

COMMUNITY & ENVIRONMENTAL DEFENSE SERVICES

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June 29, 2010

Rick Bailey
Marrick Properties, Inc.
995 North Prince Frederick Boulevard, Suite 201
Prince Frederick, Maryland 20678

Dear Mr. Bailey:

On June 8th the Maryland Department of the Environment documented that the drip-irrigation fields at Marley Run are failing yet again (*see enclosed inspection report*). The systems at Marley Run and Calvert Gateway are the two longest operating drip-irrigation facilities in Maryland. At both facilities partially treated sewage has repeatedly come to the surface then flowed onto adjoining properties or nearby waterways. The latest failure at Marley Run has prompted the 161 families residing in Apple Greene to become extremely uncomfortable with the public health implications of having these same failure-prone sewage facilities within 200 feet of their homes.

On behalf of the Apple Greene Civic Association, I ask that Marrick Properties and Howlin Investment Commercial Properties:

1. Investigate other, more reliable wastewater treatment technology for the Shoppes @ Apple Green; or
2. Provide a minimum 500 foot separation between drip-irrigation fields and the nearest home.

There is ample scientific evidence showing that a 500- to 750-foot buffer should protect the health and property value of Apple Greene residents when the Shoppes @ Apple Green wastewater system inevitably fails. In fact, more than 700 feet separates the nearest homes from the Marley Run and Gateway systems. We surveyed those living at a distance of 700 feet or more from both facilities and found none of the homeowners had experienced a nuisance despite repeated failures at the two facilities. The 500-foot separation must also apply to any other portion of the treatment system where wastewater is exposed to the atmosphere, such as the proposed above ground sewage holding pond.

The Association has never been opposed to the Shoppes @ Apple Green per se. Instead, the consensus in the community has always been to search for ways to resolve specific issues like stormwater management and wastewater treatment rather than oppose the project. Over the past six months considerable progress has been made in our joint efforts to find solutions that protect the community while allowing Marrick-Howlin to achieve their goals. There is still substantial support within the community for seeking an equitable solution. However, the latest failure at Marley Run makes even the modified drip-irrigation system and sewage holding pond unacceptable.

Again, it is our hope that Marrick-Howlin will succeed in finding a more reliable means of managing wastewater generated by the Shoppes @ Apple Greene. If a thorough investigation of alternatives shows that drip-irrigation remains your preferred option, then we would ask for a minimum 500-foot separation between the nearest home and the drip-irrigation fields as well as an above-ground sewage holding pond.

The 500-foot Community Health Protection Zone will reduce the area on the site presently proposed to serve as drip-irrigation fields. In the enclosed September 26, 2008 letter, we suggested a number of options for achieving a reasonable separation between homes and the drip-fields as well as the sewage holding pond. While some of these options were pursued, most were not. It is our hope that a more reliable system will be identified. But if drip-irrigation remains your preferred option then it is our hope one or more of the solutions suggested in our September 26th letter will protect Apple Greene families while allowing reasonable development of the Shoppes @ Apple Green site.

Sincerely,



Richard D. Klein

cc: Mr. Marshall Coffman, President - Apple Greene Civic Association
 Honorable Wilson H. Parran, President - Board of Calvert County Commissioners
 Honorable Gerald W. Clark, Vice President - Board of Calvert County Commissioners
 Honorable Linda L. Kelley, Board of Calvert County Commissioners
 Honorable Susan Shaw, Board of Calvert County Commissioners
 Honorable Barbara A. Stinnett, Board of Calvert County Commissioners
 Honorable Susan Kullen, Maryland House of Delegates
 Honorable James Proctor, Maryland House of Delegates
 Honorable Joseph Vallario, Maryland House of Delegates
 Honorable Mike Miller, Maryland Senate
 Mr. Gregory A. Bowen, Department of Planning & Zoning

Mr. Maurice T. Lusby, Chair - Calvert County Planning Commission
Mr. Paul McFaden, Calvert County Office of Environmental Health
Ms. Sheri Wilson, Maryland Department of the Environment
Dr. Ching-Tzone Tien, Maryland Department of the Environment
Ms. Christy Goodman, Washington Post
Mr. Jeff Newman, Calvert Recorder
Mr. Edward B. Howlin, Jr.