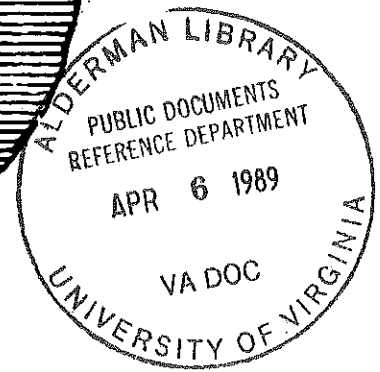
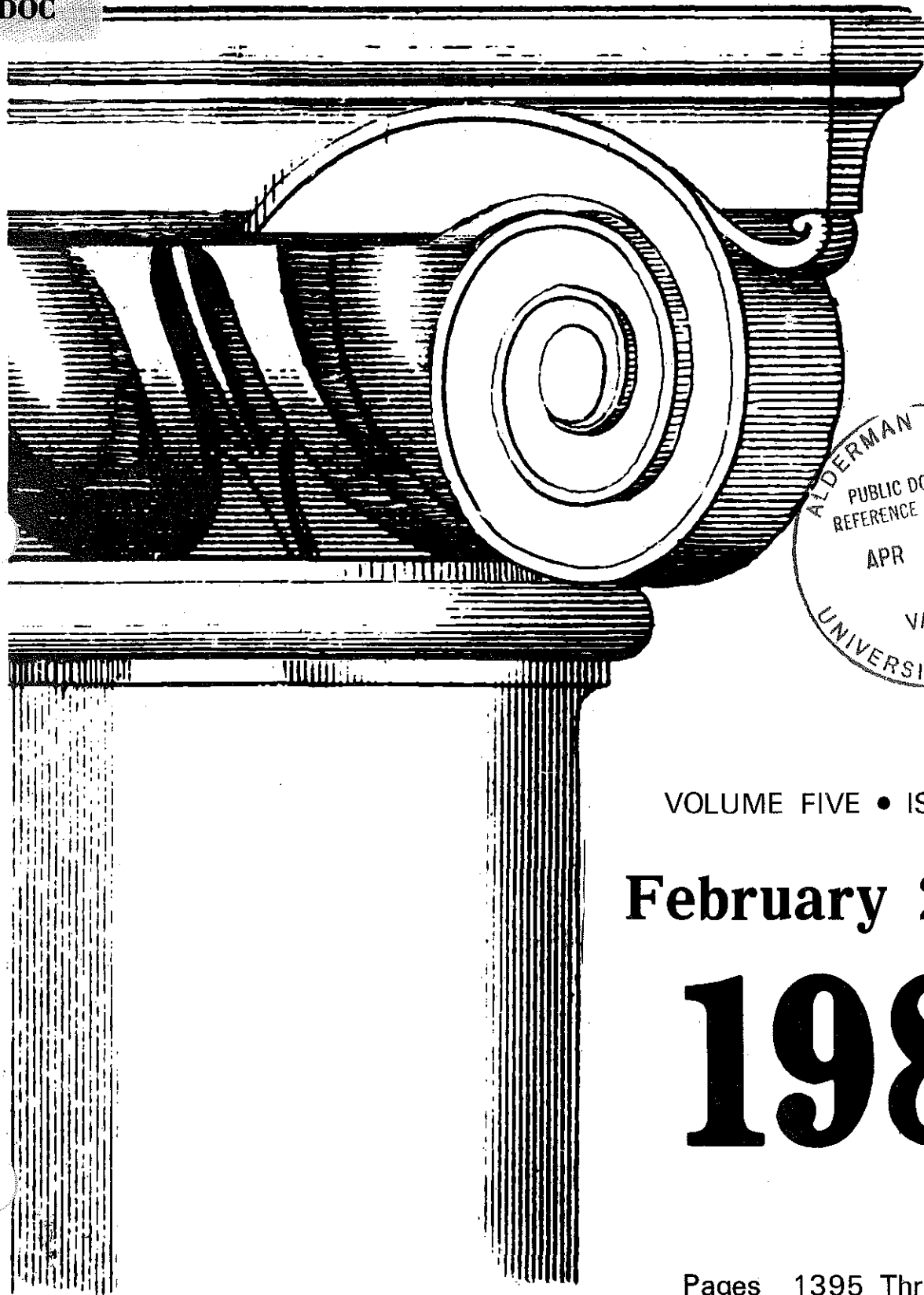


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THE VIRGINIA REGISTER

OF REGULATIONS

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February 27, 1989

1989

Pages 1395 Through 1518

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 periodically 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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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 AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: VR 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.

Statutory Authority: § 3.1-997 of the Code of Virginia.

Publication Date: 5:5 VA.R. 653-654 December 5, 1988

NOTICE: The Virginia State Horticultural Society, the organization which requested the Board of Agriculture and Consumer Services to consider the proposed amendments, has since decided that further study of the proposals is needed and has requested the suggested amendments be WITHDRAWN for the time being. Therefore, the Board of Agriculture and Consumer Services is WITHDRAWING the proposed amendments to VR 115-03-01.

* * * * *

Title of Regulation: VR 115-04-01. Declaration of Small Whorled Pogonia as an Endangered Plant Species Rules and Regulations for the Enforcement of the Endangered Plant and Insect Species Act.

Statutory Authority: §§ 3.1-1020 through 3.1-1030 of the Code of Virginia.

Public Hearing Date: May 17, 1989 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The amendment adds 12 rare plant species to the list of endangered plants under the Virginia Endangered Plant and Insect Species Act (VEPISA). The endangered plant species are Shale Barren Rock Cress, *Arabis serotina*; Mat-Forming Water-Hyssop, *Bacopa stragula*; Piratebush, *Buckleya distichophylla*; Variable Sedge, *Carex polymorpha*; Harper's Fimbristylis, *Fimbristylis perpusilla*; Virginia Sneezeweed, *Helenium virginicum*; Swamp-Pink, *Helonias bullata*; Long-Stalked Holly, *Ilex collina*; Peter's Mountain Mallow, *Iliamna corei*; Nestronia, *Nestronia umbellula*; Northeastern Bulrush, *Scirpus ancistrochaetus*; and Virginia Spiraea, *Spiraea virginiana*. Naturally occurring populations of the proposed endangered species list range from a single known population in the world to populations in five counties along the foothills of the Blue Ridge Mountains.

The listing of species makes it unlawful for any person other than the landowner, to dig, take, cut, process or otherwise collect, remove, transport, possess, sell, offer for sale or give any species listed under the rules and regulations except as authorized by the Commissioner of the Virginia Department of Agriculture and Consumer Services (VDACS). Also, legal endangered status would allow the Commissioner to more effectively carry out a conservation program for those listed endangered plant and insect species.

VR 115-04-01. Rules and Regulations for the Enforcement of the Endangered Plant and Insect Species Act.

Small whorled pogonia, *Isotria medeoloides*, of the Orchidaceae family, is hereby declared an endangered species as defined in § 3.1-1021 of the Virginia Endangered Plant and Insect Species Act and is subject to all sections of the Virginia Endangered Plant and Insect Species Act in order to preserve those specimens that exist in this Commonwealth.

§ 1. Under authority of the Endangered Plant and Insect Species Act (§§ 3.1-1020 through 3.1-1030 of the Code of Virginia), the Board of Agriculture and Consumer Services hereby adopts the following regulation in order to protect designated plant and insect species that exist in this Commonwealth. All designated species are subject to all sections of the Virginia Endangered Plant and Insect Species Act. The following species are hereby declared an endangered species as defined in § 3.1-1021 of the Virginia Endangered Plant and Insect Species Act:

Arabis serotina, Shale Barren Rock Cress.

Bacopa stragula, Mat-Forming Water-Hyssop.

Buckleya distichophylla, Piratebush.

Carex polymorpha, Variable Sedge.

Fimbristylis perpusilla, Harper's Fimbristylis.

Helenium virginicum, Virginia Sneezeweed.

Helonias bullata, Swamp-Pink.

Ilex collina, Long-Stalked Holly.

Iliamna corei, Peter's Mountain Mallow.

Isotria medeoloides, Small Whorled Pogonia.

Nestronia umbellula, Nestronia.

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Scirpus ancistrochaetus, Northeastern Bulrush.

Spiraea virginiana, Virginia Spiraea.

* * * * *

NOTICE: The following regulations do not comply with the format established by the Registrar of Regulations since the Board of Agriculture and Consumer Services is bound and preempted by the Federal Fair Packaging and Labeling Act of the United States and the rules and regulations adopted under the U.S. Food and Drug Administration Act and the Federal Trade Commission Act and preemptive labeling by U.S. Department of Agriculture and other federal agencies. The most up-to-date manual on this subject is the National Bureau of Standards Handbook 130 (NBS No. 130) Uniform Laws and Regulations, sections entitled Packaging and Labeling Regulation and Method of Sale of Commodities Regulation, published annually by the U.S. Department of Commerce, National Bureau of Standards, as adopted by the National Conference on Weights and Measures annually. The Department has adopted this manual in its latest form as the basis for regulations of "Commodities in Package Form" for the Commonwealth.

Title of Regulation: VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

Statutory Authority: §§ 3.1-926 and 3.1-943 of the Code of Virginia

Public Hearing Date: May 17, 1989 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The Virginia Board of Agriculture and Consumer Services proposes to amend regulation VR 115-04-04 - Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law - to include a new section for the purpose of exempting the users of vehicle scales from the minimum net load requirement of U.R.3.7 of the Scale Code of the National Bureau of Standards (NBS) Handbook 44, 1989 Edition.

VR 115-04-01. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.

PACKAGING AND LABELING REQUIREMENTS

§ 1. Application.

This regulation shall apply to packages and to commodities in package form, but shall not apply to:

A. Inner wrappings not intended to be individually sold to the customer,

B. Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors, but in no event shall this exclusion apply to packages of consumer or nonconsumer commodities, as defined herein,

C. Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,

D. Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc., and the tray itself is not intended to be sold), or

E. Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation.

§ 2. Definitions.

2.1. "Commodity in Package Form." The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed to mean "commodity in package form" as herein defined.

2.2. "Consumer Package: Package of Consumer Commodity." A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

2.3. "Nonconsumer Package: Package of Nonconsumer Commodity." A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

2.4. "Random Package." The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

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2.5. "Label." The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for the purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except that an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

2.6. "Person." The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, company, corporation, association, and society.

2.7. "Principal Display Panel or Panels." The term "principal display panel" or "panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

2.8. "Multi-Unit Package." The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation.

§ 3. Declaration of Identity: Consumer Package.

3.1. Declaration of Identity: Consumer Package. A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

3.1.1. Parallel Identity Declaration: Consumer Package. A declaration of the identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

§ 4. Declaration of Identity: Nonconsumer Package.

A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

§ 5. Declaration of Responsibility: Consumer and Nonconsumer Packages.

Any package kept, offered, or exposed for sale, or sold,

at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or when not incorporated, the name under which the business is conducted. The address shall include street address, city, state, and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory.

If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by" "Distributed by" or any other wording of similar import that expresses the facts.

§ 6. Declaration of Quantity: Consumer Packages.

6.1. General. The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems may be presented in a dual declaration of quantity.

6.2. Largest Whole Unit. Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed (following the requirements of Section 6.10 Fractions):

A. Inch-Pound Units.

1. In common or decimal fractions of such largest whole unit, or in
2. The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

B. Metric Units, in decimal fractions of such largest whole unit.

6.3. Net Quantity. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity (except as noted in Section 10.3), shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see subsections 6.7 through 6.8.3), shall be in terms of the largest whole unit.

6.3.1. Use of "Net Weight." The term "net weight" shall be used in conjunction with the declaration of

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quantity in units of weight. The term may either precede or follow the declaration of weight.

6.3.2. Lines of Print or Type. A declaration of quantity may appear on one or more lines of print or type.

6.4. Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such a declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

6.4.1. Combination Declaration.

A. A declaration of quantity in terms of weight shall be combined with appropriate declarations of the measure, count, and size of the individual units unless a declaration of weight alone is fully informative.

B. A declaration of quantity in terms of measure shall be combined with appropriate declarations of the weight, count, and size of the individual units unless a declaration of measure alone is fully informative.

C. A declaration of quantity in terms of count shall be combined with appropriate declarations of the weight, measure, and size of the individual units unless a declaration of count alone is fully informative.

6.5. Inch-Pound Units: Weight, Measure. A declaration of Quantity:

A. In units of weight, shall be in terms of the avoirdupois pound or ounce;

B. In units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon and shall express the volume at 68°F, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 60°F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F, and except also in the case of malt beverages, for which the declaration shall express the volume at 39.1°F;

C. In units of linear measure, shall be in terms of the yard, foot, or inch;

D. In units of area measure, shall be in terms of the square yard, square foot, or square inch;

E. In units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

F. In units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel.

6.5.1. Symbols and Abbreviations. Any of the following symbols and abbreviations, and none other, shall be employed in the quantity statement on a package of commodity:

avoirdupois	avdp	ounce	oz
cubic	cu	pint	pt
feet or foot	ft	pound	lb
fluid	fl	quart	qt
gallon	gal	square	sq
inch	in	weight	wt
liquid	liq	yard	yd

(There normally are no periods following, nor plural forms of, symbols. For example, "oz" is the symbol for both "ounce" and "ounces". Both upper and lower case letters are acceptable.)

6.5.2. Units of Two or More Meanings. When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "20 fluid ounces, 1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

6.6. Metric Units: Weight, Measure. A declaration of quantity in:

A. Units of weight shall be in terms of the kilogram, gram, or milligram;

B. Units of liquid measure shall be in terms of the liter or milliliter, and shall express the volume at 20°C, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 15°C, and except also in the case of malt beverages or a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of malt beverages or a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4°C;

C. Units of linear measure shall be in terms of the meter, centimeter, or millimeter;

D. Units of area measure, shall be in terms of the

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square meter or square centimeter;

E. Units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

6.6.1. Symbols. Any of the following symbols for metric units, and none other, may be employed in the quantity statement on a package of commodity:

kilogram	kg
gram	g
milligram	mg
liter	L or l
milliliter	mL or ml
meter	m
centimeter	cm
millimeter	mm
square meter	m ²
square centimeter	cm ²
cubic meter	m ³
cubic centimeter	cm ³

A. Symbols, except for liter, are not capitalized unless the unit is derived from a proper name. Periods should not be used after the symbol. Symbols are always written in the singular form—do not add “s” to express the plural when the symbol is used.

B. The “l” symbol for liter and “ml” symbol for milliliter are permitted; however, the “L” symbol and the “mL” symbol are preferred.

6.7. Prescribed Units, Inch-Pound System.

6.7.1. Less than 1 Foot, 1 Square Foot, 1 Pound, or 1 Pint. The declaration of quantity shall be expressed in terms of:

A. In the case of length measure of less than 1 foot, inches and fractions of inches;

B. In the case of area measure of less than 1 square foot, square inches and fractions of square inches;

C. In the case of weight of less than 1 pound, ounces and fractions of ounces;

D. In the case of liquid measure of less than 1 pint, fluid ounces and fractions of fluid ounces;

Provided, that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three² decimal places.

6.7.2. Weight: Dual Quantity Declaration. On packages containing 1 pound or more but less than 4 pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in

parentheses, expressed in terms of the largest whole unit: provided, that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than three² decimal places.

6.7.3. Liquid Measure: Dual Quantity Declaration. On packages containing 1 pint or more, but less than 1 gallon, the declaration shall be expressed in fluid ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.4. Length Measure: Dual Quantity Declaration. On packages containing 1 foot or more, but less than 4 feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.5. Area Measure: Dual Quantity Declaration. On packages containing 1 square foot or more but less than 4 square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

6.7.6. Four Feet, 4 Square Feet, 4 Pounds, 1 Gallon, or More. In the case of:

A. Length measure of 4 feet or more

The declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. In the case of

B. Area measure of 4 square feet or more;

C. Weight of 4 pounds or more;

D. Liquid measure of 1 gallon or more

The declaration of quantity shall be expressed in terms of the largest whole unit.

6.7.7. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

A. If less than 1 square foot, in terms of linear inches and fractions of linear inches;

B. If at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; provided, that

1. No square inch declaration is required for a

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bidimensional commodity of 4 inches width or less,

2. A dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

3. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such units,

C. If 4 square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit; provided, that

1. No declaration in square feet is required for a bidimensional commodity with a width of 4 inches or less,

2. Bidimensional commodities, with a width of 4 inches or less, shall have the length expressed in inches followed by a statement in parentheses of the length in the largest whole unit. (Example: 2 inches by 360 inches (10 yards).)

3. A dimension of less than 2 feet may be stated in inches within the parenthetical declaration, and

D. No declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.8. Prescribed Units, Metric System.

6.8.1. Less Than 1 Meter, 1 Square Meter, 1 Kilogram, or 1 Liter. The declaration of quantity shall be expressed in terms of:

A. In the case of length measure of less than 1 meter, centimeters, or millimeters;

B. In the case of area measure of less than 1 square meter, square centimeters and decimal fractions of square centimeters;

C. In the case of weight of less than 1 kilogram, grams and decimal fractions of a gram, but if less than 1 gram, then in milligrams;

D. In the case of liquid or dry measure of less than one liter, milliliters;

Provided, that the quantity declaration appearing on a random weight package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three² decimal places.

6.8.2. One Meter, 1 Square Meter, 1 Kilogram, 1 Liter

or More. In the case of:

A. Length measure of 1 meter or more; in meters and decimal fractions to not more than two places.

B. Area measure of 1 square meter or more; in square meters and decimal fractions to not more than two places.

C. Weight of 1 kilogram or more; in kilograms and decimal fractions to not more than two places.

D. Liquid or dry measure of 1 liter or more; in liters and decimal fractions to not more than two places.

6.8.3. Bidimensional Commodities. For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed:

A. If less than 1 square meter in terms of length and width.

B. If 1 square meter or more, in terms of square measure followed in parentheses by a declaration of length and width; provided, that

1. Quantity declarations on bidimensional commodities with a width of 100 millimeters or less may be expressed in terms of width and length, only.

2. Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see subsection 6.9. Count: Ply.) require a declaration of unit area but not a declaration of total area of all such units.

3. No declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

6.9. Count: Ply. If the commodity is in individually usable units of one or more components or plies, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of plies and total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of:

A. Total area measurement,

B. Number of plies,

C. Count of usable units, and

D. Dimensions of a single usable unit.

6.10. Fractions.

A. Metric: A metric statement in a declaration of net quantity of contents of any consumer commodity may contain only decimal fractions.

B. Inch-Pound: An inch-pound statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eights, sixteenths, or thirty-seconds, except that:

1. If there exists a firmly established general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed, and

2. If linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.

C. Common Fractions: A common fraction shall be reduced to its lowest term (Example: $2/4$ becomes $1/2$).

D. Decimal Fractions: A decimal fraction shall not be carried out to more than two places.

6.11. Supplementary Declarations.

6.11.1. Supplementary Quantity Declarations. The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "larger" liter, "full" gallon, "when packed," "minimum," or words of similar import).

6.11.2. Combined Metric and Inch-Pound Declarations. An equivalent statement of the net quantity of contents in terms of either the inch-pound or metric system is not regarded as a supplemental statement and such statement may also appear on the principal display panel; provided, that it conforms to both subsections 6.5 and 6.6.

6.11.3. Rounding. In all conversions for the purpose of showing an equivalent metric or inch-pound quantity to a rounded inch-pound or metric quantity, the number of significant digits retained should be such that accuracy is neither sacrificed nor exaggerated. As a general rule, converted values should be rounded down by dropping any digit beyond the first three. (Example: 196.4 grams becomes 196 grams or 1.759 feet becomes 1.75 feet.)

6.12. Qualification of Declaration Prohibited. In no case

shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than" or any words of similar import, nor shall any unit of weight, measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

6.13. Character of Declaration: Average. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

§ 7. Declaration of Quantity: Nonconsumer Packages.

7.1. General. The metric and inch-pound systems of weights and measures are recognized as proper systems to be used in the declaration of quantity. Units of both systems might be combined in a dual declaration of quantity.³

7.2. Location. A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see subsection 6.2. Largest Whole Unit).

7.3. Terms: Weight, Liquid Measure, Dry Measure, or Count. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of dry measure if the commodity is dry, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

7.4. Inch-Pound Units: Weight, Measure. A declaration of quantity:

A. In units of weight, shall be in terms of the avoirdupois pound or ounce;

B. In units of liquid measure, shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 60°F, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F, and except also in the case

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of malt beverages, for which the declaration shall express the volume at 39.1°F;

C. In units of linear measure, shall be in terms of the yard, foot, or inch;

D. In units of area measure, shall be in terms of the square yard, square foot, or square inch;

E. In units of volume measure, shall be in terms of the cubic yard, cubic foot, or cubic inch;

F. In units of dry measure, shall be in terms of the United States bushel of 2150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel.

7.4.1. Symbols and Abbreviations. Any generally accepted symbol and abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted symbols and abbreviations, see subsection 6.5.1. Symbols and Abbreviations.)

7.5. Metric Units: Weight, Measure. A declaration of quantity:

A. In units of weight, shall be in terms of the kilogram, gram, or milligram;

B. In units of liquid measure, shall be in terms of the liter or milliliter, and shall express the volume at 20°C, except in the case of petroleum products or distilled spirits, for which the declaration shall express the volume at 15°C, and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of malt beverages or a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 4°C;

C. In units of linear measure, shall be in terms of the meter, centimeter, or millimeter;

D. In units of area measure, shall be in terms of the square meter or square centimeter;

E. In units of volume other than liquid measure, shall be in terms of the liter and milliliter, except that the terms cubic meter and cubic centimeter will be used only when specifically designated as a method of sale.

7.5.1. Symbols. Only those symbols as detailed in subsection 6.6.1. Symbols, and none other, may be employed in the quantity statement on a package of commodity.

7.6. Character of Declaration: Average. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package

shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

§ 8. Prominence and Placement: Consumer Packages.

8.1. General. All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

8.1.1. Location. The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30% of the principal display panel or panels. For cylindrical containers, see also subsection 10.7 for additional requirements.

8.1.2. Style of Type or Lettering. The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

8.1.3. Color Contrast. The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

8.1.4. Free Area. The area surrounding the quantity declaration shall be free of printed information:

A. Above and below, by a space equal to at least the height of the lettering in the declaration, and

B. To the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

8.1.5. Parallel Quantity Declaration. The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

8.2. Calculation of Area of Principal Display Panel for Purposes of Type Size. The area of the principal display panel shall be:

A. In the case of a rectangular container, one entire

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side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

B. In the case of a cylindrical or nearly cylindrical container, 40% of the product of the height of the container times the circumference; or

C. In the case of any other shaped container, 40% of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), in which event the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

8.2.1. Minimum Height of Numbers and Letters. The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards. In the case of the symbol for milliliter, the "m" shall meet the minimum height standard.

8.2.2. Numbers and Letters: Proportion. No number or letter shall be more than three times as high as it is wide.

TABLE 1.
MINIMUM HEIGHT OF NUMBERS AND LETTERS.

Area of Principal Display Panel	Minimum Height of Numbers and Letters	Minimum Height: Label Information Blown, Formed, or Molded on Surface of Container
5 square inches (in/2) and less	1/16 inch	1/8 inch
Greater than 5 in/2 and not greater than 25 in/2	1/8 inch	3/16 inch
Greater than 25 in/2 and not greater than 100 in/2	3/16 inch	1/4 inch
Greater than 100 in/2 and not greater than 400 in/2	1/4 inch	5/16 inch
Greater than 400 in/2	1/2 inch	9/16 inch

§ 9. Prominence and Placement: Nonconsumer Packages.

9.1. General. All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be

entirely clear and equal to printing in legibility.

§ 10. Requirements: Specific Consumer Commodities, Nonconsumer Commodities, Packages, Containers.

10.1. Display Card Package. For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

10.2. Eggs. When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

10.3. Aerosols and Similar Pressurized Containers. The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

10.4. Multi-Unit Packages⁴. Any package containing more than one individual "commodity in package form" (see subsection 2.1) of the same commodity shall bear on the outside of the package a declaration of:

- A. The number of individual units,
- B. The quantity of each individual unit, and

C. The total quantity of the contents of the multi-unit package; provided, that any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation. (example: soap bars, "6 Bars, Net Weight 75 grams each; Total Net Weight 450 grams")

10.5. Combination Packages. Any package containing individual units of dissimilar commodities (such as an antiquing or a housecleaning kit, for example) shall bear on the label of the package a quantity declaration for each unit. (Example: sponges and cleaner: "2 sponges, each 10 centimeters x 15 centimeters x 2 centimeters; 1 box cleaner, net weight 150 grams")

10.6. Variety Packages. Any package containing individual units of reasonably similar commodities (such as seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package. (Example: plastic tableware: 4 spoons, 4 forks, 4 knives, 12 pieces total.)

10.7. Cylindrical Containers. In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40% of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

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10.8. Measurement of Container-Type Commodities, How Expressed.

10.8.1. General. Commodities designated and sold at retail to be used as containers for other materials or objects, such as bags, cups, boxes, and pans, shall be labeled with the declaration of net quantity as follows:

A. For bag-type commodities, in terms of count followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise).

When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed:

1. Inch-pound units - in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of inches or common or decimal fractions of the foot. (Example: "25 BAGS, 17 inches X 20 inches" or "100 BAGS, 20 inches X 2 feet 6 inches" or "50 BAGS, 20 inches X 2-1/2 feet")

2. Metric units - in millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter (Examples: "25 BAGS, 500 millimeters X 600 millimeters" or "50 BAGS, 750 millimeters X 1.2 meters")

When the unit bag is gusseted, the dimensions will be expressed as width, depth, and length.

3. Inch-pound units - expressed in feet with any remainder in terms of inches or the common or decimal fractions of the foot. (Examples: "25 BAGS, 17 inches X 4 inches X 20 inches" or "100 BAGS, 20 inches X 12 inches X 2-1/2 feet")

4. Metric units. In millimeters except a dimension of one meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. (Example: "25 Bags, 430 millimeters X 100 millimeters X 500 millimeters" or "50 bags, 500 millimeters X 300 millimeters X 1.2 meters")

B. For other square, oblong, rectangular, or similarly shaped containers, in terms of count followed by length, width, and depth, except depth need not be listed when less than 50 millimeters or 2 inches. (Examples: "2 PANS, 8 inches X 8 inches" or "2 PANS, 203 millimeters X 203 millimeters")

C. For circular or other generally round-shaped containers, except cups, and the like, in terms of count followed by diameter and depth, except depth need not be listed when less than 50 millimeters or two inches. (Examples: "4 PANS, 8 inches diameter X 4 inches" or "4 PANS, 200 millimeters diameter X 100 millimeters")

D. Notwithstanding the above requirements, the net

quantity statement for containers such as cups will be listed in terms of count and liquid capacity per unit. (Examples: "24 CUPS, 6 fluid ounces capacity" or "24 CUPS 250 milliliter capacity")

10.8.2. Capacity. When the functional use of the container is related by label references in standard terms of measure to the capability of holding a specific quantity of substance or class of substances such references shall be a part of the net quantity statement and shall specify capacity as follows:

A. Inch-Pound Units:

1. Liquid measure for containers which are intended to be used for liquids, semisolids, viscous materials, or mixtures of solids and liquids. The expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce, with any remainder in terms of the common or decimal fraction of that unit). (Examples: Freezer Box - "4 BOXES, 1 quart capacity, 5 inches X 4 inches X 3 inches")

2. Dry measure for containers which are intended to be used for solids. The expressed capacity will be stated in terms of the largest whole unit (bushel, peck), with a remainder in terms of the common or decimal fraction of that unit. (Example: Leaf Bags - "8 BAGS, 6 bushel capacity, 3 feet X 5 feet")

3. Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent containers. (Example: Garbage Can Liners - "10 LINERS, 2 feet 6 inches X 3 feet 9 inches. FITS UP TO 30-GALLON CANS")

B. Metric Units: Volume measure for all containers and liners. (Examples: "4 BOXES, 1 liter capacity, 150 millimeters X 120 millimeters X 90 millimeters;" "8 BAGS, 200 liter capacity, 85 millimeters X 1.5 meters" or "10 LINERS, 750 millimeters X 1 meter, fits up to 120 LITER CANS")

10.8.3. Terms. For purposes of this section, the use of the terms "CAPACITY", "DIAMETER", and "FLUID" is optional.

10.9. Textile Products, Threads, and Yarns.

10.9.1. Wearing Apparel. Wearing apparel (including nontextile apparel and accessories such as leather goods and footwear) sold as single-unit items, or if normally sold in pairs (such as hosiery, gloves, and shoes) sold as single-unit pairs, shall be exempt from the requirements for a net quantity statement by count, as required by subsection 6.4 of this regulation.

10.9.2. Textiles. Bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, mattress covers and pads, afghans, throws, dresser and other furniture

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scarfs, tablecloths and napkins, flags, curtains, drapes, dishtowels, dish cloths, towels, face cloths, utility cloths, bath mats, carpets and rugs, pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etc., shall be exempt from the requirements of subsections 6.7.7 and 6.8.3 of this regulation; provided, that:

A. The quantity statement for fitted sheets and mattress covers shall state, in centimeters or inches, the length and width of the mattress for which the item is designed, such as "twin," "double," "king," etc. (Example: "Double Sheet for 135 centimeter X 190 centimeter mattress.")

B. The quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as "twin," "double," "king," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished sheet. (Example: "Twin Flat Sheet for 100 centimeter X 190 centimeter mattress (170 centimeter X 240 centimeter finished size)")

C. The quantity statement for pillowcases shall state the size designation of the pillow for which the pillowcase is designed, such as "youth," "standard," and "queen," etc. The quantity statement also shall state, in centimeters or inches, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement, in centimeters or inches, of the length and width of the finished pillowcase. (Example: "Standard Pillowcase for 50 centimeter X 65 centimeter pillow (53 centimeter X 75 centimeter finished size)")

D. The quantity statement for blankets, comforters, quilts, bedspreads, mattress pads, afghans, and throws shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state the length of any ornamentation and the size designation of the mattress for which the item is designed, such as "twin," "double," "king," etc.

E. The quantity statement for tablecloths and napkins shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length and width of the item before hemming and properly identified as such.

F. The quantity statement for curtains, drapes, flags, furniture scarfs, etc., shall state, in centimeters or inches, the length and width of the finished item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

G. The quantity statement for carpets and rugs shall state, in meters or feet, with any remainder in decimal fractions of the meter for metric sizes or common or decimal fractions of the foot or in inches for inch-pound

sizes, the length and width of the item. The quantity statement also may state parenthetically, in centimeters or inches, the length of any ornamentation.

H. The quantity statement for woven dish towels, dish cloths, towels, face cloths, utility cloths, bath mats, etc., shall state, in centimeters or inches, the length and width of the item. The quantity statement for such items, when knitted, need not state the dimensions.

I. The quantity statement for textile products such as pot holders, fixture and appliance covers, nonrectangular diapers, slip covers, etc., shall be stated in terms of count and may include size designations and dimensions.

J. The quantity statement for other than rectangular textile products identified in subsections A through H shall state the geometric shape of the product and the dimensions which are customarily used in describing such geometric shape. (Example: "Oval Tablecloth 140 centimeters X 110 centimeters" representing the maximum length and width in this case)

K. The quantity statement for packages of remnants of textile products of assorted sizes, when sold by count, shall be accompanied by the term "irregular dimensions" and the minimum size of such remnants.

10.9.3. Textiles: Variations From Declared Dimensions.

A. For an item with no declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 3% of a declared dimension and a plus variation greater than 6% of a declared dimension should be considered unreasonable.

B. For an item with a declared dimension less than 60 centimeters or 24 inches, a minus variation greater than 6% of that declared dimension and a plus variation greater than 12% of that declared dimension should be considered unreasonable.

10.9.4. Exemption: Variety Textile Packages. Variety packages of textiles that are required by reason of subsection 6.4.1 to provide a combination declaration stating the quantity of each individual unit, shall be exempt from the requirements in this regulation for:

A. Location (see subsection 8.1.1),

B. Free Area (see subsection 8.1.4), and

C. Minimum height of numbers and letters (see subsection 8.2.1).

10.9.5. Sewing Threads, Handicrafts Threads, and Yarns. Sewing and handicraft threads shall be exempt from the requirements of subsections 6.7.2 and 6.8.2 A. of this regulation; provided, that:

A. The net quantity statement for inch-pound sizes of

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sewing and handicraft threads shall be expressed in terms of yards.

B. The net quantity statement for yarns shall be expressed in terms of weight.

C. Thread products may, in lieu of name and address, bear a trademark, symbol, brand, or other mark that positively identifies the manufacturer, packer, or distributor, provided that such marks, employed to identify the vendor, shall be filed with the director.

D. Each unit of industrial thread shall be marked to show its net length in terms of meters or yards or its net weight in terms of kilograms or grams or avoirdupois pounds or ounces, except that ready-wound bobbins that are not sold separately, shall not be required to be individually marked to show the number of bobbins contained therein and the net meters or yards of thread on each bobbin.

10.10. Packaged Seed. Packages of seed intended for planting shall be labeled in full accord with this regulation except as follows:

A. The quantity statement shall appear in the upper thirty percent of the principal display panel.

B. The quantity statements shall be in terms of the largest whole unit of the metric system for all weights up to seven grams, and in grams or in ounces for all other weights less than 225 grams or eight ounces; packaged seed weighing 225 grams or eight ounces or more shall not be subject to subsection 10.10.

C. The quantity statement for coated seed, encapsulated seed, pelletized seed, preplanters, seed tapes, etc., shall be in terms of count.

10.11. Bark Mulch: Variations From Declared Volume.⁵ An individual package minus variation greater than 5% of the declared volume shall be considered unreasonable.

10.12. Polyethylene Products: Variations From Declared Thickness⁶. Any individual thickness measurement of polyethylene sheeting, film, or bag may be as much as 20 % below the labeled thickness, i.e., at least 80% of the labeled thickness⁷. The average thickness of a single package of polyethylene sheeting, film, or bags may be as much as 7% below the labeled thickness, i.e., at least 93% of the labeled thickness.

§ 11. Exemptions.

11.1. General. Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity required to appear on the package shall be in terms of the largest whole unit (except see subsection 10.4(C)).

11.2. Random Packages. A random package bearing a label conspicuously declaring:

A. The net weight,

B. The price per kilogram or pound, and

C. The total price.

Shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label included both such prices at the time it is offered or exposed for sale at retail.

This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this section.

11.3. Small Confections. Individually wrapped pieces of "penny candy" and other confectionery of less than 15 grams or one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this regulation when the container in which such confectionery is shipped is in conformance with the labeling requirements of this regulation. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this regulation, including the required declaration of net quantity of contents, when the declaration of the bag or box meets the requirements of this regulation.

11.4. Individual Servings. Individual-serving-size packages of foods containing less than 15 grams or 1/2 ounce or less than 15 milliliters or 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

11.5. Cuts, Plugs, and Twists of Tobacco and Cigars. When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

11.6. Reusable (Returnable) Glass Containers. Nothing in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers; provided, that such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

11.7. Cigarettes and Small Cigars. Cartons of cigarettes and small cigars, containing ten individual packages of

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twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in subsection 8.1.1 Location, subsection 8.2.1 Minimum Height of Numbers and Letters, and subsection 10.4 Multi-Unit Packages; provided, that such cartons bear a declaration of the net quantity of commodity in the package.

11.8. Packaged Commodities With Labeling Requirements Specified in Federal Law. Packages of meat and meat products, poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, and alcoholic beverages shall be exempt from those portions of these regulations requiring dual declarations in customary units and specifying location and minimum type size of the net quantity declaration; provided, that quantity labeling requirements for such products are specified in federal law, so as to follow reasonably sound principles of providing consumer information.

11.9. Fluid Dairy Products, Ice Creams, and Similar Frozen Desserts:

A. When packaged in 1/2-liquid-pint and 1/2-gallon containers, are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2 pint and 1/2 gallon, respectively.

B. When packaged in 1-liquid-pint, 1-liquid-quart, and 1/2-gallon containers, are exempt from the dual net contents declaration requirements of subsection 6.7.3.

C. When measured by and packaged in measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements of subsection 8.1.1 that the declaration of net contents be located within the bottom 30% of the principal display panel.

D. Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities are exempt from the placement requirement of subsection 8.1.1 that the declaration of net contents be located within the bottom 30% of the principal display panel; provided, that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.10. Single Strength and Less Than Single Strength Fruit Juice Beverages, Imitations Thereof, and Drinking Water:

A. When packaged in glass, plastic, or fluid milk type paper containers of 8- and 64-fluid-ounce capacity, are exempt from the requirements of subsection 6.5 B, to the extent that net contents of 8 fluid ounces and 64 fluid ounces (or 2 quarts) may be expressed as 1/2 pint (or

half pint) and 1/2 gallon (or half gallon), respectively.

B. When packaged in glass, plastic, or fluid milk type paper containers of 1-pint, 1-quart, and 1/2-gallon capacities, are exempt from the dual net contents declaration requirements of subsection 6.7.3.

C. When packaged in glass or plastic containers of 1/2-pint, 1-pint, 1-quart, 1/2-gallon, and 1-gallon capacities, are exempt from the placement requirements of subsection 8.1.1 that the declaration of net contents be located within the bottom 30% of the principal display panel; provided, that other label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed, or molded into or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

11.11. Soft-Drink Bottles. Bottles of soft drinks shall be exempt from the placement requirements for the declaration of:

A. Identity, when such declaration appears on the bottle closure, and

B. Quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

11.12. Multi-Unit Soft-Drink Packages. Multi-unit packages of soft drinks are exempt from the requirement for a declaration of:

A. Responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and

B. Identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

11.13. Butter. When packaged in 4-ounce, 8-ounce, and 1-pound packages with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (subsection 3.1.1) and the net quantity declaration (subsection 8.1.5) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for location (subsection 8.1.1) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for dual quantity declaration (subsection 6.7.2).

11.14. Eggs. Cartons containing 12 eggs shall be exempt from the requirement for location (subsection 8.1.1) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from

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the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

11.15. Flour. Packages of wheat flour in conventional 2-, 5-, 10-, 25-, 50-, and 100-pound packages shall be exempt from the requirement in this regulation for location (subsection 8.1.1) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a dual quantity declaration (subsection 6.7.2).

11.16. Small Packages. On a principal display panel of 5 square inches or less, the declaration of quantity need not appear in the bottom 30% of the principal display panel if that declaration satisfies the other requirements of this regulation.

11.17. Decorative Containers. The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge", "pill box", "compact", or "pencil" variety, and those with a capacity of 1/4 ounce or less, may be a tear-away tag or tape affixed to the decorative container, and bearing the mandatory label information as required by this regulation.

11.18. Combination Packages. Combination packages are exempt from the requirements in this regulation for:

A. Location (see subsection 8.1.1),

B. Free Area (see subsection 8.1.4), and

C. Minimum Height of Numbers and Letters (see subsection 8.2.1).

11.19. Margarine. Margarine in 1-pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for location (see subsection 8.1.1) of the net quantity declaration, and shall be exempt from the requirement for a dual quantity declaration (see subsection 6.7.2).

11.20. Corn Flour and Corn Meal. Corn flour and corn meal packaged in conventional 5-, 10-, 25-, 50-, and 100-pound bags shall be exempt from the requirement in this regulation for location (see subsection 8.1.1) of the net quantity declaration.

11.21. Prescription and Insulin-Containing Drugs. Prescription and insulin-containing drugs subject to the provisions of Section 503(b) (1) or 506 of the Federal Food, Drug, and Cosmetic Act shall be exempt from the provisions of this regulation.

11.22. Camera Film. Camera film packaged and labeled for retail sale is exempt from the net quantity statement requirements of this regulation that specify how measurement of commodities should be expressed; provided, that:

A. The net quantity of contents on packages of movie film and bulk still film is expressed in terms of the number of linear meters or feet of usable film contained therein.

B. The net quantity of contents on packages of movie film is expressed in terms of the running time of the exposed film for that portion of film which is of entertainment value.

"Entertainment value" is defined as that portion of a film that commences with the first frame of sound or picture, whichever comes first after the countdown sequence and ends with either:

1. the last frame of credits; or
2. the last frame of the phrase "The End", or
3. the end of sound whichever is last.

C. The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurements of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. (Example: "36 exposures, 36 millimeters X 24 millimeters" or "12 exposures, 2-1/4 inches X 2-1/4 inches")

11.23. Paints and Kindred Products:

A. Paints, varnishes, lacquers, thinners, removers, oils, resins, and solvents, when packed in 1-liquid-pint and 1-liquid-quart units shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

B. Tint base paint may be labeled on the principal display panel in terms of a quart or a gallon including the addition of colorant selected by the purchaser, provided that the system employed ensures that the purchaser always obtains a quart or a gallon; and further provided that in conjunction with the required quantity statement on the principal display panel, a statement indicating that the tint base paint is not to be sold without the addition of colorant is presented; and further provided that the contents of the container, before the addition of colorant, is stated in fluid ounces elsewhere on the label.

Wherever the above conditions cannot be met, containers of tint base paint must be labeled with a statement of the actual net contents prior to the addition of colorant in full accord with all the requirements of this regulation.

11.24. Automotive Cooling System Antifreeze. Antifreeze, when packed in 1-liquid-quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of subsection 6.7.3.

11.25. Motor Oils. Motor oils, when packed in 1-liquid-quart units, shall be exempt from the dual quantity

declaration requirements of subsection 6.7.3. Additionally, motor oil in 1-liquid-quart, 1-gallon, 1-1/4-gallon, 2-gallon, and 2-1/2-gallon units, bearing the principal display panel on the body of the container, is exempt from the requirements, of § 3, Declaration of Identity: Consumer Package, to the extent that the Society of Automotive Engineers (SAE) viscosity number is required to appear on the principal display panel, provided the SAE viscosity number appears on the can lid and is expressed in letters and numerals in type size of at least 6 millimeters or 1/4 inch.

