



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
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MINUTES STATE WATER CONTROL BOARD March 28, 2002 - House Room C General Assembly Building Richmond, Virginia

Board Members Present:

Hunter E. Craig, Chairman

H. Preston Futrell, Jr.

Karl F. Wenger

Gary H. Baise, Vice-Chairman

Thomas V. Van Auken

Leroy O. Pfeiffer, Jr.

Board Members Absent:

vacant

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 9:04 a.m. on Thursday, March 28, 2002, recessed at 10:41 a.m., reconvened at 11:00 a.m., recessed at 1:04 p.m., reconvened at 1:38 p.m., recessed at 3:08 p.m., reconvened at 3:18 p.m. and adjourned at 4:09 p.m.

Approved: minute No. 2
May 6, 2002



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 1 - Minutes

The Board unanimously approved the minutes from the Board's meetings on October 4, 2001, December 12-13, 2001 and January 16, 2002.



Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE 2 - Significant Noncompliance

Andrea Wortzel, Water Enforcement Coordination Manager, reported to the Board that four major facilities were reported to EPA on the Quarterly Noncompliance Report (QNCR) as being in significant non-compliance (SNC) for the quarter ending December, 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 through December, 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 Attorney General's Office modify the effluent limits of the Virginia court order because 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: **Town of Buena Vista, Buena Vista STP**
Type of Non-Compliance: **Failure to Meet Effluent Limit (BOD)**
Dates of Non-Compliance: July and August; October and November 2001
Requirements Contained In: VPDES Permit

Buena Vista's violations are the result of the discharges of an industrial user to the Buena Vista STP. Buena Vista has issued a notice of violation to the industrial user under its pretreatment authority. Buena Vista is considering holding a show cause hearing on the matter. Either way,

Buena Vista plans to negotiate a consent order with the industrial user, which will prevent such discharges in the future. Accordingly, staff intends to exercise enforcement discretion and forgo formal enforcement action.

3. Permittee: **City of Galax, Galax STP**
Type of Non-Compliance: **Overflows**
Dates of Non-Compliance: Continuing overflows from July, 2000 through Dec. 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 Attorney General's office has filed a motion to have Virginia dismissed from the case. DEQ has requested that the Commonwealth intervene as a plaintiff in the case. Court-ordered mediation will take place on April 24, 2002.

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

The Department's Piedmont Regional Office staff issued a Notice of Violation to DuPont and held a meeting with DuPont staff to discuss the violations. The BOD violations in June and July are attributed to a plant upset caused by a toxic spike in wastewater received from Research and Development that affected biological treatment in the plant. A second upset caused the September and October violations due to influent wastewater changes and an overfeed of polymer settling aids. DuPont has aggressively responded to the violations, taking a number of corrective action measures. Staff will ensure that the violations are fully addressed and a formal enforcement action is proceeding. The facility was reported to EPA as an Exceptions List facility, having been reported as being SNC for two or more successive quarters.



Andrea W. Wortzel

Water Enforcement Coordination Manager



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 3 – Cancellation of Consent Special Orders

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

1. Chubby's L.L.C.
2. Bergey's Dairy Farm

The Board unanimously approved cancellation of the referenced orders.

A handwritten signature in cursive script that reads "Andrea Wortzel".

Andrea W. Wortzel
Water Enforcement Coordination Manager

CB



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COMMONWEALTH of VIRGINIA

DEQ - OD

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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Robert G. Burnley
Director

Thomas L. Henderson
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 4 - South Central Regional Office Consent Special Order

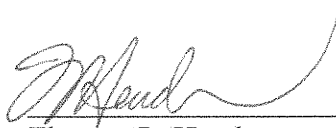
Thomas L. Henderson of the Department of Environmental Quality, South Central Regional Office, introduced the staff recommendation concerning the proposed Consent Special Order for Old Dominion Electric Cooperative and Virginia Electric and Power Company – Clover Power Station.

Board Decision

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

1. Approve the Consent Special Order for:

Old Dominion Electric Cooperative and Virginia Electric and Power Company
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.



Thomas L. Henderson
Regional Director
South Central Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
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Robert G. Burnley
Director

Gregory L. Clayton
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 5 - Consent Special Orders

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

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

The proposed Order regarding the Arlington water pollution control plant extends the deadline by which Arlington County must complete construction of the upgrade of the facility and achieve compliance with final Permit effluent limits from April 3, 2002, until October 31, 2002. The proposed Order also provides interim effluent limits for the facility until October 31, 2002.

