



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

FINAL DECISION AND RESPONSE TO COMMENTS

Ametek, Inc.
Odenton, Maryland

EPA ID: MDD082612110

Prepared by the
Office of Land, Chemicals and Redevelopment Division
May 2021

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Section 1: Introduction

The United States Environmental Protection Agency (EPA) is issuing this Final Decision and Response to Comments (FDRTC or Final Decision) selecting a final remedy (Final Remedy) for the former Ametek Inc. facility (Facility), located in Odenton, Maryland (Figure 1). EPA's Final Remedy for the Facility consists of land and groundwater use restrictions to restrict activities that may result in exposure to contaminants remaining in the soil and groundwater at the Facility.

On February 1, 2021, EPA issued a Statement of Basis (SB) in which EPA proposed a remedy for the Facility. EPA held a thirty (30)-day public comment period which began on February 19, 2021 and ended on March 20, 2021. The only comments EPA received during the public comment period were submitted by the current owner of the Facility, S/C Odenton II, LLC. The public comments received are included in Attachment 2.

Based on comments received during the public comment period, EPA is making minor modifications to the proposed remedy and incorporating them into the selected Final Remedy as described in more detail in Attachment 2, EPA Response to Comments.

The Facility is subject to EPA's Corrective Action Program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901 *et seq.* The Corrective Action Program requires that owners or operators of facilities subject to certain provisions of RCRA investigate and address releases of hazardous waste and or hazardous constituents, usually in the form of soil or groundwater contamination, that have occurred at or emanated from their properties. EPA currently implements the Corrective Action Program in the State of Maryland because Maryland is not authorized to implement Corrective Action under Section 3006 of RCRA.

Information on the Corrective Action Program as well as a fact sheet for the Facility can be found by navigating to <https://www.epa.gov/hwcorrectiveaction/hazardous-waste-cleanup-ametek-inc-intercontinental-export-import-inc-odenton-md>. The Administrative Record (AR) (Attachment 1) for the Facility contains all documents, including data and quality assurance information, on which EPA's Final Remedy is based.

Section 2: Facility Background

The Facility is a 4.6-acre property located in Odenton, Maryland (see Figure 1) consisting of two parcels: the manufacturing parcel and the parking lot parcel. In the 1940s, the Facility building was constructed by the National Plastic Products Company. In 1971, Amtech, Inc. purchased the facility from the Enjay Chemical Company (formerly known as the National Plastic Products Company). In 1977, Ametek acquired Amtech, Inc. through a corporate merger. In 1988, Ametek became Ketema Corporation through corporate restructuring. In 1996, Ketema Corporation was acquired by Specialty Filaments, Inc. (SFI) and operated the Facility under the name SFI Odenton

Plant (SFI Odenton) from 1996 to 2001. SFI Odenton's operations at the Facility included extruding plastic into threads and fibers for use in various products as well as the storage of various chemicals including pigments, colorants, and oils. In 2001, the Facility was purchased by RSN Holdings which subsequently sold the Facility to Intercontinental Export Import, Inc. (IEI). IEI used the Facility building warehouse for the storage of plastic pellets and recyclable plastic products. In 2008, the Facility was purchased for possible redevelopment by S/C Odenton II, LLC, a real estate development company. In the Spring of 2012, S/C Odenton II, LLC demolished the Facility building except the slab floor and partial basement.

Section 3: Summary of Environmental History

There were numerous sources of contamination at the manufacturing parcel. An underground heating oil release, discovered in the 1980s, at the adjacent International Paper facility (south and southeast of the Facility) resulted in an area of petroleum-impacted soil and groundwater contamination at the Facility. Soil and groundwater at the Facility were contaminated with light non-aqueous phase liquid (LNAPL). Groundwater in the shallow aquifer had slight historic exceedances of benzene and naphthalene above National Primary Drinking Water Standard Maximum Contaminant Levels (MCLs) that had partially migrated under the Facility.

In the 1990s, under a Corrective Action Plan (CAP) with the Maryland Department of the Environment's (MDE) Oil Control Program (OCP), International Paper installed a remediation system at the Facility, related to the petroleum release at the adjacent International Paper facility. Under the CAP, a remediation system was installed at the Facility in the 1990s. The system was designed to remove LNAPL from groundwater using skimmer pumps and a soil vapor extraction system to remove residual soil contamination.

