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Regulatory
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Exempt Action Final Regulation Agency Background Document

Approval authority name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-720
Regulation title	Amendment of the Water Quality Management Planning Regulation
Action title	Amendment to adopt four TMDL waste load allocations contained in four TMDL reports for the following river basins: James River Basin (9 VAC 25-720-60.A), Roanoke River Basin (9 VAC 25-720-80.A), Chowan River – Dismal Swamp River Basin (9 VAC 25-720-100.A), and the New River Basin (9 VAC 25-720-130.A).
Final agency action date	15 March 2005
Document preparation date	March 22, 2005

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), 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), the *Virginia Register Form, Style, and Procedure Manual* (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)

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 four Total Maximum Daily Load (TMDL) waste load allocations contained in four 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 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 the date the action was taken, the name of the agency taking the action, and the title of the regulation.

At its meeting on March 15, 2005, the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.) to include four 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.

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 four TMDL reports and four TMDL Waste Load Allocations affected by the 3/15/05 amendment of the Water Quality Management Planning regulation

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

TMDL Report entitled "Total Maximum Daily Load (TMDL) Development for the Unnamed Tributary to the Chickahominy River" containing the following TMDL:

1. Chickahominy River (Unnamed Tributary) benthic TMDL, located in Hanover County, proposes total phosphorus reductions for portions of the watershed.

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

TMDL Report entitled "Benthic TMDL for Twittys Creek Watershed, Virginia" containing the following TMDL:

2. Twittys Creek benthic TMDL, located in Charlotte County, proposes sediment reductions for portions of the watershed.

In the Chowan River – Dismal Swamp River Basin (9 VAC 25-720-100.A):

TMDL Report entitled "Benthic TMDL for Hurricane Branch Unnamed Tributary, Virginia" containing the following TMDL:

3. Hurricane Branch (Unnamed Tributary) benthic TMDL, located in Nottoway County, proposes sediment reductions for portions of the watershed.

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

TMDL Report entitled "Fecal Bacteria and General Standard Total Maximum Daily Load Development For Bluestone River" containing the following TMDL:

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

To address a bacteria impairment, this TMDL report also proposes bacteria reductions for portions of the watershed. There were no regulatory amendments pertaining to these reductions.