



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director
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MINUTES STATE WATER CONTROL BOARD

Thursday, June 25, 2015
House Room D, General Assembly Building
9th & Broad Streets
Richmond, Virginia

Board Members Present:

Robert L. Dunn, Chair
Thomas V. Van Auken
Lou Ann Jessee-Wallace

Heather L. Wood, Vice-Chair
Roberta A. Kellum

Board Members Absent:

Joseph H. Nash

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 on Thursday, June 25, 2015, at 9:32 a.m., recessed at 10:43 a.m., reconvened at 10:55 a.m., recessed at 11:57 a.m., reconvened at 12:45 p.m., and adjourned at 2:42 p.m.

Approved Minute No. 1
October 1, 2015



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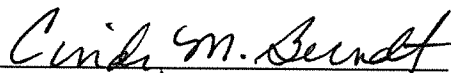
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 24, 2015

MINUTE NO. 1 - Minutes

The Board approved the minutes of the March 30, 2015, Board meeting.


Cindy M. Berndt
Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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David K. Paylor
Director

Amy Thatcher Owens
Regional Director

EXCEPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 25, 2015

Minute No. 2 – Issuance of Virginia Pollutant Discharge Elimination System (VPDES) Individual Permit No. VA0092720 – Ryder Enterprises WWTP – Albemarle County

DEQ staff made a presentation for the issuance of the VPDES Permit No. VA0092720 for the Ryder Enterprises WWTP, which is a proposed 0.015 million gallons per day wastewater treatment plant that will treat sewage from retail stores, business offices, and medical offices in Albemarle County. Staff briefed the Board on the draft permit, provided a summary of comments received during the public hearing and comment periods and staff responses to comments, and presented proposed changes to the draft permit.

After staff's presentation, Chairman Dunn discussed the public hearing. Following Chairman Dunn's comments, staff recommended that the Board approve issuance of the permit as presented by staff.

After hearing the staff recommendation, a motion was made and seconded to issue the permit as presented by staff.

Board Decision

The Board, based on the Board book material and presentation at the meeting, voted unanimously in favor of staff's recommendation.

A handwritten signature in black ink, appearing to read 'Amy T. Owens', written over a horizontal line.

Amy T. Owens
Regional Director
Valley Regional Office



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Director

Thomas A. Faha
Regional Director

Molly Joseph Ward
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 25, 2015

MINUTE NO. 3 - Issuance of Virginia Pollution Abatement (VPA) Permit Number VPA00059, Synagro Central, LLC- Spotsylvania County

Staff made a presentation for the issuance of the proposed Virginia Pollution Abatement Permit for the land application of biosolids in Spotsylvania 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 Lori Loader, representing Synagro Central, LLC., Toby Chittum, George Allen, Tyla Matteson, Linda Muller, Suzi Croes, Kathie Walker, Thomas Rubino, Toni Radler, and Lee Rosen. Staff was asked by the Board to respond to certain questions and comments made by citizens. The Board asked staff for, and staff provided, clarification on the following topics: extended setback process, organic farming requirements, application types, pollutants listed in the 503 Rule, prions, and compliance issues with the sites covered under the VDH-BUR permit.

Following the above dialogue, staff then made the following statement:

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.

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

Thomas A. Faha
Regional Director, Northern Regional Office



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 25, 2015

MINUTE NO. 4 – FEES FOR PERMITS AND CERTIFICATES (9VAC 25-20), 2015 BUDGET BILL ITEM 361 AMENDMENT

Melanie Davenport, Director of the Water Permitting Division, presented an amendment to the regulation concerning Fees for Permits and Certificates, 9VAC25-20. Ms. Davenport explained that this amendment is required by Item 361 of the 2015 Budget Bill which imposes a fee of \$3.75 per dry ton on the land application of exceptional quality biosolids land applied as cake. The proposed amendment conforms numerous sections of the regulation to the budget language which requires a fee for this activity.

BOARD DECISION

Based on the board book briefing items and staff presentation, the Board unanimously adopted the final regulation amendments to 9VAC25-20-40; 9VAC25-20-50; 9VAC25-20-146; and 9VAC25-20-147 effective October 1, 2015, as proposed; authorized its publication, and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.


Melanie D. Davenport
Director, Water Permitting Division



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MINUTE NO. 5 – CHESAPEAKE BAY PRESERVATION AREA DESIGNATION AND MANAGEMENT REGULATION (9VAC 25-830), 2015 HB2067 AMENDMENT

Melanie Davenport, Director of the Water Permitting Division, presented an amendment to the Chesapeake Bay Preservation Area Designation and Management Regulation, 9VAC25-830. Ms. Davenport explained that this amendment is required by HB20167, passed by the 2015 General Assembly, relating to daylighting of streams.

