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Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-31-250
Regulation title(s)	Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation - Schedules of Compliance
Action title	Amendment of VPDES Regulations to incorporate Approved language in Budget Bill – HB1700 Item 366 – K related to VPDES Schedules of Compliance
Final agency action date	June 27, 2019
Date this document prepared	May 16, 2019

While 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 (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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.

This proposed final exempt regulatory action incorporates approved budget language in HB1700 from the 2019 General Assembly Session.

The final approved budget language in the Budget Bill – HB1700, Item 366, Section K directs the board to amend its regulation at 9VAC25-31-250.A.3 on the maximum time for a Virginia Pollutant Discharge Elimination System permitted discharger to attain compliance with water quality-based limitations so as to be consistent with the time for compliance established by the United States Environmental Protection Agency Section 122.47(a)(1) of Title 40, Code of Federal Regulations.

This proposed amendment would require the deletion of the phrase “not to exceed the term of the permit” from Section A.3 of the VPDES Schedules of Compliance (9VAC25-31-250).

Mandate and Impetus

Please 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, board decision, etc.). "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."

The mandate for this regulatory change is the action of the General Assembly and the Governor related to the Budget Bill (HB1700) during the 2019 General Assembly Session.

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 June 27, 2019, the State Water Control Board adopted amendments to 9VAC25-31, Virginia Pollutant Discharge Elimination System (VPDES) Regulation.

All changes made in this regulatory action

Please detail all changes that are being made and the consequences of the changes. Detail new provisions and/or all changes to existing sections.

[For changes to existing regulation(s), please use the following chart otherwise delete:]

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-31-250 A 3		"Schedules of compliance may be established in permits for existing sources which are reissued or modified to contain new or more restrictive water quality-based effluent limitations. The schedule may allow a reasonable period of time, not to exceed the term of the permit, for the discharger to attain compliance with the water quality-based limitations."	"Schedules of compliance may be established in permits for existing sources which are reissued or modified to contain new or more restrictive water quality-based effluent limitations. The schedule may allow a reasonable period of time, not to exceed the term of the permit, for the discharger to attain compliance with the water quality-based limitations." Conforms regulations to Section 122.47(a)(1) of Title 40, Code of Federal Regulations.

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.

No alternative regulatory method exists to implement the amendments included in the approved Budget Bill (HB1700).

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 anticipated potential impact of the proposed regulatory action on the institution of the family and family stability.