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Austin, TX 78701  
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**BY EMAIL AND HAND DELIVERY**

June 28, 2023

Ms. Anuradha Mohanty  
Project Manager, Land and Materials Administration  
Maryland Department of the Environment  
1800 Washington Blvd.  
Baltimore, MD 21230  
[anuradha.mohanty@maryland.gov](mailto:anuradha.mohanty@maryland.gov)

*Re: Quantum Maryland Environmental Management Plan*

Dear Ms. Mohanty,

This letter provides a summary of the actions taken in response to the Land Restoration Program's ("LRP") May 25, 2023, letter withdrawing approval of the Environmental Management Plan ("EMP") for the Phase I Utility Installation Work at the Quantum Frederick data center development (also known as the former Alcoa Eastalco Works property) until further notice (hereinafter "May 25 EMP Letter"). Quantum Maryland, LLC ("Quantum Maryland") takes this matter very seriously and is working with our consultants and contractors to address the follow-up actions identified by the LRP and the Water & Science Administration ("WSA") and to provide all requested information. A comprehensive response to MDE's May 31, 2023 Information Request – Land Use Controls was submitted on June 21, 2023 and has been posted to MDE's website. We appreciate the ongoing and productive dialogue between Quantum Maryland and MDE and are committed to the prompt resolution of any outstanding questions.

Quantum Maryland took immediate action in response to the May 25 EMP letter and the WSA's May 22, 2023 request to cease dewatering associated with sewer installation until water samples were obtained. Specifically, on May 22, we instructed our contractor to immediately cease dewatering activity (as confirmed in MDE's May 26, 2023 NPDES Construction Activity Inspection Report), and directed our environmental consultant, Geo-Technology Associates, Inc. ("GTA"), to conduct surface water and sediment sampling in Tuscarora Creek and immediately provide the results to MDE. Further surface water and sediment sampling was performed both on-site and within downgradient portions of Tuscarora Creek under MDE oversight. Additionally, after receiving MDE's May 25 EMP Letter, we voluntarily stopped all Phase I utility installation

work, regardless of whether construction activities were occurring within or outside the boundaries of the Environmental Covenant area.

MDE has now completed its assessment of the results of sampling of Tuscarora Creek, creek sediments, and source water and has found no adverse impacts to public health and the environment associated with on-site dewatering activities.<sup>1</sup> Further, the sampling results from the source area did not identify contaminants of concern that would be anticipated to impact surface water quality. Thus, the sampling results demonstrated that the waters of Tuscarora Creek were, and remain, safe and are not contaminated. These specific findings of clean water and no adverse impacts were confirmed by the Frederick County Health Department in their June 17, 2023 letter to us, which included authorization to remove the advisory signs previously posted at Tuscarora Creek, which had been posted out of an abundance of caution. The Frederick County Health Department letter is attached as **Exhibit A**.

To ensure that all future construction activities are performed in accordance with the EMP, the Environmental Covenant, and the Site Management Plan, a second environmental consulting firm has been hired to be on-site full time with our contractors. This consultant will be on-site beginning this week.

#### Specific Responses to the May 25 EMP Letter

The May 25 EMP Letter provides a list of reasons for the withdrawal of EMP approval. Quantum Maryland does not concede the factual and legal allegations set forth in that letter. For purposes of resolving MDE's stated concerns, Quantum Maryland provides the following additional information and clarifications concerning the Phase I utility installation work as well as a summary of comprehensive actions taken in response to the May 25 EMP letter.

- 1. Pursuant to the approval letter dated March 16, 2023, the LRP approval was caveat to specific requirements including timely submission of all work plans outlined in the EMP Addenda Table in Section 8.0 of the Environmental Management Plan. MDE approval of all work plans prior to implementation was a requisite condition which has not been fulfilled.**

All EMP Addenda outlined in the Addenda Table in Section 8.0 of the EMP have been submitted to the LRP as reflected in the chart below. For convenience, the addenda are provided on an accompanying CD.

