



*Commonwealth of Virginia*

*VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY*

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Travis A. Voyles  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

**STATE WATER CONTROL BOARD MEETING**

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

**TUESDAY JUNE 25, 2024**

**Board Members Present:**

Lou Ann Jessee-Wallace, Chair  
Scott Cameron, Vice-chair  
Tommy Branin  
Robert Dunn  
Jerry Kilgore  
Michelle Johnson

**Board Members Absent:**

Ryan Seiger

**Department of Environmental Quality:**

Michael Rolband, Director  
Melissa Porterfield  
Sam Jasinski

**Office of the Attorney General:**

Ross Phillips, Assistant Attorney General/Chief

1. The attached minutes summarize activities that took place at this Board Meeting.
2. The meeting convened 10:05 a.m. and adjourned at 12:29 p.m.



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
AT ITS MEETING ON JUNE 25, 2024**

**Minute No. 1- Election of vice chair and review and approval of Minutes**

The Board elected Scott Cameron Vice-chair by a vote of (6-0). The Board also approved the minutes of the meeting held February 23, 2024, by a vote of (6-0).

  
Melissa S. Porterfield



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON JUNE 25, 2024**

**Minute No. 2- Final Exempt- Virginia Erosion and Stormwater Management Regulation (9VAC25-875)- Amendment to the Virginia Erosion and Stormwater Management Regulation (9VAC25-875 et seq.) in response to Chapters 5 (SB365) and 104 (HB656) of the 2024 Virginia Acts of Assembly**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Dr. Scott Morris, Director of the Water Division, presented a summary of the proposed changes to the regulation. Dr. Morris conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

Board member Michelle Johnson submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating on this agenda item. She indicated she has a personal interest affected by the transactions being considered because of her employment as County Administrator of Charles City County.

Charles City County, like other Virginia localities, holds a VPDES permit and groundwater withdrawal permits, administers a Virginia Stormwater Management Program, a Virginia Erosion and Sediment Control Program (VЕСP), and is subject to the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area Designation and Management Regulations, Sewage Collection and Treatment Regulations, and Water Quality Standards Specific to the Chesapeake Bay and Its Tidal Tributaries. Ms. Johnson stated she was able to participate in the transaction fairly, objectively, and in the public interest.

**Board Decision:**

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Kilgore, Wallace) to adopt the Amendments to the Virginia Erosion and Stormwater Management Regulation and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in black ink, appearing to read 'Scott Morris'.

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**Scott Morris**  
**Director, Water Division**



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON JUNE 25, 2024**

**Minute No. 3- Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31), Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32), Sewage Collection and Treatment Regulations (9VAC25-790) - Amendments to licensed operator requirements in response to Chapter 178 (HB220) of the 2024 Virginia Acts of Assembly**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Dr. Scott Morris, Director of the Water Division, presented a summary of the proposed changes to the regulation. Dr. Morris conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

Board member Michelle Johnson submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating on this agenda item. She indicated she has a personal interest affected by the transactions being considered because of her employment as County Administrator of Charles City County.

Charles City County, like other Virginia localities, holds a VPDES permit and groundwater withdrawal permits, administers a Virginia Stormwater Management Program, a Virginia Erosion and Sediment Control Program (VESCP), and is subject to the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area Designation and Management Regulations, Sewage Collection and Treatment Regulations, and Water Quality Standards Specific to the Chesapeake Bay and Its Tidal Tributaries. Ms. Johnson stated she was able to participate in the transaction fairly, objectively, and in the public interest.

**Board Decision:**

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Kilgore, Wallace) to adopt the Amendments to the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31), Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32), and Sewage Collection and Treatment Regulations (9VAC25-790) and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in black ink, appearing to read "Scott Morris".

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**Scott Morris**  
**Director, Water Division**



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON JUNE 25, 2024**

**Minute No. 4- Final Exempt- Virginia Water Protection Permit Program Regulation (9VAC25-210) and the Groundwater Withdrawal Regulations (9VAC25-610) – Amendments in response to Chapter 251 (SB581) of the 2024 Virginia Acts of Assembly**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Dr. Scott Morris, Director of the Water Division, presented a summary of the proposed changes to the regulation. Dr. Morris conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

Board member Michelle Johnson submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating on this agenda item. She indicated she has a personal interest affected by the transactions being considered because of her employment as County Administrator of Charles City County.

