



townhall.virginia.gov

**Exempt Action: Final Regulation
Agency Background Document**

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-31 9VAC25-32 9VAC25-110 9VAC25-115 9VAC25-120 9VAC25-151 9VAC25-190 9VAC25-192 9VAC25-193 9VAC25-194 9VAC25-196 9VAC25-210 9VAC25-610 9VAC25-630 9VAC25-660 9VAC25-670 9VAC25-680 9VAC25-690 9VAC25-790 9VAC25-800 9VAC25-820 9VAC25-860 9VAC25-875 9VAC25-880 9VAC25-890
VAC Chapter title(s)	<ul style="list-style-type: none"> • Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31)

	<ul style="list-style-type: none"> • Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day (9VAC25-110) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Seafood Processing Facilities (9VAC25-115) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests (9VAC25-120) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (9VAC25-151) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining (9VAC25-190) • Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management (9VAC25-192) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Concrete Products Facilities (9VAC25-193) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less (9VAC25-196) • Virginia Water Protection Permit Program Regulation (9VAC25-210) • Groundwater Withdrawal Regulations (9VAC25-610) • Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management (9VAC25-630) • Virginia Water Protection General Permit for Impacts Less Than One-Half Acre (9VAC25-660) • Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities (9VAC25-670) • Virginia Water Protection General Permit for Linear Transportation Projects (9VAC25-680) • Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities (9VAC25-690) • Sewage Collection and Treatment Regulations (9VAC25-790) • Virginia Pollution Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters (9VAC25-800)
--	---

	<ul style="list-style-type: none"> • General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820) • Virginia Pollutant Discharge Elimination System General Permit Regulation for Potable Water Treatment Plants (9VAC25-860) • Virginia Erosion and Stormwater Management Regulation (9VAC25-875) • General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s) (9VAC25-890)
Action title	2024 40 CFR Part 136 Reference Update/Methods Update Rule
Final agency action date	September 16, 2024
Date this document prepared	July 31, 2024

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Various regulations of the State Water Control Board include references to U.S. Environmental Protection Agency’s (EPA) regulations under Title 40 of the Code of Federal Regulations (CFR). These regulatory amendments will bring references to 40 CFR Part 136 up to date with the requirements published in the July 1, 2024, update to Title 40 of the Code of Federal Regulations. This action will update 25 Chapters, listed in the table on the preceding page, to incorporate EPA’s Methods Update Rule (MUR) amendments. (89 FR 27288, April 16, 2024, effective June 17, 2024.)

The EPA finalized changes to its test procedures required by industries and municipalities when analyzing the chemical, physical, and biological properties of wastewater and other environmental samples for reporting under EPA’s National Pollutant Discharge Elimination System (NPDES) permit program. The Clean Water Act (CWA) requires the EPA to promulgate these test procedures (analytical methods) for analysis of pollutants. The EPA anticipated that these changes would provide increased flexibility for the regulated community in meeting monitoring requirements while improving data quality. In addition, this update to the CWA methods incorporated technological advances in analytical technology.

Section 402 of the Clean Water Act (33 USC § 1342) authorizes states to administer the National Pollutant Discharge Elimination System (NPDES) permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA and operates the Virginia Pollutant Discharge Elimination System (VPDES) program and Virginia’s regulations need to maintain consistency with the federal regulations.

Section 2.2-4006. A.4(c) of the Code of Virginia allows the Board to adopt these amendments to existing regulations as a final exempt action as the changes are necessary to conform to changes in the federal regulations.

Section 2.2-4006. A. 3 of the Code of Virginia allows the Board to adopt these amendments to existing regulations as a final exempt action when they consist only of changes in style or form or corrections of technical errors.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

On June 17, 2024, the Environmental Protection Agency (EPA) finalized a rule that updated its list of approved methods for measuring pollutants in wastewater and surface water under the Clean Water Act. Regulated and regulatory entities use approved methods to identify the types and amounts of pollutants in effluent for National Pollutant Discharge Elimination System (NPDES) permit applications, to determine compliance with NPDES permit limits, or to fulfill other Clean Water Act monitoring requirements. EPA’s rule adds some new methods to Title 40, Part 136 of the Code of Federal Regulations (CFR) and makes minor editorial or procedural changes to some existing methods that are already promulgated in 40 CFR Part 136. These amendments update the State Water Control Board’s regulations to be consistent with EPA’s Methods Update Rule (MUR) amendments to 40 CFR Part 136. Section 2.2-4006.A 4 (c) of the Code of Virginia allows the Board to adopt these regulatory amendments as a final exempt action as the changes are necessary to conform to changes in the federal regulations. In addition, Section 2.2-4006. A. 3 allows the adoption of these regulatory amendments as a final exempt action as they consist of changes in style or form or corrections of technical errors.

