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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Waste Management Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC20-160
<b>VAC Chapter title(s)</b>	Voluntary Remediation Regulations
<b>Action title</b>	Amendment to address eligibility and fees
<b>Date this document prepared</b>	August 11, 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 (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

## Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This regulation facilitates voluntary cleanup of contaminated sites where remediation has not been clearly mandated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Virginia Waste Management Act, the State Water Control Law, or other applicable authority unless jurisdiction of those statutes has been waived.

The Voluntary Remediation Program (VRP) works with property owners to address contamination and facilitate the redevelopment of sites. Historically federal funding has provided the bulk of the fiscal support for the VRP, however funding has declined significantly since 2002. Registration and annual fees are used to defray a portion of the department's costs of the program. As of December 30, 2019, there are 143 sites enrolled in the VRP. All of these sites have paid a registration fee to participate in the VRP. Seventy-two of the enrolled sites were enrolled prior to July 1, 2014 and were assessed a single registration fee of 1% of the remediation costs, not to exceed \$5,000. Sites enrolled in the VRP prior to July 1, 2014 are not assessed annual fees for their continued participation in the program. Some of these 72 sites have been enrolled in the VRP for over 23 years and agency staff are continuing to expend time

to oversee the activities of the site. Agency personnel costs for some individual sites are estimated to have cost the agency as much as \$150,000. Of the 71 sites enrolled on or after July 1, 2014, 63 have not completed the VRP and remain enrolled and are assessed an annual fee for their continued participation in the VRP.

This proposed regulatory amendment requires all sites continuing to participate in the VRP pay annual fees. In order to support the continuance of the VRP, registration fees are proposed to increase and include an annual adjustment for inflation.

Additional proposed amendments include revisions to the definitions, clarification of public notice requirements, and clarification to the language of the eligibility and waiver requirements to encourage additional sites participation in the program.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

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Board- Virginia Waste Management Board  
CERCLA- Comprehensive Environmental Response, Compensation and Liability Act  
RCRA- Resource Conservation and Recovery Act  
VRP- Voluntary Remediation Program

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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This amendment is an agency initiated action due to sustained decreases in federal funding. The registration fee adjustments are necessary to ensure that funding is available to sustain and support the VRP's mission of facilitating the voluntary remediation of contaminated sites. Participation in the VRP is voluntary and is not mandated. Originally adopted in 1997, this regulation provides oversight of voluntary remediation of contaminated sites and established guidelines for the issuance of certifications of satisfactory completion of remediation once the cleanup is complete.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

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The Virginia Code in § 10.1- 1232 directs the Virginia Waste Management Board (Board) to promulgate regulations that facilitate voluntary cleanup of contaminated sites where remediation is not clearly mandated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Virginia Waste Management Act, the State Water Control Law, or other applicable authority. Section 10.1-1402(11) of the Virginia Code authorizes the Board to promulgate and enforce regulations necessary to carry out its powers and duties, the intent of the Virginia Waste Management Act and the federal acts.

The Voluntary Remediation Regulations are a state regulation and there is no equivalent corresponding federal regulation. This regulation applies only where remediation is not otherwise required under state or federal law, or where such jurisdiction has been waived. Entities that qualify may choose to utilize this regulation to conduct remediation of contaminated sites. This regulation provides enrolled sites with agency oversight of the cleanup and assurance that the remediated site will not later become the subject of a DEQ enforcement action unless new issues are discovered.

### **Purpose**

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.*

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The goal of the VRP is to facilitate the remediation of sites where remediation is not clearly mandated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Virginia Waste Management Act, the State Water Control Law, or other applicable authority. The remediation of sites protects the health, safety, and welfare of citizens as well as resolving environmental liability issues while facilitating redevelopment of sites and economic development. Currently, sites enrolled prior to July 1, 2014 are not assessed annual fees for their continued participation in the VRP. Some of these sites have been enrolled in the VRP for over 23 years and agency staff are continuing to expend time to oversee the activities of the site. Agency personnel costs for some individual sites are estimated to have cost the agency as much as \$150,000.

The purpose of this amendment is to require all sites enrolled in the program pay an annual registration fee to defray a portion of the department's costs of the program. VRP registration fees are proposed to increase and be annually adjusted for inflation.

