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Exempt Action: Final Regulation Agency Background Document

Agency name	State Air Pollution Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	Primary: Part I and Articles 1 and 3 through 10 of Part II of 9VAC5-80 Secondary: 9VAC5-85; 9VAC5-170
VAC Chapter title(s)	Regulations for the Control and Abatement of Air Pollution; Permits for Stationary Sources of Pollutants Subject to Regulation; Regulation for General Administration
Action title	Revise regulations to implement new requirements for transfer of authority and requests for certain public hearings (Revision D22).
Final agency action date	August 31, 2022
Date this document prepared	August 10, 2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.

Chapter 356 of the 2022 Acts of Assembly limits the authority of the State Air Pollution Control Board to issuance of regulations, and transfers the board's existing authority to issue permits, orders, and variances to the Department of Environmental Quality (DEQ). Procedures for public comment on pending controversial permits and on regulatory changes necessary to implement the legislation are established. A number of technical corrections are also being made.

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, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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."

The mandate for this regulatory change is Chapter 356 of the 2022 Acts of Assembly.

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.

DEQ - Department of Environmental Quality

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On #[date], the State Air Pollution Control Board took final action to adopt amendments to the Regulations for the Control and Abatement of Air Pollution (Part I and Articles 1 and 3 through 10 of Part II of 9VAC5-80), Permits for Stationary Sources of Pollutants Subject to Regulation (9VAC5-85); and the Regulation for General Administration (9VAC5-170). The regulatory action is to be effective as provided in the Administrative Process Act.

The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 a of the Administrative Process Act because they are necessary to conform to Virginia statutory law. A number of regulation amendments are also exempt by the provisions of § 2.2-4006 A 3 because they consist only of changes in style or form or corrections of technical errors.

In adopting these amendments, the board affirmed that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in § 2.2-4006 B of the Administrative Process Act.

Legal Basis

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.

Statutory Authority

Section 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare.

Promulgating Entity

The promulgating entity for this regulation is the State Air Pollution Control Board.

State Requirements

This regulatory action has been initiated pursuant to Chapter 356 of the 2022 Acts of Assembly.

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.

The purpose of the regulations is to protect the public's health and welfare by requiring sources of air pollution to obtain a permit or variance, or meet an order, that meets federal and state standards for the control of air pollution with additional notice to and time for input from the public . The proposed amendments are being made to conform to new procedures for permits and variances as mandated by Chapter 356 of the 2022 Acts of Assembly.

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.

Chapter 356 of the 2022 Acts of Assembly amends the Air Pollution Control Law of Virginia to limit the authority of the Air Pollution Control Board to issuance of regulations, and transfers the board's existing authority to issue permits, orders, and variances to DEQ, with certain exceptions and considerations. At each regular meeting of the board, DEQ must provide an overview and update regarding any controversial permits pending before DEQ that are relevant to the board, which will have an immediate opportunity to respond. DEQ is further required to publish a summary of public comments received. After such publication, DEQ is required to publish public responses to the public comment summary and hold a public hearing to provide an opportunity for response. The amendments to the law further define "controversial permit," and require that changes to the implementing regulations include specific criteria for requesting and granting a public hearing on a permit action during a public comment period in those instances where a public hearing is not mandatory under state or federal law or regulation. The amendments also allow the Director of DEQ to convene a public hearing on a permit action at his discretion. Finally, a number of technical corrections are being made.

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.

1. Public: The primary advantage to the general public is that the permitting process will operate in an efficient, transparent manner; this will be an advantage to the regulated community as well, although some regulated entities may undergo the expense of additional public notice.

2. Department: The primary advantage to the department is that the permitting process will operate in an efficient, transparent manner. There are no disadvantages to the department as a result of the regulatory change.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change that 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.

There are no requirements more restrictive than the federal. The purpose of the legislative amendments was to transfer authority for certain actions, and did not change any underlying federal requirements.

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: State Air Pollution Control Board; DEQ.

Localities particularly affected: None.

