



U. S. Department
of Transportation

**Federal Aviation
Administration**

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November 14, 2017

Keith Miller, Manager
Montgomery County Airpark
7940 Airpark Drive
Gaithersburg, MD 20879

Re: Federal Aviation Administration (FAA) Finding for the Proposed Five-Year Capital Improvement Program at Montgomery County Airpark (GAI)

Dear Mr. Miller:

Enclosed is one copy of the Finding of No Significant Impact (FONSI) and the Supplemental Environmental Assessment (EA) signature page for the proposed Five-Year Capital Improvement Program at GAI. The Supplemental EA includes an analysis of potential environmental impacts associated with the redesign of an access road and parking lot.

This Federal environmental approval is a determination by the approving official that the requirements imposed by applicable environmental statutes and regulations have been satisfied by a FONSI; however, it is not an approval of the Federal action approving the funding of eligible items for this project, nor approval of the air space review, or the unconditional approval of the revision of the Airport Layout Plan (ALP) to show these projects. These decisions remain with the FAA Washington Airports District Office.

In accordance with the National Environmental Policy Act (NEPA) of 1969 and Implementing Instructions for Airport Actions, you are required to publish a notice of availability (NOA) of the FONSI and Final EA. Please refer to 40 CFR 1506.6 (b) and Federal Aviation Administration Order 5050.4B, section 807 for the announcement methods. Also please forward a proof of publication of the NOA and one (1) electronic copy of the completed document to this office for our files.

Thank you for your efforts in completing this action. If you have any questions or comments, please contact me at Susan.Stafford@faa.gov or (304) 252-6216.

Sincerely,

A handwritten signature in black ink, appearing to read "S.B. Stafford". The signature is fluid and cursive, with the first name "S" and last name "Stafford" being the most prominent parts.

Susan B. Stafford
Environmental Protection Specialist

Enclosures

cc: Mary Ashburn Pearson, AICP, Delta Airport Consultants, Inc. (w/encl via email)
Kimberly Marcia, Project Assistant, Delta Airport Consultants, Inc. (w/encl via email)
Ashish Solanki, A.A.E., MAA (w/encl via email)
William Krozack, C.M., MAA (w/encl via email)
Tom Priscilla, P.E., FAA (w/encl via email)

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Location

Montgomery County Airpark (GAI)
Montgomery County, MD

Proposed Federal Action

The proposed federal action consists of approval for the Airpark's proposed five-year Capital Improvement Program. The Federal Aviation Administration (FAA) must comply with the National Environmental Policy Act of 1969 (NEPA) prior to processing applications for federal assistance in funding various airport development projects and approval of the Airport Layout Plan (ALP) that depicts the proposed development projects. Approval of the ALP is authorized by the Airport and Airway Improvement Act of 1982, as amended (Public Laws 97-248 and 100-223). Issuing a FONSI does not constitute a commitment by the FAA to provide federal financial assistance for these development actions.

Summary

An EA was completed in 2006 and a FONSI was issued on June 26, 2006 for proposed improvement projects at Montgomery County Airpark including:

- Remove obstructions for Runway 14/32
- Lower adjacent access road and parking lot
- Acquire approximately 26 acres for Runway Protection Zone control
- Install holding position signage and marking and install PAPIs

Preliminary engineering design determined that lowering the access road and parking lot as approved in 2006 is not feasible; therefore, a Supplemental Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 United States Code (U.S.C.) §§ 4321–4347), Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations (CFR) §§ 1500–1508), and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, to evaluate the potential environmental impacts associated with a redesign of the access road and parking lot.

Purpose and Need

As is stated in the 2006 EA/FONSI, the purpose of the proposed projects is to maintain the existing Airpark Reference Code (ARC) B-II and improve safety and efficiency, through compliance with FAA design standards. This purpose and need remains valid for the proposed additional property interest acquisition and obstruction removal included in this Supplemental EA.

Proposed Action

The Proposed Action includes lowering/modifying the access road, grading terrain (parking lot pavement), and removal of two buildings within the project area in order to remove obstructions to 14 CFR Part 77 surfaces. The proposed relocated access road is also required to meet Runway Object

Free Area (ROFA) and Runway Protection Zone (RPZ) standards. FAA design standards require clearing the ROFA of above-ground objects protruding above the nearest point of the Runway Safety Area (RSA), other than objects that need to be located in the ROFA for air navigation or aircraft ground maneuvering purposes, and aircraft which are taxiing or holding. Fee simple acquisition of Parcels 28 and 29 is proposed to accommodate construction. The four businesses within the two buildings on these parcels will require relocation.

Alternatives

The 2006 EA/FONSI analyzed two development alternatives, the No Action alternative and the Build Alternative. The Supplemental EA supplements the Build Alternative with additional areas of property interest acquisition on the Runway 32 end of Runway 14/32 and the proposed access road realignment and obstruction removal effort.

Alternative #1 (No Action Alternative):

The No Action Alternative assumes that the existing access road and parking lot would remain as obstructions and the airpark would continue to be out of compliance with FAA design standards.

Alternative #2 (Preferred Alternative):

The Preferred Alternative, as discussed above, includes lowering/modifying the access road, grading terrain (parking lot pavement), and removal of two buildings in order to remove obstructions to navigation. This Alternative was determined to best meet the stated Purpose and Need.

Environmental Impacts

Based on the analysis provided in the Supplemental EA, no significant environmental impacts, as defined by FAA Order 1050.1F, would result from the Proposed Action. Please refer to Section V of the Supplemental EA for a full discussion of potential environmental impacts.

Mitigation/Conditions of Approval

The FAA is conditioning approval of the Proposed Action upon implementation of the measures outlined below. The FAA may also take appropriate steps through contract plans, specifications, grant assurances, and special grant conditions to ensure these measures are undertaken.

All acquisitions and relocations will be accomplished in accordance with the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 (the Uniform Act).

Construction through contaminated areas will be subject to regulatory requirements for appropriate management and disposal of contaminated materials to protect workers and the public.

The Proposed Action must comply with Maryland's Stormwater Management and Erosion and Sediment Control Guidelines for State and Federal Projects

Temporary impacts from construction and demolition will be mitigated by the Sponsor's proposed adherence to applicable Best Management Practices (BMPs) specified in FAA AC 150/5370-10, *Standards for Specifying Construction of Airports*, Item P-156, "Temporary Air and Water Pollution, Soil Erosion, and Siltation Control."

All required permits and approvals for the Proposed Action must be obtained prior to construction.

Public Involvement

A public notice was published in The Washington Post beginning August 20th, 2017. Copies of the draft EA were made available for the public to review at the Montgomery County Revenue Authority, 101 Monroe Street, Suite 410, Rockville, MD 20850; Gaithersburg Library Circulation Desk, 18330 Montgomery Village Ave., Gaithersburg MD 20879; and online at the Montgomery County Airpark website <http://www.montgomerycountyairpark.com/community-page-.html>. The thirty (30) day review period ended on September 20th, 2017.

No comments were received from the general public. Comments were received during the thirty (30) day review period from the Maryland Department of Planning State Clearinghouse Review Process. The Maryland Department of Planning, including the Maryland Historical Trust stated that the Proposed Action is consistent with their plans, programs, and objectives. The Maryland Department of the Environment determined that the project is generally consistent with their plans, programs, and objectives but also provided qualifying comments regarding compliance with applicable federal, state and local laws and regulations for construction activities. Comments provided by the State Clearinghouse have been included in Appendix F of the final Supplemental EA.

Conclusion and Approval

The environmental analyses included in this Supplemental EA conclude that no adverse environmental impacts are anticipated as a result of the additional proposed property interest acquisition and obstruction removal. The findings of the 2006 EA/FONSI remain valid, and no significant impacts are anticipated as a result of the additional property interest acquisition and obstruction removal.

I have carefully and thoroughly considered the facts contained in the attached EA. Based on that information, I find the proposed Federal action is consistent with existing national environmental policies and objectives of Section 101(a) of the National Environmental Policy Act of 1969 (NEPA) and other applicable environmental requirements. I also find the proposed Federal action will not significantly affect the quality of the human environment or include any condition requiring any consultation pursuant to section 102(2)(C) of NEPA. As a result, FAA will not prepare an EIS for this action.

Recommended:  11/14/17
Susan Stafford Date
Environmental Specialist, Beckley AFO

Approved:  11/14/17
Matthew DiGiulian Date
Manager, Beckley AFO

Disapproved: _____
Matthew DiGiulian Date
Manager, Beckley AFO

MONTGOMERY COUNTY
AIRPARK
Gaithersburg, MD

**Supplemental Environmental Assessment
for
Five Year Capital Improvement Program
November 2017**



This Supplemental Environmental Assessment becomes a Federal document when evaluated, signed and dated by the Responsible FAA official.



Responsible FAA Official

11/14/2017
Date



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**SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT FOR
FIVE YEAR CAPITAL IMPROVEMENT PROGRAM**

**Montgomery County Airpark (GAI)
Gaithersburg, MD**

**AIP Grant No. 3-24-0018-026-2015
MAA Grant No. MAA-GR-16-013
Delta Project No. 14115**

This Supplemental Environmental Assessment (EA) is based upon the guidance in Federal Aviation Administration (FAA) Order 1050.1F, *Environmental Impacts: Policies and Procedures* and FAA Order 5050.4B, *National Environmental Policy Act Implementing Instructions for Airpark Actions* Paragraph 1402, “Supplementing a NEPA Document.”

This Supplemental EA is a separate document which discusses the changes to the Proposed Action from the 2006 EA/Finding of No Significant Impact (FONSI) and which is to be filed together with the 2006 EA/FONSI. FAA Order 1050.1F states that the responsible FAA official must prepare a Supplemental EA if there are substantial changes to the Proposed Action that are relevant to environmental concerns.

I. Introduction and Project Background

The Montgomery County Airpark (GAI) is a general aviation airpark in Gaithersburg, Maryland which is owned and operated by the Montgomery County Revenue Authority. It is located approximately three miles from the City of Gaithersburg and is accessible from Maryland Route 124, via Airpark Road. There is one runway at the Airpark, Runway 14/32, which is 4,202’ long and 75’ wide.

An EA was completed in 2006 and a FONSI was issued by the FAA on June 26, 2006 for proposed improvement projects at Montgomery County Airpark including:

- Remove obstructions for Runway 14/32
- Lower adjacent access road and parking lot
- Acquire approximately 26 acres for Runway Protection Zone control
- Install holding position signage and marking and install PAPIs

‘Obstruction removal’ in the 2006 EA/FONSI includes the removal of tree obstructions as well as the grading of terrain and buildings within the protected airspace for Runway 14/32 and the elimination of obstructions to the 14 Code of Federal Regulations (CFR) Part 77 surfaces. 14 CFR Part 77 regulates the safe, efficient use, and preservation of navigable airspace.

See Exhibit 1 to accompany the following background discussion. The base for Exhibit 1 is the proposed land acquisition in the 2006 EA; the exhibit has been updated in yellow to signify the additional areas of acquisition being added to the scope.



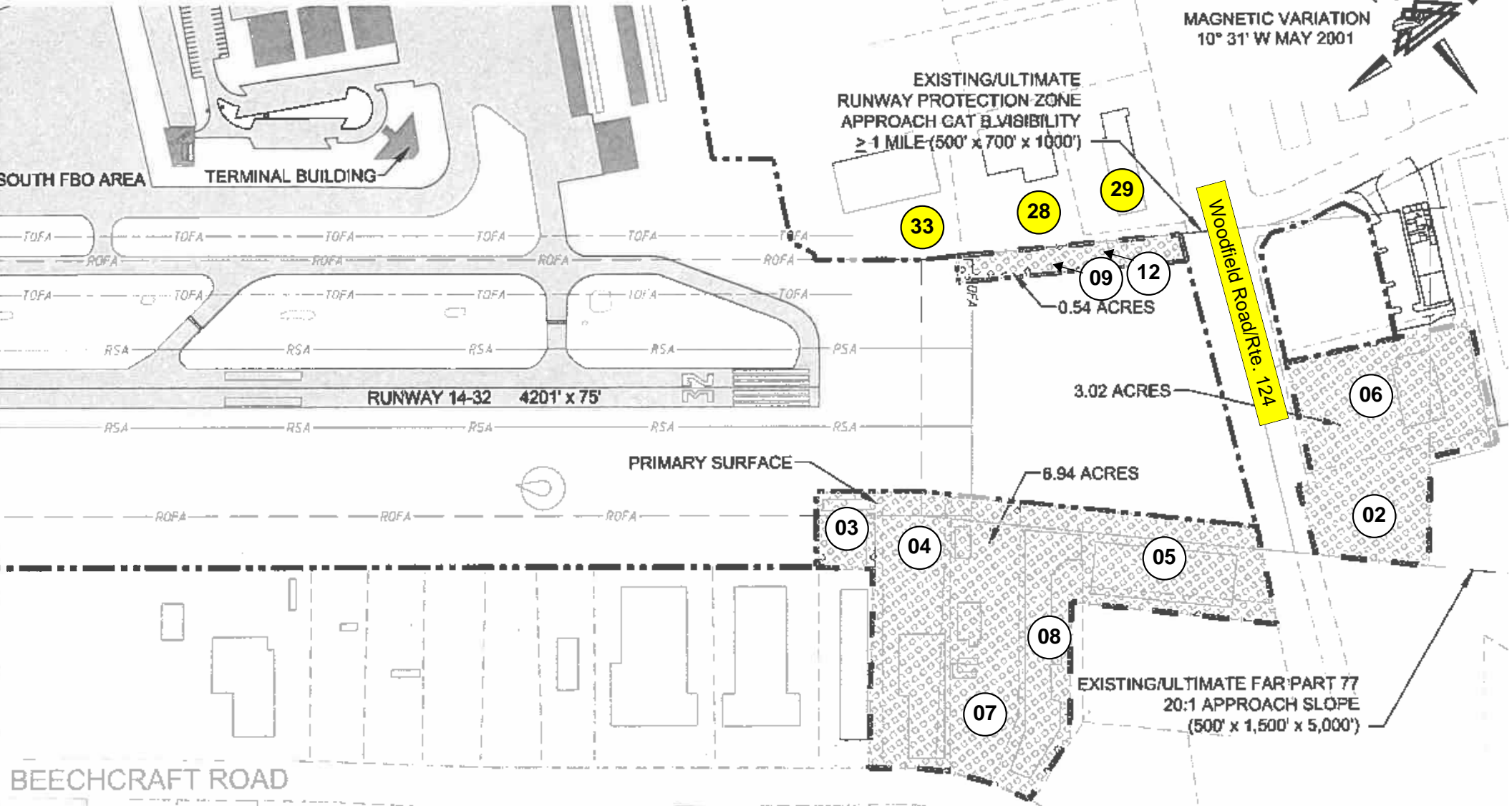
LEGEND:

PROPERTY INTEREST ACQUISITION (FEE SIMPLE)

12 2006 EA

33 2017 Supplemental EA

MAGNETIC VARIATION
10° 31' W MAY 2001



Source of base exhibit: Exhibit 2-4, 2006 EA

Exhibit 1, 2006 EA and 2017 Supplemental EA Study Areas

Montgomery County Airpark (GAI)
2017 Supplemental Environmental Assessment



not to scale

The 2006 EA/FONSI was prepared for the projects recommended in the 2002 Airport Layout Plan (ALP), which identified the existing access road between Parcels 33, 28, and 29 and Woodfield Road (State Route 124) as a penetration to the Part 77 primary surface, and the parking lot on Parcel 28 as a penetration to the Part 77 transitional surface. The existing access road is also a violation to Runway Object Free Area (ROFA) design standards. Both the road and the parking lot were recommended in the 2006 EA/FONSI to be lowered in order to mitigate the penetrations. The portion of the access road which was identified as an obstruction includes two parcels (Parcels 9 and 12) which were included in the 2006 EA/FONSI and identified as property to be acquired. However, Parcels 33, 28, and 29 were not specifically identified in the 2006 EA/FONSI, as it was assumed that the site modifications and other mitigation measures would allow current land uses to remain (and therefore no acquisition of these parcels was necessary).

According to available records, Parcel 28 is owned by PV Airpark LLC with one two-story building, currently used as a gym. Parcel 29 is a condominium business with three businesses, owned by Merchacq 7 LLC. Parcel 33 is owned by W.M. Rickman Construction Co., LLC and houses an aircraft hangar. The "Through the Fence" Agreement between Rickman and the Montgomery County Revenue Authority (MCRA) grants an easement over the parcel for the Part 77 surface, and requires Rickman to remove and pay for the elimination of Part 77 obstructions on the parcel, to include the access road (see Appendix A).

A Preliminary Engineering Design Report (PER) was prepared in 2011 which updated obstruction surfaces with current standards information and which concluded that lowering the access road and parking lot while allowing the current land uses to remain, as recommended by the 2006 EA, is not feasible. The lowering of vehicle pavements to be clear of Part 77 surfaces would create roadway grades and cross slopes that exceed state and local design standards or prevent access to the current buildings. The 2011 PER recommended that the access road be relocated and lowered/modified, the buildings on Parcels 28 and 29 and parking lot pavement be demolished and the associated businesses be relocated (see Exhibit 2). The 2011 PER proposed the acquisition of Parcels 28 and 29 to accommodate the construction, and concluded that Parcel 33 can remain at its current use as a hangar with its vehicle access relocated. The conceptual design included in the PER depicts the relocated access road reaching from the Rickman parcel (Parcel 33) through the parking lot of Parcel 28 before intersecting with Woodfield Drive (see Exhibit 3).

A major conclusion of the 2011 PER is that the realigned access road cannot be lowered sufficiently to provide the 15 foot clearance which is required by FAA standards to be considered a public road (which would accommodate vehicles as high as 15 feet above the ground). Therefore, while the access road is currently accessible to the public, the 2011 PER depicts the realigned access road as a private road according to FAA standards, over which only 10 feet of clearance are required. However FAA did not concur with the designation of the road as a private road, as it was documented that vehicles greater than 10 feet in height would use the road.

This Supplemental EA discusses the additional areas of proposed property interest acquisition (two parcels) on the Runway 32 end and the proposed road realignment and obstruction removal



effort. For the project area (the three parcels), an environmental impact analysis was conducted for the environmental impact categories listed in FAA Order 1050.1F to identify potential environmental impacts of the Proposed Action.

Additionally, a Preliminary Engineering effort was included in this Supplemental EA effort to revisit the conclusions of the 2011 PER, specifically to reinvestigate the possibility of realigning the access road to maintain public access, by achieving a 15 foot clearance. The proposed relocated access road is also required to meet ROFA and Runway Protection Zone (RPZ) standards. FAA design standards require clearing the ROFA of above-ground objects protruding above the nearest point of the Runway Safety Area (RSA), other than objects that need to be located in the ROFA for air navigation or aircraft ground maneuvering purposes, and aircraft which are taxiing or holding. RPZs should be kept clear of people and property on the ground to prevent incompatible objects and activities within its boundaries.

The 2017 PER found that providing 15 feet of clearance is possible by re-grading the entire site of Parcels 28 and 29, shifting the road entrance northward, and constructing a maximum six percent grade for the access road to Route 124. The revised access road alignment as proposed by the 2017 PER is depicted in Exhibit 5. The 2017 PER effort also included the preparation of draft Concept Stormwater Management Plan for submittal to the Montgomery County Department of Permitting in the design phase. The full 2017 PER is included as Appendix E.



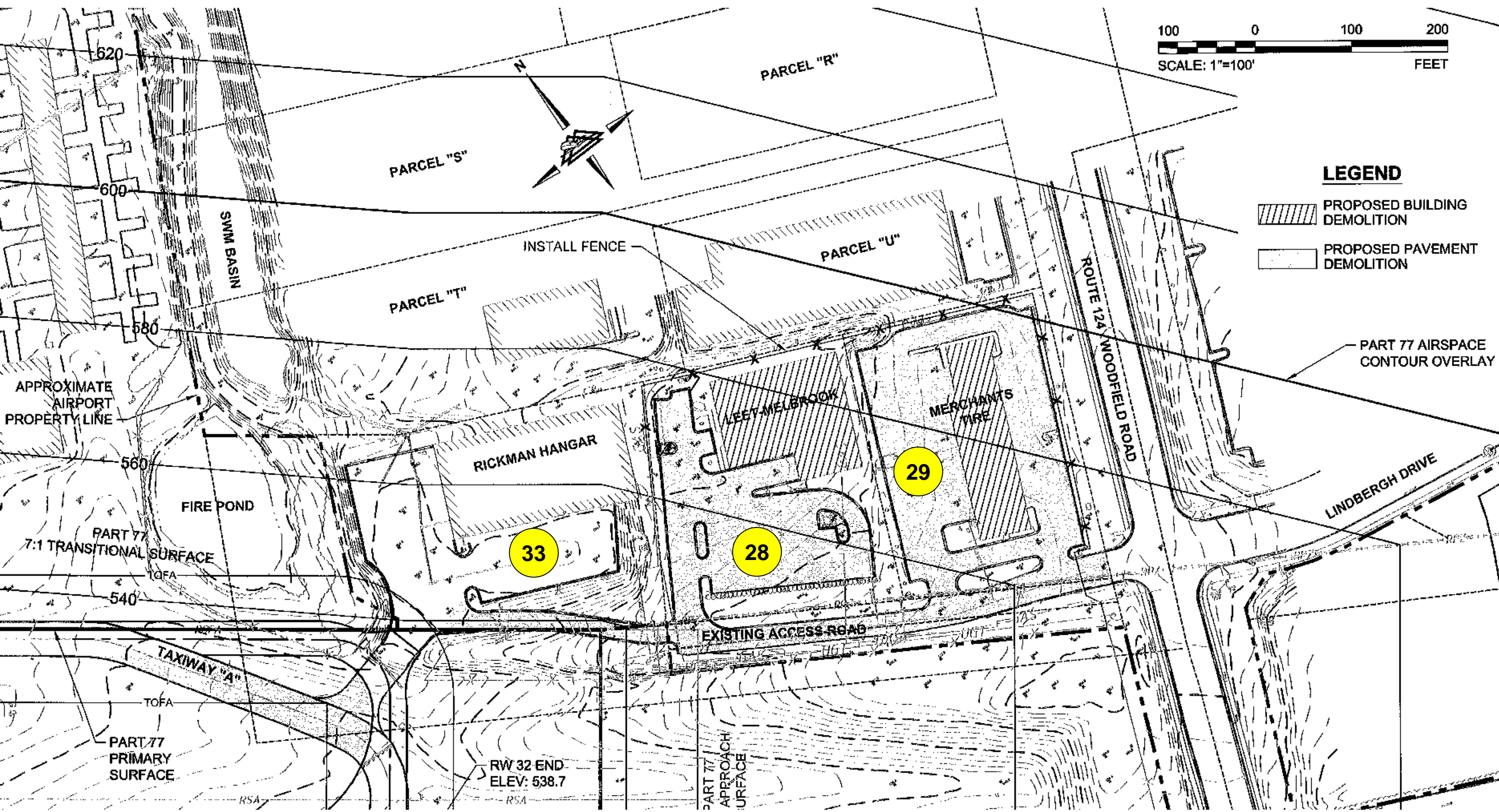


Exhibit 2, Proposed Action, Phase 1, from 2011 Preliminary Engineering Report

Montgomery County Airpark (GAI)
 2017 Supplemental Environmental Assessment

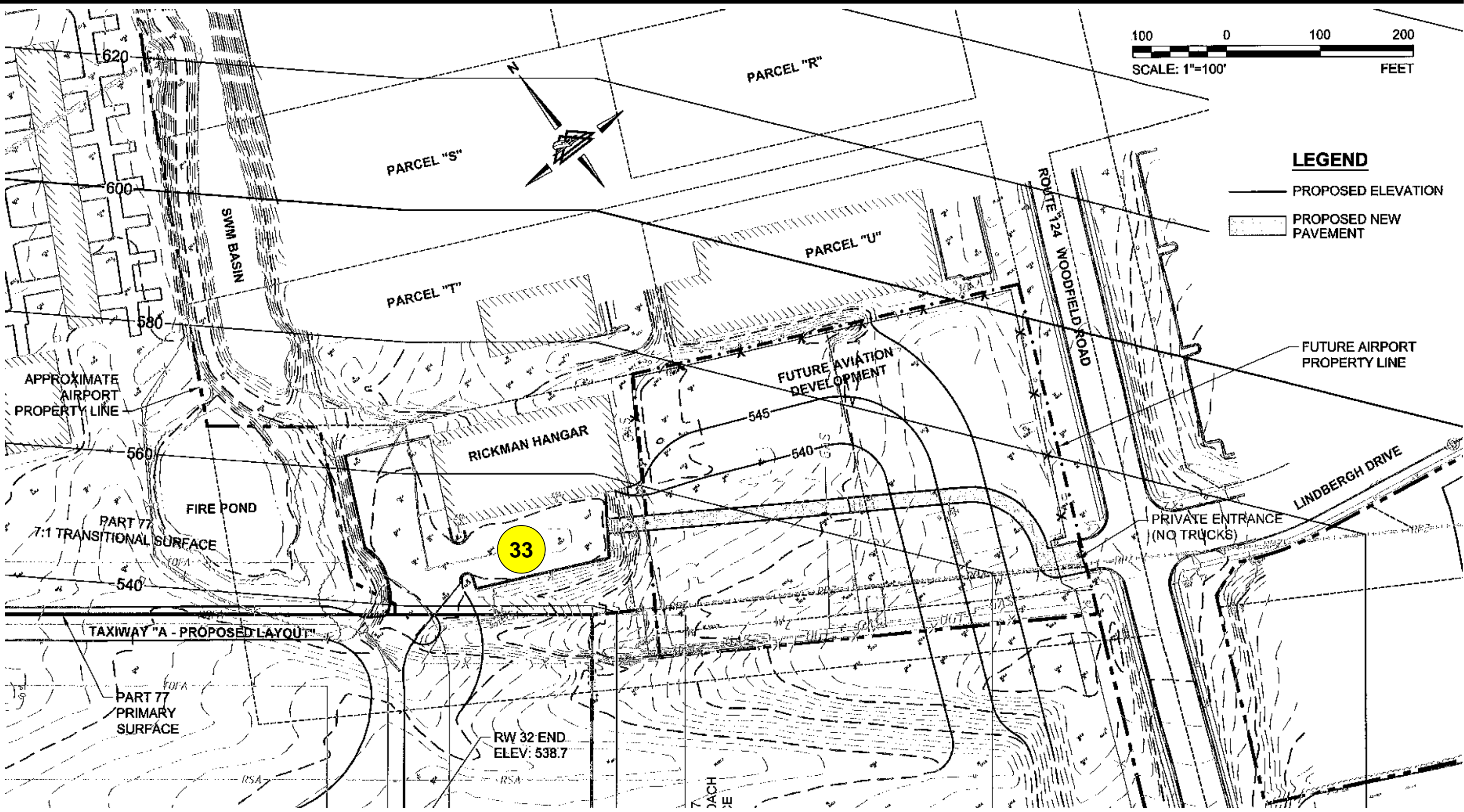


Exhibit 3, Proposed Action, Phase 2, from 2011 Preliminary Engineering Report
 Montgomery County Airpark (GAI)
 2017 Supplemental Environmental Assessment

II. Purpose and Need for the Proposed Federal Action

As is stated in the 2006 EA/FONSI, the purpose of the proposed projects is to maintain the existing Airpark Reference Code (ARC) B-II and improve safety and efficiency, through compliance with FAA design standards. This purpose and need remains valid for the proposed additional property interest acquisition and obstruction removal included in this Supplemental EA.

III. Project Alternatives

The 2006 EA/FONSI analyzed two development alternatives, the No Action alternative and the Build alternative. This Supplemental EA will supplement the Build alternative with the additional areas of property interest acquisition on the Runway 32 end and the proposed road realignment and obstruction removal effort.

Description of Preferred Alternative

This alternative includes the lowering/modification of the access road, and the grading of terrain (parking lot pavement) and removal of two buildings within the project area, in order to remove obstructions to 14 CFR Part 77 surfaces. Fee simple acquisition of Parcels 28 and 29 is proposed to accommodate the construction. The four businesses within the two buildings on these parcels would be relocated. All acquisitions and relocations would be accomplished in accordance with the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 (the Uniform Act).

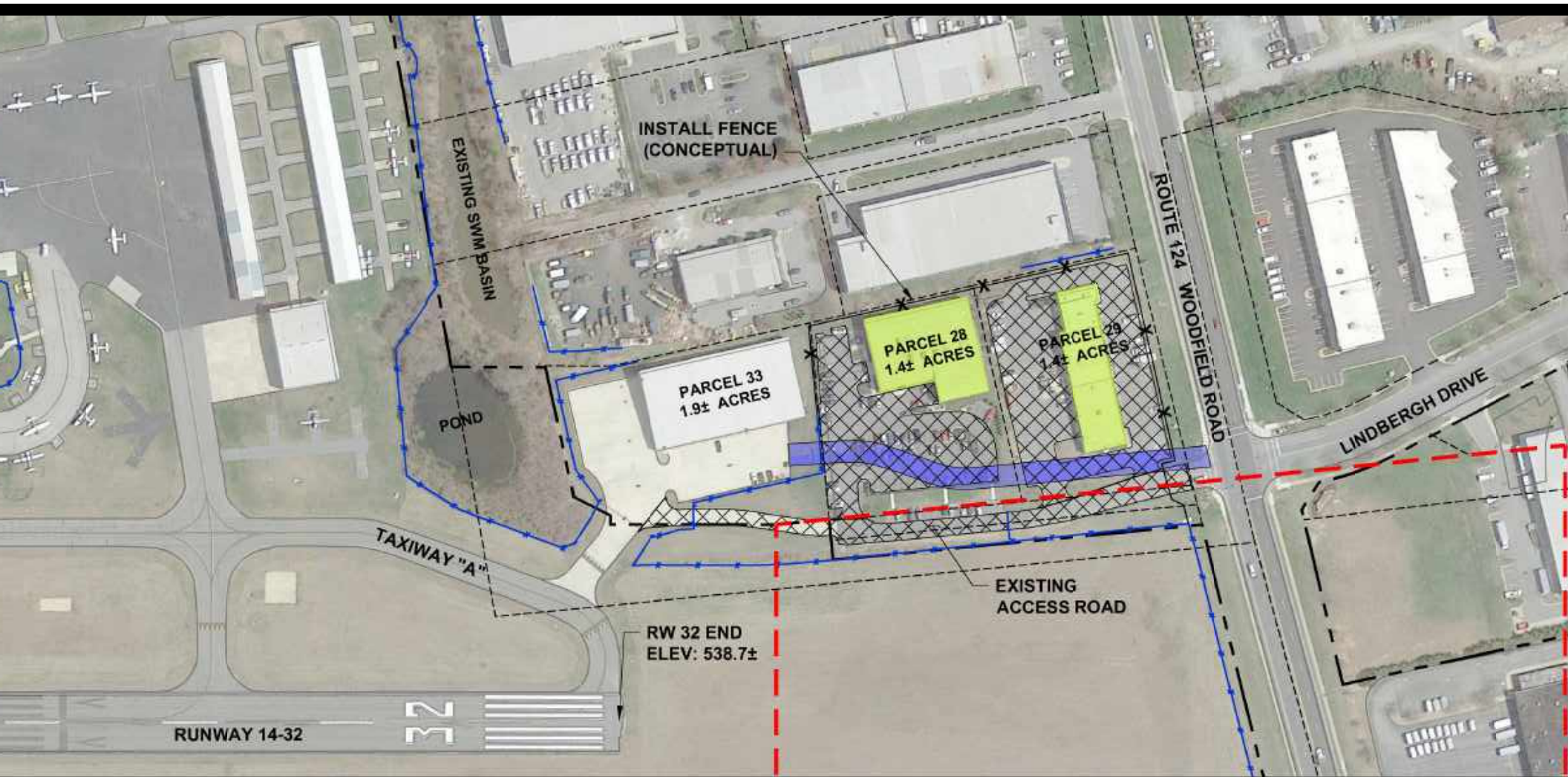
The 2011 PER concluded that the Rickman parcel and building (Parcel 33) can remain at its current use as a hangar with its vehicle access relocated. The existing “through the fence” agreement with Rickman grants an easement over the parcel for the Part 77 surface and requires the owner to remove, at his expense, obstructions to the Part 77 surface, including realigning the road. Therefore no property acquisition of Parcel 33 is included in this Supplemental EA.

