



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE DIRECTOR

September 20, 2018

Tom Wheeler
Department of General Services
2000 14th Street, NW
Washington, DC 20009

**RE: Hearst Park & Pool
3950 37th Street, NW
Environmental Impact Screening Form 18-00462**

Dear Department of General Services:

The Department of Consumer and Regulatory Affairs (DCRA) has carefully reviewed and considered the recommendations of the reviewing agencies, (District Department of Energy and the Environment, the District Department of Transportation, the Solid Waste Management Administration of the Department of Public Works, D.C. Water and the Office of Planning) related to the referenced Environmental Impact Screening Form.

Based on the agencies' recommendations, it has been determined that the proposed action is not likely to have substantial negative impact on the environment, and submission of an Environmental Impact Statement (EIS) is not required. However, the applicant is required to follow any and all recommendations made by the reviewing agencies (see attached agency reports).

If you have questions regarding this decision, please contact Christopher Bailey, Chief of Permit Operations Division at, christopher.bailey@dc.gov

Sincerely,

A handwritten signature in blue ink that reads "Melinda Bolling".

Melinda Bolling
Director

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment

MEMORANDUM

TO: Christopher Bailey
Deputy Chief Building Official
Department of Consumer and Regulatory Affairs
Attn: Arlette Howard

FROM: Ibrahim Bullo
Environmental Review Coordinator

DATE: September 20, 2018

SUBJECT: Environmental Assessment: Hearst Park & Pool project

Attached is an environmental assessment of the subject project. The Department of Energy and Environment has reviewed the Environmental Impact Screening Form (EISF) and related documents for this project, with regard to our areas of concern as specified in the attached document. In summary, we find, in general, no apparent significant adverse impact or likelihood of substantial negative impact on the environment as a result of the proposed project. Therefore, the Department of Energy and Environment does not recommend preparation of an Environmental Impact Statement (EIS) for this project.

Copy via e-mail:
Edna Ebanks, DOEE

ENVIRONMENTAL ASSESSMENT
For
The Hearst Park & Pool Project
3950 37th Street, NW

September 2018

Compiled by:

Ibrahim Bullo,
Environmental Review Coordinator

Department of Energy and Environment
Tommy Wells, Director

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LIST OF FREQUENTLY USED ACRONYMS

AQD	Air Quality Division
BGS	Below ground surface
BMP	Best management practice
BTEX	Benzene toluene ethyl and xylene
BZA	Board of Zoning Adjustment
CFS	Cubic feet per second
CSA	Comprehensive Site Assessment
DCOP	Dust and Odor Control Plan
DOEE	Department of Energy and Environment
DPW	Department of Public Works
EHA	Environmental Health Administration
EIS	Environmental Impact Statement
EISF	Environmental Impact Screening Form
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FIRMS	National Flood Insurance Rate Maps, published by FEMA
HDPE	High density polyethylene
HSP	Health and Safety Plan
HWD	Hazardous Waste Division
LUST	Leaking underground storage tank
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NO _x	Nitrogen oxides
OECEJ	Office of Enforcement, Compliance & Environmental Justice
OSHA	Occupational Safety and Health Administration
PPM	Parts per million
PVC	Polyvinyl chloride
RCP	Reinforced concrete pipe
RRD	Regulatory Recovery Division
SCS	Soil Conservation Service
SSECP	Soil and Sediment Erosion Control Plan
TPH	Total petroleum hydrocarbons
TSD	Toxic Substance Division
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
UST	Underground storage tank
USTD	Underground Storage Tank Division
VOCs	Volatile organic compounds
WPD	Watershed Protection Division
WQD	Water Quality Division

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LIST OF MATERIALS REVIEWED IN RELATION TO THE PROJECT

A. Materials Provided by Applicant:

EISF Application and the following documents:

1. Applied Environmental Inc., 2018. Phase I Environmental Site Assessment (ESA), Hearst park and Pool, 3950 37th Street NW, Washington, DC 20008, Project Number: 2227-18-0101, Date of Report: May 7, 2018
2. Conceptual Erosion/Sediment Control Plan
3. Conceptual Storm Water Management Plan
4. DMY Capitol, 2017 (DMY). Geotechnical Engineering Report, Hearst Park and Pool, 3950 37th Street NW, Washington, DC, DMY Project No. 02.02340.02, Date of Report: December 21, 2017
5. EISF application and attachments, filed on May 15, 2018
6. Email correspondence with attachments from Ibrahim Bullo (Environmental Review Coordinator, DOEE) to RRD dated on June 28, 2018, Subject: FW: RRD review comments on EISF # 00-0795, Hearst Park \$ Pool
7. Email correspondence with an attachment from Tom Wheeler (Principal, Cox Graae + Spack Architects) to RRD dated on September 18, 2018, Subject: EISF # 00-0795, Hearst Park \$ Pool
8. Project narrative

B. Materials Provided by the Community:

The District Department of the Environment has received no materials from the community regarding this proposed project.

