

SENATE BILL 1096

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CF 4r3372

By: **Senator Hershey**

Introduced and read first time: March 3, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Port Administration – Chesapeake and Delaware Canal – Dredged**
3 **Material Containment Areas – Remediation Plan**

4 FOR the purpose of requiring the Maryland Port Administration to develop and
5 implement a plan for the remediation of drinking water supplies that have been
6 adversely impacted by the placement of dredged material from the Chesapeake
7 and Delaware Canal and the approach channels to the canal in containment
8 areas; requiring, in conjunction with a certain application for a water quality
9 certification, the Administration to submit to the Department of the
10 Environment a certain remediation plan; stating the findings and declarations
11 of the General Assembly; and generally relating to dredged material
12 containment areas and the remediation of drinking water supplies.

13 Preamble

14 WHEREAS, Before 1992, the U.S. Army Corps of Engineers used the Pearce
15 Creek and Courthouse Point dredged material containment areas for the placement of
16 dredged material from the Chesapeake and Delaware Canal southern approach
17 channels; and

18 WHEREAS, The U.S. Army Corps of Engineers used Pooles Island for the
19 placement of dredged material from the Chesapeake and Delaware Canal southern
20 approach channels from 1992 until the site was closed in 2010; and

21 WHEREAS, The U.S. Army Corps of Engineers has identified the Pearce Creek
22 and Courthouse Point containment areas as the best options for the replacement of the
23 Pooles Island site, based on capacity and transportation costs; and

24 WHEREAS, The U.S. Army Corps of Engineers is required to obtain water
25 quality certifications from the Maryland Department of the Environment to reopen the
26 Pearce Creek and Courthouse Point containment areas; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The U.S. Geological Survey released a study in January 2013,
2 which was commissioned by the U.S. Army Corps of Engineers and based on samples
3 collected from 50 wells and 2 surface water sites, concluding that the construction and
4 subsequent use of the Pearce Creek dredged material containment area, combined
5 with preexisting natural conditions, degraded the quality of groundwater close to the
6 facility; and

7 WHEREAS, the U.S. Geological Survey study found that 15% of the samples
8 tested exceeded the U.S. Environmental Protection Agency maximum contaminant
9 level for beryllium; 2% of the samples exceeded the maximum contaminant level for
10 arsenic, cadmium, or thallium; 71% of the samples exceeded health advisory levels of
11 manganese, nickel, sodium, sulfate, strontium, or zinc; and 96% of the samples
12 exceeded the U.S. Environmental Protection Agency's secondary drinking water
13 regulations for at least one constituent such as sulfate, iron, aluminum, or pH; and

14 WHEREAS, The Maryland Port Administration is a primary beneficiary of
15 dredging conducted by the U.S. Army Corps of Engineers to maintain the Chesapeake
16 and Delaware Canal and the approach channels to the canal; now, therefore,

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That:

19 (a) The General Assembly finds and declares that:

20 (1) the placement of material dredged from the Chesapeake and
21 Delaware Canal and the approach channels to the canal in upland containment areas
22 has been found to have adverse impacts on groundwater and drinking water supplies;
23 and

24 (2) the impacts on drinking water supplies must be fully studied and
25 remediated and any future impacts addressed before the placement of any new
26 dredged material in a containment area located near the Chesapeake and Delaware
27 Canal, including the Pearce Creek and Courthouse Point containment areas.

28 (b) The Maryland Port Administration shall develop and implement a plan
29 for the remediation of drinking water supplies that have been adversely impacted by
30 the placement of dredged material from the Chesapeake and Delaware Canal and the
31 approach channels to the canal in containment areas.

32 (c) In conjunction with any application to the Department of the
33 Environment for a water quality certification that relates to the placement of dredged
34 material from the Chesapeake and Delaware Canal or the approach channels to the
35 canal in a dredged material containment area, the Maryland Port Administration
36 shall submit to the Department a water remediation plan that includes, at a
37 minimum:

1 (1) a description of the properties that have water supplies impacted
2 by the previous placement of dredged material from the Chesapeake and Delaware
3 Canal or the approach channels in a containment area;

4 (2) a detailed description of the proposed remediation plan;

5 (3) a budget and a description of funding sources for the remediation;

6 (4) a schedule for the remediation;

7 (5) a description of all required State and local regulatory approvals;

8 (6) a copy of any interagency or interjurisdictional agreement related
9 to the remediation;

10 (7) a copy of any letter of commitment from a local approval authority;
11 and

12 (8) any other information that the Department of the Environment
13 determines to be necessary.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 June 1, 2014.