

Response to Public Comments  
Department of Energy and Environment  
Land Remediation and Development Branch  
Voluntary Cleanup Program

VCP 2015-031  
100 Potomac Avenue, SW  
Buzzard Point – Soccer Stadium

[DOEE Response to Comments from the Public](#)

General Response to Comments #1:

Normally comments on environmental reports are submitted in a “bullet” format with comments directed at specific sections, pages or even lines of the report. However, most of the comments received from the public for this project have come to us in a general manner with whole paragraphs of concerns discussing general issues but with little directed at specific portions of the Voluntary Cleanup Action Plan (“VCAP”). We have attempted to paraphrase many of these comments and to respond to issues and concerns as best we can while responding directly to any specific comments received. Also, many of the comments were directed at the VCP process and other processes within the District Government. In most cases we will respond only to comments directed specifically at the VCAP, except for the issue of the timing of the public review and comment period. (see General Response to Comments #3). Finally, our responses are only related to the work that will be done on the soccer stadium portion of the whole property. Since plans for the ancillary portion of the property have not been formulated, any comments that were directed specifically at the ancillary property will be retained for further review. Further, anyone who commented on the ancillary property will be notified when plans are received and asked to revise their comments if necessary.

General Response to Comments #2:

There seems to be a good bit of confusion and misinformation regarding the requirements of the Voluntary Cleanup Program (VCP). The Voluntary Cleanup Action Plan (VCAP) is designed to address contamination left on site from previous uses, and allow the land to be put to a new productive use. It is important to note that the VCAP is not an enforcement action and that the party conducting the remediation activities is a *volunteer* who did not cause the contamination. The primary purpose of the VCAP is to ensure that any subsequent use of the property protects anyone who enters the site. It is not meant to address any potential post-construction off site exposures either from dust and odors from soil or from groundwater that may be migrating off site. Of course, during remediation and construction activities, all work will be governed by District requirements for permitting, which include stringent requirements regarding the health and safety of workers, erosion and sedimentation control and dust and odor control.

General Response to Comments #3:

As for the time frame in which reviews are conducted, the District’s Brownfield Revitalization Act requires a 14-day public review and comment period, which occurs concurrently with DOEE’s review. DOEE is required to respond to adverse public comments and to approve or deny the VCAP within 90 business days of receipt of the VCAP. It does not require a 90 day public review and comment period. For this project, the VCAP

was received by DOEE on August 3, 2015. It was e-mailed, along with background documentation (Phase 1 and Phase 2 Reports) to all members of ANC 6D on August 4. Also DOEE provided three compact discs with the same information to an ANC member on August 5. The same information was also provided to an interested stakeholder on August 4. Finally on August 4, a Notice of Availability of the VCAP for Public Review was submitted to the District’s Office of Documents and Administrative Issuances (ODAI) for publication in the first available *DC Register*. ODAI publication timelines meant the next available DC Register was the August 14, 2015 issue. The notice was published for a 21-day review period which ended on September 4 thereby giving the ANC and private stakeholder a full thirty day review period, more than double the minimum 14 day period.

**Response to Comments from Rhonda Hamilton of ANC 6D and several of her constituents**

Number	Comments	Response
1	I request that at health assessment of my constituents be conducted prior to any remediation efforts and an assessment be done of the predicted health consequences of the affected residential areas to include (James Creek, Syphax Village and Syphax Gardens, TelCourt, St. James, Greenleaf Gardens, Channel Square and the private homes along South Capitol Street, Q, 2 <sup>nd</sup> , 1 <sup>st</sup> Street and Carrollsburg Place Southwest) before any mass site cleanup.	While we understand your concerns and request for a health assessment, the Voluntary Cleanup Action Plan (“VCAP”) is not the vehicle to address these concerns. The District, let alone DOEE, is not qualified to perform the type of health assessment suggested in your letter. Investigation into potential health effects from long term exposures to legacy site uses is a complicated endeavor requiring specialized statistical and medical expertise. We suggest that the Agency for Toxic Substances and Disease Registry (“ATSDR”) be contacted. ATSDR is a part of the federal Centers for Disease Control and Prevention, who performs these types of health assessments on a national level, including several previous studies in the District of Columbia.
2	We request more extensive testing of the Super Salvage site that goes at various locations and deeper in the ground so that we know exactly what level of contamination is being dealt with and what risk it poses and has posed on the community including the amount of run off that is going into the water supply.	Testing of the soil on the Super Salvage property and all of the other properties will be on-going and constant during the remediation process. An environmental professional will be testing the soil to determine what soil is impacted so that it can be separated from non-impacted soil. Impacted soil will be removed from the site and disposed of at a proper facility. All trucks will be securely covered to ensure that no dust or chemicals escape into the ambient air. There is no risk of water supply contamination. The District’s drinking water is supplied by the Little Falls pumping station far up the Potomac River. It is treated at the Dalecarlia Reservoir near the Maryland border and is distributed throughout the District through an extensive system of smaller reservoirs and water mains. Any runoff from Buzzard Point cannot in any way adversely affect the District’s drinking water supply.
3	The Potomac Electric Power Station is also an area of serious concern. What do these contaminants [sic] mean in terms of the level of exposure to these chemicals and VOCs for us as residents? We are also exposed to these chemicals as they drain into our water supply including the residents who still consume fish from the Anacostia.	Please see the response immediately above this. The risk assessment that will be conducted will determine who could possibly be exposed to contaminated soil <i>on site</i> . Construction workers involved in the redevelopment would reasonably be expected to be working in soil contaminated by previous site activities. Nearby residents on the other hand, would not be expected to come into contact with soil, let alone for a significant amount of time. This is

