

Cecil County Officials to Challenge State Officials on Bay Cleanup, Conowingo Dam, Earleville Dump

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By [Nancy Schwerzler](#)

Cecil County Executive Tari Moore and the County Council mapped strategy on Tuesday for an upcoming meeting with top state officials involved in Chesapeake Bay policy, with a plan to focus on sediment buildup at the Conowingo Dam that swamps the Bay with pollutants especially after storms. But one Councilor and Moore said the talks should also focus on pollution of citizens' wells in Earleville by a US Army Corps of Engineers dumpsite.

County officials are working on setting up a meeting with the so-called "Bay Cabinet"—which includes the Secretaries of the Department of Natural Resources (DNR), Maryland Department of the Environment (MDE), Department of Agriculture, and the Maryland Department of Planning. At the heart of the discussion will be the costs and impact on Cecil County of federal, and especially state, mandates for pollution reductions to protect the Bay. Compliance could cost Cecil County up to \$600 million by 2020.

Moore said she wanted them to tour the Conowingo Dam in person before sitting down with her and the County Council to discuss pollution issues. Cecil County has joined a coalition with several other counties, mostly on the Eastern Shore, that have hired a lawyer and are threatening challenges to the state mandates. Central to their challenge is the sediment behind the Conowingo Dam, which comes from upstream pollution in Pennsylvania and New York and will contaminate the Bay regardless of what downstream Cecil County does.

"We cannot control what's coming down that [Susquehanna] River," said Councilor Alan McCarthy (R-1). "We need to question the science," he said, of state policies that downplay the significance of the dam in pollution of the Bay.

"All our efforts will be for nothing," said Council President Robert Hodge (R-5), if the upstream states do not move as quickly as Maryland is forcing its local counties to act. "Are we rushing this too fast," he asked.

Councilor Diana Broomell (R-4) had another priority for the meeting: the pending state review of plans by the US Army Corps of Engineers to resume dumping shipping channel dredge spoils in Earleville. That issue "should be part of the conversation" with the state officials, she said.

A US Geological Survey study released in January concluded that the Corps dumpsite off Pond Neck Road was responsible for pollution of area homes' drinking water wells, despite the fact that new dumping stopped 20 years ago.

"The Bay Cabinet has nothing to do with Pearce Creek," Hodge said. However, MDE holds the trump card on whether the Corps will be allowed to resume dumping at the Earleville site since the state agency must decide whether to issue a discharge permit for renewed dumping. No decision has been made yet by MDE.

"We see the hypocrisy," Broomell said, of the state having "a different set of rules for themselves." The Maryland Port Administration is aggressively working with the Corps to push for renewed dumping in Earleville because it is cheaper than any other location to transport and dump spoils from dredged shipping channels on the Bay.

Hodge said Broomell should put a more "positive spin" on her approach since MDE has not yet made an official decision. "You're kind of jumping to conclusions," he said.

But Moore agreed that the Pearce Creek issue should be raised with the Bay Cabinet as part of a "big picture" approach. She said she was disturbed that Corps officials said they had no other options in mind if MDE did not approve additional dumping in Earleville—"That's not a very good answer."

"Cecil County doesn't want to become the dumping ground" for the state, Moore said. "This is a very large issue they're putting Band-Aids on," she added.

Moore and four of the five Council members have attended multiple meetings with the Corps and residents of the West View Shores, Bay View Estates, Sunset Point and Pond Neck communities about the Earleville dumpsite. The County health department is currently testing additional wells to determine contaminants at individual homes.

The Corps is not putting up money for well testing nor is it willing to pay for new wells or community water systems to provide safe, clean water to the residents. The MPA has said it might "contribute" to a solution but MPA money comes with a catch—permission to renew dumping in the neighborhood.

Meanwhile, the County is trying to cope with potentially mammoth costs of the state's Bay cleanup program that mandates Watershed Implementation Plans (WIP) for each county to develop steps to comply with required reduced levels of stormwater runoff, septic system nitrogen releases and farm pollution that harm the Chesapeake Bay.

Cecil County staff estimated that taking the state mandate to the letter would cost as much as \$600 million by 2020, the state's deadline for compliance. The county would have to make tough decisions, such as mandating existing homeowners to convert functional septic systems to "best available technology" nitrogen-reducing systems that cost up to \$20,000 to install and require costly maintenance and upkeep annually.

But ultimately, when the county submitted the required Watershed Implementation Plan, specifics were kept to a minimum.

In November, 2011, the county took a "don't ask, don't tell" approach to the WIP mandates. Officials took that step after lawyers for counties around the state advised the local governments to submit broad, vague goals for reducing pollution from septic systems, stormwater runoff and agriculture—so as not to be held legally responsible by the state for failure to comply with specific timetables and actions to curb pollution.

[SEE Cecil Times report here: <http://ceciltimes.com/2011/11/cecil-county-environment-dont-ask-dont-tell-on-bay-pollution-plans/>]

But the state is moving ahead with its own steps to enforce its pollution mandates and the WIP noose hanging over the county's head is already tightening.

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The newly proposed Fiscal 2014 Cecil County capital improvement budget includes \$620,000 for implementation of stormwater management permit procedures and retrofitting of stormwater management facilities. In addition, a major upgrade of the Seneca Point sewage treatment plant is required by the state mandates, although the County Council is still debating the costs of the type of technology that will be used for the project.