Moses, Leonard D.

From: Angelique Hardy <ahardy@shpa.com>

Sent: Monday, July 19, 2021 1:41 PM

To: Brown, Donna J.

Cc: Robert Antonetti; Moses, Leonard D.

Subject: DSP-20015 Freeway Airport

Attachments: Ltr to Ms. Brown w. Exhibits 07.19.21 - Compressed.pdf

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Greetings:

Attached please find a motion to dismiss and opposition to appeal, with exhibits, in the above referenced matter for your review and records. An original of the same is being mailed to your office as well.

Should you have any questions or concerns, please feel free to contact me.



Angelique Hardy
Legal Assistant
Shipley & Horne, P.A.
1101 Mercantile Lane, Suite 240
Largo, MD 20774
(301) 925-1800 Phone
(301) 925-1803 Fax
www.shpa.com

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SHIPLEY & HORNE, P.A.

Russell W. Shipley Arthur J. Horne, Jr.* Dennis Whitley, III* Robert J. Antonetti, Jr. 1101 Mercantile Lane, Suite 240 Largo, Maryland 20774 Telephone: (301) 925-1800 Facsimile: (301) 925-1803 www.shpa.com

Bradley S. Farrar L. Paul Jackson, II*

* Also admitted in the District of Columbia

July 19, 2021

VIA ELECTRONIC AND FIRST CLASS MAIL - djbrown@co.pg.md.us

Donna J. Brown, Clerk of the Council Prince George's County Council 14741 Governor Oden Bowie Dr. Upper Marlboro, MD 20772

RE: Detailed Site Plan – 20015 (Freeway Airport)

MOTION TO DISMISS AND OPPOSITION TO APPEAL

Dear Ms. Brown:

I am writing to you on behalf of our client, Freeway Realty, LLC, the applicant in DSP-20015 (hereinafter the "Applicant"). On or about June 30, 2021, an appeal to the District Council was filed by Beverly Simmons, Carol Boyer, Michael Bridges, Kathleen Beres, Miller Einsel, Millicent Carroll, Milly Hall, and Concerned Citizens of Prince George's County District 4 (collectively referred to as the "Appellants") regarding the above referenced DSP–20015. For reference, DSP-20015 (the "DSP") involves the approval of grading, lotting patterns, streets, and utility placement for the Freeway Airport property located in Bowie, Maryland. This application does not include any architecture, which will be shown in subsequent detailed site plan applications. The Prince George's County Planning Board heard the DSP case on May 6, 2021, and approved the matter unanimously, with conditions. Moreover, a resolution was approved by the Planning Board three (3) weeks later on May 27, 2021. None of the Appellants appeared at the public hearing before the Planning Board in person, by attorney, or in writing. It should be noted that the District Council waived its right to review this application on June 14, 2021.

MOTION TO DISMISS

As stated above, the Appellants filed a letter with the Clerk of the Council to appeal the Planning Board's decision on the DSP. Of the seven (7) persons and one (1) entity listed in the Appellants' letter, only one (Carol Boyer) is signed up as a party of record in the DSP case. (See attached **Exhibit 1** – Party of Record List). It is noteworthy that Appellants Beverly Simmons and Michael Bridges, who attached unsworn "statements" as part of the Appellants' appeal letter (as Appendix A and Appendix B

respectively), did not register as parties of record for the DSP. Notwithstanding, none of the Appellants appeared in person, by attorney, or in writing at the Planning Board hearing of May 6, 2021. Moreover, none of the Appellants requested reconsideration of the Planning Board's Resolution which was approved three (3) weeks later after the public hearing.

In their appeal letter, the Appellants make an unsubstantiated allegation that the "Planning Board violated Appellants' Due Process" rights because they were somehow "prevented" from signing up to testify at the Planning Board hearing and/or from providing written testimony. The only Appellant who makes any attempt at specifying how he or she was "prevented" from speaking or submitting a statement in writing at the Planning Board hearing is Beverly Simmons. (See Appellants' Letter, Appendix A). Ms. Simmons includes a "statement" attached to the Appellants' letter in which she claims that between April 7, 2021, and May 6, 2021, she allegedly tried to sign up to speak for the Planning Board hearing for the DSP. She claims that on April 7, 2021 (29 days before the hearing) she called an unnamed "male representative" and asked how she can "sign up to speak at the hearing?" (See Appellants' Letter, Appendix A). She further alleges that the unnamed representative told her that the hearing "will not have any speakers and no one can sign up to speak." Ms. Simmons then indicates that she wanted to send a letter of opposition but could not find "a link allowing this right or opportunity" on (presumably) the M-NCPPC website. Ms. Simmons also states in her "statement" that she would not be able to attend the DSP hearing on May 6, 2021, because she had a medical procedure scheduled that day (See Appellants' Letter, Appendix A).