Addendum Description	Submittal Date
Stormwater and Groundwater Management Addendum	May 22, 2023
Sediment Basin Liner Design Details	May 25, 2023

<sup>1</sup> The sampling results can be accessed here:

<https://mde.maryland.gov/programs/land/MarylandBrownfieldVCP/Pages/remediationsites.aspx>

DA-11 Sediment Stockpile Location Plan (Figure/Memo)	May 26, 2023
Outlot 1 Pump Station Construction Plans	May 25, 2023
Substation Construction Plans	May 26, 2023 *draft plan previously submitted as part of August 2022 bid set noted below
Railroad Soil Management Plan	May 26, 2023
Existing SMA Fencing Plan	The existing SMA fence was in place when the EMP was approved in March 2023. A diagram reflecting the location of the existing SMA fence was submitted May 25, 2023.
Plans Showing SMA Fencing Alterations	Not applicable at this time
Plans Showing Utility Routing Changes	February 8, 2023, and incorporated into the EMP. The plan regarding sewer line B was submitted May 26, 2023.
MDE-Approved Wetlands Permit	MDE issued nontidal wetlands and waterways permit 22-NT-3124 on February 16, 2023. The approved permit was submitted to the LRP on May 29, 2023.

**2. Information available to date indicates that site activities including rock blasting for installation of a sewage pump station, utility installation including sewer lines, sediment basins, and electrical substation have advanced without submission and approval of work plans and/or construction details.**

Bid set construction plans for utility installation, including sewer lines and sediment basins, were submitted to MDE in August 2022, prior to approval of the EMP. For clarification, no rock blasting has occurred for installation of the sewage pump station, sediment basin, or electrical substation. Rock blasting occurred as part of the site activities associated with installation of the sewer lines. The sewage pump and electrical substation construction plans and the blasting plan have already been submitted by our consultant, GTA, in response to the May 25 EMP Letter. The submittal date for referenced plans is reflected in the following chart, and the plans are provided on the accompanying CD.

Information Sent	Submittal Date
Utility installation including sewer lines, sediment basins	August 2022
Pump Station Construction Plans	May 25, 2023
Substation Construction Plans	May 26, 2023
Blasting Plan	June 2, 2023

- 3. Section 2.3.4 of the EMP indicates that “No work of the electrical substation will occur until the Addendum is approved”. A recent communication from GTA indicates that the grading has commenced without approval of a construction plan.**

The electrical substation is located within the boundaries of the Environmental Covenant area but is not located within the boundaries of the Soil Management Area. Rough grading occurred and included placement of soil fill in the electrical substation area from a borrow area located outside of the Environmental Covenant boundaries. Only grading activities commenced prior to submission of the substation construction plan. For clarification, no work associated with the substation construction plan submitted to MDE on May 26 has begun.

- 4. As outlined in Section 6.1 of the EMP, site security issues were not addressed prior to initiation of the site work.**

Site security was fully addressed and implemented prior to initiation of the site work. As stated in Section 6.1 of the EMP, the portions of the site within the Soil Management Area were secured with fencing prior to our ownership and the commencement of site work to prevent trespassers from accessing the Soil Management Area. The existing fencing is reflected in the “Groundwater and Surface Water Summary” reports submitted to MDE on a semi-annual basis. An Existing SMA Fencing Plan was submitted by our consultant, GTA, in response to the May 25 EMP Letter.

- 5. Additionally, a portion of the site is subject to land use controls under an existing Environmental Covenant (EC) recorded in the land records of the Frederick County as Bk 12205 Pg 001-243). The requirements set forth in this EC supersede all subsequent documents including the EMP. Specifically the EC has the following requirement for management of groundwater from the EC Area.**

*When conducting any excavation activities on the Property extending to the groundwater table, the Property owner shall implement the requirements of a site-specific health and safety plan in accordance with the site management plan to ensure worker protection measures are met. The encountered groundwater shall be containerized during all dewatering activities at the Property and shall be analyzed before disposal. The analytical result shall be the basis for appropriate disposition of the groundwater in accordance with applicable local, State, and federal regulations.*

A copy of the Environmental Covenant and EMP were provided to our contractor and GTA prior to the commencement of on-site construction work. In compliance with the Environmental Covenant, Quantum Maryland implemented a site-specific health and safety plan (“HASP”) to ensure worker protections were met. This HASP was developed by GTA and provided to MDE on October 13, 2022. The HASP was also included on a CD submitted to MDE on June 21, 2023 in response to an LRP information request.

