



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-220
Regulation Title:	Surface Water Management Area Regulations
Action Title:	Surface Water Management Area Technical Amendments
Date:	March 9, 2000

Where an agency or 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 with the Registrar and publish their regulations 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.

This agency background document may be used for actions exempt 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 at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

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provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed.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 Surface Water Management Area regulation provides for the designation of surface water management areas in order to protect the beneficial use of surface waters during periods of low stream flow. The technical amendments are in response to changes in the Act passed by the 1999 Virginia General Assembly in which no Board discretion is allowed. The amendments provide for voluntary agreements among water users in a surface water management area to

control in lieu of a permit when the State Water Control Board finds that the agreement complies with the law. Further, the amendments change the public participation process for the State Water Control Board approval of a new or amended agreement to one that requires a public hearing following thirty days notice instead of a regulatory process under 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.

The State Water Control Board adopted the technical amendments to the Surface Water Management Area Regulation at its meeting on October 6, 1999.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.

The final language adopted by the State Water Control Board is attached.

The Office of the Attorney General has certified that the State Water Control Board has the authority to adopt the amendments and that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act by virtue of Section 9-6.14:4.1 C 4(a).

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.

The technical amendments provide for voluntary agreements to take the place of a permit and provide a public participation process on the agreements in place of the public participation process established in the Administrative Process Act. There should be no difference in the content of the voluntary agreement and public participation in the process will still occur. Therefore, no impact on the institution of the family and family stability is expected.