



United States Department of the Interior

National Capital Parks-East
NATIONAL PARK SERVICE
Interior Region 1- National Capital Area
1900 Anacostia Drive, S.E.
Washington, D.C. 20020

MEMORANDUM

TO: Administrative Record

FROM: Donna Davies, NPS CERCLA
Federal Government Lead,
Kenilworth Park Landfill Site

DATE: February 1, 2021

CC: Tara Morrison, NPS, National Capital Parks – East (NACE), Superintendent
Michael Comisso, NPS, NACE, Chief Resource Management
Sean McGinty, NPS, NACE, Public Information Officer

RE: Interim Response to Public Comments Received on the
Proposed Plan for Cleanup for the
Kenilworth Park Landfill Site

The National Park Service (NPS) released a Proposed Plan for Cleanup of the Kenilworth Park Landfill Site (Site) on November 12, 2020. NPS is the lead agency for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) response activities completed at the Site. The release of the Proposed Plan initiated a public comment period that will extend to February 10, 2021.

On November 18, 2020, NPS held a virtual public meeting to present the Proposed Plan, to obtain initial feedback from the public, and to answer questions. On December 10, 2020, NPS presented the Proposed Plan to the Leadership Council for a Cleaner Anacostia River and in January 2021, NPS participated in several community advisory commission meetings. NPS has also been receiving questions and comments from the public via email.

NPS will review comments received on the Proposed Plan and supporting documents (e.g., Remedial Investigation and Feasibility Study Reports) as part of the cleanup selection process. The table below provides interim responses to questions and comments received to date during the public meetings or through email. On December 29, 2020, NPS posted on the Kenilworth Park Landfill webpage a

memorandum that provided responses to the first 69 comments received. NPS updated this memorandum to include comments and questions received from December 30, 2020 through January 31, 2021 (see response to comments 70 through 79 in the table below).

NPS identified four general recurring themes in questions and comments received to date. These themes revolve around 1) the purpose of the CERCLA response action, 2) restoration of natural resources, 3) future use of the Site, and 4) consideration of an approach that includes partial landfill removal. Provided below are NPS's responses to these four general themes. Following these responses is a table that summarizes each comment/question NPS has received through January 31, 2021.

Theme 1 - Purpose of a CERCLA Response Action

Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) vests the President with legal authority to respond to releases of hazardous substances when necessary to protect public health or welfare or the environment. The President has delegated that response authority to the Secretary of the Interior for releases of hazardous substances on land under the jurisdiction, custody, or control of the Department of the Interior, and the Secretary has re-delegated that authority to the National Park Service (NPS) for releases on land under its management, including the Kenilworth Park Landfill Site.

NPS cannot take response action at a contaminated site under section 104(a) of CERCLA unless there is an unacceptable risk to human health or the environment. Once an unacceptable risk has been established (usually through risk assessments conducted as part of the remedial investigation), NPS develops alternatives to address those unacceptable risks. NPS is required to evaluate remedial alternatives in accordance with the nine criteria described in section 300.430(e)(9)(iii) of the National Oil and Hazardous Substances Pollution Contingency Plan (commonly referred to as the NCP). To be selected as the final remedy, an alternative must also be cost-effective, which means that its costs are proportional to its overall effectiveness (see section 300.430(f)(1)(ii)(D) of the NCP).

Theme 2 - Restoration of Natural Resources

NPS is not authorized to restore natural resources under section 104 of CERCLA. Sometimes a response action designed to address unacceptable risks will have incidental benefits that might be viewed as the restoration or enhancement of natural resources, but the response action cannot be designed or selected for that reason; instead, NPS would need to select the alternative in accordance with the nine criteria prescribed by the NCP. Also, as noted above, any such alternative would need to satisfy the additional requirement of cost-effectiveness. Because NPS does not have the authority to restore natural resources under section 104, it is prohibited from pursuing that objective in the guise of a response action.¹

¹ See, e.g., U.S. Environmental Protection Agency (EPA), Reusing Cleaned Up Superfund Sites: Ecological Use Where Waste Is Left on Site, OSWER 9202.1-27-D (July 2006) at p. 6 ("EPA cannot fund, nor require PRPs or others, to fund certain "betterments" or "enhancements" of a remedy. Generally, a prohibited enhancement is an action that is not necessary to support the effectiveness of a remedy in protecting human health or the environment."), p. 7 (noting that while revegetation can be part of a remedy, "some extensive efforts to create or restore the structure and function of an ecosystem to exacting specifications may be considered enhancements, unless the need for the restoration is a result of environmental stressors or damages caused by the remediation"), p. 39 (explaining that "efforts to create new wetlands, where none existed prior to the disturbance, or to undertake extensive efforts to restore a wetland, where other practical alternatives exist, may be considered 'enhancements'"). As noted above, a response action is not necessarily prohibited just because it will result in the incidental improvement of natural

CERCLA does allow state and federal natural resource trustees to recover “damages for injuries to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release [of hazardous substances].” (see section 107(a)(4)(C) of CERCLA). Damages recovered by the trustees from potentially responsible parties can be used to restore natural resources. In most cases, the natural resource damage assessment (NRDA) occurs after the response action because any claim for natural resource damages would be limited to the residual damages that remain after implementation of the remedy. NPS and its fellow natural resource trustees are in the early stages of the NRDA process for the Anacostia River, and the area to be assessed may include sites along the river, including the Kenilworth Park Landfill Site.

Theme 3 - Future Use of the Site

The reasonably anticipated future use of a site must be considered at multiple points in the CERCLA process (e.g., risk assessment, the development of alternatives, remedy selection, etc.).² But that future use is not determined as part of the CERCLA process; instead, the lead agency must make assumptions about how the site is likely to be used in the future. In some cases, the future use of a contaminated site is dictated by law. In most cases, however, the reasonably anticipated future use is nothing more than a prediction based on the available information.

In this case, the future use of Kenilworth Park South (KPS) is controlled by the General Management Plan for Anacostia Park. NPS is required to manage KPS in accordance with the GMP, and the GMP requires that KPS be devoted to natural resources recreation – in other words, it must be maintained in its natural state for passive recreational uses. For that reason, the assessment of risks and the development of remedial alternatives for KPS have been based on that future use.

The future use of Kenilworth Park North (KPN) is less certain. Congress has directed NPS to transfer administrative jurisdiction over KPN to the District of Columbia. The transfer legislation, which has been identified as an applicable or relevant and appropriate requirement (ARAR) for the Site, imposes some broad constraints on the future use of KPN. Specifically, the property must be “used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities.” Within those broad constraints, however, the future use of KPN will be determined by the District of Columbia, not NPS.

resources, but the response action cannot be selected for that reason. NPS investigates and remediates contaminated sites with funding from the Department of the Interior’s Central Hazardous Materials Fund (the CHF). CHF funds may not be used for natural resource damage assessment or restoration activities. See Office of Environmental Policy and Compliance, *Central Hazardous Materials Fund (CHF) Financial Management Guidance*, Environmental Compliance Memorandum 10-4 (Sept. 18, 2018) at p. 2 (prohibiting the use of CHF funds for “Natural Resource Damage Assessment and Restoration activities”).

² See, e.g., U.S. EPA, *Land Use in the CERCLA Remedy Selection Process*, OSWER 9355.7-04 (May 25, 1995) at p. 6 (“The baseline risk assessment generally needs only to consider the reasonably anticipated future land use; however, it may be valuable to evaluate risks associated with other land uses.”), p. 7 (“In cases where the future land use is relatively certain, the remedial action objective generally should reflect this land use.”); Memorandum from James E. Woolford, Director, Office of Superfund Remediation and Technology Innovation, U.S. EPA, to Superfund National Program Managers, Regions 1 – 10, OSWER 9355.7-19 (Mar. 17, 2010) at p. 3 (“Whenever possible, the Agency also seeks to avoid response actions that might hinder or prevent site reuse consistent with the Agency’s assumptions regarding reasonably anticipated future land use.”).

Prior to NPS's evaluation of possible alternatives, the District informed NPS that it plans to use KPN to provide active recreational opportunities (e.g., sports fields). Although these plans were very preliminary and conceptual in nature, they provided sufficient information to allow NPS to complete feasibility study level evaluation of possible alternatives to address the unacceptable risk posed to active recreational users of KPN.

It is important to emphasize that NPS's preferred alternative (Alternative 3) would not limit the future creation of wetlands at KPN. During evaluation of Alternative 3, NPS assumed that most of KPN would be covered with a clean soil cap with the exception of buffer areas (i.e., areas preserved in their natural state between the park and surrounding surface water bodies). This assumption was made to maximize the District's flexibility in its future use of the Site and to ensure a conservative estimate of costs for purposes of comparison with the other alternatives. However, nothing in the preferred alternative requires that entire area be capped, and adjustments to the capped area can be made during the remedial design to accommodate other land uses such as wetlands or meadows.

NPS's preferred Alternative 3 is the most flexible option of any of the possible alternatives NPS evaluated. As a comparison, Alternative 5 would not allow the District to develop any portion of KPN into sports fields; therefore, in addition to the less favorable ranking for Alternative 5 based on cost, this alternative is not as favorably evaluated when compared to Alternative 3 because, although development of wetlands may meet the transfer legislation ARAR, it still limits where the District could develop recreational fields in the future. Several comments received have focused on the partial removal of landfill waste at KPN and restoration of wetlands; these scenarios would similarly limit the District's future use of KPN and add significant costs to the remedy without any comparable corresponding reduction in risk to active recreational users.

To reiterate, NPS cannot indirectly – and unilaterally – impose a specific future use of KPN on the District through the CERCLA process. To provide input on the specific future-use plans for KPN, members of the public are encouraged to participate in the District's planning process and provide their input to the District through this process. The District's Department of Parks and Recreation (DPR) has notified NPS that it is hosting virtual meetings in each ward to discuss the recreational needs and desires of the different neighborhoods. DPR is hosting the meeting for Ward 7, where KPN is located, on February 10. Additional information regarding this meeting can be accessed from this link:

<https://ready2playdc.com/ward-meetings>

The meeting DPR will be hosting on February 10 will include a discussion of all parks managed by DPR within Ward 7 and will not focus on KPN; however, Nick Kushner with DPR has further notified NPS that they are working to organize specific engagement around the future of KPN. Any additional comments on the future plans for KPN should be directed to Mr. Kushner.

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Theme 4 – Partial Landfill Removal

NPS received multiple requests to consider an approach that removes only a portion of the KPN landfill (not the entire former landfill as was evaluated under Alternative 5) and restores wetlands on that part

of KPN. Some of these requests were accompanied by what might be described as conceptual design plans for the future use of KPN. In an effort to be responsive to questions from the public, NPS estimated the costs associated with those alternatives. Those proposals were not, however, formally incorporated into the FS Addendum for two reasons.

