# ENVIRONMENTAL COMPLIANCE GENERAL COMMENTS:

1. SPILLS – All spills of Petroleum, Oils, Lubricants, and Chemicals shall be reported to the Division of Fire and Rescue Services (On Bethesda Campus (911), or (301) 435- 1908 (Fire and Emergency Services)

2. UNDERGROUND STORAGE TANKS (USTs’) – Underground Storage Tanks shall not be installed at NIH Owned or Leased Facilities.

3. RADIATION SAFETY – Questions concerning Radiation Safety at NIH Owned or Leased Facilities should be addressed to the Division of Radiation Safety (301) 496- 5774.

4. ALL CORRESPONDENCE, ENVIRONMENTAL PERMIT APPLICATIONS, ENVIRONMENTAL REGULATORY SUBMISSIONS, AND ENVIRONMENTAL REGULATORY DOCUMENTS REQUIRING SUBMISSION TO FEDERAL, STATE, AND/OR LOCAL REGULATORS, SHALL BE SUBMITTED THROUGH THE OFFICE OF RESEARCH FACILITIES (ORF), DIVISION OF ENVIRONMENTAL PROTECTION (DEP), UNLESS THE CONTRACTOR RECEIVES WRITTEN PERMISSION TO CONTACT AN ENVIRONMENTAL REGULATORY AGENCY DIRECTLY. (Note: Do not anticipate receiving permission to Contact an Environmental Regulatory Agency Directly)

5. CONSTRUCTION DUMPSTERS – For questions concerning Construction Dumpsters contact the Waste Resource Recovery Branch (WRRB) CDR Matthew Deptola, or David Mohammadi (301) 496 – 7775.

# National Environmental Policy Act (NEPA) Compliance

**Compliance Area –** *National Environmental Policy Act (NEPA) Compliance*

**Requirement** - All projects must have completed NEPA documentation before groundbreaking

**Actions Necessary** - With DEP, complete NEPA Checklist and initiate preparation of any required documentation.

**DEP Subject Matter Expert** – DEP Valerie Nottingham or Mark Radke (301)-496- 7775

# Affirmative Procurement - Recycled content

**Compliance Area -** *Affirmative Procurement - Recycled content*

**Requirement –** Purchase EPA designated products made with recycled content and other environmentally preferred materials unless justification is provided.

**Actions Necessary** – Evaluation of EPA comprehensive procurement Guidelines.

**DEP Subject Matter Expert** – Pete Baxter

# Air Emissions

**Compliance Area** – *Permitting*

**Requirement** – New air emissions sources and major modifications of existing sources require Permits to Construct and/or Permits to Operate

**Actions Necessary** – Permit to Construct. Title V Permit to Operate. Amendments.

**DEP Subject Matter Expert** - Mark Miller (301) 496 – 7775; Joe Musa (301) 496-7775

**Compliance Area** - *Installation of Emergency Generators*

**Requirement** – Large emergency generators require permits. Before permits can be requested Maryland and some other states may require concurrence letter from Public Service Commission (PSC).

**Actions Necessary** – Permit to Construct. PSC Concurrence.

**DEP Subject Matter Expert** - Mark Miller (301) 496- 7775; Joe Musa (301) 496-7775

**Compliance Area** - *New Source Review*

**Requirement** – Certain larger- scale new air emissions sources and major modifications of existing sources require New Source Review’

**Actions Necessary** – New Source Review Evaluation Required. New Source Review Permit Required.

**DEP Subject Matter Expert** - Mark Miller (301) 496 -7775; Joe Musa (301) 496- 7775

**Compliance Area** - *Conformity*

**Requirement** – New Air emission sources.

**Actions Necessary** – Record of Non-applicability and Conformity Evaluation and major modifications of existing sources that do not require New Source Review Permits require conformity evaluations and perhaps conformity determinations.

**DEP Subject Matter Expert** – Mark Miller (301) 496 -7775; Joe Musa (301) 496- 7775

**Compliance Area** - *Asbestos Containing Materials (ACM)*

**Requirement** – Safety, health and environmental requirements apply to all projects involving ACM. Projects involving removal of 260 lineal feet or 160 square feet require special notification procedures. Conduct Asbestos Assessment Review with DEP. Review with DEP.

