

Office of Regulatory Management  
Economic Review Form

| Agency name   | State Water Control Board |
|---|---------------------------|
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 9VAC25-20                 |
|   | 9VAC25-31                 |
|   | 9VAC25-32                 |
|   | 9VAC25-40                 |
|   | 9VAC25-71                 |
|   | 9VAC25-91                 |
|   | 9VAC25-101                |
|   | 9VAC25-110                |
|   | 9VAC25-115                |
|   | 9VAC25-120                |
|   | 9VAC25-151                |
|   | 9VAC25-190                |
|   | 9VAC25-192                |
|   | 9VAC25-193                |
|   | 9VAC25-194                |
|   | 9VAC25-196                |
|   | 9VAC25-200                |
|   | 9VAC25-210                |
|   | 9VAC25-220                |
|   | 9VAC25-260                |
|   | 9VAC25-280                |
|   | 9VAC25-370                |
|   | 9VAC25-380                |
|   | 9VAC25-390                |
|   | 9VAC25-580                |
|   | 9VAC25-590                |
|   | 9VAC25-610                |
|   | 9VAC25-630                |
|   | 9VAC25-640                |
|   | 9VAC25-650                |
|   | 9VAC25-660                |
|   | 9VAC25-670                |
| 9VAC25-680  |                           |
| 9VAC25-690  |                           |
| 9VAC25-720  |                           |
| 9VAC25-740  |                           |
| 9VAC25-770  |                           |
| 9VAC25-780  |                           |
| 9VAC25-790  |                           |
| 9VAC25-800  |                           |

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|------------------------------------|--|
|                                    | <p>9VAC25-820<br/>9VAC25-840<br/>9VAC25-850<br/>9VAC25-860<br/>9VAC25-880<br/>9VAC25-890</p>   |
| <p><b>VAC Chapter title(s)</b></p> | <p>Fees for Permits and Certificates<br/>Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation<br/>Virginia Pollution Abatement (VPA) Permit Regulation<br/>Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed<br/>Regulations Governing the Discharge of Sewage and Other Wastes from Boats<br/>Facility and Aboveground Storage Tank (AST) Regulation<br/>Tank Vessel Oil Discharge Contingency Plan and Financial Responsibility Regulation<br/>Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day<br/>Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation For Seafood Processing Facilities<br/>Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation, and Hydrostatic Tests<br/>Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity<br/>Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining<br/>Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management<br/>Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Concrete Products Facilities<br/>Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities<br/>Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less<br/>Water Withdrawal Reporting<br/>Virginia Water Protection Permit Program Regulation<br/>Surface Water Management Area Regulation<br/>Water Quality Standards<br/>Ground Water Standards<br/>Policy for the Protection of Water Quality in Virginia's Shellfish Growing Waters</p> |

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|                                    | <p>Wetlands Policy<br/> Water Resources Policy<br/> Underground Storage Tanks: Technical Standards and Corrective Action Requirements<br/> Petroleum Underground Storage Tank Financial Responsibility Requirements<br/> Groundwater Withdrawal Regulations<br/> Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management<br/> Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements<br/> Closure Plans and Demonstration of Financial Capability<br/> Virginia Water Protection General Permit for Impacts Less Than One-Half Acre<br/> Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities<br/> Virginia Water Protection General Permit for Linear Transportation Projects<br/> Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities<br/> Water Quality Management Planning Regulation<br/> Water Reclamation and Reuse Regulation<br/> Virginia Financial Responsibility Requirements for Mitigation Associated with Tidal Dredging Projects<br/> Local and Regional Water Supply Planning<br/> Sewage Collection and Treatment Regulations<br/> Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters<br/> General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia<br/> Erosion and Sediment Control Regulations<br/> Erosion and Sediment Control and Stormwater Management Certification Regulations<br/> Virginia Pollutant Discharge Elimination System General Permit for Potable Water Treatment Plants<br/> General VPDES Permit for Discharges of Stormwater from Construction Activities<br/> General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems</p> |
| <b>Action title</b>                | Final Exempt changes in response to 2022 board bill (Ch. 356 of the 2022 Acts of Assembly)  |
| <b>Date this document prepared</b> | August 19, 2022   |

**Cost Benefit Analysis**

Table 1a must be completed for all actions. Tables 1b and 1c must be completed for actions (or portions thereof) where the agency is exercising discretion, including those where some of the changes are mandated by state or federal law or regulation. Tables 1b and 1c are not needed if **all** changes are mandated, and the agency is not exercising any discretion. In that case, enter a statement to that effect.

