

Office of Regulatory Management

Economic Review Form

<p>Agency name</p>	<p>State Water Control Board</p>
<p>Virginia Administrative Code (VAC) Chapter citation(s)</p>	<p>9VAC25-31 9VAC25-32; 9VAC25-110; 9VAC25-115; 9VAC25-120; 9VAC25-151; 9VAC25-190; 9VAC25-192; 9VAC25-193; 9VAC25-194; 9VAC25-196; 9VAC25-210; 9VAC25-610; 9VAC25-630; 9VAC25-660; 9VAC25-670; 9VAC25-680; 9VAC25-690; 9VAC25-790; 9VAC25-800; 9VAC25-820; 9VAC25-860; 9VAC25-875; 9VAC25-880; and 9VAC25-890</p>
<p>VAC Chapter title(s)</p>	<ul style="list-style-type: none"> • Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) • Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day (9VAC25-110) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Seafood Processing Facilities (9VAC25-115) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests (9VAC25-120) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (9VAC25-151) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining (9VAC25-190) • Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management (9VAC25-192) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Concrete Products Facilities (9VAC25-193)

	<ul style="list-style-type: none"> • Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less (9VAC25-196) • Virginia Water Protection Permit Program Regulation (9VAC25-210) • Groundwater Withdrawal Regulations (9VAC25-610) • Virginia Pollution Abatement Regulation and General Permit for Poultry Waste Management (9VAC25-630) • Virginia Water Protection General Permit for Impacts Less Than One-Half Acre (9VAC25-660) • Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities (9VAC25-670) • Virginia Water Protection General Permit for Linear Transportation Projects (9VAC25-680) • Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities (9VAC25-690) • Sewage Collection and Treatment Regulations (9VAC25-790) • Virginia Pollution Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters (9VAC25-800) • General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820) • Virginia Pollutant Discharge Elimination System General Permit Regulation for Potable Water Treatment Plants (9VAC25-860) • Virginia Erosion and Stormwater Management Regulation (9VAC25-875) • General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880) • Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges of Stormwater
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	from Small Municipal Separate Storm Sewer Systems (MS4s) (9VAC25-890)
Action title	2024 40 CFR Part 136 Reference Update/Methods Update Rule
Date this document prepared	July 31, 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)	<p>Background: On June 17, 2024, the U.S. Environmental Protection Agency (EPA) finalized a rule, the Methods Update Rule for the Analysis of Effluent (MUR), that updates its list of approved methods for measuring pollutants in wastewater and surface water under the Clean Water Act. Regulated and regulatory entities use approved methods in 40 CFR Part 136, as amended by the MUR, to identify the types and amounts of pollutants in effluent for National Pollutant Discharge Elimination System (NPDES) permit applications, to determine compliance with NPDES permit limits, or to fulfill other Clean Water Act monitoring and reporting requirements.</p> <p>Various regulations of the State Water Control Board include references to EPA regulations under Title 40 of the Code of Federal Regulations (CFR). These regulatory amendments will bring the references to 40</p>
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CFR Part 136 up to date with the requirements published in the July 1, 2024, update to Title 40 of the Code of Federal Regulations.

The Regulatory Flexibility Act statement contained in the Federal Register when the MUR was published (89 FR 27288, 04/16/2024) states that it will not have a significant economic impact on a substantial number of small entities because it will not impose any new requirements on them. The update to 40 CFR Part 136 approves new alternate and revised versions of Clean Water Act testing procedures. Generally, these changes will have a positive impact on small entities by increasing method flexibility, thereby allowing entities to reduce costs by choosing more cost-effective methods. The EPA expects the update will lead to few, if any, increased costs because the changes clarify or improve the instructions in the methods, update the technology used in the methods, improve the QC instructions, make editorial corrections, and reflect the most recent approval year of already approved methods. In some cases, the rule adds alternatives to currently approved methods for a particular analyte (e.g., ASTM Method D7511). Because these methods would be alternatives rather than requirements, there are no direct costs associated with the methods approved by the EPA and incorporated by reference in the State Water Control Board's regulations that implement federal programs and requirements.

