ATLANTIC COAST PIPELINE, LLC
ATLANTIC COAST PIPELINE

and

DOMINION ENERGY TRANSMISSION, INC.
SUPPLY HEADER PROJECT

Supplemental Filing
July 28, 2017

APPENDIX F

Coastal Zone Consistency Concurrence

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
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June 8, 2017

Atlantic Coast Pipeline, LLC
Mr. Richard B. Gangle
Dominion Resources Services, Inc.
5000 Dominion Boulevard
Glen Allen, VA 23060

RE: Federal Consistency Certification: Atlantic Coast Pipeline in the Cities of Suffolk and Chesapeake (DEQ 15-161F)

Dear Mr. Gangle,

The Commonwealth of Virginia has completed its review of the federal consistency certification (FCC) for the above-referenced project. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal consistency documents and responding to appropriate officials on behalf of the Commonwealth. This letter is in response to the FCC received on February 10, 2017. The submittal was an update to the original FCC submitted in September 2015. DEQ initiated its review of the FCC on October 6, 2015 after receiving sufficient information. This date started the original six month review period. However on November 13, 2015, the Federal Energy Regulatory Commission (FERC) issued a request for additional comments on proposed route changes, including changes in Virginia's coastal management zone that resulted in a stay of the review starting on December 9, 2015. Since that time, Dominion and DEQ have agreed to eight additional stays, the last through February 13, 2017, making June 8, 2017, the current six-month due date. The following agencies and locality participated in this review:

Department of Environmental Quality
Department of Game and Inland Fisheries
Department of Conservation and Recreation
Department of Health
Department of Aviation
Marine Resources Commission

City of Suffolk

The Virginia Department of Agriculture and Consumer Services, Department of Historic Resources, Department of Mines, Minerals and Energy, Virginia Institute of Marine Science, Department of Forestry, Department of Transportation, Virginia Department of Emergency Management, Department of Rail and Public Transportation, Virginia Outdoors Foundation, City of Chesapeake and Hampton Road Planning District Commission also were invited to comment.

PROJECT DESCRIPTION

Dominion Transmission, Inc. (Dominion) on behalf of Atlantic Coast Pipeline, LLC (Atlantic) submitted a FCC to DEQ for the portion of the Atlantic Coast Pipeline (ACP) in the cities of Suffolk and Chesapeake. Dominion proposes to construct approximately 44.7 miles of a 20-inch-diameter natural gas transmission pipeline in Virginia's Coastal Zone Management Area between the Blackwater River in Suffolk and the project's termination at the Elizabeth River metering and regulating station in Chesapeake. This portion of the ACP would include part of the new lateral pipeline, four new valves, and a new metering and regulating station. As proposed, the construction corridor in non-agricultural uplands and in wetlands will generally measure 75 feet in width with a 25-foot-wide spoil side and 50-foot-wide working side. In areas where full width topsoil segregation is required (e.g., agricultural areas), an additional 25 feet of temporary construction workspace will be needed to store topsoil. Additional temporary workspace measuring 25 by 100 feet will typically be required on both sides of the corridor and both sides of the crossing at wetlands, waterbodies, roads and railroads. In addition, additional temporary workspace will be required for pull back areas and drill pads where horizontal directional drill, or installation of the pipeline under a waterbody, is proposed. Following construction of the ACP pipeline, land within the temporary construction right-of-way will be restored, and a 50-foot-wide permanent easement will be maintained for operation of the pipeline.

Atlantic will utilize existing roads to the extent practicable but new roads may be necessary. Other construction-related activities would include clearing and grading land, trenching, installation and testing of the pipeline, commissioning, cleanup and restoration. A total of 128 waterbodies would be crossed by the ACP in Suffolk and Chesapeake. In the coastal zone, approximately 140.8 acres of wetlands would be temporarily impacted by construction of the ACP facilities. The FCC indicates that approximately 40.6 acres of forested/shrub wetlands would be permanently converted to herbaceous wetlands along the pipeline and 1.2 acres of wetlands would be lost, due to permanent impacts, at facilities (e.g., access roads and one metering and regulating station). Dominion is not proposing the construction of a compressor station in Suffolk or Chesapeake.

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the Coastal Zone Management Act (CZMA) of 1972, as amended (16 USCA, CZMA § 307, § 1456(c)(3)(A)) and its implementing federal consistency regulations (15 CFR Part 930, subpart D), any applicant for a required listed federal license or permit to conduct an activity, in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of the Commonwealth shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the Virginia Coastal Zone Management (CZM) Program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to DEQ a copy of the certification with all necessary information and data. The Commonwealth has six months after receipt of a complete FCC to concur or object to the applicant's finding of project consistency with the Virginia CZM Program. The Virginia CZM Program is comprised of a network of programs administered by several agencies. In order to be consistent with the Virginia CZM Program, all the applicable permits and approvals listed under the enforceable policies of the Virginia CZM Program must be obtained prior to commencing the project.

PUBLIC PARTICIPATION

In accordance with 15 CFR §930.2, a public notice of this proposed action with a public comment period from March 5, 2017 to April 4, 2017 was published in the DEQ Office of Environmental Impact Review program newsletter and on the DEQ website. In addition, a public notice was published in the *Suffolk News-Herald* on March 5, March 8 and March 14, and *Norfolk Virginian-Pilot* on March 5 and March 14.

Public Comment Summary: DEQ received 22 comments in response to the notice. All of the comments (attached) express opposition for the proposed project. Comments include recommendations that Atlantic explore alternative energy sources and statements that the project is in opposition to the Virginia CZM Program. In addition, commenters have general concerns about pipeline leaks, the destruction of natural beauty, the Great Dismal Swamp Wildlife Refuge, job creation, wildlife, groundwater, water supply, tourism, the crossing of waterbodies, wetlands and water quality, fisheries, erosion and marine animals. The comments state that the project is in opposition to the Virginia CZM Program but do not provide specific examples of how the project is not consistent with the enforceable policies.

Response to Public Comments:

A majority of issues that are raised in the comments are outside the scope of an analysis of the enforceable policies of the Virginia CZM Program. Topics related to the

enforceable policies include concerns about the crossing of waterbodies, wetlands and water quality, fisheries, erosion and marine animals. Given the general nature of the comments, reviewing agencies were not asked to review and respond to the individual comments. However, the broad concerns about potential environmental impairments are addressed in the agencies' responses and statements regarding the consistency of the project with the enforceable policies.

FEDERAL CONSISTENCY CONCURRENCE

According to the FCC, the project is consistent with the enforceable policies of the Virginia CZM Program. Reviewing agencies generally agree with this finding. Based on a review of the FCC and the comments submitted by agencies administering the applicable enforceable policies of the Virginia CZM Program, DEQ concurs that the proposal is consistent with the Virginia CZM Program provided all applicable permits and approvals are obtained as described below. If, prior to construction, the project should change significantly and any of the enforceable policies of the Virginia CZM Program would be affected, pursuant to 15 CFR §930.66, the applicant must submit supplemental information to DEQ for review and approval. Other state approvals which may apply to this project are not included in this FCC. Therefore, the applicant must ensure that this project is constructed and operated in accordance with all applicable federal, state, and local laws and regulations. In addition, in accordance with 15 CFR Part 930, subpart D, § 930.58(a) (3), the FCC also addresses the Advisory Policies of the Virginia CZM Program.