In 2006, elevated concentrations of volatile organic compound (VOC) vapor were found beneath the floor slab in the southern portion of the Facility building. Thereafter, a blower was installed to vent subslab VOC vapor. Also, fill material containing coal dust and/or coal slag was found beneath the southern portion of the building. The fill material contained lead, mercury, and arsenic concentrations that exceeded MDE Non-Residential Cleanup Standards. This area was subsequently capped with concrete.

In late 2006 and early 2007, Phase I and II Environmental Site Assessment (ESA) activities were conducted at the Facility. On May 30, 2007, S/C Odenton II, LLC, the then prospective purchaser of the property, applied to the MDE Voluntary Cleanup Program (VCP) as an "Inculpable Person" for the Facility. The MDE VCP application included the Phase I and II ESA and previous environmental reports. The Facility was accepted into the MDE Voluntary Cleanup Program in December 2007. After several rounds of additional Phase II ESA activities, Geo-Technology Associates, Inc. prepared a Response Action Plan (RAP) on the behalf of S/C Odenton II, LLC.

In November 2011, MDE OCP approved the termination of the International Paper's operation of the remediation systems when it appeared that the LNAPL remediation operations were not an efficient approach. Bimonthly gauging and semiannual monitoring of all wells was conducted to evaluate to assess the recharge and mobility of LNAPL and whether the recovery system should be

reactivated. Under MDE's VCP, S/C Odenton II, LLC demolished the Facility building structure in the Spring of 2012, except the slab floor and partial basement. Later in 2012, the partial basement was back filled with soil. On November 1, 2016, S/C Odenton II, LLC was issued a Certificate of Completion (COC) by the MDE VCP, for commercial land use.

The RAP was approved in 2010 by MDE's VCP. The RAP identifies three main areas of concern (AOC) which have been addressed in the following ways:

- Remedial Area 1 (RA-1) - A limited area of lead-containing fill, including coal and coal slag (bottom ash), is located on the western portion of the Facility in the Manufacturing Parcel. This area is known as Response Area 1 (RA-1). This area is currently capped with the concrete slabs of the former buildings. Pursuant to the RAP, the RA-1 must remain capped with either buildings, a pavement profile, or 2 feet of approved clean fill over a geotextile marker fabric. If future disturbance occurs, such as for grading, construction, etc., then the excavated materials must be properly handled and disposed.
- OCP Area - An area of petroleum contaminated soils and groundwater is located on the central portion of the Facility on the manufacturing parcel, apparently resulting from a historical release from the former heating oil above-ground storage tank (AST) and/or the associated underground lines and the presence of residual light non-aqueous phase liquid (LNAPL) above Maximum Contaminant Levels (MCLs). The AST, the underground storage tanks (USTs), and the underground lines were removed in coordination with MDE by the adjoining property owner. International Paper performed the site remediation and monitoring of the diesel release at the Facility under MDE OCP's oversight. A request was submitted to MDE on January 3rd, 2017 to discontinue annual groundwater sampling activities and discontinue LNAPL recovery as historic recovery operations showed that further recovery would yield minimal additional LNAPL and not significantly reduce risk. The data shows that the last 10 plus years of recovery did not yield significant amounts of LNAPL. The OCP case was closed on August 31, 2017 after approximately 20 years of remedial efforts, although residual impacts remain, primarily in the vicinity of the groundwater interface at depths of roughly 12-15 feet below grade. MDE concluded that contamination had been remediated to the maximum extent practicable, and that no further action was required.
- VOCs - Some areas of soil vapor and sub-slab vapor impacts that were previously identified at the Manufacturing Parcel, resulted from the use of solvents in the former manufacturing operations. Environmental studies included a site-wide grid of vapor sampling points, followed by a targeted sampling approach in key areas. The primary VOC of concern was PCE. The Phase II ESA showed that the vapor impacts were not associated with a VOC plume, but were trapped beneath the Manufacturing Parcel's impermeable building slabs and pavement. Soil vapor extraction was performed for approximately 7 months, and post-extraction sampling for 12 additional months showed a significant reduction in soil vapor impacts, to below commercial-based comparison values.