		<p>especially true when considering DOEE's requirements for sediment control, fugitive dust control and air monitoring. We do not envision a reasonable scenario whereby residents would be exposed to contaminated soil for a long enough period of time to cause adverse health effects. As far as chemicals draining into the Anacostia, the VCAP is not the appropriate vehicle to address these concerns. The VCAP requires that the applicant control sediment that may leave the site, e.g. with silt fences and other similar devices. DOEE is performing significant work on and in the Anacostia River to address the level of sediment contamination in the River, which we believe to be related to the contaminants in the fish. However, we believe that the bioaccumulation in the fish came primarily as a result of legacy contamination, and will be unaffected by construction of the stadium.</p>
4	<p>The Waterfront Substation site is also included in the assessment. No permits should be issued to Pepco until this site is cleaned up as a part of the Voluntary Cleanup Plan.</p>	<p>The proposed Pepco Waterfront Substation cannot be part of the VCAP because it is not on property that will be used for the construction of the soccer stadium. As mentioned above, the purpose of the VCAP is to address contamination <i>on site</i> to ensure the protection of visitors to that specific site.</p>
5	<p>We want our health protected. We are worried about how digging up all these toxins will affect us, especially our young children and their life expectancies as well as our own. We want the health of SW residents protected and our concerns taken seriously and looked into.</p>	<p>Please refer to the responses to comments 2 and 3 above as well as the General Response to comments #2. The concern of the community is important to the Department, but please remember that every truck that leaves the area with contaminated soil is removing that contamination from the neighborhood forever. It is possible that some contamination may be left behind but the community will be protected during the remediation effort by the regulatory requirements of the District, including erosion and sediment control, dust and odor control and air monitoring, and it will be further protected by any actions taken to protect visitors to the stadium property. Also, permanent groundwater monitoring wells will be installed after construction to assess the potential of contaminated groundwater moving off site.</p>
<p>Response to Comments from Andy Litsky, ANC 6D</p>		
6	<p>It is most unfortunate that the public engagement process regarding the VCAP has been so inadequate. Our own District Government should have ensured that community groups and interested parties had been adequately informed about opportunities to fully review and provide feedback on the VCAP especially since it documents a significant number of toxic contaminants in the soil and groundwater across the site. As it is, the release of the VCP coincided with ANC 6D's summer recess.</p>	<p>The comment period used was our standard 21-day period, instead of the legal minimum of 14-days. Additionally, copies of the VCAP were sent to ANCs in advance of the D.C. Register publication. While the Register notice contains language that requests for copies may be sent by mail or in person, electronic requests were honored. DOEE continues to use in person and mail requests not only because they are required, but also because DOEE believes that these methods provide an avenue for those less technologically savvy to participate in the process. However, in the future, the standard language in the Register notice, whose goal is to comply with all the required legal standards, will be</p>

