

Responses to Public Comment

Introduction. The District Department of the Environment (“DDOE”) received a number of public comments on the Draft Remedial Investigation / Feasibility Study (“RI/FS”) Work Plan for the Pepco Benning Road Facility (“Site”). Many of these comments were presented during the public meeting on September 15, 2012, and others were submitted in writing. DDOE’s response to the public comments is set out below. Where the same or similar comments were made by multiple commenters, DDOE has provided a single general response to address these comments collectively. For comments provided by only a single commenter, DDOE has provided an individual response.

A. General Responses

1. PCB Release Incidents. Several commenters pointed out that the draft Work Plan refers to five historical incidents resulting in the release of PCBs at the Site whereas Table 1 of the 2009 EPA Site Inspection Report lists six such incidents, as referenced by DDOE in the complaint. One of these six incidents listed in the EPA report referred to oil staining observed by EPA personnel during a 1997 Multi Media Inspection on the exterior of one of the two 10,000-gallon PCB oil holding tanks located inside Building 57. There was no release to the environment associated with the observed oil staining on this tank because the oil remained within the secondary containment. Therefore, the draft RI/FS Work Plan referred to only five “release” incidents. Nonetheless, the 1997 EPA Inspection findings were discussed in Table 1 and Table 2 of the RI/FS Work Plan and Building 57 (where the holding tanks in question are located) was designated as a target area for the Remedial Investigation (TA #12). The Work Plan will be revised to make clear that all six of the incidents listed in the 2009 EPA report will be addressed.

2. Transcript of Public Meeting. Several commenters requested that a transcript of the September 15 public meeting be made available on the project web sites. The transcript has been posted at the Pepco website at <http://www.benningservicecenter.com/library/documents/Benning-Transcript-09152012.pdf>.

3. Role of CAG. Several commenters stated that the CAG should be charged with overseeing the RI/FS work. DDOE is the regulatory agency charged with enforcing environmental laws within the District of Columbia, and thus is responsible for overseeing the work on this project. The CAG is meant to advise DDOE and Pepco regarding the thoughts and opinions of the community.

4. CAG Membership. Several commenters raised questions about the selection of representative for the Community Advisory Group. DDOE initially desired to limit the size of the CAG to no more than 12 members to ensure that the group is not too large for effective management and scheduling. DDOE invited various representatives from community organizations active in the immediate vicinity of the Site to participate in the CAG, and believes that the current CAG membership comprised of 19 members adequately represents the affected communities. DDOE also asked CAG members to name one alternate to ensure a continuity of discussions within the CAG. In one case, two alternates were named, but only one was selected.

5. Adequacy of Community Outreach. Several commenters raised questions about the adequacy of the community outreach efforts, and suggested ways to enhance those efforts. DDOE and Pepco are committed to ensuring that the public is apprised of our progress on the RI/FS and providing opportunities for the community to express its views about the project. Pepco developed an initial mailing list of addresses in the surrounding neighborhoods and mailed 9862 postcards for the September 15, 2012 public meeting. DDOE approved of the lines Pepco drew to delineate neighborhoods to be included on the mailing list. Unfortunately, DDOE must draw the line at some point and that means someone will necessarily be on the other side of that line. Further, all of the draft documents are available on both the DDOE and Pepco websites and in a number of public libraries, and public comments are posted with responses along with the final versions of documents. The CAG has been formed and actively engaged. In addition, a public meeting was held on September 15, 2012, to provide information to and receive comments from interested members of the community. At the end of this meeting, Pepco collected the names of those community members who stated they had not received a post card, and agreed to expand the initial mailing boundary to the west of the Site to include all the homes on 19th and 20th Streets, NE. As a result of this expansion, 1459 addresses were added to the initial mailing list, which raised the total number of addresses to 11,321.

