

Senate Bill 353 – SUPPORT

Senate Bill 353 – Environment - CAD Task Force  
House Committee on Environment and Transportation  
March 27, 2024

My name is Thomas Marston. I live in the waterfront community of Lombardee Beach in Northern Anne Arundel County. I am my community's advocate for the natural world as I am a Master Watershed Steward of Anne Arundel County, and a board member of my community of roughly 200 families that have both waterfront and water access to Chesapeake Bay.

I am submitting the following comments on behalf of the Community Association and with the support of my President, Jennifer Smith, and the Board of Directors

I am concerned that Confined Aquatic Disposal (CAD) dumping of contaminated dredge material could cause great harm to the waters of Patapsco River and nearby creeks if the dredge material escapes the containment cell after disposal or during the installation. I am sure that it can enter our creek because in 2010, Baltimore City accidentally released a few thousand gallons of raw sewage from their processing plant at the headwaters of Patapsco.

As I readied to leave for a sailing weekend, we noticed the fish surfacing to breath and my family found the activity of the fish atypical. Our neighbor told us when we return in two days, many fish will be dead as they are suffering from the sewage release and cannot breathe through their gills. We were unable to draw the conclusion that he predicted as we were not familiar with aquatic life. He foretold the truth as we found many fish dead upon the surface that Sunday afternoon when we returned home.

The injustice of killing so many fish went unpunished because it was determined a mistake by one individual. There would be no retribution by the City. The fish would return, and we could swim in the creeks again once the pollution was flushed away by the rain.

There are laws that prevent me from flushing my head into the bay. I must place it into a holding tank on my boat and pump it to specific tanks on land. DNR can board my boat and inspect that I am complying and be fined when found violating the inland waterway sewage disposal law.

How do we hold MPA responsible if their process is harmful to our local waters? Should this community have the right to know it is safe because we see and understand the process and can predict that tides and winds will not alter the assumption that it is safe. Who will compensate the affected communities for harm that may occur if we get this wrong.

AND who will compensate the natural world that has never been permitted to speak about our treatment of the environment?

Has the committee considered the risk of this action as compared to other options, such as containing all dredged materials on land. If a water disposal system must be tested, is the middle of the river the best location? How do we test the assumptions that CAD is safe and will have the least impact on the waters of the bay and the people who live, work, and play on the Patapsco River?

The citizens of Anne Arundel and Baltimore Counties could not hold Baltimore City responsible for discharging raw sewage into the bay. What chance do we have that MPA will be required to compensate the community for their loss? How do we compensate the environment when we make one more short-sited decision? We can do better when we take time to consider all available information and ensure that many competing opinions have a voice and a vote to decide for the community.

It is important that the task force proposed in Senate Bill 353 is moved into legislation. It's important the task force has independent science experts, impacted citizens, and watermen in its membership. 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,

Thomas Marston

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Lombardee Beach Community Association