ANALYSIS OF ENFORCEABLE POLICIES

The analysis which follows responds to the discussion of the enforceable policies of the Virginia CZM Program that apply to this project and review comments submitted by agencies that administer the enforceable policies.

1. Fisheries Management. The FCC (page 29) states that Atlantic will implement measures such as the installation and maintenance of sediment and erosion controls at waterbody crossings to protect fisheries. In addition, Atlantic is evaluating the use of the horizontal directional drill method (HDD) for six waterbody crossings, which would significantly reduce or eliminate the potential for turbidity and sedimentation in the waterbodies and riparian vegetation clearing. According to Appendix 4, the open cut method is proposed for one crossing of Cohoon Creek and two crossings of Quaker Swamp in the City of Suffolk. The FCC states that the short duration of construction during the open cut crossings in addition to the implementation of best management practices will reduce the impacts of sedimentation and turbidity. In addition, Atlantic states that fish will be removed prior to instream construction at dry waterbody crossings. Atlantic has also coordinated (pages 31 – 33) with government agencies regarding essential fish habitat and marine mammals. The FCC indicates that the

project would have minimal adverse impact on essential fish habitat and would be unlikely to result in the harassment of marine mammals.

1(a) Agency Jurisdiction. The fisheries management enforceable policy is administered by the Department of Game and Inland Fisheries (Virginia Code §§29.1-100 to 29.1-570) and Virginia Marine Resources Commission (Virginia Code §§28.2-200 to 28.2-713) which have management authority for the conservation and enhancement of finfish and shellfish resources in the Commonwealth. In addition, the Virginia Department of Health Division of Shellfish Sanitation is responsible for protecting the health of the consumers of molluscan shellfish and crustacea by ensuring that shellfish growing waters are properly classified for harvesting, and that molluscan shellfish and crustacea processing facilities meet sanitation standards.

1(b) Agency Findings. VDH and VMRC do not indicate that the project would affect fisheries issues under their jurisdictions.

DGIF states that there are no designated Threatened and Endangered Species Waters located in the coastal zone areas crossed by the ACP and attendant facilities. However, DGIF is finalizing an update of this dataset and may provide additional information at a later date.

DGIF states that it had requested that Atlantic provide a table that includes all stream and wetland crossings within the coastal zone associated with the project. This information has been provided and is located in Appendix 4 and 5 of the FCC. DGIF also had requested information about the locations, methods, and quantities of temporary surface water intakes necessary for HDDs, dust suppression, and hydrostatic testing of the pipeline. This information was not included in the FCC. According to the draft environmental impact statement for the project, the following water quantities (approximate) are needed across the entire pipeline project: 16-20 million gallons for HDD construction, 38.2 million gallons for dust suppression, and 83.7 million gallons for hydrostatic testing. DGIF is unable to discern, from the information provided, what percentage of these expected quantities are located in the coastal zone of Virginia. However, DGIF understands that Atlantic has agreed not to withdraw water from designated anadromous fish use areas and to use municipal water sources in those areas.

1(c) Agency Recommendations.

DGIF has the following recommendations regarding the stream and wetland crossings depicted in appendices 4 and 5:

- Avoid and minimize impacts to undisturbed forest, wetlands, and streams to the fullest extent practicable.

- Adhere to the time-of-year restriction listed for protection of anadromous fishes.
- Conduct all instream work associated with the project during low- or no-flow conditions, using non-erodible cofferdams or turbidity curtains to isolate the construction area, blocking no more than 50% of the streamflow at any given time, stockpiling excavated material in a manner that prevents reentry into the stream, restoring original streambed and streambank contours, revegetating barren areas with native vegetation, and implementing strict erosion and sediment control measures.
- To minimize harm to the aquatic environment and its residents resulting from the use of the Tremie method to install concrete, installation of grout bags, and traditional pouring of concrete, conduct such activities only "in the dry" and allow concrete to harden and cure prior to contact with open water.
- Due to future maintenance costs associated with culverts, and the loss of riparian and aquatic habitat, conduct stream crossings via clear-span bridges. However, if this is not possible, countersink any culverts below the streambed at least 6 inches, or use bottomless culverts, to allow passage of aquatic organisms.
- Install floodplain culverts to carry bankfull discharges.
- Maintain undisturbed naturally vegetated buffers at least 100 feet in width around all on-site wetlands and on both sides of all perennial and intermittent streams.
- Use HDD to cross sensitive waters, where appropriate, in accordance with required best management practices (BMPs) and with a frac-out plan in place.
- Adhere to the Fish Relocation Plan.

DGIF recommends the following regarding any proposed temporary water intakes, about which DGIF has little information:

- Provide water intake locations once they are known.
- Ensure that water intakes not be placed in waters known to support sensitive species. The U.S. Fish and Wildlife Service (FWS) also has offered this recommendation.
- Do not place water intakes in designated Anadromous Fish Use Areas. The National Ocean and Atmospheric Administration (NOAA) Fisheries Service also has offered this recommendation.
- Ensure that the intake is fitted with a 1 millimeter mesh screen and the intake velocity does not exceed 0.25 feet per second to protect resident aquatic species from impingement and entrainment.
- Ensure that the intake does not withdraw more than 10% of instantaneous flow to allow continued access to necessary instream habitats.
- Rely upon municipal water supplies for water uses along the entire pipeline, including the coastal zone, where appropriate and available.

DGIF states that these recommendations may not be appropriate or necessary to apply to the proposed surface water intakes, but without any information about the intakes, DGIF cannot make that determination.

1(d) Conclusion. Provided Atlantic adheres to best management practices to avoid and minimize impacts upon the aquatic environment to the greatest extent practicable as well as any specific permit conditions that maybe be issued by VMRC to protect fisheries, the project would be consistent with the fisheries management enforceable policy.

