



# The Sunday Capital

SUNDAY, AUGUST 15, 2010

A Capital-Gazette Newspaper — Annapolis, MD

\$1.50

## Reaction of dead dog's guardian questioned

Police report says man watching husky at Severn dog park was slow to respond

By SCOTT DAUGHERTY  
Staff Writer

The man responsible for watching a Siberian husky when an off-duty federal police officer fatally shot it inside a private Severn dog park earlier this month was described by a county police officer as "slow with

• Officer who shot dog 'very calm' on 911 call. **Page A7**

his reactions and his answers." The comment — which was redacted from a copy of the initial

police report released Aug. 6 by the county Police Department but was visible in an unredacted copy obtained last week by *The Capital* — supports similar statements voiced by the federal officer shortly after the shooting.

The officer, identified in the

report as Keith Elgin Shepherd, 32, of Severn, told police he tried to get Stephen Kurinij to control the husky, Bear-Bear, before firing his personal handgun in defense of Asia, his German shepherd, but

(See DOG, Page A6)

### SPECIAL REPORT: SEWAGE SPILLS IN ANNE ARUNDEL COUNTY

## Small fines for sewage spills irk river watchdogs

'There's no heat on these guys to do anything but what they're doing'



When sewage spills into creeks and rivers, health officials post bright yellow warning signs urging people to stay out of the water, such as this one posted earlier this month at the end of Dividing Creek Road, near a 15,000-gallon spill from an old pipe that broke.

By PAMELA WOOD  
Staff Writer

Last June, contractors working on a gas pipeline in Linthicum made a startling discovery: A 12-inch-wide sewer pipe was broken in two places, spewing raw sewage into a remote stream that meanders through the woods.

They notified the county Department of Public Works, which quickly dispatched crews to stop the leak.

By the time it was stopped, 160,000 gallons of smelly, filthy, bacteria-filled sewage had spilled into Stoney Run, which flows into the Patapsco River and, ultimately, the

Chesapeake Bay. It was the worst sewage spill in the county last year.

The county government's fine for the spill: \$1,000.

In all, Anne Arundel County's government was responsible for nearly 200,000 gallons of sewage spilling into local streams, creeks and rivers in 2009.

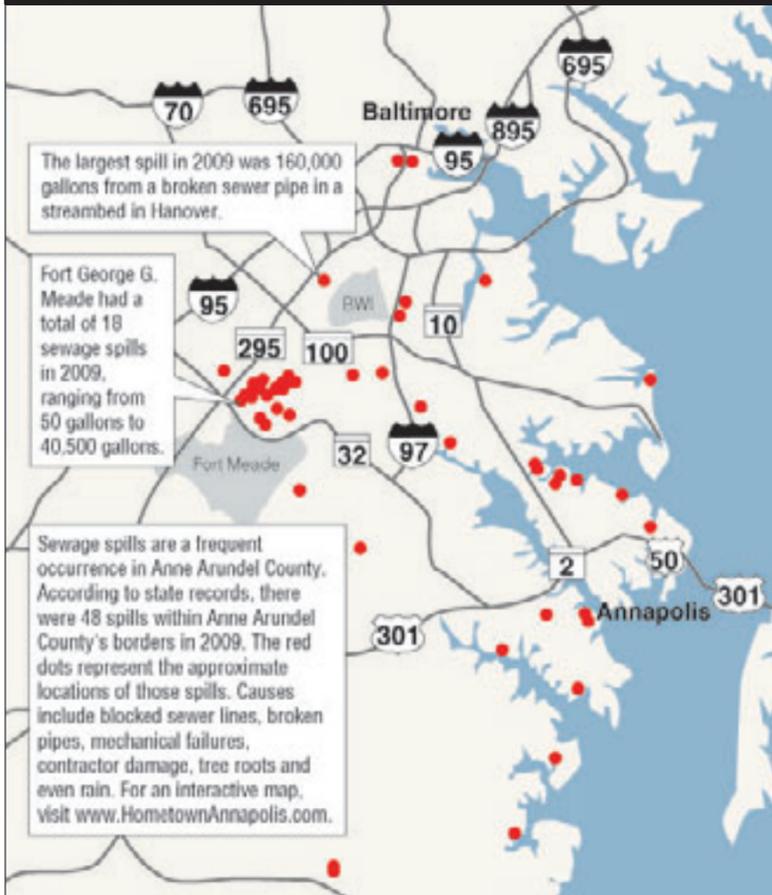
And even as the state pledged a crackdown on sewage spills, the county paid just \$3,950 in fines

(See SPILLS, Page A8)

#### ONLINE EXTRAS

- Visit [HometownAnnapolis.com](http://HometownAnnapolis.com) to view:
- Interactive maps of local sewage spills from 2009 and 2010.
- Anne Arundel County's sewage consent decree.
- Maryland Department of the Environment's warning letter to sewage system operators.

