



Approved at June 30, 2025 meeting.
Minute #1.

Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Stefanie K. Taillon
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

STATE WATER CONTROL BOARD MEETING

Bank of America Building 3rd floor conference room,
1111 E. Main Street, Richmond, VA 23219

THURSDAY MARCH 27, 2025

Board Members Present:

Lou Ann Jessee-Wallace, Chair
Scott Cameron, Vice-chair
Tommy Branin
Robert Dunn
Jerry Kilgore
Steve Yob

Board Members Absent:

Michelle Johnson

Department of Environmental Quality:

Michael Rolband, Director
Melissa Porterfield
Jill Hrynciw

Office of the Attorney General:

John Gilbody, Assistant Attorney General

1. The attached minutes summarize activities that took place at this Board Meeting.
2. The meeting convened at 10:07 a.m. and adjourned at 11:38 a.m.



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON MARCH 27, 2025**

Minute No. 1- Approval of Minutes

The Board approved the minutes of the meeting held December 4, 2024, by a vote of (6-0).


Melissa S. Porterfield



Commonwealth of Virginia

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**EXCERPT FROM THE PROCEEDINGS OF THE STATE
WATER CONTROL BOARD AT ITS MEETING ON March 27, 2025**

MINUTE NO. 2 – Sewage Collection and Treatment Regulations Amendment (9VAC25-790-985) to include a reporting requirement for all septic systems taken off-line and connected to sewerage systems.

Prior to the meeting the Board was provided materials including a briefing memo which included a list of the regulatory advisory panel membership, the regulation showing the proposed amendment, the town hall agency background document, and a summary of comments received during the public comment period. Laura Galli from the Office of VPDES Permits, Central Office, presented a summary of the significant proposed changes to the regulation.

Board member Steven Yob submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating in/voting on these agenda items. He indicated he has a personal interest affected by the transactions being considered because of his employment as Deputy County Manager for Community Operations by Henrico County. Henrico County, like other Virginia localities, administers a Virginia Erosion and Stormwater Management Program (VESMP), holds groundwater withdrawal permits and permits for activities related to the Virginia Water Protection program, and is subject to the Sewage Collection and Treatment Regulations. He indicated he was able to participate in this agenda item fairly, objectively, and in the public interest.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously (6-0, Branin, Cameron, Dunn, Kilgore, Wallace, and Yob) to approve the proposed amendment to the Sewage Collection and Treatment Regulations (9VAC25-790-985) as a final regulation.

A handwritten signature in black ink, appearing to read "Bryant Thomas".

Bryant Thomas
Interim Director, Water Division



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
ITS MEETING ON MARCH 27, 2025

**MINUTE NO. 3 - Final Regulation - Water Quality Standards (9VAC-25-260) -
Rulemaking to adopt site specific selenium aquatic life criteria for four streams which are
tributaries to Knox Creek in Buchanan County**

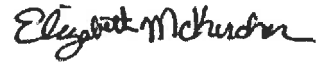
Dr. Tish Robertson, Water Quality Standards scientist, made a presentation regarding proposed site-specific aquatic life selenium criteria for four streams in Buchanan County. Adoption of the proposed criteria was requested through a petition by Clintwood JOD, LLC (CJOD). Specifically, the petitioner has requested the Board to amend the Virginia Water Quality Standards regulation (9VAC25-260 et. Seq.) to include the 2016 U.S. Environmental Protection Agency (EPA) recommended selenium water quality criterion for protection of aquatic life for four (4) specific streams, and their tributaries, in Buchanan County. Dr. Robertson provided to the Board a summary of background information regarding selenium sources, uses, and effects on aquatic life. Dr. Robertson then provided a summary of the rulemaking actions that have been taken for the proposed amendment, which include the publication of a Notice of Intended Regulatory Action from February 26 to March 27, 2024, a Regulatory Advisory Panel meeting held in Grundy, VA on April 24, 2024, a Notice of Public Comment from October 7 to December 6, 2024, and a public hearing held in Grundy, VA on November 14, 2024.

