Public Notice – Amendment of Water Quality Management Planning Regulation

Notice of action: The State Water Control Board (Board) is considering the amendment of the regulation on water quality management planning in accordance with the Public Participation Procedures for Water Quality Management Planning. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

Purpose of notice: The Board is seeking comments through the Department of Environmental Quality on the proposed amendment. The purpose of the amendment to the state's Water Quality Management Planning Regulation (9VAC25-720) is to adopt thirty six Total Maximum Daily Load (TMDL) waste load allocations.

Public comment period: October 6 – November 6, 2014

Description of proposed action: DEQ staff will propose amendments of the state's Water Quality Management Planning regulation for the James River Basin (9VAC25-720-60.A), Roanoke River Basin (9VAC25-720-80.A), Chowan River – Dismal Swamp Basin (9VAC25-720-100), Chesapeake Bay-Small Coastal-Eastern Shore Basin (9VAC25-720-110.A), and the York River Basin (9VAC25-720-120.A). Statutory authority for promulgating these amendments can be found in §62.1-44.15(10) of the Code of Virginia.

Staff intends to recommend 1) that the Board approve the TMDL reports as the plan for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, 2) that the Board authorize inclusion of the TMDL reports in the appropriate Water Quality Management Plan, and 3) that the Board adopt thirty six TMDL waste load allocations as part of the state's Water Quality Management Planning Regulation in accordance with §2.2-4006A.4.c. and §2.2-4006B of the Code of Virginia.

The TMDL reports 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 reports were subject to the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDL.

As of July 1, 2014 TMDL WLAs can receive State Water Control Board approval prior to EPA approval due to amendments outlined in §2.2-4006.A.14 of the Code of Virginia. With the exception of the Back Bay, North Landing River, and Pocaty River watersheds TMDL, which was approved by EPA on June 26, 2014, the other six TMDL reports in this public notice have been reviewed by EPA for required TMDL elements, however, remain in draft form awaiting State Water Control Board approval. The EPA approved report can be found at http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx and the draft reports can be found at http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/DraftTMDLReports.aspx.

Affected Waterbodies and Localities:
James River Basin (9VAC25-720-60.A):

1. *"Benthic Total Maximum Daily Load (TMDL) Development for the North Creek Watershed"*
    - The North Creek TMDL, located in Fluvanna County, proposes sediment reductions for the watershed and provides a sediment wasteload allocation of 7.29 tons/yr.
    - The North Creek TMDL, located in Fluvanna County, proposes total phosphorus reductions for the watershed and provides a total phosphorus wasteload allocation of 187.3 lbs/yr.

Roanoke River Basin (9VAC25-720-80.A):

2. *"TMDLs for Benthic Impairments in Little Otter River (Sediment and Total Phosphorus), Johns Creek, Wells Creek, and Buffalo Creek (Sediment)"*
    - The Little Otter River, Johns Creek, Wells Creek, and Buffalo Creek watersheds TMDL, located in the Town of Bedford and Bedford and Campbell counties, proposes sediment reductions for the Lower Buffalo Creek, Upper Buffalo Creek, Lower Little Otter River, Upper Little Otter River, Johns Creek, and Wells Creek watersheds and provides sediment wasteload allocations of 13.99 tons/yr, 25.51 tons/yr, 172.81 tons/yr, 24 tons/yr, 32.86 tons/yr, and 1.49 tons/yr.
    - The Little Otter River, Johns Creek, Wells Creek, and Buffalo Creek watersheds TMDL, located in the Town of Bedford and Bedford and Campbell counties, proposes total phosphorus reductions for the Lower Little Otter River watershed and provides a total phosphorus wasteload allocation of 2209.2 lbs/yr.

3. *"Bacteria TMDL Development for Hyco River, Aarons Creek, Little Buffalo Creek, and Beech Creek Located in Halifax and Mecklenburg Counties, Virginia"*
    - The Hyco River, Aarons Creek, Little Buffalo Creek, and Beech Creek watersheds TMDL, located in Halifax and Mecklenburg counties, proposes bacteria reductions for the Hyco River, Aarons Creek, Beech Creek, and Little Buffalo Creek watersheds and provides *E. coli* wasteload allocations of 2.72E+12 cfu/yr, 3.54E+11 cfu/yr, 5.06E+10 cfu/yr, and 1.02E+11 cfu/yr.

