

APPENDIX F:

**REPORTS AND BRIEFS BY
MARYLAND CITIZENS TO
CEJSC COMMISSIONERS
ON DECEMBER 12, 2001**

LANDFILLS & RUBBLE FILLS

Testimony Given before the Governor's Commission on Environmental Justice and Sustainable Communities

Ladies and gentlemen of the Commission, my name is Clark S. Aist and I reside at 11701 Van Brady Road, Upper Marlboro, MD 20772. I come before you today as President of the Maryland Community Preservation Coalition, a network of some 70 community groups across the State which for nearly a decade has worked with problems associated with rubble landfills. In addition to advocacy activities within our local communities, Coalition representatives have served on numerous county and state-wide work groups, including the MDE Liner Work Group (1994) and the Governor's Task Force on Solid Waste Management (1998). With me today are members of the Coalition from Anne Arundel County, Queen Anne's County and Harford County. I am from Prince George's County. We deeply appreciate the opportunity you have afforded us to share our views and concerns about rubble landfills in relation to environmental justice.

Based on the collective experiences of communities across the State, we would share with you a carefully considered assessment: *The private rubble landfill industry in many, though not all, instances, has imposed highly detrimental conditions disproportionately on minority communities in the State of Maryland.*

Already this morning you have hear the poignant problems of residents in communities named Shipley and Carroll in Baltimore City, and Wilsontown and Woodwardville in Anne Arundel County. I can assure you there are scores of communities throughout Maryland who could share similar stories. They experience either the reality of the prospect of decades of excessive noise, odors, dust, rodents, traffic volume, un-natural viewsheds, loss of property values, environmental threats and a depressing industrialization of their neighborhoods. These are the common consequences of rubble landfills.

I would like to amplify our assessment above in two ways: (1) a brief statement of background factors and history, and (2) a listing 12 rubble landfills on which we have data--closed, active and proposed--and the justice issues they raise.

Background Factors and History

We do not believe the justice problem with rubble landfills is caused by racism on the part of rubble landfill operators. We do, however, believe that it is related to *insufficiently controlled and monitored market forces that drive the private rubble landfill industry in ways that result in disproportionate harm to minority communities.*

Some 40 years ago when the solid waste stream was becoming more sharply differentiated, it was assumed that rubble (primarily debris left over from construction and demolition projects) was relatively benign and could be disposed of in a special class of landfill under private operation and ownership. This would save space in municipal solid waste landfills which were then becoming outfitted with costly liners and leachate collection systems. Beginning in the mid to late 1970's, we see the emergence across the State of a series of privately owned and operated rubblefills. As the industry developed, market forces began to shape the enterprise in predictable directions.

1. The first generation of rubblefills met the need of rapidly developing suburban communities and through tipping fees became very lucrative enterprises. Because of high profit margins, they became a particularly attractive use for land that had already been

mined for sand and gravel.

2. The high profits realized quickly attracted the development of more rubblefills, often in close proximity to each other, especially along the US 95-301 corridors in Harford, Baltimore, Queen Anne's, Anne Arundel and Prince George's Counties. This proliferation found strong support among developers who wanted "short haul" landfill sites with low tipping fees in which to dispose their construction and demolition debris. Because they had never experienced a rubble landfill before, nearby residents offered little opposition.

3. As two or more private rubble landfill sites were established per county along the five-county corridor mentioned above during the late 1980's, tipping fees become lower because of competition. But the loss of revenue was more than compensated for by the practice of "rapid filling." Lower tipping fees were found to have a highly beneficial consequence to rubblefill operators by significantly expanding the "*region of profitable export*." As states north of Maryland begin to construct liners for their rubble fills and limit the development of new ones, private rubblefills in Maryland counties became magnets for waste not only from adjoining counties, but from many northeastern states. It became cheaper to haul to Maryland's "low tipping fee" rubblefills via the US 95-301 corridor than to dispose of rubble waste locally. Maryland rapidly became a net importer of rubble waste from other jurisdictions.

4. Private operators in the early 1990's saw few roadblocks to their low tipping fee, rapid fill, high volume, non-local import policies. They had encountered little opposition to the first generation of rubble landfills, and there was clearly an abundance of spent gravel mines at favorable cost which they began to acquire to expand their industry. As a result of these policies, communities began to experience the following consequences: (a) vastly increased volumes of vehicular traffic to private rubblefills, often as many as 600-800 trips per day along ill-suited narrow, winding access roads; (b) a dramatic increase in applications for new rubblefills or expansions of existing ones (some of which, like Gravel Hill in Harford County are still in litigation); (c) very low rates of rubble recycling because it was cheaper to bury; and (d) the importation of large volumes of non-local and out-of-state waste. In Prince George's County, for example, we have estimated that the amount of non-local and out-of-state rubble that presently occupies the county's already filled rubble capacity to be between 70-75%.

