



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

July 14, 2004

Mr. David Reese
Environmental Planning, Office of Safety and Environment
Management Directorate
Department of Homeland Security
Washington, D.C. 20528

RE: Proposed Environmental Planning Program, Department of Homeland Security
DEQ-04-114F

Dear Mr. Reese:

The Commonwealth of Virginia has completed its review of the proposed Program, notice and explanation of which appeared in the Federal Register on June 14, 2004 (Volume 69, No. 113, pages 33043 through 33066, hereinafter cited as the "Notice"). The Department of Environmental Quality is responsible for coordinating Virginia's review of environmental documents prepared pursuant to the National Environmental Policy Act of 1969 and responding to appropriate federal officials on behalf of the Commonwealth. The Department of Environmental Quality is also the lead agency for Virginia's review of federal consistency determinations prepared pursuant to the Coastal Zone Management Act of 1972 and the Virginia Coastal Resources Management Program (most recently re-authorized under the Governor's Executive Order Number 23 (2002). The following agencies took part in the review of the Notice:

- Department of Environmental Quality (hereinafter "DEQ")
- Department of Game and Inland Fisheries
- Department of Agriculture and Consumer Services
- Department of Conservation and Recreation
- Department of Historic Resources
- Department of Mines, Minerals, and Energy
- Department of Forestry
- Virginia Institute of Marine Science.

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These comments will include references to the Federal Register notice cited above ("Notice") and to the Fact Sheet, "Department of Homeland Security Seeks Comment on Environmental Planning Program," dated June 9, 2004 ("Fact Sheet").

Description of Proposed Action

The Department of Homeland Security (DHS) proposes to adopt a set of procedures governing its implementation of and compliance with the National Environmental Policy Act (NEPA) as it pursues its other mandated duties and activities. The procedures, known as "Management Directive 5100.1, Environmental Planning Program," are aimed at integrating environmental stewardship requirements into the performance of DHS tasks, guiding the preparation of environmental assessments and environmental impact statements, and developing an agency list of categorical exclusions, among other things (Notice, page 33044; see list, Table 1, pages 33056-33060). The requirements include special considerations for public involvement, dispute resolution, inter-governmental coordination, emergency procedures, and handling of sensitive information, according to the Fact Sheet.

General Comments

The re-working of the Department of Homeland Security's rules implementing the National Environmental Policy Act, including promulgation of a common set of categorical exclusions, was necessitated by the merger of a number of separate federal agencies and entities into the Department. An agency culture that recognizes the importance of good environmental stewardship will, of course, be key to the success of the NEPA process in the Department. In this regard, Virginia's Department of Conservation and Recreation applauds the statement, in the introduction to the NEPA instructions, that the DHS "will use NEPA as a strategic planning tool, not a documentation exercise" (page 33049, Attachment A, "Introduction" heading).

Our comments indicate some environmental impact areas which would be adversely affected by DHS activities if the proposed DHS approach to categorical exclusions is adopted without change. We offer recommended changes in regard to these areas.

State Requirements

The presentation of categorical exclusions in the Notice (Table 1, pages 33056-33060) must necessarily be limited by considerations of potentially significant environmental impacts of the activities which would be excluded from environmental review. Accordingly, DHS included a set of conditions which must be satisfied for an activity to be categorically excluded (page 33055, section 3.2); and it made reference to a

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number of legal authorities that govern DHS in its implementation of the NEPA rules being proposed (page 33045, Management Directive 5100.1, section 3). However, the proposed categorical exclusions do not take account of several important state policies and programs that protect resources affected by DHS activities in Virginia. A discussion of some of these policies, programs, or resource categories follows.

1. Natural Heritage Program. Virginia's Department of Conservation and Recreation ("DCR") has responsibility for the conservation of Virginia's natural heritage resources. "Natural heritage resources" are defined as the habitat of rare, threatened, or endangered plant and animal species, rare or exemplary natural communities, and significant geologic features. Natural heritage resources are determined by DCR biologists; they include, but are not limited to, threatened and endangered species listed by the state Department of Game and Inland Fisheries and the U.S. Fish and Wildlife Service (over 300 species of concern in Virginia).

