



Approved at 8/23/2023 meeting- Minute No. 1.

*Commonwealth of Virginia*

*VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY*

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

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

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Travis A. Voyles  
Secretary of Natural and Historic Resources

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

**STATE WATER CONTROL BOARD MEETING**

**GALLERY, COMMUNITY COLLEGE WORKFORCE ALLIANCE,  
1651 EAST PARHAM ROAD, RICHMOND, VA 23228**

**THURSDAY JUNE 22, 2023**

**Board Members Present:**

Heather Wood, Chair  
Lou Ann Jessee-Wallace, Vice Chair  
Scott Cameron  
Robert Dunn

**Board Members Absent:**

Jerry Kilgore  
Ryan C. Seiger

**Department of Environmental Quality:**

Michael Rolband, Director  
Melissa Porterfield  
Jill Hrynciw

**Office of the Attorney General:**

Ross Phillips

1. The attached minutes summarize activities that took place at this Board Meeting.
2. The meeting convened at 10:33 a.m. and adjourned at 12:12 p.m.



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
AT ITS MEETING ON JUNE 22, 2023**

Minute No. 1- Minutes

The Board approved the minutes of the meeting held March 23, 2023 by a vote of (4-0).

  
Melissa S. Porterfield



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE  
WATER CONTROL BOARD AT ITS MEETING ON June 22, 2023**

**MINUTE NO. 2 – Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) in response to Chapter 276 of the 2023 Acts of Assembly (HB2189)**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Dr. Scott Morris, Director of Water presented a summary of the proposed changes to the regulation, including the benefits of the change and explicit changes to 9VAC25-31-805.

Dr. Morris conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

**Board Decision**

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the revisions to 9VAC25-31-805 as final regulations.

A handwritten signature in black ink, appearing to read "Scott Morris".

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**Scott Morris**  
**Director, Water Division**



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**MINUTE NO. 3 – Virginia Water Protection Permit Program Regulation 9(VAC25-210) in response to Chapters 245, 258 and 259 of the 2023 Acts of Assembly (HB1804 and HB2181/SB1074)**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Dr. Scott Morris, Director of Water presented a summary of the proposed changes to the regulation, including the benefits of the change and explicit changes to 9VAC25-210-40 and 9VAC25-210-116.

Dr. Morris conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

**Board Decision**

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the revisions to 9VAC25-210 as final regulations.

A handwritten signature in cursive script, appearing to read "Scott Morris".

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**Scott Morris**  
**Director, Water Division**



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE  
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**MINUTE NO. 4 – Erosion and Sediment Control Regulations (9VAC25-840) and Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870), and General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880) in response to Chapters 48 and 49 of the 2023 Acts of Assembly (HB1848/SB1376)**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulations. Dr. Scott Morris, Director of Water presented a summary of the proposed changes to the regulations, including the benefits of the change and explicit changes to 9VAC25-840-10, 9VAC25-870-10, 9VAC25-870-59, and 9VAC25-880-50-40.

Dr. Morris conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

**Board Decision**

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the revisions to 9VAC25-840, 9VAC25-870, and 9VAC25-880 as final regulations.

A handwritten signature in black ink, appearing to read "Scott Morris".

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**Scott Morris**  
**Director, Water Division**



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**MINUTE NO. 5 – Certification of Nonpoint Source Nutrient Credits (9VAC25-900) in  
response to Chapter 723 of the 2023 Acts of Assembly (SB959)**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Dr. Scott Morris, Director of Water presented a summary of the proposed changes to the regulation, including the benefits of the change and explicit changes to 9VAC25-900-110.

Dr. Morris conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

**Board Decision**

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the revisions to 9VAC25-900 as final regulations.

A handwritten signature in cursive script, appearing to read "Scott Morris".

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**Scott Morris**  
**Director, Water Division**



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER  
CONTROL BOARD AT ITS MEETING ON JUNE 22, 2023**

**MINUTE NO. 6 – Virginia Erosion and Stormwater Management Regulation- 9VAC25-875**

Melanie Davenport, Director of Regulatory Affairs and Outreach, presented a summary of the final action consolidating the Erosion and Sediment Control Regulations (9VAC25-840); Erosion and Sediment Control and Stormwater Certification Regulations (9VAC25-850); and Virginia Stormwater Management Regulation (9VAC25-870) into the new Virginia Erosion and Stormwater Management Regulation (9VAC25-875). As a result of creating a single consolidated regulation, this action also repeals the Erosion and Sediment Control Regulations (9VAC25-840); Erosion and Sediment Control and Stormwater Certification Regulations (9VAC25-850); and Virginia Stormwater Management Regulation (9VAC25-870).

Ms. Davenport provided historical background on Virginia's erosion and sediment control and stormwater management programs and presented Chapters 68 and 758 of the 2016 Acts of Assembly (the "Consolidation Bill"), which combine the Department of Environmental Quality's (department) statutory programs for soil erosion and sediment control and stormwater management and direct the State Water Control Board to adopt regulations to carry out this consolidation. In addition, Ms. Davenport walked through the department's regulatory development process and the scope of this action, which are defined in the Ninth Enactment of the Consolidation Bill. Finally, Ms. Davenport provided an overview of the structure and contents of the consolidated Virginia Erosion and Stormwater Management Regulation and the transition that will be required for localities once the consolidated regulation is adopted.

