

Office of Regulatory Management
Economic Review Form

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC 25-192 et seq.
VAC Chapter title(s)	Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management
Action title	2024 Reissue and amend, as necessary, the Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management
Date this document prepared	May 2, 2024
Regulatory Stage (including Issuance of Guidance Documents)	Final exempt

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	Background: § 62.1-44.17:1.B. of the Code of Virginia requires that the State Water Control Board utilize a General Virginia Pollution Abatement (VPA) permit to permit Animal Feeding Operations (AFOs) that meet the requirements of the Code. VPA general permits expire every 10 years
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	<p>and must be re-issued in order for permit coverage to be available to new permittees and existing covered permittees. If the general permit is not re-issued, the regulated community will need to obtain an individual permit to conduct the regulated activity. For this reason, the costs associated with obtaining an individual permit are compared with the costs associated with general permit coverage.</p> <p>Regulating AFOs through the reissuance of a general permit regulation is an alternate streamlined approach that is used to regulate entities that conduct similar activities. A benefit of this general permit is its lower cost to permittees relative to the cost of obtaining an individual permit. While the Code of Virginia exempts AFOs from permit fees for both individual and general permits, the exemption does not include the cost of publication of a public notice advertisement required for an individual permit, which would average approximately \$500. The individual permit application is also longer and more detailed, requiring more time to prepare, and some applicants might choose to pay a consultant to prepare an individual permit application. This general permit thus represents a savings of at least \$500. There are currently 108 AFOs covered under this permit representing a total savings of approximately \$54,000 for the permit sector.</p> <p>These costs do not account for the longer lead time to obtain an individual permit and the increased burden on DEQ staff resources that would result.</p> <p>Costs and benefits of significant amendments to the current general permit include:</p> <ul style="list-style-type: none"> • 9 VAC25-192-10 – Definitions – The regulation was updated to include additional definitions and modifications of existing definitions. <p>Direct Costs: None</p> <p>Direct Benefits: No direct economic benefits to regulated entities.</p> <p>Indirect Costs: None</p> <p>Indirect Benefits: The additions and amendments to the definitions section will facilitate a better understanding of the terms used throughout the regulation sections and reduce the regulatory burden on AFOs and animal waste end-users by making the terms and style used throughout the regulations consistent with other sections and chapters. These amendments will also make this regulation consistent with the VPA</p>
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	<p>Regulation and General Permit for Poultry Waste Management (9VAC25-630-10 et seq.).</p> <ul style="list-style-type: none"> • 9VAC25-192-70. Part I.A. & Part III.A.– Groundwater monitoring requirements: <ul style="list-style-type: none"> ○ The department requires permittees to prepare and submit a groundwater monitoring action plan when monitoring results indicate potential noncompliance with the general permit. The amendments to Parts I.A. and III. A. clarify when groundwater monitoring action plan is expected. ○ Added a permit condition that outlines which parameters must be analyzed by a laboratory accredited under the Virginia Environmental Laboratory Accreditation Program (VELAP) in accordance with 1VAC30-46-20. This requirement is already in place; adding it to the permit conditions makes it clear to the permittee. <p>Direct Costs: None to the permittee. All of the amendments make the regulation consistent with other requirements already being implemented by DEQ.</p> <p>Direct Benefits: No direct economic benefits to regulated entities.</p> <p>Indirect Costs: None</p> <p>Indirect Benefits: The amendments make permit requirements clear. Clarity reduces administrative burden and time on the permittee to ensure compliance with the permit.</p> <ul style="list-style-type: none"> • 9VAC25-192-70 Part I.B.2 & Part III.B.2 – Site design, storage, and operations requirements: Specifies which tools are to be used to determine the floodplain when siting waste storage facilities to ensure permittees use a consistent, widely accepted standard [i.e. floodplain maps developed by the Federal Emergency Management Agency (FEMA)]. Adding the language ensures that the permittee will know what tools must be used to make this determination. <p>Direct Costs: None</p> <p>Direct Benefits: No direct economic benefits to regulated entities.</p> <p>Indirect Costs: None</p>
