



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

MINUTES

STATE WATER CONTROL BOARD
December 12-13, 2001 - House Room C
General Assembly Building
Richmond, Virginia

Board Members Present:

Hunter E. Craig, Chairman
H. Preston Futrell, Jr.
Gary H. Baise

Karl F. Wenger
Thomas V. Van Auken

Board Members Absent:

vacant

Staff Present:

Dennis H. Treacy, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Richard P. Zorn, Senior Assistant Attorney General
John Byrum, Assistant Attorney General
Rick Linker, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 9:20 a.m. on Wednesday, December 12, 2001. The Board voted to go into closed session at 1:05 p.m., returned to open session at 1:25 p.m. and adjourned for the day at 5:23 p.m. The meeting was reconvened on Thursday, December 13, 2001, at 9:19 a.m., recessed at 11:12 a.m., reconvened at 11:20, recessed at 11:56 a.m., reconvened at 12:08 p.m., recessed at 12:36, reconvened at 1:20, recessed at 2:01 and reconvened at 2:15. The Board voted to go into closed session at 4:11 p.m., returned to open session at 5:47 p.m. and adjourned at 5:50 p.m.



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE NO. 1 - Closed Session

Pursuant to the provisions of Section 2.2-3711 (A)(7) of the Code of Virginia, the Board met in Closed Session to consider the following matters:

District of Columbia Department of Corrections Lorton STP

Pursuant to Section 2.2-3712 (D) of the Code of Virginia, the Board, by roll call vote, unanimously certified that only those matters identified above, which are lawfully exempted from the requirements of the Freedom of Information Act, were considered during Closed Session.

A handwritten signature in blue ink that reads "Cindy M. Berndt".

Cindy M. Berndt



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1-800-592-5482

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON December 12, 2001

MINUTE NO. 2 - Permit Terminations

Martin G. Ferguson, Jr., Director of the Water Permits Program of the Department of Environmental Quality's Central Office introduced the staff recommendation concerning the termination of one permit.

Board Decision

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to approve the termination of permit for:

Green Pines Motel East

VPDES Permit No. VA0073709

A handwritten signature in black ink, appearing to read 'Martin G. Ferguson, Jr.', written over a horizontal line.

Martin G. Ferguson, Jr.
Director, Water Permits Program

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Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE 3 - Significant Noncompliance

Andrea Wortzel, Water Enforcement Coordination Manager, reported to the Board that six major facilities were reported to EPA on the Quarterly Noncompliance Report (QNCR) as being in significant non-compliance (SNC) for the quarter ending September, 2001. The facilities, their instances of non-compliance and a summary of actions taken to address non-compliance were reported as follows:

1. Permittee: **Alexandria Sanitation Authority, Alexandria STP**
Type of Non-Compliance: **Failure to Meet Effluent Limits (BOD and TSS)**
Dates of Non-Compliance: December, 2000, January through May and August, 2001
Requirements Contained In: (Virginia) Court Order

The Authority is upgrading its sewage treatment plant as required by federal court order. Certain interim effluent limits (including total suspended solids and biochemical oxygen demand limits) apply to the plant as the result of a prior Virginia court order. During the period of upgrade the Authority's ability to perform certain maintenance tasks at the plant has been impaired due to space constraints resulting from construction. The staff of the Department's Northern Regional Office has requested that the OAG modify the effluent limits of the Virginia court order, for the period of construction, to address the possibility that the plant may periodically, until completion of construction, be unable to consistently meet the referenced limits. The facility was reported to EPA as an Exceptions List facility, having been reported as being SNC for two or more successive quarters.

2. Permittee: **City of Blackstone, Blackstone STP**
Type of Non-Compliance: **Failure to Meet Effluent Limit (Nitrogen)**
Dates of Non-Compliance: July and August 2001
Requirements Contained In: VPDES Permit

The staff of the Department's South Central Regional Office is negotiating a consent special order that will address the referenced instances of non-compliance.

3. Permittee: **Town of Clifton Forge, Clifton Forge STP**
Type of Non-Compliance: **Failure to Meet Effluent Limit (BOD)**
Dates of Non-Compliance: December 2000 through March 2001
Requirements Contained In: VPDES Permit

The staff of the Department's West Central Regional Office is negotiating a Consent Special Order that will address the referenced instances of non-compliance. The order is being presented to the Board today.

