



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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David K. Paylor
Director

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L. Preston Bryant, Jr.
Secretary of Natural Resources

November 27, 2006

Mr. James A. Ashe, PE, CPG
Manager of Environmental Planning & Compliance
WMATA
600 Fifth Street, NW
Washington, D.C. 20001

RE: Federal Consistency Certification Review of the Crystal City/Potomac Yard Transit Improvement Project, Washington Metropolitan Area Transit Authority (WMATA), City of Alexandria and Arlington County, DEQ-06-166F

Dear Mr. Ashe:

The Commonwealth of Virginia has completed its review of the above-mentioned federal consistency certification for the Crystal City/Potomac Yard Transit Improvement Project, by the Washington Metropolitan Area Transit Authority (WMATA), in the City of Alexandria and Arlington County. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents and responding to appropriate federal officials on behalf of the Commonwealth. DEQ is also the federal consistency coordinating agency for the Commonwealth. The following agencies and locality participated in this review:

Department of Environmental Quality
Department of Conservation and Recreation
Department of Game and Inland Fisheries
Marine Resources Commission
Department of Historic Resources
Department of Transportation
City of Alexandria

Arlington County and the Northern Virginia Regional Commission were also invited to comment on the proposal.

Project Description

The Washington Metropolitan Transit Authority (WMATA) proposes to make improvements to the bus transit corridor serving Crystal City and Pentagon City in Arlington County and the Potomac Yard in the City of Alexandria. The Crystal City/Potomac Yard (CCPY) corridor extends from the Braddock Road Metrorail Station in the south to the Pentagon and Pentagon City in the north, for a distance of approximately five miles. The proposed action was the recommendation in the CCPY Corridor Transit Improvement Study previously conducted by the Department of Public Rail and Transportation, City of Alexandria, and Arlington County. The recommendation, which is the subject of this review, identifies the planned transit alignment, stops, and locations of dedicated and mixed vehicle right-of-ways. Planned transit improvements include:

- construction of 17 bus stops with shelters, seating, and information displays;
- street striping and/or resurfacing for dedicated bus lanes; and
- construction of busway segments in existing public right-of-way.

WMATA has submitted a federal consistency certification for the proposal that finds the improvements consistent with the Virginia Coastal Resources Management Program (VCP).

Federal Consistency Under the Coastal Zone Management Act

Pursuant to the Coastal Zone Management Act of 1972, as amended, activities requiring a federal permit, license, approval, or receiving federal funding assistance, must be consistent with the VCP. The VCP consists of a network of policies administered by several agencies. DEQ, as the lead agency for the VCP, coordinates the review of federal consistency certifications with agencies administering the enforceable policies of the VCP.

Based on our review of the consistency certification and the comments submitted by the agencies administering the enforceable policies of the VCP, DEQ concurs that this proposal is consistent with the VCP. While DEQ concurs that the Alexandria Service and Inspection Yard Improvements project is consistent with the VCP, project activities must be carried out in strict accordance with all other applicable state, federal, and local laws and regulations. If, prior to construction, the project should change significantly and any of the enforceable policies of the VCP would be affected, pursuant to 15 CFR §930.66, WMATA must submit supplemental information to DEQ for review and approval.

According to the consistency certification the proposed activity has no effect on the following enforceable policies: fisheries management; subaqueous lands management; wetlands management; dunes management; point source pollution control; and shoreline sanitation. Project reviewers generally agree that the project would have no impact on these policies.

1. Nonpoint Source Pollution Control. According to the consistency certification (page 6), the technical criteria stipulated in the Virginia stormwater management regulations would be incorporated into the project's best management practices (BMP) design, and the construction stormwater management regulations established by both Arlington County and the City of Alexandria would be observed. The document (page 6) states that the project would have regulatory coverage under the General Permit for Discharges of Stormwater from Construction Activities.

