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BUREAU OF ENVIRONMENTAL HEALTH	INDEXED	DISTRICT	
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ADDRESS 14079 Drighton Dam Roa	d, Clarksville, ID 21029	PHONE	
SUBDIVISION	BOAD _11978 Simps	on Road LOT	
PROPERTY OWNER	Raymong Britton		•
ÁDDRESS			
IF GARBAGE GRINDER IS USED INCREASE SEP	TIC TANK CAPACITY BY 50% AND ABSOR	PTION AREA BY 22%	
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Oswald, Hank

From:Williams, JeffreySent:Friday, September 11, 2020 8:26 AMTo:Maria Van BurenCc:Oswald, HankSubject:RE: Perc Cert Plan_12010 Simpson Road

Hello Ms. Van Buren. We did hear back from our MDE regional and he is ok with the concept of the initial system being a traditional septic tank with the condition that the future replacements utilize BAT as they get closer to the neighboring well.

I believe we still need a revised perc cert plan to be submitted from the engineer for our review and an OSDS design plan for our review. Jeff

From: Maria Van Buren <mariavanburen125@gmail.com> Sent: Thursday, September 10, 2020 6:32 PM To: Williams, Jeffrey <jewilliams@howardcountymd.gov> Cc: Oswald, Hank <hoswald@howardcountymd.gov> Subject: Re: Perc Cert Plan_12010 Simpson Road

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hi Jeff, just following up on this. Is there anything further that you need from me? Thank you, Maria Van Buren

On Fri, Aug 28, 2020 at 8:53 AM Maria Van Buren <<u>mariavanburen125@gmail.com</u>> wrote:

Hi, Jeff, just following up on my question. This was not intended to be a formal submission but to provide you with the most up-to-date drawing in case it was helpful to you in your review. If you would like a paper copy I will need to ask Randy to provide one. Thanks. Maria Van Buren

On Tue, Aug 25, 2020 at 9:52 AM Maria Van Buren <<u>mariavanburen125@gmail.com</u>> wrote:

I only have the electronic version of the document that I just sent you; do you need a paper version?

On Tue, Aug 25, 2020 at 9:42 AM Williams, Jeffrey <<u>jewilliams@howardcountymd.gov</u>> wrote:

Ok. If you have everything, you can drop them off in our new drop box. It is outside our office entrance every business day from 8-3. Thanks

Jeff

From: Maria Van Buren <<u>mariavanburen125@gmail.com</u>> Sent: Tuesday, August 25, 2020 9:28 AM To: Williams, Jeffrey <<u>jewilliams@howardcountymd.gov</u>> Cc: Oswald, Hank <<u>hoswald@howardcountymd.gov</u>> Subject: Re: Perc Cert Plan_12010 Simpson Road [Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Jeff, this BPR drawing proposes to incorporate Hank's latest round of comments. Thanks. Maria Van Buren

On Wed, Aug 19, 2020 at 9:04 AM Maria Van Buren <<u>mariavanburen125@gmail.com</u>> wrote:

Jeff, just following up on this. I just received another bill from Randy for incorporating Hank's latest set of comments into the plan, so if it helps, I can have him send the revised plan to me and I can forward it to you. Just let me know. Thank you, Maria Van Buren

On Wed, Aug 5, 2020 at 3:34 PM Maria Van Buren <<u>mariavanburen125@gmail.com</u>> wrote:

Great, thanks again for all of your assistance. Maria Van Buren

On Wed, Aug 5, 2020 at 1:47 PM Williams, Jeffrey <<u>jewilliams@howardcountymd.gov</u>> wrote:

The system details would go on the system design plan. The perc certification plan is to approve a disposal area on the property. If your area is not very big, we usually ask that they show how an initial system plus two future replacement systems can fit in the area on that perc cert plan, but we don't look for all the system details on there, just on the system design plan. Right now, I will review what we already have with Hank to see if we can at least get through the variance process with what was already submitted. The main thing we need to start the variance request is a proposed area in a proper location to see the relationship with the downgrade well. We may already have that on a previously submitted plan. We'll let you know. Thanks

