

A REPORT TO
THE HONORABLE TERENCE R. McAULIFFE, GOVERNOR,
AND
THE GENERAL ASSEMBLY OF VIRGINIA

VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE
2014 ANNUAL REPORT

Virginia Roanoke River Basin Advisory Committee

Executive Summary

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) was established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. Duties and powers of the VRRBAC are pursuant to Virginia Code § [62.1-69.34](#).

This report, which is required by Virginia Code § [62.1-69.35:2](#), provides information regarding the Virginia Roanoke River Basin Advisory Committee's activities during the 2014 calendar year. The members met on April 21 and October 23, 2014 at the Institute for Advanced Learning and Research in Danville, Virginia.

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Introduction

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) was established as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. VRRBAC assists the Virginia delegation in fulfilling its duties and carrying out the objectives of the Commission pursuant to Va. Code § [62.1-69.39](#). VRRBAC is composed of 23 members that include one ex-officio U. S. Representative, six ex-officio Virginia legislative members, 13 non-legislative citizen members, and three ex-officio members from North Carolina. The planning district commissions (PDCs) located in the Roanoke River Basin (Basin) recommended 11 of the non-legislative citizen members of the advisory committee, while the Senate Committee on Rules and the Speaker of the House each appointed one non-legislative citizen member. These non-legislative citizen members reside within the Basin's watershed, represent the diversity of interests within the Basin area, and have demonstrated interest, experience, or expertise in water-related Basin issues.

Organization

Read Charlton of Charlotte Courthouse was elected in August 2013 by the membership to serve as Chairman of the VRRBAC. Tim Pace of Collinsville and Billy Martin of Botetourt County were elected by the membership to serve as Vice Chairmen. Mr. Charlton presided over the two meetings held in 2014 (April 21 and October 23). Elections were held at the October 23, 2014 meeting. The members approved moving Tim Pace to chair and Billy Martin to 1st Vice Chair. A motion was made and seconded to nominate Al Zimmerman as 2nd Vice Chair; the committee unanimously approved the nomination.

Current Membership of VRRBAC

There are currently 20 members on the VRRBAC. North Carolina is permitted by Virginia statute to provide three ex-officio members to the VRRBAC. To date, these members have not been appointed. A list of current members is provided below.

Senator William Stanley
Senator Frank Ruff
Delegate James Edmunds, II
Delegate Thomas Wright, Jr.
Delegate Charles Poindexter
Delegate Samuel Rasoul
Representative Robert Hurt
Read Charlton, Charlotte Courthouse
Tim Pace, Collinsville
Billy Martin, Blue Ridge
Al Zimmerman, South Boston
John H. Feild, Mecklenburg
Haywood J. Hamlet, Phenix
Evelyn Janney, Floyd
Bob Jean, Brookneal
Russell Johnson, Wirtz
John Lindsey, Penhook
Mark Wagener, Huddleston

William Lindenmuth, Bracey
Christopher Blakeman, Roanoke Valley – Alleghany Regional Commission

Subcommittees

The VRRBAC has subcommittees that complement those established by the Roanoke River Basin Bi-State Commission: Agriculture, Forestry, and Soil and Water Conservation Districts; Permit Holders; Public Officials and Government Entities; and Roanoke River Basin Interests. The VRRBAC also has a Lake Interests Sub-Committee. These subcommittees are set up to parallel the structure of the North Carolina counterpart so that the groups can easily interface. Ad hoc committees may be established as needed. The subcommittees are designed to bring together the most knowledgeable people on an issue to accomplish the work of VRRBAC. An effort is made to maintain a geographical and urban/rural balance in membership. VRRBAC members serve as the chairs and vice-chairs of these subcommittees. Other members may serve as their particular skills are needed. No subcommittee met in 2014.

The current composition of the subcommittees is listed below.

Agriculture, Forestry and Soil and Water Conservation Districts Sub-Committee

Members: Haywood Hamlet - Chairman; Evelyn Janney - Vice-Chairman; Walter Coles, Mark Wagner, and Billy Martin.

Responsibility: Farm, livestock, and silviculture practices; pesticide / herbicide management; land conservation programs; biosolids, manure, and nutrient management; bio-fuels development; dam and impoundment safety; soil conservation, economic development and agricultural tourism.

Sub-Committee Member Criteria: Agricultural and forestry interests throughout the Basin and representatives from the soil and water conservation districts. Examples: farmers, ranchers, wood products producers, state and federal forestry managers, agricultural agency representatives, dam safety engineers, extension agents, soil and water conservation officials, land conservation agencies, and trusts.

Permit Holders Sub-Committee

Members: John Lindsey - Chairman; Read Charlton; Barry Dunkley, William Johnson, Maureen Castern, C.J. Mitchem, Willie Jones, Mike Ward, and Bill Reidenbach.

Responsibility: Water conservation, water recycling, and wastewater reuse; water quality standards and emerging contaminants; environmental laboratory requirements; water withdrawal rights; construction practices and low impact development; solid and hazardous waste management; fuel storage; air quality; and power generation, mining and renewable energy.

Sub-Committee Member Criteria: Those entities that hold permits issued by a federal, state or local regulatory agency pertaining to the water of the Basin. Examples: Industrial facility representatives; commercial, development, and mining interests; manufacturing advocacy organizations; permitting agency representatives; water and wastewater management agencies; landfill operators; fuel supply and power generation interests; and consulting engineers.

Public Officials and Government Entities Sub-Committee

Members: Tim Pace - Chair; Delegate Charles Poindexter; John Feild; Jean McCarter; Billy Martin; Bob Jean; Andrew Lester; and Brian McCrodden.

Responsibility: Water supply planning; water public health; flood control, flood plain regulation, storm water management, emergency response, and water resource financing; land development planning and use requirements; erosion and sediment programs; waste disposal requirements; transportation impacts to watershed; economic development; and disputes between jurisdictions.

Sub-Committee Member Criteria: Representatives of each county, city, and town and any other governmental entities that the Commission deems appropriate as provided by statute. Examples: Elected officials (local, state, or federal), local government managers, state environmental regulatory representatives, state and local health department representatives, council of governments or planning district commission members, economic development officials, local government advocacy organizations, and federal agency representatives.

Roanoke River Basin Interests Sub-Committee

Members: Read Charlton - Chairman; Bud LaRoche, Virginia Division of Game and Inland Fisheries; Pamela Kent Pettus; Maureen Castern; J. T. Davis; Jerry Lovelace, Tom Stutts, and Bob Jean.

Responsibility: Scenic river designations; river water quality standards and monitoring; species protection and restoration; in-stream recreational uses, greenway development and tourism; stream bank restoration; and minimum in-stream flows.

Sub-Committee Member Criteria: River interest groups. Examples: Riparian landowners, fishing advocates and fishery managers, environmental organizations, canoeing and kayaking interests, citizen watershed monitoring groups, environmental protection agencies, recreation and tourism officials, game management agencies, watershed managers, and consultants.

Lake Interests Sub-Committee

Members: Russ Johnson - Chairman; Mark Wagner; Bill Lindenmuth; Olga Kolotushkina; Tim Pace.

