

District Department of the Environment (DDOE) Response to Public Comments Received on the Pepco Benning Road Facility Draft Community Involvement Plan (“CIP”).

Comment 1. Air and water pollution tends not be limited to the immediate vicinity of a site of concern such as the PEPCO Benning Road Plant. The community organization in proximity to the plant noted are a start but should be expanded to include others, particularly Eastland Gardens Civic Association (northeast), Deanwood Civic Association (east), Far Northeast/Southeast Council and possibly others. Though the associations and ANCs cited, I would suggest that PEPCO and DDOE view the affected communities as concentric circles of concern.

I believe there needs to be a bit of clarification to what is listed in the CIP; Friends of Kingman Park has been recognized as the primary civic association represents the area by the DC Federation of Civic Associations, rather than the Kingman Park Civic Association. To my knowledge, its Parkside Civic Association, rather than Parkside/Mayfair Civic Association and that Mayfair is primarily represented by the Mayfair Mansions Tenants Association.

Response 1. The CIP relates to a court-approved Consent Decree which requires Pepco to perform a Remedial Investigation/Feasibility Study (RI/FS) at the Benning Road facility and adjacent portions of the Anacostia River. DDOE has directed Pepco to revise the CIP to include additional community organizations and to replace any references to “Kingman Park Civic Association” with “Friends of Kingman Park.” These organizations will also be added to the project mailing list.

Comment 2. Community involvement, as the words imply calls for residents to be engaged in a meaningful way where that involvement is more than a matter of “telling”. Too often meetings are held, names of residents collected, presentations made, and questions asked and hopefully answered. This, too often tends to be where the “involvement” starts and stops, leaving many with the impression that the sponsoring body is just going through the numbers and that decisions have already been made. This creates a credibility gap, followed by distrust by the community. There’s a reason that many of the residents who have attended meetings about the closure of Benning Road express cynicism when PEPCO and DDOE presented plans and “supposedly” solicited community input.

As an activist and citizen of the District, I have been at a variety of community meetings where PEPCO has been formally present, but primarily to inform and take questions. This is fine, but I feel that in considering this (and future outreach/involvement) that communities be actively engaged and given great weight. It seems that community outreach is simply a step on a list of "to dos" where a meeting is scheduled, people invited, comments made and then checked of the list as complete. This overall document calls for involvement but what that constitutes is not completely clear. Community meetings and “involvement” should never be a rubber stamp saying “DONE”, if one is sincere. In speaking with various community members about this current effort many feel we are just being catered and not taken to heart.

The bottom line is that PEPCO’s and DDOE’s request for “true” community involvement is and will remain in question unless the community has more clout on matters affected their health and well-being. This plan could be a step in the right direction but that remains questionable in light of the lack of transparency (i.e. poor notice about the Consent Decree) and what seems to be shallow placating on behalf of both DDOE and PEPCO. The community NEEDS to be a part of the decisions before the fact, not just passive listeners.

Response 2. DDOE values public involvement and has made substantial efforts to reach the affected communities. It has long been the practice of District agencies to rely upon the D.C. Register to provide public notice. In accordance with that practice, DDOE published notice of the Remedial Investigation/Feasibility Study (RI/FS) original Consent Decree in the February 4, 2011 D.C. Register and issued a press release on February 2, 2011. In response to these outreach efforts, DDOE received substantial comments on the Consent Decree from organizations representing local community interests (i.e., the Anacostia Watershed Society and the Anacostia Riverkeeper). The original Consent Decree was substantially revised in response to the public comments received.

In response to concerns about the adequacy of the public notice for the original Consent Decree, DDOE expanded its outreach efforts by sending electronic copies and notice letters regarding the Revised Consent Decree and the first deliverables under the Revised Consent Decree (the RI/FS Scope of Work and the Community Involvement Plan). In addition, DDOE electronically circulated the CIP to Advisory Neighborhood Commissions (ANCs), Civic Associations, various advocacy groups and the Council on February 2, 2012. DDOE also mailed notice letters regarding the CIP to the main offices of ANCs 7A and 7D. DDOE published notice of the CIP in the D.C. Register on February 3, 2012. DDOE also published the CIP on the DDOE's website on February 3, 2012. In total, the document was available for public comment for a period of 34 days. Additionally, DDOE continued to accept public comments on the CIP until March 19, 2012, i.e. 45 days.

