



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

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

MINUTES STATE WATER CONTROL BOARD

October 25, 2007

House Room C

General Assembly Building

9th & 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 (arrived at 9:40 a.m.)

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 9:35 a.m. on October 25, 2007, went into closed session at 12:00 p.m., returned to open session and certified closed session at 1:00 p.m. and adjourned at 3:50 p.m.

Approved Apr 10, 2008
minute # 1



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Excerpt from the proceedings of the State Water Control Board at its meeting on October 25, 2007

MINUTE NO. 1 - "Fast Track" Rulemaking to Amend:

- A. 9 VAC 25-720-120.C. (Water Quality Management Planning Regulation, York River Basin Nutrient Waste Load Allocations); and
- B. 9 VAC 25-820-10, -820-20 and -820-70 (General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed)

The staff made a presentation on this proposed rulemaking. The Board asked no questions, and there was no discussion after the presentation. The Board for staff recommendation, and the staff recommended that the Board:

- Approve processing these amendments using the "fast-track" rulemaking procedure, with the understanding that the Board's authorization will constitute adoption of the revisions at the end of public comment period, provided:
 - (i) no objection 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;
 - (ii) DEQ does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.
- If proposal completes "fast-track" process, authorize DEQ to set an effective date 15 days after close of the 30-day public comment period.
- If proposal fails to complete the "fast-track" process, authorize DEQ to use the conventional participatory approach or alternatives.

Board Decision

The Board moved to approve the staff recommendation and voted unanimously (Ms. Jain was not present) to approve the staff recommendation.

Ellen Gilinsky, Ph.D.

Director, Division of Water Quality Programs



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~~Jeffery A. Steers~~
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 25, 2007

Minute No. 2 – Potomac PCB TMDL Study

DEQ staff made a presentation on the study entitled *Total Maximum Daily Loads of Polychlorinated Biphenyls (PCBs) for Tidal Portions of the Potomac and Anacostia Rivers in the District of Columbia, Maryland, and Virginia*. The study addresses elevated levels of PCBs in fish tissue in the Potomac River estuary. The TMDLs were developed cooperatively with Maryland, Washington D.C., Virginia, the U.S. EPA and their consultant LimnoTech, Inc. The study was coordinated by the Interstate Commission on the Potomac River Basin (ICPRB). Staff briefed the Board on the TMDL providing an overview of the findings of the study and source reductions needed to achieve the TMDL goals.

After questions from the Board, the Board heard from Richard Sedgley of Aqualaw, representing the Virginia Association of Municipal Wastewater Agencies (VAMWA), and Peter deFur.

Staff then recommended that the Board approve submittal of the Potomac PCB TMDL report to the U.S. Environmental Protection Agency that was not materially different from that presented.

A motion was made to approve the submittal of the TMDL report to the U.S. EPA.

Board Decision

The Board, based on the Board book material and presentations at the meeting, voted 7 to 0 in favor of staff's recommendation.

Handwritten signature of Thomas A. Faha in cursive script.

Thomas A. Faha
Director, Northern Regional Office



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~~Jeffery A. Steen~~
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 25, 2007

Minute No. 3 - Reissuance of VPDES Permit VA0052451 – Dominion – North Anna Power Station – Louisa County

DEQ staff made a presentation for the reissuance of the Virginia Pollutant Discharge Elimination System Permit for the Dominion – North Anna Power Station. The North Anna Power Station is a two unit nuclear power generation station operated by Dominion Virginia Power which generates almost 2 million kilowatts of electricity per day. Staff briefed the Board on the proposed permit and provided a summary of the primary objections received during the public hearing and comment period and the staff's response to the objections. Numerous issues were discussed concerning the reissuance of the permit including items such as impacts to aquatic life, human health, and recreational use of the Waste Heat Treatment Facility (WHTF) and Lake Anna; regulatory status of the WHTF; the 316(a) variance; and temperature limit alternatives other than the use of a heat rejection limit.

After questions from the Board, the Board heard from William Blount, Peter Dubois, John Carrol and Dick Luckstat (residents), Wayman Bishop from the Lake Anna Business Partnership, Willie Gentry, representing citizens from the Cuckoo District, Charles Grutzius from the Covenant Grove Property Owners Association, Harry Ruth from the Friends of Lake Anna, Christopher Paine from the National Resources Defense Council, Ken Remmers from the Lake Anna Civic Association, Dave VanGelder from Hanover County and Jud White from Dominion. Due to scheduling conflicts, the Board heard from Senator Edward Houck prior to presentation of the proposed permit.

Staff then recommended that the Board issue the permit to include the clarification edit found on page 14 and the typographical edits found on pages 17 and 18.

A motion was made to issue the permit as found in the Board book with the recent edits to pages 14, 17 and 18.

Board Decision

The Board, based on the Board book material and presentations at the meeting, voted 7 to 0 in favor of staff's recommendation.

Thomas A. Faha
Director, Northern Regional Office



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MINUTE NO. 4 - Closed Session

Pursuant to the provisions of Section 2.2-3711 (A)(7) of the Code of Virginia, the Board met in Closed Session to consider the following matters:

Captain's Cove Utility Company v. State Water Control Board

Pursuant to Section 2.2-3712 (D) of the Code of Virginia, the Board, by roll call vote, unanimously certified that only those matters identified above, which are lawfully exempted from the requirements of the Freedom of Information Act, were considered during Closed Session.



Cindy M. Berndt



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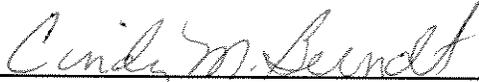
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Minute No. 5 – Drought Report

Mr. David K. Paylor presented an update on the current drought situation in Virginia.



Cindy M. Berndt