Responsibility: Swimming standards; lake recreational uses, fishing and tourism; debris and sedimentation management; invasive species control; lake water quality standards and monitoring; water level management; marina, dock, and shoreline regulations; boat waste management; navigational aids; and boating safety.

Sub-Committee Member Criteria: Lake interest groups. Examples: Shoreline property owners, boating organizations, citizen lake association representatives, fishing advocates and fishery managers, environmental organizations, lake management and public safety officials, recreation and tourism officials, and environmental protection agencies.

Meetings and Locations

VRRBAC meets throughout the Basin in an effort to make the meetings available to all Basin constituents. This year, the VRRBAC held two meetings in Danville at the Institute for Advanced Learning and Research. Members received information on the Dan River coal ash spill and Dominion's Atlantic Coast Pipeline. Meeting agendas, minutes, and presentations can be found in Appendix B.

Appendix A - Chapters 5.4 and 5.5 of Title 62.1 of the Code of Virginia

Chapter 5.4

§ 62.1-69.34. Virginia Roanoke River Basin Advisory Committee established; purpose; membership; terms; meetings.

A. The Virginia Roanoke River Basin Advisory Committee, hereinafter referred to as the "Committee," is hereby established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. The Committee shall assist the delegation in fulfilling its duties and carrying out the objectives of the Commission, pursuant to § [62.1-69.39](#). The advisory committee shall be composed of 23 members as follows: two members of the Senate, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Senate Committee on Rules; four members of the House of Delegates, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member at large appointed by the Senate Committee on Rules; one nonlegislative citizen member at large appointed by the Speaker of the House of Delegates; 11 nonlegislative citizen members selected by the legislative members of the advisory committee such that two are chosen from recommendations of each of the following: the Central Virginia Planning District Commission, the West Piedmont Planning District Commission, the Southside Planning District Commission, the Piedmont Planning District Commission, and the Roanoke Valley Alleghany Planning District Commission; and one member selected by the legislative members of the advisory committee from among recommendations submitted by the New River Valley Planning District Commission; and the Virginia member of the United States House of Representatives, whose district includes the largest portion of the Basin, or his designee, and three representatives of the State of North Carolina appointed in a manner as the General Assembly of North Carolina may determine appropriate. Except for the representatives of North Carolina, all nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. The Virginia member of the United States House of Representatives, the members of the Virginia General Assembly, and the representatives of North Carolina shall serve ex officio without voting privileges. Of the recommendations submitted by planning district commissions authorized to recommend two members, one member shall be a nonlegislative citizen who resides within the respective planning district. However, the New River Valley Planning District Commission may recommend either one nonlegislative citizen at large who resides within the planning district or one member, who at the time of the recommendation, is serving as an elected member or an employee of a local governing body, or one member of the board of directors or an employee of the planning district commission. All persons recommended by the planning district commissions to serve as members of the advisory committee shall reside within the Basin's watershed, represent the diversity of interests in the jurisdictions comprising the respective planning district commissions, and demonstrate interest, experience, or expertise in water-related Basin issues.

B. State and federal legislative members and local government officials appointed to the advisory committee shall serve terms coincident with their terms of office. Nonlegislative citizen members appointed by the Senate Committee on Rules and the Speaker of the House of Delegates to serve on the advisory committee, and ex officio members representing the State of

North Carolina shall serve a term of two years. Initially, planning district commissions authorized to recommend two nonlegislative citizen members to the advisory committee shall recommend one member for a term of two years and one member for a term of one year. However, the nonlegislative citizen member recommended to serve on the advisory committee by the New River Valley Planning District Commission shall serve a term of one year. After the initial staggering of terms, the term of office of nonlegislative citizen members recommended by the planning district commissions shall be for two years. Nonlegislative citizen members recommended by planning district commissions shall be eligible for reappointment, if such members shall have attended at least one-half of all meetings of the Commission during their current term of service. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment.

The advisory committee shall elect a chairman and a vice-chairman from among its voting members. A majority of the voting members shall constitute a quorum. The meetings of the advisory committee shall be held at the call of the chairman or whenever the majority of the voting members so request.

§ 62.1-69.35. Compensation and expenses.

Legislative members of the advisory committee shall receive such compensation as provided in § [30-19.12](#) and non-legislative members shall receive such compensation for the performance of their duties as provided in § [2.2-2813](#). All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). Funding for the costs of compensation and expenses of members shall be paid from such funds as may be provided to the Department of Environmental Quality in the appropriations act for this purpose.

§ 62.1-69.35:1. Staffing.

The Department of Environmental Quality shall provide staff support to the advisory committee. All agencies of the Commonwealth shall provide assistance to the advisory committee, upon request.

§ 62.1-69.35:2. Chairman's executive summary of activity and work of the advisory committee.

The chairman of the advisory committee shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the advisory committee no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Chapter 5.5

§ 62.1-69.36. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Basin" means the Roanoke River Basin.

"Roanoke River Basin" means that land area designated as the Roanoke River Basin by the Virginia State Water Control Board, pursuant to [§62.1-44.38](#), and the North Carolina Department of Environment and Natural Resources.

§ 62.1-69.37. Roanoke River Basin Bi-State Commission established; purpose.

The Roanoke River Basin Bi-State Commission is hereby established as a bi-state commission composed of members from the Commonwealth of Virginia and the State of North Carolina and hereinafter referred to as the Commission. The Commission shall:

1. Provide guidance, conduct joint meetings, and make recommendations to local, state and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the Basin's water and other natural resources;
2. Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;
3. Promote communication, coordination and education among stakeholders within the Basin;
4. Identify Basin-related problems and recommend appropriate solutions; and
5. Undertake studies and prepare, publish, and disseminate information through reports, and other communications, related to water quantity, water quality and other natural resources of the Basin.

§ 62.1-69.38. Membership; terms.

A. The Commission shall be composed of 18 voting members that include nine members representing the Commonwealth of Virginia and nine members representing the State of North Carolina. The Virginia delegation shall consist of the six legislative members appointed to the Virginia Roanoke River Basin Advisory Committee, and three nonlegislative citizen members appointed to the Virginia Roanoke River Basin Advisory Committee, who represent different geographical areas of the Virginia portion of the Roanoke River Basin, to be appointed by the Governor of Virginia. The North Carolina delegation to the Commission shall be appointed as determined by the State of North Carolina. All members appointed to the Commission by the Commonwealth of Virginia and the State of North Carolina shall reside within the Basin's watershed. Members of the Virginia House of Delegates and the Senate of Virginia, the North Carolina House of Representatives and Senate, and federal legislators, who have not been appointed to the Commission and whose districts include any portion of the Basin, shall serve as nonvoting ex officio members of the Commission.

B. Legislative members of the Virginia delegation, federal legislators, and local government officials, whether appointed or ex officio, shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed to serve two-year terms, unless the member is reappointed by the appointing authorities of each state. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment.

C. Each state's delegation to the Commission may meet separately to discuss Basin-related issues affecting their state, and may report their findings independently of the Commission. A majority of the voting members shall constitute a quorum.

