

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 one new Total Maximum Daily Load (TMDL) waste load allocations, replace two TMDL waste load allocations with revised values, and make revisions to eight errors in the Water Quality Management Planning Regulation.

Public comment period: April 4– May 4, 2016

Description of proposed action: DEQ staff will propose amendments of the state's Water Quality Management Planning regulation for the Potomac-Shenandoah River Basin (9VAC25-720-50.A), the James River Basin (9VAC25-720-60.A), the Tennessee-Big Sandy River Basin (VAC25-720-90.A), the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9VAC25-720-110.A), the York River Basin (9VAC25-720-120.A), and the New River Basin (9VAC25-720-130.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 seven 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 seven TMDL reports in the appropriate Water Quality Management Plan, 3) that the Board adopt thirty one new TMDL waste load allocations and replace two existing TMDL waste load allocations with revised values as part of the state's Water Quality Management Planning Regulation, and 4) revise eight errors in the Water Quality Management Planning Regulation in accordance with §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 seven 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>.

As part of a review of the Water Quality Management Planning Regulation in the fall of 2014, eight errors were observed. The eight proposed revisions to the WLAs in the Potomac-Shenandoah River Basin (9VAC25-720-50.A), Tennessee-Big Sandy River Basin (9VAC25-720-90.A), and Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9VAC25-720-110.A) include revisions to seven errors and the revision of one WLA to be in accordance with the EPA approved TMDL modification. Public notice of these eight errors was published on September 7th, a public meeting was held on September 17th, and a public comment period lasted from September 17th to October 19th, 2015 in accordance with DEQ's Public Participation Procedures for Water Quality Management Planning. No comments were received. The presentation from the September 17th public meeting describing the eight errors and revisions can be found at the following web address: [http://www.deq.virginia.gov/Portals/0/DEQ/Water/TMDL/Proposed Revisions to the WQM PR.pdf](http://www.deq.virginia.gov/Portals/0/DEQ/Water/TMDL/Proposed_Revisions_to_the_WQM_PR.pdf)

**Affected Waterbodies and Localities for the thirty one new TMDL waste load allocations:
Potomac-Shenandoah River Basin (9VAC25-720-50.A):**

1. *"TMDLs for Turley Creek (sediment) and Long Meadow Run (sediment and nitrogen) Rockingham County, Virginia."*
 - The Turley Creek and Long Meadow Run TMDL, located in Rockingham County, proposes sediment reductions for the Turley Creek and Long Meadow Run watersheds and provides sediment waste load allocations of 19.87 tons/year and 27.92 tons/year.
 - The Turley Creek and Long Meadow Run TMDL, located in Rockingham County, proposes nitrogen reductions for the Long Meadow Run watershed and provides a nitrogen waste load allocation of 520.6 lbs/yr.

James River Basin (9VAC25-720-60.A):

2. *"Sediment TMDLs for Moores Creek, Lodge Creek, Meadow Creek, and Schenks Branch in Albemarle County and Charlottesville City, Virginia."*
 - The Moores Creek, Lodge Creek, Meadow Creek, and Schenks Branch TMDL, located in Albemarle County and the City of Charlottesville, proposes sediment reductions for the Moores Creek, Lodge Creek, Meadow Creek, and Schenks Branch watersheds and provides sediment waste load allocations of 809.58 tons/yr, 46.25 tons/yr, 452.33 tons/yr, and 134.52 tons/yr.

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

3. *"E. coli TMDL Development for South Fork Holston River in Smyth and Washington Counties, VA"*
 - The South Fork Holston River TMDL, located in Smyth and Washington counties, proposes *E. coli* reductions for the South Fork Holston River watershed and provides a *E. coli* waste load allocation of 7.52E+12 cfu/yr.

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

4. *"Bacteria Total Maximum Daily Load (TMDL) Development for the Mattaponi River Watershed Located in Orange, Spotsylvania, Caroline, King William, and King and Queen Counties, Virginia"*
 - The Mattaponi River Watershed TMDL, located in Orange, Spotsylvania, Caroline, King William, and King and Queen counties, proposes *E. coli* reductions for the Brock Run, Chapel Creek, Doctors Creek, Gladly Run, Maracossic Creek, Mat River, Matta

River, Mattaponi River, Motto River, Po River, Polecat Creek, Poni River, Reedy Creek, and Root Swamp watersheds and provides *E. coli* waste load allocations of 3.09E+10 cfu/yr, 1.25E+12 cfu/yr, 3.24E+11 cfu/yr, 1.85E+11 cfu/yr, 5.24E+12 cfu/yr, 1.94E+11 cfu/yr, 2.14E+12 cfu/yr, 6.16E+12 cfu/yr, 6.48E+10 cfu/yr, 1.46E+12 cfu/yr, 1.56E+11 cfu/yr, 2.93E+12 cfu/yr, 2.08E+11 cfu/yr, and 5.15E+11 cfu/yr.

