



CHESAPEAKE ENVIRONMENTAL PROTECTION ASSOCIATION, INC.  
P.O. Box 117, Galesville, Maryland 20765

## NEWSLETTER

Winter 2012-2013

### PRESIDENT'S MESSAGE

By Al Tucker, President, 2012



Learn what steps will be needed for your great-grandchildren to enjoy rockfish, soft shell crabs or oysters from the Chesapeake Bay. Understand potential changes caused by pollution and climate shifts on the future of seafood industries. Please come to our forum entitled, "Healthy Bay, Healthy Fisheries? – Managing the Future of the Bay". We've developed a program to help

you understand the complexity of "restoring" our Bay.

One of the results of returning to a healthy Bay should be a healthy fishery. Cleaning the Bay is currently underway with the implementation of restrictions on nutrients and sediments; yet that alone is not going to be sufficient to ensure that the fisheries, as we know them, will survive. Fisheries were under threat from overfishing long before the consequences of environmental damage began to have a dominant impact on them. Restrictions on crabbing, rockfish, oysters and now menhaden have been put in place to preserve and enhance existing populations. Recently, menhaden were restricted for reasons that extended beyond the impact of overfishing alone. Many supporters of the restriction on the menhaden catch were concerned that the collapse of the menhaden fishery would cause dire consequences for other fisheries in the Bay. Menhaden represent one of the keystone prey fish in the food web of the bay. Their loss would mean the collapse of other fisheries as well. This shift represents a fundamental change, recognizing that each species depends on others and that the "catch" must be limited to ensure that the food web survives first. It represents a small but significant step toward employing an ecosystem-based management approach to fisheries.

An ecosystem-based approach moves away from managing a separate species to one that considers the interdependencies of all species along with the environmental conditions of the Bay. It considers the dynamics of species' life cycles, food webs, predator-prey relationships, water quality, habitat, local,

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CEPA Forum:

### Healthy Bay, Healthy Fisheries? Managing the Future of the Bay

Saturday, March 16, 7:00 PM

Schmidt Conference Center

Smithsonian Environmental Research Center

Edgewater, Maryland

Will current actions to "Restore the Bay" ensure the future of sustainable fisheries?



Topics will include:

- What do we know about the Bay's ecosystems and fisheries?
- Will fisheries management practices be successful?
- How will the future environmental shift impact ecosystems?
- Will species acclimate and adapt?

CEPA's Distinguished 2013 Forum Presenters:

**Dr. Thomas Miller**, Director of the U of MD Center for Environmental Science Chesapeake Biological Laboratory

**Dr. Raghu Murtugudde**, Professor, U of MD Department of Atmospheric and Oceanic Science, Earth System Science Interdisciplinary Center, Executive Director, Chesapeake Bay Forecast Project

For more information: [www.cepaonline.org](http://www.cepaonline.org) or  
Dr. Al Tucker 1-818-356-4726 [cepa.atucker@gmail.com](mailto:cepa.atucker@gmail.com)  
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global and long-range climate effects, and the influence of socioeconomic policy. Clearly, managing all these is a huge undertaking. The knowledge base for these considerations is limited, and the data acquisition required may seem overwhelming. The speakers we have invited to participate in this year's forum have first hand knowledge of these issues and can provide us with insight into this complex undertaking.

Prof. Tom Miller, Director of the Chesapeake Biological Laboratory (CBL), who has been on the forefront of research on ecosystem-based management of fisheries, will provide an overview of the current status. Prof. Miller's research interests lie in population dynamics of aquatic animals, multispecies interactions and the impact of toxic contaminants on aquatic organisms. The CBL has a long history in Fisheries Science with expertise in life history and population ecology of fish and shellfish, population dynamics and multispecies modeling, as well as fisheries ecosystem evaluation.

Prof. Raghu Murtugudde, Director of the Chesapeake Bay Regional Forecast System at the University of Maryland, will address the long-term effects of climate shifts on the Bay's ecosystems. He has been instrumental in the development of the Chesapeake Bay Forecast System (CBFS), a flexible, end-to-end expert prediction tool for decision-makers that provides customizable, designer forecasts for regional climate, air and water quality, ecosystems, and other resources from days to decades in the Bay.

There remains one topic that we have not included in the discussion of future possibilities for Bay Fisheries: namely, the development of sustainable aquaculture in the Bay. The potential for aquaculture is unknown. Presently there exist nascent commercial operations raising oysters, but expansion to fin fish has been minimal. If climate shifts occur, some native fisheries may not survive without cultivation. However, a shift to aquaculture-based fisheries poses many issues needing resolution. Around the globe salmon and shrimp farms, developed without controls, have ruined ecosystems and contaminated native populations with disease. Research is required to understand the maximum capacity and acceptable conditions to permit their use – just as we do on land for any Confined Animal Feeding Operation. These concerns could form the basis for a future forum.

