



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-31-10 et seq.
Regulation Title:	Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation
Action Title:	Amendment
Date:	June 12, 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provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed.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 2001 General Assembly enacted changes to the State Water Control Law requirement for deeming an application complete, §62.1-44.15:3. The amended passage of the law requires local governments to review permit applications before the State Water Control Board can consider an application to be complete. Previously, this law required the local government review only for

new discharges of treated sewage into impoundments. The new language requires the review for any new, individual VPDES permit to discharge sewage, industrial waste or other wastes. It also reduces the time allowed for the locality to review the application from 45 to 30 days. This language directly impacts language in the VPDES Permit Regulation.

The text of the amended regulation is attached. The Attorney General’s Office has certified that the Board has the statutory authority to promulgate this regulation and that the rulemaking qualifies for an exemption under § 9-6.14:4.1(C)(4)(a) of the Administrative Process Act.

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.

On June 12, 2001 the State Water Control Board voted unanimously to amend 9 VAC 25-31-10 et seq., Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation.

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.

This regulation will have no direct impact on the institution of the family or family stability.