4. Permittee: **City of Galax, Galax STP**
Type of Non-Compliance: **Overflows**
Dates of Non-Compliance: Continuing overflows from July, 2000 through Sept. 2001
Requirements Contained In: SWCB Consent Special Order and VPDES Permit

The Department of Justice has filed suit against Galax on behalf of EPA seeking to have the overflows addressed and a penalty paid. The Commonwealth of Virginia is named as a statutory defendant. The Department has requested the Attorney General's office to seek to have Virginia listed as a plaintiff in the suit.

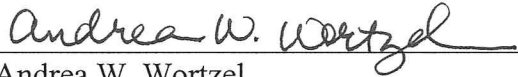
5. Permittee: **Rivanna Water and Sewer Authority,
Moore's Creek STP**
Type of Non-Compliance: **Failure to Meet Effluent Limit (Ammonia)**
Dates of Non-Compliance: January, March and August, 2001
Requirements Contained In: VPDES Permit

The staff of the Department's Valley Regional Office believes that the referenced instances of non-compliance were anomalous, and do not require formal enforcement action. Staff will monitor to see whether there's a recurrence, and, if so, whether there is any pattern to the problem and a need for formal enforcement action.

6. Permittee: **DuPont Teijin Films, DuPont WWTP**
Type of Non-Compliance: **Failure to Meet Effluent Limit (BOD)**
Dates of Non-Compliance: June and July 2001
Requirements Contained In: VPDES Permit

The Department's Piedmont Regional Office staff are preparing to issue a Notice of Violation to DuPont. Based on DuPont's response to the NOV, staff will determine whether formal enforcement action is necessary.

Additionally, the Town of South Boston, South Boston STP was reported to the Board as being SNC for the second quarter of 2001 for failing to meet a February 2001 compliance schedule deadline for sanitary sewer repairs. The Department's South Central Regional Office has obtained additional information from South Boston's consultant. Based on this information, staff has concluded that South Boston did in fact comply with the February 2001 deadline, and that the violations were erroneously reported.



Andrea W. Wortzel
Water Enforcement Coordination Manager



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Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

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Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE NO. 4 – Cancellation of Consent Special Orders

Andrea Wortzel, Water Enforcement Coordination Manager, presented to the Board six consent special orders for cancellation. The orders were issued to:

1. Chesapeake Products, Inc.
2. EnviroSystems, Inc. / Dynachem Tehcnologies, Inc.
3. Hercules, Inc.
4. NASA - Wallops Flight Facility
5. Town of Onancock
6. Tri-Port Terminals, Inc.

The Board unanimously approved cancellation of the referenced orders.

Handwritten signature of Andrea W. Wortzel in cursive script.

Andrea W. Wortzel

Water Enforcement Coordination Manager



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COMMONWEALTH OF VIRGINIA DEQ - OD

DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

Street Address: 355 Deadmore Street, Abingdon, Virginia 24210

Mailing Address: P. O. Box 1688, Abingdon, Virginia 24212

Fax (540) 676-4899

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

John Paul Woodley, Jr.
Secretary of Natural Resources

Michael D. Overstreet
Regional Director
(540) 676-4800

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12, 2001

MINUTE NO. 5 - Consent Special Order With Civil Charges

Dallas Sizemore of the Department of Environmental Quality, Southwest Regional Office introduced the staff recommendations concerning the proposed Consent Special Order for Flav-O-Rich, Inc.

Flav-O-Rich had disposed of whey waste on an unapproved farm in Scott County and had overapplied whey waste on an approved farm in Washington County. To remedy this situation the Board was presented with a Consent Special Order that required Flav-O-Rich to 1) develop a comprehensive whey disposal plan governing all aspects of waste hauling and disposal, including manifests, record keeping, spill reporting and monthly reporting of all whey waste disposal activities and 2) train all employees who are involved in the disposal of whey waste in the activities and requirements of the disposal plan. The order also required Flav-O-Rich to pay a \$2,450 civil charge.