- (1) Direct Costs & Benefits: Identify all specific, direct economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (A direct impact is one that affects entities regulated by the agency and which directly results from the regulatory change itself, without any intervening steps or effects. For example, the direct impact of a regulatory fee change is the change in costs for these regulated entities.) When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo. One bullet has been provided, add additional bullets as needed.
- (2) Quantitative Factors:
  - (a) Enter estimated dollar value of total (overall) direct costs described above.
  - (b) Enter estimated dollar value of total (overall) direct benefits described above.
  - (c) Enter the present value of the direct costs based on the worksheet.
  - (d) Enter the present value of the direct benefits based on the worksheet.
- (3) Benefits-Costs Ratio: Calculate d divided by c OR enter it from the worksheet.
- (4) Net Benefit: Calculate d minus c OR enter it from the worksheet.
- (5) Indirect Costs & Benefits: Identify all specific, indirect economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (An indirect impact is one that results from responses to the regulatory change, but which are not directly required by the regulation. Indirect impacts of a regulatory fee change on regulated entities could include a change in the prices they charge, changes in their operating procedures or employment levels, or decisions to enter or exit the regulated profession or market. Indirect impacts also include responses by other entities that have close economic ties to the regulated entities, such as suppliers or partners.) If there are no indirect costs or benefits, include a specific statement to that effect.
- (6) Information Sources: Describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (7) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

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| (1) Direct Costs & Benefits | <ul style="list-style-type: none"> <li>• <b>All</b> changes are mandated, and the agency is not exercising any discretion.</li> <li>• Amend the regulations to meet the requirements of Chapter 356 of the 2022 Acts of Assembly, which limits the authority of the State</li> </ul> |
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|  | <p>Water Control Board (board) under Chapters 3.1 (State Water Control Law), 24 (Surface Water Management Areas) and 25 (Ground Water Management Act of 1992), to the issuance of regulations; transfers the board's existing authority to issue permits and orders to DEQ.</p> <p>Direct Costs: None. These amendments do not change whether or not a person needs to obtain a permit, nor do they change the requirements of any permits. The only change, which is required by Chapter 356 of the 2022 Acts of Assembly, is who issues the permit (DEQ instead of the board).</p> <p>Direct Benefits: Meet the legal mandate of state law.</p> <ul style="list-style-type: none"><li>• Amend the regulations to meet the requirements of Chapter 356 of the 2022 Acts of Assembly, which requires that at each regular meeting of the board, DEQ must provide an overview and update regarding any controversial permits pending before DEQ that are relevant to the board, which will have an immediate opportunity to respond.</li></ul> <p>Direct Costs: None. Under the previous law these permits would have gone before the board for permit issuance. As a result of the change in the law the permits will not go before the board for issuance, but DEQ staff will update the board about these permits at regularly scheduled board meetings, which would have occurred with or without this change.</p> <p>Direct Benefits: Meet the legal mandate of state law.</p> <ul style="list-style-type: none"><li>• Amend the regulations to meet the requirements of Chapter 356 of the 2022 Acts of Assembly, which requires that DEQ publish a summary of public comments received. After such publication, DEQ is required to publish public responses to the public comment summary and hold a public hearing to provide an opportunity for response.</li></ul> <p>Direct Costs: None.</p> <p>Direct Benefits: Meet the legal mandate of state law.</p> <ul style="list-style-type: none"><li>• Amend the regulations to meet the requirements of Chapter 356 of the 2022 Acts of Assembly, which defines "controversial permit," and requires that changes to the implementing regulations include specific criteria for requesting and granting a public hearing before DEQ (rather than the board) on a permit action during a public</li></ul> |
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|  | <p>comment period in those instances where a public hearing is not mandatory under state or federal law or regulation.</p> <p>Direct Costs: None. Under the previous law a public hearing on these permits would have been before the board; the only change, which is required by Chapter 356 of the 2022 Acts of Assembly, is that the public hearing will be held before the department instead of the board.</p> <p>Direct Benefits: Meet the legal mandate of state law.</p> <ul style="list-style-type: none"> <li>Amend the regulations to meet the requirements of Chapter 356 of the 2022 Acts of Assembly, which allow the Director of DEQ to convene a public hearing on a permit action at his discretion.</li> </ul> <p>Direct Costs: None. Under the previous law the Director of DEQ could convene a public hearing on a permit action before the board at his discretion; the only change, which is required by Chapter 356 of the 2022 Acts of Assembly, is that the public hearing, if convened, will be held before the department instead of the board.</p> <p>Direct Benefits: Meet the legal mandate of state law.</p> <ul style="list-style-type: none"> <li>Amend the regulations to make several minor technical corrections, including updating of citations in response to statutory changes.</li> </ul> <p>Direct Costs: None.</p> <p>Direct Benefits: Enable the regulations to operate accurately and properly.</p> |
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| (2) Quantitative Factors      | Estimated Dollar Amount  | Present Value   |       |
| Direct Costs                  | (a) None.  | (c) None.       |       |
| Direct Benefits               | (b) None.  | (d) None.       |       |
| (3) Benefits-Costs Ratio      | None.  | (4) Net Benefit | None. |
| (5) Indirect Costs & Benefits | There are no indirect costs. The primary indirect benefit will be that the permitting process set forth in regulation will be conformed to the permitting process provided in law and will thus avoid confusion and ensure the permitting regulations operate in an efficient, transparent manner. |                 |       |

