



Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

APR 30 2018

CERTIFIED MAIL

Chris Barry, Chief Operating Officer
ACG Maryland, LLC
301 Felspar Way
Cary, North Carolina 27518

Re: Beaver Run Mobile Home Park WWTP, AI# 114869, 14-DP-3811
Compliance/Enforcement Assessment, Opportunity for Informal Meeting
[Response Requested within 14 days]

Dear Mr. Barry:

The Maryland Department of the Environment, Water and Science Administration, Compliance Program (Department) is concerned about the operation and performance of the Beaver Run Mobile Home Park Wastewater Treatment Plant (Plant) owned by ACG Maryland, LLC. The Plant is located at 3658 Karen Circle in Linkwood, Maryland and is permitted under State Groundwater Permit 14-DP-3811 (Permit). The Plant is currently operated by Singh Operational Services, Inc. (Singh), and has been in operation since March 1, 2016.

This letter serves as notice that the Department has completed a preliminary compliance assessment of the activities at the Plant and contends that alleged violations, having or continuing to occur at the Plant, meet the Department's *Significant Non-Compliance (SNC) Criteria* and intends to proceed with a formal enforcement action that may include implementation of corrective measures, assessment of penalties and/or referring the matter to the Office of the Attorney General. **However, before proceeding with an enforcement action, you are being provided the opportunity to schedule an informal meeting with the Department to discuss the alleged violations and provide any additional information for consideration.**

The Department is committed to protecting and restoring the environment and has the responsibility and authority to ensure compliance with environmental laws and regulations. A primary goal of the Department is to attain and maintain a high rate of compliance by providing clear expectations and by ensuring environmental responsibilities are enforced within the regulated community consistently. When significant violations are observed the Department has an obligation to take equitable and timely enforcement action, reasonably necessary, to deter future violations from occurring.

The Department alleges that ACG Maryland, LLC (ACG) is responsible for violations of Titles 9-322 and 9-323 of the Environment Article, *Annotated Code of Maryland*, and regulations promulgated thereunder having occurred from March 2016 through the present at the Plant.

- Title 9-322 of the Environment Article states that a person may not discharge any pollutant into waters of this State.
- Title 9-323 of the Environment Article provides that prior to any operation that could cause or increase the discharge of pollutants into the waters of this State a person shall obtain a discharge permit issued by the Department and comply with all the conditions therein.

Mr. Chris Barry, AI# 114869

The Department conducted an inspection and emailed you a copy of the field inspection report dated September 30, 2016 documenting the following violations:

1. Failure to maintain an Operations and Maintenance Manual at the Plant;
2. Failure to properly grade and vegetate the Plant area and disposal field #5;
3. Failure to properly maintain the mound system; and
4. Failure to install and monitor four groundwater monitoring wells.

The Department provided clear direction as to the corrective actions necessary to bring the Plant into compliance with the Permit, including re-grading and re-vegetating the Plant area and disposal field #5, installing and monitoring the four required groundwater monitoring wells required by the Permit, submitting a copy of Plant's Operations and Maintenance Manual to the Department and providing a copy to the Plant operator, and obtaining a sludge hauling permit if necessary. On October 20, 2016, you provided notification to the Department via e-mail that the aforementioned corrective actions were underway. The Department acknowledges that you located two groundwater monitoring wells at the Plant and that only two more groundwater monitoring wells needed to be installed. The Department conducted a follow-up inspection and provided a field inspection report dated October 21, 2016 documenting the ongoing maintenance to the drain fields.

On October 27, 2016, you provided notification to the Department via e-mail of the anticipated dates of completion for the installation of the two groundwater monitoring wells, the re-grading of disposal field #5, and submittal of the application for the sludge hauling permit. On January 16, 2017, you provided additional notification via e-mail that the groundwater monitoring wells had been installed and the application for the sludge hauling permit had been submitted. However, the Department's response dated January 18, 2017 identified that 2-inch diameter groundwater monitoring wells were installed instead of the 4-inch monitoring wells required by the Permit.

The Department conducted a follow up inspection and provided you a copy of the field inspection report dated January 25, 2017 documenting the following violations:

1. Unauthorized discharge of wastewater from the dosing tank;
2. Rough grading of the area around the dosing tank;
3. Failure to maintain locks on the vessel lids;
4. Surface ponding of wastewater within disposal field #5;
5. Erosion within disposal field #5 that has resulted in the exposure of the drip irrigation line;
6. Old and accessible concrete tanks onsite with lids removed exposed to the public, and
7. Incorrect installation of two groundwater monitoring wells, and the failure to install two additional upgradient groundwater monitoring wells.

