

CHRONOLOGY - CALVERT GATEWAY

- May 20, 2003 Maryland Department of the Environment (MDE) issues Ground Water Discharge Permit 20-DP-3418A to Penwick Village LLC allowing for the discharge of 24,750 gallons per day to groundwater via a drip-irrigation system. Wastewater is treated first with a continuous Sequencing Batch Reactor, which is the technology proposed for the Marley Run upgrade and the Shoppes @ Apple Green.
- Permit Condition I.A.2, on page 2, states: Discharge via a large subsurface drip irrigation system to ground water is considered to be an *experimental* technology which will require monitoring to determine its adequacy.
- Permit Condition I.C.3, on page 4, states: Operation of the subsurface drip irrigation system shall not cause surface runoff, and/or ponding.
- Permit Condition I.C.5, on page 5, states: Weekly logs of the response of each disposal area to the application of treated effluent shall be kept by the plant operator. Subjects to be included in the log are: c. Effect of irrigation on vegetation. and d. Instances of ponding.
- Permittee Permit Condition II.A.3.a, on page 8, states: If, for any reason, the does not comply with or will be unable to comply with the special and general conditions of this permit, the Permittee shall, within 24 hours, notify the Department by telephone at...
- The following events show that the experimental technology has resulted in numerous instances of ponding and runoff, that the permittee continued discharging wastewater to the fields where ponding-runoff was occurring, they failed to keep the weekly logs showing ponding-runoff was not taking place, and the Department did not receive the required noncompliance notification.
- January 2006 Start-up of wastewater treatment facility.
- MDE review of Discharge Monitoring Report (DMR) show effluent limit for Nitrogen exceeded but not considered Significant Non-Compliance.
- February 2006 MDE review of DMR show effluent limit for Nitrogen exceeded and considered Significant Non-Compliance.
- February 22, 2006 First MDE inspection report notes some start-up problems.

March 2006	MDE review of DMR show effluent limit for Biochemical Oxygen Demand and Nitrogen exceeded but not considered Significant Non-Compliance.
April 2006	MDE review of DMR show effluent limit for Nitrogen exceeded and considered Significant Non-Compliance.
June 2006	MDE review of DMR show effluent limit for Biochemical Oxygen Demand exceeded but not considered Significant Non-Compliance.
August 2006	MDE review of DMR show effluent limit for Biochemical Oxygen Demand exceeded but not considered Significant Non-Compliance.
September 15, 2006	MDE letter notifying applicant that an explanation must be provided for repeated effluent limit violations.
June 2007	MDE review of DMR show effluent limit for Nitrogen exceeded but not considered Significant Non-Compliance.
June 22, 2008	Richard Klein, of Community & Environmental Defense Services (CEDS), notifies MDE that wastewater has saturated the surface of the Calvert Gateway drip-irrigation field and is flowing onto adjoining properties then into two streams.
July 29, 2008	MDE investigates CEDS June 22 nd complaint and confirms that wastewater had ponded at surface, thus violating the discharge permit. Because of the violation plus the fact that the discharge permit had expired on July 1, 2008, the MDE inspector referred this matter to the MDE Division Chief (Kevin Weis 410-537-3564) for further investigation and possible penalty action.
June 21, 2009	CEDS again notifies MDE that wastewater had saturated the surface of the Calvert Gateway drip-irrigation field and is flowing onto adjoining properties then into two streams.
July 10, 2009	MDE investigates CEDS June 21 st complaint and confirms that wastewater had ponded at surface, thus violating the discharge permit.
July 21, 2009	MDE notifies Penwick Village LLC that it has issued an Administrative Complaint, Order, and \$50,000 Penalty for the following violations noted above plus a number of others. The Order also noted that the permittee continued releasing wastewater to failing drip-irrigation fields in even

though MDE had informed the permittee that this would be an additional violation of the discharge permit.

February 2010

The USEPA Enforcement and Compliance History Online (ECHO) database (<http://www.epa-echo.gov/echo/>) shows that the Calvert Gateway plant violated discharge permit effluent limits for Total Suspended Solids from December 2009 through February 2010.

Prepared by Richard D. Klein
Community & Environmental Defense Services
811 Crystal Palace Court, Owings Mills, Maryland 21117
410-654-3021 Rklein@ceds.org Website: ceds.org
July 4, 2010