COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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Robert G. Burnley
Director

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MINUTES
STATE WATER CONTROL BOARD
December 4, 2003 - Capitol Building
Capitol Square
Richmond, Virginia

Board Members Present:

Gary H. Baise, Vice-Chairman
H. Preston Futrell, Jr.
John Bryan, Jr.
Leroy O. Pfeiffer, Jr.
Carol C. Wampler
Myron (Mike) P. Erkiletian

Board Members Absent:

Vacancy

Staff Present:

Robert G. Burnley, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Rick Linker, Assistant Attorney General

1) The attached minutes summarize activities that took place at this Board Meeting.

2) The meeting was convened at 9:03 a.m. on Thursday, December 4, 2003, recessed at 11:30 a.m., reconvened at 11:45 a.m., recessed at 12:55 p.m., reconvened at 1:06 p.m. and adjourned at 1:35 p.m.

Approved Minute No. 1
March 23, 2004

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING OF December 4, 2003

MINUTE NO. 1 – Permit Terminations

Jon van Soestbergen, Water Permit Programs Manager of the Department of Environmental Quality's Central Office introduced the staff recommendation concerning the termination of one VPDES permit and termination of coverage for one project under VWP permit WP4.

Board Decision

The Board voted unanimously to approve the terminations of permits for:

VPDES Permit No. *VA0023094	City of Martinsville Water Purification Plant
VWP Permit No. WP4-01-1648	Shopping Center Group of Virginia – Shopping Center in Newport News

Larry G. Lawson

Larry G. Lawson, P.E.
Director, Division of Water Programs Coordination

* Note - VA0023094 is not the correct permit number for the water purification plant. The correct permit number is VA 0050601.
C.M. Bernolt

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 2 – Report on Facilities in Significant Noncompliance

Kathleen O'Connell, Water Enforcement Program Manager presented to the Board the Report on Facilities in Significant Noncompliance for the quarter ending September 2003. The facilities and their reported instances of noncompliance were:

1. Town of Purcellville, Basham Simms WWTP - Failure to meet Ammonia Nitrogen and Kjeldahl Nitrogen effluent limits.
2. Town of South Boston, South Boston WWTP - Failure to meet Total Suspended Solids and Biochemical Oxygen Demand effluent limits.
3. Alexandria Sanitation Authority, Alexandria Sewage Treatment Plant – Failure to meet Total Suspended Solids effluent limit.
4. City of Roanoke, Roanoke Regional Water Control Plant - Failure to meet Kjeldahl Nitrogen effluent limit.

The Board accepted the report.

Kathleen F. O'Connell
Water Enforcement Program Manager

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO 3. – Cancellation of Consent Special Orders

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board three consent special orders for cancellation. Ms. O'Connell reported that staff had confirmed that the requirements of the orders had been substantially met and that it was therefore appropriate for the Board to cancel the orders. The orders to be cancelled were issued to:

1. The Town of Chilhowie (Issued October 22, 1997 and amended October 3, 2000)
2. The Town of Hillsville (Issued January 25, 1995)
3. The City of Franklin (Issued May 24, 1995)

The Board unanimously approved cancellation of the referenced orders.

Kathleen F. O'Connell

Kathleen F. O'Connell
Water Enforcement Program Manager

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO 4 . – Approval of Settlement and Consent Decree Cancellation, Sanitary Board of Bluefield

Kathleen F. O'Connell, Water Enforcement Program Manager, made a presentation to the State Water Control Board on a proposed settlement of violations of a 1985 Consent Decree issued to the Sanitary Board of Bluefield. The Consent Decree required that the Sanitary Board upgrade its sewage treatment plant and thenceforth comply with all provisions of its VPDES permit. The Consent Decree additionally provided for stipulated penalties for violations of the Decree's terms. Ms. O'Connell reported to the Water Board that the Sanitary Board did upgrade its treatment plant, but was unable to comply with permit effluent limitations after the upgrade due to design deficiencies in the plant. Ms. O'Connell additionally informed the Water Board that the Sanitary Board subsequently sued its contractor over the plant's design deficiencies and in 1991 won its suit. Finally Ms. O'Connell informed the Water Board that the Environmental Protection Agency, concerned over the amount of time that the Sanitary Board had taken to correct the design problems, issued a $25,000 administrative penalty order to the Sanitary Board in 1995 settling the Sanitary Board's permit effluent limit violations to that date.

