

County officials seek review of \$2 million wastewater project
They say installation of chillers at plant in Hampstead unnecessary

by Mary Gail Hare

With only weeks left before they are forced to begin a nearly \$2 million project to cool wastewater from a treatment plant in Hampstead, Carroll County officials are looking to the courts and a state official for relief.

Installation of chillers at the plant must go to bid next month, if equipment is to be operating before warm weather arrives.

The county asked Carroll County's Circuit Court in September to defer enforcement of stringent temperature requirements while the regulations are under appeal. The court has yet to rule on the request and has no deadline in which it must decide.

"If the court would stay enforcement, it would give us time," said Kimberly Millender, county attorney.

Otherwise, the county will have to contract for the chillers next month, she said.

"We are basically at the point where [the Department of the Environment] is expecting absolute compliance with the law, despite our attempts to provide scientific and environmental evidence," Millender said. "This is a technical and legal quandary with MDE asking for stiff fines."

The commissioners have also enlisted help from Joseph M. Getty, a former Carroll delegate who is director of policy for Gov. Robert L. Ehrlich Jr.

"We have asked Joe to explain that the chillers will do nothing for the environment and that we have done everything we should to protect the environment," Commissioner Julia Walsh Gouge said yesterday. "This equipment is a terrible waste."

The air-cooled chillers would cool the water a few degrees before it is discharged into a stream known as Piney Run. The discharge, or effluent, cannot exceed 68 degrees, if the county is to remain in compliance with MDE regulations.

"Our role is to make sure that the counties are heard," Getty said yesterday. "MDE has to factor science into its decision. There is a timing problem for the county and we want to make sure MDE has fully considered that. The governor wants his departments to operate based on science, not politics."

When the effluent from the Hampstead plant exceeded the temperature limit during the hottest months last summer, MDE sued the county and said it could levy fines of up to \$1,500 for each violation.

County officials contend the equipment is unnecessary, that the plant causes no harm to the environment and that fish are thriving in the stream.

"We have done a good job restoring the habitat and bringing the fish back to the stream," said

James Slater, the county planning department's deputy director of environment and resource protection. "We have been successful in buffering efforts that keep the stream cooled. Each survey shows improvement. We even have evidence of an over wintering population. We are not impairing fish."

G. Macy Nelson, attorney for Baltimore County residents who oppose the plant, said such statements are "totally and unequivocally false. Fish are flourishing, but two miles downstream from the plant."

Yesterday, Slater showed the commissioners recent photos of fish found near the plant.

"The county has known for years that it needed chillers," **Nelson** said. "Every court they go to has said, 'Chill the effluent or move the plant.' They have to face reality."

The location of the plant at the headwaters of the tiny trout stream was a poor choice, **Nelson** said. The stream becomes Western Run in Baltimore County and eventually flows into the Chesapeake Bay.

Almost since it began operating near Hampstead in 1975, the plant has sparked bitter battles between Carroll County officials, who want to serve the growing Route 30 corridor with water and sewer facilities, and Baltimore County residents in the rural communities east of the plant, who say the effluent adversely affects the stream.

"Put it out to bid," **Nelson** said. "If it is not on-line next summer, we will be at their throats again. We are not going away."

There are no data available on what impact artificially cooled water might have on the stream or the fish, Carroll County officials said.

"There is no evidence to show that we should spend a penny, let alone \$1.7 million," said Carroll Commissioner Dean L. Minnich, who added that he finds the whole issue frustrating and infuriating. "Common sense and good faith are not at play here, except on our part."

The county has years of research to underscore its claims of good environmental practices, Slater said. In fact, he said, the county monitored the temperature in the stream for years before it was required.

"MDE should work with us to find the best environmental solution, instead of arbitrarily requiring chillers," Slater said.

The commissioners have authorized a \$100,000 environmental study to gather more scientific information, but it will not be completed until June. By then, the warm days could be raising effluent temperature to illegal levels again.

"We cannot incur daily fines," Millender said. "That is not a fiscally viable option." So the county will put the project out to bid and prepare to install the equipment, hoping it does not come to that, said Steven Powell, the commissioners' chief of staff.

"If we don't get relief through the courts or MDE, we will have gone through all the preparation stages to ensure there will be no fines," Powell said.

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