Other entities particularly affected: Regulated entities seeking a permit must now obtain the approval of DEQ instead of the board. There are a number of clarifications and additions to the public participation process that may affect regulated entities and the public.

For purposes of "Locality Particularly Affected" under the board's statutes: No locality will be particularly affected under the board's statutes.

Details of All Changes Proposed in this Regulatory Action

*List all changes proposed in this action and the rationale for the changes. 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. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-10, General Definitions.			
*9VAC5-10-20	n/a	Terms defined.	Definition of "board" amended. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*Part I of 9VAC5-80, [Certain] Permit Actions Before the Board [Department].			
*9VAC5-80-5	n/a	Definitions.	Amended to add a new definition of "controversial permit," and to replace "board" with "department" as appropriate. Delete definition of "board" as updated definition is more appropriately provided in 9VAC5-10 and -170. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
*9VAC5-80-15	n/a	Applicability	Amended to clarify the distinction between a public participation process and public comment period, and to more accurately reference responsibilities among the board and the department. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-80-25	n/a	Direct consideration of permit actions.	Repealed to reflect the transfer of permitting authority from the board to the department. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-80-35	n/a	Public hearings to contest permit actions.	Amended to reflect the transfer of permitting authority from the board to the department, and introduction of the concept of a "controversial" permit. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
	*9VAC5-80-37	Notification of pending controversial permits by the department to the board.	Adds new requirement for notice to the board of controversial permits. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
	*9VAC5-80-45	Additional public hearing for controversial permits.	Adds new requirements for the opportunity for additional public comment on certain permits. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Part II of 9VAC5-80			
Article 1, Federal Operating Permits for Stationary Sources.			
9VAC5-80-50 D 3 and F	n/a	Applicability.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-60 A and C	n/a	Definitions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-70 B	n/a	General.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-80 A; D 3, 4, 6, 8; F 1, 3-6; G	n/a	Applications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-90 A, D 2, H, I 3, J 3	n/a	Application information required.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-100 A	n/a	Emission caps.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-110 A 1-3; F 2; G 6; J; K 1, 2, 4-6; L 1-4; N 2, 3	n/a	Permit content.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-120 A; A 1, 3. 4; B 1, 3; C 1, 3, 5; D 1	n/a	General permits.	Replace "board" with "department" as appropriate, and clarify distinction between a general permit regulation promulgated by the board and a general permit issued by the department. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-130 A; C 2	n/a	Temporary sources.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-140 A; C 3	n/a	Permit shield.	Replace "board" with "department" as appropriate, and correct code citations to reflect transfer of permitting authority. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-150 A 1-3; B; D; E; F*	n/a	Action on permit application.	Replace "board" with "department" as appropriate, and update VAC citation to reflect new regulatory text; add new requirement for explanation of permit approval or denial. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-160 B; C	n/a	Transfer of permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-170 C	n/a	Permit renewal and expiration.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-190 A; C; E 4	n/a	Changes to permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-200 A 4; B 1-3; C	n/a	Administrative permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-210 D; E 1, 2; F 2	n/a	Minor permit modifications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-220 B 6; C; D	n/a	Group processing of minor permit modifications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-230 B 3; E; F	n/a	Significant modification procedures.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-240 C; D 1-5	n/a	Reopening for cause.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-250 B 4	n/a	Malfunction.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-260 A 3; C 1, 2; E 2; F	n/a	Enforcement.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-80-270 A; B; C 1; D; E 1-3; F	n/a	Public participation.	Replace "board" with "department" as appropriate, and revise text to meet specific code changes. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-280 A; B 1-3; C 1, 3	n/a	Operational flexibility.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-290 A 1, 2; B 1, 2; C 3, 4; D 3, 4; E	n/a	Permit review by EPA and affected states.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-300 C	n/a	Voluntary inclusions of additional state-only requirements as applicable state requirements in the permit.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Article 3, Federal Operating Permits for Acid Rain Sources.			
9VAC5-80-360 E	n/a	Applicability.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-370	n/a	Definitions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-390 B; C; C 2	n/a	New units exemption.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-400 B 2, 3; C	n/a	Retired units exemption.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-410 B	n/a	General.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-420 A 1, 2; E 1; F 1; G 1, 2	n/a	Standard requirements.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-430 A; C 2; D 3, 4, 6, 8, 9; F 1, 3-7; G 1, 4, 5; H; I 1, 2	n/a	Applications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-440 A; D 2; H; I 4; J 3	n/a	Application information required.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-450 B 2; C 1; D 1	n/a	Acid rain compliance plan and compliance options.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-460 C 1-3; E; E 1; F 1, 3	n/a	Repowering extensions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-470 A; A 3; B; C; D	n/a	Units with repowering extension plans.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-480 A	n/a	Emission caps.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-490 A 1, 2, 4; F 2; G 6; J; K 1, 2, 4-6; L 1-3, 5; N 2, 3; P 1	n/a	Permit content.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-500 A; D 3	n/a	Permit shield.	Replace "board" with "department" as appropriate. Needed to meet the

