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Regulatory
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Exempt Action Final Regulation Agency Background Document

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| Approving authority name | State Air Pollution Control Board |
| Primary action | 9 VAC 5-30 |
| Secondary action(s) | None |
| Regulation title | Regulations for the Control and Abatement of Air Pollution |
| Action title | Ambient Air Quality Standards (Rev. F06) |
| Document preparation date | May 31, 2007 |

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 21 (02) and 58 (99)

Summary

Please provide a brief summary of the regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment.

Chapter 30 of the Regulations for the Control and Abatement of Air Pollution contains the specific criteria pollutant standards set out in 40 CFR Part 50. The standard for particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers (PM_{2.5}) was revised to add a new 24-hour standard of 35 µg/m³. The current 24-hour standard of 65µg/m³ is being retained during the transition to the new standard. Transitional language was added to clarify implementation of these standards. The annual PM_{2.5} standard of 15 µg/m³ remains unchanged. Obsolete language referencing the annual PM₁₀ standard was removed. Finally, certain reference conditions were added.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On May 23, 2007, the State Air Pollution Control Board adopted final amendments to regulations entitled "Regulations for the Control and Abatement of Air Pollution", specifically, Ambient Air Quality Standards (9 VAC 5 Chapter 30). The regulation amendments are to be effective on August 1, 2007.

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 c of the Administrative Process Act because they are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent U.S. Environmental Protection Agency (EPA) regulations.

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.

Additional Information

Please indicate that the text of the regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law.

If the exemption claimed falls under § 2.2-4006 A 4 c of the APA please identify the federal law or regulations being relied upon for the final agency action.

The text of the regulation is attached.

Section 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare. Letters providing written assurance from the Office of the Attorney General that (i) the Board has statutory authority to promulgate the final regulation amendments and (ii) the amendments qualify as an exemption under § 2.2-4006 A 4 c of the Administrative Process Act are available upon request.

On July 18, 1997 (62 FR 38856), EPA issued a regulation revising the particulate matter standard by adding a new standard for fine particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (PM_{2.5}), set at 15 micrograms per cubic meter (:g/m³). This new primary standard became effective on September 16, 1997. Revisions to the 24-hour standard (from 65 µg/m³ to 35 µg/m³), including phase-out of the annual PM₁₀ standard, occurred at 69 FR 45595 (July 30, 2004) and 71 FR 61224 (October 17, 2006).

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 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.

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