

**NUTSHELL
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August 18, 2011

Ms. Susan Bull, Western Section Head
Remediation Division
Oil Control Program
Maryland Department of the Environment
1800 Washington Boulevard, Suite 620
Baltimore, MD 21230-1719

High's of Baltimore, Inc.
Store #130 Madonna
4101 Norrisville Road
Harford County, MD
Facility #2057
Case No 2006-0442HA

Dear Ms. Bull:

Pursuant to a request by High's of Baltimore, Inc., Nutshell personnel reviewed MDE Case 2009-0539HA files (3919 Madonna Road - Madonna Ranger Station), on June 17, 2011. The files were reviewed in response to MDE's Site Status Letter, dated March 16, 2011, via which High's was directed to conduct a review of the OCP case files (2009-0539HA), for information regarding the OCP's assignment of responsibility for contamination of wells in the vicinity of the 3919 Madonna Road and 4101 Norrisville Road properties.

Findings of Concern/Interest – FOIA File Review: June 17, 2011

An OCP in-house memo, dated 11/1/2010, indicates that a "responsible party" for contamination of the well at 3914 Madonna Road could not be determined, *based on the groundwater flow at 3919 Madonna Road*. The owner of the property, Department of Natural Resources (DNR), was given two options: 1) conduct downhole geophysics of the onsite supply well; 2) agree to share financial responsibility (with High's) for maintenance of the GAC system at 3914 Madonna Road.

On December 13, 2010, a letter of directive was issued to High's of Baltimore, Inc. assigning High's as sole responsible party for the contamination of the well at 3914 Madonna Road. Neither the letter of directive (13/13/2010) nor the MDE Case 2009-0539HA files offer an explanation as to how the "responsible party" decision was made, or why the DNR was not held responsible for the suggested geophysics study or partial financial responsibility for the GAC system at 3914 Madonna Road.

Request for Meeting with MDE

In the absence of absolute proof as to the source of contamination of the wells near High's Store 130 and 3919 Madonna Road, Mr. Brian Darnell, High's CFO and Mr. Ed Broderick, High's Petroleum Manager, hereby requests a meeting with the OCP to discuss accepting partial financial responsibility for maintenance of the GAC system at 3914 Madonna Road and the logistics of such an arrangement. High's of Baltimore Inc.'s agreement to finance maintenance of the GAC system at 3914 Madonna Road or to follow any of the OCP directives regarding wells near High's store #130 may not be interpreted as accepted or implied responsibility for contamination of the wells.

Thank you for your consideration of this request. We look forward to your reply. Just as an update: the GAC system will be serviced (carbon replaced) at 3914 Madonna Road, in September 2011.

Sincerely,



Arthur A. Shellhouse, CPEA

cc: Ed Broderick, High's
Brian Darnell, High's
Jeannette DeBartolomeo, MDE
Christopher L. Ralston, MDE
Thomas L. Walter, MDE
Horacio Tablada, MDE