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			requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-510 A; A 1; B 1-3; C 1-4; D; F, F 1, 3; G; H*	n/a	Action on permit application.	Replace "board" with "department" as appropriate; add new requirement for explanation of permit approval or denial. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-520 B; C	n/a	Transfer of permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-530 C	n/a	Permit renewal and expiration.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-550 A; B 8, 11; C; E 4	n/a	Changes to permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-560 A 4; B 1-3; C	n/a	Administrative permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-570 D; E 1, 2; F 2	n/a	Minor permit modifications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-580 B 6; C; D	n/a	Group processing of minor permit modifications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-590 B 3; E; F	n/a	Significant modification procedures.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-600 E; F	n/a	Permit modifications for affected units.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-610 B 1, 3; C 1	n/a	Fast-track modifications for affected units.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-620 A 1, 10; B 1-3	n/a	Administrative permit amendments for affected units.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-640 C; D; E 1-5	n/a	Reopening for cause.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-650 B 4	n/a	Malfunction.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-660 A 3; C 1-3, 7, 8; E 2; F	n/a	Enforcement.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-80-670 A-D; E 1-3; F	n/a	Public participation.	Replace "board" with "department" as appropriate, and revise text to meet specific code changes. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-680 A; B 1-3; C 1, 3	n/a	Operational flexibility.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-690 A 1, 2; B 1, 2; C 3, 4; D 3, 4; E	n/a	Permit review by EPA and affected states.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-700 C	n/a	Voluntary inclusions of additional state-only requirements as applicable state requirements in the permit.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Article 4, Insignificant Activities.			
9VAC5-80-720 B 1	n/a	Insignificant activities.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Article 5, State Operating Permits.			
9VAC5-80-800 C 2	n/a	Applicability.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-810 A; C	n/a	Definitions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-820 A-E; G	n/a	General.	Replace "board" with "department" as appropriate, and correct a citation (subsection C). Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-830 A; B	n/a	Applications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-840 A; B 9; C; E	n/a	Application information required.	Replace "board" with "department" as appropriate. Needed to meet the

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-850 A; C 3; D	n/a	Standards and conditions for granting permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-860 A; B, B 1, 5; C; D; E; G*	n/a	Action on permit application.	Replace "board" with "department" as appropriate; add new requirement for explanation of permit approval or denial. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-870 A; B; C	n/a	Application review and analysis.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-880 A; B	n/a	Compliance determination and verification by testing.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-890 A; B	n/a	Monitoring requirements.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-900 A; B; C	n/a	Reporting requirements.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-930	n/a	Compliance with local zoning requirements.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-940 B	n/a	Transfer of permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-950 A; B; C	n/a	Termination of permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-960 A 2; B 1; C	n/a	Changes to permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-970 A 3; B 1, 2	n/a	Administrative permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-980 C; F; G 2	n/a	Minor permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