On February 8, 2017, an Environmental Covenant (EC) was recorded on the title to the Facility property with the following land use restrictions for the manufacturing parcel, as follows:

- Groundwater – Groundwater may not be used for any purpose, other than sampling.
- Groundwater Encountered During Excavation – Any groundwater encountered during future construction work must be appropriately containerized, tested, and properly disposed, with specified notifications to MDE.
- Soil Excavation and Disposal – Any excavated material taken off-site must be appropriately characterized for disposal, and no material shall be transferred to a property other than a disposal facility without prior MDE approval.
- RA-1 – The cap at RA-1 must be maintained and inspected twice a year.
- The OCP Areas – If excavation occurs deeper than 12 feet in the OCP Area, appropriate worker safety, material handling, and MDE notifications must occur.
- Vapor Barrier – New Construction – If new buildings are constructed, suitable vapor barriers or other systems, and indoor air testing at completion are required, or additional testing can be performed beforehand to demonstrate that such systems and indoor air testing are not needed.

Section 4: Corrective Action Objectives

Soil

EPA's Corrective Action Objectives (CAOs) for soil is to prevent human exposure to contaminant concentrations above the MDE allowable risk range for residential use of 1×10^{-5} to 1×10^{-6} and non-cancer HI of greater than 1.

Groundwater

EPA expects final remedies to return usable groundwater to its maximum beneficial use within a timeframe that is reasonable given the circumstances of the project. For projects where aquifers are either currently used for water supply or have the potential to be used for water supply, EPA will use the National Primary Drinking Water Standard Maximum Contaminant Levels (MCLs) promulgated pursuant to Section 42 U.S.C. §§ 300f et seq. of the Safe Drinking Water Act and codified at 40 CFR Part 141 as the corrective action objective for groundwater and control exposure to the hazardous constituents remaining in the groundwater until applicable MCLs are achieved throughout the area of contaminated groundwater and demonstrated by groundwater monitoring results.

EPA has determined that the neighboring International Paper facility is the source of the contaminated groundwater under the Facility. MDE concluded that International Paper remediated the contamination to the maximum extent practicable, and that no further action is required. Because LNAPL remains under the Facility at concentrations above MCLs, EPA's CAO for Facility groundwater is to control exposure to the hazardous constituents remaining in the groundwater.

Vapor Intrusion

EPA's CAO for soil vapor intrusion into occupied buildings located at the Facility is to prevent worker exposure to VOCs emanating from subsurface soil or groundwater at concentration exceeding industrial air Regional Screening Levels set at a cancer risk of 1 in 100,000 or hazard quotient of 1.

Section 5: Final Remedy

EPA's Final Remedy for the Facility consists of the following components:

Soil

Because some contaminants remain in the Manufacturing Parcel soils at levels which exceed residential use, EPA's Final Remedy requires the following:

Maintain the integrity of the RA-1 area cap and cover by conducting regular periodic inspections (twice per year), making timely repairs if needed, and maintaining a record of such inspection and maintenance.

All excavated material in the Manufacturing Parcel shall be thoroughly characterized before off-site disposal and the analytical results shall be the basis for appropriate disposition of the material at a permitted disposal facility in strict accordance with applicable local, State and federal laws and regulations. No excavated material shall be transferred to a property other than a disposal facility without appropriate sampling.

If excavation at the OCP Area is to be deeper than 12 feet, maintain appropriate worker safety and proper material handling.

Notify EPA prior excavation deeper than 12 feet in the OCP Area.

Groundwater

EPA's Final Remedy is institutional controls for groundwater including compliance with and maintenance of groundwater use restrictions that limit groundwater use to non-potable and non-agricultural uses at the Manufacturing Parcel in order to prevent human exposure to contaminants while levels remain above MCLs.

Vapor Intrusion

EPA's Final Remedy for vapor intrusion shall require the installation of an EPA approved vapor intrusion control system in each newly occupied structure constructed and operated on the Manufacturing Parcel unless or until it is demonstrated to EPA that vapor intrusion of contaminants does not pose a threat to human health and EPA provides prior written approval that vapor mitigation is no longer required.

