



Exempt Action Final Regulation Agency Background Document

Agency name	State Air Pollution Control Board
Virginia Administrative Code (VAC) citation	Article 6, 9VAC5-50 (New and Modified Stationary Sources)
Regulation title	Regulations for the Control and Abatement of Air Pollution
Action title	Repeal of Standards for Regulated Medical Waste Incinerators (Rev. C13)
Document preparation date	June 24, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 A of the 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 14 (2010) 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.

Rule 5-6, Standards Of Performance For Regulated Medical Waste Incinerators (Article 6 of 9VAC5-50) was originally adopted in response to a directive from the General Assembly in 1992 (Chapters 773, 774, and 751). Since Article 6 was adopted, a more restrictive U.S. Environmental Protection Agency (EPA) new source performance standard (NSPS) covering the same type of sources was promulgated and adopted by Virginia. Because there is no longer a need for the original, less-restrictive Virginia regulation, the 2013 General Assembly enacted Chapter 632, which removes the provisions relevant to air quality from Chapters 773, 774, and 751. Rule 5-6 may now be repealed because its underlying state requirement has been removed.

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.

On June 21, 2013, the State Air Pollution Control Board took final action to adopt amendments to regulations entitled, "Regulations for the Control and Abatement of Air Pollution," specifically, Standards for Regulated Medical Waste Incinerators (Article 6 of 9VAC5-50). The regulatory action is to be effective as provided in the Administrative Process Act.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a of the Administrative Process Act because they are necessary to conform to Virginia statutory law.

In adopting these amendments, the board affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
9VAC5-50-430 through 9VAC5-50-600		Standards of Performance for Regulated Medical Waste Incinerators	Entire article is repealed as required by Chapter 632 of the 2013 Acts of Assembly. Needed in order to remove redundant and less-protective requirements that have been superseded by a federal rule currently enforced by the Commonwealth.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: (1) the establishment of less stringent compliance or reporting requirements; (2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; (3) the consolidation or simplification of compliance or reporting requirements; (4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and (5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

An analysis of the proposal was completed for alternative regulatory methods that will minimize the adverse impact on small businesses without compromising health, safety, environmental and economic welfare.

Repeal of this regulation meets the minimum requirements of the Virginia State Code. Because this regulation has already been superseded by a federal rule currently enforced by the Commonwealth, repeal of the rule removes unnecessary compliance and reporting requirements. Small businesses may

be affected in a general way in that redundant and potentially confusing regulatory requirements for this type of source have been removed.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

It is not anticipated that these regulation amendments will have a direct impact on families. However, there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health and welfare problems.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

EPA - U.S. Environmental Protection Agency
NSPS - new source performance standard

TEMPLATES\EXEMPT\TH09
REG\DEV\13-08TF