



Meeting minutes approved at 12/2/24 SWCB meeting- Minute No. 1.

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

General Assembly Building, Senate Room C,
201 North 9th Street, Richmond, VA 23219

MONDAY SEPTEMBER 16, 2024

Board Members Present:

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

Board Members Absent:

Jerry Kilgore

Department of Environmental Quality:

Michael Rolband, Director
Melissa Porterfield

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 10:04 a.m. and adjourned at 10:33 a.m.



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON SEPTEMBER 16, 2024**

Minute No. 1- Approval of Agenda

The Board unanimously approved the agenda for the meeting.


Melissa S. Porterfield



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
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Minute No. 2- Approval of Minutes

The Board approved the minutes of the meeting held June 25, 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 SEPTEMBER 16, 2024

Minute No. 3- Final Exempt- 2024 - Regulatory Update to Title 40, Part 136 Code of Federal Regulations (40 CFR Part 136) / Methods Update Rule

The State Water Control Board (Board) was presented with amendments to the following regulations as part of this regulatory action:

- Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31)
- Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day (9VAC25-110)
- 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 from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests (9VAC25-120)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (9VAC25-151)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining (9VAC25-190)
- Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management (9VAC25-192)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Concrete Products Facilities (9VAC25-193)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less (9VAC25-196)
- Virginia Water Protection Permit Program Regulation (9VAC25-210)
- Groundwater Withdrawal Regulations (9VAC25-610)
- Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management (9VAC25-630)
- Virginia Water Protection General Permit for Impacts Less Than One-Half Acre (9VAC25-660)

- Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities (9VAC25-670)
- Virginia Water Protection General Permit for Linear Transportation Projects (9VAC25-680)
- Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities (9VAC25-690)
- Sewage Collection and Treatment Regulations (9VAC25-790)
- Virginia Pollution Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters (9VAC25-800)
- General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820)
- Virginia Pollutant Discharge Elimination System General Permit Regulation for Potable Water Treatment Plants (9VAC25-860)
- Virginia Erosion and Stormwater Management Regulation (9VAC25-875)
- General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880)
- Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s) (9VAC25-890)

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulations. William K. Norris, Regulatory Analyst Team Lead for the Water Division, presented a summary of the proposed changes to the regulation. Mr. Norris 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 Virginia Pollutant Discharge Elimination System and groundwater withdrawal permits, administers a Virginia Stormwater Management Program (VSMP), a Virginia Erosion and Sediment Control Program (VESCP), and is subject to the Virginia Pollution Abatement Regulations, Chesapeake Bay Preservation Act, Sewage Collection and Treatment Regulations and permits for activities related to the Virginia Water Protection program. She stated she was able to participate in the transaction fairly, objectively, and in the public interest.

Board member Steven Yob 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. He indicated he has a personal interest affected by the transactions being considered because of his employment as Deputy County Manager for Community Operations by Henrico County.

Henrico County, like other Virginia localities, holds a Virginia Pollutant Discharge Elimination System and groundwater withdrawal permits, administers a Virginia Stormwater Management Program (VSMP), a Virginia Erosion and Sediment Control Program (VESCP), and is subject to the Virginia Pollution Abatement Regulations, Chesapeake Bay Preservation Act, Sewage Collection and Treatment Regulations and permits for activities related to the Virginia Water Protection program.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Wallace, Yob) to adopt the revisions to the regulations to update regulatory references to Title 40, Part 136 Code of Federal Regulations (40 CFR Part 136) / Methods Update Rule as final regulations and to affirm that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.



Scott Morris
Director, Water Division



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 16, 2024

Minute No. 4- 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 changes to 40 CFR Part 122

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Meghan Mayfield, Director, Division of Water Permitting, presented a summary of the proposed changes to the regulation. Ms. Mayfield 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)(c).

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 Virginia Pollutant Discharge Elimination System and groundwater withdrawal permits, administers a Virginia Stormwater Management Program

(VSMP), a Virginia Erosion and Sediment Control Program (VESCO), and is subject to the Virginia Pollution Abatement Regulations, Chesapeake Bay Preservation Act, Sewage Collection and Treatment Regulations and permits for activities related to the Virginia Water Protection program. She stated she was able to participate in the transaction fairly, objectively, and in the public interest.

Board member Steven Yob 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. He indicated he has a personal interest affected by the transactions being considered because of his employment as Deputy County Manager for Community Operations by Henrico County.

Henrico County, like other Virginia localities, holds a Virginia Pollutant Discharge Elimination System and groundwater withdrawal permits, administers a Virginia Stormwater Management Program (VSMP), a Virginia Erosion and Sediment Control Program (VESCO), and is subject to the Virginia Pollution Abatement Regulations, Chesapeake Bay Preservation Act, Sewage Collection

and Treatment Regulations and permits for activities related to the Virginia Water Protection program.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Johnson, Wallace, Yob) to adopt the revisions to 9VAC25-875-970 & 9VAC25-875-980 as final regulations and to 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, appearing to read 'Meghan Mayfield', is written over a horizontal line.

Meghan Mayfield
Director, Division of Water Permitting



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
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Minute No. 5- Report to the Board Regarding Controversial Permits - AdvanSix Resins and Chemicals LLC - Hopewell Virginia; Virginia Pollutant Discharge Elimination System Permit - VA0005291 and Surface Water Withdrawal Permit issuance, Caroline County VWP No. 20-0514

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, intakes, outfalls, summary of comments received since last update, 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".

Scott Morris
Director, Water Division



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Minute No. 6: Mountain Valley Pipeline – Update

Ms. Davenport presented an update on the status of the project and noted that since the pipeline was placed in service on June 14, 2024, all ongoing activity involves regrading the right-of-way, stabilization and removing temporary access roads and bridges. She also provided an overview of the compliance activities and stipulated penalties for the period of March 11, 2024 through September 11, 2024.

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

Melanie D. Davenport



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Minute No. 7- Future Meeting Date

A future meeting date of December 4, 2024 was confirmed for the Board at this meeting.


Melissa S. Porterfield



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Minute No. 8- Public Forum

There were no speakers during the public forum.


Melissa S. Porterfield