



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-31
Regulation title	Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation
Action title	2011 CFR Regulatory Update - Immediate Final Rule 2011
Final agency action date	December 14, 2011
Document preparation date	October 20, 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, 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.

The Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation, 9VAC25-31, include citations and requirements in the form of incorporated federal regulatory text at Title 40 of the Code of Federal Regulations (CFR). This regulatory amendment will update the citations and incorporation of Title 40 of the CFR as revised as of July 1, 2011. CFR reference dates through-out the chapter were deleted and a new section, 9VAC25-31- 25, was added. This new section provides the date of the latest CFR revised as of July 1, 2011, which is being adopted by this action. Additionally, this new section will simplify future updates of this chapter for CFR revisions as only section 9VAC25-31-25 will need to be amended.

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 Water Control Board approved the amendment, 2011 CFR Regulatory Update - Immediate Final Rule 2011, on December 14, 2011, as a final regulation. This amendment revises 9VAC25-31.

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
9VAC25-31-10		Definitions	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
	9VAC25-31-25	Applicability of incorporated CFR references.	This new section specifies the date of the CFR cited and incorporated in this Chapter as July 1, 2011. Using this section to update all the Chapter's citations and incorporations will simplify future regulatory amendments to update the CFR as only this section will need to be revised.
9VAC25-31-40		Exclusions	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-100		Application for a permit	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-120		Storm water discharges	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-130		Concentrate animal feeding operations	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-150		Aquaculture projects	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-190		Conditions applicable to all permits	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-200		Additional conditions applicable to specified categories of VPDES permits	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-220		Establishing limitations, standards, and other permit conditions	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.

9VAC25-31-230		Calculating VPDES permit conditions	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-340		Decision on variance	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-470		Exclusions	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-490		Sampling and analysis	Updated references to current EPA analytical methods.
9VAC25-31-500		Definitions	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-750		Incorporation of federal regulations	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-770		National pretreatment standards: prohibited discharges	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-780		National pretreatment standards: categorical standards	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-790		Removal credits	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-800		Pretreatment program requirements: development and implementation by POTW	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-810		POTW pretreatment programs and/or authorization to revise pretreatment standards: submission for approval	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-840		Reporting requirements for POTWs and industrial users	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
9VAC25-31-900		Modification of POTW pretreatment programs	Deleted dates for CFR citations. New section 9VAC25-31-25 will specify the date for citations to and incorporation of provisions of the CFR.
Forms		Forms	Added and updated forms to latest revisions.

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 facilities, including small businesses. Any (1) establishment of less stringent compliance or reporting standards; (2) establishment of less stringent schedules or deadlines for compliance and reporting requirements; (3) consolidation or simplification of compliance or reporting requirements; (4) establishment of performance standards for small businesses to replace design or operational standards required in the regulation; or (5) exemption of small businesses from all or any part of the requirements contained in this regulation for all small businesses would directly, significantly and adversely affect the benefits that would be achieved through the implementation of the regulations.

Family impact

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

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