

The CLUE

Calendar of Events

Tuesday, February 16, at 12 noon and 7 pm

Planning Commission (County Admin Building) *Afternoon session ends with final vote on recommendations to Commissioners regarding the draft Comprehensive Plan*

Thursday, March 11, at 6:30 pm

Public Information Meeting on the draft Charter Government proposal (County Admin Building)

In This Issue: Power line proposals and risks (p. 1); County folds on Fly Ash (p. 2); Help map light pollution (p. 4); Watershed Watch (p. 6).

Double the Power Line Voltage in Cecil — Smart Growth of the Electrical Grid ?

CLUA had been asked to join a coalition advocating a comprehensive approach to planning for future energy needs on the Eastern Shore and the rest of Maryland. The coalition was brought together by proposals to construct two major transmission lines through Maryland — PATH and MAPP. One of the alternatives to MAPP would bring this extra-high voltage transmission line through Cecil County. The PATH line may also eventually be extended through Cecil County. The coalition is concerned that both projects may move forward without considering all of the potential consequences. CLUA has been asked to participate because the coalition wishes to make certain the interests of Cecil County residents are fully considered. For further detail on these transmission line projects and potential effects for nearby residents visit <http://ceds.org/tl.html> .

The MAPP project was originally planned as a 230-mile project running from Virginia across Southern Maryland, the Chesapeake Bay, the lower Eastern Shore, and into Delaware and New Jersey. Project proponents, who are guaranteed a 12% – 14% profit, argue that MAPP is needed to keep Delmarva lights on. But State and independent experts agree that Delmarva doesn't face a genuine problem until 2020 (if at all) and alternatives are available which would be far less expensive in terms of cost to us ratepayers and the environment. One of these alternatives involves stringing new circuits within an existing transmission line corridor passing through Cecil County. This action

could increase the strength of the electromagnetic field (EMF) emanating from the transmission corridor. The State of Maryland (http://ceds.org/tl.html#Electro_Magnetic_Fields_%28EMF%29_&_Health) concluded in 2006 that EMF does pose a genuine health risk.

PATH is presently planned to end in Frederick County. But earlier plans showed the project extending through Maryland to New Jersey. One of the possible routes is through Cecil County. No one can say at this point when — or even if — this would ever happen.

Both projects are presently under review by the Maryland Public Service Commission (PSC). Unfortunately the PSC review is not a comprehensive energy planning process. This means PSC does not: 1) identify Maryland energy needs ten to twenty years in the future, 2) identify all reasonable alternatives for meeting those needs, 3) rank each alternative in terms of cost, reliability, environmental impacts, property value loss, etc., then 4) recommend alternatives which best serve our needs and those of our children. Maryland presently lacks such a comprehensive energy plan. Instead, we have a process driven primarily by profit. Since federal law guarantees a minimum 12% to 14% profit for those building new transmission lines, this alternative has become quite popular. Other alternatives would likely do a better job of keeping Delmarva lights on with far less cost to ratepayers and fewer negative environmental effects. The coalition wants all these alternatives considered, along with new transmission lines. If it turns out that MAPP is the best option for Delmarva then the plan would provide a public forum for determining how to design the line with fewest negative effects.

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Note: : Check out the website for discussion of how the effort to stop the power lines through Dorchester county was accomplished through political advocacy.

County Folds on Fly Ash; Doesn't Want to Talk About It

George Kaplan

An opinion by the Cecil County Circuit Court in late November invalidated 2008 changes to the county Zoning Ordinance that limited where fly ash (a coal combustion byproduct) can be disposed of in the county. The Court held that state regulations take precedence. The Maryland Department of the Environment regulations provide that fly ash can be disposed of in pits and quarries with proper liners. The particular issue in dispute was the proposed disposal of fly ash from Constellation Energy in the Stancill quarry between Perryville and Charlestown, right on the shore of Furnace Bay. About half of this pit is in the Chesapeake Bay Critical Area, and would be closer to tidal water than any other fly ash disposal area in the state. Fly ash is now considered industrial solid waste and two (unlined) disposal

areas in southern Maryland have resulted in groundwater contamination. It is hard to believe that MDE's regulations were drafted with the Bay Critical Area in mind — most disposal sites in Maryland are in the mountains. See the CLUA Newsletter for July 2008, page 4, at http://cecillanduse.org/clua/Newsletter_200807.pdf for more information on the issue.

