



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

Thursday, October 1, 2015
House Room D, General Assembly Building
9th & Broad Streets
Richmond, Virginia

Board Members Present:

Robert L. Dunn, Chair
Lou Ann Jessee-Wallace

Thomas M. Branin
G. Nissa Dean

Board Members Absent:

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

Joseph H. Nash

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, October 1, 2015, at 10:05 a.m. and adjourned at 11:32 a.m.

Approved Minute No. 1
January 14, 2016



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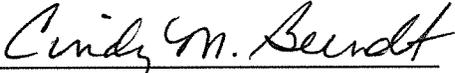
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 1, 2015

MINUTE NO. 1 - Minutes

The Board approved the minutes of the June 25, 2015, Board meeting.



Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 1, 2015

MINUTE NO. 2 - General VPDES Watershed Permit for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9 VAC 25-820)

Allan Brockenbrough of the Office of VPDES Permits presented to the Board proposed amendments to the General VPDES Watershed Permit for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9 VAC 25-820) and recommended that the Board authorize a notice of public comment period and public hearing on the proposed regulation. The most significant proposed amendments to the regulation included (1) the assignment of Dissolved Oxygen based Phosphorus limits for the James River Basin (Alternative No. 1 scenario), (2) increased monitoring frequencies for some categories of dischargers, (3) quantification level requirements for Nitrogen compounds, and (4) provisions for nonpoint source-to-point source trading ratios less than 2:1 under certain circumstances. The staff also recommended that the Board authorize the staff to serve as hearing officer at the public hearings.

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 a public hearing for the General VPDES Watershed Permit for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9 VAC 25-820). The Board also voted unanimously to authorize the staff to serve as hearing officer at the public hearing.

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

Melanie D. Davenport
Director, Division of Water Permitting



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 1, 2015

MINUTE NO. 3 –Groundwater Withdrawal Regulation Amendments (9VAC25-610):

Gary Graham presented a fast-track amendment to the Groundwater Withdrawal Regulation, 9VAC25-610. This amendment requires registration of private wells in groundwater management areas within 30 days of completion of construction. He explained that the proposed changes to the regulation implement changes to state law made in 2015. Since the amendment is expected to be noncontroversial, the fast-track process is being used. The Board had no questions concerning the revision.

BOARD DECISION

Based on the board book materials and staff presentation, the Board unanimously:

- Authorized the Department to promulgate the proposed amendment to 9VAC25-610 for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial.
- Adopted the regulation at the end of the public comment period provided that (i) no objection to use of the fast track process is received from 10 or more members of the public, or any member of the applicable standing committee of either house of the General Assembly or the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.

A handwritten signature in black ink, appearing to read "Gary E. Graham".

Gary E. Graham
Regulatory Analyst, Office of Regulatory Affairs



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF OCTOBER 1, 2015

MINUTE NO. 4 - Regulation- Fast-Track amendments to the Surface Water Management Area Regulation (9VAC25-220 et seq.)

Melissa Porterfield presented the State Water Control Board (Board) with a fast-track amendment to the Surface Water Management Area Regulation (9VAC25-220 et seq.). The amendments to the regulation correct statutory citations and make the regulation consistent with state statute. Minor editorial changes were also included in this amendment.

The Board was asked to approve the use of the fast-track process and to adopt the amendments to the Surface Water Management Area Regulation (9VAC25-220 et seq.).

Board Decision

Based on the briefing materials and the staff presentation, the Board voted unanimously to authorize the department to:

1. Promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board authorized adoption of the amendments to the Surface Water Management Area Regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received 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, and (ii) the department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal; and
2. Set an effective date 15 days after close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the department does not find it necessary to make any changes to the proposal.

 10/5/15

Scott Kudlas
Office of Water Supply Director



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 1, 2015

MINUTE NO. 5 – General VPDES Permit for Seafood Processing Facilities (9VAC25-115)

Prior to the meeting the Board was provided briefing materials which included a revised draft of the subject general permit regulation, the fact sheet for the general permit, the Agency Background Document (TH-09) which included the public comment and the agency response. Elleanore Daub from the Office of VPDES Permits presented a summary of the significant changes to the regulation.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the VPDES General Permit Regulation for Seafood Processing Facilities, 9VAC25-115. The Board also affirmed that they 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.

