



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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### STATE WATER CONTROL BOARD MEETING

FRIDAY, FEBRUARY 26, 2021

### ELECTRONIC COMMUNICATION MEETING

Board Members Present:

Heather L. Wood, Chair  
Lou Ann Jessee-Wallace, Vice-Chair  
Timothy G. Hayes  
James A. Lofton  
Paula H. Jasinski  
Jillian Cohen  
Ryan Seiger

Board Members Absent: None

Department of Environmental Quality:

David K. Paylor, Director  
Debra A. Harris  
Jaime Robb

Cindy M. Berndt  
Melanie D. Davenport

Attorney General's Office:

David C. Grandis, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 10:00 a.m., recessed at 12:00 p.m., reconvened at 12:10 p.m., recessed at 1:26 p.m., reconvened at 2:05 p.m., and adjourned at 7:32 p.m.
- 3) The Board convened the meeting electronically, consistent with Governor Ralph Northam's Executive Order No. 51 (2020), Item 4-0.01 g of Chapter 1289 of the 2020 Acts of Assembly and the applicable provisions of § 2.2-3708.2 of the Freedom of Information Act. The meeting was necessary for the Board to discharge its lawful purposes, duties, and responsibility; but it is impracticable or unsafe for the Board to assemble in a single location due to the declaration of a state of emergency for COVID-19. A roll call vote was performed for all votes taken during the meeting.

Approved Minutes No. 1  
April 14, 2021



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Regional Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS  
MEETING ON FEBRUARY 26, 2021**

**Minute No. 1 – Virginia Water Protection Individual Permit No. 19-2036, Wegmans Distribution Center, Wegmans Food Markets, Inc.**

At the commencement of the meeting, Melanie Davenport, Water Permitting Division Director, made a presentation on statutory and regulatory requirements of the Virginia Water Protection (VWP) Permit Program.

Following the program presentation, DEQ staff made a presentation for the issuance of the Virginia Water Protection (VWP) Individual Permit for the Wegmans Distribution Center project (VWP Permit No. 19-2036). The project consists of constructing a grocery distribution center with associated support facilities on a 219 acre parcel in Hanover County, Virginia. The permit authorizes the total impact of 14.85 acres of surface waters, consisting of 14.82 acres of permanent impacts and 0.03 acres of temporary impacts.

Staff briefed the Board on the proposed permitting action and provided a summary of the most pertinent areas of concern received during the public hearing and public comment period and staff responses to comments.

After staff's presentation, the Board heard from the following individuals:

- John Lain and Dan Aken (representing the applicant)
- Todd Miller and Tom Walker (US Army Corps of Engineers)
- Delegate Elizabeth Guzman
- Sara Blose
- Chris French
- Rod Morgan
- Brett Blose
- Weedon Cloe
- Jonathan Gendzier
- Kathy Woodcock
- Charles Morris
- Pat Jordan
- Diane Drake
- Deshanda Artis
- Atanya Lewis
- Bonnica Cotman
- Renada Harris
- Jeff Hetzer

- Shanda Miller
- Gustavo Angeles
- Michael Fenster
- Melvinia Wilson
- Mary Jones
- Lakshmi Fjord
- Lisa Eget
- John DuMont
- Fionmuala Fisk
- Erica Yalowitz
- Ankur Bhaskar
- Rashad Pearson
- Brian Buniva

Following comments of the individuals noted above, the applicant's representatives responded to several questions from the Board. Staff then made the following recommendation:

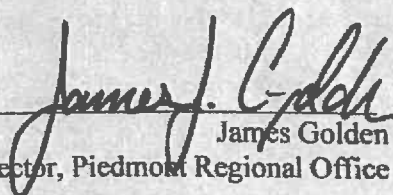
Based on the (i) Board book material, (ii) public comments made available to the Board and any explanation of comments previously received during the public comment period made at the Board meeting, (iii) public comments made at the Board meeting, (iv) staff presentation, (v) Board discussions, and (vi) agency files on the draft permit:

1. Find that:
  - a. The permit has been prepared in conformance with all applicable statutes, regulations, and agency practices;
  - b. The proposed activity is consistent with the provisions of the Clean Water Act and State Water Control Law and will protect instream beneficial uses;
  - c. The proposed permit addresses avoidance and minimization of surface water impacts to the maximum extent practicable;
  - d. The effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to significant impairment of state waters or fish and wildlife resources;
  - e. The proposed permit conditions are sufficient to achieve no net loss of wetland acreage and function through compensatory mitigation; and
  - f. The permit is designed to prevent unpermitted impacts.
2. Approve the permit and conditions as contained in the Board book.
3. Authorize the Director to issue the permit as approved by the Board.

After hearing the staff recommendation, a motion was made and seconded to approve staff recommendations.

#### **Board Decision**

The Board, based on the Board book material and presentation at the meeting, voted 4-3 in favor of staff's recommendation. Results of the roll call vote were: Wood, Wallace, Hayes and Seiger voted Aye; Lofton, Jasinski and Cohen voted Nay.

  
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 James Golden  
 Director, Piedmont Regional Office