Office of Regulatory Management

Economic Review Form

Agency name	Department of Environmental Quality
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-31 Secondary Chapters: 9VAC25-32; 9VAC25-210; 9 VAC 25-610; 9VAC25-660; 9VAC25-670; 9VAC25-680; 9VAC25-690, 9VCA25-790
VAC Chapter title(s)	Virginia Pollutant Discharge Elimination System Permit (VPDES) Regulation (9VAC25-31); Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32); Virginia Water Protection (VWP) Permit Program Regulation (9VAC25-210); Groundwater Withdrawal Regulations (9VAC25-610); Virginia Water Protection (VWP) General Permit for Impacts Less Than One-Half Acre (9VAC25-660); Virginia Water Protection (VWP) 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 (9VAC25-670); Virginia Water Protection General Permit for Linear Transportation Projects (9VAC25-680); Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities (9VAC25-690) Sewage Collection and Treatment Regulations (9VAC25-790)
Action title	2023 40 CFR Reference Update/Methods Update Rule
Date this document prepared	October 31, 2023
Regulatory Stage (including Issuance of Guidance Documents)	Final Exempt

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

The Regulatory Flexibility Act statement contained in 86 FR 27226 (05/19/2021) states that this action would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. This action will not impose any requirements on small entities. This action would approve new and revised versions of Clean Water Act (CWA) testing procedures. Generally, these changes have a positive impact on small entities by increasing method flexibility, thereby allowing entities to reduce costs by choosing more cost-effective methods. In general, EPA expects the final revisions will lead to few, if any, increased costs. Most of the changes clarify or improve the instructions in the method, update the technology used in the method, improve the QC instructions, make editorial corrections, or reflect the most recent approval year of an already approved method. In some cases, they would add alternatives to currently approved methods for a particular analyte (e.g., Method N07–0003 for Nitrate Reductase Nitrate-Nitrogen Analysis). Because these methods would be alternatives rather than requirements, EPA indicated in their analysis there are no direct costs associated with the updated test methods. If a permittee elected to use these methods, they could incur a small cost associated with obtaining these methods from the listed sources.

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

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: This regulatory action updates testing methods allowed in these regulations to be consistent with those allowed by EPA. The proposed change involves updating the Voluntary Consensus Standards Body (VCSB) methods currently incorporated by reference in 40 CFR part 136, including revisions to the Standard Methods and ASTM International methods. Both organizations also offer memberships or subscriptions that allow unlimited access to their methods. If a permittee or environmental laboratory does not maintain a membership or subscription, then the cost of obtaining these updated methods ranges from $40 to $80, which is not a significant financial burden for permittees or environmental laboratories to obtain the updated methods. This is not an additional cost increase or decrease for the actual test. Additionally, the final rule incorporates United States Geological Survey (USGS) methods and vendor Alternative Test Procedures (ATPs), which are available free of charge on their respective websites. Therefore, the direct costs of the proposed change

	would primarily consist of the fees associated with obtaining updated VCSB methods, which are reasonable and minimal. Indirect Costs: Indirect costs associated with the proposed change may include costs associated with training personnel on the new test procedures, costs associated with recalibrating equipment to comply with the new procedures, and costs associated with updating standard operating procedures to reflect the changes. While EPA has concluded that the direct costs associated with obtaining the new and revised test procedures would not be a significant financial burden, it is important to note that the permittee or environmental laboratory may still incur some additional costs because of these indirect factors. However, EPA projects that these indirect costs would be minimal, as they are one-time expenses and should not significantly impact the overall cost of compliance. Direct Benefits: This update should offer several direct benefits to permittees and environmental laboratories. Firstly, by incorporating the revisions to the VCSB methods and ATPs, the proposed change will provide more options and increased flexibility to permittees in selecting suitable methods for monitoring pollutant levels. This, in turn, will improve compliance and reduce regulatory burden on regulated entities. Secondly, the proposed update will enhance the quality of monitoring data by adopting the latest technological advances in analytical technology. This will enable more accurate and reliable measurement of pollutants, leading to better-informed decisions and more effective management of environmental risks. Overall, the proposed change should offer direct benefits to permittees and environmental laboratories by providing more flexibility and improved data quality, while reducing regulatory burden and enhancing environmental protection. This change may also benefit permittees that operate in multiple states since this regulatory change updates Virgnia's test methods to be consistent with the federal regulations. Permittees that have operations in many states may benefit from having consistent test methods available to them in all of the states in which they operate. Indirect Benefits: The adoption of methods developed by national voluntary consensus standards can have a ripple effect on the regulated communities beyond just meeting regulatory requirements. It can encourage the use of more standardized and widely accepted

	methods, leading to greater consistency in data collection and analysis. This can improve comparability of data across different facilities and districts, enabling better tracking of trends and identification of potential issues. Additionally, the use of newer, more advanced analytical technologies can lead to more accurate and precise data, which can inform better decision-making by regulators, permittees, and other stakeholders. The adoption of these updated methods can contribute to improved environmental outcomes and protection of public health.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Both VCSB and ASTM also offer memberships or subscriptions that allow unlimited access to their methods. Without a membership or subscription, the direct cost will be between $40 - $80 to obtain the testing updates.	(b) Increased flexibility for permittees will thereby decrease costs overall. Without a membership or subscription, the direct cost will be between $40 - $80 to obtain the testing updates.
(3) Net Monetized Benefit	Same as present.	
(4) Other Costs & Benefits (Non-Monetized)	Decreases burden on both permittees and environmental laboratories.	
(5) Information Sources	Federal Register: Clean Water Act: Methods Update Rule for the Analysis of Effluent. 05/19/2021	