11.26. Pillows, Cushions, Comforters, Mattress Pads, Sleeping Bags, and Similar Products. Those products, including pillows, cushions, comforters, mattress pads, and sleeping bags, that bear a permanent label as designated by the Association of Bedding and Furniture Law Officials or by the California Bureau of Home Furnishings shall be exempt from the requirements for location (subsection 8.1.1), size of letters or numbers (subsection 8.2.1 and 8.2.2), free area (subsection 8.1.4) and the declarations of identity and responsibility (subsections 3.1 and 5); provided, that declarations of identity, quantity, and responsibility are presented on a permanently attached label and satisfy the other requirements of this regulation, and further provided that the information on such permanently attached label be fully observable to the purchaser.

11.27. Commodities' Variable Weights and Sizes. Individual packaged commodities put up in variable weights and sizes for sale intact, and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale, are exempt from the requirements of § 6 Declaration of Quantity: Consumer Packages, while moving in commerce and while held for sale prior to weighing and marking; provided, that the outside container bears a label declaration of the total net weight.

11.28. Packaged Commodities Sold By Count. When a packaged consumer commodity is properly measured in terms of count only, or in terms of count and some other appropriate unit, and the individual units are fully visible to the purchaser, such packages shall be labeled in full accord with this regulation except that those containing 6 or less items need not include a statement of count.

11.29. Fishing Lines and Reels. Packaged fishing lines and reels are exempt from the dual quantity declaration requirements of subsection 6.7.6 A; provided, that length of line or capacity of reel, as appropriate is presented in terms of meters or yards in full accord with all other requirements of this regulation.

§ 12. Variations To Be Allowed.

12.1. Packaging Variations.

12.1.1. Variations From Declared Net Quantity. Variations from the declared net weight, measure, or

count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

12.1.2. Variations Resulting From Exposure. Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce; provided, that the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the State, the delivery being either:

A. Directly to the purchaser or to his agent, or

B. To a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

12.2. Magnitude of Permitted Variations. The magnitude of variations permitted under subsection 12, 12.1, 12.1.1, and 12.1.2 of this regulation shall be those expressly set forth in this regulation and those contained in the procedures and tables of National Bureau of Standards Handbook 133, Checking The Net Contents of Prepackaged Goods.

§ 13. Retail Sale Price Representations.

13.1. "Cents-Off" Representations. RESERVED

13.2. Introductory Offers. RESERVED

13.3. Economy Size.

A. The term "economy size" means any printed matter consisting of the words "economy size," "economy pack," "budget pack," "bargain size," "value size," or words of similar import placed upon any package containing any consumer commodity, or placed upon any label affixed adjacent to such commodity, stating or representing directly or by implication that a retail sale price advantage is accorded the purchaser thereof by reason of

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the size of that package or the quantity of its contents.

B. The packager or labeler of a consumer commodity may not have inprinted thereon an "economy" size representation unless:

1. At the same time the same brand of the commodity is offered in at least one other packaged size or labeled form.
2. Only one packaged or labeled form of that brand of commodity labeled with an "economy size" representation is offered.
3. The commodity labeled with an "economy size" representation is sold at a price per unit of weight, volume, measure, or count that is substantially reduced (i.e., at least 5%) from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.

C. No "economy size" package shall be made available in any circumstances where it is known that it will be used as an instrumentality of deception, e.g., where the retailer charges a price which does not pass on to the consumer the substantial reduction in cost per unit initially granted.

D. The sponsor of an "economy size" package shall prepare and maintain invoices or other records showing compliance with paragraph B. of the subsection. The invoices or other records required by this section shall be open to inspection and shall be retained for one year.

METHODS OF SALE OF COMMODITIES REGULATION

§ 14.

Food Products⁸

14.1. Berries and Small Fruits.

Shall be offered and exposed for sale and sold by weight or by volume in open measure containers having capacities per subsection 1.1(a) or subsection 14.1(b) and when sold by volume, the containers shall be deemed not to be packages for labeling purposes.

- (a) Inch-Pound Capacities - 1/2 dry pint, 1 dry pint, or 1 dry quart.
- (b) Metric Capacities - 250 milliliters, 500 milliliters, or 1 liter.

14.2. Butter, Oleomargarine, and Margarine.⁹

Shall be offered and exposed for sale and sold by weight per subsection 14.2(a) or subsection 14.2(b).

- (a) Inch-Pound-Weights - 1/4 pound, 1/2 pound, 1

pound, or a multiple of 1 pound.

- (b) Metric Weights - 125 grams, 250 grams, 500 grams, or a multiple of 500 grams.

14.3. Flour, Cornmeal, and Hominy Grits.

Wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, corn flour, cornmeal, and hominy grits whether enriched or not, shall be packaged, kept, offered, or exposed for sale, or sold only in weights per subsection 14.3(a) or subsection 14.3(b); Provided, that inch-pound sizes less than 2 pounds or more than 100 pounds and that metric sizes less than 1 kilogram or more than 50 kilograms shall be permitted.

- (a) Inch-Pound Weights - 2, 5, 10, 25, 50, or 100 pounds.
- (b) Metric Weights - 1, 2.5, 5, 10, 25, or 50 kilograms. (Section 3.1-952 Weights and Measures Law).

14.4. Meat, Poultry, Fish, and Seafood¹⁰.

Shall be sold by weight, except that shellfish may be sold by weight, measure, or count.

14.4.1. In Combination With Other Foods.

When meat, poultry, fish or seafood is combined with some other food element to form a distinctive food product, the quantity representation may be in terms of the total weight of the product or combination, and a quantity representation need not be made for each element. (Weights and Measures Law Section 3.1-950)

14.4.2. Stuffed Fish, Seafood, Poultry or Meat Products.

In the case of ready-to-cook stuffed fish, seafood, poultry, or meat products, the label must show the total net weight of the stuffed fish, seafood, poultry or meat products and the minimum net weight of the fish, seafood, poultry or meat in the product excluding the fish, seafood, meat, or poultry that may be part of the stuffing.

Excluding the poultry or meat that may be part of the stuffing. (Required by the United States Department of Agriculture).

14.5. Fluid Milk Products.

All fluid milk products, including but not limited to milk, lowfat milk, skim milk, cultured milks, and cream shall be packaged for retail sale only in volumes per subsection 14.5(a), or subsection 14.5(b); provided, that inch-pound sizes less than 1 gill and metric sizes less than 100 milliliters shall be permitted. (Section 3.1-951 - Weights and Measures Law).

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(a) Inch-Pound Volumes - 1 gill, 1/2 liquid pint, 10 fluid ounces, 1 liquid pint, 1 liquid quart, 1/2 gallon, 1 gallon, 1-1/2 gallons, 2 gallons, 2-1/2 gallons, or multiples of 1 gallon.

(b) Metric Volumes - 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter.

14.6. Other Milk Products.

Cottage cheese, cottage cheese products, and other milk products that are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in the Pasteurized Milk Ordinance of the United States Public Health Service, as amended in 1965, shall be sold in terms of weight; Provided, that cottage cheese, cottage cheese products, sour cream, and yogurt shall be packaged for retail sale only in weights per subsection 14.6(a) or subsection 14.6(b). And provided further, that, multipack or single serving inch-pound sizes of 6 ounces or less shall be sold only in whole ounces increments and that metric sizes of 200 grams or less shall be sold only in 25-gram increments.

(a) Inch-Pound Weights - 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois. And provided further that an 18 ounce size of yogurt may be packed for retail sale.

(b) Metric Weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms.

(Standard package sizes shall apply to low fat and dry curd cottage cheese products.)

14.6.1. Factory Packaged and Hand Packed Ice Cream and Similar Frozen Products.

Ice cream, ice milk, frozen yogurt, and similar products shall be kept, offered or exposed for sale, or sold in terms of fluid volume.

14.7. Pickles.

The declaration of net quantity of contents on pickles and pickles products, including relishes but excluding one or two whole pickles in a transparent wrapping which may be declared by count, shall be expressed in terms of liquid measure. Sales of pickles from bulk may be by count.

14.8. Pricing of Bulk Food Commodities.

Bulk food commodities or food commodities not in package form and sold by weight shall be priced in terms of whole units of weight and not in common or decimal fractions.

14.9. Ready-To-Eat Food.

The following may be sold by weight, measure, or count:

(a) Items sold for consumption on the premises;

(b) Items sold as one of three or more different elements, excluding condiments, comprising a ready-to-eat meal sold as a unit, for consumption elsewhere than on the premises where sold;

(c) Ready-to-eat chicken parts cooked on the premises but not packaged in advance of sale;

(d) Sandwiches and sandwich-like commodities when offered or exposed for sale on the premises where packed or produced and not intended for resale.

§ 15. Nonfood Products.

15.1. Coatings.

Asphalt paints, coatings, and plastic shall be sold in terms of liquid measure.

15.2. Fireplace and Stove Wood.

For the purpose of this regulation, this section shall apply to the sale of all wood, natural and processed, for use as fuel.

15.2.1. Definitions.

15.2.1.1. "Fireplace and Stove Wood." Any kindlings logs, boards, timbers or other wood, split or not split, advertised, offered for sale, or sold as fuel.

15.2.1.2. "Cord." The amount of wood which is contained in a space of 128 cubic feet, when the wood is ranked and well stowed. For the purpose of this regulation, "ranked and well stowed" shall be construed to mean that pieces of wood are placed in a line or row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

15.2.1.3. "Representation." Any advertisement, offering, invoice, or the like that pertains to the sale of fireplace or stove wood.

15.2.2. "Identity." A representation may include a declaration of identity that indicates the species group (Example: 50% hickory, 50% miscellaneous softwood). Such a representation shall indicate, within 10% accuracy, the percentages of each group.

15.2.3. "Quantity." Wood, of any type, for use as fuel shall be advertised, offered for sale and sold only by measure, using the term "cord" and fractional parts of a cord, or the cubic meter; except that wood, natural or processed, offered for sale in packaged form shall display the quantity in terms of cubic feet, to include fractions of cubic feet or cubic meters, to include decimal fractions of cubic meters. A single log may be sold by weight or count. Packages of individual

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logs containing less than 4 cubic feet (1/32 cord) if sold by inch-pound volume, or less than one-tenth cubic meter if sold by metric volume may be sold by net weight plus count.

15.2.4. "Prohibition of Terms." The terms "face cord," "rack," "pile," "truckload," or terms of similar import shall not be used when advertising, offering for sale, or selling wood for use as fuel. An agreement after visual inspection, between buyer and seller in the sale of fireplace or stove wood by the "truckload" shall be permitted.

15.2.5. "Delivery Ticket or Sales Invoice." A delivery ticket or sales invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace or stove wood is sold. The delivery ticket or sales invoice shall contain at least the following information:

- (a) The name and address of the vendor;
- (b) The name and address of the purchaser;
- (c) The date delivered;
- (d) The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity;
- (e) The price of the amount delivered.

15.3. Peat and Peat Moss.

Applies only with respect to organic matter of geological origin, excluding coal and lignite, originating principally from dead vegetative remains through the agency of water in the absence of air and occurring in a bog, swampland, or marsh, and containing an ash content not exceeding 25% on a dry-weight basis (dried in an oven at 105°C (221°F) until no further weight loss can be determined).

15.3.1. Declaration of Quantity.

The declaration of quantity of peat and peat moss shall be expressed in weight units or in cubic-measure units.

15.3.2. Units.

15.3.2.1. Weight.

Peat and peat moss sold in terms of weight shall be offered or exposed for sale only in pounds and/or kilograms.

15.3.2.2. Cubic Measure. Peat and peat moss sold in terms of cubic measure shall be offered and exposed for sale only in cubic feet and/or liters. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state and

the quantity from which the final product was compressed (the latter declaration not exceeding the actual amount of material that can be recovered.)

15.4. Prefabricated Utility Buildings.

These buildings shall be offered for retail sale on the basis of usable inside space as follows:

- (a) Length, measured from inside surface of wall panels at the base;
- (b) Width, measured from inside surface of wall panels at the base;
- (c) Height, measured from the base to the top of the shortest wall panel.

(Inside dimensions in inch-pound units shall be declared to the nearest inch; inside dimensions in metric units shall be declared to the nearest 0.01 meter.)

If total usable inside space is declared in a supplemental declaration, it shall be to the nearest cubic decimeter or cubic foot.

15.5. Roofing and Roofing Material.

Shall be sold either by the square or by the square foot only if sold in inch-pound units or by the square meter only if sold in metric units.

15.5.1. Definitions.

15.5.1.1. "Square Meter." The quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover one square meter exclusive of side laps or side joints.

15.5.1.2. "Square." The quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover an area of 100 square feet exclusive of side laps or side joints; provided that, in the case of roofing or roofing material of corrugated design, the side lap or side joint shall be one full corrugation.

15.5.1.3. "Square Foot." The quantity of roofing and roofing material that, when applied according to the directions or instructions of the manufacturer, will cover 1 square foot (144 square inches) exclusive of side laps or side joints.

15.5.2. "Declaration of Quantity." When the declaration of quantity on a package of roofing or roofing material contains the term "square," it shall include, plainly and conspicuously, a numerical definition of the term "square;" for example, "One square covers 100 square feet of roof area."

15.5.2.1. "Common Fractions." The use of the common fraction one-third (1/3) is specifically authorized in the quantity statement of a package of roofing or roofing material when, and only when, used as the common fraction of the "square."

15.5.2.2. "Quantity Statement." The primary declaration if in inch-pound units shall only be in terms of squares or square feet and if in metric units shall only be in terms of square meters. There is no prohibition against the use of supplementary quantity declarations, such as shingle dimensions but in no case shall the weight of the material be stated or implied. However, the use of numerical description for rolls of felt roofing material may continue to be used.

15.6. Sealants.

Calking compounds, glazing compounds and putty shall be sold in terms of liquid measure except that rope calk shall be sold by weight.

15.7. Softwood Lumber.¹¹

Applies to softwood boards, timbers, and dimension lumber that have been dressed on four sides, but shall not apply to rough lumber, to lumber that has been matched, patterned, or shiplapped, or to lumber remanufactured or joined so as to have changed the form or identity, such as individual, assembled, or packaged millwork items.

15.7.1. Definitions.

15.7.1.1. "Dressed (Surfaced) Lumber." Lumber that has been dressed (or surfaced) for the purpose of attaining smoothness of surface and uniformity of size.

15.7.1.2. "Boards." Lumber 1-1/4 inches or less in actual thickness and 1-1/2 or more inches in actual width. Lumber less than 1-1/2 inches in actual width may be classified as strips.

15.7.1.3. "Timbers." Lumber 1-1/2 or more inches in least actual dimension. Timber may be classified as beams, stringers, posts, caps, sills, girders, purlins, etc.

15.7.1.4. "Dimension Lumber." Lumber from 1-1/2 inches to, but not exceeding, 4-1/2 inches in actual thickness, and 1-1/2 or more inches in actual width. Dimension lumber may be classified as framing, joists, planks, rafters, studs, small timbers, etc.

15.7.1.5. "Rough Lumber." Lumber that has not been dressed but which has been sawed, edged, and trimmed at least to the extent of showing saw marks in the wood on the four longitudinal surfaces of each piece for its overall length.

15.7.1.6. "Matched Lumber." Lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue-and-groove joint by fitting two pieces together; when end-matched, the tongue and groove are worked in the ends also.

15.7.1.7. "Patterned Lumber." Lumber that is shaped to a pattern or to a molded form, in addition to being dressed, matched, or shiplapped, or any combination of these workings.

15.7.1.8. "Shiplapped Lumber." Lumber that has been worked or rabbeted on both edges of each piece to provide a close-lapped joint by fitting two pieces together.

15.7.1.9. "Grade." The commercial designation assigned to lumber meeting specifications established by a nationally recognized grade rule writing organization.

15.7.1.10. "Species." The commercial name assigned to a species of trees.

15.7.1.11. "Species Group." The commercial name assigned to two or more individual species having similar characteristics.

15.7.1.12. "Representation." Any advertisement, offering, invoice, or the like that pertains to the sale of lumber.

15.7.1.13. "Minimum Dressed Sizes (Width and Thickness)." The standardized width and thickness at which lumber is dressed when manufactured in accordance with the United States Department of Commerce Voluntary Product Standard 20-70, "American Softwood Lumber Standard," and regional grading rules conforming to VPS 20-70. (See Table 1.)

15.7.2. "Identity." Representations shall include a declaration of identity that specifies the grade or grades, species or species group, and whether the lumber is unseasoned (green) or dry.

15.7.3. "Quantity." Representations shall be in terms of the number of pieces, the minimum dressed width and thickness, the length of individual pieces, or the lineal footage, except that:

(a) The use of nominal dimensions shall be allowed when used in conjunction with the required minimum dressed sizes and actual length.

(b) With respect to all invoices, a table of minimum dressed sizes may appear on the reverse side of the invoice, so long as appropriate reference to the table is prominently and conspicuously shown on the face of the invoice.

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TABLE 1.
SOFTWOOD LUMBER SIZES.

Minimum standard dressed sizes at the time of manufacture for both unseasoned (green) and dry lumber as published by the United States Department of Commerce in Product Standard 20-70.

Product Classification (Normal Size)	Minimum Dressed Sizes (See Note 2)	
	Unseasoned Inches	Dry Inches
Dimension Lumber		
2 x 4	1-9/16 x 3-9/16	1-1/2 x 3-1/2
2 x 6	1-9/16 x 5-5/8	1-1/2 x 5-1/2
2 x 8	1-9/16 x 7-1/2	1-1/2 x 7-1/4
2 x 10	1-9/16 x 9-1/2	1-1/2 x 9-1/4
2 x 12	1-9/16 x 11-1/2	1-1/2 x 11-1/4
(See Note 1)		
Board Lumber		
1 x 4	25/32 x 3-9/16	3/4 x 3-1/2
1 x 6	25/32 x 5-5/8	3/4 x 5-1/2
1 x 8	25/32 x 7-1/2	3/4 x 7-1/4
1 x 10	25/32 x 9-1/2	3/4 x 9-1/4
1 x 12	25/32 x 11-1/2	3/4 x 11-1/4

Note 1. The dry thicknesses of nominal 3" and 4" lumber are 2 1/2" and 3 1/2"; unseasoned thicknesses are 2 9/16" and 3 9/16". Widths for these thicknesses are the same as shown above.

Note 2. Product Standard 20-70 defines dry lumber as being 19% or less in moisture content and unseasoned lumber as being over 19% moisture content. The size of lumber changes approximately 1% for each 4% change in moisture content. Lumber stabilizes at approximately 15% moisture content under normal use conditions.

15.8. Polyethylene Products. Consumer products offered and exposed for sale at retail shall be sold in terms of:

15.8.1. Sheeting and Film.

- (a) Length and width.
- (b) Area in square feet or square meters.
- (c) Thickness.
- (d) Weight.

15.8.2. Food Wrap.

- (a) Length and width.
- (b) Area in square feet or square meters.

15.8.3. Lawn and Trash Bags.

- (a) Count.

(b) Dimensions.

(c) Thickness.

15.8.4. Food and Sandwich Bags.

- (a) Count.
- (b) Dimensions.

Products not intended for the retail consumer shall be offered and exposed for sale in terms of:

15.8.5. Sheeting and Film.

- (a) Length.
- (b) Width.
- (c) Thickness.
- (d) Weight.

15.8.6. Bags.

- (a) Count.
- (b) Dimensions.
- (c) Thickness.
- (d) Weight.

15.8.7. Declaration of Weight.

The labeled statement of weight for polyethylene products under subsections 15.8.1, 15.8.5, and 15.8.6 shall be not less than the weight calculated by using the following formula:

$$W = T \times A \times 0.03613 \times D, \text{ where}$$

W = net weight in pounds

T = nominal thickness in inches

A = nominal length in inches times nominal width in inches

D = density in grams per cubic centimeter as determined by ASTM Standard D1505-68 "Standard Method of Test for Density of Plastics by the Density Gradient Technique" (or latest issue).
0.03613 is a factor for converting g/cm³ to lb/in³.

15.9. Insulation.

15.9.1. Packaged Loose-Fill Insulation Except Cellulose. Packaged loose-fill insulation, except cellulose, shall declare the net weight with no qualifying statement; each package must contain at least the stated weight.

In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 1000 square feet, and minimum weight per square foot at R-values of 11, 19, and 22. This information shall also be supplied for any additional R-values listed.

15.9.2. Packaged Loose-Fill Cellulose Insulation. The principal display panel of packaged loose-fill cellulose insulation shall declare the net weight with no qualifying statement; each package must contain at least the stated weight. In addition, the following information shall be supplied on the package: minimum thickness, maximum net coverage area, number of bags per 100 square feet, and minimum weight per square foot at R-values of 13, 19, 24, 32, and 40. This information shall also be supplied for any additional R-values listed.

15.9.3. Batt and Blanket Insulation. The principal display panel of packaged batt or blanket insulation shall declare the square feet of insulation in the package, and the length and width of the batt or blanket. In addition, R-value and thickness shall be declared on the package.

15.9.4. Installed Insulation. Installed insulation must be accompanied by a contract or receipt. For all insulation except loose fill and aluminum foil, the receipt must show the coverage area, thickness, and R-value of the insulation installed. For loose-fill, the receipt must show those three items plus the number of bags used. For aluminum foil, the receipt must show the number and thickness of the air spaces, the direction of heat flow, and R-value. The receipt must be dated and signed by the installer.

EXAMPLE: This is to certify that the insulation has been installed in conformance with the requirements indicated by the manufacturer to provide a value of R-19 using 31.5 bags of insulation to cover a 1500 square foot area. Signed and dated.

15.10. Liquified Petroleum Gas Cylinder Tare Weights. Whenever stamped tare weights on cylinders are employed in the sale of liquified petroleum gas, the following shall apply:

15.10.1. Allowable Difference. The allowable difference between the actual tare weight and the stamped tare weight for a new or used cylinder shall be 1% of the actual tare weight. The tare weight shall include the weight of the cylinder (including paint), valve, and other permanent attachments. The weight of a protective cap shall not be included in tare or gross weights.

15.10.2. Average Requirement. The tare weights of cylinders at a single place of business found to be in error predominantly in a direction favorable to the seller and near the allowable difference limit shall be

considered to be not in conformance with these requirements.

15.11. Bark Mulch. All bark mulch shall be sold, offered, or exposed for sale in terms of volume measure: in inch-pound units, in terms of the cubic yard or cubic foot; in metric units, in terms of the cubic meter or liter.

§ 16. GENERAL.

16.1. Presentation of Price. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count for any commodity includes a fraction of a cent, all elements of the fraction shall be prominently displayed, and the numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half of the height and width of the numerals representing the whole cent. (Sec. 3.1-949 Weights and Measures Law)

16.2. Allowable Differences: Combination Quantity Declarations. Whenever the method of sale for a bulk or packaged commodity requires the use of a statement, that includes count in addition to weight, measure, or size, the following shall apply to the particular commodity:

16.2.1. Beverageware: Pressed and Blown Tumblers and Stemware. The allowable difference between actual and declared capacity shall be:

(a) For Inch-Pound:

(1) Plus or minus 1/4 fluid ounce for items of 5 fluid ounce capacity or less;

(2) Plus or minus 5 % of the stated capacity for items over 5 fluid ounce capacity.

(b) For Metric:

(1) Plus or minus 10 milliliters for items of 200 milliliter capacity or less;

(2) Plus or minus 5% of the stated capacity for items over 200 milliliter capacity.

16.3. Machine Vended Commodities. All vending machines dispensing packaged commodities shall indicate:

(a) Product identity.

(b) Net Quantity.

(c) Name, address, and telephone number of responsible party.

The requirements for product identity and net quantity can be met either by display of the package or by information posted on the outside of the machine.

16.4. Railroad Car Tare Weights. Whenever stenciled

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tare weights on freight cars are employed in the sale of commodities or the assessment of freight charges, the following conditions and requirements shall apply:

16.4.1. Newly or Restenciled Tare Weights. All newly stenciled or restenciled tare weights shall be accurately represented to the nearest 100 pounds for inch-pound units and the nearest 50 kilograms for metric units and the representation shall include the date of weighing.

16.4.2. Allowable Differences. The allowable difference between actual tare weight and stenciled tare weight on freight cars in use shall be per subsection 16.4.2(a) or subsection 16.4.2(b).

(a) Inch-pound allowable difference:

(1) Plus or minus 300 pounds for cars 50,000 pounds or less;

(2) Plus or minus 400 pounds for cars over 50,000 pounds to and including 60,000 pounds;

(3) Plus or minus 500 pounds for cars over 60,000 pounds.

(b) Metric allowable difference:

(1) Plus or minus 150 kilograms for cars 25,000 kilograms or less;

(2) Plus or minus 200 kilograms for cars over 25,000 kilograms to and including 30,000 kilograms;

(3) Plus or minus 250 kilograms for cars over 30,000 kilograms.

16.4.3. Change of Stenciled Weights. Tare weight determinations for verification or change of stenciled weights shall only be made on properly prepared and adequately cleaned freight cars.

16.4.5. Responsibility For Reweighing and Restenciling. Tank cars, covered hopper cars, flat cars equipped with multideck racks, or special superstructure, mechanical refrigerator cars, and house-type cars equipped with special lading protective devices must be reweighed and restenciled only by owners or other authorized representatives:

(a) When car bears no light weight (empty weight) stenciling;

(b) When repairs or alterations result in a change of weight in excess of the permissible lightweight tolerance.

§ 17. Exemptions From Sealing or Marking and/or Annual Retesting of Weights and Measures Devices.

17.1. Weights and Measures Specifically Exempted. The weights and measures listed below shall be specifically exempted from the sealing and marking requirements of §§ 3.1-926 and 3.1-934, Title 3.1, Chapter 35 of the Code of Virginia.

17.1.1. Measure containers.

17.2. Annual Retesting Exemption. The weights and measures listed below shall be specifically exempted from the annual retesting requirements of §§ 3.1-926 and 3.1-928 of Title 3.1, Chapter 35 of the Code of Virginia, and shall be retested only as required:

17.2.1. Vehicle tanks used as measures.*

17.2.2. Farm milk tanks.*

17.2.3. Liquid measures.*

17.2.4. Glass graduates.*

17.2.5. Measures containers.*

17.2. 6. Linear measures.*

17.2. 7. Dry measures.*

* Whenever an item of this class is damaged, repaired, or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.

§ 18. Weighing Tobacco in Auction Warehouses.

18.1. Sale By Net Weight - Value of Minimum Graduation. All tobacco received at tobacco auction warehouses for the purpose of sale must be weighed and sold on the basis of net weight, and shall be weighed on approved scales. The value of the minimum graduated interval on the main-weighbeam elements, on the tare-weighbeam elements, and on the reading face elements of scales in tobacco weighing service shall be not greater than one pound. The weighbeam or any other device or mechanism that is used to set the tare weight of the pushcart, dollies, baskets and/or sheets shall be completely enclosed.

18.2. Variation Permitted in Basket or Truck. In markets where baskets and trucks used in placing tobacco on the warehouse floor are represented as being of an average weight and uniform weight deductions are made to determine net weight, no basket or truck shall vary more than one-half pound either above or below the true average weight. If uniform weight deductions are made for the average weight of the basket and truck, the scale shall be balanced at the average weight of trucks and baskets used by back-balancing the scale. Each warehouse operation using baskets shall have (available at the warehouse at least 8 week prior to the opening date of

each sales season) a reasonable number (but not less than 100) of baskets on which the average weight can be determined by the Weights and Measures Inspector.

18.3. Baskets Required To Be Marked. In markets where baskets are not represented as being of an average weight, or where baskets vary more than 1/2 pound from the average weight of baskets used, each such basket shall be plainly marked with its correct weight, and this weight shall be deducted from the gross weight at the time of weighing. In all such markets, scales shall be balanced at the average weight of the truck only by back-balancing the scale. No warehouse truck shall vary more than 1/2 pound either above or below the true average weight.

18.4. Scale Ticket Requirements. All baskets or other containers of tobacco weighed and placed on the warehouse floor for the purpose of sale shall be accompanied by a scale ticket on which there shall be plainly and conspicuously stated the name of the seller and the net weight of the tobacco. The date of weighing and the initials of the weighmasters must be shown on each floor sheet (Tobacco Sale Bill). The seller shall be given a copy of this floor sheet at the time the tobacco is weighed.

18.5. Weigh To The Nearest Whole Pound. All tobacco weighed for the purpose of sale, offering for sale, or sold, including "House" and/or "Speculators" tobacco, shall be weighed and recorded accurately to the nearest whole pound.

18.6. Reworked or Resale Tobacco. All "reworked" or "resale" tobacco must be reweighed before it is again offered or exposed for sale.

18.7. Weighmaster Name and Address To be Posted. In all tobacco warehouse offices, the full name and complete address (residence) of all weighmasters shall be posted. Each weighmaster shall personally initial the posted lists with the same initials he will use on floor sheets.

18.8. Record Retention. It shall be the duty of every tobacco auction market manager to retain a copy of all records, including sales coupons, weight tickets, accounts of sales, and other records covering each transaction, for a period of three years. This copy shall be available for, and open to, the confidential inspection of the Commissioner of Agriculture and Consumer Services, or his authorized agents at all times.

§ 19. Regulation Requiring Delivery Ticket.

19.1. Requirements For Delivery Tickets. All coal, coke, charcoal, agricultural limestone (whether burnt or unburnt), and fertilizer shall be sold by weight. Unless the product is delivered to the purchaser in package form, each delivery to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be clearly stated:

(a) The name and address of the vendor,

(b) The name and address of the purchaser, and

(c) The net weight of the delivery and the gross and tare weight from which the net weight is computed, each expressed in pounds.

However, on any agricultural commodity, produce, sand, gravel, or any other commodity product or merchandise that is being sold in bulk form by weight, the gross and tare weights need not appear on the delivery ticket. The net weight may be expressed in pounds or kilograms. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the product, or shall be surrendered on demand to the Commissioner of Agriculture and Consumer Services or his assistant, or an inspector, or sealer. If the official desires to retain the ticket as evidence, a substitute weight slip shall be given to the purchaser. However, if the purchaser carries away the purchase, the vendor shall be required only to give to the purchaser a delivery ticket at the time of sale stating the number of pounds of product delivered.

20. Exemption for Users of Vehicle Scales.

A vehicle scale shall not be used for weighing gross loads smaller than 50d (d = scale division).

Users of vehicle scales shall be exempt from the minimum net load requirement (50 scale divisions) of U.R.3.7 of the Scale Code, National Bureau of Standards Handbook 44, 1989 Edition.

FOOTNOTES

¹ Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.

² Packages entering interstate commerce are restricted by federal regulations to two decimal place quantity declarations. For example, see 9 CFR § 317.2(h)(5) for meat and meat products, 21 CFR § 101.105(j)(2) for non-meat and non-poultry foods, and 16 CFR § 500.9(b) for certain non-food consumer commodities.

³ Note: Although nonconsumer packages under this regulation might bear only metric declarations, this regulation should not be construed to supersede any labeling requirement specified in federal law.

⁴ Open multi-unit retail food packages under the authority of the Food and Drug Administration or U.S. Department of Agriculture that do not obscure the number of units or prevent examination of the labeling on each of the individual units are not required to declare the number of individual units or the total quantity of contents of the multi-unit package if the labeling of each individual unit complies with requirements so that it is capable of being sold individually. (See also Subsection 11.12)

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⁵ In addition, the average net contents of lots, shipments, or deliveries must equal or exceed the labeled net contents. See Section 12.1.

⁶ ASTM Standard D-4397-84, "Specification for Polyethylene Sheeting for Construction, Industrial and Agricultural Applications", 1984.

⁷ The average thickness of a single package of polyethylene sheeting, film, or bags may be as much as 7% below the labeled thickness, i.e., at least 93% of the labeled thickness.

⁸ Packages subject to the Federal Fair Packaging and Labeling Act must be labeled in inch-pound units of measure. Metric units may also be declared on the principal display panel and may even appear first.

⁹ Oleomargarine and margarine are not permitted in multiples of one pound, 500 grams, or multiples of 500 grams because Section 407(b)(2) of the Federal Food, Drug, and Cosmetic Act prohibits margarine and oleomargarine packaged in sizes greater than one pound.

¹⁰ See § 14.9 for additional requirements for ready-to-eat food.

¹¹ Values in metric units for softwood lumber will not be added until a new standard is developed to cover metric softwood lumber.

the regulation was changed where necessary to become gender neutral.

Outdated sections of the regulation are being proposed for elimination or revision. This includes deleting requirements for aerial tramways, deleting procedures for requesting a variance from federal requirements that have been eliminated, and revising worker training and general site safety provisions. Certain housecleaning revisions are being proposed to make the amended regulation conform with recent changes to the Code of Virginia. The other proposed changes reflect an internal reorganization of the Department of Mines, Minerals and Energy and the delegation of authority from the Chief of the Division of Mines to the Commissioner of the Division of Mineral Mining.

DEPARTMENT OF MINES, MINERALS AND ENERGY (DIRECTOR OF)

REGISTRAR'S NOTICE: Due to its length, the proposed Safety and Health Regulation for Mineral Mining filed by the Director of the Department of Mines, Minerals and Energy is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a 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 at the Department of Mines, Minerals and Energy.

Title of Regulation: VR 480-05-1.2. Safety and Health Regulation for Mineral Mining.

Statutory Authority: §§ 45.1-33 and 45.1-104 of the Code of Virginia.

Public Hearing Date: April 28, 1989 - 10 a.m.
(See Calendar of Events section
for additional information)

Summary:

This proposed amendment to the Safety and Health Regulation for Mineral Mining clarifies, reformats and reorganizes metal/nonmetal safety and health regulations. The revisions make the regulation more easily read and understood. For example, all of the requirements pertaining solely to underground noncoal mines have been grouped into one section. Currently, these are mixed within sections governing surface mines throughout the 22 parts. Also, the language of

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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.

DEPARTMENT OF COMMERCE

Title of Regulation: VR 190-05-01. Asbestos Licensing Regulations.

Statutory Authority: Chapter 5 (§§ 54.1-500 through 54.1-517) of Title 54.1 of the Code of Virginia.

Effective Date: March 29, 1989

Summary:

Pursuant to §§ 54.1-500 through 54.1-517 of the Code of Virginia, the Department of Commerce proposes to adopt regulations governing asbestos inspection, removal and encapsulation. The regulations require those individuals or entities engaging in work as an asbestos contractor, supervisor, worker, inspector, management planner, or project designer to fulfill the necessary requirements and obtain a license. The regulations also provide for approval by the Department of Commerce of training courses intended to prepare the candidates to meet the licensing requirements.

In Part II, the necessity for license was added to more clearly indicate that the regulations apply to those individuals or entities involved with asbestos projects for compensation.

Throughout the regulations where the requirements indicate that an individual must successfully complete a particular training course the language has been amended to clarify that successful completion includes passing an examination.

Changes also include the addition of definitions for "friable" and "supervisor's license."

In Part III, § 3.1, Contractor Responsibilities, the second paragraph was added allowing the contractor to designate a supervisor to serve as his agent for the purpose of meeting training requirements.

Finally, in Part X, subdivision 3 of § 10.3 adds a requirement that previous enforcement actions be included in the information requested from any employer seeking approval of an exemption from licensing.

VR 190-05-01. Asbestos Licensing Regulations.

PART I. DEFINITIONS.

§ 1.1. Definitions.

The following words and terms, when used in these guidelines, shall have the following meaning, unless the context clearly indicates otherwise:

"ACM" means asbestos containing material.

"Asbestos" means any material containing more than 1.0% asbestos by weight, which is friable or which has a reasonable probability of becoming friable in the course of ordinary or anticipated building use.

"Asbestos abatement" means any activity involving job set-up, removal, encapsulation, enclosure, renovation, repair, demolition, construction, alteration, or maintenance of asbestos-containing material.

"Asbestos contractor's license" means an authorization issued by the Department of Commerce permitting a person to enter into contracts for a project to remove or encapsulate asbestos.

"Asbestos containing material (ACM)" means any material or product which contains more than 1.0% asbestos.

"Asbestos inspector" means any person performing on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential, all friable and nonfriable asbestos containing materials located within a structure.

["Asbestos inspector's license" means an authorization issued by the Department of Commerce permitting a person to perform the duties of an asbestos inspector.]

"Asbestos management planner's license" means an authorization issued by the department permitting a person to develop and implement an asbestos management plan.

"Asbestos project" means an activity involving the inspection for removal or encapsulation of asbestos.

"Asbestos project designer's license" means an authorization issued by the department permitting a person to design an asbestos abatement project.

["Asbestos supervisor's license" means an authorization issued by the Department of Commerce permitting an individual to supervise and work on an asbestos project.]

"Asbestos worker" means any person who engages in an

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asbestos abatement activity.

"Asbestos worker's license" means an authorization issued by the Department of Commerce permitting an individual to work on an asbestos project.

"Department" means the Department of Commerce.

"Director" means the Director of the Department of Commerce.

"Encapsulation" means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Enclosure" means the construction or installation over or around the ACM of any solid or flexible coverings, which will not deteriorate or decompose for an extended period of time, so as to conceal the ACM, contain ACM fibers, and render the ACM inaccessible.

"EPA" means Environmental Protection Agency.

["*Friable*" means material which is capable of being crumbled, pulverized or reduced to powder by hand pressure or which under normal use or maintenance emits or can be expected to emit fibers into the air.]

"OSHA" means the U.S. Department of Labor Occupational Safety and Health Administration.

"Removal" means the physical removal of ACM from a building and disposal thereof in accordance with all applicable regulations.

"Renovation" means altering in any way, one or more facility components.

"Repair" means returning damaged ACM to an undamaged condition or to an intact state so as to contain fiber release.

"Supervisor" means any asbestos abatement worker who has been licensed by the Department of Commerce under these regulations as a supervisor. A licensed supervisor must be present at each jobsite.

[*Necessity for license: These regulations are promulgated to carry out the provisions of Title 54.1 Chapter 5, § 54.1-500. Effective July 1, 1988, any person or entity must fulfill the requirements and obtain the necessary license as an asbestos contractor, supervisor, inspector, management planner or project designer prior to contracting with another person for compensation to perform an asbestos project or develop a management plan. Effective July 1, 1988, an asbestos worker's license must be obtained by an individual prior to working on an asbestos project.]*

PART II. ASBESTOS WORKERS LICENSING REQUIREMENTS.

§ 2.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Applicants will be required to provide proof of successful completion of an asbestos workers training course [*and examination*] approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any jurisdiction, and that no enforcement actions by any jurisdiction is pending against the applicant.

D. In the event enforcement actions have been taken against the applicant the following information shall be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.
2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.
3. A copy of any reports compiled by an enforcement agency.

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure a license will be mailed to the address indicated on the application.

§ 2.2. Qualifications for licensure.

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Each individual applying to the Department of Commerce for licensing as an asbestos worker shall have the following qualifications:

1. Applicants shall be at least 18 years of age.
2. Applicants shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 2.3. Fees.

A. *The fee for an asbestos workers license shall be \$35. The fee amounts are based on the administrative costs of the asbestos licensing program.*

B. A completed application (as defined in Part II, § 2.1 of these regulations) shall be accompanied by the appropriate required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate required fee.

B. The fee for an asbestos workers license will be established by the director pursuant to § ~~54-1-28.1~~ of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 2.4. Expiration.

Asbestos workers licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

§ 2.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate the \$35 renewal fee. Should the licensee fail to receive the renewal notice, a copy of the license may be submitted with the required fee.

B. Applicant shall forward proof that the annual retraining requirement of eight hours [of instruction and an examination] has been successfully completed. A copy of a certificate indicating the date and the location of

training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within 30 days after the expiration date noted on the license, a late renewal fee equal to the regular renewal fee, shall be required in addition to the regular renewal fee of \$35 shall be required in addition to the renewal fee .

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current educational and examination requirements as specified in Part II, § 2.1 of this regulation.

§ 2.6. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 2.7. Interim licensure.

Individuals who have successfully completed an EPA approved three-day (24 hours) asbestos worker's training course and have passed an EPA approved asbestos worker's examination since January 1, 1985, may apply for an interim license for a period of 12 months. During the 12 month interim license period, a Virginia approved asbestos worker's refresher training course must be successfully completed and the individual must apply for a Virginia asbestos worker's license as required in these regulations.

"NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989." After July 1, 1989, all applicants for an asbestos worker's license must have successfully completed a Virginia approved asbestos worker's training course.

A. All requests for interim license applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any jurisdiction, and that no enforcement action by any jurisdiction is pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information shall be required as the director may deny an applicant's request

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for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.
2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.
3. A copy of any reports compiled by an enforcement agency.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim asbestos worker's license, an interim license will be mailed to the address indicated on the application.

F. Fees.

1. *The fee for an interim asbestos workers license shall be \$35. The fee amounts are based on the administrative costs of the asbestos licensing program.*

~~2.~~ 2. A completed application (as required in Part II, § 2.7 of these regulations) shall be accompanied by the appropriate required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate required fee.

~~2.~~ The fee for an asbestos worker's interim license will be established by the director pursuant to § ~~54-1.28-1~~ of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

3. All fees will be nonrefundable.

4. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

PART III.

ASBESTOS CONTRACTORS AND SUPERVISORS CONTRACTOR LICENSING REQUIREMENTS .

§ 3.1. Contractor responsibilities.

Licensed asbestos contractors are required to comply fully with all requirements, procedures, standards and regulations established by the U.S. Environmental Protection Agency, the U.S. Occupational Safety and Health

Administration, the Virginia Department of Labor and Industry, the Virginia Air Pollution Control Board, and the Virginia Department of Waste Management, covering any part of an asbestos project.

[The contractor shall designate a supervisor to serve as his agent for the purpose of meeting the training requirements.]

A licensed asbestos contractor shall notify the Department of Labor and Industry at least 20 days prior to the commencement of each asbestos project performed.

§ 3.2. Maintenance of licensing records at asbestos job site.

It shall be the responsibility of the contractor to maintain at each job site, a list of the licensed asbestos workers and supervisors that includes the current license numbers and the license expiration dates of those workers. Records maintained at the job site shall be available for review by the Department of Labor and Industry, the Department of Commerce, and all other agencies having authorization to inspect an asbestos job site.

§ ~~3.1.~~ § 3.3. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Applicants will be required to provide proof of successful completion of an asbestos contractor/supervisor training course approved by the Department of Commerce.

