



Virginia Department of Planning and Budget **Economic Impact Analysis**

9 VAC 25-20 Fees for Permits and Certificates
Department of Environmental Quality
Town Hall Action/Stage: 5463 / 8869
February 3, 2020

Summary of the Proposed Amendments to Regulation

The State Water Control Board (Board) proposes to repeal obsolete text.

Background

The Virginia storm water management program has been administered by both the Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR). DEQ administered the program through 9VAC25-750 *General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems* until the 2004 General Assembly adopted legislation (Chapter 372)¹ that transferred the storm water permitting responsibility from DEQ to DCR. The fees for the program regulated through 9VAC25-750 are in 9 VAC 25-20 *Fees for Permits and Certificates*. After the General Assembly transferred the storm water permitting responsibility from DEQ to DCR, the Board repealed 9VAC25-750,² but did not remove fee listings for storm water permits from 9 VAC 25-20. The Board now proposes to amend certain sections of 9VAC 25–20 to remove the fees associated with storm water permits. Other fees will remain unchanged.

The 2013 Virginia Acts of Assembly (Chapters 756³ and 793⁴) then transferred certain water quality programs from DCR to DEQ, including storm water. Consequently, a new DEQ

¹ See <http://leg1.state.va.us/cgi-bin/legp504.exe?041+ful+CHAP0372>

² See <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=1872>

³ See <http://leg1.state.va.us/cgi-bin/legp504.exe?131+ful+CHAP0756>

⁴ See <http://leg1.state.va.us/cgi-bin/legp504.exe?131+ful+CHAP0793>

regulation was promulgated: 9 VAC 25-870 *Virginia Stormwater Management Program*.⁵ Storm water permit fees are included in 9 VAC 25-870.

Estimated Benefits and Costs

The fees concerning storm water permits listed in 9 VAC 25-20 are obsolete and have not been assessed since 2004. The proposed removal of these fees from the regulation would have no impact on fees charged or collected, but would be beneficial in that it would reduce the likelihood that readers of the regulation are misled.

Businesses and Other Entities Affected

The proposed repeal of text would affect readers of the regulation. No costs would be introduced.

Small Businesses⁶ Affected:

The proposed repeal of text does not appear to substantively affect small businesses.

Localities⁷ Affected⁸

The proposed repeal of text does not appear to substantively affect localities and does not introduce costs for local governments.

Projected Impact on Employment

The proposed repeal of text does not affect total employment.

Effects on the Use and Value of Private Property

The proposed repeal of text does not appear to substantively affect the use and value of private property or real estate development costs.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment

⁵ See <https://townhall.virginia.gov/L/ViewAction.cfm?actionid=4069>

⁶ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

⁷ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁸ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.