§ 62.1-69.39. Roanoke River Basin Bi-State Commission powers and duties.

A. The Commission shall have no regulatory authority.

B. To perform its duties and objectives, the Commission shall have the power to:

1. Develop rules and procedures for the conduct of its business or as may be necessary to perform its duties and carry out its objectives, including, but not limited to, selecting a chairman and vice-chairman, rotating chairmanships, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote by a majority of the Commission members;
2. Establish standing and ad hoc advisory committees, which shall be constituted in a manner to ensure a balance between recognized interests. The purpose of each advisory committee shall be determined by the Commission;
3. Seek, apply for, accept and expend gifts, grants and donations, services and other aid from public or private sources. With the exception of funds provided by the planning district commissions and funds appropriated by the General Assemblies of Virginia and North Carolina, the Commission may accept funds only after an affirmative vote by a majority of the members of the Commission or by following such other procedures as may be established by the Commission for the conduct of its business;
4. Establish a nonprofit corporation to assist in the details of administering its affairs and in raising funds;
5. Enter into contracts and execute all instruments necessary or appropriate; and
6. Perform any lawful acts necessary or appropriate for the furtherance of its work.

§ 62.1-69.40. Standing and ad hoc committees.

To facilitate communication among stakeholders in the Roanoke River Basin, and to maximize participation by all interested parties, the Commission shall establish both standing and ad hoc committees. The Commission shall appoint the members of the standing and ad hoc committees, in accordance with guidelines adopted by the Commission. The standing committees shall include, but not be limited to, the following:

1. Permit holders. The Commission shall identify those entities that hold permits issued by a federal, state or local regulatory agency pertaining to the water of the Basin. Such entities may recommend a representative to be appointed to the committee by the Commission;
2. Roanoke River Basin interest groups. The Commission shall identify interest groups that may recommend a representative to be appointed to the committee by the Commission;
3. Public officials and government entities. The committee shall be composed of representatives of each county, city and town located completely or partially within the Basin, and any other governmental entities that the Commission deems appropriate may recommend one member to be appointed to the committee by the Commission. The committee may also include the U.S. Senators from Virginia and North Carolina or their designees, and any member of the U.S. House of Representatives or his designee, whose district includes any portion of the Basin, if such members elect to serve on the committee; and
4. Agriculture, forestry and soil and water conservation districts. The Commission shall identify persons who represent agricultural and forestry interests throughout the Basin and

representatives from the soil and water conservation districts within the Basin and shall appoint representatives from these groups to the committee.

§ 62.1-69.41. Staffing and support.

The Virginia Department of Environmental Quality and the North Carolina Department of Environment and Natural Resources shall provide staff support to the Commission. Additional staff may be hired or contracted by the Commission through funds raised by or provided to it. The duties and compensation of such additional staff shall be determined and fixed by the Commission, within available resources. All agencies of the Commonwealth of Virginia and the State of North Carolina shall cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its responsibilities. The Virginia Secretary of Natural Resources and the North Carolina Secretary of the Department of Environment and Natural Resources or their designees shall each serve as the liaison between their respective state agencies and the Commission.

§ 62.1-69.42. Funding.

A. The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses. Funding for the Commission shall be shared and apportioned between the Commonwealth of Virginia and the State of North Carolina. The appropriation of public funds to the Commission shall be provided through each state's regular process for appropriating public funds. The Virginia planning district commissions within the Basin shall bear a proportion of Virginia's share of the expenses, which may be in the form of in-kind contributions.

B. The Commission shall designate a fiscal agent.

C. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Virginia Auditor of Public Accounts and the North Carolina State Auditor prescribe, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Commission shall be subject to an annual audit by the Virginia Auditor of Public Accounts and the North Carolina State Auditor or their legal representatives, and the costs of such audit services shall be borne by the Commission. The results of the audits shall be delivered to the appropriate legislative oversight committees in each state.

§ 62.1-69.43. Compensation and expenses.

A. Legislative members of the Virginia delegation to the Commission shall receive such compensation as provided in § [30-19.12](#), and non-legislative members shall receive such compensation for the performance of their duties as provided in § [2.2-2813](#). All voting members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). However, all such expenses shall be paid from existing appropriations and funds provided to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

Members of the Virginia House of Delegates and the Senate of Virginia, and members of the Virginia Congressional delegation, who have not been appointed to the Commission, whose districts include any portion of the Basin, and who serve as nonvoting ex officio members of the Commission shall serve without compensation and expenses.

Nonlegislative citizen members appointed to any standing committees or ad hoc committees shall serve without compensation and expenses.

B. The North Carolina members of the Commission shall receive per diem, subsistence, and travel expenses as follows:

1. Ex officio legislative members who are members of the General Assembly at the rate established in North Carolina G.S. 138-6;
2. Commission members who are officials or employees of the State or of local government agencies at the rate established in North Carolina G.S. 138-6; and
3. All other members at the rate established in North Carolina G.S. 138-5.

§ 62.1-69.44. Annual report required.

The Commission shall submit an annual report, including any recommendations, to the Governor and General Assembly of Virginia and the Governor and General Assembly of North Carolina.

Appendix B – Meeting Agendas, Minutes, and Presentations

April 21, 2014 agenda, final minutes, and Dan River Coal Ash Spill presentation

October 23, 2014 agenda, DRAFT minutes, and Atlantic Coast Pipeline presentation

Virginia Roanoke River Basin Advisory Committee
Meeting Agenda
Monday, April 21, 2014
10 a.m. to noon

Institute for Advanced Learning and Research
Charles R. Hawkins Research Center
230 Slayton Ave, Danville VA 24520

- A. Call Meeting to order – Chairman Charlton
- B. Recognition of Members and Guests – Chairman Charlton
(Welcome Christopher Blakeman (Roanoke Valley-Alleghany Regional Commission) as a VRRBAC member; update on Tim Pace’s confirmation by the Governor as representative to the Roanoke River Basin Bi-State Commission)
- C. Draft minutes of the October 23, 2013 meeting
- D. Subcommittee reports or upcoming meetings
- E. Mr. John Kennedy (DEQ Director of the Office of Ecology and Infrastructure) will speak on DEQ’s activities relating to the coal ash spill on the Dan River.
- F. Mr. Jeff Reynolds (DEQ Director of Enforcement) will speak on ongoing enforcement and legal activities relating to the coal ash spill on the Dan River.
- G. Mr. David Grandis (Office of the Attorney General) will conduct a closed session regarding legal matters.
- H. Committee Discussion on Dan River Spill, Actions.
- I. Next Meeting – date, location, topics
- J. Other business
- K. Adjourn

**Virginia Roanoke River Basin Advisory Committee
Minutes**

Monday April 21, 2014

Institute for Advanced Learning and Research, Charles R. Hawkins Research Center

VRRBAC members present

Read Charlton (chair), Billy Martin (2nd Vice Chair), Senator Frank Ruff, Linda Green for Congressman Hurt, Delegate Tommy Wright, John Feild, Haywood Hamlet, Al Zimmerman, and Christopher Blakeman

Guests

Delegate Danny Marshall., C. Williams, M. Wiegard, R. Beadle, B. McCrodden, J. Lovelace, G. Adesso, K. Feild, A. Lester

Staff present

Scott Kudlas, Mary Ann Massie, John Kennedy, Jeff Reynolds (DEQ)
David Grandis (Office of the Attorney General)

Call to Order

Chairman Charlton called the meeting to order. Mr. Lester welcomed the group to the Charles R. Hawkins Research Center.

