



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

MINUTES STATE WATER CONTROL BOARD

Thursday, April 5, 2012
General Assembly Building, House Room C
Richmond, Virginia

Board Members Present:

W. Shelton Miles, III, Chair

William B. Bott

Roberta A. Kellam

Thomas V. Van Auken (left at 1:15 p.m.)

Robert L. Dunn, Vice-Chair

William A Pruitt

Heather L. Wood

Department of Environmental Quality:

David K. Paylor, Director

Cindy M. Berndt

Attorney General's Office:

David C. Grandis, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened on Thursday, April 5, 2012, at 9:30 a.m., recessed at 11:02 a.m., reconvened at 11:16 a.m., recessed for lunch at 12:00 p.m. reconvened at 12:51 p.m., recessed at 1:13 p.m., reconvened at 1:31 p.m., and adjourned at 2:47 p.m.

[Note: The second day, April 6, 2012, was cancelled.]

Approved Minute No. 1
June 25, 2012



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

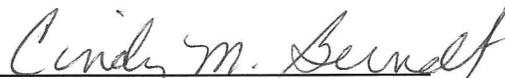
David K. Paylor
Director

(804) 698-4020
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 1 - Minutes

The Board approved the minutes from the December 14, 2011, meeting as contained in the Board book with a modification to Minute No. 9 to show that Dr. Van Auken recused from the discussion and voting on the consent special order for Virginia Electric and Power Company, d/b/a/ Dominion Virginia Power.


Cindy M. Berndt
Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800 Fax (703) 583-3821

www.deq.virginia.gov

David K. Paylor
Director

Thomas A. Faha
Regional Director

Douglas W. Domenech
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

Minute No. 2 -Reissuance of Virginia Pollutant Discharge Elimination Permit (VPDES) Individual Permit No.VA000072079 – Lake Anna Environmental Services STP - Louisa County

DEQ staff made a presentation for the reissuance of the Virginia Pollutant Discharge Elimination System (VPDES) individual permit for the Lake Anna Environmental Services Sewage Treatment Plant (STP), VPDES permit number VA0072079. The Lake Anna Environmental Services STP is a 0.02 million gallon per day (MGD) wastewater treatment plant which treats domestic sewage from the Lake Anna Plaza area of Louisa County serving a population of approximately 160 people. The permit action included a requested expansion to 0.099 MGD. Staff briefed the Board on the proposed permit and provided a summary of the comments received during the public hearing and comment periods and staff responses to comments.

After staff's presentation, the Board heard from Bob Propst representing the permittee, Willie Gentry, representing the Louisa County Board of Supervisors, Walt Michalski, Larry Zemke, William Murphey and Carol Mathieu (residents), Harry Ruth representing the Friends of Lake Anna, and Doug Smith representing the Lake Anna Civic Association.

Following the comments of the individual's noted above, staff then made the following recommendation:

Based on the agency permit files, the comments received during the public comment period and any explanation of comments previously received during the public comment period made at the Board meeting, the staff recommends the Board:

1. Find that:
 - a. The permit has been prepared in conformance with all applicable statutes, regulations, and agency practices;
 - b. The effluent limits and conditions in the permit have been established to protect instream beneficial uses and fish and wildlife resources; and
 - c. All public comments relevant to the permit have been considered.
2. Approve the permit and conditions as presented today.
3. Authorize the Director to issue the permit as approved by the Board .

After hearing the staff recommendation, the Board had questions of Mr. Willie Gentry and DEQ staff. After the questions were answered, a motion was made and seconded to reissue the permit as presented by staff.

Board Decision

The Board, based on the Board book material and presentations at the meeting, voted unanimously in favor of staff's recommendation.

Thomas A. Faha
Director, Northern Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 3 – CORRECTION OF ADDRESS IN REGULATIONS (9VAC25 - CHAPTERS 20, 101, 260, 590 AND 650)

Debra Miller, Office of Regulatory Affairs, presented final amendments to various State Water Control Board regulations, 9VAC25 - Chapters 20, 101, 260, 590 and 650. This regulatory amendment corrects the DEQ mailing address in these regulations. The Board was asked to adopt the amendments as final regulation.

BOARD DECISION

Based on the board book briefing items and staff presentation, the Board, on a motion of Mr. Dunn and seconded by Ms. Wood, unanimously adopted the amendments as presented, and affirmed that the Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision

Handwritten signature of Cindy Berndt in cursive script.

Cindy Berndt

Director, Office of Regulatory Affairs



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 4 - General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Vehicle Wash Facilities and Laundry Facilities, 9VAC25-194

Prior to the meeting the Board was provided a memorandum summarizing the significant proposed changes to the General VPDES Permit for Vehicle Wash Facilities and Laundry Facilities, a summary and response to comments, the regulation showing amendments, a fact sheet for the permit and the Agency Townhall Background Document. Elleanore Daub gave a summary of the amendments to the general permit regulation and answered questions posed by the Board. Staff agreed to provide clarification in guidance on questions related to the authorization to discharge with regards to TMDL assumptions and the small boat washing at car washes for personal use.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the General VPDES Permit for Vehicle Wash Facilities and Laundry Facilities, 9VAC25-194. The Board also voted to receive, consider and respond to 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 blue ink that reads "Melanie D. Davenport".

