



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

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July 14, 2022

U.S. Army Corps of Engineers, Baltimore District  
Attn: Kristina May, Biologist  
Planning Division  
2 Hopkins Plaza  
Baltimore, MD 21201  
Via email: (b) (6)

RE: Comments on the Draft Integrated Feasibility Report and Environmental Assessment and Federal Consistency Determination for the Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study, U.S. Army Corps of Engineers, Arlington, Fairfax and Prince William Counties, and the City of Alexandria, VA (DEQ 22-084F)

Dear Ms. May:

The Commonwealth of Virginia has completed its review of the above-referenced documents. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents submitted under the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. DEQ is also responsible for coordinating Virginia's review of federal consistency documents submitted pursuant to the Coastal Zone Management Act (CZMA) and providing the state's response. This is in response to the May 2022 Environmental Assessment (EA) and Federal Consistency Determination (FCD) submitted by the U.S. Army Corps of Engineers for the above referenced project, received on May 31, 2022. The following agencies and localities participated in the review of this proposal:

Department of Environmental Quality  
Department of Historic Resources (DHR)  
Department of Conservation and Recreation (DCR)  
Marine Resources Commission (VMRC)

Department of General Services (DGS)  
Department of Aviation (DOAV)  
Department of Health (VDH)  
City of Alexandria  
Fairfax County

In addition, the Department of Wildlife Resources (DWR), Department of Transportation (VDOT), Arlington County, Prince William County, and the Northern Virginia Regional Commission were invited to comment on the proposal.

## **PROJECT DESCRIPTION**

The U.S. Army Corps of Engineers (Corps) submitted the Draft Integrated Feasibility Report and EA for the Metropolitan Washington District of Columbia Storm Risk Management Feasibility Study. In the aftermath of Hurricane Sandy in 2012, the Corps completed the North Atlantic Coast Comprehensive Study (NACCS), which identified nine high-risk areas on the Atlantic Coast that warranted further investigation of coastal storm risk management solutions. The Metropolitan Washington, District of Columbia (DC) region, which includes portions of Washington, D.C., Maryland, and Virginia, was identified as one of the nine high-risk areas recommended by NACCS for a follow-on feasibility study to investigate solutions to coastal flooding problems. The purpose of the study is to evaluate the feasibility of Federal participation in the implementation of solutions to reduce long-term coastal flood risk to vulnerable populations, properties, infrastructure, and environmental and cultural resources considering future climate and sea level change scenarios to support resilient communities. Within the study area, the Virginia side of the Potomac River contains approximately 135 miles of Potomac River shoreline. The study area is located in a densely populated urban setting that is primarily residential, but also includes commercial districts, industrial facilities, military installations, and transportation infrastructure as well as natural areas, green spaces, and historic properties.

As part of the project package, a Federal Consistency Determination for the Tentatively Selected Plan (TSP) of the Draft Integrated Feasibility Report and Environmental Assessment for the Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study was included in Appendix G. The TSP is Alternative 8, the combination plan that incorporates a floodwall and stop log closure at the Arlington Water Pollution Control Plant (WPCP), and a levee and floodwall system with pump stations at Belle Haven. The TSP includes two locations within the study area where coastal flood risk measures could be implemented. At the Arlington WPCP, a floodwall would be constructed along the left bank of Four Mile Run between Four Mile Run and the Arlington WPCP with a closure structure on the east side of the floodwall. The new floodwall would tie into the bank to the east just past South Eads Street. At Belle Haven, a floodwall would be constructed just north of Belle Haven Road from Barrister Place to 10th Street with a closure structure at 10th Street and the George Washington Memorial Parkway (GWMP). Closure structures would also be constructed along Belle Haven Road and Belle View Blvd. A floodwall would tie into the closure structure at 10th Street

and run south along the west side of the GWMP, curving around Boulevard View to 10th Street. The floodwall would then run west to East Wakefield Drive tying into both sides of a closure structure on Potomac Avenue. The floodwall would continue west to West Wakefield Drive and tie into a small portion of earthen levee ending at Westgrove Dog Park.

## **FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT**

Pursuant to the Coastal Zone Management Act of 1972 (§ 1456(c)), as amended, and the federal consistency regulations implementing the CZMA (15 CFR Part 930, Subpart C, § 930.30 *et seq.*), federal actions that can have reasonably foreseeable effects on Virginia's coastal uses or resources must be conducted in a manner which is consistent, to the maximum extent practicable, with the Virginia Coastal Zone Management (CZM) Program. The CZM Program is comprised of a network of programs administered by several agencies. In order to be consistent with the CZM Program, the federal agency must obtain all the applicable permits and approvals listed under the enforceable policies of the CZM Program prior to commencing the project.

### **Federal Consistency Public Participation**

In accordance with 15 CFR § 930.2, public notice of the proposed action was published in the OEIR Program Newsletter from June 6, 2022 to July 1, 2022. No public comments were received in response to the notice.

### **Federal Consistency Determination**

A Federal Consistency Determination for the Tentatively Selected Plan (Alternative 8) was included in Appendix G of the draft EA. The document provided an analysis of the project's impact on the enforceable policies. According to the FCD, the project will be consistent to the maximum extent practicable with Virginia's Coastal Zone Management Program.

The project is expected to affect the following enforceable policies: Tidal and Non-Tidal Wetlands, Subaqueous Lands, and Non-point Source Water Pollution. These impacts and jurisdictional agency comments, recommendations, and requirements are discussed below in the "Environmental Impacts and Mitigation" section of this document.

### **Federal Consistency Concurrence**

Based on our review of the FCD and the comments submitted by agencies administering the enforceable policies of the CZM Program, DEQ concurs that the proposal will be consistent to the maximum extent practicable with the CZM Program provided all applicable permits and approvals are obtained as described below in the Regulatory and Coordination Needs section.

If, prior to construction, the project should change significantly and any of the enforceable policies of the Virginia CZM Program would be affected, pursuant to 15 CFR 930.46, the applicant must submit supplemental information to DEQ for review and

approval. Additionally, other state approvals which may apply to this project are not included in this consistency concurrence. Therefore, the Corps must ensure that this project is operated in accordance with all applicable federal, state and local laws and regulations.

## ENVIRONMENTAL IMPACTS AND MITIGATION

**1. Surface Waters and Wetlands.** According to the EA (page 117), existing wetlands that run along the north side of Four Mile Run adjacent to the Arlington WPCP are located outside of the footprint of the proposed floodwall, the proposed limits of disturbance (LOD), and the proposed staging area. The existing wetlands that run along the south side of Four Mile Run in Four Mile Run Park are located outside of the footprint of the proposed Belle Haven levee and floodwall, the proposed LOD, and the proposed staging area.

### 1(a) Agency Jurisdiction.

**1(a)(i) Surface Water and Non-Tidal Wetlands.** The State Water Control Board promulgates Virginia's water regulations covering a variety of permits to include the [Virginia Pollutant Discharge Elimination System Permit](#) (VPDES) regulating point source discharges to surface waters, Virginia Pollution Abatement Permit regulating sewage sludge, storage and land application of biosolids, industrial wastes (sludge and wastewater), municipal wastewater, and animal wastes, the [Surface and Groundwater Withdrawal Permit](#), and the [Virginia Water Protection \(VWP\) Permit](#) regulating impacts to streams, wetlands, and other surface waters. The VWP permit is a state permit which governs wetlands, surface water, and surface water withdrawals and impoundments. It also serves as §401 certification of the federal Clean Water Act §404 permits for dredge and fill activities in waters of the U.S. The VWP Permit Program is under the Office of Wetlands and Stream Protection, within the DEQ Division of Water Permitting. In addition to central office staff that review and issue VWP permits for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and issue permits for the covered activities:

- Clean Water Act, §401;
- Section 404(b)(i) Guidelines Mitigation Memorandum of Agreement (2/90);
- State Water Control Law, [Virginia Code](#) section 62.1-44.15:20 *et seq.*; and
- State Water Control *Regulations*, 9 VAC 25-210-10.

**1(a)(ii) Tidal Wetlands.** The [Virginia Marine Resources Commission \(VMRC\)](#) regulates encroachments in, on or over state-owned subaqueous beds as well as tidal wetlands pursuant to Virginia Code §28.2-1200 through 1400. For nontidal waterways, VMRC states that it has been the policy of the Habitat Management Division to exert jurisdiction only over the beds of perennial streams where the upstream drainage area is 5 square miles or greater. The beds of such waterways are considered public below the ordinary high water line.

**1(b) DEQ Findings.** The project manager is reminded that a VWP permit from DEQ may be required should impacts to surface waters be necessary. The disturbance of surface waters or wetlands may require prior approval by DEQ and/or the U.S. Corps of Engineers. The Corps is the authority for an official confirmation of whether there are federal jurisdictional waters, including wetlands, which may be impacted by the proposed project. DEQ may confirm additional waters as jurisdictional beyond those under federal authority. Review of National Wetland Inventory maps or topographic maps for locating wetlands or streams may not be sufficient; there may need to be a site-specific review of the site by a qualified professional.

**1(c) VMRC Findings.** VMRC found that impacts are proposed to tidal wetlands adjacent to the project sites.

**1(d) Agency Recommendation.** The VWP program at the DEQ Northern Regional Office (NRO) recommends the avoidance and minimization of surface water impacts to the maximum extent practicable. Even if there will be no intentional placement of fill material in jurisdictional waters, potential water quality impacts resulting from construction site surface runoff must be minimized. This can be achieved by using Best Management Practices (BMPs).

**1(e) Requirements.**

**1(e)(i) VWP Permit.** A VWP permit may be required if construction activities will occur in or along any streams (perennial, intermittent, or ephemeral), open water or wetlands. The Corps should contact DEQ NRO VWP staff to determine the need for any permits prior to commencing work. Upon receipt of a Joint Permit Application (JPA) for the proposed surface water impacts, DEQ VWP Permit staff will review the proposed project in accordance with the VWP permit program regulations and current VWP permit program guidance.

**1(e)(ii) VMRC Permit.** A permit may be required from the Fairfax County Wetlands Board for impacts associated with Belle Haven and Four Mile Run, and from VMRC for impacts associated with the Arlington Water Pollution Control Plant.

**1(f) CZMA Federal Consistency.** Provided VWP, VMRC and Wetlands Board authorization is received, as required, for impacts to surface waters and/or wetlands, this project will be consistent to the maximum extent practicable with the Tidal and Non-tidal Wetlands enforceable policy of the Virginia Coastal Zone Management (CZM) Program (see Federal Consistency under the CZMA section above for additional information).