To participate in the DSP hearing, Appellants needed to follow the same sign-up and submission procedures that the Planning Board has instituted over the past 15 months to allow the public to participate in a public hearing. Those procedures are outlined clearly on M-NCPPC's website. The Freeway Airport site was properly posted with 7 notice signs from M-NCPPC at least thirty (30) days prior to the May 6, 2021, Planning Board hearing for the DSP. (See attached **Exhibit 2** – Sign Posting Affidavit w/ Photos). Said public notice signs provide, among other things, the date and time of the hearing, the application number, a telephone number for persons to call seeking more information, and the M-NCPPC website address. Further, the M-NCPPC website clearly sets forth the procedures for how and when a member of the public can sign up to speak at a Planning Board hearing. The website (https://www.mncppc.org/1699/Testify-at-Public-Hearing) contains the following instructional information:

Home > Our Departments > Prince George's County Operations > Planning Board > Prince George's County > How Do L > Testify at Public Hearing

SIGN UP TO TESTIFY AT PUBLIC HEARING

Virtual Planning Board ~ Participation Guidelines

NOTE

Planning Board speaker registration and all materials for Planning Board consideration MUST be submitted by 12 NOON on the TUESDAY, two days prior to the Planning Board hearing. Persons signing up to speak after this date and time will not be permitted to address the Board but may watch the Planning Board hearing streamed live as indicated below. Materials received after this date and time will not become part of the record and will not be considered by the Planning Board.

NOTE: Signing up as a "Party of Record" does not entitle you to speak at the meeting. You must also sign up to speak here for that particular session.

- All participants must have preregistered in advance by 12 NOON on the Tuesday before the Thursday meeting
 at http://www.mncppc.org/883/Watch-Meetings.
- All materials MUST be submitted by TUESDAY 12 NOON before the meeting via email to pgcpb@mncppc.org at the Planning Board
 Office.
- · All participants should mute their phone when not speaking. Please do not place this call on hold.
- . To eliminate audio feedback, only 1 (one) connected device (with sound) should be in a room at the same time.
- Anyone connecting through a computer (laptop or desktop) or a smartphone can connect through the link provided via email from the Planning Board Office. Users may be prompted to install <u>GOTO Meeting software</u> to participate in this process.
- To participate or listen from a landline, use the call-in number provided via email.
- To see the Planning Board agenda and watch the Planning Board hearing streamed LIVE: click here: http://mncppc.igm2.com.
- · If you wish to become a person of record you may sign-up at our online registration form.

Contrary to the Appellants assertions, the Applicant and numerous other individuals were able to successfully sign up to speak at the May 6, 2021, Planning Board hearing without any issues. Further, the Applicant was able to electronically file multiple documents via email that were entered into the Planning Board record as part of the DSP case.

It should be mentioned again that, except for Carol Boyer¹, none of the Appellants even signed up as parties of record in this case. More importantly, the Appellants previously participated in virtual hearings (both in person and in writing) for the preliminary plan of subdivision (4-20006), which was recently approved by the Planning Board for the Freeway Airport property. Specifically, Ms. Simmons, Ms. Boyer, Mr. Bridges, Ms. Hall, Ms. Beres, and Mr. Einsel all appeared in person (virtually) at both the October 29, 2020, and November 5, 2020 Planning Board hearing for the preliminary plan. In addition to testifying at both hearing dates for the preliminary plan, Appellants (i.e., Simmons, Hall, Boyer, Einsel, Beres, and Bridges) collectively filed hundreds of pages of documents in the Planning Board record as part of that case utilizing the email process indicated on the M-NCPPC website. The Appellants' relatively recent history of virtual participation (for both verbal and written testimony) in public matters before the Planning Board indicates that they should have possessed the knowledge and ability to sign up to speak at the DSP public hearing (and/or the ability to electronically file a statement in writing). The fact that they failed to capitalize on this

¹ Ms. Boyer signed up on behalf of Concerned Citizens of Prince George's County District 4. This entity is actually registered as a corporation with the State Department of Assessments and Taxation and is <u>not</u> currently in good standing.

July 19, 2021 Page 4

knowledge does not entitle Appellants to a remand of the DSP back to the Planning Board for an additional hearing.

Most importantly, State law prohibits the ability of any person to note an appeal to the District Council if they did not appear in person, by an attorney, or in writing at the Planning Board. Specifically, Section 25-212 of the Land Use Article of the Maryland Annotated Code states:

Sec. 25-212 Request for review of decision.

In Prince George's County, <u>a person may make a request to</u> the district council for the review of a decision of the zoning hearing examiner or the <u>county planning board **only if**</u>:

- (1) the person is an aggrieved person that appeared at the hearing before the zoning hearing examiner or county planning board in person, by an attorney, or in writing; and
- (2) the review is expressly authorized under this division. (Emphasis added)

The record in the DSP case makes it abundantly clear that none of the Appellants appeared in person, by attorney, or in writing before the Planning Board as part of May 6, 2021 public hearing. The Appellants allege (or at least Beverly Simmons alleges) that they were not allowed to sign up to speak at the hearing, or that they could not otherwise find the appropriate electronic links to file anything in writing in the case. Their collective failure to appropriately sign up to appear in person or in writing at the May 6, 2021 Planning Board hearing is contradicted by their recent ability to successfully sign up to participate (both in person and in writing) for two (2) Planning Board hearings related to the preliminary plan for Freeway Airport. The fact that they admit through their appeal letter that none of the Appellants appeared in person, by attorney, or by writing is a complete bar to their ability to appeal the DSP to the District Council pursuant to the aforementioned section of State law.

OPPOSITION TO APPEAL

Notwithstanding the fact that the Appellants are prohibited by State law from appealing the DSP to the District Council, the sole remaining issue in their appeal letter is completely baseless and without merit. The Appellants claim in their letter that the Planning Board somehow lacked evidence to approve the DSP. Specifically, the Appellants claim that the case should be remanded to the Planning Board to allow Appellants the opportunity to provide testimony about the levels of lead in the soil at Freeway Airport.