Implementation

The following land and groundwater use restrictions are required at the Facility:

1. The integrity of the RA-1 area cap and covers shall be maintained by conducting regular periodic inspections (twice per year), making timely repairs if needed, and maintaining a record of such inspection and maintenance.
2. Groundwater at the Manufacturing Parcel shall not be used for any purpose other than the operation, maintenance, and monitoring activities required by MDE or EPA, unless it is demonstrated that such use will not pose a threat to human health or the environment or adversely affect or interfere with the Final Remedy and MDE, in consultation with EPA, provides prior written approval for such use.
3. Soil Excavation and Disposal – All excavated material at the Manufacturing Parcel shall be properly characterized and transported off-site.
4. Excavation at the OCP Area – No excavation deeper than 12 feet in the OCP Areas shall be conducted unless MDE, in consultation with EPA, provide prior written approval. All appropriate worker safety and proper material handling requirements, sufficient to comply with all applicable OSHA requirements and meet EPA's acceptable risk, shall be maintained.
5. An EPA approved vapor intrusion control system shall be installed in each newly occupied structure constructed and operated on the Manufacturing Parcel unless or until it is demonstrated to MDE, in consultation with EPA that vapor intrusion of contaminants does not pose a threat to human health and EPA provides prior written approval that vapor mitigation is no longer required.
6. The Manufacturing Parcel shall be only used for restricted commercial and restricted industrial use. The Manufacturing Parcel shall not be used for unrestricted residential use (i.e., single or multiple family homes (Maryland Tier 1A)) or as an unrestricted public recreational area (Maryland Level 1 and 2) unless it is demonstrated to EPA and MDE that such use does not pose a threat to human health and EPA and MDE provide prior written approval for such use. The Manufacturing Parcel can also be used for restricted residential or restricted public recreational or other uses provided that it is demonstrated to EPA and MDE that such use does not pose a threat to human health and EPA and MDE provide prior written approval for such use.

EPA has determined that the above land and groundwater use restrictions, if maintained, have been satisfactorily implemented at the Facility through the February 8, 2017 Environmental Covenant recorded in the land records for the Facility property by MDE.

Section 6: Environmental Indicators

EPA set national goals to measure progress toward meeting the nation's environmental goals for facilities. Under EPA's Corrective Action Program, EPA evaluates two key environmental indicators for each facility: (1) current human exposures under control and (2) migration of contaminated groundwater under control. EPA determined that the Facility met both environmental indicators on February 20, 2013.

Section 7: Financial assurance

The cost of the Final Remedy to the Facility owner is negligible therefore no financial assurance is required.

Section 8: Evaluation of Final Remedy

1. Protect human health and the environment	EPA's Final Remedy for the Facility protects human health from exposure, including future exposure, to soil and groundwater contamination. A concrete cap has been placed at RA-1, which is protective of human health, and the OCP area has been remediated to the maximum extent practicable. Because contaminants will remain in the soil and groundwater at levels inappropriate for residential use at the Manufacturing Parcel, EPA's Final Remedy requires land and groundwater use restrictions that will prohibit future uses that would pose an unacceptable risk.
2. Achieve media cleanup objectives	EPA's Final Remedy meets the media cleanup objectives based on assumptions regarding current and reasonably anticipated future land and water resource use(s). The Final Remedy is based on the current and future anticipated land use at the Site for commercial or industrial purposes or restricted residential uses provided that it is demonstrated to EPA and MDE that such use does not pose a threat to human health. The land use restrictions in the February 8, 2017 EC already meet the soil cleanup objective. EPA's Final Remedy also requires the implementation and maintenance of land and groundwater use restrictions at the Manufacturing Parcel
3. Remediating the Source of Releases	In the Final Remedy, EPA seeks to eliminate or reduce further releases of hazardous wastes and hazardous constituents that may pose a threat to human health and the environment. Since there are no sources of releases at the site, EPA has determined that this criterion has been met.
4. Long-term effectiveness	The Final Remedy of will maintain protection of human health and the environment over time by controlling exposure to the hazardous constituents remaining in soils and groundwater. The long-term effectiveness is high, as ICs have already been implementable and are required to be maintained. In addition, the cap at RA-1 must be maintained and inspected twice annually, effectively eliminating the potential for unacceptable risk over the long term.
5. Reduction of toxicity, mobility, or volume of the Hazardous Constituents	This Final Remedy does not require further source reduction. Maintenance of the RA-1 cap will reduce the mobility of and the exposure to the hazardous constituents in the soil. In addition, if excavation occurs deeper than 12 feet in the OCP Area, appropriate worker safety, material handling, and MDE notifications must be implemented.
6. Short-term effectiveness	EPA's Final Remedy takes into consideration future activities, such as construction or excavation that would pose short-term risks to workers, and the environment by requiring

