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Periodic Review Report of Findings

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-80
Regulation title	General Regulations Under State Water Control Board - Requirement No. 1
Date this document prepared	August 26, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

SCAT- Sewage Collection and Treatment Regulations
VPDES- Virginia Pollutant Discharge Elimination Permit

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The State Water Control Board adopted this regulation under the authority of §62.1-44.15 (10) of the Code of Virginia.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

This regulation prohibits owners of a sewerage system or sewage treatment plant serving more than 400 people from discharging untreated or inadequately treated sewage, from connecting to an existing sewer, or from extending the sewer unless authorized by the board. Section 62.1-44.19 of the Code of Virginia requires Board approval of sewerage systems and sewage treatment works.

One alternative considered was the repeal of this regulation. This regulation is being repealed since it is no longer necessary. The Board's Sewage Collection and Treatment (SCAT) Regulations, 9VAC25-790-10 et seq., became effective on February 12, 2004. Under the SCAT Regulations, no person shall construct, expand, or modify a sewerage system or sewage treatment works except in compliance with a

Certificate to Construct from the Department and in accordance with the detailed standards contained within the regulations. As a result, the more generalized requirements of 9VAC25-80-10 et seq. (General Regulations Under State Water Control Law - Requirement No. 1) are no longer needed and can be repealed.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

An informal advisory group was not formed for the purpose of assisting with the periodic review. No comments were received during the public comment period.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation is being repealed. The Board's SCAT Regulations contain more detailed requirements concerning sewerage systems and sewage treatment works and the more generalized requirements of 9VAC25-80-10 et seq. (General Regulations Under State Water Control Law - Requirement No. 1) are no longer needed.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

This regulation is being repealed. The Board's SCAT Regulations contain more detailed requirements concerning sewerage systems and sewage treatment works and the more generalized requirements of 9VAC25-80-10 et seq. (General Regulations Under State Water Control Law - Requirement No. 1) are no longer needed.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The agency considered the continued need for the regulation. The Board's SCAT Regulations contain more detailed requirements concerning sewerage systems and sewage treatment works and the more generalized requirements of 9VAC25-80-10 et seq. (General Regulations Under State Water Control Law - Requirement No. 1) are no longer needed. The General Regulations Under State Water Control Law - Requirement No. 1 will be repealed.

No comments were received during the public comment period.

The regulation is not complex; however, it is no longer needed and is being repealed. The repeal of this regulation will have no impact on small businesses. The Board's SCAT Regulations will continue to be applicable.

Family Impact

Please assess the potential impact of the regulation's impact on the institution of the family and family stability.

The regulation does not negatively impact the institution of the family or family stability.