

Virginia Regulatory Town Hall

Exempt Agency Final Regulation Agency Background Document

Agency Name:	State Air Pollution Control Board
Regulation Title:	Variance for Rocket Motor Test Operations at Atlantic Research Corporation Gainesville Facility
Primary Action:	9 VAC 5-221-10 through -60
Secondary Action(s):	
Action Title:	ARC Variances (Rev. CV)
Date:	August 15, 2002

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:7.1 M, § 9-6.14:9.1 E, § 9-6.14:9.2 D and § 9-6.14:9.3 at the final stage. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation.

Two variances are proposed to be granted to the Atlantic Research Corporation for rocket motor test operations. One variance is for the facility in Orange County, Virginia, from the opacity standard for new sources specified in 9 VAC 5-50-80. The other variance is for the facility in Gainesville (Prince William County), Virginia, from the opacity standard for existing sources specified in 9 VAC 5-40-80. The variances are proposed to be granted in consideration of the two facilities' effective limitation of the emissions of particulate matter from rocket motor test operations to 714 pounds per hour in lieu of the opacity limitations.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency, including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On September 30, 2002, the State Air Pollution Control Board adopted two final variances from regulations entitled "Regulations for the Control and Abatement of Air Pollution," specifically from the opacity standards in 9 VAC 5-40-80 and 9 VAC 5-50-80. The variances are to be effective on December 1, 2002.

The variances are exempt from certain provisions of the state administrative procedures for the adoption of regulations. These exemptions are specified in §§ 2.2-4007 M, 2.2-4013, 2.2-4014 D, and 2.2-4015 C of the Code of Virginia.

Substantive Changes Made Since the Proposed Stage

Please briefly and generally summarize any substantive changes made since the proposed action was published. Please provide citations of the sections of the proposed regulation that have been substantively altered since the proposed stage.

No changes have been made since the proposed action was published

Legal Authority

Please identify the section number and provide a brief statement relating the content of the statutory authority to the specific regulation adopted. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to adopt the regulation and that it comports with applicable state and/or federal law.

Section 10.1-1307 C of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to grant local variances from regulations and issue orders to that effect. Written assurance from the Office of the Attorney General that (i) the Board has statutory authority to promulgate the final orders and variances and (ii) the variances qualify as exemptions under § 2.2-4007 M, § 2.2-4013, § 2.2-4014 D, and § 2.2-4015 C of the Administrative Process Act is available upon request.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No public comment was received.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, and a copy of any documents to be incorporated by reference are attached.

The two variances and the two orders are attached.

Family Impact Statement

Please provide an analysis of the impact of the 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; 4) increase or decrease disposable family income.

It is not anticipated that these variances will have a direct impact on families. However, there will be positive indirect impacts in that the variances will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health and welfare problems.

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