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Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-610 [Primary] 9VAC25-20 [Secondary]
Regulation title(s)	Groundwater Withdrawal Regulations [Primary] Fees for Permits and Certificates [Secondary]
Action title	Final Exempt Action: Amendment to change groundwater withdrawal permit term and permit fee in response to Chapter 424 of the 2018 Acts of Assembly
Final agency action date	September 20, 2018
Date this document prepared	May 3, 2018

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This amendment changes the groundwater withdrawal permit term from a maximum of 10 years to a maximum of 15 years. This amendment also changes the permit application fees for groundwater withdrawal permits. Groundwater withdrawal permit application fees will remain \$6,000 through December 31, 2018. Groundwater withdrawal permit application fees will increase to \$9,000 effective January 1, 2019. These changes are being made in response to Chapter 424 of the 2018 Acts of Assembly.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The State Water Control Board approved this amendment to Groundwater Withdrawal Regulations (9VAC25-610) and Fees for Permits and Certificates (9VAC25-20), Final Exempt Action: Amendment to change groundwater withdrawal permit term and permit fee in response to Chapter 424 of the 2018 Acts of Assembly on September 20, 2018, as a final regulation and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that this regulation will have a direct impact on families.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

9VAC25-20

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
110 E.		Permit application fee for groundwater withdrawal permit is \$6,000.	The permit application fee for a groundwater withdrawal permit is \$6,000 through 12/31/2018 and the permit application fee for a groundwater withdrawal permit will be increased to \$9,000 on 1/1/2019. These changes are being made in response to Chapter 424 of the 2018 Acts of Assembly.

9VAC25-610

Current section number	Proposed new section	Current requirement	Proposed change and rationale
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	number, if applicable		
106 D 14		Permit term for groundwater withdrawal permit is maximum of 10 years.	Permit term for groundwater withdrawal permit revised to a maximum of 15 years in response to Chapter 424 of the 2018 Acts of Assembly.
140 A 10		Permit term for groundwater withdrawal permit is maximum of 10 years.	Permit term for groundwater withdrawal permit revised to a maximum of 15 years in response to Chapter 424 of the 2018 Acts of Assembly.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

This amendment changes the length of the permit term and the fee associated with groundwater withdrawal permits. There are no compliance or reporting requirements or performance standards associated with the changes being made to the regulation by this amendment. This amendment is being made in response to Chapter 424 of the 2018 Acts of Assembly. Small businesses will not be negatively impacted by the lengthening of the permit term or the changes to the permit fee. Permit terms are being lengthened to a maximum of 15 years and the permit fees are being increased in proportion to the lengthened permit term as described in §§ 62.1-44.15:6 and 62.1-266 of the Code of Virginia.