

Office of Regulatory Management
Economic Review Form

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-820
VAC Chapter title(s)	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
Action title	CH 820-2026 Amendment and Reissuance of the Existing Regulation
Date this document prepared	March 16, 2026
Regulatory Stage (including Issuance of Guidance Documents)	Final – There have been no changes made to this analysis since the previous stage of this action.

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.

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

(1) Direct & Indirect Costs & Benefits (Monetized)	<p><u>Background</u> This general permit regulation governs facilities that hold individual VPDES permits and discharge or propose to discharge total nitrogen or total phosphorus, or both, to the Chesapeake Bay or its tributaries. The</p>
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	<p>facilities are authorized to discharge to surface waters and exchange credits for total nitrogen or total phosphorus, or both. Nitrogen and phosphorus are both nutrients.</p> <p>This regulatory action is proposed to amend and reissue the existing general permit which expires on December 31, 2026. VPDES general permit regulations expire every 5 years and must be re-issued in order for permit coverage to be available to existing facilities to continue coverage and new entities to be able to obtain coverage for conducting this regulated activity.</p> <p>Presently there are 142 regulated entities covered by this general permit. Reissuance of this general permit allows existing facilities to continue coverage and new entities to be able to obtain coverage for conducting this regulated activity. The proposed amendments update the permit term, and include revising monitoring frequencies requirements, removal of outdated compliance schedules, addition of language for terminated wasteload allocations, addition of a new option to receive point source credits from the Virginia Nutrient Credit Exchange Association, and other clarifying language throughout</p> <p>Direct Costs: The proposed changes are not expected to result in any additional direct costs to the regulated community since they provide an optional approach for some members of the regulated community (based on the facility’s design flow range) to reduce their monitoring frequencies.</p> <p>Indirect Costs: The proposed changes are not expected to result in any additional indirect costs to the regulated community since they provide an optional approach for some members of the regulated community to reduce their monitoring frequencies.</p> <p>Direct Benefits: The reissuance of this general permit provides the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity while continuing to be protective of human health and the environment.</p> <p>It also lowers the monitoring frequency requirements for some permittees, which will result in reduced costs and lower burdens. Reducing the monitoring requirements for permittees will result in a decreased regulatory burden. Lowering the monitoring frequencies will save staff and administrative time.</p> <p>Facilities with design flow ranges between 0.5-0.999 million gallons per day (MGD) (24 facilities) and 1.0 – 4.99 MGD (41 facilities) that currently sample twice a week will only be required to collect one</p>
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	<p>composite sample that is sent to the lab. Reducing the frequency to once per week will save approximately \$5,500 per year for each affected facility.</p> <p>Indirect Benefits: The reissuance of the regulation will indirectly benefit economic development because it enables permittees to conduct activities under a general permit that is protective of human health and the environment. Regulating discharges also benefits tourism and multiple industries by protecting water quality, aquatic habitats, and recreational use of state waters.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See above regarding direct costs. No direct or indirect costs are expected due to the limited extent of the changes being made to the general permit regulation	(b) See above regarding direct and indirect benefits.
(3) Net Monetized Benefit	<p>Reducing monitoring frequency will result in lessened costs and burdens on the related facilities. A cost savings of approximately \$5,500 per year per facility for both the 0.5-0.999 MGD and 1.0- 4.99 MGD flow ranges would be gained from sampling once per week versus twice per week. (If all 24 of the facilities in the 0.5-0.999 MGD flow range opted for reduce monitoring frequencies there would be a cost savings of \$137,500 and if all 41 of the facilities in the 1.0 – 4.99 flow range opted for reduced monitoring frequencies there would be a savings of \$225,500 for a total of \$363,000.)</p>	
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources	<p>Members of the Technical Advisory Committee reported their typical compliance monitoring costs.</p>	

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

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>None. The general permit regulation expires on December 31, 2026, ending coverage for all currently regulated facilities.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See information in Table 1a.	(b) See information in Table 1a
(3) Net Monetized Benefit	None. Continuing under the status quo would not revise the monitoring frequency requirements for the regulated community. This would prevent the regulated community from seeing any savings from a revised monitoring frequency.	
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources	See Table 1a	

