

Airborne fly ash concerns residents

By JOSHUA STEWART, Staff Writer

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Already concerned about contaminated groundwater, Gambrills and Crofton residents last night said they are also increasingly worried about the health impact of airborne fly ash particles.

"Yes, there is a problem. These elements, when inhaled, are just as dangerous when ingested," county Health Officer Frances B. Phillips told a standing-room-crowd of 200 residents.

In October the county Health Department began investigating wells in the Gambrills and Crofton area. After six months of water testing, officials said that 23 wells close to a sand and gravel mine owned by BBSS Inc. were contaminated with heavy metals, some cancer causing.

Around 2.4 millions tons of fly ash - a by-product of burning coal - dumped at the mine by Constellation Energy had entered the groundwater and polluted nearby private wells.

However, fly ash blown off the site near the Village at Waugh Chapel that is then inhaled is also dangerous, Ms. Phillips said during a forum hosted in the community by Crofton First, a civic activist group.

But the extent of the danger is unknown. The Maryland Department of the Environment has not studied if fly ash is blowing off the site, Jay Sakai, a water management administrator with the MDE, said at the meeting.

But people who live and work at the Village at Waugh Chapel said that their homes, businesses and cars are often coated with a dark film, possibly fly ash.

Since 1995, Constellation has dumped about 200,000 tons of fly ash a year at the BBSS mine. The first indication that something was awry came in 1999 when sulfate

levels - an indication that fly ash may be leaking into the groundwater - exceeded levels allowed by permits.

But no one sounded an alarm until October. In the meantime, Constellation and BBSS worked with the MDE to allow dumping at more mines.

BBSS and the utility company agreed last week to stop depositing the substance at the site until the health issues are resolved.

But BBSS and its affiliate, Reliable Contracting Co., are still working to fill the mine. In the surface-mining process, machines dig up sand and gravel, clean it, and use it to make concrete and asphalt, said Rob Scrivener, BBSS vice president and general manager at Reliable Contracting.

But the mining process leaves large craters, several hundreds of yards across. Fly ash has been used to fill those holes to their pre-mining level to make way for new developments, which became permissible under a county law passed in 1995, he said.

If the BBSS mines were filled and developed, they could generate around \$15 million in taxes, permits and fees, Mr. Scrivener said.

"Development continues to be the best outlet for the site, in our opinion," he said.

The MDE has imposed a corrective order on Constellation and BBSS that would force the two companies to provide nearby Summerfield Road residents with a permanent supply of safe water, while containing future contaminants and removing any existing problems.

The order also includes a "significant civil penalty," but MDE officials will not reveal the exact amount because the details are still under negotiation.

The order will also require future fly ash dumping to be done in places with safeguards that the BBSS site doesn't have, Mr. Sakai said.

The two companies and MDE have until Monday to come to an agreement or face legal action.

"Our position is to generally work out with the permit holder and come to the point where we want to be," Mr. Sakai said.

If a deal is not made, the MDE will take Constellation and BBSS to court, he said.

Legal action is not the preferred way to settle this issue, said Ed Tracey, director of

Constellation's environmental program.

"We don't want to go to court. You go to court, you litigate and it takes forever," he said.

But the corrective order could effectively bring a premature end to the fly ash case, said Brad Heavener, state director of Environment Maryland, an environmental advocacy group.

Once the parties come to an agreement, it may be difficult to hold anyone responsible for any contamination that is found in the future. More information needs to be known, he said.

"We don't have a lot of data. We don't know how big that plume of contamination is. We need a better analysis, We need a full examination study to determine how bad it is," he said.

And changes to how fly ash is regulated are also necessary because current permits are too vague. The operator is just required to use "sound engineering practices," an unspecific requirement that is tough to regulate, Mr. Heavener said.

"There is no way anybody could challenge this," he said.

The situation in Gambrills is prompting the MDE to reconsider how it controls fly ash disposal in the state, Mr. Sakai said.

"Clearly from our perspective, something other than the status quo has to happen when it comes to the permitting scheme," he said.

Fly ash isn't considered a waste material. But if it were, it would have to be dumped into a regular landfill with a liner, leachate collection system and other safeguards that the BBSS mine in Gambrills doesn't have, Mr. Sakai said.

When BBSS was first issued a permit to dump fly ash into its mine, it was thought that it wouldn't be a risk to public health but that perception has now changed, Mr. Sakai said.

"Where we are today may be the result of bad assumptions or presumptions and maybe giving the operator the benefit of the doubt when we shouldn't have," he said.

But last night's meeting didn't bring any relief for Lawrence Brown, whose well at his home on Summerfield Road is contaminated with cadmium, a likely carcinogen that can cause kidney damage. His water also contains traces of beryllium, which can cause

lung cancer if inhaled, and thallium, which can cause hair loss and digestion problems.

"They are trying to cover up some things. But they are being more truthful now because of the pressure," Mr. Brown said.

But, he and his neighbors are getting lost in the shuffle, he said.

"I think that it's politics and money. Little people don't have the money to fight back and we have to live where we live," he said.

Starting tomorrow, Mr. Brown and other residents with contaminated wells will be hooked up to the public water supply. Constellation will run a series of hoses to their houses, a temporary solution until permanent underground water system can be installed.

In addition, the County Council may vote on Monday on emergency legislation that would stop future fly ash dumping in the county.

But if passed, the new law, pushed by County Executive John R. Leopold, will not have any effect on dumping at the BBSS mine in Gambrills.

- No Jumps-

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