

# Fly ash contamination report sparks concern

## **Leopold calls for more testing of wells, but development continues**

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Opponents of a \$275 million Gambrills shopping center to be built atop a fly ash dump have called in experts to bolster their case.



J. Henson — The Capital In 2007, fly ash is dumped and spread at a pit off of Evergreen Road in Gambrills. A report about fly ash contamination has sparked concern over the safety of drinking water in the area.

The findings sparked new concerns about the safety of drinking water in the area, but the companies working to redevelop the dump say the worries are overblown.

A new review of data by a Johns Hopkins University researcher shows groundwater contamination has spread outside the system designed to contain it. A companion study by a Tufts University researcher predicts contamination could seep deeper into the ground, reaching the source of Gambrills-area wells in 15 years and seeping into public water supplies within a half-century.

"You don't know if the plume capture system they have in place is capturing the contamination," said the study's author, Edward Bouwer, chair of the Geography and Environmental Engineering Department at Johns Hopkins. "I think there's been lack of oversight."

Both studies were commissioned because of a lawsuit designed to halt development of Village South at Waugh Chapel, but the report has drawn a public response from county officials.

Concerned about undetected contamination, County Executive John R. Leopold has asked state environmental officials to keep a closer watch on drinking wells.

Despite warnings that groundwater contamination concerns should be resolved first, the county has not taken any steps to slow development of the 80-acre Village South at Waugh Chapel complex, which will include shops, office space and homes.

Brian Gibbons, developer of the project, said the county has no reason to take any such steps.

He said his company and others involved in redeveloping the area have installed all the safeguards demanded by state environmental officials. Building the project, he said, will create a cap that stops stormwater from dissolving the fly ash buried below.

The Maryland Department of Environment required monitoring wells to track and contain contamination. Agency spokeswoman Dawn Stoltzfus said protecting drinking water is a top concern of the MDE, and that's why the agency has a legal promise from the site owners they will fix the problem.

She said the agency's technicians will review the new study and take additional steps, if warranted.

The group fighting the Village South at Waugh Chapel development said the MDE's system for monitoring and cleaning up the contamination does not do enough to ensure public safety. The new study used data sent to the MDE to conclude that contamination is spreading. Once a sprawling shopping center is built atop the fly ash, they argue, it will be more difficult to fix environmental woes.

"Clean it up and then do the development," said G. Macy Nelson, a Towson lawyer representing Crofton resident Robert Smith and the Patuxent Riverkeeper organization.

Nelson's clients are suing the county, the state, developer Greenberg Gibbons, fly ash owner Constellation Energy and former dump owner BBSS Inc. to delay the development. The lawsuit was filed over the summer. No hearings have been set.

"Our goal is not to stop this development, our goal is to get a cleanup before they do the development," Nelson said.

## **Filled with fly ash**

The land proposed for 1.2 million square feet of development along Route 3 was once a sand-and-gravel mine. Constellation Energy filled it in with fly ash - a grainy byproduct of burning coal for electricity - for about a decade beginning in 1995.

Fly ash contains sulfates, chlorides and a host of heavy metals that easily dissolve in water. Those contaminants can harm human health. In 2006, the county detected the contaminants in drinking wells near the pit in Gambrills.

The finding sparked a county ban on burying fly ash elsewhere and actions by the Maryland Department of the Environment, including a \$1 million fine for Constellation. The dump's

neighbors won a multimillion-dollar legal settlement that also set terms for cleaning up the site and eventually building on it.

The County Council unanimously renewed a one-year ban on new fly ash landfills in the county last night, although a permit is pending to dump fly ash at a site off Hawkins Point Road near the Baltimore City-Anne Arundel County line

Kevin Thornton, a spokesman for Constellation, said his company has been diligent in remedying the problems.

"We're doing everything at the site we said we would do. We're meeting all the requirements of the consent decree and we're moving forward with remediation," he said.

### **Other motives?**

Gibbons, president of Greenberg Gibbons Commercial, said his company also has done its part to help the environment and he suspects the lawsuit stems from other motives.

The Village South at Waugh Chapel project will be anchored by a nonunion Wegmans grocery store, and Gibbons alleged union officials are bankrolling the lawsuit in order to stop a nonunion shop.

He said the opponents' lawyer, Nelson, has been involved in union-funded fights over grocery store projects in Prince George's and Howard counties. "They don't care if we create 5,500 new jobs. They're just trying to stop Wegmans," he said.

When asked how a homeowner and an environmental group could afford to pay for scientific studies and piles of legal paperwork, Nelson said his staff has gotten very good over the years at researching cases at a low cost.

### **Not an issue**

Community activist Torrey Jacobsen, who also has professional connections to a grocers' union and is not involved in the lawsuit, said the Wegmans had nothing to do with the lawsuit.

"The fly ash issue was being fought before the Wegmans was even an option," Jacobsen said. "There are a lot of people with wells out there."

Those concerns prompted Leopold to write last week to the MDE's acting secretary, Robert Summers, asking him to take action to better track the contaminants flowing out of the pit.

"There is no evidence that the public water supply has been affected by the groundwater contamination at the fly ash site," Leopold wrote. "However, the request for additional monitoring wells is a measure being taken to protect public health and to assure the public that municipal water supply wells will remain unaffected by contamination."