The Appellants' allegations of lead in the soil at Freeway Airport is nothing new to the Applicant. Ironically, the main reason why this topic is known by the Applicant is because the Appellants raised the matter when they participated (both verbally and in writing) in the virtual public hearing for preliminary plan 4-20006. In essence, the Appellants incorrectly allege in their appeal letter that since Freeway Airport has been used as a general aviation airport involving aircraft that utilizes leaded fuel, the soil in and around the aircraft and fueling areas must have levels of lead that exceed legal standards. (See Appellants' Letter, Appendix A and Appendix B). During the November 5, 2020 Planning Board hearing for preliminary plan 4-20006, Appellants raised the very same allegations during their testimony. At said hearing, the Applicant read an email from its environmental expert summarizing the results soil testing performed at the property and which showed that no soil samples exceeded the State limits for the presence of lead. As part of the final resolution in 4-20006, the Planning Board stated the following concerning Appellants' allegations:

Although not a condition of preliminary plan of subdivision approval, the applicant also stated that a Phase I Environmental Site Assessment had been performed on the site to identify possible soil contaminants. On rebuttal, the applicant read into the record an email from Michael M. Bell, principal of ECS Mid-Atlantic, LLC, stating that the results of their subsurface assessments were submitted to the Maryland Department of the Environment (MDE) for review and comment, and that MDE did not require any remediation or additional investigation. (The Board also noted that the record contains a letter from DPIE identifying that its approval will require review of soil conditions).

(See Planning Board Resolution PGCPB No. 2020-159, p. 36)

Even though the Applicant (as part of the preliminary plan hearing) rebutted the baseless allegations concerning the levels of lead in the soil at Freeway Airport, the Appellants' appeal letter for this DSP indicates that they subsequently went directly to MDE in early 2021 to request that MDE investigate the issue. (See Appellants' Letter, Appendix A, p. 10). As a result of the actions of the Appellants, MDE contacted the owners of the Freeway Airport about performing test borings to search for lead contamination. The owners of the Freeway Airport agreed to cooperate with MDE and allowed MDE to perform soil borings. The soil borings performed by MDE were done under the supervision of Mr. Mark Mank, Toxicologist, Land and Materials Administration, Maryland Department of the Environment. Mr. Mank emailed a letter report of MDE's findings to the Applicant's environmental consultant on March 30, 2021. Said letter report included a summary of the technical soil analysis, along with several test boring maps, and a summary chart of sampling results. The MDE report reached the following conclusion:

Conclusions and Recommendations

The current MDE residential soil cleanup standard for lead is 200 mg/kg, the results indicate that no collected sample exceeded the MDE residential cleanup standard. Based on the MDE's evaluation, the soils at the Property are acceptable for residential future use.

(See attached Exhibit 3 – MDE Letter Report)

As part of the May 6, 2021, Planning Board hearing for the DSP, the Applicant placed the letter report of MDE into the record of the case. It is the only evidence in the record addressing the levels of lead in the soil at Freeway Airport.

The Appellants now insist that the DSP needs to be remanded back to the Planning Board so they can present "relevant evidence and testimony respecting soil contamination by lead". (See Appellants' Letter, p. 1). The Applicant submitted a complete application to M-NCPPC with documentation and evidence to support the Planning Board's approval of the DSP. Further, the Planning Board's decision in the DSP was supported by the technical staff of M-NCPPC and was not opposed by any reviewing agencies that provided comments. Further, the Planning Board's decision is memorialized in a 27-page resolution which includes findings of fact and details how the DSP satisfies the legal requirements for approval set forth in the Zoning Ordinance. For these reasons, the Planning Board's decision is consistent with all legal requirements set forth in the Zoning Ordinance for approval with DSP and is fully supported by substantial evidence set forth in the record. Conversely, the Appellants cannot point to any requirement in the Zoning Ordinance for a detailed site plan that would otherwise require the Applicant to perform any soil analysis for lead. Even if such a requirement existed. the letter report from MDE (which was based on a study initiated by MDE from a request from the Appellants) clearly demonstrates that any lead levels within the soil at Freeway Airport are within all applicable legal limits and are acceptable for residential use.

In conclusion, the Appellants failed to take appropriate steps to appear in person, by attorney, or in writing at the May 6, 2021 Planning Board hearing. State law absolutely prohibits the ability of the Appellants to pursue an appeal of the DSP to the District Council under such circumstances. To allow the appeal to proceed would cause harm and delay to the Applicant and therefore should not be allowed to go forward. Further, the DSP meets all legal criteria of approval in the Zoning Ordinance and is supported by substantial evidence in the record. Conversely, there is no evidence anywhere in the record before the Planning Board that even remotely supports the Appellants' allegations of soil contamination in this case. For these reasons, the Appellants' appeal in this matter should be dismissed by the District Council.

Thank you in advance for your attention to this matter any further questions or comments please not hesitate to contact me at your earliest convenience.

Sincerely,

Robert J. Antonetti, Jr.