The Proposed Action is depicted on the approved Airport Layout Plan (ALP).

Exhibit 4, Proposed Additional Property Acquisition

Tax ID # / Parcel #	Street Address	Acres	Owner Name
02253391 / 28	18810 Woodfield Rd.	1.4±	PV Airpark LLC
C000311 / 29	18820 Woodfield Rd.	1.4±	Merchacq 7 LLC





LEGEND

- | | | | |
|--|--------------------------------|--|--|
| | EXISTING AIRPORT PROPERTY LINE | | PROPOSED BUILDING DEMOLITION |
| | EXISTING FENCE LINE | | PROPOSED PAVEMENT DEMOLITION |
| | PROPOSED FENCE LINE | | PROPOSED ROAD REALIGNMENT (CONCEPTUAL) |
| | PARCEL LINE | | |
| | EXISTING RPZ | | |



Note: Proposed road alignment has changed from the conceptual alignment coordinated with review agencies in January 2016, see Appendix F.



Exhibit 5, 2017 Proposed Action from 2017 Preliminary Engineering Report

Montgomery County Airpark (GAI)
2017 Supplemental Environmental Assessment



not to scale

IV. Affected Environment

This section is to succinctly describe the environmental resources that the updated Proposed Action could affect. These are:

Air Quality: GAI is located in Montgomery County, Maryland which has been designated by the Environmental Protection Agency (EPA) as a non-attainment area for ozone, and as a maintenance area for particulate matter and carbon monoxide.

Biological Resources: Biological resources include various types of flora (plants) and fauna (fish, birds, reptiles, amphibians, etc.) as well as lakes, rivers, wetlands, forests, and upland habitats. The majority of the study area is paved, impervious surface, with some grassed median strips and edging. A field survey conducted as part of the Supplemental EA confirmed the absence of wetlands in the study area (see Appendix B).

The Maryland Forest Conservation Act (FCA) requires any activity requiring an application for a subdivision, grading permit or sediment control permit on areas 40,000-square feet or greater to conform to its requirements, which include the preparation of a Forest Conservation Plan (FCP); however, exemptions to the FCA are provided for areas under FAA restrictions. Montgomery County has a similar law, the Tree Canopy Law, which requires property owners to plant new trees during development, but exempts “the cutting or clearing of any tree by an existing airport currently operating with all applicable permits to comply with applicable provisions of any federal law or regulation governing the obstruction of navigable airspace if the FAA has determined that the trees create a hazard to aviation.”

Climate: FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, was released in 2015 and requires that NEPA documents consider the potential effects of a proposed action or its alternatives on climate change as indicated by its greenhouse gas (GHG) emissions.

Hazardous Materials, Solid Waste, and Pollution Prevention: The Proposed Action involves the fee simple acquisition of two parcels, and the demolition of the buildings and parking lot pavement on those parcels. An Environmental Due Diligence Audit (EDDA) was conducted on the parcels during the 2011 PER effort; the audit found minor soil contamination on Parcels 28 and 29 which would warrant Phase II investigations prior to further negotiations for an acquisition.

Socioeconomics, Environmental Justice, and Children’s Environmental Health and Safety Risks: The 2017 Proposed Action includes the acquisition of two parcels, and would require the relocation of the four businesses on these two parcels. The business to be relocated on Parcel 28 is a gym; there are three businesses on Parcel 29 which would be relocated, two automobile maintenance facilities (Merchant’s Tire and Quick Lube) and an appliance repair shop.

Water Resources: Surface Waters: Surface waters include streams, rivers, lakes, ponds, estuaries,



and oceans. While no in-water work is involved in the Proposed Action, indirect impacts to surface waters could occur from sedimentation from construction activities.

Water Resources: Groundwater: Groundwater is a subsurface water that occupies the space between sand, clay, and rock formations, including aquifers. Groundwater could be impacted by the construction of the Proposed Action.



The Proposed Action alternative would not affect:

- Coastal Resources
- Department of Transportation Act, Section 4(f)
- Farmlands
- Historical, Architectural, Archeological and Cultural Resources
- Land Use
- Natural Resources and Energy Supply
- Noise and Noise Compatible Land Use
- Visual Effects
- Water Resources: Wetlands
- Water Resources: Floodplains
- Water Resources: Wild and Scenic Rivers

V. Environmental Consequences

This section evaluates the environmental impact areas included in FAA Order 1050.1F to determine if potential significant impacts would be incurred by the proposed undertaking.

Air Quality: Montgomery County, Maryland has been designated as a non-attainment area for ozone, and a maintenance area for particulate matter and carbon monoxide. The 2006 EA/FONSI included emission inventories for the existing and future No Action and Build alternatives and concluded that no significant impacts to air quality will occur. The Proposed Action in the Supplemental EA is not tied to an increase in aircraft or vehicle operations and would not cause a permanent increase in emissions. Temporary impacts from construction and demolition would be mitigated by the Sponsor's proposed adherence to applicable Best Management Practices (BMPs) specified in FAA AC 150/5370-10, *Standards for Specifying Construction of Airparks*, Item P-156, "Temporary Air and Water Pollution, Soil Erosion, and Siltation Control." ***No significant air quality impacts are anticipated as a result of the Proposed Action.***

Biological Resources: Biological resources include various types of flora (plants) and fauna (fish, birds, reptiles, amphibians, etc.) as well as lakes, rivers, wetlands, forests, and upland habitats. The 2006 EA/FONSI confirmed that there would be no impact to biological resources. Scoping letters were submitted to review agencies in January 2016 at the start of the Supplemental EA project, to invite interested and involved parties to comment on items for the applicant to consider during the Supplemental EA process. The Maryland Department of Resources (DNR) responded that there are no records of State or Federal rare, threatened or endangered species within the study area (see Appendix F).

According to the United States Fish and Wildlife Service (USFWS) Information, Planning, and Conservation (IPaC) database, no federally listed or proposed endangered, threatened or candidate species, and no critical habitat, is within the project area. The database did identify 18 species of migratory birds which could be present in the study area; however, as the study area consists of heavily developed industrial-type uses, and does not involve the removal of tree



habitat or forest lands, no impacts to migratory birds are anticipated. Per USFWS guidance, federal agencies are not required to contact USFWS or provide documentation for no listed, proposed or candidate species; for documentation purposes, a project package confirming no impact was submitted to USFWS on September 27, 2016 (see Appendix G).

The Maryland Forest Conservation Act (FCA) requires any activity requiring an application for a subdivision, grading permit or sediment control permit on areas 40,000-square feet or greater to conform to its requirements. A field visit to the site was conducted in order to update the Airpark's existing Forest Stand Delineation (FSD) to include the additional study area. At the same time, a Natural Resources Inventory (NRI) was conducted to confirm the absence of threatened and endangered species within the project area. The surveys concluded that no threatened and endangered species and no natural resources including forest cover, streams or stream buffers, and wetlands or wetland buffers are present on the site (see Appendix B). An exemption to the requirements of the FCA was granted by the County in September 2016. However, in July 2017 the County noted that the exemption was issued in error and that the project would not qualify for the exemption until the Authority owns the parcels. The County advised that the Authority re-apply for the exemption once land acquisition is complete. Documentation of this County coordination is included in Appendix B.

The NRI was coordinated with and approved by Montgomery County in conjunction with the FCA exemption. The Montgomery County Tree Canopy Law requires projects which requires a sediment control permit to plant new trees during development, but does exempt projects which remove trees that are hazards to aviation. In lieu of planting, a per-tree fee can be paid to the County. An exemption request to this law is to be submitted during the permitting phase.

No significant impacts to biological resources are anticipated as a result of the Proposed Action.

Climate: FAA Order 1050.1F was released in 2015 and requires that NEPA documents consider the potential effects of a proposed action or its alternatives on climate change as indicated by its greenhouse gas (GHG) emissions. GHGs are defined as including carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). Of the six recognized GHGs, only CO₂ is a direct aircraft combustion product. As stated in the FAA Order, there are no significance thresholds for aviation GHG emissions, and there are currently no accepted methods of determining significance applicable to aviation projects given the small percentage of emissions they contribute. The 2006 EA/FONSI did not specifically discuss GHGs as this guidance was released after it was prepared/issued. As the 2017 Proposed Action is not associated with an increase in aircraft operations or aircraft operational changes, it is reasonable to conclude that ***no measurable increase in greenhouse gases would occur and no significant climate impacts are anticipated.***

Coastal Resources: Montgomery County is not within the coastal zone; ***no impacts are anticipated.*** This is also the conclusion of the 2006 EA/FONSI.



Department of Transportation Act: Section 4(f): The two parcels to be acquired are privately owned parcels with industrial-type land uses. There are no Section 4(f) lands (which include public parks, recreation areas, or land that is a historic site of national, state or local significance) on or near the project site. An archeological and architectural Phase 1 survey was performed by Coastal Carolina Research, Inc. during the 2006 EA/FONSI, which did not identify any archaeological or historic sites eligible for listing on the National Register of Historic Places (NRHP). Updated coordination with the Maryland Historical Trust (MHT) reflecting the 2017 study area was initiated in July 2015. In August 2015, MHT confirmed that there would be no impacts to historic or archaeological resources as a result of the Proposed Action (see Appendix C).

No impacts to DOT Section (4) f lands are anticipated as a result of the Proposed Action.

Farmlands: The 2006/EA FONSI concluded the Proposed Action would result in no significant impacts to farmlands; as the surrounding area is highly developed by commercial and light industrial businesses the Natural Resources Conservation Service (NRCS) determined that it is not subject to the Farmland Policy Preservation Act (FPPA). The additional property acquisition would not impact or convert farmland. ***No impacts to farmland are anticipated as a result of the Proposed Action.***

Hazardous Materials, Solid Waste, and Pollution Prevention: The Proposed Action involves the fee simple acquisition of two parcels, and the demolition of the buildings and parking lot pavement on those parcels. Solid waste will be produced during construction and demolition; the contractor is responsible for disposing of construction debris in accordance with state and county regulations.

A Phase I EDDA was conducted on the parcels in June 2016; the audit found minor soil contamination on Parcels 28 and 29 as well as the potential for subsurface contamination which would warrant Phase II investigations prior to further negotiations for an acquisition.

Due to lack of property access permissions on Parcel 29, a Phase II hazardous materials survey was conducted on Parcel 28 only. Six subsurface samples were collected and analyzed for the following:

- Total Petroleum Hydrocarbons Diesel-Range Organics (TPH-DRO)
- Total Petroleum Hydrocarbons Gasoline-Range Organics (TPH-GRO)
- Resource, Conservation, and Recovery Act (RCRA) Metals
- Volatile Organic Compounds (VOCs)
- Semi-Volatile Organic Compounds (SVOCs)
- Polychlorinated Biphenyls (PCBs)

The Phase II hazardous materials survey identified concentrations of arsenic (a metal) in the soils which exceed the Maryland Department of Environment (MDE) non-residential cleanup standard of 1.9 mg/kg in two of the six samples analyzed. However, the concentrations are indicative of naturally occurring sources (rather than anthropogenic contamination). None of the reported



concentrations of arsenic exceeded the United States Geologic Survey (USGS) Anticipated Typical Concentration (ATC) of 4.9 mg/kg for central Maryland. There were no other concentrations of metals reported that exceeded their respective MDE non-residential cleanup standard. VOC and TPH-DRO concentrations were reported above the laboratory method reporting limit in one of the soil samples analyzed; however, the concentrations did not exceed their respective MDE non-residential cleanup standards. TPH-GRO, SVOC and PCB concentrations were not reported above the laboratory method reporting limits in any of the samples analyzed.

Construction through contaminated areas will be subject to regulatory requirements for appropriate management and disposal of contaminated materials to protect workers and the public. The Phase II hazardous materials survey report, included in Appendix D, makes the following recommendations:

- The soils currently at the Target Property can remain in place.
- Dust control measures and monitoring should be implemented during construction activities to reduce incidental inhalation exposure from potentially impacted soil particles to onsite workers and the surrounding community.
- If soils need to be disposed off-site, the analytical results should be provided to the disposal facility to ensure acceptance of the materials based on the permit requirements of the receiving facility.

A Regulated and Hazardous Materials Survey was also conducted on the building on Parcel 28 which is proposed for demolition. A similar survey was not conducted on the building on Parcel 29 due to lack of property access permissions. Exterior caulking, vinyl floor tile, and ceiling tiles were analyzed. All of the painted surfaces identified on the ceiling of the boxing studio room (this building is being used as a gym) tested positive for lead paint. No asbestos-containing building materials (ACBM) were encountered during the survey. The survey report (see Appendix D) makes the following recommendations:

- Any suspected ACBM encountered during the demolition activities should be treated as ACBM, unless further testing proves otherwise.
- All ceiling components found in this room should be treated as lead-based paint building components for disposal purposes unless further testing proves otherwise.
- A representative sample of demolition debris is recommended to be collected for the purposes of waste characterization prior to disposal. The wastes should be handled in accordance with all applicable federal, state and local regulations.

A Phase II hazardous materials survey and building materials survey (asbestos/lead testing) should be conducted on Parcel 29 before demolition.

In consideration of the above-referenced recommendations, ***no significant impacts to this environmental impact category are anticipated as a result of the Proposed Action.***



Historical, Architectural, Archeological and Cultural Resources: An archeological and architectural Phase 1 survey was performed by Coastal Carolina Research, Inc. during the 2006 EA/FONSI, which did not identify any archeological or historic sites eligible for listing on the National Register of Historic Places (NRHP). Updated coordination with the Maryland Historical Trust (MHT) reflecting the larger, 2017 study area was initiated in July 2015. In August 2015, MHT confirmed that there would be ***no impacts to historic or archaeological resources as a result of the Proposed Action*** (see Appendix C).

Land Use: The 2006 EA/FONSI/FONSI concluded that no significant impact to compatible land use is expected as a result of the proposed project. The amount of proposed property interest acquisition has increased; however the acquisition of these industrial parcels is not anticipated to contribute to land use incompatibility. ***No significant land use impacts are anticipated as a result of the Proposed Action.***

Natural Resources and Energy Supply: The 2006 EA/FONSI/FONSI concluded that no significant impacts are anticipated as a result of the proposed project; the proposed additional property interest acquisition and obstruction mitigation is not anticipated to significantly impact energy supply and natural resources use. ***No significant impacts are anticipated as a result of the Proposed Action.***

Noise and Noise-Compatible Land Use: The 2006 EA/FONSI/FONSI concluded that no significant impacts are anticipated as a result of the proposed project, and that noise impacts exceeding DNL 65 would remain on airpark property. The Proposed Action would not cause an increase in aircraft operations or in the types of aircraft anticipated to operate at the airpark. Temporary noise increases can be expected during construction; however, the surrounding properties are industrial uses and the airport property which are not considered “noise sensitive” uses. ***No significant impacts from noise are anticipated as a result of the Proposed Action.***

Socioeconomics, Environmental Justice, and Children’s Health and Safety Risks: The significant impact thresholds for socioeconomic impacts include: extensive relocation of residents without sufficient replacement housing; extensive relocation of community business which would create severe economic hardship for affected communities; disruptions of local traffic patterns that substantially reduce the levels of service of the roads serving the airpark and its surrounding communities; and, a substantial loss in community tax base.

The 2017 Proposed Action involves the fee simple acquisition of two parcels of land adjacent to the airpark property, and the relocation of the four businesses on those parcels. All acquisitions and relocations would be accomplished in accordance with the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 (the Uniform Act). The businesses are to be relocated to a suitable location during the land acquisition phase based upon the County’s zoning and land use regulations. Fair compensation and the provision of applicable relocation expenses as appropriate in accordance with the Uniform Act is a mitigation measure to compensate for any impacts to business owners. During the land acquisition phase, a formal relocation assistance program would be offered to the businesses to be relocated, during which potential relocation sites are to be identified and relocation details are to be negotiated. In cases where the business



owner opts to relocate instead of close or sell the business, the relocation specialist would identify a suitable site for relocation which would allow the business owner to continue its operations in a new, comparable location while retaining the same level of business and employee base. No specific protections or reimbursements are allocated to employees of businesses to be relocated.

Interviews with the owners of the two parcels were not conducted due to owners not being on site (as was the case for Parcel 28) or owners refusing access (as was the case for Parcel 29); as a result, the number of employees at each business location is not known. However, it is reasonable to assume that all four businesses qualify as small businesses, meaning less than 500 employees.

The access road to Parcels 33, 29 and 28 is to be realigned and lowered to mitigate obstructions to airspace. The preliminary engineering effort conducted during this Supplemental EA effort (see Appendix E) concluded that it is feasible to maintain public access on this road. No socioeconomic impacts are anticipated as a result of the proposed action.

The Proposed Action would occur entirely on airpark property (once the acquisitions are complete). FAA Order 1050.1F Desk Reference states, "When the FAA determines that a project has significant impacts in any environmental impact category, the potential for disproportionately high and adverse effects on minority or low-income populations must be examined pursuant to DOT Order 5610.2(a)." As no significant impacts which cannot be mitigated are anticipated as a result of the Proposed Action, no disproportionate impacts to minority populations or children are anticipated. ***No impacts to this environmental impact category are anticipated as a result of the Proposed Action.***

Visual Effects: The 2006 EA/FONSI concluded that no significant visual impacts are anticipated as a result of the Proposed Project. The study area and its surroundings are highly developed by commercial and light industrial uses. Once implemented, the Proposed Action would result in the loss of two commercial structures, but would not alter the overall visual character of the commercial and light industrial development that is presently in the area. ***No lighting or visual impacts are anticipated as a result of the Proposed Action.***

Water Resources- Wetlands: Previously surveyed wetland areas were re-verified in August 2004 and a Jurisdictional Determination (JD) was obtained during the 2006 EA/FONSI. The additional parcels in the 2017 project area are heavily developed with no previously surveyed wetland areas. USFWS National Wetlands Inventory (NWI) data consulted in March 2015 identified no wetlands on these parcels (see Exhibit 6). A field review was conducted during the NRI update effort which confirmed the absence of wetlands in the study area (see Appendix B). ***No impacts to wetlands are anticipated as a result of the Proposed Action.***

Water Resources- Floodplains: The 2006 EA/FONSI/FONSI noted that while there are 1.8± acres of airpark property north of Runway 14-32 that are included in the 100-year floodplain limits, no impacts to the floodplain would occur from the proposed project. FEMA Flood data consulted in 2016 confirms the absence of floodplains within the additional parcels within the 2017 project



area (see Exhibit 7). *No impacts to floodplains are anticipated as a result of the Proposed Action.*





U.S. Fish and Wildlife Service
National Wetlands Inventory



14115 GAI NWI
 Data

Mar 24, 2015

Wetlands

-  Freshwater Emergent
-  Freshwater Forested/Shrub
-  Estuarine and Marine Deepwater
-  Estuarine and Marine
-  Freshwater Pond
-  Lake
-  Riverine
-  Other

Riparian

-  Herbaceous
-  Forested/Shrub

Riparian Status

-  Digital Data



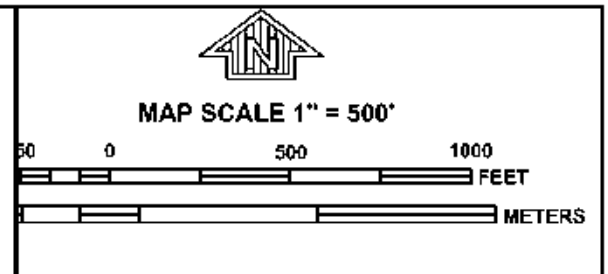
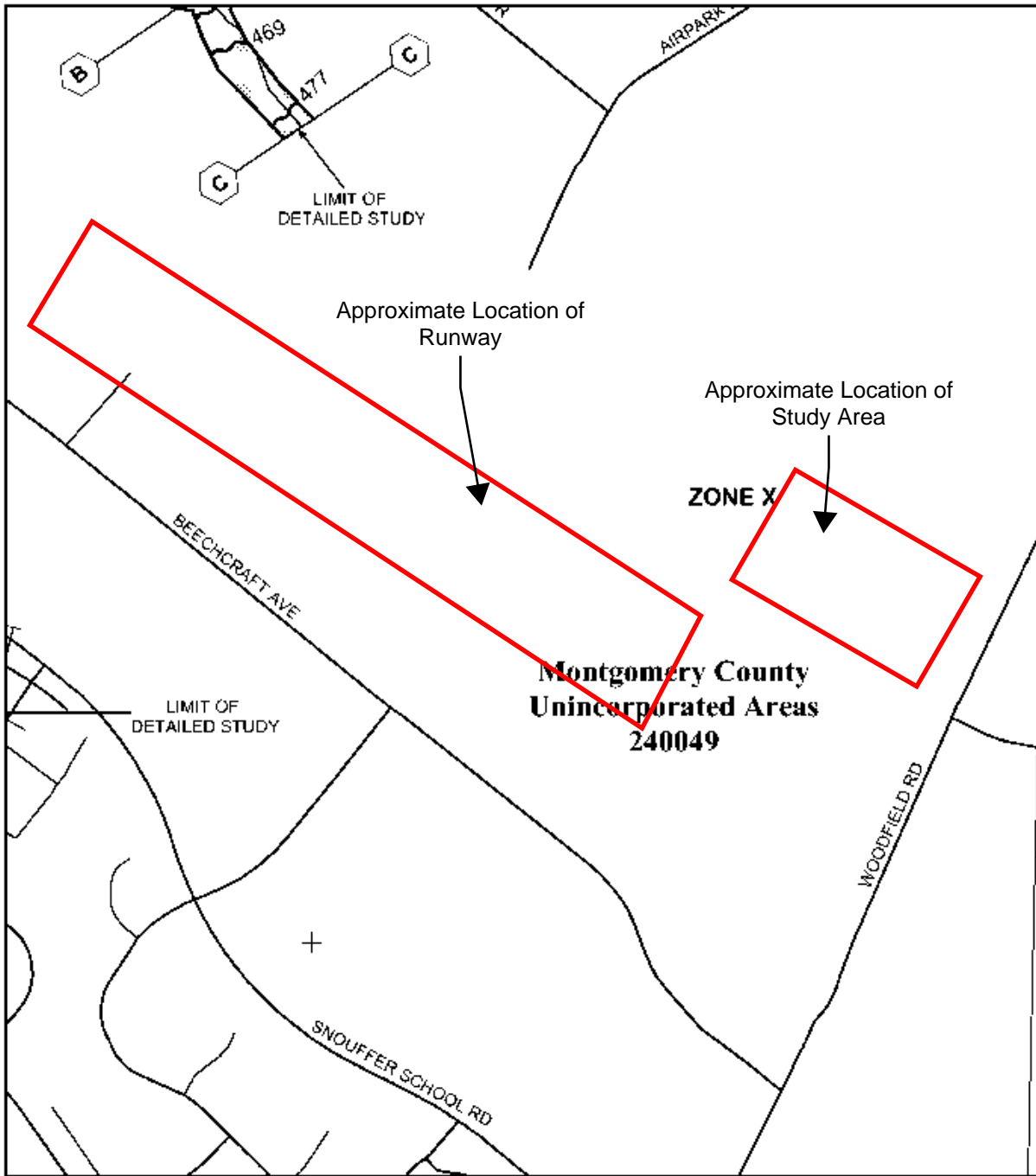
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Exhibit 6, National Wetlands Inventory (NWI) data

Montgomery County Airpark
 2017 Supplemental Environmental Assessment



not to scale



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0191D

FIRM
FLOOD INSURANCE RATE MAP
MONTGOMERY COUNTY, MARYLAND
AND INCORPORATED AREAS

PANEL 191 OF 480
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
GATHERSBURG, CITY OF	240052	0191	D
MONTGOMERY COUNTY	240049	0191	D

Notes to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
24031C0191D

EFFECTIVE DATE
SEPTEMBER 29, 2006

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Exhibit 7, FEMA Flood Map data
 Montgomery County Airpark
 2017 Supplemental Environmental Assessment



Water Resources- Surface Waters: The 2006 EA/FONSI noted that BMPs such as proper erosion control, reseeding, and adherence to the National Pollutant Discharge Elimination System (NPDES) permit would minimize potential water quality impacts, and concluded that no significant impacts to water quality are anticipated.

The Proposed Action involves the realignment of an access road, and the demolition of terrain (pavement) obstructions, and would result in a net *decrease* of impervious surface in the project area. The proposed project will be designed to the standards of Environmental Site Design (ESD) and Maryland State stormwater standards. A Preliminary Design effort was conducted during this Supplemental EA (see Appendix E) which proposes grass swale infiltration and non-rooftop disconnect as appropriate water quality measures. BMPs are to be confirmed during the design phase.

The appropriate coordination with the County is to be conducted and BMPs are to be followed to reduce erosion and sediment during construction. Temporary impacts from construction and demolition would be mitigated by the Sponsor's proposed adherence to applicable Best Management Practices (BMPs) specified in FAA AC 150/5370-10, *Standards for Specifying Construction of Airparks*, Item P-156, "Temporary Air and Water Pollution, Soil Erosion, and Siltation Control."

A draft Stormwater Concept Plan was prepared during this Supplemental EA effort (see Appendix E); this plan along with Erosion and Sediment Control design are to be coordinated with the Montgomery County Department of Permitting and the Maryland Department of the Environment (MDE) during the design phase. With adherence to the design and mitigation measures described, ***no significant impacts to surface water are anticipated as a result of the Proposed Action.***

Water Resources- Groundwater: Groundwater is subsurface water that occupies the space between sand, clay and rock formations. The Proposed Action involves the realignment of an access road, and the demolition of terrain (pavement) obstructions, and would result in a net decrease of impervious surface in the project area. The appropriate coordination with the County is to be conducted and BMPs are to be followed. ***No impacts to groundwater resources are anticipated as a result of the Proposed Action.***

Water Resources- Wild and Scenic Rivers: The 2006 EA/FONSI/FONSI noted that there are no designated Wild and Scenic rivers in the vicinity of GAI. This remains the case, and ***no impacts to Wild and Scenic Rivers are anticipated as a result of the Proposed Action.***



Cumulative Impacts: Cumulative impacts are defined by the Council of Environmental Quality (CEQ) Regulations as, “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions...” Past (the previous three years- based on AIP grant history) projects are listed below:

Exhibit 8, Past Projects at GAI

Fiscal Year	Grant Seq. No.	AIP Federal Funds	Work Description
2012	<i>No grant history</i>		
2013	<i>No grant history</i>		
2014	23	\$36,000	Remove Obstructions
2015	27	\$405,666	Rehabilitate Taxiway A
2015	25	\$48,780	Wildlife Hazard Assessment
2015	24	\$1,406,916	Remove Obstructions
2015	26	\$171,360	Remove Obstructions
2016	28	\$5,477,702	Rehabilitate Taxiway, Taxiway Lighting

The obstruction removal project involves the removal of tree obstructions west of the runway, and was covered in the 2006 EA/FONSI. Tree removal is complete. Updated coordination with MHT and DNR was conducted in 2015 to ensure no significant changes had occurred since the 2006 EA/FONSI; none were identified (see Appendices C and F). This project did involve stream restoration and wetland banking to mitigate for conversion from forested wetlands; however, as no wetland or stream impacts are anticipated as a result of this Proposed Action, no cumulative impacts would be created.

The Taxiway A rehabilitation project was covered by a Cat-Ex which was signed by FAA in February 2016; no significant environmental impacts are anticipated as a result of this project. The construction phase of this project was funded in 2016 (“Rehabilitate Taxiway, Taxiway Lighting”). The installation of PAPIs on the Runway 32 end, which is part of the Taxiway A rehabilitation project, was environmentally covered in the 2006 EA/FONSI.

A Cat-Ex was also issued by FAA for the Wildlife Hazard Assessment, in May 2015; no significant environmental impacts are anticipated as a result of this study.

Reasonably foreseeable projects (according to the ACIP) are listed in Exhibit 9. As mentioned previously, the Taxiway A rehabilitation project is included in a Cat-Ex and is not anticipated to cause significant environmental impacts. The four projects listed in Years 2018 through 2021 are associated with the Proposed Action in this Supplemental EA; therefore, no cumulative impacts would be realized.