First, as explained above, the future use of KPN will be determined by the District, subject only to the requirements of the transfer legislation. But the future-use plans submitted in support of the hybrid approach do not appear to have been developed by or in coordination with the District government. Instead, they were submitted by a subset of stakeholders whose opinions on this issue may or may not reflect the views of the community as a whole. NPS takes no position on the desirability of those plans, but they need to be directed to the District agencies responsible for planning the future use of the Site. Second, for the reasons stated above in NPS's response to Theme 3, there is no legally permissible rationale for formally evaluating a sixth alternative in the FS Addendum. The hybrid alternative would entail a significant increase in costs without providing any corresponding reduction in risk to human health or the environment. Some commenters have argued that the hybrid alternative would provide significant restoration benefits, but those benefits are not a proper consideration in the evaluation of remedial alternatives. As stated above, if the District decides to create wetlands, or incorporate another land use such as meadows in a portion of KPN, this can be included in the remedial design phase of the CERCLA process to accommodate a different configuration of land use. The clean soil cap is only required in high-frequency, high-intensity land use areas such as athletic fields. If areas of KPN are reserved for restoration in the future (i.e., not developed as athletic fields or public gathering areas), no clean soil barrier would be required.

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
1.	The gates at the south end of KPS were briefly padlocked shut last week. Are there future plans to close these gates? If so, when and for how long? Why is closure necessary as the proposed plan does not include any development of the KPS area?	The gates were closed because unauthorized vehicles were entering the park from the Anacostia Riverwalk Trail presenting safety concerns unrelated to contamination. Kenilworth Park South (KPS) has been administratively closed for several years. NACE is currently reviewing the closure status and access considerations.
2.	Please explain how none of the alternatives meet the criterion to reduce toxicity, mobility, etc.	This criterion reflects the statutory preference for the reduction of toxicity, mobility, or volume <i>through treatment</i> . Remedial actions implemented to address site risks generally fall into one of two categories: (1) treatment; or (2) engineering control options, such as containment with use of institutional controls to supplement engineering controls as appropriate. Because of the volume and heterogeneity of waste in landfills, treatment of the buried waste is impractical. Treatment of the surface soils is similarly impractical due to the lack of a concentrated source zone and volume of impacted soil. NPS focused on engineering control options (i.e. capping and removal) at this site because treatment is not practical. Because none of the remedial alternatives involves treatment technologies, this criterion has no effect on the evaluation of alternatives.
3.	Alternative five's cost includes the return of both North and South to the original state, what would be the cost to do so only for North?	In response to this question, NPS developed a preliminary estimate of cost for an approach where Kenilworth Park South would be addressed as described under Alternative 3 and KPN would be addressed as described under Alternative 5. This approach considered full removal of the KPN landfill and revegetation as wetlands. This cost would be approximately \$320 million. Although NPS provided estimated costs associated with this approach, it is important to review NPS responses to Themes 1 through 4 above to understand why this approach was not evaluated as a possible alternative in the Feasibility Study.
4.	If the option with the soil covering over both KPN and KPS is chosen, will that mean the fields and track and KPN will be unusable? What is the timeline for that type of remediation?	The fenced-in track and athletic field were constructed on imported soil fill that was placed after the landfill cover and after much of the early investigation activities were completed. It is unlikely that the soil

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		<p>in this area (shaded tan and with a different cross hatch pattern on the figures) would need to be covered with additional soil. The disruption to visitors during placement of the soil fill under the preferred alternative is uncertain as the final plans for redevelopment have not been established by the District. NPS expects the District will develop specific plans to ensure the remediation has as little impact to visitor use as possible.</p>
5.	<p>There are many reasons why wetlands should be restored at this property. There are also many reasons why the local community should have improved recreational amenities. The alternatives present an unfortunate all-or-nothing choice with regard to wetlands. Can a sixth alternative be developed that provides both wetlands and space for amenities?</p>	<p>Please see NPS's responses to Themes 1 through 4 above.</p> <p>As the federal land manager and lead agency, NPS is authorized to assess and implement a remedial action under CERCLA at the Kenilworth Park Landfill Site to address unacceptable risk posed to human health by hazardous substances present in the site's surface soil and subsurface soil and waste. NPS developed and evaluated remedial alternatives to address this unacceptable risk.</p> <p>The lead agency must consider the reasonably anticipated future use of the site as part of the development of possible alternatives to address this risk. The future use of Kenilworth Park South is controlled by the General Management Plan for Anacostia Park. The GMP requires that Kenilworth Park South be managed for natural resources recreation -- in other words, that it be maintained in a natural state for passive recreational uses.</p> <p>Congress has directed NPS to transfer administrative jurisdiction over KPN to the District. Once that transfer occurs, KPN will not be part of Anacostia Park and will not be subject to the GMP. The transfer legislation provides that KPN must be "used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities." Within those broad constraints, the future use of KPN will be determined by the District government. Prior to NPS's evaluation of possible alternatives, the District</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		<p>informed NPS that it plans to use KPN to provide active recreational opportunities (e.g., sports fields). Although these plans were very preliminary and conceptual in nature, they provided sufficient information to allow NPS to complete feasibility study level evaluation of possible alternatives to address the unacceptable risk posed to active recreational users of KPN.</p> <p>NPS understands the value in restoring wetlands along the Anacostia River and Watts Branch; however, because development of wetlands does not address risks that hazardous substances at the site pose to human health or the environment, it cannot be included as part of the CERCLA remedial action. Although NPS is not authorized to develop wetlands as part of the site's CERCLA remedial action, if wetlands or other projects intended to increase resiliency are planned for this area, it is possible this work could be included in the CERCLA remedial action planning efforts.</p> <p>NPS suggests community members provide input on the specific plans for KPN by participating in the District's planning process and provide their input to the District through this process (see response to Theme 3 for upcoming event).</p>
6.	Is this process subject to NEPA review?	No, CERCLA response actions are exempt from NEPA; however, NEPA's purposes are achieved through compliance with the CERCLA process.
7.	can you put up a map on share screen and show the location of the proposed trail bridge from Kenilworth to the Arboretum?	Figure 4 from the Proposed Plan was displayed for the audience. The figure shows the proposed alignment of the Anacostia Riverwalk Trail (ART) as depicted in the ART Environmental Assessment and on conceptual design plans prepared by the District Department of Transportation.

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
8.	Would a simple boathouse-type facility on the shore of the river in KPN be possible in the future under Alternative 3 or 4?	There is no reason why a boathouse-type facility could not be constructed in KPN under alternatives 3 or 4. Figures 4 and 5 in the Proposed Plan identify a “Water Access” location, which is outside the footprint of the landfill. Specific water access development plans for KPN will be determined by the District.
9.	Site History - most of the social history of the site and surrounding neighborhoods was omitted from the report. Is this information deemed irrelevant to the project?	The purpose of the Proposed Plan is to explain NPS’s preferred alternative to clean up the site. Earlier documents prepared as part of the Remedial Investigation/Feasibility Study phase of the CERCLA process provide site history details. The Kenilworth Park Landfill Site Community Involvement Plan includes details on the surrounding community and environmental justice analysis. These considerations are important to the project.
10.	ART and Bridge - these elements are made to appear higher priority than the remediation. How was it determined that the specific configuration (of ART and Bridge) be given priority when there are other ways to configure this important link once the park remediation and design are established. The EA specifically states that the design of trail and bridge will conform to the requirements of the Kenilworth Park Landfill actions.	NPS will work with the District during construction of the ART and pedestrian bridge to ensure the work is completed in a manner that protects the environment and human health. Plans for expansion of the ART and bridge are underway; therefore, these elements are shown in the Proposed Plan figures depicting Alternatives 3 and 4. NPS worked with the District Department of Transportation to ensure the portion of the ART that has already been constructed over the landfill was completed in a manner that avoided disturbing buried waste. The ART was constructed approximately 2 feet above the surrounding land surface to integrate with an eventual soil barrier. By taking appropriate measures to protect workers and manage excavated waste to avoid spreading contamination, abutments for the Arboretum bridge may be installed over the former landfill at any time. NPS does not consider development of either the ART or bridge to be higher priority than completion of the CERCLA response. The alignment of the ART will not be determined as a part of the CERCLA process.

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
11.	The land use and maintenance proposed in Alts 1-4 render most of the site, located in an important river ecosystem, useless as habitat. Please explain how these alternatives protect the environment.	<p>Please see NPS's response to Theme 2 above.</p> <p>The purpose of a CERCLA response is to address unacceptable risk posed to human health or the environment by hazardous substances present at a site. NPS does not agree that Alternative 3 would render most of the site useless as habitat. In fact, a key consideration for adopting Alternative 3 over Alternative 4 is that valued habitat within Kenilworth Park South will be preserved. The future use of KPN will be determined by the District government.</p> <p>Prior to NPS's evaluation of possible alternatives, the District informed NPS that it plans to use KPN to provide active recreational opportunities (e.g., sports fields). Although these plans were very preliminary and conceptual in nature, they provided sufficient information to allow NPS to complete feasibility study level evaluation of possible alternatives to address the unacceptable risk posed to active recreational users of KPN.</p> <p>Also, as noted above, NPS has authority under CERCLA to respond to releases of hazardous substances that pose unacceptable risks to human health and the environment; it cannot use that authority to recreate an environment that is no longer there (or never was) (see response to Theme 2).</p> <p>This response does not imply, however, that additional measures to enhance habitat along Watts Branch and the Anacostia River could not be taken. Portions of the landfill adjacent to the River and Watts Branch could be excavated and revegetated to create more habitat and flood resiliency independent of the CERCLA response action (see response to Themes 3 and 4).</p>
12.	Cost of Alt 5 is characterized as "non cost balancing". Please explain this term. The evaluation analysis diminishes the value of wetlands.	Remedial alternatives must be evaluated against the nine criteria described in section 300.430(e)(9)(iii) of the NCP. For purposes of

