



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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August 18, 2023

Mr. Joel H. Peck, Clerk
Document Control Center
State Corporation Commission
1300 E. Main Street, Tyler Bldg., 1st Floor
Richmond, Virginia 23219

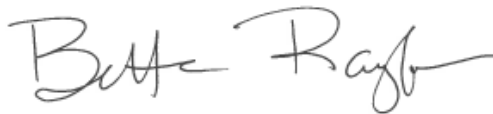
RE: Application of Virginia Electric and Power Company for a Certificate of Public Convenience and Necessity: 230 kV Elmont-White Oak Line #2075, 230 kV Chickahominy- White Oak Line #2294, and White Oak Substation Expansion, Case No. PUR-2023-00110, Application No. 326 (reviewed under DEQ #23-097S).

Dear Mr. Peck:

As requested in Mr. Austin Skeens June 29, 2023 letter, the Department of Environmental Quality (DEQ) has coordinated the review of the above-referenced application, focusing on the DEQ supplement included with the application. The purpose of the review is to develop information for State Corporation Commission (SCC) staff about potential impacts to natural and cultural resources associated with the proposed project. Based on comments submitted by reviewers, we are providing a summary of potential impacts to these resources from construction and operation of the electric transmission lines and substations, as well as recommendations for minimizing those impacts and for compliance with applicable legal requirements. This report includes copies of the comments submitted by reviewers.

Thank you for the opportunity to review the application for SCC application. We trust that you will find our report helpful in your review process. If you have any questions, please feel free to call me at (804) 659-1915 or Janine Howard at (804) 659-1916.

Sincerely,

A handwritten signature in black ink that reads "Bettina Rayfield". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bettina Rayfield, Program Manager
Environmental Impact Review

ec: Austin Skeens, SCC
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David J. DePippo, Dominion
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Martha Shickle, PlanRVA
John Vithoukaskas, Henrico County



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COMMENTS OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

concerning the Application of Virginia Electric and Power Company (Dominion or Company) for a Certificate of Public Convenience and Necessity: 230 kV Elmont-White Oak Line #2075, 230 kV Chickahominy- White Oak Line #2294, and White Oak Substation Expansion, Case No. PUR-2023-00110, Application No. 326 (reviewed under DEQ #23-097S).

The following comments are intended to provide technical assistance to the State Corporation Commission (SCC) in evaluating the project. The following agencies joined in this review:

Department of Environmental Quality (DEQ)
Department of Conservation and Recreation (DCR)
Department of Historic Resources (DHR)
Marine Resources Commission (VMRC)
Virginia Outdoors Foundation (VOF)
Department of Aviation (DOAV)
Department of Transportation (VDOT)

The Department of Health (VDH), Department of Wildlife Resources (DWR), Department of Forestry, PlanRVA, and Henrico County were also invited to comment.

The information considered in this review includes Dominion's 230 kV *Elmont-White Oak Line #2075*, 230 kV *Chickahominy- White Oak Line #2294*, and *White Oak Substation Expansion*, Application No. 326, Case No. PUR-2023-00110, focusing on the information in the DEQ Supplement.

PROJECT DESCRIPTION

Dominion has submitted an application to the SCC for a Certificate of Public Convenience and Necessity to conduct the White Oak Electric Transmission Project in Henrico County, Virginia. The project is needed to comply with mandatory North American Electric Reliability Corporation Reliability Standards, to relieve violations of these standards brought on by significant increases in electrical demand over the past five years, as well as to accommodate overall growth in the area and to maintain the structural integrity and reliability of its transmission system. Dominion proposes to:

1. Construct two new approximately 4.69-mile overhead 230 kV transmission lines on primarily double circuit monopole structures in a new predominantly 100-foot-wide right-of-way by cutting the Company's existing 230 kV Chickahominy-Elmont Line #2075 at a location between Structures #2075/150 and #2075/151, resulting in (i) 230 kV Elmont-White Oak Line #2075, and (ii) 230 kV Chickahominy-White Oak Line #2294 (the "White Oak Lines"). At the cut-in location within the existing right-of-way, the Company will remove one single circuit lattice tower and install one single circuit H-frame structure on 500 kV Chickahominy-Elmont Line #557 to facilitate construction of the White Oak Lines. From the cut-in location within the existing right-of-way, the White Oak Lines will extend a total of approximately 4.69 miles generally in a southwesterly direction before terminating at the expanded White Oak Substation. While the proposed cut-in location is in the existing right-of-way, the proposed White Oak Lines will be constructed on new right-of-way supported primarily by double circuit weathering steel monopoles and will utilize three-phase twin-bundled 768.2 ACSS/TW type conductor with a summer transfer capability of 1,573 MVA;
2. Expand the Company's existing White Oak Substation in Henrico County, Virginia in order to accommodate the termination of the new White Oak Lines (the "White Oak Substation Expansion"). The White Oak Substation Expansion will require an additional approximately 0.7 acre, which the Company will obtain through easement; and
3. Upgrade the line protection at the Company's existing Chickahominy and Elmont Substations.

The three components (White Oak Lines, White Oak Substation Expansion, and related substation work) are collectively referred to as the "White Oak Electric Transmission Project" or "Project."

The Company identified an approximately 4.69-mile overhead proposed route for the Project ("Proposed Route" or "Route 3"), as well as two overhead alternative routes ("Alternative Route 1" and "Alternative Route 2"). The Proposed Route of the White Oak Lines primarily will be supported by double circuit monopole structures. For the Proposed Route, the minimum structure height is 55 feet, the maximum structure height is 130 feet, and the average structure height is 111 feet (excluding significantly shorter structures at the cut-in location so as not to create a downward bias as to the overall

average structure height), based on preliminary conceptual design, not including foundation reveal and subject to change based on final engineering design.

LIST OF PERMITS OR APPROVALS

The following permits and approvals are likely to be necessary as prerequisites to project construction. The details of these requirements appear in the “Regulatory and Coordination Needs” and throughout the “Environmental Impacts and Mitigation” section of these comments.

1. Water Permit (see “Regulatory and Coordination Needs”, Item 1, page 26).

Virginia Water Protection Permit (9VAC25-210 *et seq.*). Issued by the Department of Environmental Quality (DEQ) for impacts to waters and jurisdictional wetlands, including isolated wetlands.

2. Subaqueous Lands and Tidal Wetlands (see “Regulatory and Coordination Needs”, Item 2, page 26).

Subaqueous Lands Permit pursuant to Section 28.2-1204 of the Code of Virginia. Issued by the Virginia Marine Resources Commission for encroachments in, on or over state-owned subaqueous beds.

3. Erosion and Sediment Control and Stormwater Management Plans (see “Regulatory and Coordination Needs,” Item 3, page 26).

- a. General erosion and sediment control specifications pursuant to Virginia Code § 62.1-44.15:55. General erosion and sediment control specifications are subject to annual approval by DEQ.
- b. Erosion and Sediment Control Plans for construction of facilities not covered under Virginia Code § 62.1-44.15:55 are subject to approval by the appropriate plan approving authority.

4. Stormwater Management Program Permit (see “Regulatory and Coordination Needs,” Item 4, page 26).

General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (VAR10) (9VAC25-880-70 *et seq.*) involving land disturbance of 1 acre or more. Coverage under this general permit is approved by the VSMP authority.

5. Air Quality Permits or Approvals (see “Regulatory and Coordination Needs,” Item 5, page 27).

- a. Open Burning Permit (9VAC5-130 *et seq.*). For open burning involving demolition debris.

- b. Fugitive dust emissions (9VAC5-50-60 *et seq.*). Governs abatement of visible emissions.
- c. Fuel-burning equipment (9VAC5-80, Article 6, Permits for New and Modified Sources). Governs the installation of fuel-burning equipment (boilers, generators, compressors, etc.) or any other air pollution emitting equipment.

6. Solid and Hazardous Waste Management (see “Regulatory and Coordination Needs,” Item 6, page 27).

- a. Applicable state laws and regulations include:
 - Virginia Waste Management Act (*Code of Virginia* Section 10.1-1400 *et seq.*);
 - Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC20-60);
 - Virginia Solid Waste Management Regulations (VSWMR) (9VAC20-81); and
 - Virginia Regulations for the Transportation of Hazardous Materials (9VAC20-110).
- b. Applicable Federal laws and regulations include:
 - 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).

7. Historic and Archaeological Resources (see “Regulatory and Coordination Needs,” Item 8, page 28).

Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulation 36 CFR 800 requires that federally licensed and permitted projects consider its effects on properties that are listed or eligible for listing on the National Register of Historic Places. Section 106 applies if there is federal involvement such as the issuance of a Section 404 Clean Water Act permit, including Nationwide Permits. The applicability of Section 106 to the entire project or any portion thereof must be determined by the responsible federal agency.

8. Chesapeake Bay Preservation Act Compliance (see “Regulatory and Coordination Needs,” Item 10, page 29).

The project must satisfy the applicable requirements of the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 – 62.1-44.15:78) and Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations).

9. Floodplain Management (see “Regulatory and Coordination Needs,” Item 11, page 29).

Pursuant to 44 CFR 59.2(b), local floodplain ordinances are required as part of a locality’s participation in the National Flood Insurance Program (NFIP). For localities that participate in the program, all development within a special flood hazard area must comply with the locally adopted floodplain management ordinance and be permitted by the community. The NFIP participation status and contact information for Virginia communities are available as part of the [Virginia Local Floodplain Management Directory](#).

10. Aviation (see “Regulatory and Coordination Needs,” Item 12, page 29).

Form 7460-1 should be submitted to the Federal Aviation Administration if a proposed development is 200 feet above ground level or within 20,000 linear feet of a public use airport pursuant to Title 14 CFR Part 77 or if the development involves any construction or alteration at any height greater than the imaginary surfaces identified in the Federal Air Regulations Part 77.

11. Open Space Land (see Regulatory and Coordination Needs,” Item 9, page 29).

Virginia Code §10.1-1704 addresses the conversion and diversion of property from open space land use and associated requirements.

12. Protected Species Legislation (see “Regulatory and Coordination Needs,” Item 7, page 28).

The Federal Endangered Species Act and Virginia protected species legislation may apply if there is any taking of protected species. The applicant must comply with the Federal Endangered Species Act (16 U.S.C. sections 1531 *et seq.*), Virginia protected species legislation (Virginia Code §29.1-563 *et seq.*), and the Virginia Endangered Plant and Insect Species Act of 1979 as amended (Chapter 39 of Virginia Code Section 3.1-1020 through 1030).

13. Virginia Department of Transportation (VDOT) Right-of-Way Permit (see “Regulatory and Coordination Needs,” Item 13, page 29).

The General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-151) are adopted pursuant to the authority of § 33.1-12 of the Code of Virginia. These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control or jurisdiction of VDOT until written permission has been obtained from VDOT.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Based on the information and analysis submitted by reviewing agencies, we have several recommendations for consideration by the SCC in its deliberations on the approval and certification of electric transmission facilities. These recommendations are in addition to requirements of federal, state or local law or regulations listed above. The rationale for these recommendations is discussed in the remainder of these comments, specifically in the Environmental Impacts and Mitigation section.

A summary of recommendations follows:

- Follow DEQ's recommendations for construction activities to avoid and minimize impacts to wetlands to the maximum extent possible (Environmental Impacts and Mitigation, Item 1(c), page 9).
- Follow DEQ's recommendations regarding air quality protection, as applicable (Environmental Impacts and Mitigation, Item 4(d), page 14).
- Reduce solid waste at the source, reuse it and recycle it to the maximum extent practicable, as applicable (Environmental Impacts and Mitigation, Item 5(c), page 16).
- Coordinate with the Department of Conservation and Recreation's (DCR) Division of Natural Heritage regarding its recommendations related to a species survey for swamp pink, the protection of forested wetlands, avoidance of and an Impact Analysis for ecological cores, development of an Invasive Species Plan, and to obtain an update on natural heritage information as needed (Environmental Impacts and Mitigation, Item 6(e), page 19).
- Coordinate with DHR regarding the recommended to complete and submit comprehensive cultural resources surveys, along with the recommendation to evaluate identified resources, assess of potential direct/indirect impacts to eligible and listed resources and avoid/minimize/mitigate moderate to severe impacts (Environmental Impacts and Mitigation, Item 7(c), page 21).
- Coordinate with the Virginia Outdoors Foundation (VOF) if the project area changes or the project does not start for 24 months (Environmental Impacts and Mitigation, Item 9(c), page 22).
- Follow the principles and practices of pollution prevention to the maximum extent practicable (Environmental Impacts and Mitigation, Item 10, page 22).
- Limit the use of pesticides and herbicides to the extent practicable (Environmental Impacts and Mitigation, Item 11, page 23).

