



Economic Impact Analysis Virginia Department of Planning and Budget

9 VAC 5 - 40 – Existing Stationary Sources
Department of Environmental Quality
January 12, 2012

Summary of the Proposed Amendments to Regulation

Since the initial adoption of the regulation on Hospital/Medical/Infectious Waste Incinerators (HMIWI) (9VAC5-40-6000 et seq.), all three designated incinerator facilities in the Commonwealth have been dismantled. In 2009, the U.S. Environmental Protection Agency (EPA) promulgated revised HMIWI emission guidelines that triggered the need for revised regulations and new state plan submittals. With no facilities in operation in the Commonwealth, a negative declaration was submitted to EPA and approved in 2010. Since there are no sources in the state to control, and because there are no longer HMIWI components in the federal rule for Virginia, there is no longer a need for the corresponding Virginia regulation. Thus, the State Air Pollution Control Board (Board) proposes to repeal the Commonwealth's HMIWI regulations (9VAC5-40-6000 et seq.). The Board also proposes to repeal the definition of the term "metropolitan statistical area" in 9VAC5-10-20 and the listing of such areas in 9VAC5-20-202 since the term is only used in the HMIWI regulation and no other regulation of the board.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Since there are no sources in the state to control, and because there are no longer HMIWI components in the federal rule for Virginia, the proposed repeal of this regulation will not affect any individual, business or other entity beyond potentially reducing confusion amongst the public.

Businesses and Entities Affected

Since the facilities that were subject to this regulation have been dismantled, there are no stakeholders that will be affected by the repeal of this regulation..

Localities Particularly Affected

The proposed repeal of this regulation does not have a disproportionate effect on any particular localities.

Projected Impact on Employment

The proposed repeal of this regulation will not affect employment.

Effects on the Use and Value of Private Property

The proposed repeal of this regulation will not affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed repeal of this regulation will not affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed repeal of this regulation will not affect small businesses.

Real Estate Development Costs

The proposed repeal of this regulation will not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such

economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.