

VIRGINIA WATER PROTECTION PERMIT PROGRAM REGULATION AND ASSOCIATED VIRGINIA WATER PROTECTION GENERAL PERMIT REGULATIONS

CITIZEN ADVISORY GROUP

MEETING #4 - NOTES - FINAL

MEETING MONDAY, SEPTEMBER 22, 2014 DEQ PIEDMONT REGIONAL OFFICE – TRAINING ROOM

Meeting Attendees

<i>CITIZEN ADVISORY GROUP MEMBERS</i>	<i>INTERESTED PARTIES</i>	<i>SUPPORT STAFF</i>
Steven E. Begg – Virginia Department of Transportation	Rick Atkinson – Angler Environmental/VMBA	Melanie Davenport
Jason P. Ericson – Dominion Resources Services, Inc.	Tim Clemons – Rapidan Service Authority	Dave Davis
Katie Frazier – Virginia Agribusiness Council	Jason Early – Clear Creek Associates	Mike Murphy
Karen Johnson – The Nature Conservancy (TNC)	Joe Felton – EEE Consulting	Bill Norris
Bob Kerr – Kerr Environmental	Tracey Harmon – Virginia Department of Transportation	Ann Regn
Greg Prelewicz – Fairfax Water	Aaron Revere – Falling Springs LLC/VMBA	Brenda Winn
Peggy Sanner – Chesapeake Bay Foundation (CBF)	Scott Ross – Salem Stone Corp.	<i>OTHER DEQ STAFF</i>
Beth Silverman Sprenkle – EEE Consulting, Inc.	Dan Savage – Chesapeake Bay Foundation (CBF)	Lee Crowell
Skip Stiles – Wetlands Watch	David Tiller – Virginia Department of Health	Allison Dunaway
William T. (Tom) Walker – US Army Corps of Engineers		Steve Hardwick
Andrea W. Wortzel – Troutman Sanders (Alternate for Nina Butler)		Sarah Marsala
		Bert Parolari
		Jeff Steers

NOTE: Citizen Advisory Group Members NOT in attendance: Nina Butler – Virginia Manufacturers Association/Mission H2O; Mike Rolband – Virginia Homebuilders Association

1. Welcome & Introductions (Mike Murphy):

Mike Murphy, DEQ Piedmont Regional Office Manager welcomed the members of the Advisory Group and members of the Interested Parties to the meeting. He asked everyone to make sure that they signed in on the "Sign-In List" so that we can have a record of those in attendance. He noted that we had a full slate of materials to cover today and that a lot of material was sent out to the group in preparation for this meeting. He asked for introductions from the group.

2. Status of Advisory Group Request for Consideration to Provide More Time for this Regulatory Action (Melanie Davenport):

Melanie Davenport provided the group with an update regarding a request made by a number of members of the Advisory Group to provide additional time for completion of the work of the group for this regulatory action. She noted that she had spoken to the Director of DEQ, David Paylor, and had raised the question about how we had a fair amount of work to get done and under the Governor's Executive Order we only have 180 days. The current Executive Order is different from the previous Executive Order" addressing Agency Regulatory process in that there is no longer a mechanism to ask for a waiver or a variance from the 180 day requirement. Under the current Executive Order, if an agency fails to meet that 180 day time clock, we have to report to the Governor at the end of every calendar year for any APA Process in which we have failed to meet the terms of the Executive Order and nobody knows what the consequences are for failing to meet the terms of the Order. She noted that Dave Paylor was sympathetic to our concerns and your concerns. He wants this to be a well thought-out; useful; successful process, but he wants the group to try to keep going within the current time constraints. He does not want to say upfront that we are going to miss the 180 day time limit but he also is not going to force taking a proposed regulation to the State Water Control Board if the staff and the stakeholders don't feel that you are ready. So instead of pre-emptingly saying that we are not going to make it, let's keep working and see how close we get and then we can assess where we are a little further in the process. She noted that he had indicated that he was willing to take whatever consequences he may have to if he has to report missing the time limit for this action. But the message was for the group to please keep working and see how far we can get in the process – but that he was not going to force taking the proposal to the Board if we are not ready.

She noted that this was still asking a lot of the group and it will be a continued press time wise. We are pretty certain that we will need to have the meeting on October 15th. At that point we will have to assess what the Advisory Group needs in terms of seeing the final proposed regulation with all of the proposed changes and reporting back to the groups that you each represent. We will need to "take a pulse" of the group at that point to see if going to the Board meeting in December is realistic or whether we need to consider taking the proposal to the March Board Meeting. This is somewhat of a compromise but at least we have a path forward and we will have to see whether we can get there or not.

Group Discussion:

- Members of the group thanked Melanie for getting back to the group so promptly with this information.

3. Process and Schedule for the Day (Dave Davis):

Dave Davis noted that his interpretation of that discussion was that we are blazing full steam ahead with the current process. He noted that the group had received the agenda for today's meeting in a distribution. He noted that what staff has done in what the group will see today is to provide "mark-up" language for a number of proposed revisions for consideration and discussion by the group during today's meeting. He noted that this doesn't mean that staff has finalized any decisions but from our perspective that these are the changes that we are putting forward at this time for further consideration by the group.

4. Notification of Resource Developed for the Advisory Group:

Bill Norris notified the group that DEQ Staff (Deb Harris; Ann Regn; and Jenifer Underwood) have been working to pull together a special VWP Regulatory Action Webpage for use by the group for this regulatory action. The link to the new webpage: <http://www.deq.virginia.gov/LawsRegulations/DevelopingRegulations/VWPPRegulatoryAction.aspx> ; was distributed to the group in an email sent out on Thursday, September 18, 2014. All of the materials that have been reviewed and considered during the work of this advisory group have been included on that site. He asked the group to review the site and let us know if it is helpful.

5. Notes from Previous Meeting (September 9, 2014):

Bill Norris, Regulatory Analyst with DEQ's Office of Regulatory Affairs, asked the group if there were any edits needed for the notes from the previous meeting of the group on September 9, 2014. He noted that staff had recommended some minor editorial changes that have already been incorporated. The group suggested several additional edits that were needed to the draft meeting notes.

ACTION ITEM: Staff will make the recommended changes and then will mark the Meeting Notes from the September 22, 2014 meeting of the VWP Citizens Advisory Group as "Final" and will post them.

