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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	State Air Pollution Control Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC5-145
<b>VAC Chapter title(s)</b>	Regulations for Control of Greenhouse Gases
<b>Action title</b>	Exempt Aviation and Aerospace Businesses from HFC Requirements (Rev. E22)
<b>Final agency action date</b>	August 31, 2022
<b>Date this document prepared</b>	August 10, 2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

Item 379 #1c D of the 2022 Virginia State Budget directs the State Air Pollution Control Board to modify its final regulation prohibiting the use of certain hydrofluorocarbons to exempt such use in the manufacturing processes of aviation and aerospace businesses located in Virginia. Chapter 145 must now be modified accordingly. A minor technical correction to the definition of "new" is also being made.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined*

*in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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The mandate for the regulatory change exempting manufacturing processes of aviation and aerospace businesses is the 2022 Virginia State Budget. The definition of "new" was improperly drafted in the original; the definition is now being corrected in order that the cross-references are accurate, which in turn will enable the regulation to operate correctly.

### **Acronyms and Definitions**

*Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

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VAC - Virginia Administrative Code

### **Statement of Final Agency Action**

*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.*

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On August 31, 2022, the State Air Pollution Control Board took final action to amend the Regulation for Control of Greenhouse Gases (9VAC5-145). The regulatory action is to be effective consistent with the Administrative Process Act.

The regulation amendment to the applicability section is exempt from the state administrative procedures for adoption of regulations contained in the Administrative Process Act by the provisions of the 2022 Virginia State Budget. The correction to the term "new" is exempt from the state administrative procedures for adoption of regulations contained in the Administrative Process Act by § 2.2-4006 A 3 because it is only the correction of a technical error.

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.