Agency Guidance

DCR's Division of Soil and Water Conservation (DSWC) did not respond to our request for comments on the proposed undertaking. However, according to available DCR guidance, projects on privately- or locality-owned lands that involve a land-disturbing activity of 2,500 square feet or more in a Chesapeake Bay Preservation Area require that the property owner submit a site-specific erosion and sediment control (ESC) plan to the appropriate local government for review and approval pursuant to the local ESC ordinances. The ESC plan must be approved prior to initiation of any land disturbance at the project site. All regulated land-disturbing activities associated with the project must be covered by an approved plan. Note that dependent on local requirements, a separate stormwater management (SWM) plan may be required for this project. Local ESC and SWM requirements should be requested through the City of Alexandria and Arlington County.

DCR is responsible for the issuance, denial, revocation, termination and enforcement of the Virginia Pollutant Discharge Elimination System (VPDES) programs 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.

Therefore, for projects involving land-disturbing activities of 2,500 square feet or more located in Chesapeake Bay Preservation localities, the property owner/authorized agent is required to apply for registration coverage under the General Permit for Discharges of Stormwater from Construction Activities. General information and registration forms for the General Permit are available on DCR's website at <http://www.dcr.virginia.gov/sw/vsmp.htm#geninfo>. Specific questions regarding the Stormwater Management Program requirements should be directed to Mr. Eric Capps, DCR, at (804) 786-3957, e-mail eric.capps@dcr.virginia.gov.

2. Air Pollution Control. According to the consistency certification (page 5), WMATA, the City of Alexandria and Arlington County are currently completing a traffic analysis for the study area, and a hot-spot air quality analysis would also be conducted. Upon completion of the analysis, the project design would be developed in accordance with all local, state, and federal air quality regulations (page 5).

Agency Comments

DEQ reviewers note that the project site is located in an ozone (O₃) nonattainment area and an emission control area for the contributors to ozone pollution. This has two practical consequences for project development. One is that WMATA should take all reasonable precautions to limit emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO_x), principally by controlling or limiting the burning of fossil fuels. A second precaution, stemming from 9 VAC 5-40-5490 in the *Regulations for the Control and Abatement of Air Pollution*, is that there are some limitations on the use of “cut-back” (liquefied asphalt cement, blended with petroleum solvents) that may apply in the construction of driveways and the parking area. 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 during the months of April through October in VOC emission control areas.

DEQ recommends that 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.

If project activities include the burning of construction material, this activity must meet the requirements under 9 VAC 5-40-5600 *et seq.* of the *Regulations* for open burning, and it may require a permit. The *Regulations* provide for, but do not require, the local adoption of a model ordinance concerning open burning. WMATA should contact City of Alexandria and Arlington County officials to determine what local requirements, if any, exist.

4. Coastal Lands Management. According to the consistency certification (page 7), based on available information from the Chesapeake Bay Preservation Area (CBPA) programs for the City of Alexandria and Arlington County, three segments (C, D, and F) of the proposed transit corridor are shown to contain locally designated Resource Protection Areas (RPAs). Furthermore, Alexandria and Arlington have designated jurisdiction-wide Resource Management Areas (RMAs) for those areas outside of designated RPAs. The consistency certification (page 7) states that erosion and sediment control, and stormwater management plans would be developed and implemented in compliance with local CPBA programs.

Agency Comments

DCR's Division of Chesapeake Bay Local Assistance (DCBLA) reviewed the consistency certification and notes that the construction, installation, and maintenance of public roads and appurtenant structures permitted by a local government are conditionally exempt from the *Chesapeake Bay Preservation Area Designation and Management Regulations* (9 VAC 10-20-150 B 1 of the Code of Virginia) provided that the construction, installation, and maintenance of same is carried out in accordance with:

- (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (§10.1-603 et seq. of the Code of Virginia);
- (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation; or
- (iii) local water quality protection criteria at least as stringent as the above requirements deemed to constitute regulatory compliance.

