



Exempt Action Final Regulation Agency Background Document

Approval authority name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-31
Regulation title	Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation
Action title	Amendment of Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation – Exempt Action Conformance with Code of Federal Regulations
Final agency action date	August 31, 2004
Document preparation date	September 15, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), 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 (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

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.

The existing Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31) has been amended, where applicable, to reflect changes to 40 CFR Parts 9, 122, 123, and 412 as published in the Federal Register Volume 68, No. 29, dated February 12, 2003. There is no material difference between the regulation amendments and the corresponding federal regulations; therefore, these amendments qualified for exemptions from the Administrative Process Act § 2.2-4006(A)(4)(c).

The VPDES permit regulation governs the authorization to manage pollutants from various sources, including concentrated animal feeding operations (CAFO's). The State Water Control Board has the authority to administer the federal National Pollutant Discharge Elimination

System program within the Commonwealth, and as such, the program is called the Virginia Pollutant Discharge Elimination System (VPDES). Operations that meet the Federal definition of CAFO found in 40 CFR 122.23(b) must seek coverage under a NPDES permit. CAFO's are currently regulated in Virginia under the Virginia Pollution Abatement (VPA) permit regulation (9 VAC 25-32), the VPA General Permit Regulation for Confined Animal Feeding Operations (9 VAC 25-192), and the VPA General Permit Regulation for Poultry Waste Management (9 VAC 25-630). CAFO's currently permitted under these regulations will be required to be permitted under the VPDES permit regulation (9 VAC 25-31) or VPDES general permit regulation (9 VAC 25-191).

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 August 31, 2004, the State Water Control Board adopted amendments to the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation, 9 VAC 25-31-10 et seq. The amendments will take effect 30 days following publication in the Virginia Register.

The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

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.

Because CAFOs are currently regulated in Virginia, and this action serves only to transfer the regulatory mechanism governing select CAFOs from the VPA regulatory system to the VPDES regulatory system, it is not expected to have significant impact on family or family stability.