The proposed Order regarding the Dale Service Corporation Section # 1 and Section # 8 sewage treatment plants extends the deadline by which Dale Service must complete construction of the upgrades of the facilities and achieve compliance with final Permit effluent limits at each facility from April 3, 2002, until October 1, 2002. The proposed Order also provides interim effluent limits for the facility until October 1, 2002.

The proposed Order regarding the Aquia advanced wastewater treatment facility requires that Stafford County upgrade the facility to achieve compliance with final Permit effluent limits for ammonia. The proposed Order also provides interim effluent limits until construction of the upgrade is complete.

The proposed Order regarding the Caroline County regional wastewater treatment plant requires that Caroline County develop and implement additional operation and maintenance procedures to identify any potential problems with the facility's collection system, review and evaluate operation and

maintenance staffing, update O&M manuals for the pump stations and wastewater treatment plant, and develop and implement an inspection program for the pump stations and collection system. In addition, the proposed Order requires that the County pay a civil charge of \$2,750.

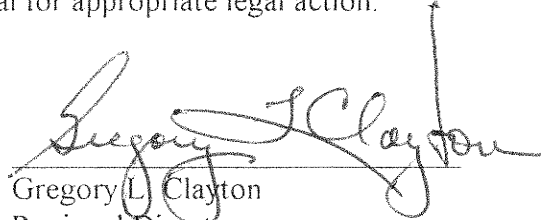
The proposed Order regarding the Concrete Precast Systems Chantilly facility requires that Concrete Precast Systems submit an O&M manual and conceptual engineering report for construction of settlement basins in accordance with the facility's Permit and remove on-site construction debris from the settlement basin area and stream bank. In addition, the proposed Order requires that Concrete Precast Systems pay a civil charge of \$1,500.

The proposed Orders regarding the Rapidan Service Authority ("RSA") Gordonsville wastewater treatment plant and the Wilderness wastewater treatment plant require that RSA pay a civil charge of \$400.00 for late submissions from the Gordonsville facility and \$300.00 for late submissions from the Wilderness facility. The proposed Order for the Wilderness facility also requires that RSA submit a plan and schedule or select an engineering firm to upgrade the facility to meet zinc and copper Permit effluent limits.

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 Arlington water pollution control plant, the Dale Service Corporation Section #1 and #8 sewage treatment plants, the Stafford County Aquia advanced wastewater treatment facility, the Caroline County Regional wastewater treatment plant, the Concrete Precast Systems Chantilly facility, the RSA Gordonsville wastewater treatment plant, and the RSA Wilderness wastewater treatment plant;
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



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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Robert G. Burnley
Director

Gregory L. Clayton
Regional Director

EXCERPT FROM THE PROCEEDING OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

Minute No. 6—Issuance of the Zion Crossroads Wastewater Treatment Facilities Permits (VPDES Permit No. VA0090743)

This agenda item involves the issuance of a permit for a proposed publicly operated treatment works that will be owned and operated by Louisa County. Thomas Faha from the DEQ Northern Virginia Regional Office summarized the comments received from the permittees, provided responses to these comments, and answered questions from the Board. Mr. Faha then recommended that the Board authorize staff to issue the permit.

Mr. David Bailey spoke on behalf of citizens of the Green Springs Historic District. He discussed the duty of the Board to address recycling of wastewater and discussed the nature of the stream flow below the impoundment. The Board asked staff several questions regarding the feasibility of recycling the wastewater and the role of staff in encouraging the recycling of the wastewater.

Mr. Bar Delk, General Manager of the Louisa County Water Authority, discussed the need for a sewage treatment plant in the area prior to the construction of the golf course and subsequently, the ability to reuse water through irrigation. He also discussed the need for a clear line of demarcation between the responsibilities of Louisa County in regard to wastewater treatment and those of the golf course and the need to maintain a level of water in the stream.

Board Decision

The Board unanimously voted in favor of the staff's recommendation.

A handwritten signature in cursive script that reads "Gregory L. Clayton".

Gregory L. Clayton
Regional Director
Northern Virginia Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

Robert G. Burnley
Director

Richard F. Weeks, Jr.
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 7 - West Central Regional Office 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 Central Oil of Virginia Corporation and Griffin Pipe Products Company.

Board Decision

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

1. Approve the Consent Special Orders for:

Central Oil of Virginia Corporation
Griffin Pipe Products Company
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 black ink, appearing to read "R. F. Weeks", written over a horizontal line.

Richard F. Weeks
Regional Director
West Central Regional Office



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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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 MARCH 28, 2002

MINUTE NO. 8 - Consent Special Orders with Penalty Settlements

Mr. Gerard Seeley Jr., Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlements for Goochland Mobile Home Park and Virginia State Golf Association.

