



MARYLAND DEPARTMENT OF THE ENVIRONMENT

Oil Control Program, Suite 620, 1800 Washington Blvd., Baltimore MD 21230-1719

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

January 30, 2013

Mr. J. Kent McNew
Eastern Petroleum Corporation
P.O. Box 6516
Annapolis MD 21401

RE: VIOLATION OF CONSENT ORDER

**Case No. 2007-0214-AA
New Transit Truck Stop
8400 Veterans Highway, Millersville
Anne Arundel County, Maryland
Facility I.D. No. 6767**

Dear Mr. McNew:

The Oil Control Program recently completed a review of the case file for the above referenced property. In March 2009, Eastern Petroleum Corporation entered into a *Settlement Agreement and Consent Order* with the Department in regards to underground storage tank (UST) system compliance violations and work to be performed. The Consent Order [page 26, item 76(f)] established a schedule requiring all monitoring wells and the former supply well be gauged for product and water levels on a monthly basis and sampled and analyzed on a quarterly basis, unless otherwise directed by the Department. In addition, the Department required quarterly sampling of the granular activated carbon (GAC) filtration system at 8424 Veterans Highway (Veterans Plaza) at pre-, mid-, and post-locations in a letter dated October 26, 2010 (copy enclosed).

Based on our review of the case file, Eastern Petroleum Corporation failed to sample monitoring wells and the former supply well during the first, second, and fourth quarters of 2012 and failed to sample the off-site GAC filtration system at 8424 Veterans Highway in the second and fourth quarters of 2012. The monitoring wells and the former supply well were not gauged on a monthly basis during 2012 as required. As a result, the Oil Control Program is unable to effectively monitor groundwater conditions for this case and the GAC filtration system at 8424 Veterans Highway. Furthermore, Eastern Petroleum did not provide notification to the Department that *Consent Order* requirements would not be met. The aforementioned findings constitute multiple violations of the *Consent Order*.

As defined in the *Consent Order* (pages 29-30, items 90-95), the Department may assess stipulated penalties for any failure to comply with the terms of the Consent Order including the above violations. Eastern Petroleum Corporation is hereby placed on notice that the Department may assess stipulated penalties in the case of future violations of the *Consent Order*.

The Department understands, based on recent telephone conversations with Eastern Petroleum Corporation, that the monitoring wells will be gauged and sampled and the GAC filtration system will be sampled in January 2013. The Department requires submittal of the January 2013 data **no later than March 18, 2013**. The *Report of Results* must include data tables with current and historical groundwater data; a data table with GAC system (pre-, mid-, and post-treatment) monitoring data; site map(s) showing current dissolved concentrations of benzene, toluene, ethylbenzene, xylenes, naphthalene, and methyl tertiary-butyl ether (MTBE) for all wells; lab results sheets; and recommendations for future work.

When submitting documentation to the Oil Control Program, provide three hard copies and an electronic copy on a labeled compact disc (CD). Please note that some of the electronic copies submitted on CDs have been blank. If you have any questions, please contact the case manager, Mike Edillon, at 410-537-4151 (email: medillon@mde.state.md.us) or me at 410-537-3389 (email: amiller@mde.state.md.us).

Sincerely,



Andrew B. Miller, Chief
Remediation and State-Lead Division
Oil Control Program

MGE/nln

Enclosure

cc: Mr. Kip Kraus (Envirotech Consultants, LLC)
G.W. Stone, Inc. (Property Owner)
Ms. Kerry Topovski (Anne Arundel County Health Dept.)
Ms. Ginger D. Klingelhofer-Ellis (Anne Arundel County DPW)
Priscilla N. Carroll, Esq.
Mr. Christopher H. Ralston
Mr. Horacio Tablada



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Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

October 26, 2010

Mr. J. Kent McNew
Eastern Petroleum Corporation
1915 Lincoln Drive
Annapolis MD 21401

**RE: REQUEST TO REVISE WORK SCOPE FOR ADDITIONAL INVESTIGATION
AND WATER TREATMENT - DENIED**
Case No. 2007-0214-AA
New Transit Truck Stop
8400 Veterans Highway, Millersville
Anne Arundel County, Maryland
Facility I.D. No. 6767