ENVIRONMENTAL IMPACTS AND MITIGATION

1. Water Quality and Wetlands. The DEQ Supplement (pages 5-6) indicates that wetlands and waterbodies were identified using publicly available geographic information system (GIS) databases such as the U.S. Geological Survey (USGS) National Hydrography Dataset (NHD) and National Wetland Inventory, U.S. Geological Survey topographic maps (1:24,000), and recent (2023) digital aerial photography. The Proposed and Alternative Routes for the White Oak Lines cross perennial and intermittent waterbodies, including perennial and intermittent sections of Canal Swamp (Alternative Route 1), an intermittent section of Boar Swamp (Proposed Route), and open waterbodies.

The distance between transmission line structures proposed by Dominion Energy Virginia will be adequate to span the waterbodies identified along the Proposed and Alternative Routes. Tree clearing would likely be required within forested riparian areas at these crossing locations. All routes would likely have an effect on surface waters along these routes due to the removal of forested riparian areas adjacent to streams. Impacts to riparian areas will be limited by utilizing the minimal right-of-way crossing feasible for each crossing, thereby minimizing impacts to surface waters and the adjacent riparian habitat.

According to the U.S. Army Corps of Engineers (Corps) documentation, no waters considered navigable under Section 10 of the Rivers and Harbors Act are crossed by the Project.

Based on the Desktop Wetland Analysis data, the Proposed Route will require the clearing and/or disturbance of up to approximately 15.63 acres of wetlands. Of these, approximately 11.98 acres consist of palustrine forested (PFO) wetland areas, 0.57 acre consists of palustrine scrub-shrub (PSS) wetlands, 0.70 acre consists of palustrine emergent (PEM) wetlands, 2.18 acres consist of palustrine unconsolidated bottom (PUB) wetlands, and 0.18 acre consists of riverine/stream wetland areas (DEQ Supplement, page 8).

1(a) Agency Jurisdiction. The State Water Control Board promulgates Virginia's water regulations covering a variety of permits to include the [Virginia Pollutant Discharge Elimination System Permit \(VPDES\)](#) regulating point source discharges to surface waters, Virginia Pollution Abatement Permit regulating sewage sludge, storage and land application of biosolids, industrial wastes (sludge and wastewater), municipal wastewater, and animal wastes, the [Surface and Groundwater Withdrawal Permit](#), and the [Virginia Water Protection \(VWP\) Permit](#) regulating impacts to streams, wetlands, and other surface waters. The VWP permit is a state permit which governs wetlands, surface water, and surface water withdrawals and impoundments. It also serves as §401 certification of the federal Clean Water Act §404 permits for dredge and fill activities in waters of the U.S. The VWP Permit Program is under the Office of Wetlands and Stream Protection (OWSP), within the DEQ Division of Water Permitting.

In addition to central office staff that review and issue VWP permits for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and issue permits for the covered activities:

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

1(b) Agency Findings. The White Oak project was reviewed by DEQ's OWSP and comments were provided to Dominion on December 16, 2022. Based on additional information from Dominion, dated June 8, 2023, the potential wetland impact amounts have since changed for each route due to right-of-way alignment changes as a result of additional coordination with landowners, Henrico County, and other stakeholders in the area. The original preferred alignment was Route 2; however, it has since changed to Route 3 as the preferred alignment. DEQ uploaded the shapefiles provided by Dominion of all three routes into our Wetland Condition Assessment Tool (WetCAT). Based on the amounts of wetlands along each route, it appears that the Route 2 alignment should remain the preferred alignment. However, until a confirmed wetland delineation occurs, DEQ is unable to determine exact amounts of potential impacted wetlands and streams.

Measures such as but not limited to Best Management Practices (BMPs) must be taken to avoid and minimize impacts to surface waters during construction activities, including potential water quality impacts resulting from construction site runoff. The disturbance of land and surface waters, which include wetlands, open water, and streams, may require prior approval by DEQ, the U.S. Army Corps of Engineers, the Virginia Marine Resources Commission, and/or local government wetlands boards (generally in the northern and piedmont regions of Virginia). The Army Corps of Engineers and DEQ work in conjunction to provide official confirmation of whether there are federal and/or state jurisdictional surface waters that may be impacted by the proposed project. VMRC provides its own review to determine its agency jurisdiction. Review of National Wetland Inventory maps or topographic maps for locating wetlands, open waters, or streams may not be sufficient; there may need to be a site-specific review by a qualified professional.

If construction activities will occur in or along any streams (perennial, intermittent, or ephemeral), open water or wetlands, the applicant should contact the DEQ VWP manager at the Piedmont Regional Office (PRO) to determine the need for any permits prior to commencing work that could impact surface waters. DEQ's permit need decisions neither replace nor supersede requirements set forth by other local, state, federal, and Tribal laws, nor eliminate the need to obtain additional permits, approvals, consultations, or authorizations as required by law before proposed activities may commence.

1(c) Recommendations. DEQ OWSP recommends:

1. Prior to commencing project work, all surface waters on the project site should be delineated by a qualified professional and verified by the U.S. Army Corps of Engineers for federal jurisdictional waters and by DEQ for state jurisdictional waters.
2. Wetland and stream impacts should be avoided and minimized to the maximum extent practicable.
3. If the scope of the project changes, additional review will be necessary by one or more offices in the Commonwealth's Secretariat of Natural and Historic Resources and/or the Corps.
4. At a minimum, any required compensation for impacts to State Waters, including the compensation for permanent conversion of forested wetlands to emergent wetlands, should be in accordance with all applicable state regulations and laws. Consider mitigating impacts to forested or converted wetlands by establishing new forested wetlands within the impacted watershed.
5. Any temporary impacts to surface waters associated with this project should be restored to pre-existing conditions.
6. No activity may substantially disrupt the movement of aquatic life indigenous to the water body, including those species, which normally migrate through the area, unless the primary purpose of the activity is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. No activity may cause more than minimal adverse effect on navigation. Furthermore the activity must not impede the passage of normal or expected high flows and the structure or discharge must withstand expected high flows.
7. Erosion and sedimentation controls should be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992. These controls should be placed prior to clearing and grading and maintained in good working order to minimize impacts to state waters. These controls should remain in place until the area is stabilized and should then be removed. Any exposed slopes and streambanks should be stabilized immediately upon completion of work in each permitted area. All denuded areas should be properly stabilized in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.
8. No machinery may enter surface waters, unless authorized by a Virginia Water Protection (VWP) individual permit, general permit, or general permit coverage.
9. Heavy equipment in temporarily impacted surface waters should be placed on mats, geotextile fabric, or other suitable material, to minimize soil disturbance to the maximum

extent practicable. Equipment and materials should be removed immediately upon completion of work.

10. Activities should be conducted in accordance with any Time-of-Year restriction(s) as recommended by the Department of Wildlife Resources (DWR), the Department of Conservation and Recreation, or the Virginia Marine Resources Commission. The permittee should retain a copy of the agency correspondence concerning the Time-of-Year restriction(s), or the lack thereof, for the duration of the construction phase of the project.

11. All construction, construction access, and demolition activities associated with this project should be accomplished in a manner that minimizes construction materials or waste materials from entering surface waters, unless authorized by a Virginia Water Protection (VWP) individual permit, general permit, or general permit coverage. Wet, excess, or waste concrete should be prohibited from entering surface waters.

12. Herbicides used in or around any surface water should be approved for aquatic use by the United States Environmental Protection Agency (EPA) or the U.S. Fish & Wildlife Service. These herbicides should be applied according to label directions by a licensed herbicide applicator. A non-petroleum based surfactant should be used in or around any surface waters.

1(d) Requirements. The proposed project may require a Virginia Water Protection (VWP) individual permit or general permit coverage.

Submit a Joint Permit Application (JPA) for further evaluation and final permit need determination by DEQ (see Item 2 in the Environmental Impacts and Mitigation section below for information on submitting a JPA).

2. Subaqueous Lands and Tidal Wetlands. According to the DEQ Supplement (pages 5-6), based on the Company's coordination with VMRC, the project is within the jurisdictional areas of the VMRC and may require a permit.

For the proposed route, based on a review of remote sensing data sources including USGS NHD and desktop review of topography and aerial photography, the Proposed Route would have a total of eight waterbody crossings, including seven intermittent streams, and one swamp/marsh within the right-of-way. Waterbodies crossed by the right-of-way include an intermittent segment of Boar Swamp, unnamed intermittent tributaries to Boar Swamp and Eberhard Pond, and two open waterbody features.

No tidal wetlands are found within the project area (DEQ Supplement, page 7).

2(a) Agency Jurisdiction. The Virginia Marine Resources Commission regulates encroachments in, on or over state-owned subaqueous beds as well as tidal wetlands pursuant to Virginia Code § 28.2-1200 through 1400. For nontidal waterways, VMRC

states that it has been the policy of the Habitat Management Division to exert jurisdiction only over the beds of perennial streams where the upstream drainage area is 5 square miles or greater. The beds of such waterways are considered public below the ordinary high water line.

The VMRC serves as the clearinghouse for the JPA used by the:

- Corps for issuing permits pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act;
- DEQ for issuance of a VWP permit;
- VMRC for encroachments on or over state-owned subaqueous beds as well as tidal wetlands; and
- local wetlands board for impacts to wetlands.

The VMRC will distribute the completed JPA to the appropriate agencies. Each agency will conduct its review and respond.

2(b) Agency Finding. VMRC finds that the proposed project is within the jurisdictional areas of the VMRC and may require a permit.

Pursuant to §28.2-1200 *et seq.* of the Code of Virginia, has jurisdiction over 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 encroachments channelward of ordinary high water along non-tidal, natural rivers and streams with a drainage area greater than 5-square miles, a permit may be required from VMRC.

2(c) Requirement. A VMRC subaqueous lands permit may be required for this project.

3. Erosion and Sediment Control and Stormwater Management. The DEQ Supplement (page 18) states that Dominion has DEQ-approved *Annual Standards and Specifications for Erosion and Sediment Control and Stormwater Management for Construction of Linear Electric Transmission Facilities (TE VEP 8000)*. The specifications are given to the contractors, and erosion and sediment control measures are required to be in place prior to construction commencing. These specifications outline the requirements for the rehabilitation of the ROW.

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

- Virginia Erosion and Sediment Control (ECS) Law (§ 62.1-44.15:51 *et seq.*) and Regulations (9VAC25-840);
- Virginia Stormwater Management Act (§ 62.1-44.15:24 *et seq.*);
- Virginia Stormwater Management Program (VSMP) regulation (9VAC25-870); and

- 2014 General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (9VAC25-880).

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

3(b) Requirements.

3(b)(i) Erosion and Sediment Control and Stormwater Management Annual Specifications. In accordance with §62.1-44.15 *et seq.*, electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and authorities created pursuant to § 5.2-5102 may, file general erosion and sediment control standards and specifications annually with DEQ for review and approval. Such standards and specifications shall be consistent with the requirements of this article and associated regulations and the Erosion and Sediment Control Law and Stormwater Management Act (§ 62.1-44.15:24 *et seq.*) and associated regulations where applicable. The specifications shall apply to:

- Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and
- Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of the railroad company.

Dominion must have a certified Responsible Land Disturber in charge of and responsible for carrying out the project-specific erosion and sediment control plan and the land-disturbing activity. As an annual standards and specifications for erosion and sediment control holder, Dominion must have a certified erosion and sediment control inspector that must provide for an inspection during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project. Dominion must contact standardsandspecs@deq.virginia.gov two weeks prior to land disturbance.