The exemption of public roads is further conditioned on the following:

- (a) optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment into the RPA and adverse effects on water quality; and
- (b) local governments may choose to exempt all public roads as defined in the Code of Virginia (9 VAC 10-20-40), or only those public roads constructed by the Virginia Department of Transportation.

A review by DCR-DCBLA of the City of Alexandria and Arlington County Chesapeake Bay Resource Protection Area maps and the consistency certification indicate that sections of the proposed roadway project fall within designated RPAs in the City of Alexandria and Arlington County, and that the proposed project in its entirety falls within designated RMAs in both localities. However, provided the Alexandria service yard improvements adhere to the above criteria, DCR concurs that the project is consistent with the *Chesapeake Bay Preservation Act & Regulations*. For additional information, contact Alice Baird, DCR-DCBLA, at (804) 225-2307.

Other Environmental Issues

1. Solid and Hazardous Wastes. The DEQ Waste Division staff found that both solid and hazardous waste issues were addressed adequately in the report. However, the report did not include a search of waste-related data bases.

The project area is highly urbanized and contains many small quantity generators of hazardous waste. Therefore, for each segment along the route where work is to take place, WMATA should conduct an environmental investigation on and near the property

to identify any solid or hazardous waste sites or issues before work begins. The investigation should include a search of waste-related databases.

There are three Waste Division databases available to complete the review:

1. **Solid Waste Database** - a list of active solid waste facilities in Virginia;
2. **Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Facilities Database** - a list of active and archived CERCLA (EPA Superfund Program) sites;
3. **Hazardous Waste Facilities Database** – a list of hazardous waste generators, hazardous waste transporters, and hazardous waste storage and disposal facilities.

Data for the CERCLA Facilities and Hazardous Waste Facilities databases are periodically downloaded by DEQ from the EPA website. The databases may be accessed under the Real Estate Search Information heading at www.deq.state.va.us/waste/waste.html. The database search will include most waste-related site information for each locality.

Any soil 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. 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 20-80); and
- Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110).

Some of the applicable Federal laws and regulations are:

- 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
- U.S. Department of Transportation Rules for Transportation of Hazardous materials, 49 CFR Part 107.

Any structures to be demolished, removed, or renovated should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to those activities. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-80-640 for ACM and 9VAC 20-60-261 for LBP must be followed.

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 Paul Kohler, DEQ, at (804) 698-4208.

2. Natural Heritage Resources. DCR functions to preserve and protect the environment of the Commonwealth of Virginia and advocate the wise use of its scenic, cultural, recreation and natural heritage resources. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, state unique or exemplary natural communities, significant geologic formations and similar features of scientific interest.

DCR searched its Biotics Data System (Biotics) for occurrences of natural heritage resources in the project area. Biotics documents the presence of natural heritage resources in the project area. However, due to the scope of the activity and the distance to the resources, DCR-DNH does not anticipate that this project would adversely impact identified natural heritage resources.

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

DCR files do not indicate the presence of any State Natural Area Preserves under its jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please contact DCR at (804) 786-7951 for an update on natural heritage information if a significant amount of time passes before construction of the project begins.

3. Wildlife Resources. The Department of Game and Inland Fisheries (DGIF), as the Commonwealth's wildlife and freshwater fish management agency, exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state or federally listed endangered or threatened species, but excluding listed insects (*Virginia Code* Title 29.1). The DGIF is a consulting agency under the U.S. Fish and Wildlife Coordination Act (16 U.S.C. sections 661 *et seq.*), and provides environmental analysis of projects or permit applications coordinated through DEQ and several other state and federal agencies. DGIF determines likely impacts upon fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce, or compensate for those impacts.

DGIF does not anticipate a significant adverse impact upon threatened and endangered wildlife resources under its jurisdiction to occur due to this project.

