

MARYLAND DEPARTMENT OF THE ENVIRONMENT
LAND MANAGEMENT ADMINISTRATION

RESPONSE TO COMMENTS
FOR THE
BROWN STATION ROAD AREA C INFILL MUNICIPAL LANDFILL

A public hearing was held on April 13, 2023, for the purpose of receiving public comment on the application for an expansion to the Refuse Disposal Permit for the Brown Station Road Landfill located at the end of 3500 Brown Station Road in Upper Marlboro, Prince Georges County. The following comments address oral comments made at the public hearing that relate to the expansion of the solid waste permit and approval. The Maryland Department of the Environment's ("MDE" or the "Department") responses are listed below each comment.

1) Impact the landfill has on odors.

Concerns were raised regarding odors being produced from the Brown Station Road Landfill (BSRSL), which will travel into the community.

Response:

Municipal Waste Landfills produce odors. The Refuse Disposal permit includes provisions that the permittee must control odors. Most odor control issues come from improperly covered waste. However, atmospheric conditions, controls, and waste characteristics play a major role. Odors are primarily controlled by proper cover, and additional cover can be placed over areas that exhibit strong odors. At the BSRSL, an active control system is in place. This system provides a negative pressure allowing for enhanced engineered odor controls. The contractor operating the gas venting system will check extraction pipes and wells for proper vacuum and rebalance the well field as necessary to prevent odors. Odor remediation is done with additional cover if gas system adjustment is not effective. If odor is routinely detected at a landfill property boundary, MDE has the authority to require the permittee to mitigate the odor; one such mitigation method is the installation of a landfill gas management system.

In order to keep BSRSL in compliance with the regulatory limits along the property boundary and within the on-site structures, BSRSL has installed an active gas collection and control system comprising of LFG extraction devices (vertical wells, horizontal collectors, hybrid collectors), gas collection laterals and headers, condensate sumps, LFG blowers, flares, and a compression and treatment system. The BSRSL operates an active gas collection and control system (GCCS) to collect and control decomposition gases from Area A-1, A 2, and B. Additionally, the BSRSL controls LFG migration by collecting LFG from Area B leachate collection system components and from the approximated 1,270 feet long vent trench installed along Brown Station Road.

MDE's Solid Waste Program has received zero odor complaints regarding Brown Station Road over the last seven years. Any complaint received by MDE will be investigated by a Solid Waste Program Compliance Inspector. In addition, the County provided contact information during the public hearing for residents who have an odor complaint. The contact number is (301) 780-6304. Residents should contact the County so that the County can evaluate odor issues in real time.

2) Potential noise from the landfill

Concerns were raised about noise coming from the operations of the landfill

Response:

Part IV, Standard Condition I, Dust and Noise of the Refuse Disposal permit requires that litter and dust be controlled, and the operations of the facility be conducted in a manner that conforms to the applicable noise provisions of COMAR 26.02.03. The permittee is responsible for complying with the conditions of the permit. The Phase III Engineering Report addressed potential noise impacts from the use of landfill equipment on nearby receptors, and concluded that the maximum noise levels generated would be below the peak values allowed by the State of Maryland (65 dBA) and Prince George's County (Day:65 dBA; Night 55dBA) under worst-case scenarios. The applicant anticipates that the forest buffer between the landfill and residences will aid in reducing noise levels.

Effective October 1, 2012, MDE is no longer responsible for noise enforcement. During the 2012 legislative session, House Bill 190 (Chapter 360, Acts of 2012) effectively transferred noise enforcement authority to local governments. MDE will continue to be responsible for setting statewide standards and general exemptions. Citizens who believe that the facility may be in violation of local noise ordinances should contact Prince George's County Police Department, at (301) 352-1200 to report the violation.

As part of its review process, MDE reviews the proposed design and operation of a landfill to ensure that the applicant addresses means of preventing public health hazards and nuisances from blowing litter, odors, rodents, vermin, noise and dust. The application for the Brown Station Landfill has satisfactorily addressed these issues.

3) Potential environmental or health risks from the landfill

Response:

The design and proposed operation of the landfill meets the regulatory requirements specified in COMAR 26.04.07. These requirements have been established to protect public health and the environment at any permitted municipal landfill. The issuance of a permit for the operation of the landfill does not relieve the permittee from complying with any additional federal, local, or State laws or regulations.

Part IV Standard Condition D, Overall Operation of the Refuse Disposal permit states: “The permittee shall take all measures necessary to control pollution, health hazards or nuisances. This facility shall be operated and maintained in such a manner as to prevent air, land, or water pollution, public health hazards or nuisances.”

