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# Fly ash dump draws Md. fine

Facility operator in Arundel also told to cleanse water of contamination



Sun photo by Amy Davis, August 3, 2007

**Laura Greenleaf, who lives near the dump site, examines corrosion on pipes under her bathroom sink. Several years ago, her family says, they noticed something was wrong with their water and plumbing.**

By Justin Fenton | Sun reporter  
*August 8, 2007*

The state's environmental agency has ordered the operator of a coal ash dump site to pay a "significant" fine and clean contaminated water recently detected in Anne Arundel County.

The Maryland Department of the Environment gave BBSS Inc. 60 days to comply or face legal action, agency spokesman Robert Ballinger said yesterday. He did not elaborate on the amount of the fine or specific actions.

"Taking this corrective action is how we deem it necessary to take care" of the

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contamination, Ballinger said. "It's to clean up and make sure it doesn't happen again."

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The move follows the discovery last fall of cancer-causing metals in nearly two dozen wells in the Gambrills area, prompting Anne Arundel County Executive John R. Leopold last week to seek a ban on fly ash - a byproduct of coal-fired power plants that has previously stirred controversy in the county.

Baltimore Gas and Electric Co. has used the 80-acre site to dispose of its coal combustion waste since the mid-1990s, and yesterday it was unclear what role the company could play in remediation efforts. A spokesman for parent company Constellation Energy said this week that it is "just as interested" in banning fly ash.

"Obviously, the most important thing is public health, more than anything," said Kevin Thornton, the Constellation spokesman. "We want to do what's best for the community first and foremost."

Representatives of BBSS could not be reached for comment last night.

Residents, activists and county officials charge that MDE and BGE were aware of elevated sulfate concentrations - an indicator of possible combustion ash contamination - near the BBSS mining site as far back as 1998 and failed to fully evaluate the potential for harmful environmental effects.

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Brad Heavner, director of the advocacy group Environment Maryland, said the state's lax oversight allowed BGE to not only obtain a permit to dump on the site without proper testing but also to repeatedly expand operations, even as tests showed troublesome levels of metals.

"They knew that there was an immense problem, yet they allowed the expansion of this site," Heavner said. "They should have known before any of it ever started. It's just a bad idea in the beginning to compact ash and use that as a

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liner for a toxic landfill, as if that's not going to leach through."

He added that the county's proposed ban would do little to remove ash that continues to sit in direct contact with groundwater, allowing contamination to migrate toward homeowners' wells and beyond.

Jay G. Sakai, MDE's director of water administration, said the agency "enforced and regulated in an appropriate manner based on the laws. Now whether those laws are appropriate may be a different story."

State officials are considering Leopold's broader request that the agency deem fly ash as hazardous and increase its oversight of the material.

BGE has been dumping about 200,000 tons of the fly ash at BBSS' former sand and gravel mine in Gambrills since the mid-1990s, about the same time residents of Solley in north county won a 20-year battle to stop the fly ash dumping they believed was contaminating their water and air.

In allowing such material to be dumped at the Gambrills site, MDE followed an Environmental Protection Agency decision that fly ash was not considered a hazardous material and required less scrutiny. The decision was upheld in 2000 after much debate, including conflicting accounts of the potential dangers.

As a result, disposal of the fly ash could proceed without an environmental impact review that could identify the site's potential to contaminate the environment or drinking water sources, said health officials and activists. State officials contend that they required a four-foot separation zone from the groundwater table as part of a hydrogeologic study.

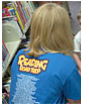
"Whatever is in place in Gambrills isn't working," said Anne Arundel Health Officer Frances B. Phillips. "We don't have, either at the state or federal level, a regulatory system in place to protect future wells from future contamination."

Records show that as early as 1998, BGE detected elevated sulfate concentrations in the groundwater beyond the perimeter of the pit. While not shown to have significant health effects, sulfates can be a prime indicator of coal ash leaks, Heavner said.

In a Nov. 12, 1999, letter, Robert Scrivener, vice president of BBSS Inc., estimated that it would take more than 30 years for sulfates to reach the maximum allowable level of 500 milligrams per liter. Yet, by December 2000, concentrations had registered nearly four times that amount, according to records.

Several times, the state allowed BGE to expand filling activities at the site. Not long after low levels of cadmium, thallium and arsenic were detected in the groundwater, MDE issued a new permit allowing BGE to expand ash filling over an even greater area of a second pit, though state officials said no fly ash has been placed at the site.

In May 2004, BGE and the site operators agreed to install a groundwater remediation system, which resulted in decreasing levels in sulfates in the areas



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close to the pits - but not beyond the pits, where concentrations were increasing, records show.

Several years ago, the Greenleaf family on nearby Summerfield Road noticed something was wrong with not only their water, which had a strange taste, but also their plumbing. Filters on faucets throughout 75-year-old Laura Greenleaf's home catch a white, chalky substance, and the faucets corrode quickly. Her son, Greg Greenleaf, says he has replaced the pipes and the hot water heater far more often than should be expected.

After testing in October, each well in the community showed the metals cadmium and thallium at levels as high as three times the maximum allowed. According to the county health department, cadmium can cause kidney damage and weaken bones; thallium can cause temporary hair loss and vomiting and affect the nervous system.

The contaminants arsenic and beryllium were also found in one well. Beryllium, when transferred through the air, has been linked to lung cancer. Arsenic, which was found at more than twice the maximum recommended level in one well, is poisonous when consumed in high doses, and in lesser amounts it can cause cancer.

After BGE reported those results to the state, the county began testing farther south and southwest of the fly ash site. In all, 23 of 83 wells tested were found to have contaminants, including very high levels of aluminum and manganese. They affected homes and businesses near and along Route 3, such as the restaurants Boston Market and Wendy's, and the roller rink Skate Zone.

Elin Jones, a county health department spokeswoman, said each of the businesses has water treatment systems that eliminated or reduced the level of toxins below the action level. Most other homes and businesses in the area are on public water drawn from the Crofton Meadows site about two miles south of the ash fill.

Thornton, the Constellation spokesman, said the company has monitored the groundwater as part of a rigorous pollution prevention program, though he said the residents of Summerfield Road refused a 2001 request to test their wells. "We've never in all the time we've been there had any off-site contamination issues," Thornton said. "This is the first time we've had increased levels of anything outside the boundaries [of the pits]."

Residents there live in relative obscurity, tucked behind the Village at Waugh Chapel shopping center and down a single-lane gravel road winding through a forest.

BGE distributes bottled water only to the residents on Summerfield Road, but the Greenleaf family, which has lived in the area for more than 100 years, says it's not enough to cover their daily needs. On their front doorstep on a recent visit were four, 24-packs of bottled water that they bought.

They say they want the problem fixed.

"Providing bottled water," said the area's county councilman, Jamie Benoit,

"ignores that fact that they're contaminating drinking water."

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