DGIF notes that the proposed transit route crosses an RPA associated with Four Mile Run. Also, a proposed station stop would potentially be located within the RPA. Four

Mile Run is a Confirmed Anadromous Fish Use Area. Therefore, DGIF recommends avoiding impacts (direct and secondary) to Four Mile Run and the associated RPA to the fullest extent possible. This could include relocating the proposed station stop to outside the RPA, and ensuring that stormwater runoff is treated on-site or directed away from the RPA.

Provided WMATA gives full consideration to the above recommendation, and adheres to strict adherence to erosion and sediment control measures, DGIF finds this project consistent with the fisheries management enforceable policy of the VCP under its jurisdiction. For additional information, contact Andrew Zadnik, DGIF, at (804) 367-2733.

4. Historic and Archaeological Resources. WMATA must continue to consult with DHR pursuant to its responsibilities under *Section 106 of the National Historic Preservation Act*, as amended, and its implementing regulation *36 CFR 800*. In the event that historic resources are encountered during construction, immediately contact Ms. Ethel Eaton, DHR, at (804) 367-2323. Project coordination and consultation may be accomplished by contacting Roger Kirchen, DHR, at (894) 367-2323, Ext. 153.

5. Transportation Impacts. The Virginia Department of Transportation (VDOT) reviewed the consistency certification and found that neither the adopted regional Transportation Improvement Plan nor Constrained Long Range Plan contain any proposed improvements to US Route 1 in the vicinity of the proposed transit project.

The proposed new lanes are not anticipated to impede existing traffic and should help reduce congestion. Any land use right-of-way requirements, lane closure, traffic control or work zone safety issues related to construction must be closely coordinated with affected localities and VDOT's Fairfax Residency at (703) 383-8368. For additional information contact Mary Stanley, VDOT, at (804) 786-0868.

6. Local Comments. The City of Alexandria reviewed the consistency certification and endorses the proposed project. The corridor improvements will result in a high quality transit system to serve the developing Potomac Yards area. City staff believes the project would not adversely impact the environment and would not have significant Coastal Zone Management impacts.

For additional information, contact Jim Maslanka, City of Alexandria Department of Transportation and Environmental Services, at (703) 838-3800.

Thank you for the opportunity to comment on this consistency certification. If you have any questions, please do not hesitate to call me at (804) 698-4325, or John Fisher at (804) 698 4339.

Sincerely,



Ellie L. Irons
Program Manager
Office of Environmental Impact Review

Enclosures

cc: Paul Kohler, DEQ-Waste
John Bowden, DEQ-NRO
Robert Munson, DCR
Tony Watkinson, VMRC
Ethel Eaton, DHR
Andy Zadnik, DGIF
Mary Stanley, VDOT
James Hartmann, City of Alexandria
Ron Carlee, Arlington County
G. Mark Gibb, Northern Virginia Regional Commission

AGENCY COMMENTS

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OCT 16 2006

DEQ-Office of Environmental
Impact Review

Bowden,John

From: Bowden,John
Sent: Friday, October 13, 2006 9:43 AM
To: Fisher,John
Subject: Consistency Certification 06-166F

NVRO comments regarding the Crystal City/Potomac Yard Corridor Transit Improvements Project sponsored by the USDOT/FHWA/Washington Metropolitan Area Transit Authority are as follows:

After a page by page review of the material presented, it appears that this project will have no impact on programs administered by the Northern Virginia Regional Office and that they will comply with all environmental laws, regulations, and procedures as required. It should be noted that the submittal was only seven (7) pages long with one (1) page being a map.

