



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Subject: Summary of Comments, Prince Edward County VWP #21-1912
To: Micheal Rolband, Director
Through: Scott Morris, Director, Water Division
From: Eric Seavey, Water Withdrawal Permitting Manager
Date: April 3, 2024

Proposed Permit Action: Surface Water Withdrawal Permit issuance, Sandy River Reservoir Project, VWP #21-1912

Permittee: Prince Edward County, P.O. Box 382 Farmville VA, 23901

Background: On September 9, 2021, the Department of Environmental Quality (Department or DEQ) received an application for a Virginia Water Protection (VWP) permit for the Sandy River Reservoir Water Supply Project. Prince Edward County proposes to establish a regional public water supply utilizing the Sandy River Reservoir to supply potable water to Prince Edward County and portions of Nottoway County. The areas in Prince Edward County to be supplied by the Sandy River Reservoir withdrawal include:

- The Town of Farmville
Hampden-Sydney College
The Heartland Innovative Technology (HIT) Park

The areas in Nottoway County to be supplied by the Sandy River Reservoir include:

- The Nottoway Correction Center
The Piedmont Geriatric Hospital
The Virginia Center for Behavioral Rehabilitation
The Town of Burkeville

The project consists of the construction of a surface water intake on the northwestern shore of the Sandy River Reservoir, a water treatment plant, a raw water line from the intake to the water treatment plant, a pump station, and an outfall in the Sandy River. Wetland impacts associated with the construction of the outfall are covered under this permit, however operations associated with the outfall will be addressed through a Virginia Pollutant Discharge Elimination System (VPDES) permit. Operation of the planned water treatment plant is not part of this application and will be addressed through permitting by the Virginia Department of Health (VDH). Through an agreement with the Department of General Services (DGS), Prince Edward is responsible for obtaining VWP permits for constructing the raw and finished water transmission main in Prince Edward County to the Nottoway County line. DGS is responsible for constructing the remainder of the finished water transmission from the Nottoway County line to the three (3) DGS facilities.

For the construction of the permanent raw water intake, three (3) full barrel, stainless steel wedge wire screens will be installed at varying heights in the reservoir using steel pile driven supports. The intake wedge wire screens will have a slot size of 1 mm and an intake velocity of no more than 0.25 fps, in accordance with applicable standards. In addition, air burst cleaning lines will be installed, each intake screen will be attached to a 24" submerged pipe to convey raw water to the junction box, and a 36" pipe will be installed to convey raw water to the pumping station. The proposed withdrawal limits, as outlined in the draft permit, are as follows:

The Permittee's authorized water withdrawal shall not exceed:

- Tier 1:
 - 1,749 million gallons per year,
 - 203.6 million gallons per month,
 - 8.83 million gallons per day

- Tier 2:
 - 1,830 million gallons per year,
 - 213 million gallons per month,
 - 9.24 million gallons per day

Tier 1 contains the withdrawal limits to meet the justified demands of the three (3) DGS facilities in Nottoway County, Prince Edward County, Hampden-Sydney College, the Town of Farmville, and the economic development prospects as identified in the application for Prince Edward County.

Tier 2 contains the withdrawal limits to meet the justified demands of the service areas identified in Tier 1 and the service areas of the Town of Burkeville and the Burkeville Industrial Park in Nottoway County.

The withdrawal limits for Tier 2 represents the total withdrawal volume for the entire permitted project for the 15 year permit term. The service areas associated with Tier 1 are the initial service areas to be served by the withdrawal. Authorization to withdraw at the limits identified under Tier 2 may be requested by the permittee upon providing written authorization to the Department from Nottoway County as established by § 15.2-2143 of the Code of Virginia.

Preparation of Draft Permit: The purpose of this permit action is the issuance of the Surface Water Withdrawal Permit VWP #21-1912 to Prince Edward County for the Sandy River Reservoir Project located on the northwestern shore of the existing Sandy River Reservoir, approximately six (6) miles east of the Town of Farmville in Prince Edward County, Virginia (hereafter referred to as the draft permit or permit action).

Public Notice Publication of Draft Permit: The public's opportunity to comment on the draft permit was published in *The Farmville Herald* and *The Courier-Record* on September 20, 2023. The public notice and draft permit were posted to the DEQ website for the duration of the public comment period.

Public Comments and Public Hearing Requests: During the 30+ day public comment period, DEQ received correspondence from three (3) separate commentors, two (2) of which requested a public hearing. For a full summary of comments received, see the Disposition of Public Hearing Request document dated December 22, 2023 (Attachment A). Based on staff analysis, the commentors did not meet the regulatory threshold for convening a public hearing for this draft Surface Water Withdrawal permit action; however, there was significant interest raised by the neighboring governing parties to warrant additional consideration. In accordance with 9VAC25-210-165.G, the director may, at his discretion, convene a public hearing on a permit action. Based on the significant interest raised by the neighboring governing parties, staff determined the commenters' request for a hearing be approved.

Public Notice Publication of Public Hearing: The notice seeking public comment and announcing a public hearing was published in *The Farmville Herald* and *The Courier-Record* on January 31, 2024. The public notice was posted on the DEQ website and Town Hall for the duration of the public comment period.

Public Hearing: At 7:00 pm on March 5, 2024, a public hearing was held at Prince Edward High School, located at 35 Eagle Drive, Farmville, Virginia. Mr. Jerome Brooks, DEQ's Piedmont Regional Office Director, served as the hearing officer. An information briefing was conducted by DEQ staff immediately prior to the public hearing. Approximately 12 people attended the public hearing. Seven (7) individuals provided oral comments during the public hearing. The draft permit public hearing comment period opened on January 31, 2024 and closed on March 20, 2024. During the public comment period of the draft permit public hearing, there were eight (8) commentors, including the seven (7) individuals who provided oral comments during the public hearing. Note that one commenter who provided oral comments at the public hearing also later provided additional written comments.

