



**Final Decision and Response to Comments
U.S. GENERAL SERVICES ADMINISTRATION
SOUTHEAST FEDERAL CENTER
PARCEL P**

EPA ID: DC8 470 090 004

August, 2010

I. PURPOSE

The United States Environmental Protection Agency (EPA) is issuing this Final Decision and Response to Comments (Final Decision) for Parcel P of the GSA Southeast Federal Center facility under the authority of 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. Parcel P is located at 1st and M Street, SE, Washington, D.C. 20507 and occupies approximately 5-acres along the southern end of the facility, adjacent to the Anacostia River.

On June 23, 2010 EPA issued a Statement of Basis (SB) which describes the information gathered during the environmental investigations of Parcel P and explains EPA's proposed remedy for that parcel. The SB is hereby incorporated into this Final Decision by reference and made apart hereof as Attachment A.

Consistent with the public participation provisions under RCRA, EPA requested comments from the public on the proposed remedy. The Final Decision describes the final remedy selected by EPA for Parcel P following the public comment period.

II. PUBLIC COMMENTS

The public comment period began on June 23, 2010 and ended July 23, 2010. EPA received no comments during the public comment period.

III. FINAL REMEDY

In the Statement of Basis, EPA required, among other things, that institutional controls be implemented at the Site in the form of: 1) an environmental covenant to be drafted and recorded pursuant to the District of Columbia Uniform Environmental Covenants Act of 2006, D.C. Code § 8-671 (DC UECA); and 2) a restrictive covenant to be included in language of the property deed for Parcel P.

The proposed remedy specified that both the environmental covenant and the restrictive covenant include the following restrictions and requirements, as described in Paragraph V.1:

1. The use of the Parcel P shall be limited to recreational and commercial activity. In no event shall Parcel P or any part thereof be used for any of the following purposes:
 - a) Single family or multi-family dwellings and other residential-style facilities, or otherwise as a residence or dwelling quarters for any person or persons.
 - b) Use as a daycare center.
 - c) The planting of crops for human consumption.
2. Any digging, excavating, grading, or other soil moving activities shall be conducted on Parcel P or any part thereof including in compliance with all applicable federal, state and

local rules, regulations and ordinances. Soil removed from a depth of two feet and below can not be reused on-site. Soils removed from a depth of two feet and below shall be disposed of off-site in accordance with state, federal and local regulations and replaced with clean fill.

3. Groundwater underlying Parcel P shall not be used for any purpose (including, without limitation, human consumption, commercial or agricultural purposes) and no wells for the extraction thereof shall be installed, permitted or utilized on the Parcel P or any part hereof. However, monitoring wells may be installed and operated on Parcel P solely for the purpose of environmental sampling, monitoring and testing of groundwater.

Following issuance of the SB, EPA determined that requiring the filing of an environmental covenant in addition to the inclusion of a restrictive covenant in the deed would be duplicative. Therefore, requiring the creation and implementation of both instruments is not necessary to protect human health and the environment. EPA views the filing of an environmental covenant to be the superior option because an environmental covenant gives EPA a right to enforce the requirements of the covenant in the event that the owner of Parcel P does not comply with its terms. Conversely, only GSA, and not EPA, would be able to enforce the terms of a restrictive covenant against the owner of Parcel P.

In addition, GSA provided EPA with supplementary information to support a determination that institutional controls are not necessary to protect human health and the environment for two areas within the parcel, shown on Attachment B. In Area 1, soil was removed and replaced with clean fill when the entire original seawall was replaced by a new concrete seawall. This activity resulted in an excavation of the wooden decking material and overlying fill to a depth of 10 feet. In Area 2, GSA provided data that confirms that contaminant sources were removed from Area 2 as part of GSA's interim measures activities.

EPA is, therefore, making minor modifications to the proposed remedy in the Final Decision. These modifications are as follows:

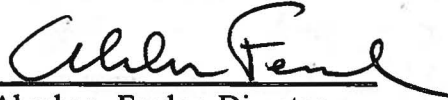
- 1) EPA is not requiring that GSA include a restrictive covenant in the language of the property deed for Parcel P. EPA believes the drafting and recording of an environmental covenant pursuant to DC UECA, without the inclusion of a restrictive covenant in the property deed, is sufficient to ensure that the remedy is protective of human health and the environment.

- 2) EPA is not requiring institutional controls to be implemented in Areas 1 and 2 shown in Attachment B. Institutional controls will be required to be implemented, however, at the rest of Parcel P, as depicted in hatched area of the figure in Attachment B. Implementation of institutional controls in the hatched area will ensure that the remedy is protective of human health and the environment.

IV. DECLARATION

Based on the Administrative Record compiled for the Parcel P of the GSA Southeast Federal Center facility, I have determined that the selected final remedy as set forth in the Statement of Basis and this Final Decision and Response to Comments is appropriate and will be protective of human health and the environment.

Date: 8/26/10



Abraham Ferdas, Director
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