Additionally, each contractor working at the property has their own site-specific HASP. On May 30, 2023, as requested by MDE, GTA provided copies of each contractor's site-specific HASP to the LRP. Copies of these site-specific HASPs were also included on a CD submitted to MDE on June 21, 2023 in response to an LRP information request.

- 6. Per notification from MDE's Water and Science Administration (WSA), a significant amount of groundwater was being generated during installation of the pump station and the Sewer Line 1B, which lies within the EC Area. The impacted water generated from the EC area has been discharged to Tuscarora Creek, without proper characterization. This is in violation of the requirements set forth in an existing Environmental Covenant (Frederick County Bk 12205 Pg 001-243) as well as Section 6.5 of the approved EMP. Although this dewatering has been ongoing since 4/21/23 at least, LRP has not been notified of this discharge. Following an unauthorized dewatering violation notice from MDE's Water and Science Administration (WSA), a Stormwater and Groundwater Management Addendum was submitted to the LRP on May 22, 2023.**

Quantum Maryland obtained coverage under the NPDES General Permit for Stormwater Discharges Associated with Construction Activity (Maryland General Permit No. 14-GP) for eight project segments associated with the Phase I utility installation, including Sewer Line 1A and 1B (Permit Registration Nos. MDRCK06BN and MDRCK06BW). Non-stormwater discharges from dewatering associated with construction excavations, managed in accordance with applicable soil erosion and sediment control standards, are permissible under the permit. *See e.g.*, Letters from MDE to Quantum Maryland regarding Permit Registrations MDRCK06BN, dated September 28, 2022 and MDRCK06BW, dated Oct. 25, 2022 (attached as **Exhibit B**).

No groundwater from dewatering activities was discharged directly into Tuscarora Creek. Water encountered during installation of the sewer line and pump station was pumped to a filter bag to remove sediment and then reintroduced back into the ground.

As mentioned above, MDE assessed the results of sampling of Tuscarora Creek, creek sediments, and source water and found that there were no adverse impacts to public health and the environment. Water samples originating from the source area also did not demonstrate impacts from previous Alcoa industrial activities. The sampling results from the source area did not identify any contaminants of concern that would be anticipated to impact surface water quality. Metals indicative of native soils and local geologic conditions were identified in the environmental media tested and do not represent potential contaminant sources of concern. At this time, Quantum Maryland and GTA are working with the LRP to prepare a dewatering contingency plan for the property.

- 7. An EMP Implementation Report (IR) submitted dated May 15, 2023, failed to recognize any of these above issues. In addition, the IR was found to be incorrect, unclear, and lacking in all relevant site activity details.**

In compliance with the EMP, GTA prepared and submitted the EMP IR for work performed in April 2023 on May 15, 2023. The LRP has directed that no IRs should be submitted until the EMP is revised and approved. However, if the LRP would like clarification on specific items in the May 15 IR prior to reapproval of the EMP, we can submit a revised IR or set up a call or meeting to discuss.

- 8. Despite several requests, LRP is yet to receive an updated and complete site activity plan, schedule of activities, legal description of property as well as records of approved site permits including a sediment and erosion control plan (SEC), appropriate permitting for construction within the wetland, and all appropriate permitting regarding GW/SW discharge. Delayed and incomplete submissions, as well as gap in communication has been a roadblock in LRP's ability to efficiently oversee site activities including the EMP implementation.**


Since receiving notification from the WSA on May 22, 2023 regarding potential discharges during dewatering activities, Quantum Maryland and GTA have been in constant communication with the LRP and WSA. We have taken significant steps to establish clear lines of communication among all parties working on-site, including hiring a second environmental consultant to be on-site full time and coordinate compliance with the Environmental Covenant as well as all approved plans and permits going forward. In response to requests from the LRP, Quantum Maryland has also submitted copies of the following plans and permits, which were all approved or obtained prior to the start of construction activities and are included on the accompanying CD.

