

VIRGINIA: AT THE CONTINUATION MEETING OF THE DINWIDDIE COUNTY BOARD OF SUPERVISORS HELD IN THE MULTI-PURPOSE ROOM AT THE EASTSIDE COMMUNITY ENHANCEMENT CENTER IN DINWIDDIE COUNTY, VIRGINIA, ON THE 19th DAY OF MARCH, 2003, AT 6:30 P.M.

PRESENT:	ROBERT L. BOWMAN IV - CHAIR	ELECTION DISTRICT #3
	DONALD L. HARAWAY - VICE CHAIR	ELECTION DISTRICT #2
	HARRISON A. MOODY	ELECTION DISTRICT #1
	EDWARD A. BRACEY, JR.,	ELECTION DISTRICT #4
	AUBREY S. CLAY	ELECTION DISTRICT #5

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Mr. Robert Bowman, IV, Chairman, called the continuation meeting to order at 6:41 P.M.

**IN RE: PRESENTATION OF THE STATE AGENCIES
REGARDING PERMITTING FOR QUARRY OPERATIONS**

Mrs. Wendy Ralph, County Administrator gave the order of conduct for the workshop. She stated that each agency would present their topic as shown on the agendas. After hearing the presentations, the Planning Commission would present any questions or comments to the agency representatives followed by questions and comments from the Board of Supervisors. Forms have been provided on the tables to write down any questions anyone might have for the representatives. Once the Board and Planning Commission questions have been answered the chairman will read any questions presented by the public to the representatives and they will try to answer those questions.

Department of Mines, Minerals & Energy

Mr. Mark S. Goff, Engineering Manager, Division of Mineral Mining came forward and presented the following information on the process related to new applications for mineral mining permits. "Mineral mines include rock quarries, open pit mines, dredging operations, and underground mines that extract a variety of non-fuel minerals. Mineral mining permits are issued by the Department of Mines, Minerals and Energy's Division of Mineral mining (DMM) under the Virginia Minerals Other Than Coal Surface Mining Law Regulations.

The public notification requirements for all new permit applicants give adjacent property owners advance notice of the intended mining operation. Public hearings and public comment periods provide these property owners the opportunity to voice their concerns or objections related to the proposed mining operations and reclamation plan.

Public Notification

The applicant for a mineral mining permit is required to notify adjacent property owners within 1000 feet of the proposed permit boundary. These property owners have 10 days from receipt of notification to file written objections with the DMM Director and/or request a public hearing concerning the proposed mining operation. Public notification is required for initial or new applications only. No new notice is required for renewal applications or for the addition of acreage to existing permits.

Purpose of Hearings

The public hearing serves an informal "information gathering" forum. The purpose of the hearing is to:

Give adjacent landowners and the applicant a forum in which to publicly address any objections or concerns regarding the proposed mining operation.

Set up an appeal process for any party aggrieved by the decision of the DMM to either issue or deny the permit.

Public Hearing Procedure

The public hearing procedure is addressed in Virginia's Administrative Process Act (APA Section 9-6.14:11). The hearing is conducted by a hearing officer and held in the general vicinity of the proposed mining operation. Persons attending the hearing may present written and/or oral statements, photographs, or other evidence. The hearing is recorded for future review.

The hearing is not an adversarial proceeding. Cross-examination is not permitted, as the hearing is only informational or fact-finding in nature. Questions are addressed to the hearing officer, who will determine what procedure is best for answering the questions. Due to time constraints, it may not be possible for answering the questions. Due to time constraints, it may not be possible to respond to all questions or concerns at the hearing. However, all issues raised will be addressed in the hearing officer's written recommendation.

Within 30 days following the close of the hearing, the hearing officer will make a written recommendation to the Director of DMM to either issue or deny the permit, or require the applicant to supply additional information prior to making the final permit decision. A copy of the hearing officer's recommendation will be mailed to each person that requested the hearing, as well as the permit applicant. Other participants in the public hearing may also request a copy of the recommendation.

Based upon the recommendation of the hearing officer and any additional information that was requested and received pursuant to the recommendation, the Director of DMM will either issue or deny the permit.