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	<p>Indirect Benefits: The amendments make permit requirements clear. Clarity reduces administrative burden and time on the permittee to ensure compliance with the permit.</p> <ul style="list-style-type: none">• 9VAC25-192-70 Part I.B.8.d. & Part III.B.8.d. – Site design, storage, and operations requirements: The amended permit conditions outline what is considered adequate storage of semi-solid and solid waste. <p>Direct Costs: None</p> <p>Direct Benefits: The amendment would reduce the cost to cover certain manure storage for which covering would provide no environmental benefit. Actual costs would vary widely depending upon storage practices. Typically, tarpaulins are used to cover semi-solid and solid manures when a roof structure is unavailable. Staff estimates a cost savings of \$3,700.00 for one 100-foot x 50-foot (700 denier, 5-millimeter high-density polyethylene, ultraviolet and weather resistant tarpaulin).</p> <p>Indirect Costs: None</p> <p>Indirect Benefits: The amendments make permit requirements clear. Clarity reduces administrative burden and time on the permittee to ensure compliance with the permit.</p> <ul style="list-style-type: none">• 9VAC25-192-70 Part I.B.11. & Part III.B.11. – Site design, storage, and operations requirements: Requires notification to the department prior to the closure of a liquid waste storage facility. This notification is an addition to an existing permit condition related to the closure of a waste storage facility. <p>Direct Costs: None</p> <p>Direct Benefits: No direct economic benefits to regulated entities.</p> <p>Indirect Costs: None to the permittee other than the time to notify DEQ of the pending closure.</p> <p>Indirect Benefits: Notifying DEQ of the closure will enable agency staff to provide compliance assistance and proper closure procedures to the permittee. Additional communication with DEQ prior to commencing a regulated activity increases the probability of compliance with the permit, adequate environmental protection, and reduces the possibility the</p>
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	<p>permittee will spend money on activities that do not meet regulatory requirements.</p> <ul style="list-style-type: none"> 9VAC25-192-70 Part I.C.2. & Part III.C.2. – Animal waste use and transfer requirements: Requires the permittee to submit revised Nutrient Management Plans (NMPs) approved by the Department of Conservation and Recreation (DCR) to DEQ within 30 days of the DCR approval. <p>Direct Costs: If the permittee sends the NMP through the U.S. Postal Service, there will be postage fees starting at \$9.85 for each revision sent to DEQ. If the permittee gives the DEQ inspector the NMP during the inspection, then there will be no postage fee. If the permittee has a way to scan and email the NMP to DEQ, then there will be no postage fee to send the NMP to DEQ. A minimum of three revisions will be necessary to maintain compliance with this permit over the 10-year permit term bringing the figure to an estimated cost of \$29.55 for the 10-year term.</p> <p>Direct Benefits: No direct economic benefits to regulated entities.</p> <p>Indirect Costs: None other than the time for the permittee to send the NMP to DEQ. Permit holders are already required to maintain a valid plan and provide it to DEQ.</p> <p>Indirect Benefits: The amendment makes permit requirements clear and ensures that the permittee has the most accurate nutrient management guidelines for the current crop needs. Clarity reduces administrative burden and time on the permittee to ensure compliance with the permit.</p> <ul style="list-style-type: none"> 9VAC25-192-70 Part I.C.5. & Part III.C.5 – Animal waste use and transfer requirements: The amendment provides options to the permittees when animal waste storage facilities are threatened by emergencies such as fire or flood. The amendment allows the land application of animal waste outside of the land application schedule found in the NMP so long as land application information is documented, and the Department is notified. <p>Direct Costs: None</p> <p>Direct Benefits: This condition provides permittees with practical options to avoid catastrophic failure of an animal waste storage facility and clear requirements related to waste storage</p>
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	<p>and land application when the permittee is faced with an emergency. Costs to repair an animal waste facility would vary depending upon the size and nature of the failure.</p> <p>Indirect Costs: None</p> <p>Indirect Benefits: The condition makes the option available to respond to an emergency clear to the permittee, reducing the amount of time a permittee might spend corresponding with DEQ when immediate action is necessary.</p> <ul style="list-style-type: none"> 9VAC25-192-70 Part II – Conditions Applicable to this General Permit - The amendments re-organize and renumber the conditions found in Part II of Section 70 (the contents of the general permit) so they are consistent with the VPA regulation, 9VAC25-32, and VPA General Permit for Poultry Waste Management (9VAC25-630). <p>Direct Costs: None</p> <p>Direct Benefits: No direct economic benefits to regulated entities.</p> <p>Indirect Costs: None</p> <p>Indirect Benefits: Consistency within the VPA permit program provides clarity for permittees who may be covered by both permit types as well as for DEQ inspectors verifying compliance with both permit types.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) see above	(b) see above
(3) Net Monetized Benefit	See above	
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources	<p>9VAC25-20-50 Exemptions (stating that VPA facilities operating under a general permit are exempt from permit application and maintenance fees):</p> <p>Staff estimates of costs for publishing public notices for individual permits. Staff estimates costs for mailing the NMP revisions through the</p>	

