



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON MARCH 28, 2014

MINUTE 5 – Water Quality Standards Triennial Review

Mr. John Kennedy, Office of Ecology and Infrastructure Director, made a presentation to the Board pertaining to the mandatory Triennial Review of Virginia's Water Quality Standards (9 VAC 25-260), with a recommendation to issue the Notice of Public Comment on proposed amendments.

Mr. Kennedy gave a background on actions to-date under the Triennial Review (TR) process, including:

- Notice of Intended Regulatory Action (NOIRA) publication on 8/12/13
- Public comment period held from 8/12/13 to 10/11/13
- Formation of Regulatory Advisory Panel (RAP), which met 3 times from November 2013 to January 2014

Based on public comment, RAP discussions and input from DEQ staff, proposed amendments to the Standards were developed. These fell into several general categories:

- Update criteria based on new EPA guidance
- Update waterbody class/use designations
- Miscellaneous clarifications and updates
- Revisions based on issues raised by agency programs

While there are over 100 individual revisions proposed, the presentation focused on the most important amendments that may generate public interest. These "Substantive Issues" included:

- Criteria updates to the Table of Parameters (Toxics) for both human health and aquatic life protection.
- A recommendation to delete the current Manganese criterion.
- Revised Ammonia surface water criteria.
- Consideration of revised Bacteria criteria for recreational waters, with a recommendation to not make any amendments at this time.
- Revisions to Special Standards 'm' (Chickahominy watershed above Walkers Dam); 'ee' and 'ff' (maximum temperature for winter-only stocked trout waters).
- Other trout water updates (segment delineations).
- Reclassifying several waterbodies from Class III (non-tidal waters) to Class VII (swampwaters).

- A recommendation to delete the Public Water Supply designation for a portion of the lower James River basin.
- Consideration of revised Selenium criteria for aquatic life protection, with a recommendation to not make any amendments at this time.
- Other minor changes to add a definition of 'wetlands', clarify application of Chesapeake Bay dissolved oxygen criteria, add 2 impoundments to Lake Nutrient criteria section, and typographical corrections.

The Board was informed that the Office of the Attorney General had certified their authority to propose the amendments, and following brief discussion and a few general questions the Board voted unanimously to approve these staff recommendations:

1. Authorize staff to proceed to public comment with proposed amendments to the Water Quality Standards Regulation, 9 VAC 25-260, developed during Triennial Review, and
2. Convene a public hearing on the proposed amendments with a Board member serving as hearing officer.


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