Board Decision

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

1. approve the Consent Special Order for:

Flav-O-Rich, Inc.
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



COMMONWEALTH of VIRGINIA

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James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

SOUTH CENTRAL REGIONAL OFFICE
7705 Timberlake Road, Lynchburg, Virginia 24502
(804) 582-5120 Fax (804) 582-5125
<http://www.deq.state.va.us>

Dennis H. Treacy
Director

Thomas L. Henderson
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE NO. 6 - South Central Regional Office Consent Special Orders

Thomas L. Henderson of the Department of Environmental Quality, South Central Regional Office, introduced the staff recommendations concerning the proposed Consent Special Orders for the Town of Keysville and Newton Mobile Court Incorporated.

Board Decision

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

1. Approve the Consent Special Orders for:

Town of Keysville
Newton Mobile Court Incorporated
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.

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

Thomas L. Henderson
Regional Director
South Central Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

West Central Regional Office
3019 Peters Creek Road, Roanoke, Virginia 24019
Telephone (540) 562-6700, Fax (540) 562-6725
<http://www.deq.state.va.us>

Dennis H. Treacy
Director

Richard F. Weeks, Jr.
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

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

Richard F. Weeks of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Orders for the Town of Clifton Forge, ISE America, Inc. (Seaboard Farms, Inc.), Mr. D. J. Cooper (Hardy Road Trailer Park) and a Consent Special Order Amendment for the County of Alleghany, the Town of Clifton Forge, and the Town of Iron Gate.

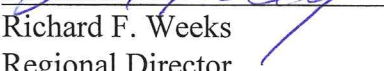
Board Decision

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

1. Approve the Consent Special Orders for:

Town of Clifton Forge
ISE America, Inc. (Seaboard Farms, Inc.)
Mr. D. J. Cooper (Hardy Road Trailer Park)
2. Approve the Consent Special Order Amendment for:

County of Alleghany, the Town of Clifton Forge, and the Town of Iron Gate.
3. Authorize the Director or his designee to sign the Orders or Amendment on its behalf;
and
4. Authorize the Director or his designee to refer any violations of the Orders or Amendment to the Attorney General's Office for appropriate legal action.


Richard F. Weeks
Regional Director
West Central Regional Office



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 fax (703) 583-3801
<http://www.deq.state.va.us>

Dennis H. Treacy
Director

Gregory L. Clayton
Regional Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
ITS MEETING ON DECEMBER 12 & 13, 2001**

MINUTE NO. 8 - Consent Special Orders

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented two proposed amended Consent Special Orders, four proposed Consent Special Orders, and one proposed amended Consent Decree for the Board's consideration.

Ms. Elizabeth Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Orders and Decree. Following the presentation, Ms. Crosier made the staff recommendations regarding the proposed Order.

The proposed amended Order regarding the Purcellville sewage treatment plant extends the deadline by which the Town of Purcellville must complete construction of the new sewage treatment plant until March 1, 2002. The proposed amended Order also extends the deadline by which the Town must achieve compliance with final Permit effluent limits at the new facility until May 1, 2002.

The proposed Order regarding the Round Hill sewage treatment plant ("STP") includes a schedule of compliance that requires the Town of Round Hill to upgrade and expand the STP to achieve compliance with final Permit limits by May 1, 2003 and provides interim effluent limits for biological oxygen demand and total kjeldahl nitrogen until that date.

The proposed Order regarding the Alexandria Diamond Cab Company, Inc. requires that the Company properly close the site from which two six thousand-gallon underground storage tanks were removed, submit the required closure information, and pay a civil charge of \$2,500.

The proposed Order regarding the Brandy Farm site requires that Mr. Kaye Andrus, owner and operator of Brandy Farm, empty the wastewater lagoons; backfill, grade, and seed the lagoon area; minimize surface runoff; and remove all remaining silage and dairy cattle. The Order also requires that Mr. Andrus pay a civil charge of \$2,500.

The proposed Order regarding the Caroline County wastewater treatment plant (“WWTP”) requires that Caroline County upgrade the WWTP in phases as necessary to achieve compliance with final Permit effluent limits and perform more stringent operation and maintenance procedures while the upgrade is under construction. The proposed Order also provides interim effluent limits for phosphorus and total kjeldahl nitrogen during the first phase of the upgrade.