Acronyms and Definitions

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

APA: Administrative Process Act
 ASTM: ASTM International
 ATPs: Alternate Test Procedures
 CFR: Code of Federal Regulations
 CWA: Clean Water Act
 EPA: U.S. Environmental Protection Agency
 FR: Federal Register
 MUR: Methods Update Rule promulgated by the EPA and published in the Federal Register on April 16, 2024 (89 FR 27288) – Effective: June 17, 2024
 NPDES: National Pollutant Discharge Elimination System
 NTTAA: National Technology Transfer and Advancement Act of 1995
 VCSB: Voluntary Consensus Standards Bodies
 VPA: Virginia Pollution Abatement
 VPDES: Virginia Pollutant Discharge Elimination System
 VWP: Virginia Water Protection
 WET: Whole Effluent Toxicity

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On September 16, 2024, the State Water Control Board approved amendments to: Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31); Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32); Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day (9VAC25-110); Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Seafood Processing Facilities (9VAC25-115); Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites (9VAC25-120); Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (9VAC25-151); Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining (9VAC25-190); Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management (9VAC25-192); Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Concrete Products Facilities (9VAC25-193); Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194); Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less (9VAC25-196); Virginia Water Protection (VWP) Permit Program Regulation (9VAC25-210); Groundwater Withdrawal Regulations (9VAC25-610); Virginia Pollution Abatement (VPA) Regulation and General Permit for Poultry Waste Management (9VAC25-630); Virginia Water Protection (VWP) General Permit for Impacts Less Than One-Half Acre (9VAC25-660); Virginia Water Protection (VWP) General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities (9VAC25-670); Virginia Water Protection (VWP) General Permit for Linear Transportation Projects (9VAC25-680); Virginia Water Protection (VWP) General Permit for Impacts from Development and Certain Mining Activities (9VAC25-690); Sewage Collection and Treatment Regulations (9VAC25-790); Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters (9VAC25-800) General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820); Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Potable Water Treatment Plants (9VAC25-860); Virginia Erosion and Stormwater Management Regulation (9VAC25-875); General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880); and Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s) (9VAC25-890) on September 16, 2024, as final amendments and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

Legal Basis

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

Section 62.1-44.15(10) of the Code of Virginia allows the State Water Control Board to adopt these regulatory amendments. Section 2.2-4006.A 4 (c) authorizes the Department to promulgate these regulatory amendments as a final exempt action as the changes are necessary to conform to changes in the federal regulations. Section 2.2-4006. A. 3 of the Code of Virginia allows the Board to adopt these amendments to existing regulations as a final exempt action when they consist only of changes in style or form or corrections of technical errors.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it’s intended to solve.

The regulatory updates are necessary to align state regulations with those of the EPA, ensuring DEQ maintains the authority to implement the national program. The National Pollutant Discharge Elimination System permits must include conditions to ensure compliance with the Clean Water Act’s technology-based and water quality-based requirements, including restrictions on the quantity of specific pollutants that can be discharged and requirements for pollutant monitoring, measurement, and reporting to DEQ. The changes incorporate the EPA’s Methods Update Rule amendments to 40 CFR Part 136 that became effective on June 17, 2024, which introduce new and revised test procedures for industries and municipalities to analyze the chemical, physical, and biological properties of wastewater and other environmental samples for reporting under the NPDES permit program and updates the regulations to incorporate the 40 CFR requirements published in the July 1, 2024, update. The changes also incorporate by reference the methods added in an earlier Methods Update Rule (86 FR 27226 May 19, 2021). The EPA inadvertently failed to complete the incorporation by reference process for that final rule.

Often, regulated entities have a choice in deciding which approved method they will use to measure a pollutant because more than one approved method is available under 40 CFR Part 136. This rulemaking would increase flexibility by providing additional methods from which to select. New methods added under the Alternate Test Procedure program reflect innovative technologies that are cheaper, faster, or greener than the other approved methods for that same parameter. The use of alternate methods is voluntary. The goals of the regulatory change are to ensure compliance with federal regulations and promote the use of advanced analytical technology to better protect the environment and public health.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

The proposed methods update allows for all state regulations to remain consistent with the standards in 40 CFR Part 136. National Pollutant Discharge Elimination System (NPDES) permits must include conditions designed to ensure compliance with the technology-based and water quality-based requirements of the Clean Water Act (CWA), including in many cases, restrictions on the quantity of specific pollutants that can be discharged as well as requirements for pollutant monitoring, measurement and reporting to NPDES authorities. Often, entities have a choice in deciding which approved test procedure they will use for a specific pollutant because EPA has approved the use of more than one method.