Recognition of Members and Guests

Chairman Charlton welcomed Mr. Blakeman as a new VRRBAC member. Mr. Blakeman is representing the Roanoke Valley – Alleghany Regional Commission. Mr. Charlton asked about Tim Pace's confirmation as a representative on the Roanoke River Bi-State Commission. Mr. Kudlas responded that the request to approve Mr. Pace got caught in the transition between Administrations and he has been working with the Secretary of the Commonwealth to move the appointment along. He indicated that this delay would not preclude Mr. Pace from participating in the Bi-State until final confirmation.

Draft minutes of the October 23, 2013

The minutes of the October 23, 2013 VRRBAC meeting were approved unanimously after a motion by Mr. Hamlet, and seconded by Senator Ruff.

Subcommittee Reports or upcoming meetings

Mr. Hamlet indicated there was no report from the agriculture subcommittee. Mr. Feild made a motion, seconded by Mr. Martin, to revisit the roles of the subcommittees, and review leadership/membership in an effort to revitalize the subcommittees and make assignments for the future. This was approved by a unanimous vote of the Committee. Mr. Blakeman specifically requested a roster of the subcommittee membership and the focus or charge of each group.

Action item: DEQ staff will collaborate with Chairman Charlton to create and distribute the list of subcommittees, rosters, and mission. (completed May 5, 2014, May 19, 2014)

Delegate Wright asked for an update on the North Carolina Advisory Committee and issues with their legislation that may have prevented them from meeting in 2013. Mr. Kudlas responded that the issue had been resolved and they had a viable group that was meeting down the hall.

Delegate Wright is interested in more frequent meetings of the Bi-State Commission to address water allocation challenges. Mr. McCrodden and Mr. Kudlas spoke briefly on the NC DENR model updates and the collaboration between the two states. While the model will not lead to a resolution on allocation issues associated with Kerr Reservoir, it will be a tool that supports decision making and negotiations. Mr. Adesso commented on the COE's lack of action on the allocation request made by the City of Raleigh. Discussion followed on a need for protocol for allocations, Mr. Feild made a motion, seconded by Delegate Wright for the VRRBAC to support reestablishing the Water Allocation Ad Hoc Committee to draft a report for comment. Mr. Kudlas pointed out the Water Allocation Ad Hoc Committee issued a report that was accepted by the VRRBAC and presented to the Bi-State Commission. In his opinion there was not further work to be done by staff as the options for securing allocation are all outlined in the report. He reminded the Committee that without funding for an EIS or to secure the storage, no allocations can be obtained. Mr. Kudlas offered to circulate the March 2010 Report to bring the Committee back to a point of common understanding.

Discussion ensued regarding perceptions of what had happened since March 2010. After this discussion, Mr. Feild withdrew his motion and thanked Mr. Kudlas for his commitment to circulate the ad hoc committee's findings electronically following the meeting. This documentation can be used by the Virginia members serving on the Bi-State Commission to initiate discussions at meetings in 2014. Mr. Feild made a motion, seconded by Mr. Hamlet, to discuss the document at the next meeting of the VRRBAC. Motion carried.

Action item: DEQ staff to provide an electronic copy of the Water Allocation Ad Hoc Committee's report to the Roanoke River Bi-State Commission. (completed May 19, 2014).

Presentations and discussion

Mr. John Kennedy, Director of DEQ's Office of Ecology and Infrastructure, gave a presentation on DEQ activities relating to the February 2014 coal ash spill on the Dan River.

Action item: Distribute Mr. Kennedy's presentation electronically and post to the website (completed May 19, 2014)

Mr. Jeff Reynolds, Director of DEQ's Division of Enforcement, spoke briefly on enforcement actions, collaboration with EPA, local governments, interest groups, Virginia State Agency partners, and North Carolina State Agency partners. The current strategy has four parts:

1. Cost Recovery – there is a cost recovery group and DEQ is acting as the clearing house. Duke Energy has been very cooperative.
2. Administrative Order on Consent (AOC) – NC and VA are working with EPA Regions III and IV to develop a remedial strategy.
3. Natural Resources Damage (NRD) Council – this group will examine long term impacts. There is a Natural Resource Trustees group that includes NC DENR, VA DEQ, US Fish and Wildlife Services, and assistance from VA DGIF, NC Conservation Service, and may

include COE. The NRD Council will assess impacts from the spill and evaluate projects to offset damages. The Council is meeting but not 'official' since all Trustees have not signed a memorandum of agreement. Localities and other interested parties are stakeholders to this process and are invited to participate in the development and selection of projects. Contact Jeff Reynolds for additional information.

(Jefferson.Reynolds@deq.virginia.gov)

4. Enforcement – DEQ is working with EPA Region II and IV to develop a fully informed and fully defensible action that will address water and waste violations associated with the spill.

Discussion on the coal ash spill followed.

Prior to a briefing by Mr. Grandis of the Attorney General's Office, Senator Ruff made a motion, seconded by Mr. Hamlet, to recess and reconvene in closed session. Mr. Lovelace challenged the Committee's ability to meet in closed session. Discussion followed with a determination by the Committee that a closed session was appropriate. Senator Ruff made a motion, seconded by Hamlet, to add Delegate Marshall to the closed session. Motion carried. Senator Ruff made a motion, seconded by Mr. Feild, to add Mr. Reynolds to the closed session. Motion carried. Non members left the room and a brief closed session was conducted.

The full committee was reconvened on a motion by Mr. Hamlet, seconded by Mr. Zimmerman. Mr. Feild made a motion, seconded by Mr. Martin, to disclose the topic discussed in closed session. Mr. Feild reported Mr. Grandis reviewed the VRRBAC's authority to pursue independent action against Duke Energy. The members were advised by counsel that the VRRBAC does NOT have the authority to pursue independent action against Duke Energy.

Next meeting

Members are interested in having a VRRBAC and a Bi-State Commission meeting in July.

Other Business

Mr. Kennedy reported Virginia designated a section of the Dan River as a water supply to support North Carolina's rulemaking for a withdrawal intake for the City of Roxboro, NC. Discussion followed.


A sympathy card was circulated to express condolences to the family of Mr. Bob Connor. A get well card was circulated for well wishes to Mr. Bob Jean.

Meeting adjourned at 12:30.