Administrative Appeals

The issuance of the permit, or the decision to deny the permit application, represents DMM's final order or case decision and as such may be appealed to civil court in the city or county where the mine is to be located. If the final order is appealed, the rules controlling such an appeal are found at Rule 2A, Rules of the Supreme Court of Virginia, and Article 4, Court Review, of the Administrative Process Act. Parties with a right to appeal the final order have 30 days from the date of the issuance of the permit to file a notice of appeal under the referenced Rules. A notice of appeal must be filed to begin the process. If the notice of final order was received by mail, an additional three days are added to the 30-day requirement.

DMM Authority

Through its administration of the Minerals Other Than Coal surface Mining Law and Regulations, the Division of Mineral Mining provides for the safe and environmentally sound exploration and production of Virginia's non-fuel minerals. This is accomplished through the permitting process, regular inspection and enforcement activities, and complaint investigations that address such areas as:

- Method of Operation
- Mine Map
- Mine Road Maintenance
- Construction Activities
- Screening of the Mine Operation
- Grading and Seeding
- Citizen and Worker Complaints
- Erosion and Sediment Control
- Operator Insurance Bond

Blasting Operations
Final Reclamation and Stabilization of the Site

Common issues of concern that DMM has no authority to regulate under the Mining Law and Regulations are listed below:

Land-Use
Zoning
Traffic on public Roads
Property Value
Hours of Operation
Life of the Mining Operation"

Virginia Department of Transportation

Mr. Scheid introduced Mr. Richard Caywood, Resident Engineer for Dinwiddie County. Mr. Caywood gave VDOT's role in the permitting process. He stated that in Dinwiddie the agency provided the following services:

1. Provide technical engineering and advice to the County in the site plan process.
2. Regulate entrances to the state highway system.
3. Coordination with the Federal Highway Administration when looking at sites which will impact the interstate right-of-way or system in any way.

He added that some of the steps in the process for a major site were as follows:

1. Review traffic impact analysis.
2. Land Use Permit for any work done in VDOT right-of-way.
3. Environmental review for work done in VDOT right-of-way.
4. Entrance Permit for accessing site from state maintained road system.

Mr. Caywood commented even though the actual site plan is approved by the county, the entrance permit is reviewed and issued by VDOT. Mr. Caywood stated, that VDOT does not take a position on local land use decisions. He said their role was to support the desires and aims of the Planning Commission and provide technical assistance where needed. Lastly he said, concerning "fugitive dust", there is an entrance permit issued by VDOT with a requirement that the site operate in a safe manner and not track dust, mud, debris or gravel out onto the road from the site thus creating a safety hazard.

Mr. Caywood discussed the following questions and comments with the Planning Commission and Board of Supervisors.

1. When reviewing and providing technical assistance, is the best traffic plan suggested or does the proposed traffic plan get reviewed.
2. The Environmental review process.
3. What is required to get an interstate entrance permit.
4. How is it determined if there is enough distance for turning lanes.
5. Can VDOT stop a project?
6. If locality wanted to control flow of traffic through historical area, do they have any recourse?

Department of Historic Resources Presentation

Ms. Ethel R. Eaton, Ph. D., Archaeologist Senior, Department of Historic Resources, came forward and presented the following information:

The Advisory Council on Historic Preservation is comprised of 20 presidentially appointed members, and a small permanent staff housed in offices in

Washington, DC, and Denver, Colorado. The staff provides all support services for ACHP members. The Executive Director is based in the Washington, DC, office.

Each year, the Federal Government is involved in a variety of projects that impact historic properties. For example, the Federal Highway Administration works with States on road improvements; the Department of Housing and Urban Development grants funds to cities to rebuild communities; and the General Services Administration builds and leases Federal office space.

Agencies like the Forest Service, the National Park Service, the Bureau of Land Management, the Department of Veterans Affairs, and the Defense agencies make decisions daily about the management of Federal buildings, parks, forests, and lands.

Less obvious Federal actions can also have repercussions on historic properties. A Corps of Engineers permit to build a boat dock or a housing development that affects wetlands may also impact fragile archeological sites. Likewise, a Federal Communications Commission license for cellular tower construction might compromise rural landscapes or properties valued by Indian tribes for traditional religious or cultural practices.