B. Individual Responses

1. Comment: “The material in the table below is derived from the current postings on the EPA ECHO website at <http://www.epa-echo.gov> by entering the zip code 20019 in the map view search engine. While the draft plan for the Benning Road PEPCo facility focuses on the VOCs, PAHs and PCBs, it does not appear to include the releases of metals listed below. These releases go back in time well past the information currently listed on the website as I have printouts from 2007 which include other numbers. The state of Significant Non-Compliance indicated here is only part of the issue. What is being done to include the removal of these materials from the shores, riverbeds and surrounding environment? While these do not have the dramatic impact of carcinogenic materials, the negative health effects of high levels are very significant, and have been shown to include fatigue, obesity, heart disease, diabetes and symptoms which mimic those of multiple sclerosis. I request that these substances be included in the plan.” **Response: The sampling program for the RI/FS specifically includes analysis of soil, sediment and water samples for metals, as indicated in Tables 4 and 5 of the Sampling and Analysis Plan (SAP). In addition, Pepco is implementing a program approved by EPA to reduce the concentrations of metals in storm water discharges from the Site. This program will be described in detail in the final RI/FS Work Plan.**

2. Comment: “The investigation on the “Landside” for the Conceptual Site Model has been identified as having insignificant exposure pathways because access to the site is restricted, impervious surfaces and gravel cover prevents contact with surface soil, and health and safety procedures are in place to protect employees and other authorized persons. We understand that the chances of someone being exposed to the landside dangers are low, but the basis presented is not enough to guarantee insignificance. The potential pathways of exposure still need to be examined for employees and contractors working on the site, potential trespassers, and potential future land users. Exposure risks may seem incomplete now, but what about in the future? Pepco cannot make promises that the site will never be sold or redeveloped and therefore the public has the right to know what risks exist at the site and how Pepco is going further reduce those risks.”

Response: The risk assessment will evaluate potential exposures to persons visiting or working at the Site under current conditions, and will take into account engineering and administrative controls to avoid or limit such exposures. Under applicable EPA guidance, however, it is not necessary to evaluate potential future exposure pathways that are not reasonably foreseeable. In this case, the Site will continue to be used as a service center by Pepco for the foreseeable future, and Pepco has no plans to redevelop any portion of the Site. Nonetheless, Pepco will evaluate all future exposure scenarios for the landside portion of the site as part of the risk assessment.

3. Comment: “Two stormwater outfalls were identified in the RI/FS Work Plan as carrying stormwater runoff from the Benning Road site to the Anacostia River. Only one of them (Outfall 013) was shown on Figures 2, 5, 7, 10, and 11 and recognized as an area to be sampled/investigated in both the RI/FS Work Plan and the Sampling and Analysis Plan. Outfall 101 was mentioned in the Work Plan as carrying runoff originating from transformer secondary containment basins, but never labeled on any of the figures (stated above) nor ever mentioned in the Sampling and Analysis Plan. If Outfall 101 is not considered significant, supporting evidence needs to be provided and the outfall area needs to be labeled on those figures, just as Outfall 013, in both plans. However, we also feel that Outfall 101 should be investigated either way because it could potentially have carried or currently be carrying contaminants to the river.” **Response: DDOE agrees and the Work Plan will be revised to make clear that it includes an evaluation of all relevant stormwater outfalls, including Outfall 101.**

4. Comment: “We have been assured by DDOE that the cleanup process will require Pepco to follow contaminants found at the Benning Road facility to wherever they may lead (Anacostia River and surrounding neighborhoods) even if contaminants are outside of the designated study areas; however, this is not clearly stated in the work plans. In fact, it appears to be the exact opposite as there are several points made in the RI/FS Work Plan about the other sources (e.g. Kenilworth Park and Langston Golf Course) of potential pollution entering the Anacostia River and how it would be difficult to sort out who the responsible parties are. While it is important to consider these other sources, Pepco needs to be held accountable for conducting this investigation in a fair and just manner. **Response: DDOE agrees with the comment, Pepco will be held accountable for what is attributable to the plant. The references to Langston Golf Course and Kenilworth were meant to show that there might be distinct pollution from other sources in the River. However, that reference in no way diminishes Pepco’s responsibility for what is traceable to their facility.**