6. Review of Track-Change Topics – Permitting Exclusions (Issue #11) (Allison Dunaway):

Allison Dunaway, with DEQ's Piedmont Regional Office introduced the proposed changes to the Permitting Exclusions portions of the regulations. She provided an overview and summary of the proposed changes related to "exclusions". She noted the following:

- Staff has focused making revisions to things that seemed un-necessary; that seemed redundant; and those things that were vague. We also talked about adding some language to help reduce the amount of staff time to deal with these exclusions which can be significant, especially when we get complaints.
- She noted that there was an attempt to organize the section more efficiently.
- An ""open water" impacts exclusion has also been added to the section.

Proposed revisions to 9VAC25-210-60 included the following:

9VAC25-210-60. Exclusions.

A. The following activities do not require a VWP permit but may require other permits under state and federal law. Upon request by the board, any person claiming one of these exclusions shall demonstrate to the satisfaction of the board that they qualify for the exclusion. Exclusions pertaining to surface water withdrawals are established in 9VAC25-210-(tbd)

1. Discharges of dredged or fill material into state waters, excepting wetlands, which are addressed under a USACE Regional, General or Nationwide Permit, and for which no § 401 Water Quality Certificate is required.

2. Any discharge of stormwater from municipal separate storm sewer systems or land disturbing activities authorized in accordance with 9 VAC 25-870, or the discharge of sewage, industrial wastes, other wastes or any noxious or deleterious substances into surface waters that is authorized by a Virginia Pollutant Discharge Elimination System (VPDES) permit in accordance with 9VAC25-31 or a Virginia Pollution Abatement (VPA) permit in accordance with 9VAC25-32.
3. Any activity governed under Chapter 13 of Title 28.2 of the Code of Virginia, unless state certification is required by § 401 of the Clean Water Act. State certification is waived if the activity meets the provisions of subdivision 10 a of this subsection. The activity does not require a VWP permit pursuant to § 62.1-44.15:21 H of the Code of Virginia.
4. Normal residential gardening, lawn and landscape maintenance in a wetland, or other similar activity that is incidental to an occupant's ongoing residential use of property, and that is of minimal ecological impact. The criteria governing this exclusion are described in Section 10 of this chapter.
5. Maintenance, including emergency reconstruction of recently damaged parts of currently serviceable structures, such as dikes, groins, levees, dams, riprap breakwaters, causeways, bridge abutments or approaches, and transportation, and purpose-built stormwater and utility structures. Maintenance does not include modifications that change the character, scope, or size of the original design. In order to qualify for this exclusion, emergency reconstruction shall occur within a reasonable period of time after damage occurs.
6. Impacts to open waters that do not have a detrimental effect on public health, animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, recreation or other uses.
7. Flooding or back-flooding impacts to surface waters resulting from the construction of temporary sedimentation basins on a construction site. The term "construction site" refers to any site involving the erection of buildings, roads, and other discrete structures and the installation of support facilities necessary for construction and utilization of such structures.
8. Normal agriculture and silviculture activities in a wetland...
9. Discharges of dredged or fill material into wetlands when addressed under a USACE Regional, General, or Nationwide Permit and that meet the provisions of subdivision 10 a of this subsection.
10. Construction or maintenance of farm ponds or impoundments...
11. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment...

Group Discussions included the following:

RE: 4. Normal residential gardening, lawn and landscape maintenance in a wetland, or other similar activity that is incidental to an occupant's ongoing residential use of property, and that is of minimal ecological impact. The criteria governing this exclusion are described in Section 10 of this chapter.

- What does "Section 10 of this chapter" refer to? *Staff Response: That is 9VAC25-210-10. Definitions.*
- What is the part that is being referenced back to in the definitions? *Staff Response: The definition of "normal residential gardening" is what is being referenced:*

"Normal residential gardening, lawn and landscape maintenance" means ongoing noncommercial residential activities conducted by or on behalf of an individual occupant, including mowing, planting, fertilizing, mulching, tilling, vegetation removal by hand or by hand tools, placement of decorative stone, fencing and play equipment. Other appurtenant noncommercial activities, provided that they do not result in the conversion of a wetland to upland or to a different wetland type, may also be included.

- Is "minimal ecological impact" defined anywhere? *Staff Response: This terminology and language was taken directly from the statute.*
- The question is "Who defines what constitutes a "minimal ecological impact"? It was suggested that it would be helpful to have a definition for "minimal ecological impact". *Staff Response: This term has not been defined. It is a term that is included in the statute/code but it is not defined. Instead of trying to define the term, what is being provided is a list of those activities that would fall into the "minimal ecological impact" category.*
- *Staff Note: Any activity that is done for residential lawn-care for an individual residence would fall under this exclusion.*

RE: 6. Impacts to open waters that do not have a detrimental effect on public health, animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, recreation or other uses.

- How would a permittee demonstrate that "impacts to open waters don't have a detrimental effect"? *Staff Response: We would be looking for a narrative from the permittee describing the impacts. It was noted that this information was not required unless requested by DEQ for a specific project, so the permittee needed to keep track of any impacts and should be able to demonstrate that the impacts do not have a detrimental effect.*
- What has to be demonstrated? What is DEQ looking for to ensure that there is no detrimental effect? *Staff Response: What we are looking for is: Are there wetlands that are going to be impacted? Is it isolated? Is it not considered "a water of the US"? What is the use of the "open water"? Is it a stock pond?*
- How would small shoreline stabilization projects be handled? *Staff Response: Those types of projects would be handled under a Nationwide Permit. If the CORPS takes jurisdiction then it would be covered under the Nationwide Permit program. If it was a small project on an individual's property and the CORPS did not take jurisdiction and there were no wetland impacts and no other impacts then the project would likely qualify for the exclusion.*

- Are there any potential conflicts if VMRC takes jurisdiction? Does this ever occur? *Staff Response: Yes.*
- *Staff Note: Under the existing regulations there is not a definition of "open waters", but we will be proposing one today.*
- *Staff Note: This exclusion is just related to the VWP permit requirements it would not affect the Corps or the VMRC permit requirements.*

RE: 7. Flooding or back-flooding impacts to surface waters resulting from the construction of temporary sedimentation basins on a construction site The term "construction site" refers to any site involving the erection of buildings, roads, and other discrete structures and the installation of support facilities necessary for construction and utilization of such structures.

