

PEARCE CREEK IMPLEMENTATION COMMITTEE MEETING

June 16, 2017 10:00 AM

90B North Center Street

Cecilton, MD 21919

Attendees:

AECOM: Chris Rogers

Bay View Estates (BVE) Residents: Dave Heacock, Joy Heacock, George Hansell, William J. Fischer, Mary Ann Fischer, Steve Zawatski, Sandy Stake, John Sobon, Bill Haines, Wendy Dulaney, Wayne Dulaney, Dianne Dillman, John Dillman, Ken Cowley, Norine Haines, Laura Oliver, Frank May, Mike Cox, John Laterza, Jennifer West, Steve Mazzone, Bob Fitzner, Wilma Fitzner

Cecil County Council: Bob Meffley

Cecil County Health Department: Angela Scramlin

Cecil Whig: Jake Owens

Maryland Department of the Environment (MDE): Elder Ghigiarelli

Maryland Environmental Service (MES): Kristen Keene, Christine Holmburg

Maryland Department of Transportation Maryland Port Administration (MDOT MPA): Kristen Fidler, Chris Correale, Dave Bibo

Sunset Pointe: Phil Brooks, Miriam Brooks

Town of Cecilton: Mary Cooper, Mayor Joe Zang

US Army Corps of Engineers, Philadelphia District (CENAP): Gavin Kaiser

West View Shores (WVS) Residents: Diane English, Valerie Woodruff, Penny Sass, Glenn Sass, Marion Bowman

1.0 Welcome & Introductions

Kristen Fidler, Chair

Ms. Fidler welcomed the attendees to the meeting and everyone introduced themselves.

2.0 Summary Approval

Committee Members

The Pearce Creek Implementation Committee (PCIC) members reviewed the draft April 2017 meeting summary and it was approved as written; the summary will be posted as final on the Pearce Creek outreach website (www.pearcecreekoutreach.com).

3.0 Philadelphia District Corps (CENAP) Update

Gavin Kaiser, CENAP

Groundwater Monitoring Well Installation

Mr. Kaiser stated that the liner is 100% complete. Currently, the groundwater monitoring wells are being installed and should be completed next week; monitoring will begin shortly thereafter. Grading work has been completed for stormwater management on the site as well as to prevent ponding and the creation of mosquito habitat. The debris that was situated in the 16-acre cleared area near the southeast corner of the Dredged Material Containment Facility (DMCF) has been cleaned up. Ms. Woodruff stated that the cleared area looks much better and expressed appreciation for the prompt response to the community complaint.

Mr. Cowley expressed a concern regarding the purpose of Piezometer 1 (PZ-1) as described in the US Army Corps of Engineers, Philadelphia District (CENAP) Groundwater Monitoring Plan. After discussions with the Maryland Department of the Environment (MDE), Mr. Cowley stated that PZ-1 measures the groundwater level with a possibility to sample for other constituents. It is not clear in the Groundwater Monitoring Plan that sampling for other constituents is going to occur; however, PZ-1 is a

critical well due to its location and should be sampled for other constituents. Mr. Cowley asked if the well will function as a piezometer only. Mr. Kaiser will obtain clarification and stated that the site originally had 19 wells, which has since nearly doubled. The aquifers are being monitored extensively. (*Update: PZ-1 will be sampled for chemical analysis and water levels twice a year in the Magothy Aquifer for parameters specified by MDE in accordance with the approved Groundwater Monitoring Plan.*)

Discharge Monitoring Plan Update

Mr. Kaiser stated that the CENAP Discharge Monitoring Plan is currently being reviewed by MDE.

Pearce Creek Recreational Site Access

Mr. Kaiser informed the PCIC members that there was a recent break-in at the DMCF site. For safety reasons and concerns regarding the equipment being stored on-site, the site will not be opened for recreational use until dredging is completed. Ms. Sass asked if there was any damage from the break-in. Mr. Kaiser replied that there was minor damage to the fence and some equipment.

