



Meeting minutes approved- Minute #1 of
March 23, 2023 State Water Control
Board meeting

Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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

P.O. Box 1105, Richmond, Virginia 23218

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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**

TUESDAY NOVEMBER 29, 2022

Board Members Present:

Heather Wood, Chair
Lou Ann Jessee-Wallace, Vice Chair
Scott Cameron
Jillian Cohen
Robert Dunn
Jerry Kilgore
Ryan C. Seiger

Board Members Absent:

none

Department of Environmental Quality:

Michael Rolband, Director
Melissa Porterfield
Rachael Harrell

Office of the Attorney General:

Eric Lansing

1. The attached minutes summarize activities that took place at this Board Meeting.
2. The meeting convened at 10:32 a.m. and adjourned at 1:04 p.m.



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON NOVEMBER 29, 2022**

Minute No. 1- Minutes

The Board approved the minutes of the meeting held August 25, 2022 by a vote of (7-0).


Melissa S. Porterfield



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE
WATER CONTROL BOARD AT ITS MEETING ON NOVEMBER 29, 2022**

MINUTE NO. 2 – Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less (9VAC25-196)

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

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to approve the final regulation and to receive, consider, and respond to any petitions by any person at any time with respect to reconsideration or revision of this regulation, as provided by the Administrative Process Act.

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

A. Scott Morris
Director, Water Division



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**MINUTE NO. 3 – Virginia Pollutant Discharge Elimination System (VPDES) General
Permit for Potable Water Treatment Plant (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 regulation showing final amendments, fact sheet, Town Hall Agency Background document (TH09) and the Office of Regulatory Management's Interim Economic Impact form. Eleanore Daub, from the Office of VPDES Permits, presented background information, including a comment received from EPA, and significant 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 Potable Water Treatment Plants (9VAC25-860). 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 cursive script, appearing to read "Scott Morris".

Scott Morris
Director, Water Division



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**MINUTE NO. 4 - Virginia Pollutant Discharge Elimination System (VPDES) General
Permit for Concrete Products Facilities (9VAC25-193)**

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, proposed fact sheet, Town Hall Agency Background document (TH08) and the Office of Regulatory Management Interim Economic Impact form. Elleanore Daub, from the Office of VPDES Permits, presented a summary of the Notice of Intended Regulatory Action comments received and 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 Concrete Products Facilities, 9VAC25-193. The Board also authorized the staff to serve as hearing officer for the public hearing.

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

Scott Morris
Director, Water Division



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**MINUTE NO. 5 - Virginia Pollutant Discharge Elimination System (VPDES) General
Permit for Small Municipal Separate Storm Sewer Systems (9VAC25-890)**

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, proposed fact sheet, Town Hall Agency Background document (TH08) and the Office of Regulatory Management Interim Economic Impact form. Derick Winn, from the Office of VPDES Permits, presented a summary of the Notice of Intended Regulatory Action and 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 Small Municipal Separate Storm Sewer Systems, 9VAC25-890. The Board authorized the Town Hall posting to directly solicit comments on the removal of sediment reduction requirements from the Chesapeake Bay TMDL special condition. The Board also authorized the staff to serve as hearing officer for the public hearing.

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

Scott Morris
Director, Water Division



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE
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**MINUTE NO. 6 – PROPOSED ACTION - WATER AUDIT AND LEAK DETECTION
AND REPAIR PLAN AMENDMENTS TO THE VIRGINIA WATER PROTECTION
PERMIT PROGRAM REGULATION (9 VAC 25-210) AND THE GROUNDWATER
WITHDRAWAL REGULATION (9 VAC 25-610)**

Scott Kudlas, of the Office of Water Supply, presented a summary of the background, regulatory process and the proposed amendments to the Virginia Water Protection Permit Program Regulation (9 VAC 25-210) and the Groundwater Withdrawal Regulation (9 VAC 25-610). The proposed amendments were developed in response to the directive created by Chapter 100 (SB 1291) of the 2021 Special Session I Acts of Assembly. The Notice of Intended Regulatory Action was published on January 31, 2022, and a Regulatory Advisory Panel was formed and met four times, concluding on August 23, 2022, to assist the Department in developing the proposed amendments.