Enclosures

CC: Rajesh Kumar, Esq. Stan D. Brown, Esq. Freeway Realty, LLC Dennis Whitley, III, Esq. Arthur J. Horne, Jr., Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 2021, a copy of the foregoing correspondence was mailed via first class mail, postage prepaid to the following:

Peter Goldsmith, Esq. Office of the General Counsel 14741 Governor Oden Bowie Dr., Ste. 4120 Upper Marlboro MD 20772

Beverly Simmons 14402 Derby Ridge Road Bowie, MD 20721 Carol Boyer 13900 Mt. Oak Court Bowie, MD 20721

Michael Bridges 3320 Dunwood Crossing Drive Bowie, MD 20721 Kathleen Beres 3120 Church Road Bowie, MD 20721 Miller Einsel 3120 Church Road Bowie, MD 20721

Millicent Carroll 13600 Kings Court Bowie, MD 20721 Milly Hall 14404 Dunstable Court Bowie, MD 20721 Adam Blough Rachel Leitzinger Dewberry 4601 Forbes Blvd. Lanham, MD 20706

Mike Lenhart Lenhart Traffic Consulting, Inc. 645 Baltimore Annapolis Blvd. Severna Park, MD 21146

Mary Carter 12423 Gladys Retreat Circle Bowie, MD 20720 Michael Moody 13603 Kings Isle Ct. Bowie, MD 20721

Jonathan Brown 14008 Aderdeens Folly Court Bowie, MD 20720 Don Aitcheson 5204 Janesdale Court Glenn Dale, MD 20769 Syreeta Moody 13603 Kings Isle Ct. Bowie, MD 20721

Tamla Kirkland 12807 Greens Promise Ct. Bowie, MD 20720 Linda Singh 14021 Mount Oak Ct. Bowie, MD 20721 James Riley 13607 Kings Isle Ct. Bowie, MD 20721

Gloria Wims 4808 Gerrards Hope Dr. Bowie, MD 20720 Raynard Fenster 5401 Meiers Endeavor Dr. Bowie, MD 20720 Michelle Jackson 13107 Jordans Endeavor Dr. Bowie, MD 20720

Betty Ryon Triangle Homes, LLC 5817 Sonny Dr. Lothian, MD 20711 Corinne Flick John Flick 12906 Bentley Lane Bowie, MD 20715

Charles Rones 14406 Derby Ridge Rd Bowie, MD 20721

Frank Stevens City of Bowie 15901 Excalibur Rd. Bowie, MD 20716 Mike Bell ECS Mid Atlantic, LLC 6710 Oxon Hill Rd. National Harbor, MD 20745

Robert J. Antonetti, Jr.

First_Name Last_Name	Organization DEWBERRY	Street_Address	City	State	Zipcode Email_Address	Phone Number
Dewberry		4601 Forbes BOULEVARD	Lanham	M M	20706 PPU-PUR@PPU.MNLPPLURG" 20706 ablough@dewberry.com"	301-364-1864
Lenhart Traffic Consulting, Inc.	Iting, Inc.	645 Baltimore Annapolis BOULEVARD	Severna Park	MD	21146 mlenhart@lenharttraffic.com"	0000-000-000
Dewberry		4601 Forbes BOULEVARD	Lanham	MD	20706 rleitzinger@dewberry.com"	0000-000-000
		12423 Gladys Retreat CIRCLE	bowie	MD	20720 mizcarter@verizon.net"	0000-000-000
		13603 Kings Isle COURT/S	Bowie	MD	20721 michael.moody@gmail.com"	301-821-7927
		14008 Aberdeens Folly COURT/S	Bowie	MD	20720 brownjp35@gmail.com"	423-585-7555
Realtor		5204 Janesdale COURT/S	Glenn Dale	MD	20769 donaitcheson@gmail.com"	240-481-0622
		13603 Kings Isle COURT/S	Bowie	MD	20721 syreetasmoody@gmail.com"	202-907-2690
		12807 Greenes Promise COURT/S	Bowie	MD	20720 tk@choosecbc.com"	301-938-0080
Fairwood		14008 Aberdeens Folly Ct COURT/S	Bowie	MD	20720 brownjp35@gmail.com"	423-585-7555
Concerned Citizens	Concerned Citizens of Prince George's County	13900 Mount Oak COURT/S	Bowie	MD	20721 ccboyer@comcast.net"	301-466-1100
	5/9/196	5/9/1964 14021 MOUNT OAK CT COURT/S	Bowie	MD	20721 linda.singh@verizon.net"	240-604-4275
		13607 Kings Isle COURT/S	Bowie	MD	20721 jamesrileyjr@yahoo.com"	202-210-6038
FREEWAY REALTY, LLC	רוכ	2560 LORD BALTIMORE DRIVE	WINDSOR MILL	MD	21244 PPD-POR@PPD.MNCPPCORG"	410-788-0100
		4808 Gerrards Hope DRIVE	Bowie	MD	20720 gwims@verizon.net"	240-463-6396
RayFenster.com LLC	U	5401 Meiers Endeavor DRIVE	bowie	MD	20720 rayfenster@gmail.com"	301-922-8311
		13107 Jordans Endeavor DRIVE	Bowie	MD	20720 kmjackson5@comcast.net"	301-262-7893
St. John Properties, Inc.	, Inc.	2560 Lord Baltimore DRIVE	Baltimore	MD	21244 aroud@sjpi.com"	0000-000-000
St. John Properties, Inc.	, Inc.	2560 Lord Baltimore DRIVE	Baltimore	MD	21244 kfindley@sjpi.com"	0000-000-000
St. John Properties, Inc	, Inc.	2560 Lord Baltimore DRIVE	Baltimore	MD	21244 преаbody@sjpi.com"	0000-000-000
Triangle Homes, LLC	U	5817 Sonny DRIVE	Lothian	MD	20711 office@trianglehomesllc.com"	301-952-9710
Shipley & Horne, P.A.	Ą.	1101 Mercantile LANE	Largo	MD	20774 rantonetti@shpa.com"	0000-000-000
Shipley & Horne, P.A.	ď.	1101 Mercantile LANE	Largo	MD	20774 jferrante@shpa.com"	0000-000-000
		12906 Bentley LANE	Bowie	MD	20715 jandc56@yahoo.com"	240-484-3971
		12906 Bentley LANE	Bowie	MD	20715 jandc56@yahoo.com"	240-484-3971
		14406 Derby Ridge ROAD	Bowie	MD	20721 c@rones.net"	301-567-1080
City of Bowie		15901 Excalibur ROAD	Bowie	MD	20716 fstevens@cityofbowie.org"	301-809-3053
ECS MID ATLANTIC, LLC	LLC	6710 Oxon Hill ROAD	National Harbor	QW	20745 mbell@ecslimited.com"	0000-000-000