Charles City County, like other Virginia localities, holds a VPDES permit and groundwater withdrawal permits, administers a Virginia Stormwater Management Program, a Virginia Erosion and Sediment Control Program (VЕСP), and is subject to the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area Designation and Management Regulations, Sewage Collection and Treatment Regulations, and Water Quality Standards Specific to the Chesapeake Bay and Its Tidal Tributaries. Ms. Johnson stated she was able to participate in the transaction fairly, objectively, and in the public interest.

**Board Decision:**

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Kilgore, Wallace) to adopt the amendments to the Virginia Water Protection Permit Program Regulation (9VAC25-210) and the Groundwater Withdrawal Regulations (9VAC25-610) and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in black ink, appearing to read "Scott Morris".

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**Scott Morris**  
**Director, Water Division**



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON JUNE 25, 2024**

**Minute No. 5- Final Exempt- Citation corrections in response to codification of Virginia Erosion and Stormwater Management Regulation (9VAC25-875) and changes to the Code of Virginia in response to Chapters 68 and 758 of the 2016 Acts of Assembly becoming effective July 1, 2024**

The following regulations are being amended as part of this regulatory action:

- Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Seafood Processing Facilities (9VAC25-115)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (9VAC25-151)
- Virginia Water Protection Permit Regulation (9VAC25-210)
- Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s) (9VAC25-890)
- Certification of Nonpoint Source Nutrient Credits (9VAC25-900)

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Dr. Scott Morris, Director of the Water Division, presented a summary of the proposed changes to the regulation. Dr. Morris conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code §§ 2.2-4006(A)(3) and 2.2-4006(A)(4)(a).

Board member Michelle Johnson submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating on this agenda item. She indicated she has a personal interest affected by the transactions being considered because of her employment as County Administrator of Charles City County.

Charles City County, like other Virginia localities, holds a VPDES permit and groundwater withdrawal permits, administers a Virginia Stormwater Management Program, a Virginia Erosion and Sediment Control Program (VESCP), and is subject to the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area Designation and Management Regulations, Sewage Collection and Treatment Regulations, and Water Quality Standards Specific to the Chesapeake Bay and Its Tidal Tributaries. Ms. Johnson stated she was able to participate in the transaction fairly, objectively, and in the public interest.

**Board Decision:**

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Kilgore, Wallace) to adopt the amendments to the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31), Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Seafood Processing Facilities (9VAC25-115), Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (9VAC25-151), Virginia Water Protection Permit Regulation (9VAC25-210), Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830), Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s) (9VAC25-890), and Certification of Nonpoint Source Nutrient Credits (9VAC25-900), and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.



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**Scott Morris**  
**Director, Water Division**



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER  
CONTROL BOARD AT ITS MEETING ON JUNE 25, 2024**

**MINUTE NO. 6 – Water Quality Management Planning Regulation (9VAC25-720)  
Amendments – Adoption of ten new wasteload allocations**

Justin Williams, Manager, Office of Watershed and Local Government Assistance Programs, presented an amendment to the Water Quality Management Planning Regulation to adopt ten new waste load allocations for Board approval.

The proposed actions pertain to water bodies in the James River Basin and Rappahannock River Basin:

1. Six new waste load allocations for sediment in for Bailey Creek, Nuttree Branch, Oldtown Creek, Proctors Creek, Rohoic Creek, and Swift Creek and three new waste load allocations for phosphorus for Oldtown Creek, Rohoic Creek, and Swift Creek located in Chesterfield, Dinwiddie, and Prince George counties and cities of Hopewell, Colonial Heights, and Petersburg.
2. One new waste load allocation for polychlorinated biphenyls in Mountain Run located in Culpepper County, Virginia.

**Board Decision:**

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Kilgore, Wallace) to adopt the Water Quality Management Planning Regulation amendments and affirm that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in black ink that reads 'Elizabeth McKercher'.

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Elizabeth McKercher, Director  
Water Planning Division





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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
AT ITS MEETING ON June 25, 2024**

**MINUTE NO. 7 – Final regulation - Reissuance of Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management (9VAC25-192)**

Prior to the meeting, the Board was provided materials including a briefing memo which included the regulation showing the final amendments, a list of the technical advisory committee membership, the town hall agency background document, and the Office of Regulatory Management Economic Review Form.

Betsy Bowles, the State Animal Feeding Operations Program Coordinator with the Office of Land Application Programs presented the final amendments to the VPA Regulation and General Permit for Animal Waste Management (9VAC25-192), which will expire on November 15, 2024. Ms. Bowles presented a summary of comments received, the changes made since the proposed stage, and reasons the agency did not make changes based on comments that requested further changes. The VPA Regulation and General Permit governs the pollutant management activities of animal wastes at animal feeding operations not covered by a Virginia Pollutant Discharge Elimination System permit and animal waste utilized or stored by animal waste end-users.

