

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes  Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



## Virginia Department of Planning and Budget Economic Impact Analysis

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### **9 VAC 25-220 Surface Water Management Area Regulation**

**Department of Environmental Quality**

**Town Hall Action/Stage: 4446/7344**

October 29, 2015

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### **Summary of the Proposed Amendments to Regulation**

The State Water Control Board (Board) proposes to amend to update statutory references contained within the regulation and to amend language for consistency with the Code of Virginia.

### **Result of Analysis**

The benefits likely exceed the costs for all proposed changes.

### **Estimated Economic Impact**

The proposed updating of statutory references has no impact on the law, but will provide a small benefit in that it will aid the reader in finding the current applicable law. The proposed amending of language for consistency with the Code of Virginia has no impact on applicable law since when there is any conflict between regulation and statute, the statute applies. This proposed change will provide a small benefit in that it will reduce potential confusion concerning the applicable law for the reader.

### **Businesses and Entities Affected**

The proposed amendments provide the small benefit of improved clarity of the law for interested parties. Any person or entity could potentially be interested. Environmental groups

and firms and other entities that may be required to get surface water withdrawal permits or surface water withdrawal certificates would likely be among the interested parties.

**Localities Particularly Affected**

The proposed amendments do not disproportionately affect particular localities.

**Projected Impact on Employment**

The proposed amendments do not affect employment.

**Effects on the Use and Value of Private Property**

The proposed amendments do not affect the use and value of private property.

**Real Estate Development Costs**

The proposed amendments do not affect real estate development costs.

**Small Businesses:****Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

**Costs and Other Effects**

The proposed amendments do not significantly affect small businesses.

**Alternative Method that Minimizes Adverse Impact**

The proposed amendments do not adversely affect small businesses.

**Adverse Impacts:****Businesses:**

The proposed amendments will not adversely affect businesses.

**Localities:**

The proposed amendments will not adversely affect localities.

**Other Entities:**

The proposed amendments will not adversely affect other entities.

## Legal Mandates

**General:** The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 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: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

**Adverse impacts:** Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) 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, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 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 shall be notified.

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