The Department issued a Consent Special Order to Goochland Mobile Home Park on July 20, 1994. The Department informed the owner on June 22, 2000, that connection to the regional sewer system was available; however Goochland Mobile Home Sites failed to submit plans and specifications by August 22, 2000 as required. The facility was issued a NOV on January 25, 2001 for failing to submit plans & specifications for connection to the regional system. On June 7, 2001, the plans and specs were provided to Department. The Order requires Goochland Mobile Home Park to clear the treatment lagoon of woody vegetation and burrowing animals, complete the connection to the Goochland County Treatment Plant, and close the Goochland Mobile Home treatment plant in accordance with a Department approved plan. The Order also provides for the payment of a \$1,200 civil charge.

The Department issued VWP Permit No. 99-F0233 to Virginia State Golf Association on November 16, 1999. On August 21, 2001, the Department asked for a status update on construction projects required by the permit. The Department was informed that a number of projects had been completed without prior notification or approval. The Department had not been provided documentation and reports as required by the permit. A Notice of Violation was issued on October 1, 2001 for the violations. An Order was negotiated which required submittal of required information and the payment of a \$2,500 civil charge.

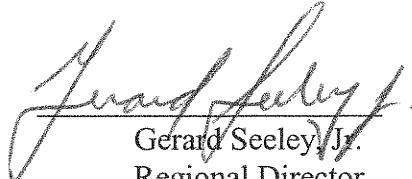
Board Decision

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

1. approve the Consent Special Orders for :

Goochland Mobile Home Park
Virginia State Golf Association

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.



Gerard Seeley, Jr.
Regional Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
Director

Francis L. Daniel
Tidewater Regional Director
(757) 518-2000

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 9 - HERMAN A. HALL, III, THE PECK COMPANY, NORFOLK AIRPORT AUTHORITY, BOBJACK LTD. dba COUNTRY VILLAGE MOBILE HOME PARK, MARGIE & RAY'S, INC. dba MARGIE & RAY'S KITCHEN & CRABHOUSE

Maria R. Nold in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning five Consent Special Orders with civil charges.

Herman A. Hall, III

On August 8, 2001, DEQ staff inspected the Stratford Terrace subdivision project. The project will impact 4.01 acres of wetlands for construction of single family residential homes on 274 acres of land. Staff noted that a road had been constructed through approximately 10,000 square feet (0.23 acres) of forested wetlands. The road construction in the 0.23 acres of wetlands had not been authorized by DEQ. A joint permit application was received from Mr. Hall on July 12, 2001 and it is anticipated that a VWP permit will be issued in early April, 2002. The permit will require mitigation for the wetlands that have already been filled.

No Comments were received during the public comment period. The Order requires Mr. Hall to comply with his permit upon issuance and to pay a \$1,000 civil charge.

The Peck Company

The Peck Company owns a scrap metal salvage yard in Portsmouth, VA. The facility operates under a Storm Water General Permit that requires the Company to develop and implement a Storm Water Pollution Prevention Plan. Requirements of the Storm Water Pollution Prevention Plan include items such as documentation of site inspections, documentation of corrective action plans for

those items found during the inspection, and documentation of the comprehensive site evaluations. The Peck Company had been operating without a Storm Water Pollution Prevention Plan and had not documented any of the items mentioned above. The Peck Company also did not submit their semiannual Discharge monitoring report for the period of January - June 2001.

The proposed Order requires The Peck Company to comply with all conditions of their Permit and to pay a civil charge of \$2,000. It also requires them to submit a Storm Water Pollution Prevention Plan that includes a hydrologic survey identifying all connections from their property to Paradise Creek. They are also required to design appropriate berms and other BMPs to prevent runoff into Paradise Creek. No comments were received during the public comment period.

Norfolk Airport Authority

The Norfolk Airport is subject to an individual stormwater permit that allows the discharge of stormwater to Mirror Lake and Lake Whitehurst which are drinking water reservoirs owned by the City of Norfolk. On January 15, 2001, the airport had an accidental discharge of approximately 300 gallons of jet fuel from outfall #13 into Lake Whitehurst

The proposed Order requires the Airport Authority to complete an environmental evaluation of their fuel dispensing facilities, to revise their stormwater pollution prevention plan and oil discharge contingency plan, and to pay a civil charge of \$6,300. No comments were received during the public comment period.

Bobjack Ltd. dba Country Village Mobile Home Park

Country Village Mobile Home Park has approximately 410 units of which about 300 are occupied. On February 1, 2001 sewage overflowed from a manhole in the trailer park into Skiffes Creek and the Skiffes Creek reservoir, a major water supply for the City of Newport News. An inspection revealed that the trailer park was not properly maintaining and cleaning their collection system.