The existing Brown Station Area B Landfill was constructed with a liner and leachate collection system and Area C will be constructed with a liner and leachate collection system installed on the bottom of the landfill. The liner will serve as a barrier to the migration of contaminants from the landfill, and the leachate collection system will collect the liquids that leach through the waste material and remove them from the bottom of the landfill to be hauled offsite to a treatment facility.

Part IV Standard Condition H, Roads states: “Roads shall be maintained in such a manner so as to prevent the tracking of soil, ash, or waste onto any public road and/or to cause a public nuisance.” Part IV, Standard Condition I, Dust Control states: “Dust shall be controlled through the application of water to roads, operational procedures designed to limit disturbance of bare soils, and other practices approved by the Department. No chemical, oil or petroleum product shall be used for the control of dust without prior written approval from the Department.”

The facility will be routinely inspected by MDE, and if the facility is not operating in accordance with its permit conditions, appropriate enforcement action will be taken by MDE. MDE’s responsibility is to ensure the facility complies with the Refuse Disposal permit and applicable laws and regulations.

4) Dust

Response:

Sources for dust on the site include the delivery of cover operations, construction activities, unsurfaced roads, and dry conditions. Dust is controlled at the site through spray application of water. Water is obtained from County fire hydrants or stormwater ponds located onsite. The County does not use chemical dust control methods due to available equipment and water. Water is applied to road surfaces to minimize dust generated by using the site water truck, which is fitted with a spreader bar for water application. If contractors are onsite performing earthwork, they are responsible for dust control of their activities. The establishment of vegetative cover on slopes of the landfill as soon as possible also reduces the generation of dust. Commercially available chemical dust suppressants also may be used to reduce dust; however, the specific suppressant must demonstrate that it will not cause air, land, or water pollution, or create public health hazards or nuisances, and must be approved in writing by MDE prior to its use. Dust palliatives are materials which can be applied to prevent dust. These materials

work by absorbing and retaining moisture. Magnesium chloride and other salts are examples of these materials. These materials are applied in solution by spraying onto roadways. Another effective means of controlling dust onsite is the speed limit. Vehicles traveling at slower speeds generally will produce less road wear and resulting dust. Combined with decreasing the fraction of fine or clay particles in road aggregate, dust may be reduced on road surfaces through passive means.

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5) Environmental Justice

Response:

Historically, minorities, low income, and limited English proficiency communities have carried the burden of living in close proximity to hazardous facilities and have been exposed to increasing pollution. The goal of MDE's EJ initiatives is to ensure fair, just, and impartial treatment of all individuals, especially those in communities with EJ concerns who have often been overlooked.

HB1200 requires permit applicants who are applying for a permit which requires public notice (§ 1-601) to use a Maryland EJ Tool to develop an EJ Score. HB1022 is effective as of October 1, 2022. The application for the Brown Station Road Area C was received by MDE's Solid Waste Program on July 16, 2019 and therefore did not require the development of an EJ score by the applicant. The site sits on the border of two census tracts 8006.07 and 8007.01, whose EJ scores are 47.10% and 56.66%, respectively. Though not required, MDE developed an EJ score for the site of 56.66%, adopting the higher score of the two census tracts. This score would currently not identify the area surrounding Brown Station Road Landfill as a community with EJ concerns. MDE acknowledges that the area surrounding the Brown Station Road Landfill qualifies as an underserved community as more than 50% of the residents identify as non-white.

MDE's permitting process for a refuse disposal permit includes requirements for public notice provisions, a public informational meeting, a public hearing and comment period prior to issuance of a Tentative Determination from the MDE. These requirements align with the implementation of MDE's EJ Policy of enhanced communication and outreach.

6) Is Cabin Branch Creek monitored?

Response:

No. Cabin Branch Creek is located upgradient of the site and is not monitored. Surface waters in Turkey Branch and Western Branch are monitored as part of the

Environmental Monitoring Plan. MDE will conduct a stream assessment on Cabin Branch Creek and if warranted require the applicant to include surface water sampling of Cabin Branch Creek in its Environmental Monitoring Plan.

7) Traffic

Response:

There is no requirement per COMAR 26.04.07 for a traffic study to be performed. When MDE receives new permit applications, it is distributed to different agencies including State Highway Administration for their review and comment. At that time, if the agencies have any questions, the comments are sent to the applicant. It is also the responsibility of the County and State to maintain the public roads and not the permittee of the landfill.