



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

May 6, 2013

Trevor Busche, Authorized Signatory
CBAC Gaming, LLC
One Caesars Palace Drive
Las Vegas, Nevada 89101

Re: Voluntary Cleanup Program
Request for Revision to Response Action Plan (RAP) Amendment
Gateway South - Phase I and Warner Street Properties
1501, 1525, and 1551 Russell St.; 1501, 1601, 1629, 1633, 1645 Warner St., 2119 Haines
St., 2104 Worcester St. and 2102 Oler St.
Baltimore, Maryland

Dear Mr. Busche:

The VCP of the MDE has completed an additional public comment period on the Response Action Plan (RAP) Amendment for the Gateway South Phase I and Warner Street properties located at the above addresses in Baltimore City that was received on November 20, 2012. The VCP directs you to submit a revised RAP Amendment to address the attached comments prepared in response to questions asked at the public meeting on April 11, 2013 and comments received during the comment period that ended on April, 23, 2013. Given the fact that construction at the property is ongoing, please submit the revised RAP Amendment within 30 days of receipt of these comments.

If you have any questions regarding the attached comments, please contact me at (410)537-3493.

Sincerely,

Richelle Hanson, Project Manager
Voluntary Cleanup Program

cc: Ms. Denise Sullivan, Urban Green Environmental
Mr. Gary Suskauer, Baltimore Development Corporation
Ms. Evelyn Rodriguez, Baltimore City Health Department
Mr. Horacio Tablada
Mr. James Carroll
Mr. Art O'Connell
Ms. Barbara Brown



Voluntary Cleanup Program
Gateway South and Warner Street Properties
Comments on the Response Action Plan Amendment
Received November 20, 2013

1. Please revise all tables and figures to include the data from 2007 through 2013.
2. Please remove Table 4, Summary of USEPA Modified Johnson and Ettinger Soil Gas Screening Model Results, and all references to it from the RAP Amendment. In addition, please revise Section 3.3, Supplemental Soil Gas Sampling and Analysis Reporting and Conclusions to reflect the fact that Table 4 has been removed. The VCP did not use this table in the decision making process so it should not be included.
3. The VCP had received and reviewed the Limited Soil Investigation Report focused on the areas surrounding former soil boring B-38. Based on the sampling protocol combined with the significant difference in results from 2007 to 2013, the VCP is requiring additional action in this area. During these revisions, please revise the RAP Amendment to clarify that the entire proposed building is underlain by the vapor mitigation system. Please revise the RAP Amendment to include one of the options listed below:
 - a. Propose additional sampling to fully confirm whether arsenic is present at concentrations requiring removal of material in this area. The VCP is recommending that the entire loading dock area and approximately 20 feet surrounding the loading dock be sampled for total arsenic and TCLP arsenic using the ITRC Incremental Sampling Protocol. Please include a contingency in the event that the additional data demonstrates that soil needs to be removed. The protocol can be found at:
<http://www.itrcweb.org/Guidance/ListDocuments?topicID=11&subTopicID=16>;
or;
 - b. Propose a removal of the soil in the vicinity of former boring B-38. The proposal must include confirmation sampling and disposal sampling for both total arsenic and TCLP. The revised RAP should include the proposed disposal location for the soil with contingencies for whether the material is determined to be hazardous or non-hazardous waste.
4. The VCP requires that the RAP Amendment be revised to expand the proposed vapor mitigation system to include a minimum of one vapor extraction point in the vicinity of each of former soil boring B-28 and B-38 locations to further address the trichloroethene (TCE) soil source and a proposal for cleanup criteria in Section 5.0, confirmation sampling, and post-treatment monitoring for both soil gas and indoor air. In addition, please revise the RAP Amendment to clarify that the entire building will be addressed by the vapor mitigation system rather than referring to the Buffet Building as previously done. The cleanup criteria for indoor air should be a cancer risk of 1×10^{-5} and a hazard index of 1. The action levels for soil gas and indoor air are provided in a table below:

	Indoor Air (ug/m3)	Soil Gas (ug/m3)
trichloroethene	8.8	880
cis-1,2-dichloroethene	270	27,000
trans-1,2-dichloroethene	270	27,000
vinyl chloride	28	2800

5. Please revise the RAP to describe the additional dust monitoring measures that Urban Green has been conducting in excess of the measures currently included in the RAP Amendment. Specifically, specify that 40 hours per week of monitoring will be conducted during the demolition and earth moving activities in lieu of the minimum of 12 hours currently indicated. In addition, please provide the calculations for determining the permissible dust levels. If the calculations did not include the 4,200 mg/kg arsenic, please specify what permissible levels will be used when moving soil in the vicinity of former soil boring B-38 and what permissible levels were used for the remaining portion of the property.
6. In addition, please revise the RAP Amendment to include the soil control measures being conducted at the site by Whiting-Turner to address concerns regarding soil being moved off-site by truck activity. Specifically, please revise the RAP Amendment to include the presence of the wheel wash, the use of the street sweeper after rain events and the sub-contractor to remove any soil debris found on the streets.
7. Please revise the RAP Amendment to clarify whether dewatering will be necessary and to specify the procedures for managing groundwater encountered during construction.
8. The VCP acknowledges that a revised schedule was submitted on March 29, 2013 with the grading permits for the Gateway South portion of the property. Please revise Section 9.1, Implementation Schedule to reflect this most recent version of the schedule.
9. Please revise the RAP to specify what additional activities have been and/or will be conducted across the property to ensure the location of all potential underground storage tanks were identified. Please ensure that this discussion includes a description of the activities that were performed to meet the requirements of the investigation into presence of suspected solvent underground storage tanks (USTs) on the 1601 Warner Street parcel that was set forth in Section 2.1 of the KCI RAP.