

GwynnseFalls



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FRIENDS OF

Gwynns Falls/Leakin Park

1920 Eagle Drive, Baltimore, MD 21207

www.friendsofgwynnsfallsleakinpark.org

October 10, 2019

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Official Response and Request for Penalty from the Friends of Gwynns Falls/Leakin Park to 9/7/19 chlorinated water leak into Dead Run & the subsequent fish kill

MDE AI ID: 1000628090 (temporary ID)

Sharon Talley, Chief
Enforcement Division

Maryland Department of the Environment Water and Science Administration
1800 Washington Boulevard, Suite 420
Baltimore MD 21230

Dear Ms. Talley,

Below is the Friends of Gwynns Falls/Leakin Park's Official Response to the incident noted above and our position regarding penalties we are requesting be applied to the Baltimore City Department of Public Works according to state law. Per a conversation you had on October 7, 2019 with Mr. Jack Lattimore, Friends Board Member, we understand that the Department of the Environment is continuing to investigate this incident and may hold hearings to address the issues raised. The Friends would like to be made aware of any hearings so that we may attend them and receive any results arising from them. Mr. Lattimore will serve as the Friends' contact on this incident. You may contact him at 443-415-1103 or via email at lattimore.jack@gmail.com.

Official Response:

"I saw the stream turning dead before my eyes." This was the sad lament from George Farrant, Friends Vice President, describing what he saw happening to Dead Run on Saturday morning, September 7. The leak was first reported to George by alert Friends member and volunteer, Peggy Cummings.

A water main under the Ingleside Avenue bridge over Dead Run at the entrance to Franklinton was leaking chlorinated water into the stream. Chlorinated water is safe for humans but when discharged into streams it is a pollutant deadly to fish. The *Baltimore Brew* reported that "tens of millions of gallons of chlorinated water" spewed into the Dead Run until the pipeline was finally shut down on Monday night, over 2 days after it was first reported to City 311. The leak caused a large fish kill

The Maryland Department of the Environment inspected the stream on Monday morning, 9/9 and again on Tuesday, 9/10. According to the MDE audit

most fish in Dead Run below the leak were killed. The audit identified 1,946 fish killed, composed of diverse species including the endangered American eel.

The Friends understand that infrastructure accidents happen. That is why governments have crews ready to respond to such incidents on a '24/7' basis. The Baltimore City Department of Public Works has such a crew but they did not respond in a timely manner to this damaging leak, thus making the problem much worse than necessary. Even the Maryland Department of the Environment's inspector had to wait 3 days to get a response from Baltimore City Department of Public Works.

Baltimore City was cited by MDE for violating Article 9-342 of the Maryland Environmental Code for releasing pollutants into a freshwater stream.

The Friends are currently working with our Councilman, Kristerfer Burnett, and the Maryland Department of the Environment to clarify the details of the incident and the Department of Public Work's actions once the issue was brought to the City's attention.

The MDE reports of 9/9/ and 9/10 both note:

"STATE LAW PROVIDES FOR PENALTIES FOR VIOLATIONS OF MARYLAND ENVIRONMENT ARTICLE TITLE (S) 9 FOR EACH DAY THE VIOLATION CONTINUES. THE MARYLAND DEPARTMENT OF THE ENVIRONMENT MAY SEEK PENALTIES FOR THE AFOREMENTIONED VIOLATIONS OF TITLE (S) 9 ON THIS SITE FOR EACH DAY THE VIOLATION CONTINUES".

Such violations are subject to up to \$10,000 a day in civil penalties.

Request for Penalty:

Because of the delay in responding to this pollution incident, the resultant fish kill, and Baltimore City Department of Public Works' subsequent handling of the incident, the Friends of Gwynns Falls/Leakin Park requests that the Maryland Department of the Environment impose the maximum civil penalty as described in Maryland Code Environmental Title 9-342 on the Baltimore City Department of Public Works for this violation of state water pollution laws.

Sincerely yours,



Bridget McCusker, President
Friends of Gwynns Falls/Leakin Park

c: Jenn Aiosa, Executive Director
Blue Water Baltimore

Kristerfer Burnett, Councilman, District 8
Baltimore City Council

Reginald Moore, Director of Recreation and Parks
Baltimore City