Summary of Comments and DEQ Responses: Staff reviewed all comments submitted during the public comment periods. The correspondence from all commentors consisted of comments in compliance with the information requirements outlined in § 62.1-263.1 of the Code of Virginia. The comments received were summarized and categorized according to issue as shown below along with responses prepared by DEQ staff.

Category 1- General request for a public hearing.

Staff Response:

A public hearing was held on March 5, 2024.

Category 2- Support for the project due to concern for regional water supply resulting from the 2002 drought.

Staff Response:

DEQ acknowledges concerns regarding the drought of 2002.

Category 3- Support for the project due to concern over Prince Edward County's lack of a public water supply system.

Staff Response:

DEQ acknowledges concern over Prince Edward County's lack of a public water supply system.

Category 4- Support for the project due to ensuring a reliable and resilient water source for Prince Edward County, promoting needed economic development and additional housing in the service area.

Staff Response:

DEQ acknowledges support of project.

Category 5- The Sandy River Reservoir Project will inversely impact the Town of Crewe financially through the taking of Crewe's biggest customer (DGS facilities), leaving the community with raised water rates.

Staff Response:

The DGS facilities have facilitated their own agreements with water suppliers. DEQ cannot evaluate contractual agreements between parties outside the authority granted by statute and regulation, nor is it within DEQ's power to nullify contractual agreements.

Category 6- The raising of water rates would not be affordable to a low income environmental justice community like Crewe. Request that Prince Edward County and all relevant state agencies engage in meaningful involvement with the Town of Crewe pursuant to the Environmental Justice Act.

Staff Response:

Pursuant to 9VAC25-210-360, the applicant shall demonstrate to the satisfaction of the Department that the project meets an established need for water to meet the project purpose. DEQ does not evaluate contractual agreements between parties outside the authority granted by statute and regulation.

Category 7- Request that Prince Edward County be required to obtain the consent of the Town of Crewe to construct, provide, or operate outside its boundaries any water supply system pursuant to the Code of Virginia § 15.2-2143 through the requirement of a special condition in the VWP permit. The General Assembly inserted new language into the budget bill (HB6001 Item C-78) that removed this requirement. The process by which it happened lacked transparency, stakeholder engagement, and input from State Legislators representing their respective districts.

Staff Response:

The Tier 1 withdrawals, as outlined in the draft permit, do not require Nottoway County approval. This includes the finished water transmission main for the identified Commonwealth Facilities located in Nottoway County per Budget Bill – HB6001 Item C-78. DEQ drafts Virginia Water Protection (VWP) permits pursuant to applicable laws and regulations.

Category 8- Concern about the accuracy of information provided in application. Specifically, the projections used in regard to the DGS facilities water usage.

Staff Response:

DEQ acknowledges concern about accuracy of information provided by Prince Edward County in their Joint Permit Application (JPA). As part of the application review process, and subsequently the drafting of the permit, DEQ staff reviewed and approved demand projections for the project. Due to this being a new water supply project, projections for future water use were based on current use of the service area and projections from these individual service areas. DEQ assesses water demand and water usage over the permit term during every renewal process. Should a final permit be issued, Prince Edward County will be required to re-apply for a VWP permit in 2039. If during this renewal process it is found that projections did not meet actual demands, new justification will need to be provided based on the actual demands and future projections. Economic development is difficult to predict and therefore cannot be disqualified in the review of Prince Edward's JPA projections for VWP Permit No. 21-1912.

Category 9- The project would bring new industry and provide jobs for the community.

Staff Response:

DEQ acknowledges support of the project.

Category 10- Sandy River Reservoir was built with the intention of providing drinking water to the community and should be utilized.

Staff Response:

DEQ acknowledges support of the project.

Commenter Listing:

The table below lists the commenters who submitted comments during the public comment periods and includes the category or categories of comments associated with each commentator.

Comments Submitted During Public Comment Period In Opposition to the Draft Permit September 21, 2023 – October 23, 2023 January 31, 2024 – March 20, 2024			
Name	Type	Date Received	Categories
County of Nottoway, Town of Crewe, and Town of Blackstone	Written	10/12/2023	1, 5, 6, 7, 8
Abbott, E.B. (Resident of Crewe)	Written	9/30/2023	1
Miskovic, Phil (Crewe Town Manager)	Oral Comment at Hearing/Written	3/5/2024 3/20/2024	5, 6, 7, 8

Comments Submitted During Public Comment Period In Support of the Draft Permit September 21, 2023 – October 23, 2023 January 31, 2024 – March 20, 2024			
Name	Type	Date Received	Categories
Copeland, Ken (Hampden-Sydney College Financial Officer)	Oral Comment at Hearing	3/5/2024	2, 3, 4, 9
Loeser, Ilsa (former Farmville Herald Reporter)	Oral Comment at Hearing	3/5/2024	3, 4, 9
Watson, Brian (Chair of Prince Edward County Industrial Development Authority)	Oral Comment at Hearing	3/5/2024	2, 3, 9, 10
Gilliam, Llewellyn (Member of Prince Edward County Board of Supervisors)	Oral Comment at Hearing	3/5/2024	2, 4
Townsend, Jerry (Member of Prince Edward County Board of Supervisors & Superintendent of the Piedmont Regional Jail)	Oral Comment at Hearing	3/5/2024	4, 9
Ghee, James (Attorney, President of Prince Edward County NAACP)	Oral Comment at Hearing	3/5/2024	4, 9, 10
Town of Farmville (Chamber of Commerce)	Written	10/02/2023	3, 4, 9, 10
Davis, Scott (Farmville Town Manager)	Written	3/5/2024	3, 4, 9, 10