



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

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Dennis H. Treacy
Director

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MINUTES

STATE WATER CONTROL BOARD
December 13, 2000 - House Room C
General Assembly Building
Richmond, Virginia

Board Members Present:

Hunter E. Craig, Chairman	Karl F. Wenger
H. Preston Futrell, Jr.	Lance W. High
Thomas V. Van Auken	James V. Couch

Board Members Absent:

1 vacant

Staff Present:

Dennis H. Treacy, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

John Butcher, Senior Assistant Attorney General

- 1) The attached minutes summarize activities which took place at this Board Meeting.
- 2) The meeting was convened at 9:38 a.m. on Wednesday, December 13, 2000, voted to go into closed session at 9:38 a.m., returned to open session at 10:17 a.m., recessed from 12:45 p.m. to 1:25 p.m. for lunch and adjourned at 2:17 p.m.

Approved: Minute 2
March 26, 2001



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000

MINUTE NO. 1 - Closed Session

Pursuant to the provisions of Section 2.1-344 (A) (7) of the Code of Virginia, the Board met in Closed Session to consider the following matters:

Oak Hill Mobile Home Park

Pursuant to Section 2.1-344.1 (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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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000

MINUTE NO. 2 - Minutes

The Board approved the Minutes from the October 19, 2000 meeting.
The vote was 5 ayes and Dr. Couch abstained.



Cindy M. Berndt



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000

MINUTE NO. 3 - VRO - Consent Special Orders with Civil Charges

Richard W. Anderson, Valley Regional Office Compliance, Enforcement, and Monitoring Manager, made a brief staff presentation and introduced the staff recommendations concerning proposed VRO Consent Special Orders with civil charges for Fork Union Military Academy and Unimin Corporation.

Fork Union Military Academy owns and operates a sewage treatment plant serving the Academy which discharges to North Creek under a VPDES permit.

Since October 1998, Fork Union Military Academy experienced effluent limitation violations during 11 of 24 months. Fork Union Military Academy also experienced laboratory inspection violations, an unpermitted discharge, and certain other permit violations. The discharge from Fork Union Military Academy's wastewater treatment plant has had an adverse impact on the receiving stream as demonstrated through benthic surveys conducted by DEQ.

The Order requires Fork Union Military Academy to either provide significant upgrades to the sewage treatment plant or to completely replace the plant. The Order also requires Fork Union Military Academy to pay a civil charge of \$7,700, of which \$6930 is offset by the satisfactory performance of an SEP. (Final Civil Charge: \$770)

Unimin Corporation owns and operates a wastewater treatment system serving the quarry operation which discharges to Back Creek under a VPDES Permit.

On July 14, 2000, DEQ staff conducted a fish kill investigation on Back Creek. DEQ found that Unimin experienced an unpermitted discharge to State waters resulting from a spill of a surfactant that is used in the quarry's sand washing operation. This unpermitted discharge was not reported to DEQ within 24 hours, as required by the Permit. However, the company explained that it did not report the release because it was not aware that a release of product had occurred until DEQ staff arrived during the fish kill investigation.

Minute No. 3

Fork Union Military Academy and Unimin Corporation


Page 2

The Order requires Unimin to provide additional corrective actions to prevent any future releases of the surfactant to State waters and to pay a civil charge of \$11,000. The Order also requires Unimin to pay the fish kill investigation costs of \$1688.59 and the fish replacement costs of \$395.54.

Board Decision

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

1. approve the Consent Special Orders with Civil Charges for Fork Union Military Academy and Unimin Corporation;
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.


R. Bradley Chewning, 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 DECEMBER 13, 2000

MINUTE NO. 4 – Virginia Power – North Anna Nuclear Power Station

Valley Regional Office Water Permits Manager, B. Keith Fowler, made a presentation regarding the proposed reissuance of VPDES Permit No. VA0052451 to the Virginia Power - North Anna Nuclear Power Station in Louisa County. A hearing regarding this proposed permit reissuance was held on November 6, 2000. The hearing was held due to objections which focused on the proposed Lake Level Contingency Plan (LLCP) in the permit. This Plan was required by legislation passed in last winter's General Assembly session.