Ms. O'Connell offered the staff's recommendation that the Water Board accept the EPA penalty order as settlement of the Water Board's claims for stipulated penalties under the 1985 Consent Decree. The Water Board approved the staff recommendation.

Kathleen F. O'Connell

Kathleen F. O'Connell
Water Enforcement Program Manager

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 5 – VPDES/VPA Consent Special Orders

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented three proposed Consent Special Orders for the Board's consideration.

Ms. Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Orders. Following the presentation, Ms. Crosier made the staff recommendation regarding the proposed Orders.

The first Order requires that the Town of Purcellville upgrade the Basham Simms Wastewater Facility to correct design deficiencies so as to ensure compliance with final Permit effluent limits by May 2005. The Order also requires that the Town submit an I&I evaluation to DEQ by December 30, 2004 and provides interim limits for ammonia, total kjeldahl nitrogen, total suspended solids, and $CBOD_5$ while construction of the upgrade is underway.

The second Order requires that Cecil's Service and Equipment, Inc. (Cecil's) upgrade its sewage treatment plant to ensure consistent compliance with final Permit effluent limits, connect the Cecil's facility to the Fauquier County Service Authority when a connection becomes available and take the existing STP off-line. The Order also provides seasonal interim effluent limits for ammonia, biological oxygen demand, and total suspended solids. Pursuant to the Order, Cecil's will pay a civil charge of $1008.

The third Order requires that Stafford Regional Airport Authority address outstanding compliance issues resulting from the construction of the Stafford County Airport including restoration and stabilization of eroded areas. Pursuant to the Order, the Airport will pay an in-lieu fee to compensate for the 1.1 acres of impacted wetlands and a civil charge of $24,000 dollars.

Decision

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed Consent Special Orders regarding the Town of Purcellville Basham Simms Wastewater Facility, the Cecil's Service and Equipment STP, and the Stafford County Airport Construction Project;

2. Authorize the Director or his designee to sign the Orders on the Board's behalf; and

3. Authorize the Director or his designee to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.

Jeffery A. Steers

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 6 - VRO - Consent Orders

Mr. Robert Burnley, Director of DEQ, introduced Ms. Kathleen O'Connell, Central Office Water Enforcement Manager, who made a staff presentation and the staff recommendations concerning proposed VRO Consent Special Orders for the following facilities which all include a civil charge:

GLENN M. KOOGLER

PILGRIM'S PRIDE, INC.

AQUA SOURCE, INC. / LAKE MONTICELLO SERVICE COMPANY

GLENN M. KOOGLER CONSENT ORDER

The Order requires Mr. Koogler to come into compliance with State Water Control Law by December 31, 2006, by either:

1. Connecting the Facility to public sewer and, thereby, eliminating all discharges from the Facility;

2. Installing an on-site disposal system approved by the local Department of Health and closing the Facility; thereby eliminating all discharges from the Facility; or

3. Upgrading the Facility to meet the Permit's final effluent limitations.

The Order contains a civil charge of $7500 and interim effluent limits.

PILGRIM'S PRIDE, INC. CONSENT ORDER

The Order requires Pilgrim's Pride, Inc. to monitor the plant performance for a period of six months and if the plant experiences significant effluent violations to provide a plan and schedule of corrective actions.

The Order contains a civil charge of $4500.

AQUASOURCE, INC./ LAKE MONTICELLO SERVICE COMPANY

The Order requires the Lake Monticello Service Company to meet final effluent limits and to upgrade the Facilities to address disinfection, solids management and disposal, and hydraulic capacity problems. The Order would also require Lake Monticello Service Company to upgrade certain pump stations in the collection system and conduct other collection system upgrade work to ensure that wastewater is properly conveyed to the sewage treatment plant.