The proposed amendment conforms several sections of the regulation to the legislation and provides that a locality is not required to designate a daylighted stream as a Resource Protection Area (RPA). The amendment states that any locality that does not designate an RPA adjacent to a daylighted stream must use a water quality impact assessment to ensure that development adjacent to the stream does not result in the streams degradation.

BOARD DECISION

Based on the board book briefing items and staff presentation, the Board unanimously adopted as final regulation the amendments to 9VAC 25-830, Chesapeake Bay Preservation Area Designation and Management Regulation, as proposed; authorized its publication, and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.


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 JUNE 25, 2015


MINUTE NO. 6 - VIRGINIA EROSION AND SEDIMENT CONTROL PROGRAM REGULATION (9VAC 25-840), 2015 HB1827 AMENDMENT

Melanie Davenport, Director of the Water Permitting Division, presented an amendment to the Virginia Erosion and Sediment Control Program Regulation, 9VAC25-840. Ms. Davenport explained that this amendment is required by HB1827, passed by the 2015 General Assembly, relating to an exemption from erosion and sediment control requirements for routine maintenance projects.

The amendment conforms to the legislation and exempts routine maintenance projects from the application of flow rate capacity and velocity requirements (i.e., the post construction water quantity requirements).

BOARD DECISION

Based on the board book briefing items and staff presentation, the Board unanimously adopted as final regulation the amendment to the 9VAC 25-840 Virginia Erosion and Sediment Control Program Regulation, as proposed; authorized its publication, and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.


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 JUNE 25, 2015

MINUTE NO. 7 - VPDES General Permit for Domestic Sewage Discharges Less Than or Equal to 1,000 Gallons per Day (9VAC25-110)

Prior to the meeting the Board was provided with a draft of the amended regulation, the draft fact sheet, the NOIRA comments, the TAC report, and the agency background document (TH08) for the Domestic Sewage Discharges general permit regulation. Burt Tuxford gave a brief summary of the significant proposed amendments to the regulation. Mr. Van Auken asked if the bacterial limits in the permit were supposed to have units associated with them. Staff agreed that they should and stated that they would be corrected.

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 VPDES General Permit for Domestic Sewage Discharges Less Than or Equal to 1,000 Gallons per Day (9VAC25-110). The Board also authorized the staff to serve as hearing officer for the public hearing.

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

Melanie D. Davenport
Water Permitting Division Director



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 25, 2015

MINUTE NO. 8— 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 December 31, 2014.

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



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JUNE 25, 2015

MINUTE NO. 9 – VPDES Permit Program Consent Special Order

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board the Consent Special Order for the Fairfax County Board of Supervisors. 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.


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



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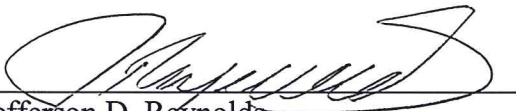
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MINUTE NO. 10 – Duke Energy Carolinas LLC Consent Special Order

Jefferson Reynolds, Enforcement Division Director, presented to the Board the Consent Special Order for Duke Energy Carolinas LLC. The order was the subject of public comment and several commenters, including Cale Jaffe, David Bernard, Frank Holleman, Emily Russell, Jonathan Puvak addressed the Board. After a certain amount of discussion, particularly regarding the amount of the Order's settlement, 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.



Jefferson D. Reynolds
Director, Division of Enforcement



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MINUTE NO. 11 - Public Forum

No one appeared during the public forum.


Cindy M. Berndt



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MINUTE NO. 12 - DIVISION DIRECTOR'S REPORT

Melanie D. Davenport, Director of the Water Permitting Division provided the Board with the Director's Report. Ms. Davenport reported that staff had conducted a compliance review of Virginia Water Protection Permit No. 08-0572 which was issued to Appalachian Power Company in October, 2008. This permit regulates the discharge of water through hydroelectric turbines at Smith Mountain and Leesville Dams into the Roanoke/Staunton River. Staff found that the project is operating as permitted and in a manner that minimizes impacts to existing beneficial uses. Staff also concluded that no changes to current operations or modification to the current permit is recommended.

Ms. Davenport also showed the Board an updated map of local VSMP authorities as of June 1, 2015.

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

Melanie D. Davenport
Director, Water Permitting Division



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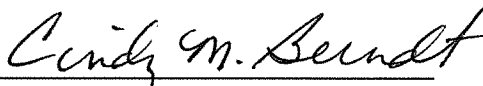
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MINUTE NO. 13 – Future Meetings

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



Cindy M. Berndt