C. In-House Reference Materials and Site Visits:

1. Water Quality Division

- a. DC Ground Water Resources Studies (series of four reports).
- b. D.C. Department of Consumer and Regulatory Affairs (DCRA), District of Columbia Wetland Conservation Plan. August 1997.
- c. Johnston, P.M., Geology and Ground-Water Resources of Washington, D.C. and Vicinity. USGS Water Supply Paper (WSP) 1776. Reston, Virginia, 1964.
- d. District of Columbia Sewerage System, 1986.
- e. U.S. Geological Survey (USGS), 1965. Topographic Map Anacostia Quadrangle 7.5 Minute Series. Photo Revised 1979.
- f. (USGS), 1965, Topographic Map Washington West Quadrangle 7.5 Minute Series. Photo Revised 1982.

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2. Watershed Protection Division

- a. DC Storm Water Management Guidebook.
- b. DC Erosion and Sediment Control Standards and Specifications.
- c. DC DPW/WASA General Sewerage Map.
- d. DC WASA Sewer and Water Counter Maps.
- e. DC Soil Survey (USDA-SCS).
- f. FEMA National Flood Insurance Rate Maps.
- g. Site visit.

3. Fisheries and Wildlife Division

- a. District of Columbia List of Endangered and Threatened Species.
- b. U.S. Fish and Wildlife Service List of Threatened and Endangered Species.
- c. Section 6 Guideline for Threatened and Endangered Species Act published by the U.S. Fish and Wildlife Service.

4. Air Quality Division

National Ambient Air Quality Standards.

5. Underground Storage Tank Division

- a. DC UST Access database
- b. DC LUST Access database
- c. Case files (soft and hard) specific for the address(es)
- d. UST Regulations 20DCMR, Chapter 55-70, October 1, 1999

6. Toxic Substances Division

As no toxic substances were identified, no in-house reference materials were reviewed.

7. Hazardous Waste Program

- a. RCRAinfo database
- b. Case files (soft and hard) specific for the address(es)
- c. 20 DCMR, Chapters 42-43, June 8, 2007

8. Environmental Justice

- a. 2000 Census Tract Data.
- b. D.C. Office of Planning State Data Center Data.
- c. US Census Tract Income Data.

I. INTRODUCTION AND PURPOSE

A. INTRODUCTION

The site of the proposed project is 3950 37th Street NW in Ward 3, occupying Lot 802 in Square 1905.. The site is an existing park. The projects consists of remodeling the park in a number of ways including improving playing field configuration, reducing the number of tennis courts by one, upgrading playground equipment, and adding a swimming pool. The site is located east of 37th Street NW, north of Quebec Street NW, north and west of Idaho Avenue NW, and south of Hearst Recreation Center. The zoning classification of the site is R-1-B. No new parking is identified on the EISF or in the related documentation.

B. PURPOSE OF THE PROPOSED ACTION

The purpose of this project is to remodel the existing park.

II. ENVIRONMENTAL POLICY ACT DIRECTIVES APPLICABLE TO DOEE

As to this specific project, the District Department of Environment serves as an advisory agency on this project, in determining whether an environmental impact statement is required. Section 7201.2 of Title 20, D.C. Municipal Regulations requires that proposed major actions are to be assessed in a number of areas for their impact on the environment. The following areas, listed in the regulations, fall within the mandate of the District Department of the Environment. They are whether:

1. The action might have a significant adverse effect on a rare or endangered species of animal or plant, or the habitat of the species (§7201.2 (a));
2. The action might violate published national or local standards relating to hazardous waste (§7201.2 (b));
3. The action might significantly deplete or degrade ground water resources (§7201.2 (c));
4. The action might significantly interfere with ground water recharge (§7201.2 (d));
5. The action might cause significant flooding, erosion or sedimentation (§7201.2 (f));
6. The action might significantly diminish habitat for fish or wildlife (§7201.2 (h));
7. The action might create a potential public health hazard or would involve the use, production or disposal of materials that pose a hazard to people, animal or plant populations in the area (§7201.2 (i));
8. The action might violate any ambient air quality standard, contribute significantly to an existing or projected air quality violation, or expose sensitive receptors to significant pollutant concentrations (§7201.2 (j)); and
9. The action might cause significant adverse change in existing surface water quality or quantity (§7201.2 (l)).