Mr. Kaiser stated that CENAP received an External Partnering award for the Pearce Creek project coordination which has been a successful and ongoing process. Mr. Kaiser thanked the PCIC, Town of Cecilton, MDE, Maryland Environmental Service (MES), Maryland Department of Transportation Maryland Port Administration (MDOT MPA), and all others who are involved in the coordination with the Pearce Creek DMCF reactivation project.

4.0 Drinking Water Line Planning Progress

Chris Rogers, AECOM

Transmission Main/Distribution Main Construction Updates

Mr. Rogers stated that the Transmission and Distribution Main piping has been installed. At this time, potability testing is being conducted and the two chlorine stations are being activated. Half of the Transmission Main has been potability tested and passed the American Water Works Association (AWWA) standards for water quality. Currently, potability testing is being conducted on the second half of the Transmission Main, which will be followed by testing on the Distribution Main.

Road Restoration Status Updates

Mr. Dulaney asked if there were any problems with the waterline based on a concern was raised about a portion of Pond Neck Road that was dug up near the entrance to the Sunset Pointe community. Mr. Rogers stated that in that area of Pond Neck Road, some problems have been identified due to inferior subgrade; therefore, Reybold is planning to dig up the road, dig down deeper and backfill with stone to correct the issue. This is most likely the reason why Pond Neck Road was dug up near Sunset Pointe. Once the subgrade has been improved in those locations, a final layer of asphalt will be placed on Pond Neck Road. The gouging which has occurred in the Sunset Point community will be repaired. Due to the depth and length of some of the road gouges, Cecil County will require the full lane to be restored; shallower gouges will be restored by filling with a sealant. Road restoration efforts in West View Shores (WVS) and Bay View Estates (BVE) have been substantially completed.

Regarding the original approach to road restoration, the roads were set to be replaced in-kind. At the pre-bid meeting, several contractors raised a concern regarding the then current roads within BVE incurring a lot of damage from the construction of the pipeline; in-kind restoration would not be sufficient. A decision was made to improve the roads from the preexisting conditions. The bid documents called for the BVE and WVS roads to be milled down 3-3 ½ inches. The asphalt millings

would be taken from WVS and used as a base for the BVE roads (in addition to the milled down tar and chip on the existing BVE roads), which would subsequently be tar and chipped. During implementation, the tar and chip contractor informed AECOM that the type of millings from WVS would be too large to create a good base and the petroleum product would not bind properly to the large chunks of asphalt. Therefore, the decision was made to mill down the WVS roads and sprinkle some of the millings throughout the BVE community. Next, a reclamation machine (used to pulverize material) was brought in to reclaim the existing tar and chip from BVE with the millings from WVS. The roads were then compacted and graded, thereby creating an excellent base on which to apply tar and chip. Crowns were included in the road construction for stormwater management purposes and are considered an improvement. Mr. Rogers noted that road restoration is not complete; a punch list needs to be prepared for Reybold to address the remaining issues and nuisance areas. Speed humps were reinstalled in WVS and BVE. There were originally 16 speed humps in WVS, and only 6 were requested to be replaced. In BVE the existing speed humps were replaced, two additional speed humps were installed, and the speed hump height was increased as well. The road restoration effort on the State Highway roads is essentially complete as well. Mr. Rogers also mentioned that the on-lot contract includes additional tar and chip in BVE in anticipation of damage.

A resident asked how deep the subgrade was supposed to be. Mr. Rogers replied that there was no specification, but when the area was rototilled there was about eight (8) inches of combined material. Mr. Fitzner stated that the top layer was the only portion removed and did not believe any more than an inch was removed in front of his property. Mr. Fitzner stated that the road has a substandard subgrade. Mr. Rogers stated that the road previously had a substandard subgrade and AECOM believes what has been provided is a better product than before. Mr. Fitzner requested a sample taken. A resident asked if the road could be blacktopped. Mr. Rogers replied that in addition to the community preference for tar and chip, the roads were previously composed of tar and chip material. A resident asked if once the tar and chip was completed, if the dust would be reduced. Mr. Rogers stated that over time the tar and chip would compact and become more firm, which will result in a reduction of the dust. Mr. Rogers clarified that AECOM was not the general contractor, but was working on behalf of the Town of Cecilton as a consultant and that Reybold is contracted directly by the Town of Cecilton.