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| (6) Information Sources | Fiscal Impact Statement prepared for SB657.  |
| (7) Optional            | The new legal mandate does not impose any new requirements on regulated entities; rather, it transfers legal authority from one governmental body to another, which necessitates several minor administrative changes. |

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

Not required- all changes are mandated, and the agency is not exercising any discretion.

**Table 1c: Costs and Benefits under an Alternative Approach**

Not required- all changes are mandated, and the agency is not exercising any discretion.

**Impact on Local Partners**

- (1) Describe the direct costs and benefits (as defined on page 1) for local partners in terms of real monetary costs and FTEs. Local partners include local or tribal governments, school divisions, or other local or regional authorities, boards, or commissions. If local partners are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
  - (a) Enter estimated dollar value of total (overall) direct costs described above.
  - (b) Enter estimated dollar value of total (overall) direct benefits described above.
- (3) Indirect Costs & Benefits: Describe any indirect benefits and costs (as defined on page 1) for local partners that are associated with all significant changes. If there are no indirect costs or benefits, include a specific statement to that effect.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (5) Assistance: Identify the amount and source of assistance provided for compliance in both funding and training or other technical implementation assistance.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

**Table 2: Impact on Local Partners**

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| (1) Direct Costs & Benefits | Direct Costs: There are no costs to local partners associated with these regulatory changes. SB657 was passed during the 2022 Session of the General Assembly. This bill limits the authority of the State Water Control Board (board) under Chapters 3.1 (State Water Control Law), 24 (Surface Water Management Areas) and 25 (Ground Water Management Act of 1992), to the issuance of regulations; transfers the board’s existing authority |
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|                               | <p>to issue permits and orders to the Department of Environmental Quality; and provides procedures for public comment on pending controversial permits. The Governor signed this bill into law on April 11, 2022 (SB657 – Chapter 356 of the 2022 Acts of Assembly) and these changes became effective July 1, 2022. These regulatory actions are required to conform the existing regulation to changes in Code.</p> <p>Direct Benefits: The public, agency and regulated community will benefit from the regulatory changes. These regulatory changes are being made to conform to the requirements of state law and neither the board nor the agency has any discretion concerning these changes. The regulatory changes will reduce confusion by making the regulatory language consistent with the requirements of state law.</p> |
| (2) Quantitative Factors      | Estimated Dollar Amount  |
| Direct Costs                  | (a) None.  |
| Direct Benefits               | (b) None.  |
| (3) Indirect Costs & Benefits | There are no indirect costs. The primary indirect benefit will be that the permitting process set forth in regulation will be conformed to the permitting process provided in law and will thus avoid confusion and ensure the permitting regulations operate in an efficient, transparent manner.   |
| (4) Information Sources       | Fiscal Impact Statement prepared for SB657.  |
| (5) Assistance                | None.  |
| (6) Optional                  |  |

**Economic Impacts on Families**

- (1) Describe the direct costs and benefits (as defined on page 1) to a typical family of three (average family size in Virginia according to the U. S. Census) arising from any proposed regulatory changes that would affect the costs of food, energy, housing, transportation, healthcare, and education. If families are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
  - (a) Enter estimated dollar value of direct costs.



