

Office of Regulatory Management
Economic Review Form

Agency name	Department of Environmental Quality
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-660
VAC Chapter title(s)	Virginia Water Protection General Permit for Impacts Less Than One-Half Acre
Action title	2026 Reissuance of General Permit- 9VAC25-660 (WP1)
Date this document prepared	April 25, 2025
Regulatory Stage (including Issuance of Guidance Documents)	Proposed

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 regulation 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></p> <p>The general permit is a streamlined permitting approach for impacts to the Commonwealth’s surface waters. The proposed action provides efficiency to the permit coverage process for activities having minor impacts to state surface waters, simplifies permit issuance procedures,</p>
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	<p>and makes clarifying amendments for improved understanding of regulatory provisions and permit processes.</p> <p>Virginia Wetland Protection (VWP) general permits expire every 10 years and must be reissued in order for permit coverage to be available to existing entities to continue coverage and for new entities to be able to obtain coverage for conducting this regulated activity. If the general permit is not re-issued, each member of the regulated community will need to obtain an individual VWP permit to conduct the regulated activity.</p> <p>This VWP general permit WP1 expires August 1, 2026, and must be reissued to make coverage available for activities having permanent and temporary impacts of less than one-half acre of nontidal wetlands or open water and up to 300 linear feet of nontidal stream bed after August 1, 2026.</p> <p>For this reason, the costs associated with obtaining an individual VWP permit are compared with the costs associated with general permit coverage. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity.</p> <p>Direct Costs:</p> <p>Permit application fees apply to VWP general permit WP1 coverages once a certain amount of impacts is reached (more than one-tenth acre of wetlands/open water or more than 300 linear feet of stream channel) – below these limits, the fee is \$0. The application fee cost to applicants for VWP general permit coverage is less than that for a VWP individual permit. WP1 fee is \$600. The individual permit fees range from \$2,400 to a maximum of \$60,000. Because this general permit has lower allowable impact limits, it is not used as often as other VWP general permits. Approximately two WP1 coverages that require a fee are issued per year.</p> <p>Indirect Costs:</p> <p>The proposed amendments are not expected to result in any additional indirect costs for the regulated community since the changes do not add requirements or impose any additional burdens on them. Indirect costs may include fees charged to applicants who contract assistance through professional services to complete and submit application forms. However, the cost involved to prepare an application for a VWP general permit coverage is considerably less than the cost for a VWP individual</p>
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	<p>permit due to the amount of time needed to gather and provide required information, and the cost to place a required public comment notice in one or more newspapers. The use of professional services by applicants is optional.</p> <p>Direct Benefits:</p> <p>The number of regulated entities covered by the VWP general permit WP1, and who will need to complete authorized activities but that will no longer have coverage after August 1, 2026, is low compared to the other VWP general permit types. Based on data in DEQ’s Comprehensive Environmental Data System (CEDS), likely less than five new regulated entities are expected to need to receive coverage by August 1, 2026, adding somewhat to the potential pool of permittees unable to continue or complete authorized activities. Regardless, reissuance of this general permit required in Virginia Code allows applicable permittees to continue or complete projects with little to no interruption. Reissuance with the amendments proposed also ensures that new entities are able to obtain coverage for small impacts to surface waters before and after August 1, 2026.</p> <p>The proposed amendments clarify several provisions in the VWP general permit regulation, including transitional provisions described above, that improve understanding among the regulated community, saving time in planning projects and preparing applications.</p> <p>Indirect Benefits:</p> <p>The reissuance of this VWP general permit may indirectly benefit economic development because it allows for the issuance of a general permit in regulation that is protective of human health and the environment, and is a less burdensome authorization pathway for the regulated community than having to obtain a VWP individual permit. Regulating discharges into state surface waters, including wetlands, aids in creating cleaner waters and appealing places to live, work, and recreate in Virginia, thus benefiting tourism and economic development.</p>				
(2) Present Monetized Values	<table border="1"> <thead> <tr> <th data-bbox="462 1549 846 1633">Direct & Indirect Costs</th> <th data-bbox="846 1549 1429 1633">Direct & Indirect Benefits</th> </tr> </thead> <tbody> <tr> <td data-bbox="462 1633 846 1890">(a) See above regarding direct and indirect costs. No indirect costs are expected due to the limited extent of the changes being made to the general permit regulation.</td> <td data-bbox="846 1633 1429 1890">(b) \$600 for each general permit coverage requiring a fee.</td> </tr> </tbody> </table>	Direct & Indirect Costs	Direct & Indirect Benefits	(a) See above regarding direct and indirect costs. No indirect costs are expected due to the limited extent of the changes being made to the general permit regulation.	(b) \$600 for each general permit coverage requiring a fee.
Direct & Indirect Costs	Direct & Indirect Benefits				
(a) See above regarding direct and indirect costs. No indirect costs are expected due to the limited extent of the changes being made to the general permit regulation.	(b) \$600 for each general permit coverage requiring a fee.				

