

US Army Corps, State Bring Tent Show to Earleville Dump; Residents Question "Scare Tactics," Costs

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By [Nancy Schwerzler](#)

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The US Army Corps of Engineers and state officials hosted a tented open house at the Corps dumpsite in Earleville Saturday to answer residents' questions and show plans for cleaning up the dump that a federal study concluded had polluted local drinking water wells. But some residents questioned the plans and a recent letter that suggested homeowners might have to pay as much as \$3,000 a year to get safe drinking water to replace wellwater contaminated by the Corps.

"Is this a scare tactic by ACE [the Corps] or someone else or persons so the folks will reject the community water system," Bill Haines, president of the Bay View Estates homeowners' association, wrote in a recent email to state and county officials. The Corps and the Maryland Port Administration (MPA), who want to re-open the dumpsite to additional deposits of shipping channel dredge spoils, should "stop playing games," Haines added.

Meanwhile, a new chart presented on Saturday suggesting potential costs of a new water system to local residents, raises questions about the methodology used by a quasi-private, state-established agency—an agency that could have a potential conflict of interest. Also in question is why the Town of Cecilton's existing water rates to town residents were excluded from the review while other towns and large counties were included. The Town of Cecilton has offered to provide water, at a reduced-cost "bulk rate" from the town line through a pipeline extending some seven miles to the affected communities.

The Corps, the MPA and the Maryland Environmental Service (MES) hosted about 100 residents of West View Shores, Bay View Estates and Sunset Pointe—the three communities most affected by the pollution from the dumpsite—and set up exhibits in two tents at the site, located at the end of Pond Neck Road in Earleville. County Executive Tari Moore, County Councilor Diana Broomell (R-4) and Cecilton Mayor Joseph Zang spent much of the afternoon at the event, talking with residents and officials.

One exhibit that drew a lot of attention was a Corps drawing of a preliminary proposal—presented recently to Maryland Department of the Environment (MDE) officials at a closed-door, private meeting—showing a potential deep clay/composite slurry wall drilled down and deposited vertically in one section of the site with a membrane liner placed horizontally on top of that section, shown to the left side of the site. But no liner would be placed atop the right section. Future dump deposits would be placed atop both sides of the slurry wall.

The left section has a "hole" several layers down in a subsection of the local water-supplying aquifers and that geologic problem has been blamed for allowing contaminants in the dredge spoil to penetrate into aquifers serving local residents' wells. A Corps hydrologist said Saturday that the agency did not know of the hole until the recently-released study by the US Geological Survey (USGS) disclosed the rampant local pollution by the Corps site. She claimed that test drillings on the right side indicated there was no similar hole in that area so the Corps felt no horizontal liner was needed in that section in the future.

But some residents fear the membrane liner could fail and if new spoils were placed on top of it in the same area (left of the slurry wall), new contaminants could again enter the local aquifers. US Rep. Andy Harris (R-1) told the Cecil County Council recently that he wanted a "belt and suspenders" approach to the site, with both the slurry wall and a membrane liner. But he also said he believed that no new deposits should be dumped over the (left) area with the "hole" in the geologic substructure—contrary to the new proposal by the corps to state officials.

As the debate and review process proceeds, the Maryland Department of the Environment (MDE) holds a trump card in the matter of whether the Corps—and its political and procedural ally, the MPA—will be granted their wish to get approval of a state discharge permit to allow resumed dumping at the Earleville site. No formal application has been presented to MDE yet—which would trigger a one-year deadline for a decision—but Corps officials have begun private consultations with MDE to see if all agencies are 'on the same page' about environmental issues.

The Corps stopped dumping new shipping channel dredge spoils at the Earleville site 20 years ago due to local and state concerns about drinking water quality and questions raised by then-Rep. Wayne Gilchrest (R-1). Even two decades after new dumping ceased, the recent USGS study found serious contamination—including arsenic, beryllium, and multiple other chemicals, metals and related substances—persists in the area and residents' water wells.

Meanwhile, a new chart of potential costs to local residents to obtain safe water was presented on Saturday, compiled by the Maryland Environmental Service (MES), that asserts the cheapest option for local residents would be to have a "smaller" local system—without specifying if that would mean private well upgrades—the cheapest option for the US Corps— or some other option.

The chart also asserted that the most costly option would be to purchase water from the Town of Cecilton—primarily due to a "sinking fund" assessment that would make the Earleville residents responsible for upkeep of a seven-mile pipeline from the town.

However, the MES chart does not include the Town of Cecilton's in-town water rates in a separate comparative costs assessment, nor does it evaluate what Mayor Zang said at a recent meeting with state and Corps officials would be a cheaper-than-town- residents "bulk rate" water supply fee for the Earleville communities, since the rate would not include the kind of maintenance and individual homes' billing that town residents receive.

