

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 fourteen Total Maximum Daily Load (TMDL) waste load allocations.

Public comment period: April 21 – May 21, 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), Tennessee-Big Sandy River Basin (9VAC25-720-90.A), Roanoke River Basin (9VAC25-720-80.A), and the Chowan River – Dismal Swamp Basin (9VAC25-720-100). 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 fourteen 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. EPA has approved the Maury River, Cedar Creek, and Tributaries TMDL, whereas the other four TMDL reports in this public notice are in the final draft stage under EPA review. The approved reports 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:

In the James River Basin (9VAC25-720-60):

1. *“Bacteria Total Maximum Daily Load Development for Colliers Creek, North Fork Buffalo Creek, South Fork Buffalo Creek, Buffalo Creek, Maury River, and Cedar Creek and a Sediment Total Maximum Daily Load Development for Colliers Creek”*
 - The Maury River, Cedar Creek, and Tributaries TMDL, located in Augusta, Bath, and Rockbridge Counties and the Cities of Lexington and Buena Vista, proposes sediment reductions for the Colliers Creek watershed and provides a sediment wasteload allocation of 103.4 tons/yr.
2. *“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 phosphorus reductions for the watershed and provides a phosphorus wasteload allocation of 187 lbs/yr.

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

3. *“TMDLs for Benthic Impairments in Little Otter River (Sediment and Total Phosphorus), Johns Creek, Wells Creek, and Buffalo Creek (Sediment) Town of Bedford, Bedford and Campbell Counties, Virginia”*
 - The Little Otter River, Johns Creek, Wells Creek, and Buffalo Creek TMDL, located in Bedford and Campbell Counties and the Town of Bedford, proposes sediment reductions for the watershed and provides sediment wasteload allocations of 13.99 tons/yr, 25.51 tons/yr, 172.81 tons/yr, 24.00 tons/yr, 32.86 tons/yr, and 1.49 tons/yr.
 - The Little Otter River, Johns Creek, Wells Creek and Buffalo Creek TMDL, located in Bedford and Campbell Counties and the Town of Bedford, proposes phosphorus reductions for the Lower Little Otter watershed and provides a phosphorus wasteload allocation of 2209.2 lbs/yr.

Tennessee-Big Sandy River Basin (9VAC25-720-90.A)

4. *“Bacteria and Sediment TMDL Development Lower Clinch River Watershed, VA”*
 - The Lower Clinch River TMDL, located in Russell, Scott, Tazewell, and Wise Counties, proposes sediment reductions for the Laurel Creek and Thompson Creek watersheds and provides sediment wasteload allocations of 0.26 tons/yr and 0.22 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.

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 EPA approved reports, <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/DraftTMDLReports.aspx> for 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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