

**MARYLAND DEPARTMENT OF THE ENVIRONMENT** *Delivered*1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101Robert L. Ehrlich, Jr.
GovernorMichael S. Steele
Lt. GovernorKendal P. Philbrick
SecretaryJonas A. Jacobson
Deputy Secretary

APR 11 2006

CERTIFIED MAILRoyden N. Powell, III
Town Manager
Town of Centreville
101 Lawyer's Row
Centreville, Maryland 21617

Dear Mr. Powell:

Enclosed is the proposed Settlement Agreement between the Maryland Department of the Environment and the Town of Centreville regarding the settlement of the matter of the two sanitary sewer overflows from the Centreville sewer system, one from a manhole near the North Pumping Station and the other from a broken sewer line behind the Acme store occurring on April 27 and April 28, 2005 respectively.

Included is the payment of \$250 made payable to the Maryland Clean Water Fund and the completion of a Supplemental Environmental Project (SEP) involving tree plantings around the spray irrigation area at a cost of \$32,000. If the terms of the agreement are acceptable to you, we request that you sign the agreement and return it to this office within the next ten days for final execution. At that time, a copy will be returned to you with an invoice directing payment of \$250 to the Maryland Clean Water Fund.

The Department appreciates your cooperation in the resolution of this matter. If you have any questions, please do not hesitate to contact Mr. David Lyons, Chief, Enforcement Division, Compliance Program, at (410) 537-3510.

Sincerely,

Robert M. Summers, Director
Water Management Administration

RMS:mpr

**STATE OF MARYLAND
DEPARTMENT OF THE
ENVIRONMENT**

* **SECRETARY OF THE
ENVIRONMENT**
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**WATER MANAGEMENT
ADMINISTRATION**

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**1800 Washington Boulevard
Baltimore, Maryland 21230**

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**1800 Washington Boulevard
Baltimore, Maryland 21230**

v.

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**CENTREVILLE TOWN COUNCIL
P. O. Box 100
101 Lawyer's Row
Centreville, Maryland 21617**

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SA-06-00

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SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is entered into on this _____ day of _____ 2006 between the State of Maryland, Department of the Environment ("the Department"), pursuant to the powers, duties, and responsibilities vested in and imposed upon the Secretary of the Environment by the provisions of the Environment Article, Title I and Title 9, Subtitles 2 and 3, Annotated Code of Maryland, as delegated to the Director of the Water Management Administration ("the Administration"), and the Centreville Town Council, 101 Lawyer's Row, Centreville, Maryland 21617. This Agreement concerns the collection system of the Centreville Wastewater Treatment Plant located at 116 Johnstown Lane, Centreville, Maryland 21617(the "Facility").

A. FINDINGS

1. The Centreville Town Council reported that a 13,000 gallon sanitary sewage spill occurred near the North Pump Station on April 27, 2005. Sewage leaked from around the manhole adjacent to the pump station wet well and to Gravel Run, waters of the State. The overflow appeared to be caused by a clog at the inlet valve to the pump station's wet well.

The Centreville Town Council reported a separate overflow on April 28, 2005 from a collapsed sewer line behind the Acmc store near the Centreville High School property line. This collapsed sewer line, identified initially in February 2005, caused numerous sewage backups into the high school and discharges of sewage through cracks in the ground, placing sewage in a position likely to pollute groundwaters of the State. These incidents constitute unlawful discharges to waters of the State in violation of Sections 9-322 and 9-323, Environment Article, Annotated Code of Maryland.

2. Centreville has completed an initial study of inflow and infiltration (I & I) into the sanitary sewer collection system and has commissioned a Phase II improvement plan, which will provide a detailed analysis of its collection system, and a capital improvement plan. Centreville has thus far, replaced over 600 feet of sewer collection line.

3. Section 9-342 of the Environment Article authorizes MDE to impose an administrative penalty for violations of Subtitle 3. The penalty may be up to \$1,000 per day for each violation, not to exceed \$50,000.

B. AGREEMENT

Without any admissions by the Centreville Town Council that they have or will violate any Federal or State law, regulation, or permit, and in the interest of resolving this matter in a timely manner without contested proceedings, the Centreville Town Council and the Administration agree to the following penalty assessment and Supplemental Environment Project ("SEP").

1. Within 30 days of the effective date of this Agreement, the Centreville Town Council shall mail a check in the amount of \$250 (Two Hundred and Fifty Dollars) made payable to the Clean Water Fund, c/o Maryland Department of the Environment, Fiscal Services Division, Cash Receipts/Advances Unit, 1800 Washington Boulevard, Baltimore, Maryland 21203-2057.

2. The Centreville Town Council shall expend, at a minimum, \$32,000 (thirty two thousand) to complete a SEP to resolve potential penalty liability for unauthorized discharges from the Centreville Wastewater collection system on April 27 and April 28, 2005. The Centreville Town Council shall plant an additional vegetative buffer of 4 to 5 ft. pine trees planted in the same pattern as existing trees. This planting shall surround the perimeter of the Town's wastewater spray field and shall provide 100% buffering around the property adjacent to Rt. 305, as well as additional protection against impacts to air and water quality. This SEP shall be completed by February 1, 2008.

3. The Centreville Town Council shall pay \$1,350, the difference between the \$250 cash payment to the Clean Water Fund and the full amount of the original assessed penalty of \$1,600 if the SEP is not completed by February 2008. A report shall be submitted by March 31, 2008 to the Enforcement Division, Compliance Program, Water Management Administration certifying completion of the project and expenditures made, or Centreville shall submit a check in the amount of \$1,350 made payable to the Maryland Clean Water Fund, c/o Maryland Department of the Environment, Fiscal Services Division, Cash Receipts/ Advances Unit, 1800 Washington Boulevard, Baltimore, Maryland 21203-2057.

4. Nothing in this Agreement shall be construed to limit any authority of the Administration to issue any other orders, enforce any applicable permits, take any action it deems necessary to protect the public health or comfort or limit any authority the Administration has or may hereafter be delegated. This Agreement shall be in effect until all of its requirements have been fulfilled.

Date

Robert M. Summers, Director
Water Management Administration

Date

Mary McCarthy, President
Centreville Town Council

Approved as to form and legal sufficiency
this 6 day of April 2006

Nancy Young

Nancy Young
Assistant Attorney General

