

PEARCE CREEK IMPLEMENTATION COMMITTEE MEETING
August 18, 2017 10:00 AM
90B North Center Street
Cecilton, MD 21919

Attendees:

AECOM: Chris Rogers

Bay View Estates (BVE) Residents: Dave Heacock, Joy Heacock, William J. Fischer, Mary Ann Fischer, John Sobon, Bill Haines, Wendy Dulaney, Wayne Dulaney, Ken Cowley, Norine Haines, Jennifer West, Bob Fitzner, Wilma Fitzner, Linda Racine, Dan Racine

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): Christine Holmburg

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

Sunset Pointe: Kathy McDonough

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, Eddie Lavin, Pat Korja-Dooley, Wayne Dooley

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 June 2017 meeting summary and it was approved as written; the summary will be posted as final on the Pearce Creek outreach website (www.pearsecreekoutreach.com).

3.0 Philadelphia District Corps (CENAP) Update

Gavin Kaiser, CENAP

Mr. Kaiser addressed prior concerns and questions that were raised by Mr. Cowley regarding the groundwater monitoring at Piezometer 1 (PZ-1). Mr. Kaiser stated that PZ-1 reaches the Magothy Aquifer and will be monitored twice a year for all constituents and will be measured for water level. The groundwater monitoring wells have been installed and field surveying and sampling is ongoing. Mr. Kaiser stated that the liner installation is 100% complete, but other Dredged Material Containment Facility (DMCF) activities are ongoing.

Mr. Haines stated that as long as the DMCF berm is not mowed, the residents rescind their request for the planting of trees along Pond Neck Road. Mr. Kaiser stated that the road on top of the berm will be periodically mowed to allow passage and inspection, but the outside of the berm will be allowed to grow naturally.

Discharge Monitoring Plan Update

The US Army Corps of Engineers, Philadelphia District (CENAP) received minor comments from the Maryland Department of the Environment (MDE) regarding the Discharge Monitoring Plan. The

comments are currently being addressed. Mr. Cowley asked if rainwater was being retained in the site and raised a concern regarding possible contamination of the rainwater due to it being in contact with the disturbed material above the liner. Mr. Kaiser stated that CENAP would investigate the concern.

A resident asked who would be the watchdog for monitoring discharge compliance in the future. Mr. Kaiser responded that CENAP submits all discharge monitoring reports to MDE. CENAP already has a contract with TetraTech to conduct the monitoring. Ms. Woodruff asked if the reports would be available online and in laymen's terms. Ms. Fidler replied that currently only exterior monitoring is available on the Pearce Creek Outreach website (www.pearcecreekoutreach.com), but as other reports become available they will be placed online. Ms. Fidler also stated that the PCIC would remain as an oversight group until the residents deem it is no longer necessary. MDE certifies all DMCF activities and CENAP must undergo permit renewal; any violations will result in stoppage of activities. Ms. Woodruff asked about the Water Quality Certification (WQC) renewal timeframe. Mr. Ghigiarelli replied that historically the permits are renewed on an annual basis. Initially, the Pearce Creek DMCF was given a three year WQC, which was extended until March 2018 to cover potential fall 2017 placement activities. Either an extension or renewal will be needed after March 2018; MDE may require additional monitoring for renewals based on the history of the site. Ms. Fidler stated that if reports are in a highly technical format, the PCIC provides an opportunity to present the findings in laymen's terms. Ms. Woodruff asked for notification when the documents are placed on the website. Ms. Fidler replied that a Newsletter will go out to notify the residents when the reports are available on the website.

Mr. Heacock asked about boating and fishing accessibility for Pearce Creek Lake. Mr. Kaiser stated that the US Fish and Wildlife Service determined that the Pearce Creek Lake will remain closed to the public until spring 2018 AT THE EARLIEST to ensure public safety after the first inflow and site operations. Mr. Heacock mentioned that although there are signs stating Pearce Creek Lake is closed to the public, when the gates are closed the signs are unreadable. Mr. Sobon noted that on two known occasions there have been individuals who have made it on to Pearce Creek Lake.

