

Virginia Regulatory Town Hall

Periodic Review of Existing Regulations Agency Background Document

Agency Name:	State Air Pollution Control Board
Regulation Title:	Regulations for the Control and Abatement of Air Pollution
Subtitle:	General Definitions
VAC Number:	9 VAC 5 Chapter 10
Date:	

This information is required pursuant to the Administrative Process Act § 9-6.14:25 and Executive Order Twenty-Five (98) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

Summary

Please provide a brief summary of the regulation and its purpose. There is no need to state each provision, instead give a general description of the regulation.

The regulation establishes general definitions in support of other provisions of the Regulations for the Control and Abatement of Air Pollution (9 VAC 5 Chapter 10 through 9 VAC 5 Chapter 80).

Each general definition was reviewed in conjunction with the particular regulatory provision with which it is associated. See reviews for 9 VAC 5 Chapters 20 through 80 for the specifics.

Legal Requirements

Please identify the state and/or federal source of the legal requirements that necessitate promulgation of the regulation. The discussion of these requirements should include a description of their scope and the extent to which the requirements are mandatory or discretionary. Full citations for the legal requirements and, if available, web site addresses for locating the text of the cited legal provisions should be provided.

Federal Requirements

The federal requirements vary depending upon the regulatory provisions with which a particular definition is associated. See reviews for 9 VAC 5 Chapters 20 through 80 for the specifics.

State Requirements

Code of Virginia:

<http://leg1.state.va.us/000/cod/codec.htm>

Virginia Administrative Code (VAC):

<http://leg1.state.va.us/000/reg/toc.htm>

Code of Virginia § 10.1-1307 A provides that the board may, among other activities, develop a comprehensive program for the study, abatement, and control of all sources of air pollution in the Commonwealth.

Code of Virginia § 10.1-1308 provides that the board shall have the power to promulgate regulations abating, controlling, and prohibiting air pollution throughout or in any part of the Commonwealth in accordance with the provisions of the Administrative Process Act. It further provides that no such regulation, shall prohibit the burning of leaves from trees by persons on property where they reside if the local governing body of the county, city or town has enacted an otherwise valid ordinance regulating such burning. It further provides that the regulations shall not promote or encourage any substantial degradation of present air quality in any air basin or region which has an air quality superior to that stipulated in the regulations.

There are additional state requirements depending upon the regulatory provisions with which a particular definition is associated. See reviews for 9 VAC 5 Chapters 20 through 80 for the specifics.

Comparison with Statutory Requirements

Each general definition was compared with the statutory requirements in conjunction with the particular regulatory provision with which it is associated. See reviews for 9 VAC 5 Chapters 20 through 80 for the specifics.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. If no public comment was received, please include a statement indicating that fact

No public input was received during the public comment period for this periodic review.

Effectiveness

Please provide a description of the specific and measurable regulatory goals of the regulation. Detail the effectiveness of the regulation in achieving such goals.

The general definitions impose no regulatory requirements in and of themselves but provide support to other provisions of the Regulations for the Control and Abatement of Air Pollution (9 VAC 5 Chapter 10 through 9 VAC 5 Chapter 80). Therefore, there are no specific and measurable goals the definitions are intended to achieve.

Need

Please provide the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens or is essential for the efficient and economical performance of an important governmental function. Include a discussion of the problems the regulation's provisions are intended to solve.

The need for each general definition was determined in conjunction with the particular regulatory provision (9 VAC 5 Chapters 20 through 80) with which it is associated.

Alternatives

Please describe the process by which the agency has considered, or will consider, less burdensome and less intrusive alternatives for achieving the need. Also describe, to the extent known, the specific alternatives that have been considered and will be considered to meet the need, and the reasoning by which the agency has rejected any of the alternatives considered.

Alternatives have been considered by the Department to meet the need during the review of the regulatory provisions (9 VAC 5 Chapters 20 through 80) with which the definitions are associated.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The Department, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the regulation on the institution of the family and family stability including to what extent the regulation 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; 4) increase or decrease disposable family income.

The impact on families for each general definition was assessed in conjunction with the particular regulatory provision (9 VAC 5 Chapters 20 through 80) with which it is associated.

Recommendation

Please state whether the agency is recommending the regulation be retained and the reasons such a recommendation is being made.

None of the reviews of regulatory provisions (9 VAC 5 Chapters 20 through 80) with which the definitions are associated indicated a need to change any definition; therefore, it is recommended that the regulation be retained without amendment.

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