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THE MARYLAND GENERAL ASSEMBLY
LEGISLATIVE DISTRICT 21
PRINCE GEORGE'S AND ANNE ARUNDEL COUNTIES

May 1, 2023

Mr. Tyler Abbott

Director

Land and Materials Administration

1800 Washington Blvd., #610

Baltimore, MD 21230

Dear Mr. Abbott:

We are writing to express our united opposition to final approval by MDE of a refuse disposal permit for National Waste to operate the Chesapeake Terrace Rubble Landfill on Patuxent Road in Odenton.

We realize that efforts to obtain a solid waste disposal permit at this site date back more than 30 years; however, much has changed in this area of Anne Arundel County in the decades since. If approved, this landfill with its construction and demolition waste, land clearing debris, friable asbestos, and potentially sewage sludge, will pose a constant and significant threat of water, soil and air pollution that would negatively impact the Patuxent Watershed and the health of residents of the developing neighborhood of Two Rivers as well as the historic communities of Woodwardville and Wilson Town, an African American enclave given to freed slaves by Quakers. We are equally concerned about adverse health impacts on students at West County Elementary School on Conway Road, which is expected to open in Fall 2024.

Impact on Groundwater, Well Water, Surface Water and the Patuxent River Watershed

The site of the proposed rubble fill facility borders the Little Patuxent River, a tributary of the Patuxent River, which is the longest river completely located within the state of Maryland, draining a 900-square-mile area and emptying into the Chesapeake Bay. The Patuxent's health is already poor. Its most recent water quality score, published by the University of Maryland Center

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for Environmental Science in June 2022, was 23%, making it the lowest rated river in the Chesapeake Bay watershed along with the Patapsco and Back rivers.

If the landfill's liner or leachate collection systems fail, groundwater and surface water contamination will cause tainted municipal drinking water and well water and threaten the ecosystems of the Little Patuxent and Patuxent Rivers in Northwest Anne Arundel County. With the landfill's proposed location on top of the aquifer that supplies drinking water to Odenton, Gambrills, Millersville and Crofton, this would pose a direct and dangerous impact to human health. Additionally, if these systems fail, the well water used by residents of Woodwardville and Wilson Town would be contaminated. And if groundwater and surface water become tainted, the impact on the Patuxent and its ecosystem could be catastrophic for a river that is already struggling.

In the event of groundwater contamination, the Water Supply Contingency Plan required by MDE sounds like it would be too little, too late. In its Draft Refuse Disposal Permit (No. 1993-WRF-0225), MDE states that if groundwater contamination caused by the landfill requires an alternative drinking water supply, the Department will require the permittee "to draft a detailed engineering design plan describing the manner in which alternative water supplies will be provided to potentially affected areas around the landfill. The draft plan shall be submitted to the Department for review within 1 year of notification by the Department." An alternative water supply plan should be required to be on file in anticipation of a liner failure or leachate spill so that action can be taken as swiftly as possible to avoid human and environmental harm.

Air Quality Concerns Due to Heavy Truck Traffic Emissions

During its allowable operating hours, Monday through Friday, 7 AM to 5 PM, 100 or more trips per day by heavy, waste hauling trucks will crowd Conway Road, the location of the only site entrance approved by MDE.

A Maryland law enacted in 2022 has an ambitious climate plan to attain net zero greenhouse gas emissions by 2045. Transportation has become the largest source of carbon emissions in the United States; heavy duty trucks are disproportionately to blame because they release nitrogen oxides. This is a major concern for human health since elevated levels of nitrogen dioxide can cause cardiovascular and respiratory tract damage, increasing a person's vulnerability to, and the severity of, respiratory infections, asthma, and chronic lung disease.

In its final Phase 2 Greenhouse Gas Rule finalized in December 2022, the U.S. Environmental Protection Agency established stronger emissions for a wider range of heavy-duty engines beginning in model year 2027. EPA estimates that without any further emissions reductions, by 2045, heavy trucks would account for 32 percent of mobile source nitrous oxide emissions and 89 percent of on road emissions. (Heavy-Duty 2027 and Beyond: Clean Trucks Final Rulemaking www.epa.gov)

In addition to its threat to human health, high levels of nitrogen dioxide are also harmful to vegetation—damaging foliage, decreasing growth and reducing crop yields. Nitrous oxide

pollution from heavy trucks also impairs visibility and damages terrestrial and aquatic ecosystems. (EPA Heavy-Duty Truck Fact Sheet www.epa.gov)

Air pollution from heavy-duty, waste hauling trucks servicing the rubble fill facility will be further exacerbated by two factors. First, with a single point of ingress and egress on Conway Road, the trucks will be concentrated and idling as drivers wait to enter the facility. This idling will result in even higher concentrations of nitrogen oxides and thus greater adverse health impacts, including for children of West County Elementary School.

Secondly, the waste being hauled in these trucks contain myriad toxic chemicals including solvents; asbestos; and per- and polyfluoroalkyl substances or PFAS, so called forever chemicals common in a variety of building materials including timber products; roofing shingles; windows, doors and other glass and ceramic products; flooring; and sealants on concrete, stone and grout.

EPA has launched a "PFAS Strategic Roadmap" to better understand and define PFAS as an emerging contaminant in water, soil and air and its impact on human health. Since January 2021, EPA has been steadily proposing and pursuing significant PFAS regulatory actions including:

- Adding PFAS as a hazardous substance under the federal Superfund law;
- Establishing legally enforceable levels for six PFAS known to be in drinking water;
- Issuing drinking water health advisories for PFAS;
- Creating a national PFAS testing strategy to define toxicity levels and better protect human health and the environment; and
- Releasing its final Effluent Limitations Guidelines (ELGs) Plan 15, in January 2023 including a determination that revised ELGs and pretreatment standards are warranted for reducing PFAS in leachate discharges from landfills.

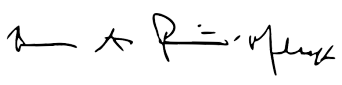
(Key EPA Actions to Address PFAS www.epa.gov)

Given the intense focus and multi-pronged action plan by EPA to address PFAS risks, especially related to landfills, we find it unacceptable that MDE makes no mention of PFAS testing, monitoring or mitigation measures in the Chesapeake Terrace draft permit.

For this and the other environmental and human health concerns outlined above, we urge the department to deny the application by National Waste to operate Chesapeake Terrace Rubble Landfill on Patuxent Road in Odenton.

Respectfully,

Jim Rosapepe 

Joseline Peña-Melnyk 

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