

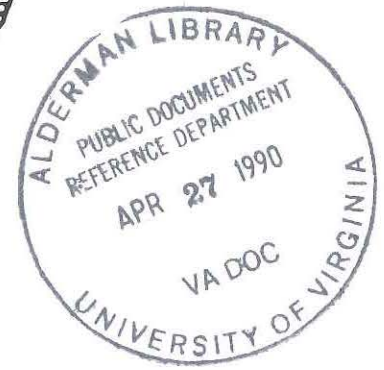
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THE VIRGINIA REGISTER

OF REGULATIONS

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April 23, 1990

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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.

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PROPOSED REGULATIONS

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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 HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

REGISTRAR'S NOTICE: The following regulation is exempted from the Administrative Process Act under the provisions of § 9-6.14:4.1 B 4 of the Code of Virginia, which excludes agency action relating to grants of state or federal funds or property.

Title of Regulation: VR 394-01-105. ~~SHARE-Expansion Loan and SHARE-Expansion Grant Programs~~ *Share-Expansion Grant/Loan Program*.

Statutory Authority: §§ 36-139 and 36-141 et seq. of the Code of Virginia.

Public Hearing Date: N/A
(See Calendar of Events section for additional information)

Summary:

The proposed amendments: (i) clarify that this is one program with three funding sources; (ii) allow the loan and energy funds to be used for nonexpansion projects; (iii) allow for-profit entities to apply for loan and energy funds for single-room-occupancy (SRO) projects; (iv) add site control and project design to the ranking criteria; (v) revise the maximum request for SRO projects from \$500,000 for all projects to \$15,000 per unit up to \$500,000; and (vi) make several minor clarifications and revisions to the regulations.

VR 394-01-105. SHARE-Expansion Grant/Loan Program.

PART I. GENERAL.

§ 1.1. Definitions.

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

"Acquisition" means the purchase of real property (building, structures, land).

"Application" is the request, on behalf of the applicant to the State, for a loan or grant fund reservation under the SHARE-Expansion Loan and Grant Programs.

"Appraised value" is the value of the building and land as determined by a certified appraiser for marketing purposes.

"Assessed value" is the value of the building and land as determined by the real estate assessment office of the local government for tax purposes. The applicable assessed value shall be that which is in effect as of the application date.

"DHCD" means the Department of Housing and Community Development.

"Emergency shelter" means a building or facility operated on a nonprofit and nondiscriminatory basis, which provides free temporary accommodations and related human services for homeless persons, wherein the typical stay is less than 30 days.

"Energy grant" means a grant which may be awarded to finance certain energy-related improvements within the SHARE-Expansion Grant/ Loan Program.

"Energy-related improvements" means physical improvements to structures which are being rehabilitated which contribute to fuel cost savings and overall less energy consumption, and which have been so designated by the department. They may include installation or replacement of storm doors and windows; caulking and weatherstripping; roof, floor and wall repair as associated with insulation improvements; and furnace repair.

"Expansion" means increasing the number of beds provided by the sponsor through rehabilitation, addition of new space to an existing building, through the acquisition of an existing building, or through construction. The addition or rehabilitation of nonresidential space which is essential to the operation of the facility is also premitted, but only in conjunction with an increase in beds.

"Facility" means either an emergency shelter, transitional shelter, or single room occupancy housing.

"Fund" means the Virginia Housing Partnership Fund.

"Grant" means a grant made under SHARE-Expansion Grant /Loan Program.

"Grant agreement" means the agreement between DHCD and the project sponsor pertaining to the terms and conditions provided within the SHARE-Expansion Grant /Loan Program.

"Grantee" means a grant recipient under the SHARE-Expansion Grant/Loan Program.

"Homeless" means persons or families who are without

Proposed Regulations

housing or who are in imminent danger of being without housing.

"Loan" means a loan made under SHARE-Expansion Grant/ Loan Program.

"Loan agreement" means the agreement between DHCD and the project sponsor pertaining to the terms and conditions provided in the SHARE-Expansion Grant/ Loan Program.

"Locality" means a city or county.

"Project sponsor" is a nonprofit, incorporated organization or a governmental entity, or a for-profit (limited to SRO projects and only for loan and energy funds). Examples of project sponsors include, but are not limited to, cities, counties, towns, redevelopment and housing authorities, area agencies on aging, independent nonprofit housing organizations and others.

"Program" means the SHARE-Expansion Grant/ Loan and SHARE-Expansion Grant Programs Program.

"Rehabilitation" means substantial physical improvements/repairs to a facility which will secure it structurally, correct building, health or fire safety code related defects, increase energy efficiency and assure safe and sanitary operation.

"State" means the Department of Housing and Community Development or such other entity as DHCD shall designate to act on its behalf.

"Single room occupancy housing" means permanent residential facilities for the homeless, consisting of a single room housing unit with either private or shared bath facilities with the optional provision of kitchen facilities, and in which rents may be charged to occupants.

"Transitional housing" means residential facilities for the homeless designed to meet their longer-term housing and human services needs, wherein the typical stay is over 30 days and less than two years, and in which rents may be charged to occupants.

"VHDA" means Virginia Housing Development Authority.

PART II. ELIGIBILITY.

§ 2.1. Eligible applicants.

To be eligible applicants must be:

1. Nonprofit organizations incorporated under the laws of the Commonwealth of Virginia; or
2. Governmental entities, including redevelopment and housing authorities ; ; or

3. For-profit entities (may only apply for Expansion Loan and Energy Grant funds for SRO projects).

§ 2.2. Eligibility requirements.

To be eligible applicants:

1. Must be providing for expansion of number of beds, not just rehabilitation;
2. Must match SHARE funds for non-Virginia Housing Partnership Funds on a one-for-one basis. The department DHCD reserves the right to reduce the match for SRO's in order to meet the goals and objectives of the program; and
3. Must operate on year-round basis.

§ 2.3. Eligible activities.

To be eligible activities must be related to:

1. Acquisition, new construction, rehabilitation, and furnishings which will result in an increase in the number of beds provided.
2. Energy-related improvements are encouraged.

NOTE: Luxury improvements are prohibited.

§ 2.4. Operational requirements.

To be eligible applicants:

1. Must operate facility for the homeless.
2. Must practice nondiscrimination in all programs and services including, but not limited to the delivery of services, opportunities or benefits based on race, national origin, color, or religion;
3. Must not require participation in a religious, sectarian, or philosophical service, rite, meeting or ritual as a condition for receiving shelter or related services;
4. Must not require a fee or donation as a condition for receiving emergency shelter or related services (transitional and SRO housing are excluded); and
5. Must operate a facility that is in compliance with applicable state and local health, building and fire safety codes, or agree to make necessary improvements/repairs for such code compliance on such schedule as the department shall determine.

PART III. DISTRIBUTION OF FUNDS.

§ 3.1. Distribution of funds.

Proposed Regulations

A. Funding priority.

There are no set asides although the department DHCD shall endeavor to fund at least one emergency shelter, one transitional facility, and one single room occupancy facility.

B. Competitive ranking.

All applications will be ranked competitively by the department within the areas of cost effectiveness, administrative capacity, leveraging, project readiness design, unmet needs, site control and the provision of support services. There are no geographic set asides of funds; however, the department DHCD shall seek to achieve an equitable geographic distribution of funds.

Further explanation of selection criteria is as follows:

Cost effectiveness. The number of additional persons sheltered or housed versus dollars expended.

Administrative capacity. The ability of the applicant to carry out the proposed activities.

Leveraging. Preference is given to projects with local match over 50%.

Project readiness. Firmness of the match funds, the availability or readiness of the site, application for use permits, and other appropriate factors which indicate that the project will move forward in a timely fashion if funded.

Unmet need. Needs assessment of area based on what is or is not currently available in the geographic area the project will serve.

Provision of support services. For emergency shelters and transitional housing, the degree to which local human services are or will be provided to assist homeless persons in making a transition to permanent accommodations. For SRO projects, the amount and type, if any, of support services that will be provided.

In addition, bonus points will be given to all projects that include a SHARE-Expansion Loan request as part or all of the project.

C. Maximum amount for each application.

The maximum amount available for each loan or grant application, or both, is as follows:

1. Loan or grant, or both, to shelter or transitional facility - \$125,000.

2. Loan or grant, or both, to SRO - \$15,000 per unit up to \$500,000.

PART IV.

LOAN AND GRANT TERMS AND CONDITIONS.

§ 4.1. Loan and grant terms and conditions.

A. Loans will have a 0% interest rate for a term of up to 15 years. Energy-related improvements may be eligible for an energy grant. Loan recipients will sign a loan agreement, note, and deed of trust with the state.

B. Grants must be repaid to the state, if during the first five years after the closing of the grant(s), the facility is used for some purpose other than that stated in the grant or loan agreement, unless approved by the state.

C. All loans and grants exceeding \$10,000 total will be secured by a lien on the property. This lien may be subordinate to any primary financing on the project. Title insurance will be required unless waived by the department DHCD for loans or grants, or both, over \$10,000.

D. Loan and grant applications will be analyzed by DHCD staff on two financial criteria:

1. The project sponsor's track record and potential for raising the funds needed for loan amortization will be analyzed.

2. The loan or grant amount plus any existing debt may not exceed 100% of the after-rehab property value. After-rehab property value may be estimated by the local tax assessor based on the current tax assessed value and the work write-up, cost estimates, and design plans for the rehabilitation, or it may be estimated by an appraiser using the current market appraisal and the related plans for rehabilitation.

E. The Virginia Housing Development Authority will disburse funds and collect payments for loans.

F. The project sponsor must own the property or have a lease for use of the building. If the project sponsor is leasing the property, that lease must be for a period of not less than 10 years, unless otherwise approved by the state.

G. A loan or grant may be assumed provided the new borrower continues to comply with the requirements of the loan or grant agreement, and approval is given by DHCD.

H. SHARE-Expansion Loans may not be prepaid unless authorized by the state.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-16-06. Water Quality Management Plan for the Tennessee-Big Sandy River Basins. (REPEALED)
VR 680-16-06:1. Tennessee-Big Sandy River Basin Water Quality Management Plan.

Proposed Regulations

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Public Hearing Date: June 5, 1990 - 4 p.m.
(See Calendar of Events section
for additional information)

Summary:

Water quality management plans to provide a management tool to assist the Commonwealth, units of local government, industrial firms and agricultural interests in achieving and maintaining applicable water quality goals. This proposal is the repeal of the Tennessee-Big Sandy River Basin Water Quality Management Plan (VR 680-16-06) and the adoption of an updated Tennessee-Big Sandy River Basin Water Quality Management Plan (VR 680-16-06:1). The updated plan reflects current Virginia Pollutant Discharge Elimination System (VPDES) final permit limits and wasteload allocations as defined by federal regulations. Water quality problems in the Tennessee-Big Sandy River Basin are identified and remedial actions to alleviate these problems are outlined so that desired water quality objectives can be met. The Plan includes chapters entitled: Preface, Introduction, Water Quality Evaluation, Nonpoint Sources, Point Sources, Other Programs, Ground Water, and Management and Implementation of the Plan.

VR 680-16-06:1. Tennessee-Big Sandy River Basin Water Quality Management Plan.

§ 1. Preface.