5. Comment: “Later in both the RI/FS Work Plan (39) and Sampling and Analysis Plan (20) this statement is made: This forensic analysis will be used to differentiate between Benning Road sources and other potential sources of PCBs and PAHs in the Anacostia River sediments. Therefore we know for certain that PCB and PAH compounds from the Benning Road site can be compared to sediment and water samples collected in the Anacostia River in order to infer whether or not the contaminants found in the river came from the Site. This technique has worked well in many other scientific studies and pollution investigations. Forensic analysis or chemical fingerprinting is not simply limited to PCBs and PAHs either; this technique can also be used on dioxins/furans and heavy metals (i.e. all of the other chemicals that will be sampled for under this study). We believe that all efforts to track the contaminants found at the Benning Road site should be taken, including forensic analysis of each and continuing to follow them

even if it means going outside of the current study areas; the RI/FS Work Plan as well as the Sampling and Analysis Plan should be revised to reflect this.” **Response: Forensic chemistry analysis of metals in sediment is not standard practice. However, as will be described in greater detail in the final Work Plan, Pepco will evaluate the data from potential Site sources relative to the data in the river upstream, downstream, and adjacent to the Site. This will include statistical evaluations that look at relative patterns of metals in these areas (e.g., EPA’s Fingerprint Analysis of Leachate Contaminants, related multivariate statistical tools , and depending upon the data, normalization tools [e.g., normalizing to percent fines, aluminum, or iron]) that may help identify potential sources.**

6. Comment: “At the same time, these documents should also be revised to clearly define what is meant by “sampling locations may be adjusted or expanded during the course of the RI as warranted based on findings of the investigation.” What findings would call for this change? This is important to identify before investigation activities begin, even if it means stating “at DDOE’s discretion,” because it will guarantee that if changes are necessary Pepco will be required to comply with them. **Response: DDOE agrees, and the Work Plan will be revised to provide additional explanation of the basis for possible adjustments to the sampling plan. DDOE anticipates that sampling locations may be adjusted or expanded based upon unforeseen events. For example, the sampling location might be adjusted to account for a previously unknown underground pipe blocking the sample location. DDOE also anticipates that the findings of the Phase I sampling will drive further investigation of certain areas, including potentially areas beyond the designated study area, as described in the last paragraph of Part C below. Consequently, DDOE needs the flexibility to make adjustments based on the results obtained in Phase I or unforeseen problems, and other related circumstances.**

7. Comment: “Please identify the laboratories that will be analyzing the soil, water and sediment samples. **Response: The proposed laboratories have been identified in Section 7.0 of Sampling and Analysis Plan, Part II: Quality Assurance Project Plan. Pepco and AECOM also are evaluating several additional laboratories as backup and/or to supplement the proposed labs. Pepco will present any new/additional laboratory information to DDOE for prior approval.**

8. Comment: “The protocol for sampling in the Anacostia River limits the numbers of samples taken in shallow water where the water is less than 3 feet deep. This process may eliminate areas where chemicals preferentially settle into the sediment due to slower water flow. We recommend equal numbers of samples in deep and shallow water to avoid under-representing potentially higher contaminated areas of sediment near the shores where the depth is less than 3 feet deep.” **Response: The Waterside investigation was designed, in part, to evaluate potential sources of constituents in the sediment in the river adjacent to the Site. The proposed systematic sampling grid is comprised of 45 sampling locations on ten sampling transects positioned perpendicular to the shoreline. Limited existing navigational data from the U.S. Army Corps of Engineer are currently available for this reach of the river and prior to commencing any sampling activities, a bathymetric survey will be conducted to refine the understanding of the depth of the water column in the sampling area. However, based on the existing bathymetric data, it appears that the 45 sampling locations accurately represent the range of water depths in the sampling area: approximately 20% of the**

sampling locations are in 0 to 2 feet of water; approximately 15% of the locations are in 2 to 6 feet of water; approximately 25% of the locations are in 6 to 8 feet of water; and approximately 20% of the sampling locations are in greater than 8 feet of water.

Bathymetric data are not currently available for the remaining 20% of sampling locations, but many of these are in nearshore environments and are likely in less than 3 to 4 feet of water.

9. Comment: “The website and consent decree reference 6 PCB releases from 1985 to 2003. What was the quantity of the each release to the land and river?” **Response:**

The Work Plan will be revised to include information regarding the quantity of PCBs released to the environment in connection with each of these incidents to the extent such information is available.