C. B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any jurisdiction, and that no enforcement action by any jurisdiction is pending against the applicant.

C. The director may refuse to issue a license to any asbestos contractor who is shown to have a substantial identity of interest with an asbestos contractor whose license has been revoked or not renewed. A substantial identity of interest is defined to include but is not limited to (i) a controlling financial interest by the individual or corporate principals of the asbestos contractor whose license has been revoked or not renewed or (ii) substantially identical principals or officers.

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D. The transfer of an asbestos contractor license is prohibited. Whenever there is any change in the ownership of the legal entity licensed, whether in a proprietorship or change of partner in partnership or the creation of a corporation, a new license is required.

E. In the event enforcement action has been taken against the applicant, the following information will be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant, by any jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency.

F. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

G. Upon approval of an application for licensure, a license will be mailed to the address indicated on the application.

§ 3.2. § 3.4. Qualifications for licensure.

Each individual or business applying to the Department of Commerce for licensing as an asbestos contractor/supervisor shall have the following qualifications:

1. Applicants shall be at least 18 years of age.

2. Applicants shall have all licenses necessary and required by state statute or local ordinance to transact the business of an asbestos contractor/supervisor contractor in addition to those requirements as set forth in these regulations.

3. Applicant shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 3.3. § 3.5. Fees.

A. The fee for an asbestos contractor license shall be \$500. The fee amounts are based on the administrative costs of the asbestos licensing program.

A. B. A completed application (as required in Part III, § 3.1 § 3.5 of these regulations) shall be accompanied by the appropriate required fee. All checks or money orders shall be payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate required fee.

B. The fee for an asbestos contractor/supervisor license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 3.4. § 3.6. Expiration.

Asbestos contractors/supervisors contractor licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

§ 3.5. § 3.7. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate the \$500 renewal fee. Should the licensee fail to receive a renewal notice, a copy of the license may be submitted with the required fee.

B. Applicant shall forward proof that the annual retraining requirement of eight hours has been successfully completed. A copy of a certificate indicating the date and the location of training shall accompany renewal notice.

C. B. If the renewal fee is not received by the Department of Commerce within 30 days after the expiration date noted on the license, a late renewal fee equal to the regular renewal fee, of \$500 shall be required in addition to the renewal fee.

D. C. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current education and examination requirements as specified in Part III, § 3.1 § 3.4 of these regulations.

§ 3.6. § 3.8. License certificate.

A copy of a current asbestos contractors and supervisors

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license certificate shall be available at all times for review by the Department of Labor and Industry, and the Department of Commerce, at each asbestos jobsite.

§ 3.7. [~~§ 3.9.~~ Maintenance of Licensing records at asbestos jobsite:

It shall be the responsibility of the contractor/supervisor to maintain at each jobsite, a list of the licensed asbestos workers, the current license number, and the license expiration date of those workers. Records maintained at the jobsite shall be available for review by the Department of Labor and Industry, and the Department of Commerce, and all other agencies having jurisdiction to inspect an asbestos jobsite.]

§ 3.8. [~~§ 3.10.~~ § 3.9.] Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 3.9. Interim License:

Individuals who have successfully completed an EPA approved asbestos contractor/supervisor training course and have passed an EPA approved asbestos contractor/supervisor examination since January 1, 1985, may apply for an interim license for a period of 12 months. During the 12 month interim license period, a Virginia approved asbestos contractor/supervisor refresher training course must be successfully completed and the individual must apply for renewal of his Virginia asbestos contractor/supervisor license as required in these regulations.

"NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989." After July 1, 1989, all applicants for an asbestos contractor/supervisor license must have successfully completed a Virginia approved asbestos contractor/supervisor training course.

A. All requests for interim license applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any jurisdiction, and that no enforcement actions by any jurisdiction is pending against the applicant.

C. In the event enforcement actions have been taken

against the applicant, the following information will be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim asbestos contractor/supervisor license, an interim license will be mailed to the address indicated on the application.

§ 3.10. Fees:

A. A completed application (as required in Part III, § 3.9 of these regulations) shall be accompanied by the appropriate fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate fee.

B. The fee for an asbestos contractor/supervisor's interim license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for license.

PART IV. ASBESTOS SUPERVISOR LICENSING REQUIREMENTS.

§ 4.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
Asbestos Licensing Program

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Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Applicants will be required to provide proof of successful completion of an asbestos supervisor training course [and examination] approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any jurisdiction, and that no enforcement action by any jurisdiction is pending against the applicant.

D. In the event enforcement actions have been taken against the applicant, the following information will be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant, by any jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency.

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure, a license will be mailed to the address indicated on the application.

§ 4.2. Qualifications for licensure.

A. Each individual applying to the Department of Commerce for licensing as an asbestos supervisor shall have the following qualifications:

1. Applicants shall be at least 18 years of age.

2. Applicants shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 4.3. Fees.

A. The fee for an asbestos supervisor license shall be \$35. The fee amounts are based on the administrative costs of the asbestos licensing program.

B. A completed application (as required in Part IV, § 4.1 of these regulations) shall be accompanied by the required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the required fee.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 4.4. Expiration.

Asbestos supervisors licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

§ 4.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and the renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and the \$35 renewal fee. Should the licensee fail to receive a renewal notice, a copy of the license may be submitted with the required fee.

B. Applicant shall forward proof that the annual retraining requirement of eight hours has been successfully completed. A copy of a certificate indicating the date and the location of training shall accompany the renewal notice.

C. If the renewal fee is not received by the Department of Commerce within 30 days after the expiration date noted on the license a late renewal fee of \$35 shall be required in addition to the renewal fee.

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current education and examination requirements as specified in Part IV, § 4.1 of these regulations.

§ 4.6. License certificate.

A copy of a current asbestos supervisor license

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certificate shall be available at all times for review by the Department of Labor and Industry, and the Department of Commerce at each asbestos job site.

§ 4.7. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 4.8. Interim licensure.

Individuals who have successfully completed an EPA approved asbestos supervisor training course and have passed an EPA approved asbestos supervisor examination since January 1, 1985, may apply for an interim license for a period of 12 months. During the 12-month interim license period, a Virginia approved asbestos supervisor refresher training course must be successfully completed and the individual must apply for renewal of his Virginia asbestos supervisor license as required in these regulations.

"NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989." After July 1, 1989, all applicants for an asbestos supervisor license must have successfully completed a Virginia approved asbestos supervisor training course.

A. All requests for interim license applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any jurisdiction, and that no enforcement action by any jurisdiction is pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information will be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion, including the circumstances of

termination.

3. A copy of any reports compiled by an enforcement agency.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim asbestos supervisor licensure, an interim license will be mailed to the address indicated on the application.

§ 4.9. Fees.

A. The fee for an interim asbestos supervisors license shall be \$35. The fee amounts are based on the administrative costs of the asbestos licensing program.

B. A completed application (as required in Part IV, § 4.8 of these regulations) shall be accompanied by the required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the required fee.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

PART IV V. ASBESTOS INSPECTOR LICENSING REQUIREMENTS.

§ ~~4.1~~ § 5.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Applicants will be required to provide proof of successful completion of an asbestos inspector training course [and examination] approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform asbestos abatement work has not been suspended or revoked by any jurisdiction, and that no enforcement actions by any jurisdiction is pending against the applicant.

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D. In the event enforcement actions have been taken against the applicant, the following information will be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.

2. A description of any asbestos inspection activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency.

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure, a license will be mailed to the address indicated on the application.

~~§ 4.2.~~ § 5.2. Qualifications for licensure.

A. Each individual or business applying to the Department of Commerce for licensing as an asbestos inspector shall have the following qualifications:

1. Applicants shall be at least 18 years of age.

2. Applicants shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

~~§ 4.3.~~ § 5.3. Fees.

A. ~~The fee for an asbestos inspector shall be \$35. The amounts are based on the administrative costs of the asbestos licensing program.~~

~~A. B. A completed application (as required in Part IV, § 4-1 V, § 5.1 of these regulations) shall be accompanied by the appropriate required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate required fee.~~

~~B. The fee for an asbestos inspector's license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.~~

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

~~§ 4.4.~~ § 5.4. Expiration.

Asbestos inspector licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

~~§ 4.5.~~ § 5.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate the \$35 renewal fee. Should the licensee fail to receive the renewal notice, a copy of the license may be submitted with the required fee.

B. Applicants shall forward proof that the annual retraining requirement of four hours [of instruction and an examination] has been successfully completed. A copy of a certificate indicating the date and the location of training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within 30 days after the expiration date noted on the license, a late renewal fee equal to the regular renewal fee, of \$35 shall be required in addition to the regular renewal fee.

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current education and examination requirements in Part IV V of these regulations.

~~§ 4.6.~~ § 5.6. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

~~§ 4.7.~~ § 5.7. Interim licensure.

Individuals who have successfully completed an EPA approved asbestos inspector training and have passed an EPA approved asbestos inspector examination since January 1, 1985, may apply for an interim license for a period of 12 months. During the 12 month interim license period, a Virginia approved asbestos inspector refresher training course must be successfully completed and the individual must apply for renewal of his Virginia asbestos

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inspector license as required in these regulations.

"NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989." After July 1, 1989, all applicants for an asbestos inspector's license must have successfully completed a Virginia approved asbestos inspector's training course.

A. All requests for interim license applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to perform building inspections for asbestos containing materials has not been suspended or revoked by any jurisdiction, and that no enforcement actions by any jurisdiction is pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information will be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the asbestos inspection might not be performed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.
2. A description of any asbestos inspection activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.
3. A copy of any reports compiled by an enforcement agency.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim asbestos inspector's license, an interim license will be mailed to the address indicated on the application.

§ 4.8. § 5.8. Fees.

A. The fee for an interim asbestos inspectors license shall be \$35. The fee amounts are based on the

administrative costs of the asbestos licensing program.

A. B. A completed application (as required in Part IV, § 4.7 § 5.7 of these regulations) shall be accompanied by the appropriate required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate required fee.

B. The fee for an asbestos inspector's interim license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

PART V. VI. ASBESTOS PROJECT DESIGNER LICENSING REQUIREMENTS.

§ 5.1. § 6.1. License application.

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Applicants will be required to provide proof of successful completion of an asbestos project designer training course [*and examination*] approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to design asbestos abatement projects has not been suspended or revoked by any jurisdiction, and that no enforcement action by any jurisdiction is pending against the applicant.

D. In the event enforcement actions have been taken against the applicant, the following information will be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the asbestos project designer's plans might not be developed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by

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any jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency.

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure, a license will be mailed to the address indicated on the application.

§ 5.2: § 6.2. Qualifications for licensure.

A. Each individual applying to the Department of Commerce for licensing as an asbestos project designer shall have the following qualifications:

1. Applicants shall be at least 18 years of age.
2. Applicants shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

§ 5.3: § 6.3. Fees.

A. The fee for an asbestos project designer license shall be \$35. The fee amounts are based on the administrative costs of the asbestos licensing program.

B. A completed application (as required in Part V, § 6.1 of these regulations) shall be accompanied by the appropriate required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate required fee.

B. The fee for an asbestos project designer's license will be established by the director pursuant to § 54-1-28.1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

§ 5.4: § 6.4. Expiration.

Asbestos project designer licenses issued under these regulations shall expire one year from the last day of the

month in which they were issued as indicated on the license.

§ 5.5: § 6.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate the \$35 renewal fee. Should the licensee fail to receive the renewal notice, a copy of the license may be submitted with the required fee.

B. Applicants shall forward proof that the annual retraining requirement of eight hours [of instruction and an examination] has been successfully completed. A copy of a certificate indicating the date and the location of training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within 30 days after the expiration date noted on the license a late renewal fee, equal to the regular renewal fee, of \$35 shall be required in addition to the regular renewal fee.

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current education and examination requirements in Part V VIII of these regulations.

§ 5.6: § 6.6. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

§ 5.7: § 6.7. Interim licensure.

Individuals who have successfully completed an EPA approved asbestos project designer training course and have passed an EPA approved asbestos project designer examination since January 1, 1985, may apply for an interim license for a period of 12 months. During the 12 month interim license period, a Virginia approved asbestos project designer refresher training course must be successfully completed and the individual must apply for renewal of his Virginia asbestos project designer license as required in these regulations.

NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989. After July 1, 1989, all applicants for an asbestos project designer license must have successfully completed a Virginia approved asbestos project designer training course.

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A. All requests for interim license applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to design asbestos abatement projects has not been suspended or revoked by any jurisdiction, and that no enforcement action by any jurisdiction is pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information will be required as the director may deny any applicant's request for a license based on prior enforcement actions which indicate that the asbestos project designer's plans might not be developed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.

2. A copy of any reports compiled by an enforcement agency.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for an interim asbestos project designer license, an interim license will be mailed to the address indicated on the application.

F. § 6.8. Fees.

A. *The fee for an interim asbestos project designer license shall be \$35. The fee amounts are based on the administrative costs of the asbestos licensing program.*

~~1. B. A completed application (as required in Part V, § 5.7 VI, § 6.7 of these regulations) shall be accompanied by the appropriate required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate required fee.~~

~~2. The fee for an asbestos project designer interim license will be established by the director pursuant to § 54-1-28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.~~

~~3. C. All fees shall be nonrefundable.~~

4. D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

PART VI, VII. ASBESTOS MANAGEMENT PLANNER LICENSING REQUIREMENTS.

~~§ 6.1. § 7.1. License application.~~

A. Each applicant is responsible for obtaining a current application. All requests for applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Applicants will be required to provide proof of successful completion of an asbestos management planner training course [*and examination*] approved by the Department of Commerce.

C. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization to develop and implement an asbestos management plan has not been suspended or revoked by any jurisdiction, and that no enforcement action by any jurisdiction is pending against the applicant.

D. In the event enforcement actions have been taken against the applicant, the following information will be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the asbestos management plan might not be developed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.

2. A description of any asbestos management planner activities conducted by the applicant that were terminated prior to completion, including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency.

E. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

F. Upon approval of an application for licensure, a license will be mailed to the address indicated on the application.

~~§ 6.2.~~ § 7.2. Qualifications for licensure.

A. Each individual applying to the Department of Commerce for licensing as an asbestos management planner shall have the following qualifications:

1. Applicants shall be at least 18 years of age.
2. Applicants shall provide evidence of having met the educational requirements as set forth in these regulations within 12 months preceding the date of the receipt of the application by the Department of Commerce.

~~§ 6.3.~~ § 7.3. Fees.

A. ~~The fee for an asbestos management planner license shall be \$35. The fee amounts are based on the administrative costs of the asbestos licensing program.~~

~~A. B. A completed application (as required in Part VI, § 6.1 VII, § 7.1 of these regulations) shall be accompanied by the appropriate required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate required fee.~~

~~B. The fee for an asbestos management planner's license will be established by the director pursuant to § 54-1.28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.~~

C. All fees will be nonrefundable.

D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

~~§ 6.4.~~ § 7.4. Expiration.

Asbestos management planner licenses issued under these regulations shall expire one year from the last day of the month in which they were issued as indicated on the license.

~~§ 6.5.~~ § 7.5. Renewal application.

The Department of Commerce will mail a renewal notice to the licensee at the last known address. The notice shall outline the procedures for renewal and renewal fee amount. Failure to receive the notice shall not relieve the licensee of the obligation to renew.

A. Prior to the expiration date shown on the license, each licensee desiring to renew his license shall return to the Department of Commerce the renewal notice and appropriate the \$35 renewal fee. Should the licensee fail

to receive the renewal notice, a copy of the license may be submitted with the required fee.

B. Applicants shall forward proof that the annual retraining requirement of eight hours [*of instruction and an examination*] has been successfully completed. A copy of a certificate indicating the date and the location of training shall accompany renewal notice.

C. If the renewal fee is not received by the Department of Commerce within 30 days after the expiration date noted on the license a late renewal fee, equal to the regular renewal fee, of \$35 shall be required in addition to the regular renewal fee.

D. Licensees failing to renew their licenses within six months of the expiration date noted on the license shall not be permitted to renew their licenses and shall apply as new applicants meeting all current education and examination requirements in Part VI VII of these regulations.

~~§ 6.6.~~ § 7.6. Change of address.

The Department of Commerce shall be notified immediately of any change in address by the licensee.

~~§ 6.7.~~ § 7.7. Interim licensure.

Individuals who have successfully completed an EPA approved asbestos management planner training course and have passed an EPA approved asbestos management planner examination since January 1, 1985, may apply for an interim license for a period of 12 months. During the 12 month interim license period, a Virginia approved asbestos management planner refresher training course must be successfully completed and the individual must apply for renewal of his Virginia asbestos management planner license as required in these regulations.

NO INTERIM LICENSES WILL BE GRANTED AFTER JULY 1, 1989. After July 1, 1989, all applicants for an asbestos management planner's license must have successfully completed a Virginia approved asbestos management planner's training course.

A. All requests for interim license applications should be directed to:

Assistant Director
Asbestos Licensing Program
Virginia Department of Commerce
3600 West Broad Street
5th Floor
Richmond, Virginia 23230
1 (800) 552-3016

B. Each application shall be signed by the applicant and shall include a certification by the applicant that within the past three years prior to the application date, his license or other authorization as an asbestos management

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planner has not been suspended or revoked by any jurisdiction, and that no enforcement action by any jurisdiction is pending against the applicant.

C. In the event enforcement actions have been taken against the applicant, the following information will be required as the director may deny an applicant's request for a license based on prior enforcement actions which indicate that the asbestos management plan might not be developed in a manner that would protect the public health, safety and welfare.

1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.

2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.

3. A copy of any reports compiled by an enforcement agency.

D. All applications should be completed according to the instructions provided with the application. Incomplete applications will be returned to the applicant; however, fees received will not be refunded.

E. Upon approval of an application for interim asbestos management planner's license, an interim license will be mailed to the address indicated on the application.

F. ~~§ 7.8.~~ Fees.

A. The fee for an interim asbestos management planner license shall be \$35. The fee amounts are based on the administrative costs of the asbestos licensing program.

B. A completed application (as required in Part VI, ~~§ 6.1~~ VII, § 7.7 of these regulations) shall be accompanied by the appropriate required fee. All checks or money orders shall be made payable to the Treasurer of Virginia. No application will be processed if it is not accompanied by the appropriate required fee.

2. The fee for an asbestos management planner's interim license will be established by the director pursuant to § 54-1-28:1 of the Code of Virginia. Fee amounts are based on administrative costs of the asbestos licensing program.

3. C. All fees will be nonrefundable.

4. D. Receipt and deposit of fees submitted with applications do not in any way indicate approval for licensure.

IN ALL OF THE FOLLOWING TRAINING COURSE REQUIREMENTS ONE DAY SHALL BE EQUAL TO EIGHT HOURS.

~~§ 7.1.~~ § 8.1. Worker training.

Asbestos abatement workers shall complete at least a three day (24 hours) training course as outlined below. All training courses shall be approved by the Virginia Department of Commerce. The training course shall include lectures, demonstrations, at least six hours of hands-on training, individual respirator fit testing, course review, and an examination. The training shall address the following topics:

1. Physical characteristics of asbestos:
 - a. Identification of asbestos.
 - b. Aerodynamic characteristics.
 - c. Typical uses and physical appearance.
 - d. A summary of abatement control options.
2. Potential health effects related to asbestos exposure:
 - a. The nature of asbestos related diseases.
 - b. Routes of exposure, dose response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease.
3. Employee personal protective equipment:
 - a. Classes and characteristics of respirator types.
 - b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures.
 - c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.
 - f. Factors that alter respirator fit (e.g., facial hair).
 - g. The components of a proper respiratory protection program.
 - h. Selection and use of personal protective clothing; use, storage, and handling of nondisposable clothing.

PART VII. VIII.
TRAINING COURSE REQUIREMENTS.

- i. Regulations covering personal protective equipment.
4. State-of-the-art work practices:
 - a. Proper asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.
 - d. Proper working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums.
 - e. Proper clean-up and disposal procedures.
 - f. Work practices for removal, encapsulation, enclosure, and repair.
 - g. Emergency procedures for sudden releases.
 - h. Potential exposure situations, and transport and disposal procedures.
 - i. Recommended and prohibited work practices.
5. Personal hygiene:
 - a. Entry and exit procedures for the work area, use of showers, avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area.
 - b. Potential exposures, such as family exposure.
6. Additional safety hazards:
 - a. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.
 - b. Scaffold and ladder hazards.
 - c. Slips, trips and falls.
 - d. Confined spaces.
7. Medical monitoring:
 - a. OSHA requirements for a pulmonary function test.
 - b. Chest x-rays and a medical history for each employee.
8. Air monitoring:
 - a. Procedures to determine airborne concentrations

of asbestos fibers.

b. Focusing on how personal air sampling is performed and the reasons for it.

9. Relevant federal, state and local regulatory requirements, procedures and standards, with particular attention directed at relevant EPA, OSHA, and state regulations concerning asbestos abatement workers.

10. Establishment of respiratory protection programs.

11. Course review. A review of key aspects of the training course.

§ 7-2: § 8.2. Examinations.

Upon completion of an approved initial training course a closed book examination will be administered. Demonstration testing will also be included as part of the examination. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive a written certificate indicating successful completion of the course. The following are the requirements for examination:

Asbestos abatement workers:

1. 50 multiple choice questions.
2. Passing score: 70% correct.

IN ALL REFRESHER TRAINING COURSE REQUIREMENTS ONE DAY SHALL BE EQUAL TO EIGHT HOURS.

§ 7-3: § 8.3. Refresher training course.

Refresher courses shall be one day (8 hours) in length for asbestos abatement workers. The course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures and a review of key aspects of the initial training course as set forth in Part VII, § 7-1 VIII, § 8.1 of these regulations. A written closed book examination of 50 multiple choice questions will be administered covering the topics included in the refresher course. A passing refresher examination score will be 70% correct. Persons who pass the refresher course examination will receive a written certificate indicating successful completion of the course.

§ 7-4: § 8.4. ~~Contractor~~ Supervisor training.

Asbestos abatement ~~contractors~~ and supervisors shall complete a four day (32 hours) training course as outlined below. All training courses shall be approved by the Virginia Department of Commerce. The training course shall include lecture, demonstrations, individual respirator fit testing, course review, examination, and at least six

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hours of hands-on training which allows ~~contractors and~~ supervisors the experience of performing actual tasks associated with asbestos abatement.

For purposes of approval, asbestos abatement supervisors include those persons who provide supervision and direction to workers engaged in asbestos removal, encapsulation, enclosure, and repair. [~~The contractor may designate a supervisor to serve as his agent for the purposes of meeting the requirements for approval. The contractor must designate a supervisor to serve as his agent for the purposes of meeting the training requirements for approval.~~]

The ~~contractor and~~ supervisor's training course shall adequately address the following topics:

1. The physical characteristics of asbestos and asbestos-containing materials:
 - a. Identification of asbestos.
 - b. Aerodynamic characteristics.
 - c. Typical uses, physical appearance.
 - d. A review of hazard assessment considerations.
 - e. A summary of abatement control options.
2. Potential health effects related to asbestos exposure:
 - a. The nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. Synergism between cigarette smoking and asbestos exposure.
 - d. Latency period for disease.
3. Employee personal protective equipment:
 - a. Classes and characteristics of respirator types.
 - b. Limitations of respirators and their proper selection, inspection, donning, use, maintenance and storage procedures.
 - c. Methods for field testing of the facepiece-to-face seal (positive and negative pressure fitting tests).
 - d. Qualitative and quantitative fit testing procedures.
 - e. Variability between field and laboratory protection factors.
 - f. Factors that alter respirator fit (e.g., facial hair).
 - g. The components of a proper respiratory

protection program.

h. Selection and use of personal protective clothing; use, storage and handling of nondisposable clothing.

i. Regulations covering personal protective equipment.

4. State-of-the-art work practices:

a. Proper [*work practices for*] asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems.

b. Positioning of warning signs.

c. Electrical and ventilation system lock-out.

d. Proper working techniques for minimizing fiber release, use of wet methods, use of negative pressure ventilation equipment, use of high efficiency particulate air (HEPA) vacuums.

e. Proper clean-up and disposal procedures.

f. Work practices for removal, encapsulation, enclosure and repair.

g. Emergency procedures for sudden releases.

h. Potential exposure situations [; ~~and transport and disposal procedures~~].

[*i. Transport and disposal procedures.*]

[*† j.*] Recommended and prohibited work practices.

[*k. Discussion of new abatement-related techniques and methodologies.*]

5. Personal hygiene:

a. Entry and exit procedures for the work area; use of showers; and avoidance of eating, drinking, smoking, and chewing, (gum or tobacco) in the work area.

b. Potential exposures, such as family exposure, shall also be included.

6. Additional safety hazards:

a. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants, other than asbestos, fire and explosion hazards.

b. Scaffold and ladder hazards.

c. Slips, trips and falls.

- d. Confined spaces.
- 7. Medical monitoring. OSHA requirements for a pulmonary function test, chest x-rays and a medical history for each employee.
- 8. Air monitoring:
 - a. Procedures to determine airborne concentration of asbestos fibers, including a description of an aggressive sampling, [*sampling*] equipment and methods.
 - b. Reasons for air monitoring.
 - c. Types of samples and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.
- 9. Relevant federal, state, and local regulatory requirements, procedures and standards including:
 - a. Requirements of TSCA Title II.
 - b. 40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standards for Asbestos).
 - c. OSHA Standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134).
 - d. OSHA Asbestos Construction Standard (29 CFR 1926.58).
 - e. EPA Worker Protection Rule, 40 CFR Part 763, Subpart G.
- 10. Respiratory protection programs and medical surveillance programs.
- 11. Insurance and liability issues:
 - a. Contractor issues, worker's compensation coverage, and exclusions.
 - b. Third-party liabilities and defenses.
 - c. Insurance coverage and exclusions.
- 12. Recordkeeping for asbestos abatement projects:
 - a. Records required by federal, state, and local regulations.
 - b. Records recommended for legal and insurance purposes.
- 13. Supervisory techniques for asbestos abatement

activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

14. Contract specifications. Discussions of key elements that are included in contract specifications.

15. Course review. A review of key aspects of the training course.

§ 7.5. § 8.5. Examinations.

Upon completion of an approved initial training course, a closed book examination will be administered. Demonstration testing will also be included as part of the examination. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive some form of a written certificate indicating successful completion of the course. The following are the requirements for examination:

Asbestos abatement ~~contract~~ supervisors:

1. 100 multiple choice questions.
2. Passing score: 70% correct.

§ 7.6. § 8.6. Refresher training course.

Refresher courses shall be one day (8 hours) in length for ~~contractors~~ supervisors. The course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures and review of key aspects of the initial training course as set forth in Part VII, § 7.4 VIII, § 8.4 of these regulations. A written closed book examination will be included in the refresher course. Persons who pass the refresher course examination will receive a written certificate indicating successful completion of the course.

§ 7.7. § 8.7. Inspector training.

Asbestos inspectors shall complete a three day (24 hour) training course as outlined below. The course shall include lectures, demonstrations, four hours of hands-on training, individual respirator fit testing, course review and a written examination.

The inspector training course shall adequately address the following topics:

1. Background information on asbestos:
 - a. Identification of asbestos, and examples and discussion of the uses and locations of asbestos in buildings.
 - b. Physical appearance of asbestos.
2. Potential health effects related to asbestos exposure:

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- a. The nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. The synergistic effect between cigarette smoking and asbestos exposure.
 - d. Latency period for asbestos-related diseases, a discussion of the relationship of asbestos exposure to asbestosis, lung cancer, mesothelioma and cancer of other organs.
3. Functions/qualifications and role of inspectors:
- a. Discussions of prior experience and qualifications for inspectors [*and management planners*].
 - b. Discussions of the functions of an accredited inspector as compared to those of an accredited management planner.
 - c. Discussion of inspection process including inventory of ACM and physical assessment.
4. Legal liabilities and defenses:
- a. Responsibilities of the inspector, a discussion of comprehensive general liability policies, claims made and occurrence policies, environment and pollution liability policy clauses; state liability insurance requirements.
 - b. Bonding and relationship of insurance availability to bond availability.
5. Understanding building systems:
- a. The interrelationship between building systems, including: an overview of common building physical plan layout; heat, ventilation and air conditioning (HVAC) system types; physical organization; and where asbestos is found on HVAC components.
 - b. Building mechanical systems, their types and organization and where to look for asbestos on such systems.
 - c. Inspecting electrical systems, including appropriate safety precautions.
 - d. Reading building plans and as-built drawings.
6. Public/employee/building occupant relations:
- a. Notifying employee organizations about the inspection.
 - b. Signs to warn building occupants.
 - c. Tact in dealing with occupants and the press.
 - d. Scheduling of inspections to minimize disruption.
 - e. Education of building occupants about actions being taken.
7. Preinspection planning and review of previous inspection records:
- a. Scheduling the inspection and obtaining access.
 - b. Building record review; identification of probable homogeneous areas from building plans or as-built drawings.
 - c. Consultation with maintenance or building personnel.
 - d. Review of previous inspection, sampling, and abatement records of a building.
 - e. The role of the inspector in exclusions for previously performed inspections.
8. Inspection for friable and nonfriable asbestos-containing material (ACM) and assessment of the condition of friable ACM:
- a. Procedures to follow in conducting visual inspections for friable and nonfriable ACM.
 - b. Types of building materials that may contain asbestos.
 - c. Touching materials to determine friability.
 - d. Open return air plenums and their importance in HVAC systems.
 - e. Assessing damage, significant damage, potential damage, and potential significant damage.
 - f. Amount of suspected ACM, both in total quantity and as a percentage of the total area.
 - g. Type of damage.
 - h. Accessibility.
 - i. Material's potential for disturbance.
 - j. Known or suspected causes of damage or significant damage, and deterioration as assessment factors.
9. Bulk sampling/documentation of asbestos in schools:
- a. Detailed discussion of the "Simplified Sampling Scheme for Friable Surfacing Materials" (EPA 560/5-85-030a October 1985) [*techniques to ensure sampling in a randomly distributed manner for other than friable surface materials*].

[*b. Techniques to ensure sampling in a randomly distributed manner for other than friable surfacing materials.*]

[~~b.~~ *c.*] Techniques for bulk sampling.

[~~e.~~ *d.*] Sampling equipment the inspector should use.

[~~d.~~ *e.*] Patching or repair of damage done in sampling; and inspector's repair kit.

[~~e.~~ *f.*] Discussion of polarized light microscopy.

[~~f.~~ *g.*] Choosing an accredited laboratory to analyze bulk samples.

[~~g.~~ *h.*] Quality control and quality assurance procedures.

10. Inspector respiratory protection and equipment:

a. Classes and characteristics of respirator types.

b. Limitations of respirators.

c. Proper selection, inspection, donning, use maintenance, and storage procedures for respirators.

d. Methods for field testing of the facepiece-to-mouth seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures.

e. Variability between field and laboratory protection factors.

f. Factors that alter respirator fit (e.g., facial hair).

g. The components of a proper respiratory protection program.

h. Selection and use of personal protective clothing.

i. Use, storage, and handling of nondisposable clothing.

11. Recordkeeping and writing the inspection report:

a. Labeling of samples and keying sample identification to sampling location.

b. Recommendations on sample labeling.

c. Detailing of ACM inventory.

d. Photographs of selected sampling areas and examples of ACM condition.

e. Information required for inclusion in the management plan by TSCA Title II § 203 (i)(1).

12. Regulatory review:

a. EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G.

b. TSCA Title II.

c. OSHA Asbestos Construction Standard 29 CFR 1926.58.

d. OSHA respirator requirements found at 29 CFR 1910.134.

e. The friable ACM in Schools Rule found at 40 CFR Part 763 Subpart F.

(The above materials are incorporated by reference).

f. Applicable state and local regulations.

[*g. Differences in federal/state requirements where they apply and the effects, if any, on public and nonpublic schools.*]

13. Field trip:

a. To include a field exercise including a walk-through inspection.

b. [*On-site*] discussion on information gathering and determination of sampling locations.

c. On-site practice in physical assessment.

d. Classroom discussion of field exercise.

14. Course review. A review of key aspects of the training course.

§ 7.8: § 8.8. Examinations.

Upon completion of an approved initial training course, a closed book examination will be administered. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive a written certification indicating successful completion of the course. The following are the requirements for examination:

Asbestos inspectors:

1. 50 multiple choice questions.

2. Passing score: 70% correct.

§ 7.9: § 8.9. Refresher training course.

Refresher courses shall be one-half day (4 hours) in length for inspectors. The course shall review and discuss changes in federal and state regulations, developments in

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state-of-the-art procedures, and a review of key aspects of the initial training course as set forth in Part VII, § 7-7 VIII, § 8.7 of these regulations. A written closed book examination will be administered covering the topics included in the asbestos inspector refresher training course. Persons who pass the refresher course examination will receive some form of written certification indicating successful completion of the course.

§ 7.10. § 8.10. ~~Abatement~~ Asbestos project designers.

Asbestos project designers shall complete either a three-day abatement project designer training course as outlined below or the four-day asbestos abatement contractor and supervisor's training course as outlined in § 7 § 8.4 . The three-day abatement project designer training program shall include lectures, demonstrations, a field trip, course review, and a written examination. The three-day abatement project designer training course shall adequately address the following topics:

1. Background information on asbestos:
 - a. Identification of asbestos; examples and discussion of the uses and locations of asbestos in buildings.
 - b. Physical appearance of asbestos.
2. Potential health effects related to asbestos exposure:
 - a. Nature of asbestos-related diseases.
 - b. Routes of exposure, dose-response relationships and the lack of a safe exposure level.
 - c. The synergistic effect between cigarette smoking and asbestos exposure.
 - d. The latency period of asbestos-related diseases; a discussion of the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and cancer of other organs.
3. Overview of abatement construction projects:
 - a. Abatement as a portion of a renovation project.
 - b. OSHA requirements for notification of other contractors on a multi-employer site (29 CFR 1926.58).
4. Safety system design specifications:
 - a. Construction and maintenance of containment barriers and decontamination enclosure systems.
 - b. Positioning of warning signs.
 - c. Electrical and ventilation system lock-out.
 - d. Proper working techniques for minimizing fiber

release.

- e. Entry and exit procedures for the work area, use of wet methods, use of negative pressure exhaust ventilation equipment, use of high efficiency particulate aerosol (HEPA) vacuums, proper clean-up and disposal of asbestos, work practices as they apply to encapsulation, enclosure, and repair, use of glove bags and a demonstration of glove bag use.

5. Field trip:

- a. Visit an abatement site or other suitable building site, including on-site discussions of abatement design.
- b. Building walk-through inspection, and discussion following the walk-through.

6. Employee personal protective equipment:

- a. To include the classes and characteristics of respirator types.
- b. Limitations of respirators, proper selection, inspection, donning, use, maintenance, and storage procedures.
- c. Methods for field testing of the facepiece-to-facepiece seal (positive and negative pressure fitting tests).
- d. Qualitative and quantitative fit testing procedures.
- e. Variability between field and laboratory protection factors, factors that alter respirator fit (e.g., facial hair).
- f. Components of a proper respiratory protection program.
- g. Selection and use of personal protective clothing, use, storage and handling of nondisposable clothing.
- h. Regulations covering personal protective equipment.

7. Additional safety hazards:

- a. Hazards encountered during abatement activities and how to deal with them.
- b. Electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards.

8. Fiber aerodynamics and control:

- a. Aerodynamic characteristics of asbestos fibers.
- b. Importance of proper containment barriers.

- c. Settling time for asbestos fibers.
 - d. Wet methods in abatement.
 - e. Aggressive air monitoring following abatement.
 - f. Aggressive air movement and negative pressure exhaust ventilation as a clean-up method.
9. Designing abatement solutions.
- a. Discussions of removal, enclosure, and encapsulation methods.
 - b. Asbestos waste disposal.
10. Budgeting/cost estimation.
- a. Development of cost estimates.
 - b. Present costs of abatement versus future operations and maintenance costs.
 - c. Setting priorities for abatement jobs to reduce cost.
11. Writing abatement specifications.
- a. Means and methods specifications versus performance specifications.
 - b. Design of abatement in occupied buildings.
 - c. Modification of guide specifications to a particular building.
 - d. Worker and building occupant health/medical considerations.
 - e. Replacement of ACM with nonasbestos substitutes.
 - f. Clearance of work area after abatement.
 - g. Air monitoring for clearance.
12. Preparing abatement drawings:
- a. Use of as-built drawings.
 - b. Use of inspection photographs and on-site reports.
 - c. Particular problems in abatement drawings.
13. Contract preparation and administration.
14. Legal/liabilities/defenses.
- a. Insurance considerations, bonding, hold harmless clauses, use of abatement contractor's liability insurance.
- b. Claims-made versus occurrence policies.
15. Replacement of asbestos with asbestos-free substitutes.
16. Role of other consultants:
- a. Development of technical specification sections by industrial hygienists or engineers.
 - b. The multidisciplinary team approach to abatement design.
17. Occupied buildings.
- a. Special design procedures required in occupied buildings.
 - b. Education of occupants.
 - c. Extra monitoring recommendations.
 - d. Staging of work to minimize occupant exposure.
 - e. Scheduling of renovation to minimize exposure.
18. Relevant federal, state and local regulatory requirements. Procedures and standards including:
- a. Requirements of TSCA Title II.
 - b. 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, Subparts A (General Provisions) and M (National Emission Standard for Asbestos).
 - c. OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 1910.134).
 - d. EPA Worker Protection Rule, found at 40 CFR Part 763, Subpart G.
 - e. OSHA Asbestos Construction Standard found at 29 CFR 1926.58.
19. A review of key aspects of the training course.

~~§ 7.11.~~ § 8.11. Examinations.

Upon completion of an approved initial training course, a closed book examination will be administered. Demonstration testing will also be included as part of the examination. Each examination shall adequately cover the topics included in the training course. Persons who pass the examination and fulfill course requirements will receive a written certification indicating successful completion of the course. The following are the requirements for examination:

Asbestos Project Designers:

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1. 100 multiple choice questions.
2. Passing score: 70% correct.

~~§ 7.12.~~ § 8.12. Refresher training course.

Refresher courses shall be one day (eight hours) in length for project designers. The course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures and review of key aspects of the initial training course as set forth in Part V of these regulations. A written closed book examination shall be included in the refresher course. Persons who pass the refresher course examination will receive a written certificate indicating successful completion of the course.

~~§ 7.13.~~ § 8.13. Asbestos management planner training.

Asbestos management planners seeking accreditation must complete an inspection training course as outlined above and a two day management planning training course. The two day training program shall include lectures, demonstrations, course review, and a written examination. The management planner training course shall adequately address the following topics:

1. Course overview:
 - a. The role of the management planner.
 - b. Operations and maintenance programs.
 - c. Setting work priorities; protection of building occupants.
2. Evaluation/interpretation of survey results:
 - a. Review of TSCA Title II requirements for inspection and management plans as given in § 203(i)(1) of TSCA Title II.
 - b. Summarized field data and laboratory results; comparison between field inspector's data sheet with laboratory results and site survey.
3. Hazard assessment:
 - a. Amplification of the difference between physical assessment and hazard assessment.
 - b. The role of the management planner in hazard assessment.
 - c. Explanation of significant damage, potential damage, and potential significant damage and use of a description (or decision tree) code for assessment of ACM; assessment of friable ACM.
 - d. Relationship of accessibility, vibration sources, use of adjoining space, and air plenums and other factors to hazard assessment.
4. Legal implications:
 - a. Liability; insurance issues specific to planners.
 - b. Liabilities associated with interim control measures, in-house maintenance, repair, and removal.
 - c. Use of results from previously performed inspections.
5. Evaluation and selection of control options:
 - a. Overview of encapsulation, enclosure, interim operations and maintenance, and removal; advantages and disadvantages of each method.
 - b. Response actions described via a decision tree or other appropriate method; work practices for each response action.
 - c. Staging and prioritizing of work in both vacant and occupied buildings.
 - d. The need for containment barriers and decontamination in response actions.
6. Role of other professionals:
 - a. Use of industrial hygienists, engineers and architects in developing technical specifications for response actions.
 - b. Any requirements that may exist for architect sign-off of plans.
 - c. Team approach to design of high-quality job specifications.
7. Developing an operations and maintenance (O&M) plan:
 - a. Purpose of the plan.
 - b. Discussion of applicable EPA guidance documents.
 - c. What actions should be taken by custodial staff: proper cleaning procedures; steam cleaning and high efficiency particulate aerosol (HEPA) vacuuming.
 - d. Reducing disturbance of ACM.
 - e. Scheduling O&M for off-hours; rescheduling or canceling renovation in areas with ACM.
 - f. Boiler room maintenance.
 - g. Disposal of ACM.

h. In-house procedures for ACM: bridging and penetrating encapsulants, pipe fittings, metal sleeves, polyvinyl chloride (PVC), canvas, and wet wraps; muslin with straps; fiber mesh cloth; mineral wool, and insulating cement.

i. Discussion of employee protection programs and staff training.

j. Case study in developing an O&M plan (development, implementation process, and problems that have been experienced).

8. Regulatory review:

a. Focusing on the OSHA Asbestos Construction Standard found at 29 CFR 1926.58.

b. The National Emission Standard for Hazardous Air Pollutants (NESHAPS) found at 40 CFR Part 61, Subparts A (General Provisions) and M (National Emission Standard for Asbestos).

c. EPA Worker Protection Rule found at 40 CFR Part 763, Subpart G; TSCA Title II.

d. Applicable state regulations.

9. Recordkeeping for the management planner:

a. Use of field inspector's data sheet along with laboratory results.

b. On-going recordkeeping as a means to track asbestos disturbance.

c. Procedures for recordkeeping.

10. Assembling and submitting the management plan:

a. Plan requirements in TSCA Title II § 203(i)(1).

b. The management plan as a planning tool.

11. Financing abatement actions:

a. Economic analysis and cost estimates.

b. Development of cost estimates.

c. Present costs of abatement versus future operations and maintenance costs.

d. Asbestos School Hazard Abatement Act grants and loans.

