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Periodic Review Report of Findings

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-390
Regulation title	Water Resources Policy
Date this document prepared	September 23, 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*.

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 adopted this regulation which provides broad water resource management principles to staff in preparing water resource management plans and advising or commenting on water resource projects. The Board adopted this regulation under the authority provided to the board in §§ 62.1-44.15 (10) and 62.1-44.36 of the Code of Virginia.

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.

The board is directed by statute to develop the Commonwealth's water resources policy; therefore this policy is required to be adopted and there is no alternative to adopting this policy.

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 to assist with the periodic review. No comments were received during the periodic review 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 contains the Commonwealth's water resources policy and is necessary for the protection of public health, safety and welfare. 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 Commonwealth's water resources policy continues to be needed. The regulation references the Groundwater Act of 1973 which has been repealed and replaced by the Ground Water Act of 1992. The regulation will be amended to update this reference.

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 Commonwealth's water resources policy continues to be needed.

No public comments were received during the comment period.

The regulation is not complex. The regulation establishes specific criteria to be considered when preparing water management resource plans.

The regulation does not overlap, duplicate, or conflict with federal or state law or regulation. This regulation is a policy and does not include the issuance of any permits. Any water related permits needed for projects are issued under the authority of the applicable permit regulation.

The regulation was last reviewed in 2013. The regulation continues to contain criteria that remains applicable for the preparation of water management resource plans. The regulation establishes criteria to be considered to protect the Commonwealth's water resources and does not establish different standards on small businesses. The policy strives to protect water for all users, including small businesses.

Family Impact

Please assess the potential impact of the regulation's impact on the institution of the family and family stability.

This regulation does not directly impact the institution of the family or family stability.