The categories proposed for exclusion from environmental review have a broad scope. The Department of Conservation and Recreation is particularly concerned about the potential for adverse impacts to natural heritage resources (and other natural resources) stemming from land- and habitat-disturbing activities such as the timber harvesting proposed in categories B13 and B14 (see "Categorical Exclusions," item 3, below), the repair and maintenance activity list (categories D1 through D6), and the list of Construction, Installation, and Demolition Activities (categories E1 through E9). When natural heritage resources are known or likely to occur in a given situation, a determination that they constitute "extraordinary circumstances" as contemplated in the conditions for categorical exclusions (page 33055, section 3.2.C) might be appropriate. In any case, the Department of Conservation and Recreation recommends that natural heritage resources be listed as one possible "unique characteristic of the geographic area" in the extraordinary circumstances discussion, page 33055, section 3.2.C.(4).

Finding out about natural heritage resources in an area where DHS activity is proposed is, of course, essential to protecting such resources. There are natural heritage programs in every state, which maintain data bases with documented locations of such resources. In addition, "NatureServe," a non-profit organization, assembles and manages state natural heritage resources data on a regional and national level. The Commonwealth recommends that DHR act pro-actively to identify known and potential natural heritage resources by establishing agreements with NatureServe or with natural heritage programs in states where DHS operates. (See also "Coordination Needs," item 2, below.)

2. Hazardous and Solid Waste Sites. The Notice did not address solid or hazardous waste sites or related issues. Moreover, the list of authorities did not include the Resource Conservation and Recovery Act (RCRA) or the Comprehensive

Mr. David Reese
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Environmental Response, Compensation, and Liability Act (CERCLA) (see page 33045, Management Directive 5100.1, section 3).

3. Historic Structures and Archaeological Resources. The Notice indicates that structures and archaeological resources which are listed in or eligible for the National Register of Historic Places are among the extraordinary circumstances that might prevent a particular activity from being categorically excluded from NEPA review (Notice, page 33055, section 3.2.C.(3)). The Virginia Department of Historic Resources reminds DHS of its consulting obligations in this regard; see "Project Planning....," item 3, below.

4. Activities Subject to Environmental Regulation. Some of the "construction, Installation, and Demolition Activities" and the "Hazardous/Radioactive Materials Management and Operations" listed as categorical exclusions in Table 1 (Notice, pages 33058 and 33059) may be subject to state regulatory requirements and require air, water, or waste permits from the Department of Environmental Quality as pre-requisites to the activity in question. These regulated activities may fit within the definitions of extraordinary circumstances as a "potential or threatened violation of a federal, state, or local law or administrative determination imposed for the protection of the environment" (Notice, page 33055, section 3.2.C(5)). We recommend that DHS state decisively, in its considerations relative to extraordinary circumstances, that actions meeting these conditions are not excluded from environmental review.

Categorical Exclusions

1. In General. A number of the proposed categorical exclusions in Table 1 (Notice, pages 33056-33060) are starred to indicate that a Record of Environmental Consideration ("REC") must be prepared to justify the use of the exclusion and document whether the conditions warranting the exclusion (Notice, page 33055, section 3.2, subsections A, B, and C) are met (see Notice, page 33056, section 3.3B). While criteria for application of the categorical exclusion, and documentation that they have been consciously applied are both helpful, the one-time use of a "Record of Environmental Consideration" may not be sufficient to analyze unforeseen circumstances in which some of the listed activities are proposed. For this reason, some of the listed activities do not, in our judgment, warrant categorical exclusions unless other safeguards, such as the consideration of other state and federal requirements, are in place and carefully observed.