Mr. Fowler referred to the agenda item materials in the Board books, which contained the same information that was presented in the public hearing. Mr. Fowler also discussed the additional comments received following the hearing, and the staff's responses to each. He also mentioned that, as a result of the comments, the staff had proposed one additional provision in the LLCP, as contained in paragraph 2.g., i.e., that the DEQ Director be contacted for concurrence prior to an incremental increase in the flow release during implementation of the LLCP.

Following the staff presentation, two citizens representing Lake Anna property owners associations, made presentations opposing the LLCP contained in the permit. Also, representatives from the downstream users identified in the LLCP made presentations, objecting to the newly-added provision in section 2.g. of the plan. The staff and a representative of the Virginia Department of Game and Inland Fisheries responded to several questions raised by Board members.

Mr. Fowler then recommended that the Board authorize the reissuance of VPDES Permit No. VA0052451, as drafted, including the LLCP as presented in the Board books, with the modification to section 2.g. as noted earlier, for the Virginia Power – North Anna Nuclear Power Station. He also recommended that, concurrent with the reissuance of the VPDES permit, the 401 Certificate issued by the Board on August 29, 1973, and the 21(b) Certificate as amended on February 11, 1972, be revoked.


MINUTE NO. 4

Virginia Power – North Anna Nuclear Power Station

Page 2

Board Decision

Based on their review of the hearing records and the presentations made, the Board voted unanimously to reissue VPDES Permit No. VA0052451 including the LLC as presented. Concurrent with the reissuance of the VPDES Permit, the Board also revoked the 401 Certificate issued by the Board on August 29, 1973 and the 21(b) Certificate as amended on February 11, 1972.



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



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Dennis H. Treacy
Director


Larry K. Owens
Acting Regional Director

MINUTE NO. 5 - 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 Bedford County Public School Board, Imperial Oil Company, and Pittsylvania County School Board, and the proposed Consent Special Order Amendment for Staywel, Inc.

Board Decision

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

1. Approve the Consent Special Orders and the Consent Special Order Amendment for:

Bedford County Public School Board
Imperial Oil Company
Pittsylvania County School Board
Staywel, Inc.
2. Authorize the Director or his designee to sign the Orders and Amended Order on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Orders or Amended Order to the Attorney General's Office for appropriate legal action.


Larry Owens
Acting Regional Director
West Central Regional Office



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Secretary of Natural Resources

Gregory L. Clayton
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000

MINUTE NO. 6 - Consent Order – Mountain View Nursing Home

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

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

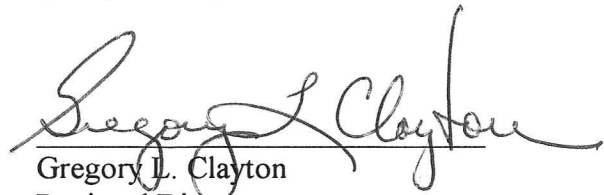
The proposed Order requires that the Mountain View Nursing Home upgrade the Mountain View Nursing Home STP in two phases to comply with ammonia limits, pay a civil charge of \$1,960.00 for past violations, and provides interim limits for ammonia and biological oxygen demand until the upgrade is complete.

Decision

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

1. Approve the proposed Consent Special Order;
2. Authorize the Director or his designee to sign the 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 black ink, reading "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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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 13, 2000

MINUTE NO. 7 - Consent Special Orders with Penalty Settlements

Mr. Rick Weeks, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlements for Doswell All-American Travel Plaza, Powhatan County, Richfood, Inc., Shoosmith Brothers, Inc., TA Operating Corporation, and West Sand and Gravel Co.

The proposed Order for Doswell All-American Travel Plaza addresses violations resulting from an unpermitted discharge of petroleum products, and operation of the facility without a reissued permit. The permit has been reissued. The proposed Order requires the payment of a \$3,400 civil charge.