2. Wetlands Management. The FCC (pages 35-36) states that the alteration of wetland vegetation is the primary impact of pipeline construction and right-of-way maintenance activities on wetlands. Most impacts associated with construction activities are considered temporary, but long-term impacts on wetland vegetation may occur depending on the time required for reestablishment of wetland functions associated with vegetation cover. The combined linear crossing distance of all wetlands in the coastal zone is 15.7 miles, accounting for approximately 35 percent of the total length of the 44.7 miles of pipeline within the coastal zone. Approximately 140.8 acres of wetlands will be temporarily impacted by construction of the ACP facilities. Maintenance activities along the pipeline right-of-way will impact approximately 40.6 acres of wetlands due to the conversion of palustrine forested (PFO) and palustrine scrubshrub (PSS), wetlands to palustrine emergent (PEM) wetlands, resulting in 38.0 acres of PFO wetlands and 2.1 acres of PSS wetlands conversion. In addition, permanent impacts due to aboveground facilities and access roads will impact approximately 1.2 acres, including 0.6 acre of PFO, 0.2 acre of PSS, and 0.4 acre of estuarine wetlands. The proposed wetland mitigation measures are intended to avoid wetland impacts to the greatest extent practicable; minimize the area and duration of disturbance; reduce soil disturbance; and enhance wetland revegetation after construction. In order to reduce impacts on wetlands, Atlantic states that it has made and will continue to evaluate minor route adjustments, where practicable, based on the results of biological field surveys to minimize or avoid impacts on wetlands. Atlantic also will reduce the construction right-of-way to 75-feet in wetlands and will cross some wetlands using the HDD crossing method. In addition, the majority of wetlands impacted during construction will be allowed to return to their preconstruction condition.

2(a) Agency Jurisdiction. The wetlands management enforceable policy is administered by the Virginia Marine Resources Commission (tidal wetlands) (Virginia Code §28.2-1301 through 28.2-1320) and the Department of Environmental Quality through the Virginia Water Protection (VWP) Permit Program (tidal and non-tidal wetlands) (Virginia Code §62.1-44.15:20 and Water Quality Certification pursuant to Section 401 of the Clean Water Act).

2(b) DEQ Findings. The DEQ Office of Wetlands and Stream Protection states that provided the work is conducted in accordance with any required Clean Water Act Section 404 or Section 401 permits, certificates or individual Section 401 conditions, the project will be consistent with the VWP regulation.

2(c) VMRC Findings. The Virginia Marine Resources Commission (VMRC) states that the proposed project will impact approximately 67,954 square feet (1.56 acres) of tidal wetlands in the City of Chesapeake. VMRC is acting as the local wetlands board and will be required to issue a permit, pursuant to Chapter 13 of Title 28.2 of the Code of Virginia, for the proposed project since the City of Chesapeake rescinded its adoption of the Wetlands Ordinance. The pipeline is proposed to be directionally bored beneath tidal wetland areas in the City of Suffolk. Therefore, no impacts to tidal wetlands are anticipated with these crossings. Additionally, Atlantic should implement the measures identified in their *Invasive Plant Species Management Plan* to minimize the potential introduction of the invasive common reed, *Phragmites sp.,* for all wetland crossing sites except for site wChro002.

2(d) Requirements.

- The project must comply with any required Clean Water Act Section 404 or Section 401 permits, certificates or individual Section 401 conditions.
- Atlantic must obtain a VMRC tidal wetlands permit for proposed impacts in the City of Chesapeake.

2(e) Conclusion. Provided the project complies with any required Clean Water Act Section 404 or Section 401 permits, certificates or individual Section 401 conditions and a VMRC tidal wetlands permit, the project would be consistent with the wetlands management enforceable policy.

3. Subaqueous Lands. According to the FCC (page 33), a total of 128 waterbodies will be crossed by AP-3 lateral pipeline construction workspace within Chesapeake and Suffolk. Impacts on waterbodies crossed by the proposed ACP facilities could occur as a result of construction activities in stream channels and on adjacent banks. These impacts will be limited to the period of instream construction, and conditions will return to normal shortly after stream restoration activities are completed. According to Appendix 4, the open cut method is proposed for one crossing of Cohoon Creek and two crossings of Quaker Swamp in the City of Suffolk.

3(a) Agency Jurisdiction. The management program for subaqueous lands establishes conditions for granting or denying permits to use state-owned bottomlands based on considerations of potential effects on marine and fisheries resources, tidal wetlands, adjacent or nearby properties, anticipated public and private benefits, and water quality standards established by the Department of Environmental Quality. The program is

administered by the Virginia Marine Resources Commission (Virginia Code §28.2-1200 to §28.2-1213).

3(b) Agency Comments. During the review of the FCC, VMRC requested additional information from Atlantic about three proposed open cut crossings in the coastal zone: one crossing of Cohoon Creek and two crossings of Quaker Swamp in the City of Suffolk. After additional coordination, Atlantic asked to meet with DEQ and VMRC on April 5, 2017. Atlantic, VMRC and DEQ staffs discussed the proposed construction method and measures that could be taken to reduce the potential of impacts from sedimentation during open cut crossings. The result of the meeting was that Atlantic agreed to implement additional mitigation methods, including the following items:

- Atlantic will time the crossing of these tributaries such that the work would be carried out during low flow conditions, as feasible.
- Should weather forecasts indicate that heavy rainfall is predicted, the trenching would not occur until the threat of rain has passed.
- Atlantic expects that the crossing of each of these would not take more than 3 to 5 days to install from trench excavation through backfilling, at which time restoration would begin immediately.
- Atlantic also agrees to improve sediment control measures in these areas to account for the concentrated flows during heavy rain events that occur within these wetland tributaries by using a combination of silt fence and turbidity barriers along the edges of the right-of-way commensurate with micro-site conditions.
- The erosion and sediment control plans will include the details of such commitments.

Additional details are in the attached letter from Atlantic. VMRC's response to the proposed open cut crossings and Atlantic's letter is below. DEQ's response to the proposed open cut crossings is in Item 4.

3(c) Agency Findings. For the jurisdictional stream crossings proposed by ACP within the coastal zone of Virginia, tidal and non-tidal, appropriate construction methodologies for buried utilities routinely permitted by the Commission include directional drill, cofferdam construction, dam and pump or flume-around technology to reduce impacts to marine fishery resources. Most of these crossings will utilize the aforementioned construction methodologies and best management practices. The Commission currently views this component of the project as consistent with its Subaqueous Guidelines. Provided measures listed below are adhered to by Atlantic, VMRC staff has no objection at this time for the proposed open cut crossings of Quaker Swamp and Cohoon Creek.

3(d) Agency Recommendations. VMRC recommends adherence to the Commission's standard instream permit conditions listed below:

- A "frac-out" contingency plan must be provided for any crossings utilizing the directional drill method to address potential frac-outs or related spills associated with any directional drilling activities.
- The instream construction activities shall be accomplished utilizing dam and pump, flume around or within cofferdams constructed of non-erodible materials in such a manner that no more than half the width of the waterway is obstructed at any point in time. All areas of State-owned bottom and adjacent lands disturbed by this activity shall be restored to their original contours and natural conditions within thirty (30) days from the date of completion of the authorized work. All excess materials shall be removed to an upland site and contained in such a manner to prevent its reentry into state waters.
- Erosion and sediment control measures shall be in conformance with the *1992 Third Edition of the Virginia Erosion and Sediment Control Handbook* and shall be employed throughout construction.