Information Sent	Submission Date
Lot Plan	June 2, 2023
Wetlands Permit	MDE issued nontidal wetlands and waterways permit 22-NT-3124 on February 16, 2023. The approved permit was submitted to the LRP on May 29, 2023.
Registration Letters demonstrating coverage under Maryland General Permit No. 14-GP	MDE confirmed coverage under 14-GP, for eight project segments associated with the Phase I utility installation in Summer and Fall 2022. These letters were submitted to the LRP on May 26, 2023.
Complete Site Plans	May 29, 2023

Next Steps

We appreciate MDE's attention to this matter and thorough review of the submitted materials. In order to resolve any outstanding questions and ensure that MDE has all the information necessary to review a revised EMP, we believe it would be helpful to discuss any questions about the submitted materials during our upcoming site meeting on Thursday, July 6, 2023, or at another convenient time the week of July 10. Please respond directly to me to discuss any additional questions you may have and to schedule a meeting to continue our discussions to resolve this matter.

Sincerely,

DocuSigned by:  
  
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A.D. Robison  
Vice President, Infrastructure Engineering

cc: Barbara Krupiarz, Program Manager, Land Restoration Program  
Barbara Brown, Section Head, Voluntary Cleanup Program  
Kate Ansalvish, Environmental Compliance Supervisor, WSA Compliance Program  
Gregory Hazzard, Compliance Specialist, WSA Compliance Program  
Sylvia Kang, Chief Real Estate Officer, Quantum Loophole  
Paul Hayden, Vice President, Geo-Technology Associates, Inc.  
Kevin Plocek, Associate, Geo-Technology Associates, Inc.  
Colleen McMullen, Staff Scientist, Geo-Technology Associates, Inc.

Enclosures

# **Exhibit A**





**Public Health**  
Prevent. Promote. Protect.

Frederick County Health Department

# Public Health Update

DATE: June 15, 2023

The Frederick County Health Department (FCHD) would like to provide the following information from the Maryland Department of the Environment (MDE) to our community.

On May 23, 2023, MDE's Land Restoration Program was made aware of potential illicit water discharges to Tuscarora Creek, a tributary of the Potomac River, in Frederick County. The party responsible for the discharge, Quantum Maryland LLC, which is redeveloping the Former Alcoa Eastalco Works at 5601 Manor Road, Frederick, was instructed by MDE's Water and Science Administration on May 22, 2023, to cease all discharges and site development activities. Employing an abundance of caution on May 26, 2023, Quantum Maryland LLC was instructed to post warning signs along the creek and to sample the creek, sediments and source water that was discharged to the creek. MDE has received and assessed the results of the sampling of Tuscarora Creek, creek sediments and source water that was discharged from the site to the creek and has found no adverse impacts to public health and the environment.

Based on the analytical results within the creek and creek sediments, adverse impacts to public health and the environment were not identified and creek water and sediments did not demonstrate adverse impacts from the illicit discharge. Water samples originating from the source area of the illicit discharge also did not demonstrate impacts from previous Alcoa industrial activities. The groundwater results from the source area did not identify contaminants of concern that would be anticipated to impact surface water quality. Metals indicative of native soils and local geologic conditions were identified in the environmental media tested and do not represent potential contaminant sources of concern. At this time warning signs from the creek can be removed.

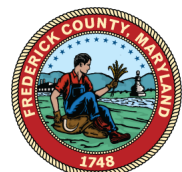
These results, and additional information on the site, can be found on the Land Restoration Program webpage under the Former East Alcoa Works heading. <https://mde.maryland.gov/programs/land/MarylandBrownfieldVCP/Pages/remediationsites.aspx>.