	the current owners to implement and adhere to land and groundwater use restrictions.
7. Implementability	EPA's Final Remedy has already been implemented. EPA proposes to support the land and groundwater use restrictions set forth in the February 8, 2017 MDE Environmental Covenant.
8. Cost	EPA's Final Remedy is cost effective. There is no further cost to the owner unless the Facility is developed in the future.
9. Community Acceptance	EPA evaluated community acceptance of the Final Remedy during the public comment period, as described in the Response to Comments.
10. State/Support Agency Acceptance	MDE has reviewed and concurred with the Final Remedy for the Facility.

Section 10: Declaration

Based on the Administrative Record compiled for the corrective action at the Facility, I have determined that the Final Remedy selected in this Final Decision is protective of human health and the environment.

Date: _____

Dana Aunkst, Director
Land, Chemicals and Redevelopment Division
US EPA, Region III

Figure 1



Attachment 1

Index to Administrative Record

2007, November 1, 2007; *Facts about IEI Property Voluntary Cleanup Program*, Maryland Department of the Environment.

2013, February 20; *Environmental Indicators for Current Human Exposures Under Control and Migration of Contaminated Groundwater Under Control*, EPA.

2013, February 26; *Environmental Indicators for Migration of Contaminated Groundwater Under Control*, EPA.

2016, November 1; *Former IEI Property Environmental Covenant Certificate of Completion*, Maryland Department of the Environment Land Management Administration Voluntary Cleanup Program.

2017, May 8; *Quarterly Hydrocarbon Recover Effort and Monitoring Report*, AECOM.

2019, December 24; *Revised Environmental Management Plan, Academy Yard Future Phases*, Geo Technology Associates, Inc. for Maryland Department of the Environment Land Restoration Program.

Attachment 2

EPA Response to Comments

During the comment period, EPA received comments from Holland & Knight LLP (Holland & Knight) on the Statement of Basis (SB). EPA's summary of Holland & Knight's comments and EPA's responses to those comments are set forth below.

Holland & Knight's comment No. 1

The correct name of the owner is S/C Odenton II, LLC. The owner's name is stated incorrectly in Sections 2 and 3 of the Statement of Basis as SIC Odenton II, LLC or as StonebridgeCarras, LLP (and in the historical Environmental Indicators reports). The Site has never been owned by StonebridgeCarras LLC or SIC Odenton II, LLC (the latter we believe to be a typo).

EPA's Response

EPA agrees with this comment and has made corresponding changes that are reflected throughout the FDRTC.

Holland & Knight's comment No. 2

This Site is somewhat unique in that neither the owner nor the MDE was aware when S/C Odenton II, LLC applied to participate in the Voluntary Cleanup Program in 2007 that a prior owner, Ametek, had applied for a Part A RCRA permit in 1981 but never completed the RCRA permitting process. S/C Odenton II, LLC never owned or operated the RCRA Facility, and it never agreed to take over or complete the RCRA corrective action process. For these reasons, and based on judicial precedent, we don't believe EPA has jurisdiction over the owner's corrective action activities but, as discussed in prior meetings and calls, the owner is willing to be cooperative and assumes that MDE will continue to be taking the lead over those cleanup activities, in consultation with EPA.

EPA's Response

EPA disagrees with this comment. EPA has the jurisdiction to require owners and or operators of facilities that have operated subject to RCRA interim status requirements, to investigate and address releases of hazardous waste and hazardous constituents that have occurred at or emanated from those facilities. Ametek submitted a Part A permit application to EPA in January 1981, thereby establishing interim status for the Facility.