- *Staff Note: The new #7 is an attempt to clarify the language found in Old #11 which is being proposed for deletion:*

11. Construction of temporary sedimentation basins on a construction site which does not include the placement of fill materials into surface waters or excavation in wetlands. The term "construction site" refers to any site involving the erection of buildings, roads, and other discrete structures and the installation of support facilities necessary for construction and utilization of such structures. The term "construction site" also includes any other land areas which involve land-disturbing excavation activities, including quarrying or other mining activities, where an increase in run-off of sediment is controlled through the use of temporary sedimentation basins.

- Should this include a reference to "linear projects"?
- Should this include a reference to "related infrastructures"?
- Why was the last sentence in Old #11 excluded from the new #7? *Staff Response: That language appears to be a broad definition of construction sites – we didn't exclude it on purpose but we didn't necessarily think that "any land disturbing project" is a "construction site", but we are open to discussion on that.*
- It was suggested that the rewrite appears to be a narrower interpretation than it was in the original language. *Staff Response: What we were trying to do is to include what staff has come to understand are construction sites. We were also unclear why "quarrying and other mining activities" were included originally.*
- It was suggested that those activities (quarrying and mining) could be part of a construction site. *Staff Response: A lot of DEQ's regulatory authorities don't apply to mining and quarrying activities.*
- A question was raised as to how "off-site" activities would be addressed?
- *Staff Note: We are trying as we go through the regulatory process to get some consistency between the water permit programs so some of the changes that are being proposed are being offered with that intent of incorporating consistent concepts across the regulations and permitting programs.*

- A concern was raised over the proposed insertion of the term "infrastructure" which may be a little too vague, or may expand its use beyond what is anticipated.

ACTION ITEM: Staff will revisit this proposed language for this item (#7) and will take into consideration the concerns raised by the Advisory Group.

7. Review of Track-Change Topics – General Permit Length-of-Terms (Issue#12) and Administrative Continuance (Brenda Winn):

Brenda Winn, with DEQ's Central Office introduced the proposed changes to the General Permit Length of Terms and Administrative Continuance portions of the regulations. She noted the following:

- The Code currently allows the agency to issue a certificate for up to 15 years – based on the type of project it is.
- Typically when we issue our individual permits, those are for a 15 year cycle.
- For Individual Permits, the over-arching regulation does not expire but the permits issued under it do.
- In the General Permit process, there is a regulation that expires and within that is imbedded a permit authorization. Currently, the authorization has a different expiration date then the regulation. In addition one of the General Permits is a different time period than the other three. P1 is 3 years and the other 3 are for 7 years. Whereas the regulation is good for 10 years.
- This mismatch has caused some issues with staff managing these permits with different permit terms and regulation expiration term.
- A lot of the other regulations have a mechanism for "administratively continuing" permits that we are missing in this regulation. We are proposing to include language in both the GPs and the IP to allow for administrative continuance of permits.
- The example of the GP provided is for only one of the general permits, but any proposed changes that are agreed to would also be reflected in the other GPs.

Proposed revisions to 9VAC25-690-20 included the following:

9VAC25-690-20. Purpose; delegation of authority; effective date of VWP general permit.

C. This VWP general permit regulation will become effective on [effective date of regulation], and will expire on [10 years later].

D. Authorization to impact surface waters under this VWP general permit is effective upon compliance with all the provisions of 9VAC25-690-30. Notwithstanding the expiration date of this general permit regulation, authorization to impact surface waters under this VWP general permit shall remain in full force and effect for 10 years. Reapplication for a new VWP general permit authorization or individual permit shall be necessary if any portion of the authorized activities or any VWP general permit requirement (including compensation) have commenced but are not completed by the expiration date of this regulation.

Group Discussions included the following:

- The way this reads is if you get an extension, you would have it for 10 years. *Staff Response: The permit term is only for 10 years so if you apply for coverage during the last 6 months of the permit term you would need to reapply for a new permit for the new 10 year permit term. The concept that was lost is that the permit ceases to exist on the day the regulation expires. There is no other tool than to apply for reissuance under the new regulation. The options are to wait until the new permit term/regulation term or to request an Individual Permit. The concept of Administrative Continuance is that if you apply for coverage under the new permit as it is coming up and DEQ doesn't get the permit issued that it can be administratively continued until the new permit term.*
- What happens under the scenario that you have not started any of the authorized activities? *Staff Response: If the permit expires and you start work then you are performing unauthorized activities. When the permit term is over the permit expires, you have to reapply under the new permit cycle.*
- There is no way for a permittee to bridge between permit terms – when the permit expires – it expires.

Proposed revisions to 9VAC25-690-30 included the following:

9VAC25-690-30. Authorization to impact surface waters.

I. Continuation of expiring general permit coverage.

1. The general permit authorization shall expire at the end of the general permit regulation term, except that the conditions of an expired permit authorization continue in force until the effective date of a new VWP general permit authorization or individual permit if:

a. The permittee has submitted a timely application as required by this chapter, which is a complete application for a new VWP general permit authorization or individual permit; and

b. The board, through no fault of the permittee, does not issue a new VWP general permit authorization or individual permit with an effective date on or before the expiration date of the previous general permit authorization.

2. Permit authorizations [administratively] continued under this section remain fully effective and enforceable.

3. When the permittee is not in compliance with the conditions of the expiring or expired general permit authorization, the board may choose to do any or all of the following:

- a. Initiate enforcement action based upon the general permit authorization which has been continued;
- b. Issue a notice of intent to deny authorization under the new general permit regulation. If the general permit authorization is denied, the owner or operator would then be required to cease the activities allowed by the continued general permit authorization or be subject to enforcement action for operating without a permit;
- c. Issue a new VWP general permit authorization or individual permit with appropriate conditions; or
- d. Take other actions authorized by Title 62.1 of the Code of Virginia.

Group Discussions included the following:

- *Staff Note: We have never had a GP lapse.*

Proposed revisions to 9VAC25-690-80 included the following:

9VAC25-690-80. Notice of planned changes.

