Virginia Regulatory Town Hall

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Exempt Action Final Regulation
Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	8 VAC 25-720
Regulation title	Water Quality Management Planning Regulation
Action title	Amendment to adopt one new TMDL waste load allocation in the New River Basin (9 VAC 25-720-130.A), adopt two new TMDL waste load allocations in the Chesapeake Bay-Small Coastal-Eastern Shore Basin (9 VAC 25-720-110.A)
Final agency action date	March 14, 2013
Document preparation date	February 4, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The amendments to the state's Water Quality Management Planning Regulation (9 VAC 25-720) include three Total Maximum Daily Load (TMDL) wasteload allocations and one TMDL modification. The amendments are to the following river basins: New River Basin (9 VAC 25-720-130.A) and Chesapeake Bay - Small Coastal - Eastern Shore Basin (9VAC25-720-110.A).

The TMDLs were developed in accordance with Federal Regulations (40 CFR § 130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs were subject to the TMDL public participation process and the waste load allocations are adopted as part of 9 VAC 25-720 in accordance with Virginia's "Public Participation Procedures for Water Quality Management Planning". Attached is a document that lists by name the four TMDL reports and individual TMDLs affected by this regulation.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

At its meeting on March 14-15, 2013, the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.) to include three new TMDL waste load allocations.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The amendment of the Water Quality Management Planning Regulation is for the protection of public health and safety, which has only an indirect impact on families.

List of TMDL reports and TMDL Waste Load Allocations affected by the proposed amendment of the Water Quality Management Planning regulation

In the New River Basin (9 VAC 25-720-130.A):

1. *"Total Maximum Daily Load (TMDL) Development Little River Watershed, Virginia"*
    - The Little River Watershed TMDL, located in Floyd, Franklin, Montgomery, Patrick and Pulaski counties, provides sediment reductions for the watershed. It provides one wasteload allocation for sediment in the entire watershed and the wasteload allocation is 116.49 tons/year of sediment.

In the Chesapeake Bay-Small Coastal-Eastern Shore Basin (9 VAC 25-720-110.A):

2. *"Total Maximum Daily Loads of Pathogens for Folly Creek in Accomack County, Virginia"*
    • The Folly Creek Dissolved Oxygen impairment, located in Accomack County, proposes Total Nitrogen reductions for portions of the watershed and provides a Total Nitrogen wasteload allocation of 2.6 lbs/day.

3. *"Total Maximum Daily Loads of DO and Pathogens for Gargathy Creek (Upper, Lower, and Riverine Portions) in Accomack County, Virginia"*
    • The Gargathy Creek Dissolved Oxygen impairment, located in Accomack County, proposes Total Nitrogen reductions for portions of the watershed and provides a Total Nitrogen wasteload allocation of 1.9 lbs/day.