DDOE understands that it may not have reached some members of the community with its notice efforts and DDOE will continue to enhance its outreach efforts. In the future, DDOE's community outreach efforts will be supplemented by the Community Advisory Group (CAG), as detailed in the CIP. In addition, DDOE has directed Pepco to revise the CIP to include an evaluation of possible supplemental community outreach efforts in coordination with the CAG.

DDOE takes all public comments seriously and welcomes all ideas to improve the RI/FS project and the quality of the work product. Several changes were the result of public comments received. DDOE will continue to accept suggestions and comments on how to improve the community involvement process.

Comment 3. Issue 1: Health concerns from potential exposure to contaminants in the Anacostia River.

Activity 1A: Conduct a Health Risk Analysis as part of the Remedial Investigation.

Before executing this study I believe the community would benefit from a more detailed outline of the scope, methodology and how community health concerns will be collected.

Response 3. The RI/FS work plan will include a detailed description of the Human Health Risk Assessment to be conducted as part of the Remedial Investigation. The RI/FS Work Plan will be made available for public comment before it is approved by DDOE.

Comment 4. Issue 2: Concerns regarding potential residual contaminants, if the Benning property is to be re-developed.

Activity 2A: Develop a Fact Sheet on closing the Benning Power Plant.

This seems one sided, informing”, but not very engaging on what those community concerns are (“in-gathering”) and what will be done about them.

Response 4. Pepco developed the fact sheet at DDOE’s request in order to correct the mistaken perception that there is any present intent to redevelop the Benning Road site once the power plant is shut down. DDOE believes that the fact sheet is appropriate for this purpose. To our knowledge, Pepco has no current plans to redevelop or sell the Benning Road Facility. Pepco has also reiterated this position and developed a Fact Sheet, at the request of DDOE, regarding the future of the Facility.

Comment 5. Issue 3: Keeping the public informed and up to date.

Activity 3A: Designate a Pepco Community Involvement Coordinator (CIC).

The word liaison implies two way communications. As used here, it again is simply a unilateral channel of information out. I also suggest that a small body of community leaders from within the proposed Community Advisory Group.

Response 5. DDOE agrees that liaison activities involve two-way communications. Pepco’s Ms. Donna Cooper will provide information to the public and receive public input.

Comment 6. Activity 3B: Maintain a mailing list for residences in the communities adjacent to the Site and other stakeholders and interested parties.

Activity 3C: Create a dedicated internet website to provide RI/FS Project information.

Activity 3D: Compile database of email addresses for interested persons.

Activity 3E: Prepare and distribute RI/FS project fact sheet.

Activity 3F: Prepare Responses to Frequently Asked Questions to address community questions.

Activity 3H: Provide communications in Spanish

How will this mailing list be compiled? How will information be distributed? How are “interested parties” determined? As discussed in previous meetings with PEPCO and DDOE about this matter, every effort should be made to throw a wide net over the affected communities using electronic (email, list serves, TV, radio) and non-electronic (regular mail, door knockers, tabling, posters, handouts etc.) to assure everyone is reached. Despite public meeting that have been held, there are still a large number of people who have no idea as to the closing of this plant, this CIP and its comment period (and the consent decree that preceded it, featured in the DC Register – not a very public information venue), the health study and plans for clean-up of the site. The average person standing at the corner of Minnesota and Benning Road is not aware of any of these actions/plans.

We, as a society have become over dependent upon electronic communication, relying on email blast to inform the community. Sadly, to no fault of PEPCO or DDOE, we live in a digitally divided world where several people, notably those affected by the Benning Road plant will be left uninformed about this project.

Public outreach should not rely on electronic communication nor should it fall on the shoulders of the civic groups noted earlier. They have their roll, but as volunteer activists, they have their own limits in terms of time and money to reach the public, whereas PEPCO and DDOE have the responsibility and resources.

