



# 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

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Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

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

### MINUTES STATE WATER CONTROL BOARD

Monday, September 29, 2014  
House Room C, General Assembly Building  
9th & Broad Streets  
Richmond, Virginia

Board Members Present:

Robert L. Dunn, Chair  
Joseph H. Nash  
Thomas M. Branin

Heather L. Wood, Vice-Chair  
Thomas V. Van Auken  
Roberta A. Kellum

Board Members Absent:

Ben Grumbles

Department of Environmental Quality:

David K. Paylor, Director  
Debra A. Harris

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 Monday, September 29, 2014 at 9:30 a.m. and adjourned at 10:37 a.m.

Approved Minute No. 1  
December 11, 2014



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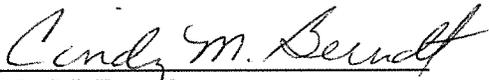
Douglas W. Domenech  
Secretary of Natural Resources

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## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 29, 2014

### MINUTE NO. 1 - Election of Vice-Chair

The Board, on a motion by Dr. Van Auken, unanimously elected Heather L. Wood as Vice-Chair of the Board.

  
Cindy M. Berndt  
Cindy M. Berndt



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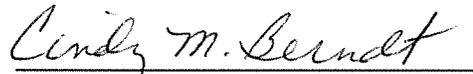
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## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 29, 2014

### MINUTE NO. 2 - Minutes

The Board approved the minutes of the June 26, 2014 Board meeting.

  
Cindy M. Berndt



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## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF SEPTEMBER 29, 2014

### MINUTE NO. 3 - Briefing – Biosolids Permitting Program

Neil Zahradka, Manager of the DEQ Office of Land Application Programs, provided the Board with a summary of the biosolids regulatory program. The presentation included a description of the major components of the program, regulatory changes which became effective in 2013, and statistics regarding land application, inspections, compliance, and complaint history. The presentation also described the differences between biosolids and industrial residuals permitting.

### Board Decision

There was no Board decision related to this item.

  
Melanie D. Davenport  
Director, Water Division



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF SEPTEMBER 29, 2014

#### MINUTE NO. 4 - Regulation- Fast-Track amendments to the Closure Plans and Demonstration of Financial Capability Regulation (9VAC25-650 et seq.)

Melissa Porterfield presented the State Water Control Board (Board) with a fast-track amendment to the Closure Plans and Demonstration of Financial Capability Regulation (9VAC25-650 et seq.). This fast-track regulatory action amends the regulation to include the corporate financial test and the corporate guarantee. The amendment includes the addition of new sections with details concerning the requirements of the corporate financial test and the corporate guarantee. Definitions pertaining to the corporate financial test and corporate guarantee are also being added to the regulation. Other editorial changes and clarifications are also being made to the regulation.

The Board was asked to approve the use of the fast-track process and to adopt the amendments to the Closure Plans and Demonstration of Financial Capability Regulation (9VAC25-650 et seq.).

#### Board Decision

Based on the briefing materials and the staff presentation, the Board voted unanimously to authorize the department to:

1. Promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board authorized adoption of the amendments to the Closure Plans and Demonstration of Financial Capability Regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal; and
2. Set an effective date 15 days after close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the department does not find it necessary to make any changes to the proposal.

  
\_\_\_\_\_  
Jeffery A. Steers  
Division of Land Protection and Revitalization Director



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF SEPTEMBER 29, 2014

#### MINUTE NO. 5 - Regulation- Fast-Track amendments to the Local and Regional Water Supply Planning Regulation (9VAC25-780 et seq.)

Melissa Porterfield presented the State Water Control Board (Board) with a fast-track amendment to the Local and Regional Water Supply Planning Regulation (9VAC25-780 et seq.). This fast-track regulatory action amends the definition section of the regulation to remove references to previous versions of the Virginia Water Protection Permit Regulation and the Surface Water Management Area Regulation.

The Board was asked to approve the use of the fast-track process and to adopt the amendments to the Local and Regional Water Supply Planning Regulation (9VAC25-780 et seq.).

#### Board Decision

Based on the briefing materials and the staff presentation, the Board voted unanimously to authorize the department to:

1. Promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board authorized adoption of the amendments to the Local and Regional Water Supply Planning Regulation (9VAC25-780 et seq.) at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal; and
2. Set an effective date 15 days after close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the department does not find it necessary to make any changes to the proposal.

  
\_\_\_\_\_  
Jeffery A. Steers  
Division of Land Protection and Revitalization Director



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 29, 2014

#### MINUTE NO. 6— Significant Noncompliance Report

Kathleen O'Connell, Water Enforcement Program Manager, informed the Board that there were no new permittees reported to EPA on the Quarterly Noncompliance Report as being in significant noncompliance for the quarter ending March 31, 2014.

The Board accepted the report.

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



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON September 29, 2014

#### MINUTE NO. 7 – VWP Permit Program Consent Special Order, Belvedere Station Land Trust.

Lee M. Crowell, Petroleum & Wetlands Enforcement Manager, presented to the Board the Consent Special Order for Belvedere Station Land Trust. The Board unanimously approved the Order and further authorized the Department's Director to execute the Order on the Board's behalf and to refer violations of the Order to the Office of the Attorney General for appropriate legal action.

A handwritten signature in purple ink that reads "Lee M. Crowell". The signature is written over a horizontal line.

