

**Maryland-Delaware Solid Waste Association**  
a chapter of the



**National  
Waste & Recycling  
Association<sup>SM</sup>**

Collect. Recycle. Innovate.

TO: The Honorable Paul G. Pinsky, Chair  
Members, Senate Education, Health, and Environmental Affairs Committee  
The Honorable Obie Patterson

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

DATE: January 21, 2021

RE: **OPPOSE** – Senate Bill 121 – *Zoning – Environmental Justice Considerations*

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The Maryland Delaware Solid Waste Association (MDSWA), a chapter of the National Waste and Recycling Association, is a trade association representing the private solid waste industry in the State of Maryland. Its membership includes hauling and collection companies, processing and recycling facilities, transfer stations, and disposal facilities. MDSWA and its members **oppose** Senate Bill 121.

Senate Bill 121 requires an applicant for a special exception to operate or construct a landfill in an area zoned for residential use to prepare an environmental justice analysis that includes a number of required provisions, which cannot realistically be completed, including requirements for the analysis of potential environmental, economic, and human impact as well as an analysis of cumulative impact of foreseeable future projects – all of which would be impossible to identify. Furthermore, these analyses are to be completed for the area within a 2-mile radius of the proposed facility. A 2-mile radius is far greater than “standing” requirements for intervention in the permitting process, is far beyond the reasonable distance for legitimate analysis, and in many circumstances may extend beyond the boundary lines of the County for which the zoning special exception is being adjudicated. There is no reasonable basis for creating such aggressive rules for a special exception zoning process that only applies to landfills when there may be other types of facilities that could or would have a greater impact on the adjacent community.

It should be noted that for the State to proceed with processing a permit to operate or construct a landfill, the facility must meet local zoning requirements and also be consistent with the County’s 10-year solid waste plan. Therefore, the local jurisdiction already has tools to adequately address concerns regarding a proposed facility and/or prohibit the State from moving forward with processing a permit application. Passage of Senate Bill 121 contains unrealistic analysis requirements that would render it impossible for an applicant to comply. It essentially prohibits any future possibility of permitting a landfill. It could also result in the closure of a landfill that was in operation before the land was zoned residential, an unfair result. MDSWA respectfully requests an unfavorable report.

**For more information call:**

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