[note: all or part may not be needed if the term of the general permit authorization and the general permit regulation are the same amount] [adapted from: 9VAC25-690-100 Part I]

[G.] A general permit authorization having a term less than the full term of the general permit regulation may be modified after issuance for the continuation of authorized activities. Application for an authorization continuation may be necessary if any portion of the authorized activities or any VWP general permit requirement (including compensation) have commenced but are not completed upon expiration of the issued authorization. Such application shall be made within 60 days before the expiration date of the general permit authorization. Notwithstanding any other provision, an application for continuation under a VWP general permit regulation in order to complete commenced activities or authorization requirements shall not be assessed an application fee. The board shall determine if continuation of the VWP general permit authorization is necessary and shall so notify the

permittee within 30 days of application. A continuation of authorization shall not be granted for a period longer than the full term of the general permit regulation. A continuation of authorization shall not be granted where the originally authorized activities have not commenced by the expiration date of the issued VWP general permit authorization.

[H.] A Notice of Planned Change is not required after authorization issuance for additional temporary impacts to surface waters, provided that DEQ is notified in writing regarding additional temporary impacts, and the area is restored to preexisting conditions in accordance with Part I C 11 of this general permit. In no case can the additional temporary impacts exceed the general permit threshold for use.

[I.] In no case can this authorization be modified to exceed the general permit threshold for use.

[J.] A notice of planned change shall be denied if fish and wildlife resources are significantly impacted or if the criteria in subsection B of this section are not met. However, the original VWP general permit authorization shall remain in effect. The applicant may submit a new permit application and permit application fee for consideration under a VWP individual permit.

Group Discussions included the following:

- *Staff Note: If we do not implement the proposed changes to match the permit terms and the regulation expiration then we would need to consider the inclusion of language as proposed in the "notice of planned changes" section as proposed. If the advisory group has any thoughts or recommendations please submit them for our consideration.*
- A concern was raised over the following sentence: "A continuation of authorization shall not be granted for a period longer than the full term of the general permit regulation." It was suggested that this should be revised to say "...shall not extend beyond the expiration of the general permit regulation."

Proposed revisions to 9VAC25-690-95 included the following:

9VAC25-690-95. Transition.

A. All applications received on or after [effective date of regulation], will be processed in accordance with these new procedures.

B. VWP general permit authorizations issued prior to [effective date of regulation] will remain in full force and effect until the applicable general permit regulation expires; the general permit authorizations expire; or the general permit authorizations are revoked or are terminated, and during any period of administrative continuance in accordance with subsection [I] of Section 30 of this regulation.

Group Discussions included the following:

- A question was raised over the use of the term "with these new procedures". What does it refer to? This should be clarified.
- A spelling error was identified: "authorization".

Proposed revisions to 9VAC25-690-100 included the following:

9VAC25-690-100. VWP general permit.

Any applicant whose application has been accepted by the board shall be subject to the following requirements:

Part I. Special Conditions.

B. Continuation of coverage. Reapplication for a VWP general permit authorization or individual permit may be necessary if any portion of the authorized activities or any VWP general permit requirement (including compensation) have commenced but are not completed by the expiration date of this regulation.

[note: all or part may not be needed if the term of the general permit authorization and the general permit regulation are the same amount]

Part III. Conditions Applicable to All VWP General Permits.

I. Notice of planned change. Authorization under the VWP general permit may be modified subsequent to issuance in one or more of the cases listed below. A notice of planned change is not required if the project results in additional temporary impacts to surface waters, provided that DEQ is notified in writing, the additional temporary impacts are restored to preexisting conditions in accordance with Part I C 11 of this general permit, and the additional temporary impacts do not exceed the general permit threshold for use. The permittee shall notify the board in advance of the planned change, and the planned change request will be reviewed according to all provisions of this regulation.

[6.] A general permit authorization having a term less than the full term of the general permit regulation may be modified after issuance for the continuation of authorized activities. Application for an authorization continuation may be necessary if any portion of the authorized activities or any VWP general permit requirement (including compensation) have commenced but are not completed upon expiration of the issued authorization. Such application shall be made within 60 days before the expiration date of the general permit authorization. Notwithstanding any other provision, an application for continuation under a VWP general permit regulation in order to complete commenced activities or authorization requirements shall not be assessed an application fee. The board shall determine if continuation of the VWP general permit authorization is necessary and shall so notify the permittee within 30 days of application. A continuation of authorization shall not be granted for a period longer than the full

term of the general permit regulation. A continuation of authorization shall not be granted where the originally authorized activities have not commenced by the expiration date of the issued VWP general permit authorization.

N. Duty to cease or confine activity. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit. If the permittee wishes to continue an activity regulated by this permit regulation after the expiration date of the general permit regulation, the permittee shall apply for and obtain a new VWP general permit authorization or individual permit.

Group Discussions included the following:

- A concern was raised over the following sentence: "A continuation of authorization shall not be granted for a period longer than the full term of the general permit regulation." It was suggested that this should be revised to say "...shall not extend beyond the expiration of the general permit regulation."

8. Review of Track-Change Topics – Individual Permit Length-of-Terms (Issue#12) and Administrative Continuance (Brenda Winn):

Brenda Winn, with DEQ's Central Office introduced the proposed changes to the Individual Permit Length of Terms and Administrative Continuance portions of the regulations. These reflect the changes proposed for the General Permits but are included in the Base Regulation (Individual Permit). We cannot propose language in the General Permits that is not consistent with what is contained in the base regulation, therefore the same revisions are being proposed here.

Proposed revisions to 9VAC25-210-65 included the following:

9VAC25-210-65. Continuation of expiring permits.

A. The permit shall expire at the end of its term, except that the conditions of an expired permit continue in force until the effective date of a new permit if:

1. The permittee has submitted a timely application as required by this chapter, which is a complete application for a new, modified, or reissued permit; and
2. The board, through no fault of the permittee, does not issue a new, modified, or reissued permit with an effective date on or before the expiration date of the previous permit.

B. Permits administratively continued under this section remain fully effective and

enforceable.

C. When the permittee is not in compliance with the conditions of the expiring or expired permit the board may choose to do any or all of the following:

1. Initiate enforcement action based upon the permit which has been continued;
2. Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;
3. Issue a new permit with appropriate conditions; or
4. Take other actions authorized by Title 62.1 of the Code of Virginia.

