



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-32-10 et seq. Primary Action 9 VAC 25-31-10 et seq. Secondary Action 9 VAC 25-790-10 et seq. Secondary Action 9 VAC 25-20-10 et seq. Secondary Action
Regulation title	Virginia Pollution Abatement Permit Regulation (Primary), Virginia Pollutant Discharge Elimination System Permit Regulation, Sewage Collection and Treatment Regulation, Fees for Permits and Certificates
Action title	Transfer of Regulations Pertaining to Biosolids to State Water Control Board
Final agency action date	September 25, 2007
Document preparation date	August 28, 2007

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 36 (06) 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 Virginia Pollution Abatement Permit Regulation (9 VAC 25-32-10 et seq.), the Virginia Pollutant Discharge Elimination System Permit Regulation (9 VAC 25-31-10 et seq.), the Sewage Collection and Treatment Regulations (9 VAC 25-790-10 et seq.), and the Fees for Permits and Certificates regulation (9 VAC 25-20-10 et seq.) have been amended, where applicable, to reflect changes to §62.1-44.19:3 of the Code of Virginia as amended by HB2802, S1339, S1300, and S1313 of the 2007 Acts of Assembly, and HB2197, HB2624, and HB2805 of the 2005 Acts of Assembly.

These regulatory actions were initiated to conform with the legislative actions that transferred oversight of the regulatory program pertaining to biosolids from the Virginia Department of Health to the Virginia

Department of Environmental Quality (HB2802/S1339). S1300 and S1311 required other regulatory changes pertaining to land application of biosolids. HB2197, HB2624, and HB2805 required changes to the Virginia Pollutant Discharge Elimination System Permit Regulation that were not made prior to the date of this regulatory action.

The Virginia Department of Health administered the permitting program for biosolids with the Biosolids Use Regulation (BUR) (12VAC5-585-10 et seq.). This is a comprehensive regulation that covers permitting requirements for land application, technical requirements for treatment, handling and storage, and procedures for the collection of established fees. As the State Water Control Board administers separate regulations that address these topics, the transfer of regulatory requirements was accomplished by transferring language from the BUR into the VPA, VPDES, SCAT, or Fee regulations as appropriate.

The amendments to the regulations will become effective on January 1, 2008.

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.

On September 25, 2007, the State Water Control Board approved amendments to the Virginia Pollution Abatement Permit Regulation (9 VAC 25-32-10 et seq.), the Virginia Pollutant Discharge Elimination System Permit Regulation (9 VAC 25-31-10 et seq.), the Sewage Collection and Treatment Regulations (9 VAC 25-790-10 et seq.), and the Fees for Permits and Certificates regulation (9 VAC 25-20-10 et seq.). The regulations will be effective 30 days following publication in the Virginia Register.

The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

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.

This regulatory action is not expected to impact the institution of the family or family stability.