Dear Mr. McNew:

The Oil Control Program recently completed a review of the *Request to Revise Work Scope for Additional Investigation and Water Treatment - September 27, 2010* for the above-referenced property. In review of the letter proposal, the Oil Control Program requested a copy of the most recent sampling data from your consultant for the Veterans Plaza (8424 Veterans Highway) drinking water supply well and the former New Transit drinking water supply well, both of which were sampled September 24, 2010. The analytical results detected benzene at 5.1 parts per billion (ppb) in the Veterans Plaza supply well and at 23.0 ppb in the former New Transit supply well, above the maximum contaminant level (MCL) of 5 ppb. Benzene has been detected above the MCL twice this year in the Veterans Plaza supply well. At this time, the Department requires a granular activated carbon (GAC) filtration system be installed immediately on this supply well.

Due to the exceedances of benzene above the regulatory level of 5 ppb, the requirement for the deep groundwater zone assessment still stands in order to more clearly understand the source, extent, and magnitude of deep groundwater zone impacts at the site. The Oil Control Program does not agree that additional monitoring is required prior to GAC installation or a deep subsurface assessment. Based on the aforementioned findings, the Department hereby requires the following:

- 1) **No later than November 5, 2010**, install a GAC filtration system on the supply well at the Veterans Plaza (8424 Veterans Highway) property. Once installed, the GAC filtration system must be sampled (pre-, mid-, and post-filtration) once a month for the first three months, then sampled quarterly thereafter until notified otherwise by the Department. All samples collected must be analyzed for full-suite volatile organic compounds (VOCs), including fuel oxygenates, using EPA Method 524.2.

- 2) **No later than November 19, 2010**, submit a *Work Plan* to assess the deeper groundwater zone where the impacted supply wells are screened (i.e., approximately 116 and 126 feet below ground surface [bgs]). A minimum of three monitoring wells must be installed to assess groundwater flow in the deeper zone. The Department requires that all soils from 55 feet below ground surface and extending to the termination depth of the proposed wells (i.e., below current monitoring well depths) be logged and field screened for lithology and contaminant assessment. Soil and groundwater data collected during the deep well installation and subsequent sampling of these wells must be incorporated into a hydrogeologic *Site Conceptual Model Report*. The *Report* must include an updated geologic cross-section(s) showing all aquifers encountered and a vertical contaminant profile. The *Work Plan* must include a schedule that will provide for completing the well installations and submission of the *Site Conceptual Model Report* **no later than March 31, 2011**.
- 3) Continue monthly gauging and quarterly sampling of the on-site and off-site monitoring wells, as well as quarterly sampling of the former on-site supply well.
- 4) Results must be documented in quarterly reports. When submitting documentation to the Oil Control Program, submit three (3) hard copies and an electronic copy on a labeled compact disc (CD) to the attention of the case manager at the above letterhead address.

The requirement to submit a *Corrective Action Plan* will remain suspended pending a review of the *Site Conceptual Model Report*, future quarterly reports, and completion of GAC system installation and sampling at 8424 Veterans Highway. A *Third Amendment to the Settlement Agreement and Consent Order* that documents this change is attached. Please sign and date the amendment and return to the Department **no later than November 5, 2010**.

If you have any questions, please contact the case manager, Mr. Michael Edillon, at 410-537-4151 (email: medillon@mde.state.md.us) or me at 410-537-3482 (email: ejackson@mde.state.md.us).

Sincerely,



Ellen Jackson, Central Region Section Head
Remediation and State-Lead Division
Oil Control Program

MGE/nln
Enclosure

cc: Lana M. Keelty, Esq. (Eastern Petroleum Corporation)
Mr. Kip Kraus (Envirotech Consultants, LLC)
Ms. Kerry Topovski (Anne Arundel County Health Dept.)
Ms. Ginger D. Klingelhoef-ellis (Anne Arundel County DPW)
Priscilla N. Carroll, Esq.
Mr. Christopher H. Ralston
Mr. Thomas L. Walter
Mr. Horacio Tablada