

Office of Regulatory Management  
Economic Review Form

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| <b>Agency name</b>   | State Water Control Board  |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b>      | 9VAC25-71-70   |
| <b>VAC Chapter title(s)</b>  | Regulations Governing the Discharge of Sewage and Other Wastes from Boats  |
| <b>Action title</b>  | Amend 9VAC25-71-70 to add 30 No Discharge Zone (NDZ) designations in Northern Neck region of Virginia; and make technical corrections to an existing NDZ |
| <b>Date this document prepared</b>                                 | May 15, 2026   |
| <b>Regulatory Stage (including Issuance of Guidance Documents)</b> | Final Exempt Action (APA §§ 2.2-4006 A 3 and A 4 c)  |

### **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.

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

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|---|---|
| <p>(1) Direct &amp; Indirect Costs &amp; Benefits (Monetized)</p> | <p><b>Introduction:</b></p> <p>This action amends 9VAC257170 to designate 30 No Discharge Zones (NDZs) in the Northern Neck region of Virginia and corrects a minor technical error to an existing NDZ. It is currently illegal to discharge untreated sewage from boats in all waterbodies of the Commonwealth (§ 62.144.33 A). NDZs prohibit the discharge of both treated and untreated sewage from vessels. Vessels must instead use pump-out facilities or discharge treated sewage outside the NDZ boundaries. This action is required to align with EPA’s May 7, 2026, affirmative determination under Clean Water Act § 312 and to implement Va. Code § 62.144.33. The State Water Control Board adopted these amendments on June 23, 2026, as a final exempt action under APA § 2.24006 A 3 and A 4 c. The action to correct the technical error does not affect costs or benefits and therefore is not discussed in this document.</p> <p><u>Direct Costs:</u> No direct costs are expected. The amendment only codifies NDZ boundaries and does not impose new technology, reporting, or fee requirements on agencies, localities, marinas, or boaters.</p> <p><u>Indirect Costs:</u> Some boaters may incur operational changes (e.g., trip planning to use pump-outs, time/fuel to reach pump-out facilities, scheduling pump-out use). EPA provided an affirmative determination that confirmed that adequate, safe, and sanitary pump-out facilities are reasonably available in the NDZ areas. Pump-out fees typically range from \$0–\$20+ depending on tank size and marina policy, with most publicly accessible facilities charging \$10 or less and several offering free service. On peak holiday weekends, approximately 1,262 vessels may need pump-outs; facilities can service up to approximately 1,456 vessels based on hours and service rates, indicating that capacity exceeds demand. EPA’s screening analysis estimates small increases in commercial vessel operating costs of ~0.2% (working/tug vessels), ~1.8% (commercial fishing), ~2.3% (excursion), and ~1.3% (offshore)—primarily from lost time during pump-outs; actual impacts may be lower if operators optimize scheduling. These costs could be mitigated if commercial vessel operators time pump-out activities to minimize cost impacts.</p> <p><u>Direct Benefits:</u> The amendment does not have any direct benefits that can be monetized since the regulation only lists NDZ boundaries and does not mandate any direct measures to meet prohibitions. Adding the</p> |
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|  | <p>NDZ to the regulations prevents treated sewage discharges into waterbodies and contributes to efforts to improve water quality.</p> <p><u>Indirect Benefits:</u> Marinas/pump-out providers may see increased pump-out use tied to NDZ compliance (typical fees \$0–\$20), resulting in modest revenue.</p> <p>Although benefits cannot be monetized at this time, preventing sewage discharges is expected to improve water quality, protect public health and water supplies, support aquatic life and fisheries, and strengthen tourism and local economic development and produce edible and marketable natural resources, such as commercial and recreational shellfishing and fishing industries. Improved local water quality supports marina business environment.</p> |   |
| (2) Present Monetized Values               | Direct & Indirect Costs   | Direct & Indirect Benefits                            |
|  | (a) Per vessel pump-out cost by vessel users. \$0-\$20+   | (b) Per vessel pump-out revenue at marinas. \$0-\$20+ |
| (3) Net Monetized Benefit                  | Not Applicable  |   |
| (4) Other Costs & Benefits (Non-Monetized) | <p><u>Indirect Benefits:</u> Helps Virginia meet Water Quality Standards (9VAC25-260) and supports long-term efforts to remove waters from the 303(d) impaired list by reducing vessel-related pollutant inputs in NDZ waters. Expected to yield public health co-benefits and economic gains via improved shellfish waters, safer recreation, and tourism.</p>   |   |
| (5) Information Sources                    | <p>2024 Application for Federal No Discharge Zone Designation Under Clean Water Act Section 312(F)(3) for Waters of the Northern Neck, Virginia including data and information gathered on pump-out costs and number of available pump-outs from marinas</p>  |   |

