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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>	9VAC5-30
<b>VAC Chapter title(s)</b>	Ambient Air Quality Standards
<b>Action title</b>	Amend list of NAAQS to add a new standard for PM <sub>2.5</sub> (Rev. A24)
<b>Final agency action date</b>	June 4, 2024
<b>Date this document prepared</b>	July 1, 2024

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.*

On March 6, 2024 (89 FR 16202), EPA revised the National Ambient Air Quality Standard (NAAQS) for PM<sub>2.5</sub> (particles in the ambient air with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers). The annual arithmetic mean concentration has been set at 9.0 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), and the standard for the 24-hour concentration is being retained at 35  $\mu\text{g}/\text{m}^3$ . Chapter 30 contains the specific criteria pollutant standards set out in 40 CFR Part 50. Therefore, this chapter is the action effectively implementing the EPA requirements, and must be updated accordingly.

### 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 this regulatory action is a directive from the federal government: the new NAAQS for PM<sub>2.5</sub> has been codified in 40 CFR Part 50 as required by § 109 of the federal Clean Air Act.

### **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 June 4, 2024, 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, Ambient Air Quality Standards, 9VAC5-30. 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.