



# 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

L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

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

## MINUTES STATE WATER CONTROL BOARD

April 10, 2008  
House Room C  
General Assembly Building  
9<sup>th</sup> & Broad Streets  
Richmond, Virginia

### Board Members Present:

W. Shelton Miles, III, Chair  
R. Michael McKenney  
W. Jack Kiser  
Robert H. Wayland, III

Komal K. Jain, Vice-Chair  
Thomas D. C. Walker  
John B. Thompson

### Staff Present:

David K. Paylor, Director  
Department of Environmental Quality

Cindy M. Berndt  
Department of Environmental Quality

### Attorney General's Office:

Alfred B. Albiston, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 9:30 a.m. on April 10, 2008 and adjourned at 12:55 p.m.

Approved Minute No. 1  
July 29, 2008



# 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

L. Preston Bryant, Jr.  
Secretary of Natural Resources

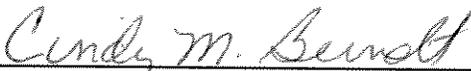
David K. Paylor  
Director

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

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 10, 2008

#### Minute No. 1 – Minutes

The Board approved the minutes from the October 25, 2007, and December 4, 2007, 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) 698-4500 TDD (804) 698-4021  
www.deq.virginia.gov

L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

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

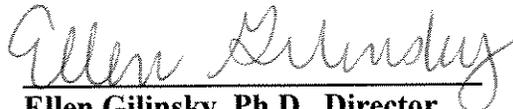
## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF APRIL 10, 2008

### MINUTE NO. 2 - Final Regulations: VPDES General Permits for Noncontact Cooling Water Discharges and Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests - Final Exempt

Prior to the meeting the Board was provided with amendments to the VPDES general permit regulations for Noncontact Cooling Water Discharges of 50,000 GPD or Less (9 VAC 25-196) and Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9 VAC 25-120). The amendments correct errors in these regulations, which were previously adopted by the Board as final at the December 4, 2007 meeting. Burton Tuxford gave the staff presentation and recommended that the Board adopt the amended regulations as final.

#### Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the general VPDES permit regulations for Noncontact Cooling Water Discharges of 50,000 GPD or Less (9 VAC 25-196) and Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9 VAC 25-120).

  
Ellen Gilinsky, Ph.D., Director  
Division of Water Quality



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

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

L. Preston Bryant, Jr.  
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 10, 2008

#### MINUTE NO. 3 - Regulations - Final - General VPDES Permit for Concrete Products Facilities (9VAC25-193)

The staff summarized public comment and presented changes made from the proposed Concrete Products General VPDES Permit Regulation, 9VAC25-193 and recommended that the Board adopt it as a final regulation in order to reissue the General Permit.

#### Board Decision

The Board voted unanimously to adopt the amendments to the permit regulation (9VAC25-193) in order to reissue the General VPDES Permit for Concrete Products Facilities and that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

A handwritten signature in cursive script that reads "Ellen Gilinsky".

**Ellen Gilinsky, Ph.D., Director**  
**Division of Water Quality**

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
AT ITS MEETING ON April 10, 2008**

**MINUTE NO. 4 – Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements Regulations**

Josiah Bennett, Tank Financial Responsibility Manager, made the staff presentation regarding the proposed final amendments to the Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements Regulations.

Mr. Bennett provided a brief recap of the amendment process to this point, then explained the overall purpose of the regulation, and finally provided some background regarding the events of the final stage of the amendment process concerning the public hearing and a comment received during the final public comment period.

**Board Decision**

By a unanimous vote, the Board adopted the amendments as final regulations and authorized publication of the proposed amendments in the Virginia Register of Regulations.



---

Leslie D. Beckwith  
Director  
Office of Financial Assurance



# 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) 698-4500 TDD (804) 698-4021  
www.deq.virginia.gov

L. Preston Bryant, Jr.  
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 10, 2008

### MINUTE NO. 5 - **General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Potable Water Treatment Plant, 9 VAC 25- 860**

The staff recommended that the board authorize a notice of public comment period and public hearings on the draft general VPDES permit for potable water treatment plants that was presented in the board meeting package.

#### **Board Decision**

Based on the briefing material and the staff presentation, the Board voted unanimously to authorize a notice of public comment period and to hold public hearings for the draft General VPDES Permit Regulation for potable water treatment plants.

A handwritten signature in cursive script that reads "Ellen Gilinsky".

**Ellen Gilinsky, Ph.D., Director**  
**Division of Water Quality**



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

www.deq.virginia.gov

L. Preston Bryant, Jr.  
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 10, 2008

#### MINUTE NO. 6 – Actions on TMDLs for Laurel Fork and the Potomac River PCBs

David Lazarus with the Office of Water Quality Programs presented the report for the Laurel Fork Benthic TMDL requesting its approval. He also asked the Board to amend the Water Quality Management Planning regulation to include waste load allocations for Laurel Fork and nineteen segments containing the previously approved Potomac River PCB TMDL. No public comment was received on the proposed amendments.