Prior to the Board hearing the staff recommendation, two commenters (Tony Banks, VA Farm Bureau Federation and Patrick Fanning, Chesapeake Bay Foundation) spoke to the Board.

**Board Decision**

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the final amendments to the VPA Regulation and General Permit for Animal Waste Management (9VAC25-192), as presented, and affirm they will receive, consider, and respond to petitions by any person at any time with respect to reconsideration or revision of the regulation, as provided by the Administrative Process Act.

A handwritten signature in cursive script, appearing to read "Scott Morris".

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Scott Morris  
Director, Water Division



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
AT ITS MEETING ON JUNE 25, 2024**

**MINUTE NO. 8 - Fast Track Regulation - Water Quality Standards - Modification of  
Implementation Requirements for Criteria Specific to the Chesapeake Bay and Its Tidal  
Tributaries (9VAC25-260-185)**

Mr. Bryant Thomas, Manager of the Office of Ecology, made a presentation to the Board pertaining to criteria implementation language in Virginia's Water Quality Standards (9VAC25-260).

Mr. Thomas described the Chesapeake Bay criteria implementation section (9VAC25-260-185.D.3), which contains language that specifies that Chesapeake Bay criteria should be assessed using the cumulative frequency distribution method. He described limitations of using this one method.

Mr. Thomas discussed the proposed amendment, which would allow the use of the current assessment method as well as other scientifically defensible methods. The change will provide greater flexibility for implementation and allow better use of existing datasets.

Mr. Thomas explained that this amendment is being proposed through a Fast Track rulemaking because it is considered non-controversial.

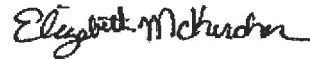
Board member Michelle Johnson submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating on this agenda item. She indicated she has a personal interest affected by the transactions being considered because of her employment as County Administrator of Charles City County.

Charles City County, like other Virginia localities, holds a VPDES permit and groundwater withdrawal permits, administers a Virginia Stormwater Management Program, a Virginia Erosion and Sediment Control Program (VESCP), and is subject to the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area Designation and Management Regulations, Sewage Collection and Treatment Regulations, and Water Quality Standards Specific to the Chesapeake Bay and Its Tidal Tributaries. Ms. Johnson stated she was able to participate in the transaction fairly, objectively, and in the public interest.

## Board Decision

Based on the briefing material and staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Kilgore, Wallace) to approve the following actions:

1. Authorized the Department to promulgate the proposed amendment to 9 VAC 25-260-185.D.3 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's authorization constitutes its adoption of 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 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) DEQ does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal.
2. Authorized the Department to 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.



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Elizabeth McKercher, Director  
Water Planning Division



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON JUNE 25, 2024**

**Minute No. 9- Fast Track Regulation- Virginia Erosion and Stormwater Management Regulation (9VAC25-875) - Amend and update the Virginia Runoff Reduction Method, total phosphorus load of new development projects, best management practices for water quality compliance, and other technical corrections**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation, the town hall agency background document, and the Office of Regulatory Management Economic Review Form. Rebeccah Rochet, Deputy Director of the Division of Water Permitting, Central Office, presented a summary of the proposed changes to the regulation.

Board member Michelle Johnson submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating on this agenda item. She indicated she has a personal interest affected by the transactions being considered because of her employment as County Administrator of Charles City County.

Charles City County, like other Virginia localities, holds a VPDES permit and groundwater withdrawal permits, administers a Virginia Stormwater Management Program, a Virginia Erosion and Sediment Control Program (VESCP), and is subject to the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area Designation and Management Regulations, Sewage Collection and Treatment Regulations, and Water Quality Standards Specific to the Chesapeake Bay and Its Tidal Tributaries. Ms. Johnson stated she was able to participate in the transaction fairly, objectively, and in the public interest.

**Board Decision:**

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously to authorize DEQ to 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 and authorized DEQ to set a delayed effective date of July 1, 2025 after the 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) DEQ does not find it necessary to make any changes to the proposal.

A handwritten signature in black ink, appearing to read 'Rebeccah Rochet'.

