



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
9/20/2007

Dr. Ellen Gilinsky, Ph.D., Director
Water Quality Division
Virginia Department of Environmental Quality
629 Main Street
Richmond, VA 23219

Dear Dr. Gilinsky:

The U.S. Environmental Protection Agency (EPA), Region III, is pleased to approve the Total Maximum Daily Loads (TMDLs) for the shellfish harvest use impairments in the Gulf, Cherrystone Inlet, Kings Creek, Nassawadox Creek, Holly Grove Cove, Warehouse Creek, Church Creek and 2 segments of Westerhouse Creek. The TMDLs were submitted to EPA for review on June 15, 2007. The TMDLs were established and submitted in accordance with Section 303(d)(1)(c) and (2) of the Clean Water Act to address impairments of water quality as identified in Virginia's 1998 Section 303(d) list.

In accordance with Federal regulations at 40 CFR §130.7 and EPA policy, a TMDL must comply with the following requirements: (1) designed to attain and maintain the applicable water quality standards; (2) include a total allowable loading and as appropriate, wasteload allocations (WLAs) for point sources and load allocations for nonpoint sources; (3) consider the impacts of background pollutant contributions; (4) take critical stream conditions into account (the conditions when water quality is most likely to be violated); (5) consider seasonal variations; (6) include a margin of safety (which accounts for uncertainties in the relationship between pollutant loads and instream water quality), and (7) be subject to public participation. The TMDLs for the Gulf, Cherrystone Inlet, Kings Creek, Nassawadox Creek, Holly Grove Cove, Warehouse Creek, Church Creek and 2 segments of Westerhouse Creek satisfied each of these requirements. In addition, the TMDLs for the shellfish harvest use impairments considered reasonable assurance that the allocations assigned to the nonpoint sources can be reasonably met. A copy of EPA's Decision Rationale for approval of these TMDLs is included with this letter.

As you know, all new or revised National Pollutant Discharge Elimination System permits must be consistent with the TMDL WLA pursuant to 40 CFR §122.44 (d)(1)(vii)(B). Please submit all such permits to EPA for review as per EPA's letter dated October 1, 1998.



If you have any questions or comments concerning this letter, please don't hesitate to contact Ms. Helene Drago at (215) 814-5796.

Sincerely,

Signed

Jon M. Capacasa, Director
Water Protection Division

Enclosure

