



# 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

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director  
(804) 698-4020  
1-800-592-5482

### MINUTES STATE WATER CONTROL BOARD

Friday, April 1, 2016  
House Room C  
General Assembly Building  
9<sup>th</sup> & Broad Streets  
Richmond, Virginia

#### Board Members Present:

Robert L. Dunn, Chair  
Lou Ann Jessee-Wallace  
Joseph H. Nash

Heather L. Wood, Vice-Chair  
G. Nissa Dean  
Roberta A. Kellum

#### Board Members Absent:

Thomas M. Branin

#### 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 at 10:06 a.m., recessed at 11:23 a.m., reconvened at 11:35 a.m., and adjourned at 12:41 p.m.

Approved: Minute No. 1  
June 27, 2016



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 1, 2016

#### MINUTE NO. 1 - Minutes

The Board approved the minutes of the January 14, 2016, Board meeting. The Board's approval was after a request from Ms. Dean to revise the minutes to reflect that she abstained from the votes on the Virginia Pollutant Discharge Elimination Systems Permits for Dominion's Possum Point Power Station and Bremo Bluff Power Station as she was silent during the votes. The minutes were approved as contained in the Board book without modification.

  
Cindy M. Berndt  
Cindy M. Berndt



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 1, 2016

#### **MINUTE NO. 2 - Issuance of Virginia Pollution Abatement (VPA) Permit Number VPA00071, Synagro Central, LLC—Louisa County**

Staff made a presentation on the issuance of the proposed Virginia Pollution Abatement Permit for the land application of biosolids in Louisa County by Synagro Central, LLC. The presentation included a discussion of the project, a summary of the comments received during the public comment periods and staff's responses to the comments.

After staff's presentation, the Board heard from John Uzupis, representing Synagro Central, LLC., Jim Riddell, Steve Hopkins, C.W. Williams, Tyla Matteson, and George Allen. Staff was asked by the Board to respond to certain questions and comments made by citizens such as cumulative pollutant loading rate (CPLR) and annual pollutant loading rate (APLR) limits and the extended setback process. The Board also asked for further clarification on the following topics: animal manure as fertilizer, best management practices (BMPs), micro-beads and other emerging contaminants.

Following the comments made by citizens and staff responses noted above, staff then made the following recommendations:

Based on the draft permit file, 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 that the Board:

1. Find that:
  - a. The permit has been prepared in conformance with all applicable statutes, regulations and agency practices;
  - b. The limits and conditions in the permit have been established to protect public health and the environment; 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.

Based on the Board book material and presentations at the meeting the Board voted 5-1 in favor of the staff recommendation. Ms. Kellam voted no.

Handwritten signature of Melanie D. Davenport in blue ink.

**Melanie D. Davenport**  
Director, Water Permitting Division



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 1, 2016

#### MINUTE NO. 3 - Virginia Water Protection Permit Program Regulation Amendments

The Board was provided with the final amendments to the Virginia Water Protection Permit Program Regulations 9VAC25-210, 9VAC25-660, 9VAC25-670, 9VAC25-680, and 9VAC25-690 to reissue the four VWP general permits; incorporate existing guidance and provisions that resulted from Virginia General Assembly actions; and to incorporate program-related federal regulatory actions over the last decade or more, including those related to surface water withdrawals. David Davis presented the background associated with the final action. Brenda Winn and Scott Kudlas summarized the technical amendments related to: editorial revisions; organizational revisions; administrative continuance of issued permits; permitting exclusions; minor modifications to individual permits; informational requirements; compensatory mitigation; surface water withdrawal-specific definitions; and general permit terms and transition. David Davis, Scott Kudlas, and Brenda Winn answered questions from the Board members.