Group Discussions included the following:

- A concern was raised over allowing for an administrative continuance of the permit when the permittee is not in compliance with the conditions of the permit as provided for in 9VAC25-210-65 C:

C. When the permittee is not in compliance with the conditions of the expiring or expired permit the board may choose to do any or all of the following:

1. Initiate enforcement action based upon the permit which has been continued;
2. Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;
3. Issue a new permit with appropriate conditions; or
4. Take other actions authorized by Title 62.1 of the Code of Virginia.

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- *Staff Note: It was suggested that this would cover those instances where an existing permit may not be in compliance but the issuance of a new permit which addresses the issue could resolve the noncompliance issue with different conditions or requirements rather than forcing the agency to take an enforcement action.*

- A suggestion was made that the phrase "through no fault of the permittee" included in 9VAC25-210-65 A 2 should be included in 9VAC25-210-65 C.
- It was suggested that 9VAC25-210 65 C doesn't really belong in an "administrative continuance" section.
- It was suggested that this section (C) should be rewritten to read: *"When the permittee is not in compliance with the conditions of the expiring or expired permit the board may not choose to administratively continue the permit but may choose to do any or all of the following:"*
- It was suggested that none of the options included in 9VAC25-210-65 C were related to "administrative continuance" of a permit.

Proposed revisions to 9VAC25-210-90 included the following:

9VAC25-210-90. Conditions applicable to all VWP permits.

B. Duty to cease or confine activity. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee shall apply for and obtain a new or reissued permit.

Proposed revisions to 9VAC25-210-130 included the following:

9VAC25-210-130. VWP general permits.

G. Activities authorized under a VWP general permit regulation shall be authorized for the fixed term stated in the applicable VWP general permit regulation, unless otherwise continued by the board in accordance with the provisions contained in the applicable VWP general permit regulation.

Proposed revisions to 9VAC25-210-260 included the following:

Part VII

Miscellaneous

9VAC25-210-[260]. Transition.

A. All applications received on or after [effective date of regulation], will be processed in accordance with these new procedures.

B. VWP individual permits issued prior to [effective date of regulation], will remain in full force and effect until such permits expire, are revoked, or are terminated, and during any period of administrative continuance in accordance with Section [65] of this regulation.

C. Section 401 Water Quality Certificates issued prior to December 31, 1989, have the same effect as a VWP permit. Water Quality Certificates issued after this date will remain in effect until reissued as Virginia Water Protection Permits.

9. BREAK 11:05 – 11:18

10. Review of Track-Change Topics – Suspension/Administrative Withdrawal of Incomplete Applications (Brenda Winn/Dave Davis):

Brenda Winn and Dave Davis introduced the proposed revisions to the portions of the regulations that address "suspension and administrative withdrawal of incomplete applications". Brenda Winn noted that the first part of the proposed changes in 9VAC25-210-80 were essentially "wordsmithing" and a proposed adjustment in the time limit for administrative withdrawal of an incomplete application from 180 days to 60 days. The addition of the last sentence in 9VAC25-210-80 F is a consistency change to reflect the language that is included in the General Permits.

Proposed revisions to 9VAC25-210-80 included the following:

9VAC25-210-80. Application for a VWP permit.

F. Incomplete application. Where an application is not accepted as complete by the board within 15 days of receipt, the board shall require the submission of additional information from the applicant and may suspend processing of any application until such time as the applicant has supplied the requested information and the board considers the application complete. Where the applicant becomes aware that he omitted one or more relevant facts from a VWP permit application, or submitted incorrect information in a VWP permit application or in any report to the board, the applicant shall immediately submit such facts or the correct information. A revised application with new information shall be deemed a new application for purpose of reviews but shall not require an additional notice or an additional permit application fee. An incomplete permit application may be administratively withdrawn from processing by the board after 60 days from the date that the original permit application was received by the board for failure to provide required information. Resubmittal of a permit application for the same or similar project, after such time that the original permit application was administratively withdrawn, shall require submittal of an additional permit application fee.

Group Discussions included the following:

- A question was raised regarding the sentence: "An incomplete permit application may be administratively withdrawn from processing by the board after 60 days from the date that the original permit application was received by the board for failure to provide required information." It was suggested that this should be revised to read: "An incomplete permit application may be administratively withdrawn from processing by the board after 60 days from the date of the most recent request for information by the board for failure to provide required information."
- Can DEQ ask for information more than once? *Staff Response: DEQ can continue to ask for information throughout the process if there are still pieces of information that has not been*

provided. We can ask for additional information through the “completeness review” and the “technical review” phases, but actually doing something with an inactive application with an applicant who is not providing the requested information we are tied to the application incomplete phase of the process.

- Questions were raised over how an “administrative withdrawal” differed from a “suspension” action. *Staff Response: There are two new definitions being proposed that may help answer the question related to the differences between an “administrative withdrawal” and a “suspension”. If the applicant and the staff are working to resolve issues then we want the option to be able to suspend the review or processing of the application until such a time as the information is available, but if staff is asking for additional information and there is no communication back from the applicant or cooperation to answer the questions then we want to be able to “administratively withdraw” the application instead of having a number of “incomplete applications” in a holding pattern with no action being taken. The following proposed definitions have been crafted to try to address these concerns.*

Proposed revisions to 9VAC25-210-10 included the following:

9VAC25-210-10. Definitions. and 9VAC25-690-10. Definitions.

[NEW] “Administrative withdrawal” means permanently discontinuing the review or processing of a VWP permit application or request to modify a VWP permit.

[NEW] “Suspend” or “suspension” means stopping the review or processing of a permit application or request to modify a permit or permit authorization until such time that information requested by the board is provided, reviewed, and deemed adequate to allow the review or processing of an application or request for modification to continue.

Group Discussions included the following:

- It was suggested that the phrase “the board” should be added to these definitions.

“Administrative withdrawal” means the board permanently discontinuing the review or processing of a VWP permit application or request to modify a VWP permit.

“Suspend” or “suspension” means the board stopping the review or processing of a permit application or the permittee stopping the request to modify a permit or permit authorization until such time that information requested by the board is provided, reviewed, and deemed adequate to allow the review or processing of an application or request for modification to continue.

- *Staff Note: A “suspension” is a way to stop the clock while the information is being gathered that DEQ has requested or the permittee is doing a survey to provide the requested information.*

- It was noted that the definitions were fine but given the definition of “suspension” that an additional revision to the text in 9VAC25-210-80 F was proposed: “An incomplete permit application may be administratively withdrawn from processing by the board after 60 days from the date of the most recent request for information by the board for failure to provide required information or failure to request and receive a suspension.”

