



## Virginia Environmental Regulatory Developments (February 2014)

04.08.2014

### STATE AIR POLLUTION CONTROL BOARD

#### A. *Fast Track Regulations*

##### 1. 9VAC5-10. General Definitions (Rev. D13) (amending 9VAC5-10-20).

Statutory Authority: § 10.1-1308 of the Code of Virginia; federal Clean Air Act (§§ 110, 111, 123, 129, 171, 172, and 182); 40 CFR Parts 51 and 60.

Effective Date: March 27, 2014.

Summary: *The amendment revises the definition of volatile organic compound (VOC) to include HCF<sub>2</sub>OCF<sub>2</sub>H (HFE-134); HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>H (HFE-236cal2); HCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OC F<sub>2</sub>H (HFE-338pcc13); and HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)) on the list of compounds not considered to be a VOC.*

***Volume 30, Issue 12 Virginia Register of Regulations 1624 (February 10, 2014)***

##### 2. 9VAC5-80. Permits for Stationary Sources (Rev. G13) (amending 9VAC5-80-1110).

Statutory Authority: § 10.1-1308 of the Code of Virginia; Clean Air Act (§§ 110, 112, 165, 173, 182, and Title V); 40 CFR Parts 51, 61, 63, 63, 70, and 72.

Effective Date: March 12, 2014

Summary: *The amendment revises the definition of "nonroad engine" to be more consistent with a similar federal definition by expanding it to include portable and temporary engines. Since nonroad engines are excluded from the definition of "stationary source," this amendment increases the number of engines that are not subject to minor new source review permitting requirements.*

***Volume 30, Issue 12 Virginia Register of Regulations 1633 (February 10, 2014)***

## VIRGINIA WASTE MANAGEMENT BOARD

### *A. Final Regulations*

#### **1. 9VAC20-60. Virginia Hazardous Waste Management Regulations (amending 9VAC20-60-18).**

Statutory Authority: §§ 10.1-1402 and 10.1-1426 of the Code of Virginia; 42 USC § 6921; 40 CFR Parts 260 through 272.

Effective Date: March 12, 2014.

Summary: *The amendments incorporate the July 1, 2013, update of Title 40 of the Code of Federal Regulations and adopt the conditional exclusions for solvent contaminated wipes published in 78 FR 46448 (July 31, 2013).*

***Volume 30, Issue 12 Virginia Register of Regulations 1642 (February 10, 2014)***

#### **2. 9VAC20-110. Regulations Governing the Transportation of Hazardous Materials (amending 9VAC20-110-110).**

Statutory Authority: §§ 10.1-1450 and 44-146.30 of the Code of Virginia; 49 USC §§ 1809-1810; 49 CFR Parts 107, 170-180, 383, and 390-397.

Effective Date: March 12, 2014.

Summary: *The amendment incorporates certain federal amendments to regulations governing the transportation of hazardous materials promulgated by the U.S. Secretary of Transportation as of October 1, 2013.*

***Volume 30, Issue 12 Virginia Register of Regulations 1643 (February 10, 2014)***

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### *A. Final Regulations*

#### **1. 9VAC15-20. Guidelines for the Preparation of Environmental Impact Assessments for Oil or Gas Well Drilling Operations in Tidewater Virginia (amending 9VAC15-20-10, 9VAC15-20-100, 9VAC15-20-110).**

Statutory Authority: § 62.1-195.1 of the Code of Virginia

Effective Date: March 26, 2014.

Summary

*The amendments update references to reflect current statutes and regulations.*

**Volume 30, Issue 13 Virginia Register of Regulations 1712 (February 24, 2014)**

**STATE WATER CONTROL BOARD**

**A. Final Regulation**

**1. 9VAC25-880. General Permit for Discharges of Stormwater from Construction Activities (amending 9VAC25-880-1 through 9VAC25-880-70; repealing 9VAC25-880-80 through 9VAC25-880-90).**

Statutory Authority: § 62.1-44.15:25 of the Code of Virginia.

Effective Date: July 1, 2014.

Summary *This regulatory action amends and reissues the existing general permit for discharges of stormwater from construction activities, which expires on June 30, 2014, to continue its availability as a permitting option for this type of discharger.*

*The amendments (i) add new definitions; (ii) authorize discharges from emergency-related construction activities; (iii) authorize discharges from single-family residences separately built, disturbing less than one acre, and part of a larger common plan of development or sale without the submission of a registration statement or general permit fee; (iii) incorporate administrative continuance provisions for existing construction activities currently covered under the 2009 construction general permit (CGP); (iv) update provisions for discharges to impaired waters, surface waters with an applicable approved total maximum daily load, and exceptional waters for consistency with EPA's final 2012 CGP; (v) revise stormwater pollution prevention plan (SWPPP) requirements to incorporate the federal effluent limitation guidelines for the Construction and Development Point Source Category (40 CFR Part 450) and for consistency with the Virginia Stormwater Management Program (VSMP) Regulations and EPA's final 2012 CGP; (vi) clarify and update the existing SWPPP requirements for erosion and sediment control plans, stormwater management plans, and pollution prevention plans; and (vii) amend the existing SWPPP requirements for amendments/modifications/updates of the general permit, notification, availability, implementation, inspections, and corrective actions for clarity and consistency with EPA's final 2012 CGP.*

*Changes to the regulation since publication of the proposed amendments occur throughout the regulation. However, the substantive changes are primarily in 9VAC25-880-70 and include (i) adding registration statement provisions for new stormwater discharges from emergency-related construction activities; (ii) adding a registration statement waiver provision for single-family residences separately built, disturbing less than one acre, and part of a larger common plan of development or sale; (iii) updating the registration statement submission deadline for existing construction activities seeking continued coverage under this general permit to June 1, 2014; and (iv) updating the requirement for existing construction activities to update their SWPPPs no later*

than 60 days after coverage under the general permit.

**Volume 30, Issue 13 Virginia Register of Regulations (February 24, 2014)**

**B. Forms**

**1. 9VAC25-91. Facility and Aboveground Storage Tank (AST) Regulation.**

FORMS (9VAC25-91)

Registration for Facility and Aboveground Storage Tank (AST), DEQ Form 7540-AST (rev. 10/08)

Approval Application for Facility Oil Discharge Contingency Plan (rev. 8/07)

Renewal Application for Facility Oil Discharge Contingency Plan (rev. 8/07)

**Volume 30, Issue 13 Virginia Register of Regulations 1715 (February 24, 2014)**

**2. 9VAC25-610. Ground Water Withdrawal Regulations.**

FORMS (9VAC25-610)

~~Water Division Permit Application Fee (rev. 9/12)~~

Water Division Permit Application Fee (rev. 11/12)

Application Instructions for Completing a Groundwater Withdrawal Permit Application (rev. 11/13)

Application for a Groundwater Withdrawal Permit (rev. 9/12)

Groundwater Withdrawal Permit - Change of Ownership Agreement Form (rev. 11/13)

Uncontested Termination Agreement (rev. 11/13)

Water Well Completion Report, Form GW2 (eff. 7/07)

Public Notice Authorization Form - Authorization for Public Notice Billing to Groundwater Withdrawal Permit Applicant (rev. 11/13)

Preapplication Meeting - Application for a Groundwater Withdrawal Permit (rev. 9/12)

Local and Areawide Planning Requirements (rev. 9/12)

Quarterly Groundwater Withdrawal Report (rev. 11/13)

Mitigation Plan (rev. 11/13)

Existing Users Groundwater Withdrawal Permit Application and Instructions (eff. 2/14)

**Volume 30, Issue 13 Virginia Register of Regulations 1715 (February 24, 2014)**

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