



SIERRA CLUB

MARYLAND CHAPTER

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 items 46-LL, Days Cove Rubble Landfill Lease

Dear Governor Moore, Comptroller Lierman, and Treasurer Davis,

Sierra Club Maryland Chapter does not support Board of Public Works 46-LL, a new long-term lease for the Days Cove Rubble Landfill, and we request that 46-LL be removed from the agenda until key documents are made available for public review including the draft lease agreement, a report from the Maryland Environmental Service (MES) to the Department of Natural Resources (DNR), 2004 Critical Areas Report, and 2026 leachate monitoring results which were not provided for review before the BPW vote. Without reviewing these documents, we are unable to support a lease keeping the landfill open through December 2029, followed by a three-year closure process.

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 and the Baltimore County Council sought closure of this landfill, which has had several 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 long-term lease has been proposed, without providing evidence to any of the stakeholders, including the Sierra Club Maryland Chapter, supporting the lease term.

Lease: The new lease must include a requirement for earliest feasible closure with mandatory penalties. Since the draft lease has not been made public, we are unable to review the language to determine if the language is sufficient to ensure the commitment to the community and other stakeholders. The community was assured 10 years ago that the prior “final lease” would be the last, but the State failed to honor that commitment.

Monitor Progress: The DNR has said the landfill’s current structure cannot yet support closure. Without the MES report, we lack clarity on the timeline for necessary structural improvements, who will oversee the progress, and how milestones are outlined in the new lease. Furthermore, we seek clarity on how stakeholders, including the community, will be kept informed leading up to the December 2029 deadline.

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.

Escrow: 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 remains concerned that we still lack the data needed to support a new four-year lease and clear steps to ensure this promise is finally kept.

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