



Economic Impact Analysis Virginia Department of Planning and Budget

4 VAC 50-60 – Stormwater Management Regulations
Department of Conservation and Recreation
October 18, 2012

Summary of the Proposed Amendments to Regulation

The Virginia Soil and Water Conservation Board (Board) proposes to clarify that “all approved” Total Maximum Daily Loads (TMDLs) with a specific waste load allocation (WLA) for a pollutant assigned to stormwater discharges from a construction activity are subject to the identification and implementation of additional control measures when found to be necessary.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Prior to this proposed amendment, the language of this section only applied to TMDLs “approved by the State Water Control Board” that contain a specific WLA for a given pollutant assigned to stormwater discharges from a construction activity. Recently, several TMDLs have been approved by the federal government, rather than approved by the Board. In order to address this procedural change and to recognize federally approved TMDLs where a specific WLA for a pollutant has been established and is assigned to stormwater discharges from a construction activity, where legally appropriate to do such, the language of this section is proposed to be expanded to speak to “an approved” TMDL regardless of the approving entity. This is necessary to remain compliant with the issuance of Construction General Permit project coverage under the auspices of the federal Clean Water Act. The proposed change is clarifying in nature and will not affect actual requirements in practice. Greater clarity will be beneficial without introducing cost. Thus, the proposed amendment creates a net benefit.

Businesses and Entities Affected

The proposed amendment is clarifying in nature and thus no businesses or other entity will be significantly affected. Since the subject matter pertains to stormwater discharges from a construction activity, private land developers, public land developers, businesses, and homeowners may have interest in the clarification.

Localities Particularly Affected

The proposed amendment does not disproportionately affect particular Virginia localities.

Projected Impact on Employment

The proposed amendment will not affect employment.

Effects on the Use and Value of Private Property

The proposed amendment will not affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed amendment will not affect costs for small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendment will not adversely impact small businesses.

Real Estate Development Costs

The proposed amendment will not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such

economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.