



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Environmental Quality
Virginia Administrative Code (VAC) citation	9VAC15-20 [Primary] 9VAC15-40 9VAC15-60 9VAC15-90
Regulation title	Various Department of Environment Quality Regulations
Action title	Amendment to incorporate provisions of Chapter 348 of the 2013 Acts of Assembly and to update DEQ Mailing Address
Final agency action date	June 7, 2013
Document preparation date	June 3, 2013

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, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

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 amendment will revise the text to allow for the notifications to be delivered through postal or electronic means as required by the statutory change to §10.1-1183. Additionally, this final exempt regulatory amendment will update the DEQ mailing address listed in the Agency's regulations to the current DEQ address.

In accordance with Chapter 348 of the 2013 Acts of Assembly, wherever the term "mail" is used in regulatory provisions that the Department administers it shall mean electronic or postal delivery and the term "certified mail" means electronically certified or postal certified mail,

except that this provision shall apply only to the mailing of plan approvals, permits, or certificates issued under the provisions of this chapter and those of the Air Pollution Control Law, the Virginia Waste Management Act and the State Water Control Law, and only where the recipient has notified the Department of his consent to receive plan approvals, permits, or certificates by electronic mail.

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 7, 2013, the Director of the Department of Environmental Quality adopted this regulatory amendment as a final regulation and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

This regulatory action is exempt from the requirements of the APA under the provisions of § 2.2-4006.A.4a and § 2.2-4006.A.3.

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	Current requirement	Proposed change and rationale
9VAC15-20-160	Initiation of assessment review by state and local agencies and by the general public.	Subsection D was revised to allow for notifications to be made by electronic or postal delivery.
9VAC15-40-110	Fees.	Subsection B.2 was revised to update DEQ mailing address.
9VAC15-60-110	Fees for projects subject to Part II of this chapter.	Subsection B.2 was revised to update DEQ mailing address.
9VAC15-90-40	Fees.	Subsection B.2 was revised to update DEQ mailing address.

Regulatory flexibility analysis

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.

No analysis was performed as this regulatory amendment was necessary to conform to changes in Virginia statutory law and to revise the regulation for form, style, and technical correction only.

Family impact

Please assess the 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 impact on the institution of the family or family stability.