



Appendix 5
Agency Correspondence



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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March 10, 2011

Mr. James A. Ashe, PE, CPG
Office of Chief Engineer, Infrastructure
Transit Infrastructure and Engineering Services
Washington Metropolitan Area Transit Authority
600 5th Street, NW
Washington, D.C. 20001

RE: Federal Consistency Certification for the Metro Transit Police Department District II Substation and Training Facility, Washington Metropolitan Area Transit Authority, Fairfax County, DEQ-11-008F

Dear Mr. Ashe:

The Commonwealth of Virginia has completed its review of the Federal Consistency Certification (FCC) dated December 15, 2010 (received January 11, 2011) for the construction of the Metro Transit Police Department (MTPD) District II Substation and Training Facility in Fairfax County, submitted by the Washington Metropolitan Area Transit Authority (WMATA). 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 Health
Department of Historic Resources
Department of Transportation
Fairfax County

The Department of Mines, Minerals and Energy and the Northern Virginia Regional Commission were also invited to comment on the proposal.

PROJECT DESCRIPTION

The Washington Metropolitan Area Transit Authority proposes to construct the Metro Transit Police Department District II Substation and Training Facility adjacent to the Franconia-Springfield Metrorail Station in Fairfax County. The proposed project includes the construction of a:

- single-story training facility; and
- three-story administration/police station building.

The police station will include administration offices, training rooms, evidence storage and crime scene work areas, and support areas including a gym and locker rooms. The training/firing range will accommodate 16 simultaneous users and will include weapons cleaning and storage areas, and administration areas, as well as conference and classroom training. The facility will also include surface parking for up to 185 vehicles, a primary access road off of Joseph Alexander Road and an emergency entrance/exit off the Franconia Springfield Parkway.

PUBLIC NOTICE

In accordance with 15 CFR §930.2, public notice of this proposed action was published on the DEQ web site from January 13, 2011 through February 11, 2011. No public comments were received in response to the notice.

FEDERAL CONSISTENCY ANALYSIS

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 Virginia Coastal Zone Management Program (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.

According to the consistency certification the proposed action has no effect on the following enforceable policies: fisheries management; subaqueous lands management; wetlands management; dunes management; point source pollution control; and shoreline sanitation. The agencies of the commonwealth responsible for the administration of the enforceable policies of the VCP generally agree with the findings in FCC. WMATA must ensure that the construction and operation of proposed transit improvements are consistent with the aforementioned policies.

FEDERAL CONSISTENCY CONDITIONAL CONCURRENCE

Based on our review of WMATA's consistency certification and the comments submitted by the agencies administering the enforceable policies of the VCP, DEQ concurs that

the proposal is consistent with the VCP provided WMATA obtains and complies with all applicable permits and approvals of the enforceable policies of the VCP. This includes, but is not limited to, the wetlands management, nonpoint source pollution control and air pollution control enforceable policies. In addition, WMATA must submit a site-specific delineation of the Resource Protection Area to Fairfax County for its review to determine project consistency with the coastal lands management enforceable policy.

In accordance with the *Federal Consistency Regulations* at 15 CFR Part 930, section 930.4, this conditional concurrence is based on WMATA obtaining necessary authorizations prior to any ground disturbance. If the requirements of section 930.4, sub-paragraphs (a)(1) through (a)(3) are not met, this conditional concurrence becomes an objection under 15 CFR Part 930, section 940.43. Should this conditional concurrence become an objection based on WMATA's failure to comply with the applicable enforceable policies, pursuant to 15 CFR Part 930, Subpart H, WMATA may request that the Secretary of Commerce override this objection (see 15 CFR Part 930, §930.63(e))

Also, other state approvals which may apply to this project are not included in this concurrence. Therefore, WMATA must ensure that this project is constructed and operated in accordance with all applicable federal, state, 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.

DISCUSSION OF APPLICABLE ENFORCEABLE POLICIES

The discussion which follows responds to WMATA's analysis of the enforceable policies of the VCP that apply to this project and review comments submitted by agencies that administer the enforceable policies.

1. Fisheries Management. According to the FCD (page 1), the proposed action would have no foreseeable impacts on finfish or shellfish resources and will not affect the promotion of either commercial or recreational fishing.

1(a) Agency Jurisdiction. The fisheries management enforceable policy is administered by the Marine Resources Commission (VMRC); Virginia Code 28.2-200 to 28.2-713 and the Department of Game and Inland Fisheries (DGIF); Virginia Code 29.1-100 to 29.1-570.

1(b) Agency Findings. According to DGIF records, Accotink Creek has been designated an Anadromous Fish Use Area. However, based on the scope and location of the proposed work, DGIF does not anticipate it to result in adverse impacts upon this resource.

1(c) Conclusion. DGIF concludes that the proposed project is consistent with the fisheries management enforceable policy of the VCP, assuming WMATA adheres to erosion and sediment control measures during land disturbance.

For further information, contact DGIF, Amy Ewing at (804) 367-2211.

2. Subaqueous Lands Management. According to the FCC (page 1), no activity associated with the proposed project will occur within the beds of the bays, rivers, creeks and the shores of the sea within the jurisdiction of the Commonwealth (Code of Virginia § 28.2-1200).

2(a) Agency Jurisdiction. The Virginia Marine Resources Commission (VMRC), pursuant to Section 28.2-1200 *et seq.* of the Code of Virginia, has jurisdiction over any encroachments in, on, or over any state-owned rivers, streams, or creeks in the Commonwealth.

The VMRC serves as the clearinghouse for the Joint Permit Application (JPA) used by the:

- DEQ for issuance of a Virginia Water Protection Permit;
- VMRC for encroachments on or over state-owned subaqueous beds as well as tidal wetlands; and
- U.S. Army Corps of Engineers (Corps) for issuing permits pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act;
- local wetlands board for impacts to wetlands.

Application for a permit for subaqueous lands impacts is made by submitting a JPA (form MRC 30-300) to VMRC. VMRC will distribute the JPA to appropriate agencies who will review the JPA and respond to the applicant.

2(b) Agency Findings. VMRC did not indicate that the proposed project would result in impacts to subaqueous lands under its jurisdiction.

2(c) Agency Requirement. Should any portion of the subject project involves any encroachments channelward of ordinary high water along natural rivers and streams above the fall line or mean low water below the fall line, a permit may be required from VMRC.

For additional information, contact VMRC, Dan Bacon at (757) 247-2256.

3. Wetlands Management. According to the FCC (page 1), no wetlands are anticipated to be affected by the project based on a review of National Wetland Inventory map data and a field review by environmental scientists. The proposed project is not being constructed or operated within either tidal or non-tidal wetlands.

3(a) Agency Jurisdiction. The State Water Control Board (SWCB) promulgates Virginia's water regulations, covering a variety of permits to include Virginia Pollutant Discharge Elimination System Permit, Virginia Pollution Abatement Permit, Surface and Groundwater Withdrawal Permit, and the Virginia Water Protection Permit (VWPP).

The VWPP is a state permit which governs wetlands, surface water, and surface water withdrawals/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 VWPP Program is under the Office of Wetlands and Water Protection/Compliance, within the DEQ Division of Water Quality Programs. 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.

3(b) Agency Findings. The DEQ Northern Regional Office (NRO) notes that the information provided in the FCC indicates that the project will not result in any impacts to surface waters. However, a VWPP issued from DEQ-NRO may be required prior to construction should impacts to surface waters be anticipated.

3(c) Recommendations. In general, DEQ recommends that stream and wetland impacts be avoided to the maximum extent practicable. To minimize unavoidable impacts to wetlands and waterways, DEQ recommends the following practices:

- Operate machinery and construction vehicles outside of stream-beds and wetlands; use synthetic mats when in-stream work is unavoidable.
- Preserve the top 12 inches of trench material removed from wetlands for use as wetland seed and root-stock in the excavated area.
- Erosion and sedimentation controls should be designed in accordance with the most current edition of the Virginia Erosion and Sediment Control Handbook. These controls should be in place prior to clearing and grading, and maintained in good working order to minimize impacts to State waters. The controls should remain in place until the area is stabilized.
- Place heavy equipment, located in temporarily impacted wetland areas, on mats, geotextile fabric, or use other suitable measures to minimize soil disturbance, to the maximum extent practicable.
- Restore all temporarily disturbed wetland areas to pre-construction conditions and plant or seed with appropriate wetlands vegetation in accordance with the cover type (emergent, scrub-shrub, or forested). The applicant should take all appropriate measures to promote revegetation of these areas. Stabilization and restoration efforts should occur immediately after the temporary disturbance of each wetland area instead of waiting until the entire project has been completed.
- Place all materials which are temporarily stockpiled in wetlands, designated for use for the immediate stabilization of wetlands, on mats, geotextile fabric in order to prevent entry in State waters. These materials should be managed in a manner that prevents leachates from entering state waters and must be entirely removed within thirty days following completion of that construction activity. The disturbed areas should be returned to their original contours, stabilized within thirty days following removal of the stockpile, and restored to the original vegetated state.
- All non-impacted surface waters within the project or right-of-way limits that are within 50 feet of any clearing, grading, or filling activities should be clearly

flagged or marked for the life of the construction activity within that area. The project proponent should notify all contractors that these marked areas are surface waters where no activities are to occur.

- Measures should be employed to prevent spills of fuels or lubricants into state waters.

3(d) Requirements. The initiation of the VWPP review process is accomplished through the submission of a JPA (form MRC 30-300) to the VMRC. Upon receipt of a Joint Permit Application for any proposed surface water impacts, the DEQ-NRO VWPP program will review the proposed project in accordance with the VWPP program regulations and guidance.

4. Nonpoint Source Pollution Control. According to the consistency certification (page 2), 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 Fairfax County would be observed. The document (page 2) states that the project would have regulatory coverage under the General Permit for Discharges of Stormwater from Construction Activities.

4(a) Agency Jurisdiction. The Department of Conservation and Recreation (DCR) Division of Soil and Water Conservation (DSWC) administers the *Virginia Erosion and Sediment Control Law and Regulations (VESCL&R)* and *Virginia Stormwater Management Law and Regulations (VSWML&R)*.