In December I wrote the following e-mail to all five County Commissioners, with a copy to delegates Rudolph and Smigiel:

14 Dec.

Dear Commissioners:

I was disappointed to hear that two weeks ago, the Circuit Court nullified the county's new zoning ordinance provision that prohibits the deposit of fly ash in certain zones in Cecil County. The prospect of fly ash being used to fill in the Stancill pit off of Furnace Bay is still a major concern to many of us, and we brought it up at the Attorney General's "town meeting" last Wednesday evening. Unfortunately, Mr. Gansler held that the state regulations were what he had to work with.

I hope that you will not let this matter drop. It needs to be adjudicated at the state level, either by legislation or by a ruling by one of the state courts. So I hope that you will pursue an appeal of Circuit Court decision, and also work with our state delegation to formulate some regulation at the state level that would prohibit fly ash disposal near tidal waters. Since you are now meeting with our state delegation on legislative priorities for the upcoming General Assembly session, I urge you to discuss this issue and formulate a strategy for the best way forward.

The Cecil County zoning ordinance has long has a provision that may apply anyway. In Section 197 (in Article XI, Part I, on the Critical Area), titled "General Regulations for Development and Land Use within the Critical Area District", it reads "7. The following uses are prohibited: a. Solid or hazardous waste collection or disposal facilities, excluding dumpsters and trash receptacles." MDE now treats fly ash as industrial solid waste, and about half of the Stancill pit is in the Chesapeake Bay Critical Area. I don't know whether the Circuit Court's decision applies to this provision of our zoning ordinance or not, but it seems to me that the state Critical Area Commission should be interested in this issue and may be a potential ally in making sure that fly ash runoff cannot become a risk factor for the Chesapeake Bay.

In short, I hope that this issue will continue to be a priority for you. I think this is an important case not just for Cecil County but for the state as a whole. There are probably many places at which fly ash can be safely disposed of, but along the shores of the Chesapeake Bay isn't one of them.

Sincerely,
George Kaplan

What was the response I got? Only one e-mail, from Commissioner Jim Mullin, the entirety of which was: “Thanks George.” Not even the usual “Thank you for your views... I will keep them in mind” brushoff that we routinely expect from public officials. I guess they’re just too busy.

What the county *has* had the time to do is remove the protective wording from the Zoning Ordinance that the court objected to. That is, the county decided not to appeal the ruling, and our General Assembly delegation is also AWOL on this issue. Basically, the county folded like a cheap lawn chair.

We are interested in hearing from people who might be interested in pursuing this issue. There are several approaches, including getting one of the nonprofit Bay protection organizations or the Critical Area Commission interested in pushing for a change in the state regulations. Please send an e-mail to info@cecillanduse.org if you’d like to help. It’s likely to be a long haul, but essential for protecting the upper part of the Bay from more human contamination.

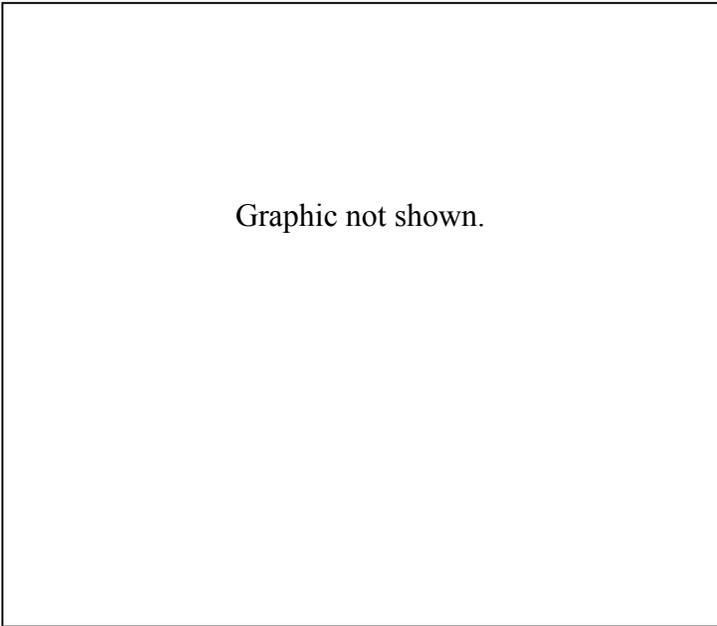


Photo at right, from Google Earth®, shows the Stancill quarry (center, light yellow area) on the shore of Furnace Bay.

Help Map Local Light Pollution

Light pollution? What — something *e/*se to worry about?