Holland & Knight's comment No. 3

We view this situation to be similar to the cleanup of the Former General Motors Corporation/Duke Realty Baltimore Assembly Plant corrective action site discussed below. Given the current regulatory posture of this matter, and past discussions with EPA and MDE, all future regulatory oversight should be conducted *by MDE, in consultation with EPA*. We believe that any language in the Statement of Basis inconsistent with this approach, particularly in Section 5, should be corrected throughout the document.

EPA's Response

Given that EPA has determined that the components of the Final Remedy have already been fully implemented at the Facility through the February 8, 2017 Environmental Covenant which was signed by and is enforceable by MDE, EPA has changed the language in Section 5.

Holland & Knight's comment No. 4

We would note that the western parking lot never had any manufacturing activities on it and should not be considered to be part of the RCRA Facility. Extensive sampling over the years has documented the lack of environmental concerns on that parcel. Excluding the western parking lot from the definition of the *Relevant Facility Area* is consistent with the approach taken in the Former General Motors Corporation/Duke Realty Baltimore Assembly Plant matter discussed below. The various restrictions applied to the *Relevant Facility Area* should not apply in the western parking lot area.

EPA's Response

RCRA corrective action applies to the entire Facility. The Final Remedy does not require corrective action on the western parking lot section of the Facility.

Holland & Knight's comment No. 5

The Statement of Basis should use certain terms consistently. The term *Facility* should refer to the former Ametek RCRA Facility. The term *Relevant Facility Area* should refer to those portions of the Ametek RCRA Facility that are subject to the remedies described in this Statement of Basis. The term *Site* should refer to the IEI site, the 4.62-acre site that was enrolled in the Maryland Voluntary Cleanup Program.

EPA's Response

The term Facility refers to all contiguous property under the control of the owner/operator of a facility seeking a permit under RCRA Subtitle C. In this instance, the Facility includes all portions of the former Ametek facility and all contiguous property.

Holland & Knight's comment No. 6

The Statement of Basis should note in Section 3 that the International Paper (IP) Corrective Action Plan (CAP) was related to the petroleum release at the adjacent IP facility, not at the Ametek RCRA Facility. The IP facility was south and southeast of the Ametek RCRA Facility, not to the northeast as stated in Section 3 of the Statement of Basis. The AST, UST, and the underground lines were removed by the adjoining property owner, not by IP. The IP OCP case was granted No Further Action status in 2017, and all of the wells associated with that release have been capped or closed.

EPA's Response

EPA agrees with this comment and made corresponding changes that are reflected throughout the FDRTC.

Holland & Knight's comment No. 7

There are some statements in Section 3 that need correction. In particular we refer to the following: "The most significant area of vapor impacts at the Facility was on the southwestern portion adjacent to the IEI Property [note: the IEI Property is the Facility], which is on" We suggest removing the phrase "was on the southwestern portion adjacent to the IEI Property." In the fifth paragraph under Section 3, the *partial basement* was backfilled with soil in 2012, rather than "the floor."

EPA's Response

EPA agrees with this comment and made the corresponding changes.

Holland & Knight's comment No. 8

On page 4, in the middle of the Groundwater paragraph, there is an incomplete sentence, starting with "groundwater. s and control exposure"

EPA's Response

EPA agrees with this comment and made the corresponding changes.

Holland & Knight's comment No. 9

The first full sentence on the top of page 5 is incomplete and includes bracketed text with a question mark. This sentence appears to relate to issues discussed later in the Statement of Basis, including the implementation section, item #3 (on page 5). EPA's apparent position is that all excavated material must be transported off-site; this position is unreasonable, onerous, and inconsistent with MDE guidance and the current Certificate of Completion ("CoC"). Rather, these references in the Statement of Basis could and should be more consistent with current MDE policy, *e.g.* all excavated materials should be properly characterized, and the results should be used, pursuant to MDE guidance, to determine whether the materials can be reused on-site or off-site in an unrestricted manner (Category 1 sites), can be reused on-site or off-site in a restricted manner (Category 2 or 3 sites), or must be disposed off-site.

EPA's Response

EPA agrees with this comment and made the corresponding changes.