Prior to the meeting, the Board was provided materials in a briefing memo, which included a list of the regulatory advisory panel membership, the town hall agency background document, ORM Economic Impact Form, and the regulation showing proposed amendments.

Board Decision

Based on the information provided to the Board (briefing material and staff presentation), the Board voted 6-1 (Wood, Seiger, Cohen, Cameron, Dunn, and Wallace voting yes and Kilgore voting no) by voice vote to authorize a public comment period for the proposed amendments to the Virginia Water Protection Permit Program Regulation (9 VAC 25-210) and the Groundwater Withdrawal Regulation (9 VAC 25-610).


Jutta Schneider, Director
Water Planning Division



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Minute No. 7- Solar Project Siting Study update (HB206 2022)

Mike Dowd, Director of DEQ's Air and Renewable Energy Division provided the board an update on the Solar Project Siting Study (HB206 2022) due to the Governor and the General Assembly by December 1, 2022.

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

Mike Dowd, Director,
Air and Renewable Energy Division



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MINUTE NO. 8 – Stormwater Guidance Update

Andrew Hammond from the Water Permitting Division, Central Office, presented to the board on the status of draft Water Guidance Memo No. 22-2011, Streamlined Plan Review for Construction Stormwater Plans and Erosion & Sediment Control Plans submitted by a Licensed Design Professional and reviewed by a Dual Combined Administrator for Erosion & Sediment Control and Stormwater Management, and draft Water Guidance Memo No. 22-2012, Stormwater Management and Erosion & Sediment Control Design Guide. The presentation included noteworthy revisions in response to public comments received, solar panel arrays and their associated unconnected impervious area requirements, and timeframes for re-publication in the Virginia Register.

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

A. Scott Morris
Director, Water Division



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MINUTE 9 – FY 2023 VCWRLF Loan Authorizations

Ms. Karen Doran, Program Manager of the Department's Clean Water Financing and Assistance Program (the Program), made a presentation to the Board based on a memorandum dated October 21, 2022. The memorandum identified the loan amounts, terms, and interest rates for 64 projects being recommended by staff for FY 2023 Virginia Clean Water Revolving Loan Fund (the Fund) assistance.

Ms. Doran began her presentation by summarizing the FY 2023 application process for 64 projects targeted for a total of \$307,577,537 in assistance from the Fund. She explained that staff had completed its user charge impact analyses for the targeted recipients in order to establish the interest rates in accordance with Board guidelines. She stated that a public meeting on the proposed funding list was held on October 21, 2022 and no comments were received.

Ms. Doran explained that all the interest rate analyses have been finalized in accordance with the Board approved guidelines and the resulting recommendations were included in the memorandum to the Board. As approved by the Board in previous years, staff recommended revisions to the program rates and term options offered to borrowers whose project type and impact to user rates resulted in a program rate based on the Board's Guidelines. Based on consultation with the Virginia Resources Authority (VRA), she stated that the staff was recommending that the program rate calculation vary depending on the term of the loan for wastewater projects.

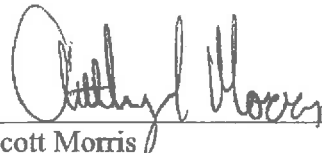
Staff recommendation: Authorize the execution of loan agreements for the projects, loan amounts, interest rates and terms listed below, and that 20-year term program rates are set at 1.5% (150 basis points) below market, 25-year term program rates are 1.25% (125 basis points) below market, and 30-year term program rates are 1.00% (100 basis points) below market, based on VRA's evaluation of the market conditions that exist about a month prior to each loan closing. The interest rate for Southwest Virginia Pilot Program construction projects would be 0%, the hardship interest rate will be 0.5%, and the minimum interest rate would be 1% for all other loans. Loan closings would be subject to receipt of a favorable financial capability analysis report and supporting recommendation from VRA for each loan recipient.

