

6/2/22, 7:07 AM

Gmail - FW: EPA Case 1298294



Donald Burdick [REDACTED]

---

**FW: EPA Case 1298294**

1 message

---

Esher, Diana <Esher.Diana@epa.gov>

To: [REDACTED]

Wed, Nov 3, 2021 at 2:45 PM

Cc: "Melvin, Karen" <Melvin.Karen@epa.gov>, "Rogers, Rick" <rogers.rick@epa.gov>

Mr. Burdick:

Thank you for your October 7, 2021 email regarding your allegations of illegal dumping and waste disposal in Delaware. The U.S. Environmental Protection Agency (EPA) takes your concerns seriously. Janet McCabe and Larry Starfield have referred your issue to us in EPA Region 3 for response.

As was discussed with you previously, the wastewater facilities that are at issue are not regulated under the Clean Water Act because they do not discharge effluent to surface waters. They are, however, subject to permits for spray-irrigation of their effluent into fields. All the issues you raise appear to be solid waste disposal that is regulated under Subtitle D of the Resource Conservation and Recovery Act (RCRA). Subtitle D of RCRA is implemented in Delaware by the Department of Natural Resources and Environmental Control (DNREC). There are no federal regulations for implementation of this program and authorities lie solely with states to administer and enforce their solid waste programs. Disposing of treated wastewater through spray irrigation is a permitted activity regulated under RCRA Subtitle D. EPA has no direct jurisdiction over the Mountaire and Inland Bays wastewater treatment and spray irrigation arrangements.

With regard to drinking water concerns, you mentioned that you provided "test kits" to your neighbors. If these were used for testing private well water, EPA would be willing to review laboratory results potential contaminants in residential wells that may be present above a harmful level. Even if contaminants are present, the results are unlikely to indicate the source of contamination, but it will at least give EPA and DNREC information to conduct further evaluation. You also indicated that you received information from DNREC from monitoring wells located near spray irrigation systems. Please forward that information to my staff for their review. EPA is concerned with the safety of drinking water and will therefore review information you provide.

EPA Region 3 evaluated the aerial imagery you provided with potential waste disposal sites. While EPA cannot determine exactly what the imagery represents just from just aerial photography, most areas appear to be effects of erosion, solid waste disposal, mining operations or wastewater spray irrigation. An on-site investigation would provide additional information and we will coordinate with our state partner about this.

EPA has forwarded all the information you have provided to DNREC's Criminal Investigation Division and has requested that they investigate the allegations you raise and report back to EPA on their findings. EPA Region 3 recommends that you work directly with DNREC and their solid waste program or their criminal investigation division regarding your concerns. Please send any laboratory results to rogers.rick@epa.gov. Please contact Mr. Rogers at (215) 814-5711 if you have additional questions.

Sincerely,

Diana Escher

6/2/22, 7:07 AM

Gmail - FW: EPA Case 1298294

Deputy Regional Administrator

US EPA Region 3

215-814-2706

esher.diana@epa.gov