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Exempt Action: Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-720
VAC Chapter title(s)	Water Quality Management Planning Regulation
Action title	Technical error correction to 9VAC25-720-60
Final agency action date	April 14, 2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Under 9VAC25-720-60, Table B5, Map Location W of the Water Quality Management Planning Regulation, the wrong VPDES permit number for the discharger (Fincastle STP) is shown. This regulatory action involves changing the current erroneous permit number (VA0068233) to the correct permit number (VA0060364) for the discharger. § 2.2-4006 A 3 of the Administrative Process Act allows the Board to adopt a regulatory amendment involving the correction of such a technical error as a final exempt action. This regulatory action is necessary to eliminate confusion and to ensure that VPDES permit information in the regulation is correct and consistent with water permit information for the same discharger on file with DEQ.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or

board decision). “Mandate” is defined as “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

There is no mandate from the General Assembly, the federal government or a court requiring the amendment of the regulation described herein. The impetus for the regulatory action, emanating from DEQ staff discovery, is to correct an obvious technical error and to eliminate confusion.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

VPDES – Virginia Pollutant Discharge Elimination System
STP – Sewage Treatment Plant
DEQ – Department of Environmental Quality
WQMP – Water Quality Management Planning

Statement of Final Agency Action

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 adopted this regulatory amendment to 9VAC25-720-60 on April 14, 2021 as a final regulation and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

Legal Basis

Identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the 6 of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity’s overall regulatory authority.

The Commonwealth’s mandate in the Code of Virginia under § 62.1-44.15(10) provides the legal authority to promulgate the WQMP Regulation and amendments thereof. The promulgating entity is the State Water Control Board.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it’s intended to solve.

The purpose of this regulatory action is to amend 9VAC25-720-60 to correct an erroneous VPDES permit number for a discharger listed in Table B5 for Map Location W of the WQMP Regulation. The goals of this regulatory action are to eliminate confusion, particularly for permittees and the general public, and to ensure that VPDES permit information in the regulation is correct and consistent with water permit information for the same discharger on file with DEQ.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

This regulatory action involves a single substantive change to 9VAC25-720-60, Table B5, Map Location W, whereby the erroneous VPDES permit number shown for the discharger (Fincastle STP) is to be changed to VA0060364.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

There are no disadvantages to the public or the Commonwealth associated with the proposed regulatory changes.

Detail of All Changes Proposed in this Regulatory Action

*List all changes proposed in this exempt action and the rationale for the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. *Please put an asterisk next to any substantive changes.*

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-720-60		Table B5, Map Location W displays the VPDES permit number for the discharger (Fincastle STP) to be VA0068233.	The VPDES permit number for the discharger is to be changed to VA0060364. This regulatory action is necessary to eliminate confusion, particularly for permittees and the general public, and to ensure that VPDES permit information in the regulation is correct and consistent with water permit information for the same discharger on file with DEQ. This will not change any regulatory or permit requirements for the discharger.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, 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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.

The regulations under 9VAC25-720 apply to all persons, including small business owners, who have a VPDES permitted discharge to surface waters of the State within specific river basins. The amendments of this regulatory action will result in no change to the objectives of the existing regulation. Alternative regulatory methods, including but not limited to, taking no action to correct the technical error in the regulation could lead to confusion for those permittees affected. This could, in turn, adversely affect environmental and public health benefits derived by the regulation.

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed 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.

There is no impact on the institution of the family or family stability associated with this regulatory action.