3(b)(ii) General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (VAR10). The operator or owner of a construction activity involving land disturbance of equal to or greater than 1 acre is required to register for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). Construction activities requiring registration also include the land disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one acre. The SWPPP must

be prepared prior to submission of the registration statement for coverage under the general permit, and the SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Plan (VSMP) Permit Regulations. Additional information is available at [Stormwater | Virginia DEQ](#).

The Virginia Stormwater Management Permit (VSMP) Authority is DEQ.

4. Air Quality. The DEQ Supplement (page 4) states that minimal earth disturbance will take place as a result of this project. There may be temporary impacts to air quality from potential fine debris in the air, particularly during periods of extended dry weather. Fugitive dust will be controlled and vehicle speed will be kept to a minimum.

Tree clearing will be necessary for this project and will occur on existing and new right-of-way. The Company does not expect to burn cleared material, however, if necessary, the Company will coordinate with the responsible locality to ensure all local ordinances and DEQ requirements are met.

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

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

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

4(b) Ozone Attainment Status. According to the DEQ Air Division, Henrico County is located in a 1997 ozone standard maintenance area and an emission control area for volatile organic compounds (VOCs) and nitrogen oxide (NOx).

4(c) Requirements.

4(c)(i) Fugitive Dust. During construction, 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 chemicals for dust control;
- 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 remove dried sediments resulting from soil erosion.

4(c)(ii) Open Burning. If project activities change to include open burning or the use of special incineration devices are employed in the disposal of land-clearing debris during demolition and construction, these activities must meet the requirements under 9VAC5-130 *et seq.* for open burning. Whereas, the regulation provides for, but does not require, the local adoption of a model ordinance concerning open burning, Dominion should contact the locality to determine what local requirements, if any, exist. Some applicable provisions of the regulation include, but are not limited to:

- All reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles;
- The material to be burned shall consist of clean burning demolition material;
- The burning shall be at least 500 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted;
- The burning shall be conducted at the greatest distance practicable from highways and air fields;
- The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced;
- The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials; and
- The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.

4(c)(iii) Fuel-burning Equipment. Should the project install fuel burning equipment (boilers, generators, compressors, 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.

4(d) Agency Recommendation. Precautions should be taken to minimize emissions, particularly during periods of high ozone.

5. Solid and Hazardous Waste Management. The DEQ Supplement (pages 9-10) states that a database search for solid and hazardous wastes and petroleum release sites identified environmentally regulated sites within the study area including Resource Conservation and Recovery Act (RCRA) sites, solid waste permits, Voluntary Remediation Program (VRP), petroleum release sites, and registered tank facilities within 0.5-mile of the project corridor. Thirty-eight waste-related sites were identified in the vicinity of the proposed route.

The Company has a procedure in place to handle petroleum contaminated soil, if encountered.

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

Virginia:

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

Federal:

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

5(b) Agency Findings and Database Search. The DEQ Division of Land Protection and Revitalization (DLPR) staff conducted a 200-foot radius search of solid and hazardous waste databases (including petroleum releases) to identify sites in close

proximity to the project corridor. DLPR identified two petroleum release sites and four RCRA facilities within the project area which might impact the project.

Petroleum release in close proximity to the project corridor:

Pollution Complaint PC Number 20054466, Air Products and Chemicals Incorporated, 6000 Technology Blvd, Henrico County, Virginia, Release Date: 12/19/2004, Status: Closed.

PC Number 19921292, VDOT Sandston Residence, 6020 Elko Tract Rd, Sandston, Virginia, Release Date: 01/23/1992, Status: Closed.

The DEQ PC cases identified should be further evaluated by the project engineer or manager to establish the exact location, nature and extent of the petroleum release and the potential to impact the proposed project. In addition, the project engineer or manager should contact the DEQ's Piedmont Regional Office at (804) 527-5020 (Tanks Program) for further information about the PC case.

Hazardous Waste/RCRA Facilities in close proximity to the project corridor:

- 1. RCRA Corrective Action Facility, Handler ID: VAD980918189, VIRGINIA DEPARTMENT OF TRANSPORTATION – ELKO MATERIALS LABORATORY, 6200 Elko Tract Road, Sandston, VA 23150*
- 2. Registry ID 110000620267, Interest Type: SQG, VIRGINIA DEPARTMENT OF TRANSPORTATION – ELKO MATERIALS LABORATORY, 6200 Elko Tract Road, Sandston, VA 23150, Active Status: Yes*
- 3. Registry ID 110069427828, Interest Type: LQG, POLYKON MANUFACTURING LLC, 6201 Engineered Wood Way, Sandston, VA 23150, Active Status: Yes*
- 4. Registry ID 110020678701, Interest Type: SQG, QIMONDA, 6000 Technology Blvd, Sandston, VA 23150, Active Status: Yes*

5(c) Pollution Prevention Recommendations. DEQ encourages all projects and facilities to implement pollution prevention principles, including:

- the reduction, reuse and recycling of all solid wastes generated; and
- the minimization and proper handling of generated hazardous wastes.

5(d) Requirements.

- Any soil that is suspected of contamination or solid or hazardous wastes, including construction and demolition wastes and universal wastes, that are generated during construction must be tested and disposed of in accordance with applicable federal, state and local laws and regulations. It is the generator's responsibility to determine if a solid waste meets the criteria of a hazardous waste and as a result be managed as such.
- Contact DEQ if improperly disposed solid or hazardous wastes, or petroleum contaminated soils, are encountered during construction and follow applicable federal, state and local regulations for disposal.

- All structures being demolished should be checked as appropriate for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, state regulations 9VAC20-81-620 for ACM and 9VAC20-60-261 for LBP must be followed.
- The removal, relocation or closure or installation/operation of any regulated petroleum storage tanks, aboveground storage tank (AST) or underground storage tank (UST), must be conducted in accordance with the requirements of the Virginia Tank Regulations 9 VAC 25-91-10 *et seq.* (AST) and / or 9 VAC 25-580-10 *et seq.* (UST).

6. Natural Heritage Resources. According to the DEQ Supplement (page 13), Dominion queried the DWR, DCR, and the U.S. Fish and Wildlife Service (USFWS) databases to identify significant habitat that may be impacted by the project. Based on the searches, 16 federal-listed and/or state-listed threatened and endangered species have the potential to occur within the study area.

Prior coordination with DCR found there are eight ecological cores crossed by the Proposed Route.

6(a) Agency Jurisdiction.

6(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).

6(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.

6(b) Agency Findings. The DCR DNH searched its Biotics Data System (Biotics) for occurrences of natural heritage resources from the project area. DCR has previously provided comments on various study areas for this project on September 12, 2022, September 30, 2022, October 14, 2022, November 29, 2022, February 2, 2023, and June 9, 2023.

Biotics documents the presence of Chickahominy Flats Conservation Site within the proposed alternative Route 3. However, based on a review by a DCR biologist DCR does not anticipate that the proposed project will adversely impact the associated natural heritage resource.

6(b)(i) Swamp Pink. According to a DCR biologist and predicted suitable habitat modeling, there is a potential for Swamp-pink (*Helonias bullata*, G3/S2S3/LT/LE) to occur in all of the proposed routes if suitable habitat exists on site. Swamp-pink is a perennial herb that inhabits groundwater-influenced, perennially saturated, nutrient-poor headwater wetlands and is sensitive to hydrologic alterations to its habitat. The major direct threat to this species is habitat loss. Indirect threats result from activities that affect the hydrologic regime including such upslope activities as timber harvesting, land clearing and development, and agriculture.

The optimal survey time period for swamp-pink is late April 15-May 31 when the inflorescences may be present, the emerging, bright green, young basal rosettes are highly evident before the competing herbaceous vegetation has fully expanded, and light levels are high before canopy leaf-out. The basal leaves of swamp pink are present all year, making it possible to find swamp-pink rosettes in June 1-September 30, but surveys during this time frame are much more difficult due to the density of competing herbaceous vegetation, such as skunk cabbage, in the swamp forest and the deep shade after canopy leaf-out. Surveys in October-March are unreliable as older leaves expand, lie on the ground, turn brownish-red, and possibly become covered after leaf-fall.

This species is currently classified as threatened by the United States Fish and Wildlife Service (USFWS) and as endangered by the Virginia Department of Agriculture and Consumer Services (VDACS).

6(b)(ii) Ecological Cores. Depending on the selected alternative for the proposed project, the project will impact Ecological Cores (**C1, C3, C4, C5**) as identified in the Virginia Natural Landscape Assessment (<https://www.dcr.virginia.gov/natural-heritage/vaconvisvnl>). Mapped cores in the project area can be viewed via the Virginia Natural Heritage Data Explorer, available here: <http://vanhde.org/content/map>.

Impacts to cores occur when their natural cover is partially or completely converted permanently to developed land uses. Habitat conversion to development causes reductions in ecosystem processes, native biodiversity, and habitat quality due to habitat loss; less viable plant and animal populations; increased predation; and increased introduction and establishment of invasive species. Refer to the attached DCR memorandum dated August 9, 2023 for more information about ecological cores.

6(b)(iii) Forested Wetlands. There is the potential for isolated, forested wetlands (Coastal Plain Depression Wetlands or Non-Riverine Wet Hardwood Forest) within portions of the project area.

6(c) Threatened and Endangered Plant and Insect Species. Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

As stated above, DCR has identified the potential for the project site to support populations of Swamp pink (listed threatened by USFWS and endangered by VDACS).

The U.S. Fish and Wildlife Service (USFWS) utilizes an online project review process (<https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process>) to facilitate compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884) (ESA), as amended. The process enables users to 1) follow step-by-step guidance; 2) access information that will allow them to identify threatened and endangered species, designated critical habitat, and other Federal trust resources that may be affected by their project; and 3) accurately reach determinations regarding the potential effects of their project on these resources as required under the ESA.

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

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

6(e)(i) Swamp Pink Species Survey. Due to the potential for this site to support populations of Swamp pink, DCR reiterates previously stated survey recommendations for Swamp pink and continues to recommend an inventory for the resource in the study area. With the survey results DCR can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources.

DCR-Division of Natural Heritage biologists are qualified to conduct inventories for rare, threatened, and endangered species. Please contact Anne Chazal, Natural Heritage Chief Biologist, at anne.chazal@dcr.virginia.gov or 804-786-9014 to discuss availability and rates for field work. For a list of USFWS-approved surveyors in Virginia visit <https://www.fws.gov/media/collection-approved-surveyor-lists-project-review-process-virginia>.

Survey results should be coordinated with DCR-DNH and USFWS. Upon review of the results, if it is determined the species is present, and there is a likelihood of a negative impact on the species, DCR DNH will recommend coordination with VDACS to ensure compliance with Virginia's Endangered Plant and Insect Species Act.

6(e)(ii) Forested Wetlands. DCR recommends avoiding canopy removal and/or any soil disturbance in and around isolated, forested wetlands.

6(e)(iii) Ecological Core Avoidance and Impact Analysis. DCR recommends avoidance of impacts to ecological cores. When avoidance cannot be achieved, DCR recommends minimizing the area of impacts overall and concentrating the impacted area at the edges of cores, so that the most interior remains intact.

The proposed project alternative (Route 3) will impact one or more cores with very high (C2) to outstanding (C1) ecological integrity. Further investigation of these impacts is recommended and DCR DNH can conduct a formal impact analysis upon request. This analysis would estimate impacts to cores and habitat fragments, providing an estimate of the total acreage of direct and indirect impacts of the project.

For more information about the analysis and service charges, please contact Joe Weber, DCR Chief of Biodiversity Information and Conservation Tools at Joseph.Weber@dcr.virginia.gov. DCR acknowledges the attempt by the project proponents to assess impacts to ecological cores. However, due to differing methodologies to assess impacts, including the absence of an assessment of indirect impacts to ecological cores in the project proponent's analysis, DCR recommends that the project proponent request the DCR Core Impact analysis.