12. A review of key aspects of the training course.

§ 7.14. § 8.14. Examinations.

Upon completion of an approved management planner

training course, a closed book examination will be administered. Each examination shall adequately cover the topics included in the management planner training course. Persons who pass the examination and fulfill course requirements will receive a written certification indicating successful completion of the management planner training course. The following are the requirements for examination:

Asbestos Management Planners:

1. 50 multiple choice questions.

2. Passing score: 70% correct.

§ 7.15. § 8.15. Refresher training course.

Management planners shall attend the inspector refresher course of one-half day (four hours) in length plus an additional half-day (four hours) on management planning. The course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures, and a review of key aspects of the inspector and management planner training courses as set forth in Parts IV and VI V and VII of these regulations. A written closed book examination will be administered covering the topics included in the asbestos inspector and management planner refresher courses. Persons who pass the asbestos inspector and management planner refresher course examinations will receive some form of written certification indicating successful completion of the course.

PART VIII IX . TRAINING COURSE APPROVAL.

§ 8.1. § 9.1. Training course approval requirements.

All approved training courses shall meet the minimum requirements as outlined in Part VIII IX of these regulations. Individuals, businesses, agencies, or institutions wishing to sponsor training courses to prepare applicants for licensure requirements shall submit the following information for review to the Department of Commerce at least 45 days prior to the commencement of the training course:

1. Sponsor's name, address and phone number.

2. The course curriculum.

3. A narrative explanation that clearly indicates how the course meets the requirements for approval in the following areas:

a. Length of training in hours.

b. Amount and type of hands-on training.

c. Examinations (length, format and passing score).

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d. Topics covered in the course.

e. Assurances as to test security and how exams are administered.

4. A copy of all course materials (student manuals, instructor notebooks, handouts, etc.).

5. A detailed statement about the development of the examination used in the course.

6. Names, qualifications (include education or experience, or both), and subject areas that each instructor will teach.

7. Teacher-student ratio.

8. Description and an example of numbered certificates that will be issued to students who successfully complete the course.

§ 8-2. § 9.2. Examination.

In order for courses to be approved by the Department of Commerce, they are required to have a monitored, final written examination which shall include a practical component to test skill in asbestos abatement techniques. Students must obtain a minimum exam grade of 70% correct. A record of each student's grades will be retained by each institution for a period of three years.

§ 8-3. § 9.3. Certificate of course approval.

Certificates of course approval shall be displayed in each approved school facility in a conspicuous place readily accessible to the public. An approved school shall maintain lists of students trained and the dates training occurred. These records shall be made available for Department of Commerce and Department of Labor and Industry review, and shall be maintained for three years.

§ 8-4. § 9.4. Refresher course approval.

Refresher courses shall be one day (8 hours) in length for ~~contractors~~ supervisors and workers, and one-half day (4 hours) in length for inspectors. The refresher course shall review and discuss changes in federal and state regulations, developments in state-of-the-art procedures and a review of key aspects of the initial training course. Individuals, businesses, agencies, or institutions wishing to sponsor refresher training courses shall submit the following information for review to the Department of Commerce at least 45 days prior to the commencement of the training course:

1. Length of training.
2. Topics covered in the course.
3. A copy of all course materials.

4. Names and qualifications of course instructors.

5. An example of certificates issued to students who complete the refresher course.

6. Location and dates the training course is to be held.

7. A detailed statement about the development of the examination and assurances as to test security and how exams are administered.

8. Description and an example of numbered certificates issued to students who successfully complete the course.

§ 8-5. § 9.5. Changes to an approved training course.

Once a training course has been approved, any change in topics covered, course materials, and instructors shall be submitted for approval by the Department of Commerce.

§ 8-6. § 9.6. Suspension or revocation of approval of a training course.

The director may withdraw approval of any approved training program for the following reasons:

1. The school, instructors, or courses no longer meet the standards established by the director, and found in Part VIII, § 8-1 IX § 9.1 of these regulations.
2. Field inspectors indicate an approved individual, business, agency, institution or sponsor is not conducting the training that meets the requirements as set forth in these regulations. Training course sponsors shall permit Department of Commerce and Department of Labor and Industry representatives to attend, evaluate, and monitor any training course.

Prior notice of attendance by agency representatives may or may not be given.

3. If the approval of a training course is revoked or suspended, the Department of Commerce will promptly notify the individual business, agency, institution, or sponsor in writing of the reason for the suspension or revocation. In the case of a suspension, the necessary steps that shall be taken to comply with the requirements as set forth in Part VIII XI of the regulations will be specified.

PART IX X . EXEMPTIONS.

§ 9-1. § 10.1. Emergency exemption from licensing.

An exemption from the licensing requirements, as set forth in these regulations may be granted by the director, pursuant to [§ 54-145-10-6 § 54.1-512] of the Code of

Final Regulations

Virginia, based on a situation that requires immediate removal, repair or encapsulation of asbestos containing materials and a licensed contractor/supervisor and workers are not available to perform the abatement work. Notification shall be immediate and followed by a written description of :

1. A written description of the emergency situation.
2. A description of the planned abatement project to include : description of the abatement techniques, safety precautions, provisions for worker safety and protection, and safety equipment to be used in the abatement project.
3. The project shall not commence until the exemption has been approved by the director.

~~§ 9.2.~~ § 10.2. "BUSINESS NECESSITY" WILL NOT QUALIFY FOR EMERGENCY EXEMPTION FROM LICENSING REQUIREMENTS.

~~§ 9.3.~~ § 10.3. Exemption from licensure (not an emergency exemption).

The director may exempt from licensure any employer and any employees of such employer, but only with respect to an asbestos project on premises owned or leased by such employer and only after the director has determined that the training course implemented by the employer for his employees meets all of the standards as set forth in Part VII VIII of these regulations. However, the requirement that the premises be owned or leased by the employer shall not apply if the asbestos project is located on a ship or other vessel designed for operation on or underneath, and intended to be operated on or underneath, the water. All exemptions from licensure will be reviewed on at least an annual basis. To aid the director in making a determination of exemption, the employer shall submit to the director the following information regarding the asbestos safety and training program of the employer:

1. Employer's name, address, phone number, and contact person.
2. A narrative explanation that clearly indicates how the course or training program is structured to meet the training course requirements as set forth in Part VII IX of these regulations.

Upon the approval by the director of the request for exemption from licensing requirements, the employer will be notified in writing by the Department of Commerce.

[3. A complete list of all prior enforcement actions including any sanctions imposed on the employer by any jurisdiction or any state or federal court. A copy of any reports compiled by an enforcement agency.]

Employers shall permit the Department of Commerce or Department of Labor and Industry representatives to attend, evaluate, and monitor any training course. Prior notice of attendance by agency representatives may or may not be given.

§ 10.4. Fees.

The fee for the evaluation of an employer's training program for exemption from licensure shall be \$2,100. The required fee must be submitted with the information listed in § 10.3.

§ 10.5. Annual reevaluation of exemption status.

The fee for reevaluation of exemption status shall be \$500.

APPENDIX A FEE SCHEDULE

<u>Type of Application</u>	<u>Fee Amount</u>
Asbestos Contractor License	\$ 500
Renewal	\$ 500
Asbestos Worker License	\$ 35
Renewal	\$ 35
Asbestos Supervisor License	\$ 35
Renewal	\$ 35
Asbestos Inspector License	\$ 35
Renewal	\$ 35
Asbestos Management Planner License	\$ 35
Renewal	\$ 35
Asbestos Project Designer License	\$ 35
Renewal	\$ 35
Asbestos Worker Training Course	\$2100
(24 hours)	
Refresher Course (8 hours)	\$ 700
Asbestos Supervisor Training Course	\$2800
(32 hours)	
Refresher Course (8 hours)	\$ 700
Asbestos Inspector Training Course	\$2100

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(24 hours)

Refresher Course (4 hours)\$ 700
Asbestos Management Planner Training Course\$1400

(16 hours)

Refresher Course (8 hours)\$ 700
Asbestos Project Designer Training Course\$2800

(32 hours)

Refresher Course (8 hours)\$ 700

ALW 1 (7-1-88)

DO NOT DUPLICATE THIS FORM

For Office Use Only

Lic# _____
Date _____
Code _____



COMMONWEALTH OF VIRGINIA
Department of Commerce
Application for Asbestos Licensing

PLEASE PRINT Date _____ 19____

1. Name _____ Phone No. (____) _____
Mailing _____
Address _____

City _____ State _____ Zip Code _____

2. Date of Birth _____ 3. Social Security Number _____ - _____ - _____

4. IMPORTANT: Please Attach A Copy Of The Certificate Obtained After Successful Completion Of An Approved Asbestos Training Course and Examination.

Date of Training _____ Location _____ State _____

5. TYPE OF LICENSE REQUESTED: (only one type of license per application)			
Worker (Reg. 2.3)	Fee: \$35.00 _____	Management Planner	Fee: \$35.00 _____
Supervisor (Reg. 3.3)	Fee: \$35.00 _____	Project Designer	Fee: \$35.00 _____
Inspector (Reg. 4.3)	Fee: \$35.00 _____		
ALL CHECKS OR MONEY ORDERS SHALL BE MADE PAYABLE TO THE TREASURER OF VIRGINIA			

6. License or authorization to perform Asbestos Work currently or previously held:
Type _____ License No. _____ Issued by _____

7. Applicant's signature below indicates that within the past 36 months license or authorization to perform Asbestos Abatement Work has not been suspended or revoked by any other state, and that no enforcement actions by any jurisdiction are pending against the applicant. Signature _____

The reverse side of this application must be completed before license will be issued.

- 8. In the event an enforcement action has been taken against the applicant, the following information will be required as the Director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.
 - A. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.
 - B. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.
 - C. A copy of any reports compiled by an enforcement agency.

AFFIDAVIT

9. THIS PORTION MUST BE COMPLETED BY APPLICANT.

I hereby certify that the above information is correct to the best of my knowledge and belief and that no information has been suppressed that might affect this application.

Typewritten or Printed Name _____
Signature _____ Date _____

THIS PORTION MUST BE COMPLETED BY A NOTARY PUBLIC.

STATE OF _____
City/County of _____

Subscribed and sworn to before me, the undersigned Notary Public in and for the City or County aforesaid this _____ day of _____ 19____.

My commission expires the _____ day of _____ 19____.

Notary Public _____ (Seal)

ALC 1 (7-1-88)

DO NOT DUPLICATE THIS FORM

For Office Use Only

Lic# _____
Date _____
Code _____



COMMONWEALTH OF VIRGINIA
Department of Commerce
Application for Asbestos Contractor License

PLEASE PRINT Date _____ 19____

1. Name _____
Mailing or Business Address _____
City _____ State _____ Zip Code _____
Phone No. (____) _____

2. Virginia Contractor's License Number: _____ Tax Identification Number: _____
Type of Business: (check one)
Individual _____ Limited partnership _____ Corporation _____ Co-partnership _____ Other _____

3.

CONTRACTOR'S LICENSE FEE \$500.00 ALL CHECKS OR MONEY ORDERS SHALL BE MADE PAYABLE TO THE TREASURER OF VIRGINIA.

4. License or authorization to perform Asbestos Work currently or previously held:
Type _____ License No. _____ Issued by _____

5. Applicant's signature below indicates that within the past 36 months license or authorization to perform Asbestos Abatement Work has not been suspended or revoked by any other state, and that no enforcement actions by any jurisdiction are pending against the applicant.

Signature

6. In the event an enforcement action has been taken against the applicant, the following information will be required as the Director may deny an applicant's request for a license based on prior enforcement actions which indicate that the abatement work might not be performed in a manner that would protect the public health, safety and welfare.

- 1. A complete list of all prior enforcement actions, including any sanctions imposed on the applicant by any jurisdiction or any state or federal court.
- 2. A description of any asbestos abatement activities conducted by the applicant that were terminated prior to completion including the circumstances of termination.
- 3. A copy of any reports compiled by an enforcement agency.

The reverse side of this application must be completed before license will be issued.

AS REQUIRED BY CHAPTER 7.01 section 54-145.9:2 OF THE CODE OF VIRGINIA WHICH STATES A CONTRACTOR SHALL:

Demonstrate to the satisfaction of the Director that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

BY MY SIGNATURE BELOW, I UNDERSTAND AND AGREE TO MY DUTIES AND OBLIGATIONS AND I AM FAMILIAR WITH THE STATUTES AND REGULATIONS OF THE COMMONWEALTH OF VIRGINIA APPLICABLE TO ASBESTOS CONTRACTORS.

AFFIDAVIT

7. THIS PORTION MUST BE COMPLETED BY APPLICANT.

I hereby certify that the above information is correct to the best of my knowledge and belief and that no information has been suppressed that might affect this application.

Typewritten or Printed Name _____

Signature _____

Title _____

Date _____

Applicant's Tradename _____

8. THIS PORTION MUST BE COMPLETED BY A NOTARY PUBLIC.

STATE OF _____

City/County of _____

Subscribed and sworn to before me the undersigned Notary Public in and for the City or County aforesaid this _____ day of

_____ 19____.

My commission expires the _____ day of _____ 19____.

(Seal)

Notary Public

DEPARTMENT OF HEALTH (STATE BOARD OF)

§ 4. Boundaries of condemned Area No. 23.

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C.6 of the Code of Virginia, which excludes from Article 2 Department of Health orders condemning or closing any shellfish, finfish or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Chapter 7 (§ 28.1-175 et seq.) of Title 28.1. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

The condemned area includes all of that portion of the James River and its tributaries (including, but not limited to, Skiffes Creek) bounded by a line drawn due west from the shore through the platform located approximately 400 yards southerly of navigational marker F 12ft "1" to a point approximately 1250 yards west of the shoreline; thence in a northerly direction following the eastern side of the channel as marked in order by Deep Water Shoals Light and buoys N "28," R "30" and Fl R "32"; thence northeasterly to the shore, on a line passing through the house located at the end of the road approximately 300 yards south of Grices Run; thence southerly along the shore to the point of beginning.

Title of Regulation: VR 355-19-02.23. Notice and Description of Shellfish Area Condemnation Number 23, James River - Opposite Fort Eustis.

Statutory Authority: §§ 28.1-177 and 32.1-20 of the Code of Virginia.

Effective Date: March 30, 1989

Summary:

This notice defines a portion of the James River which does not conform to the standards of an approved shellfish growing area as set by the National Shellfish Sanitation Program (NSSP) of which Virginia is a participant. This area receives effluent from the sewage treatment facility at Fort Eustis.

The results of monthly bacteriological seawater sampling and regular scheduled inspections of the Fort Eustis treatment facility will be evaluated to assure that the condemned area is of appropriate size to protect public health.

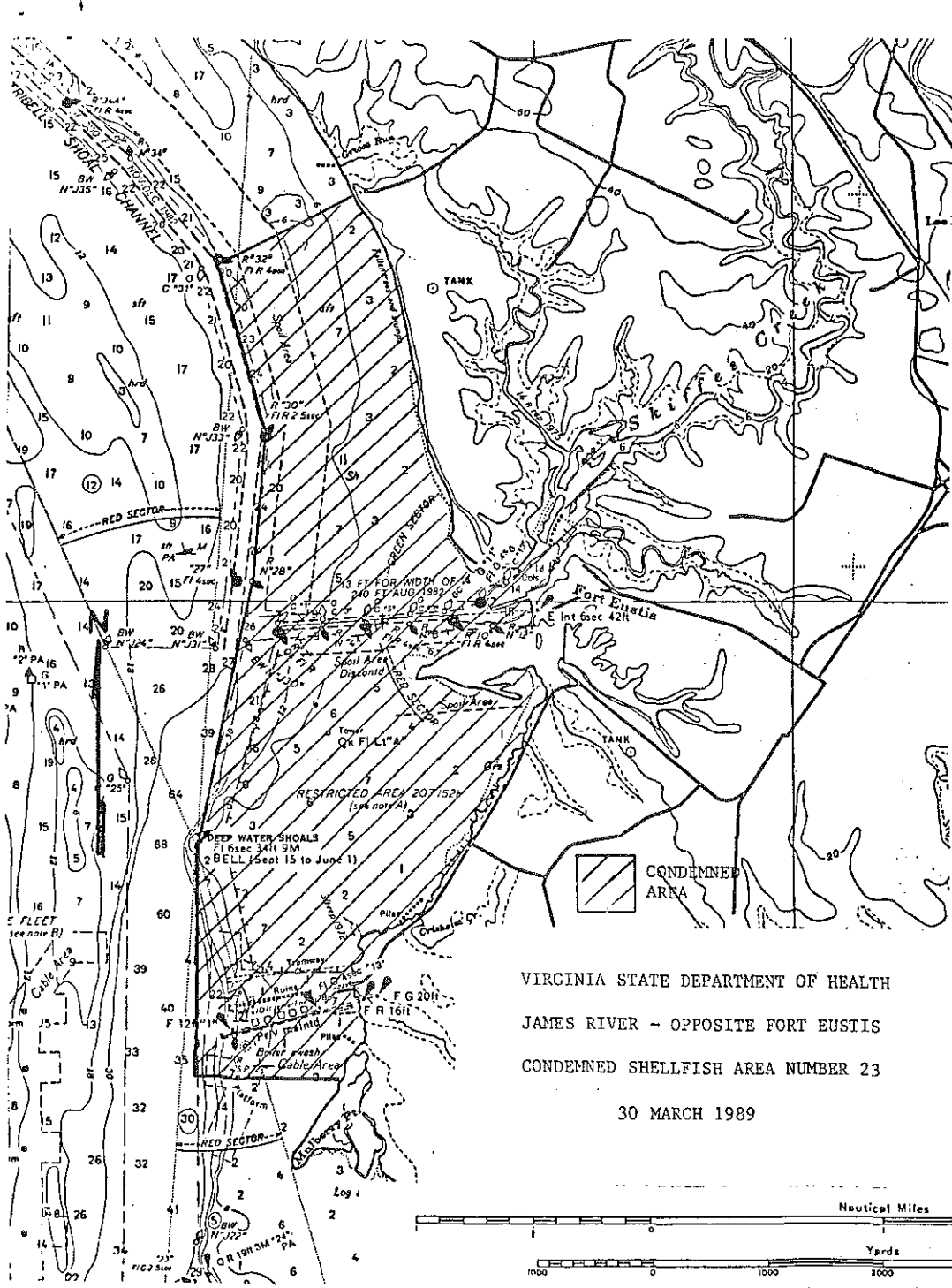
VR 355-19-02.23. Notice and Description of Shellfish Area Condemnation Number 23, James River - Opposite Fort Eustis.

§ 1. The "Notice and Description of Shellfish Area Condemnation Number 23, James River - Opposite Fort Eustis, effective April 11, 1988 (emergency regulation) is cancelled.

§ 2. Condemned Shellfish Area Number 23, James River - Opposite Fort Eustis, effective March 30, 1989, is established. It shall be unlawful for any person, firm, or organization to take shellfish from Area No. 23 for any purpose, except by permit granted by the Marine Resources Commission, as provided in Title 28.1, Chapter 7, § 28.1-279 of the Code of Virginia. The boundaries of the area are shown on map titled "James River - Opposite Fort Eustis, Condemned Shellfish Area Number 23, 30 March 1989" which is a part of this notice.

§ 3. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

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VIRGINIA STATE DEPARTMENT OF HEALTH
 JAMES RIVER - OPPOSITE FORT EUSTIS
 CONDEMNED SHELLFISH AREA NUMBER 23
 30 MARCH 1989

Final Regulations

* * * * *

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C.6 of the Code of Virginia, which excludes from Article 2 Department of Health orders condemning or closing any shellfish, finfish or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Chapter 7 (§ 28.1-175 et seq.) of Title 28.1. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: VR 355-19-02.52. Notice and Description of Shellfish Area Condemnation Number 52, Sarah Creek.

Statutory Authority: §§ 28.1-177 and 32.1-20 of the Code of Virginia.

Effective Date: March 30, 1989

Summary:

This notice defines a portion of Sarah Creek which does not conform to the standards of an approved shellfish growing area as set by the National Shellfish Sanitation Program (NSSP) of which Virginia is a participant. An additional portion of Sarah Creek is closed by this regulation because boats moored in the creek are being used as year-round residences, subjecting the waters to the possibility of fecal pollution.

The waters in this area will be sampled on a monthly basis to assure that bacteriological water quality in the approved area conforms to NSSP standards for such growing areas. A shoreline sanitary survey will be carried out as scheduled in order that onsite pollution sources may be found and corrected. Yearly inspections of the marina facility are also performed.

VR 355-19-02.52. Notice and Description of Shellfish Area Condemnation Number 52, Sarah Creek.

§ 1. The "Notice and Description of Shellfish Area Condemnation Number 52, Sarah Creek," effective May 26, 1988 (emergency regulation) is cancelled effective March 30, 1989.

§ 2. Condemned Shellfish Area Number 52, Sarah Creek is established effective March 30, 1989. It shall be unlawful for any person, firm, or organization to take shellfish from Area No. 52 for any purpose, except by permit granted by the Marine Resources Commission, as provided in § 28.1-279 of the Code of Virginia. The boundaries of the area are shown on map titled "Sarah Creek, Condemned Shellfish Area Number 52, 30 March 1989" which is a part of this notice.

§ 3. The Department of Health will receive, consider and

respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

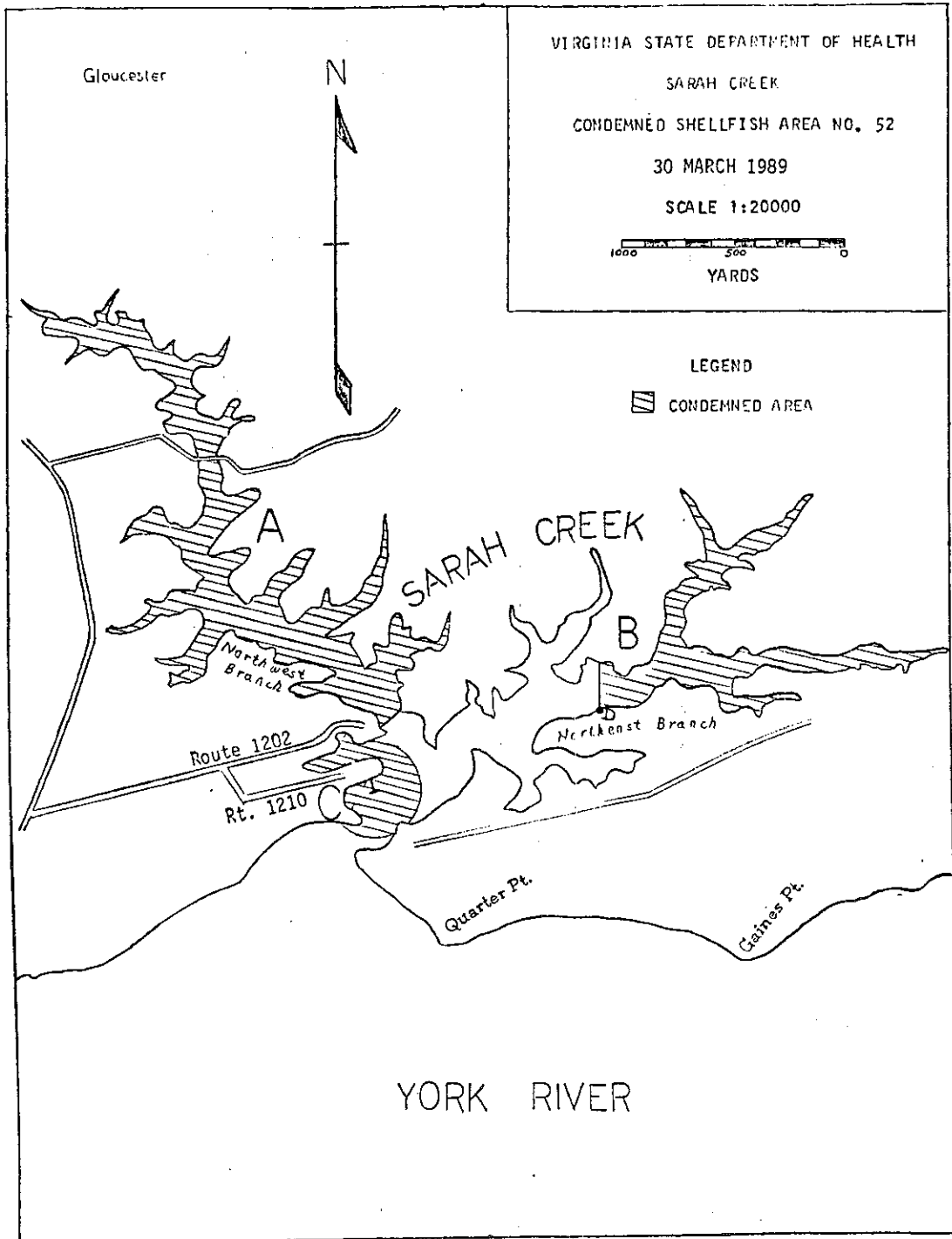
§ 4. Boundaries of condemned Area No. 52.

A. The condemned area shall include all of that portion of the Northwest Branch of Sarah Creek lying upstream of a line from the end of state route 1202 extended to the shore approximately 400 feet in a northeasterly direction to the point of land on the opposite shore.

B. The condemned area shall include all of that portion of the Northeast Branch of Sarah Creek lying upstream of a line drawn from Marine Resources Commission survey marker "D" approximately 570 feet due north to the opposite shore.

C. The condemned area shall include all of that portion of Sarah Creek lying within an arc 1/8 mile equidistant from the channelward end of the T-head pier (located on the south side of the neck of land at the end of state route 1210) and shall also include all of the inlet on the north side of the neck of land.

Final Regulations



DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Title of Regulation: VR 385-01-06. Minimum Standards of Entrances to State Highways.

Statutory Authority: §§ 33.1-12(3), 33.1-197 and 33.1-198 of the Code of Virginia.

Effective Date: March 29, 1989

Summary:

In the interest of public safety, the Virginia Department of Transportation has established guidelines for controlling the use of highway right-of-way where it is necessary to provide access to commercial, private and industrial properties abutting state roads.

These guidelines are set forth primarily for commercial and industrial entrances. The guidelines and illustrations are compatible with the department's Maintenance Division's "Policy Manual" and "Land Use Permit Manual" and with the Location and Design Division's "Road and Bridge Standards."

Entrance controls not only protect through traffic from indiscriminate interferences, but are designed to promote safe and efficient ingress and egress for commercial and industrial establishments.

VR 385-01-06. Minimum Standards of Entrances to State Highways.

PART I GENERAL.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meaning unless the content clearly indicates otherwise:

"Board" means the Commonwealth Transportation Board, Commonwealth of Virginia.

["Central office" means the office in downtown Richmond that continues the administrative functions, including preconstruction activities, and executes command responsibility and control over all Department of Transportation activities.]

"Clear zone" means the unobstructed, relatively flat area provided beyond the edge of the traveled way for the recovery of errant vehicles. The width of the clear zone is influenced by the type of facility, speed, horizontal alignment and embankment, as defined in the American Association of State Highway and Transportation Officials Manual (AASHTO's), "A Policy on Geometric Design of Highways and Streets" (1984), page 371, which is

incorporated by reference and made a part of these regulations.

"Commercial entrance" means an entrance serving all entities other than private homes [and subdivision access].

"Commissioner" means the Commonwealth Transportation Commissioner, who is also Chairman of the Commonwealth Transportation Board.

"Commonwealth" means the Commonwealth of Virginia.

"Department" means the Department of Transportation, Commonwealth of Virginia.

"Design speed" means the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern, as defined in AASHTO's, "A Policy on Geometric Design of Highways and Streets" (1984), page 60.

["District office" means the office in each of the nine maintenance districts located throughout the Commonwealth that implements the construction and maintenance operations of the Department of Transportation.]

"Engineer" means the engineer representing the Department of Transportation, Commonwealth of Virginia.

"Operating speed" means the highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis, as defined in AASHTO's, "A Policy on Geometric Design of Highways and Streets" (1984), page 60.

"Private entrance" means an entrance serving a private home and used for the exclusive benefit of the permittee.

"Right-of-way" means that property within the entire area of every way or place of whatever nature within the system of state highways under the ownership control or jurisdiction of the board or department, which is open or which is to be open within the future for the use of the public for purposes of travel in the Commonwealth. The area set out above includes not only the traveled portion but the entire area within and without the traveled portion, from boundary line to boundary line, and also parking and recreation areas which are under the ownership, control or jurisdiction of the board or department.

"Sight distance," for crossovers and commercial entrances, means the distance is measured between the height of a driver's eye (3.5 feet) and the height of a 4.25 foot object without horizontal or vertical obstruction to the line of sight.

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"Speed limit" – There are two speed control regulations as defined in the Uniform Vehicle Code, § 11-801-A as taken from the Workbook for the Traffic Engineering Seminar (September 1975), Traffic Institute of Northwestern University.

"Maximum speed limit" means no person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

"Minimum speed limit" means no person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law.

"System of state highways" means all highways and roads under the ownership, control, or jurisdiction of the board including, but not limited to, the primary, secondary, and interstate systems.

§ 1.2. Procedure for obtaining permits.

All applications for permits shall be obtained from and submitted through the office of the Resident Engineer for the county in which the work is to be performed.

The applicant shall submit plans and application form for all proposed installations in sufficient time to permit the department to review them and make any necessary studies.

The plans shall include detailed and complete information concerning the location of the work, the type pavement, the roadway geometrics and other facts about the highway.

The Resident Engineers are authorized to issue private entrance permits where work [will shall] be performed by state forces.

The District Engineers are authorized to issue commercial entrance permits (except outdoor theatres), permits for logging roads, median crossovers and permits for private entrances where a surety coverage is required. In some cases, commercial entrances may be installed with less than the minimum entrance design when [the permit is] approved by the District Engineer. [In no case shall the required sight distance be waived. Any waiver of the required sight distance may only be granted by the Chief Engineer or the Assistant Chief Engineer after a traffic engineering investigation has been conducted.] However, a significant (i) increase of traffic in and out of the entrance or (ii) change in character of the traffic or peak hour volume may require upgrading [or]

reconstruction [to , or both, of] the entrance [or closing the entrance]. This language is not intended to be exclusive.

Inasmuch as permits cover not only the actual performance of work within the highway right-of-way, but also cover the subsequent maintenance, adjustment or removal of same, it is imperative that all permits shall be issued to owners or operators of the facilities or in cases where continuing bonds are required, permits may be issued jointly to the owner and his contractor (as agent). The central office shall maintain permanent records of all permits issued in district offices and the central office.

[§ 1.3. Appeal procedure.

Permit applications shall be processed in a timely fashion. Applicants shall be notified in writing of the action taken on applications. If the permit is granted, issuance of the permit shall satisfy that requirement. If the permit is denied, notification of same shall be made by certified mail, return receipt requested.

If the Resident Engineer, with respect to permits that he has the authority to issue, either denies a permit sought or imposes conditions upon the issuance of a permit with which the applicant disagrees, an appeal may be made to the District Engineer. Similarly, if the District Engineer, with respect to permits that he had the authority to issue, either denies a permit sought or imposes conditions upon the issuance of a permit with which the applicant disagrees, an appeal may be made to the Chief Engineer.

The District Engineer or Chief Engineer, as the case may be, is authorized to consider and render a ruling on unresolved differences of opinion between the applicant and the Resident Engineer or District Engineer as the case may be, as such pertains to the interpretation and application of these requirements.

To utilize the appeal process, the applicant shall provide the District Engineer or Chief Engineer as the case may be with a written request for review, setting forth a brief description of the unresolved issue(s) within 30 days of receipt of the action on the permit by the Resident Engineer or District Engineer as the case may be

The District Engineer or Chief Engineer as the case may be shall advise the applicant in writing within 60 days of the receipt of such appeal of his decision.

In reaching a decision, the requisite official may seek advice from Central Office divisions, or the Board's Permit Committee as deemed warranted.]

[§ 1.3. § 1.4.] Drive-in theatres.

Permit applications for entrances to drive-in theatres shall be submitted to the appropriate Resident Engineer. The District Engineer and District Traffic Engineer [will shall] review the permit application, forwarding the entire

permit assembly with recommendations to the State Traffic Engineer for final approval with concurrence of the State Permit Engineer.

Supplementary to the usual sketch of the proposed entrance, a complete layout of the theatre parking area indicating the capacity of the parking area and the vehicle storage space shall be submitted. The sketch shall also denote sight distances from the entrances and the screen location.

Certain conditions, as set forth in Chapter 9, §§ [46.1-533 46.1-553] through 46.1-555, of Title 46.1 of the Code of Virginia shall first be met in order to construct entrances to drive-in theatres.

PART II. REQUIREMENTS.

In the event that plans have been adopted which [~~will~~ shall] ultimately change a highway, the permittee may be required to construct entrances which [~~will~~ shall] be compatible with the ultimate plans. The determination as to whether the entrance [~~will~~ shall] include curb and gutter shall be the responsibility of the District Engineer.

In counties which have ordinances or entrance standards which equal or exceed those of the Virginia Department of Transportation, then those of the county [~~will~~ shall] apply.

The permittee [~~will~~ shall] be required to supply sufficient information for the department to determine entrance design features to adequately serve the roadway facility as well as the proposed development. Detailed engineering plans and traffic analysis plans from a certified professional firm may be required by the department.

To insure the maximum efficiency of all commercial entrance designs, [~~it is essential that~~] certain general requirements [shall] be satisfied by each permittee. Consequently, those interested in applying any individual designs shown herein should first familiarize themselves with the following prerequisites.

§ 2.1. Bonds, guarantee fee and irrevocable letter of credit.

Unless otherwise stated in the "Land Use Permit Manual," which is incorporated by reference and made a part of these regulations, a guarantee fee, irrevocable letter of credit or surety bond shall be required on all entrance permits issued.

A guarantee fee is a cash amount paid by the proposed permittee in advance of permit issuance to cover the performance of work within highway right-of-way. When work covered by the permittee is completed to the satisfaction of the Resident Engineer, the guarantee fee [including interest] is refunded in its entirety to the

permittee. Should the permittee fail to complete the work to the satisfaction of the Resident Engineer, then all or whatever portion of the guarantee fee that is required to complete work covered by permit or restore the right-of-way to its original condition shall be retained by the department.

All bonds prepared on Form MP-20 shall indicate what permit the bond is for and define what type of work the bond covers, giving permit number and whether it is a continuing bond or a performance bond. The estimated amount of the bond is the amount the resident engineer anticipates it will take to complete or restore the work should the permittee fail to do same.

An irrevocable letter of credit may be used in lieu of guarantee fee or performance bond. This letter of credit is furnished by a [~~bank~~ financial institution] and is used to verify a line of credit that [~~will~~ shall] be set aside to provide for coverage of work performed by the permittee or his agent in accordance with the approved permit. (For more information on permit charges, see the "Land Use Permit Manual," as incorporated in these regulations by reference, pages 1-16 through 1-26.)

§ 2.2. Construction.

To prevent undue interference with free traffic movements, entrance locations [~~will~~ shall] be avoided within intersectional areas, traffic circles, railroad grade crossings, within interchanges or similar areas of traffic congestion. It is essential that entrances be designed to allow [~~reasonably~~] unimpeded traffic movements entering or exiting. Parking and storage spaces shall be located a reasonable distance from the entrance location to prevent interference with vehicles attempting to enter or exit the facility.

The type and depth of pavement shall be clearly indicated on the permit application. The pavement of entrances, turn lanes, and tapers shall be stable material which is at least comparable to the pavement of the adjacent roadway.

Curbing should be set inside the right-of-way line and should extend from the setback distance from the edge of pavement to the right-of-way line. Curbing [~~will~~ shall] be required along the right-of-way line abutting parking areas and when parking areas abut curbing sections with sidewalk, parked vehicles [~~will~~ shall] be kept a sufficient distance from the curbing by the use of parking bumpers, or other means, to prevent vehicle overhang over the sidewalk. The engineer [~~will~~ shall] determine the need for additional curbing along the right-of-way to the adjacent property line.

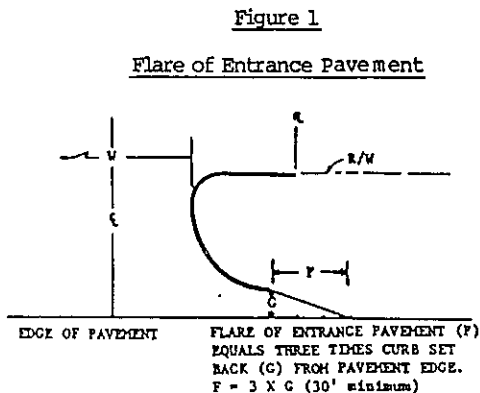
Mountable curb (Standard CG-3 or CG-7) is required when constructed within the clear zone of a road posted for a speed limit greater than 40 MPH in rural areas and 45 MPH in urban and suburban areas.

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All curbing and entrance gutters used to construct commercial entrances shall be installed in accordance with [standards provided in] the latest edition of the Virginia Department of Transportation's "Road and Bridge Standards."

§ 2.3. Flare of entrance pavement.

The flare of entrance pavement shall be such as to prevent vehicles entering and leaving an entrance from tracking the shoulder. For every foot of shoulder between entrance curb set back and pavement edge, at least three feet of flared pavement shall be provided as shown below in Figure 1.



§ 2.4. Drainage.

Entrances [are to shall] be constructed so as not to impair drainage within the state's right-of-way, and so that surface water [will shall] drain from the state roadway.

The property owner or developer of commercial or industrial entrances or subdivision road entrances not in the secondary system shall be responsible for the entire construction of the entrance in accordance with provisions of the required permit.

Where deemed necessary by the engineer, copies of a complete drainage layout, based on a drainage study by a qualified engineer, [will shall] be furnished by the permittee, along with his plans. This layout [will shall] include the ultimate development and clearly shows how the permittee proposes to handle the drainage and run-off from his development.

Pipe ends shall be reviewed independently by the engineer and grading or treatment at pipe ends shall be done in such a manner as to minimize any hazard the pipe end may present to an out of control vehicle.

§ 2.5. Crossovers.

Crossovers between the main through lanes [will shall] not be [allowed or] permitted at entrances being constructed under provisions of a permit unless determined necessary by the department and then only in accordance with the current policy on crossovers. This is

subject to the final approval of the State Traffic Engineer and the State Location and Design Engineer [for those crossovers that do not meet the requirements].

Those that meet the standards [can as outlined in the department's Road Design Manual may] be approved by the District Engineer.

Should it be determined by the department that a crossover is permissible, the permittee [will shall] be responsible for the entire cost and construction, including turn lanes as deemed necessary by the engineer. See [Table 4 and Figure 4 Figure 3 and Table 6] for data pertaining to crossover grades and sight distance.

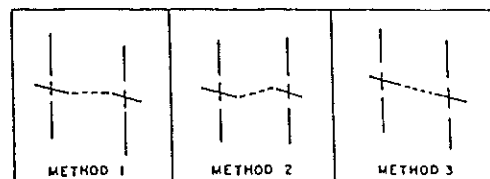
[A. Crossover grades.

On divided highways with depressed medians, there are generally three methods by which superelevation is determined for the opposing traffic lanes.

One method is for the median pavement edges to be held at the same or close to the same elevation. A second method is for each center line elevation to be approximately the same with a corresponding difference in elevation of the median pavement edges. The third method is for the superelevation of all lanes to be obtained along a single plane. Thus, the grade of the lane on the outside of the curve is higher than the inside lane. The various methods are illustrated in Figure 2 below:

[Figure 2]

Determining Superelevation



The designer is to study the requirements of each particular situation. In the case of a facility without crossovers, the first method is generally desirable on superelevated curves. This shall allow the median area to be properly graded without creating an adverse design situation.

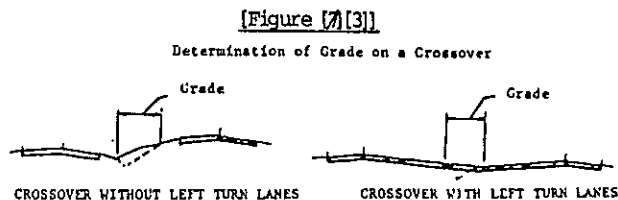
Method 2 generally results in an undesirable situation and shall be used with caution.

In a case where a crossover is proposed, particularly in conjunction with a connecting road within the limits of superelevated curve, the designer shall pay particular attention to the path which must be traversed by vehicles using the crossover.

In most cases, the application of the superelevation in a single plane (Method 3) is the desired method. This shall allow a vehicle to cross from one lane to the other without negotiating several different gradients. As noted herein, this shall require the adjustment of the main line grades.

The desirable grade on a crossover is between 0.5% and 5.0%. The maximum grade should never exceed 10% as safe turning movements above this level are difficult. It is especially important at locations such as truck stops and other businesses generating large vehicular traffic, where crossover grades fall in the category of less than 5.0%. A desirable maximum algebraic difference of a crossover crown line is 4.0% or 5.0%, but it may be as high as 8.0% at locations where there are few trucks or school buses and low speeds. Additionally, sight distances must be checked for values shown in table for "Sight Distances along Major Roads at Intersections with Minor Road and Crossovers and Commercial Entrances" (see Table 6). Any deviation from these values is to be approved by the District Engineer. However, sight distances shall not be deviated from.

The grade on a crossover is measured from the edge of shoulder to the edge of shoulder, unless left-turn lanes are provided, in which case, the grade is applied from the edge of pavement of the left-turn lane to the edge of pavement of the opposite left-turn lane. This is more clearly shown in the following Figure 3:



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As a general policy left turn lanes are to be provided in the design of all median crossovers on nonaccess controlled divided highways using controls as shown in Figure 4.

Figure 4

DESIGN FOR LEFT TURN LANES

(Road Design Manual, Page A-2.3)

TURNING LANE

Rural-For Design Speeds 50 MPH or Higher *L = 200' min. (For 240 or fewer vehicles during peak hour, making turn)

-For Design Speeds Less than 50 MPH *L = 100' min. (For 60 or fewer vehicles during peak hour, making turn)

*Distance L to be adjusted upward as determined by capacity analysis for Left Turn Storage.

