



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

July 22, 2021

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Health Officer
Talbot County Health Department
100 S. Hanson Street
Easton, Maryland 21601

Danielle Weber
Health Officer
Somerset County Health Department
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Roger Harrell, MHA
Health Officer
Dorchester County Health Department
3 Cedar Street
Cambridge, Maryland 21613

RE: BERMED INFILTRATION PONDS

Pursuant to § 9-252 of the Environment Article, to protect public health and the environment, effective immediately, the Maryland Department of the Environment (MDE) is requiring that requests for new connections or expansion of dwellings to existing bermed infiltration ponds (BIPs) be considered on a case-by-case basis, co-reviewed with the local Approving Authority and eligible for approval only when the BIP is not considered to be failing or at risk of failing. BIPs will be considered failing based on active overflow, berm integrity and/or lack of 24-inch storage capacity. New construction of BIPs will be suspended for 15 months to explore viable and sustainable solutions for communities served by BIPs.

During this 15-month period, MDE will perform an in-depth assessment as identified in the action plan attached. MDE encourages each Approving Authority to continue to work with all applicable regulatory bodies to ensure compliance in operations of all on-site facilities within its jurisdiction. MDE will be coordinating with the local health directors to discuss strategies to support homeowners and communities moving forward.

MDE historically recognized the construction of BIPs in certain counties as an alternative means of wastewater disposal. Construction of BIPs has been permitted in Talbot, Somerset and Dorchester counties, with the majority of construction occurring in Dorchester County. Recent evidence indicates that over time BIPs have not performed reliably and have been operated without necessary care and maintenance to protect public health and the environment.

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In response to recent complaints, MDE has inspected 65% of the shared facility BIPs in Dorchester County. The results indicate that 71% lack fencing and signage that prevent contact with waste, 19% are actively discharging waste to the surrounding area, and 58% have less than 24 inches of capacity remaining posing an imminent risk of failure. MDE has worked and will continue to work with communities experiencing a failing BIP to support the system's return to compliance, providing technical assistance and access to funding where applicable.

Typically, BIPs have been constructed in environmentally sensitive areas within the Chesapeake Bay Critical Area, especially in wetlands that lack sufficient area for replacement or alternative means of disposal. The sensitive location of these systems combined with anticipated impacts from climate change, including sea level rise and increased rainfall volume and intensity, require this coordinated state and local action.

Sincerely,



Ben Grumbles
Secretary

Attachment: Action Plan

cc: William Forlifer, Health Director, Dorchester County
Anne Morse, Health Director, Talbot County
Diane Waller, Health Director, Somerset County
Dennis Schrader, Secretary, Maryland Department of Health
Dr. Cliff Mitchell, Director, Maryland Department of Health Environmental Health Bureau
Kim Newcomb, Commission Chair, Dorchester Sanitary Commission
Lee Currey, Director, MDE Water and Science Administration
Naomi Howell, Wastewater Program Manager, MDE Water and Science Administration
Sharon Talley, Compliance Program Manager, MDE Water and Science Administration