



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-31-100 and 165
Regulation title	Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation 316(b) Requirements
Action title	Conforming VPDES Regulation with Federally Suspended Phase II 316(b) Requirements
Final agency action date	September 2007
Document preparation date	August 20, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The existing regulation establishes the procedures and requirements to be followed in connection with VPDES permits issued by the Board pursuant to the Clean Water Act and State Water Control Law. The specific sections of the permit regulation to be removed or amended relate specifically to federal regulations at 40 CFR 122.21 (r)(1)(ii), 122.21(r)(5) and 125.90 (a), (c) and (d) and 125.91 - 99 which were suspended on July 9, 2007. These regulations relate to requirements for cooling water intake structures at Phase II existing facilities. The Phase II regulation addressed existing power utilities that use a cooling water intake structure to withdraw cooling water from waters of the United States at a rate of 50 million gallons per day (MGD) or greater. This final exempt action reflects the federally published suspension of these rules.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

Staff will ask the State Water Board to adopt the amendments related to 9 VAC 25-31-100 and 165 (Virginia Pollutant Elimination System Permit Regulation) at it's meeting September 25-26, 2007.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability, including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that this regulation will have a direct impact on the institution of the family or family stability.