Lee. M. Crowell  
Petroleum & Wetlands Enforcement Manager  
Division of Enforcement



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON September 29, 2014

#### MINUTE NO. 8 – Oil Program Consent Special Order, Hahn Transportation, Inc.

Lee M. Crowell, Petroleum & Wetlands Enforcement Manager, presented to the Board the Consent Special Order for Hahn Transportation, Inc. The Board unanimously approved the Order and further authorized the Department's Director to execute the Order on the Board's behalf and to refer violations of the Order to the Office of the Attorney General for appropriate legal action.

A handwritten signature in purple ink that reads 'Lee M. Crowell'.

Lee. M. Crowell  
Petroleum & Wetlands Enforcement Manager  
Division of Enforcement



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 29, 2014

#### MINUTE NO. 9 – Public Forum

No persons appeared before the Board during the public forum.

  
Cindy M. Berndt



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 29, 2014

#### **MINUTE NO. 10 – Approval of Revised Public Participation Procedures for Water Quality Management Planning**

Liz McKercher, Watershed Programs, presented revisions to the Public Participation Procedures for Water Quality Management Planning for Board approval.

The Procedures were revised pursuant to an Administrative Process Act exemption that was adopted by the 2014 General Assembly for the amendment, adoption, or repeal of waste load allocations by the State Water Control Board under §2.2-4006.A.14. The Water Quality Management Planning Public Participation Procedures guidance has been revised to:

- Incorporate the provisions in §2.2-4006.A.14
- Clarify Freedom of Information Act requirements where necessary
- Clarify procedures

#### **Board Decision:**

Based on the briefing material and the staff presentation, the Board voted unanimously to approve the revisions to the Public Participation Procedures for Water Quality Management Planning.

A handwritten signature in blue ink that reads 'Melanie D. Davenport'.

Melanie D. Davenport, Director, Water Division



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### EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON SEPTEMBER 29, 2014

#### **MINUTE 11- Development of FY 2015 Clean Water Revolving Loan Funding List**

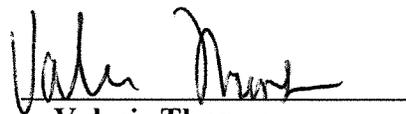
**Mr. Walter Gills of the Department's Clean Water Financing and Assistance Program made a presentation to the Board based on a staff memorandum dated September 8, 2014 pertaining to the development of Virginia's Clean Water Revolving Loan Fund Project Priority List and Intended Use Plan for FY 2015.**

**Mr. Gills began by referencing the attachments included with the staff's memorandum providing the Board with a description of the projects being considered and presenting the FY 2015 applicants in priority funding order. The 2015 application pool included 15 wastewater projects, 8 for land conservation and 1 stormwater project requesting a total of \$84 million. He noted that, due to substantial revenues coming in from the Fund's large loan portfolio, continued federal and state match funding, and moderate loan demand over the last several years, there would be sufficient funds available to address all of this year's projects.**

**Walter summarized the staff's activities in regards to the review of the applications in accordance with the program's policies and procedures, stating that all of the applications were determined to be eligible and provide benefits to water quality. With these considerations, the Board would have sufficient revenue available to fund the \$84 million for all the applications that were received.**

**Following discussions, the Board voted unanimously to target the following 24 applicants for loan assistance from available and anticipated funds and authorize the staff to present the Board's proposed FY 2015 loan project priority list for public review and comment:**

	Applicant	Project Type	Requested Amount
1	City of Norfolk	Wastewater	\$6,000,000
2	City of Waynesboro	Wastewater	\$1,723,401
3	Rivanna WSA	Wastewater	\$3,418,174
4	Buchanan County PSA	Wastewater	\$16,204,121
5	Town of Surry	Wastewater	\$2,020,400
6	Middle Peninsula PDC	Wastewater	\$200,000
7	Alleghany County	Wastewater	\$1,612,720
8	Town of Broadway	Wastewater	\$6,565,000
9	Town of Rural Retreat	Wastewater	\$862,550
10	Washington County SA	Wastewater	\$1,171,550
11	Harrisonburg/Rockingham RSA	Wastewater	\$8,995,500
12	Alleghany County	Wastewater	\$1,000,000
13	Town of Honaker	Wastewater	\$396,171
14	Tazewell County PSA	Wastewater	\$10,586,691
15	Alleghany County	Wastewater	\$145,000
16	City of Norfolk	Stormwater	\$1,195,000
17	Virginia Conservation Legacy Fund	Land Conservation	\$5,160,000
18	Virginia Conservation Legacy Fund	Land Conservation	\$5,169,000
19	Virginia Conservation Legacy Fund	Land Conservation	\$5,215,000
20	Virginia Conservation Legacy Fund	Land Conservation	\$3,103,000
21	Virginia Conservation Legacy Fund	Land Conservation	\$597,000
22	Virginia Conservation Legacy Fund	Land Conservation	\$2,073,000
23	Town of Marion	Land Conservation	\$127,300
24	Virginia Conservation Legacy Fund	Land Conservation	\$425,000
		<b>Total =</b>	<b>\$83,965,578</b>



Valerie Thomson  
 Director, Division of Administration



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## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 29, 2014

### MINUTE NO. 12 – Future Meetings

The Board confirmed December 11-12, 2014, as the dates of their next meeting.

  
\_\_\_\_\_  
Cindy M. Berndt