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**Rebeccah Rochet**  
**Deputy Director, Water Permitting Division**



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON JUNE 25, 2024**

**Minute No. 10- Fast Track Regulation- Virginia Erosion and Stormwater Management Regulation  
(9VAC25-875) - Technical Corrections**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation, the town hall agency background document, and the Office of Regulatory Management Economic Review Form. Rebecca Rochet, Deputy Director of the Division of Water Permitting, Central Office, presented a summary of the proposed changes to the regulation.

Board member Michelle Johnson submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating on this agenda item. She indicated she has a personal interest affected by the transactions being considered because of her employment as County Administrator of Charles City County.

Charles City County, like other Virginia localities, holds a VPDES permit and groundwater withdrawal permits, administers a Virginia Stormwater Management Program, a Virginia Erosion and Sediment Control Program (VESCP), and is subject to the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area Designation and Management Regulations, Sewage Collection and Treatment Regulations, and Water Quality Standards Specific to the Chesapeake Bay and Its Tidal Tributaries. Ms. Johnson stated she was able to participate in the transaction fairly, objectively, and in the public interest.

**Board Decision:**

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously to authorize DEQ to 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 and authorized DEQ to set an effective date of 15 days after the 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) DEQ does not find it necessary to make any changes to the proposal.

A handwritten signature in cursive script, appearing to read "Rebecca Rochet".

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**Rebecca Rochet**  
**Deputy Director, Water Permitting Division**



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON JUNE 25, 2024**

**MINUTE NO. 11- Proposed Regulation - Water Quality Standards (9VAC-25-260) -  
Rulemaking to adopt site specific selenium aquatic life criteria for four streams which are  
tributaries to Knox Creek in Buchanan County**

Mr. Bryant Thomas, Manager of the Office of Ecology, made a presentation regarding proposed site-specific aquatic life selenium criteria for four streams in Buchanan County. Adoption of the proposed criteria was requested through a petition by Clintwood JOD, LLC (CJOD). Specifically, the petitioner has requested the Board to amend the Virginia Water Quality Standards regulation (9VAC25-260 et. Seq.) to include the 2016 U.S. Environmental Protection Agency (EPA) recommended selenium water quality criterion for protection of aquatic life for four (4) specific streams, and their tributaries, in Buchanan County. Mr. Thomas provided to the Board a summary of background information regarding selenium sources, uses, and effects on aquatic life. Mr. Thomas then provided a summary of the rulemaking actions that have been taken for the proposed amendment, which include the publication of a Notice of Intended Regulatory Action from February 26 to March 27, 2024 and a Regulatory Advisory Panel meeting held in Grundy, VA on April 24, 2024.

Mr. Thomas provided an overview of the proposed criteria, explaining that their unique fish tissue expression and hierarchical nature makes implementation more challenging than other aquatic life criteria.

**Board Decision**

Based on the briefing material and staff presentation, a vote was taken, and the Board unanimously (6-0, Branin, Cameron, Dunn, Johnson, Kilgore, Wallace) approved staff recommendation to proceed to public comment on the proposed amendments to 9VAC25-260 regarding site-specific selenium criteria for the streams identified in the Knox Creek drainage in Buchanan County.

A handwritten signature in black ink that reads "Elizabeth McKercher".

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Elizabeth McKercher, Director  
Water Planning Division



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
AT ITS MEETING ON JUNE 25, 2024**

**Minute No. 12 – Proposed Regulation – Sewage Collection and Treatment Regulations (9VAC25-790) – Amendment to include a reporting requirement for all septic systems taken off-line and connected to sewerage systems.**

Prior to the meeting the Board was provided materials including a briefing memo which included a list of the regulatory advisory panel membership, the regulation showing proposed amendments, and the town hall agency background document. Joseph Bryan from the Office of VPDES Permits, Central Office, presented a summary of the significant proposed changes to the regulation.

Board member Michelle Johnson submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating on this agenda item. She indicated she has a personal interest affected by the transactions being considered because of her employment as County Administrator of Charles City County.

Charles City County, like other Virginia localities, holds a VPDES permit and groundwater withdrawal permits, administers a Virginia Stormwater Management Program, a Virginia Erosion and Sediment Control Program (VESCP), and is subject to the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area Designation and Management Regulations, Sewage Collection and Treatment Regulations, and Water Quality Standards Specific to the Chesapeake Bay and Its Tidal Tributaries. Ms. Johnson stated she was able to participate in the transaction fairly, objectively, and in the public interest.

