



Facts About...

Upper Rock (VOLUNTARY CLEANUP PROGRAM)

Site Location:

The Upper Rock property consists of two contiguous parcels (Lot 9E and Lot 9F), totaling 3.9-acres and is located at the intersection of Choke Cherry Road and Piccard Drive in Rockville, Montgomery County, Maryland. The site is currently used as an asphalt paved parking lot that contains small landscaped areas. The site is surrounded by mixed-use residential and commercial developments. The property is bordered to the south by a Sheraton Hotel and commercial office buildings, to the north by Choke Cherry Road and commercial office buildings, to the west by commercial office buildings and Shady Grove Road and to the east by the King Farm residential development. Access to the property is unrestricted except for temporary fencing installed around the Lot 9A property (contains 0.247-acre of the Lot 9F site), located adjacent to the southeast of the Lot 9F property.

Municipal water and sanitary sewer services are provided to the property and surrounding area. Groundwater beneath the property occurs under unconfined conditions in the shallow aquifer and confined conditions in the deep aquifer. Groundwater flow is fractured driven and highly variable across the property: along the southern portion of the property, the flow is radial; along the western portion of the property the shallow aquifer does not exist; and, in other areas of the property, groundwater flow in the shallow aquifer is directed to the east and southeast. The nearest surface water body is an unnamed tributary of the Watts Branch located 1000 feet to the east.

Site History:

The property was utilized for agricultural purposes prior to 1967. In August 1960, Washington Technology Parks purchased the property as part of a larger tract of land. In May 1963, the property was sold to DANAC Real Estate Investment Corporation. Kodak Processing Laboratory, Inc. purchased the property on October 15, 1965 and began construction of a photo processing facility in 1967. In October 1998, JBG/JER Shady Grove, LLC purchased the property and leased the facility to Kodak to continue photo-processing operations. In July 1999, operations at the facility ceased and in September 1999, Kodak began demolition activities, which were completed in March 2000. On October 31, 2000, JBG/JER Shady Grove LLC submitted a Voluntary Cleanup Program (VCP) application for the property (Parcel 1A), which was later subdivided into Parcel 1A and Parcel 1B. On December 22, 2000, the Department issued a No Further Determinations Requirement (NFRD) for commercial land use for Parcel 1A, and on March 24, 2003, the application was amended and an NFRD was re-issued to include residential land use. On March 24, 2003, JBG/JER Shady Grove, L.L.C. also amended the VCP application for Parcel 1B and renamed it Lot 9A; the application also changed the ownership name to JBG Shady Grove Land, L.L.C. Lot 9A had previously contained the basement laboratory of the former Kodak processing plant, which was noted as the release point of mixing solution. On September 20, 2007, Lot 9A was accepted into the program and received approval to conduct a response action plan. On August 20, 2007, LG Upper Rock LLC submitted an application as an inculpable person for two subdivided portions of the former Parcel 1A and 1B properties, now identified as Lot 9E and Lot 9F. The Lot 9E parcel exists completely within the perimeter boundaries of the former Parcel 1A property, which had previously received a NFRD. Lot 9F is primarily located within the perimeter boundary of former Parcel 1A property except for a small sliver of land totaling 0.24-acre that was subdivided from the Lot 9A property.



Environmental Investigations and Actions:

Multiple environmental investigations were conducted between 1990 and 2003 on the former Parcel 1A property. As previously stated, this property received an NFRD for residential land use in 2003. Multiple environmental investigations have also been conducted on the Parcel 1B property. Previous environmental investigations identified elevated levels of VOCs and metals in the groundwater. In August 2007, a Phase I Environmental Site Assessment (ESA) was conducted for the Lot 9E and 9F parcels. The only area of concern was the small portion of land (0.247-acre) removed from the former Lot 9A site. In August 2007, a limited Phase II ESA was conducted on this 0.247-acre portion of land. The investigation did not identify any environmental issues associated with the soil or soil gas on the property.

Current Status:

On August 20, 2007, LG Upper Rock, LLC submitted a VCP application seeking a NFRD as an inculpable person. On September 27, 2007, the Department accepted the property for participation in the VCP and issued an NFRD conditioned on use of the property for restricted residential (Tier 1B), restricted commercial (Tier 2B) or restricted industrial (Tier 3B) purposes with a prohibition on the use of ground water located beneath the property.

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