		updated to make clear that electronic copies are available to the public.
7	<p>Could you have held a public meeting in Southwest on this plan? Of course you could have. Could you have sent a representative to the ANC or SWNA to discuss? Yes. Could you have provided information to The Southwester or Hill Rag, our local newspapers? Yes. And, most importantly, could you – and <i>should</i> you -- have attempted to do outreach to the residents living in public housing who will be most acutely impacted and who live within a stone’s throw from the planned project? Again, most assuredly yes.</p>	<p>The District has held numerous public meetings on the development of the Soccer Stadium, from which substantial community input was gathered. Exemplifying the District’s commitment to community involvement is the Community Benefits Agreement, executed on December 1, 2014. This document’s entire purpose is to detail community benefits requested by the community, which were ascertained from the robust community involvement on the project as a whole. DOEE went above its standard procedures to notify ANC members with as much time as possible. We will continue to hold meetings throughout the cleanup and construction process.</p>
8	<p>The CAPs state that “documented petroleum releases and reported chemical concentrations in soil and groundwater have contributed to the decision to enroll in the VCP.” For example, the soil analytical results indicate that TPH GRO, TPH DRO, and several polycyclic aromatic hydrocarbon (PAH), volatile organic compound (VOC), and metals concentrations exceeded the soil screening levels and groundwater analytical results indicated that benzene, DCBP, and ethylene dibromide exceeded the groundwater screening levels.</p> <p>Unfortunately, the plan is to remove only the top 10 feet of dirty soil and replace it with – supposedly -- clean fill and then build on top of that, covering up the dirty soil and dirty groundwater. The problem with this approach is it leaves contaminants in the soil that will continue to leach into the groundwater and eventually -- if not already -- reach the river. Additionally, that plan may not properly protect residents who currently live immediately adjacent to the area or new residents who may be moving onto Buzzard Point in the future.</p>	<p>Please refer to “General Response to Comments #2” above. We are well aware that contaminants may remain on site after excavation and construction. Confirmatory samples will be taken and analyzed after construction and a Human Health Risk Assessment will be conducted to determine potential risk and to develop final mitigation plans to protect workers and visitors to the site.</p> <p>There also seems to be some confusion with regard to concepts involved in an environmental risk assessment. For example, one of your comments states that the VCAP does not address groundwater because “[groundwater] will not be a source of potable water used for drinking or irrigation.” What the VCAP is referring to here is that the link (pathway) between contamination and human exposure is broken, and thus not a risk to human health. However, the potential impact to human health must always be addressed, and hence the statement quoted above. Whether or not the groundwater is having a negative effect on the River is a different question, with many different considerations. For example, contamination in the groundwater must be capable of reaching the River based on size, solubility, depth, given the groundwater body’s flow and dynamics.</p> <p>Similarly, one of your comments suggests that use of the Tier 0 standards is inappropriate or not sufficiently protective for existing and future residents. Tier 0 represents the <i>screening</i> level for contamination. What this does is allow the party investigating contamination to cast a wide net while identifying contaminants, and then focus the investigation on contaminants found in quantities sufficient enough as to warrant concern. For example, if a contaminant is found at levels higher than Tier 0, then that contaminant warrants further testing, investigation, assessment or remediation. Tier 0 is</p>

		often unachievable as a remedial standard, and at times is below laboratory limits (hence the intermittent Tier 1 usage in the VCAP).
9	The site is relatively flat with a gradual downward slope towards the river. This site is only .1 miles from the Anacostia River, yet I did not see any tests to ascertain if the admittedly contaminated groundwater has migrated into the river. The CAP states that the “depth and flow of groundwater is unknown,” yet it also states that the “groundwater flow is anticipated to be tidally influenced based on the location of the Anacostia.” Thus, you already <i>know</i> that polluted groundwater is moving towards the river and testing can easily be done to ascertain the depth and flow to better understand how the contaminated water is leaching into the river.	We agree that contaminated groundwater may be moving toward the Anacostia. It has been doing so from many sites for many years. The District is in the process of assessing the environmental condition of the river sediment but, as explained in General Response to Comments #2, the cleanup of the Buzzard Point site is not part of that study. Once construction is complete, we will require that permanent monitoring be installed along the down gradient perimeter of the stadium site. They will be sampled on a regular basis to determine if there is movement of groundwater and if that groundwater contains contaminants greater than the appropriate screening levels.
10	It is also disconcerting that although the CAP addresses possible exposure (contaminated soil and air emissions) to construction workers, there is absolutely no mention of the nearby community and shows callous disregard for the possible exposure to residents living within a few blocks of the site.	The suggestion that there is a callous disregard for residents within a few blocks of the site is unequivocally, untrue. The risk assessment is meant to determine who could possibly be exposed to contaminated soil <i>on site</i> . Construction workers involved in the redevelopment would reasonably be expected to be working in and amongst soil contaminated by previous site activities. Nearby residents, on the other hand, would not be expected to come into contact with soil, let alone for a significant amount of time. This is especially true when considering DOEE’s requirements for sediment control, fugitive dust control and air monitoring. Further, mentioning residents as a potential receptor in the VCAP would create confusion because residents in this context would mean that permanent housing was being built on site – which is not the case. Nearby residents were not mentioned because there is not a reasonable scenario whereby they would be exposed to the soil for a long enough period of time, not out of any sort of disregard for their health and safety.
<b>Response to Comments from the Anacostia Watershed Society</b>		
11	The comments from the Anacostia Watershed society focused almost exclusively on their concerns over the potential of contaminated groundwater migrating from the stadium site into the Anacostia River. The AWS comments on groundwater were placed in three separate areas: 1.The VCAP stops short of the important characterization of groundwater flow or contaminant migration; 2.Larger groundwater problem and remediation – couple the remediation of two sites; and 3. Comprehensive	1. The District understands that there is contaminated groundwater on the subject site, but as discussed in General Response to Comments #2 above, the purpose of a voluntary cleanup action is to ensure the protection of workers on and visitors to the site. It does not address any potential off site exposures either from dust and odors from soil or from groundwater that may be moving off site. As the voluntary participant did not cause any of the contamination on the site, it is