Exhibit 9, Reasonably Foreseeable Projects at GAI

Fiscal Year	Proposed Project
2017	Rehabilitate Taxiway A South of 'B'
2018	Acquire Land, Parcel 28 or 29
2019	Acquire Land, Parcel 28 or 29
2020	Remove Obstructions, Demolish Buildings (Design)
2021	Remove Obstructions, Demolish Buildings (Construction)

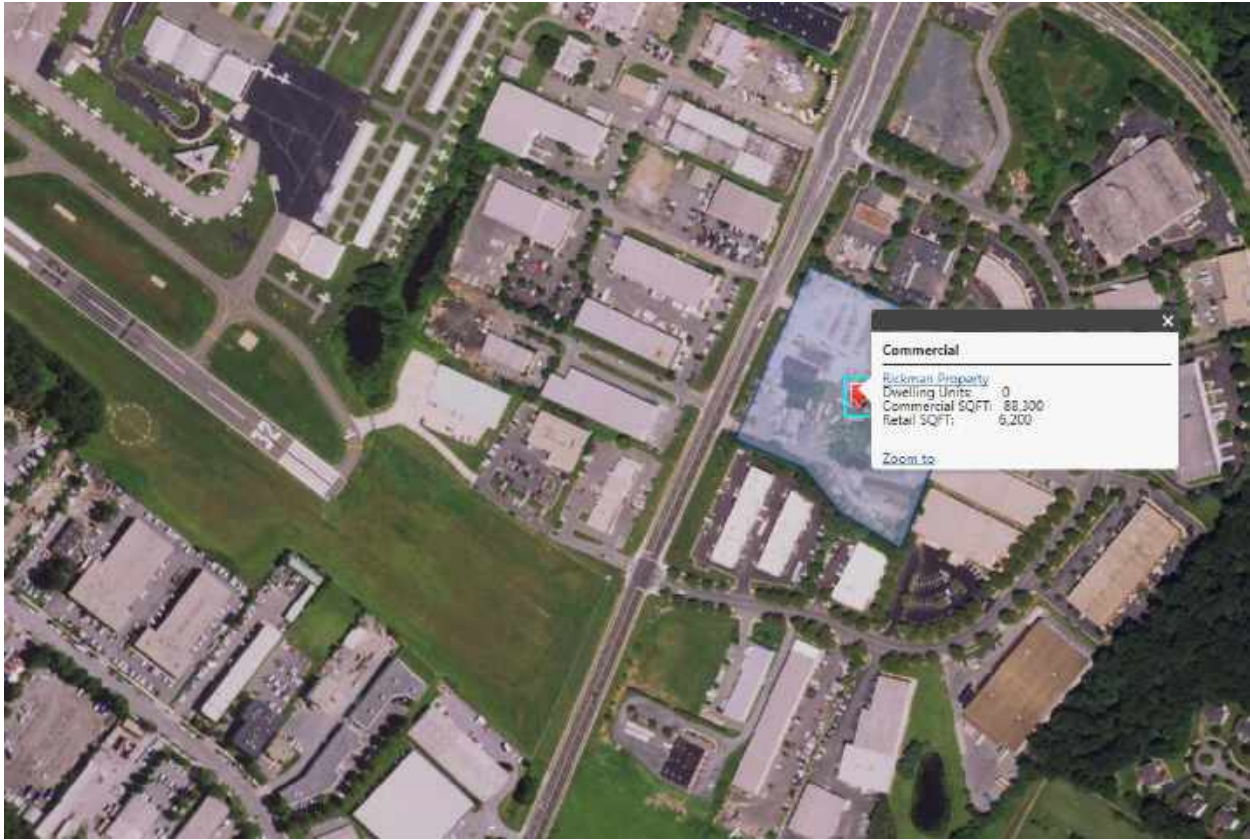
The 2009 Master Plan for the City of Gaithersburg, and Montgomery County's 1985 Gaithersburg Vicinity Master Plan were reviewed. The City's Master Plan did not mention plans for the Airpark. The County's Vicinity plan assumes the continued operation of the Airpark and recommends that the prospective development and surrounding residential and industrial land uses should not detract from its continued operation.

The Montgomery County Development Database (www.mcatlas.org/developmentdatabase/) is a database of projects proposed, underway, or recently built in the County. In the vicinity of the study area, one commercial project is proposed across Woodfield Road (State Route 124) (see Exhibit 10), in which a six acre parcel would be redeveloped with a fast food restaurant, bank, and warehouse uses. According to the database, access to the proposed development would be provided via two existing full movement access points onto Woodfield Road, and the proposed development would not have adverse effects on the roadway system serving the site.

Conclusion: This 2017 Supplemental EA has been prepared according to direction in FAA 1050.1F, to incorporate the additional proposed property interest acquisition and obstruction removal into the Proposed Action described in the 2006 EA/FONSI. The environmental analyses included in this Supplemental EA effort conclude that no adverse environmental impacts are anticipated as a result of the additional proposed property interest acquisition and obstruction removal. The findings of the 2006 EA/FONSI remain valid, and no significant impacts are anticipated as a result of the additional property interest acquisition and obstruction removal.



Exhibit 10, Proposed Development in the Vicinity of the Study Area



Source: Montgomery County Development Database



VI. Document Preparation

The individuals who were primarily responsible for the preparation of this Supplemental EA are listed below.

Montgomery County Revenue Authority and Montgomery County Airpark

Keith Miller, Executive Director, Montgomery County Revenue Authority

Delta Airport Consultants, Inc.

Roy G. Lewis, AICP, A.A.E., Vice President, Planning

Project Oversight, Consultant Team Coordination, and Overall Document Review

Mary A. Pearson, AICP, Project Manager

Project Manager- responsible for overall document preparation, sponsor, agency and public coordination

Craig Simpson, E.I.T., Project Designer

Project Designer- responsible for preliminary engineering and preparation of the stormwater concept plan

Chesapeake Environmental Management, Inc.

Kevin DiMartino, Director

Contamination Division

Responsible for the Phase I and Phase II Environmental Due Diligence Audits (EDDA) and Hazardous Building Material surveys

Peter C. Scherr, Senior Project Manager

Resource Assessment

Responsible for the update and coordination of the Natural Resources Inventory (NRI)/Forest Stand Delineation (FSD)



APPENDIX A

Property Access Requests and Responses

Rickman through the Fence Agreement
and Avigation Easement



December 4, 2015

SUMO Holdings Maryland, LLC
18810 Woodfield Rd.
Gaithersburg, MD 20879

RE: Tax ID # 02253391
Montgomery County Airpark, Supplemental Environmental Assessment
Property Access Authorization Request

Dear Sir and/or Madame:

In 2006, the Montgomery County Revenue Authority (MCRA), owner and operator of the Montgomery County Airpark, completed an Environmental Assessment (EA) for proposed airport improvements. A Finding of No Significant Impact (FONSI) was issued by FAA in June 2006. The EA identified the existing access road and parking lot from the above-mentioned parcel to Woodfield Road (State Route 124) as a penetration to the proposed 14 CFR Part 77 airspace surfaces, and recommended that the terrain be lowered to mitigate the penetrations.

Since then, a Preliminary Engineering effort has been conducted which concluded that additional property must be acquired to effectively remove the terrain penetrations, including the above-mentioned parcel.

MCRA has retained Delta Airport Consultants, Inc. to prepare a Supplemental EA to update the 2006 EA with the additional recommended land acquisition. The Supplemental EA is to be prepared consistent with the guidelines of the National Environmental Policy Act (NEPA) and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*.

As part of the environmental review, the following studies must be completed by Chesapeake Environmental Management, Inc., an environmental consulting firm located in Bel Air, MD. These surveyors work directly for Delta Airport Consultants, Inc.

- **Phase 1 Environmental Due Diligence Audit (EDDA)** - This is an update to the EDDA that was conducted on the above-mentioned parcel in 2011.
- **Subsurface Investigation** - Additional survey for hazardous materials is being conducted per the recommendations of the 2011 EDDA that was conducted on the above-mentioned parcel.
- **Environmental Building Materials Inspections** - This survey is to test the buildings on the above-mentioned parcel for lead and asbestos.

- **Natural Resources Inventory (NRI) and Forest Stand Delineation (FSD)** - The NRI/FSD completed during the 2006 EA is to be updated to include the additional recommended land acquisition.

On behalf of the MCRA, we are requesting permission to allow Chesapeake Environmental Management, Inc. to access the above-referenced property for the purpose of performing these surveys.

The surveys require varying degrees of fieldwork. The Subsurface Investigation involves installing borings to collect soil samples for testing. The drilled locations will be restored to original surface conditions using asphalt patch. The Environmental Building Materials Inspection involves sampling selected building materials to test them for the presence of asbestos.

Enclosed for your convenience is a form to respond to the MCRA's request for access and a pre-addressed, stamped envelope. Please complete and return the access permission form within seven (7) days of receipt.

If you should have any questions, comments or concerns regarding this request for access to the subject property, please contact Ms. Mary Ashburn Pearson, Project Manager, Delta Airport Consultants, at 804-955-4556 or mapearson@deltairport.com. We appreciate your support of the Montgomery County Airpark.

Sincerely,

A handwritten signature in blue ink that reads "Mary".

Mary Ashburn Pearson, AICP
Project Manager

Enclosure:

1. Property Access Authorization Form

cc: Mr. Keith Miller, Chief Executive Officer, MCRA

**FIELD SURVEYS
PROPERTY ACCESS AUTHORIZATION**

NAME: _____
(print name)

PROPERTY LOCATION: 18810 WOODFIELD RD.

Phone number: _____ Day Address: _____
_____ Evening _____

ACCESS GRANTED: _____ **DATE:** _____
(signature)

PRINT NAME: _____

Special Instructions:

- Would you like the consultants to contact you to coordinate their visit in advance?
Yes___ No ___
- Would you like to join the consultants while they perform their work? Yes___ No ___
- Other special instruction? _____

ACCESS DENIED: _____ **DATE:** _____
(signature)

PRINT NAME: _____

REASON FOR DENIAL: _____

Please Return Within Seven (7) Days. Thank You!

Ms. Mary Ashburn Pearson, AICP
Project Manager
Delta Airport Consultants, Inc.
9711 Farrar Court, Suite 100
Richmond, VA 23236
804-955-4556


**FIELD SURVEYS
PROPERTY ACCESS AUTHORIZATION**

NAME: Amy DiPasquale
(print name)

PROPERTY LOCATION: 18810 WOODFIELD RD.

Phone number: 301 674 6786 Day
Same Evening

Address: 7430 New Technology Way
Site B
Frederick, MD 21703

ACCESS GRANTED:  **DATE:** 2/16/16
(signature)

PRINT NAME: Amy DiPasquale

Special Instructions:

- Would you like the consultants to contact you to coordinate their visit in advance?
Yes No
- Would you like to join the consultants while they perform their work? Yes No
- Other special instruction? _____

ACCESS DENIED: _____ **DATE:** _____
(signature)

PRINT NAME: _____

REASON FOR DENIAL: _____

Please Return Within Seven (7) Days. Thank You!

Ms. Mary Ashburn Pearson, AICP
Project Manager
Delta Airport Consultants, Inc.
9711 Farrar Court, Suite 100
Richmond, VA 23236
804-955-4556

DELTA AIRPORT
CONSULTANTS
MAR 2 1 2016
RICHMOND, VA

Mary Ashburn Pearson

From: Mary Ashburn Pearson
Sent: Monday, April 11, 2016 4:53 PM
To: 'David Nakahara'
Cc: Keith Miller; Roy G. Lewis
Subject: RE: inspection

David,

Thank you for your time on today's call and for the response below.

Mary Ashburn

Mary Ashburn Pearson, AICP
DELTA AIRPORT CONSULTANTS, INC.
P. 804.955.4556 F. 804.275.8371

-----Original Message-----

From: David Nakahara [mailto:dnakah@comcast.net]
Sent: Monday, April 11, 2016 4:47 PM
To: Mary Ashburn Pearson <mapearson@deltaairport.com>
Subject: inspection

Dear Mary,

Thank you and your associates, Keith Miller and Roy Lewis for taking the time to explain to me the situation regarding the environmental inspection of my property at 18820 Woodfield Rd, Gaithersburg, MD. However, I must at this time deny you access to the property for the proposed inspection. Perhaps this situation can be re-examined in the future.

Sincerely,

David Nakahara

THROUGH THE FENCE AGREEMENT

between

MONTGOMERY COUNTY REVENUE AUTHORITY

and

W. M. RICKMAN CONSTRUCTION COMPANY, LLC

This THROUGH THE FENCE AGREEMENT ("Agreement") is made and entered into between the Montgomery County Revenue Authority, an instrumentality of Montgomery County, Maryland and a public corporation ("the Authority"), and W. M. Rickman Construction Company, LLC, a Maryland limited liability company ("Rickman").

RECITALS

A. The Authority is the owner of a parcel of land commonly referred to as the Montgomery County Airpark ("the Airpark"), a general public aviation facility located in Montgomery County, Maryland as more particularly described in deeds recorded among the land records of Montgomery County, Maryland on April 26, 1960, (Liber 2727 at Folio 372), December 29, 1967, (Liber 3699 at Folio 488 and Liber 3699 at Folio 495), and January 31, 1980, (Liber 5475 at Folio 501) which are incorporated by reference and made a part of this Agreement.

B. Rickman is the owner of a parcel of land immediately adjacent to the Airpark, particularly described as follows:

Parcel lettered "X" in a subdivision entitled "MONTGOMERY COUNTY AIRPARK INDUSTRIAL SITES" as per plat thereof recorded among the land records of Montgomery County, Maryland, in Plat Book 119 at Plat No. 14008 (the "Rickman Property").

C. Rickman has constructed an approximate 20,000 square foot airplane hangar on the Rickman Property for the storage of aircraft, and desires to construct a taxiway connection from the Rickman Property to the Airpark taxiway and runway solely for the purpose of landing, taking off, flying over, taxiing, loading and unloading of aircraft, but not for providing any commercial aeronautical or aviation services or activities to the public.

D. The Authority has consented to Rickman's request to construct the taxiway connection from the Rickman property to the Airpark taxiway and runway and the parties desire to set forth in this Agreement the terms, conditions, and restrictions under which Rickman may utilize the taxiway connection.

NOW THEREFORE, in consideration of the foregoing recitals, the mutual promises set out below, and for other good and valuable consideration, the receipt and sufficiency of all of which are acknowledged, the parties agree as follows:

A G R E E M E N T

1. **DEFINITIONS.**

- A. Rickman means W. M. Rickman Construction Company, LLC, and its employees, agents, representatives, and contractors.
- B. Authority means the Montgomery County Revenue Authority, acting through its Board of Directors or authorized designee.
- C. FBO means fixed based operator.
- D. FAA means the Federal Aviation Administration.
- E. MAA means the Maryland Aviation Administration.

2. **INCORPORATION OF DOCUMENTS AND RECITALS.** The recitals and attached exhibits are incorporated by reference and made a part of this Agreement.

3. **CONDITIONS PRECEDENT.** This Agreement will expire if Rickman does not implement all of the following conditions precedent within 6 months after the Effective Date of this Agreement:

- A. **Construction of Taxiway Connection.** Rickman must construct, at its sole expense, the taxiway connection described in **EXHIBIT A**. Rickman must pay for any environment assessment required in connection with the Federal Aviation Administration, or any other federal, state or local agency. The taxiway connection will connect the Rickman Property and the existing taxiway on the Airpark to that certain point along the perimeter of the Airpark, which the Authority has determined to be the appropriate location for access between the Airpark and the Rickman Property (the "Point of Ingress/Egress"). Rickman shall be responsible for any release or disturbance of any hazardous substance or material, including but not limited to petroleum or any petroleum related product, in connection with the construction or use of the taxiway and hereby indemnifies and holds the Authority, its agents, officials and employees fully harmless from any the costs, liabilities and damages associated with any such release or disturbance pursuant to the indemnification set out in Section 10 of this Agreement. Rickman must also install lighting, striping, and signs along the taxiway connection, as well as the relocated perimeter fence with a security system, including gated access and an access control system, at the Point of Ingress/Egress, as described in **EXHIBIT A**. The gated access must be controlled by a system approved by

the Authority. Rickman must complete all work to the Authority's reasonable satisfaction and must comply with all applicable laws, rules, regulations, grant assurances, airport layout plans, and legally constituted authorities with jurisdiction, including the FAA, the MAA, and any rules, regulations, or special safety operational requirements the Authority may impose.

- B. Avigation Easement.** Rickman must grant the Authority a non-exclusive avigation easement through the airspace above a specified imaginary plane over the Rickman Property. In this easement, Rickman must (1) prohibit the erection or growth of any object extending into that imaginary plane or the runway protection zone; (2) grant the Authority the right to prevent and remove the erection or growth of (or alternatively mark and light as obstructions) any object extending into that imaginary plane or the runway protection zone; (3) agree to cover the cost of any action required to safely maintain that imaginary plane or runway protection zone; and (4) grant other assurances the Authority may require to ensure compliance with all applicable laws, rules, regulations, grant assurances, airport layout plans, and legally constituted authorities with jurisdiction, including the FAA, the MAA, and any rules, regulations, or special safety operational requirements the Authority may impose. The parties will sign the avigation easement contemporaneously with the signing of this Agreement, and record it immediately thereafter. Any lender or lien holder of the underlying fee must consent to this easement which will become effective when recorded.

4. RICKMAN'S EXERCISE OF THE TAXIWAY CONNECTION.

- A. Access for Aircraft.** Rickman may exercise the taxiway connection for aircraft access to the Airpark from the Rickman Property through the designated Point of Ingress/Egress solely for the purpose of landing, taking off, flying over, taxiing, loading, and unloading of its aircraft. Rickman must not permit any person on the Rickman Property to provide any commercial aeronautical or aviation services or activities to the public.

- B. Access to Meet Taxiway Construction and Maintenance Obligations.** The Authority also grants Rickman a License for access to the Airpark from the Rickman Property through the designated Point of Ingress/Egress for the purpose of access to the taxiway to allow Rickman to meet its taxiway connection construction and maintenance obligations under this Agreement.

- 5. RELOCATION OF POINT OF INGRESS/EGRESS.** The Authority reserves the right to relocate the Point of Ingress/Egress upon ninety (90) days written notice to Rickman, provided (1) the relocation does not prevent access between the Airpark and the Rickman Property and (2) the new Point of Ingress/Egress is reasonably convenient to the Rickman

Property. Rickman must incur any costs incurred in constructing the new Point of Ingress/Egress, including any environmental assessment. Relocation of the new Point of Ingress/Egress may occur for any reason, including the need to accommodate third parties or others to whom the Authority may grant permission to ingress or egress from land adjacent or contiguous to the Airpark. The Authority can designate the relocated Point of Ingress/Egress as a replacement site for the originally designated Point of Ingress/Egress or as an additional site for ingress and egress.

6. **LIMITATIONS ON USE OF TAXIWAY CONNECTION.**

A. **No Storage upon the Airpark.** This Agreement does not authorize the storage of aircraft or any personal property, aviation or non-aviation related, upon the Airpark.

B. **Users must Comply with Applicable Laws.** Any person accessing or using the Airpark pursuant to this Agreement must comply, at all times, with all applicable laws, rules, regulations, grant assurances, airport layout plans, and legally constituted authorities with jurisdiction, including the FAA, the MAA, and any rules, regulations, or special safety operational requirements the Authority may impose. Any person accessing or using the Airpark pursuant to this Agreement must first contact the Unicom frequency in use to advise operational personnel and other pilots of his or her intentions to taxi on the taxiway connection.

C. **Authority Controls over Access.** Access through the Point of Ingress/Egress is subject to those rules and regulations that the Authority will establish. These will include (1) the establishment and issuance of gate access codes or devices and (2) the denial, from time to time, of ingress or egress by any person or persons where the Authority determines, in good faith, that temporary conditions at the Airpark or Rickman Property are such that ingress or egress poses an immediate threat to the safe and efficient operation of the Airpark, creates an aviation safety hazard on either the Airpark or the Rickman Property, or otherwise makes aircraft operations on either the Airpark or the Rickman Property unsafe. Similarly, the Authority may deny ingress or egress by any person(s) who or which the Authority determines in good faith has violated the provisions of this Agreement. This relief is in addition to, and not in limitation of, the remedies set forth in section 12 of this Agreement.

7. **RICKMAN PROPERTY CONDITIONS.** Rickman agrees to the following restrictions on the use and occupancy of the Rickman Property:

A. **Hangars.** Hangars on the Rickman Property must be large enough to store based aircraft. Rickman must not permit any person to install, construct, or use

T-Shades or T-hangars on the Rickman Property. Rickman may install outdoor tie-downs for the temporary, short-term parking of aircraft. Rickman must have adequate exterior aircraft apron and taxiway surface area to allow all aircraft parked exclusive of the hangar space to remain clear of the taxiway connection/taxiway connection clearance area.

- B. No Commercial Activity.** The Rickman Property shall not be used by the property owner for any commercial use or \ to provide any commercial aeronautical or aviation services or activities to the public. This prohibition shall not preclude, however, any business entities affiliated with the property owner, or non-paying guests of the property owner, from using the Rickman Property or its facilities.
- C. Aircraft Fuel Facility.** Rickman must not permit any person to install or operate any aircraft fuel facility on the Rickman Property, except for a facility for fueling Rickman's own aircraft based at the Rickman Property. Except where expressly indicated otherwise, an aircraft fuel facility includes a mobile fuel unit. That facility must meet all of the following requirements:
1. Rickman must provide the Authority with a copy of all fuel delivery invoices on a monthly basis.
 2. The fuel facility (not including a mobile fuel unit) must be above ground, readily accessible from the taxiway.
 3. The fuel facility must meet all Federal, State, and local safety guidelines for construction and operation.
 4. Only mobile fuel units operated by Rickman, an FBO or other commercial aviation operators may operate on the Rickman Property.
- D. Elimination of FAR Part 77 Penetrations.** Rickman must coordinate and complete, at Rickman's own expense, all work necessary to eliminate all penetrations to federal aviation regulations (FAR) Part 77 Surfaces on the Rickman Property, including, but not limited to, road and/or terrain penetrations, fences, lighting, utilities, and the relocation of the Rickman Property access road, when obstruction removal work on the surrounding properties commences.
- E. Land Easement to the Authority to Ensure Compliance with this Agreement.** Rickman hereby grants the Authority a non-exclusive easement to enter upon the Rickman Property at all reasonable times and upon prior notice for the purpose of assuring Rickman's compliance with the terms of this Agreement.

8. **TAXIWAY CONNECTION OPERATION AND MAINTENANCE.**

- A. **Rickman's Operation and Maintenance Obligations.** Rickman must operate and maintain, at Rickman's sole expense, the fence and security system with gated access control at the Point of Ingress/Egress, the taxiway connection and all lighting, striping, and signs along the taxiway connection, and the common areas on the Rickman Property, including access control fencing along the perimeter of the Rickman Property taxiway connection/taxiway connection clearance area erected for the purpose of restricting access between the public roadway in or near the Rickman Property and any taxiway connection/taxiway connection clearance area, in compliance with all applicable laws, rules, regulations, grant assurances, airport layout plans, and legally constituted authorities with jurisdiction, including the FAA, the MAA, and any rules, regulations, or special safety operational requirements the Authority may impose. Rickman must promptly remove any disabled aircraft or other obstruction from the taxiway connection in order to assure safe aircraft operations at all times.
- B. **Taxiway Hold Line.** Rickman must paint, on the taxiway connection, a taxiway hold line, located at least 65 ½ feet from the centerline of the existing Authority taxiway. All aircraft utilizing the taxiway connection must hold short of this hold line until runups have been completed, clearance received, and the pilot of the aircraft has determined that it is safe to proceed onto the Authority taxiway. Rickman must move the hold line if the Authority determines it necessary or desirable due to changes in regulatory requirements or changes in use of the Authority taxiway.
- C. **Use of Motor Vehicles on the Taxiway Connection.** Rickman must not permit any person to use a motor vehicle on the taxiway connection, except for aircraft, airport service vehicles, emergency vehicles, FBO service vehicles, and vehicles performing maintenance/safety inspections of the taxiway connection/taxiway connection clearance area.
- D. **Parking or Impeding the Taxiway Connection.** Rickman must not permit any person to park or otherwise use a motor vehicle to impede aircraft movement on the taxiway connection or any taxiway connection safety area, except in the course of maintenance/safety inspections or maintenance of the taxiway connection/taxiway connection clearance area. Rickman must give notice of such impedance to the Authority at least 24 hours in advance.
- E. **Taxiway Signage.** Rickman must post signs on the Rickman Property to prohibit use of the taxiway connection or access to the Airpark from the Rickman

Property by unauthorized persons. Rickman must place signs so as not to interfere with or be an obstruction to taxing aircraft. The Authority may require Rickman to add, remove, or replace signage, where it determines the existing signage is inadequate, improper or a safety hazard.

9. **RICKMAN'S COMPENSATION TO THE AUTHORITY.**

- A. **Annual Access Fee.** Rickman must pay the Authority an amount equal to 120% of that portion of the annual real estate taxes attributed to the buildings on the Rickman Property on the Effective Date of this Agreement and on the anniversary of that date each year during the term of this agreement, within thirty (30) days of the Authority's notice."
- B. **Aircraft storage fee.** Rickman must pay the Authority an annual aircraft storage fee of \$.05 per pound for each aircraft stored upon the Rickman Property in excess of 48 continuous hours. The weight of each aircraft is calculated as the maximum take off weight listed in FAA Advisory Circular 150/5300-13 "Airport Design," as amended. Rickman must pay this fee to the Authority annually, no later than January 30 of each year. Rickman must pro rate this fee on a 12 month basis for each aircraft stored upon the Rickman Property for less than one year. The Authority may adjust this rate as it determines, in its sole discretion, but must not increase the aircraft storage fee above \$.08 per pound and must not increase the aircraft storage fee more than \$.01 in any 12 month period. Notwithstanding the foregoing sentence, nothing herein is intended to be a limitation on the upward or downward adjustment of the aircraft storage fee in accordance with the provisions of subsection 9.G below.
- C. **Fuel flow fee.** Rickman must pay the Authority a fuel flow fee at the rate of \$.06 per gallon dispensed upon the Rickman Property. Rickman must pay this fee to the Authority semiannually, on January 1 and July 1 of each year. The Authority may adjust this rate as it determines, in its sole discretion, but must not increase the fuel flow fee above \$.10 per gallon. The Authority must not increase the fuel flow fee more than \$.01 in any 12 month period. Notwithstanding the foregoing sentences, nothing herein is intended to be a limitation on the upward or downward adjustment of the fuel flow fee in accordance with the provisions of subsection 9.G below.
- D. **Operations and Maintenance Fee.** Rickman must pay the Authority \$5,000.00 (Five Thousand Dollars) as Rickman's annual contribution toward the Authority's annual common area maintenance expenditures and annual costs associated with Airpark management. Rickman must pay this amount to the Authority annually on the anniversary of the Effective Date of this Agreement. The Authority will pro rate this fee at the expiration or sooner

termination of this Agreement. The Authority may increase this fee every 3 years based on the consumer price index for all urban consumers (CPI-U) in the Washington D.C.-Baltimore area.

E. Increased Insurance Costs. Rickman must reimburse the Authority for any reasonable increase in insurance costs assessed as a result of this Agreement.

F. Increased Construction Costs. Rickman must reimburse the Authority for any Airpark construction costs required for convenience, compliance, or safety as a result of this Agreement (including, costs associated with lighting, striping, signage, drainage, grading, and paving). The Authority will use good faith efforts to assure that these costs are reasonable and will notify Rickman in writing 10 business days before entering into any contract with reimbursable costs, except in cases of emergency.

G. Authority Re-Evaluation of Fees. The fees Rickman pays under this section must be comparable to applicable fees paid by Airpark tenants and other users. To that end, the Authority must occasionally re-evaluate and adjust Rickman's fees. The Authority must provide thirty (30) day notice to Rickman of the amount of additional fees payable.

10. **INDEMNIFICATION.** Rickman agrees to indemnify, defend, save, and hold the Authority, its agents, officials, and employees, fully harmless from and against all liabilities, losses, suits, claims, judgments, fines, or demands of every kind and nature (including all costs of investigation, attorney's fees, court costs, and expert's fees) arising from, related to, or caused by (1) the operation and maintenance of the taxiway connection and its use by any person, whether a person authorized pursuant to this Agreement or not and (2) Rickman's acts or omissions, and that of its agents, contractors, and employees with respect to any actions taken pursuant to the Agreement; provided, however, that the Authority is liable solely and to the extent of any injury, damage, or loss caused by the gross negligence of the Authority, its agents, officials, or employees.
11. **INSURANCE.** Prior to entering onto the Property and at all times during the term of this Agreement, Rickman must maintain at all times insurance coverages and amounts (and with deductibles) as may be reasonably required by the Authority for Rickman's use of the taxiway connection in accordance with the terms of this Agreement. The Authority may change the requirements for the coverages and amounts (and deductibles) as it may reasonably deem necessary to protect its and the public's interests. Rickman must provide the Authority a certificate of insurance reflecting such coverages and naming the Authority as an additional insured. This certificate must provide that the coverages, amounts, and deductibles must not be materially modified, terminated, or allowed to lapse without 45 days prior written notice to the Authority. Upon the request of the Authority, Rickman must provide the Authority with certified copies of the policies for

such insurance.

12. **NON-LIABILITY.** The Authority has no liability for any acts or omissions of any person, whether or not a person authorized under this Agreement, who enters the Rickman Property through the Point of Ingress/Egress. The Authority has no liability for any conditions occurring on the Rickman Property resulting from the operations or activities of any person entering the Rickman Property through the Point of Ingress/Egress. The Authority has no liability for any loss or damage to any persons, property, or equipment of any person on the Rickman Property caused by or resulting from operations or activities of any person entering the Rickman Property through the Point of Ingress/Egress. Rickman expressly assumes the risks described in this subsection, and this assumption of risk is a material inducement to the Authority agreeing to permit access to the Airport through the Point of Ingress/Egress.
13. **REMEDY FOR BREACH.** In the event of default by Rickman of any of the terms and conditions of this Agreement, the Authority must provide Rickman with notice of default and thirty (30) days to cure the default, if a monetary default, or thirty (30) days to commence action to cure a non-monetary default. In the event the default is not cured, or action taken to cure the default within the 30-day period, the Authority may terminate this Agreement and pursue an action against Rickman for various relief, including specific performance of the terms and conditions of this Agreement, and damages incurred as a result of Rickman's default.

In the event of default by the Authority, under the terms of this Agreement, Rickman may pursue such remedies as may be available to him under applicable law.