5. These conditions in the early 1990's aroused spontaneous opposition among local citizens and led to the formation of the Maryland Community Preservation Coalition. As rubblefill operators rapidly depleted their existing capacities in the quest for high profits, they turned to the semi-rural and rural areas of their counties for more space. Many of the existing rubblefills as well as the new sites they proposed were in substantially African-American communities. Even more offensive, at least 5 have been proposed on sites in immediate proximity to minority churches and ancient grave sites that represent treasured historical legacies. A bedrock conviction began to develop among citizens across the State: *It is fundamentally unfair in view of all of the associated negative conditions to ask citizens of Maryland communities to tolerate the proliferation of rubble landfills to be filled substantially with non-local waste in order to create large profits for operators and low tipping fees for developers.*

6. Two developments in more recent years have added new contours to the rubblefill controversy. On the negative side, the Carbone decision of 1994 declared solid waste, including rubble, to be a commodity of interstate commerce. Therefore the flow of out-of-state rubble to private landfills could not be restricted or differentially treated. More positively, however, the MDE liner regulation of 1997 had the effect of significantly reducing the excess rubblefill capacity in Maryland as a number of fills have chosen to close rather than line. In addition, the cost of the liners (estimated at \$250,000 per acre) has necessitated a substantial increase in tipping fees. This has greatly reduced the region of profitable export and virtually halted the transport of rubble from out-of-state sources. It has also substantially increased the interest in and profitability of rubble recycling.

7. At the same time, a fierce competition for the regional markets in the Baltimore-Washington megalopolis is now in progress. Although there have been attempts to expand rubble capacity in each of the five counties along the US 95-301 corridors, there has been a concerted effort to make Prince George's County the regional hub for Maryland's private rubble industry. With the highest minority population of any Maryland county (70%), Prince George's County received four proposals for either new or expansion rubble landfill sites over the past two years for a combined footprint acreage of 410--more than all of Maryland's current combined total. Is it just marketplace coincidence that this is occurring in Maryland's largest minority County--Prince George's? This was the primary motivation behind the rubble landfill limitation law for Prince George's County passed by the 2001 General Assembly. [Please refer to the report "*Environmental Equity and the Spatial Distribution of solid Waste Facilities in Prince Georges County: An Assessment of Special Exception-4337 Using Geographic Information Systems*" by Dr. Matthew A. Wilson of the University of Maryland.]

7. Citizens activism over the past decade has led many counties to seek regulatory means to control or regulate rubble landfill proliferation and the high levels of non-local waste disposal so that only the fewest number of communities will need to bear the burden of rubble landfill operations. With varying success and incessant challenge from industry proponents, three primary methods have been employed: (1) de-privatizing rubble disposal by constructing county-owned fills or dedicated cells for rubble at a county's MSW landfill (the approach of choice among most smaller counties of the State); (2) amendment of county zoning ordinances to include more stringent siting criteria for rubblefills (the approach of Queen Anne's and Harford Counties; and (3) limiting the zoning body's authority to approve rubble landfill capacity beyond defined local needs (Prince George's County).

Data on 12 Rubble Landfills

In spite of developments that seem to be retarding the wholesale proliferation of private rubble landfills, many communities are still fighting to keep rubble disposal capacity within dimensions that serve local rather than regional needs. The chart distributed at the December 12 hearing presents data from 12 closed, active and proposed private rubble landfill sites and the justice issues they raise. Five of the 12 are within 1.5 miles or closer of historic minority sites, and 10 of the 12 are surrounded by communities with a majority of minority residents within a 1.5

to 2 mile radius. These data appear to affirm our central assessment: *The private rubble landfill industry in many, though not all, instances, has imposed highly detrimental conditions disproportionately on minority communities in the State of Maryland.*

Recommendations to the Commission

1. The most important thing that can be done to remove the scourge of excessive rubble landfills from minority communities is to reduce the rubble waste stream through source reduction and recycling. State initiatives are needed to expand existing markets for recycled products and to develop new markets. Long term research grants to Maryland's universities for the development of new technologies for rubble reuse and disposal need to be made. State funds are also needed to provide counties with funds for initiatives and rewards for achieving rubble reduction goals. These and similar measures would assure that fewer communities--minority and otherwise--will need to site the current version of rubble landfills.
2. The General Assembly should consider laws that would limit and control the excessive use of rubble landfills as it did in 2001 in the case of Prince George's County.
3. At an early stage in the permitting process, MDE should require that a competent analysis be done of the ethnic-racial-economic status and composition of a community in which an application to construct a rubble landfill has been received. This analysis could be performed and evaluated at the county level, but upon review could be cause for denial at the state level as well.

In conclusion, the Maryland Community Preservation Coalition deeply appreciates this opportunity to express its views and recommendations to the Commission.

My name is Lisa Cornwell, I live at 969 Patuxent Road in Woodwardville Maryland.

I come hear before you today to express my concerns and objection to the proposed Chesapeake Terrace Rubble Landfill in Odenton Maryland. This landfill will be the 6th landfill within a 4 to 5 mile radius in the western region of Anne Arundel County and will be the largest landfill of any kind in the state of Maryland. With Anne Arundel County having the highest rates of cancers in the country, I ask if it could be possible that any of these health problems could be linked to our water supplies and the possible contamination from the vast amount of landfills in our county.

It would not be possible to relay or read to you all of the historical information about the community in which I live. I have brought with me today copies of as much pertinent information regarding the background and history of the towns known as Wilsontown and Woodwardville. Both of these small towns are within a few feet of the proposed landfill and will be greatly and negatively impacted. I trust that in good faith you will each take the time to revue this information to further your knowledge of the injustice proposed to the communities of Wilsontown and Woodwardville.