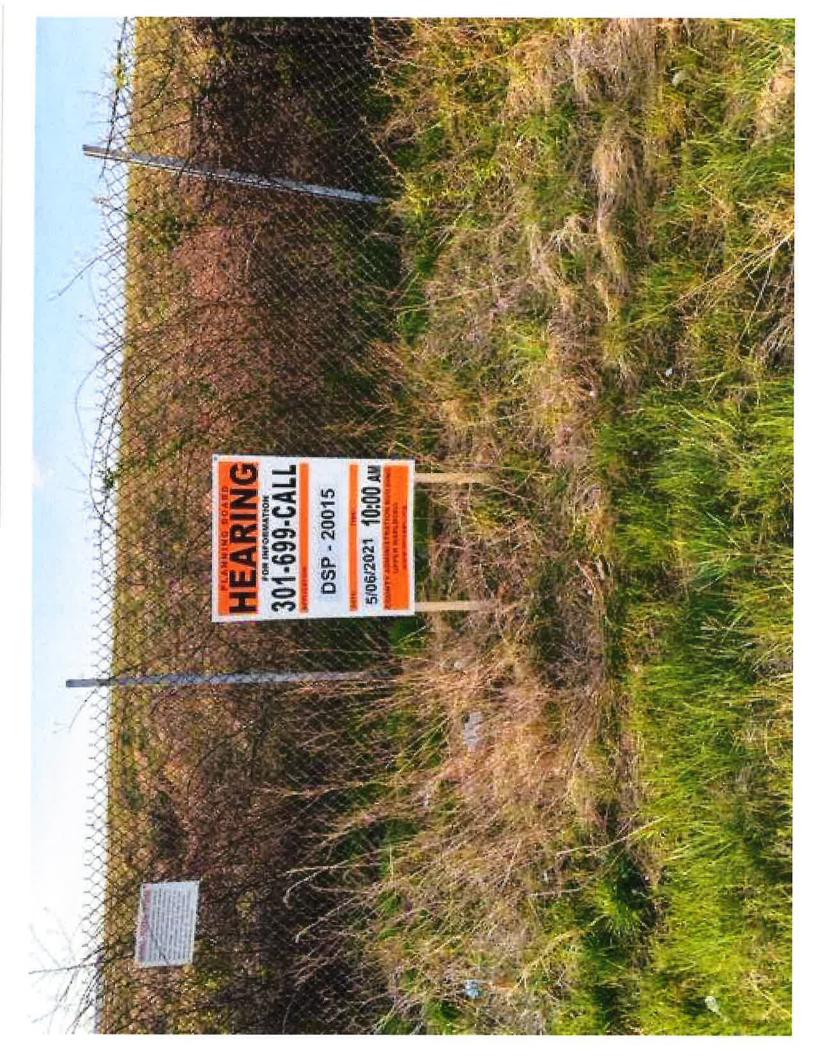
SIGN POSTING AFFIDAVIT
I, Wa/t Teacher, hereby certify that the subject property was posted with sign(s) on $W-6-202/$ (specify number) (date)
A I further certify that the signs were inspected on
DO NOT SUBMIT THIS AFFIDAVIT UNTIL THE SITE HAS BEEN INSPECTED.
Application Number: DSP-20015 Application Name: FREEWAY AIRPORT
Contact Person & Telephone: Rachel Leitzinger 301.337.2860
Company Name & Address: Dewberry Engineers Inc.; 4601 Forbes Blvd., Suite 300, Lanham, MD 20706
Capacity in which you are acting: Agent
(owner, applicant, agent)
Note: Attach <u>legible</u> , photograph(s) showing sign(s) in place and at least one additional photograph from a distance sufficient to show physical improvements or natural characteristics to identify the subject property.

Return this affidavit, posting map and photographs saved as one PDF and emailed to PGCReferrals@ppd.mncppc.org Subject: DSP-20015-FREEWAY AIRPORT and "Posting Affidavit" no later than 14 days prior to the Planning Board hearing date.

