



Fast Track Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	Primary- Amend 9VAC25-600 Secondary- Repeal 9VAC25-620
Regulation title	Primary- Eastern Virginia Ground Water Management Area (to be re-titled Designated Ground Water Management Areas) Secondary- Order Declaring the Eastern Shore of Virginia- Accomack and Northampton Counties- as a Critical Ground Water Area
Action title	Amendment to include the counties of Accomack and Northampton in the Eastern Virginia Ground Water Management Area and repeal of the Order Declaring the Eastern Shore of Virginia- Accomack and Northampton Counties- as a Critical Ground Water Area.
Date this document prepared	June 10, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

This regulatory action amends the Eastern Virginia Ground Water Management Area Regulation to include the two localities previously listed in the Order Declaring the Eastern Shore of Virginia- Accomack and Northampton Counties- as a Critical Ground Water Area. The title of the Eastern Virginia Ground Water Management Area Regulation is also being revised to reflect that there are multiple designated groundwater management areas. The new title of the regulation is the Designated Ground Water Management Areas Regulation. The counties of Accomack and Northampton are being included in the Eastern Virginia Ground Water Management Area regulations. The Eastern Virginia Ground Water Management Area regulation now designates Accomack and Northampton Counties as being part of the

Eastern Shore Groundwater Management Area. The Order Declaring the Eastern Shore of Virginia-Accomack and Northampton Counties- as a Critical Ground Water Area is being repealed. This will list all localities that are required to comply with the Ground Water Withdrawal Regulations in a single regulation. As part of this regulatory action, the Order Declaring the Eastern Shore of Virginia-Accomack and Northampton Counties- as a Critical Ground Water Area will be repealed.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On June 17, 2013, The State Water Control Board adopted amendments to the Designated Ground Water Management Area and repealed the Order Declaring the Eastern Shore of Virginia- Accomack and Northampton Counties- as a Critical Ground Water Area.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. The identification should include a reference to the agency/board/person's overall regulatory authority, as well as a specific provision authorizing the promulgating entity to regulate this specific subject or program; and a description of the extent to which the authority is mandatory or discretionary

The basis for this regulatory action is provided for in § 62.1-44.15(10) to § 62.1-256.8 of the Code of Virginia. The designation process is outlined in 9VAC25-610-70 and 9VAC25-610-80.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The amendments to the Eastern Virginia Ground Water Management Area Regulations consolidate all localities included in groundwater management areas into one regulation. This will eliminate a regulation that is no longer needed and will list all localities included in groundwater management areas in one regulation.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If either an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules; or the Department finds it necessary, based on public comments or for any other reason, to make any changes to the proposal, the Department shall (i) file notice of the objection/reason 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.

This regulatory amendment is expected to be noncontroversial since it does not change any regulatory requirements placed on localities, industry, or the public. This regulatory action consolidates the list of localities included in groundwater management areas into one regulation.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. Note, more detail about all provisions or changes is provided in the "Detail of changes" section.

The counties of Accomack and Northampton are being incorporated into the Designated Ground Water Management Area Regulation. Accomack and Northampton Counties are part of the Eastern Shore Groundwater Management Area. The Order Declaring the Eastern Shore of Virginia- Accomack and Northampton Counties- as a Critical Ground Water Area is being repealed. This action will consolidate all localities included in groundwater management areas in one regulation.

Issues

- Please identify the issues associated with the proposed regulatory action, including:*
- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
 - 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage to consolidating the list of localities included in a single regulation is the removal of a separate regulation that is no longer needed. One regulation can now be consulted to determine if a locality is located within a groundwater management area.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No localities are particularly impacted. Accomack County and Northampton County will be listed in the same regulation with other localities that are part of a groundwater management area. This does not change the compliance requirements for these localities.

Public Participation

Please include a statement that in addition to any other comments on the regulation, the agency is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community and on any impacts of the regulation on farm and forest land preservation. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reported, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Melissa Porterfield, Office of Regulatory Affairs, P.O. Box 1105, Richmond, VA 23218, phone: 804-698-4238, fax: 804-698-4346 email: Melissa.Porterfield@deq.virginia.gov . Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: www.townhall.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>There are no changes to the regulatory requirements; therefore there is no economic impact.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>There are no changes to the regulatory requirements; therefore there is no economic</p>

	impact.
Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.	There are no changes to the regulatory requirements; therefore there is no economic impact.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	There are no changes to the regulatory requirements; therefore there is no economic impact.
All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	There are no changes to the regulatory requirements; therefore there is no economic impact.
Beneficial impact the regulation is designed to produce.	This regulatory action reduces the number of regulations that need to be consulted to determine if a locality is located within a groundwater management area.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation

The alternative to this regulatory action is to continue to list Accomack and Northampton Counties in a separate regulation which would require two separate regulations to be consulted to identify all localities in Virginia that are located within a groundwater management area.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The Board is consolidating the list of localities that are in groundwater management areas into a single regulation. This simplifies the process of identifying which localities are located within a groundwater management area since only one regulation will need to be consulted, instead of two regulations.

Family impact

Please assess the impact of the proposed 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.

This regulation will not have any impact on the institution of the family or family stability.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the pre-emergency regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulation(s), use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
9 VAC25-600		Current title of the regulation is Eastern Virginia Ground Water Management Area	The title of the regulation is being revised to Designated Ground Water Management Areas. This change has been made since all groundwater management areas will be designated within a single regulation instead of separate regulations.
9 VAC25-600-10		Term “area” defined.	Term “area” has been removed from the definition section since it is no longer necessary.
9 VAC25-600-20		List of localities included in a groundwater management area.	Includes Accomack and Northampton counties in the Eastern Shore Groundwater Management Area. Previously these localities were listed as being part of a

			critical groundwater management area within a separate regulation.
9VAC25-620-10		List of localities included in a Critical Ground Water Area	Repeals the regulation establishing a critical groundwater area. Accomack and Northampton counties on the Eastern Shore of Virginia would now be included in the Designated Ground Water Management Areas Regulation.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

No acronyms are used in the agency background document.