Direct Costs:

This regulatory action updates testing methods regulated parties and regulators follow for federal programs that Virginia (through DEQ) has delegated authority to implement so they are consistent with those allowed by EPA.

Updates to existing methods do not impose any costs to regulated parties and regulators that are already using those methods. If regulated parties or regulators choose to use new alternative methods, the EPA methods are available free of charge from (epa.gov/cwa-methods/approved-cwa-microbiological-test-methods), therefore the EPA methods incorporated by reference are reasonably available.

ASTM methods can be purchased from *astm.org*. The price of ASTM standards is not fixed but generally ranges between \$50 and \$100 per method. ASTM also offers memberships or subscriptions that allow unlimited access to their methods. The ASTM methods incorporated by reference are reasonably available.

Methods approved under Standard Methods can be purchased from *standardmethods.org*. The price generally ranges between from \$60 to \$80 per method. Standard Methods also offers memberships or

subscriptions that allow unlimited access to their methods. The methods incorporated by reference are reasonably available.

The ATP methods are available free of charge on their respective websites (sgsaxys.com or pacelabs.com), therefore the ATP methods incorporated by reference are reasonably available.

Because these methods would be alternatives rather than requirements, there are no direct costs associated with the methods approved by the EPA and incorporated by reference. If a permittee elected to use the alternative methods, they could incur a small cost associated with obtaining these methods from the listed sources.

Indirect Costs:

Indirect costs associated with the amendments may include costs associated with training personnel on updates to existing methods and new test procedures, costs associated with recalibrating equipment to comply with new procedures, and costs associated with updating standard operating procedures to reflect the changes. While EPA has concluded that the direct costs associated with obtaining the new and revised test procedures would not be a significant financial burden, it is important to note that the permittee or environmental laboratory may still incur some additional costs because of these indirect factors.

Direct Benefits:

The EPA finalized these revisions to improve data quality, update methods to keep current with technology advances, and provide the regulated community with greater flexibility. National Pollutant Discharge Elimination System permits (issued as Virginia Pollutant Discharge Elimination System (VPDES) permits in Virginia) include conditions designed to ensure compliance with the technology-based and water quality-based requirements of the Clean Water Act, including restrictions on the quantity of specific pollutants discharged as well as requirements for pollutant monitoring, measurement, and reporting to DEQ. Permittees are currently limited in deciding which approved test method(s) they will use for a specific pollutant because the EPA has subsequently approved the use of more modern and additional methods for testing that are currently not allowed by Virginia's regulations. This regulatory change updates the Board's regulations to allow the most recently adopted EPA test methods.

Indirect Benefits:

The adoption of methods developed by national voluntary consensus standards can have a ripple effect on the regulated communities beyond just meeting regulatory requirements. It can encourage the use of more standardized and widely accepted methods, leading to greater consistency in data collection and analysis. This can improve

comparability of data across different facilities and districts, enabling better tracking of trends and identification of potential issues. Additionally, the use of newer, more advanced analytical technologies can lead to more accurate and precise data, which can inform better decision-making by regulators, permittees, and other stakeholders. The adoption of these updated methods can contribute to improved environmental outcomes and protection of public health.

