

Appendix F:
Coastal Zone Management/Interagency Review



Virginia's Coastal Zone



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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July 11, 2022

Ms. Susan Morrison, AICP
Timmons Group
5410 Trinity Rd, Suite 102
Raleigh, NC 27607

Via Email: Susan.Morrison@timmons.com <mailto:jeanes@dewberry.com>

RE: Intergovernmental Review, Town of Middleburg Town Hall Building Construction, U.S. Department of Housing and Urban Development Economic Development Initiative, Community Project Funding (EDI, CPF) Grant, Town of Middleburg, Loudoun County, DEQ #4372

Dear Ms. Morrison:

On behalf of the Commonwealth, the Department of Environmental Quality (DEQ) provides this courtesy review of the federal consistency documentation submitted in accordance with the Intergovernmental Review of Federal Programs (E.O. 12372) and federal consistency regulations for the review of federal financial assistance to state and local governments (15 CFR, Subpart F, §930.90 et seq.). Virginia does not have any federal financial assistance listed in the Virginia Coastal Zone Management Program and has chosen not to participate in the intergovernmental review process, therefore, coordination on this type of project is not required.

PROJECT DESCRIPTION

According to your June 23, 2022, email, the Town of Middleburg has been awarded an Economic Development Initiative, Community Project Funding (EDI, CPF) grant administered through HUD's Office of Community Planning and Development, Congressional Grants Division to construct a new one-story Town Hall Office Building of approximately 11,421 square feet in size on the existing Town Hall site. The new office building will also house a new police station, four public meeting rooms, and public

restrooms that will remain open after business hours. The project site includes two public green space areas located along West Marshall Street and Pendleton Street to be utilized as passive parks for activities, festivals, and events. The existing building will be demolished after the completion of the new town hall building.

EXECUTIVE ORDER 12372, INTERGOVERNMENTAL REVIEW

DEQ has no objection to the project provided its construction is carried out in strict accordance with all applicable state, federal, and local laws and regulations. Prior to construction commencement, all applicable permits and approvals must be obtained. In general, development must incorporate features which prevent significant adverse impacts on ambient air quality, water quality, wetlands, historic structures, fish, wildlife, and species of plants, animals, or insects listed by state agencies as rare, threatened, or endangered.

The following discussion is provided as a guideline of programs administered by the Department of Environmental Quality and other agencies of the Commonwealth, which could be applicable. Final determination concerning potential impacts on these programs rests with DEQ's Northern Regional Office (DEQ NRO, 703-583-3800) and the appropriate agency administering each program. It is the responsibility of the applicant to coordinate development with these agencies.

1. Air Quality.

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

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

1(b) Requirements.

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

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

1(b)(ii) Open Burning. If project activities include open burning or the use of special incineration devices, this activity must meet the requirements under 9 VAC 5-130-10 through 9 VAC 130-60 and 9 VAC 5-130-100 of the *Regulations* for open burning. In addition, the *Regulations* provide for, but do not require, the local adoption of a model ordinance concerning open burning. The applicant should contact local fire officials to determine what local requirements, if any, exist.

1(b)(iii) Fuel-Burning Equipment. Should the proposed project require the installation of fuel-burning equipment (boilers, generators, etc.), or other air pollution emitting equipment, the project may be subject to 9 VAC 5-80, Article 6, Permits for New and Modified sources.

1(c) Recommendation. Please contact DEQ-NRO, David Hartshorn at 703-583-3895 or r.david.hartshorn@deq.virginia.gov with questions related to air pollution control and permitting

2. Non-point Source Pollution Control.

2(a) Erosion and Sediment Control Plan and Stormwater Management Plan. A project-specific erosion and sediment control (ESC) plan must be submitted to the appropriate local authority for review and approval pursuant to the local ESC requirements, if the project involves a land-disturbing activity of equal to or greater than 10,000 square feet (2,500 square feet or more in a Chesapeake Bay Preservation Area). Depending on local requirements, the area of land disturbance requiring an ESC plan may be less. The ESC plan must be approved by the locality prior to any land disturbing activity at the project site. All regulated land-disturbing activities associated with the project, including on- and off-site access roads, staging areas, borrow areas, stockpiles, and soil intentionally transported from the project, must be covered by the project-specific ESC plan. Depending on local requirements, a Stormwater Management (SWM) plan may be required. Local ESC and SWM program requirements are available from the locality (Reference: Virginia Erosion and Sediment Control Law

§62.1-44.15 *et seq.*; Virginia Erosion and Sediment Control Regulations 9VAC25-840-30 *et seq.*; Virginia Stormwater Management Act §62.1-44.15 *et seq.*; Virginia Stormwater Management (VSMP) Permit Regulations 9VAC25-870-54 *et. seq.*).