4(b) Erosion and Sediment Control and Stormwater Management Plans. According to DCR-DSWC, WMATA and its authorized agents conducting regulated land-disturbing activities on private and public lands in the state must comply with the *Virginia Erosion and Sediment Control Law and Regulations (VESCL&R)*, *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-disturbance activities that result in the land-disturbance of greater than 2,500 square feet would be regulated by *VESCL&R*. Accordingly, WMATA must prepare and implement an erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. The ESC plan is submitted to the DCR Warrenton Regional Office that serves the area where the project is located for review for compliance. WMATA 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* §10.1-567;].

4(c) Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities. DCR 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.

Therefore, the operator or owner conducting land-disturbing activities equal to or greater than 2,500 square feet in areas designated as subject to the *Chesapeake Bay Preservation Area Designation and Management Regulations* adopted pursuant to the *Chesapeake Bay Preservation Act* are 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 (SWPPP). 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 DCR's website at:

<http://www.dcr.virginia.gov/soil & water/vsmp.shtml>

[Reference: *Virginia Stormwater Management Act* §10.1-603.1 *et seq.*; *VSMP Permit Regulations* 4 VAC-50 *et seq.*]

5. Air Pollution Control. According to the FCC (page 2), the proposed project site is located within the National Capital Interstate Air Quality Control Region (AQCR 47). The region is designated as a non-attainment area for ground-level ozone and PM_{2.5}. The project will require the addition of 185 automobile parking spaces, but it is not anticipated to affect the region's air quality conformity goals or attainment status.

5(a) Agency Jurisdiction. DEQ's Air Quality Division, on behalf of the State Air Pollution Control Board, is responsible to develop regulations that become Virginia's Air Pollution Control Law. DEQ is charged to carry 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 regional office is directly responsible for the issue of necessary permits to construct and operate all stationary sources in the region as well as to monitor emissions from these sources for compliance. As a part of this mandate, the environmental documents of new projects to be undertaken in the state are also reviewed. In the case of certain projects, additional evaluation and demonstration must be made under the general conformity provisions of state and federal law.

5(b) Agency Findings. According to the DEQ Air Division, the project site is located in an ozone (O₃) nonattainment area and an emission control area for the contributors to ozone pollution.

5(c) Recommendation. 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.

5(d) Requirements.

(i) Asphalt Paving Operations

The *Regulations for the Control and Abatement of Air Pollution (Regulations)* (9 VAC 5-40-5490 *et seq.*), includes limitations on the use of "cut-back" (liquefied asphalt cement, blended with petroleum solvents) that may apply to project construction. 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.

(ii) Fugitive Dust

Fugitive dust must be kept to a minimum by using control methods outlined in 9 VAC 5-50-60 *et seq.* of the *Regulations*. 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.

(iii) Open Burning

If project activities include the burning of construction material or the use of special incineration devices, this activity must meet the requirements for open burning under 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100 of the *Regulations* for open burning, and it may require a permit. In addition, the *Regulations* provide for, but do not require, the local adoption of a model ordinance concerning open burning. Therefore, WMATA should contact Fairfax County officials to determine what local requirements, if any, exist.

(iv) Fuel Burning Equipment

The installation of fuel burning equipment (e.g. boilers and generators), may require permitting from DEQ prior to beginning construction of the facility (9 VAC 5-80, Article 6, Permits for New and Modified Sources). The project proponent should contact DEQ-NRO for guidance on whether this provision applies.

6. Coastal Lands Management. According to the consistency certification (page 3), the Fairfax County Chesapeake Bay Preservation Area program has established Resource Protection Areas (RPA) in the county. There is a designated RPA buffering Long Branch, forming the southern border of the proposed site. The FCC concludes that the proposed MTPD Facility would not encroach upon or impact the RPA.

6(a) Agency Jurisdiction. The DCR Department of Chesapeake Bay Local Assistance (DCBLA) administers the coastal lands management enforceable policy of the VCP, which is governed by the *Chesapeake Bay Preservation Act* (Virginia Code §10.1-2100-10.1-2114) and *Chesapeake Bay Preservation Area Designation and Management Regulations* (9 VAC 10-20 *et seq.*).

6(b) Agency Comments. According to DCR DCBLA, in Fairfax County, the areas protected by the *Chesapeake Bay Preservation Act*, as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas and Resource Management Areas (RMAs) as designated by the local government. 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 areas of Fairfax County not included in the RPA are designated as RMAs.

6(c) Agency Findings. DCR-DCBLA notes that the FCC (Attachment C, Concept Design) shows the southwest corner of the Training Facility building and an extensive asphalt parking lot, immediately adjacent to the RPA. DCR-DCBLA is unable to determine with certainty whether the proposed project falls outside of lands analogous to the Fairfax County RPA based on the information provided (see **7. Local Comments, 7(c) Agency Findings**, page 14).

6(d) Requirements. Pursuant to 9 VAC 10-20-105 of the *Regulations*, an on-site delineation of the RPA and/or RMA is required, and may necessitate the undertaking of a perennial flow determination. WMATA must contact Fairfax County for further guidance on the RPA determination and delineation (see **7. Local Comments, 7(d) Requirements**, page 15).

6(e) Conclusion. Provided WMATA conducts a site-specific RPA delineation and ensures that no encroachment into the RPA will occur (through a redesign of the project if necessary) as a result of project development, DCR-DCBLA concludes that the activity would be consistent with the coastal lands management enforceable policy of the VCP as administered through the *Bay Act* and *Regulations*.

ADDITIONAL ENVIRONMENTAL CONSIDERATIONS

In addition to the enforceable policies of the VCP, comments were also provided with respect to applicable requirements and recommendations of the following programs:

1. Solid and Hazardous Waste Management.

1(a) Agency Jurisdiction. Solid and hazardous wastes in Virginia are regulated by the Virginia Department of Environmental Quality, the Virginia Waste Management Board (VWMB) and the U.S. Environmental Protection Agency. They administer programs created by the federal Resource Conservation and Recovery Act, Comprehensive Environmental Response Compensation and Liability Act, commonly called Superfund, and the Virginia Waste Management Act. DEQ administers regulations established by the VWMB and reviews permit applications for completeness and conformance with facility standards and financial assurance requirements. All Virginia localities are required, under the Solid Waste Management Planning Regulations, to identify the strategies they will follow on the management of their solid wastes to include items such as facility siting, long-term (20-year) use, and alternative programs such as materials recycling and composting.

1(b) Agency Findings. The DEQ Division of Land Protection and Revitalization (DLPR) conducted a Geographic Information System (GIS) data base search and found no waste sites within a half-mile radius of the project site. A cursory review of DEQ data files and determined that there are a number of voluntary remediation program (VRP) sites located within the same zip code as the project site. However, the proximity of these sites to the project site is unknown. The VRP sites include the following:

- VRP00359 Park Cleaners Certificate Issued
- VRP00260 Fairfax Lumber & Millwork Company, Inc. Enrolled in Program
- VRP00553 Concord Shopping Center Enrolled in Program
- VRP00555 Hunter Property-Parcel 6A Eligibility Established

1(c) Recommendations. DEQ encourages all 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.

1(d) Requirements. Any soil 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. All construction and demolition debris must be

characterized in accordance with the *Virginia Hazardous Waste Management Regulations* prior to disposal in an appropriate facility.

2. Natural Heritage Resources.

2(a) Agency Jurisdiction. The mission of the Virginia Department of Conservation and Recreation (DCR) is to conserve Virginia's natural and recreational resources. The DCR-Natural Heritage Program's (DCR-DNH) mission is conserving Virginia's biodiversity through inventory, protection, and stewardship. The Virginia Natural Area Preserves Act, 10.1-209 through 217 of the Code of Virginia, was passed in 1989 and codified DCR's powers and duties related to statewide biological inventory: maintaining a statewide database for conservation planning and project review, land protection for the conservation of biodiversity, and the protection and ecological management of natural heritage resources (the habitats of rare, threatened, and endangered species, significant natural communities, geologic sites, and other natural features).

2(b) Agency Findings.

(i) Natural Heritage Resources

DCR-DNH searched its Biotics Data System for occurrences of natural heritage resources from the project area. According to the information currently in DCR files, natural heritage resources have not been documented in the project area. Any absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks additional natural heritage resources.

(ii) Threatened and Endangered Plant and Insect Species

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 finds that the current activity will not affect any documented state-listed plants or insects.

(iii) State Natural Area Preserves

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

2(c) Recommendation. New and updated information is continually added to the Biotics Data System. Therefore, it is recommended that WMATA contact DCR-DNH, Rene Hypes at (804) 786-7951, to secure updated information on natural heritage resources if a significant amount of time passes before the project is implemented.

3. Wildlife Resources and Protected Species.

3(a) Agency Jurisdiction. 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.

3(b) Recommendations. DGIF offers the following recommendations to minimize overall impacts to wildlife and natural resources:

- Avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable.
- Maintain undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams.
- Adhere to a time-of-year restriction protective of nesting resident and migratory songbird for all tree removal and ground clearing from March 15 through August 15 of any year.
- Adhere to erosion and sediment controls during ground disturbance.
- Design stormwater controls to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to:
 - utilizing bioretention areas; and
 - minimizing the use of curb and gutter in favor of grassed swales.

Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.

For additional information, contact DGIF, Amy Ewing at (804) 367-2733.

4. Water Supply.

4(a) Agency Jurisdiction. The Virginia Department of Health (VDH), Office of Drinking Water (ODW) reviews projects for the potential to impact public drinking water sources (groundwater wells and surface water intakes).

4(b) Agency Findings. VDH finds:

- no groundwater wells within a 1 mile radius of the project site;
- no surface water intakes located within a five-mile radius of the project site; and
- the project does not fall within Zone 1 or Zone 2 of any public surface water sources.

For public surface water intakes Zone 1 is the area included within a 5-mile radius around the surface water intake and Zone 2 is the entire up-gradient area of the watershed. For public groundwater wells Zone 1 is an area included within a 1,000-foot radius of the well and Zone 2 is a radius of one mile.

4(c) Requirements. Potential impacts to public water distribution systems must be verified by the local utility.

4(d) Conclusion. VDH-ODW concludes that there are no apparent impacts to public drinking water resources due to this project.

Contact VDH, Diedre Forsgren at (804) 864-7241 for additional information.

5. Wastewater Treatment Systems.

5(a) Discharging Sewer System Regulations. Installation of sanitary sewer lines must comply with the State's Sewerage Regulations. DEQ has approval authority over plans and specifications for most discharging sewage collection systems and treatment works, except for single family home (<1000 gallons per day) systems. This authority is contained in the Sewage Collection and Treatment (SCAT) Regulations (12 VAC 5-581).