**2. Subaqueous Lands.** The FCD (Appendix G) indicates that construction of the proposed culvert crossing at the Belle Haven West Channel would result in approximately 800 square feet of temporary impacts and roughly 900 square feet of permanent impacts. Construction of the proposed culvert crossing at the Belle Haven

East Channel would result in roughly 1,200 square feet of temporary impacts and roughly 2,250 square feet of new permanent fill impacts to the East Channel. Implementation of the Arlington WPCP floodwall will not directly affect any waterways

**2(a) Agency Jurisdiction.** The Virginia Marine Resources Commission regulates encroachments in, on or over state-owned subaqueous beds as well as tidal wetlands pursuant to Virginia Code §28.2-1200 through 1400. For nontidal waterways, VMRC states that it has been the policy of the Habitat Management Division to exert jurisdiction only over the beds of perennial streams where the upstream drainage area is 5 square miles or greater. The beds of such waterways are considered public below the ordinary high water line.

**2(b) Agency Finding.** VMRC noted that the proposed construction includes a 6,725 linear foot (LF) concrete floodwall and earthen levee at the Bell Haven site and a 1,160 LF concrete floodwall along the Arlington Water Pollution Control Plant. Associated culvert crossings at both proposed site locations will involve permanent fill impacts totaling 7,110 square feet (SF). The project is located in Arlington and Fairfax Counties, Virginia.

As proposed, the project will result in a total of 7,110 SF of permanent fill of state-owned bottoms in association with culvert crossing construction.

**2(c) Requirement.** A permit from VMRC will be required for this proposed encroachment over jurisdictional subaqueous bottom.

**2(d) CZMA Federal Consistency.** Provided the required VMRC subaqueous lands permit is obtained, the project will be consistent to the maximum extent practicable with the Subaqueous Lands enforceable policy of the Virginia CZM Program (see Federal Consistency under the CZMA section above for additional information).

**3. Nonpoint Source Water Pollution.** The FCD (Appendix G) states that an erosion and sediment control measures would be used to minimize the amount of sediment that may be carried into waterways during construction.

**3(a) Agency Jurisdiction.** The DEQ [Office of Stormwater Management](#) administers the following laws and regulations governing construction activities:

- Virginia Erosion and Sediment Control (ECS) Law (§ 62.1-44.15:51 *et seq.*) and Regulations (9VAC25-840) (*VESCL&R*);
- Virginia Stormwater Management Act (§ 62.1-44.15:24 *et seq.*) (*VSWML*);
- Virginia Stormwater Management Program (VSMP) regulation (9VAC25-870) (*VSWMR*); and
- 2014 General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (9VAC25-880).

In addition, DEQ is responsible for the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to Municipal Separate Storm Sewer Systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land disturbing activities under the Virginia Stormwater Management Program (9VAC25-890-40).

### **3(b) Requirements.**

**3(b)(i) Erosion and Sediment Control and Stormwater Management Plans.** The Corps and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply with *VESCL&R* and Virginia Stormwater Management Law and Regulations (*VSWML&R*), including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313, federal consistency under the Coastal Zone Management Act). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles, and related land-disturbing activities that result in the total land disturbance of equal to or greater than 10,000 square feet (2,500 square feet in a Chesapeake Bay Preservation Area) would be regulated by *VESCL&R*. Accordingly, the Corps must prepare and implement an erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. Land-disturbing activities that result in the total land disturbance of equal to or greater than 1 acre (2,500 square feet in Chesapeake Bay Preservation Area) would be regulated by *VSWML&R*. Accordingly, the Corps must prepare and implement a Stormwater Management (SWM) plan to ensure compliance with state law and regulations. The ESC/SWM plan is submitted to the DEQ Regional Office that serves the area where the project is located for review for compliance. The Corps is ultimately responsible for achieving project compliance through oversight of on-site contractors, regular field inspection, prompt action against non-compliant sites, and other mechanisms consistent with agency policy.

**3(b)(ii) Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities (VAR10).** The operator or owner of a construction activity involving land disturbance of equal to or greater than 1 acre is required to register for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). The SWPPP must be prepared prior to submission of the registration statement for coverage under the General Permit, and it must address water quality and quantity in accordance with the Virginia Stormwater Management Program Regulations. Construction activities requiring registration also include land disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will collectively disturb equal to or greater than one acre. The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the *VSMP Permit Regulations*. General information and registration forms for the General Permit are available on DEQ's website at [Stormwater - Construction | Virginia DEQ](#).

**3(c) Recommendation.** Consider using permeable paving for parking and walkways where appropriate. Denuded areas should be promptly revegetated following construction work.

**3(d) CZMA Federal Consistency.** The project will be consistent to the maximum extent practicable with the Nonpoint Source Water Pollution enforceable policy of the Virginia CZM Program, provided the activities comply with the above requirements, and applicable permits are obtained as necessary (see Federal Consistency under the CZMA section above for additional information).

**4. Point Source Water Pollution.** The FCD indicates by omission that the point source water pollution enforceable policy does not apply to this project. The Draft EA does not discuss the need for VPDES permit.

**4(a) Agency Jurisdiction.** The point source program is administered by the State Water Control Board pursuant to Virginia Code §62.1-44.15. Point source pollution control is accomplished through the implementation of the National Pollutant Discharge Elimination System (NPDES) permit program established pursuant to §402 of the federal Clean Water Act and administered in Virginia as the VPDES permit program. The Water Quality Certification requirements of §401 of the Clean Water Act of 1972 are administered under the Virginia Water Protection Permit program.

**4(b) VPDES Requirements.** A construction project may require coverage under the VPDES General Permit for Petroleum Contaminated Sites, Groundwater Remediation, and Hydrostatic Tests (VAG83) for any hydrostatics tests on any new piping installed, or for any potential dewatering during construction if petroleum contamination is encountered.

**4(c) Agency Recommendation.** Coordinate with the DEQ NRO Water Permitting Program or visit DEQ's website at [Discharge to Surface Waters - Virginia Pollutant Discharge Elimination System | Virginia DEQ](#) to determine the applicability of the VAG83 permit.

**4(d) CZMA Federal Consistency.** Provided the VAG83 permit is obtained and adhered to, as necessary, the project will be consistent to the maximum extent practicable with the Point Source Water Pollution enforceable policy of the Virginia CZM Program (see Federal Consistency under the CZMA above below for additional information).

**5. Chesapeake Bay Preservation Areas.** The draft EA does not discuss Chesapeake Bay Preservation Areas and the FCD indicates by omission that the Chesapeake Bay Preservation Area enforceable policy is not applicable to the project.

**5(a) Agency Jurisdiction.** The DEQ Office of Local Government Programs (OLGP) administers the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 *et seq.*) and Chesapeake Bay Preservation Area Designation and Management



Regulations (9 VAC 25-830-10 *et seq.*). Each Tidewater locality must adopt a program based on the Chesapeake Bay Preservation Act and the Chesapeake Bay Preservation Area Designation and Management Regulations. The Act and regulations recognize local government responsibility for land use decisions and are designed to establish a framework for compliance without dictating precisely what local programs must look like. Local governments have flexibility to develop water quality preservation programs that reflect unique local characteristics and embody other community goals. Such flexibility also facilitates innovative and creative approaches in achieving program objectives. The regulations address nonpoint source pollution by identifying and protecting certain lands called Chesapeake Bay Preservation Areas. The regulations use a resource-based approach that recognizes differences between various land forms and treats them differently.

**5(b) Agency Findings.** In the City of Alexandria and in Arlington, Fairfax and Prince William Counties, the areas protected by the *Chesapeake Bay Preservation Act* (CBPA), as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) as designated by each of the four local governments. RPAs include tidal wetlands, certain non-tidal wetlands, tidal shores, and a 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow. All lands within the City of Alexandria and Arlington, Fairfax and Prince William Counties not located within the RPA are designated as RMA. Resource Management Areas require less stringent performance criteria than RPAs.

At the Arlington Water Pollution Control Plant (WPCP), a proposed floodwall would be constructed along the left bank of Four Mile Run between Four Mile Run and the Arlington WPCP. The proposed floodwall would tie into the bank to the east just past South Eads Street. The floodwall would wrap around the Arlington WPCP to the west where a stop log closure structure is located along South Glebe Road.

At Belle Haven, a proposed floodwall would be constructed just north of Belle Haven Road from Barrister Place to 10<sup>th</sup> Street with a closure structure at 10<sup>th</sup> Street and at the George Washington Memorial Parkway (GWMP). Closure structures would be constructed along Belle Haven Road and Belle View Boulevard. The floodwall would tie into the closure structure at 10<sup>th</sup> Street and run south along the west side of the GWMP, curving around Belle View Boulevard to 10<sup>th</sup> Street. The floodwall would then run west to East Wakefield Drive tying into both sides of a closure structure on Potomac Avenue. The floodwall would continue west to West Wakefield Drive and tie into a small portion of earthen levee ending at Westgrove Dog Park.

The submitted Draft Integrated Feasibility Report and EA shows no evidence that the Corps has considered the impacts of the proposed feasibility study and construction activities on locally-designated CBPA lands in the proposed project areas. While the CZMA Enforceable Policies section of the FCD includes considerations of Tidal and Non-Tidal Wetlands, Subaqueous Lands, Wildlife and Inland Fisheries, Point Source Air Pollution and Non-point Source Water Pollution, there is no mention made (and no

analysis of) the Chesapeake Bay Preservation Areas enforceable policy. The proposed study area and the locations of proposed construction activities associated with the proposed floodwalls are both within locally-designated CBPA lands, and are as such subject to the Regulations.

**5(c) Requirement.** Per 9VAC25-830-110 of the Regulations (Site-specific Refinement of Chesapeake Bay Preservation Area Boundaries), the applicant must confirm that (i) a reliable, site-specific evaluation is conducted to determine whether water bodies on or adjacent to the development site have perennial flow and (ii) RPA boundaries are adjusted, as necessary, on the site, based on this evaluation of the site.

Per 9VAC25-830-140 1 vi of the Regulations (Development Criteria For Resource Protection Areas), land development activities that meet the definition of a flood control or stormwater management facility may be allowed on designated RPA lands if the proposed activities satisfy the conditions set forth in 9VAC25-830-140 1 e, including the following:

- i. that the local government has conclusively established that location of the facility within the RPA is the optimum location;
- ii. the size of the facility is the minimum necessary to provide necessary flood control or stormwater treatment, or both;
- iii. (if applicable) the facility must be consistent with a comprehensive stormwater treatment stormwater management plan developed and approved in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program (VSMP) regulations;
- iv. all applicable permits for construction in state and federal waters must be obtained from the appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, DEQ, and the Virginia Marine Resources Commission;
- v. approval must be received from the local government prior to construction; and
- vi. routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed.

