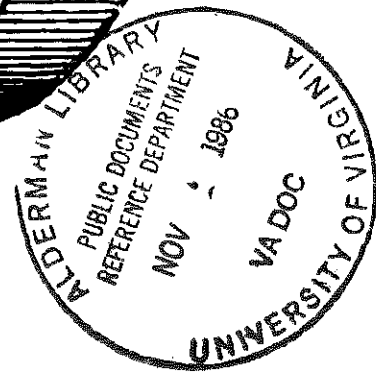


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VIRGINIA REGISTER

OF REGULATIONS



VOLUME THREE • ISSUE TWO

October 27,
1986

PAGES 97 THROUGH 176

INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued monthly by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and

require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14.6 through 9-6.14.9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

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VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

PUBLICATION DATE	MATERIAL SUBMITTED BY 12 noon Wednesday
July 7	June 18
July 21	July 2
Aug. 4	July 16
Aug. 18	July 30
Sept. 1	Aug. 13
Sept. 15	Aug. 27
Sept. 29	Sept. 10
Final Index - Volume II	
Oct. 13	Sept. 24
Oct. 27	Oct. 8
Nov. 10	Oct. 22
Nov. 24	Nov. 5
Dec. 8	Nov. 19
Dec. 22	Dec. 3
Index - 1st Issue, Volume III	
1987	
Jan. 5	Dec. 17
Jan. 19	Dec. 31
Feb. 2	Jan. 14
Feb. 16	Jan. 28
Mar. 2	Feb. 11
Mar. 16	Feb. 25
Index - 2nd Issue	
Mar. 30	Mar. 11
Apr. 13	Mar. 25
Apr. 27	Apr. 8
May 11	Apr. 22
May 25	May 6
June 8	May 20
June 22	June 3
Index - 3rd Issue	
July 6	June 17
July 20	July 1
Aug. 3	July 15
Aug. 17	July 29
Aug. 31	Aug. 12
Sept. 14	Aug. 26
Sept. 28	Sept. 9
Final Index - Volume III	

TABLE OF CONTENTS

PROPOSED REGULATIONS

DEPARTMENT OF MINES, MINERALS AND ENERGY

Minerals Other Than Coal Surface Mining Regulations. (VR 48-03-16)	99
Coal Surface Mining Reclamation Regulations. (VR 480-03-19)	121

FINAL REGULATIONS

STATE COUNCIL OF HIGHER EDUCATION

Regulations for the Senior Citizen Higher Education Program. (VR 380-01-01)	138
---	-----

MARINE RESOURCES COMMISSION

Pertaining to the Taking of Striped Bass. (VR 450-01-0034)	139
--	-----

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Occupational Exposure to Ethylene Oxide (EtO) - Virginia Occupational Safety and Health Standards for General Industry. (VR 425-02-2)	140
Cotton Dust Standard - Virginia Occupational Safety and Health Standards for General Industry. (VR 425-02-7)	141
Electrical Standard - Virginia Occupational Safety and Health Standards for the Construction Industry. (VR 425-02-8)	142
Asbestos Standard - Virginia Occupational Safety and Health Codes for General Industry. (VR 425-02-9)	143
Asbestos Standard - Virginia Occupational Safety and Health Standards for the Construction Industry. (VR 425-02-10)	144

STATE WATER CONTROL BOARD

Roanoke River Basin Water Quality Management Plan. (VR 680-16-02)	145
---	-----

EMERGENCY

DEPARTMENT OF CORRECTIONS (VR 230-40-001) DEPARTMENT OF EDUCATION (VR 270-01-003) DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION (VR 470-02-01) DEPARTMENT OF SOCIAL SERVICES (VR 615-29-02)

Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.	147
---	-----

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children (VR 470-02-02)	148
---	-----

GOVERNOR

GOVERNOR'S COMMENTS

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products (VR 115-05-01)	
Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products. (VR 11505-01)	
Rules and Regulations Governing the Cooling or Storage of Milk on Dairy Farms; the Sampling and Sample Handling of Milk from the Farm to the Laboratory; the Hauling, Transferring and Delivery of Milk from the Farm to the Processing Plant. (VR 115-05-02)	
Rules and Regulations Governing the Production, Handling, and Processing of Milk for Manufacturing Purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food. (VR 115-05-05)	
Rules and Regulations Governing the Production, Packaging, Labeling, Storage, Transportation, Handling and Sales of Grade "A" Condensed and Dry Whey. (Repealed)	152

Table of Contents

STATE EDUCATION ASSISTANCE AUTHORITY

Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program. (VR 275-01-1)	152
---	-----

GENERAL NOTICES/ERRATA

NOTICES OF INTENDED REGULATORY ACTION

Notices of Intent	153
-------------------------	-----

NOTICE TO STATE AGENCIES

Forms for filing material on date for publication in the Virginia Register of Regulations	156
---	-----

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings	158
---	-----

LEGISLATIVE

Open Meetings and Public Hearings	173
---	-----

CHRONOLOGICAL LIST

Open Meetings	174
Public Hearings	175

PROPOSED REGULATIONS

For information concerning Proposed Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: VR 480-03-16. Minerals Other Than Coal Surface Mining Regulations.

Statutory Authority: § 45.1-180 of the Code of Virginia.

Public Hearing Date: December 30, 1986 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The regulations establish rules for issuing surface mining permits, and requirements for bonds, operations, reclamation procedures, road construction, revegetation and other matters related to the surface mining of minerals other than coal. These regulations establish the procedures and requirements for implementing Chapter 16, Title 45.1 of the Code of Virginia.

The regulations incorporate by reference two handbooks. The Revegetation Guidelines provide recommendations and guidelines for establishing various types of vegetation on land which is surface mined for minerals other than coal. The Minerals Other Than Coal (MOTC) Surface Mining Drainage Handbook provides standards and specifications for the construction and installation of drainage control structures and facilities.

Most of the proposed amendments to the regulations are editorial in nature and are intended to clarify and simplify the existing regulations. The major change in the regulation relates to the number of inspections for determining adequacy of revegetation and bond release.

Proposed changes to the Revegetation Guidelines relate to the establishment of grass and legume mixtures and vegetation of critical or problem areas.

Proposed changes to the MOTC Surface Mining Drainage Handbook relate to specifications for water impoundments, definition of temporary and permanent ponds, compaction requirements for the construction of dams, spillway design requirements and standards for stream diversions.

VR 480-03-16. Minerals Other Than Coal Surface Mining.

SECTION 2. DEFINITIONS

PART I. DEFINITIONS.

2-01 § 1.1. **Statutory Definitions.** As used in these regulations, the words surface mining, disturbed land, overburden, spoil, reclamation, director, division, person, operator, and board shall have the meaning assigned to them by 45.1-180, (a) through (z), as these subparagraphs of 45.1-180 presently appear and as they may be hereafter severally amended. *Statutory definitions.* As used in these regulations, the words mining, disturbed land, overburden, spoil, reclamation, division, operator shall have the meaning assigned to them by § 45.1-180 of the Code of Virginia.

2-02 § 1.2. **Regulatory Definitions.** Unless the context in which used clearly requires a different meaning as used in these regulations, the below listed words shall have the meanings assigned to them as follows: The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise.

(a) "Active removal point" means any location within the permitted area where minerals are being removed from its natural state.

(b) **Affected or Disturbed Land.** The areas from which overburden has been removed in any mining operation, plus the area covered by the spoil and refuse, plus any areas used in such mining operation including land used for processing, stockpiling and settling ponds.

(c) "Backfill" means the placement of material into an excavated area in order to achieve a predetermined grade.

(d) "Berm" means a stable ridge of material used in reclamation for the control of sound, surface water, safety, aesthetics, or such other purpose as may be applicable.

(e) "Check dam" means a small barrier installed across a natural or constructed drainageway to retard water flow and to catch sediment.

(f) **Completion of Operation.**

A. A mining operation where no mineral has been removed or overburden removed or regraded for a period of twelve (12) consecutive months, unless the operator, within thirty (30) days of receipt of the Director's notification declaring completion, submits sufficient evidence that the operation is in fact not completed. Stock piles of material in designated areas shall be allowed to

Proposed Regulations

continue under permit to provide orderly removal and/or disposal of the stockpiles after the operation is considered completed.

B. At the option of the operator and with the Director's concurrence, an operation can remain under permit for an indefinite period during which no mineral or overburden is removed if the following conditions are complied with:

1. All disturbed areas are reclaimed as much as practical to prevent erosion and sedimentation.
2. All drainage structures such as culverts, ditches, etc., are maintained to the Director's satisfaction.
3. All vegetation is maintained (~~reseeded as necessary~~) to the Director's satisfaction.

If the above conditions are not met, the permit can be revoked by the Director in accordance with Section 45-1-186.1 of the Code of Virginia.

(g) **Critical Areas.** Areas, not adequately protected or vegetated, which can cause deposition of sediment in valleys and streams. More specifically, they are areas which fail to stabilize adequately within sixty (60) days following corrective measures. "Critical areas" means problem areas such as those with steep slopes, easily erodible material, hostile growing conditions, concentration of drainage or other situations where revegetation or stabilization will be potentially difficult.

"Department" means the Department of Mines, Minerals and Energy.

"Director" means the Director of the Department of Mines, Minerals and Energy.

(h) "Diversion ditch" means a ditch designed and installed to change the course of ground or surface water.

(i) **End dumping or side dumping.** The placement of overburden in a valley fill either by direct dumping or dozing spoil over the edge of outslope to provide the natural gravity segregation of large boulders and finer sized rocky material.

"Drainage design" means a description of the drainage system to be constructed during and after mining, a map or overlay showing the natural drainage system and control structures to be installed with the appropriate design data.

(j) "Filter strip" means a protective strip of vegetation between disturbed areas and streams that retards the flow of runoff water and causes deposition of transported material.

(k) "Highwall" means the vertical or near-vertical wall created by mining operations.

(l) "Intermittent or perennial stream" means a stream or part of a stream that flows continuously during all (perennial) or for at least one month (intermittent) of the calendar year as a result of ground water discharge or surface runoff.

"Internal service roads" means roads which are to be used for internal movement of raw materials, soil, overburden, finished or in-process materials within the permitted area, some of which may be temporary.

(m) "Lime" means an agent, normally agricultural limestone, that is capable of reducing soil and ~~or~~ spoil acidity to levels suitable for revegetation.

"Methods of operation plan" means a description of the proposed method of mining and processing, location of topsoil, overburden, stockpiles, equipment storage and maintenance areas, proposed slopes and roadways. The method of operation shall provide for the conducting of reclamation simultaneously, where practicable, with the mining operation.

(n) "Natural drainageway" means any natural or existing channel, streambed, or watercourse which carries surface or ground water.

"Operation/Reclamation plan" means an attachment to a permit application which consists of reclamation schedule, methods of operation plan, drainage design, and map of the permitted area.

(o) **Permitted Area.** The area shown on the application map and corresponding to the description stated on the permit application form which has been approved by the Director.

"Permitted area" means the disturbed land area and areas used for asphalt plants, cement plants, access roads and other activity in the area approved for mining within the boundary shown on the application map.

(p) "pH" Refers to degrees means a measurement of the acidity or alkalinity of a substance. A pH of seven is neutral; values below seven are in the acid range and values above seven are in alkaline range.

"Principal access roads" means roads which are well defined roads leading from scales, sales office, or loading point to a public road.

"Reclamation schedule" means a statement of the planned land use to which the disturbed land will be returned through reclamation and the proposed actions to assure suitable reclamation.

(q) **Pit or Quarry.** That part of the surface mining operation from which mineral is or has been removed.

(r) "Regrade or grade" means to change the contour of any surface.

Proposed Regulations

(s) "Sediment" means undissolved organic or inorganic material transported or deposited by water.

(t) Sediment Basin. A basin created by the construction of a barrier, embankment, or dam across a waterway or by excavating a basin.

"Sediment basin" means a basin created by the construction of a barrier, embankment, or dam across a drainageway or by excavation.

"Sediment channel" means a channel constructed below the toe of the cut or fill slope to form a basin for the control of sediment.

(u) "Stabilize" means any method used to prevent movement of soil, spoil piles, or areas of disturbed earth, and includes increasing bearing capacity, increasing shear strength, draining, compacting, rip-rapping, or by vegetation.

(v) "Topsoil" means the surface layer and its underlying materials that have properties capable of producing desirable reclamation and vegetation.

(w) "Toxic-forming materials" means earth materials or wastes which if acted upon by air, water, or weathering processes, may produce chemical or compound elements in soils or water that, if present in soil and water, are detrimental to biota or uses of water.

(x) Underdrain. A permeable fill section placed in the valley floor to dewater the earth fill above.

(y) Valley Fill. A controlled earth and rock fill across or through the head of a valley or hollow to form a stable, permanent storage space for mine spoil material.

(z) Water Bar. A shallow depression used to divert water toward drainageways.

SECTION 2A. DEFINITIONS

(aa) Operations Plan. The operations plan includes, but is not limited to, provisions and specifications on drainage, operations, and reclamation.

(bb)

1. Internal Service Roads. Roads which are to be used for internal movement of raw materials, soil, overburden, finished or in process materials within the permitted area, some of which may be temporary.

2. Principal Access Roads. Roads which are well defined roads from scales, sales office, or loading point to a public road.

(cc) Sediment Channel. A channel constructed below the toe of the cut or fill slope to form a basin for the control

of sediment.

SECTION 1. GENERAL

PART II. GENERAL.

~~1.01~~ § 2.1. Scope.

These regulations establish general and specific rules for surface mining permits, bonds, operations, and reclamation procedure, roads, revegetation, and other matters related to minerals other than coal surface mining.

~~1.02~~ § 2.2. Authority.

These regulations are promulgated pursuant to Chapter 16, Title 45.1 of the Code of Virginia.

~~1.03~~ Effective Date August 1, 1978.

~~1.04~~ Division: Division of Mined Land Reclamation.

~~1.05~~ § 2.3. Commissioner.

The Commissioner of the Division of Mined Land Reclamation shall be an authorized agent of the director for the purposes of Chapter 16, Title 45.1, Code of Virginia, and all rules and regulations issued by the Board of Conservation and Economic Development Department of Mines, Minerals and Energy pursuant thereto.

~~1.06~~ § 2.4. Inspectors.

Inspectors shall make all necessary surveys and inspections of disturbed areas, shall administer and enforce all laws, rules and regulations, and shall perform such other duties as prescribed by the director.

~~1.07~~ Amendments. All amendments, changes, and modifications of plans approved by the Director shall be valid only when evidenced by a writing.

§ 2.5. Modifications.

The division may approve reasonable modifications or amendments to any drainage, reclamation and operation plan required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations. All modifications or amendments shall be valid only when evidenced in writing.

~~1.08~~ Construction of Facilities. It is not intended for these regulations to require the reconstruction of existing facilities or construction of additional facilities upon existing permitted operations unless such operations, or portions thereof, constitutes a hazard to public safety, health, welfare, and the environment. Then the operator shall take immediate action to abate the hazard and prepare plans to assure the elimination thereof.

Proposed Regulations

§ 2.6. Remedies.

Any operation falling to comply with requirements set forth in these regulations shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia and these regulations.

§ 2.7. Severability.

If any provisions of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

§ 2.8. Drainage and Sediment Control Handbook.

The Virginia Surface Mine Drainage Handbook (revised 1986), hereinafter referred to as the "Handbook" contains approved design methods and technical standards for design and construction for drainage and sediment control measures, roads, and spoil disposal methods. Alternate methods and designs other than those contained in the Handbook may be submitted with appropriate design data and construction specifications for approval.

§ 2.9. Revegetation guidelines.

The Minerals Other Than Coal Revegetation Guidelines (revised 1986), hereinafter referred to as the "Guidelines," have been prepared to facilitate revegetation of surface mined areas and are a supplement to and part of these regulations. The guidelines provide recommendations and procedures for the establishment of various types of vegetation on land surface mined for minerals other than coal.

SECTION 3. REQUIREMENTS FOR ISSUANCE OF MINERALS OTHER THAN COAL SURFACE MINING PERMITS AND EXEMPTIONS

PART III. REQUIREMENTS FOR ISSUANCE OF MINERALS OTHER THAN COAL SURFACE MINING PERMITS AND EXEMPTIONS.

3.01 § 3.1. Contiguous area.

Contiguous areas shall be covered under one permit; however, the director may, at his discretion, combine noncontiguous areas into a single permit where such areas are approximate to each other and are part of the same operation.

3.02 Signs. Sign to be considered by the Division shall be installed on the mining site adjacent to the principal access road. This marker shall be constructed of metal or wood, have dimensions of no less than two (2) feet x

three (3) feet, be securely affixed to a metal pipe post of no less than two (2) inches in diameter. The marker must be no less than four (4) feet above the ground and visible to access road traffic. The name of permittee and the permit number must be legibly painted on marker:

XYZ MINE COMPANY
PERMIT NUMBER 12

§ 3.2. Signs.

Signs to be considered by the division shall be those installed on the mining site adjacent to the principal access road. The marker must be visible to access road traffic. The material used and the mounting of the sign must be approved by the division. The name of permittee and the permit number shall be legibly painted on the marker.

3.03 Operator Conference with Mined Land Reclamation Inspector. Prior to submitting application of Minerals Other Than Coal surface mining permit, all maps, and plans shall be reviewed in the field at the proposed mining site with the Mined Land Reclamation inspector assigned to the areas to be mined. Two (2) copies of a pre-inspection report shall be completed by the inspector. One (1) copy shall be handed to the operator and one (1) copy shall be sent to the Division office.

§ 3.3. Operator conference with inspector.

Prior to submitting application of Minerals Other Than Coal surface mining permit, all maps and plans shall be reviewed in the field at the proposed mining site with the inspector.

3.04 Minerals Other Than Coal Surface Mining Permits. Minerals Other Than Coal surface mining permits shall continue to be in effect in accordance with Sections 45.1-181 and 45.1-185 and shall not be transferable. Permits must be renewed annually in accordance with Sections 45.1-181 and 45.1-185.

§ 3.4. Minerals Other Than Coal Surface Mining permits.

Permits shall not be transferable and shall be renewed annually to continue to be in effect.

3.05 Permit Application. Two (2) copies of the permit application shall be submitted to the Division. The application shall be signed and sworn to by the person, or his legal representative, intending to engage in surface mining of minerals other than coal. One (1) copy shall be returned to the operator after being reviewed.

§ 3.5. Permit application.

Application for a mining permit shall be made in writing on a form prescribed by the director and shall be signed and sworn to by the applicant or his duly sworn representative. Two copies of the notarized application

Proposed Regulations

shall be submitted to the division.

3.06 The following must accompany the permit applications:

(a) Permit Fee.

1. Initial Permit Application. A fee of twelve (12) dollars per acre for the land to be affected by the total operation shall accompany an initial application for which plans have been submitted. The fee shall be in the form of cash, cashier's check, or certified check.

2. Succession of Operation by Another. A fee of six (6) dollars per acre for the land to be affected by the total operation where one operator succeeds another on an uncompleted operation for which plans have been submitted. The fee shall be in the form of cash, cashier's check or certified check.

(b) Bond.

1. Bond shall be furnished on a form prescribed by the Director in the amount of not less than \$200 or more than \$1000 per acre estimated to be affected within the next ensuing year.

2. The surety shall be in the form of cash, cashier's check, certified check, certificate of deposit, or insurance surety bond.

3. No bond shall be less than \$1,000 for any permit except as provided for in Section 3.00.

(c) The Operations Plan shall consist of the following material:

1. The Operations Plan shall include a statement of the planned land use to which the disturbed land is to be returned through reclamation and the proposed actions to assure suitable reclamation. Planned land use may change by virtue of circumstances and time, therefore, amendments will be allowed.

2. A description of the proposed method of operation, including the manner, grading, the method of removal of metal, lumber, and debris including processing equipment, buildings, and any other equipment relative to the mining operation, the method of seeding, fertilizing, and liming. The plan shall provide for the conducting of reclamation simultaneously wherever practicable with the mining operation and complete reclamation on each segment of the operation where activity has ceased. (See schedule in Section 7.01.)

3. Drainage Plan. The drainage plan shall consist of a description of the drainage system to be constructed during and after mining, a map or overlay showing the natural drainage system and all sediment and drainage control structure to be installed and

appropriate design data. Alternate methods and designs of sediment and drainage control structures other than those contained in the Virginia Surface Mine Drainage and Sediment Control Handbook may be submitted with appropriate design data and construction specifications for approval. approved design standards and construction specifications are contained in the VSMD & SC Handbook.

4. Maps. Maps shall be supplied as described under Section 45.1-181 hereof, showing the total area to be permitted (with acreage calculated and the area to be affected in the next ensuing year (with acreage calculated.)

5. Utility Easements. The operator shall submit a copy of a written notification of proposed surface mining to any utility easement on the area to be disturbed and within five hundred (500) feet of such an area.

(d) Legal Right. A statement of the source of the legal right of the applicant to enter and conduct operations on the land proposed to be covered by the permit.

(e) Past and Outstanding Permits. A statement of any mineral permits issued by the State and held, at the time of or prior to application, by the applicant or by any individual, corporation, partnership, association, or any other legal entity of which or with which the applicant has or has had control or common control.

(f) Revocations and Forfeitures. A statement of any and all surface mining permit revocations and bond forfeitures in Virginia or any other state experienced by the applicant or by any individual, corporation, partnership, association, or any other legal entity of which or with which the applicant has or has had control or common control.

(g) Application for Permit. The application for a permit shall be accompanied by a statement showing the names and addresses of the owners of property within one-thousand (1,000) feet of the property line of any land proposed to be permitted and certification that such landowners have been notified previously. Such a statement shall be on a form prescribed by the Director.

(h) Public Comments on Issuance of Permit. In order to allow sufficient time for owners of property within one-thousand (1,000) feet of the property line of any land proposed to be permitted to receive from the operator notification by certified mail of the application for a permit to surface mine for minerals other than coal and to file with the Director within ten (10) days after receipt of such notifications objections to the issuance of a permit to surface mine, no permit shall be issued until fifteen (15) days after date of receipt by the Director of an application for a permit to surface mine for minerals other than coal,

Proposed Regulations

or QR 1 form, for such permit.

§ 3.6. The following must accompany the permit application:

1. Permit fee.

a. Initial permit application. A fee of \$12 per acre for the total permitted acres shall be submitted.

b. Succession of operation by another. A fee of \$6.00 per acre for the land permitted by the total operation where one operator succeeds another on an uncompleted operation for which plans have been submitted.

c. Fees. All fees must be in the form of cash, cashier's check, certified check, or company check.

2. Bond.

a. Surety shall be furnished on a form prescribed by the director in the amount of \$1,000 per acre estimated to be affected within the next ensuing year. Additional bond or surety can be required by the division to cover amended acreage.

b. The surety shall be in the form of cash, cashier's check, certified check, certificate of deposit, or insurance surety bond.

c. No bond shall be less than \$1,000 for any permit except as provided for in § 3.7 hereof.

3. Reclamation fund.

a. Membership in fund; payments required. Each operator who has had five years of satisfactory operation in the Commonwealth under Chapter 16, Title 45.1 of the Code of Virginia, shall become a member of the fund by making an initial payment to the fund of \$50 for each acre estimated to be affected by mining operations during the next ensuing year. Thereafter, the member shall make an annual payment of \$12.50 for each acre estimated to be affected during the next ensuing year. Such payments shall continue until the member has paid into the fund a total of \$500 for each acre affected.

4. Operation reclamation plan. Shall be attached to the application on a form prescribed by the director and consist of the following:

a. Reclamation schedule. Shall include a statement of the planned land use to which the disturbed land will be returned through reclamation and the proposed actions to assure suitable reclamation. The method of grading, removal of metal, lumber, and debris, including processing equipment, buildings, and other equipment relative to the mining operation, seeding, fertilizing, and liming shall be

specified.

b. Method of operation. Shall include a description of the proposed method of mining and processing, location of topsoil, overburden, stockpiles, equipment storage, and maintenance areas, proposed slopes and roadways. The method of operation shall provide for the conducting of reclamation simultaneously where practicable with the mining operation.

c. Drainage design. The design shall consist of a description of the drainage system to be constructed during and after mining, a map or overlay showing the natural drainage system and all sediment and drainage control structures to be installed with appropriate design data.

d. Maps. Maps shall be supplied as described in Title 45.1 of the Code of Virginia, showing the total area to be permitted (with acreage calculated) and the area to be affected in the next ensuing year (with acreage calculated).

5. Legal right. A statement of the source of the legal right of the applicant to enter and conduct operations on the land proposed to be covered by the permit.

6. Outstanding permits, revocations, and forfeitures. A statement of all past mineral surface mining permits, revocations, and bond forfeitures in Virginia or any other state experienced by the applicant or by any individual, corporation, partnership, association, or any other legal entity of which or with which the applicant has or has had control or common control.

7. Permit notifications.

a. Name and address of property owners within 1,000 feet of the permit boundary and a copy of the certified mail receipts or other proof of recent prior notification of each landowner.

b. Statement certifying that the chief administrative official of the local political subdivision has been notified.

c. Copy of notification of proposed operation to any utilities on or within 500 feet of the permitted area.

8. Public comments. Property owners within 1,000 feet of the permitted line have 10 days from notification of proposed mining to file objections with the director. No permit will be issued until 15 days after receipt of the application by the division.

3.07 Additional Bond. If, during any operation, it is found that the operator's estimate of the amount of disturbed land for which bond or other surety has been posted for reclamation is less than the actual area disturbed, the Division shall require the operator to file additional bond or surety sufficient to cover an amended estimate of land

Proposed Regulations

to be disturbed by such operation.

§ 3.7. Exemption for restricted mining.

Any operator engaging in mining and disturbing less than one acre of land and removing less than 500 tons of minerals is exempt from all mining permit fees and renewal fees of this chapter. The restricted mining operator shall submit an application for a permit, sketch of the mining site, methods of operations plan, and shall be adhered to in accordance with §§ 45.1-181 and 45.1-182.1 of the Code of Virginia.

3-08 Release of Bond. Minerals Other Than Coal surface mining bond shall be released by the Director in accordance with the provisions of Section 45.1-185, Code of Virginia, and applicable provisions of the regulations.

3-09 Exemption for Restricted Mining. Any operator engaging in mining and disturbing less than one (1) acre and removing less than five hundred (500) tons of minerals is exempt from all mining permit fee, renewal fee, and bond requirement of this Chapter. The restricted mining shall submit an application for a permit, sketch of the mining site, and operation plan and shall be adhered to in accordance with Sections 45.1-181 and 45.1-182.1.

3-10 Modifications. The Division may make reasonable modifications to any drainage and operation plan required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations.

3-11 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia and these regulations.

SECTION 3A. AMENDMENTS

3A. (01) The Division may require the submission of an amendment to cover areas which the operator has disturbed outside his original permitted boundaries.

3A. (02) Amendments may, at the discretion of the Division, be allowed to cover additional mining areas or to change the drainage, operations, or reclamation plans.

3A. (03) Material to accompany the amendment shall meet the requirements of Chapter 16, Title 45.1-181 and 45.1-182.1.

SECTION 4. MAP REQUIREMENTS

PART IV. MAP REQUIREMENTS.

4.01 § 4.1. Preparation of maps.

All application, renewal, and completion maps shall be prepared and certified under the direction of a licensed engineer or licensed land surveyor or issued by a standard mapping service or prepared in such a manner as to be acceptable to the director.

4.02 § 4.2. Certification.

The certification of the maps will read as follows: "I, the undersigned, hereby certify that this map is correct and shows to the best of my knowledge and belief, all the information required by the surface mining laws of this State the Commonwealth of Virginia." The certification will be signed and notarized. The director may reject any map as incomplete if its accuracy is not so attested.

4.03 § 4.3. Map information.

The applicant shall furnish the director with two copies an an accurate *acceptable map* or aerial photograph map meeting the following requirements:

(a) 1. Be prepared by a licensed engineer or licensed land surveyor or issued by a standard mapping service or prepared in such a manner as to be acceptable to the director.

(b) 2. Identify the area to correspond that corresponds with the land described to in the application.

(c) 3. Show adjacent deep mining, if any, and the boundaries and names of owners of surface properties with the names of owners of the affected area which lie within a 100 feet of any part of the affected area and adjacent deep mining, if any .

(d) 4. Be drawn to a scale of 400 feet to the inch or better at a scale acceptable to the director .

(e) 5. Show the names and locations of all streams, creeks, or other bodies of public water, roads, buildings, cemeteries, oil and gas wells, and utility lines on the area affected and within 500 feet of such area.

(f) 6. Show by appropriate markings the boundaries of the area of land affected, the outcrop of the seam at the surface or deposit area to be mined and the total number of acres involved in the area of land affected.

(g) 7. Show the date on which the map was prepared, the north arrow, and the quadrangle name.

(h) 8. Show the drainage plan on and away from the area of land affected, including the directional flow of water, constructed drainways, natural waterways used for drainage and the streams or tributaries receiving the discharge.

4.04 § 4.4. Color code.

Proposed Regulations

A color code as prescribed by the director, shall be used in preparing the map to indicate critical features of the permit area as follows .

- (a) Red shall indicate boundary of permit area.
- (b) Yellow shall indicate the total number of acres disturbed including access roads.
- (c) Blue shall indicate water and drainage pattern.
- (d) Brown shall indicate estimated additional acres to be disturbed in the next twelve (12) months.
- (e) Green shall indicate number of acres revegetated last twelve (12) months.
- (f) Black arrows shall show the direction of water flow from the affected area of the mining site.
- (g) Gross hatch red shall indicate deleted areas.