FAQ sheets and other educational materials are fine and placing them online is good, but this again is a passive/unilateral means of conducting outreach, requiring that a citizen seek out this information and have the means to do so.

The Latino community is growing in the District and Ward 7. Having materials in Spanish is appropriate but this section of the CIP does not have mention of methods to reach this community.

Response 6. The CIP relates to a court-approved Consent Decree which requires Pepco to perform a Remedial Investigation/Feasibility Study at the Benning Road facility and adjacent portions of the Anacostia River. The RI/FS is not related to the closing of the Benning Road power plant.

The CIP provides for both a postal mailing list and an electronic mailing list. The mailing list will be developed based on the results of an initial mailing to every residence within a one-half mile radius to the north, east and south of the Site and within a one mile radius of the Anacostia River to the west of the Site. The initial mailing will include a postage paid post card which an interested person can return to Pepco with an expression of interest to be on the project mailing list in order to receive postal or email communications about the Site. Interested persons returning the post card will be added to the project mailing list. Any other interested parties will be added to the list upon request to DDOE or Pepco. DDOE believes that the use of these mailing lists, combined with the information that will be available at the DDOE and Pepco Benning Service Center websites will be sufficient to keep the members of the local community and other interested persons informed about the RI/FS project. DDOE anticipates that the Community Advisory Group (made up of various members of the community) may engage in the type of grassroots engagement suggested in this comment.

Finally, the CIP provides that Fact Sheets and public notices will be provided in both English and Spanish, to reach the growing Spanish-language community in Ward 7.

Comment 7. Issue 4: Provide adequate and meaningful opportunities for community involvement.

Activity 4A: Hold public meetings.

It is clear that this is a mid-term project that will span more than a year from start to finish. A schedule of meeting should be projected and published allowing community members to plan their calendars around such a schedule. Many of the people who have already stepped forward are involved in a variety of community interest and are often in several other meetings. Projecting out over a six month period, with two week reminder notice should be more effective in community participation. This does not preclude the possible need for ad hoc meetings that might occur and by their very nature have a shorter notification period.

The CIP does not mention the AGS involvement in planning such meeting. They should be actively at the table

Again, how people are notified of meeting is important and my comments about communication above should be considered.

Response 7. DDOE and Pepco will discuss the feasibility of developing a long-term schedule of public meetings.

Comment 8. Activity 4B: Facilitate formation of a Community Advisory Group (CAG).

Who speaks for community is always a tricky issue. In addition to those who have already stepped forward on this issue an effort to reach out and involve others who may not be currently engaged should be made. This can be achieved in part by throwing that outreach unconventional net mentioned above. People can be surveyed at shopping center like East River, along Benning Road, the Dorothy Height Library and other places where the “average” citizen frequents. The survey can serve the purpose of letting the non-online community know about PEPCO’s plans for the site and gather names and contacts for the mailing list and database being compiled in Activity 3B and 3D respectively.

A crucial aspect of forming the CAG is what power will they have in the decisions being made? Will this be just another example of a rubber stamp on decisions and actions made by others in PEPCO and DDOE? Too often these bodies simply allow for the District and other entities to say “well we had the public involved, so there shouldn’t be any objections”. What constitutes “advisory”? What clout will the thoughts and advice have on what really happens? The CAG should be given a budget to cover its operations, including the hiring of an independent consultant(s). That consultant should be able to advise the CAG on the technical and/or environmental health aspects of the plans proposed by PEPCO and DDOE. This would help in assuring integrity of this overall process.

Response 8. As the name indicates, the CAG is an advisory body composed of community members, representing the different viewpoints and perspectives of the community. The CAG is intended to act as a liaison between the community, DDOE and Pepco with respect to the RI/FS project. The group needs to be small enough to be manageable, yet wide ranging enough to cover many different community viewpoints. It is DDOE’s role as the regulator charged with enforcing environmental laws within the District of Columbia to provide independent technical and legal oversight of Pepco’s work in conducting the RI/FS. In discharging that responsibility, DDOE is committed to soliciting and considering public input throughout the process.

Comment 9. Activity 4C: Arrange facility tours for CAG.

