



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-250 et.seq.
Regulation title	Procedural Rule No. 4 – Proxy Voting by Board Members
Action title	<i>Repeal of Procedural Rule No. 4 – Proxy Voting by Board Members</i>
Final agency action date	December 6, 2012
Document preparation date	November 8, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia 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.

The State Water Control Board (Board) is repealing Procedural Rule No. 4 – Proxy Voting by Board Members (9VAC25-250) which establishes conditions and procedures for a member of the State Water Control Board to vote by proxy. This rule is being repealed because the Board lacks authority to vote by proxy.

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.

The State Water Control Board at their December Board Meeting on December 6, 2012, voted to:

1. Cancel Procedural Rule No. 4 (9VAC25-250) as provided for in VA Code § 62.1-44.15(7); and
2. Authorize the Department to promulgate the repeal proposal pursuant to § 2.2-4006(a) (2) 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
9VAC25-250-10		Proxy conditions.	Repeal Requirement – Statutory Authority Issues.
9VAC25-250-20		Presumption of validity.	Repeal Requirement – Statutory Authority Issues.

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.

There are no viable alternative regulatory methods.

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.

There is no anticipated impact of the repeal of this regulation on the institution of the family and family stability.