4.05 § 4.5. Alternate to color code.

At the option of the operator, a reproducible map using graphic symbols to represent the different areas as indicated in Section 4.04, color code, can be submitted instead of a color coded map. The map shall also comply with all provisions of Section 4. A legend shall accompany the map which shows the graphic symbol and the acreage for each of the different areas as indicated in Section 4.04. The director may approve use of graphic symbols to represent the different areas instead of a color coded map. A legend shall accompany the map which shows the graphic symbol and the acreage for each of the different areas.

4.06 § 4.6. Map submittal.

At the option of the operator, if in a given year there are no changes in the different areas or other map features, the operator may submit a certification instead of the map for the year. The certification shall read as follows: "I, the undersigned, hereby certify that no changes have been made in the different areas (Section 4.04) or in other map features since the last annual permit renewal." The certification will be signed and notarized.

SECTION 5. PERMIT RENEWAL

PART V. PERMIT RENEWAL AND SURETY ADJUSTMENTS.

5.01 § 5.1. Time for renewal.

If the operator wishes to continue operations, the minerals surface mining permit shall be renewed each year 10 days following the anniversary date of the permit. Renewal progress report and maps must be received by the anniversary date. If the time requirements set forth

herein are not met, the permit shall expire 10 days following the anniversary date.

5.02 Area of Renewal. The acreage alterations listed below are allowed:

(a) Deletions of acreage which seriously threaten or endanger health, safety, or property rights and abatement is not feasible by the application of control techniques.

(b) Increase acreage due to underestimating affected land.

5.02 § 5.2. Renewal fee.

A renewal fee in the amount of \$6.00 per acre for previous acres disturbed plus estimated additional acres to be disturbed in the next 12 months shall accompany the progress report.

5.03 Renewal Fee. A renewal fee in the amount of six (6) dollars per acre for land to be affected by the total operation in the next ensuing year must accompany the progress report.

§ 5.3. Renewal progress report.

Information as may be required shall be submitted on a form prescribed by the director. The report shall be signed and sworn to by the applicant or his legal representative.

5.04 Renewal Progress Report. progress Report for renewal shall be submitted on a form prepared by the Director. The progress report form shall be signed and sworn to be the person, or his legal representative, engaging in surface mining of minerals other than coal. In addition to such other information as may be reasonably required, the progress report shall contain the following information:

(a) Pounds of fertilizer, lime and mulch used in the past twelve (12) months.

(b) Species and amount of seed and seedlings planted in the past twelve (12) months.

(c) Number of acres covered by the surface mining permit.

(d) Number of acres affected including access roads.

(e) Number of acres estimated to be affected during the next twelve (12) months.

(f) Number of acres vegetated in the past twelve (12) months.

(g) Certification by Notary Public.

§ 5.4. Request for additional bond at time of renewal.

Proposed Regulations

If at renewal time or any time during the mining operation, bond or other surety is considered to be less than required coverage, the director will notify the operator in writing of the amount required. The operator will have 30 days from the date of notification to submit the required bond.

5.05 Request for Additional Bond at Time of Renewal. Upon receipt of the progress report, the Director shall review the progress report to determine if additional bond is needed. If additional bond is needed, the Director will notify the operator in writing of the amount required. The operator will have thirty (30) days from date of notification to submit the required bond.

§ 5.5. Renewal map.

A renewal map meeting the requirements of Part IV of these regulations shall accompany the renewal progress report unless exempted by § 4.6.

5.06 Adjustment of Bond Rate. The rate of bond required upon renewal of permit shall be the same as the previous year unless the Director finds:

(a) Need for increase due to the exigencies of any unanticipated circumstances or event.

(b) Need for increase due to operator having received, during past year of operation, three (3) notices of non-compliance from the Director. If such is the case, the bond shall be at the maximum rate.

(c) Partial release of bond will be considered at renewal time or after the operation is completed. One half of the bond on the area shown on the renewal or completion map and vegetated will be released if approval has been given; however, bond shall be reduced to no less than one half of the current bond rate as required for new permits.

5.07 Renewal Map. A renewal map meeting the requirements of Section 4 of these regulations shall accompany renewal progress report. Further upon the map must be placed the areas involved and reported pursuant of 4.04 of these regulations.

5.08 Modifications. The Division may make reasonable modifications of any drainage, reclamation, and operation plans required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations.

5.09 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia and these regulations.

SECTION 6. ROADS

PART VI. ROADS.

6.01 Planning

(a) Items to be shown on the Operations Plan. The following items shall be submitted as a part of the Operations Plan.

1. The general location of internal service roads which are to be used for internal movement of raw materials, soil, overburden, finished or in process materials within the permitted area, some of which may be temporary.

2. Specific location of principal access roads, which are well defined roads from scales, sales office, or loading point to a public road. (The center line of proposed access roads shall be flagged prior to field inspection.)

3. Surveyed location of access point and intersection design at intersection of principal access roads with public street or road.

4. Typical cross sectional view of all principal access roads and ditches.

5. Locations and sizes of all proposed culvert installations on access roads and location where any road crosses or lies adjacent to a stream.

6. Cross sectional view of a typical culvert installation including inlet and outlet protective measures.

§ 6.1. Planning.

A. The following items shall be submitted as a part of the Operation/Reclamation Plan:

1. The general location of internal service roads.

2. Specific location of principal access roads.

3. Accurate design of access points and intersections with public streets or roads as approved in a commercial entrance permit as required by the Virginia Department of Highways and Transportation or the local governing body.

4. Typical section view of all principal access roads and ditches.

5. Locations and sizes of all proposed culvert installations on access roads and location where any road crosses or lies adjacent to a stream.

6. Typical section view of a culvert installation including inlet and outlet protective measures.

(b) Use of Secondary Roads and Location with Respect

Proposed Regulations

to Developed Areas. Access roads connected to minor residential streets in developed areas shall not be used for commercial hauling, including transporting heavy equipment unless specifically authorized by the Director. Internal service roads and principal access roads shall be planned to minimize impact of traffic, dust, and vehicle noise on developed areas outside the mining site. This provision shall not apply to operations in existence at the time of adoption of these regulations.

B. Use of roads and location with respect to developed areas.

Internal service roads and principal access roads shall be planned to minimize the impact of traffic, dust, and vehicle noise on developed areas outside the mining site.

(e) Traffic Safety. Access roads shall be designed to minimize traffic hazards, particularly at intersections with public roads.

6.02 § 6.2. Construction standards.

(d) A. Relation to streams:

1. Natural Drainways ~~drainageways~~ . Alterations and relocations of natural ~~drainways drainageways~~ as shown on the operations plan will be permitted if the natural ~~drainway drainageway~~ will not be blocked and if no damage results to the natural ~~drainway drainageway~~ or to adjoining landowners.

2. Stream crossings. Drainage structures shall be required in order to cross a stream channel. Such structures shall be constructed so as not to restrict the flow of the stream, i.e., the bridge or culvert(s) shall be of adequate size to permit stream flow throughout the seasonal periods during the life of the surface mine permit.

3. Filter strips. A protective strip of absorbent undisturbed forested or grassed area at least 50 feet wide measured on the slope should be provided, where feasible, between the road and stream to reduce the sediment load of the stream. As the steepness of slope increases, so should the width of the filter strip.

(e) B. Erosion and sedimentation. Road surfaces and ditches shall be stabilized. Side slopes shall be constructed in a stable manner to minimize erosion and sedimentation.

(f) Slopes. Slopes shall be constructed in a stable manner as to support vegetation and planted in accordance with Section 9 after construction.

(g) C. Ditches. Ditches shall be provided when constructed where necessary and be of shall have sufficient capacity to control surface runoff. Ditches shall have a minimum constructed depth of one (1) feet measured from the lowest point in the road surface

adjacent to the ditch.

(h) D. Culverts. Culverts shall be used as necessary to facilitate the handling of storm runoff from roads and for road crossings at streams if desired. Culverts shall be installed in accordance with the following standards:

1. Ditch Relief culverts shall be installed at intervals as required to prevent overloading of ditches.

2. Culverts shall be placed on a minimum grade to assure free drainage and covered by compacted fill as specified by manufacturer .

3. Culverts shall be covered by compacted fill to a minimum depth as specified by the manufacturer.

4. 3. The inlet end shall be protected by a headwall of a suitable material such as concrete retaining wall, sand bags, rock riprap, or other approved material.

5. 4. The outlet end shall discharge onto an apron of rock riprap or other approved material. Where practical, the outlet end shall be placed below the toe of the fill. At no time should runoff be allowed to flow over an unprotected fill slope.

6. 5. Culvert openings installed on roads Culverts shall not be be no less than 12 inches in diameter. ; but, in any event, all culvert openings All culverts shall be adequate to carry storm runoff and shall receive necessary maintenance to function properly at all times be properly maintained .

7. 6. If sediment is to be controlled on roads by use of culverts, said culverts Sediment control culverts shall have a perforated vertical or 45° riser risers on the upstream end and discharge must be controlled to prevent erosion of slopes.

(i) E. Road surface.

1. Except as provided in items b. and e. of this section paragraphs 2 and 3 below, roads may be unpaved provided dust is adequately controlled by the operator.

2. Approaches to public roads. Access roads which intersect with a state highway or a public street shall be paved with an approved all-weather surface for the entire length of road from the state highway or street to the active loading point or for a shorter distance if the type of surfacing will eliminate and prevent the depositing of mud or debris onto the state highway or public street. All weather surface shall consist of either asphalt, concrete or stone, or sand and gravel.

3. Roads shall not be surfaced with any acid producing material, or any material which will introduce a high concentration of suspended solids into surface drainage.

Proposed Regulations

(4) F. Innovative designs. Innovation and improved designs and construction techniques shall be encouraged. Designs and construction techniques for roads, drainage structures, and control of drainage, erosion and sedimentation other than those contained or referred to in these regulations shall be subject to review and approval by the division.

(*) G. These standards shall only apply to any roads within the disturbed *permitted* area which due to their location, would, when exposed to weather conditions, cause pollution, sedimentation, or erosion to areas outside the permitted area.

6.03 § 6.3. Maintenance.

Maintenance is required to insure the proper functioning of the road and drainage system. Maintenance of the road system shall consist of inspection of roadways, ditches, culverts, and bridges after every storm event and at other time as necessary, the *inspecting*, repairing and cleaning of roadways, ditches, and culverts, and bridges wherever damaged or obstructed as necessary. Particular attention shall be given to removing debris from culvert inlets.

6.04 § 6.4. Abandonment.

When a road is abandoned, steps shall be taken immediately to minimize erosion and establish vegetative cover in accord with the operations plan *Operation/Reclamation Plan*.

6.05 Modification. The Division may make reasonable modifications to any drainage, reclamation, and operation plan required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations.

6.06 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia and these regulations.

SECTION 7. OPERATIONS

PART VII. OPERATION/RECLAMATION PLAN.

7.01 § 7.1. Integration of reclamation with mining operations.

The operations *Operation/Reclamation Plan* shall be designed to minimize adverse effects on the environment and facilitate integration of reclamation with mining operations according to the special requirements of various individual mineral types.

(a) A. Sand and gravel. Prior to beginning work at a mining site heretofore undisturbed by mining, a plan shall be prepared to minimize the acreage to be disturbed

and to facilitate reclamation at the conclusion of mining. At the conclusion of mining, the affected area shall have been graded to conform with the original or amended provisions of the Operations Plan and revegetated in accordance with applicable regulations. Cut and fill mining shall be accomplished by removing top material and placing it adjacent to the excavation, removing the mineral to be mined, and then grading the top material back over the excavation, generally by use of a coordinated and continuous method designed to minimize unreclaimed area, all in accordance with the approved Operations Plan. Mining below the water table shall take place under the following conditions:

1. A lake with a minimum depth of four (4) feet is provided and approved in the Operations Plan.

2. Other suitable reclamation practices, for example, agricultural land is provided for in the Operations Plan. In no case can shallow depressions be left which will create water impoundment of less than four (4) feet in depth.

1. The Operation/Reclamation Plan shall be prepared to minimize the acreage to be disturbed and to facilitate simultaneous reclamation.

2. Cut and fill mining shall be performed in the following sequence:

a. By removing top material and storing it on adjacent area.

b. Removing the mineral.

c. Restoring top material back over the excavation by use of a coordinated and continuous method.

3. Mining below the water table may take place if the following conditions are met:

a. A plan for mining below the water table must be submitted and approved by the division.

b. In no case can lakes or ponds of water be created if less than four feet in depth.

4. Other suitable reclamation practices may be adopted if approved by the division.

Examples are:

a. Development of agricultural land.

b. Sanitary landfills if approved by the Department of Waste Management and the local governing body.

c. Other desirable land development projects.

(b) B. Clay and shale.

Proposed Regulations

1. The mining shall be planned in such a manner as to facilitate grading and reclamation in accordance with the Operations Plan. Wherever possible, the spoil shall be deposited in the inactive mining area. Reclamation shall be performed on that part of the mining site as soon as mining on that part is concluded: revegetation simultaneously with the operation.

2. Mined areas which are subject to redisturbance other than stockpile area, roads, and active removal points, shall be temporarily vegetated.

3. Due to the particular process of excavating at clay and shale mines and the nature of the soil, excavation shall be done in such a manner as to keep storm drainage flowing toward sediment control structures. Diversions shall be used to minimize storm runoff over disturbed areas.

(e) C. Limestone, Dolomite, Granite, Slate, and other Non-Metallic and Metallic Minerals: Stone, nonmetallic, and metallic minerals.

1. Prior to beginning work at a mining site heretofore undisturbed by mining, a plan An Operation/Reclamation Plan shall be prepared to minimize the acreage to be disturbed and to facilitate simultaneous reclamation. at the conclusion of mining. Mining operations and handling and placement of spoils, as well as content of spoils piles, shall be planned to minimize unsightly appearance to the public during mining and to achieve a prompt and permanent reclamation of that part of the site where mining is concluded. Special consideration shall be give to possibilities for use of a completed excavation for water impoundments suitable for recreation, water supply and storage, and wildlife.

2. Mining operation shall be planned to minimize unsightly appearance to the public during mining and to achieve simultaneous and final reclamation.

3. Special consideration shall be given to possibilities for use of a completed excavation for water impoundments suitable for recreation, water supply and storage, and wildlife.

7.02 Protection of the Public. The Operations Plan shall include provisions for protection of the public, especially where mining is to be done in the immediate vicinity of a town, village, heavily populated urban area, or element of a public road system. Operators will be required to leave land undisturbed, construct an screening berm, or to grade generally to some level and terrain as an existing public road within a strip of land of a reasonable width, usually fifty (50) to one hundred (100) feet, lying adjacent and parallel to the public road involved.

§ 7.2. Slopes.

A. Proposed grade of completed slopes are to be indicated on the Operation/Reclamation Plan. Long uninterrupted slopes must be provided with proper structures, such as terraces, berms, waterways, etc., to minimize erosion due to surface runoff.

B. Slopes must be stabilized, protected with a permanent vegetative or riprap covering and not be in an eroded state in order to prohibit erosion onto an unprotected site.

C. Constructed slope shall not extend closer than 25 feet to any property boundary without written permission of the adjoining property owner or unless to improve drainage by methods acceptable to the director.

7.03 Slopes. Proposed slopes are to be indicated on the Operations Plan. Slopes must be in keeping with good conservation practices acceptable to the Division. Long uninterrupted slopes must be provided with proper structures, such as terraces, berms, waterways, etc. to accommodate surface waters, where necessary, to minimize erosion due to surface runoff. Slopes must be stabilized, protected with a permanent vegetative or riprap covering and not be in an eroded state at the time reclamation is completed. No mining operation or slope shall extend closer than twenty-five (25) feet to any property boundary, except as provided in Section 7.02 for public roads, without written permission of the property owner therefore.

§ 7.3. Treatment of acid material.

All acid material which is part of or directly associated with the mineral seam or seams being mined shall be properly controlled during mining, and upon completion of mining, shall be covered with a material capable of shielding the acid material and supporting plant cover in accordance with approved vegetative standards. Unless otherwise specified by the director, the minimum cover shall be four feet in depth.

7.04 Weather Conditions. A reasonable extension of time shall be granted by the Division when weather conditions make compliance with an approved time schedule impracticable.

§ 7.4. Handling of spoil piles and stockpiles.

A. Grading spoil piles. All spoil piles will be graded in accordance with the Operation/Reclamation Plan in such a manner as to minimize sediment runoff.

B. Stockpiles. Stockpiles shall be removed to ground level and the area shall be scarified and planted in accordance with the approved Operation/Reclamation Plan. A reasonable time shall be allowed for sale of stockpiles.

7.05 Removal of Equipment. All grading and backfilling shall be completed before equipment necessary for such work is removed from the operation unless otherwise authorized by the Division.

Proposed Regulations

§ 7.5. Storage of topsoil.

A. Topsoil required for reclamation shall be stored in such a manner as to remain available for reclamation. Topsoil will be needed for future reclamation and shall not be removed from the permitted area unless authorized by the division.

B. The stockpile topsoil shall be seeded with quick growing grasses or legumes for stabilization until used in final reclamation.

7.06 Treatment of Toxic Material. All toxic material which is part of or directly associated with the mineral seam or seams being mined shall be properly controlled during mining, and upon completion of mining, shall be covered with a material capable of shielding the toxic material and supporting plant cover in accordance with approved vegetative standards. Unless otherwise specified by the Director, the minimum shall be four (4) feet.

§ 7.6. Screening.

A. Screening shall be provided to improve the appearance of the mining site from public roads, public buildings, recreation areas, and occupied dwellings.

B. If screening is to be undisturbed forest, a distance of 100 feet must be left undisturbed from the permit line. Planted earth berms, natural topography, appropriately designed fences or walls may be used if approved in the Operation/Reclamation Plan.

C. On permanent berms for screening, the spoils (waste materials) shall be initially placed on the proposed berm area and topsoil (where available) shall be spread over the spoil areas, not less than four inches in thickness, and if possible, 12 inches in thickness for a permanent screen. The remaining topsoil shall be placed in a designated area for future spreading on other sites which need top dressing. The topsoil shall be seeded or planted in accordance with the approved revegetation schedule.

7.07 Metal, Lumber and Debris. Metal, lumber and debris, including equipment, shall be disposed of in a manner acceptable to the Director upon completion of operation. Usable buildings for specified purposes may be left on the mining site in accordance with the approved Operations Plan.

§ 7.7. Completion of active mining.

A. A mining operation, where no mineral has been removed or overburden removed or regraded for a period of 12 consecutive months, will be declared complete and total reclamation begun.

B. At the option of the operator and with the director's concurrence, an operation can remain under permit for an indefinite period during which no mineral or overburden is removed if the following conditions are complied with:

1. All disturbed areas are reclaimed to prevent erosion and sedimentation as directed by the director.

2. All drainage structures such as culverts, ditches, etc., are maintained to the director's satisfaction.

3. All vegetation is maintained (reseeded as necessary) to the director's satisfaction.

4. All improvements on site, including machinery and equipment, are to be maintained to a reasonable state of repair and condition.

If the above conditions are not met, the permit may be revoked by the director in accordance with § 45.1-186.1 of the Code of Virginia.

7.08 Handling of Spoil Piles and Stock Piles Upon Completion of Operations.

(a) Grading Spoil Piles. All spoil piles shall be graded in such a manner as to conform with the approved Operations Plan.

(b) Stock Piles. Stock piles shall be removed to ground level and the area shall be scarified and planted in accordance with the approved Operations Plan. A reasonable time shall be allowed for sale of stockpiles.

7.09 Removal of Topsoil. Topsoil, where it exists, shall remain in place and vegetated as long as feasible prior to use for mining operations and shall be removed progressively from designated areas and stored in accordance with the approved Operations Plan. In general, topsoil, where it exists, will be removed from areas designated to be occupied by stock piles, spoil piles, processing equipment and buildings, and other areas to be utilized in mining operations. The approved Operations Plan may include provision for sales of excess topsoil provided sufficient topsoil is stockpiled as necessary to carry out the Operations Plan.

7.10 Storage of Topsoil.

(a) Topsoil shall be stored in such a manner as to remain available for reclamation and not carried away or covered up with other material.

(b) On permanent berms for screening, the spoils (waste materials) shall be initially placed on the proposed berm area and topsoil (where available) shall be spread over the spoil areas, not less than four (4) inches, and if possible, twelve (12) inches in thickness for a permanent screen. The remaining topsoil shall be placed in a designated area for future spreading on other sites which need top dressing. The topsoil shall be seeded or planted in accordance with the approved revegetation schedule.

(c) In piles or temporary berms, the topsoil shall be

Proposed Regulations

seeded with quick growth grasses or legumes for stabilization until used in final reclamation.

(d) Topsoil which has been saved for future reclamation shall not be removed from the permitted area unless authorized by the Division.

7.11 Screening. Screening shall be planned to effectively eliminate or favorably modify an unsightly view of mining operation and, in general, to improve the appearance of the mining site from an exterior view, particularly the view from the public streets and highways, public buildings, recreation areas, and occupied dwellings. Screening may consist of undisturbed forest, planted screening, planted earth berms, natural topography, or appropriately designed fences or walls, in all cases arranged or constructed to comply with the approved mining Operations Plan.

7.12 Rock Riprap. Riprap shall be used for the control of erosion on those areas where it is impractical to establish vegetation or other means of erosion control or in any areas where rock riprap is an appropriate means of reclamation. Placing of rock riprap shall be in accordance with drainage standards and the approved Operations Plan.

7.13 Conditioning the Soil. Soil shall be conditioned to comply with vegetation standards. Crusted and hard soil surfaces shall be scarified prior to the seeding of legumes and perennial grasses. Steep, graded surfaces shall be tracked by running a cleared crawler tractor or similar equipment up and down the slope.

7.14 Accumulation at Perimeter. No operator shall cause or allow the accumulation of overburden, spoil, or other material outside of the permit area, or place any such material in a manner that erosion or slides might cause such material to encroach upon land or waterways not covered by the permit.

7.15 Modification. The Division may make reasonable modifications to any drainage or operations plan required under Chapter 16, Title 45.1 of the Code of Virginia and provisions of these regulations.

7.16 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia, and these regulations.

SECTION 8. DRAINAGE AND SEDIMENT CONTROL

PART VIII. DRAINAGE AND SEDIMENT CONTROL.

8.01 § 8.1. Drainage and sediment control.

All mining operations shall have adequate drainage, erosion, and sediment control measures incorporated in the

Operations Operation/Reclamation Plan and installed in accordance with the plan or as acceptable to the division. If in the event adequate drainage, erosion, and sediment control cannot be provided, surface mine permits may be denied.

8.02 Drainage and Sediment Control Handbook. The Virginia Surface Mine Drainage and Sediment Control Handbook, hereinafter referred to as the "Handbook" contains approved design methods and technical standards for design and construction for drainage and sediment control measures referred to in the Virginia Minerals Other Than Coal Surface Mining Reclamation Regulations. Alternate methods and designs of sediment and drainage control structures other than those contained in the Handbook may be submitted with appropriate design data and construction specifications for approval.

8.03 § 8.2. Sediment basins.

Disturbed areas that are not adequately controlled by acceptable erosion and sediment control measures or mining methods which incorporate sediment control shall have sediment basins installed on drainageways from all proposed disturbed areas. Sediment basins shall be located as close to the disturbed area as possible. Sediment basins shall not be located in perennial streams. Sediment control measures shall be installed prior to land disturbing activities within the drainage area controlled by the sediment basin. Approved Design standards and construction specifications are contained in the handbook.

8.04 § 8.3. Diversion structures.

Diversion structures, where conditions necessitate, shall be required by the division to divert water away from surface mined areas and direct runoff from spoil slopes to sediment control structures, thereby reducing sediment problems and interference with active mining operations. Approved Design standards and construction specifications are contained in the handbook.

8.05 § 8.4. Protecting intermittent or perennial streams.

All intermittent or perennial streams shall be protected from spoil by natural or constructed barriers.

8.06 § 8.5. Natural drainageways.

Drainageways will be identified on the map submitted with the application. If, in the operation, it is necessary to cross or fill such a drainageway, proper drainage structures shall be provided to allow free-flowing drainage and minimize erosion. Where necessary, water retarding structures will be placed in the drainageways. Approved Design standards and construction specifications relating to natural drainageways are contained in the handbook.

8.07 § 8.06. Acid Water Water quality. Acid water produced by surface mining shall be adequately treated. The pH of all water resulting from surface mining of

Proposed Regulations

minerals shall be between pH 6.0 to pH 9.0.

8.08 § 8.7. Water impoundments.

Plans for water impoundments including, but not limited to, those to be used for livestock, recreation, or industry shall be submitted to the Division for approval approved by the division .

8.09 § 8.8. Landfills.

Plans for sanitary or industrial landfills will be accompanied by the written approval of the State Department of Waste Management .

8.10 § 8.9. Certification of drainage and sediment control structures.

All alternate methods and designs for drainage and sediment control structures other than those contained in the handbook shall be under the supervision of a registered licensed professional engineer.

8.11 § 8.10. Completion of structures.

Written notification shall be filed within 30 days with the division by the operator as to the completion of the drainage and/or sediment control structures sediment ponds, water impoundments, and diversions in accordance with the approved plan.

8.12 Modification. The Division may make reasonable modifications to any drainage, reclamation, and operation plan required under Chapter 16, Title 46.1 of the Code of Virginia and provisions of these regulations.

§ 8.11. Rock riprap.

Riprap shall be used for the control of erosion on those areas where it is impractical to establish vegetation or other means of erosion control or in any areas where rock riprap is an appropriate means of reclamation. Placing of rock riprap shall be in accordance with drainage standards and the approved Operation/Reclamation Plan.

8.13 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 46.1 of the code of Virginia and these regulations.

SECTION 9. REVEGETATION

PART IX. REVEGETATION.

9.01 § 9.1. Objective in revegetation.

To stabilize the area as quickly as possible after it has been disturbed in order to achieve permanent and

protective vegetative cover. Plant species that will provide a quick, permanent protective cover and enrich the soil will be given priority. All plant species will be considered for their usefulness in obtaining stabilization as well as for agriculture, forest products, and wildlife habitat. A system of inspections involving specific criteria will be made to determine adequacy of vegetative cover (see Section 9.05, Inspection Criteria.) A Handbook on the Revegetation of Areas Surface Mined for Minerals Other Than Coal (hereafter referred to as Guidelines) has been prepared to facilitate revegetation of surface mined areas and is a supplement to and part of these regulations. Revegetation Guidelines (revised 1986) have been prepared to facilitate revegetation of surface mined areas and are a supplement to and a part of these regulations. Exposed areas subject to erosion on an active mining site shall be protected by a temporary or permanent vegetative cover or by other approved methods. Simultaneous revegetation shall be incorporated into the Operation/Reclamation Plan. Final reclamation shall be performed on areas where mining has ceased.

9.02 Liming and Fertilization.

Lime. In the event soil testing indicates a pH of 3.0 or less and the area is to be vegetated, the material must be limed in accordance with soil tests and covered with suitable soil and/or material. (Refer to section on critical areas in Guidelines.) If the pH is four (4) or above, agricultural lime, or other acid neutralizing materials must be applied, as shown by a soil test, prior to seeding or planting as specified in Guidelines.

Fertilization. With pH levels of 5.5 and above, revegetation for purposes of stabilization and erosion control can likely be accomplished with 1,200 pounds of 5-10-10 fertilizer per acre, or its equivalent. For fertilizer recommendations based on soil tests, see Guidelines.

§ 9.2. Process in revegetation.

A. Grading. Slopes shall be graded in keeping with good conservation practices acceptable to the division. Slopes must be provided with proper structures such as terraces, berms, waterways, etc. to accommodate surface water where necessary to minimize erosion due to surface runoff. Slopes must be stabilized, protected with a permanent vegetative or riprap covering and not be in an eroded state at the time reclamation is complete.

B. Conditioning the soil. Crusted and hard soil surfaces shall be scarified prior to revegetation. Steep graded slopes shall be tracked (running a cleated crawler tractor or similar equipment up and down the slope).

C. Liming and fertilization. Application of lime and fertilizer shall be performed according to soil test and revegetation guidelines.

D. Seeding and mulching. Appropriate vegetation shall be planted or seeded and mulched according to the

Proposed Regulations

mixtures and practices shown in Revegetation Guidelines for the different physiographic regions of the State.

E. Seed quality. The seed used must meet the purity and germination requirements of the Virginia Department of Agriculture. The Division may, at its discretion, take samples for laboratory testing.

0-03 Time of Seeding and Planting. Appropriate vegetation shall be planted or seeded based on alternative mixtures and practices shown in Guidelines. Seeding is not required during the period November 1 to March 1 in the Northern Piedmont, Mountains, and Valley regions and during the period November 15 to February 15 in the Southern Piedmont and Coastal Plains regions. Due to cold weather conditions, it is unlikely that seedlings will be successful during these periods. If it is too late to revegetate, temporary measures for control of erosion and sediment loss may be made by the use of mulch, straw bales, and physical structures.

§ 9.3. Trees and shrubs.

Specific use, regional adaptability, and planting requirements shall be determined from the revegetation guidelines. Tree and shrub planting shall only be considered an appropriate ground cover when combined with well established grass species.

0-04 Tree and Shrub Plantings. Tree and shrub species, specific use, regional adaptability, and planting requirements are shown in Guidelines. A minimum tree stocking of sixty (60) percent survival randomly distributed is required based on recommended planting rate shown in Guidelines. Where owners' interest is wildlife habitat improvement, follow recommendations and procedures as shown in Guidelines.

§ 9.4. Critical or problem areas.

