



Virginia
Regulatory
Town Hall

Exempt Agency Proposed Regulation Agency Background Document

Agency Name:	Virginia Department of Environmental Quality
VAC Chapter Number:	9 VAC 25-191-10 et seq.
Regulation Title:	General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Concentrated Animal Feeding Operations
Action Title:	Adopt new regulation and issue General VPDES Permit for Concentrated Animal Feeding Operations
Date:	May 21, 2004

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used by agencies exempt pursuant to § 9-6.14:4.1(A) at the proposed stage. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The purpose of the proposed action is to develop and adopt a general permit regulation to comply with the provisions of 40 CFR Parts 9, 122, 123, and 412 as published in the Federal Register Volume 68, No. 29, dated February 12, 2003. The general permit regulation will govern the authorization to manage pollutants from concentrated animal feeding operations, including storage and land application of animal waste.

The State Water Control Board has the authority to administer the federal National Pollution Discharge Elimination System program within the Commonwealth, and as such, the program is called the Virginia Pollution Discharge Elimination System (VPDES). Operations that meet the Federal definition of Concentrated Animal Feeding Operation (CAFO) found in 40 CFR 122.23n must seek coverage under a NPDES permit. This action will result in the promulgation of a VPDES general permit that will allow those operations to obtain this type of permit. CAFOs are currently regulated in Virginia under the Virginia Pollution Abatement (VPA) permit regulation 9 VAC 25-32, the VPA General Permit Regulation for CAFOs 9 VAC 25-192, and the VPA General Permit Regulation for Poultry Waste Management 9 VAC 25-630. Affected operations currently permitted under these regulations will be required to be permitted under this new VPDES general permit regulation

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, and a copy of any documents to be incorporated by reference are attached. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

The text of the proposed regulation and the reporting forms the Department of Environmental Quality intends to use in administering the proposed regulation are attached.

The Office of the Attorney General has certified that the Department of Environmental Quality has the statutory authority to promulgate the proposed amendments to the regulation under applicable law, including Chapter 3.1 of Title 62.1 of the Code of Virginia, and that the requirements of §2.2-4006.A.9(i) and (ii) have been satisfied and upon satisfaction of §2.2-4006.A.9(iii) and (iv), the regulation will be exempt from the operation of Article 2 of the Administrative Process Act, §§2.2-4006 et seq. of the Code of Virginia.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which 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.

Because CAFOs are currently regulated in Virginia, and this action serves only to transfer the regulatory mechanism governing select CAFOs from the VPA regulatory system to the VPDES regulatory system, it is not expected to have significant impact on family or family stability.