UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 3

FINAL DECISION
UNIVERSITY OF MARYLAND, MD

PURPOSE

The United States Environmental Protection Agency (EPA) is issuing this Final Decision and Response to Comments (FDRTC or Final Decision) selecting the Final Remedy for the University of Maryland facility located at Elkton, MD (hereinafter referred to as the Facility). The Final Decision is issued pursuant to 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. Sections 6901, et seq.

On December 12, 2018, EPA issued a Statement of Basis (SB) in which it described the information gathered during environmental investigations at the Facility and proposed a Final Remedy for the Facility. Concurrent with issuing the SB, EPA issued a draft Corrective Action Permit. EPA held a joint sixty (60)-day public comment period for the SB and draft Corrective Action Permit which began on December 12, 2018 and ended on February 11, 2019.

The only comment received was from the University of Maryland requesting a meeting to understand the process to remove portions of the Facility from the permit. See Attachment A. No changes to the draft permit are required to address University of Maryland request. The SB and permit are hereby incorporated into this Final Decision by reference and made a part hereof as Attachment B.

This FDRTC selects the remedy that EPA evaluated under the SB. Consistent with the public participation provisions under RCRA, EPA solicited public comment on its proposed Final Remedy. On December 12, 2018, notice of the SB was published on the EPA website: [https://www.epa.gov/hwcorrectiveaction/hazardous-waste-cleanup-university-maryland-college-park-md] and in the Capital Gazette newspaper. The sixty (60) day comment period ended on February 11, 2019.

FINAL DECISION

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

(1) the implementation of institutional controls to prevent the use of groundwater within the landfill areas and the restriction of activities that could result in human exposure to the waste and contaminants at the Former Landfill Areas, (2) the periodic inspection of the Former Landfill Areas, (3) notification of EPA of proposed land use changes for the Former Landfill Areas, and (4) continued groundwater monitoring at Maryland Fire and Rescue Institute.

DECLARATION

Based on the Administrative Record compiled for the corrective action at the University of Maryland Facility, I have determined that the remedy selected in this Final Decision and Response to Comments, which incorporates the December 12, 2018 Statement of Basis, is protective of human health and the environment.

Date: 3.6.19

John A. Armstead, Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region III

Attachment A: University of Maryland Comments

Attachment B: Statement of Basis

Attachment C: Permit for Corrective Action for the University of Maryland

Attachment A:

University of Maryland Comments

DEPARTMENT OF
ENVIRONMENTAL SAFETY,
SUSTAINABILITY & RISK

Seneca Building
4716 Pontiac Street, Suite 0103
College Park, MD 20742
301.405.3960 TEL 301.314.9294 FAX

February 13, 2019

Ms. Barbara Smith
U.S. Environmental Protection Agency
Region III
1650 Arch Street (3LC20)
Philadelphia, PA 19103-2029

Re: RCRA Corrective Action Permit Permit No. MDD980829873 (the "Permit")

Dear Ms. Smith:

The University of Maryland (UMD) has considered a variety of redevelopment plans for the area known as Paint Branch Landfill Area 1A ("Landfill Area 1A") over the past several years. As you are aware, these plans have ranged from a large single redevelopment of the site to a parcel-by-parcel redevelopment approach. UMD now refers to the site as the "Discovery District" and has been steadily working to make improvements that benefit UMD and the Greater College Park Area. Recent projects have included the re-purposing of UMD's former HVAC Shop (Building 006) into a new WeWorks facility engaged in a shared office space business. The former Motor Pool facility (Building 011) remains on track to be re-purposed as a new food and music venue, to be known as The Hall.

The focus on redeveloping parcels within Landfill Area 1A has continued to gain momentum with the establishment of the Terrapin Development Company, LLC (TDC). TDC is a real estate development company formed by its two members, UMD and The University of Maryland College Park Foundation, Inc. TDC's mission is to facilitate redevelopment of properties in the Greater College Park Area to transform College Park into a vibrant, diverse, and walkable community that attracts the best faculty and students and supporting business community. Although, the properties slated for development are owned by UMD currently, UMD will convey full ownership interest in such properties to TDC. Then, TDC, as owner, either will develop the property or ground lease the property to a third-party to develop the same. The future development is intended to be office and retail.

