

Office of Regulatory Management
Economic Review Form

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-32
VAC Chapter title(s)	Virginia Pollution Abatement (VPA) Permit Regulation
Action title	Implementation of Chapter 209 of the 2024 Acts of Assembly (HB 870)
Date this document prepared	February 23, 2026
Regulatory Stage (including Issuance of Guidance Documents)	Final

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

(1a) Direct & Indirect Costs (Monetized)	<p>Background: This regulatory action is the result of Chapter 209 of the 2024 Acts of Assembly (HB870). The legislation amended § 62.1-44.19:3 of the Code of Virginia by adding a requirement for the State Water Control Board (Board) to include in its regulations for biosolids that are permitted for land application, marketing, or distribution: “Procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded for the purpose of protecting against the release of sewage</p>
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	<p>sludge into state waters, and to account for increased intensity, frequency, and duration of storm events.”</p> <p>Amendments to 9VAC25-32-410 and 9VAC25-32-550 allow (but do not require) permittees to include an emergency management plan as part of their biosolids management plan (BSMP) and establish provisions for emergency storage procedures under the Storage Facilities section (9VAC25-32-550). The emergency management plan, which is subject to pre-approval by the Department of Environmental Quality (Department) before it can be implemented, outlines alternate biosolids storage options to be used during or following extreme storm events when routine or on-site capacity is exceeded. These amendments aim to improve readiness, clarity, and certainty for the public and regulated community while protecting public and environmental health.</p> <p>Direct Costs: The emergency management plan is optional, not mandatory, and only applies to permittees who elect to include this alternative in the required BSMP (see 9VAC25-32-410). As such, the estimated cost to develop an emergency management plan is expected to vary widely depending upon the level of detail included in the plan, options chosen, and number of emergency storage sites identified. For land appliers operating multiple biosolids land application sites under multiple permits, the land applier may develop a single emergency management plan that may be applicable to multiple permits. There may be county-by-county specifics for which to account; however, shared elements include procedures and general plan structure. Site-specific analysis would still need to be completed for each emergency storage site and costs would increase with the number of storage sites identified in the plan. Because the emergency management plan is optional, there are not any new mandatory requirements being imposed on the regulated community through this action.</p> <p>Indirect costs: None</p>
<p>2 (a). Direct & Indirect Benefits (Monetized)</p>	<p>Direct benefits: Land appliers that develop emergency management plans and get them approved by the Department will be able to implement the plan when adverse weather conditions prevent land application, instead of having to divert resources to transport biosolids to temporary storage locations, pay fees for landfill disposal, seek permit variances from the Department, and/or face enforcement action for improper management practices.</p> <p>Indirect benefits: Permittees are able to plan for emergencies and mitigate risks, thus improving their operational resilience and reducing service disruptions for both land appliers and treatment facilities that</p>

	generate biosolids. The public benefits would be reducing environmental and public health risks caused by a spill or polluted runoff from improperly stored biosolids caused by extreme weather conditions.
3 (a) Net monetized benefit	For permittees who choose to include an emergency management plan in their BSMP – and conditions exist such that permittees need to implement an approved emergency management plan – the estimated net benefits will vary. Permittees who do not opt to use an emergency management plan do not incur any additional benefits.
4 (a) Other costs and benefits that cannot be monetized	Reduced environmental and public health risks in storm-prone areas. Increased community confidence and resilience; improved operational continuity for regulated entities.
5 (a) Information Sources Used	The Department used a Regulatory Advisory Panel to develop the proposed amendments to 9VAC25-32. Members of the panel included representatives from the regulated community, agribusiness organizations, environmental groups, state and local governments, and other state agencies. Information panel members provided during meetings has been used to complete this form.

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

1 (b) Direct & Indirect Costs (Monetized)	Under the current regulations, biosolids permittees must follow an approved BSMP without an explicit mechanism for pre-approved emergency storage in the event of extreme weather conditions inhibiting their ability to land apply biosolids. If severe weather causes storage or application disruptions, permittees must use best professional judgement as to the measures they must take to avoid environmental impacts and incur potential enforcement action if the measures are not in compliance with their permit. The Department would conduct case-by-case coordination with the permittee to determine if enforcement discretion was warranted. Land applicators may also need to haul biosolids a significant distance for disposal during periods when nearby landfills may not take sewage sludge or biosolids (because they have high moisture content) or be at capacity.
2 (b). Direct & Indirect Benefits (Monetized)	Direct benefits: None Indirect benefits: None
3 (b) Net monetized benefit	None
4 (b) Other costs and benefits that cannot be monetized	Other costs: Status quo maintains uncertainty about the land application of biosolids or storage during extreme weather resulting in unanticipated costs for land applicators and uncertainty for the public about biosolids handling during extreme weather. Other benefits: None
5 (b) Information Sources Used	Regulatory Advisory Panel; Chapter 209 of the 2024 Acts of Assembly

Table 1c: Costs and Benefits under Alternative Approach(es)

This regulatory action is required by changes to state statute (Chapter 209 of the 2024 Acts of Assembly). No alternatives were considered because of the statutory requirement.