The Board approved and adopted the Virginia Erosion and Stormwater Management Regulation (9VAC25-875), including changes provided on an errata sheet, and repealed the

Erosion and Sediment Control Regulations (9VAC25-840; Erosion and Sediment Control and Stormwater Certification Regulations (9VAC25-850); and Virginia Stormwater Management Regulation (9VAC25-870) as recommended by staff and presented by Ms. Davenport.

A handwritten signature in black ink that reads "Melanie D. Davenport". The signature is written in a cursive style with a large initial 'M' and a distinct 'D'.

Melanie D. Davenport  
Director of Regulatory Affairs and Outreach





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**MINUTE NO. 7 – Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Concrete Products Facilities (9VAC25-193)**

Prior to the meeting the Board was provided materials including a briefing memo which included a list of the technical advisory committee membership, the regulation showing final amendments, the town hall agency background document and the Office of Regulatory Management Economic Review Form. Allan Brockenbrough of the Office of VPDES Permits, Central Office, presented a summary of the significant final changes to the regulation.

**Board Decision**

Based on the briefing material and the staff presentation, the Board voted unanimously to approve the final regulation and to receive, consider, and respond to any petitions by any person at any time with respect to reconsideration or revision of this regulation, as provided by the Administrative Process Act.

A handwritten signature in cursive script, appearing to read "Rebecca Rochet".

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**Rebecca Rochet**  
**Deputy Director, Water Permitting Division**



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**MINUTE NO. 8 – General VPDES Permit for Discharges of Stormwater from  
Construction Activities (9VAC25-880)**

Rebecca Rochet, Deputy Director of the Division of Water Permitting, presented the proposed action to amend and reissue the General VPDES Permit for Discharges from Construction Activities (9VAC25-880, the CGP), which will expire on June 30, 2024.

Ms. Rochet provided an overview of the types of activities that are covered under the CGP and the CGP reissuance process, which is required every five years and will expire under its current term on June 30, 2024. In addition, Ms. Rochet provided a summary of the proposed changes, which improve the clarity and readability of permit requirements and incorporate new language and requirements to ensure compliance with the Environmental Protection Agency's (EPA) reissued 2022 Construction General Permit. Finally, Ms. Rochet detailed the provisions of a new section on construction dewatering requirements and provided an overview of how other states have incorporated this new EPA requirement into their general permits.

**Board Decision**

Based on the staff presentation and recommendation, the Board voted unanimously to authorize the Department of Environmental Quality to conduct a Public Comment Period and Public Hearing on the proposed General VPDES Permit for Discharges from Construction Activities (9VAC25-880).

A handwritten signature in cursive script, reading "Rebecca Rochet".

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**Rebecca Rochet**  
**Deputy Director, Water Permitting Division**



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE  
WATER CONTROL BOARD AT ITS MEETING ON June 22, 2023**

**MINUTE NO. 9 – Report to the Board Regarding Controversial Permits- VPDES Permit  
No. VA0093165, Camp Luray OPCO, LLC**

In accordance with § 10.1-1184.1.B of the Code of Virginia, Dr. Scott Morris provided the Controversial Permit Report to the Board. The report included the permit number, actions taken prior to the board meeting, location of the facility and outfall, summary of comments received, and the schedule for the final actions to be taken by the department.

A handwritten signature in cursive script, appearing to read "Scott Morris".

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**Scott Morris**  
**Director, Water Division**



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**MINUTE NO. 10 – Mountain Valley Pipeline-Update**

Mr. Matthew Stafford provided an update on the Mountain Valley Pipeline (MVP) project. He discussed (i) the status of the project, (ii) current construction activities and (iii) compliance monitoring activities.

Mr. Stafford reported that on June 3, 2023 the Fiscal Responsibility Act was passed which approved all authorizations and permits for construction and operation of the MVP. Section 324 of the bill states:

*“This section ratifies and approves all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and other approvals or orders issued for the construction and initial operation of the Mountain Valley Pipeline (a natural gas pipeline located in Virginia and West Virginia).*

*The section directs all applicable agencies to continue to maintain such authorizations issued for the construction and operation of the pipeline. Additionally, this section exempts all such authorizations from judicial review, regardless of the issue date, and including pending lawsuits.*

*The section requires the Department of the Army to issue within 21 days all permits or verifications necessary to (1) complete the construction of the pipeline across the waters of the United States, and (2) allow for the operation and maintenance of the pipeline.”*

Mr. Stafford noted the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission have not yet issued their authorizations. All approvals are anticipated by the end of July and construction is anticipated to begin the second or third week of July 2023. At this time,

the project has not resumed any forward progress and the primary activities are the inspection and maintenance of environmental controls and stabilization measures.

Finally, Mr. Stafford noted that during the period since the last Board meeting, no complaints were received by DEQ and there were no findings of non-compliance.

A handwritten signature in black ink, appearing to read "Scott Morris". The signature is written in a cursive style with a large initial "S".

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Scott Morris  
Director, Water Division



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Minute No. 11 – Future Meeting

No future meeting dates were confirmed for the Board at this meeting.

  
Melissa S. Porterfield



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Minute No. 12 - Public Forum

Jessica Sims, Appalachian Voices, spoke during the public forum to express concerns about the Virginia Reliability Project and asked the board to consider holding a public meeting on the project. Asked the board to reconsider what is allowed to be discussed at the public forum portion of the meeting.

  
Melissa S. Porterfield