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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 eighteen TMDL waste load allocations contained in eight TMDL reports for the following river basins: Shenandoah River Basin (9 VAC 25-720-50.A) and Tennessee – Big Sandy River Basin (9 VAC 25-720-90.A).
Final agency action date	23 March 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 eighteen Total Maximum Daily Load (TMDL) waste load allocations contained in eight 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 eight 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 23, 2004, the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.) to include eighteen 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 eight TMDL reports and eighteen TMDL Waste Load Allocations affected by the 3/23/04 amendment of the Water Quality Management Planning regulation**In the Shenandoah River Basin:**

TMDL Report entitled "Nitrate TMDL Development for Muddy Creek / Dry River, Virginia" containing the following TMDL:

1. "Muddy Creek nitrate TMDL, located in Rockingham County, proposes nitrate reductions for the Muddy Creek watershed.

TMDL Report entitled "TMDL Development for Blacks Run and Cooks Creek" containing the following TMDLs:

2. Blacks Run benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
3. Cooks Creek benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
4. Cooks Creek benthic TMDL, located in Rockingham County, proposes phosphorus reductions for portions of the watershed.

TMDL Report entitled "TMDL Development for Muddy Creek and Holmans Creek " containing the following TMDLs:

5. Muddy Creek benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
6. Muddy Creek benthic TMDL, located in Rockingham County, proposes phosphorus reductions for portions of the watershed.
7. Holmans Creek benthic TMDL, located in Rockingham and Shenandoah Counties, proposes sediment reductions for portions of the watershed.

TMDL Report entitled "TMDL Development for Mill Creek and Pleasant Run" containing the following TMDLs:

8. Mill Creek benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
9. Mill Creek benthic TMDL, located in Rockingham County, proposes phosphorus reductions for portions of the watershed.
10. Pleasant Run benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.
11. Pleasant Run benthic TMDL, located in Rockingham County, proposes phosphorus reductions for portions of the watershed.

TMDL Report entitled "Total Maximum Daily Load Development for Linville Creek: Bacteria and Benthic Impairments" containing the following TMDL:

12. Linville Creek benthic TMDL, located in Rockingham County, proposes sediment reductions for portions of the watershed.

TMDL Report entitled "Benthic TMDL for Quail Run" containing the following TMDL:

13. Quail Run benthic TMDL, located in Rockingham County, proposes ammonia reductions for portions of the watershed.
14. Quail Run benthic TMDL, located in Rockingham County, proposes chlorine reductions for portions of the watershed.

TMDL Report entitled "Development of Shenandoah River PCB TMDL" containing the following TMDLs:

15. Main Stem and South Fork Shenandoah River PCB TMDL, located in Warren County, proposes PCB reductions for portions of the watershed.
16. North Fork Shenandoah River PCB TMDL, located in Warren County, proposes PCB reductions for portions of the watershed.
17. Main Stem Shenandoah River PCB TMDL, located in Warren and Clarke Counties, proposes PCB reductions for portions of the watershed.

In the Tennessee-Big Sandy River Basin:

TMDL Report entitled "Guest River Total Maximum Daily Load Report" containing the following TMDL:

18. Guest River benthic TMDL, located in Wise County, proposes sediment reductions for portions of the watershed.