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
	<p>Given all the benefits, please explain how this determination was made. DoEE, which requires "no net loss and eventual net gain of wetlands", will inherit management of the park. Many agencies (EPA, USFWS etc) offer financial support for wetland restoration. FEMA considers it an effective flood control measure. Clearly wetlands are very valuable to other agencies.</p>	<p>remedy selection (see section 300.430(f)(1)(i)), those nine criteria are divided into three categories: threshold criteria (the first two), balancing criteria (three through seven), and modifying criteria (eight and nine). One of the five balancing criteria is cost; the other four are referred to as "non-cost balancing criteria." Alternative 5 was deemed to be relatively ineffective (compared with other alternatives) on the non-cost balancing criterion of short-term effectiveness. In addition, that alternative failed to meet the additional requirement of cost-effectiveness set forth in section 300.430(f)(1)(ii)(D) of the NCP. In other words, its costs were not proportional to its overall effectiveness. In this context, "effectiveness" is measured in connection with the first three balancing criteria.</p> <p>CERCLA response actions are required to address unacceptable risks posed by the presence of CERCLA hazardous substances at the site. The evaluation of costs is relative to the alternatives that meet the response action objectives. The economic value of creating additional wetlands and providing flood resiliency does not factor into the CERCLA response action selection criteria.</p>
<p>13.</p>	<p>Was there consideration given to integrating park design and remediation? Rather than making the objective of Alt 5 removal of all landfill material, the objective could be to design a Wetland Park featuring water dependent activities, maximizing area of wetland creation while designing also for compatible land-based activities. This would make best use of site and financial resources.</p>	<p>Please see NPS's responses to Themes 1 through 4 above.</p>
<p>14.</p>	<p>There are different ecosystem services associated with different parts of the site. In particular, the riparian area of the site alongside the Anacostia has and could have significant value for habitat, recreation and flood management. Did the evaluation of site remediation options consider ecosystem service value in development of the five options?</p>	<p>Please see NPS's response to Themes 1 and 2 above.</p> <p>The restoration of natural resources to provide additional ecosystem services, create habitat, provide recreational opportunities, or reduce flood risks is not the objective of a CERCLA response action. However, a remedy designed to address unacceptable risks from exposure to hazardous substances may incidentally provide such benefits.</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
15.	<p>can you clarify what, if any, remediation is being done on Kenilworth south?</p> <p>There are many lovely fruit bearing trees and bushes, I can see kids, and adults, helping themselves to the fruit.</p> <p>I'm concerned if the soil isn't healthy then the fruit won't be either.</p>	<p>The future use of KPS is controlled by the General Management Plan (GMP) for Anacostia Park. The GMP requires that KPS be managed for natural resources recreation -- in other words, that it be maintained in a natural state for passive recreational uses. Under NPS's preferred alternative 3, no vegetation will be removed from KPS.</p> <p>The contaminants of concern that drove potential human health risk at KPS were polycyclic aromatic hydrocarbons (PAHs). Exposure to PAHs by eating fruit from trees growing at KPS is not expected to be significant. In general, plant uptake of PAHs from soil is limited, because PAHs tend to strongly bind to organic matter in soil, thus rendering them unavailable for uptake by plants. In cases where plants may take up PAHs from soil, this uptake is typically limited to the skins or outer layer of roots that are in direct contact with impacted soils. PAHs that are stored in the outer layer of the plant are not readily transferred to the interior of the plant to any appreciable degree. Thus, there is little potential for risk from eating fruit from trees at KPS.</p> <p>As an aside, picking fruit from trees growing within a national park is prohibited.</p>
16.	<p>I understand that KPN consists of 80 acres and Alt 3 proposed to place a soil cap on 60 acres.</p> <p>Over time, athletic areas will likely be rearranged and years from now athletic events or other activities are likely to occur on these unprotected areas. What would be the extra cost to cover the entire site?</p> <p>Monte Edwards Committee of 100</p>	<p>The preferred alternative includes placing a clean soil barrier in areas of KPN in all areas that could potentially be developed for organized sport and recreation/community activity and special events areas. There are natural buffer areas along the outer portions of KPN that will be held in a natural undeveloped state as part of the transfer requirements, and, like KPS, will not require a barrier due to the anticipated lower frequency and intensity of use. The specific areas to be developed for organized sport and recreation/community activity and special events, as well as the area to be set aside as natural buffer, have not been delineated; therefore, to provide a conservative</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		estimate, NPS included all areas that could potentially be developed for active recreational use.
17.	Did the team consider restoration of wetlands in limited areas adjacent to Anacostia river and Watts branch?	<p>Please see NPS's response to Themes 2 through 4 above.</p> <p>Within the context of a CERCLA response, restoration of wetlands adjacent to the Anacostia River is not tied to the reduction of unacceptable risk posed by the contamination; therefore, NPS has no authority under CERCLA to restore wetlands as part of the response action. As noted in the responses to other comments, if the District chooses to create wetlands, these plans can be integrated with the CERCLA remedial action during the CERCLA remedial design phase which begins after issuance of the Record of Decision.</p>
18.	What considerations were given to wildlife habitat in the area, for instance, the American Woodcock, which breeds in this area and is a Species of Greatest Conservation Need?	During NPS's evaluation of possible alternatives, alternative 3 received a more favorable short-term implementation rating relative to alternatives 4 and 5 because alternative 3 would not destroy existing habitat located on KPS. NPS also conducted a risk assessment to evaluate risks to ecological receptors, including birds, during the remedial investigation.
19.	will NPS remediation take place prior to transfer to DC?	Remediation is not anticipated to take place before KPN is transferred to the District.
20.	<p>How much of the shoreline of the site has sea wall? What part of the shoreline does not have seawalls? What is the seawall made of? What is the condition of the seawall?</p> <p>If KPS is to be a natural resource area, why not reestablish wetlands along the shoreline?</p> <p>Monte Edwards Committee of 100</p>	There is approximately 1,700 feet of sea wall that runs along the Anacostia River bank in the northern portion of KPN. There is no sea wall along approximately 2,200 feet along the southern portion of KPN and the entire length of KPS. The sea wall consists of a rip rap foundation with a trapezoidal stone masonry wall that terminates a few feet above mean high water. Based on recent condition assessment the sea wall next to KPN is in stable condition with no need for repairs. Re-establishing shoreline is outside the authority NPS has under CERCLA, but such an activity could be implemented under a different program. Note that the topography of KPS would likely limit the feasibility of re-establishing wetlands along the River in this area.

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
21.	We understand your responsibility under CERCLA. The concern for the community is that we are left with healthy land which can serve the community. These alternatives do not do that.	The preferred alternative (Alternative 3) addresses the risk posed to human health by hazardous substances in site surface soil, subsurface soil and waste and allows the land to be used for its reasonably anticipated future use (i.e. passive and active recreational uses).
22.	To be clear, there is no requirement that the remedial action be all excavation, or all capping. Correct? In the context of CERCLA response, your remedial option table already certifies that the excavation of the site to return it to its original state, including wetlands, does meet the criterion to reduce risk.	Full removal of the landfill would eliminate the unacceptable human health risks identified through the remedial investigation and associated risk assessments. However, the preferred Alternative 3 (partial clean soil barrier) ranks higher than Alternative 5 (full removal) based on short-term effectiveness and cost and does not limit the District's future use of KPN by reducing areas that may be developed into sports fields. The cost associated with excavating and disposing of landfill waste is significantly higher than placing a clean soil barrier within areas that will be used for Organized Sport and Recreation/Community Activities and Special Events with no additional reduction in risk. Although partial excavation of waste to restore tidal mud flats and wetlands may have a benefit for flood resiliency, the additional cost for waste excavation and removal would still be less cost effective than the clean soil barrier and there would still be a short-term negative impact to the surrounding neighborhood due to increases in truck traffic.
23.	Your preferred alternative already treats North different from South, why didn't you treat excavation in a similar manner?	The preferred alternative does not apply one remedy to KPN and a different remedy to KPS. Instead, the same remedy – i.e., placement of a clean soil barrier over all surfaces that pose an unacceptable risk to human health or the environment – is applied to the entire Site. Due to differences in the future uses envisioned for KPS and KPN, the application of the remedy results in only one of those areas being capped. In contrast, the uniform application of Alternative 5 (excavation of all landfill waste) across the entire Site results in both KPN and KPS being excavated.
24.	For the estimated costs of the abatement, would that be borne by the National Park Service or by DC Government after the transfer of KPN?	Cost sharing negotiations between the District and the United States are ongoing.

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
25.	Can you clarify the timeline of the Record of Decision (ROD) being released, the transfer of jurisdiction and the remedial work being completed? My understanding so far is that the jurisdiction would transfer after the ROD but before the remedial work. Will the remedial work be overseen by NPS after jurisdiction has been transferred or would the district take over managing the remedial work?	<p>It is anticipated that the Record of Decision (ROD) will be issued in 2021 and the transfer of administrative jurisdiction for KPN is expected to occur after issuance of the ROD. The remedial design phase will begin after issuance of the ROD. This phase will include development of the detailed engineering plans to implement the remediation. After completion of the remedial design phase, the implementation of the design will begin.</p> <p>NPS will continue to oversee the CERCLA remedial action as the federal lead agency; however, the specific future roles and responsibilities of the District government and NPS will be negotiated and outlined in a future agreement between the United States and District.</p>
26.	A recent development in Virginia used barges instead of trucks. Could option #5 work with less disruption to the community if an alternative to truck traffic is used? I agree with others that pursuing option #5 is a worthwhile effort.	Using barges rather than trucks will not significantly change the analysis or the factors used to select the preferred alternative. The use of barges could increase the absolute and relative cost of Alternative 5 as that approach would require additional loading, unloading, and hauling above and beyond that which would be required for trucking and would have no impact to reduction of risk to recreational users.
27.	How has NPS determined the presumed future use?	<p>The future use of KPS is controlled by the NPS General Management Plan for Anacostia Park. This plan requires that KPS be managed for natural resources recreation-- in other words, that it be maintained in a natural state for passive recreational uses.</p> <p>Congress directed NPS to transfer administrative jurisdiction over KPN to the District. Once that transfer occurs, KPN will not be part of Anacostia Park and will not be subject to the General Management Plan. The transfer legislation provides that KPN must be "used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities." Within those broad constraints, the future use of KPN will be determined by the District government.</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		<p>Prior to NPS’s evaluation of possible alternatives, the District informed NPS that it plans to use KPN to provide active recreational opportunities (e.g., sports fields). Although these plans were very preliminary and conceptual in nature, they provided sufficient information to allow NPS to complete feasibility study level evaluation of possible alternatives to address the unacceptable risk posed to active recreational users of KPN.</p>
28.	<p>Following the comment period, looking at an actual timeline and considering that option 3 is accepted, when would the 1-2 year plan begin? When would this project take place?</p>	<p>The estimated 1 to 2 years was an estimate to complete the implementation of alternative 3. The implementation begins after the remedial design phase, which is the CERCLA phase when the detailed engineering drawings and plans are prepared. The remedial design phase will begin after issuance of the Record of Decision. The timeline to fully implement the remedy is uncertain but for the selected alternative could reasonably fall within the range of 5 to 10 years in the future. This would include preparing the remedial design (engineering drawings and plans) and conducting the site work (i.e. actual placement of the clean soil barrier).</p>
29.	<p>Is woodland going to be removed, and if so, where, and how will the disturbed land be treated?</p>	<p>Under the preferred alternative, wooded areas located within KPS will remain, and natural buffer areas along the outer portions of KPN will be held in a natural undeveloped state as part of the transfer requirements of KPN. Alternatives 4 and 5 would require significant removal of existing woodlands.</p>
30.	<p>Please explain the difference between “unacceptable” and “acceptable” risk. Does this differ for those of us who live here and use the park daily?</p>	<p>As part of the Feasibility Study, NPS adopted a target excess cancer risk level of one in one million. Within the regulations that implement CERCLA, the national contingency plan or NCP, acceptable long-term cancer risk can range from one in ten thousand to one in one million. Acceptable short-term, or “acute,” risk is established by what is known as the “hazard index” (HI). The HI is a ratio of the potential exposure to a substance (e.g., a concentration in media such as soil) and the level (or concentration) at which no adverse effects are expected from exposure to that substance. A hazard index of 1.0 was</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		<p>the target short term acceptable risk (i.e., the level at which no adverse effect is anticipated).</p> <p>The acceptable risk level for cancer is based on the frequency and intensity of exposure. Therefore, the variable risk and cleanup levels are based on the activity likely to be undertaken. Walking along established trails on a daily basis is a different exposure scenario from playing contact sports on an athletic field. The exposure scenarios are described in the 2020 Feasibility Study Addendum report. NPS has prepared a poster that provides further explanation on how risk is evaluated during the CERCLA process. This poster is entitled "What is Risk Assessment" and is posted under the "Want to Know More" section of the webpage.</p>
31.	<p>What additional outreach activities will the NPS be taking to connect with communities in Kenilworth, Paradise, Mayfair Mansions, and Eastland Gardens? It's important they are engaged, and their feedback is sought and recorded.</p>	<p>NPS agrees that it is important to engage and seek feedback from the communities surrounding the Kenilworth Park Landfill Site. Input from the community is very important to consider during the selection of a cleanup alternative for the Site and will coordinate with the Deanwood Citizens Association and other community groups to participate in upcoming meetings.</p> <p>Update – NPS participated in four community and neighborhood meetings. NPS has also consulted with members of the Anacostia Park and Community Collaborative (APACC) to help in their community outreach efforts. APACC is a network of organizations committed to maximizing the value of public spaces along the Anacostia River to residents of Wards 7 and 8 in the District. APACC has created a webpage and Facebook page specifically targeted to nearby residents to provide information and accept input on NPS's Proposed Cleanup Plan.</p>
32.	<p>Thanks for the presentation. Given the proximity to the Anacostia River, and the ongoing ARSP, did the NPS consider alternatives that</p>	<p>The Remedial Investigation concluded that there is currently no unacceptable risk from contaminants at the landfill migrating to the River via groundwater; therefore, consideration of measures to</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
	would reduce or eliminate contaminant exposure in the river adjacent to the site?	prevent impacts to the River were not necessary. If contaminated river sediments adjacent to the site need to be remediated, that will be done as part of the Anacostia River Sediment Project.
33.	If the shoreline is not naturalized or graded, there can be no access for boating	Any grading or naturalization needed to accommodate boat access can be completed independently of this response action. The preferred alternative would not preclude those activities in the future.
34.	We are observing the "silting-in" of the Anacostia River. With alternative 3, capping cover of soil in KPN and South, what will keep it from running off into the river? What is the plan to remediate this?	The remedial design for the clean soil barrier would require stormwater protection measures in accordance with applicable laws and regulations. These requirements would be incorporated into the remedial design to prevent sediment contamination from newly placed soil. These areas would be vegetated to provide long-term stability. Also, the clean soil barrier is proposed inside an existing natural buffer, so the new soil barrier would not extend to the banks of the Anacostia River or Watts Branch.
35.	Is the cost of the selected alternative to be shared with the District?	Cost sharing negotiations between the United States and the District are ongoing.
36.	How will the construction affect the Anacostia River trail access?	The existing Anacostia Riverwalk Trail located along the northern portion of KPN is located outside the areas currently designated to receive a clean fill barrier; therefore, access is not expected to be impacted during the cleanup.
37.	When the District assumes administrative control of North, which agencies will have that control? In particular, who will be responsible for the shoreline?	It is NPS's understanding that following the transfer to the District, the Department of Parks and Recreation (DPR) will have primary responsibility for managing KPN. It is anticipated that DPR would consult with the District Department of Energy and Environment (DOEE) regarding natural resource issues such as the shoreline. Actual management roles and responsibilities for KPN will be determined by the District, not NPS.
38.	What (if anything) is preventing DC government from developing its plan for Kenilworth North at the same time as this process so they can be coordinated, as per Trey's point about making efficient use of dollars (federal and local)?	There is nothing preventing the District government from developing its plan for KPN at the same time as the CERCLA process proceeds. The alternatives identified in the Feasibility Study and Proposed Plan are not intended to be detailed engineering drawings; they are