The Order contains a civil charge of $36,000 and interim effluent limits.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the Consent Special Orders and civil charges for Glenn M. Koogler, Pilgrim's Pride and Aqua Source, Inc./ Lake Monticello and authorize the Director of DEQ or his designee to sign the Orders on its behalf. Further, staff recommends that the Board authorize the Director to refer any violations of these Orders to the Attorney General's Office for appropriate legal action.

Board Decision

Based on the staff presentation and recommendation, the Board voted unanimously to:

1. approve the Consent Special Orders for Glenn M. Koogler, Pilgrim's Pride, and Aqua Source, Inc./Lake Monticello Service Company; and

2. authorize the Director or his designee to sign the Orders on its behalf; and

3. authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.

R. Bradley Chewning

R. Bradley Chewning, P.E.
Regional Director
Valley Regional Office

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
Director

Steven A. Dietrich
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 7 - West Central Regional Office VPDES Consent Special Orders

Robert Steele of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Orders for S&S Construction, LLC and Suncrest Heights STP.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for:

   for S&S Construction, LLC
   Suncrest Heights STP

2. Authorize the Director or his designee to sign the Orders on its behalf; and

3. Authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.

Steven A. Dietrich

Steven A. Dietrich, P.E.
Regional Director
West Central Regional Office

COMMONWEALTH of VIRGINIA

W. Tayloe Murphy, Jr.
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Michael D. Overstreet
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 8 - Consent Special Order With Civil Charges

Dallas Sizemore of the Department of Environmental Quality, Southwest Regional Office introduced the staff recommendation concerning the proposed Consent Special Order for the Town of Big Stone Gap.

Beginning in April, 2001, and continuing through the 2003 wet season, the Town of Big Stone Gap experienced a series of sewage overflows from its sewage collection system. Additionally the town exceeded 95% of the sewage treatment plant's design flow for 3 consecutive months. To remedy the situation the staff presented a Consent Special Order requiring the Town of Big Stone Gap to 1) perform line and manhole replacement and/or repair in accordance with the April 11, 2003 submittal by Lane Engineering, 2) totally eliminate the overflows in the referenced Areas 1 through 10 by July, 2006, 3) provide semiannual progress reports on sewer system Infitration/Inflow abatement to the Southwest Regional Office, and 4) pay a civil charge of $2,700.

Board Decision

Based on the staff recommendations, the Board unanimously voted to:

1. approve the Consent Special Order for the Town of Big Stone Gap

2. authorize the Director or his designee to sign the Order on its behalf; and

3. authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.

Michael D. Overstreet
Regional Director

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 9 - Consent Special Order With Civil Charges

Dallas Sizemore of the Department of Environmental Quality, Southwest Regional Office introduced the staff recommendation concerning the proposed Consent Special Order for the Town of Pocahontas.

A DEQ inspection of the Town of Pocahontas sewage treatment plant and collection system revealed that the Town's sewage treatment plant and collection system lacked proper operation and maintenance and that the plant was nearing the end of its useful life. Additionally, unreported bypasses occurred during extreme storm events due to a flood damaged collection system. To remedy the situation the staff presented a Consent Special Order requiring the Town to 1) make repairs of the plant, 2) conduct an engineering evaluation for plant upgrade and infiltration/inflow elimination, 3) provide a schedule of compliance for plant upgrade or connection to a public service authority owned regional sewerage system, 4) prepare a preliminary engineering report for line repair/replacement, 5) secure funding for the selected alternative for plant and lines and 6) complete plant construction/connection to a regional system and perform line repair in accordance with a DEQ approved schedule, and 7) pay an $1,800 civil charge.

Board Decision

The Board failed to approve the Consent Special Order on a vote of 3 "for" and 3 "against" the proposed order. The Board then directed the staff to modify the Order by removing the civil charge and bringing the proposed Consent Special Order back before the Board at its March 2004 meeting.

Michael D. Overstreet
Regional Director

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 10 - Consent Special Order With Civil Charges

Dallas Sizemore of the Department of Environmental Quality, Southwest Regional Office introduced the staff recommendation concerning the proposed Consent Special Order for Wolfden Dairy Farm.