14. **NOTICES TO PARTY.** All notices required or permitted to be given to any party under this Agreement must be in writing and may be given in person, by United States mail, or by delivery service. Any notice directed to a party is effective upon the earliest of the following: (i) actual receipt by that party; (ii) delivery to the designated address of that party, addressed to that party; (iii) delivery by overnight courier; or (iv) if given by certified or registered United States mail, forty-eight (48) hours after deposit with the United States Postal Service, postage prepaid, addressed to that party at its designated address. The designated address of a party is the address of that party shown below or such other address as that party, from time to time, may specify by notice to the other party:

The Authority:	Montgomery County Revenue Authority 101 Monroe Street, Suite 410 Rockville, Maryland 20850-2589
----------------	---

With copies to: County Attorney
101 Monroe Street
Third Floor
Rockville, Maryland 20850-2589

Rickman: William M. Rickman
15215 Shady Grove Road
Rockville, Maryland 20850

With copies to: Joseph A. Lynott, Sr., Esquire
11 North Washington Street
Suite 220
Rockville, Maryland 20850

15. **ANNUAL REVIEW.** The parties must review this Agreement on an annual basis to amicably resolve any issues arising under the Agreement. This annual review does not preclude the parties from pursuing any other remedies they may have under this Agreement or under law.
16. **OTHER IMPORTANT PROVISIONS.**
 - A. **Modification and Waiver.** Except where expressly provided to the contrary, any amendment of this Agreement must be in writing, signed by the parties with the same formalities as this Agreement, and recorded among the land records of Montgomery County, Maryland. A party wishing to waive any rights under this Agreement must do so expressly in writing. A waiver will be narrowly construed so as not to waive any other rights or any other instance to which that right might apply.
 - B. **Severability.** Whenever possible, each provision of this Agreement must be interpreted in such a manner as to be valid under applicable law. But if any provision of this Agreement is deemed invalid, that provision must be severed, and the remaining provisions must otherwise remain in full force and effect.
 - C. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties concerning the taxiway connection. All terms and conditions contained in any other writings previously executed by the parties and all prior and contemporaneous arrangements and understandings between the parties are superseded by this Agreement. No agreements, statements, or promises about the subject matter of this Agreement are binding or valid unless they are contained in this Agreement.

- D. **Applicable Law.** This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of Maryland, without regard to its conflict of laws principles.
- E. **Headings and Construction.** Descriptive headings are inserted only for convenience and do not affect the meaning of any provision. Where the context requires, the singular must be construed as the plural and neuter pronouns must be construed as masculine and feminine pronouns, and vice versa. This Agreement must be construed according to its fair meaning and any rule of construction to the effect that ambiguities are to be resolved against the drafting party must not apply in the interpretation of this Agreement.
- F. **No Agency.** This Agreement does not make either one of the Parties, its officers, employees or agents, an officer, employee or agent of the other Party.
- G. **No Partnership; Third Parties.** This Agreement does not create any partnership, joint venture or other arrangement between the parties. This Agreement is not for the benefit of any non-party, and no third has any right or cause of action under this Agreement.
- H. **Warranty of Authority.** The persons executing this Agreement warrant that they are authorized by the respective party whom they represent to execute this Agreement.
- I. **Further Assurances.** Promptly upon the request of another party to this Agreement, a party must do further acts and must execute, have acknowledged, and deliver to the other party, as appropriate, any and all further documents or instruments reasonably requested in order to carry out the intent and purpose of this Agreement.
- J. **Effective Date.** This Agreement is effective after it is signed by all parties and recorded among the land records of Montgomery County, Maryland.
- K. **Binding Effect.** The Agreement runs with the land and binds the parties, their heirs, successors, personal representatives, and assigns.
- L. **Time Of Essence.** Time is of the essence for performance of all of the Parties' obligations under this Agreement.
- M. **Requests For Documents.** The Authority will respond to any third-party request for documents in accordance with applicable law, including the Maryland

Public Information Act.

- N. Non-Discrimination.** Rickman must not exclude any person from participation in, deny any person the benefits of, or otherwise subject any person to discrimination in (1) the use of the taxiway connection, (2) the construction of any improvements on the taxiway connection, and (3) the furnishing of any services on the taxiway connection on the grounds of race, color, creed, religion, sexual orientation, disability, or national origin. Rickman must use, operate, and maintain the taxiway connection in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as those regulations may be amended.
- O. Subordination to Federal/State Agreements.** This agreement is subordinate to any existing or future agreement between Authority and the United States Government/State regarding the operation or maintenance of the Airpark, the execution of which has been or may be required before the Authority can receive Federal/State funds for the Airpark's development under 49 USC CHAPTER 471 – Airport Development and its implementing regulations or Md. Code Transp. Art., Title 5, provided however, if any subsequent such agreements unilaterally terminate Rickman's use of the taxiway connection or rights under this Agreement, and if Rickman has a compensable property interest, Rickman is entitled to pursue any claims it might have for compensation for such property interest. If any breach of this Agreement by Rickman causes the Authority to violate or be in violation of 49 U.S.C., Chapter 471 or rules or regulations promulgated thereunder, Md. Code Transp Art., Title 5 or rules or regulations promulgated thereunder or any agreement the Authority enters into either with the United States Government or the State of Maryland under such statutes, successor statutes or rules or regulations promulgated in connection therewith, or if Rickman violates the existing grant agreement under 49 U.S.C. Chapter 471 or any future agreement between the Authority and either the United States or the State of Maryland under such statutes, rules or regulations relating to the taxiway connection or the Airpark, the Authority may terminate this Agreement. Notwithstanding the foregoing, other than in an emergency (which emergency may include, but is not limited to a safety issue, an air transportation safety matter, or threatened loss of funding under the aforesaid statutes, rules and regulations), Rickman shall be entitled to thirty days notice and opportunity to cure such failure to comply. In the case of a breach of this Agreement giving rise to an emergency, the Authority will provide Rickman with notice of such breach and opportunity to cure if it is reasonably feasible for the Authority to

do so under the circumstances. During a time of war or national emergency, the Authority has the right to lease or otherwise allow use of the landing area or any part thereof to the United States Government for military or other Federal/State Government purposes and, if that lease/use is executed, the provisions of this Agreement, insofar as they are inconsistent with the provisions of the lease/use to the government, must be suspended and reinstated at such time as the lease/use with the Federal/State Government is terminated. Suspended time must be considered as part of the term of this Agreement and will not extend the expiration date of this Agreement.

- P. Authority Right to Develop the Airpark; Non-Exclusive Rights.** This Agreement must not be construed to impede the Authority's right to further alter, develop, expand or improve the Airpark, and the Authority expressly reserves the right to do so. This Agreement is non-exclusive and does not prevent the Authority from accessing or using the Airpark or permitting other persons to access or use the Airpark.
- Q. Declaration of Termination; No Warranty of Non-Interference by Entities Outside Authority's Control.** The parties understand that the actions of local governmental units, parties holding land or living adjacent to the Airpark, and governmental entities not subject to Authority's influence and control, may have, in the future, adverse impacts upon the number and character of flight and other operations at the Airpark. In such event, Rickman has the option of declaring this Agreement terminated on ninety (90) days' written notice to the Authority and agrees not to seek recovery of any damages from the Authority (except as provided in subparagraph O above), but not from any other governmental entity or third party causing the adverse impact on the use of the taxiway connection or the terms of this Agreement.
- R. Termination of Agreement.** This Agreement shall terminate if the Airpark ceases to be used as an airport for the general public.

17. **TERM OF AGREEMENT.** The initial term of this Agreement shall be for a period of five (5) years. At the expiration of the five-year term, the parties shall negotiate in good faith for further five-year extensions of the term. If the parties are unable to agree on further extensions of the term, the legal position of the parties shall automatically revert to that which existed prior to the date of this Agreement except for those legal rights that are provided in other written agreements.

Witness:

WILLIAM M. RICKMAN

By:

[Handwritten signature]

[Print name]

Witness:

MONTGOMERY COUNTY REVENUE
AUTHORITY

Tara L Jacob

[Handwritten signature]
Marc D. Atz, Executive Director

Tara L Jacob

[Print name]

Tara Letitia Jacob

[Handwritten signature]
Stephen H. Edwards, Chairman of the Board

Tara Letitia Jacob

[Print name]

(Jurats follow)

STATE OF Maryland
COUNTY OF Montgomery

On this 19th day of July, 2006, before me, Gayle Jamison

Jamison, the undersigned subscriber, personally appeared William M. Rickman of the State and County aforesaid, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that (s)he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

My Commission Expires: May 1, 2008 *[Signature]*
Notary Public

STATE OF MARYLAND
COUNTY OF MONTGOMERY

On this 23rd day of June, 2006, before me, Gayle

Jamison, the undersigned subscriber, personally appeared Marc D. Atz, Executive Director of the Montgomery County Revenue Authority, of the State and County aforesaid, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that (s)he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I affix my hand and notarial seal.

My Commission Expires: May 1, 2010

Gayle Jamison
Notary Public

STATE OF MARYLAND
COUNTY OF MONTGOMERY

On this 23rd day of June, 2006, before me, Gayle

Jamison, the undersigned subscriber, personally appeared Stephen H. Edwards, Chairman of the Board of Directors of the Montgomery County Revenue Authority, of the State and County aforesaid, known to me (or satisfactorily proven) to be the person described in the foregoing instrument and acknowledged that (s)he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I affix my hand and notarial seal.

My Commission Expires: May 1, 2010

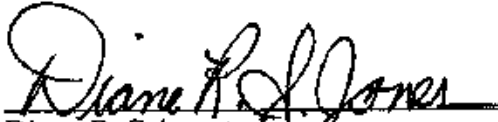
Gayle Jamison
Notary Public

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Diane R. A. Jones

Approved as to form and legality:

James A. Lynott
Attorney for William M. Rickman


Diane R. Schwartz Jones
Associate County Attorney

ATTENTION LAND RECORDS CLERK:
after recordation, please return to:
James A. Lynott
51 Monroe Street
Suite 701
Rockville, Maryland 20850-2477

ebl

EXHIBIT A
Taxiway Connection

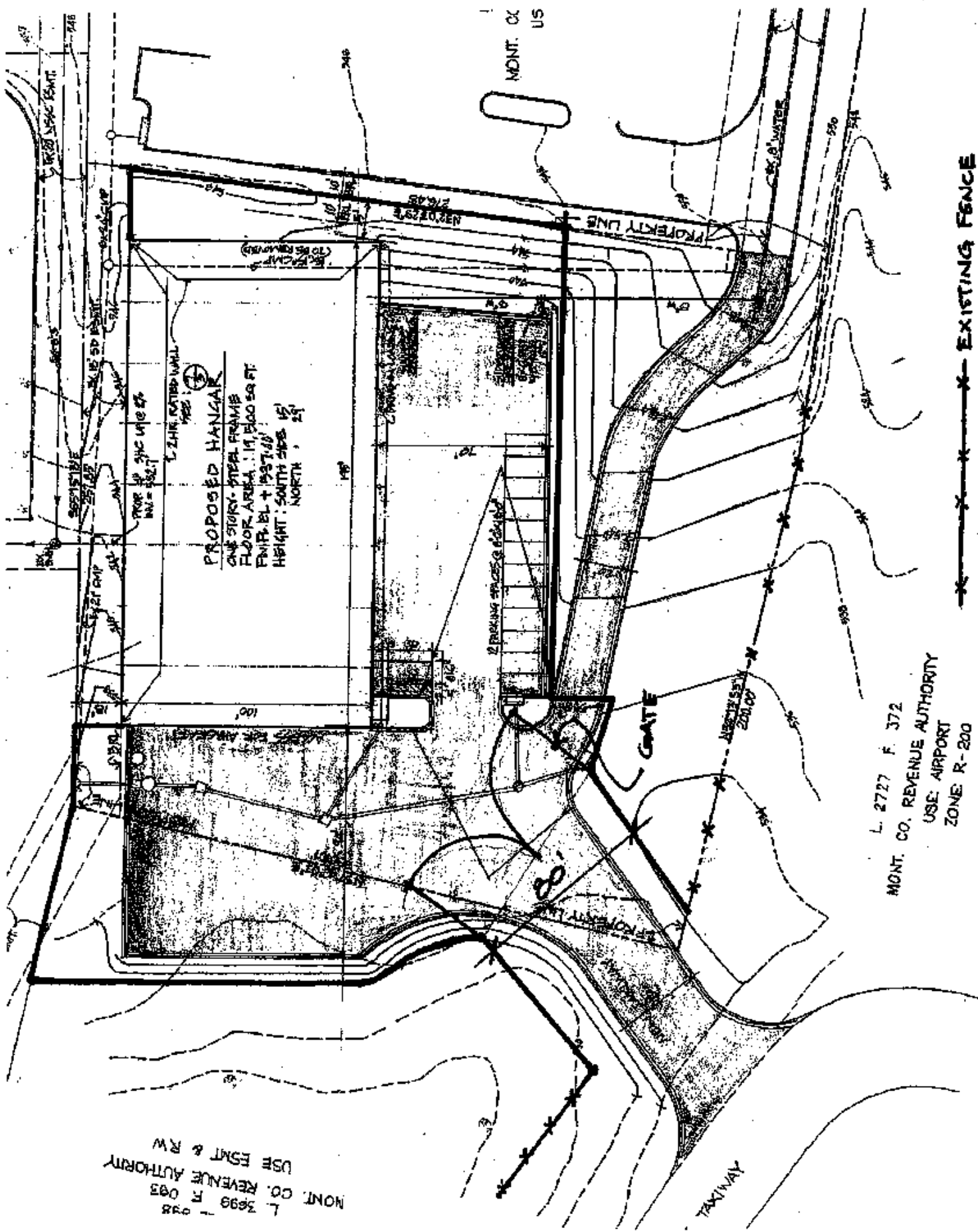
Rickman must first construct a temporary taxiway connection and then a permanent taxiway connection.

Rickman must construct the temporary taxiway connection to tie into the existing primary taxiway at a point prior to the existing runway hold line near the Runway 32 threshold as shown in **EXHIBITS A-1 and A-2**. Rickman must ensure there is adequate space in which to hold aircraft coming from the Rickman Property short of Runway 32. Rickman must ensure that all marking and hold signs are clearly visible to aircraft coming from the Rickman Property. Rickman must paint an intermediate hold position marking on the taxiway connection to identify the point at which aircraft coming from the Rickman Property should stop when other aircraft are utilizing the Airpark's primary taxiway. Rickman must place this marking in accordance with the FAA's design group II requirements.

After the Authority constructs the new Runway 32 hold apron, Rickman must divert the taxiway connection to tie into it, thereby moving the taxiway connection farther away from the runway. After constructing the new taxiway connection, Rickman must remove the earlier constructed direct connection to the primary taxiway and place the general area in the condition shown in the applicable drawings.

Rickman must size and construct the taxiway connection to match the FAA design group II requirements for taxiway width and grades (all as described in FAA Advisory Circular 150/5300-13). Rickman must mark the taxiway with centerlines in accordance with FAA Advisory Circular 150/5340-1H.

Rickman must construct all taxiway connections outside of the runway safety area. The Authority will make the Airpark's Unicom frequency available for pilot's use in coordinating movements from the taxiway connection onto the Airpark's primary taxiway.



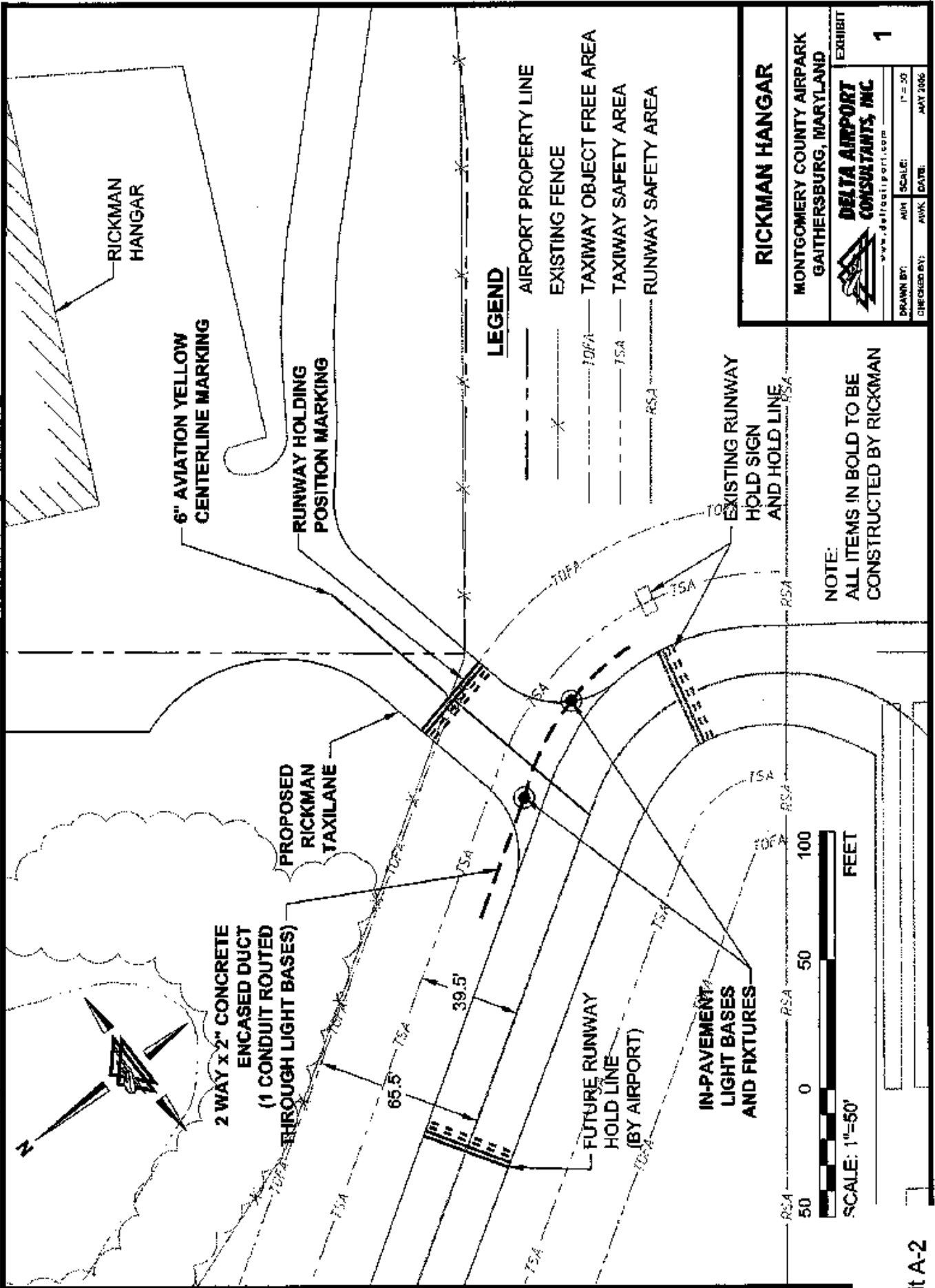
PROPOSED HANGAR
 ONE STORY - STEEL FRAME
 FLOOR AREA: 17,500 SQ. FT.
 EMR. BL. + 1937.00
 HEIGHT: SOUTH SLOPE 15'
 NORTH 25'

L. 2727 F. 372
 MONT. CO. REVENUE AUTHORITY
 USE: AIRPORT
 ZONE: R-200

L. 3698 F. 093
 MONT. CO. REVENUE AUTHORITY
 USE: ESMT & RW

* * * * * EXISTING FENCE
 ————— PROPOSED FENCE

DRAWING: 08063 Rickman (no gate).dwg LAYOUT: L1



RICKMAN HANGAR	
MONTGOMERY COUNTY AIRPARK GAITHERSBURG, MARYLAND	
EXHIBIT DELTA AIRPORT CONSULTANTS, INC. www.deltaairport.com	
DRAWN BY: AWK	SCALE: 1" = 50'
CHECKED BY: AWK	DATE: MAY 2006
1	

NOTE:
ALL ITEMS IN BOLD TO BE
CONSTRUCTED BY RICKMAN

AVIGATION EASEMENT AGREEMENT

This AVIGATION EASEMENT AGREEMENT ("Agreement") is made by W. M. Rickman Construction Company, LLC, a Maryland limited liability company ("Rickman").

RECITALS

A. The Montgomery County Revenue Authority, an instrumentality of Montgomery County, Maryland (the "Authority") is the owner of a parcel of land commonly referred to as the Montgomery County Airpark (the "Airpark"), a general public aviation facility located in Montgomery County, Maryland as more particularly described in deeds recorded among the land records of Montgomery County on April 26, 1960, (Liber 2727 at Folio 372), December 29, 1967, (Liber 3699 at Folio 488 and Liber 3699 at Folio 495), and January 31, 1980, (Liber 5475 at Folio 501) which are incorporated by reference and made a part of this Agreement.

B. Rickman is the owner of a parcel of land immediately adjacent to the Airpark, more particularly described in a deed signed November 30, 2001, and recorded among the land records of Montgomery County on February 14, 2002, in Liber 20575 at Folio 27, with improvements thereon being known as 18800 Woodfield Road, Gaithersburg, Maryland 20879 (the "Rickman Property").

C. The Rickman Property is benefited by an easement as particularly described in an agreement between the Authority and the AOPA Foundation, Inc., dated October 21, 1966, and recorded in Liber 3566 at Folio 159 (the "Airport Access Easement") which was superceded by Avigation Easement recorded July 8, 2004 in the Land Records for Montgomery County, Maryland in Liber 27794 at Folio 329 (the "Earlier Avigation Easement").

D. Rickman and the Authority have entered into an agreement entitled "Through the Fence Easement Agreement" (the "Fence Agreement") of even date herewith, and to be recorded among the land records of Montgomery County, Maryland, which Agreement controls the use and operation of the Airport Access Easement.

E. The Fence Agreement imposes certain restrictions and obligations on Rickman in connection with the use and enjoyment of the Airport Access Easement, including granting to the Authority of a non-exclusive avigation easement in the airspace above a specified imaginary plane over the Rickman Property.

F. This Agreement is being entered into and granted in connection with an exchange of land interests between the Authority and Rickman and replaces and supercedes the Earlier Avigation Easement.

NOW THEREFORE, in consideration of the foregoing recitals, the mutual promises set out below, and for other good and valuable consideration, the receipt and sufficiency of all of which are acknowledged, the parties agree as follows:

A G R E E M E N T

1. **INCORPORATION OF DOCUMENTS AND RECITALS.** The recitals and attached exhibits are incorporated by reference and made a part of this Agreement.

2. **DEFINITIONS**
 - A. Rickman, includes Rickman's heirs, administrators, executors, successors and assigns.

 - B. Authority includes the Authority and its successors and assigns.

 - C. Aircraft means any and all types of aircraft, whether now in existence or hereafter manufactured and developed, including jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles however propelled or powered and whether now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whoever owned or operated.

3. **EASEMENT FOR THE UNOBSTRUCTED USE AND PASSAGE OF ALL TYPES OF AIRCRAFT IN AND THROUGH THE AIRSPACE ABOVE THE RICKMAN PROPERTY ABOVE AN IMAGINARY PLANE.** Rickman grants the Authority, for the use and benefit of the public, an assignable and perpetual easement and right of way, appurtenant to the Airpark and any future additions, for the unobstructed use and passage of all types of aircraft in and through the airspace above the Rickman Property above an imaginary plane defined by the Federal Aviation Regulations (FAR) presently codified in 14 C.F.R. Part 77 and as such regulation may be amended, reenacted or replace from time to time. The minimum elevation of the easement shall be the elevation of the FAR Part 77 approach, transitional, and horizontal surfaces. The approach surface is a slope beginning 200 feet from the runway end at a width of 500 feet and extending outward from the runway end a distance of 5000 feet along the extended centerline of the runway to a width of 1500 feet, beginning at an elevation of 538.72 feet MSL, and extending at a slope of one (1) foot rise for every 20 foot horizontal distance along the extended centerline. The transitional surface is a slope beginning at the edge of the approach surface and extending outward at a right angle from the extended centerline of the runway beginning at the approach surface elevation, and extending at a slope of one (1) foot rise for every seven (7) foot horizontal distance, up to an elevation of 689 feet MSL.

4. **RICKMAN MUST NOT PERMIT ERECTION OR GROWTH OF ANY OBJECT EXTENDING INTO IMAGINARY PLANE.** Rickman must not permit any person to

erect or grow any building, structure, tree, or other planting, or other object on his property, extending into the airspace above the imaginary plane.

5. **RICKMAN MUST NOT PERMIT ERECTION OR GROWTH OF ANY OBJECT IN THE RUNWAY PROTECTION ZONE; RICKMAN MUST NOT PERMIT ANY PLACE OF PUBLIC ASSEMBLY.** Rickman must not permit any person to erect or grow any building, structure, tree, or other planting, or other object within the portions of the Rickman Property that fall within the runway protection zone. The runway protection zone is a horizontal surface beginning 200 feet from the runway end at a width of 500 feet and extending outward from the runway end a distance of 1000 feet along the extended centerline of the runway to a width of 700 feet.
6. **AUTHORITY'S RIGHT, AT RICKMAN'S EXPENSE, TO REMOVE OBJECTS EXTENDING INTO THE IMAGINARY PLANE OR RUNWAY PROTECTION ZONE, OR MARK AND LIGHT THEM AS OBSTRUCTIONS TO AIR NAVIGATION; EASEMENT TO ALLOW REMOVAL OR MARKING / LIGHTING.** The Authority may act to prevent the erection or growth of any building, structure, tree, or other object on the Rickman Property within the runway protection zone, or extending into the airspace above the imaginary plane, and remove it or, at the sole option of the Authority, mark and/or light it. Rickman grants the Authority the right of ingress to, egress from, and passage over the Rickman Property for this purpose. Rickman must bear the expense of any action required to safely maintain the airspace above the imaginary plane or the runway protection zone and shall promptly reimburse the Authority for any such expense that it incurs for such action.
7. **RICKMAN MUST NOT PERMIT INTERFERENCE WITH THE AIRPARK.** Rickman must not permit any person to use the Rickman Property to (1) create electrical interference with radio or other such communication between any installation upon the Airpark and aircraft, or (2) make it difficult for flyers to distinguish between Airpark lights and others, or (3) discharge fumes, dust or smoke so as to impair visibility in the vicinity of the Airpark or as otherwise to endanger the landing, taking off or maneuvering of aircraft.
8. **EASEMENT INCLUDES RIGHT TO CAUSE ALL EFFECTS INCIDENT TO OPERATION OF AIRCRAFT NEAR RICKMAN'S PROPERTY; RICKMAN WAIVES ANY CLAIMS DUE TO THOSE EFFECTS.** Rickman grants the Authority all things which may be alleged to be incident to or resulting from the use and enjoyment of this Easement, including the right to cause in all airspace above or in the vicinity of the surface of the Rickman Property noise, vibrations, fumes, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said aircraft), fear, interference with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of aircraft over or in the

vicinity of the Rickman Property or in landing at or taking off from, or operating at or on the Airpark. Rickman fully waives any claim which it may now have or which it may have in the future against the Authority due to noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on the Airpark. Rickman waives all damages and claims for damages caused or alleged to be caused by or incidental to use of this easement by or on behalf of aircraft.

9. **EASEMENT RUNS WITH THE LAND.** This Easement runs with the land and binds Rickman until the Airpark is abandoned and ceases to be used for airport purposes.

Witness:

W. M. RICKMAN CONSTRUCTION
COMPANY, LLC

Gayle Jamison

By: William M. Rickman
William M. Rickman, Managing Member

Gayle Jamison
[Print name]

STATE OF Maryland

COUNTY OF Montgomery

On this 19th day of July, 2006, before me, Gayle

Jamison, the undersigned subscriber, personally appeared William M. Rickman, of the State and County aforesaid, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that (s)he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: May 1, 2010

Gayle Jamison
Notary Public

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

ATTENTION LAND RECORDS CLERK:

After recordation, please return to:

Edward B. Lattner

Associate County Attorney

Montgomery County Attorney's Office

101 Monroe Street

Rockville, Maryland 20850-2580

ebi

00-4164

[\\KQLATTNE\mcrs=rickman avigation easement2.doc

APPENDIX B

- Natural Resources Inventory / Forest Stand Delineation and Forest Conservation Plan Exemption

Mary Ashburn Pearson

From: Sharp, Michael <Michael.Sharp@montgomeryplanning.org>
Sent: Friday, July 07, 2017 3:42 PM
To: Mary Ashburn Pearson
Cc: McAveney, Brian; Gregory A. Rogers; Terry J. Page
Subject: RE: 14115 GAI- Montgomery County Airpark LOD Update

Mary,

That is an accurate reflection of our conversation. In the original application, statements to the effect that MCRA were contract purchasers and authorized to represent the owner were not thoroughly verified. So the application itself was actually submitted prematurely. The planned demolition on the subject parcels, when evaluated apart from the rest of the airport, does not meet the condition of maintaining the existing development, and therefore did not qualify for the exemption.

Once the parcels are purchased, we should be able to confirm the exemption. Essentially, if MCRA owns the adjacent lots, and this phase of development is evaluated as one component of the overall airport property, then the existing development (i.e., the airport) is maintained. There are no tree or forest concerns here, and the other conditions of the exemption category would clearly be satisfied.

I regret that the discrepancies were not discovered earlier, and I am committed to helping MCRA meet Forest Conservation Law requirements as this project moves forward.

Respectfully,

Michael J. Sharp
Senior Planner, Forestry Inspector
M-NCPPC, DARC
8787 Georgia Ave
Silver Spring MD 20910
(O) 301-495-4603

From: Mary Ashburn Pearson [mailto:mapearson@deltairport.com]
Sent: Friday, July 07, 2017 3:04 PM
To: Sharp, Michael <Michael.Sharp@montgomeryplanning.org>
Cc: McAveney, Brian <BMcAveney@cemscience.com>; Gregory A. Rogers <GRogers@deltairport.com>; Terry J. Page <TPage@deltairport.com>
Subject: RE: 14115 GAI- Montgomery County Airpark LOD Update

Mike,

Thank you for your time on the phone today discussing the FCP exemption for the Land Acquisition/Obstruction Removal project at GAI.

From our conversation, I understand that the FCP exemption granted by the Montgomery County Planning Department for this project in September 2016 was confirmed in error, and that the project will not be eligible for an exemption until the Authority owns the two parcels in question.

I understand that when the Authority does complete the land acquisition and re-apply for this exemption, the project would likely still qualify for this exemption under Section 22A-5(t) of the Forest Conservation Law.

