

**Apple Greene Civic Association  
Assateague Coastal Trust • Audubon Naturalist Society  
Cecil Land Use Alliance • Chesapeake Bay Foundation  
Chesapeake Wildlife Heritage • Clean Water Action  
Maryland Chapter Sierra Club • Maryland League of Conservation Voters  
Mattawoman Watershed Society, Inc. • Patuxent Riverkeeper  
Potomac River Association • Potomac Riverkeeper  
Prettyboy Watershed Alliance • Talbot Preservation Alliance  
Talbot River Protection AssociationA**

August 2, 2010

Honorable Shari T. Wilson, Secretary  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Dear Secretary Wilson:

The undersigned organizations strongly support the Department's effort to expand inspection and enforcement capabilities. However, we are quite concerned about permitting additional facilities that require a frequency of inspection exceeding the Department's current capabilities, particularly when these facilities exhibit a high rate of failure in the absence of regular inspections. In this letter we ask that the Department place a hold on allowing additional failure-prone facilities to become operational until a consistent track record of success has been established.

In particular, we are concerned about permitting additional wastewater treatment facilities utilizing drip-irrigation technology, where treated wastewater is released into the soil via perforated pipes buried a foot or two below the land surface. In theory, grass planted on the overlying surface will uptake nitrogen. The grass is then harvested and used in a manner which minimizes the release of nitrogen back into the aquatic environment. While drip-irrigation offers the promise of a highly-effective aquatic resource protection approach, the reality has been considerable water pollution.

Three drip-irrigation wastewater facilities are presently operating in Maryland with another ten proposed. The two facilities which have operated the longest are Marley Run and Calvert Gateway, both located in Calvert County.

Calvert Gateway began operation in 2006 and Marley Run started up in 2001. Discharge permit violations began shortly after the Marley Run facility came online nearly ten years ago and continue to the present day. These violations resulted in the Department issuing a Complaint & Consent Order in 2005. It then took until 2010 for funds to be committed to upgrade the plant in hopes of bringing the violations to an end.

In 2008, Department personnel confirmed citizen complaints that partially treated sewage had surfaced at both the Calvert Gateway and Marley Run drip-irrigation fields. The surfacing sewage flowed onto adjoining properties, then into nearby waterways. The State NPDES Discharge Permit for both facilities require the operator to ensure that sewage never rises to the land surface.

At Marley Run the Department determined that sewage had been flowing from the drip-irrigation field for at least a year prior to the July 2008 inspection. In fact, at Marley Run a wetland had formed at the foot of a drip-irrigation field as a result of the continuous, long term failure.

In July 2009, the Department responded to another citizen complaint and confirmed that sewage had again saturated the surface of the Calvert Gateway drip-irrigation field. Again, this repeated failure resulted in sewage flowing into nearby waterways. The Department issued an Administrative Complaint, Order & Penalty of \$50,000 against the owner of the Gateway facility due to repeated violations from July 2008 to January, 2009 then again in July, 2009. On June 8, 2010, the Department confirmed that yet again the Marley Run drip-fields had become saturated with wastewater.

These repeated drip-irrigation failures have been attributed to: ground hogs, broken pipes, bad transformer solenoids, transformer malfunction, solenoid malfunction, drip-irrigation pipes placed in unsuitable soils, lack of inspections by the operator, and failure to submit noncompliance reports.

For the last three years that citizens have been doing annual checks of the two oldest drip-irrigation facilities in Maryland, failures were noted at one or both of the systems. These failures then resulted in partially treated wastewater flowing into nearby waterways. The State NPDES Discharge Permits contain the following condition:

*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.*

In September 2008, the chief of the Department's Groundwater Discharge Permits Division, Dr. Ching-Tzone Tien, was asked:

*What process the Department would use to determine when drip-irrigation is no longer an experimental technology?*

Dr. Tien responded:

*“We would like to see 4 or 5 systems in operation with consistent results prior to the removal of experimental technology.”*

It is our understanding that thirteen facilities presently permitted by the Department to use drip-irrigation for wastewater disposal. Again, the two systems with the longest operational history, Calvert Gateway and Marley Run, have shown anything but consistent results. Instead, drip-irrigation failures seem to be the only consistent aspect of this experimental technology. The only other active system is at Eagles Nest Campground in Worcester County, but has not been in operation long enough to determine the consistency of performance. The other ten drip-irrigation systems are either not in operation or serve as a backup to a primary disposal system.


While drip-irrigation is a very promising experimental technology it also requires a degree of oversight which the Department simply has not been able to provide in the past or is likely to provide in the immediate future. Without frequent inspections and enforcement actions this experimental, failure-prone technology has been more likely to contaminate waters than to protect them.