Table 1c: Costs and Benefits under Alternative Approach

(1) Direct & Indirect Costs & Benefits (Monetized)	§ 62.1-44.19:14 of the Code of Virginia directs the Board to issue a Watershed General Virginia Pollutant Discharge Elimination System Permit (i.e., a general permit) authorizing point source discharges of total nitrogen and total phosphorus to the waters of the Chesapeake Bay and its tributaries. Because this is a statutory directive, there is not an alternative approach to issuing this regulation.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources	N/A	

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)	<p>All counties, cities and incorporated towns located in the Chesapeake Bay watershed that operate a facility subject to this regulation would be affected by the amendments regulatory change. Localities would have the same benefits as other entities. See Table 1a.</p> <p>However, there is the potential for the proposed changes to have direct and indirect benefits to the economies of local communities where the regulated facilities are located.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See Table 1a.	See Table 1a.
(3) Other Costs & Benefits (Non-Monetized)	See Table 1a.	
(4) Assistance	N/A	
(5) Information Sources	N/A	

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)	<p>The proposed changes are not expected to result in any additional direct costs to families as they do not add any additional requirements or place any burdens on them.</p> <p>General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage from conducting a specific regulated activity.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) None	(b) See Table 1a.
(3) Other Costs & Benefits (Non-Monetized)	None.	
(4) Information Sources	See Table 1a.	

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)	<p>The proposed changes are not expected to result in any direct costs to small businesses as there are no additional requirements or burdens being placed on them. Small businesses will directly benefit from a reduced monitoring frequency.</p> <p>General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See Table 1a.	(b) See Table 1a.
(3) Other Costs & Benefits (Non-Monetized)	See Table 1a.	
(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	Total Net Change in Requirements
9VAC25-820-10	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
9VAC25-820-15	(M/A):	1	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
9VAC25-820-20	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
9VAC25-820-30	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	3	0	0	0
	(D/R):	0	0	0	0
9VAC25-820-40	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	2	0	-1	-1
	(D/R):	0	0	0	0
9VAC25-820-50	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	4	0	0	0
	(D/R):	0	0	0	0
9VAC25-820-60	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	1	0	0	0
	(D/R):	0	0	0	0
9VAC25-820-70	(M/A):	16	0	0	0
	(D/A):	13	0	0	0
	(M/R):	73	0	-2	-2
	(D/R):	10	0	0	0

9VAC25-820-80	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
				Grand Total of Changes in Requirements:	(M/A): 0*
					(D/A): 0*
					(M/R): -3*
					(D/R): 0*

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting the agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

* The proposed changes are not expected to result in any additional costs to the regulated community since they provide some members an optional approach to reduce their monitoring frequencies. Lowering the monitoring frequency requirements for permittees will result in reduced costs and lower burdens. Lowering the monitoring frequencies will save staff and administrative time

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
9VAC25-820-70	The facilities with design flow rates between 0.5-0.999 MGD and 1.0 – 4.99 MGD that currently sample twice a week will be required to collect one composite sample that is sent to the lab. This is expected to save approximately	\$11,000 per facility per year related to costs for sample preparation and collection.	Cost savings of \$5,500 per year for 66 facilities with flow rates of 0.5 MGD to 4.99 MGD.	\$5,500 * 66 facilities = \$363,000 total cost savings per year.

	\$5,500 per year per facility for both flow ranges.			

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
9VAC25-820-70	The facilities with design flow rates between 0.5-0.999 MGD and 1.0 – 4.99 MGD that currently sample twice a week are allowed to combine these two samples into one composite sample that is sent to the lab. The reduction of sampling frequency from twice a week to once a week would remove the need for this option.	Reducing the frequency to once per week will not provide a relief from lab costs, but will provide savings from the facilities’ personnel time and resources. Reducing the need for sample equipment preparation, sampler set-up and sample collection would save approximately \$5,500 per year per facility for both flow ranges.
9VAC25-820-40	Removed requirements for compliance with chlorophyll-a based total phosphorus wasteload allocations and individual dates for compliance since the deadline to achieve these requirements will have passed when the proposed permit will become effective.	Removing outdated regulatory requirements makes the regulation easier to read and follow for regulated entities.

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count
N/A			

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).