Urban-Length determined by capacity analysis for Left Turn Storage

TAPER - Rural and Urban

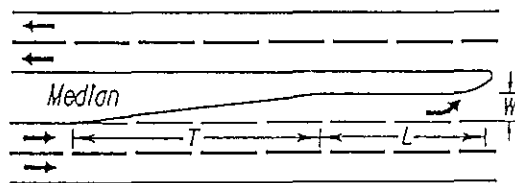
-For Design Speeds 35 MPH or Higher **T = 200' Min.

-For Design Speeds Less than 35 MPH **T = 100' Min.

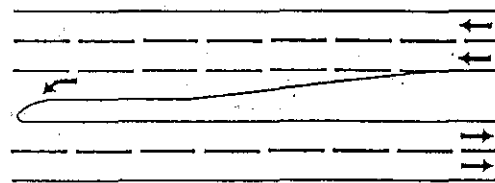
**Tapers are to be straight line unless local policy requires reverse curves.

When the Average Running Speed on an existing facility is available, the corresponding Design Speed may be obtained from Table 2, page

When double left turns are required, a capacity analysis of the intersection should be performed to determine what traffic controls are necessary, such as signalization and separate phasing, in order to have this double left turn function properly.



© Crossroad

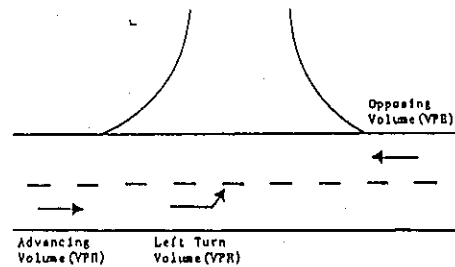


W - Same as through lane (10' Min.)

Left-turn lanes should also be established on two-lane highways where traffic volumes are high enough to warrant them in accordance with the guidelines shown below. In case of a double left turn, a capacity analysis of the intersection should be performed to determine what traffic controls are necessary, such as signalization and separate phasing.

(VPH) Opposing Volume	Advancing Volume (VPH)			
	5% Left Turns	10% Left Turns	20% Left Turns	30% Left Turns
40-mph Operating Speed				
800	330	240	100	100
600	410	306	225	200
400	510	300	275	245
200	640	470	350	305
100	720	575	390	340
50-mph Operating Speed				
800	280	210	165	135
600	350	260	195	170
400	430	320	240	210
200	500	400	300	270
100	615	445	335	295
60-mph Operating Speed				
800	230	170	125	115
600	290	210	160	140
400	365	270	200	175
200	450	330	250	215
100	505	370	275	240

Table 1 (1)
Warrants for left-turn lanes on two-lane highways.
("A Policy on Geometric Design of Highways and
Streets", 1984, Page 823)



Example:

Two-lane highway with 40 mph operating speed

- Opposing Volume (VPH) = 600
- Advancing Volume (VPH) = 440
- *Left Turn Volume (VPH) = 44 or 10% of Advancing Volume

With opposing volume (VPH) of 600 and 10% of advancing volume (VPH) making left turns, an advancing volume (VPH) of 305 or more will warrant a left turn lane.

*Left turn volume to be obtained from developer

Table 2

***RELATIONSHIP OF AVERAGE RUNNING SPEED TO DESIGN SPEED**

DESIGN SPEED MPH	AVERAGE RUNNING SPEED (MPH)		
	Low Volume	Intermediate Volume	Approaching Capacity
30	28	26	--
40	36	34	25
50	44	41	31
60	52	47	35
65	55	50	37
70	58	54	--
75	61	56	--
80	64	59	--

*Transportation and Traffic Engineering Handbook, p. 607.

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B. Intersecting crossroad grades.

The grade of a connecting facility shall be carefully studied when approaching an intersection where the main line is superelevated. A smooth grade tie-in is desirable, with sufficient area on a relatively flat grade for a vehicle to stop before entering the main roadway. Also, when a connection is on the outside of a superelevated curve, the grade shall be designed so that the connection is visible to a driver on the main roadway desiring to turn onto the connection.

Every attempt shall be made to provide an adequate area for this vehicular stoppage, giving full consideration to the horizontal and vertical sight distances.

The desirable tie-in is one that is no steeper than the pavement cross slope whether this is superelevated or the normal crown. The maximum difference between the pavement cross slope and the approach road grade shall not exceed 8.0% at stop intersections, or 4.0% at continuous movement intersections. The stoppage area should be a minimum of 50 feet before beginning the steeper grade. (See "A Policy on Geometric Design of Highways and Streets," 1984, pages 726 and 727.)

§ 2.6. Auxiliary lanes.

For permits to build an entrance along a divided roadway opposite an existing crossover, the department may require the permittee to construct a left-turn lane of sufficient dimensions or to lengthen an existing left-turn lane so as to [satisfactorily] serve the anticipated traffic to the proposed entrance.

A deceleration lane used for right-turn movements and storage of vehicles into proposed entrances [will shall] be required if determined necessary by the engineer. The following guidelines are to be used as an aid in selecting the appropriate treatment. (Reference material attained from Virginia [Highway and] Transportation Research Council report, "The Development of Criteria for the Treatment of Right Turn Movements on Rural Roads" dated March 1981, which is incorporated by reference in these regulations.)

Figures [2 and 3 5 and 6] in these regulations should be used to determine the proper treatment for right-turn movements at commercial entrances. The peak hour volume (PHV) of right-turning vehicles should be obtained from the developer. If the directional peak hour volume (PHV) of the main roadway is not known, then 11% of the main line ADT can be used. (Reference "Highway Capacity Manual," 1985, pages 7-18 and 7-19.) The traffic estimates should be checked against the generation figures given in Table [1 3]. (See "Trip Generation at Special Sites" by the Virginia [Highway and] Transportation Research Council, pages 31 and 32, "Trip Generation" by the Institute of Traffic Engineers (ITE), or any local volumes available.) The higher of the two shall govern. The aforementioned materials are incorporated by

reference and made a part of these regulations.

The guidelines are differentiated on the basis of the number of lanes on the roadway for which an entrance is proposed. Figure [2 5] is referred to for two-lane roadways, while Figure [3 6] is used for multilane roadways; i.e., four or more lanes. All volumes refer to the volumes on the approach under consideration for right-turn treatments.

Figure [2 5] Guidelines for Two-Lane Roadways: The following adjustment is made for posted speeds at or under 45 MPH.

Adjusted PHV Right Turns equals PHV Right Turns minus 20 for PHV right turns greater than 40 and the PHV total less than 300.

This adjustment is made to treat local type roadways in an equitable manner since they would operate at lower speeds than a controlled divided type roadway.

A taper is recommended for a primary route except when the volume conditions require a full width turn lane or the percentage of right-turning vehicles makes up less than 10% of the total approach traffic. In the latter case, a radius is suggested.

Figure [3 6] Guidelines for Multilane Roadways: Multilane roadways tend to have a taper or full width turn lane to facilitate right-turn movements.

Other factors that influence the selection of a treatment for right-turn movements are sight distance, availability of right-of-way, grade, and angle of turn. Although these factors are not incorporated in the guidelines, they should be given consideration. These guidelines [should shall] be used unless the Engineer determines that special treatment is necessary due to other factors.

When only a taper is required by the guidelines, its width shall be [of] equal [width that] of one of the approach lanes and its length shall be a minimum of 150 feet. In no case shall it be less than 10 feet in width.

When a full width right-turn lane is determined necessary by the Engineer, its minimum width shall be [of] equal [width that] of one of the approach lanes; however, in no case shall it be less than 10 feet in width. The length of the full width turn lane shall be in accordance with deceleration lane standards. (See "A Policy on Geometric Design of Highways and Streets" 1984, pages 874 and 875.) The taper shall be a minimum of 150 feet.

An acceleration land and/or taper from proposed entrances [will shall] be required if determined necessary by the Engineer and [will shall] be constructed in accordance with acceleration lane standards, as shown in Tables [2 and 3 4 and 5]. (See "A Policy on Geometric Design of Highways and Streets" 1984, pages

1039 and 1043.)

FIGURE [2][5]
Guidelines for Right Turn Treatment
2 - Lane Highway

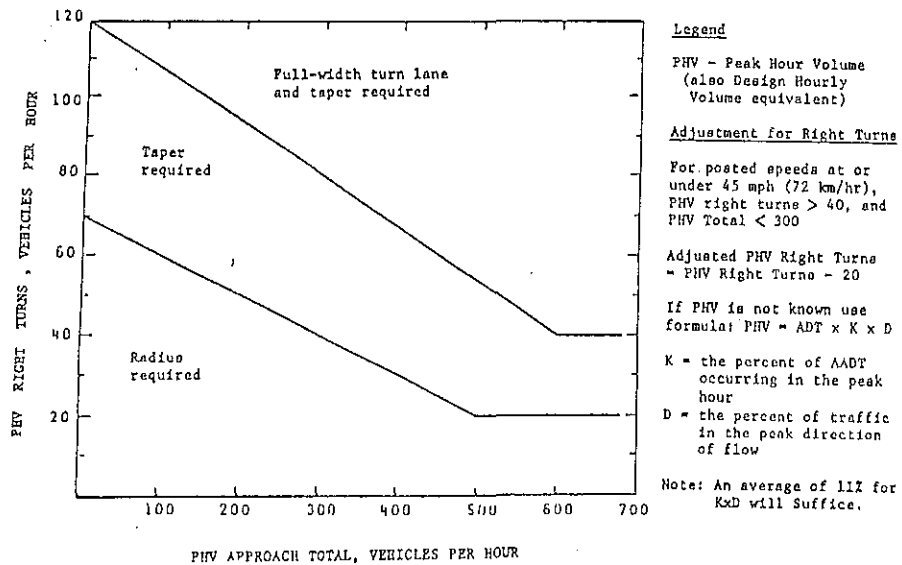
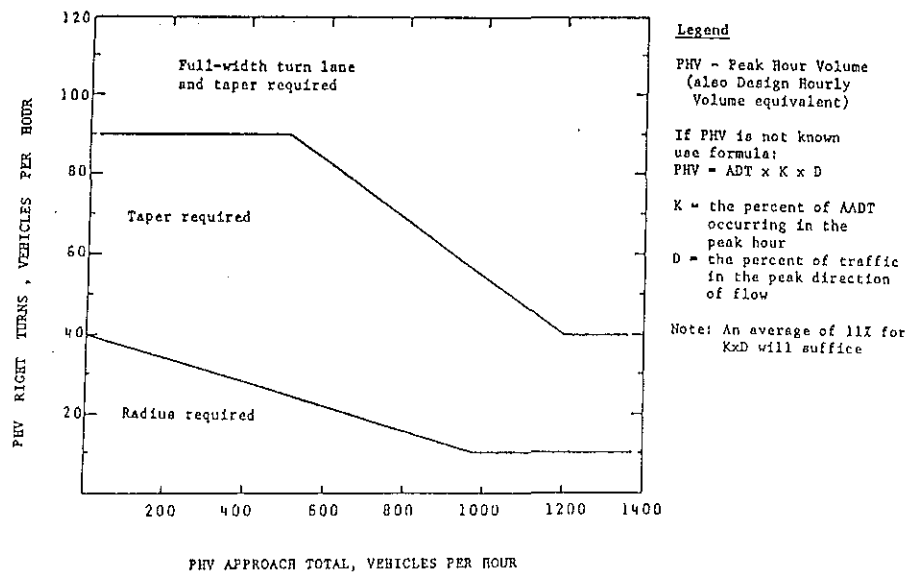


FIGURE [4][6]
Guidelines for Right Turn Treatment
4 - Lane Highway



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Table [X][3]

Summary of Trip Rates

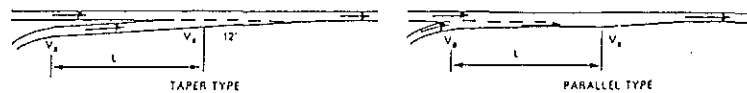
Land Use	Weekday Vehicle Trip Ends		
	Average Weekday	P.M. Peak Hour Generator	P.M. Peak Hour Adjacent St.
Fast-Food Restaurant with Drive-Thru Service	22/seat 51/employee 680/1,000 sq. ft. GFA	2.9/seat 6.7/employee 92/1,000 sq. ft. GFA	0.9/seat 2.0/employee 28/1,000 sq. ft. GFA
Convenience Market ^{1,2}	730/1,000 sq. ft. GFA	53/1,000 sq. ft. GFA	50/1,000 sq. ft. GFA
Condominium (all types) ¹	5.2/d.u.	0.5/d.u.	0.5/d.u.
Condominium (counhouse style with minimum or no transit service)	8.7/d.u.	0.9/d.u.	0.8/d.u.
Condominium (apartment style in high rise with good transit service)	4.2/d.u.	0.4/d.u.	0.4/d.u.
Drive-In Bank ¹	80/employee 290/1,000 sq. ft. GFA	12/employee 43/1,000 sq. ft. GFA	8.1/employee 31/1,000 sq. ft. GFA
High-Rise Apartment ¹	4.3/d.u.	0.4/d.u.	0.4/d.u.
PUD ¹	7.8/d.u.	0.7/d.u.	0.7/d.u.
Mobile Home Park ¹	5.0/d.u.	0.6/d.u.	0.6/d.u.
Day-Care Center	5.0/student ³ 33/employee 79/1,000 sq. ft. GFA	1.0/student ³ 6.6/employee 16/1,000 sq. ft. GFA	0.9/student ³ 6.0/employee 14/1,000 sq. ft. GFA
Church ⁴	17/100 members 0.5/family 7.7/1,000 sq. ft. GFA	2.4/100 members 0.1/family 1.1/1,000 sq. ft. GFA	0.7/100 members 0.0/family 0.3/1,000 sq. ft. GFA
Suburban Hotel ^{1,5} ("hotel" by ITE definition)	13/employee 11/occupied rm.	0.9/employee 0.9/occupied rm.	0.6/employee 0.7/occupied rm.
Post Office	3.8/p.o. lockbox 14/employee 41/1,000 sq. ft. GFA	0.4/p.o. lockbox 1.2/employee 3.7/1,000 sq. ft. GFA	0.3/p.o. lockbox 1.1/employee 3.3/1,000 sq. ft. GFA
Post Office (Main) ⁶	68/employee 340/1,000 sq. ft. GFA	7.2/employee 37/1,000 sq. ft. GFA	5.0/employee 26/1,000 sq. ft. GFA
Post Office (Branch) ⁶			

1. Rates are combination of rates reported by the ITE and those found in [ITE's study] [the VDOT research council report Trip Generation at Special Sites, Jan. 1981.]
2. A.M. peak hour rates are 65 and 63 per 1,000 sq. ft. GFA for generator and adjacent street, respectively.
3. Average number of students attending.
4. Sunday trip rates are 68/100 members, 2.0/family, and 31/1,000 sq. ft. GFA; Sunday's peak-hour trip rates are 18/100 members, 0.5/family, and 8.3/1,000 sq. ft. GFA.
5. Limited data suggest a Saturday rate of 17/occupied room.
6. Based on limited data.

Note: 1,000 sq. ft. = 93 sq. m.

Table [Z][4]
Minimum acceleration lengths for entrance terminals with grades of 2 percent or less. ("A Policy on Geometric Design of Highways and Streets", 1984, Page 1039)

Highway Design Speed (mph)	Speed Reached, V_s (mph)	Acceleration Length, L (ft)								
		Stop Condition	For Entrance Curve Design Speed (mph)							
			16	20	25	30	35	40	45	50
		0	14	18	22	26	30	35	40	44
30	21	190	--	--	--	--	--	--	--	--
40	31	300	320	250	220	140	--	--	--	--
50	39	780	700	830	580	500	380	160	--	--
60	47	1,170	1,170	1,070	1,000	910	800	590	400	170
70	53	1,500	1,540	1,500	1,410	1,330	1,230	1,010	800	500



NOTE: Uniform 50:1 to 70:1 tapers are recommended where lengths of acceleration lanes exceed 1,300 ft, where design speeds exceed 70 mph, or elsewhere if appropriate and space permits.

Table [Z][5]
Length of Acceleration Lanes on Grade

Design Speed of Highway (mph)	Ratio of Length of Grade to Length of Level for ^a				
	Design Speed of Turning Roadway Curve (mph)				All Speeds
	20	30	40	50	
	3 to 4 percent upgrade				3 to 4 percent downgrade
40	1.3	1.3	--	--	0.7
50	1.3	1.4	1.4	--	0.65
60	1.4	1.5	1.5	1.6	0.6
70	1.5	1.6	1.7	1.8	0.6
	5 percent upgrade			5 to 6 percent downgrade	
40	1.5	1.5	--	--	0.6
50	1.5	1.7	1.9	--	0.55
60	1.7	1.9	2.2	2.5	0.5
70	2.0	2.2	2.6	3.0	0.5

Ratio of length of speed-change lanes on grade to length level acceleration lanes. ("A Policy on Geometric Design of Highways and Streets", 1984, Page 1043)

^a Ratio from this table multiplies by length in Table [Z][3] and gives length of speed change lane on grade.

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§ 2.7. Facility for physically handicapped.

Ramps in curb sections to aid the physically handicapped shall be provided as [established by the General Assembly of Virginia and covered under Title 15.1, Chapter 10, required in] § 15.1-381 of the Code of Virginia. A standard drawing of the curb cut ramp (CG-12) is shown in the current edition of "Road and Bridge Standards" and in this manual.

§ 2.8. Sight distances. -

[The entrances of commercial establishments shall be clearly visible to motorists traveling the highway, and the sight distance in both directions from the proposed entrance shall be denoted on the entrance application. Both the vertical alignment and the horizontal alignment can restrict the sight distance.

A target is mounted 4.25 feet above the proposed entrance grade 10 feet from the main line pavement edge. The target's offset position simulates the location of a motorist waiting to exit the entrance. The sight distance should be measured from a height of eye of 3.50 feet to the top of the target. For more information on sight distance, see "A Policy on Geometric Design of Highways and Streets" (1984), pages 774 through 800.

For more than four lanes on a major road, or for large truck or bus volumes using the entrance, the values in Figure IX-26, "A Policy on Geometric Design of Highways and Streets" (1984), page 791, also apply to an object height of 4.25 feet.]

[The following shall be utilized to evaluate sight distance. Vertical sight distance shall be determined from a target mounted 4.25 feet above the grade of the vehicle path simulating a vehicle entering or exiting the entrance. The sight distance shall be measured from a height of eye of 3.5 feet to the target. Horizontal sight distance shall be determined from a height of eye of 3.5 feet with the object being 4.25 feet. For more information on sight distance, see "A Policy on Geometric Design of Highways and Streets" (1984) pages 243-247 and 774-803.

On a typical two lane road horizontal curve there are numerous objects that restrict sight distance such as cut slopes, buildings, vegetation, vehicles, and similar objects. It is very possible to have sight distance in the winter and not in the spring or summer due to the growth of vegetation. These obstructions should be considered when reviewing a commercial entrance permit. A divided highway can have similar problems. It is very important to obtain the desirable commercial entrance sight distance from the entrance as well as the left turn position into the entrance. Any waiver of the required sight distance may only be granted by the Chief Engineer or the Assistant Chief Engineer after a traffic engineering investigation has been conducted.]

Table [4- 6.]

Sight Distances Along Major Roads at Intersections with Minor Road and Crossovers and Commercial Entrances.

Height of Eye 3.5'	Height of Object 4.25'						
* Speed Limit	25	30	35	40	45	50	55
Two & Three Lane Road or Four Lane Divided Highways not at Crossovers	250	300	350	400	450	500	550
** Four Lane Undivided and Four Lane Divided Highways at Crossovers	300	350	425	475	525	600	650

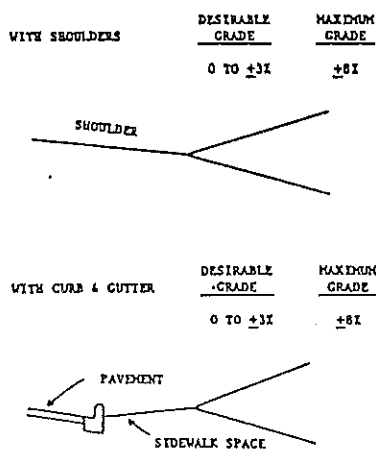
* Where the operating speed on the respective segment of highway is determined to be lower than the legal speed limit, and, in the judgment of the engineers, the operating speed [will shall] not create hazards for either a driver at a connection or on the major roadway and the legal speed limit cannot and, in all probability, [will shall] not be obtained in the foreseeable future as a result of improvement or reconstruction, the sight distance requirements for the operating speed may then be applied. The operating speed [will shall] be determined by a traffic engineering study at the location in question. In all cases when the operating speed is used in lieu of the speed limit, full documentation of its determination shall be attached to the permit assembly.

** For median widths greater than 60 feet, each roadway can be considered as a separate two, three or four-lane roadway. (See "A Policy on Geometric Design of Highways and Streets" 1984, page 795.)

§ 2.9. Driveway profile.

When entering or exiting a driveway from a public street, a sudden change in the driveway grade will cause an operator of a vehicle to travel at an extremely low speed. For those entering a driveway, this greatly increases the possibility of a rear end collision. Therefore, to enhance safety for the traveling public, the desirable and maximum grades are provided in Figure [4 7]. If a change in the driveway grade occurs, the profile shall be rounded by connecting the two different grades.

Figure [4][7]
Maximum Grades



§ 2.10. Responsibility for maintenance (commercial entrances).

Section 33.1-198 of the Code of Virginia places the responsibility on the property owner to maintain commercial entrances in a manner satisfactory to the department. However, to insure the safety of motorists and pedestrians and to promote effective drainage, portions of commercial entrances shall be maintained by the department, as described in [the following and as shown subsections A and B below and depicted] in Figure [5 8]:

A. Entrances in curb and gutter sections.

If the department is responsible for maintenance of adjacent sidewalks, the department shall maintain the entrance to the back edge of the sidewalk. If there is no sidewalk, or if the department is not responsible for the maintenance of the sidewalk, the department shall maintain the entrance only to a line two feet behind the gutter line.

The property owner is responsible for the satisfactory maintenance of the remainder of the entrance.

B. Entrances not in curb and gutter sections.

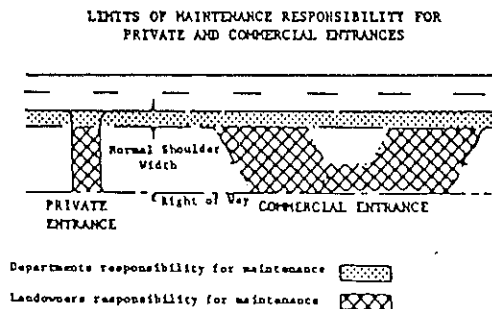
The department shall maintain that portion of the entrance between the edge of the pavement and the normal shoulder line. The property owner [will shall] be responsible for the satisfactory maintenance of the remainder of the entrance with the following exception:

When the department constructs the separation island

as part of a road project or safety improvement measure, the department [is shall be] responsible for the maintenance of the island unless the right-of-way agreement designates the responsibility to the landowner.

Where commercial entrances are constructed under permit, the maintenance of the separation island [is shall be] the responsibility of the property owner.

Figure [5] [8]



§ 2.11. Tenure of commercial entrances.

Tenure of all commercial entrances to highways is not infinite nor is it meant to be transferred from one owner to another. If it is determined by department representatives that an entrance is substandard [and or that] safety, use, or maintenance of the entrance [have has] changed significantly to require corrections, then necessary changes shall be made or the entrance may be closed at the direction of the Commissioner or his representative. It should also be noted that once an entrance has been constructed, regardless of when, the permittee, or his successors or assignees, shall be responsible for the maintenance and upkeep of said entrance as stated above.

Commercial entrances may require reconstruction or upgrading or both when it has been determined after review by department representative that the following conditions exist:

A. Safety.

When the entrance has been determined to be unsafe in its present condition for public use, because of physical erosion of the entrance, increase in motor vehicle traffic or some other condition.

B. Use.

When traffic in and out of the entrance has changed significantly, such as a change in traffic volume, character of the traffic or peak hour traffic. This language is not intended to be exclusive.

C. Maintenance.

Final Regulations

When the entrance becomes unserviceable due to heavy equipment damage [;] reclamation by natural causes, or increased traffic volume.

Commercial entrances shall be reviewed periodically for substandard conditions; when the property is being considered for sale [; when # ,] has been rezoned [; ,] or when there is a change in commercial use either by the property owner or by the lease. Department personnel shall work closely with the various local and county governments to protect the department's interest and the interest of the traveling public through zoning ordinances for commercial, subdivision and private entrance requirements, and to obtain their assistance in policying changes in ownership that might affect the department's requirements for the entrances. These periodic reviews are necessary to provide both patron and through highway traffic users a safe means of travel.

§ 2.12. Developer participation in traffic signal cost.

The following guidelines have been developed in an effort to obtain an equitable method of determining developer responsibility for participation in funding traffic signal work necessitated by land development:

1. Where the proposed development [will shall] generate sufficient traffic to warrant signalization, the total cost for design, materials, timing plans, and installation shall be borne by the developer.
2. Where development generated traffic and existing highway traffic must be combined to justify signalization, the developer shall bear 50% of the total cost for design, materials, timing plans, and installation.
3. Where an existing traffic signal must be modified to accommodate traffic movements to or from the development, the developer shall bear the total cost for any design materials, timing plans, installation, and relocation required to accommodate the development traffic.

For larger developments, such as regional shopping centers and corporate complexes, the department reserves the right to require that the developer design or have designed the traffic signal, including timing plans, and to install or have installed a complete working installation. Designs and installations shall be in accordance with the current departmental specifications and standards and approved by the engineer.

§ 2.13. Authorization (private entrances).

The Commonwealth Transportation Board is authorized to control and regulate entrances to improved highways [by the Code of Virginia under as provided in] § 33.1-197 (private entrances) [of the Code of Virginia].

§ 2.14. Drainage (private entrance).

The property owner constructing a new private entrance shall [where required] furnish the necessary size pipe which meets the specifications of the Virginia Department of Transportation. The department [will shall] lay the pipe on the proper grade for drainage. No grading of the entrance [will shall] be performed by the department.

§ 2.15. Responsibility for maintenance (private entrance).

The department is responsible for the maintenance of that portion of the entrance within the normal shoulder as shown in Figure [5 8]. The property owner is responsible for the maintenance of the remainder of the entrance except that the Resident Engineer, at his discretion, may periodically add stabilization stone to that portion of the entrance on the right-of-way. The department is not responsible for any maintenance on hard surfaced entrances beyond the normal shoulder line.

For specific information concerning private entrances and public road connections, reference should be made to the department's current "Subdivision Street Requirements" - Secondary Roads Division, "Land Use Permit Manual" - Maintenance Division, and to "Road and Bridge Standards" - Location and Design Division. This information is available in the residency and district offices.

In a curb and gutter section with sidewalk where the department is responsible for the maintenance of the sidewalk, the department [is shall be] responsible for the maintenance of entrances to the back edge of the sidewalk.

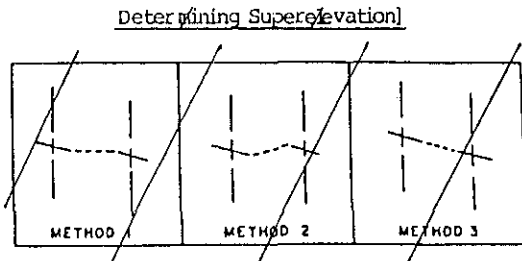
In a curb and gutter section without sidewalk or where the department is not responsible for the maintenance of the sidewalk, the department shall maintain the entrance only to a line two feet behind the gutter line.

[§ 2.16. Crossover grades.

On divided highways with depressed medians, there are generally three methods by which superelevation is determined for the opposing traffic lanes:

One method is for the median pavement edges to be held at the same or close to the same elevation. A second method is for each center line elevation to be approximately the same with a corresponding difference in elevation of the median pavement edges. The third method is for the superelevation of all lanes to be obtained along a single plane. Thus, the grade of the lane on the outside of the curve is higher than the inside lane. The various methods are illustrated in Figure 6 below:

[Figure 6]



The designer is to study the requirements of each particular situation. In the case of a facility without crossovers, the first method is generally desirable on superelevated curves. This will allow the median area to be properly graded without creating an adverse design situation.

Method 2 generally results in an undesirable situation and shall be used with caution.

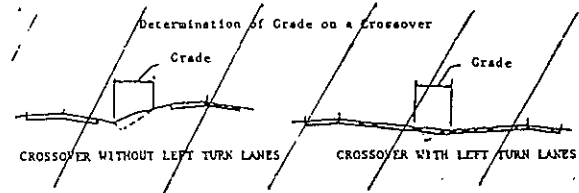
In a case where a crossover is proposed, particularly in conjunction with a connecting road within the limits of superelevated curve, the designer shall pay particular attention to the path which must be traversed by vehicles using the crossover.

In most cases, the application of the superelevation in a single plane (Method 3) is the desired method. This will allow a vehicle to cross from one lane to the other without negotiating several different gradients. As noted herein, this will require the adjustment of the main line grades.

The desirable grade on a crossover is between 0.5% and 5.0%. The maximum grade should never exceed 10% as safe turning movements above this level are difficult. It is especially important at locations such as truck stops and other businesses generating large vehicular traffic, where crossover grades fall in the category of less than 5.0%. A desirable maximum algebraic difference of a crossover crown line is 4.0% or 5.0%, but it may be as high as 8.0% at locations where there are few trucks or school buses and low speeds. Additionally, sight distances must be checked for values shown in table for "Sight Distances along Major Roads at Intersections with Minor Road and Crossovers and Commercial Entrances" (see Table 4). Any deviation from these values is to be approved by the District Engineer. However, sight distances shall not be deviated from.

The grade on a crossover is measured from the edge of shoulder to the edge of shoulder, unless left-turn lanes are provided, in which case, the grade is applied from the edge of pavement of the left-turn lane to the edge of pavement of the opposite left-turn lane. This is more clearly shown in the following Figure 7:

[Figure 7]



§ 2.17. Intersecting crossroad grades.

The grade of a connecting facility must be carefully studied when approaching an intersection where the main line is superelevated. A smooth grade tie-in is desirable, with sufficient area on a relatively flat grade for a vehicle to stop before entering the main roadway. Also, when a connection is on the outside of a superelevated curve, the grade shall be designed so that the connection is on the outside of a superelevated curve, the grade shall be designed so that the connection is visible to a driver on the main roadway desiring to turn onto the connection.

Every attempt shall be made to provide an adequate area for this vehicular stoppage, giving full consideration to the horizontal and vertical sight distances.

The desirable tie-in is one that is no steeper than the pavement cross slope whether this is superelevated or the normal crown. The maximum difference between the pavement cross slope and the approach road grade should not exceed 3.0% at stop intersections, or 4.0% at continuous movement intersections. The stoppage area should be a minimum of 50 feet before beginning the steeper grade. (See "A Policy on Geometric Design of Highways and Streets," 1984, pages 726 and 727.)]

Final Regulations

LOCATION OF OFFICES AT WHICH PERMITS MAY BE OBTAINED

Residency Offices are listed below. District Offices are located in or near the cities bearing the District name.

BRISTOL DISTRICT

(Residency Office)

Wise	Wise & Dickenson
Abingdon	Washington & Smyth
Lebanon	Russell & Buchanan
Tazewell	Tazewell & Bland
Wytheville	Wythe & Grayson
Jonesville	Lee & Scott

SALEM DISTRICT

Hillsville	Carroll & Floyd
Christiansburg	Montgomery, Giles & Pulaski
Martinsville	Henry & Patrick
Rocky Mount	Franklin
Salem	Craig, Roanoke & Botetourt
Bedford	Bedford

LYNCHBURG DISTRICT

Chatham	Pittsylvania
Halifax	Halifax & Charlotte
Dillwyn	Buckingham, Cumberland & Prince Edward

Appomattox	Appomattox & Campbell
Amherst	Amherst & Nelson

RICHMOND DISTRICT (COLONIAL HEIGHTS)

South Hill	Brunswick & Mecklenburg
Amelia	Amelia, Nottoway & Lunenburg
Petersburg	Dinwiddie & Prince George
Chesterfield	Chesterfield & Powhatan
Sandston	Charles City, Henrico & New Kent
Ashland	Goochland & Hanover

SUFFOLK DISTRICT

(Residency Office)

Franklin	Greenville & Southampton
Waverly	Surry & Sussex
Norfolk	Cities: Norfolk, Virginia Beach, Chesapeake & Portsmouth
Williamsburg	James City & York
	Cities: Poquoson, Williamsburg, Newport News & Hampton

Suffolk	Isle of Wight & City of Suffolk
Accomac	Accomack & Northampton

FREDERICKSBURG DISTRICT

Saluda	King & Queen, Gloucester, Middlesex & Mathews
Warsaw	Richmond, Lancaster, Northumberland & Westmoreland
Fredericksburg	Spotsylvania, Stafford & King George
Bowling Green	Caroline, Essex & King William

CULPEPER DISTRICT

Louisa	Fluvanna & Louisa
Charlottesville	Albemarle & Greene
Culpeper	Culpeper, Orange & Madison
Warrenton	Fauquier & Rappahannock

STAUNTON DISTRICT

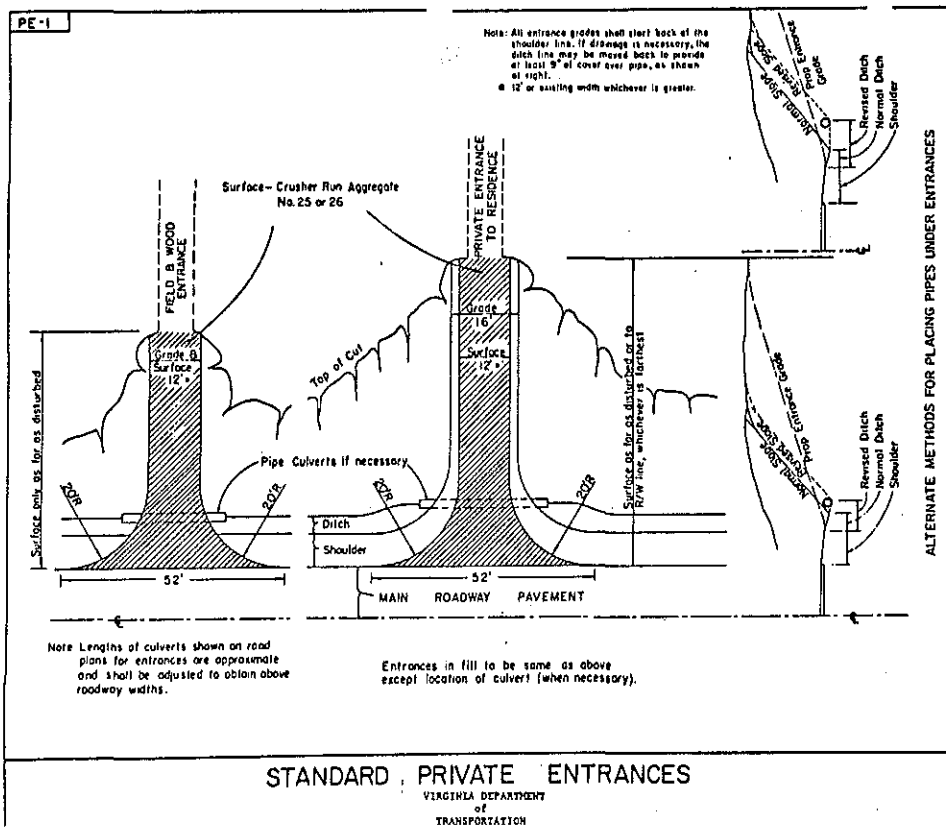
Lexington	Alleghany, Rockbridge & Bath
Staunton	Augusta & Highland
Harrisonburg	Rockingham
Edinburg	Frederick & Shenandoah
Luray	Clarke, Page & Warren

NORTHERN VIRGINIA DISTRICT (FAIRFAX)

Fairfax	Fairfax & Arlington
Manassas	Prince William
Leesburg	Loudoun

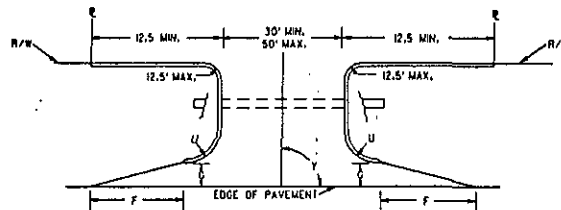
PART IV

COMMERCIAL ENTRANCE DESIGN ILLUSTRATIONS

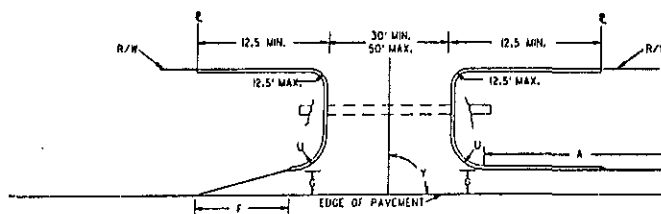


COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH SHOULDERS

SINGLE TWO-WAY ENTRANCE

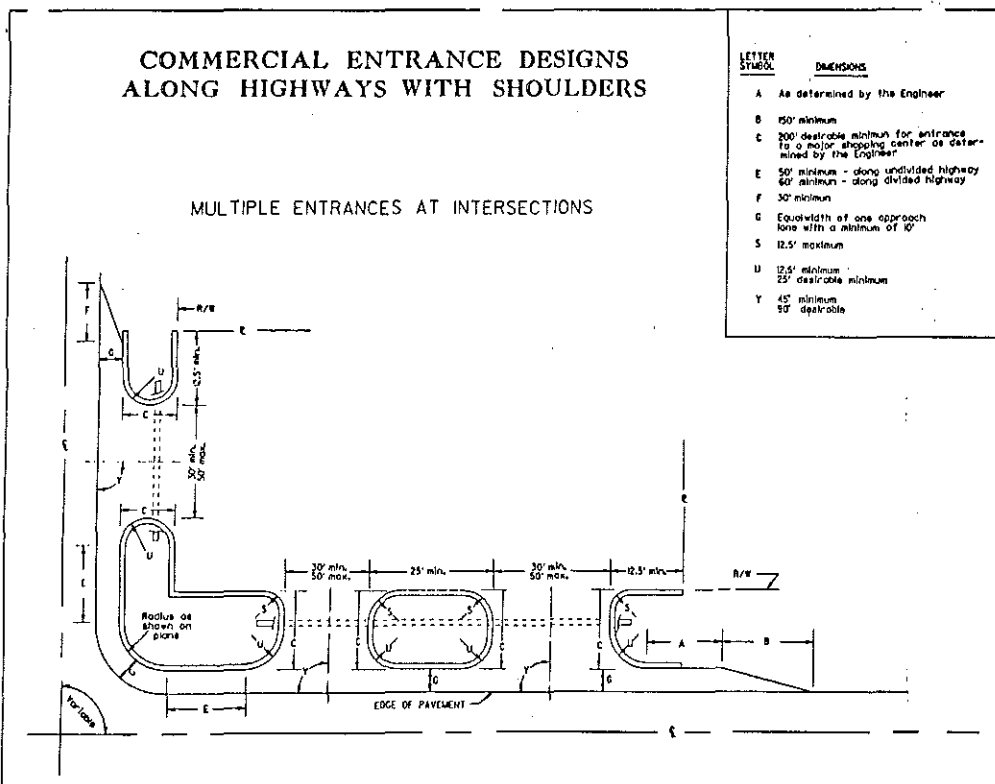
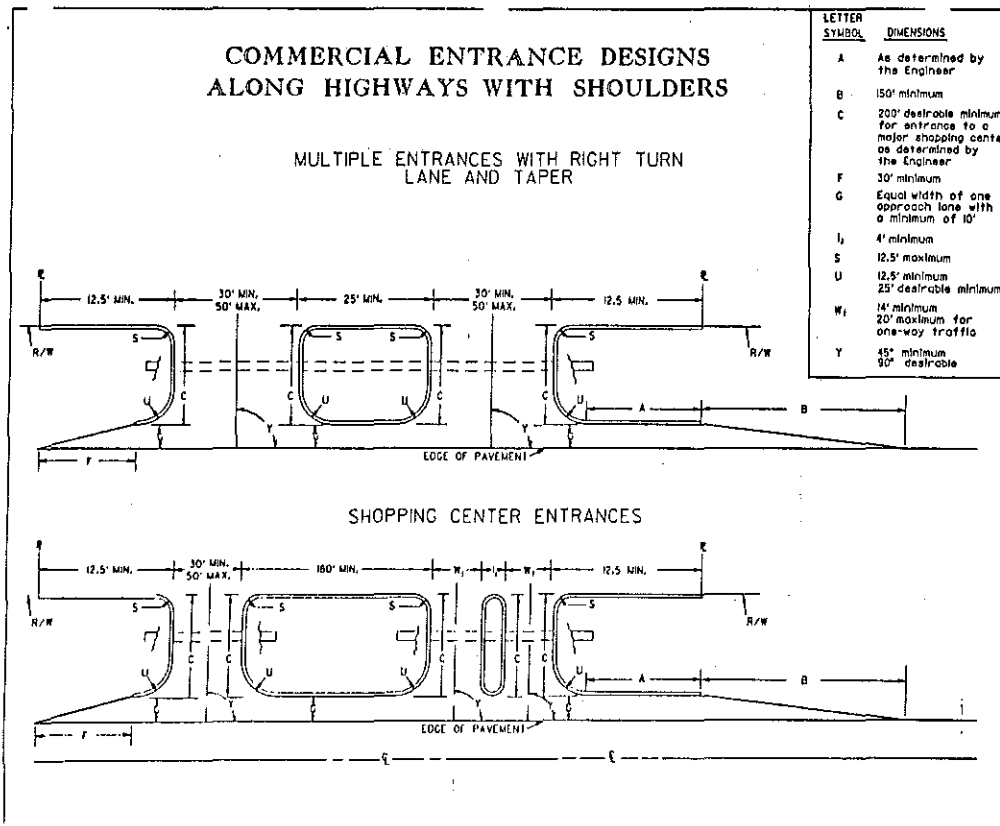


