

Date: November 02, 2021

Subject: Landfill Update

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The Anne Arundel County Board of Appeals (BOA) conducted an Appeal Hearing on Wed, October 27th, 2021, from 5 PM - 8:30 PM.

About 100 people showed up for the meeting. Thank you to the residents who were able to attend. We had hoped to exceed the capacity of the meeting room (~200) and force a postponement of the meeting.

Unfortunately that did not happen, but we did learn that in addition to the meetings scheduled for January 25, 26, 27, the BOA has also scheduled meetings for March 1, 2, 3. (Apparently the lawyers' schedules conflict, so dates are scheduled over the next four months.)

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This is the first of three opportunities for public testimony.

1 The BOA is conducting this set of meetings to fix an error that they made three years ago when they approved the 4th two year extension to obtain zoning permits to operate.

The BOA has been chastised (remanded) by a MD Circuit Court judge for not hearing testimony about the impacts since 2017 of the permit clock time extension on:

The character of the neighborhood;

The appropriate use or development of adjacent property; and

The public welfare.

2 This set of BOA meetings does not address the request to extend the time clock for permit. National Waste Managers (NWM) has submitted a request for a 5th extension. That hearing is on hold until a decision is reached on this set of meetings.

3 Additionally, the Maryland Department of Environment (MDE) is continuing to work with National Waste Managers (NWM) to process the State's environmental permit. It is currently in Phase III. There will be a Public Hearing on this during Phase V.

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The order of presentations before the BOA are:

(1) Opening Statements from lawyers representing NWM, Forks of the Patuxent Improvement Association (FOTPIA), and AAC Office of Planning & Zoning (OPZ).

(2) NWM's Case;

(3) FOTPIA's Case;

(4) AAC OPZ's Case;

- (5) Public Comments;
- (6) Rebuttals by all Lawyers;
- (7) Closing Arguments by all Lawyers.

Based on the opening comments by the Chairman, the BOA's objective is to "correct the record". He stated that he did not want to hear any testimony about the fact that NWM does not have access to the landfill by the only BOA Approved Route.

During the first meeting, we got to step #2, with NWM providing testimony from one witness, the Project Manager for the Environmental firm that is handling their MDE permit application.

FOTPIA's lawyer cross examined and focused on the fact that NWM cannot use the BOA Approved Access that was set forth in Dec 1993 in the Special Exceptions.

It appears that NWM's lawyer is trying to establish that NWM is being diligent in their pursuit of the State Environmental permit.

How this relates to the Impact issues, we are not sure. Surprisingly, the BOA Chair did not raise this question with NWM's lawyer. Perhaps the BOA Chair (or the BOA attorney) thinks it is best to let all testimony be presented, so the BOA can state that they considered the above impacts.

At the next session in January, NWM will continue to call on more witnesses.

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TRR-LOC plans to attend all future meetings.

We have prepared several presentations addressing the impact issues and changes in the neighborhoods that have occurred over the last 28 years.

We will remind residents prior to the next meeting so we can try to fill the room. Although we cannot predict when we'll get to step 5, it would send a clear message to the BOA that we are opposed and watching them every step of the way.

We will again submit a request for a Zoom option for those that are interested, but cannot attend.

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If you have any questions or feedback, please email us at 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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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 Stuart 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>.