



Exempt Action Final Regulation Agency Background Document

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| Agency name | State Air Pollution Control Board |
| Virginia Administrative Code (VAC) citation | <u>Primary Action</u> 9VAC5-40 (Existing Stationary Sources) <u>Secondary Actions</u> 9VAC5-50 (New and Modified Stationary Sources) 9VAC5-130 (Regulation for Open Burning) |
| Regulations title | Air Regulations (see specific titles above) |
| Action title | Revision D11 - Citation Update |
| Final agency action date | June 10, 2011 |
| Document preparation date | May 13, 2011 |

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, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 14 (2010) and 58 (99).

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.

Amendment 7 to the Solid Waste Management Regulations amended and recodified these regulations creating 9VAC20-81, which became effective March 16, 2011. This current regulatory action is necessary to update the citations to the Solid Waste Management Regulations in the State Air Pollutions Control Board's regulations.

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.

At its June 10, 2011 meeting, the State Air Pollution Control Board adopted Revision D11 as a final regulation. The regulations to be amended by this action are listed above.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 3 of the Administrative Process Act as they are changes in form, style, and technical corrections.

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 |
|-------------------------------|---|----------------------------------|---|
| 9VAC5-5810 | | Definitions | Update reference to the Solid Waste Management Regulations from 9VAC20-80 to 9VAC20-81. |
| 9VAC5-40-5820 | | Standard for air emissions | Update reference to the Solid Waste Management Regulations from 9VAC20-80 to 9VAC20-81. |
| 9VAC5-40-5850 | | Compliance | Update reference to the Solid Waste Management Regulations from 9VAC20-80 to 9VAC20-81. |
| 9VAC5-40-5880 | | Reporting | Update reference to the Solid Waste Management Regulations from 9VAC20-80 to 9VAC20-81. |
| 9VAC5-40-5920 | | Permits | Update reference to the Solid Waste Management Regulations from 9VAC20-80 to 9VAC20-81. |
| 9VAC5-50-420 | | Word or phrase substitutions | Update reference to the Solid Waste Management Regulations from 9VAC20-80 to 9VAC20-81. |
| 9VAC5-130-20 | | Definitions | Update reference to the Solid Waste Management Regulations from 9VAC20-80 to 9VAC20-81. |
| 9VAC5-130-40 | | Permissible open burning | Update reference to the Solid Waste Management Regulations from 9VAC20-80 to 9VAC20-81. |
| 9VAC5-130-100 | | Local ordinances on open burning | Update reference to the Solid Waste Management Regulations from 9VAC20-80 to 9VAC20-81. |

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.

This is an amendment for form, style, and technical correction only.

Family impact

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

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