



Exempt Action Final Regulation Agency Background Document

Agency name	State Air Pollution Control Board
Virginia Administrative Code (VAC) citation	9VAC5-20
Regulation title	Regulations for the Control and Abatement of Air Pollution
Action title	PM _{2.5} Nonattainment and Maintenance Areas (Rev. G14)
Document preparation date	December 15, 2014

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.

On October 6, 2014 (79 FR 60081), the U.S. Environmental Protection Agency (EPA) approved a request that localities (Counties of Arlington, Fairfax, Loudoun, Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park) in the northern Virginia area that were designated as nonattainment for very fine particulate matter (PM_{2.5}) be redesignated to attainment/maintenance. The amendments (i) revise the list of maintenance areas to include northern Virginia for PM_{2.5} (9VAC5-20-203); and (ii) revise the list of nonattainment areas to remove northern Virginia for PM_{2.5} (9VAC5-20-204).

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 December 8, 2014, 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, PM_{2.5}

maintenance and nonattainment areas (9VAC5-20-203 and 9VAC5-20-204). 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 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 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.

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
	9VAC5-20-203 3		The localities that comprise the Northern Virginia PM _{2.5} Maintenance Area (Counties of Arlington, Fairfax, Loudoun, Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park) have been added to the list of maintenance areas in accordance with 40 CFR 81.347. Needed in order to meet federal requirements.
9VAC5-20-204 4		The localities that comprise the Northern Virginia PM _{2.5} Nonattainment Area (Counties of Arlington, Fairfax, Loudoun, Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park) are included in the list of nonattainment areas.	The localities that had formerly comprised the Northern Virginia PM _{2.5} Nonattainment Area (Counties of Arlington, Fairfax, Loudoun, Prince William; Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park) have been removed from the list of nonattainment areas in accordance with 40 CFR 81.347. Needed in order to meet federal requirements.

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.

This regulation does not directly affect small businesses, although there will be an indirect benefit to small businesses because the regulatory requirements associated with maintenance areas are less restrictive, in certain respects, than those associated with nonattainment areas. These amendments do not have any direct impact on any (1) compliance or reporting standards; (2) schedules or deadlines for compliance or reporting requirements; (3) consolidation or simplification of compliance or reporting requirements; (4) performance standards for small businesses to replace design or operational standards; or (5) exemption of small businesses from all or any part of any other regulatory requirements.

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.

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
PM_{2.5} - very fine particulate matter

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