The proposed Chesapeake Terrace Rubble Landfill will be within a few feet and in most cases a few inches from residential homes, predominantly in Wilsontown.

Wilsontown and Woodwardville only a few short miles apart and are both rich with history for everyone including the American Indians, the Quakers, and the freed slaves. All of these groups chose the area for its position between 2 rivers. The Patuxent & The Little Patuxent Rivers, which where named by the American Indians of the area. The endless supply of water, field stone, and the vast amount of lumber including Ash, White Oak, and Hickory trees where some of the reasons for settling here. Also, the bountiful amounts of fish and wildlife, much of which still remain today. Our small area is filled with so much natural untouched beauty from the wetlands with its wildlife, plants, and trees to its historic churches and homes.

Historically our area in its entirety is known as the Great Forks of the Patuxent. Many families have lived in the forks for five and six generations.

Archaeologists have found the remains of several Native American campsites in this area of the Patuxent rivers that date from 500 A.D. until 1400 A.D. American Indian artifacts have been found in and around Wilsontown and Woodwardville. Many of my neighbors have commented on the artifacts that they have found while digging in their gardens over the years.

The Quakers settled in the area and built the Indian Spring Meeting House in approximately 1792. The meeting house would go on to become part of the underground railroad. Sometime between 1869 and 1890, the Quakers donated the building and the land to the newly freed slaves that had settled there.

The church would go on to become St. John's A.M.E. Zion Church. The church has remained the heart of the small town ever since. Descendants of the freed slaves have remained in Wilsontown for many generations. The community remains 90 % African American. Recently the St. John's A.M.E. Zion Church was placed on the Anne Arundel County Inventory of Historic Places. A quote was made by County historian Donna Ware to the Washington Post in November 1997 "Historically speaking.... it's virtually a secret. No one knows it's back there". She also is quoted as stating that the Forks is a "distinctly different world from a distinctly different time".

Within the Great Forks of the Patuxent area lived many prominent Quaker families who were descendants of the founders of Anne Arundel County. The community was predominately agricultural and farming. The town of Woodwardville was founded in 1875. Between 1881 and 1882 Trinity Methodist Episcopal Church was founded and built. The church still stands today and has weekly Sunday services. The town of Woodwardville remains also. A quiet and cherished community by those fortunate to live here. I myself live in a home in Woodwardville built in 1891 by the Anderson family (Quakers). My husband and I as well as the previous owners have taken great pride in caring for and restoring our home. Most of the historic homes in our community have either been restored or are in the process of restoration.

All of the homes throughout the Forks of the Patuxent, including Wilsontown and Woodwardville have private wells as the source of water. One of our greatest concerns is for our water sources and the possibilities of contamination. We are surrounded by natural wetlands, underground aquifers, and the Patuxent rivers.

On December 3, 2001, most of the residents of the Forks of the Patuxent including myself, Odenton, Gambrills, and Crofton (approximately 250 people) attended a meeting hosted by the Maryland Department of the Environment. My fellow community members and myself were overwhelmingly distressed at the lack of the ability of M. D. E. and Mr. Dexter to directly answer the questions posed to him regarding the effects of this landfill on our environment. We all heard many untruthful answers given. More than once the room was filled with laughter at some of the answers given to very important questions. At times no answer at all was given, just a redirection of sorts that left you more confused than before you asked the question. We heard much inaccurate information given also. M.D.E. and Mr. Dexter's ability to give the public the health, environmental, and safety information when directly asked was lacking and insufficient. Community members throughout Odenton, Gambrills, and Crofton were given no sense of security that the Maryland Dept. of the Environment had taken their concerns into consideration. To say that our community was misinformed, uninformed, and mislead would be an understatement. Please realize that these statements are not exclusive to me. Most of the attendees that I spoke with that evening or since have been of the same observations and opinions.

It is felt by and the opinion of the entire Forks of the Patuxent Community that the land owner and developer Mr. Halle thinks that he can put a landfill in a small area such as ours and no one will care. Is this true?

When Mr. Dexter was asked on Dec. 3, 2001 the question of "are there health risks associated with this type of landfill project"? His answer was a clear and simple "YES". In my opinion it was the most clear and accurate answer of the entire evening. I respect Mr. Dexter and his position with M.D.E. I simply do not believe that the Informational Hearing was a success in answering the public's very important questions about their environmental, health, or safety concerns.

The point I would like to make to you today is that we have 2 small towns rich in history, culture, and heritage. Wilsontown has an amazing history and heritage of taking part in freeing slaves and of the many generations of African Americans that have remained in this beautiful and out-of-the-way place we call home. The residents of Wilsontown and Woodwardville consider ourselves fortunate to live in such a treasured, untouched, and undeveloped area. We all know that these types of places are rapidly becoming fewer and fewer. If M.D.E. were to permit this landfill it will irreversibly change our environment and our quality of life forever.

I have faith that my community and I can make a difference in seeing that Wilsontown and Woodwardville have a positive future. I also have faith that this commission and the state of Maryland will review the information placed before you today by myself and others including the additional information I have submitted to you. I ask on behalf of a beautiful and invaluable place called the Forks of the Patuxent that you please assist us in preventing this destruction of our environment, our way of life, our health, and safety.

