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## Exempt Action Final Regulation Agency Background Document

<b>Approval authority name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	9 VAC 25-720
<b>Regulation title</b>	Amendment of the Water Quality Management Planning Regulation
<b>Action title</b>	Amendment to adopt thirteen TMDL waste load allocations contained in nine TMDL reports for the following river basins: Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), James River Basin (9 VAC 25-720-60.A), Roanoke River Basin (9 VAC 25-720-80.A) and the Tennessee – Big Sandy River Basin (9 VAC 25-720-90.A).
<b>Final agency action date</b>	31 August 2004
<b>Document preparation date</b>	September 14, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) ([townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://townhall.state.va.us/dpbpages/dpb_apa.htm)), 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 ([leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100](http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100)), the *Virginia Register Form, Style, and Procedure Manual* ([legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)), and Executive Orders 21 (02) and 58 (99) ([governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html))

### 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.*

This amendment to the state's Water Quality Management Planning Regulation (9 VAC 25-720) consists of the inclusion of thirteen Total Maximum Daily Load (TMDL) waste load allocations contained in nine TMDL reports. 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 have been through 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 nine 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 the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

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At its meeting on August 31, 2004, the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.) to include thirteen TMDL waste load allocations.

### Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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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 nine TMDL Reports and thirteen TMDL Waste Load Allocations affected by the 8/31/04 amendment of the Water Quality Management Planning regulation**

**In the Potomac-Shenandoah River Basin (9 VAC 25-720-50.A):**

*"Benthic TMDLs for the Goose Creek Watershed"*

1. Little Creek benthic TMDL, located in Loudoun County, proposes sediment reductions for portions of the watershed.
2. Goose Creek benthic TMDL, located in Loudoun and Fauquier Counties, proposes sediment reductions for portions of the watershed.

*"Benthic TMDL for Toms Brook in Shenandoah County, Virginia"*

3. Toms Brook benthic TMDL, located in Shenandoah County, proposes sediment reductions for portions of the watershed.

**In the James River Basin (9 VAC 25-720-60.A):**

*"General Standard Total Maximum Daily Load Development for Unnamed Tributary to Deep Creek, Nottoway County, Virginia"*

4. Deep Creek benthic TMDL, located in Nottoway County, proposes elimination of raw sewage discharges to Deep Creek.

**In the Roanoke River Basin (9 VAC 25-720-80.A):**

*"Total Maximum Daily Load Development for Ash Camp Creek"*

5. Ash Camp Creek benthic TMDL, located in Charlotte County, proposes sediment reductions for portions of the watershed.

*"Total Maximum Daily Load Development for the Upper Blackwater River Watershed"*

6. North Fork Blackwater River benthic TMDL, located in Franklin County, proposes sediment reductions for portions of the watershed.
7. North Fork Blackwater River benthic TMDL, located in Franklin County, proposes phosphorus reductions for portions of the watershed
8. Upper Blackwater River benthic TMDL, located in Franklin County, proposes sediment reductions for portions of the watershed.

**List of nine TMDL Reports and thirteen TMDL Waste Load Allocations affected by the 8/31/04 amendment of the Water Quality Management Planning regulation, cont.**

**In the Tennessee-Big Sandy River Basin (9 VAC 25-720-90.A):**

*"Total Maximum Daily Load Development for the Upper Clinch River Watershed"*

9. Clinch River benthic TMDL, located in Tazewell County, proposes sediment reductions for portions of the watershed.

*"Total Maximum Daily Load Development for the Lewis Creek Watershed"*

10. Lewis Creek benthic TMDL, located in Russell County, proposes sediment reductions for portions of the watershed.

*"General Standard Total Maximum Daily Load Development for Black Creek, Wise County, Virginia"*

11. Black Creek benthic TMDL, located in Wise County, proposes manganese reductions for portions of the watershed.

*"General Standard Total Maximum Daily Load Development for Dumps Creek, Russell County, Virginia"*

12. Dumps Creek benthic TMDL, located in Russell County, proposes total dissolved solids reductions for portions of the watershed.
13. Dumps Creek benthic TMDL, located in Russell County, proposes total suspended solids reductions for portions of the watershed.