For the proposed open cut crossings of Quaker Swamp and Cohoon Creek, VMRC recommends the following:

- Follow erosion and sediment control measures outlined in the April 13, 2017, memorandum, from Environmental Resources Management (ERP) to Dominion, as well as the Federal Energy Regulatory Commission (FERC) Wetland and Waterbody Construction and Mitigation Procedures.
- Initiate any trench excavation for the subject waterways only after verifying that no significant rainfall events are forecasted for the time period necessary to complete the open cut trench, pipe installation and backfilling operations (3 to 5 days).

3(e) Requirement. Atlantic is required to obtain a permit for impacts to submerged lands for the proposed ACP.

3(f) Conclusion. Provided Atlantic adheres to a VMRC subaqueous lands permit and conditions, the project would be consistent with the subaqueous lands management enforceable policy.

4. Coastal Lands Management. According to the FCC (page 42), FERC's *Upland Erosion Control, Revegetation, and Maintenance Plan* (Plan), FERC's *Wetland and Waterbody Construction and Mitigation Procedures* (Procedures), and Annual Standards and Specifications, will be implemented before, during and after soil-disturbing activities. Furthermore, after the pipeline is installed across a waterbody, the stream banks will be restored as near as practicable to pre-existing conditions and

stabilized. Stabilization measures could include seeding, tree planting, installation of erosion control blankets, or installation of riprap materials, as appropriate. Jute thatching or bonded fiber blankets will be installed on banks of waterbodies or road crossings to stabilize seeded areas. Temporary erosion controls will be installed immediately following bank restoration. The waterbody crossing area will be inspected and maintained until restoration of vegetation is complete. The FCC (page 44) states that Chesapeake Bay Resource Protection Areas (RPA) within the coastal zone along the proposed pipeline route consist of waterbodies and adjacent wetlands along the Southern Branch Elizabeth River, Blackwater River and estuarine wetlands. The ACP route in the City of Suffolk has reduced impacts to RPAs by proposing the use of HDD to cross the Blackwater River, and select tributaries to Lake Prince, Western Branch Reservoir, and the Nansemond River (page 46).

4(a) Agency Jurisdiction. The DEQ Office of Local Government Programs (OLGP) administers the coastal lands management enforceable policy through the Chesapeake Bay Preservation Act (Bay Act) (Virginia Code §62.1-44.15 et seq.) and Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations) (9VAC 25-830-10 et seq.).

4(b) Agency Findings. The DEQ OLGP states that local CPBA programs in the cities of Suffolk and Chesapeake include designated Chesapeake Bay Preservation Areas (CBPA) in portions of their respective localities. According to the FCC, the project is located within both locally designated CBPA and includes both Resource Protection Areas and Resource Management Areas. Development of natural gas lines is conditionally exempted under Section 9VAC 25-830-150 B 1 of the Regulations provided that appropriate erosion and sediment control and stormwater management requirements are met.

4(c) Requirement. The project must meet appropriate erosion and sediment control and stormwater management requirements to be conditionally exempt under Section 9VAC 25-830-150 B 1 of the Regulations.

4(d) Conclusion. Provided the above-referenced requirement is met, the project would be consistent with the coastal lands management enforceable policy.

5. Nonpoint Pollution Control. The FCC (page 39) states that to minimize impacts on soils, Atlantic will implement the best management measures outlined in the 2013 versions of FERC's Plan and Procedures. In addition, Atlantic will develop a site-specific Erosion and Sediment Control Plan and Stormwater Pollution Prevention Plan utilizing Dominion Transmission, Inc.'s Annual Standards and Specifications, which will be reviewed and approved by DEQ. The Annual Standards and Specifications will be compared with FERC's Plan and Procedures to determine the appropriate (i.e., whichever is more stringent) best management practices.

5(a) Agency Jurisdiction. The DEQ Office of Stormwater Management (OSM) administers the nonpoint source pollution control enforceable policy of the Virginia CZM Program through Virginia Erosion and Sediment Control Law and Regulations (VESCL&R) and Virginia Stormwater Management Law and Regulations (VSWML&R). In addition, DEQ is responsible for the issuance, denial, revocation, termination and enforcement of the Virginia Stormwater Management Program (VSMP) General Permit for Stormwater Discharges from Construction Activities related to municipal separate storm sewer systems (MS4s) and construction activities for the control of stormwater discharges from MS4s and land disturbing activities under the Virginia Stormwater Management Program.

5(b) Agency Findings. The DEQ OSM states that open wet trench watercourse crossings are generally discouraged. The three open wet trench watercourse crossings proposed in this project will be reviewed on a specific case basis during the individual project plan review. In addition, DEQ OSM acknowledges that Atlantic will be adhering to FERC's Plan and Procedures and U.S. Forest Service publications. Atlantic may utilize these procedures and publications during construction in Virginia. However, DEQ OSM states that should the state of Virginia's DEQ-approved plan and specifications differ, the more stringent requirement shall be followed.

5(c) Requirements. Natural gas transmission projects that result in regulated land-disturbing activities equal to or greater than 1 acre (2,500 square feet in Chesapeake Bay Preservation Areas) must comply with the most current version of the Stormwater Management (SWM) and Erosion and Sediment Control (ESC) Annual Standards and Specifications approved by DEQ. This regulated land-disturbing activity must have a DEQ-approved project-specific SWM/ESC plan developed in accordance with the DEQ approved Annual Standards and Specifications. Annual Standards and Specifications must be prepared in accordance with the Virginia Stormwater Management Act (VSMA) and the VSMP Permit Regulations and the VESCL&R.

5(d) Conclusion. Provided the project complies with the applicable erosion and sediment control and stormwater management requirements, the project would be consistent with the nonpoint source pollution control enforceable policy.

6. Point Source Pollution Control. The FCD (page 40) states that once hydrostatic testing is complete, the test water will be discharged to well-vegetated upland areas. The discharge rate will be regulated using valves and energy dissipation devices to prevent erosion. No chemicals will be added to the test water during hydrostatic testing.

6(a) Agency Jurisdiction. The point source program is administered by the State Water Control Board (DEQ) pursuant to Virginia Code §62.1-44.15. Point source pollution control is accomplished through the implementation of the National Pollutant

Discharge Elimination System (NPDES) permit program established pursuant to Section 402 of the federal Clean Water Act and administered in Virginia as the Virginia Pollutant Discharge Elimination System (VPDES) permit program.

6(b) Requirement. Coverage under the Petroleum Contaminated Sites and Hydrostatic Tests VPDES General Permit (9VAC25-120) may be required.

6(c) Conclusion. Provided Atlantic meets the requirements of the Petroleum Contaminated Sites and Hydrostatic Tests VPDES General Permit if required, the project would be consistent with the point source pollution control enforceable policy.

7. Air Pollution Control. The FCC (pages 41 - 42) states that the construction of the pipeline would not have a significant effect on air quality. Emissions from construction equipment will be temporary and localized. The FCC states that Atlantic has prepared and will implement a *Fugitive Dust Control and Mitigation Plan*, which identifies measures to control fugitive dust. In addition, construction contractors are not expected to use open burning as a means to dispose of land-clearing waste during construction within the coastal zone.