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9VAC5-80-990 D; E	n/a	Significant amendment procedures.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1000 A 2, 3; C	n/a	Reopening for cause.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1010 A; B, B 5; C; E-G	n/a	Enforcement.	Replace "board" with "department" as appropriate, and correct a citation (subdivision B 5). Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-80-1020 A; B, B 1; C, C 1-4; D	n/a	Public participation.	Replace "board" with "department" as appropriate, and revise text to meet specific code changes. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1030 A, A 1, 3, 4; B 1, 3; C 1 3, 5; D 1	n/a	General permits.	Replace "board" with "department" as appropriate, , and clarify distinction between a general permit regulation promulgated by the board and a general permit issued by the department. Needed to meet the requirements of Chapter 356. Correct an outdated APA reference in A 4, needed for the rule to operate correctly. No significant impact anticipated.
9VAC5-80-1040	n/a	Review and evaluation of article.	Repeal entire section, which was established in the late 1990s and subsequently superseded by other APA requirements. Needed for consistency and clarity. No significant impact anticipated.
Article 6, Permits for New and Modified Stationary Sources.			
9VAC5-80-1100 E; J	n/a	Applicability.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1105 A 1-4; B 13; C 2; D 2	n/a	Permit exemptions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1110 C	n/a	Definitions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-1120 A-G	n/a	General.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1140 A; D	n/a	Applications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1150 A; B, B 3, 9; C	n/a	Application information required.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1160 A; B; C, C 1, 4; D; E; H*	n/a	Action on permit application.	Replace "board" with "department" as appropriate, amend text to reflect the transfer of permitting authority required by statute; add new requirement for explanation of permit approval or denial. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-80-1170 B-D; D 4; E, E 1; F-I	n/a	Public participation.	Replace "board" with "department" as appropriate, and remove reference to repealed code requirements to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1180 A	n/a	Standards and conditions for granting permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1190	n/a	Application review and analysis.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1200 C; E, E 3-5; F	n/a	Compliance determination and verification by performance testing.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1210 D; F-H; K-M	n/a	Permit invalidation, suspension, revocation and enforcement.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1230	n/a	Compliance with local zoning requirements.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1240 A; B; C	n/a	Transfer of permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-1250 A, A 1, 3, 4; B 1, 3; C 1, 3, 5; D	n/a	General permits.	Replace "board" with "department" as appropriate, and clarify distinction between a general permit regulation promulgated by the board and a general permit issued by the department. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1255 A 1, 2; B; C	n/a	Actions to combine permit terms and conditions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1260 A 2; B 1; C	n/a	Actions to change permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1270 A 3; B 1, 2	n/a	Administrative permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1280 C; F; G 2	n/a	Minor permit amendments.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1290 C-E	n/a	Significant amendment procedures.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1300 A 2, 3; C	n/a	Reopening for cause.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Article 7, Permits For New And Reconstructed Major Sources Of Hazardous Air Pollutants.			
9VAC5-80-1410 A; C	n/a	Definitions.	Replace "board" with "department" as appropriate, and correct a federal code citation. Needed to meet the requirements of Chapter 356, and to implement the regulation properly. No significant impact anticipated.
9VAC5-80-1420 B; D; F, F 1-4; G 2-6	n/a	General.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1430 A; D	n/a	Applications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-1440 A; B, B 14; C 4; E	n/a	Application information required.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1450 A; B, B 1, 5; C, C 1-3; D-F; I; L*	n/a	Action on permit application.	Replace "board" with "department" as appropriate, amend text to reflect the transfer of permitting authority required by statute; add new requirement for explanation of permit approval or denial. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-80-1460 B-F; F 1; G-K; K 1, 3	n/a	Public participation.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1470 A, A 3; B 1; C 3	n/a	Standards and conditions for granting permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1480 A	n/a	Application review and analysis.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1490 B; D; E, E 3-5; F	n/a	Compliance determination and verification by performance testing.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1500 C; E-G; J-L	n/a	Permit invalidation, rescission, revocation and enforcement.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1530 B; C	n/a	Transfer of permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1540 A 2; B 1; C	n/a	Changes to permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1550 A 3; B 1, 2	n/a	Administrative permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1560 C; F; G 2	n/a	Minor permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-1570 D; E	n/a	Significant amendment procedures.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1580 A 2, 3; C	n/a	Reopening for cause.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1590 B, B 1, 2; C	n/a	Requirements for constructed or reconstructed major sources subject to a subsequently promulgated MACT standard or MACT requirements.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Article 8. Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas.			
9VAC5-80-1605 E	n/a	Applicability.	Replace "board" with "department." Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1615 C	n/a	Definitions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1625 A; C-F; G 2; H	n/a	General.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1655 A; C	n/a	Applications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1665	n/a	Compliance with local zoning requirements.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1675 B; C, C 3-5; D	n/a	Compliance determination and verification by performance testing.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1685 B	n/a	Stack heights.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1695 A 2; E; F 1	n/a	Exemptions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1715 B 2	n/a	Source impact analysis.	Replace "board" with "department" as appropriate. Needed to meet the