These and many other Federal actions can harm historic properties. Section 106 review is your opportunity to alert the Federal Government to the properties you value and to influence decisions about the Federal projects that affect them.

What Is Section 106 Review?

In the National Historic Preservation Act (NHPA), Congress established a comprehensive program to preserve the historical and cultural foundations of the Nation as a living part of community life. Section 106 of NHPA is crucial to that program, because it requires consideration of historic preservation in the multitude of Federal actions that take place nationwide. Section 106 requires Federal agencies to consider the effects of their actions on historic properties and provide the Council an opportunity to comment on Federal projects prior to implementation.

Section 106 review encourages, but does not mandate, preservation. Sometimes there is no way for a needed project to proceed without harming historic properties. Section 106 review does, however, ensure that preservation values are factored into Federal agency planning and decisions. Because of Section 106, Federal agencies must assume responsibility for the consequences of their actions and be publicly accountable for their decisions.

Understanding Section 106 Review

Regulations issued by the Council guide Section 106 review, specifying actions Federal agencies must take to meet their legal obligations. The regulations are published in the Code of Federal Regulations at 36 CFR Part 800 and can be found on the Council's Web site at www.achp.gov/regs.html.

Federal agencies are responsible for initiating Section 106 review, most of which takes place between the agency and State and tribal officials. Appointed by the governor, the State Historic Preservation Officer (SHPO) coordinates the State's historic preservation program and consults with agencies during Section 106 review.

Agencies also consult with officials of federally recognized Indian tribes (herewith, "tribe") when tribal lands or historic properties of significance to such tribes are involved. Some tribes have officially designated Tribal Historic Preservation Officers (THPOs), while others designate representatives to consult

with agencies as needed. Contact information appears on the final pages of this guide.

To successfully complete Section 106 review, Federal agencies must:

- determine if Section 106 of NHPA applies to a given project and, if so, initiate the review;
- gather information to decide which properties in the project area are listed on or eligible for the National Register of Historic Places;
- determine how historic properties might be affected;
- explore alternatives to avoid or reduce harm to historic properties; and
- reach agreement with the SHPO/tribe (and the Council in some cases) on measures to deal with any adverse effects **or** obtain advisory comments from the Council, which are sent to the head of the agency.

The National Register of Historic Places

The National Register of Historic Places is the Nation's official list of properties recognized for their significance in American history, architecture, archeology, engineering, and culture. It is administered by the National Park Service, which is part of the Department of the Interior. National Register properties include districts, sites, buildings, structures, and objects. They can be significant to a local community, a State, an Indian tribe, or the Nation as a whole.

In order to be considered during Section 106 review, a property must either be already listed on the National Register or be eligible for listing. A property is considered eligible when it meets specific criteria established by the National Park Service.

During Section 106 review, the Federal agency evaluates properties against those criteria and seeks the consensus of the SHPO and/or tribe regarding eligibility.

If you have any questions, please contact the Division of Resource Services and Review at (804) 367-2323, extension 106.

Virginia Department of Historic Resources
Division of Resource Services and Review
2801 Kensington Avenue
Richmond, VA 23221

When historic properties will be harmed, Section 106 review usually ends with a legally binding agreement that establishes how the Federal agency will address the adverse effects. In the few cases where this does not occur, and the Council issues advisory comments, the head of the Federal agency must consider the comments in making a final decision.

The point of Section 106 review is not to stop projects. It is to ensure that Federal agencies fully consider historic preservation issues and the views of the public during project planning.

What Is an Adverse Effect?

In Section 106 review, a project is considered to adversely affect a historic property if it may alter the characteristics that qualify the property for inclusion in the National Register in a manner that would diminish the *integrity* of the property. Integrity is the ability of a property to convey its significance, based on its location, design, setting, materials, workmanship, feeling, and association.

Adverse effects can be direct or indirect. They include reasonably foreseeable impacts that may occur later in time, be farther removed in distance, or be cumulative.