2. Proposed Categorical Exclusion B9. This category of "Operational Activities" contemplates the provision of physical barriers and other items to enhance physical security of DHS assets. With regard to item (b), "Temporary use of barriers, fences, and jersey walls on or adjacent to existing facilities," we recommend that DHS define "temporary" with some precision, and also impose some limit on the size and scope of these uses.

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3. *Proposed Categorical Exclusions B13 and B14.* The first of these refers to "harvest of live trees" in areas less than or equal to 70 acres on DHS property, and the second refers to "salvage of dead and/or dying trees" on DHS property less than or equal to 250 acres. Both exclusions contemplate that road-building of "no more than ½ mile" would take place to facilitate the tree harvest. The first contemplates sale of items made from the trees.

We offer the following observations with regard to these proposed categorical exclusions. First, as indicated above, they would preclude careful consideration of potential impacts on natural heritage resources. Secondly, they appear to allow commercial uses of DHS property, and, in the case of the live trees exclusion at least, to create incentives to cut trees because of the sale of wood products (see item a, "removal of trees for saw logs, specialty products, or fuel wood"). Nothing is stated in either proposed exclusion about the purpose of such timbering activities, such as to remove trees threatening essential DHS facilities or blocking construction of same. And nothing is stated, as it is in some of the other exclusions, about meeting a particular standard (see, for example, proposed exclusions C1 and E2, pages 33057 and 33058, respectively) or operating subject to appropriate oversight (see, for example, proposed exclusions A7 and F3, pages 33056 and 33059, respectively).

We recommend that this categorical exclusion be limited to necessary maintenance activities and that it depend on case-by-case consultation with the Forest Service and/or appropriate state conservation agency such as Virginia's Department of Conservation and Recreation. If this approach cannot be accomplished, then we recommend that items B13 and B14 be dropped from the list of categorical exclusions.

Project Planning in General

The following discussions reflect comments of interested agencies and offices relative to DHS project planning, and are not intended to be comprehensive in their coverage.

1. *Waste Management.* DHS activities in Virginia which could affect, or be affected by, waste sites should be undertaken with the following understanding. Any soil suspected of contamination, or wastes that are generated, must be tested and disposed of in accordance with applicable federal, state, and local laws and regulations. The applicable laws and regulations include, but are not limited to, the Virginia Waste Management Act (*Virginia Code* sections 10.1-1400 *et seq.*), the Virginia Hazardous Waste Management Regulations (9 VAC 20-60), and the Virginia Solid Waste Management Regulations (9 VAC 20-80). (See attached Waste Division memo, Brockman to Ellis, dated July 6, 2004 for additional citations.)

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In the event DHS activities include demolition of existing structures, those structures should be checked for asbestos-containing materials (ACM) and lead-based paint prior to demolition. If either of these substances is found, DHS should follow state regulations governing ACM (9 VAC 20-80-640) and lead-based paint (9 VAC 20-60-261), as appropriate.

Hazardous waste generation should be minimized, and any hazardous wastes handled appropriately pursuant to the rules cited above or in the cited Waste Division memo.

2. Pollution Prevention. DHS activities involving construction and operation of facilities should implement pollution prevention principles, including the reduction of waste materials at the source, re-use of materials, and recycling of waste materials.

Coordination Needs

1. Historic Structures and Archaeological Resources. Among the authorities cited in the Management Directive (Notice, page 33045, "Management Directive 5100.1," section 3.D.) is the National Historic Preservation Act. Pursuant to section 106 of that Act, and the implementing regulations at Title 36, Code of Federal Regulations, Part 800, DHS must consult with the Virginia Department of Historic Resources (the State Historic Preservation Office) regarding proposed activities which will or may affect historic structures or archaeological resources.

2. Natural Heritage Resources. DHS should consult the Department of Conservation and Recreation's Natural Heritage Program (Christopher Ludwig, telephone (804) 371-6206) to determine whether undertakings in Virginia would affect natural heritage resources and, if so, to aid in developing appropriate mitigation efforts.

