



# 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

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W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

Robert G. Burnley  
Director

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

### MINUTES

#### STATE WATER CONTROL BOARD

July 8-9, 2002 - Hotel Roanoke & Conference Center  
Roanoke, Virginia

#### Board Members Present:

H. Preston Futrell, Jr.

Leroy O. Pfeiffer, Jr.

Katherine E. Slaughter

Karl F. Wenger

Carol C. Wampler

#### Board Members Absent:

Hunter E. Craig, Chairman

Gary H. Baise, Vice-Chairman

#### 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 1:00 p.m. on Monday, July 8, 2002, recessed at 5:30 p.m., reconvened at 8:30 a.m. on Tuesday, July 9, 2002, and adjourned at 12:45 p.m. The Board went on the tours after adjournment.

Approved Min. # 1  
Jan. 6, 2003



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JULY 8-9, 2002

#### Minute No. 1 – Public Forum

No one appeared during the public forum.

A handwritten signature in cursive script that reads "Cindy M. Berndt".

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Cindy M. Berndt



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#### **MINUTE NO. 2 - Water Program Briefing and Regulatory Actions**

The Board received an overview of the water programs from Larry G. Lawson, Director, Division of Water Program Coordination. The overview covered water quality standards, water quality planning, permitting, monitoring and compliance and the underground and aboveground storage tank programs.

In addition, the Board received reports on a proposed General VPDES Permits for Cooling Water Discharges and a proposed General VPDES Permit for Petroleum Discharges. The Board unanimously authorized public comment on the proposed general permits.

A proposed regulation to designation a portion of the James River as a surface water management regulation was also presented to the Board. The Board unanimously authorized public comment on the proposed regulation.

Finally, the Board received a report on the current drought situation.

A handwritten signature in cursive script that reads "Cindy M. Berndt".

Cindy M. Berndt



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#### MINUTE NO. 3 - Regional Office Presentations

The Board received a briefing from the Director of each Regional Office on the regional office location, geographic and programmatic areas of responsibility, as well as specifics on the water program activities of the region.

A handwritten signature in cursive script that reads "Cindy M. Berndt".

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Cindy M. Berndt



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#### MINUTE NO. 4 - Attorney General 's Office Presentation

The Board received a briefing from Mr. Rick Linker, Assistant Attorney General, on the Freedom of Information Act, the Conflicts of Interest Act and the Administrative Process Act.

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Cindy M. Berndt



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#### MINUTE NO. 5 - Office of Enforcement Coordination Presentation

Ms. Mary Jo Leugers and Ms. Andrea Wortzel from the Office of Enforcement Coordination briefed the Board on the water enforcement program with emphasis on how a specific civil charge is calculated. Also, Ms. Leugers and Ms. Wortzel discussed modifications to the enforcement procedures that would be implemented in the future to improve the timeliness of cases as well as consistency between different cases.

A handwritten signature in cursive script that reads "Cindy M. Berndt".

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Cindy M. Berndt

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# COMMONWEALTH of VIRGINIA

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W. Tayloe Murphy, Jr.  
Secretary of Natural Resources

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

Robert G. Burnley  
Director

Steven A. Dietrich  
Regional Director

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JULY 8, 2002

#### MINUTE NO. 6 - West Central Regional Office Consent Special Order

Robert Steele of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Order for the City of Roanoke (Roanoke Regional Water Pollution Control Plant).

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#### **Board Decision**

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

OCT 9 2002

1. Approve the Consent Special Order for:  
  
City of Roanoke (Roanoke Regional Water Pollution Control Plant)
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.

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



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#### **MINUTE NO. 7 - Old Dominion Electric Cooperative and Virginia Electric and Power Company Clover Power Station (Virginia Water Protection Permit No. 89-1282)**

The Department presented a proposed consent special order for Old Dominion Electric Cooperative and Virginia Electric and Power Company for the Clover Power Station. Staff explained that due to the severe drought, streamflow at Clover had fallen to levels whereby the permit would prohibit pumping water from the stream.

