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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Department of Environmental Quality
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-280
VAC Chapter title(s)	Ground Water Standards
Date this document prepared	September 19, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.

Not applicable.

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.

Section 62.1-44.15 of the Code of Virginia authorizes the State Water Control Board to adopt regulations to enforce the general water quality management program. The Ground Water Standards are a state regulation and there is no equivalent corresponding federal regulation. Groundwater standards are not

mandated by the Clean Water Act, and there is no EPA review or approval of groundwater standards. The regulation establishes groundwater standards that prevent the degradation of groundwater quality. Groundwater is a primary source of drinking water for thousands of Virginians with individual homeowner wells and for 757 municipal public water supplies. High quality groundwater is the source of supply for 158 manufacturing facilities in Virginia that rely on water that requires minimal treatment.

The State Water Control Board previously amended this regulation in 2004. The previous periodic review occurred in 2018.

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.

The Department considered the alternative of repealing the regulation but determined that the regulation is still needed to protect public safety, health, and welfare. The Department also considered the alternative of amending the regulation, but determined that no amendments are necessary at this time.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s 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 as part of this review. Only one comment was received.

Commenter	Comment	Agency response
Melinda White (via Town Hall)	As a resident who has always had access to well water in Virginia from Lee County, Wise County, Washington County and now Powhatan County, water quality and its assurance is vital. I have experienced well water near coal mining that required expensive filters to be potable. Now within shouting distance of a proposed landfill, I cannot overstate the need for heavy regulation to protect residences. Once our water quality is ruined, we are in serious and expensive trouble.	The Department determined that the regulation protects the public health, safety and welfare through groundwater standards that prevent the degradation of groundwater quality. The comment supports this conclusion.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, 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 is necessary for the protection of public health, safety, and welfare and is clearly written and easily understandable. The regulation establishes groundwater standards that prevent the degradation of groundwater. Groundwater is a valuable resource used as a public water supply in many communities.

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).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The Department is recommending to retain the regulation without change. The regulation is beneficial to the Commonwealth. The regulation establishes groundwater standards that prevent the degradation of groundwater quality. Groundwater is a primary source of drinking water for thousands of Virginians with individual homeowner wells and for 757 municipal public water supplies. High quality groundwater is the source of supply for 158 manufacturing facilities in Virginia that rely on water that requires minimal treatment.

An ORM Economic Impact form accompanies this form.

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 current regulation continues to be needed. This regulation establishes groundwater standards to protect the quality of groundwater in the Commonwealth. The one public comment received during the periodic review comment period was generally supportive of regulation to protect groundwater quality from pollution.

The regulation establishes groundwater standards that are statewide, as well as specific standards that are applicable in the different physiographic provinces in the Commonwealth. This regulation is a state-only regulation, and these standards do not overlap, duplicate, or conflict with federal or state law or regulation.

This regulation was last amended in 2004. The last periodic review occurred in 2018. The groundwater standards in this regulation continue to be protective of groundwater quality with limited regulatory burden.

The regulation establishes groundwater standards and does not directly impact small businesses.

Family Impact

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

It is not anticipated that this regulation will have a negative direct impact on families. The health and safety of Virginia families dependent on a private homeowner well benefit from the existence of these groundwater standards.