



# 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

Molly Joseph Ward  
Secretary of Natural Resources

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

## MINUTES STATE WATER CONTROL BOARD

Monday, March 30, 2015  
House Room C, General Assembly Building  
9th & Broad Streets  
Richmond, Virginia

### Board Members Present:

Robert L. Dunn, Chair  
Joseph H. Nash  
Roberta A. Kellum

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

### Board Members Absent:

Thomas M. Branin

Lou Ann Jessee-Wallace

### 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, March 30, 2015, at 10:02 a.m. and adjourned at 11:32 a.m.

Approved Minute No. 1  
June 25, 2015



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## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 30, 2015

### MINUTE NO. 1 - Minutes

The Board approved the minutes of the December 11, 2014, Board meeting.

  
Cindy M. Berndt  
Cindy M. Berndt



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 30, 2015

#### MINUTE NO. 2 - General VPDES Permit for Seafood Processing Facilities (9VAC25-115)

Prior to the meeting the Board was provided materials including a briefing memo to the Board which included the regulation showing proposed amendments and the agency townhall background document. Elleanore Daub from the Office of VPDES Permits presented a summary of the comments, technical advisory committee membership and indicated the changes proposed were not significant.

#### Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to authorize a public comment period and public hearing for amendment and reissuance of the General VPDES Permit for Seafood Processing Facilities, 9VAC25-115. The Board also authorized the staff to serve as hearing officer for the public hearing.

  
Melanie D. Davenport  
Water Division Director



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 30, 2015

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

The Board was provided with the 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 proposed action. Brenda Winn and Scott Kudlas summarized the technical amendments proposed related to: editorial revisions; organizational revisions; administrative continuance of issued permits; permitting exclusions; minor modifications to permits; informational requirements; compensatory mitigation; surface water withdrawal-specific definitions; and general permit terms and transition. Melanie Davenport, David Davis, and Scott Kudlas answered questions from the Board members. The Board suggested placing a time limit on how long an administrative continuance may last and also suggested that the public notice should emphasize the proposed amendments where the Citizen Advisory Group was unable to reach consensus.

The Attorney General's office provided concurrence that the agency has the statutory authority to implement the proposed amendments and also suggested several editorial revisions. These suggested revisions were incorporated into the proposed amendments as errata subsequent to the Board receiving the draft proposed amendments.

#### Board Decision

Based on the staff recommendation, the Board voted unanimously to approve noticing the proposed amendments to the Virginia Water Protection Permit Program Regulation 9VAC 25-210, as well as the amendments to and reissuance of the four general permit regulations 9VAC25-660, 9VAC25-670, 9VAC25-680, and 9VAC25-690, for public comment and hearing.

  
Melanie D. Davenport  
Director, Water Division





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## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 30, 2015

### MINUTE NO. 4 – Significant Noncompliance Report

Kathleen O'Connell, Water Enforcement Program Manager, informed the Board that one permittee was reported to EPA on the Quarterly Noncompliance Report as being in significant noncompliance for the quarter ending September 30, 2014. The permittee, the facility and the instances of noncompliance were reported as follows:

1. Invista S.à.r.l., Waynesboro Wastewater Treatment Plant, failure to meet Total Residual Chlorine permit effluent limit in April and September 2014.

Ms. O'Connell reported that enforcement action to address the reported noncompliance appeared unnecessary since investigation of the issue revealed that the effluent limit violations were in fact false positive lab results.

The Board accepted the report.

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

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 March 30, 2014

#### MINUTE NO. 5 – Article 11, Oil Discharge; Consent Special Order, CXS Transportation, Inc.

Lee M. Crowell, Petroleum & Wetlands Enforcement Manager, presented to the Board the Consent Special Order for CSX Transportation, Inc. The Board approved the Order in a 5-0 vote, with two members absent, 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. Patrick Calvert, representing the Upper James River Keeper and the James River Association, provided public comment.

A handwritten signature in black ink, appearing to read "Lee M. Crowell", 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 MARCH 30, 2015

### MINUTE NO. 6 - Public Forum

No one appeared during the public forum.

  
Cindy M. Berndt



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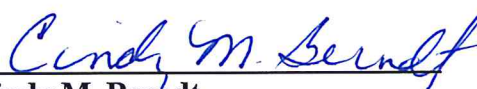
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## EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 30, 2015

### MINUTE NO. 7 – Future Meetings

The Board confirmed June 25-26, October 1-2 and December 10-11 as the dates of their future meetings.

  
Cindy M. Berndt