



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 Tennessee/Big Sandy River Basin (9 VAC 25-720-90.A), adopt two new TMDL waste load allocations in the Chowan River Basin (9 VAC 25-720-100.A)
Final agency action date	June 25, 2012
Document preparation date	May 21, 2012

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: Tennessee/Big Sandy River Basin (9 VAC 25-720-90.A) and Chowan River Basin (9 VAC 25-720-100.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 TMDL reports and individual TMDLs affected by this amendment.

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 25, 2012, 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 Tennessee/Big Sandy River Basin (9 VAC 25-720-90.A):

1. *Mercury Total Maximum Daily Load Development for the North Fork Holston River, Virginia*
The North Fork Holston Mercury TMDL, located in Scott, Washington, Smyth, Bland, Tazewell, and Russell counties, proposes reductions for portions of the watershed and provides a total mercury waste load allocation of 11.9 grams/year.

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

2. *Total Maximum Daily Load Development for the Albemarle Canal/North Landing River, A Total Phosphorus TMDL Due to Low Dissolved Oxygen Impairment*
 - The Albemarle Canal/North Landing River TMDL, located in the Cities of Virginia Beach and Chesapeake, provides a waste load allocation of 989.96 kg/yr.
3. *Total Maximum Daily Load Development for the Northwest River Watershed A Total Phosphorus TMDL Due to Low Dissolved Oxygen Impairment*
 - The Northwest River TMDL, located in the City of Chesapeake and in the eastern portion of the City of Virginia Beach, provides a Total Phosphorus waste load allocation of 3,262.86 kg/yr.