Typical examples of adverse effects are:

- physical destruction or damage
- alteration inconsistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (see www2.cr.nps.gov/tps/secstan1.htm for more information)
- relocation of the property
- change in the character of the property's use or setting
- introduction of incompatible visual, atmospheric, or audible elements
- neglect and deterioration
- transfer, lease, or sale out of Federal control without adequate preservation restrictions

Determining Federal Involvement

If you are concerned about a proposed project and wondering whether Section 106 applies, you must first determine whether the Federal Government is involved. Will a Federal agency fund or carry out the project? Is a Federal permit, license, or approval needed? Section 106 applies only if a Federal agency is taking an action, so confirming Federal involvement is key.

Is There Federal Involvement?

Consider the possibilities:

- Is a Federally owned or controlled property involved, such as a military base, park, forest, office building, post office, or courthouse? Is the agency proposing a project on its land, or would it have to provide a right-of-way or other approval to a private company for a project such as a pipeline or mine?
- Is the project receiving Federal funds, grants, or loans? If it is a transportation project, frequent sources of funds are the Federal Highway Administration, the Federal Transit Administration, and the Federal Aviation Administration (for airport improvements). Many local government projects receive funds from the Department of Housing and Urban Development. The Federal Emergency Management Agency provides funds for disaster relief.
- Does the project require a Federal permit, license, or other approval? Often housing developments impact wetlands, so a Corps of Engineers permit may be required. Airport projects frequently require approvals from the Federal Aviation Administration.

Many communications activities, including cellular tower construction, are licensed by the Federal Communications Commission. Hydropower and pipeline development requires approval from the Federal Energy Regulatory Commission. Creation of new bank branches must be approved by the Federal Deposit Insurance Corporation.

Sometimes Federal involvement is obvious. More often, the answer is not immediately apparent. If you have a question, contact the project sponsor to obtain additional information and to inquire about Federal involvement. All Federal agencies have Web sites, many listing regional or local contacts and information on major projects. The SHPO/tribe, State or local planning commissions, or statewide historic preservation organizations may also have project information.

Once you have identified the responsible Federal agency, write to the agency to request a project description and inquire about the status of project planning. Ask how the agency plans to comply with Section 106 and begin to voice your concerns. Keep the SHPO/tribe advised of your interest and contacts with the Federal agency.

Monitoring Federal Actions

The earlier you learn about proposed Federal actions, the greater your chance of influencing the outcome of Section 106 review.

- Learn more about the history of your neighborhood, city, or State. Join a local or statewide preservation, historical or archeological organization. These organizations are often the ones first contacted by Federal agencies.
- If there is a clearinghouse that distributes information about local, State, tribal, and Federal projects, make sure you or your organization is on their mailing list.
- Make the SHPO or tribe aware of your interest.
- Become more involved in State and local decision making. Ask about the applicability of Section 106 to projects under State, tribal, or local review. Does your State, tribe, or community have preservation laws in place? If so, become knowledgeable about and active in the implementation of these laws.

Review the local newspaper for notices about projects being reviewed under other Federal statutes, especially the National Environmental Policy Act (NEPA). Under NEPA, a Federal agency must determine if its proposed actions will significantly impact the environment. Usually, if a Federal agency is analyzing a project's environmental impacts under NEPA, then it must also complete a Section 106 review.

Working with Federal Agencies

Throughout Section 106 review, Federal agencies must consider the views of the public. This is particularly important when an agency is trying to identify historic properties that might be affected by a project and is considering ways to avoid or minimize harm.

In either case, agencies must give the public a chance to learn about the project and provide their views.

How agencies publicize projects depends on the nature and complexity of the particular project, and the agency's public involvement procedures. Public meetings are often noted in local newspapers and on television and radio. A daily Government publication, the *Federal Register* (available at many public libraries and online at www.access.gpo.gov), has notices concerning projects, including those being reviewed under the National Environmental Policy Act (NEPA). Federal agencies often use NEPA public outreach for purposes of Section 106 review.

Federal agencies also frequently contact museums and historical societies directly to learn about historic properties and community concerns. Let these organizations know of your interest.

When the agency provides you with information, let the agency know if you disagree with its findings regarding what properties are eligible for the National Register of Historic Places or how the proposed project may affect them. Tell the agency—in writing—about any important properties which you think have been overlooked or incorrectly evaluated. Be sure to provide documentation to support your views.

