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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 ten TMDL waste load allocations contained in three TMDL reports for the following river basins: Shenandoah River Basin (9 VAC 25-720-50.A), James River Basin (9 VAC 25-720-60.A), Tennessee – Big Sandy River Basin (9 VAC 25-720-90.A), and the New River Basin (9 VAC 25-720-130.A).
Final agency action date	17 June 2004
Document preparation date	Enter date this form is uploaded on the Town Hall

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 ten Total Maximum Daily Load (TMDL) waste load allocations contained in three 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 three 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 June 17, 2004, the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.) to include ten 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 three TMDL reports and ten TMDL Waste Load Allocations affected by the 6/17/04 amendment of the Water Quality Management Planning regulation**In the Shenandoah River and James River Basins:**

TMDL Report entitled "Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins" containing the following TMDLs:

1. Cockran Spring Branch benthic TMDL, located in Augusta County, proposes organic solids reductions for portions of the watershed.
2. Lacey Branch benthic TMDL, located in Rockingham County, proposes organic solids reductions for portions of the watershed.
3. Orndorff Spring Branch benthic TMDL, located in Rockbridge County, proposes organic solids reductions for portions of the watershed.
4. Pheasanty Run benthic TMDL, located in Bath County, proposes organic solids reductions for portions of the watershed.
5. Wallace Mill Stream benthic TMDL, located in Augusta County, proposes organic solids reductions for portions of the watershed.
6. Montebello Spring Branch benthic TMDL, located in Nelson County, proposes organic solids reductions for portions of the watershed.

In the Tennessee-Big Sandy River Basin:

TMDL Report entitled "Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek" containing the following TMDLs:

7. Cedar Creek benthic TMDL, located in Washington County, proposes sediment reductions for portions of the watershed.
8. Hall/Byers Creek benthic TMDL, located in Washington County, proposes sediment reductions for portions of the watershed.
9. Hutton Creek benthic TMDL, located in Washington County, proposes sediment reductions for portions of the watershed.

In the New River Basin:

TMDL Report entitled "Benthic TMDL for Stroubles Creek in Montgomery County, Virginia" containing the following TMDL:

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