Powhatan County was issued a Consent Special Order on February 5, 1998 for effluent limit violations at the Powhatan Sewage Treatment Plant (STP), the Powhatan Middle School, and the Powhatan High/Elementary School. The Order required the County to construct a new regional STP and direct the flows from the schools to the new plant. The County was unable to comply with the schedule in the Order. In addition, the County had several unpermitted discharges and failed to meet permit limits. The proposed Order requires the construction of the new facility to be completed by July 15, 2000. The new STP has been constructed and a Certificate to Operate has been issued. The proposed Order also requires the payment of a \$16,000 civil charge of which \$12,000 will be used in a Supplemental Environmental Project to clean debris from a tributary of Fighting Creek and create approximately 0.2 acres of forested wetlands as part of the development of a proposed County park currently under development.

The proposed Order for Richfood, Inc. addresses violations of the monthly and annual withdrawal limits in their groundwater permit for three consecutive years. The Corporation failed to reapply for a groundwater permit requesting an increase in their withdrawal limit because they were in negotiations with Hanover County to connect into the County water system. The proposed Order requires the facility to submit a completed Ground Water Withdrawal

Permit application or submit and implement an approvable plan and schedule to comply with the Ground Water Withdrawal Regulations and State Water Control Law by February 5, 2001. The proposed Order also requires the payment of a \$10,000 civil charge.

Shoosmith Brothers Incorporated constructed a dam and concrete culverts on a track of land known as the Chester Goodrich Tract in violation of Nationwide Permit Number 3. This general permit allows the repair or replacement of a previously authorized structure provided that the use is not different and the differences in construction are minimal. The repair of the dam and culverts was substantially beyond that of the original structure expanding the size of the existing lake and inundating wetlands. The proposed Order requires Shoosmith Brothers Incorporated to either restore and/or create 3.39 acres of wetlands. The proposed Order also provides for Shoosmith Brothers Incorporated to donate a minimum of 80 acres of wetlands on the James River in Chesterfield County to the Virginia Department of Game and Inland Fisheries.

TA Operating Corporation exceeded permit effluent limits for 3 months. The facility also failed to submit a number of Discharge Monitoring Reports and had two unpermitted discharges to state waters. There were also other housecleaning deficiencies cited in the Notice of Violation. The proposed Order addresses the house cleaning deficiencies by requiring the submittal of a Stormwater Pollution Prevention Plan within 90 days of issuance of the Order. The proposed Order also provides for the payment of a \$6,800 civil charge.

West Sand and Gravel, Inc. owns and operates several nonmetallic mineral mines in Virginia. One of the mines in Gloucester County is permitted to discharge mine pit dewatering commingled with stormwater. Prior to discharge the wastewater passes through a series of sedimentation ponds designed to remove suspended solids. An inspection by DEQ staff discovered a plume of solids (Total Suspended Solids) entering state waters. Further investigation discovered the plume was reaching state waters through a fault in the bottom of one of the sedimentation ponds. The facility has repaired the fault in the bottom of the pond. All corrective actions to bring the facility back into compliance has been completed. The proposed Order requires the payment of a \$3,500 civil charge.

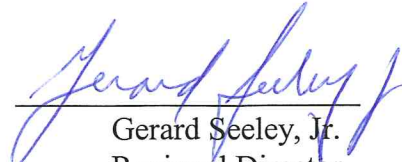
Board Decision

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

1. approve the Consent Special Orders for :

Doswell All-American Travel Plaza
Powhatan County
Richfood, Inc.
Shoosmith Brothers, Inc.
TA Operating Corporation
West Sand and Gravel Co., Inc.

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



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Dennis H. Treacy
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Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON DECEMBER 13, 2000

MINUTE NO. 8 - Consent Special Orders with Penalty Settlements

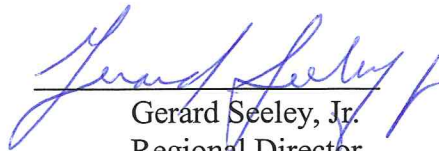
Mr. Rick Weeks, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlement for James P. Townsend (Queenfield Farm).