The proposed Order requires the owner to inspect and repair the collection system, cap all cleanout pipes, seal all manhole castings, and pay a \$1,000 civil charge. No comments were received during the public comment period.

Margie & Ray's, Inc. dba Margie & Ray's Kitchen & Crabhouse

On March 24, 2000, DEQ staff documented an illegal discharge of sewage from Margie & Ray's Kitchen & Crabhouse to the adjacent ditch. The owner had installed a drainage line from the septic tank distribution box to a gravel filled hole on an adjacent lot.

The restaurant was closed by the Health Department when the violation was discovered and only allowed to open under an emergency order to pump and haul sewage.

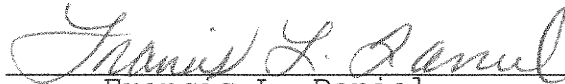
The proposed Order requires the Company to install a pump station and 7,000 feet of force main to connect to the City of Virginia Beach's sewer system. The order also included a civil charge of \$5,000. No comments were received during the public comment period.

The Board discussed the appropriateness of a \$5,000 civil charge in light of the willfulness of the violation and the economic benefit accrued.

Board Decision

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

1. approve the Consent Special Orders for Herman A. Hall, III, The Peck Company, Norfolk Airport Authority, Bobjack Ltd. dba Country Village Mobile Home Park, and Margie & Ray's, Inc. dba Margie & Ray's Kitchen & Crabhouse;
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.



Francis L. Daniel

Director, Tidewater Regional Office



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL
BOARD AT ITS MEETING ON MARCH 28, 2002**

MINUTE NO. 10 - VRO - Consent Orders with Civil Charges

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 proposed VRO Consent Special Orders with civil charges for H. N. Funkhouser and Co., E. H. and B. D. Lighter, Massanutten Public Service Corporation and the Town of Stanley and a proposed Consent Special Order with a civil charge and a Supplemental Environmental Project (SEP) for S. I. L. Cleanwater, L.L.C.

H. N. Funkhouser and Co. previously owned an underground storage tank (UST) facility located in Winchester, Virginia. The UST regulations require that owners of UST facilities perform release detection on the USTs. A July 1998, informal UST inspection performed at the facility revealed that Funkhouser was not performing release detection on its USTs. Subsequently, a formal UST inspection was performed at the facility in December 1999. It also revealed that Funkhouser was not performing release detection on its USTs or the associated product piping. DEQ issued a Warning Letter to Funkhouser in March 2000, for the alleged violations. Funkhouser subsequently performed the necessary tests in August 2000; however, the test methods used were not valid. As a result of the continuing violations DEQ issued a Notice of Violation to Funkhouser in February 2001. Funkhouser subsequently sold the USTs to another party in June 2001. As Funkhouser is no longer the owner of the USTs, they are no longer responsible for the performance of release detection on the USTs. No corrective remedy is sought under the proposed Order; however, the Order would require Funkhouser to pay a civil charge of \$9,100 for the past violations..

DEQ staff are presently working in the compliance assistance mode with the new owners of the USTs.

The public notice period for the proposed order closed on February 9, 2002 and no public comment was received.

MINUTE NO. 10

VRO-Conset Orders With Civil Charges

Page 2

Ernest H. & Brenda D. Lightner (Lightners) own and operate an underground storage tank (UST) facility located in Monterey, Virginia. The UST regulations require that owners of UST facilities perform release detection on the USTs and associated piping, perform periodic testing of the UST cathodic protection system and properly notify the DEQ of any changes in the status of the USTs. A formal UST inspection was performed at the facility on June 21, 2000. It revealed that the Lightners had not notified the DEQ of the correct UST information nor were they performing release detection on the associated product piping of USTs nor had they tested the cathodic protection system of the USTs to ensure proper operation. The violations were documented in a Notice of Violation issued to the Lightners. The violations were corrected prior to development of the Consent Order; accordingly, the proposed Order recovers only a civil charge of \$5,102 based on the past violations.

The public notice period for the proposed order closed on February 11, 2002 and no public comment was received.

Massanutten Public Service Corporation owns and operates a sewage treatment plant serving a resort in Rockingham County. The STP discharges to Quail Run in the Shenandoah River subbasin under the terms of a VPDES permit. In April 2001, DEQ conducted a fish kill investigation on Quail Run. DEQ staff determined that the fish kill began within 50 yards downstream of the STP outfall and that the stream had turned a bright green color. No dead fish were found upstream of the outfall. In April and June 2001, Staff inspected the STP to determine the status of the STP's operation prior to and during the fish kill. The inspections identified numerous operational and record keeping deficiencies. DEQ alleges that the operational deficiencies caused an unusual discharge and the fish kill. Massanutten PSC denies this allegation. The proposed Order requires Massanutten PSC to implement certain physical and operational improvements at the STP including an upgrade of the STP. This Order cancels and supersedes a June 21, 1999, Order issued to the facility. The Order also requires Massanutten to pay a civil charge of \$18,900 and to reimburse fish kill investigation and replacement costs.