Critical or problem areas are those areas containing steep slopes, easily erodible material, hostile growing conditions, concentration of drainage or other situations where revegetation or stabilization will be potentially difficult. On such areas, the operator must follow procedures shown in the revegetation guidelines for revegetation of critical or problem areas.

0-05 Inspections for Adequacy of Vegetation and Bond Release. A minimum of three (3) inspections, all passing requirement standards, will be necessary for bond release. The first inspection shall be made within sixty (60) days after seeding. The second inspection shall occur in the fall or spring following seeding. The third inspection for bond release shall be made after a minimum of two growing seasons have elapsed. Seedlings made on or before May 15 in the northern piedmont, mountains, and valleys region will be considered to have had a full growing season for that particular year. The final inspection for bond release, when time of seeding is as described above, will occur after the second growing season. The final inspection for

bond release for seedings made after the final dates described above will be made twenty-four (24) months from time of seeding. The transect method of obtaining a randomly distributed sample and vegetative stand count is described in the Guidelines.

(a) First Inspection—Vegetative Mixture (Sixty (60) days after seeding.)

New stands of grasses, legumes, trees and wildlife species that are two-three inches in height and have the following stand counts can normally be expected to give seventy-five (75) percent ground cover after two (2) full growing seasons:

1. One (1) to two (2) plants per square foot of rhizomatous species such as bermuda grass, crown vetch, black locust, bicolor lespedeza, etc., randomly distributed over area being inspected.

2. Three (3) to five (5) plants per square foot of non-rhizomatous species such as Kentucky 31 fescue, orchardgrass, sericea lespedeza, ladino clover, etc., randomly distributed over area being inspected.

3. If planted to an agricultural crop, an average stand or plant population per acre would be acceptable.

(b) Second Inspection.

This inspection will generally be made from September 1 through October 15 for spring seedings. For seedings made during late summer and fall (August 15 through October 31) the second inspection can be made during the spring season after grasses and legume species are clearly visible. The criteria for this inspection will be the same as for the first inspection with the exception that plant height will be greater and/or growth is more vigorous.

(c) Third Inspection.

This inspection is to be made two (2) full growing seasons, or twenty-four (24) months after seeding. Criteria for this inspection include the following:

1. A minimum of seventy five (75) percent randomly distributed perennial vegetative type ground cover is present.

2. No areas exist, larger than one fourth (1/4) acre, having inadequate vegetative cover. Such areas must be reseeded.

§ 9.5. Intensive agricultural use.

If post-mining use is to be intensive agriculture, then planting and harvesting of a normal crop yield would meet regulatory requirements for full or partial bond release. A normal yield for a particular crop would be interpreted as

Proposed Regulations

being equal to the five year average for the Commonwealth. The use of grass, water bars, or diversion strips and natural vegetative drain control may be required in the initial planning year as specified by the director.

9.06 Intensive Agricultural Use. If post mining is to be intensive agriculture, then planting and harvesting of a normal crop yield would meet regulatory requirements for full or partial bond release. A normal yield for a particular crop would be interpreted as being equal to the five (5) year average for the State. The use of grass, water bars, or diversion strips and natural vegetative drain control may be required in the initial planning year as specified by the Director.

§ 9.6. Inspections for adequacy of vegetation and surety release.

A. Inspections.

1. The first inspection after seeding shall be within 60 days to determine if areas need to be reseeded.

2. Final inspection for surety release shall be made within 24 months after seeding.

B. Final inspection for surety release shall require:

1. No noncritical areas larger than 1/2 acre will be allowed to exist with less than 75% ground cover. Vegetation must exhibit growth characteristics for long term survival.

2. Seeded portions of critical areas shall have adequate vegetative cover so that, in combination with other measures that may have been used, the area is completely stabilized.

9.07 Vegetation and Stabilization of Critical Areas. Critical areas are those that may cause deposition of sediment in valleys and streams and/or are difficult to revegetate. More specifically, they are areas which failed to revegetate adequately within the sixty (60) day period following seeding. If the mine operator does not obtain a vegetative cover as determined by the first inspection (after the first sixty (60) days) then the mine operator must follow procedures shown in the Guidelines for revegetation of critical areas.

9.08 Grass and Legume Mixtures and Recommended Practices for Establishment. Grasses and legumes, with proper liming fertilizations, are to be established on all affected areas according to the Operations Plan. Several vegetative mixtures are satisfactory for sediment and erosion control and other uses including agriculture, forest products, and habitat for wildlife. See Guidelines for alternative vegetative mixtures and the uses for which best adapted.

Temporary seedings of annual type grasses, legumes,

and grains are to be used on exposed areas which are not in use and subject to sediment loss and/or erosion for a year or less, or where extensive grading of an area will be done prior to establishment of permanent vegetation. Examples of such areas would be stockpiled topsoil and/or spoil (except toxic material), and other areas subject to being regraded. Alternate mixtures and recommended practices for their establishment can be found in the Guidelines.

9.09 Seed Quality. The seed used must meet the purity and germination required of the Virginia Department of Agriculture. The Division may, at its discretion, take samples of seed being sown for laboratory testing. See Guidelines for purity and germination criteria of different kinds of seed used in reclaiming surface mined land.

9.10 Other Vegetation. If the land owner or operator desires grasses, legumes, trees, or shrubs other than those shown in the Operations Plan, prior approval must be obtained from the Division.

9.11 Modification. The Division may make reasonable modifications in accordance with Chapter 16, Title 45.1-182.1 C of the Code of Virginia and provisions of these regulations.

9.12 Remedies. Any operation failing to comply with the requirements set forth in this section shall be subject to the full range of sanctions, administrative and judicial, prescribed by Chapter 16, Title 45.1 of the Code of Virginia, and these regulations.

9.13 Severability. If any provision of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other provision of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

SECTION 10.

OTHER GOVERNMENTAL AGENCIES AND LAWS

PART X.

OTHER GOVERNMENTAL AGENCIES AND LAWS.

10.01 § 10.1. Whenever the Commissioner deems it necessary or desirable, he may consult with, and seek the assistance of, local soil and water conservation districts, consulting agencies and any agencies of the State Commonwealth charged with environmental responsibilities.

10.02 § 10.2. Any permit issued hereunder shall not be construed to permit or condone violation of applicable laws and regulations of the Commonwealth and the federal government, especially those related to air and water pollution.

Proposed Regulations

DEPARTMENT OF MINES, MINERALS AND ENERGY
 - VR 480-03-16 FORMS



PAGE 1 OF 6



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINED LAND RECLAMATION
 MINERALS OTHER THAN COAL
 P. O. BOX 4489, LYNCHBURG, VA 24502-0499
 TELEPHONE: (804) 239-0602

APPLICATION FOR PERMIT TO SURFACE MINE
 FOR MINERALS OTHER THAN COAL

FOR OFFICE USE ONLY
Permit No. _____
Receipt No. _____

Chapter 16, Section 45.1-181. It shall be unlawful for any person or operator to engage in any mining operation in this state without having first obtained from the Director a permit to engage in such operation... Section 45.1-191. Any violation of any provision of this Act or of any order of the Director shall be a misdemeanor punishable by a maximum fine of one thousand dollars or a maximum of one year in jail, or both.

1. Business name and address of operator making application for permit: _____
 Date: _____

2. State whether applicant is:
 Corporation () ; Partnership () ; Joint Venture () ; Trust () ; Individual ()

3. Give the names and addresses of every officer, director, partner, joint venturer, or trustee, if any, together with all persons, if any and if known, owning of record or beneficially (alone or with associates), ten percent or more of any class of stock of the applicant.

Name	Title	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

4. If applicant is a corporation, give (a) state of incorporation and (b) name and address of registered agent:

(a) _____
 (b) _____

5. If known, state whether applicant or any subsidiary or affiliate or any partnership, association, trust or corporation controlled by or under common control with applicant, or any person identified by item 3 above, has ever had a mining permit of any type issued under the laws of this or any other state revoked, or has ever had a mining or other bond or security deposited in lieu of bond, forfeited: Yes () No () Unknown (). If yes, give brief statement of what action was taken, and which person was affected:

MOTC-074
 REV. 7/85

6. State whether any mining permits of any type are now held by applicant. Yes () No ()
 If yes, give type(s) and permit number(s) thereof: _____

7. Give name, title, and address of any person (such as general manager, site foreman, etc.) who is not listed in item 3 above and who is authorized by applicant to act on its behalf in matters dealing with the Division of Mined Land Reclamation: _____

If no such person is authorized, or if there are any limitations on this authority, so state: _____

8. Give the common name (and geologic title, if known) of the mineral, ore, or other solid matter to be extracted by applicant: _____

9. State city or county in which operation will be conducted (the exact location and boundaries of operation are to be shown on the maps which the applicant will attach hereto): _____

10. State total number of acres to be covered by the permit (acreage must be shown on map attached hereto): _____

11. Give reasonable estimate of the number of acres that would be disturbed by mining operations on the area to be covered by the permit during the next 12 months: _____

12. Give the name and address of the owner or owners of the surface of the land to be mined:
 Name _____
 Address _____

13. Give the name and address of the owner or owners of the mineral, ore, or other solid matter to be mined:
 Name _____
 Address _____

Proposed Regulations

I, _____, having been duly sworn, do state that all the representations contained in the foregoing application are true to the best of my knowledge; and that I am (an executive officer) (a general partner) (the sole proprietor) (a legal representative) of the applicant, duly authorized to make this application on its behalf.

On behalf of the applicant, I hereby authorize the Virginia Division of Mined Land Reclamation to conduct, without a warrant, such inspections as it may deem necessary or as may be required by law of the permit area covered by this application.

Title

Subscribed and sworn to, this _____ day of _____, 19 _____

Notary Public

My commission expires _____

(a) State the source of the applicant's legal right to enter and conduct operations on the land to be covered by the permit:

(b) If this source is in writing, give its date, the names of the parties who have signed it and provide a copy if possible.

(c) If this source is not in writing, give the names of the parties who made the agreement and the date of the agreement.

14. This application includes and is to be accompanied by the following material:

(a) Two copies of a map which meets the requirements of Section 45.1-181.

(b) Operations plan which meets the requirements of Section 45.1-182.1.

(c) Fee in the amount of twelve dollars per acre for every acre to be affected.

(d) Bond, cash, or collateral security as provided for in Section 45.1-183.

(e) Statement showing the names and addresses of the owners of property within one thousand feet of the property line as provided for in Section 45.1-184.1.

(f) Does the county require a land use or any special permit for minerals other than coal surface mining? Yes () No ()

If yes, please submit a copy of the permit or other evidence of the county's approval.

(g) Any other material that the Department may require.

State of _____

County/City of _____

Proposed Regulations

Bond Policy No. _____

BOND

KNOW ALL MEN BY THESE PRESENTS: That we _____
hereinafter called the Principal, and _____
hereinafter called the Surety, or Sureties, are held and firmly bound unto
the Commonwealth of Virginia, Department of Mines, Minerals and Energy, in
the sum of \$_____ for the payment thereof the Principal and
Surety, or Sureties bind themselves, their heirs, executors,
administrators, successors, and assigns, jointly and severally, firmly, by
these presents.

WHEREAS, the Principal proposes to commence surface mining for Minerals
Other Than Coal, to be known as _____
on the _____ lease, involving _____ acres to be
disturbed, in the Magisterial District of _____ County,
Virginia.

Now, therefore, the condition of this obligation is such that if
the Principal shall comply with the approved plan of operation,
including the reclamation plan as filed with said Department,
under said No. _____ and furnish such information and reports
thereon as may be required, in compliance with all the laws of
the Commonwealth of Virginia relating thereto, then this obligation
shall be null and void; otherwise it shall remain in full force
and effect until released by the Division of Mined Land Reclamation
in accordance with Chapter 16, Section 45.1 of the Code of Virginia
(1950) as amended.

Signed and Sealed this _____ day of _____ 19____
In the presence of:
(Name) _____ As to _____ (Seal)
(Address) _____
(Name) _____ As to _____ (Seal)
(Address) _____

Insurance Agency Name and Address Issuing Bond

Date Received _____
Signed _____
DEPT. OF MINES, MINERALS AND ENERGY
NOTC-075
Rev. 7/86

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINE AND RECLAMATION
MINERAL COM.
P. O. BOX 4499
LEXINGTON, VIRGINIA 24302
TELEPHONE (804) 259-5602



OPERATION/RECLAMATION PLAN

Permit No. _____
County _____
Mag. District _____
Bus. Frame () _____

1. Business Name and Address of Operator _____
Mine is located _____ of _____ town _____
_____ miles _____ direction _____ Public Road No. _____
2. Depth to be mined _____ Proposed depth of mine _____ Est. mining period _____

3. Will any underground workings be encountered?
Is there an active discharge from the proposed area of operation?
What is the pH of active discharge?
What is the pH of receiving stream - upstream? _____ Downstream? _____
4. Will natural drainways be interrupted during operation? Yes () ; No ()
Explain: _____
Explain handling of storm and seepage water during operation: _____

5. Surface Average: Agricultural _____ Wooded _____
Other _____ Fields _____
6. Describe in detail the procedures for mining and reclamation on this site as related to
concurrent and final handling of:
Drainage (yards require formal plan): _____

DEPARTMENT OF MINES, METALS AND ENERGY
 DIVISION OF MINE RECLAMATION
 PERMITS (OTHER THAN COAL SECTION)
 P. O. BOX 6499
 LYNCHBURG, VIRGINIA 24502-0499
 TELEPHONE (804) 238-0502



OPERATOR: _____ PERMIT NUMBER: _____
 COUNTY: _____

1. The following report is required by Title 45.1-185, Code of Virginia. This section requires that this information be provided by the operator within 10 days following the anniversary date of the issuance of any permit.

2. COMPLETE BELOW:

Has metal, lumber, and other debris been removed? Yes _____ No _____

3. ACRES REMOVED LAST 12 MONTHS:

	Amount	Date
A. Regraded	_____	_____
B. Vegetated	_____	_____
C. Approved by Supervisor during the past 12 months and eligible for release or otherwise released (SWIM USE AND IN 4 C BELOW)	_____	_____
D. Mottled	_____	_____
E. Lias	_____	_____
F. Tree Seedlings	_____	_____
G. Grasses/Legumes	_____	_____

4. Number of acres covered by this permit (DNR Records): _____

NET ACRES CALCULATION:

	Amount	Date
A. Acres under bond the previous year (DNR Records):	_____	_____
B. Additional acreage to be affected the next 12 months:	_____	_____
C. Acres regraded the past 12 months (increase has to be approved by Area Supervisor) or acres otherwise released:	_____	_____

TOTAL NET ACRES (A + B - C): _____

NET Surface Mining Operator _____

Date Submitted: _____, 19 _____

Seems to and submitted before on this _____ day of _____, 19 _____

By completion expires _____

WMD-07B

Rev. 6-85

Metal, lumber, debris (junk): _____

Spill or waste material: _____

Regrading and revegetation: _____

7. The operator hereby agrees to comply with this plan and to furnish such reports, maps, and information which are required. The operator also agrees to explain this plan in detail to all employees who will have a part in carrying out this plan. Plans for operations which require more technical detail are to be attached.

Signed _____
 Title _____
 Date _____
 (Operator)

This plan must be reviewed in detail with either an inspector in the field or authorized personnel at the Division of Mined Land Reclamation office in Lynchburg, Virginia.

Signed _____
 Date _____
 (Area Supervisor)

This plan is approved with the understanding that the Division of Mined Land Reclamation may require amendments or revisions at a later date after having the opportunity to examine the site and the plan in greater detail.

Signed _____
 Date _____
 (Division of Mined Land Reclamation)

Proposed Regulations

PAGE 6 OF 6

DEPARTMENT OF MINES, MINERALS AND ENERGY
 VR 400-00-16 FORMS

PAGE 5 OF 6

DEPARTMENT OF MINES, MINERALS AND ENERGY
 VA 400-00-16 FORMS



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES, MINERALS AND ENERGY
 DIVISION OF MINED LAND RECLAMATION
 MINERALS OTHER THAN COAL
 P.O. BOX 4499, LYNCHBURG, VA 24502-0499



REQUEST FOR AMENDMENT

COMPANY NAME: _____ PERMIT NUMBER: _____
 OPERATING OFFICIAL: _____ TITLE: _____
 AN AMENDMENT IS REQUESTED TO THIS PERMIT AS LISTED BELOW:

LIST OF ATTACHED ITEMS: _____

 INSPECTOR'S COMMENTS/RECOMMENDATIONS: _____

 OPERATOR'S SIGNATURE _____ INSPECTOR'S SIGNATURE _____
 DATE _____ DATE _____

OFFICE USE ONLY
 Send back for revisions and/or additions as indicated on attached letter.
 Date: _____
 AMENDMENT: APPROVED _____ DISAPPROVED _____
 SIGNATURE: _____ SIGNATURE: _____

ASSISTANT COMPLIANCE MANAGER _____ COMPLIANCE MANAGER _____

DMLR-029
 REV. 7/85

MOTC-029
 Rev. June '80

LEGEND

PERMIT NO. _____ MINE INDEX NO. _____ COUNTY _____ DATE _____
 COMPANY NAME _____ USGS QUAD _____
 MAP SCALE 1" = _____ MAP PREPARED BY _____
 COLOR CODE:
 RED NO. OF ACRES COVERED BY THIS PERMIT _____ ACS
 YELLOW NO. OF ACRES DISTURBED INCLUDING ACCESS RDS. _____ ACS
 BROWN EST. OF AREA TO BE DISTURBED NEXT 12 MOS. _____ ACS
 ORANGE NO. OF ACRES REGRADED LAST 12 MOS. _____ ACS
 GREEN NO. OF ACRES VEGETATED LAST 12 MOS. _____ ACS

Proposed Regulations

* * * * *

Title of Regulation: VR 480-03-19. Coal Surface Mining Reclamation Regulations.

Statutory Authority: § 45.1-230 of the Code of Virginia.

Public Hearing Date: January 7, 1987
(See Calendar of Events section for additional information)

Summary:

The proposed amendments constitute a new program for the mining of coal in areas where coal previously has been mined, and where such abandoned areas have existing pollutional discharges. This is to encourage the remining and reclamation of previously mined areas which might not otherwise have been reclaimed. Under these provisions, the department would be authorized to release the bond of a mine operator if the area is reclaimed and the water quality level before mining is maintained or improved, and if other environmental benefits result. The proposed amendments also would reduce the amount of time for releasing the performance bonds of mine operators who are participating in the Coal Surface Mining Reclamation Fund. The proposed amendments would limit the amount of information required of coal operators who desire to self-bond to only that information authorized by § 45.1-270.3 of the Code of Virginia.

§ 430-03-19.700.5. Remining areas with pollutional discharges - definitions.

As used throughout this chapter, the following terms have the specified meanings except where otherwise indicated:

"Abatement plan" means an individual technique or combination of techniques, the implementation of which is designed to result in reduction of the baseline pollution load. Abatement techniques include but are not limited to: addition of alkaline material, special plans for managing toxic and acid forming material, regrading, revegetation, and daylighting.

"Acid drainage" means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from an active, inactive, or abandoned surface coal mining and reclamation operation or from an area affected by surface coal mining and reclamation operations.

"Acid-forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water, or weathering processes, form acid that may create acid drainage or leachate.

"Act" means the Virginia Coal Surface Mining Control

and Reclamation Act of 1979 as amended (Chapter 19, Title 45.1 of the Code of Virginia).

"Actual improvement" means the reduction of the baseline pollution load resulting from the implementation of the approved abatement plan, except that a reduction of the baseline pollution load achieved by water treatment may not be considered as actual improvement.

"Adjacent area" means the area outside the permit area where a resource or resources, determined according to the context in which adjacent area is used, or reasonably could be expected to be adversely impacted by proposed mining operation, including probable impacts from underground workings.

"Administratively complete application" means an application for permit approval or approval for coal exploration where required, which the division determines to contain information addressing each application requirement of the regulatory program and to contain all information necessary to initiate processing and public review.

"Adverse physical impact" means, with respect to a highwall created or impacted by remining, conditions such as sloughing of material, subsidence, instability, or increased erosion of highwalls, which occur or can reasonably be expected to occur as a result of remining and which pose threats to property, public health, safety, or the environment.

"Affected area" means any land or water surface area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands, the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings. The affected area shall include every road used for purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road is a public road.

"Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

Proposed Regulations

"Anthracite" means coal classified as anthracite in ASTM Standard D 388-77. Coal classifications are published by the American Society of Testing and Materials under the title, "Standard Specification for Classification of Coals by Rank", ASTM D 388-77, on pages 220 through 224. Table 1 which classifies the coals by rank is presented on page 223. This publication is hereby incorporated by reference.

"Applicant" means any person seeking a permit, permit revision, renewal, and transfer, assignment, or sale of permit rights from the division to conduct surface coal mining and reclamation operations or, where required, seeking approval for coal exploration.

"Application" means the documents and other information filed with the division under this chapter for the issuance of permits; revisions; renewals; and transfer, assignment, or sale of permit rights for surface coal mining and reclamation operations or, where required, for coal exploration.

"Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined areas so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles and coal refuse piles eliminated. Permanent water impoundments may be permitted where the division has determined that they comply with §§ 480-03-19.816.49, 480-03-19.816.56, and 480-03-19.816.133 or 480-03-19.817.49, 480-03-19.817.56, and 480-03-19.817.133.

"Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for a specific use.

"Auger mining" means a method of mining coal at a cliff or highwall by drilling or cutting holes into an exposed coal seam from the highwall and transporting the coal along the auger bit to the surface.

"Authorized officer" means any person authorized to take official action on behalf of a federal agency that has administrative jurisdiction over federal lands.

"Baseline pollution load" means the characterization of the pollution material being discharged from or on the pollution abatement area, described in terms of mass discharge for each parameter, including seasonal variations and variations in response to precipitation events. The division will establish in each authorization the specific parameters it deems relevant for the baseline pollution load.

"Best professional judgment" means the highest quality technical opinion forming the basis for the terms and conditions of the treatment level required after consideration of all reasonably available and pertinent

data. The treatment levels shall be established by the division under §§ 301 and 402 of the Federal Water Pollution Control Act (33 U.S.C. §§ 1311 and 1342).

"Best technology" means measures and practices which are designed to abate or ameliorate to the maximum extent possible pollutional discharges from or on the pollution abatement area. These measures include engineering, geochemical or other applicable practices.

"Best technology currently available" means equipment, devices, systems, methods, or techniques which will:

(a) Prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contribution of suspended solids in excess of requirements set by the applicable state or federal laws;

(b) Minimize to the extent possible, disturbances, and adverse impacts on fish, wildlife, and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, terms, methods, or techniques which are currently available anywhere as determined by the division even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with parts 480-03-19.816 and 480-03-19.817. Within the constraints of the permanent program, the division shall have the discretion to determine the best technology currently available on a case-by-case basis, as authorized by the Act and this chapter.

"Cemetery" means any area of land where human bodies are interred.

"Certification" when used in regards to construction certifications by qualified registered professional engineers, is not considered to be a warranty or guarantee.

"Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-77, referred to and incorporated by reference in the definition of "anthracite."

"Coal exploration" means the field gathering of: (a) surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or (b) the gathering of environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of this chapter.

"Coal lease" means a federal coal lease or license issued by the Bureau of Land Management pursuant to the Mineral Leasing Act and the Federal Acquired Lands Leasing Act of 1947 (30 U.S.C. 351 et seq.).

Proposed Regulations

"*Coal mine waste*" means coal processing waste and underground development waste.

"*Coal mining operation*" means, for the purposes of part 480-03-19.705 - Financial Interests of State Employees, the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the areas upon which such activities occur.

"*Coal preparation*" or "*coal processing*" means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

"*Coal preparation plant*" means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. It includes facilities associated with coal preparation activities, including but not limited to the following: loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water-treatment and water storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas.

"*Coal processing waste*" means earth materials which are separated and wasted from the product coal during cleaning, concentrating, or other processing or preparation of coal.

"*Cognovit note*" means an extraordinary note which authorizes an attorney to confess judgement against the person or persons signing it. It is written authority of a debtor and a direction by him for entry of a judgement against him if the obligation set forth in the note is not paid when due. Such judgement may be taken by any person holding the note, which cuts off every defense which maker(s) of the note may otherwise have and it likewise cuts off all rights of appeal from any judgement taken on it. The note shall, at a minimum:

- (a) Contain the date of execution;
- (b) Be payable to the "Treasurer of Virginia;"
- (c) Be due and payable in the event of bond forfeiture of the permit;
- (d) Be payable in a sum certain of money;
- (e) Be signed by the maker(s).

"*Collateral bond*" means an indemnity agreement in a sum certain executed by the permittee and deposited with the division supported by one or more of the following:

- (a) The deposit of cash in one or more federally-insured accounts, payable only to the division upon demand;
- (b) Negotiable bonds of the United States, the Commonwealth of Virginia, or a political subdivision

thereof, endorsed to the order of, and placed in the possession of the division; the bond will only be acceptable if the issue is rated "A" or better by Moody's Investor Service, Inc. or Standard and Poor's Inc.;

(c) Certificates of deposit issued by Virginia banks payable only to the division and place in its possession. No security in default as to principal or interest shall be acceptable as collateral.

"*Combustible material*" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

"*Community or institutional building*" means any structure, other than a public building or an occupied dwelling, which is used primarily for meetings, gatherings or functions of local civic organizations or other community groups; functions as an educational, cultural, historic, religious, scientific, correctional, mental health or physical health care facility; or is used for public services, including, but not limited to, water supply, power general or sewage treatment.

"*Compaction*" means increasing the density of a material by reducing the voids between the particles and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

"*Complete and accurate application*" means an application for permit approval or approval for coal exploration where required which the division determines to contain all information required under the Act and this chapter.

"*Contamination*" means, in reference to ground water or surface water supplies receiving ground water, any impairment of water quality which makes the water unsuitable for a specific use.

"*Cooperative agreement*" means a cooperative agreement entered into in accordance with § 523(c) of the Federal Act and 30 CFR Part 745.

"*Cumulative impact area*" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and ground water systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of: (a) the proposed operation, (b) all existing operations, (c) any operation for which a permit application has been submitted to the division, and (d) all operations required to meet diligent development requirements for leased federal coal for which there is actual mine development information available.

"*Department*" means the Department of Mines,

Proposed Regulations

Minerals and Energy (DMME) of Virginia.

"Director" means the director of the Department of Mines, Minerals, and Energy or his representative.

"Diminution" means in reference to ground or surface water supplies receiving ground water, any impairment of water quantity which makes the water unsuitable for a specific use.

"Direct financial interest" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property and other financial relationships.

"Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by Subchapter VJ is released.

"Diversion" means a channel, embankment, or other manmade structure constructed to divert water from one area to another.

"Division" means the Division of Mined Land Reclamation of the Department of Mines, Minerals and Energy.

"Downslope" means the land surface between the projected outcrop of the lowest coal bed being mined along each highwall and a valley floor.

"Embankment" means an artificial deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

"Employee" means (a) any person employed by the department or other state or local government agency who performs any function or duty under the Act, and (b) consultants who perform any function or duty under the Act, if they perform decision-making functions for the department under the authority of the Act or regulations promulgated under the Act.

"Ephemeral stream" means a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and which has a channel bottom that is always above the local water table.

"Escrow account" means an account in a federally-insured financial institution.

"Excess spoil" means spoil material disposed of in a location other than the mined-out areas; provided that spoil material used to achieve the approximate original contour or to blend the mined-out areas with the surrounding terrain in accordance with §§ 480-03-19.816.102(d) and 480-03-19.817.102(d) in nonsteep slope areas shall not be considered excess spoil.

"Existing structure" means a structure or facility used in connection with or to facilitate surface coal mining and reclamation operations for which construction begins prior to the approval of the state program or a federal land program, whichever occurs first.

"Extraction of coal as an incidental part" means for the purposes of part 480-03-19.707, the extraction of coal which is necessary to enable the construction to be accomplished. For purposes of part 480-03-19.707, only that coal extracted from within the right-of-way, in the case of a road, railroad, utility line or other such construction, or within the boundaries of the area directly affected by other types of government-financed construction, may be considered incidental to that construction. Extraction of coal outside the right-of-way or boundary of the area directly affected by the construction shall be subject to the requirements of the Act and this chapter.

"Federal Act" means the Federal Surface Mining Control and Reclamation Act of 1977, as amended (P.L. 95-87).

"Federal land management agency" means a federal agency having administrative jurisdiction over the surface of federal lands that are subject to this chapter.

"Federal lands" means any land, including mineral interests owned by the United States, without regard to how the United States acquired ownership of the lands or which agency manages the lands. It does not include Indian lands.

"Federal lands program" means a program established by the Secretary pursuant to § 523 of the federal act to regulate surface coal mining and reclamation operations on federal lands.

"Federal lease bond" means the bond or equivalent security required by 43 CFR part 3400 to assure compliance with the terms and conditions of a federal coal lease.

"Federal lessee protection bond" means a bond payable to the United States or the state, whichever is applicable, for use and benefit of a permittee or lessee of the surface lands to secure payment of any damages to crops or tangible improvements on federal lands, pursuant to § 715 of the federal act.

"Federal program" means a program established by the Secretary pursuant to § 504 of the federal act to regulate coal exploration and surface coal mining and reclamation operations on nonfederal and non-Indian lands within the

Proposed Regulations

state in accordance with the federal act and 30 CFR Chapter VII.

"First water producing zone" means the first water zone encountered which can be monitored in a manner which indicates the effects of a surface mining operation on usable ground water.