5(b) Requirement. Potential impacts to sanitary sewage collection systems must be verified by the local utility.

6. Transportation Impacts.

6(a) Agency Jurisdiction. The Virginia Department of Transportation (VDOT) provides comments pertaining to potential impacts to existing and future transportation systems.

6(b) Agency Findings. VDOT notes that the project site will be accessed primarily from Joseph Alexander Road, a small access road that joins into Frontier Drive south of the Franconia-Springfield Parkway. That segment of Frontier Drive chiefly serves the Franconia-Springfield transit center (Metrorail, Metrobus, and Virginia Railway Express). According to the FCC (Attachment C), there is a planned emergency entrance and exit as a right-in/right-out onto an exit ramp from the Parkway to Frontier Drive. Neither the adopted regional Constrained Long Range Plan nor the Fairfax County Comprehensive Plan envisions improvements to Joseph Alexander Road or Frontier Drive. The traffic

generated by the proposed police facility will not be significant in comparison to the daily volume using the transit center and its structured parking garage.

6(c) Conclusion. VDOT concludes that the proposed development will not significantly impact the existing transportation system nor preclude any planned improvements.

For additional information, contact VDOT, Robert McDonald at (703) 259-1781.

7. Historic and Archaeological Resources.

7(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 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.

7(b) Requirements. The FTA or its agents must consult directly with DHR pursuant to *Section 106 NHPA* (as amended) and its implementing regulations codified at 36 CFR Part 800 which requires federal agencies to consider the effects of their undertakings on historic properties

For additional information and coordination, contact Andrea Kampinen, DHR at (804) 367-2323, ext. 106.

8. Local Review.

8(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 certification.

8(b) County Findings. The Fairfax County Department of Planning and Zoning (DPZ) and the Fairfax County Department of Public Works and Environmental Services (DPWES) provided extensive comments on the proposed project. A summary of the county's comments are provided below. The full text of the county's comments is attached.

(i) Environmental Quality Corridor

The project is located in the Accotink Creek watershed specifically in the headwaters of the Long Branch South Watershed Management Area. In accordance with Fairfax

County's Policy Plan guidance (Objective 2, Policy L and Objective 9), an Environmental Quality Corridor (EQC) should be delineated and protected at the site along Long Branch. A re-design of the site layout may be needed to avoid any encroachments in the EQC to be in conformance with the Fairfax County Policy Plan EQC policy.

(ii) Resource Protection Area

According to the FCC, a Resource Protection Area forms the southern border of the project site and the proposed facility would not encroach upon the RPA. This RPA is also an EQC in accordance with Policy Plan guidance. It is unclear if a RPA field-verified delineation was completed and approved for this parcel (see **6. Coastal Lands Management, 6(c) Agency Findings**, page 9). The county is concerned that the proposed MTPD facility and surface pavement may encroach upon the RPA and EQC. A re-design of the site layout may be needed to avoid RPA and EQC encroachments in this area.

(iii) Stormwater Management

The Fairfax Stormwater Planning Division is concerned with potential facility impacts from stormwater run-off to downstream environment. The impervious area of the site would increase to approximately three acres from the facility, and the loss of natural infiltration and increase in stormwater runoff could have damaging effects to the already impaired Long Branch South stream.

8(c) Recommendations. The county recommends that WMATA provide adequate stormwater management for the proposed facility to prevent any further degradation of this system. This may include the use of pervious pavement or porous pavers, and bioretention facilities. Complete comments, including suggestions on water quality control measures, from the Department of Public Works and Environmental Services are included in Attachment 1 of the county's comments.

8(d) Requirements. In accordance with Fairfax County's Policy Plan guidance (Objective 2, Policy L and Objective 9) an Environmental Quality Corridor (EQC) must be delineated and protected around Long Branch. A site-specific RPA delineation is also required (see **6. Coastal Lands Management, 6(d) Requirements**, page 9).

8(e) Conclusion. Fairfax County cannot support the FCC for this project without more detailed information that demonstrate the project will not result in significant impacts to the environment.

Fairfax County's Policy Plan guidance may be found at www.fairfaxcounty.gov/dpz/comprehensiveplan/policyplan/environment.pdf. Questions regarding the county's comments may be directed to Fairfax County, Lindsay Mason Bell at lindsay.bell@fairfaxcounty.gov or (703) 324-1382.

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

9(a) Recommendations. We have several pollution prevention recommendations that may be helpful in the construction of this project and in the operation of the facility:

- Consider development of an effective Environmental Management System (EMS). An effective EMS will ensure that the airport is committed to minimizing its environmental impacts, setting environmental goals, and achieving improvements in its environmental performance. DEQ offers EMS development assistance and it recognizes facilities with effective Environmental Management Systems through its Virginia Environmental Excellence Program.
- 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 (such as an EMS) when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable materials and practices for infrastructure construction and design. These could include asphalt and concrete containing recycled materials, and integrated pest management in landscaping, among other things.
- Integrate pollution prevention techniques into the facility maintenance and operation, to include the following: inventory control (record-keeping and centralized storage for hazardous materials), product substitution (use of non-toxic cleaners), and source reduction (fixing leaks, energy-efficient HVAC and equipment). Maintenance facilities should be designed with sufficient and suitable space to allow for effective inventory control and preventative maintenance.

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, Sharon Baxter at (804) 698-4344.

10. Energy Conservation.

10(a) Recommendations. The proposed facility should be planned and designed to comply with state and federal guidelines and industry standards for energy conservation and efficiency. For example, the energy efficiency of the facility can be enhanced by maximizing the use of the following:

- thermally-efficient building shell components (roof, wall, floor, windows, and insulation);

- facility siting and orientation with consideration towards natural lighting and solar loads
- high efficiency heating, ventilation, air conditioning systems;
- high efficiency lighting systems and daylighting techniques; and
- energy-efficient office and data processing equipment.

Contact the Department of Mines, Minerals, and Energy, David Spears at (434) 951-6350 for additional information. For more information on the LEED rating system visit: <http://www.leadbuilding.org>.

11. Water Conservation. The following recommendations will result in reduced water use associated with the operation of the facility.

- Grounds should be landscaped with hardy native plant species to conserve water as well as lessen the need to use fertilizers and pesticides.
- Convert turf to low water-use landscaping such as drought resistant grass, plants, shrubs and trees.
- Low-flow toilets should be installed with the rehabilitation.
- Consider installing low flow restrictors and aerators to faucets.
- Improve irrigation practices by:
 - upgrading sprinkler clock; water at night, if possible, to reduce evapotranspiration (lawns need only 1 inch of water per week, and do not need to be watered daily; overwatering causes 85% of turf problems);
 - installing a rain shutoff device; and
 - collecting rainwater with a rain bucket or cistern system with drip lines.
- Install new high-efficiency washers and dishwashers to reduce water useage by 30-50% per use over older models.
- Check for and repair leaks (toilets and faucets) during regular routine maintenance activities.

REGULATORY AND COORDINATION NEEDS

1. Water Quality and Wetlands. Should WMATA anticipate that surface water and wetland impacts will occur as a result of this project, a Virginia Water Protection Permit issued by the DEQ Northern Regional Office may be required pursuant to Virginia Code §62.1-44.15:5. A Joint Permit Application may be obtained from and submitted to the Virginia Marine Resources Commission which serves as a clearinghouse for the joint permitting process involving the VMRC, DEQ, Corps, and local wetlands boards. For additional information and coordination, contact DEQ-NRO, Trisha Beasley at (703) 583-3940.

2. Nonpoint Source Pollution Control.

2(a) Erosion and Sediment Control Plan. WMATA must prepare a project-specific Erosion and Sediment Control plan for review and approval by the DCR Division of Soil and Water Conservation in accordance with the *Virginia Erosion and Sediment Control*

Law (§10.1-560 and §10.1-564) and *Regulations* (4 VAC 50-30 *et seq.*). An approved plan is required prior to initiation of any land-disturbing activity at the project site. The development and submission of ESC plan should be coordinated directly with the Warrenton Regional Office at (540) 347-6420.

2(b) Stormwater Management Plan. WMATA must prepare a project-specific Stormwater Management plan for review and approval by the DSWC in accordance with the *Virginia Stormwater Management Act* (§10.1-603.5) and *Regulations* (4 VAC 50-60-160). An approved plan is required prior to initiation of any regulated activities at the project site. The development and submission of the SWM plan should be coordinated directly with the DCR Warrenton Regional Office at (540) 347-6420.

2(c) Virginia Stormwater Management Program General Permit for Stormwater Discharges from Construction Activities. For projects involving land-disturbing activities that are equal to or greater than 2,500 square feet, WMATA is required to apply for registration coverage under the Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities. Specific questions regarding the Stormwater Management Program requirements should be directed to Holly Sepety, DCR, at (804) 225-2613.

3. Air Pollution Control. Guidance on minimizing the emission of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) during construction may be obtained from DEQ-NRO. Activities associated with this project may be subject to air regulations administered by the Department of Environmental Quality. The following sections of Virginia Administrative Code are applicable:

- fugitive dust and emissions control (9 VAC 5-50-60 *et seq.*);
- asphalt paving operations (9 VAC 5-40-5490 *et seq.*); and
- open burning restrictions (9 VAC 5-40-130 *et seq.*).

Any fuel burning equipment (e.g. boilers and generators) installed may require permitting from DEQ in accordance with 9 VAC 5-80, Article 6, *Permits for New and Modified Sources*. Also, contact Fairfax County for any local requirements on open burning. For additional information and coordination, contact Terry Darton, DEQ-NRO at (703) 583-3845.

4. Coastal Lands Management. This project must be consistent with the coastal lands management enforceable policy of the VCP as administered by Fairfax County through the *Chesapeake Bay Preservation Area Designation and Management Regulations* (9 VAC 10-20 *et seq.*). This includes the submission of a site-specific RPA delineation to the county for its review to ensure the project does not encroach upon RPA. Development within a Resource Management Area is subject to the general performance criteria found in the *Regulations* at 9 VAC 10-20-120 *et seq.* For additional information and coordination, contact DCR-DCBLA, Joan Salvati at (804) 225-3440 and the Fairfax County Department of Public Works and Environmental Services, Danielle Wynne at (703) 324-5616.