SINGLE TWO-WAY ENTRANCE WITH RIGHT TURN LANE AND TAPER



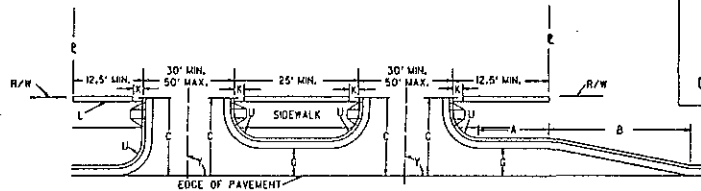
LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	150' minimum
F	30' minimum
O	Equal width of one approach lane with a minimum of 10'
U	12.5' minimum 25' desirable minimum
Y	45' minimum 90' desirable

Final Regulations



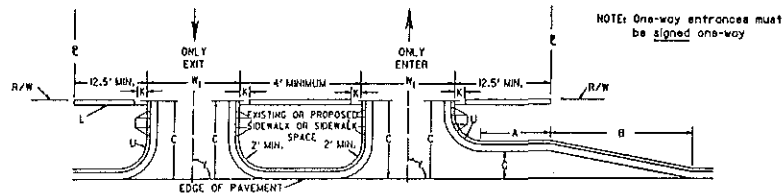
COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH CURB AND GUTTER

MULTIPLE ENTRANCES WITH RIGHT TURN LANE AND TAPER



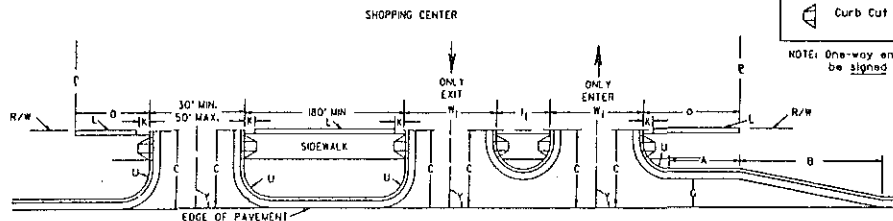
LETTER SYMBOL	DIMENS. -
A	As determined by the Engineer
B	150' minimum
C	200' desirable minimum for entrance to a major shopping center as determined by the Engineer
G	Equal width of one approach lane with a minimum of 10'
K	4' maximum
L	6" (Std. curbing) 4" (Std. mountable curbing)
U	12.5' minimum 25' desirable minimum
W ₁	14' minimum 20' maximum for one-way traffic
Y	45' minimum 90' desirable
	Curb Cut Ramp CG-12

TWO ONE-WAY ENTRANCES WITH RIGHT TURN LANE AND TAPER



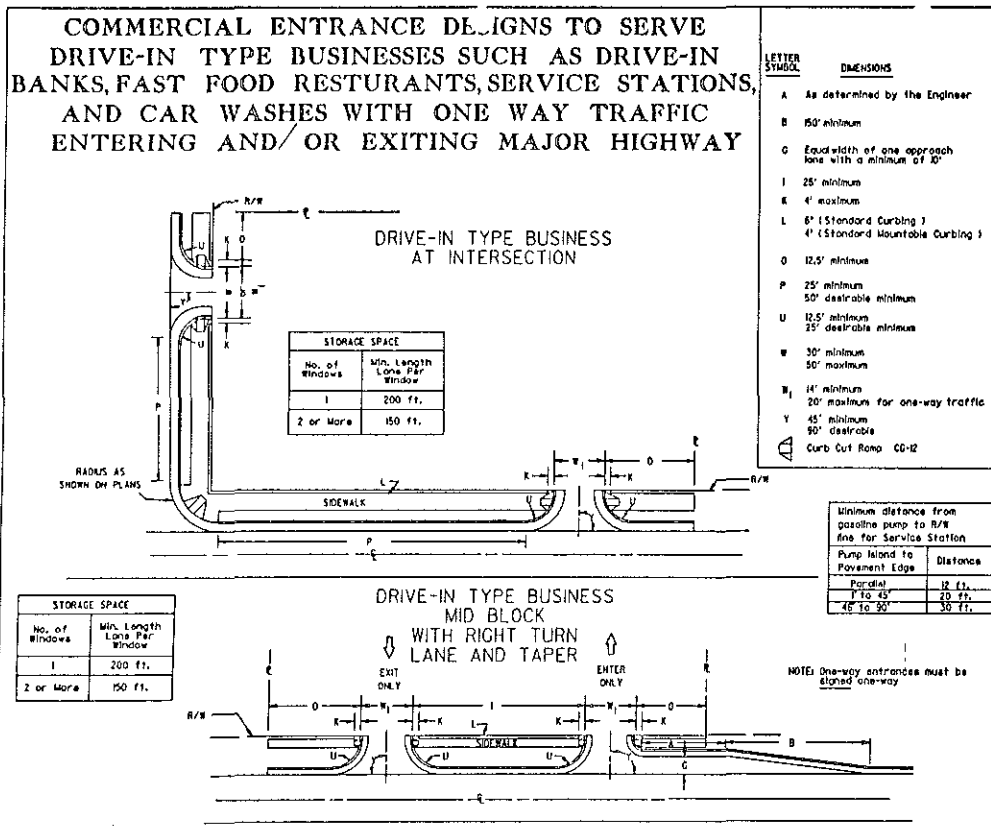
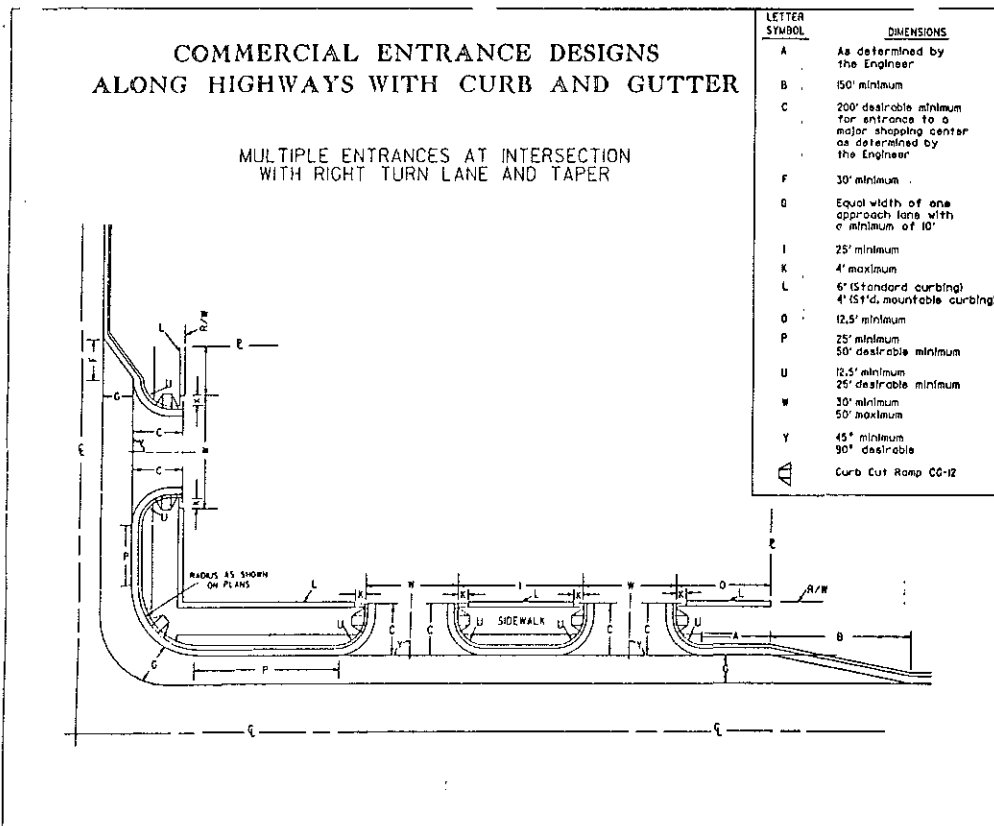
COMMERCIAL ENTRANCE DESIGNS ALONG HIGHWAYS WITH CURB AND GUTTER

MULTIPLE ENTRANCES WITH RIGHT TURN LANES AND TAPER FOR SHOPPING CENTER ENTRANCES



LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	150' minimum
C	200' desirable minimum for entrance to a major shopping center as determined by the Engineer
G	Equal width of one approach lane with a minimum of 10'
I ₁	4' minimum
K	4' maximum
L	6" (Standard curbing) 4" (Standard mountable curbing)
O	12.5' minimum
U	12.5' minimum 25' desirable minimum
W ₁	14' minimum 20' maximum for one-way traffic
Y	45' minimum 90' desirable
	Curb Cut Ramp CG-12

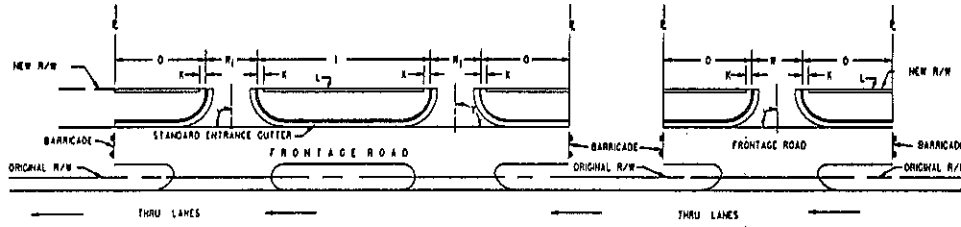
Final Regulations



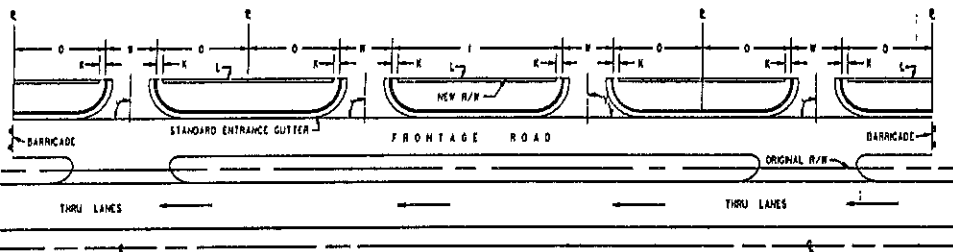
DEVELOPMENT OF FRONTAGE ROAD AND COMMERCIAL ENTRANCES SHOWING CONTROL OF ACCESS TO MAJOR HIGHWAY

LETTER SYMBOL	DIMENSIONS
I	25' minimum
K	4' minimum
L	8' (Standard Curbing) 4' (Standard Mountable Curbing)
O	12.5' minimum
W	30' minimum 50' maximum
Y	45' minimum 90' desirable

ROADSIDE PARTIALLY DEVELOPED



ROADSIDE DEVELOPED WITH CONTINUOUS FRONTAGE ROAD



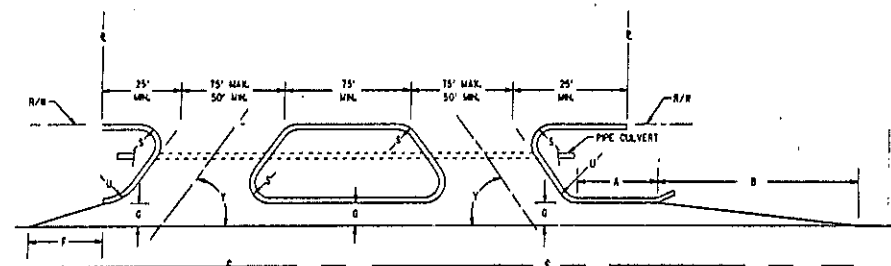
SPECIAL COMMERCIAL ENTRANCE DESIGN TRUCKING TERMINAL

LETTER SYMBOL	DIMENSIONS
A	As determined by the Engineer
B	80' minimum
F	30' minimum
C	Equal width of one approach lane with a minimum of 10'
S	12.5' maximum
U	12.5' minimum 25' desirable minimum
Y	45' minimum 90' desirable

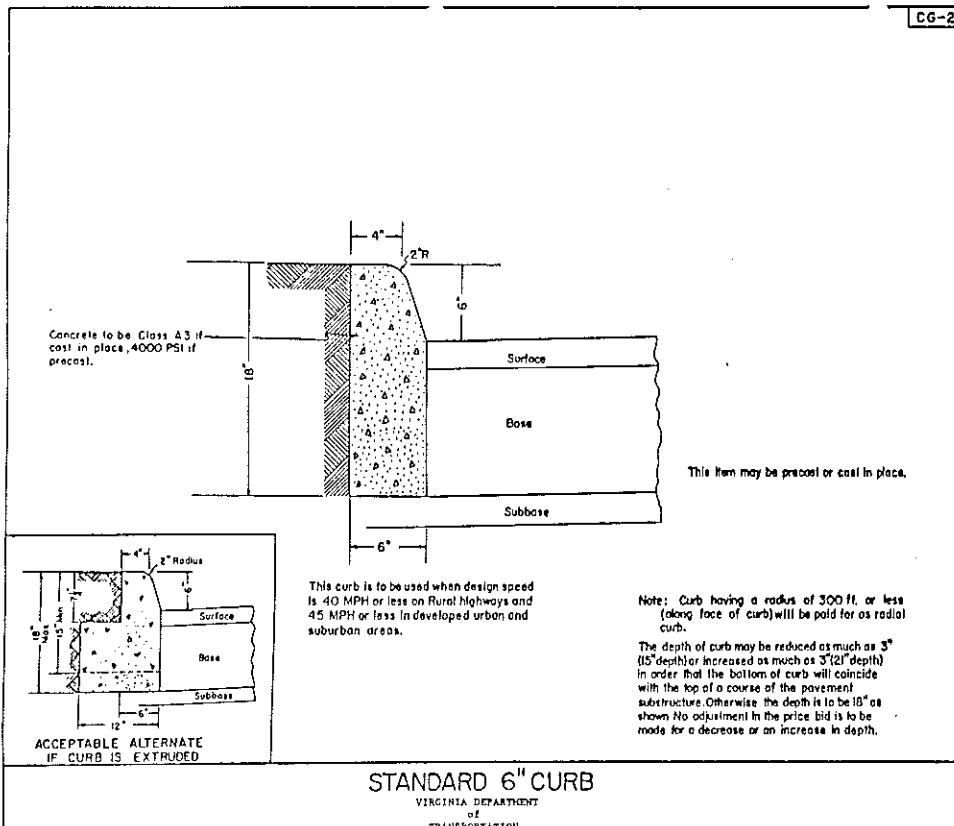
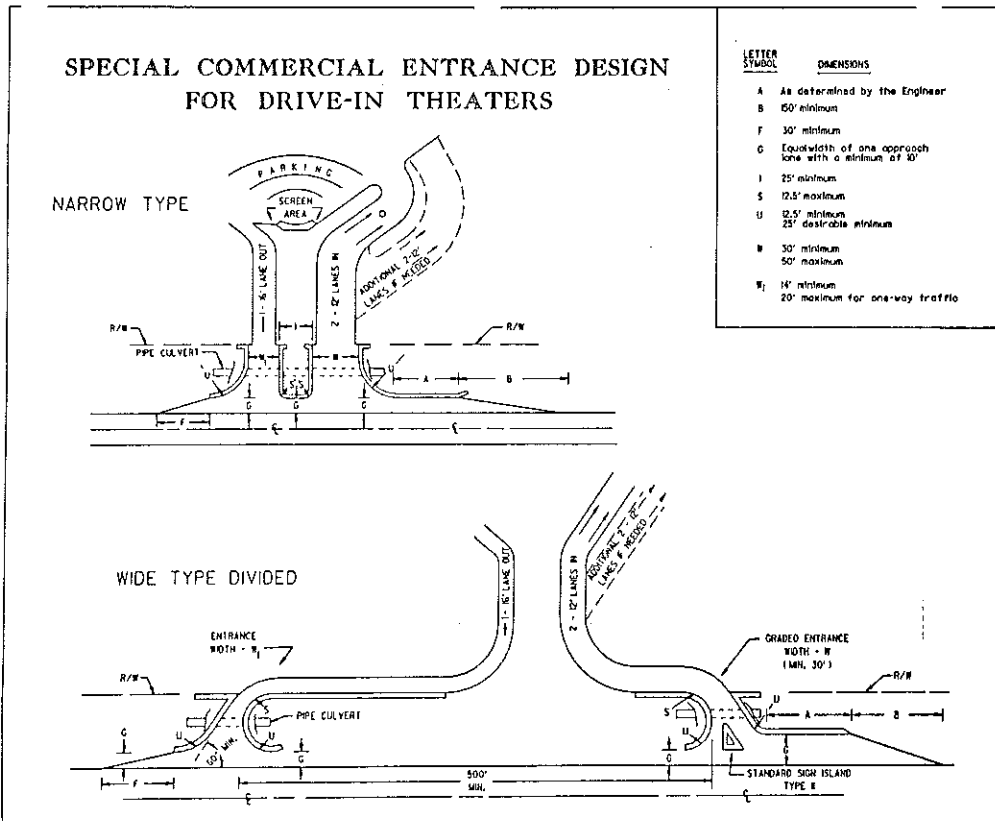
NOTE: MINIMUM DISTANCES FROM SINGLE PUMP ISLAND TO R/W LINE ARE AS FOLLOWS:

15' WHERE PUMP ISLANDS ARE PARALLEL TO PAVEMENT EDGE,
50' WHERE PUMP ISLANDS ARE PERPENDICULAR TO PAVEMENT EDGE.

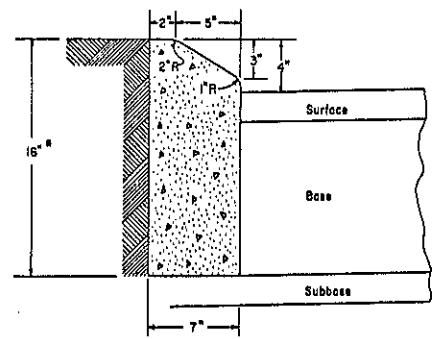
THE NEED FOR A RIGHT TURN LANE (A AND/OR TAPER) IS TO BE DETERMINED BY THE ENGINEER.
THE NEED FOR AN ACCELERATION LANE AND/OR TAPER IS TO BE DETERMINED BY THE ENGINEER.



Final Regulations



CG-3



When this standard is to be tied into existing barrier curb, the transition is to be made within 10' or the change in standards made of regular openings.

This curb shall be used when design speed is greater than 40 MPH on Rural highways and 45 MPH in developed Urban and Suburban areas.

NOTES

This item may be precast or cast in place.

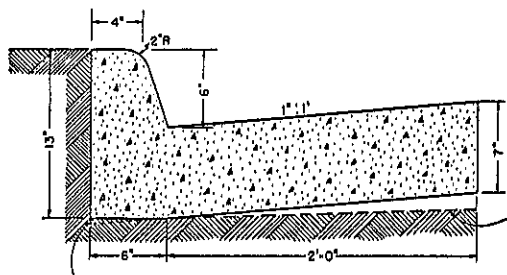
Concrete to be Class A3 if cast in place, 4000 PSI if precast.

Curb having a radius of 300 ft. or less (along face of curb) will be paid for as radiol curb.

* The depth of curb may be reduced as much as 3" (13" depth) or increased as much as 3" (19" depth) in order that the bottom of curb will coincide with the top of a course of the pavement substructure. Otherwise the depth is to be 16" as shown. No adjustment in the price bid is to be made for a decrease or an increase in depth.

STANDARD 4" CURB
VIRGINIA DEPARTMENT OF TRANSPORTATION

CG-6



This area may be concrete at the option of the contractor

This curb is to be used when design speed is 40 MPH or less on Rural highways and 45 MPH or less in developed urban & suburban areas.

The bottom of the curb and gutter may be constructed parallel to the slope of sub-surface courses provided a minimum depth of 7" is maintained.

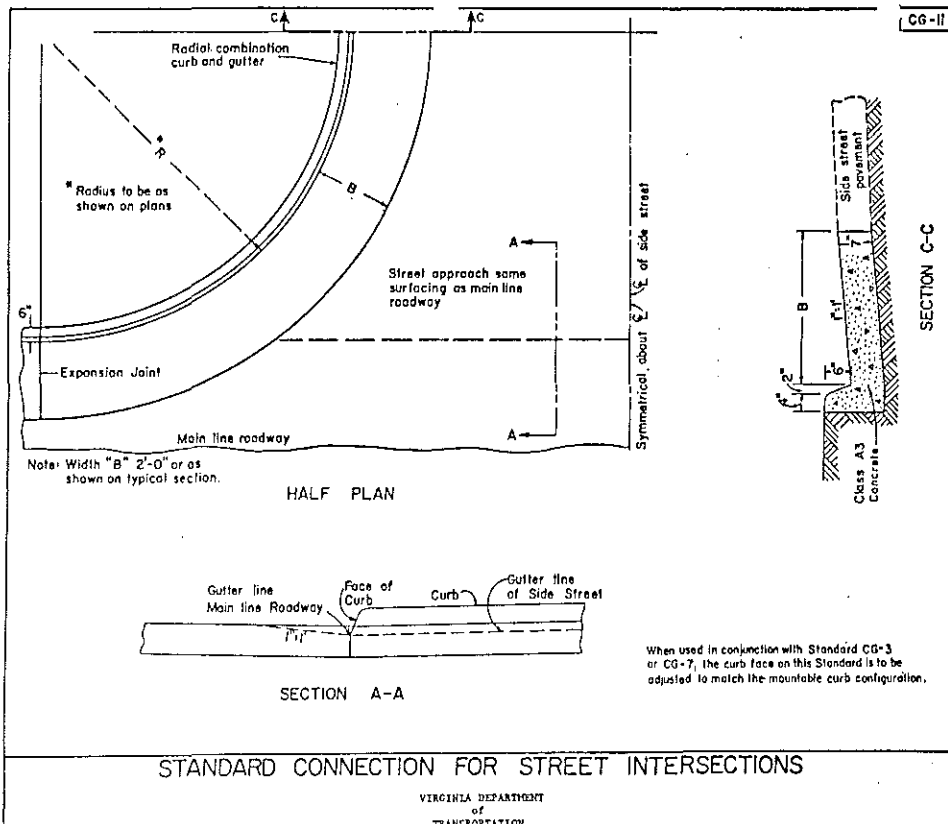
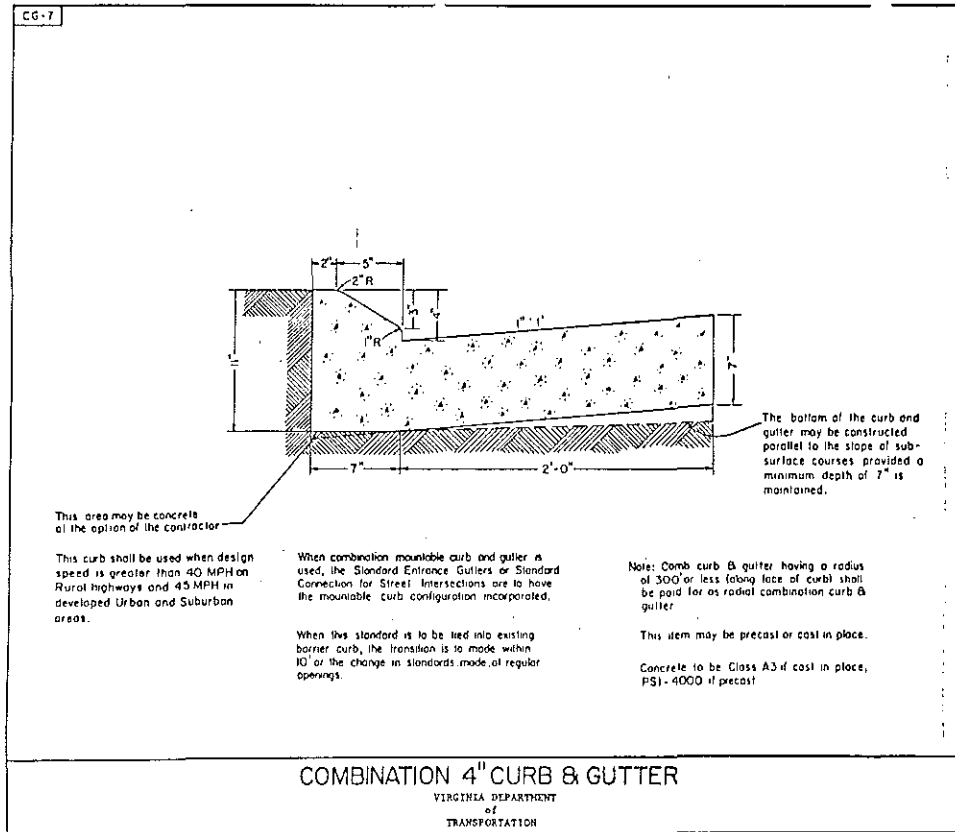
Note: Comb. curb & gutter having a radius of 300' or less (along face of curb) shall be paid for as radiol combination curb & gutter.

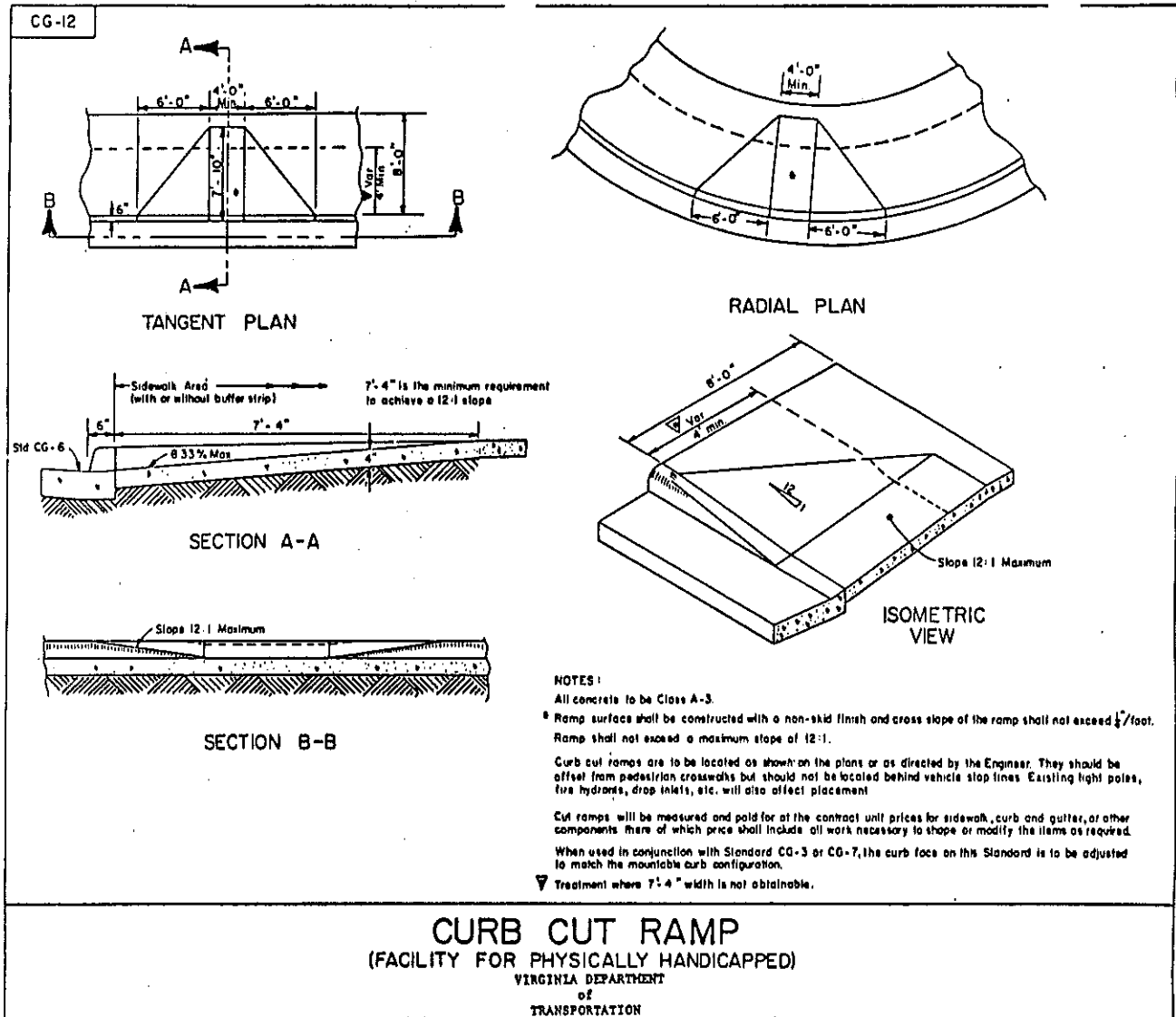
This item may be precast or cast in place.

Concrete to be Class A3 if cast in place, 4000 PSI if precast.

COMBINATION 6" CURB & GUTTER
VIRGINIA DEPARTMENT OF TRANSPORTATION

Final Regulations





FORM MP-253

ENTRANCE - PERMIT APPLICATION

COMMONWEALTH OF VIRGINIA

Land Use Permit Section

1401 East Broad St., Richmond, VA 23219

Phone (804) 786-4271

Date: _____

VDOT Official Use Only:

Designate Type of Entrance Permit

Commercial
Residential/NO FEE CHARGED
IF OWNER OCCUPANT

Permit No. _____

Permittee No. _____

Effective date _____

Expiration date _____

Fee- \$40 + \$5.00 per entranceway

Total Fee Due \$ _____

Ant. of Performance \$ _____

Authorized by _____

Title _____

APPLICANT

1. Name _____

Name

Address _____

City State Zip Code _____

Social Security Number or Tax ID Number _____

2. Phone Number _____

LOCATION

3. Locate and/or provide a drawing showing the exact location of your property in relation to the highway(s) to which you are requesting entrance access. The property fronts on Highway Route(s) _____

in the _____ County/ _____ City or _____ Town of _____

4. Design plans are attached? Yes No (Note: Four copies of design plans must be submitted with this application.)

LAND USE

5. Entrance will serve a Single Family Residence
Commercial Business
Temporary Entrance to vacant land (undeveloped) no buildings
Other; Describe _____

6. Have you applied for jurisdiction zoning and Land Use approvals from the county\ city/town where applicable? Yes No

BUSINESS INFORMATION (DO NOT COMPLETE BUSINESS SECTION IF SINGLE RESIDENCE.)

7. Describe the type of business operation to be engaged: _____

8. Size of land parcel being developed is _____ acres or _____ square feet.

9. Size of building(s) in square feet is _____ or _____ acres.

10. Size of parking lot is _____ acres or _____ square feet; number of parking spaces is _____

11. Number of business employees working at this facility is _____

12. Number of daily patrons to facility is projected to be _____

13. Total number of peak hour vehicles is projected to be _____ V.P.H./ Entrance No. 1
_____ V.P.H./ Entrance No. 2
_____ V.P.H./ Entrance No. 3
_____ V.P.H./ Entrance No. 4
_____ Total for "All"

GEOGRAPHICAL CONDITIONS AT POINT OF ENTRANCE - [Number 1]

14. The speed limit on the highway(s) to be entered is _____ M.P.H.

15. The "sight distances" to the left and to the right of the proposed entrance as will be observed by a seated automobile driver is as follows:
Right vision is _____ feet.
Left vision is _____ feet.

16. Can sight distances be improved? Yes No.
If "Yes", please explain methodology (ies) _____

17. The fronting highway is _____ divided _____ undivided.

18. If "divided", what is the location of the nearest "crossover" in each direction?

J. Does the fronting highway have curb and gutters? Yes No.

GEORGRAPHICAL CONDITIONS AT POINT OF ENTRANCE - Number 2

- 20. The speed limit on the highway(s) to be entered is _____ M.P.H.
- 21. The "sight distances" to the left and to the right of the proposed entrance as will be observed by a seated automobile driver is as follows:
 - Right vision is _____ feet.
 - Left vision is _____ feet.
- 22. Can sight distances be improved? Yes _____ No _____
If "Yes", please explain methodology (ies) _____
- 23. The fronting highway is _____ divided _____ undivided.
- 24. If "divided", what is the location of the nearest "crossover" in each direction?

- 25. Does the fronting highway have curb and gutters? Yes _____ No _____

GEORGRAPHICAL CONDITIONS AT POINT OF ENTRANCE - Number 3

- 26. The speed limit on the highway (s) to be entered is _____ M.P.H.
- 27. The "sight distances" to the left and to the right of the proposed entrance as will be observed by a seated automobile driver is as follows:
 - Right vision is _____ feet.
 - Left vision is _____ feet.
- 28. Can sight distances be improved? Yes _____ No _____
If "Yes", please explain methodology (ies) _____
- 29. The fronting highway is _____ divided _____ undivided.
- 30. If "divided", what is the location of the nearest "crossover" to each direction?

- 31. Does the fronting highway have curb and gutters? Yes _____ No _____

GEORGRAPHICAL CONDITIONS AT POINT OF ENTRANCE - Number 4

- 2. The speed limit on the highway (s) to be entered is _____ M.P.H.
- 33. The "sight distances" to the left and to the right of the proposed entrance as will be observed by a seated automobile driver is as follows:
 - Right vision is _____ feet.
 - Left vision is _____ feet.
- 34. Can sight distances be improved? Yes _____ No _____
If "Yes", please explain methodology (ies) _____
- 35. The fronting highway is _____ divided _____ undivided.
- 36. If "divided", what is the location of the nearest "crossover" in each direction?

- 37. Does the fronting highway have curb and gutters? Yes _____ No _____

Note: If more than four entrances are to be built provide same geographical information on an attached sheet and or a traffic impact study for the project.

CONSTRUCTION

- 38. Estimated cost of entrance construction is projected to be \$ _____
- 39. Signature of applicant or agent _____
All applicable items on this form must be completed before your request can be considered. Recheck information furnished to avoid delay.
Prepayment Required - Remittance payable to Virginia Department of Transportation
Total amount enclosed \$ _____ / _____ check / _____ cash / _____ money order

VDOT OFFICAL USE ONLY!

V.D.O.T. REVIEWER'S EVALUATION OF REQUEST

1. Permit recommended for approval? / Yes / No; If "Yes" specify length and diameter of pipe: / feet / inches.

If no, describe basic facts for decision

2. May be approved if design changes are made as follows:

3. If approved, the amount of Performance Bond required is \$

4. Name and title of reviewer at Residency

Date:

5. Approved /by District Traffic Engineer

Denied / Date:

6. Approved /by Resident Engineer

Denied / Date:

Additional Remarks:

NOTICE: A copy of this application with plans must be attached to each four part permit assembly to evidence the basis of permit evaluation.

EMERGENCY REGULATIONS

DEPARTMENT OF HEALTH (STATE BOARD OF)

ORDER OF THE STATE HEALTH COMMISSIONER

WHEREAS, the York County Public Works and Utilities Department experienced a major sewage spill into the York River on December 23, 1988; and

WHEREAS, the State Health Commissioner, with the Governor concurring, extended Shellfish Area Condemnation Number 40 pursuant to Virginia Code § 28.1-178 by emergency regulation establishing Shellfish Area Condemnation Number 40A effective December 30, 1988; and

WHEREAS, continued sampling of the area by the State Health Department has revealed that the bacteriological levels in that portion of the York River covered by Shellfish Area Condemnation Number 40A closed by that emergency regulation have been returned to acceptable levels for the harvesting of shellfish in accordance with the criteria of the National Shellfish Sanitation Program; and

WHEREAS, a public health emergency condition no longer exists in the York River area covered by Shellfish Area Condemnation Number 40A and the area may be reopened; therefore, be it

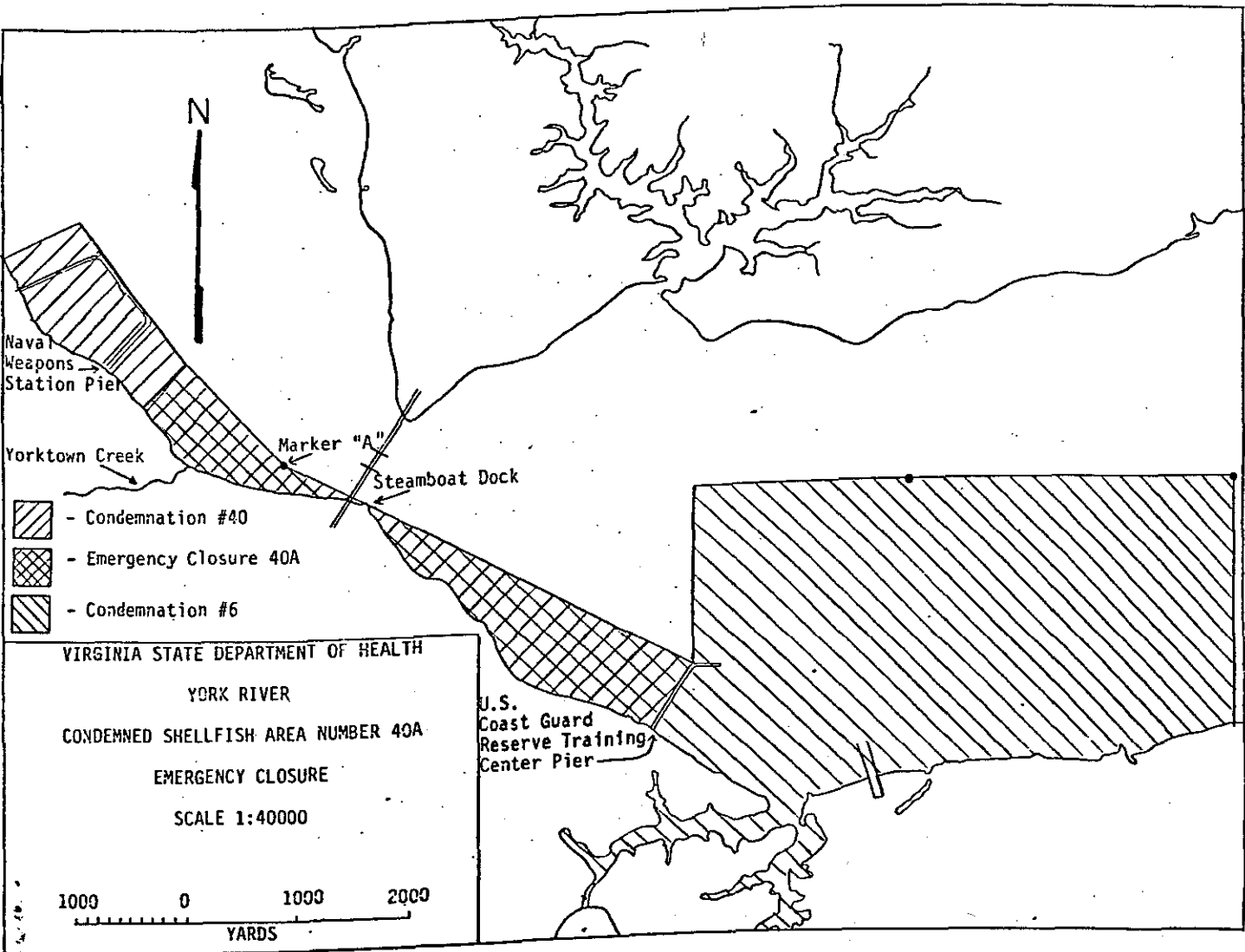
ORDERED that Shellfish Area Condemnation Number 40A is hereby rescinded immediately in accordance with § 28.1-178 and § 32.1-13 of the Code of Virginia and the boundary area previously closed by Shellfish Condemnation Number 40A, as shown on the attached map, is hereby reopened.

/s/ C. M. G. Buttery, M.D., M.P.H.
State Health Commissioner
Date: January 25, 1989

DRAFTED BY: /s/ Cloyde W. Wiley

Reviewed By: /s/ Eric H. Bartsch

APPROVED BY: /s/ Robert B. Stroube, M.D.



STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 31, 1989

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS890002

Ex Parte in re: Adoption of amended
supplemental report form pursuant to
Virginia Code § 38.2-1905.2 B.

ORDER ADOPTING SUPPLEMENTAL REPORT FORM

WHEREAS by order entered herein January 9, 1989, the Commission provided an opportunity for the Attorney General and insurers licensed in the Commonwealth to transact the business of property and casualty insurance to comment on a proposed supplemental report form for 1989 reporting purposes as required by Virginia Code § 38.2-1905.2 B;

WHEREAS, the Commission has reviewed the responses filed with the Clerk of the Commission by the Office of Attorney General and certain insurers,

IT IS ORDERED that the supplemental report form, which is attached hereto and made a part hereof be, and it is hereby, ADOPTED for filing with the Commission in accordance with Chapter 19 of Title 38.2 of the Code of Virginia on or before May 1, 1989.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Honorable Mary Sue Terry, Attorney General of Virginia, Division of Consumer Counsel, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; and Robert A. Miller, Deputy Commissioner, Bureau of Insurance who shall cause a copy of this order to be sent to each insurer licensed to transact the business of property and casualty insurance in the Commonwealth of Virginia.

**SUPPLEMENTAL REPORT REQUIRED BY VIRGINIA CODE SECTION 38.2-1905.2
FOR CERTAIN LINES OR SUBCLASSIFICATIONS OF LIABILITY INSURANCE**

BY ORDER OF THE STATE CORPORATION COMMISSION THIS REPORT IS DUE ON OR BEFORE MAY 1, 1989, AT THE STATE CORPORATION COMMISSION BUREAU OF INSURANCE, P. O. BOX 1157, RICHMOND, VIRGINIA 23209.

All insurers licensed to write the classes of insurance defined in Section 38.2-117 (Personal Injury Liability) and 38.2-118 (Property Damage Liability) shall file a report showing their direct experience in the Commonwealth attributable to the line or subclassification of liability insurance below which has been designated by the Commission in accordance with subsection B of Section 38.2-1905.1.