"Fragile lands" means geographic areas containing natural, ecologic, scientific or aesthetic resources that could be damaged beyond a permittee's ability to repair or restore, or be destroyed by surface coal mining operations. Examples of fragile lands include valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, National Natural Landmark sites, areas where mining may result in flooding, environmental corridors containing a concentration of ecologic and aesthetic features, areas of recreational value due to high environmental quality, and buffer zones adjacent to the boundaries of areas where surface coal mining operations are prohibited under § 45.1-252 of the Act and part 480-03-19.761, if those areas have characteristics requiring additional areas for protection or if the buffer zone itself contains fragile resources.

"Fugitive dust" means that particulate matter which becomes airborne due to the forces of wind or surface coal mining and reclamation operations or both. During surface coal mining and reclamation operations it may include emissions from haul roads; wind erosion of exposed surfaces, storage piles, and spoil piles; reclamation operations; and other activities in which material is either removed, stored, transported, or redistributed. Fugitive dust does not include particulate matter emitted from a duct or stack.

"Fund" as used in Subchapter VR means Abandoned Mine Reclamation Fund established pursuant to § 45.1-261 of the Act.

"General area" means, with respect to hydrology, the topographic and ground water basin surrounding a permit areas and adjacent areas to include one or more watersheds containing perennial streams or ground water zones which possess useable or managed zones or flows, to allow an assessment of the probable cumulative impacts on the hydrologic regime.

"Government-financed construction" means construction funded 50% or more by funds appropriated from a government financing agency's budget or obtained from general revenue bonds, but shall not mean government financing which possess guarantees, insurance, loans, funds obtained through industrial revenue bonds or their equivalent, or in-kind payments.

"Government financing agency" means any federal, state, regional, county, city or town unit of government, or a department, bureau, agency or office of a governmental unit or any combination of two or more governmental

units or agencies, which directly or through another unit of government, finances construction.

"Gravity discharge" means, with respect to underground coal mining activities, mine drainage that flows freely in an open channel downgradient. Mine drainage that occurs as a result of flooding a mine to the level of the discharge is not gravity discharge.

"Ground cover" means the area of ground covered by the combined aerial parts of vegetation and the litter that is produced naturally onsite, expressed as a percentage of the total area of ground.

"Growing season" means the period of year when climatic conditions are favorable for plant growth, common to a place or area. The period between April 15 and October 15 is the normal growing season.

"Half-shrub" means a perennial plant with a woody base whose annually produced stems die back each year.

"Head-of-hollow fill" means a fill structure consisting of any material, except organic material, placed in the uppermost reaches of a hollow where side slopes of the existing hollow, measured at the steepest point, are greater than 20 degrees or the average slope of the profile of the hollow from the tow of the fill to the top of the fill is greater than 10 degrees. In head-of-hollow fills, the top surface of the fill, when completed, is at approximately the same elevation as the adjacent ridge line, and no significant area of natural drainage occurs above the fill, draining into the fill area.

"Higher or better uses" means postmining land uses that have a higher value or benefit, either economic or noneconomic, to the landowner or the community than the premining land uses.

"Highwall" means the face of exposed overburden and coal in an open cut of a surface coal mining activity or for entry to underground mining activities.

"Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

"Historic lands" means historic, cultural, and scientific areas that could be damaged beyond a permittee's ability to repair or restore, or be destroyed by surface coal mining operations. Examples of historic lands include archaeological and paleontological sites, sites listed on a state or national Register of Historic Places, National Historic Landmark sites, sites having religious or cultural significance to native Americans or religious groups, and sites for which historic designation is pending.

"Historically used for cropland" means (1) lands that have been used for cropland for any 5 years or more out of the 10 years immediately preceding the acquisition, including purchase, lease, or option, or the land for the

Proposed Regulations

purpose of conducting or allowing through resale, lease, or option the conduct of surface coal mining and reclamation operations; (2) lands that the division determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration, that the permit area is clearly cropland but falls outside the specific 5-years-in-10 criterion, in which case the regulations for prime farmland may be applied to include more years of cropland history only to increase the prime farmland acreage to be preserved; or (3) lands that would likely have been used as cropland for any 5 out of the last 10 years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

"Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of the Act in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement.

"Impounding structure" means a dam, embankment or other structure used to impound water, slurry, or other liquid or semi-liquid material.

"Impoundments" means all water, sediment, slurry or other liquid or semi-liquid holding structure and depressions, either naturally formed or artificially built.

"In situ processes" means activities conducted on the surface or underground in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

"Indemnity agreement" means an agreement between

two persons in which one person agrees to pay the other person for a loss or damage. The persons involved can be individual people, or groups of people, or legal organizations, such as partnerships, corporations or government agencies, or any combination of these.

"Indirect financial interest" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by the employee's spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's functions or duties and the coal mining operation in which the spouse, minor children or other resident relatives hold a financial interest.

"Intermittent stream" means (a) a stream or section of a stream that drains a watershed of at least one square mile, or (b) a stream or section of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

"Irreparable damage to the environment" means any damage to the environment, in violation of the Act, or this chapter, that cannot be corrected by the permittee.

"Land use" means specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal use occur and may include land used for support facilities that are an integral part of the use. Changes of land use from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Division.

(a) *"Cropland"*. Land used for production of crops which can be grown for harvest alone or in a rotation with grasses and legumes, that include row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar crops.

(b) *"Pastureland" or land occasionally cut for hay*. Land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by livestock or occasionally cut and cured for livestock feed.

(c) *"Grazingland"*. Lands used for grasslands and forest lands where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production.

(d) *"Forestry"*. Land used or managed for long-term production of wood, wood fiber, or wood derived products.

(e) *"Residential"*. Land used for single or multiple family housing, mobil home parks, or other residential lodgings.

(f) *"Industrial/Commercial."* Land used for:

Proposed Regulations

(1) Extraction or transformation of materials for fabrication of products, wholesaling of products, or long-term storage of products. This includes all heavy and light manufacturing facilities.

(2) Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

(g) "*Recreation*". Land used for public or private leisure-time activities, including developed recreation facilities such as parks, camps, amusement areas, as well as undeveloped areas for recreation such as hiking and canoeing.

(h) "*Fish and wildlife habitat*". Land dedicated wholly or partially to the production, protection, or management of species of fish or wildlife.

(i) "*Developed water resources*". Land used for storing water for beneficial uses, such as stockponds, irrigation, fire protection, flood control, and water supply.

(j) "*Undeveloped land or no current use or land management*". Land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession.

"*Leachate*" means water percolating from a surface coal mining operation which contains dissolved and suspended matter.

"*Lease terms, conditions and stipulations*" means all of the standard provisions of a federal coal lease, including provisions relating to lease duration, fees, rentals, royalties, lease bond, production and recordkeeping requirements, and lessee rights of assignment, extension, renewals, termination and expiration, and site-specific requirements included in federal coal leases in addition to other terms and conditions which relate to protection of the environment and of human, natural and mineral resources.

"*Leased federal coal*" means coal leased by the United States pursuant to 43 CFR part 3400, except mineral interests in coal on Indian lands.

"*MSHA*" means the United States Mines Safety and Health Administration.

"*Mineral Leasing Act*" or *MLA* means the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181, et seq.

"*Mining plan*" means the plan, for mining leased federal coal, required by the Mineral Leasing Act.

"*Mining supervisor*" means the area mining supervisor, Conservation Division, U.S. Geological Survey, or district mining supervisor or other subordinate acting under their direction.

"*Moist bulk density*" means the weight of soil (oven dry) per unit volume. Volume is measured when the soil is at field moisture capacity (1/3 bar moisture tension). Weight is determined after drying the soil at 105 degrees Centigrade.

"*Mulch*" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, and provide micro-climatic conditions suitable for germination and growth.

"*Natural hazard lands*" means geographic areas in which natural conditions exist which pose or as a result of surface coal mining operations, may pose a threat to the health, safety or welfare of people, property or the environment, including areas subject to landslides, caveins, severe wind or soil erosion, frequent flooding, and areas of unstable geology.

"*Net worth*" means total assets less total liabilities. Total liabilities include, but are not limited to, funds pledged or otherwise obligated to the Commonwealth of Virginia, or to any other person at any time during the permit term. Total liabilities also include, but are not limited to, contingent liabilities that might materially affect the Commonwealth's ability to collect the amount of bond required in the event of bond forfeiture.

"*Noxious plants*" means living plants which are declared to be noxious weeds or noxious plants pursuant to the Virginia Noxious Weed Law, Chapter 17.2, Title 3.1 of the Code of Virginia.

"*Occupied dwelling*" means any building that is currently being used on a regular or temporary basis for human habitation.

"*Office*" or "*OSM*" means the Office of Surface Mining Reclamation and Enforcement established under Title II of the federal act.

"*Operator*" means permittee.

"*Other treatment facilities*" means any facilities for chemical treatments, such as flocculation, or mechanical structures, such as clarifiers, that have a point source discharge and that are utilized to prevent additional contribution of suspended solids to streamflow or runoff outside the permit area.

"*Outslope*" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

"*Overburden*" means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

"*Perennial stream*" means a stream or part of a stream that flows continuously during all of the calendar year as a result of ground-water discharge or surface runoff. The term does not include "intermittent stream" or "ephemeral

Proposed Regulations

stream”.

“Performance bond” means a surety bond, collateral bond, or a combination thereof, by which a permittee assures faithful performance of all the requirements of the Act, this chapter, and the requirements of the permit and reclamation plan.

“Performing any function or duty under this Act” means a decision or action, which if performed or not performed by an employee, affects the programs under the Act.

“Permanent diversion” means a diversion which is approved by the division and, if required, by other state and federal agencies for retention as part of the postmining land use.

“Permanent impoundment” means an impoundment which is approved by the division, and if required, by other state and federal agencies for retention as part of the postmining land use.

“Permit” means a permit to conduct surface coal mining and reclamation operations issued by the division pursuant to the Act and this chapter or by the Secretary pursuant to a federal program. For the purposes of the federal lands program, permit means a permit issued by the division under a cooperative agreement or by the OSM where there is no cooperative agreement.

“Permit application package” means a proposal to conduct surface coal mining and reclamation operation on federal lands, including an application for a permit, permit revision or permit renewal, all the information required by the federal act, 30 CFR Subchapter D, the Act and this chapter, any applicable cooperative agreement and all other applicable laws and regulations including, with respect to leased federal coal, the Mineral Leasing Act and its implementing regulations.

“Permit area” means the area of land indicated on the approved map submitted by the permittee with his application, required to be covered by the permittee's performance bond under Subchapter VJ and which shall include the area of land upon which the permittee proposes to conduct surface coal mining and reclamation operations under the permit. The permit area shall include all disturbed areas except that areas adequately bonded under another permit issued pursuant to this chapter may be excluded from the permit area.

“Permittee” means a person holding or required by the Act or this chapter to hold a permit to conduct coal exploration (more than 250 tons) or surface coal mining and reclamation operations issued (a) by the division, (b) by the director of the OSM pursuant to a federal lands program, or, (c) by the OSM and division, where a cooperative agreement pursuant to § 45.1-230B of the Act has been executed.

“Person” means an individual, Indian tribe when

conducting surface coal mining and reclamation operations on non-Indian lands, partnership, association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other business organization and any agent, unit, or instrumentality of federal, state or local government including any publicly owned utility or publicly owned corporation of federal, state or local government.

“Person having an interest which is or may be adversely affected” or *“person with a valid legal interest”* shall include any person:

(a) Who uses any resources of economic, recreational, aesthetic, or environmental value that is, or may be, in fact adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the division; or

(b) Whose property is, or may be, in fact adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the division.

The term “adversely affected” is further defined as meaning perceptibly harmed. “Aesthetics” means the consideration of that which is widely regarded to be a visible beautiful element of a community or area.

“Piezometer” means a vertical pipe that is established in material, which is closed at the bottom, perforated from the upper limits of the material to the lower limits of the material, and which permits static water level measurements and water sampling.

“Pollution abatement area” means the part of the permit area which is causing or contributing to the baseline pollution load, which shall include adjacent and nearby areas that must be affected to bring about significant improvement of the baseline pollution load, and which may include the immediate location of the discharges.

“Pool bond fund” means the Coal Surface Mining Reclamation Fund established pursuant to § 45.1-270.1 of the Act.

“Precipitation event” means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. “Precipitation event” also includes that quantity of water coming from snow cover as snow melt in a limited period of time.

“Previously mined area” means land disturbed or affected by coal mining operations prior to the effective date of the federal act for that land that was not reclaimed in accordance with the requirements of this chapter.

“Prime farmland” means those lands which are defined

Proposed Regulations

by the Secretary of Agriculture in 7 CFR 657 (Federal Register Vol. 4, No.21) and which have historically been used for cropland.

"Principal shareholder" means any person who is the record or beneficial owner of 10% or more of any class of voting stock in a corporation.

"Professional geologist" means a person who is certified pursuant to Chapter 30, § 54-9645 of Title 54 of the Code of Virginia.

"Prohibited financial interest" means any direct or indirect financial interest in any coal mining operation.

"Property to be mined" means both the surface property and mineral property within the permit area and the area covered by underground workings.

"Public building" means any structure that is owned or leased, and principally used by a governmental agency for public business or meetings.

"Public office" means a facility under the direction and control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

"Public park" means an area or portion of an area dedicated or designated by any federal, state, or local agency primarily for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved, or held open to the public because of that use.

"Public road" means a road (a) which has been designated as a public road pursuant to the laws of the jurisdiction in which it is located; (b) which is maintained with public funds, and is constructed in a manner similar to other public roads of the same classification within the jurisdiction; and (c) for which there is substantial (more than incidental) public use.

"Publicly-owned park" means a public park that is owned by a federal, state or local governmental entity.

"Qualified laboratory" means a designated public agency, private firm, institution, or analytical laboratory which can prepare the required determination of probable hydrologic consequences or statement of results of test borings or core samplings under the Small Operator Assistance Program and which meets the standards of § 480-03-10.795.10.

"Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

"Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

"Reclamation" means those actions taken to restore mined land as required by this chapter to a postmining land use approved by the division.

"Recurrence interval" means the interval of time in which a precipitation event is expected to occur once, on the average. For example, the 10-year, 24-hour precipitation event would be that 24-hour precipitation event expected to occur on the average once in 10 years.

"Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetation ground cover, productivity and plant species diversity that are produced naturally or by crop production methods approved by the division. Reference areas must be representative of geology, soil, slope, and vegetation in the permit area.

"Refuse pile" means a surface deposit of coal mine waste that does not impound water, slurry, or other liquid or semi-liquid material.

"Regulatory program" means the Virginia Coal Surface Mining Control and Reclamation program (Chapter 19) and rules and regulations approved by the Secretary.

"Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

"Renewable resource lands" means areas which contribute significantly to the long-range productivity of water supply or of food or fiber products, such lands to include aquifers and aquifer recharge areas.

"Road" means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or surface coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches and surface. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or within the affected area of surface coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road construction procedure or roads within the immediate mining pit area, excess spoil fills, or coal processing waste disposal areas.

"Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces, as determined by accepted engineering practices.

Proposed Regulations

"Secretary" means the Secretary of the Interior or the Secretary's representative.

"Sedimentation pond" means an impoundment used to remove solids or other pollutants from water in order to meet water quality standards or effluent limitations before the water leaves the permit area.

"Self-bond" as provided by part 480-03-9.801 means (a) for an underground mining operation, a cognovit note in a sum certain payable on demand to the Treasurer of Virginia, executed by the applicant and by each individual and business organization capable of influencing or controlling the investment or financial practices of the applicant by virtue of this authority as an officer or ownership of all or significant part of the applicant, and supported by a certification that the applicant participating in the Pool Bond Fund has a net worth, total assets minus total liabilities equivalent to \$1 million. Such certification shall be by an independent certified public accountant in the form of an unqualified opinion.

(b) For a surface mining operation or associated facility, an indemnity agreement in a sum certain payable on demand to the Treasurer of Virginia, executed by the applicant and by each individual and business organization capable of influencing or controlling the investment or financial practices of the applicant by virtue of this authority as an officer or ownership of all or a significant part of the applicant.

"Significant forest cover" means an existing plant community consisting predominantly of trees and other woody vegetation.

"Significant, imminent environmental harm to land, air, or water resources" means:

(a) An environmental harm is an adverse impact on land, air, or water resources which resources include, but are not limited to, plants and animal life.

(b) An environmental harm is imminent, if a condition, practice, or violation exists which:

(1) is causing such harm; or,

(2) may reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set under § 45.1-245B of the Act.

(c) An environmental harm is significant if that harm is appreciable and not immediately repairable.

"Significant recreational, timber, economic, or other values incompatible with surface coal mining operations" means those values to be evaluated for their significance which could be damaged by, and are not capable of existing together with, surface coal mining operations because of the undesirable effects mining would have on those values, either on the area included in the permit

application or on other affected areas. Those values to be evaluated for their importance include:

(a) Recreation, including hiking, boating, camping, skiing or other related outdoor activities;

(b) Timber management and silviculture;

(c) Agriculture, aquaculture or production of other natural, processed or manufactured products which enter commerce;

(d) Scenic, historic, archaeological, esthetic, fish, wildlife, plants or cultural interest.

"Siltation structure" means a sedimentation pond, a series of sedimentation ponds, or other treatment facility.

"Slope" means average inclination of a surface, measured from its horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v:5h). It may also be expressed as a percent or in degrees.

"Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four master soil horizons are:

(a) **"A horizon"**. The uppermost mineral layer, often called the surface soil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest;

(b) **"E horizon"**. The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from an underlying B horizon in the same sequence by color of higher values or lower chroma, by coarser texture, or by a combination of these properties;

(c) **"B horizon"**. The layer that typically is immediately beneath the E horizon and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons; and

(d) **"C horizon"**. The deepest layer of the soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

"Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets such soils for use. Soil surveys must meet the standards of the National Cooperative Soil Survey as incorporated by reference in § 480-03-9.785.17(c)(1).

Proposed Regulations

"Spoil" means overburden that has been removed during surface coal mining operations.

"Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

"Steep slope" means any slope of more than 20 degrees or such lesser slope as may be designated by the division after consideration of soil, climate, and other characteristics of a region or the state.

"Substantial legal and financial commitments in a surface coal mining operation" means significant investments, prior to January 4, 1977, have been made on the basis of a long-term coal contract in power plants, railroads, coal-handling, preparation, extraction or storage facilities and other capital-intensive activities. An example would be an existing mine, not actually producing coal, but in substantial stage of development prior to production. Costs of acquiring the coal in place or the right to mine it without an existing mine, as described in the above example, alone are not sufficient to constitute substantial legal and financial commitments.

"Substantially disturb" means, for purposes of coal exploration, to significantly impact land or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste material on the natural land surface or by other such activities; or to remove more than 250 tons of coal.

"Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those rights.

"Support facilities" means those facilities resulting from, or incident to, an activity identified in paragraph (a) of the definition of "surface coal mining operations" in this section and the areas upon which such facilities are located. Support facilities may consist of, but need not be limited to, the following facilities: mine buildings; bath houses; coal loading facilities; coal crushing and sizing facilities; coal storage facilities; equipment and storage facilities; fan buildings; hoist buildings; sheds, shops, and other buildings; facilities used to treat and store water for mine consumption; and railroads, surface conveyors systems, chutes, aerial tramways, or other transportation facilities, but not including roads.

"Surface coal mining and reclamation operations" means surface coal mining operations and all activities necessary or incidental to the reclamation of such operations. This term includes the term "surface coal mining operation".

"Surface coal mining operations" means:

(a) Activities conducted on the surface of lands in

connection with a surface coal mine or, subject to the requirements of § 45.1-243 of the Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining; the use of explosives and blasting; in situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine site. Provided, these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed 16 2/3% of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to § 45.1-233 of the Act; and, provided further, that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

(b) The areas upon which the activities described in paragraph (a) of this definition occur or where such activities disturb the natural land surface. These areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

"Surface coal mining operations which exist on the date of enactment" means all surface coal mining operations which were being conducted on August 3, 1977.

"Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

"Surface operations and impacts incident to an underground coal mine" means all activities involved in or related to underground coal mining which are either conducted on the surface of the land, produce changes in the land surface or disturb the surface, air or waste resources of the area, including all activities listed in § 45.1-229(L) of the Act.

"Surety bond" means an indemnity agreement in a sum certain payable to the Commonwealth of Virginia, Commissioner - Division of Mined Land Reclamation, executed by the permittee as principal and which is

Proposed Regulations

supported by the performance guarantee of a corporation licensed to do business as a surety in Virginia.

"Suspended solids" or nonfilterable residue, expressed as milligrams per liter, means organic or inorganic materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR 136).

"Temporary diversion" means a diversion of stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and not approved by the division to remain after reclamation as part of the approved postmining land use.

"Temporary impoundment" means an impoundment used during surface coal mining and reclamation operations, but not approved by the division to remain as part of the approved postmining land use.

"Ton" means 2,000 pounds avoirdupois (.90718 metric ton).

"Topsoil" means the A and E soil horizon layers of the four master soil horizons.

"Toxic-forming materials" means earth materials, or wastes which, is acted upon by air, water, weathering or microbiological processes, are likely to produce chemical or physical conditions in soils or water that are detrimental to biota or uses of water.

"Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action or physical effects is likely to kill, injure, or impair plant and animal life commonly present in the area that might be exposed to it.

"Transfer, assignment, or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit issued by the division.

"Underground development waste" means waste-rock mixtures of coal, shale, claystone, siltstone, sandstone, limestone, or related materials that are excavated, moved, and disposed of from underground workings in connection with underground mining activities.

"Underground mining activities" means a combination of:

(a) Surface operations incident to underground extraction of coal or in situ processing, such as construction, use, maintenance, and reclamation of roads above-ground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities including hoist and ventilating ducts, areas

utilized for the disposal and storage of wastes, and areas on which materials incident to underground mining operations are placed; and

(b) Underground operations such as underground construction, operations, and reclamation of shafts, adits, underground support facilities, in situ processing and underground mining, hauling, storage, and blasting.

"Unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of the Act, or this chapter due to indifference, lack of diligence, or lack of reasonable care, or failure to abate any violation of such permit, the Act, or this chapter due to indifference, lack of diligence, or lack of reasonable care.

"Usable ground water" or *"ground water in use"* means all ground water which is reasonably able to be used.

"Valley fill" means a fill structure consisting of any materials, other than organic material, that is placed in a valley where side slopes of the existing valley, measured at the steepest point, are greater than 20 degrees, or where the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than 10 degrees.

"Valid existing rights" means:

(a) Except for haulroads, that a person possesses a valid existing right for an area protected under § 45.1-252(D) of the Act on August 3, 1977, if the application of any of the prohibitions contained in that section to the property interest that existed on that date would effect a taking of the person's property which would entitle the person to compensation under the Fifth and Fourteenth Amendments to the United States Constitution;

(b) For haulroads,

(1) a recorded right-of-way, recorded easement or a permit for a coal haulroad recorded as of August 3, 1977, or

(2) any other road in existence as of August 3, 1977;

(c) A person possesses valid existing rights if the person proposing to conduct surface coal mining operations can demonstrate that the coal is both needed for, and immediately adjacent to, an ongoing surface coal mining operation which existed on August 3, 1977. A determination that coal is "needed for" will be based upon a finding that the extension of mining is essential to make the surface coal mining operation as a whole economically viable;

(d) Where an area comes under the protection of § 45.1-252(D) of the Act after August 3, 1977, valid existing rights shall be found if:

(1) on the date the protection comes into existence, a

Proposed Regulations

validly authorized surface coal mining operation exists on that area; or

(2) the prohibition caused by § 45.1-252(D) of the Act, if applied to the property interest that exists on the date the protection comes into existence, would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution.

(e) Interpretation of the terms of the document relied upon to establish the rights to which the standard of paragraphs (a) and (d) of this definition applies shall be based either upon applicable Virginia statutory or case law concerning interpretations of documents conveying mineral rights or, where no applicable state law exists, upon the usage and custom at the time and place it came into existence.

"Violation notice" means any written notification from a governmental entity of a violation of law, whether by letter, memorandum, legal or administrative pleading, or other written communication.

"Water table" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

"Willful violation" means an act or omission which violates the Act, this chapter, or any permit condition required by the Act, or this chapter, committed by a person who intends the result which actually occurs.

§ 480-03-19.785.19. Remaining areas with pollution Discharges.

(a) Scope. (1) This section specifies procedures and rules applicable to those who seek authorization to conduct surface coal mining activities on certain areas which have been previously affected by mining activities and where there exists continuing water pollution. Receipt of the authorization entitles a permittee to later request bond release for areas which continue to discharge polluttional material.

(2) All provisions of this subchapter apply to authorizations to mine areas with preexisting polluttional discharges except as specifically modified by this section.

(b) Applicability. No authorization may be granted under this section unless the authorization is part of:

(i) A permit issued after the effective date of this section, or

(ii) A permit revision under § 480-03-19.774.13, but only if the applicant affirmatively demonstrates to the satisfaction of the division that:

(i) The applicant has not caused or contributed to the polluttional discharges, and

(ii) The applicant has not disturbed the proposed pollution abatement area by surface mining activities.

(c) Application for authorization.

(1) An applicant who requests authorization under this section shall, in addition to the general permit application requirements of this subchapter:

(i) Delineate on a map the proposed pollution abatement area, including the location of the preexisting discharges.

(ii) Provide a description of the hydrologic balance for the proposed pollution abatement area that includes:

(A) Results of a detailed water quality and quantity monitoring program, including seasonal variations, variations in response to precipitation events, and baseline pollution loads using this monitoring program.

(B) Monitoring for pH, alkalinity, acidity, total iron, total manganese, sulfates, total suspended solids, and other water quality parameters the division deems relevant.

(iii) Provide a description of the abatement plan that represents best technology and includes:

(A) Plans, cross-sections, and schematic drawings describing the abatement plan proposed to be implemented.

(B) A description and explanation of the range of abatement level that probably can be achieved, costs, and each step in the proposed abatement plan.

(2) An applicant seeking this authorization shall continue the water quality and quantity monitoring program required by subsection (c)(1) after making the authorization request. The applicant shall submit the results of the continuing monitoring program to the division monthly until a decision on the authorization request is made.

(d) Approval or denial. (1) No authorization may be granted under this section unless the applicant affirmatively demonstrates to the satisfaction of the division on the basis of information set forth in the application that:

(i) The proposed abatement plan represents best technology.

(ii) The surface mining operation on the proposed pollution abatement area will not cause additional surface water pollution or ground water degradation.

(iii) The requirements of §§ 480-03-19.773.15 and 480-03-19.773.16 that are not consistent with this section have been met.

(2) An authorization may be denied under this section if

Proposed Regulations

granting the authorization will, or is likely to, affect a legal responsibility or liability under this chapter, for the proposed abatement area or other areas or discharges in the vicinity of the proposed pollution abatement area.

(3) No authorization may be granted under this section unless there are one or more preexisting discharges from or on the pollution abatement area.

(4) The authorization allowed under this section is for the pollution abatement area only and does not apply to other areas of the permit.

§ 480-03-19.801.13 Self-bonding.

(a) The division may accept a self-bond from the applicant of a proposed underground mining operation.

(1) The applicant shall designate the:

(i) Name and address of a suitable agent to receive service of process in the Commonwealth.

(ii) Name and address of the certified public accountant(s) who prepared the statement required by this section.

(iii) Location of the financial records used to prepare the C.P.A. statement required by this section.

(2) The applicant, or the applicant's parent organization in the event the applicant is a subsidiary corporation, must have a net worth, certified by an independent Certified Public Accountant in the form of an unqualified opinion appended to the financial statement submitted, of no less than \$1 million after total liabilities are subtracted from total assets. The certification shall include a final determination by the independent Certified Public Accountant regarding the applicant's ability to satisfactorily meet all obligations and costs under the proposed reclamation plan for the life of the mine. If the applicant is a subsidiary corporation, the applicant's parent organization's net worth need only be certified by the independent Certified Public Accountant, if the applicant uses or includes any assets or liabilities of the parent organization in computing or arriving at the applicant's net worth. Where the division has a valid reason to believe that the permittee's net worth is less than required by this subsection, it may require a new Certified Public Accountant's statement and certification.

(3)(i) A cognovit note must be executed by the applicant, and said agreement must also be executed by:

(A) If a corporation, two corporate officers who are authorized to sign the note by a resolution of the board of directors, a copy of which shall be provided;

(B) To the extent that the history or assets of a parent organization are relied upon to make the showings of this part, the parent organization of which it is a subsidiary,

whether first-tier, second-tier, or further removed, in the form of (A) above;

(C) If the applicant is a partnership, all of its general partners and their parent organization or principal investors; and

(D) If the applicant is a married individual, the applicant's spouse;

(ii) Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the note;

(iii) The cognovit note shall be a binding obligation, jointly and severally, on all who execute it;

(iv) For the purposes of this paragraph, principal investor or parent organization means anyone with a 10% or more beneficial ownership interest, directly or indirectly, in the applicant.

(b) The division may accept a self-bond from the applicant of a proposed surface mining operation or associated facility. The applicant shall provide the:

(1) Name and address of a suitable agent to receive service of process in the Commonwealth.

(2) Evidence indicating a history of satisfactory continuous operation.

(3) Evidence substantiating the applicant's financial solvency, with the appropriate financial documentation required by paragraph (a)(2) of this section.