###

Barbara A. Brookmyer, M.D., M.P.H. ▪ Health Officer

350 Montevue Lane ▪ Frederick, MD 21702

Phone: 301-600-1029 ▪ Fax: 301-600-3111 ▪ MD TTY: 1-800-735-2258



# **Exhibit B**



# Maryland

## Department of the Environment

Wes Moore, Governor  
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary  
Suzanne E Dorsey, Deputy Secretary

9/28/2022

### Quantum Maryland, LLC

500 E 4th St  
Suite 333  
Austin, Texas 78701

RE: Registration of Application Number: **MDRCK06BN**

Dear Mr. AD Robison:

This letter confirms that you are now under the Department's Consent Order for discharges of stormwater associated with construction activity and that you have met the General Permit eligibility criteria and declared your intention to operate in accordance with the terms of 14-GP for discharges into: **Potomac River FR Cnty (02140301)**

In signing the Declaration of Intent (DOI), the eNOI, providing Certification of an approved Erosion and Sediment Control (E&SC) plan and paying the permit fee, you have certified your agreement to comply with the terms of the permit for: **Quantum Frederick**

Issued to **Quantum Maryland, LLC**

For **2.04 acres**

At property located at **5601 Manor Woods Road  
Frederick, Maryland 21703**

The Consent Order approval is identified by the Number **MDRCK06BN**. This coverage will continue until the deadline for new registrations required under a new general permit, the date you obtain coverage under an individual permit or general permit, or the date the Consent Order is terminated, whichever occurs first.

You should print the full permit text by going to MDE's website or from this link "[mde.wv.page.link/CGP](http://mde.wv.page.link/CGP)". You must become thoroughly familiar with the content of the permit and post a copy onsite. A summary of the permit requirements and provision are provided below:

In addition to stormwater associated with construction activity, Per Part III.A.4 of the permit, non-stormwater discharges from: dewatering from construction excavations, which must be managed by controls in accordance with the 2011 Standards and Specifications for Soil Erosion and Sediment Control (ES&C); fire fighting activities; air conditioning condensate; uncontaminated spring water; and foundation or footing drains where flows are not causing an erosive condition or contaminated with process materials such as solvents are permissible. Any discharges not covered by the Consent Order may require additional permit coverage (Part III.A.3).

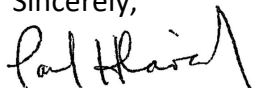
The coverage requirements include:

- (Part III.D) Training requirements of all site personnel to understand aspects of permit and plan compliance relevant to their specific duties.
- (Part IV.A) Effluent Limitations, including selecting, installing, implementing and maintaining control measures (i.e., BMPs, controls, practices, etc.) at the construction site that minimize pollutants in the discharge, as well as requirements to modify controls or ceasing those discharges as required.
- (Part IV.B) Prevention of the discharge of sediment to surface waters, or conveyance systems leading to surface waters, including required corrective actions and on-site documentation.
- (Part IV.C.1) Mandatory inspection and frequency requirements.
- (Part IV.C.2) Requirements for posting information regarding this registration.
- (Part IV.C.3) Onsite record maintenance, including that the approved E&SC plan, the approved stormwater management plan, a copy of the general permit, the eNOI and a copy of this registration letter.
- (Part IV.C.3.b) Written report requirements including use of the form as provided by MDE(available on MDE's website "[mdewwp.page.link/CGP](#)" as a fillable Microsoft Word form and as an Adobe Acrobat file.
- (Part IV.D) Upon request, reporting requirements that may apply to you.

Remember to contact the compliance program to schedule a preconstruction meeting 2 weeks prior to starting construction. If the current E&SC plan approval covers only part of the entire site, be advised that this registration does not cover discharges from the other portions for the site until the appropriate E&SC approval authority approves the E&SC plan for those portions. The responsible party is required to submit any Modifications to this coverage, Transfers of Authorization, or Notices of Termination via the ePermits portal. If your contact information changes, update it through the ePermits portal.