For the line or subclassification designated, provide the information requested:

Line or Subclassification _____ Insurer _____

Market Definition Number _____ NAIC# _____ (Each insurer must report separately, group reports are not permitted)

ESP Code(s) _____

	Calendar Year				
	1984	1985	1986	1987	1988
1. Number of policies written	_____	_____	_____	_____	_____
2. Direct premium written	_____	_____	_____	_____	_____
3. Direct premium earned	_____	_____	_____	_____	_____
4. Direct losses incurred	_____	_____	_____	_____	_____
A. Direct losses paid during the calendar year	_____	_____	_____	_____	_____
(1) for the current accident year	_____	_____	_____	_____	_____
(2) for prior accident years	_____	_____	_____	_____	_____
B. Reserves for reported losses at the end of the calendar year	_____	_____	_____	_____	_____
(1) for the current accident year	_____	_____	_____	_____	_____
(2) for prior accident years	_____	_____	_____	_____	_____
C. Reserves for reported losses at the end of the previous calendar year	_____	_____	_____	_____	_____
D. Reserves for incurred but not reported losses at the end of the calendar year	_____	_____	_____	_____	_____
(1) for the current accident year	_____	_____	_____	_____	_____
(2) for prior accident years	_____	_____	_____	_____	_____
E. Reserves for incurred but not reported losses at the end of the previous calendar year	_____	_____	_____	_____	_____

7. Accident year incurred losses
(A(1) + B(1) + D(1)) _____
6. Calendar year incurred losses
(A(1) + A(2) + B(1) + A(2) + C + D(1) + D(2) - E) _____
5. Number of claims closed with payment during the calendar year _____
6. Number of open claims at the end of the calendar year _____
7. Investment income allocated to this line or subclassification (in dollars) _____
8. Have you sought to write or obtain new business within this line or subclassification within the past year? Yes _____ No _____

Signed: _____ Title: _____

Telephone: _____ Print Name: _____

Date: _____

- Note: 1. All figures are to be reported in whole numbers or dollars. Do not include dollar signs, decimal points, or commas.
2. Losses exclude all loss adjustment expenses.
3. For item 1, policies written for other than a 12 month term should be adjusted to an annual basis.

Below is a listing of additional questions for specific market definitions which will be incorporated as part of the supplemental report.

Commercial Contractors Liability, Day Care Liability, Detective and Investigative Agencies Liability, Gas Companies Liability, Lawyers Professional Liability, Medical Professional Liability, Municipal Liability, Pest Control Liability, Products and Completed Operations Liability, Recreational Liability, School Divisions Liability, Security and Alarm Systems Installation Liability, Security Guards Liability, Sewage Treatment Plants Liability, Volunteer Fire Departments and Rescue Squads Liability and Water Treatment Plants Liability

9. A. Are rates for this line or subclassification filed on your behalf by a rate service organization?

Yes No

B. If yes, indicate:

1. Name of Organization: ISO AAIS

2. Edition date(s) of rates in use as of December 31, 1988 (indicate month and year) _____.

3. Applicable deviation in effect as of December 31, 1988 _____ (indicate whether deviation is downward or upward, using " - " or " + ").

4. What percentage of 1988 written premium is based on:

Rate Service Organization Rates	_____ %
Independent Rates	_____ %
Total	100%

10. A. Do you apply schedule, expense, experience, and/or package modifications to eligible risks?

1. Schedule	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Expense	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Experience	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. Package Modification	Yes <input type="checkbox"/>	No <input type="checkbox"/>

B. If yes, indicate:

1. The maximum schedule credits and/or debits allowed (+) _____ % to (-) _____ %

2. The maximum expense credits allowed (-) _____ %

3. The package modification factor _____ (show as a multiplier, such as .90, .85, or 1.00)

11. Please list (by class code) any specific subclassifications within this line that you generally decline to write:

Commercial Contractors Liability Products and Completed Operations Liability and Recreational Liability

11. Please list (by class code) any specific subclassifications within this line that you generally decline to write:

Day Care Liability

11. A. Do you provide day care liability coverage as a part of Homeowners policies?

Yes No

B. If so, what is the maximum number of children an insured may care for and remain eligible for this coverage?

_____ (please enter a specific number)

Municipal Liability

11. Do you generally exclude any of the following exposures when writing municipal liability?

Exposure	Generally Exclude?	
A. Dams	Yes <input type="checkbox"/>	No <input type="checkbox"/>
B. Gas Companies	Yes <input type="checkbox"/>	No <input type="checkbox"/>
C. Landfills	Yes <input type="checkbox"/>	No <input type="checkbox"/>
D. Law Enforcement	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E. Public Housing	Yes <input type="checkbox"/>	No <input type="checkbox"/>
F. School Divisions	Yes <input type="checkbox"/>	No <input type="checkbox"/>
G. Sewage Treatment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
H. Water Treatment	Yes <input type="checkbox"/>	No <input type="checkbox"/>

12. Please indicate whether you will generally write the following:
- A. Municipalities with populations of under 2,500.
Yes _____ No _____
 - B. Municipalities with populations of 2,501 - 10,000
Yes _____ No _____
 - C. Municipalities with populations of 10,000 - 25,000
Yes _____ No _____
 - D. Municipalities with populations of 25,001 - 50,000
Yes _____ No _____
 - E. Municipalities with populations of 50,001 - 100,000
Yes _____ No _____
 - F. Municipalities with populations of 100,001 - 250,000
Yes _____ No _____
 - G. Municipalities with populations over 250,000
Yes _____ No _____
13. Do you consider the bid process a deterrent to writing municipal business?
Yes _____ No _____
14. Do you consider the special broadenings of coverage often included in municipal specifications a deterrent to writing this business?
Yes _____ No _____

State Corporation Commission

* * * * *

AT RICHMOND, JANUARY 20, 1989

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC880042

Ex Parte, In Re: Investigation
of pricing methodologies for
intrastate access service

ORDER INITIATING INVESTIGATION AND SUSPENDING TARIFFS

By order of May 18, 1988, in Case No. PUC870012 the Commission concluded its generic investigation of the appropriate methodology to determine intrastate access service costs. In order to examine appropriate pricing concepts, the Commission has decided to open this docket and invite comments from those parties who had participated in the costing investigation.

The Commission's Final Order of May 18, 1988 had instructed any company desiring to change access rates to justify those changes "in a formal proceeding, based upon long-run incremental costs, contribution to common costs, value of service, competitive forces in the access service market, and any other factors we may find proper." No such proceeding has been filed. However, as a part of the Commission's adoption of an experimental regulatory plan for local telephone companies in Case No. PUC880035, three local exchange companies proposed that certain price reductions be passed on to their interexchange customers in addition to their local exchange customers. As yet, only two have filed tariffs reflecting such reductions. In order to permit this to happen in the context of a pricing investigation, the Commission will allow per line carrier common line access rates to be used on a temporary basis once tariff difficulties have been resolved. However, until that matter is resolved, the carrier common line tariffs proposed by C&P Telephone Company of Virginia and Central Telephone Company of Virginia are hereby suspended. This action does not constitute an endorsement of the rate structure reflected by a per line carrier common line access charge and does not in any way prejudice the outcome of a proper determination of access pricing for the carrier common line. There may be many other methods that can be used individually or in combination to properly reflect the Commission's pricing criteria for this service. Accordingly,

IT IS THEREFORE ORDERED:

(1) That this matter is hereby docketed and assigned Case No. PUC880042;

(2) That the Commission's Division of Communications conduct an informal conference with representatives of interested LECs and IXCs, the Division of Consumer Counsel, Office of the Attorney General, and other

interested parties to determine guidelines and a time sequence for the submission of written comments concerning access service pricing methodologies; and

(3) That the access service tariffs filed by C&P Telephone Company of Virginia and the Central Telephone Company of Virginia for implementation January 1, 1989 are hereby suspended.

ATTESTED COPIES hereof shall be sent to Virginia's local exchange telephone companies as set out in Appendix A; to Virginia's interexchange carriers as set out in Appendix B to the Department of Defense - Federal Executive Agencies, Dellon E. Coker, Esquire, Regulatory Law Office, U.S. Army, Legal Services Agency, JALS-RL 3509, 5611 Columbia Pike, Falls Church, Virginia 22041-5013; Richard D. Gary, Esquire, Hunton & Williams, P.O. Box 1535, Richmond, Virginia 23212; Office of the Attorney General, Division of Consumer Counsel, 101 North 8th Street, Richmond, Virginia 23219; to the Commission's Office of General Counsel; and to the Commission's Divisions of Communications, Accounting and Finance, Economic Research and Development.

STATE LOTTERY DEPARTMENT

STATE LOTTERY DEPARTMENT (LOTTERY BOARD)

/s/ Joan W. Smith

Registrar of Regulations

Date: February 8, 1989 - 11:12 a.m.

Title of Regulation: VR 447-02-1. Instant Game Regulations.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Effective Dates: February 8, 1989 through February 7, 1990.

Summary:

1. REQUEST: The Governor's approval is hereby requested to adopt the emergency regulations affecting the size of lottery prizes which may be redeemed at regional offices.

2. RECOMMENDATION: The State Lottery Department recommends approval of the Department's request to adopt emergency regulations to increase the size of the prize which may be redeemed at the seven regional offices from \$5,000 to \$25,000. The Governor's approval of this emergency regulation will allow the State Lottery Department to better serve the general public and conform its regulations to current practice. The department allows for the redemption of winning tickets in excess of \$5,000 at regional offices; therefore, the limit for payment has been raised to \$25,000 to accommodate the redemption of higher instant ticket prizes. As provided in the Code of Virginia, § 9-6.14:4.1 subsection C, paragraph 5, the agency shall receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

VR 447-02-1. Instant Game Regulations.

§ 3.28. Prizes of ~~\$5,000~~ \$25,000 or less.

Prizes of ~~\$5,000~~ \$25,000 or less may be claimed from any of the department's regional offices. Regional offices will pay prizes by check after tickets are validated and after any other applicable requirements contained in these regulations are met.

§ 3.29. Prizes of more than ~~\$5,000~~ \$25,000 .

Prizes of more than ~~\$5,000~~ \$25,000 and noncash prizes other than free lottery tickets may be claimed from the department's central office in Richmond. The central office will pay prizes by check, after tickets are validated and after any other applicable requirements contained in these regulations are met.

/s/ Kenneth W. Thorson, Director
State Lottery Department
Date: January 9, 1989

/s/ Gerald L. Baliles, Governor
Commonwealth of Virginia
Date: February 6, 1989

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF COMMERCE

Title of Regulation: **VR 190-05-1. Asbestos Licensing Regulations.**

Governor's Comment:

The purpose of this regulation is to protect the public's health and safety by ensuring that asbestos is properly removed by licensed contractors and workers. Pending public comment, I recommend approval of this regulation.

/s/ Gerald L. Baliles
Date: February 6, 1989

STATE WATER CONTROL BOARD

Title of Regulation: **VR 680-14-01. Virginia Pollutant Discharge Elimination System and Virginia Pollution Abatement Permit Program.**

Governor's Comment:

I approve the promulgation of those proposed changes in the State Water Control Board's permit regulations which are necessary to conform with federal requirements. However, in light of public comment, it is clear that the Board should reconsider its proposed amendment to the permit application process. I recommend the Board retain the current procedure until an alternative can be formulated which better satisfies the needs of all parties.

/s/ Gerald L. Baliles
Date: January 31, 1989

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AIR POLLUTION CONTROL (STATE AIR POLLUTION CONTROL BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Air Pollution Control Board intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution.** The purpose of the proposed action is to provide the latest edition of the referenced technical and scientific documents and to incorporate newly promulgated federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until March 2, 1989.

Contact: Nancy S. Saylor, Policy and Program Analyst, Division of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249 or SCATS 786-1249

ALCOHOLIC BEVERAGE CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Alcoholic Beverage Control Board intends to consider amending regulations entitled: **VR 125-01-01. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.** The purpose of the proposed action is to receive information from industry, the general public and licensees of the board concerning adopting, amending or repealing the board's regulations.

Statutory Authority: § 4-11 of the Code of Virginia.

Written comments may be submitted until March 22, 1989.

NOTICE TO THE PUBLIC

A. Pursuant to the Virginia Alcoholic Beverage Control Board's "Public Participation Guidelines For Adoption Or Amendment Of Regulations" (VR 125-01-1, Part V of the Regulations of the Virginia Alcoholic Beverage Control Board), the board will conduct a public meeting on May 25, 1989, at 10 a.m. in its Hearing Room, First Floor,

A.B.C. Board, Main Offices, 2901 Hermitage Road, City of Richmond, Virginia, to receive comments and suggestions. Any group or individual may file with the board a written petition for the adoption, amendment or repeal of any regulation. Any such petition shall contain the following information, if available.

1. Name of petitioner.
2. Petitioner's mailing address and telephone number.
3. Recommended adoption, amendment or repeal of specific regulation(s).
4. Why is change needed? What problem is it meant to address?
5. What is the anticipated effect of not making the change?
6. Estimated costs or savings to regulate entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended change? How affected?
8. Supporting documents.

The board may also consider any other request for regulatory change at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than March 22, 1989.

B. The board will also be appointing an Ad Hoc Advisory Panel consisting of persons on its General Mailing List who will be affected by or interested in the adoption, amendment or repeal of board regulations. This panel will study requests for a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such panel should notify the undersigned by March 22, 1989, requesting that their name be placed on the General Mailing List.

C. Applicable laws or regulation (authority to adopt regulations): §§ 4-11, 4-69, 4-69.2, 4-72.1, 4-98.14, 4-103 and 9-6.14:1 et seq., Virginia Code; VR 125-01-1, Part V, Board Regulations.

D. Entities affected: (1) all licensees (manufacturers, wholesalers, importers, retailers) and (2) the general public.

Contact: Robert N. Swinson, Secretary to the Board, P.O.

General Notices/Errata

Box 27491, Richmond, VA 23261, telephone (804) 367-0616 or SCATS 367-0616

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Adult Day Health Care**. The purpose of the proposed regulations is to regulate the provision of adult day health care services by enrolled providers for recipients in group settings.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written Comments may be submitted until 4:30 p.m. on February 28, 1989, to Charlotte Carnes, Manager, Medical Social Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Continuous Eligibility for Pregnant Women**. The purpose of the proposed regulation is to provide continuous Medicaid eligibility for their pregnancies' duration regardless of the woman's change in income.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m. on February 28, 1989, to Marsha Vandervall, Manager, Division of Medical Social Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Pharmacy Program Coverage**. The

purpose of the proposed action is to exempt from Medicaid coverage legend drugs prescribed for cosmetic purposes.

Statutory Authority: § 32.1-325. of the Code of Virginia.

Written comments may be submitted until 4:30 p.m. on March 13, 1989, to Mary Ann Johnson, Program Pharmacist, Division of Health Services Review, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider promulgating regulations entitled: **Respite Care Services**. The purpose of the proposed action is to regulate the provision of respite care services as reimbursed by the department.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m. on March 10, 1989, to Charlotte Carnes, Manager, Medical Social Services, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact : Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Board St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **VR 470-02-03. Rules and Regulations for the Licensure of Private Psychiatric Hospitals**. The purpose of the proposed action is to establish the minimum licensure requirements for psychiatric hospitals in order to protect the health and safety of clients in such facilities and to assure that they receive services that are appropriate to meet their identified needs.

Under the current definitions in the Code of Virginia (§ 37.1-179 et seq.), the Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible

for the licensure of facilities and institutions providing care or treatment to mentally ill, mentally retarded and substance abusing persons.

The above referenced regulations became effective on May 1, 1978, over 10 years ago. They have served as the basic licensure regulations for institutions such as psychiatric hospitals, mental hospitals, psychiatric centers, psychiatric institutes, psychiatric units in general hospitals, inpatient psychiatric units in community mental health centers, and other privately operated facilities serving persons requiring inpatient psychiatric care.

As part of an effort to revise and improve all of its licensure regulations, it is the intention of the department to repeal VR 470-02-03 Rules and Regulations for the Licensure of Private Psychiatric Hospitals and to promulgate a new regulation entitled VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities that will govern the licensure of psychiatric hospitals, including correctional psychiatric facilities, as well as hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings.

In VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities it is proposed that the term "psychiatric hospital" will include with certain exceptions any facility or institution whose primary function is to provide psychiatric diagnosis and treatment, including medical, nursing and related services, in an inpatient setting for two or more nonrelated mentally ill individuals, including hospitals known by varying nomenclature or designation such as sanatoriums; sanitariums; general, acute, short-term, and long-term hospitals; psychiatric institutes; and psychiatric units within general hospitals, community mental health centers, and correctional institutions.

It is proposed that the term "inpatient substance abuse facility" include any facility or institution or any identifiable component of any facility or institution whose primary function is to provide effective intervention for substance abuse by providing medical detoxification and by treating the medical and psychiatric complications of substance abuse through an organized medical and professional staff, with continuous nursing service at the hospital level of care, when such organized plan of substance abuse services can be separately identified.

VR 470-02-03 Rules and Regulations for the Licensure of Private Psychiatric Hospitals are comprised of the following issues which have impact on facilities subject to licensure:

Licensure procedure, rights of patients and residents, physical facility and safety, health and safety regulations, organization and management, psychiatric facility - general, psychiatric facility services,

rehabilitation service, personnel practices, medical staff, admissions, diagnosis and treatment, emergency services, nursing service, social work service, psychological service, religious service, laboratory service, radiology service, pharmacy, medical records, education programs, orientation and education, and dietary department.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia.

Written comments may be submitted until March 13, 1989.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3472 or SCATS 786-3472

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **VR 470-02-05. Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities.**

Under the current definitions in the Code of Virginia (§ 37.1-179 et seq.), the Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible for the licensure of facilities and institutions providing care or treatment to mentally ill, mentally retarded and substance abusing persons.

The above referenced regulations became effective on January 1, 1980. They have served as the basic licensure regulations for inpatient facilities, intermediate care facilities, subacute detoxification facilities, outpatient facilities, screening and referral facilities, transitional domiciliary facilities, and facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone, which serve adult persons addicted to the intemperate use of narcotic drugs, alcohol or other stimulants.

On February 24, 1988, the State Mental Health, Mental Retardation and Substance Abuse Services Board repealed the regulation VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities effective July 1, 1988, with respect to all types of substance treatment and rehabilitation facilities except hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings. Those latter inpatient substance abuse treatment and rehabilitation facilities continue to be licensed under VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities.

General Notices/Errata

As part of an effort to revise and improve all of its licensure regulations it is the intention of the department to repeal VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities and to promulgate a new regulation entitled VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities that will govern the licensure of psychiatric hospitals, including correctional psychiatric facilities, as well as hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings.

In VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities it is proposed that the term "psychiatric hospital" will include with certain exceptions any facility or institution or any identifiable component of any facility or institution whose primary function is to provide psychiatric diagnosis and treatment, including medical, nursing and related services, in an inpatient setting for two or more nonrelated mentally ill individuals, including hospitals known by varying nomenclature or designation such as sanatoriums; sanitariums; general, acute, short-term, and long-term hospitals; psychiatric hospitals; mental hospitals; psychiatric centers; psychiatric institutes; and psychiatric units within general hospitals, community mental health centers, and correctional institutions.

It is proposed that the term "inpatient substance abuse facility" include any facility or institution or any identifiable component of any facility or institution whose primary function is to provide effective intervention for substance abuse by providing medical detoxification and by treating the medical and psychiatric complications of substance abuse through an organized medical and professional staff, with continuous nursing service at the hospital level of care, when such organized plan of substance abuse services can be separately identified.

VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities are comprised of the following issues which have impact on substance abuse treatment and rehabilitation facilities subject to licensure:

Patient rights; health and safety; space usage; sanitary, health and special medical requirements; personnel practices; programs and services; requirements for treatment in inpatient, intermediate care, subacute detoxification and transitional domiciliary substance abuse treatment facility only; record keeping and accountability; organization and management; and methadone treatment facilities.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia.

Written comments may be submitted until March 13, 1989.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3472 or SCATS 786-3472

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider repealing regulations entitled: **VR 470-02-07. Rules and Regulations for the Licensure of Correctional Psychiatric Facilities.** The purpose of the proposed action is to establish the minimum licensure requirements for correctional psychiatric facilities hospitals in order to protect the health and safety of clients in such facilities and to assure that they receive services that are appropriate to meet their identified needs.

Under the current definitions in the Code of Virginia (§ 37.1-179 et seq.), the Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible for the licensure of facilities and institutions providing care or treatment to mentally ill, mentally retarded and substance abusing persons.

The above referenced regulations became effective on April 30, 1986. They have served as the basic licensure regulations for psychiatric hospital facilities operated by the Department of Corrections. In the regulations the term "facility" is defined as: ". . . the psychiatric unit of a correctional institution under the management and control of the Department of Corrections, devoted to the care and treatment of the mentally ill."

As part of an effort to revise and improve all of its licensure regulations, it is the intention of the department to repeal VR 470-02-07 Rules and Regulations for the Licensure of Correctional Psychiatric Facilities and to promulgate a new regulation VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities that will govern the licensure of psychiatric hospitals, including correctional psychiatric facilities, as well as hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings.

In VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities it is proposed that the term "psychiatric hospital" will include with certain exceptions any facility or institution or any identifiable component of any facility or institution whose primary function is to provide psychiatric diagnosis and treatment, including medical, nursing and related services, in an inpatient setting for two or more nonrelated mentally ill individuals, including hospitals known by varying nomenclature or designation such as sanatoriums; sanitariums; general, acute, short-term, and long-term hospitals; psychiatric hospitals;

mental hospitals; psychiatric centers; psychiatric institutes; and psychiatric units within general hospitals, community mental health centers, and correctional institutions.

It is proposed that the term "inpatient substance abuse facility" include any facility or institution or any identifiable component of any facility or institution whose primary function is to provide effective intervention for substance abuse by providing medical detoxification and by treating the medical and psychiatric complications of substance abuse through an organized medical and professional staff, with continuous nursing service at the hospital level of care, when such organized plan of substance abuse services can be separately identified.

VR 470-02-07 Rules and Regulations for the Licensure of Correctional Psychiatric Facilities are comprised of the following issues which have impact on facilities subject to licensure:

Licensure procedures, client rights, physical facility and safety, health and safety regulations, organization and management, psychiatric facility - general, psychiatric facility services, rehabilitation service, personnel practices, professional staff, admissions to psychiatric facility, diagnosis and treatment, emergency services, nursing service, social work service, psychological services, religious services, laboratory service, radiology services, pharmacy service, medical records, dietary department, and variances.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia.

Written comments may be submitted until March 13, 1989.

Contacts: Barry P. Craig, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3472 or SCATS 786-3472

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider promulgating regulations entitled: **VR 470-02-13. Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities.** The purpose of the proposed action is to establish the minimum licensure requirements for psychiatric hospitals and inpatient substance abuse treatment facilities in order to protect the health and safety of clients in such facilities and to assure that they receive services that are appropriate to meet their identified needs.

Under the current definitions in the Code of Virginia (§ 37.1-179 et seq.), the Department of Mental Health, Mental Retardation and Substance Abuse Services is responsible

for the licensure of facilities and institutions providing care or treatment to mentally ill, mentally retarded and substance abusing persons.

VR 470-02-03 Rules and Regulations for the Licensure of Private Psychiatric Hospitals became effective on May 1, 1978, over 10 years ago. They have served as the basic licensure regulations for institutions such as psychiatric hospitals, mental hospitals, psychiatric centers, psychiatric institutes, psychiatric units in general hospitals, inpatient psychiatric units in community mental health centers, and other privately operated facilities serving persons requiring inpatient psychiatric care.

On February 24, 1988, the State Mental Health, Mental Retardation and Substance Abuse Services Board repealed the regulation VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities effective July 1, 1988, with respect to all types of substance treatment and rehabilitation facilities except hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings. These latter inpatient substance abuse treatment and rehabilitation facilities continue to be licensed under VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities.

As part of an effort to revise and improve all of its licensure regulations, it is the intention of the department to repeal VR 470-02-03 Rules and Regulations for the Licensure of Private Psychiatric Hospitals and VR 470-02-05 Rules and Regulations for the Licensure of Substance Abuse Treatment and Rehabilitation Facilities and to promulgate a new regulation entitled VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities that will govern the licensure of psychiatric hospitals, including correctional psychiatric facilities, as well as hospital-based medical detoxification facilities, inpatient substance abuse facilities, and similar facilities providing detoxification, treatment or rehabilitation of drug addicts through the use of the controlled drug methadone in inpatient settings.

In VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities it is proposed that the term "psychiatric hospital" will include with certain exceptions any facility or institution or any identifiable component of any facility or institution whose primary function is to provide psychiatric diagnosis and treatment, including medical, nursing and related services, in an inpatient setting for two or more nonrelated mentally ill individuals, including hospitals known by varying nomenclature or designation such as sanatoriums; sanitariums; general, acute, short-term, and long-term hospitals; psychiatric hospitals; mental hospitals; psychiatric centers; psychiatric institutes; and psychiatric units within general hospitals, community mental health centers, and correctional institutions.

General Notices/Errata

It is proposed that the term "inpatient substance abuse facility" include any facility or institution or any identifiable component of any facility or institution whose primary function is to provide effective intervention for substance abuse by providing medical detoxification and by treating the medical and psychiatric complications of substance abuse through an organized medical and professional staff, with continuous nursing service at the hospital level of care, when such organized plan of substance abuse services can be separately identified.

VR 470-02-13 Rules and Regulations for the Licensure of Psychiatric Hospitals and Inpatient Substance Abuse Facilities will be comprised of the following general issues that will have impact on the facilities subject to licensure:

Licensure procedures, organization and administration, personnel, physical environment, programs and services, disaster and emergency plans, and methodone treatment.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia.

Written comments may be submitted until March 13, 1989.

Contact: Barry P. Craig, Director of Licensure, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, VA 23214, telephone (804) 786-3472 or SCATS 786-3472

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider amending regulations entitled: **Provision of Vocational Rehabilitation Services**. The purpose of the proposed action is to amend certain portions of the regulations to comply with new federal regulations and broaden the service capabilities of the department.

Statutory Authority: § 51.5-5 of the Code of Virginia.

Written comments may be submitted until April 28, 1989, to Charles H. Merritt, Assistant Commissioner, P.O. Box 11045, Richmond, VA 23230.

Contact: James L. Hunter, Board Administrator, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-6446, SCATS 367-6446, 1-800-552-5019 TDD/Voice or (804) 367-0280 TDD/Voice

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Social Services intends to consider amending regulations entitled: **The Virginia Energy Assistance Program**. The department is planning to utilize policies and procedures implemented in the 1988-89 Energy Assistance Program for the 1989-90 Energy Assistance Program. Based on problems identified in the 1988-89 program procedural modifications will occur. Regulatory requirements are contained in Title VI of the Human Services Reauthorization Act of 1984 (P. L. 98-558).

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until March 1, 1989, to Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699.

Contact: Charlene H. Chapman, Supervisor, Energy and Emergency Assistance Unit, Division of Benefits Programs, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9040 or SCATS 662-9040

COMMISSION ON VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (VASAP)

Notice of Intended Regulatory Action

Notice is hereby given that the Commission on Virginia Alcohol Safety Action Program (VASAP) intends to consider promulgating regulations entitled: **Commission on VASAP Policy and Procedure Regulations**. The purpose of the proposed action is to promulgate regulations and adopt the above-mentioned manuals pursuant to the Administrative Process Act, the Governor's E.O. No. 5(86) and the Virginia Register Act, conforming to the Procedure and Style Manual of the Virginia Code Commission.

Statutory Authority: § 18.2-271.2 of the Code of Virginia.

Written Comments may be submitted until March 1, 1989, to Kim Morris Executive Assistant, Commission on VASAP, 1001 East Broad Street, Box No. 28, Old City Hall Building, Richmond, VA 23219.

Contact: Kim Morris, Executive Assistant or Donald R. Henck, Ph.D, Executive Director, Commission on VASAP, 1001 E. Broad St., Old City Hall Bldg., Box No. 28, Richmond, VA 23219, telephone (804) 786-5895 or SCATS 786-5895

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider amending regulations entitled: **VR 672-10-1. Virginia Hazardous Waste Management Regulations.** The purpose of the proposed action is to update the Virginia regulations to include changes in the federal RCRA regulations contained in Parts 260 through 270, Title 40, Code of Federal Regulation.

Statutory Authority: Chapter 14 of Title 10.1 of the Code of Virginia.

Written comments may be submitted until March 1, 1989.

Contact: W. Gulevich, Director, Division of Technical Services, Department of Waste Management, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2975 or SCATS 225-3975

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Waste Management Board intends to consider promulgating regulations entitled: **Regulations for the Development of Waste Management Plans.** These regulations would establish standards and procedures pertaining to waste management planning in the Commonwealth, promote local and regional planning that provides for environmentally sound waste management and maximum utilization of valuable resources, and establish minimum requirements for local and regional waste management plans under § 10.1-1411 of the Code of Virginia.

The Department will form a technical advisory committee to help formulate the proposed regulations. Persons who have a desire to be a part of that committee should indicate their desire in their comments and discuss the personal resources and expertise they would bring to the committee if they were selected to be a member.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until March 27, 1989.

Contact: Robert G. Wickline, Director of R and D, DTS, Department of Waste Management, 11th Floor, Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2667 or SCATS 225-2667

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: **VR 680-14-01. Permit Regulation.** The purpose of the proposed action is to amend the Pretreatment Program sections of the Permit Regulation to conform with federal regulation amendments of October 17, 1988.

The proposed amendments have the potential to impact all permittees needing pretreatment programs. However, the impact of the amendments is expected to be minimal. The proposed action is authorized by the statute cited below and is governed by the State Water Control Law, the VR 680-14-01 - Permit Regulation, and § 403 of the Clean Water Act. For review or copies of material or applicable laws and regulations, contact Ms. Lavern Corkran, at the address below.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Written comments may be submitted until 4 p.m. on March 10, 1989.

Contact: Ms. Lavern Corkran, Office of Engineering Applications, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6313 or SCATS 367-6313

† 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: **VR 680-21-01.11. Chlorine Standard and Policy and VR 680-21-07.2. Outstanding State Resource Waters - Water Quality Standards.** The purpose of the proposed action is to consider adopting these emergency regulations as permanent amendments to the Water Quality Standards. The proposed regulations establish a statewide chlorine standard and policy and designate certain state waters as outstanding state resource waters. Further, the regulations prohibit the use of chlorine and other halogen compounds for disinfection by dischargers of more than 20,000 gallons per day to natural trout waters or waters containing endangered or threatened species.

Adoption of these regulations as permanent regulations of the agency will allow that State Water Control Board to continue to enforce these regulations for currently impacted dischargers as well as any new dischargers. The proposed action is authorized by the statute cited below and is governed by the State Water Control Law, the State Water Quality Standards, VR 690-14-01 - Permit Regulation, and § 303 of the Clean Water Act. For copies or review of material or applicable laws and regulations, contact Ms. Jean Gregory at the address below.

General Notices/Errata

Statutory Authority: § 62.1-44 of the Code of Virginia

Written comments may be submitted until 4 p.m. March 10, 1989.

Contact: Ms. Jean Gregory, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6985 or SCATS 367-6985

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 have any forms or you need additional forms, please contact: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

ERRATA

DEPARTMENT OF AIR POLLUTION CONTROL

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution.

Publication: 5:8 VA.R. 1127-1129 January 16, 1989

Correction to the Calendar of Events:

Page 1128, under Impact, item 2a, line 9, which reads "from no control to a slight variation from the EPA," had parts of two sentences omitted and should read "from no

regulation to some equal to or more stringent than the EPA limits. Thus, the baseline situation from which the various mills had to reduce in order to meet the EPA limits ranged from no control to a slight variation from the EPA" (material omitted is underlined).

Page 1128, under Impact, item 2a, line 21, "date" should be changed to "data."

BOARD FOR COSMETOLOGY

Title of Regulation: VR 235-01-02. Board for Cosmetology Regulations.

Publication: 5:9 VA.R. 1151 January 30, 1989

Correction to the Final Regulation:

§ 3.3 B reads as published: ~~4.2.2.3~~ Procedures to include both natural and artificial

It should read as follows: 4.2.2.3 Procedures to include both natural and artificial application

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Title of Regulation : VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations.

Publication: 5:7 VA.R. 896-906 January 2, 1989

Corrections to the Final Regulation:

Page 897, § 1.2 C 4 - last sentence should read: Applications for reexamination must be RECEIVED in . . .

Page 899, § 1.6 C 2 - add the word "and" between "filtration" and "disinfection." Should read: *sedimentation, filtration and disinfection*

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-41-01. Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells.

Publication: 5:7 VA.R. 892-894 January 2, 1989

Correction to the Final Regulation:

Page 892 in the second line of the first paragraph under § 1, Definitions, the word "meanings" should be changed to "meaning."

Page 893 in the first line of the first paragraph under § 2.5, Effective date of regulations, the word "proposed"

should be omitted.

Page 894 in the fifth line of subsection A of § 3.2, following the phrase "53 Fed. Reg. 4213 (1988)," the phrase "or any successor guidelines," should be inserted.

Page 894 following subsection B of § 3.2, the following subsection should be inserted as subsection C:

C. Any person applying for a permit to construct an onsite sewage disposal system to repair a failing onsite sewage disposal system shall not be charged a fee for filing the application.

The last subsection in § 3.2 should be changed from subsection C to subsection D.

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

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.

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

† May 17, 1989 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Room 204,
Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: VR 115-04-01. **Rules and Regulations for Enforcement of the Endangered Plant and Insect Species Act.** This amendment adds the following rare plant species as endangered under the Virginia Endangered Plant and Insect Species Act: Shale Barren Rock Cress, Arabis serotina; Mat-Forming Water-Hyssop, Bacopa stragula; Piratebush, Buckleya distichophylla; Variable Sedge, Carex polymorpha; Harper's Fimbristylis, Fimbristylis perpusilla; Virginia Sneezeweed, Helenium virginicum; Swamp-Pink, Helonias bullata; Long-Stalked Holly, Ilex collina; Peter's Mountain Mallow, Iliamna corei; Nestronia, Nestronia umbellula; Northeastern Bulrush, Scirpus ancistrochaetus; Virginia Spiraea, Spiraea virginiana.

STATEMENT

The Endangered Plant and Insect Species Act (EPISA) charges the Commissioner of the Virginia Department of Agriculture and Consumer Services (VDACS) with protecting threatened and endangered plant and insect species in the Commonwealth. These regulations amend the Rules and Regulations for Enforcement of the

Endangered Plant and Insect Species Act with the listing of 12 rare plant species as endangered. The 12 plant species and their current status in Virginia are:

1. Arabis serotina (shale barren rock cress) is currently found in only 12 locations, totalling 128 flowering plants, within a five county area in the mountains of Virginia. The U.S. Fish and Wildlife Service (USFWS) has A. serotina listed as proposed endangered under the U.S. Endangered Species Act.
2. Bacopa stragula (mat-forming water-hyssop) is currently found in 10 locations along relatively short stretches of three freshwater tidal rivers (Chickahominy, Mattaponi and Pamunkey) of the Virginia coastal plain. A total greater than 400 plants currently exists.
3. Buckleya distichophylla (piratebush) is currently found in six locations within a five county area of the mountains of Virginia. A single site in Roanoke County contains greater than 90% of all plants documented from the Commonwealth and is considered to be the largest single population of the species in the world.
4. Carex polymorpha (variable sedge) is currently found in four locations within a three county area of the mountains of Virginia. The total Virginia population is estimated at less than 20 acres in size.
5. Fimbristylis perpusilla (Harper's fimbristylis) is currently known from a single location within the coastal plain of Virginia. The species occupied only a few square meters in 1986.
6. Helenium virginicum (Virginia sneezeweed) is currently known to exist only in the mountains of Virginia. It is found at 14 locations within a two county area.
7. Helonias bullata (swamp pink) is currently found in 16 locations with all but one of the populations within a two county area in the Virginia mountains. The single disjunct population is located in the coastal plain. Swamp pink is currently listed as threatened by the USFWS.
8. Ilex collina (long stalked holly) is currently documented from seven populations in three counties in the mountains of Virginia. The total area covered by the species is less than 70 acres.
9. Iliamna corei (Peter's mountain mallow) is currently documented from only a single Virginia

Calendar of Events

mountain population in the world. It has been listed by the USFWS as endangered.

10. Nestronia umbellula (nestronia) is currently known from three locations within two counties of the Virginia piedmont. Of the three locations, only one flower and one fruit were noted in 1987.

11. Scirpus ancistrochaetus (Northeastern bulrush) is currently known from four locations within three counties of the Virginia mountains. The total coverage of the species is less than five acres.

12. Spiraea virginiana (Virginia spiraea) is currently documented from four populations in three counties in the mountains of Virginia. None of the populations cover more than a quarter mile of river habitat.

The regulation is adopted under § 3.1-1025 of the EPISA which empowers the Board of Agriculture and Consumer Services to adopt regulations to list endangered and threatened species. The listing of species makes it unlawful for any person other than the landowner, to dig, take, cut, process or otherwise collect, remove, transport, possess, sell, offer for sale or give any species listed under the regulations except as authorized by the Commissioner of VDACS. Also, legal endangered status would allow the Commissioner to more effectively carry out a conservation program for those listed endangered plant and insect species.

Statutory Authority: §§ 3.1-1020 through 3.1-1030 of the Code of Virginia.

Written comments may be submitted until April 27, 1989.

Contact: D. J. Schweitzer, Endangered Species Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-3516

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† **May 17, 1989 - 10 a.m.** -- Public Hearing
Washington Building, 1100 Bank Street, Room 204,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed action is to amend the regulation to exempt users of vehicle scales from the minimum net load restriction (50 scale divisions) of U.R.3.7. of the Scale Code, National Bureau of Standards Handbook 44, 1989 Edition.

STATEMENT

Statement of purpose: Users of vehicle scales shall be

exempted from the minimum net load restriction (50 scale divisions) of U.R.3.7. of the Scale Code, National Bureau of Standards Handbook 44, 1989 Edition.

Estimated impact: This regulation will have a positive effect on 1,130 users of vehicle scales. This amendment will not have any economic impact on the public or agency for its implementations. No additional funding for the agency will be necessary.

Explanation of need: Exempting the users of vehicle scales U.R.3.7. of the Scale Code. National Bureau of Standards Handbook 44, 1989 Edition is based on the following:

1. At the present time, the marketplace lacks suitable equipment to weigh bulky items with net weights of less than 1,000 pounds. Items of this type are usually seen in the recycling industry: they include aluminum siding, drink cans, stripped automobiles, and other similar objects.
2. The minimum net load requirement would have a negative impact on the recycling effort within the Commonwealth.
3. By enforcement of the net load requirement, recycling would become less lucrative, people would not be interested if there wasn't a profit. Items that are now recycled would end up in our landfills, placing added burdens on an already stressed resource.
4. If the net load requirement was enforced, additional handling of certain items would become necessary. This would slow down numerous transactions and create traffic flow Problems in commercial areas.
5. If the net load requirement is enforced, the scale user would have to make visual determinations of the size of a load. If the scale user decided that a load appeared to exceed 50d (scale divisions) and in determining the actual net weight after off loading the vehicle found his estimate incorrect, there would be no means to recapture the original materials.
6. The Weights and Measures Bureau would be unable to equally enforce the net load requirement.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until 5 p.m., April 28, 1989.

Contact: J. Alan Rogers, Bureau Chief, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-2476 or SCATS 786-2476

Calendar of Events

DEPARTMENT OF AIR POLLUTION CONTROL (STATE AIR POLLUTION CONTROL BOARD)

March 22, 1989 - 7:30 p.m. – Public Hearing
Dabney Lancaster Community College, Moomaw Student
Center, Seminar Room, Clifton Forge, Virginia

March 22, 1989 - 10 a.m. – Public Hearing
Town Council Chambers, Town Hall, 329 Sixth Street, West
Point, Virginia

March 22, 1989 - 2 p.m. – Public Hearing
Hopewell Circuit Court Room, Municipal Building, 300
North Main Street, Hopewell, Virginia

March 22, 1989 - 10 a.m. – Public Hearing
Franklin High School, 611 Crescent Drive, Auditorium,
Franklin, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the State Air Pollution
Control Board intends to amend regulations entitled:
**VR 120-01. Regulations for the Control and
Abatement of Air Pollution.** The regulation requires
the owner/operator to limit TRS emissions from the
kraft pulp mill to a level resultant from the use of
reasonably available control technology and necessary
for the protection of public welfare.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until March 22, 1989.

Contact: Robert A. Mann, Director, Division of Program
Development, Department of Air Pollution Control, P.O.
Box 10089, Richmond, VA 23240, telephone (804) 786-5789
or SCATS 786-5789

April 28, 1989 - 9 a.m. – Open Meeting
General Assembly Building, 9th and Broad Streets, Senate
Room A, Richmond, Virginia

A general meeting of the board.

Contact: Richard Stone, Public Information Officer,
Department of Air Pollution Control, P.O. Box 10089,
Richmond, VA 23240, telephone (804) 786-5478 or SCATS
786-5478

BOARD FOR BARBERS

February 27, 1989 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor,
Richmond, Virginia. ☒

A meeting to review (i) applications; (ii)
correspondence; (iii) enforcement cases; (iv)
regulations; and to (v) administer examinations.

Contact: Roberta L. Banning, Assistant Director,

Department of Commerce, 3600 W. Broad St., Richmond,
VA 23230-4917, telephone (804) or toll-free 1-800-552-3016
(VA only)

VIRGINIA BOATING ADVISORY BOARD

April 13, 1989 - 10:30 a.m. – Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond,
Virginia. ☒

A meeting to review and act on issues, legislation and
regulations affecting Virginia's recreational boating
public.

Contact: Wayland W. Rennie, Chairman, 8411 Patterson
Ave., Richmond, VA 23229, telephone (804) 740-7206

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

March 2, 1989 - 5:30 p.m. – Open Meeting
† **April 6, 1989 - 5:30 p.m.** – Open Meeting
Chesterfield County Administration Building, 10001
Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund
Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services
Coordinator, Chesterfield Fire Department, P. O. Box 40,
Chesterfield, VA 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL

† **March 9, 1989 - 9 a.m.** - Open Meeting
Koger Executive Center, West End, Blair Building,
Conference Rooms A & B, 8007 Discovery Drive,
Richmond, Virginia

A meeting to discuss issues, concerns, and programs
that impact licensed child care centers. The council
will also review public comment received about the
proposed child care center regulations. The
contingency snow date is March 17, 1989.