(4) Indemnity agreement:

(i) Containing the date of execution;

(ii) Made payable to the "Treasurer of Virginia";

(iii) Immediately due and payable in the event of bond forfeiture of the permit;

(iv) Payable in a sum certain of money;

(v) Signed by the maker(s);

(vi) The indemnity agreement must be executed by the applicant and by:

(A) If a corporation, two corporate officers who are authorized to sign the agreement by a resolution of the Board of Directors, a copy of which shall be provided;

(B) To the extent that the history or assets of a parent organization are relied upon to make the showings of this part, the parent organization of which it is a subsidiary, whether first-tier, second-tier, or further removed, in the form of (A) above;

Proposed Regulations

(C) If the applicant is a partnership, all of its general partners and their parent organization or principal investors; and

(D) If the applicant is a married individual, the applicant's spouse;

(vii) Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the indemnity agreement;

(viii) The indemnity agreement shall be a binding obligation, jointly and severally, on all who execute it;

(ix) For purposes of this paragraph, principal investor or parent organization means anyone with a 10% or more beneficial ownership interest, directly or indirectly, in the applicant.

(c) Whenever a participant in the Pool Bond Fund applies for an additional permit or permits, the C.P.A. certification required by paragraph (a)(2) or (b)(3) of this section shall be updated reflecting those prior reclamation obligations and self-bonding liabilities still in effect.

(d) If at any time the conditions upon which the self-bond was approved no longer prevail, the division shall require the posting of a surety or collateral bond before coal surface mining operations may continue. The permittee shall immediately notify the division of any change in his total liabilities or total assets which would jeopardize the support of the self-bond. If the permittee fails to have sufficient resources to support the self-bond, he shall be deemed to be without bond coverage in violation of § 480-03-19.800.11(b).

§ 480-03-19.801.17. Bond release application.

(a) The permittee participating in the Pool Bond Fund, or any person authorized to act upon his behalf, may file an application with the division for release of all or part of the bond furnished in accordance with § 480-03-19.801.12(b) for the *increment* areas which have been adequately reclaimed and ~~vegetated~~ *vegetation established* pursuant to §§ ~~480-03-19.816.111 through 480-03-19.816.116~~ or §§ ~~480-03-19.817.111 through 480-03-19.817.116~~ *the postmining land use*. A minimum of ~~two (2)~~ *one* full growing seasons ~~season~~ or a *minimum of 12 months, whichever is longer*, must have elapsed before the division will determine that the vegetation is adequately established. However, in no event shall the total bond of the permit be less than the minimum amounts established pursuant to § 480-03-19.801.12(b) prior to completion of the two full growing seasons and compliance with § 480-03-19.801.18. Bond liability shall continue for not less than five years, or as provided by § 480-03-19.800.13 of § 480-03.19.800.17(b).

(1) Applications may only be filed at times or seasons that allow the division to evaluate properly the reclamation operations alleged to have been completed.

The times or seasons appropriate for the evaluation of certain types of reclamation shall be identified in the mining and reclamation operations plan required in Subchapter VG and approved by the division.

(2) The application shall include copies of letters sent to adjoining property owners, surface owners, local government bodies, planning agencies, and sewage and water treatment facilities or water companies in the locality of the permit area, notifying them of the permittee's intention to seek release of performance bond(s). These letters shall be sent before the permittee files the application for release.

(3) Within 30 days after filing the application for release the permittee shall submit proof of publication of the advertisement required by paragraph (b) of this section. Such proof of publication shall be considered part of the bond release application.

(b) The permittee seeking total or partial bond release shall, at the time of filing an application under this section, advertise the filing of the application as provided by § 480-03-19.800.40(a)(2).

(c) The division shall inspect and evaluate the reclamation work involved within 30 days after receiving a completed application for bond release, or as soon thereafter as weather conditions permit. The surface owner, or agent, or lessee shall be given notice of such inspection and may participate with the division in making the bond release inspection.

(d) Division review and decision. (1) The division shall consider, during the inspection evaluation, hearing and decision:

(i) Whether the permittee has met the criteria for release of the bond under § 480-03-19.801.18;

(ii) The degree of difficulty in completing any remaining reclamation, restoration, or abatement work; and

(iii) Whether pollution of surface and subsurface water is occurring, the probability of future pollution or the continuance of any present pollution, and the estimated cost of abating any pollution.

(2) If no public hearing has been held under paragraph (e), the division shall notify the permittee and any other interested parties in writing of its decision to release or not to release all or part of the performance bond or deposit within 60 days from the receipt of the completed application, or within 30 days from the public hearing if a public hearing was held.

(3) The notice of the decision shall state the reasons for the decision, and recommend any corrective actions necessary to secure the release.

Proposed Regulations

(4) The division shall not release the bond until:

(i) The town, city, or other municipality nearest the operation and the county in which the surface coal mining and reclamation operation is located have received at least 30 days notice of the release by certified mail; and

(ii) The right to request a public hearing pursuant to § 480-03-19.800.40(f) has not been exercised, or a final decision by the hearing officer approving the release has been issued pursuant to § 480-03-19.800.40(f).

(e) Any person wishing to contest the division's decision to approve or disapprove the bond release shall have the right to appeal in accordance with § 480-03-19.800.40(f). In the event of an appeal, the division shall conduct the proceeding as provided by § 480-03-19.800.40(f) through (h).

Part 480-03-19.825.

Special Permanent Program Performance Standards - Remining Areas With Pollutational Discharges.

§ 480-03-19.825.11. Operational requirements.

A permittee who receives an authorization to mine areas with preexisting pollutational discharges under § 480-19.785.19 shall comply with the requirements of this subchapter except as specifically modified by this part. The permittee shall also:

(1) Implement the approved water quality and quantity monitoring program for the pollution abatement area until the requirements of § 480-03-19.825.14 are met.

(2) Implement the approved abatement plan.

(3) Notify the division immediately prior to the completion of each step of the abatement plan.

(4) Provide progress reports to the division within 30 days after the completion of each step of the abatement program that all work has been performed in accordance with the terms and conditions of the pollution abatement authorization and the approved maps, plans, cross-sections, and specifications.

§ 480-03-19.825.12. Treatment of discharges.

(a) Except for preexisting discharges from or on the pollution abatement area for which authorization is granted under § 480-03-19.785.19, the permittee shall comply with §§ 480-03-19.816.42 and 480-03-19.817.42.

(b) The permittee shall treat the preexisting discharges from or on the pollution abatement area for which authorization is granted under § 480-03-19.785.19 to comply with the effluent limitations established by best professional judgment. The effluent limitations established by best professional judgment may not be less than the baseline pollution load.

(c) A permittee required to treat preexisting discharges will be allowed to discontinue treating the discharges under subsection (b) when the permittee affirmatively demonstrates to the division that:

(1) The preexisting discharges are meeting the effluent limitations established by subsection (b) as shown by all ground and surface water monitoring conducted by the permittee or the division.

(2) Surface coal mining activities under the permit, including the pollution abatement area, are being or were conducted under the requirements of the permit and the authorization and this subchapter, except as specifically modified by this part.

(3) The permittee has implemented each step of the abatement plan as approved in the authorization.

(d) If after discontinuance of treatment of discharges under subsection (c) the discharges fail to meet the effluent limitations established by subsection (b), the permittee shall reinstitute treatment of the discharges under subsection (b). A permittee who reinstitutes treatment under this subsection will be allowed to discontinue treatment if the requirements of subsection (c) are met.

(e) Discontinuance of treatment under subsection (c) may not be deemed or construed to be or to authorize a release of bond under § 480-03-19.825.14.

§ 480-03-19.825.13. Request for bond release.

Sections 480-03-19.800.40 and 480-03-19.801.17 and 480-03-801.18 shall apply to the release of bonds for pollution abatement areas except as modified by this part.

§ 480-03-825.14. Criteria And Schedule For Release Of Bonds On Pollution Abatement Areas.

(a) The division will release up to 50% of the amount of bond for the authorized pollution abatement area if the permittee demonstrates and the division finds that:

(1) The surface coal mining activities were conducted on the permit area, including the pollution abatement area, under the requirements of the permit and the authorization and this chapter, except as specifically modified by this part.

(2) The permittee has satisfactorily completed backfilling, regrading, and drainage control under the approved reclamation plan.

(3) The permittee has properly implemented each step of the pollution abatement plan approved and authorized under this chapter.

(4) The permittee has not caused degradation of the baseline pollution load for a period of a minimum of 6

Proposed Regulations

months prior to the submittal of the request for bond release under this part and until the bond release is approved as shown by all ground and surface water monitoring conducted by the permittee under § 480-03-19.825.11 or conducted by the division.

(5) The permittee has not caused or contributed to additional surface water pollution by re-affecting or mining the pollution abatement area.

(b) The division will release an additional amount not to exceed 35% of the amount of bond for the authorized pollution abatement area if the permittee demonstrates and the division finds that:

(1) The permittee has replaced the topsoil or topsoil substitute, completed final grading, planting and established revegetation under the approved reclamation plan.

(2) The permittee has not caused or contributed to additional surface water pollution by re-affecting or mining the abatement area.

(3) The permittee has complied with either of the following:

(i) Achieved the actual improvement of the baseline pollution load described in the approved abatement plan and shown by all ground and surface water monitoring conducted by the permittee or the division for the period of time provided in the abatement plan after completion of backfilling, final grading, drainage control, topsoiling, and establishment of revegetation.

(ii) Achieved all of the following:

(A) At a minimum has not caused degradation of the baseline pollution load as shown by all ground and surface water monitoring conducted by the permittee or the division for a period of 12 months from the discontinuance of treatment under § 480-03-19.825.12(d), if backfilling, final grading, drainage control, topsoiling, and establishment of revegetation have been completed.

(B) Conducted all measures provided in the approved abatement plan and additional measures specified by the division in writing at the time of initial bond release under subsection (a) for the area requested for bond release.

(C) Caused aesthetic or other environmental improvement or the elimination of public health and safety problems by re-mining and re-affecting the pollution abatement area.

(D) Stabilized the pollution abatement area.

(c) The division will release the remaining portion of the amount of bond on the authorized pollution abatement area if the permittee demonstrates and the division finds that:

(1) The permittee has successfully completed all the approved abatement and reclamation plans, and the pollution abatement area is capable of supporting the postmining land use approved under §§ 480-03-19.816.133 and 480-03-19.817.133.

(2) The permittee has complied with the requirements of the permit and the authorization, and this chapter, except as specifically modified by this part.

(3) The permittee has not caused degradation of the baseline pollution load from the time of bond release and subsection (b).

(4) The applicable liability period has expired under §§ 480-03-19.816.116 and 480-03-19.817.116.

(5) If treatment has been initiated in accordance with § 480-03-19.825.12(d) after bond release under subsections (a) or (b) or this section, the permittee has not caused degradation of the baseline pollution load for a period of five years from the discontinuance of treatment under § 480-03-19.825.12(c).

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

STATE COUNCIL OF HIGHER EDUCATION

Title of Regulation: VR 380-01-01. Regulations for the Senior Citizen Higher Education Program.

Statutory Authority: § 23-9.6:1 of the Code of Virginia.

Effective Date: November 26, 1986

Summary:

Institutions of higher education will be able to count nontuition paying senior citizens (persons 60 years of age or older who are residents of Virginia) enrolled in credit courses in the full-time equivalent student enrollment count. Free tuition for credit courses is available to senior citizens who have a taxable income of less than \$7,500; noncredit courses are free to all senior citizens. Institutions may admit nontuition-paying senior citizens only after accommodating all tuition-paying students to the course. Institutions must keep a count of the number of senior citizens participating in the program and make that total available to the State Council of Higher Education for Virginia when requested.

VR 380-01-01. Regulations for the Senior Citizen Higher Education Program.

General Rules.

§ 1. Definitions.

Section 23-38.55 of the Senior Citizens Higher Education Act defines several words and terms. Unless otherwise noted, they shall have the following meanings ascribed to them:

"Course" [~~shall mean~~ means] any course of study offered in any state institution of higher education including the regular curriculum of any department, or school, or subdivision of any such institution or any special course given for any purpose, including but not limited to, adult education.

"Full-time equivalent student (FTES)" [~~shall mean~~ means] the statistic used for budgetary purposes by the Commonwealth. It is derived by calculating total credit hours generated by students at a particular level and dividing that number by the number of credit hours generally considered a full-time load at that level.

"Senior citizen" [~~shall mean~~ means] any person who, before the beginning of any term, semester or quarter in

which such person claims entitlement to the benefits of this chapter, (i) has reached sixty years of age, and (ii) has had his legal domicile in this Commonwealth for one year.

"Senior Citizens Higher Education Act" is set forth in Chapter 4.5 (§ 23-38.54 et seq.) of Title 23 of the Code of Virginia.

§ 2. Eligibility.

A senior citizen may take courses without paying tuition or required fees, except for course materials, under certain conditions. If the senior citizen had a federal taxable income of not more than \$7,500 in the preceding year, the individual may take a course for academic credit. If the person's taxable income exceeded \$7,500, the individual may only audit the course for free. A senior citizen, regardless of income level, may take a noncredit course for free.

No limit is placed on the number of terms, quarters or semesters in which a senior citizen who is not enrolled for academic credit may register for courses, but the individual can take no more than three noncredit courses in any one term, quarter or semester. There will be no restriction on the number of courses that may be taken for credit in any term, semester or quarter, or on the number of terms, semesters or quarters in which an eligible senior citizen may take courses for credit.

The two additional conditions listed below shall be met before a senior citizen may take a course under the provisions of this program:

1. The senior citizen shall meet the appropriate admission requirements of the institution in which the student plans to enroll, and
2. The senior citizen may be admitted to a course only on a "space-available" basis after all tuition-paying students have been accommodated.

An institution has no special obligation to offer courses specifically to meet the needs of senior citizens or to continue to provide a particular course for a senior citizen who has registered for the course if the regular enrollment in the course is not adequate to justify the offering.

§ 3. Application.

A senior citizen who wishes to take courses under the provisions of the Senior Citizens Higher Education Act

Final Regulations

shall complete an application at the institution in which the person plans to enroll. The institution shall determine all aspects of the persons's eligibility. The application process shall include a determination of income eligibility (review of an IRS 1040 form, for example), if the individual makes application to take courses for academic credit.

§ 4. Inclusion of the senior citizen in an institution's FTE count.

Senior citizens shall be included in the FTES count effective July 1, 1986.

§ 5. Reporting requirement.

[As part of an institution's annual fall data collection and reporting effort to the Council of Higher Education, the institution shall report the number of students, both a head count number and a FTES computation by semester or quarter, participating in the Senior Citizen Higher Education Program who received free tuition and fees according to the following classifications:

Senior citizens who took courses for academic credit;

Senior citizens who audited courses;

Senior citizens who took noncredit courses.

Although the Council will not require an institution to submit an annual report on the number of eligible students who receive free tuition and fees under the provisions of this Act, it may periodically request such information in order to respond to executive or legislative inquiries.

An institution should, therefore, be prepared to report the headcount and FTE number of senior citizens taking courses for academic credit, the headcount and student credit hours of senior citizens who are auditing courses, and the headcount of those who are taking noncredit courses.]

§ 6. Notification to senior citizens.

As required in § 23-38.59 of the Code of Virginia, each state-supported institution shall prominently include in its catalogue a statement of the benefits available to senior citizens under this program.

MARINE RESOURCES COMMISSION

NOTE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-0034. Pertaining to the

Taking of Striped Bass.

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: October 1, 1986

Preamble:

This regulation establishes a closed season, minimum size limits, creel limits, and gear restrictions for the taking or possession of striped bass in Virginia.

The purpose of this regulation is to provide sufficient protection for the Chesapeake Bay stocks of striped bass to ensure that 95% of the females of the 1982 and subsequent year classes have an opportunity to reproduce at least once. These changes comply with the recommendations of the Interstate Fishery Management Plan for Striped Bass.

§ 1. Authority, prior regulations, effective date:

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23, 28.1-25 and 28.1-50 of the Code of Virginia.

B. This regulation repeals regulation VR 450-01-0029, Pertaining to the Taking of Striped Bass, and regulation VR 450-01-0032, Pertaining to the Potomac River Tributaries.

C. The effective date of this regulation is October 1, 1986.

§ 2. Purpose:

The purpose of this regulation is to provide for the immediate protection of Virginia's striped bass stocks and to reduce harvest pressure on the 1982 year class and subsequent year classes of striped bass.

§ 3. Definitions:

A. Striped bass - any fish of the species *Morone saxatilis* including any hybrid striped bass.

B. Spawning rivers - the James, Pamunkey, Mattaponi and Rappahannock Rivers including all their tributaries.

C. Spawning reaches - sections within the spawning rivers as follows:

1. James River: From a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point;

2. Pamunkey River: From the Route 33 bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore;

3. Mattaponi River: From the Route 33 bridge at West

Final Regulations

Point upstream to the Route 360 bridge at Aylett;

4. Rappahannock River: From the Route 360 bridge at Tappahannock upstream to the Route 3 bridge at Fredericksburg.

§ 4. Closed areas, seasons, and gear limitations:

A. During the period December 1 to May 31, inclusive, a person may not take, catch, possess, transport, process, sell or offer for sale any striped bass.

B. During the period April 1 to May 31, inclusive, a person may not set or fish any anchored or staked gill net within the spawning reaches. Drift (float) gill nets may be set or fished within the spawning reaches during the closed season, but the fisherman must remain with such net while that net is in the fishing position.

§ 5. Minimum size limits:

A. During the open season, June 1 to November 30, inclusive, it shall be unlawful for any person to take, catch, or have in possession any striped bass less than 24 inches in length, except as provided in paragraph B, below.

B. During the open season, June 1 to November 30, inclusive, it shall be unlawful for any person to take, catch, or retain possession of any striped bass from the Territorial Sea that is less than 30 inches in length.

C. Length is measured in a straight line from tip of nose to tip of tail.

§ 6. Creel limit:

A possession limit of five striped bass per person per day is imposed on all hook-and-line fishermen taking striped bass from the tidal waters of Virginia during the open season, June 1 to November 30, inclusive.

§ 7. Penalty:

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class I misdemeanor.

/s/ William A. Pruitt, Commissioner

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

Title of Regulation: VR 425-02-2. Occupational Exposure to Ethylene Oxide (EtO) - Virginia Occupational Safety and Health Standards for General Industry.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: December 8, 1986.

Summary:

On July 10, 1986, Federal OSHA published (51 Fed. Reg. 25053) an amendment to the Ethylene Oxide Standard, 29 CFR 1910.1047. The amended provisions of 1910.1047 became effective immediately upon publication. This amendment to the Ethylene Oxide Standard corrects administrative errors and incorporates clarifying language to eliminate confusion with respect to the regulatory obligation imposed by the appendices to the Ethylene Oxide Standard. Appendices A, B, C and D are not intended to create any additional obligations not otherwise imposed by the standard. This amendment makes changes in the appendices to ensure that the nonmandatory nature of the appendices is clearly understood.

Confusion over the appendices has also arisen by inadvertent use of the mandatory words "must" and "shall" in Appendix A. The word "should" is substituted for the words "shall" or "must" in the Appendices when specific obligation is not imposed by the standard. An incorrect reference in Appendix A to the existence of a short-term exposure limit for EtO is also deleted.

This document also corrects the amendatory language contained in the October 11, 1985 Federal Register notice on ethylene oxide dealing with labeling of EtO containers (50 FR 41491).

Language changes in that document intended to amend paragraph (j)(i)(ii) which covers labeling, instead of (j)(i)(i), which covers signs.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Occupational Exposure to Ethylene Oxide (EtO), is declared a document generally available to the public and appropriate for incorporation by reference. For this reason it will not be printed in The Virginia Register of Regulations; however, the amendments being made are set out for your information. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of The Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-2. Occupational Exposure to Ethylene Oxide (EtO) - Virginia Occupational Safety and Health Standards for General Industry.

1. The headings of Appendices A, B, C, and D are corrected to read as follows:

§ 1910.1047 Ethylene oxide.

* * * * *

Final Regulations

Appendix A - Substance Safety Data Sheet for Ethylene Oxide (Non-Mandatory)

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Appendix B - Substance Technical Guidelines for Ethylene Oxide (Non-Mandatory)

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Appendix C - Medical Surveillance Guidelines for Ethylene Oxide (Non-Mandatory)

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Appendix D - Sampling and Analytical Methods for Ethylene Oxide (Non-Mandatory)

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2. In addition, Appendices A and B are amended as follows:

A. In Appendix A, paragraph I.F. is revised to read:

"F. Permissible Exposure: Exposure may not exceed 1 part EtO per million parts of air averaged over the 8-hour workday."

B. In Appendix B, paragraph III B., the word "must" is revised to read "should".

C. In Appendix B, paragraph III C., the word "shall" is revised to read "should".

D. In Appendix B, paragraph IV. A. 1., the word "must" is revised to read "should".

E. In Appendix B, of paragraph IV. A. 2, and paragraph IV. B, second full paragraph, the word "must" is revised to read "should" in each paragraph.

F. In Appendix B, paragraph V, first sentence, the word "shall" is revised to read "should".

G. In Appendix B, paragraph V, second sentence, the word "must" is revised to read "should".

H. In Appendix B, paragraph VI. D., the word "shall" is revised to read "should".

3. The following corrections are made to FR Doc. 85-24844 on page 41191 in the issue of October 11, 1985:

1. On page 41491, middle column in the paragraph "Summary", "(i)(1)(i)(A)" is corrected to read "(j)(1)(ii)(A)."


2. On page 41491, middle column, in the paragraph "Dates", "(j)(1)(i)(A)" is corrected to read "(j)(1)(ii)(A)."

3. On page 41493, third column, last paragraph, "(i)(1)(i)(A)" is corrected to read "(j)(1)(ii)(A)."

§ 1910-1047 (Corrected)

4. On page 41494, middle column, amendment paragraph 2, to § 1910-1047, "(j)(1)(i)(a)" is corrected to read "(j)(1)(ii)(A)"; and the designations in the text of § 1910.1047 are connected accordingly.

5. On page 41494, middle column, amendment paragraph 4., to § 1910.1047, in paragraph (m)(3)(i). "(j)(1)(i)(A)" is corrected to read "(j)(1)(ii)(A)".



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 240
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TELEPHONE 186-2551

October 9, 1986

Dr. R. Jordan Kreindler, Chairman
Department of Labor and Industry
205 North Fourth Street
P. O. Box 12064
Richmond, Virginia 23241

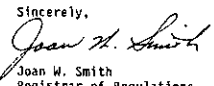
Attention: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-2 - Ethylene Oxide Standard for General Industry

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced Standard from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that this Standard is exempt from the operation of Article 2 of the Administrative Process Act since it does not differ materially from that required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:s11

* * * * *

Title of Regulation: VR 425-02-7. Cotton Dust Standard - Virginia Occupational Safety and Health Standards for General Industry.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: December 8, 1986

Summary:

This amendment to the Cotton Dust Standard corrects a number of typographical errors in the regulation and announces that the Office of Management and Budget approved the information collection requirements of the Standard on March 14, 1986.

Final Regulations

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry, Cotton Dust Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

Effective Date: December 8, 1986

Summary:

This amendment to the Electrical Standards for Construction addresses four major areas: installation safety requirements, safety related work practices, safety related maintenance requirements, and safety requirements for special equipment. The amendment incorporates basic requirements of the National Electric Codes (NEC) of 1981 and 1984 instead of incorporating the entire code by reference as the original OSHA standard did with the 1971 NEC.

VR 425-02-7. Cotton Dust Standard-Virginia Occupational Safety and Health Standards for General Industry.

The Commissioner of Labor and Industry has adopted, through incorporation by reference to the Virginia Occupational Safety and Health Standards for General Industry, and issues as recommended to her by the Safety and Health Codes Board of the Commonwealth of Virginia, amendments to the Cotton Dust Standard, as codified in 29 CFR 1910.1043 and published in the Federal Register, Volume 51, No. 128, Thursday, July 3, 1986, Rules and Regulations, pages 24324 and 24325.


These new provisions include: (1) specific conditions which warrant the grounding of equipment connected by cord and plug; (2) contains new or modified provisions on temporary wiring, including a requirement prohibiting the installation of receptacles on temporary lighting circuits and a clarification concerning the use of junction boxes; (3) permits the use of 120-volt lights in moist or other hazardous locations if they are protected by ground-fault circuit interrupters; (4) defines "intrinsically safe equipment and associated wiring" to clarify provisions concerning such equipment; and (5) includes an extensive section which defines the technical terms used in the standard.

The amendment also incorporates requirements from the original standard that supplemented the provision of the 1971 NEC.

Removed from the original standard were requirements not directly related to electrical hazards such as technical design information on insulation characteristics, allowable capacities, electrical box sizes, and flexible cord and motor full load currents; requirements for installation of sound recording equipment; requirements for standby power generation and emergency systems; and technical data tables not relating to safety.

The amendment will affect an estimated 3.9 million workers nationwide in various sectors of the construction industry. The changes will result in nationwide cost savings of \$30.6 million annually.

These changes are being made to the Electrical Standard to make it more cost effective and performance oriented. This is accomplished in four different ways: (1) National Electrical Code (NEC) requirements which directly affect employee safety in construction workplaces have been placed in the text of the OSHA standard, eliminating the need for the NEC to be incorporated by reference; (2) relevant requirements in the existing text of Subpart K, which supplemented the NEC, have been integrated into the new format; (3) the requirements have been written in performance language so that superfluous detailed specifications could be omitted and changes in



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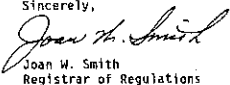
October 9, 1986

Dr. R. Jordan Kreindler, Chairman
Department of Labor and Industry
205 North Fourth Street
P. O. Box 12064
Richmond, Virginia 23241

Attention: Margaret Gravett, Administrative Staff Specialist
Re: VR 425-02-7 - Cotton Dust Standard for General Industry
Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced Standard from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c) of the Code of Virginia, I have determined that this Standard is exempt from the operation of Article 2 of the Administrative Process Act since it does not differ materially from that required by Federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JMS:sll

Title of Regulation: VR 425-02-8. Electrical Standard - Virginia Occupational Safety and Health Standards for the Construction Industry.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Final Regulations

technology could be accommodated, without compromising safety; (4) the final standard also provides the clarification that installations made in accordance with the 1984 NEC will be accepted as being in compliance with the installation requirements of Subpart K, except for several provisions in new sections 29 CFR 1926.404 and 405 that pertain to ground fault protection and temporary wiring.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for General Industry Electrical Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire standard will not be printed in the Virginia Register of Regulations. Copies of the Electrical Standard are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-8. Electrical Standard-Virginia Occupational Safety and Health standards for the Construction Industry.

The Commissioner of Labor and Industry has adopted, through incorporation by reference to the Virginia Occupational Safety and Health Standards for the Construction Industry, and issues, as recommended to her by the Safety and Health Codes Board of the Commonwealth of Virginia, amendments to the Electrical Standard, as codified in Subpart K of 29 CFR 1926 and published in the Federal Register, Volume 51, No. 133, Friday, July 11, 1986, Rules and Regulations, pages 25318 through 25335.



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October 9, 1986

Dr. R. Jordan Kreindler, Chairman
Department of Labor and Industry
205 North Fourth Street
P. O. Box 12064
Richmond, Virginia 23241

Attention: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-8 - Electrical Standards for Construction Industry

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced Standards from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c), of the Code of Virginia, I have determined that these Standards are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by federal law.

Sincerely,

Joan W. Smith
Joan W. Smith
Registrar of Regulations

JWS:s11

Title of Regulation: VR 425-02-9. Asbestos Standard - Virginia Occupational Safety and Health Codes for General Industry.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: December 8, 1986, except as follows:

1. Powered air-purifying respirators provided under paragraph 1910.1001(g)(2)(ii) - effective date is January 16, 1987;

2. Hygiene and lunchroom facilities. Construction plans for change rooms, showers, lavatories, and lunchroom facilities shall be completed no later than January 16, 1987; and these facilities shall be constructed and in use no later than July 20, 1987. However, if as part of the compliance plan it is predicted by an independent engineering firm that engineering controls and work practices will reduce exposures below the permissible exposure limit by July 20, 1988, for affected employees, then such facilities need not be completed until one year after the engineering controls are completed, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limit.

3. Compliance program. Written compliance programs required by paragraph (f)(2) of this section as a result of initial monitoring shall be completed and available for inspection and copying as soon as possible but no later than July 20, 1987.

4. Methods of compliance. The engineering and work practice controls as required by paragraph (f)(1) shall be implemented as soon as possible but no later than July 20, 1988.

Summary:

The amended standard for General Industry will apply to all occupational exposures to asbestos except in construction which is addressed in a separate amendment (29 CFR 1926.58).

This amendment lowers the permissible exposure limit (PEL) for asbestos to 0.2 fibers/cubic centimeters (f/cc) averaged over an eight-hour day and an action level of 0.1 f/cc; provides for "regulated areas" which only authorized persons can enter; provides for engineering and work practice controls and prohibits rotating employees in and out of asbestos exposed areas as a means of compliance; increased respiratory protection; communication of hazards to employees through training programs and warning signs, labels and Material Safety Data Sheets (MSDS); and medical surveillance.

Federal OSHA estimates that the standards will reduce the excess risk of dying from cancer over a working

Final Regulations

lifetime from 64 per 1,000 workers at the current 2 f/cc limit to 6.7 per 1,000. The excess risk of developing disabling and sometimes fatal asbestosis is expected to decrease from 50 per 1,000 to 5 per 1,000 workers.

Federal OSHA estimates that total annual compliance costs for the standard will be \$108 million. The agency concludes that with one exception (i.e. secondary asbestos gasket manufacturing) the amendment will not have a significant economic impact on industries covered, nor will it have an adverse impact on small firms.

