



COMMONWEALTH of VIRGINIA
Department of Planning and Budget

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GOVERNOR'S CONFIDENTIAL WORKING PAPERS

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DPB REGULATORY REVIEW MEMORANDUM (FAST-TRACK)

TO: The Honorable Robert F. McDonnell

THROUGH: The Honorable Doug Domenech

FROM: Daniel S. Timberlake

SUBJECT: General Definitions (Air Pollution Control Board, 9 VAC 5-10, 3792/6316)

Summary: The Air Pollution Control Board (board) is proposing a fast-track action to amend the definition of Volatile Organic Compound (VOC).

Recommendation: Recommended.

Background: Section 10.1-1183 of the Code of Virginia creates the Department of Environmental Quality (DEQ) while Virginia Code § 10.1-1301 establishes the board and Virginia Code § 10.1-1307 authorizes it to promulgate regulations. The Office of the Attorney General has certified the agency's authority to promulgate this regulation.

The proposed amendment updates the definition of VOC to conform to that which is used by the United States Environmental Protection Agency (EPA). This change would add a substance that has been demonstrated to be less reactive to the list of substances that are not considered to be VOCs and therefore not subject to the regulatory requirements. The proposed definition is

identical to EPA's definition but the board is not required to use the federal definition.¹ However, as a practice, the board prefers to rely on EPA's technical staff and expertise to perform the necessary analysis for listing exemptions.

The board selected the fast-track option as this change imposes no additional regulatory requirements. Because no negative comments were received at the federal level when that change was implemented, the board does not anticipate receiving any objections to the subsequent change to the state definition.

A discussion of the anticipated economic effects of this regulatory change can be found in the economic impact analysis prepared by the Department of Planning and Budget.

This package meets the submission requirements of Executive Order 14 (2010).

Conclusion: The Department of Planning and Budget recommends that the board be authorized to submit the proposed fast-track regulation to the Registrar for publication.

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¹ Since use of the EPA definition is not mandatory, this could not be submitted as an exempt action.