**Actions Necessary** – Will this project involve removal of ACM or work in areas with ACM? If so, refer to DOSH. NESHAPS notification. Undetermined ACM (select unless definite proof). Meet DEP Requirements for shipment and disposal of ACM waste.

**DEP Subject Matter Expert** - Jake Deal 301-496- 7775; (DOHS) John Veitch 301-496-2346;

Moses Ukaoma 301-496-7775 (DEP / ECB)

# Cultural Resources

**Compliance Area** – *Cultural Resources*

**Requirement** – Does the project impact on protected archaeological sites? Consult with NIH Historic Preservation Officer.

**Actions Necessary** – Does the project impact on historic buildings? Consult with NIH Historic Preservation Officer.

**DEP Subject Matter Expert** - David Derenick / Susan Roberts (301) -435-1775

# Energy Conservation

**Compliance Area –** *Energy Conversation*

**Requirement –** All NIH facilities shall incorporate energy conservation features as required by E.O. 13123 and NIH Design Policy and Guidelines.

**Actions Necessary –** Comply with International Energy Conservation Code (IECC). Submit IECC plan review record at completion of Design Development Phase.

**DEP Subject Matter Expert -** (DPM/FSB) Greg Leifer (301) 402- 2100

**Compliance Area** - *Energy efficient products*

**Requirement** – Design must encourage purchase and use of energy efficient products.

**Actions Necessary** – Review project documents for compliance. Submit waiver if energy efficient products cannot be used.

**DEP Subject Matter Expert** - (DPM/FSB) Greg Leifer (301) 402- 2100

# Hazardous Materials (HAZMAT) Use

**Compliance Area** - *Inventory*

**Requirement** – Will the construction use HAZMAT on site? Include NIH Controlled Material Specifications. Federal, state and local requirements apply.

**Actions Necessary** – HAZMAT purchases and usage must be tracked following NIH Controlled Materials Specification (01548) and applicable regulations.

**DEP Subject Matter Expert** - (DPM/FSB) Greg Leifer (301) 402- 2100

**Compliance Area** - *Containment*

**Requirement** – Requirements for bulk HAZMAT

**Actions Necessary** – Review with DEP

**DEP Subject Matter Expert** - (DPM/FSB) Greg Leifer (301) 402- 2100

**Compliance Area** – *Security*

**Requirement** – HAZMAT in storage and transportation must meet security requirements.

**Actions Necessary** – Follow existing security plan. Use existing HAZMAT facilities. New security plan and/or facilities required.

**DEP Subject Matter Expert** - (DPM/FSB) Greg Leifer (301) 402- 2100

**Compliance Area** - Explosives

**Requirement** – Requirements concerning security, transportation, receiving, storage and use of explosives in construction.

**Actions Necessary** – Secure applicable licenses and permits.

**DEP Subject Matter Expert** – (DPM/FSB) Greg Leifer (301) 402- 2100

# Natural Resources

**Compliance Area** - *Wetlands*

**Requirement** – Does the project impact on wetlands areas?

**Actions Necessary** – Wetlands permit

**DEP Subject Matter Expert** – Brian Kim (301)-496-7775

**Compliance Area** - *Reforestation*

**Requirement** – If the project disturbs more than a state determined area of land reforestation requirements might apply. In Maryland the disturbed area limit is 40,000 Square Feet.

**Actions Necessary** – Reforestation required (MD = 15%)

**DEP Subject Matter Expert** – Brian Kim (301) 496-7775

**Compliance Area** - *Landscaping*

**Requirement** – Review plant list to screen for invasive species. Encourage use of native species.

**Actions Necessary** – DEP evaluation

**DEP Subject Matter Expert** – Brandon Hartz (301) 594-7699

# Storage Tanks for Petroleum Products and Other Hazardous Materials (HAZMAT)

**Compliance Area** - *Installation of Above Ground Storage Tanks*

**Requirement** – Requirements for locating, designing, permitting, installation, containment and operations apply to tanks used for storage of petroleum products or HAZMAT.