Assistant Secretary of Labor John A. Pendergrass stated on July 18, 1986, that Federal OSHA's enforcement of portions of the amendment pertaining to nonasbestiform tremolite, actinolite and anthophyllite will be stayed for nine months - until April 27, 1987 - while the agency reopens the record for those provisions and institutes supplemental rulemaking. OSHA is scheduled to publish a notice in the Federal Register reopening the rulemaking record on those issues. VOSH is required by section 11(c) of its Administrative Regulations Manual (ARM) to honor all administrative stays imposed by Federal OSHA until the stay has been lifted, unless the Commissioner advises the Safety and Health Codes Board that continued enforcement is necessary to safeguard the safety and health of employees. VOSH will not enforce those portions of the amendment affected by the administrative stay in accordance with Section 11(c) until the stay is lifted by Federal OSHA.

Editor's Note on Incorporation by Reference


Pursuant to § 9-6.18 of the Code of Virginia the Virginia Occupational Safety and Health Standards for General Industry, Asbestos Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire standard will not be printed in the Virginia Register of Regulations. Copies of this document are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-9. Asbestos Standard-Virginia Occupational Safety and Health Codes for General Industry.

The Commissioner of Labor and Industry has adopted, through incorporation by reference to the Virginia Occupational Safety and Health Standards for General Industry, and issues, as recommended to her by the Safety and Health Codes Board of the Commonwealth of Virginia, amendments to the Asbestos Standards, as codified in 29 CFR 1910.1001 and published in the Federal Register, Volume 51, No. 119, Friday, June 20, 1986, Rules and Regulations, pages 22733 through 22756. The Standards are adopted verbatim by the Virginia Occupational Safety and Health (VOSH) program, except for the following:

<u>FEDERAL TERM</u>	<u>VOSH EQUIVALENT</u>
---------------------	------------------------

OSHA	VOSH
Assistant Secretary	Commissioner of Labor and Industry
29 CFR	VOSH section



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9041 786-2501

October 9, 1986

Dr. R. Jordan Kreindler, Chairman
Department of Labor and Industry
205 North Fourth Street
P. O. Box 12064
Richmond, Virginia 23241

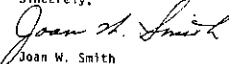
Attention: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-9 - Asbestos Standard for General Industry

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced Standard from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that this Standard is exempt from the operation of Article 2 of the Administrative Process Act since it does not differ materially from that required by federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:sll

Title of Regulation: VR 425-02-10. Asbestos Standard - Virginia Occupational Safety and Health Standards for the Construction Industry.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Effective Date: December 8, 1986, except the requirements of paragraphs 1926.58 (c) through (n), including the engineering controls specified in paragraph 1926.59(g)(1), shall be complied with by January 16, 1987.

Summary:

This amendment lowers the permissible exposure limit (PEL) for asbestos to 0.2 fibers/cubic centimeter (f/cc) averaged over an eight hour day and an action level of 0.1 f/cc; provides for "regulated areas" which only authorized persons can enter; provides for engineering and work practice controls and respiratory protection where needed; communication of hazards to employees through training programs, warning signs and labels with the recognition that, due to frequent

Final Regulations

turnover, employees may have been trained elsewhere within the required time frames; and medical surveillance for employees who are exposed for 30 or more days per year or who are required to wear negative pressure respirators.

OSHA estimates that the standards will reduce the excess risk of dying from cancer over a working lifetime from 64 per 1,000 workers at the current 2 f/cc limit to 6.7 per 1,000. The excess risk of developing disabling and sometimes fatal asbestosis is expected to decrease from 50 per 1,000 to 5 per 1,000 workers.

Federal OSHA estimates that total annual compliance costs for the standard will be \$353 million. The agency concludes that with one exception (i.e. renovation activities in construction) the amendment will not have a significant economic impact on industries covered, nor will it have an adverse impact on small firms.

Assistant Secretary of Labor John A. Pendergrass stated on July 18, 1986, that Federal OSHA's enforcement of portions of the amendment pertaining to nonasbestiform tremolite, actinolite and anthophyllite will be stayed for nine months - until April 21, 1987 - while the agency reopens the record for those provisions and institutes supplemental rulemaking. OSHA is scheduled to publish a notice in the Federal Register reopening the rulemaking record on those issues. VOSH is required by section 11(c) of its Administrative Regulations Manual (ARM) to honor all administrative stays imposed by Federal OSHA until the stay has been lifted, unless the Commissioner advises the Safety and Health Codes Board that continued enforcement is necessary to safeguard the safety and health of employees. VOSH will not enforce those portions of the amendment affected by the administrative stay in accordance with section 11(c) until the stay is lifted by Federal OSHA.

Editor's Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, the Virginia Occupational Safety and Health Standards for the Construction Industry, Asbestos Standard, is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, the entire standard will not be printed in the Virginia Register of Regulations. Copies of the Standard are available for inspection at the Department of Labor and Industry, 205 North Fourth Street, Richmond, Virginia, and in the office of the Registrar of Regulations, Room 215, General Assembly Building, Capitol Square, Richmond, Virginia.

VR 425-02-10. Asbestos Standard-Virginia Occupational Safety and Health Standards for the Construction Industry.

The Commissioner of Labor and Industry has adopted, through incorporation by reference to the Virginia Occupational Safety and Health Standards for the Construction Industry, and issues, as recommended to her by the Safety and Health Codes Board of the

Commonwealth of Virginia, amendments to the Asbestos Standard, as codified in 29 CFR 1926.58 and published in the Federal Register, Volume 51, No. 119, Friday, June 20, 1986, Rules and Regulations, pages 22756 through 22790.



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION
General Assembly Building

POST OFFICE BOX 3 AG
RICHMOND, VIRGINIA 23208
804/788-2551

October 9, 1986

Dr. R. Jordan Kreindler, Chairman
Department of Labor and Industry
205 North Fourth Street
P. O. Box 12064
Richmond, Virginia 23241

Attention: Margaret Gravett, Administrative Staff Specialist

Re: VR 425-02-10 - Asbestos Standard for Construction Industry

Dear Dr. Kreindler:

This will acknowledge receipt of the above-referenced Standard from the Department of Labor and Industry.

As required by § 9-6.14:4.1 C.4.(c) of the Code of Virginia, I have determined that this Standard is exempt from the operation of Article 2 of the Administrative Process Act since it does not differ materially from that required by Federal law.

Sincerely,

Joan W. Smith
Joan W. Smith
Registrar of Regulations

JWS:s11

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-16-02. Roanoke River Basin Water Quality Management Plan.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Effective Date: November 26, 1986

REGISTRAR'S NOTICE: Due to its length, the proposed amendments to the Roanoke River Basin 303(e) Water Quality Management Plan (VR 680-16-02) filed by the State Water Control Board are not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the State Air Pollution Control Board.

Background:

Water Quality Management Plans set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric

Final Regulations

loadings for five day Biological Oxygen Demand (BOD5) in identified stream segments. These statements and loadings describe the water quality necessary to attain these water quality goals.

Section 62.1-44.15(3) of the Code of Virginia authorizes the State Water Control Board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established. Such standards or policies shall be adopted only after a hearing is held and the board takes into consideration the economic and social costs and benefits which can reasonably be expected to be obtained as a result of the standards or policies as adopted, modified, amended, or cancelled.

Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basinwide water quality control and management.

Summary:

The amendment, to be implemented upon the construction of a new 4 million gallon per day (mgd) waste treatment facility owned by the Henry County Public Service Authority located in the Lower Smith River Segment, decreases the existing allowable loading to the Upper Smith River Segment from 1,637 pounds of BOD5 per day to 1,070. The construction of a new 4 mgd waste treatment facility will be allowed in the lower segment and will thus increase the existing allowable loading to the Lower Smith River Segment from 1,500 pounds of BOD5 per day to 2,067. The owner of this new waste treatment facility will be required to establish an instream water quality monitoring program in order to signal the owner and the State Water Control Board should water quality degradation occur.

Should degradation occur, the owner would be required to initiate corrective measures to protect water quality and downstream beneficial uses. These revised loadings will decrease the allocated loading to the Henry County Public Service Authority's Upper Smith River STP from 1,134 pounds of BOD5 per day to 567 in the upper segment; and allow the additional loading of 567 pounds of BOD5 per day to the lower segment. This additional loading will be allocated to the newly constructed Lower Smith River STP.

EMERGENCY REGULATION

NOTE: The following emergency regulations are promulgated by: The Departments of Correction, Education, Mental Health and Mental Retardation, and Social Services.

DEPARTMENT OF CORRECTIONS. VR 230-40-001.

DEPARTMENT OF EDUCATION. VR 270-01-003.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION. VR 470-02-01.

DEPARTMENT OF SOCIAL SERVICES. VR 615-29-02.

Title of Regulation: Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

Statutory Authority: §§ 16.1-286, 53.1-237 thru 53.1-239, 16.1-310 thru 16.1-314, 53.1-249, 22.1-319 thru 22.1-335, 22.1-218, 37.1-179 thru 37.1-189, 37.1-199, 63.1-195 thru 63.1-219, and 63.1-56.1 of the Code of Virginia.

Effective Dates: October 14, 1986 through October 9, 1987.

Preamble:

The Judge of the Circuit Court of Albemarle ruled, in an order entered July 16, 1986, that the statutes and regulations of the Commonwealth of Virginia do not prohibit the therapeutic use of physical punishment in the behavior management of mentally retarded children and adults. This ruling was contrary to the understanding and intent of the Departments of Corrections, Education, Mental Health and Mental Retardation, and Social Services in promulgating the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

In the absence of clarifying regulations, the departments must operate without reasonable procedural boundaries on the use of physical punishment. Since the issue involves the health and safety of admittedly vulnerable residents, the departments are concerned with immediate protection of these residents through emergency regulations while they have time to promulgate permanent regulations with the benefit of public comment.

Recognizing the need to protect these residents, the State Boards of Corrections, Education, Mental Health and Mental Retardation, and Social Services, acting under the authority of the Code of Virginia, do hereby promulgate this emergency regulation subject to the approval of the Governor.

The effective date of this emergency regulation is October 10, 1986.

This emergency regulation shall terminate on October 10, 1987, or upon the earlier effective date of similar

regulation to be promulgated through the full Administrative Process Act.

The following are proposed emergency revisions and additions to the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children which were promulgated and effective on July 1, 1986.

The regulation, as here proposed, is submitted as an emergency regulation in order that the safety of residents be protected until time is available to satisfy the requirements of the Administrative Process Act, including full public participation and comment.

VR 230-40-001, 270-01-003, VR 470-02-01, VR 615-29-02. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. The following words and terms when used in these regulations, shall have the following meanings unless the context indicates otherwise:

"Corporal punishment" means any type of physical punishment inflicted upon the body the inflicting of pain or discomfort to the body through actions such as but not limited to striking or hitting with any part of the body or with an implement; or through pinching, pulling, or shaking; or through any similar action which normally inflicts pain or discomfort .

"Intrusive aversive therapy" means a formal behavior modification technique designed to reduce or eliminate severely maladaptive, violent, or self-injurious behavior through the application of noxious or painful stimuli contingent upon the exhibition of such behavior. It may include actions defined in these standards as corporal punishment.

"Punishment" means retributive, retaliatory and sometimes harsh or abusive reactions to a child's misbehavior. Punishment is defined as a reaction that primarily relieves adult frustration without being rationally designed to teach or correct the children's behavior the use of an aversive event or the removal of a positive event following a behavior which decreases, or is intended to decrease, the probability of that behavior. This includes a pain, loss, or penalty inflicted for a fault or mistake.

PART V. PROGRAMS AND SERVICES.

Article 24. Prohibited Means of Punishment.

Emergency Regulation

§ 5.94. The following methods of punishment, whether spontaneous or a deliberate technique for effecting behavioral change or part of a behavior management program, shall be prohibited:

1. Deprivation of ~~drinking water~~ or nutritionally balanced meals, snacks; or meals; and ~~drinking water~~;
2. Prohibition of contacts and visits with family, legal guardian, attorney, probation officer, or placing agency representative;
3. Prohibition of contacts and visits with family or legal guardian except where specifically permitted by other applicable regulations;
3. 4. Limitation of receipt of mail; Delay or withholding of incoming and/or outgoing mail;
4. 5. Humiliating or degrading practices including ridicule or verbal abuse; Any action which is humiliating, degrading, harsh, or abusive;
5. 6. Corporal punishment; including any type of physical punishment inflicted upon the body, except where employed as part of an approved intrusive aversive therapy program specifically permitted by other applicable regulations;
6. 7. Subjection to unclean and unsanitary living conditions;
7. 8. Deprivation of opportunities for bathing and access to toilet facilities; and
8. 9. Deprivation of health care including counseling;
10. Intrusive aversive therapy except where specifically permitted by other applicable regulations; and
11. Administration of laxatives, enemas, or emetics.

/s/ Ray C. Goodwin
Deputy Commissioner, Department of Social Services and
Chairman, Coordinating Committee for Interdepartmental
Licensure and Certification

/s/ Gerald L. Ballles
Governor

/s/ Joan W. Smith
Registrar of Regulations
Date: October 14, 1986

DEPARTMENT OF MENTAL HEALTH AND MENTAL
RETARDATION

Title of Regulation: VR 470-02-02. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children.

Statutory Authority: §§ 37.1-179 thru 37.1-189 of the Code of Virginia.

Effective Dates: October 10, 1986 through October 9, 1987

Preamble:

The Judge of the Circuit Court of Albemarle ruled, in an order entered July 16, 1986, that the statutes and regulations of the Commonwealth of Virginia do not prohibit the therapeutic use of physical punishment in the behavior management of mentally retarded children and adults. This ruling was contrary to the understanding and intent of the Departments of Corrections, Education, Mental Health and Mental Retardation, and Social Services in promulgating the Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children and the Department of Mental Health and Mental Retardation in promulgating standards for treatment programs to be applied in conjunction with Core Standards for the licensure/certification of residential treatment programs for mentally ill, mentally retarded and/or substance abusing children.

In the absence of clarifying regulations, the departments must operate without reasonable procedural boundaries on the use of physical punishment. Since the issue involves the health and safety of admittedly vulnerable residents, the departments are concerned with immediate protection of these residents through emergency regulations while they have time to promulgate permanent regulations with the benefit of public comment.

Recognizing the need to protect these residents, the State Mental Health and Mental Retardation Board, acting under the authority of the Code of Virginia, does hereby promulgate this emergency regulation subject to the approval of the Governor.

The effective date of this emergency regulation is October 10, 1986.

This emergency regulation shall terminate on October 10, 1987, or upon the earlier effective date of similar regulation to be promulgated through the full Administrative Process Act.

The following are proposed emergency revisions and additions to the Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children which were promulgated and effective on January 1, 1986.

The regulation, as here proposed, is submitted as an emergency regulation in order that the safety of

Emergency Regulation

residents be protected until time is available to satisfy the requirements of the Administrative Process Act, including full public participation and comment.

VR 470-02-02. Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children.

PART I. INTRODUCTION.

Article 1. Definitions.

§ 1.1. The following words and terms when used in these regulations, shall have the following meaning unless the context clearly indicates otherwise:

"Advocate" means a person or persons appointed by the Commissioner after consultation with the State Human Rights Director and the Local Human Rights Committee who exercise the duties set forth in Section III A of the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation.

"Behavior management" means planned and systematic use of various techniques selected according to group and individual differences of the children and designed to teach awareness of situationally appropriate behavior, to strengthen desirable behavior, and to reduce or to eliminate undesirable behavior. (The term is consistently generic, not confined to those technicalities which derive specifically from behavior therapy, operant conditioning, etc.

"Corporal punishment" means the inflicting of pain or discomfort to the body through actions such as but not limited to striking or hitting with any part of the body or with an implement; or through pinching, pulling, or shaking; or through any similar action which normally inflicts pain or discomfort.

"Intrusive aversive therapy" means a formal behavior modification technique designed to reduce or eliminate severely maladaptive, violent, or self-injurious behavior through the application of noxious or painful stimuli contingent upon the exhibition of such behavior. It may include actions defined in these standards as corporal punishment, but does not include verbal therapies, seclusion, physical or mechanical restraints used in conformity with these regulations, or psychotropic medications which are not used for purposes of intrusive aversive therapy.

"Local human rights committee" means a committee of at least five members broadly representative of professional and consumer groups, appointed by the State Human Rights Committee for each group of community services board or licensed organization after consultation with the commissioner, and whose responsibility shall be

to perform the functions specified in applicable human rights regulations. Except where otherwise provided, the term "Local human rights committee" shall mean this body or any subcommittee thereof.

"Punishment" means the use of an aversive event or the removal of a positive event following a behavior which decreases, or is intended to decrease, the probability of that behavior. This includes a pain, loss, or penalty inflicted for a fault or mistake.

"Regional advocate" means a person or persons who perform the functions set forth in Part IV of the Rules and Regulations Assuring the Rights of Clients in Community Programs and who are appointed by the Commissioner after consultation with the State Human Rights Director.

"State human rights committee" means a committee of nine members appointed by the board, pursuant to the Rules and Regulations to Assure the Rights of Residents of Facilities Operated by the Department of Mental Health and Mental Retardation, and the Rules and Regulations to Assure the Rights of Clients in Community Programs, whose responsibility it shall be to perform the functions specified in those regulations. The term "State human rights committee" includes any subcommittees thereof.

PART II. SERVICE POLICIES AND PROCEDURES.

Article 1. Client Rights.

The following sections are additional requirements to the Core Standards, Part II, Article 9 and Part V, Articles 26 and 27.

§ 2.1. Each program operated, funded or licensed by the Department of Mental Health and Mental Retardation shall guarantee client rights as outlined in the Code of Virginia, § 37.1-84.1 and the applicable regulations promulgated on the rights of clients in community programs.

§ 2.2. Each program shall have written policies and procedures regarding the photographing and audio or audio-video recordings of clients which shall ensure and provide for:

A. The written consent of the client or the client's legally authorized representative shall be obtained before the client is photographed or recorded for research or program publicity purposes.

B. No photographing or recording by program personnel shall take place without the client and/or the client's family or legally authorized representative being informed.

C. All photographs and recordings shall be used in a manner that respects the dignity and confidentiality of the client.

Emergency Regulation

§ 2.3. Each program shall have written policies and procedures for managing all inappropriate or dangerous client behavior. These policies shall include:

A. Seclusion or restraints shall only be used in accordance with the Code of Virginia, § 37.1-84.1 and the applicable regulations promulgated on the rights of clients in community programs.

B. Time out, which shall only be used in accordance with the Code of Virginia, § 37.1-84.1 and the applicable regulations promulgated on the rights of clients in community programs.

Time out shall not exceed 15 minutes at any one time.

C. Program staff shall neither abuse a client verbally nor physically.

§ 2.4. Each client shall be placed in the least restrictive level of programming appropriate to their functioning and available services.

§ 2.5. Each program shall implement written policies and procedures concerning behavior management that are directed toward maximizing the growth and development of the individual. These policies and procedures shall:

A. Emphasize positive approaches;

B. Define and list techniques that are used and available for use in the order of their relative degree of intrusiveness or restrictiveness;

C. Specify the staff members who may authorize the use of each technique;

D. Specify the processes for implementing such policies and procedures;

E. Specify the mechanism for monitoring and controlling the use of behavior management techniques; and

F. Specify the methods for documenting their use.

§ 2.6. In the list required by § 2.5 B of techniques that are used and available for use, intrusive aversive therapy if allowed shall be designated as the most intrusive technique.

§ 2.7. A behavior management plan utilizing intrusive aversive therapy shall not be implemented with any resident until the Local Human Rights Committee has determined:

A. That the resident or his authorized representative has made an informed decision to undertake the proposed intrusive aversive therapy, and in the case of a minor who is capable of making an informed decision, that the concurrent consent of the parent has been obtained;

B. That the proposed intrusive aversive therapy has been recommended by a licensed clinical psychologist and psychiatrist;

C. That the facility has proved that the proposed intrusive aversive therapy plan does not involve a greater risk of physical or psychological injury or discomfort to the resident than the behaviors that the plan is designed to modify;

D. That there is documentation that all less intrusive behavior management procedures have been tried without success;

E. That more appropriate behaviors are being positively reinforced;

F. That a licensed physician has certified that in his opinion, the intrusive aversive procedure will not endanger the health of the resident and that a physician check the resident within 24 hours after any intrusive aversive procedure;

G. If corporal punishment as defined in these regulations is the proposed noxious stimulus, that other noxious stimuli that are recognized as safe and appropriate in the relevant professional literature for use in intrusive aversive therapy have been tried without success;

H. That the aversive treatment technique is measurable and can be uniformly applied;

I. That the aversive treatment program specifies the behavioral objective, the frequency of application of the aversive technique, the time limit for both application of the technique and the overall length of the program, and the collection of behavioral data to determine the program's effectiveness;

J. That the program is developed, implemented and monitored by staff professionally trained in behavior programming, and witnessed by an approved professionally trained staff person; and

K. That the program is subject to both professional and human rights review in addition to informed consent by the resident or client, or authorized representative.

§ 2.8. The Local Human Rights Committee having made the determinations required by § 2.7 shall forward its findings to State Human Rights Committee which shall review and make its recommendations to the Commissioner who may then approve the proposed intrusive aversive therapy plan for a period not to exceed ninety days. The plan shall be monitored through unannounced visits by a designated advocate. In order for the plan to be continued, the Local Human Rights Committee shall again make the determinations required in § 2.7.

§ 2.9. The advocate or regional advocate shall be promptly

Emergency Regulation

informed of each application of a noxious stimulus in an approved intrusive aversive therapy program.

§ 2.10. The resident subjected to intrusive aversive therapy procedures and the advocate or regional advocate shall be given an opportunity to obtain an independent clinical review of the necessity and propriety of their use at any time.

Approved by the State Mental Health and Mental Retardation Board, September 24, 1986

/s/ Howard M. Cullum, Commissioner
Date: September 30, 1986

Approved by the Governor of Virginia

/s/ Gerald L. Baliles, Governor of Virginia
Date: October 10, 1986

Received by the Registrar of Regulations

/s/ Joan W. Smith, Registrar of Regulations
Date: October 14, 1986

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.14:9.1 of the Code of Virginia)

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: **VR 115-05-01. Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.**

Governor's Comment:

No objection to the proposed regulations as presented.

/s/ Gerald L. Baliles
Date: September 26, 1986

* * * * *

Title of Regulation: **VR 115-05-01. Rules and Regulations Governing the Production, Processing and Sale of Grade "A" Pasteurized Market Milk and Grade "A" Pasteurized Market Milk Products and Certain Milk Products.**

Governor's Comment:

No objection to the proposed regulations as presented. I urge the Department to consider any public comments received on these regulations prior to final adoption.

/s/ Gerald L. Baliles
Date: September 25, 1986

* * * * *

Title of Regulation: **VR 115-05-02. Rules and Regulations Governing the Cooling or Storage of Milk on Dairy Farms; the Sampling and Sample Handling of Milk from the Farm to the Laboratory; the Hauling, Transferring and Delivery of Milk from the Farm to the Processing Plant.**

Governor's Comment:

No objection to the proposed regulations as presented. I urge the Department to consider any public comments received on these regulations prior to final adoption.

/s/ Gerald L. Baliles
September 26, 1986

* * * * *

Title of Regulation: **VR 115-05-05. Rules and Regulations Governing the Production, Handling, and Processing of Milk for Manufacturing Purposes and Establishing**

Minimum Standards for Certain Dairy Products to be Used for Human Food.

Governor's Comment:

No objection to the proposed regulations as presented.

/s/ Gerald L. Baliles
September 26, 1986

* * * * *

Title of Regulation: **Rules and Regulations Governing the Production, Packaging, Labeling, Storage, Transportation, Handling and Sales of Grade "A" Condensed and Dry Whey. (Repealed)**

Governor's Comment:

No objection to the proposed regulation as presented. I urge the Department to consider any public comments received on these regulations prior to final adoption.

/s/ Gerald L. Baliles
September 25, 1986

STATE EDUCATION ASSISTANCE AUTHORITY

Title of Regulation: **VR 275-01-1. Regulations Governing the Virginia Guaranteed Student Loan Program and PLUS Loan Program.**

Governor's Comment:

No objection to proposed regulations as presented. With respect to the proposed changes in the grade level progression requirement, however, I (1) strongly urge the Authority to ensure that every participating institution continues to ensure the existence and effective application of federally-required "satisfactory academic progress (SAP)" policies with respect to repeat borrowers, and (2) request that the Authority carefully monitor, and report to me at the close of the current academic year regarding, the performance of students who borrow without progressing to the next grade level.

/s/ Gerald L. Baliles
Date: September 26, 1986

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

NOTICES OF INTENDED REGULATORY ACTION

BOARD OF BARBER EXAMINERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Barber Examiners intends to consider amending regulations entitled: **Virginia Board of Barber Examiner Regulations**. The purpose of the proposed changes is to amend the fees charged for license renewal in accordance with § 54-1.28:1, of the Code of Virginia.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

Contact: Evelyn W. Brennan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509 (toll-free number in Virginia only 1-800-552-3016).

BOARD OF CORRECTIONS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider promulgating regulations entitled: **VR 240-40-004. Outdoor Adventure Education**. The purpose of the proposed regulations is to improve procedures, safety and program management for juvenile outdoor adventures, strenghthen issues of counseling, use of outfitters and staff training.

Statutory Authority: §§ 16.1-322.1 and 53.1-5 of the Code of Virginia.

Written comments may be submitted until December 1, 1986.

Contact: Robert Callahan, Jr., Chairman, Wilderness Task Force, Juvenile Court Service Unit Municipal Center, Virginia Beach, Va. 23456, telephone (804) 427-4361.

CRIMINAL JUSTICE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections**. The purpose of the proposed changes is to amend and update existing regulations governing the training of Department of Corrections employees who are appointed to a noncustodial position.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until November 14, 1986 to Mr. L.T. Eckenrode, Division Director, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Mr. Jay Malcan, Executive Assistant, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000.

STATE BOARD OF EDUCATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Education intends to consider amending regulations entitled: **Certification Regulations for Teachers**. The purpose of the proposed amendments is to clarify requirements for (i) the NTE, (ii) BTAP, (iii) approved program process standard, (iv) certificate renewal, (v) additional endorsements, (vi) endorsement requirements for English/language arts, developmental reading, business education; and (vii) guidance counselor requirements.

Statutory Authority: §§ 22.1-298 and 22.1-299 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

Contact: Dr. William L. Helton, Administrative Director of Teacher Education, Certification, and Professional Development, Department of Education, P.O. Box 6-Q,

General Notices/Errata

Richmond, Va. 23216-2060, telephone (804) 225-2027.

STATE HIGHWAY AND TRANSPORTATION BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Highway and Transportation Board intends to consider amending regulations entitled: **VR 385-01-4. Rules and Regulations for the Administration of Waysides and Rest Areas.** The purpose of the proposed amendments is to allow for sale of refreshments in rest areas with the approval of the State Highway and Transportation Board.

Statutory Authority: § 33.1-218 of the Code of Virginia.

Written comments may be submitted until November 17, 1986.

Contact: John M. Wray, Jr., Chief Engineer, Virginia Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2707

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Labor and Industry intends to consider promulgating regulations entitled: **Biennial Program Sponsor Evaluation.** The purpose of the proposed regulations is to establish a biennial program sponsor evaluation procedure based upon criteria established by the Virginia Apprenticeship Council.

Statutory Authority: Chapter 1 (§ 40.1-6(3)) of Title 40.1 of the Code of Virginia.

Written Comments may be submitted until December 5, 1986, to: Carol A. Amato, Commissioner, Virginia Department of Labor and Industry, 205 North 4th Street, P.O. Box 12064, Richmond, Virginia 23241.

Contact: Robert S. Baumgardner, Director of Apprenticeship, 205 N. 4th St., P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-3075.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Department of Labor and Industry intends to consider amending regulations entitled: **Regulations Governing the**

Administration of Apprenticeship Programs in the Commonwealth of Virginia, IV.B.14. Standards of Apprenticeship Programs - Numeric Ratio of Apprentices to Journeymen. The purpose of the proposed amendment is to amend the numeric ratio of apprentices to journeymen from 1:3 to 1:1.

Statutory Authority: Chapter 1 (§ 40.1-6(3)) of Title 40.1 of the Code of Virginia.

Written comments may be submitted until December 5, 1986, to: Carol A. Amato, Commissioner, Virginia Department of Labor and Industry, 205 North 4th Street, P.O. Box 12064, Richmond, Virginia 23241.

Contact: Robert S. Baumgardner, Director of Apprenticeship, 205 N. 4th St., P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-3075.

VIRGINIA STATE BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Medicine intends to promulgate, amend and repeal regulations entitled: **VR 465-07-1. Regulations Governing the Certification of Nurse Practitioners.** The purpose of the proposed regulation is to clarify, simplify and otherwise ensure that the regulation of nurse practitioners is accomplished in the least restrictive manner consistent with the protection of the health, safety and welfare of the citizens of the Commonwealth of Virginia. Planned changes will be the result of the extensive review of regulations conducted in 1984-85. All comments previously received during that review will be considered again. Interested persons may submit additional or different written comments on the existing 1980 regulations.

Statutory Authority § 54-274 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

Contact: Corrine F. Dorsey, R.N., Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377 (toll-free number 1-800-533-1560)

BOARD OF MENTAL HEALTH AND MENTAL RETARDATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Mental

General Notices/Errata

Health and Mental Retardation intends to consider amending regulations entitled: **Mandatory Certification/Licensure Standards for Treatment Programs for Residential Facilities for Children.** The purpose of the proposed amendments is to establish minimum requirements for treatment programs in residential facilities serving mentally ill, mentally retarded, and substance abusing children.