The Department provided clear direction as to the corrective actions necessary to bring the Plant into compliance with the Permit, including installing the groundwater monitoring wells in accordance with the Permit, initiating groundwater monitoring in accordance with the Permit, documenting the condition of the disposal system weekly in a log, repairing the drip irrigation system and the eroded area of disposal field #5, and the decommissioning of old, unsecured structures to make them safe for residents. Mr. Bill Forlifer of the Dorchester County Health Department (Health Department) also provided an inspection report dated February 6, 2018 documenting the deficiencies identified during the January 25, 2017 inspection.

On February 24, 2017, you provided notification to the Department via e-mail of the progress being made regarding the installation of the groundwater monitoring wells and the necessary re-grading at the Plant, and you also authorized the Department to send a copy of the January 25, 2017 inspection report to Singh.

Mr. Chris Barry, AI# 114869

On January 8, 2018, the Health Department received a complaint regarding sewage leaking from the Plant. The Department conducted an inspection in response to the complaint and emailed you a copy of the field inspection report dated January 17, 2018. The report documented the ongoing corrective actions implemented to address the unauthorized discharge of wastewater from the field dosing tanks at the Plant. During this inspection, the Department observed the pumping of wastewater from the field dosing tank into a 2,300 gallon septic truck. The Department provided clear direction as to the corrective actions necessary to bring the Plant into compliance with the Permit, including installing high level alarms within the dosing tanks, securing all Plant structures, posting emergency contact information in the vicinity of any alarms, submitting a 5-day follow-up letter describing the unauthorized discharge, and retaining maintenance records for the Plant. The Department received the 5-day follow-up letter on January 22, 2018.

The Department conducted a follow-up inspection and emailed you a copy of the field inspection report dated February 13, 2018 documenting the response to the previous unauthorized discharge, as well as the previously identified ongoing operation and maintenance issues at the Plant. The Department provided clear direction as to the corrective actions necessary to bring the Plant into compliance with the Permit, including securing all Plant pump controls, posting emergency contact information on signs at the Plant, documenting the condition of the disposal system weekly in a log, properly installing and monitoring the groundwater monitoring wells in accordance with the Permit, providing copies of the Monthly Operating Reports (MORs) for January and February of 2018 to the Department, updating the 5-day follow-up report to estimate the volume discharged during the previous unauthorized discharge, and calibrating the effluent flow meters annually. The Department received the requested MORs via e-mail dated February 18, 2018. However, as of the date of this letter, the Department has not received a revised 5-day follow-up letter.

The Department conducted another follow-up inspection and emailed you a copy of the field inspection report dated April 6, 2018 documenting the ongoing operation and maintenance deficiencies at the Plant which have resulted in significant ponding of Plant effluent, unauthorized discharges and erosion within disposal fields #4 and #5. During the inspection raw sewage was observed ponding in several locations and sewage run-off was observed from the mounded area in trench #5. In addition, the Department believes that the trenches in field #5 were improperly installed. The Department provided clear direction as to the corrective actions necessary to bring the Plant into compliance with the Permit, including documenting the condition of the disposal system weekly in a log, operating the Plant to prevent surface runoff or persistent ponding, and properly installing and monitoring the groundwater monitoring wells in accordance with the Permit.

Finally, the Department has reviewed the Discharge Monitoring Reports (DMRs) and non-compliance reports submitted for the Plant during the period March 2016 through March 2018. The review shows fourteen (14) violations of the permitted limits for total nitrogen, effluent flow, BOD, and TSS, as well as eight (8) un-submitted DMRs for the monitoring wells. The enclosed attachments detail these violations.

The Department is authorized under Title 9-342 of the Environment Article, *Annotated Code of Maryland*, to assess a civil or administrative penalty for the aforementioned violations.

- Title 9-342 of the Environment Article to assess penalties of up to \$10,000 per day for water pollution violations.

When assessing an appropriate enforcement action that may include monetary penalties, the Department must conduct a careful review of the factors outlined in the Environmental Article and listed below.

