



Town of Chestertown

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October 23, 2013

Susan R. Bull
Maryland Department of the Environment
Eastern Region Section Head
Remediation and State-Lead Division
Oil Control Program

Re: Groundwater remediation at Chester River Hospital Center
Case No. 1987-2534-KE

Dear Ms. Bull,

I am writing in response to the letter received by the Town of Chestertown on Oct 25, 2013 from you granting approval to the Chester River Hospital Center to proceed with an action plan that involves the injection of Ivey-Sol into the groundwater to "assist in dissolving the residual adsorbed/absorbed petroleum hydrocarbons into the shallow ground water formation."

The Town of Chestertown has a large number of concerns due to the fact that that shallow ground water formation (aka the Aquia aquifer) provides approximately 50% of the Town of Chestertown's drinking water.

We are hereby demanding that the approval of this plan be withdrawn, withheld or at least delayed until all of our concerns have been addressed.

We would also like to assert that this approval process has been less than transparent. The Town has not been notified or invited to attend these negotiations even though the Town is the entity that will be the most adversely impacted.

The following are a list of our concerns.

1. Ivey-Sol dissolves the fuel oil and 100% removal of the dissolved oil constituents is not guaranteed.
2. Our source water protection area is less than 100 meters from the contamination and your own documents state that Ivey-Sol will make the oil more available for migration.

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OIL CONTROL PROGRAM

3. Free product has been measured in at least one monitoring well and was not reported as required.
4. There is no definitive outline of the "smear zone". How can it be controlled if we don't know where it is?
5. The presence of 0.41 feet of free product shows there is still recoverable material on site, and/or means there is still a leak on site.
6. No information is given on what Ivey-Sol contains. Direct requests to Mr. Ivey to provide the ingredients of Ivey-Sol were ignored, except to say there is a patent pending. The Town is against any injection of unknown chemicals into the aquifer.
7. The current recovery system has prevented contamination from migrating toward the Town's Water Treatment plant. It is counter intuitive to believe that any residual contamination will not move once the recovery system is shut down. In fact, when the Hospital recovery system was shut down it *did* move closer to the water plant evidenced by product being detected in a monitoring well that had never had a positive result while the recovery system was active.
8. We have not had an opportunity to have our groundwater consultant review the plan and make observations and recommendations.
9. We are unable to find any similar injection techniques that have ever been used in the State of Maryland on this scale or in such close proximity to a public drinking water source.
10. The methods being proposed do not correspond to the recommended methods on the Ivey-Sol web site.

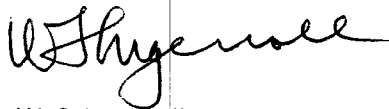
Several times in the past you have promised us in letters or emails that you would keep the Town apprized of the status of the Hospital remediation and recovery project. We have emails where you directed consultants to forward all paperwork, gauging reports and status changes to the Town. However, when it comes to proposed shut downs and underground injection plans, there has been no communication with the Town by you or the MDE employees in the Source Protection or Water Supply Program.

The Town Council took up the matter of the CRHC plan to inject Ivey-Sol into the Aquia aquifer at their October 21, 2013 meeting. They are extremely concerned with the late notice of the pending injection (approximately one week) and the utter disregard to the requests of the Town to be kept "in the loop." Bob Sipes was authorized to utilize a groundwater consultant to address the proposed actions of the CRHC (approved by MDE) and to seek legal remedies if necessary to safeguard the Town's down gradient system of wells from injurious actions that may be taken to lower the costs of safe removal of product.

It should be noted here that the Town considers the last two plans recommended by the Hospital's consultants and approved by MDE to be failures. We also feel that some of the requested actions recommended by the Hospital's consultant (and rejected by MDE) were ill-conceived and do not inspire confidence.

This entire matter has been made into an unnecessary nightmare by the lack of communication with the Town. Though it was promised after the two failed remediation plans of the recent past, it still did not occur. Now product has found its way past Brown Street on its way to the Town's well fields, without so much as a phone call from the Source Protection or Water Supply Program.

Sincerely,



W. S. Ingersoll
Town Manager

cc: Mayor and Council of Chestertown
R. Stewart Barroll, Esquire
Michael Forlini, Esquire
Mr. Chuck Cook
Senator Stephen S. Hershey, Jr.
Delegate Jay A. Jacobs
Secretary Robert Summers
Ken Kozel, Shore Health System
John Beskid (Kent County Health Department)
Andrew Bullen
Dane Bauer (Daft McCune Walker, Inc)
Kunal Gangopadhyay (EBA Engineering, Inc)
Ching-Tzone Tien, Ph. D., P.E.
John Grace
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Andrew B. Miller
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Horacio Tablada
Daniel Menefee, Chestertown Spy
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