



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

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| Agency Name: | State Water Control Board |
| VAC Chapter Number: | 9 VAC 25-20-10 et seq. |
| Regulation Title: | Fees For Permits And Certificates |
| Action Title: | Amend Existing Regulation |
| Date: | June 21, 2004 |

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 et seq. of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This action will amend the existing Water Permit Fee Regulation to conform with the changes to the Code of Virginia that were made by the 2004 General Assembly relative to water permit fees. The substantive changes to the regulation are as follows:

- (1) Added definitions for "major reservoir", "minor reservoir", and "single jurisdiction". Deleted the three VWP Project Category definitions.
- (2) Clarified that permit application fees do not apply to farming operations engaged in production for market, or for maintenance dredging for federal navigation channels or other Corps of Engineers-sponsored dredging projects.
- (3) Clarified that permit maintenance fees do not apply to facilities operating under a general permit, farming operations engaged in production for market, or for Virginia Water Protection, Surface Water Withdrawal, and Ground Water Withdrawal permits.
- (4) Added an exemption from paying the Annual Permit Maintenance Fee that is due on October 1, 2004 for VPDES and VPA permittees that terminate their permits prior to October 1, 2004.
- (5) Added an exemption from paying the Annual Permit Maintenance Fee that is due on October 1, 2004 for permit holders that applied/reapplied for a municipal minor VPDES permit with a design flow of 10,000 gpd or less between July 1, 2003 and July 1, 2004, and who paid the applicable permit application fee.
- (6) Added information on late payments indicating that interest may be charged at the IRS underpayment rate, that a 10% late fee may apply for accounts over 90-days past due, and that the remedies available under the Code of Virginia apply for the collection of past due accounts.
- (7) Modified the fees in the permit application fees and permit modification fees sections to be consistent with the changes to the Code of Virginia section 62.1-44.15:6.
- (8) Added a section for "Annual Permit Maintenance Fees". These fees replace the fee to reapply for a permit for VPDES and VPA individual permits, and are due by October 1 of each year. Additional permit maintenance fees apply to facilities with more than 5 process wastewater discharge outfalls, and to facilities in a toxics management program.
- (9) Added a section to allow discounted Permit Maintenance Fees for facilities participating in the Environmental Excellence Program.

Statement of Final Agency Action

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

On June 17, 2004, the State Water Control Board adopted the amendment to the Fees For Permits And Certificates Regulation, 9 VAC 25-20.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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.

The regulation amendment will have no direct impact on the institution of the family or family stability.