



Virginia
Regulatory
Town Hall

townhall.state.va.us

Exempt Action Final Regulation Agency Background Document

Approval authority name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-190
Regulation title	General VPDES Permit for Nonmetallic Mineral Mining
Action title	Reissue Existing Regulation
Final agency action date	
Document preparation date	March 31, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), 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 (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

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 rulemaking is to reissue the general permit that expires on June 30, 2004. It will continue the existence of the general permit that establishes limitations and monitoring requirements for point source discharges from nonmetallic mineral mining facilities. As with an individual VPDES permit, the effluent limits in the general permit are set to protect the quality of the waters receiving the discharges. Only minor changes were made to the existing regulation in order to update it.

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.

The State Water Control Board adopted 9 VAC 25-190 as amended at their meeting of March 23, 2004.

Family impact

Assess the impact of this 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.

It is not anticipated that this regulation will have a direct impact on families.

**SUMMARY OF PUBLIC COMMENTS AND AGENCY RESPONSES:
 REISSUANCE AMENDMENT TO GENERAL VPDES PERMIT REGULATION
 FOR NONMETALLIC MINERAL MINING
 9 VAC 25-190-10 et seq.**

February 3, 2004

Following is a compilation of oral and written comments received during the public notice period for this draft regulation. The public notice period began December 1, 2003 and ended on January 30, 2004 and a public hearing was held in Richmond, Virginia on January 13, 2004 with Leroy O. Pfeiffer, Sr., State Water Control Board, serving as hearing officer.

No one attended the hearing for this reissuance. One comment was received through electronic correspondence. It and the review response from the U.S. Environmental Protection Agency are summarized below.

Summary of comments and agency responses:

1. Comment: The 30 mg/l average limit for Total Suspended Solids in the permit should be a 30 mg/l minimum limit.

Response: The commenter apparently misunderstood the meaning of this limit and it was explained that the 30 mg/l limit for Total Suspended Solids is a monthly average not to be exceeded, not the minimum number that all facilities must attain.

2. Comment: EPA approves the draft reissuance of the general permit.

Response: No response necessary.

List of Persons Submitting Comments on Proposed Amendments to VPDES General Permit for Nonmetallic Mineral Mining, 9 VAC 25-190

Name of Commenter	Representing	Comment No.
Jay Lipscomb	Branscome, Inc.	1
Mark Smith	U.S. EPA Region III	2