Holland & Knight's comment No. 10

On page 6, implementation section, item #6, it would be helpful to clarify that unrestricted residential use (Maryland Tier 1A) means uses such as fee simple townhomes or single-family residential homes. Restricted residential use (Tier 1B), which is allowable utilizing the process set forth in the Transferability section in the CoC (p. 8), includes such uses as apartment buildings with one or more land use controls (*e.g.*, groundwater use restrictions, deep dig restrictions in the OCP areas, RA-1 area cap, and sub-slab depressurization systems, if warranted). Also, in this section, the word "unless" is missing after the reference to unrestricted public recreational area (Maryland Level 1 and 2).

EPA's Response

EPA agrees with this comment and made the corresponding changes.

Holland & Knight's comment No. 11

S/C Odenton II, LLC has already implemented most of the remedies that are needed to achieve EPA's corrective action objectives, by means of the Maryland Voluntary Cleanup Program. *S/C Odenton II, LLC* simply seeks the flexibility to continue to work with the Maryland Voluntary Cleanup Program to implement additional remedies in conjunction with the planned redevelopment activities pursuant to an Environmental Management Plan ("EMP") as approved by MDE, in consultation with EPA. This approach would be consistent with RCRA corrective actions at other RCRA sites in Region 3, including the Former General Motors Corporation/Duke Realty Baltimore Assembly Plant at 2122 Broening Highway, Baltimore, MD (EPA ID No. MDD003091972) and the PEMCO Inc. Lot 28 Parcel at 5601 Eastern Avenue in Baltimore, MD (EPA ID No. MDD0003093499). This approach is also consistent with the numerous discussions the owner and its consultant, Geo-Technology Associates, Inc., have had with EPA and MDE over the last ten (10) years.

EPA's Response

EPA stated in the Statement of Basis that the land and groundwater use restrictions proposed as the Final Remedy had been implemented at the Facility.

Holland & Knight's comment No. 12

Section 5 of the Statement of Basis needs to be re-written to reflect the fact that most of the listed remedies *have already been implemented* pursuant to the CoC previously issued under the Maryland Voluntary Cleanup Program, and that any further adjustments to these remedies during future redevelopment (including the items in the paragraph immediately above) will be accomplished pursuant to an EMP under the Maryland Voluntary Cleanup Program upon an adequate demonstration to MDE, in consultation with EPA, that the measures will not pose a threat to human health or the environment.

EPA's Response

See EPA's response to comment No. 11.

Holland & Knights comment No. 13

In Section 6, Environmental Indicators, it would be helpful to note that some conditions have changed since 2013. For example, the IP OCP case has now closed, the monitoring wells have been closed, and groundwater monitoring is no longer occurring.

EPA's Response

EPA disagrees. Environmental Indicators are an Agency determination based on the conditions of the facility at the point of time that determination is made. FDRTCs describe the conditions of a facility up to the then-current time. Accordingly, the information that the OCP case was closed in 2017 and no further action is required is appropriately provided in Section 3 of the FDRTC.

Holland & Knight's comment No. 14

The statements in Section 8, Evaluation of Proposed Remedy, should be modified to reflect the fact that most of these remedies *have already been implemented* pursuant to the Maryland Voluntary Cleanup Program and will simply need to be *adjusted pursuant to an EMP, upon approval by MDE, in consultation with EPA*, as the redevelopment moves forward in the future. An Environmental Covenant has already been placed on the Site. The Statement of Basis in PEMCO Inc. Lot 28 Parcel, *e.g.*, acknowledged remedial work that had already been performed pursuant to the Maryland Voluntary Cleanup Program, and activities to be performed going forward pursuant to an MDE and EPA approved Health and Safety Plan, a Soils, Cover and Cap Management Plan (SCCMP), and the like. That approach should be taken here.

EPA's Response

See EPA's response to comment No. 11.

Holland & Knight's comment No. 15

Under item 2 of Section 8, the statement that the "remedy proposed in this SB is based on the current and future anticipated land use at the Site for commercial or industrial purposes" is inconsistent with earlier statements in the document. The remedy should allow restricted residential (such as an apartment building) and unrestricted public recreational areas (Maryland Levels 1 and 2) if the owner can demonstrate to MDE, in consultation with EPA, that such use(s) do not pose a threat to human health and MDE, in consultation with EPA, provides prior written approval for such use(s), as contemplated by the Transferability section in the CoC already issued for this Site.

EPA's Response

EPA agrees with this comment and made the corresponding changes.