Thank you,

Mary Ashburn

Mary Ashburn Pearson, AICP
DELTA AIRPORT CONSULTANTS, INC.
P. 804.955.4556 F. 804.275.8371

From: Sharp, Michael [<mailto:Michael.Sharp@montgomeryplanning.org>]
Sent: Thursday, July 06, 2017 4:26 PM
To: Mary Ashburn Pearson <mapearson@deltaairport.com>
Cc: McAveney, Brian <BMcAveney@cemscience.com>; Gregory A. Rogers <GRogers@deltaairport.com>; Terry J. Page <TPage@deltaairport.com>
Subject: RE: 14115 GAI- Montgomery County Airpark LOD Update

Mary,

Since the MCRA does not yet own the properties, are you (they) authorized to represent the owners? Are they contract purchasers authorized to submit this application? The application states that both of those statements are true, but does not provide written verification.

When I originally reviewed the application I assumed that MCRA was authorized as represented on the application, and I need to be sure of that. Otherwise this application may have been premature. Please advise.

Thanks, Mike

Michael J. Sharp
Senior Planner, Forestry Inspector
M-NCPPC, DARC
8787 Georgia Ave
Silver Spring MD 20910
(O) 301-495-4603

From: Mary Ashburn Pearson [<mailto:mapearson@deltaairport.com>]
Sent: Thursday, July 06, 2017 10:31 AM
To: Sharp, Michael <Michael.Sharp@montgomeryplanning.org>
Cc: McAveney, Brian <BMcAveney@cemscience.com>; Gregory A. Rogers <GRogers@deltaairport.com>; Terry J. Page <TPage@deltaairport.com>
Subject: 14115 GAI- Montgomery County Airpark LOD Update

Mike,

Thank you for your time on the phone this morning discussing the changes to the limits of disturbance to the Forest Conservation Plan Exemption 42017019E in support of a Land Acquisition and Obstruction Removal Environmental Assessment for the Montgomery County Airpark (GAI).

Per our discussion, I have attached the original exemption request (submitted by our sub consultant, Chesapeake Environmental Management) with the LOD marked in red on Sheet 2 of 3. Happily, the new LOD is smaller in size (approximately 5.09 acres versus the original 6.87 acres).

Mike, this revised LOD is different than what I described on the phone but is the LOD for the shifted access road as we discussed.

Please let me know if you have questions or need additional information to complete the review.

Thank you,

Mary Ashburn

Mary Ashburn Pearson, AICP
Project Manager
DELTA AIRPORT CONSULTANTS, INC.
9711 FARRAR COURT, SUITE 100, RICHMOND, VIRGINIA, 23236
P. 804.955.4556 F. 804.275.8371 WWW.DELTAAIRPORT.COM



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

September 15, 2016

Brian McAvenev
42 N. Main St
Bel Air MD, 21014

Re: Forest Conservation Plan Exemption 42017019E
MCRA Airpark

Dear Mr. McAvenev,

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on August 19, 2016 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(t) because the site is a modification to an existing non-residential developed property: (1) no more than 5,000 square feet of forest is ever cleared at one time or cumulatively after an exemption is issued, (2) the modification does not result in the cutting, clearing, or grading of any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan, (3) the modification does not require approval of a preliminary plan of subdivision, and (4) the modification does not increase the developed area by more than 50% and the existing development is maintained.

A pre-construction meeting is required after the limits of disturbance have been staked prior to clearing and grading. The property owner, construction superintendent, forest conservation inspector, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this meeting. If you have any questions regarding these actions, please feel free to contact me at 301-495-4603 or at michael.sharp@montgomeryplanning.org.

Sincerely,

Michael Sharp
Forest Conservation Inspector
Development Applications & Regulatory Coordination

CC: 42017019E

Montgomery County Airpark FCP Application for Exemption

Narrative Statement

The Montgomery County Airpark is planning to make property improvements within their proposed LOD as planned by the DC Metro Aviation (DCMA) and would require Montgomery County Planning Board approval. The LOD, which comprises a small portion of the airpark property, and two adjacent properties to be acquired, is approximately 6.87 acres. After acquisition of the two adjacent properties, the project will involve the demolition and removal of existing buildings in order to prepare the site for potential future airpark improvements. We believe this project qualifies for a Forest Conservation Plan Exemption because the proposed area of disturbance does not contain any natural resources including forest cover, streams or stream buffers, and wetlands or wetland buffers. Furthermore, any proposed development is not subject to a Special Protection Area water quality plan. Thus, under the Montgomery County Forest Conservation Law 22A-5(t), it is believed this project qualifies for a Forest Conservation Plan Exemption.



8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org/environment

Phone 301.495.4540
 Fax 301.495.1303

NRI/FSD (Natural Resources Inventory / Forest Stand Delineation) and Forest Conservation Exemption Review

New Application Revised Application Amendment Recertification of Expired NRI/FSD

M-NCPPC Staff Use Only	
NRI/FSD Plan Number	4. _____
Date Application Received	_____
Date Application Complete	_____
Application Completed by	_____
Pending Plan No., if applicable	_____
Fee (attach worksheet)	_____
Fee Received by	_____

An application will not be accepted for review unless all required information below and appropriate fees are provided. If an item requires more space, attach a separate sheet.

Name of Plan: _____

Size of Tract _____ Acres _____ Sq.Ft.

200 scale Base Map # _____ Tax Map # _____ Special Protection Area _____

Property Tax Account Number(s) associated with the plan (8 digits)

A. _____ B. _____ C. _____ D. _____ E. _____
 F. _____ G. _____ H. _____ I. _____ J. _____

Location:

On _____, _____ feet _____ of _____
Street Name (N,S,E,W etc.) Nearest Intersecting Street

Property address if known:

Number Street Name City

Subdivision Information: (Complete either A, if located within a recorded subdivision, or B)

A. Lot _____ Block _____ Subdivision _____

B. Parcel _____ Liber _____ Folio _____; Parcel _____ Liber _____ Folio _____; Parcel _____ Liber _____ Folio _____

Watershed: _____

Tract Area _____ ac. Forested _____ ac. Wetlands _____ ac. Forested Wetlands _____ ac.
 Forested Stream Buffer _____ ac. Stream Buffer _____ ac. length: _____ ft. width: _____ ft. 1 or both sides
(average)

Applicant (Owner, Owner's Representative, or Contract Purchaser – check applicable: written verification required if not the owner)

Name

Street Address

City State Zip Code

Telephone Number ext. Fax Number E-mail

Contact Person (If other than applicant)

Name		
Street Address		
City	State	Zip Code
Telephone Number	ext.	Fax Number
E-mail		

Plan Preparer (Qualifications of preparer must be included if individual has not been previously certified.)

Name	L.A. or Forester Certification No.
Street Address	
City	State
Zip Code	
Telephone Number	ext.
Fax Number	E-mail

Complete sections 1 and 2: (and section 3 if applying for an FCP Exemption)

1.	<p>Type of Plan approval being applied for in addition to this NRI/FSD application</p> <table style="width:100%;"> <tr> <td><input type="checkbox"/> Pre-Application Submission</td> <td><input type="checkbox"/> Development Plan</td> <td><input type="checkbox"/> Park Development Plan</td> </tr> <tr> <td><input type="checkbox"/> Minor Subdivision</td> <td><input type="checkbox"/> Mandatory Referral</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Preliminary Plan</td> <td colspan="2"><input type="checkbox"/> Sediment Control or Small Land Disturbance (if known, MCDPS permit # _____)</td> </tr> <tr> <td><input type="checkbox"/> Site Plan</td> <td colspan="2"></td> </tr> <tr> <td><input type="checkbox"/> Project Plan</td> <td colspan="2"><input type="checkbox"/> Special Exception</td> </tr> </table>	<input type="checkbox"/> Pre-Application Submission	<input type="checkbox"/> Development Plan	<input type="checkbox"/> Park Development Plan	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Mandatory Referral		<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Sediment Control or Small Land Disturbance (if known, MCDPS permit # _____)		<input type="checkbox"/> Site Plan			<input type="checkbox"/> Project Plan	<input type="checkbox"/> Special Exception	
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<input type="checkbox"/> Site Plan																
<input type="checkbox"/> Project Plan	<input type="checkbox"/> Special Exception															

2.	<p>Type of NRI/FSD Plan Submittal (See Forest Conservation Regulation for NRI/FSD requirements):</p> <p><input type="checkbox"/> Full NRI/FSD (as described in the Forest Conservation Regulations, Section 106)</p> <p><input type="checkbox"/> Simplified NRI/FSD (property boundaries, topography, streams and buffers if proposed l.o.d. is within 200' of a stream, existing forest boundaries, specimen trees, existing improvements)</p> <p><input type="checkbox"/> Existing Conditions Plan (topography, existing & proposed improvements, existing & proposed lot lines.)</p>
-----------	--

3.	<p>Complete all information below if applying for FCP Exemption (If you are clearing more than 5,000 sf. of forest/tree canopy or you answer yes to e, f or g below, you may not qualify for an exemption, refer to the Chapter 22A-5 of the Forest Conservation Law to determine if a Tree Save Plan or FCP will be required).</p> <p>a. Type of Exemption being applied for: _____ <small>(Refer to the Forest Conservation Law, section 22A-5 for description of exemptions. Attach appropriate information to support the request including plan drawings, narrative of activities, tree clearing illustrations, etc.)</small></p> <p>b. Is the Declaration of Intent attached, if required? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, type: <input type="checkbox"/> Agricultural <input type="checkbox"/> Real Estate Transfer <input type="checkbox"/> Residential Single Lot</p> <p>c. Total area of existing forest: _____ ac. or _____ s.f.</p> <p>d. Total area of forest/tree disturbance (measured by canopy area removed): _____ ac. or _____ s.f.</p> <p>e. Are any of the trees ≥ 30" in diameter at 4.5' above the ground, or otherwise a specimen of the species? <input type="checkbox"/> Yes (If yes, attach site plan drawing/sketch showing the trees in relation to the proposed limits of disturbance.) <input type="checkbox"/> No</p> <p>f. Is the clearing area within a stream buffer? <input type="checkbox"/> Yes <input type="checkbox"/> No (Area within 200 – 300 feet of a stream could be part of a buffer.)</p> <p>g. Is a SPA water quality plan required? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(Contact MCDPS for information regarding the SPA requirements at 240 777-6242)</small></p>
-----------	--

Supplemental Information:

Previous Plan Submittals: *(enter information, if applicable)*

NRI/FSD Submission Name MCRA Airpark NRI/FSD File Number 4 20150030
 Pre-Application Submission Name _____ File Number 7 _____
 Other Plan Name _____ File Number _____

Describe the nature of the amendment or why the plan is being recertified, if applicable. Attached

Applicant hereby notifies that he/she is the sole owner of the subject property, is otherwise legally authorized to represent the owner(s) (written verification provided), or is a contract purchaser authorized to submit this application by the property owner (written verification provided).

Signature of Applicant (Owner or Contract Purchaser)

Keith Miller
 Signature

7/11/16
 Date

Keith Miller
 Print Name

Checklist

The checklist below shall be used to identify the necessary information for the review and approval of NRI/FSDs and requests to be exempt from submitting a forest conservation plan. This checklist must be completed and submitted as part of the application.

- Applicants submitting for a full NRI/FSD must complete sections 1, 2, and 3.
- Applicants submitting for a simplified NRI/FSD must complete sections 1, and 2.
- Applicants submitting a request to be exempt from submitting a forest conservation plan must complete section 1, 2, and 4.
- Applicants permitted to submit an existing conditions plan must complete section 1 and 2.1 to 2.11.

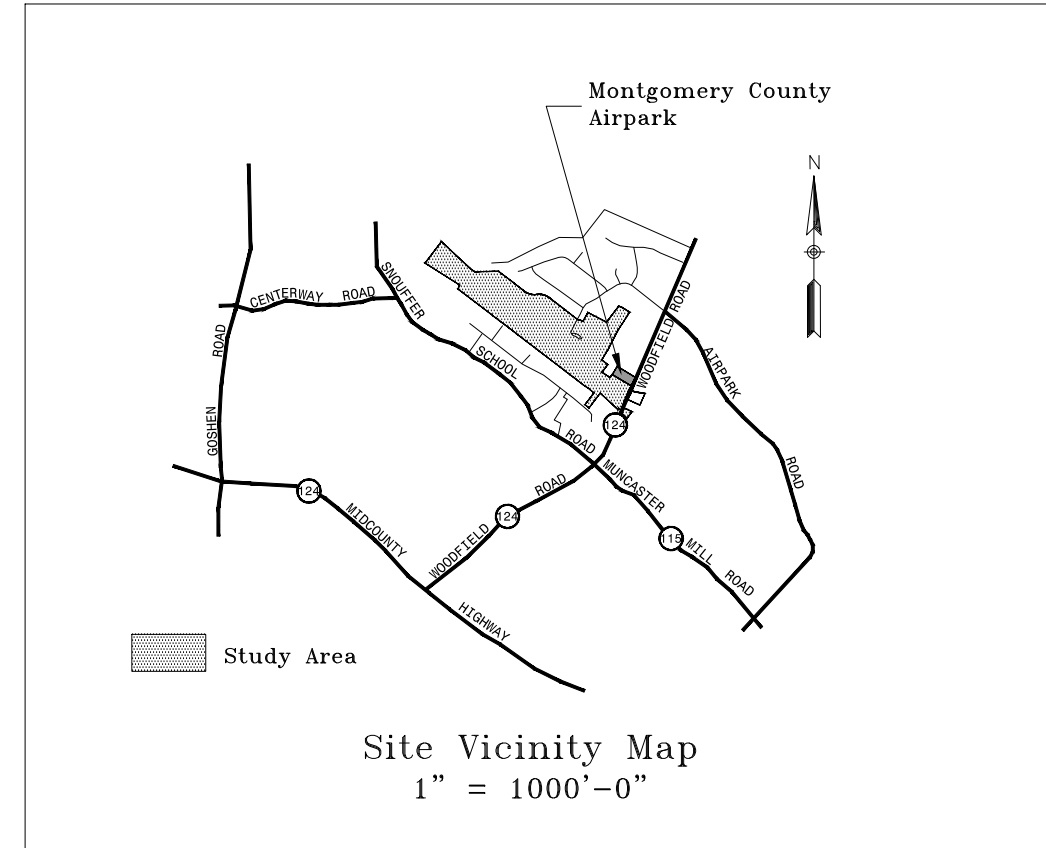
In certain instances, it may be necessary to submit additional information, or additional information may be requested to determine the exact location of natural features such as wetlands. See the submission requirements document for more information on each item in the checklist below.


MONTGOMERY COUNTY AIRPARK SIMPLIFIED FOREST STAND DELINEATION - FOREST CONSERVATION EXEMPTION PLAN

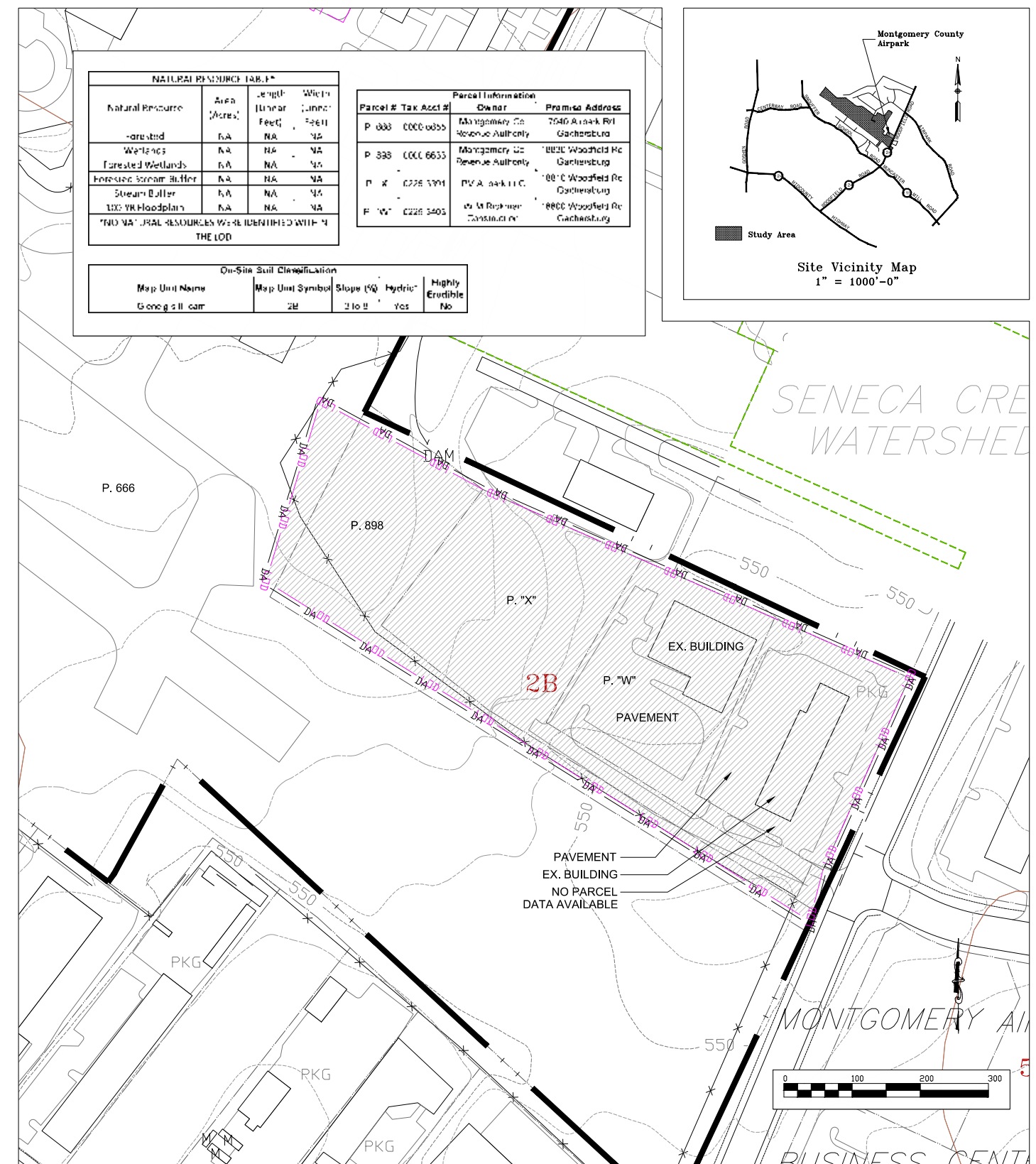
MONTGOMERY COUNTY, MD

NOTES

1. OWNER INFORMATION: THE MONTGOMERY COUNTY REVENUE AUTHORITY
101 MONROE STREET, 4TH FLOOR
ROCKVILLE, MD 20850
2. TOTAL TRACT AREA: 6.87 ACRES
3. SURVEY WAS CONDUCTED MAY 17, 2016, BY LAD SAHARSHI AND KRISTIN HYDE, CERTIFIED FOREST METERS WERE MEASURED USING DBH TAPE. MONTGOMERY COUNTY CHAMPION TREES OR TREES THAT ARE 75% OF THE CURRENT STATE CHAMPION ARE FOUND ON THE SITE.
4. BASE DATA PROVIDED BY: MDCPPC DEPARTMENT
8787 GEORGIA AVENUE
SILVER SPRING, MD 20910
5. MAY 17, 2016 FIELD STUDIES DID NOT IDENTIFY ANY NATURAL RESOURCES WITHIN THE LOD.
6. NO NATURAL RESOURCES WERE IDENTIFIED IN THE LOD BUT THE STUDY AREA IS WITHIN THE SENECATREE VARYLAND WATERSHED 1021402081.
7. LETTERS WERE SENT TO MARYLAND HISTORICAL TRUST, MTL AND MARYLAND DEPARTMENT OF NATURAL RESOURCES W/LOUISE FERRITAGE SERVICE (MDDNR) REGARDING THE PRESENCE OF HISTORIC STRUCTURES OR RARE, THREATENED OR ENDANGERED (RTE) SPECIES. WE ARE CURRENTLY AWAITING RESPONSES. UNITED STATES FISH AND WILDLIFE SERVICE ONLINE DATABASE SEARCH FOR RARE SPECIES WAS ALSO COMPLETED AND NO RARE SPECIES WERE LOCATED WITHIN THE PROJECT AREA.
8. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP PANEL NO. 24031C0100D EFFECTIVE DATE SEPTEMBER 25, 2006, THE STUDY AREA CROSSES THE 100 YEAR FLOOD PLAINS OF UNNAMED TRIBUTARY TO CABIN BRANCH.
9. EXISTING ZONING IS L-1
10. EXISTING ZONING IS MUNICIPAL AIRPORT AND COMMERCIAL.



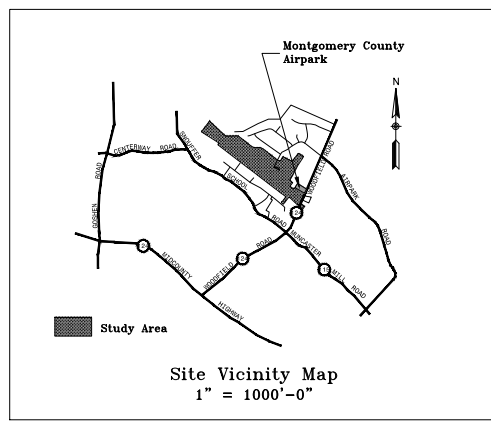
 <p>CHESAPEAKE ENVIRONMENTAL MANAGEMENT, INC. <i>Applying Practical Science to Improve Communities</i></p> <p>42 N. Main Street Bel Air, MD 21014 Phone: (410) 893-9016 Fax: (410) 893-9380 E-mail: info@cemscience.com</p>	<p>THIS PLAN WAS PREPARED BY: BRIAN MCAVENY MD STATE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS LICENSED LANDSCAPE ARCHITECT #3655</p>	<p>MONTGOMERY COUNTY AIRPARK SIMPLIFIED NRI/FSD - FOREST CONSERVATION EXEMPTION PLAN</p> <p>MONTGOMERY COUNTY REVENUE AUTHORITY 101 MONROE ST # 410 ROCKVILLE, MD 20850 301.762.9080</p>																						
	<p>BRIAN MCAVENY DATE CHESAPEAKE ENVIRONMENTAL MANAGEMENT 42 NORTH MAIN STREET, BEL AIR, MD 21014</p>																							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">DATE</th> <th style="width: 50%;">REVISIONS</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	DATE	REVISIONS																					
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REVIEWED BY: BM, WT	SHEET NUMBER: 1 OF 3																							
	DRAWING NUMBER: OF																							



Natural Resource	Area (Acres)	Length (Feet)	Width (Feet)
Created	NA	NA	NA
Wetlands	NA	NA	NA
Forested Wetlands	NA	NA	NA
Intensive Stream Buffer	NA	NA	NA
Stream Buffer	NA	NA	NA
100 YR Floodplain	NA	NA	NA

Parcel #	Tax Acct #	Parcel Information	Owner	Primeval Address
P. 888	00000888	Montgomery Co Revenue Authority	Montgomery Co Revenue Authority	7946 A rank Rd, Gaithersburg
P. 888	00000888	Montgomery Co Revenue Authority	Montgomery Co Revenue Authority	7946 A rank Rd, Gaithersburg
P. 'X'	02281391	Montgomery Co Revenue Authority	Montgomery Co Revenue Authority	8000 Woodfield Rd, Gaithersburg
P. 'W'	02281405	Montgomery Co Revenue Authority	Montgomery Co Revenue Authority	8000 Woodfield Rd, Gaithersburg

Map Unit Name	Map Unit Symbol	Slope (%)	Hydric	Highly Erodible
Group 2 II cat	2B	2 to 11	Yes	No



LEGEND:

- LIMIT OF DISTURBANCE
- DEVELOPMENT AREA
- SPECIMEN TREE
- SIGNIFICANT TREE
- FENCE
- FOREST STAND AND CLASSIFICATION
- 5 FT CONTOURS
- 100-YEAR FLOODPLAIN
- EXISTING FCP
- DELINEATED WETLAND
- WETLAND BUFFER
- DELINEATED WATERWAY
- STREAM BUFFER
- BUILDINGS
- SOIL BOUNDARY AND CLASSIFICATION
- > 25% SLOPES
- BUILDING RESTRICTION LINE

42 N. Main Street
Bel Air, MD 21014
Phone: (410) 893-9016
Fax: (410) 893-9380
E-mail: info@cemscience.com

THIS PLAN WAS PREPARED BY:
BRIAN MCAVENY
MD STATE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS
LICENSED LANDSCAPE ARCHITECT #3655

BRIAN MCAVENY
CHESAPEAKE ENVIRONMENTAL MANAGEMENT
42 NORTH MAIN STREET, BEL AIR, MD 21014

DATE	REVISIONS

**MONTGOMERY COUNTY AIRPARK
SIMPLIFIED NRI/FSD - FOREST
CONSERVATION EXEMPTION PLAN**

MONTGOMERY COUNTY REVENUE AUTHORITY
101 MONROE ST # 410
ROCKVILLE, MD 20850
301.762.9080

DRAWN BY: BM	PROJECT NUMBER:
DESIGN BY:	SCALE: AS SHOWN
REVIEWED BY: BM, WT	SHEET NUMBER: 2 OF 3
	DRAWING NUMBER: 1 OF 1

INSPECTIONS

All field inspections must be requested by the applicant. Inspections must be conducted as follows:

Tree Save Plans and Forest Conservation Plans without Planting Requirements

1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins
2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin.
3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.

Additional Requirements for Plans with Planting Requirements

4. Before the start of any required reforestation and afforestation planting
5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
6. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

Sequence of Events for Property Owners Required to Comply With Forest Conservation and/or Tree-Save Plans

Pre-Construction

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or Maryland-licensed tree expert that will implement the tree protection measures, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.
2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
 - a. Root pruning
 - b. Crown reduction or pruning
 - c. Watering
 - d. Fertilizing
 - e. Vertical mulching
 - f. Root aeration matting
 Measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.
3. A Maryland-licensed tree expert or an International Society of Arboriculture-certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reductions measures during the pre-construction meeting.
4. Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
 - a. Chain link fence (four feet high)

- b. Super silt fence with wire strung between support poles (minimum 4 feet high) with high visibility flagging.
- c. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.

5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of forest conservation inspector.
6. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.
7. Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.


During Construction

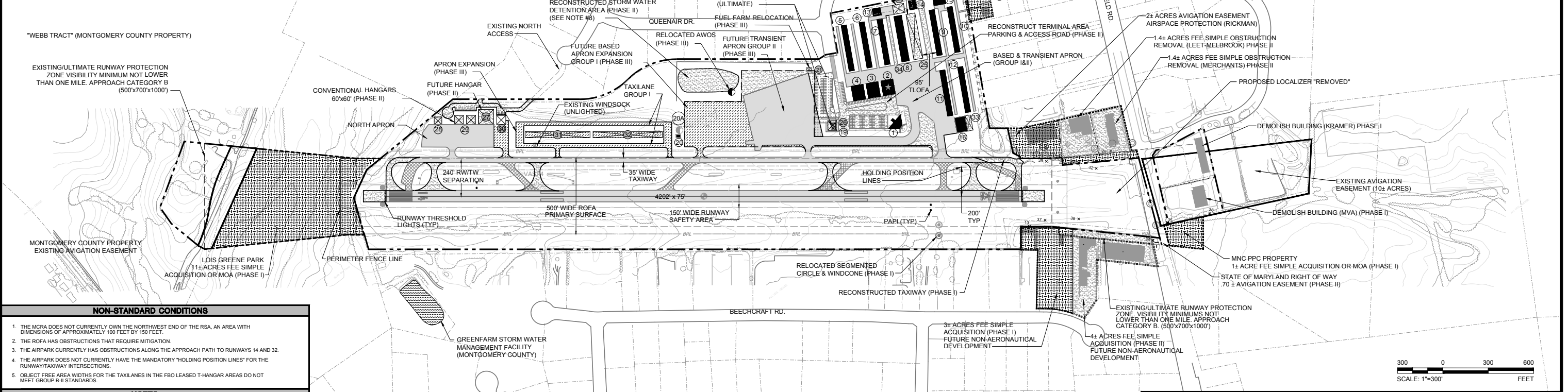
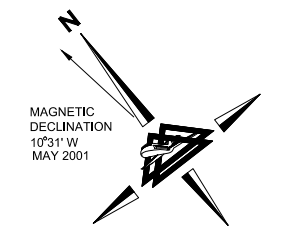
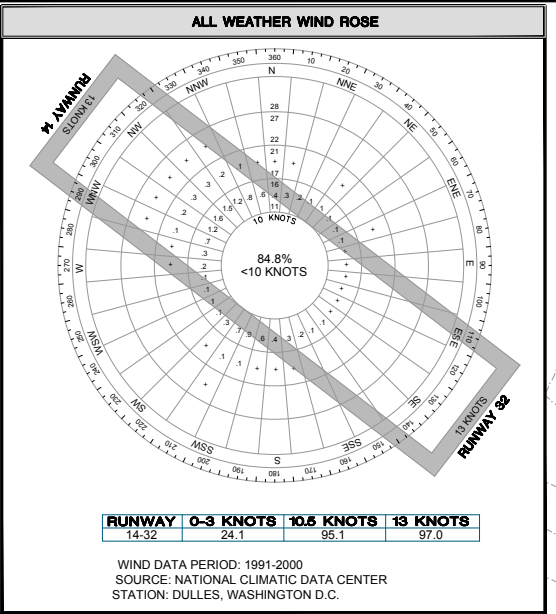
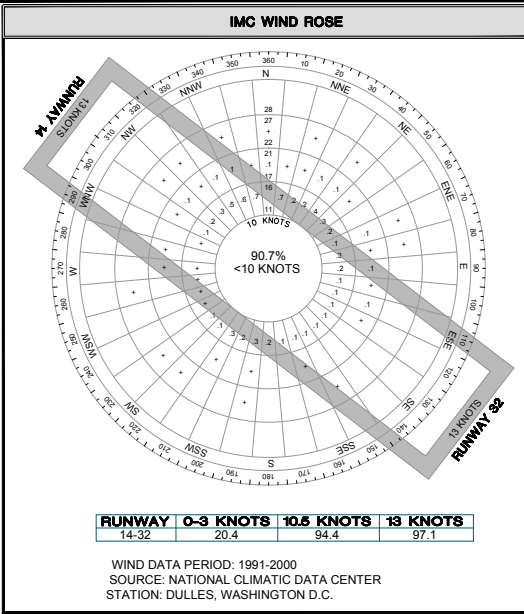
8. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.

