



Exempt Action Final Regulation Agency Background Document

Agency name	State Air Pollution Control Board
Virginia Administrative Code (VAC) citation	Primary Action: 9VAC5-10 (General Definitions) Secondary Action: 9VAC5-170 (Regulation for General Administration)
Regulation title	Regulations for the Control and Abatement of Air Pollution and Regulation for General Administration
Action title	Electronic Transmittals (Rev. F13)
Final agency action date	June 21, 2013

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 14 (2010) 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.

9VAC5-10-20 (General Definitions) provides definitions for terms used throughout the Regulations for the Control and Abatement of Air Pollution. 9VAC5-170 (Regulation for General Administration) establishes general administration provisions that support other provisions of the Board's regulatory program.

Chapter 348 of the 2013 Acts of Assembly has established that in regulatory provisions that the Department administers, the term "mail" means electronic or postal delivery, and the term "certified mail" means, in some instances, electronically certified or postal certified mail.

These regulatory amendments will revise text to allow documents and notifications to be delivered through postal or electronic means as required by the changes to § 10.1-1183 of the Code of Virginia resulting from Chapter 348 of the 2013 Acts of Assembly. This action is exempt from the provisions of the Administrative Process Act pursuant to § 2.2-4006 A 4 a of the Code

of Virginia because it is an agency action that is necessary to conform to changes in Virginia statutory law.

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.

The State Air Pollution Control Board adopted this amendment to 9VAC5-10 (General Definitions) and 9VAC5-170 (Regulation for General Administration) on June 21, 2013, and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
Regulations for the Control and Abatement of Air Pollution			
9VAC5-10-20.		Specifies definitions for terms used throughout the regulation.	Adds definitions for "mail" and "certified mail." Necessary to implement changes to § 10.1-1183 of the Code of Virginia.
Regulation for General Administration, Part VIII (Appeal of Board Actions)			
9VAC5-170-200 A.		Specifies appeal procedures for parties significantly affected by an action of the Board taken without a formal hearing or by inaction of the Board.	Adds language to the deadline for filing a petition for a formal hearing that clarifies that the filing deadline is based upon 30 days after the notice of action is mailed, whether by postal mail or electronic mail. Necessary to implement changes to § 10.1-1183 of the Code of Virginia.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or

simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The regulations apply to all persons, including small business owners, who would propose to construct, modify, or operate a stationary source of air pollutant emissions in Virginia. This amendment will allow for notifications required under the Regulations for the Control and Abatement of Air Pollution to be accomplished through electronic or postal delivery as allowed pursuant to the requirements under Chapter 348 of the 2013 Acts of Assembly. Therefore, no flexibility analysis was performed as the amendment is necessary due to a statutory change.

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.

There is no impact on the institution of the family or family stability.