Proposed revisions to 9VAC25-690-60 included the following:

CHAPTER 690

VIRGINIA WATER PROTECTION GENERAL PERMIT FOR IMPACTS FROM DEVELOPMENT AND
CERTAIN MINING ACTIVITIES

9VAC25-690-60. Application.

E. Incomplete application. Where an application is not accepted as complete by the board within 15 days of receipt, the board shall require the submission of additional information from the applicant and may suspend processing of any application until such time as the applicant has supplied the requested information and the application is complete. Where the applicant becomes aware that he omitted one or more relevant facts from an application, or submitted incorrect information in an application or in any report to the board, the applicant shall immediately submit such facts or the correct information. A revised application with new information shall be deemed a new application for the purpose of reviews but shall not require an additional permit application fee. An incomplete permit application may be administratively withdrawn from processing by the board after 60 days from the date that the original permit application was received by the board for failure to provide required information. Resubmittal of a permit application for the same or similar project, after such time that the original permit application was administratively withdrawn, shall require submittal of an additional permit application fee.

Group Discussions included the following:

- *Staff Note: Any changes made to 9VAC25-210-80 F will also need to be reflected in 9VAC25-690-60 E and the other General Permits: “An incomplete permit application may be administratively withdrawn from processing by the board after 60 days from the date of the most recent request for information by the board for failure to provide required information or failure to request and receive a suspension.”*

- A question was raised over the sentence: “A revised application with new information shall be deemed a new application for the purpose of reviews but shall not require an additional permit application fee.” What is the difference between a “revised application” and an “incomplete application” that additional information is being provided for? *Staff Response: Some people submit new information on a new JPA instead of through an email or letter submittal. The proposed revision in this sentence is to specifically address the “review process and the review clock” and not the “fee”.*

11. Review of Track-Change Topics – Requests for Information (Brenda Winn):

Brenda Winn introduced the proposed revisions to the portions of the regulations that address "information requirements/requests for information". The proposed language would be included in a new section and would be consistent with other water regulations – it was adapted from the new Groundwater Permit Regulation. There a number of different sections of the regulations that are requesting information of some kind or another. We could also just take the statutory authority citation (62.1-44.21) and add that to each of the sections of the regulation where information is requested. The other existing water regulations have this spelled out in a separate section as is being proposed.

Proposed revisions to a new 9VAC25-210-55 included the following:

9VAC25-210-55. Statewide information requirements.

The board may request, and any owner shall provide if requested, any pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this chapter.

Group Discussions included the following:

- When the surface water withdrawal sections of the regulations are pulled into their own section or part will this requirement apply to both? *Staff Response: Yes.*
- If this is to apply to the surface water withdrawal section as well should a reference to “quantity” be added? Do we want to add “on the available quantity of state waters”?

ACTION ITEM: Staff will look at this wording to determine whether “on the available quantity of state waters” should be added based on the comments of the group.

- A question was raised over the use of the phrase “to determine the effect of his discharge”. Should this be “a” or “the” instead of “his”? *Staff Response: The statute (62.1-44.21) uses the term “his” so the language that was proposed is from the statute. The latest revision date for this section of the statute is 1974.*

12. Review of Track-Change Topics – Miscellaneous Definitions (Brenda Winn):

Brenda Winn introduced the proposed revisions to "miscellaneous definitions". There will be a separate “definitions” section specific to surface water withdrawals as noted below (to be discussed October 6th).

Proposed new definitions to be added to 9VAC25-210-10 included the following:

CHAPTER 210

VIRGINIA WATER PROTECTION PERMIT PROGRAM REGULATION

Part I

WVP Permit Program Definitions, Exclusions, Prohibitions and Requirements

9VAC25-210-10. Definitions.

Unless a different meaning is required by the context, the following terms as used in this chapter shall have the following meanings. Definitions specific to surface water withdrawals are in 9VAC25-210-(tbd).

NEW

“Administrative withdrawal” means permanently discontinuing the review or processing of a VWP permit application or request to modify a VWP permit.

“Conversion” means the immediate or gradual change of an existing wetland type to a different wetland type.

“Legal name” means the full legal name of an individual, business, or other organization. For an individual, legal name means the first name, middle initial, last name, and suffix. For a

business or other organization, the legal name means the exact name set forth in the entity's articles of incorporation, organization or trust, or formation agreement, as applicable.

"Non-tidal wetland" means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to § 404 of the federal Clean Water Act in 33 CFR 328.3(b).

"Open water" means an area that, during a year with normal patterns of precipitation, has standing water for sufficient duration to establish an ordinary high water mark. The term "open water" includes lakes and ponds but does not include ephemeral waters, stream beds, or wetlands.

"Ordinary high water mark" means a line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

"Permittee-responsible compensation" means an aquatic resource restoration, establishment, enhancement, or preservation activity undertaken by the permittee to provide compensatory mitigation.

"Suspend" or "suspension" means stopping the review or processing of a permit application or request to modify a permit or permit authorization until such time that information requested by the board is provided, reviewed, and deemed adequate to allow the review or processing of an application or request for modification to continue.

"Tidal wetland" means vegetated and nonvegetated wetlands as defined in § 28.2-1300 of the Code of Virginia.

“Watershed approach” means an analytical process for making compensatory mitigation decisions that support the sustainability or improvement of aquatic resources in a watershed.

Group Discussions included the following:

- The group discussed the definition of “legal name” and whether the phrase “in Virginia” should be added to the definition.

ACTION ITEM: Staff will review this suggestion for possible inclusion in the proposed revisions.

- The group discussed the ongoing EPA efforts related to the definition of “waters of the US” and what impact that might have on the proposed regulatory definitions of “open water” and “ordinary high water mark”.

Proposed revisions to the existing definitions in 9VAC25-210-10 included the following:

REVISIONS

"Beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife resources and habitat; maintenance of waste assimilation; recreation; navigation; and cultural and aesthetic values. The preservation of instream flows for purposes of the protection of navigation, maintenance of waste assimilation capacity, the protection of fish and wildlife resources and habitat, recreation, cultural and aesthetic values is an instream beneficial use of Virginia's waters. Offstream beneficial uses include, but are not limited to, domestic (including public water supply); agricultural uses; electric power generation; commercial, and industrial uses.

