

Public Notice – Environmental Regulation

Notice of action: The State Air Pollution Control Board is considering the amendment of a regulation concerning general definitions (Revision C16). A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

Regulations affected: The regulation of the board affected by this regulatory action is General Definitions, 9VAC5-10.

Purpose of notice: The board is seeking comments through the Department of Environmental Quality (DEQ) on (i) the proposal, (ii) the costs and benefits of the proposal, (iii) effects of the proposal on farm and forest land preservation, and (iv) impacts of the proposal on small businesses as defined in § 2.2-4007.1 of the Code of Virginia.

Public comment period: October 31 to November 30, 2016.

Public comment stage: Under the provisions of § 2.2-4012.1 of the Administrative Process Act, agencies may use the fast-track rulemaking process for regulations that are expected to be noncontroversial. The reasons for using the fast-track rulemaking process may be found in the agency background document. If an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the Department will (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action. Otherwise, the regulation becomes effective 15 days after the end of the public comment period.

Description of proposal: The general definitions of 9VAC5-10 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. On February 25, 2016 (81 FR 9339), the U.S. Environmental Protection Agency (EPA) revised the definition of volatile organic compound (VOC) to remove the recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of t-butyl acetate (also known as tertiary butyl acetate or TBAC) as a VOC. The state definition must now be revised accordingly.

Locality particularly affected: There is no locality which will bear any identified disproportionate material air quality impact due to the proposal which would not be experienced by other localities.

How to comment: DEQ accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address and telephone number of the person commenting and be received by DEQ on the last day of the comment period. All materials received are part of the public record.

To review regulation documents: The proposal and an analysis conducted by DEQ are available on the Town Hall web site (www.townhall.virginia.gov) and the DEQ Air Public Notices for Regulations web site (<http://www.deq.virginia.gov/Programs/Air/PublicNotices/AirRegulations.aspx>). The documents may also be obtained by contacting the DEQ representative named below. The public may review the documents between 8:30 am and 5:00 pm of each business day until the close of the public comment period at the DEQ Main Street Office, 8th Floor, 629 E. Main Street, Richmond VA, 804-698-4070.

Contact for public comments, document requests and additional information: Karen G. Sabasteanski, Policy Analyst, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218 (phone 804-698-4426, fax 804-698-4510, email karen.sabasteanski@deq.virginia.gov).