Planning Board case: DSP_20015

Date: 5/6/2021 <u>Time</u>: 10:00 AM Reviewer: Zhang 1 single-sided sign (Red) & 3 double-sided signs (Blue) (for a total of 7 physical signs)





BOARD

304-699-64 FOR INFORMATION

APPLICATION:

DSP - 20015

DATE

THIME

5/06/2021 10:00 AM

COUNTY ADMINISTRATION BUILDING
UPPER MARLBORO
www.mncppc.org

BOARD PLANNING

301-699-CAL

WEELICATION:

DSP - 20015

DATE:

TIME

5/06/2021 10:00 AM

COUNTY ADMINISTRATION BUILDING
UPPER MARLEORO
www.mncppc.org

301-699-CAL FOR INFORMATION

APPLICATION:

DSP-20015

DATE

5/06/2021 10:00 AM

COUNTY ADMINISTRATION BUILDING
UPPER MARLBORO

PLANNING BOARD

301-699-CALL

APPLICATION:

DSP - 20015

DATE:

TIME

5/06/2021 10:00 AM

COUNTY ADMINISTRATION BUILDING
WWW.mncppc.org

OM

301-699-CALL

APPLICATION:

DSP - 20015

DATE:

TIME:

5/06/2021 10:00 AIM

COUNTY ADMINISTRATION BUILDING
UPPER MARLBORO
www.mincppc.o/g



301-699-CALL

APPLICATION:

DSP - 20015

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5/06/2021 10:00 AM

COUNTY ADMINISTRATION BUILDI

www.mncppc.org

4

301-699-CALL

APPLICATION:

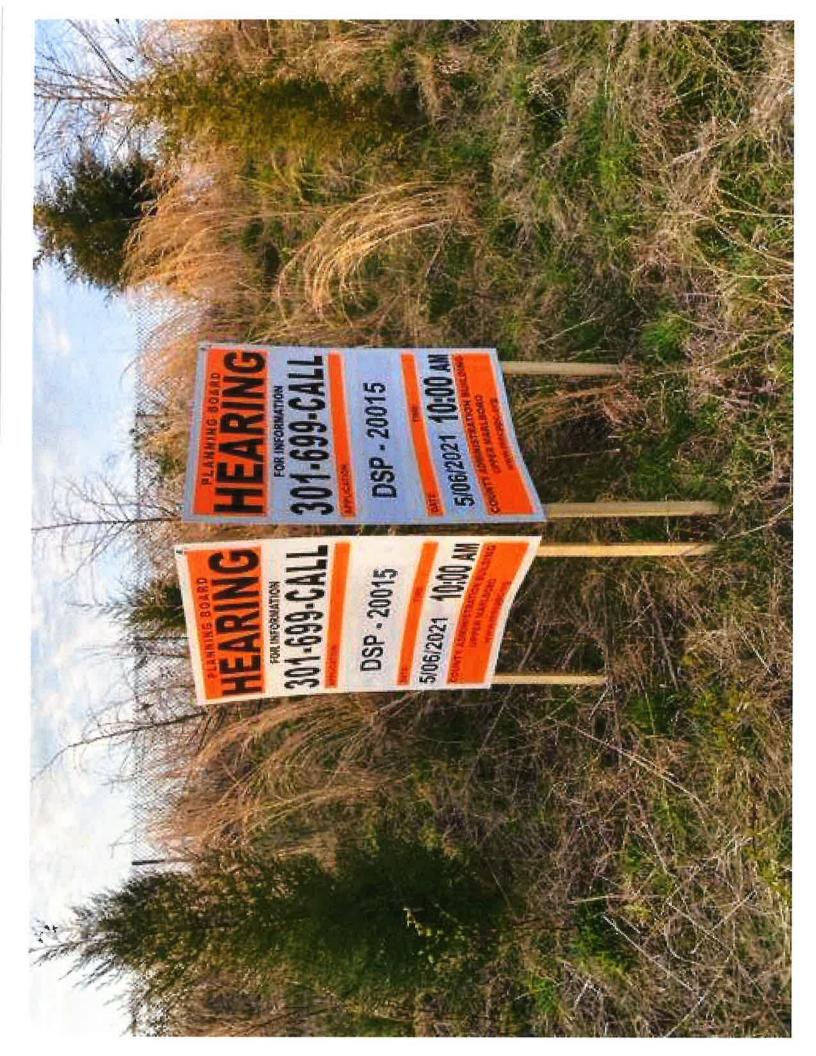
DSP - 20015

TIME.