Mr. Haines read a list of concerns during the meeting (see Attachment 1). Mr. Rogers stated that many of the minor road concerns expressed by residents will be included in the punch list, which has not been generated yet. Regarding the broader issue of road crowns, the construction management team decided that the roads would be improved by the addition of crowns to shed water on the side of the road; previous water drainage problems existed prior to construction due to the lack of crowns. Mr. Haines stated that the crowns were not wanted and that the sand was disturbed, which will cause the road to break-up within a few years. A resident added that in some areas, grass is growing along the edges of the roads with ant mounds developing. Mr. Rogers stated that the punch list will most likely take care of those issues.

Ms. Fidler stated that the solution to the problems could be achieved through increased communications between the Town of Cecilton and BVE and suggested holding a meeting to go through the "punch list" and discuss what was promised and what was received. Ms. Fidler stated that communication is key and agreed that definitions were needed for terms such as "punch list" and "substantially complete". Many of the issues can and will be clarified with communication; a separate dialogue with the BVE community is warranted. Mr. Haines stated that the residents were promised pre-construction conditions

and that the road has been built up too high. Mr. Haines added that the crowns and increased road height are not simple punch list items. Mr. Rogers agreed that crowns and increased road elevation are larger issues. A resident stated that there is a depression in the center of the road made by a vehicle and expressed a concern of a substandard base. Mr. Zawatski stated that there is now a substantial lip which knocked the pin holding the bucket from his tractor and asked what was going to be done. Mr. Rogers stated that any areas with lips will be evened out. Ms. Fidler stated that a meeting will be held with the BVE residents to clear up the issues and discuss expectations. Ms. Woodruff stated that the roads in WVS were in excellent condition. There have been a few issues, but they either have been or are being worked out.

On-lot Construction Schedule of Activity

Mr. Rogers stated that a permitting issue has caused a schedule delay associated with the on-lot work. There were permits and licenses which were not expected; however, the permitting issue will be expedited. Ms. Fidler will send out an update on June 23rd regarding the status of the permitting issue.

Ms. Sass asked if there was a timeline for the on-lot activity. Mr. Rogers stated that there are no interim milestones that the contractor is required to adhere to in an effort to provide flexibility to the contractor; however, the on-lot work will be completed within a year. The contractor schedule is primarily used for resource allocation and coordination with subcontractors, but is subject to change. The goal to prioritize permanent residents will be maintained with some flexibility. Ms. Fidler stated that direct notification will be given to residents once the on-lot work is underway.

Mr. Rogers stated that there will be an introductory email from Reybold that will include contact information and reiterate the phasing of the project, which involves 1) the pipe connection in the yard; 2) the connection to the well line and interior plumbing; and 3) well abandonment. Reybold will leave a door hanger to notify residents of the exterior work (access to the home is not needed at this time). For the in-home work, direct scheduling will occur with each resident and specific questions will be asked to prepare the plumber. AECOM will be present during the on-lot work for oversight.

A resident requested that lay down storage area be cleaned up and mowed. Mr. Rogers replied that Reybold will be using the lay down storage area for the duration of the on-lot work. The lot is owned by a private owner who has a contract with Reybold. A resident asked if the water meter has an indicator for leaks. Mayor Zang replied that a leak detector is present on the meter. A resident expressed a concern regarding the condition of Pond Neck Road heading towards the Town of Cecilton and asked if the road would be restored. Mr. Rogers stated that full lane restoration is a typical highway specification to connect the two lanes as seamlessly as possible. There are no plans to restore the other half of the road unless there damage occurs from the construction.