This is a good effort and I hope that such tours not only address the PR image of PEPCO but examine the historic, contemporary and possible future issues associated with a coal fired power plant.

Response 9. The facility tours are intended to help inform the members of the CAG about the RI/FS project, and DDOE expects that information Pepco presents during the facility tours will be relevant to that purpose. The RI/FS project is not related to historic, contemporary or possible future issues associated with the power plant. After the power plant shuts down, the Benning Road facility will continue operations as an important part of Pepco’s electric power transmission and distribution system.

Comment 10. Activity 4D: Make informal visits to community.

I applaud the plan to speak with people on a one-to-one basis and through informal visits to the community. I hope that this is not simply hand holding. What is the purpose of such visits? This CIP “must” be more than a public relations effort; the health and well-being of community members are at risk and must be taken seriously. We are not only speaking of the present generation but those to come. Contamination and its full clean-up is a long term problem and people need to know that someone, especially those who caused (or allowed others to do so) it are held fully accountable.

Response 10. During informal visits to the community, Pepco will seek to determine if community members are aware of the RI/FS project and the mechanism through which they learned about the RI/FS project, community perception of the RI/FS project, and the most effective means for informing the community about the RI/FS project. DDOE has directed Pepco to revise the CIP to describe the informal visits.

Comment 11. Activity 4E: Assist DDOE in responding to public comments.

I reiterate the need to DDOE to improve its methods of community outreach in gathering the public’s comments, taking a highly active, not passive stance.

Response 11. See Response to Comment 2.

Comment 12. Issue 5: Pepco’s Commitment to Completing the RI/FS Project and Cleanup. Activity 5A: Execution and entry of Consent Decree.

I cannot leave this review without commenting on the Consent Decree. The lack of transparency in how the community was involved in the Consent Decrees still stings and colors my assessment of the CIP and processes to follow. The fact that the public comment period was announced through the DC Register, a publication that few people are aware of let alone read, leave me questioning if community involvement is actually being sought. The Consent decree has set much of the guidelines for this CIP. If the community had proper notice, publishing the notice for public comments in wider read publications (not to mention other forms of media, i.e. flyers, public meetings) this CIP may have been molded in other dimensions. We will never know since their thoughts were not properly solicited. It often seems too many that, that was part of the original intent; cynicism and distrust arises for a reason.

If PEPCO/DDOE truly wants community involvement and trust, there has to be clearer, upfront and sincere communications.

Response 12. See Response to Comment 2 above.

Comment 13. Activity 5B: Allocate sufficient funds to implement RI/FS Project and remediation as needed.

I would hope that those "sufficient funds" does not come out of the pockets of rate and/or tax payers. This clean-up should be totally at the expense of PEPCO and not be a part of the recent request for rate increases by PEPCO. In a similar manner, District tax payers should not be

burdened with the cost of remediation. They did not cause the problem and they should not have to pay for its resolution.

Response 13. Pepco is legally obligated to perform all obligations under the Consent Decree, which, among other things, required financial assurance from Pepco that they will be able to complete the project.

Comment 14. According to the Community Involvement Plan (at 7), there are four schools within a quarter mile of the Benning Road site: Thomas Elementary School, Cesar Chavez Middle and High School, Benning Elementary School, and River Terrace Elementary School. Pepco, in coordination with the District, should hold public meetings at each of these schools to keep parents and educators informed about the extent of contamination, planned site investigation and cleanup activities, and any possible health risks to students and to the community.

Response 14. This activity is encompassed in Activity 4A of the CIP.

Comment 15. The Community Involvement Plan also states (at 13) that Pepco will provide relevant documents to the public in English and Spanish. Before finalizing the plan, the District and Pepco should determine whether community outreach is needed in a language other than English or Spanish. If there is a subpopulation of residents near the Benning Road facility that speaks a language other than English or Spanish, Pepco should commit to providing documents to the public in that language as well.

Response 15. DDOE is not aware of a need to make communications regarding the RI/FS project available in languages other than English and Spanish. In the event that the CAG facilitator is made aware of a significant number of interested persons who do not read English or Spanish, due consideration will be given to translating communications into another language.

