

Council bans fly ash for one year

By ERIN COX, Staff Writer

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New fly-ash dump sites have been outlawed in Anne Arundel County for one year, allowing the government time to set new rules for dumps or gather enough data to permanently forbid it.

The County Council voted 6-0 last night to ban burying the coal-combustion byproduct, but the bill does not affect the Gambrills mine linked to 23 wells contaminated with cancer-causing metals.

Hours before the vote, the Maryland Department of Environment levied a \$1 million fine against Constellation Energy and mine owner BBSS Inc. Constellation produces the fly ash at two power plants in the county and has been depositing 250,000 tons a year in pits at the sand and gravel mine.

The agreement outlining the fine included provisions to clean up the pollution near the mine, but county leaders fear the penalties may not be strong enough to safeguard public health.

"I'm concerned that the regulations are porous," said County Executive John R. Leopold, who began pushing for a total ban on fly-ash dumping in July.

His ban preceded the state scrutiny that ultimately led to the sanctions the environment department announced yesterday.

"It was this legislation that served as an important catalyst, a catalyst that spurred a greater sense of urgency in the state," Mr. Leopold said.

Shari T. Wilson, secretary of the state's environmental agency, said her department plans to write new rules about fly-ash dumping by December.

Meanwhile, Constellation Energy, which deposited the fly ash in Gambrills since 1995, told the council the company had no plans to ever put more fly ash there. In September, the company began trucking the ash hundreds of miles away to landfills in Virginia at a cost of \$1 million a month.

John Long, president of Constellation Power Generation, the division that oversees the company's power plants, said the company was committed to repairing the contaminated groundwater in Gambrills and preventing future problems.

"We are making every effort to reach out, listen and respond to everyone affected by these issues," Mr. Long said.

BBSS President Robert K. Scrivener said his company welcomed the ban and "obviously, the health and protection of county citizens is everyone's first concern."

Mr. Scrivener said his company was unaware of the dangers of fly ash presented when it allowed Constellation Energy to bury it in hollow mines without first lining the pits.

"I'm kind of looking forward to real debate of what should be done with the fly ash," Mr. Scrivener. "It's irresponsible not to address the issue of what do with the fly ash."

The first signs the fly ash was leaching into ground water came in 1999, when elevated levels of sulfate were found in test wells on the mine. BBSS took steps to halt the leaching and clean up the water, but the problem resurfaced in a different pit last fall. This time, drinking water in nearby wells was polluted with cancer-causing metals.

The Anne Arundel County Health department launched an eight-month investigation that linked the metals to the mine and showed nearly two dozen wells had been contaminated. Health Officer Frances B. Phillips has called the contamination as a public health emergency and told local politicians they need to ban fly ash in order to safeguard county residents.

Two weeks ago, the council debated the bill at length and talked past midnight, the deadline for voting on county bills. Last night, the council unanimously passed the bill without discussion.

The vote met with applause from the audience, which included several residents who live near the mine and have dirty drinking water. Constellation Energy recently set up a temporary water source for the residents, who have been cooking and drinking with

bottled water since October 2006.

Part of the sanctions announced yesterday include requiring Constellation and BBSS to connect the homes to public water, pay all the associated construction costs and the residents water bills for as long as they live in the home.

Councilman Ed Reilly, R-Crofton was not present for the vote, but council Chairman Ron Dillon, R-Pasadena told the crowd Mr. Reilly "strongly supported" the bill.

Mr. Dillon also expressed an opinion later echoed by Mr. Leopold: the one-year ban can be renewed if state rules are not stiffened enough.

"There's a lot of incentive to make sure things go well over the next year," Mr. Dillon said.

- No Jumps-

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