Only if you value a dark night sky with lots of stars! As areas become urbanized, more and more artificial outdoor night lighting is used, much of it unshielded and unnecessary. A lot of light goes upward, which is useless (unless for some reason it’s important to light up the bottoms of airplanes). But of course this upward directed light is also scattered by the atmosphere and brightens the night sky, reducing the number of stars we can see. If you have recently been to some place hundreds of miles from the nearest city on a clear, dark, and moonless night, you know what we are losing. I grew up in Baltimore City, and I was about 14 before I saw the Milky Way for the first time, at a Boy Scout campout. I was astounded at the number of stars... I became an astronomer!

But isn’t all this lighting needed for security? Probably not. There isn’t much evidence that leaving floodlights on all night is really an effective deterrent to property crimes. First, most

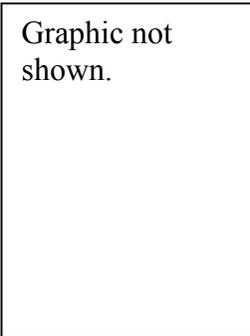
residential break-ins actually occur during the day, when there is less likelihood that someone is home. Second, outside lights that are on all night are less effective than motion-activated lights, because the latter create the element of surprise. Do we really need to light up every driveway and parking lot in the county all night long? What is the cost vs. commercial benefit in illuminating billboards (with bright lights that point upward) past, say, 10 p.m.?

There is quite a bit of research, literature, and design work in effective outdoor lighting that preserves the night sky. Shielded lighting fixtures save money because light is being directed downward where it is needed, not sideways and upward where it is just wasted energy. Motion-activated and timer-controlled lights save electricity while effectively doing the job they were intended for. See the web site of the International Dark Sky Association, at <http://www.darksky.org> , for more information and practical ideas.

Some cities out west, notably San Diego and Tucson, which are close to major astronomical observatories, have adopted lighting ordinances that curb the worst practices and save money in the bargain. I can tell you from personal experience that the sky from downtown San Diego is noticeably darker than from other comparably-sized cities. Does Cecil County need a lighting ordinance? I would suggest that we do. We can still see the Milky Way on clear moonless summer and fall nights from many places in the county, but that view is slowly disappearing. It is one more natural resource that we are losing.

On the nights of March 3-16, you can help map the light pollution in Cecil County.

All you have to know is where to find the constellation of Orion in the evening sky. It is a large upright rectangle of bright stars, with a row of three moderately bright stars right in the middle. It will be in the southwest sky about halfway between the horizon and the zenith (the straight up direction), at 8–9 p.m. on those nights. (By 8 p.m. EST on those dates, the sky is as dark as it is going to get. The Moon will not be in the sky then.) Match what Orion looks like to you with one of the pictures at http://www.globeatnight.org/observe_magnitude.html. You can send your results to the Globe at Night organization, but I would appreciate receiving a copy, too (gkaplan@zoominternet.net). I'll report on the observations in the April CLUA newsletter.



One of the articles in the very first CLUA newsletter (October 2007, http://cecillanduse.org/clua/Newsletter_200710.pdf) was written by Ken Wiggins on the subject of rural light pollution. Things haven't gotten any better in the past few years, and increasing development could destroy what is left of our (semi-) dark skies. But it doesn't have to get worse, and I would like to hear from other people who are interested in advocating for, and helping to draft, a Cecil County lighting ordinance based on best practices used elsewhere.

George Kaplan

Upcoming Events:

1. Sassafras Watershed Action Plan (SWAP) Stakeholder Meeting: February 23rd, 6:30pm at the Galena Fire Hall. www.sassafrasriver.org/swap/
2. Stream Waders Training: Oregon Ridge Nature Center (Baltimore County): March 6th, 2010 (Register by February 26th)
www.dnr.state.md.us/streams/mbss/mbss_volun.html

Local Watershed Activities:**Stone Run Watershed Assessment — a Volunteer opportunity!**

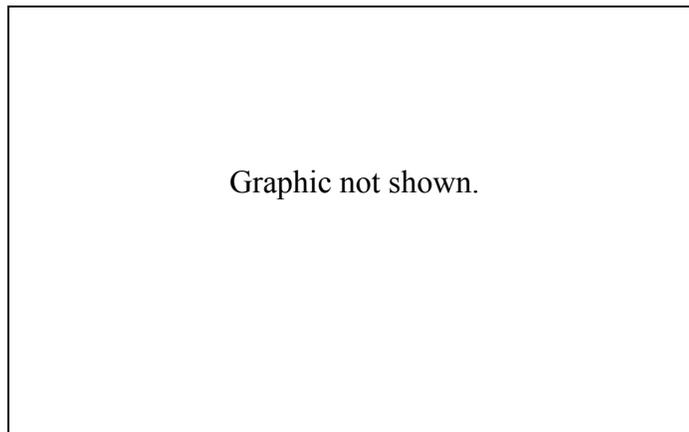
As I reported last month, the Octoraro Watershed Association is working with the Center for Watershed Protection (www.cwp.org), based in Ellicott City, as technical partner, to conduct a Watershed Assessment of Stone Run, in and around the town of Rising Sun. The goal is to identify and prioritize ten to twenty "in the ground" projects that can be implemented to improve water quality and reduce Stormwater run-off. We are currently conducting a stream corridor assessment to identify in-stream problems, and an "upland" assessment to identify the root causes of those problems. The work will take place this winter, with a final report and plan for implementation to be completed by April 1st. Funding has been provided by a grant from the Chesapeake Bay Trust (www.cbtrust.org) and the Department of Natural Resources (www.dnr.state.md.us), and is dependent upon an in kind volunteer match.