Melanie D. Davenport
Water Division Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 5 - General VPDES Permit Regulation For Discharges From Petroleum Contaminated Sites, Groundwater Remediation And Hydrostatic Tests (9VAC25-120)

Prior to the meeting the Board was provided with a draft of the amended regulation and a memorandum summarizing the significant proposed changes to the Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests general permit. Fred Cunningham gave a brief summary of the significant proposed amendments to the regulation.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to authorize a notice of public comment period and public hearing for amendment and reissuance of the General VPDES Permit for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests, 9VAC25-120. The Board also authorized the staff to serve as hearing officer for the public hearing.



Melanie D. Davenport
Water Division Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 6 - General VPDES Permit For Non-Contact Cooling Water Discharges of 50,000 Gallons Per Day or Less (9VAC25-196)

Prior to the meeting the Board was provided with a draft of the amended regulation and a memorandum summarizing the significant proposed changes to the Non-Contact Cooling Water Discharges general permit. Fred Cunningham gave a brief summary of the significant proposed amendments to the regulation.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to authorize a notice of public comment period and public hearing for amendment and reissuance of the General VPDES Permit For Non-Contact Cooling Water Discharges of 50,000 Gallons Per Day or Less, 9VAC25-196. The Board also authorized the staff to serve as hearing officer for the public hearing.

A handwritten signature in blue ink, reading "Melanie D. Davenport".

Melanie D. Davenport
Water Division Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

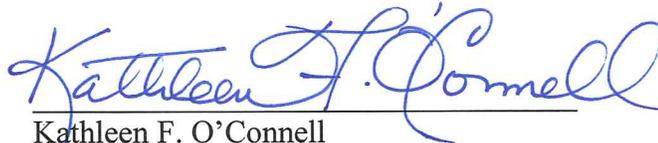
EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

INUTE NO. 7 – VPDES Program Consent Special Orders

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board the Consent Special Orders for:

1. Town of Appomattox
2. Kenneth and Lora Dotson, Locust Grove Town Center
3. Fairfax County, Noman M. Cole, Jr. Pollution Control Plant
4. Honeywell Resins & Chemicals, LLC
5. Advanced Flooring Technologies of Virginia, Inc.
6. The Vistas Limited Partnership and Brisben Lakeview Limited Partnership, Ivy Walk Apartments
7. Lee County Public Service Authority, Hickory Flatss Wastewater Treatment Plant
8. Carrollton Used Auto Parts, Inc.
9. Kerr's Creek, LLC

The Board unanimously approved the Orders and further authorized the Department's Director to execute the Orders on the Board's behalf and to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.


Kathleen F. O'Connell
Water Enforcement Program Manager
Division of Enforcement



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

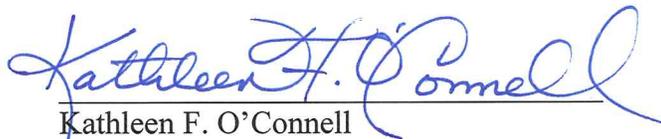
EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 8 – VWP Program/Ground Water Program Consent Special Orders

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board the Consent Special Orders for:

1. E&A Call, Inc., Manchester Subdivision
2. HH Hunt Homes, LC
3. Wilton Development Corp.

The Board unanimously approved the Orders and further authorized the Department's Director to execute the Orders on the Board's behalf and to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.


Kathleen F. O'Connell
Water Enforcement Program Manager
Division of Enforcement



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 9– VPA Consent Special Orders

Kathleen O’Connell, Water Enforcement Program Manager, presented to the Board the Consent Special Orders for:

1. Synagro Central, LLC
2. Allen L. Shank
3. Windcrest Holsteins, Inc.

The Board unanimously approved the Orders and further authorized the Department’s Director to execute the Orders on the Board’s behalf and to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.

A handwritten signature in blue ink that reads 'Kathleen F. O'Connell'.

Kathleen F. O’Connell
Water Enforcement Program Manager
Division of Enforcement



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 10 – Oil and Other Programs

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board the Consent Special Orders for:

1. Dinwiddie County School Board
2. High Up Dairy Mart, Inc.

The Board unanimously approved the Orders and further authorized the Department's Director to execute the Order on the Board's behalf and to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.

A handwritten signature in blue ink that reads "Kathleen F. O'Connell".

Kathleen F. O'Connell
Water Enforcement Program Manager
Division of Enforcement



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 11 – Public Forum

No one appeared during the public forum.


Cindy M. Berndt
Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 12 – Future Meetings

The Board confirmed June 25-26, September 27-28 and December 6-7, 2012 as the dates of their future meetings.


Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

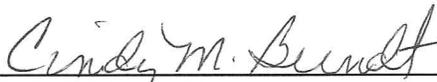
David K. Paylor
Director

(804) 698-4020
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

MINUTE NO. 13 – Water Division Director's Report

Ms. Melanie D. Davenport, Water Division Director, provided the Board with updates on the Phase II Chesapeake Bay Watershed Implementation Plan and the 2012 Water Quality Assessment Report.


Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 5, 2012

Minute No. 14 – Issuance of VWP Individual Permit No. 10-2001 – Virginia Electric Power Company dba Dominion Virginia Power – Part I (Major Surface Water Withdrawal for Operational Activities and Lake Level Rise), Unit 3 at Dominion’s North Anna Power Station – Louisa County

The project was presented before the State Water Control Board (SWCB) on April 5, 2012. Prior to the start of this agenda item, Dr. Van Auken recused himself and was absent during the entire agenda item. DEQ staff presented the proposed issuance of a Virginia Water Protection Individual Permit for Part III – Major Surface Water Withdrawal for Operational Activities and Lake Level Rise (VWP Permit No. 10-2001) of the project. Following staff’s presentation, the SWCB heard from the following seven speakers from the public:

1. Ms. Kim Lanterman represented the applicant. Ms. Lanterman’s statement included thanking the SWCB for hearing the permit, addressed the reason for the application, outlined the commitments in the proposed permit, and requested issuance of the permit.
2. Mr. Ken Remmers represented LACA. Mr. Remmers’ comments included concerns regarding the following topics: stakeholders other than lake users benefit from the proposed permit, requested three monitoring stations for lake level, water temperature and cooling system mode of operation (acknowledged lake level monitoring stations in two of the desired locations already a requirement of the permit) and data made accessible to all, requested specifics on how temperature limit for the 100 hour annual allowance to operate in EC Mode would be implemented, requested funding for a water quality program.
3. Mr. Ray Jurgel, a private citizen, provided comments that included the following concerns: suggested dry cooling would not actually be used, discussed design limitations of dry cooling, concerns about increase in water temperatures and affect on public health and safety, concern about the 100 hour annual allowance, and concern the model did not include actual inflows but estimations.
4. Mr. Burton M. Marshall, a private citizen, was a former Dominion employee. Mr. Marshall commented that the applicant had a consistent record of environmental protection and was in support of the permit.

5. Mr. John Farmer, a private citizen, was a former Dominion employee. Mr. Farmer commented that the three inch rise was a minimal but necessary impact and the proposed combined cooling system was more efficient than a conventional wet tower. Mr. Farmer also said he supported the permit and the project as it will address the power deficiency in Virginia.
6. Sterling Rives represented Hanover County as their County Attorney. Mr. Rives noted that the County operates a withdrawal for public drinking water and a discharge that serves several area businesses. Mr. Rives commented that the County was not opposed to the proposed permit but were concerned regarding the proposed LLC provisions in the permit. Commented that despite measures in the permit, a reduction in dam releases below 40 cfs would result in impacts to the 7Q10 flows. Such a reduction would impact their future VPDES permit, which was not the intention of the LLC law. Recommended a revision to the permit to include language that said an adverse impact included any potential modification to a VPDES permit that results from a change to a 7Q10 resulting from reduced dam releases.
7. Mr. Jim Ryan represented Bear Island Paper Company. Mr. Ryan endorsed Hanover County's comments as the Company shares a discharge permit with the County. Mr. Ryan commented the Company does not oppose the proposed permit but recommended changes, such as recommended by Hanover County. Mr. Ryan also requested the permit be revised to allow the three inch rise to occur now prior to initiating the withdrawal to supplement downstream releases. Mr. Ryan requested that the SWCB not rush judgment on the permit.

One citizen, Ms. Ginny Newton, who signed up speak chose not to when her opportunity was presented.

After hearing from the citizens, the SWCB asked questions of staff. During this period, Chairman Miles provided comments regarding concerns about sufficient water in the watershed for the new unit. Mr. Dunn, the SWCB member who served as the hearing officer at the public hearing, also provided his observations. Following conclusion of questions from members of the SWCB, Chairman Miles requested staff present their recommendation.

Staff recommended that the SWCB find that:

- The permit had been prepared in conformance with the applicable statutes, regulations and agency practices;
- The proposed activity is consistent with the provisions of the Clean Water Act and State Water Control Law;
- The proposed permit addressed avoidance and minimization of surface water impacts to the maximum extent practicable;
- The proposed activities will not cause or contribute to significant impairment of state waters or fish and wildlife resources;
- All public comments relevant to the permit have been considered; and
- The limits and conditions in the permit have been established to ensure the proposed activities are performed in a manner that protects beneficial uses.

Staff recommended that the SWCB approve the permit as presented in their SWCB package and authorize the Director to issue the permit as approved by the SWCB.

The SWCB, based on the SWCB book material and presentation at the meeting, voted 6-0 in favor of staffs' recommendation and acted on the following:

1. Found that the permit had been prepared in conformance with the applicable statues, regulations and agency practices, all public comments to the permit have been considered, and the limits and conditions in the permit have been established to ensure the proposed activities are performed in a manner that protects beneficial uses;
2. Approved the findings contained in the fact sheet for the permit;
3. Approved the permit as presented; and
4. Authorized the Director to issue the permit as approved by the Board.



Melanie D. Davenport
Water Division Director