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## Periodic Review Report of Findings

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	9VAC 25- 192
<b>Regulation title</b>	Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management
<b>Date this document prepared</b>	February 7, 2020

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.*

Board- State Water Control Board

## 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.*

Section 62.1-44.15 (10) of the Code of Virginia authorizes the State Water Control Board (board) to adopt such regulations it deems necessary to enforce the general water quality management program and §62.1-44.17:1 of the Code of Virginia authorizes the board to establish a general permit for confined animal feeding operations.

## 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.*

Section 62.1-44.17:1 B of the Code of Virginia specifies a confined animal feeding operation with 300 or more animal units utilizing a liquid manure collection and storage system, shall be permitted by a General Virginia Pollution Abatement permit. Section 62.1-44.17:1 specifies requirements to be met as part of general permit coverage. The general permit is obtained through the use of a streamlined permitting processes, and use of the general permit minimizes the administrative issues associated with obtaining a permit. The alternative to this approach would be to issue individual permits to confined animal feeding operations. This alternative was rejected since it would be more burdensome on operators of confined

animal feeding operations and the agency, while not providing additional protections to human health and the environment.

**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 to assist with the periodic review.

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Tad Williams	9VAC25-192-50 - The section should be updated to authorize the management of pollutants to the owner of the livestock, specifically poultry. Most owners of animal feeding operations in the state of Virginia don't own the poultry they are raising. The poultry integrators do. Require the owners of the poultry to comply with the regulations not the farmers or owners of the animal feeding operations. This will be easier for DEQ to regulate and save taxpayers money.	This regulation is applicable to livestock operations with liquid manure. Poultry operations are regulated by the Virginia Pollution Abatement (VPA) Permit Regulation for Poultry Waste Management (9VAC25-630), not the regulation under review. No change is needed to the regulation under review.

**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 establishes a general permit governing the pollutant management activities of animal wastes at confined animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system. This general permit contains requirements that all operations are required to meet to protect public health, safety and welfare. This regulation is clearly written and easily understandable.

**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).*

The regulation continues to be needed and will be retained without changes.

**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.*

This regulation continues to be needed. The regulation provides a streamlined permitting process for pollutant management activities of animal wastes at confined animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system. Without this regulation, individual permits would be required to be obtained by the operator, which would be more costly to prepare, and the individual permits would contain requirements that are similar to the requirements found in the general permit.

One comment was received from the public; however, the comments pertained to activities regulated by another regulation, not the regulation being reviewed.

This regulation has been developed to protect human health and the environment from impacts from the operation of confined animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system. Standard requirements applicable to these types of operations have been included in the general permit. The regulation contains technical standards that must be met by all operations, and provides the regulatory community with a consistent set of standards for operations.

This regulation has been adopted as required by state law and this regulation does not overlap, duplicate, or conflict with state law.

This regulation was last issued in 2014 and this general permit regulation will expire in 2024. As part of the general permit regulation reissuance, the agency will evaluate changes that are needed to the regulation in response to changes in technology, economic conditions, and other factors that impact the content of the regulation.

The agency believes the use of the general permit regulation process minimizes the impact on the regulated community. The use of the general permit minimizes the administrative costs associated with applying for a permit, which minimizes the impact this regulation has on small businesses.

### Family Impact

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

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This regulation does not have a direct impact on the institution of the family or family stability.