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		<p>conceptual and were used to develop approximate costs. Prior to developing and evaluating the alternatives, NPS consulted with the District to discuss its preliminary plans for KPN, which included development of additional sports fields. Although the District's plans were very preliminary, they were sufficient for NPS's cost estimating purposes. The area shown for a soil barrier in Alternative 3 is meant to represent a conservative scenario of sports field development as no specific plans have yet been developed by the District.</p> <p>After the formal cleanup plan is issued in the Record of Decision, the next phase of the CERCLA process will be preparation of the remedial design. This phase will likely be completed after KPN has been transferred to the District. During the remedial design, the specific construction drawings, plans, and specifications will be prepared. These plans will need to accommodate whatever the District's future plans are for the site. The remedial design for the cleanup will not occur without coordination with the District.</p> <p>Update – DPR has notified NPS that it is hosting virtual meetings in each ward to discuss the recreational needs and desires of the different neighborhoods. DPR is hosting the meeting for Ward 7, where KPN is located, on February 10. Additional information regarding this meeting can be accessed from this link: https://ready2playdc.com/ward-meetings</p> <p>The meeting DPR will be hosting on February 10 will include a discussion of all parks managed by DPR within Ward 7 and will not focus on KPN; however, Nick Kushner with DPR has further notified NPS that they are working to organize specific engagement around the future of KPN. Any additional comments on the future plans for KPN should be directed to Mr. Kushner (see response to Theme 3 for contact information).</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
39.	<p>You have already talked about realignment of the Riverwalk trail that I assume would involve DDOT during the design phase. Do you plan to incorporate others, such as DOEE, who would likely advocate for some form of their Living Shoreline draft plan in terms of wetlands or sills to replace deteriorated seawalls?</p> <p>Monte Edwards Committee of 100</p>	<p>Realignment of the Anacostia Riverwalk Trail is not part of the CERCLA response action. The alignment of the existing Anacostia Riverwalk Trail within KPN will remain as constructed in 2015. The alignments of future trail segments within KPN and KPS are managed by DDOT and are proceeding independent of the CERCLA response action. DDOT does consult with NPS to ensure the trail construction is completed in a manner that protects worker health and mitigates possible hazards encountered during construction.</p> <p>Any plans for development of living shoreline the District may wish to incorporate along Watts Branch or the Anacostia River could be considered during the remedial design phase of the project. NPS and the District will continue to work closely together on this project. For additional information see responses to Themes 2 and 3.</p>
40.	<p>What is proposed to be done with the former community center site?</p>	<p>The future of the former community center site and related facilities (building foundation, swimming pool, basketball and tennis courts) will be determined by the District during redevelopment planning.</p>
41.	<p>If I understood correctly, currently building on either KPS or KPN would cause an unacceptable exposure risk to workers. After the soil cap is in place would building on the site be possible without these risks?</p>	<p>Risk posed to workers is only unacceptable if no protective measures are taken. Part of the remedy includes “institutional controls,” which for this Site will include administrative requirements to implement precautions before and during any proposed excavation activities to protect worker safety and address this risk. Installing utilities or constructing buildings over the site is possible as long as protective measures are taken in the design and construction. NPS will provide oversight of any excavation activities to ensure appropriate protective measures are taken.</p>
42.	<p>When uses change it is not just a matter of applying more fill. Any changes will require significant regrading as long as contaminated material remains below.</p>	<p>The Preferred Alternative was selected based on the District’s current plan to develop KPN for active recreational opportunities (e.g., sports fields). Specific areas to be covered will be delineated as part of the remedial design phase of the project and will be based on the District’s specific development plans for KPN.</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		As part of the institutional controls put in place to manage the site, there will be limitations on future land use and precautions will be required to protect worker safety during construction and excavation activities.
43.	Thank you for this presentation. I'm curious about the Kenilworth site and its influence on the Anacostia River. The proposed plan suggests that contamination in the tidal Anacostia River do not appear to be attributable to the Kenilworth site. Are there data that have been collected in Watts Branch that can be compared with Anacostia River data that informed this statement? Thankyou.	<p>The Kenilworth Park Landfill Site, in contrast to other sites located along the Anacostia River such as the Washington Gas East Station site, the Washington Navy Yard, and the Pepco Benning Road site, does not include any portion of the Anacostia River. If the sediments adjacent to Kenilworth need to be remediated, that will be done as part of the Anacostia River Sediments Project (ARSP) remediation.</p> <p>NPS collected sediment samples from Watts Branch and the Unnamed Tributary during the preliminary assessment/site inspection and remedial investigation phases of the project. NPS also reviewed results reported from sediment samples collected from Watts Branch as part of the ARSP and a related tributary study. The results reveal contaminants, including polychlorinated biphenyls (PCBs), at higher concentrations at some locations upstream of the Site. This indicates there are sources of contamination located upstream of the Kenilworth Park Landfill Site.</p> <p>Based on the review of available data, NPS concluded that the Kenilworth Park Landfill Site is not a current, ongoing source of contamination to adjacent surface waters including Watts Branch or the Anacostia River.</p>
44.	I'm looking back through the FS Addendum for information about how groundwater from the site moves contaminants and/or contaminated sediment into the river and/or into Watts Branch, but I'm finding nothing. Does NPS persist in its assertion that there is no migration of contamination from the site to the river or to Watts Branch?	Information regarding the potential migration of contaminants in groundwater is provided in the 2019 Remedial Investigation (RI) Addendum report, which is referenced in the 2020 Feasibility Study (FS) Addendum. The RI/FS documents are intended to be complementary where the FS builds on the data and conclusions of the RI.

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		<p>The RI Addendum report concluded that there are no unacceptable risks associated with contaminants in groundwater migrating to the Anacostia River, Kenilworth Marsh, or Watts Branch. The RI/FS did not investigate whether the Site may have been a historical source of contaminants to those water bodies.</p> <p>Sediment contamination in the Anacostia River adjacent to the Site is being addressed as part of the Anacostia River Sediment Project (see response to comment 43).</p>
45.	NICK Kushner - would you mind supplying your contact info?	<p>Nick Kushner, AICP Community Planner Capital Projects, Planning and Design</p> <p>DC Department of Parks and Recreation 1250 U St. NW Washington, DC 20009 P: 202.391.9188 E: nick.kushner@dc.gov</p>
46.	This might be covered in the addendum report but I was wondering if preferred alternative 3 is chosen, how often and for how long will the site be monitored for potential erosion (e.g., along the river and stream banks)? And if there is erosion occurring, what are the plans to address this?	<p>NPS's preferred alternative 3 would not involve earthwork along the river and stream banks; therefore, erosion in these areas associated with installation of the clean soil barrier is unlikely. Nevertheless, NPS included monitoring for erosion as a component of the Institutional Controls. The frequency and duration of monitoring for erosion and mitigation steps to address erosion will be established and outlined as part of the Record of Decision issued for the Site and will be detailed in plans prepared as part of the remedial design phase. In addition, CERCLA requires NPS to conduct a review of the remedy's protectiveness at least once every five years if the selected remedy will leave waste at the Site (as most of the evaluated alternatives would).</p>
47.	Barges were used in the construction of the ART - as far north as NY Ave	Thank you for the comment, no response is necessary. See the response to comment 26.
48.	Barges are already in use for other projects along the river so that is a very worthwhile question.	Thank you for the comment, no response is necessary. See the response to comment 26.