6(e)(iv) Invasive Species Plan. DCR recommends the development and implementation of an invasive species plan to be included as part of the maintenance practices for the right-of-way (ROW). The invasive species plan should include an invasive species inventory for the project area based on the current DCR Invasive Species List (<http://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf>) and methods for treating the invasives. DCR also recommends the ROW restoration and maintenance practices planned include appropriate revegetation using native species in a mix of grasses and forbs, robust monitoring and an adaptive management plan to provide guidance if initial revegetation efforts are unsuccessful or if invasive species outbreaks occur.

7. Historic and Archaeological Resources. The DEQ Supplement (pages 18-28) indicates a Stage 1 Pre-Application Analysis was completed for the proposed project in accordance with DHR guidelines. Both archaeological sites and historic properties were identified in the vicinity of the project corridor. Coordination with DHR is ongoing.

7(a) Agency Jurisdiction. The Virginia [Department of Historic Resources \(DHR\)](#) conducts reviews of both federal and state projects to determine their effect on historic properties. Under the federal process, DHR is the State Historic Preservation Office, and ensures that federal undertakings - including licenses, permits, or funding - comply with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulation at 36 CFR Part 800. Section 106 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 (NRHP). For state projects or activities on state lands, DHR is afforded an opportunity to review and comment on (1) the demolition of state property; (2) major state projects requiring an EIR; (3) archaeological investigations on state-controlled land; (4) projects that involve a landmark listed in the Virginia Landmarks Register (VLR); (5) the sale or lease of surplus state property; (6) exploration and recovery of underwater historic properties; and (7) excavation or removal of archaeological or historic features from caves. Please see DHR's website for more information about applicable state and federal laws and how to submit an application for review: <http://www.dhr.virginia.gov/StateStewardship/Index.htm>.

7(b) Agency Comments. DHR has been in direct consultation with the applicant's consultants regarding the White Oak Electric Transmission Project. In correspondence dated July 13, 2023, DHR reviewed and provided comments on the pre-application report, *White Oak Electric Transmission Project Pre-Application Analysis, Henrico and Charles City Counties, Virginia* prepared by ERM, in accordance with Section I of DHR's *Guidelines for Assessing Impacts of Proposed Electric Transmission Lines and Associated Facilities on Historic Resources in the Commonwealth of Virginia* (2008).

To summarize, within the tiered study area, there are nine previously recorded historic resources are within study tiers defined by DHR for consideration in the pre-application analysis. DHR concurred with ERM's impact recommendations except that Route 2 will only minimally impact the potentially National Register of Historic Places (NRHP) and Virginia Landmarks Register (VLR)-eligible Second Cold Harbor Battlefield (DHR ID #042-5017). It is DHR's opinion that #042-5017 will be moderately adversely impacted and this adverse impact warrants mitigation.

Six recorded archaeological sites (44HE0683, 44HE0898, 44HE0702, 44HE704, 44HE0708, 44HE0923) are located within or adjacent to the right-of-way for three of the route alternatives. ERM recommends an assessment of the condition and research potential of the sites located within the preferred route alternative.

7(c) Recommendation. DHR recommends that any portions of the selected route alternative that have not been subject to previous cultural resource survey be investigated, and any new sites identified should be assessed for existing conditions and project impacts as additional project construction details become available.

Additionally, DHR recommends:

1. Comprehensive cultural resources surveys, in accordance with DHR guidelines, by qualified professional prior to construction of any SCC-approved alternative.
2. Evaluation of all identified resources for listing in the VLR/NRHP.
3. Assessment of potential direct and indirect impacts to all VLR/NRHP-eligible/ listed resources, including previously inaccessible properties.
4. Avoidance, minimization, and/or mitigation of moderate to severe impacts to VLR/NRHP- eligible/listed resources by Dominion in consultation with DHR and other stakeholders.

7(d) Requirement. If there is any federal involvement, Dominion should coordinate the project or any portion thereof with the responsible federal agency and DHR to ensure compliance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR 800.

8. Public Water Supply. Dominion coordinated with VDH regarding public water supplies and received comments from VDH dated May 19, 2023 (DEQ Supplement, page 37). VDH identified a groundwater well within 1-mile radius of the project site and also stated that the corridor is within the watershed of a public water source (Attachment 2.P.3).

8(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). VDH administers both federal and state laws governing waterworks operation.

8(b) Agency Findings. VDH did not submit comments as part of this review.

9. Open Space. The DEQ Supplement (page 30) states that the Project will not affect any Virginia Outdoors Foundation easements.

9(a) Agency Jurisdiction. The Virginia Outdoors Foundation (VOF) was created by the General Assembly in 1966 and established in the Code of Virginia under § 10.1-1800, which states: " The Virginia Outdoors Foundation is established to promote the preservation of open-space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth. The Virginia Outdoors Foundation is a body politic and shall be governed and administered by a board of trustees composed of seven trustees from the Commonwealth at large to be appointed by the Governor for four-year terms."

9(b) Agency Comments. The VOF noted that as of July 6, 2023, there are no existing or proposed VOF open-space easements within the immediate vicinity of the project.

9(c) Agency Recommendation. Coordinate further with VOF if the project area changes or if this project does not begin within 24 months of this review.

10. Pollution Prevention. DEQ advocates that principles of pollution prevention and sustainability be used in all construction projects. Effective siting, planning and on-site best management practices (BMPs) will help to ensure that environmental impacts are minimized. However, pollution prevention and sustainability techniques also include decisions related to construction materials, design and operational procedures that facilitate the reduction of wastes at the source. We have several recommendations regarding pollution prevention:

- Consider development of an effective Environmental Management System (EMS). An effective EMS will ensure that the proposed project 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 (VEEP). VEEP provides recognition, annual permit fee discounts, and the possibility for alternative compliance methods.
- 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.
- Integrate pollution prevention techniques into the facility maintenance and operation, to include inventory control for centralized storage of hazardous materials. Maintenance facilities should have sufficient and suitable space to allow for effective inventory control and preventive maintenance.

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).

11. Pesticides and Herbicides. In general, when pesticides or herbicides must be used, their use should be strictly in accordance with manufacturers' recommendations. In addition, we recommend that Dominion use the least toxic pesticides or herbicides effective in controlling the target species to the extent feasible. For more information on pesticide or herbicide use, contact VDACS at 804-371-6560.

12. Chesapeake Bay Preservation Area. According to the DEQ Supplement (page 28), as a public utility project, the project is conditionally exempt under 9VAC25-830-150. The proposed project is located within a Chesapeake Bay Preservation Act jurisdictional county and will meet these regulations as applicable.

12(a) Agency Jurisdiction. The DEQ Office of Local Government Programs (OLGP) administers the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 *et seq.*) and Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 25-830-10 *et seq.*). Each Tidewater locality must adopt a program based on the Chesapeake Bay Preservation Act and the Chesapeake Bay Preservation Area Designation and Management Regulations. The Act and regulations recognize local government responsibility for land use decisions and are designed to establish a framework for compliance without dictating precisely what local programs must look like. Local governments have flexibility to develop water quality preservation programs that reflect unique local characteristics and embody other community goals. Such flexibility also facilitates innovative and creative approaches in achieving program objectives.

The regulations address nonpoint source pollution by identifying and protecting certain lands called Chesapeake Bay Preservation Areas. The regulations use a resource-based approach that recognizes differences between various land forms and treats them differently.

12(b) Agency Findings. In Henrico County, the areas protected by the *Chesapeake Bay Preservation Act* (Bay 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. RMAs, which require less stringent performance criteria, include 100-year floodplains, highly erodible soils, including steep slopes, highly permeable soils, and nontidal wetlands not included in RPAs. Where the land contiguous to the RPA is not an RMA as previously defined, the RMA includes a 100-foot area contiguous to the RPA.

According to documentation provided by the applicant, Proposed Route 3 appears to run adjacent to Boar Swamp creek for some distance, crossing it once; Alternative Route 2, the shortest and most direct route, does not appear to impact wetlands or streams; and Alternative Route 1 appears to cross Canal Swamp creek twice. However, documentation provided by Henrico County appears to indicate that both Proposed Route 3 and Alternative Route 1 may cross additional perennial streams that have been designated as RPAs in excess of those identified by the applicant. Alternative Route 2 may also impact an additional perennial stream in the area of Monaco Drive.

12(c) Requirements. Section 9 VAC 25-830-150 (B)(1) of the Regulations exempts the “construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines and their appurtenant structures” provided that when land disturbance within a designated Chesapeake Bay Preservation Area exceeds 2,500 square feet, construction, installation, operation, and maintenance of the proposed electric transmission lines and their appurtenant structures are in accordance with the following:

1. Regulations promulgated pursuant to the Erosion and Sediment Control Law and the Virginia Stormwater Management Act;
2. an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality; or
3. local water quality protection criteria at least as stringent as the above state requirements.

13. Floodplain Management. The DEQ Supplement (page 9) states that as depicted on the Federal Emergency Management Agency’s online Flood Insurance Rate Maps #51087C0170C, #51087C0190C, #51087C0235C, and #51087C0255C (effective dates all 12/18/2007), the Project study area contains Zone A, areas of a 1% annual chance

flood hazard, and Zone X, areas of minimal flood hazard. The Company will coordinate with the local floodplain coordinators as required.

13(a) Agency Jurisdiction. DCR is the lead coordinating agency for the Commonwealth's floodplain management program and the National Flood Insurance Program (Executive Memorandum 2-97).

13(b) Requirement. Dominion must contact the local floodplain administrator for an official floodplain determination and comply with the community's local floodplain ordinance, including receiving a local permit, as necessary. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality.

14. Aviation Impacts. The DEQ Supplement (page 15) indicates that the Company has coordinated with the Department of Aviation and utilized the Federal Aviation Administration's (FAA) website to identify airports within ten miles of the project area. Richmond International Airport and New Kent County Airport are both located less than three miles from the project. Dominion anticipates submitting FAA Form 7460-1 to the FAA.

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

14(b) Agency Finding. DOAV found that the alternatives are each within 20,000 linear feet of the Richmond International Airport.

Form 7460 will need to be submitted to the FAA. Provided the FAA determines that the proposed improvements will result in a determination of no hazard, DOAV has no objection to the project or the alternatives as described in the SCC application.

14(c) Requirements. Submit a Form 7460 to the Federal Aviation Administration (FAA). This submission will initiate an airspace study to determine if the proposed project will create a hazard to air navigation.

15. Transportation Impacts. According to the DEQ Supplement (pages 34-35), major public roads within the study area include Interstate-64 and U.S. Route 60. VDOT has no planned future projects or projects currently under construction in the study area.

Temporary closures of roads and or traffic lanes would be required during construction of the Proposed Route or Alternative Routes. No long-term impacts to roads are anticipated and the collocated sections of Project rights-of-way would be located entirely outside of road and railroad rights-of-way. The Company will comply with VDOT and Henrico County requirements for access to the rights-of-way from public roads. At the

appropriate time, the Company will obtain the necessary VDOT permits as required and comply with permit conditions.

15(a) Agency Jurisdiction. The [Virginia Department of Transportation](#) provides comments pertaining to potential impacts to existing and future transportation systems.

15(b) Agency Findings. VDOT states that it has no comments or concerns regarding this project.

15(c) Requirements. Any portion of the proposed project that will occur within VDOT ROW will require a Land Use Permit (LUP). The permit may be obtained at the Richmond District Office.

REGULATORY AND COORDINATION NEEDS

1. Water Quality and Wetlands. A VWP individual or general permit (9VAC25-210 *et seq.*) may be required. If applicable, permitting action commences with the receipt of a complete JPA. Questions on the applicability and fulfillment of VWP permit requirements may be addressed to DEQ PRO (Bryan Jones, 804-712-4001). To obtain a JPA form, contact VMRC (Tiffany Birge at (757) 247-2254 or Tiffany.Birge@mrc.virginia.gov).

2. Subaqueous Lands and Tidal Wetlands. Contact VMRC (Tiffany Birge at (757) 247-2254 or Tiffany.Birge@mrc.virginia.gov) regarding the submittal of a JPA to obtain the required subaqueous lands permit for the project, as necessary.

