

# Chronology - Shoppes @ Apple Green

- July 28, 1987 Dunkirk Center Master Plan adopted.
- November 20, 1989 Maryland Department of the Environment (MDE) issues Water Quality Certification (89-WQ-0773) for fill the northern tributary to construct the shopping center and to repair the regional stormwater pond 1800 feet downstream of Apple Way.
- January 3, 1994 U.S. Army Corps of Engineers issue Letter of Authorization (1989-03332-13) under Nationwide Permit 26 to fill the northern tributary to construct the shopping center and to repair the regional stormwater pond 1800 feet downstream of Apple Way.
- January 4, 1993 MDE Water Quality Certification (89-WQ-0773) expires.
- April 29, 1996 Corps of Engineers reissues Letter of Authorization.
- July 25, 2002 Corps of Engineers reissues Letter of Authorization (02-NT-00 1 9120026 1598).
- August 1, 2002 MDE issues State Discharge Permit 02-DP-3400 authorization the discharge of 24,000 gallons per day of treated wastewater via a drip-irrigation system.
- October 3, 2002 Calvert County Board of Appeals holds a hearing on a Special Exception in Case 02-2852 allowing a wastewater drip-irrigation system to be operated on the Shoppes @ Apple Green site.
- November 6, 2002 Board of Appeals grants the Special Exception.
- November 6, 2004 Special Exception expired.
- November 25, 2006 Calvert County Planning Commission grants Condition Site Plan approval for the Shoppes @ Apple Green project. The approval letter contains 21 conditions that must be satisfied prior to Final Site Plan approval.
- July 25, 2007 Corps of Engineers Letter of Authorization (02-NT-00 1 9120026 1598) expires.

- January 8, 2008 Board of Appeals notice released which announces a hearing on a new Special Exception for the Shoppes drip-irrigation system since the 2002 approval had expired. Notice implies system will be built next to the CVS pharmacy at Ward Road and MD 4. Very few Apple Greene adjoining residents receive required written notice. Sign posted on Ward Road near CVS.
- January 16, 2008 MDE reissues State Discharge Permit (07-DP-3400).
- February 7, 2008 Board of Appeals holds hearing on the Special Exception request. No Apple Greene residents were in attendance due to flawed notice.
- February 25, 2008 Board of Appeals grants Special Exception.
- June 13, 2008 Apple Greene Civic Association retains Community & Environmental Defense Services (CEDS) to assist in resolving Shoppes related concerns.
- June 22, 2008 CEDS finds that Calvert Gateway and Marley Run drip-irrigation fields are saturated with partially treated wastewater flowing onto adjoining properties and into nearby waterways. CEDS notifies MDE of both water pollution law violations.
- July 21, 2008 CEDS letter to Calvert County Planning Commission administrator describes Apple Greene concerns and proposed solutions.
- July 29, 2008 MDE verifies water pollution law violations reported by CEDS on June 22<sup>nd</sup> at Calvert Gateway and Marley Run.
- August 8, 2008 Lisa Yankanich, Katie McVicker, and Richard Klein meet with Rick Bailey, of Marrick Properties, and his consultant Randy Barrett, at the home of Evan Slaughenhout to discuss Shoppes issues.
- September 15, 2008 Mr. Bailey and Mr. Barrett presented three proposed changes to the Shoppes at a meeting with Apple Greene residents: 1) The separation distance between the yards where Apple Greene children play and one drip-irrigation field (C) will go from 30-feet to 50-feet; 2) The separation distance between Apple Greene yards and the sewage holding pond will be increased from 80 feet to 100 feet; and 3) Earth berms will be constructed to direct the sewage surfacing from failing drip-irrigation fields away from our homes and the streams in which our children play.
- September 26, 2008 CEDS sends a letter to Marrick Properties expressing thanks for the three changes, but explaining why they are not sufficient to protect the health

and quality of life of Apple Greene residents. The letter then contains a number of recommendations for achieving reasonable protection that also permit the Shoppes to be constructed much as proposed. The two most critical recommendations were to move the drip-fields a minimum of 750 feet from the nearest home and either place the sewage holding pond underground or move it 750 feet away as well. A response to this letter is never received.