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

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 OCTOBER 1, 2015

MINUTE NO. 6 – Amendments to Fees For Permits And Certificates (9VAC25-20), Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) and Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) Regarding Fees and Local Monitoring for Land Application of Industrial Wastes

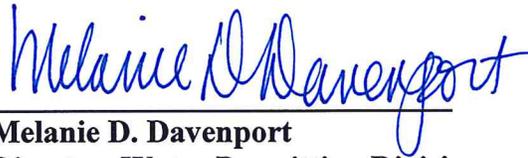
Prior to the meeting, the Board was provided with proposed amendments to the Fees for Permits and Certificates regulation (9VAC25-20), Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) and Virginia Pollution Abatement (VPA) Permit Regulation (9 VAC 25-32) relating to fees and local monitoring for land application of industrial wastes.

Neil Zahradka, manager of the Office of Land Application Programs, gave the staff presentation, and explained that this regulatory action was initiated to promulgate regulatory amendments required by 2015 Acts of Assembly Chapter 677 and 104 (House Bill 1364 and Senate Bill 1413). Staff explained that the implementation clauses for these acts specified that the Board's initial adoption of regulations necessary to implement the provisions of these acts are exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia, except that the Department of Environmental Quality was required use a regulatory advisory panel to assist in the development of necessary regulations and was required to provide an opportunity for public comment on the regulations prior to adoption. Staff described the use of the regulatory advisory panel and results of a 30 day public comment period and the public notice associated with each. The Board was provided with a copy of the presentation.

The staff recommended that the Board 1) approve the regulatory amendments as final regulations, and 2) establish the effective date of the final regulations to be January 1, 2016.

Board Decision

The Board voted unanimously to approve the staff recommendation and 1) accept as final regulations, the proposed amendments to the Fees for Permits and Certificates regulation (9VAC25-10 et seq.), the VPDES Permit Regulation (9VAC25-31-10 et seq.) and the VPA Permit Regulation (9VAC25-32-10 et seq.); and 2) establish the effective date of the final regulations to be January 1, 2016.



Melanie D. Davenport
Director, Water Permitting Division



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MINUTE NO. 7- WATERSHED PROGRAMS

Liz McKercher, Watershed Programs, presented two Total Maximum Daily Load (TMDL) reports and twelve waste load allocations for Board approval and amendment to the Water Quality Management Planning Regulation (WQMPR).

The proposed actions pertain to water bodies in the Potomac-Shenandoah River Basin and the James River Basin. The TMDL reports included the following:

1. Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek watersheds bacteria TMDLs and the Happy Creek watershed sediment TMDL (Clarke, Frederick, and Warren counties, Potomac-Shenandoah River Basin)
2. Turkey Island Creek, James River Westover to Chippokes Point, and James River Chippokes Point to Claremont watersheds bacteria TMDLs

Board Decision:

Based on the briefing material and the staff presentation, the Board voted unanimously to:

1. Approve the two Total Maximum Daily Load (TMDL) reports for inclusion into the Water Quality Management Plan, and
2. Adopt twelve corresponding TMDL Waste Load Allocations into the Water Quality Management Planning Regulation.

A handwritten signature in blue ink that reads "Jutta Schneider".

Jutta Schneider
Director, Water Planning Division



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Fax: 804-698-4019 - TDD (804) 698-4021

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 1, 2015

MINUTE NO. 8 – Significant Noncompliance Report

Kathleen O'Connell, Water Enforcement Program Manager, informed the Board that two permittees were reported to EPA on the Quarterly Noncompliance Report as being in significant noncompliance for the quarter ending March 31, 2015. The permittees, the facilities and the instances of noncompliance were reported as follows:

1. King George County Service Authority, Dahlgren District Wastewater Treatment Plant, violations of total suspended solids permit effluent limitation for the months of January, February and March 2015.
2. Greif Packaging LLC, Riverville Wastewater Treatment Facility, violations of Biochemical Oxygen Demand permit effluent limitation for the months of February and March 2015.

Ms. O'Connell reported that to address the noted violations, with respect to the Dahlgren facility, a referral to the Attorney General's Office for a civil suit under consideration and for the Greif facility, an administrative penalty action was being processed.

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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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

Douglas W. Domenech
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 OCTOBER 1, 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 Honeywell Resins & Chemicals LLC. 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.

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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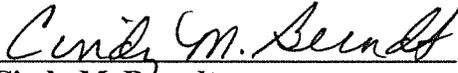
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MINUTE NO. 10 - Public Forum

No one appeared during the public forum.