3. Erosion and Sediment Control and Stormwater Management. Transmission line construction must comply with Dominion's DEQ-approved annual specifications. Dominion must contact standardsandspecs@deq.virginia.gov two weeks prior to land disturbance. Dominion must have a certified Responsible Land Disturber in charge of and responsible for carrying out the project-specific erosion and sediment control plan and the land-disturbing activity. Questions regarding annual erosion and sediment control specifications should be directed to DEQ (standardsandspecs@deq.virginia.gov).

Buildings, facilities and other structures not covered under § 62.1-44.15:55 must comply with the requirements of the appropriate local erosion and sediment control and stormwater program. Dominion must contact officials with the appropriate locality to determine local requirements.

4. General Virginia Pollutant Discharge Elimination System Permit for Discharges of Stormwater from Construction Activities (VAR10). For projects involving land-disturbing activities equal to or greater than 1 acre, Dominion is required to apply to DEQ under the Virginia Stormwater Management Program (VSMP) General Permit for

Discharges of Stormwater from Construction Activities and develop a project specific stormwater pollution prevention plan (SWPPP). Construction activities requiring registration also includes the land disturbance of less than 1 acre of total land area that is part of a larger common plan of development or sale, if the larger common plan of development will ultimately disturb equal to or greater than 1 acre. The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit, and the SWPPP must address water quality and quantity in accordance VSMP Permit Regulations (VSWML §62.1-44.15:24 *et seq.*; VSMP Permit Regulations 9VAC25-870 *et seq.*). Specific questions regarding the VSMP General Permit for Construction Activities requirements should be directed to DEQ, the VSMP authority for the project.

Contact DEQ's Piedmont Regional Office with questions (Elizabeth Southers, 804-754-5172).

5. Air Quality Regulations. Construction and operation of the transmission lines are subject to air pollution control regulations administered by DEQ. The following sections of Virginia Administrative Code may be applicable:

- 9VAC5-50-60 *et seq.* governing fugitive dust emissions; and
- 9VAC5-130 *et seq.*, for open burning. and
- 9VAC5-80, Article 6 for fuel burning equipment.

Contact DEQ PRO (James Kyle, 804-489-6241) for additional information about air pollution control requirements.

6. Solid and Hazardous Waste Management. Contact PRO, Shawn Weimer (804-659-2704), for information on suitable waste disposal sites in the project area or if contaminated soils are encountered.

6(a) Solid and Hazardous Waste. Contaminated soil, all solid waste, hazardous waste, and hazardous materials must be managed in accordance with all applicable federal, state and local environmental regulations.

6(b) Asbestos-Containing Material. If applicable, it is the responsibility of the owner or operator of a demolition activity, prior to the commencement of the demolition, to thoroughly inspect the affected part of the facility where the operation will occur for the presence of asbestos, including Category I and Category II non-friable asbestos-containing material. Upon classification as friable or non-friable, all asbestos-containing material shall be disposed of in accordance with the Virginia Solid Waste Management Regulations (9VAC 20-81-620) and transported in accordance with the Virginia regulations governing Transportation of Hazardous Materials (9VAC20-110-10 *et seq.*). Contact the Department of Labor and Industry (804-371-2327) for additional information.

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

6(d) Storage Tanks. Report the installation, relocation or removal of any above or below ground petroleum storage tank to DEQ Piedmont Regional Office (804-527-5020). The removal, relocation or closure or installation/operation of any regulated petroleum storage tanks, aboveground storage tank (AST) or underground storage tank (UST), must be conducted in accordance with the requirements of the Virginia Tank Regulations 9 VAC 25-91-10 *et seq.* (AST) and / or 9 VAC 25-580-10 *et seq.* (UST).

7. Natural Heritage Resources. Contact DCR DNH (Rene' Hypes at 804-371-2708 or Rene.Hypes@dcr.virginia.gov) to obtain an update on natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

Contact DCR (Allison Tillet, 804-238-8620) with questions regarding its recommendations related to a species survey for Swamp pink (listed threatened by USFWS and endangered by VDACS), the protection of forested wetlands, avoidance of and an Impact Analysis for ecological cores, and development of an Invasive Species Plan.

The U.S. Fish and Wildlife Service (USFWS) utilizes an online project review process (<https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process>) to facilitate compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884) (ESA), as amended. The process enables users to 1) follow step-by-step guidance; 2) access information that will allow them to identify threatened and endangered species, designated critical habitat, and other Federal trust resources that may be affected by their project; and 3) accurately reach determinations regarding the potential effects of their project on these resources as required under the ESA. Questions regarding the online review process may be directed to Rachel Case (rachel_case@fws.gov).

8. Historic and Archaeological Resources. Coordinate with DHR (Jennifer Bellville-Marrion, Jennifer.Bellville-Marrion@dhr.virginia.gov) regarding the recommendation to complete and submit comprehensive cultural resources surveys, along with the recommendation to evaluate identified resources, assess of potential direct/indirect impacts to eligible and listed resources and avoid/minimize/mitigate moderate to severe impacts.

If applicable, Dominion should coordinate the project with the responsible federal agency and DHR to ensure compliance with Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations at 36 CFR 800.

Contact DHR (Roger Kirchen at 804-482-6091 or Roger.Kirchen@dhr.virginia.gov) for Section 106 coordination as necessary.

9. Open Space. Coordinate with the VOF, Martha Little (804-577-3337 or mlittle@vofonline.org), if the project area changes or the project does not begin within 24 months of this review.

10. Chesapeake Bay Preservation Areas. The project must satisfy the applicable requirements of the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 – 62.1-44.15:78) and Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations). Contact DEQ (Lisa Dewey, 804-659-1331) with questions.

11. Floodplain Management. Dominion must reach out to the local floodplain administrator to ensure compliance with the local floodplain management ordinance. To find flood zone information, use the Virginia Flood Risk Information System (VFRIS): www.dcr.virginia.gov/vfris.

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

12. Aviation Impacts. Contact the FAA Washington Airports District Office (703-661-1354) to submit Form 7460-1 for compliance with federal aviation requirements. Contact DOAV (Scott Denny, Scott.Denny@doav.virginia.gov) with questions if necessary.

13. Transportation Impacts. Contact the VDOT Richmond District Office (Todd Scheid, 804-524-6000) for questions on applicable land-use and ROW permitting requirements for this project.

Re: Sufficiency Review: White Oak Electric Transmission Project, Case No. PUR-2023-00110

Ballou, Thomas (DEQ) <Thomas.Ballou@deq.virginia.gov>

Mon 7/3/2023 10:56 AM

To: Howard, Janine (DEQ) <Janine.Howard@deq.virginia.gov>

Hi Janine - Henrico County is a 1997 ozone standard maintenance area and a VOC/NOX emission control area. Thanks.

From: Howard, Janine (DEQ) <Janine.Howard@deq.virginia.gov>

Sent: Monday, July 3, 2023 10:44 AM

To: Ballou, Thomas (DEQ) <Thomas.Ballou@deq.virginia.gov>

Subject: Sufficiency Review: White Oak Electric Transmission Project, Case No. PUR-2023-00110

Hello Tom,

We have received a request from the SCC to review Dominion's application for the White Oak Electric Transmission Project, Case No. PUR-2023-00110.

As part of the sufficiency review process, would you please provide the ozone attainment status of Henrico County?

The SCC application documents are available via Dominion's website: [Legal | Dominion Energy](#)

Thank you,

Janine

Janine Howard

Environmental Impact Review Coordinator
Virginia Department of Environmental Quality
1111 East Main Street, Suite 1400
Richmond, VA 23219
804-659-1916

For program updates and public notices please subscribe to [Constant Contact](#).



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

MEMORANDUM

DATE: August 9, 2023
TO: Janine Howard
FROM: Allison Tillett, Environmental Impact Review Coordinator
SUBJECT: DEQ 23-097S, White Oak Electric Transmission Project, PUR-2023-00110

Division of Planning and Recreation Resources

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

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations. DCR has previously provided comments on various study areas for this project on September 12, 2022, September 30, 2022, October 14, 2022, November 29, 2022, February 2, 2023, and June 9, 2023.

According to a DCR biologist and predicted suitable habitat modeling, there is a potential for Swamp-pink (*Helonias bullata*, G3/S2S3/LT/LE) to occur in all of the proposed routes if suitable habitat exists on site. Swamp-pink is a perennial herb that inhabits groundwater-influenced, perennially saturated, nutrient-poor headwater wetlands and is sensitive to hydrologic alterations to its habitat. The major direct threat to this species is habitat loss. Indirect threats result from activities that affect the hydrologic regime including such upslope activities as timber harvesting, land clearing and development, and agriculture. Downstream threats to the hydrology of a swamp-pink habitat arise from flooding caused by road crossings with culverts that become blocked and beaver activity (Van Alstine, 1994). In Virginia, swamp-pink is mostly found in the western Coastal Plain, but disjunct populations occur in Augusta County near the edge between the Ridge and Valley and Northern Blue Ridge regions.

The optimal survey time period for swamp-pink is late April 15-May 31 when the inflorescences may be present, the emerging, bright green, young basal rosettes are highly evident before the competing herbaceous vegetation has fully expanded, and light levels are high before canopy leaf-out. The basal leaves of swamp pink are present all year, making it possible to find swamp-pink rosettes in June 1-September 30, but surveys during this time frame are much more difficult due to the density of competing herbaceous vegetation, such as skunk cabbage, in the swamp forest and the deep shade after canopy leaf-out. Surveys in October-March are unreliable as older leaves expand, lie on the ground, turn brownish-red, and possibly become covered after leaf-fall (U.S. Fish and Wildlife Service, 1991).

Please note that this species is currently classified as threatened by the United States Fish and Wildlife Service (USFWS) and as endangered by the Virginia Department of Agriculture and Consumer Services (VDACS).

Due to the potential for this site to support populations of Swamp pink, DCR reiterates previously stated survey recommendations for Swamp pink and continues to recommend an inventory for the resource in the study area. With the survey results we can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources.

DCR-Division of Natural Heritage biologists are qualified to conduct inventories for rare, threatened, and endangered species. Please contact Anne Chazal, Natural Heritage Chief Biologist, at anne.chazal@dcr.virginia.gov or 804-786-9014 to discuss availability and rates for field work. For a list of USFWS-approved surveyors in Virginia visit <https://www.fws.gov/media/collection-approved-surveyor-lists-project-review-process-virginia>.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. Survey results should be coordinated with DCR-DNH and USFWS. Upon review of the results, if it is determined the species is present, and there is a likelihood of a negative impact on the species, DCR-DNH will recommend coordination with VDACS to ensure compliance with Virginia's Endangered Plant and Insect Species Act.

In addition, there is potential for isolated, forested wetlands (Coastal Plain Depression Wetlands or Non-Riverine Wet Hardwood Forest) within portions of the project area. DCR recommends avoiding canopy removal and/or any soil disturbance in and around isolated, forested wetlands.

Furthermore, dependent on the selected alternative for the proposed project, it will impact Ecological Cores (**C1, C3, C4, C5**) as identified in the Virginia Natural Landscape Assessment (<https://www.dcr.virginia.gov/natural-heritage/vaconvisvnl>). Mapped cores in the project area can be viewed via the Virginia Natural Heritage Data Explorer, available here: <http://vanhde.org/content/map>.

Ecological Cores are areas of at least 100 acres of continuous interior, natural cover that provide habitat for a wide range of species, from interior-dependent forest species to habitat generalists, as well as species that utilize marsh, dune, and beach habitats. Interior core areas begin 100 meters inside core edges and continue to the deepest parts of cores. Cores also provide the natural, economic, and quality of life benefits of open space, recreation, thermal moderation, water quality (including drinking water recharge and protection, and erosion prevention), and air quality (including sequestration of carbon, absorption of gaseous pollutants, and production of oxygen). Cores are ranked from C1 to C5 (C5 being the least significant) using nine prioritization criteria, including the habitats of natural heritage resources they contain.

Impacts to cores occur when their natural cover is partially or completely converted permanently to developed land uses. Habitat conversion to development causes reductions in ecosystem processes, native biodiversity, and habitat quality due to habitat loss; less viable plant and animal populations; increased predation; and increased introduction and establishment of invasive species.