Presently, UMD is preparing to convey to TDC two parcels, in fee simple, which are located within Landfill Area 1A. TDC may subsequently ground lease the parcels to third-party lessees for development. UMD has obtained local jurisdictional support and the required State approvals for the transfers.

UMD is requesting a meeting with your Office to discuss the conveyance of land within Landfill Area 1A and planned redevelopment in relation to the Permit. Particularly, UMD would like to propose that under Section H, "Transfer of Permit" in Part I of the Permit, "Standard Conditions", (now Section G of the draft 2019 permit) that language be added to recognize the pre-approved transfers to TDC and that upon the transfers of the land parcels in Landfill Area 1A, the subject parcel of land will come under a separate Permit for Corrective Action issued to TDC and be removed from UMD's Permit.

Please let me know when you wish to meet. Thank you for your consideration.

Sincerely,

Scott Lupin
Associate Director

cc: Jason Baer, Asst. Director, UMD
Thomas A. Parker, Sr. VP TDC
Tracey E. Skinner, Assoc. General Counsel, UMD

Attachment B:

Statement of Basis

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

STATEMENT OF BASIS
DRAFT PERMIT
FOR CORRECTIVE ACTION

UNIVERSITY OF MARYLAND, COLLEGE PARK
COLLEGE PARK, MARYLAND
EPA IN No. MDD 980829873

I. Introduction

The United States Environmental Protection Agency (EPA) is requesting public comment on its proposal for Corrective Action under the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 (RCRA), 42 U.S.C. §§ 6901-6992k, for the facility owned and operated by the University of Maryland (University of Maryland or Permittee) and located at the College Park Campus in College Park, Maryland (Facility). Pursuant to 40 C.F.R. § 124.7, EPA has prepared this Statement of Basis (SB) to explain to the public the background and basis for its proposal to issue a permit to the Facility.

Accompanying this SB is the Draft Permit which EPA encourages the public to review. The Draft Permit consists of three (3) sections: The Introduction which sets forth the legal authority for issuing the Draft Permit in final form, Part I which contains standard conditions applicable to all hazardous waste management facilities, and Part II which contains Facility specific conditions that address corrective action obligations at the Facility.

II. Facility Background

The University of Maryland is a state owned and operated education and research institution located in College Park, Prince George's County, Maryland, located about nine miles northeast of downtown Washington, D.C. The Facility includes approximately 1,300 acres with academic and research buildings, residential, service and support buildings and open space. Private residences and some light industrial/commercial businesses are located around the Facility. The Facility and surrounding area are served by public water. The groundwater beneath the Facility is not used.

The Permittee has solid waste management units (SWMUs) and Areas of Concern (AOCs) located on-site. SWMUs are defined under the Resource Conservation and Recovery Act (RCRA) as areas where solid wastes have been placed, or areas where

solid wastes have been routinely and systematically released. AOCs are areas where hazardous waste and/or hazardous constituents have or may have been released. Most hazardous waste at the Facility was generated from research laboratories. Because of the SWMUs and AOCs, Permittee was issued a RCRA Corrective Action permit that took effect in January 1991 and was reissued and took effect on January 12, 2007. As part of the permit conditions, Permittee performed soil and groundwater investigations at eight SWMUs and two AOCs that were identified in a previous study as requiring further study to determine whether hazardous constituents were released to the environment, and extent and impact of any releases to the environment and human health. Based on the results of the investigations, several corrective actions were completed at eight SWMUs and two AOCs, and therefore, no further action is required at these areas. However, at the Maryland Fire and Rescue Institute (MFRI) facility, located at SWMU 11 (see below for description), the University of Maryland submitted a Corrective Measures Study to EPA to address localized groundwater contamination. In addition, groundwater use restrictions for the Former Landfill Areas at the University of Maryland were instituted to protect human health. EPA will be consulted prior to any proposed land use changes for the former landfills. The corrective measures taken are described below:

1. Former Landfill Areas

The Former Landfill Areas at the University of Maryland are described below, along with the results of the environmental investigations and corrective measures.

a. Paint Branch Landfill Area 1 (SWMU 9)

Paint Branch Landfill Area 1 (SWMU 9) is located in the eastern section of the campus, near Campus Drive East. The eastern margin of the former landfill borders Paint Branch Creek. The landfill began receiving solid wastes in the 1940s and ending in the late 1960s. The landfill received demolition debris, fill, and incinerator fly ash from a coal-fired steam plant which was located adjacent to this landfill. As part of the RCRA Facility Investigation (RFI) required by the 1991 permit, Permittee dug test pits in Landfill Area 1 and sampled soils for volatile organic compounds (VOCs) and metals. The analytical results showed no exceedances of the human health risk screening levels. In March 2001 and October 2002, Permittee conducted methane gas monitoring in subgrade monitoring points located in Landfill Area 1. The results of the monitoring showed no threat to human health from methane gas inhalation or explosion at the monitoring sites. Currently, this landfill is paved with a former Motor Pool building on it. Under the current land use, EPA determined that no further corrective action is necessary at this SWMU.

b. Paint Branch Landfill Area 2 (SWMU 10)

Paint Branch Landfill Area 2 (SWMU 10) is located southeast of Paint Branch Landfill Area 1, in the eastern section of the Campus. Beginning in the early 1940s and ending in the late 1950s, building demolition material and perhaps other solid wastes were placed in the landfill. After Permittee discontinued sending waste to Landfill Area 2 in the late

1950s, Permittee used this landfill to store electrical equipment from 1960 to 1983. In 1983, Permittee discovered that oil containing polychlorinated biphenyls (PCBs) had leaked from the electrical equipment onto the ground in Landfill Area 2. Permittee removed the equipment and contaminated soil under direction of the Maryland Department of the Environment (MDE). As part of the RFI, Permittee dug test pits and sampled soils for VOCs and metals in Landfill Area 2. Sample results showed no exceedances of the human health risk screening levels. Currently, this landfill is partially paved and contains a parking lot and several buildings.

c. Paint Branch Landfill Area 3 (SWMU 11)

Paint Branch Landfill Area 3 (SWMU 11) is located in the eastern section of the Campus and extends to the southeast of Paint Branch Landfill Area 2. The landfill was used beginning in the early 1940s and ending in the mid to late 1960s, and received solid wastes generated at the University including garbage, refuse, incinerator or fly ash generated by the former coal-fired steam plant, and brick and concrete rubble from construction/demolition activities. The area is now used as a training academy by the (MFRI). The MFRI Area contains a building and two areas where fire props were ignited using petroleum fuels for training purposes. Currently, propane is used for igniting props. As part of the RFI, Permittee dug test pits and sampled soils for VOCs and metals in Landfill Area 3. Except for those samples taken from the MFRI Area, sample results showed no exceedances of human health risk screening levels.

In 2000, Permittee took test borings in the MFRI Area as part of a building expansion and discovered petroleum hydrocarbon contamination in soil and groundwater. Permittee determined that the petroleum hydrocarbon contamination was caused by a leak from an underground pipe connected to an above ground petroleum storage tank. Permittee removed the tank and associated pipe in 1989, and in 2000, removed as much contaminated soil as possible. In 2000, Permittee conducted groundwater sampling in Landfill Area 3. The sample results showed benzene, toluene, ethylbenzene, xylene, naphthalene, and methyl tert-butyl ether (MTBE) in groundwater at levels above EPA's risk-based levels. As part of the permit condition for the 2007 permit, MDE continued to monitor the groundwater. Currently, this landfill is partially paved with a MFRI occupied training/administrative building and various training structures/props.

