



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Shari T. Wilson
Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

OCT 04 2007

Dear Citizens of Anne Arundel County:

On October 1, 2007, the Maryland Department of the Environment (MDE) filed a consent order in Anne Arundel County Circuit Court to settle an on-going environmental enforcement action that was taken against BBSS, Inc. (BBSS) and Constellation Power Source Generation, Inc. (Constellation) for contamination of public drinking water wells in the vicinity of BBSS' Gambrills sand and gravel mine.

This consent order requires BBSS and Constellation to begin implementing remedial measures at the site that will ensure that groundwater contamination is abated, private wells contaminated by fly ash constituents are replaced with public water, and additional protective measures are put into place prior to the placement of any additional fly ash at the site. Specifically, the consent order requires the facility owners and operators to:

- Replace private wells contaminated by fly ash constituents, through connection to the public water supply or by drilling new wells as determined by the homeowner, at 39 residences in the area. Bottled water will continue to be provided until new service is established. In the unlikely event, additional wells are impacted, these would also be required to be connected to public water or receive new wells.
- Develop, and after MDE review and approval, implement a comprehensive site inspection plan to ensure that drainage, grading, and other surface water problems are corrected immediately.
- Develop, and after MDE review and approval, implement a monitoring plan that will provide an accurate characterization of the groundwater impacts from the site.
- Remediate groundwater contamination from both the Waugh Chapel and the Turner Pits to drinking water standards.
- Forego placement of new ash at any location at the site until an MDE approved pollution prevention plan is implemented, including, at a minimum, installation of a 6" clay liner with a synthetic liner and leachate collection system and a 12" thick clay cap.
- Develop and implement a public outreach and communications plan to ensure that the community is notified of progress at the site on a regular basis.
- Pay a civil penalty of \$1,000,000.

The Department will continue to monitor very closely the remediation activities pursuant to the consent decree. We will investigate any complaints reported by citizens and respond to inquiries about the site in a timely manner.



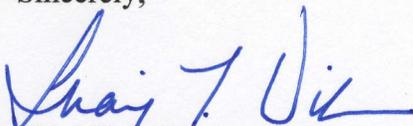
The Department is also aware of the community's concerns about dust and air contamination at the site. In response to the dust concerns, the Department's Air and Radiation Management Administration inspected the fly ash disposal operation on August 29th, September 26th and October 1st to determine whether the practices in place at that site are adequate to prevent fly ash from becoming air borne. Inspections of the neighboring industrial operations – two asphalt plants and two sand mines - were also conducted on those same dates. The Department observed dust being generated on the truck haul roads from the operation of a sand mine owned by Reliable Contracting Inc., violating State air quality regulations. The Department issued Notices of Violation to the company for those violations. There were no dust issues observed with respect to the operation of the fly ash facility.

The Department will continue to inspect the operation of the fly ash facility and its neighboring industrial facilities to ensure that all reasonable measures are being taken to prevent the release of dust from any of those operations. To assist us in this effort, we invite citizens to notify the Department of any dust issues by calling 410-537-3215.

The Department of the Environment is committed to ensuring that all citizens of Maryland are protected from any adverse impacts resulting from the use of flyash at the BBSS site, now and in the future. Copies of both the formal complaint against BBSS and Constellation as well as the complete consent order can be found on MDE's website at: <http://www.mde.state.md.us/PressReleases/1047.html>.

If you would like any additional information, please visit our website or contact me at 410-537-3084 or Mr. Jay Sakai, Director of Water Management Administration, at 410-537-3567, toll-free 800-633-6101, by mail at 1800 Washington Boulevard, Baltimore, Maryland 21230 or by e-mail at jsakai@mde.state.md.us.

Sincerely,



Shari T. Wilson
Secretary

cc: County Executive Leopold
Ms. Madonna Brennan, Co-Chair of Crofton First

