

Public Notice – Environmental Regulation

Notice of intended action: The State Air Pollution Control Board intends to consider drafting a proposal for the amendment of a regulation on open burning. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

Regulations affected: Regulation for Open Burning, 9VAC5 Chapter 130.

Purpose of notice: The board is seeking comments through the Department of Environmental Quality (DEQ) on the intended regulatory action, including but not limited to (i) ideas to assist in the development of the proposal, (ii) the costs and benefits of the alternatives stated in this background document or other alternatives, (iii) potential impacts of the regulation, and (iv) impacts of the regulation on farm and forest land preservation. The department is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (i) projected reporting, recordkeeping and other administrative costs, (ii) probable effect of the proposal on affected small businesses, and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Public comment period: July 2 to August 1, 2012.

Public comment stage: Notice of Intended Regulatory Action.

Subject matter and intent of proposal: The Regulation for Open Burning is intended to meet three goals: 1) to protect public health and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth; 2) to reduce VOC emissions in Virginia's ozone nonattainment areas to facilitate the attainment and maintenance of the air quality standards; and 3) to require that open burning be conducted in a manner as to prevent the release of air pollutants. The purpose of the planned action is to revise the regulation as needed to efficiently and effectively meet its goals while avoiding unreasonable hardships on the regulated community, the department, and the general public.

Regulatory panel: The board does not intend to establish a panel to assist in the development of the proposal. However, in response to requests received during the NOIRA public comment period the board will consider establishing a panel. Persons requesting the agency use a panel and interested in assisting in the development of a proposal should notify the department contact by the end of the comment period and provide their name, address, phone number, email address and their organization (if any). Notification of the composition of the panel will be sent to all applicants.

How to comment: DEQ accepts comments by mail, email, or fax to the staff contact listed below. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: www.townhall.virginia.gov. All comments must include the full name, address and telephone number of the person commenting

and be received by the department on the last day of the comment period. All documents received are part of the public record.

How a decision is made: After comments have been considered, the board will decide whether to take action on a proposal. If the board decides to consider the regulation, there will be another public comment opportunity. After these comments have been considered, the board will make the final decision.

To review regulation documents: The agency background document (including purpose, legal basis, need, substance, alternatives, public participation, public hearing at proposed stage, regulatory panel, and family impact) is available on the Town Hall web site (www.townhall.virginia.gov) and the DEQ Air Public Notices for Regulations web site (<http://www.deq.state.va.us/Programs/Air/PublicNotices/AirRegulations.aspx>). The documents may also be obtained by contacting the DEQ representative named below. There are no regulation amendments available for public comment at this time. The public may review the documents at the DEQ's Office of Regulatory Affairs, 629 East Main Street, Richmond, Virginia between 8:30 am and 4:30 pm of each business day until the close of the public comment period.

Contact for public comments, document requests and additional information:
Mary E. Major, Office of Regulatory Affairs, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia, 23218 (email mary.major@deq.virginia.gov, phone 804-698-4423, fax 804-698-4510)

TEMPLATES\NOIRA\IR01
REG\DEV\12-02IR