We thought that it was important first to understand the current environmental conditions and the ecosystem responses to the natural and man-made changes. Then we could be prepared to understand the potential socioeconomic outcomes.

Please be sure to join us for an informative and perhaps provocative discussion about the future of fisheries on March 16 at SERC.

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### WEST/RHODE RIVERKEEPER'S REPORT

By Bob Gallagher  
[www.westrhoderiverkeeper.org](http://www.westrhoderiverkeeper.org)



On March 1, 2010, the Waterkeeper Alliance filed a Clean Water Act suit in federal court against Perdue Farms, Inc., and Hudson Farm, located in Worcester County, MD. The suit, which was heard in Baltimore by Judge William Nickerson alleged that pollution from poultry waste was contaminating a stream which led to the Pocomoke River. Among other things, the suit attempted to prove that Perdue,

the large corporate entity, was liable for the pollution that was generated from the farm. Ultimately, the Judge dismissed the case, but nonetheless several important findings came out of the trial.

Any business can increase its profit by transferring the disposal costs for its toxic waste to someone else. That is the business model for Perdue and some other factory chicken producers who attempt to transfer responsibility for the waste from their chickens to "contract growers." Many small contract growers lack either the means or the will to properly to dispose of the waste. As a result, it ends up contaminating our rivers and the bay. Animal manure is one of the biggest contributors to bay pollution, threatening our maritime economy and public health.

The suit by Waterkeeper Alliance against Perdue and one of its contract growers was a courageous and innovative effort to change Perdue's polluting business model and put responsibility for its massive amounts of chicken waste back where it belongs - with Perdue. Regrettably, the judge did not see it that way. On December 20, 2012, the court dismissed the case.

While the court declined to hold Perdue liable for its toxic waste, the process of "discovery", whereby parties in the case have the right to review an adversary's records, produced important evidence that we hope will lead to better regulation of waste from factory meat producers. Farmers are supposed to file with the state plans that demonstrate how they will control pollution from animal waste. The state is supposed to review and approve the plans and enforce compliance. The evidence showed that, in many instances, the plans were not timely filed or were inadequate and that the state failed to properly review the plans or enforce their terms.

Until we convince our regulators that laws protecting our waterways should be enforced, suits like the one brought by the Waterkeeper Alliance against Perdue are one of the few means we have to protect one of our most valuable resources.



# ANNUAL REPORT ON THE PST LANDFILL

By Mike Lofton



**Background.** The PST Landfill is a rubble landfill located off Sands Road in Harwood. It is one of the largest, unlined landfills on the east coast. It operated under permits issued by the Maryland Department of the Environment (MDE)

until it closed several years ago. Waste Management, Inc., the last operator of the site, is obligated to monitor the site for possible contamination of ground water for a period of several years. Discharge permits for the landfill are issued by MDE for a period of five years, at which time WMI must request renewal or request approval to terminate its responsibility of monitoring the site and its run-off.

At the request of County and community leaders, CEPA applied to Anne Arundel County for a grant of funds to review WMI's monitoring reports and, in the event that monitoring by WMI is no longer required, to establish a continuing monitoring program. In late 2007, CEPA received a grant from the county in the approximate amount of \$92,000. to cover CEPA's expenses. The grant funds came from a community benefit fund established during the operation of the landfill.

Upon receipt of the grant, CEPA appointed a Landfill Committee. In December 2007, members of the Committee reviewed the files of MDE relating to the landfill, including monitoring reports provided by WMI and extensive correspondence between MDE, WMI and WMI consultants relating to the monitoring program. CEPA intends to rely on the Waste Management monitoring reports that MDE requires WMI to submit semi-annually, and on the AA County Department of Health for testing nearby residential wells for evidence of contaminated ground water. Should conditions warrant, CEPA will secure independent advice and analysis and continue the site monitoring process. CEPA also engaged an environmental consultant, Andrew Garte & Associates of Shady Side, to review these materials.

CEPA recently submitted their annual report to Anne Arundel County for the year 2011. This represents the fourth full year of oversight by the CEPA Landfill Committee. This article summarizes that report.

**Significant Activities.** The second semi-annual Waste Management Report, which was on sampling done in Dec. 2011, was dated February 2012, and continued to show concentrations of inorganic parameters above Primary Federal MCLs (Maximum Contaminant Levels) in four monitoring wells. These four well were checked again in Jan. 2011. All four are on the west side of the landfill. (The general flow of groundwater through this area is in the Southwest direction.) The wells are listed in order going from North to South along the western boundary. All levels are given in micro-grams/liter.

