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Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-20
Regulation title(s)	Fees for Permits and Certificates
Action title	<i>Amendments to Address 2015 Budget Language Related to Fees for Land Application of Exceptional Quality Biosolids Cake</i>
Final agency action date	June 25, 2015
Date this document prepared	May 19, 2015

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) or an agency's basic statute, the agency is not required, however, 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, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The 2015 Budget Item 361 contained language related to the imposition of a fee related to the land application of exceptional quality biosolids cake sewage sludge. The Fee Regulation (9VAC25-20) is being revised to incorporate a fee of \$3.75, beginning October 1, 2015, on each dry ton of exceptional quality biosolids cake sewage sludge that is land applied.

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.

The State Water Control Board at its meeting on June 25, 2015, adopted amendments to the Fees for Permits and Certificates regulation to become effective on October 1, 2015.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no anticipated impact on the institution of the family and family stability.

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
9VAC25-20-40.A.3		Applicability	Delete reference to exemption regarding land application of exceptional quality biosolids. 3. All land appliers land applying biosolids on permitted sites in the Commonwealth of Virginia, except as specifically exempt under 9VAC25-20-50-C. The fee due shall be as specified under 9VAC25-20-146.
9VAC25-20-50 C		Exemptions.	Delete exemption for “exceptional quality biosolids:” C. No fee shall be imposed on the land application of materials classified as “exceptional quality biosolids” or the equivalent thereof, as defined by 9VAC25-32.

9VAC25-20-146 A		Part IV – Biosolids Fees and Reimbursable Costs – Established Fees.	<p>Add clarifying language related to the imposition of a fee for “exceptional quality biosolids” and distinguish from Class B biosolids. Correct erroneous reference to “this regulation” and cite “9VAC25-31 or 9VAC25-32” which require the use of approved sources.</p> <p>A. Land appliers shall remit the established fees to the department as specified in this regulation. The land appliers shall collect the required fees from the owners of the sewage treatment works and facilities that generate <u>Class B biosolids and exceptional quality biosolids cake that are land applied</u>. Such works and facilities shall be approved sources of biosolids in accordance with this regulation <u>9VAC25-31 or 9VAC25-32</u>. Land application shall only include biosolids from approved sources as listed in the land application permit. The established fee shall be imposed on each dry ton of <u>Class B biosolids and exceptional quality biosolids cake</u> that is land applied in the Commonwealth of Virginia in accordance with 9VAC25-31 or 9VAC25-32.</p>
9VAC25-20-146 B 1		Part IV – Biosolids Fees and Reimbursable Costs – Established Fees – Amount of Fee	<p>Add language to distinguish the fee for “Class B biosolids”:</p> <p>1. The fee shall be \$7.50 per dry ton of <u>Class B biosolids land applied</u> in the Commonwealth of Virginia.</p>
	9VAC25-20-146 B 2	Part IV – Biosolids Fees and Reimbursable Costs – Established Fees – Amount of Fee	<p>Add language related to the fee for “exceptional quality biosolids.”</p> <p><u>2. The fee shall be \$3.75 per dry ton of exceptional quality biosolids land applied as a cake in the Commonwealth of Virginia.</u></p>
9VAC25-20-146 B 2	9VAC25-20-146 B 3	Part IV – Biosolids Fees and Reimbursable Costs – Established Fees – Amount of Fee	Renumber to accommodate insertion of new item “B 2”.
9VAC25-20-146 B 3	9VAC25-20-146 B 4	Part IV – Biosolids Fees and Reimbursable Costs – Established Fees – Amount of Fee	Renumber to accommodate insertion of new item “B 2”.
9VAC25-20-147 A		Part IV – Biosolids Fees and Reimbursable Costs – Records and Reports - Records	<p>Add language related to records to distinguish between “Class B” and “exceptional quality biosolids” for the purpose of fee determination.</p> <p>A. Records. Permittees shall maintain</p>

			complete records of the land application activities and amounts of <u>Class B biosolids and exceptional quality biosolids cake</u> that they land apply in the Commonwealth of Virginia. Such records shall be maintained by the permittee for five years after the date of the activity in a form that is available for inspection by the department. Records of land application activities shall include at minimum:
9VAC25-20-147 A 3		Part IV – Biosolids Fees and Reimbursable Costs – Records and Reports - Records	<p>Add language related to records to distinguish between “Class B” and “exceptional quality biosolids” for the purpose of fee determination.</p> <p>3. The source of biosolids, <u>whether the biosolids are Class B or exceptional quality cake</u>, and field area receiving those biosolids.</p>
9VAC25-20-147 A 4		Part IV – Biosolids Fees and Reimbursable Costs – Records and Reports - Records	<p>Add language related to records to distinguish between “Class B” and “exceptional quality biosolids” for the purpose of fee determination.</p> <p>4. The amount of biosolids applied in dry tons, <u>by class</u>, and the method and calculations used to determine the reported value.</p>
9VAC25-20-147 B		Part IV – Biosolids Fees and Reimbursable Costs – Reports and notifications	<p>Add language related to reports to distinguish between “Class B” and “exceptional quality biosolids” for the purpose of fee determination.</p> <p>B. Reports and notification. The permittee shall submit a monthly report by the 15th day of each month for land application activity that occurred in the previous calendar month, unless another date is specified in the permit in accordance with 9VAC25-32-80 4. The report shall include (i) the recorded information listed in subsection A of this section and (ii) a calculation of the total fee. The submitted report shall include a summary list of the total amount of <u>Class B biosolids and exceptional quality biosolids cake</u> applied and the calculated fee based on the land-applied <u>Class B biosolids and exceptional quality biosolids cake</u> for each county in which land application occurred. If no land application occurs under a permit during the calendar month, a report shall be submitted stating that no land application occurred.</p>

Enter any other statement here

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, 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.

The 2015 Budget Item 361 contained language related to the imposition of a fee related to the land application of exceptional quality biosolids cake sewage sludge. The amendments proposed by the agency are narrow in scope, addressing only: 1) the inclusion of the land application of exceptional quality biosolids cake in the fee schedule as required by Budget Item 361; and 2) record keeping and reporting requirements necessary to distinguish between Class B and exceptional quality biosolids cake in order to determine the fee.