Jeff

From: Maria Van Buren <<u>mariavanburen125@gmail.com</u>>
 Sent: Wednesday, August 5, 2020 1:34 PM
 To: Williams, Jeffrey <<u>jewilliams@howardcountymd.gov</u>>; Oswald, Hank <<u>hoswald@howardcountymd.gov</u>>
 Subject: Re: Perc Cert Plan_12010 Simpson Road

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Jeff, thank you for your response, this is very helpful. My engineer is under the impression that he needs to design a BAT/LPD system to put on the plan before he resubmits it for approval. Obviously that would be an additional, significant cost. Do you need the actual BAT/LPD system design on the plan that he resubmits for approval, or does he only need to fix the calculations and add in the notes that Hank sent him most recently? It doesn't make a whole lot of sense to me, anyway, to undergo the cost of designing the BAT/LPD system if MDE may ultimately not require it. Thanks again for your assistance, Maria Van Buren

On Wed, Aug 5, 2020 at 12:25 PM Williams, Jeffrey < jewilliams@howardcountymd.gov > wrote:

Hello Ms. Van Buren. The decision on what conditions may be imposed on the downgrade well variance will be made by our regional representative from the MDE onsite systems division. Typically, the condition of variance approval has been a BAT unit and LPD drainfield. There may be a consideration of the distance between the two.

As you know, regulations change over the years. I can't speak to what happened when the neighbor's well was drilled, but up until relatively recently, there was not a consideration for downgrade flow, just meeting the 100' setback. Our local code enacted in 2007 addressed a minimum 200' distance for instances when we would have a variance approved to be upgrade/downgrade. When someone goes to improve their existing property, there is often a need to bring things in line with current requirements.

Once we get an approvable plan from the engineer, we can make our variance recommendation and if the first system is far enough away, we may recommend and MDE might conclude that the first system is far enough away to not require advanced treatment. I can't say until we take a look at the plan. Thanks

Jeff Williams

Program Supervisor, Well & Septic Program

Bureau of Environmental Health

Howard County Health Dept.

410-313-4261

jewilliams@howardcountymd.gov

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Oswald, Hank

From:Oswald, HankSent:Tuesday, February 18, 2020 11:05 AMTo:Randy BachtelSubject:Perc Test Plan_12010 Simpson Road

Hello Mr. Bachtel:

My supervisor Jeff Williams is unexpectantly out of the office until probably Thursday, but I was able to communicate your request about a site visit via email. He said that we could get a better determination of grade from the plan with 1' contours. He wanted to know if you field ran the topo? If you did, then that is what we would use to make the downgrade determination. He also stated that in the absence of some defined swale or ridge pulling or diverting the groundwater flow, we will use the 45 degree to determine. He said that your other option is to have an expert do a groundwater flow analysis to see if it flows in a different direction than surface flow. If you want to discuss with him directly, then you could try calling him on Friday. His # is (410) 313.4261.

Respectfully,

Hank

Hank Oswald Licensed Environmental Health Specialist Howard County Health Department Bureau of Environmental Health Well & Septic Program 8930 Stanford Boulevard Columbia, MD 21045 410.313.1786 (Office) hoswald@howardcountymd.gov



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Oswald, Hank

From:Oswald, HankSent:Tuesday, November 10, 2020 8:09 AMTo:Randy BachtelSubject:Perc Cert Plan_12010 Simpson Road_Review Comments

Hi Randy:

The perc cert plan for 12010 was returned with the following comments:

- 1.) Change note #7 to state prior to building permit or septic permit issuance.
- 2.) Fix note #8 to state, The Maryland department of the Environment has reviewed the existing well and proposed sewage disposal area locations illustrated on this plan as recommended by the Howard County Health Department and has granted a variance to allow the location of the existing well on 11978 Simpson Road to be down gradient of the proposed sewage disposal area on 12010 Simpson Road, pursuant to the following condition:
 - a.) Future replacement systems will be required to have a BAT unit and LPD design.
- 3.) Add note: Prior to building permit approval, abandon old septic system, install new septic system and approve the septic permit.

Should you have any questions, please don't hesitate to ask.

Respectfully,

Hank

Hank Oswald, L.E.H.S. Howard County Health Department Bureau of Environmental Health Well & Septic Program 8930 Stanford Boulevard Columbia, MD 21045 (410) 313 - 1786 hoswald@howardcountymd.gov communication. If you have received this email in error, please notify the sender immediately and destroy the original transmission.