III. DOEE DIVISIONS INVOLVED IN REVIEWING THIS PROJECT

The divisions within the District Department of Environment that are responsible for reviewing this project are as follows:

<u>Area Reviewed</u>	<u>DOEE Division/Office</u>
Water quality	Water Quality Division
Sedimentation, storm water management and watershed protection	Watershed Protection Division
Vegetation and wildlife	Fisheries and Wildlife Division
Air quality	Air Quality Division
Underground storage tanks/leaking underground storage tanks	Underground Storage Tank Division
Toxic substances	Toxic Substances Division
Hazardous wastes	Hazardous Waste Program
Environmental justice concerns	Office of Enforcement, Compliance & Environmental Justice

Specific reports from each of the aforementioned divisions are presented in Section VI of this Report.

IV. LIST OF NEEDED PERMITS AND APPROVALS REQUIRING DOEE INVOLVEMENT

The construction and operation of the various components associated with the proposed project could require permits and approvals from DOEE divisions. Table 1.0 provides a list of the environmental related permit and approval requirements which may be applicable to the proposed action:

**Table 1.0
Permits and Approvals
Associated with DOEE**

<u>Action</u>	<u>Permit/Approval Requirement</u>	<u>Approving Agency</u>	<u>Permit Issuing Agency</u>
Stormwater Management	Construction Permit	DOEE	DCRA
Erosion and Sediment Control	Construction Permit	DOEE	DCRA

Site Characterization Report & Corrective Action Plan for Soil and Groundwater Remediation	Approval	DOEE	DCRA
Wells	Permit	DOEE	DCRA
Air Pollution Equipment	Permit	DOEE	DOEE
Fishing	License	DOEE	DOEE
Biological Research	Permit	DOEE	DOEE
Underground Storage Tank Installation, Abandonment & Removal	Approval	DOEE	DOEE

V. ENVIRONMENTAL SETTING AND CONSEQUENCES

A. WATER QUALITY

1. Environmental Setting

Per the DMY (2017) report, the environmental setting is described as follows:

The surface geology at the project site is mapped as the Georgetown Intrusive Suite of early Ordovician age and Soapstone and talc-bearing schist of Cambrian or late Proterozoic age. The member of the Georgetown Intrusive Suite is mapped as the Biotite-hornblende tonalite. It consists of medium to coarse-grained massive to foliated rock that has a strong relic igneous flow structure at many places. Unit contains many ultramafic and mafic xenoliths and/or autoliths, and xenoliths of metasedimentary rocks. Typically, it contains 40-50 percent dark minerals and contains small layers of biotite tonalite at many places. The Soapstone and talc-bearing schist consists of fine to coarse-grained dark grayish-green soapstone and talc-chlorite-actinolite (carbonate) schist and fels. At many places it is associated with Actinolite schist. Groundwater was encountered in nine of twelve soil borings advanced at the site at a depth ranging from 13 to 22 feet below the existing ground surface (DMY, 2017). Based on the EISF application (Part II.15), the topographic map for the site (USGS, 1965), and WSP (Johnston, 1964), there are no streams, lakes, ponds, springs, or wetlands within 100 feet of the project site.

2. Environmental Consequences

Sections 7201.1 (c), (d) and (l) of the Environmental Policy Act implementing regulations provide that a project should be assessed to determine whether:

- (c) The action might significantly deplete or degrade ground water resources;
- (d) The action might significantly interfere with groundwater recharge; or
- (l) The action might cause significant adverse change in the existing surface water quality or quantity.

Ground Water

The following addresses Sections 7201.2(c) and (d) of the Environmental Policy Act regulations.

The EISF (Parts III.2 and II.12) indicates that the maximum depth of excavation will be 4 feet below the existing ground surface and the groundwater was encountered at the depth ranging from 13 to 22 feet below the existing ground surface, indicating that the groundwater level is well below the proposed lowest level of development. Therefore, dewatering of groundwater may not be required during and after construction (EISF, Part III.23). Because of the size of the proposed project site, overall there is no expected impact on groundwater flow as a result of the proposed project.

