



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Stefanie K. Taillon
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

**Section 401 Water Quality Certification of 24-RP-01 for Certain Virginia Department of Transportation and Virginia Passenger Rail Authority Roadway and Railway Projects
(Issued October 3, 2023; Amended April 17, 2025)**

The Virginia Department of Environmental Quality (DEQ) grants this conditional water quality certification (WQC) for the United States Army Corps of Engineers (USACE) 2024 Regional Permit 01 (24-RP-01) authorizing certain Virginia Department of Transportation (**VDOT**) and **Virginia Passenger Rail Authority (VPR)** roadway and railway projects involving work, structures, and filling in waters of the United States (WOTUS), effective by April 2024, pursuant to § 401 of the Clean Water Act of 1977 (33 U.S.C. § 1341); Title 62.1 of the Code of Virginia, including Chapter 3.1 (State Water Control Law); Virginia Administrative Code 9VAC25-210 *et seq.* (Virginia Water Protection Permit Program); and Virginia Administrative Code 9VAC25-260 *et seq.* (Virginia Water Quality Standards).

This WQC applies to any activity or activities (hereafter "activities") in those waters of the United States and in all state surface waters in Virginia regulated pursuant to the laws and regulations of the Commonwealth.

DEQ finds that there is a reasonable assurance that the discharge from activities authorized by this permit will comply with water quality requirements and will be conducted in a manner which will not violate applicable water quality standards, provided the permittee abides by all conditions and requirements contained in the 24-RP-01 and this WCQ as detailed below:

WQC Condition: VDOT **and VPR** shall apply to the Virginia Department of Environmental Quality for authorization under § 62.1-44.15 of the Code of Virginia and 9VAC25-210 *et seq.*

40 C.F.R. § 121.7(d)(2)(i): This condition is necessary in order to assure that i) any discharge authorized under the general license or permit will comply with water quality requirements; ii) activities will not cause or contribute to a significant impairment of state waters or fish and wildlife resources; and iii) state water quality requirements are met, including the General Criteria (9VAC25-260-20 *et seq.*): "State waters, including wetlands, shall be free from substances attributable to sewage, industrial waste, or other waste in concentrations, amounts, or combinations which contravene established standards or interfere directly or indirectly with designated uses of such water or which are inimical or harmful to human, animal, plant, or aquatic life."

40 C.F.R. § 121.7(d)(2)(ii): Article XI, Section 1 Constitution of VA; Title 62.1 of the Code of Virginia; Chapter 3.1 of Title 62.1 of the Code of Virginia (§§ 62.1-44.2 through 62.1-44.34:28) [§ 62.1-44.2 through -44.6, § 62.1-44.15, § 62.1-44.15:01, § 62.1-44.15:4.1, § 62.1-44.15:5.1, § 62.1-44.15:5.2, § 62.1-44.15:20, § 62.1-44.15:21, § 62.1-44.15:24, § 62.1-44.15:25, § 62.1-44.15:28, § 62.1-44.15:28.1, § 62.1-44.15:31, § 62.1-44.15:34, § 62.1-44.15:40, § 62.1-44.15:50, §

62.144.15:52, Article 2.5 of Title 62.1 (§§ 62.1-44.15:67 through § 62.1-44.15:79), § 62.1-44.19:5]; § 10.1-400 *et seq.*; § 10.1-604 *et seq.*; § 10.1-1408.5; § 28.2-1300 *et seq.*; § 62.1-7; § 62.1-8; § 62.1-10; § 62.1-11; § 62.1-194 through -194.3; 9VAC25 - Preface (Agency Summary); 9VAC25-31 *et seq.*; 9VAC25-40 *et seq.*; 9VAC25-210 *et seq.*; 9VAC25-260 *et seq.*; 9VAC25-380 *et seq.*; 9VAC25-401 *et seq.*; 9VAC25-410 and 415 *et seq.*; 9VAC25-630 *et seq.*; 9VAC25-660 *et seq.* and 9VAC25-690 *et seq.*, as applicable; 9VAC25-720 *et seq.*; 9VAC25-820 *et seq.*; 9VAC25-830 *et seq.*; 9VAC25-840 *et seq.*; 9VAC25-870 through 890 *et seq.*; 33 U.S.C. § 1251 *et seq.*; 33 U.S.C. § 1313(d); 33 U.S.C. § 1315(b); 33 U.S.C. § 1317(a); 33 U.S.C. § 1341 *et seq.*; 33 U.S.C. § 1344 *et seq.*; 33 U.S.C. § 1370; 33 C.F.R. Part 332; 40 C.F.R. § 121 *et seq.*; 40 C.F.R. § 131 *et seq.*; Public Law 95-217

Non-compliance with Title 62.1 of the Code of Virginia, including the State Water Control Law, or applicable Virginia Water Protection Permit Program regulations, or otherwise violating Virginia state water quality standards, may result in civil penalties.

DEQ reserves its right to revise this WQC based on any future amendments to state or federal permits, laws, or regulations. DEQ's WQC neither replaces or supersedes requirements set forth by other local, state, federal, and Tribal laws, nor eliminates the need to obtain additional permits, approvals, consultations, or authorizations as required by law before proposed activities may commence.