

Virginia Regulatory Town Hall

Exempt Agency Proposed Regulation Agency Background Document

Agency Name:	State Air Pollution Control Board
Regulation Title:	Variance for International Paper Franklin Paper Mill
Primary Action:	9 VAC 5-230
Secondary Action(s):	none
Action Title:	International Paper Variance (Rev. DV)
Date:	March 2, 2005

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 2.2-4000 *et seq.* of the *Code of Virginia*), 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 (§ 2.2-4100 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations 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.

This agency background document may be used for actions exempt pursuant to § 2.2-4007 M, § 2.2-4013 E, § 2.2-4014 D, and § 2.2-4015 C at the proposed stage. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

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provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed.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.

The regulation grants a variance which allows the International Paper Company to comply with the variance and an associated federally enforceable state operating permit as an alternate demonstration of compliance with provisions of the regulations of the board pertaining to new source review and new source control technology review for the Franklin Paper Mill. The variance establishes emission caps that limit the site-wide emissions of the Franklin Paper Mill for the duration of the variance.

Legal Authority

Please identify the section number and provide a brief statement relating the content of the statutory authority to the specific regulation proposed. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Section 10.1-1307 C of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to grant local variances from regulations and issue orders to that effect. Letters providing written assurance from the Office of the Attorney General that (i) the Board has statutory authority to promulgate the final order and variance and (ii) the variance qualifies as an exemption under § 2.2-4007 M, § 2.2-4013 E, § 2.2-4014 D, and § 2.2-4015 C of the Administrative Process Act are available upon request.

Comparison with Federal Requirements

Please describe the provisions of the proposed regulation which are more restrictive than applicable federal requirements together with the reason why the more restrictive provisions are needed.

No provisions of the proposed variance are more restrictive than applicable federal requirements.

Localities Particularly Affected

Please provide the identity of any localities particularly affected by the proposed regulation.

The localities particularly affected are the Cities of Franklin and Suffolk and the County of Isle of Wight.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, and a copy of any documents to be incorporated by reference are attached.

The text of the proposed variance is attached.

Family Impact Statement

Please provide an analysis of the impact of the proposed 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; 4) increase or decrease disposable family income.

It is not anticipated that this variance will have a direct impact on families. However, there will be positive indirect impacts in that the variance will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health and welfare problems.

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