Thank you for your time and for allowing me to speak before you today.



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December 12, 2001

Commission on Environmental Justice & Sustainable Communities
Scot T. Spencer, Chair
c/o Office of the Secretary
Department of the Environment
2500 Broening Highway
Baltimore, MD 21224

Re: 2902 W. Baltimore Street, Baltimore, MD 21229
(Potts & Callahan landfill adjacent to the Gwynns Falls River)

Dear Mr. Spencer:

I am writing on behalf of my clients, the Ad Hoc Committee to Stop the Dump at the Gwynns Falls. Residents and community members of the Ad Hoc Committee fear further negative impact by the land filling activity at 2902 W. Baltimore Street. The Ad Hoc Committee consists of Mr. Otis E. Lee, Sr. as Chairman, Carroll Improvement Association, Inc. (the community association that encompasses this site), Southwestern Improvement Association, Inc., Mill Hill Improvement Association, Inc., Boyd Booth Concerned Citizens, Inc., Franklinton McHenry Frederick Community Association, Franklin Square Community Association, Operation Reach-Out South West (OROSW), the Action Group of Shipley Hill, and Carrollton Ridge Community Association, Inc., (neighboring community associations), and the Friends of Gwynns Falls/Leakin Park (an organization concerned with the Gwynns Falls/Leakin Park and Gwynns Falls River which are directly impacted by this operation).

The land at issue is a parcel of real property consisting of approximately 28 acres in an M-1-1 zoning district bordering an R-6 district. Potts & Callahan purchased this parcel on July 8, 1997. In 1997, the City of Baltimore issued permit # 87708 to fill 4.5 acres of an old cement quarry along the Gwynns Falls River with "clean fill".¹ We believe this permit was issued in error without any public hearing or zoning approval. This decision by the City set off a chain of events that now appear to include the Maryland Department of the Environment. These events may lead to allowing Potts & Callahan to both escape liability for what we perceive to be past violations and to exponentially increase what we believe to be violations to the Baltimore City Zoning Code, COMAR, and the health and safety of the community and Gwynns Falls Watershed. We urge both the State and the City to disallow any further landfill activity at this site for three (3) main reasons.

¹ COMAR 26.04.07.04C(5) (clean fill consists of "Filling operations which consist solely of the importation of clean earthen fill containing rock, concrete, non-refractory brick, and asphalt created as a result of construction excavation activities, mining, or regrading projects. . .").

activity and fines.

Potts & Callahan submitted a second permit application on March 30, 1998, number 97191, to do mass grading and stabilization of the remainder of the site.⁶ It is estimated that this mass grading and stabilization will involve approximately 150 trucks entering and 150 trucks exiting this site causing 300 trucks per day passing through these communities for 10-20 years. This activity is likely to cause mass destruction and destabilization to the Gwynns Falls and the surrounding communities. Eventually, in March 2000, the City informed Potts & Callahan that "it would neither issue the Expanded City Permit nor reissue the City Permit which had expired on 12/31/1999."⁷ Potts & Callahan then sued the City. In October 2000, the City was successful in having the case dismissed in the Circuit Court, but the decision is being appealed to the Court of Special Appeals.

Third, even while this lawsuit is pending, the *Maryland Department of the Environment* seems to be supporting Potts & Callahan's attempt at redefining the nature of the site by trying to sell it as a public service under the Surface Mining Reclamation Program. The apparent support given to this project by the Department of the Environment is not justifiable. Should this project be approved as a "Surface Mine Reclamation Project" or a "clean-fill" site, the fact remains, a dump is a dump and the community will not stand for it. The community will hold both the City and the State responsible for allowing this operation to go forward. The communities do not see this as a public service. They see it as a threat to the welfare of their communities and the children who will be dodging these trucks for two decades. Furthermore, "land reclamation" is also not allowed in this M-1 zoning district.⁸

The communities will continue to oppose any form of a land fill operation, including a Surface Mine Reclamation Project. Based on past experience outlined above, they can not trust Potts & Callahan to perform any activity on this property in a legal manner, and the communities can not trust the City or the State to hold Potts & Callahan accountable for any illegal activity they allow or perform on the property.

Mr. Otis Lee, Sr., looks forward to presenting his story to you today. If you would like any additional information or to discuss this further, please contact me at 410-366-0922 ext. 229.

Sincerely,



Kristine J. Dunkerton, Esq.

Enclosures

⁶ Department of Housing and Community Development Construction and Buildings Inspection Division, Permit Application Number 97191.

⁷ Plaintiff's Brief, p. 3, Potts & Callahan, Inc. v. Mayor & City Council of Baltimore City, No. 24-C-00-001759 (filed April 11, 2000), appeal filed, No. 2000 Term 2087.

⁸ ZONING CODE § 7-307(13) (2000).