7(a) Agency Jurisdiction. The DEQ air program implements the federal Clean Air Act to provide a legally enforceable State Implementation Plan for the attainment and maintenance of the National Ambient Air Quality Standards. This program is administered by the State Air Pollution Control Board at DEQ (Virginia Code §10-1.1300 through §10.1-1320).

7(b) Ozone Attainment Area. The project site is located in an ozone attainment area and an emission control area for volatile organic compounds (VOCs) and oxides of nitrogen (NO_X), which are contributors to ozone pollution.

7(c) Requirements.

7(c)(i) Fugitive Dust. During land-disturbing activities, fugitive dust must be kept to a minimum by using control methods outlined in 9VAC5-50-60 et seq. of the Regulations for the Control and Abatement of Air Pollution. These precautions include, but are not limited to, the following:

- Use, where possible, water or suitable chemicals for dust control during the proposed demolition and construction operations and from material stockpiles;
- Install and use hoods, fans and fabric filters to enclose and vent the handling of dusty materials;
- Cover open equipment for conveying materials; and
- Promptly remove spilled or tracked dirt or other materials from paved streets and dried sediments resulting from soil erosion.

7(c)(ii) Open Burning. If project activities change to include the burning of vegetative debris, this activity must meet the requirements under 9VAC5-130 et seq. of the regulations for open burning, and it may require a permit. The regulations provide for, but do not require, the local adoption of a model ordinance concerning open burning. The responsible agent should contact the locality to determine what local requirements, if any, exist.

7(c)(iii) Fuel-Burning Equipment. Fuel-burning equipment (generators, compressors, etc.) or any other air-pollution-emitting equipment may be subject to registration or permitting requirements. Any portable cement or asphalt plants employed in the process may be subject to air permitting.

7(d) Agency Recommendation. DEQ recommends that all precautions should be taken to restrict the emissions of VOCs and NO_X during construction.

7(e) Conclusion. Provided the project complies with applicable requirements, it would be consistent with the air pollution control enforceable policy.

ADDITIONAL ENVIRONMENTAL CONSIDERATIONS

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

1. Natural Heritage Resources.

1(a) Agency Jurisdiction.

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

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

regarding potential impacts on state-listed threatened and endangered plant and insect species.

1(b) Agency Findings – Natural Heritage Resources.

Franklin Quadrangle Maps (Quad)

According to infrared aerials, the potential exists for Coastal Plain/Piedmont Bottomland Forest and Bald Cypress-Tupelo Swamp (old-age stands) to occur in the bottomlands of the Blackwater River, and DCR DNH recommended a survey for these significant natural communities in April 2015 and again in May 2016. DCR DNH staff reviewed the limited community information contained in the wetland delineations data forms and photographs submitted as a part of the FCC and does not anticipate impacts to significant wetland communities as designated by DCR DNH from the proposed project.

Holland Quad

The Eastern Big-eared bat (*Corynorhinus rafinesquii macrotis,* G3G4/S2/NL/LE) has been documented in proximity to the pipeline footprint. The Eastern Big-eared bat, is extremely rare in Virginia and is currently known only from the southeastern portion of the state. Threats to this species include forest destruction, particularly hollow tree removal, decreasing availability of abandoned buildings, and possibly, insecticides. This species is currently classified as endangered by DGIF. Additional information is in the attached DCR letter.

According to infrared aerials, the potential exists for Coastal Plain Depression Wetlands (G1G3/S1S2/NL/NL) to occur northeast of Rt. 613, and DCR DNH recommended a survey for these significant natural communities in April 2015 and again in May 2016. DCR DNH staff reviewed the limited community information contained in the wetland delineations data forms and photographs submitted as a part of the FCC and does not anticipate impacts to significant wetland communities as designated by DCR DNH from the proposed project.

Buckhorn Quad

There is the potential for the Eastern big-eared bat, Southeastern myotis (*Myotis austroriparius,* G3G4/S2/NL/NL), Fine-lined emerald (*Somatochlora filosa*, G5/S2/NL/NL), and Robust baskettail (*Epitheca spinosa*, G4/S2/NL/NL) to occur in Quaker Swamp.

Rare plant surveys conducted by ACP have documented Raven's seedbox *(Ludwigia ravenii*, G1G2/S1/NL/NL) and Big gallberry *(Ilex coriacea,* G5/S1/NL/NL*)* within and in close proximity to the project footprint. Raven's seedbox is a globally rare species

(G1G2), and therefore one of the most significant discoveries of the plant surveys conducted for this project. DCR DNH emphasizes the need to avoid impacts to this population during construction due to road improvements, drainage changes and staging associated with the construction of the pipeline. See the attached DCR comments for additional information.

Windsor Quad

DCR DNH historically documents the presence of natural heritage resources in proximity to the pipeline footprint. However, due to the scope of the activity and the distance to the resources, DCR does not anticipate that this project will adversely impact these natural heritage resources.

Chuckatuck Quad

The Great Dismal Swamp: Northwest Section Conservation Site is located within the pipeline footprint and has been given a biodiversity significance ranking of B5, which represents a site of general significance. The natural heritage resources of concern at this site are:

- *Crotalus horridus*, Canebrake rattlesnake, G4/S1/NL/LE
- *Limnothlypis swainsonii,* Swainson's warbler, G4/S2B/NL/NL
- *Ludwigia pilosa*, Hairy seedbox, G5/S1/NL/NL
- *Solidago latissimifolia,* Elliott's goldenrod, G5/S2/NL/NL
- *Paspalum dissectum,* Walter's paspalum, G4?/S2/NL/NL

Rare plant surveys conducted by ACP have documented Hairy Seedbox *(Ludwigia pilosa,* G5/S1/NL/NL), Walter's Paspalum (*Paspalum dissectum,* G4?/S2/NL/NL), and Fringed Yellow-eyed Grass *(Xyris fimbriata,* G5/S1/NL/NL) within and in close proximity to the pipeline footprint.

According to the infrared aerials, the potential exists for Non-Riverine Wet Hardwood Forest (Embayed Region Type, G2/S1/NL/NL) to occur in the Great Dismal Swamp National Wildlife Refuge (NWR), between US13/58/460 and the North Ditch, and DCR DNH recommended a survey for these significant natural communities in April 2015 and again in May 2016. DCR DNH staff reviewed the limited community information contained in the wetland delineations data forms and photographs submitted as a part of the FCC and does not anticipate impacts to significant wetland communities as designated by DCR DNH from the proposed project.

Bowers Hill Quad

The Great Dismal Swamp: Northwest Section Conservation Site is located within the pipeline footprint within the Bowers Hill Quad (see Chuckatuck Quad for associated natural heritage resources).