Dr. Robertson provided an overview of the proposed criteria, explaining that their unique fish tissue expression and hierarchical nature makes implementation more challenging than other aquatic life criteria. She then summarized the five comments received during the public comment period. Appalachian Voices expressed opposition to the rulemaking. EPA pointed out discrepancies between the original proposed language and EPA criterion recommendations, which DEQ staff rectified in the final proposed amendment. The Virginia Department of Energy and two staffers from Clintwood JOD expressed support for the proposed amendment. Then Dr. Robertson answered a question from Mr. Steven Yob about the higher magnitude of the fish egg-ovary criterion value compared to the other criterion elements.

Board Decision

Based on the briefing material and staff presentation, a vote was taken, and the Board unanimously (6-0, Branin, Cameron, Dunn, Kilgore, Wallace and Yob) approved staff recommendation to

adopt final amendments to 9VAC25-260 regarding site-specific selenium criteria for the streams identified in the Knox Creek drainage in Buchanan County.



Elizabeth McKercher, Director
Water Planning Division



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER
CONTROL BOARD AT ITS MEETING ON MARCH 27, 2025**

**MINUTE No. 4– FINAL REGULATIONS – 9VAC25-210 VIRGINIA WATER
PROTECTION PERMIT REGULATION, 9VAC25-610 GROUNDWATER
WITHDRAWAL REGULATIONS – AMENDMENTS ESTABLISHING CRITERIA FOR
WATER AUDITING PLANS AND LEAK DETECTION AND REPAIR PLANS AND
REQUIRING APPLICATIONS TO INCLUDE PLANS (REQUIRED BY CHAPTER 100
OF THE 2021 SPECIAL SESSION I ACTS OF ASSEMBLY)**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Eric Seavey, Office of Water Withdrawal Permitting Manager, presented a summary of the proposed changes to the regulations. Mr. Seavey also presented a summary of comments received during the public comment period and DEQ responses and answered questions from the board regarding the proposed amendments. There were no changes made to the proposed amendments to the regulations based on comments received.

Board member Steven Yob submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating in/voting on these agenda items. He indicated he has a personal interest affected by the transactions being considered because of his employment as Deputy County Manager for Community Operations by Henrico County. Henrico County, like other Virginia localities, administers a Virginia Erosion and Stormwater Management Program (VESMP), holds groundwater withdrawal permits and permits for activities related to the Virginia Water Protection program, and is subject to the Sewage Collection and Treatment Regulations. He indicated he was able to participate in this agenda item fairly, objectively, and in the public interest.

Board Decision:

Based on the briefing material and staff presentation, a vote was taken, and the Board unanimously (6-0, Branin, Cameron, Dunn, Kilgore, Wallace, and Yob) approved staff recommendation to adopt the amendments to the Virginia Water Protection Permit Program Regulation (9VAC25-210) and Groundwater Withdrawal Regulations (9VAC25-610) as final regulations.

A handwritten signature in black ink, appearing to read "Bryant Thomas", written over a horizontal line.

Bryant Thomas
Interim Director, Water Division



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
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**Minute No. 5- Fast Track Regulation- Virginia Erosion and Stormwater Management Regulation
(9VAC25-875) – Technical Corrections**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation, the town hall agency background document, and the Office of Regulatory Management Economic Review Form. Rebecca Rochet, Director of Stormwater Programs, presented a summary of the proposed changes to the regulation.

Board member Steven Yob submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating in/voting on these agenda items. He indicated he has a personal interest affected by the transactions being considered because of his employment as Deputy County Manager for Community Operations by Henrico County.

Henrico County, like other Virginia localities, administers a Virginia Erosion and Stormwater Management Program (VESMP), holds groundwater withdrawal permits and permits for activities related to the Virginia Water Protection program, and is subject to the Sewage Collection and Treatment Regulations. He indicated he was able to participate in this agenda item fairly, objectively, and in the public interest.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (6-0, Wallace, Branin, Cameron, Dunn, Kilgore, and Yob) to authorize DEQ to promulgate the proposal for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial and authorized DEQ to set an effective date 15 days after close of the 30-day public comment period, or July 2, 2025, whichever is later, provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) DEQ does not find it necessary to make any changes to the proposal.

A handwritten signature in cursive script, reading "Rebecca Rochet".