Post-Construction

9. After construction is completed, an inspection shall be requested. Corrective measures may include:
 - a. Removal and replacement of dead and dying trees
 - b. Pruning of dead or declining limbs
 - c. Soil aeration
 - d. Fertilization
 - e. Watering
 - f. Wound repair
 - g. Clean up of retention areas
10. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

 <p>CHESAPEAKE ENVIRONMENTAL MANAGEMENT, INC. <i>Applying Practical Science to Improve Communities</i></p> <p>42 N. Main Street Bel Air, MD 21014 Phone: (410) 893-9016 Fax: (410) 893-9380 E-mail: info@cemsience.com</p>	THIS PLAN WAS PREPARED BY: BRIAN MCAVENY MD STATE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS LICENSED LANDSCAPE ARCHITECT #3655	<p>MONTGOMERY COUNTY AIRPARK SIMPLIFIED NRI/FSD - FOREST CONSERVATION EXEMPTION PLAN</p> <p>MONTGOMERY COUNTY REVENUE AUTHORITY 101 MONROE ST # 410 ROCKVILLE, MD 20850 301.762.9080</p>																						
	BRIAN MCAVENY DATE CHESAPEAKE ENVIRONMENTAL MANAGEMENT 42 NORTH MAIN STREET, BEL AIR, MD 21014																							
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REVIEWED BY: BM, WT	SHEET NUMBER: 3 OF 3																							
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- NON-STANDARD CONDITIONS**
1. THE MCRA DOES NOT CURRENTLY OWN THE NORTHWEST END OF THE RSA, AN AREA WITH DIMENSIONS OF APPROXIMATELY 100 FEET BY 150 FEET.
 2. THE ROFA HAS OBSTRUCTIONS THAT REQUIRE MITIGATION.
 3. THE AIRPARK CURRENTLY HAS OBSTRUCTIONS ALONG THE APPROACH PATH TO RUNWAYS 14 AND 32.
 4. THE AIRPARK DOES NOT CURRENTLY HAVE THE MANDATORY "HOLDING POSITION LINES" FOR THE RUNWAY/TAXIWAY INTERSECTIONS.
 5. OBJECT FREE AREA WIDTHS FOR THE TAXILANES IN THE FBO LEASED T-HANGAR AREAS DO NOT MEET GROUP B-II STANDARDS.

- NOTES**
1. FAA'S APPROVAL OF THIS AIRPORT LAYOUT PLAN (ALP) REPRESENTS ACCEPTANCE OF THE GENERAL LOCATION OF THE FUTURE FACILITIES DEPICTED. DURING THE PRELIMINARY DESIGN PHASE, THE AIRPORT OWNER IS REQUIRED TO SUBMIT FOR APPROVAL THE FINAL LOCATIONS, HEIGHTS AND EXTERIOR FINISHES OF STRUCTURES. FAA'S CONCERNS ARE OBSTRUCTIONS, IMPACT ON ELECTRONIC AIDS AND ADVERSE EFFECT ON CONTROLLER VIEW OF AIRCRAFT APPROACHES AND GROUND MOVEMENTS, WHICH COULD ADVERSELY AFFECT THE SAFETY, EFFICIENCY OR UTILITY OF THE AIRPORT.
 2. ALL LATITUDE AND LONGITUDE COORDINATES ARE NORTH AMERICAN DATUM OF 1983 (NAD 83).
 3. ALL ELEVATIONS ARE IN ACCORDANCE WITH NATIONAL MAP ACCURACY STANDARDS. SPOT ELEVATIONS AND GROUND ELEVATIONS ARE DERIVED FROM AERIAL PHOTOGRAMMETRY AND ARE APPROXIMATE ONLY. GROUND SURVEYS ARE RECOMMENDED TO VERIFY ACCURACY.
 4. OBSTACLE FREE ZONE PENETRATIONS ARE PRESENT FOR RUNWAY 32. PENETRATIONS TO OFZ AND PART 77 SURFACES ARE IDENTIFIED BY NUMBER # (38x). MITIGATION DETAILS PROVIDED IN NARRATIVE APPENDIX I, OBSTRUCTION STUDY.
 5. THRESHOLD SITING SURFACE OBJECT PENETRATIONS ARE PRESENT FOR RUNWAY 32. OBJECT PENETRATIONS ARE IDENTIFIED BY NUMBER # (38x). MITIGATION DETAILS PROVIDED IN NARRATIVE APPENDIX I, OBSTRUCTION STUDY.
 6. CODE OF MARYLAND REGULATIONS (COMAR) 11.03.05, OBSTRUCTION EVALUATION, PROVIDE THE GUIDELINES FROM WHICH TO CONDUCT AN OBJECT HEIGHT ANALYSIS IN RELATION TO THE AIRPORT.
 7. FACILITIES INDEX ITEMS #17 & #18, IDENTIFIED AS "THROUGH THE FENCE" HAVE NOT BEEN APPROVED BY THE FAA.
 8. ANY RECONSTRUCTION OF EXISTING STORM WATER DETENTION AREA REQUIRES COORDINATION WITH USDA.

- MODIFICATION OF STANDARDS**
1. RUNWAY 32 THRESHOLD SITING SURFACE - ALLOW OBJECT PENETRATION ON A TEMPORARY BASIS EFFECTIVE JANUARY 11, 2001 FOR A PERIOD OF THREE YEARS.
 2. PART 77 PRIMARY SURFACE AT RUNWAY 14 END - MOS SUBMITTED TO FAA FOR APPROVAL, FEBRUARY 2002.
 3. RUNWAY SAFETY AREA AT RUNWAY 14 END - MOS SUBMITTED TO FAA FOR APPROVAL, FEBRUARY 2002.
 4. RUNWAY OBJECT FREE AREA AT RUNWAY 14 END - MOS SUBMITTED TO FAA FOR APPROVAL, FEBRUARY 2002.
 5. RUNWAY SAFETY AREA AT RUNWAY 32 END - MOS SUBMITTED TO FAA FOR APPROVAL, FEBRUARY 2002.
 6. PART 77 PRIMARY SURFACE AT RUNWAY 32 END - MOS SUBMITTED TO FAA FOR APPROVAL, FEBRUARY 2002.
 7. PART 77 APPROACH SURFACE AT RUNWAY 32 END - MOS SUBMITTED TO FAA FOR APPROVAL, FEBRUARY 2002.
 8. NON-STANDARD OBJECT FREE AREA FOR TAXILANES IN FBO AREA - MOS SUBMITTED TO FAA FOR APPROVAL, FEBRUARY 2002.
 9. USE FAA FORMULA IN FAA ADVISORY CIRCULAR 150/5300-13A, PARAGRAPH 404 TO CALCULATE TAXILANE CENTERLINE TO OBJECT SEPARATION FOR ADG II TAXILANE BETWEEN HANGARS 9 AND 25. MAXIMUM ADG II AIRCRAFT WINGSPAN ACCOMMODATED IS 62'. APPROVED BY FAA DECEMBER, 2012.

FACILITIES INDEX		
NO.	EXISTING	PHASE
1	TERMINAL BUILDING	
2	SOUTHERN AIRCRAFT HANGAR (8,000 S.F.)	II
3	MONTGOMERY AVIATION HANGAR (8,000 S.F.)	II
4	CONGRESSIONAL AIR HANGAR (8,000 S.F.)	II
5	T-HANGAR A (10 UNIT)	II
6	T-HANGAR B (10 UNIT)	II
7	T-HANGAR C (10 UNIT)	II
8	T-HANGAR D (10 UNIT)	II
9	T-HANGAR E (10 UNIT)	II
10	T-HANGAR F (10 UNIT)	II
11	T-HANGAR G (10 UNIT)	II
12	T-HANGAR H (10 UNIT)	II
13	AEROTRONIC SERVICES HANGAR (2,750 S.F.)	II
14	FITZGERALD HANGAR (3,000 S.F.)	II
15	FBO HANGAR-MONTGOMERY AVIATION (4,000 S.F.)	II
16	MASON HANGAR (7,260 S.F.)	II
17	WILLARD (THROUGH THE FENCE) (2,520 S.F.)	II
18	RICKMAN (THROUGH THE FENCE) (19,878 S.F.)	II
19	FUEL TANKS	
20	ELECTRICAL VAULT	
21	AWOS	

FACILITIES INDEX		
NO.	PROPOSED	PHASE
22	RELOCATED FUEL FARM	III
23	15 UNIT T-HANGAR (17,000 S.F.)	II
24	16 UNIT T-HANGAR (20,000 S.F.)	II
25	CORPORATE HANGAR (4,500 S.F.)	II
26	5 UNIT HANGAR D2 (17,000 S.F.)	I
27	TERMINAL BUILDING (8,000 S.F.)	ULTIMATE
28	CORPORATE HANGAR (8,600 S.F.)	II
29	CORPORATE HANGAR (2,500 S.F.)	II
30	CORPORATE HANGAR (3,600 S.F.)	II
31	CORPORATE HANGAR (3,600 S.F.)	II
32	14 UNIT-HANGAR (20,000 S.F.)	III
33	15 UNIT-HANGAR (22,500 S.F.)	III
34	HANGAR EXTENSION - 20'	I
35	REPLACE HANGAR D1 - 6 UNIT	I

RUNWAY DATA				
	EXISTING		ULTIMATE	
	RW 14	RW 32	RW 14	RW 32
APPROACH VISIBILITY MINIMUMS	1 MILE	VISUAL	SAME	SAME
FAR PART 77 APPROACH SLOPE	34:1	20:1	SAME	SAME
MARKING	NPI	NPI	NPI	NPI
VISUAL APPROACH AIDS	REIL/VASH-2	REIL	REIL/PAPI	REIL/PAPI
INSTRUMENT APPROACH AIDS	VOR/ND8	NONE	VOR/ND8LOC	SAME
RUNWAY END COORDINATES (NAD 83)	39°10'18.84"N 77°10'18.80"W	39°09'53.42"N 77°09'58.41"W	SAME	SAME
RUNWAY THRESHOLD COORDINATES	39°10'18.84"N 77°10'18.80"W	39°09'53.42"N 77°09'58.41"W	SAME	SAME
RUNWAY END ELEVATION	493.19'	538.72'	SAME	SAME
RUNWAY HIGH POINT/LOW POINT ELEVATION	493.19'	538.72'	SAME	SAME
AIRPORT REFERENCE CODE (ARC)	B-II	B-II	SAME	SAME
TRUE BEARING	127°23' 17.16"		SAME	
DIMENSIONS (LENGTH x WIDTH)	4,202' x 75'		SAME	
PAVEMENT TYPE	BITUMINOUS ASPHALT		SAME	
PAVEMENT DESIGN STRENGTH	20,000# - SW		SAME	
LIGHTING / SIGNAGE	MRLs		SAME	
PERCENT GRADIENT	1.1%		SAME	
MAXIMUM GRADE	1.5%		SAME	
ROFA DIMENSIONS	500'W x 480'L		SAME	
OFZ	400'W x 480'L		SAME	
RSA DIMENSIONS	150'W x 480'L		SAME	
CRITICAL AIRCRAFT	CITATION II		SAME	
WIND COVERAGE (IMC)	94.4		SAME	
WIND COVERAGE (ALL WEATHER)	95.1		SAME	

LEGEND		
	EXISTING	ULTIMATE
RUNWAY OBJECT FREE AREA	[Symbol]	[Symbol]
RUNWAY SAFETY AREA	[Symbol]	[Symbol]
TAXIWAY OBJECT FREE AREA	[Symbol]	[Symbol]
BUILDING RESTRICTION LINE	[Symbol]	[Symbol]
AIRPORT PROPERTY LINE	[Symbol]	[Symbol]
SECURITY FENCE	[Symbol]	[Symbol]
BUILDINGS	[Symbol]	[Symbol]
PAVEMENT EDGES	[Symbol]	[Symbol]
DEMOLITION/RELOCATION	[Symbol]	[Symbol]
ROTATING BEACON	[Symbol]	[Symbol]
GLIDESLOPE/LOCALIZER CRITICAL AREA	[Symbol]	[Symbol]
RW END IDENTIFIER LIGHTS (REIL)	[Symbol]	[Symbol]
AIRPORT REFERENCE POINT	[Symbol]	[Symbol]
WIND CONE & SEGMENTED CIRCLE	[Symbol]	[Symbol]
AWOS (LIGHTED)	[Symbol]	[Symbol]
AVIATION EASEMENT	[Symbol]	[Symbol]
NON-DIRECTIONAL BEACON (LIGHTED)	[Symbol]	[Symbol]
OBSTRUCTION LIGHT	[Symbol]	[Symbol]
PAPI	[Symbol]	[Symbol]
WINDSOCK	[Symbol]	[Symbol]

NO.	REVISIONS	BY/DATE	APPROVALS		
			FAA/DATE	MAA/DATE	MCRA/DATE
1	REVISE APL, AWOS, ELEC. VAULT, ADD RELEASE	01/29/2003			
2	UPDATE RUNWAY END COORD. & ELEVATIONS	01/29/2003			
3	RICKMAN / MCRA PROPERTY EXCHANGE	08/11/2004			
4	PROPERTY ACQ. 7401 LINDBERGH LLC	08/11/2004			
5	REVISE VAULT; PROPERTY ACQ. - KRAMER	05/01/2006			
6	TAXIWAY REVISIONS, SELF-FUEL	10/21/2008			
7	T-HANGARS & MIDFIELD TW	03/15/2010			
8	RW 14 RPZ (WEBB) PARCELS, ADD RW 32 OBST. REMOVAL PARCELS	01/14/2011			
9	RW 32 RPZ PARCEL (MVA), HANGAR REVISIONS	10/22/2013			

T.J. PAGE / 12-12-2013

MONTGOMERY COUNTY REVENUE AUTHORITY
APPROVED _____ DATE _____

FEDERAL AVIATION ADMINISTRATION
APPROVED _____ DATE _____

MARYLAND AVIATION ADMINISTRATION
APPROVED _____ DATE _____

AIRPORT DATA		
	EXISTING	ULTIMATE
AIRPORT ELEVATION	538.1'	SAME
ARP LAT/LONG (NAD 83)	LAT 39 10 07N LONG 77 10 57W	SAME
MEAN DAILY MAX TEMPERATURE	89.2° F	SAME
MPIAS SERVICE LEVEL	RELIEVER AIRPORT	SAME
MAA SERVICE ROLE	RELIEVER AIRPORT	SAME
TAXIWAY LIGHTING	MTL	SAME
TAXIWAY MARKING	CENTERLINE, HOLDLINES	SAME
AIRPORT NAVAIDS	NDB WINDCONE, SEG. CIRCLE, AWOS III, ROTATING BEACON	SAME
TERMINAL NAVAIDS	NONE	NONE
AIRPORT REFERENCE CODE (ARC)	B-II	SAME

AIRPORT LAYOUT PLAN
MONTGOMERY COUNTY AIRPARK
GAITHERSBURG, MARYLAND

DELTA AIRPORT CONSULTANTS, INC.
Charlottesville, VA • Austin, TX
Harrisburg, PA • Richmond, VA

DRAWN BY: _____ CHECKED BY: _____
SCALE: 1" = 300'
DATE: JUNE 2002

SHEET 2 OF 9

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APPENDIX C

Section 106 Coordination



201502934

F
FAA



U.S. Department
of Transportation

Federal Aviation
Administration

WASHINGTON AIRPORTS DISTRICT OFFICE
23723 Air Freight Lane, Suite 210
Dulles, Virginia 20166
Telephone: 703/661-1354
Fax: 703/661-1370

RECEIVED AUG 28 2015

EJL/ARA

RECEIVED
JUL 21 2015

July 17, 2015

BY: _____

Ms. Beth Cole
Maryland Historical Trust
Project Review and Compliance
100 Community Place
Crownsville, MD 21032

Subject: Supplemental Environmental Assessment-Runway 14-32 Obstruction Removal and Access Road Relocation at Montgomery County Airpark (GAI), Gaithersburg, MD

Dear Ms. Cole:

The Montgomery County Airpark is proposing two obstruction removal projects: the removal of tree obstructions on the west side of runway 14-32; and the removal (demolition) of terrain obstructions and buildings, and the relocation of the access road south of the runway. Both projects are for airport safety purposes. Because these projects are anticipated to be federally funded, licensed or permitted they are subject to state review to comply with Section 106 of the National Historic Preservation Act of 1966, as amended.

A Supplemental Environmental Assessment is being prepared for the proposed obstruction removal and access road relocation. The tree removal project was included in an Environmental Assessment/FONSI issued in 2006, during which coordination with Maryland Historical Trust concluded that no historic properties would be impacted. Enclosed are copies of the Project Review Form, to include the coordination completed during the 2006 Environmental Assessment. Coordination with a professional archaeologist (Coastal Carolina Research) during scoping of this effort concluded that the presence of historic or cultural resources on these parcels is extremely unlikely.

Should you have any questions or require additional information to facilitate your review to confirm that that no historic or cultural properties would be impacted, please do not hesitate to contact me at Marcus.Brundage@faa.gov or 703-661-1365.

Sincerely,

Marcus Brundage, REM
Environmental Protection Specialist

Enclosures:

- cc: Keith Miller, Airport Director (e-mail w/o enclosure)
- Mary Ashburn Pearson, AICP, DELTA (e-mail w/o enclosure)
- Ashish Solanki, MAA (e-mail w/o enclosure)
- Tom Priscilla, P.E., FAA (e-mail w/o enclosure)

The Maryland Historical Trust has determined that there are no historic properties affected by this undertaking.

Beth Cole 8/21/15
Date

BC
ARA → IA 8/21/15



PROJECT REVIEW FORM

Request for Comments from the Maryland Historical Trust/
MDSHPO on State and Federal Undertakings

MHT USE ONLY	
Date Received:	Log Number:

Project Name County

Primary Contact:

Contact Name Company/Agency

Mailing Address

City State Zip

Email Phone Number Ext.

Project Location:

Address City/Vicinity

Coordinates (if known): Latitude Longitude Waterway

Project Description:

List federal and state sources of funding, permits, or other assistance (e.g. Bond Bill Loan of 2013, Chapter #; HUD/CDBG; MDE/COE permit; etc.).	Agency Type	Agency/Program/Permit Name	Project/Permit/Tracking Number (if applicable)
	<input type="checkbox"/> Federal	FEDERAL AVIATION ADMINISTRATION	
<input type="checkbox"/> State	MARYLAND AVIATION ADMINISTRATION		

This project includes (check all applicable): New Construction Demolition Remodeling/Rehabilitation

State or Federal Rehabilitation Tax Credits Excavation/Ground Disturbance Shoreline/Waterways/Wetlands

Other\Additional Description:

Known Historic Properties:

This project involves properties (check all applicable): Listed in the National Register Subject to an easement held by MHT

Included in the Maryland Inventory of Historic Properties Designated historic by a local government

Previously subject to archeological investigations

Property\District\Report Name

Attachments:

All attachments are required. Incomplete submittals may result in delays or be returned without comment.

Aerial photograph or USGS Quad Map section with location and boundaries of project clearly marked.

Project Description, Scope of Work, Site Plan, and/or Construction Drawings.

Photographs (print or digital) showing the project site including images of all buildings and structures.

Description of past and present land uses in project area (wooded, mined, developed, agricultural uses, etc).

MHT Determination:

There are **NO HISTORIC PROPERTIES** in the area of potential effect The project will have **NO ADVERSE EFFECT WITH CONDITIONS**

The project will have **NO EFFECT** on historic properties The project will have **ADVERSE EFFECTS** on historic properties

The project will have **NO ADVERSE EFFECT** on historic properties **MHT REQUESTS ADDITIONAL INFORMATION**

MHT Reviewer: _____ Date: _____

Submit printed copy of form and all attachments by mail to: Beth Cole, MHT, 100 Community Place, Crownsville, MD 21032

Project Description

This project review request is for two projects: the removal of 15+/- acres of tree obstructions along the west side of Runway 14-32; and, the removal of terrain obstructions (road and parking lot) and several buildings on the Runway 32 (southern) end, along with the relocation of an access road. The purpose of both projects is to mitigate obstructions to airspace safety surfaces.

Tree Obstruction Removal, West Side of Runway: This project was included in a 2006 Environmental Assessment (FONSI issued June 2006) during which a Phase 1 Cultural Resources survey was conducted, and coordination with MHT concluded that the project would have no impact to historic properties (please see Phase 1 Cultural Resources survey and previous coordination, attached).

The limits of tree removal in this area have not changed since 2006 and are shown in the attached Exhibit 1. The construction staging area is also marked on Exhibit 1.

Terrain and Building Removal, South of Runway: The proposed project includes the fee-simple acquisition of two parcels south of the runway, the grading/demolition of the pavement and buildings on these parcels; and the relocation of the access road to serve the only remaining parcel in this area. The 2006 EA included the acquisition of several parcels south of the Runway 32 end, but did not include these particular parcels, which are directly outside of the APE reviewed during the 2006 EA effort. A search of the Maryland's Environmental Resource and Land Information Network (MERLIN) database conducted in March 2015 identified no Maryland Inventory of Historic Properties, National Register of Historic Places, or MHT preservation easements in the vicinity of the proposed property acquisition. The buildings on the three parcels in the project area were built on or after 1988. Coordination with a professional archaeologist during scoping concluded that the presence of historic or cultural resources on these parcels is extremely unlikely. The project location is shown in the attached Exhibit 2 which includes the construction staging area.

Existing Land Use

Per the Phase 1 Cultural Resources survey conducted during the 2006 EA, the Area of Potential Effect (APE) for archaeology includes the airport property plus ±40 acres of off-airport property proposed for land release or easements; the APE for architecture is defined as the buildings and structures on or immediately adjacent to the airport and proposed airport property and the 65-decible Day-Night Average (DNL) noise contour. This APE was defined in consultation with the MHT.

The Montgomery County Airpark is an operating airport located on previously disturbed ground. The Airpark has one 4,200-foot long runway and serves as a reliever airport for Reagan National Airport.

An aerial photo is included below with the two project areas circled in yellow. The project site map on USGS quad map background from the 2006 Phase 1 Cultural Resources report is also included below.

Modifications to Landscape

The Gaithersburg USGS quadrangle map is dated 1945, photorevised 1979. The Airpark has been in operation since 1959 and is shown on the quad map, attached. The general size and orientation of the airpark has not changed remarkably. The roads in the vicinity of the airport, Routes 124 and 114, remain in place. Despite the addition of several roads, the landscape does not appear to 'markedly different' that what is shown on the USGS maps. The proposed projects would occur on an operational airport and developed parcels.



NOTE: The tree removal area was addressed in a separate environmental document.

Source: Phase I Cultural Resources Survey
Proposed EA for Five-Year Capital
Improvement Program for GAI
(June 2005)

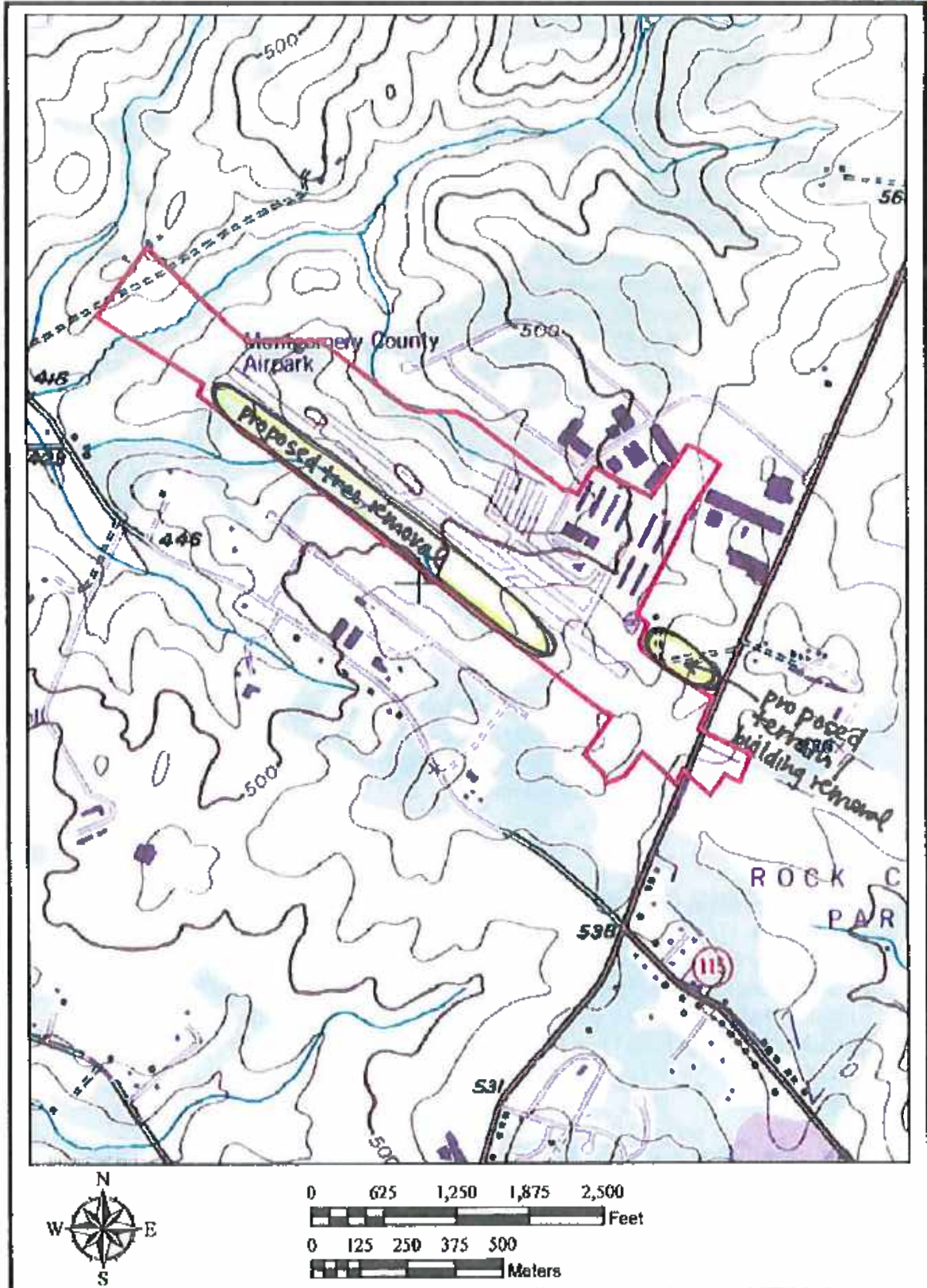
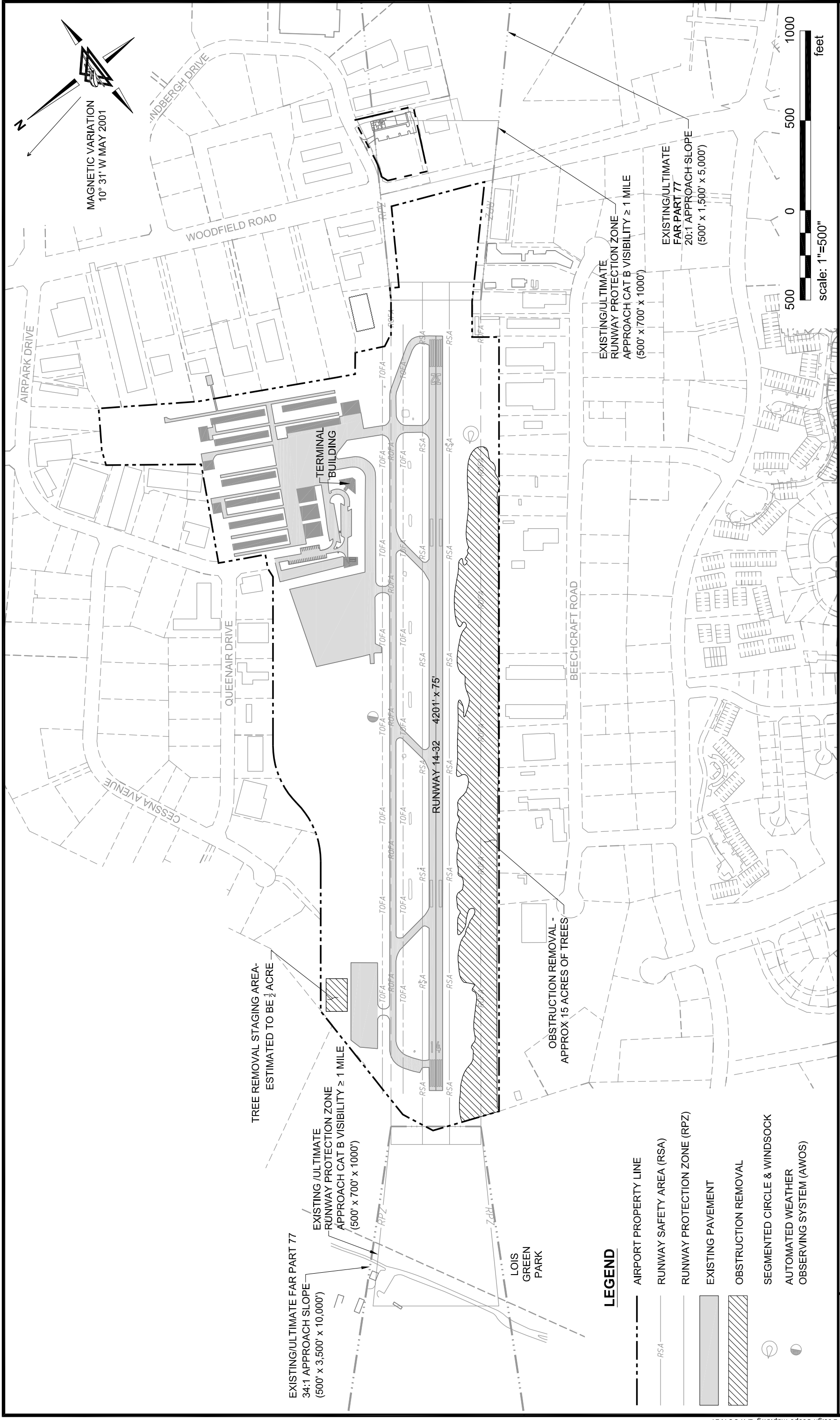


Figure 2: Boundaries of the Proposed Montgomery County Airpark Expansion on the 7.5' Series 1945 (PR 1979) USGS Gaitlersburg, MD Topographic Quadrangle.