The applicant states that there is no soil contamination at the site (EISF, Part II.7(a)). Additionally, there was no evidence of recognized environmental conditions (RECs) in connection with the property during the Phase I ESA (Applied Environmental, 2018). Based on the email correspondence dated September 18, 2018, if any contaminated groundwater is encountered or rainwater comes in contact with any contaminated soil during construction, the applicant has also committed to the following:

- (1) Containerize the known or potentially contaminated groundwater or rainwater in a holding tank, obtain accurate, reproducible, and representative water samples from the tank (s) and have them analyzed in a laboratory for all contaminants of concern using USEPA approved methods.

If the laboratory analytical results of water samples collected from the containerized tank(s) is:

- (a) Above DC Water's Pretreatment Standards, the applicant must obtain a discharge permit from DC Water before discharging to the sanitary or combined sewer system; or
- (b) Below DC Water's Pretreatment Standards but exceeds DC Surface Water Quality Standards, the applicant must contact DOEE/WQD for guidance on handling/treatment of the contaminated water, and a discharge permit from USEPA to discharge treated water in the District's municipal separate sewer system (MS4) or surface waters;

(Note: Under these conditions, the applicant shall develop and submit a work plan stating how contaminated water will be treated. The work plan must be approved by DOEE/WQD prior to the submission of discharge permit application to USEPA. The work shall be performed in accordance with the approved work plan and comply with discharge permit conditions.)

- (2) Hire an independent environmental consultant to investigate the site to determine if any contaminated soil is identified during construction that can adversely impact US and District's waters;
- (3) Containerize all installation/investigation-derived wastes including but not limited to soils, muds, and sediments from known or potentially contaminated sites; collect accurate, reproducible, and representative samples for all contaminants of concern, and have samples analyzed in a laboratory using USEPA approved methods for characterization for offsite disposal;
- (4) Provide a soil, sediment, and water sampling plan, a quality assurance and quality control plan, a sediment and erosion control plan, and a health and safety plan for known or potentially contaminated sites for review and approval prior to the start of work to DOEE/WQD;
- (5) Take all necessary steps to minimize or prevent any discharge of contaminated water and soil that has a reasonable likelihood of adversely affecting human health or the environment;
- (6) Provide work completion report documenting procedures taken and all investigation records including but not limited to as-built plans/drawings, deviations from the approved work plans if any, boring logs, field tests results, and laboratory analysis results with quality assurance quality control, data quality issues, and chain-of-custody to DOEE/WQD within 30 days of work completion; and
- (7) Complete all work in accordance with all permit conditions, and Federal and District Laws and Regulations.

The applicant's responses to EISF, Part III.48, indicate that there are no contaminants or hazardous substances that will affect groundwater quality or be generated at the site. Consequently, if the guidance provided herein is adhered to, the project is anticipated to have minimal impact on groundwater quality.

Currently, 15 percent of the project site area is impervious (EISF, Part II.1.b). According to the EISF, Part III.2, 25 percent of the area will become impervious after the project is complete. Additionally, EISF, Part III.33 indicates that the proposed project will not interfere with groundwater recharge. Based on the project size and location, the proposed development at the site is anticipated to have minimal impact on groundwater recharge in the area.

Surface Water

The following addresses Section (l) of the Environmental Policy Act regulations.

The EISF (Parts II.14 and II.15) states that the project site is more than 100 feet away from the nearest hydraulically down gradient natural surface water body. Consequently, the project is expected to have minimal impact to surface water flow. This property is serviced by the District's municipal separate sewer system (MS4). Based on the maximum depth of excavation and depth of groundwater encountered at the site, dewatering of groundwater may not be required during and after construction (EISF, Part III.23). Additionally, the applicant has committed to the requirements present in the Groundwater section above, in this EISF. Therefore, no contaminated groundwater is anticipated to be discharged to the District's MS4 or to surface waters.

The applicant also states that the project will not adversely affect existing surface water quality (EISF, Part III.34). Therefore, if the guidance provided herein is adhered to, minimal or no impact to surface water quality is anticipated from the project.

3. Conclusion

In view of the above, the WQD has assessed that there is no apparent significant adverse impact or likelihood of substantial negative impact to the environment with regards to Sections 7201.2(c), (d), and (l) of the Environmental Policy Act. Therefore, preparation of an Environmental Impact Statement is not recommended for areas of concern to the WQD.