DCR recommends avoidance of impacts to cores. When avoidance cannot be achieved, DCR recommends minimizing the area of impacts overall and concentrating the impacted area at the edges of cores, so that the most interior remains intact.

The proposed project alternative (Route 3) will impact one or more cores with very high (C2) to outstanding (C1) ecological integrity. Further investigation of these impacts is recommended and DCR-DNH can conduct a formal impact analysis upon request. This analysis would estimate impacts to cores and habitat fragments, providing an estimate of the total acreage of direct and indirect impacts of the project. For more information about the analysis and service charges, please contact Joe Weber, DCR Chief of Biodiversity Information and Conservation Tools at Joseph.Weber@dcr.virginia.gov. DCR acknowledges the attempt by the project proponents to assess impacts to ecological cores. However, due to differing methodologies to assess impacts, including the absence of an assessment of indirect impacts to ecological cores in the project proponent's analysis, DCR recommends that the project proponent request the DCR Core Impact analysis.

DCR recommends the development and implementation of an invasive species plan to be included as part of the maintenance practices for the right-of-way (ROW). The invasive species plan should include an invasive species inventory for the project area based on the current DCR Invasive Species List (<http://www.dcr.virginia.gov/natural-heritage/document/nh-invasive-plant-list-2014.pdf>) and methods for treating the invasives. DCR also recommends the ROW restoration and maintenance practices planned include appropriate revegetation using native species in a mix of grasses and forbs, robust monitoring and an adaptive management plan to provide guidance if initial revegetation efforts are unsuccessful or if invasive species outbreaks occur.

Please note, Biotics documents the presence of Chickahominy Flats Conservation Site within the proposed alternative Route 3. However, based on a review by a DCR biologist we do not anticipate that the proposed project will adversely impact the associated natural heritage resource.

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

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

The U.S. Fish and Wildlife Service (USFWS) utilizes an online project review process (<https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process>) to facilitate compliance with the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884) (ESA), as amended. The process enables users to 1) follow step-by-step guidance; 2) access information that will allow them to identify threatened and endangered species, designated critical habitat, and other Federal trust resources that may be affected by their project; and 3) accurately reach determinations regarding the potential effects of their project on these resources as required under the ESA. If you have questions regarding the online review process, please contact Rachel Case at rachel_case@fws.gov.

The Virginia Department of Wildlife Resources (VDWR) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not

documented in this letter. Their database may be accessed <https://services.dwr.virginia.gov/fwis/> or contact Amy Martin at 804-367-2211 or amy.martin@dwr.virginia.gov.

Division of State Parks

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

Division of Dam Safety and Floodplain Management

Dam Safety Program:

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

Floodplain Management Program:

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

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

State Agency Projects Only

[Executive Order 45](#), signed by Governor Northam and effective on November 15, 2019, establishes mandatory standards for development of state-owned properties in Flood-Prone Areas, which include Special Flood Hazard Areas, Shaded X Zones, and the Sea Level Rise Inundation Area. These standards shall apply to all state agencies.

1. Development in Special Flood Hazard Areas and Shaded X Zones
 - A. All development, including buildings, on state-owned property shall comply with the locally-adopted floodplain management ordinance of the community in which the state-owned property is located and any flood-related standards identified in the Virginia Uniform Statewide Building Code.
 - B. If any state-owned property is located in a community that does not participate in the NFIP, all development, including buildings, on such state-owned property shall comply with the NFIP requirements as defined in 44 CFR §§ 60.3, 60.4, and 60.5 and any flood-related standards identified in the Virginia Uniform Statewide Building Code.
 - (1) These projects shall be submitted to the Department of General Services (DGS), for review and approval.
 - (2) DGS shall not approve any project until the State NFIP Coordinator has reviewed and approved the application for NFIP compliance.
 - (3) DGS shall provide a written determination on project requests to the applicant and the State NFIP Coordinator. The State NFIP Coordinator shall maintain all documentation associated with the project in perpetuity.

- C. No new state-owned buildings, or buildings constructed on state-owned property, shall be constructed, reconstructed, purchased, or acquired by the Commonwealth within a Special Flood Hazard Area or Shaded X Zone in any community unless a variance is granted by the Director of DGS, as outlined in this Order.

The following definitions are from Executive Order 45:

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

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

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

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

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

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

Federal Agency Projects Only

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

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

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

www.dcr.virginia.gov/vfris

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

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



COMMONWEALTH of VIRGINIA

Travis A. Voyles
Secretary of Natural and
Historic Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director
Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

August 2, 2023

Janine Howard
Dept. of Environmental Quality
Office of Environmental Impact Review
P.O. Box 1105
Richmond, VA 23218

Re: White Oak Electric Transmission Project
Case No. PUR-2023-00110
Henrico County, VA
DHR File No. 2023-4234
DEQ #23-097S

Dear Ms. Howard:

We have received your request for comments on the project referenced above. Our comments are provided as assistance to the Virginia Department of Environmental Quality (DEQ) and the State Corporation Commission (SCC).

DHR has been in direct consultation with the applicant's consultants regarding the White Oak Electric Transmission Project. In correspondence dated July 13, 2023, DHR reviewed and provided comments on the pre-application report, *White Oak Electric Transmission Project Pre-Application Analysis, Henrico and Charles City Counties, Virginia* prepared by ERM, in accordance with Section I of DHR's *Guidelines for Assessing Impacts of Proposed Electric Transmission Lines and Associated Facilities on Historic Resources in the Commonwealth of Virginia* (2008).

To summarize, within the tiered study area, there are nine (9) previously recorded historic resources are within study tiers defined by DHR for consideration in the pre-application analysis. DHR concurred with ERM's impact recommendations except that Route 2 will only minimally impact the potentially National Register of Historic Places (NRHP) and Virginia Landmarks Register (VLR)-eligible Second Cold Harbor Battlefield (DHR ID #042-5017). It is DHR's opinion that #042-5017 will be moderately adversely impacted and this adverse impact warrants mitigation.

Six (6) recorded archaeological sites (44HE0683, 44HE0898, 44HE0702, 44HE704, 44HE0708, 44HE0923) are located within or adjacent to the right-of-way for three of the route alternatives. ERM recommends an assessment of the condition and research potential of the sites located within the preferred route alternative.

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Additionally, DHR recommended that any portions of the selected route alternative that have not been subject to previous cultural resource survey be investigated, and any new sites identified should be assessed for existing conditions and project impacts as additional project construction details become available. Our general recommendations included the following:

1. Comprehensive cultural resources surveys, in accordance with the DHR guidelines, by qualified professionals prior to construction of any SCC-approved alternative.
2. Evaluation of all identified resources for listing in the VLR/NRHP.
3. Assessment of potential direct and indirect impacts to all VLR/NRHP-eligible/listed resources, including previously inaccessible properties.
4. Avoidance, minimization, and/or mitigation of moderate to severe impacts to VLR/NRHP-eligible/listed resources by Dominion in consultation with DHR and other stakeholders.

If you have any questions at this time, please contact me at jennifer.bellville-marrion@dhr.virginia.gov.

Sincerely,



Jenny Bellville-Marrion, Project Review Archaeologist
Review and Compliance Division

SCC Project White Oak Transmission Lines DEQ project # 23-097S

Denny, S. Scott (DOAV) <Scott.Denny@doav.virginia.gov>

Wed 7/12/2023 9:38 AM

To:Howard, Janine (DEQ) <Janine.Howard@deq.virginia.gov>

Ms. Howard:

Thank you for providing a copy of the project information package in the July 6, 2013 email from your office. Following our review, staff has determined the alternatives are each within 20,000 linear feet of the Richmond International Airport. Therefore a 7460 must be submitted to the Federal Aviation Administration (FAA). This submission will initiate an airspace study to determine if the proposed project will create a hazard to air navigation. Provided the FAA determines the proposed improvements will result in a determination of no hazard, the Department has no objection to the project or the alternatives as they have been identified in the information package.

Please feel free to contact me at (804) 236-3638 if you have any questions regarding this matter.

Sincerely,

S. Scott Denny
Senior Aviation Planner
Virginia Department of Aviation



MEMORANDUM

TO: Janine Howard, DEQ/EIR Environmental Program Planner

FROM: Nikolas I. Churchill, Division of Land Protection & Revitalization Review Coordinator

DATE: August 3, 2023

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

SUBJECT: Environmental Impact Review: 23-097S White Oak Electric Transmission Project, PUR-2023-00110 in Henrico County, Virginia.

The Division of Land Protection & Revitalization (DLPR) has completed its review of the State Corporation Commission's July 6, 2023 EIR for 23-097S White Oak Electric Transmission Project, PUR-2023-00110 in Henrico County, Virginia.

DLPR staff conducted a search (200 ft. radius) of the project area of solid and hazardous waste databases (including petroleum releases) to identify waste sites in close proximity to the project area. DLPR identified four (4) RCRA facilities and two (2) petroleum release sites within the project area which might impact the project.

DLPR staff has reviewed the submittal and offers the following comments:

Hazardous Waste/RCRA Facilities – Four (4) RCRA facilities in close proximity to the project area.

- 1. RCRA Corrective Action Facility, Handler ID: VAD980918189, VIRGINIA DEPARTMENT OF TRANSPORTATION – ELKO MATERIALS LABORATORY, 6200 Elko Tract Road, Sandston, VA 23150**
- 2. Registry ID 110000620267, Interest Type: SQG, VIRGINIA DEPARTMENT OF TRANSPORTATION – ELKO MATERIALS LABORATORY, 6200 Elko Tract Road, Sandston, VA 23150, Active Status: Yes**
- 3. Registry ID 110069427828, Interest Type: LQG, POLYKON MANUFACTURING LLC, 6201 Engineered Wood Way, Sandston, VA 23150, Active Status: Yes**

4. *Registry ID 110020678701, Interest Type: SQG, QIMONDA, 6000 Technology Blvd, Sandston, VA 23150, Active Status: Yes*

CERCLA Sites – none in close proximity to the project area.

Formerly Used Defense Sites (FUDS) – none in close proximity to the project area.

Solid Waste – none in close proximity to the project area.

Virginia Remediation Program (VRP) – none in close proximity to the project area.

Petroleum Releases – Two (2) found in close proximity to the project area.

1. *PC Number 20054466, Air Products and Chemicals Incorporated, 6000 Technology Blvd, Henrico County, Virginia, Release Date: 12/19/2004, Status: Closed.*
2. *PC Number 19921292, VDOT Sandston Residence, 6020 Elko Tract Rd, Sandston, Virginia, Release Date: 01/23/1992, Status: Closed.*

Please note that the DEQ's Pollution Complaint (PC) cases identified should be further evaluated by the project engineer or manager to establish the exact location, nature and extent of the petroleum release and the potential to impact the proposed project. In addition, the project engineer or manager should contact the DEQ's Southwest Regional Office at (276) 676-4800 (Tanks Program) for further information about the PC cases.

PROJECT SPECIFIC COMMENTS

None

GENERAL COMMENTS

Soil, Sediment, Groundwater, and Waste Management

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

Asbestos and/or Lead-based Paint

All structures being demolished/renovated/removed should be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, State regulations 9VAC 20-81-620 for ACM and 9VAC 20-60-261 for LBP must be followed. Questions may be directed to the DEQ's Southwest Regional Office at (276) 676-4800.

Pollution Prevention – Reuse - Recycling

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

If you have any questions or need further information, please contact Nikolas Churchill by phone at (804) 659-2663 or email nikolas.churchill@deq.virginia.gov.



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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

P.O. Box 1105, Richmond, Virginia 23218

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Travis A. Voyles
Secretary of Natural and Historic Resources

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

MEMORANDUM

TO: Janine Howard, DEQ Office of Environmental Impact Review

FROM: Lisa Dewey, DEQ Bay Act Liaison

DATE: August 7, 2023

SUBJECT: DEQ #23-097S: State Corporation Commission - Dominion Energy Virginia's White Oak Electric Transmission Project, PUR-2023-00110 - Henrico County

We have reviewed the State Corporation Commission (SCC) application for the proposed project and offer the following comments regarding consistency with the provisions of the *Chesapeake Bay Preservation Area Designation and Management Regulations* (Regulations):

In Henrico County, the areas protected by the *Chesapeake Bay Preservation Act* (Bay 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. RMAs, which require less stringent performance criteria, include 100-year floodplains, highly erodible soils, including steep slopes, highly permeable soils, and nontidal wetlands not included in RPAs. Where the land contiguous to the RPA is not an RMA as previously defined, the RMA includes a 100-foot area contiguous to the RPA.

