

## **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 twelve Total Maximum Daily Load (TMDL) waste load allocations.

**Public comment period:** July 13 – August 12, 2015

**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) and the Potomac-Shenandoah River Basin (9VAC25-720-50.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 twelve 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. The two 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 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. *“Bacteria TMDL Development for the Turkey Island Creek and James River Westover to Claremont Watershed in Charles City, Henrico, Prince George, and Surry Counties, Virginia.”*
  - The Turkey Island Creek and tidal James River Westover to Claremont watersheds TMDL, located in Charles City, Henrico, Prince George, and Surry counties, proposes *E. coli* reductions for the Turkey Island Creek, James River Westover to Chippokes Point, and James River Chippokes Point to Claremont watersheds and provides *E. coli* wasteload allocations of 4.31E11 cfu/year, 4.25E13 cfu/year, and 4.99E13 cfu/year.

**Potomac-Shenandoah River Basin (9VAC25-720-50.A):**

2. *“Bacteria TMDL Development for Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek Watersheds, and Sediment TMDL Development for Happy Creek Watershed Located in Clarke, Frederick, and Warren Counties, Virginia”*
  - The Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek watersheds TMDL, located in Clarke, Frederick, and Warren counties, proposes *E. coli* reductions for the Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek watersheds and provides *E. coli* wasteload allocations of 2.22E12 cfu/year, 2.81E11 cfu/year, 2.33E11 cfu/year, 5.80E11 cfu/year, 1.73E11 cfu/year, 3.07E11 cfu/year, 3.24E11 cfu/year, and 4.27E11 cfu/year.
  - The Crooked Run, Borden Marsh Run, Willow Brook, West Run, Long Branch, Stephens Run, Manassas Run, and Happy Creek watersheds TMDL, located in Clarke, Frederick, and Warren counties, proposes sediment reductions for the Happy Creek watershed and provides a sediment wasteload allocation of 29.05 tons/year.

**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/DraftTMDLReports.aspx>, 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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