B. SEDIMENTATION AND STORM WATER MANAGEMENT/ WATERSHED PROTECTION

1. Environmental Setting

According to the EISF application, approximately 75% of the site has slope 0-10%, and 25% of the site has slope greater than 15%. The EISF application identifies 15% existing impervious coverage. There is no contaminated soil within the project limits and 900 cubic yards of natural material will be removed from the site. The runoff from the site is currently treated by stormwater management facilities. The site is located within the Municipal Separate Sewer System (MS4) area and is considered a major land-disturbing project. The area to be disturbed is 154,500 square feet.

2. Environmental Consequences

Section 7201.1(f) of the Environmental Policy Act implementing regulations provides that a project should be assessed to determine whether:

The action might cause significant flooding, erosion or sedimentation.

A review of the EISF application, the erosion and sediment control plan, and stormwater management control plan submitted for the project shows the increase in two (2) year and 15-year runoff will be accommodated and regulated by installing green roofs and bioretention. The erosion and sediment control plan shows adequate measures will be taken for the construction phase. Water table depth at the project site is 13-22 feet. The site is located within the 100-year floodplain area (Zone X-unshaded). There is no stream within 100 feet of the project site.

3. Conclusion

Based on the review of the submitted EISF package and a site visit on May 22, 2018, RRD does not anticipate any significant adverse impact or the likelihood of substantial impact to the environment, provided that the proposed erosion and sediment control and stormwater management measures are implemented. Therefore, preparation of an Environmental Impact Statement is not required in the areas of concern to RRD.

C. VEGETATION AND WILDLIFE

1. Environmental Setting

The site for this project is 3950 37th Street, NW, Washington, DC, an urban setting.

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2. Environmental Consequences

Section 7201.1 (h) of the Environmental Policy Act's implementing regulations provide that a project should be assessed to determine whether:

The action might significantly diminish habitat for fish, wildlife or plants.

As indicated above, the proposed project is in an urban setting. There are no known endangered species at the site, and, given the urban nature of the site, there is limited habitat for fish, wildlife or plants.

3. Conclusion

After review of the plans for the above project, and based on other in-house documents, the Fisheries and Wildlife Division has determined that there is no apparent significant adverse impact or likelihood of substantial negative impact to the environment as a result of the proposed project. Therefore, preparation of an environmental impact statement is not recommended for the areas of concern to the Fisheries and Wildlife Division.

D. AIR QUALITY

1. Environmental Setting

The project site is located within the National Capital Interstate Air Quality Control Region, which includes the Washington, D.C. metropolitan area. The region currently meets the National Ambient Air Quality Standards (NAAQS) for all criteria air pollutants with the exception of ozone. The U.S. Environmental Protection Agency (EPA) has designated the region as a "non-attainment area" for ozone. Until 1996, EPA had also designated the region as a "non-attainment area" for carbon monoxide (CO); however, EPA re-designated the region as an "attainment area" with a maintenance plan for CO that year because the region had not been violating the NAAQS for CO. There have been no monitored violations of the NAAQS for CO since the 1996 re-designation. The District was required to continue to perform enhanced evaluations to ensure that the CO NAAQS was not violated during a 20-year maintenance period according to Clean Air Act requirements. This 20-year maintenance period ended on March 16, 2016, but the District is continuing to require hot-spot analyses for CO through the EISF process.

Additionally, EPA had designated the District as a non-attainment area with respect to the 1997 fine particulate matter annual standard of $15 \mu\text{g}/\text{m}^3$. However, on October 6, 2014, EPA published a re-designation for the District to an "attainment area" in the Federal Register. This re-designation became effective on November 5, 2014. In recent years, the District has monitored attainment with this standard as well as the newer (identical) 2006 $15 \mu\text{g}/\text{m}^3$ annual standard and the 2012 annual standard of $12 \mu\text{g}/\text{m}^3$. As of November 6, 2014, the District is operating under a maintenance plan. It should be noted that, while the District is monitoring

attainment with these standards, the monitored levels are only marginally below the newer standard, so a high level of vigilance is needed to ensure that it is not violated.

Air quality in the Washington, DC-MD-VA metropolitan area has exceeded the NAAQS for 8-hour ozone in the recent several years. The highest levels of ozone generally occur during the summer (May to September) when the warmer temperature and sunlight intensity enhances the formation of ozone. Oxides of nitrogen (NO_x) and volatile organic compounds (VOCs) are the primary precursor pollutants for ozone formation. Ozone is a secondary air pollutant and a regional air quality issue requiring mitigation at a metropolitan and larger regional level.