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1735 A 2, 4; B	n/a	Air quality analysis.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1745 B	n/a	Source information.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1755 C	n/a	Additional impact analyses.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1765 A, A 4; B-H	n/a	Sources affecting federal class I areas -- additional requirements.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1773 A; B, B 4; C-E; H*	n/a	Action on permit application.	Replace "board" with "department" as appropriate; amend text to reflect the transfer of permitting authority required by statute; add new requirement for explanation of permit approval or denial. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-80-1775 B-K	n/a	Public participation.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1785 B 2, 4, 5; C; E	n/a	Source obligation.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1825 A; B, B 2-4; C, C 3; D	n/a	Innovative control technology.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1865 A; B; C 1; D; E; F 3, 10; H 1, 2; I 1-3; J 1-3; K, K 1-4; L 1, 3; M 1, 3, 5, 6, 8, 9; O, O 1, 3; P	n/a	Actuals plantwide applicability limits (PALs).	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1915 A 1, 2; B; C	n/a	Actions to combine permit terms and conditions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-1925 A 2; B 1; C	n/a	Actions to change permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1935 A 3; B 1, 2	n/a	Administrative permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1945 C; F; G 2	n/a	Minor permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1955 D; E	n/a	Significant amendment procedures.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1965 A 2, 3; C	n/a	Reopening for cause.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1975 B; C	n/a	Transfer of permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-1985 C; E-G; J	n/a	Permit invalidation, suspension, revocation, and enforcement.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Article 9, Permits for Major Stationary Sources and Major Modifications Locating in Nonattainment Areas or the Ozone Transport Region.			
9VAC5-80-2000 F	n/a	Applicability.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2010 C	n/a	Definitions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2020 A-D; E 2; F	n/a	General.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2030 A; D	n/a	Applications.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2040 A; B, B 10, 12; C	n/a	Application information required.	Replace "board" with "department" as appropriate. Needed to meet the

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2050 A, A 3	n/a	Standards and conditions for granting permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2060 A; B, B 1, 4; C; D; G*	n/a	Action on permit application.	Replace "board" with "department" as appropriate; amend text to reflect the transfer of permitting authority required by statute; add new requirement for explanation of permit approval or denial. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-80-2070 B-F; F 1; G-K; K 1, 3	n/a	Public participation.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2080 B; C, C 3-5; D	n/a	Compliance determination and verification by performance testing.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2090	n/a	Application review and analysis.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2091 B 2, 4, 5; C; E	n/a	Source obligation.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2120 A; D, D 2, 4; G; K; M 1, 3; N; O	n/a	Offsets.	Replace "board" with "department" as appropriate, and correct a web page title. Needed to meet the requirements of Chapter 356 and to enable the regulation to operate properly. No significant impact anticipated.
9VAC5-80-2140 B 1	n/a	Exemptions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC 5-80-2144 A; B; C 1; D; E; F 3, 10; H 1, 2; I 1-3; J 1-3; K, K 1-4; L 1, 3; M 1, 3, 5, 6, 8, 9; O, O 1, 3; P	n/a	Actuals plantwide applicability limits (PALs).	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC5-80-2150	n/a	Compliance with local zoning requirements.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2170 B, C	n/a	Transfer of permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2180 C, E-G; J	n/a	Permit invalidation, suspension, revocation, and enforcement.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2195 A 1, 2; B; C	n/a	Actions to combine permit terms and conditions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2200 A 2; B 1; C	n/a	Actions to change permits.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2210 A 3; B 1, 2	n/a	Administrative permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2220 C; F; G 2	n/a	Minor permit amendments.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2230 D; E	n/a	Significant amendment procedures.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-80-2240 A 2, 3; C	n/a	Reopening for cause.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Article 10, Permit Application Fees for Stationary Sources.			
9VAC5-80-2260 D	n/a	Definitions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-85, Permits for Stationary Sources of Pollutants Subject to Regulation.			
Part III, Prevention of Significant Deterioration Permit Actions.			
9VAC5-85-40	n/a	Prevention of Significant Deterioration Area permit actions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-85-50 C	n/a	Definitions.	Replace "board" with "department" as appropriate. Needed to meet the

