



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Environmental Quality
VAC Chapter Number:	9 VAC 25-415-10 et seq.
Regulation Title:	Policy for the Potomac River Embayments
Action Title:	Periodic Review
Date:	September 26, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The purpose of this regulation is to control point source discharges of pollutants into the Virginia embayments of the Potomac River from the fall line at Chain Bridge in Arlington County to the Route 301 bridge in King George County.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The regulation was adopted by the State Water Control Board in accordance with their powers and duties under the State Water Control Law 62.1-44.15. Paragraph 3a specifically charges the Board with the responsibility of adopting standards of quality and policies for state waters.

The regulation requires effluent limitations in VPDES permits for point sources, particularly sewage treatment plants, that are more stringent than what might otherwise be required by the VPDES Permit Regulation (9 VAC 25-31-00 et seq.) and the Water Quality Standards (9 VAC 25-260-00 et seq.). The regulation sets maximum levels for effluent concentrations of BOD, phosphorus, ammonia, and total suspended solids (TSS).

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received. No informal advisory group was formed.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation was originally adopted in 1971. It was revised in 1996.

The regulation was requested and supported by the localities that are affected by it. The localities wanted to make certain that discharges of BOD, TSS, ammonia, and phosphorus were controlled at levels more stringent than what otherwise might be required by the normal VPDES permitting process. In essence they wanted to make certain that the use of instream dilution to calculate effluent limits was minimized. They made these requests because these waters have a high recreation use by the citizens of the localities.

The regulation, although more stringent than what is required throughout most of the state, is considered essential by the localities affected by it and therefore is protective of the health, safety, and welfare of the citizens. Further, the localities' acceptance of the additional burdens (i.e. costs) of this regulation could be considered supportive of the institution of the family and family stability.

The regulation is clearly written and is easy to understand.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The alternative would be to repeal the regulation and control point source discharges to these waters using the same regulations that are used for most other state waters.

Repeal of the regulation is rejected for the following reasons:

1. The regulation was recently updated through a long public process that involved much input and interest from the affected localities.
2. The VPDES permits for the major sewage treatment plants have been prepared in conformance with the regulation.
3. All of the facilities are currently upgrading to meet the requirements of the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency recommends that the regulation should stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

As stated above, this regulation was adopted at the request of the affected localities. Each of the localities believes the regulation is good for its citizens and therefore supportive of the family.