[These minutes were approved at the October 23, 2014 meeting in Danville.](#)

Dan River Coal Ash Spill presentation by Mr. John Kennedy, Director of DEQ's Office of Ecology and Infrastructure:


DAN RIVER COAL ASH SPILL



VA Roanoke River Basin Advisory Committee
April 21, 2014
John Kennedy, Office of Ecology & Infrastructure

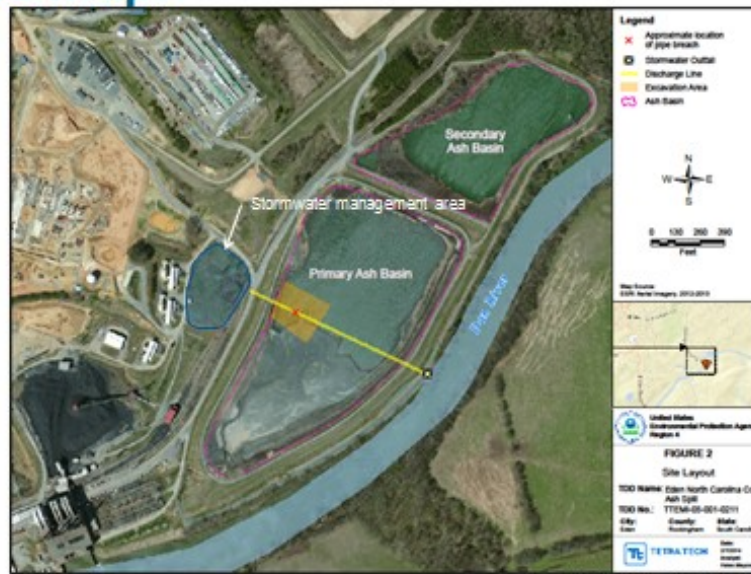


Background:



- Feb. 2, 2014: coal ash and contaminated water spilled into Dan River from Duke Energy site near Eden, NC.
- Estimated 39,000 tons of coal ash entered river.
- On Scene Coordinators on site by Feb. 4th: EPA, North Carolina, DEQ, U.S. Fish and Wildlife Service and Duke Energy.

Site Map:



What is Coal Ash:

- Residue generated from burning coal; generally stored at power plants or placed in landfills.
- Ash has large variety of constituents – mostly silicon oxide, iron oxide, and aluminum oxide, with trace amounts of arsenic, selenium, mercury, boron, thallium, cadmium, chlorides, bromine, magnesium, chromium, copper, nickel, and other metals.

Emergency Response Actions:

- Immediately began river water monitoring at drinking water intakes.
- All drinking water has met standards; monitoring continues.
- Saturday, 2/8 – Duke plugged damaged 48" storm water pipe.
- Friday, 2/21 - second, 36" pipe discharging arsenic-contaminated groundwater was plugged.
- Water quality, sediment and fish monitoring ongoing by DEQ, North Carolina, and EPA contractor.



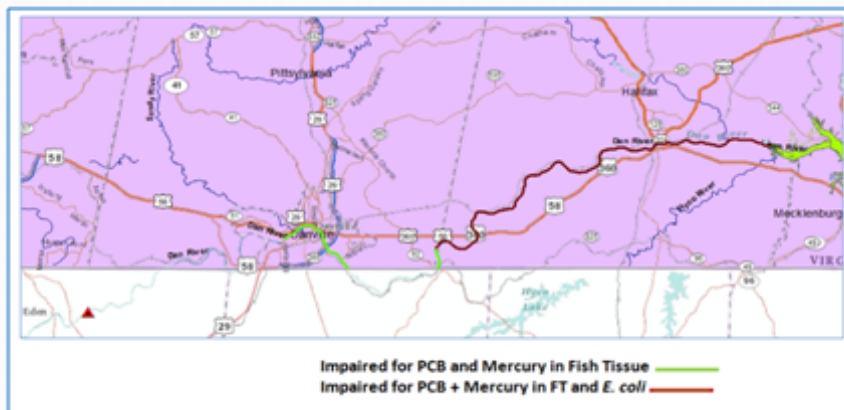
Emergency Response Actions (cont):



- Crews recovered coal ash deposit just below discharge.
- Ash recovery at two additional sites planned:
 - west of Schoolfield Dam
 - near Towns Creek, downstream of Eden, NC
- VA Health Dept. posted signs along Dan River advising limited contact with coal ash; adverse health effects not likely.

Fish Consumption Advisory:

- VA Health Dept. fish consumption advisory exists for Dan River, due to PCBs and mercury from historical activities.



Environmental Assessments:

- 2/11 – VADEQ collected water and sediment samples at 4 sites from state line to halfway between Danville and South Boston.
- Samples analyzed for metals:
 - Water sample concentrations did not exceed VA Water Quality Standards.
 - No sediment levels above freshwater screening values.
- Preliminary review of all other Virginia water quality data collected by EPA contractor shows no exceedances of VA Water Quality Standards.



Environmental Assessments (cont.):

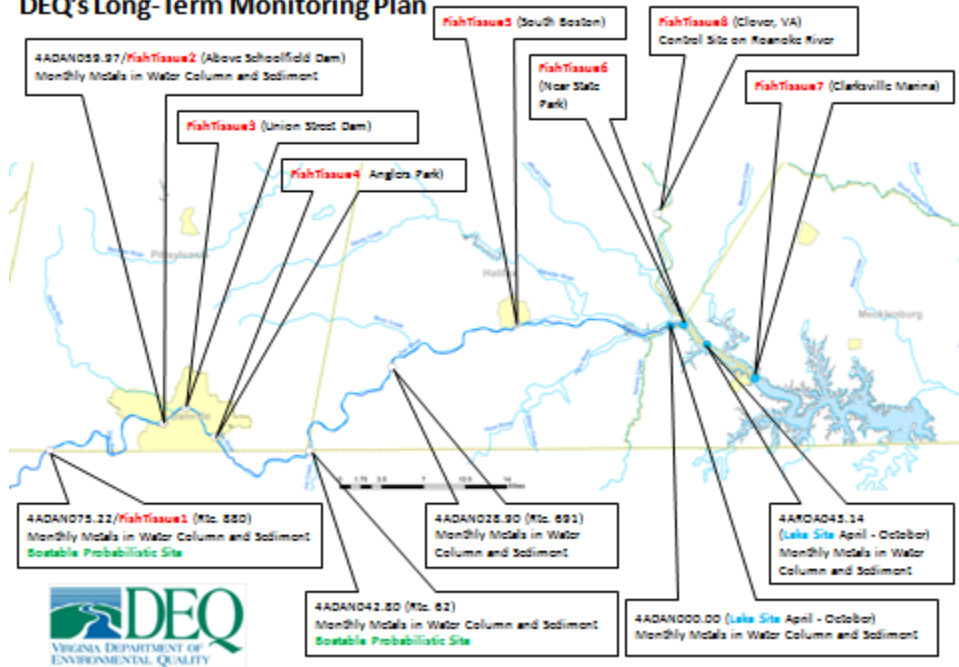
- 2/20 – fish collected upstream of Schoolfield Dam.
- 25 fish tissue samples analyzed for 23 metals:
 - Arsenic level not elevated; per VA Health Dept., no reason found to change current advisory.
 - Mercury concentration below VA Health Dept. level of concern.
 - Levels of other 21 metals either:
 - Below detection limit, or
 - Screening value not available
- Too soon for fish to take up recently spilled coal ash metals.



