



MARYLAND DEPARTMENT OF THE ENVIRONMENT
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(410) 537-4120

Robert L. Ehrlich, Jr.
Governor

Kend P. Philbrick
Secretary

August 9, 2004

Mr. David Reese
U.S. Department of Homeland Security
Management Directorate
Washington DC 20528

RE: MDE Identification Number: ES20040628-0015
State Application Identifier: MD20040622-0642
Project: Draft Environmental Planning Program

Dear Mr. Reese:

Thank you for the opportunity to review the above referenced project. The document was circulated throughout the Maryland Department of the Environment (MDE) for review, and the following comments are offered for your consideration.

Comments from the Maryland Department of the Environment's Water Management Administration:

This project is consistent with our plans, programs, and objectives.

Comments from the Maryland Department of the Environment's Air and Radiation Management Administration:

1. If the applicant suspects that asbestos is present in any portion of the structure that will be renovated/demolished, then the applicant should contact the Community Environmental Services Program, Air and Radiation Management Administration at (410) 537-3215 to learn about the State's requirements for asbestos handling.
2. Construction, renovation and/or demolition of buildings and roadways must be performed in conformance with State regulations pertaining to "Particulate Matter from Materials Handling and Construction" (COMAR 26.11.06.03D), requiring that during any construction and/or demolition work, reasonable precaution must be taken to prevent particulate matter, such as fugitive dust, from becoming airborne.

3. If boilers or other equipment capable of producing emissions are installed as a result of this project, the applicant is requested to obtain a permit to construct from MDE's Air and Radiation Management Administration for this equipment, unless the applicant determines that a permit for this equipment is not required under State regulations pertaining to "Permits, Approvals, and Registration" (COMAR 26.11.02.). A review for toxic air pollutants should be performed. Please contact Dr. Justin Hsu, Ph.D., P.E., New Source Permits Division, Air and Radiation Management Administration at (410) 537-3230 to learn about the State's requirements and the permitting processes for such devices.
4. If soil contamination is present, a permit for soil remediation is required from MDE's Air and Radiation Management Administration. Please contact Dr. Justin Hsu, Ph.D., P.E., New Source Permits Division, Air and Radiation Management Administration at (410) 537-3230 to learn about the State's requirements for these permits.
5. The applicant is encouraged to plan for the maximum utilization of carpools and public transit by employees providing preferential carpool/vanpool parking and bus shelters for commuters that use these methods of transportation. This will minimize the adverse impact of additional traffic generated by the proposed project. Please contact the Mobile Sources Program, Air and Radiation Management Administration at (410) 537-3270 for additional information.
6. All x-ray machines in the State of Maryland must be registered. Please contact Mr. Thomas Ferguson, X-Ray Section, Air and Radiation Management Administration at (410) 537-3300 for additional information. Any person or institution that wants to acquire radioactive materials is required to possess a license. Please contact Mr. Carl Trump, Jr., Radioactive Materials Licensing Section, Air and Radiation Management Administration at (410) 537-3300 for additional information.
7. If a project receives federal funding, approvals and/or permits, and will be located in a nonattainment area or maintenance area for ozone or carbon monoxide, the applicant should determine whether emissions from the project will exceed the thresholds identified in the federal rule on general conformity. If the project emissions will be greater than 25 tons per year, contact James Wilkinson, Air and Radiation Management Administration, at (410) 537-3245 for further information regarding threshold limits.
8. Fossil fuel fired power plants emit large quantities of sulfur oxide and nitrogen oxides, which cause acid rain. In addition, nitrogen oxide emissions contribute to the problem of global warming and also combine with volatile organic compounds to form smog. The MDE supports energy conservation, which reduces the demand for electricity and therefore, reduces overall emissions of harmful air pollutants. For these reasons, MDE recommends that the builders use energy efficient lighting, computers, insulation and any other energy efficient equipment. Contact the U.S. EPA at (202) 233-9120 to learn more about the voluntary Green Lights Program which encourages businesses to install energy-efficient lighting systems.
9. The applicant should be advised that no cutback asphalt should be used during the months of June, July and August.

10. Applicant should be aware that some of the activities in the Table 1: Categorical Exclusions, may still require environmental assessments and analyses such as a general conformity determination or require permits as described in the above comments. Activities listed below will require environmental review as described above:
- Maintenance dredging to new depths would require a general conformity determination (D5).
 - Repair and maintenance of airfield equipment may require permits and have air emissions impacts (D2).
 - Minor renovations and additions – depending on size - may exceed general conformity limits (D1).
 - Installation of x-ray units would require a license (B8 & B9).
 - Existing aircraft operations may have air emissions impacts (B10).
 - Home porting of vehicles, vessels, aircraft may result in air emissions that would trigger a general conformity determination (B7).
 - Removal and demolition of non-historic buildings may involve asbestos removal (E4).

Comments from the Maryland Department of the Environment's Waste Management Administration:

The Waste Management Administration understands the critical mission and responsibilities of the federal Department of Homeland Security (DHS) and the agency's need for acting independently of State and local environmental agencies under certain special conditions related to national security.

However, in Section 6.0 Special Circumstances, 6.1 Emergencies, it would be appropriate to add language indicating that local and State emergency responders and environmental agencies would be consulted on potential environmental consequences and communication with the public, as those agencies would be more familiar with local environmental issues and conditions and would most likely be involved in the emergency response beside DHS responders. In addition, inclusion of local and State government representatives in public affairs activities could provide a level of comfort for the local citizenry that the federal government will be fully cognizant of local conditions. Suggested revisions are as follows:

- B. The DHS senior executive on site responding to an emergency will consider, **in consultation with local and State environmental agencies**, the probable consequences of the proposed DHS actions and will **make decisions with the local and State environmental agencies that will** minimize environmental damage to the maximum degree practical, consistent with protecting human life, property, and national security. At the earliest practical time, the DHS Senior Executive on site responding to the emergency shall consult with the DEE **and local and State emergency responders** on the emergency and the DHS actions that may have environmental impacts.

Mr. David Reese
August 9, 2004
Page Four

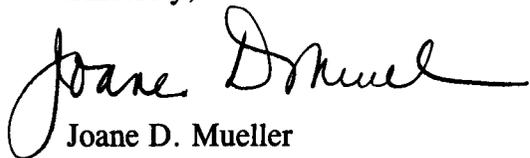
- G. A public affairs plan should be developed to ensure open communication among the media, the public, **local and State governments**, and the DHS in the event of an emergency.

Comments from the Maryland Department of the Environment's Technical and Regulatory Services Administration:

This project is consistent with our plans, programs, and objectives.

Again, thank you for giving MDE the opportunity to review this project. If you have any questions, please feel free to call me at (410) 537-4120.

Sincerely,

A handwritten signature in cursive script that reads "Joane D. Mueller". The signature is written in black ink and is positioned above the printed name and title.

Joane D. Mueller
Clearinghouse Coordinator

cc: Bob Rosenbush, State Clearinghouse