#### 2009 SEWAGE SPILLS



Capital graphic

## City overtime spending dropping

But transportation department continues to go over budget

By JOSHUA STEWART  
Staff Writer

Annapolis government exceeded its overtime budget by 25 percent for fiscal 2010, a review of payroll records and overtime expenses by *The Capital* shows. However, the rate of spending varied widely during those 12 months, with the city drastically overspending its budget during the first half of the fiscal year, but slowing down midway through.

In the first half of the fiscal year — July 1, 2009, through Dec. 31, 2009 — the city spent \$1,709,375 of the \$2,258,100 in overtime the City Council approved for the year; that's 76 percent of the overtime budget. But from Jan. 1 through June 30 the pace slowed down; the city didn't meet its budget goals, but spent \$1,101,996, slightly less than half of the total amount of approved overtime.

In all, the blown budget means that between July 1, 2009, and June 30, Annapolis spent \$553,271 more than what the council approved. It's an extra expense for a city operating under the smallest budget since fiscal 2007 and currently struggling with a cash flow problem that may make it impossible to pay bills until the fall unless there are significant cost cuts or the city borrows money.

Since taking office Dec. 7, Mayor Josh Cohen and key members of his administration have focused on controlling overtime spending as one way to improve city finances. In the past seven months they've created reductions in every city department. In July they were 48 percent under their overtime budget;

*"In this environment where it's the first month of a drastically different budget, it's an early indicator that yes, not only is the budget cut back, but it's realistic."*

— Mayor Josh Cohen

• Breakdown of overtime spending. **Page A11**

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#### WEATHER

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SOME SUN: Chance of rain tomorrow. **C2**

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COMING NEXT SUNDAY: Your guide to living and working in Anne Arundel County.

#### LIFESTYLE

Annapolis martial arts school students take home national honors. **D1**

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Classified ..... 410-268-7800  
Circulation ..... 410-268-4000  
From Kent Island .. 800-327-1583



# Sewage a human health concern, not a bay one

## Spills responsible for tiny fraction of all nutrients flowing into Chesapeake

By PAMELA WOOD  
Staff Writer

Sewage isn't just gross, it's harmful to our health.

Untreated sewage is full of bacteria that can make people sick. When people swim in water that contains the waste of warm-blooded animals — such as human sewage — it can cause a variety of problems.

The county Health Department

warns that swimming in contaminated water can cause ear, eye and skin infections. Swimmers who swallow contaminated water can suffer from diarrhea and other gastrointestinal problems.

That's why health workers blanket the area with bright yellow warning signs when there are sewage spills.

Health officials test for the enterococci bacteria regularly during swimming season at more than 100 sites in the county, and they also test waterways following sewage spills year-round.

While sewage spills are a major

public health concern, they do not, in fact, contribute very much to the Chesapeake Bay's nutrient-fueled "dead zones."

The nutrients nitrogen and phosphorus flow from a variety of sources into the Chesapeake Bay, where they spur the growth of algae blooms. When the algae die, they suck life-sustaining oxygen from the water, stressing or killing crabs, fish, oysters and clams.

Untreated sewage is full of nutrients, particularly nitrogen, but there isn't enough raw sewage spilled to add up to a significant amount of nitrogen pollution, of-

ficials say.

County public works officials estimate there are about 40 milligrams of nitrogen in a liter of untreated sewage, compared to a few milligrams in sewage treated at a wastewater plant.

Over the past five years, they calculate that sewage spills were responsible for 1,300 pounds of nitrogen going into the bay.

By comparison, the county's seven sewage treatment plants, all the private septic tanks and polluted stormwater runoff combined contributed nearly 2.4 million pounds of nitrogen during the same period,

according to the county's math.

Rich Batiuk, the associate director for science at the federal-state Chesapeake Bay Program, said sewage spills are a definite problem for the bay, but are not a high priority for reducing nutrients. "There is a nutrient flow in there, but it's for a short period of time," Batiuk said.

Jay Sakai, the top water quality official at the Maryland Department of the Environment, estimated that sewage spills are responsible for a fraction of 1 percent of all nutrients flowing into the Chesapeake.