When the Federal agency releases information about project alternatives under consideration, make it aware of the options you believe would be most beneficial. To support alternatives that would preserve historic properties, be prepared to discuss costs and how well your preferred alternatives would meet project needs. Sharing success stories about the treatment or reuse of similar resources can be helpful.

Applicants for Federal assistance or permits, and their consultants, often undertake research and analyses on behalf of a Federal agency. Be prepared to make your interests and views known to them, but remember that the Federal agency is ultimately responsible for completing Section 106 review. Make sure that you also convey your concerns directly to the Federal agency.

Influencing Project Outcomes

In addition to seeking the views of the public, Federal agencies must actively consult with certain organizations and individuals during review. This interactive consultation is at the heart of Section 106 review.

Consultation does not mandate a specific outcome. Rather, it is the process of seeking consensus about how project effects on historic properties should be handled. The organizations and individuals that Federal agencies must consult are called "consulting parties."

To influence project outcomes, you may work through the consulting parties, particularly those who represent your interests. For instance, if you live within the local jurisdiction where a project is taking place, make sure to express your views on historic preservation issues to the local government officials who participate in consultation.

You or your organization, however, may want to take a more active role in Section 106 review, especially if you have a legal or economic interest in the project or the affected properties. You might also have an interest in the effects of the project as an individual, a business owner, or a member of a neighborhood association, preservation group, or other organization. Under these circumstances, you or your organization may write to the Federal agency asking to become a consulting party.

Who Are "Consulting Parties"?

The following parties are entitled to actively participate as consulting parties during Section 106 review:

- State Historic Preservation Officers;
- Indian tribes;
- Native Hawaiian organizations;
- Local governments; and
- Applicants for Federal assistance, permits, licenses, and other approvals.

Other individuals and organizations with a demonstrated interest in the project may participate in Section 106 review as consulting parties "due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties." Their participation is subject to approval by the responsible Federal agency.

When requesting consulting party status, explain why you believe your participation would be valuable to successful resolution. Since the SHPO/tribe will assist the Federal agency in deciding who will participate in the consultation, be sure to provide the SHPO/tribe with a copy of your letter to the agency.

The Federal agency makes the ultimate decision. However, if you are denied consulting party status, you may contact the Council to request a review of the matter.

Consulting party status entitles you to share your views, receive and review pertinent information, offer ideas, and consider possible solutions together with the Federal agency and other consulting parties. It is up to you to decide how actively you want to participate in consultation.

Making the Most of Consultation

Consultation will vary depending on the Federal agency's planning process and the nature of the project and its effects.

Often consultation involves diverse participants with a variety of concerns and issues, including preservation proponents as well as those who view historic properties as impediments.

Effective consultation occurs when you:

- keep an open mind;
- state your interests clearly;
- acknowledge that others have legitimate interests, and seek to understand and accommodate them;
- consider a wide range of options; and
- identify shared goals and seek options that allow mutual gain.

Creative ideas about alternatives—not complaints—are the hallmarks of effective consultation.

How the Council Can Help

Under Section 106 review, most harmful effects are addressed successfully by the Federal agency, the SHPO/tribe, and any other consulting parties. So, your first points of contact should always be the Federal agency and the SHPO/tribe. However, the Council can also assist with your questions and concerns.

When there is significant public controversy, or if the project will have substantial effects on important historic properties, the Council may elect to participate directly in the consultation. The Council may also decide to get involved if important policy questions are raised or if there are issues of concern to Indian tribes or Native Hawaiian organizations.

Whether the Council becomes involved in consultation or not, you may contact the Council to express your views or to request guidance, advice, or technical assistance. Regardless of the scale of the project or the magnitude of its effects, the Council is available to assist with dispute resolution and advise on the conduct of Section 106 decision-making.

If you disagree with the Federal agency regarding which historic properties are affected by a project or how they will be impacted, contact the Council. Depending upon the status of the review, the Council could require reconsideration of the Federal agency's findings.