(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	<p>(a) The EPA Methods are available free of charge on the EPA websites. ASTM methods can be purchased from astm.org. The price of ASTM standards is not fixed but generally ranges between \$50 and \$100 per method. ASTM offers memberships or subscriptions that allow unlimited access to their methods. Methods approved under Standards Methods can be purchased from standardmethods.org. The price generally ranges between \$60 to \$80 per method. Standard Methods also offers memberships or subscriptions that allow unlimited access to their methods. Without a membership or subscription, the direct cost per method will be between \$50 - \$100 to obtain the testing updates. The number of methods and amount of testing required to demonstrate compliance with VPDES, and other permit requirements varies by permittee and the nature of the activity or discharge</p>	<p>(b) Without a membership or subscription, the direct cost per method will be between \$50 - \$100 to obtain updates if a permit requires testing for a parameter/analyte and the permittee or lab chooses to use that method. New methods, and increased flexibility in the choice of equivalent methods gives permittees the ability to select which methods are best suited to their needs considering cost, availability, and other factors.</p>

	that is subject to permitting. Due to the unique and distinct nature of DEQ’s permits, it is not possible to provide more general monetized values.	
(3) Net Monetized Benefit	Same as present.	
(4) Other Costs & Benefits (Non-Monetized)	Decreases burden on both permittees and environmental laboratories.	
(5) Information Sources	Federal Register: Clean Water Act: Methods Update Rule for the Analysis of Effluent. Publication Date: 04/16/2024 – Effective Date: 06/17/2024 Final MUR – 2024 Federal Register Notice (April 16, 2024) Fact Sheet: Final Rule: Clean Water Act Methods Update Rule for the Analysis of Effluent	

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Permittees and environmental laboratories currently must satisfy the older testing standard from 2021, the last time EPA updated methods in 40 CFR Part 136.</p> <p>Indirect Costs: Less flexibility for the regulated community, no improvements in the quality of data collected, and an inability to keep current with technology advances.</p> <p>Direct Benefits: There are no direct benefits to not updating the test methods.</p> <p>Indirect Benefits: Permittees will not have to update or keep current with technology advances.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$50 - \$100 per permittee or environmental laboratory per method to obtain the updated methods if the permittee does not maintain a memberships or subscriptions that allow unlimited access to their methods.	(b) Maintains status quo of the current data quality, limiting the scope of methods that fail to keep current with technology advances, and thus permittees have limited flexibility when testing.

(3) Net Monetized Benefit	Zero net monetized benefit if updates are not made to the regulation.
(4) Other Costs & Benefits (Non-Monetized)	NA
(5) Information Sources	Federal Register: Clean Water Act: Methods Update Rule for the Analysis of Effluent. Publication Date: 04/16/2024 – Effective Date: 06/17/2024 Final MUR – 2024 Federal Register Notice (April 16, 2024) Fact Sheet: Final Rule: Clean Water Act Methods Update Rule for the Analysis of Effluent

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

(1) Direct & Indirect Costs & Benefits (Monetized)	The agency was unable to identify an alternative approach since this change makes Virginia’s regulations consistent with federal testing methods. Direct Costs: NA Indirect Costs: NA Direct Benefits: NA Indirect Benefits: NA	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable	(b) Not applicable
(3) Net Monetized Benefit	Not applicable	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable	
(5) Information Sources	Not applicable	

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)	<p>Localities would experience the same costs and benefits described in table 1a. No estimate is available concerning the number of localities benefiting from this regulatory change. Localities that have obtained a VPDES, VPA, Groundwater withdrawal, Virginia Water Protection Permit or are regulated by the Sewage Treatment and Collection regulation are potentially impacted by this amendment.</p> <p>Direct Costs: see table 1a.</p> <p>Indirect Costs: see table 1a.</p> <p>Direct Benefits: see table 1a.</p> <p>Indirect Benefits: see table 1a.</p>	
(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) Assistance	none	
(5) Information Sources	see table 1a.	

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 & Benefits (Monetized)	<p>Direct Costs: None.</p> <p>Indirect Costs: None.</p> <p>Direct Benefits:</p>
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	None. Indirect Benefits: None.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) None.	(b) None.
(3) Other Costs & Benefits (Non-Monetized)	None.	
(4) Information Sources	None.	