A. Plan purpose.

The purpose of the Plan is to provide a management tool to assist the Commonwealth, units of local government, industrial firms, and agricultural interests in achieving and maintaining applicable water quality goals in the Tennessee-Big Sandy River Basin. The Tennessee-Big Sandy Water Quality Management Plan updates the Tennessee-Big Sandy River Basin Water Resources Plan, Water Quality Management Plan and the 208 Southwest Virginia Plan, §§ 303(e) and 208, respectively, of the Federal Clean Water Act.

The State Water Control Board's intent, as required by federal regulation (40 CFR 130.6), is to use the data and information contained in the Plan as follows:

1. As input to the § 305(b) Virginia Water Quality Assessment submitted every two years to the U.S. Congress and the U.S. Environmental Protection Agency (EPA);
2. As input to the issuance of Virginia Pollutant Discharge Elimination System (VPDES) permits;
3. For the establishment of compliance schedules for

VPDES permittees for meeting final treatment limits; and

4. For the assessment of municipal sewage treatment needs for the purpose of disbursing construction loan funds.

The Plan contains specific actions to be taken by the State Water Control Board in carrying out the Plan. The Plan guides the issuance of VPDES Permits to dischargers. It requires that the issued permit be in compliance with the appropriate area of the Plan. The Plan can thus impose requirements upon the discharger(s) in these instances. The upgrade and construction of new wastewater treatment works will provide for the protection of public health and safety. Financing is to be borne by the entities within the subarea. Meeting the water quality goals in the Tennessee-Big Sandy River Basin will provide adequate water quality in streams and reservoirs for public water supplies allowing for water based recreational activities and for the protection and propagation of fish and aquatic life.

The board's further intent is to update and amend the Plan periodically to reflect current data and scientific studies; new or revised legislation, procedures, policy and regulations; changes in area growth and development; and the results of facilities planning. Federal regulation 40 CFR 130.10 requires such action and the submission of the updated Plan for EPA review and approval.

B. Development and adoption of the Plan.

The Tennessee-Big Sandy River Basin Water Quality Management Plan was prepared in the Southwest Regional Office. Funding was jointly provided by appropriations of the Virginia General Assembly and by § 106 grants from the EPA.

Adoption of the Plan by the Commonwealth consists of the following steps:

1. Meetings with an advisory committee consisting of representatives of affected dischargers, public interest groups and governmental agencies;
2. Publication of Notice of Intended Regulatory Action;
3. Commencement of the Public Hearing Process with opportunity for public comments;
4. Submission to the State Water Control Board for adoption after comments from the public have been addressed;
5. Filing with the State Registrar of Regulations; and
6. Submittal of the State-certified Plan to the EPA. A similar process is required for Plan amendments.

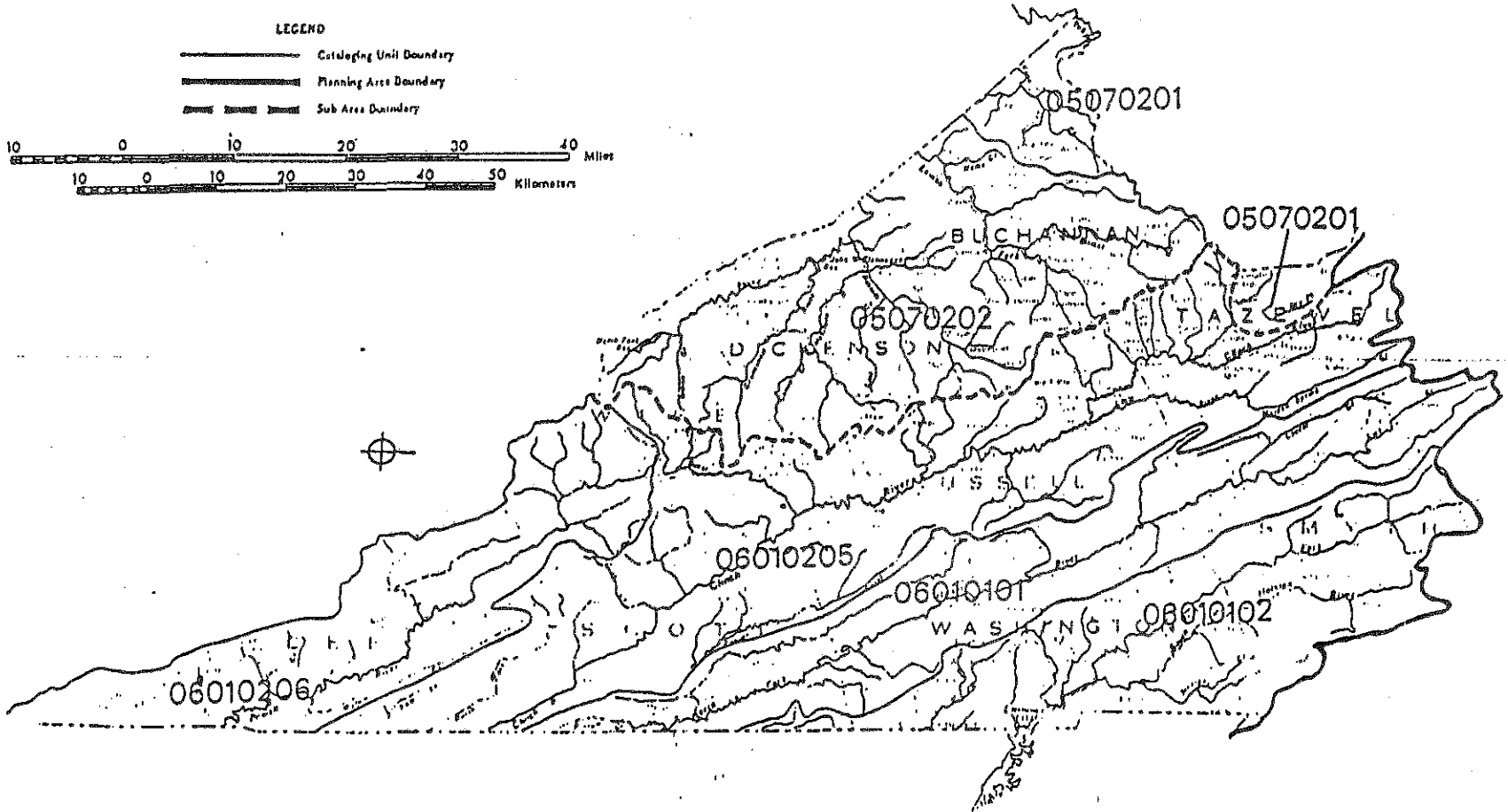
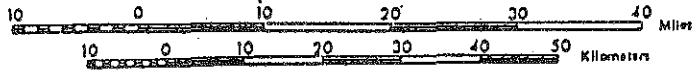
§ 2. Introduction.

Physical description of basin. The Tennessee-Big Sandy River Basin lies in the southwestern part of the State of Virginia and covers 4,140 square miles, or approximately 10.5% of the state's total surface area. Geographically, the Tennessee River Basin extends from Lee County in the west to Tazewell County in the east. The basin drains an area of 3,131 square miles, which is approximately 8.0% of the total area of Virginia. The Big Sandy River Basin lies between West Virginia and Kentucky. It is made up of Buchanan and Dickenson Counties and northern third of Wise County. The area of the Big Sandy River Basin is 1,009 square miles or about 2.5% of the total area of Virginia. (See Plate 1).

PLATE 1
TENNESSEE AND BIG SANDY
PLANNING AREA

LEGEND

- Cataloging Unit Boundary
- Planning Area Boundary
- Sub Area Boundary



§ 3. Water quality evaluation.

A. Goals for the Tennessee-Big Sandy River Basin.

The overall water quality goals of the Commonwealth are to guard against surface and ground water degradation and to maintain the existing high quality state waters. These goals provide for the protection of public water supplies; water-based recreational activities; and for the protection and propagation of fish and aquatic life.

The water quality parameters which will provide for the achievement of the three water quality goals (fishable, swimmable, drinkable) in the Tennessee-Big Sandy River Basin are contained in the Virginia Water Control Board publication *Water Quality Standards*.¹ Water quality standards consist of narrative statements that describe water quality requirements in general terms, and numeric limits for specific physical, chemical or biological characteristics of water. The narrative statements and numeric limits are adopted under the authority of § 62.1-44.15(3a) of the (State Water Control Law) as the Commonwealth's in-stream standards for the quality of water throughout the Commonwealth. These narrative statements and numeric limits describe water quality necessary to meet and maintain reasonable and beneficial uses such as swimming and other water-based recreation, public water supply and the propagation and growth of aquatic life and specific descriptions, since not all requirements for water quality protection can be numerically defined. In those cases where for scientific or practical reasons numeric standards have not been formulated, the general standards establish broad requirements to protect and maintain beneficial uses of state waters.

For the Tennessee-Big Sandy River Basin, the Best Management Practices Management Handbook outlines the state strategy for implementing BMPs necessary to meet water quality goals. It includes a separate section on institutional arrangements for each nonpoint source category of agriculture, forestry, urban, hydrologic modifications, and sources affecting groundwater. The BMPs recommended in these technical BMP Handbooks are designed to reflect the soils, climate, and topographic conditions.

1. Segment classification. Virginia streams are divided into segments, each of which is classified according to in-stream water quality under two major categories: Effluent Limited Segments (E.L.) and Water Quality Limited Segments (W.Q.).

E.L. segments are those stream reaches where the water quality does and will probably continue to meet state standards, or where there is adequate demonstration that water quality standards will be met after secondary treatment levels are applied in Privately or Publicly Owned Treatment Works (POTWs) or Best Practical Technology (BPT) is achieved in industrial treatment plants.

W.Q. Limited segments are those where it is known that water quality does not meet or is not expected to meet applicable water quality standards even though secondary treatment levels or BPT are achieved. In other words, Water Quality Limited segments require higher treatment levels. The exact treatment levels required are determined by the SWCB via VPDES permit using a wasteload model. The model is based on biological, chemical and hydrologic characteristics of the stream segment.

Table 1 depicts the recommended segment classification within the Tennessee and Big Sandy River Basins.

To aid the reader, a list of definitions follows:

Municipal facilities:

Secondary Treatment - wastewater treatment plants designed to meet permit limits from 24-30 mg/l BOD₅ and TSS or those facilities that have been classified as equivalent to secondary under federal and state regulations.

Advanced Secondary Treatment (AST) - wastewater treatment plants designed to meet permit limits from 11-23 mg/l BOD₅ and TSS.

Advanced Wastewater Treatment (AWT) - wastewater treatment plants designed to meet permit limits from 10 mg/l or less for BOD₅ and TSS. (A range is given in the definitions to recognize various waste treatment processes and treatment efficiencies).

Industrial facilities:

BCT/BAT - Best Conventional Pollutant Control Technology (BCT) - This level of treatment is applied to discharges for the control of conventional pollutants from existing industrial point sources. BCT replaces BAT (Best Available Technology) for the control of conventional pollutants. The Act requires that BCT limitations be assessed in light of a two "cost reasonableness" test. The first test compares the cost for private industry to reduce its conventional pollutants to the costs of Publicly Owned Treatment Works (POTW) to reduce their conventional pollutants. The second test examines the cost effectiveness of additional industrial treatment beyond BPT. EPA must find that limitations are "reasonable" under both tests before establishing BCT. In no case may BCT be less stringent than the BPT.

BPJ - Best Professional Judgment is used when EPA guidelines have not been promulgated. BPJ is the local establishment of limitations based on the permit writer's professional assessment in setting limitations. As a general rule, BPJ for BCT limitations are set using promulgated BPT guidelines.