In the District, based on 2011 data, approximately 42 percent of VOCs that form ozone come from on-road and non-road mobile sources. Large facilities such as power plants, larger boiler plants, and factories cause only a small portion (about one percent) of the VOC emissions in the District. The remaining portion (approximately 57 percent) of VOCs is emitted from a multitude of small sources, including printers, service stations, construction contractors, paints, and cleaning solvents.

Based on 2011 data, approximately 76 percent of NO_x emissions in the District that form ozone come from on-road and non-road mobile sources. Large facilities such as power plants, larger boiler plants, and factories make up approximately seven percent of the NO_x emissions. The remaining approximately 17 percent come from smaller “area” sources.

2. Environmental Consequences

The Environmental Policy Act sets out the impact on air quality as a potential significant impact. Specifically, section 7201.2 (k) of the regulations provides that a project should be assessed to determine whether:

The action might violate any ambient air quality standard, contribute significantly to an existing or projected air quality violation, or expose sensitive receptors to significant pollutant concentrations.

Questions 9 through 15a in Part III of the EISF application set out a series of questions to which an applicant must respond which are designed to elicit information regarding potential air quality impacts. In response to question 9, the applicant indicated that the proposed project would not provide for a net gain of greater than 50 residential units, including but not limited to apartment dwellings, condominium units, co-op units, housing units, a subdivision or other housing complex, hotel rooms and dormitory rooms (the project is non-residential). In response to question 10, the applicant indicated that the project would not provide 50 or more net new parking spaces (none are identified). The answer to question 11 states that the proposed project would not consist of shopping, office, conference, and/or commercial facilities having 50,000 or more square feet of gross floor space (the project is not commercial in nature). The applicant’s

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response to question 12 indicated that the proposed project would not consist of entertainment and/or recreation facilities, including but not limited to theaters, parks, auditoriums, sport stadiums, rooftop facilities, or bowling alleys, having the capacity to accommodate more than 400 persons at one time.

In response to question 13, regarding whether or not the proposed project will maintain new equipment that burns fuel, such as, but not limited to, stationary generators, boilers with heat input ratings greater than 5 MMBTU/hour, or other stationary air pollution emitting equipment, the applicant indicated that no such equipment would be maintained. However, in response to question 42, the applicant indicated that an emergency generator would be maintained “in open air trash/equipment enclosure”. Based on this latter response, it appears that a separate Chapter 2 permit to construct and operate is required for the generator set.

In response to question 14 the applicant indicated that there will not be an emission of odorous or other air pollutants from any source that is likely to injure the public health or welfare, or which would interfere with the reasonable enjoyment of life and property.

In response to question 15a, which relates to controlling fugitive dust emissions during work, the applicant responded: “Contractor to provide water spraying equipment capable of accessing all work areas. Water applications shall be applied a min. of once per day during dry weather or more often as required to prevent dust emissions”. The applicant will be required to comply with the requirements of 20 DCMR § 605 during construction.

AQD has completed its review of the EISF of the above project and determined that no air quality study is required.

However, any installation of fuel-burning equipment (such as boilers) with heat input ratings greater than 5 MMBTU/hour, stationary generators (any size), or other stationary air pollutant emitting equipment will need to go through a separate air quality permitting process prior to their construction being initiated. The EISF specifically notes that the project will maintain an emergency generator at the site. The applicant must obtain a permit before construction, installation, or operation of the proposed generator and/or any other pollutant-emitting equipment subject to air quality permitting regulations begins. The applicant may contact AQD at (202) 535-1747 with any questions about this permitting process.

Furthermore, if any crushing or screening is to occur at the site, such as needed to crush concrete being removed from the site, an air quality permit must be obtained for such operations. Furthermore, 20 DCMR § 800, Control of Asbestos, must be followed during demolition or renovation of any existing structures at the site. And if any soil vapor extraction or groundwater remediation is required at the site, the applicant must comply with the requirements of 20 DCMR § 717, Soil and Groundwater Remediation. Fugitive dust must also be controlled by methods ensuring compliance with 20 DCMR § 605, Control of Fugitive Dust.

3. Conclusion

Based on this review, and provided the project is implemented as proposed, AQD believes that the proposed project will not violate any air quality standard. So, in regard to Section 7201.2 (k) of the Environmental Policy Act, the preparation of an environmental impact statement is not recommended for areas of concern to the Air Quality Division.

