



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-20
Regulation title	Fees for Permits and Certificates
Action title	Revisions to Water Permit Application Fees- exemption for Navy dredging projects
Final agency action date	August 4, 2011
Document preparation date	May 16, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 14 (2010) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This final exempt regulatory action is being taken to implement Chapter 149 of the 2011 Acts of Assembly. The regulation is being amended to exempt Navy-sponsored dredging projects from permit application fees. Currently the regulations exempt U.S. Army Corps of Engineers sponsored dredging projects from permit application fees.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On August 4, 2011, the State Water Control Board took final action to adopt amendments to the regulation entitled "Fees for Permits and Certificates," specifically amending 9VAC25-20-50. The regulatory action will be filed as soon as possible, consistent with the Administrative Process Act.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a of the Administrative Process Act because they are necessary to conform to Virginia statutory law.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
50		The regulation currently exempts Corps of Engineers-sponsored dredging projects from permit application fees.	The regulation is being amended to exempt Navy-sponsored dredging projects from permit application fees. Corps of Engineers-sponsored dredging projects will continue to be exempt from permit application fees. This change is needed as a result of changes made to § 62.1-44.15:6 of the Code of Virginia.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Since the regulatory change is being made to conform to state law, the board does not have any discretion concerning alternative regulatory methods. State law specifies Navy-sponsored dredging projects are exempt from specific water permit application fees; therefore the board has no discretion concerning the fees that are assessed on businesses, large or small as part of this regulatory action.

The regulatory change does not impact permit fees of small businesses. The regulations do allow applicants to apply for coverage under a general permit. General permits are less burdensome and less

expensive to obtain; therefore small businesses benefit from having the option to apply for coverage under a general permit.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

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