

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 (9 VAC 25-720) is to adopt four Total Maximum Daily Load (TMDL) waste load allocations.

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

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 (9 VAC 25-720-90.A), Chowan River Basin (9 VAC 25-720-100.A), and Chesapeake Bay - Small Coastal - Eastern Shore Basin (9VAC25-720-110.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 three TMDL reports and one TMDL modification as the plans 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 four 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 three TMDL reports and one TMDL modification 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 TMDLs. EPA approved all TMDLs 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 Tennessee/Big Sandy River Basin (9 VAC 25-720-90.A):

1. *Mercury Total Maximum Daily Load Development for the North Fork Holston River, Virginia*

- The North Fork Holston Mercury TMDL, located in Scott, Washington, Smyth, Bland, Tazewell, and Russell counties, proposes reductions for portions of the watershed and provides a total mercury waste load allocation of 11.9 grams/year.

In the Chowan River Basin (9 VAC 25-720-100.A):

2. *Total Maximum Daily Load Development for the Albemarle Canal/North Landing River, A Total Phosphorus TMDL Due to Low Dissolved Oxygen Impairment*

- The Albemarle Canal/North Landing River TMDL, located in the Cities of Virginia Beach and Chesapeake, provides a waste load allocation of 989.96 kg/yr.

3. *Total Maximum Daily Load Development for the Northwest River Watershed A Total Phosphorus TMDL Due to Low Dissolved Oxygen Impairment*

- *The Northwest River TMDL, located in the City of Chesapeake and in the eastern portion of the City of Virginia Beach, provides a Total Phosphorus waste load allocation of 3,262.86 kg/yr.*

In the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9 VAC 25-720-110.A):

4. *Modification for Benthic Total Maximum Daily Load (TMDL) Development*

Parker Creek, Virginia

- The Parker Creek TMDL, located in Accomack County, was modified to clarify that the Total Phosphorus WLA of 664.2 lb/yr is concentration based and flow independent. There was no change to the WLA.

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 and the proposed regulatory amendments 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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