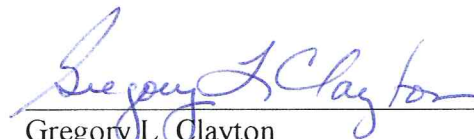
The proposed Order regarding the Smith-Midland Fauquier County Facility requires that Smith-Midland Corporation construct a new acid etching operation and close the existing operation in order to properly manage process wastewater discharges. The Order also requires that Smith-Midland pay a civil charge of \$8,400.

The amended Consent Decree proposed Final Order regarding the Lorton sewage treatment plant settles the Commonwealth’s claims for past violations of the Decree. The proposed Final Order requires that the District of Columbia pay \$325,000 in civil penalties, complete closure of the Lorton STP, and comply with the terms of the amended Consent Decree until the STP is closed.

Decision

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

1. Approve the proposed amended Consent Special Orders regarding the Purcellville STP; the proposed Consent Special Orders regarding the Town of Round Hill STP, Alexandria Diamond Cab Company, Brandy Farm, Caroline WWTP and Smith-Midland Corporation; and the amended Consent Decree regarding the Lorton STP;
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.



Gregory L. Clayton
Regional Director
Northern Virginia Region



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Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Northern Virginia Regional Office
13901 Crown Court
Woodbridge, VA 22193-1453
(703) 583-3800 fax (703) 583-3801
<http://www.deq.state.va.us>

Dennis H. Treacy
Director

Gregory L. Clayton
Regional Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
ITS MEETING ON DECEMBER 12 & 13, 2001**

MINUTE NO. 9 - Consent Special Order - South Wales

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

Ms. Elizabeth Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed amended Order. Following the presentation, Ms. Crosier made the staff recommendations regarding the proposed amended Order.

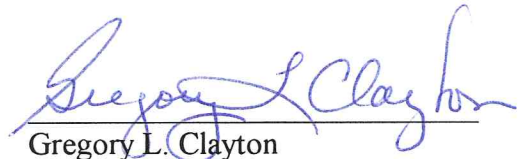
The proposed amended Order regarding the South Wales wastewater treatment plant ("WWTP") extends the deadline by which South Wales Utility, Inc. must secure a conditional use permit for construction of a new WWTP from November 1, 2001 until March 1, 2002. DEQ received three sets of comments during the public notice and comment period. Staff addressed the comments during the presentation.

Decision

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

1. Approve the proposed amended Consent Special Order regarding the South Wales WWTP;
2. Authorize the Director or his designee to sign the amended Order on the Board's behalf; and
3. Authorize the Director or his designee to refer violations of the Order to the

Attorney General's Office for appropriate legal action.

A handwritten signature in blue ink that reads "Gregory L. Clayton". The signature is written in a cursive style with a horizontal line underneath the name.

Gregory L. Clayton
Regional Director
Northern Virginia Region



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James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

PIEDMONT REGIONAL OFFICE

4949-A Cox Road
Glen Allen, Virginia 23060
(804) 527-5020
Fax (804) 527-5106
<http://www.deq.state.va.us>

Dennis H. Treacy
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE NO. 10- Consent Special Orders

Mr. Gerry Seeley, Piedmont Regional Office, introduced the staff recommendation concerning the proposed Consent Special Order Settlement for Chubby's L.L.C.

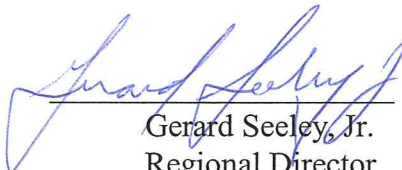
The proposed Order addresses a petroleum release which occurred at the Chubby's service station in Blackstone, Virginia, on February 14, 2001. During filling operations the hose became disconnected from the fill port when the transport operator was away from the site. The approximately 50 gallons of petroleum was trapped in a storm drain and recovered. Both the facility and the operator of the transporter failed to take measures to safeguard the public from the dangers of fire, explosion and vapor hazards. The proposed order contains a \$1,400 civil charge.

