



Virginia Department of Planning and Budget **Economic Impact Analysis**

9 VAC 5-210 – Regulation for Dispute Resolution
Department of Environmental Quality
August 1, 2014

Summary of the Proposed Amendments to Regulation

The State Air Pollution Control Board (Board) proposes to amend its dispute resolution regulation to harmonize it with Code of Virginia changes that have occurred since the regulation was promulgated in 2001.

Result of Analysis

Benefits likely outweigh costs for these proposed regulatory changes.

Estimated Economic Impact

Pursuant to §10.1-1186.3(D) of the Code of Virginia (COV), the Board promulgated a dispute resolution regulation in 2001. The Board now proposes to update this regulation to reflect Code changes since 2001. The Board proposes to insert definitions for “dispute resolution services” and “orientation session” as well as change all references to neutral facilitator to just neutral since that is how the COV refers to such individuals. The Board also proposes to update obsolete Code references and add language from the COV that deals with exceptions to nondisclosure requirements (threats of bodily injury toward another person, for instance, would be subject to disclosure and would not enjoy the protection of confidential materials nondisclosure).

No affected entity is likely to incur any costs on account of these proposed regulatory changes. Because these changes harmonize the regulation to COV requirements and remove potentially confusing obsolete language, affected entities are likely to benefit from the increased clarity that amending this regulation brings.

Businesses and Entities Affected

All individuals, businesses or other entities that have a significant disagreement with the Board over a regulation development or permit issuance are subject to this regulation. The regulation was first promulgated in 2001 and thus far the mediation and alternative dispute resolution proceedings of this chapter have not been utilized. There are currently approximately 520 active major permits through the Board's programs.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This proposed regulation is unlikely to affect employment in the Commonwealth.

Effects on the Use and Value of Private Property

This proposed regulation is unlikely to affect the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

No small business is likely to incur any costs on account of the proposed regulation.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small business is likely to incur any costs on account of the proposed regulation.

Real Estate Development Costs

This proposed regulation is unlikely to affect real estate development costs.

Legal Mandate

General: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 17 (2014). Section 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to:

- the projected number of businesses or other entities to whom the proposed regulation would apply,
- the identity of any localities and types of businesses or other entities particularly affected,
- the projected number of persons and employment positions to be affected,

- the projected costs to affected businesses or entities to implement or comply with the regulation, and
- the impact on the use and value of private property.

Small Businesses: If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

AMH

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