

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 replace two Total Maximum Daily Load (TMDL) waste load allocations in the Water Quality Management Planning Regulation.

Public comment period: October 31 – November 29, 2016

Description of proposed action: DEQ staff will propose amendments of the state's Water Quality Management Planning regulation for the Tennessee-Big Sandy River Basin (VAC25-720-90.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 report 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 report in the appropriate Water Quality Management Plan, and 3) that the Board replace two existing TMDL waste load allocations with the revised values as part of the state's Water Quality Management Planning Regulation in accordance with §2.2-4006A.14. and §2.2-4006B of the Code of Virginia.

The TMDL report was developed in accordance with federal regulations (40 CFR §130.7) and is exempt from the provisions of Article II of the Virginia Administrative Process Act. The report was 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 TMDL report in this public notice has been reviewed by EPA for required TMDL elements, however, remain in draft form awaiting State Water Control Board approval. The draft report can be found at <http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/DraftTMDLReports.aspx>.

Affected Waterbodies and Localities for the two revised TMDL waste load allocations:

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

1. *“Bacteria and Benthic Total Maximum Daily Load (TMDL) Development for the Beaver Creek Watershed located in Bristol City and Washington County, Virginia”*
 - The revised Beaver Creek TMDL, located in the City of Bristol and Washington County, proposes *E. coli* reductions for the Beaver Creek watershed and provides an *E. coli* waste load allocation of 4.38E+12 cfu/yr.
 - The revised Beaver Creek TMDL, located in the City of Bristol and Washington County, proposes sediment reductions for the Beaver Creek watershed and provides sediment waste load allocations of 310.91 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 report is 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 the report. The electronic copy is in PDF format and may be read online or downloaded.

Contact for public comments, document requests and additional information:

Liz McKercher; Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218
Phone: (804) 698-4291, E-mail Elizabeth.McKercher@deq.virginia.gov, FAX: (804) 698-4032