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BPT - Best Practicable Control Technology currently available; technology-based limitations in which the total cost of applying technology is balanced against the effluent reduction. Limitations are generally based on existing performance of various size plants within the industry or subcategory.

2. Priority water bodies. The Final Rule on Water Quality Management Planning states that "The Term 'priority water bodies' is a management concept originated by EPA to encourage states to focus resources and control activities in areas where water quality decisions are needed. The establishment of priority water bodies is not a requirement of the Clean Water Act nor the final Rule on Water Quality Management Planning." The EPA encourages states to prepare a priority water body listing. The SWCB prepared in December of 1986 a Priority Water Bodies (PWB) catalogue that's a Technical Support Document to the Plan.

3. Section 305(b) Report Segment Description Analysis. Section 305(b) of the Clean Water Act requires states to report biennially to EPA and Congress on the status of the quality of their waters and the programs underway or needed to attain water quality goals. The SWCB published in April of 1988 the Virginia Water Quality Assessment, a two volume document that is a Technical Support Document to this Plan. The water quality in each segment is assessed in terms of § 305(b) criteria (fishable/swimmable waters), Virginia Water Quality Standards and EPA's criteria for toxic pollutants.

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TABLE 1

STREAM SEGMENT CLASSIFICATIONS
TENNESSEE-BIG SANDY RIVER BASIN

<u>Stream Name</u>	<u>Segment Number</u>	<u>Mile to Mile</u>	<u>Classification</u>	<u>Comments</u>
<u>USGS HUC05070202</u>				
<u>Russell Fork Subbasin</u>				
Hurricane Creek	6A-1	0-7	E.L.	Main and tributaries
Lick Creek	6A-2	0-5	E.L.	Main and tributaries
Russell Prater Creek	6A-3	0-9	E.L.	Main and tributaries
McClure River	6A-4	0-26	E.L.	Main and tributaries
South Fork Pound	6A-5	0-9	E.L.	Main and tributaries
North Fork Pound	6A-6	7-11	E.L.	Main and tributaries
Pound River	6A-7	7-34	E.L.	Main and tributaries
Russell Fork River	6A-8	0-34	E.L.	Main and tributaries (except those listed above)
<u>Levisa Fork Subbasin</u>				
Dismal Creek	6A-9	0-26	E.L.	Main and tributaries
Laurel Fork	6A-10	0-6	E.L.	Main and tributaries
Bull Creek	6A-11	0-5	E.L.	Main and tributaries
Slate Creek	6A-12	0-15	E.L.	Main and tributaries
Levisa Fork River	6A-13	0-35	W.Q.	Main only
Levisa Fork River	6A-14	0-35	E.L.	All tributaries except those above.
<u>USGS HUC05070201</u>				
<u>Knox Creek Subbasin</u>				
Lester Fork	6A-15	0-7	E.L.	Main and tributaries
Guess Fork	6A-16	0-8	E.L.	Main and tributaries
Paw Paw Creek	6A-17	0-7	E.L.	Main and tributaries
Knox Creek	6A-18	0-7	E.L.	Main and tributaries
Knox Creek	6A-19	7-18	E.L.	Main and tributaries
<u>Tug Fork Subbasin</u>				
Beech Fork	6A-20	0-6	E.L.	Main and tributaries
Dry Fork	6A-21	0-10	E.L.	Main and tributaries
Jacobs Fork	6A-22	0-3	E.L.	Main and tributaries
<u>USGS HUC06010206</u>				
<u>Powell River Subbasin</u>				
Powell River	6B-1	0-90	E.L.	Main and tributaries

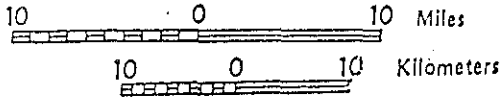
Proposed Regulations

TABLE 1 (continued)

STREAM SEGMENT CLASSIFICATIONS
TENNESSEE-BIG SANDY RIVER BASIN

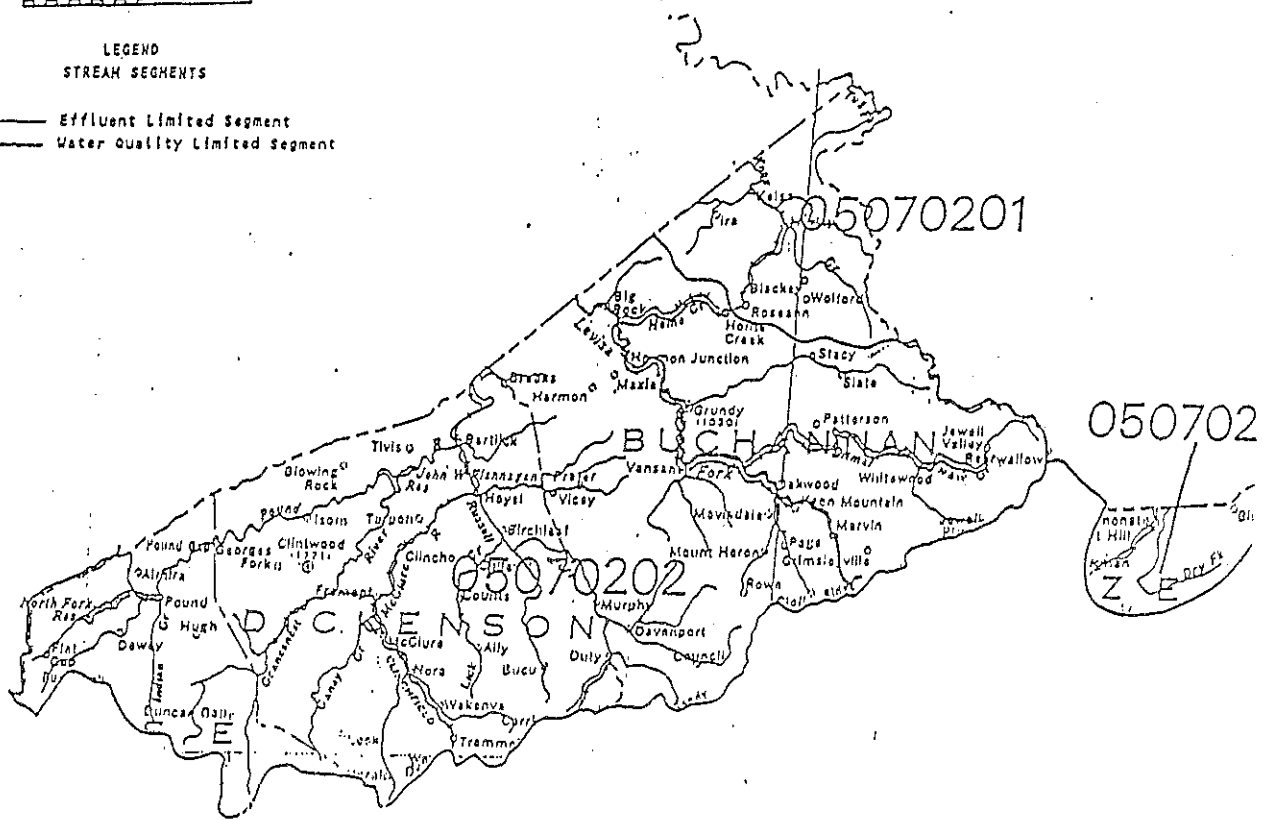
<u>Stream Name</u>	<u>Segment Number</u>	<u>Mile to Mile</u>	<u>Classification</u>	<u>Comments</u>
<u>USGS HUC06010205</u>				
<u>Clinch River Subbasin</u>				
Clinch River	6B-2	108-150	W.Q.	Main only
Clinch River	6B-3	108-150	E.L.	Tributaries only
Clinch River	6B-4	0-108	E.L.	Main and tributaries
North Fork Clinch	6B-5	0-27	E.L.	Main and tributaries
Guest River	6B-6	0-8	W.Q.	Main only
Guest River	6B-7	8-20	E.L.	Main and tributaries
<u>USGS HUC06010101</u>				
<u>North Fork Holston Subbasin</u>				
North Fork Holston River	6C-1	81-135	E.L.	Main and tributaries
North Fork Holston River	6C-2	0-81	W.Q.-Hg	Main only - Mercury
North Fork Holston River	6C-3	0-81	E.L.	Tributaries only
<u>USGS HUC06010102</u>				
<u>South Fork Holston Subbasin</u>				
Middle Fork Holston River	6C-4	39-58	E.L.	Main and tributaries
Middle Fork Holston River	6C-5	34-39	W.Q.	Main only
Middle Fork Holston River	6C-6	34-39	E.L.	Tributaries only
Middle Fork Holston River	6C-7	0-34	E.L.	Main and tributaries
Wolf Creek	6C-8	0-10	W.Q.	Main only
Wolf Creek	6C-9	10-12	E.L.	Main and tributaries
South Fork Holston River	6C-10	0-54	E.L.	Main and tributaries

PLATE 2 BIG SANDY PLANNING AREA



LEGEND STREAM SEGMENTS

- Effluent Limited Segment
- Water Quality Limited Segment



Proposed Regulations

PLATE 3
Powell River
PLANNING AREA

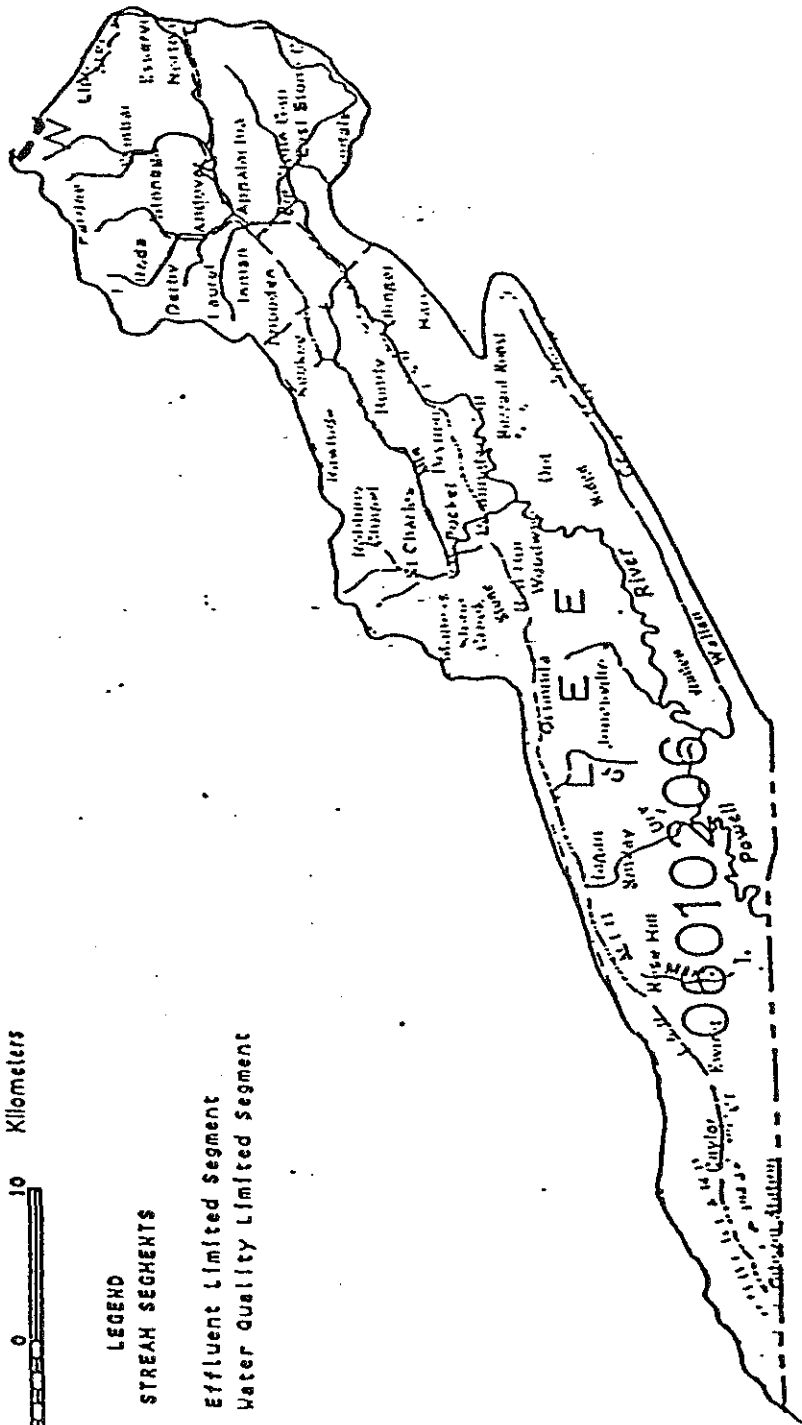
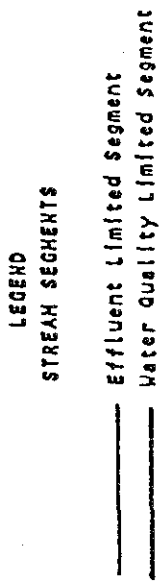
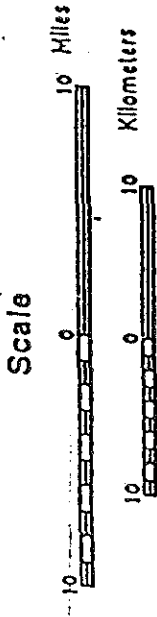
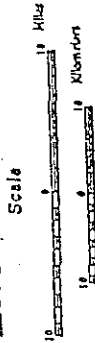


