

State denies disposal permit for Odenton landfill project

Environmental department cites risk to public health

BY NATALIE JONES

A 30-plus-year effort to open a refuse landfill in Odenton suffered a setback when the Maryland Department of the Environment denied an application for a permit, saying it would harm public health.

The proposed Chesapeake Terrace Rubble Landfill, to be located along Patuxent Road in Odenton, would store demolition waste, including steel, concrete and bricks, construction debris like lumber, plaster and insulation, household appliances and asbestos on a 114-acre plot. The project, in the works since 1988, was brought forward by National Waste Managers, Inc., an entity run by The Halle Companies of Silver Spring.

In its Nov. 6 denial letter, MDE said the landfill's proposed east entrance from Conway Road was a risk to public health because of its proximity to Two Rivers Elementary School, which opened this fall, and its intersection with the WB&A Trail, a recreational trail in western Anne Arundel County.

"We were very surprised but thankful that this has happened," said Ed Riehl, an Odenton resident who chairs the Two Rivers Residents-Landfill Opposition Committee, a group that has worked to halt the project.

The state environmental agency said it had asked National Waste Managers to provide an alternate entrance approved by the Anne Arundel County Board of Appeals that did not intersect or adjoin the elementary school land. The Conway Road entrance to the landfill was the only approved entrance in a special exception granted by the Board of Appeals in 1993.

In a May response submitted to MDE on behalf of National Waste Managers, developers did not provide an alternative entrance, the agency said in its denial

letter — a request that an attorney for the developer contended could not be done procedurally.

“This about-face by MDE to require alternate access as part of its refuse disposal permit process when all state and county agencies and courts have previously agreed that this is a local county question that cannot be dealt with until after state refuse disposal permit is issued, amounts to unlawful administrative taking of billions of dollars of property rights by a governmental agency,” Susanne K. Henley, an attorney representing the developers, wrote in the May response to MDE.

The news of the permit being denied was unexpected, however. In January 2023, the state agency made a tentative determination to approve the permit applied for by National Waste Managers to build and operate the landfill.

After that tentative approval, dozens of residents voiced opposition to the landfill, fearing that storing asbestos could lead to toxic chemicals in their drinking water. Others raised concerns that their children, who would eventually attend Two Rivers Elementary School, could be exposed to chemicals, as well as exhaust and noise from large trucks.

“We were hopeful that MDE would agree with all of the testimony and things that were shared with them, that this was not an appropriate place for the landfill,” Anne Arundel County Council member Julie Hummer, a Laurel Democrat who has long opposed the project, said Wednesday. “So it was a great relief”.

Community opposition wasn’t the only hurdle the landfill project faced. In May 2023, the U.S. Fish and Wildlife Service alerted the state to an endangered bat population in the area.

While the developer was required to have an endangered species consultation performed with guidance from the U.S. Fish and Wildlife Service and approved by the U.S. Army Corps of Engineers under the Endangered Species Act, in November 2023, the service determined the project didn’t appear to pose a threat to the northern long-eared bats.

Even if the developers had received the permit to dispose of refuse at the site, they would need to secure county approvals to operate.

Still, the permit denial doesn’t mark an end to the effort to bring the landfill to Odenton. The developer can appeal the decision by filing a written request for a hearing, a petition for judicial review, though the clock is ticking — the request must be filed within 30 days of the Nov. 6 denial.

The Halle Companies did not return a request for comment on the denial or the possibility of an appeal.

Hummer said she feels it is likely, though.

“If history is any indication, they will appeal because they have appealed at every level so far,” she said. “But it would be great if they made the decision that they’ve reached the end of the line and they give up on this, but history, as I said, history says that they will probably appeal.”

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