

**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 are 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,



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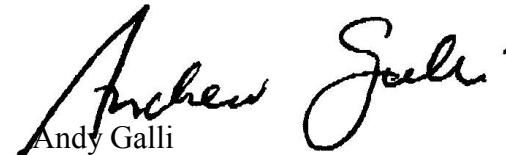


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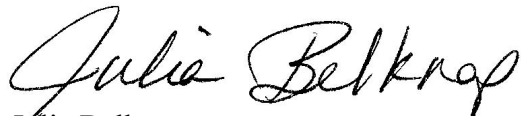


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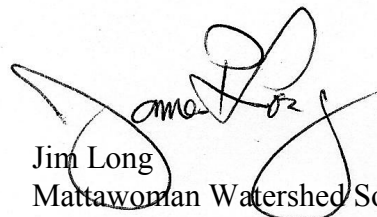
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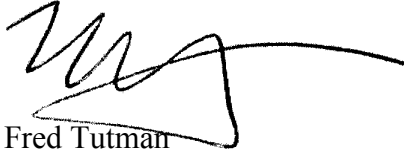
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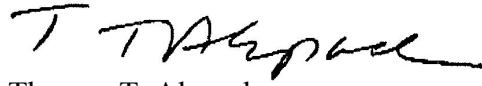
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