PLATE 4
Clinch River
PLANNING AREA



- LEGEND
STREAM SEGMENTS
- Effluent Limited Segment
 - Water Quality Limited Segment

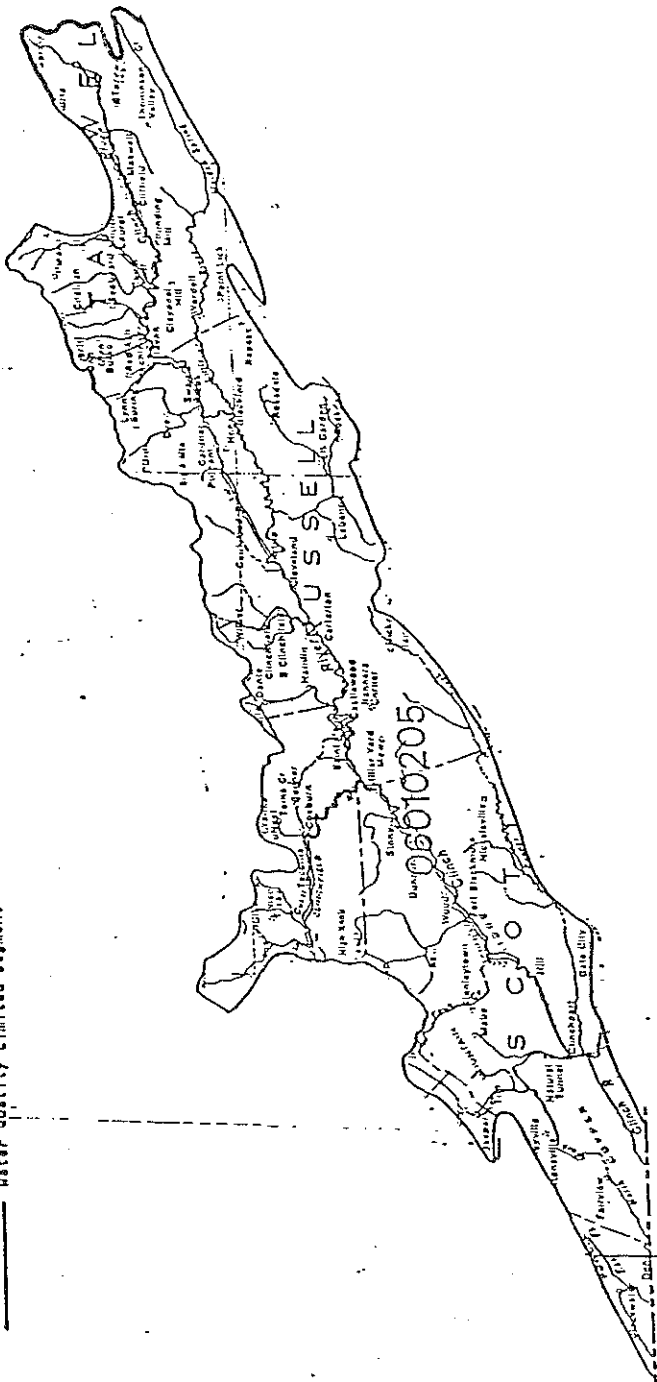
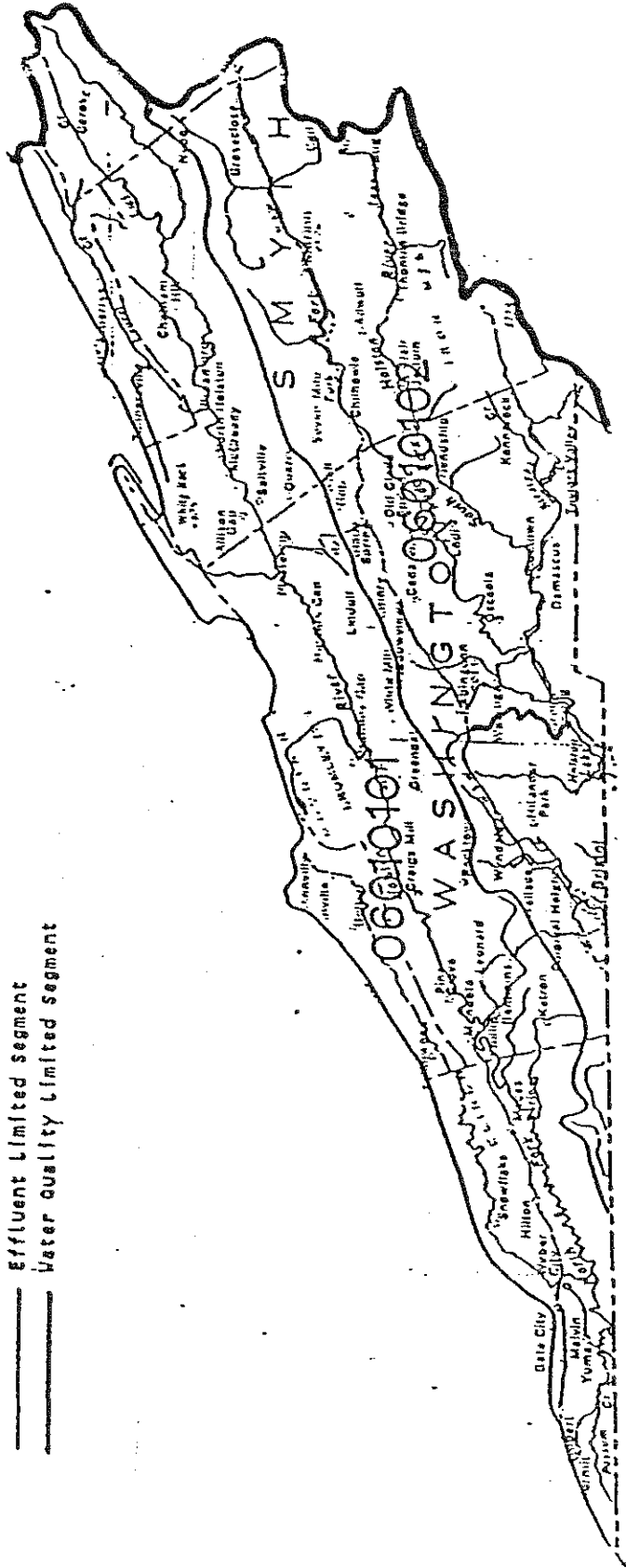


PLATE 5
Holston River
PLANNING AREA



- LEGEND**
- STREAM SEGMENTS**
- Effluent Limited segment
 - Water quality Limited segment



B. Segment water quality assessments.

USGS HUC 05070202 - Russell Fork Subbasin

6A-1 Hurricane Creek - Effluent Limited - River Mile 0 - 7

There are no existing or proposed VPDES permitted discharges in this segment.

6A-2 Lick Creek - Effluent Limited - River Mile 0 - 5

There are no existing or proposed VPDES permitted discharges in this segment.

6A-3 Russell Prater Creek - Effluent Limited - River Mile 0 - 9

There are two municipal VPDES permitted discharges located in this segment.

6A-4 McClure River - Effluent Limited - River Mile 0 - 26

There are seven municipal VPDES permitted discharges and two industrial (water treatment plant) VPDES permitted discharges in this segment.

This segment has a monitoring station located at river mile 7.46. The stream experiences a high percentage of fecal coliform standard violations. During the past four two-year § 305(b) reporting periods, violations of the fecal coliform standard occurred in 65% to 100% of the samples taken. Violations occurred in 89% of the samples taken for FY 86-87. These violations are probably due to raw sewage discharges and poorly treated sewage from the communities of McClure, Clinchco, and Trammel. A Facilities Plan has not been completed for these communities, but facilities are included on the Potential Loan Eligibility List, (Table 9) and have a projected cost of \$2,507,000. There is one biological monitoring station in this segment at the confluence of Russell Fork. This station indicates fair water quality in this segment.

Secondary treatment is recommended for the McClure, Clinchco, and Trammel communities, (see Potential Loan Eligibility List, Table 9). It is believed that the segment would meet water quality standards with secondary treatment levels. Fecal coliform violations should be significantly reduced and meet stream standards with sewage treatment being provided to these communities.

6A-5 South Fork Pound - Effluent Limited - River Mile 0 - 9

There are no existing or proposed VPDES permitted discharges in this segment.

6A-6 North Fork Pound - Effluent Limited - River Mile 7 - 11

There is one municipal VPDES permitted discharge in this segment (Table 4) that provides secondary treatment

and two VPDES permitted industrial discharges, (Table 8). The segment has one biological monitoring station which indicates fair-poor water quality which is probably due to non-point sources from coal mining activities in the area. The segment should meet water quality standards with secondary treatment and BPT from industrial discharges.

6A-7 Pound River - Main Only - Effluent Limited - River Mile 7 - 34

There is one municipal VPDES permitted discharge, the Town of Pound STP, in this segment (Table 9). Using minimum flow from the Pound Reservoir (one cubic foot per second instead of the calculated 7-day/10-year low flow) plus 7-day/10 year low flow from S. F. Pound River, secondary treatment will be sufficient to meet stream standards.

The segment has an ambient monitoring station located at river mile 8.15. The stream experiences some fecal coliform violations. During the past four two-year 305(b) reporting periods, violations in the fecal coliform standard occurred in 12% to 25% of the samples taken. Violations occurred in 17% of the samples taken for FY 86-87. These violations should be further reduced with the expansion of the Pound service area. Stream standards should be met with secondary treatment and BPT for future treatment systems.