Contacting the Council: A Checklist

When you contact the Council, try to have the following information available:

- the name of the responsible Federal agency and how it is involved;
- a description of the project;
- the historic properties involved; and

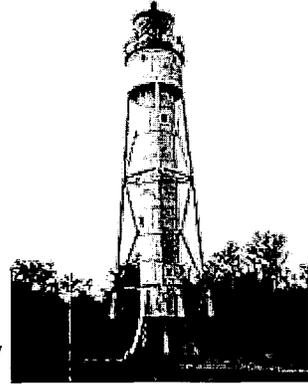
- a clear statement of your concerns about the project and its effect on historic properties.

If you suspect Federal involvement but have been unable to verify it, or if you believe that the Federal agency or one of the other participants in review has not fulfilled its responsibilities under the Council's regulations, you can ask the Council to investigate. In either case, be as specific as possible.

When Agencies Don't Follow the Rules

Federal agencies must conclude Section 106 review before project funds are approved or permits issued. They must not sign contracts or take other actions that would preclude consideration of the full range of alternatives to avoid or minimize harm to historic properties before Section 106 review is complete.

If the agency acts without properly completing Section 106 review, the Council can issue a finding that the agency has foreclosed the possibility of meaningful review of the project. This means that, in the Council's opinion, the agency has failed to comply with Section 106 and therefore has not met the requirements of Federal law.



A vigilant public helps ensure that Federal agencies comply fully with Section 106. In response to requests, the Council can investigate questionable actions and advise agencies to do what is required. As a last resort, preservation groups or individuals can litigate in order to enforce Section 106.

Following Through

Designed to accommodate project needs and historic values, Section 106 review needs strong public participation if it is to be meaningful. Section 106 review can—and does—permit the public to influence how Federal actions affect historic properties. By keeping abreast of Federal involvement, participating in consultation, and knowing when and whom to ask for help, you can play an active role in deciding the future of your community.

Section 106 review gives you a chance to weigh in when Federal actions will affect historic properties you care about. Seize that chance and make a difference!

Contact Information

Advisory Council on Historic Preservation

Office of Planning and Review
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004
Phone: (202) 606-8503
Fax: (202) 606-8647
E-mail: achp@achp.gov
Web site: www.achp.gov

The Council's Web site includes a "[Users Guide to Section 106 Review](#)" and contact information for [Federal agencies](#), [SHPOs](#), and [tribes](#).

The Council's Denver office handles most Section 106 reviews in the western States:
12136 West Bayaud Avenue, Suite 330
Lakewood, CO 80228
Phone: (303) 969-5110
Fax: (303) 969-5115

National Conference of State Historic Preservation Officers

444 N. Capitol St., NW, Suite 342
Washington, DC 20001-1512
Phone: (202) 624-5465
Fax: (202) 624-5419
Web site: www.sso.org/ncshpo

National Association of Tribal Historic Preservation Officers

1411 K Street, NW, Suite 700
Washington, DC 20005
Phone: (202) 628-8476
Fax: (202) 628-2241

National Park Service

Heritage Preservation Services
1849 C St., NW, NC-330
Washington, DC 20240
Phone: (202) 343-9573
Fax: (202) 343-3921
Web site: www2.cr.nps.gov

National Register of Historic Places
1849 C St., NW, NC-400
Washington, DC 20240
Phone: (202) 343-9536
Fax: (202) 343-1836
Web site: www.cr.nps.gov/nr

National Trust for Historic Preservation

1785 Massachusetts Avenue, NW
Washington, DC 20036
Phone: (800) 944-6847 or (202) 588-6000
Fax: (202) 588-6038
Web site: www.nthp.org

The National Trust has regional offices in San Francisco, Denver, Fort Worth, Chicago, Boston, and Charleston.

Obtaining information on previously recorded historic properties does not constitute review under Section 106 of the National Historic Preservation Act. If a project is federally funded, licensed, or permitted, the federal agency may require you to obtain DHR comment under Section 106. If you are also requesting a review of your project on behalf of a federal agency, you may download a Project Review Form from our web site at www.dhr.state.va.us. **This is a separate process that does not involve the archives, and thus cannot be accomplished concurrent with an archives search.**"

Department of Environmental Quality

James Golden, Deputy Director of the Central Division of Department of Environmental Quality, came forward and presented the following information on the process related to applications for DEQ permits.

