



May 31, 2023

CERTIFIED MAIL

Ms. Sylvia Kang, Chief Real Estate Officer
Quantum Maryland LLC
500 4th E. Street, Suite 333
Austin, Texas 78701

Re: **Information Request – Land Use Controls**
Former Alcoa Eastalco Property, MD#0202
5601 Manor Woods Road
Frederick, Maryland 21703
Environmental Covenant (Frederick County Circuit Court Bk. 12205)

Dear Ms. Kang:

The Maryland Department of the Environment (MDE) has conducted a site inspection documentation review and needs additional information to evaluate compliance with the requirements set forth in the Environmental Covenant (EC) issued for the above Property on December 12, 2017.

Specifically, **the Property must maintain compliance with the following:**

- 1. Environmental Covenant (EC) issued by the MDE on December 12, 2017, that specifies:**
 - a. The Property owner shall notify the MDE at least 5 business days prior to any planned transfer of ownership for any part of the Property and any successor in interest to the Property must certify to MDE that they have a copy of the EC.
 - b. The EC must be recorded in the land records within 30 days of issuance (in accordance with the requirements set forth in 1-807(a)(1) of the Environment Article, Annotated Code of Maryland).
 - c. Use of the Property for restricted commercial (Tier 2B) or restricted industrial (Tier 3B) as defined in the EC.
 - d. Additional Land Use Controls (LUCs) include:
 1. Restriction on use of groundwater beneath the Property for any purposes.
 2. Any activity within the Soil Management Area (SMA included as exhibit B) shall meet the requirements of the Site Management Plan (SMP) included as Exhibit D.

3. Requirement for Eastalco Aluminum Co. to install a 6-foot chain link fence surrounding the Soil Management Area prior to conveyance of any portion of the Property. The fence shall be maintained until and unless all holder's consent.
4. The Property owner shall maintain the integrity of any engineered caps identified in the SMA, at all times, to prevent exposure to contaminated soil by any person on the Property at any time. To evaluate adequacy of caps, the Property owner shall perform inspection annually each April and shall maintain written documentation of the inspection in accordance with the checklist in the SMP. The Property owner shall notify MDE within 10 days after discovery of any needed repairs to the capped area. All necessary repairs to the cap shall be completed within 5 business days. Property owners will maintain records of the maintenance activity.
5. The Property owner shall comply with post closure care requirement for the two permitted landfills.
6. The owner of the landfill property will a) maintain compliance with long term groundwater monitoring requirements; b) implement appropriate measures if action levels or other evaluation criteria established in the GW and SW Monitoring Plan is triggered and c) replace any wells or monitoring points that are damaged.
7. If the monitoring well is located outside of the landfill property, the owner of the property where the well is located a) shall not damage, destroy or remove the wells and b) shall grant a recorded easement to the owner of the landfill property to allow access for monitoring and well maintenance.
8. The Property owner shall notify the Chief of the State Assessment and Remediation Division in writing, at least 30 days prior to any planned soil disturbance activity within the SMA. All soil excavation and disposal shall comply with the SMP including the Health and Safety Plan (HASP), soil disposal and capping requirement.
9. In the event of any unplanned excavation, the Property owner shall verbally or electronically notify the Department within 24 hours following emergency excavation initiation and file a detailed written report within 10 days of excavation completion.
10. All excavated soil from the SMA may be placed under a cap but movement of excavated soil from the Waste Disposal Sites (WDS) area to other parts of Property is prohibited. Alternatively excavated soil may be disposed offsite. The soil shall be analyzed before disposal and analytical results shall be the basis of appropriate disposition of the material in accordance with all local, State, and federal laws and regulations. No excavated material shall be disposed of in areas with current or proposed residential use or zoning.
11. When conducting any excavation activities on the Property extending to the groundwater table, the Property owner shall implement the requirements of a site-specific HASP in accordance with the SMP. The encountered groundwater shall be containerized during all dewatering activities at the Property and shall be analyzed before disposal. The analytical results shall be

the basis for appropriate disposition of the groundwater in accordance with applicable local, State and federal regulations.

