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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is" Agency Background Document

<b>Agency name</b>	Department of Environmental Quality
<b>Virginia Administrative Code (VAC) citation</b>	9 VAC 25-280
<b>Regulation title</b>	Groundwater Standards
<b>Date</b>	7/2/2018

This information is required pursuant to Executive Order 17 (2014) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.*

Section 62.1-44.15 of the Code of Virginia authorizes the State Water Control Board to adopt regulations to enforce the general water quality management program. The Groundwater Standards are a state regulation and there is no equivalent corresponding federal regulation. Groundwater standards are not mandated by the Clean Water Act and there is no EPA review or approval of groundwater standards.

The State Water Control Board previously amended this regulation in 2004.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

The Department considered the alternative of repealing the regulation, but determined that the regulation is still needed to protect public safety, health, and welfare. The agency also considered the alternative of amending the regulation, but determined that no amendments are necessary at this time.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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An informal advisory group was not formed as part of this review. No public comments were received during the public comment period.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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This regulation is necessary for the protection of public health, safety and welfare and is clearly written and easily understandable.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change and provide the reason why.*

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The agency is recommending the regulation stay in effect without change. The regulation is beneficial to the Commonwealth. This regulation establishes groundwater standards that prevent the degradation of groundwater. Groundwater is a valuable resource used as a public water supply in many communities.

**Small business impact**

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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The current regulation continues to be needed. This regulation establishes groundwater standards to protect the quality of groundwater in the Commonwealth. No public comments were received during the periodic review comment period.

The regulation establishes groundwater standards that are statewide and as well as applicable for the different physiographic provinces in the Commonwealth. This regulation is a state only regulation and these standards do not overlap, duplicate or conflict with federal or state law or regulation.

This regulation was last amended in 2004. The groundwater standards in this regulation continue to be beneficial.

The regulation establishes groundwater standards and does not directly impact small businesses.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

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It is not anticipated that this regulation will have a direct impact on families.