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

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| (1) Direct & Indirect Costs & Benefits (Monetized) | <p>Maintaining the status quo would leave EPA-approved NDZs out of the regulation, which would be inconsistent with Va. Code § 62.1-44.33 and EPA’s 2026 determination.</p> <p><u>Direct Costs:</u> No direct economic costs arise from maintaining the status quo since the regulation does not directly mandate any requirements.</p> <p><u>Indirect Costs:</u> Indirect costs cannot be monetized at this time.</p> |
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|  | <p><u>Direct and Indirect Benefits:</u> Under the status quo, some boaters would avoid pumpout-related costs. Costs savings, as identified earlier, would be by avoiding the typical fee for pump-outs with range \$0–\$20+, depending on tank size and marina policy. Commercial vessels may not incur an increased operating cost ranging from ~0.2% to ~2.3%, primarily by avoiding lost time during pump-outs; actual benefits may be lower if operators were to optimize scheduling.</p>   |   |
| (2) Present Monetized Values               | Direct & Indirect Costs   | Direct & Indirect Benefits  |
|  | (a) Not Applicable  | (b) Per vessel pump-out cost saved by vessel users. \$0-\$20+ if no NDZ established |
| (3) Net Monetized Benefit                  | \$0-\$20+ Per vessel pump-out cost saved by vessel users  |   |
| (4) Other Costs & Benefits (Non-Monetized) | <p>Maintaining the status quo would not improve water quality in the impaired water bodies. The status quo would not meet Va. Code § 62.1-44.33 which establishes tidal creeks as NDZs contingent on EPA approval, which was received on May 7, 2026.</p> <p><u>Indirect Costs:</u> Continued discharges of treated sewage in the proposed NDZ waters could worsen pathogen and nutrient inputs, undercutting shellfish protections and recreational water quality. Poor water quality may cause indirect costs on human health and aquatic life, resulting in poor fisheries, less reliable public water supplies, and negative economic costs to tourism, economic development, and commercial and recreational fishing industries. Failing to list EPA approved- NDZs risks misalignment with federal determination and Virginia law (Va. Code § 62.1-44.33), leading to potential programmatic or legal consequences.</p> |   |
| (5) Information Sources                    | 2024 NDZ application including data and information gathered on pump-out costs and number of available pump-outs from marinas. DEQ NDZ Program procedures, documents, and staff   |   |

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

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| (1) Direct & Indirect Costs & Benefits (Monetized) | No alternative approach to establishing the NDZ’s exists. EPA has provided their affirmative determination, and this regulatory action would align with the federal determination. State Law § 62.1-44.33 establishes the tidal creeks of the Commonwealth as no discharge zones pending the receipt of an affirmative determination from the EPA. |                            |
| (2) Present Monetized Values                       | Direct & Indirect Costs  | Direct & Indirect Benefits |

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|  | (a) Not Applicable  | (b) Not Applicable |
| (3) Net Monetized Benefit                  | Not Applicable  |                    |
| (4) Other Costs & Benefits (Non-Monetized) | Not Applicable  |                    |
| (5) Information Sources                    | 2024 NDZ application. DEQ NDZ Program procedures, documents, and staff. |                    |

**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**

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|--|--|----------------------------|
| (1) Direct & Indirect Costs & Benefits (Monetized) | <p><u>Direct Costs:</u> No direct monetized costs identified.</p> <p><u>Indirect Costs:</u> No indirect monetized costs identified.</p> <p><u>Direct Benefits:</u> No direct monetized costs identified</p> <p><u>Indirect Benefits:</u> Cleaner waters that support shellfish, recreation, tourism, and local waterfront economies.</p> |                            |
| (2) Present Monetized Values                       | Direct & Indirect Costs  | Direct & Indirect Benefits |
|  | (a) Not Applicable   | (b) Not Applicable         |
| (3) Other Costs & Benefits (Non-Monetized)         | Not Applicable   |                            |
| (4) Assistance                                     | Not Applicable   |                            |
| (5) Information Sources                            | 2024 NDZ application. DEQ NDZ Program procedures, documents, and staff.  |                            |

