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MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Parris N. Glendening
Governor

Jane T. Nishida
Secretary

May 14, 2001

Mr. Walter Legg
Engineering Field Activity Chesapeake
Washington Navy Yard, Building 212
1314 Harwood Street SE
Washington DC 20374-5018

RE: *Draft Record of Decision for Operable Unit 2, Former NSWC White Oak, Silver Spring, Maryland.* Dated: April 2001

Dear Mr. Legg:

Enclosed are comments from the Federal Facilities Section of the Maryland Department of the Environment on the above referenced document.

If you should have any questions, please contact me at (410) 631-3440.

Sincerely,

Jeff Thornburg
Remedial Project Manager
Federal Facilities Section

cc: Mr. Darius Ostrauskas, EPA
Ms. Krista Grigg, EFACHES
Mr. Richard W. Collins
Mr. Karl Kalbacher

**Maryland Department of the Environment
Waste Management Administration
Environmental Restoration and Redevelopment Program**

Comments on:

Draft Record of Decision for Operable Unit 2, Former NSWC White Oak, Silver Spring,
Maryland. Dated: April 2001

General Comment:

Based on consensus reached at the November 1999 meeting between the MDE, EPA and the Navy, the BCT agreed to address the areas formerly known as Sites 1 and 2 under a single concurrent remedial action. As part of this determination, the adjacent disposal areas would be designated as a single operable unit. Wastes within the operable unit would be excavated, consolidated, and regraded to facilitate placement of an engineered cap.

The Record of Decision should reflect the BCT's approach regarding this action. As part of a single operable unit, only wastes within the designated area would be redistributed and capped. Where appropriate, a clear distinction should be made in the text regarding waste placement and consolidation. This distinction will clarify that the action is acceptable under CERCLA, and not contrary to or conflicting with current regulatory requirements regarding landfill closures.

Specific Comments:

1. *Table 2-21, Description of ARARs for the Selected Remedy*

The table should include the reference for COMAR 26.17.04: requirements for construction in a non-tidal wetland. Some wetland features have been delineated within the area defined as OU2.

2. *Table 2-21, Description of ARARs for the Selected Remedy*

The table should include the reference for COMAR 26.08.04: designation of the unnamed tributary to the Paint Branch Creek as a Class 3P stream.

3. *Section 2.1: Site Name, Location, and Description*

The text identifies the acreage of the Site 2 area as 5.5 acres. Subsequent references in the document provide other acreage values. Please edit the text and provide a consistent numerical acreage value throughout the ROD.

4. *Section 2.2.3, Site Investigations*

Remedial activities associated with Operable Unit 2 date back to the 1980s. The text first identifies investigations from 1997 to the present. Later the document refers to investigations from 1985. Please correct this discrepancy in the final publication of the ROD.

5. *Section 2.5.5, Summary, 3rd paragraph*

Please include a reference to the ARAR table 2-1, which identifies the section describing a Class 3-P stream.

6. *Section 2.6, Current and Potential Future Land and Resource Uses.*

The text indicates that the GSA has no specific land reuse planned for the OU2 area. The FDA currently has plans to erect a utility structure over part of the area formerly known as Site 1. The FDA has indicated these plans are relatively firm. Mention of the proposed redevelopment should be included in the ROD. This information will also support the Navy's assumption that land reuse will likely be exclusively industrial/commercial in the foreseeable future.

7. *Component 5, page 2-45, 2nd paragraph*

Please reference the ARAR table 2-1 in this section, which identifies COMAR 26.17.02 as the applicable sediment and erosion control regulation for Maryland.