Board Decision

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

1. approve the Consent Special Order for :

Chubby's L.L.C.
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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Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

PIEDMONT REGIONAL OFFICE

4949-A Cox Road
Glen Allen, Virginia 23060
(804) 527-5020
Fax (804) 527-5106
<http://www.deq.state.va.us>

Dennis H. Treacy
Director

Gerard Seeley, Jr.
Piedmont Regional Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL
BOARD AT ITS MEETING ON DECEMBER 12, 2001**

MINUTE NO. 11 - Proposed Issuance of VPDES Permit No. VA0090727
Dutoy Creek Wastewater Treatment Plant - Powhatan County

Piedmont Regional Office Engineer Allan Brockenbrough made a presentation to the Board summarizing the issues raised during the public comment period and at the public hearing for the proposed VPDES permit. The permit would be issued to the County of Powhatan for a new 250,000 gpd wastewater treatment plant to serve a new high school and commercial development along the Route 60 corridor in the eastern end of the county. A public hearing on the proposed permit was held in Powhatan County on November 20, 2001 with Dr. Van Auken serving as the hearing officer. Issues raised at the public hearing and during the public comment period included the impact of the discharge on the James River and the fish ladder at Boshers' Dam, the possible use of Dutoy Creek as a reservoir site, the validity of the Total Recoverable Copper and Zinc limitations, the Fecal Coliform monitoring frequency, the possible use of a new Ammonia criteria, the applicability of sludge monitoring requirements and limitations and monitoring requirements for metals and TBT.

The Board heard comments from Mr. Richard Sedgley of McGuire Woods LLP, speaking on behalf of the County. After some discussion, the following staff recommendation was made to the Board:

STAFF RECOMMENDATION:

The staff recommends that the Board direct the staff to issue VPDES Permit No. VA0090727 with the following modifications:

- a. Allow 1/Week Fecal Coliform sampling until monthly average flow exceeds 100,000 gpd for any calendar month.

- b. Add language clarifying that the sludge limitations and monitoring requirements are only applicable if land application is selected as the final sludge disposal method.
- c. Add language allowing composite metals sampling upon approval of a sampling protocol by the Director.
- d. Add language to make limits effective upon issuance of a Certificate to Operate.

BOARD DECISION

Dr. Wenger motioned that the Board approve the staff recommendation. The motion was seconded by Dr. Van Auken and the Board voted unanimously to approve the staff recommendation.



Gerard Seeley, Jr., Director
Piedmont Regional Office



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James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

5636 Southern Boulevard
Virginia Beach, VA 23462
Tel# (757) 518-2000
<http://www.deq.state.va.us>

Dennis H. Treacy
Director

Francis L. Daniel
Tidewater Regional Director

Fax (757) 518-2003

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12 and 13, 2001

MINUTE NO. 12 – TRO Consent Special Order

Maria R. Nold, Enforcement Coordinator in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation for a proposed consent special order for the City of Norfolk/Hampton Roads Sanitation District. The order addresses sewage overflow resulting from excessive infiltration and inflow into the sanitary sewer collection system and the system's age. The order requires that the City of Norfolk complete several listed sanitary sewer system improvements and conduct a Sanitary Sewer Evaluation Survey by August 2003. The Hampton Roads Sanitation District is required to complete their inspection of the sanitary sewer gravity mains located with the City of Norfolk by June 2003. The order also requires that the parties collaborate in the development of collection system plans intended to enhance the capacity, maintenance, operation, and management of the system.

Board Decision

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

1. approve the consent special order for the City of Norfolk and Hampton Roads Sanitation District;
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.

A handwritten signature in blue ink that reads 'Francis L. Daniel'.

Francis L. Daniel
Tidewater Regional Office



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL
BOARD AT ITS MEETING ON DECEMBER 12, 2001**

MINUTE NO. 13 - VRO - Consent Order with a Civil Charge

R. Bradley Chewning, Regional Director of the VRO, introduced Edward Liggett, VRO enforcement staff. Mr. Liggett made a staff presentation and introduced the staff recommendations concerning a proposed VRO Consent Special Order with a civil charge for National Fruit Product Company, Inc. (National Fruit).

National Fruit operates a fruit processing facility near Winchester in Frederick County, Virginia. Under the terms of its Virginia Pollution Abatement (VPA) permit, National Fruit land applies fruit processing wastewater on two spray field sites totaling 66 acres in area. In 1998, National Fruit consolidated its operations at the Winchester Plant which resulted in conversion of the plant from a seasonal to a year round operation. This resulted in an increase in wastewater generation and land application beginning in 1999 and continuing through 2000. Inspections by VRO staff identified that National Fruit's land application system had become hydraulically overloaded causing runoff of wastewater from the site in violation of the VPA permit. The inspections also identified violations related to operation and maintenance of the facility.