10. Comment: “In Figure 2, how were the landside and waterside parameters determined?”

Response: The landside parameters were defined by the facility’s boundary, and then focused on areas where there were documented releases, storage, or use of PCBs and other materials that may have been sources of contamination. The waterside parameters were defined by the area where PCB exceedances were detected in the EPA study. The EPA study went farther down river, but exceedances were not detected. However, the boundaries may ultimately move depending on whether hazardous substances attributable to the Site have migrated farther than initially anticipated.

11. Comment: “Page 5, the last bullet discussing pollutants to screen should address **total** PAH, PCBs, VOCs, and SVOCs. They should also include EPA’s target compounds list and target analyst list compounds.” **Response: The Work Plan addresses all of these constituents, shown in the analyte list on Page 36.**

12. Comment: “Additionally, because of its close proximity to highly utilized green spaces and recreational areas, Pepco should collaborate with the Langston Golf Course, Kingman and Heritage Islands, River Terrace Park, and the National Arboretum for testing and clean up.”

Response: Langston Golf Course was a former landfill, and is currently under the jurisdiction of the National Park Service (“NPS”). NPS performed a preliminary assessment and site investigation (“PA/SI”) on the Langston Golf Course and concluded that contamination there did not present an unacceptable risk to human health or the environment. The National Arboretum is under the jurisdiction of the Department of Agriculture. Kingman and Heritage Islands were created by the Army Corps of Engineers in 1916. DDOE is not aware of any information to indicate that these sites have been adversely affected by past or present activities at the Benning Site.

13. Comment: “Dedicate funding and resources to support health surveys for residents of adjacent communities. River Terrace residents have suffered for years with respiratory illnesses and have witnessed the impact of pollutants from the plant. Dr. Phoenix has been diligently working with her community group in developing a survey instrument.” **Response: DDOE is appreciative of Dr. Phoenix’s efforts, but DDOE is designed to investigate environmental issues, not to conduct public health studies. Further, the ATSDR, the leading agency for these particular types of studies, performed two investigations on the surrounding areas. The studies’ conclusions are discussed in Section C below.**

14. Comment: “EPA should govern and regulate Pepco's testing, reporting, clean up and accountability.” **Response: DDOE is performing the oversight for the RI/FS. EPA is being kept apprised of all developments in the investigation, but DDOE is the lead agency.**

15. Comment: “All Pepco reports and documents should be generated clearly and concisely for public reading. Executive Summaries with projected expenditures should be posted on user friendly website and a workable distribution plan should be instituted that is far better than the current one in place.” **Response: The documents are available in their entirety on the website. Summarizing may cause certain issues to be overlooked or edited out; hence, the documents were presented in their entirety to avoid any misunderstandings. DDOE’s website has an entire page devoted to this project. Further, these documents can be quite large, so they are available online and in a number of public libraries - but the size of the documents makes them impractical for mass distribution through other means.**

16. Comment: “Fully engage your community advisory committee in every aspect of the process with supportive resources; this ensures transparency, realistically gives the community a voice in the entire process and implement a concrete information dissemination including Pepco's response and courses of action to community recommendations.” **Response: The CAG has been constituted and is actively engaged. It has received support and resources from DDOE and PEPCO, including meeting space, assistance in developing and disseminating meeting notices and materials, and the engagement of a professional facilitator.**

C. Scope of Sampling

A number of commenters raised questions about the geographic scope of the proposed sampling plan, and requested that the sampling be expanded to include areas outside of the designated study area (which consists of the Site and the adjacent areas of the Anacostia River), including residential properties in River Terrace and other neighborhoods in proximity to the Site. In particular, several commenters requested that the sampling be expanded to evaluate whether soils in these areas have been contaminated as a result of deposition of air emissions from the Benning power plant. DDOE carefully considered these comments, but concluded that it is not appropriate to expand the scope of the RI/FS sampling program as requested by the commenters. This conclusion is based on the following considerations:

a. Health effects from power plant emissions have been the subject of extensive, long term study by the U.S. Environmental Protection Agency (EPA) as documented in a report to Congress that has formed the basis for EPA’s subsequent regulatory actions. *Study of Hazardous Air Pollutant Emissions from Electric Utility Steam Generating Units – Final Report to Congress*, EPA-453/R-98-004a, February 1998. This study identified inhalation as the primary exposure route of concern. The Benning power plant ceased operating in June of 2012 and therefore no longer contributes to any potential exposure from inhalation of airborne contaminants. Furthermore, studies conducted in 2005 and 2007 by the Agency for Toxic Substances and Disease Registry (“ATSDR”)¹ to assess health effects from ambient air