The Great Dismal Swamp Conservation Site is located within the pipeline footprint and has been given a biodiversity significance ranking of B2, which represents a site of very high significance. The natural heritage resources of concern at this site are:

- Peatland Atlantic White-Cedar Forest, G2/S1/NL/NL
- Non-Riverine Wet Hardwood Forest, G2/S1/NL/NL, (Southern Coastal Plain Type)
- Pond Pine Woodland / Pocosin, G2?/S1/NL/NL
- Southern Coastal Plain Mesic Mixed Hardwood Forest, G3/S2S3/NL/NL
- *Protodeltote* sp. 1, A Noctuid moth, G1G3/S1S2/SOC/NL
- *Myotis austroriparius*, Southeastern myotis, G3G4/S2/NL/NL
- *Callophrys hesseli*, Hessel's hairstreak, G3G4/S1/NL/NL
- *Euphyes dukesi,* Dukes' skipper, G3/S2/NL/NL
- *Carex lupuliformis*, False Hop sedge, G4/S2/NL/NL
- *Paspalum dissectum*, Walter's paspalum, G4?/S2/NL/NL
- *Limnothlypis swainsonii*, Swainson's warbler, G4/S2B/NL/NL
- *Acrapex relicta,* Cane Boring moth, G4/S2S3/NL/NL
- *Cleistesiopsis divaricate*, Large spreading pogonia, G4/S1/NL/NL
- *Enallagma pallidum*, Pale bluet, G4/S1S2/NL/NL
- *Sphagnum torreyanum*, Torrey's peatmoss, G4/S2/NL/NL
- *Ilex coriacea*, Big gallberry, G5/S2/NL/NL
- *Solidago latissimifolia*, Elliott's goldenrod, G5/S2/NL/NL
- *Ophioglossum petiolatum*, Long-stem adder's tongue, G5/S1/NL/NL
- *Ludwigia pilosa*, Hairy seedbox, G5/S1/NL/NL
- *Xyris fimbriata*, Fringed yellow-eyed grass, G5/S1/NL/NL
- *Tillandsia usneoides*, Spanish-moss, G5/S1S2/NL/NL
- *Utricularia purpurea ,* Purple bladderwort, G5/S2/NL/NL
- *Trillium pusillum*, Virginia least trillium, G3T2/S2/SOC/NL, var. *virginianum*
- *Coryhinus rafinesquii macrotis*, Eastern Big-eared bat, G3G4T3/S2/NL/LE
- *Setophaga virens waynei*, Wayne's Black-throated green warbler, G5T3/S1?B/NL/NL
- *Crotalus horridus*, Canebrake rattlesnake, G4T4/S1/NL/LE

Rare plant surveys conducted by ACP have also documented Tall Yellow-eyed Grass (*Xyris platylepis,* G5/S2/NL/NL) in close proximity to the project footprint. According to infrared aerials, the potential exists for Non-Riverine Wet Hardwood Forest (Embayed Region Type, G2/S1/NL/NL) to occur in the Great Dismal Swamp National Wildlife

Refuge, east of the East Ditch. As stated above, DCR does not anticipate impacts to significant wetland communities as designated by DCR DNH from the proposed project.

Norfolk South Quad

DCR DNH documents the presence of natural heritage resources in the proximity of the project footprint. However, due to the scope of the activity and the distance to the resources, DCR does not anticipate that this project will adversely impact these natural heritage resources.

Forest Fragmentation

DCR, working with other Virginia state agencies, has developed an analysis of forest fragmentation for the ACP, and recommended mitigation activities. These activities would more adequately compensate for the degradation of interior forest and decreased forest values that are not accounted for via other regulatory requirements (e.g. wetland impacts, impacts to threatened and endangered species). This analysis has been provided to Atlantic and FERC to address forest fragmentation including in the coastal zone.

ACP Plant Surveys

- Plant locations are currently plotted on aerial photographs and are difficult to locate on a map due to differences in aerial photograph year, quality, resolution, etc. (e.g. the new location for *Ludwigia ravenii*).
- For rarity ranks for plant species, the DCR Rare Plant List was most recently updated in November 2016 and is on the DCR DNH website at http://www.dcr.virginia.gov/natural-heritage/document/plantlist17.pdf

Section 2.3 Construction and Restoration Procedures

The Virginia Invasive Plant Species List (http://www.dcr.virginia.gov/natural-heritage/invsppdflist) comprises species that are established or may become established in Virginia, cause economic and ecological harm, and present ongoing management issues. The Virginia Invasive Plant Database Tool can be found at http://www.dcr.virginia.gov/natural-heritage/ip. See the attached DCR comments for additional information about the species list and database.

Special concern exists for the spread of Wavyleaf grass (*Oplismenus undulatifolius)* during construction and maintenance of the pipeline and the pipeline right-of-way. It is likely that Wavyleaf grass exists in the vicinity of the route crossing of the Blue Ridge Parkway and the adjacent George Washington National Forest lands. Considering the anticipated soil disturbance and vegetation structure alterations along the long, linear project footprint which would span mountains to piedmont to coastal plain, this project

has great potential to promote a range expansion of this aggressive invasive species, invading forests, to dominate and permanently change understory forest composition and habitat, therefore impacting forest regeneration throughout the project area. The capability of this species to have this drastic impact is evidenced in parts of Virginia and Maryland where Wavyleaf grass has invaded in recent years.

Biological Assessment

An updated biological assessment was filed with FERC and FWS on January 27, 2017 as referenced on page 32 of the FCC. Included as part of the biological assessment are proposed seed mixes for re-vegetation of the pipeline right-of-way within the coastal zone (see seed mix descriptions in the attached letter from DCR). DCR DNH continues to coordinate with Atlantic on the re-vegetation of the right-of-way for the pipeline including the proposed seed mixtures for the coastal plain region.

1(c) Agency Findings – Natural Area Preserves. DCR states that there are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

1(d) Agency Recommendations. DCR DNH has the following recommendations for Atlantic:

- Conduct a survey for the Eastern Big-eared bat, Southeastern myotis (*Myotis austroriparius,* G3G4/S2/NL/NL), Fine-lined emerald (*Somatochlora filosa*, G5/S2/NL/NL), and Robust baskettail (*Epitheca spinosa*, G4/S2/NL/NL) in Quaker Swamp.
- To minimize impacts to the Big gallberry occurrence, avoid staging of equipment/materials and clearing of the right-of-way to protect the newly discovered population located barely south of the actual pipeline. Coordinate with DCR DNH on additional information in regards to the logistics of clearing over a 30-foot area rather than the standard width of impact.
- Coordinate further with DCR DNH to avoid impacts to the documented populations of Hairy Seedbox *(Ludwigia pilosa,* G5/S1/NL/NL), Walter's Paspalum (*Paspalum dissectum,* G4?/S2/NL/NL*),* and Fringed Yellow-eyed Grass *(Xyris fimbriata,* G5/S1/NL/NL) within the project footprint and impacts associated with staging of equipment and materials.
- Avoid the Great Dismal Swamp: Northwest Section Conservation Site and the Great Dismal Swamp Conservation Sites with associated natural heritage resources.
- Due to the legal status of the Canebrake rattlesnake, continue coordination with DGIF to ensure compliance with protected species legislation as necessary.
- Conduct further coordination with DCR DNH in regards to avoidance of impacts to Tall Yellow-eyed Grass (*Xyris platylepis,* G5/S2/NL/NL) from pipeline construction and operations.