Looking Ahead:

- Summarize all existing DEQ water quality data for area.
- Await NC DENR fish tissue results.
- Technical Workgroup has drafted coal ash survey plan; under review.
- Duke Energy secured permits to allow ash removal from the river.
- Long-Term Environmental Impact Assessment:
 - Develop cooperative state/federal monitoring plan; assess any long-term impacts to fish and metals bioaccumulation.
 - Will require several years monitoring to detect changes and trends.
 - Also assess any impacts to habitat, especially river bottom where sediment can affect living resources.
 - Consider need to monitor in lakes/reservoirs.

DEQ's Long-Term Monitoring Plan



Holding Duke Energy Fully Accountable:

- Enforcement action and civil damage claims being evaluated.
- DEQ working with Duke Energy on cost reimbursements for emergency response:
 - Include interested VA agencies and localities
 - DEQ “clearing house” for documentation with direct payment to localities
 - Localities and agencies retain option to take independent action
 - Separate from any enforcement or damage claims

Assessment of Virginia's Impoundments:

- Coal ash managed/regulated in VA as both a waste and a resource. Material can be beneficially reused or recycled, disposed as dry waste in nonhazardous industrial landfills, or impounded as wet waste.
- In 2013, EPA reviewed structural integrity of Virginia's coal ash impoundments; none received an unsatisfactory rating.
- EPA noted deficiencies needing attention; all have been corrected except 2:
 - Corrections scheduled to be completed next month at one.
 - Other will be closed by the end of the year.

Questions?

Virginia Roanoke River Basin Advisory Committee
Meeting Agenda
Thursday, October 23, 2014
9:30 a.m. to noon

Institute for Advanced Learning and Research
Charles R. Hawkins Research Center
230 Slayton Ave, Danville VA 24520

1. Call Meeting to order – Chairman Charlton
2. Recognition of Members and Guests
3. Draft minutes of the April 21, 2014 meeting of the VRRBAC
4. State appropriation of \$11,200 to support activities of the VRRBAC and RRBBC (applicable to legislative representatives only)
5. Election of officers - VRRBAC chairman and 1st and 2nd vice chairmen
6. Presentation on the Atlantic Coast Pipeline (formerly known as the Southeast Reliability Project) by Bill Scarpinato, Dominion
7. Update on Dan River spill activities by Jeff Reynolds, Director of DEQ's Enforcement Division
8. Other business
9. Next meeting – date, location, topics
10. Adjourn

Virginia Roanoke River Basin Advisory Committee

Draft minutes

Thursday October 23, 2014

Institute for Advanced Learning and Research, Charles R. Hawkins Research Center

VRRBAC members present

Read Charlton (chair), Billy Martin (2nd Vice Chair), Senator Frank Ruff, Delegate Tommy Wright, Delegate Sam Rasoul, John Feild, Haywood Hamlet, Al Zimmerman, and Bob Jean

Guests

B. Scarpinato, B. Burnley, A. Cassidy, J. Lovelace, G. Adesso, K. Feild, A. Lester, T. Wagner, T. Pakurar, B. Dunkley, P. Martin

DEQ Staff present

Scott Kudlas, Mary Ann Massie, Jeff Reynolds

Call to Order

Chairman Charlton called the meeting to order. Mr. Lester welcomed the group to the Charles R. Hawkins Research Center.

Recognition of Members and Guests

Chairman Charlton welcomed members and guests. Introductions were given.

Draft minutes of the October 23, 2013

The minutes of the April 21, 2014 VRRBAC meeting were unanimously approved after a motion by Mr. Hamlet, and seconded by Senator Ruff.

State appropriation of \$11,200 to support activities of the VRRBAC and RRBBC

It was noted that funding has been appropriated to support the committee and the commission. Legislative members received reimbursement forms for costs associated with travel. Mr. Kudlas indicated his staff will work with DEQ procurement staff on the possibility of providing lunch at future meetings.

Action item: DEQ staff to process reimbursement forms for Senator Ruff and Delegates Rasoul and Wright (completed Monday Oct 27, 2014)
DEQ staff to initiate meeting with procurement staff (completed Thursday Nov 6, 2014)

Election of officers

Mr. Kudlas reviewed the bylaws and past practices. He noted that Tim Pace is 1st Vice Chair and Billy Martin is 2nd Vice Chair and that historically the 1st Vice Chair moves up to Chair, 2nd Vice Chair moves up to 1st Vice Chair, and a nomination is accepted for a new 2nd Vice Chair. Mr. Kudlas also noted nothing prevented other nominations being made from the floor. Chairman Charlton asked for nominations. Mr. Feild indicated his support for following past practices and moved to accept Tim Pace as Chair, to accept Billy Martin as 1st Vice Chair, and limit nominations to a new 2nd Vice Chair. Billy Martin seconded the motion. All members were in favor; motion carried. Chairman Charlton asked for nominations for a new 2nd Vice Chair. Mr.

Hamlet made a motion to nominate Al Zimmerman as 2nd Vice Chair. Mr. Jean seconded the motion. Chairman Charlton called for a vote. All members were in favor; motion carried.

Review of election results:

Chair – Tim Pace

1st Vice Chair – Billy Martin

2nd Vice Chair – Al Zimmerman

The new officers will assume leadership at the next VRRBAC meeting.

Action item: DEQ staff will notify Mr. Pace of his nomination (completed Friday Oct 24, 2014)

Presentations and discussion

Mr. Bill Scarpinato, Dominion, gave a presentation of the proposed Atlantic Coast Pipeline (formerly known as the Southeast Reliability Project). The project is a joint venture with Dominion, Duke Energy, Piedmont Energy, and VNG. Dry gas from the Appalachian basin in West Virginia will be delivered to partners and customers through a pipeline stretching from WV through VA and in to NC. The final route is not yet determined. Construction of the pipeline will take place in 2017 and 2018. The transmission line and compression stations should be in service in late 2018. Dominion held thirteen open houses in three states to receive public input; there are additional opportunities to comment on the project as Dominion moves through the permitting process.

Action item: Forward Mr. Scarpinato's power point presentation to web master (completed November 6, 2014). The presentation will also be distributed electronically to VRRBAC members with the draft minutes.