James P. Townsend owns and operates a dairy farm, Queenfield Farm in King William County. The proposed Order addresses violations resulting from overflows of liquid dairy waste from a waste storage tank. Samples taken from state waters in the vicinity of the overflow documented exceedences of the water quality standards for fecal coliform. The facility is a confined animal feeding operation (CAFO) in excess of 300 animal units (dairy cattle), but did not have a CAFO general permit. Further Mr. Townsend failed to properly close an underground storage tank. The proposed Order requires the payment of a \$3,500 civil charge.

Board Decision

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

1. approve the Consent Special Order for :
James P. Townsend (Queenfield Farm)
2. authorize the Director or his designee to sign the Order on its behalf; and
3. authorize the Director or his designee to refer any violation of this Order to the Attorney General's Office for appropriate legal action.


Gerard Seeley, Jr.
Regional Director



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Francis L. Daniel
Tidewater Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000

MINUTE NO. 9 - CARROLL'S FOODS OF VIRGINIA, INC.

David S. Gussman, Senior Enforcement Specialist in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning a Consent Special Order for Carroll's Foods of Virginia, Inc.

In response to a citizen complaint, DEQ staff inspected Farm #7 on December 9, 1999 and found that wastewater was running off of a land application field into a swamp draining to Horsepen Branch. The Company had not reported the discharge to State waters as required by their permit. On May 11, 2000, during a DEQ inspection, the Company reported that wastewater was running off of the same field into the swamp.

The proposed Order requires the Company to apply for individual VPA permits, revise their emergency response procedures, install water reduction devices, implement a revised worker training program and implement a field aeration program. In addition the Order includes a civil charge of \$27,200.

The public comment period ended on December 9 and a single letter was received from Pilar Penn and Kay Slaughter of the Southern Environmental Law Center on behalf of the Sierra Club and Southside Concerned Citizens. The letter raised the following points. 1. Additional and continuous groundwater monitoring should be required. 2. Surface water adjacent to the field should be monitored. 3. The company should have a groundwater monitoring plan. 4. Individual permits should be required for the Farms. The Order will require individual permits and these are all items that could be included in the individual permits. Other comments in the letter were as follows. 1. The permit applications should be submitted in 30 days. Staff believes that 60 days is reasonable. 2. All the permits should be issued by a single region. DEQ regions do coordinate and try to be consistent. 3. The penalty is not high enough. The penalty was calculated in accordance with the enforcement manual.

Brian L. Buniva and Rudy Grammer addressed the Board on behalf of Carroll's Foods. The Board directed several comments to Mr. Buniva and asked him several questions. Pilar Penn addressed the Board and reviewed the comments in her letter.

Board Decision

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

1. approve the Consent Special Order for Carroll's Foods of Virginia, 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.



Francis L. Daniel
Director, Tidewater Regional Office



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Tidewater Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000

MINUTE NO. 10 - NORFOLK AIRPORT AUTHORITY, JAMES CITY SERVICE AUTHORITY

David S. Gussman, Senior Enforcement Specialist in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning two Consent Special Orders with civil charges.

The Norfolk Airport Authority is subject to an individual VPDES 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 20, 2000, 200 gallons of deicing fluid (50% water and 50% propylene glycol) spilled into a storm drain inlet that discharged into Mirror Lake via outfall 005

The proposed Order requires the Airport Authority to better designate areas for deicing activities, implement a training program, purchase a collection truck and revise their stormwater pollution prevention plan. In addition the Order includes a civil charge of \$4,200, which was calculated in accordance with the guidance in the enforcement manual. No comments were received during the public comment period.

Ground water withdrawal permit No. GW0031200 was issued to James City on August 1, 1997 for the Kings Village subdivision. The Permit authorizes the withdrawal of 3,600,000 gallons per year and up to 437,000 gallons per month from a well in the Chickahominy Piney-Point aquifer. In June, July, August, September and October of 1998, and in May, June, July and August of 1999, James City exceeded the monthly groundwater withdrawal limit. Additionally, the annual limit was exceeded in 1998 and 1999.

The proposed Order requires the Service Authority to submit an application for an expanded ground water withdrawal permit by February 1, 2001. The Order also includes a civil charge of \$6,300, \$630 is to be paid within 30 days, the remainder will be

offset upon the completion of a supplemental environmental project ("SEP"). The civil charge was calculated in accordance with the guidance in the enforcement manual.

