



townhall.virginia.gov

Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-720
Regulation title(s)	Water Quality Management Planning Regulation
Action title	June 2016 TMDLs
Final agency action date	June 27, 2016
Date this document prepared	May 9, 2016

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) or an agency's basic statute, the agency is not required, however, 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, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. 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 new TMDL waste load allocations in the Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), four new TMDL waste load allocations in the James River Basin (9 VAC 25-720-60.A), one new TMDL waste load allocation in the Tennessee-Big Sandy River Basin (9 VAC 25-720-90.A), fourteen new TMDL waste load allocations in the York River Basin (9 VAC 25-720-120.A), nine new TMDL waste load allocations in the New River Basin (9 VAC 25-720-130.A), replacement of two existing TMDL waste load allocations with revised values in the James River Basin (9 VAC 25-720-60.A), incorporation of four technical corrections in the Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), incorporation of two technical corrections in the Tennessee-Big Sandy River Basin (9 VAC 25-720-90.A), and incorporation of two technical corrections in the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9 VAC 25-720-110.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. These TMDL reports and the eight technical corrections to the Water Quality Management Planning regulation 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”.

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 27-28, 2016 the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.).

Family impact

Please 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, safety, and welfare and the Board does not anticipate any direct impact on the institution of the family and family stability.

Public Comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

The comment period for the regulation amendment with the TMDL waste load allocations technical corrections extended from April 4 – May 4, 2016. No comments were received.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
50.A		Potomac-Shenandoah River Basin.	Adopting three new waste load allocations and incorporating four technical corrections

			in the Water Quality management Planning regulation for the Potomac-Shenandoah River Basin.
60.A		James River Basin.	Adopting four new waste load allocations and replacing two existing waste load allocations for the James River Basin.
90.A		Tennessee-Big Sandy River Basin	Adopting one new waste load allocation and incorporating two technical corrections in the Water Quality Management Planning regulation for the Tennessee-Big Sandy River Basin
110.A		Chesapeake Bay-Small Coastal-Eastern Shore River Basin	Incorporating two technical corrections in the Water Quality Management Planning regulation
120.A		York River Basin	Adopting fourteen new waste load allocations for the York River Basin
130.A		New River Basin	Adopting nine new waste load allocations for the New River Basin