

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Department of Environmental Quality
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	Not applicable – DEQ guidance document GM23-2005
<b>VAC Chapter title(s)</b>	Not applicable – DEQ guidance document
<b>Action title</b>	Not applicable – DEQ guidance document
<b>Date this document prepared</b>	July 11, 2023
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Modification to an existing Guidance Document- Public Participation Procedures for Water Quality Management Planning - GM14-2016- Revised guidance - Public Participation Procedures for Water Quality Management Planning - GM23-2005

**Cost Benefit Analysis**

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**Background**

The DEQ Division of Water Planning develops reports, plans and waste load allocations that involve public participation to adhere to the provisions of the Administrative Process Act (APA) and Freedom of Information Act (FOIA), such as public notices, meetings, and comment periods. This document updates the existing DEQ Guidance Memo No. 14-2016 *Public Participation Procedures for Water Quality Management Planning* which outlines the required public participation procedures staff must follow for development and modification of TMDLs

and Implementation Plans, 305(b)/303(d) Integrated Reports, non-TMDL waste load allocations, and TMDL priorities. The document provides instructions to maintain consistency with the exemption found § 2.2-4006 A 14 of the APA when the State Water Control Board (SWCB) adopts, amends, or repeals WLAs. The document also outlines the steps required so that all public notices and public meetings follow the requirements of FOIA.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

<p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<p><u>Costs and Benefits.</u> The guidance explains the internal process for DEQ staff to ensure that all public notice requirements are met and expand outreach. The revisions to the existing guidance document clarify the existing steps staff in the DEQ Water Planning Division must follow to meet an APA exemption and FOIA requirements for public notices. Additionally, the revisions address transferring State Water Control Board’s authorities to DEQ as mandated by the 2022 General Assembly and clarifies language and procedures to reflect current agency practices. These changes to the guidance do not affect any requirements on stakeholders, or the public in general, that have an economic impact.</p> <p><u>Direct Costs:</u> The meetings and public notice the guidance outlines are generally cost free to the agency aside from staff time to develop public notices and prepare and conduct the meetings. Contractors attending the public meetings to support TMDL development is estimated to cost \$14,600 for six meetings over the course of a project. The revisions to this guidance document do not cause an increase to these costs.</p> <p>The guidance adds a requirement to contact Federally recognized Virginia Tribes, but these notifications occur by email and that any costs to the agency related to this change is negligible.</p> <p><u>Indirect Costs:</u> None</p> <p><u>Direct Benefits:</u> The revisions to the existing guidance document are beneficial to staff since the revisions clarify the existing steps staff in the DEQ Water Planning Division must follow to meet an APA exemption and FOIA requirements for public notices. The revised guidance document requires agency staff to contact Federally recognized Virginia Tribes and increases awareness within Federally recognized Virginia Tribes of the water quality planning process. The regulated community, citizens, and environmental groups benefit from the transparency this guidance document provides concerning the water planning process. This guidance benefit is not able to be monetized.</p> <p><u>Indirect Benefits:</u> None</p>	
<p>(2) Present Monetized Values</p>	<p>Direct &amp; Indirect Costs</p>	<p>Direct &amp; Indirect Benefits</p>
	<p>(a) \$14,600</p>	<p>(b) N/A</p>

(3) Net Monetized Benefit	Not able to be monetized.
(4) Other Costs & Benefits (Non-Monetized)	The guidance establishes consistent public notice procedures for DEQ staff to follow for multiple water quality planning documents. This helps provide transparency and ensure that stakeholders, and the public in general, receive notifications of agency activities and have ample opportunity to provide input to DEQ while developing 305(b)/303(d) Integrated Reports, TMDL studies, Implementation Plans, and non-TMDL based Waste Load Allocations.
(5) Information Sources	Scope of work and contract with WSSI for the Benthic TMDL development for Pigg River, Poplar Creek, Fryingpan Creek, and Beaverdam Creek

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>The existing guidance document has the same direct or indirect monetary costs or benefits as the proposed revision. The document only explains internal steps DEQ staff must follow and does not address actions required of stakeholders or the public that have economic costs or benefits. Under the existing guidance and the new guidance, the public meetings are not changing. The meetings are generally cost free for DEQ aside from staff time and the cost of contractors attending the meeting.</p> <p>Direct Costs: The meetings and public notice outlined in the guidance are generally cost free to the agency aside from staff time to develop public notices and prepare and conduct the meetings. Contractors attending the public meetings to support TMDL development is estimated to cost \$14,600 for six meetings over the course of a project. The revisions do not cause an increase to these costs, so the amount remains unchanged from the proposed version.</p> <p>Indirect Costs: None</p> <p>Direct Benefits: Retaining the guidance document without changes would not be beneficial because it would not reflect recent changes to state law or current agency practices.</p> <p>Indirect Benefits: None</p> <p>Unable to monetize Direct and Indirect Costs &amp; Benefits.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) 14,600	(b) N/A
(3) Net Monetized Benefit	Not able to be monetized.	

(4) Other Costs & Benefits (Non-Monetized)	N/A
(5) Information Sources	Scope of work and contract with WSSI for the Benthic TMDL development for Pigg River, Poplar Creek, Fryingpan Creek, and Beaverdam Creek

**Table 1c: Costs and Benefits under Alternative Approach(es)**

(1) Direct & Indirect Costs & Benefits (Monetized)	No alternative approach is considered since the public notice procedures are largely dictated by the APA and FOIA. This clarifying guidance is needed to have consistent public notice procedures for DEQ water quality planning documents.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources		

**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 2: Impact on Local Partners**

(1) Direct & Indirect Costs & Benefits (Monetized)	The guidance revisions have no direct or indirect costs or benefits to local partners. The guidance requires DEQ to notify local partners of water quality projects under development and localities may choose to engage in the public engagement process for water quality projects under development.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	The guidance lists specific local partners that DEQ staff should notify to ensure that affected localities and other partners are informed of water quality projects under development and can provide input.	
(4) Assistance		
(5) Information Sources		

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

(1) Direct & Indirect Costs & Benefits (Monetized)	The guidance revisions have no direct or indirect costs or benefits on Families. Individuals may choose to engage in the public engagement process for water quality projects under development but are not required to participate.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Information Sources		

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

(1) Direct & Indirect Costs & Benefits (Monetized)	The guidance revisions have no direct or indirect costs or benefits to Small Businesses. Small businesses may choose to engage in the public engagement process for water quality projects under development but are not required to participate.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Alternatives		
(5) Information Sources		

**Changes to Number of Regulatory Requirements**

**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

*Cost Reductions or Increases (if applicable)*

<b>VAC Section(s) Involved</b>	<b>Description of Regulatory Requirement</b>	<b>Initial Cost</b>	<b>New Cost</b>	<b>Overall Cost Savings/Increases</b>
N/A				

*Other Decreases or Increases in Regulatory Stringency (if applicable)*

<b>VAC Section(s) Involved</b>	<b>Description of Regulatory Change</b>	<b>Overview of How It Reduces or Increases Regulatory Burden</b>
N/A		

*Length of Guidance Documents (only applicable if guidance document is being revised)*

<b>Title of Guidance Document</b>	<b>Original Length</b>	<b>New Length</b>	<b>Net Change in Length</b>
Public Participation Procedures for Water Quality Management Planning	14 pages	10 pages	-4 pages