The procedures for the analysis of pollutants required by CWA section 304(h) are a central element of the NPDES permit program. Examples of where these EPA-approved analytical methods must be used include the following: (1) Applications for NPDES permits, (2) sampling or other reports required under NPDES permits, (3) other requests for quantitative or qualitative effluent data under the NPDES regulations, (4) State CWA 401 certifications and (5) sampling and analysis required under EPA’s

General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR 136.1 and 40 CFR 403.12(b)(5)(v).

Periodically, the EPA updates the approved methods in 40 CFR Part 136. In general, the changes in this action fall into four categories. The first category is updated versions of EPA methods currently approved in 40 CFR Part 136. The second category is new or revised methods published by a voluntary consensus standard body that are similar to methods previously adopted as EPA-approved methods in 40 CFR Part 136. The third category is methods the EPA has reviewed under the agency's national Alternate Test Procedure program and preliminarily concluded are appropriate for nationwide use. The fourth category is corrections or amendments to the text and tables of 40 CFR Part 136. The EPA finalized these revisions to improve data quality, update methods to keep current with technology advances, and provide the regulated community with greater flexibility. In general, through this action, EPA has improved: revised EPA bacteria methods; new or revised methods published by voluntary consensus standard bodies, such as ASTM International and the Standards Methods Committee; and methods reviewed under the Alternate Test Procedures (ATP) program.

In addition, the changes also incorporate by reference the methods added in an earlier Methods Update Rule (86 FR 27226 May 19, 2021). The EPA inadvertently failed to complete the incorporation by reference process for that final rule.

The changes are minor technical changes and clarifications to improve existing methods, new and/or revised methods published by voluntary consensus standard bodies (such as ASTM International and the Standard Methods Committee) that EPA seeks to publish in Part 136, and methods the EPA has reviewed under its Alternate Test Procedure program and found to be comparable to one or more methods currently in Part 136.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage of these regulatory changes to the regulated community is that they will have increased flexibility in deciding which approved method to use to measure a given pollutant because more than one approved method is available. According to EPA, the additional methods that will be available to the regulated community reflect innovative technologies that are cheaper, faster, or greener than other approved methods for the same parameters.

The primary advantage to the agency is that these regulatory updates align state regulations with those of the EPA to ensure that DEQ maintains the authority to implement the national program.

Overall, the goal of these regulatory changes is to ensure compliance with federal regulations and to promote and encourage the use of advanced technology to better protect the environment and public health.

There are no disadvantages to the public or the Commonwealth from these amendments.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change that is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale

for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

These amendments to existing regulations revise state regulations to be consistent with federal requirements. Therefore, the amendments are no more restrictive than the current federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected:

No other state agencies will be particularly affected by the regulatory change.

Localities Particularly Affected:

No other localities will be particularly affected by the regulatory change.

Other Entities Particularly Affected:

There is no locality particularly affected by the regulatory change.

Details of All Changes Proposed in this Regulatory Action

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Please note, all the changes made, unless otherwise noted, are necessary to conform to changes in the federal regulations and are exempt from the APA in accordance with § 2.2-4006. A. 3 and § 2.2-4006.A 4 (c) of the Code of Virginia.