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			requirements of Chapter 356. No significant impact anticipated.
9VAC5-85-55 A 1; B-F; H 1, 2; I 1-3; J 1-5; K 1, 3; L 1, 3, 5, 6, 8, 9; N, N 1, 3; O	n/a	Actual plantwide applicability limits (PALs).	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5 Chapter 170, Regulation for General Administration.			
Part I, Definitions.			
9VAC5-170-10 A	n/a	Use of terms.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-170-20	n/a	Terms defined.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Part II, General Provisions.			
*9VAC5-170-30 C; D	n/a	Applicability.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-170-40 A; B	n/a	Hearings and proceedings.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-170-50 B	n/a	Policy and procedural information and guidance.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-170-60 A; B; D	n/a	Availability of information.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-170-70	n/a	Evaluation of regulation.	Repeal entire section, which was established in the late 1990s and subsequently superseded by other APA requirements. Needed for consistency and clarity. No significant impact anticipated.
Part III, Regulations and Orders.			
9VAC5-170-80 C	n/a	Establishment of regulations and orders.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Part V, Enforcement.			

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
*9VAC5-170-120 A; C; D	n/a	Enforcement of regulations, permits, and orders.	Replace "board" with "department" as appropriate, and amend text to reflect the transfer of permitting authority required by statutes. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-170-130 A; B	n/a	Right of entry.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Part VI, Board Actions. [Variances, Ordinances, and Approvals.]			
9VAC5-170-140 A; B; D, D 1, 3	n/a	Variances.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-170-150 A 1-3; B; C; D 3	n/a	Local ordinances.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-170-160 A; B	n/a	Conditions on approvals.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
9VAC5-170-170	n/a	Considerations for approval actions.	Replace "board" with "department" as appropriate, and amend text to reflect the code change required by statute. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Part VII, Delegation of Authority.			
*9VAC5-170-180	n/a		Repeal entire section. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Part VIII, Appeal of Board [Department] Actions.			
9VAC5-170-190 A	n/a	General provisions.	Replace "board" with "department" as appropriate. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
*9VAC5-170-200 A-D; F-I	n/a	Appeal procedures.	Replace "board" with "department" as appropriate, and remove reference to repealed code requirements. Needed to meet the requirements of Chapter 356. No significant impact anticipated.
Part IX, Conflict of Interest.			
9VAC5-170-210 A	n/a	General.	Remove reference to the "board" , to reflect the transfer of permitting authority required by statute. Needed to meet the requirements of

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			Chapter 356. No significant impact anticipated.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please 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.

These regulation amendments meet the requirements of state law. Any less stringent compliance requirements, any delays in adopting the standards, any different compliance or reporting requirements, any substitution of performance standards, and any exemption of small businesses from these requirements will not meet the minimum requirements of state law. Any such changes would compromise the effectiveness of the regulation in protecting the health and welfare of the public.

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 family impacts are anticipated.