In March 2001 and October 2002, Permittee conducted methane gas monitoring in subgrade monitoring points located in Landfill Area 3. The results of the monitoring showed no threat to human health from methane gas inhalation or explosion at the monitoring sites.

d. Metzerott Road Landfill (SWMU 12)

Metzerott Road Landfill (SWMU 12) is located in the western section of the College Park Campus, south of Metzerott Road and east of Adelphia Road adjacent to the Astronomy Observatory. The landfill received wastes including soil, rocks, tree debris, and construction/demolition rubble in the early 1950s and closed in 1986. At the southern

base of this landfill, there are two (2) retention ponds (SWMUs 45 and 46) that collect stormwater from the landfill. Permittee dug three (3) pits and took soil and groundwater samples at this landfill. The soil samples revealed no wastes or contaminants to a depth of 18 feet. The analytical results from the groundwater samples showed that low levels of metals, methane gas and trace dioxin in the groundwater were below human health risk screening levels. Currently, the landfill is capped with a soil/clay cover and is used as a storage yard for maintenance equipment and supplies. Under the current land use, no further corrective action is considered necessary.

2. Maryland Fire and Rescue Institute (MFRI)

MFRI is located on the Paint Branch Landfill Area 3 (refer to Section IV.1.c.). The University of Maryland implemented groundwater remediation measures such as petroleum product removal. The concentrations of dissolved hydrocarbons have continued to decrease over time through natural attenuation.

III. Remedy Discussion

EPA is requiring that the University of Maryland implement protective measures to prevent any exposure of hazardous constituents to humans and/or the environment. These protective measures include: (1) the implementation of institutional controls to prevent the use of groundwater within the Former Landfill Areas and the restriction of activities that could result in human exposure to the waste and contaminants at the Former Landfill Areas, (2) the periodic inspection of the Former Landfill Areas, (3) notification of EPA of proposed land use changes for the former Landfill Areas, and (4) continued groundwater monitoring at MFRI.

IV. Public Comment

All persons wishing to comment on any of the permit conditions should submit the comments (including any supporting material, references, and factual grounds), in writing to:

Leonard Hotham
U.S. EPA Region III
Land and Chemicals Division
RCRA Waste Branch (Mailcode 3LC10)
1650 Arch Street
Philadelphia, PA 19103

In the event EPA receives written notice of opposition to the draft permit conditions and a request for a public hearing within the 60-day comment period, a hearing will be scheduled at a location convenient to the population center nearest to the University of Maryland. Public notice of the hearing will be given at least 30 days before the hearing. Any request for a public hearing, accompanied by written opposition to the draft permit should be addressed to Leonard Hotham at

the address referenced above. For further information or to view the administrative record for this draft permit, contact Leonard Hotham via phone at (215) 814-5778 or email at hotham.leonard@epa.gov. Handicapped persons with a need for special services should contact EPA far enough in advance of the hearing to enable the services to be secured.

When making a determination regarding the issuance of a final permit to the University of Maryland, EPA will consider all written comments received during the comment period, oral and written statements received during the public hearing (if held), the requirements of the hazardous waste regulations of 40 C.F.R. Parts 124, 260-264, 268 and 270, EPA's permitting policies, and HSWA.

When EPA makes a final permit decision to either issue, deny, or modify this permit, notice will be given to the University of Maryland and each person who submitted written comments or requested notice of the final decision. The final permit decision shall become effective thirty (30) days after the service of notice of the decision unless a later date is specified or review is requested under 40 C.F.R. § 124.19. If no comments request a change in this draft permit, the final permit shall become effective immediately once issued.

This draft permit contains conditions requiring the University of Maryland to implement protective measures to prevent exposure to hazardous constituents to human health and the environment.

Attachment C:

Permit for Corrective Action for the University of Maryland