Wolfden Dairy Farm operates under the Board's Confined Animal Feeding Operation General Permit VPG110007. The Dairy has a history of inadequately managing its waste, failing to maintain the required amount of freeboard in the waste lagoons, failing to adhere to the Dairy's nutrient management plan, and allowing discharges of manure to state waters. To remedy the situation the staff presented a Consent Special Order requiring Wolfden Diary Farm to 1) meet with the Virginia Department of Conservation and Recreation nutrient management specialist to review the nutrient management plan, 2) adhere to the manure application rates and schedules contained in the plan, 3) completely empty both manure pits twice per year, in the spring and fall, 4) maintain a minimum of one foot of freeboard on both manure holding pits at all times, 5) report all discharges promptly, 6) provide monthly status reports on various aspects of nutrient management activities at the operation and 7) pay a civil charge of $7,000.

Board Decision

Based on the staff recommendations, the Board voted 5 to 1, with Mr. Pfeiffer voting against the recommendation, to:

1. approve the Consent Special Order for Wolfden Dairy Farm,

2. authorize the Director or his designee to sign the Order on its behalf; and

3. authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.

Michael D. Overstreet
Regional Director

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Francis L. Daniel
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 11 – <u>Tidewater Regional Office Virginia Pollutant Discharge Elimination System Consent Special Orders</u>
Atlantic Wood Industries, Inc.
Eagle Harbor Shopping Center, L.L.C.

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation concerning two Consent Special Orders with civil charges.

<u>Atlantic Wood Industries, Inc.</u>
Atlantic Wood Industries, Inc. operates a wood treating facility that was issued VPDES Permit VA0059056 on June 20, 2000 for a stormwater discharge. Part I.A of the permit requires the facility to monitor stormwater runoff from outfall 002 on a quarterly basis for copper, chromium, arsenic, COD, TSS and total petroleum hydrocarbons. The facility failed to monitor during six quarters in the last two years. The facility submitted quarterly discharge monitoring reports indicating no discharge from the facility. A review of rainfall data for the two year period indicated that sufficient rainfall occurred to cause discharges during the periods the facility reported that no discharges had occurred. Additionally, the Company failed to perform sampling of metals in accordance with approved procedures.

No comments were received during the public comment period. The Order requires the payment of a civil charge of $6,200.

<u>Eagle Harbor Shopping Center, L.L.C.</u>

Eagle Harbor Shopping Center, L.L.C. (EHSC) is constructing a commercial development located in Isle of Wight County, VA. This development is part of the Eagle

Harbor residential subdivision and encompasses approximately 14 acres. Development of the property is subject to a Virginia Pollutant Discharge Elimination System (VPDES) storm water general permit. DEQ inspected the EHSC development six times between December 13, 2002 and March 6, 2003 and observed several permit violations including: 1) two unauthorized discharges, which EHSC failed to report; 2) improper installation and maintenance of erosion and sediment controls; 3) failure to correctly maintain, stabilize, and /or protect soil stockpiles with sediment trapping devices; 4) failure to document major grading activities and initiation of stabilization measures, and contractor and subcontractor certifications; 5) failure to minimize transport of sediment onto paved surfaces; and 6) failure to perform and document site inspections in accordance with the permit.

No comments were received during the public comment period. The Order requires EHSC to pay a civil charge of $9,200.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Orders for Atlantic Wood Industries, Inc. and Eagle Harbor Shopping Center, L.L.C.;

2. Authorize the Director or his designee to sign the Orders on its behalf; and

3. Authorize the Director or his designee to refer any violation of the Orders to the Attorney General's Office for appropriate legal action.

Francis L. Daniel
Director, Tidewater Regional Office

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Robert G. Burnley
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Francis L. Daniel
Tidewater Regional Director
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 12 – <u>Tidewater Regional Office Virginia Water Protection Permit Program/Underground Storage Tanks Consent Special Orders</u>
Rhonda Chase

Maria Nold, Enforcement Manager in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation concerning a Consent Special Order with a civil charge.

