



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley  
Governor

Shari T. Wilson  
Secretary

Anthony G. Brown  
Lieutenant Governor

Robert M. Summers, Ph.D.  
Deputy Secretary

August 19, 2008

The Honorable Michael B. Mukasey  
United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Robert M. Gates  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Colonel Daniel L. Thomas  
Installation Commander  
Fort George G. Meade  
4551 Llewelyn Avenue, Room 203B  
Fort Meade, MD 20755

The Honorable Stephen L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RE: Fort Meade

Dear Sirs:

The State of Maryland Department of the Environment hereby gives notice of its intent to bring suit under § 7002 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6972, against the United States Department of the Army for hazardous waste contamination at and from Fort George G. Meade. Fort Meade has been a permanent United States Army Installation since 1917 and once occupied 13,500 acres of land in Anne Arundel County, Maryland. At all relevant times, the Army has been a generator of solid and hazardous waste and is the owner and operator of Fort Meade. The Army has transferred portions of the Fort Meade Installation to third parties. Portions of parcels transferred require additional work to remediate contamination. All portions of the Fort Meade Installation that are, or were owned or operated by the Army, or which have become contaminated as a result of activities conducted by the Army, are the subject of this Notice.

Groundwater at Fort Meade lies within separate and distinct aquifers. Investigation reveals that the aquifers and soils of Fort Meade became contaminated by various substances used, discharged and disposed by the Army, including solvents, degreasers, pesticides, polychlorinated biphenyls, heavy metals, including lead, chromium, mercury and arsenic, waste fuels, waste oils and unexploded ordinance. Some of the contamination has been remediated, but significant contamination remains and must be addressed.

The Site is listed on the NPL, and various investigations and remediations have been ongoing under the supervision of EPA. However, due to the Army's failure to comply with the requirements of CERCLA, EPA issued an Order under RCRA on August 27, 2007 directing the Army to clean up the Site and to abate all conditions that may present an imminent and substantial endangerment to human health or the environment. (See Administrative Order U.S. EPA Docket Number RCRA-03-2007-0213TH). The RCRA Order is incorporated by reference as though fully set forth herein. The Army has failed to comply with the Order. The State of Maryland Department of the Environment hereby gives notice that it intends to file suit under § 6972 (a)(1)(A) to enforce the RCRA Order and require the Army to comply with it.

In addition, as set forth above and in the RCRA Order, the contamination at Fort Meade may present an imminent and substantial endangerment to health and the environment. As the generator of the contamination, the past and present owner and operator of Fort Meade, and as one who has caused or contributed to the past or present handling, storage, transportation and disposal of the solid or hazardous wastes which cause the endangerment, the Army is responsible for abating this condition. The State of Maryland Department of the Environment intends to bring suit under § 6972(a)(1)(B) to force the Army to abate this condition.

The Maryland Department of the Environment is aware that the U.S. Army has stated that it intends to enter into a Federal Facility Agreement with EPA which has the potential to bring the facility into compliance with the RCRA Order. Our agency supports this effort and stands ready to assist the parties to finalize the Federal Facility Agreement to the extent requested. The Department also believes that, due to the conditions at Ft. Meade, it is imperative that compliance with the RCRA Order be achieved as soon as possible.

Notice of this endangerment and of the State's intention is hereby given pursuant to 42 U.S.C. §§ 6972(b)(1)(A) and (b)(2)(A). Please contact me at 410-537-3084 if you would like to discuss this matter further.

Sincerely,



Shari T. Wilson  
Secretary

cc: The Honorable Martin O'Malley, Governor, State of Maryland  
The Honorable Douglas F. Gansler, Attorney General, State of Maryland  
Donald S. Welsh, Regional Administrator, EPA Region III