2(b) General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (VAR 10). The owner or operator of projects involving land-disturbing activities of equal to or greater than 1 acre is required to apply for registration coverage under the General Permit for Discharges of Stormwater from Construction Activities. General information and registration forms for the General Permit are available at:

<https://www.deq.virginia.gov/permits-regulations/permits/water/surface-water-virginia-pollutant-discharge-elimination-system>.

3. Solid and Hazardous Waste Management. DEQ administers the Virginia Solid Waste Management Regulations (9VAC20-81) and the Virginia Hazardous Waste Management Regulations (9VAC20-60). Contact DEQ's Northern Regional Office concerning the location and availability of waste management facilities in the project area (Richard Doucette, telephone 703-583-3813; e-mail Richard.Doucette@deq.virginia.gov).

3(a) Agency 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.

3(b) Requirements.

(i) Contaminated Waste. Any wastes that are generated must be tested and disposed of in accordance with applicable federal, state, and local laws and regulations.

(ii) Asbestos-Containing Materials and Lead-Based Paint. All structures being renovated must be checked for asbestos-containing materials (ACM) and lead-based paint (LBP) prior to demolition. If ACM or LBP are found, in addition to federal waste-related regulations, state regulations 9 VAC 20-80-620 for ACM and 9 VAC 20-60-261 for LBP must be followed.

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

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

5. Historic Structures and Archaeological Resources.

5(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. Section 106 of the National Historic and Preservation Act of 1966, as amended, requires that proponents of activities that receive federal funding consider effects to properties that are listed, or eligible for listing, on the National Register of Historic Places. Your letter does not indicate the age of the existing structures. Please note that under historic preservation rules, structures over 50 years old may (by virtue of age and other characteristics) be eligible for listing on the National Register.

5(b) Recommendation. DEQ recommends that the county or its agents contact DHR (Roger Kirchen, telephone 804-482-6091, Roger.Kirchen@dhr.virginia.gov) before proceeding with the demolition/construction work to ask two questions: (1) whether National Register (or Virginia Landmarks Register) eligibility is the case and, if so, (2) whether it warrants any precautions relative to the scope of work that is contemplated for the properties.

6. Energy Conservation. Architectural and engineering designers should consider incorporating the energy, environmental, and sustainability concepts listed in the Leadership in Energy and Environmental Design (LEED) Green Building Rating System into the development and procurement of their projects.

6(a) Agency Recommendations. The energy efficiency of facilities can be enhanced by maximizing the use of the following:

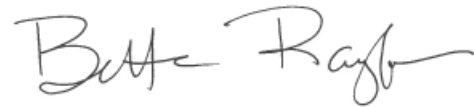
- thermally efficient building shell components (roof, wall, floor, windows and insulation);
- facility siting and orientation with consideration towards natural lighting and solar loads;
- high-efficiency heating, ventilation, air conditioning systems;
- high-efficiency lighting systems and daylighting techniques; and
- energy-efficient office and data processing equipment.

Please contact Virginia Energy (David Spears at 434-951-6350) for additional information on energy conservation measures. For more information on the LEED rating system, visit <https://www.usgbc.org/leed/why-leed>.

Middleburg Town Hall Construction
Loudoun County, #4372

Thank you for your inquiry. We appreciate your interest in complying with Virginia's environmental regulations. If you have any further questions, please contact me at Bettina.Rayfield@deq.virginia.gov.

Sincerely,

A handwritten signature in black ink that reads "Bettina Rayfield". The signature is written in a cursive style with a long horizontal flourish at the end of the name.

Bettina Rayfield, Program Manager
Environmental Impact Review