On February 7, 2001, National Fruit self-reported that a berm on one of its wastewater storage lagoons was accidentally struck by a piece of heavy equipment causing wastewater to be discharged from the lagoon into a private pond where it caused a minor fish kill.

National Fruit has implemented a set of wastewater reduction measures that produced a 35% reduction in wastewater generation. The proposed order requires National Fruit to implement additional measures of wastewater reduction and to return the facility to full compliance with the VPA permit.

The Order requires National Fruit to pay a civil charge of \$ 6,370 in settlement of the violations and to reimburse the costs associated with the fish kill investigation.

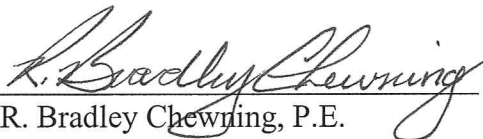
Minute No. 13
National Fruit Product Company, Inc.
Page 2

The public notice period for the proposed Consent Order was completed on November 8, 2001, and no adverse public comment was received.

Board Decision

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

1. approve the Consent Special Order with a Civil Charge for National Fruit Product Company, Inc.;
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.


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



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources


PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12, 2001

Minute No. 14 – Issuance of Virginia Water Protection Permit No. 01-1282 to East Coast Transport Incorporated

Joe Hassell made a staff presentation to the Board on the proposed issuance of a Virginia Water Protection Permit to East Coast Transport, Incorporated to build an intake on the James River and a 12 mile long water transmission pipeline across Fluvanna county. The staff presentation summarized the permit conditions and the comments received. After the staff presentation, six private citizens and two representatives of the company spoke in favor of the issuance of the permit. The staff made four recommendations to the Board, namely to affirm the closing of the comment period, to add a sunset provision to the permit regarding water use, to increase mandatory conservation from 34% to 50% and to issue the permit as amended.

Decision

Following discussion and questions, the Board voted unanimously to accept the staff recommendation and to issue Virginia Water Protection Permit No. 01-1282 to East Coast Transport Incorporated.



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



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE NO. 15 - General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Car Wash Facilities, 9 VAC 25-194-10 et seq.

The staff recommended that the board authorize the staff to hold public hearings for the draft permit regulation that was presented in their meeting package.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to hold public hearings for the draft General VPDES Permit Regulation for Car Wash Facilities.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.

Director, Water Program Coordination



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DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

James S. Gilmore, III
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Secretary of Natural Resources

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12 - 13, 2001

MINUTE NO. - 16 9 VAC 25-71-10 et seq., Regulations Governing the Discharge of Sewage and Other Wastes from Boats

The staff presented a draft regulation entitled "Regulations Governing the Discharge of Sewage and Other Wastes from Boats" and recommended that the Board authorize public hearings for the proposed draft and repeal of two regulations that it will replace.

Board Decision

The Board voted to authorize public hearings to receive public comment on adoption of 9 VAC 25-71-10 et seq. and on repeal of 9 VAC 25-70-10 et seq. and 9 VAC 25-730-10 et seq.

A handwritten signature in blue ink, reading "Larry G. Lawson".

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



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Street Address: 629 E. Main Street, Richmond, Virginia 23219

Mailing Address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

www.deq.state.va.us

(804) 698-4000

1-800-592-5482

Robert G. Burnley
Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12, 2001

MINUTE NO. 17 - Water Quality Standards (9 VAC 25-260) - Triennial Review

Staff described the amendments and provided a page substitution in the proposal because of revisions made to 9 VAC 25-260-20.B (mixing zones) based on comments received from the Attorney General's Office. The Attorney General's Office requested revision of the wording which recognizes the existence of federal and state laws that control protection of endangered and threatened species. An updated financial impact assessment for discharges affected by the saltwater mixing zone sizing requirements was also provided.