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

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Direct Costs: Localities that generate biosolids because they operate a publicly owned treatment works (POTW), and land apply biosolids pursuant to a permit issued under 9VAC25-32 may incur costs if they choose to develop an emergency plan as described above in Table 1a. However, the estimated cost to develop an emergency management plan is expected to vary widely depending upon the level of detail included in the plan, options chosen, and number of emergency storage sites identified.</p> <p>Indirect Costs: None</p> <p>Direct Benefits: See Table 1a.</p> <p>Indirect Benefits: See Table 1a.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct & Indirect Costs</p>	<p>Direct & Indirect Benefits</p>
	<p>(a) Direct costs: If land appliers choose to adopt an emergency management plan, their costs for plan development will vary depending upon complexity and scope of the plan. Local governments and POTWs will not incur costs if they do not land apply their own biosolids. For a locality that land applies their own biosolids, the costs would be similar as for a land applier.</p> <p>Indirect costs: Local governments may incur costs responding to public inquiries about storage and land application</p>	<p>(b) Direct benefits: Localities and POTWs that land apply biosolids in accordance with a permit issued under 9VAC25-32 – and choose to adopt an emergency management plan – may avoid penalties or emergency hauling fees in the event that extreme weather conditions restrict land application and/or storage. The avoided costs would depend upon the circumstances of the non-compliance and amounts of biosolids to be hauled, both of which are too speculative to monetize.</p> <p>Indirect benefits: None</p>

	of biosolids, which may vary widely.	
(3) Other Costs & Benefits (Non-Monetized)	Indirect benefit: Local governments may benefit from an improved public perception and trust in local biosolids programs. POTWs may benefit from operational flexibility during extreme weather.	
(4) Assistance	Local governments may need templates to communicate to the public during weather-related events. POTWs may need regulatory guidance on communication with haulers and scheduling. Land appliers may need technical support on approved emergency storage site criteria.	
(5) Information Sources	Regulatory Advisory Panel	

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)	No direct or indirect costs are expected to impact families because the changes do not impose any fees or requirements on households. No direct benefits are expected.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) None	(b) None
(3) Other Costs & Benefits (Non-Monetized)	Indirect benefits that cannot be monetized may include increased trust in the Department, local governments, and local biosolids programs because emergency management plans are in place for extreme weather-related events.	
(4) Information Sources	Department program staff interactions with concerned citizens	

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>Direct Costs: Some land appliers are small businesses and will incur costs and benefits as described in Table 1a. Other impacts to small businesses are not expected.</p> <p>Indirect Costs: None</p> <p>Direct Benefits: (See Table 1a)</p> <p>Indirect benefits: (See Table 1a)</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	None. This regulatory effort is an optional choice for permittees. It is not mandatory. This means it offers flexibility and minimizes burden on small businesses.	
(5) Information Sources	Regulatory Advisory Panel	

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.

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions¹	Subtractions	Total Net Change in Requirements
9VAC25-32-410 Biosolids Management Plan	(M/A):	2	0	0	0
	(D/A):	0	0	0	0
	(M/R):	11	0	0	0
	(D/R):	0	0	0	0
9VAC25-32-550 Storage Facilities	(M/A):	11	0	0	0
	(D/A):	2	0	0	0
	(M/R):	41	0	0	0
	(D/R):	5	0	0	0
				Grand Total of Changes in Requirements:	(M/A): 0
					(D/A): 0
					(M/R): 0
					(D/R): 0

¹ Chapter 209 of the 2024 Acts of Assembly, directs the State Water Control Board to develop procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded for the purpose of protecting against the release of sewage sludge into state waters, and to account for increased intensity, frequency, and duration of storm events.

The proposed regulations achieve the statutory requirement by giving permittees the option to (1) create an emergency management plan and (2) subject to the plan, use emergency storage sites and other procedures when adverse weather conditions prevent or restrict land application of biosolids. Because the emergency management plan is optional, there are not any new mandatory requirements being imposed on the regulated community through this action.

Developing and getting approval for an emergency management plan can benefit permittees because it improves their readiness, provides clarity and certainty, and, for both them and the public, helps to protect public and environmental health by establishing standards for how to manage biosolids during extreme weather conditions.

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 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

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
9VAC25-32-410 Biosolids Management Plan	This regulatory amendment will establish procedures for addressing administrative, staging, signage, and additional on-site when routine and on-site storage facility capacity and holding times are anticipated to be exceeded.	Unknown	Varies	Varies
9VAC25-32-550 Storage Facilities	This regulatory change describes the identification, requirements, reporting, and access for emergency storage sites as part of a permittee's emergency management plan.	\$0	Varies	Varies

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
9VAC25-32-410 and 9VAC25-32-550	Adds option to develop an emergency management plan and designate emergency storage sites	This reduces the regulatory burden by giving permittees an option to plan ahead for extreme weather conditions, providing increased readiness, certainty, and environmental protection

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 app