Duane A. Wilding, MES senior engineer for the water and wastewater group/engineering division, compiled the chart and he also attended the recent meeting in Cecilton with Mayor Zang. Under questioning by Cecil Times on Saturday, he acknowledged his chart did not evaluate Cecilton rates and he admitted that he included Town of North East water rates as a comparable without knowing that North East charged different in-town and out of town rates. He said he didn't know which North East rates his figures were based on, and he also admitted he was unaware of a long-standing case before state regulatory officials that recently concluded that in the future North East must seek state approval for rates charged to out-of-town residents.

The MES is a unique entity, given significant authority by the state but ultimately not funded or controlled by the state government. It is set up as a "self-supporting, not-for-profit public corporation, combining the public sector's commitment to environmental protection with the private sector's flexibility and responsiveness," according to the MES website.

MES makes its money to support itself, and its many executives and employees, by assessing fees to operate water and wastewater systems around the state and it actually owns one small system in Harford County. If a small community water system to serve the Earleville area were established, MES could be a likely operator, deriving money from fees and user rates paid by the local residents.

And a private firm such as Artesian Resources, which bought Cecil County's water plants and systems a year ago, could be seen as a potential competitor to MES if Artesian were considered as a possible operator of a local Earleville system. Might there be a conflict of interest in having MES promulgate the cost

estimates on which the Corps and other agencies, and local residents, are supposed to make a decision?

In fact, MES did not contact or consult Artesian to discuss possible operations nor did Wilding consider possible Artesian involvement and costs when drafting his chart speculating on the potential costs for a water system to serve West View Shores and Bay View, Wilding told Cecil Times.

Several weeks ago, Cecil Times asked Corps officials if they had any discussions with Artesian about potential water operations in Earleville and was told there had not been any contact. (We provided Corps officials with appropriate names and phone numbers of Artesian officials and we were told on Saturday that in the past few days a call had been placed by Corps officials to Artesian for potential follow up discussions.)

In an email last week to MPA officials, Haines, of the Bay View citizens group, said, "I think it is time to get serious about this and ask for proposals from Artesian" and another private firm, "Middlesex Water Co., parent of Tidewater."

During Saturday's tent event, a clear plastic container was set up for residents to deposit their responses to a six-page document, sent out a week ago by MES, which will compile responses, to a survey on letterhead listing the Corps and the Port of Baltimore as the entities responsible for the questionnaire.

The questionnaire asked local residents if they would be willing to pay up to \$3,000 a year for water services, and included an assertion that the figure could rise even more if some residents did not agree to participate.

Contrary to that questionnaire's suggestion of a \$3,000 a year burden on local residents, the MES chart claimed that, even for its most costly and perhaps questionable figure for running a waterline from the Town of Cecilton, the annualized cost per home would be \$420 per quarter, or \$1,680 per year—including the costs of "fire protection" or hydrants that would reduce significantly local residents' homeowners insurance with provision of local fire hydrants which are now absent from the communities.

But that chart, first revealed at the tent show on Saturday, was not presented in the letter/questionnaire sent to local residents.

In the letter to local residents, several options were presented that some local residents see as a slanted scenario designed to elicit a cheaper-is-best response—which is ultimately cheapest to the Corps.

The letter offered individual residents a "block grant from agencies" to use as they see fit—with no responsibility by the Corps or other agencies to remediate the water pollution. Some residents see that as a bribe or pay-off to individuals designed to block a more costly to the Corps, community-wide water system solution to the pollution.

Other options offered in the letter were potential payments to individual homeowners to upgrade their personal water treatment systems, or provision of a "new well"—an option that did not specify how deep or regulated for water quality such a well might be.

Those individual options in the letter/ survey to be tallied by MES provide a weighted response leaning against a community-wide solution, such as running regulated, top quality water from the town of Cecilton to the affected communities.

Another issue buried in the new "chart" from the MES officials is whether local residents should be forced to pay for ongoing maintenance of a new water system and whether the Corps that caused the problems should be allowed to walk away from future responsibilities, especially if the Corps and the MPA are allowed to resume dredge spoil dumping in Earleville.

The new MES charts suggest that owners of about 241 affected Earleville homes should be forced to pay a total of \$245,000 a year extra in "sinking fund" costs to cover future maintenance of a Cecilton-supplied water option, along with other operations costs for a total of \$405,000 a year.

In contrast, an MES-owned system in Harford County assesses just \$2 per quarter—or \$8 a year— per house in sinking fund fees to about 105 users of that system. (If proportionate equity were applied to Earleville, the figure could be just \$16 a year per home.)