Additional proposed amendments include revisions to the definitions, clarifications of public notice requirements, and clarification to the language of the eligibility and waiver requirements to encourage additional sites participation in the program.

### **Substance**

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

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Sites are eligible for participation in the program if (i) remediation has not been clearly mandated by the United States Environmental Protection Agency, the department, or a court pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 USC § 9601 et seq.), the

Resource Conservation and Recovery Act (42 USC § 6901 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq. of the Code of Virginia), the Virginia State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia), or other applicable statutory or common law; or (ii) jurisdiction of the statutes listed in clause (i) has been waived. The agency proposes requiring all sites continuing to participate in the program to pay annual fees. The agency proposes raising the registration fee amount and adjusting the fees annually for inflation.

A more detailed discussion is provided in the “Detail of Changes” section below.

### **Issues**

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

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This regulation is a voluntary program and has no negative economic impact on small businesses; and poses no disadvantage to private citizens, the regulated community or to the Commonwealth. The VRP provides the opportunity for reasonable cleanup goals and protects human health and the environment. These cleanups facilitate the sale and reuse of industrial and commercial properties, provide economic benefits for the buyer and seller, and reduce green space development. Communities in the Commonwealth benefit when these projects are completed. The cleanup of a contaminated site affects surrounding properties by increasing property values, tax revenues, employment opportunities and community pride. The citizens, businesses, and local governments of the Commonwealth all derive benefits from the VRP.

### **Requirements More Restrictive than Federal**

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

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The Voluntary Remediation Regulations are a state regulation and there is no equivalent corresponding federal regulation. This regulation applies only where remediation is not otherwise required under state or federal law, or where such jurisdiction has been waived. Entities that qualify may choose to utilize this regulation to conduct remediation of contaminated sites.

### **Agencies, Localities, and Other Entities Particularly Affected**

*Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or*

*regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

**Other State Agencies Particularly Affected**

No other state agency are particularly affected by the regulation or the proposed amendments.

**Localities Particularly Affected**

No localities are particularly affected by the regulation or the proposed amendments.

**Other Entities Particularly Affected**

No other entities are particularly affected by the regulation or the proposed amendments.

For purposes of "Locality Particularly Affected" under the Board's statutes

The regulation applies throughout the Commonwealth and no other state agency, locality, or other entity are particularly affected by the regulation or the proposed amendments.

**Economic Impact**

*Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.*

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:                  a) fund source / fund detail;                  b) delineation of one-time versus on-going expenditures; and                  c) whether any costs or revenue loss can be absorbed within existing resources</p>	<p>The VRP costs approximately \$1.4 million annually. Originally federal funding was utilized to support the VRP. Federal funding of the VRP has been steadily declining. In 2019, \$486,000 in federal funding was received for the VRP and Brownfield program. VRP fees are being revised to provide a sustainable funding source for the VRP.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	

**Impact on Localities**

<p>Projected costs, savings, fees or revenues resulting from the regulatory change.</p>	<p>The VRP is a voluntary program and localities may choose to enroll in the program.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>Localities would continue to be able to participate in the VRP and receive a certificate.</p>

**Impact on Other Entities**

<p>Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.</p>	<p>The VRP is a voluntary program and participation in the program is not required. Historically program participants have been real estate investors, real estate developers, corporations seeking to divest property and resolve liability and private property owners, All of these entities would be subject to the annual phase 3 registration fees if they continue to participate in the program. New sites entering the program would be subject to one time phase 1 and phase 2 fees in addition to the phase 3 annual fees.</p>
<p>Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that:  a) is independently owned and operated and;  b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>Currently there are 143 sites participating in the VRP. The agency anticipates that approximately 20 sites that entered the VRP prior to 2014 will terminate participation in the program due to the new phase 3 fees. Staff estimate that of the 143 of sites currently participating in the program 100 are estimated to be small businesses employing 500 or less employees. Participation in the VRP is voluntary and not required.</p>
<p>All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to:  a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses;  b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change;  c) fees;  d) purchases of equipment or services; and  e) time required to comply with the requirements.</p>	<p>The fees associated with the VRP are being revised. Seventy two sites that were previously not subject to phase 3 annual registration fees will now be required to pay these fees to continue to participate in the program. The phase 3 annual registration fee in this amendment is \$10,500.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>Federal funding for the VRP has steadily declined. The changes to the registration fees are being proposed to provide a sustainable source of revenue to operate the VRP that is paid by all participants. Sites are currently assessed registration fees based upon when the site enrolled in the VRP. Currently there are seventy two sites that entered the voluntary program prior to 2014 that have not been required to pay annual phase 3 registration fees. The maximum fees these sites have paid to participate in the program has been \$5,000. Some sites have been enrolled in the VRP for greater than 23 years, and DEQ staff have continued to oversee these remediation projects.</p>