5/06/2021 10:00 AM

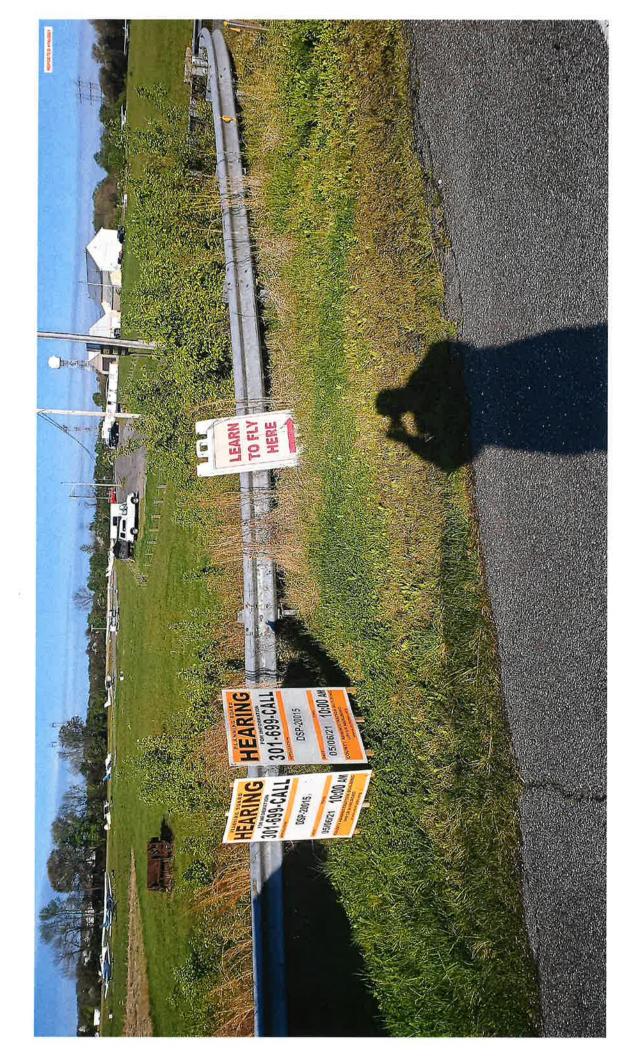
COUNTY ADMINISTRATION BUILDIN

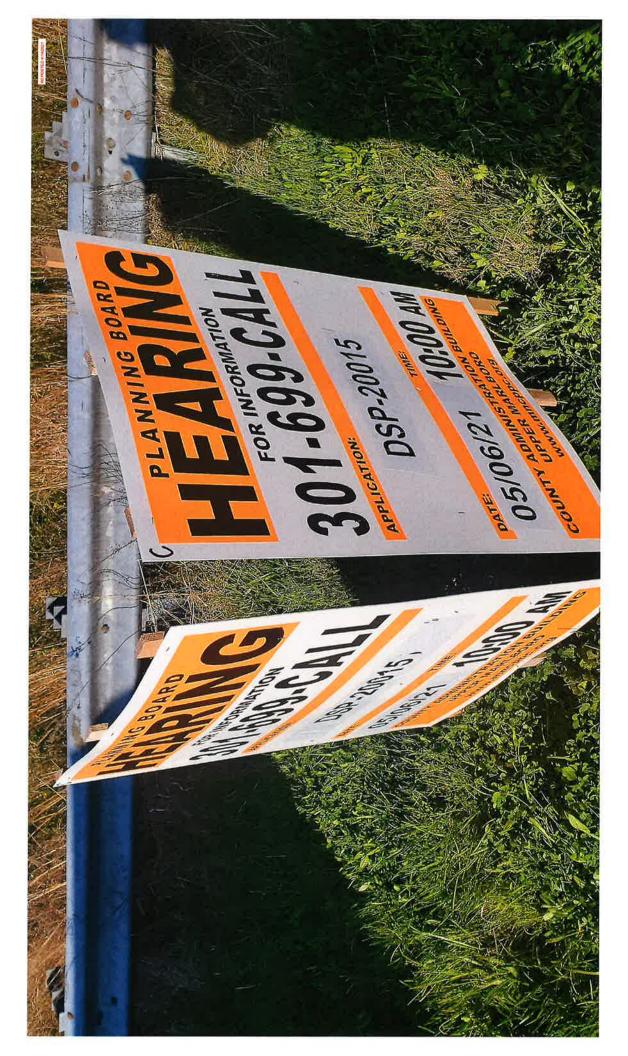




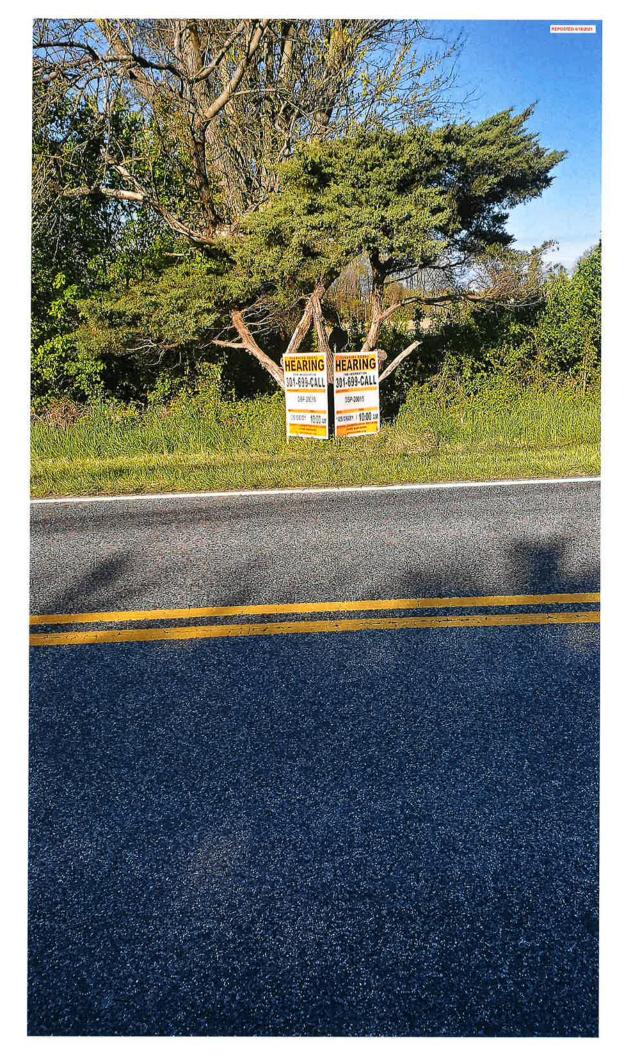












From: Mark Mank -MDE- <mark.mank@maryland.gov>

Sent: Tuesday, March 30, 2021 2:09 PM

To: Michael M. Bell, CHMM < MBell@ecslimited.com>

Cc: christopher.hartman@maryland.gov
Subject: Freeway Airport Lead Soil Screening

Mike,

Please see the attached letter report for the subject property. The LRP assumes you will provide to the owner of the property as you are the clients representative for this activity.