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## SPILLS

(Continued from Page A1)

last year, according to a review of state documents provided to *The Capital* in response to a Maryland Public Information Act request.

For most sewage spills, the county pays a fine of \$100 — about the same as a speeding ticket. In some cases, the fine is as little as \$50.

Low fines are also levied on the city of Annapolis and other sewage system operators. And the federal government pays nothing at all for its sewage spills.

"I am really outraged that the fines are so small," said Paul Spadaro, president of the Magothy River Association, who has been frustrated by repeated sewage spills in Severna Park and Arnold. "I think the fines are insulting to every resident in the county, particularly the ones who are trying to become good stewards to the environment."

State officials who enforce water pollution laws, however, defend the small fines. They argue that they'd rather nudge sewer system operators into improving their sewer lines and pumping stations than slap them with big financial penalties.

"This is not a problem that's going to go away because we fine people," said Jay Sakai, the top water quality official at the Maryland Department of the Environment.

Dumping raw, untreated sewage into streams, creeks and rivers is illegal, and for years state law set the maximum penalty for sewage spills at \$1,000 per day.

As of Oct. 1, the penalty was boosted to \$5,000 per day under a bill that was sponsored by two Anne Arundel lawmakers, Sen. Bryan Simonaire, R-Pasadena, and Del. Barbara Frush, D-Beltsville.

Simonaire, like many north county lawmakers, has been hearing plenty lately from constituents who are frustrated about the poor water quality in their creeks.

Marley Creek, Furnace Creek and part of Rock Creek have been closed to direct human contact for decades because of persistently high bacteria levels, and many residents are concerned that the sewage system is part of the problem.

Simonaire said he was inspired to research the issue of fines after hearing from residents of Glen Burnie's Point Pleasant neighborhood, including Tony Franks, who was the community president at the time.

"My impression was that it was a slap on the wrist or the cost of doing business," Simonaire said of the fines.

He said the goal of his bill was not to bankrupt sewage system operators — which are mostly local governments — "but to make them aware that this is not acceptable."

The bill sailed through the legislature during the 2009 General Assembly session, a rare feat in Annapolis.

Simonaire put specific language in his bill to make sure that sewage spill fines didn't go into the state's general fund. He wants to see the money spent on improving water quality.

The sewage spill fines go into a pot of money called the Clean Water Fund along with other water-related fines. But that money is not used directly for water quality — it pays for overhead at the Maryland Department of the Environment's Water Management Administration.

Simonaire, upon hearing that, said he'll consider revisiting the issue to see that the money goes more directly to fixing dirty waterways.

Spadaro, the Magothy River activist, said he thinks the sewage fines also should go into on-the-ground projects, such as planting trees or raising oysters.

"Whatever actually gets paid should go back to the watershed that has the harm and the damage," he said.



Beth Hanrahan of Annapolis fields calls and monitors sewage pumping stations at the county's Central Water Operations facility in Millersville on Friday afternoon. The county Department of Public Works recently upgraded its remote-monitoring system for the county's 249 pumping stations. Public works officials say they're constantly looking for ways to reduce sewage spills.

By Shannon Lee Zirkle — The Capital

### Small fines levied

Though the fines have increased, they don't apply to Anne Arundel County and several other owners of major sewer systems.

Anne Arundel County, Baltimore County, Baltimore City, Howard County and the Washington Suburban Sanitary Commission (which handles sewage in Montgomery and Prince George's counties) all have consent decrees with the state that spell out improvements they must make and the fines that they pay.

Anne Arundel's consent decree was signed in 2004 under the administration of then-county executive Janet S. Owens.

Paul Leshar, a utility administrator for the county, said that, at the time, the Maryland Department of the Environment was taking other counties and cities to court over sewage spills. The result often was huge fines and long lists of required, expensive sewage upgrades.

"We felt our system was not that bad," Leshar said, so the county voluntarily met with MDE to hammer out an agreement.

The consent decree included a one-time \$18,000 fine and a requirement for \$80,000 worth of upgrades, which is not a lot of money in the world of sewage system repairs.

The consent decree also required the county to send annual reports to the state and laid out a special structure for fines.

Anne Arundel's fines are \$50 for 100 gallons or fewer of sewage; \$100 for 101 to 2,500 gallons; \$300 for 2,501 to 10,000 gallons; \$750 for 10,001 to 100,000 gallons; and \$1,000 for spills of more than 100,000 gallons.

The causes of spills are varied. Most often something blocks the line; debris, grease and tree roots are common. Other times, aging pipes — some are 100 years old — corrode and collapse. And sometimes, contractors accidentally damage pipes.