We finally got out in the field on Wed (27th) & Thurs (28th) of this week, after being rained out on Monday. The "We" in this case were Bryan Seipp and Cecilia Lane from CWP and some local volunteers - Nancy Valentine, who is CLUA's Secretary, Wyatt Wallace, me (Rupert) and my wife Cynthia - who got press-ganged at the last minute on Wednesday and regaled Wyatt and Bryan with details of the local geology as they hiked up the streams! Thank you Cynthia, Nancy and Wyatt for volunteering!

We did two days of Stream Corridor Assessments in near optimum conditions (warmish, vegetation dormant and flattened by the recent snows - the only drawbacks were the mud and the wind) and have already come up with a fairly good list of potential projects.

Here's Nancy's take: "Rupert's outing are always experiences one is not likely to get anywhere else. A walk along some of our beautiful, sometimes hidden, streams multiplies my appreciation of the natural beauty we seek to preserve. But it also makes clear the impact of development on slopes above streams and the good and bad approaches that can be taken. I am convinced that the most effective advocacy for protecting streams and encouraging smart growth is to get more people to spend a little time walking a stream. I look forward to my next streamwading opportunity collecting macro-invertebrates (bugs in various stages) to see how healthy those streams remain."

and Wyatt's: "I enjoyed the experience immensely! Please let me know if you need more help down the road. I learned a lot while at the same time tromped in and along the streams... what more could I ask! Bryan is a great guy and I had a wonderful time being his "helper".



Bryan & Wyatt walking the stream!

If you, too, would like a day out wading and hiking up our local streams and donating some volunteer hours in the process, do please let me know! Weather permitting, we'll be going back out again the week of 8th February to do more Stream Corridor walks and to begin the "Upland Assessment".

State Legislative Session - an Environmental Perspective

Extracted from Jennifer Bevan-Dangel's¹ most recent weekly update.

The "16th Annual Environmental Summit" was held on January 26th. At the summit, the environmental community announced their priorities for the legislative session:

¹ Deputy Director, 1000 Friends of Maryland. www.friendsofmd.org

protecting the green budget, making smarter transportation investments, and cleaning up polluted runoff from our roofs and parking lots (stormwater runoff).

On the stormwater front, after a briefing this week in Environmental Matters the consensus seems to be that MDE has a month to work out the kinks with the regulations related to grandfathering and redevelopment or legislative action will occur. We are fully confident MDE can determine a solid working solution in that time. Follow this link for more info on the Stormwater debate.

www.hometownannapolis.com/news/env/2010/01/30-46/Our-Bay-Fighting-over-stormwater.html

Briefings for the budget committees continue. At the Bay briefing, legislative analysts did express concern over the State not having enough dedicated funding sources to reach the new bay cleanup goals under the EPA regulatory initiative. Budget decisions won't be finalized by the committees until March, because they must wait for two key updates - first, a good portion of the budget is dependent on federal funds which are not fully guaranteed. Second, in March revenue estimates will be adjusted based on the most recent economic projections. If those estimates are lower than what was projected in December, the legislature will have to cut more from the budget. So there is a lot of time for things to change!

Let us hear from you! The CLUE belongs to you. We'd like to know what you have to say. What are your concerns and interests regarding Cecil Land Use? Tell us about your pet peeves, your ideas for improvement, people you'd like to praise, process suggestions, new problems identified, new opportunities arisen, or new challenges to face. Speak up, and share with us. Write to the editor at gkaplan@zoominternet.net

The Cecil Land Use Alliance newsletter is published periodically under the auspices of the Board of Directors. It is provided to all members, directors and available to the public at large. Suggestions and articles are welcome. They should be submitted to the editor by e-mail to gkaplan@zoominternet.net, or by mail to P.O. Box 215, Colora MD 21917. We encourage our readers to visit our website at <http://cecilanduse.org>