Statutory Authority: § 37.1-10 of the Code of Virginia.

Written comments may be submitted until December 10, 1986 to: Rubyjean Gould, Administrative Services Director, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Virginia 23214.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3472

otherwise ensure that the regulation of nurse practitioners is accomplished in the least restrictive manner consistent with the protection of the health, safety and welfare of the citizens of the Commonwealth of Virginia. Planned changes will be the result of the extensive review of regulations conducted in 1984-85. All comments previously received during that review will be considered again. Interested persons may submit additional or different written comments on the existing 1980 regulations.

Statutory Authority: § 54-274 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

Contact: Corrine F. Dorsey, R.N., Executive Director, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0377, (toll-free number 1-800-533-1560)

VIRGINIA STATE BOARD OF NURSING

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Nursing intends to consider promulgating, amending and repealing regulations entitled: **VR 495-01-1. Board of Nursing Regulations.** The purpose of the proposed regulation is to clarify, simplify and otherwise ensure that the regulation of nurses and nursing education programs is accomplished in the least restrictive manner consistent with the protection of the health, safety and welfare of the citizens of the Commonwealth of Virginia. Planned changes will be the result of the extensive review of regulations conducted in 1984-85. All comments previously received during that review will be considered again. Interested persons may submit additional or different written comments on the existing 1982 regulations.

Statutory Authority: § 54-367.11 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0377 (toll-free number 1-800-533-1560)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Nursing intends to promulgate, amend and repeal regulations entitled: **VR 495-02-1. Regulations Governing the Certification of Nurse Practitioners.** The purpose of the proposed regulation is to clarify, simplify and

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Water Quality Standards.** The proposed amendments will establish water quality standards for the protection of the Chesapeake Bay, its tributaries and other state waters from nutrient enrichment.

Statutory Authority: § 62.1-44.15 (3) of the Code of Virginia.

Written comments may be submitted until November 7, 1986.

Contact: Jean Gregory, Ecology Supervisor, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider repealing regulations entitled: **Priority System for Construction Grant Recipients to Determine Whether a Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.** The purpose of this regulation was to set forth the criteria for determining if grant applicants were experiencing financial hardship and qualified for supplemental state grant funds, in addition to the federal funds. Repeal of this regulation is being proposed since there has been no appropriation under this program since FY 76 and no future appropriations under this program are likely.

General Notices/Errata

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until November 26, 1986.

Contact: Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Regulation No. 3.** The propose of the amendments is to ensure local approval, prior to board approval, of the location or site of any nongovernmentally owned sewage treatment plant. Repeal of this regulation is being proposed because of improved procedures for issuance of permits and questions as to the legality of the regulation.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until November 26, 1986.

Contact: Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider repealing regulations entitled: **Regulation No. 7 - Industrial Waste Survey.** The purpose of this regulation was to determine the number of indirect dischargers to publicly owned sewage treatment plants. Repeal of this regulation is being proposed since the requirements have either expired or are now incorporated in subpart G of Regulation No. 6.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until November 26, 1986.

Contact: Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control

Board intends to consider repealing regulations entitled: **Regulation No. 10 - Trash and Pumpout Services for Vessels at Anchor.** The purpose of this regulation was to require commercial vessels in the foreign trade larger than 1,000 gross tons that anchor in Virginia waters for longer than 48 hours to properly dispose of trash, garbage, and sewage and sewage sludge. Repeal of this regulation is being proposed since conditions which necessitated its adoption are no longer in existence nor are they likely to reappear.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until November 26, 1986.

Contact: Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Water Control Board intends to consider amending regulations entitled: **Water Resources Policy.** The Water Resources Policy is a statement of policy for the agency's use in preparing water resource management plans, advising on adequacy/desirability of water resource projects, authorizing specific water resource projects, and commenting on projects which affect water resources. The proposed amendments are editorial and structural to conform to the Forms, Style and Procedures Manual for the Virginia Register of Regulations.

Statutory Authority: § 62.1-44.36 of the Code of Virginia.

Written comments may be submitted until November 26, 1986.

Contact: Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828.

GENERAL NOTICES

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not

General Notices/Errata

have any forms or you need additional forms, please contact: Ann M. Brown, Assistant Registrar of Regulations, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

FORMS:

PROPOSED (Transmittal Sheet) - RR01
FINAL (Transmittal Sheet) - RR02
NOTICE OF MEETING - RR03
NOTICE OF INTENDED REGULATORY ACTION -
RR04
NOTICE OF COMMENT PERIOD - RR05
AGENCY RESPONSE TO LEGISLATIVE
OR GUBERNATORIAL OBJECTIONS - RR06

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
Ⓜ Location accessible to handicapped
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

THE VIRGINIA CODE COMMISSION

NOTICE: Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

EXECUTIVE

DEPARTMENT FOR THE AGING

Long-Term Care Ombudsman Program Advisory Council

December 4, 1986 - 9:30 a.m. - Open Meeting
James Monroe Building, Conference Room E, 101 North
14th Street, Richmond, Virginia. Ⓜ

The council will discuss the work of Virginia's Long-Term Care Ombudsman Program and hear interim reports from various subcommittees.

Contact: Catherine P. Saunders, Department for the Aging,
James Monroe Bldg., 18th Floor, 101 N. 14th St.,
Richmond, Va. 23219-2797, telephone (804) 225-2912

VIRGINIA AGRICULTURAL COUNCIL

November 10, 1986 - 10 a.m. - Open Meeting
November 11, 1986 - 9 a.m. - Open Meeting
Holiday Inn - Airport, 5203 Williamsburg Road, Sandston,
Virginia

A two-day meeting of the council called by the chairman to hear project proposals which have been received and properly supported by the board of directors of a commodity group.

Contact: Henry H. Budd, Assistant Secretary, Washington
Bldg., Room 203, 1100 Bank St., Richmond, Va. 23219,
telephone (804) 786-2373

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

November 5, 1986 - 9 a.m. - Open Meeting
Washington Building, Room 204, 1100 Bank Street,
Richmond, Virginia. Ⓜ

The Virginia Board of Agriculture and Consumer Services (Board) has been petitioned by the Environmental Defense Fund and the Virginia Seafood Council to ban or restrict the use of Tributyltin (TBT) in anti-fouling paints under the board's authority to regulate the sale and use of pesticides in Virginia. TBT is a pesticidal ingredient in some anti-fouling paint used on boats and ships to reduce the attachment of barnacles.

The board is sponsoring an Evidential Hearing pursuant to § 9-6.14:8 of the Administrative Process Act to be conducted by an appointed hearing officer to seek data from scientific research and opinions of experts on the toxicity and harmful effects of the use of TBT in anti-fouling paints as well as the economic impact of prohibiting or restricting the use of such paints in Virginia. Specifically, the board is seeking data in the following areas:

a. Scientific data on TBT in anti-fouling paint as to:

1. Toxicity to aquatic life
2. Persistence in aquatic systems
3. Current concentration in Virginia waters
4. Concentration in aquatic organisms, if any
5. Observed effects on marine life in any Virginia waters where TBT levels have been determined
6. Rates of release of TBT from "Free Association" as compared to copolymer TBT anti-fouling paints.

b. To solicit facts and figures on the economic impact to boat owners and operators as well as shipyard facilities by banning or prohibiting the use of TBT in anti-fouling paints.

Calendar of Events

c. To solicit facts and figures on the economic impact to the Virginia Seafood Industry from the use or continued use of TBT in anti-fouling paints.

d. To solicit facts on the kinds and amounts of anti-fouling paint containing TBT used in Virginia.

e. To solicit facts and figures on the use of "Free Association" vs. copolymer TBT in anti-fouling paints in Virginia.

f. Wetted hull areas on commercial, recreational, and federal vessels that are using TBT anti-fouling paints in Virginia.

g. Any scientific facts or other relevant data not addressed in a - f above.

Anyone having scientific data or other relevant facts is invited to appear and make presentations to the board. Written copies of presentations are requested and should be provided at the hearing for incorporation into the official record. Presentation should be limited to one-half hour. However, written text may be of any necessary length to transmit pertinent scientific data and relevant facts. Anyone planning to make a presentation should contact Billy W. Southall, Director, Division of Product and Industry Regulation, 1100 Bank Street, P.O. Box 1163, Room 403, Richmond, Virginia 23209, telephone (804) 786-3534 to obtain an assigned hour for presentation in order to best utilize the time and effort of participants. The hearing may extend beyond November 5 into November 6 and November 7, if necessary, to accommodate the number of people who wish to make presentations. Data submitted will be used by the board to reach a decision on whether or not to promulgate regulations to ban or restrict the use of TBT in anti-fouling paints in Virginia.

Contact: Raymond D. Vaughan, 1100 Bank St., Room 210, Richmond, Va. 23219, telephone (804) 786-3501

STATE AIR POLLUTION CONTROL BOARD

Region V - Richmond

† **November 5, 1986 - 11 a.m.** - Public Hearing
Richmond County Courthouse, General District Courtroom,
Warsaw, Virginia.

A public hearing will be held on a permit application from Lee Hy Paving Corporation to install and operate an asphalt concrete plant 1/2 mile west of Warsaw, Virginia north of Route 360, Richmond County.

Contact: William M. Jewell, Jr., 8205 Hermitage Rd., Richmond, Va. 23228, telephone (804) 264-3067

Region VII - Springfield

† **November 5, 1986 - 7 p.m.** - Public Hearing
Lorton Volunteer Fire Station, 7701 Armistead Road,
Lorton-Fairfax County, Virginia. 5

Following a 30-day comment period, a public hearing will be held on a permit application from the Public Works Department, County of Fairfax, to construct and operate a 3000 ton-per-day municipal solid waste energy/resource recovery facility.

Contact: John C. Doherty, State Air Pollution Control Board, Springfield Towers, Suite 502, 6320 Augusta Dr., Springfield, Va. 22150, telephone (703) 644-0311

VIRGINIA ALCOHOLIC BEVERAGE CONTROL BOARD

November 18, 1986 - 9:30 a.m. - Open Meeting
December 2, 1986 - 9:30 a.m. - Open Meeting
December 16, 1986 - 9:30 a.m. - Open Meeting
December 30, 1986 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☐

A meeting to review and discuss reports on activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, Virginia Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, Va. 23220, telephone (804) 257-0617

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

† **November 14, 1986 - 9 a.m.** - Open Meeting
Department of Commerce, Travelers Building, 5th Floor,
3600 West Broad Street, Richmond, Virginia. ☐

The board will meet to: (i) approve minutes of September 12, 1986, meeting; (ii) review disciplinary cases; (iii) review correspondence; (iv) discuss regulatory review; and (v) discuss meeting schedule for next year.

Contact: Joan L. White, Assistant Director, APELSCLA, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555.

AUCTIONEERS BOARD

October 28, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☐

Calendar of Events

An open board meeting to conduct (i) review of complaints; (ii) signing of certificates; (iii) discussion of revenue and expenditures; and (iv) review of certification examination.

Contact: Mr. Geralde W. Morgan, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 257-8508

BOARD OF BARBER EXAMINERS

November 3, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, Conference Room 3, 3600 West Broad Street, Richmond, Virginia. ☐

A called meeting to (i) review comments from the "Notice of Intended Regulatory Action", and proposed regulations; (ii) review investigative reports of complaints and determine disposition; and (iii) consider general correspondence pertinent to the operation of the board.

November 17, 1986 - 9 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

A regular business meeting to (i) hear budget report; (ii) review complaints; (iii) review applications; and (iv) review examination reports

Contact: Evelyn W. Brennan, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, Va. 23230, telephone (804) 257-850

VIRGINIA CATTLE INDUSTRY BOARD

November 18, 1986 - 10 a.m. - Open Meeting
Holiday Inn South, Charlottesville, Virginia. ☐

The board meeting will include review of collections, implementations of National's \$1.00 checkoff, review of funded projects and proposals for new projects.

Contact: Reggie Reynolds, Secretary, P.O. Box 176 Daleville, Va. 24083-0176, telephone (703) 992-1992

STATE BOARD FOR COMMUNITY COLLEGES

† November 6, 1986 - 11 a.m. - Open Meeting
Williamsburg Hilton and National Conference Center, 50 Kingsmill Road, Williamsburg, Virginia.

The State Board Committee (Audit, Facilities, Personnel, Curriculum and Program, Budget and

Finance) will meet. (No agenda available now)

† November 6, 1986 - 2 p.m. - Open Meeting
Williamsburg Hilton and National Conference Center, 50 Kingsmill Road, Williamsburg, Virginia.

A general meeting. (No agenda available now)

Contact: Mrs. Joy Graham, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2126

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Virginia Soil and Water Conservation Board

† December 10, 1986 - 9 a.m. - Open Meeting
Roanoke Airport Marriott, 280 Hershberger Road, N.W., Roanoke, Virginia.

A regular bi-monthly business meeting.

Contact: Donald L. Wells, Suite 206, 203 Governor St., Richmond, Va. 23219, telephone (804) 786-2064.

BOARD OF COMMERCE

November 6, 1986 - 10:30 a.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☐

A regular monthly meeting of the board. The agenda will include consideration of SJR 51 study report on the regulation of the towing and recovery industry.

Contact: Catherine M. Walker, Policy Analyst, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8519

BOARD OF CORRECTIONS

November 12, 1986 - 10 a.m. - Public Hearing
Board of Corrections, Board Room, 4615 West Broad Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to amend regulations entitled: **VR 230-40-003. Post Dispositional Confinement for Secure Detention and Court Service Units.** This proposed amendment establishes standards for confinement and treatment of juveniles in post dispositional care.

Statutory Authority: § 16.1-284.1 of the Code of Virginia.

Calendar of Events

Written comments may be submitted until September 30, 1986.

Contact: Glenn D. Radcliffe, Chief of Operations/Support Services, Division of Youth Services, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-0385

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November 18, 1986 - 7 p.m. - Public Hearing
4615 West Broad Street, Richmond, Virginia.

November 20, 1986 - 7 p.m. - Public Hearing
Holiday Inn, Fair Oaks Mall, 11787 Lee Jackson Highway, Fairfax, Virginia.

November 25, 1986 - 7 p.m. - Public Hearing
Holiday Inn, Junction of US 11, I-81 and I-77, Wytheville, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Corrections intends to adopt regulations entitled: **Minimum Standards for Jails and Lockups**. These regulations establish minimum standards for the administration and operation of jails and lockups.

Statutory Authority: §§ 53.1-5, 53.1-68 and 53.1-131 of the Code of Virginia.

Written comments may be submitted until November 15, 1986.

Contact: John T. Britton, Manager, Certification Unit, 5001 W. Broad St., Suite 300, Richmond, Va. 23230, telephone (804) 281-9240

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† **December 17, 1986 - 10 a.m. - Open Meeting**
† **January 14, 1987 - 10 a.m. - Open Meeting**
Department of Corrections, 4615 West Broad Street, Richmond, Virginia. ☐

A regular monthly meeting to consider such matters as may be presented.

Contact: Mrs. Vivian Toler, Secretary to the Board, 4615 W. Broad St., P.O. Box 26963, Richmond, Va. 23261, telephone (804) 257-6274

STATE BOARD OF EDUCATION

October 28, 1986 - 9 a.m. - Open Meeting
October 29, 1986 - 9 a.m. - Open Meeting
General Assembly Building, House Room C, 1st Floor, Capitol Square, Richmond, Virginia. ☐

A regularly scheduled meeting. The agenda is available upon request. The public is reminded that

the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Building, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2540

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October 28, 1986 - 1:30 p.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Education intends to amend regulations entitled: **Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia**. The purpose of the proposed amendment is to prescribe the scope of physical examinations for school bus drivers.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until October 29, 1986.

Contact: R. A. Bynum, Associate Director, Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2037

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November 12, 1986 - 1:30 p.m. - Public Hearing
James Monroe Building, Large Conference Room, 18th Floor, 101 North 14th Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Education intends to amend regulations entitled: **VR 270-01-010. Regulations Governing Pupil Accounting Records**. The regulations direct local school division personnel in maintaining school attendance of pupils in the public school system.

Statutory Authority: §§ 22.1-16 and 22.1-20 and Chapter 14 of Title 22.1 of the Code of Virginia.

Written comments may be submitted until November 12, 1986.

Contact: Howell L. Gruver, Administrative Director, MIS, Virginia Department of Education, P.O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2099

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December 11, 1986 - 9 a.m. - Open Meeting
December 12, 1986 - 9 a.m. - Open Meeting
James Monroe Building, 1st Floor Conference Rooms C and D, 101 North 14th Street, Richmond, Virginia. ☐

A regularly scheduled meeting. The agenda is available upon request. The public is reminded that

Calendar of Events

the Board of Vocational Education may convene, if required.

Contact: Margaret N. Roberts, James Monroe Building, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2540

GOVERNOR'S COMMISSION ON EFFICIENCY IN GOVERNMENT

November 18, 1986 - 10 a.m. - Open Meeting
December 17, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

The Governor's Commission on Efficiency in Government has established its 1986 meeting schedule as follows:

11/18/86: Review results of work conducted in September and October; prepare recommendations.
12/17/86: Public hearing on recommendations to Governor and 1987 General Assembly; finalize recommendations.

Contact: Alan Albert OR Leonard Hopkins, Office of the Governor, State Capitol, Richmond, Va. 23219, telephone (804) 786-2211

STATE BOARD OF ELECTIONS

November 24, 1986 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☐

Canvass of November 4, 1986, General and Special Elections.

Contact: M. Debra Mitterer, Ninth Street Office Bldg., Room 101, Richmond, Va. 23219, telephone (804) 786-6551

FAMILY AND CHILDREN'S TRUST FUND

Board of Trustees

† November 7, 1986 - 10 a.m. - Open Meeting
Charlottesville, Virginia (location to be determined).

A business meeting to determine plans for the fund.

Contact: Margaret J. Friedenbergh, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288-8699, telephone (804) 281-9217

DEPARTMENT OF FIRE PROGRAMS (BOARD OF)

December 19, 1986 - 9:30 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Fire Services Board intends to adopt regulations entitled VR 310-01-2. Regulations Establishing Certification Standards for Fire Inspectors. These regulations establish standards for qualifying fire inspectors to be permitted to issue summonses and serving arrest warrants as provided § 27-34.2 of the Code of Virginia.

Statutory Authority: § 9-155 of the Code of Virginia.

Written comments may be submitted until December 31, 1986. Proposed effective date is April 1, 1987.

Contact: Carl N. Cimino, Executive Director, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681

VIRGINIA BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† November 6, 1986 - 1:30 p.m. - Open Meeting
November 7, 1986 - 9 a.m. - Open Meeting
November 8, 1986 - 9 a.m. - CANCELLED
Omni Hotel, 235 West Main Street, Charlottesville, Virginia.

Disciplinary informal conferences.

Two formal hearings to: (i) certify candidates for the November 18 and 19, 1986, examinations; (ii) discuss drafting and promulgation of regulations; and (iii) general board agenda.

Contact: Mark L. Forberg, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0076

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† November 7, 1986 - 10 a.m. - Open Meeting
† December 5, 1986 - 10 a.m. - Open Meeting
Virginia Museum of Fine Arts, Main Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

The board will advise the Director of the Department of General Services and the Governor on architecture of state facilities to be constructed and works of art to be accepted or acquired by the Commonwealth.

Calendar of Events

Contact: Dorothy E. Ivankoe, Department of General Services, Ninth Street Office Bldg., Room 209, Richmond, Va. 23219, telephone (804) 786-3311

State Insurance Advisory Board

† **December 11, 1986 - 9:30 a.m. - Open Meeting**
College of William and Mary, Room C, Campus Center, Williamsburg, Virginia. ☐

Quarterly meeting of the State Insurance Advisory Board.

Contact: Mr. Charles F. Scott, Director, Department of General Services, Division of Risk Management, Room 117, 105 E. Broad St., Richmond, Va. 23219, telephone (804) 225-4519

VIRGINIA BOARD OF GEOLOGY

† **November 5, 1986 - 9 a.m. - Open Meeting**
Department of Commerce, Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☐

The board will meet to: (i) approve minutes of September 10, 1986, meeting; (ii) discuss regulatory review; (iii) development of examination; (iv) review applications; and (v) discuss calendar for 1987.

Contact: Joan L. White, Assistant Director, Geology, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8555

INTERAGENCY COORDINATING COUNCIL ON DELIVERY OF RELATED SERVICES TO HANDICAPPED CHILDREN

October 28, 1986 - 1:30 p.m. - Open Meeting
Commission for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☐

A regular monthly meeting of the ten agency representatives that comprise the council which is designed to facilitate the timely delivery of appropriate services to handicapped children and youth in Virginia.

Contact: Dr. Michael M. Fehl, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3710

DEPARTMENT OF HEALTH (BOARD OF)

December 2, 1986 - 10 a.m. - Public Hearing
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **VR 355-12-01. Virginia Hearing Impairment Identification and Monitoring System.** The regulations establish procedures for implementation of a system to identify newborns at risk for hearing impairment and to monitor them until a determination of the status of their hearing is made.

Statutory Authority: § 32.1-64 of the Code of Virginia.

Written comments may be submitted until December 1, 1986.

Contact: Pat T. Dewey, Speech and Hearing Services Administrator, Department of Health, James Madison Bldg., 6th Floor, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-6281

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December 2, 1986 - 11 a.m. - Public Hearing
James Madison Building, Main Floor Auditorium, 109 Governor Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **State Plan for the Provision of Crippled Children's Services.** These regulations describe the eligibility criteria, application process, financial process, treatment process, variance and appeal process, scope, and content of the crippled children's services.

Statutory Authority: §§ 32.1-12 and 32.1-77 of the Code of Virginia.

Written comments may be submitted until December 2, 1986.

Contact: Willard R. Ferguson, M.D., Director, Division of Handicapped Children, Department of Health, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-3691

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† **November 19, 1986 - 9:30 a.m. - Open Meeting**
Virginia Center for Health Affairs, 4200 Innslake Drive, Glen Allen, Virginia. ☐

A monthly business meeting of the council for the

Calendar of Events

purpose of addressing financial policy or technical matters which may have arisen since the last meeting.

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December 17, 1986 - 11:30 a.m. - Public Hearing
Virginia Center for Health Affairs, 4200 Innslake Drive,
Glen Allen, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Health Services Cost Review Council intends to amend regulations entitled: **VR 370-01-001. The Rules and Regulations of the Virginia Health Services Cost Review Council.** The changes in the rules and regulations are designed to permit the collection of fees in a more timely and appropriate manner.

Statutory Authority: § 9-164, paragraph 2 of the Code of Virginia.

Written comments may be submitted until December 17, 1986.

Contact: Dr. Ann Y. McGee, Director, Virginia Health Service Cost Review Council, 9th Floor, 805 E. Broad St., Richmond, Va. 23219, (804) 786-6371

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **November 5, 1986 - 9 a.m. - Open Meeting**
James Monroe Building, 9th Floor Conference Room, 101 North 14th Street, Richmond, Virginia. ☒

A monthly council meeting. The agenda is available on request.

Contact: Grace I. Lessner, James Monroe Bldg., 9th Floor, 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2638

DEPARTMENT OF HIGHWAYS AND TRANSPORTATION (STATE BOARD OF)

November 17, 1986 - 10 a.m. - Public Hearing
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of the Virginia that the Department of Highways and Transportation intends to amend regulations entitled: **Rules and Regulations for the Administration of Waysides and Rest Areas.** The proposed regulations will allow sale of items, including refreshments, in rest areas with permission of the Highway and Transportation Board.

Statutory Authority: § 33.1-218 of the Code of Virginia.

Written comments may be submitted until November 17, 1986.

Contact: John M. Wray, Jr., Chief Engineer, Department of Highways and Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2707

* * * * *

November 20, 1986 - 10 a.m. - Open Meeting
Department of Highways and Transportation Building, Board Room, 1401 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Director of Administration, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

INNOVATIVE TECHNOLOGY AUTHORITY

† **November 24, 1986 - 9:30 a.m. - Open Meeting**
Old Dominion University, Webb Center, Newport News Hampton Room, Norfolk, Virginia.

A meeting to conduct business of the authority followed by a board meeting of the Authority for Innovative Technology.

Contact: Julia Stefanelli, Center for Innovative Technology, 13873 Park Center Rd., Suite 201, Herndon, Va. 22071, telephone (703) 689-3000

VIRGINIA STATE LIBRARY BOARD

† **December 6, 1986 - 11 a.m. - Open Meeting**
Norfolk Public Library, Martin Meeting Room, 301 East City Hall Avenue, Norfolk, Virginia. ☒

A regular meeting to discuss administrative matters.

Executive Committee

† **November 6, 1986 - 9:30 a.m. - Open Meeting**
Norfolk Public Library, Martin Meeting Room, 301 East City Hall Avenue Norfolk, Virginia. ☒

To discuss administrative affairs.

Contact: Jean K. Reynolds, Virginia State Library, 11th St.

Calendar of Events

at Capitol Square, Richmond, Va. 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

November 10, 1986 - 2 p.m. - Open Meeting
Bath County General District Courtroom, Warm Springs, Virginia.

A regular bimonthly meeting to consider such matters as may be presented.

Contact: Barbara Bingham, Ninth Street Office Bldg., Room 901, Richmond, Va. 23219, telephone (804) 786-6508

LONGWOOD COLLEGE

Board of Visitors

October 30, 1986 - 10 a.m. - Open Meeting
October 31, 1986 - 3 p.m. - Open Meeting
Virginia Room, Longwood College, Farmville, Virginia. ☐

A meeting to conduct business as the governing body of the institution.

Contact: Dr. Janet D. Greenwood, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211

BOARD OF MEDICAL ASSISTANCE SERVICES

October 31, 1986 - 9 a.m. - Public Hearing
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: **Rehabilitation Services**. These regulations define the amount, duration and scope of rehabilitation services covered by the department.

Statutory Authority: § 32.1-325 of the Code of Virginia

Written comments may be submitted until October 27, 1986.

Contact: Martha B. Pulley, Health Programs Consultant, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

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October 31, 1986 - 9 a.m. - Public Hearing
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medical Assistance Services intends to adopt regulations entitled: **VR 460-03-2.6152. Definition of Home Ownership**. The purpose of the regulation is to establish the definition of home ownership to be used in determining eligibility for Medicaid.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until October 27, 1986.

Contact: Ann E. Cook, Medical Social Services Director, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 225-4220

* * * * *

† **November 18, 1986 - 10 a.m. - Open Meeting**
Department of Medical Assistance Services, Suite 1300, 600 East Broad Street, Richmond, Virginia. ☐

A meeting to: (i) discuss State Plan amendments on organ transplant coverage mandated by COBRA 1985; SIEVS language; update on contiguous property; (ii) Training/Medicaid Program; (iii) DMAS study updates on indigent care, State Plan Review, reimbursement; and (iv) other business pertinent to the board.

Contact: Jacqueline M. Fritz, Department of Medical Assistance Services, Suite 1300, 600 E. Broad St., Richmond, Va. 23219, telephone (804) 786-7933

GOVERNOR'S ADVISORY BOARD ON MEDICARE AND MEDICAID

† **November 12, 1986 - 2 p.m. - Open Meeting**
The Jefferson-Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia. ☐

A meeting to: (i) discuss State Plan amendment on organ transplant coverage mandated by COBRA 1985; (ii) status report on budget amendment proposals, State Plan Review and reimbursement study; and (iii) other business pertinent to the Governor's Advisory Board.

Contact: Jacqueline Fritz, Department of Medical Assistance Services, Suite 1300, 600 E. Broad St., Richmond, Va. 23219, telephone (804) 786-7933

Calendar of Events

VIRGINIA STATE BOARD OF MEDICINE

† November 20, 1986 - 8:15 a.m. - Open Meeting
† November 21, 1986 - 9:15 a.m. - Open Meeting
† November 22, 1986 - 9:15 a.m. - Open Meeting
† November 23, 1986 - 8:15 a.m. - Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike,
Richmond, Virginia.

The board will meet to review reports, interview licensees and make decisions on discipline matters before the board on Thursday, Friday, and Saturday mornings. The full board will meet in open session at 1:30 p.m. Saturday, and may meet on Sunday, to conduct general board business.

Informal Conference Committee

October 31, 1986 - 9 a.m. - Open and Closed Meetings
6401 Brandon Avenue, Room 207, Springfield, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed session pursuant to § 2.1-344 (a)(6) of the Code of Virginia.

Credentials Committee

† November 20, 1986 - 8 p.m. - Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike,
Richmond, Virginia.

The committee will meet in open and executive session to conduct general business and review medical credentials of applicants applying for licensure in Virginia.

Advisory Board on Physical Therapy

† November 21, 1986 - 1 p.m. - Open Meeting
† November 22, 1986 - 9 a.m. - Open Meeting
Sheraton Park South Hotel, 9901 Midlothian Turnpike,
Richmond, Virginia

The board will meet to conduct general board business and respond to correspondence; and may reconvene on Saturday.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

STATE MENTAL HEALTH AND MENTAL RETARDATION BOARD

† November 19, 1986 - 10 a.m. - Open Meeting
Northern Virginia Training Center, Fairfax, Virginia. ☐

A regular monthly meeting. The agenda will be published on November 12 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, Board Secretary, Department of Mental Health and Mental Retardation, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

State Human Rights Committee

November 14, 1986 - 10 a.m. - Open Meeting
James Madison Building, 13th Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☐

A regular meeting to discuss business relating to human rights issues. Agenda items are listed prior to meeting.

Contact: Elsie D. Little, A.C.S.W., P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

STATE MILK COMMISSION

† October 29, 1986 - 10 a.m. - Open Meeting
Ninth Street Office Building, Suite 1015, 9th and Grace Streets, Richmond, Virginia. ☐

A routine monthly meeting.

