



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

Ann F. Jennings
Secretary of Natural and Historic Resources

David K. Paylor
Director
(804) 698-4000

STATE WATER CONTROL BOARD MEETING

TUESDAY, SEPTEMBER 28, 2021

Board Members Present:

Heather L. Wood, Chair
Lou Ann Jessee-Wallace, Vice-Chair
Timothy G. Hayes
Paula H. Jasinski
Jillian Cohen
Dr. Jack O. Lanier

Board Members Absent:

Ryan Seiger

Department of Environmental Quality:

David K. Paylor, Director

Cindy M. Berndt

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 2:00 p.m. and adjourned at 3:28 p.m.

*Approved Minute No. 2
December 14, 2021*



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER
CONTROL BOARD AT ITS MEETING ON SEPTEMBER 28, 2021**

MINUTE NO. 1 - Minutes

The Board approved the minutes of the meeting held on June 29, 2021.


Cindy M. Berndt
Cindy M. Berndt



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**MINUTE NO. 2 – VPDES General Permit Regulation for Vehicle Wash Facilities and
Laundry Facilities, 9VAC25-194**

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. Melanie Davenport, Director, Water Permitting Division 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 amendment and reissuance of the VPDES General Permit for the VPDES General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities, 9VAC25-194. The Board also authorized the staff to serve as hearing officer for the public hearing.

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

**Melanie D. Davenport, Director
Water Permitting Division**



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MINUTE 3 — Water Quality Standards Regulation - Triennial Review

Mr. Bryant Thomas, Office of Ecology Director, made a presentation to the Board pertaining to the mandatory triennial review of Virginia's water quality standards regulation (9 VAC 25-260), with a recommendation to issue the Notice of Public Comment on proposed amendments.

Mr. Thomas gave a background on actions to-date under the Triennial Review (TR) process, including:

- Notice of Intended Regulatory Action (NOIRA) publication on 3/1/2021
- Public comment period held from 3/1/2021 to 3/31/2021
- Formation of Regulatory Advisory Panel (RAP) which met 4 times between May 18, 2021, and June 30, 2021

Proposed amendments to the regulation were developed Based on public comment, RAP discussions and input from DEQ staff. The Board was informed that the Office of the Attorney General had certified their authority to propose the amendments.

Following brief discussion and a few general questions, the Board voted unanimously to approve these staff recommendations:

1. Authorize staff to proceed to public comment with proposed amendments to the Water Quality Standards Regulation, 9 VAC 25-260, developed during Triennial Review to include changes noted in the errata, and
2. Convene at least one public hearing on the proposed amendments with a Board member serving as hearing officer.


Jutta Schneider
Water Planning Division Director



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**MINUTE NO. 4 – Significant Noncompliance Report and Chesapeake Bay Preservation
Act Program Notices of Violation**

Tiffany Severs, DEQ Enforcement Division Director, informed the Board that there were two new facilities reported to EPA on the Quarterly Noncompliance Report as being in significant noncompliance for the quarter ending March 31, 2021. The permittees reported were:

1. Mohawk Industries Inc. for the Mohawk Industries Facility in Rockbridge County, VA
2. US Army for the Radford Ammunition Plant in Radford, VA

Additionally, Tiffany informed the Board that DEQ issued a Notice of Violation to the City of Petersburg for its Chesapeake Bay Preservation Act Program on June 11, 2021 and entered into a Corrective Action Agreement with the City on August 17, 2021.

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. 5 – VPDES AND VWPP Program Consent Special Orders

Tiffany Severs, DEQ Enforcement Division Director, presented to the Board the Consent Orders for Middle Mile Infrastructure, LLC, Stephenson Associates, LC, and 6801 Woolridge Road – Moseley LP. The Board took a vote and unanimously approved the Orders and further authorized the Department's Director to execute the Orders on the Board's behalf and refer violations of the Orders 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. 6- Future Meetings

The Board confirmed December 14, 2021, as the date of their next meeting.


Cindy M. Berndt
Cindy M. Berndt



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MINUTE 7 – Clean Water Financing and Assistance Program – Program Update

David Paylor, DEQ Director, made a presentation to the Board based on a memorandum dated August 26, 2021. The memorandum provided a Clean Water Financing and Assistance Program update for information only.

The update referenced the Alexandria Combined Sewer Overflow (CSO) project. Director Paylor explained that the 2021 General Assembly authorized \$25 million in bond proceeds through the Department of Environmental Quality to the state's CSO Fund to provide a \$25 million grant to the City of Alexandria to pay a portion of the capital costs for their CSO project. A grant agreement has been executed to establish the grant recipient as the City of Alexandria and the grant user as Alexandria Renew Enterprises, which serves as the sanitation authority for the City. The Program will proceed with the disbursement of the grant funds in the amount of \$25 million for the Alexandria CSO project.

