



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	9VAC25-800
<b>Regulation title</b>	Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges Resulting from the Application of Pesticides to Surface Waters
<b>Action title</b>	New General Permit Regulation
<b>Final agency action date</b>	April 14, 2011
<b>Document preparation date</b>	April 21, 2011

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, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### 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.*

This final action readopts and amends a VPDES general permit for discharges from pesticides applied directly to surface waters to control pests, and/or applied to control pests that are present in or over, including near, surface waters. The general permit regulation is needed in order to comply with court ordered requirements for EPA and states to issue NPDES permits for both chemical pesticide applications that leave a residue or excess in water, and all biological pesticide applications that are made in or over, including near, waters of the United States.

This regulation was initially adopted by the State Water Control Board on February 4, 2011, with an effective date of April 10, 2011; and published in the Virginia Register on February 28, 2011. The effective date was suspended on April 4, 2011. The State Water Control Board amended the regulation to

revise the effective and expiration dates of the general permit and readopted the regulation on April 14, 2011.

**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.*

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The Board at its meeting on April 14, 2011, (1) amended and readopted the VPDES General Permit for Discharges Resulting from the Application of Pesticides to Surface Waters, 9VAC25-800 to change the effective date to October 31, 2011, and the expiration date to December 31, 2013; (2) affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision of this regulation, as provided by the Administrative Process Act; (3) directed the Director to suspend the effective date of the general permit regulation should the 6<sup>th</sup> Circuit Court of Appeals further delay implementation of their decision; and (4) directed the Director to withdraw the general permit regulation if congressional action repeals or negates authority for the rule.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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It is not anticipated that this regulation will have a direct impact on the institution of the family or family stability.