

**ST. MARY'S COUNTY COMPREHENSIVE SOLID WASTE PLAN**      Page 189  
**PUBLIC HEARING**  
**APRIL 20, 1995**  
**7:00 P.M.**

**Present:**        Commissioner Barbara R. Thompson, President  
                  Commissioner D. Christian Brugman  
                  Commissioner Paul W. Chesser  
                  Commissioner Frances P. Eagan  
                  Commissioner Lawrence D. Jarboe

**Staff:**         George A. Erichsen, P.E., Department of Public Works  
                  Melanie G. Johnston, Recording Secretary

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**INTRODUCTION**

Commissioner Thompson stated that the public hearing was only on the amendments to the Plan and not on the bulk of the Plan, itself. Ms. Thompson then introduced the members of the Solid Waste Advisory Committee who were present, and Mr. Erichsen, Supervisor of Engineering Services DPW. Mr. Erichsen read the Notice of Public Hearing as it appeared in The Enterprise. Mr. Erichsen requested attendees to sign in, and directed the attendees to the copies of the Plan, which also contained an outline of the proposed changes and copies of the three (3) minority reports. It was noted that the Minority Reports would be treated as public comments and addressed by the Committee following the ten (10) day public comment period. Mr. Erichsen then introduced Ms. Abell, Vice Chair of the Solid Waste Advisory Committee (SWAC).

**PRESENTATION OF AMENDMENTS TO THE PLAN**

Ms. Abell presented the revisions to the Plan, as outlined on the "Revisions to the 11/15/94 St. Mary's County Comprehensive Solid Waste Management Plan, 1993-2005," dated April 20, 1995. Ms. Abell advised that the major changes were included as a result of Commissioner request, as follows:

1. Chapter I, Page I-2, No. 9: Prohibition of private sanitary landfills and hazardous waste disposal sites within St. Mary's County;
2. Chapter I, Page I-6, Item D & E: Public and County Review Process for Solid Waste Management Facility Permit Applications and Procedures for Amending the Solid Waste Plan and Exemptions to the Amendment Process;
3. Chapter IV, Page IV-28: Solid Waste Siting Criteria;
4. Chapter IV, Page IV-35: Table IV-2, Solid Waste Facility Recommended Undisturbed Buffer Zone Requirements for Conditional Use.

Ms. Abell advised that the other changes listed are revisions required to reflect the additions to the Plan.

Ms. Abell stated that the revisions have been forwarded to the Planning Commission and Board of Appeals, and the Planning Commission has advised they will be discussing same at their regularly scheduled meeting of April 24, 1995.

**PUBLIC COMMENT**

**Vernon Gray, Chairman, Alliance of Concerned Taxpayers (ACT):** Mr. Gray asked if he was correct in stating that the State of Maryland has not approved the Plan. Commissioner Thompson advised that the State is currently reviewing the bulk of the Plan and will review the remainder of the Plan as soon as they receive same. Mr. Gray presented a letter from ACT, dated April 20, 1995 which is on file at the Department of Public Works, that includes 15 items, and



noted some are not specific to just the amendments. Commissioner Thompson asked Mr. Gray to address those issues specific to the amendments. Mr. Gray said that the most important concern deals with the prohibition of private sanitary landfill facilities and hazardous waste facilities. Mr. Gray recommended that this prohibition be extended to include private rubble landfills and transfer stations. Mr. Gray stated that it has been demonstrated that leachate generated in a rubble landfill is not significantly less toxic than leachate generated in a sanitary landfill and that Maryland does not require a liner in a rubble landfill despite its recent attempts; consequently the threat to the environment to surface and groundwater may be greater than from a sanitary landfill because of the lack of a liner requirement. Mr. Gray stated they are also concerned with transfer stations in that it has been noted recently in the Washington Post that privately owned and operated transfer stations have become quite popular as there are areas as close as Virginia and Pennsylvania that have tipping fees significantly less than what most Maryland counties have. Mr. Gray stated that if the County is operating a landfill and is dependent upon tipping fee revenue for the operation of that landfill and for some recovery of debt service payment, it would be counterproductive, if not foolish, to allow a private transfer station to operate within the County, as it would take revenue away from the County that is needed for the landfill. Mr. Gray then introduced Mr. Richard Klein, the consultant they had asked be present to comment.

**Richard Klein, President, Community Defense Environmental Services:** Mr. Klein stated that his organization works for citizens and citizen groups, helping them to resolve their concerns, over the past years having assisted several citizen organizations in Maryland that have expressed concern about a proposed or existing solid waste facility. Mr. Klein presented a document, entitled "Proposed Revisions to Criteria for Siting & Operating Solid Waste Management Systems in St. Mary's County," which is on record at the Department of Public Works.

