



Economic Impact Analysis Virginia Department of Planning and Budget

9 VAC 25-240 – Procedural Rule No 3 - Certification Pursuant to 33 USC §,1341
Department of Environmental Quality
January 18, 2013

Summary of the Proposed Amendments to Regulation

The State Water Control Board (Board) proposes to repeal this regulation which provides for the issuance of a certification by the Board that a proposed activity that may result in a discharge to state waters meets the requirements of the federal Clean Water Act. This regulation has been superseded by the *Virginia Water Protection Permit Regulation* (9 VAC 25-210).

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Since this regulation has been superseded by the *Virginia Water Protection Permit Regulation*, repealing it will have no impact beyond eliminating potential confusion. Thus, the repeal of this regulation will produce a small net benefit.

Businesses and Entities Affected

The proposed repeal of this regulation has no impact beyond potentially reducing confusion among interested individuals looking for the state rules concerning the issuance of a certification by the Board that a proposed activity that may result in a discharge to state waters meets the requirements of the federal Clean Water Act.

Localities Particularly Affected

The proposed repeal of this regulation does not disproportionately affect 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 beyond eliminating some potential confusion.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed repeal of this regulation does not adversely affect small businesses.

Real Estate Development Costs

The proposed repeal of this regulation does 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, a determination of the public benefit, 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 an 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.