LEGEND

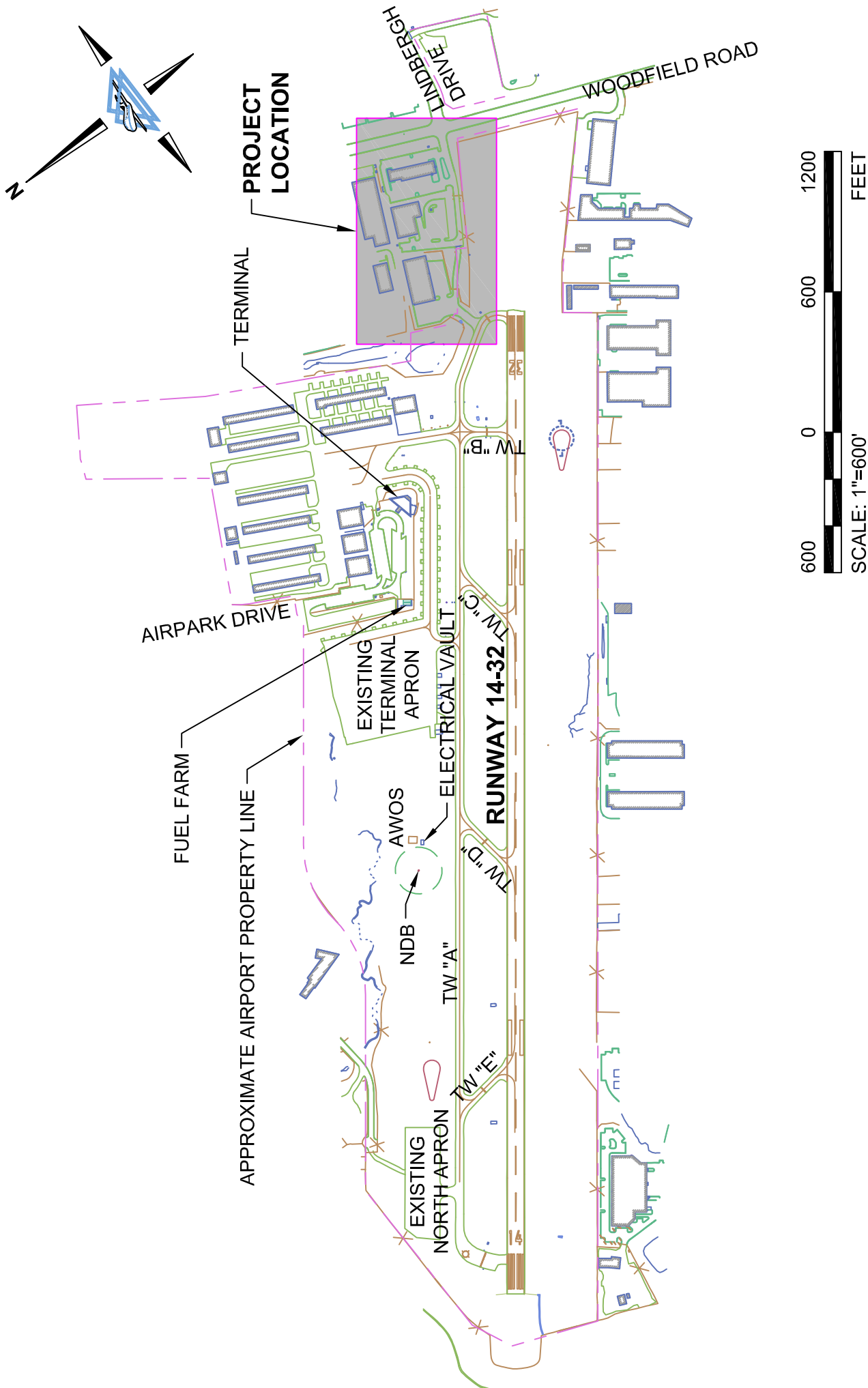
- AIRPORT PROPERTY LINE
- RSA
- RUNWAY SAFETY AREA (RSA)
- RUNWAY PROTECTION ZONE (RPZ)
- █ EXISTING PAVEMENT
- ▨ OBSTRUCTION REMOVAL
- SEGMENTED CIRCLE & WINDSOCK
- AUTOMATED WEATHER OBSERVING SYSTEM (AWOS)

**OBSTRUCTION REMOVAL - ESTIMATED PROJECT LIMITS
MONTGOMERY COUNTY AIRPARK**

EXHIBIT
1

DRAWN BY: P.J.W. CHECKED BY: M.W.K. SCALE: 1"=500' DATE: JANUARY 2011





PROPOSED TERRAIN/BUILDING REMOVAL MONTGOMERY COUNTY AIRPARK

EXHIBIT
2



April 19, 2005

Ms. Loretta Lautzenheiser
Coastal Carolina Research, Inc.
310 East Baker Street
Tarboro, NC 27886

Re: Montgomery County Airpark Expansion
Determination of Eligibility Form
8787 Snouffer School Road, Montgomery County, Maryland

Dear Ms. Lautzenheiser:

Thank you for providing the Maryland Historical Trust (Trust) with a Determination of Eligibility (DOE) form for the above-referenced property. It is our understanding that it lies within the Area of Potential Effect of planned expansion at the Montgomery County Airpark and that the expansion qualifies as a federal undertaking, a state undertaking, or both.

According to the DOE form prepared by Coastal Caroline Research, the ca. 1890 house at 8787 Snouffer School Road was evaluated for eligibility to the National Register of Historic Places under Criteria A, B, and C. Your office recommends the property as not eligible due to lack of significance and numerous alterations that diminish the property's integrity. Based on the information provided, the Trust concurs this recommendation.

If you have questions regarding this matter, please contact Jonathan Sager at sagerj@dhcd.state.md.us or 410-514-7636. Thank you for providing us this opportunity to comment.

Sincerely,

C. Andrew Lewis
Preservation Officer
Maryland Historical Trust

CAL / JES
200500444

Robert L. Ehrlich, Jr.
GOVERNOR

Michael S. Steele
LT GOVERNOR

Victor E. Hoskins
SECRETARY

Shawn S. Karimian
DEPUTY SECRETARY

DIVISION OF HISTORICAL AND
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PHONE 410-514-7600

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**DELTA AIRPORT
CONSULTANTS, INC.**

F
FAA

200500973

April 5, 2005

Ms. Elizabeth Cole, Administrator
Maryland Historical Trust
Archaeological Services
Office of Preservation Services
100 Community Place
Crownsville, Maryland 21032

RECEIVED
APR 07 2005

ER/JES

JUN 1 2005

RE: Historical & Cultural Resource Coordination
Environmental Assessment
Montgomery County Airpark
Gaithersburg, Maryland
AIP Project No. 3-24-0018-011
Delta Project No. MD 02054

Dear Ms. Cole:

On behalf of the Montgomery County Revenue Authority (MCRA) and the Federal Aviation Administration (FAA), Delta Airport Consultants, Inc. is currently conducting an Environmental Assessment for a variety of projects at the Montgomery County Airpark to achieve compliance with FAA safety regulations. Enclosed for your review are two (2) copies of the Phase I Cultural Resources Survey, conducted by Coastal Carolina, Inc. Concurrence with the report findings is requested.

It is important to note that prior correspondence received from the Maryland Department of Planning dated January 5, 2005, indicated that the MHT determined the project will have "no effect" on historic properties (a copy has been attached).

If you have any questions or concerns, please do not hesitate to call. Thank you for your assistance concerning this matter.

Sincerely,

Colleen M. Angstadt

CMA/ssh

The Maryland Historical Trust has determined that there are no historic properties affected by this undertaking.
Elgin J. Cole Date 5/26/05

cc: Lorretta Lautzenheiser, Coastal Carolina, Inc.

w/o encl
19
JES
5/10/05

2054C028

1338 Hundred Oaks Drive, Suite G • Charlotte, North Carolina 28217
phone: (704) 521-9101 • fax: (704) 521-9109 • www.deltairport.com

Archae: IA/SC 5/25/05 ph. E rpt. / No sites

252. u41.1235



April 5, 2005

Ms. Elizabeth Cole, Administrator
Maryland Historical Trust
Archaeological Services
Office of Preservation Services
100 Community Place
Crownsville, Maryland 21032

RE: Historical & Cultural Resource Coordination
Environmental Assessment
Montgomery County Airpark
Gaithersburg, Maryland
AIP Project No. 3-24-0018-011
Delta Project No. MD 02054

Dear Ms. Cole:

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It is important to note that prior correspondence received from the Maryland Department of Planning dated January 5, 2005, indicated that the MHT determined the project will have "no effect" on historic properties (a copy has been attached).

If you have any questions or concerns, please do not hesitate to call. Thank you for your assistance concerning this matter.

Sincerely,

Colleen M. Angstadt

CMA/ssh

cc: Lorretta Lautzenheiser, Coastal Carolina, Inc.

w/o encl

2054C028

APPENDIX D

Phase I & Phase II Environmental Due
Diligence Audits



PHASE I ENVIRONMENTAL SITE ASSESSMENT

**Montgomery County Airpark Parcels
18800, 18810, and 18820 Woodfield Road
Gaithersburg, Maryland**



Prepared for:

Delta Airport Consultants
9711 Farrar Court, Suite 100
Richmond, Virginia 23236

Prepared by:



**Chesapeake Environmental
Management, Inc.**
42 N. Main Street
Bel Air, Maryland 21014



**JUNE 2016
REVISED: AUGUST 2016**

**Phase I Environmental Site Assessment
Montgomery County Airpark Parcels
18800, 18810, and 18820 Woodfield Road
Gaithersburg, Maryland**

Prepared for:

Delta Airport Consultants
9711 Farrar Court, Suite 100
Richmond, Virginia 23236

Prepared by:

Chesapeake Environmental Management, Inc.
42 North Main Street
Bel Air, Maryland 21014
(410) 893-9016

June 2016

REVISED: August 2016

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EXECUTIVE SUMMARY

Chesapeake Environmental Management, Inc. (CEM) performed a Phase I Environmental Site Assessment (ESA) of three contiguous parcels located along the southeastern border of the Montgomery County Airpark, located in Gaithersburg, Maryland (herein referred to as the “Study Area”). The three parcels located within the study area are identified as follows.

- 18800 Woodfield Road (herein referred to as “Target Property #1”)
- 18810 Woodfield Road (herein referred to as “Target Property #2”)
- 18820 Woodfield Road (herein referred to as “Target Property #3”)

This ESA has been performed in accordance with the scope and limitations of the standard processes described in the American Society for Testing and Materials (ASTM) E 1527-13 (Standard Practice for Environmental Site Assessments: Phase I ESA Process).

The purpose of this Phase I ESA was to identify recognized environmental conditions (RECs) in connection with the Study Area. A REC is defined as the presence, or likely presence, of hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or material threat of a release of any hazardous substance or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. A controlled REC (CREC), which is a subset of a REC, refers to a contaminated site that has received risk-based regulatory closure where no further remediation is required but residual contamination still exists. Therefore, the property may be subject to regulatory control (e.g., engineering control) or use restriction. This assessment has identified no evidence of CRECs or RECs in connection with the Study Area, except for the following.

- **Target Property #3** – The site is currently utilized for various commercial purposes including automobile maintenance and repair activities performed at two on-site facilities (Merchants and Quick Lube). The site was also listed as previously operating as an automobile repair facility since at least 1999. The potential for subsurface contamination associated with the handling, storage, and disposal of these waste petroleum products at the site is considered a REC.

Although the ASTM E1527-13 standard does not require the Phase I ESA to include recommendations for additional investigations, the following recommendations are provided to assist the User(s) during future planning discussions associated with the proposed construction activities.

CEM understands that the Montgomery County Airpark proposes to acquire two of the three Target Properties located within the Study Area (*Target Property #2* and *Target Property #3*) and raze the existing structures to facilitate the proposed construction activities associated with the most recent Federal Aviation Administration (FAA) requirements.

If proposed construction activities will involve earth disturbances that will require disposing of soils off-site, CEM recommends performing a subsurface investigation at Target Property #2 and #3. The analytical data collected from the subsurface investigation will assist the project team to characterize the subsurface soils. Based on the soil characterization, the project team will be able to determine if the soils are suitable to remain on-site (in accordance with MDE’s Non-Residential Cleanup Standards for Soil) or determine the appropriate handling and off-site disposal requirements (if any contaminants are identified in the soils at concentrations that exceed the MDE Non-Residential Cleanup Standards).

1.0 INTRODUCTION

1.1 Purpose

The purpose of this Phase I Environmental Site Assessment (ESA) was to identify, to the extent feasible and pursuant to the process prescribed in American Society for Testing and Materials (ASTM) E1527-13, recognized environmental conditions (RECs) in connection with three parcels located in Gaithersburg, Maryland (herein referenced as the “Study Area”). The study area consists of three contiguous parcels located along the southeastern border of the Montgomery County Airpark, located in Gaithersburg, Maryland. The three parcels located within the study area are identified as follows.

- 18800 Woodfield Road (herein referred to as “Target Property #1”)
- 18810 Woodfield Road (herein referred to as “Target Property #2”)
- 18820 Woodfield Road (herein referred to as “Target Property #3”)

A REC is defined as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to a release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions.” The ASTM E1527-13 process constitutes all appropriate inquiries for the purpose of Landowner Liability Protections under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This report reflects the observations, information, and data collected by Chesapeake Environmental Management, Inc. (CEM) associated with the Study Area.

1.2 Detailed Scope of Services

CEM prepared this ESA in accordance with CEM’s proposal submitted to Delta Airport Consultants (DAC) dated April 16, 2015 and the Notice to Proceed dated December 9, 2015. This Phase I ESA was conducted in accordance with ASTM E1527-13 (Standard Practice for ESAs: Phase I ESA Process). The Phase I ESA consisted of a review of current and historic activities and conditions within the Study Area and surrounding properties, including a non-intrusive visual inspection of the Study Area; review of local, state, and federal regulatory database records; review of available historic records; and a survey of adjacent land uses. This Phase I ESA did not include sampling or chemical analysis of soils, soil vapor, surface water, or groundwater. A list of acronyms used throughout this report is provided in **Appendix A**.

1.3 Significant Assumptions

In expressing the opinions stated in this report, CEM has exercised the degree of skill and care ordinarily exercised by a reasonable, prudent Environmental Professional in the same community and in the same time frame given the same or similar facts and circumstances. CEM assumes that DAC, as set forth in the contractual agreement, is also the User as defined by ASTM E1527-13. All documentation and data provided by DAC, designated representatives thereof, or other interested third parties, or from the public domain, and referred to in the preparation of this assessment, were used and referenced accordingly. Consequently, CEM assumes no responsibility or liability for the accuracy of such documentation or data.

The independent conclusions in this report represent CEM’s professional judgment based on information and data available to CEM during the course of our investigation. The factual information regarding operations, conditions, and test data provided by DAC, property owners, or their representatives are assumed to be correct and complete. The conclusions presented are based on the data provided and reviewed by CEM, observations made by CEM, and conditions that existed on the date of the on-site visit.

1.4 Limitations and Exceptions

CEM does not warrant that there are no toxic or hazardous materials or contamination associated with the Study Area, nor does CEM accept any liability if such are found at some future time, or could have been found if sampling or additional studies were conducted. CEM does not assume responsibility for other environmental issues that may be associated with the Study Area. In view of the rapidly changing status of environmental laws, regulations, and guidelines, CEM cannot be responsible for changes in laws, regulations, or guidelines that occur after the study has been completed that may affect the Study Area.

This report is not intended to serve as a bidding document nor as a project specification document and actual site conditions and quantities should be field-verified. Additionally, the passage of time may result in a change in the environmental characteristics at this site. The results, findings, conclusions, and recommendations expressed in this report are based only on conditions that were observed during CEM's inspection of the Study Area.

This report has been prepared for the exclusive use of DAC under the terms and conditions of the DAC contract and is based, in part, on third-party information not within the control of DAC or CEM. While it is believed that the third-party information contained herein is reliable according to the conditions and limitations described in this report, neither DAC nor CEM guarantee the accuracy of the third-party information.

1.5 Special Terms and Conditions

There are no Special Terms and Conditions associated with this investigation.

1.6 User Reliance

This report is exclusively for the use and benefit of DAC, as show on the cover page of this report. CEM acknowledges that DAC will provide a copy of this report to the Montgomery County Airpark as part of the due diligence process associated with the proposed construction activities to be performed within the Study Area. Other than DAC and Montgomery County Airpark, this report is not for the use or benefit of, nor may it be relied upon by, any other person or entity without the advance written consent of CEM.

2.0 SITE DESCRIPTION

2.1 Location and Legal Description

The Study Area is located along Woodfield Road in Gaithersburg, Maryland and consists of three contiguous parcels (referred to as "Target Properties" and presented in **Appendix B – Figures 1 and 2**).

- **Target Property #1** is located at 18800 Woodfield Road in Gaithersburg, Montgomery County, Maryland. According to the Maryland State Department of Assessments and Taxation (SDAT) real property database, Target Property #1 is currently owned by W.M. Rickman Construction Co., LLC and consists of a parcel with an active warehouse/hangar totaling approximately 1.98-acres in area. Target Property #1 is identified as District 01 and Account Number 02253403.
- **Target Property #2** is located at 18810 Woodfield Road in Gaithersburg, Montgomery County, Maryland. According to the Maryland SDAT real property database, Target Property #2 is currently owned by PV Airpark LLC and consists of a parcel with an active commercial building totaling approximately 1.66-acres in area. Target Property #2 is identified as District 01 and Account Number 02253391.
- **Target Property #3** is located at 18820 Woodfield Road in Gaithersburg, Montgomery County, Maryland. According to the Maryland SDAT real property database, Target Property #3 is currently owned by Merchacq 7 LLC and consists of a parcel with an active commercial building

totaling approximately 0.72-acres in area. Target Property #3 is identified as District 01 and Account Number 02809652.

A copy of the SDAT sheet for each of the three Target Properties located within the Study Area is provided in **Appendix C**.

2.2 Current Use of the Study Area

The three parcels located within the Study Area are currently used for commercial and industrial purposes.

- **Target Property #1** consists of a parcel that includes an airplane hangar with a small taxiway leading to the Montgomery County Airpark runway.
- **Target Property #2** consists of a parcel that includes a commercial building currently utilized as a Gold’s Gym and an associated parking lot.
- **Target Property #3** consists of a parcel that includes a commercial building occupied by several businesses, and an associated parking lot. These commercial businesses include Merchant’s Tire & Auto (automotive service and repair facility), an unnamed cabinet retailer, Speedy Appliances (appliance repair shop), and the Airpark Quick Lube (automotive service and repair facility).

2.3 Description of Adjoining Properties

The Study Area is located in a mixed-use area of Gaithersburg, Maryland and the surrounding area consists of parcels zoned for commercial, industrial, and residential uses. Adjacent parcels contain the following structures and improvements:

- Primary county roads (including Woodfield Road)
- Commercial properties (including Extra Space Storage and Davey Tree Service)
- Exempt commercial properties (including Montgomery County Airpark)

3.0 USER PROVIDED INFORMATION

3.1 Title Records

A chain-of-title report for the parcels located within the study area was not provided for review. However, limited history of ownership information for the three Target Properties located within the Study Area was obtained from the SDAT database and is provided as **Appendix C**. To supplement the information provided by the SDAT database, CEM performed a limited chain-of-title search using the State of Maryland’s online land records database. The findings of the limited chain-of-title search are summarized in **Tables 3-1, 3-2, and 3-3** below.

Table 3-1: Target Property #1 Land Title Records			
Grantor(s)	Grantee	Purchase Date	Deed Book/Page
William M. Rickman, t/a W.M. Rickman Construction Company	W.M. Rickman Construction Company LLC	11/30/2001	20575/027
Edward W. Schultze	William M. Rickman	10/30/1998	16547/424
AOPA Air Safety Foundation (aka AOPA Foundation, Inc.)	Edward Schultze	4/16/1980	5510/089
Montgomery County Airpark, Inc.	AOPA Foundation, Inc.	10/21/1966	3566/152

Table 3-1: Target Property #1 Land Title Records			
Grantor(s)	Grantee	Purchase Date	Deed Book/Page
Catherine E. Wahler	Montgomery County Airpark, Inc.	4/7/1960	2723/322
Custard's Inc.	Catherine E. Wahler	3/1/1957	2324/528

Table 3-2: Target Property #2 Land Title Records			
Grantor(s)	Grantee	Purchase Date	Deed Book/Page
Sumo Holdings Maryland, LLC	PV Airpark, LLC	3/29/2012	43759/407
Richard L. Dietrick and Garnetta J. Dietrick	Sumo Holdings Maryland, LLC	11/29/2001	20055/336
Edward W. Schultze	Richard L. Dietrick and Garnetta J. Dietrick	2/28/1990	9219/799
AOPA Air Safety Foundation (aka AOPA Foundation, Inc.)	Edward Schultze	4/16/1980	5510/089
Montgomery County Airpark, Inc.	AOPA Foundation, Inc.	10/21/1966	3566/152
Catherine E. Wahler	Montgomery County Airpark, Inc.	4/7/1960	2723/322
Custard's Inc.	Catherine E. Wahler	3/1/1957	2324/528

Table 3-3: Target Property #3 Land Title Records			
Grantor(s)	Grantee	Purchase Date	Deed Book/Page
Merchant's Incorporated	Merchacq 7 LLC	9/29/2003	26521/475
Edward W. Schultze	Merchant's Incorporated	11/8/1988	8556/291
AOPA Air Safety Foundation (aka AOPA Foundation, Inc.)	Edward Schultze	4/16/1980	5510/089
Montgomery County Airpark, Inc.	AOPA Foundation, Inc.	10/21/1966	3566/152
Catherine E. Wahler	Montgomery County Airpark, Inc.	4/7/1960	2723/322
Custard's Inc.	Catherine E. Wahler	3/1/1957	2324/528

3.2 Environmental Liens or Activity and Use Limitations

Based on a review by CEM of all records provided by local regulatory agencies, there were no environmental cleanup liens associated with the Study Area discovered or recorded under federal, tribal, state, or local law.

3.3 Specialized Knowledge

There was no specialized knowledge or additional documents provided to CEM for review as part of this investigation.

3.4 Commonly Known or Reasonably Ascertainable Information

According to the User, Montgomery County Airpark has proposed to acquire two of the three parcels located within the Study Area (*Target Property #2 and #3*) and raze the existing structures to facilitate the proposed construction activities associated with the most recent Federal Aviation Administration (FAA) requirements. There was no additional commonly known or reasonably ascertainable information provided to CEM for review associated with this investigation.

3.5 Owner, Property Manager and Occupant Information

Details regarding the owner, property manager, and occupants of the three parcels is discussed in **Sections 2.1 and 2.2**. No additional owner, property manager or occupant information was provided to CEM as part of this investigation.

3.6 Reason for Performing the Phase I ESA

The Phase I ESA is being performed as part of the due diligence process to facilitate future planning and property acquisition activities.

4.0 PHYSICAL SETTING SOURCES

For the purposes of this report, the physical setting for all three Target Properties will be discussed as one complete Study Area.

4.1 Topography

The Study Area is located on the 2014 United States Geological Survey (USGS) Gaithersburg 7.5-minute Topographic Quadrangle Map (**Appendix D1**). Site elevation is approximately 550 feet above mean sea level (amsl), and the surrounding area slopes gently to the north-northwest. The topography of the Study Area consists of higher elevations to the west and lower elevations near the eastern portion of the Study Area. The nearest surface water feature, as noted on the topographic map(s), is Cabin Branch to the northwest, which is part of the Potomac River watershed. Cabin Branch generally flows west-northwest towards Great Seneca Creek.

4.2 Geology

Review of the Geologic Map of Maryland, Montgomery County (compiled by the Maryland Geological Survey (MGS) and dated 1968), indicates that the Study Area is underlain by the Late Precambrian age Upper Pelitic Schist, which is described as *“Albite-chlorite-muscovite-quartz schist with sporadic thin beds of laminated micaceous quartzite; coarsens form west to east; primary sedimentary structures include normal bedding, graded bedding, and soft-sediment deformational structures”* with an apparent thickness of 14,000 feet.

According to the 2008 Physiographic Map of Maryland, the Target Property is characterized by the Hampstead Upland District, which is characterized by *“rolling to hilly uplands interrupted by steep-walled gorges. Differential weathering of adjacent, contrasting lithologies produces distinctive ridges, hills, barrens, and valleys. Streams may have short segments of narrow, steep-sided valleys.”*

4.3 Soils

According to the Soil Conservation Service (SCS), a division of the United States Department of Agriculture (USDA), the Study Area is underlain predominately by the Glenelg silt loam (presented as **Appendix D2**).

- Glenelg silt loam consists of well-drained soils with moderately coarse textures and moderate infiltration rates.

The soils within the Study Area are characterized by 3 to 8 percent slope; however, drainage and infiltration rates vary and are dependent upon local surface features and stormwater management devices.

4.4 Groundwater

The average depth to groundwater across the Study Area is anticipated to be greater than 10 feet below ground surface (bgs). Based on topography and local hydrologic features, groundwater flow direction is anticipated to be to the west-northwest towards Cabin Branch.

4.5 Wetlands

According to the National Wetland Inventory (NWI) maps (presented as **Appendix D3**), no wetlands lie within the Study Area. However, one freshwater pond lies to the west of the Study Area (adjacent to Target Property #1).

4.6 Floodplain

According to the Flood Insurance Rate Map (FIRM) panel 24031C0191D (presented as **Appendix D4**), the Study Area is located in Zone X. The Federal Emergency Management Agency (FEMA) describes Zone X as areas determined to be outside the 0.2% annual chance floodplain or area of minimal flood hazard.

5.0 REGULATORY RECORDS REVIEW

A Radius Map Report with Geocheck® was obtained from EDR for use in preparation of this Phase I ESA report. The EDR report was obtained to fulfill the research requirements pertaining to standard environmental record sources, as well as supplementary information sources considered to constitute additional environmental records. Occasionally, the Study Area (or adjacent properties) may be listed under different names and may be included in multiple databases, due to changes in ownership or land use. Explanations of the content of the databases are provided directly within the EDR report in **Appendix E**. The reader is encouraged to review **Appendix E** of this report to supplement information presented herein pertaining to surrounding properties. The database search was performed according to the appropriate ASTM search radius distances for each regulatory database. The following federal, state, and tribal records were reviewed as part of this Phase I ESA.

- Federal National Priorities List (NPL)
- Federal Delisted NPL site list
- Federal Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) list
- Federal Facility Index System (FINDS)
- Federal CERCLIS-No Further Remedial Action Planned (NFRAP) site list
- Federal Resource Conservation and Conservation Act (RCRA) Corrective Action Sites (CORRACTS) facilities list
- Federal RCRA non-CORRACTS Treatment, Storage, and Disposal (TSD) facilities list

- Federal RCRA generators list – Small Quantity Generator (SQG), Large Quantity Generator (LQG), Conditionally Exempt Small Quantity Generator (CESQG), and Non-Generator (NonGen)
- Federal Institutional Control/Engineering Control registries
- Federal Emergency Response Notification System (ERNS)
- State and Tribal lists of hazardous waste sites (SHWS)
- State and Tribal-equivalent NPL
- State and Tribal-equivalent CERCLIS
- State and Tribal Landfill and/or Solid Waste Disposal sites (SWF/LF) lists
- State and Tribal Leaking Underground Storage Tanks (LUST) list
- State and Tribal Registered Underground Storage Tanks (UST) list
- State and Tribal Institutional (INST) Control/Engineering (ENG) Control registries
- State and Tribal Voluntary Cleanup sites
- State and Tribal Brownfield sites.
- Local Brownfield lists
- Local Landfill/Solid Waste Disposal sites
- Local Hazardous Waste/Contaminated sites
- Local Registered Storage Tanks (MD Historical [HIST] UST)
- Local Land Records
- Records of Emergency Release Reports
- Other Ascertainable Records (refer to the EDR report in Appendix D for details)
- EDR High Risk Historical Records
- EDR Recovered Government Archives
- Other Databases (refer to the EDR report in **Appendix E** for details)

5.1 Environmental Database Findings

Table 5-1: Summary of Environmental Database Findings								
Database	ASTM Search Distance (Miles)	Mappable Sites						Orphan Sites
		Within Study Area	< 1/8 mile	1/8 - 1/4 mile	1/4 - 1/2 mile	1/2 - 1 mile	>1 mile	
State Databases								
HIST UST	0.25	0	2	11	NR	NR	NR	0
MD OCPCASES	0.5	1	2	20	56	NR	NR	1
MD AST	0.25	0	0	1	NR	NR	NR	0
MD UST	0.25	0	1	12	NR	NR	NR	0
MD ENG CONTROL	0.5	0	0	1	0	NR	NR	0
MD INST CONTROL	0.5	0	0	1	1	NR	NR	1
MD VCP	0.5	0	0	0	0	NR	NR	1
MD SWRCY	0.5	0	0	0	1	NR	NR	0
MD LRP	0.5	0	0	1	2	NR	NR	1
MD DRYCLEANERS	0.25	0	0	1	NR	NR	NR	0
Federal Databases								
ECHO	SA	1	NR	NR	NR	NR	NR	0
FINDS	SA	1	NR	NR	NR	NR	NR	0

Table 5-1: Summary of Environmental Database Findings								
Database	ASTM Search Distance (Miles)	Mappable Sites						Orphan Sites
		Within Study Area	< 1/8 mile	1/8 - 1/4 mile	1/4 - 1/2 mile	1/2 - 1 mile	>1 mile	
RCRA-CESQG	0.25	0	3	5	NR	NR	NR	0
RCRA-LQG	0.25	0	0	1	NR	NR	NR	0
RCRA-SQG	0.25	1	1	3	NR	NR	NR	0
RCRA-NonGen	0.25	0	0	1	NR	NR	NR	0
PA MANIFEST	0.25	0	0	3	NR	NR	NR	0
NJ MANIFEST	0.25	0	0	3	NR	NR	NR	0
EDR Historical Databases								
EDR Historical Auto	0.125	2	1	NR	NR	NR	NR	0
NOTES: SA = Study Area NR = Not requested at this Search Distance Sites may be listed in more than one database.								

Database findings indicate that there are 140 listings located within the ASTM recommended search radius of the Study Area. Due to the number of facilities listed, only those that pertain to the Study Area, are located adjacent to the Study Area, or present a potential environmental concern to the Study Area are discussed below. The remaining facilities listed in the EDR database report are not anticipated to have an adverse environmental impact on the Study Area based on various factors such as distance from the Study Area, topography, estimated groundwater flow, and/or regulatory status.

5.1.1 Database Findings – Study Area

Target Property #1 and Target Property #2 were not identified in any of the standard federal, state, or tribal environmental databases searched by EDR; however, there were four sites associated with Target Property #3 identified. The locations of the identified EDR sites is presented in **Appendix B – Figure 2**.