Per 9VAC25-830-140 6, a Water Quality Impact Assessment (WQIA) shall be required for any proposed development within the RPA and for any other development in CBPAs that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.

The proposed project must also adhere to:

- (i) regulations promulgated pursuant to the Erosion and Sediment Control Law and the Virginia Stormwater Management Act;
- (ii) an erosion and sediment control plan and a stormwater management plan approved by the Department of Environmental Quality; or
- (iii) local water quality protection criteria at least as stringent as the above state requirements. To the degree possible and where applicable, the staging of equipment and supplies associated with all proposed land disturbing and land development activities should be outside of the RPA.

**5(d) CZMA Federal Consistency.** Provided adherence to the above requirements, the project will be consistent to the maximum extent practicable with the Chesapeake Bay Preservation Areas enforceable policy of the Virginia CZM Program (see Federal Consistency under the CZMA section above for additional information).

**6. Air Pollution.** According to the EA (page 136), ozone precursors, volatile organic compounds (VOCs) and oxides of nitrogen (NOx) are below the EPA threshold of 100 tons per year for all maintenance areas. All other annual emission totals and aggregated study emission totals for criteria pollutants are not anticipated to exceed all other EPA *de minimis* thresholds.

The FCD (Appendix G) states that air pollution generated from construction equipment would be temporary and minor. The proposed flood protection measures will have no long-term effects on air quality.

**6(a) Agency Jurisdiction.** The [DEQ Air Division](#), on behalf of the State Air Pollution Control Board, is responsible for developing regulations that implement Virginia's Air Pollution Control Law ([Virginia Code §10.1-1300 et seq.](#)). DEQ is charged with carrying out mandates of the state law and related regulations as well as Virginia's federal obligations under the Clean Air Act as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia's air quality. The appropriate DEQ regional office is directly responsible for the issuance of necessary permits to construct and operate all stationary sources in the region as well as monitoring emissions from these sources for compliance. In the case of certain projects, additional evaluation and demonstration must be made under the general conformity provisions of state and federal law.

The Air Division regulates emissions of air pollutants from industries and facilities and implements programs designed to ensure that Virginia meets national air quality standards. The most common regulations associated with major projects are:

- Open burning: 9 VAC 5-130 *et seq.*
- Fugitive dust control: 9 VAC 5-50-60 *et seq.*
- Permits for fuel-burning equipment: 9 VAC 5-80-1100 *et seq.*

**6(b) Agency Findings.** According to the DEQ Air Division, the project site is located in a designated ozone non-attainment area and an emission control area for oxides of nitrogen (NOx) and volatile organic compounds (VOCs).

## **6(c) Requirements.**

**6(c)(i) Fugitive Dust.** During construction, fugitive dust must be kept to a minimum by using control methods outlined in 9 VAC 5-50-60 *et seq.* of the *Regulations for the Control and Abatement of Air Pollution*. These precautions include, but are not limited to, the following:

- Use, where possible, of water or chemicals for dust control;
- Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;
- Covering of open equipment for conveying materials; and
- Prompt removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

**6(c)(ii) Fuel-Burning Equipment.** Fuel-burning equipment (boilers, generators, compressors, etc.) or any other air-pollution-emitting equipment may be subject to registration or permitting requirements under 9 VAC5-80, Article 6, Permits for New and Modified Sources.

**6(c)(iii) Open Burning.** If project activities include the open burning of construction material or the use of special incineration devices, this activity must meet the requirements under 9 VAC 5-130 *et seq.* of the *Regulations* for open burning, and may require a permit. The *Regulations* provide for, but do not require, the local adoption of a model ordinance concerning open burning. The applicant should contact local fire officials to determine what local requirements, if any, exist.

**6(c)(iv) Asphalt Paving.** A precaution, which typically applies to road construction and paving work (9 VAC 5-45-780 *et seq.*), places limitations on the use of “cut-back” (liquefied asphalt cement, blended with petroleum solvents), and may apply to the project. The asphalt must be “emulsified” (predominantly cement and water with a small amount of emulsifying agent) except when specified circumstances apply. Moreover, there are time-of-year restrictions on its use from April through October in VOC emission control areas.

**6(d) Agency Recommendation.** The project involves a large volume of construction work. **Take precautions to restrict the emissions of VOCs and NOx during construction, principally by controlling or limiting the burning of fossil fuels.**

**6(e) CZMA Federal Consistency.** The project will be consistent to the maximum extent practicable with the Point Source Air Pollution enforceable policy of the Virginia CZM Program, provided adherence to the above requirements (see Federal Consistency under the CZMA section above for additional information).

**7. Solid and Hazardous Wastes and Materials.** The EA (page 137) notes that due to potential for groundwater contamination due to historic landfilling and/or nearby

chemical/petroleum spills at the various project locations, there is a risk that contaminated groundwater could be encountered during construction. Further investigations are needed to determine the presence of contamination. If contamination is encountered, safety precautions and appropriate disposal of contaminated material would be implemented.

**7(a) Agency Jurisdiction.** On behalf of the Virginia Waste Management Board, the [DEQ Division of Land Protection and Revitalization](#) is responsible for carrying out the mandates of the Virginia Waste Management Act (Virginia Code §10.1-1400 *et seq.*), as well as meeting Virginia's federal obligations under the Resource Conservation and Recovery Act and the Comprehensive Environmental Response Compensation Liability Act (CERCLA), commonly known as Superfund. The DEQ Division of Land Protection and Revitalization also administers those laws and regulations on behalf of the State Water Control Board governing Petroleum Storage Tanks (Virginia Code §62.1-44.34:8 *et seq.*), including Aboveground Storage Tanks (9VAC25-91 *et seq.*) and Underground Storage Tanks (9VAC25-580 *et seq.* and 9VAC25-580-370 *et seq.*), also known as 'Virginia Tank Regulations', and § 62.1-44.34:14 *et seq.* which covers oil spills.

*Virginia:*

- Virginia Waste Management Act, Virginia Code § 10.1-1400 *et seq.*
- *Virginia Solid Waste Management Regulations*, 9 VAC 20-81
  - (9 VAC 20-81-620 applies to asbestos-containing materials)
- *Virginia Hazardous Waste Management Regulations*, 9 VAC 20-60
  - (9 VAC 20-60-261 applies to lead-based paints)
- *Virginia Regulations for the Transportation of Hazardous Materials*, 9 VAC 20-110.

*Federal:*

- Resource Conservation and Recovery Act (RCRA), 42 U.S. Code sections 6901 *et seq.*
- U.S. Department of Transportation *Rules for Transportation of Hazardous Materials*, 49 Code of Federal Regulations, Part 107
- Applicable rules contained in Title 40, *Code of Federal Regulations*.

**7(b) Requirements.**

**7(b)(i) Waste Management.** Any soil or groundwater that is suspected of contamination or wastes that are generated during construction-related activities must be tested and disposed of in accordance with applicable federal, state, and local laws and regulations. All construction waste, including excess soil, must be characterized in accordance with the *Virginia Hazardous Waste Management Regulations* prior to disposal at an appropriate facility. It is the generator's responsibility to determine if solid waste meets the criteria of a hazardous waste and is subsequently managed appropriately.

**7(b)(ii) Petroleum Releases.** If evidence of a petroleum release is discovered during implementation of this project, it must be reported to DEQ, as authorized by Virginia Code § 62.1-44.34.8 through 9 and 9 VAC 25-580-10 *et seq.*

**7(b)(iii) Asbestos-containing Material and Lead-based Paint.** All structures being demolished/renovated/removed must be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP materials are identified all federal and state requirements must be followed.

### **7(c) Recommendations.**

**7(c)(i) Pollution Prevention,** DEQ recommends that the Army implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

**7(c)(ii) Database Search.** DLPR staff recommends a search (at least 200 ft. radius) of any land-based project areas using the following solid and hazardous waste databases to identify waste sites (including petroleum releases) in close proximity to those project areas:

- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:
  - [www.epa.gov/superfund/sites/cursites/index.htm](http://www.epa.gov/superfund/sites/cursites/index.htm)
- DEQ Online Database: Virginia Environmental Geographic Information Systems Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:
  - [www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx](http://www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx)

**8. Pesticides and Herbicides.** DEQ recommends that the use of herbicides or pesticides for construction or landscape maintenance should be in accordance with the principles of integrated pest management. The least toxic pesticides that are effective in controlling the target species should be used to the extent feasible. Contact the Department of Agriculture and Consumer Services at (804) 786-3501 for more

information.

**9. Natural Heritage Resources.** The EA (page 125) states that the project alternatives would have no effect on federal and state-listed threatened and endangered species due to the lack of suitable habitat conditions and/or the lack of documented observances in the locations where the effects are likely to occur.

**9(a) Agency Jurisdiction.**

**9(a)(i) The Virginia Department of Conservation and Recreation's (DCR) Division of Natural Heritage (DNH).** DNH's mission is conserving Virginia's biodiversity through inventory, protection and stewardship. The Virginia Natural Area Preserves Act (Virginia Code §10.1-209 through 217), authorized DCR to maintain a statewide database for conservation planning and project review, protect land for the conservation of biodiversity, and the protect and ecologically manage the natural heritage resources of Virginia (the habitats of rare, threatened and endangered species, significant natural communities, geologic sites, and other natural features).

**9(a)(ii) Virginia Department of Agriculture and Consumer Services (VDACS):** The Endangered Plant and Insect Species Act of 1979 (Virginia Code Chapter 39 §3.1-1020 through 1030) authorizes VDACS to conserve, protect and manage endangered and threatened species of plants and insects. Under a Memorandum of Agreement established between VDACS and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

**9(b) Agency Findings.** DCR's Division of Natural Heritage (DNH) searched its Biotics Data System (Biotics) for occurrences of natural heritage resources from the area outlined on the submitted map.

**Bell Haven Floodwall:** Biotics documents the presence of natural heritage resources within the project boundary including a 100-foot buffer. However, due to the scope of the activity DCR does not anticipate that this project will adversely impact these natural heritage resources.

**Bell Haven Staging Area:** According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100-foot buffer. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. In addition, the project boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

**Arlington Water Pollution Control Plant Floodwall and Staging Area:** According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100-foot buffer. The absence of data may indicate that the project area has not been surveyed, rather than

confirm that the area lacks natural heritage resources. In addition, the project boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

**9(b)(i) State-listed Plant and Insect Species.** DCR found that the proposed project will not affect any documented state-listed plants or insects.