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
49.	<p>Good Afternoon, Was there a recording of the Wednesday meeting and materials I can share with my constituents? I am the ANC of Parkside which abuts NPS land adjacent to the Anacostia River and was not aware of the event until after it ended.</p>	<p>A recording of the virtual meeting and transcript has been posted on the Kenilworth Park Landfill webpage www.nps.gov/anac/learn/management/kpls.htm</p>
50.	<p>Donna:</p> <p>I live in River Terrace in NE DC and am excited to see that Kenilworth Park will be cleaned up. I think Alternative 3 makes the most sense.</p> <p>However, I would like to advocate for the inclusion of a car-top canoe / kayak launch near the site of the proposed footbridge to the Arboretum. As an avid kayaker, there aren't nearly enough spots to easily (and safely) launch between Bladensburg Waterfront Park and the Anacostia boat ramp. I already use the make-shift launch in Kenilworth Park, but it would be very nice to have something more formal in the final plans.</p> <p>Let me know if you have any questions or would like to discuss!</p> <p>Thanks, Ben Grillot 3445 Clay Street NE</p>	<p>Congress has directed NPS to transfer administrative jurisdiction over KPN to the District; therefore, the District will determine the configuration of future park facilities. The water access location shown on Figure 4 from the Proposed Plan shows the water access location that was included on a conceptual design plan prepared by the District Department of Transportation. The preferred alternative would allow for the type of boat launch you have described.</p>
51.	<p>I am a regional bicycle advocate and very interested in the Anacostia River Trail access. I unfortunately missed the public meeting concerning the NPS Kenilworth Park Landfill Site project.</p> <p>Recently, Jersey barriers have been placed in the trail access at the terminus of Deane Ave at Watts Branch Creek. This trail is a moderately traveled spur from the ART as a bypass for Mayfair District / Parkside Apartments (where the surface route is often filled with debris and glass making this route dangerous).</p>	<p>The placement of the jersey barriers, at the terminus of Deane Ave at Watts Branch Creek, and the gate located along the Anacostia River Trail to the south, was originally placed because of the unsafe physical conditions (uneven terrain and construction debris), which resulted in the administrative closure of the area. Over the years, the jersey barriers have been inadvertently moved and gate re-opened without park approval. This has led to vehicles accessing the site, which have created additional safety concerns. NPS recently repositioned the jersey barriers and re-locked the gate to remedy the issue. NPS is</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
	<p>Could you please advise me of the trail bypass closure (trail users would like the barriers to have a 3 ft opening for continued pedestrian and bicyclist access)?</p> <p>Also, I'm very interested in the trails proposed for Alternative 3. Can you share greater detail than available on the Alternative PDF map posted from the meeting?</p> <p>P.S. I am supportive of the NPS preferred alternative 3 at this time. My priority is to maintain and improve access to Kenilworth Park for trail users.</p>	<p>currently reviewing the administrative closure and access to the area for visitor use.</p> <p>At this time, the only trail planned for development across KPS is the continuation of the Anacostia Riverwalk Trail. DDOT determined the alignment of this trail, which was shown on the Alternative 3 figure. NPS has not yet determined the future of the road that runs north to south across KPS and is also shown on the Alternative 3 figure; it may be removed or it may remain, but NPS will make that decision outside of the CERCLA process.</p>
52.	<p>What if any responsibility does NPS have for remediation of contaminated sediment adjacent to Kenilworth Park? On one of the ARSP documents this area is identified as a hot spot. As you know, many members of the general public followed the ARSP with great interest. While the DoEE has done an exceptional job making their plans available and comprehensible to the public, many members of the gp are completely in the dark about activities and plans of the other PRPs (PEPCO, WASH GAS, NPS, etc). It would be very helpful to gain a full picture of activities around Kenilworth Landfill, especially now while the Feasibility Report and Proposed Plan for Remedial are out for public comment.</p>	<p>The RI Addendum concluded that the Kenilworth Park Landfill Site is not an ongoing source of contaminants to river sediments, at least not at concentrations that create unacceptable risks to human health or the environment. The Kenilworth Park Landfill Site, in contrast to the Washington Gas East Station site, the Washington Navy Yard, and the Pepco Benning Road site, does not include any portion of the Anacostia River. If the sediments adjacent to Kenilworth need to be remediated, that will be done as part of the ARSP remediation. To the extent there are allegations that Kenilworth contributed hazardous substances to the river in the past, those allegations would be addressed in the context of allocation discussions among the potentially responsible parties for the ARSP.</p> <p>NPS will not be remediating contaminated river sediments as part of the Kenilworth response action. The boundaries of the Site were drawn to ensure that the Kenilworth Site and the ARSP Site were mutually exclusive. In other words, the Site boundaries were designed to avoid the possibility that the same area would be subject to overlapping and potentially inconsistent investigations and response actions. Because other contaminated sites along the river include</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		portions of the adjacent riverbed, those sites were essentially carved out of the ARSP and will not be addressed as a part of that response action. Instead, the sediments adjacent to those sites are being investigated in accordance with the legal agreements in place for those sites and will be remediated, if necessary, in accordance with separate records of decision issued for those sites.
53.	I wanted to comment on the remediation plan that was recently published. I am not sure if I will be able to attend the meeting, but there are a couple of questions that I have and that I am hoping can be answered for me as well as for the public. (1) It sounds like the preferred alternative would include placing topsoil on the Anacostia Trail as well as the fields. Is this correct? If so, what is the likely timeline for this work, and how long would the trail be "offline"? (2) Does the plan impact the planned bridge over the river to the Arboretum in any way?; (3) Can the planned segment of the Anacostia Trail across Kenilworth Park South be constructed before the remediation work is done at KPN, so that trail users would have an alternate route while the work is being done? Thanks.	<p>1. The proposed clean soil barrier included in the Preferred Alternative 3, will not cover the Anacostia Riverwalk Trail. The fill placed during construction of the trail and the asphalt surface provide a barrier between visitors and the underlying soil. The 12-inch clean soil barrier placed over areas of KPN will butt up against the trail, which was designed to be approximately 2 feet above the surrounding ground surface. There is no plan to take the trail offline for the preferred alternative; however, alternate routes would need to be considered for Alternative 5 (complete removal of the landfill and return to mud flats and wetlands). Following issuance of the final plan in the Record of Decision the remedial design phase will begin and will include the specific details of the plan.</p> <p>2. During construction, hazards such as methane gas and possible unexploded ordnance must be considered and mitigated. Also, if contaminated soil or waste is disturbed during construction, this soil/waste must be properly managed. Finally, the final remediation plan must be considered during design and construction of the bridge. For example, if the preferred alternative becomes the final plan for the Site, the bridge design must consider the raised ground surface elevation associated with the future clean soil barrier to be placed over KPN. The construction of the Arboretum pedestrian bridge can proceed independent of the remediation of the Site as long as precautions such as those identified above are considered and addressed.</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		3. The construction of the Anacostia Riverwalk Trail across Kenilworth Park South is moving forward and is proceeding independent of the cleanup project.
54.	I am opposed to the plan to develop Kenilworth Park. As a community member who enjoys the park on a weekly basis, I request that the land be preserved for wildlife. It is one of the only true wilderness areas easily accessible in DC, and as it hosts breeding woodcocks, Northern Harriers, spring peepers, Kestrels, and many other species of wildlife. Looking out over the meadow in the morning and hearing the birdsongs brings a smile to my face. I have also seen children enjoying the sights and sounds of a wild place they may not otherwise have access to in the city. Thank you for your consideration.	One of the benefits NPS considered for Alternative 3 is the fact that this alternative would require no destruction of the current habitat located on Kenilworth Park South. There are also areas of KPN that will remain as natural resource buffer areas.
55.	This is such a wonderfully rich natural environment and hosts many native species. Please preserve it.	Thank you for your comment, NPS's Preferred Alternative 3 would preserve KPS and natural buffer areas within KPN in its current condition.
56.	I am the advisory neighborhood commissioner. One of the commissioners for the area. I just wanted to see if you could restate what the timelines were on potential decisions being made for the proposed alternatives part one, part two for the alternatives that have been proposed, what is the breakout between the responsibilities for who is paying for those different courses of action. The federal government versus DC government. Is that also driving what alternatives or accidents and or plans are being made?	The future schedule for the process is as follows: As required under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), NPS is accepting comments on the Proposed Plan and supporting documents through February 10, 2021. NPS will review and consider all comments received on the plan and feedback from the District and will decide if the preferred alternative will be chosen as the final remedy for the site. The final remedy will be documented in the Record of Decision (ROD). The ROD requires review and approval by various Department of the Interior and NPS officials; therefore, an exact timeframe cannot be determined. However, this process is expected to be completed within one year. After issuance of the ROD, the site will move into the remedial design phase. This phase is expected to take approximately two years. After completion of the remedial design phase, the remedial action will begin. This is the phase when the actual work is completed at the site.

