

County Council bill would limit rubble landfills in Arundel

But council's legal staff warns measure could prompt lawsuits over pending proposals

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For more than two decades, residents of western Anne Arundel County have fought against proposed rubble landfills that they say would bring traffic, dust and noise to their community.

Now their hopes rest with the fate of a bill before the County Council that would ban such landfills from residential zones, instead relegating them to industrial areas.

Several members of the County Council seemed eager to pass the bill at their last meeting, but the county's top lawyer cautioned that such a change to zoning rules comes with the risk of lawsuits. The bill will be debated again at Monday's council meeting.

County Attorney David Plymyer estimated that if the county were sued successfully by developers who want to open the landfills, taxpayers could end up paying settlements of \$10 million or more. He put the odds of a lawsuit at 50-50.

"How much money do you want to put up against those odds?" Plymyer asked council members.

He noted the county has felt the pinch of a zoning lawsuit before: In 2010, the county had to pay \$3.25 million to settle a suit brought by a church that wanted to build a school in South County. The County Council had labeled a key roadway "scenic and historic" in an attempt to thwart the school.

"The risks are very high financially," Plymyer said.

Residents of Odenton, Gambrills and Crofton are worried about the impact of landfills in their communities.

There are two proposals for rubble landfills just a few miles apart in West County: Chesapeake Terrace in the Forks of the Patuxent area in south Odenton, and the Tolson & Associates

landfill on the site of Cunningham Excavating off Route 3 near Crofton. Both would accept construction debris and rubble but not household trash or hazardous waste.

Chesapeake Terrace is owned by National Waste Managers, a subsidiary of Silver Spring-based development company Halle Cos. It's been in the works since the 1980s on land that includes an abandoned gravel mine south of Odenton.

At Cunningham Excavating, an active sand and gravel mine next to a Route 3 racetrack, an affiliated company wants to fill in a mined pit with rubble. The Cunningham site already has a closed rubble landfill.

Anthony Gorski, an attorney for the Tolson/Cunningham landfill, said the project is close to winning its final state environmental approval. He opposes the county bill, which would put a halt to the project.

"It's targeted at specific people, and I find legislation that targets specific individuals is very hard to swallow," Gorski said.

Officials with the Halle Cos., owners of the Chesapeake Terrace landfill, did not respond to requests for comment from The Baltimore Sun. The company's attorney also did not to respond to a request for an interview.

Odenton resident Sue Meyer remembers when zoning signs for Chesapeake Terrace appeared one day in the 1980s near an old gravel mine in her rural community. Neighbors began making calls to the county and word quickly spread that a rubble landfill was planned for the property near the neighborhoods of Woodwardville and Wilson Town.

Neighbors banded together and formed the Forks of the Patuxent Improvement Association and have been fighting ever since in court hearings, zoning meetings and environmental meetings.

"We have fended them off. Our community association will continue to do so as long as we are here," said Meyer, the current president of the association. "This is one fight that we are not backing down from."

In 1993, Halle was given a necessary zoning special exception to allow the rubble landfill. But the County Council removed the project from the county's solid-waste master plan, which

governs where landfills can go. Halle fought back and won a victory in court, with a judge ordering the landfill to be put back in the master plan.

Despite those victories, the landfill hasn't been built. The special zoning exception requires the landfill to have direct access to a certain roadway; Halle has not yet obtained that access.

As the process has dragged on, Halle has won a series of extensions on its zoning approval, which is normally good for two years. The last time Halle sought a time extension from the county's Board of Appeals, it was not granted.

Halle appealed, and a court date is set for this summer. Until the court case is resolved, the state has halted environmental reviews of the project, said Maryland Department of the Environment spokesman Jay Apperson.

Meyer understands the state environmental process is complex and can take years. But she questions whether Halle should still be able to seek renewals of its zoning approval after more than 20 years of trying. "At some point, when is enough enough?" she said.

As Meyer and her neighbors have been fighting Chesapeake Terrace, Jeff Andrade has been leading the charge against the Tolson landfill at Cunningham Excavating.

Cunningham has been mining and landfilling its property for several decades. But suburbia has sprouted around the property, including homeowners in Piney Orchard who are opposed to the traffic, dust and noise they say would accompany a rubble landfill.

Andrade, president of the Piney Orchard Community Association, said there are now 2,000 homes with a half-mile of the Tolson property. Industrial areas are better suited for landfills than residential areas, Andrade told council members earlier this month.

"You'll have them in areas where there's larger buffers, where there's industrial activity being handled," he said.