

**Timeline for Chesapeake Terrace a.k.a. National Waste Managers, Inc.**

- \*Court of Special Appeals filed on Oct. 25, 2016 its opinion on NWM. The CSA is remanding the National Waste Managers' time variance case to the Board of Appeals to determine whether the proposed landfill is still compatible with the surrounding neighborhood (essentially allowing the Protestants to re-litigate the SE). The OOL has indicated that this is going to create a huge problem for Tolson landfill, and most likely result in them losing the appeal to their time variance pending in the CSA on the very same issue. OOL argued Tolson time variance in the CSA on Oct., 7, 2016.
- The project received original approval in 1993, Case nos. BA 20-91S, 26-91S, and 27-91V for a rubble landfill and a sand and gravel operation.
- The site was formerly a sand and gravel pit dating back to before WWII.
- The project has been under MDE review for a Solid Waste Permit since 1993.
- MDE suspended their review when the County was sued by the applicant for omitting the facility on the Solid Waste Master Plan in 1994.
- No activity during judicial review (1995 - 2001)
- MDE permit re-activated and subject to new State regulations for landfills in 1997.
- Case in court from 2001-2005.
- First time extension filed 2006. Case Nos. BA 07-06 and BA 08-06, granted by BOA with condition that no further extensions would be granted. This was challenged in Circuit Court and the applicant prevailed after which the proviso was removed.
- Second extension filed 2008. Case Nos. BA 10-09V and BA 11-09V, granted by BOA
- Third extension filed 2011 and granted by BOA
- **Fourth extension filed Dec. 2012 (Case 2012-0300-V), appealed to BOA, Case Nos. BA 12-13V and BA 13-13V, proceedings haven't concluded.**
- **Next hearing date 10/15/13**
- We have recommended approval of each time extension request having found that the applicant was in diligent pursuit of a MDE permit.
- The applicant cites the MDE permitting process to be iterative in nature and requires a great deal of technical expertise and engineered drawings related to hydrogeology.
- MDE believes that their review could be completed within 12 months.
- Even with BOA approval, the limitations placed in the 1993 approval must be resolved, i.e. access must be from Conway Road only via a fee simple right-of-way. The only way to access the site from Conway Road is by crossing several privately held parcels as well as a BGE transmission line r-o-w.
- Protestants are well represented by Tyson Bennett and include Forks of the Patuxent Improvement Assoc and other community associations whose primary concerns are traffic, noise, and public health matters.