	U.S. Postal Service website. Staff estimates cost savings for not covering semi-solid and solid manure storage through internet research.
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Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	Available general cost and benefit data is provided in Table 1a. Given the general character of this data, it would also be applicable to the general permit under the status quo. Direct Costs: See Table 1a. Indirect Costs: See Table 1a. Direct Benefits: See Table 1a. Indirect Benefits: See Table 1a.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources	N/A	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	Consistent with § 62.1-44.17:1 of the Code of Virginia, nonpoint source discharges of pollutants, including those from animal feeding operations, must be authorized by a VPA permit under the State Water Control Law. Thus, no non-regulatory options were determined to be available. DEQ is not aware of any alternatives to the current proposal other than (1) reissuance of the current general permit with no modifications and (2) allowing the general permit regulation to lapse and issuing individual permits.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	

(4) Other Costs & Benefits (Non-Monetized)	N/A
(5) Information Sources	N/A

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	This general permit regulation is for Animal Feeding Operations (AFOs) and animal waste end-users which are activities that are not conducted by local governments. Direct Costs: None. Indirect Costs: None. Direct Benefits: None. Indirect Benefits: None.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Other Costs & Benefits (Non-Monetized)	N/A	
(4) Assistance	N/A	
(5) Information Sources	N/A	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs &	Most of the regulated entities are family farms, and the direct and indirect costs and benefits to these families would be as described in Table 1a.
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Benefits (Monetized)		
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) see Table 1a.	(b) see Table 1a.
(3) Other Costs & Benefits (Non- Monetized)	see Table 1a.	
(4) Information Sources	see Table 1a.	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	Small businesses would have the same impact as described in Table 1a. above. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity at a cost of approximately \$500 more for each small business covered under the general permit. DEQ does not have access to information necessary to determine how many of the 108 facilities covered under this general permit qualify as small business as defined under the Administrative Process Act but there are likely some entities that are small businesses.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) see Table 1a.	(b) see Table 1a.
(3) Other Costs & Benefits (Non- Monetized)	see Table 1a.	
(4) Alternatives	see Table 1a.	
(5) Information Sources	see Table 1a.	

Changes to Number of Regulatory Requirements**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
9VAC25-192-10	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
9VAC25-192-15	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
9VAC25-192-20	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
9VAC25-192-25	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	1	0	0	0
	(D/R):	3	0	1	-1
9VAC25-192-50	(M/A):	3	0	0	0
	(D/A):	0	0	0	0
	(M/R):	12	0	0	0
	(D/R):	18	0	0	0
9VAC25-192-60	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	10	0	0	0
	(D/R):	19	0	0	0
9VAC25-192-70 Part I	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	53	3 ^{A,B,}	0	+3

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
	(D/R):	65	5 ^{C, D, E, F, G}	1 ^H	+4
9VAC25-192-70 Part II	(M/A):	0	0	0	0
	(D/A):	4	0	0	0
	(M/R):	9	32 ^I	0	+32
	(D/R):	31	0	20	-20
9VAC25-192-70 Part III	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	53	3 ^J	0	+3
	(D/R):	65	5	1	+4
9VAC25-192-80	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	25	0	0	0
9VAC25-192-90	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	6	1 ^K	0	+1
	(D/R):	35	2 ^{L, M}	1	+1
Grand Total of Changes in Requirements:					(M/A): 0 (D/A): 0 (M/R): +39 (D/R): -12

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Not all regulatory requirements apply to all permittees, and some requirements are only applicable if certain conditions exist.

^A Incorporated Virginia Environmental Laboratory Accreditation Program requirements for sample analysis to comply with Division of Consolidated Laboratory Services requirements in Va. Code § 2.2-1105 and 1VAC30-46.