6A-8 Russell Fork River - Main and Tributaries - Effluent Limited River Mile 0 - 34

There are 16 municipal VPDES permitted discharges located in this segment (Table 4).

Four ambient monitoring stations are located in this segment; one on Russell Fork, two on Cranesnest River, and one on Holly Creek. Of the five stations, the Cranesnest River station indicates partial compliance with the fecal coliform standard, the other three indicate noncompliance. Monitoring data indicates a dissolved oxygen problem on Holly Creek below the Clintwood STP. There are four biological monitoring stations: Russell Fork, S.F. Pound River, N.F. Pound River, and Cranesnest River. Fair water quality is indicated for the Cranesnest River and fair to poor water quality is indicated at the remaining stations.

The largest discharge, Clintwood STP, is located on Holly Creek and recently extended the outfall to the Cranesnest River. The upgrade should resolve the dissolved oxygen problems on Holly Creek and should reduce fecal coliform standard violations on Holly Creek and Cranesnest River.

There is a proposed project on the Potential Loan Eligibility List to construct the Council STP. Fecal coliform violations should decrease when this proposed project is implemented.

The Haysi STP is required to provide secondary

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treatment and there are no proposed expansions planned. Stream standards should be met when secondary treatment is provided to the communities in this segment.

Levisa Fork Subbasin

6A-9 Dismal Creek - Effluent Limited - River Mile 0 - 26

There are four municipal VPDES permitted discharges and one industrial VPDES permitted discharge located in this segment. There is one ambient water quality monitoring station and one biological station in the segment. For the 86-87 § 305(b) reporting period, the ambient data indicated partial compliance with the fecal coliform standards (with 11% violations); the data indicate that there are no dissolved oxygen standard violations. The biological monitoring station indicates fair to poor water quality. The Potential Loan Eligibility List, Table 9, indicates that residents in the Dismal Creek may be served by the Oakwood WWTP. This should reduce fecal coliform violations in Dismal Creek.

Stream standards should be met with secondary treatment of existing and proposed discharges in this segment.

6A-10 Laurel Fork - Effluent Limited - River Mile 0 - 6

There are no existing or proposed VPDES permitted discharges in this segment.

6A-11 Bull Creek - Effluent Limited - River Mile 0 - 5

There are two municipal VPDES permitted discharges located in this segment. The segment should meet water quality standards with secondary treatment of the existing and proposed discharges.

6A-12 Slate Creek - Effluent Limited - River Mile 0 - 15

There are three municipal VPDES permitted discharges and one industrial VPDES permitted discharge located in this segment. There is one ambient water quality monitoring station and one biological monitoring station on the segment. The stream experiences a high percentage of fecal coliform standard violations. During the past four two-year § 305(b) reporting periods, violations of the fecal coliform standard occurred in 74% to 100% of the samples taken. Violations occurred in 89% of the samples taken for FY 86-87. The sewer line extension proposed by the Buchanan County Public Service Authority should significantly reduce the violations in this segment.

Stream standards should be met with secondary treatment and BPT of existing and proposed discharges in this segment.

6A-13 Levisa Fork River - Main Only - Water Quality Limited - River Mile 0 - 35

A total of eight municipal VPDES permitted and nine

industrial VPDES permitted discharges are located in this segment. The Oakwood STP has the largest discharge on this segment with a design capacity of 0.40 MGD. The Vansant-Big Rock STP is located in segment 6A-14 on Conaway Creek approximately 1,000 feet upstream of the confluence of Levisa Fork. The design capacity of the Vansant-Big Rock STP is 1.25 MGD and it impacts the water quality of this segment. Water quality should be monitored below each of these discharges to determine water quality during low flow conditions.

There is one ambient water quality monitoring station and three biological monitoring stations located on this segment. Fecal coliform violations have been significantly reduced over the past four two-year § 305(b) reporting periods. The violations range from 94% to 29%, with 29% violations for the FY 86-87. These violations should be further reduced for FY 88-89 since the Vansant-Big Rock STP was recently constructed.

Population projections indicate that the Vansant-Big Rock treatment plant will need to be expanded during the planning period. (See Potential Loan Eligibility List: Garden Creek, Conaway, Lee Master, Contrary, and Deskins sewer extensions). The permit limit for the Vansant-Big Rock STP is 141.94 kg/day and the Oakwood STP is 45.42 kg/day.

6A-14 Levisa Fork River - All Tributaries, Except Those Above Effluent Limited - River Mile 0 - 35

There are seven municipal VPDES permitted discharges and one industrial VPDES permitted discharge located in the segment. Fecal coliform violations should be reduced with the proposed sewer expansions by the Buchanan County Public Service Authority (see the Potential Loan Eligibility List).

Water quality standards should not be violated with the implementation of secondary and BPT treatment of the existing and proposed discharges.

USGS HUC 05070201

Knox Creek Subbasin

6A-15 Lester Fork - Effluent Limited - River Mile 0 - 7

There are no existing or proposed VPDES permitted discharges in this segment.

6A-16 Guess Fork - Effluent Limited - River Mile 0 - 8

There are no existing or proposed VPDES permitted discharges in this segment.

6A-17 Paw Paw Creek - Effluent Limited - River Mile 0 - 7

There are no existing or proposed VPDES permitted discharges in this segment.

6A-18 Knox Creek - Effluent Limited - River Mile 0 - 7

The segment extends seven miles from the state line to the community of Hurley. A municipal VPDES discharge is proposed for the Hurley community (see Potential Loan Eligibility List). A 0.100 MGD secondary treatment plant is proposed to serve the community and the Water Quality Standards should continue to be met.

6A-19 Knox Creek - Effluent Limited - River Mile 7 - 18

There is one industrial VPDES permitted discharge on this segment and two municipal VPDES permitted discharges.

Tug Fork Subbasin

6A-20 Beech Fork - Effluent Limited - River Mile 0 - 6

There are no existing or proposed VPDES permitted discharges in this segment.

6A-21 Dry Fork - Effluent Limited - River Mile 0 - 10

There are no existing or proposed VPDES permitted discharges in this segment.

6A-22 Jacobs Fork - Effluent Limited - River Mile 0 - 3

There are no existing or proposed VPDES permitted discharges in this segment.

USGS HUC 06010206

Powell River Subbasin

6B-1 The Powell River and its Tributaries - Effluent Limit - River Mile 0 - 90

There are four ambient water quality monitoring stations located in this unit. Two of the stations are on the Powell River and the remaining stations are located on tributaries of the Powell. There is one biological monitoring station located on Straight Creek.

Ambient Water Quality Monitoring at the station located on the North Fork of the Powell River downstream of the Pennington Gap STP indicated a 100% rate of violation of the board's fecal coliform standard. The upgrade of the Pennington Gap wastewater treatment plant, as required by the EPA national municipal policy, should result in fewer fecal coliform violations in the North Fork of the Powell River.

Straight Creek samples indicated an 82% rate of violation of the fecal coliform standard, a condition caused by poorly treated or untreated sewage discharges from the town of St. Charles and its surrounding communities. The Potential Loan List, Table 9, indicates that St. Charles will upgrade their facility and extend their service area.

The Powell River sampling effort indicated a 76% rate of fecal coliform violation at the station located in Lee County just outside of Jonesville and a 31% rate of violation at the station located at Big Stone Gap.

The Town of Appalachia is seeking a loan to extend sewer lines. Stream standards should be met with secondary treatment and BPT of existing and proposed discharges in this segment.

USGS HUC 06010205

Clinch River Subbasin

6B-2 Clinch River Main Stem only - Water Quality Limited - River Mile 108 - 150

There are three municipal VPDES permitted discharge and two industrial VPDES permitted discharges in this segment. The Town of Tazewell is located in this segment, which owns and operates a 0.7 mgd wastewater treatment plant, providing secondary treatment of the municipal wastewater via trickling filter design. Tazewell will replace the old trickling filter plant (see Potential Loan Eligibility List) with a plant of larger capacity and of contact stabilization design. The Pounding Mill Quarry Corporation discharges treated wastewater and stormwater to the Clinch River in this segment. The town of Richlands discharges wastewater from its wastewater treatment plant and its potable water treatment plant to this segment. The Raven-Doran Aerated lagoon also discharges into this segment.

Results of an intensive stream survey performed on the Clinch River to determine the impact of the discharge from the Tazewell wastewater treatment plant were inconclusive and additional study is to be performed this summer season (1988).

There are no water quality monitoring stations in the segment. The extension of the segment six miles downstream from its most downstream limit, Clinch River mile 114, will include one surface water monitoring station at Clinch River mile 315.11. This station is located approximately 1.5 miles downstream of the Richlands wastewater treatment plant and has been in service since January 1971. During the past twenty-four months of sampling (once per month), there have been two excursions from the daily average dissolved oxygen standard of 5.0 mg/l. The excursions were 4.6 and 4.8 mg/l and occurred in the months of August and September 1987, respectively. Fecal coliform violations were observed in 46% of the samples taken at this station for the past 305(b) reporting period (June 30, 1986 to July 1, 1987). There are no biological monitoring stations in this segment.

The Potential Loan Eligibility List indicates construction of a new plant at Richlands and numerous construction activities to provide sewer lines into areas not presently served. Additionally, the flow received at the Raven/Doran

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wastewater treatment plant will be treated at the new Richlands plant.

An intensive stream survey was performed on the Clinch River in the area of the Richlands wastewater treatment plant in 1985. The purpose of the survey was to determine the impact of the BOD5 constituent on the ambient dissolved oxygen content of the stream. The results of the survey indicated the discharge from the Richlands facility impacts the Clinch River for approximately two miles downstream before recovery starts taking place.

6B-3 Clinch River Tributaries Only - Effluent Limited - River Mile 108 - 150

There are seven municipal VPDES permitted discharge points and six industrial VPDES permitted discharge points located in this segment. There are no known plans to expand the present wastewater treatment plants in this segment.

6B-4 Clinch River Main Stem and Tributaries - Effluent Limited - River Mile 0 - 108

There are 25 municipal VPDES permitted dischargers which include 5 municipally owned plants and 12 industrial VPDES permitted discharges. The Potential Loan Eligibility List has loan needs to include projects at 15 municipal sites in Russell and Scott Counties (see Potential Loan Eligibility List, Table 9). The project to expand sewer service in the St. Paul area will provide much needed service in the communities of Dante, Hamlin, and Castlewood. The extension of service into the Dante/Hamlin area and the Castlewood area should result in fewer fecal coliform violations in this segment.

There are four water quality monitoring stations in this segment, two on the Clinch, one on Stock Creek, and one on Little River in Russell County. Additionally, there are five biological monitoring stations, three on Stock Creek to monitor the discharge from Foote Mineral Company at Sunbright and two biological stations bracketing the discharge from the Appalachian Power Company at Carbo. The ambient water quality monitoring stations indicate no excursions from the dissolved oxygen standard for the past 24-month period. The three biological stations on Stock Creek indicate continued impact on the benthic macroinvertebrate community from the discharges at Foote Mineral Company. The two biological stations bracketing the discharges from Appalachian Power Company indicate variable impact with fair to good water quality indicated by the macrobenthic community, however. Analysis of water quality data for this segment of the Clinch River, including those tributaries sampled, indicate partial support of the EPA fishable/swimmable criteria with the exception of Little River which fully supports the criteria with only 6.0% of the samples violating the fecal coliform standard. Stream standards should be met with secondary treatment and BPT of existing and proposed discharges in the segment.