**Actions Necessary** – Submit tankage system design plans to DEP.

**DEP Subject Matter Expert** – Daryl Moore

**Compliance Area** - *Removal of Above Ground Storage Tanks*

**Requirement** – Does this project involve removal of above tanks that contain or previously contained petroleum products or HAZMAT? Regulatory requirements for removal and disposal of tanks and contents must be met.

**Actions Necessary** – Submit plans for removal action

**DEP Subject Matter Expert** – Daryl Moore

**Compliance Area** - *Installation of Underground Storage Tanks (UST)*

**Requirement** – Does this project involve installation or modification of USTs? Design, permitting, installation and operational requirements apply to underground storage of petroleum products and HAZMAT.

**Actions Necessary** – Review with DEP. Submit plans for installation or modification of tankage system prepared by PE. Schedule inspections of installation.

**DEP Subject Matter Expert** – Daryl Moore

**Compliance Area** - *Removal of Underground storage tanks (UST)*

**Requirement** – Does this project involve removal of USTs? Regulatory requirements for removal, tank disposal and remediation of any contaminated soils must be met.

**Actions Necessary** – Review with DEP. Submit plans for removal by MDE licensed contractor.

**DEP Subject Matter Expert** – Daryl Moore

# Storm Water, Sediment and Erosion Control

**Compliance Area** - *Sediment and Erosion Control (S&EC)*

**Requirement** – S&EC must be considered in all projects involving soil disturbance. Maryland projects disturbing more than 5,000 square feet (or more than 100 cubic yards of soil) must be approved by the MDE for sediment and erosion control. Requirements in other states may vary.

**Actions Necessary** – DEP plan review disturbed area greater than 1,000 SF, less than 5,000 SF. Review and approval of plans by MDE if disturbed area greater than 5,000 SF or more than 100 cubic yards.

**DEP Subject Matter Expert** – Brian Kim (301)- 496-7775

**Compliance Area** - *Sediment and Erosion Control (S&EC)- Over 1 Acre*

**Requirement** – Projects disturbing 1 acre or greater require an NPDES permit before groundbreaking can occur.

**Actions Necessary** – Review and approval of plans by MDE.

**DEP Subject Matter Expert** – Brian Kim (301) 496-7775

**Compliance Area** - *Storm Water Management (SWM)*

**Requirement** – SWM must be considered in all projects affecting runoff. Maryland projects disturbing more than 5,000 square feet must be approved by the MDE before groundbreaking can occur. Requirements in other states may vary.

**Actions Necessary** – DEP plan review. Approval of plans by MDE.

**DEP Subject Matter Expert** – Brian Kim (301) 496-7775

# Sustainability

**Compliance Area** - *Sustainability*

**Requirement** – For new facilities, project specific sustainability objectives must be established in the Basis of Design. Sustainability features must be selected in consideration of impacts and costs over life cycle.

**Actions Necessary** – Review with DEP. Include sustainability narrative and LEED checklist in Basis of Design. Sustainability Checklist.

**DEP Subject Matter Expert** – Susan Hinton (301) 496-7990

**Compliance Area** - *Sustainability Metrics*

**Requirement** – Metrics for measuring attainment of sustainability goals should be established.

**Actions Necessary** – Review with DEP. LEED. Green Globes. SPIRIT (Projects on DoD property).

**DEP Subject Matter Expert** – Susan Hinton (301) 496-7990

**Compliance Area** - *Sustainability Goals*

**Requirement** – Sustainability goals should be established for all projects. Goals are mandatory for all capital projects.

**Actions Necessary** – Guiding Principles. LEED Certified – Silver, Gold and Platinum; SPIRT Gold (Required for projects on DoD property)

**DEP Subject Matter Expert** – Susan Hinton (301) 496-7990

# Waste Management and Recovery

**Compliance Area** - *Chemical Waste (CW)*

**Requirement** – Hazardous Wastes are an EPA/State regulated subset of wastes subject to NIH Chemical Waste (CW) requirements. [DEP Evaluation Needed]. Will the construction or demolition activity generate any Chemical Wastes on site? [CW Management Plan. Provide temporary accumulation areas for CW from construction. Design permanent accumulation and processing room for CW.] Will the completed project generate or accumulate Chemical Wastes on site? [EPA/State Hazardous Waste Generator Activity Form submission (new off campus buildings - not covered by campus ID]

**Actions Necessary** – See above

**DEP Subject Matter Expert** – (WRRB) CDR Matthew Deptola (301) – 496-7990

**Compliance Area** - *Medical Waste*

**Requirement** – Will the facilities resulting from the completed project handle biohazardous agents or generate regulated medical wastes?