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)	<p>Small businesses would experience the same costs and benefits described in table 1a. No estimate is available concerning the number of small businesses benefiting from this regulatory change. Small businesses that have obtained a VPDES, VPA, Groundwater withdrawal, Virginia Water Protection Permit or are regulated by the Sewage Treatment and Collection regulation are potentially impacted by this amendment.</p> <p>Direct Costs: See table 1a.</p> <p>Indirect Costs: See table 1a.</p> <p>Direct Benefits: See table 1a.</p> <p>Indirect Benefits: See table 1a.</p>	
(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	None.
(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
9VAC25-31-25	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-32-25	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-110-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-115-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-120-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-151-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-190-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	1	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
9VAC25-193-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0

	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-194-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-196-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-210-90	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	12	0	0	0
	(D/R)	0	0	0	0
9VAC25-610-130	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	25	0	0	0
	(D/R)	0	0	0	0
9VAC25-630-50	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-660-100	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	72	0	0	0
	(D/R)	0	0	0	0
9VAC25-670-100	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	90	0	0	0
	(D/R)	0	0	0	0
9VAC25-680-100	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	103	0	0	0
	(D/R)	0	0	0	0
9VAC25-690-100	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	104	0	0	0
	(D/R)	0	0	0	0
9VAC25-790-210	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	31	0	0	0
	(D/R)	0	0	0	0
9VAC25-800-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0

	(D/R)	0	0	0	0
9VAC25-820-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-860-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
9VAC25-875-30	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	1	0	0	0
	(D/R)	0	0	0	0
9VAC25-880-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	1	0	0	0
	(D/R)	0	0	0	0
9VAC25-890-15	(M/A)	0	0	0	0
	(D/A)	0	0	0	0
	(M/R)	0	0	0	0
	(D/R)	0	0	0	0
Grand Total of Changes in Requirements:					(M/A): 0
					(D/A): 0
					(M/R): 0
					(D/R): 0

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

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases
9VAC25-31-25 9VAC25-32-25 9VAC25-110-15 9VAC25-115-15 9VAC25-120-15 9VAC25-151-15 9VAC25-190-15 9VAC25-192-15 9VAC25-193-15 9VAC25-194-15 9VAC25-196-15 9VAC25-210-90 9VAC25-610-130 9VAC25-630-50 9VAC25-660-100 9VAC25-670-100 9VAC25-680-100 9VAC25-690-100 9VAC25-790-210 9VAC25-800-15 9VAC25-820-15 9VAC25-860-15 9VAC25-875-30 9VAC25-880-15 9VAC25-890-15	Update regulation to include additional test methods for use by regulated community.	Memberships or subscriptions to have unlimited access to the ASTM methods / Standards Methods, or \$50 - \$100 per method for nonmember access to testing methods.	Permittees with membership or subscription with VCSB or ASTM will incur no additional cost. Nonmembers will incur a \$50 - \$100 cost per method to access to testing methods.	Ranges from no increase for Permittees with membership or subscription with ASTM / Standards Methods to \$50 - \$100 cost to access to for permittees without membership or subscription with ASTM/Standards Methods

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
9VAC25-31-25 9VAC25-32-25 9VAC25-110-15 9VAC25-115-15 9VAC25-120-15 9VAC25-151-15 9VAC25-190-15 9VAC25-192-15 9VAC25-193-15 9VAC25-194-15 9VAC25-196-15 9VAC25-210-90 9VAC25-610-130 9VAC25-630-50 9VAC25-660-100 9VAC25-670-100 9VAC25-680-100 9VAC25-690-100 9VAC25-790-210 9VAC25-800-15 9VAC25-820-15 9VAC25-860-15 9VAC25-875-30 9VAC25-880-15 9VAC25-890-15	The regulatory amendments will update the references to 40 CFR Part 136 in each of the cited chapters to 40 CFR Part 136 as published in the July 1, 2024, update to the Code of Federal Regulations.	Provides increased flexibility for the permittees in meeting monitoring requirements while improving data quality and complying with the updated methods.

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

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count
NA			

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