



Virginia
Regulatory
Town Hall

townhall.virginia.gov

Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-120
Regulation title	General Virginia Pollutant Discharge Elimination System (VPDES) Permit For Discharges From Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests
Action title	Amend Existing Regulation
Final agency action date	April 10, 2008
Document preparation date	March 4, 2008

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), the agency 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, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation was adopted by the Water Control Board on December 4, 2007. Subsequent to the adoption, errors were found in Section 9 VAC 25-120-80 (General Permit) in the eight Part I.A (Effluent Limitations and Monitoring Requirements) tables, and in the Part II.K.1(ii) (Signatory Requirements) section. This regulatory action is to correct the errors, which are as follows:

1. Part I.A, Tables 1-8 - Method Corrections: EPA updated the 40 CFR Part 136 Test Procedures rule on March 12, 2007. They also published the "Final Update IV" to the Third Edition of the manual, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA publication SW-846, on January 3, 2008. These updates contain new and revised analytical methods for some of the methods specified in this regulation. To conform to the federal methods changes, all references in these tables to "40 CFR Part 136 (1996)" are

changed to "40 CFR Part 136 (2007)". All references in these tables to "EPA SW 846 (1998)" are changed to "EPA SW 846 (2008)"

2. Part I.A, Tables 1-8 - Specific Method Corrections: In the Part I.A tables 1-8, wherever the following methods appear, they are changed as follows:

- EPA SW 846 method 9040B changed to 9040C
- EPA SW 846 method 8015B changed to 8015C
- EPA SW 846 method 8270C changed to 8270D
- EPA SW 846 method 7421 changed to 7010
- EPA Part 136 method 239.2 changed to "200.8 or 200.9"

3. Part II.K.1(ii) - Correction: An old version of this language was in the permit. The language for this subsection was changed in the VPDES Permit Regulation (9 VAC 25-31-110.A.1) several years ago based upon EPA's changes to the 40 CFR Part 122.22 language that were published by EPA on May 15, 2000. The correct language for this subsection is: *"(ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;"*.

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 April 10, 2008, the State Water Control Board adopted the amendment to the General Virginia Pollutant Discharge Elimination System (VPDES) Permit For Discharges From Petroleum Contaminated Sites, Groundwater Remediation And Hydrostatic Tests.

Family impact

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.

It is not anticipated that this regulation will have a direct impact on the institution of the family or family stability.