Several Board members expressed considerable concern over the intent of several of the proposed amendments and the implications for the Board if they were adopted. The amendments of concern deal with revising the anti-degradation policy to remove language that limits the application of the policy to "Board regulated activities" and revising the mixing zone section to recognize the existence of federal and state laws that control protection of endangered and threatened species. Following a lengthy discussion, the Board members still had significant concerns, but accepted the recommendations knowing that: 1. the Board's action only allowed the proposal to be put out for public comment; and, 2. the Board would consider the proposal again at a later date with the benefit of the requested feedback from the public and EPA.

Recommendation:

The Board to authorize the staff to proceed to public hearing with the proposed amendments to the Water Quality Standards contingent upon review and approval from the Office of the Attorney General.

Decision:

The Board by a unanimous vote directed the staff to

1. Proceed to public hearing with the amendments to the Water Quality Standards as presented today for triennial review contingent upon review and approval from the Office of the Attorney General

2. Seek public comment on the issue of whether the antidegradation and mixing zone policies should be amended as presented or whether these changes might be misinterpreted to mean that the Board has authority to control non-point source pollution via the changes to the antidegradation policy or provide additional prohibitions or controls beyond what is already implemented via the changes to the mixing zone policy regarding endangered and threatened species; and,
3. Write a letter to the EPA and the Virginia Congressional delegation expressing their concern of EPA requiring the state to amend the regulation so that it might expand the authority of the Board when the Clean Water Act does not require this authority.



Larry G. Lawson, P.E.

Director, Division of Water Program Coordination



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DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE NO. 18 - Public Forum

Mr. Jeff Corbin of the Chesapeake Bay Foundation appeared to request that the Board consider a letter from the Foundation, the Southern Environmental Law Center and James River Association. He advised the board that the letter concerned the current triennial review of the water quality standards and that the letter had previously been sent to staff.

A handwritten signature in blue ink that reads "Cindy M. Berndt".

Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE 19 - FY 2002 VWRLF Loan Authorizations

Mr. Walter Gills, Project Supervisor of the Board's Construction Assistance Program, made a presentation to the Board based on a memorandum dated November 19, 2001. The memorandum identified the staff's suggested loan terms and recommended loan approvals for nineteen projects targeted for FY 2002 loan assistance.

Mr. Gills began his presentation by summarizing the actions taken by the Board, at its October 4, 2001 meeting, of targeting 20 localities for FY 2002 loan assistance and directing the staff to present the Board's tentative funding list for public comment. He relayed that all public comments received have been in support of the projects targeted by the Board for funding. He explained that he had met with all the potential FY 2002 loan recipients to verify the financial data used to evaluate local impact and the staff had completed its user charge impact analyses for the targeted recipients. He provided the Board with a revision to Page Three of the November 19th memorandum, which established the recommended loan terms for those projects that were initially left blank in the table.

Mr. Gills explained that program policy called for a 1% reduction, below the municipal revenue bond market, for the program's ceiling rate projects. The program's FY 2002 "ceiling rate" was set at 3.75%. Projects fixed at the Funds' upper limit, which have not proceeded to loan closing by September 1, 2002, could be subject to reevaluation based on market conditions should the bond market experience a substantial rate increase.

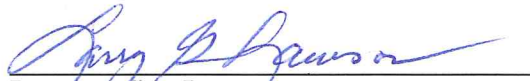
Decision

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

Authorize the execution of the following loan agreements for the projects targeted by the Board, at its meeting on October 4, 2001 at the rates and terms shown. Loan closing is subject to receipt of a favorable financial capability analysis report and supporting recommendation from VRA.

FY 2002 VWRLF Loan Authorizations and Approved Terms/Rates

	<u>Locality</u>	<u>Loan Amount</u>	<u>Loan Terms</u>
1.	City of Lynchburg	\$ 2,628,000	0% @20 years
2.	Fairfax County	\$50,000,000	3.75%@20 years
3.	Clarke County	\$ 424,599	0% @30 years
4.	Pepper's Ferry Regional WWTA	\$10,500,000	1% @20 years
5.	Hanover County	\$ 920,400	0% @20 years
6.	Alleghany County	\$ 6,000,000	0% @20 years
7.	Town of Shenandoah	\$ 150,000	3.75%@20 years
8.	Hanover County	\$ 439,545	3.75%@20 years
9.	Town of Fincastle	\$ 84,776	3.75%@20 years
10.	Town of Blackstone	\$ 1,221,376	0% @20 years
11.	Town of Culpeper	\$ 4,778,300	3.75%@20 years
12.	Town of Amherst	\$ 3,000,000	3.75%@20 years
13.	Russell Co. W&SA	\$ 148,500	3% @20 years
14.	Town of Luray	\$ 1,579,440	3.75%@20 years
15.	Amelia County	\$ 315,879	3% @20 years
16.	Hanover County	\$ 516,522	3.75%@20 years
17.	Hanover County	\$ 252,000	3.75%@20 years
18.	City of Newport News	\$ 3,200,000	3.75%@20 years
19.	Peninsula Airport Commission	\$ 2,981,842	3.75%@20 years
	Total Request	\$89,141,179	