- ^B Clarifies statutory requirement that waste storage facilities shall not be located on a 100-yr floodplain by requiring use of FEMA data to determine the location of the floodplain.
- ^C Adds requirement to provide notification of closure.
- ^D Codified established practice of preparing groundwater monitoring action plan when monitoring results indicate potential noncompliance (2 requirements).
- ^E Clarifies requirements for storage of semi-solid and solid waste that is not stored in a waste storage facility or under roof. Provides certainty for operator and regulatory agencies.
- ^F Provides regulatory flexibility for permittees where a waste storage facility is threatened by an emergency such as fire or flood. Adds requirement to document information if land application occurs as a result of the emergency situation.
- ^G Clarifies when permittee is required to provide a copy of an approved Nutrient Management Plan to DEQ.
- ^H Removes requirement to use cover when stormwater is collected in a waste storage facility.
- ^I Revisions to Part II make it consistent with the Virginia Pollutant Abatement (VPA) Permit Regulation, 9VAC25-32, the base regulation for all VPA permits, which has been amended since the last AFO GP was issued in 2014, and the Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management, 9VAC25-630, which was amended and reissued for a 10-year term in February 2021.
- ^J Part III of 9VAC25-192-70 contains the same requirements as Part I, but is applicable to animal waste end users; Part I is applicable to animal feeding operations.
- ^K Clarifies statutory requirement that waste storage facilities shall not be located on a 100-yr floodplain by requiring use of FEMA data to determine the location of the floodplain. This is the same requirement as in 9VAC25-192-70, but is applicable to animal waste end-users that are not required to have a general permit.
- ^L Provides regulatory flexibility for end users where a waste storage facility is threatened by an emergency such as fire or flood. Adds requirement to document information if land application occurs as a result of the emergency situation. This is the same requirement as in 9VAC25-192-70, but is applicable to animal waste end-users that are not required to have a general permit.
- ^M Clarifies requirements for storage of semi-solid and solid waste that is not stored in a waste storage facility or under roof. Provides certainty for operator and regulatory agencies. Removes requirement to use cover when stormwater is collected in a waste storage facility. This is the same requirement as in 9VAC25-192-70, but is applicable to animal waste end-users that are not required to have a general permit.

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
9VAC25-192	Cost of individual permit vs general permit regulation	Cost associated with public notice requirements of Individual permit if general permit is not reissued-\$500	There is no cost to permittees associated with public notice requirements for the General permit - \$0	The general permit represents a savings of \$500 per facility (for public notice costs) or a total of \$54,000 for the sector over a 10-year permit term based on the 108 facilities currently covered by the general permit. No additional expenses are expected from the

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
				additional provisions included in Table 5. These additional provisions would also be included in any individual permits issued so they do not represent an increase in requirements/costs over the individual permit alternative.
9VAC25-192	The proposal adds a requirement for the permittee to submit revised NMPs approved by the DCR.	Prior to the proposed amendment, the permittee would give the DEQ inspector the revised NMPs during the inspection.	If the permittee sends the NMP through the U.S. Postal Service, there will be postage fees starting at \$9.85 for each revision sent to DEQ. If the permittee gives the DEQ inspector the NMP during the inspection, then there will be no postage fee. If the permittee has a way to scan and email the NMP to DEQ, then there will be no postage fee to send the NMP to DEQ.	If mailing the NMP, the permittee could incur a charge of at least \$9.85 each time they mail a revised NMP to the DEQ. This figure could vary based on U.S. Postal Service rate increases and the number of NMP revisions necessary. A minimum of three revisions will be necessary to maintain compliance with this permit over the 10-year permit term bringing the figure to an estimated cost of \$29.55 for the 10-year term.
9VAC25-192	The proposal includes	The permittee is required to cover	There are no new costs	Staff estimates a cost savings of

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
	<p>amended permit conditions outlining what is considered adequate storage of semi-solid and solid waste.</p>	<p>all semi-solid and solid waste that is stored outside of a storage facility with a roof for more than 14 days. The amendment would reduce the cost to cover certain manure storage for which covering would provide no environmental benefit. Actual costs would vary widely depending upon storage practices. Typically, tarpaulins are used to cover semi-solid and solid manures when a roof structure is unavailable. Staff estimates a cost of \$3,700.00 for one 100-foot x 50-foot (700 denier, 5 millimeter high-density polyethylene, ultraviolet and weather resistant tarpaulin).</p>	<p>associated with the proposed amendment. It is expected there will be a savings associated with this amendment.</p>	<p>\$3,700.00 for one 100-foot x 50-foot (700 denier, 5-millimeter high-density polyethylene, ultraviolet and weather resistant tarpaulin).</p>

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
N/A	N/A	The regulatory burden of reissuing the general permit is much reduced compared to requiring an individual permit. See 1a above.

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count
N/A	N/A	N/A	N/A

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).