Since participation in the VRP is voluntary, there are no fiscal impacts on parties unless they choose to participate in the program. Sites choose to participate in the VRP to obtain a certification of satisfactory completion of remediation which provides them from immunity from enforcement under state law for past releases of hazardous substances and petroleum.

Individuals, businesses or other entities likely effected by the proposed amendments are only sites “where remediation has not been clearly mandated by the United States EPA, the Department or a court pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, The Resource Conservation and Recovery Act, the Virginia Waste Management Act, the State Water Control Law, or applicable statutory or common law or where jurisdiction of those statutes has been waived” Since this is a voluntary program, no parties are required to participate in the program, and the department is unable to determine how many parties would be affected by the proposed amendments.

Individuals, businesses and other entities may choose to apply for eligibility in the program if interested in performing voluntary cleanup at a site. The department is not aware of any difference in the impact of the proposed amendments on small or large businesses, nor is the department aware of any negative impact the proposed amendments will have on small businesses.

As of May 1, 2019, there are 143 sites enrolled in the VRP. It is estimated that 20 new sites will enter the program annually. Thus the proposed amendments will affect the 143 sites currently enrolled and those sites that are expected to enter the program.

**Alternatives to Regulation**

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

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There are no known alternatives that would achieve the stated purpose of the program in a less burdensome and intrusive manner. Virginia Code in § 10.1- 1232 directs the Board to promulgate regulations this regulation. The Voluntary Remediation Program is for voluntary cleanup of contaminated sites where remediation is not clearly mandated by the United States Environmental Protection Agency, the department, or a court pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 USC § 9601 et seq.), the Resource Conservation and Recovery Act (42 USC § 6901 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq. of the Code of Virginia), the Virginia State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia), or other applicable statutory or common law; or (ii) jurisdiction of the statutes listed in clause (i) has been waived by specific laws.

**Regulatory Flexibility Analysis**

*Pursuant to § 2.2-4007.1B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

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This is a voluntary program. There are no known alternatives that would achieve the stated purpose of the program in a less burdensome and intrusive manner.

## Periodic Review and Small Business Impact Review Report of Findings

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

*In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.*

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The current regulation continues to be needed. This regulation facilitates voluntary cleanup of contaminated sites where remediation is not clearly mandated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), the Virginia Waste Management Act, or other applicable authority. This voluntary program encourages remediation of contaminated sites in the Commonwealth.

No comments were received during the public comment period following the publication of the NOIRA for this regulatory action concerning the content of the regulation.

The subject matter of the regulation is complex in nature and the regulation details the requirements of the program. The Voluntary Remediation Regulations are a voluntary state regulation and there is no corresponding federal regulation. Participants enter the program voluntarily to clean up contaminated sites where remediation is not clearly mandated. This regulation was last amended in 2019. Prior to that amendment, the regulation was amended in 2014 in response to changes in state law. This voluntary program encourages remediation of sites in the Commonwealth. Entities may choose to participate in this program and small businesses are not adversely impacted by this regulation.

## Public Comment

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

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No comments on the content of the regulation were received during the public comment period following the publication of the NOIRA for this regulatory action. Seven individuals requested to serve on the Regulatory Development Panel for the amendment of this regulation during the comment period. These seven individuals were appointed by the agency director to the Regulatory Development Panel.



## Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

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In addition to any other comments, the Waste Management Board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the Waste Management Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: 1) projected reporting, recordkeeping and other administrative costs; 2) probable effect of the regulation on affected small businesses; and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to J. Meade R. Anderson, P.O. Box 1105, Richmond, Virginia 23218, phone 804-659-1341, fax 804-698-4178, [j.meade.anderson@deq.virginia.gov](mailto:j.meade.anderson@deq.virginia.gov). Comments may also be submitted through the Public Forum feature of the [Virginia Regulatory Town Hall website](http://www.townhall.virginia.gov) (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

## Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.*

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**Table 1: Changes to Existing VAC Chapter(s)**

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
10		Definitions	The following terms are being deleted since they are not used in the regulation: "Engineering controls", "Environmental covenant", and "Institutional controls".
10		The term "Authorized agent" is defined.	The definition of "authorized agent" is revised to clarify who is authorized to fulfill the requirements of the program.
10		The term "Covenant" is defined.	The definition of "covenant" is defined to provide clarification of its use throughout the chapter.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
10		The term "Hydraulic gradient" is defined.	The definition of "hydraulic gradient" is being added to the regulation in support of its use in section 70 - work to be performed.
10		The term "Land use controls" is defined.	The definition of "land use controls" is revised to provide clarification of its use throughout the chapter.
10		The term "Risk management" is defined.	The definition of "risk management" is being added to the regulation in support of its use in section 70- Work to be performed.
30(C), (D), and (E)		Eligibility criteria	This section is revised for language consistency throughout the chapter and ease of readability. The subsections are revised to clarify what sites may be eligible to participate in the program. Language has been revised to make it clear that if a waiver is issued its use is conditional upon completing participation in the program and receiving a Certificate. Language has been added to identify the MOU between EPA and DEQ. The MOU addresses sites which may be eligible to participate in the program.
55		Registration fees for applications received prior to January 29, 2014.	This section is being repealed. A new section (§57) has been added that identifies registration fee instructions for applications received prior to July 1, 2014.
	160-57	Transition to new fee structure for participants that paid registration fees for applications received prior to July 1, 2014.	This new section address the transition of participants that enrolled in the voluntary remediation program prior to July 1, 2014 to the new fee structure. Participants that enrolled in the program prior to July 1, 2014 are required to notify the department within 60 days of the effective date of this amendment if they will continue to participate in the program or are terminating participation in the program. Participants that enrolled prior to July 1, 2014 and continue to participate in the program will be required to submit annual phase 3 registration fees.
-60		Registration fees for applications received on or after January 29,2014 and prior to July 1, 2014	This section is being repealed. A new section (§57) has been added that identifies registration fee instructions for applications received prior to July 1, 2014.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
65		Registration fees	This section is being retitled from "Registration fees for applications received on or after July 1, 2014" to "Registration fees".
65 A		Registration fees	Registration fees will be adjusted annually for inflation using the Consumer Price Index.
65 B		Registration fees- Phase 1	Phase 1 registration fees are being increased from \$2,000 to \$3,000.
65 D		Registration fees- Phase 3	Phase 3 registration fees are being increased from \$4,500 to \$10,500. All sites participating in the program on November 1 will be assessed a phase 3 registration fee due by March 1 of the following year. Previously only participating sites that enrolled after July 1, 2014 were assessed this fee.
65 H		Amendments to a site's certificate	References to "declaration of restrictive" covenants has been removed since that term is no longer used in the regulation. The term "covenant" is now used throughout the regulation. Fees for amendments that require technical review will now be 1/2 of the phase 3 registration fee. Since the amendment fee is based on the phase 3 registration fee, the amendment fee will be adjusted annually for inflation.
70		Work to be performed	This section includes revised language that improves readability. Participants may include risk management proposals in the risk assessment. The risk assessment must include an uncertainty analysis that discusses any remaining risk.
90		Remediation levels	Risk management has been added to the risk assessment evaluation and language clarifications.
100		Termination	Amended language in this section removes and revises citations referenced throughout the chapter.
110		Certification of satisfactory completion of remediation	Amended language in this section removes and revises citations referenced throughout the chapter and clarifies terms used in the definition section of the chapter. References to "declaration of restrictive" covenants has been removed since that term is no longer used in the regulation. The term "covenant" is now used throughout the regulation.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
120		Public Notice	This section is revised to include public notice prior to amending a certificate that involves additional remedial work or changes to land use controls. Not all amendments to certificates will require public notice. For example, amendments to the certificate reflecting a name change will not require public notice.

**Family Impact**

*In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

No impact on the institution of the family and family stability is anticipated with this regulatory action.