E. UNDERGROUND STORAGE TANKS/LEAKING UNDERGROUND STORAGE TANKS

1. Environmental Setting

As per the USTB records review of the data maintained within the Department of Energy and Environment (DOEE), one former Underground Storage Tank (UST) system was formerly registered to the subject Site. One 5,000-gallon heating oil UST was registered to the subject site, and was removed from the ground in 2003. Leaking Underground Storage Tank (LUST) Case #2003129 was opened for the subject site in August of 2003 and was closed in January of 2011. No additional environmental reports or information was submitted to DOEE in association with the EISF application that indicate evidence of any additional petroleum hydrocarbon impacts related to former UST systems at the site.

2. Environmental Consequences

A detailed environmental site assessment/excavation during the construction stages will reveal any unknown or buried tanks and other subsurface conditions, such as petroleum contamination. Any unknown or buried tanks found must be reported to DOEE for an inspection before removal or abandonment-in-place.

The soil excavated from areas of new construction must be screened in the field to determine the presence of potential environmental impacts. If evidence of impacts of environmental contaminants are identified during construction excavation the presence of such contamination must be reported to DOEE within 24 hours. If evidence of impacts are identified soil samples should be collected and if the samples test results indicate levels above the DC standards for TPH-DRO, TPH-GRO and BTEX, or are above established disposal criterion for VOC – impacted soil, the soil must be shipped to an approved off-site treatment facility. Reuse of contaminated soil onsite is not acceptable. Contaminated soil should be tested and reported to DOEE if above our standards after post excavation confirmatory analysis.

Contaminated groundwater produced during dewatering must be treated according to the District's water discharge standards. A pretreatment discharge permit must be obtained from WASA prior to any discharge to any sanitary or combined sewer.

There may be other contaminants on the property that are not under the purview of UST or LUST Programs, these may be related to aboveground activities, such as petroleum spills, waste oil dumping, car repair shops, mechanic shops, paint shops, pesticides use, etc. and may require the involvement of other Programs within the Department of Energy and Environment.

As a best management practice, a remediation plan should include dust and contaminants odor control measures that prevent or minimize off-site migration.

It is noted that the Project that does not involve the installation of new underground storage tank systems for storing petroleum or hazardous materials. Should UST installation be part of the future operational plans, the Developer is required to contact our office for further guidance, to request an inspection during installation and to register the tanks before operation commences, send design plans, notification form and \$200 application fee per tank. Failure to comply with this requirement may result in enforcement action. Any UST System installed on the property should be managed and operated in accordance with all applicable District and Federal Regulations.

3. Conclusion

Considering all of the above and based on this review of the EIA application and information attached, it is the judgment of the UST Branch that there may not be significant adverse impact or likelihood of substantial negative impact to the environment as a result of the proposed project and that likely impacts can be mitigated by the developers to reduce potential harm to health and the environment.

F. TOXIC SUBSTANCES

1. Environmental Setting

There are no known toxic substances in use at the site, nor does the project plan indicate any will be used, disturbed or created in concentrations that would constitute a significant adverse impact on the environment.

2. Environmental Consequences

Section 7201.1(j) of the Environmental Policy Act implementing regulations provides that a project should be assessed to determine whether:

The action would create a potential public health hazard or would involve the use, production or disposal of materials that pose a hazard to people, animals or plant populations in the area.

Based upon the plan submitted, there is no indication that adverse environmental impacts would occur in the areas of interest to the Toxic Substance Division for the following reasons:

- No species of plants or animals were identified as threatened or endangered and therefore would not be affected if there were any releases of pesticides during construction of the project;
- There are no reported effects of pesticides to public health and safety originating from this site where pesticides may have been applied according to label directions; and
- Pesticide products will not be applied at this site as part of the project according to the information provided.

3. Conclusion

In view of the above, the Toxic Substance Division has determined that there is no apparent significant adverse impact or likelihood of substantial negative impact to the environment as a result of the proposed project. Therefore, the Division does not recommend that an environmental impact statement be required for this project.

G. HAZARDOUS WASTES

1. Environmental Setting

There are no known hazardous wastes present at the site of the proposed project in concentrations that would result in a significant adverse impact on the environment. Review of the project plan does not indicate the production or disposal of hazardous wastes in concentrations that would result in a significant adverse environmental impact.

