



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	State Water Control Board
<b>VAC Chapter Number:</b>	9 VAC 25-31-10 et seq.
<b>Regulation Title:</b>	Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation
<b>Action Title:</b>	Final Amendment
<b>Date:</b>	July 12, 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provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed.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 VPDES Permit Regulation has been amended to conform it to recent changes to the federal NPDES regulations and the State Water Control Law. There is no material difference between the regulation amendments and the corresponding federal regulations and state statutes.

Therefore, these amendments qualified for exemptions from the Administrative Process Act under Sections 9-6.14:4.1 C 4 (a) and (c).

The amendments that reflect federal regulation changes implement new application requirements for publicly owned treatment works and other treatment works treating domestic sewage; revisions to the standards for use and disposal of sewage sludge; and revised storm water discharge regulations. The new state laws address permitting requirements for discharges of treated sewage into impoundments and releases of waters from impoundments that are regulated by VPDES permits.

## 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.*

On July 12, 2000 the State Water Control Board adopted amendments to the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation, 9 VAC 25-31-10 et seq. The amendments will take effect 30 days following publication in the Virginia Register.

The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

## 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 text of the amended regulation, and the new Form 2A and a revised Sewage Sludge Permit Application Form are attached. The Office of the Attorney General (OAG) has certified that the Water Control Board has the statutory authority to promulgate these amendments and that the amended regulation comports to applicable state and federal law. Furthermore, the OAG has certified that the amendments are exempt from the Administrative Process Act under Section 9-6.14:4.1 C 4 (a) and (c). The corresponding federal regulations are at 40 CFR Parts 122, 123, 124, 501 and 503. The state law citations are Sections 62.1-44.15:1.2 and 62.1-44.15:3 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.*

These regulation amendments will have no direct impact on the institution of the family and family stability