From: Maria Van Buren <<u>mariavanburen125@gmail.com</u>> Sent: Wednesday, August 5, 2020 9:11 AM To: Oswald, Hank <<u>hoswald@howardcountymd.gov</u>> Cc: Williams, Jeffrey <<u>jewilliams@howardcountymd.gov</u>> Subject: Re: Perc Cert Plan_ 12010 Simpson Road

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hank and Jeff, just following up on this question. I do not understand the legal basis for the county's decision to require a BAT/LPD system for the first system on the property. As I see it, the first system is on the far side of my front yard, which is flat for about 100 feet before it starts to go downhill, and the first system is almost 300 feet from the neighbor's well. Are there any conditions under which the county does not require a BAT/LPD system for new septic designs? Would it be possible to approve a plan that does not require BAT/LPD for the first system but does require it for the second and third systems?

If you are not comfortable answering my questions would you please give me the contact information for your legal counsel? I think he or she may be concerned that my existing septic, if it fails, could contaminate the neighbor's well, which would be a problem for the county since it now knows that it should not have issued the permit for the well in the first place and could be sued by the neighbor. I would imagine that it is in the county's interest to help me relocate my septic in a manner that I can afford to avoid any liability. Thank you, Maria Van Buren

On Fri, Jul 31, 2020 at 1:36 PM Maria Van Buren <<u>mariavanburen125@gmail.com</u>> wrote:

Hank, just following up on this question. I am a single mom and as much as I would love to put in a BAT/LPD system, I need to take costs into account and I do not see any basis in law for you requiring a BAT/LPD system. As I understand it from speaking to local septic companies, the BAT/LPD requirements do not appear to be warranted. Since starting this project, I have learned that because no one realized the existing septic system on my property was in the back yard, Howard County approved the drilling of the well on my neighbor's property, which now requires me to relocate my well. Which I understand, but drilling a new well in the back yard and running the pipe uphill to the house is an additional \$20,000. The BAT system tank will, depending on the tank, cost \$10-15,000 if the Bay Restoration Fund will not cover that fee, as opposed to a conventional tank,

which costs around \$5000. And the LPD system costs \$20-30,000 to put in as opposed to \$6-8000 for regular drain fields. This all is in addition to the \$10,000 that I will need to pay the engineer for his revised drawings.

I very much appreciate that the County wants to strive for the very best sewage disposal systems, but I simply cannot afford to put in these expensive systems, so I am hoping that you can propose less costly alternatives. Thank you for your time, Maria Van Buren

On Wed, Jul 29, 2020 at 6:32 PM Maria Van Buren <<u>mariavanburen125@gmail.com</u>> wrote:

Thank you for all of this information. I think I now have a much better understanding of what is going on. So if I put it in my own words, we could not put the septic in the first proposed spot for two reasons: because it was upgradient from the neighbor's property (taking into account the 45 degree cone, which Randy did not know about) and because it was within 200 feet of the well. We can put the septic in the front yard because it is more than 200 feet from the neighbor's well but only if we get a variance because it is still uphill, and only if we relocate our well. Your recommendation to the Department of the Environment is that we put in a BAT/LPD system as an additional protection for the neighbor's well. I can't find where your/the Dept. of the Environment's authority is to require a BAT/LPD system. Can you provide me with a citation?

Again, thanks very much for your patience with my questions and your very helpful responses. Maria Van Buren

On Tue, Jul 28, 2020 at 4:34 PM Oswald, Hank <<u>hoswald@howardcountymd.gov</u>> wrote:

Hi Maria - The proposed sewage disposal area (SDA) in the front yard is still considered up grade of the neighbors well. As I mentioned in my email dated 6.8.20, the Best Available Treatment (BAT) unit/LPD design are conditions that are put in place to help further protect the down grade well (in addition to the SDA now being a minimum distance of 200 feet away from the downgrade well). A BAT unit reduces the nitrogen load on the system by half compared to a traditional septic tank. A low pressure dose design provides a uniform distribution of that effluent across the entire trench which increases treatment efficiency. Also, pressure distribution at the proper rate maintains an aerobic (oxygen-rich) environment that allows for effective treatment of the effluent. Let me know if you have any further questions. Thanks, Hank

From: Maria Van Buren <<u>mariavanburen125@gmail.com</u>> Sent: Tuesday, July 28, 2020 12:09 PM To: Oswald, Hank <<u>hoswald@howardcountymd.gov</u>> Cc: Williams, Jeffrey <<u>iewilliams@howardcountymd.gov</u>> Subject: Re: Perc Cert Plan_12010 Simpson Road

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Thank you, that information is very helpful. Could you please explain, though, the basis for your recommendation for a BAT system? I'm not entirely clear on why I need a variance for the front yard and why I couldn't have gotten one for the back yard if they are both uphill of the neighbor's well. Thank you.

