

**SENATE BILL 353 – SUPPORT with enhancements**

**Senate Bill 353 – Environment - Cox Creek Citizens Oversight Committee - Membership  
Senate Committee on Education, Energy, and the Environment  
February 6, 2024**

My name is John Garofolo. I live in the community of Stoney Beach – a 62-acre peninsula community in Curtis Bay in Northern Anne Arundel County with 1.2 miles of shoreline bordering the Patapsco River, Stoney Creek, and Cox Creek. I am a scientist, an Anne Arundel Watershed Steward Academy (WSA) - Master Watershed Steward, a citizen environmentalist, a boater, and I have previously been on the board of directors of my community association. I have been engaging the Maryland Port Authority through their Cox Creek Citizens Oversight Committee off and on for several years since they began constructing the enormous 237-acre diked dredge containment facility that is only 2 miles upriver from our community called the “Cox Creek Dredge Management Containment Facility (CC-DMCF).”

Channel and berth dredging are essential to support the Baltimore Harbor and its shipping industry. **However, the safety of the disposal of the removed dredge material is crucial to the health and safety of the Patapsco and its waterways, the Chesapeake Bay, the tidal ecosystem, and the citizens and especially families with children that live on, use, and play in these waterways. This is especially important because much of the dredge material removed from the Baltimore Harbor and Patapsco shipping channel is contaminated with highly toxic forever chemicals from past industrial dumping and runoff – many of which are carcinogenic.** This is why MPA must already take special precautions in containing and dewatering it as required by law and regulation. The Patapsco is also environmentally sequestered by law from the rest of the Chesapeake for dredge management because of the known contamination of the riverbed near industrial sites. My understanding is that MPA may currently only dispose of dredge material from the Patapsco in land-based diked containment facilities adjoining the Patapsco.

Due to the projected expansion of Baltimore Harbor/Patapsco shipping and berthing channels and ongoing maintenance requirements, MPA has predicted a shortage of places to “contain” contaminated dredge material in the future. As a result, MPA began to explore an aquatic alternative to land-based facilities for dredge material containment called Confined Aquatic Disposal (CAD). MPA created an initial CAD pilot in a ship berth adjoining their diked containment facility in Brooklyn called “Masonville Cove” in 2016. The pilot was in calm protected water in an already-contaminated industrial area and not reflective of the behavior or impacts of a CAD project in the open waters of the outer Patapsco near the Bay. MPA created their “Innovative Reuse & Beneficial Use Program (IRBU)” program to promote both CAD and R&D in the potential reuse of dredge material. MPA’s 2019 DMMP annual report<sup>1</sup> indicated that they had initiated a process to identify potential sites for a pilot of an operationally-sized CAD installation in the Patapsco (MPA refers to the entire tidal Patapsco as “the Baltimore Harbor” - including outer Patapsco waters adjoining the Chesapeake and residential Anne Arundel County shorelines.) MPA has clearly been working on these plans for years and **MPA has been negligent in sufficiently communicating their plans to use CAD to the citizens of North Anne Arundel County and to our legislative representatives.**

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<sup>1</sup> <https://mpa.maryland.gov/greenport/Documents/dmmpannualreview2018.pdf>

According to MPA, their implementation of CAD involves digging a hole in the riverbed (cell) and removing clean sand from the cell to be used for other beneficial purposes and dumping (contaminated) dredge in its place but not completely filling the cell to the top.<sup>2</sup> This is referred to as “uncapped CAD”. Enormous amounts of healthy river bed would be destroyed including all aquatic life in and near the CAD cell. It’s unclear how much of the contaminants in the dredge would be released into the river during filling or over time and how long it would take the disturbed ecosystem to recover. MPA specifically chose a location one mile off of Stoney Creek/Rock Creek because it was uncontaminated and could support any beneficial reuse. **This approach would not contain and control the contaminants the way diked dredge facilities do, and it is unclear how this would affect public health in nearby waterfront communities or the delicate environment of one of the less-contaminated areas of the Patapsco as well as its nearby tidal tributaries.** Existing implementations of CAD such as in the New York Harbor have placed CAD cells next to the industrial areas where the material was removed so as not to increase environmental impact. My understanding is that CAD has not been used next to residential communities and waterways.

