



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

November 9, 2023

To: Operator with the 20CP/14GP authorizations for Quantum Loophole (STRUCTURE TONE, LLC - ADAM FINLEY, ADAM.FINLEY@STRUCTURETONE.COM, and QUANTUM MARYLAND, LLC - AD ROBISON, AD@QL.EMAIL)

Subject: Action required for twenty (20)¹ pending Notices of Intent (NOIs) under the General Permit for Stormwater Discharges Associated with Construction Activity

This letter is in response to Quantum Frederick's 20CP Notice of Intent (NOI). See the attached appendix for the list of NOIs. The Maryland Department of the Environment (MDE) has identified issues in the NOIs associated with Quantum Frederick, which are filed under the General Permit for Stormwater Discharges Associated with Construction Activity (20CP). The Land and Materials Administration's Land Restoration Program (LMA) has informed us that the sites in question may have contaminated soils and groundwater. Please refer to the attached Appendix for a full list of the twenty affected NOIs.

Regarding the pending Notices of Intent (NOIs) for the pump station, identified by their respective numbers 20CPK07C7 and 20CPK078V, approval for these NOIs can proceed once a Stormwater Pollution Prevention Plan (SWPPP) is submitted to the Department. This SWPPP must clearly outline the protocol for the containment of dewatering effluent. Based on our current understanding, the procedure involves all effluent being containerized and subsequently removed for offsite disposal. Thus the SWPPP should be updated to make clear that dewatering effluent will not be discharged. Once an updated SWPPP is received the application will be considered complete. Contact Paul Hlavinka (Paul.Hlavinka@Maryland.gov) so that the NOI may be placed on 14-day public notice as soon as possible. The possibility of removing this condition might be considered if it is established through testing that the effluent remains uncontaminated by any groundwater influx from surrounding areas bound by environmental covenants. To pursue this path forward the Department would need to define the appropriate testing parameters and establish action levels.

Regarding the other eighteen (18) NOIs, we have reviewed the communication from the Land and Materials Administration (LMA) dated October 26, 2023, indicating that several sites lack sufficient characterization to determine the presence or absence of soil, groundwater, or soil gas contaminants. Previous Phase 1 reports suggest the potential existence of various pollutants. As a result, earth-moving activities at these locations could potentially result in the release of contaminated stormwater. It is important to note that neither the 20CP nor its predecessor, the 14GP, authorized the discharge of contaminated stormwater.

Under the 20CP, sites with known contaminated soils can be granted coverage provided they adhere to an approved Stormwater Pollution Prevention Plan (SWPPP). This plan must

¹ See the attached appendix for the list of 20 NOIs affected

demonstrate how contaminated soils are isolated from the permitted areas to prevent the discharge of contaminated stormwater. To proceed with your coverage requests under the construction permit, the updated SWPPPs must be submitted to the Department to ensure their adequacy.

Therefore, for each remaining NOI, the following actions are required:

1. Given the concerns noted by LMA regarding the potential soil contaminants on-site, we are returning your 20CP continuation documents for you to revise the SWPPPs to incorporate requirements and plans to address those concerns. Once received, to issue the 14GP continuations under the 20CP, we will coordinate a review with LMA.
2. For NOIs under the 20CP, we will need updated submissions before these activities can be authorized by MDE. We will hold the permit processing until we receive SWPPPs that address the requirements and directives from LMA.
3. Once the SWPPPs are updated with the required changes, please upload and submit the documents for reevaluation. These submissions will receive priority in our review process and the authorization letters you receive will detail specific requirements.

In conclusion, there are currently no approved Stormwater Pollution Prevention Plan authorizations to allow permit coverage for construction stormwater discharges at this time. Updated SWPPPs need to be submitted. Once you update your SWPPPs, please upload the documents and submit them for further review. These applications will be prioritized for review. Please also be aware that the authorization letters will contain specific requirements. The Department suggests a meeting to provide feedback on adequate requirements for a SWPPP. Contact either Paul Hlavinka or Jennifer Nitsch (Jennifer.Nitsch@Maryland.gov) to coordinate this meeting. MDE will work internally to determine if sufficient site characterization has been completed to confirm that any contaminated soils on the site are segregated from areas authorized for permit coverage.

Cordially,



Michael Richardson, Deputy Program Manager
Wastewater Pollution Prevention Program

cc: Mr. William Silverstein, Senior Consultant, GEI (via email: wsilverstein@geiconsultants.com)
Diana Krevor, Esq., Partner, Venable LLP (via email: DMKrevor@venable.com)
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Ms. Anu Mohanty, CHS Project Manager (via email: anuradha.mohanty@maryland.gov) Ms. Barbara Brown, Section Head, Voluntary Cleanup Program (via email: barbara.brown1@maryland.gov)
Mr. Paul Hlavinka, Project Manager, Water and Science Administration (via email: paul.hlavinka@maryland.gov)
Ms. Jennifer Nitsch, Environmental Compliance Specialist, Water and Science Administration (via email: jennifer.nitsch@maryland.gov)
Mr. Patrick Noyes, Enforcement Section Manager, Compliance Program, Water and Science Administration (via email: patrick.noyes@maryland.gov)
Mr. Brad Metzger, District Manager, Western Division, Water & Science Administration (via email: brad.metzger@maryland.gov)
Mr. Andrew Gosden, Deputy Program Manager, Water & Science Administration (via email: andrew.gosden@maryland.gov)
Ms. Kate Ansalvish, Environmental Compliance Supervisor, Water & Science Administration (via email: kate.ansalvish1@maryland.gov)
Mr. William Seiger, Chief, Waterway Construction Division, Wetlands and Waterways Protection Program, Water and Science Administration (via email: william.seiger@maryland.gov)
Joel Rensberger, Chair, Frederick County Planning Commission (via email: PlanningCommission@FrederickCountyMD.gov)
Douglas Cochran, Environmental Compliance Inspector, Stormwater Engineering & Environmental Compliance (via email: DCochran@frederickcountymd.gov)

Appendix

For reference, these are the authorizations addressed by this notification:

20CP Authorization:

1. 20CPK078D Quantum Frederick - MG

14GP-20CP Continuations:

2. MDRCK06R2 (20CPK06R2) Quantum Frederick Mville
3. MDRCK06FO (20CPK06FO) Quantum Frederick QPS IP and Substation Grading
4. MDRCK06GY (20CPK06GY) Quantum Frederick B Sewer x stream
5. MDRCK06C9 (20CPK06C9) Quantum Frederick 16"W/NPW
6. MDRCK06BW (20CPK06BW) Quantum Frederick - 1B
7. MDRCK06BN (20CPK06BN) Quantum Frederick -1A
8. MDRCK06FS (20CPK06FS) Quantum Frederick - Happy Landing Rd/Pump Station Access

Pending 20CP Authorizations

9. 20CPK07C7 Quantum Frederick - Pump Station
10. 20CPK078V Quantum Frederick ST Pump Station
11. 20CPK07AV Quantum Frederick ST B Sewer x stream
12. 20CPK07BJ Quantum Frederick ST 16"W/NPW
13. 20CPK07BE Quantum ST - West Loop
14. 20CPK07BQ Quantum - West Loop
15. 20CPK07AT Quantum Frederick ST 1B Sewer
16. 20CPK07AU Quantum Frederick ST 1A
17. 20CPK07BF Quantum Frederick ST Mville
18. 20CPK07BH Quantum Frederick ST QPS and Substation Grading
19. 20CPK07BG Quantum Frederick ST - MG
20. 20CPK07BI Quantum Frederick ST - Happy Landing Rd/Pump Station Access