



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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

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September 24, 2009

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

**RE: SETTLEMENT AGREEMENT AND CONSENT ORDER
ADJUSTMENT TO SCHEDULE
Case No. 2007-0214-AA
The New Transit Truck Stop
8400 Veterans Highway, Millersville
Anne Arundel County, Maryland
Facility I.D. No. 6767**

Dear Mr. McNew:

This letter is written in response to a request from Eastern Petroleum Corporation to modify the completion dates related to two items within the March 12, 2009 *Settlement Agreement and Consent Order* for the above-referenced site, entered into between the Maryland Department of the Environment and Eastern Petroleum Corporation. Previously, the *Investigation and Remediation* schedule was adjusted; and the Department approved an extension to allow additional time to remove the tanks, associated piping, and to submit the tank removal report. However, the dates to complete the *Site Supplemental Investigation Plan* (SSIP) activities were not adjusted. As a result of the delay in removing the tanks and piping, SSIP activities were also delayed. The Department understands that Eastern Petroleum Corporation is actively conducting work and that additional time was also needed to secure an off-site access agreement with the owner of the adjacent property (8424 Veterans Highway) to install two off-site monitoring wells. This request was made to allow time to complete SSIP field activities and to submit the *SSIP Report of Results*. The Oil Control Program advises Eastern Petroleum Corporation to submit similar requests far ahead of deadlines (rather than the day before as in this case) to allow sufficient time to avoid penalties in the event that the Department does not approve of deviations from the *Settlement Agreement and Consent Order*.

Please find enclosed an *Amendment to Settlement Agreement and Consent Order* that you must sign and return. Upon receipt, I will sign and return a copy to you. The Department's Oil Control Program will approve the proposed schedule as outlined in the letter dated September 14, 2009 from Envirotech Consultants, LLC, on behalf of Eastern Petroleum Corporation, with modifications to the *Corrective Action Plan* (CAP) requirement not addressed by Eastern Petroleum. The modified schedule to be approved is as follows:

- Completion of SSIP field activities – Completion by November 15, 2009
- SSIP *Report of Results* – submit to MDE by November 30, 2009
- CAP – submit to MDE by January 29, 2010.

The Department will evaluate the site investigation data and determine whether additional data is required. If the Department requires additional data, the CAP due date may be reconsidered at that time.

ADDITIONAL REQUIREMENTS

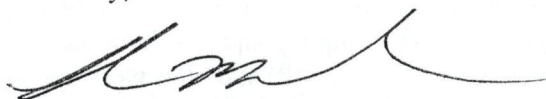
During recent SSIP field activities and quarterly reporting it has come to the attention of the Oil Control Program that monitoring well MW-5 cannot be located and may have been destroyed or covered during tank removal activities. Based on this information, the Department requires the following:

- **No later than November 15, 2009**, MW-5 must either be located or replaced with a new monitoring well and sampled. If the well can be located, its integrity must be verified. If a new well is to replace MW-5, contact the case manager, Mr. Michael Edillon, to field mark the new location prior to installation. Well development and sampling must conform to the approved SSIP methods.
- Sampling data for MW-5 or the new monitoring well must be included in the SSIP *Report of Results*.
- Well construction information (installation dates and screen intervals) must also be included in the Monitoring Well Liquid Level Data Summary table in future reports.
- When submitting documentation to the Oil Control Program, submit three hard copies and one electronic copy on a compact disc (CD) to the attention of the case manager at the above letterhead address.

All other schedules and deadlines established in the *Settlement Agreement and Consent Order* remain the same. All investigation and remediation activities before implementation or discontinuance must have prior approval of the Oil Control Program.

As stated above, your signature is needed to finalize this matter. If you have any questions, please contact the case manager, Mr. Michael Edillon, at 410-537-4151 or via email: medillon@mde.state.md.us or Regional Supervisor Ellen Jackson at 410-537-3482 or via email: ejackson@mde.state.md.us.

Sincerely,



Herbert Meade, Administrator
Oil Control Program

ME/nln

Enclosure

cc: Mr. Kip Kraus (Envirotech Consultants, LLC)
Ms. Patricia Phipps (Eastern Petroleum Corp.)
Ms. Kerry Topovski (Anne Arundel County Health Dept.)
Ms. Ginger D. Klingelhoefer-Ellis (Anne Arundel County Dept. of Public Works)
Mr. Christopher H. Ralston
Priscilla N. Carroll, Esq.
Mr. Horacio Tablada