Contact: Arlene Kasper, Program Development Supervisor,
Division of Licensing Programs, Department of Social
Services, 8007 Discovery Dr., Richmond, VA 23229-8699,
telephone (804) 662-9034

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

March 10, 1989 - 8:30 a.m. – Open Meeting

Calendar of Events

Office of the Coordinator, Interdepartmental Licensure and Certification, 1603 Santa Rosa Drive, Tyler Building, Suite 210, Richmond, Virginia. ☒

Regularly scheduled meetings to consider such administrative and policy issues as may be presented to the committee.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124 or SCATS 662-7124

BOARD OF COMMERCE

† **March 23, 1989 - 11 a.m.** - Open Meeting
Department of Commerce, Travelers Building, 3600 West Broad Street, 5th floor Conference Room 1, Richmond, Virginia

An open business meeting of the board. The agenda may include (i) report of the director; (ii) discussion of occupational studies requested by the General Assembly, which may include estheticians, radon gas testers and mitigators, arborists; and (iii) subcommittee report on Examinations Study.

Contact : Susan C. Patton, Secretary to Board, 3600 W. Broad St., Travelers Bldg., 5th floor, Richmond, VA 23230, telephone (804) 367-8519, SCATS 367-8519 or toll-free 1-800-552-3016

BOARD FOR COMMERCIAL DRIVER TRAINING SCHOOLS

† **March 3, 1989 - 10 a.m.** - Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. ☒

An open board meeting to conduct (i) review of complaints; (ii) regulatory review; (iii) discussion of revenue and expenditures; and (iv) election of officers for the term ending September 30, 1989.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8534, SCATS 367-8534 or toll-free 1-800-552-3016

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Rappahannock Scenic River Advisory Board

† **March 7, 1989 - 7 a.m.** - Open Meeting
C. M. Bradley Elementary School, Warrenton, Virginia

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program Manager, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132 or SCATS 786-4132

BOARD FOR CONTRACTORS

April 19, 1989 - 9 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A quarterly meeting to (i) address policy and procedural issues, (ii) review and render decisions on applications for contractors' licenses, (iii) review staff recommendations for revisions to its rules and regulations, and (iv) review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a large portion of the board's business will be discussed in the executive session.

Contact: Laster G. Thompson, Jr., Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016

BOARD FOR COSMETOLOGY

† **March 20, 1989 - 9 a.m.** - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review correspondence; (ii) review applications; (iii) review enforcement cases; and (iv) consider routine board business.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

CRIMINAL JUSTICE SERVICES BOARD

Committee on Criminal Justice Information Systems

March 16, 1989 - 10 a.m. - Open Meeting
Ninth Street Office Building, 9th and Grace Streets, 6th Floor, Governor's Cabinet Conference Room, Richmond, Virginia. ☒

A meeting to discuss projects and business of the committee.

Contact: Paula J. Scott, Staff Executive, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

* * * * *

May 3, 1989 - 9 a.m. - Public Hearing

Calendar of Events

General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-2. Rules Relating to Compulsory In-Service Training Standards for Law-enforcement, Jailor or Custodial, Courtroom Security and Civil Process Officers and Officers of the Department of Corrections, Division of Adult Institutions.** These rules amend existing in-service training requirements for criminal justice officers and promulgate in-service training requirements for court security officers and process servers in accordance with the 1988 amendments to § 9-170 of the Code of Virginia.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000 or SCATS 786-4000

* * * * *

May 3, 1989 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-3. Compulsory Minimum Training Standards for Undercover Investigative Officers.** The purpose of the proposed amendments is to update and revise required training for law-enforcement personnel assigned duties as undercover investigating officer.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8730

* * * * *

May 3, 1989 - 9 a.m. - Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Criminal Justice Services Board intends to amend regulations entitled: **VR 240-01-5. Rules Relating to Compulsory Minimum Training Standards for Dispatchers.** The purpose of the proposed action is to update and state added requirements for compulsory minimum training

standards for dispatchers employed by or in local law-enforcement agencies or independent communication centers.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until April 13, 1989.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA, telephone (804) 786-8730

DANVILLE LOCAL EMERGENCY PLANNING COMMITTEE

† **March 16, 1989 - 3 p.m. - Open Meeting**
Municipal Building, 2nd Floor Conference Room, Danville, Virginia

Local Committee, SARA Title III. Hazardous Material Community Right-to-Know.

Contact: C. David Lampley, Chairman, 297 Bridge St., Danville, VA 24541, telephone (804) 799-5228

BOARD OF DENTISTRY

† **March 22, 1989 - 9 a.m. - Open Meeting**
1601 Rolling Hills Drive, Richmond, Virginia

The following committees will meet:

- 9 a.m. - Executive Committee
- 10 a.m. - Test Committee
- 11 a.m. - Budget Committee
- noon - Legislative Committee
- 1 p.m. - Informal Conference
- 5 p.m. - Full Board.

Contact: N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906

STATE BOARD OF EDUCATION

March 30, 1989 - 2 p.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 State Board of Education intends to amend regulations entitled: **VR 270-01-0006. Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia.** These amendments prescribe the scope of operational procedures and requirements, distribution of funds, driver requirements, body and chassis standards including

Calendar of Events

lift-gate buses, and requirements for activity vehicles.

Statutory Authority: §§ 22.1-16 and 22.1-176 of the Code of Virginia.

Written comments may be submitted until April 13, 1989.

Contact: R. A. Bynum, Associate Director, Public Transportation Service, Department of Education, P.O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2037

VIRGINIA FIRE SERVICES BOARD

† **March 2, 1989 - 7 p.m.** – Open Meeting
Shoney's Inn, 7007 West Broad Street, Richmond, Virginia.
☒

A special business meeting of the Virginia Fire Services Board.

March 3, 1989 - 9 a.m. – Open Meeting
Shoney's Inn, 7007 West Broad Street, Richmond, Virginia.
☒

A meeting to discuss fire training and fire policies which is open to the public for their input.

Fire/EMS Education and Training Committee

March 2, 1989 - 1 p.m. – Open Meeting
Shoney's Inn, 7007 West Broad Street, Richmond, Virginia.
☒

A meeting to discuss fire training and fire policeis which is open to the public for their input.

Fire Prevention and Control Committee

March 2, 1989 - 9 a.m. – Open Meeting
Shoney's Inn, 7007 West Broad Street, Richmond, Virginia.
☒

A meeting to discuss fire training and fire policies which is open to the public for their input.

Contact: Anne J. Bales, Executive Secretary Senior, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2681 or SCATS 225-2681

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† **February 28, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia

A formal administrative hearing and a general board meeting. Proposed regulations may be discussed.

NOTE: CHANGE OF MEETING DATE

April 24, 1989 - 9 a.m. – Open Meeting
Shoney's Inn of Richmond, 7007 West Broad Street, Richmond, Virginia. ☒

A general board meeting to consider certifying candidates for the May examination and to discuss proposed regulations.

Contact: Mark L. Forberg, Executive Secretary, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9907

BOARD OF GAME AND INLAND FISHERIES

† **March 15, 1989 - 1 p.m.** – Open Meeting
Department of Game and Inland Fisheries, 4010 West Broad Street, Richmond, Virginia

The following committees of the board will meet to discuss administrative and related matters as appropriate to each committee, which will be reported to the full board at its meetings, March 16-17, 1989.

Wildlife & Boat - 1:00 p.m.
Finance Committee - 4:00 p.m.
Law and Education - 4:30 p.m.

† **March 16, 1989 - 9:30 a.m.** – Public Hearing
† **March 17, 1989 - 9:30 a.m.** – Public Hearing
Holiday Inn - I-64 West End, 6531 W. Broad Street, Richmond, Virginia

The board will consider recommendations and proposals from the staff and public relative to changes in the hunting and trapping regulations of the board, for the 1989 and 1990 hunting seasons. This will involve season dates, bag limits, etc., on various species of game animals and game birds.

Contact: Norma G. Adams, Agency Regulatory Coordinator, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000, SCATS 367-1000, or toll-free 1-800-237-5712

DEPARTMENT OF GENERAL SERVICES

Art and Architectural Review Board

† **March 3, 1989 - 10 a.m.** – Open Meeting
Virginia Museum of Fine Arts, Main Conference Room, Richmond, Virginia

The board will advise the Director 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.

Contact: M. Stanley Krause, AIA, AICP, Rancorn, Wildman & Krause, Architects, P.O. Box 1817, Newport News, VA 23601, telephone (804) 867-8030

Calendar of Events

STATE HAZARDOUS MATERIALS EMERGENCY RESPONSE ADVISORY COUNCIL

Training Study Committee

March 8, 1989 - 10 a.m. - Open Meeting
Radisson Hotel, 555 East Canal Street, Richmond, Virginia

The meeting will focus on the formation of a permanent Hazardous Materials Training Committee to include membership, committee functions, and responsibilities.

Contact: Captain Lou Stark, Chairman, Newport News Fire Department, 2400 Washington Ave., Newport News, VA 23607, telephone (804) 247-8404

STATE BOARD OF HEALTH

† March 17, 1989 - 9 a.m. - Open Meeting
† May 22, 1989 - 9 a.m. - Open Meeting
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia

Regular meetings of the board.

Contact: Sarah H. Jenkins, Legislative Analyst/Secretary to the Board, Department of Health, Commissioner's Office, 109 Governor St., Room 400, Richmond, VA 23219, telephone (804) 786-3561 or SCATS 786-3561

DEPARTMENT OF HEALTH

March 3, 1989 - 10 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Health intends to adopt regulations entitled: **Regulations Governing Application Fees for Construction Permits for Onsite Sewage Disposal Systems and Private Wells.** These regulations establish application fees for an onsite sewage disposal system permit or a private well construction permit. Fee waiver and refund procedures are also established.

Statutory Authority: §§ 32.1-164 and 32.1-176.4 of the Code of Virginia.

Written comments may be submitted until 5 p.m., March 3, 1989.

Contact: Robert B. Stroube, M.D., M.P.H., Deputy Commissioner, Community Health Services, James Madison Bldg., 109 Governor St., Richmond, VA 23219, telephone (804) 786-3575

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

February 28, 1989 - 9:30 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Floor, Richmond, VA 23219, telephone (804) 786-6371 or SCATS 786-6371

STATE COUNCIL OF HIGHER EDUCATION

† March 1, 1989 - 9:30 a.m. - Open Meeting
Virginia State University, Petersburg, Virginia

A monthly council meeting. The agenda will be available on request.

Contact: Marla G. Richardson, 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2638

HOPEWELL INDUSTRIAL SAFETY COUNCIL

March 7, 1989 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided if requested)

Local Emergency Preparedness Committee Meeting on Emergency Preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298

COUNCIL ON HUMAN RIGHTS

March 9, 1989 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 18th Floor Conference Room, Richmond, Virginia. ☒

A monthly council meeting.

Contact: Alison Browne Parks, Administrative Staff Specialist, P.O. Box 717, Richmond, VA 23206, telephone (804) 225-2292, SCATS 225-2292 or toll-free 1-800-633-5510/TDD#1211 1/3

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DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

† **March 13, 1989 - 1:30 p.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☐

The board will meet to consider (i) variance request appeal: Avtex Fibers Front Royal, Inc., Front Royal, VA; (ii) request for a variance under the Boiler and Pressure Vessel Safety Act: Bunker Hill Foods, Bedford, VA; and (iii) amendment to Air Contaminants Standard, 1910.1000 Including Tables Z-1, Z-2 and Z-3.

Contact: Margaret T. Gravett, Staff Specialist, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-9877 or SCATS 786-9877

STATE LAND EVALUATION ADVISORY COUNCIL

March 27, 1989 - 10 a.m. – Open Meeting
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia

A meeting to discuss policy on use-value assessment of Christmas trees.

Contact: Otho C. W. Fraher, Director, Property Tax Division, Department of Taxation, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8020

COMMISSION ON LOCAL GOVERNMENT

March 20, 1989 - 9 a.m. – Open Meeting
Richmond, Virginia (Site to be determined)

A regular meeting of the Commission on Local Government to consider such matters as may be presented.

Contact: Barbara W. Bingham, Senior Executive Secretary, Room 901, Ninth Street Office Building, Richmond, VA 23219, telephone (804) 786-6508

LONGWOOD COLLEGE

Board of Visitors

March 15, 1989 - 11 a.m. – Open Meeting
Longwood College, Wygal Building, Farmville, Virginia

A meeting to conduct business pertaining to the governance of the institution.

Contact: William F. Dorrill, Longwood College, Farmville, VA 23901, telephone (804) 392-9211 or SCATS 265-4211

VIRGINIA MARINE PRODUCTS BOARD

† **March 15, 1989 - 5:30 p.m.** – Open Meeting
97 Main Street, Room 103, Newport News, Virginia

The board will meet to receive reports from the Executive Director of the Virginia Marine Products Board on (i) finance; (ii) marketing; (iii) past and future program planning; (iv) publicity/public relations; and (v) old/new business.

Contact: Shirley Estes Berg, Executive Director, 97 Main St., Room 103, Newport News, VA 23601, telephone (804) 594-7261 or SCATS 594-7261

LOCAL EMERGENCY PLANNING COMMITTEE FOR THE CITY OF MARTINSVILLE AND HENRY COUNTY

March 9, 1989 - 9:30 a.m. – Open Meeting
Henry County Administration Building, Collinsville, Virginia. ☐

An open meeting to discuss general business relating to SARA Title III.

Contact: Benny Summerlin, Public Safety Director, Henry County Administration Bldg., P.O. Box 7, Collinsville, VA 24078, telephone (703) 638-5311, ext. 256

BOARD OF MEDICAL ASSISTANCE SERVICES

† **March 14, 1989 - 5 p.m.** – Open Meeting
Radisson Hotel, Hampton, Virginia

A meeting for reorganization of policy, and legislative/public affairs subcommittees.

† **March 15, 1989 - 9 a.m.** – Open Meeting
Hampton University, Marine Science Building, Marshall Avenue, Hampton, Virginia

An open meeting to review 1989 legislation and budget amendments.

Contact: Jacqueline Fritz, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

April 13, 1989 – 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 Medical Assistance Services intends to amend regulations entitled: **VR 460-03-2.6150. Burial Exclusion.** The

Calendar of Events

amendment to this regulation proposes to incorporate the SSI burial set aside policy as modified by the General Assembly.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until April 13, 1989, to Marsha Vandervall, Manager, Division of Medical Social Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

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April 14, 1989 – 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 Medical Assistance Services intends to adopt regulations entitled: **VR 460-04-8.3. Lock-in/Lock-out Programs.** The Lock-in/Lock-out Programs provide medical management to recipients who have high utilization patterns of service.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until April 14, 1989, to Steven B. Riggs, D.D.S., Director, Division of Health Services Review, Department of Medical Assistance, 600 E. Broad St., Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

GOVERNOR'S ADVISORY BOARD ON MEDICARE AND MEDICAID

† **March 7, 1989 - 2 p.m.** – Open Meeting
Hyatt Hotel, I-64 and West Broad Street, Richmond, Virginia

An open meeting to review 1989 legislation and budget amendments.

Contact: Jacqueline Fritz, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958

BOARD OF MEDICINE

† **March 16, 1989 - 8 a.m.** – Open Meeting
† **March 17, 1989 - 8 a.m.** – Open Meeting

† **March 18, 1989 - 8 a.m.** – Open Meeting
Virginia Beach Resort and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia

A meeting to review reports, interview licensees and make decisions on discipline matters before the board on Thursday, Friday, Saturday afternoon and Sunday. At 8:15 a.m. on Saturday, March 18, 1989, the full board will meet in open session and conduct general board business and discuss any other items which may come before the board.

Chiropractic Examination Committee

† **March 2, 1989 - noon** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Dr., Surry Building, Board Room 1, Richmond, Virginia

A meeting to develop questions for the June 1989 chiropractic examination and discuss any other items which may come before this committee.

Advisory Board on Physical Therapy

† **March 17, 1989 - 9 a.m.** – Open Meeting
Virginia Beach Resort and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia

A meeting to conduct general board business and respond to correspondence. The advisory board will also discuss any other items which may come before them.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond, VA 23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **March 22, 1989 - 9:30 a.m.** – Open Meeting
Chesapeake Community Services Board, Chesapeake, Virginia

A regular monthly meeting. The agenda will be published on March 15 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Board Staff, State Mental Health, Mental Retardation and Substance Abuse Services Board, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3921

Prevention and Promotion Advisory Council

† **March 16, 1989 - 10 a.m.** - Open Meeting
James Madison Building, 8th Floor Conference Room, Richmond, Virginia

A meeting to consider implementation of a plan for

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prevention services, budget requests, status of prevention office and future direction of council.

Contact: Sue Geller or Hope Seward, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Prevention, Promotion and Library Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-1530

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **March 9, 1989 - 9 a.m.** – Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, N.W., Roanoke, Virginia. ☒ (Interpreter for deaf provided if requested)

Meeting of Virginia's Early Intervention Coordinating Council for Part H, PL 99-457 (VICC). The council is to advise and assist the DMHMRSAS as lead agency to administer Part H in the development and implementation of a statewide interagency multidisciplinary system of early intervention services for infants and toddlers who have disabilities.

Contact: Michael Fehl, Ed.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; UNIVERSITY OF VIRGINIA INSTITUTE OF LAW, PSYCHIATRY AND PUBLIC POLICY, DIVISION OF CONTINUING EDUCATION, OFFICE OF CONTINUING LEGAL EDUCATION AND OFFICE OF CONTINUING MEDICAL EDUCATION

March 16, 1989 - Time to be announced – Open Meeting
March 17, 1989 - Time to be announced – Open Meeting
The Williamsburg Hilton, Colonial Williamsburg, Virginia. ☒

Twelfth Annual Symposium on Mental Health and the Law.

An annual symposium addressing issues related to mental health and the law. 9 hours in Category 1 CME, .9 CEU and 9 CLE credits applied for.

Contact: Lynn Daidone, Administrator, Institute of Law, Psychiatry and Public Policy, Box 100, Blue Ridge Hospital, Charlottesville, VA 22901

VIRGINIA MILITARY INSTITUTE

Board of Visitors

April 1, 1989 - 8 a.m. – Open Meeting

The Virginia Military Institute, Smith Hall Board Room, Smith Hall, Lexington, Virginia. ☒

A regular Spring meeting of the VMI Board of Visitors to (i) discuss committee reports; (ii) visit academic departments; and (iii) adopt 1989-90 operating budget.

Contact: Colonel Edwin L. Dooley, Jr., Secretary, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206.

MILK COMMISSION

† **February 28, 1989 - 11 a.m.** – Public Hearing
State Capitol Building, House Room 2, Richmond, Virginia

The purpose of this hearing is to receive evidence and testimony relative to adjusting all Class I prices by amending Regulation No. 8 of the current Rules and Regulations or by adopting a temporary pricing ORDER. In accordance with § 3.1-437 of the Code of Virginia, the Commission shall be guided by all pertinent economic factors relevant to production, processing, and distribution of milk as they affect the public interest in maintaining an adequate supply of milk within Virginia.

All interested parties will be afforded an opportunity to be heard and to submit written proposals, objections, amendments, evidence and arguments. The Commission will allow examination of witnesses only by those persons who have reserved their right of examination by filing a written notification of intent with the Commission at 1015 Ninth Street Office Building, Richmond, Virginia 23219, by noon on Friday, February 24, 1989.

Contact: C. H. Coleman, Administrator, 1015 Ninth Street Office Bldg., 9th and Grace Sts., Richmond, VA 23219

DEPARTMENT OF MINES, MINERALS AND ENERGY (DIRECTOR OF DIVISION OF MINERAL MINING)

† **April 28, 1989 - 10 a.m.** – Public Hearing
Department of Mines, Minerals and Energy, Division of Mineral Mining, 7705 Timberlake Road, Lynchburg, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Director of the Division of Mineral Mining of the Department of Mines, Minerals and Energy intends to amend regulations entitled: **VR 480-05-1.2. Safety and Health Regulation for Mineral Mining.** The amended regulation governs safety and health of persons working in surface and underground noncoal mineral mines.

STATEMENT

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Basis: This regulation is promulgated under the authority of §§ 45.1-33 and 45.1-104 of the Code of Virginia. These sections provide for the adoption of safety and health regulations governing the mining of noncoal minerals in Virginia. On August 24, 1987, the Chief Mine Inspector delegated, by letter, his authority to adopt regulations governing noncoal mineral mining under the Code of Virginia, Title 45.1, Chapters 1 through 14, §§ 45.1-1 through 45.1-161, to the Director of the Division of Mineral Mining.

Purpose: This regulation is intended to provide for safe working conditions in surface and underground mineral (noncoal) mines in Virginia. The health and safety standards are to protect the life and health of mineral mining workers and to prevent industrial accidents at mineral mines. This proposed amendment deletes outdated sections of the regulation, amends sections to reflect changes in mining practices, reorganizes the regulation to place all standards for underground mines in one part for ease of understanding and use, and makes housekeeping changes to conform with changes in the Code of Virginia and an internal reorganization of the Department of Mines, Minerals and Energy.

Impact: As of December 1, 1988, there were 523 mineral mines located throughout the Commonwealth. Three are underground noncoal mines and 520 are surface mines. There are approximately 5,600 workers at these mines. These regulations affect every worker at these mines and the owners and operators of those businesses.

Statutory Authority: §§ 45.1-33 and 45.1-104 of the Code of Virginia.

Written comments may be submitted until April 28, 1989.

Contact: William O. Roller, Director, Division of Mineral Mining, P.O. Box 4499, Lynchburg, Va. 24502, telephone (804) 239-0602 or SCATS 947-2169

COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG LOCAL EMERGENCY PLANNING COMMITTEE

† **March 14, 1989 - 3 p.m.** – Open Meeting
Montgomery County Courthouse, 3rd Floor, Board of Supervisors Room, Christiansburg, Virginia

A development of a Hazardous Materials Emergency Response Plan for Montgomery County and the Town of Blacksburg.

Contact: Steve Via, New River Valley Planning District Commission, P.O. Box 3726, Radford, VA 24143, telephone (703) 639-9313 or SCATS 676-4012

VIRGINIA MUSEUM OF FINE ARTS

Building and Grounds Committee

† **February 27, 1989 - 2 p.m.** – Open Meeting
Virginia Museum of Fine Arts, The Payne Room, Members' Dining Room, Boulevard and Grove Avenue, Richmond, Virginia. ☒

Review of spatial study of physical plant, in progress.

Education in the Arts Committee

† **March 2, 1989 - 2 p.m.** – Open Meeting
Virginia Museum of Fine Arts, The Payne Room, Members' Dining Room, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A meeting to review policies governing Education in the Arts Committee, preparatory to award of grants at annual meeting of the Committee in May.

Full Planning Committee

† **March 1, 1989 - 2 p.m.** – Open Meeting
Virginia Museum of Fine Arts, Library Reading Room, Boulevard and Grove Avenue, Richmond, Virginia. ☒

A meeting to consider a long-range plan for programs.

Contact: Emily C. Robertson, Secretary of the Museum, Virginia Museum, Boulevard and Grove Ave., Richmond, VA 23221-2466, telephone (804) 367-0553

BOARD OF NURSING

February 28, 1989 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A formal hearing will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

† **March 3, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, Conference Room 1, 1601 Rolling Hills Drive, Richmond, Virginia

Three formal hearings will be held to inquire into allegations that certain laws and regulations governing the practice of nursing in Virginia may have been violated.

† **March 27, 1989 - 9 a.m.** – Open Meeting
† **March 28, 1989 - 9 a.m.** – Open Meeting
† **March 29, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Hills Drive, Richmond, Virginia

A regular meeting of the Board of Nursing to consider (i) matters related to nursing education programs; (ii) discipline of licensees; (iii) licensing by examination and endorsement; and (iv) other matters under the jurisdiction of the board.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or toll-free 1-800-533-1560

JOINT BOARDS OF NURSING AND MEDICINE

† **April 14, 1989 - 1:30 p.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia

A regular meeting to consider matters related to the Regulation of Nurse Practitioners in the Commonwealth.

Contact: Corinne F. Dorsey, R.N., Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or toll-free 1-800-533-1560

BOARD OF NURSING HOME ADMINISTRATORS

March 9, 1989 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

Board examinations will be held at Embassy Suites, 2925 Emerywood Parkway. A regular board meeting will begin at 9 a.m. at the State Board Office.

Contact: Mark L. Forberg, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5001, telephone (804) 662-9111

BOARD FOR OPTICIANS

† **March 9, 1989 - 9 a.m.** – Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review enforcement cases; (ii) review correspondence; (iii) review applications; (iv) discuss December examination; and (v) review regulations

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

PRINCE WILLIAM COUNTY, MANASSAS CITY, AND MANASSAS PARK CITY LOCAL EMERGENCY PLANNING COMMITTEE

March 3, 1989 - 2 p.m. – Open Meeting
March 17, 1989 - 2 p.m. – Open Meeting
March 31, 1989 - 2 p.m. – Open Meeting
† **April 14, 1989 - 2 p.m.** – Open Meeting
† **April 28, 1989 - 2 p.m.** – Open Meeting
1 County Complex Court, Prince William, Virginia. ☒

Local Emergency Planning Committee to discharge the provisions of SARA Title III.

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, VA 22192-9201, telephone (703) 335-6800

BOARD OF PSYCHOLOGY

† **March 2, 1989 - 9 a.m.** – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) discuss possible revisions to the regulations governing technical assistance and residency requirements for applicants from out-of-state; (iii) finalize the state examination for licensure; and (iv) review applications for licensure, residency, and registration as technical assistants.

Contact: Stephanie A. Sivert, Executive Director, Board of Psychology, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9913

POLYGRAPH EXAMINERS ADVISORY BOARD

† **March 16, 1989 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Conference Room 2, Richmond, Virginia. ☒

The board will meet for the purpose of administering the Polygraph Examiners Licensing Examination to eligible Polygraph Examiner Interns and to conduct other board business.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534, toll-free 1-800-552-3016 or SCATS 367-8534

REAL ESTATE BOARD

† **April 14, 1989 - 10 a.m.** – Open Meeting
Old Board Chambers, 9250 Lee Avenue, Manassas, Virginia

The Real Estate Board will meet to conduct a formal

Calendar of Events

administrative hearing: Real Estate Board v. Michael B. Dispennett.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23220, telephone (804) 367-8524

VIRGINIA SMALL BUSINESS ADVISORY BOARD

† **February 28, 1989 - 10 a.m.** – Open Meeting
1000 Washington Building, Audio-Visual Room, 9th Floor, Richmond, Virginia. ☒

A meeting to review member activities and receive a briefing on the programs and services of the Office of Small Business and Financial Services.

Contact: Mary Elsesser, Virginia Department of Economic Development, Office of Small Business, 1000 Washington Bldg., Richmond, VA 23219, telephone (804) 786-3791

STATE BOARD OF SOCIAL SERVICES

† **March 15, 1989 - 2 p.m.** – Open Meeting
Tysons Westpark Hotel, 8401 Westpark Drive, McLean, Virginia. ☒

A work session and formal business.

If necessary, the board will also meet March 16, 1989, at 9 a.m.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9236 or SCATS 622-9236

REFORESTATION OF TIMBERLANDS BOARD

† **March 9, 1989 - 10 a.m.** – Open Meeting
Heritage House Restaurant, Route 15, 1/4 mile North of Route 460 Bypass, Farmville, Virginia. ☒

Semi-annual meeting of board to review accomplishments and budget.

Contact: James D. Starr, Assistant Chief, Forest Management, Department of Forestry, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555 or SCATS 487-1230

COMMONWEALTH TRANSPORTATION BOARD

March 16, 1989 - 10 a.m. – Open Meeting
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A monthly meeting 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., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-9950

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

† **March 21, 1989 - 7:30 p.m.** – Public Hearing
Department of Transportation, 1221 East Broad Street, Main Hall, Auditorium, Richmond, Virginia. ☒

A public hearing on 1988 update of the State Rail Plan.

Contact: Billy D. Ketron, Department of Transportation, 1221 E. Broad St., Richmond, VA 23219, telephone (804) 786-1065

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April 20, 1989 - 2:00 p.m. – Public Hearing
Virginia Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to amend regulations entitled: **VR 385-01-12. Hauling Permit Travel Regulations.** The proposed regulation establishes guidelines relating to the operation of vehicles over the highways of Virginia with loads that, when reduced to their smallest dimensions, exceed the maximum legal size and weight established by the Code of Virginia.

Statutory Authority: §§ 33.1-12(3) and 46.1-343 of the Code of Virginia.

Written comments may be submitted until April 20, 1989, to C. O. Leigh, Department of Transportation, 1401 East Broad Street, Richmond, Virginia 23219.

Contact: R. M. Ketner, III, Permit and Truck Weight Manager, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2810 or SCATS 786-2810

State Rail Advisory Committee

† **March 21, 1989 - 1:30 p.m.** – Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, East Room, Richmond, Virginia. ☒

Review of draft 1988 update of the State Rail Plan and discussion of proposed work program for 1989

Calendar of Events

State Rail Planning activities.

Contact: Billy D. Ketron, Department of Transportation, 1221 E. Broad St., Richmond, VA 23219, telephone (804) 786-1065

VIRGINIA BOARD FOR THE VISUALLY HANDICAPPED

March 1, 1989 - 11 a.m. - Open Meeting
397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to review policies and procedures of the Virginia Department for the Visually Handicapped. The board reviews and approves the department's budget and operating plan.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

April 22, 1989 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

† **February 28, 1989 - 1:30 p.m. - Open Meeting**
† **March 28, 1989 - 1:30 p.m. - Open Meeting**
† **April 25, 1989 - 1:30 p.m. - Open Meeting**
† **May 23, 1989 - 1:30 p.m. - Open Meeting**
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. ☒

A regular monthly meeting to facilitate the timely delivery of appropriate services to handicapped children and youth in Virginia.

Contact: Glen R. Slonneger, Jr., Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140

VIRGINIA VOLUNTARY FORMULARY BOARD

March 24, 1989 - 10 a.m. - Public Hearing
James Madison Building, Main Floor Conference Room, 109 Governor Street, Richmond, Virginia

The Virginia Voluntary Formulary Board will hold a public hearing on this date. The purpose of this hearing is to consider the proposed adoption and issuance of a revised Virginia Voluntary Formulary. The proposed revision to the Formulary adds and deletes drugs and drug products to the Formulary that became effective on November 15, 1988.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia. Written comments sent to the above address and received prior to 5 p.m. on March 24 will be made a part of the hearing record and considered by the board.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-4326 or SCATS 786-3596

STATE WATER CONTROL BOARD

February 27, 1989 - 2:30 p.m. - Public Hearing
NOTE: CHANGE OF MEETING TIME
Harrisonburg City Council Chambers, 345 South Main Street, Harrisonburg, Virginia

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: **VR 680-16-14. Potomac-Shenandoah River Basin Water Quality Management Plan.** The purpose of the proposed amendment is to revise the five-day biochemical oxygen demand loading requirements for North River at the Harrisonburg-Rockingham Regional Sewer Authority sewage treatment plant.

Statutory Authority: § 62.1-44.15(3) of the Code of Virginia.

Written comments may be submitted until 4 p.m., March 17, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Charles T. Mizell, Water Resources Development Supervisor, State Water Control Board, Valley Regional Office, P.O. Box 268, Bridgewater, VA 22812, telephone (703) 828-2595 or SCATS 332-7879

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February 27, 1989 - 10:30 a.m. - Public Hearing
Warm Springs Courthouse, Courthouse Road, Conference Room, Warm Springs, Virginia

Calendar of Events

Notice is hereby given that the public hearing scheduled for 2 p.m. on Monday, January 9, 1989, regarding a proposed amendment to the Water Quality Standards to reclassify Hot Springs Run to mountainous zone waters has been rescheduled.

Comments on the proposed reclassification of Hot Springs Run will now be accepted until 4 p.m. on Friday, March 3, 1989. Comments should be sent to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230, telephone (804) 367-6829.

Contact: Eleanore Moll, Environmental Program Planner, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6418

February 28, 1989 - 7:30 p.m. – Public Hearing
Central High School Gymnasium, Susan Avenue, Woodstock, Virginia

A public hearing to receive comments on the proposed modification of a Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0077402 issued to Rocco Farm Foods, Inc. The purpose of the hearing is to receive comments on the proposed modification of the permit, the issuance or denial of the permit modification, and the effect of the discharge on water quality or beneficial uses of state waters.

† **March 13, 1989 - 7 p.m. – Public Hearing**
Town of Ashland Council Chambers, Municipal Building, Hanover and Thompson Streets, Ashland, Virginia

A public hearing to receive comments on the proposed issuance of a Virginia Pollutant Discharge Elimination System (VPDES) Permit issued for the Town of Ashland's STP.

† **March 14, 1989 - 7 p.m. – Public Hearing**
Airfield 4-H Center Auditorium, Route 1, Box 484, Wakefield, Virginia

A public hearing to receive comments on the issuance or denial of the following proposed VPA permit for Smithfield-Carrolls Farms:

VPA00504 Farm Nos. 16, 17 Surry Co.
VPA00505 Farm Nos. 13, 14 Sussex Co.
VPA00507 Farm Nos. 18, 19 & 20 Sussex Co.
VPA00508 Farm Nos. 9, 10 & 21 Surry Co.

March 20, 1989 - 9 a.m. – Open Meeting
March 21, 1989 - 9 a.m. – Open Meeting
General Assembly Building, Senate Room B, Ninth and Broad Streets, Richmond, Virginia. ☐

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board,

Office of Policy Analysis, P.O. Box 11143, 2111 N. Hamilton St., Richmond, VA 23230, telephone (804) 367-6829

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

† **March 22, 1989 - 9 a.m. – Open Meeting**
Howard Johnson Motor Lodge, 3207 North Boulevard, Richmond, Virginia. ☐

An open meeting to discuss written comments received prior to the scheduled public hearing and to conduct routine board business.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534 or toll-free 1-800-552-3016

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March 22, 1989 - 1 p.m. – Public Hearing
Howard Johnson Motor Lodge, 3207 North Boulevard, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **VR 675-01-01. Public Participation Guidelines**. The purpose of these guidelines is to solicit input of interested parties in the formation and development of regulations for the Board for Waterworks and Wastewater Works Operators.

Statutory Authority: §§ 54.1-103 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until March 6, 1989.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534 or toll-free 1-800-552-3016

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March 22, 1989 - 1 p.m. – Public Hearing
Howard Johnson Motor Lodge, 3207 North Boulevard, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators intends to amend regulations entitled: **VR 675-01-02. Board for Waterworks and Wastewater Works Operators Regulations**. The proposed regulations of the Board for Waterworks and Wastewater Works Operators provide general information, entry requirements and standards of practice for licensure as waterworks and wastewater works operators in this Commonwealth. These regulations supersede all previous regulations of

Calendar of Events

the board.

Statutory Authority: §§ 54.1-103 and 54.1-201 of the Code of Virginia.

Written comments may be submitted until March 6, 1989.

Contact: Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534 or toll-free 1-800-552-3016

COUNCIL ON THE STATUS OF WOMEN

March 3, 1989 - 7 p.m. - Open Meeting

Holiday Inn-Fair Oaks, 11787 Lee Jackson Highway, Fairfax, Virginia

A regular meeting of the Council on the Status of Women to conduct general business and to receive reports from the Council Standing Committees.

March 4, 1989 - 9:30 a.m. - Open Meeting

Massey Building, Board Room, 4100 Chain Bridge Road, Fairfax, Virginia

April 4, 1989 - 4 p.m. - Open Meeting

Sheraton Charlottesville Hotel, 2350 Seminole Trail (Route 29N), Charlottesville, Virginia

April 26, 1989 - 6:30 p.m. - Open Meeting

James City County Human Services Center, Auditorium, 5249 Olde Towne Road, Williamsburg, Virginia

† **May 23, 1989 - 7 p.m. - Open Meeting**

Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia

A public meeting to receive information on the most important issues that affect women in Virginia, innovative ways communities have addressed specific issues, and suggestions of strategies to address specific issues in the future. The Council has identified many issues which affect Virginia's women including Aging, Child Abuse, Child Care, Divorce/Child Support, Employment, Estates, Family Life Education, Health, Housing, Leadership Development, Media/Pornography, Minority Women, Nontraditional Careers, Sexual Assault, Sex Equity in Insurance, Spouse Abuse, Reproductive Health, Teen Pregnancy, Welfare Reform and Women in Prison.

For more information on the public meeting or to register to speak contact the Council office. Written comments should be submitted to the Council Office by May 15, 1989.

† **May 24, 1989 - 9 a.m. - Open Meeting**

Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke, Virginia

A regular meeting of the Council on the Status of Women to conduct general business and to receive reports from the council standing committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

VIRGINIA WORLD TRADE COUNCIL

† **February 28, 1989 - 10 a.m. - Open Meeting**
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A meeting to discuss activities associated with the state government exporting projects.

Contact: Donna F. Wheeler, Secretary, World Trade Center, Suite 6000, Norfolk, VA 23510, telephone (804) 683-2949 or toll-free 1-800-553-3170

CHRONOLOGICAL LIST

OPEN MEETINGS

February 27

Barbers, Board for
† Museum of Fine Arts, Virginia
- Buildings and Grounds Committee

February 28

Air Pollution Control Board, State
Health Services Cost Review Council, Virginia
† Funeral Directors and Embalmers, Board of
† Milk Commission
Nursing, Board of
† Small Business Advisory Board, Virginia
† Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of
Related Services to Handicapped Children
Water Control Board, State
† World Trade Center, Virginia

March 1

† Higher Education, State Council of
† Museum of Fine Arts, Virginia
- Full Planning Committee
Visually Handicapped, Virginia Board for the

March 2

Chesterfield County, Local Emergency Planning
Committee of
Fire Services Board
- Fire/EMS Education Training Committee, Virginia
- Fire Prevention and Control Committee
† Medicine, Board of

Calendar of Events

- Chiropractic Examination Committee
- † Museum of Fine Arts, Virginia
- Education in the Arts Committee
- † Psychology, Board of

March 3

- † Commercial Driver Training Schools, Board for Fire Services Board, Virginia
- † General Services, Department of
 - Art and Architectural Review Board
- † Nursing, Board of Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee
- Women, Council on the Status of

March 4

- Women, Council on the Status of

March 7

- † Conservation and Historic Resources, Department of
 - Rappahannock Scenic River Advisory Board
- Hopewell Industrial Safety Council
- † Medicare and Medicaid, Governor's Advisory Board on

March 8

- Hazardous Materials Emergency Response Advisory Council, State
 - Training Study Committee

March 9

- † Child Day-Care Council
- Human Rights, Council on Martinsville and Henry County, Local Emergency Planning Committee for the City of
- † Mental Health, Mental Retardation and Substance Abuse Services, Department of Nursing Home Administrators, Board of
- † Opticians, Board for
- † Timberlands Board, Reforestation of

March 10

- Children, Coordinating Committee for Interdepartmental Licensure and Certification of Residential Facilities for Children

March 13

- † Labor and Industry, Department of
 - Safety and Health Codes Board

March 14

- † Medical Assistance Services, Board of
- † Montgomery/Town of Blacksburg Local Emergency Planning Committee, County of

March 15

- † Game and Inland Fisheries, Board of Longwood College
 - Board of Visitors
- † Marine Products Board, Virginia
- † Medical Assistance Services, Board of

- † Social Services, State Board of

March 16

- Criminal Justice Services Board
 - Committee on Criminal Justice Information Systems
- † Danville Local Emergency Planning Committee
- † Medicine, Board of
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
 - Prevention and Promotion Advisory Council
- Mental Health, Mental Retardation, and Substance Abuse Services; University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education, Department of
- † Polygraph Examiners Advisory Board
- Transportation Board, Commonwealth

March 17

- † Health, State Board of
- † Medicine, Board of
 - Advisory Board on Physical Therapy
- Mental Health, Mental Retardation and Substance Abuse Services; University of Virginia Institute of Law, Psychiatry and Public Policy, Division of Continuing Education, Office of Continuing Legal Education and Office of Continuing Medical Education, Department of Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

March 18

- † Medicine, Board of

March 20

- † Cosmetology, Board for Local Government, Commission on Water Control Board, State

March 21

- † Transportation, Department of
 - State Rail Advisory Committee
- Water Control Board, State

March 22

- † Dentistry, Board of
- † Mental Health, Mental Retardation and Substance Abuse Services Board, State
- † Waterworks and Wastewater Works Operators, Board for

March 23

- † Commerce, Board of

March 27

- Land Evaluation Advisory Council, State
- † Nursing, Board of

March 28

- † Nursing, Board of
- † Visually Handicapped, Department for the
 - Interagency Coordinating Council on Delivery of

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Related Services to Handicapped Children

March 29

† Nursing, Board of

March 31

Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

April 1

Military Institute, Virginia
- Board of Visitors

April 4

Women, Council on the Status of

April 6

† Chesterfield County, Local Emergency Planning Committee of

April 13

Boating Advisory Board, Virginia

April 14

† Nursing and Medicine, Committee of the Joint Boards of
† Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee
† Real Estate Board

April 19

Contractors, Board for

April 22

Visually Handicapped, Department for the
- Advisory Committee on Services

April 24

† Funeral Directors and Embalmers, Board of

April 25

† Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

April 26

Women, Council on the Status of

April 28

Air Pollution Control, Department of
† Prince William County, Manassas City, and Manassas Park City Local Emergency Planning Committee

May 22

† Health, State Board of

May 23

† Visually Handicapped, Department for the
- Interagency Coordinating Council on Delivery of Related Services to Handicapped Children
† Women, Council on the Status of

May 24

† Women, Council on the Status of

PUBLIC HEARINGS

February 27

Water Control Board, State

February 28

Water Control Board

March 3

Health, Department of

March 13

† Water Control Board, State

March 14

† Water Control Board, State

March 16

† Game and Inland Fisheries, Board of

March 17

† Game and Inland Fisheries, Board of

March 22

Air Pollution Control, Department of
Waterworks and Wastewater Works Operators, Board for

March 24

Voluntary Formulary Board, Virginia

March 30

Education, State Board of

April 20

Transportation, Department of

April 28

† Mines, Minerals and Energy, Department of

May 3

Criminal Justice Services Board

May 17

† Agriculture and Consumer Services, Department of

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