The SEP to be performed by James City County is the contribution of \$5,670 to the Hampton Roads Planning District Commission's Regional Ground Water Mitigation Program for a study of the impacts of DEQ permitted ground water withdrawals on the existing resources beneath the Lower-James York Peninsula. The proposed Order has completed public notice and no comments were received.

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 the Norfolk Airport Authority and the James City Service Authority;
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



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Francis L. Daniel
Tidewater Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000

MINUTE NO. 11 - Consent Order Cancellations

Francis L. Daniel, Director of the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning the cancellation of 14 consent orders. Mr. High abstained from voting on Dupont de Nemours and Allied Signal.

Board Decision

Based on the briefing materials and the staff presentation and recommendations, the Board voted to approve the cancellation of the following consent orders: Town of Cape Charles; D.E. Bonney Company, Inc.; City of Hampton; Nandua Seafood Company; City of Norfolk; Virginia Carolina Seafood Company; Allied Signal, Inc.; Town of Chase City; The Little Oil Company, Inc.; E.I. Du Pont de Nemours and Company; City of Lexington; Nelson County School Board; Land'Or Utility Company, Inc.; and, Occoquan WTP

A handwritten signature in blue ink, reading "Francis L. Daniel", written over a horizontal line.

Francis L. Daniel
Director, Tidewater Regional Office



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MINUTE NO. 12 - Permit Terminations

Francis L. Daniel, Director of the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendation concerning the termination of three permits.

Board Decision

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to approve the terminations of permits for The Hatcher Center STP, Nelson County High School, and Grub Hill Farm, Inc.,

A handwritten signature in blue ink that reads "Frank Daniel".

Francis L. Daniel
Director, Tidewater Regional Office



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000


MINUTE NO. 13 - Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation, 9 VAC 25-31-10 et seq.

The Board had been provided a revised draft regulation and a memorandum summarizing the proposed changes prior to the meeting.

This rulemaking was proposed as a technical amendment to the regulation necessary to bring it into conformance with applicable federal regulations. As such, it was exempt from Article 2 of the Administrative Process Act (ref. § 9-6.14:4.1C4(c)). Richard Ayers identified four amendments to the proposal during the staff presentation. These amendments were deletion of the previous incorporation by reference of 40 CFR Part 431 in 9 VAC 25-31-30; and withdrawal of the proposed amendments to 9 VAC 25-31-220 D 1, 9 VAC 25-31-270 and 9 VAC 25-31-280 B 3.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the VPDES Permit Regulation, 9 VAC 25-31-10 et seq., as presented by the staff. Pursuant to the Administrative Process Act, the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.


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 DECEMBER 13, 2000

MINUTE NO. 14 - Regulation for Establishment of Smith Mountain Lake No
Discharge Zone, 9 VAC 25-730-10 et seq.

The staff presented a final exempt regulation for Board adoption that would establish Smith Mountain Lake as a No Discharge Zone for boating sewage.

Board Decision

The Board voted to adopt as final the regulation entitled "Establishment of Smith Mountain Lake No Discharge Zone".

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

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

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John Paul Woodley, Jr.
Secretary of Natural Resources

Dennis H. Treacy
Director

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000

Minute No. 15 – AST and Pipeline Financial Responsibility Requirements Regulation

The staff made a presentation to the Board concerning the comments received on the proposed Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements Regulation, 9 VAC 25-640-10. DEQ recommended that the Board adopt as final the proposed Regulation and to direct staff to take the necessary administrative actions to ensure the amendments become effective.

Board Decision

The Board unanimously approved DEQ's request to adopt as final the Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements Regulation and directed staff to take the necessary administrative actions to ensure the regulation becomes effective.

Larry G. Lawson
Director, Water Program Operations



COMMONWEALTH of VIRGINIA

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MINUTE NO.16 - 9 VAC 25-650-10 et seq., Closure Plans and Demonstration of Financial Capability.