New River Basin (9VAC25-720-130.A):

5. *“Bacteria TMDL Development for East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, and Walker Creek in Bland and Giles Counties Virginia”*
 - The East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, and Walker Creek TMDL, located in Bland and Giles counties, proposes *E. coli* reductions for the East Wilderness Creek, Kimberling Creek, Nobusiness Creek, Town Creek, Walker Creek segment 1, Walker Creek segment 2, and Walker Creek segment 3 watersheds and provides *E. coli* waste load allocations of 1.89E+11 cfu/yr, 1.96E+12 cfu/yr, 1.38E+12 cfu/yr, 1.73E+12 cfu/yr, 2.70E+12 cfu/yr, 3.45E+12 cfu/yr, and 3.10E+11 cfu/yr.
6. *“E. coli TMDL Development for Wolf Creek and Tributaries in Giles, Bland and Tazewell County, VA”*
 - The Wolf Creek and Tributaries TMDL, located in Giles, Bland, and Tazewell counties, proposes *E. coli* reductions for the Wolf Creek Headwaters and Wolf Creek watersheds and provides *E. coli* waste load allocations of 6.82E+10 cfu/yr and 1.14E+11 cfu/yr.

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

James River Basin (9VAC25-720-60.A):

7. *“Bacteria Total Maximum Daily Load Development for North Fork Hardware River and Hardware River”*
 - The revised North Fork Hardware River and Hardware River TMDL, located in Albemarle and Fluvanna counties, proposes *E. coli* reductions for the North Fork Hardware River and Hardware River watersheds and provides *E. coli* waste load allocations of 0.06E+12 cfu/yr and 0.02E+13 cfu/yr.

Descriptions of revisions for the eight Water Quality Management Planning regulation errors:

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

The proposed revisions in the Potomac-Shenandoah River Basin Water Quality Management Planning Regulation (WQMPR) apply to TMDL#s 1, 9, 58, and 59 in part A of the regulation. For TMDL #1, proposed changes include a revision of the Stream Name to read “Muddy Creek, Dry River and tributaries to North River,” and a revision to the Water Body ID (WBID) to include B22R. For TMDL #9, the proposed change includes a revision of the current WLA in regulation to be the EPA approved value from the TMDL report of 116 lbs/year. TMDL#s 58 and 59 are duplicates of TMDL#s 29 and 30, respectively. Therefore, it is proposed that TMDL#s 58 and 59 be removed from the WQMPR.

The following EPA approved TMDL reports apply to revisions for TMDL#s 1, 9, and 58-59 described above:

- TMDL #1 Muddy Creek:
<http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/shenrvr/muddyni.pdf>
- TMDL #9 Mill Creek:
<http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/shenrvr/plmillbc.pdf>
- TMDL #s 29-30 & 58-59 Abrams Creek ; Lower Opequon Creek:
<http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/shenrvr/abropebc.pdf>

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

The proposed revisions in the Tennessee-Big Sandy River Basin (9VAC25-720-90.A) WQMPR apply to TMDL#s 6 and 9 in part A of the regulation. For TMDL #6, the proposed change includes a revision of the current WLA in regulation to be the EPA approved value from the TMDL report of 21,732 lbs/year. For TMDL #9, the proposed change includes a revision of the current WLA in regulation to be the EPA approved value from the TMDL modification of 322,234 kg/year. The following EPA approved TMDL reports and modifications apply to revisions for TMDL#s 6 and 9 described above:

- TMDL #6 Lewis Creek:
<http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/tenbigrvr/lewisbc.pdf>
- TMDL #9 Dumps Creek modification & report:
 - <http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/mod/dumpsmod.pdf>
 - <http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/tenbigrvr/dumps.pdf>

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

The proposed revisions in the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9VAC25-720-110.A) WQMPR apply to TMDL#s 3 and 4 in part A of the regulation. For TMDL #3, the proposed change includes a revision to the current WLA in regulation to be the EPA approved value from the TMDL report of 0.31 lbs/day. For TMDL #4, the proposed change includes a revision to the current WLA in regulation to be the EPA approved value from the TMDL report of 0.10 lbs/day.

The following EPA approved TMDL report applies to revisions for TMDL#s 3 and 4 described above:

TMDL# 3-4 Mill Creek; Mill Creek:

<http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/baycoast/millcrdo.pdf>

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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