

Cecil County Officials Confer with Rep. Harris on Earleville Dump, Conowingo Dam Pollution

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US Rep. Andy Harris (R-1) and Cecil County officials huddled Tuesday to discuss costly federal and state mandates to clean up the Chesapeake Bay, but Harris said the US Army Corps of Engineers could over-ride state environmental authorities to resume dumping of shipping channel dredge spoils that have polluted residential drinking water wells in Earleville on the shores of the Bay.

In January, a new study by the US Geological Survey concluded that the Army Corps' dumpsite, on Pond Neck Road in Earleville, had polluted several layers of aquifers in the area and was responsible for contamination of area water wells.

Harris met with county officials and representatives of the towns of Elkton and Port Deposit, who complained about the costs and flawed policies to reduce pollution of the Chesapeake Bay under Watershed Implementation Plans (WIP) required by federal law. Maryland Governor Martin O'Malley has expedited the timetable for the state's compliance, ahead of other states that contribute to Bay pollution.

Cecil County has joined with several other counties to challenge the WIP mandates and they argue that a buildup of sediment behind the Conowingo Dam, which releases tons of pollutants into the Susquehanna River and the Bay during storms, will negate any Bay cleanup efforts downstream. The WIP mandates are estimated to cost Cecil County about \$600 million, which amounts to about \$2,000 per household, County Executive Tari Moore told Harris.

"It kind of reminds me of the Wizard of Oz," County Council President Robert Hodge (R-5) told Harris. "You have someone behind the curtain," telling local governments to take costly steps to clean up the Bay, he said. But no one has justified the "science" of the plans and whether the proposals will even work, Hodge said, so local officials may be "tilting at windmills."

Harris agreed, saying, "Nobody really understands what the science is," and he commiserated with local officials on the costs. "These sums of money are mindboggling, especially in the middle of a recession," Harris said. The Congressman said he would ask for studies of the sediment problems at the dam and ask the Corps of Engineers to consider removal of built-up sediments above the dam.

The Corps of Engineers and its activities in Cecil County brought the discussion to the Earleville dump issue, as Moore told Harris the county government was "working with the Corps" and so far was pleased that the agency was being "better about" communicating with the local community and county officials than in the past.

"We'd like to be part of the solution," Moore said. But the county "doesn't want to be the dumping ground" for state or federal environmental problems.

Councilor Diana Broomell (R-4), who has strongly advocated steps to clean up the Earleville area wells' pollution by the dumpsite, said the Corps has "the responsibility to clean up their mess" in the area.

Harris said he had told Corps officials that "they have to be open with the community" in Earleville about the water problems. The Corps has had one community-wide public meeting, held at Bohemia Manor High School, [SEE previous Cecil Times report: <http://ceciltimes.com/2013/03/army-dump-port-says-to-fix-polluted-cecil-county-wells-tied-to-renewed-dumping-in-earleville-pipkin-says-clean-up-first-then-talk-about-dumping/>]

and limited participation meetings with county officials [SEE previous Cecil Times report here: <http://ceciltimes.com/2013/02/cecil-county-council-exec-question-army-corps-on-dump-pollution-of-earleville-wells-no-fed-for-fixing-homeowners-water/>] and leaders of two local community associations.

Harris said the Pearce Creek dumpsite was unique in Corps history in that it is the first site in the nation for which the Corps has indicated any willingness to fix the environmental problems it created. "They're breaking new ground on this," Harris said approvingly. "This is the only project like this in the nation," he added.

Harris said he would like to see a "belt and suspenders" two-part approach to ensuring no further pollution is released from the site, including installation of an impermeable liner as well as a slurry wall to isolate the previously dumped material, and any new deposits, from the local aquifers.

But if the Corps is currently playing nicely with the locals in Cecil County, Harris warned that the Corps could essentially do whatever it wants and could invoke emergency powers to override Maryland environmental officials and resume dumping at the Earleville site, which the Corps owns. (The Earleville site has not been used for dumping of new shipping channel dredge spoil in 20 years, but the Corps and the Maryland Port Administration want to renew dumping there in the next two years.)

The Maryland Department of the Environment (MDE) has authority to decide whether to issue a required "discharge permit" to allow resumed dumping at the Earleville site. But Harris' comments indicated that the state MDE's role was a formality and the Army Corps could ignore or over-rule state environmental authorities if the feds decide to do so.

However, an Army Corps official in Philadelphia told Cecil Times that, in an emergency situation, the Corp could move ahead unilaterally to dump, but such steps have not been taken in the past. If a state authority simply refused to make a decision, the Corps might invoke such authority, the official said, but it has never been used to override a state environmental decision that went against a Corps dumping proposal.

In the meeting with Cecil County officials on Tuesday, Harris said that the Army Corps "doesn't have the statutory authority for mitigation" of the pollution it caused to local wells in Earleville. (However, the Maryland Port Administration has told area residents it would "contribute" to the costs of providing a local water solution, such as a community water system.)

After the meeting, Harris told Cecil Times that language inserted by former Congressman Wayne Gilchrest (R-1) into the 2000 Water Resources Development Act—which specifically authorized the Army Corps to fix its pollution of the water wells in West View Shores—had "expired" (although the provisions were not repealed) and that under new legislative rules in Washington, there could be no specific "earmarks" of authority or funds to address a water problem in a specific location.

However, Cecil Times research found a new 2013 version of the Water Resources Development Act— pending US Senate legislation, S. 601—includes new provisions regarding the Chesapeake Bay that might be utilized to deal with water and dredge spoil problems in the Bay area. The Water Resources bill is the legislative bible for the Army Corps and provides authority and directives for the agency's programs.