If you have any questions, please call the administrative team for the General Permit at (410) 537-3019.

Sincerely,



Paul Hlavinka

Industrial and General Permits Division

Wastewater Permits Program



## CONSENT ORDER

### To Comply With The Terms and Conditions of the General Permit for Stormwater Associated with Construction Activity 14GP

The Maryland Department of the Environment (“Department”) has the powers, duties, and responsibilities vested in it pursuant to Sections 1-301 and 9-301 through 9-344, inclusive, of the Environment Article of the Annotated Code of Maryland, to implement and enforce the environmental laws of the State, including protection of the waters of the State;

Pursuant to Section 9-322 of the Environment Article, a person may not discharge any pollutant, including stormwater associated with construction activity, to waters of the State without a permit;

Pursuant to Section 9-335 of the Environment Article, the Department may issue an order to take corrective action to any person who has violated Title 9, subtitle 3 of the Environment Article, any rule or regulation adopted under Title 9, subtitle 3, or any order or permit issued under Title 9, subtitle 3;

A person who violates any provision of Title 9, subtitle 3 of the Environment Article or any rule, regulation, order, or permit adopted or issued by the Department under Title 9, subtitle 3 may be subject to potential civil and administrative penalties pursuant to Section 9-342, including for engaging in construction or land disturbing activities without a discharge permit;

In recognition that the General Permit for Stormwater Associated with Construction Activity (General NPDES Permit Number MDRC; State Discharge Permit Number 14GP) (“14GP”) is beyond its five-year term, and in recognition that NPDES permits have a maximum duration of five years, the Department is no longer issuing new registrations under the expired permit 14GP. Proposed new discharges of stormwater associated with construction activity will not be allowed to obtain general permit coverage until a new permit is issued; and

Any person that has signed a Declaration of Intent (a “Declarant”), acknowledging the intent to seek permit coverage for all new and existing stormwater discharges that are composed in whole or in part of discharges associated with construction activity [as defined by 40 Code of Federal Regulations (40 CFR), Section 122.26 (b)(14)(x) and Section 122.26(b)(15)(i); see Part IX.3 for further definition of “construction activity”] under a new general permit once final and effective, voluntarily consents to the Department entering this Order. As described in the Declaration of Intent, the Declarant also voluntarily consents to abide by the terms and conditions of the expired 14GP until a new general permit is final

and effective or the Declarant is issued an individual discharge permit, whichever comes first.

ORDER

THEREFORE, pursuant to Sections 1-301 and 9-301 through 9-344, inclusive, of the Environment Article, the Department, hereby ORDERS that each Declarant shall, after receipt from the Department of documentation of approval of the NOI, comply with all terms and conditions of 14GP.

At any time at the discretion of the Department or the U.S. Environmental Protection Agency, or if there is evidence indicating that stormwater discharges authorized by this Order cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the Department may withdraw or revoke this Order and require any Declarant to obtain an individual permit or alternative general permit coverage. Alternatively, the Department may modify this Order to include different limitations and requirements, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 C.F.R. §§ 122.62, 122.63, 122.64 and 124.5.

This Order is not intended to be nor shall it be construed to be a permit or an authorization for permit coverage. Compliance by a Declarant with the terms of this Order shall not relieve the Declarant of its obligation to comply with any other applicable local, state, or federal laws and regulations.

Nothing in this Order shall be construed to limit any authority of the Department to issue any order or to take any action it deems necessary to protect public health or the environment, or to limit any authority the Department now has or may hereafter be delegated.

The Department reserves the right to withdraw or revoke this Order at any time. Unless otherwise withdrawn or revoked, this Order shall remain in full force and effect for each Declarant until the deadline for new registrations required under a new general permit, or the date the Declarant obtains coverage under an individual permit or alternative general permit, whichever occurs first.

This Order will be effective for each Declarant upon approval of the NOI by the Department.