3. NEPA Coordination. In keeping with the policy of DHS to involve the public in the NEPA analysis process to the extent practicable (see page 33054, section 2.6 and page 33060, section 4.0), public involvement, or the involvement of affected state and local governments, is thwarted if copies of the EA or the EIS are unavailable or not timely delivered. DEQ's Office of Environmental Impact Review (Ellie Irons, telephone (804) 698-4325) is the appropriate contact for Virginia's review of federal environmental documents, as stated above.

4. Regulatory and Coordination Needs: Air, Water, and Waste Permitting. As suggested above ("State Requirements," items 1 through 4), DHS activities are subject to environmental laws and regulations besides NEPA. Accordingly, irrespective of whether a DHS activity under consideration fits one of the proposed categorical exclusions, DHS must follow other applicable laws and regulations in planning and carrying out the

Mr. David Reese
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activities. In Virginia, the Department of Environmental Quality ("DEQ") administers laws on air quality, water quality, and solid and hazardous waste management. DEQ also coordinates Virginia's review of federal consistency determinations and certifications under the Coastal Zone Management Act. General information on these programs, and on the coverage of the state by DEQ's regional offices, is available on DEQ's web site, <http://www.deq.virginia.gov>. Some details follow.

(a) *Air Quality Regulation.* General questions on air permits may be directed to the appropriate DEQ Regional Office.

(b) *Water Quality Regulation.* General questions on water withdrawal projects or road projects with water resources impacts may be directed to DEQ's Division of Water Quality (Ellen Gilinsky, telephone (804) 698-4375). Other water permitting questions should be directed to the appropriate DEQ Regional Office.

(c) *Waste Regulation.* General questions on waste permitting may be directed to DEQ's Waste Division, Office of Waste Permitting (Leslie Romanchik, telephone (804) 698-4129).

(d) *Federal Consistency.* Pursuant to the Coastal Zone Management Act of 1972, as amended, DHS is required to determine the consistency of its activities affecting Virginia's coastal resources or coastal uses with the Virginia Coastal Resources Management Program (VCP) (see section 307(c)(1) of the Act and 15 CFR Part 930, subpart C, section 930.34). The Coastal Zone Management Act does not contemplate categorical exclusions. Accordingly, activities which are categorically excluded under NEPA must still satisfy requirements pursuant to the Coastal Zone Management Act. Section 930.39 gives content requirements for the consistency determination.

Similarly, DHS permittees or licensees must provide federal consistency certifications for their activities affecting Virginia's coastal uses or resources (15 CFR Part 930, subpart D, section 930.57). Further explanation is available from DEQ's Office of Environmental Impact Review (Charles Ellis, telephone (804) 698-4488).

Minor Matters

We suggest the following minor corrections:

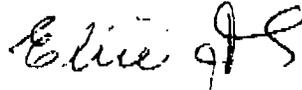
1. The DHS should check some of its legal citations in the list of authorities (page 33045, section 3). For example, the Clean Air Act and the National Historic Preservation Act (items D and E) have the same citation.

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2. The Notice cites paragraph 5.C.8 as listing DHS elements that have already developed NEPA procedures before becoming part of DHS (page 33047, center column, item 8(b)). However, item 5.C.8. (center column, page 33046) is part of the list of responsibilities of the Chief of Administrative Services and makes no reference to DHS elements that have previously developed NEPA procedures.
3. In the list of proposed categorical exclusions (page 33056, Table 1, item B1), DHS spells the term "de minimus." The correct Latin term is *de minimis*.

Thank you for the opportunity to review the Notice.