6B-5 North Fork of the Clinch River Main Stem and Tributaries - Effluent Limited - River Mile 0 - 27

There are four municipal VPDES permitted discharges and two industrial VPDES permitted discharges in this segment. One municipally owned facility at Duffield serves the needs of the Duffield Industrial Park and surrounding area. The Potential Loan Eligibility List indicates there are no loan needs for projects in this segment.

There is one ambient water quality monitoring station in this segment located on the North Fork of the Clinch River in Scott County. For the past 24-month monitoring period, there have been no excursions from the daily minimum of 4.0 mg/l dissolved oxygen. The ambient water quality monitoring indicates that 11% of the samples taken indicated fecal coliform (MPN) violations greater than 400. Stream standards should be met with secondary treatment and BPT of existing and proposed discharges in the segment.

6B-6 Guest River Main Stem Only - Water Quality Limited - River Mile 0 - 8

There are no VPDES permitted discharges in this segment presently. Future construction of a regional wastewater treatment plant in this segment downstream from Coeburn to treat wastes from Norton, Wise, and Coeburn, plus small communities in the corridor of the trunk lines, should result in less frequent fecal coliform violations in Bear Creek and the Guest River when the Norton/Ramsey and Wise wastewater treatment plants are taken off line.

There is one ambient water quality monitoring station in this segment. The station is located at the Route 73 bridge near Coeburn and approximately 1.5 miles downstream of the Coeburn wastewater treatment plant. Samples taken for the past § 305(b) reporting period indicate that 47% violated the board's fecal coliform standard of 400MPN/1. Samples taken for the past 24-month period indicate no excursions from the 4.0 mg/l dissolved oxygen standard. There are no biological monitoring stations in this segment. Two benthic macroinvertebrate surveys indicate the stream is variously impacted by poorly treated wastewater from the Norton/Ramsey wastewater treatment plant and the Coeburn plant.

6B-7 Guest River and Tributaries - Effluent Limited - River Mile 8 - 20

There are eight municipal VPDES permitted discharges and four industrial VPDES permitted discharges in this segment. The Wise lagoon will be taken off line as a municipal facility and sewage flow routed to the Wise/Norton/Coeburn regional facility. The Wise lagoon may be used as a treatment facility for future industrial needs of the area.

There is one ambient water quality monitoring stations in this segment. The station is located on Bear Creek, just

downstream of the Wise wastewater treatment plant. Samples taken for the past § 305(b) reporting period indicate that 50% of the samples violated the board's fecal coliform standard. There are no biological monitoring stations in this segment. These violations should be significantly reduced after construction of the regional system. Stream standards should be met with secondary treatment and BPT of existing and proposed discharges in the segment.

USGS HUC 06010101

North Fork Holston River Subbasin

6C-1 The North Fork of the Holston River and its Tributaries - Effluent Limited - River Mile 81 - 135

This segment starts at the most downstream reach of the "muck" ponds for the Olin Chemical Company plant site and continues upstream to mile 135 to the Ceres section of Bland County. There are three ambient water quality monitoring stations located in this segment, all on the main stem of the river. There is one biological monitoring station located in this segment.

For the past § 305(b) reporting period, fecal coliform analysis indicated partial support of the EPA fishable/swimmable criteria at the three stations in this segment. Biological monitoring at the one station in this segment indicates continued fair to good water quality as does the biological monitoring station located 0.5 miles downstream of the "muck" ponds. Mercury analysis indicates that sediments in this segment do not exceed EPA Region 5 sediment criteria and mercury in fish tissue is below FDA guideline of 1 ppm.

The Town of Saltville is in this segment and discharges treated wastewater from its activated sludge treatment facility to the North Fork of the Holston River at river mile NFH 83.30. The plant does not experience any major problems at this writing and there are no plans to upgrade or expand in the near future. Land use in the surrounding area is primarily agricultural. Stream standards should be met with secondary treatment and BPT of existing and proposed discharges in the segment.

6C-2 The North Fork of the Holston River, Main Stem Only - Water Quality Limited - River Mile 0 - 81

This segment begins at the toe of the Olin Company "muck" ponds at river mile 81, and extends downstream to the Virginia/Tennessee state line at Kingsport, Tennessee. There are four ambient water quality monitoring stations in this segment, one CORE station, and one biological monitoring station. All stations indicate elevated levels of mercury in the sediments and in fish tissue, however the fish tissue analysis indicates trends in mercury contamination continue to decline. Last two samplings, 1986-1987, indicate that the average mercury value of all fish at all stations in segment are below the 1 ppm methyl mercury action level set by FDA.

Fecal coliform analysis indicates noncompliance of the EPA fishable/swimmable criteria at station NFH 80.43 and partial compliance at the remainder of the stations. There is one VPDES permitted municipal wastewater treatment plant in this segment. The town of Weber City discharges its treated wastewater to the N.F. Holston River at river mile 8.5. There are no plans to upgrade or expand the facility in the near future. This segment is classified Water Quality Limited because of the mercury concentrations in the North Fork of the Holston River.

6C-3 The North Fork of the Holston River, Tributaries Only - Effluent Limited - River Mile 0 - 81

This segment begins at the toe of the Olin Company "muck" ponds and extends to the Virginia/Tennessee state line at Kingsport, Tennessee.

There is one VPDES permitted industrial discharger in this segment. The U.S. Gypsum Company discharges treated wastewater from its treatment facilities to McHenry's Creek, a tributary of the N.F. Holston in this segment.

There is one VPDES permitted municipal wastewater treatment plant in this segment. The Town of Gate City discharges its treated wastewater to Big Moccasin Creek, a tributary of the N.F. Holston River in Scott County. The Potential Loan Eligibility List indicates Gate City will undertake I & I abatement work and sewer extensions in the service area.

USGS HUC 06010102

South Fork Holston River Subbasin

6C-4 The Middle Fork of the Holston River, Main and Tributaries - Effluent Limited - River Mile 39 - 58

This segment begins just upstream of the Marion wastewater treatment plant and extends to the headwaters of the stream. There are no VPDES permitted municipal wastewater treatment plants in this segment. However, there are three VPDES permitted industrial wastewater discharges in the segment. The Marion raw water intake is located in this segment below an industrialized area. There are four animal waste VPA permits issued in this segment.

There are no surface water quality monitoring nor biological monitoring stations in this segment.

6C-5 The Middle Fork of the Holston River, Main Only - Water Quality Limited - River Mile 34 -39

This segment begins five miles downstream from the discharge from the Marion wastewater treatment plant and extends to just upstream of the Marion wastewater treatment plant discharge. There are no other dischargers in this segment nor are there any surface water monitoring sites in this segment. Results of an intensive stream survey conducted in 1987 by the board's staff

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indicate that the wastewater from the Marion plant is assimilated by the stream in approximately two miles.

6C-6 The Middle Fork of the Holston River, Tributaries Only - Effluent Limited - River Mile 34 - 39

This segment begins five miles downstream of the Marion wastewater treatment plant discharge and extends to just upstream of the plant's discharge point. There are no ambient water quality monitoring stations and no biological monitoring stations in the segment. There are four VPDES permitted municipal discharges in this segment and no VPDES permitted industrial discharges. There are sixteen animal waste VPA permits in this segment.

6C-7 The Middle Fork of the Holston River and its Tributaries - Effluent Limited - River Mile 0 - 34

This segment is the Middle Fork of the Holston River from river mile 0 to 34. There are two ambient water quality monitoring stations located on the main stem of the stream at the Route 58 bridge in Washington County and at the Smyth/Washington County line. There are no biological monitoring stations in this segment.

Emory and Henry College treats domestic wastewater from the campus with an Imhoff tank and trickling filter, and discharges to Halls Creek. The Rhea Valley Elementary School discharges from a package treatment plant to an unnamed tributary to the Middle Fork of the Holston River, and the community of Glade Spring, located on an unnamed tributary of Hutton Creek, has no central wastewater treatment facility. However, the potential loan eligibility list indicates a system may be built for the community in the near future.

There are seven municipal VPDES permitted discharges from package plants in this segment. There are 11 animal waste VPA permits issued in this segment.

For the past § 305(b) reporting period, fecal coliform analysis indicated nonsupport of the EPA fishable/swimmable criteria for the 34 miles assessed in this segment. Stream standards should be met with secondary treatment and BPT of existing and proposed discharges.

6C-8 Wolfe Creek Main Stem - Water Quality Limited - River Mile 0 - 10

This segment begins at the confluence of Wolfe Creek and the South Fork of the Holston River and extends upstream for a distance of 10 miles. The segment includes the discharge from the Abingdon wastewater treatment plant and the Bristol water treatment plant.

There are two ambient water quality monitoring stations in this segment. There are no biological monitoring stations in the segment.

The surface water quality monitoring for the past § 305(b) report indicated that the stream does not support the EPA fishable/swimmable criteria.

6C-9 Wolfe Creek Main Stem - Effluent Limited - River Mile 10 - 12

This segment begins near the northern town limit of Abingdon and extends to the headwaters of the stream, a distance of approximately two miles.

There are no surface water stations in this segment.

There are no VPDES permitted discharges in this segment.

6C-10 South Fork of the Holston River - Main and Tributaries - Effluent Limited - River Mile 0 - 54

This segment begins at the Virginia/Tennessee state line and extends for a distance of 54 miles upstream.

There are five ambient water quality monitoring stations in this segment and three biological monitoring stations. For the past § 305(b) report period, the stations on Beaverdam Creek and the South Fork Holston partially supported the EPA fishable/swimmable criteria and the stations on Little Creek, and the two Beaver Creek stations did not support the EPA fishable/swimmable criteria.

The cause of the violations may be related to diffuse nonpoint source pollution. Monitoring to include Fecal Coliform/Fecal Strep analysis will aid in the determination of the sources and ultimately in decisions on how best to eliminate or reduce the pollution.

The Town of Damascus discharges treated wastewater to the South Fork of the Holston River from an activated sludge plant located in Washington County. The major industry in the segment, Mobay Company, is now closed with no discharge to Beaverdam Creek or the South Fork of the Holston River. The land use in the drainage basin is primarily agricultural which accounts for the eleven animal waste VPA permits in the segment.

There is one municipal water supply intake located in this segment. The City of Bristol withdraws water from the South Fork of the Holston River at river mile 5.5.

§ 4. Nonpoint sources.

A. SWCB procedures and policies.

The State Water Control Law (SWCL) provides broad authority for the State Water Control Board to conduct a water quality management program in accord with the following. It is the policy of the Commonwealth of Virginia and the purpose of this law to:

1. Protect existing high quality state waters and restore all other waters to such a condition of quality

that any such waters will permit reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them.

2. Safeguard the clean waters of the state from pollution.
3. Prevent any increase in pollution by reducing existing pollution.³
4. Promote water resource conservation, management, and distribution, and encourage water consumption reduction in order to provide for the health, safety, and welfare of the present and future citizens of the Commonwealth.⁴

Part of the SWCL states "to establish policies and programs for effective areawide or basinwide water quality control and management." Development of a management program in Virginia was closely associated with the Clean Water Act's planning activities focusing on nonpoint source pollution. Nondesignated 208 areas were studied with 208 funding.

