



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103-2852

Patrick S. Steerman  
Steerman Environmental Management & Consulting, LLC  
422 Creek View Lane  
Roswell, Georgia, 30075

August 15, 2022

*via email*

Re: Sauer Dump Superfund Site, Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study (ASAOC) dated March 11, 2013  
Docket No. CERC-03-2012-0177DC

Dear Mr. Steerman:

1. It has come to EPA's attention the RI/FS ARAR tables may not have incorporated requirements required by Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, COMAR 27.01.09.

Link to the Critical Area enforceable policies for federal consistency:

<https://mde.maryland.gov/programs/water/WetlandsandWaterways/Documents/CZM/MD-CZMP-ENFORCEABLE-POLICIES.07.06.20.pdf>

Maryland's Critical Area law applies to development activities within 1,000 feet of tidal waters and tidal wetlands. Critical Area Map: [dnr.state.md.us/criticalarea](http://dnr.state.md.us/criticalarea)

A. The Sauer Dump site is designated as a Resource Conservation Area (RCA) and Critical Area enforceable policies 1, 2, 12 and 26 apply as of a preliminary review. In general, these policies can be summarized as follows:

- 15% limit on lot coverage;
- 1:1 mitigation for all forest clearing; and
- no disturbance to the Buffer, which is a minimum of 100-feet and may be expanded for adjacent sensitive resources.

B. Given that this site will be remediated under CERCLA, the criteria listed below should be enforced. Both of these requirements work whether the material is excavated or capped.

1. All upland disturbance should be stabilized and revegetated. If possible, plantings are preferred for revegetation which could be in the form of whips. If planting is not possible, seeding and then allowing natural regeneration from the adjacent forest would be the next preferred alternative.
2. Any development on the site after clean-up, if allowed, should be required to undergo review by Baltimore County to ensure compliance with their local Critical Area Program.

C. Figure 7.1 in the FS, Parcel 425 Potential Consolidation and Capping Location. The "Cap area was developed using a 25 foot offset from the wetland and property boundary" and does not reflect the required buffer(s). Provide an updated Figure reflecting the appropriate Tidal and non-Tidal wetland, tributary and shoreline setbacks and identify the area of the 500-year Flood Zone.

2. The Integrated Exposure Uptake Biokinetic (IEUBK) lead model software has been updated. The FS used USEPA, 2010. Integrated Exposure Uptake Biokinetic Model for Lead in Children, Windows® version (IEUBKwin v1.1 build 11) (February 2010)  
A new version, IEUBKwin v2, is available. Please revise the lead PRG for the FS using the latest version.
3. EPA guidance, *The Role of Screening-Level Risk Assessments and Refining Contaminants of Concern in Baseline Ecological Risk Assessments*, Publication 9345.0-14, states “for some sites of relatively small size or where the contamination has a sharply defined boundary, it may be preferable to cleanup the site to the screening values rather than spend time and resources determining a less conservative cleanup number.” This approach is applicable to the Site for areas not addressed by Human Health PRGs. Based on prevalence, magnitude and associated risk the following selected risk drivers have been identified by BTAG as Ecological PRGs to address the areas identified in Figure 3.1 of the FS.

	Ecological PRGs (mg/kg)	
	Soil	Sediment
Chromium	26	43.4
Copper	28	31.6
Lead	79.8	79.8
Zinc	69.3	121
PCBs	0.1	0.06


EPA BTAG’s Response to Feasibility Study Report comments is attached. Provide a response to the cleanup approach, Ecological PRGs and BTAG’s *Partially Acceptable* notations.

Please respond to this letter within 30 days and with a response to each of the comments in the letter and attachment. An updated FS is not necessary at this time, the response can be provided in letter format with updated tables or figures. If you have any questions, contact me at 215-814-2022 or [tymchenko.nick@epa.gov](mailto:tymchenko.nick@epa.gov).

Sincerely,

**NICHOLAS  
TYMCHENKO**

Nick Tymchenko  
Remedial Project Manager  
Western Pennsylvania and Maryland Remedial Section  
(3SD22)

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