

# State OKs Permit for US Army Corps Dump in Earleville; But No Dumping Until Construction Starts on New Cecilton Waterline

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The Maryland Department of the Environment (MDE) has issued a six-month permit to the US Army Corps of Engineers to allow renewed dumping of shipping channel dredge spoil at the Pearce Creek site the Corps owns in southern Cecil County. But dumping could not resume until construction begins on a seven-mile water pipeline from the Town of Cecilton to serve Earleville residents whose wells were polluted by the dump.

The state agency dismissed several concerns and requests from local residents, including calls for the provision of free bottled water from the time dumping resumed until the Cecilton waterline was fully operational. Such issues were “beyond the scope” of MDE’s authority or procedures for issuing the permit.

But the permit is conditional upon eventual completion of the Cecilton pipeline and further limits the onset of new dumping to coincide with the start of the pipeline’s construction.

Cecilton Mayor Joseph Zang, who initiated the concept of the water pipeline and worked to convince Corps and state officials of its feasibility, told Cecil Times that he anticipates construction could begin in the summer, before the Corps expects to resume dumping at Pearce Creek. So that condition of the state permit could be met, although completion of the pipeline and hook-ups to individual homes would take at least another year or more.

The decision by MDE was widely expected, after more than a year of negotiations among Corps, state and local officials, and the only remaining questions were what conditions MDE would impose before issuing a Water Quality Certification, which is required before dumping could occur.

The most significant of ten “special conditions” imposed were the requirement for the start of the Cecilton pipeline construction; additional requirements for monitoring of two local aquifers, on top of previously proposed test well monitoring of conditions on the dumpsite itself; and expansion of the number of contaminants for which testing is mandated.

Furthermore, the permit only covers a six-month period—from 10/1/15 through 3/31/16—for dredging spoils in the shipping channels of the Upper Bay from the C&D Canal at Chesapeake City. Future dredging after that time period will require a new or extended permit. And the language of the permit and accompanying documents makes clear that if the Corps fails to comply with all water quality and environmental requirements, the permit could be revoked at any time by MDE and all dumping halted.

The permit, dated 12/19/14, was signed by Elder A. Ghigiarelli, Jr., deputy program administrator of the MDE’s Wetlands and Waterways Program.

It has been more than 20 years since the Corps last dumped dredge spoils at the site, located at the end of Pond Neck Road, due to MDE concerns about pollution of drinking water wells in the area.

Those concerns were confirmed by an independent study by the US Geological Survey, which reported in January, 2013 that the Pearce Creek dump had polluted several aquifers serving the local drinking water supplies in three area communities: West View Shores, Bay View Estates, and Sunset Pointe.

The push to resume dumping in Earleville came from the Corps and the Maryland Port Administration (MPA), which oversees operations of the Port of Baltimore, because they had run out of other locations to dump shipping channel dredge spoils or deemed other options as too costly. MPA mounted a campaign to demonstrate the importance of the Port of Baltimore to the state economy and, in turn, the crucial role that dredging the shipping channels of the Upper Bay plays in the Port’s future.

The MPA has agreed to pay the more than \$14 million in expected costs for extending the Cecilton water pipeline to the affected Earleville communities. Zang said that the final state grant to the town to pay for construction costs, which was conditional upon MDE’s issuance of the water quality permit, has been signed by the town and is now awaiting final approval in Annapolis.

With the approval of the state water permit, Zang said he anticipates that the town will be able to issue a “requests for proposal” for contractors seeking to build the pipeline in the spring, with a start of construction by summer.

“I’m excited” about the project, Zang said. “I think it’s really an amazing thing to have had everybody come together the way they did. I think it’s a win for everybody.”

Ken Cowley, a leader in the Bay View Estates homeowners association that played a key and active role in the issue, said it was “a major accomplishment” to get a state requirement for a clean water pipeline to serve the area. And he commended MDE for listening to his and other residents’ demands to expand the list of contaminants that must be tested for in future water quality monitoring for the dumpsite.

He said that for the first time the Corps would be required to test for Ph levels and total dissolved solids in water discharges from the site, two key components in previous pollution from the dump. “And the Cecil County government has to take a more active role in monitoring this, and reviewing the reports that the Corps will have to file,” Cowley added.

From the outset, MPA’s willingness to pay for the new water pipeline was conditioned on issuance of the water quality permit by MDE, prompting some local residents to see the situation as a form of ‘blackmail.’ No permit for new dumping, then no clean, safe water for residents who have endured decades of foul-tasting and smelling water, laden with varying levels of toxic substances.

In documents explaining its decision to issue the new permit, MDE implicitly acknowledged that conundrum and indicated that the promise of MPA money for the pipeline would lead to a better outcome for residents than if a permit were denied: “...the Department’s major concern is that the water supply project continue to move forward to completion to rectify/correct the impacts resulting from the past placement of dredged material at the Pearce Creek facility.”

And, MDE added, “If this [pipeline] requirement is not or cannot be met for any reason, MDE will require that all dredged material placement and discharges from the site be terminated.”

**MDE stated that “although the department understands and appreciates the concerns” of residents that dumping would be resumed before the Cecilton line opens, “MDE believes” that the requirement to install a liner on the site and mandating compliance of all discharges with state water quality standards means that new dumping “will not exacerbate the current conditions that exist” in the area.**

**MDE also rejected citizens’ calls for relocating a “sluice box” which drains water off dredge spoil deposits. The Corps initially proposed moving the current site’s “sluice box” from the Pearce Creek site itself to a distant point in the adjacent Elk River– but then dropped that plan because it would be \$1 million cheaper to keep the sluice in its current location. Citizens advocated the Elk River discharge point since the current location point has been blamed for depositing slimy and smelly black muck on nearby beaches.**

**MDE contended that it didn’t matter where the discharge point was located because the new permit would require all water discharges to comply fully with state water quality standards.**