**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**

|  |   |                            |
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| (1) Direct & Indirect Costs & Benefits (Monetized) | <p>No direct costs to families are expected. Families who own or use boats in NDZs may incur pump-out fees similar to those described in Table 1a. Fees can be avoided by utilizing pump-out services at one of the marinas that offers free pump-outs or by discharging properly treated sewage in waters outside the NDZ boundary. Benefits include safer recreational waters and reduced pathogen exposure.</p> <p>Direct and indirect benefits through safer recreational waters and reduced pathogen exposure.</p> |                            |
| (2) Present Monetized Values                       | Direct & Indirect Costs   | Direct & Indirect Benefits |
|  | (a) Per vessel pump-out cost by family with boat operating in an NDZ. \$0–\$20+   | (b) Not Applicable         |
| (3) Other Costs & Benefits (Non-Monetized)         | <p>Improved water quality will protect human health and aquatic life, resulting in healthier fisheries and safer, more reliable public water supplies. These improvements will also contribute to economic benefits from tourism and economic development and produce edible and marketable natural resources, such as commercial and recreational shellfishing and fishing industries.</p>   |                            |
| (4) Information Sources                            | <p>2024 NDZ application including data and information gathered on pump-out costs and number of available pump-outs from marinas. DEQ NDZ Program procedures, documents, and staff.</p>   |                            |

**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**

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| (1) Direct & Indirect Costs & Benefits (Monetized) | <p><u>Direct Costs:</u> Similar to those described in 1a. No direct costs expected.</p> <p><u>Indirect Costs:</u> Similar to those described in 1a for commercial vessels.</p> <p><u>Direct and Indirect Benefits:</u> Marinas/pump-out providers may see increased pump-out use tied to NDZ compliance (typical fees \$0–\$20), resulting in modest revenue. Improved local water quality supports marina business environment.</p> |  |
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| (2) Present Monetized Values               | Direct & Indirect Costs  | Direct & Indirect Benefits                            |
|  | (a) Per vessel pump-out cost by commercial vessel users. \$0-\$20+   | (b) Per vessel pump-out revenue at marinas. \$0-\$20+ |
| (3) Other Costs & Benefits (Non-Monetized) | Not Applicable   |   |
| (4) Alternatives                           | None   |   |
| (5) Information Sources                    | 2024 NDZ application including data and information gathered on pump-out costs and number of available pump-outs from marinas. DEQ NDZ Program procedures, documents, and staff. |   |

**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.

*Change in Regulatory Requirements*

| VAC Section(s) Involved* | Authority of Change | Initial Count | Additions       | Subtractions                                   | Total Net Change in Requirements           |
|--------------------------|---------------------|---------------|-----------------|--|--|
| 9VAC25-71-70             | (M/A):              | 0             | 0               | 0  | 0  |
|                          | (D/A):              | 0             | 0               | 0  | 0  |
|                          | (M/R):              | 5             | 30 <sup>1</sup> | 0  | +30  |
|                          | (D/R):              | 0             | 0               | 0  | 0  |
|                          |                     |               |                 | <b>Grand Total of Changes in Requirements:</b> | (M/A):0<br>(D/A):0<br>(M/R):+30<br>(D/R):0 |

**Key:**

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

**(M/A):** Mandatory requirements mandated by federal and/or state statute affecting the agency itself

**(D/A):** Discretionary requirements affecting agency itself

**(M/R):** Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

**(D/R):** Discretionary requirements affecting external parties, including other agencies

<sup>1</sup> This final exempt regulatory action incorporates the 30 NDZs established by EPA into Virginia’s regulations, and maintains consistency with federal requirements.

*Cost Reductions or Increases (if applicable)*

| VAC Section(s) Involved* | Description of Regulatory Requirement   | Initial Cost | New Cost  | Overall Cost Savings/Increases                             |
|--------------------------|---|--------------|---|--|
| 9VAC25-71-70             | Adds 30 new No Discharge Zones (NDZs) where discharge of treated sewage is prohibited | \$0          | Per vessel pump-out cost by vessel users. \$0-\$20+ | \$0-\$20+ cost increase for vessel users who use pump-outs |

*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>                                    |
|---------------------------------|---|---|
| 9VAC25-71-70                    | Adds 30 new No Discharge Zones (NDZs) where discharge of treated sewage is prohibited | Vessels must instead use pump-out facilities or discharge treated sewage outside the NDZ boundaries |

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

| <b>Title of Guidance Document</b> | <b>Original Word Count</b> | <b>New Word Count</b> | <b>Net Change in Word Count</b> |
|-----------------------------------|----------------------------|-----------------------|---------------------------------|
| NA                                | NA                         | NA                    | NA                              |

\*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).