STATE OF MARYLAND,  
DEPARTMENT OF THE ENVIRONMENT



\_\_\_\_\_  
D. Lee Currey, Director  
Water and Science Administration

Date May 18, 2020



# Maryland

## Department of the Environment

Wes Moore, Governor  
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary  
Suzanne E Dorsey, Deputy Secretary

10/25/2022

### Quantum Maryland, LLC

500 E 4th St  
Suite 333  
Austin, Texas 78701

RE: Registration of Application Number: **MDRCK06BW**

Dear AD Robison:

This letter confirms that you are now under the Department's Consent Order for discharges of stormwater associated with construction activity and that you have met the General Permit eligibility criteria and declared your intention to operate in accordance with the terms of 14-GP for discharges into: **Potomac River FR Cnty (02140301)**

In signing the Declaration of Intent (DOI), the eNOI, providing Certification of an approved Erosion and Sediment Control (E&SC) plan and paying the permit fee, you have certified your agreement to comply with the terms of the permit for: **Quantum Frederick**

Issued to **Quantum Maryland, LLC**

For **4.06 acres**

At property located at **5601 Manor Woods Road  
Frederick, Maryland 21703**

The Consent Order approval is identified by the Number **MDRCK06BW**. This coverage will continue until the deadline for new registrations required under a new general permit, the date you obtain coverage under an individual permit or general permit, or the date the Consent Order is terminated, whichever occurs first.

You should print the full permit text by going to MDE's website or from this link "[mdewwp.page.link/CGP](http://mdewwp.page.link/CGP)". You must become thoroughly familiar with the content of the permit and post a copy onsite. A summary of the permit requirements and provision are provided below:

In addition to stormwater associated with construction activity, Per Part III.A.4 of the permit, non-stormwater discharges from: dewatering from construction excavations, which must be managed by controls in accordance with the 2011 Standards and Specifications for Soil Erosion and Sediment Control (ES&C); fire fighting activities; air conditioning condensate; uncontaminated spring water; and foundation or footing drains where flows are not causing an erosive condition or contaminated with process materials such as solvents are permissible. Any discharges not covered by the Consent Order may require additional permit coverage (Part III.A.3).

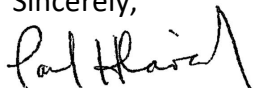
The coverage requirements include:

- (Part III.D) Training requirements of all site personnel to understand aspects of permit and plan compliance relevant to their specific duties.
- (Part IV.A) Effluent Limitations, including selecting, installing, implementing and maintaining control measures (i.e., BMPs, controls, practices, etc.) at the construction site that minimize pollutants in the discharge, as well as requirements to modify controls or ceasing those discharges as required.
- (Part IV.B) Prevention of the discharge of sediment to surface waters, or conveyance systems leading to surface waters, including required corrective actions and on-site documentation.
- (Part IV.C.1) Mandatory inspection and frequency requirements.
- (Part IV.C.2) Requirements for posting information regarding this registration.
- (Part IV.C.3) Onsite record maintenance, including that the approved E&SC plan, the approved stormwater management plan, a copy of the general permit, the eNOI and a copy of this registration letter.
- (Part IV.C.3.b) Written report requirements including use of the form as provided by MDE(available on MDE's website "[mdewwp.page.link/CGP](#)" as a fillable Microsoft Word form and as an Adobe Acrobat file.
- (Part IV.D) Upon request, reporting requirements that may apply to you.

Remember to contact the compliance program to schedule a preconstruction meeting 2 weeks prior to starting construction. If the current E&SC plan approval covers only part of the entire site, be advised that this registration does not cover discharges from the other portions for the site until the appropriate E&SC approval authority approves the E&SC plan for those portions. The responsible party is required to submit any Modifications to this coverage, Transfers of Authorization, or Notices of Termination via the ePermits portal. If your contact information changes, update it through the ePermits portal.

If you have any questions, please call the administrative team for the General Permit at (410) 537-3019.