Staff briefed the Board on the specifics of the consent special order which would allow the Company to withdraw up to 15 million gallons per day from the Roanoke (Staunton River) whenever streamflow, as measured at the Randolph gage, is above the Leesville base release plus 60 cubic feet per second but below the minimum instream flowby limits of the permit; otherwise the Company may withdraw their full permitted amount of 21.6 mgd. In addition, staff briefed the Board on the other provisions of the consent special order regarding studies to be performed by the Company.

Based on the staff presentation, the Board unanimously approved the order, with the amendments presented by staff at the meeting; authorized the Director or his designee to sign the order on the Board's behalf; and authorizes the Director to refer any violations of the order to the Attorney General's Office for appropriate legal action.

A handwritten signature in cursive script that reads "Cindy M. Berndt".

Cindy M. Berndt



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#### MINUTE NO. 8 – Water Quality Standards – Ammonia

A presentation was given by Elleanore Daub of the Board's Office of Water Quality Programs to explain the revisions to the ammonia criteria and provide staff response to comments received. The concerns heard via public comment were that the new criteria conflicted with the Bay Agreement of zero discharge goal of toxics; the Board should suspend adoption until federal review of the protectiveness of new criteria to endangered species is completed; the Board must reduce ammonia to meet nutrient reduction goals of the Bay Agreement and tributary strategies; the Board was under no obligation to adopt revised criteria that would result in significant increases in pollution discharge to state waters; and, the Board should continue to implement the current acute and chronic criteria for ammonia. Board member Slaughter expressed these same concerns with the revised criteria. Staff responded that the new criteria were designed to protect against ammonia toxicity in state waters; they would not interfere with Bay Program toxic reduction efforts and would not interfere with Bay Program nitrogen reduction efforts; EPA and USFWS are reviewing the criteria to determine if new criteria are protective of endangered species and EPA will revise criteria if needed; and, the criteria are technically sound and supported by EPA.

#### **Decision:**

Based upon the information provided to the Board and the staff recommendation, the Board by a 4 to 1 vote (Slaughter voted nay):

Adopted the amendments in sections 9 VAC 25-260-140 and 155.

Handwritten signature of Larry G. Lawson in cursive.

Larry G. Lawson, P.E.

Director, Division of Water Program Coordination



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON JULY 9, 2002


#### MINUTE NO. 9 – WQS - Tier III

Jean Gregory of the Office of Water Quality Programs briefed the Board on the status of the exceptional waters program and the agency initiative to move the program forward. Board member Slaughter expressed her interest in the agency moving forward with consideration of exceptional waters petitions. Board member Wampler said it would be acceptable if staff could not complete a listing of all candidate waters on federal lands by the next meeting to bring before the Board for consideration at a later meeting those waters not finalized by the next meeting.

#### Decision

Based on the briefing material and the staff presentation and recommendation, the Board by unanimous vote approved the following recommendations:

1. Direct staff in the Office of Water Quality Programs to continue to work during the summer and fall of 2002 with DEQ regions and the appropriate federal agencies to identify and finalize potential candidates for Exceptional Waters designation that flow through public lands within the Commonwealth.
2. Direct staff to resume processing petitions for Exceptional Waters designations from individuals, organizations, and agencies now that EPA Region III has fully articulated in writing the regulatory implications of an Exceptional Waters designation and there is no longer a need to wait to move forward with future petitions until the triennial review amendments to the antidegradation policy are complete.
3. Direct staff to present to the Board at their next scheduled meeting for consideration a finalized list of candidates waters located on federal lands and any petitions that meet DEQ Public Participation Guidelines and the initial staff completeness review.
4. Direct staff to revise current agency guidance on Exceptional Waters based on the information received from EPA.

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

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#### MINUTE NO. 10 - Tours

Several Board members and Department of Environmental Quality staff toured Carvins Cove Reservoir and the North Creek Tier III Water.

A handwritten signature in cursive script that reads "Cindy M. Berndt".

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Cindy M. Berndt