We, the undersigned, ask that the Department postpone the start-up of any additional wastewater drip-irrigation facilities until the problems at the existing experimental facilities have been fully resolved, then three- to five-years of consistent, problem-free performance has been achieved. Of course, by consistent performance we mean no surfacing of sewage or other discharge permit violations.


Respectfully,



Marshall Coffman  
Apple Greene Civic Association  
9902 Jonathan Drive  
Dunkirk, Maryland 20754  
(410) 257-2621  
mrcoffman1@comcast.net

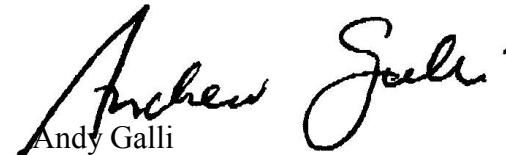


Kathy Phillips  
Assateague Coastal Trust  
9931 Old Ocean City Blvd  
Berlin, Maryland 21811  
(443) 235-2014  
coastkeeper@actforbays.org

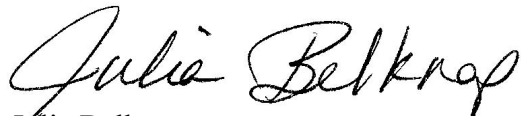


Diane Cameron

Audubon Naturalist Society  
8940 Jones Mill Road  
Chevy Chase, Maryland 20815  
301-652-9188x34  
neal@audubonnaturalist.org



Andy Galli  
Clean Water Action  
711 West 40th Street, Suite 209  
Baltimore, Maryland 21211  
(410) 235-8808  
agalli@cleanwater.org




Julia Belknap  
Cecil Land Use Alliance  
215 Doctor Jack Road  
Port Deposit, Maryland 21904  
(410) 378-3473  
belknap.j@gmail.com



Ron Henry  
Maryland Chapter Sierra Club  
40 East Jarrettsville Rd  
Forest Hill, Maryland 21050  
443-474-7449  
ronlhenry@msn.com



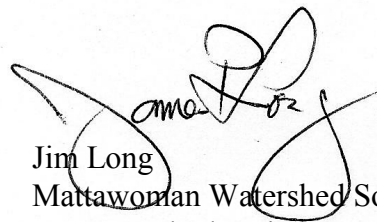
Kim Coble  
Chesapeake Bay Foundation  
6 Herndon Avenue  
Annapolis, Maryland 21403  
410-268-8816  
kcoble@cbf.org



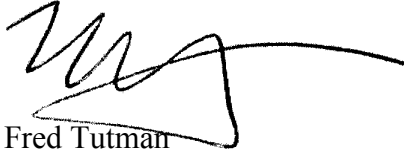
Cindy Schwartz  
Maryland League of Conservation Voters  
Nine State Circle, Suite 202  
Annapolis, Maryland 21401  
(410) 280-9855  
CSchwartz@mdlcv.org



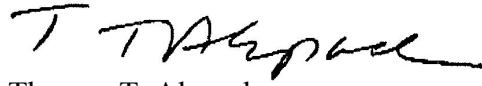
Ned Gerber  
Chesapeake Wildlife Heritage  
Post Office Box 1745  
Easton, Maryland 21601  
(410) 822-5100  
info@cheswildlife.org



Jim Long  
Mattawoman Watershed Society, Inc.  
1135 Overlook Drive  
Accokeek, Maryland 20607  
301-283-0447  
jp.long@earthlink.net



Fred Tutman  
Patuxent Riverkeeper  
18600 Queen Anne Road, Rear Barn  
Upper Marlboro, Maryland 20774  
(301) 249-8200 x7  
info@paxriverkeeper.org



Thomas T. Alspach  
Talbot Preservation Alliance  
295 Bay Street, Suite One  
Easton, Maryland 21601  
info@talbotpreservation.org  
(410) 822-9100



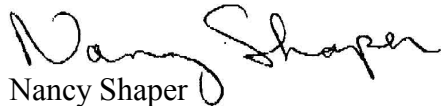
Bob Elwood  
Potomac River Association  
22455 Bushwood Rd  
Bushwood, Maryland 20618  
(301) 769-3840  
belwoods@verizon.net

*Christine Sweeney*

Christine Sweeney  
Talbot River Protection Association  
Post Office Box 2234  
Easton, Maryland 21037  
410-253-9095  
info@talbotrivers.org



Ed Merrifield  
Potomac Riverkeeper  
1100 15th Street, NW  
Washington, D.C. 20005  
202.567-7377  
ed@potomacriverkeeper.org



Nancy Shaper  
Prettyboy Watershed Alliance  
Post Office Box 512  
Monkton, Maryland 21111  
(410) 239-0640  
prettyboywatershed@gmail.com