**Actions Necessary** – Review by DEP and DOSH. Plan on-site collection, storage, inactivation, decontamination and disposal capability. Plan shipping capability and off-site disposal.

**DEP Subject Matter Expert** – (WRRB) CDR Matthew Deptola (301) 496-7990

**Compliance Area** - *Radioactive Waste*

**Requirement** – Will the facilities resulting from the completed project handle radioactive materials generate radioactive wastes?

**Actions Necessary** – Plan review by DEP and DRS. NRC licensing requirements. On-site collection, storage capability. Radioactive waste processing and storage room. Shipping capability and off-site disposal.

**DEP Subject Matter Expert** – (Division of Radiation Safety) (301) 496-5774

**Compliance Area** - *Solid Waste Recycling and Disposal (Construction Debris) Solid Waste*

**Requirement** – Obtain services for management/recycling of non-hazardous solid wastes generated during construction project.

**Actions Necessary** – Review with DEP. Submit waste management and recycling plan. Use existing services.

**DEP Subject Matter Expert** – John Prom (301) 496-7990

# Wastewater (Sanitary Sewer)

**Compliance Area** - *Off-site Publicly Operated Treatment Works (POTW)*

**Requirement** – New users, users with significant increases to wastewater discharges and users with new batch discharges may be required to obtain POTW approval or discharge permits.

**Actions Necessary** – DEP plan review. Submission and approval of plans by POTW. Preparation and submittal of Discharge Authorization Permit Application.

**DEP Subject Matter Expert** – Mark Miller (301) 496-7775

**Compliance Area** - *On-site treatment systems*

**Requirement** – New systems must meet design requirements and will require permits to construct. Requirements vary with size and type of system and jurisdiction. New users, users with significant increases to wastewater discharges and users with new batch discharges may be required to obtain owner approval.

**Actions Necessary** – DEP review. Engineered design. Permit to Construct. Permit to Operate. Submission and approval of plans by state or local jurisdiction.

**DEP Subject Matter Expert** – Mark Miller (301) 496-7775

# Water Supply

**Compliance Area** - *Water Supply Assurance*

**Requirement** – Confirm supply and authority to withdraw water if not from public source.

**Actions Necessary** – Certificate of service. Groundwater withdrawal permit. Surface water withdrawal permit (served by public system).

**DEP Subject Matter Expert** – Brian Kim 301-496- 7775

**Compliance Area** - *Safe Drinking Water Act*

**Requirement** – Compliance with construction and operating requirements for public drinking water systems.

**Actions Necessary** – Permit to construct. Permit to operate.

**DEP Subject Matter Expert** – Brian Kim 301-496- 7775

**Compliance Area** - *Cross connection control*

**Requirement** – Protect external supply and internal system from backflow`` and back siphonage from hazardous connections and uses. Cross connection control program may be required by supplier

**Actions Necessary** – DEP review of plans. Plan approval by supplier. Cross Connection Control Program.

**DEP Subject Matter Expert** – Brian Kim 301-496- 7775

Compliance Area - *Conservation*

**Requirement** – All NIH facilities shall incorporate water conservation features as required by E.O. 13123 and NIH Design Requirements Manual.

**Actions Necessary** – Comply with water conservation requirements.

**DEP Subject Matter Expert** – Brian Kim 301-496- 7775

**Compliance Area -** *Construction Dewatering*

**Requirement –** Groundwater withdrawal restrictions for construction site dewatering

**Actions Necessary –** Apply for groundwater withdrawal permit.

**DEP Subject Matter Expert –** Brian Kim 301-496- 7775

**Compliance Area -** *Well Abandonment*

**Requirement –** Requirements for abandonment of wells

**Actions Necessary –** Comply with local requirements.

**DEP Subject Matter Expert –** Brian Kim 301-496- 7775

**Compliance Area -** *Well Drilling*

**Requirement –** Construction requirements for new wells

**Actions Necessary –** Obtain well drilling permit.

**DEP Subject Matter Expert –** Brian Kim 301-496- 7775

# Decontamination

**Compliance Area** - *Area Clearance*

**Requirement** – Removal of containers and hazardous materials owned by previous occupant from the work area. Confirm radiological and biohazardous agent decontamination.