The staff presented an emergency regulation and recommended that the Board adopt the regulation, effective December 14, 2000.

Board Decision

The Board voted to adopt the emergency regulation 9 VAC 25-650-10 et seq., Closure Plans and Demonstration of Financial Capability, effective December 14, 2000.

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

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



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DEQ - OD

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MINUTE NO. 17 - Virginia Water Protection Permit Regulation Amendments (9 VAC 25-210 et seq.) and New General Permits (9 VAC 25-660, 9 VAC 25-670, 9 VAC 25- 680 and 9 VAC 25-690 et seq.)

The Board had been provided drafts of the revised VWPP regulation and four VWPP general permits, fact sheets and a memorandum summarizing the proposed changes, and a summary of the major issues discussed at the Technical Advisory Committee meetings as well as the full minutes of those meetings, prior to the board meeting. This rulemaking was proposed to address changes to Sections 62.1-44.3, 44.5, 44.15, 44.15:5 and 44.29 of the Code of Virginia, relating to wetlands, as mandated by the 2000 General Assembly. Ellen Gilinsky summarized the proposed amendments and new general permits, and presented additional changes to the draft regulations that were made at the request of the Office of the Attorney General.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to approve the draft amendments to the VWPP Regulation (9 VAC 25-210 et seq) and the drafts of the VWPP general permit regulations (9 VAC 25-660, 9 VAC 25-670, 9 VAC 25-680 and 9 VAC 25-690 et seq.), as presented by the staff, for publication and public comment, pursuant to the Administrative Process Act.


Larry G. Lawson, P.E.

Director, Water Program Coordination



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Minute No. 18 – Public Forum

No one appeared during the public forum.

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

Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON DECEMBER 13, 2000

MINUTE 19 - FY 2001 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 16, 2000. The memorandum identified the staff's suggested loan terms and recommended loan approvals for eighteen projects targeted for FY 2001 loan assistance.

Mr. Gills began his presentation by summarizing the actions taken by the Board, at its September 19, 2000 meeting, of targeting 18 localities for FY 2001 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 2001 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 Two of the November 16th 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 2001 "ceiling rate" was set at 4.5%. Projects fixed at the Funds' upper limit, which have not proceeded to loan closing by September 1, 2001, 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 September 19, 2000. Loan closing is subject to receipt of a favorable financial capability analysis report and supporting recommendation from VRA.

FY 2001 VWRLF Loan Authorizations and Approved Terms/Rates

<u>Locality</u>	<u>Loan Amount</u>	<u>Loan Terms</u>
City of Lynchburg (CSO)	\$ 1,855,000	0% @ 20 years
City of Richmond (CSO)	\$ 5,000,000	3% @ 20 years
Fairfax County	\$40,000,000	4.5% @ 20 years
Town of Stanley	\$ 575,000	0% @ 20 years
Wythe County	\$ 200,000	0% @ 20 years
Town of Culpeper	\$ 1,750,000	4.5% @ 20 years
Town of Rocky Mount	\$ 3,102,542	4.5% @ 20 years
Campbell County	\$ 1,005,800	4.5% @ 20 years
City of Newport News	\$ 3,200,000	4.5% @ 20 years
HRSD-Incinerators	\$ 3,350,000	4.5% @ 20 years
HRSD-Boat Harbor Plant	\$ 995,000	4.5% @ 20 years
HRSD-Army Base Plant	\$ 2,012,000	4.5% @ 20 years
HRSD-Lambert Point Plant	\$ 2,700,600	4.5% @ 20 years
HRSD-York River Plant	\$ 1,899,352	4.5% @ 20 years
HRSD-Atlantic Plant	\$ 1,782,000	4.5% @ 20 years
HRSD-James River Plant	\$ 1,238,700	4.5% @ 20 years
Amelia County	\$ 650,190	4.5% @ 20 years
Town of Keysville	\$ 3,787,300	4.5% @ 20 years
	<u>\$75,103,484</u>	


Larry G. Lawson
Director, Division of Water
Program Coordination

/dww



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MINUTE NO. 20 - Future Meetings

A date for the next meeting was not set.

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

Cindy M. Berndt