- October 14, 2008 Ms. Yankanich, Marshall Coffman and Richard Klein took County Commission Parran and Planning director Greg Bowen on a tour to explain why the community is concerned about the proposed drip-irrigation system and lack of onsite stormwater management.
- 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 14, 2009 Ms. Yankanich, Katie McVicker and Richard Klein met with County Environmental Planner David Brownlee to discuss concerns, but without reaching any resolution.
- Ms. Yankanich, Katie McVicker and Richard Klein met with State Senator Mike Miller, but without reaching any resolution.
- July 10, 2009 MDE investigates CEDS June 21<sup>st</sup> complaint and confirms that wastewater had ponded at surface, thus violating the discharge permit.
- August 21, 2009 Len Nale and Richard Klein met with MDE Groundwater Discharge Permits chief Dr. Tien and Mr. Bailey along with his consultants Mike Rodevich and Cliff Stein. The purpose was to discuss options for resolving community concerns regarding the drip-irrigation system.
- August 27, 2009 Richard Klein met with Senator Miller, Rick Bailey and MDE Deputy Director Virginia Kearney to discuss options for resolving wastewater treatment concerns.
- August 30, 2009 CEDS letter to MDE Deputy Director Kearney asks what MDE will do to improve frequency of inspections and compliance at drip-irrigation facilities. Ms. Kearney never replies to this letter.
- December 30, 2009 Ms. Yankanich, Katie McVicker and Richard Klein met with Mr. Bailey who presents revised plans for the Shoppes showing that nearest drip-field (Zone C) will be eliminated and the separation distance between the

sewage holding pond and the nearest Apple Greene property line was increased from 50 feet to 198 feet.

- February 16, 2010 Apple Greene residents met at the Fairview library to discuss the changes proposed by Marrick Properties on December 30, 2009.
- February 18, 2010 CEDS sends an e-mail to Marrick Properties expressing thanks for the December 30<sup>th</sup> changes and describing additional measures critical to protecting the health and quality of life of Apple Greene residents.
- March 4, 2010 Board of Appeals is scheduled to hear the Special Exception extension request but applicant attorney Gibbs requests a postponement since his client failed to properly post the property.
- May 19, 2010 Ms. McVicker, Betsy Packard, and Richard Klein met with Mr. Bailey to discuss February 18<sup>th</sup> negotiating message.
- May 27, 2010 Additional changes proposed by Mr. Bailey at the May 19<sup>th</sup> were presented at a meeting of Apple Greene residents held at the Mount Harmony Professional Center.
- May 28, 2010 At the community's request, Richard Klein asked Mr. Bailey to postpone the June 3<sup>rd</sup> Board of Appeals Special Exception extension hearing. Mr. Bailey agreed.
- June 1, 2010 CEDS notifies MDE that wastewater has again failed as evidenced by saturation of the soil surface within the Marley Run drip-irrigation field.
- June 3, 2010 The Board granted the postponement request.
- June 8, 2010 MDE investigates the CEDS June 1<sup>st</sup> complaint and confirms that wastewater had ponded at surface, thus violating the discharge permit.
- June 17, 2010 Apple Greene residents adjoining the Shoppes site met at the Mount Harmony Professional Center to discuss the draft agreement with Marrick Properties and Howlin and to explore strategy options. Those present felt that given the most recent and persistent failure of drip-irrigation facilities they simply could not agree to have such a system near their homes. They agreed to reiterate the minimum safeguards set forth in their August 2008 letter to Marrick Properties: 1) a 500-foot separation between drip-fields and homes, and 2) place the sewage pond underground or move it 500 feet away.

June 28, 2010

CEDS sends letter informing Marrick Properties that the Apple Greene Civic Association cannot agree to a settlement as long as drip-fields or an above-ground sewage holding pond is within 500 feet of their homes.

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