



Virginia Environmental Regulatory Developments (August 2013)

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STATE AIR POLLUTION CONTROL BOARD

A. *Final Regulations*

1. Existing Stationary Sources (Rev. J07) (amending 9VAC5-40-6970, 9VAC5-40-7050; adding 9VAC5-40-6975).

9VAC5-45. Consumer and Commercial Products (Rev. J07) (amending 9VAC5-45-60, 9VAC5-45-70, 9VAC5-45-90, 9VAC5-45-160, 9VAC5-45-170, 9VAC5-45-190, 9VAC5-45-200, 9VAC5-45-240, 9VAC5-45-280, 9VAC5-45-310, 9VAC5-45-320, 9VAC5-45-390, 9VAC5-45-400, 9VAC5-45-420, 9VAC5-45-430, 9VAC5-45-440, 9VAC5-45-460, 9VAC5-45-480, 9VAC5-45-510, 9VAC5-45-520, 9VAC5-45-530, 9VAC5-45-580, 9VAC5-45-620, 9VAC5-45-630, 9VAC5-45-640, 9VAC5-45-650, 9VAC5-45-700, 9VAC5-45-710).

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Effective Date: October 1, 2013.

Summary: *The amendments apply the provisions of four of the original articles in the Richmond VOC Emissions Control Area; specifically, provisions pertaining to portable fuel containers manufactured on or after August 1, 2010; consumer and commercial products manufactured on or after August 1, 2010; architectural and industrial maintenance coatings; and adhesives, adhesive primers, sealants, and sealant primers. Additionally, Article 48 of Chapter 40 (9VAC5-40) is amended to apply provisions pertaining to mobile equipment repair and refinishing operations in the Richmond VOC Emissions Control Area.*

Compliance dates for standards applicable in the Richmond VOC Emissions Control Area have been changed to a more reasonable date in the future. The compliance dates for a proposed phase-in of standards applicable to the use of single-ply roof membrane adhesives and sealants has been modified to include a separate compliance date for the phase-in in the Richmond VOC Emissions Control Area. A temporary exemption for the manufacture and distribution of single-ply roof membrane adhesives and sealants, which did not appear in the original proposal but already appears in the effective regulatory language, has been preserved.

Volume 29, Issue 26 Virginia Register of Regulations 3709 (August 26, 2013)

STATE WATER CONTROL BOARD

A. Final Regulations

1. 9VAC25-260. Water Quality Standards (amending 9VAC25-260-450).

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC § 1251 et seq. of the federal Clean Water Act; 40 CFR 131.

Effective Date: Effective upon filing notice of federal Environmental Protection Agency approval with the Registrar of Regulations.

Summary: *The amendments designate an approximately one-mile segment of the Dan River in Virginia and its tributaries in Virginia near the Virginia/North Carolina state line as public water supply. A raw water intake intended to serve Roxboro, North Carolina, and the North Carolina counties of Person and Caswell is proposed by the state of North Carolina for the Dan River near the town of Milton, North Carolina, approximately 10 miles downriver from Danville, Virginia. North Carolina water quality standards require public water supply protections to extend 10 miles upriver from the intake. The State Water Control Board received a petition to designate as public water supply a sufficient portion of the Dan River and its tributaries to complete the 10-mile run of the river as required by North Carolina water quality standards.*

Volume 29, Issue 26 Virginia Register of Regulations 3763 (August 26, 2013)

B. Fast-Track Regulations

1. 9VAC25-590. Petroleum Underground Storage Tank Financial Responsibility Requirements (amending 9VAC25-590-10, 9VAC25-590-170, 9VAC25-590-190, 9VAC25-590-200, Appendix IX; adding 9VAC25-590-105, Appendix XIII).

Statutory Authority: §§ 62.1-44.34:9 and 62.1-44.34:12 of the Code of Virginia; 40 CFR Part 280.

Effective Date: October 10, 2013.