<u>Rhonda Chase</u>

Rhonda Chase is the owner of two adjacent lots located at the end of Bay Tree Point in the Seaford section of York County. Bay Tree Point is a narrow neck of low-lying land surrounded on three sides by the Chesapeake Bay and Bay Tree Creek. She was notified by the Army Corps of Engineers ("ACOE") on three occasions that wetlands on the site needed to be delineated prior to commencing land clearing activities. On February 25, 2003, the adjacent landowner, notified DEQ of land clearing operations performed on the Chase property and continuing onto his property. DEQ and the ACOE subsequently determined that 7,028 square feet (0.16 acres) of palustrine forested wetlands were impacted by the clearing. On August 4, 2003, DEQ received a permit application prepared from Ms. Chase for a Virginia Water Protection ("VWP") permit to improve the access road to the Chase property. The application noted that the applicant had already placed fill on 2,500 square feet of tidal wetlands. It requested an after the fact permit for the fill already placed and authorization to place an additional 1,153 square feet of fill. These impacts are separate from the earlier clearing of the site.

The Order requires Ms Chase to comply with all the provisions of the permit if the permit is issued. It also requires the submittal of an approvable plan and implementation schedule for restoration of the impacted wetlands not covered by the permit application. In addition, the Order requires the payment of a civil charge of $3,000. No comments were received during the public comment period.

Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Order for Rhonda Chase;

2. Authorize the Director or his designee to sign the Order on its behalf; and

3. Authorize the Director or his designee to refer any violation of the Order to the Attorney General's Office for appropriate legal action.

Francis L. Daniel
Director, Tidewater Regional Office

COMMONWEALTH of VIRGINIA

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Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT IT'S MEETING ON DECEMBER 4, 2003

MINUTE NO. 13 - Consent Special Order with Penalty Settlements

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlement for Raymond A. Strange d/b/a Willis Road Shell.

Mr. Raymond A. Strange is the owner of the underground storage tank (UST) facility No. 4012578, located at the Willis Road Shell petroleum dispensing facility at 2116 Willis Road in Richmond, Virginia. On October 20, 2002, a petroleum release occurred from the facility that caused environmental impact to an un-named tributary of Kingsland Creek. The owner did not report the release to the Department as required by the regulations. An inspection conducted on October 25, 2002, revealed that the facility failed to upgrade an UST by December 22, 1998, as required by the Regulations; failed to conduct leak detection for the product bearing piping, and the owner also failed to provide for financial assurance. On December 18, 2002, the Department issued a Notice of Violation to Mr. Strange citing the above violations. The Department assessed a $13,500 civil charge resulting from the above violations. Mr. Strange claimed a financial hardship and submitted financial records indicating an inability to pay a civil charge.

The Order requires Mr. Strange to upgrade or properly close the waste oil UST, submit a report with leak detection results for the petroleum piping on all the facility USTs, and submit financial assurance as required by 9 VAC 25-590-10 et.seq.

Board Decision

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the Consent Special Order for:

   Raymond A. Strange d/b/a Willis Road Shell

2. Authorize the Director or his designee to sign the Order on its behalf; and

3. Authorize the Director or his designee to refer any violation of this Order to the Attorney General's Office for appropriate legal action.

Gerard Seeley, Jr.
Regional Director

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 14 – Tier III – Ragged Island

Jean Gregory of the Office of Water Quality Programs asked the Board for approval to go to public hearing and comment on a revised proposal for the Tier III, Exceptional State Waters designation of a portion of the main stem of Ragged Island Creek in Isle of Wight County. She advised the Board that the agency had provided a copy of the proposed amendment to the Office of the Attorney General but had not yet received statutory authority so the staff recommendation would be contingent upon receiving that approval. She explained that this truncated version of the original citizen proposed boundaries was suggested by agency staff to the advisory committee at their November 6, 2003 meeting as a way to address issues raised during the comment period regarding the proposed boundary descriptions and the restrictions such a designation would place on the issuance of storm water permits. Ellen Gilinisky from the Virginia Water Protection Permit Program stated that the Army Corps of Engineers Nationwide Permits Program would not be impacted by the designation.