	<p>approach to address groundwater contamination at Buzzard Point. Since these areas are closely related we will try to treat this as one major comment and response.</p>	<p>the policy of the voluntary cleanup program to not require the voluntary participant to address contamination that might migrate off-site. However, this does not mean that groundwater is being ignored. Further characterization must be completed in order to conduct an accurate human health risk assessment (HHRA). The HHRA of contamination left in the soil and groundwater will be used to determine the exact type of remediation necessary to make the stadium safe for all participants. Also, even though groundwater should not be encountered during the excavation and construction process, there is a contingency plan in effect to properly address any groundwater that may be encountered.</p> <ol style="list-style-type: none"> <li>2. We agree that there is larger groundwater problem that is area-wide and that may be adversely affecting the Anacostia River. However, the voluntary cleanup of the soccer stadium site is not the mechanism with the legal authority to address the larger problem. The District is in the process of evaluating the environmental conditions of the sediment along the entire length of the Anacostia in the District with the purpose of developing a plan to address the contamination. If it turns out the contamination from the site is a contributing factor then it will be addressed through that mechanism. As part of the cleanup and construction process of the stadium site, permanent groundwater monitoring wells will be installed along the down gradient perimeter of the stadium to evaluate the potential of contaminated groundwater migrating off site.</li> <li>3. We agree that there must be a comprehensive approach to address groundwater contamination at Buzzard Point. However this must be part of a larger comprehensive approach to dealing with contaminated sediment along the entire river. There is no point in cleaning up the river sediment adjacent to Buzzard Point if it will be re-contaminated by contamination coming from upstream.</li> </ol>
12	<p>Without disparaging the integrity, ethics or professionalism of any of those involved in this proposal and its regulatory</p>	<p>While the District is both the applicant and the regulator in this case, there is not a conflict of interest. DOEE's primary mission is to protect</p>