4. *"Sediment TMDL Development for the Coleman Creek Watershed Located in Halifax County, Virginia"*
    - The Coleman Creek watershed TMDL, located in Halifax County, proposes sediment reductions for the Coleman Creek watershed and provides a sediment wasteload allocation of 22.3 tons/yr.

Chowan River – Dismal Swamp Basin (9VAC25-720-100):

5. *"Total Maximum Daily Load Development for the Back Bay, North Landing River, and Pocaty River Watersheds"*
    - The Back Bay, North Landing River, and Pocaty River watersheds TMDL, located in the Cities of Chesapeake and Virginia Beach, proposes phosphorus

reductions for Pocaty River and Ashville Bridge Creek watersheds and provides phosphorus wasteload allocations of 129.39 kg/yr and 34.46 kg/yr.

- The Back Bay, North Landing River, and Pocaty River watersheds TMDL, located in the Cities of Chesapeake and Virginia Beach, proposes *E. coli* reductions for North Landing River and Pocaty River watersheds and provides *E. coli* wasteload allocations of 6.25E+12 cfu/yr and 2.58E+12 cfu/yr.
- The Back Bay, North Landing River, and Pocaty River Watersheds TMDL, located in the Cities of Chesapeake and Virginia Beach, proposes *Enterococci* reductions for Beggars Bridge Creek, Ashville Bridge Creek & Muddy Creek, and upper and lower Hell Point Creek watersheds and provides *Enterococci* wasteload allocations of 6.79E+11 cfu/yr, 7.95E+11 cfu/yr, and 2.04E+12 cfu/yr.

Chesapeake Bay-Small Coastal-Eastern Shore Basin (9VAC25-720-110.A):

6. *"Bacteria TMDL Development in Red Bank Creek and Machipongo River, Virginia"*
    - The Red Bank Creek and Machipongo River watersheds TMDL, located in Accomack and Northampton counties, proposes *E. coli* reductions for the Red Bank Creek (riverine) watershed and provides an *E. coli* wasteload allocation of 1.08E+8 cfu/yr.
    - The Red Bank Creek and Machipongo River watersheds TMDL, located in Accomack and Northampton counties, proposes *Enterococci* reductions for the Red Bank Creek (estuarine) and Machipongo River (estuarine) and provides *Enterococci* wasteload allocations of 3.93E+6 cfu/yr and 9.03E+6 cfu/yr.
    - The Red Bank Creek and Machipongo River watersheds TMDL, located in Accomack and Northampton counties, proposes fecal coliform reductions for the Red Bank Creek (shellfish) and Machipongo River (shellfish) and provides fecal coliform wasteload allocations of 5.10E+11 counts/yr and 2.04E+12 counts/yr.

York River Basin (9VAC25-720-120.A):

7. "*E. coli TMDL Development for The Pamunkey River and Tributaries, VA"*
    - The Pamunkey River watershed TMDL, located in Hanover, Louisa, King William, Caroline, Spotsylvania, and New Kent counties, proposes bacteria reductions for the Northeast Creek, Upper Little River, Upper Pamunkey River/North Anna River, Middle Pamunkey River, Lower Pamunkey River, South Anna River (VAN-F01R-01), South Anna River (VAN-F02R-01), Taylors Creek (VAN-F03R-01), South Anna River (VAP-F04R-02), and South Anna River (VAP-F04R-01) watersheds and provides *E. coli* wasteload allocations of 2.34E+12 cfu/yr, 5.61E+12 cfu/yr, 3.25E+13 cfu/yr, 2.36E+13 cfu/yr, 5.38E+13 cfu/yr, 4.92E+12 cfu/yr, 7.50E+12 cfu/yr, 3.66E+10 cfu/yr, 6.02E+12 cfu/yr, and 7.74E+12 cfu/yr.

How to comment: The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the Board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

To review documents: The TMDL reports are available on the DEQ web site at http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx for the EPA approved report, http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/DraftTMDLReports.aspx for the draft reports, and by contacting the DEQ representative named below for any report. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests and additional information:
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