



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-31 - Primary Action 9VAC25-32, 9VAC25-220, and 9VAC25-230 - Secondary Actions
Regulation title	Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation; Virginia Pollution Abatement (VPA) Permit Regulation; Surface Water Management Area Regulation; and Procedural Rule No. 1 - Public and Formal Hearing Procedures
Action title	Final Exempt Action for Chapter 348 of the 2013 Acts of Assembly
Final agency action date	June 17, 2013
Document preparation date	May 28, 2013

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.

Chapter 348 of the 2013 Acts of Assembly defines, in all statutory or regulatory provisions administered by the Department, "mail" to mean electronic or postal delivery and the term "certified mail" to mean electronically certified or postal certified mail, except that this provision shall apply only to the mailing of plan approvals, permits, or certificates issued under the provisions of this chapter and those of the Air Pollution Control Law, the Virginia Waste Management Act and the State Water Control Law, and only where the recipient has notified the Department of his consent to receive plan approvals, permits, or certificates by electronic mail.

This final exempt regulatory amendment to 9VAC25-31, 9VAC25-32, 9VAC25-220, and 9VAC25-230 will revise the text to allow for the notifications to be delivered through postal or electronic means as required by the statutory change to §10.1-1183.

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 adopted the amendments to 9VAC25-31, 9VAC25-32, 9VAC25-220, and 9VAC25-230 on June 17, 2013, and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

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
9VAC25-31-290		Public notice of permit actions and public comment period	9VAC25-31-290 C 1, E and G 2 were revised to allow for notifications to be made by electronic or postal delivery.
9VAC25-31-360		Computation of time	9VAC25-31-360 D was revised to provide that the computation of time begins with electronic or postal delivery.
9VAC31-830		Approval procedures for POTW pretreatment programs and POTW granting of removal credits	9VAC31-830 B 1 was revised to allow for notifications to be made by electronic or postal delivery.
9VAC25-31-850		Variances from categorical pretreatment standards for fundamentally different factors	9VAC25-31-850 J 1 was revised to allow for notifications to be made by electronic or postal delivery.
9VAC25-32-140		Public notice of VPA permit action and public comment period	9VAC25-31-140 F 2 was revised to allow for notifications to be made by electronic or postal delivery.
9VAC25-220-50		Notice of surface water management area	9VAC25-220-50 B was revised to allow for notifications to be made by electronic or postal delivery.
9VAC25-220-80		Conditions applicable to all permits	9VAC25-220-80 G was revised to allow for notifications to be made by electronic or postal delivery.
9VAC25-220-190		Public notice that permit conditions are in force	9VAC25-220-190 A and B was revised to allow for notifications to be made by electronic or postal delivery.

9VAC25-230-50		Disposition of requests for public hearing	9VAC25-230-50 B was revised to allow for notifications to be made by electronic or postal delivery.
9VAC25-230-90		Decision of the board following public hearing	9VAC25-230-90 was revised to add "in accordance with § 10.1-1183 of the Code of Virginia" for the use of certified mail.
9VAC25-230-130		Petition for formal hearing	9VAC25-230-130 A was revised to add "in accordance with § 10.1-1183 of the Code of Virginia" for the use of certified mail. 9VAC25-230-130 D was revised to allow for notifications to be made by electronic or postal delivery.
9VAC25-230-140		Petition to become a party to a formal hearing	9VAC25-230-140 A and A 3 were revised to allow for provide that the deadline for submittal of a petition to become applies to notifications made by electronic or postal delivery.
9VAC25-230-170		Record of proceedings, proposed findings and conclusions from formal hearing	9VA25-230-170 C was revised to allow for notifications to be made by electronic or postal delivery.

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.

The regulations apply to all persons, including small business owner. These amendments will allow for notifications required under this chapter to be accomplished through electronic or postal delivery as allowed pursuant to the requirements under Chapter 348 of the 2013 Acts of Assembly. Therefore, no flexibility analysis was performed as the amendments are necessary due to a statutory change.

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 impact on the institution of the family or family stability.