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		<p>Assuming the preferred alternative is selected, this phase is expected to take one to two years after selection of a contractor. The timeline for full implementation of the selected remedy is uncertain but could reasonably fall within the range of five to ten years.</p> <p>Cost sharing negotiations between the United States and the District are ongoing. The source of funding for the response action is not a factor that was considered in selecting the preferred alternative.</p>
57.	<p>Hi! I am a DC resident and a frequent user of the KPN area as an avid birder.</p> <p>As you may know, Kenilworth Park is one of the best spots for birding and wildlife viewing in the city, and frequently used for that purpose. More birds have been seen there than anywhere else in the city this year (https://ebird.org/region/US-DC/hotspots?yr=cur), and almost 250 species have been reported from there (https://ebird.org/region/US-DC/hotspots?yr=all). The lists include the Aquatic Gardens also, but the Park is the more heavily-birded area -- it has hosted a large number of extremely uncommon DC species in the last few years, including a DC-first Loggerhead Shrike, multiple Nelson's Sparrows, etc. It is also the best or only place in DC for Meadowlarks, Blue Grosbeak, and others.</p> <p>It is a critical habitat for many nesting birds: the recently-started MD/DC breeding bird count has unofficially (so far) tallied ~60 species as Probable or Confirmed breeding in the KP/KAG parks, which is tied for the most of any DC hotspot (with Theodore Roosevelt Island), and 20% more than anywhere else.</p> <p>These stats and others have been pulled from the eBird database (I'm into data analytics by trade). If there are other numbers of interest, please feel free to request anything from me.</p>	<p>NPS's preferred alternative 3 would not impact existing habitat located on KPS. This was one of the short-term benefits NPS considered during the evaluation of possible alternatives. KPS is designated in the Anacostia Park Management Plan as a Natural Resource Recreation zone. The only planned development within KPS is the construction of the Anacostia Riverwalk Trail Phase II Realignment.</p> <p>Your comment about expanding areas within KPN to un-mowed meadows is noted; however, because Congress directed NPS to transfer administrative jurisdiction over KPN to the District, future plans for KPN will be determined by the District. There will also be natural buffer areas along the outer portions of KPN that will be held in a natural undeveloped state.</p> <p>Update - The District's Department of Parks and Recreation (DPR) has notified NPS that it is hosting virtual meetings in each ward to discuss the recreational needs and desires of the different neighborhoods. DPR is hosting the meeting for Ward 7, where KPN is located, on February 10. Additional information regarding this meeting can be accessed from this link:</p> <p>https://ready2playdc.com/ward-meetings</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
	<p>After reading through the proposal, it occurred to me that a modification of Alternative 3 might be of interest to the community. I rarely see anyone using the playing fields (except occasionally the one by the back parking lot). I would propose giving over more of the mowed-grass area to un-mowed field. That should lower the cost, because the un-mowed areas don't need to be capped with additional soil, and expand the area useful to wildlife. Potentially, the savings could be moved into a wetland renewal project on site along the Anacostia.</p> <p>At any rate, I and the DC birding community are heavy users of the KP site. We love it and dearly hope that these alterations don't have any adverse long-term effects on the wildlife that lives and breeds there.</p> <p>Thank you!</p>	<p>The meeting DPR will be hosting on February 10 will include a discussion of all parks managed by DPR within Ward 7 and will not focus on KPN; however, Nick Kushner with DPR has further notified NPS that they are working to organize specific engagement around the future of KPN. Any additional comments on the future plans for KPN should be directed to Mr. Kushner, see response to Theme 3 for his contact information.</p>
<p>58.</p>	<p>One of the reports mentions that remediation methods will accommodate future use. With all the investment in returning the river to swimmable and fishable, it is curious that water dependent activities have not been accommodated. Further, the possibility of accommodating these activities in the future will be prevented by the implementation of this and associated plans. Condition of Watts Branch and continuing degradation of river due to disconnection of the river from the flood plain have not been addressed.</p>	<p>Please see NPS's responses to Themes 1 through 3.</p> <p>Future land use is not dictated by the CERCLA process; to the contrary, CERCLA response actions are developed around expected future land use. For KPS, future land use is established in NPS's Anacostia Park General Management Plan. For KPN, future land use will be determined by the District when administrative jurisdiction is passed to them from NPS in accordance with the transfer legislation.</p> <p>Prior to NPS's evaluation of possible alternatives, the District informed NPS that it plans to use KPN to provide active recreational opportunities (e.g., sports fields). Although these plans were very preliminary and conceptual in nature, they provided sufficient information to allow NPS to complete feasibility study level evaluation of possible alternatives to address the unacceptable risk posed to active recreational users of KPN.</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		<p>The Proposed Plan is conceptual and does not necessarily represent what the final remedial design will include. The clean soil barrier was selected to protect areas of the park where visitors could encounter surface soil at a relatively high frequency and at a relatively high intensity (e.g., during routine sports team practices and games). Selection of the preferred alternative will not prevent the District from selecting alternative land use configurations provided they are selected before the remedial design is completed.</p> <p>The conditions of Watts Branch, Kenilworth Marsh, and the Unnamed Tributary to Watts Branch were evaluated as part of the original Preliminary Assessment/Site Investigation (PA/SI) for Kenilworth Park South and the Remedial Investigation (RI) of KPN. Additional analysis of sediment data collected as part of the PA/SI and RI activities was included in support of the 2012 Feasibility Study. Because available data indicate there are likely multiple undifferentiated upstream sources of contaminants to the surface water and sediment adjacent to the Site, and because the existing data do not suggest an ongoing contribution of contaminants from the landfill, additional assessment and evaluation of response actions did not include Watts Branch, the tributary to Watts Branch, or Kenilworth Marsh.</p>
59.	<p>Were other migration pathways to the river other than groundwater, including soil pathways (soil runoff) to the River and/or direct placement of landfill material into the River? Were PCBs detected in sediments adjacent to South or North?</p> <p>clarification: were other pathways evaluated. including the historical pathways; Does NPS consider Kenilworth a source (historical source) of PCBs to the Anacostia?</p>	<p>PCBs are present in River sediment adjacent to both KPN and KPS. The distribution of PCBs in sediment in these areas does not indicate significantly higher concentrations of contaminants from the landfill; however, historical contributions from the landfill cannot be ruled out. Additional sampling and forensic analysis of PCBs in the landfill may inform whether and to what degree the landfill was a historical source of PCBs in the river sediment. PCB concentrations are also higher in zones of sediment deposition (zones where the current slows down and solids settle out); therefore, PCBs in river sediment</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		near Kenilworth Park Landfill may also be attributable to sources farther upstream.
60.	Existing conditions at KPS appear to support current and future use. It makes sense that KPS remain in current condition. However, Alternative 5 is applied to KPN would accommodate a wider range of activities. Can this alternative be developed? Was it previously considered?	An approach where KPS remains in its current condition (Alternative 3) and KPN is returned to tidal wetlands (Alternative 5) was considered and presented at the Leadership Council meeting where this question was posed. Please see response to Comment No. 3 for details. For additional context regarding why this approach was not considered further, please see response to Theme 3.
61.	Location of the proposed Anacostia River trail precludes naturalization of shoreline, restoration of Watts Branch and installation of wetlands. Has there been any thought given to modifying location of trail?	The alignment of the ART will not be determined as a part of the CERCLA process. Any concerns with the proposed alignment of the ART should be directed to DDOT.
62.	To be able to install wetlands, the District would be left holding the bag for removal of landfill material.	Please see NPS's responses to Themes 1 through 4. NPS will select a remedial alternative in accordance with the criteria described in the NCP based on the information in the administrative record. It will not base that decision on the source of funds needed to complete the work. Also, as noted above, the restoration of natural resources is beyond NPS's response authority under CERCLA.
63.	The definition of "short term" and long term are relative. Ten years is a very short time even in comparison to the time between close of the Landfill and the present.	The criterion of short-term effectiveness is related to risks posed to workers and members of the surrounding community during remedy implementation. In general, remedial alternatives that take longer to implement will receive a lower score on this criterion than alternatives that can be implemented over a shorter time period. The term is unrelated to the period of time between the landfill closure and the present.
64.	Was sampling done in Watts Branch or unnamed stream?	Sampling in Watts Branch and the Unnamed Tributary to Watts Branch was performed as part of the Preliminary Assessment/Site Investigation (PA/SI) for Kenilworth Park South and the Remedial