The public notice period for the proposed Consent Order was completed on March 13, 2002, and no adverse public comment was received.

SIL Cleanwater, L.L.C. (S.I.L.) owns and operates a wastewater treatment facility serving the Pilgrim's Pride and Cargill poultry processing plants and the towns of Broadway and Timberville in Rockingham County, Virginia. The treatment plant discharges treated wastewater to the North Fork of the Shenandoah River in the Shenandoah River subbasin under the terms of a VPDES Permit. The permit also authorizes SIL to land apply wastewater on farm fields.

The permit, issued October 15, 1999, required S. I. L. to submit to DEQ for review and approval a Soil Moisture Monitoring Plan 90 days prior to land application of wastewater. The permit also requires S.I.L. to install devices for use in monitoring soil moisture conditions. S.I.L.'s Soil Moisture Monitoring Plan was submitted late. DEQ advised the company that the plan must receive

MINUTE NO. 10

VRO-Conset Orders With Civil Charges

Page 3

final approval before land application commenced. S.I.L. began land application of wastewater before approval of a Soil Moisture Monitoring Plan and began using the facility prior to issuance of the Certificate to Operate. To date, DEQ has not received an approvable Soil Moisture Monitoring Plan from S.I.L. DEQ issued multiple Notices of Violation to S.I.L. for these violations. In May 2001, S.I.L. signed a Consent Order to address these violations. DEQ intended to bring the Order to the Board at its third quarter 2001 meeting; however, S.I.L. violated the Order before it could be brought to the Board. DEQ subsequently withdrew that Order and began developing the proposed Order which is before the Board. S.I.L. has also experienced operational problems since coming on line. The facility has experienced effluent limitation violations and has exceeded limitations for land application rates. During this period, S.I.L. agreed to use the oxidation ditch and clarifiers formerly used by Pilgrim's Pride to further treat the effluent from the S.I.L. facility in an attempt to ensure compliance with the Permit's effluent limitations. The proposed Order requires S.I.L. to use the Pilgrim's Pride oxidation ditch and clarifiers or provide additional treatment as necessary to ensure compliance with applicable effluent limits. S.I.L. has agreed to modify its O&M manual to reflect the protocol for determining whether to utilize the oxidation ditch and clarifiers or add additional treatment.

In negotiating the Order, DEQ and S.I.L. could not reach agreement on the appropriate injunctive relief for the soil moisture monitoring violations. S.I.L. now claims that the type of soil moisture monitoring device selected by the company for this purpose, and for that matter, any available soil moisture monitoring device, is incapable of performing in the manner intended by the permit. DEQ disagrees with S.I.L.'s assertion on this issue. Within the Order, S.I.L. agreed to participate in a Special Order Proceeding authorized under Virginia Code § 10.1-1186 for the purposes of determining the appropriate injunctive relief for the soil moisture monitoring violations. The Special Order Proceeding was held on February 28, 2002, and we await the recommendation of the hearing officer in this matter.

The proposed Consent Order also requires S.I.L. to pay a civil charge of \$25,370.

In partial offset of the civil charge, S.I.L. proposed a Supplemental Environmental Project which involves projects that would reduce phosphorus loadings in Pilgrim's Pride's poultry processing wastewater. The SEP proposal was conditionally approved by DEQ on March 18, 2002. Should the SEP receive DEQ's final approval, the SEP may qualify as a pollution prevention SEP, and the penalty amount may be offset by up to 99 percent. The SEP entails conversion of pH adjustment in the Pilgrim's Pride "chiller" unit from phosphoric acid to carbon dioxide. Through performance of the SEP, S.I.L. projects a 30% reduction in the amount of phosphorous introduced from Pilgrim's Pride into the S.I.L. system.

The public notice period for the proposed Consent Order was completed on March 13, 2002, and no adverse public comment was received.

The Town of Stanley owns and operates a wastewater treatment facility serving the town in Page County, Virginia. The facility discharges to the South Fork of the Shenandoah River in the

MINUTE NO. 10

VRO-Conset Orders With Civil Charges

Page 4

Shenandoah River subbasin under the terms of a VPDES permit. In November 2000, the facility began to experience difficulty complying with the Permit's effluent limitations for BOD. DEQ issued a Notice of Violation to Stanley for apparent effluent violations occurring during October 2000 through March 2001.

