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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-790
VAC Chapter title(s)	Sewage Collection and Treatment Regulations
Date this document prepared	July 20, 2021

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 (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

CFR- Code of Federal Regulation
CTC- Certificate to construct
CTO- Certificate to operate
EPA- Environmental Protection Agency

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The State Water Control Board has adopted this regulation under the authority provided by § 62.1-44.15 (10) of the Code of Virginia. Additionally, § 62.1-44.19 of the Code of Virginia requires that before an "owner may erect, construct, open, expand or operate a sewerage system or sewage treatment works which will have a potential discharge or actual discharge to state waters, such owner shall file with the Board an application for a certificate in scope and detail satisfactory to the Board."

Alternatives to Regulation

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.

Section 62.1-44.19 of the Code of Virginia requires owners of sewage systems and sewage treatment works that will potentially discharge to state waters to apply for a certificate; therefore, removing the requirement for owners to apply for a certificate is not a viable alternative.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. 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 public comment period.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, 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 provides for the proper design, construction, and operation of sewerage systems and sewage treatment works. The control of sewerage systems and sewerage treatment works is necessary to protect public health, safety and welfare. The regulation contains administrative and technical requirements related to obtaining a certificate to construct (CTC) and a certificate to operate (CTO) for sewerage systems and sewage treatment works. This regulation is clearly written and easily understandable by the users of the regulation.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The regulation is necessary to protect public health, safety, and the welfare of citizens and the agency is undertaking the process to amend the regulation. The regulation will be amended to make corrections and update the content of the regulation.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

The regulation continues to be needed. This regulation contains administrative and technical requirements related to obtaining a CTC and a CTO for sewerage systems and sewage treatment works. The proper design, construction, and operation of sewerage systems and sewage treatment works is necessary to protect public health, safety and welfare.

No comments were received during the public comment period.

The regulation is complex in nature and contains detailed administrative and technical requirements related to obtaining a CTC and a CTO for sewerage systems and sewage treatment works.

This regulation is a state only regulation. The Virginia Pollutant Discharge Elimination System Permit Regulation (9VAC25-31) and the Virginia Pollution Abatement Permit Regulation (9VAC25-32) regulate the point and non-point source discharges from sewage treatment works. This regulation however focuses on the proper design, construction, and operation of sewerage systems and sewage treatment works.

This regulation was last amended in 2018 to update references to Title 40 of the Code of Federal Regulations and EPA's Methods Update Rule.

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 have a direct impact on the family or family stability.