2. Environmental Consequences

Sections 7201.1 (b) and (j) of the Environmental Policy Act implementing regulations provide that a project should be assessed to determine whether:

- (b) The action might violate published national or local standards relating to hazardous wastes; and
- (j) The action might create a potential public health hazard or would involve the use, production or disposal of materials that pose a hazard to people, animals or plant populations in the area.

There is no indication that the proposed action would violate published national or local standards relating to hazardous wastes, nor will the action create a potential public health hazard or involve the use, production or disposal of materials that pose a hazard to people, animals or

plant populations in the area. However, since the project may generate UW fluorescent lamps during renovation of the existing building, an active EPA ID Number must be obtained from the DOEE-HW program prior to generating regulated waste streams.

3. Conclusion

In view of the above, the Hazardous Waste Program has determined that there is no apparent significant adverse impact or likelihood of substantial negative impact to the environment as a result of the proposed project. Therefore, preparation of an environmental impact statement is not recommended for areas of concern to the Hazardous Waste Program.

H. ENVIRONMENTAL JUSTICE

Environmental justice, as defined by the U.S. Environmental Protection Agency (EPA), is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations and policies.” It follows that environmental injustice occurs when certain segments of society, such as low-income and minority communities, bear a disproportionate share of the harmful effects of governmental decisions. The District Department of the Environment (DOEE), of course, strives for environmental justice in all its actions—including the review of this proposal.

Federal law and a presidential order guide the District’s environmental justice policies. First, Title VI of the Civil Rights Act of 1964 prohibits intentional discrimination on the grounds of race, color, or national origin under any program or activity receiving federal financial assistance. Second, President Clinton’s Executive Order 12898 directs each federal agency to make achieving environmental justice part of its mission by identifying and addressing as appropriate, disproportionately high and adverse human health effects of its programs, policies and activities on minority and low-income populations. Projects with disproportionate negative impact directly contravene these legal requirements.

The above federal obligations also govern District agencies that receive federal assistance. Since DOEE is one of those agencies, its mandate to protect and restore the environment, conserve natural resources, provide energy-related policy, and improve the quality of life in the District of Columbia fall at least in part under federal purview. Thus, in the interest of environmental justice, DOEE must also examine the potential adverse impacts on the communities in which environmentally burdensome projects are sited, especially those communities that are predominantly low-income and/or minority.

One aspect of this examination is to provide opportunities for community input in the EISF review process and to ensure that meetings and notices are accessible to minority and low-income communities potentially affected by a proposed project. This project, however, will not need that level of community involvement. DOEE’s Office of Enforcement and Environmental

Justice (OEEJ) has found no indication that this project—the redevelopment of Hearst Park at 3950 37th St., NW to include a pool—would be environmentally burdensome or would otherwise pose a disparate and unjustified health risk to the community in which it would be sited.

In support of that conclusion, OEEJ reviewed the submitted EISF and demographic information related to the project area using EJSCREEN and other databases.¹ The project area² has a lower percentage of low-income citizens than the District as a whole (approximately 10 percent—versus 32 percent for the District as a whole).³ The area has a lower percentage of minority citizens than the District as a whole (23 percent—versus 64 percent for the District as a whole).⁴ In terms of vulnerable populations, 7 percent of the project area’s residents are children five years old or younger, and 15 percent are seniors 64 years and older. OEEJ concludes that no racial or ethnic minority or low-income group of people will bear disproportionate negative environmental consequences resulting from the District’s action.

VI. DOEE RECOMMENDATIONS AND MITIGATION MEASURES

The Department of Energy and Environment, a reviewing agency pursuant to the Environmental Policy Act and its implementing regulations, recommends to the Department of Consumer and Regulatory Affairs that the Hearst Park & Pool project does not require the preparation of an environmental impact statement. Our recommendation is based on the fact that none of our reviews have identified any significant adverse impact or the likelihood of a substantial negative impact to the environment as a result of the proposed project.

¹ EJSCREEN is an EPA assessment tool, available at <http://ejscreen.epa.gov/mapper/>. An EISF review may also include data from the U.S. Census Bureau’s 2000 census and 2006-2010 American Community Survey, the D.C. Office of Planning’s State Data Center, and commercial databases such as www.city-data.com.

² This review includes the project site surrounded by a one-half mile buffer.

³ Based on EJSCREEN demographic indicator which defines “low income” as twice the Census Bureau’s poverty level.

⁴ Based on EJSCREEN’s State Average calculator of minority populations.