Air Permit to Construct and Operate

The EPA has established New Source Performance Standards for certain industrial activities with the potential to impact air quality. Non Metallic Mineral Mining is one of those industrial activities and therefore a permit from DEQ is required.

Pollutant of concern from an air perspective is Particulates. The air permit addresses particulate emissions in several ways:

1. Through put of material is limited
2. Emission sources like conveyors and crushers must be controlled by methods such as wet suppression or enclosure
3. Fugitive dust from roads is controlled by water trucks or irrigation systems
4. Permit contains numerical limitations of annual particulate emissions

Water Permits

1. Storm Water Permit for Construction Activities
 - A. Required if area of land disturbance is greater than 1 acre
 - B. Basic Requirement of this permit is the development and implementation of a Storm Water Pollution Prevention Plan
 - C. The permit specifies the content of the Plan
 - a. A significant component of the plan includes incorporation of local Erosion and Sediment Control Plans, which become an enforceable part of the permit.
2. Nonmetallic Mineral Mining Facility Permit
 - A. Similar to the air permit, this industrial activity also requires a water permit (must have DMME permit in order to get DEQ permit)
 - B. Permit addresses both storm water and process water discharges.
 - C. Permit requirements include
 - a. Quarterly monitoring and reporting of process water discharges
 - b. Annual monitoring and reporting of storm water discharges
 - c. Development and implementation of a Storm Water Pollution Prevention Plan
3. Inspection and Enforcement Capability – 20 inspectors covering 22 counties and some 2,500 permits
 - A. Inspection frequencies for permits vary:
For example, the Construction Storm Water Permit is only effective during active construction. There are currently 700 such permits – inspections are limited to very large sites and in response to complaints from local governments and citizens.
 - B. Air permits are inspected generally 1 every 2 years
 - C. Other water permits generally 1 every 5 years
4. Enforcement Capability
 - A. Consists primarily of:
 - a. Active informal corrections
 - b. Consent order process (primarily civil with some criminal involvement in willful acts)
 - c. Adversarial proceedings (primarily civil with some criminal involvement in willful acts)
 - d. An ability to refer to the Attorney General Office for action
5. Virginia Water Protection Permit – Wetlands - VWP
 - A. VWP permit is required if wetland will be impacted as a result of facility construction and operation
 - B. Permit basically requires the facility to be constructed and operated in a way that avoids and minimizes impacts to wetlands
 - D. Any wetlands impacted at the site require mitigation
 - E. Mitigation can be accomplished in several ways:
 - a. Wetland creation or restoration on-site
 - b. Purchase of use of wetland bank credits - \$57,000 per acre
 - c. Contribution to approved In-lieu Fund (CORPS/VA Nature Conservancy) no available bank or stream improvement

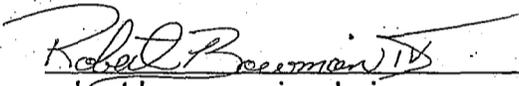
- d. Preservation of existing wetlands and upland buffers in conjunction with mitigation

Mr. Golden said in closing, some general comments on these permit types. All 4 of these permits are general permits – most significant aspect is that unlike individual permits, no public notice or participation is required. This means there is no opportunity for public opposition to the issuance of the permit. Local government approval is only required for the Air Permit – no approval is needed for the 3 water permits. These issues are not addressed: noise, blasting, and truck traffic.

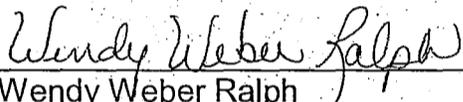
A question and answer period by the members of the Planning Commission, Board of Supervisors and citizens followed the agencies presentations.

IN RE: ADJOURNMENT

Upon Motion of Mr. Clay, Seconded by Mr. Bracey, Mr. Bracey, Mr. Moody, Mr. Clay, Mr. Haraway, Mr. Bowman voting "Aye", the meeting adjourned at 10:47 P.M. to be continued until 1:00 P.M. on Friday, March 21, 2003 for a site visit at the Springfield Quarry Plant at 11460 Staples Mill Road, Glen Allen, Virginia.



robert bowman, iv, chairman



Wendy Weber Ralph
County Administrator

/abr