Comment 16. Place notice of this and future public comment periods on the front page of the DDOE website.

Response 16. DDOE is currently looking at methods to post a notice of comment periods on the DDOE website's front page. In the meantime, more links on DDOE's website have been provided to the Pepco documents, and the deliverables now have their own landing page <http://ddoe.dc.gov/page/pepco-benning-road-facility-plans-and-deliverables>.

Comment 17. Send mailing notices and/or call residents to inform of local public comment periods

Response 17. The mailing of notices is encompassed within Activities 3B and 3D of the CIP. DDOE will not require Pepco to call residents to inform them of public comment periods.

Comment 18. Extend direct outreach on the CIP public comment process to all communities including in Ward 5 that are also impacted by the current pollution and future remediation of the PEPCO Benning Road Facility.

Response 18. The initial mailing list to solicit interest in the RI/FS project, described in Response 6 above, will be sent to areas within Ward 5 that are within the radiuses described therein and in Activity 3B.

Comment 19. Hold an additional Community Town Hall style meeting during evening and/or weekend hours prior to the end of the extended Public Comment period to allow community residents to meet DDOE and PEPCO officials, ask questions and provide official comments on the CIP and the PEPCO Community Advisory Board.

Response 19. This activity is encompassed within Activity 4A of the CIP.

Comment 20. In reviewing the attached Pepco Community Involvement Plan, I noticed that it refers to the Kingman Park Civic Association ("KPCA") as the only active civic association in the Kingman Park neighborhood. The KPCA was suspended by the District of Columbia Federation of Civic Associations ("DCFCA") this past summer, and the DCFCA later recognized the Friends of Kingman Park Civic Association ("FOKP") as the active civic association representing the Kingman Park neighborhood (<http://dcfca.org/associations/associations.shtml>).

Response 20. See Response to Comment 1.

Comment 21. Item 4.4 – There are serious concerns in the affected communities about Pepco's integrity and honesty in its dealings with those communities. This was not listed as a concern and the omission leaves gaps throughout the rest of the plan.

Response 21. DDOE believes that Pepco has participated in the RI/FS process honestly and in good faith. If DDOE receives any specific information indicating otherwise, it will be addressed as part of DDOE's project oversight. Further, addressing this type of concern is the purpose of the CIP.

Comment 22. Item 4.5 – None of the action items contain external monitoring by impartial and skilled parties. There are no contingencies for accountability of Pepco aside from the Consent Decree itself, which does not go far enough.

Response 22. As noted above in response to Comment 8, it is DDOE's role to provide independent, technical and legal oversight of the RI/FS project as the agency charged with the duty to enforce environmental laws within the District.

Pepco's obligations under the Consent Decree are subject to enforcement by the Court, stipulated penalties that are assessed per day and per violation, and other provisions.

Comment 23. Item 4.5, Activity 1A – The health risk analysis should not be entrusted solely to consultants paid by Pepco who would certainly be influenced by this relationship.

Response 23. See Response to Comment 22.

Comment 24. Item 4.5, Activity 2A – There is no contingency for verifying the accuracy of this "fact sheet".

Response 24. DDOE is not aware of any inaccuracies in the fact sheet. Any errors or inaccuracies in the fact sheet should be brought to DDOE's attention so they can be corrected.

Comment 25. Item 4.5, Activity 4B – The proposed CAG is little more than a rubber stamp for Pepco. Nowhere in the description is any reference to actual power that this body would have. Paper tiger seems the proper tag for this group.

Response 25. See Response to Comment 8.

Comment 26. Item 4.5, Activity 4D – “Informal visits to the community” won't lead to a better informed or more deeply engaged community. These will only serve Pepco's public relations needs which may be important to Pepco but are not of consequence to the real effort of cleaning up this site.

Response 26. DDOE supports Pepco's efforts to make informal visits within the community and believes they will be undertaken in good faith and may be effective in increasing community awareness of the RI/FS project and facilitating community input.

Comment 27. Item 4.5, Activity 4E – The comment period at each stage should be 60 days. The health of the residents and the environmental well-being of the affected communities are in real jeopardy and the process should go not with speed, but with clear and consistent empowerment of the people with the most at stake and with the most direct connection to the immediate environment.