*John D. Bowden
Deputy Regional Director
Department of Environmental Quality
Northern Virginia Regional Office
(703) 583-3880
jdbowden@deq.virginia.gov*

If you cannot meet the deadline, please notify JOHN FISHER at 804/698-4339 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been reviewed earlier (i.e. if the document is a federal Final EIS or a state supplement), please consider whether your earlier comments have been adequately addressed.
- B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency.
- C. Use your agency stationery or the space below for your comments. **IF YOU USE THE SPACE BELOW, THE FORM MUST BE SIGNED AND DATED.**

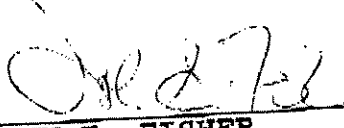
Please return your comments to:

MR. JOHN E. FISHER
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL IMPACT REVIEW
629 EAST MAIN STREET, SIXTH FLOOR
RICHMOND, VA 23219
FAX #804/698-4319

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OCT 19 2006

DEQ-Office of Environmental Impact Review


JOHN E. FISHER
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

Please be advised that the Marine Resources Commission, pursuant to Section 28.2-1204 of the Code of Virginia, has jurisdiction over any encroachments in, on, or over any State-owned rivers, streams, or creeks in the Commonwealth. Accordingly, if any portion of the subject projects involves any encroachments channelward of ordinary high water along natural rivers and streams, a permit may be required from our agency.

Based on a desktop review of the current proposal, it does not appear that a VMRC permit will be required.

(signed) E. J. Sallie (date) 10/18/06
(title) Environmental Engineer
(agency) Marine Resources Commission



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION
DIVISION OF CHESAPEAKE BAY LOCAL ASSISTANCE
101 N. 14th Street, 17th Floor
Richmond, VA 23219
1-800-243-7229
FAX (804) 225-3447

MEMORANDUM

TO: John E. Fisher, DEQ Environmental Program Planner

FROM: Alli Baird, Chesapeake Bay Local Assistance
Daniel Moore, Principal Environmental Planner, DCBLA

DATE: October 26, 2006

SUBJECT: DEQ-06-166F: USDOT/FHWA/Crystal City/Potomac Yard Corridor Transit
Improvements – City of Alexandria and Arlington County
FSPR-USDOT - 04-06

We have reviewed the proposed Crystal City/Potomac Yard Corridor Transit Improvements project in the City of Alexandria and Arlington County and have the following comments:

The construction, installation, and maintenance of public roads and appurtenant structures permitted by a local government are conditionally exempt from the *Chesapeake Bay Preservation Area Designation and Management Regulations* (§9 VAC 10-20-150 B 1 of the Code of Virginia) provided that the construction, installation, and maintenance of same is carried out in accordance with: (i) regulations promulgated pursuant to the Erosion and Sediment Control Law (§10.1-560 et seq. of the Code of Virginia) and the Stormwater Management Act (§10.1-603 et seq. of the Code of Virginia), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation, or (iii) local water quality protection criteria at least as stringent as the above requirements deemed to constitute regulatory compliance. The exemption of public roads is further conditioned on the following: (a) optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment into the Resource Protection Area (RPA) and adverse effects on water quality; and (b) local governments may choose to exempt all public roads as defined in §9 VAC 10-20-40 of the Code of Virginia, or only those public roads constructed by the Virginia Department of Transportation.

A review of the City of Alexandria and Arlington County Chesapeake Bay Resource Protection Area (RPA) maps and the Environmental Impact Review (EIR) indicate that sections of the proposed roadway project fall within designated Resource Protection Areas (RPA) in the City of Alexandria and Arlington County, and that the proposed project in its entirety falls within designated Resource

Management Areas (RMA) in both localities. Provided the above requirements are adhered to, the project would be consistent with the Chesapeake Bay Preservation Act and Regulations.



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NOV 02 2006
DEQ-Office of Environmental
Impact Review

MEMORANDUM

TO: John E. Fisher, Environmental Program Planner
FROM: ^{PWK} Paul Kohler, Waste Division Environmental Review Coordinator
DATE: November 2, 2006
COPIES: Sanjay Thirunagari, Waste Division Environmental Review Manager; file
SUBJECT: Consistency Certification: Crystal City/Potomac Yard Corridor Transit Improvements Project

The Waste Division has completed its review of the Environmental Impact report for the Crystal City/Potomac Yard Corridor Transit Improvements Project in the cities of Alexandria and Arlington, Virginia. We have the following comments concerning the waste issues associated with this project:

Both solid and hazardous waste issues were addressed adequately in the report. However, the report did not include a search of waste-related data bases.