Sincerely,



Ellie L. Irons
Program Manager
Office of Environmental Review

Enclosures

cc: Raymond T. Fernald, DGIF
Keith R. Tignor, VDACS
John R. Davy, DCR
Allen R. Brockman, DEQ-Waste
Leslie Romanchik, DEQ-Waste
Kotur S. Narasimhan, DEQ-Air
Ellen Gilinsky, DEQ-Water
John D. Bowden, DEQ-NVRO
Harold J. Winer, DEQ-TRO
Ronald D. Phillips, DEQ-VRO
R. Christopher French, DEQ-PRO
Christina C. Staten, DEQ-SCRO
Jonathan W. Stauffer, DEQ-WCRO
Allen J. Newman, DEQ-SWRO
Marc E. Holma, DHR
Gerald P. Wilkes, DMME
J. Michael Foreman, DOF
Thomas A. Barnard, Jr., VIMS
Catherine M. Harold, DCR-CBLA

If you cannot meet the deadline, please notify CHARLIE ELLIS at 804/698-4488 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been reviewed earlier (i.e. if the document is a federal Final EIS or a state supplement), please consider whether your earlier comments have been adequately addressed.
- B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency.
- C. Use your agency stationery or the space below for your comments. IF YOU USE THE SPACE BELOW, THE FORM MUST BE SIGNED AND DATED.

Please return your comments to:

MR. CHARLES H. ELLIS III
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL IMPACT REVIEW
 629 EAST MAIN STREET, SIXTH FLOOR
 RICHMOND, VA 23219
 FAX #804/698-4319

Charles H. Ellis III
 CHARLES H. ELLIS III
 ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

No comments.

(signed) *Raymond T. Farnell* (date) *6/28/07*
 (title) Environmental Manager
 (agency) Department of Game and Inland Fisheries

If you cannot meet the deadline, please notify CHARLIE ELLIS at 804/698-4488 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

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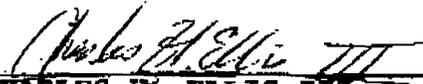
Please return your comments to:

MR. CHARLES H. ELLIS III
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL IMPACT REVIEW
 629 EAST MAIN STREET, SIXTH FLOOR
 RICHMOND, VA 23219
 FAX #804/698-4319

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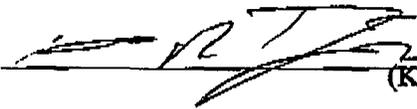
JUL 08 2004

DEQ-Office of Environmental Impact Review


 CHARLES H. ELLIS III
 ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

Statements in the project document concerning endangered species were reviewed and compared to available information. No additional comments are necessary in reference to endangered plant and insect species regarding this project.

(signed)  (date) July 1, 2004
 (title) Endangered Species Coordinator
 (agency) VDACS, Office of Plant and Pest Service



W. Tayloe Murphy, Jr.
Secretary of Natural
Resources

Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-6124
MEMORANDUM

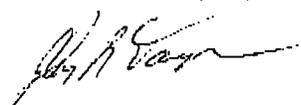
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JUL 12 2004

DEQ-Office of Environmental
Impact Review

Date: 7 July 2004

To: Charles H. Ellis, III, Virginia Department of Environmental Quality

From:  John R. Davy, Director, Planning & Recreation Resources

Subject: DEQ#04-114F: Department of Homeland Security, Environmental Planning Program

The Department of Conservation and Recreation (DCR) functions to preserve and protect the environment of the Commonwealth of Virginia and advocate the wise use of its scenic, cultural, recreation and natural heritage resources.

We have reviewed the Environmental Planning Program proposed for implementation by the Department of Homeland Security (DHS) and appreciate their interest and commitment in ensuring effective environmental planning. Ultimately the effectiveness of the process outlined in this proposed directive will depend on the actions of the specific people charged with carrying out the process, from the DHS Secretary and the DHS Environmental Executive to operational proponents of programs and activities that will be evaluated through the process. An agency culture that recognizes the importance of good environmental stewardship, established and propagated by these personnel, will be key to the success of this process. In this regard we applaud the statement found in the Introduction: "The DHS and its elements will use NEPA as a strategic planning tool, not a documentation exercise."