**9(b)(ii) State Natural Area Preserves.** There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

**9(c) Recommendation.** Contact DCR-DNH to secure updated information on natural heritage resources if the scope of the project changes and/or six months has passed before it is utilized. New and updated information is continually added to the Biotics Data System.

**10. Floodplain Management.** According to the EA (page 124), there is no natural floodplain in the footprint of the structural measures or landward of the proposed structures that would be affected. Therefore, although the structural measures would reduce the effective volume of available floodplain for floodwaters, the structural measures would not affect any natural floodplains.

**10(a) Agency Jurisdiction.** The DCR Division of Dam Safety and Floodplain Management is the lead coordinating agency for the Commonwealth's floodplain management program and the National Flood Insurance Program (Executive Order 45). The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community's local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (shaded Zone X).

**10(b) DGS- Department of Engineering and Buildings (DEB) Comments.** DGS DEB notes that the proposed project in the Metropolitan Washington, DC area affects multiple localities in Virginia. Floodwalls are proposed in Arlington County and Fairfax County. In a February 2022 report by the Army Corps of Engineers, ownership of affected properties is listed as Federal, private, local county entities. Construction on any State owned properties would be governed by Executive Order 45 (2019). Because there is no planned building construction, a variance from the Director of DGS is not required. However, any development on State-owned properties requires compliance with local floodplain management ordinances. DGS-DEB takes no exception to the construction of floodwalls as proposed.

**10(c) Requirement.** Projects conducted by federal agencies within the Special Flood Hazard Area must comply with federal Executive Order 11988: Floodplain Management.



For federal projects, the applicant/developer is encouraged to reach out to the local floodplain administrator and comply with the community's local floodplain ordinance.

**11. Historic and Archeological Resources.** The Draft EA (page 138) notes that the Corps evaluated the direct and indirect effects to cultural resources for the proposed alternatives.

**11(a) Agency Jurisdiction.** The Department of Historic Resources (DHR) conducts reviews of projects to determine their effect on historic structures or cultural resources under its jurisdiction. DHR, as the designated State's Historic Preservation Office, ensures that federal actions comply with Section 106 of the National Historic Preservation Act of 1962 (NHPA), as amended, and its implementing regulation at 36 CFR Part 800. The NHPA requires federal agencies to consider the effects of federal projects on properties that are listed or eligible for listing on the National Register of Historic Places. Section 106 also applies if there are any federal involvements, such as licenses, permits, approvals or funding. DHR also provides comments to DEQ through the state environmental impact report review process.

**11(b) Agency Finding.** DHR has been in consultation with the U.S. Army Corps of Engineers regarding this project.

**11(c) Requirement.** DHR requests that the Corps continue to consult directly with DHR, as necessary, pursuant to Section 106 of the National Historic Preservation Act (as amended) and its implementing regulations codified at 36 CFR Part 800 which require Federal agencies to consider the effects of their undertakings on historic properties.

**12. Pollution Prevention.** DEQ advocates that principles of pollution prevention and sustainability be used in all construction projects as well as in operations. Effective siting, planning, and on-site BMPs will help to ensure that environmental impacts are minimized. However, pollution prevention and sustainability techniques also include decisions related to construction materials, design, and operational procedures that will facilitate the reduction of wastes at the source.

**12(a) Recommendations.** We have several pollution prevention recommendations that may be helpful in the implementation of this project:

- Consider environmental attributes when purchasing materials. For example, the extent of recycled material content, toxicity level, and amount of packaging should be considered and can be specified in purchasing contracts.
- Consider contractors' commitment to the environment when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.

DEQ's Office of Pollution Prevention provides information and technical assistance

relating to pollution prevention techniques and EMS. For more information, contact DEQ's Office of Pollution Prevention, Meghann Quinn at (804) 774-9076.

**13. Public Water Supply.** The EA does not indicate that public water supplies will be affected.

**13(a) Agency Jurisdiction.** The Virginia Department of Health (VDH) Office of Drinking Water reviews projects for the potential to impact public drinking water sources (groundwater wells, springs and surface water intakes). VDH administers both federal and state laws governing waterworks operation.

**13(b) Agency Findings.** VDH ODW reviewed the project and determined that there are no apparent impacts to public drinking water sources due to this project.

**13(c) Requirement.** Potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility.

**14. Aviation.** The DEA (page 6) states that one of the problems identified in the study area includes critical infrastructure disruption resulting from storm surge inundation caused by coastal storms, including to aviation properties. Runways are essential components of the infrastructure system at any airport. Staff at Reagan National Airport indicated that regulations would prohibit the use of any runway if any portion were inundated. At Reagan National Airport, runways are among the first infrastructure components to be flooded (page 80). One of the goals of the project is to reduce risk to critical infrastructure through structural features including levees and floodwalls. Alternative 4b proposes raising the perimeter road of Reagan National Airport to be an earthen levee topped with heavy duty pavement. In two areas where there is limited land available to raise the road (along the water's edge south of the airport and along the GWMP), a floodwall is proposed in lieu of an earthen levee. Stop log closures would be used at the end of the runways to avoid impacts to airport operations (page 105).

**14(a) Agency Jurisdiction.** The Virginia Department of Aviation is a state agency that plans for the development of the state aviation system; promotes aviation; grants aircraft and airports licenses; and provides financial and technical assistance to cities, towns, counties and other governmental subdivisions for the planning, development, construction and operation of airports, and other aviation facilities.

**14(b) Agency Findings.** The Virginia Department of Aviation has reviewed the document and believes that, when developed, the projects will help provide resilience, allow for a safer, more secure airport, and contribute to the overall utility of Ronald Reagan Washington National Airport.

## **15. Locality Comments.**

**15(a) Agency Jurisdiction.** In accordance with CFR 930, Subpart A, § 930.6(b) of the *Federal Consistency Regulations*, DEQ, on behalf of the state, is responsible for

securing necessary review and comment from other state agencies, the public, regional government agencies, and local government agencies, in determining the Commonwealth's concurrence or objection to a federal consistency determination.

**15(b) Fairfax County Comments.** The Fairfax County Department of Planning and Development Review Branch indicated that it will provide comments directly to the Corps.

**15(c) City of Alexandria Comments.** The City of Alexandria notes that the current Feasibility Study does not include any flood control projects with the City of Alexandria, and therefore the City has no comments.

The City does have questions about the potential impact of the proposed Arlington Water Pollution Control Plant (WPCP) Floodwall may have on City properties located south of Four Mile Run, and will await the submittal of the modeling effort to comment on those potential impacts.

## **REGULATORY AND COORDINATION NEEDS**

**1. Surface Waters and Wetlands.** Contact DEQ NRO (Christoph Quanse, VWP Permit Manager, 571-719-0843) to discuss the need for a VWP permit for this project. The VMRC is the clearinghouse for JPAs and it will distribute the application to participating agencies; contact VMRC (Mark Eversole, 757-247-8028) with questions regarding the JPA review process.

Upon receipt of a Joint Permit Application for the proposed surface water impacts, DEQ VWP Permit staff will review the proposed project in accordance with the VWP permit program regulations and current VWP permit program guidance. Coordinate with the DEQ NRO VWP Permit program manager with questions regarding VWP permitting requirements.

Coordinate with VMRC (Mark Eversole, 757-247-8028) with questions regarding the need for tidal wetlands permits from the Fairfax County Wetlands Board and VMRC.

**2. Subaqueous Lands.** Coordinate with VMRC (Mark Eversole, 757-247-8028) with questions regarding the required subaqueous lands permits from VMRC or with questions about the JPA process.

### **3. Erosion and Sediment Control and Stormwater Management.**

**3(a) Erosion and Sediment Control and Stormwater Management.** This project must comply with Virginia's *Erosion and Sediment Control Law* (Virginia Code § 62.1-44.15:61) and *Regulations* (9 VAC 25-840-30 *et seq.*) and *Stormwater Management Law* (Virginia Code § 62.1-44.15:31) and *Regulations* (9 VAC 25-870-210 *et seq.*) as administered by DEQ. Activities that disturb equal to or greater than 10,000 square feet (2,500 square feet in a Chesapeake Bay Preservation Area) would be regulated by

*VESCL&R* and *VSWML&R*. Erosion and sediment control, and stormwater management requirements should be coordinated with the DEQ Northern Regional Office (Mark Remsberg, 703-583-3874).

**3(b) Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities (VAR10).** For projects involving land-disturbing activities of equal to or greater than one acre the project owner is required to register for coverage under the Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities (9 VAC 25-870-1 *et seq.*). Specific questions regarding the Stormwater Management Program requirements should be directed to DEQ, Mark Remsberg (703-583-3874).

**4. Point Source Water Pollution.** Coordinate with the DEQ NRO Water Permitting Program (Edward Stuart, 571-866-6184) for questions about the VAG83 permit applicability.

**5. Chesapeake Bay Preservation Areas.** The project must be consistent with the Chesapeake Bay Preservation Act (VA Code §62.1-44.15:67 *et seq.*) and the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830 *et seq.*). For more information regarding the requirements, contact DEQ (Daniel Moore, 804-774-9577).

**6. Air Quality Regulations.** Activities associated with this project may be subject to air regulations administered by DEQ. The state air pollution regulations that may apply to the construction phase of the project are:

- fugitive dust and emissions control (9VAC5-50-60 *et seq.*);
- open burning (9VAC5-130 *et seq.*);
- asphalt paving operations (9VAC5-45-760 *et seq.*); and
- permits for fuel-burning equipment (9VAC5-80-1100 *et seq.*).

For additional information and coordination, contact DEQ NRO, David Hartshorn at 571-408-1778.

**7. Solid and Hazardous Wastes.** All solid waste, hazardous waste, and hazardous materials must be managed in accordance with all applicable federal, state, and local environmental regulations. For additional information concerning location and availability of suitable waste management facilities in the project area or if free product, discolored soils, or other evidence of contaminated soils are encountered, contact DEQ NRO, Richard Doucette at 571-866-6063.

**7(a) Asbestos-Containing Material.** It is the responsibility of the owner or operator of a renovation or demolition activity, prior to the commencement of the renovation or demolition, to thoroughly inspect the affected part of the facility where the operation will occur for the presence of asbestos, including Category I and Category II nonfriable

asbestos-containing material (as applicable). Upon classification as friable or non-friable, all asbestos-containing material shall be disposed of in accordance with the Virginia Solid Waste Management Regulations (9VAC20-81-640) and transported in accordance with the Virginia regulations governing Transportation of Hazardous Materials (9VAC20-110-10 *et seq.*). Contact the DEQ Division of Land Protection and Revitalization (Carlos Martinez at 804- 350-9962) and the Department of Labor and Industry (Richard Wiggins, 540-562-3580 Ext. (b) (6) for additional information.