5. Solid and Hazardous Wastes.

5(a) Solid and Hazardous Waste Management Regulations. All solid waste, hazardous waste, and hazardous materials must be managed in accordance with all applicable federal, state, and local environmental 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 Vegetative Waste Management Regulations (9 VAC 20-101 *et seq.*); 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).

For additional information and the locations of waste management facilities, contact DEQ-NRO, Richard Doucette at (703) 583-3811.

6. Storage Tanks. The use of portable fuel AST(s) with a capacity of greater than 660 gallons, the tank(s) must be registered with DEQ using *AST Registration Form 7540-AST*. Tank registration may be accomplished by contacting DEQ-NRO, Cynthia Sale at (703) 583-3830.

7. Natural Heritage and Wildlife Resources. Contact DCR-DNH, Rene Hypes at (804) 371-2708 for an update on natural heritage information if a significant amount of time passes before the project is initiated since new and updated information is continually added to the Biotics Data System.

8. Historic Resources. In accordance with Section 106 of the *National Historic Preservation Act*, as amended, and its implementing regulation 36 CFR 800, the FTA must coordinate with DHR with respect to potential project impacts to historic and archaeological resources. For additional information and coordination, contact DHR, Andrea Kampinen at (804) 367-2323, ext. 106.

9. Local Coordination. Coordination with respect to project conformance with Fairfax County's Policy Plan guidance for Environmental Quality Corridors (Objective 2, Policy L and Objective 9) may be accomplished by contacting the Fairfax County Department of Public Works and Environmental Services, Danielle Wynne at (703) 324-5616.

James A. Ashe, PE, CPG
WMATA MTPD District II Substation and Training Facility

Furthermore, coordinate with the Fairfax County Department of Public Works and Environmental Services at (703) 324-5033, concerning connections to the local water supply.

10. Sewage Regulations. Contact DEQ-NRO, Bryant Thomas at (703) 583-3843 to ensure compliance with Virginia's sewerage regulations.

Thank you for the opportunity to comment on the FCC for the Metro Transit Police Department District II Substation and Training Facility. Detailed comments of reviewing agencies are attached for your review. If you have questions, please call me at (804) 698-4325 or John Fisher at (804) 698-4339.

Sincerely,



Ellie L. Irons, Manager
Office of Environmental Impact Review

Enclosures

Ec: David Hartshorn, DEQ-NRO
Paul Kohler, DEQ-DLPR
Kotur Narasimhan, DEQ-Air
Amy Ewing, DGIF
Tony Watkinson, VMRC
Robbie Rhur, DCR
Barry Matthews, VDH
Chris Adkins, VDOT
David Spears, DMME

Cc: Roger Kirchen, DHR
Fred Selden, Fairfax County
G. Mark Gibb, Northern Virginia Regional Commission

Fisher, John (DEQ)

From: Ewing, Amy (DGIF)
Sent: Tuesday, February 08, 2011 10:47 AM
To: Fisher, John (DEQ)
Subject: ESSLog# 31562_11-008F_WMATA MTPD District II Substation and Training Facility

We have reviewed the subject project that proposes to construct MTPD facilities at a site in Fairfax County, VA.

According to our records, Accotink Creek has been designated an Anadromous Fish Use Area. However, based on the scope and location of the proposed work, we do not anticipate it to result in adverse impacts upon this resource.

To minimize overall impacts to wildlife and our natural resources, we offer the following comments about development activities: We recommend that the applicant avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable. We recommend maintaining undisturbed naturally vegetated buffers of at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams.

We recommend that the stormwater controls for this project be designed to replicate and maintain the hydrographic condition of the site prior to the change in landscape. This should include, but not be limited to, utilizing bioretention areas, and minimizing the use of curb and gutter in favor of grassed swales. Bioretention areas (also called rain gardens) and grass swales are components of Low Impact Development (LID). They are designed to capture stormwater runoff as close to the source as possible and allow it to slowly infiltrate into the surrounding soil. They benefit natural resources by filtering pollutants and decreasing downstream runoff volumes.

We recommend that all tree removal and ground clearing adhere to a time of year restriction protective of resident and migratory songbird nesting from March 15 through August 15 of any year.

We recommend adherence to erosion and sediment controls during ground disturbance.

Assuming adherence to erosion and sediment controls, we find this project consistent with the Fisheries Management Section of the CZMA.

Thanks, Amy

Amy M. Ewing
Environmental Services Biologist
Virginia Dept. of Game and Inland Fisheries
804-367-2211

Fisher, John (DEQ)

From: Bacon, Dan (MRC)
Sent: Wednesday, January 19, 2011 11:33 AM
To: Fisher, John (DEQ)
Subject: Project #11-008F

Please be advised that the Marine Resources Commission, pursuant to Section 28.2-1200 et seq of the Code of Virginia, has jurisdiction over any encroachments in, on, or over the beds of the bays, ocean, rivers, streams, or creeks which are the property of the Commonwealth. Accordingly, if any portion of the subject project involves any encroachments channelward of ordinary high water along natural rivers and streams above the fall line or mean low water below the fall line, a permit may be required from our agency. Any jurisdictional impacts will be reviewed by VMRC during the Joint Permit Application process. Thank you for the opportunity to comment.

From: Hartshorn, David (DEQ)
Sent: Friday, February 04, 2011 11:18 AM
To: Fisher, John (DEQ)
Cc: Hartshorn, David (DEQ)
Subject: CC #11-008F

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NRO comments regarding the WMATA MTPD district II Substation and Training Facility, USDOT/Federal Transit Administration are as follows:

Division of Land Protection and Revitalization: Any solid and/or hazardous waste encountered and/or generated during construction and operation of this facility shall be disposed of following applicable federal, state, and county regulations.

Virginia Water Protection Permit (VWPP) Program: The project proposes to construct a new Metro Transit Police Department District II substation and training facility on vacant WMATA property adjacent to the Franconia-Springfield Metrorail Station in Springfield, Virginia. The information provided indicates that the project will not result in any impacts to surface waters. However, a VWP permit from DEQ may be required should impacts to surface waters be necessary. DEQ VWP staff recommends that the avoidance and minimization of surface water impacts to the maximum extent practicable. 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.

Air Compliance/Permitting: The project manager is reminded that during construction phase of this project, that 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 the project install fuel burning equipment (Boilers, Generators, etc...), or any other air pollution emitting equipment, the project may be subject to 9 VAC 5-80, Article 6, Permits for New and Modified sources and as such the project manager should contact the Air Permit Manager DEQ-NRO prior to purchase, installation, or construction and operation, of fuel burning or other air pollution emitting equipment for a permitting determination. Lastly, should any open burning or use of special incineration devices be employed in the disposal of land clearing debris during 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.

R. David Hartshorn
Regional Air Compliance Manager
DEQ-NRO
13901 Crown Court
Woodbridge, VA 22193
(703) 583-3895
fax (703) 583-3821
e-mail - R.David.Hartshorn@deq.virginia.gov

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Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-1712

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DEQ-Office of Environmental
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MEMORANDUM

DATE: February 8, 2011
TO: John Fisher, DEQ
FROM: Roberta Rhur, DCR, Environmental Impact Review Coordinator
SUBJECT: DEQ 11-008F, WMATA MTPD District II Substation and Training Facility

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.

According to the information currently in our files, natural heritage resources have not been documented in the project area. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and 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.

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

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 that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Shirl Dressler at (804) 367-6913.

Chesapeake Bay Local Assistance Division

In Fairfax County, the areas protected by the *Chesapeake Bay Preservation Act*, as locally implemented, require conformance with performance criteria. These areas include Resource Protection Areas (RPAs) and Resource Management Areas (RMAs) as designated by the local government. RPAs include tidal wetlands, certain non-tidal wetlands and tidal shores. RPAs also include 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 areas of the County not included in the RPA are designated as RMAs.

Projects that include land disturbing activity must adhere to the general performance criteria, especially with respect to minimizing land disturbance (including access and staging areas), retaining indigenous vegetation and minimizing impervious cover. For land disturbance over 2,500 square feet, the project must comply with the requirements of the *Virginia Erosion & Sediment Control Handbook*, Third Edition, 1992. Additionally, stormwater management criteria consistent with water quality protection provisions of the *Virginia Stormwater Management Regulations*, § 4 VAC 50-60-10, shall be satisfied.

Pursuant to the Coastal Zone Management Act of 1972, as amended, Federal activities affecting Virginia's coastal resources or coastal uses must be consistent with the Virginia Coastal Resources Management Program (VCRMP)(section 307(c)(1) of the Act and the *Federal Consistency Regulations*, 15 CFR Part 930, sub-part C). The 1998 *Chesapeake Ecosystem Unified Plan* requires the signatories, including the USDOT/Federal Transit Administration, to fully cooperate with local and state governments in carrying out voluntary and mandatory actions to comply with the management of stormwater. All signatory agencies also committed to encouraging construction design that a) minimizes natural area loss on new and rehabilitated federal facilities; b) adopts low impact development and best management technologies for storm water, sediment and erosion control, and reduces impervious surfaces; and c) considers the *Conservation Landscaping and BayScapes Guide for Federal Land Managers*. In addition, the Chesapeake 2000 Agreement committed the signatory agencies to a number of sound land use and stormwater quality controls. The signatories additionally committed the agencies to lead by example with respect to controlling nutrient, sediment and chemical contaminant runoff from government properties. In December 2001, the Executive Council of the Chesapeake Bay Program issued *Directive No. 01-1: Managing Storm Water on State, Federal and District-owned Lands and Facilities*, which includes specific commitments for agencies to lead by example with respect to stormwater control.

Based on the information provided, we cannot determine with certainty whether the proposed project falls outside of lands analogous to the Fairfax County RPA. Accordingly, the proponent agency must contact Fairfax County staff for further guidance on RPA determination and delineation. This is particularly important as the Attachment C Concept Design shows the southwest corner of the Training Facility, and an extensive asphalt parking lot, immediately adjacent to the RPA. The applicant should be aware that pursuant to 9 VAC 10-20-105 of the Regulations, on-site delineation of the RPA and/or RMA is required, and may necessitate the undertaking of a perennial flow determination.

Provided that the applicant carries out a site-specific RPA delineation and ensures (through a redesign of the project if necessary) that no encroachment into the RPA will occur as a result of project development, the proposed activity would be consistent with the *Chesapeake Bay Preservation Act* and Regulations.