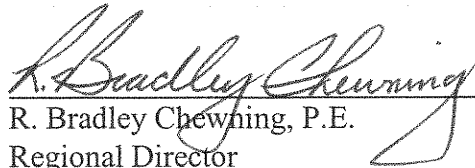
On July 12, 2001, DEQ staff conducted an inspection of the facility's outfall and observed that releases of solids from the plant had created a large accumulation of sewage solids (sludge blanket) in the receiving stream directly downstream of the plant's outfall. DEQ issued an NOV to Stanley on August 30, 2001 for this apparent violation of the General Water Quality Standards. The proposed Order requires the Town of Stanley to upgrade the plant to meet effluent limitations, replace old and install new equipment, monitor solids in the treatment plant to prevent the loss of solids and to conduct an Inflow and Infiltration program to reduce excess water from entering the Stanley collection system. The proposed Order would cancel and supersede a March 6, 1998, Order issued to Stanley. The Order also requires the Town to pay a civil charge of \$10,570.

The public notice period for the proposed Consent Order was completed on March 13, 2002, 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 Orders with Civil Charges for H. N. Funkhouser and Co., E. H. and B. D. Lighter, Massanutten Public Service Corporation and the Town of Stanley;
2. approve the Consent Special Order with a Civil Charge and a SEP for S. I. L. Cleanwater, L.L.C.;
3. authorize the Director or his designee to sign the Orders on its behalf; and
4. authorize the Director or his designee to refer any violations of these Orders to the Attorney General's Office for appropriate legal action.



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



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 11 – Holtzman Express-Mauzy

Kemper Loyd (Environmental Engineer Senior, DEQ-VRO) made the staff presentation regarding the proposed issuance of VPDES Permit No. VA0090794. A public hearing was held on February 20, 2002, regarding the proposed permit issuance.

Mr. Loyd referenced the Board book materials for detailed discussions of the one positive and six negative comments that were received prior to preparation of the agenda item. He then discussed the five additional negative comments that were received prior to close of the hearing record and also provided responses to six questions that were received from a local citizens' group. Three revisions were proposed to the draft permit – one correcting the facility's I-81 exit number, one revising the permit's format to address a change in primary disinfection method, and one adding a special condition affirming the permittee's commitment to install three voluntary pollution control measures.

Following his presentation, two permittee representatives discussed the pollution control features planned for the proposed facility and the public support that existed for issuance of the permit, and Rockingham County Board of Supervisor member Pablo Cuevas urged the Board to carefully consider the comments on both sides of the permit issuance debate.

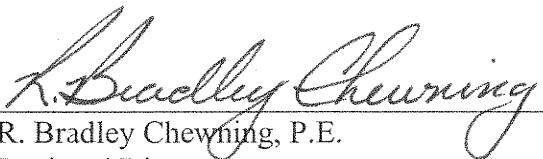
Comments in opposition to permit issuance were then presented by the following 25 individuals: Barbara Melby, Judith Good, Ted Dean, Dee Dee Sellers, Sarah Swank, Cathy Hunter, Linda Mitchell, Carl Olshofka, Bill Hunter, Nancy Carr, Vinda Anderson, Tom Melby, Sonny Derrow, Watt Bradshaw, Tim Murray, Christie Grace, Morgan Chapman, Terri Brown, Hugh Bazzle, Melonie Knicely, Adam Good, Luke Bradshaw, Matt Lohr, and Andrea Lohr. No new issues were raised by those commentors.

Following the receipt of comments, several speakers including William Holtzman (permittee), Terry Wagner (DEQ, Central Office), and Joey Fagan (DCR, Natural Heritage Division) assisted in answering questions from the Board.

Upon request from the Board, Mr. Loyd provided the staff recommendation that the Board authorize the issuance of VPDES Permit No. VA0090794 for Holtzman Express-Mauzy, as revised.

Board Decision

By a vote of five to one (Futrell dissenting), the Board voted to authorize the issuance of VPDES Permit No. VA0090794.



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



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 12 - Modification of the General VPDES Permit for Discharges of Storm Water From Construction Activities (9 VAC 25-180-10 et seq.)

The Board was provided a draft of the amended regulation and a summary memorandum prior to the meeting. Martin Ferguson gave a brief overview of the proposed regulation amendments.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to authorize the staff to advertise a public comment period and hold a public hearing on the draft regulation amendment, 9 VAC 25-180-10 et seq.

A handwritten signature in cursive script, reading "Larry G. Lawson".

Larry G. Lawson, P.E.