FY 2023 Proposed Interest Rates and Loan Term Authorizations

	<i>Applicant</i>	<i>Loan Amount</i>	<i>Rates and Loan Terms</i>
1	BVU Authority	\$5,253,700	0%, up to 30 years
2	Town of Lebanon	\$2,921,700	0%, up to 30 years
3	Town of Big Stone Gap	\$11,869,198	0%, up to 30 years
4	Town of Abingdon	\$9,502,000	0%, up to 30 years
5	Bland County	\$810,000	0%, up to 30 years
6	Town of Rural Retreat	\$430,224	0%, up to 30 years
7	Buchanan County PSA	\$1,811,380	0%, up to 30 years
8	Town of Chilhowie	\$1,248,531	0%, up to 30 years
9	Lee County PSA	\$739,200	0%, up to 30 years
10	Town of Saltville	\$1,476,000	0%, up to 30 years
11	Town of Marion	\$1,300,488	0%, up to 30 years
12	Smyth County	\$500,600	0%, up to 30 years
13	Tazewell County PSA	\$3,520,690	0%, up to 30 years
14	Town of St. Paul	\$892,300	0%, up to 30 years
15	Town of Hillsville	\$1,265,000	0%, up to 30 years
16	City of Martinsville	\$3,033,390	0.5%, up to 30 years
17	City of Richmond	\$8,550,000	0.5%, up to 30 years
18	Buchanan County PSA	\$21,185,446	0.5%, up to 25 years
19	City of Richmond	\$6,150,000	0.5%, up to 30 years
20	Henry County PSA	\$5,970,100	0.5%, up to 30 years
21	Town of Pennington Gap	\$2,341,709	0.5%, up to 25 years
22	HRS D	\$50,000,000	PR, up to 25 years
23	Washington County SA	\$11,381,096	0.5%, up to 30 years
24	Henry County PSA	\$1,222,000	0.5%, up to 25 years
25	Henry County PSA	\$3,971,000	0.5%, up to 25 years
26	Dickenson County PSA	\$1,810,094	0.5%, up to 30 years
27	City of Winchester	\$14,000,000	PR, up to 30 years
28	City of Norton	\$693,750	0.5%, up to 30 years
29	Wise County PSA	\$1,731,728	0.5%, up to 30 years
30	Lee County PSA	\$14,886,859	0.5%, up to 30 years
31	Russell County PSA	\$8,130,655	0.5%, up to 30 years
32	City of Richmond	\$750,000	0.5%, up to 30 years
33	Town of Front Royal	\$5,437,000	PR, up to 25 years
34	Town of Marion	\$611,000	0.5%, up to 25 years
35	Sussex Service Authority	\$828,000	0.5%, up to 30 years
36	City of Norfolk	\$13,000,000	0.5%, up to 30 years
37	City of Norton	\$1,526,246	0.5%, up to 30 years
38	City of Richmond	\$125,000	0.5%, up to 30 years
39	Westmoreland County	\$800,000	PR, up to 25 years
40	Town of Boydton	\$2,246,000	PR, up to 30 years
41	City of Richmond	\$1,250,000	0.5%, up to 25 years
42	Town of Christiansburg	\$9,013,000	0.5%, up to 25 years
43	Town of Pennington Gap	\$922,130	0.5%, up to 30 years
44	Town of Marion	\$1,050,500	0.5%, up to 30 years
45	Town of Lebanon	\$1,049,400	PR, up to 30 years

