

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 three Total Maximum Daily Load (TMDL) waste load allocations and one TMDL modification.

Public comment period: February 11 – March 12, 2013

Description of proposed action: DEQ staff will propose amendments of the state's Water Quality Management Planning regulation for the New River Basin (9 VAC 25-720-130.A), Chesapeake Bay-Small Coastal-Eastern Shore Basin (9 VAC 25-720-110.A), and Tennessee/Big Sandy River Basin (9 VAC 25-720-90.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 reports and modification 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 reports and TMDL modification in the appropriate Water Quality Management Plan, and 3) that the Board adopt three TMDL waste load allocations and one TMDL modification 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 TMDL reports and 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 TMDL. EPA approved the TMDLs and modification presented under this public notice. The approved reports can be found at

<http://www.deq.virginia.gov/Programs/Water/WaterQualityInformationTMDLs/TMDL/TMDLDevelopment/ApprovedTMDLReports.aspx>

Affected Waterbodies and Localities:

In the New River Basin (9 VAC 25-720-130.A):

1. *"Total Maximum Daily Load (TMDL) Development Little River Watershed, Virginia"*
 - The Little River Watershed TMDL, located in Floyd, Franklin, Montgomery, Patrick and Pulaski counties, provides sediment reductions for the watershed. It provides one wasteload allocation for sediment in the entire watershed and the wasteload allocation is 116.49 tons/year of sediment.

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

2. *"Total Maximum Daily Loads of Pathogens for Folly Creek in Accomack County, Virginia"*
 - The Folly Creek Dissolved Oxygen impairment, located in Accomack County, proposes Total Nitrogen reductions for portions of the watershed and provides a Total Nitrogen wasteload allocation of 2.6 lbs/day.
3. *"Total Maximum Daily Loads of DO and Pathogens for Gargathy Creek (Upper, Lower, and Riverine Portions) in Accomack County, Virginia"*
 - The Gargathy Creek Dissolved Oxygen impairment, located in Accomack County, proposes Total Nitrogen reductions for portions of the watershed and provides a Total Nitrogen wasteload allocation of 1.9 lbs/day.

In the Tennessee/Big Sandy River Basin (9 VAC 25-720-90.A):

4. *Modification to “General Standard (Benthic) Total Maximum Daily Load Development for Upper North Fork Holston River”*

- The modification for the Upper North Fork Holston chloride TMDL proposes to revise the WLA to accommodate the expansion of the Town of Saltville Wastewater Treatment Plant from 0.50 million gallons per day (MGD) to 0.99 MGD. The revised waste load allocation for the watershed is 862,466 kg/year. This change in chloride load with sufficient new water to maintain the water quality standard of 230 mg/L will not increase the chloride concentration or decrease water quality.

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/ApprovedTMDLReports.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:

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) 698-4116