Mr. Klein stated he would like to share some of the things that he has come up with over the past several years that separates those solid waste facilities that generate intense well-organized citizen opposition from those that generate little citizen opposition. Those facilities that generate opposition have very specific impacts upon citizens; those that don't have very distinct characteristics. Mr. Klein complimented the County Commissioners and SWAC for the excellent Plan, stating he wished all the counties in Maryland had a Plan as responsive to citizen concerns, yet designed to accommodate the need for facilities. Mr. Klein stated he liked the exclusionary zones, but suggested that in addition to the exclusion zones, the Commissioners give consideration to modifying the Zoning Ordinance similar to Howard County's by creating a separate zoning classification (overlay district) for solid waste facilities. An overlay district requires that a solid waste facility, i.e., landfill, incinerator or MRF, can only be sited in an area that has a solid waste overlay zone, which would be the industrial zone in St. Mary's County. Mr. Klein stated that at this time, the Zoning Ordinance allows a landfill in any one of the County's 13 different zoning districts by conditional use, except the airport zone. Mr. Klein felt that the problem with this process, where everything is revolving around a conditional use is the number of issues that you can address through the conditional use process is pretty narrow, and the test that the Board of Appeals has to abide by in deciding whether or not a conditional use can be granted are very narrow. If, like Howard County, applicants were required to re-zone a piece of land to an industrial zone, then get the overlay district, it would insure that all of the adjacent property owners are made aware that the facility is proposed and would require that the issue of approval would come before the County Commissioners. With the new Plan, a facility would be required to come before the Commissioners to amend the Plan to allow a facility to be constructed in the County, but there are a lot of other counties where facilities have been approved, yet the adjacent property owners never knew about it. Mr. Klein stated that, if instead, the applicant were required to go through the zoning process, then adjacent property owners would be notified and the property would be posted, and then there would be a formal vote by the County Commissioners.



Mr. Klein stated that his second recommendation concerns the buffer zones, proposed Table IV-2 of the Plan. Mr. Klein urged the Commissioners to increase the buffer for different types of landfills from 500' to 1,000', as Anne Arundel, Cecil and Harford County have done. Mr. Klein stated that when there is a 1,00' buffer between adjacent property owners, the number of complaints are much less than when the buffer is 100 - 400'. Mr. Klein said that the 1,000' buffer is needed to reduce the noise and visibility impact. He commissioned a study in Prince George's County about the effects rubble landfills have on house values when the separation distance falls below one (1) mile and found that the typical house value decreased by 11%; however, if you increase the buffer and screening from same, the chances for significant property value loss is less.

Mr. Klein directed attention to Table 3 of his report, which outlines the current buffer requirements within the Zoning Ordinance for a variety of uses which have the potential to have an effect upon adjoining property owners, noting that there is no buffer set forth in the Ordinance for landfills, but there is an implication that you have to have a 200' buffer from mining, excavating or other earth moving on the property. Mr. Klein stated that if the County had an overlay district similar to Howard County, there would be less of a need for specific distances from hospitals, schools, etc.

Mr. Klein urged the Commissioners to require liners and a leachate collection system for rubble fills, as Cecil County has done. He advised that MDE is proposing this, but has met with stiff opposition from the solid waste industry and some counties, so does not know if MDE will adopt this requirement. He also asked the Commissioners to give consideration to prohibiting privately-owned rubble fills. Mr. Klein stated that the Interstate Commerce Clause prohibits regulating the waste stream, however, 70% of waste received at some rubble fills in Maryland is coming from out of State because the lack of requirements for a rubble fill make them extremely cheap to build and operate, consequently they attract rubble from other States. Mr. Klein suggested that by prohibiting private rubble fills, the County can then build their own and could franchise out the operation to private entity so that the County gets the benefits of Government ownership with private operation.

Mr. Klein stated there should be recycling goals for construction demolition debris; wallboard should be separated out from the solid waste stream as it causes hydrogen sulfide to escape, which has happened in two rubble fills in the State, causing potential adverse odor/health problems. Mr. Klein suggested height restrictions on rubble landfills, consideration of a stream buffer (recommends 500') and a physical footage buffer, which would include in the design, earth berms, screens, walls and other features to insure that the landfill will not be visible by surrounding properties. Mr. Klein suggested increasing public access to documents concerning landfills, such as availability at public libraries. Mr. Klein asked the Commissioners to consider fire prevention requirements at all existing and proposed stump dumps/land clearing debris landfills, similar to that developed by the Baltimore County Fire Department.

As a general question, Commissioner Jarboe asked Mr. Klein how St. Mary's County rates for quality of life in Maryland. Mr. Klein stated that after considering infrastructure, air/water quality, schools, taxes, average salary, etc., St. Mary's County is rated number one (1) in the State.