Update on Dan River spill activities

Mr. Jeff Reynolds, Director of DEQ's Division of Enforcement, spoke on enforcement actions and our collaboration with EPA, local governments, interest groups, Virginia State Agency partners, and North Carolina State Agency partners. He reminded members of the four components of the enforcement strategy:

1. Cost Recovery – Mr. Reynolds reported Duke Energy has been very cooperative with two quarters of direct reimbursement received.
2. Administrative Order on Consent (AOC) – The AOC has been delivered by EPA Region IV. NC and VA collaborated with EPA on this action. Removal of coal ash has been completed. The project is now in the monitoring and assessment phase.
3. Natural Resources Damage (NRD) Council – this group continues to meet with fairly robust stakeholder participation. The Natural Resource Trustees group includes NC DENR, VA DEQ, US Fish and Wildlife Service, and receives technical assistance from VA DGIF, NC Conservation Service, and COE. The group continues to work through the natural resource injury claim process. The Natural Resource Trustees are accepting comments on their Scoping Document for Restoration Planning – a summary of projects to mitigate damage and to resolve Duke Energy's liability. [A link to the scoping document can be found at

<http://www.deq.virginia.gov/ConnectWithDEQ/EnvironmentalInformation/DanRiverCoalAshSpill.aspx>] Mr. Adesso noted the Dan River Community Association, in conjunction with the Dan River and Roanoke River Associations, requested \$250,000 for assessment and monitoring. Mr. Adesso noted the Dan River and Roanoke River Basin Associations plan to comment on the ‘scoping document’. Mr. Feild asked if these funds could be used for public relations projects to improve the public’s perception about natural resources in the area. He believes there is a need to recapture public trust to increase economic activity. Mr. Reynolds said the Trustees were limited to funding natural resource restoration projects, however, Duke Energy has assembled a group, Dan River Basin Community Stakeholder Team (facilitated by the Institute for Environmental Negotiations), to review and consider funding projects to improve public relations/perceptions and economic injury. (DEQ staff contacted the Institute for Environmental Negotiations for additional information. This new stakeholder team does not yet have a website.)

There was additional discussion on monitoring. Mr. Reynolds mentioned sampling information can be found on the DEQ web site at:

<http://www.deq.virginia.gov/ConnectWithDEQ/EnvironmentalInformation/DanRiverCoalAshSpill.aspx> He noted the presence of coal ash in water column samples is low. Mr. Zimmerman noted a lack of historical data throughout the State due to limited funding for environmental agencies. Mr. Dunkley, Director of Danville Water and Wastewater, mentioned they have raw water data associated with their intake on the Dan River.

4. Enforcement – DEQ remains active with EPA Region IV to ensure we are not in conflict with their enforcement actions. The US Department of Justice is pursuing a criminal action against Duke. Virginia DEQ also plans to take independent enforcement action against Duke Energy.

Other Business

Mr. Charlton initiated a discussion on the impasse on the resolution of the Kerr Reservoir 216 Study. The resolution was to support the continuation of the USACE study to completion, which is expected to be at the end of the year. Mr. Adesso noted the resolution was to urge NC DENR and the USACE to move forward by including the quasi run of river protocol in the report. He felt a letter from the VRRBAC encouraging the USACE to adopt this protocol and support the study to completion was important. Senator Ruff made a motion, seconded by Delegate Wright, to draft a letter from the chairman of the VRRBAC to the USACE South Atlantic Division supporting this action. Mr. Charlton called for a vote; all members were in favor. Motion carried.

Action item: DEQ to draft a letter to USACE for Chairman Pace’s signature (completed November 18, 2014)

Mr. Kudlas presented an update on the status of North Carolina’s Kerr Lake Regional Water System Proposed Interbasin Transfer (handout provided by Harold Brady, NC DENR). The Roanoke River Basin OASIS model has been completed with public comment conducted in February/March 2014. The water quantity modeling has been conducted by their consultant and the Division of Water Resources staff is currently reviewing the results. NC DENR will draft an environmental assessment (EA) which is expected to be available for public comment in December 2014, with a public hearing for the IBT petition in February 2015. Mr. Lovelace

asked if there would be another VRRBAC meeting before February 2015. Mr. Kudlas did not know but mentioned challenges with January meetings due to the General Assembly session. DEQ will notify the VRRBAC members via email when the public comment period and the public hearing are posted. Delegate Wright inquired on ways to oppose the IBT petition. Mr. Kudlas responded that the VRRBAC's ability to oppose it was limited given the decision on the IBT Certificate would be made by the North Carolina Environmental Management Commission.

Action item: DEQ will contact NC DENR DWR staff to request email notification when the draft EA public comment period opens and the public hearing date is posted for the IBT petition. (completed November 6, 2014)

Mr. Kudlas noted that DEQ did provide information from the Virginia water supply planning effort to NC DENR as the model was developed. Mr. Feild requested an update on the status of the State Water Resources Plan. Mr. Kudlas responded that the document is in executive review at DEQ with an expectation to finalize and issue at the end of the calendar year. He noted he could give a presentation on the findings of the cumulative impact analysis (CIA). Mr. Field made a motion, seconded by Mr. Martin, to have Mr. Kudlas give a presentation on the CIA at the next VRRBAC meeting. Mr. Charlton called for a vote; all members were in favor. Motion carried.

Mr. Kudlas presented an update on the status of the American Electric Power Smith Mountain Lake Project permit. When the Virginia Water Protection (VWP) permit was issued to AEP, they used a forecasting model to regulate releases to balance among lake and downstream beneficial uses. This was the first time a third party model was used for this purpose to implement permit conditions. A permit condition was put in the permit to revisit the effectiveness of the approach after five years of implementation. It is now time to conduct that analysis. A public meeting and public comment will be scheduled by AEP in spring 2015, input will be reviewed and shared with DEQ and FERC. DEQ will notify VRRBAC members when the public hearing and public comment period are established

Mr. Kudlas stated the RRBBC Annual Report was complete and submitted to Legislative Services. He reported the draft VRRBAC Annual Report would be finalized and submitted to Legislative Services by Dec 1. Mr. Lovelace asked if the Annual Reports were distributed to localities. Mr. Kudlas replied that they were not but were posted on both the DEQ and General Assembly websites. The Annual Reports are posted on the DEQ web page. <http://www.deq.virginia.gov/Programs/Water/WaterSupplyWaterQuantity/VirginiaRoanokeRiverBasinAdvisoryCommittee.aspx>]

In a recent review of VRRBAC non legislative member term appointments, it was noted that many expired on or before June 30, 2014. Only Mr. Zimmerman, Mr. Lindsey, and Mr. Blakeman have 'current' appointments. Mr. Kudlas indicated members with expired terms could work with their planning district commissions on reappointments, or DEQ staff could take the lead. Members were asked to notify Mr. Kudlas via email of their interest in having DEQ staff take the lead. Emails should be sent to scott.kudlas@deq.virginia.gov Mr. Hamlet and Mr. Feild requested DEQ assistance.

Next meeting

Members expressed interest in future meetings of the Roanoke River Basin Bi-State Commission meeting. It was noted that North Carolina currently chairs the Commission and will through the spring of 2015. Mrs. Massie has been in contact with NC and is hopeful a meeting will be held in late November or early December. Members would like to have a VRRBAC meeting the same day with a presentation by Mr. Kudlas on the CIA/SWRP.

Meeting adjourned at 12:20.

Atlantic Coast Pipeline presentation by Mr. Bill Scarpinato, Dominion:

Atlantic Coast Pipeline

October 23, 2014



Project Overview

- Dominion is planning to construct a natural gas pipeline to be known as the Atlantic Coast Pipeline (ACP).
- On September 2nd Dominion announced the formation of a partnership, called Atlantic Coast Pipeline LLC. The partnership will own the pipeline initially proposed by Dominion known as the Southeast Reliability Project. It is designed in part to meet the needs identified in requests for proposals last April by Duke Energy and Piedmont, among others.
- The project will deliver natural gas supplies from the Appalachian basin to serve existing and growing markets in the mid-Atlantic region including Virginia.
- The proposed project would be located in Virginia as well as West Virginia and North Carolina.