(3) Net Monetized Benefit	N/A
(4) Other Costs & Benefits (Non-Monetized)	N/A
(5) Information Sources	DEQ Comprehensive Environmental Data System (CEDS) and Virginia Department of Accounts annual reporting using Logi and Tableau database reporting software; 9VAC25-20 Fees for Permits and Certificates

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

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Direct Costs:</p> <p>If the regulation remains as is, the general permit expires on August 1, 2026, and no VWP general permit option will be available for use after that date.</p> <p>If there is no VWP general permit coverage option, then one direct cost is applicants having only one choice for project approval, the VWP individual permit. Application fees for this permit type are listed in 9VAC25-20; are based on the amount of impacts and/or activities; and are substantially higher than the application fees currently charged for VWP general permit coverage, which is maxed out at two acres. The maximum fee for a general permit coverage is \$2,400, and the maximum fee for an individual permit is \$60,000.</p> <p>Indirect Costs:</p> <p>An indirect cost is that existing permittees needing to complete projects will no longer have coverage, and should the project not be complete, they would have to stop work or risk enforcement action by one or more agencies and obtain an individual permit.</p> <p>Also, some projects will likely not be implemented due to the increased time period, extra informational requirements, and public involvement necessary to issue a VWP individual permit versus a general permit coverage.</p> <p>Direct/Indirect Benefits:</p> <p>There are no direct or indirect benefits to the regulated public or the Commonwealth.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) As noted above, the Commonwealth stands to lose revenue directly and indirectly from the absence of being able to issue VWP general permit coverages.	(b)None.
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources	9VAC25-20 Fees for Permits and Certificates	

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

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Regulating activities through the issuance of general permit regulations and coverages is an alternative streamlined approach that is used to regulate entities that conduct similar activities as opposed to requiring individual permits for those activities.</p> <p>Direct Costs:</p> <p>A benefit of this general permit is its lower cost to permittees relative to the cost to obtaining a VWP individual permit. The application fee cost to applicants for VWP general permit coverage is less than that for a VWP individual permit. The coverage fees for a general permit range from \$0 to a maximum of \$2,400; the individual permit fees range from \$2,400 to a maximum of \$60,000.</p> <p>Indirect Costs: N/A</p> <p>Direct Benefits: N/A</p> <p>Indirect Benefits: N/A</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See above for an analysis of the direct costs of an individual permit.	(b)None.

(3) Net Monetized Benefit	N/A
(4) Other Costs & Benefits (Non-Monetized)	N/A
(5) Information Sources	9VAC25-20 Fees for Permits and Certificates

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>No cost or benefit impacts on local partners are expected due to the limited extent of changes being made to the VWP general permit regulation.</p> <p>General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, VWP individual permits would be required to conduct the regulated activities.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) None	(b) None
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(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>No indirect costs or benefit impacts on families are expected due to the limited extent of changes being made to the VWP general permit regulation.</p> <p>Single family residences do not typically conduct activities that would be regulated by this general permit.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	<p>Families could potentially benefit from industry’s use of the VWP general permit.</p> <p>While not typical, a family or families may need to conduct activities in state surface waters that are regulated. Certain residential activities in wetlands do not require a VWP permit of any type, but in the rare case such a permit would be required, the VWP general permit coverage offers a streamlined pathway for approval at a lower cost. Also, if this general permit did not exist, individual permits at a higher cost may be required for the residential activities. Also, if the applicant were in the commercial or industrial sector, and the higher-fee VWP individual permit was necessary, costs could be passed on to consumers, including families.</p>	
(4) Information Sources	N/A	

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>No indirect costs or benefit impacts on small businesses are expected due to the limited extent of changes being made to the VWP general permit regulation.</p> <p>General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, a VWP individual permit would be required to conduct the</p>	
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	regulated activity.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) None	(b) None
(3) Other Costs & Benefits (Non-Monetized)	<p>No costs or benefit impacts on small businesses are expected due to the limited extent of changes being made to the VWP general permit regulation.</p> <p>If this general permit did not exist, individual permits and their associated fees and application process would be required for certain activities in state surface waters.</p>	
(4) Alternatives	N/A	
(5) Information Sources	N/A	

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
9VAC25-660-25	(M/A):	1	0	-1	-1
	(D/A):	1	0	-1	-1
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
9VAC25-660-27	(M/A):	0	0	0	0
	(D/A):	0	+1	0	+1
	(M/R):	3	0	0	0
	(D/R):	0	+1	0	+1
9VAC25-660-30	(M/A):	5	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
9VAC25-660-35	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	1	0	-1	-1
9VAC25-660-100	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	54	0	0	0
	(D/R):	0	0	0	0
Grand Total of Changes in Requirements:					(M/A): -1
					(D/A): 0
					(M/R): 0
					(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 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
9VAC25-660 entire chapter	Cost of individual permit vs VWP general permit WP1	Individual permit cost if a general permit is not reissued - \$2,400 ¹ (Does not include the time and costs for the applicant to prepare the individual permit application, including public notice fees.) Minimum cost for an average of two issuances per year could total \$4,800.	Maximum cost per WP1 general permit coverage - \$600 ² (Fee for this general permit is \$600 based on total allowable impacts. Averaging two issuances per year could total about \$1,200.)	Savings of \$1,800 per coverage, plus the additional expenses related to the issuance of a VWP individual permit (variable case-by-case).
9VAC25-660 entire chapter	Reissuance of the general permit reduces the time required to obtain permit coverage	Average amount of time to issue individual permit (FY2024) - 156 days ³	Average amount of time to issue general permit coverage (FY2024) – 42 days ⁴	Permittee obtains permit coverage on average 114 days sooner under the general permit.

¹ 9VAC25-20, based on maximum one-half acre of impacts

² Ibid.

³ DEQ Comprehensive Environmental Data System (CEDS) and Virginia Department of Accounts annual reporting using Logi and Tableau database reporting software

⁴ Ibid.

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
N/A	N/A	N/A

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).