Director, Water Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 13 - General VPDES Permit for Discharges of Storm Water From Small Municipal Separate Storm Sewer Systems (9 VAC 25-750-10 et seq.)

The Board was provided a draft regulation and a summary memorandum prior to the meeting. Martin Ferguson gave a brief overview of the proposed regulation.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to authorize the staff to advertise a public comment period and hold a public hearing on the draft regulation, 9 VAC 25-750-10 et seq.

A handwritten signature in cursive script, appearing to read "Larry G. Lawson".

Larry G. Lawson, P.E.

Director, Water Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 14 - Ground Water Withdrawal Regulation Petition

A petition was received from Mr. Charles Bowdoin of Virginia Beach in September of 2001 requesting two changes to the public notice portion of the Ground Water Withdrawal Regulations. Mr. Bowdoin requested that the public notice requirements be changed from one notice published in a newspaper of general circulation to two notices published on successive weeks in a newspaper of general circulation. Mr. Bowdoin also requested that all persons within the predicted area of impact of a proposed withdrawal who might experience an adverse impact be individually notified by certified mail.

Staff has reviewed the two requests and offers the following recommendations.

The current regulatory requirement for publication of the public notice one time is consistent with other state authorized water permitting programs. In addition, the Ground Water Withdrawal Regulation was just subjected to periodic regulatory review (comment period closed on February 19, 2002) and no comments were received requesting modifications to the regulation. While staff has no significant objections to increasing the number of publications of public notices associated with ground water withdrawal permits, we do not believe the suggested change will have the desired effect.

Areas of impact associated with ground water withdrawal permits range from circular areas with radii of several thousand feet to complex shapes that cover most of the Virginia Coastal Plain. It is not technically or economically possible to provide certified mail notification to each potential impacted party within the area of impact.


Recommendation:

The staff recommended to the Board the denial of Mr. Bowdoin's petition.

March 28, 2002 Board Meeting
Minute No. 14
Page 2

Board Decision:

Based on the presentation, the Board voted unanimously to deny Mr. Bowdoin's petition.


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



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 15 – Petition – Hazel River

Alan Pollock, Director of the Office of Water Quality Programs, referred the Board to the staff briefing memo under Tab 16 of the agenda book for the summary and response to comments received from potentially impacted localities and riparian landowners for the Hazel River petition to designate the river as a Tier III, Exceptional Water. He then provided the Board with a brief verbal summary of the comments received, results of a staff site visit to the nominated river, and staff assessment of available water quality monitoring data for the river.

Mr. Pollock advised the Board of the status of proposed amendments to the antidegradation policy and the continued uncertainties regarding the impacts of the pending amendments to the policy on the exceptional waters program. He then informed the Board that DEQ staff are working through a strategy so they will be ready to move forward with the Exceptional State Waters program once the regulatory changes to the antidegradation policy are completed. Mr. Pollock presented a brief outline of the strategy that has been developed to address the Exceptional Waters program that involves:

- Communication with EPA to obtain clarification on specific questions regarding the impact on activities within watersheds containing an Exceptional State Water,
- Revision of the agency guidance on Exceptional Waters based on information anticipated from EPA and consultation with an ad-hoc group of stakeholders and people having shown interest in the Exceptional Waters program, and
- A change in policy whereby - in addition to outside nominations - DEQ would also nominate waters to the Board.

He said that a number of waters within National Parks and National Forests are located within Virginia and staff expect many would qualify under the Exceptional Waters Program.

MINUTE NO. 15 – Petition – Hazel River


Page 2

Board Decision

Based on the briefing material and the staff presentation and recommendation the Board, by unanimous vote, directed staff to:

1. Not initiate a rulemaking at this time to adopt the Hazel River as Exceptional Waters due to the following reasons:
 - a) Expected amendments to the Anti-degradation Policy of the Virginia Water Quality Standards that are being required by EPA add uncertainty to the implementation procedures for Exceptional Waters;
 - b) EPA has not fully articulated to DEQ's satisfaction the regulatory implications of an Exceptional Waters designation;
 - c) DEQ will be in a better position to explain to the public the impacts of an Exceptional Waters designation once the state rulemaking to amend the Anti-degradation Policy is adopted and approved by EPA and once EPA fully articulates the regulatory implications of an Exceptional Waters designation, and
 - d) Questions raised by riparian landowners and agency staff regarding the eligibility of the lower portion of the river that flows through Culpeper County for designation as an Exceptional Water.
2. Notify in writing the petitioner for the Hazel River Exceptional Water nomination advising her of the Board's decision.

