Virginia Regulatory Town Hall

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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 eleven TMDL waste load allocations contained in eight TMDL reports for the following river basins: Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), James River Basin (9 VAC 25-720-60.A), Roanoke River Basin (9 VAC 25-720-80.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	December 2, 2004
Document preparation date	January 24, 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 eleven 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 December 2, 2004, the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.) to include eleven 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.

ATTACHMENT I – List of eight TMDL Reports and eleven TMDL Waste Load Allocations Affected by the Proposed Board Actions

In the Potomac-Shenandoah River Basin:

"Fecal Bacteria and General Standard Total Maximum Daily Load Development For Impaired Streams in the Middle River and Upper South River Watersheds, Augusta County, VA"

1. Christians Creek benthic TMDL, located in Augusta County, proposes sediment reductions for portions of the watershed.
2. Moffett Creek benthic TMDL, located in Augusta County, proposes sediment reductions for portions of the watershed.
3. Middle River benthic TMDL, located in Augusta County, proposes sediment reductions for the upper part of the watershed.

" Total Maximum Daily Load Development for Mossy Creek and Long Glade Run: Bacteria and General Standard (Benthic) Impairments"

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

"Total Maximum Daily Load (TMDL) Development for Smith Creek: Aquatic Life Use (Benthic) and E. coli (Bacteria) Impairments"

5. Smith Creek benthic TMDL, located in Rockingham and Shenandoah Counties, proposes sediment reductions for portions of the watershed.

In the Roanoke River Basin:

"Benthic TMDL for Flat Creek Watershed, Virginia"

6. Flat Creek benthic TMDL, located in Mecklenburg County, proposes sediment reductions for portions of the watershed.

In the Tennessee-Big Sandy River Basin:

"Total Maximum Daily Load Development for the Beaver Creek Watershed: Aquatic Life Use (Benthic) and E. coli (Bacteria) Impairments"

7. Beaver Creek benthic TMDL, located in Washington County, proposes sediment reductions for portions of the watershed.

In the New River Basin:

"Fecal Bacteria and General Standard Total Maximum Daily Load Development For Back Creek Watershed, Pulaski County, VA"

8. Back Creek benthic TMDL, located in Pulaski County, proposes sediment reductions for portions of the watershed.

"Fecal Bacteria and General Standard Total Maximum Daily Load Development For Crab Creek Watershed, Montgomery County, VA"

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

"Fecal Bacteria and General Standard Total Maximum Daily Load Development For Peak Creek Watershed, Pulaski County, VA"

10. Peak Creek benthic TMDL, located in Pulaski County, proposes copper reductions for portions of the watershed.
11. Peak Creek benthic TMDL, located in Pulaski County, proposes zinc reductions for portions of the watershed.