In the past, faulty pumping stations often caused spills, but that has declined to just a few spills per year.

### SPILLS AT A GLANCE

In 2009, there were 48 sewage spills reported within the boundaries of Anne Arundel County. Here's a breakdown of what happened:

- Anne Arundel County Department of Public Works: 24 spills; 192,820 gallons; \$3,950 in fines.
- Department of the Army (Fort George G. Meade): 18 spills; 60,141 gallons; no fines.
- Department of the Navy: 2 spills; 35 gallons; no fines.
- City of Annapolis: 1 spill; 500 gallons; \$300 fine.
- Patuxent Mobile Estates: 2 spills; 65 gallons; enforcement actions are pending.
- Maryland Environmental Service: 1 spill; 100 gallons; no fine.

Source: Maryland Department of the Environment

Sakai, the MDE water official, said the most important feature of the consent decrees is the section outlining the responsibilities of sewer system operators to upgrade and properly maintain their systems.

"At the end of the day, it's the fixes, not the penalties" that MDE is after, Sakai said.

He acknowledged that "\$100 for an overflow doesn't really incentivize anything." He said that the threat of taking a county to court for not making a consent decree's required upgrades is much more powerful.

The city of Annapolis does not have a consent decree. In 2009, the city had just one sewage spill — 500 gallons that spilled into Spa Creek.

The city was able to negotiate its fine down from MDE's proposed fine of \$800 to just \$300.

Tom Redmond, a Republican County Council candidate from Pasadena, is not keen on the idea of governments getting off lightly for sewage spills while homeowners can face thousands of dollars in fines for unwittingly violating the Critical Areas laws that restrict development along the water.

He has made a name for himself in the past few years railing against what he perceives is an unbalanced system.

When asked whether he thought the sewage fines were fair, Red-

mond answered: "It's more than unfair, it's almost criminal when our government is the one that has polluted the bay for the last 50 years and is trying to blame the average homeowner."

Fred Tutman, who is the Patuxent Riverkeeper, has been keeping an eye on pollution along that river, including sewage spills from Fort George G. Meade and Patuxent Mobile Estates. He said the paltry or nonexistent fines don't do the river any good.

"There's no heat on these guys to do anything but what they're doing," he said. "It's a very lax kind of environment."

### No military fines

And while the city and county governments are paying relatively little in sewage spill fines, the military — including the Naval Academy and Fort George G. Meade — is not fined for its spills at all.

In 2009, Fort George G. Meade, the sprawling west county military campus, had 18 sewage spills totaling 60,000 gallons. No fines were levied against the Army post.

And so far in 2010, Fort Meade has had 10 spills adding up to almost 10,000 gallons of sewage.

Fort Meade just turned over its sewage system to a private company, American Water Operations and Maintenance of Voorhees, N.J., on Aug. 1.

### STATE RANKINGS

Statewide, Anne Arundel was 12th of the 23 counties and Baltimore City for the amount of sewage spilled in 2009.

- Allegany: 51 million gallons.
- Baltimore County: 29.2 million gallons.
- Charles: 22.9 million gallons.
- Baltimore City: 2.1 million gallons.
- Frederick: 1.3 million gallons.
- Calvert: 907,164 gallons.
- Prince George's: 729,840 gallons.
- Kent: 423,160 gallons.
- Carroll: 300,200 gallons.
- Cecil: 280,700 gallons.
- Washington: 261,300 gallons.
- **Anne Arundel: 254,161 gallons.**
- Howard: 217,681 gallons.
- St. Mary's: 201,190 gallons.
- Worcester: 41,185 gallons.
- Montgomery: 39,906 gallons.
- Caroline: 22,500 gallons.
- Somerset: 15,600 gallons.
- Harford: 13,690 gallons.
- Queen Anne's: 8,275 gallons.
- Talbot: 5,017 gallons.
- Garrett: 2,500 gallons.
- Dorchester: 2,400 gallons.
- Wicomico: 890 gallons.

Note: Statewide numbers only include "sanitary sewers" that handle sewage only. They do not include "combined sewer" overflows, which is when systems that handle both sewage and stormwater overflow, usually during rainstorms. There were 797 combined sewer overflows in Maryland last year. Anne Arundel County does not have any combined systems.

Source: Maryland Department of the Environment

The contract is worth \$650 million over 50 years, according to American Water, the parent company of American Water Operations and Maintenance.

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# SPILLS

(Continued from Page A8)

The contract includes a five-year plan for modernizing the system, which is antiquated in some respects, said Mick Butler, the chief of Meade's environmental division. For example, the sewage plant requires more workers on-site than other, more modern plants.