**7(b) Lead-Based Paint.** If applicable, this project must comply with the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) regulations and with the Virginia Lead-Based Paint Activities Rules and Regulations. For additional information regarding these requirements, contact the Department of Professional and Occupational Regulation (804-367-8500).

**7(c) Petroleum Release.** If evidence of a petroleum release is discovered during implementation of this project, it must be reported to DEQ in accordance with Virginia Code §62.1-44.34.8 through 19 and 9 VAC 25-580-10 *et seq.* Contact DEQ NRO, Richard Doucette at 571-866-6063, for additional information and coordination.

**8. Natural Heritage Resources.** Contact DCR-DNH, Rene Hypes at (804) 371-2708, to secure updated information on natural heritage resources if the scope of the project changes and/or six months has passed before the project is implemented, since new and updated information is continually added to the Biotics Data System.

**9. Floodplain Management.** The Corps should reach out to the local floodplain administrator for an official floodplain determination and comply with the local floodplain ordinance.

To find flood zone information, use the Virginia Flood Risk Information System (VFRIS): [www.dcr.virginia.gov/vfris](http://www.dcr.virginia.gov/vfris)

To find community NFIP participation and local floodplain administrator contact information, use DCR's Local Floodplain Management Directory: [www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory](http://www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory)

**10. Historic Resources.** The Corps must continue to consult directly with DHR (Sam Henderson, (b) (6) ), as necessary, pursuant to Section 106 of the National Historic Preservation Act (as amended) and its implementing regulations codified at 36 CFR Part 800 which require Federal agencies to consider the effects of their undertakings on historic properties.

Thank you for the opportunity to review and respond to the Draft Environmental Assessment and Federal Consistency Determination for the Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study. Detailed comments of reviewing agencies are attached for your review. Please contact me at (804) 659-1915 or Janine Howard at (804) 659-1916 for clarification of these comments.

Sincerely,

A black rectangular redaction box covering the signature, with the text "(b) (6)" written in red inside the box.

Bettina Rayfield, Program Manager  
Environmental Impact Review

Ec: Amy Ewing, DWR  
Robbie Rhur, DCR  
Arlene Warren, VDH  
Roger Kirchen, DHR  
Tiffany Birge, VMRC  
Heather Williams, VDOT  
Rusty Harrington, DOAV  
Fred Kirby, DGS  
Denise James, Fairfax County  
Mark Schwartz, Arlington County  
James Parajon, City of Alexandria  
Elijah Johnson, Prince William County  
Robert Lazaro, Northern Virginia Regional Commission



# COMMONWEALTH of VIRGINIA

*Marine Resources Commission  
380 Fenwick Road  
Bldg 96  
Fort Monroe, VA 23651-1064*

Jamie L. Green  
Commissioner

June 30, 2022

Department of Environmental Quality  
Attn: Janine Howard  
1111 East Main St.  
Richmond, VA 23219

Re: Metropolitan Washington District of Columbia Coastal  
Storm Risk Management Feasibility Study, DEQ#22-084F

Dear Ms. Howard,

This will respond to the request for comments regarding the Federal Consistency Determination for the Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study (DEQ #22-084F), prepared by the US Army Corps of Engineers, Baltimore Division (ACOE). Specifically, the ACOE has proposed construction, operation and maintenance of two primary floodwalls for the purpose of storm risk management. The proposed construction includes a 6,725 linear foot (LF) concrete floodwall and earthen levee at the Bell Haven site and a 1,160 LF concrete floodwall along the Arlington Water Pollution Control Plant. Associated culvert crossings at both proposed site locations will involve permanent fill impacts totaling 7,110 square feet (SF). The project is located in Arlington and Fairfax Counties, Virginia.

Please be advised that the Virginia Marine Resources Commission (VMRC) pursuant to Chapters 12, 13, and 14 of Title 28.2 of the Code of Virginia administers permits required for submerged lands, tidal wetlands, and beaches and dunes. Additionally, the VMRC administers the enforceable policies of fisheries management, subaqueous lands, tidal wetlands, and coastal primary sand dunes and beaches, which comprise some of Virginia's Coastal Zone Management Program. VMRC staff has reviewed the submittal and offers the following comments:

**Fisheries and Shellfish:** The applicant will implement all practicable best management practices to limit temporary turbidity impacts at the culvert construction and permanent fill sites.

**Submerged Lands:** As proposed, the project will result in a total of 7,110 SF of permanent fill of state-owned bottoms in association with culvert crossing construction. A permit from VMRC will be required for this proposed encroachment over jurisdictional subaqueous bottom.

**Tidal Wetlands:** Impacts are proposed to tidal wetlands adjacent to the project sites. Therefore, a permit may be required from the Fairfax County Wetlands Board for impacts associated with Belle Haven and Four Mile Run, and from VMRC for impacts associated with the Arlington Water Pollution Control Plant.

*An Agency of the Natural Resources Secretariat*  
[www.mrc.virginia.gov](http://www.mrc.virginia.gov)

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

Department of Environmental Quality  
June 30, 2022  
Page Two

Beaches and Coastal Primary Sand Dunes: None in close proximity to the project area.

As proposed, we have no objection to the consistency findings provided by the applicant. Should the proposed project change, a new review by this agency may be required relative to these jurisdictional areas.

Please contact me at (757) 247-8028 or by email at (b) (6) if you have questions. Thank you for the opportunity to comment.

Sincerely,

(b) (6)

Mark Eversole  
Environmental Engineer, Habitat Management

ME/al  
HM



**DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF AIR PROGRAM COORDINATION**

**ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY**

**TO: Janine Howard**

We thank **OEIR** for providing DEQ-AIR an opportunity to review the following project:  
Accordingly, I am providing following comments for consideration.

**Document Type: Draft Environmental Assessment/Federal Consistency Determination**

**Project Sponsor: Army Corps of Engineers**

**Project Title: Metropolitan Washington District of Columbia Coastal Storm Risk  
Management Feasibility Study**

**Location: Arlington County, Fairfax County, City of Alexandria, Prince William County**

**Project Number: DEQ #22-084F**

**PROJECT LOCATION:                   X OZONE NON ATTAINMENT  
AND EMISSION CONTROL AREA FOR NOX & VOC**

**REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: X MANAGEMENT  
STUDY  
 OPERATION**

**STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:**

1.  9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E – STAGE I
2.  9 VAC 5-45-760 et seq. – Asphalt Paving operations
3. **X 9 VAC 5-130 et seq. – Open Burning**
4. **X 9 VAC 5-50-60 et seq. Fugitive Dust Emissions**
5.  9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to \_\_\_\_\_
6.  9 VAC 5-60-300 et seq. – Standards of Performance for Toxic Pollutants
7.  9 VAC 5-50-400 Subpart \_\_\_\_\_, Standards of Performance for New Stationary Sources, designates standards of performance for the \_\_\_\_\_
8.  9 VAC 5-80-1100 et seq. of the regulations – Permits for Stationary Sources
9.  9 VAC 5-80-1605 et seq. Of the regulations – Major or Modified Sources located in PSD areas. This rule may be applicable to the \_\_\_\_\_
10.  9 VAC 5-80-2000 et seq. of the regulations – New and modified sources located in non-attainment areas
11.  9 VAC 5-80-800 et seq. Of the regulations – State Operating Permits. This rule may be applicable to \_\_\_\_\_

**COMMENTS SPECIFIC TO THE PROJECT:**

**Implementation of the project reveals large volume construction work. During such construction, in addition to all precautions are necessary to restrict the emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>), besides conforming to above highlighted state regulations.**

**(b) (6)**

**(Kotur S. Narasimhan)  
Office of Air Data Analysis**

**DATE: June 3, 2022**

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**RE: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F**

1 message

Mon, Jul 11, 2022 at 11:11 AM

(b) (6)  
To: (b) (6)  
Cc: (b) (6)  
(b) (6)

Good morning Janine,

Given that the current Feasibility Study does not include any flood control projects with the City of Alexandria, the City has no comments on FCD in Appendix G "Environmental Appendix". The City does have questions about the potential impact of the proposed Arlington WPCP Floodwall may have on City properties located south of Four Mile Run, and will await the submittal of the modeling effort to comment on those potential impacts.

Thanks,

Jesse

Jesse E. Maines, MPA, PMP

Division Chief

T&ES, Stormwater Management

Direct: (b) (6)

Mobile: (b) (6)

Main: 703.746.6499

From: (b) (6)

Sent Tuesday, July 5, 2022 12:28 PM

To: (b) (6)

Cc: (b) (6)



**COMMONWEALTH of VIRGINIA**  
DEPARTMENT OF CONSERVATION AND RECREATION

Darryl Glover  
Deputy Director for  
Dam Safety,  
Floodplain Management and  
Soil and Water Conservation

Laura Ellis  
Interim Deputy Director for  
Administration and Finance

**MEMORANDUM**

DATE: July 6, 2022  
TO: Janine Howard  
FROM: Kristal McKelvey, Environmental Impact Review Coordinator  
SUBJECT: **DEQ 22-084F, Metro DC Coastal Storm Risk Management Feasibility Study-Tentatively Selected Plan**

Division of Planning and Recreation Resources

The Department of Conservation and Recreation (DCR), Division of Planning and Recreational Resources (PRR), develops the *Virginia Outdoors Plan* and coordinates a broad range of recreational and environmental programs throughout Virginia. These include the Virginia Scenic Rivers program; Trails, Greenways, and Blueways; Virginia State Park Master Planning and State Park Design and Construction. PRR also administers the Land & Water Conservation Fund (LWCF) program in Virginia.

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

**Bell Haven Floodwall**

Biotics documents the presence of natural heritage resources within the project boundary including a 100ft buffer. However, due to the scope of the activity we do not anticipate that this project will adversely impact these natural heritage resources.

**Bell Haven Staging Area**

According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100 foot buffer. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. In addition, the project boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

**Arlington Water Pollution Control Plant Floodwall and Staging Area**

According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100 foot buffer. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage

resources. In addition, the project boundary does not intersect any of the predictive models identifying potential habitat for natural heritage resources.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The Virginia Department of Wildlife Resources (VDWR) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Amy Martin at (804-367-2211) or (b) (6)

#### Division of State Parks

DCR's Division of State Parks is responsible for acquiring and managing, state parks. Park development and master planning are managed by the Division of Planning and Recreation Resources. Master plans are required prior to a parks opening and are updated every ten years (Virginia Code § 10.1-200 *et seq.*).