Division of Soil and Water Conservation

The applicant and their authorized agents conducting regulated land disturbing activities on private and public lands in the state must comply with the Virginia Erosion and Sediment Control Law and Regulations (VESCL&R), Virginia Stormwater Management Law and Regulations 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-disturbance activities that result in the land-disturbance of greater than 2,500 square feet would be regulated by VESCL&R. Accordingly, the applicant] must prepare and implement erosion and sediment control (ESC) plan to ensure compliance with state law and regulations. The ESC plan is submitted to the DCR 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 §10.1-567;].

The operator or owner of construction activities involving land disturbing activities equal to or greater than 2,500 square feet in areas designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the Chesapeake Bay Preservation Act are 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 (SWPPP). 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 Virginia Stormwater Management Program (VSMP) Permit Regulations. General information and registration forms for the General Permit are available on DCR's website at http://www.dcr.virginia.gov/soil_and_water/index.shtml [Reference: Virginia Stormwater Management Law Act §10.1-603.1 et seq.; VSMP Permit Regulations §4VAC-50 et seq.]

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

DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR PROGRAM COORDINATION

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: John E. Fisher

DEQ - OEIA PROJECT NUMBER: 11 - 008F

PROJECT TYPE: ☐ STATE EA / EIR ☒ FEDERAL EA / EIS ☐ SCC

☒ CONSISTENCY CERTIFICATION

PROJECT TITLE: WMATA MTPD DISTRICT II SUBSTATION & TRAINING FACILITY

PROJECT SPONSOR: USDOT / FEDERAL TRANSIT ADMINISTRATION

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

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO: ☒ 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. ☒ 9 VAC 5-130 et seq. - Open Burning
5. ☒ 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:

All precautions are necessary to restrict the emissions of volatile organic compounds (VOC) and oxides of nitrogen (NO_x).



(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: February 2, 2011

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MEMORANDUM

TO: John Fisher, Environmental Program Planner
FROM: ^{12/16} Paul Kohler, Division of Land Protection & Revitalization Review Coordinator
DATE: February 9, 2011
COPIES: Sanjay Thirunagari, Waste Division Environmental Review Manager; file
SUBJECT: Environmental Impact Report: WMATA MTPD District II Substation and Training Facility; 11-008F

The Division of Land Protection & Revitalization has completed its review of the Environmental Impact report for the WMATA MTPD District II Substation and Training Facility project in Springfield, Virginia. We have the following comments concerning the waste issues associated with this project:

Neither solid nor hazardous waste issues were addressed in the report. The report did not include a search of waste-related data bases. A GIS database search did not reveal any waste sites within a half mile radius that would impact or be impacted by the subject site. The Division of Land Protection & Revitalization staff performed a cursory review of its data files and determined that there are a number of voluntary remediation program (VRP) sites located within the same zip code, however their proximity to the subject site is unknown. These are as follows.

VRP

VRP00359 Park Cleaners Certificate Issued
VRP00260 Fairfax Lumber & Millwork Company, Inc. Enrolled in Program
VRP00553 Concord Shopping Center Enrolled in Program
VRP00555 Hunter Property-Parcel 6A Eligibility Established

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.

Fisher, John (DEQ)

From: Forsgren, Diedre (VDH)
Sent: Wednesday, February 09, 2011 9:52 AM
To: Fisher, John (DEQ)
Cc: Matthews, Barry (VDH)
Subject: (11-008F) FCC: WMATA MTPD District II Substation and Training Facility

DEQ Project #: 11-008F
Name: WMATA MTPD District II Substation and Training Facility
Sponsor: USDOT/Federal Transit Administration
Location: Fairfax County

VDH – Office of Drinking Water has reviewed DEQ Project Number 11-008F. 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.

No groundwater wells are within a 1 mile radius of the project site.

No surface water intakes are located within a 5 mile radius of the project site.

Project does not fall within Zone 1 (up to 5 miles into the watershed) or Zone 2 (greater than 5 miles into the watershed) of any public surface water sources.

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

Diedre Forsgren

Office Services Specialist
VIRGINIA DEPARTMENT OF HEALTH
Office of Drinking Water, Room 622-A
109 Governor Street
Richmond, VA 23219
Phone: (804) 864-7241
email: diedre.forsgren@vdh.virginia.gov

Fisher, John (DEQ)

From: Lunney, Melanie [Melanie.Lunney@VDOT.Virginia.gov]
Sent: Tuesday, January 18, 2011 3:11 PM
To: Fisher, John (DEQ)
Subject: Request for Comments-WMATA MTPD Facility-Fairfax (11-008F)

Mr. Fisher,

Bob McDonald of the Northern Virginia District (Planning) has had an opportunity to review and comment on the above referenced project for its potential to affect the proposed or existing transportation system. Please notify if there are any questions regarding these comments, which may be found below.

Sincerely,

Melanie Allen Lunney
Environmental Program Planner
melanie.lunney@vdot.virginia.gov | 804-786-0868 | 1401 E. Broad Street | Richmond, VA 23219

From: McDonald, Robert, P.E.
Sent: Tuesday, January 18, 2011 2:56 PM
To: Lunney, Melanie
Subject: RE: Request for Comments-WMATA MTPD Facility-Fairfax (11-008F)

Thanks for alerting me, Melanie. Had no problem pulling up the document.

The proposed development should not have a significant impact on our transportation system. The vacant lot will be accessed primarily from Joseph Alexander Road, a small access road that joins into Frontier Drive south of the Franconia – Springfield Parkway. That segment of Frontier Drive chiefly serves the Franconia-Springfield transit center (Metrorail, Metrobus, and Virginia Railway Express). I see that there is planned an emergency entrance and exit as a right-in / right-out onto an exit ramp from the Parkway to Frontier Drive. Neither the adopted regional Constrained Long Range Plan nor the Fairfax County Comprehensive Plan envisions improvements to Joseph Alexander Road or Frontier Drive. And the traffic generated by the proposed police facility will not be significant in comparison to the daily volume using the transit center and its structured parking garage. Thus, I do not believe that the proposed development will significantly impact our transportation system nor preclude any planned improvements.

Robert H. McDonald, P.E.
Chief, Planning Section
tele. (703) 259-1781

From: Lunney, Melanie
Sent: Tuesday, January 18, 2011 1:50 PM
To: McDonald, Robert, P.E.
Subject: FW: Request for Comments-WMATA MTPD Facility-Fairfax (11-008F)

Bob,

My apologies for the delay in forwarding you this opportunity to comment. I have loaded the document on to My Site since it is a file size larger than I have permission to forward. There have been troubles with SharePoint since the migration, so please notify if you do not see a document posted at the link below and I will mail you a CD.

Please notify if there are any questions or if there is anything additional I can provide in your review of this project for its potential to impact the proposed or existing transportation system.

http://insidevdot/personal/melanie_lunney/Shared%20Documents/Forms/AllItems.aspx

Sincerely,

Melanie Allen Lunney

Environmental Program Planner

melanie.lunney@vdot.virginia.gov

|

804-786-0868

|

1401 E. Broad Street

Richmond, VA 23219

From: Fisher, John (DEQ) [<mailto:John.Fisher@deq.virginia.gov>]

Sent: Wednesday, January 12, 2011 11:37 AM

To: Ewing, Amy (DGIF); Rhur, Robbie (DCR); Matthews, Barry (VDH); Kohler, Paul (DEQ); Narasimhan, Kotur (DEQ); Hartshorn, David (DEQ); Lunney, Melanie; Watkinson, Tony (MRC); Kirchen, Roger (DHR); Spears, David (DMME); fred.selden@fairfaxcounty.gov

Cc: Nee, Pamela

Subject: Request for Comments-WMATA MTPD Facility-Fairfax (11-008F)

Reviewers:

Attached for your review is a Federal Consistency Certification submitted by the Metropolitan Washington Area Transit Authority for the construction of the WMATA Metropolitan Transit Police Department District II Substation and Training Facility adjacent to the Franconia-Springfield Metrorail Station in Fairfax County (DEQ 11-008F). Comments are due to this office by February 9, 2011. Please refer to the attached Environmental Review Request Form and FCC for additional information, and contact me if you have any further questions.

Thank you,
John

John E. Fisher

Virginia Department of Environmental Quality

Division of Environmental Enhancement

Office of Environmental Impact Review

629 East Main Street, #634

Richmond, Virginia 23219

(804) 698-4339

(804) 698-4319 fax

john.fisher@deq.virginia.gov

www.deq.virginia.gov

Fisher, John (DEQ)

From: Kampinen, Andrea (DHR)
Sent: Tuesday, January 25, 2011 10:37 AM
To: Fisher, John (DEQ)
Subject: WMATA Metro Police Facility, DHR File No. 2011-0064

Dear Mr. Fisher,

On January 12, 2011, the Virginia Department of Historic Resources (DHR) received information regarding the above referenced project. We request that the FTA or its agents consult directly with DHR 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,

Andrea Kampinen

Andrea Kampinen
Architectural Historian, Office of Review and Compliance
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221
(804) 367-2323 ext.106
Fax: (804) 367-2391
andrea.kampinen@dhr.virginia.gov



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

RECEIVED

February 11, 2011

FEB 11 2011

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

DEQ-Office of Environmental
Impact Review

Dear Mr. Fisher:

In consultation with the Department of Public Works and Environmental Services, the Department of Planning and Zoning staff has reviewed the Coastal Zone Management Act Consistency Determination, federal project 11-008F, for the construction and operation of a Washington Metropolitan Area Transit Authority (WMATA) Metro Transit Police Department (MTPD) District II substation and training facility to be located on approximately 27 acres south of Franconia-Springfield Parkway, west of Frontier Drive. According to the documentation, the facilities would be located on vacant property adjacent to the Franconia-Springfield Metrorail Station. The proposed construction includes approximately 50,800 gross square feet within two buildings. Our comments focus on the project's potential impacts to water quality resources that the Coastal Zone Management Act seeks to protect.

