

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2023, Legislative Day No. 7

Resolution No. 5-23

All Councilmembers

By the County Council, March 28, 2023

A RESOLUTION of the Baltimore County Council expressing its support for Baltimore Mayor Brandon Scott’s decision yesterday to direct his Department of Public Works to modify the discharge permit for Clean Harbor to deny their request to discharge processed waste water from the cleanup of the Norfolk Southern Railroad derailment into the City’s waste water system, and to request that the U.S. Environmental Protection Agency (“EPA”) deny any future authorization that would permit processing of waste water under similar circumstances through the Back River Waste Water Treatment Plant (“WWTP”).

WHEREAS, the train derailment in East Palestine, Ohio on February 3rd is an environmental disaster that resulted in the release of hazardous materials, with vinyl chloride, butyl acrylate, ethylhexyl acrylate and ethylene glycol monobutyl ethers being released into the air, surface soil and surface waters; and

WHEREAS, the EPA and MDE granted approval for the operator of the train Norfolk Southern Railroad – as part of their cleanup responsibilities – to contract with Clean Harbors to accept and treat contaminated wastewater from the derailment at its Baltimore facility, to then be released into the City’s sewer system and on to the Back River WWTP in Dundalk, Baltimore County for processing; and

WHEREAS, the County Council shares the “grave concerns” expressed by Baltimore Mayor Brandon Scott and County Executive John Olszewski at a news conference on Friday

March 24th regarding the waste water from the train derailment coming through the sewer system and into the Back River WWTP, and questions the prudence of transporting 675,000 gallons of contaminated waste water hundreds of miles for treatment near a waterway with an ecosystem as fragile as the Chesapeake Bay; and

WHEREAS, Baltimore County has 2,145 miles of stream and 219 miles of tidal shoreline in 14 watersheds; each of the 14 watersheds that are in or are connected to Baltimore County affect the health of the Chesapeake Bay; and

WHEREAS, the plan for the treated waste water to ultimately be processed at the troubled Back River WWTP presents even more challenges and provides justification not to move forward with the plan or to approve other similar plans going forward, given the ongoing issues at the Plant with reporting, compliance, and episodes of discharging polluted water into Back River; and

WHEREAS, the problems at Back River WWTP are systemic and significant, which resulted in a State takeover of the facility last year and reports issued on June 6, 2022 by MDE and the Maryland Environmental Service (“MES”) that cited a myriad of deficiencies, including:

- Violations of numerous General Conditions and Special Conditions of its state-issued discharge permits, including exceeding effluent limits, failing to report sampling results, failing to maintain sampling equipment, failing to report non-compliance, and failing to efficiently operate the plant and conduct necessary maintenance;
- Due to a lack of maintenance, effective management, and leadership and staffing, the Plant is not operating at Estimated Nitrogen Release (“ENR”) levels;
- Biosolid management and processing failures are a significant factor in the inability of the Back River WWTP to meet its discharge permit requirements. As a result of mismanagement, pollutants – including nitrogen and phosphorous – have been discharged in violation of federal and State clean water regulations, and several biosolid processing bottlenecks and deficiencies were found after State intervention in March, 2022 that lead to the unauthorized discharges;
- In its June 6th report, MES stated that its maintenance staff worked with Back River WWTP facility employees to identify and repair many critical pieces of equipment, and acknowledged that there still is much more equipment repair, replacement, and

rehabilitation that needs to be done at the facility;

- MES currently has two major rehabilitation projects in progress at the plant:
 - repair of two primary clarifiers and the cleaning of two high-rate anaerobic digesters that have been out of service for years; and
- MES has identified other process-related problems at the plant, and MES operations specialists and engineers have recommended improvements to the nutrient reduction treatment processes at the facility; and

WHEREAS, According to another MDE inspection report issued September 30, 2022, only three of the 11 primary settling tanks at the Back River WWTP – which allow the solid material within wastewater to be easily separated by settling to the bottom or floating to the surface for removal – were operational, with the rest in a state of disrepair; and

WHEREAS, the Back River WWTP sustained yet another setback on March 15, 2023 when an explosion blew holes in three walls of a building on the campus used to dry sewage sludge into pellets, which are then used as agricultural fertilizer, and

WHEREAS, given the aforementioned and ongoing issues at the Back River WWTP, it has resulted in a deterioration of trust that the Plant can consistently perform the most basic waste water treatment functions, without even considering the potential impact and danger of introducing an additional 675,000 gallons of treated waste water to an already stressed and failing system, now therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the County Council expresses its support for Baltimore Mayor Brandon Scott’s decision yesterday to direct his Department of Public Works to modify the discharge permit for Clean Harbor to deny their request to discharge processed waste water from the cleanup of the Norfolk Southern Railroad derailment into the City’s waste water system, and to request that the U.S. Environmental Protection Agency (“EPA”) deny any future authorization that would permit processing of waste water under similar circumstances through the Back River

Waste Water Treatment Plant (“WWTP”); and

BE IT FURTHER RESOLVED, that the County Council strongly urges Federal, State, City, and County officials to work collaboratively together to address and resolve the systemic issues at the City-owned Treatment Plants located in the County that provide clean water for the entire region, now therefore

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its passage by the County Council.



LEGISLATION DETAIL

LEGISLATION _____

DISPOSITION _____

ENACTED _____

EFFECTIVE _____

AMENDMENTS _____

ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
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<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

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