



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Shari T. Wilson
Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

August 29, 2008

The Honorable Wilson H. Parran
President, Calvert County Board of County Commissioners
Courthouse, 175 Main Street
Prince Frederick, MD 20678

Dear Commissioner Parran:

Thank you for your letter regarding the Shoppes at Apple Greene Wastewater System in Dunkirk of Calvert County. The Department appreciates your interest in this matter.

In your letter, the Commissioners requested that Maryland Department of the Environment (MDE) staff investigate issues raised by Mr. Richard Klein of the Community and Environmental Defense Services. Listed below are Mr. Klein's issues relating to MDE's groundwater discharge permit for the Shoppes at Apple Greene Wastewater System and MDE's responses:

1. The holding pond, the treatment plant, and the drip irrigation fields are of greatest concern to Apple Greene residents. Portions of these three system components will be just 30 feet from the edge of yards where children play and 75 feet from the homes in which they live.

The Department reissued the State groundwater discharge permit on January 16, 2008 to authorize the discharge of treated wastewater from the Shoppes at Apple Greene to groundwater via a subsurface drip irrigation system. The discharge effluent quality limitations of BOD₅ < 30 mg/l, suspended solids <30 mg/l and total nitrogen <8 mg/l are stringent and much better quality compared with septic effluent from residential homes. Permit condition I.C. 4. stipulates that a minimum of 50 ft. buffer zone shall be provided from the wetted perimeter of the drip irrigation system to property lines, waterways and roads. Mr. Klein's observation of 30 ft. buffer from the drip field C to the property line is a violation of permit condition I.C.4., the permittee's



consultant, R.A. Barrett & Associates has been informed by MDE staff to make necessary corrections to meet the 50 ft. buffer requirements included in the groundwater discharge permit. The Department Guidelines for Land Treatment of Municipal Wastewaters referenced by COMAR 26.08.02.09.D requires a minimum buffer zone of 50 ft. from the drip irrigation site to property lines, housing structures and public roads, and 100 ft. to potable wells and streams.

2. A number of other Apple Green homes are near the proposed treatment plant and holding pond. The sewage holding pond will be but 60 ft. from the nearest yard and 155 ft. from the nearest home.

R.A. Barrett & Associates provided MDE staff the most recent map showing pond location. The attached map indicates that a wooded buffer distance of 100 ft. is provided between the top of the pond to the nearest property line of Apple Green Subdivision. The Department's groundwater discharge permit requires that a storage pond with holding capacity of no less than 60 days be installed for storing treated wastewater during periods when drip irrigation cannot take place. The pond is to be used during inclement weather periods such as rainy days or sub-freezing temperature. Most of the time, the pond should be bypassed with little accumulation of treated wastewater.

3. The ponding problem and permit violations at Gateway drip irrigation field, cause considerable concerns on the part of the Apple Greene residents who live near the drip irrigation fields.

Permit condition I.C.3. of the Gateway groundwater discharge permit requires that operation of the subsurface drip irrigation system shall not cause surface runoff and/or ponding.

4. The Marley Run Complaint and Consent Order shows that this treatment facility has had serious problems since it first operated in 2001 and that these problems persisted to at least 2007. The system discharged poorly treated sewage last month; this raises serious concerns regarding water quality and public health.

The company and issue of which you have inquired are under active investigation and/or enforcement action. The Department cannot comment on or discuss an ongoing or pending enforcement matter except to the extent that information may be already a matter of public record. This matter has been referred to the Office of the Attorney General.

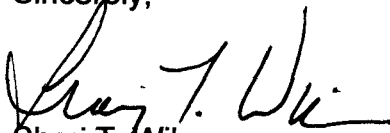


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Once an enforcement action is filed or resolved, the documents become public record. The Department issues press releases about finalized enforcement actions for significant violations and posts information about enforcement actions on the MDE Enforcement and Compliance webpage at <http://www.mde.state.md.us/AboutMDE/enfcomp.asp>. Information from agency documents can be obtained by submitting a Public Information Act (PIA) request. To learn more about submitting a PIA request, contact MDE's PIA Coordinator, Joane Muller, at 410- 537-4120, or review the information at <http://www.mde.state.md.us/CitizensInfoCenter/PublicInfoAct/Introduction%20to%20PIA/index.asp>.

Thank you again for your letter. If you would like further information, please contact me or Mr. Jay G. Sakai, Director of Water Management Administration at 410-537-3567, or by e-mail at jsakai@mde.state.md.us.

Sincerely,



Shari T. Wilson
Secretary

Enclosure

cc: Richard D. Klein, President, Community & Environmental Defense Services
Jay Sakai, Director of Water Management Administration
Joane Muller, Public Information Act Coordinator

STW/jp