THE Action Group of Shipley H.
Sandra D. TAIT
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Fax: 410-945-1406
Phone: 410-945-1406

Bulletin

Shipley Hill has deep concerns about the issue of the landfill at Gwynns Falls. Potts and Callahan would have to be added to the list of environmental polluters already established in this immediate area. Let us review the list of companies that make for unsafe and hazardous conditions in our community: Lenmar Chemical company, located at Calverton Rd. near Frederick Ave.; Lasting Paint Company, located at Franklinton Rd. near Pratt St.; Manger's Slaughter House, located at 126 S. Franklinton Rd.; Womack Trucking Inc., located at 100 S. Franklinton Rd.; Coastline Tours, located at 120 S. Franklinton Rd.; and Ferguson Bus and Moving Company, located in the unit block of S. Franklinton Rd. All Stop Welding, 325 Franklinton Rd.

All of these businesses located in the heart of residential areas contribute in making our community's, air and water qualities unsafe, by the fact that these companies liberally leave behind debris during and after traveling from one destination to another. These companies are responsible for diminishing the quality of life, and in some cases, causes death, to some for the simple reason that lead, carbon monoxide, and other toxins these companies come with KILL.

Consider the psychological effects on the residents in these communities: Waking up to a home filled with exhaust fumes, the roars of trucks and bus motors constantly idling (some for hours), as well as trash and metal, e.g. copper being openly burned. These activities occur regardless to the hour of day or night. Fear of the residents in the community are valid, as we wonder when Lenmar will explode, or when the next fire will occur.

Let us also look at the damaging psychological effects that these conditions have on our children in the community. Children attending the Frederick Elementary School are subject to having to dodge eighteen wheelers trucks, tour buses, moving vans, dump trucks, oil trucks and the like. I myself have witnessed countless amounts of near tragic accidents for these children, it's frightening! ~~THE~~ LARGE VEHICLES VIOLATING PEDESTRIAN SIDEWALKS.

Finally, we should not overlook the residential structural damages that occur at home owners' expenses. The rights of the community at large are clearly violated. The Shipley Hill residents are in a very similar situation, as the Fairfield, the Heights, and the Wagner's Point residents.

- * Community residents would like to know exactly what sites are being used to measure the toxic levels, found to be safe or normal in the Shipley Hill community?
- * What are the actual cancer rates in this community?

RELOCATION OF BUSINESSES } REZONING of PRESENTLY ZONED HEAVY TRAFFIC AREA } is imperative to assure the SURVIVAL of Shipley Hill and its RESIDENTS.

*THE COALITION
OF CENTRAL PRINCE GEORGE'S COUNTY COMMUNITY ORGANIZATIONS
P.O. BOX 6504
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ASSOCIATIONS OF:

*Bradbury Heights Civic
Canterbury Estate Civic
Capital View Mutual Homes
Centennial Village Civic
Central Hills Civic
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Forestville Park Civic
Kay Park/Fairhill Civic
Kenmoor Civic
Kentland Civic
Knot Forgotten
Maor Farm Civic
Millwood Community
Millwood/Waterford Civic
Mildred R. Gray
Mountain View Community Civic
Peppermill Village Civic
Radiant Valley Civic
Randolph Village Civic
Royale Garden Civic
Mildred Taylor/Maple Wood
Towns of Kettering H.O.A
Wilburn Civic
Youth Achievers, USA, Inc.*

GOOD MORNING:

MY NAME IS FREDDIE DAWKINS. I AM REPRESENTING THE COALITION OF CENTRAL PRINCE GEORGE'S COUNTY COMMUNITY ORGANIZATIONS. I AM HERE TODAY TO APPEAL TO YOU CONCERNING ENVIRONMENTAL INJUSTICE TO LOW INCOME AND MINORITY COMMUNITIES IN CENTRAL PRINCE GEORGE'S COUNTY.

DESPITE EXISTING LAWS AND REGULATIONS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND THE NATIONAL ENVIRONMENTAL POLICY ACT, ENVIRONMENTAL INJUSTICE WITHIN CENTRAL PRINCE GEORGE'S COUNTY IS A MAJOR PROBLEM. THIS AREA HAS BEEN CONSISTENTLY TARGETED AND FLOODED WITH UNPOPULAR FACILITIES SUCH AS LANDFILLS AND OTHER POLLUTING OPERATIONS THAT PROPOSE A DISPROPORTIONATE AMOUNT OF HEALTH AND ENVIRONMENTAL RISKS TO LOW-INCOME AND MINORITY COMMUNITIES. A RANDOM SURVEY CONDUCTED WITHIN AN APPROXIMATE 5 SQUARE-MILE RADIUS INDICATED THE FOLLOWING EXISTING HAZARDOUS FACILITIES IN CENTRAL PRINCE GEORGE'S COUNTY:

- 1 RUBBLE LANDFILL WITH A ROCK CRUSHER OPERATION
- 1 SANITARY LANDFILL
- 4 CLASS III LANDFILLS (ILLEGAL RUBBLE LANDFILLS NOT
BEING MONITORED)
- 2 TRANSFER STATIONS
- 1 ASPHALT PLANT
- 3 RECYCLING PLANTS
- 4 SAND AND GRAVEL MINES

IN ADDITION TO THE ABOVE EXISTING FACILITIES, THE FOLLOWING
ARE PROPOSED FOR CENTRAL PRINCE GEORGE'S COUNTY:

- 1 EXPANSION RUBBLE LANDFILL
- 1 NEW LANDFILL
- 1 NEW TRANSFER STATION

ALSO, AS OF 2001, APPROXIMATELY 100% OF TRASH AND WASTE
GENERATED IN AND OUT-OF-COUNTY IS DEPOSITED IN CENTRAL
PRINCE GEORGE'S COUNTY, WHICH IS COMPRISED OF MOSTLY
LOW-INCOME AND MINORITY COMMUNITIES. NO ONE SEGMENT OF A
COUNTY SHOULD BE SURROUNDED BY HAZARDOUS FACILITIES AND
FORCED TO BEAR A DISPROPORTIONATE BURDEN OF TRASH AND
WASTE, WHILE OTHER MORE AFFLUENT COMMUNITIES ENJOY A
CLEAN, HEALTHY ENVIRONMENT IN WHICH TO LIVE, WORK AND
LEARN. ALL COMMUNITIES SHOULD BE TREATED EQUALLY WHEN

CONSIDERING HAZARDOUS FACILITIES. THE PRACTICE OF IMPOSING
UPON THE LESS FORTUNATE COMMUNITIES FOR HOUSING NEGATIVE
FACILITIES IS NOTHING LESS THAN **ENVIRONMENTAL RACISM.**

WE SOLICIT YOUR ASSISTANCE IN OUR EFFORTS TO CORRECT THE
IMBALANCE OF ENVIRONMENTAL THREATS IN OUR COMMUNITY. **WE**
ARE OVERWHELMED!! WE ARE OVERWHELMED!!

TESTIMONY OF DECEMBER 12, 2001 BEFORE THE
COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE
COMMUNITIES

GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES. FOR THE RECORD, MY NAME IS DOUGLAS EDWARDS, AND I RESIDE AT 708 QUARRY AVENUE IN CAPITOL HEIGHTS, MARYLAND. I AM HERE TODAY AS AN OFFICER OF THE COALITION OF CENTRAL PRINCE GEORGE'S COUNTY COMMUNITY ORGANIZATIONS, REPRESENTING MORE THAN 25,000 VOTERS IN CENTRAL PRINCE GEORGE'S COUNTY. THESE ARE THE PEOPLE YOU REPRESENT; I IMPLORE YOU TO REPRESENT THEM WELL.

THANK YOU FOR GIVING ME THE OPPORTUNITY TO COME BEFORE THIS DISTINGUISHED BODY OF CONCERNED MARYLANDERS. I WOULD LIKE TO GIVE PARTICULAR ACKNOWLEDGEMENT TO MY STATE SENATOR, THE HONORABLE ULYSSES CURRIE WHOSE INTEREST IN ENVIRONMENTAL MATTERS IS CONSUMMATED AND WHOSE RECORD ON THIS SUBJECT IS UNIMPEACHABLE.

BEFORE LEARNING OF THIS COMMISSION, I WAS BEGINNING TO WONDER IF I WOULD SEE, IN MY LIFETIME, THE KIND OF CONCERN FOR THE HEALTH AND WELFARE FOR RESIDENTS OF CENTRAL PRINCE GEORGE'S COUNTY WHICH IS EXEMPLIFIED HERE TODAY. IT IS THE EPITOME AND HEIGHT OF MY JOY TO SHARE IT WITH YOU.

I HAVE BEEN A RESIDENT OF MARYLAND FOR MORE THAN THIRTY-FIVE YEARS, LIVING IN THE SAME COMMUNITY OF PRINCE GEORGE'S COUNTY FOR OVER THIRTY OF THOSE YEARS. I HAVE SEEN PRINCE GEORGE'S COUNTY AT ITS LOWEST POINT, AT ITS HIGHEST POINT, AND WHERE IT IS TODAY. IN ALL HONESTY, IT IS PAINFUL TO SEE WHERE CENTRAL PRINCE

GEORGE'S COUNTY IS TODAY. GIVEN SOME OF THE ATROSTITIES CURRENTLY BEING COMMITTED AGAINST CITIZENS IN CENTRAL PRINCE GEORGE'S COUNTY, WE ARE COMPELLED TO ASK WHERE IS YOUR SENSE OF ESSENTIAL FAIRNESS AND WHAT HAS HAPPENED TO YOUR CONCEPT OF SOCIAL JUSTICE?

DR. MARTIN LUTHER KING ONCE SAID, "INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE". THERE IS AN INJUSTICE BEING COMMITTED IN CENTRAL PRINCE GEORGE'S COUNTY AS WE SPEAK.

ONE MANIFESTATION OF THIS INJUSTICE IS THE FACT THAT CENTRAL PRINCE GEORGE'S COUNTY HAS BECOME A DUMPING GROUND FOR WASTE ORIGINATING NOT JUST IN PRINCE GEORGE'S COUNTY, BUT COMING FROM SURROUNDING COUNTIES AS WELL. CENTRAL PRINCE GEORGE'S COUNTY HAS MORE TOXIC DUMPS, JUNK YARDS, LANDFILLS, RUBBLE FILLS, RECYCLING FACILITIES, AND OTHER WASTE DISPOSAL FACILITIES THAN ANY OTHER COUNTY IN MARYLAND. AND THIS ENVIRONMENTAL ATROCITY OCCURS IN OUR COMMUNITY WHICH APPROXIMATELY 90% OF THE CITIZENS ARE EITHER RACIAL MINORITIES, ELDERLY, OR CLASSIFIED AS THE WORKING POOR. THIS IS AN INJUSTICE, AN UNFORGIVABLE ONE. IT IS A TRAVERSTY AGAINST PEOPLE WHO ARE VIRTUALLY POWERLESS, EXCEPT AT THE BALLOT BOX, TO RETALIATE AGAINST THOSE WHO IMPOSE THESE ATROSTITIES AGAINST THEM