"Board or board" means the State Water Control Board.

"Channelization ~~of streams~~" means the alteration of a stream channel by widening, deepening, straightening, cleaning, or paving certain areas.

"Cross-sectional sketch drawing" means a scaled graph or plot ~~that represents the plane made by cutting across an object at right angles to its length~~ of ground elevation across a waterbody or a portion of it, usually along a line perpendicular to the waterbody or direction of

flow. For purposes of this regulation, objects may include, but are not limited to, a surface water body or a portion of it, a man-made channel, an above-ground structure, a below-ground structure, a geographical feature, or the ground surface itself.

"Dredged material" means material that is excavated or dredged from beneath the surface of the waters-water.

"Dredging" means a form of excavation in which material is removed or relocated from beneath the surface of the waters-water.

"Impacts" means ~~results caused by human-induced~~ those activities ~~conducted in surface waters, as~~ specified in § 62.1-44.15:20 A of the Code of Virginia.

"Person" means ~~one or more individuals~~ an individual, a corporation, a partnership, an association, a governmental body, a municipal corporation, or any other legal entity.

"Temporary impacts" means ~~those~~ impacts to wetlands or other surface waters, ~~including wetlands,~~ that cumulatively do not cause a permanent alteration of the physical, chemical, or biological properties of ~~the surface water waters~~ or ~~of the functions and values of a wetland~~ the alteration or degradation of existing wetland acreage or functions. Temporary impacts include activities in which the ground-impact area is restored to its preconstruction contours and elevations, such that previous functions and values are restored.

Proposed deletions to the existing definitions in 9VAC25-210-10 included the following:

DELETIONS

~~"Riprap" means a layer of nonerodible material such as stone or chunks of concrete.~~

~~[construction term only used once in regulation]~~

~~"Schedule of compliance" means a schedule of remedial measures including a sequence of enforceable actions or operations leading to compliance with the Act, the law, and the board regulations, standards and policies.~~

[antiquated VPDES language – being deleted from regulation text]

~~“USACE” means the United States Army Corps of Engineers.~~

~~“VMRC” means the Virginia Marine Resources Commission~~

[spelling out agency acronyms in regulation text]

Group Discussions included the following:

- The group asked if the inclusion of the term “riprap” had raised any issues in the past. If not, it was suggested that the term be retained. *Staff Response: It is really a construction term and it is only used one time in the regulation, but it has not given rise to any issues.*

ACTION ITEM: Staff will look at retaining the term “riprap” as recommended by the group.

- The group asked if staff could provide a compilation of all of the definitions in one section (all together as a group).

ACTION ITEM: Staff will provide a complete compilation of all of the definitions and the proposed revisions to the definitions to the group for their review.

13. LUNCH BREAK – 11:45 A.M. – 1:08 P.M.

14. Other Discussion Topics – Use of "preliminary" and "Approved to describe JDs (Brenda Winn):

Brenda Winn reviewed the use of the terms “preliminary” and “approved” to describe JDs in 9VAC25-210-80. During our last wordsmithing efforts we called the JDs “preliminary” and “final”. Staff has pointed out the correct terms that are used by the Corps are “preliminary” and “approved”. So the term “final” has been changed to “approved” in the regulation in reference to the JDs. For example:

9VAC25-210-80. Application for a VWP permit.

B. Informational requirements...

1 h (4) A copy of the preliminary or approved jurisdictional determination from the United States Army Corps of Engineers (USACE), United States Department of Agriculture Natural Resources Conservation Service (NRCS), or DEQ, or other correspondence from the

USACE, NRCS, or DEQ indicating approval of the boundary of applicable jurisdictional waters...

15. Other Discussion Topics – Functional Assessments (Brenda Winn):

Brenda Winn presented the proposed revisions related to functional assessments in 9VAC25-210-80 C that were made as a result of Advisory Group comments. The proposed revisions include the following:

C. An analysis of the functions and values of wetlands proposed to be impacted may be required by DEQ. When required, the method selected for the analysis shall assess water quality and habitat metrics and shall be approved by DEQ for use in advance of conducting the analysis.

1. No analysis shall be required when wetland impacts being considered under a VWP individual permit or general permit authorization total 1.00 acre or less.
2. Analysis shall not be required when wetland impacts being considered under a VWP individual permit or general permit authorization total between 1.01 acres and 2.00 acres, unless any of the following applies:
 - a. Proposed compensatory mitigation consists of permittee-responsible compensation.
 - b. Proposed compensatory mitigation consists of mitigation bank or in-lieu fee fund credits at other-than-standard mitigation ratios of 2:1 forest, 1.5:1 scrub-shrub, and 1:1 emergent.
 - c. Impacted wetlands are underlain by histosols.
 - d. Impacted wetlands are composed of 10% or more, singularly or in combination based upon either basal area or percent areal cover in the area of impact, in a vegetative stratum: Atlantic white cedar (*Chamaecyparis thyoides*), bald cypress (*Taxodium distichum*), water tupelo (*Nyssa aquatica*), or overcup oak (*Quercus lyrata*).

3. Analysis may be required when wetland impacts being considered under a VWP individual permit total 2.01 acres or more.
-

Group Discussions included the following:

- *Staff Note: This is outside of the “complete application” requirements part of the regulation.*
- The group discussed the concept of whether the proposed revisions in C2 should be “may” or “shall” and discussed the general wording of the requirements. It was suggested that some wordsmithing is needed for this section. *Staff Response: If any of the items in C2 apply and your impacts are between 1.01 and 2.00 acres then an analysis would be required.*
- It was suggested that C2 needed to be revised to clarify the requirements:

C 2 Analysis shall not be required when wetland impacts being considered under a VWP individual permit or general permit authorization total between 1.01 acres and 2.00 acres, unless except it shall be required when any of the following applies:

ACTION ITEM: Staff will review this proposed language and take into consideration the groups comments and suggestions in a revision of this section.