**Actions Necessary** – Notify DOHS and DRS of areas impacted by project. Confirm clearance by DOHS and DRS (Signed stickers have been applied to doors of affected rooms).

**DEP Subject Matter Expert** – Jake Deal 301-496- 7775 (DOHS) 301-496-2346

**Compliance Area** - *Infrastructure Assessment*

**Requirement** – Assess intrinsic hazardous materials and contaminants in infrastructure of the affected area(s) of the facility.

**Actions Necessary** – DEP site observation visit (small jobs). Preliminary assessment (Phase I). Characterization assessment (Phase II). Combined assessment (Phase I and II) for laboratory areas.

**DEP Subject Matter Expert** – Jake Deal 301-496-7775

**Compliance Area** - *Decontamination*

**Requirement** – Removal and disposal hazardous substances present as contaminants and intrinsic materials.

**Actions Necessary** – Decontamination and remediation (Phase III)

**DEP Subject Matter Expert** – Jake Deal 301-496-7775

**Compliance Area** - *Exit signs and smoke detectors*

**Requirement** – These units may contain radioactive materials and must be disposed of following NRC requirements.

**Actions Necessary** – Prepare inventory of units in area decommissioned. Consult with Division of Radiation Safety (DRS). Remove units and deliver to DRS for disposal

**DEP Subject Matter Expert** – Division of Radiation Safety (301)-496-5774

# Closure of Regulated Areas

**Compliance Area** - *EPA/State Regulated Hazardous Waste Accumulation Areas and Facilities*

**Requirement** – Closure of hazardous waste accumulation areas, permitted facilities and other regulated units requires assessment and removal of contaminants. Formal notification and submission of a closure plan may be required.

**Actions Necessary** – Review with DEP. Conduct site assessment (Phases I and II). Prepare corrective action plan. Prepare formal closure plan. Final status survey and record.

**DEP Subject Matter Expert** – Division of Environmental Protection

**Compliance Area** - *Polychlorinated Biphenyl (PCB) Sites*

**Requirement** – Transformers, transformer vaults and other areas where PCBs have been used are subject to specific decontamination and disposal requirements. Changes in locations and removals of transformers and other PCB equipment may have to be reported to emergency responders. [ Consult with DEP]

**Actions Necessary** – Does the area to be decommissioned have PCB sites? [Retro fill and reclassify transformers as non- PCB. Remove PCB containing units. Assess PCB contamination. Prepare PCB remediation plan. Final status survey and record.]

**DEP Subject Matter Expert** – Mark Miller (301) 496-7775

**Compliance Area** - *Radiation Areas*

**Requirement** – Areas where use of NRC regulated radioactive materials (RAM) will be discontinued are subject to requirements for clearance and decontamination. Completion of a formal decommissioning protocol may be required. [Consult with Division of Radiation Safety]

**Actions Necessary** – Was RAM used in the areas to be decommissioned? [Obtain Division of Radiation Safety Clearance. Formal decommissioning protocol. Final status survey and record.]

**DEP Subject Matter Expert** – Division of Radiation Safety

# Miscellaneous Criteria

**Compliance Area** - *Light Control*

**Requirement** – Determine appropriate light control measures for project setting.

**Actions Necessary** – Set light control measures limits at property boundary.

**DEP Subject Matter Expert** – Division of Occupational Health and Safety

**Compliance Area** - *Noise Control*

**Requirement** – Prevent excessive noise levels and adverse impacts on surrounding areas.

**Actions Necessary** – Set noise limits and work hours. Establish noise monitoring plan and locations.

**DEP Subject Matter Expert** – Division of Occupational Health and Safety

**Compliance Area** - *Pest Management*

**Requirement** – Establish structural and operational requirements for pest control during deconstruction and after decommissioning.

**Actions Necessary** – Project review by pest control unit.

**DEP Subject Matter Expert** – Division of Occupational Health and Safety