



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-31
Regulation title	Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation
Action title	Implementation of HB 2558, Chapter 42 of the Acts of Assembly
Final agency action date	July 23, 2009
Document preparation date	June 8, 2009

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 final exempt regulatory action is being taken to implement the 2009 legislative changes to the State Water Control Law as a result of HB 2558, Chapter 42 of the Acts of Assembly. These changes clarify public notice requirements for permit applications for land application acreage increases of 50% or more and clarify when a permit for land application is issued in relation to the public meeting and public comment opportunity on the application. The resulting regulatory changes "provide that an application for any permit amendments to increase the acreage authorized by the initial permit by 50 percent or more shall be treated as a new application for purposes of public notice and public hearings" and provide that "the Board shall not issue the permit for land disposal until the public meeting has been held and comment has been received from the local governing body, or until 30 days have lapsed from the date of the public meeting".

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.

The State Water Control Board adopted the amendments at its meeting on July 23, 2009.

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
25-31-100 P 8 e		A request to increase the acreage authorized by the permit by 50% or more shall be treated as a new application for purposes of public notice and public hearings.	Insert the word "initial" to clarify the public notice requirements for increases in acreage by 50 percent or more.
25-31-290 F 2		The board shall not consider the application for the proposal to be complete until the public meeting has been held.	Replace the phrase "consider the application for the proposal to be complete" with "issue the permit" to specify the required timing of the public meeting.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no direct impact on the institution of the family or family stability.