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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation(s)</b>	9VAC25-31
<b>Regulation title(s)</b>	Virginia Pollutant Discharge Elimination System (VPDES) Regulation
<b>Action title</b>	Amendment to the Virginia Pollutant Discharge Elimination System Regulation that allows for abbreviated public notice procedures for VPDES industrial minor permits.
<b>Final agency action date</b>	September 20, 2018
<b>Date this document prepared</b>	August 1, 2018

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) or an agency's basic statute, the agency is not required, however, 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The amendment to the existing VPDES permit regulation authorizes, if the permit applicant so elects, the newspaper publication of an abbreviated public notice for minor industrial VPDES permits, containing a link to the full public notice on the Department of Environmental Quality's website. Current law requires the publication of a full public notice in a newspaper once a week for two successive weeks for all major and minor permitted facilities. The cost of the newspaper public notices is paid for by the owner of the permitted facility.

This final agency action is based on 2018 legislation of the General Assembly which amended and reenacted § [62.1-44.16](#) of the Code of Virginia, relating to discharge of industrial wastes; notice of application.

### Acronyms and definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.*

APA – Administrative Process Act  
 CWA – Clean Water Act  
 VAC – Virginia Administrative Code  
 VPDES - Virginia Pollutant Discharge Elimination System

### 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.*

On September 20, 2018, the State Water Control Board adopted the amendments to 9VAC25-31-290. In accordance with the Administrative Process Act, the Board will receive, consider and respond to petitions from any one at any time with respect to reconsideration of this regulation.

### Family impact

*Please assess the impact of this 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.*

The regulatory action will not impact the institution of the family and family stability.

### 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
9VAC25-31-290 C 2	NA	The current VPDES permit regulation requires the publication of a full newspaper notice once a week for two successive weeks in a newspaper of general circulation in the area of the VPDES permitted facility applying	The amendments authorize the newspaper publication, if the permit applicant so elects, of an abbreviated public notice for minor industrial VPDES permits. The abbreviated newspaper public notice contains the following information:

		<p>for a discharge permit. This publication requirement applies to all major and minor permits.</p> <p>A full public notice contains the following minimum information:</p> <p>a. Name and address of the office processing the permit action for which notice is being given;</p> <p>b. Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit, except in the case of VPDES draft general permits;</p> <p>c. A brief description of the business conducted at the facility or activity described in the permit application or the draft permit, for VPDES general permits when there is no application;</p> <p>d. Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or draft general permit, as the case may be, statement of basis or fact sheet, and the application;</p> <p>e. A brief description of the procedures for submitting comments and the time and place of any public hearing that will be held, including a statement of procedures to request a public hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;</p> <p>f. A general description of the location of each existing or proposed discharge point and the name of the receiving water and the sludge use and disposal practice or practices and the location of each sludge treatment works treating domestic sewage and use or disposal sites known at the time of permit application. For draft general permits, this requirement will be satisfied by a map or description of the permit area;</p> <p>g. Requirements applicable to cooling water intake structures under § 316 of the CWA, in accordance with 9VAC25-31-165; and</p> <p>h. Any additional information considered necessary or proper.</p>	<p>a. The name of the permitted facility;</p> <p>b. The type of discharge; and</p> <p>c. A link to the Department of Environmental Quality's website with the full public notice.</p> <p>This final agency action is based on 2018 legislation of the General Assembly which amended and reenacted § <a href="#">62.1-44.16</a> of the Code of Virginia, relating to discharge of industrial wastes; notice of application.</p>
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**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) 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.*

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The regulatory action will minimize adverse impact on small businesses by reducing the cost of newspaper publications when issuing or reissuing VPDES permits.