Upon conclusion of the vote, Board member Thomas Van Auken stated his opinion that it would be prudent to ask future petitioners for Tier III waters to hold their petitions until the exact nature of potential impacts of the proposed amendments to the antidegradation policy are known.



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

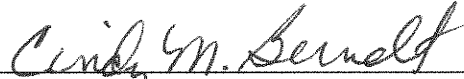


COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER
CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 16 - Public Forum

There were no speakers during the public forum.



Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE 17 - Brownfield Remediation Program

Mr. Don Wampler, Program Manager of the Board's Construction Assistance Program, made a presentation to the Board based on a staff memorandum dated February 28, 2002 concerning the guidance developed to implement the Board's new Brownfield Remediation Loan Initiative.

Mr. Wampler began by discussing the legislation that expanded the funding activities of the Virginia's Wastewater Revolving Loan Fund Program. He explained that the Board could now provide loan assistance for certain Brownfield remediation activities to be undertaken on contaminated properties across the Commonwealth. He discussed the legislative intent behind this new Brownfield remediation financing initiative and that funding allowability was restricted by federal regulations for properties that suffer some type of water quality impairment. Mr. Wampler then attempted to highlight some of the features in the proposed implementation guidelines.

The staff suggested that the Board establish a funding goal by setting aside 10% of its current repayment revenue resource to fund these needs on a yearly basis.

Potential loan terms will be fixed at 300 basis points below the prevailing prime rate for 5 and 10-year short-term loans and fixed at 3% for a 20-year loan. The length of the loan will be fixed following consultation with Virginia Resources Authority regarding the applicant's financial capability analysis, the applicant's potential cash flow forecast, the proposed loan security arrangements, and the potential revenue stream available to repay the loan. The maximum loan amount for a single remediation site would be set at \$1,000,000 with the ability to apply for an additional loan the following year.

He concluded by indicating that DEQ plans to commence this funding initiative in conjunction with the FY 2003 Virginia Wastewater Revolving Loan Fund application solicitation cycle beginning this May.

Following discussion, the Board voted unanimously to:

1. Concur with the proposed 10% yearly goal oriented set-aside making approximately \$3.5 million in funding available in FY 2003 for eligible Brownfield remediation activities across the Commonwealth.
2. Direct the staff to receive public comment on the proposed implementation guidelines for the State's Brownfield Remediation Loan Initiative, and barring any adverse comments, to proceed with the implementation in FY 2003.



Larry G. Lawson
Director, Division of Water
Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 18 – Drought Report

Mr. Terry Wagner, Director of the Office of Water Resources Management, presented a brief report of current drought conditions in the Commonwealth and an outlook of future moisture conditions in the Commonwealth. No action was requested of the Board at this meeting.


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

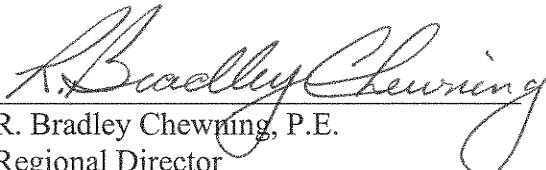


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DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 19 – Avian Flu Report

R. Bradley Chewning, Regional Director for the Valley Office, gave a report on the current outbreak of avian influenza in the Valley Region. He reported that this outbreak is much larger than the previous outbreak in 1983 – 1984. Twenty years ago 1.5 million birds were destroyed over a 6-month period. This outbreak is estimated to be larger and spreading faster. DEQ is working with the poultry industry to find environmentally-safe methods of disposal. Plans are underway to take the birds to properly designed landfills. Incineration is also being investigated. DEQ is trying to avoid burial on farms that could affect groundwater.


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

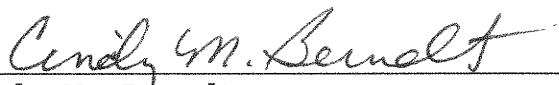


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DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER
CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 20 - Future Meetings

The Board set May 6, 2002 as the date of the next regular meeting and July 8-9, 2002 as the date for a planning session to be held in Roanoke.


Cindy M. Berndt



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER
CONTROL BOARD AT ITS MEETING ON MARCH 28, 2002

MINUTE NO. 21 - Permitted Sludge Discharges to the Potomac River

Mr. Gary Baise briefed the Board on recent newspaper stories relative to discharges of sludge to the Potomac River under permits issued by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers. He expressed his concern for protection of water quality especially in light of the low flow conditions all along the east coast.

Mr. Baise moved, and after proper second and some discussion, the Board unanimously asked the staff to investigate this matter and report to the Board at the May meeting on what civil, and/or criminal, options are available to the Board with regards to these discharges to the Potomac River.


Cindy M. Berndt