FY 2023 Proposed Interest Rates and Loan Term Authorizations			
	<i>Applicant</i>	<i>Loan Amount</i>	<i>Rates and Loan Terms</i>
46	Town of Altavista	\$5,500,000	0.5%, up to 25 years
47	Town of Big Stone Gap	\$5,186,000	0.5%, up to 25 years
48	Town of Stuart	\$3,665,800	0.5%, up to 30 years
49	City of Richmond	\$225,000	0.5%, up to 30 years
50	City of Richmond	\$1,000,000	0.5%, up to 30 years
51	Smyth County	\$3,874,500	0.5%, up to 30 years
52	Town of Kilmarnock	\$6,472,700	PR, up to 25 years
53	Wythe County	\$1,352,415	0.5%, up to 30 years
54	Wise County PSA	\$1,562,830	0.5%, up to 30 years
55	Scott County PSA	\$395,793	0.5%, up to 30 years
56	Town of Pearisburg	\$13,781,729	0.5%, up to 25 years
57	City of Richmond	\$250,000	0.5%, up to 30 years
58	Middlesex County	\$13,484,224	PR, up to 30 years
59	Middlesex County	\$1,144,491	PR, up to 30 years
60	Middlesex County	\$1,837,908	PR, up to 30 years
61	Blacksburg-Tech SA	\$6,284,000	PR, up to 25 years
62	City of Richmond	\$250,000	0.5%, up to 30 years
63	Town of Fries	\$1,471,000	0.5%, up to 25 years
64	Carroll County	\$2,632,033	0.5%, up to 30 years
TOTAL		\$307,577,537	
PR = Program Rate *minimum 1%			

Board Decision: The Board voted unanimously (7-0) to adopt the staff's recommendation.



Scott Morris
Director of Water



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON November 29, 2022**

Minute No. 10 – Report to the Board Regarding Controversial Permits

Ms. Porterfield reported that there we no controversial permits to report to the board at this time.

Handwritten signature of Melissa S. Porterfield in blue ink.

Melissa S. Porterfield



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MINUTE NO. 11 – Division Director’s Report

Dr. Scott Morris provided an update to the Board regarding the restructuring of the Water Division and change in Ms. Melanie D. Davenport’s role, previously the Water Permitting Director. Ms. Davenport provided a brief overview of her new role and responsibilities as the Director of Regulatory Affairs and Outreach.

A handwritten signature in cursive script, appearing to read "A. Scott Morris", written over a horizontal line.

**A. Scott Morris
Director, Water Division**



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Minute No. 12 - Virginia's Response to Per- and Polyfluoroalkyl Substances (PFAS)

The Board received a presentation from Jeffery Steers, Director of Regional Operations, regarding the status of Virginia's response to Per- and Polyfluoroalkyl Substances (PFAS).


Jeffery Steers



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MINUTE NO. 13 – Mountain Valley Pipeline-Update

Mr. Matthew Stafford provided an update on the Mountain Valley Pipeline (MVP) project. He discussed (i) the status of the project, (ii) current construction activities and (iii) compliance monitoring activities.

Mr. Stafford reported that the Federal Energy Regulatory Commission (FERC) granted Mountain Valley Pipeline (MVP) an extension of time to complete the project. The new deadline is October 13, 2026. At this time, the project has not resumed any forward progress and the primary activities are the inspection and maintenance of environmental controls and stabilization measures. MVP installed anchors and new wooden supports at locations on Brush and Sinking Creek Mountains where existing supports had degraded. Materials for the work were transported by air or on foot and all work was done by hand.

Finally, Mr. Stafford noted that during the period, one complaint was received by DEQ. DEQ investigated the complaint and did not find any non-compliance on the part of the project.

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

Scott Morris
Director, Water Division



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Minute No. 14 – Future Meeting

The board confirmed their future meeting date as March 23, 2023.


Melissa S. Porterfield



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Minute No. 15 - Public Forum

Jessica Sims, Appalachian Voices, spoke during the public forum to express concerns about potential impacts of gold mining in Virginia and the Virginia reliability project pipeline.


Melissa S. Porterfield