of Appeals at [dbussey@aacounty.org](mailto:dbussey@aacounty.org) or 410-222-1119 to confirm that the hearing will proceed as advertised. The Board may choose to close a portion of the meeting as authorized by the General Provisions Article Section 3-305(b) of the Open Meetings Act.

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: For security purposes, attendees will not be permitted into the Arundel Center after 6:30 p.m.

  
Tracy L. McFadden  
Clerk to the Board

cc:	Property Owners	Forks of the Patuxent Imp. Assoc., Inc.
	Critical Area Commission	Jennifer Weiland
	News Media	Gregory Lane
	Susanne K. Henley, Esq.	Ulis Fleming
	Joseph F. Devlin, Esq.	Diana Lane
	Ana L. Henry, Esq.	Sue Meyer
	Kelly Phillips Kenney, Esq.	Andrew Meyer
	Sterling Seay (2012-0300-V, 2012-0301-V)	Stacy Murphy
	Paul Stratman	Sue Ellen Meyer
		Mike Murphy
		Edward Dexter
		Robert Fleshman, Sr.
		Cathy Fleshman
		Stephen Fleishman
		Ann Marie Thomas
		Leon Thomas