



Virginia
Regulatory
Town Hall

Exempt Agency Proposed Regulation Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-630
Regulation Title:	Virginia Pollution Abatement (VPA) General Permit Regulation for Poultry Waste Management
Action Title:	Virginia Pollution Abatement (VPA) General Permit Regulation for Poultry Waste Management
Date:	April 5, 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*), 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 by agencies exempt pursuant to § 9-6.14:4.1(A) at the proposed stage. 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provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed.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 1999 General Assembly enacted Section 62.1-44.17:1.1 in the State Water Control Law requiring a poultry waste management program for confined poultry feeding operations. This legislation defined a confined poultry feeding operation as an operation with 200 or more animal units. This animal unit number equates to 20,000 chickens and 11,000 turkeys, regardless of age or sex. The general permit establishes standards and criteria for the storage, management and tracking of poultry waste and sets minimum monitoring requirements. The general permit requires all regulated pollutant management activities to maintain no point source discharge of

pollution to state waters except in the case of a storm event greater than the 25-year, 24-hour storm. The permittee will be required to develop a nutrient management plan approved by the Department of Conservation and Recreation.

The proposed issuance is tentative. On the basis of preliminary review and application of lawful standards and regulations, the State Water Control Board proposes to issue the general permit subject to certain conditions and has prepared a draft permit. This permit will maintain the Water Quality Standards adopted by the Board. The regulation also sets forth the minimum information requirements for all requests for coverage under the general permit.

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, and a copy of any documents to be incorporated by reference are attached. Please state that the Office of the Attorney General 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.

The text of the proposed regulation is attached. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation.

SUBJECT: Notice is hereby given that the State Water Control Board intends to adopt a regulation entitled 9 VAC 25-630-10 et seq., Virginia Pollution Abatement (VPA) General Permit For Poultry Waste Management. Public Notice is also given that the State Water Control Board has under consideration the issuance of a VPA General Permit (VPG2) and State Certification under the State Water Control Law: **ISSUED: APRIL 24, 2000 Permit Number: VPG2 Name of Permittee:** Any owner or operator of a confined poultry feeding operation agreeing to be regulated under the terms of this general permit. **Facility Location:** Commonwealth of Virginia.

AFFECTED LOCALITY: The regulation will be applicable statewide and will not affect any one locality disproportionately.

PUBLIC HEARING: Public hearings to receive comments on the proposed general permit regulation will be held at: 2:00 p.m. on Tuesday May 30, 2000 in the lecture hall of the Eastern Shore Community College in Melfa, VA; at 7:00 p.m. on Thursday June 1, 2000 in the auditorium at Turner Ashby High School, 800 North Main Street, Bridgewater, VA and at 10:00 a.m. on Friday June 2, 2000 at the General Assembly Building, House Room D, 9th & Broad Streets, Richmond, VA. In order to give all those in attendance an opportunity to be heard, the Board reserves the right to limit oral presentations at the public hearings to 3 minutes.

QUESTION AND ANSWER PERIOD: A question and answer period will be held one half hour prior to each of the public hearings at the same locations. Interested citizens will have an opportunity to ask questions pertaining to the proposal at that time.

ACCESSIBILITY TO PERSONS WITH DISABILITIES: The public hearings will be held at facilities believed to be accessible to persons with disabilities. Any person with questions should contact Mr. Richard W. Ayers, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia, 23240-0009, (804) 698-4075. Persons needing interpreter services for the deaf should notify Mr. Ayers no later than April 28, 2000.

REQUEST FOR COMMENTS: The Board is seeking written comments from interested persons on both the proposed regulatory action and the draft permit. Comments are also solicited

regarding alternative approaches that meet the statutory mandate given by the General Assembly. Written comments on the proposed issuance of the permit and on the proposed regulation must be received no later than 4:00 p.m. on Friday, June 23, 2000, and should be submitted to Mr. Ayers. Comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered by the Board.

CONTACT PERSON: For additional information, including a copy of the proposed regulation/draft permit and permit fact sheet or to review copies of material or applicable laws and regulations, contact Richard W. Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, (804) 698-4075, phone or (804) 698-4032, fax.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential 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 Board does not believe that the proposed regulatory action will have any direct impacts on family and family stability. Requiring poultry litter to be properly stored and managed could have a positive indirect impact on farming families by ensuring protection of water quality and providing for utilization of poultry litter as fertilizer by others.