



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor
Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

June 16, 2023

CERTIFIED MAIL
Return Receipt Requested

Mr. Warren Halle
National Waste Managers, Inc.
2900 Linden Lane, Suite 300
Silver Spring, Maryland 20910

Dear Mr. Halle:

On February 23, 2023, the Maryland Department of the Environment (MDE) conducted a public hearing regarding MDE's Tentative Determination to permit the proposed Chesapeake Terrace Rubble Landfill. As a result of that public hearing, MDE received numerous comments regarding the proposed rubble landfill and is in the process of preparing its Response to Comments document prior to issuing a Final Determination.

MDE received comments from the Patuxent Research Refuge (enclosed) that a federally protected species has been acoustically detected of the Refuge and development of the proposed site may impact the species habitat. MDE was informed that the Northern Long Eared Bat (*Myotis septentrionalis*) was added to the Endangered Species List on March 31, 2023, which was after the most recent Army Corps of Engineers wetland and waterways authorization was extended. MDE has determined that the inclusion of the Northern Long Eared Bat may require an Endangered Species Act (ESA) Endangered Species Consultation pursuant to Section 7 and requests National Waste Managers, Inc (NWM) provide authorization from the Army Corps of Engineers that an Endangered Species Consultation was performed. Should the proposed rule, published on Sept. 14, 2022, to list Tricolored Bats (*Perimyotis subflavus*) as endangered be final prior to the issuance of a refuse disposal permit for the proposed Chesapeake Terrace Rubble Landfill, MDE will require a similar authorization from the Army Corps of Engineers inclusive of the tricolored bat.

Because of the involvement of other agencies (United States Army Corps of Engineers, United States Fish and Wildlife Service, Maryland Department of Natural Resources), MDE determined that notification to the applicant prior to finalizing its Response to Comments document was necessary so that NWM could provide additional information and approvals specific to the ESA to support the permit application.

Pursuant to § 9-205(e) of the Environment Article, MDE requests that NWM submit evidence that an Endangered Species Consultation was performed in accordance with the ESA Section 7 regarding

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the Northern Long Eared Bat prior to MDE issuing a Final Determination on the Refuse Disposal Permit for the proposed Chesapeake Terrace Rubble Landfill. Please refer to the document control number **1993-WRF-0225** when writing MDE regarding this application. If you have any questions regarding this matter, you can contact Ms. Allison Marong, at (410) 537-3315 or allison.marong@maryland.gov.

Sincerely,

Andrew Grenzer, Chief
Solid Waste Operations Division

Enclosure

cc: Maria Teresi, United States Army Corps of Engineers
Susan Henley, Henley & Henley, Attorneys at Law
Paul G. Stratman, Geologist Consultant, Montrose Environmental
Jennifer Greiner, Refuge Manager, Patuxent Research Refuge
Tyler Abbott, Director, Land and Materials Administration (LMA)
Edward Dexter, P.G., Administrator, Solid Waste Program, LMA
Brian Coblenz, Chief, Solid Waste Compliance Division, LMA
Samuel Ogbogu, Head, Construction and Maintenance Section, LMA
Allison Marong, Project Manager, Construction and Maintenance Section, LMA