Status of Access Agreements Received to Date

Mr. Rogers stated that so far 200 out of 235 access agreements have been received. Access agreements are needed to complete the on-lot work at each residence.

Follow-up from April 8 What to Expect Meeting: Retention of Existing Water Treatment Systems

Ms. Fidler stated that subsequent to the investigation of various alternatives, the request to reconnect some water treatment systems will not be able to be accommodated. MDOT MPA was charged by MDE to provide quality potable drinking water to all 235 residents within the Pearce Creek Service

Area, which is being provided with the Town of Cecilton water connection. The existing treatment systems are very different at each residence and the on-site plumbing decisions would be subjective, which is an untenable position for MDOT MPA, the plumbers, and the contractors. Additionally, since the water treatment system equipment is calibrated for well water it could negatively impact the Town of Cecilton water, which conflicts with MDOT MPA's charge of quality drinking water. Individual water treatment system equipment is considered a personal need/preference which is over and above the agreement and scope of the contract. Lastly, a 1-year warranty for the installed equipment and service connections will exist; a reconnection of water treatment system equipment within that time would void the warranty. A follow up letter will be sent to the residents explaining the decision; MDOT MPA welcomes feedback and questions.

Mr. Heacock asked if the water treatment equipment could remain if the system could be bypassed. Councilman Meffley replied that in order for the home to be in compliance with the Maryland State Code there will have to be caps placed on the bypass. After the plumber leaves, an owner could do whatever they wanted. Mr. Rogers reiterated that the reconnection of a water treatment system could void the 1-year warranty. Mr. Zawatski asked why a treatment system would need to be removed if connecting the waterline to the home is all that is really needed. Mr. Rogers stated that a shut-off valve, pressure reducing valve, and an expansion tank will be installed within the home; the treatment system will be disconnected. If the owner wanted to reconnect their treatment system it would be at their own cost. Mr. Zawatski asked about the waterline connection and well removal timeline. Ms. Scramlin stated that the wells will be abandoned in batches. The well does not have to be dug up to abandon it. The cap will be removed, the pump will be pulled, and the well head will be trimmed down and then filled with concrete. Mr. Rogers stated that any yard damage will be restored to preexisting conditions or better, but well abandonment does not need heavy equipment considering pumps will be used for a majority of the process. Ms. Fidler reiterated that, as per the original plan, when connection to the Town water is made, the plumbers will be disconnecting any current water treatment systems; should a resident choose to recalibrate and re-connect their water treatment system it would be the residents' choice and responsibility.

5.0 MPA Updates

Kristen Fidler, MPA; Kristen Keene, MES

Town of Cecilton Water Quality Standards and Annual Report Information

Ms. Keene gave a presentation regarding the Town of Cecilton water quality. Ms. Keene stated that the Town water is sourced from a confined aquifer (Magothy Formation) that lies about 100 feet below the ground surface. Once the water is pumped from the aquifer, it is then treated before it enters the Town's water distribution system. Although there have been some requests to maintain residential water treatment systems, it was explained that the Town of Cecilton's water is treated before it enters the distribution system.

Ms. Keene informed the PCIC of the regulations and stringent testing which is required of public drinking water systems. The Safe Water Drinking Act (SWDA) is the primary federal law that ensures the quality of national drinking water. The SWDA is overseen by the US Environmental Protection Agency (EPA). The EPA then oversees and sets the standards for all of the localities, municipalities, and treatment techniques which are used to service public water systems. After review of the health effects data, the EPA sets a Maximum Contaminant Level Goal (MCLG). The MCLG is then used to create the Maximum Contaminant Level (MCL), which is the standard of what is allowed in drinking water. The MCL is the maximum level of a contaminant in drinking water at which no known or

anticipated adverse effect on the health of a person would occur, while allowing for an adequate margin of safety. Ms. Keene stressed how stringent the EPA standards are for public drinking water. To understand the basis behind the health effects data for a constituent, an individual would have to drink two liters of water at the MCL for a lifetime to have 1 in 1,000,000 chance of having the described health effects.