B. Best Management Practices (BMPs).

A series of Best Management Practices (BMP) handbooks have been developed. Each handbook covers one of six categories of NPS pollutants, agriculture, forestry, hydrologic modifications, sources affecting ground water, surface mining, and urban areas. The six books describe structural and nonstructural BMPs for mitigating the NPS pollution addressed. Additionally, a management handbook sets forth the overall strategy for implementing the state program.

A significant characteristic of Virginia's NPS Management Program is its voluntary status. The approach is based on education and encouragement of citizens of Virginia to initiate measures to control NPS pollution. Each state is required to develop reports which identify state waters, which without action to control nonpoint sources of pollution cannot be expected to attain or maintain water quality standards or goals of the Clean Water Act. States are to submit a management program for control of nonpoint sources of pollution over a four-year period. The Division of Soil and Water Conservation (DSWC) in cooperation with the SWCB has submitted a management plan to EPA in accordance with § 319 of the Clean Water Act. An assessment of nonpoint source pollution has been submitted to EPA.⁵

The DSWC has been designated lead agency for implementing the Virginia Nonpoint Source Pollution Management Plan. Management of stormwater from urban areas is divided between the SWCB and DSWC. The SWCB maintains responsibility for older developed urban areas while DSWC is the lead agency for those urbanizing areas undergoing construction and development.

The DSWC's responsibilities are described in a memorandum of understanding between the SWCB and DSWC. This memorandum provides for the promotion of the use of urban BMPs for erosion and sediment control and stormwater management through its administration of the Virginia Erosion and Sediment Control Law and through an education program.

In developed areas where the NPS program is administered by the SWCB, local governments are encouraged to develop and implement a program to reduce nonpoint pollution from areas of existing development under its own jurisdiction. The SWCB encourages localities to take advantage of the greater flexibility in dealing with the problem when the opportunity is available to plan for and incorporate BMPs and other measures into new development. The SWCB recommends the use of a variety of techniques such as land use controls through local zoning and subdivision ordinances, tax incentives and planning for capital improvements.

Virginia has employed cost sharing as a means to encourage compliance with voluntary BMPs, with the DSWC responsible for administering funding. Planned use of these funds designated for urban areas include cost sharing of technical specialist positions at the local government level and implementation of demonstration projects to determine the effectiveness of innovative urban BMPs. Part of the funds for agricultural NPS control are scheduled for direct cost-sharing with individual landowners to implement BMPs.

There are three sources of nonpoint source pollution that are regulated: No discharge facilities, land disturbing activities resulting from construction and from mining. Construction activities are regulated by the DSWC in conjunction with local governments and surface mining by the Division of Mined Land Reclamation (DMLR) which issues SWCB permits and performs inspections of facilities.

C. Virginia Pollution Abatement Permits (VPA).

A Virginia Pollution Abatement (VPA) permit (formerly known as a No-Discharge Certificate) is issued whenever an owner handles waste or wastewaters in a manner which does not involve discharging to a POTW or to surface waters. Types of facilities approved by this program include pits, ponds and lagoons for waste storage, treatment or recycling and on-site facilities such as land treatment systems. The basis of approval for such systems includes assurance that waste or wastewater will not discharge directly into the Commonwealth's surface waters under prescribed rainfall conditions and that ground water quality will be protected.

D. SWCB Inspection Program.

Inspections of VPA permit holders are conducted with the frequency outlined in Table 2 of Chapter III SWCB Inspection Program. No Discharge Facilities Inspections

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are conducted on Animal Feeding Operations, Land Application of Sludge and other No Discharge Inspections.

Animal Feeding Operations Inspections involve an evaluation of both feedlot and waste treatment/handling facilities with regard to construction, operation and maintenance of the facility. These inspections may occur as a periodic inspection or in response to a complaint.

Inspection of other no-discharge facilities encompass a wide variety of diverse operations from wood preserving plants to small industrial facilities with mass drainfields.

TABLE 2

SWCB'S PRESENT VPA PERMIT INSPECTIONS INSPECTION FREQUENCY

Inspection Type	Annually	Biennially	Other
High Priority(1)	X		
Low Priority(2)			once/5 yr.

NOTES:

(1) High Priority involves land application of sludge, animal feeding operations with 300 animal units, wood preserving.

(2) Low Priority includes all other no-discharge facilities not considered High Priority.

E. Erosion and Sediment Control Law (ESCL).

The Erosion and Sediment Control Law contained in Article 4 of Chapter 5 of Title 10.1 of the Code of Virginia, as amended, was enacted in 1973. Enactment was in recognition of the accelerated soil erosion and sedimentation problems caused by the shift in land use from agricultural to nonagricultural uses. The DSWC was given the responsibility to establish a statewide soil erosion and sediment control program containing minimum guidelines, standards and criteria. These were developed and adopted by the division on July 1, 1974. The law exempts certain minor land disturbances and usual horticultural, forestry and agricultural practices. Local programs consistent with the state program and subject to approval by the division were developed by counties, cities and incorporated towns or by the Soil and Water Conservation Districts.⁶ Local programs, in accordance with the state program, require a Sediment and Erosion Control Plan to be submitted and approved before commencing the land disturbing activity. The localities also monitor, inspect and have the authority to stop activities that violate local ordinances.

§ 5. Point sources.

VPDES Permit Issuance

The Clean Water Act requires the operation of a

nationally uniform permit program to control industrial and municipal wastewater point source discharges of pollutants and thus protect water quality standards. The permits are called Virginia Pollutant Discharge Elimination System permits (VPDES). The Commonwealth of Virginia has successfully operated a permit program since the SWCB's inception in 1946. In Virginia, VPDES permits are issued according to the procedures in various SWCB Laws and Regulations and EPA Effluent Guidelines and criteria.

State Water Control Law, Title 62.1, Chapter 3.1, § 62.1-44.15(13) of the Code of Virginia, requires the State Water Control Board to establish policies and programs and develop comprehensive pollution abatement and water quality plans on an areawide or basinwide basis. The approval of proposals for waste treatment facilities must be in accordance with the appropriate water quality management plan as prescribed in the Permit Regulations and state law. Each draft permit is reviewed to assure compliance.

To ensure that secondary treatment levels are met by Publicly Owned Treatment Works (POTWs), the U.S. Environmental Protection Agency (EPA) developed the National Municipal Policy as published in the Federal Register on January 30, 1984.⁷ This policy required all POTWs to achieve compliance with secondary treatment levels by July 1, 1988, regardless of the availability of grant funds.

Additionally, the policy requires states with VPDES programs to develop strategies and procedures to implement the policy. Pursuant to the EPA's National Municipal Policy the SWCB developed procedures and policies which were approved by EPA. The SWCB strategy required a locality to submit a Municipal Compliance Plan (MCP) if major construction is required. An existing facility which is capable of meeting final secondary limits must submit a Compliance Correction Plan (CCP). This plan defines the work needed and the method of financing to attain compliance.

The SWCB has adopted a new policy entitled, Nutrient Enriched Waters. The standard is adopted under the authority of §§ 62.1-44.15(3a) and 62.1-44.15(10) of the Code of Virginia. This policy provides for the control of discharges of phosphorus from point sources affecting state waters that have been designated "nutrient enriched."

A. Compliance schedules.

Listed in Table 10 are the schedules for wastewater treatment facilities to be built according to the National Municipal Policy.⁸ Compliance schedules are established and regulated through enforcement actions taken by the board. Any changes in compliance schedules or failure to comply are handled through Consent Orders or Consent Decrees.

B. Individual treatment units.

The SWCB issues permits for the point source discharges to surface waters of individual treatment units for individual residents, ITUs. Each of the permits require secondary level of treatment. The stream impact of these discharges is considered insignificant because recovery occurs rapidly and stream standards should not be violated. The Tennessee Basin has approximately 40 ITUs located within the Basin as of April 1988.

Permits should continue to be issued and secondary treatment required for all such discharges. Total impact must be evaluated for any concentration of ITUs on a river segment before permits are issued. No VPDES permit will be issued for an ITU when a central sewer is available. ITU permits will be considered in compliance with this planning document when other means of treatment is not feasible.

C. Strategy for "Nutrient Enriched Waters."

The SWCB has adopted a new standard entitled, Policy for Nutrient Enriched Waters.⁹ The policy is adopted under the authority of §§ 62.1-44.15(3a) and 62.1-44.15(10) of the Code. This policy provides for the control of discharges of phosphorus from point sources affecting state waters that have been designated "nutrient enriched."

As specified in the policy, the board shall reopen the SWCB permits of certain point source dischargers to "nutrient enriched waters" and shall impose effluent limitations on phosphorus in the discharges authorized by those permits and certain new permits. Currently there are no designated "nutrient enriched waters" in the Tennessee-Big Sandy River Basin.

D. Determination of Effluent Limitations.

Information included in the SWCB permit application regarding (i) facility location; (ii) facility operation; (iii) wastewater treatment; and (iv) wastewater analysis is evaluated. An inspection of proposed or existing discharge sites is made to ascertain the following:

1. Location of the proposed or existing discharge for which an application has been filed;
2. Location of nearby, existing or proposed discharge(s);
3. Description of the receiving waters at the discharge site;
4. Determination of stream uses;
5. Familiarization with plant operations.

Complete applications are also reviewed immediately to determine if the proposed discharge contains significant toxic pollutants (pollutants which exceed the in-stream standards and criteria as determined by mass balance). If

toxicity or potential toxicity problems are determined to exist, the application is reviewed to determine if the facility should be included in the Toxics Management Program (TMP).

Determinations are made as to application of EPA effluent limitation guidelines, EPA criteria, Virginia's Water Quality Standards, or modeling will be required to determine effluent limits as noted earlier. Application of standards and criteria and less complex modeling is then performed and effluent limitations set.

If the need for more complex modeling is identified, the following procedures apply:

1. Determination made as to the need for a new wasteload allocation. And the selection of a model for determination of allowable loads.
2. Data gathering and modeling work performed according to the SWCB Modeling Manual.
3. Completeness/correctness of the modeling effort is then reviewed to ensure that it is consistent, accurate and in accordance with accepted practice. If the modeling effort is found acceptable it is used to develop permit effluent limitations and any associated special conditions.

Timely issuance of SWCB permits is crucial to ensuring that appropriate effluent limits and other conditions are in force for each discharger. Applications for new permits are processed expeditiously.

E. Wasteload allocations.

A variety of models were used to determine the assimilative capacity and degree of treatment required for a stipulated wasteload on a specific stream at a given point. Listed in Tables 4 through 7 are the wasteload allocations.

The assimilative capacity of a river segment is the maximum amount of waste that can be discharged under specified conditions and still achieve water quality goals. The assimilative capacity is defined as the maximum daily load that can be discharged to a stream segment without:

1. Violating the minimum stream quality standards;
2. Significantly degrading waters of existing high quality; or
3. Interfering with the beneficial use of state waters.^{10, 11}

The point source pollutant wasteload allocation (WLA), expressed in kilograms per day (kg/day) of BOD5 or CBOD5 is given in Tables 4 through 7 for dischargers in the Tennessee-Big Sandy River Basin. This value is based on 7Q10 or critical flow. A safety factor is included as an

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estimate of the nonpoint source load allocation.