#### Division of Dam Safety and Floodplain Management

##### Dam Safety Program:

The Dam Safety program was established to provide proper and safe design, construction, operation and maintenance of dams to protect public safety. Authority is bestowed upon the program according to *The Virginia Dam Safety Act*, Article 2, Chapter 6, Title 10.1 (10.1-604 *et seq*) of the Code of Virginia and Dam Safety Impounding Structure Regulations (Dam Safety Regulations), established and published by the Virginia Soil and Water Conservation Board (VSWCB).

##### Floodplain Management Program:

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community's local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (Shaded X Zone).

All development within a Special Flood Hazard Area (SFHA), as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance.

##### State Agency Projects Only

[Executive Order 45](#), signed by Governor Northam and effective on November 15, 2019, establishes mandatory standards for development of state-owned properties in Flood-Prone Areas, which include

Special Flood Hazard Areas, Shaded X Zones, and the Sea Level Rise Inundation Area. These standards shall apply to all state agencies.

1. Development in Special Flood Hazard Areas and Shaded X Zones
  - A. All development, including buildings, on state-owned property shall comply with the locally-adopted floodplain management ordinance of the community in which the state-owned property is located and any flood-related standards identified in the Virginia Uniform Statewide Building Code.
  - B. If any state-owned property is located in a community that does not participate in the NFIP, all development, including buildings, on such state-owned property shall comply with the NFIP requirements as defined in 44 CFR §§ 60.3, 60.4, and 60.5 and any flood-related standards identified in the Virginia Uniform Statewide Building Code.
    - (1) These projects shall be submitted to the Department of General Services (DGS), for review and approval.
    - (2) DGS shall not approve any project until the State NFIP Coordinator has reviewed and approved the application for NFIP compliance.
    - (3) DGS shall provide a written determination on project requests to the applicant and the State NFIP Coordinator. The State NFIP Coordinator shall maintain all documentation associated with the project in perpetuity.
  - C. No new state-owned buildings, or buildings constructed on state-owned property, shall be constructed, reconstructed, purchased, or acquired by the Commonwealth within a Special Flood Hazard Area or Shaded X Zone in any community unless a variance is granted by the Director of DGS, as outlined in this Order.

The following definitions are from Executive Order 45:

*Development for NFIP purposes is defined in 44 CFR § 59.1 as “Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.”*

*The Special Flood Hazard Area may also be referred to as the 1% annual chance floodplain or the 100-year floodplain, as identified on the effective Flood Insurance Rate Map and Flood Insurance Study. This includes the following flood zones: A, AO, AH, AE, A99, AR, AR/AE, AR/AO, AR/AH, AR/A, VO, VE, or V.*

*The Shaded X Zone may also be referred to as the 0.2% annual chance floodplain or the 500-year floodplain, as identified on the effective Flood Insurance Rate Map and Flood Insurance Study.*

*The Sea Level Rise Inundation Area referenced in this Order shall be mapped based on the National Oceanic and Atmospheric Administration Intermediate-High scenario curve for 2100, last updated in 2017, and is intended to denote the maximum inland boundary of anticipated sea level rise.*

*“State agency” shall mean all entities in the executive branch, including agencies, offices, authorities, commissions, departments, and all institutions of higher education.*

*“Reconstructed” means a building that has been substantially damaged or substantially improved, as defined by the NFIP and the Virginia Uniform Statewide Building Code.*

#### Federal Agency Projects Only

Projects conducted by federal agencies within the SFHA must comply with federal Executive Order 11988: Floodplain Management.

DCR's Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant/developer must reach out to the local floodplain administrator for an official floodplain determination and comply with the community's local floodplain ordinance, including receiving a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality. For state projects, DCR recommends that compliance documentation be provided prior to the project being funded. For federal projects, the applicant/developer is encouraged reach out to the local floodplain administrator and comply with the community's local floodplain ordinance.

To find flood zone information, use the Virginia Flood Risk Information System (VFRIS):

[www.dcr.virginia.gov/vfris](http://www.dcr.virginia.gov/vfris)

To find community NFIP participation and local floodplain administrator contact information, use DCR's Local Floodplain Management Directory: [www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory](http://www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory)

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

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**2022-06-07 ACOE Coastal Storm Risk Management, DEQ 22-084F**

1 message

Tue, Jun 7, 2022 at 3:25 PM

(b) (6)

To: (b) (6)

Cc: (b) (6)

Dear Janine,

Thank you for the opportunity to review the EIR for the Metropolitan Washington, DC Coastal Storm Risk Management Feasibility Study, DEQ #22-084F.

The proposed project in the Metropolitan Washington, DC area affects multiple localities in Virginia. Floodwalls are proposed in Arlington County and Fairfax County. In a February 2022 report by the Army Corps of Engineers, ownership of affected properties are listed as Federal, private, local county entities. Construction on any State owned properties would be governed by Executive Order 45 (2019). Because there is no planned building construction, a variance from the Director of DGS is not required. However any development on State owned properties requires compliance with local floodplain management ordinances. DGS-DEB takes no exception to the construction of floodwalls as proposed.

Blessings,

**Fred S. Kirby, P.E.**

State Review Civil/Structural Engineer

Division of Engineering &amp; Buildings

Department of General Services

Office: 804.371.8842 | Fax: (b) (6)

[1100 Bank St., Suite 600, Richmond, VA 23219](#)[Webpage](#) | [Newsletter](#)

----- Forwarded message -----

From: (b) (6)

Date: Wed, Jun 1, 2022 at 3:47 PM

Subject: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F

To: (b) (6)

(b) (6)

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**Fwd: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F**

1 me age

(b) (6)  
To: (b) (6)

Wed, Jun 22, 2022 at 10:56 AM

Dear Ms. Howard:

Thank you for requesting comments from the Department of Historic Resources (DHR) on this project. DHR has been in consultation with the *US Army Corps of Engineers (Corps)* regarding this project. We request that the *Corps* continue to consult directly with DHR, as necessary, pursuant to Section 106 of the National Historic Preservation Act (as amended) and its implementing regulations codified at 36 CFR Part 800 which require Federal agencies to consider the effects of their undertakings on historic properties.

Regards,  
Regards,  
Sam Henderson, Archaeologist  
Division of Review and Compliance

----- Forwarded message -----

From (b) (6)  
Date: Wed, Jun 1, 2022 at 3:47 PM  
Subject: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F  
To: (b) (6)

(b) (6)  
Cc (b) (6)

Good afternoon this is a **new** OEIR review request/project:

**Document Type:** Draft Environmental Assessment/Federal Consistency Determination  
**Project Sponsor:** Army Corps of Engineers  
**Project Title:** Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study  
**Location:** Arlington County, Fairfax County, City of Alexandria, Prince William County  
**Project Number:** DEQ #22-084F

The document is available at <https://public.deq.virginia.gov/OEIR/> in the **ACOE** folder.

The due date for comments is **JULY 1, 2022**. You can send your comments either directly to JANINE HOWARD by email (b) (6), or you can send your comments by regular interagency/U.S. mail to the Department of Environmental Quality, Office of Environmental Impact Review, P.O. Box 1105, Richmond, VA 23218.



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**DEQ #22-084F**

1 message

(b) (6)  
to: (b) (6)

Tue, Jul 5, 2022 at 12:39 PM

Good Afternoon, Janine

Thank you for requesting our comments regarding the US Army Corps of Engineers, Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study, Project Number #22-084F.

The Virginia Department of Aviation has reviewed the document and based upon our review, the Department believes that when developed, the projects will help provide resilience, allow for a safer, more secure airport, and contribute to the overall utility of Ronald Reagan Washington National Airport. The Department is also aware that there is further study forthcoming and would like to offer further comment on that study as appropriate.

The Department appreciates the consideration you have given to us by requesting our comments on this project. Please do not hesitate to contact me should you have any questions or require further assistance regarding the Department's review of the project.

--

R.N. (Rusty) Harrington, MBA  
Manager, Planning and Environmental Section  
Virginia Department of Aviation  
[5702 Gulfstream Road](#)  
[Richmond, Virginia 23250](#)  
(804) 236-3522

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**RE: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F**

1 message

(b) (6)

Tue, Jul 5, 2022 at 8:42 AM

To: (b) (6)

Cc: (b) (6)

(b) (6)

Janine – I wanted to let you know that the ACOE extended the deadline for comments to July 31, 2022. We will be providing comments directly to them and our Department of Public Works and Environmental Services is taking the lead on preparing Fairfax County's response.

Thanks,

Kelly

Kelly M. Atkinson, AICP (she/her/hers)

Branch Chief, Environment and Development Review Branch

Fairfax County Department of Planning and Development

[12055 Government Center Parkway, 7<sup>th</sup> Floor](#)

Fairfax, VA 22035

(703) 324 1380 (Main)

(b) (6)

*\*\*Note My working hours may not be the same as your working hours Please do not feel obligated to reply outside of your current work schedule.\*\**



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From: (b) (6)

Sent: Tuesday, July 5, 2022 6:47 AM

To: (b) (6)

Cc: (b) (6)

Subject: Re: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F



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## MEMORANDUM

TO: Janine Howard, DEQ/EIR Environmental Program Planner

FROM: Carlos A. Martinez, Division of Land Protection & Revitalization Review Coordinator

DATE: June 28, 2022

COPIES: Sanjay Thirunagari, Division of Land Protection & Revitalization Review Manager; file

SUBJECT: Environmental Impact Review: 22-084F Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study in Arlington, Fairfax, and Prince William Counties, and the City of Alexandria, Virginia.

The Division of Land Protection & Revitalization (DLPR) has completed its review of the Army Corps of Engineers' June 1, 2022 EIR for Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study in Arlington, Fairfax, and Prince William Counties, and the City of Alexandria, Virginia.

DLPR staff recommends a search (at least 200 ft. radius) of any land-based project areas using the following solid and hazardous waste databases to identify waste sites (including petroleum releases) in close proximity to those project areas:

- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:
  - [www.epa.gov/superfund/sites/cursites/index.htm](http://www.epa.gov/superfund/sites/cursites/index.htm)
- DEQ Online Database: Virginia Environmental Geographic Information Systems Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:

- [www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx](http://www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx)

## **PROJECT SPECIFIC COMMENTS**

None

## **GENERAL COMMENTS**

### **Soil, Sediment, Groundwater, and Waste Management**

Any soil, sediment or groundwater that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-81); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Part 107.

