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## Periodic Review Report of Findings

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	9VAC25-401
<b>Regulation title</b>	Sewage Treatment in the Dulles Area Watershed
<b>Date this document prepared</b>	July 30, 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.*

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.*

The State Water Control Board (Board) promulgated this regulation under the authority as allowed by §62.1-44.15(3), §62.1-44.15(10) and §62.1-44.15(13) of the Code of Virginia. Section 62.1-44.15(3a) gives the State Water Control Board the authority to establish standards of quality and policies for state waters, and §62.1-44.15 (10) of the Code of Virginia allows the board to adopt regulations to enforce the general water quality management program of the Board. Section 62.1-44.15(13) gives the Board authority to establish policies for area-wide water quality plans and to consider the feasibility of combined sewage treatment plants with consultation from local authorities.

## 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.*

No viable alternatives were identified during the periodic review that would achieve the purpose of the regulation.

## 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 advisory group was not formed to assist with the periodic review. No comments were received during the periodic review 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.*

The regulation is necessary for the protection of public health, safety and welfare. The regulation limits the number of sewage treatment plants discharging to surface waters within the defined Dulles Area watershed to two and includes effluent requirements for the two plants. These requirements are to protect water quality near several major public water supply intakes serving the Washington, D.C., metropolitan area.

### 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 requirements of the regulation continue to be needed. During the periodic review a citation was identified as incorrect and a spelling error was also identified. The regulation will be amended to make these corrections.

### 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 regulation continues to be needed to protect major public water supply intakes for the Washington, D.C., metropolitan area.

No comments were received during the periodic review.

The regulation limits the number of sewage treatment plants in the Dulles Area watershed to two and specifies additional criteria the treatment facilities are required to meet. The requirements are clearly written and are minimum standards to be met.

The regulation is a state only regulation and does not conflict with federal or state law. The two sewage treatment plants allowed for the Dulles Area watershed are also required to comply with other regulations including the Virginia Pollutant Discharge Elimination System regulation (9VAC25-31) and Sewage Collection and Treatment Regulations (9VAC25-790).

The regulation was adopted in 2004 and the standards required to be met by this regulation continue to be applicable.

Regional sewage treatment plants are cost effective. This benefits all users by allowing lower sewer rates for users, including 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 and family stability.