



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	State Water Control Board
<b>VAC Chapter Number:</b>	9 VAC 25-670
<b>Regulation Title:</b>	Virginia Water Protection General Permit Regulation (WP2) for Facilities and Activities of Utilities
<b>Action Title:</b>	Virginia Water Protection General Permit (WP2) for Facilities and Activities of Utilities - Final Regulation
<b>Date:</b>	June 13, 2001

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

**Note agency actions exempt pursuant to § 9-6.14:4.1(B)** do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The proposed Virginia Water Protection General Permit Regulation (WP2) for Facilities and Activities of Utilities (9VAC25-670 *et seq.*) has been developed to address a new requirement in the Code of Virginia §44.15:5 to develop a general permit for wetland impacts resulting from

the activities of utility projects. Numerous changes have been made throughout the final regulation. Most of these involved clarification of definitions, the distinction between the general permit regulation and an authorization approved under the general permit, and that the permits do not apply to tidal waters. The procedures for data searches pertaining to threatened and endangered species were modified. Certain exclusions, special conditions, and a limit on impacts to intermittent stream channels were added to conform to the other general permits. The evaluation of compensatory mitigation options, including compensation ratios, was clarified. A notice of planned change section was added, and the section on general permit modification deleted, to establish the correct procedure for modifying general permit authorizations.

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

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On June 12, 2001, the State Water Control Board adopted the Virginia Water Protection General Permit Regulation (WP2) for Facilities and Activities of Utilities 9 VAC 25-670 et seq. for publication in the Virginia Register.

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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.*

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It is not anticipated that this regulation will have a direct impact on families.