	<p>review, there is an obvious appearance of a potential conflict of interest having the Department of Energy and Environment (DOEE) review and approve a plan that has been developed and submitted by the division of government to which it reports, the Office of Deputy Mayor for Planning and Economic Development (DMPED).</p>	<p>human health and the environment from harmful pollutants. The District is also obviously of a similar mission – to operate in the best interests of its residents. The District, by taking ownership of this property has every incentive to clean up the property to appropriate levels – and to avoid incurring residual liability afterward. Further, DOEE is doing everything within its authorities to ensure that the cleanup addresses contamination on-site appropriately.</p>
<p>Response to Comments from David Power</p>		
13	<p><u>The Cleanup Action Plans Are Incomplete</u></p> <p>No member of the public can submit complete public comments on these cleanup action plans, because the plans are based on chemical detection procedures which are inherently biased against producing precise measurements of the concentrations of toxic and hazardous chemicals present in the groundwater. In other words, the cleanup action plans are not credible because they do not provide complete empirical data showing how much of the groundwater would need a "cleanup," because it is assumed <i>ab initio</i> that none of the groundwater needs a "cleanup" because it is assumed that no humans will have contact with the groundwater because it is assumed that none of the groundwater is present above ten feet below ground surface ("bgs") and it is assumed that none of the foundations will require excavations below ten feet bgs or disturb any of the groundwater or soil below ten feet bgs.</p>	<p>Please refer to General Response to Comments # 1 and 2. All Phase I and Phase II assessments were done according to American Society of Testing Materials International (ASTM) standards and are deemed complete and accurate for the purposes of a voluntary cleanup action, the purpose of which is to ensure that workers and visitors at the site are protected. Chemical samples were collected using approved procedures and they were analyzed by certified laboratories using approved analytical methods. Actions will be taken that will ensure that the most contaminated soil will be removed; further characterization will be conducted of the soil and groundwater; a clean soil cap will protect the site from contaminated soil that is left behind; a human health risk assessment will be conducted and actions will be taken to ensure that possibly contaminated soil gases are addressed through the installation of a vapor barrier and an active vapor mitigation system. Also, if any groundwater is encountered during excavation or construction activities it will be handled according to District water quality requirements.</p>
14	<p><u>The Cleanup Action Plans Contradict Common Sense</u></p> <p>The cleanup action plans contradict common sense by implying that a stadium seating twenty thousand (20,000) spectators (see stadium FAQ, <a href="http://www.dcnited.com/stadium/faq-buzzard-point-">http://www.dcnited.com/stadium/faq-buzzard-point-</a></p>	<p>The soccer stadium is not the same as the baseball stadium. The soccer playing field will be at ground level as opposed to the baseball playing field which is at 34 feet below ground surface (bgs). During construction of the baseball stadium a great deal of contaminated groundwater was encountered and out of necessity a de-watering system was constructed which treated several million gallons of contaminated groundwater. This will not be the case</p>

	<p><a href="#">stadium</a> (last visited Aug. 14, 2015)), and other large structures, possibly including a multistory hotel, could be constructed on the stadium area and the ancillary area, respectively, with excavations no deeper than ten feet bgs, when there is apparently no bedrock under the site, at least not at a depth of 35 feet bgs. Common sense, and at least one published academic work by an engineering college student, dictates that both areas will require the use of foundation pilings or piers to support such large structures, and that such foundations must be deeper than ten feet bgs. In fact, the foundations at the Nationals ballpark, built on very similar soils, where no bedrock was found, are 45 feet deep, according to one academic work.</p>	<p>with the soccer stadium. There is no anticipated contact with groundwater but if groundwater is encountered it will be treated according to District of Columbia regulations and DC Water requirements.</p> <p>We do understand that piles will be driven at the soccer stadium to support the foundation. However there is a thick layer of clay into which the piles will be driven. The clay will form a seal around the piles, preventing any emergence of contaminated groundwater or migration of contaminants to lower levels or of any chemicals rising into the ambient atmosphere.</p>
15	<p>The cleanup action plans are further deficient and misleading because they and the related Phase II environmental testing reports have been carefully scrubbed to delete all references to "carcinogenic" compounds found in the testing. Previous Phase I and Phase II environmental testing reports on those sites admitted that concentrations of carcinogens were found at levels exceeding federal and DC limits widely dispersed in the soil and groundwater over several of the parcels. The words "cancer" and "carcinogen" and "carcinogenic" have been carefully suppressed in the cleanup action plans and their related Phase II environmental testing reports. Those plans are therefore false and misleading, and should be summarily rejected by DC DOE.</p>	<p>Everyone who reviewed the environmental assessment reports understands that sampling and analysis is done in order to find chemicals that have the potential to cause various diseases, especially cancers. If there is no mention of carcinogenic compounds in an assessment report it may actually mean that none of these compounds were found at that site at concentrations above screening levels or it may mean that the author of the report merely decided not to use the word. Anyone who is reviewing lab reports of chemicals encountered at a site must go to EPA Risk Screening tables to determine if the concentration exceeded a trigger level. Those tables indicate precisely if the chemical is cancer causing or may cause non-cancerous diseases. There is no requirement that this specific wording be provided in an assessment report. The fact that the words weren't used in this circumstance is not misleading if everyone reviewing the reports and plans understands what the chemicals mean.</p>
16	<p>The groundwater testing subsection in both plans states as follows: "Reported detection limits for select VOCs and SVOCs exceeded the groundwater screening levels, though the results were non-detect."</p>	<p>This would have been an issue for the VCP program if chemicals were in fact detected. However because the results were non-detect, this is not an issue.</p>