Project Overview

- The pipeline trunk line would total ~475 miles (~78 miles in West Virginia, ~217 miles in Virginia, ~180 miles in North Carolina) and have multiple laterals in Virginia totaling ~79 miles for a total of ~554 miles of pipeline.
- Dominion has started to conduct both cultural resource and environmental studies in WV, VA, and NC along the proposed pipeline in May of 2014 and will continue these studies through the 2nd quarter of 2015.
- It is anticipated that obtaining all applicable federal, state, and local regulatory approvals will take up to two years.
- FERC will be the lead federal agency overseeing this project and will be coordinating the NEPA review.
- Construction is planned to primarily occur in 2017 and 2018, with the pipeline in service by the end of 2018.



3

Project details

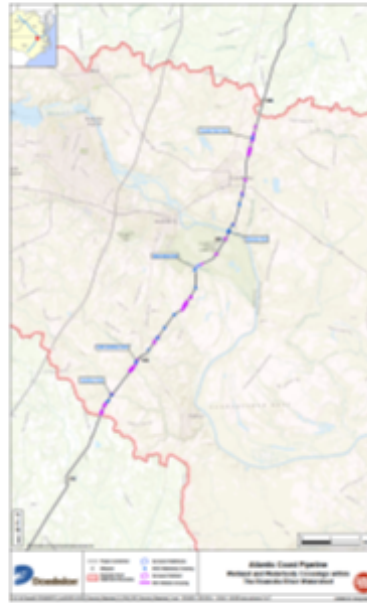
- **Length:** Approximately 554 miles
- **Pipe:** 42-inch diameter in West Virginia and Virginia; 36-inch diameter in North Carolina. Two laterals in VA.
- **Capacity:** 1.5 billion cubic feet/day
- **Three compressor station locations:**
 - West Virginia (Louis County)
 - Central Virginia (Buckingham County)
 - North Carolina (Northampton County)
- **Route:** The final pipeline route has not been selected. Dominion is conducting surveys and will determine the best route based on landowner input and an assessment of environmental, historic and cultural impacts.



4

Roanoke River Watershed

- Length of Pipeline Route in Roanoke River Watershed: Approximately 13 miles
- Number of water bodies potentially crossed within watershed: 21 rivers and streams/creeks including:
 - Roanoke River
 - Mush Island Gut
 - Little Quankey Creek
 - Quankey Creek
- Wetland Crossings: ~24.5 acres during construction with ~14.7 acres in the permanent pipeline ROW
- Water Body Crossing: ~644 feet with ~347 feet of this distance being the Roanoke River
- Crossing Techniques: To be determined through permitting process with USACE and applicable state agencies.



5

Roanoke River Islands Preserve Northampton County, North Carolina



8

Anticipated VA and Federal Permitting

Agency	Permit/Approval/Consultation
U.S. Army Corps of Engineers –Huntington, Pittsburgh, Norfolk, and Wilmington Districts	Department of the Army Permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act
Virginia Department of Conservation and Recreation	Virginia Scenic Rivers Clearance
Virginia Department of Environmental Quality – Coastal Zone Management Program	Consistency Determination under the Virginia Coastal Zone Management Program
Virginia Department of Environmental Quality – Air Division	Air Permit - New Source Review Permit
Virginia Department of Environmental Quality – Water Division	Water Quality Certificate under Section 401 of the Clean Water Act (Joint Permit Application for the Water Quality Certificate, Virginia Water Protection Permit, River and Stream Crossing Permit, and Department of the Army Permit)
Virginia Department of Environmental Quality – Water Division	Virginia Water Protection Permit (Joint Permit Application for the Water Quality Certificate, Virginia Water Protection Permit, River and Stream Crossing Permit, and Department of the Army Permit)
Virginia Department of Environmental Quality – Water Division (or approved local government)	General Permit for Discharges of Stormwater from Construction Activities (VAR10)
Virginia Department of Environmental Quality – Water Division	General Permit for Discharges from Petroleum Contaminated Sites, Groundwater Remediation, and Hydrostatic Tests (VAG83)
Virginia Department of Environmental Quality – Water Division	Soil and Erosion Plan and Variance for Open Trench Length
Virginia Department of Environmental Quality – Office of Water Supply	Surface Water Withdrawal Permit
Virginia Department of Game and Inland Fisheries	Natural Heritage/Protected Species Consultation
Virginia Department of Historical Resources	Consultation under Section 106 of the National Historic Preservation Act
Virginia Marine Resources Commission	River and Stream Crossing Permit (Joint Permit Application for the Water Quality Certificate, Virginia Water Protection Permit, River and Stream Crossing Permit, and Department of the Army Permit)

Anticipated NC and Federal Permitting

Agency	Permit/Approval/Consultation
U.S. Army Corps of Engineers –Huntington, Pittsburgh, Norfolk, and Wilmington Districts	Department of the Army Permits under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act
North Carolina Department of Environment and Natural Resources – Division of Air Quality	Air Permit – Stationary Source Construction and Operation Permit
North Carolina Department of Environment and Natural Resources – Division of Energy, Mineral, and Land Resources (or approved local government)	General Permit NCG 01 0000 to Discharge Stormwater under the National Pollutant Discharge Elimination System
North Carolina Department of Environment and Natural Resources – Division of Energy, Mineral, and Land Resources (or approved local government)	General Permit SWG04000- General Permit to Construct a Linear Utility Line and Associated Incidental Built-Up Area
North Carolina Department of Environment and Natural Resources – Division of Energy, Mineral, and Land Resources (or approved local government)	Approval of Erosion and Sediment Control Plan
North Carolina Department of Environment and Natural Resources – Division of Water Resources	Water Quality Certificate under Section 401 of the Clean Water Act
North Carolina Department of Environment and Natural Resources – Division of Water Resources	Isolated and Other Non-404 Jurisdictional Wetlands and Waters Permit
North Carolina Department of Environment and Natural Resources – Division of Water Resources	Buffer Authorization (for riparian zone disturbance)
North Carolina Department of Environment and Natural Resources – Natural Heritage Program	Natural Heritage/Protected Species Consultation
North Carolina State Historic Preservation Office	Consultation under Section 106 of the National Historic Preservation Act
North Carolina Wildlife Commission	Protected Species Consultation

Regulatory process and timeline

The Federal Energy Regulatory Commission (FERC) is the lead agency. If Dominion decides to move forward with the proposed project:

Activity	Timing
Survey/route planning	May 2014 – 2Q 2015
FERC Pre-Filing Request	Fall 2014
FERC Application	Summer 2015
FERC Certificate	Summer 2016
Construction	2017-2018
In-service	Late 2018



Public participation

Pre-filing activity	Timing
Survey notification letters to landowners within the 400-foot study area	Mid-May 2014
Local officials informed about surveying letters	May-June 2014
Meetings with Boards of Commissioners/Supervisors and municipal governments	Aug.-Sept. 2014
Open houses and Scoping Meetings	2014-2016
Construction	2017-2018
In-service	Late 2018



Closing

Questions?