Response 27. To ensure that DDOE takes public comments into account, its review of deliverables under the Consent Decree cannot be completed until after the 30-day public comment period has passed. The court-approved Consent Decree requires DDOE and Pepco to provide a status report to the court no later than May 24, 2013. An additional 30 days on each deliverable would add several months to the timeline for the RI/FS project and would limit the progress on the RI/FS project that DDOE and Pepco will be able to report by the court's deadline. DDOE understands that a 30-day comment period requires prompt action by the commenters, however, DDOE and PEPCO must accomplish this project under court-ordered deadlines.

Comment 28. On Issue 2, I suggest that there be an additional activity (2B): Identify options for the adaptive reuse of the mothballed Pepco power plant, in consultation with community stakeholders.

Response 28. The purpose of the RI/FS project 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. This RI/FS project is not intended to address potential re-use of the power plant. Pepco has no plans to redevelop the site or discontinue using its Benning Road property which will continue to operate as a major service center for Pepco's electric transmission and distribution system.

Comment 29. The draft community involvement plan posted on the District website is incorrect. The Information in Appendix B is outdated. The Kingman Park Civic Association has been suspended from the DC Federation of Civic Associations. The current civic association representing that area of the District is the Friends of Kingman Park, members in good standing with the DCFCA, represented by Shirley Washington,

Response 29. See Response to Comment 1.

Comment 30. Third party consultant that is independent from Pepco and DDOE for the Remediation and Feasibility Study. Pepco should not be responsible for hiring their consultants and paying DDOE for the work to be completed. This is a major conflict of interest.

Response 30. Consistent with the Comprehensive Environmental Response, Compensation and Liability Act and under the terms of the Consent Decree, it is Pepco's responsibility to perform the RI/FS. It is common practice for responsible parties to conduct such activities (or to hire contractors to conduct the work). As noted in response to Comment 8, it is DDOE's role to provide independent, technical and legal oversight of the RI/FS project as the agency charged with the duty to enforce environmental laws within the District. As part of that oversight role, DDOE has determined that Pepco's contractor, AECOM, has the necessary experience and expertise to perform the work in a technically sound and scientific manner. DDOE will closely review AECOM's work, along with input from the public, to ensure that the RI/FS is conducted properly. Finally, any decisions about the need for remediation will be made by DDOE.

Comment 31. Community organizations must be actively involved from the beginning of the remediation to the end. The community will select representatives with voting rights. The community must have an opportunity to review and comment on the reports, before anyone receives permits.

Response 31. DDOE believes that the CIP will ensure that the community has the opportunity to review and comment on reports and other RI/FS deliverables, and encourages interaction both with community organizations and interested individuals. It should also be noted that this project is limited to a Remedial Investigation and Feasibility Study. Any remediation will be addressed by DDOE in a subsequent process.

Comment 32. "Informal discussions" is not a form of community engagement. The same way Pepco ensures that the surrounding communities of the Benning Rd location receive their bills, is the same way community members should be informed about their health and environment.

Response 32. DDOE believes that informal discussions with members of the community serve as a valuable form of community engagement to supplement the other outreach efforts under the CIP, which will include public meetings and written communications mailed or emailed to local residents.

Comment 33. A monthly community session should take place after work hours and/weekend. In the past, “community outreach” were held in the middle of the day during work hours. In addition, community members must be given at least a 2 week notice of the meeting.

Response 33. DDOE and Pepco have thus far attended several meetings that have been after work hours and on the weekend. Going forward, public meetings convened by DDOE and Pepco will be scheduled for times after work hours or on weekends. The CAG will determine the schedule for CAG meetings and DDOE will encourage the CAG to schedule meetings at times that are likely to enable participation by interested persons. Pepco will support the CAG’s activities by providing assistance in informing interested persons about scheduled CAG meetings.

Comment 34. According to D.C. regulations, contracts over \$500,000 must have a pre-apprenticeship program.

Response 34. The RI/FS is being conducted by AECOM under contract to Pepco. This is a private contractual arrangement, so it is not subject to the District’s procurement laws.