- Submit shapefiles of rare plant locations from 2016 plant surveys and the results of any 2017 plant surveys to DCR DNH.
- Clearly identify and flag with orange fencing rare plant populations in the field prior to construction using Global Positional System (GPS) coordinates and shapefiles. Closely monitor all of documented natural heritage resource populations during construction to avoid impacts.
- Use mowing as the preferred right-of-way maintenance method over the use of herbicide.
- Submit detailed plans to DCR DNH for monitoring of restoration success in areas that are allowed to naturally revegetate and areas where plantings or seed mixes are used for restoration. If plans deviate from the proposed revegetation and monitoring plans referenced in Section 2.3, coordinate again with DCR DNH.
- Use the Virginia Invasive Plant Species List in addition to the Virginia Department of Agriculture and Consumer Services (VDACS) Noxious Weed List.
- Conduct pre-construction, during construction, and post-construction monitoring for invasive species with the post-construction monitoring completed after the end of the first complete growing season following the completion of a project. Inspect disturbed areas for invasive species twice during each growing season for a period of not less than five years after project completion. When observed, eradicate invasive species as appropriate for species and setting per coordination with the DCR DNH.
- Continue coordination with state and federal agencies to ensure compliance with protected species legislation.
- Contact DCR DNH and re-submit project information and a map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

2. Public Water Supplies.

2(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, springs and surface water intakes). VDH administers both federal and state laws governing waterworks operation.

2(b) Agency Findings. VDH ODW states that the following public groundwater wells are located within a 1-mile radius of the project site:

PWS ID Number	City/County	System Name	Facility Name
3800830	SUFFOLK	TIDEWATER AGRI RESEARCH & EXT CTR	DRILLED WELL
3800629	SUFFOLK	FARMER FRANKS	DRILLED WELL
3800694	SUFFOLK	PRUDEN CNTR FOR INDUSTRY & TECH	WELL
3710100	NORFOLK	NORFOLK, CITY OF	WELL NO. 2
3710100	NORFOLK	NORFOLK, CITY OF	WELL NO. 1
3800800	SUFFOLK	SPSA REGIONAL LANDFILL-SUFFOLK	DRILLED WELL
3550051	CHESAPEAKE	CITY OF CHESAPEAKE - NORTHWEST RIVER SYS	WESTERN BRANCH WELL NO. 1
3550051	CHESAPEAKE	CITY OF CHESAPEAKE _ NORTHWEST RIVER SYS	WB #3
3550800	CHESAPEAKE	SUNRAY WATER CO., INC.	DRILLED WELL #2
3550705	CHESAPEAKE	PLANTATION MOBILE HOME PARK	WELL NO. 2

The following surface water intakes are located within a 5 mile radius of the project site:

PWS ID Number	System Name	Facility Name
3710100	NORFOLK, CITY OF	LAKE PRINCE
3710100	NORFOLK, CITY OF	WESTERN BRANCH
3740600	PORTSMOUTH, CITY OF	PITCHKETTLE RAW WATER
3740600	PORTSMOUTH, CITY OF	LAKE MEADE
3740600	PORTSMOUTH, CITY OF	LAKE KILBY
3800805	SUFFOLK, CITY OF	CRUMPS MILL POND

The project is within the watershed and within 5 miles of the following public surface water sources:

PWS ID Number	System Name	Facility Name
3710100	NORFOLK, CITY OF	LAKE PRINCE
3710100	NORFOLK, CITY OF	WESTERN BRANCH
3740600	PORTSMOUTH, CITY OF	PITCHKETTLE RAW WATER

2(c) Agency Recommendations.

- Implement best management practices, including erosion and sedimentation controls as well as spill prevention controls and countermeasures, on the project site.
- Materials should be managed while on site and during transport to prevent impacts to nearby surface water.

2(d) Requirement. Potential impacts to public water distribution systems or sanitary sewage collection systems must be verified by the local utility according to VDH ODW.

3. Land Application.

3(a) Agency Jurisdiction. The treatment of sewage sludge, storage and land application of biosolids, industrial wastes (sludge and wastewater), municipal wastewater, and animal wastes (manure/litter from livestock and poultry) are regulated activities in the Commonwealth of Virginia. A Virginia Pollution Abatement (VPA) permit may be issued by DEQ whenever an owner handles waste and wastewater in a manner that does not involve discharging to a sewage treatment work, or to state waters pursuant to a valid VPDES permit. In general, land application of biosolids, industrial sludge or spray irrigation of industrial and municipal wastewater is covered by a VPA individual permit.

3(b) Agency Finding. Land application of excess drilling fluid as a soil amendment may require a VPA permit for land application of industrial residuals. At a minimum, DEQ would require submittal of the information included in the Virginia Pollution Abatement Permit Application Form C Industrial Waste: http://leg5.state.va.us/reg_agent/frmView.aspx?Viewid=38646001248~11&typ=40&actno=001248&mime=application/pdf. DEQ may require less information if the material is registered as an industrial coproduct with the Virginia Department of Agriculture and Consumer Services.

3(c) Requirement. Land application of excess drilling fluid as a soil amendment may require a VPA permit for land application of industrial residuals pursuant to 9VAC25-32-10 et seq.

4. Aviation.

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

4(b) Requirement. DOAV states that Atlantic will be required to submit a 7460 Form to the Federal Aviation Administration for any portion of the proposed project that will be constructed within 20,000 feet of a public-use airport in the Commonwealth. The purpose of this submission is to ensure the proposed development will not result in the creation of a hazard to air navigation to aircraft arriving or departing any of the Commonwealth's public-use airports. Although this requirement is to be complied with for the sections of this pipeline within the coastal zone and identified in DEQ Project 15-161F, it is also applicable for the entire pipeline project.

4(c) Agency Comments. DOAV states that it does not support any project that would result in the creation of a hazard to air navigation to any of the public-use airports within the Commonwealth or any mitigation of any potential hazard to air navigation if the mitigation results in an increase to any instrument approach minimums at public-use airport.

5. Pollution Prevention. DEQ advocates that principles of pollution prevention and sustainability be used in all projects as well as during operations. Effective siting, planning, and on-site Best Management Practices (BMPs) will help to ensure that environmental impacts are minimized. Pollution prevention and sustainability techniques can be included in decisions related to materials, design and operational procedures that will facilitate the reduction of environmental wastes at the source. DEQ has several recommendations that may be helpful:

- Consider the development of an effective Environmental Management System (EMS). An effective EMS will ensure that the proposed project is committed to complying with environmental regulations, reducing risk, minimizing environmental impacts, setting environmental goals, and achieving improvements in its environmental performance. DEQ offers EMS development assistance and recognizes facilities with effective Environmental Management Systems through its Virginia Environmental Excellence Program (VEEP). VEEP provides recognition, annual permit fee discounts and the possibility for alternative compliance methods.
- Consider reuse and recycling opportunities when evaluating waste handling, including mulching of brush and timber and water reuse opportunities.
- Consider contractors' commitment to the environment when choosing contractors. Specifications regarding raw materials and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable materials and practices for construction and design, including the use of native species and pollinators when re-establishing vegetation.
- Integrate pollution prevention techniques into maintenance and operation.

