

Voluntary Well Replacement or Treatment Offer for Wells Identified in Appendix B to Consent Decree

Introduction

Pursuant to paragraph 43 of the Maryland Department of the Environment (MDE) Consent Decree dated October 1, 2007, the parties agree to a program for replacement or treatment for drinking wells at the locations set forth in Appendix B of the Consent Decree. As stated in the Consent Decree, this activity is voluntary, as there was no finding that the placement of ash for surface mine reclamation at BBSS property impacted any of these Appendix B wells. Furthermore, under the Consent Decree, there is no obligation for any defendant to take additional action for those locations at which the owner of the property does not accept the offered replacement or provision of treatment.

The first three wells on Appendix B are referenced under the submittal dated October 31, 2007, which sets forth a plan for replacing wells located on Summerfield Road and Brickhead Road. Plans for these three wells will continue to be addressed in connection with updates and status reports to that October 31, 2007 submittal. The remaining wells identified on Appendix B (lines 4 through 34) are addressed in this submittal.

Plan for Replacement or Treatment of Appendix B Wells

Consistent with paragraph 43 of the Consent Decree, Constellation Power Source Generation, Inc. (CPSG) is evaluating whether to: (a) connect the referenced wells to the County public water system; (b) drill replacement wells; or (c) pursue alternative methods approved by the Department, such as installation of a water treatment system.

CPSG is focused on determining the feasibility of transmitting public water to each of the Appendix B referenced locations. CPSG is currently preparing to conduct a detailed survey of the potential water main location, associated piping pathways, and potential residential water meter vault locations. This work will encompass all of the Appendix B locations (except those already surveyed), will provide a foundation for detailed project engineering, and would support preparation of the plans for submittal to Anne Arundel County Department of Public Works for necessary design approvals and permits. Harms Engineering is CPSG's contractor for this work, and it is anticipated that the area surveying will proceed in early 2008.

Under this plan, any and all replaced private water supplies would be permanently closed or temporarily capped for future water monitoring. Any water main installation would be performed independent from the individual home connections which require a certified plumber. All engineering, permitting, DPW capital connection fees, meter installation costs, and construction costs would be paid by CPSG.

This is a multi-step project. As it progresses, CPSG will be able to better predict both feasibility of the project and associated time frames. Meanwhile, in light of the significant uncertainty

associated with the development of this project on a parallel path, CPSG is retaining and exploring as alternatives in lieu of a public water supply: offering to install replacement wells; or offering to install water treatment systems.

Milestones

Key project tasks are outlined below.

- Survey area to serve as basis for engineering and design.
- Submit initial design for a permanent county water supply to Anne Arundel County.
- Engage in discussions and revision process with Anne Arundel County.
- Complete engineering for the county water supply lines and seek final approvals.
- Based upon engineering designs, community input, input from the County, and other factors, determine whether to pursue public water supply for some or all Appendix B wells.
- If public water supply is chosen to proceed, subsequent pre-construction tasks include: obtaining individual property easements to enable work to proceed; submitting to MDE a Notice of Intent to comply with the General Permit for Construction Activity and posting associated placard during construction; preparing the required drawings, documents, and easements for preparation of a Utility Agreement and negotiating this agreement with the County; securing the required bonds; procuring the Grading Permit.
- At CPSG's option, planning for potential installation of replacement wells or water treatment systems may run concurrently with planning associated with the potential public water supply.