4.0 Drinking Water Line Planning Progress

Chris Rogers, AECOM

Water System Construction Updates

Mr. Rogers stated that all of the piping for the water system is in place; AECOM is in the process of calibrating the chlorine injection station. The Transmission Main has passed potability testing; currently the Distribution Main is undergoing testing. Due to the lapse in time since the Transmission Main water was last tested, it is being re-tested for potability to ensure public health and safety. A considerable amount of flushing is needed to decrease the chlorine level to be able to take the BacT test for potability. Flushing should occur next week and the potability testing is expected the following week. If both the Transmission Main and Distribution Main pass the potability tests, then the in-home connections can begin to be scheduled the following week.

On-lot Construction Schedule of Activity

As of the meeting date, AECOM has received 49 plumbing permits and have made 30 exterior connections. Once the Distribution Main passes the potability test, Reybold should begin a second crew to conduct in-home work in Bay View Estates (BVE) as well as exterior work in West View Shores (WVS). Mr. Fitzner asked which company would be completing the plumbing work. Mr. Rogers

responded that the certified plumbers are subcontracted under Reybold. The County has approved the plumbers to perform the work and all work is supervised by a certified master plumber.

A resident asked about the next step of the on-lot work. Mr. Rogers replied that after the exterior work is completed, the next step is Phase 2, the interior work. The resident asked for confirmation that the area of the interior work would need to be cleared to allow for easy access. Mr. Rogers replied yes, and stated that communication between Reybold and the homeowners is crucial at this stage. Mr. Rogers stated that except for prioritizing full time residents, AECOM is not dictating any scheduling to Reybold. Mr. Rogers also reminded the residents that someone is required to be present during the in-home work, whether it is the resident or a representative of the resident. A resident asked how much advance notice would residents be given regarding scheduling of in-home work. Mr. Rogers stated that residents will be contacted approximately a week in advance. Ms. Fidler stated that it is estimated that in-home work will begin on August 28, but will be based on potability results. Mr. Rogers stated that the homes that have had the exterior work will most likely be connected first, but Reybold is cooperating with emergencies (i.e. failing well pumps).

Status of Access Agreements Received to Date

As of the meeting, 209 Access Agreements have been received out of 235. Mr. Dooley asked about new residents who have just bought homes. Mr. Rogers stated that they have been in contact with AECOM. Mr. Cowley asked when there would be access to the fire hydrants. Mr. Rogers responded that there will be no access to the hydrants until the water system is potable. Mr. Cowley requested that the fire department be notified when the fire hydrants are able to be accessed. Ms. Woodruff requested a notification for the residents when the hydrants are functioning. Ms. Fidler stated that when the hydrants are available for use, a notification will be placed on the website and a newsletter will be sent out. Mr. Rogers stated that coordination with the local fire chief will occur regarding hydrant use. Mr. Rogers noted that the hydrants do not fulfill the American Water Works Association (AWWA) requirements for full firefighting use, but the hydrants will be able for use to fill a tanker.

Ms. English stated that another resident believes that it is illegal for the State to force people to close their wells. Mr. Rogers stated that AECOM will not force residents to hook-up and there are currently no plans for court orders. Ms. Fidler stated that refusal to close a well is a MDE/ Cecil County Health Department (CCHD) issue. The Maryland Department of Transportation Maryland Port Administration (MDOT MPA) is funding water system hook-ups and well abandonment, but there is an expiration to that funding, which is about one year from water potability. Ms. McDonough asked if a house could be sold if it was not connected to the water system. Ms. Scramlin replied that there is no provision in the real estate transfer, but mortgage companies will not give mortgages if the house does not have potable water. Houses cannot be rented if they are not hooked up to potable water as well. A resident asked when the one year expiration for funding would begin. Ms. Fidler stated that the countdown to expiration hinges on the water system being in-service. Mr. Rogers stated that "in-service" is synonymous with "potable". Mr. Fidler reiterated that the one-year funding countdown will begin when the water is potable and in-home hook-ups have begun. Ms. Fidler stated that there was an initial approximation of July 2018, but that was pushed back due to the delay in water system potability. Ms. Fidler notified the PCIC that letters will be sent to the remaining residents who have not signed access agreement to ensure clarity and transparency in the process.