The path of this work is extensive and stretches 5 miles. Furthermore, the area is highly urbanized and contains many small quantity generators of hazardous waste. For each area along the route where any work is to take place, the applicant needs to conduct an environmental investigation on and near the property to identify any solid or hazardous waste sites or issues before work can commence. This investigation should include a search of waste-related databases. Please see the attached page regarding this database search.

Any soil 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. 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 20-80); 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.

Also, all structures being demolished/renovated/ removed should be checked for asbestos-containing materials (ACM) and lead-based paint prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-80-640 for ACM and 9VAC 20-60-261 for LBP must be followed.

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 Paul Kohler at (804) 698-4208.

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR PROGRAM COORDINATION

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

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OCT 06 2006

DEQ-Office of Environmental
Impact Review

TO: John E. Fisher

DEQ - OEIA PROJECT NUMBER: 06 - 166F

PROJECT TYPE: STATE EA / EIR / FONSI FEDERAL EA / EIS SCC

X CONSISTENCY CERTIFICATION

PROJECT TITLE: CRYSTAL CITY / POTOMAC YARD CORRIDOR TRANSIT IMPROVEMENT PROJECT

PROJECT SPONSOR: USDOT / FHWA / WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

PROJECT LOCATION: X OZONE NON ATTAINMENT AREA


REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: X CONSTRUCTION
 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 5-40-5200 C & 9 VAC 5-40-5220 F - STAGE II Vapor Recovery
3. 9 VAC 5-40-5490 et seq. - Asphalt Paving operations
4. X **9 VAC 5-40-5600 et seq. - Open Burning**
5. X **9 VAC 5-50-60 et seq. Fugitive Dust Emissions**
6. 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to _____
7. 9 VAC 5-50-160 et seq. - Standards of Performance for Toxic Pollutants
8. 9 VAC 5-50-400 Subpart _____, Standards of Performance for New Stationary Sources, designates standards of performance for the _____
9. 9 VAC 5-80-10 et seq. of the regulations - Permits for Stationary Sources
10. 9 VAC 5-80-1700 et seq. Of the regulations - Major or Modified Sources located in PSD areas. This rule may be applicable to the _____
11. 9 VAC 5-80-2000 et seq. of the regulations - New and modified sources located in non-attainment areas
12. 9 VAC 5-80-800 et seq. Of the regulations - Operating Permits and exemptions. This rule may be applicable to _____

COMMENTS SPECIFIC TO THE PROJECT:

Being in an area of ozone non-attainment, all precautions are necessary to restrict the emissions of volatile organic compounds (VOC) and oxides of nitrogen (NOx) during construction.


(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: October 6, 2006

Waste Information

There are three Waste Division databases that are to be used to complete this review. These are the Solid Waste Database, CERCLA Facilities, and Hazardous Waste Facilities databases.

The Solid Waste Database

A list of active solid waste facilities in Virginia.

CERCLA Facilities Database

A list of active and archived CERCLA (EPA Superfund Program) sites.

Hazardous Waste Facilities Database

A list of hazardous waste generators, hazardous waste transporters, and hazardous waste storage and disposal facilities. Data for the CERCLA Facilities and Hazardous Waste Facilities databases are periodically downloaded by the Waste Division from U.S. EPA's website.

Accessing the DEQ Databases:

The report author should access this information on the DEQ website at <http://www.deq.state.va.us/waste/waste.html> . Scroll down to the databases which are listed under Real Estate Search Information heading.

The *solid waste information* can be accessed by clicking on the Solid Waste Database tab and opening the file. Type the county or city name and the word County or City, and click the Preview tab. All active solid waste facilities in that locality will be listed.

The *Superfund information* will be listed by clicking on the Search EPA's CERCLIS database tab and opening the file. Click on the locality box, click on sort, then click on Datasheet View. Scroll to the locality of interest.