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

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Permittees and environmental laboratories currently must satisfy the older testing standard from 2017. Indirect Costs: Limited flexibility to the regulated community, no improvements in the quality of data collected, and an inability to keep current with technology advances. Direct Benefits: Quality of data collected will remain static and without improvement. Indirect Benefits:

	Permittees will not have to update or keep current with technology advances.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) $40 - $80 per permittee or environmental laboratory to obtain the updated methods if the permittee does not maintain a memberships or subscriptions that allow unlimited access to their methods.	(b) Maintains status quo of the current data quality, limiting the scope of methods that fail to keep current with technology advances, and thus permittees have limited flexibility when testing.
(3) Net Monetized Benefit	Zero net monetized benefit if updates are not made to the regulation.	
(4) Other Costs & Benefits (Non-Monetized)	National Pollutant Discharge Elimination System permits include conditions designed to ensure compliance with the technology-based and water quality-based requirements of the Clean Water Act, including restrictions on the quantity of specific pollutants discharged as well as requirements for pollutant monitoring, measurement, and reporting to DEQ. Permittees are currently limited in deciding which approved test procedure they will use for a specific pollutant because the EPA has subsequently approved the use of more modern and additional methods for testing that are currently not allowed by Virginia's regulations. This regulatory change updates the Board's regulations to allow the most recently adopted EPA test methods.	
(5) Information Sources	Federal Register: Clean Water Act – Methods Update Rule for the Analysis of Effluent. 05/19/2021	

Table 1c: Costs and Benefits under Alternative Approach(es)
The agency was unable to identify an alternative approach since this change makes Virginia's regulations consistent with federal testing methods.

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: NA Indirect Costs: NA Direct Benefits: NA Indirect Benefits: NA	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) Not applicable	(b) Not applicable
(3) Net Monetized Benefit	Not applicable	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable	
(5) Information Sources	Not applicable	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	Localities would experience the same costs and benefits described in table 1a. No estimate is available concerning the number of localities benefiting from this regulatory change. Localities that have obtained a VPDES, VPA, Groundwater withdrawal, Virginia Water Protection Permit or are regulated by the Sewage Treatment and Collection regulation are potentially impacted by this amendment. Direct Costs: Indirect Costs: Direct Benefits: Indirect Benefits:	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		

(4) Assistance	
(5) Information Sources	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: None. Indirect Costs: None. Direct Benefits: None. Indirect Benefits: None.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		
(4) Information Sources		

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	Small businesses would experience the same costs and benefits described in table 1a. No estimate is available concerning the number of small businesses benefiting from this regulatory change. Small businesses that have obtained a VPDES, VPA, Groundwater withdrawal, Virginia Water Protection Permit or are regulated by the Sewage Treatment and Collection regulation are potentially impacted by this amendment.

	Direct Costs: None. Indirect Costs: None. Direct Benefits: None. Indirect Benefits: None.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		
(4) Alternatives		
(5) Information Sources		

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved	Authority of Change	Initial Count	Additions	Subtractions	Net Change
9VAC25-31-25	**Statutory**	0	0	0	0
	Discretionary	0	0	0	0
9VAC25-31-100	**Statutory**	80	0	0	0
	Discretionary	0	0	0	0
9VAC25-32-25	**Statutory**	0	0	0	0
	Discretionary	0	0	0	0
9VAC25-210-90	**Statutory**	12	0	0	0
	Discretionary	0	0	0	0
9VAC25-610-130	**Statutory**	25	0	0	0
	Discretionary	0	0	0	0
9VAC25-660-100	**Statutory**	72	0	0	0
	Discretionary	0	0	0	0
9VAC25-670-100	**Statutory**	90	0	0	0
	Discretionary	0	0	0	0
9VAC25-680-100	**Statutory**	103	0	0	0
	Discretionary	0	0	0	0
9VAC25-690-100	**Statutory**	104	0	0	0
	Discretionary	0	0	0	0
9VAC25-790-100	**Statutory**	31	0	0	0
	Discretionary	0	0	0	0
				Total Net Change of Statutory Requirements:	**0**
				Total Net Change of Discretionary Requirements:	**0**

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
9VAC25-31 9VAC25-32 9VAC25-210 9VAC25-610 9VAC25-660 9VAC25-670 9VAC25-680 9VAC25-790	Update regulation to include additional test methods for use by regulated community.	Membership or subscription with VCSB or ASTM to have unlimited access to their methods, or $40 - $80 for nonmember access to testing methods.	Permittees with membership or subscription with VCSB or ASTM will incur no additional cost. Nonmembers will incur a $40 - $80 cost to access to testing methods.	Ranges from no increase for Permittees with membership or subscription with VCSB or ASTM to $40 - $80 cost to access to for permittees without membership or subscription with VCSB or ASTM

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
9VAC25-31 9VAC25-32 9VAC25-210 9VAC25-610 9VAC25-660 9VAC25-670 9VAC25-680 9VAC25-790	This regulatory amendment will update these references with the 40 CFR Part 136 published in the July 1, 2023, update.	Provides increased flexibility for the permittees in meeting monitoring requirements while improving data quality and complying with the updated methods.