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		<p>Investigation (RI) for KPN. An analysis of sediment data was summarized in the 2012 Feasibility Study and at that time NPS concluded: "The data do not indicate an overall impact from the Site on surface water or sediment in the adjacent surface water bodies (Anacostia River, Watts Branch, and Kenilworth Marsh)."</p> <p>Nevertheless, contaminants that are present in the landfill are also present in Watts Branch and the Unnamed Tributary to Watts Branch. Although there are multiple sources of contaminants in these surface water features including stormwater discharges, the potential for contaminants at the Site to have migrated into these surface water bodies in the past cannot be ruled out. A recent tributary study completed by NPS in support of the Anacostia River Sediment Project identified the highest concentrations of PCBs in Watts Branch sediment to be located approximately 2.5 miles upstream of the Site.</p>
65.	I'll be interested to see Donna's responses to Fred as well. Relatedly, was Watts Branch treated as a receiving body of water itself, or only as a vehicle to the Anacostia?	See response to comment 64.
66.	I am happy to wait for a written response, but I do remain curious about how DOEE, DPR, and any other District agencies will interact in the cleanup, transition, and then ongoing management	It is NPS's understanding that following the transfer to the District, the Department of Parks and Recreation (DPR) will have primary responsibility for managing KPN. It is anticipated that DPR would consult with the District Department of Energy and Environment (DOEE) regarding natural resource issues such as the shoreline. Actual management roles and responsibilities for KPN will be determined by the District, not NPS.
67.	Is NPS prohibited from considering efforts beyond the bare minimum? "Not authorized" left me a bit unclear on the actual bounds on the agency	<p>NPS is not authorized to use its response authority to restore natural resources; that authority may be used only to address unacceptable risks to human health and the environment posed by hazardous substances at the site. Accordingly, NPS is therefore prohibited from selecting a response action to achieve restoration objectives.</p> <p>See responses to Themes 1 through 3 for additional clarification.</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
68.	We need to do everything we can to eliminate the inefficiencies inherent in keeping these stages of this project heavily silo'd. Not only that the District only begins management after the cleanup, but also that CERCLA and NRDA are held apart. That is not required, and we should fix it now while we can benefit by doing so.	NPS agrees with the need to eliminate inefficiencies. As a practical matter, however, the NRDA process almost always comes after a remedy because an NRD claim is limited to residual damages to natural resources that remain after the remedy is implemented. For that reason, attempts to conduct a NRDA before a remedy is selected can create its own inefficiencies.
69.	Can public be involved in talks between DPR and NPS for future use of Site?	<p>Please see above for NPS's response to Theme 3. As described in this response, NPS does not have authority to determine how KPN is re-developed.</p> <p>Update - The District has started public engagement regarding future use of KPN, see information include in response to Theme 3 for upcoming event.</p>
70.	<p>The comment below is text extracted from a letter submitted to NPS from DC Audubon Society. The letter is included as Attachment 1 to this memorandum.</p> <p>We are writing to request that the National Park Service (NPS) provide a sixth alternative for remediation at the Kenilworth Park Landfill Site. We have reviewed the September 2020 Feasibility Study Addendum Report, and while we appreciate the considerable effort and analysis that went into preparation of this document, we find that the alternatives do not adequately cover the full range of reasonable remediation options. Below we provide a recommendation for a sixth option.</p> <p>Excavation of contaminants and restoring wetlands is the most effective, permanent solution at this property, and wetlands provide many valuable ecosystem services. For this reason, we expect some stakeholders to support Alternative 5. However, excavation and restoration is only considered in that alternative, and presents an all-or-nothing scenario, which we believe leaves the options incomplete.</p>	<p>In response to Comment 3, NPS developed a preliminary estimate of cost for a scenario where KPS would be addressed as described under Alternative 3 and KPN would be addressed as described under Alternative 5. This approach considered full removal of KPN landfill and revegetation as wetlands. This cost would be approximately \$320 million. The alternate approach suggested in this comment would involve removal and revegetation of approximately 75% of KPN and would result in a cost of about \$240 million. These costs are very high level and are not intended for construction estimating purposes. Although NPS has provided these rough costs for perspective, this approach is not under consideration for the reasons outlined above under Themes 2, 3, and 4 and summarized below.</p> <p>NPS included Alternative 5 in the Feasibility Study because it would eliminate risk posed to recreational users and future workers by completely removing the landfill (and complete removal is a standard alternative to evaluate for landfill sites); however, it would do so at significantly greater costs than the other alternatives and would also limit the District's future use of the Site. NPS is required to evaluate</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
	<p>We request that a sixth alternative be added that (1) excavates contaminants and restores wetlands in the western portion of KPN, west of the running track; (2) caps lands in KPN east of the track, and (3) leaves Kenilworth Park South as is. We are confident that this will strike the appropriate balance required by the applicable decision criteria.</p> <p>Ultimately, we wish to see the highest and best use of Kenilworth Park, and are grateful that NPS is prioritizing remediation of this important property. Thank you for considering our request.</p>	<p>remedial alternatives in accordance with the nine criteria described in section 300.430(e)(9)(iii) of the National Oil and Hazardous Substances Pollution Contingency Plan (commonly referred to as the NCP). To be selected as the final remedy, an alternative must also be cost-effective, which means that its costs are proportional to its overall effectiveness (see section 300.430(f)(1)(ii)(D) of the NCP).</p> <p>As described under NPS’s response to Theme 3, the approaches suggested in many comments where only portions of KPN are removed, similarly limit the District’s future use of the Site and adds significant costs without any associated decrease in risk posed to recreational users involved with high-intensity activities (i.e., “active” recreational users).</p> <p>As described under Theme 2, NPS is not authorized to restore wetlands as part of the CERCLA response action. Costs for restoration under a Natural Resources Damage Assessment (NRDA) may be sought in the future, but that process is typically initiated after the CERCLA response action has been completed.</p> <p>The Proposed Plan (preferred Alternative 3) can be adapted in the remedial design phase to accommodate a different configuration of land use. The clean soil cap is only required in high-frequency, high-intensity land use areas such as athletic fields. If the District decides to reserve areas of KPN for wetland restoration in the future (i.e., not developed as athletic fields and public gathering areas), no clean soil barrier would be required.</p> <p>NPS cannot indirectly – and unilaterally – impose a specific future use of KPN on the District through the CERCLA process. To provide input on the specific plans for KPN, members of the public are encouraged to participate in the District’s planning process and provide their input</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		to the District through this process (see response to Theme 3 for upcoming event).
71.	<p>Did the feasibility study and proposed plan consider the impacts on the river?</p> <p>Was Watts Branch considered its own receiving body of water for contaminants or was it considered only as a vehicle for contaminants entering the Anacostia River?</p> <p>As I was reviewing the memorandum to the administrative record, I had two questions about the response to the following question found on page five: Q: Alternative five's cost includes the return of both North and South to the original state, what would be the cost to do so only for North? A: In response to this question, NPS developed a preliminary estimate of cost for a hybrid alternative where Kenilworth Park South would be addressed as described under Alternative 3 and KPN would be addressed as described under Alternative 5. The hybrid considered full removal of the KPN landfill and revegetation as wetlands. This cost would be approximately \$320 million. Based on this response, it would seem that the \$320,000,000 estimate is based off of the area outlined in alternative 5, which is larger than the footprint of alternative 3.</p> <p>2) I was wondering how much it would cost and approximately how long it would take to excavate the contaminated soil of the area that matched the footprint of alternative 3 (while leaving Kenilworth Park South untouched as proposed in alternative 3)?</p> <p>3) Is it possible for an additional alternative (similar to the one proposed above) to become a part of the public record so that it could be considered along with alternatives 1-5?</p>	<p>Impacts to the River are being addressed as part of the Anacostia River Sediment Project, which is separate from the Kenilworth Park Landfill Site.</p> <p>Yes, Watts Branch was considered as part of the surface water migration pathway and sediment samples were collected from Watts branch during early investigation activities at Kenilworth Park Landfill. See the response to comment 64 for additional information.</p> <p>The area designated for a potential soil barrier in Alternative 3 is based on an estimate of the most area within KPN that could be developed for organized sports and public gatherings, which is less than the entire landfill footprint. The area selected assumes that a portion of KPN would be reserved as natural buffer and would not be developed. Therefore, the area within KPN to be remediated in Alternative 3 is smaller than the area that would be completely removed under Alternative 5. The removal scenario that was suggested during the public meeting included full removal of the landfill at KPN.</p> <p>Other commenters have requested NPS estimate costs of a partial landfill removal at KPN. NPS provided a high-level cost estimate for these scenarios in Theme 4 above. However, for the reasons explained in response to Themes 3 and 4, NPS is not considering a sixth alternative.</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
72.	<p>I have a question about the "FEASIBILITY STUDY ADDENDUM REPORT *FINAL* Kenilworth Park Landfill Site Anacostia Park Washington, D.C.". In the last pages of this document, cost estimates are provided. In TABLE B.5 Cost Estimate for Alternative 5: Landfill Removal Shoreline Stabilization, two estimates are provided for the disposal of 2,906,428 tons of waste. The first estimate as ADC at Subtitle D facility at \$32 a ton is \$93,005,693 based on engineers estimate, based on experience; assumes 50% of material excavated. The second estimate as non-hazardous waste at Subtitle D facility at \$80 a ton is \$232,514,232 based on engineers estimate, based on experience; assumes 50% of material excavated. The second estimate is used in the subtotals and totals for the overall cost of Alternative 5. Why isn't the first estimate of \$32 a ton used in the subtotals and totals for the overall cost of Alternative 5?</p>	<p>As part of Alternative 5, NPS estimated that 4,305,819 cubic yards (or 5,812,856 tons) of soil and waste will need to be excavated, loaded onto trucks, and transported for offsite disposal (e.g., landfill). To estimate fees associated with final disposal, NPS assumed that 50 percent (or 2,906,428 tons) of the material would be disposed as waste at a non-hazardous landfill (RCRA Subtitle D facility). This material may include the historical ash and other debris in the north and south landfills. The disposal cost (tipping fee) for this material was estimated to be \$80 per ton, based on comparisons with similar excavation and removal activities.</p> <p>Considering that much of the material to be removed is soil with low concentrations of chemical contaminants, NPS assumed that the rest of the excavated material (an additional 2,906,428 tons) could be reused at another landfill as "alternate daily cover" (ADC) material. Because of its beneficial reuse, disposal fees associated with ADC material are usually less than standard tipping fees. In this case, NPS assumed a unit cost of \$32 per ton for material to be used as ADC at another landfill. There is no way to definitively estimate the volume of soil vs the volume of waste, so these volume estimates are inherently uncertain.</p> <p>The total cost estimate for Alternative 5 includes disposal fees for 2,906,428 tons of material consisting of waste that has no potential beneficial reuse at \$80/ton, as well as 2,906,428 tons of material consisting of mostly soil that has a potential beneficial reuse as daily cover in a landfill at \$32/ton. Both line items are included in the total estimated cost for this alternative.</p> <p>Note that the total cost estimated for Alternative 5 assumes that none of the soil or waste material would be considered "hazardous waste." If any of the excavated material requires disposal in a facility</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		permitted to handle hazardous waste (i.e. RCRA Subtitle C hazardous waste facility), there would be a significant increase in the estimated hauling and disposal costs.
73.	<p>I have a question about the hybrid plan you presented at the Leadership Council. Has it been brought over to the official NPS documents site yet? I checked last week and only found it referenced in the table of interim responses. I greatly appreciated your attention to that request of mine but if it's not being presented to the general public, I'm not sure how helpful it is for the comment process. Whether or not it has been presented more effectively on the NPS website, I am also interested in seeing your response to Audubon's letter sent to you by Joel, as his request refined that idea further to something closer to my original intention from the public meeting.</p>	<p>The hybrid alternative NPS presented at Leadership Council meeting was developed to help make the point that adding a sixth alternative to the Feasibility Study would not change NPS's preferred alternative. The reason for this is because removing the landfill for the benefit of creating wetlands is considered restoration, which is outside the authority of NPS to be completed as part of a CERCLA response action (see response to Theme 2).</p> <p>NPS's preferred Alternative 3 is conceptual and was put forward for the purpose of generating costs that could be compared to the other alternatives. The area shown in the Proposed Plan for the soil barrier was selected by assuming as much area of KPN that could be developed for athletic fields (the most sensitive use) would be. By assuming a larger area, NPS generated a more conservative cost estimate. If areas of the park are not used for public gatherings and athletic fields, no soil barrier would be required. Therefore, if the District decides it should invest in the creation or expansion of wetlands or create other natural areas that do not involve the higher frequency and higher intensity exposure scenario, no soil barrier would be required.</p> <p>Put simply, if areas of KPN are going to be developed for higher intensity uses (athletic fields and public gathering areas) then a soil barrier is required to address risk from low-level surface soil contamination. If the area is not going to be used for higher-intensity uses and will remain meadows or restored as wetlands, then no soil barrier would be required. The District will decide how KPN is developed in the future.</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
		To provide input on the specific plans for KPN, members of the public are encouraged to participate in the District’s planning process and provide their input to the District through this process (see response to Theme 3 for upcoming event).
74.	Letter from Anacostia Watershed Community Advisory Committee providing a suggested land use configuration for KPN. The entire letter is included as Attachment 2.	<p>See Response to Themes 1 through 4.</p> <p>NPS cannot indirectly – and unilaterally – impose a specific future configuration of KPN on the District through the CERCLA process, nor does it have the authority under CERCLA to complete restoration activities that are included in this proposed land use plan.</p> <p>Adjustments to the area covered under Alternative 3 can be made during the remedial design phase to accommodate other land uses such as wetlands or meadows.</p> <p>To provide input on the specific plans for KPN, members of the public are encouraged to participate in the District’s planning process and provide their input to the District through this process (see response to Theme 3 for upcoming event).</p>
75.	<p>I and my family have often enjoyed walking in the Kenilworth Aquatic Gardens and kayaking on the Anacostia River. It is distressing how dirty it can be, and that we are warned about the risks of swimming. It is very distressing to learn of the severe pollution in the landfill. While it concerns me that my occasional recreation is at risk, I am more concerned about the residents of nearby communities.</p> <p>I am told that those residents may not have had enough voice in how the park will be used after remediation. I am also concerned about the extent of excavation, as I’m aware sometimes problems can emerge when excavation occurs that could have been avoided through covering and maintaining the site properly. I hope the NPS</p>	NPS has conducted extensive investigations of the Site to determine the substances that are present and the risk they may pose to human health and the environment following the process outlined in CERCLA. Based on these investigations, NPS determined that the only unacceptable risk to human health or the environment posed by the Kenilworth Park Landfill Site is the presence of certain contaminants in surface soil. The risk is based on the potential to ingest (hand to mouth) contaminated soil when involved with activities at a relatively high frequency and intensity for an extended period (e.g., a visitor participating in organized sports such as soccer or football three or more times per week for several years). The risk of ingesting contaminated soil while participating in activities other than organized sports, such as walking on the trails, is considered

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
	will work harder to engage the community, District government, and other relevant agencies to come up with the best possible solution.	<p data-bbox="1165 375 1892 467">negligible. To learn more about how NPS assessed risks associated with hazardous substances at this site, you can review the poster available at the following link:</p> <p data-bbox="1165 505 1818 565">https://www.nps.gov/anac/learn/management/upload/04-Poster_RA_Final-508compliant.pdf</p> <p data-bbox="1165 602 1906 727">The low levels of contaminants at the landfill should not interfere with enjoyment of the park. Although the risks are low, NPS has determined reduction of these risks is necessary for areas of KPN to be developed for active recreational uses of public gatherings.</p> <p data-bbox="1165 764 1927 922">One common misconception among the public about NPS's Proposed Cleanup Plan is that it is being used to establish the future use of the park. The future use of KPS is defined in NPS's Anacostia Park General Management Plan that was adopted in 2017. The future use of KPN will be determined by the District.</p> <p data-bbox="1165 959 1898 1052">The District has started public engagement regarding future use of KPN, see information include in response to Theme 3 for upcoming event.</p> <p data-bbox="1165 1089 1919 1344">All future activities completed at the Site, such as excavation, will be completed in accordance with specific plans that will be developed during the remedial design phase of the CERCLA process (this phase follows the issuance of the Record of Decision). These specific, detailed plans will determine possible risk associated with each planned activity and outline specific mitigation steps required during completion of the activity to ensure workers, visitors, and the environment are fully protected.</p>
76.	Thank you for the opportunity to comment on the proposed remediation plan for the Kenilworth Landfill Site.	Please refer to Theme 2 above regarding limitations associated with restoration of natural resources. For the reasons outlined under