5.0 MPA Updates

Kristen Fidler, MPA

Follow-up - July 15 BVE Road Restoration Meeting

Ms. Fidler stated that the meeting summary from the BVE road restoration meeting was available; there are two corrections that need to be made, the date and location of the meeting are incorrect. Over 30 residents from BVE attended, and discussions included the remaining punch list items, as well as the fundamental quality and integrity of the restored roads.

Mr. Rogers stated that a timeline of the road restoration was given at the road restoration meeting detailing why changes were made to the initial plan. Due to concerns from residents, a comprehensive proof roll with a full dump truck was conducted on the roads. Proof rolling is a standard test to ensure that the subgrade, base, and pavement are in good shape; results from the proof roll confirmed suitable subgrade. Core samples of the subgrade and the boat ramp area were also collected and submitted to AECOM's geotechnical engineers for analysis. The boat ramp area sample was collected as an undisturbed baseline for comparison to the subgrade in the restored roads. The report has not been finalized, but initial results have shown that the structural integrity of the subgrade has been improved. Regarding reclamation, AECOM's position remains that the improvement of the base and improvement of the crown has compounded the overall improvement of the restored road over the pre-existing road; AECOM stands by its road restoration process and the final product. Due to resident concerns regarding road widening in some areas, the roads were re-surveyed, and designated areas will be restored to grass.

The final punch list will be triggered when the water system is deemed potable; however, remaining items are being taken care of as residents bring them up. Once the project has been finalized, the 12-month warranty on the roads will begin. Defects will be repaired by the contractor (i.e. settlement) before final acceptance occurs after the 12-month warranty. In the third phase of the on-lot water system contract, there is an associated tar and chip road repair item for BVE. Another layer of tar and chip will be applied as needed for repairs, as well as a final fog coat; an additional 12-month warranty will begin upon the completion of that additional repair layer. In May, AECOM received a written letter containing a list of resident's concerns; Mr. Rogers informed the PCIC that AECOM's response to that letter was sent out yesterday, and that some of the items on the list had already been completed.

Mr. Haines stated that he still has concerns regarding the height of the crowns in the roads. Mr. Haines provided handouts to the PCIC, one of which was of the County specifications for crowns that states the minimum height should be 2%, the Maryland Asphalt Association states 1.5% and Virginia Asphalt Association states 2%. Mr. Haines also included hand drawings detailing what the perceived height of the crowns were in relation to the width of the road, compared to what the specified height should be. Additionally, the handout included hand drawings of the perceived pre-existing road conditions, the road conditions that had been expected by the residents, and the perceived existing road conditions. Mr. Haines expressed a concern that the road is now elevated and water will be able to get underneath. Mr. Haines also expressed concern that rainwater has now been diverted into his yard. Mr. Haines voiced another concern that stone was not put down in the trenches and believes this is why settlement is occurring. Mr. Rogers replied that AECOM disagrees and stands by their work. AECOM has had numerous discussions internally, and has conducted testing to determine the increase in integrity. Mr. Rogers also stated that stone was placed in the trenches, but settlement was still expected; the settlement will be repaired.