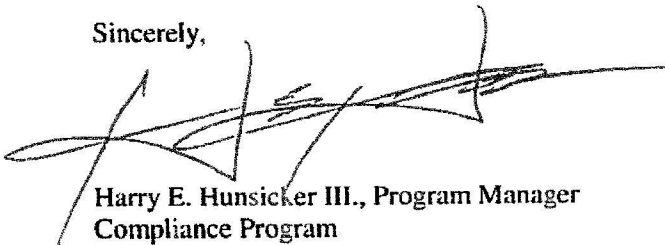
Mr. Chris Barry, AI# 114869

- The willfulness of the violation, the extent to which the existence of the violation was known to but uncorrected by the violator, and the extent to which the violator exercised reasonable care;
- Any actual harm to the environment or to human health, including injury to or impairment of the use of the waters of this State or the natural resources of this State;
- The cost of cleanup and the cost of restoration of natural resources;
- The nature and degree of injury to or interference with general welfare, health and property;
- The extent to which the location of the violation, including location near waters of this State or areas of human population, creates the potential for harm to the environment or to human health or safety;
- The available technology and economic reasonableness of controlling, reducing, or eliminating the violation;
- The degree of hazard posed by the particular pollutant or pollutants involved; and
- The extent to which the current violation is part of a recurrent pattern on the same or similar type of violation committed by the violator.

Each day that a violation continues constitutes a separate day of violation. The Department will ensure that each instance of noncompliance undergoes a review and is subsequently addressed after due consideration to the relevant facts and circumstances. Please be advised, the maximum penalty liability for each day the alleged violations occurred at the Plant, if referred to the Office of the Attorney General for judicial enforcement action, is significant.

The Department requests that, **within 14 days of receipt of this notice**, you contact Ms. Julie Gowe, Manager, Enforcement Division, Compliance Program at (410) 537-3510 or by email at julie.gowe@maryland.gov to schedule an informal meeting or alternatively, provide a written response to the alleged violations for the Department's consideration. If you fail or elect not to make contact, the Department will proceed with initiating a formal enforcement action. Thank you for your prompt attention to this matter.

Sincerely,



Harry E. Hunsicker III., Program Manager
Compliance Program
Water and Science Administration
harry.hunsicker@maryland.gov

HEH:pcn
Enclosures (2)

cc: Chandra Singh, Singh Operational Services, Inc.

Attachment I: Effluent Violations

AGC MARYLAND, LLC - BEAVER RUN MOBILE HOME PARK - MD3811J14

3/1/2016 - 3/31/2018

Monitoring Period End Date	Perm Feature ID	Parameter Desc	Statistical Base Short Desc	Limit Unit Short Desc	Limit Value	DMR Value	Percent Exceedance
03/31/2016	001	Nitrogen, total [as N] Flow, in conduit or thru treatment plant	MO AVG	mg/L	8.	23.	188
	001		MO AVG	gal/d	6750.	7235.	7
04/30/2016	001	BOD, 5-day, 20 deg. C	MO AVG	mg/L	30.	38.	27
	001	Nitrogen, total [as N]	MO AVG	mg/L	8.	14.	75
05/31/2016	001	Nitrogen, total [as N] Flow, in conduit or thru treatment plant	MO AVG	mg/L	8.	17.43	118
	001		MO AVG	gal/d	6750.	6955.	3
06/30/2016	001	Nitrogen, total [as N] Flow, in conduit or thru treatment plant	MO AVG	mg/L	8.	24.88	211
	001		MO AVG	gal/d	6750.	7133.	6
07/31/2016	001	Nitrogen, total [as N]	MO AVG	mg/L	8.	25.35	217
03/31/2017	001	Solids, total suspended	MO AVG	mg/L	30.	62.32	108
04/30/2017	001	BOD, 5-day, 20 deg. C	MO AVG	mg/L	30.	165.07	450
07/31/2017	001	Solids, total suspended	MO AVG	mg/L	30.	65.13	117
12/31/2017	001	Solids, total suspended Flow, in conduit or thru treatment plant	MO AVG	mg/L	30.	40.48	35
02/28/2018	001		MO AVG	gal/d	6750.	9957.	48