A handwritten signature in cursive script that reads "Valerie Thomson".

Valerie Thomson
Director of Administration



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MINUTE 8 – FY 2022 VCWRLF Southwest Virginia Pilot Program Funding Authorizations

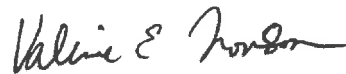
David Paylor, DEQ Director, made a presentation to the Board based on a memorandum dated August 26, 2021. The memorandum identified the funding amounts for 16 Southwest Virginia Pilot Program projects being recommended by staff for FY 2022 Virginia Clean Water Revolving Loan Fund (the Fund) assistance.

Director Paylor provided a brief overview of the Southwest Virginia Pilot Program and explained that these projects were being brought to the Board ahead of the full FY 2022 project list to ensure the project work is completed during dry weather months. He then summarized the FY 2022 application process for 16 projects targeted for a total of \$1,141,125 in assistance from the Fund. He explained that meetings were held with all of the potential FY 2022 Southwest Virginia Pilot Program funding recipients to verify the schedules and financial data used to evaluate the local impact and that staff had completed its eligibility determination for the projects. He stated that a public meeting on the proposed funding list was held on August 20, 2021 and no comments were received.

Board Decision: The Board voted unanimously to authorize the execution of funding agreements for the applicants and principal forgiveness amounts listed below.

FY 2022 VCWRLF Project List - Southwest Virginia Pilot Program Projects

	Applicant	Project Type	Funding Amount
1	Dickenson County Public Service Authority	SSES	\$67,500
2	Town of Tazewell	SSES	\$75,000
3	Town of Marion	SSES	\$52,500
4	Lee County Public Service Authority	SSES	\$75,000
5	Town of Saltville	SSES	\$75,000
6	Town of St. Paul	SSES	\$75,000
7	Town of Chilhowie	SSES	\$64,125
8	Town of Lebanon	SSES	\$75,000
9	Town of Rural Retreat	SSES	\$75,000
10	Town of Richlands	SSES	\$75,000
11	Town of Cedar Bluff	SSES	\$57,000
12	Town of Abingdon	SSES	\$75,000
13	Smyth County	SSES	\$75,000
14	Town of Honaker	SSES	\$75,000
15	Town of Pennington Gap	SSES	\$75,000
16	City of Norton	SSES	\$75,000
	TOTAL		\$1,141,125



Valerie Thomson
 Director of Administration



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MINUTE NO. 9 – Mountain Valley Pipeline - Update

Melanie Davenport, Director, Water Permitting Division provided a regular update on the status of Mountain Valley Pipeline (MVP). She reported that MVP had stopped forward progress work in advance of and after named storms Fred and Ida and other severe un-named storms. She also noted that all spreads will stop forward progress and focus on maintenance of controls beginning mid-October.

She reported that a significant number of complaints were received regarding ongoing work in the Bent Mountain area. The complaints covered blasting and unauthorized work in wetlands and streams. DEQ conducted several investigations and found: work was performed in accordance with the approved plans; work did not take place in unpermitted areas; no impacts were observed to water resources and there were no complaints of actual impacts from work conducted.

Finally, Ms. Davenport summarized recent FERC activity related to a requested project amendment. MVP has asked FERC to amend its project to change crossing methods from open cut to trenchless in certain waterbodies and wetlands in VA and WV and execute two minor route adjustments to avoid wetlands and waterbodies. FERC conducted an Environmental Assessment of project and concluded approving the amended project would not constitute a major federal action significantly affecting the quality of the human environment. At the meeting, Ms. Davenport misspoke and reported that FERC had amended MVP's Certificate of Public Convenience and Necessity.

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

Melanie D. Davenport
Director, Division of Water Permitting



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MINUTE 10 — Division Director's Report

Ms. Jutta Schneider, Director of DEQ's Water Planning Division, provided the Board with an update about three individual groundwater withdrawal permits that were appealed following the Board's approval of the permits with modification on December 13, 2019. A hearing on the appeal has been scheduled for October 18, 2021 in Richmond Circuit Court.

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

Jutta Schneider
Water Planning Division Director



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MINUTE NO. 11 - Public Forum

The following persons appeared during the public forum: Jessica Sims, Joshua Vanna and Tammy Belinsky.

Speakers commented on the need for (i) a virtual/hybrid option for public meetings and public hearings, (ii) independent counsel for the Board, and (iii) processes that are more responsive to the public.


Cindy M. Berndt