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-31-25		Applicability of incorporated references based on the dates that they became effective	Added abbreviation for Code of Federal Regulations (CFR) to text for consistency. Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-32-25		Applicability of incorporated references based on the dates that they became effective	Added abbreviation for Code of Federal Regulations (CFR) to text for consistency. Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-110-15		Applicability of incorporated references based on the dates that they became effective	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
8VAC25-115-15		Applicability of incorporated references based on the dates that they became effective	<p>Added abbreviation for Code of Federal Regulations (CFR) to text for consistency.</p> <p>Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.</p>
9VAC25-120-15		Applicability of incorporated references based on the dates that they became effective	<p>Added abbreviation for Code of Federal Regulations (CFR) to text for consistency.</p> <p>Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.</p>
9VAC25-151-15		Applicability of incorporated references based on the dates that they became effective	<p>Added “of the Code of Federal Regulations (CFR)” to existing text “Title 40” for consistency.</p> <p>Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.</p>
9VAC25-190-15		Applicability of incorporated references based on the dates that they became effective	<p>Added abbreviation for Code of Federal Regulations (CFR) to text for consistency.</p> <p>Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.</p>
9VAC25-192-15		Applicability of incorporated references based on the dates that they became effective	<p>Added abbreviation for Code of Federal Regulations (CFR) to text for consistency.</p> <p>Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.</p>
9VAC25-193-15		Applicability of incorporated references based on the dates that they became effective	<p>Added abbreviation for Code of Federal Regulations (CFR) to text for consistency.</p> <p>Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-194-15		Applicability of incorporated references based on the dates that they became effective	Added abbreviation for Code of Federal Regulations (CFR) to text for consistency. Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-196-15		Applicability of incorporated references based on the dates that they became effective	Added abbreviation for Code of Federal Regulations (CFR) to text for consistency. Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-210-90 F 1		Part II. VWP Permit Application and Development - Conditions applicable to all VWP permits.	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-610-130 F 1		Part III. Permit Application and Issuance - Conditions applicable to all groundwater permits.	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-630-50 A 2		Part II. Contents of the general permit - Conditions Applicable to all VPA Permits	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-660-100 Part III Q 1		VWP general permit. Part III. Conditions applicable to all VWP General Permits	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-670-100 Part III Q 1		VWP general permit. Part III. Conditions applicable to all VWP General Permits	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-680-100 Part III Q 1		VWP general permit. Part III. Conditions applicable to all VWP General Permits.	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-690-100 Part III Q 1		VWP general permit. Part III. Conditions applicable to all VWP General Permits.	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-790-210 D 2		Article 2. Procedures - Nonconventional methods, processes or equipment.	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-800-15		Applicability of incorporated references based on the dates that they became effective	Deleted "CFR" text for consistency. Version of 40 CFR Part 136 updated to the most current CFR published on July

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			1, 2024, to maintain consistency between state and federal regulations.
9VAC25-820-15		Applicability of incorporated references based on the dates that they became effective	Added abbreviation for Code of Federal Regulations (CFR) to text for consistency. Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-860-15		Applicability of incorporated references based on the dates that they became effective	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-875-30		Applicability of incorporated references based on the dates that they became effective	Added abbreviation for Code of Federal Regulations (CFR) to text for consistency. Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-880-15		Applicability of incorporated references based on the dates that they became effective	Added abbreviation for Code of Federal Regulations (CFR) to text for consistency. Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.
9VAC25-890-15		Applicability of incorporated references based on the dates that they became effective	Version of 40 CFR Part 136 updated to the most current CFR published on July 1, 2024, to maintain consistency between state and federal regulations.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

The regulations apply to all facilities, including small businesses. Any (1) establishment of less stringent compliance or reporting standards; (2) establishment of less stringent schedules or deadlines for compliance and reporting requirements; (3) consolidation or simplification of compliance or reporting requirements; (4) establishment of performance standards for small businesses to replace design or operational standards required in the regulation; or (5) exemption of small businesses from all or any part

of the requirements contained in this regulation for all small businesses would directly, significantly and adversely affect the benefits that would be achieved through the implementation of the regulations.

Conforming state regulations to those of the EPA is necessary to maintain authority to implement the national program. Facilities benefit from state implementation of the program as they have easier access to decision makers who have a clearer understanding of state-specific issues and needs.

The Regulatory Flexibility Act statement contained in 89 FR 27288 (06/17/2024) states that this action would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. This action will not impose any requirements on small entities. This action would approve new alternate and revised versions of CWA testing procedures. Generally, these changes would have a positive impact on small entities by increasing method flexibility, thereby allowing entities to reduce costs by choosing more cost-effective methods. In general, EPA indicated they expected the revisions would lead to few, if any, increased costs. The changes clarify or improve the instructions in the method, update the technology used in the method, improve the QC instructions, make editorial corrections, or reflect the most recent approval year of an already approved method. In some cases, the rule adds alternatives to currently approved methods for a particular analyte (e.g., ASTM Method D7511). Because these methods would be alternatives rather than requirements, there are no direct costs associated with the methods approved by the EPA and incorporated by reference. If a permittee elected to use these methods, they could incur a small cost associated with obtaining these methods from the listed sources.

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the instruction of the family or family stability.