Attachment II: Missing Data

AGC MARYLAND, LLC - BEAVER RUN MOBILE HOME PARK - MD3811J14

3/1/2016 - 3/31/2018

Monitoring Period End Date	Perm Feature ID	Parameter Desc	Statistical Base Short Desc	Limit Unit Short Desc	Limit Value	DMR Value	NODI Code	
12/31/2016	MW01	pH	ANNL AVG	SU				
		Nitrogen, total [as N]	ANNL AVG	ug/L				
		Nitrogen, nitrite total [as N]	ANNL AVG	mg/L				
		Nitrogen, nitrate total [as N]	ANNL AVG	mg/L				
		Nitrogen, Kjeldahl, total [as N]	ANNL AVG	mg/L				
		Phosphate, total [as PO4]	ANNL AVG	mg/L				
		Chloride [as Cl]	ANNL AVG	mg/L				
		Solids, total dissolved	ANNL AVG	mg/L				
	MW02	MW02	pH	ANNL AVG	SU			
			Nitrogen, total [as N]	ANNL AVG	mg/L			
			Nitrogen, nitrite total [as N]	ANNL AVG	mg/L	1.		
			Nitrogen, nitrate total [as N]	ANNL AVG	mg/L			
			Nitrogen, Kjeldahl, total [as N]	ANNL AVG	mg/L			
			Phosphate, total [as PO4]	ANNL AVG	mg/L			
			Chloride [as Cl]	ANNL AVG	mg/L	250.		
			Solids, total dissolved	ANNL AVG	mg/L	500.		
MW03	MW03	pH	ANNL AVG	SU				
		Nitrogen, total [as N]	ANNL AVG	mg/L				
		Nitrogen, nitrite total [as N]	ANNL AVG	mg/L				
		Nitrogen, nitrate total [as N]	ANNL AVG	mg/L				
		Nitrogen, Kjeldahl, total [as N]	ANNL AVG	mg/L				
		Phosphate, total [as PO4]	ANNL AVG	mg/L				
		Chloride [as Cl]	ANNL AVG	mg/L				
		Solids, total dissolved	ANNL AVG	mg/L				
MW04	MW04	pH	ANNL AVG	SU				
		Nitrogen, total [as N]	ANNL AVG	mg/L				
		Nitrogen, nitrite total [as N]	ANNL AVG	mg/L	1.			
		Nitrogen, nitrate total [as N]	ANNL AVG	mg/L				
		Nitrogen, Kjeldahl, total [as N]	ANNL AVG	mg/L				
		Phosphate, total [as PO4]	ANNL AVG	mg/L				
		Chloride [as Cl]	ANNL AVG	mg/L	250.			
		Solids, total dissolved	ANNL AVG	mg/L	500			
		Coliform, fecal general	ANNL AVG	MPN/100mL	2			

Monitoring Period End Date	Perm Feature ID	Parameter Desc	Statistical Base Short Desc	Limit Unit Short Desc	Limit Value	DMR Value	NODI Code
12/31/2017	MW01	pH	ANNL AVG	SU			
		Nitrogen, total [as N]	ANNL AVG	ug/L			
		Nitrogen, nitrite total [as N]	ANNL AVG	mg/L			
		Nitrogen, nitrate total [as N]	ANNL AVG	mg/L			
		Nitrogen, Kjeldahl, total [as N]	ANNL AVG	mg/L			
		Phosphate total [as PO4]	ANNL AVG	mg/L			
		Chloride [as Cl]	ANNL AVG	mg/L			
		Solids, total dissolved	ANNL AVG	mg/L			
		Coliform, fecal general	ANNL AVG	MPN/100mL			
	MW02	pH	ANNL AVG	SU			
		Nitrogen, total [as N]	ANNL AVG	mg/L			
		Nitrogen, nitrite total [as N]	ANNL AVG	mg/L	1.		
		Nitrogen, nitrate total [as N]	ANNL AVG	mg/L			
		Nitrogen, Kjeldahl, total [as N]	ANNL AVG	mg/L			
		Phosphate, total [as PO4]	ANNL AVG	mg/L			
		Chloride [as Cl]	ANNL AVG	mg/L	250.		
		Solids, total dissolved	ANNL AVG	mg/L	500.		
		Coliform, fecal general	ANNL AVG	MPN/100mL	2.		
	MW03	pH	ANNL AVG	SU			
		Nitrogen, total [as N]	ANNL AVG	mg/L			
		Nitrogen, nitrite total [as N]	ANNL AVG	mg/L			
		Nitrogen, nitrate total [as N]	ANNL AVG	mg/L			
		Nitrogen, Kjeldahl, total [as N]	ANNL AVG	mg/L			
		Phosphate, total [as PO4]	ANNL AVG	mg/L			
		Chloride [as Cl]	ANNL AVG	mg/L			
		Solids, total dissolved	ANNL AVG	mg/L			
		Coliform, fecal general	ANNL AVG	MPN/100mL			
	MW04	pH	ANNL AVG	SU			
		Nitrogen, total [as N]	ANNL AVG	mg/L			
		Nitrogen, nitrite total [as N]	ANNL AVG	mg/L	1.		
		Nitrogen, nitrate total [as N]	ANNL AVG	mg/L			
		Nitrogen, Kjeldahl, total [as N]	ANNL AVG	mg/L			
		Phosphate, total [as PO4]	ANNL AVG	mg/L			
		Chloride [as Cl]	ANNL AVG	mg/L	250.		
		Solids, total dissolved	ANNL AVG	mg/L	500.		
		Coliform, fecal general	ANNL AVG	MPN/100mL	2.		