The *hazardous waste* information can be accessed by clicking on the Hazardous Waste Facility tab. Go to the Geography Search section and fill in the name of the city or county and VA in the state block, and hit enter. The hazardous waste facilities in the locality will be listed.

This database search will include most waste-related site information for each locality. In many cases, especially when the project is located in an urban area, the database output for that locality will be extensive.

L. Preston Bryant, Jr.
Secretary of Natural Resources



Joseph H. Maroon
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-6124

MEMORANDUM

DATE: October 27, 2006
TO: John Fisher, DEQ
FROM: Robert Munson, DCR-DPRR *Robert S. Munson*
SUBJECT: DEQ-06-166F: Crystal City/ Potomac Yard Corridor Transit Improvements

The Department of Conservation and Recreation (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.

Biotics documents the presence of natural heritage resources in the project area. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact these natural heritage resources.

Under a Memorandum of Agreement, DCR represents the Virginia Department of Agriculture and Consumer Services (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.

In addition, our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources. New and updated information is continually added to Biotics. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

The Virginia Department of Game and Inland Fisheries maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters, which may contain information not documented in this letter. Their database may be accessed from http://www.dgif.virginia.gov/wildlife/info_map/index.html, or contact Shirl Dressler at (804) 367-6913.

Thank you for the opportunity to comment on this project.

Fisher, John

From: Andrew Zadnik [Andrew.Zadnik@dgif.virginia.gov]
Sent: Thursday, October 26, 2006 9:57 AM
To: Fisher, John
Subject: Re:Crystal City/Potomac Yards_06-166F_ESS 22496

This project involves construction of a bus transit service route through portions of Alexandria and Arlington County. From the information provided, we understand that no activities are proposed to occur within wetlands or streams.

We do not anticipate a significant adverse impact upon threatened and endangered wildlife resources under our jurisdiction to occur due to this project.

We understand that the proposed transit route crosses an RPA associated with Four Mile Run. Also, a proposed station stop would potentially be located within the RPA. Four Mile Run is a Confirmed Anadromous Fish Use Area. Therefore, we recommend avoiding impacts (direct and secondary) to Four Mile Run and the associated RPA to the fullest extent possible. This could include relocating the proposed station stop to outside the RPA, and ensuring that stormwater runoff is treated on-site or directed away from the RPA.

Given full consideration of the above-recommendations, and strict erosion and sediment control measures, we find this project consistent with the Fisheries section of the VA Coastal Resources Management Program.

Thank you,

Andrew K. Zadnik
Environmental Services Section Biologist
Department of Game and Inland Fisheries
4010 West Broad Street
Richmond, VA 23230

(804) 367-2733
(804) 367-2427 (fax)

>>> "Fisher, John" <jefisher@deq.virginia.gov> 10/20/06 3:59 PM >>>
Reviewers:

Attached is additional information that seeks to clarify construction activities as described in the Federal Consistency Certification submitted for the Crystal City/Potomac Yard Transit Improvement Project (DEQ #06-166F).

Please let me know if you have any additional information.

John E. Fisher
Virginia Department of Environmental Quality
Division of Environmental Enhancement
Office of Environmental Impact Review
629 East Main Street, #633
Richmond, Virginia 23219

(804) 698-4339

(804) 698-4319 fax

jefisher@deq.virginia.gov <mailto:jefisher@deq.virginia.gov>

www.deq.virginia.gov <http://www.deq.virginia.gov/>

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

From: James A. Ashe [mailto:jashe@wmata.com]
Sent: Friday, October 20, 2006 11:32 AM
To: Fisher, John
Cc: Wendy Jia
Subject: Crystal City/Potomac Yards

John,

In our discussion, I committed to providing you with an overview of project elements covered by the CC/PY Federal Project. The information is attached.

Please confirm you received this note.

