



SIERRA CLUB

MARYLAND CHAPTER

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Maryland Board of Public Works
Louis L. Goldstein Treasury Building
80 Calvert Street
Annapolis MD 21401

RE: Board of Public Works (BPW) agenda item 51-LL revised, Days Cove Rubble Landfill Lease

Dear Governor Moore, Comptroller Lierman, and Treasurer Davis,

The Sierra Club Maryland Chapter believes the Department of Natural Resources has adequately addressed most of our concerns regarding the Board of Public Works 51-LL, a new long-term lease for the Days Cove Rubble Landfill, with a few exceptions.

We ask the following: first, that the State quickly contract with a landfill expert to ensure the operator stays on track to meet site preparation requirements by the December 2029 deadline; second, that the operator post a bond or include a deposit to provide the State with some leverage on performance; and third, that the DNR and MDE agree to two open meetings annually with interested parties and the community to demonstrate transparency and restore public trust during the lease term.

Background

While we are unable to view the draft lease agreement, a report from the Maryland Environmental Service (MES) to the Department of Natural Resources (DNR), 2004 Critical Areas Report, and the complete 2026 leachate monitoring results, we have received assurances that some of the concerns we raised are or will soon be resolved.

The State of Maryland long promised area residents to close Days Cove Rubble Landfill by December 2025, with the expiration of the 40 year-old landfill's last 10-year lease. Hundreds of community members, several environmental groups, and the Baltimore and Harford County Councils have opposed the extension of this lease and the related discharge permit issued by the Maryland Department of the Environment (MDE). Both Baltimore and Harford County Councils passed resolutions opposing the landfill expansion through the MDE permit and the Baltimore County Council (Resolution 49-25) sought closure of this landfill, which has had numerous leachate violations.

As the landfill operates within the Gunpowder Falls State Park, adjacent to the park's irreplaceable natural area (INA) containing rare and threatened species, concerns have been

heightened. Environmental groups and hundreds of area residents, many of whom recreate in this area and/or depend on water from nearby wells, registered their concerns through comments on the lease and the discharge permit.

Since January, the DNR has been meeting with a group of community and environmental group advocates to understand their concerns. We have also met with MES and staff from the Comptroller's office and appreciate these listening sessions and the sincerity of the State staff that has led the outreach.

Nonetheless, this new four year long-term lease has been proposed, without providing evidence-based justification to any of the stakeholders, and the new lease has not been shared with the Sierra Club Maryland Chapter, so our recommendations are based on what has been publicly shared.

Key Issues

Lease: While the draft lease has not been made public, we have been assured by multiple state entities that the lease term aligns with the time required to prepare the site for closure according to the MES report to DNR. The proposed final four-year term, ending December 2029, is not ideal; however, it appears that an acceleration of closure is not possible at this time without causing potential stability issues for the landfill or substantial cost to the State.

We understand that the lease includes a substantial penalty for performance failure at the lease end; however, the Days Cove Reclamation Company, Inc. is unlikely to have meaningful assets at the end of the lease term.

We ask that the lease require the operator to include a performance bond or deposit should they fail to comply with the lease terms or the State will have little leverage to address future performance issues.

Monitor Progress: The DNR has agreed to accelerate contracting with an independent expert to provide oversight of the landfill as soon as possible to ensure the operator is progressing on pace towards closure and avoiding any additional delays. This oversight is necessary as the operator previously failed to meet their contractual closure deadline, and the DNR lacks expertise in landfill management.

Payment of the independent expert to provide oversight of the landfill should be clearly specified in the terms of the new lease.

Monitor Water Quality: Related to the lease is the discharge permit for the site. While this is a separate issue determined by MDE, given the numerous violations, we are concerned ongoing monitoring is inadequate to protect the watershed, residents, and the INA. Further, the Q1 2026 leachate results have not been made public. We continue to have concerns there is insufficient monitoring of the site and excessively long time periods to make results public.

We ask the state to enforce timely disclosure of leachate results and consider stronger water quality regulations to more quickly identify performance issues. It should not take months to disclose test results.

Until recently, open meetings about the landfill were not taking place. We request the DNR and MDE to commit to open meetings at least twice annually to provide ongoing transparency on progress and restore trust within the community.

We appreciate the significant progress made by the state over the last few months and its addressing of multiple concerns. We understand the new lease will give the State access to \$7 million currently held in escrow by the operator, which will be used to fund the closure. If so, we are appreciative that this issue will soon be resolved. While we value the recent dialogue with State staff, the Sierra Club Maryland Chapter continues to have concerns around penalties, adequate discharge monitoring and disclosure by MDE, and the commitment of DNR and MDE to periodic meetings. We ask that these remaining concerns be addressed in a timely, transparent, and good faith manner.

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