

Public Notice – Approval of Water Quality Management Planning Actions

Notice of action: The State Water Control Board (Board) is considering the approval of five Total Maximum Daily Load (TMDL) reports and four TMDL modifications, and granting authorization to include the TMDL reports and modifications in the appropriate Water Quality Management Plans (WQMPs).

Purpose of notice: The Board is seeking comment on the proposed approvals and authorizations. The purpose of these actions is to approve five TMDL reports and four TMDL modifications as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in several impaired waterbodies. These actions are taken in accordance with the Public Participation Procedures for Water Quality Management Planning.

Public comment period: March 12, 2012 to April 12, 2012

Description of proposed action: DEQ staff intends to recommend 1) that the DEQ Director approve the TMDL reports and TMDL modifications listed below as Virginia's plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, and 2) that the DEQ Director authorize inclusion of the TMDL reports and TMDL modifications in the appropriate WQMPs. No regulatory amendments are required for these TMDLs and their associated waste load allocations.

At previous meetings, the Board voted unanimously to delegate to the DEQ Director the authority to approve TMDLs that do not include waste load allocations requiring regulatory adoption by the Board, provided that a summary report of the action the Director plans to take is presented to the Board prior to the Director approving the TMDL reports. The TMDLs included in this public notice will be approved using this delegation of authority.

The TMDLs listed below 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 TMDLs have been through 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 TMDLs. EPA approved all TMDL reports presented under this public notice. The approved reports can be found at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx>

Affected Waterbodies and Localities:

In the James River Basin:

1. *"Bacteria Total Maximum Daily Load (TMDL) Development for the Hoffler Creek Watershed"*
 - 1 bacteria TMDL, located in the cities of Portsmouth and Suffolk, proposes bacteria reductions to address primary contact (swimming use) impairment
2. *"Bacterial Total Maximum Daily Load Development for the James River Tributaries – City of Richmond"*
 - 10 bacteria TMDLs, located in the Cities of Richmond and Hopewell, and the counties of Charles City, Chesterfield, Goochland, Henrico and Powhatan, propose bacteria reductions to address primary contact (swimming use) impairment
3. *"Bacteria Total Maximum Daily Load (TMDL) Development for the Bear Garden Creek Watershed"*
 - 1 bacterial TMDL, located in Buckingham County, proposes bacteria reductions to address primary contact (swimming use) impairment
4. *Modification for "Development of the Total Maximum Daily Load (TMDL) for Fecal Coliform Bacteria in Moore's Creek, Albemarle County, Virginia"*

- 1 Bacteria TMDL proposes bacteria reductions to address primary contact (swimming use) impairment (modification)

In the Rappahannock River Basin:

5. *Modification for "Shellfish Bacteria Total Maximum Daily Load (TMDL) Developments for Upper Rappahannock Tidal River, Unsegmented Estuaries in E23, Little Carter Creek, Jugs Creek, Piscataway Creek, Mark Haven Beach and Garrett's Marina"*
 - 5 bacteria TMDLs, located in Essex, Richmond, Westmoreland, and Northumberland counties, propose bacteria reductions to portions of the watersheds to address VDH Shellfish Area Condemnations and primary contact (swimming use) impairments (*modification.*)

In the Tennessee-Big Sandy River Basin:

6. *"E. coli Total Maximum Daily Loads in the Upper Clinch River Watershed of Tazewell County, Virginia"*
 - 2 bacteria TMDLs propose bacteria reductions to address primary contact (swimming use) impairment

In the Chowan River Basin:

7. *"E. coli Total Maximum Daily Load Development for Unnamed Tributary to Nebletts Mill Run and Hatcher Run in Sussex and Dinwiddie Counties, VA"*
 - 2 bacteria TMDLs, propose bacteria reductions to address primary contact (swimming use) impairments
8. *Modification for "E. coli Total Maximum Daily Load Development for Assamoosick Swamp and Tributaries in Sussex and Southampton Counties, VA"*
 - 1 bacteria TMDL, located in Sussex and Southampton counties, proposes bacteria reductions to address primary contact (swimming use) impairment

In the Chesapeake Bay - Small Coastal - Eastern Shore Basin:

9. *Modification for "Indian, Tabbs, Dwyer, and Antipoison Creeks Total Maximum Daily Load (TMDL) Report for Shellfish Condemnation Areas Listed Due to Bacteria Pollution"*

- 2 bacteria TMDLs for Indian Creek, located in Lancaster County, propose bacteria reductions to portions of the watershed to address VDH Shellfish Area Condemnations and primary contact (swimming use) impairment *(modification)*

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.

To review documents: The TMDL reports and TMDL implementation plans are available on the DEQ web site at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx> and by contacting the DEQ representative named below. 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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