



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Air Pollution Control Board
Virginia Administrative Code (VAC) citation	9 VAC 5-5
Regulation title	Public Participation Guidelines
Document preparation date	February 4, 2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Section 2.2-4007.02 of the Administrative Process Act (APA) requires that any agency that adopts regulations must also adopt public participation guidelines. As the State Air Pollution Control Board has statutory obligations to adopt a number of regulations, public participation guidelines were adopted as required by the APA.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

These guidelines are required by § 2.2-4007.02 of the APA and impose no additional regulatory burden beyond that required by statute. Repeal of the guidelines is not recommended because it would remove an important procedure to insure public participation in the regulatory development process.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No informal advisory group was formed. One comment was received during the public comment period.

Commenter	Comment	Agency response
Matt Hepler, Southern Appalachian Mountain Stewards	Provided comment in support of the public participation and to urge no reduction in the public participation opportunities.	The DEQ agrees with this comment and intends to retain the public participation guidelines as is.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The regulations provide clear and understandable requirements for soliciting the input of interested parties during the regulatory development and meet the criteria as set out in Executive Order 14 (2010). These regulations set out requirements for notification, seeking input, use of advisory panels, and public participation during regulatory actions.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends retaining these regulations without any changes

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency’s determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The agency has determined that this regulation should not be amended or repealed to minimize the impact of regulation on small businesses, as these guidelines imposes no additional regulatory burden.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

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