EDR Site A1 – The site was listed as “18820 Woodfield Rd” with a mailing address of 18820 Woodfield Road, and was identified in the EDR Hist Auto database.

- **EDR Hist Auto** – The site was identified in the EDR Historical Auto Stations database as being an active auto station (Merchants Tire & Auto Center) in 2008 and 2009.

EDR Site A2 – The site was identified as “Quick Lube” with a mailing address of 18830 Woodfield Road, and was identified in the MD OCPCASES database.

- **MD OCPCASES** – The site was listed in the OCPCASES database as having one closed OCP case. According to the EDR report, OCP Case No. 02-0543MO2 was opened on October 16, 2001 due to observed dumping. A release and cleanup were reported and the case was closed on December 3, 2001.

EDR Sites A3 and A4 – The site was identified as “Grease N Go” with a mailing address of 18824 Woodfield Road, and was identified in the RCRA-SQG, FINDS, ECHO, and EDR Hist Auto databases.

- **RCRA-SQG** – The site was identified in the RCRA-SQG database as an historical SQG of ignitable waste at least since 1991 with a status of “no violations found”.

- **FINDS** – The site was identified in the FINDS database (Registry ID 110003527041). The FINDS database is a central inventory of facilities monitored by the Environmental Protection Agency (EPA) with “pointers” to the program office that contains additional information regarding the site. The FINDS database identified the site in the RCRA database (associated with the SQG listing identified above).
- **ECHO** – The site was identified in the ECHO database (Registry ID 110003527041). The ECHO database is an integrated compliance and enforcement database for regulated facilities nationwide. The ECHO database identified the site in the RCRA database (associated with the SQG listing identified above).
- **EDR Hist Auto** – The site was identified in the EDR Historical Auto Stations database as being an active auto station (Quick Lube/Airpark Quick Lube) from 1999 to 2012.

5.1.2 Database Findings – Adjacent Sites

EDR Site A6 – The site was identified as “*Piano Craft LLC*” with a mailing address of 18860 Woodfield Road, Suite G. The site is located approximately 300 feet north of the Study Area and was identified in the RCRA-SQG database.

- **RCRA-SQG** – The site was identified in the RCRA-SQG database as a generator of ignitable waste and spent non-halogenated solvents since at least 2008 with a status of “no violations found”.

EDR Site B5 – The site was identified as “*7419 Lindbergh Dr.*” with a mailing address of 7419 Lindbergh Drive. The site is located approximately 600 feet east of the Study Area and was identified in the EDR Hist Auto database.

- **EDR Hist Auto** – The site was identified in the EDR Historical Auto Stations database as being an active auto station (Melvin’s Truck Repair Center) in 2009 and 2010.

EDR Site B7, B8, B9, and B10 – The site was identified as “*A.B.Veirs & Sons*” with a mailing address of 7411 Lindbergh Drive. The site is located approximately 600 feet east of the Study Area and was identified in the MD HIST UST, MD OCPCASES, MD UST and MD Financial Assurance databases.

- **MD UST** – The site was identified in the MD UST database (Facility ID 2781) as having one 1,000-gallon gasoline UST and one 1,500-gallon diesel UST currently in use. According to MDE’s online UST storage tank facility summary database, the two USTs have been in use since 1991. Given the age of the USTs, the site was also listed in the **MD HIST UST** database (Facility ID 6009066). The MD HIST UST database listed the site as having one 1,000-gallon gasoline UST and one 1,500-gallon diesel UST currently in use.
- **MD Financial Assurance** – The site was identified in the MD Financial Assurance database (Facility ID 2781) for the ownership of a UST in the state of Maryland. This listing is associated with the two USTs that are in use at the site.
- **MD OCPCASES** – The site was listed in the OCPCASES database as having two separate OCP cases. According to the EDR report, OCP Case No. 01-0441MO2 was opened on September 29, 2000 due to compliance inspections. No release occurred and the case was closed on May 15, 2001. According to the EDR report, OCP Case No. 10-0020MO was opened on July 14, 2009 due to a third party inspection field review. No release occurred and the case was closed on April 21, 2010.

EDR Site B11 – The site was identified as “*Interwood, Inc.*” with a mailing address of 7431 Lindbergh Drive. The site is located approximately 750 feet east of the Study Area and was identified in the RCRA-CESQG, FINDS, and ECHO databases.

- **RCRA-CESQG** – The site was identified in the RCRA-CESQG database as a generator of spent non-halogenated solvents since at least 1996 with a status of “no violations found”.
- **FINDS** – The site was identified in the FINDS database (Registry ID 110003543791). The FINDS database is a central inventory of facilities monitored by the Environmental Protection Agency (EPA) with “pointers” to the program office that contains additional information regarding the site. The FINDS database identified the site in the RCRA database (associated with the CESQG listing identified above).
- **ECHO** – The site was identified in the ECHO database (Registry ID 110003543791). The ECHO database is an integrated compliance and enforcement database for regulated facilities nationwide. The ECHO database identified the site in the RCRA database (associated with the CESQG listing identified above).

EDR Site C12 – The site was identified as “*Wooden Design Inc.*” with a mailing address of 18900 Woodfield Road (Unit B). The site is located approximately 450 feet north of the Study Area and was identified in the RCRA-CESQG, FINDS, and ECHO databases.

- **RCRA-CESQG** – The site was identified in the RCRA-CESQG database as a generator of spent non-halogenated solvents and ignitable waste from 1999 to at least 2010 with a status of “no violations found”.
- **FINDS** – The site was identified in the FINDS database (Registry ID 110003547537). The FINDS database is a central inventory of facilities monitored by the Environmental Protection Agency (EPA) with “pointers” to the program office that contains additional information regarding the site. The FINDS database identified the site in the RCRA database (associated with the CESQG listing identified above).
- **ECHO** – The site was identified in the ECHO database (Registry ID 110003547537). The ECHO database is an integrated compliance and enforcement database for regulated facilities nationwide. The ECHO database identified the site in the RCRA database (associated with the CESQG listing identified above).

EDR Site C13 – The site was identified as “*Trugreen*” with a mailing address of 18910 Woodfield Road. The site is located approximately 450 feet north of the Study Area and was identified in the RCRA-CESQG database.

- **RCRA-CESQG** – The site was identified in the RCRA-CESQG database as a generator of ignitable waste in 2012 with a status of “no violations found”.

EDR Site D15, D16, D17, D18, D19, D20, and D21 – The site was identified as “*Montgomery County Aviation/Montgomery County Airpark*” with a mailing address of 7940 Airpark Road. The site is located immediately west of the Study Area and was identified in the MD UST, MD HIST UST, MD Financial Assurance, MD OCPCASES, MD AST, and MD ENG CONTROLS databases.

- **MD UST** – The site was identified in the MD UST database as having 16 USTs listed as being permanently out of use. The tanks contained gasoline and waste oil with tank capacities ranging from 275 gallons to 12,000 gallons. Given the age of the USTs, the site was also listed in the **MD HIST UST** database (Facility ID 3008643). The MD HIST UST database listed the site as having seven USTs previously in use and three USTs temporarily out of use.

- **MD Financial Assurance** – The site was identified in the MD Financial Assurance database (Facility ID 12928) for the ownership of a UST in the state of Maryland. This listing is associated with the 16 USTs that were previously in use at the site.
- **MD OCPCASES** – The site was listed in the OCPCASES database as having six separate OCP cases. According to the EDR report, OCP Case No. 93-0243MO was opened on August 6, 1992 for an unreported reason. There was no release reported and the case was closed on December 28, 1992. According to the EDR report, OCP Case No. 97-1469MO2 was opened on February 13, 1997 for an unreported reason. A release occurred and cleanup activities were performed before the case was closed on April 23, 1997. According to the EDR report, OCP Case No. 09-0247MO2 was opened on August 11, 1988 due to motor/lube oil contamination of groundwater. A release occurred and cleanup activities were performed before the case was closed on February 13, 2006. According to the EDR report, OCP Case No. 06-1572MO was opened on April 26, 1989 for an unreported reason. No release occurred and the case was closed (but no closure date was provided). According to the EDR report, OCP Case No. 01-0786MO2 was opened on December 8, 2000 due to observed dumping. A release was reported and cleanup activities were performed before the case was closed on February 27, 2006. According to the EDR report, OCP Case No. 03-1171MO2 was opened on February 7, 2003 for an unreported reason. There was a release reported and cleanup activities were performed before the case was closed on July 30, 2003.
- **MD AST** – The site was listed in the MD AST database as having one 12,000-gallon aviation gasoline AST, one 12,000-gallon aviation jet fuel AST, and one 275-gallon waste oil AST in use at the site.
- **MD ENG CONTROLS** – The site was listed in the MD ENG CONTROLS as having a tank upgraded to include double walled construction. There was no other information provided.

5.1.3 Database Findings – Unmappable Sites

There were two sites identified in the regulatory databases that were unable to be mapped by EDR due to poor or inadequate address information. EDR refers to these sites as “Orphan Sites.” However, these sites were determined to be located outside of the Study Area, and do not pose an environmental threat to the Study Area.

5.2 Maryland Department of the Environment Public Information Act Request

CEM submitted a Public Information Act (PIA) request to the Maryland Department of the Environment (MDE) regarding the storage and release of hazardous materials and/or petroleum products or other environmental issues associated with the Study Area. MDE acknowledged the PIA request (MDE Tracking Number 2016-66067) and responded by stating that there were no records found associated with the Study Area. The file request correspondence with state agencies is included in **Appendix F** of this report.

5.3 Environmental Protection Agency Freedom of Information Act Request

CEM submitted a Freedom of Information Act (FOIA) request to the Environmental Protection Agency (EPA) regarding the storage and release of hazardous materials and/or petroleum products or other environmental issues associated with the Target Property. EPA acknowledged the FOIA request (EPA Tracking Number EPA-R3-2016-006553) and responded by stating that there were no records found associated with the Study Area. The file request correspondence with the EPA is included in **Appendix G** of this report.

In addition to the formal FOIA request, CEM performed a search of EPA's online database using the MyPropertyInfo website. According to the EPA, MyPropertyInfo performs a search of over 2.6 million

sites from EPA’s Facility Registry System. The online databases did not locate any environmental records associated with the Study Area.

5.4 Historical Use – Property and Adjoining Properties

Historical mapping was reviewed for the purposes of compiling information about the activities that have previously occurred within the Study Area and at adjacent properties. According to all available historical data reviewed by CEM, the Study Area originally existed as farmland and undeveloped land prior to approximately 1981. At some point between 1981 and 1993, the Study Area was developed for commercial use. Increased commercial and industrial development of the surrounding areas began between 1963 and 1970.

5.4.1 Historical Topographic Maps

EDR, Inc. provided USGS topographic maps for review from the following years: 1893, 1894, 1908, 1923, 1944, 1945, 1950, 1971, 1979, and 2014. Copies of the topographic maps are presented as **Appendix H**. The results of the historical topographic map review are summarized below in **Table 5-2**.

Table 5-2: Historical Topographic Map Summary		
Year	Source	Observations
1893	EDR	The Study Area appears to be undeveloped. The surrounding area appears to be largely undeveloped; however, two main roads (now Woodfield Road and Snouffer School Road) are present and intersect south of the Study Area.
1894	EDR	The Study Area appears as it did in the 1893 topographic map. Two small roads have been constructed northeast of the Study Area, which connect to Woodfield Road.
1908	EDR	The Study Area appears as it did in the 1894 topographic map; however, a small access road has been constructed, which intersects the center portion of the Study Area and connects to Snouffer School Road. A small structure has also been constructed on the northwestern portion of the Study Area. There appears to be increased development throughout the area with additional structure and road construction.
1923	EDR	The Study Area and surrounding areas appear as they did in the 1908 topographic map.
1944	EDR	A second small access road has been constructed through the middle of the Study Area that intersects the original access road. There appears to be increased development in the surrounding areas.
1945	EDR	The Study Area and surrounding areas appear as they did in the 1944 topographic map.
1950	EDR	The Study Area and surrounding areas appear as they did in the 1945 topographic map.
1971	EDR	The Study Area appears as it did in the 1950 topographic map. There appears to be increased commercial and industrial development in the areas surrounding the Study Area. The Montgomery County Airpark has been constructed west of the Study Area and now includes several airplane hangars, other associated structures, taxiways, and a runway.

Table 5-2: Historical Topographic Map Summary		
Year	Source	Observations
1979	EDR	The Study Area appears as it did in the 1971 topographic map; however, the Montgomery County Airpark appears to have had increased development. The other areas surrounding the Study Area also appear to have had an increase in commercial/industrial development.
2014	EDR	There is less overall detail provided on the 2014 topographic map; however, there appears to be several areas of residential redevelopment south, southwest, and northeast of the Study Area.

5.4.2 Historical Aerial Photographs

EDR provided aerial maps for review from the following years: 1938, 1943, 1951, 1957, 1963, 1970, 1979, 1981, 1993, 1998, 2005, 2007, 2009, and 2011. Copies of the aerial photographs are presented as **Appendix I**. The results of the aerial map review are summarized below in **Table 5-3**.

Table 5-3: Historical Aerial Photograph Summary		
Year	Source	Observations
1938	EDR	The Study Area appears to be utilized as farmland. A small access road lined with trees intersects the middle of the Study Area and extends to the main road (now Woodfield Road) to the east. A small driveway extends to the northwest from this access road near the center of the Study Area. The surrounding area appears to consist predominately of agricultural land to the north, south, and west with undeveloped wooded areas to the northwest and southwest. There appear to be large cleared areas to the northeast of the Study Area. Woodfield Road appears to be a two-lane road.
1943	EDR	The Study Area appears as it did in the 1938 aerial photograph.
1951	EDR	The Study Area and the surrounding areas appear as they did in the 1943 aerial photograph; however, many of the trees that lined the small access road have been cleared and the farm property to the east of the Study Area appears to have constructed additional buildings on the property.
1957	EDR	The Study Area appears as it did in the 1951 aerial photograph. The access road, which intersects the Study Area, appears to be more defined.
1963	EDR	The small driveway within the Study Area appears to have been widened. The remainder of the Study Area appears as it did in the 1957 aerial photograph. There appears to be increased development to the north and northwest of the Study Area. The wooded area has been cleared and several airplane hangars have been constructed. The area southeast of the Study Area appears to have increased residential development.
1970	EDR	The Study Area appears as it did in the 1963 aerial photograph; however, there is increased development of the areas north, west, and northwest of the Study Area. Additional airplane hangars and other structures have been constructed, as well as taxiways and a runway for the airpark. A small area to the southwest of the Study Area is also being utilized for airplane parking.

Table 5-3: Historical Aerial Photograph Summary		
Year	Source	Observations
1979	EDR	The Study Area appears as it did in the 1970 aerial photograph. The surrounding areas to the west appear to be predominately utilized for the airpark. The area north of the Study Area appears to have been developed and utilized for commercial/industrial purposes. The area east of Woodfield Road/ Study Area still appears to be utilized as a large farm.
1981	EDR	The Study Area and the surrounding areas appear as they did in the 1981 aerial photograph; however, more vegetation has been cleared from the Study Area. The area to the southwest of the Study Area has been further developed for industrial/commercial use.
1993	EDR	The Study Area has been developed for industrial/commercial use. Two buildings and a parking lot have been constructed on the eastern portion of the Study Area. The areas north and south of the Study Area have been further developed for industrial/commercial use. The farm that was located to the east of Woodfield Road/the Study Area has now been developed into a commercial/industrial area with several structures and parking lots present. Woodfield Road appears to have been expanded from two lanes to four lanes
1998	EDR	The Study Area appears as it did in the 1993 aerial photograph.
2005	EDR	An additional structure has been constructed on the western portion of the Study Area. The rest of the surrounding areas to the north, south, east and west of the Study Area appear as they did in the 1998 aerial photograph.
2007	EDR	The Study Area appears as it did in the 2005 aerial photograph.
2009	EDR	The Study Area and surrounding areas appears as they did in the 2005 aerial photograph.
2011	EDR	The Study Area and surrounding areas appear as they did in the 2009 aerial photograph.

5.4.3 Sanborn Fire Insurance Maps

EDR was contacted regarding the availability of Sanborn® fire insurance maps for the Study Area. EDR confirmed that there was no Sanborn fire insurance map coverage for the Study Area. Therefore, no Sanborn maps were made available for review. A copy of the Sanborn® fire insurance map report generated by EDR illustrating no coverage for the Study Area is provided as **Appendix J**.

5.4.4 City Directory Abstract

CEM provided EDR with the current street address of the Target Property (18800 Woodfield Road, Gaithersburg, MD) to perform a search of local street directories. EDR reviewed the following city directories for information associated with the address provided: Haines Criss-Cross Directory (dated 1976, 1981, and 1986) and Cole Information Services (dated 1992, 1995, 1999, 2003, 2008, and 2013). A copy of the City Directory report is presented as **Appendix D5**. A brief summary of the findings is presented below in **Table 5-4**.

Table 5-4: City Directory Summary

Year	Source	Study Area Properties
1976	Haines Criss-Cross Directory	<ul style="list-style-type: none"> • Not Identified
1981	Haines Criss-Cross Directory	<ul style="list-style-type: none"> • Not Identified
1986	Haines Criss-Cross Directory	<ul style="list-style-type: none"> • Not Identified
1992	Cole Information Services	<ul style="list-style-type: none"> • 18810 Woodfield Road was listed as “Wash Millinery Sply” • 18824 Woodfield Road was listed as “Grease and Go”
1995	Cole Information Services	<ul style="list-style-type: none"> • 18810 Woodfield Road was listed as “Washington Millinery Supply” • 18820 Woodfield Road was listed as “Merchants Tire and Auto Ctr” • 18824 Woodfield Road was listed as “Quick Lube”
1999	Cole Information Services	<ul style="list-style-type: none"> • 18810 Woodfield Road was listed as “Cadnet Inc.”, “Leet Melbrook Inc Blue Printer”, and “Leet-Melbrook Inc Photographers” • 18821 Woodfield Road is listed as “Classic Heating and Cooling Inc.” • 18822 Woodfield Road is listed as “Speedy Appliance” • 18824 Woodfield Road is listed as “Airpark Quick Lube” and “Quick Lube”
2003	Cole Information Services	<ul style="list-style-type: none"> • 18800 Woodfield Road is listed as “Occupant Unknown” • 18810 Woodfield Road is listed as “Leet Melbrook Inc” and “Reproduction Technologies” • 18820 Woodfield Road is listed as “Occupant Unknown” • 18821 Woodfield Road is listed as “Classic Heating and Cooling” • 18822 Woodfield Road is listed as Speedy Appliance Co” • 18824 Woodfield Road is listed as “Airpark Quick Lube”
2008	Cole Information Services	<ul style="list-style-type: none"> • 18800 Woodfield Road is listed as “Delaware Racing Association Inc.” • 18810 Woodfield Road is listed as “Franklin Graphic Corp”, “Leet Melbrook Inc”, “Reprographics Technologies”, and “Sub Hub” • 18820 Woodfield Road is listed as “Merban”, “Merchants Tire & Auto Centers”, and “Tire Kingdom Inc” • 18822 Woodfield Road is listed as “Speedy Appliance & Kitchen” • 18824 Woodfield Road is listed as “Airpark Quick Lube” and “Kamran International”
2013	Cole Information Services	<ul style="list-style-type: none"> • 18810 Woodfield Road is listed as “Fitness First”, “Harvey Health Inc”, and “Reprographics Technologies” • 18820 Woodfield Road is listed as “Merchants Tire and Auto Centers” • 18822 Woodfield Road is listed as “Speedy Kitchen and Appliance” • 18824 Woodfield Road is listed as “Airpark Quick Lube”

5.5 Previous Environmental Reports

CEM had previously prepared a Phase I ESA for the properties associated with the Montgomery County Airpark in July 2011. The Phase I ESA identified RECs associated with the three target properties and recommended performing Phase II investigation activities to confirm or deny the presence of contamination associated with these RECs.

- Target Property #1 – The 2011 Phase I ESA identified potential soil and groundwater contamination associated with an oil/water separator, drum storage areas, and an unlabeled transformer.
- Target Property #2 – The 2011 Phase I ESA identified potential soil contamination associated with an unlabeled transformer.
- Target Property #3 – The 2011 Phase I ESA identified potential soil and groundwater contamination associated with drum storage areas, an unlabeled transformer, a waste oil UST, and a waste oil AST.

6.0 SITE RECONNAISSANCE

6.1 Methodology and Limiting Conditions

CEM conducted a site reconnaissance of the Study Area that consisted of a non-intrusive visual inspection of the accessible areas of each of the three Target Properties (and adjacent properties). On-site activities were conducted on May 17, 2016 by Mr. Chad Sardashti of CEM. Observations made during the onsite inspection are depicted on **Appendix B - Figure 3**, and are summarized below. Photographs documenting observations made within the Study Area and adjacent properties are presented in **Appendix K**. Weather conditions at the time of the site reconnaissance were partly cloudy skies with an approximate temperature of 55°F.

At the time of the site reconnaissance, CEM was not granted property access to perform an inspection of Target Property #1 or Target Property #3. Therefore, all observations were made from Target Property #2 or the public right-of-way.

6.2 Storage Tanks, Hazardous Substances, and Petroleum Products

There were no storage tanks, hazardous substances, or petroleum products observed at the Study Area during the site reconnaissance. However, based on the current occupants of Target Property #3 (mainly the Merchant's and Airpark Quick Lube), there is a potential for usage of various hazardous substances and petroleum products associated with the auto repair activities performed inside of the automobile repair facilities located at the site.

6.3 Drum Storage

During the site reconnaissance, a drum storage area (containing at least two 55-gallon drums) was observed at Target Property #3, behind the Airpark Quick Lube. Property access was not granted to determine the contents of the 55-gallon drums but are most likely used to temporarily store used oil filters, waste oil, and various waste products associated with the auto repair facilities performed at the site. Due to the majority of the drums having no means of secondary containment and/or were stored in outdoor areas where they can be exposed to the elements, there is a potential for these drums to deteriorate and release their contents to the ground surface.

6.4 PCBs

Polychlorinated Biphenyls (PCBs) are toxic coolants or lubricating oils used in some electrical transformers, fluorescent light fixtures, electrical panels, and similar equipment. PCB content in electrical transformers has been categorized into three classifications by the federal government. Those units that contain less than 50 parts per million (ppm) are defined as non-PCB. Units that contain between 50 ppm and less than 500 ppm PCBs are defined as PCB contaminated. Units with a PCB content of 500 ppm and greater are classified as PCB transformers. Fluorescent light ballasts manufactured prior to 1979 may also contain PCBs if not labeled otherwise.

Electrical transformers installed prior to 1978 may contain PCBs. To supplement the information obtained during the site reconnaissance, a search of the EPA's PCB Transformer Registration Database (updated February 2011) was performed and did not identify any PCB-containing transformers listed as being located within the Study Area.

During the site reconnaissance activities, there were three pad-mounted transformers observed within the Study Area (one at each of the three Target Properties).

6.5 Solid Waste

Minimal dumping and storage of non-hazardous debris was observed across the Study Area. However, there was no signs of leaking or staining observed in the vicinity of the dumping areas.

6.6 Other

As part of the standard Phase I ESA process, the following items were searched for but were not observed at the Target Property (or adjacent properties) during the site reconnaissance.

- Stained soil or pavement
- Pits, ponds, or lagoons
- Heating and cooling
- Unidentified substance containers
- Pools of liquid
- Odors
- Stressed vegetation
- Stains or corrosion
- Wastewater
- Wells
- Septic systems

7.0 INTERVIEWS

7.1 Property Owners and Occupants

The property owner and previous or present site occupants were not available for interviews at the time of the site reconnaissance.

7.2 Present and Past Site Managers

There were no interviews conducted with site managers due to absent or uninformed site managers/operators at the time of the site reconnaissance.

7.3 State or Local Government Officials

In lieu of conducting interviews with local government officials, CEM submitted FOIA and PIA requests to applicable state and local government offices which may contain environmental information regarding the Target Property (**Sections 5.2 and 5.3**). Correspondence with state and local government officials in reference to the associated PIA and FOIA requests are provided as **Appendix F and Appendix G**.

7.4 Interviews with Others

There were no other interviews conducted during this investigation.

8.0 DATA GAPS

A data gap is defined by ASTM E1527-13 as a lack of, or inability to obtain, information required by this process despite good faith efforts by the Environmental Professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this process including, but not limited to, the site reconnaissance, interviews, and historical research. Failure to achieve the historical research objectives identified in the standard is termed a data failure and is a type of data gap.

The data gaps associated with this investigation are summarized below.

- **Section 5.4.1 (Topographic Maps)** – Spans exceeding 5 years or more were observed during review of historical mapping of the Study Area. However, significant changes were not observed between the dates of the mapping reviewed. Therefore, this data gap is not anticipated to require further investigation.
- **Section 6.0 (Site Reconnaissance)** – Property access was not granted for Target Property #1 and #3. Site reconnaissance activities were performed from Target Property #2 or the public right-of-way. Additional information regarding the current usage of these sites may have been obtained during the site reconnaissance if access was granted to the two other Target Properties.
- **Section 7.0 (Interviews)** – Previous or current owners, employees, or occupants of the Target Properties were not available to interview during the site reconnaissance. Additional information regarding the previous usage of the Target Properties that was not identified in the regulatory database search may have been disclosed during the interview process. However, the lack of interviews provided during this investigation is not anticipated to require further investigation.

9.0 EVALUATION

9.1 Findings and Opinions

The findings presented below identify *de minimis* conditions, known or suspected historical RECs, known or suspected controlled RECs, and known or suspected RECs. The rationale used to evaluate each finding presented in this section is individually discussed below.

9.1.1 De Minimis Conditions

The findings noted below are not considered RECs, but are rather considered to be *de minimis* conditions where no additional assessment or regulatory action is currently warranted; however, the information is provided for the purpose of awareness.

- Minor areas of unregulated dumping were observed across the Study Area. The dumping consisted of construction debris (including concrete, lumber, plastic, brick, stone, etc.) and general roadside debris. There were no obvious signs of petroleum products or hazardous waste

associated with the dumping. In addition, there were no signs of stained or stressed vegetation in the vicinity of the dumping.

- Three pad-mounted transformers were observed within the Study Area. Any electrical transformers installed at residential and commercial buildings prior to 1978 may contain polychlorinated biphenyls (PCBs). Labels indicating the PCB content of these transformers were not visible, but the transformers were observed to be in good condition with no signs of leaking. Additionally, CEM searched the EPA's PCB Transformer Registration Database (updated February 2011) and did not identify any PCB containing transformers listed as being associated with the Study Area.

9.1.2 Historical Recognized Environmental Conditions

A Historical Recognized Environmental Condition (HREC) refers to a past release that has been remediated and given regulatory closure by the applicable regulatory authority with no use restrictions or controls (i.e., property use restrictions, activity and use limitations, institutional controls, or engineering controls). This ESA has revealed no evidence of HRECs in connection with the Study Area, except for the following:

- **Target Property #2** – The site had previously been utilized as a printing shop that stored, handled, and disposed of various inks and cleaning solvents. The potential for subsurface contamination associated with these previous printing operations is considered a HREC.
- **Target Property #3** – There has been a documented release of petroleum products at the site according to the closed OCP case associated with the Quick Lube site (OCP Case No. 02-0543MO2). The potential for subsurface contamination associated with this previous petroleum release is considered a HREC.
- **Montgomery County Airpark** – There have been documented releases of petroleum products and groundwater contamination at the adjacent property according to the closed OCP cases associated with the airpark (OCP Case No. 97-1469MO2, OCP Case No. 09-0247MO2, OCP Case No. 01-0786MO2, and OCP Case No. 03-1171MO2). The potential for subsurface contamination associated with these previous petroleum releases is considered a HREC.

9.1.3 Controlled Recognized Environmental Conditions

A Controlled Recognized Environmental Condition (CREC) refers to conditions that have received risk-based regulatory closure where no further remediation is required. However, residual contamination may still exist. Therefore, the conditions may be subject to regulatory control (i.e., engineering controls) or use restrictions. This ESA has revealed no evidence of CRECs in connection with the Study Area.

9.1.4 Recognized Environmental Conditions

A REC is defined as “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to a release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.” This ESA has revealed no evidence of RECs in connection with the Target Property, except for the following:

- **Target Property #3** – The site is currently utilized for various commercial purposes including automobile maintenance and repair activities performed at two on-site facilities (Merchants and Quick Lube). The site was also listed as previously operating as an automobile repair facility since at least 1999. The potential for subsurface contamination associated with the handling, storage, and disposal of these waste petroleum products at the site is considered a REC.

9.2 Conclusions

CEM has performed this Phase I ESA of the Study Area in accordance with the scope and limitations of the ASTM E 1527-13 standard. Any exceptions to, or deletions from, this practice are described in **Section 11 (Deviations)**. This ESA has revealed no evidence of RECs in connection with the Study Area with the exception of those described in **Section 9.1.3 (CRECs)** and **9.1.4 (RECs)**.

10.0 RECOMMENDATIONS

Although the ASTM E1527-13 standard does not require the Phase I ESA to include recommendations for additional investigations, the following recommendations are provided to assist the User(s) during future planning discussions associated with the proposed construction activities.

CEM understands that the Montgomery County Airpark proposes to acquire two of the three Target Properties located within the Study Area (*Target Property #2* and *Target Property #3*) and raze the existing structures to facilitate the proposed construction activities associated with the most recent FAA requirements.

If proposed construction activities will involve earth disturbances that will require disposing of soils off-site, CEM recommends performing a subsurface investigation at Target Property #2 and #3. The analytical data collected from the subsurface investigation will assist the project team to characterize the subsurface soils. Based on the soil characterization, the project team will be able to determine if the soils are suitable to remain on-site (in accordance with MDE's Non-Residential Cleanup Standards for Soil) or determine the appropriate handling and off-site disposal requirements (if any contaminants are identified in the soils at concentrations that exceed the MDE Non-Residential Cleanup Standards).

11.0 DEVIATIONS

There were no deviations from the ASTM standard practices associated with this investigation.

12.0 ADDITIONAL SERVICES

There were no additional services performed by CEM associated with this investigation.

13.0 SIGNATURE(S) OF THE ENVIRONMENTAL PROFESSIONAL(S)

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professionals as defined in Section 312.10 of 40 CFR 312. We have the specific qualifications based on education, training, and expertise to assess a property of the nature, history, and setting of the Target Property. We have developed and performed All Appropriate Inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.



Kevin DiMartino / Project Manager

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