

APPENDIX 1A LIST OF CATEGORY 5 IMPAIRED WATERS

The complete integrated list in Appendix 1 is a general list of all surface waters in Virginia. The Category 5 Impaired Waters List in Appendix 1a is a subset of the integrated list of waters in the Commonwealth which do not support one or more of the applicable designated uses (i.e. wildlife, aquatic life, fish consumption, shellfishing, recreation, and public water supply).

Priority for TMDL Development

Section 303(d) of the Clean Water Act and the Environmental Protection Agency's (EPA) regulation 40 CFR Section 130.7(d) (1) promulgated in July, 1992, requires each state to submit a Total Maximum Daily Load (TMDL) Priority List to EPA in even numbered years. TMDL development priority ranking for Category 5 impaired waters is based on two factors: 1) the severity of the impairment, including consideration of the number of designated uses not attained, number of pollutants responsible for the impairment, and the presence of endangered species in the impaired waters; and 2) the availability of "tools" to develop the TMDL. Tools include on-going data acquisition activities in the watershed, the existence of current data such as load allocations, and the interest, cooperation and backing of the public. Additionally, other programmatic requirements such as the need for the waste load allocation (WLA) component of a TMDL by a VPDES permit may be part of the tools necessary for priority ranking. Waters that are impaired and already have many of the TMDL tools available are generally defined as high priority for TMDL development. Waters with less severe impairments and those with fewer TMDL development tools are ranked medium or low priority for TMDL development.

Due to the TMDL requirements of the 1999 Consent Decree, the priority ranking for newly listed waters, which are not part of the Consent Decree schedule, will have to be considered on a case by case basis. It has become normal practice in Virginia that any new segments within a waterbody already scheduled for TMDL development will be included in that TMDL study, if appropriate.

TMDL development dates, localities, dates of listing, and other causes of impairments are found in the Impaired Waters List. Waters listed as impaired for the first time in the 2012 report are also listed separately in Appendix 1b.

All Category 5 waters are considered impaired and likely needing a TMDL. Most, but not necessarily all subcategories of Category 5 will require a TMDL. Waters categorized as 5A, 5B, or 5D in the 2012 Impaired Waters List are waters that DEQ believes need a TMDL study. 5C waters are believed to be impaired due to natural conditions. Further study of each Category 5C water is needed to determine if a TMDL is applicable or if changes to water quality standards are appropriate to reflect those natural conditions. Nevertheless, 5C waters are listed with TMDL development dates in the Impaired Waters List.

Category 5E waters are similar to Category 4B waters. They are expected to meet water quality standards through permitted limits established outside of a TMDL. 5E waters are waters where the VPDES compliance date is expected to extend beyond the next assessment report date (2014). They are not scheduled for TMDL development as the permit requires compliance with standards. One example of a "Category 5E" water is an existing facility that cannot be modified to meet new standards within the next two-year report cycle. In this example, a new facility would be necessary to replace the existing one and a compliance schedule would likely need to be issued with the permit during the interim construction.

Public Participation Process

DEQ invites public comment on the draft 2012 305(b)/303(d) Integrated Report from March 26 through April 27, 2012.

On March 26, the draft 2012 water quality report will be available on the DEQ website at www.deq.virginia.gov/wqa and via CD by request.

Written comments on the draft Integrated Report can be sent to: John Kennedy, DEQ Water Quality Monitoring and Assessment Manager, via e-mail attachment to, john.kennedy@deq.virginia.gov, or (US) mail to P.O. Box 1105, Richmond, Virginia 23218. Please include your name, (US mail) address, telephone number, and e-mail address.

Upon completion of the public participation process, DEQ will prepare a comment response document, make needed revisions to the report, and submit both to EPA. When EPA approves the final report it will be available for download via the Internet at www.deq.virginia.gov/wqa. When approved by EPA, the 2012 final report, including all appendices, will also be available on a compact disc. Map images of impaired waters (by major river basin or sub-basin) along with the entire report and all appendices will be included on these compact discs. These CDs can be pre-ordered now at no cost via the URL above or by calling DEQ at (804) 698-4575. A hard copy of the final 2012 maps can be pre-ordered for a fee that will cover publication and shipping costs. A print and mail order form for hard copy maps is available at the URL above.