**Mr. Pinto, Chair, Commission on the Environment:** Mr. Pinto advised that the Commission will be providing written comments during the ten-day comment period. Mr. Pinto distributed a document entitled "Comments of Lawrence J. Pinto, Chair, St. Mary's County Commission on the Environment ..." dated April 20, 1995, which is on file with the Department of Public Works. Mr. Pinto said earlier Plans did not address siting criteria for solid waste facilities, public participation in the review of new and expanded solid waste facilities and the issue of private landfills and out-of-County waste, however, the amended Plan does address these and is a great addition to the Plan. Mr. Pinto commended the public participation process and the decision by the Commissioners to prohibit private sanitary landfills and hazardous waste facilities. However, Mr. Pinto said that the siting criteria is "still lacking" detail and feels siting criteria should be a blueprint for the siting process for new facilities and should provide enough detail so that everyone, whether private individuals, waste operators or County planners will know precisely how the County plans to handle solid waste including the criteria that will be used for



April 20, 1995

Page 192

determining where the various facilities can and cannot be located. Mr. Pinto said he understands that the SWAC had included a matrix on minimum siting distances between the various types of facilities and land uses and that the Commissioners had unfortunately decided to delete it from the proposed amendments. Mr. Pinto asked the Commissioners to reconsider including that matrix in the Plan.

In closing, Mr. Pinto commended the Plan and thanked everyone that participated in the preparation of the Plan.

**Mr. Richardson:** Asked Mr. Gray what the problem is with rubble fills, as Chapter 3, Page 50 talks about topsoil, roots, stumps, brush and vegetation. Mr. Richardson asked what the concern is over this debris. Mr. Gray advised that there is a difference, in COMAR, between rubble fills, which are particularly for construction and demolition debris, and other landfills noted as land clearing debris landfills which accept roots, stumps, brush and vegetation. Mr. Gray advised that his concern is over the construction and demolition debris rubble fills, not land clearing fills.

**Ken Hastings:** Mr. Hastings distributed a document entitled "SW Plan Siting Criteria Presentation," dated April 20, 1995, which is on file at the Department of Public Works. Mr. Hastings stated that he had looked through the Zoning Ordinance and could find few buffers or siting distances referenced, and it does not provide guidance regarding buffers around solid waste facilities. Mr. Hastings stated that Planning and Zoning felt that it is a good idea to recommend areas suitable for solid waste facilities, however does not have the means to conduct a Land Suitability Analysis as evidenced by past written correspondence to DPW. Mr. Hastings stated that Commissioner Eagan has expressed concern over the acronyms used to describe various solid waste facilities and, in an effort to define same, he reviewed COMAR, but felt the definitions are lacking in consistency between the documents. Mr. Hastings directed the Commissioners to the proposed definitions in his handout of various facilities, in the context that SWAC used then when coming up with buffers/siting distances.

Mr. Hastings stated there was discussion about whether the proposed siting criteria could preclude the placement of a solid waste facility in the County, but he contends that is not possible because of the amendment process built into the Plan.

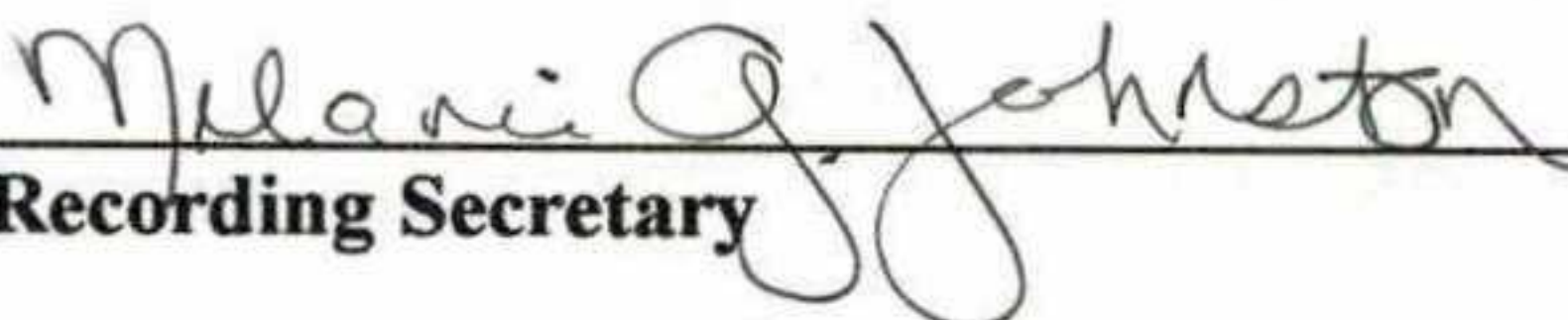
## CONCLUSION

The public hearing concluded at 7:50 p.m. The record will remain open for ten days for additional comments, after which time the Commissioners will consider the amendments to the Plan.

## ADJOURNMENT

The meeting adjourned at 7:51 p.m.

Minutes Approved by the Board of  
County Commissioners on 5/.

  
Recording Secretary