Cindy M. Berndt
Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON October 1, 2015

MINUTE 11- Development of FY 2016 Clean Water Revolving Loan Funding List

Mr. Walter Gills of the Department's Clean Water Financing and Assistance Program made a presentation to the Board based on a staff memorandum dated September 8, 2015 pertaining to the development of Virginia's Clean Water Revolving Loan Fund Project Priority List and Intended Use Plan for FY 2016.

Mr. Gills began by referencing the attachments included with the staff's memorandum providing the Board with a description of the projects being considered and presenting the FY 2016 applicants in priority funding order. The 2016 application pool included 15 wastewater projects, 2 for land conservation, 1 for Brownfield remediation, and 1 stormwater project requesting a total of \$70.2 million. He noted that, due to substantial revenues coming in from the Fund's large loan portfolio, continued federal and state match funding, and moderate loan demand over the last several years, there would be sufficient funds available to address all of this year's projects.

Walter summarized the staff's activities in regards to the review of the applications in accordance with the program's policies and procedures, stating that all of the applications were determined to be eligible and provide benefits to water quality. With these considerations, the Board would have sufficient revenue available to fund the \$70.2 million for all the applications that were received.

Following discussions, the Board voted unanimously to target the following 19 applicants for loan assistance from available and anticipated funds and authorize the staff to present the Board's proposed FY 2016 Project Priority List and Intended Use Plan for public review and comment:

	Applicant	Project Type	Requested Amount
1	City of Norfolk	Wastewater	\$7,000,000
2	Town of Pound	Wastewater	\$3,386,135
3	Bristol Virginia Utilities Authority	Wastewater	\$5,976,277
4	Town of Elkton	Wastewater	\$2,767,900
5	City of Salem	Wastewater	\$4,991,000
6	Wise County PSA	Wastewater	\$268,977
7	City of Martinsville	Wastewater	\$10,000,000
8	Town of White Stone	Wastewater	\$750,000
9	City of Martinsville	Wastewater	\$11,740,000
10	Town of Marion	Wastewater	\$505,175
11	Charles City County	Wastewater	\$1,104,500
12	City of Galax	Wastewater	\$8,573,000
13	Floyd County PSA	Wastewater	\$1,549,500
14	Scott County PSA	Wastewater	\$563,238
15	Harrisonburg/Rockingham RSA	Wastewater	\$3,000,000
16	City of Lynchburg	Stormwater	\$1,705,275
17	Virginia Conservation Legacy Fund	Land Conservation	\$2,650,000
18	The Nature Conservancy in Va	Land Conservation	\$2,660,000
19	City of Norfolk	Brownfield	\$1,000,000
		Total =	\$70,190,977



Valerie Thomson
 Director, Division of Administration



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF OCTOBER 1, 2015

MINUTE NO. 12 – Report on the State Water Resources Plan

Scott Kudlas reported to the State Water Control Board (Board) on the completion of the State Water Resources Plan (State Plan). Mr. Kudlas gave a brief history of water supply planning in the Commonwealth and a description of the current program. He indicated that all localities in the Commonwealth are required to develop and submit to the Department of Environmental Quality (DEQ) a local or regional water supply plan. This State Plan was developed using the local demand projections for 2040 and alternatives for future supply and evaluating what potential risks might occur to in-stream and off-stream beneficial uses of water by meeting these local water expectations. He discussed the value added by this approach in providing analyses that eliminate fatal flaws and improve the chances of getting state and federal approvals for local water supply projects. Mr. Kudlas reviewed the challenges and recommendations contained in the plan. He also reviewed comments resulting from a 30 day public comment period. Mr. Kudlas indicated that staff was prepared to post the plan on the DEQ web page and to work with localities and regions on addressing their conditions of plan approval. He further indicated that next milestones in this ongoing planning process including development of an online planning interface for future plan development and maintenance, and plan resubmission and update periods.

After the presentation, Mr. Kudlas responded to Board questions.

Board Decision

This was a report and no action was required by the Board.

A handwritten signature in blue ink, appearing to read "Kud", followed by the date "10/7/15". The signature and date are written above a horizontal line.

Scott Kudlas
Office of Water Supply



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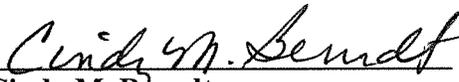
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 1, 2015

MINUTE NO. 13 – Future Meetings

The Board confirmed December 10-11 as the dates of their next meeting.


Cindy M. Berndt