

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Department of Environmental Quality
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC25-860
<b>VAC Chapter title(s)</b>	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Potable Water Treatment Plants
<b>Action title</b>	Periodic Review
<b>Date this document prepared</b>	01/07/25
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Periodic review

VPDES general permit regulations expire every five years and must be re-issued for permit coverage to be available to new permittees and existing permittees that submit a registration statement in a timely manner. If the general permit is not re-issued, the regulated community will need to obtain a VPDES individual permit to conduct the regulated activity. For this reason, the costs associated with obtaining an individual permit are compared with the costs associated with general permit coverage. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity.

### **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)**

Omitted pursuant to ORM Regulatory Economic Analysis Manual.

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

Omitted pursuant to ORM Regulatory Economic Analysis Manual.

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

Omitted pursuant to ORM Regulatory Economic Analysis Manual.

**Background:**

The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the State Water Control Board (Board) to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program; §62.1-44.15(14) authorizes the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes; § 62.1-44.16 specifies the Board's authority to regulate discharges of industrial wastes; § 62.1-44.20 provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations; and § 62.1-44.21 authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters. Section 402 of the Clean Water Act (33 USC 1251 et seq.) 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. Environmental Protection Agency (EPA). This Memorandum of Understanding was modified on May 20, 1991, to authorize the Commonwealth to administer a General VPDES Permit Program.

This general permit regulation governs the discharge of process wastewater from potable water treatment plants to surface waters.

**Agency Note:** There are no regulatory changes associated with this periodic review.

**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 &amp; Indirect Costs &amp; Benefits (Monetized)</p>	<p><b>Background:</b> Regulating discharge of process wastewater from potable water treatment plants through the reissuance of a general permit regulation is an alternative streamlined approach that is used to regulate entities that conduct similar activities.</p>
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	<p><b>Direct and Indirect Costs:</b> Localities that normally hold general permit coverage are subject to the costs of \$600 to obtain coverage under this general permit and the benefit of obtaining that coverage at a lower cost relative to the cost of obtaining an individual permit (standard limits), which has an initial application fee of \$3,300. Full-time equivalents (FTEs) at the localities would likely be the same whether or not the permit was a general permit or an individual permit.</p> <p><b>Direct and Indirect Benefits:</b> General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity. A benefit of this general permit is its lower cost to permittees relative to the cost of obtaining an individual VPDES permit. The permit fee for operators to obtain coverage under this general permit is \$600. Thus, the applicable fee total for five years of coverage for 109 currently permitted facilities is \$65,400. If this general permit was not available, these owners would be required to obtain an individual VPDES permit, and the initial application fee would be \$3,300 (assumes industrial minor, standard limits). An annual permit maintenance fee of approximately \$1,969 would also apply (the application and maintenance fee total would be \$11,176 per permittee/five-year permit term). Thus, individual permits for 109 facilities would cost \$1,218,184 over five years (\$1,152,784 more than the general permit). Additionally, a public notice would need to be published in a local newspaper twice at each reissuance. This is estimated at \$900 every five years. These costs do not account for the longer lead time to obtain an individual permit and the increased burden on DEQ staff and resources that would result.</p>	
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$600 every five years	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	<p><b>Direct Benefit:</b> N/A</p> <p><b>Direct Benefit:</b> N/A</p> <p><b>Indirect Benefit:</b> N/A</p> <p><b>Indirect Benefit:</b> N/A</p>	
(4) Assistance	N/A	

(5) Information Sources	N/A
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**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><b>Direct and Indirect Costs:</b> There is no potential impact of the regulation on the institution of the family and family stability because they are not operators of potable water treatment plants.</p> <p><b>Direct and Indirect Benefits:</b> A potential direct or indirect benefit of this general permit regulation on the institution of the family and family stability is the possible access to potable water if they are receiving access to potable water from a permittee.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	<p><b>Direct Benefit:</b> N/A</p> <p><b>Direct Benefit:</b> N/A</p> <p><b>Indirect Benefit:</b> N/A</p>	
(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**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p><b>Direct and Indirect Costs:</b> General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity. Currently, water treatment plants are not classified as small businesses. Costs will be similar to those identified in Table 2 for local partners.</p>
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	<b>Direct and Indirect Benefits:</b> General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	<b>Direct Benefit:</b> N/A <b>Direct Benefit:</b> N/A <b>Indirect Benefit:</b> N/A	
(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.

This form has been completed for periodic review. No changes are being made to this regulation.

Table 5 has been omitted pursuant to ORM’s Regulatory Economic Analysis Manual.