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
	<p>As a resident of Eastland Gardens, in the neighborhood surrounding the park, I believe this opportunity is a turning point, to repair previous environmental damage done to the park and the surrounding community. I believe the goal of this remediation should be to deliver a safe, healthy, vibrant community space that provides recreational opportunities, access to nature, wildlife habitat and natural system benefits, particularly in resilience to flooding and rising tides. To get there, I support a more full presentation and discussion of the hybrid alternative noted in the NPS response to previous comments -- where KPS is remediated as per Alt. 3 and KPN follows Alt. 5 -- but do feel that more details regarding this hybrid alternative are crucial in order to further discussion, before any final alternative is selected.</p> <p>Additionally, while NPS' purview is limited to CERCLA, it is crucial that NPS + District Government develop a collaborative and connected community planning effort, given the planned transfer of KPN to DC Government. This process should begin with the community's vision for this space, with decisions as to remediation plans, future recreational build-out, park services, etc., flowing from that vision. With a clearer goal in mind, I believe both community & government actors would be more able to evaluate the remediation proposals based on current state of the park + plans for future use/recreational build-out. Instead, the two-track process we see now is hard to navigate for residents, whose lives are and will continue to be impacted directly by these decisions. Surely one cohesive planning effort between government actors would yield a more cohesive product, maximize efficiency of planning efforts and project dollars, and demonstrate a community-centered planning process, which we all hope this is meant to be.</p>	<p>Themes 2 through 4, NPS will not be developing an alternative land use scenario for KPN and is therefore not considering a sixth alternative.</p> <p>As noted in Theme 3, NPS will no longer have administrative jurisdiction over KPN, so decisions about future land use configurations are the responsibility of the District. Adjustments to the area covered under Alternative 3 can be made during the remedial design phase to accommodate the District's final land use configurations.</p> <p>To provide input on the specific plans for KPN, members of the public are encouraged to participate in the District's planning process and provide their input to the District through this process (see response to Theme 3 for upcoming event).</p>

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
77.	My vote is for alternative #5 plan to be selected to cleanup Kenilworth Park Landfill.	Comment noted.
78.	<p>I am writing to express my opinions for land use at the Kenilworth Park Landfill Site. I have been a resident of DC for 12 years and for the last 3 years have lived right down the way from the site, in River Terrace just by the Benning Road Bridge. I use the Anacostia River Trail often, wandering into Kenilworth Park via foot with my family and dog, or via bike.</p> <p>First let me say that I am VERY excited that NPS is taking on this project! It is so needed and the community is really excited about it. Northeast DC gets so little attention but has so many hidden gems that could be better maintained for community use, this being one of them. The amount of open space there is unbelievable and holds so much potential!</p> <p>I reviewed the alternatives in the proposal and wish to express my support for Alternative 5, Landfill Removal & Revegetation. Though this is of course the most costly of options in the short term, I believe it will reap the most benefits in the long run, including but not limited to:</p> <ul style="list-style-type: none"> • Anacostia River clean up efforts • advancing health equity in ward 7 - both in terms of eliminating chronic health conditions caused by the landfill toxicity, but also providing a clean safe green space for residents to exercise and enjoy • increasing desire to buy or rent property in the area • making way for future developments in the area • attracting more attention and visitorship to Kenilworth Aquatic Gardens 	Comment noted.

**NPS Interim Response to Comments/Questions
Kenilworth Park Landfill Site
December 29, 2020
Updated February 1, 2021**

No.	Comment	Response
	Thank you for the time you have spent and continue to spend reviewing community comments. I look forward to watching this project unfold and hope that the ultimate plan will best represent the community-wide pulse.	
79.	<p>I am a resident nearby in Deanwood in Ward 7. I have two recommendations for the Kenilworth Park Landfill Site.</p> <p>1) I agree that we should keep KPS as naturalistic as possible and complete the Anacostia River Trail cut through trail through this section.</p> <p>2) My preference is that the KPN section should undergo complete landfill removal and shoreline restoration. All contaminants should be removed. The land should also be transferred into a community land trust as part of the transfer to the DC government. The Community Land Trust should consist of a board of residents in the immediate impact area who should be able to prioritize future land use to their needs, given the history of environmental injustice they have been subjected to.</p>	<p>Comment noted regarding support of Alternative 5 (complete removal of landfill).</p> <p>Congress directed NPS transfer jurisdiction administration of KPN to the District; therefore, the District will manage KPN in the future. NPS does not have the authority to revise the Congressional law mandating this transfer to create a community land trust as part of the transfer.</p> <p>NPS suggests community members provide input on the specific plans for KPN by participating in the District's planning process and provide their input to the District through this process (see response to Theme 3 for upcoming event).</p>
80.	I am writing to comment on the Proposed Plan for Cleanup of the Kenilworth Park Landfill Site. I live near the site. My daughter is five months old and we like to go on walks through the affected area. I want a plan that can be finished in a reasonable timeframe and keep my daughter and me safe. After a review of the available options, I firmly support Alternative 3. It has the best combination of protection of public health, feasibility, and short timeframe. After dealing with a polluted former landfill for so long, the idea that the program goals could be achieved in two years sounds amazing.	Comment noted.

ATTACHMENT 1
Interim Response to Comments on
Kenilworth Park Landfill Proposed Plan
February 1, 2021

5 January 2021

Ms. Donna Davies
CERCLA Project Manager
National Park Service
1900 Anacostia Drive, SE
Washington, D.C. 20020

Re: Kenilworth Park Landfill Site Remediation Alternatives

Dear Ms. Davies,

We are writing to request that the National Park Service (NPS) provide a sixth alternative for remediation at the Kenilworth Park Landfill Site. We have reviewed the September 2020 Feasibility Study Addendum Report, and while we appreciate the considerable effort and analysis that went into preparation of this document, we find that the alternatives do not adequately cover the full range of reasonable remediation options. Below we provide a recommendation for a sixth option.

Excavation of contaminants and restoring wetlands is the most effective, permanent solution at this property, and wetlands provide many valuable ecosystem services. For this reason, we expect some stakeholders to support Alternative 5. However, excavation and restoration is only considered in that alternative, and presents an all-or-nothing scenario, which we believe leaves the options incomplete.

We request that a sixth alternative be added that (1) excavates contaminants and restores wetlands in the western portion of Kenilworth Park North, west of the running track; (2) caps lands in Kenilworth Park North east of the track, and (3) leaves Kenilworth Park South as is. We are confident that this will strike the appropriate balance required by the applicable decision criteria.

Ultimately, we wish to see the highest and best use of Kenilworth Park, and are grateful that NPS is prioritizing remediation of this important property. Thank you for considering our request.

Sincerely,

Adam Kron / Joel Merriman
Chair / Vice Chair, Conservation & Advocacy Committee
DC Audubon Society

Trey Sherard
Riverkeeper
Anacostia Riverkeeper

Anne Lewis
President
City Wildlife

Chris Weiss
Executive Director
DC Environmental Network

Elizabeth Curwen
Board Chair
Friends of Kenilworth Aquatic Gardens

Dan Smith
President
Friends of Lower Beaverdam Creek

Marian Dombroski
Director
Friends of Quincy Run Watershed

Charlotte Runzel
Board Chair
Surfrider Foundation, DC Chapter

Cc: Gretchen Mikeska (DOEE), Nick Kushner (DPR)



ANACOSTIA WATERSHED COMMUNITY ADVISORY COMMITTEE

Dedicated to the protection and restoration of the Anacostia River and its

Donna Davies, CERCLA Project Manager
National Capital Parks - EAST
1900 Anacostia Drive, SE
Washington, DC 20020

ATTACHMENT 2
Interim Response to Comments on
Kenilworth Park Landfill Proposed Plan
February 1, 2021

RE: **Kenilworth Park Landfill Feasibility Study and Proposed Plan: Request for Additional Alternative**

Dear Ms. Davies,

On behalf of the Anacostia Watershed Community Advisory Committee (AWCAC) we thank you for your ongoing efforts to inform the public about this important undertaking. While we applaud the thorough site investigations and analysis representing work across almost two decades, we find the proposed alternatives do not align with the parameters set out in the two documents under review. In addition, the future use of the park has not been adequately defined or accommodated. Therefore we request that additional alternatives be developed in coordination with DOEE and DPR. In particular, a hybrid alternative between Alternative 3 and Alternative 5 should be developed, further refined from the first "Hybrid Alternative" we were very pleased to see presented at the December 2020 meeting of the Leadership Council for a Cleaner Anacostia River (LCCAR). Then these can be presented so that the public can provide meaningful review and comment. For instance, despite being presented to the LCCAR on December 10th, a map or otherwise engaging visual of that preliminary Hybrid Alternative is still nowhere to be found on the NPS website, the alternative is referred to only briefly in text in the initial interim response to comments. As a member of the public who had not attended the LCCAR meeting, I would have no idea how to visualize the hybrid alternative, nor how it compares to the others per the criteria.

We would like to offer an adapted scenario for management zones for future use of the parkland. This aspect of the investigation is frustrated by the lack of a masterplan for the site which will not be developed until the District assumes responsibility for Kenilworth Park North. However, even before a master plan is developed, the site can be organized into zones based on physical characteristics, proximity to the neighborhood and to the Anacostia River. On the following page is a diagram illustrating the three land use management zones defined in the report, here modified to reflect input from the community and the natural assets of the Park. It also recognizes the special character and status of Kenilworth Park-South. (see attached **Kenilworth Park Management Zones**, adapted from Figure 3 in the **Feasibility Study Addendum Report**.)

Community Activities and Special Events: like in other parks, special events tend to inhabit all available space, therefore, this zone can be expected to overlap the others. Trails and walking paths should serve and be coordinated with this zone and designed with surfaces appropriate to the use.

Organized Sports and Recreation: this zone should be the most accessible to the adjacent neighborhoods. Locating facilities across from residential areas will give the community ownership and enhance safety. Trails and walking paths must be designed to serve this zone. This area must be compact and well defined - not spread across the site.

Natural Resources Area: KPS must remain undisturbed allowing only natural surface trails and use/maintenance of existing bridges. It can be expected that naturalization of Watts Branch may cause some disturbance. Meadow and wildlife areas in KPN must also be preserved or re-established as appropriate.

Remediation will be straight forward within this framework with methods appropriate to future use and physical characteristics of the site. Both selective extensive removal of landfill material will likely be required. This must accommodate shoreline stabilization and wetland restoration of the Aquatic Resources Area. Kenilworth Park South would remain outside the scope of remediation work. The future naturalization of Watts Branch must also be accommodated. We understand that the National Park Service prioritizes maximum use and enjoyment of parks as well as stewardship of natural resources within the CERCLA requirements. We request that an alternative be offered that will support park managers in achieving these goals. Thank you very much for your consideration. We look forward to hearing from you.

Sincerely,

AWCAC Chairs

Trey Sherard, Chair

trey@anacostiariverkeeper.org

David Paglin, Vice Chair

dpaglin@aol.com

Marian Dombroski, Vice Chair

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and

Dennis Chestnut, Watt Branch Alliance

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Anacostia Riverkeeper

