



Virginia Department of Planning and Budget **Economic Impact Analysis**

9 VAC 25-80 General Regulations Under State Water Control Law - Requirement No. 1
Department of Environmental Quality
Town Hall Action/Stage: 5464 / 8870
January 31, 2020

Summary of the Proposed Amendments to Regulation

The State Water Control Board (Board) proposes to repeal 9 VAC 25-80 *General Regulations Under State Water Control Law - Requirement No. 1* (General Regulations).

Background

The Board's 9 VAC 25-790 *Sewage Collection and Treatment Regulations* (SCAT Regulations)¹ became effective on February 12, 2004. Under the SCAT Regulations, no person shall construct, expand, or modify a sewerage system or sewage treatment works except in compliance with a Certificate to Construct from the Department of Environmental Quality and in accordance with the detailed standards contained within the regulation. As a result, the more generalized requirements in the General Regulations became superfluous.

A periodic review of the General Regulations was conducted in 2019.² The result of the periodic review was to repeal this regulation since it is no longer necessary.

Estimated Benefits and Costs

The proposed repeal of the General Regulations would have no impact beyond the benefit of reducing potential confusion for readers of the regulation.

Businesses and Other Entities Affected

The proposed repeal would affect readers of the regulation. No costs would be introduced.

¹ See <https://law.lis.virginia.gov/admincode/title9/agency25/chapter790/>

² See <https://townhall.virginia.gov/l/ViewPReview.cfm?PRid=1780>

Small Businesses³ Affected:

The proposed repeal does not appear to substantively affect small businesses.

Localities⁴ Affected⁵

The proposed repeal does not appear to substantively affect localities and does not introduce costs for local governments.

Projected Impact on Employment

The proposed repeal does not affect total employment.

Effects on the Use and Value of Private Property

The proposed repeal does not appear to substantively affect the use and value of private property or real estate development costs.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

³ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

⁴ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁵ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.