



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

www.deq.virginia.gov

Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

STATE WATER CONTROL BOARD MEETING

**GALLERY, COMMUNITY COLLEGE WORKFORCE ALLIANCE,
1651 EAST PARHAM ROAD, RICHMOND, VA 23228**

FRIDAY MARCH 25, 2022

Board Members Present:

Heather Wood, Chair
Lou Ann Jessee-Wallace, Vice Chair
Paula Hill Jasinski
Ryan C. Seiger
Jillian Cohen

Board Members Absent: none

Department of Environmental Quality:

Michael Rolband, Director
James Golden, DEQ
Melissa Porterfield
Rachael Harrell

1. The attached minutes summarize activities that took place at this Board Meeting.
2. The meeting convened at 10:35 a.m. and adjourned at 11:52 a.m.

*Approved Minutes No 1
June 22, 2022*



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON MARCH 25, 2022**

Minute No. 1- Minutes

The Board approved the minutes of the meeting held December 14, 2021.


Melissa S. Porterfield



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER
CONTROL BOARD AT ITS MEETING ON MARCH 25, 2022**

**MINUTE NO. 2 – Virginia Pollutant Discharge Elimination System General Permit for
Vehicle Wash Facilities and Laundry Facilities (9VAC25-194)**

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 Technical Advisory Committee membership. There was one public comment received during the Notice of Public Comment and Hearing from the City of Alexandria. Elleanore Daub from the Office of VPDES Permits presented the background, comment received, agency response, and a summary of changes to the regulation.

Board Decision

Based on the briefing material and the staff presentation, the Board unanimously adopted the amendments to the Virginia Pollutant Discharge Elimination System General Permit for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194). 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 black 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 MARCH 25, 2022**

**MINUTE NO. 3 – VPDES General Permit Regulation for Potable Water Treatment Plants
(9VAC25-860)**

Prior to the meeting the Board was provided materials including a briefing memo to the Board, which included a list of the technical advisory committee membership, the town hall agency background document, the regulation showing proposed amendments, and the permit fact sheet. Elleanore Daub, of the Office of VPDES Permits presented a summary of the significant proposed changes to the regulation.

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 amendments to the VPDES General Permit Regulation for Potable Water Treatment Plants, 9VAC25-860. The Board also authorized the staff to serve as hearing officer for the public hearing.

A handwritten signature in cursive script that reads "Melanie D. Davenport".

Melanie D. Davenport
Director, Water Permitting Division



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE
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**MINUTE NO. 4 – Virginia Pollutant Discharge Elimination System General Permit
Regulation for Discharges from Petroleum Contaminated Sites, Groundwater
Remediation, and Hydrostatic Tests (9VAC25-120)**

Prior to the meeting the Board was provided materials including a briefing memo to the Board, which included a list of the technical advisory committee membership, the regulation showing proposed amendments, and the town hall agency background document. The proposed amendments include expanding the scope of the permit to include post-construction dewatering, adding metals limitations, and updating the title of the regulation to Virginia Pollutant Discharge Elimination System General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests. Alison Thompson, from the Northern Regional Office, presented a summary of the significant proposed changes to the regulation.

Board Decision

Based on the briefing material and the staff presentation, the Board approved the staff recommendations to authorize a public comment period and public hearing for amendment and reissuance of the VPDES General Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation, and Hydrostatic Tests (9VAC25-120), and authorized the staff to serve as hearing officer for the public hearing, by an unanimous vote of 5 to 0.

A handwritten signature in cursive script that reads 'Melanie D. Davenport'.

Melanie D. Davenport
Director, Water Permitting Division



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Minute No. 5 – Withdrawal of Regulatory Actions

Ms. Porterfield presented the Board with information concerning outdated regulatory actions pertaining to Confined Animal Feeding Operations. Historically there have been many changes concerning the regulation of CAFOs made at the federal level that have required changes to the regulations at the state level. In some cases, DEQ staff initiated regulatory actions at the state level, followed by the federal regulations being further revised, and DEQ staff then initiated a new regulatory action to meet the requirements of the Administrative Process Act (2.2-4000 et seq.) and to conform with the applicable federal regulations. This led to the abandonment of some regulatory actions related to the - Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) that continue to be listed on the Virginia Regulatory Town Hall website. All necessary changes to the VPA Permit Regulation related to CAFOs have been processed using other regulatory actions. Withdrawal of outdated pending regulatory actions is now deemed appropriate.

Board Decision

Based on the information presented, the board voted unanimously (5-0, Wood, Wallace, Cohen, Jasinski, Seiger) by voice vote to withdraw the following regulatory actions:

9VAC25-32- Virginia Pollution Abatement- Fast-track Amendment to Conform the Regulation to Federal Regulation Amendments Concerning CAFOs (Town Hall action 1649).

9VAC25-32- Virginia Pollution Abatement Amendment to Conform the Regulation to Federal Regulation Amendments Concerning CAFOs (Town Hall action 1607).