Thanks Mark

Because of the COVID-19 situation, and the need for safety precautions, many state employees are working remotely. I can be reached at the numbers below and via e-mail and encourage all parties to supply digital copies of documents requiring review by the Department.

Mark Mank

Toxicologist
Land and Materials Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
mark_mank@maryland.gov
410-537-3493 (O)
410-925-8551 (M) OPTIONAL
Website | Facebook | Twitter

Click here to complete a three question <u>customer experience survey</u>.

Summary Letter Report for Soil Samples - Freeway Airport

Sampling and Analysis

On March 10, 2021, the Maryland Department of the Environment – Land Restoration Program ("MDE-LRP") personnel, Chris Hartman and Mark Mank, mobilized to Freeway Airport located at 3900 Church Road in Mitchellville, MD (the "Property") for the collection of surface soil and sub-surface soil samples from the Property. The sample depth for the surficial soil samples collected from the Property was 0 to 6 inches below ground surface. The representative sub-surface soil samples were collected from 6 to 12 inches below ground surface. Both grab and composite samples were collected and composite samples are designated with the word COMP in the sampling table.

All of the collected soil samples were screened by LRP personnel for total lead concentrations via the X-ray Fluorescence ("XRF") Spectrometer located at MDE. LRP personnel weighed and dried approximately 5 grams of each sample, ground the dried material into a fine powder, and removed all visual and easily discernible traces of stones or organic material prior to placing the soil in the XRF Spectrometer for total lead analysis. The surface and sub-surface soil sample locations are shown on Figures 1 and 2, and results of the XRF lead screen are presented in Table 1.

Lead Results

The soil analytical results from the XRF screen reported lead concentrations in onsite soils ranging from non-detect (approximately 10 mg/kg) to 175 mg/kg. Sub-surface soil sample results correlated well with the surface soil results as follows: SOUTH EAST 2 (32 mg/kg) and SOUTH EAST 2SS (35 mg/kg), SOUTH 2 (92 mg/kg) and SOUTH 2SS (87 mg/kg), and SOUTH 3 (87 mg/kg) and SOUTH 3SS (79 mg/kg).

Conclusions and Recommendations

The current MDE residential soil cleanup standard for lead is 200 mg/kg, the results indicate that no collected sample exceeded the MDE residential cleanup standard. Based on the MDE's evaluation, the soils at the Property are acceptable for residential future use.



FIGURE 1 - SAMPLING LOCATIONS (North/West) - Freeway Airport, Bowie, MD

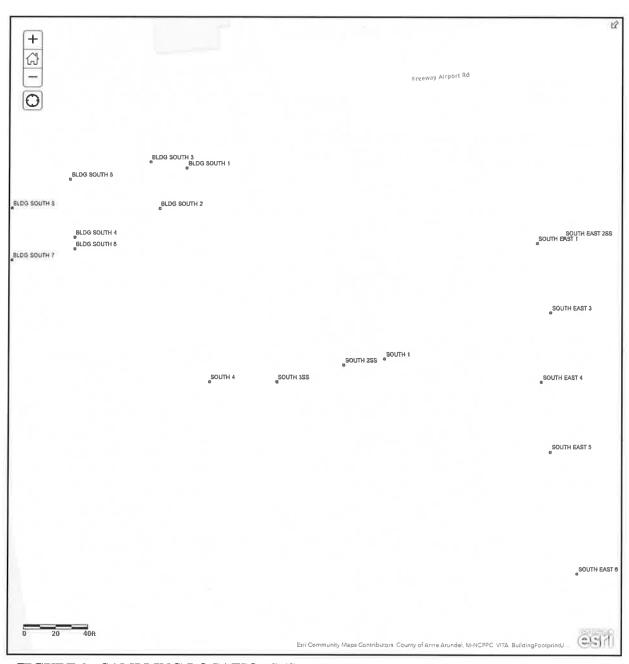


FIGURE 2 - SAMPLING LOCATIONS (South) - Freeway Airport, Bowie, MD

TABLE 1

SAMPLING RESULTS – Lead in Soil

ID	Lead mg/kg
BLDG EAST 1	35
BLDG EAST 2	29
BLDG EAST COMP	49
BLDG NORTH 1	30
BLDG NORTH 2	23
BLDG NORTH 3	40
BLDG NORTH 4	45
BLDG NORTH 5	43
SOUTH EAST 1	62
SOUTH EAST 2	32
SOUTH EAST 2SS	35
SOUTH EAST 3	22
SOUTH EAST 4	30
SOUTH EAST 5	83
SOUTH EAST 6	19
SOUTH 1	175
SOUTH 2	92
SOUTH 2SS	87
SOUTH 3	87
SOUTH 3SS	79
SOUTH 4	64

ID	Lead mg/kg
BLDG SOUTH 1	ND
BLDG SOUTH 2	51
BLDG SOUTH 3	18
BLDG COMP	42
BLDG SOUTH 4	10
BLDG SOUTH 5	14
BLDG SOUTH 6	45
BLDG SOUTH 7	19
BLDG SOUTH 8	32
WEST 1	14
WEST 2	21
WEST 3	38
WEST 4	40
WEST 5	31
WEST 6	65
WEST 7	36
WEST 8	48
WEST 9	26

ND - Non-Detect, mg/kg – milligram per kilogram, SS - Sub-Surface, COMP – Composite