Ms. Margaret L. (Peggy) Sanner, VA Assistant Director and Senior Attorney for the Chesapeake Bay Foundation, provided oral comment supporting the Department of Environmental Quality's effort but opposing the provisions for wetland functional assessments. Mr. Sam L. Hollins, Aggregates Program Manager for the Virginia Transportation Construction Alliance, provided oral comment supporting the Department of Environmental Quality's effort but opposing the provisions for construction monitoring frequency in the general permits.

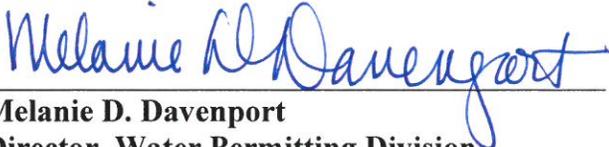
The Attorney General's office provided concurrence that the agency has the statutory authority to implement the final amendments and reissue the four general permits.

#### Board Decision

Based on the staff recommendations, the Board voted unanimously to:

- adopt the amendments to the Virginia Water Protection Permit Program Regulation 9VAC 25-210;
- adopt the four general permit regulations 9VAC25-660, 9VAC25-670, 9VAC25-680, and 9VAC25-690, as well as reissue the four general permits;

- affirm that it will receive, consider, and respond to petitions by any person at any time with respect to reconsideration or revision of the regulations, as provided by the Administrative Process Act; and
- direct staff to continue discussions on the provisions for general permit term and/or transition and report back to the Board at its summer or fall 2017 meeting.

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**Melanie D. Davenport**  
**Director, Water Permitting Division**



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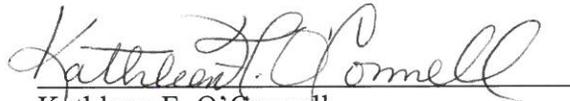
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## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 1, 2016

### MINUTE NO. 4– Significant Noncompliance Report

The Board members were informed, through a report included in their board books, that there were no new permittees reported to EPA on the Quarterly Noncompliance Report as being in significant noncompliance for the quarter ending September 30, 2015.

The Board accepted the report.

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



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#### MINUTE NO. 5 - Public Forum

No one appeared during the public forum.

  
Cindy M. Berndt  
Cindy M. Berndt



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#### MINUTE 6 – Final Approval of Living Shorelines Loan Program Guidelines

Mr. Walter Gills, Program Manager of the Department's Clean Water Financing and Assistance Program, made a presentation to the Board based on a memorandum dated March 10, 2016. The memorandum identified the staff's recommendation for approval of the revised Living Shorelines Loan Program Guidelines for implementation.

Mr. Gills reminded the Board that they had authorized the staff to present the draft Living Shorelines Loan Program Guidelines to the public for their review and comment at their January, 2016 meeting. A public meeting was held on February 23, 2016 and the public comment period ended on February 29th. Comments/questions were received from three people and were summarized, along with the DEQ responses, in an attachment to the Board memorandum. In response to comments, language was added to the Guidelines to clarify the minimum size of the loans and to suggest outreach to wetland contractors in the marketing section of the Local Plan Guidelines. The revised version of the Guidelines was also attached to the Board memorandum.

**Board Decision:** The Board voted unanimously to approve the revised Living Shorelines Loan Program Guidelines for implementation.

A handwritten signature in black ink, appearing to read "Valerie Thomson", written over a horizontal line.

Valerie Thomson  
Director of Administration



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#### MINUTE NO. 7 – By-Laws

Ms. Roberta Kellam advised the Board that she had drafted a set of by-laws for the Board's consideration. The draft had been provided to legal counsel and the draft would be provided to the Board prior to the next meeting so that Board consideration of the by-laws could be considered at that meeting.

  
Cindy M. Berndt  
Cindy M. Berndt



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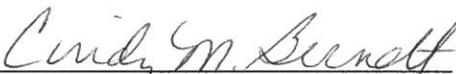
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#### MINUTE NO. 8 – Future Meetings

The Board confirmed June 27-28, September 22-23 and December 12-13, 2016, as the dates of their next meetings.

  
Cindy M. Berndt