

PART A VARIANCE APPROVAL LETTER



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

Travis A. Voyles
Secretary of Natural and Historic Resources

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

November 12, 2024

VIA ELECTRONIC MAIL

Mr. Dennis Slade
Corporate Manager, Waste and Remediation
Dominion Energy Environmental Services
120 Tredegar Street
Richmond, VA 22319
dennis.a.slade@dominionenergy.com

Subject: Bremo Bluff FFCP Management Facility, Solid Waste Permit (SWP) 627
Variance to the Virginia Solid Waste Management Regulations (VSWMR)
Final Approval

Dear Mr. Slade,

Please accept this as a response to your variance petition submitted to the Department of Environment Quality (DEQ) on June 28, 2024, for the proposed Bremo Bluff Fossil Fuel Combustion Product (FFCP) Management Facility. The public participation period for tentative approval of the variance ended on October 28, 2024. No comments were received during the public participation period.

This variance approval is a State-only requirement for stream setback under the VSWMR 9VAC20-81-120.C.1.b. that requires no disposal unit or leachate storage unit to be closer than 100 feet from any perennial stream or river. During the development of the proposed facility, two sections of perennial streams will be impacted. Dominion Energy applied for the variance because the petitioner has secured the Virginia Water Protection (VWP) Individual Permit from DEQ and Section 404 Permit from U.S. Army Corps of Engineers for the impact of the streams. The stream setback is a State-only requirement and does not conflict with the CCR Rule location restrictions. The approval is subject to the following conditions:

1. All stream impacts and mitigation requirements shall be in accordance with VWP Individual Permit No. 21-2305 and Section 404 Permit NAO-2020-01000 (VRMC #21-V2305).
2. The facility shall meet all other location and design requirements of the U.S. Environmental Protection Agency's Final Rule on the "Disposal of Coal Combustion Residuals from

Electric Utilities” (40 CFR Subpart D – Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments), as amended.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of service of this decision to initiate an appeal of this decision, by filing notice with:

Michael S. Rolband, PE, PWD, PWS Emeritus, Director
Virginia Department of Environmental Quality
ATTN: Division of Land Protection & Revitalization
P.O. Box 1105
Richmond, Virginia 23218

In the event that this decision is served to you by mail, three days are added to that period. Please refer to Part Two of the rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specification of the Circuit Court to which an appeal is taken, and additional requirements governing appeals from decisions of administrative agencies.

Please note that it is the responsibility of the permittee to obtain any other permits or authorizations that may be necessary. If there are any questions, please contact JengHwa Lyang, Solid Waste Permit Writer, at 540-830-8837 or at jenghwa.lyang@deq.virginia.gov.

Sincerely,



Laura Stuart, P.G.
Land Protection Program Manager
Virginia Department of Environmental Quality
540-209-5605
laura.stuart@deq.virginia.gov
Valley Regional Office
4411 Early Road, P.O. Box 3000
540-574-7800

Attachment: Final Variance Approval Signature Page

cc: *(via email)*

Jenny Poland, DEQ CO, Solid Waste Permit Coordinator, jenny.poland@deq.virginia.gov
JengHwa Lyang, Ph.D., P.E., DEQ VRO, Solid Waste Permit Writer,
jenghwa.lyang@deq.virginia.gov
David Shaw, DEQ VRO, Solid Waste Compliance Inspector, david.shaw@deq.virginia.gov
Erin Heath, Dominion Energy, Erin.L.Heath@dominionenergy.com
DEQ ECM File



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Director

**VARIANCE TO THE VIRGINIA SOLID WASTE MANAGEMENT REGULATIONS
Bremo Bluff FFCP Management Facility, Solid Waste Permit No. 627
Bremo Bluff, Virginia**

In response to a variance petition submitted on June 28, 2024, by the Virginia Electric and Power Company d/b/a Dominion Energy Virginia (Dominion Energy) for the proposed Bremo Bluff Fossil Fuel Combustion Product (FFCP) Management Facility, the requested variance to the Virginia Solid Waste Management Regulations (VSWMR) 9 VAC 20-81-120.C.1.b. that requires no disposal unit or leachate storage unit to be closer than 100 feet from any perennial stream or river, is hereby granted. During the development of the proposed facility, two sections of perennial streams will be impacted. Dominion Energy asserts that the stream impacts would not result in an unreasonable risk to public health or the environment based on a thorough alternatives analysis and impact evaluation included in the Joint Permit Application submitted to DEQ and the U.S. Army Corps of Engineers (the Corps), and has secured the Virginia Water Protection (VWP) Individual Permit No. 21-2305 from DEQ and Section 404 Permit No. NAO-2020-01000 (VRMC #21-V2305) from the Corps for the impact of the streams.

This variance will be limited by the following conditions:

1. All stream impacts and mitigation requirements shall be in accordance with VWP Individual Permit No. 21-2305 and Section 404 Permit NAO-2020-01000 (VRMC #21-V2305).
2. The facility shall meet all other location and design requirements of the U.S. Environmental Protection Agency's Final Rule on the "Disposal of Coal Combustion Residuals from Electric Utilities" (40 CFR Subpart D – Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments), as amended.

This variance may be terminated upon a finding by the Director that the applicant has failed to comply with any variance requirements.

APPROVED: _____

Kathryn Perszyk
Director

Land Protection & Revitalization Division

DATE: 11/6/2024