

# HENLEY & HENLEY

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September 28, 2020

Office of Planning and Zoning  
Anne Arundel County  
2664 Riva Road  
Annapolis, Maryland 21401

Re: National Waste Manager, Inc./Chesapeake Terrace

Dear Sir or Madam:

On behalf of National Waste Managers, Inc./Chesapeake Terrace, I am writing to explain the request for variances to Anne Arundel County Code, Section 18-16-405 that requires a special exception to be implemented and operational within two years after an approval and the Code requirement that County building permits be obtained and completed within two years.

The applicant received approval of special exceptions and variances to allow a rubble landfill and sand and gravel operations for properties located in the Odenton area of Anne Arundel County proximate to Patuxent Road and Bragers Road, Case Numbers BA 120-90S, BA 26-91S and BA 27-91V. The State of Maryland requires a refuse disposal permit before this special exception use may be implemented. The State's permitting process takes many years to complete. It is an intensive geologic, hydrogeologic, and engineering five stage process involving submissions, responses requiring additional submissions, public hearings, all in order to protect public safety. The refuse disposal permit application process is nearing conclusion through the Maryland Department of Environment. The applicant cannot submit and obtain review of the required County permits until the State refuse disposal permit has been issued. The applicant can not implement the use because necessary permits have not been issued due to of the lengthy State permit process.

The most recent previous extension of time on these special exceptions and variances for a period of two years was granted by the Board of Appeals for Anne Arundel County on October 19, 2018, Case Numbers BA 12-13V, BA 13-13V. (2012-

0300-V and 2012-0301-V). At that time, the Maryland Department of Environment again began processing this permit application after having suspended all activity on the matter for a five year period of time due to pending litigation concerning the 2012 variance for extension of time request. The State agency began processing the permit application again upon notification by Anne Arundel County that the project once again met all applicable County zoning laws on November 8, 2018.

Accordingly, this applicant is requesting an extension of three years to allow it to finalize the State permit process and to obtain the required County permits to implement the use. The COVID-19 pandemic has affected the review of documents by the Department of Environment and has slowed the review process. The application is approaching the finalization of the State refuse disposal permitting process and the agency reviewers will be soon scheduling the final public hearing through the Maryland Department of Environment. After the State permit is issued, required County permits will be pursued. This applicant continues to diligently pursue this project.

Please contact me if you require any additional information. Since the previous planner on this project, John R. Fury, is no longer with your office, please advise me of the name and contact information of the person assigned to this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susanne K. Henley".

Susanne K. Henley

cc: Steve Fleischman