Board Chair Carol Wampler asked if a representative of the development community was present who could explain the concerns raised by Horace Gray regarding federal intervention once the water segment was designated. Clayton Walton spoke on behalf of Peninsula Housing and Builders Association and others and explained that the concern was about the potential impact in the future if the federal government made changes to the storm water permits program. The chair asked if a representative from the petitioning group, the Isle of Wight Citizen's Association, would also like to speak. Charles Fredrickson, Riverkeeper from the James River Association, spoke on behalf of the petitioning organization, saying that a Tier 3 designation for Ragged Island Creek would be for the benefit of all citizens of the Commonwealth and not just those citizens living in the watershed.

Decision:

Based upon the information provided to the Board and the staff recommendation, the Board by an unanimous vote authorized the staff to proceed to public hearing with the amendment to the Water Quality Standards regulation as presented to designate as an Exceptional State Water a portion of Ragged Island Creek in Isle of Wight County contingent upon approval of the Office of the Attorney General.

Larry G. Lawson, P.E., Director
Division of Water Quality

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

Minute No. 15 – <u>UST Regulation Amendment</u>

Mr. James Barnett presented information to the Board following the public comment period for amendments to the UST Regulation. The Board received no comments during the public comment period and staff requested that the Board adopt the regulation as amended. Board members had no comments or questions and voted to adopt the regulation as amended.

Larry G. Lawson, P.E., Director
Division of Water Quality

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON December 4,2003

MINUTE NO. 16 - Virginia Financial Responsibility Requirements for Tidal Dredging Mitigation Projects (9 VAC 25-770 et seq.)

The Board had been provided a draft of the proposed final regulation prior to the board meeting. This regulation was originally adopted as an emergency regulation and is now being proposed as a final regulation to comply with the requirements of section 62.1-44.15 (5c) of the Code of Virginia, as mandated by the 2002 General Assembly. Ellen Gilinsky summarized the proposed regulation and its applicability for the board members. No changes were proposed from the draft regulation that was public noticed.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the final regulation (9 VAC 25-770-10 *et seq.*), as presented by the staff.

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Director, Water Program Coordination

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 4, 2003

MINUTE NO. 17 - 9 VAC 25-790-10 et seq., Sewage Collection and Treatment Regulation

The staff discussed the transfer of authority from the Health Department to the State Water Control Board for the Sewage Collection and Treatment Regulation and presented it for adoption as amended.

Board Decision

The Board voted to adopt the Sewage Collection and Treatment Regulation as 9 VAC 25-790-10 et seq.

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Director, Water Division

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MINUTE NO. 18 - Technical Correction to the Ammonia Criteria in the Water Quality Standards 9 VAC 25-260-155 subsections D and E

A statement was provided by Elleanore Daub of the Board's Office of Water Quality Programs to ask the Board for approval of a technical correction to recently effective amendments (August 27, 2003) of the Water Quality Standards at 9 VAC 25-260-155.D and E. A typographical error was found after the adoption of these criteria in a portion of the formula utilized to calculate acute and chronic ammonia criteria for saltwater. The error was described at Tab K in the Board's reference materials. Corrections of technical errors are excluded from the Administrative Process Act.

Decision:
Based upon the information provided to the Board and the staff recommendation, the Board approved by a unanimous vote the technical correction in subsections 9 VAC 25-260-140 D and E.

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Minute No. 19 – Public Forum

No persons appeared during the public forum.

Cindy M. Berndt

Cindy M. Berndt

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON DECEMBER 4, 2003

MINUTE 20 – FY 2004 VWRLF Loan Authorizations

Mr. Walter Gills, Program Manager of the Board's Construction Assistance Program, made a presentation to the Board based on a memorandum dated November 19, 2003 and a revised memorandum dated December 4, 2003. The memoranda identified the staff's recommended loan amounts, terms, and interest rates for 22 projects targeted for FY 2004 loan assistance.