Best,

Jim Ashe

James A. Ashe, PE, CPG
Manager, Environmental Planning and Compliance
Chief Engineers/Project Management
WMATA
202.962.1745

If you cannot meet the deadline, please notify JOHN FISHER at 804/698-4339 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been reviewed earlier (i.e. if the document is a federal Final EIS or a state supplement), please consider whether your earlier comments have been adequately addressed.
- B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency.
- C. Use your agency stationery or the space below for your comments. **IF YOU USE THE SPACE BELOW, THE FORM MUST BE SIGNED AND DATED.**

Please return your comments to:

→ MR. JOHN E. FISHER
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL IMPACT REVIEW
629 EAST MAIN STREET, SIXTH FLOOR
RICHMOND, VA 23219
FAX #804/698-4319



JOHN E. FISHER
ENVIRONMENTAL PROGRAM PLANNER

COMMENTS

Please request that the WMATA continue to consult with us directly pursuant Section 106 of the National Historic Preservation Act concerning the potential impacts of this project on historic resources.

(signed) _____

(date) 10-30-06

(title) _____

ARCHAEOLOGIST

(agency) _____

DHR (FILE # 2006-1544)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

David S. Ekern, P.E.
COMMISSIONER

RECEIVED

NOV 02 2006

DEQ-Office of Environmental
Impact Review

October 31, 2006

Mr. John E. Fisher
Department of Environmental Quality
Office of Environmental Impact Review
629 East Main Street, Sixth Floor
Richmond, VA 23219

Re: Crystal City/Potomac Yard Corridor Transit Improvement Project

Dear Mr. Fisher:

The Virginia Department of Transportation has reviewed the information provided for the referenced project. Our review covers impacts to existing and proposed transportation facilities.

As described in the material provided, the proposed project includes construction of new dedicated bus lanes as well as re-striping of existing pavement along US 1. Neither the adopted regional Transportation Improvement Plan nor Constrained Long Range Plan contain any proposed improvements to US 1 in the vicinity of the proposed transit project.

The proposed new lanes to be constructed for the bus lanes will not impede regular traffic and should help reduce congestion. The re-striping may impact existing traffic depending on whether the re-striped lanes preclude normal vehicle use. This issue needs to be addressed before an accurate assessment of impacts on existing traffic can be determined.

Any VDOT land use requirements, lane closures, traffic control or work zone safety issues should be closely coordinated with the affected cities/counties and VDOT's Fairfax Residency (703-383-8368).

Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Mary J. Stanley".

Mary J. Stanley

Environmental Engineer

Virginia Department of Transportation

(804) 786-0868



DEPARTMENT OF TRANSPORTATION
AND ENVIRONMENTAL SERVICES

P. O. Box 178 - City Hall
Alexandria, Virginia 22313

alexandriava.gov

RECEIVED

OCT 27 2006

DEQ-Office of Environmental
Impact Review

October 23, 2006

Mr. John E. Fisher
Department of Environmental Quality
Office of Environmental Impact Review
629 East Main Street, Sixth Floor
Richmond, VA 23219

Re: Federal Consistency Certification for the Crystal City/Potomac Yard Transit
Improvements Project

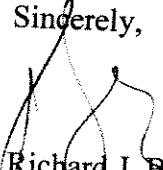
Dear Mr. Fisher:

We have reviewed the referenced materials and wholeheartedly endorse this project as described. The City of Alexandria and Arlington County have been working together for several years to develop a high quality transit system which can serve the major increase in activity anticipated in Potomac Yard as it redevelops, while not adversely impacting the environment.

We agree with these materials, that this project will not have any significant Coastal Zone Management impacts.

If you have any questions regarding this, please contact Jim Maslanka of the City's Department of Transportation and Environmental Services at (703) 838-3800.

Sincerely,


Richard J. Baier, P.E.
Director of Transportation and Environmental Services

cc: Tom Culpepper, T&ES
William Skrabak, T&ES
Jim Maslanka, T&ES