

Pearce Creek dredge spoil dumping to resume

By Jacob Owens jowens@cecilwhig.com | Posted: Monday, December 22, 2014 4:16 pm

ANNAPOLIS — The Maryland Department of the Environment issued a water quality certificate to the U.S. Army Corps of Engineers on Friday, allowing the dumping of dredge spoils at the controversial Pearce Creek Dredge Material Containment Area in Earleville to resume starting next fall.

The Corps has been seeking the certificate in order to reopen the Pearce Creek site, which has been closed due to water contamination concerns for nearly 20 years. A 2013 U.S. Geological Survey assessment found that dumping of spoils at the site was the likely cause for degraded water quality in a number of nearby communities.

The Pearce Creek site is important to the Corps dredging efforts due to its close proximity to the C&D Canal and the approach channel in the Chesapeake Bay leading to the Port of Baltimore.

Now issued, the certificate comes with a number of special conditions, however, which will be monitored by the department's Water Management Administration. It is only good for the 2015-16 dredging season, with future dredging requiring additional applications.

Among the contingencies included with the certificate are requirements to:

Prohibit dredge spoil placement until a public water system is under construction to the affected communities.

Install a linear low-density polyethylene liner over the site to prevent future contamination of groundwater. Dredging cannot resume until that is completed.

Take precautions to prevent discharge and erosion during liner construction, with MDE review of all plans.

Monitor groundwater in the Magothy and Patapsco aquifers using test wells, with results compiled and submitted to MDE by Feb. 1 each year. (MDE Spokesman Jay Apperson said that report may be publicly hosted online if sufficient public interest exists.

Otherwise, it would be available by request.)

Monitor surface water discharges with results submitted to MDE on a monthly basis.

Ensure the stability of the Corps' existing dike system under all weather conditions.

Notify MDE prior to any proposed modification to the Pearce Creek DMCA that could impact discharges or the structural stability of the dikes.

Test dredge spoils prior to dredging and placement with results submitted to MDE.

Prohibit dredging from April 1 to Sept. 30.

Failure to comply with any of these conditions could result in suspension or revocation of the certificate by MDE.

On Monday, Corps officials said they were happy with the department's decision to approve their application.

“It's something that is needed for the state and will ultimately benefit the state as a whole,” said Tim Kelly, the Corps' C&D Canal project manager. “Now we can move forward with some purpose. We're looking forward to getting started.”

Kelly said the Corps is targeting March 2015 for starting the liner installation process. That will begin with grading about 1 million cubic yards of land in order to lay the impermeable layer over the spoil disposal area. That project will cost approximately \$18 million, with initial funding that is already approved in the federal budget, Kelly added. Additional funding will be sought over several more fiscal budgets.

County Councilman Alan McCarthy, who represents the first district that covers the Earleville communities, has been intimately involved in the negotiations at the disposal site. He said he supported the MDE's decision on Monday.

“I think it's a great idea, because now we can move forward to provide water to the residents while the Corps can resume its important work,” he said.

MDE also responded on the certificate to several concerns raised by residents in a September public hearing and through written testimony. The majority of those concerns from residents of Westview Shores, Bay View Estates and Sunset Pointe were in relation to the timetable of spoil dumping and the activation of public water.

As of now, the Corps plans to finish the liner project by November 2015 and begin disposal afterward. The water system being constructed from the Town of Cecilton to the affected communities isn't scheduled to be completed until the summer of 2017.

“Although the Department understands and appreciates the concerns raised in this regard, MDE believes that the placement of dredged material subsequent to the installation of the liner, and compliance of the operational discharges from the site with the State's water quality standards, will not exacerbate the current conditions that exist at the Pearce Creek DMCA,” the certificate reads. “The Department's major concern is that the provision of a new water supply system continue to move forward and be implemented as



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Dumping will resume at the Pearce Creek disposal area, seen here, after the U.S. Army Corps of Engineers installs a liner over the site.

required by the WQC. If this 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.”

While the majority of comments supported the moving of discharge sluice boxes to the Elk River rather than Pearce Creek, the Corps has decided to retain the original Pearce Creek sluices. MDE said it enforces state standards of discharge at any location and would not require Corps to move the sluices.

Numerous residents also made requests to MDE. Citizens asked MDE provide bottled water until a public water system could be completed; put the system's funding into an escrow account; include fire hydrants in the system's decision; and require capping of private wells.

In response to all of those comments, MDE said they were “beyond the scope of the department's review of the Corps' application for the certificate.”

Bay View Estates Homeowner's Association President Bill Haines said he was overall satisfied with the conditions placed on the certificate. He said that many in the communities were also satisfied while some still weren't.

“Considering it all, we didn't do too bad,” he said Monday. “I just hope they expedite the water solution.”

The only issues left in limbo were largely quality-of-life issues that could affect home values, such as mosquito spraying and landscaping of the disposal site. Those issues were also “beyond the scope” of the MDE process, but local residents were talking with Corps and Port officials about how to resolve them, Haines said.

“The Port and especially (Deputy Director Harbor Development) Dave Blazer, who has really driven the progress of the water solution, deserve a lot of credit,” Haines said.