On Tue, Jul 28, 2020, 11:52 AM Oswald, Hank <<u>hoswald@howardcountymd.gov</u>> wrote:

Hi Ms. Van Buren:

We haven't submitted the variance application to Maryland Department of the Environment (MDE), so we don't have a formal response yet. We are waiting on revisions to the Perc Cert Plan before submitting the application. Once we have a response from MDE, you may be able to appeal the conditions with our MDE contact, Steve Krieg. Comment #2 refers to the sewage disposal area (SDA). There shall be no improvements (building etc.) of any kind in this area.

Thanks,

Hank

From: Maria Van Buren <<u>mariavanburen125@gmail.com</u>>

Sent: Tuesday, July 28, 2020 9:37 AM

To: Oswald, Hank <<u>hoswald@howardcountymd.gov</u>>; Williams, Jeffrey <<u>jewilliams@howardcountymd.gov</u>> Subject: Re: Perc Cert Plan_12010 Simpson Road

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hank, thank you for your quick turnaround. I have a few questions. Please note that I am not copying Randy on this email and would appreciate if you would respond only to me; up to this point Randy has already billed me \$7500 for his drawings, and I expect another substantial bill based on the revised drawings and any additional communication he has with me or you. These costs, as well as the costs of conducting the perc test and relocating the well, etc., are already upwards of \$10,000, which far exceed what was originally estimated, so I am trying to handle as much as I can myself.

First, from your hand-written notes on the sewage disposal system spec. worksheet it appears that Howard County is proposing to require a BAT/LPD system for the new septic. If that is true, can you please tell me why that is the case and if this is a final determination, how I can appeal that determination. As I understand it, BAT systems are very expensive to put in and require regular maintenance fees that exceed the costs of a more traditional septic system. The expenses of putting in a new well and running new pipe to the house and within the house, in addition to this new septic system, are overwhelming and I may not be able to afford upgrading the systems.

Second, can you explain your comment 2 on the Memorandum, which references limitations on improvements to the property.

Thank you, Maria Van Buren



Bureau of Environmental Health 8930 Stanford Boulevard, Columbia, MD 21045 Main: 410-313-2640 | Fax: 410-313-2648 TDD 410-313-2323 | Toll Free 1-866-313-6300 www.hchealth.org Facebook: www.facebook.com/hocohealth Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

APPLICATION FOR VARIANCE TO COMAR ONSITE WATER/SEWER FOR MDE APPROVAL **Date Submitted** July 15, 2020 12010 Simpson Road Clarksville, MD 21029 Property Address N/A 1 333 05-344832 Grid Subdivision Lot Tax Map Tax Account # Parcel Provide a brief site history including previously submitted and active plans with the Health Department or the County (subdivision plans, perc test applications, Building Permit applications): Active perc certiifcation plan in process. In the area below, list the specific section of the Code of Maryland Regulations (COMAR) to which a variance is

In the area below, list the specific section of the Code of Maryland Regulations (COMAR) to which a variance is being requested and provide a brief summary of the regulation and an explanation of why the variance is being requested (Attach a separate sheet if necessary).

Regulation Section			Summary and Ex	planation	1			
1.	COMAR 26.04.	02.05.B.(2)	Specifies that on-site sewage disposal system is to be located					
			downgradient fro	om a priv	vate wate	er well. A review of this situation,		
			the sewage dispo	sal area	proposed	for this parcel, is 200 ft. up gradient		
			of the existing well on the adjoing property.					
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2.								
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Property O	wner's Signature					:		
			Health Departi	ment U	se Only			
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		HCHD Staff				Date		
Recomme	endation:	[] Rec	commended	[]	Not Reco	ommended		
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