The project is located in the Accotink Creek watershed specifically in the headwaters of the Long Branch South Watershed Management Area. None of the maps in the submittal depict a non-perennial stream which is identified on the Chesapeake Bay Preservation Area Map for Fairfax County (refer to www.fairfaxcounty.gov/gisapps/pdfviewer/default.htm; select "Chesapeake Bay Map" under Step 1 and "90-2" under Step 2). In accordance with Fairfax County's Policy Plan guidance (refer to Objective 2, Policy L and Objective 9 at www.fairfaxcounty.gov/dpz/comprehensiveplan/policyplan/environment.pdf) an Environmental Quality Corridor (EQC) should be identified and protected around this stream. Without this EQC delineation on the map, staff cannot determine whether the proposed development and parking encroach upon the EQC. A re-design of the site layout may be needed to avoid any encroachments in the EQC to be in conformance with the County's EQC policy.

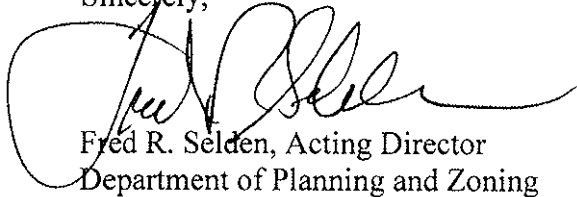
The submittal states that a Resource Protection Area (RPA) forms the southern border of the project site and that the proposed MTPD facility would not encroach upon the RPA. This RPA is also an EQC per Policy Plan's guidance. It is unclear if an official RPA field-verified study has been completed and approved for this parcel. It is possible that the final delineation may shift the location of the RPA further onto the subject parcel. We question whether a full 100-foot

RPA boundary is being provided, as required, specifically in the area where the stream channel bends up to the north immediately below the proposed training facility - it is difficult to assess as the legend marking the scale is illegible on the map. It would be helpful for existing conditions of the site and proposed limits of clearing of the project to be depicted on a map. This is not clear in the submittal. Staff is concerned that the proposed MTPD facility and surface pavement could be encroaching upon the RPA and EQC. A re-design of the site layout may be needed to avoid RPA and EQC encroachments in this area.

Stormwater Planning Division staff has concerns about impacts of stormwater run-off to downstream environment. With the development of two buildings, parking lot, access roads, walkways and other pavement, the impervious area would increase to approximately three acres, and the loss of natural infiltration and increase in stormwater runoff could have damaging effects to the already impaired Long Branch South stream. Staff recommends that WMATA provide adequate stormwater management for the proposed facility to prevent any further degradation of this system. This may include the use of pervious pavement or porous pavers, and bioretention facilities. Complete comments, including suggestions on water quality control measures, from the Department of Public Works and Environmental Services are included in Attachment 1.

Without more detailed information to demonstrate that the project does not pose any significant impacts to the environment, Fairfax County staff cannot support the Consistency Determination for this project at this time. Thank you for this opportunity to comment on this Consistency Determination for this project. If you have any questions about our comments, please do not hesitate to contact Bernard Suchicital of my staff at 703-324-1380.

Sincerely,



Fred R. Selden, Acting Director
Department of Planning and Zoning

FRS: BSS

cc:

Board of Supervisors

Anthony H. Griffin, County Executive

Robert A. Stalzer, Deputy County Executive

Pamela G. Nee, Department of Planning and Zoning (DPZ)

Bernard S. Suchicital, DPZ

Danielle Wynne, Department of Public Works and Environmental Services

Attachment 1

The following comments are provided by Stormwater Planning Division (SWPD) staff of the Fairfax County Department of Public Works and Environmental Services:

Washington Metropolitan Area Transit Authority – Metro Transit Police Department
District II Substation and Training Facility

The proposed project location for the new Metro Transit Police Department (MTPD) District II substation and training facility lies within the Accotink Creek watershed, specifically in the headwaters of the Long Branch South Watershed Management Area. Streams in this watershed are substantially degraded and exhibit poor habitat, poor biological conditions and lack of fish diversity. Benthic macroinvertebrate community health is also poor. The entire Accotink Creek watershed is categorized as Watershed Restoration Level II by Fairfax County. The primary goal for Restoration Level II watersheds is to prevent further degradation and to implement measures to improve water quality. The proposed final Watershed Management Plan for the Accotink Creek watershed is available at www.fairfaxcounty.gov/dpwes/watersheds/accotinkcreek.htm. The plan is scheduled to go to the Board of Supervisors on Feb. 8, 2011, for approval.

Regarding Attachments A thru C, none of the maps include the non-perennial stream that is identified in the Chesapeake Bay Map for tax map 90-2 found at <http://www.fairfaxcounty.gov/gisapps/pdfviewer/default.htm> (Select “Chesapeake Bay Map” under Step 1 and “90-2” under Step 2). It is unclear exactly where this stream falls in relation to the proposed development, however, an Environmental Quality Corridor should be identified around the water body. It is unclear if an official RPA study has been completed for this parcel. It is possible that the RPA may shift towards the proposed facility once the final delineation has been identified. It does seem that there may not be the full 100-foot RPA boundary as required, specifically where the stream channel bends up to the north right below the proposed training facility, but it is difficult to assess as the legend marking the scale is illegible. Finally, it would be helpful to see what is currently at the proposed site location and the proposed limits of clearing. This is not clear in the submittal.

As stated above, the proposed location of the substation and training facility is located within the headwaters of the Long Branch South WMA. This section of stream, identified in Attachments A thru C, to the immediate south-west of the facility location is currently assessed as being of “poor” habitat quality and actively widening (Channel Evolution Model Stage 3). Additionally, there is an area of deficient riparian buffer along the very top of the stream channel along the east side. This information may be found in the Accotink Creek Watershed Workbook, Long Branch South page 8:

http://www.fairfaxcounty.gov/dpwes/watersheds/publications/ac/ac_longbranchsouth.pdf Care must be taken to provide adequate stormwater management for the proposed facility to prevent any further degradation of this system.

The study stipulates that “*technical criteria stipulated in the Virginia stormwater management regulations will be incorporated into the project’s BMP design, and the construction stormwater management regulations established by Fairfax County will be observed*”. However, there is no information on what permanent stormwater management facilities will be constructed to manage the runoff from the 130,000 square feet, or almost three acres, of new impervious surface. Staff from Fairfax County Stormwater Management would like to opportunity to comment on the proposed stormwater management plans once they are developed.

We propose to following stormwater management techniques/practices for the site:

- Build a parking garage instead of surface parking. This may greatly diminish the amount of new impervious surface on this property.
- If a parking garage is not possible, then we recommend the use of either pervious pavement or porous pavers (outside of handicapped parking spaces and any ramps/pathways associated with the parking spots).
- Green roofs may be implemented on the two buildings. These areas could be created as an amenity and made accessible to workers.
- Parking islands could be turned into bioretention facilities to provide management.
- An underground storage facility may be used if above ground facilities are impractical to implement.
- The site drains to existing dry pond DP0296. The proposed Accotink Creek Watershed Management Plan identifies a project to retrofit this pond to a shallow wetland to treat the stormwater runoff for quality control. It may be possible for the MTPD to help fund this project in lieu of on-site stormwater management. The proposed project fact sheet for project AC9120 may be found at http://www.fairfaxcounty.gov/dpwes/watersheds/publications/ac/ac_plan_sec5_pfs1_011911.pdf , page 39 of 50.

For further Information on the Accotink Creek Watershed Management Plan, please contact Danielle Wynne at danielle.wynne@fairfaxcounty.gov or 703-324-5616

Hachey, Alan

Subject: FW: WMATA Eisenhower Metro and MTPD District II Substation projects

From: melissa.barlow@dot.gov [<mailto:melissa.barlow@dot.gov>]

Sent: Tuesday, January 18, 2011 10:35 AM

To: katie.grasty@dot.gov; Ashe, James A.

Subject: FW: WMATA Eisenhower Metro and MTPD District II Substation projects

fyi

Melissa P. Barlow

Community Planner

Federal Transit Administration | DC Metro

1990 K Street, NW | Suite 510

Washington, DC 20006

202.219.3565 (o) | 202.219.3545 (f)

melissa.barlow@dot.gov

From: Tylan_Dean@fws.gov [mailto:Tylan_Dean@fws.gov]

Sent: Tuesday, January 18, 2011 10:08 AM

To: Barlow, Melissa (FTA)

Subject: WMATA Eisenhower Metro and MTPD District II Substation projects

Greetings.

We received your request for concurrence regarding the two projects referenced above. You had used our on-line project review process to evaluate the potential effects of the proposed projects on federally listed threatened and endangered species and bald eagles. Based on a cursory evaluation of your reviews, we concur with your determinations. Please note that through our online project review process, you are able to generate a self-certification letter that serves as our official response when you make determinations of "no effect" and "not likely to adversely affect." In the future, please print this letter whenever your reviews result in these conclusions. When you send us your project review package that includes the self-certification letter, we will maintain records of your review and compliance.

If you have any questions, please don't hesitate to contact me.

Tylan Dean

Assistant Supervisor

Endangered Species & Conservation Planning Assistance

U.S. Fish and Wildlife Service

Virginia Field Office

6669 Short Lane

Gloucester, Virginia 23061

phone - 804-693-6694 x 166

fax - 804-693-9032

visit us at: <http://www.fws.gov/northeast/virginiafield/>



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
6669 Short Lane
Gloucester, Virginia 23061



Date: 1/24/2011

Online Project Review Certification Letter

Project Name: WMATA MTPD District II Substation and Training Facility

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Field Office online project review process. By providing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the referenced project in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA), and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c, 54 Stat. 250), as amended (Eagle Act). This letter also provides information for your project review under the National Environmental Policy Act (National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be mailed to this office at the address on the letterhead for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA and Eagle Act conclusions. These conclusions resulted in “no effect” and/or “not likely to adversely affect” determinations for listed species and critical habitat and/or “no Eagle Act permit required” determinations for eagles regarding potential effects of your proposed project. We certify that the use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the “no effect” and “not likely to adversely affect” determinations for listed species and critical habitat and “no Eagle Act permit required” determinations for projects eagles. Additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species.

Should project plans change or if additional information on the distribution of listed species, critical habitat, or bald eagles becomes available, this determination may be reconsidered. This certification letter is valid for one year.

Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available at our website http://www.fws.gov/northeast/virginiafield/endspecies/project_reviews.html. If you have any questions, please contact Tylan Dean of this office at (804) 693-6694, extension 166.