DCR has responsibility for the conservation of Virginia's natural heritage resources. Natural heritage resources (NHRs) are the habitats of rare, threatened, or endangered plant and animal species, rare or exemplary natural communities, and significant geologic features. Elements included among NHRs are determined by DCR biologists through annual review, and represent state concern for biodiversity. NHRs include threatened and endangered species listed by the state or federal government, but additional species and features included as NHRs are also of

statutory concern to the state. Natural heritage resources also include over 300 Species of Concern to the U. S. Fish and Wildlife Service in Virginia.

We note, upon review of the proposed categorical exclusions for the Department of Homeland Security activities, that the categories proposed for exclusion have a broad scope. We are particularly concerned about the potential for adverse impacts to natural heritage resources by land- and habitat-disturbing activities such as those found in exclusion categories B13 and B14 (silvicultural activities), D (Repair and Maintenance Activities) and E (Construction, Installation and Demolition Activities). A determination of "extraordinary circumstances" to keep an activity from being categorically excluded might be appropriate when natural heritage resources are known or likely to occur, but natural heritage resources are not specifically mentioned in the proposed directive.

We recommend that natural heritage resources be listed as one possible "unique characteristic of the geographic area" in section 3.2.C.(4).

The presence of natural heritage resources in any particular geographic area may not be known to DHS personnel planning activities in that area, but there are Natural Heritage Programs in every state that maintain databases with the documented locations of natural heritage resources, and NatureServe, a nonprofit organization, assembles and manages state natural heritage resources data on a regional and national level.

We recommend that DHS act proactively to identify known and potential natural heritage resource occurrences by establishing agreements either with Natural Heritage Programs within each state where operations take place or with NatureServe.

Thank you for the opportunity to offer comments on this Environmental Planning.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

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1-800-592-5482

MEMORANDUM

TO: Charles H. Ellis III, Environmental Program Planner

FROM: ^{ARB} Allen Brockman, Waste Division Environmental Review Coordinator

DATE: July 6, 2004

COPIES: Sanjay Thirunagari, Waste Division Environmental Review Manager; file

SUBJECT: Review of Environmental Planning Program Notice in Federal Register—June 14, 2004—Re: Department of Homeland Security; DEQ Project Code 04-114F

The Waste Division has completed its review of the Department of Homeland Security's Environmental Planning Program Notice in the Federal Register of June 14, 2004. We have the following comments concerning the waste issues associated with this project:

The notice does not address solid and hazardous waste issues and sites. Specifically, state solid waste regulations, the Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) are not included in the List of Authorities (see Management Directive 5100.1, section 3, on p. 33045) nor are these authorities included in the list of conditions which would require further consideration in determinations for categorical exclusions from further NEPA analysis (section 3.2, on p. 33055).

The remaining comments in this memo are presented for informational purposes only. Such state-specific information as follows does not need to be included in the proposed plan for the Department of Homeland Security, however this information indicates how the Waste Division conducts reviews of NEPA related reports:

For any NEPA projects (other than categorical exclusions, as referenced in the proposed planning program notice (above)) which either could impact or be impacted by Virginia waste sites, any soil that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-80); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: RCRA, 42 U.S.C. Section 6901 *et seq.*, and the

applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous materials, 49 CFR Parts 107.

Also, structures to be demolished should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-80-640 for ACM and 9VAC 20-60-261 for LBP must be followed.

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Allen Brockman at (804) 698-4468.

