



## MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

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Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

August 21, 2014

The Honorable Tari Moore, Cecil County Executive  
The Honorable Robert Hodge, President  
The Honorable Alan J. McCarthy, Councilman First District  
Cecil County Council  
County Administration Building  
200 Chesapeake Boulevard  
Elkton, MD 21921

Dear County Executive Moore and Messrs. Hodge and McCarthy:

I am writing to clarify the position of the Maryland Department of the Environment (MDE) with regard to the water supply issues in the residential communities near the inactive Pearce Creek Dredged Material Containment Facility (DMCF).

At MDE's direction, the U.S. Army Corps of Engineers and the Maryland Port Administration have conducted sampling and analysis of groundwater around the Pearce Creek DMCF, in response to a request from these agencies to reopen this site. The Department has conducted its own analysis of these data and finds that there is groundwater contamination in the area resulting from the previous dredged material disposal operations. In addition, the Cecil County Health Department sampled individual wells in the West View Shores and Bay View Estates area in 2013, which showed that the presence and level of contamination varies from well to well. The recent action by the Cecil County Health Department to deny an application for an individual well was based on the County's best judgment based on these new data, which showed contamination on two nearby properties. The Department supports the decision of the County Health Department in this case. The Department also agrees that the County must make future decisions on well permits in this area on a case-by-case basis.

The Maryland Port Administration has offered to construct, at its expense, a public water supply system for the communities of West View Shores and Bay View Estates. The Department has had discussions with Cecil County officials and the Town of Cecilton with regard to the extension of water service from the Town of Cecilton for the affected communities, and MDE supports this proposed action. As a first step, and in accordance with State law and regulation, the County must work with the Town and the affected communities to establish a Planned Water Service Area for the provision of public water. This requires passage of an amendment to the County's Water and Sewerage Plan,



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which under State law requires a local public hearing (§ 9-503 of the Environment Article). Also in accordance with State law, when a water main is completed and ready for use, the municipal authority must notify each owner of abutting property in the Water Service Area that the owner shall connect to the water main within a reasonable time as determined by the municipal authority (§9-708 of the Environment Article).

The Department supports the abandonment and sealing of all on-site wells to avoid any potential for contamination or public health risk and this can and should be included as a requirement of the municipal authority upon providing connection. Should a property owner fail to connect to a directly available water line within the time set by the municipal authority, the municipality may enforce compliance with §9-708 of the Environment Article. In addition, in accordance with §9-223 of the Environment Article, when a water system is "directly available," the Department may also order that the property be connected and that the well be abandoned where an existing well is or could become prejudicial to public health. Abandoned wells must be sealed. The Department does not have the legal authority to order all residents in the water service area to connect before the water system is available, but once it is available, the Department will take the actions necessary to require residents to connect, if they do not connect to the available water line within the time set by the municipal authority.

The Department will be happy to meet with you to further discuss this issue, and appreciates your ongoing support and cooperation in seeing that the health and property values of our citizens are properly protected.

If you would like to discuss this further, please call me at 410-537-3084 or Mr. Jay Sakai, Director of Water Management Administration at 410-537-3567 or by email at [jay.sakai@maryland.gov](mailto:jay.sakai@maryland.gov).

Sincerely,



Robert M. Summers, Ph.D.  
Secretary

cc: The Honorable Stephen S. Hershey, Maryland Senate  
The Honorable David D. Rudolph, Maryland House of Delegates  
David Blazer, Maryland Port Administration  
Jay Sakai, Director, Water Management Administration





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Lawrence J. Hogan, Jr.  
 Governor

Ben Grumbles  
 Acting Secretary

Boyd K. Rutherford  
 Lieutenant Governor

FEB 9 7 2015



Dear :

Thank you for your letter to Robert M. Summers, Ph.D., former Secretary of the Maryland Department of the Environment (Department), regarding the Pearce Creek Dredged Material Containment Facility (PCDMCF), and specifically, the extension of the public water supply system from Cecilton to the residential communities affected by the historic placement of dredged material at the site. The Secretary received your letter and, prior to his departure, asked me to respond on his behalf.

As you are aware, the extension of the public water supply system to the communities whose drinking water wells have been impacted by the previous placement of dredged material at the PCDMCF is required by the State's Water Quality Certification, which was issued on December 19, 2014. Although the Maryland Department of the Environment (Department) appreciates your desire to maintain your well and not be connected to the public water supply system, State law and regulations require that all residences that are served hook up to the public system. Regarding the disposition of your existing well, the Department supports the permanent abandonment and sealing of all wells at properties served by the water system. Abandonment and sealing of these wells is necessary to prevent further contamination of groundwater and to minimize the public health risk and should be a requirement upon providing connection to the water supply.

Thank you again for your letter. The Department appreciates hearing from you and I thank you for your interest in this important matter. If I may be of further assistance, please contact me at 410-537-3567 or by email at [virginia. Kearney@mde.maryland.gov](mailto:virginia. Kearney@mde.maryland.gov).

Sincerely,

Virginia F. Kearney  
 Acting Director

cc: David Blazer, Maryland Port Administration