- (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe any indirect costs and benefits (as defined on page 1) to a typical family of three that are most likely to result from the proposed changes.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (5) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

**Table 3: Impact on Families**

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| (1) Direct Costs & Benefits   | <p>Direct Costs: There are no costs to families associated with these regulatory changes. SB657 was passed during the 2022 Session of the General Assembly. This bill limits the authority of the State Water Control Board (board) under Chapters 3.1 (State Water Control Law), 24 (Surface Water Management Areas) and 25 (Ground Water Management Act of 1992), to the issuance of regulations; transfers the board’s existing authority to issue permits and orders to the Department of Environmental Quality; and provides procedures for public comment on pending controversial permits. The Governor signed this bill into law on April 11, 2022 (SB657 – Chapter 356 of the 2022 Acts of Assembly) and these changes became effective July 1, 2022. These regulatory actions are required to conform the existing regulation to changes in Code.</p> <p>Direct Benefits: The public, agency and regulated community will benefit from the regulatory changes. These regulatory changes are being made to conform to the requirements of state law and neither the board nor the agency has any discretion concerning these changes. The regulatory changes will potentially reduce confusion by making the regulatory language consistent with the requirements of state law.</p> |
| (2) Quantitative Factors      | Estimated Dollar Amount  |
| Direct Costs                  | (a) None.  |
| Direct Benefits               | (b) None.  |
| (3) Indirect Costs & Benefits | There are no indirect costs. The primary indirect benefit will be that the permitting process set forth in regulation will be conformed to the permitting process provided in law and will thus avoid confusion and ensure the permitting regulations operate in an efficient, transparent manner.   |

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| (4) Information Sources | Fiscal Impact Statement prepared for SB657. |
| (5) Optional            |   |

**Impacts on Small Businesses**

- (1) Describe the direct costs and benefits (as defined on page 1) for small businesses. For purposes of this analysis, “small business” means the same as that term is defined in § 2.2-4007.1. If small businesses are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
  - (a) Enter estimated dollar value of direct costs.
  - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe the indirect benefits and costs (as defined on page 1) for small businesses that are most likely to result from the proposed changes.
- (4) Alternatives: Add a qualitative discussion of any equally effective alternatives that would make the regulatory burden on small business more equitable compared to other affected business sectors, and how those alternatives were identified.
- (5) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

**Table 4: Impact on Small Businesses**

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| (1) Direct Costs & Benefits | <p>Direct Costs: There are no costs associated with these regulatory changes. SB 657 was passed during the 2022 Session of the General Assembly. This bill limits the authority of the State Water Control Board (board) under Chapters 3.1 (State Water Control Law), 24 (Surface Water Management Areas) and 25 (Ground Water Management Act of 1992), to the issuance of regulations; transfers the board’s existing authority to issue permits and orders to the Department of Environmental Quality; and provides procedures for public comment on pending controversial permits. The Governor signed this bill into law on April 11, 2022 (SB657 – Chapter 356 of the 2022 Acts of Assembly) and these changes became effective July 1, 2022. These regulatory actions are required to conform the existing regulation to changes in Code.</p> <p>Direct Benefits: The public, agency and regulated community will benefit from the regulatory changes. These regulatory changes are being made to</p> |
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|                               | conform to the requirements of state law and the board nor the agency has any discretion concerning these changes. The regulatory changes will reduce confusion by making the regulatory language consistent with the requirements of state law.   |
| (2) Quantitative Factors      | Estimated Dollar Amount  |
| Direct Costs                  | (a) None.  |
| Direct Benefits               | (b) None.  |
| (3) Indirect Costs & Benefits | There are no indirect costs. The primary indirect benefit will be that the permitting process set forth in regulation will be conformed to the permitting process provided in law and will thus avoid confusion and ensure the permitting regulations operate in an efficient, transparent manner. |
| (4) Alternatives              | None.  |
| (5) Information Sources       | Fiscal Impact Statement prepared for SB657.  |
| (6) Optional                  |  |

**Changes to Number of Regulatory Requirements**

*For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed.*

**Table 5: Total Number of Requirements**

These regulatory amendments do not place any additional regulatory requirements on the regulated community; rather, it transfers legal authority from one governmental body to another, which necessitates several minor administrative changes. These amendments are being adopted using the final exempt process as allowed by § 2.2-4006 A 4 a of the Code of Virginia which allows for changes to be made to regulations that are “Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.”