### **Asbestos and/or Lead-based Paint**

Any structures being demolished/renovated/removed should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-81-620 for ACM and 9VAC 20-60-261 for LBP must be followed. Questions may be directed to the waste compliance staff at the appropriate DEQ's Regional Office.

### **Pollution Prevention – Reuse - Recycling**

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

If you have any questions or need further information, please contact Carlos A. Martinez by phone at (804) 350-9962 or email [\(b\) \(6\)](mailto:(b) (6)@deq.virginia.gov)



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Travis A. Voyles  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director  
(804) 698-4020

**MEMORANDUM**

**TO:** Janine Howard, DEQ Office of Environmental Impact Review

**FROM:** Daniel Moore, DEQ Principal Environmental Planner

**DATE:** June 3, 2022

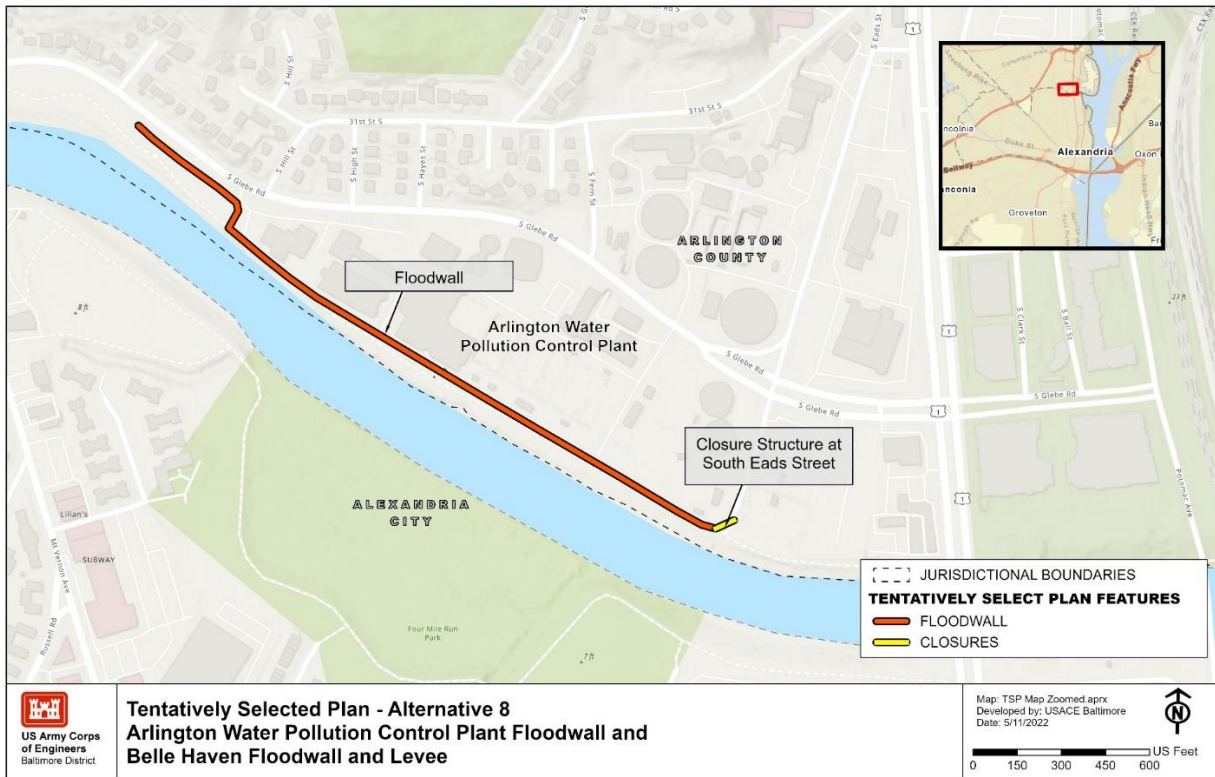
**SUBJECT:** DEQ #22-084F – US ACOE and Metro Washington Council of Governments:  
District of Columbia Coastal Storm Risk Management Feasibility Study, City of  
Alexandria and Arlington, Fairfax and Prince William Counties

We have reviewed the Federal Consistency Determination for the proposed feasibility study and flood control infrastructure project and offer the following comments regarding consistency with the provisions of the Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations):

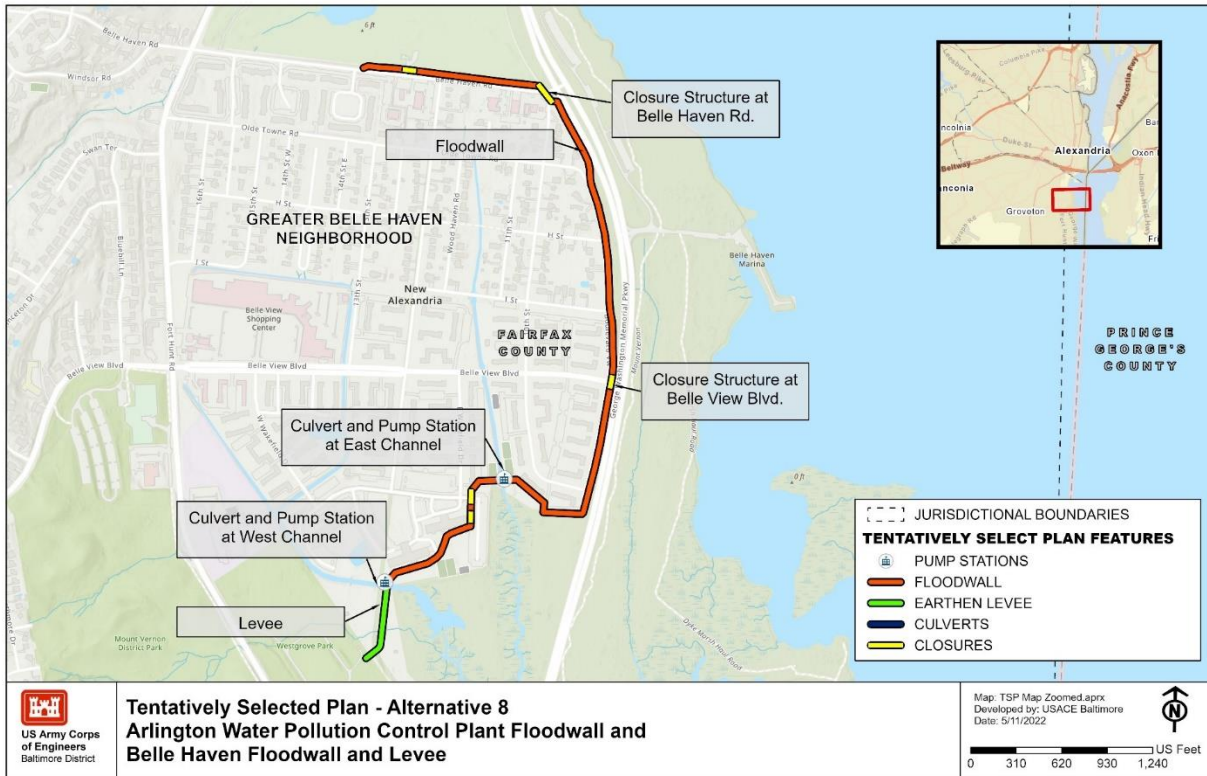
In the City of Alexandria and in Arlington, Fairfax and Prince William Counties, the areas protected by the *Chesapeake Bay Preservation Act* (CBPA), as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) as designated by each of the four local governments. RPAs include tidal wetlands, certain non-tidal wetlands, tidal shores, and a 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow. All lands within the City of Alexandria and Arlington, Fairfax and Prince William Counties not located within the RPA are designated as RMA. Resource Management Areas require less stringent performance criteria than RPAs.

The submitted Draft Integrated Feasibility Report and Environmental Assessment (IFR/EA) evaluates the feasibility of federal participation in the “implementation of solutions to reduce long-term coastal flooding risks to vulnerable populations, properties, infrastructure and environmental and cultural resources considering future climate and sea level change scenarios to support resilient communities in Northern Virginia within the Middle Potomac River watershed.”

At the Arlington Water Pollution Control Plant (WPCP), a proposed floodwall would be constructed along the left bank of Four Mile Run between Four Mile Run and the Arlington WPCP. The proposed floodwall would tie into the bank to the east just past South Eads Street. The floodwall would wrap around the Arlington WPCP to the west where a stop log closure structure is located along South Glebe Road. (See map below.)



At Belle Haven, a proposed floodwall would be constructed just north of Belle Haven Road from Barrister Place to 10<sup>th</sup> Street with a closure structure at 10<sup>th</sup> Street and at the George Washington Memorial Parkway (GWMP). Closure structures would be constructed along Belle Haven Road and Belle View Boulevard. The floodwall would tie into the closure structure at 10<sup>th</sup> Street and run south along the west side of the GWMP, curving around Belle View Boulevard to 10<sup>th</sup> Street. The floodwall would then run west to East Wakefield Drive tying into both sides of a closure structure on Potomac Avenue. The floodwall would continue west to West Wakefield Drive and tie into a small portion of earthen levee ending at Westgrove Dog Park. (See map on page 3.)



The submitted IFR/EA shows no evidence that the applicant has considered the impacts of the proposed feasibility study and construction activities on locally-designated CBPA lands in the proposed project areas. While the CZMP Enforceable Policies section of Appendix A3 (pp. 18-22) includes considerations of Tidal & Non-Tidal Wetlands, Subaqueous Lands, Wildlife & Inland Fisheries, Point Source Air Pollution and Non-point Source Water Pollution, there is no mention made (and no analysis of) the CBPA as a CZMA enforceable policy. The proposed study area and the locations of proposed construction activities associated with the proposed floodwalls are both within locally-designated CBPA lands, and are as such subject to the Regulations.

Per 9VAC25-830-110 of the Regulations (Site-specific Refinement of Chesapeake Bay Preservation Area Boundaries), the applicant must confirm that (i) a reliable, site-specific evaluation is conducted to determine whether water bodies on or adjacent to the development site have perennial flow and (ii) RPA boundaries are adjusted, as necessary, on the site, based on this evaluation of the site.

Per 9VAC25-830-140 1 vi of the Regulations (Development Criteria For Resource Protection Areas), land development activities that meet the definition of a flood control or stormwater management facility may be allowed on designated RPA lands if the proposed activities satisfy the conditions set forth in 9VAC25-830-140 1 e, including the following:

- i. that the local government has conclusively established that location of the facility within the RPA is the optimum location;
- ii. the size of the facility is the minimum necessary to provide necessary flood control or stormwater treatment, or both;

- iii. (if applicable) the facility must be consistent with a comprehensive stormwater treatment stormwater management plan developed and approved in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program (VSMP) regulations;
- iv. all applicable permits for construction in state and federal waters must be obtained from the appropriate state and federal agencies, such as the U.S. Army Corps of Engineers, DEQ, and the Virginia Marine Resources Commission;
- v. approval must be received from the local government prior to construction; and
- vi. routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed.