I began engaging MPA through their Cox Creek Citizens Oversight Committee (CCCOC) meeting in the Fall of 2022 to ask if they could provide clean (Category 1<sup>3</sup> – suitable material for residential use) dredge for a shoreline restoration project in my community (my community is now benefiting from the MPA IRBU beneficial reuse program for our shoreline.) MPA announced in their Spring 2023 CCCOC meeting that they planned to create a 20-acre outer Patapsco CAD pilot as part of a 220-acre ultimate site plan and this site would contain “Category 2” material (not suitable for residential use or direct human exposure). **The enormous MPA CAD site is planned for the Southern side of the outer Patapsco River just 1 mile off Stoney Creek and Rock Creek and very close to my community of Stoney Beach and nearby Riviera Beach. Potential extension of the site to its full size would bring it close to Fort Smallwood.**

**I was so alarmed by this announcement, that I organized a meeting with MPA to meet with citizens on June 1, 2023** and asked MPA to speak about their IRBU program and CAD project and to take an hour of questions. **The meeting had over 150 participants including citizens from many Anne Arundel Patapsco waterway communities as well as all of our legislative representatives.** In that meeting, MPA did a poor job of explaining their plans and research and responding to questions from the citizens. Citizens asked many important questions regarding risk assessment, science, engineering, health and safety, environmental concerns, and for technical documentation which MPA could not adequately answer. **Both our citizens and our legislators expressed great concern about the soundness, safety, and transparency of the project. The citizens at the meeting also expressed how important the outer Patapsco and its Anne Arundel residential waterways (including Cox Creek, Stoney Creek, Nabbs Creek, Rock Creek, and Bodkin Creek spanning Pasadena and Curtis Bay and tens of miles of shoreline) are to the way of life for families living on and engaging with these waterways.** On any one nice summer day, you might see dozens of families swimming, boating, skiing, jet skiing, fishing, and crabbing in the cove at the mouth of Stoney Creek.

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<sup>2</sup> <https://maryland-dmmp.com/innovative-solutions/confined-aquatic-disposal/>

<sup>3</sup> [https://mpa.maryland.gov/greenport/documents/MDOT\\_MPA\\_IBR\\_FACT\\_SHEET%202021%20FINAL.pdf](https://mpa.maryland.gov/greenport/documents/MDOT_MPA_IBR_FACT_SHEET%202021%20FINAL.pdf)

Senator Simonaire and Delegates Chisholm, Munoz, and Kipke quickly met with the MPA shortly after the meeting and published a press release stating that MPA agreed to pause the CAD project while our legislators worked to create legislation to stand up a statewide task force to investigate the use and location of CAD projects in Maryland. MPA held its own citizens meeting and open house several weeks later in July, 2023. However, MPA provided essentially no new information, only took questions at tables outside of the formal part of the meeting, and a MDE environmental expert who spoke at the meeting had obviously not been briefed by MPA on their plans. **MPA asserted in the meeting (and every meeting since) that they were only focused on pausing their CAD project to “improve their education and outreach”, but have stated nothing regarding improving their science, transparency, and substantive citizen engagement.** I asked MPA at that meeting if they would hold a technical briefing for scientists and engineers and interested citizens living near the planned site and they agreed, but never followed through.

**I am very concerned about the quality and scope of MPA research regarding CAD and its safety, the amount of funding that has been spent on developing CAD plans and pilots without sufficient citizen and legislator interaction and input from impacted communities, the apparent lack of effective coordination with MDE, the lack of independent health, science, and environmental oversight of this project, and the lack of publicly accessible documented research and planning regarding the project.**

For purposes of dredge management, MPA and the state seem to see the Patapsco River as disengaged from the greater Chesapeake. The Patapsco River and its many waterways are an important part of the Chesapeake Bay and its overall health. And the Patapsco is the most at-risk part of the Chesapeake Bay environmentally because of the great harms caused by industrial waste and sewage spills from the last 150+ years. **The Patapsco needs to have the most environmentally sensitive laws, regulation, and oversight - not the least.** And the residential areas of the outer Patapsco in Anne Arundel County has hundreds of waterfront communities whose families swim, fish, crab, boat, and do water sports in the river and its waterways. **The Patapsco waterways literally are the lifeblood of the communities in Northern Anne Arundel County. It’s important for our future that these waterways are kept environmentally safe and that no further environmental damage is done to the Patapsco.**

**It is therefore critically important that the task force proposed in Senate Bill 353 is moved into legislation and enhanced with independent scientific experts in health, environment, and marine environmental engineering and testing as well as an independent expert in CAD. It’s also important that the task force has meaningful bidirectional interactions with impacted communities in North Anne Arundel County and with our legislative representatives.**

Sincerely,



John S. Garofolo

Stoney Beach, Curtis Bay, MD