Mr. Keene explained that there are primary and secondary drinking water regulations. EPA Primary Drinking Water Regulations provide legally enforceable standards and treatment techniques that apply to public water systems. The Primary Drinking Water Standards apply to microorganisms, disinfectants, disinfection byproduct, inorganic chemicals (including nutrients and metals), organic chemicals (i.e. pesticides and fuel additives), and radionuclides. EPA Secondary Drinking Water Regulations provide non-enforceable guidelines regulating contaminants that may cause cosmetic effects (such as skin or tooth discoloration) or aesthetic effects (such as taste, odor, or color). MDE follows the EPA National Drinking Water Regulations and their mission “is to ensure safe and sustainable supplies of water for drinking and other purposes to meet current and future needs of communities and ecosystems”. The mission “is accomplished through proper planning for water withdrawal, protection of water sources that are used for public water supplies, oversight and enforcement of routine water quality monitoring at public water systems, regular onsite inspections of water systems, and prompt response to water supply emergencies”. The Town of Cecilton drinking water meets all State and Federal drinking water requirements for potable water. A Consumer Confidence Report (CCR) is required by law to be distributed to all users of the water; the recent Town of Cecilton CCR’s are available on the Town’s website and on the Pearce Creek Outreach website. The report lists constituents that were detected (at any level) in the samples throughout the year, the reason the constituent is present, and any violations. Ms. Keene explained that the detection of a constituent does not mean an exceedance. Ms. Keene listed the constituents tested and testing frequency for each:

- Coliform - Minimum 5 samples per month
- Turbidity – Once per day
- Inorganic Chemicals (includes metals and nutrients) – Annually
- Volatile Organic Chemicals (VOCs) – Annually
- Synthetic Organic Chemicals (SOCs) – 2 quarterly samples per year
- Gross Alpha Particle Activity, Radium-226, Radium-228, Uranium – Once every 9 years

Ms. Keene stated that from 2014-2016 there were some detections in the Town of Cecilton water, but there were no exceedances or violations. Most of the detections were byproducts of the disinfection process, byproducts of chlorination, and natural occurrences from surrounding geological formations.

Ms. Sass asked if there was any concern regarding compliance issues and made reference to Flint, Michigan. Ms. Keene stated that if there were any compliance issues, the Town of Cecilton would be fined for each offense and if the violations continue, MDE can take a civil action to ensure compliance. Ms. Fidler stated that all results are reviewed by MDE every year. Ms. Keene concluded that the Town of Cecilton water meets all water quality standards and is treated before it reaches homes.

6.0 Citizen Comments

Community Representatives

Feedback from the Community Members

A resident asked what would happen if someone who refused to connect sold their home after the deadline for MDOT MPA to pay for connections. Ms. Scramlin stated that real estate transactions usually go through a mortgage company, and a mortgage company will require potable water which could force connection; if the transaction was in cash then the home could be sold. Future permits for building, etc. would not be allowed because the home would not be in compliance. It was asked what would happen for those who rent out their property choose not to connect to the waterline. Ms. Scramlin stated that the County has codes for rentals which include providing potable water. Ms. Fidler reminded the PCIC that MDOT MPA is funding the hook-ups, but the free connection will expire in a little over a year. A resident expressed a concern regarding strips along Pond Neck Road which are still settling. Mr. Rogers stated that those issues will be investigated. Mr. Cowley asked about the status of the water system contracts. Ms. Fidler stated that the funding commitment is supported and in place. A resident stated that on Grove Neck Road there is an area which has sunk and asked if it will be addressed. Mr. Rogers stated that issue would be investigated.

7.0 Future Meeting Discussions

Kristen Fidler, MPA

The next PCIC meeting will be held Friday, August 18th at 10 am.

Adjourn - Noon

Kristen Fidler, Chair