

Office of Regulatory Management
Economic Review Form

Agency name	Virginia Waste Management Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC20-81
VAC Chapter title(s)	Solid Waste Management Regulations
Action title	Incorporation of Amendments to EPA's Standards for the Disposal of Coal Combustion Residuals from Electric Utilities
Date this document prepared	October 2, 2024
Regulatory Stage (including Issuance of Guidance Documents)	Final Exempt

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)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Agency Note: This is a final exempt regulatory action necessary to conform with federal requirements in order for Virginia to implement a state Coal Combustion Residuals (CCR) permit program. If Virginia does not implement a state CCR permit program, facilities would still be subject to these requirements through a permit program administered by the U.S. Environmental Protection Agency (EPA). The new rule this action incorporates by reference offers an alternative approach for facilities, and regulated entities are also able to continue to operate under the regulations currently in place. This action offers an alternative choice, thus any increase in costs should be evaluated as an alternative method that can be utilized by regulated entities nationwide to lower costs and complication by abiding by the singular federal guideline instead of the various state allowances.</p> <p>Currently there are only two companies conducting activities in Virginia that are regulated by the federal CCR rule that is being incorporated by reference into this regulation. Both of the companies impacted by this regulatory action operate in multiple states and are not small businesses. Making Virginia’s requirements consistent with federal requirements reduces the regulatory burden on these companies since they would be required to meet federally uniform standards for the disposal of CCR in landfills and surface impoundments, as opposed to individual state requirements which would likely increase compliance costs. The federal standards are protective of human health and the environment and minimize the regulatory burden on companies to comply with this regulation, therefore the agency rejected including alternative regulatory methods in this rulemaking.</p> <p>Direct Costs: EPA’s regulatory impact analyses for the rules incorporated with this action estimated cost savings over the baseline costs and cost savings of the 2015 CCR final rule. As this action incorporates alternative approaches, some of which may not apply to regulated CCR Units in Virginia, estimated costs or cost savings are difficult to determine.</p> <p>Indirect Costs: No indirect costs associated with the adoption of this regulatory change are anticipated.</p> <p>Direct Benefits: Direct benefits are that this action is necessary for Virginia to implement a state CCR permit program, which will mean regulated entities will not have to work through a federal permit program. This action incorporates by reference federal regulations that provide an alternative method that can be utilized by regulated entities</p>
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	<p>nationwide to lower costs and lower complications by abiding by the singular federal guideline instead of the various state allowances.</p> <p>Indirect Benefits: No indirect benefits associated with the adoption of this regulatory change have been identified.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	\$0	\$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	No conclusive statement can be made about other costs or benefits (nonmonetized) of this regulatory adoption	
(5) Information Sources	<p>Regulatory Impact Analysis for EPA’s Final Coal Combustion Residuals Rule, December 2014: https://www.regulations.gov/document/EPA-HQ-RCRA-2009-0640-12034</p> <p>Regulatory Impact Analysis (RIA) for CCR Phase One Part One Final Rule, July 2018, https://www.regulations.gov/document/EPA-HQ-OLEM-2017-0286-2245</p> <p>Regulatory Impact Analysis for EPA’s Holistic Approach to Closure Part A: Deadline to Initiate Closure Rule, July 2020, https://www.regulations.gov/document/EPA-HQ-OLEM-2019-0172-0180</p> <p>Regulatory Impact Analysis for EPA’s Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments, August 2020, https://www.regulations.gov/document/EPA-HQ-OLEM-2019-0173-0224</p>	

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

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Agency Note: This is a final exempt regulatory action necessary to conform with federal requirements in order for Virginia to implement a state Coal Combustion Residuals (CCR) permit program. If Virginia does not implement a state CCR permit program, facilities would still be subject to these requirements through a permit program administered by the U.S. Environmental Protection Agency (EPA). The new rule this action incorporates by reference offers an alternative approach for</p>
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	<p>facilities, and regulated entities are also able to continue to operate under the regulations currently in place. This action offers an alternative choice, thus any increase in costs should be evaluated as an alternative method that can be utilized by regulated entities nationwide to lower costs and complication by abiding by the singular federal guideline instead of the various state allowances.</p> <p>Direct Costs: Maintaining the status quo would mean that Virginia state regulations would be inconsistent with current federal regulations and Virginia would not be able to obtain approval to implement a state CCR permit program. This would require regulated entities to obtain approval through an EPA administered CCR permit program.</p> <p>Indirect Costs: No indirect costs associated with maintaining the regulations as currently written have been identified.</p> <p>Direct Benefits: No direct benefits associated with maintaining the status quo have been identified.</p> <p>Indirect Benefits: No indirect benefits associated with maintaining the status quo have been identified.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	\$0	\$0
(3) Net Monetized Benefit	\$0	
(4) Other Costs & Benefits (Non-Monetized)	No conclusive statement can be made about other costs or benefits (nonmonetized) of this regulatory adoption.	
(5) Information Sources	N/A	

Agency Note: This is a final exempt regulatory action necessary conform with federal requirements. Therefore, Table 1c has been removed.