Melissa S. Porterfield



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**MINUTE NO. 6 – Significant Noncompliance Report and Chesapeake Bay Preservation
Act Program Notices of Violation**

Tiffany Severs, DEQ Enforcement Division Director, informed the Board that there was one new facility reported to EPA on the Quarterly Noncompliance Report as being in significant noncompliance for the quarter ending September 30, 2021. The permittee reported was:

1. Huntington Ingalls Inc. for the Huntington Ingalls Inc.-Newport News Shipbuilding Division facility in Newport News, VA

Additionally, Tiffany informed the Board that DEQ did not issue any Notices of Violation to Chesapeake Bay Preservation Act Programs from November 11, 2021 to February 11, 2022.

The Board accepted the report.

A handwritten signature in black ink, appearing to read "T. Severs", written over a horizontal line.

Tiffany Severs
Director, Division of Enforcement



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MINUTE NO. 7 – VPDES and VWP Consent Special Order

Tiffany Severs, DEQ Enforcement Division Director, presented to the Board the Consent Order for Accomack County. The Board took a vote and unanimously approved the Order and further authorized the Department's Director to execute the Order on the Board's behalf and refer violations of the Order to the Office of the Attorney General for appropriate legal action.

A handwritten signature in black ink, appearing to read "T. Severs", written over a horizontal line.

Tiffany Severs
Director, Division of Enforcement



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Minute No. 8 - Future Meetings

The Board confirmed their next meeting date - June 22, 2022. Ms. Porterfield indicated she would be polling the board concerning their availability to attend a future meeting in August 2022.

A handwritten signature in cursive script that reads "Melissa S. Porterfield".

Melissa S. Porterfield



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Minute No. 9 – Division Director's Report

Jutta Schneider, Water Planning Division Director, provided an overview of Virginia's 2020 State Water Resources Plan. The State Plan analyzes existing and proposed water sources and current and future demand in the Commonwealth as well as potential cumulative impacts on water resources. The State Plan was released in January 2022 following a multi-year data analysis process and public comment period and is available on the DEQ web site.

A handwritten signature in cursive script that reads "Jutta Schneider".

Jutta Schneider



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MINUTE NO. 10 – Mountain Valley Pipeline-Update

Ms. Melanie D. Davenport provided an update on the Mountain Valley Pipeline (MVP) project. She discussed (i) the construction status of the project, (ii) significant field related events and (iii) compliance monitoring activities.

Ms. Davenport reported that the project has ceased all forward-progress activities. The active land-disturbing activities regulated by DEQ including clearing, grading and pipe trench excavation were halted for the winter and have not resumed. At this time, the project is in a relatively dormant stage with the main activities being inspection and maintenance of environmental controls, access roads and work spaces.

Ms. Davenport reported that since December 2021 DEQ has performed 49 site inspections. During this same period, DEQ received no complaints but did respond to a complaint forwarded from Franklin County. In early February, DEQ staff met with the complainant and Franklin County staff at the site of an old dam. Staff concluded that the issue with the existing dam was not a result of non-compliance by MVP. To follow up, DEQ contacted the Department of Conservation and Recreation, the state agency that regulates dam safety and compliance. DEQ forwarded a list of DCR recommended consultants qualified to address the issues of concern with the dam to the county.

Finally, Ms. Davenport updated the Board on a number of ongoing judicial challenges. She noted that in late December, environmental and community groups filed a petition with the 4th U.S. Circuit Court of Appeals, asking the court to review the State Water Control Board's December decision to approve the Virginia Water Protection permit. In January, a panel of the 4th Circuit Court vacated the project's authorization by the US Forest Service to cross the Jefferson National Forest. In February the same panel also vacated the Biological Opinion prepared by the U.S. Fish & Wildlife Service related to protection of endangered species. In

February, the U.S. Army Corps of Engineers said it will delay ruling on MVP's application to cross streams and wetlands until a Biological Opinion is approved. Early this month, MVP filed petitions with the Fourth Circuit asking the full Court to reconsider the decisions issued by the panel in January and February that vacated the Biological Opinion and authorization to cross the Jefferson National Forest.

MVP has communicated to FERC and to DEQ that it is committed to completing the project.

A handwritten signature in black ink that reads "Melanie D. Davenport". The signature is written in a cursive, flowing style.

Melanie D. Davenport
Director, Water Permitting Division



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Minute No. 11- Public Forum

Jessica Sims, Appalachian Voices, spoke during the public forum to express concern with potential water quality impacts from large scale copper, zinc, lead and gold mining activities that may occur in the future in Buckingham, Campbell, and Pittsylvania Counties. She requested DEQ review potential impacts to aquifers west of interstate 95, specifically in the Blue Ridge and Piedmont regions and the impacts to water resources, including drinking water resources along the gold pyrite belt due to the large scale mineral mining. She also requested the Board to consider removing MVP from future meeting agendas which would allow the public to address the Board on that topic during the public forum.


Melissa S. Porterfield