Per 9VAC25-830-140 6, a Water Quality Impact Assessment (WQIA) shall be required for any proposed development within the RPA and for any other development in CBPAs that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.

The proposed project must also adhere to (i) regulations promulgated pursuant to the Erosion and Sediment Control Law and the Virginia Stormwater Management Act; (ii) an erosion and sediment control plan and a stormwater management plan approved by the Department of Environmental Quality; or (iii) local water quality protection criteria at least as stringent as the above state requirements. To the degree possible and where applicable, the staging of equipment and supplies associated with all proposed land disturbing and land development activities should be outside of the RPA.

Provided adherence to the above requirements, the proposed activity would be consistent with the *Chesapeake Bay Preservation Act* and the Regulations.



**Fwd: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F**

1 me age

Fri, Jun 24, 2022 at 3:46 PM

(b) (6)  
To: (b) (6)

Northern Regional Office comments regarding the environmental assessment request for, *ACOE Coastal Storm Risk Management DEQ 22 084F* are as follows

**Land Protection Division** – The project manager is reminded that if any solid or hazardous waste is generated/encountered during construction, the project manager would follow applicable federal, state, and local regulations for their disposal. For additional Land Protection/Waste questions, please contact the regional waste program manager Richard Doucette at 571.866.6063 or (b) (6)

**Air Compliance/Permitting** The project manager is reminded that during the construction phase that occur with this project; the project is subject to the Fugitive Dust/Fugitive Emissions Rule 9 VAC 5-50-60 through 9 VAC 5-50-120. In addition, should any open burning or use of special incineration devices be employed in the disposal of land clearing debris during demolition and construction, the operation would be subject to the Open Burning Regulation 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100. For additional air question please contact the regional air compliance manager David Hartshorn at 571.408.1778 or (b) (6)

**Virginia Water Protection Permit (VWPP) Program** – The project manager is reminded that a VWP permit from DEQ may be required should impact to surface water be necessary. Measure should be taken to avoid and minimize impacts to surface waters and wetlands during construction activities. The disturbance of surface waters or wetlands may require prior approval by DEQ and/or the U.S. Army Corps of Engineers. The Army Corps of Engineers is the authority for an official confirmation of whether there are federal jurisdictional waters, including wetlands, which may be impacted by the proposed project. DEQ may confirm additional water jurisdictional beyond those under federal authority. Review of National Wetland Inventory maps or topographic maps for locating wetlands or streams may not be sufficient; there may need to be a site-specific review of the site by a qualified professional. Even if there will be no intentional placement of fill material in jurisdictional waters, potential water quality impacts resulting from construction site surface runoff must be minimized. This can be achieved by using Best Management Practice (BMPs). If construction activities will occur in or along any streams (perennial, intermittent, or ephemeral), open water or wetlands, the applicant should contact DEQ-NRO VWPP staff to determine the need for any permits prior to commencing work that could impact surface waters or wetlands. Upon receipt of a Joint Permit Application for the proposed surface water impact, DEQ VWP Permit staff will review the proposed project in accordance with the VWP permit program regulations and current VWP permit program guidance. VWPP staff reserve the right to provide comment upon receipt of a permit application requesting authorization to impact state surface waters, and at such time that a wetland delineation has been conducted and associated jurisdiction determination made by the U.S. Army Corp of Engineer. For additional water protection question please contact the regional water protection program manager Christoph Quansej at 571.719.0843 or (b) (6)

**Erosion and Sediment Control, Storm Water Management** – DEQ has regulatory authority for the Virginia Pollutant Discharge Elimination System (VPDES) program related to municipal separate storm sewer system (MS4) and construction activities. Erosion and sediment control measures are addressed in local ordinances and State regulations. Additional information is available at <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement.aspx>. Non-point source pollution resulting from this project should be minimized by using effective erosion and sediment control practice and structure. Consideration should also be given to using

permeable paving for parking areas and walkways where appropriate, and denuded areas should be promptly revegetated following construction work. If the total land disturbance exceeds 10,000 square feet, an erosion and sediment control plan will be required. Some localities also require an E&S plan for disturbances less than 10,000 square feet. A stormwater management plan may also be required. For any land disturbing activities equal to one acre or more, you are required to apply for coverage under the VPDES General Permit for Discharges of Storm Water from Construction Activities. The Virginia Stormwater Management Permit Authority may be DEQ or the locality. For additional storm water construction questions please contact the regional storm water program manager Mark Remsburg at 703.583.3874 or (b) (6).

**Other VPDES Permitting** A construction project may require coverage under the VAG83 permit for discharge from petroleum contaminated sites, groundwater remediation, and hydrostatic tests for any hydrostatics tests on any new piping installed, or for any potential dewatering during construction if petroleum contamination is encountered. For additional water permitting/compliance questions please contact the regional water compliance manager Edward Stuart at 571 866 6184 or (b) (6).

Mark Miller  
Environmental Manager II  
Enforcement/Pollution Response/Environmental Review  
VDEQ NRO  
13901 Crown Ct, Woodbridge, VA 22193  
Main# 703.583.3800; Cell# (b) (6)  
Email: (b) (6)

----- Forwarded message -----

From: (b) (6)  
Date: Wed, Jun 1, 2022 at 3:47 PM  
Subject: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F  
To: (b) (6)

(b) (6)  
Cc: (b) (6)

Good afternoon - this is a **new** OEIR review request/project:

**Document Type:** Draft Environmental Assessment/Federal Consistency Determination  
**Project Sponsor:** Army Corps of Engineers  
**Project Title:** Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study  
**Location:** Arlington County, Fairfax County, City of Alexandria, Prince William County  
**Project Number:** DEQ #22-084F

The document is available at <https://public.deq.virginia.gov/OEIR/> in the ACOE folder.

The due date for comments is **JULY 1, 2022**. You can send your comments either directly to JANINE HOWARD by email (b) (6), or you can send your comments by regular interagency/U.S. mail to the Department of Environmental Quality, Office of Environmental Impact Review, P.O. Box 1105, Richmond, VA 23218.

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**Re: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F**

1 message

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**(b) (6)**

Tue, Jun 7, 2022 at 12:23 PM

To: **(b) (6)**

**(a) Agency Jurisdiction.** The Department of Environmental Quality (DEQ) administers the *Virginia Erosion and Sediment Control Law and Regulations (VESCL&R)* and *Virginia Stormwater Management Law and Regulations (VSWML&R)*.

**(b) Erosion and Sediment Control and Stormwater Management Plans.** The Applicant and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply with *VESCL&R* and *VSWML&R*, including coverage under the general permit for stormwater discharge from construction activities, and other applicable federal nonpoint source pollution mandates (e.g. Clean Water Act-Section 313, federal consistency under the Coastal Zone Management Act). Clearing and grading activities, installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles, and related land-disturbing activities that result in the total land disturbance of equal to or greater than 10,000 square feet (2,500 square feet in Chesapeake Bay Preservation Area) would be regulated by *VESCL&R*. Accordingly, the Applicant must prepare and implement an erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. Land-disturbing activities that result in the total land disturbance of equal to or greater than 1 acre (2,500 square feet in Chesapeake Bay Preservation Area) would be regulated by *VSWML&R*. Accordingly, the Applicant must prepare and implement a Stormwater Management (SWM) plan to ensure compliance with state law and regulations. The ESC/SWM plan is submitted to the DEQ Regional Office that serves the area where the project is located for review for compliance. The Applicant is ultimately responsible for achieving project compliance through oversight of on-site contractors, regular field inspection, prompt action against non-compliant sites, and other mechanisms consistent with agency policy. [Reference: *VESCL 62.1-44.15 et seq.*]

**(c) General Permit for Stormwater Discharges from Construction Activities (VAR10).** DEQ is responsible for the issuance, denial, revocation, termination and enforcement of the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to municipal separate storm sewer systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land disturbing activities under the Virginia Stormwater Management Program.

The owner or operator of projects involving land-disturbing activities of equal to or greater than 1 acre is required to register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific Stormwater Pollution Prevention Plan. Construction activities requiring registration also include land disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will collectively disturb equal to or greater than one acre. The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit and the SWPPP must address water quality and quantity in accordance with the *VSMP Permit Regulations*.

[Reference: Virginia Stormwater Management Act 62.1-44.15 et seq.; VSMP Permit Regulations 9VAC25-880 et seq.]

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**Re: NEW PROJECT ACOE Coastal Storm Risk Management, DEQ 22-084F**

1 me age

(b) (6)  
To: (b) (6)  
Cc: (b) (6)

Wed, Jun 29, 2022 at 10:47 AM

**Project Name: Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study**  
**Project #: 22-084 F**  
**UPC #: N/A**  
**Location: Arlington County, Fairfax County, City of Alexandria, Prince William County**

VDH – Office of Drinking Water has reviewed the above project. Below are our comments as they relate to proximity to **public drinking water sources** (groundwater wells, springs and surface water intakes). Potential impacts to public water distribution systems or sanitary sewage collection systems **must be verified by the local utility.**

There are no public groundwater wells within a 1-mile radius of the project site.

There are no surface water intakes located within a 5-mile radius of the project site.

The project is not within the watershed of any public surface water intakes.

There are no apparent impacts to public drinking water sources due to this project.

*The Virginia Department of Health – Office of Drinking Water appreciates the opportunity to provide comments. If you have any questions, please let me know.*

Best Regards,

Arlene F. Warren  
GIS Program Support Technician  
Virginia Department of Health, Office of Drinking Water  
[109 Governor Street, 6th Floor](#)  
[Richmond, VA 23219](#)  
[804-356-6658 \(office/cell/text\)](#)

On Wed, Jun 1, 2022 at 3:47 PM Fulcher, Valerie (b) (6) wrote:

**Good afternoon - this is a new OEIR review request/project:**

**Document Type: Draft Environmental Assessment/Federal Consistency Determination**  
**Project Sponsor: Army Corps of Engineers**  
**Project Title: Metropolitan Washington District of Columbia Coastal Storm Risk Management Feasibility Study**  
**Location: Arlington County, Fairfax County, City of Alexandria, Prince William County**  
**Project Number: DEQ #22 084F**

The document is available at <https://public.deq.virginia.gov/OEIR/> in the [ACOE](#) folder.