¹ ATSDR is a federal agency responsible for performing public health assessments and other activities concerning the effect on public health of hazardous substances in the environment. As set out in its Mission Statement, the agency’s goals include: [to]

concentrations in the River Terrace neighborhood from all sources concluded that “overall, levels of metals, PAHs, and VOCs are not expected to result in harmful health effects for exposed residents in and near the RT community.”

The purpose of an RI/FS is to examine actual or potential pathways. The EPA study concluded that inhalation was the primary exposure pathway for communities near power plants. Here the Benning power plant was decommissioned, closing this pathway forever. Before the Benning plant was decommissioned, there were two decades of intermittent use, limited to peak demand times. Since 1976, when the last coal-fired boiler was retired, the power plant consisted of two oil-fired boilers designed to operate a limited number of days each year. These units operated an average of 10 to 15 days annually to ensure reliable power during periods of peak electricity demand.

b. There is no reliable scientific basis to distinguish soil impacts that may be attributable to emissions from the Benning power plant from soil impacts attributable to any number of other sources of air emissions in the area (including point sources, such as the coal-fired power plant at the U.S. Capital, and mobile sources, such as traffic on Interstate 295 and other nearby roadways) or from naturally occurring background soil constituents. In fact, the emissions from the Benning power plant, and thus potential soil impacts resulting from deposition, would be expected to be relatively modest compared to other sources affecting the ambient air in the vicinity of the plant site. The Benning power plant operated only intermittently (i.e. only in peak demand situations) over the past two decades. In addition, the plant operated exclusively on fuel oil since 1976. Fuel oil burns much cleaner than coal and produces air emissions similar to many other sources (e.g. automobiles, combustion engines).

c. From the outset, the focus of this RI/FS project has been to address contamination in the Anacostia River and conditions at the Site that may have contributed or continue to contribute to contamination in the river. As DDOE stated in responding to comments on the Community Involvement Plan, the purpose of the RI/FS is “to evaluate the need for cleanup of the sediments in portions of the Anacostia River adjacent to the Benning Road site, and any areas of the site that may be contributing to adverse conditions in the river or otherwise posing an unacceptable risk to human health or the environment.” Pepco’s agreement to conduct the RI/FS, as documented in the Consent Decree, reflects this understanding of the project purpose. Evaluating the potential health risks from coal combustion is a complex undertaking that is beyond the scope of this RI/FS. A study of the potential health risks from past coal combustion is better suited for the ATSDR who specializes in this area of investigations

d. DDOE and Pepco agreed to an aggressive schedule for implementing the current RI/FS process and must appear before the Court in May of 2013 to update the Court on the status of the RI/FS. At that time, the Court will expect the RI/FS to be complete, or DDOE and Pepco

(1) Protecting the public from environmental hazards and toxic exposures; (2) Promoting healthy environments; (3) Advancing the science of environmental public health; (4) Supporting environmental public health practice; (5) Educating communities, partners, and policy makers about environmental health risks and protective measures; (6) Promoting environmental justice and reduce health disparities associated with environmental exposures; and (7) Providing unique scientific and technical expertise to advance public health science and practice. http://www.atsdr.cdc.gov/about/mission_vision_goals.html

to show good cause as to why it is not complete. Even if it were technically feasible, and justified by the available science, to devise and implement a sampling program to assess potential soils impacts from the deposition of air emissions from the Benning power plant, any such effort would significantly delay progress on the RI/FS and thus delay eventual cleanup actions in the river, which was the impetus for undertaking the RI/FS in the first place.

As noted in the Work Plan, however, if the results of the initial sampling indicate that contaminants have migrated in significant amounts beyond the Site boundaries through groundwater flow or surface runoff, or may be affecting areas of the river outside of the study area, additional sampling will be conducted to assess the extent of these impacts beyond the study area.