



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	8 VAC 25-720
<b>Regulation title</b>	Water Quality Management Planning Regulation
<b>Action title</b>	Amendment to adopt eleven new TMDL waste load allocations in the Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), adopt three new TMDL waste load allocations in the James River Basin (9 VAC 25-720-60.A), adopt twenty-nine new TMDL waste load allocations in the Roanoke River Basin (9 VAC 25-720-80.A), adopt two new TMDL waste load allocations in the Tennessee/Big Sandy River Basin (9 VAC 25-720-90.A), and adopt three new TMDL waste load allocations in the Chesapeake Bay - Small Coastal - Eastern Shore Basin (9VAC25-720-110.A)
<b>Final agency action date</b>	December 9, 2010
<b>Document preparation date</b>	November 1, 2010

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.*

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The amendments to the state's Water Quality Management Planning Regulation (9 VAC 25-720) include forty-eight new Total Maximum Daily Load (TMDL) wasteload allocations. The amendments are to 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 Chesapeake Bay - Small Coastal - Eastern Shore Basin (9VAC25-720-110.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 eleven 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 (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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At its meeting on December 9, 2010, the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.) to include forty-eight new TMDL waste load allocations.

### **Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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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 Potomac - Shenandoah River Basin (9 VAC 25-720-50.A):**

1. *"Bacteria and Benthic Total Maximum Daily Load Development for South River"*
  - The South River benthic TMDL, located in Augusta and Rockingham Counties, proposes sediment and phosphorus reductions for portions of the watershed. The TMDL includes a sediment wasteload allocation of 619.4 tons/year and a phosphorus wasteload allocation of 6,929.9 kg/yr.
  
2. *"Total Maximum Daily Load Development for Mercury in the South River, South Fork Shenandoah River, and Shenandoah River, Virginia"*
  - The South River, South Fork Shenandoah River, and Shenandoah River Mercury TMDLs, located in Augusta, Rockingham, Page, and Warren Counties, propose Mercury reductions for portions of the watershed. The three TMDLs include Mercury wasteload allocations of 112 g/yr for the South River, 112 g/yr for the South Fork Shenandoah River, and 112 g/yr for the Shenandoah River.
  
3. *"Total Maximum Daily Load Development to Address Bacteria and Benthic Impairments in the Spout Run Watershed, Clarke County, Virginia"*
  - The Spout Run benthic TMDL, located in Clarke County, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 7.44 tons/year.
  
4. *"Benthic Total Maximum Daily Load Development for Strait Creek and West Strait Creek"*

- The Strait Creek and West Strait Creek benthic TMDLs, located in Highland County, propose CBOD5, sediment, and seasonal ammonia reductions for portions of the watersheds. For West Strait Creek, the report provides a sediment wasteload allocation of 0.02 tons/day, CBOD5 wasteload allocation of 11 kg/day, dry season (June-December) ammonia as N wasteload allocation of 1.6 kg/day, and wet season (January-May) ammonia as N wasteload allocation of 2.9 kg/day. For Strait Creek, the report provides a sediment wasteload allocation of 0.08 tons/day.

**In the James River Basin (9 VAC 25-720-60.A):**

5. *"Benthic TMDL Development for the Jackson River, Virginia"*

- The Jackson River benthic TMDL, located in Alleghany, Bath, and Highland Counties, proposes Total Phosphorus and Total Nitrogen reductions for portions of the watershed and provides a TP wasteload allocation of 72,955 lbs/growing season and a TN wasteload allocation of 220,134 lbs/growing season.

6. *"Total Maximum Daily Load Development to Address a Benthic Impairment in the Little Calfpasture River, Rockbridge County, Virginia"*

- The Little Calfpasture River benthic TMDL, located in Rockbridge County, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 30.4 tons/year.

**In the Roanoke River Basin (9 VAC 25-720-80.A):**

7. *"Roanoke River PCB TMDL Development (Virginia)"*

- The Roanoke River PCB TMDL, located in Montgomery, Roanoke, Bedford, Campbell, Charlotte, Pittsylvania, and Halifax Counties, proposes PCB reductions for portions of the watershed and provides several wasteload allocations for streams. The streams and their

respective tPCB wasteload allocations are: North Fork Roanoke River, 28.2 mg/year; South Fork Roanoke River, 230.2 mg/year; Masons Creek, 9.1 mg/year; Peters Creek, 65.4 mg/year; Tinker Creek, 103.9 mg/year; Wolf Creek, 10.0 mg/year; UT to Roanoke River, 0.5 mg/year; Roanoke River, 28,157.7 mg/year; Goose Creek, 0.1 mg/year; Sycamore Creek, 1.4 mg/year; Lynch Creek, 0.1 mg/year; Reed Creek, 0.0 mg/year; X-Trib, 0.1 mg/year; UT to Roanoke River, 0.1 mg/year; Little Otter River, 0.0 mg/year; Big Otter River, 0.0 mg/year; Straightstone Creek, 0.0 mg/year; Seneca Creek, 0.0 mg/year; Whipping Creek, 0.0 mg/year; Falling River, 0.0 mg/year; Childrey Creek, 0.0 mg/year; Catawba Creek, 0.0 mg/year; Turnip Creek, 0.0 mg/year; Hunting Creek, 0.0 mg/year; Cub Creek, 0.0 mg/year; Black Walnut Creek, 0.8 mg/year; Roanoke Creek, 0.0 mg/year; Difficult Creek, 0.0 mg/year; Roanoke River, 1,931.8 mg/year.

**In the Tennessee/Big Sandy River Basin (9 VAC 25-720-90.A):**

8. *"Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River"*
  - The Middle Fork Holston River, located in Washington and Smyth Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 100.4 tons/year.
  
9. *"Bacteria and Benthic Total Maximum Daily Load Development for Wolf Creek"*
  - The Wolf Creek benthic TMDL, located in Washington County, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 301.6 tons/year.

**In the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9 VAC 25-720-110.A):**

10. *"Benthic Total Maximum Daily Load (TMDL) Development for the Pettit Branch Watershed"*

- The Pettit Branch benthic TMDL, located in Accomack County, proposes Total Phosphorus reductions for portions of the watershed. The report provides a Total Phosphorus wasteload allocation of 0.01 lb/day.

11. *"Total Maximum Daily Load for Dissolved Oxygen in Mill Creek, Northampton County, Virginia"*

- The Mill Creek Dissolved Oxygen TMDL, located in Northampton County, proposes organic carbon and nutrients reductions for portions of the watershed. The report provides a TC wasteload allocation of 30.53 lb/day and a TN wasteload allocation of 10.07 lb/day.