Mr. Gills began his presentation by updating the Board on the accomplishments of the VWRLF over its first 15 years and briefly explaining how the uses of the Fund had been expanded through General Assembly action over that timeframe. He then summarized the action taken by the Board at its October 28, 2003 meeting, of targeting 24 projects for FY 2004 assistance and directing the staff to present the Board's tentative list for public comment. He relayed that all public comments received have been in support of the projects targeted for funding. Mr. Gills explained that he had met with all the potential FY 2004 loan recipients to verify the financial data used to evaluate the local impact and that the staff had completed its user charge impact analyses for the targeted recipients. He informed the Board that Hanover County had withdrawn their two applications, the two land conservation projects had decreased their loan requests, and the Waterford Foundation had requested that their loan term be decreased to ten years.

Mr. Gills explained that program policy called for a 1% reduction, below municipal revenue bond market, for the program's ceiling rate projects. The staff recommended that the FY 2004 ceiling rate be set at 3.1 % and that projects receiving that rate be subject to reevaluation if they have not proceeded to loan closing by December 1, 2004.

The Board had numerous questions associated with the two land conservation projects. Mr. Gills addressed many of those questions and referred some to representatives of the applicants that were in attendance. Individuals present that addressed the Board's questions included Mike Lipford and Andy Lacatell from The Nature Conservancy, Mike Foreman from the Virginia Department of Forestry, and Bruce Cleveland from the Waterford Foundation. After discussion, the Board took the following actions:

1) Voted unanimously to authorize the execution of the 20 municipal projects at the amounts, rates, and terms listed below. Loan closing is subject to the receipt of a favorable financial capability analysis report and supporting recommendation from VRA.

FY 2004 Proposed Interest Rates and Loan Authorizations

	Locality	Loan Amount	Rates & Loan Terms (CR - ceiling rate is 3.1 %
1	City of Lynchburg	$ 6,000,000	0%, 30 years
2	City of Alexandria	$ 22,000,000	CR, 20 years
3	City of Norfolk	$ 7,400,000	CR, 20 years
4	Town of Middletown	$ 2,200,000	0%, 20 years
5	Town of Abingdon	$ 8,214,200	0%, 20 years
6	Alleghany County	$ 10,380,454	0%, 20 years
7	Town of Vinton	$ 2,479,633	CR, 20 years
8	Town of Brookneal	$ 565,000	0%, 20 years
9	Town of Big Stone Gap	$ 860,000	0%, 20 years
10	Botetourt County	$ 2,995,000	CR, 20 years
11	Town of Vinton	$ 600,000	CR, 20 years
12	Arlington County	$100,000,000	CR, 20 years
13	Rockbridge County PSA	$ 9,078,000	CR, 20 years
14	City of Waynesboro	$ 550,000	CR, 20 years
15	Augusta County SA	$ 264,650	CR, 20 years
16	Town of Mount Jackson	$ 535,000	CR, 20 years
17	Caroline County	$ 572,700	0%, 20 years
18	Fluvanna County	$ 1,104,312	0%, 20 years
19	City of Newport News	$ 3,260,000	CR, 20 years
20	Goochland County 'On-Site'	$75,000	2%, 10 years
	Total Request	$179,133,949	

2) Voted 4 for (Wampler, Erkilitian, Futrell, Pfeiffer) and two against (Baise, Bryan) to authorize the execution of a loan to The Nature Conservancy for $2,932,500 for 3 years at an interest rate of 1%.

3) Voted 5 for (Wampler, Erkilitian, Futrell, Pfeiffer, Bryan) and one against (Baise) to authorize the execution of a loan to the Waterford Foundation for $1,800,000 for 5 years at an interest rate of 1%.

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Water Program Coordination

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MINUTE NO. 21 – Report on Criminal Investigation Program

Ralph Mayer, Criminal Investigation Program Manager gave the Board a presentation about the Criminal Investigation Unit. The presentation summarized the CIU's function and procedures and was accepted by the Board.

Ralph Jay Mayer
Criminal Investigation Program Manager

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Minute No. 22 – Future Meetings

The Board set March 23, 2004, as the date of their next regular meeting.

Cindy M. Berndt

Cindy M. Berndt