Butler said the main causes for spills at Fort Meade are blocked lines, sometimes because of tree roots, other times due to resident-caused clogs.

"The primary causes are household grease and other household items that really shouldn't be flushed down the drain," Butler said.

On reports filed with the state, Fort Meade officials have offered details of blockages, such as "baby wipes and rags," "household products" and "grease."

Butler said Army officials repeatedly remind on-post residents not to flush grease, wipes and other items down their drains. But with constant turnover on a military site, that's a challenge.

The post also regularly flushes out sewer pipes, utilizes cameras to inspect the pipes, and uses "sewer salts" to dissolve grease and roots that block the pipes.

And even though the state doesn't fine the Army, Sakai from MDE said his agency is concerned. He said there have been talks among the Army, the state and the federal Environmental Protection Agency about Meade's sewage spills.

Sakai said it's possible that a Sakai decree for the Army could soon be developed.

"We want to see they have a plan to address their problems," he said.

The Navy doesn't pay any sewage spill fines, either, although the Navy has far fewer sewage spills in the county than the Army.

The Navy reported two spills at the Naval Academy in 2009 — one was 15 gallons and the other was 20 gallons.

So far in 2010, the Navy has reported two sewage spills — 300 gallons at Naval Support Activity Annapolis and 100 gallons from the North Severn Wastewater Treatment Plant.

## Ongoing work

Anne Arundel County officials say they are aggressive about trying to prevent sewage spills.

Last week, four top public works officials spent more than two hours meeting with *The Capital* to explain their efforts.

The scope of the county's sewer system is massive: seven sewage plants, 249 pumping stations and nearly 1,500 miles of pipes.

"We're trying to keep our finger on the pulse of these assets," said Michael P. Bonk, deputy public works director for utility operations.

Public works crews use several techniques for inspecting and repairing the sewer system.

Like Fort Meade, the county flushes lines, uses TV cameras to see how clear the pipes are and uses chemicals to dissolve tree roots. The county owns five "vacator trucks" equipped with long hoses that are snaked down sewer lines to flush them clear.

They also blow smoke down pipes and manholes to see where there are breaks in the pipes or illegal connections of downspouts or sump pumps.

Pumping stations — which sit at low points and literally

pump sewage to a higher-elevated pipe — are inspected annually, and more backup power sources are being added.

A round-the-clock computer system that monitors pumping stations was just upgraded, too.

To fix problem areas,

crews have replaced 1,714 feet of pipe and relined 91,839 feet of pipe over the past five years.

The Department of Public Works gets \$5.6 annually for its sewer operating budget — which includes some repairs and preventive maintenance — and \$5.4 million annually

for its sewer capital budget, which pays for large replacement and repair projects.

While Bonk said the department could always use more money, he thinks the funding levels are appropriate.

But sometimes they can't get the work done quickly

enough.

Two weeks ago, a quarter-size hole opened up in an old iron pipe in Manhattan Beach on Dividing Creek in Severna Park, spilling nearly 15,000 gallons of sewage. That pipe was on the list for replacement, Bonk said.

Despite problems like that

one, county officials said they've made great strides in improving the sewage system and they're working to make it better.

"We believe we have a highly reliable system," Bonk said. "Is it 100 percent? No."

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The CAPITAL (USPS-180-720) a Capital-Gazette newspaper, is published daily including Sunday by CAPITAL-GAZETTE COMMUNICATIONS, INC., 2000 CAPITAL DRIVE, ANNAPOLIS, MD 21401. Branch Office: 306 Crain Highway, S.W. Glen Burnie, Md.  
Editorial — Advertising Telephone 410-268-5000  
Direct Line Circulation 410-268-4800  
Classified Advertising: Call 410-268-7000 from Annapolis; Glen Burnie and Greater Baltimore Area: Call 410-766-3700.  
Second Class postage paid at Annapolis, Md.  
Circulation Certified by the Audit Bureau of Circulation. SUBSCRIPTION RATES: Delivered in Annapolis and vicinity by carrier or motor carrier for \$3.75 plus 6 percent Maryland sales tax per week. \$13.99 per month plus tax for EZ Pay. By mail in the United States and possessions and Canada, \$273.00 per year or \$136.50 for 6 months.  
Price at newsstands, 75 cents a copy daily, \$1.50 a copy on Sunday, POSTMASTER: Send address changes to THE CAPITAL, P.O. BOX 911, Annapolis, MD 21401.