

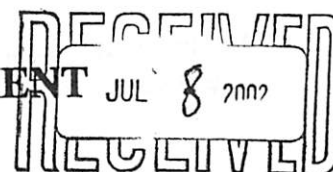


MARYLAND DEPARTMENT OF THE ENVIRONMENT

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PLANNING ADMINISTRATION



BY

Parris N. Glendening
Governor

July 3, 2002

Merrylin Zaw-Mon
Acting Secretary

Mr. Nathanael Rohan
2178 Hallmark Drive
Gambrills MD 21054

Dear Mr. Rohan:

Thank you for your letter to Governor Parris N. Glendening regarding the proposed Chesapeake Terrace Rubble Landfill located near Odenton, Anne Arundel County. The Governor has asked me to respond on his behalf.

Governor Glendening has long supported citizens' efforts to ensure the safety of rubble landfills. In 1997, the Maryland Department of the Environment promulgated regulations that increased the requirements for rubble landfills to help protect communities from the environmental impacts that you have described. To some extent, we used scientific testimony based on the document you cited to help support this effort. To better define the groundwater flow regimes in the area, more sophisticated geological investigations are now required for all proposed rubble landfills. The landfills must also be designed with liners and leachate collection systems to help prevent any impact on local water resources. Also, with respect to wetlands and related issues that you raised, please note that this project has already been reviewed and permitted by the United States Army Corps of Engineers, which has jurisdiction over activities in wetlands, and has received a Water Quality Certification from the Department of the Environment's Water Management Administration. The landfill activities will be restricted only to upland portions of the property, and it is required that other disturbance to wetlands be minimized.

There have been many concerns raised about the way in which this proposed landfill could impact the community. The application process for such facilities described in the enclosed fact sheet consists of several steps that are intended to ensure that the public health and the environment surrounding the facility will be protected. At this time, the Chesapeake Terrace facility is early in the application process, as we have yet to complete our review of updated hydrogeologic and engineering reports. Therefore, we do not yet have enough information to make any determination concerning the suitability of the design of this facility. However, the concerns about the environment that you have raised will be considered once we have received all the pertinent information.

Please note that many of the issues concerning non-environmental impacts to the community that you raised are under the purview of Anne Arundel County government, not the State of Maryland. In the case of this facility, the applicant for the landfill sued the County over their decision to rescind the zoning special exception that had been granted to this project. As a result of this case, the County is currently

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under Court order to provide the necessary local approvals concerning zoning and land use, and did so in a letter from Mr. Denis Canavan, Anne Arundel County Planning and Zoning Officer, on June 16, 2001. The law requires those approvals before the Department of the Environment can proceed with the application review. The Department was not a party to this suit, so you may wish to contact Mr. Canavan or his staff at (410) 222-7450 for more information.

Thank you again for your letter. The Governor appreciates hearing from you and, on his behalf, I also thank you for your interest in this very important issue. If we may be of further assistance on this or any other matter, please do not hesitate to contact me or Mr. Richard Collins, Director of the Waste Management Administration, at (410) 631-3304.

Sincerely,



Merrylin Zaw-Mon
Acting Secretary

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Enclosure

cc: The Honorable Parris N. Glendening
Mr. Denis Canavan ✓

The Solid Waste Permitting Process for Municipal, Rubble, and Industrial Waste Landfills In Maryland

The Maryland Department of the Environment (MDE) issues Refuse Disposal Permits for sanitary landfills and other waste disposal facilities under the authority of the Environment Article, §9-204 of the Annotated Code of Maryland, and regulations at COMAR 26.04.07. The following steps have been instituted to insure the complete review of applications for Refuse Disposal Permits for landfills:

PHASE I - Preliminary Information - Reviewed to see if there are any major, readily-identifiable issues such as endangered species, wetlands, floodplains, Scenic Rivers, Critical Areas, historical sites, proximity to airports, or regulation under the Highway Beautification Act of 1965. The application is sent to the County government and other agencies; application is held at Phase I until the County affirms that the project has all necessary local zoning and land-use approvals, and is in conformance with the County's 10-year Solid Waste Master Plan. A Public Informational Meeting is scheduled and held to inform the local community of the application. This meeting is held on a weeknight near the proposed landfill site, and is advertised by mailings to the property owners within 1000 feet of the site and the elected legislative representatives for the area. Also, notices are published in a local newspaper at least once a week for two weeks prior to the meeting. Representatives of MDE and the applicant are present to provide information about the application process and the proposed activity. Comments received from other agencies help MDE decide whether to proceed with the application process, and if so, what other permits or approvals may be required (e.g., Army Corps of Engineers wetlands permit, etc).

PHASE II - Geological and Hydrological Report - A site-specific environmental investigation of the property based on borings and wells installed across the site. The report must be prepared by a geologist or geotechnical engineer acceptable to the Department, and must describe the soils, geology, meteorology and hydrology of the proposed site. The report provides further definition of wetlands, floodplains, historical sites (if needed), and other information needed for further design and monitoring plan development. This report is principally reviewed by MDE but is also distributed to other interested agencies, including the Geological Surveys, the Department of Natural Resources, and the Army Corps of Engineers.

PHASE III - Engineering Report - Detailed Plans, operating manuals, contingency plans, and monitoring plans. These plans depict the nature and function of the pollution control systems; how the landfill will be built and operated; how it will be monitored; the types of equipment and personnel to be used; what the initial and final elevations will be; a conceptual plan for closure and postclosure use of the facility; and contingency plans for dealing with operational problems that sometimes occur at landfills (fires, equipment breakdown, etc.) in order to prevent impact to the environment or the community. This report is principally reviewed by MDE but is also distributed to other interested agencies. Before final approval, the plan must be signed and sealed by a Registered Professional Engineer, and the sediment and erosion control plan approved by the local Soil Conservation District or other appropriate agency. Plans may go through several revisions before final approval.

INTERNAL REVIEW & PREPARATION (Phase IV) - When the technical requirements have been satisfied, MDE makes a final check of the application for completeness and satisfaction of all laws and regulatory requirements. Within 60 days of the completion of Phase III, the Department then makes a Tentative Determination whether to issue the permit or not, and notice of the Tentative Determination to issue or deny the permit is advertised. If the application is deficient or there is good cause for denial, the applicant is notified and afforded an opportunity for appeal. If the application is acceptable, the MDE project manager then prepares the draft permit and public notices. Copies of the draft permit and the application documents (the reports submitted for Phases I, II, and III) are placed in a local repository - usually a public library or County office near the proposed landfill site. A Public Hearing is scheduled, and is advertised as required by law.

PUBLIC COMMENT (Phase V) - A formal Public Hearing is scheduled and held to obtain comment from the local community concerning the application. It is generally held on a weeknight at a location near the proposed landfill site, and is advertised by mailings to owners of property within 1000 feet of the proposed site, and the elected legislative representatives for the area, as well as by publication of notices in a local newspaper at least once a week for two weeks prior to the Public Hearing. The Public Record is generally left open for 45 days, during which time the Hearing takes place, so that interested individuals can submit additional written testimony or evidence for consideration.

FINAL DETERMINATION - The Hearing Officer, an official of MDE, reviews the testimony and evidence presented, and the applicable laws and regulatory requirements, and makes recommendations for a Final Determination by the agency. This determination may be to issue the permit as is; to issue the permit with changes to address concerns raised during the hearing; or to deny the permit, among other possible outcomes. The Final Determination may be appealed by the applicant or parties who have legal standing and who are aggrieved by the decision. Such appeals are handled in accordance with Maryland's rules for administrative appeals of environmental permits (see Title 1, Subtitle 6 of the Environment Article).

For more information, contact the Solid Waste Program at (410) 631-3424.