



Office of the County Executive
STEUART PITTMAN

August 31, 2020

Mr. Andrew Grenzer, Chief,
Solid Waste Operations, Land & Materials Administration
Maryland Department of the Environment
1800 Washington Blvd
Baltimore, Maryland 21230
andrew.grenzer@maryland.gov

Dear Mr. Grenzer:

On behalf of the citizens of Anne Arundel County, thank you for allowing my office the opportunity to provide comments on the Phase III Permit Application for Chesapeake Terrace Rubble Landfill (Phase III Report). Thank you also for the recent opportunity to review and provide comments on the Phase II Report, and I look forward to reviewing your office's responses to those comments provided on August 3, 2020.

This letter will summarize Anne Arundel County's comments related to the Phase III Report. However, we must repeat our primary concern that was also voiced in our most recent August 3, 2020 letter and in a July 27, 2005 letter. The proposed project has, in point of fact, *not* satisfied all applicable county zoning and land use requirements because the applicant has *not* acquired access to the site as required by a special exception that is now more than 26 years old.

This comment also pertains to the Phase III Report as this new report contains references to multiple access points. Specifically, Section 3.4 Access/Site Entrances of the report indicates there are three proposed entrances and states the owner may construct one or all entrances. The report also states it is assumed the east entrance will be constructed while the north and south entrances are optional if the east entrance is not constructed.

The December 23, 1993 Board of Appeals order approved only one entrance to the landfill. This entrance was to be sited from Conway Road and to be acquired through a fee-simple right-of-way, not through an easement. Thus, the only lawful entrance to the site is the east entrance as labeled in the report. Please remove all references to the north and south entrances in the Phase III report in order to comply with the Board's order regarding the special exception

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use of these lands as a rubble landfill. Please also note that as of the date of this letter, the County has not been advised by the applicant that they have acquired the fee-simple rights to this road.

In addition to the access issue, Anne Arundel County provides the following comments on the Phase III Report:

1. The proposed landfill will be required to operate in accordance with Anne Arundel County Code § 18-11-131, Landfills, rubble and land-clearing debris landfills, which requires that “no less than 30% of the total amount of material received in any 12-month period is recycled.”
2. Chesapeake Terrace Rubble Landfill appears in the 10-Yr Solid Waste Management Plan 2013-2023 as a proposed facility (Chapter 5, page 5-35) with a status of “Permit Application Under Review by [Maryland Department of the Environment].”
3. On page 1-1, please clarify the following statement: “The Phase II Permit application...was approved by Maryland Department of the Environment (MDE) on June 17, 2020.”

The County was invited to provide comments on the Phase II Report in a July 2, 2020 email. The County provided such comments by the requested deadline of August 3, 2020 anticipating that these comments would be taken under consideration. It is our understanding that COMAR 26.04.07.15 requires MDE to request comments within 30 days of receipt of the Phase II Report, and set a date, time, and place for a joint plan review meeting with interested agencies and the applicant prior to making a determination that sufficient information is available to proceed to a Phase III report.

The Phase III Report was provided to the County on July 31, 2020, before the County had submitted comments on the Phase II Report. Given the quick pace at which this permit review is progressing, please clarify when and how MDE will consider the County’s comments on both reports.

4. On page 1-1, the statement, “landfill that will provide disposal air space for Anne Arundel County rubble waste disposal for approximately 12 years,” appears consistent with the requirements of the special exceptions granted by the Board of Appeals order.
5. However, on page 12-3, the statement, “The land will be operated until the design capacity has been reached” should be amended to read, “The land will be operated for no more than 12 years as required by the zoning special exception.” All other references in the document to the life of the landfill should reference the approved special exception life of 12 years.
6. On pages 3-6 and 3-7, we note that the prescriptive liner system appears to meet the minimum requirements for rubble landfills. However, we remain concerned that the bottom grade of the landfill may come into contact with groundwater, especially near

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monitoring wells MW-5 and MW-6. We urge MDE to carefully review the groundwater heights across the entire site.

7. On page 3-8, please note that the proposed landfill property is currently outside of a qualifying Sewer Service Area, so any connection to the sanitary sewer system would require an amendment to the Water and Sewer Master Plan.
8. On page 5-1, please correct the operating days per week from 5.5 to 5 as is correctly stated in the hours of operation section on page 12-6.
9. On page 5-1, please check the value of 44.0 tons/cubic yard as it appears this should be 44 lbs/cubic foot as used in the calculations in Attachment 5B.
10. On page 12-10, the Operations Manual should include a more thorough discussion of recycling operations to include recycling of 30% of accepted materials, or roughly 800 tons/day, and the additional inbound/outbound vehicle traffic to accommodate the removal of recycled materials.
11. On page 12-12, incinerator and fly ash are listed as potential alternative covers, but are not permitted as cover or fill in Anne Arundel County. Please remove all references to incinerator and fly ash.
12. Please confirm that the final height of each landfill cell will not exceed 30 feet above the natural grade of the surrounding land.

Thank you again for the opportunity to review and provide comments on this Phase III Report. Please do not hesitate to reach out to Anne Arundel County's Environmental Policy Director, Matthew Johnston at exjohn00@aacounty.org or 443-699-6543 if you have any questions.

Sincerely,



Steuart Pittman
County Executive

Cc:

The Honorable Ben Grumbles, Secretary of the Environment
Chris Phipps, Director of Public Works
Steve Kaii-Ziegler, Planning and Zoning Officer

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