Well	Contaminant	Date	Observed Level	Federal Limit	% Exceedance
1	Vinyl Chloride	Dec '11	1.4	2.0	0
		Jan '12	2.3		15
2	Beryllium	Dec '11	4.3	4.0	7.5
		Jan '12	5.3		32.5
	Cadmium	Dec '11	12.0	5.0	140
		Jan '12	21.0		320
3	Beryllium	Dec '11	14.0	4.0	250
		Jan '12	15.0		275
4	Beryllium	Dec '11	28.0	4.0	600
		Jan '12	21.0		425
	Cadmium	Dec '11	9.0	5.0	80
Jan '12		7.4		48	

Concentrations of these contaminants in these wells have shown variability over the years, not exhibiting an increasing trend. However, the concentrations are persistent and have exceeded federal standards for several testing periods. With the normal direction of flow being to the southwest, the flow is toward the Patuxent River. It is not possible just from this data to ascertain if these contaminants are migrating. Consequently, nearby residential wells offer the only opportunity to detect whether or not these contaminants are percolating with the groundwater.

The EPA classifies these contaminants as follows:

1. Beryllium causes intestinal lesions. Sources are discharges from metal refineries, coal burning factories, and discharges from electrical, aerospace and defense industries.
2. Cadmium causes kidney damage. Sources are corrosion of galvanized pipes, erosion of natural deposits, discharges from metal refineries, and runoff from waste batteries and paints.
3. Vinyl chloride causes increased risk of cancer. Sources are leaching from PVC pipes and discharges from plastic factories. Currently the EPA has set 2 micro-gram/liter as a limit, but the goal is zero.

**Residential Well Monitoring.** In August 2011 the Anne Arundel County Health Dept. conducted testing on four (4) of the five (5) properties near the PST landfill. The fifth property owner declined water quality testing. The private wells were tested for arsenic, beryllium, cadmium, and chromium. Results showed no detectable level of any of metals identified from the monitoring wells at the PST Landfill. The Health Dept. has agreed to retest on a two-year interval subject to availability of funds.

**Conclusion.** The current levels for beryllium, cadmium and/or vinyl chloride exceed the EPA maximum permissible contaminant levels in four observation wells on the western boundary of the landfill site. The residential wells tested are located to the southwest of the site in the pathway of the groundwater flow from the site. At present there is no detectable contamination in nearby residential wells. However, the exceedances in the observation wells will require monitoring for changes in contaminant levels. Also, the nearby residential wells should continue to be monitored for evidences of these contaminants. Therefore, CEPA strongly recommends that the Anne Arundel Health Department continue its biannual monitoring of residential wells.



## STEUART PITTMAN RETIRES FROM CEPA



Steuart Pittman, the last founding member of CEPA in 1970 has decided to retire from the Board of Trustees at the age of 93. He has had a distinguished career in law and government and has been a major influence in CEPA for over 40 years.

Steuart Pittman was born in 1919 and raised in Manhattan.

His father was a chemical engineer. After graduating from Yale in 1941, he worked in Africa with Pan American Airways and in India with China National Aviation Corporation. He then enlisted in the Marines, and was stationed as a Marine Lieutenant behind Japanese lines near the east Chinese coast, training and working with Chinese guerrillas. When the war had just ended, he was sailing one of two junks to Shanghai with a few other Marines and their Chinese crews when a Japanese junk, filled with Japanese military who did not know the war was over, opened fire on the two boats. This was the last US naval battle under sail. The Japanese boat was defeated, and Steuart was awarded a Silver Star.

After the war, Steuart went to Yale Law School, graduating in 1948. He worked for the New York law firm of Cravath, Swaine and Moore, then moved to Washington and worked as General Counsel of the Marshal Plan. In 1954, he joined with Brackley Shaw to found a firm which became Shaw, Pittman, Potts and Trowbridge, where he concentrated in international investment finance and trade. He served on various government committees, including the Second Hoover Commission. After his retirement from the firm, it merged with another firm and became Pillsbury, Winthrop, Shaw, Pittman.

In 1961, President Kennedy appointed him Assistant Secretary of Defense where he headed the new Office of Civil Defense and implemented Kennedy's national shelter plan. During this time he also maintained his Maryland tobacco farm, which he changed to become a horse farm. In 1964, discouraged at public apathy toward civil defense, he returned to the private practice of law, but he continued to serve on numerous political committees.

In 1964, when Pittman returned to Shaw Pittman, he continued his international banking and corporate practice. He served on the boards of the Hudson Institute, the Center for Naval Analysis, the Marine Corps Advisory Committee and its DOD Reorganization Committee, Royal Ordinance, Inc., and the Federal Emergency Management Agency, as well as the Chesapeake Environmental Protection Association. He has lectured for the Practicing Law Institute, the Southwestern Legal Foundations, and Harvard Law School.

Steuart is the seventh generation of his family to own Dodon Farm in Davidsonville, and he and his wife, Bobby, still live there. Three of their seven children have built houses on the farm and live there with their families. A son and daughter-in-law operate a business raising and training horses, while a daughter and son-in-law have started a winery. There are 13 granddaughters, topped off by three-year-old identical twin grandsons.



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