Rebecca Rochet
Director of Stormwater Programs



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**Minute No. 6- Proposed Regulation- Virginia Erosion and Stormwater Management Regulation
(9VAC25-875) – Change the statewide permit fee schedule in accordance with Chapter 2 of the 2024
Special Session I Acts of Assembly**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation, the town hall agency background document, and the Office of Regulatory Management Economic Review Form.

Rebecca Rochet, Director of Stormwater Programs, presented a summary of the proposed changes to the regulation. The proposed amendments increase fees for an individual Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities, a VPDES General Permit for Discharges of Stormwater from Construction Activities, municipal separate storm sewer system (MS4) permits, permit modification fees, and permit maintenance fees so they collectively provide 60 percent to 62 percent of the direct costs for the administration, compliance, and enforcement of the Department of Environmental Quality's erosion and stormwater management program. In addition, a new section was added to adjust the fees annually based on changes in the Consumer Price Index.

Chapter 2 of the 2024 Special Session I Acts of Assembly (Budget Bill, Item 363 J) directs the Board to amend the existing permit fee schedule such that the fees for the VPDES Permit for Discharges of Stormwater from Construction Activities and MS4 permits are set at an amount representing no less than 60 percent, not to exceed 62 percent, of the direct costs for the administration, compliance, and enforcement of such permits.

Board member Steven Yob submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating in/voting on these agenda items. He indicated he has a personal interest affected by the transactions being considered because of his employment as Deputy County Manager for Community Operations by Henrico County.

Henrico County, like other Virginia localities, administers a Virginia Erosion and Stormwater Management Program (VESMP), holds groundwater withdrawal permits and permits for activities related to the Virginia Water Protection program, and is subject to the Sewage Collection and Treatment Regulations.

He indicated he was able to participate in this agenda item fairly, objectively, and in the public interest.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (6-0, Wallace, Branin, Cameron, Dunn, Kilgore, and Yob) to approve the staff recommendation to authorize a public comment period and public hearing for amendments to the fee schedule in the Virginia Erosion and Stormwater Management Regulation (9VAC25-875), and to authorize the staff to serve as hearing office for the public hearing. The Board also requested to be notified of the dates of the public comment period once scheduled.



Rebecca Rochet
Director of Stormwater Programs



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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
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Minute No. 7 - Report to the Board Regarding Controversial Permits: Synagro Central LLC – Westmoreland County, VPA00835; Synagro Central LLC – Essex County, VPA00831; Surface Water Withdrawal Permit issuance, Caroline County, VWP No. 20-0514.

In accordance with § 10.1-1184.1.B of the Code of Virginia, Bryant Thomas provided the Controversial Permit Report to the Board. The report included an update that the Synagro Central LLC permit modification request for VPA00835 in Westmoreland County had been withdrawn by the applicant. For the remaining permits, the report included each permit number, location of the activities, a summary of events prior to the Board meeting and the schedule for the remaining actions to be taken by the Department. The Board was provided the opportunity to respond to the Department's presentation and provide commentary regarding the permits.

A handwritten signature in black ink, appearing to read "Bryant Thomas", written over a horizontal line.

Bryant Thomas
Interim Director, Water Division



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Minute No. 8: Mountain Valley Pipeline – Update

Ms. Davenport presented an update on the status of the project. She reported that the project is in the post-restoration phase and the ongoing activity for this quarter involves achieving permanent vegetation and maintaining erosion and sediment controls until ground cover is uniform and mature enough to survive. She also provided an overview of the compliance activities and stipulated penalties for the period of December 1, 2024 through March 21, 2025. She answered in response to a question from the Board, that total stipulated penalties collected from September 2019 through December 2024 are \$221,000.

A handwritten signature in black ink that reads "Melanie D. Davenport".

Melanie D. Davenport



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Minute No. 9- Future Meeting Date

No future meeting dates for the Board were confirmed at this meeting.


Melissa S. Porterfield



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Minute No. 10- Public Forum

Dean Naujoks, Potomac River Keeper and Lee Deihl, Virginia Watermen's Association, spoke to Board during the public forum concerning the application of biosolids containing PFAS in Virginia.

A handwritten signature in blue ink, appearing to read "M. Porterfield".

Melissa S. Porterfield