WHEN WE SEE OUR PLANNING COMMISSION GRANT SPECIAL EXCEPTIONS THAT REQUIRE VARIANCES OF MORE THAN 4/5 TO FACILITATE THE PLACEMENT OF A TRANSFER STATION IN A COMMUNITY MADE UP OF SENIOR CITIZEN, THE PHYSICALLY AND MENTALLY CHALLENGED, AND ECONOMICALLY DISADVANTAGED OF CENTRAL PRINCE GEORGE'S COUNTY, AFTER ALL WE HAVE ENDURED, THE CITIZENS RECOGNIZE THAT AN INJUSTICE HAS OCCURRED. WE EXPECT OUR ELECTED OFFICIALS TO

PROTECT US FROM THESE INJUSTICES. YET, OUR CRIES FOR SIMPLE SOCIAL JUSTICE GO UNHEARD AND OUR GRIEVANCES UNADDRESSED.

YET WHEN WE SEE THE PLANNING BOARD AND THE DISTRICT COUNCIL APPROVE THE CONSTRUCTION OF A 4,300 CAR PARKING LOT IN A COMMUNITY THAT HAS AN "F" RATING ON ITS ENVIRONMENTAL REPORT CARD, IN A COMMUNITY WHICH IS ALREADY A HEAT ISLAND, THE PEOPLE WONDER IF THEIR GOVERNMENT REPRESENTATIVES ARE ON THE SIDE OF JUSTICE AT ALL. SIMPLY BECAUSE IT MEETS THE ZONING CODE REQUIREMENT FOR SUCH STRUCTURE. HOWEVER, NO CONSIDERATION IS GIVEN TO THE FACT THAT AT THE TIME OF THE ZONING, THERE WERE FEW IF ANY STRUCTURES THERE. TODAY, MORE THAN 90% OF THE AREA WHERE THIS 4,300 CAR PARKING LOT IS BEING CONSTRUCTED IS COVERED IN ASPHALT AND CONCRETE. THIS COUPLED WITH THE FACT THAT I95 IS LESS THAN ^{miles} ¼ FROM THE SAME SITE WHERE THE PARKING LOT IS SCHEDULED FOR CONSTRUCTION.

THE QUESTION BECOMES, DO YOU THINK THE PEOPLE OF CENTRAL PRINCE GEORGE'S COUNTY WILL SIT IDLY BY WHILE THEIR CHILDREN AND THEIR ELDERS ARE FORCED TO INHALE THE NOXIOUS FUMES OF THE 4,300 CAR PARKING LOT? DO YOU BELIEVE THAT ON ELECTION DAY THEY WILL FORGET WHO ALLOWED THIS INJUSTICE TO OCCUR? DO YOU NOT BELIEVE THAT THEY WILL LIKEWISE REMEMBER, ON THAT SAME ELECTION DAY, ALL THOSE WHO STOOD UP AND FOUGHT FOR JUSTICE? CENTRAL PRINCE GEORGE'S COUNTY IS AN AREA IN WHICH OVER 90% OF THE COMMUNITY IS COVERED IN CONCRETE. IN TIME, OUR HEARTS WILL BECOME CONCRETE TO THOSE WHO SOLICIT OUR VOTES, BUT DO NOT FIGHT INJUSTICES PERPETRATED AGAINST US. ANOTHER QUESTION TO BE ASKED OF THOSE ARE CHARGED WITH THE RESPONSIBILITY FOR OUR HEALTH AND WELFARE - ARE YOU AWARE THAT THE SAME POISON THAT

KILLS ME TODAY WILL KILL YOU TOMORROW – NO ONE IS IMMUNE, NOT EVEN YOU.

DO YOU THINK THAT WE HAVE FORGOTTEN THE PRETEXT USED TO SECURE OUR TAX DOLLARS (\$4.3 MILLION) TO EXTEND THE BLUE LINE TO CAPITAL CENTRE TO GET PEOPLE OUT OF THEIR CARS? DO YOU THINK THAT WE HAVE FORGOTTEN THAT A 600 CAR PARKING LOT IS PROPOSED FOR THE SUMMERFIELD STATION ON THE BLUE LINE TO GET PEOPLE OUT OF THEIR CARS? DO YOU THINK THAT WE HAVE FORGOTTEN THAT A 2,200 CAR PARKING GARAGE HAS BEEN PROPOSED FOR THE CAPITAL CENTRE BLUE LINE? DO YOU THINK THAT JUSTICE IS BEING DONE TO THOSE OF US WHO LIVE, OR TRY TO LIVE IN THIS COMMUNITY WHEN YOU ALLOW THE WASHINGTON FOOTBALL TEAM TO PACK ANOTHER 4,300 CAR IN OUR COMMUNITY WHERE THE AIR QUALITY IS ALMOST UNBEARABLE ON YOUR BEST DAY.

