

Senate Bill 353 – SUPPORT

Senate Bill 353 – Environment - CAD Task Force
House Committee on Environment and Transportation

My name is Kristen Merkel and I have lived in the waterfront community of Clearwater Beach/Orchard Beach in Northern Anne Arundel County for the past 11 years. I own a waterfront home on Stoney Creek and a boat and we enjoy the Patapsco River and Chesapeake Bay waterways almost daily. We fish and crab from our pier and I am very concerned about the environmental risks and impacts of Confined Aquatic Disposal (CAD) dumping of contaminated dredge material.

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 toxic 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 report¹ 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.

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. This is referred to as “uncapped CAD”. Enormous amounts of healthy riverbed 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. 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 was so alarmed by this announcement, that I attended a meeting where MPA met with citizens on June 1, 2023, to speak about their IRBU program and CAD project. The meeting had over 150 participants including citizens from many Anne Arundel Patapsco waterway communities as well as our legislative representatives. During the meeting, MPA did an inadequate job of explaining their plans and research and responding to questions. The citizens asked many important questions regarding risk assessment, science, engineering, health and safety, and environmental concerns MPA could not adequately answer. I am greatly concerned about the soundness, safety, and transparency of the project.

I am worried 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.

The Patapsco needs to have environmentally sensitive laws, regulation, and oversight. The residential areas of the outer Patapsco in Anne Arundel County have 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 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. I strongly support Senate Bill 353 and its independent investigatory role, independent scientific expertise, and meaningful citizen inclusion and legislator participation. It is of utmost importance that a great environmental injustice is not committed in the name of cost and convenience to the state.

Sincerely,

Kristen Merkel
Clearwater Beach/Orchard Beach