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Periodic Review Report of Findings

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-780
Regulation title	Local and Regional Water Supply Planning
Date this document prepared	March 12, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

Not applicable.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The State Water Control Board is authorized by §62.1-44.15 of the Code of Virginia to promulgate regulations. Section 62.1-44.38:1 of the Code of Virginia requires the Board to "establish a comprehensive water supply planning process for the development of local, regional and state water supply plans consistent with the provisions of this chapter." This regulation became effective in 2006 and was amended in 2006 and 2015.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

Statute directs the Board to establish a comprehensive water supply planning process for the development of local, regional and state water supply plans. Statute also allows for localities to choose whether to plan individually or as part of a regional group. No viable alternatives were identified that were consistent with state law.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

An informal advisory group was not formed for the purpose of this periodic review. No comments were received during the public comment period.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation continues to be needed to protect public health, safety and welfare. The regulation establishes criteria that local and regional water supply plans must contain, and water supply planning plays a crucial role in ensuring that water will be available in the future for public use while maintaining beneficial uses of state waters. The regulation is clearly written and easily understandable.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The requirements of the regulation continue to be needed and the regulation is being retained without changes.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The regulation continues to be needed to ensure the availability of water resources for the public while protecting water resources for other beneficial uses.

No comments were received during the public comment period.

The regulation contains requirements for water supply planning to be conducted on local and regional levels. Localities also must plan how they will meet their future water supply needs, and potentially increased demands for the future. The regulation has been written in a format to minimize the complexity of the regulation.

The requirement for local and regional water supply plans to be developed is a state requirement and there is no equivalent federal requirement for these plans to be developed. This regulation is consistent with current state law.

This regulation was last amended in 2015 to correct citations referenced in the regulation. The regulation requires local plans to be updated and resubmitted every ten years, and changes in technology or economic conditions are reflected in the revised plan.

This regulation does not directly regulate small businesses. Localities develop local water supply plans and may choose to include provisions in their plan that minimize impacts on small businesses.