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Exempt Action - Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9 VAC 25-720
Regulation title(s)	Water Quality Management Planning Regulation
Action title	Amendment to add twenty new and three revised TMDL waste load allocations in the Potomac-Shenandoah River Basin (9VAC25-720-50.A), James River Basin (9VAC25-720-60.A), and Rappahannock River Basin (9VAC25-720-70.A)
Final agency action date	June 27, 2019
Date this document prepared	April 30, 2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The amendments to the state's Water Quality Management Planning Regulation (9 VAC 25-720) include adding three revised TMDL waste load allocation in the Potomac-Shenandoah River Basin (9VAC25-720-50.A), ten new TMDL waste load allocations in the James River Basin (9VAC25-720-60.A), and ten new TMDL waste load allocations in the Rappahannock River Basin (9VAC25-720-70.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 TMDL reports 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".

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 June 27, 2019 the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.).

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, board decision, etc.). “Mandate” is defined as “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Sections 305(b), 303(d), 106, 314 and 319 of the Federal Clean Water Act and section 62.1-44.19:5 C of the Virginia Water Quality Monitoring, Information and Restoration Act (Code of Virginia). When state waters are assessed to be impaired for one or more reasons, Total Maximum Daily Loads (TMDLs) or TMDL alternatives must be to determine the total amount of a pollutant that a waterbody can handle without resulting in the impaired status of that waterbody.

Public Comment Received

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. Ensure to include all comments submitted: including any received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

Enter statement on any comments received in response to impacts to small business and address such concerns here. Include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

Commenter	Comment	Agency response

The comment period for the regulation amendment with the TMDL waste load allocations extended from April 15 – May 15, 2019. No comments were received.

Detail of All Changes Made in this Regulatory Action

Please list all changes proposed in this exempt action and the rationale for the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. *Please put an asterisk next to any substantive changes.

[For changes to existing regulation(s), please use the following chart otherwise delete:]

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
50.A			Adopting three revised TMDL waste load allocation in the Potomac-Shenandoah River Basin.
60.A			Adopting ten new TMDL waste load allocations in the James River Basin.
70.A			Adopting ten new TMDL waste load allocations in the Rappahannock River Basin

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed 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, safety, and welfare and the Board does not anticipate any direct impact on the institution of the family and family stability.