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR PROGRAM COORDINATION

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: Charles H. Ellis III

DEQ - OEIA PROJECT NUMBER: 04 - 114F

PROJECT TYPE: STATE EA / EIR / FONSI FEDERAL EA / EIS SCC
 CONSISTENCY DETERMINATION/CERTIFICATION OTHERS

PROJECT TITLE: ENVIRONMENTAL PLANNING PROGRAM

RECEIVED

PROJECT SPONSOR: DEPARTMENT OF HOMELAND SECURITY

JUN 25 2004

PROJECT LOCATION: OZONE NON ATTAINMENT AREA

DEQ-Office of Environmental
Impact Review

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: CONSTRUCTION
 OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

- 1. 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E - STAGE I
- 2. 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 F - STAGE II Vapor Recovery
- 3. 9 VAC 5-40-5490 et seq. - Asphalt Paving operations
- 4. 9 VAC 5-40-5600 et seq. - Open Burning
- 5. 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
- 6. 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to _____
- 7. 9 VAC 5-50-160 et seq. - Standards of Performance for Toxic Pollutants
- 8. 9 VAC 5-50-400 Subpart _____, Standards of Performance for New Stationary Sources, designates standards of performance for the _____
- 9. 9 VAC 5-80-10 et seq. of the regulations - Permits for Stationary Sources
- 10. 9 VAC 5-80-1700 et seq. Of the regulations - Major or Modified Sources located in PSD areas. This rule may be applicable to the _____
- 11. 9 VAC 5-80-2000 et seq. of the regulations - New and modified sources located in non-attainment areas
- 12. 9 VAC 5-80-800 et seq. Of the regulations - Operating Permits and exemptions. This rule may be applicable to _____

COMMENTS SPECIFIC TO THE PROJECT: None



(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: June 25, 2004

If you cannot meet the deadline, please notify CHARLES ELLIS at 804/698-4488 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

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DEQ Office of Environmental
Impact Review

Charles H. Ellis III
CHARLES H. ELLIS III
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

We have no objections to the process outlined.

(signed) *Ellen Blumsky* (date) *7/6/04*
(title) *Dr. Office of Wetlands, Water Protection & Compliance*
(agency) *DEQ*

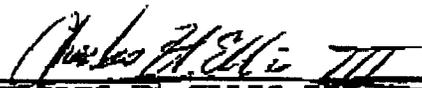
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Please return your comments to:

MR. CHARLES H. ELLIS III
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL IMPACT REVIEW
629 EAST MAIN STREET, SIXTH FLOOR
RICHMOND, VA 23219
FAX #804/698-4319


CHARLES H. ELLIS III
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

The DEQ-Valley Regional Office has reviewed the Dept. of Homeland Security Environmental Planning Program document and has no comment.

(signed) Ronald D Phillips (date) 7/6/04
(title) Air Compliance Mgr
(agency) DEQ-VRO

Ellis, Charles

From: Bowden, John
Sent: Friday, June 25, 2004 2:11 PM
To: Ellis, Charles
Subject: Project #04-114F

Charlie-Regarding the Department of Homeland Security NEPA Rules, I will defer to your office and the Central Office units since there is no site specific to NVRO involved. I will add one comment that it needs to be clear that they are to specifically submit the Environmental Assessment to the appropriate state agency for review and comment and do so in a timely manner.

John D. Bowden
Deputy Regional Director
Department of Environmental Quality
Northern Virginia Regional Office
(703) 583-3880
jdbowden@deq.virginia.gov

Ellis,Charles

From: Winer,Harold
Sent: Friday, June 25, 2004 10:07 AM
To: Ellis,Charles
Subject: EIR #04-114F, Environmental Planning Program

As requested, the supplied information was reviewed and we have the following comments:

Under Table 1, Categorical Exclusions, "Construction, Installation, and Demolition Activities" and "Hazardous/Radioactive Materials Management and Operations" - DEQ may regulate for Air, Water, or Waste issues some of the examples listed as "Categorical exclusions" defined in the document as "a category of actions which do not individually or cumulatively have a significant effect on the environment and which have been found to have no such effect in procedures adopted by a federal agency in implementation of these regulations...."

Thanks for the opportunity to comment.

Harold J. Winer
Deputy Regional Director
DEQ, Tidewater Regional Office
Phone - 757-518-2153 Fax - 757-518-2003
email - hjwiner@deq.virginia.gov

Ellis,Charles

From: Staten,Christina
Sent: Tuesday, July 06, 2004 11:49 AM
To: Ellis,Charles
Subject: Dept. Homeland Security 04-114F

SCRO has no comments on the NEPA rules for the Environmental Planning Program for the Department of Homeland Security.