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

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Agency Note: This is a final exempt regulatory action necessary to conform with federal requirements in order for Virginia to implement a state Coal Combustion Residuals (CCR) permit program. If Virginia does not implement a state CCR permit program, facilities would still be subject to these requirements through a permit program administered by the U.S. Environmental Protection Agency (EPA). The new rule this action incorporates by reference offers an alternative approach for facilities, and regulated entities are also able to continue to operate under the regulations currently in place. This action offers an alternative choice, thus any increase in costs should be evaluated as an alternative method that can be utilized by regulated entities nationwide to lower costs and complication by abiding by the singular federal guideline instead of the various state allowances.</p> <p>Direct Costs: There are no direct costs to local partners associated with this regulatory action.</p> <p>Indirect Costs: There are no indirect costs to local partners associated with this regulatory action.</p> <p>Direct Benefits: There are no direct benefits to local partners associated with this regulatory action.</p> <p>Indirect Benefits: There are no indirect benefits to local partners associated with this regulatory action.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct & Indirect Costs</p> <p>\$0</p>	<p>Direct & Indirect Benefits</p> <p>\$0</p>
<p>(3) Other Costs & Benefits (Non-Monetized)</p>	<p>No conclusive statement can be made about other costs or benefits (nonmonetized) of this regulatory adoption.</p>	
<p>(4) Assistance</p>	<p>N/A</p>	
<p>(5) Information Sources</p>	<p>N/A</p>	

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

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Agency Note: This is a final exempt regulatory action necessary to conform with federal requirements in order for Virginia to implement a state Coal Combustion Residuals (CCR) permit program. If Virginia does not implement a state CCR permit program, facilities would still be subject to these requirements through a permit program administered by the U.S. Environmental Protection Agency (EPA). The new rule this action incorporates by reference offers an alternative approach for facilities, and regulated entities are also able to continue to operate under the regulations currently in place. This action offers an alternative choice, thus any increase in costs should be evaluated as an alternative method that can be utilized by regulated entities nationwide to lower costs and complication by abiding by the singular federal guideline instead of the various state allowances.</p> <p>Direct Costs: There are no new direct costs to families associated with this regulatory action.</p> <p>Indirect Costs: There are no new indirect costs to families associated with this regulatory action.</p> <p>Direct Benefits: There are no new direct benefits to families associated with this regulatory action.</p> <p>Indirect Benefits: There are no indirect benefits to families associated with this regulatory action.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	\$0	\$0
(3) Other Costs & Benefits (Non-Monetized)	No conclusive statement can be made about other costs or benefits (nonmonetized) of this regulatory adoption.	
(4) Information Sources	N/A	

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

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Agency Note: This is a final exempt regulatory action necessary to conform with federal requirements in order for Virginia to implement a state Coal Combustion Residuals (CCR) permit program. If Virginia does not implement a state CCR permit program, facilities would still be subject to these requirements through a permit program administered by the U.S. Environmental Protection Agency (EPA). The new rule this action incorporates by reference offers an alternative approach for facilities, and regulated entities are also able to continue to operate under the regulations currently in place. This action offers an alternative choice, thus any increase in costs should be evaluated as an alternative method that can be utilized by regulated entities nationwide to lower costs and complication by abiding by the singular federal guideline instead of the various state allowances.</p> <p>Currently there are only two companies conducting activities in Virginia that are regulated by the federal CCR rule that is being incorporated by reference into this regulation. Both of the companies impacted by this regulatory action operate in multiple states and are not small businesses. Making Virginia’s requirements consistent with federal requirements reduces the regulatory burden on companies since they would be required to meet federally uniform standards for the disposal of CCR in landfills and surface impoundments, as opposed to individual state requirements which would likely increase compliance costs. The federal standards are protective of human health and the environment and minimize the regulatory burden on companies to comply with this regulation, therefore the agency rejected including alternative regulatory methods in this rulemaking.</p> <p>Direct Costs: There are no direct costs to small businesses associated with this regulatory action.</p> <p>Indirect Costs: There are no indirect costs to small businesses associated with this regulatory action.</p> <p>Direct Benefits: There are no indirect benefits to small businesses associated with this regulatory action.</p> <p>Indirect Benefits: There are no indirect benefits to small businesses associated with this regulatory action.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	\$0	\$0
(3) Other Costs & Benefits (Non-Monetized)	No conclusive statement can be made about other costs or benefits (nonmonetized) of this regulatory adoption.	
(4) Alternatives	N/A	
(5) Information Sources	N/A	

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.

Agency Note: This is a final exempt regulatory action necessary to conform with federal requirements.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
9VAC20-81-35	(M/A):	0			0
	(D/A):	0			0
	(M/R):	3	0	0	0
	(D/R):	0	0	0	0
9VAC20-81-800	(M/A):	0			0
	(D/A):	0			0
	(M/R):	313	0	0	0
	(D/R):	0	0	0	0
				Grand Total of Changes in Requirements:	(M/A):0 (D/A):0 (M/R):0 (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

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
N/A				

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
N/A		

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

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count
N/A			

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