**Board Decision**

Based on the briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Kilgore, Wallace) to approve the draft amendments to the Sewage Collection and Treatment Regulations (9VAC25-790) as a proposed regulation and to proceed with public comment.

A handwritten signature in black ink, appearing to read 'Scott Morris'.

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**Scott Morris**  
**Director, Water Division**



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER  
CONTROL BOARD AT ITS MEETING ON JUNE 25, 2024

**MINUTE NO. 13 – Petition for Rulemaking – Petition for establishment of a regulation or policy interpreting the definition of nontidal wetland under 9VAC25-830-40, 9VAC25-830-80, and Fairfax County Ordinance 118-6-1(Q)**

Justin Williams, Manager, Office of Watershed and Local Government Assistance Programs, presented a Petition for Rulemaking for Establishment of a Regulation or Policy Interpreting the Definition of a Nontidal Wetland Under 9VAC25-830-40, 9VAC25-830-80, and Fairfax County Ordinance 118-6-1(q)

Prior to the meeting the Board was provided materials including a briefing memo which contained a copy of the petition and a summary of comments received during the petition comment period. The Board was presented an overview of the petition, a summary of comments received, and a discussion of the applicability of federal and state laws and regulations.

Board member Michelle Johnson submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating on this agenda item. She indicated she has a personal interest affected by the transactions being considered because of her employment as County Administrator of Charles City County.

Charles City County, like other Virginia localities, holds a VPDES permit, and groundwater withdrawal permits, administers a Virginia Stormwater Management Program, a Virginia Erosion and Sediment Control Program (VESCP), and is subject to the Chesapeake Bay Preservation Act, Chesapeake Bay Preservation Area Designation and Management Regulations, Sewage Collection and Treatment Regulations, and Water Quality Standards Specific to the Chesapeake Bay and Its Tidal Tributaries. She stated she was able to participate in the transaction fairly, objectively, and in the public interest.

**Board Decision:**

Based on the briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Kilgore, Wallace) to not initiate a rulemaking in response to the petition.

A handwritten signature in black ink that reads "Elizabeth McKercher".

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Elizabeth McKercher, Director  
Water Planning Division





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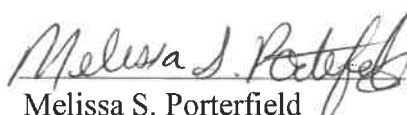
Travis A. Voyles  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON JUNE 25, 2024**

**Minute No. 14- Update on 9VAC15-60 in response to HB206**

Director Rolband provided the Board with an update on an amendment to an agency regulation-9VAC15-60. Director Rolband informed the Board that this regulation is currently undergoing executive review by the Department of Planning and Budget.

  
Melissa S. Porterfield



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
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**Minute No. 15-** Report to the Board Regarding Controversial Permits- Prince Edward County Virginia Water Protection (VWP) No. 21-1912, Sandy River Reservoir and AdvanSix Resins and Chemicals LLC - Hopewell Virginia; Virginia Pollutant Discharge Elimination System Permit - VA0005291.

In accordance with § 10.1-1184.1.B of the Code of Virginia, Dr. Scott Morris provided the Controversial Permit Report to the Board. The report included each permit number, actions taken prior to the board meeting, location of the facilities and outfalls, summary of comments received, actions taken by the Department, and the schedule for the final action to be taken by the Department. The Board was provided the opportunity to respond to the Department's presentation and provide commentary regarding the permits.

A handwritten signature in cursive script, appearing to read "Scott Morris".

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**Scott Morris**  
**Director, Water Division**



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AT ITS MEETING ON JUNE 25, 2024**

**Minute No. 16: Mountain Valley Pipeline – Update**

Ms. Davenport presented an update on the status of the project and noted that the pipeline was placed in service on June 14, 2024. She also provided an overview of compliance activities and stipulated penalties for the period of September 11, 2023 through March 10, 2024. Finally, she updated the Board on the resolution of the Sinking Creek sediment issue and the hydrostatic testing break.

  
Melanie D. Davenport



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
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**Minute No. 17- Future Meeting Date**

No future meeting dates were confirmed for the Board at this meeting.

  
Melissa S. Porterfield



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
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**Minute No. 18- Public Forum**

Jessica Sims, Appalachian Voices, spoke during the public forum to express concerns about the Southgate Pipeline Extension through Pittsylvania County. She expressed concerns with impacts in the Dan River basin. She requested public engagement on this project and a full review of the project. Joshua Vana, Artivism Virginia, spoke to the Board about concerns with an unnamed project.

  
Melissa S. Porterfield