Christina M. Staten
Pollution Response Coordinator
Department of Environmental Quality
South Central Regional Office
NEW EMAIL: cmstaten@deq.virginia.gov
(434) 582-5120 ext. 6036
Fax: (434) 582-5125
NEW web address: www.deq.virginia.gov

Please note the change in email and web site addresses for DEQ. The former web address and email accounts will remain valid through the end of the year.



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DEQ-Office of Environmental Impact Review

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

West Central Regional Office
3019 Peters Creek Road, Roanoke, Virginia 24019
Telephone (540) 562-6700, Fax (540) 562-6725
www.deq.state.va.us

Robert G. Burnley
Director
Steven A. Dietrich
Regional Director

July 7, 2004

Mr. Charles H. Ellis III
Department of Environmental Quality, Office of Environmental Impact Review
629 East Main Street, Sixth Floor
Richmond, VA 23219

RE: EIR Comments: Environmental Planning Program, Department of Homeland Security
Project Number: 04-114F

The West Central Regional Office (WCRO) of Virginia Department of Environmental Quality has completed the Environmental Impact Review for the Environmental Planning Program of the Department of Homeland Security. WCRO has no comment on the document at this time.

If you have any questions or comments related to this review, please do not hesitate to contact me by phone at 540-562-6873 or email at jwstauffer@deq.state.va.us.

Sincerely,

Jonathan W. Stauffer
Environmental Scientist

Cc: EIR File 04-114F



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COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

DEQ-Office of Environmental Impact Review

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.state.va.us

July 8, 2004

Mr. Charles H. Ellis, III
Virginia Department of Environmental Quality
Office of Environmental Impact Review
629 East Main Street, Sixth Floor
Richmond, Virginia 23240

Re: Environmental Planning Program
Department of Homeland Security
DEQ Project # 04-114F
DHR File # 2003-0977

Dear Mr. Ellis:

We have received your request for our review and comment regarding the referenced project. It is our understanding that the Department of Homeland Security seeks comment on it Environmental Planning Program. We anticipate that the Department of Homeland Security will consult with the Department of Historic Resources (DHR) on this issue pursuant to its responsibilities under Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation 36 CFR 800. We request that the Department of Environmental Quality (DEQ) condition its approval of this undertaking on the applicant coordinating its action with DHR in accordance with the provisions of Section 106.

If you have any questions about the Section 106 review process or our comments, please call me at (804) 367-2323, Ext. 114.

Sincerely,

Marc Holma, Architectural Historian
Office of Review and Compliance

Administrative Services
10 Courthouse Avenue
Petersburg, VA 23808
Tel: (804) 863-1624
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Portsmouth Region Office
612 Court Street, 3rd Floor
Portsmouth, VA 23704
Tel: (757) 396-6707
Fax: (757) 396-6712

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Winchester Region Office
107 N. Kent Street, Suite 203
Winchester, VA 23361
Tel: (540) 722-3427
Fax: (540) 722-7635

If you cannot meet the deadline, please notify the contact person at 804/698-4488 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

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DEQ-Office of Environmental
Impact Review

Charles H. Ellis III
CHARLES H. ELLIS III
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

*No significant impact on the forests
of the Commonwealth.*

(signed) *J. J. Foreman* (date) *7/1/04*
(title) *Jrnl. Mgr.*
(agency) *DOF*

If you cannot meet the deadline, please notify CHARLES ELLIS at 804/698-4488 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

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DEQ-Office of Environmental
Impact Review

Charles H. Ellis III
CHARLES H. ELLIS III
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

NO COMMENTS

(signed) Carol Wether (date) 7/12/04
(title) GEOLOGIST SR
(agency) DMME