Sincerely,



Paul Hlavinka

Industrial and General Permits Division

Wastewater Permits Program





## CONSENT ORDER

### To Comply With The Terms and Conditions of the General Permit for Stormwater Associated with Construction Activity 14GP

The Maryland Department of the Environment (“Department”) has the powers, duties, and responsibilities vested in it pursuant to Sections 1-301 and 9-301 through 9-344, inclusive, of the Environment Article of the Annotated Code of Maryland, to implement and enforce the environmental laws of the State, including protection of the waters of the State;

Pursuant to Section 9-322 of the Environment Article, a person may not discharge any pollutant, including stormwater associated with construction activity, to waters of the State without a permit;

Pursuant to Section 9-335 of the Environment Article, the Department may issue an order to take corrective action to any person who has violated Title 9, subtitle 3 of the Environment Article, any rule or regulation adopted under Title 9, subtitle 3, or any order or permit issued under Title 9, subtitle 3;

A person who violates any provision of Title 9, subtitle 3 of the Environment Article or any rule, regulation, order, or permit adopted or issued by the Department under Title 9, subtitle 3 may be subject to potential civil and administrative penalties pursuant to Section 9-342, including for engaging in construction or land disturbing activities without a discharge permit;

In recognition that the General Permit for Stormwater Associated with Construction Activity (General NPDES Permit Number MDRC; State Discharge Permit Number 14GP) (“14GP”) is beyond its five-year term, and in recognition that NPDES permits have a maximum duration of five years, the Department is no longer issuing new registrations under the expired permit 14GP. Proposed new discharges of stormwater associated with construction activity will not be allowed to obtain general permit coverage until a new permit is issued; and

Any person that has signed a Declaration of Intent (a “Declarant”), acknowledging the intent to seek permit coverage for all new and existing stormwater discharges that are composed in whole or in part of discharges associated with construction activity [as defined by 40 Code of Federal Regulations (40 CFR), Section 122.26 (b)(14)(x) and Section 122.26(b)(15)(i); see Part IX.3 for further definition of “construction activity”] under a new general permit once final and effective, voluntarily consents to the Department entering this Order. As described in the Declaration of Intent, the Declarant also voluntarily consents to abide by the terms and conditions of the expired 14GP until a new general permit is final

and effective or the Declarant is issued an individual discharge permit, whichever comes first.

ORDER

THEREFORE, pursuant to Sections 1-301 and 9-301 through 9-344, inclusive, of the Environment Article, the Department, hereby ORDERS that each Declarant shall, after receipt from the Department of documentation of approval of the NOI, comply with all terms and conditions of 14GP.

At any time at the discretion of the Department or the U.S. Environmental Protection Agency, or if there is evidence indicating that stormwater discharges authorized by this Order cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, the Department may withdraw or revoke this Order and require any Declarant to obtain an individual permit or alternative general permit coverage. Alternatively, the Department may modify this Order to include different limitations and requirements, in accordance with the procedures contained in COMAR 26.08.04.10 and 40 C.F.R. §§ 122.62, 122.63, 122.64 and 124.5.


This Order is not intended to be nor shall it be construed to be a permit or an authorization for permit coverage. Compliance by a Declarant with the terms of this Order shall not relieve the Declarant of its obligation to comply with any other applicable local, state, or federal laws and regulations.

Nothing in this Order shall be construed to limit any authority of the Department to issue any order or to take any action it deems necessary to protect public health or the environment, or to limit any authority the Department now has or may hereafter be delegated.

The Department reserves the right to withdraw or revoke this Order at any time. Unless otherwise withdrawn or revoked, this Order shall remain in full force and effect for each Declarant until the deadline for new registrations required under a new general permit, or the date the Declarant obtains coverage under an individual permit or alternative general permit, whichever occurs first.

This Order will be effective for each Declarant upon approval of the NOI by the Department.

STATE OF MARYLAND,  
DEPARTMENT OF THE ENVIRONMENT

  
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D. Lee Currey, Director  
Water and Science Administration

Date May 18, 2020