12. Development and implementation of a site-specific health and safety plan for all personnel prior to conducting any excavation activities within the SMA.

ADDITIONAL INFORMATION NEEDED:

Following a citizen complaint to the MDE's Water and Science Administration (WSA), WSA's compliance inspection documentation review and follow up information gathering, including discussion with the environmental contractor, MDE's Land Restoration Program (LRP) has identified the following areas where additional information is needed to determine compliance with the LUCs:

- Excavation activities in the southern utility installations have resulted in significant groundwater generation. This water was discharged to nearby surface water body, including Tuscarora Creek, without notification or approval. Provide documentation regarding start date of dewatering, length of time, daily flow rate and total daily volume discharged, and source areas of discharge along with sampling data and other relevant documentation including photographs, figures with discharge locations, pumping locations, reports etc. Provide a copy of the general permit application and final permit issued for the site work.
- Excavations and soil and sediment movement activities have occurred in the DA 11 basin, a former rainwater pond immediately adjacent to the northern landfill and within the EC boundary, without submission or approval of requisite workplan for stormwater, groundwater, soil, and sediment management as required in the approved Environmental Management Plan (EMP); Unauthorized dewatering and exposure to construction workers from the impacted water from the basin may have taken place.
- Documentation that a Health and Safety Plan was developed and implemented during soil disturbance and groundwater management activities.
- Provide updated status of all groundwater monitoring wells on the Property to confirm none of the wells were damaged or destroyed during the site activity.
- Provide all previous annual On-Site Cap Inspection Forms documenting the conditions of the existing asphalt and RCRA cap during the inspection. If damaged, please provide documentation that the cap was adequately repaired following the intrusive activities.
- A file review conducted on May 24, 2023, has identified that the required Annual Summary Reports/Inspection Reports have not been submitted to MDE since 2017 as described in 1.d.4 above. Please provide copies of all summary/inspection/monitoring reports for the period from 2018 to 2023.
- Please schedule a time for a site inspection with MDE.

The information submitted will be used to determine whether the property is in compliance with the LUCs as set forth in the Environmental Covenant issued for the above property on December 12, 2017, and described above.

Maryland Uniform Environmental Covenants Act, §§1-801 through 1-815 of the Environment Article, Annotated Code of Maryland, grants enforcement authority over environmental covenants recorded in the land records to MDE. Under §1-810 of the Environment Article, Annotated Code of Maryland, MDE may pursue a civil action for injunctive or other equitable relief for a violation of an environmental covenant in addition to any other regulatory authority MDE may have with respect to an environmental response project. Violation of the terms of an environmental covenant can be enforced both under §1-810 and §§7-258 through 7-262 and §7-266 of the Environment Article. An environmental covenant that complies with §1-801 et seq. runs with the land and is valid and enforceable against the Owner, Holder, and any subsequent owner of the property per §1-804, §1-808, §1-809 of the Environment Article, Annotated Code of Maryland. The violations of the requirements of the EC set forth in [1d.11] above subjects the Owner, Holder, and any subsequent owner to an enforcement action by the Department in accordance with §1-810 and §§7-258 through 7-262 and §7-266 of the Environment Article, Annotated Code of Maryland.

All requested information should be provided to MDE within fourteen (14) business days of receipt of this letter. If you have any questions, please contact Ms. Richelle Hanson at 410-537-3467 or richelle.hanson@maryland.gov.

Sincerely,

Anuradha Mohanty

Anuradha Mohanty, Project manager
Land Restoration Program

cc: Mr. Mark A Stiffler, President, Eastalco Aluminum Company
Ms. Robyn L. Gross, Eastalco Aluminum Company
Mr. A.D. Robison, Quantum Loophole
Ms. Kate Ansalvish, Environmental Compliance Supervisor, WSA Compliance Program
Mr. Gregory Hazzard, Environmental Compliance Specialist, WSA Compliance Program
Ms. Barbara Krupiarz, Program Manager, Land Restoration Program
Ms. Barbara Brown, Section Head, Voluntary Cleanup Program
Ms. Richelle Hanson, LUC Compliance Coordinator, Land Restoration Program