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Exempt Action: Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-20
VAC Chapter title(s)	Fees for Permits and Certificates
Action title	Implementation of Chapter 933 of the 2026 Acts of Assembly
Final agency action date	June 23, 2026
Date this document prepared	May 15, 2026

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.

Section 62.1-44.19:3 I of the Code of Virginia currently allows localities to adopt an ordinance that provides for the testing and monitoring of the land application of sewage sludge within its political boundaries to ensure compliance with applicable laws and regulations. Chapter 933 of the 2026 Acts of Assembly (HB1072 – Del Laufer) amends § 62.1-44.19:3 of the Code of Virginia to provide that localities may adopt ordinances for the testing and monitoring of the land application of sewage sludge within their political boundaries for perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined in § 62.1-44.34:29 of the Code of Virginia, and that expenses incurred by a locality for such testing and monitoring are not eligible for reimbursement from the Sludge Management Fund established under § 62.1-44.19:3 G. To implement this statutory change, the Board is amending 9VAC25-20 (Fees for Permits and Certificates) by adding language to 9VAC25-20-90 A (Deposit and use of fees) establishing that PFAS testing and monitoring expenses are excluded from permissible Fund disbursements, and by adding a

new subsection C to 9VAC25-20-148 (Reimbursable local monitoring costs) directing localities to the exclusion when reviewing eligible cost types.

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.”

Chapter 933 of the 2026 Acts of Assembly (HB1072 – Del Laufer), amends § 62.1-44.19:3 of the Code of Virginia to provide that localities may adopt ordinances for the testing and monitoring of the land application of sewage sludge within their political boundaries for perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined in § 62.1-44.34:29 of the Code of Virginia, and that expenses incurred by a locality for such testing and monitoring are not eligible for reimbursement from the Sludge Management Fund established under § 62.1-44.19:3 G.

This regulation amendment is exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a of the Code of Virginia because it is necessary to conform to changes in Virginia statutory law where no agency discretion is involved.

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) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On June 23, 2026, the State Water Control Board adopted final amendments to the Fees for Permits and Certificates (9VAC25-20) regulation.

The regulatory action is to be effective as provided in the Administrative Process Act. In adopting these amendments, the State Water Control Board affirmed that it would receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act.