

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

9 VAC 20-130 – Solid Waste Planning and Recycling Regulations
Department of Environmental Quality
Town Hall Action/Stage: 4991/8192
February 25, 2018

Summary of the Proposed Amendments to Regulation

The Virginia Waste Management Board (Board) proposes to amend its regulation governing solid waste planning and recycling for localities. Most of the changes proposed by the Board are non-substantive. Such changes include adding and modifying definitions, moving regulatory sections and updating obsolete references. Additionally, the Board proposes two substantive changes to regulatory text: 1) the Board proposes to remove a separate one-ton credit for “each inoperable vehicle for which a locality receives reimbursement from the Virginia Department of Motor Vehicles” and 2) the Board proposes to replace the formula for recycling rates that is currently in the regulation with an easier to use formula that is mathematically equivalent.

Result of Analysis

Benefits likely outweigh costs for all proposed changes.

Estimated Economic Impact

Many changes that the Board proposes for this regulation will not modify or add any substantive requirement for regulated entities but, instead, are aimed at clarifying existing regulatory requirements. For instance, the Board proposes to add definitions for “nonmunicipal solid waste material” and “solid waste management plan” to the regulatory text. No affected

entities will incur costs on account of changes such as these. Interested parties will benefit from the added definitions and the changed structure of the regulation as it will make it both easier to find and read any particular standard. Benefits likely outweigh costs for all reorganizing and clarifying changes.

The Board also proposes to remove language that allowed a one ton credit for every inoperable vehicle for which a locality receives reimbursement under Virginia Code §46.2-1407. Localities will instead be able to claim credit for such vehicles by adding it to the amount of principal recyclable materials. Board staff reports that this change will likely have no impact on localities' calculated recycling rates.

Finally, the Board proposes to replace the formula for calculating minimum recycling rates. Board staff reports that the replacement formula is mathematically equivalent to the formula in current regulation but that the proposed formula defines all terms so will be easier to use. Board staff reports that the formula that the Board proposes to add to the regulation is already in use on forms that localities must fill out. This change will benefit affected entities as the regulatory formula will be both easier to calculate and consistent with what they already use.

Businesses and Entities Affected

This proposed action will affect all localities and solid waste management planning units in the Commonwealth.

Localities Particularly Affected

No locality in the Commonwealth is likely to be particularly affected by this proposed regulation.

Projected Impact on Employment

This proposed regulatory change is unlikely to affect employment in the Commonwealth.

Effects on the Use and Value of Private Property

This proposed regulatory action is unlikely to have an effect on the use or value of private property in the Commonwealth.

Real Estate Development Costs

This proposed regulatory action is unlikely to affect real estate development costs.

Small Businesses:**Definition**

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.”

Costs and Other Effects

This regulatory action will likely not affect small businesses in the Commonwealth.

Alternative Method that Minimizes Adverse Impact

This regulatory action will likely not affect small businesses in the Commonwealth.

Adverse Impacts:**Businesses:**

This regulatory action will likely not affect small businesses in the Commonwealth.

Localities:

Localities in the Commonwealth are unlikely to see any adverse impacts on account of this proposed regulatory changes.

Other Entities:

No other entities are likely to be adversely affected by this proposed change.

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 Number 17 (2014). 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(C): 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.