



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Secretary

May 17, 2013

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

Re: Voluntary Cleanup Program
Comments on the Revised 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 a review of the Revised 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 May 10, 2013. The VCP directs you to submit a revised RAP Amendment to address the attached comments. Please submit a 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 Revised Response Action Plan Amendment
Received May 10, 2013

1. Section 2.7, Response Actions: Please revise the first paragraph of this section to remove the reference to residential use of the property.
2. Section 4.1.3, Soil Gas: Please revise the last paragraph in this section to state that an Addendum will be submitted rather than an Amendment.
3. Section 5.0, Cleanup Criteria:
 - a. Please include the target criteria for soil gas and indoor air in this section per the table supplied with the comments sent on May 6, 2013.
 - b. In addition, please revise this section to include the sampling protocol that will be used to determine whether the cleanup criteria have been met for soil gas and indoor air. For example, cleanup criteria for indoor air will be met when three consecutive monthly samples show concentrations below the target levels and cleanup criteria for soil gas will be met when soil gas samples show target levels below the cleanup criteria for three consecutive quarters.
4. Section 6.1, Northwest Portion of the Site – Vapor Mitigation System:
 - a. The VCP cannot approve the revisions to this section as proposed. Previously, the first paragraph of this section stated that no vapor intrusion remedy was proposed beneath the proposed open air parking structures at the site, which was correct following the statement that open air parking structures will address any potential vapor intrusion. The revised text removes the word beneath and thus suggests that the use of the open air parking garage is not a remedy for potential vapor intrusion. Please revise this paragraph to state that “The garage buildings will consist of open air parking structures, which will act as a remedy to address any potential vapor intrusion. No further vapor intrusion remedy is provided for the open air parking structures at the Site.”
 - b. The third paragraph states that the SSD system is designed such that it can be upgraded to an active system if necessary. The other revisions to the RAP Amendment indicate that vapor extraction points will be installed. Please revise this section to clearly state that the two systems are proposed to be entirely independent.
 - c. Please revise this section to include provisions for ceasing operation of the vapor extraction system or to explicitly state that the system will remain on in perpetuity. If provisions for ceasing operation of the vapor extraction and SSD systems are included, the Participant could later request that the restriction requiring the systems operation be removed from the Certificate of Completion under §7-506.1 (c).
 - d. In the eighth paragraph, please revise this section to state that three consecutive samples must meet the indoor air cleanup criteria.

- e. Please revise this section to include sampling to ensure that soil gas cleanup criteria have been met. This revision should be consistent with the changes made in Section 5.0 and as discussed in comment 3.b.
5. Figure 5: Please revise Figure 5 to make it clear what the initial extent of excavation will be.
 6. Section 7.2, Criteria for Issuance of Certificate of Completion: Please revise this section to include a bullet stating the following:
 - a. Laboratory data sheets from the confirmation samples from the arsenic removal area demonstrate concentrations of arsenic left on the property are below the cleanup criteria and disposal tickets and laboratory data sheets show proper disposal of the removed soil.
 7. Section 8.2, Air Monitoring Requirements and Site Controls: Please revise the first sentence of the fourth paragraph to state that air monitoring will be implemented as follows.