Larry G. Lawson
Director, Division of Water
Program Coordination

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COMMONWEALTH of VIRGINIA

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Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE 20 - Tangier Island (Construction Assistance Program)

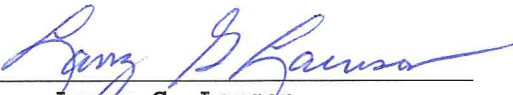
Mr. Don Wampler, Project Manager of the Board's Construction Assistance Program, made a presentation to the Board based on a staff memorandum dated November 16, 2001.

Mr. Wampler began his presentation by summarizing Tangier's effort to comply with several items identified in the Consent Order executed in April 2001. He noted that Tangier had executed a contract with Maryland Environmental Services (MES) to oversee the operation and management of the Town's waste management facilities, as required by the Order, and that the MES had conducted an operational/reliability analysis on the Town's existing wastewater treatment system components. He stated that based on the findings of that analysis, the Town was to request grant assistance from the Board's Construction Assistance Program for needed equipment repairs and replacement.

He noted that MES' analysis had been submitted and various needed equipment repairs have been identified. He concluded by noting that the staff had located \$47,000 in potential grant assistance in an old State grant account being maintained at the Virginia Resources Authority, and this money is currently available for obligation by the Board.

Following discussion, the Board voted unanimously to:

Authorize grant funding up to the \$47,000 available for needed improvements to the Town of Tangier's wastewater treatment facility and sewer conveyance system.


Larry G. Lawson
Director, Division of Water
Program Coordination

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

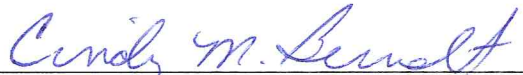
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE NO. 21 - Future Meetings

The Board set March 27, 2002 at the date of the next regular meeting.



Cindy M. Berndt



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Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE NO. 22 - Election of Officers

The Board elected Hunter E. Craig as Chairman (4-0 with Mr. Craig abstaining) and Gary Baise as Vice-Chairman (4-0 with Mr. Baise abstaining).


Cindy M. Berndt



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Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

Dennis H. Treacy
Director

(804) 698-4000
1-800-592-5482

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Governor

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 12-13, 2001

MINUTE NO. 23 - Newdunn Associates, L.L.P. et al. and R.G.M. Corporation, et al.

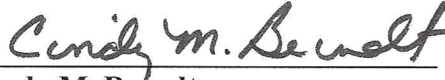
The Board convened a formal hearing on Newdunn Associates, L.L.P., et al. (Newdunn) and a formal hearing on R.G.M. Corporation, et al. (RGM). Verbatim transcripts of the proceedings were made and filed in the records of the Board.

The Board, after proper motion, unanimously voted to go into closed session pursuant to Section 2.2-3711(A)(7) of the Code of Virginia for consultation with legal counsel on R.G.M. Corporation, et al. and Newdunn Associates, L.L.P., et al. Upon returning from closed session, the Board unanimously certified, by roll call vote, that only those matters properly announced and lawfully subject to discussion during closed session were discussed during the closed session.

Board Decision

With respect to R.G. M. Corporation, et al., the Board unanimously ordered that the Emergency Special Order (ESO) with respect to Duncan Investment Associates, Inc., Ltd. is reversed and Duncan is dismissed in all respects. In addition, the Board unanimously continued the matter in all respects concerning all other parties for thirty days at which time unless the matter is otherwise resolved the Board will convene for the purposes of issuing a final order.

With regard to Newdunn Associates, L.L.P. et al., the Board announced that the matter would continue under consideration until further notice.


Cindy M. Berndt