Sincerely,

/s/ Cynthia A. Schulz

Cindy Schulz
Supervisor
Virginia Field Office

Enclosures - project review package



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION III
Delaware, District of
Columbia, Maryland,
Pennsylvania, Virginia,
West Virginia

1760 Market Street
Suite 500
Philadelphia, PA 19103-4124
215-656-7100
215-656-7260 (fax)

December 23, 2010

Mr. Tylan Dean
Virginia Field Office
U.S. Fish and Wildlife Service, Ecological Services
6669 Short Lane
Gloucester, VA 23061

Re: Concurrence Request for WMATA MTPD District II Substation and Training Facility

Dear Mr. Dean:

The Washington Metropolitan Area Transit Authority (WMATA) is conducting an environmental study of the proposed construction of a new Metro Transit Police Department (MTPD) District II Substation and Training Facility on vacant WMATA property adjacent to the Franconia-Springfield Metrorail Station in Springfield, Virginia. FTA is the lead federal agency for the project and has determined that the appropriate class of action for this project is a Documented Categorical Exclusion (DCE). The project team is preparing a Documented Categorical Exclusion to meet federal requirements under the National Environmental Policy Act of 1969 (NEPA).

The project study area is located in Fairfax County, Virginia as shown on the attached USGS Annandale, Virginia Quadrangle (Figure 1). The proposed facility will enhance the effectiveness and readiness of MTPD members by allowing members to qualify with their firearms semi-annually, as required by state training mandates and the Metro Compact.

The proposed project includes two buildings, a single story training facility and a three story administration/police station building. The police station will include administration offices, training rooms, evidence storage and crime scene work areas, and support areas including a gym and locker rooms. The training/firing range will accommodate 16 simultaneous users and will include weapons cleaning and storage areas, and administration areas, as well as conference and classroom training. A figure showing the MTPD facility concept design is provided as Figure 2.

The Federal Transit Administration (FTA) is requesting U.S. Fish and Wildlife Service to provide concurrence that the project is not likely to adversely affect federally listed threatened or endangered species pursuant to the Endangered Species Act and the Bald and Golden Eagle Protection Act.

The surrounding land uses in the study area consist of suburban residential areas, a regional retail center, industrial uses, and a transportation facility. The site is also in close proximity to the major highway corridors of I-95 and the Franconia-Springfield Parkway. A Chesapeake Bay Resource

Letter to Tylan Dean, Virginia Field Office, U.S. Fish and Wildlife Service, Ecological Services
Re: Concurrence Request for WMATA MTPD District II Substation and Training Facility
Page 2

Protection Area (RPA) buffering a named stream known as Long Branch exists south of the proposed site, abutting the project boundary, and is shown in the concept design. Concept designs for the facility are designed to avoid encroachment on the RPA adjacent to the property.

Based on the existing land use conditions, habitat potential for threatened and endangered species is limited. Additionally, the Fairfax County Department of Public Works and Environmental Services describe the existing conditions of this portion of Long Branch as having "poor" habitat rating.¹

A review of the U.S. Fish and Wildlife Service Virginia Field Office website was conducted to identify federally-listed species found within Fairfax County, Virginia on November 30, 2010. Habitat and species information for the study area provided by the USFWS Virginia Field Office and the Virginia Department of Conservation and Recreation (DCR) websites for the County is summarized in Table 1. The DCR maintains data on state designated natural heritage resources which includes both state and federally listed species habitat.

Based on a review of habitat requirements for endangered species identified by USFWS in Fairfax County, the project study area does not contain suitable habitat for federally listed threatened or endangered species. Therefore, the project is not expected to adversely affect federally-listed threatened or endangered species. Additionally, the College of William and Mary, Center for Conservation Biology, maintains a database of bald eagles nests within the Commonwealth but does not identify any bald eagle nests within 660 feet of the site.

Attached for your review is the relevant USGS Topographic Quad map showing the project location, an MTPD facility concept design, and summary table of federally and state listed threatened and endangered species for Fairfax County. A similar letter is being submitted to the Virginia Department of Game and Inland Fisheries and the Virginia Department of Conservation and Recreation.

If you have any further questions, please contact Ms. Melissa Barlow by telephone at (202) 219-3565 or by email at melissa.barlow@dot.gov.

Sincerely,



Letitia A. Thompson
Regional Administrator

¹ Accotink Creek Draft Watershed Management Plan, Fairfax County Department of Public Works and Environmental Services, October, 2010. http://www.fairfaxcounty.gov/dpwes/watersheds/publications/ac/ac_longbranchsouth.pdf

Letter to Tylan Dean, Virginia Field Office, U.S. Fish and Wildlife Service, Ecological Services
Re: Concurrence Request for WMATA MTPD District II Substation and Training Facility
Page 3

Enclosures:

Figure 1: Project Location Map

Figure 2: MTPD District II Police Station and Training Facility Concept Design

Table 1: Summary of Federally Listed Species for the City of Alexandria, US Fish And Wildlife Service, Virginia Field Office.

COPIES TRANSMITTED ELECTRONICALLY

cc: Melissa Barlow, FTA-DC Metro Office
Katie Grasty, FTA Office of Planning and Environment
Jim Ashe, Washington Metropolitan Area Transit Authority