Following the staff presentation, Board members asked several questions:

Do staff have confidence that stringent load and waste load allocations contained in bacteria TMDLs will be met? *Staff discussed the challenges presented by non-point source pollution largely being un-regulated. At the present time Virginia TMDLs follow a phased implementation approach to target high priority pollution sources first.*

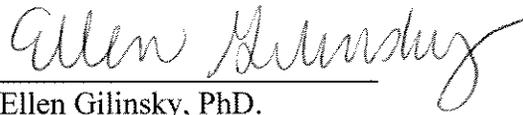
During TMDL development for one pollutant, if other major stressors are found, would the TMDL address multiple issues? *Staff responded that implementation strategies often have the benefit of addressing multiple sources of pollution. While the TMDL is focused on the pollutant causing the listed impairment, other stressors identified during development of the TMDL are dealt with in the Implementation Plan.*

Is there funding in place to address failing septic systems? *Staff explained funding being administered by the Virginia Department of Housing and Community Development for that purpose.*

#### **Board Action:**

*Based upon the information provided by staff, the Board voted unanimously to accept the staff recommendations:*

1. Approve the portion of the TMDL report presented in Tab F for Laurel Fork as the plan to achieve the pollutant reductions necessary for the attainment of water quality standards;
2. Authorize staff to update the appropriate New River Basin Water Quality Management Plan for Laurel Fork; and,
3. Amend the Water Quality Management Planning Regulation by adopting the 20 Waste Load Allocations for Laurel Fork and the Potomac River, 9 VAC 25-720, sections 130A and 90.A, as described in Attachment II of Tab F.



Ellen Gilinsky, PhD.

Director, Division of Water Quality Programs



# 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

L. Preston Bryant, Jr.  
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 10, 2008

### MINUTE NO. 7 – Report on Facilities in Significant Noncompliance

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board the Report on Facilities in Significant Noncompliance for the quarter ending September 30, 2007. The single facility listed, its owner, and the reported instances of noncompliance were:

1. Town of Fredericksburg, Fredericksburg Wastewater Treatment Facility – Failure to meet Total Suspended Solids, Total Kjeldahl Nitrogen and Total Phosphorus permit effluent limits. (Violations addressed by Consent Special Order approved at December 2007 Board meeting.)

The Board accepted the report.

A handwritten signature in cursive script 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

L. Preston Bryant, Jr.  
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 10, 2008

### MINUTE NO. 8 - Consent Special Orders

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

1. SMG LLC
2. Atlantic Waste Disposal, Inc.
3. R. R. Beasley, Inc.
4. Capital Concrete Inc.
5. D. D. Jones Transfer and Warehouse Co., Inc.
6. Plasser American Corporation
7. Security Storage & Van Co. of Norfolk
8. Sandy's MHC, LLC
9. The Town of Drakes Branch
10. Montgomery Maxted
11. LSH Development of Richmond, LLC
12. Barnette Energy, LLC
13. Heritage Land Investments, LLC
14. Danville Investors, LLC
15. Hahn Transportation, Inc.
16. Mowery Oil Co., Inc.
17. Quarles Petroleum, Inc.
18. Jean H. Shepherd, Inc.

The Board unanimously approved the Orders and further authorized the Department's Director, or his designee, 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 cursive script, reading "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

TDD (804) 698-4021

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

L. Preston Bryant, Jr.  
Secretary of Natural Resources

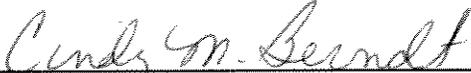
David K. Paylor  
Director

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

## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 10, 2008

### Minute No. 9 – Public Forum

No one appeared during the public forum.

---

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) 698-4500 TDD (804) 698-4021

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

L. Preston Bryant, Jr.  
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 10, 2008

#### MINUTE NO. 10 – Legislative Update

Mr. Rick R. Linker presented an update on applicable legislation that was enacted into law during the 2008 General Assembly session.

A handwritten signature in cursive script, reading "Rick R. Linker", written over a horizontal line.

Rick R. Linker  
Policy Coordinator



# 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) 698-4500 TDD (804) 698-4021  
www.deq.virginia.gov

L. Preston Bryant, Jr.  
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 OF APRIL 10, 2008

### MINUTE NO. 11 – Division Director's Report

Ellen Gilinsky, Water Quality Division Director, gave the Board an update and progress report on key items within the Division. We are on track with meeting the terms of the consent decree for development of TMDLs. The multi-state process is underway to develop nutrient and sediment TMDLs for the Chesapeake Bay and its tidal rivers, with completion expected by May 2011. We have been getting more requests from the public and localities for development of No Discharge Zones as a means to help control bacterial levels in coastal waters. The Draft 2008 Integrated Water Quality Assessment report will be released this May for public comment; presentations on the report will take place in each of our regional offices. We have formed a Technical Advisory Committee to assist DEQ with the development of regulatory revisions to support Aquaculture Enhancement Areas; we have held our first background meeting and our next meeting will focus on how to designate these areas and what criteria to consider in looking at alternatives to conventional discharges to these waters. The biosolids program continues to be active as we get inspectors out to the application fields following the required 14 day advance notice, and conduct training sessions for nutrient management planning and local monitors. We are working on a priority system for handling reissuing former VDH permits as DEQ permits, as we also address applications for new permits. Finally the status of our work to investigate causes of the fish kills within the Shenandoah Valley was discussed, including DEQ and DCR funding for investigations centering on stormwater, analysis of a broader range of constituents in the water and fish tissue, and increased surveillance for quick identification should they occur again this year.

A handwritten signature in cursive script, reading 'Ellen Gilinsky', written over a horizontal line.

Ellen Gilinsky, Ph.D., Director  
Division of Water Quality



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

L. Preston Bryant, Jr.  
Secretary of Natural Resources

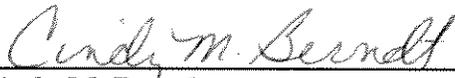
David K. Paylor  
Director

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

## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON APRIL 10, 2008

### Minute No. 12 – Ground Water Program Briefing

The Board received a briefing from Mr. Terry Wagner, Director of the Water Resources Division, on the ground water program.

  
\_\_\_\_\_  
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

L. Preston Bryant, Jr.  
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 10, 2008

### Minute No. 13 – Future Meetings

The Board confirmed July 29-30, 2008, as the date of their next meeting.

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