

Notice of Final Determination

In accordance with Sections 1-604(b) and 1-605 of the Environment Article, Annotated Code of Maryland, the Maryland Department of the Environment (the “Department”) has made a Final Determination to approve the Refuse Disposal Permit Application for the construction and operation of the proposed Tolson & Associates Rubble Landfill. This facility will be located at the end of Capitol Raceway Road in Crofton, Maryland. This Final Determination is pursuant to an application made by Tolson & Associates, LLC and received by the Department on July 31, 2002, in accordance with Section 9-204 of the Environment Article, Annotated Code of Maryland, and other pertinent sections under that subtitle.

Having found the application to be technically complete and in compliance with the applicable State laws and regulations, the Department published notice of its Tentative Determination on August 3 and 10, 2011 in *The Capital* and *The Maryland Gazette* newspapers. The Final Determination is based upon the review of the permit application and supporting documents submitted by the applicant, and upon testimony and evidence presented at the public hearing held on August 18, 2011 at the Crofton Elementary School located at 1405 Duke of Kent Drive in Crofton, Maryland. As a result of testimony received subsequent to the public hearing, the draft permit was modified to: 1) Require the design and installation of an active landfill gas collection system at the landfill; 2) Prohibit queuing of trucks on Capitol Raceway Road; 3) Require modification of the permit application’s Phase III Engineering Report to clearly reflect the counties and/or states from which the proposed waste streams may come, and to clearly state that periodic soil will be placed over exposed waste at the end of the third day’s operation; 4) Require amendments to the landfill’s Operation and Maintenance Plan to include an operations plan for the recycling of waste products and handling of refrigerants from white goods; to clearly reflect the landfill operating hours; to include the weighing of all vehicles transporting solid waste to the landfill for disposal; to list all landfill personnel and their duties; and to include contact information for the person or agency responsible for maintenance and operation of the site; 5) Require liner leak testing after placement of the synthetic liner; 6) Require information on cover soil material; and 7) Require submittal of a site map showing the location of the security fence around the landfill and a description of the fence.

The Department’s Final Determination and supporting documents will be available for public review at the Anne Arundel Public Library located at 1325 Annapolis Road, Odenton, Anne Arundel County, MD 21113 and at the Department by appointment after November 21, 2014. Any person adversely affected by this Final Determination may file a petition for judicial review, provided that person: 1) meets the threshold standing requirements under federal law; and 2) is the applicant, or participated in a public participation process through the submission of written or oral comments. Petitions for judicial review of a Final Determination or permit decision subject to judicial review must be filed in accordance with Section 1-605 of the Environment Article, Annotated Code of Maryland, within 30 days after publication of a notice of final determination, and must be filed in a circuit court in Maryland. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure. Failure to file a petition for judicial review within 30 days after publication of a notice of final determination will constitute a waiver of any right to a judicial review of this Final Determination.

For further information regarding this notice or to schedule an appointment to review the Department’s Final Determination or permit application, please contact Mr. Kassa Kebede at (410) 537-3315.