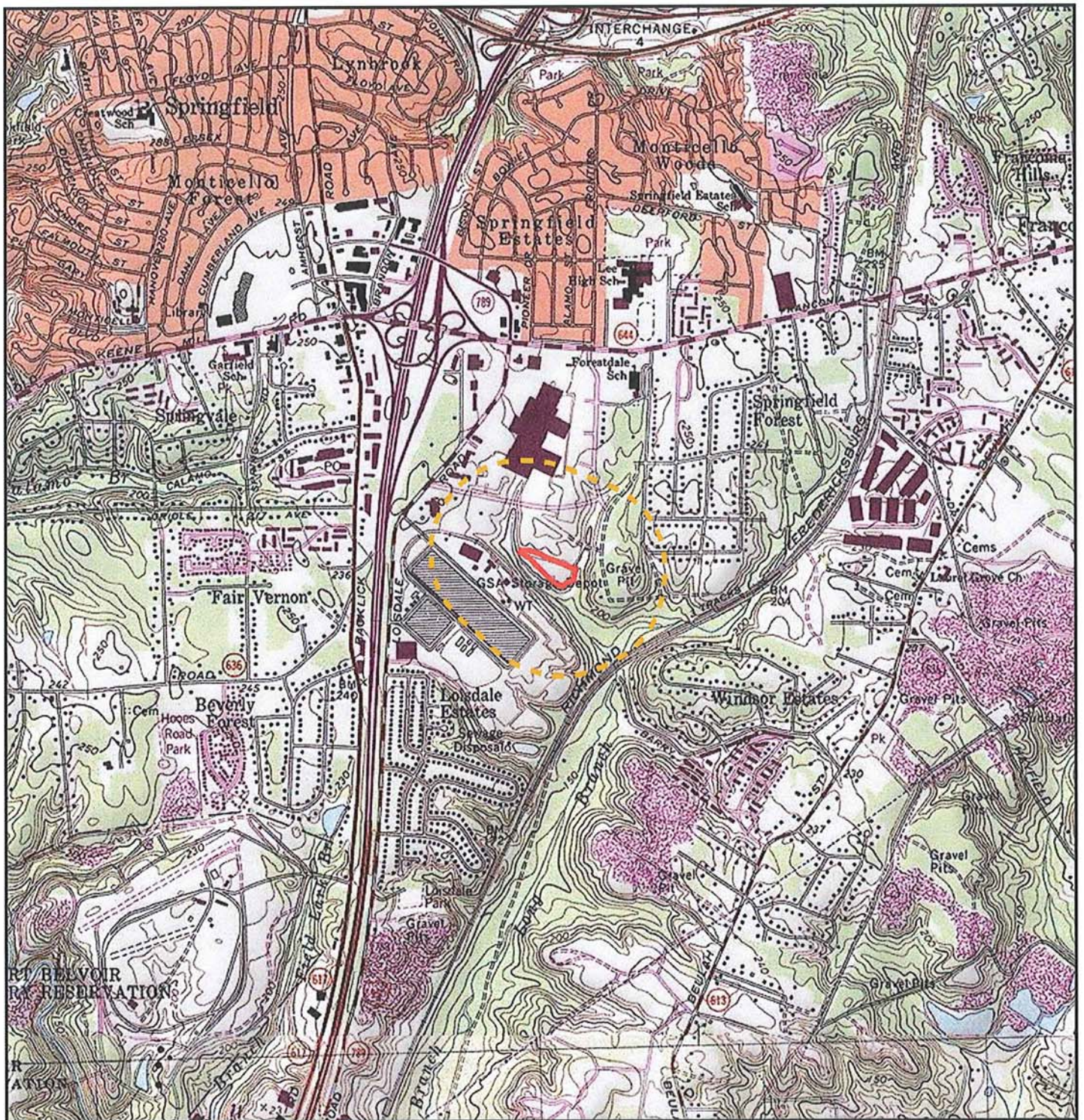


Figure 1: Project Location Map

MTPD District II and Training Facility

USGS Quadrangle Map - Annandale Quadrangle

- MTPD Facility Footprint
- 1/4 Mile Study Area Buffer

0 1,000 2,000 Feet



Figure 2: MTPD District II Police Station and Training Facility Concept Design

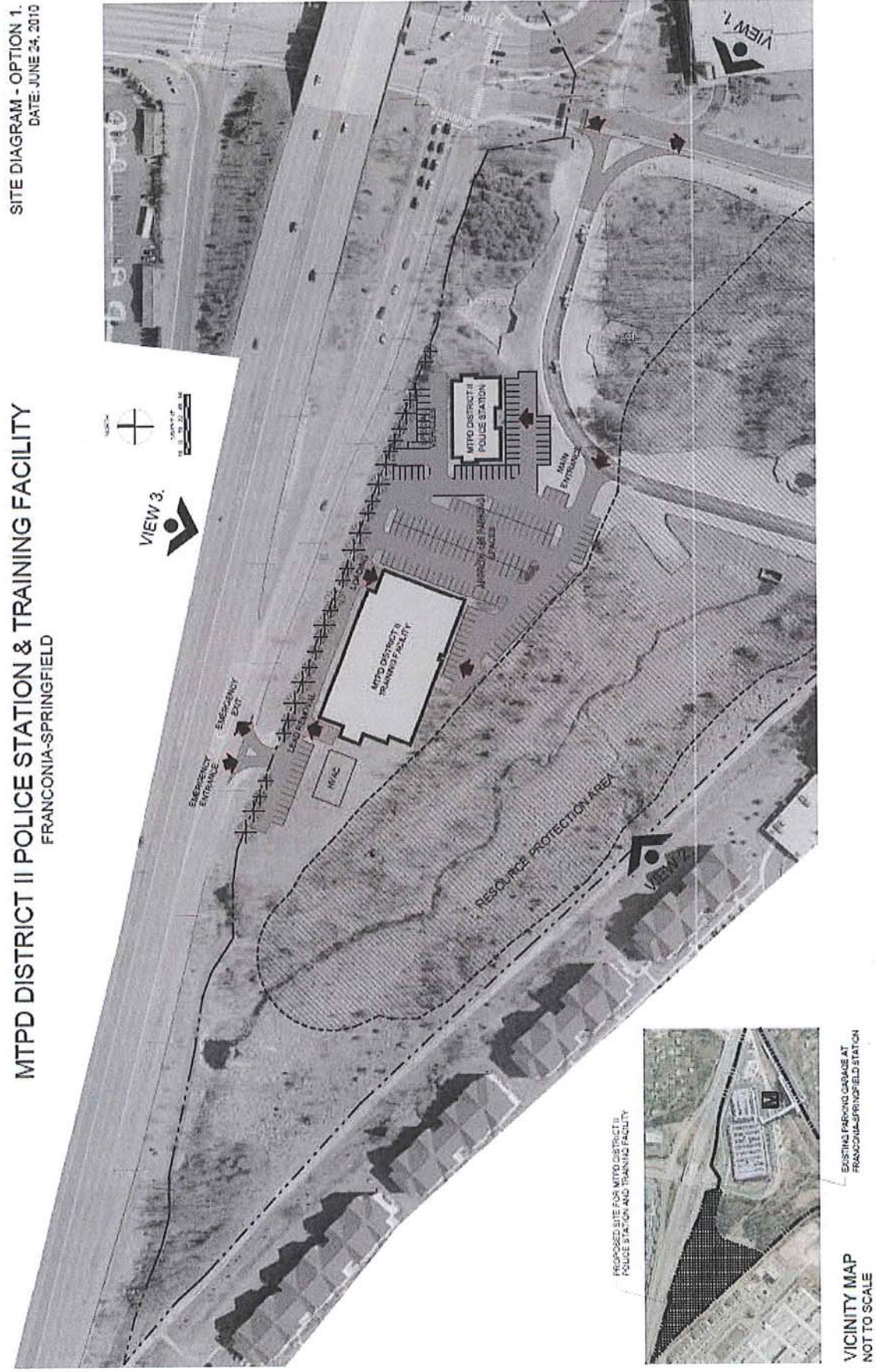


Table 1: USFW Federally Listed and State Listed Species Findings for Fairfax County, Virginia

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
Federally Endangered, Threatened, Proposed, and Candidate Species			
<i>Aeschynomene virginica</i> Sensitive joint-vetch	Species not present	No effect	Species occurs in fresh to slightly brackish tidal river systems, typically at the outer fringe of marshes or shores. Long Branch is located within the study area, south of the proposed site. Long Branch is not tidally influenced and therefore it is assumed that the appropriate habitat to support the Sensitive joint-vetch does not occur with the study area.
<i>Isotria medeoloides</i> Small whorled pogonia	Species not present	No effect	Species is found in third-growth upland forests with an open understory and a closed canopy where the topography is typically moderately sloping or almost level. This species requires acidic sandy loam soils with low nutrient content. A review of the soils information from the USDA Natural Resources Conservation Service shows that the primary soil type for the proposed site is Sassafras-Neabsco complex. This soil is not defined as acidic sandy loam. Therefore it appears that the site conditions do not support the habitat require for the Small whorled pogonia.
Other Federally Protected Species			
<i>Haliaeetus leucocephalus</i> Bald Eagle	Unlikely to disturb nesting bald eagles	No Eagle Act permit required	No nests within 660' and not within a concentration area.
Species of Concern (No official Federal Status)			
<i>Elliptio lanceolata</i> Yellow lance	Species not present	No effect	This species occurs in medium sized freshwater streams and prefers clean, coarse to medium sized sands as substrate. On occasion, specimens are also found in gravel substrates. This species is found in the main channels of drainages down to streams as small as a meter across. Based on the existing land use conditions, habitat potential is limited. Additionally, the Fairfax County Department of Public Works and Environmental Services describe the existing conditions of this portion of Long Branch as having "poor" habitat rating. ¹
<i>Sphalloplana holsingeri</i> Holsinger's groundwater planarian	Species not present	No effect	This species is known from only one locality, the spring on the property of J.W. Biggers in Fairfax County (6278 Edsall Road). ² Habitat assessment indicated no potential habitat present.
<i>Sphalloplana subtilis</i> Bigger's groundwater planarian	Species not present	No effect	This species is known from only one locality, the spring on the property of J.W. Biggers in Fairfax County (6278 Edsall Road). ¹ Habitat assessment indicated no potential habitat present.

¹ Accotink Creek Draft Watershed Management Plan, Fairfax County Department of Public Works and Environmental Services, October, 2010.
http://www.fairfaxcounty.gov/dpwes/watersheds/publications/ac/ac_lonebranchsouth.pdf

² Kenk, R. 1977. Freshwater Triclad (Turbellaria) of North America, IX: The Genus *Sphalloplana*. Smithsonian Contributions to Zoology, Number 246. Smithsonian Institution Press, Washington, D.C. pg 14

Species / Resource Name		Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
<i>Stygobromus kenki</i> Rock Creek groundwater amphipod	Species not present	No effect	Required habitat for this species includes groundwater or groundwater-related subterranean habitats, for example, caves, seeps, small springs, wells, interstices, and rarely deep lakes. Habitat assessment indicated no potential habitat present.	
<i>Stygobromus phreaticus</i> Northern Virginia well amphipod	Species not present	No effect	Required habitat for this species includes groundwater or groundwater-related subterranean habitats, for example, caves, seeps, small springs, wells, interstices, and rarely deep lakes. Habitat assessment indicated no potential habitat present.	
<i>Stygobromus</i> sp. 15 A groundwater amphipod	Species not present	No effect	Required habitat for this species includes groundwater or groundwater-related subterranean habitats, for example, caves, seeps, small springs, wells, interstices, and rarely deep lakes. Habitat assessment indicated no potential habitat present.	
<i>Pycnanthemum torrei</i> Torrey's mountain-mint	Species not present	No effect	Required habitat for this species includes grasslands, shrublands, open woodlands, open wetlands/bogs, shale barrens, rock outcrops, tallus slopes and/or early successional woody habitat. Based on the existing land use conditions, habitat potential is limited. Additionally, the Fairfax County Department of Public Works and Environmental Services describe the existing conditions of this portion of Long Branch as having "poor" habitat rating.	
Federally Designated Critical Habitat				
Federally Designated Critical Habitat	No critical habitat present	No effect		
State Listed Endangered, Threatened, Proposed, Candidate Species, and Species of Concern				
<i>Alasmidonta varicose</i> Brook Floater (Endangered)	Species not present	No effect	This species is found in habitats that have consistently flowing water, from small streams to large rivers. This species favors clean water in gravel or sand and gravel substrates. Based on the existing land use conditions, habitat potential is limited. Additionally, the Fairfax County Department of Public Works and Environmental Services describe the existing conditions of this portion of Long Branch as having "poor" habitat rating.	
<i>Glyptemys insculpta</i> Wood Turtle (Threatened)	Species not present	No effect	This species live in rivers with sandy-bottomed streams and rivers. They spend most of their time in the river from September to May, but in summer can be found foraging in woods, swamps, and meadows in the upland areas edging the stream or river. Based on the existing land use conditions, habitat potential is limited. Additionally, the Fairfax County Department of Public Works and Environmental Services describe the existing conditions of this portion of Long Branch as having "poor" habitat rating.	
<i>Gallinula chloropus</i> Common Moorhen (Species of Concern)	Species not present	No effect	The common moorhen lives in freshwater and brackish marshes, lakes, canals and ponds with cattails and other aquatic vegetation. Habitat assessment indicated no potential habitat present.	

Species / Resource Name	Conclusion	ESA Section 7 / Eagle Act Determination	Notes / Documentation
<i>Nyctanassa violacea</i> Yellow-crowned Night-heron (Species of Concern)	Species not present	No effect	This species is found in wooded swamps and coastal thickets. Habitat assessment indicated no potential habitat present.
<i>Stygobromus pizzinii</i> Pizzini's Amphipod (Species of Concern)	Species not present	No effect	Required habitat for this species includes groundwater or groundwater-related subterranean habitats, for example, caves, seeps, small springs, wells, interstices, and rarely deep lakes. Habitat assessment indicated no potential habitat present.

Source: US Fish and Wildlife Service, Virginia Field Office, *Endangered Species County Lists*, http://www.fws.gov/northeast/virginiafield/endspecies/county_lists.html, Accessed November 30, 2010;
 Virginia Department of Conservation and Recreation website, Natural Heritage Resources by County, http://webdat.dcr.virginia.gov/cfprog/dnh/naturalheritage/display_counties.cfm, Accessed November 30, 2010

Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Division of Natural Heritage
217 Governor Street
Richmond, Virginia 23219-2010
(804) 786-7951

January 10, 2011

Alan Hachey
AECOM
2101 Wilson Blvd, 8th Floor
Arlington, VA 22201

Re: WMATA MTPD District II Substation and Training Facility

Dear Mr. Hachey:

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.

According to the information currently in our files, natural heritage resources have not been documented in the project area. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (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.

Our files also do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

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.

A fee of \$90.00 has been assessed for the service of providing this information. Please find enclosed an invoice for that amount. Please return one copy of the invoice along with your remittance made payable to the Treasurer of Virginia, Department of Conservation and Recreation, 217 Governor Street, Richmond, VA 23219. Payment is due within thirty days of the invoice date. Please note late payment may result in the suspension of project review service for future projects.

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 that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Shirl Dressler at (804) 367-6913.

Should you have any questions or concerns, feel free to contact me at 804-371-2708. Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in cursive script that reads "Alli Baird".

Alli Baird, LA, ASLA
Coastal Zone Locality Liaison