The applicant proposes to construct two new approximately 4.69-mile overhead 230 kV transmission lines on primarily double circuit monopole structures within a new predominantly 100-foot-wide right-of-way by cutting the existing 230 kV Chickahominy-Elmont Line #2075 at a location between Structures #2075/150 and #2075/151, resulting in (i) 230 kV Elmont-White Oak Line #2075, and (ii) 230 kV Chickahominy-White Oak Line #2294 (the "White Oak Lines"). At the cut-in location within the existing right-of-way, one single circuit lattice tower will be removed and one single circuit H-frame structure will be installed on the 500 kV Chickahominy-Elmont Line #557 to facilitate construction of the White Oak Lines. From the cut-in location within the existing right-of-way, the White Oak Lines will extend a total of approximately 4.69 miles

generally in a southwesterly direction before terminating at the expanded White Oak Substation. While the proposed cut-in location is in the existing right-of-way, the proposed White Oak Lines will be constructed within new right-of-way supported primarily by double circuit weathering steel monopoles and will utilize a three-phase twin-bundled 768.2 ACSS/TW type conductor with a summer transfer capability of 1,573 MVA.

Additionally, the applicant proposes to expand the existing White Oak Substation to accommodate the termination of the new White Oak Lines (the “White Oak Substation Expansion”). The White Oak Substation Expansion will require an additional approximately 0.7 acre right-of-way, which the applicant will obtain through easement, and to upgrade the line protection at the existing Chickahominy and Elmont Substations.

According to documentation provided by the applicant, Proposed Route # 3 appears to run adjacent to Boar Swamp creek for some distance, crossing it once; Alternative Route #2, the shortest and most direct route, does not appear to impact wetlands or streams; and Alternative Route #1 appears to cross Canal Swamp creek twice. However, documentation provided by Henrico County appears to indicate that both Proposed Route #3 and Alternative Route #1 may cross additional perennial streams that have been designated as RPAs in excess of those identified by the applicant. Alternative Route #2 may also impact an additional perennial stream in the area of Monaco Drive.

Section 9 VAC 25-830-150 (B)(1) of the Regulations exempts the “construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines and their appurtenant structures” provided that when land disturbance within a designated Chesapeake Bay Preservation Area exceeds 2,500 square feet, construction, installation, operation, and maintenance of the proposed electric transmission lines and their appurtenant structures are in accordance with the following:

1. Regulations promulgated pursuant to the Erosion and Sediment Control Law and the Virginia Stormwater Management Act;
2. an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality; or
3. local water quality protection criteria at least as stringent as the above state requirements.

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

Re: NEW PROJECT SCC White Oak Electric Transmission Project, PUR 2023-00110, DEQ 23-097S

Gavan, Larry (DEQ) <Larry.Gavan@deq.virginia.gov>

Thu 7/6/2023 10:58 AM

To:Howard, Janine (DEQ) <Janine.Howard@deq.virginia.gov>

Erosion and Sediment Control/ Stormwater Management Annual

Specifications. In accordance with §62.1-44.15 *et seq.*, electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and federal entities and authorities created pursuant to § 5.2-5102 may, file general erosion and sediment control standards and specifications annually with DEQ for review and approval. Such standards and specifications shall be consistent with the requirements of this article and associated regulations and the Erosion and Sediment Control Law and Stormwater Management Act (§ 62.1-44.15:24 *et seq.*) and associated regulations where applicable. The specifications shall apply to:

- Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and
- Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of the railroad company.

The applicant must have a certified Responsible Land Disturber in charge of and responsible for carrying out the project-specific erosion and sediment control plan and the land-disturbing activity. As an annual standards and specifications for erosion and sediment control holder, The applicant must have a certified erosion and sediment control inspector that must provide for an inspection during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project. The applicant must contact: standardsandspecs@deq.virginia.gov two weeks prior to land disturbance.

Virginia Stormwater Management Plan General Permit for Construction Activities

(VAR10). The operator or owner of construction activities involving land disturbance equal to or greater than one acre must register for coverage under the General Permit for Discharges of Stormwater from Construction Activities and develop a project-specific stormwater pollution prevention plan (SWPPP). Construction activities requiring registration also include the land disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan of development will ultimately disturb equal to or greater than one acre. The SWPPP must be prepared prior to submission of the registration statement for coverage under the general permit, and the SWPPP must address water quality and quantity in accordance with the Virginia Stormwater Management Plan (VSMP) Permit Regulations.

From: Fulcher, Valerie (DEQ) <Valerie.Fulcher@deq.virginia.gov>

Sent: Thursday, July 6, 2023 9:12 AM

To: dgif-ESS Projects (DWR) <ESSProjects@dwr.virginia.gov>; DCR-PRR Environmental Review (DCR) <envreview@dcr.virginia.gov>; odwreview (VDH) <odwreview@vdh.virginia.gov>; Kirchen, Roger (DHR) <Roger.Kirchen@dhr.virginia.gov>; Lasher, Terrance J. (DOF) <Terry.Lasher@dof.virginia.gov>; Didier, Karl (Virginia) <Karl.Didier@dof.virginia.gov>; Folks, Clint (DOF) <Clint.Folks@dof.virginia.gov>; MRC - Scoping (MRC)

**MEMORANDUM
DEPARTMENT OF ENVIRONMENTAL QUALITY
Piedmont Regional Office**

4949-A Cox Road

Glen Allen, VA 23060

804/527-5020

TO: Janine Howard
Environmental Program Planner

FROM: Kelley West
Environmental Planner

DATE: August 3, 2023

SUBJECT: White Oak Electric Transmission Project, PUR-2023-00110 (23-097S)

I have reviewed the SCC Application for the above referenced project by which Virginia Electric and Power Company (Dominion) proposes to construct two new approximately 4.69-mile overhead 230kV transmission lines on primarily double circuit monopole structures in a new 100-foot-wide right-of-way by cutting the company's existing 230kV Chickahominy-Elmont Line #2075 at a location between structures #2075/150 and #2075/151, resulting in 230kV Elmont-White Oak Line #2075, and 230kV Chickahominy-White Oak Line #2294. The Company will remove one single circuit lattice tower and install one single circuit H-frame structure on 500 kV Chickahominy-Elmont Line #557 to facilitate construction of the White Oak Lines. From the cut-in location within the existing right-of-way, the White Oak Lines will extend a total of approximately 4.69 miles generally in a southwesterly direction before terminating at the expanded White Oak Substation. The project also includes expanding the Company's existing White Oak Substation and upgrading the line protection at the Company's existing Chickahominy and Elmont Substations. This project will take place in Henrico County, Virginia. My comments are as follows:

Storm Water: DEQ has regulatory authority for the Virginia Pollutant Discharge Elimination System (VPDES) programs related to municipal separate storm sewer systems (MS4s) and construction activities. Erosion and sediment control measures are addressed in local ordinances and State regulations. Additional information is available at <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement.aspx>. Non-point source pollution resulting from this project should be minimized by using effective erosion and sediment control practices and structures. If the total land disturbance exceeds 10,000 square feet, an erosion and sediment control plan will be required. Some localities also require an E&S plan for disturbances less than 10,000 square feet. A Stormwater Management Plan may also be required. For any land disturbing activities equal to one acre or more, you are required to apply for coverage under the VPDES General Permit for Discharges of Storm Water from Construction Activities. The Virginia Stormwater Management Permit (VSMP) Authority may be DEQ or the locality. In this case DEQ is the authority, specific questions regarding the Stormwater Management Program requirements should be directed to Elizabeth Southers (804)754-5172, Elizabeth.Southers@deq.virginia.gov.

Wetlands: The proposed route will have a total of eight waterbody crossings, including seven intermittent streams, and one swamp/marsh within the right-of-way. DEQ-PRO requires that all construction activities avoid and minimize impacts to surface waters including wetlands to the maximum extent possible. Permanent and temporary impacts, including conversion of wetlands from one Cowardin class to another, to surface waters or wetlands may require prior approval by DEQ's Virginia Water Protection Program (VWPP) and/or the U.S. Army Corps of Engineers. Additionally, the Army Corps of Engineers is the final authority for an official confirmation of federal jurisdictional wetlands or other surface waters that may be impacted by the proposed project. DEQ may confirm additional waters as jurisdictional beyond those under federal authority. For any questions or additional information concerning VWP Permit requirements, please contact Bryan Jones (804) 712-4001, Bryan.Jones@deq.virginia.gov.

Air: DEQ-PRO recommends the proposed actions shall operate in a manner consistent with air pollution control practices for minimizing emissions, especially during periods of high ozone. Fugitive dust should be kept to a minimum, (9 VAC5-50-60). For further questions concerning air quality issues, please contact James Kyle at (804) 489-6241, james.kyle@deq.virginia.gov.

Waste: The generation or recovery of any hazardous waste materials should be tested and removed in accordance with the Virginia Hazardous Waste Management Regulations (9 VAC 20-60) and/or the Virginia Solid Waste Management Regulations (9 VAC 20-81). Please understand that it is the generator's responsibility to determine if a solid waste meets the criteria of a hazardous waste and as a result be managed as such. In addition, asbestos waste, lead waste, or contaminated residues generated must be handled and disposed of in accordance with the VSWMR or VHWMR as applicable. DEQ recommends that pollution prevention principles be implemented to reduce the amount of wastes at the source, such as the re-use and recycling of construction waste materials. If you have any questions concerning hazardous/solid waste management, please contact Shawn Weimer at (804) 659-2704, Shawn.Weimer@deq.virginia.gov.

Above/Underground Storage Tanks (AST/UST): All necessary precautions should be taken to avoid or minimize potential environmental/health risks. Please report the installation, relocation or removal of any above or below ground petroleum storage tank to DEQ Piedmont Regional Office. For any petroleum contaminated soil/groundwater that are encountered during the sub-surface phases of this project, please contact your Local Fire Marshall with any personal safety concerns and report any such contamination to DEQ-PRO. The disposal of contaminated soils and groundwater should be done in accordance with DEQ regulatory guidelines. If you have any further questions or concerns or need to report the installation, relocation or removal of a tank please contact the DEQ-PRO at (804) 527-5020.

Re: Environmental Impact Review - SCC White Oak Electric Transmission Project

Scheid, Todd (VDOT)

Fri 8/18/2023 11:20 AM

To: Howard, Janine (DEQ) <Janine.Howard@deq.virginia.gov>

Janine,

Yes, please include that in the report as that is standard operating procedure. Thank you checking in with me on that and confirming.

Respectfully,
Todd Scheid



Todd W. Scheid

Planning Specialist / Richmond District Planning Department

Virginia Department of Transportation

Office Phone: 804-524-6000

Work Cell Phone: 804-914-3446

Todd.Scheid@VDOT.Virginia.gov

From: Howard, Janine (DEQ) <Janine.Howard@deq.virginia.gov>

Sent: Friday, August 18, 2023 10:19 AM

To: Scheid, Todd (VDOT) <Todd.Scheid@vdot.virginia.gov>

Subject: Re: Environmental Impact Review - SCC White Oak Electric Transmission Project

Thank you for your comments on this project, Todd.

Would you like me to include the standard requirement for any portion of the proposed project that will occur within VDOT ROW to obtain a Land Use Permit (LUP) in our report to the SCC?



Janine Howard

Environmental Impact Review Coordinator

Office of Environmental Impact Review

[Virginia Department of Environmental Quality](http://www.deq.virginia.gov)

1111 East Main St., Suite 1400

Richmond, VA 23219

804-659-1916

For program updates and public notices please subscribe to [Constant Contact](#).

