

**Date:** March 14, 2022  
**Subject:** Landfill Update

**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 purpose of this email is to update the residents of Two Rivers on the status of the recent BOA Public Hearings & the various permits that are needed before construction of the Chesapeake Terrace Rubble Landfill Project can begin.

#### BOA Public Hearings

The Public Hearings concluded on March 2nd. After the lawyers were done presenting their arguments, thirteen members of the public addressed the BOA. This included seven members of TRR-LOC. If you are interested, you can review some of the testimony at our landfill documents website:

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

During the next few months, the lawyers for NWM, FOTPIA, & AAC will send briefs to the BOA on 4/11/22, 5/16/22, and 6/3/22. Under AAC regulations, the BOA then has two months to issue their decision (8/3/22). No one knows for sure what the BOA will decide, but we are hoping for the following outcomes:

- (1) The BOA decides, based on the testimony about the negative impacts on the neighborhoods, that the BOA's decision to restart the time clock on 10/19/18 was in error. Therefore, the 4th time extension is retroactively denied.
- (2) The BOA could further decide that NWM can no longer comply with all of the Special Exceptions that were established in the BOA's 1993 Memorandum of Opinion. The primary issue is that the BOA Approved Access Route is no longer available, since this property is now owned by AAC and plans to build an elementary school are underway. If the BOA issues this opinion, then permitting activities would end.

It is also possible that the BOA will decide that it is time for AAC's Administrative Hearing Officer to consider a Variance Application for the 5th Time Extension.

Whatever the BOA decides, the losing parties will most likely appeal the decision to a Maryland Circuit Court. We expect that the BOA will try to craft a decision that will stand up in the Maryland Courts. The BOA's recent track record on landfill decisions, that stand up to Court challenges, is not good. The BOA's decisions in 2013 & 2018 regarding the 4th Time Extension were remanded back to the BOA by the MD Circuit Courts & the Court of Special Appeals.

The proceedings before the BOA are exceedingly slow under AAC regulations & the legal challenges. In the MD Court of Special Appeals decision dated 6/21/17, the judge criticized the BOA in Footnote #2: *"To say that the Board moved at a 'snails pace' throughout its various deliberations since 1990 would be an unfair aspersion on the mobility of the snail"*.

#### MDE State Permit

Based on a MD Circuit Court decision dated 5/25/21, MDE is continuing to process the State's environmental permit. MDE has recently indicated that they are wrapping up Phase III and will soon begin Phase IV of their five step permit approval process. We expect that this will lead to the scheduling of a Public Hearing to review the MDE permit. When this is scheduled, we will notify all residents and encourage your attendance at this very important event. The last time that MDE held a public event for the landfill was in November 2019 in Annapolis. An estimated 350 people attended from the surrounding communities. The large turnout sends a big message.

TRR-LOC will point out a number of technical problems with the Phase II & III development plans that have been submitted by NWM. MDE will then have to address each issue. For the Tolson landfill project, MDE needed a couple more years to address all of the concerns that were raised in the Phase V public hearing.

#### AAC Construction Permit

AAC will not begin processing this permit until the MDE permitting process is done. AAC Planning & Zoning is on record as opposing the landfill for a number of reasons including NWM's lack of access via the BOA's Approved Access route, traffic, impacts on the neighborhoods, etc.

#### Army Corps of Engineers Federal Permit

NWM has been notified that this federal permit will expire on 12/31/23. Furthermore, it will not be renewed.

#### Final Comments

The permitting process is complex & legal proceedings add significant delays. TRR-LOC expects that the landfill project will finally come to an end by 12/31/23 when the Federal Permit expires. In the meantime, there will be more legal challenges & administrative hearings & decisions.

Our FOTPIA neighbors have valiantly & successfully opposed the landfill permitting process for over three decades. If you would like to contribute to the landfill opposition legal battle, FOTPIA is still trying to raise money for their legal defense costs. You can provide financial support at: <https://fotpia.org/home>

You are welcome to contact members of TRR-LOC to discuss the landfill or send us an email at: [TRR-LOC@gmail.com](mailto:TRR-LOC@gmail.com).

TRR-LOC

Highlands - Rick Bock

Regency - Pete Baer & Bill Radlinski

Bluffs - Dick Talbot

Woodlands - Christie Roberts

Watershed - Cathy Buckman, Jack Jacobs, Judy Wagner, Ed Riehl

+++++

#### **Historical Background Info**

For those of you who are new to Two Rivers, the below info will help acquaint you with 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 32 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 October 2019, a small group of volunteers formed the Two Rivers Residents - Landfill Opposition Committee (TRR-LOC). We have been: (1) reviewing documents from the last 32 years, (2) developing opposition arguments, (3) contacting government officials & local opposition groups, and (4) updating the residents of Two Rivers.

If you would like to review historical documents, you can find them at:

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