Comment 35. A pre-apprenticeship program should take place where at least 50% of DC residents are trained and hired. This is an excellent opportunity for residents to learn about their environment while receiving family earning wages.

Response 35. See Response to Comment 34.

Comment 36. Financial support for DC Toxic Team to conduct an independent health study.

Response 36. The CIP relates to a court-approved Consent Decree which requires Pepco to perform a Remedial Investigation/Feasibility Study at its Benning Road facility and adjacent portions of the Anacostia River. The RI/FS work plan will include a detailed description of the Human Health Risk Assessment to be conducted as part of the Remedial Investigation and the RI/FS work plan will be made available for public comment before it is approved by DDOE.

Comment 37. Is there a pre-apprenticeship program apart of the plan?

Response 37. See Response to Comment 34.

Comment 38. How was a budget of \$1.1 million determined to cover the cost of the remediation study, feasibility study and clean-up?

Response 38. Pepco’s consultant, AECOM, developed the budget of \$1.1 million dollars based on its many years of experience in performing Remedial Investigations and Feasibility Studies. The figure does not include the cost of cleanup that may be necessary based on the results of the RI/FS.

Comment 39. How will storm water runoff be managed?

Response 39. It is not expected that the field work for the RI/FS project will present any stormwater management concerns. However, Pepco is still obligated to comply with all other applicable laws and regulations, including those addressing storm water.

Comment 40. What are the levels of compliance used to determine the passing or failing of a test?

Response 40. DDOE is unsure what “test” is being referred to in this question; however as previously noted, any and all tests will be conducted in accordance with all applicable laws, regulations and guidance with DDOE’s oversight.

Comment 41. What’s the selection process for CAG members?

Response 41. DDOE and Pepco invited persons from a wide-range of community organizations in and around the Benning Road facility to participate in the CAG.

Comment 42. What voting rights/power does the group have in the process of the clean-up?

Response 42. See Response to Comment 8.

Comment 43. Was there a competitive bidding process for the Remediation Investigation/Feasibility Study?

Response 43. The RI/FS is required by the Consent Decree, a settlement agreement between DDOE and Pepco, which was entered by the United States District Court for the District of Columbia on December 1, 2011, and is not the result of a competitive bidding process.

Comment 44. How was AECOM selected?

Response 44. AECOM was selected by Pepco, and approved by DDOE.

Comment 45. How are the cooling tower treated with the contaminated water?[as clarified 3/18/12, what chemical are being used in the cooling towers?]

Response 45. This comment does not relate to the CIP or the RI/FS project generally. Pepco has informed DDOE that no chemicals used at the cooling towers, which are associated with power plant operations, will remain at the site after the power plant is shut down.

Comment 46. Is the EPA involved? If so, to what extent?

Response 46. DDOE works closely with EPA on a number of issues relating to the RI/FS project. DDOE provides EPA copies of the draft deliverables that the Consent Decree requires. EPA is encouraged to comment during the public comment periods, just like any other interested person.

Comment 47. What are the penalties for non-compliance of the Community Involvement Plan?

Response 47. Once approved by DDOE, the Community Involvement Plan becomes an enforceable part of the Consent Decree. See Consent Decree 8e. Thus, the penalties for non-compliance with the Community Involvement Plan are the same as any other violation of the Consent Decree. Violations are calculated per violation and per day and the penalties begin with \$1,000 for the first seven days; \$5,000 for days seven through fourteen; and \$7,500 for each day after that. See Consent Decree 9a.

Comment 48. [additional clarification 3/18/12] When the plant is decommissioned, will any chemicals remain at the generating Site? If so, how will these chemicals be contained so as to prevent any exacerbation of the existing environmental conditions?

Response 48. This comment does not relate to the CIP or the RI/FS project generally. The shutdown of the power plant is an unrelated undertaking by Pepco. Pepco has informed DDOE that no chemicals used in power plant operations will remain at the site after the power plant is shut down.

Comment 49. Can the building be demolished after the cleanup?

Response 49. This comment does not relate to the CIP or the RI/FS project generally. The shutdown of the power plant is an unrelated undertaking by Pepco.