Summary: *The amendments to 9VAC25-640 (Petroleum Underground Storage Tank Financial Responsibility Requirements) (i) add a certificate of deposit (CD) as an acceptable mechanism to demonstrate financial responsibility for owners or operators of underground storage tanks (USTs) and (ii) provide requirements necessary for owners or operators that choose to use a CD for their financial responsibility requirements. Since the UST program is federal and the State Water Control Board must*

have federal Environmental Protection Agency (EPA) approval to administer it, the addition of the CD as a mechanism may have to be approved by EPA, as it is not in the federal regulation.

Volume 29, Issue 26 Virginia Register of Regulations 3770 (August 26, 2013)

2. 9VAC25-600. Eastern Virginia Ground Water Management Area (amending 9VAC25-600-10, 9VAC25-600-20).

9VAC25-620. Order Declaring the Eastern Shore of Virginia - Accomack and Northampton Counties - As a Critical Ground Water Area (repealing 9VAC25-620-10).

Statutory Authority: § 62.1-256 of the Code of Virginia.

Effective Date: October 10, 2013.

Summary: *The amendments (i) add Accomack and Northampton Counties, the two localities previously listed in 9VAC25-620, to 9VAC25-600; (ii) change the title of 9VAC25-600, which lists all localities that are required to comply with the Ground Water Withdrawal Regulations (9VAC25-610), to reflect that there are multiple designated ground water management areas now included in it; and (iii) repeal 9VAC25-620.*

Volume 29, Issue 26 Virginia Register of Regulations 3778 (August 26, 2013)

3. 9VAC25-640. Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements (amending 9VAC25-640-10, 9VAC25-640-170, 9VAC25-640-180, 9VAC25-640-200, 9VAC25-640-210, Appendix IX; adding 9VAC25-640-115, Appendix X).

Statutory Authority: §§ 62.1-44.15 and 62.1-44.34:16 of the Code of Virginia.

Effective Date: October 10, 2013.

Summary: *The amendments to 9VAC25-640 (Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements) (i) add a certificate of deposit (CD) as an acceptable mechanism to demonstrate financial responsibility for operators of aboveground storage tanks and pipelines and (ii) provide the requirements necessary for operators to use a CD for their financial responsibility requirements.*

Volume 29, Issue 26 Virginia Register of Regulations 3780 (August 26, 2013)

C. Proposed Regulations

1. 9VAC25-91. Facility and Aboveground Storage Tank (AST) Regulation (amending 9VAC25-91-10 through 9VAC25-91-70, 9VAC25-91-100, 9VAC25-91-120 through 9VAC25-91-180, 9VAC25-91-200, 9VAC25-91-220; adding 9VAC25-91-145; repealing 9VAC25-91-90).

Statutory Authority: §§ 62.1-44.15, 62.1-44.34:15, 62.1-44.34:15.1, and 62.1-44.34:19.1 of the Code of Virginia.

Summary: *The amendments (i) incorporate new performance standards for certain aboveground storage tanks located in the City of Fairfax as mandated by Chapter 884 of the 2011 Acts of Assembly; (ii) clarify the applicability of the regulations; (iii) remove the requirement for the payment of registration fees; (iv) reorganize 9VAC25-91-130 to make the pollution prevention regulations easier to understand;*

and (v) update the citations to include the most recent industry standards and technology.

Volume 29, Issue 25 Virginia Register of Regulations 3560 (August 12, 2013)

VIRGINIA WASTE MANAGEMENT BOARD

A. Forms

9VAC20-90. Solid Waste Management Permit Action Fees and Annual Fees.

[Solid Waste Information and Assessment Program Reporting Table, Form DEQ 50-25 \(rev. 11/12\)](#)

[Statement of Economic Benefits and Instructions for Completing Form DEQ 50-25 \(rev. 12/12\)](#)

Volume 29, Issue 25 Virginia Register of Regulations 3560 (August 12, 2013)

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Related Services

- Environment & Natural Resources