From: Scheid, Todd (VDOT) <Todd.Scheid@vdot.virginia.gov>

Sent: Wednesday, July 19, 2023 10:44 AM

To: Howard, Janine (DEQ) <Janine.Howard@deq.virginia.gov>; EIR Coordination (VDOT)

<EIR.Coordination@vdot.virginia.gov>; Environmental Impact Review (DEQ) <eir@deq.virginia.gov>; Fulcher, Valerie (DEQ) <Valerie.Fulcher@deq.virginia.gov>

Cc: McAdory, Liz (VDOT) <Liz.McAdory@vdot.virginia.gov>

Subject: Environmental Impact Review - SCC White Oak Electric Transmission Project

Hello Janine,

I have reviewed the project area and scope and have reached out to the VDOT Ashland Residency for comments. Neither I, nor Phillip Frazer (Assistant Resident Engineer with the VDOT Ashland Residency) have any comments, issues, or concerns in regards to this project. If you have any other questions, please do not hesitate to contact me.

Respectfully,
Todd Scheid



Todd W. Scheid

Planning Specialist / Richmond District Planning Department

Virginia Department of Transportation

Office Phone: 804-524-6000

Work Cell Phone: 804-914-3446

Todd.Scheid@VDOT.Virginia.gov



COMMONWEALTH of VIRGINIA

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

Travis A. Voyles
Secretary of Natural and Historic
Resources

Jamie L. Green
Commissioner

August 7, 2023

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

Re: White Oak Electric Transmission Project,
PUR-2023-00110 DEQ #23-097S

Dear Ms. Howard,

This will respond to the request for comments regarding the State Corporation Commission Application for the White Oak Electric Transmission Project, PUR-2023-00110 (DEQ #23-097S), prepared by Dominion Energy. Specifically, Dominion has proposed to construct two new approximately 4.69-mile overhead 230 kV transmission lines, expand the existing White Oak Substation, and conduct line-protection resets at the existing Chickahominy and Elmont Substation in Henrico County, Virginia. We reviewed the provided project documents and found the proposed project is within the jurisdictional areas of the Virginia Marine Resources Commission (VMRC) and may require a permit from this agency.

Please be advised that the VMRC, pursuant to §28.2-1200 et seq of the Code of Virginia, has jurisdiction over 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 encroachments channelward of ordinary high water along non-tidal, natural rivers and streams with a drainage area greater than 5-square miles, a permit may be required from our agency. Please contact me at (757) 247-2250 or by email at lauren.chartrand@mrc.virginia.gov if you have questions. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Chartrand".

Lauren Chartrand
Environmental Engineer, Habitat Management

LC/cg
HM

An Agency of the Natural and Historic Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 Information and Emergency Hotline 1-800-541-4646

RE: NEW PROJECT SCC White Oak Electric Transmission Project, PUR 2023-00110, DEQ 23-097S

ImpactReview <impactreview@vof.org>

Thu 7/6/2023 12:28 PM

To: Fulcher, Valerie (DEQ) <Valerie.Fulcher@deq.virginia.gov>; Howard, Janine (DEQ) <Janine.Howard@deq.virginia.gov>

Hi Janine,

The Virginia Outdoors Foundation has reviewed the project referenced below. As of July 6, 2023, there are not any existing nor proposed VOF open-space easements immediately adjacent to the project.

Please contact VOF again for further review if the project area changes or if this project does not begin within 24 months. Thank you for considering conservation easements.

Best,
Baron

Baron Lin (*he/they*)

GIS Specialist

[Virginia Outdoors Foundation](#)

cell: 540-935-3163

other work #: 844-863-9800, ext. 355

email: blin@vof.org

From: Fulcher, Valerie (DEQ) <Valerie.Fulcher@deq.virginia.gov>

Sent: Thursday, July 6, 2023 9:13 AM

To: dgif-ESS Projects (DWR) <ESSProjects@dwr.virginia.gov>; DCR-PRR Environmental Review (DCR) <envreview@dcr.virginia.gov>; odwreview (VDH) <odwreview@vdh.virginia.gov>; Kirchen, Roger (DHR) <Roger.Kirchen@dhr.virginia.gov>; Lasher, Terrance J. (DOF) <Terry.Lasher@dof.virginia.gov>; Didier, Karl (Virginia) <Karl.Didier@dof.virginia.gov>; Folks, Clint (DOF) <Clint.Folks@dof.virginia.gov>; MRC - Scoping (MRC) <Scoping@mrc.virginia.gov>; EIR Coordination (VDOT) <EIR.Coordination@vdot.virginia.gov>; Harrington, Rusty N. (DOAV) <Rusty.Harrington@doav.virginia.gov>; Sara Stewart <sstewart@PlanRVA.org>; Vithoukias, John <vit@henrico.us>; Gavan, Larry (DEQ) <Larry.Gavan@deq.virginia.gov>; Moore, Daniel (DEQ) <Daniel.Moore@deq.virginia.gov>; Churchill, Nikolas (DEQ) <Nikolas.Churchill@deq.virginia.gov>; Ballou, Thomas (DEQ) <Thomas.Ballou@deq.virginia.gov>; Simms, Danielle (DEQ) <Danielle.Simms@deq.virginia.gov>; West, Kelley (DEQ) <Kelley.West@deq.virginia.gov>; ImpactReview <impactreview@vof.org>

Cc: Howard, Janine (DEQ) <Janine.Howard@deq.virginia.gov>

Subject: NEW PROJECT SCC White Oak Electric Transmission Project, PUR 2023-00110, DEQ 23-097S

Alert: This email originated from outside VOF

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

Document Type: SCC Application

Project Sponsor: State Corporation Commission

Project Title: White Oak Electric Transmission Project, PUR-2023-00110

Location: Henrico County

Project Number: DEQ #23-097S

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



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Andrew R. Wheeler
Secretary of Natural and Historic Resources

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

June 23, 2023

Heather E.B. Kennedy
Environmental Specialist II
120 Tredegar Street
Richmond, VA 23219

RE: Dominion Energy's Proposed 230kV Elmont-White Oak Line #2075, 230 kV Chickahominy-White Oak Line #2294 and White Oak Substation Expansion, Henrico County, Virginia

Dear Ms. Kennedy;

In accordance with the Department of Environmental Quality-State Corporation Commission *Memorandum of Agreement Regarding Wetland Impact Consultation* (July 2003), we have reviewed the information submitted by Dominion Energy Virginia (here after, Dominion) regarding potential wetland impacts on the above referenced project. Dominion proposes to construct two new overhead 230 kV transmission lines on double circuit structures in a new, primarily 100-foot right-of-way (The "White Oak Lines") and to expand its existing White Oak Substation in Henrico County, Virginia. Alternative routes along with the preferred route have been provided in a project overview map depicting their locations. A wetland delineation has not been conducted at this time.

Summary of Findings

The White Oak project was reviewed by DEQ's OWSP and comments were provided to Dominion on December 16, 2022. Based on an email provided by you, dated June 8, 2023, the potential wetland impact amounts have since changed for each route due to right-of-way alignment changes as a result of additional coordination with landowners, Henrico County, and other stakeholders in the area. The original preferred alignment was Route 2; however, it has since changed to Route 3 as the preferred alignment. DEQ uploaded the shapefiles provided by Dominion of all three routes into our Wetland Condition Assessment Tool (WetCAT). Based on the amounts of wetlands along each route, it appears that the Route 2 alignment should remain the preferred alignment. However, until a confirmed wetland delineation occurs, DEQ is unable to determine exact amounts of potential impacted wetlands and streams.

Water Quality and Wetlands. Measures such as but not limited to Best Management Practices (BMPs) must be taken to avoid and minimize impacts to surface waters during construction activities, including

potential water quality impacts resulting from construction site runoff. The disturbance of land and surface waters, which include wetlands, open water, and streams, may require prior approval by DEQ; the U.S. Army Corps of Engineers; the Virginia Marine Resources Commission (VMRC); and/or local government wetlands boards (generally in the northern and piedmont regions of Virginia). The Army Corps of Engineers and DEQ work in conjunction to provide official confirmation of whether there are federal and/or state jurisdictional surface waters that may be impacted by the proposed project. VMRC provides its own review to determine its agency jurisdiction. Review of National Wetland Inventory maps or topographic maps for locating wetlands, open waters, or streams may not be sufficient; there may need to be a site-specific review by a qualified professional. If construction activities will occur in or along any streams (perennial, intermittent, or ephemeral), open water or wetlands, the applicant should contact the DEQ-VWP managers at our Piedmont Office to determine the need for any permits prior to commencing work that could impact surface waters. DEQ's permit need decisions neither replace nor supersede requirements set forth by other local, state, federal, and Tribal laws, nor eliminate the need to obtain additional permits, approvals, consultations, or authorizations as required by law before proposed activities may commence.

Recommendations and Potential Permits

DEQ offers the following recommendations:

1. Prior to commencing project work, all surface waters on the project site should be delineated by a qualified professional and verified by the U.S. Army Corps of Engineers (the Corps) for federal jurisdictional waters and by DEQ for state jurisdictional waters.
2. Wetland and stream impacts should be avoided and minimized to the maximum extent practicable.
3. If the scope of the project changes, additional review will be necessary by one or more offices in the Commonwealth's Secretariat of Natural Resources and/or the Corps.
4. At a minimum, any required compensation for impacts to State Waters, including the compensation for permanent conversion of forested wetlands to emergent wetlands, should be in accordance with all applicable state regulations and laws. Consider mitigating impacts to forested or converted wetlands by establishing new forested wetlands within the impacted watershed.
5. Any temporary impacts to surface waters associated with this project should be restored to pre-existing conditions.
6. No activity may substantially disrupt the movement of aquatic life indigenous to the water body, including those species, which normally migrate through the area, unless the primary purpose of the activity is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. No activity may cause more than minimal adverse effect on navigation. Furthermore the activity must not impede the passage of normal or expected high flows and the structure or discharge must withstand expected high flows.
7. Erosion and sedimentation controls should be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992. These controls should be placed prior to clearing and grading and maintained in good working order to minimize impacts to state waters. These controls should remain in place until the area is stabilized and should then be removed. Any exposed slopes and streambanks should be stabilized immediately upon completion of work in each permitted area. All denuded areas should be properly stabilized in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.
8. No machinery may enter surface waters, unless authorized by a Virginia Water Protection (VWP) individual permit, general permit, or general permit coverage.
9. Heavy equipment in temporarily impacted surface waters should be placed on mats, geotextile fabric, or other suitable material, to minimize soil disturbance to the maximum extent practicable. Equipment and materials should be removed immediately upon completion of work.

10. Activities should be conducted in accordance with any Time-of-Year restriction(s) as recommended by the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, or the Virginia Marine Resources Commission. The permittee should retain a copy of the agency correspondence concerning the Time-of-Year restriction(s), or the lack thereof, for the duration of the construction phase of the project.
11. All construction, construction access, and demolition activities associated with this project should be accomplished in a manner that minimizes construction materials or waste materials from entering surface waters, unless authorized by a Virginia Water Protection (VWP) individual permit, general permit, or general permit coverage. Wet, excess, or waste concrete should be prohibited from entering surface waters.
12. Herbicides used in or around any surface water should be approved for aquatic use by the United States Environmental Protection Agency (EPA) or the U.S. Fish & Wildlife Service. These herbicides should be applied according to label directions by a licensed herbicide applicator. A non-petroleum based surfactant should be used in or around any surface waters.

Permits:

Based on DEQ's review of the information provided by Dominion dated June 8 2023, the proposed project may require a Virginia Water Protection (VWP) individual permit or general permit coverage. The applicant may submit a Joint Permit Application (JPA) in accordance with form instructions for further evaluation and final permit need determination by DEQ.

Should you have any questions, please don't hesitate to contact me at 804-965-4329 or at michelle.henichack@deq.virginia.gov.

Sincerely,

Michelle Henichack

Michelle Henichack, PWS
Senior Wetland Ecologist
Office of Wetlands & Stream Protection

Cc: Bryan Jones, DEQ-PRO
Bettina Sullivan, DEQ - Office of Environmental Review