- RE: C3: “Analysis may be required when wetland impacts being considered under a VWP individual permit total 2.01 acres or more.” It was suggested that this also be rewritten to include reference to when an analysis shall be required:

C 3 Analysis may be required when wetland impacts being considered under a VWP individual permit total 2.01 acres or more and shall be required when any of the following applies:

- Proposed compensatory mitigation consists of permittee-responsible compensation.
- Proposed compensatory mitigation consists of mitigation bank or in-lieu fee fund credits at other-than-standard mitigation ratios of 2:1 forest, 1.5:1 scrub-shrub, and 1:1 emergent.
- Impacted wetlands are underlain by histosols.
- Impacted wetlands are composed of 10% or more, singularly or in combination based upon either basal area or percent areal cover in the area of impact, in a vegetative

stratum: Atlantic white cedar (Chamaecyparis thyoides), bald cypress (Taxodium distichum), water tupelo (Nyssa aquatica), or overcup oak (Quercus lyrata).

16. Other Discussion Topics – Erosion and Sediment Control References (Brenda Winn):

Brenda noted that the decision has been made to retain the Erosion and Sediment Control References as originally proposed since there are no plans to do away with the Handbooks and Standards.

17. Other Discussion Topics – The Plan for General Permit Regulations (9VAC25-690; -680; -670; and -660 (Brenda Winn):

Brenda informed the group that the plan and intent is to take all of the revisions that are pertinent to 9VAC25-210 and that have relevance in the General Permits and transfer that language into the General Permits. She noted that the General Permit Regulations are structured a little different from the Individual Permit Regulation so that things are in different sections and may be worded slightly differently, but we trying to incorporate the changes that we have discussed in both the GP and IP.

18. Final Comments:

- When will the group be able to see and review the entire set of regulations with all of the changes and revisions that are being proposed? *Staff Response: It will come after the meeting on October 6th.*
- When will staff be expecting to see all of the comments from the Advisory Group? *Staff Response: All of those things that were covered today will be distributed to the group as “homework assignments” to get the groups comments and recommendations on those items. The homework assignments are important components of our review and evaluation process so a quick turnaround on those assignments is useful and would be greatly appreciated. Once we get through the meeting on October 6th and receive your responses to the “homework assignments” we should have a better idea as to what the agenda for the October 15th meeting will be and what outstanding issues still need to be addressed moving forward.*
- The group discussed the materials and agenda for the meeting on October 6th. *Staff Response: As soon as that information is available it will be distributed to the group and posted on the new VWP website.*
- The group discussed the concept of “functional assessments” and when they would be required. The concept of “wetland functions” was discussed as they relate to “functional assessments” was discussed. Will DEQ have the information they need to evaluate the functional assessments

regarding ‘wetland functions’? Is language needed to be able to require that an analysis is done?

- The group discussed “temporary impacts” and information needs.
- Do we need to add language to say that “a functional analysis has to be performed” when the need is identified in the regulation?
- It was suggested that there should be an additional item where a functional analysis is required in all cases where the regulation discusses impacts to wetland functions.

ACTION ITEM: Staff will take the concerns related to requirements for a functional analysis and requiring that one be done to allow DEQ to be able to evaluate impacts to wetland functions into consideration in the revisions to these requirements in the regulations so that these requirements are meaningful.

- A question was raised regarding the “information required” section (9VAC25-210-55). If this is a requirement of state code why does it need to be included in the regulation? Do we need to repeat it in the regulations?
- It was suggested that at some point we need to look at the terms used throughout the regulation and general permits (state water; open water; waters of the state; surface water; etc.) and make sure that the correct ones are used and that their use is consistent and appropriate in the various sections of the regulations.
- *Staff Note: The Advisory Group was requested to provide any comments and concerns related to the proposed revisions that have been discussed during the advisory group meetings and contained in the various “homework assignments” to Bill Norris as soon as possible so that staff will have time to address those concerns.*
- A question regarding survey accuracy was raised. This is related to the GIS requirements and the accuracy of the surveys. The group discussed various survey accuracy requirements and noted that some additional language was needed to address these requirements. Concerns were noted regarding the accuracy of GIS data.

ACTION ITEM: Bob Kerr noted that he would look at the language in the complete application section related to survey accuracy and try to develop some proposed language for consideration by the group and staff.

- *Staff Note: Ann Regn showed the group the new VWP Regulatory Action Webpage. She noted that the information is organized by meeting date.*
- The group discussed the homework assignments and the various assignment dates and due dates for those assignments.

19. Public Comment (Bill Norris):

Bill Norris asked for Public Comment. No Public Comments were offered.

20. Next Meetings (Bill Norris)

The next meeting of the VWP Citizen Advisory Group is scheduled for Monday, October 6, 2014 – Special Meeting of the VWP Advisory Group to discuss VWP Proposed Revisions related to Surface Water Withdrawals – DEQ Piedmont Regional Office – Training Room – Sign-In: 9:15 A.M. – Meeting Start Time: 9:30 A.M.

The "Last Meeting of the VWP Citizen Advisory Group" is scheduled for Wednesday, October 15, 2014 – DEQ Piedmont Regional Office – Training Room

21. Meeting Wrap-Up:

- Melanie Davenport noted that she had an unavoidable conflict on the 6th but that Jeff Steers would be here to fill in for her.
- Mike Murphy thanked everyone for being here and for their time and input to the process. He asked whether the group at this stage in the process felt that we were getting to a consensus stage on what needed to be done and how to proceed from here? He asked whether there was a “general consensus”.
 - The group noted that there was not a feeling that staff had recommended anything that would warrant a “DEQ your crazy” reaction but that any evaluation of “consensus or not” should probably wait until after the meeting on the 6th.
- Staff discussed the homework assignments that had been returned to date and reminded the group to return those assignments as soon as possible so that they can be incorporated into staff’s consideration of revisions. Most of what has been received to date contain a few edits and recommendations but have not indicated that staff was off-base with the proposed revisions.
- Melanie Davenport noted that staff feels that the proposals that we are making are for the better based on our experience but we don’t have your experience or your perspective. It is a matter of perspective – we want to make sure that we have not broken anything that is already working – that is not broken.
- Dave Davis told the group that we appreciate everyone’s work and comments and look forward to seeing everyone at the meeting on the October 6th here at the Piedmont Regional Office – ready to start work at 9:30 A.M.
- The group thanked staff for providing coffee and the treats for today’s meeting.

22. Meeting Adjournment:

The meeting was adjourned at approximately 1:55 P.M.