TO COMPOUND THE INJUSTICE CAUSED BY THE ENVIRONMENTAL ISSUES FACING OUR COMMUNITY, CENTRAL PRINCE GEORGE'S COUNTY IS ALSO BEARING THE BRUNT OF THE INFLUX OF WASHINGTON DC RESIDENTS ARRIVING IN MARYLAND AFTER THE CLOSING OF THE SECTION 8 REGISTER FOR LOW INCOME HOUSING. ^{There} THE PEOPLE OF CENTRAL PRINCE GEORGE'S COUNTY ARE KEENLY AWARE THAT THIS HOUSING PATTERN IS THE RESULT OF CAREFUL PLANNING BY THOSE WHO WISH TO MAINTAIN A SEPERATION OF THE CLASSES IN MARYLAND. THIS, MOST ASSUREDLY, IS AN INJUSTICE.

THE MOST STARTLING UNJUST ACT OF RECENT MEMORY WAS THE ATTACK ON THE WORLD TRADE CENTER IN NEW YORK CITY. THE TWIN TOWERS FELL LIKE THE GREAT CITY OF BABYLON AND SOUTHERN MANHATTAN WAS COVERED IN RUBBLE. TODAY, CENTRAL PRINCE GEORGE'S COUNTY IS COVERED IN RUBBLE WITHOUT A BOMBING, AS THE

RESULT OF THE POLICIES OF MARYLAND LEGISLATORS, NOT TERRORISTS AND SLOWLY BUT SURELY BECOMING THE BABYLON OF THE CENTRY. EVERY CHILD WHO GROWS UP IN AN ENVIRONMENT FLOODED WITH NOXIOUS FUMES, STREWN WITH GARBAGE, AND DROWNED IN HOPELESSNESS, IS A CHILD WHO DIES SLOWLY BY THE DAY. WE ARE KILLING THE CHILDREN OF CENTRAL PRINCE GEORGE'S COUNTY. DEATHS FROM, AND ILLNESS RELATED TO, ASTHMA, CANCER, AND NUMEROUS OTHER MALADIES ARE PROXIMATELY CAUSED BY THE ENVIRONMENTAL POLICY THE STATE OF MARYLAND HAS PURSUED AND PARTICULARLY, IN CENTRAL PRINCE GEORGE'S COUNTY. LET US NOT FORGET THESE SLOW DEATHS, NOT AS DRAMATIC AS A TERRORIST ATTACK, BUT STILL, WITHOUT QUESTION, AN INJUSTICE. WE CANNOT LET THIS INJUSTICE STAND.

POWER PHRAISING FROM THE 18TH CHAPTER OF REVELATION:
"...BABYLON THE GREAT IS FALLEN, IS FALLEN, AND IS BECOME THE HABITATION OF EVIL, AND THE HOLD OF EVERY FOUL SPIRIT, AND A CAGE OF EVERY UNCLEAN AND 'HATEFUL BIRD.'" FOR HER SINS HAVE REACHED UNTO HEAVEN, AND GOD HAS REMEMBERED HER INIQUITIES. THEREFORE SHALL HER PLAGUES COME IN ONE DAY, DEATH, AND MOURNING, AND FAMINE; AND SHALL BE UTTERLY BURNED WITH FIRE. AND THE MERCHANTS SHALL WEEP FOR NO ONE BUY THEIR MERCHANDISE; THE MERCHANTS OF THESE THINGS WHICH THEY WERE MADE RICH. FOR IN ONE HOUR SO GREAT RICHES IS COME TO AN END, AND THEY CRIED WHEN THEY SAW BABYLON IN RUINS, FOR IN ONE HOUR BABYLON WAS MADE DESOLATE.

THE ENVIRONMENTAL PROTECTION AGENCY HAS MADE THE WISE AND JUST DECISION TO ORDER MARYLAND TO ALLOW GREATER PUBLIC PARTICIPATION IN THE INDUSTRIAL PERMITTING PROCESS. THROUGHOUT

ITS EXISTENCE, THIS PERMITTING PROCESS HAS BEEN NEITHER JUST NOR HAS IT EVER TAKEN INTO CONSIDERATION THE PUBLIC INTEREST WHEN MAKING ITS DETERMINATIONS. WHILE MARYLAND LAW ALLOWS PARTIES TO SEEK JUSTICE IN THE COURTS, CITIZENS' GROUPS SUCH AS MY OWN RARELY HAVE THE FINANCIAL RESOURCES TO PREVAIL IN THE JUDICIAL ARENA. NOW THAT THE E.P.A. HAS ORDERED MARYLAND TO PERMIT GREATER PUBLIC PARTICIPATION IN THE PERMITTING PROCESS, PERHAPS FINALLY THOSE WITH LESS FINANCIAL RESOURCES MAY ATTAIN ENVIRONMENTAL JUSTICE.

I THANK THE COMMISSION FOR ALLOWING ME TO TESTIFY. I URGE YOU ALL NOT TO FORGET THAT AN INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE. CORRECT THIS INJUSTICE. MAY GOD BLESS YOU. GOOD AFTERNOON.