Ms. Fitzner asked if the lay-down area would remain in BVE. Mr. Rogers replied that the area would remain until the third phase of the contract is complete. A resident asked why there were trailer boxes on the property. Mayor Zang replied that the trailer boxes were most likely used to hold water meters and tools to prevent theft. Ms. Fitzner asked if weeds growing in and by the road next to her garden would count as a punch list item. Mr. Rogers stated that the intent is to restore all areas and the issue will be investigated. Mr. Haines asked why dirt was being stockpiled in BVE from WVS and asked if it could be stopped. Mr. Rogers replied that AECOM cannot dictate to Reybold where they place their materials.

Mr. Cowley re-addressed the handouts of that Mr. Haines had distributed, and again opened up the discussion of road restoration. Mr. Rogers stated that the changes from the initial design were expected due to the addendum to the Grant Agreement. The original plan called for only one lane of road restoration. The contractor stated that the initial expectation of the road restoration was not feasible; therefore, AECOM decided on a more robust road restoration. Mr. Rogers mention that at the February 16th meeting the details of the addendum were discussed, and the plan was never to lay millings directly on top of the existing road; the addition of millings directly to the existing road would have raised the road four inches. Mr. Haines stated that AECOM never consulted with the residents and that BVE would have requested that the original road be tar and chipped over or would have been amenable to a cost share to help pay for the road restorations. Mr. Rogers replied that a copayment for the roads would have not been feasible. Mr. Cowley stated that the compacted roads were disturbed and restoration was not executed properly. Mr. Rogers disagreed with the characterization that there are two coats of tar and chip on top of eight inches of disturbed subgrade. Mr. Cowley suggested two final coats of tar and chip be applied rather than one. He stated that future road conditions were a financial issue for the BVE community. Mr. Haines noted that he disagreed with the dump truck proof roll results. Ms. Fidler stated that the visual aids were helpful tools, and MDOT MPA will investigate and provide possible feedback. Ms. Fidler urged PCIC attendees to reach out and inform MDOT MPA if any information or issues to avoid misunderstandings and miscommunications.

DMMP Outreach

Ms. Fidler stated that the PCIC was a part of the Dredged Material Management Program (DMMP). The DMMP is composed of many different advisory committees. In August, the DMMP Citizens Advisory Committee (CAC) meeting was held and the PCIC was an agenda item. The DMMP CAC reports to the MDE Secretary, the US Army Corps of Engineers, Baltimore and Philadelphia District Colonels, and the MDOT Secretary. The Management Committee will hold a meeting in September and receive an update regarding Pearce Creek. Ms. Fidler also announced that the DMMP Annual Meeting will be held Friday, November 3, 2017 at 10 am, and invited everyone to attend. Updates regarding the Port of Baltimore and other dredging topics will be discussed. Ms. Sass asked if the attendance to the annual meeting was required. Ms. Fidler replied no, but stated that the meeting exposes attendees to a broader set of projects. The annual meeting showcases all components of the DMMP; the USACE Baltimore District Colonel Chamberlain will be the keynote speaker this year. PCIC members will not miss any updates if they do not attend. Mr. Cowley stated that attendees of the Annual Meeting will be able to see the significance of the PCIC and Pearce Creek Project to the whole DMMP.

6.0 Citizen Comments

Community Representatives

Feedback from the Community Members

Ms. McDonough stated that there are some road concerns in Sunset Pointe. There are potholes in training and the County stated that the roads have not officially been signed off on. Mr. Rogers stated that AECOM will coordinate with the County to investigate and take care of the potholes.

Ms. Woodruff asked if the Baltimore USACE was responsible for the impending Conowingo Dam project. Ms. Correale replied yes.

Mr. Rogers stated, for the record, that the trenches were all backfilled with stone. Mr. Haines stated that he believed it was filled with stone dust. It was suggested that a trench be opened up to verify that stone was used in the trenches.

Mr. Heacock suggested a presentation on the Cecilton Water System and/or a tour of the facility as an agenda item for a future meeting

Future Meeting Discussions

The next PCIC meeting will be held Friday, October 20, 2017 at 10 am.

Kristen Fidler, MPA

Adjourn - Noon

Kristen Fidler, Chair