- Encourage supply chain partners to implement pollution prevention, sustainability, and environmental management systems.

DEQ's Office of Pollution Prevention provides information and technical assistance relating to pollution prevention techniques and EMS. If interested, please contact DEQ (Meghann Quinn at 804-698-4021).

6. Pesticides and Herbicides. In general, when pesticides or herbicides must be used, their use should be strictly in accordance with manufacturers' recommendations. In addition, DEQ recommends that the responsible agent use the least toxic pesticides or herbicides effective in controlling the target species. For more information on pesticide or herbicide use, please contact the Virginia Department of Agriculture and Consumer Services (804-786-3501).

7. Local Comments. As customary, DEQ invited the affected localities and planning district commission to comment.

7(a) Federal Consistency Local and Regional 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.

7(b) Locality Comments. The City of Suffolk states that its previous comments still apply (copy attached) to the proposed route of the Atlantic Coast Pipeline. The city continues to discourage any proposed pipeline route that impacts the designated growth areas, existing residential subdivisions, existing schools, and regional reservoirs within the City of Suffolk.

7(c) Recommendation. DEQ encourages Atlantic to consider the comments and recommendations from the City of Suffolk (see attached letter for details).

REGULATORY AND COORDINATION NEEDS

1. Fisheries Management. Atlantic must comply with any fisheries-related conditions in VMRC-issued permits to be consistent with the fisheries management enforceable policy. Contact DGIF (Amy Ewing, environmental services biologist, at Amy.Ewing@dgif.virginia.gov or 804-367-2211) and VMRC (Randy Owen, environmental engineer, at Randy.Owen@mrc.virginia.gov or 757-247-2200) for additional information about its comments and recommendations as necessary.

2. Wetlands Management. Atlantic must comply with any required Clean Water Act Section 404 or Section 401 permits, certificates or individual Section 401 conditions to be consistent with the wetlands management enforceable policy. Contact DEQ OWSP (Dave Davis, manager, at Dave.Davis@deq.virginia.gov or 804-698-4105) for additional information as necessary. Atlantic also must obtain a VMRC tidal wetlands permit for proposed impacts in the City of Chesapeake to be consistent with the wetlands management enforceable policy. Coordinate with VMRC (Randy Owen, environmental engineer, at Randy.Owen@mrc.virginia.gov or 757-247-2200) regarding the permit.

3. Subaqueous Lands Management. Atlantic must comply with the subaqueous lands permit, and any conditions if applicable, of the VMRC permit to be consistent with the subaqueous lands enforceable policy. Coordinate with VMRC (Randy Owen, environmental engineer, at Randy.Owen@mrc.virginia.gov or 757-247-2200) as necessary.

4. Coastal Lands Management. The project must meet appropriate erosion and sediment control and stormwater management requirements to be conditionally exempt under Section 9VAC 25-830-150 B 1 of the Chesapeake Bay Preservation Area Designation and Management Regulations and consistent with the coastal lands management enforceable policy. Contact the DEQ OLGP (Shawn Smith, planner, at Shawn.Smith@deq.virginia.gov or 804-698-4082) for additional information if necessary.

5. Nonpoint Source Pollution Control. The applicant must ensure that it is in compliance with Virginia Erosion and Sediment Control Law (Virginia Code §62.1-44.15 et seq.) and Regulations (9VAC25-840-30 et seq.) and Stormwater Management Law (Virginia Code 62.1-44.15 et seq.) and Regulations (9VAC25-870-54 et seq.) to be consistent with the nonpoint pollution control enforceable policy. Contact DEQ OSM (Larry Gavan, stormwater plan review coordinator, at Larry.Gavan@deq.virginia.gov or 804-698-4040) for additional information as necessary.

6. Point Source Pollution Control. If required, Atlantic must meet the requirements of the Petroleum Contaminated Sites and Hydrostatic Tests VPDES General Permit to be consistent with the point source pollution control enforceable policy. Coordinate with the DEQ Office of VPDES Permits (Allan Brockenbrough, manager, at Allan.Brockenbrough@deq.virginia.gov or 804-698-4147) as necessary to ensure compliance.

7. Air Pollution Control. Contact DEQ TRO (Wayne Franklin, air permit manager, at Wayne.Franklin@deq.virginia.gov or 757-518-2155) for additional information on air quality regulations and air permit requirements as necessary.

8. Natural Heritage Resources. Contact the DCR DNH (804-371-2708) and re-submit project information and a map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized. Coordinate with DCR DNH (Rene' Hypes at Rene.Hypes@dcr.virginia.gov) for additional information about its comments and recommendations.

9. Water Supply Impacts. Coordinate with VDH ODW (Susan Douglas, director of technical services, at Susan.Douglas@vdh.virginia.gov or 804-864-7490) for additional information about its comments and recommendations as necessary.

10. Land Application. Land application of excess drilling fluid as a soil amendment may require a VPA permit for land application of industrial residuals pursuant to 9VAC25-32-10 *et seq*. Coordinate with the DEQ Office of Land Applications (Neil Zahradka, manager, at Neil.Zahradka@deq.virginia.gov or 804-698-4102) as necessary.

11. Aviation. Coordinate as necessary with DOAV (Scott Denny, aviation planner, at Scott.Denny@doav.virginia.gov or 804-236-3638) regarding its comments.

12. Local Comments. Coordinate with the City of Suffolk (Claire Jones at 757-514-4060) regarding is comments and recommendations as necessary.

Thank you for the opportunity to comment on the FCC. The detailed comments of reviewers are attached. If you have questions, please do not hesitate to call me at (804) 698-4204.

Sincerely,

Bettina Sullivan, Manager
Environmental Impact Review and Long Range Priorities Program

Enclosures

ec: Amy Ewing, DGIF
Keith Tignor, VDACS
Robbie Rhur, DCR
Susan Douglas, VDH
Roger Kirchen, DHR
David Spears, DMME
Emily Hein, VIMS
Greg Evans, DOF

Tony Watkinson, VMRC
Randy Owen, VMRC
Elizabeth Jordan, VDOT
Scott Denny, DOAV
Bruce Sterling, VDEM
Cheryl Openshaw, DRPT
Martha Little, VOF
Ben McFarlane, HRPDC
Claire Jones, Suffolk
James Baker, Chesapeake
Spencer Trichell, Atlantic
Kevin Bowman, FERC