



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-20-10 et seq.
Regulation Title:	Fees for Permits and Certificates
Action Title:	Regulation Review and Retention
Date:	May 28, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes a fee assessment and collection system to recover from the applicant a portion of the State Water Control Board's, Department of Game and Inland Fisheries', and the Department of Conservation and Recreation's direct and indirect costs associated with the processing of an application to issue, reissue, or modify any permit or certificate which the Board has the authority to issue.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Section 62.1-44.15:6 of the Code of Virginia requires the promulgation of regulations establishing the fee assessment and collection system.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

One public comment was received during the Notice of Periodic Review comment period. The commenter requested that the Board increase the application fees in order to make the applicants pay at least 50% of the total costs of the program, including direct and indirect costs. The commenter also recommended that DEQ propose legislative changes to strike specific dollar amounts from the statute that authorizes the Board to collect permit fees.

The General Assembly specifies in state law the maximum amounts allowed under the permit fee regulation. DEQ reports to them every two years on the cost of the program versus the revenue generated. The Assembly will amend the law as it deems necessary to increase the amount of program costs DEQ can recover.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

Annually, an average of 850 applications for new and reissued permits and general permit registrations that are subject to fees are processed. During 1999, \$1.7 million in fee payments were received. The 1999 net direct costs to DEQ for water permitting totaled \$7.3 million.

This regulation is clearly written and easily understandable for the entities directly affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The existing fee structure recovers a portion of the Agencies' costs associated with the permit programs. In that way it is achieving the mandate of state law. The Board has not identified alternative regulations that would accomplish the mandate.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no direct impact on the institution of the family or family stability.