Contact: Mr. C. H. Coleman, Administrator, Ninth Street Office Bldg., Suite 1015, 9th and Grace St., Richmond, Va. 23219, telephone (804) 786-2013

DEPARTMENT OF MINES, MINERALS AND ENERGY

† December 30, 1986 - 10 a.m. - Public Hearing
Department of Mines, Minerals and Energy, The Bookbindery Building Conference Room, 2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: **VR 480-03-16. Minerals Other Than Coal Surface Mining Regulation.** These regulations establish the procedures and requirements pertaining to "Permits for Certain Mining Operators; Reclamation of Land" implemented pursuant to Chapter 16, Title 45 of

Calendar of Events

the Code of Virginia.

STATEMENT

Subject: The subject of these regulations is the surface mining of minerals other than coal.

Substance: The MOTC regulations establish rules for issuing surface mining permits, bonds, operations, reclamation procedures, road construction, revegetation and other matters related to the surface mining of minerals other than coal.

Issues: Issues considered in the review of the regulations were (i) an assessment of the need for the regulation, (ii) clarity of the regulation, (iii) an analysis of alternatives, and (iv) an estimate of the impact of the regulation on small business.

Basis: The mining of minerals provides an economic contribution to the Commonwealth. However, uncontrolled mining and unreclaimed land can adversely affect the environment through the destruction of vegetative cover, the disruption of drainage patterns and the increased siltation and sedimentation of streams.

Purpose: These regulations provide for the surface mining of minerals other than coal in a manner to prevent harm to the environment and to protect aesthetic values.

Statutory Authority: § 45.1-180.3 of the Code of Virginia.

Written comments may be submitted until December 30, 1986.

Contact: William Roller, Compliance Manager, Division of Mined Land Reclamation, P.O. Box 4499, Lynchburg, Va. 24502, telephone (804) 239-0602

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† **January 7, 1987 - 10 a.m. - Public Hearing**
Division of Mined Land Reclamation Conference Room,
622 Powell Avenue, Big Stone Gap, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: **VR 480-03-19. Coal Surface Mining Reclamation Regulations.** Proposed amendments to Virginia's program for surface coal mining operations to consider areas unsuitable for mining, and for reclaiming abandoned mines.

STATEMENT

Basis: These amendments are being promulgated pursuant to § 45.1-230 of the Code of Virginia.

Purpose: The purpose of these amendments is to improve water quality in Virginia's coalfields by encouraging

operators to mine and reclaim areas that are affected by previous mining, and which, as a result, have pollutional discharges. The department's current regulations require all mining operations to comply with certain water quality standards established through the National Pollution Discharge Elimination System (NPDES) under the authority of the Federal Clean Water Act. These standards prevent the department from releasing bonds to mining operations where the quality of water discharges violates those standards, even if the pollutional discharges were present before the operation began.

The proposed amendments to § 480-03-19.700.5 define new terms used in specifying requirements for re-mining and reclamation of certain areas. Amendments to § 480-03-19.785.19 and Part 480-03-19.825 create a limited exception to the current regulations by allowing water-quality limits to be set on a case-by-case basis for mines located on previously mined sites. Authorization for such exceptions would require operators to perform additional activities described in the proposed regulations. Additional proposed amendments would allow release of bonds in cases when the water-quality levels existing before mining are maintained or improved, and other environmental benefits result. These proposed amendments also are intended to encourage reclamation of abandoned mine lands in addition to those being reclaimed under the department's Abandoned Mine Land Reclamation program.

The proposed amendments would correct defects in the current regulatory language as set out in an opinion of the Virginia Attorney General dated October 18, 1984. The department proposes to remove certain information requirements relating to the net worth of a parent corporation for subsidiary corporations unless the assets of the parent corporation are used by the subsidiaries in determining their net worths. Also proposed is removal of the requirement of certification by an independent certified public accountant that a company proposing self-bond has the ability to satisfy all obligations and costs under its proposed reclamation plan for the life of the company's mine. These requirements are not authorized by subsection E of § 45.1-270.3 of the Code of Virginia.

The proposed amendments would reduce the minimum time for partial bond release for participants in the Coal Surface Mining Reclamation Fund ("Fund") from two growing seasons to one. The department's current regulation for bond release requires operators in the "Fund" to provide a bond at a specified rate per acre. This bond is to be held at least two full growing seasons after the mine site is reclaimed, with no provision for reduction in the amount sooner. Operators not in the "Fund" may apply for reductions after regrading the land, and again after establishing vegetation on the mine site; thus, they are not subject to the two growing season limit. The lack of a provision for bond reduction or partial bond release for operators in the "Fund" often requires those operators to post more bonds for longer periods of time than operators not in the "Fund."

Calendar of Events

Impact: It is estimated that more than 71,000 acres of land have been disturbed by mining in southwestern Virginia's coalfields, and that there are approximately 2,765 miles of exposed highwalls left as a result of this mining. These disturbances have created pollutional discharges and other environmental effects. The proposed amendments are intended to encourage the remining and reclamation of previously mined areas, and to authorize bond release when environmental and water-quality improvements result.

Each applicant seeking special authorization to remine areas with pollutional discharges would be required to prepare an abatement plan designed to reduce the baseline pollution load on the site. The department would establish water-quality limits for each area based on detailed baseline analyses conducted by the applicant. These site-specific limits should yield significant cost savings in water treatment for existing discharges of poor water quality which the operator might encounter while remining the area. Under these amendments, cost benefits could encourage the mining of areas, and the subsequent improvement of environmental quality, in areas that might otherwise have been left unreclaimed. The cost savings would also benefit the department's program for reclaiming abandoned mined lands by reducing the amount of previously mined land to be considered in that program.

The proposed amendment affecting self bonds could result in significant cost savings for underground mining operations that qualify. Limiting the informational requirements to only those specified by subsection E of § 45.1-270.3 of the Code of Virginia could reduce costs for the estimated 15 to 20 coal mining companies believed to possess the assets to self-bond. To date, the department has received no applications for self bond, for reasons that vary from the general availability of surety bonds for large corporations to a reluctance of companies to disclose ownership and financial information currently required.

The proposed amendment affecting bond reductions could result in significant cost savings for operators participating in the Coal Surface Mining Reclamation Fund ("Fund"). Mine operators must provide bonds sufficient to allow reclamation of their sites in the event that the permittee fails to reclaim. These bonds range from \$1,000 to \$10,000 per acre. Ordinarily, an operator may receive reductions in bond amount as the mine site is reclaimed, but must provide some bond for at least five years after mining is completed. The "Fund" was established in 1982 to assist mine operators who had difficulty obtaining bonds in such large amounts for such long terms.

There are about 550 permittees participating in the "Fund," or about 60% of the total number of permittees in Virginia. Each permittee who would be able, under these proposed amendments, to obtain quicker bond reductions would save an estimated \$12 to \$25 per year in bond premiums for every \$1,000 reduction in the total bond amount. Permittees, especially of smaller operations,

also would have the released bond available for use on new mining permits. Because successful reclamation would have to be demonstrated prior to reduction or partial release, and because the assets of the "Fund" are available if additional bond money is needed during the five-year period of extended liability, the department anticipates no adverse impacts to the public.

Statutory Authority: § 45.1-230 of the Code of Virginia.

Written comments may be submitted until January 7, 1986.

Contact: Conrad T. Spangler, Chief Engineer, Division of Mined Land Reclamation, P.O. Drawer U, Big Stone Gap, Va. 24219, telephone (703) 523-2925

VIRGINIA DEPARTMENT OF MOTOR VEHICLES

November 18, 1986 - 10 a.m. - Public Hearing
Division of Motor Vehicles Branch Office, Tanglewood Mall, - Conference Room, 4206 Electric Road, Roanoke, Virginia

November 19, 1986 - 10 a.m. - Public Hearing.
Department of Motor Vehicles, Agecroft Room, No. 131, 2300 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Motor Vehicles intends to adopt regulations entitled: **Regulations Governing Grants to be Made Pursuant to the Virginia Alcohol Fuel Production Incentive Program Fund.** These regulations provide for interpretations, registration, enforcement, and payment of grants under the Virginia Alcohol Fuel Production Incentive Program.

Statutory Authority: § 58.1-2127.7 of the Code of Virginia.

Written comments may be submitted until November 15, 1986. All persons who intend to comment at the public hearings are requested to give notice of this intent to the contact person by November 12, 1986.

Contact: B. H. Conner, Manager, Fuels Tax Division, Virginia Department of Motor Vehicles, P. O. Box 27422, Richmond, Va. 23261-7422, telephone (804) 257-8116

VIRGINIA MUSEUM OF FINE ARTS

Exhibitions Committee

November 19, 1986 - 2 p.m. - Open Meeting
Virginia Museum of Fine Arts, Conference Room, Boulevard and Grove Avenue, Richmond, Virginia. ☐

Review of 1986-1987 Exhibitions.

Calendar of Events

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum of Fine Arts, Boulevard and Grove Ave., Richmond, Va. 23221, telephone (804) 257-0553/SCATS 327-0553

STATE BOARD OF NURSING

† November 17, 1986 - 9 a.m. - Open Meeting
† November 18, 1986 - 9 a.m. - Open Meeting
† November 19, 1986 - 9 a.m. - Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hill Drive, Richmond, Virginia. ☒

A regular meeting to: (i) consider matters related to nursing education programs; (ii) discipline of licensees; (iii) licensing by examination and endorsements; and (iv) other matters under jurisdiction of the board.

On November 17, 1986, the board will review comments on existing regulations and develop proposed regulations.

Contact: Corinne F. Dorsey, R.N., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-0377

OLD DOMINION UNIVERSITY

Board of Visitors

December 11, 1986 - (Time to be announced) - Open Meeting
Old Dominion University, Webb University Center, Old Dominion University Campus, Norfolk, Virginia. ☒

A regular meeting to handle affairs of the University. (Specific times included in agenda distributed two weeks prior to meeting.)

Contact: Gordon A. McDougall, Office of the Board of Visitors, Old Dominion University, Norfolk, Va. 23508, telephone (804) 440-3072

VIRGINIA STATE BOARD OF OPTICIANS

November 7, 1986 - 9:30 p.m. - Open Meeting
Department of Commerce, Travelers Building, 5th Floor, 3600 West Broad Street, Richmond, Virginia. ☒

A regular business meeting to: (i) hear budget report; (ii) review complaints; (iii) review applications; and (iv) review examinations

Contact: Evelyn W. Brennan, Department of Commerce,

3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8509

VIRGINIA BOARD OF OPTOMETRY

November 24, 1986 - 8:30 a.m. - Open Meeting
Koger Center, Surry Building, 1601 Rolling Hill Drive, Richmond, Virginia. ☒

A general business meeting and preparation of state board examination.

Contact: Moria C. Lux, Executive Director, 517 W. Grace St., Richmond, Va. 23261, telephone (804) 786-0131

PERINATAL SERVICES ADVISORY BOARD

October 30, 1986 - 12:30 p.m. - Open Meeting
James Madison Building, 10th Floor Conference Room, 109 Governor Street, Richmond, Virginia. ☒

A regular meeting of the Perinatal Services Advisory Board. (Agenda will be provided upon request two weeks prior to the meeting.)

Contact: Alice S. Linyear, M.D., Director, Bureau of Maternal and Child Health, 6th Floor, 109 Governor St., Richmond, Va. 23219, telephone (804) 786-7367

BOARD OF PHARMACY

† November 5, 1986 - 9 a.m. - Open Meeting
† November 6, 1986 - 9 a.m. - Open Meeting
Hyatt House, 6624 West Broad Street, I-64 West, Richmond, Virginia. ☒

A general board meeting with reciprocity applicants.

Contact: J. B. Carson, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0182

ADVISORY COMMITTEE ON PHYSICIAN ASSISTANTS

† December 5, 1986 - 10 a.m. - Open Meeting
Koger Executive Center, Surry Building, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

The Advisory committee will meet to consider the proposal for chiropractic assistants and other items which may come before the committee.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone

Calendar of Events

(804) 786-0575

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

† **December 10, 1986 - 10 a.m.** – Open Meeting
Hasler and Company, 212 Tazewell Street, Norfolk, Virginia.

The board will meet to conduct routine business at its regular business meeting.

Contact: David E. Dick, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8515 / 257-8563 OR William L. Taylor, 3329 Shore Dr., Virginia Beach, Va. 23451, telephone (804) 496-0995

PSYCHIATRIC ADVISORY BOARD

† **November 20, 1986 - 8 a.m.** – Open Meeting
† **November 21, 1986 - 8 a.m.** – Open Meeting
† **November 22, 1986 - 8 a.m.** – Open Meeting
Sheraton Park South, 9901 Midlothian Turnpike, Richmond, Virginia.

The Psychiatric Advisory Board will make recommendations to the full board concerning the mental or emotional conditions of persons before the board and shall meet in Executive Session for discussion of release of Psychiatric Advisory Board reports and consultation with the board in Executive Session.

Contact: Eugenia K. Dorson, Executive Secretary, 517 W. Grace St., P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0575

VIRGINIA REAL ESTATE BOARD

Education Coordinating Committee

November 19, 1986 - 8:30 a.m. – Open Meeting
Department of Commerce, Travelers Building, 5th Floor Conference Room 1, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to consider (i) educational requirements for applicants for licensing; and (ii) updating of list of approved textbooks for approved courses for salespersons and brokers, etc.

Contact: Elinor Powell, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 257-8526

VIRGINIA SAFETY AND HEALTH CODES BOARD

October 28, 1986 - 10 a.m. – Open Meeting
State Capitol, House Room 2, Capitol Square, Richmond, Virginia. ☒

The meeting is being held to (i) consider an amendment to the Virginia Occupational Safety and Health Codes Administrative Regulations Manual; (ii) discuss the proposed Field Sanitation Standard; (iii) discuss the proposed Confined Space Standard; (iv) consider a proposed amendment to Accident Prevention Tags Standard, 1910.145 (f); and (v) consider a proposed amendment to Commercial Driving Standard, 1910.430.

Contact: Margaret T. Gravett, Administrative Staff Specialist, Department of Labor and Industry, P.O. Box 12064, Richmond, Va. 23241, telephone (804) 786-9877

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

November 19, 1986 - 9 a.m. – Open Meeting
General Assembly Building, Senate Room A, Capitol Square, Richmond, Virginia. ☒

A meeting to hear and render a decision on all Appeals of Denials of On-Site Sewage Disposal System Permits.

Contact: P. M. Brooks, 502 Madison Bldg., Richmond, Va. 23219, telephone (804) 786-1750

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

November 18, 1986 - 9 a.m. – Public Hearing
General Assembly Building, House Room C, Capitol Square, Richmond, Virginia ☒

The authority will conduct a public hearing to consider Industrial Development Bond Applications received by the authority and for which public notice has appeared in the appropriate newspapers of general circulation. Prior to the public hearing, which starts at 10 a.m., the authority will conduct its regular business meeting.

Contact: Rose Neal, Virginia Small Business Financing Authority, 1000 Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3791

Calendar of Events

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

October 31, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: **VR 615-50-1. Standards and Regulations for Agency Approved Providers.** The proposed amendments will expand standards used by local social service agencies to approve certain types of providers.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

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October 31, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-16.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: **VR 615-52-1. Policy Regarding Purchased Services.** This regulation will set forth the broad parameters to permit local social service agencies to purchase applicable services for a client.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until October 31, 1986.

Contact: Linda N. Booth, Administrative Planning Supervisor, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, (toll-free number 1-800-552-7091)

* * * * *

November 14, 1986 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 616-70-7. Posting of Security, Bond or Guarantee.** The proposed regulations set forth procedures for posting security, bond or guarantee to secure payment of overdue support.

Statutory Authority: § 63.1-250.4 of the Code of Virginia.

Written comments may be submitted until November 14 1986, to Jean M. White, Director of Child Support Enforcement, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. 23288

Contact: Jane L. Clements, Chief, Bureau of Program Operations, Division of Child Support Enforcement, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23288, telephone (804) 281-9074

BOARD OF SOCIAL WORK

† **November 14, 1986** - 9 a.m. - Open Meeting
Koger Center, Surry Building, 1601 Rolling Hill Drive, Richmond, Virginia.

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; and (iv) to discuss regulations.

Contact: John W. Braymer, Ph.D., Executive Director, 517 W. Grace St., Richmond, Va. 23220, telephone (804) 786-7703

VIRGINIA BOARD OF VETERINARY MEDICINE

October 29, 1986 - 1 p.m. - Open Meeting
October 30, 1986 - 9 a.m. - Open Meeting
House Appropriations Committee Room, General Assembly Building, 9th Floor, Capitol Square, Richmond, Virginia. ☐

A general board meeting.

Contact: Moria C. Lux, Virginia Board of Veterinary Medicine, P.O. Box 27708, Richmond, Va. 23261, telephone (804) 786-0069

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† **November 5, 1986** - 1:30 p.m. - Open Meeting
† **November 6, 1986** - 8:30 a.m. - Open Meeting
Omni Charlottesville, Charlottesville, Virginia.

November 5: The council will meet in conjunction with the vocational administrators conference.

November 6: Business session: The council will receive reports from the Executive Committee, the Department of Education, the Virginia Community College System, and the Governor's Job Training Coordinating Council.

Contact: George S. Orr, Jr., Executive Director, P.O. Box U, Blacksburg, Va. 24060, telephone (703) 961-6945

STATE WATER CONTROL BOARD

November 6, 1986 - 2 p.m. - Public Hearing
Virginia War Memorial, Auditorium, 621 South Belvidere Street, Richmond, Virginia.

Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **Water Quality Standards: Water Quality Criteria for Surface Water**. The proposed amendment would revise the water quality criteria values for ammonia, arsenic, cadmium, chromium III, chromium VI, copper, cyanide, and lead.

Statutory Authority: § 62.1-44.15 (3) of the Code of Virginia.

Written comments may be submitted until November 17, 1986, to Ms. Doneva Dalton, Office of Policy Analysis, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Stu Wilson, Water Resources Ecologist, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-0387

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† **November 12, 1986 - 7 p.m.** – Public Hearing
Henry County Administration Building, Board Meeting Room, Kings Mountain Road, Collinsville, Virginia.

A public hearing to receive comments on an application for a 401 Certification for Marrowbone Creek Water Treatment Plant located in Henry County. The application proposes modification of an existing dam on Marrowbone Creek near Martinsville, Virginia, to provide additional water supply for Henry County.

† **November 17, 1986 - 7 p.m.** – Public Hearing
Norfolk City Council Chambers, City Hall Building, 810 Union Street, Norfolk, Virginia 23510.

A public meeting to receive comments about the possible need for the City of Norfolk to mitigate the effects of the discharge to Broad Creek from the Moores Bridges Water Treatment Plant. The discharge has resulted in the buildup of solids in Broad Creek and a possible mitigation program would be a dredging operation.

Contact: Doneva A. Dalton, 2111 N. Hamilton St., P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6829

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† **November 26, 1986 - 10 a.m.** – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

A public meeting to receive comments on the proposed repeal of regulations entitled: Regulation No. 3; Regulation No. 7 - Industrial Waste Survey; Regulation No. 10 - Trash and Pumpout Services for Vessels at Anchor; and Priority System for Construction Grant Recipients to Determine Whether a

Supplemental State Grant Should be Provided to Help Relieve an Extraordinary Hardship in Local Funding.

Contact: Cindy M. Berndt, Policy Analyst, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230, telephone (804) 257-6828

THE COLLEGE OF WILLIAM AND MARY

Board of Visitors

December 4, 1986 - 5 p.m. – Open Meeting
December 5, 1986 - 8 a.m. – Open Meeting
December 6, 1986 - 8 a.m. – Open Meeting
The College of William and Mary, Campus Center, Jamestown Road, Williamsburg, Virginia. ☐

A regularly scheduled meeting to receive reports from several committees of the board and to act on those resolutions that are presented by the administrations of William and Mary and Richard Bland College.

An informational release will be available four days prior to the board meeting for those individuals or organizations who request it.

Contact: Office of University Relations, James Blair Hall - Room 308, College of William and Mary, Williamsburg, Va. 23185, telephone (804) 253-4226

VIRGINIA WINEGROWERS ADVISORY BOARD

† **November 10, 1986 - 1 p.m.** – Open Meeting
The Marriott Hotel, Blacksburg, Virginia.

The board will hear reports on projects proposed for funding and tour the VPI & SU enology and viticulture facilities.

Contact: Lou Ann Ladin, Secretary-Treasurer, Virginia Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, Va. 23209, telephone (804) 786-0481

VIRGINIA COUNCIL ON THE STATUS OF WOMEN

† **November 11, 1986 - 10 a.m.** – Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. ☐

A regular meeting of the council to conduct general business and to receive reports from the committees of the council.

Contact: Bonnie H. Robinson, Executive Director, Virginia

Calendar of Events

Council on the Status of Women, 8007 Discovery Dr.,
Richmond, Va. 23229-8699, telephone (804) 281-9200

LEGISLATIVE

COMMISSION ON ALZHEIMER'S DISEASE AND RELATED DISORDERS

† November 5, 1986 - 9 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol
Square, Richmond, Virginia. ☐

Review of draft report. (HJR 134)

Additional information may be obtained from: Brenda
Edwards, Research Associate, Division of Legislative
Services, 2nd Floor, General Assembly Bldg., Richmond,
Va. 23219, telephone (804) 786-3591

GENERAL LAWS SUBCOMMITTEE STUDYING THE LAWS PERTAINING TO CHARITABLE CONTRIBUTIONS

† November 5, 1986 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

A public hearing to receive testimony on laws
pertaining to charitable contributions in the
Commonwealth. (HR 5)

Persons wishing to speak should contact: Anne R. Howard,
House of Delegates Clerk's Office, P.O. Box 406, Richmond,
Va. 23203, telephone (804) 786-7681

Additional information may be obtained from: Angela
Bowser, Staff Attorney OR Joanne Fisher, Research
Associate, Division of Legislative Services, P.O. Box 3-AG,
Richmond, Va. 23208, telephone (804) 786-3591

VIRGINIA CODE COMMISSION

† October 31, 1986 - 9:30 a.m. - Open Meeting
General Assembly Building, 6th Floor Conference Room,
Capitol Square, Richmond, Virginia. ☐

The commission will complete its work on the revision
of Title 29 of the Code of Virginia, and continue with
the revision of Title 54.

Contact: Joan W. Smith, General Assembly Bldg.,
Richmond, Va. 23219, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING THE NEED TO ESTABLISH A RETENTION SCHEDULE FOR COURT RECORDS

† November 5, 1986 - 3 p.m. - Open Meeting
General Assembly Building, House Room C, Capitol Square,
Richmond, Virginia. ☐

Work session to discuss depth of problem confronting
subcommittee. (HJR 69)

Additional Information may be obtained from: Oscar
Brinson, Staff Attorney, Division of Legislative Services,
2nd Floor, General Assembly Bldg., Richmond, Va. 23219,
telephone (804) 786-3591

SPECIAL GENERAL LAWS SUBCOMMITTEE STUDYING HOUSING IN URBANIZED AREAS

October 30, 1986 - 7 p.m. - Public Hearing
Fairfax City Council Chambers, 3rd Floor, 10455 Armstrong
Street, Fairfax, Virginia.

Public hearings scheduled for this subcommittee
following earlier hearings in Norfolk and Richmond.
(HR 4)

Persons wishing to speak should contact: Anne R. Howard,
House of Delegates Clerks Office, P.O. Box 406, Richmond,
Va. 23203, telephone (804) 786-7681.

Additional information may be obtained from: Angela
Bowser, Staff Attorney OR Joanne Fisher, Research
Associate, Division of Legislative Services, P.O. Box 3-AG,
Richmond, Va. 23208, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING THE SCREENING OF CHILD-CARE PERSONNEL

† November 5, 1986 - 2 p.m. (or 1/2 hour after
adjournment) - Open Meeting
General Assembly Building, 8th Floor West Conference
Room, Capitol Square, Richmond, Virginia. ☐

Development of recommendations. (HJR 98)

Contact: Susan Ward, Staff Attorney, Division of Legislative
Services, 2nd Floor, General Assembly Bldg., Richmond,
Va. 23219, telephone (804) 786-3591

SUBCOMMITTEE STUDYING PROBLEMS OF TEEN PREGNANCY

† October 28, 1986 - 9:30 a.m. - Open Meeting
State Capitol, House Room 4, Capitol Square, Richmond,

Calendar of Events

Virginia. ☒

Working session only for members of the joint subcommittee to discuss testimony at public hearing held in Richmond and Northern Virginia. Members will review recommendations. (HJR 61)

Contact: Brenda H. Edwards, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

October 28

Auctioneers Board
Education, State Board of
Handicapped Children, Interagency Coordinating Council on Delivery of Related Services to Safety and Health Codes Board, Virginia
† Teen Pregnancy, Subcommittee Studying Problems of

October 29

Education, State Board of
† Milk Commission, State
Veterinary Medicine, Virginia Board of

October 30

Longwood College, Board of Visitors
Perinatal Services Advisory Board
Veterinary Medicine, Virginia Board of

October 31

† Code Commission, Virginia
Longwood College, Board of Visitors
Medicine, Virginia State Board of
- Informal Conference Committee

November 3

Barber Examiners, Board of

November 5

Agriculture and Consumer Services, State Board of
† Alzheimer's Disease and Related Disorders, Commission on
† Child-Care Personnel, Joint Subcommittee Studying the Screening of
† Court Records, Joint Subcommittee Studying the Need to Establish a Retention Schedule for
† Geology, Virginia Board of
† Higher Education for Virginia, State Council of
† Pharmacy, Board of
† Vocational Education, Virginia Council on

November 6

Commerce, Board of
† Community Colleges, State Board for
† Funeral Directors and Embalmers, Board of
† Pharmacy, Board of
† Vocational Education, Virginia Council on

November 7

† Family and Children's Trust Fund
- Board of Trustees
Funeral Directors and Embalmers, Virginia Board of
† General Services, Department of
- Art and Architectural Review Board
Opticians, Virginia State Board of

November 10

Agricultural Council, Virginia
Local Government, Commission on
† Winegrowers Advisory Board, Virginia

November 11

Agricultural Council, Virginia
† Women, Virginia Council on the Status of

November 12

† Medicare and Medicaid, Governor's Advisory Board on

November 14

† Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of Mental Health and Mental Retardation, Department of
- State Human Rights Committee
† Social Work, Board of

November 17

Barber Examiners, Board of
† Nursing, Virginia State Board of

November 18

Alcoholic Beverage Control Board, Virginia
Cattle Industry Board, Virginia
Efficiency in Government, Governor's Commission on
† Medical Assistance Services, Board of
† Nursing, Virginia State Board of

November 19

† Health Services Cost Review Council, Virginia
† Mental Health and Mental Retardation Board, State Museum of Fine Arts, Virginia
- Exhibitions Committee
† Nursing, Virginia State Board of
Sewage Handling and Disposal Appeals
Real Estate Board, Virginia
- Education Coordinating Committee
Review Board, State

November 20

Highways and Transportation, Department of
† Medicine, Virginia State Board of
- Credentials Committee

Calendar of Events

† Psychiatric Advisory Board

November 21

† Medicine, Virginia State Board of
† Physical Therapy, Advisory Board on
† Psychiatric Advisory Board

November 22

† Medicine, Virginia State Board of
† Physical Therapy, Advisory Board on
† Psychiatric Advisory Board

November 23

† Medicine, Virginia State Board of

November 24

Elections, State Board of
Optometry, Virginia Board of

December 2

Alcoholic Beverage Control Board, Virginia

December 4

Aging, Department for the
- Long-Term Care Ombudsman Program Advisory
Council
William and Mary, The College of, Board of Visitors

December 5

† General Services, Department of
- Art and Architectural Review Board
† Physician Assistants, Advisory Committee on
William and Mary, The College of, Board of Visitors

December 6

† Library Board, Virginia State
- Executive Committee
William and Mary, The College of, Board of Visitors

December 10

† Conservation and Historic Resources, Department of
- Virginia Soil and Water Conservation Board
† Pilots, Board of Commissioners to Examine

December 11

Education, State Board of
† General Services, Department of
- State Insurance Advisory Board
Old Dominion University, Board of Visitors

December 12

Education, State Board of

December 16

Alcoholic Beverage Control Board

December 17

† Corrections, Board of

December 30

Alcoholic Beverage Control Board, Virginia

January 14

† Corrections, Board of

PUBLIC HEARINGS

October 28

Education, Department of (Board of)

October 30

Housing in Urbanized Areas, Special General Laws
Subcommittee Studying

October 31

Medical Assistance Services, Board of

November 5

† Air Pollution Control Board, State
- Region V - Richmond
- Region VII - Springfield
† Charitable Contributions, General Laws Subcommittee
Studying the Laws Pertaining to

November 6

Water Control Board, State

November 12

Corrections, Board of
Education, Department of (Board of)
† Water Control Board, State

November 17

Highways and Transportation, Department of
† Water Control Board, State

November 18

Corrections, Department of (Board of)
Motor Vehicles, Virginia Department of
Small Business Financing Authority, Virginia

November 19

Motor Vehicles, Virginia Department of

November 20

Corrections, Department of (Board of)

November 25

Corrections, Department of (Board of)

November 26

† Water Control Board, State

December 2

Health, Department of Health (Board of)

December 17

Efficiency in Government, Governor's Commission on
Health Services Cost Review Council, Virginia

December 19

Calendar of Events

Fire Programs, Department of (Board of)

December 30

† Mines, Minerals and Energy, Department of

January 7

† Mines, Minerals and Energy, Department of