Effluent Limited (E.L.) segments require secondary treatment levels; also noted in Tables 5 and 7 as "secondary". Water Quality Limited (W.Q.), segments require higher degrees of treatment and wasteload allocations as prescribed by federal regulation.¹²

It is important to recognize that the waste treatment levels listed in Tables 4 through 8 represent final effluent limits. Some facilities may operate under interim treatment limits of secondary/best practical technology (BPT) or better while stream standards and effluent policies are further evaluated and verified through intensive stream sampling and detailed modeling. Due to the high cost associated with advanced wastewater treatment, the SWCB is committed to conducting a detailed evaluation of all municipal projects which require greater than secondary/BPT levels of treatment and to further refine the treatment levels required to protect water quality and public health.

F. Total Maximum Daily Load (TMDLs).

Total Maximum Daily Load is comprised of wasteload allocations (WLA), background and nonpoint source load (LA), e.g. runoff events, and may include a safety factor. In other words TMDLs can be expressed as the following:

$$TMDL = WLA + LA1 + LA2 + SF$$

Where:

WLA = Wasteload Allocation

LA1 = Background

LA2 = Nonpoint Source Load (runoff events)

SF = Safety Factor

Unallocated stream capacity is comprised of natural stream background conditions and nonpoint source load. The SWCB's modeling procedures consider background conditions and nonpoint source discharge to be that portion of a stream's total assimilative capacity which cannot be allocated to a point source discharge. TMDL's were only calculated for Water Quality segments and are listed in Tables 4 through 7.

G. Methods for allocation between dischargers.

In some instances it may become necessary to determine wasteload allocations between dischargers in order to maintain water quality standards. The following are offered as suggested methods for making these determinations:

1. Equal Treatment: All dischargers provide equal treatment, i.e. the same removal efficiency.

2. Equal Effluent: All dischargers provide the same effluent concentrations.

3. Population Equivalent: Industrial waste and other dischargers converted to population equivalent, i.e. 240 mg/l BOD₅.

H. SWCB Inspection Program.

The SWCB permit programs rely primarily on the concept of discharger self-compliance monitoring. The SWCB conducts facility inspections as the principle form of regulatory surveillance. This is done to ensure self-monitored information is representative and accurate and that wastewater treatment facilities are properly maintained and operated. Authority for this program is given in the State Water Control Law, Chapter 3.1 of Title 62.1 of the Code of Virginia, and the Permit Regulation VR 680-14-01.

The objectives of the program are to: (i) determine if facilities are in compliance with statutes, regulations and permit requirements; (ii) improve facility performance; (iii) support permit development; and (iv) support administrative civil and criminal actions. There are two basic types of inspections for SWCB permit holders: SWCB Permit Inspections and Compliance Inspections.

SWCB permit inspections are broken into two basic categories; Technical Inspections and Laboratory and Sampling Inspections. Inspections of municipal facilities are coordinated with the Virginia Department of Health (DOH). Compliance Inspections are conducted as a result of significant violations of a Board-Issued SWCB permit, previous enforcement action, or state/federal statutes. A Notice of Violation (NOV) is presented from a board representative at the time of inspection. The frequency of SWCB permit inspections is presented in Table 3.

TABLE 3

SWCB'S PRESENT VPDES PERMIT INSPECTIONS INSPECTION FREQUENCY

Inspection Type	Annually	Biennially	Other
MUNICIPAL			
Technical and Laboratory only			
Major (flow 1.0 MGD)	X		
Minor (flow 0.04 MGD 1.00 MGD)			X
Small (flow 0.001 MGD 0.04 MGD)			once/5 yrs.
INDUSTRIAL			
Major (SWCB/EPA Major List)	X		
Minor (Not Major or Small)			X
Small(1)			once/5 yrs.

Commercial Laboratories
(Lab only)

X

NOTES:

(1) Small is considered to be an industrial facility with low environmental impact potential such as discharges of noncontact cooling water, sand and gravel operations, car washes, etc.

The SWCB also performs other inspections designed to assist permittees, investigate complaints and to follow up on previous inspections. This type of inspection, Assistance/Complaint/Reinspection, is scheduled based on the request of an owner/operator for assistance, a complaint or as a result of substantial deficiencies from a previous inspection. Diagnostic evaluations are also performed to assist those POTWs without self-diagnostic capability or to evaluate causes for noncompliance in support of enforcement and are a more rigorous inspection. Diagnostic evaluations are scheduled based on the prioritizing of facilities according to established criteria and focuses primarily on smaller POTWs that are in noncompliance with permit requirements.

Major POTWs with Pretreatment Programs are audited annually, usually at the time of inspection. Additionally, 20% of significant and 50% of Categorical Pretreatment Industries are scheduled and inspected annually.

I. Standards and criteria.

The SWCB has adopted water quality standards and criteria designed to protect beneficial uses of State waters. VPDES applications are reviewed to insure that the discharge will not cause violation to the water quality standards. There are two standards that have the most impact on municipal discharges in this basin, chlorine and ammonia. For chlorine, all discharges have been evaluated and schedules for upgrade of facilities have been provided where necessary. As permits are reissued, evaluation will be made to determine any upgrade of facilities necessary to meet the ammonia standards.

J. Urban stormwater management.

The rapid release of runoff into a combined sewer system may cause an overflow of stormwater and sanitary waste. The Best Management Practice Handbook, Urban,¹³ developed by the SWCB and other agencies of the Commonwealth found that the separation of combined sewers is very expensive. Alternative methods include regulation of flows in combined sewers by conventional regulators such as: (i) static (ii) semi-automatic dynamic and (iii) automatic dynamic type of regulators. These alternative methods entail an increasing degree of control and sophistication and, of course, a corresponding increase in capital and operating and maintenance costs.

A newer approach is the fluidic flow regulators. An advantage in using a fluidic device is that they have no

moving parts in their flow regulation mechanisms. Storage of stormwater within conveyance systems is, perhaps, the most cost-effective method available for reducing pollution resulting from combined sewer overflows and to improve management of urban stormwater runoff.

Storage and the resulting sedimentation that occurs can also be thought of as a treatment process. Storage facilities possess many of the favorable attributes desired in combined sewer overflow treatment. They are relatively fail-safe and adapt well to stage construction. Draw backs of such facilities are related primarily to their large size, cost, and visual impact. Construction may be in-line or off-line. In-line storage is provided by damming, gating, or otherwise restricting flow within the conduit to create additional storage by backing up water in upstream lines. Off-line storage is accomplished through routing overflows into separate holding facilities. Typical off-line storage devices include reservoirs, lagoons, underground silos and deep tunnels.

K. Combined sewer overflows.

Any discharge made from storage facilities noted above or from sewer pump stations are subject to the VPDES permitting process and the establishment of Effluent Limitations discussed earlier in this chapter. Financial costs for making corrections are borne primarily by the local government. The City of Bristol, Virginia has eliminated all of its combined sewer overflows by separation of its storm water from its sanitary waste. No other combined sewers exist in the basin.

L. Toxics.

The SWCB has adopted the Toxic Management Program Regulation to control toxic discharges to state waters. Whenever VPDES permits for discharges to surface waters are issued, reissued or modified, a determination of the need for toxics management shall be made. The initial step of toxics management shall be a program of biological and chemical monitoring for toxic pollutants. The purpose of this monitoring program shall be to develop the data required for establishing water quality based effluent limitations and assessing the extent of effluent toxicity. Further toxics management activities, to include toxicity reduction if needed, shall be required in the permit whenever the results of this monitoring program indicate that toxicity does or may exist. Following the initial data generation, biological monitoring may be required of certain categories of discharges to assure continued compliance with the goals of this regulation.

M. Pretreatment.

The Pretreatment Program is designed to protect Publicly Owned Treatment Works (POTWs) and the environment from nondomestic wastewater that could either cause a treatment malfunction or contaminate receiving streams. Congress directed EPA to establish

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national standards for pretreatment of this wastewater. Municipalities are required to develop and implement plans for enforcing federal standards which govern industrial dischargers of toxic pollutants to POTWs. These municipal plans must include industrial waste surveys; legal authorities; compliance monitoring; procedures for program administration and resources to carry out and maintain the program. Industries must comply with national standards; report the effectiveness of their pretreatment facilities; submit baseline monitoring reports; and submit compliance progress reports. The state will become the approval authority for the municipalities pretreatment program and retain responsibility for administering National Pretreatment Standards until the municipality has an approved program. Currently there are no Pretreatment Programs in the Tennessee-Big Sandy River Basin.

N. Residual wastes and land disposal.

The disposition of residual waste from wastewater treatment processes is controlled by VPDES permits when municipal dischargers are involved. The permits include effluent limits, monitoring and reporting requirements, sludge disposal plan requirements, and operating conditions. The effluent limits are based on either technology based limitations common to all discharges within a given category, or limitations which will maintain the receiving stream water quality standards, whichever is more stringent.

Residual waste generated by industrial dischargers is controlled by either an VPDES permit or through, the VPA permitting process discussed previously when discharge into surface waters is to be prevented.

The Virginia Department of Health (DOH) has primary responsibility for the development, implementation, and enforcement of regulations pertaining to on-site wastewater disposal, septage management and disposal. Land application of sludge is a joint responsibility between the SWCB and DOH.

The process to control the disposition of all residual wastes from sewage treatment plants is referenced in the Commonwealth of Virginia Sewerage Regulations.¹⁴ A plan shall be provided for the disposal of sludge and solids from each treatment facility as part of the final engineering documents. The above Sewerage Regulations have provisions for sludge disposal on land areas, but only after detailed short term and long term chemical effects on the land and ground water are evaluated. Dried sludge may be disposed of in solid waste landfills. Only application sites especially selected for sludge application and approved by the Office of Water Programs (DOH) and the State Water Control Board may be used. Liquid sludge may be applied to land by plowing, discing, etc. SWCB and DOH must approve application sites.

The Virginia Department of Waste Management regulates a number of programs regarding solid and

hazardous wastes. These programs include: solid waste management, hazardous waste management, the siting of new hazardous materials, "superfund," and the management of low-level and high-level nuclear waste. Commercial and industrial facilities which generate, store, treat, dispose of, or transport hazardous waste in Virginia are subject to the Federal Resource Conservation and Recovery Act (RCRA) on the federal level and the Virginia Hazardous Waste Management Regulations in the Commonwealth. The SWCB consults for DWM upon request.

TABLE 4
VR 680-16-06. TENNESSEE-BIG SANDY RIVER BASIN WATER QUALITY MANAGEMENT PLAN

MUNICIPAL FACILITIES
VPDES PERMIT LISTING
BIG SANDY RIVER BASIN

SEGMENT NUMBER	SEGMENT CLASS	VPDES NO.	FACILITY NAME	RECEIVING STREAM	VPDES PERMIT LIMIT BOD5 KG/D	WASTELOAD ALLOCATION BOD5 KG/DAY	TMDL BOD5 KG/D ONLY FOR W.Q. SEGMENTS
6A-3	E. L.	VA0072559	CLINCHFIELD COAL CO GREENBRIER MINE STP	GREENBRIER CREEK	0.28	SECONDARY	
6A-3	E. L.	VA0072524	SPLASHDAM MINE SEWAGE TREATMENT PLANT	LITTLE GREENBRIER CREEK	2.40	SECONDARY	
6A-3	E. L.	VA0026964	RUSSELL PRATER ELEMENTARY SCHOOL	RUSSELL PRATER CREEK	3.45	SECONDARY	
6A-4	E. L.	VA0066320	SMITH GAP NO. 2 MINE STP	UNNAMED TRIB. OF HARDING	0.45	SECONDARY	
6A-4	E. L.	VA0065811	CENTENNIAL HEIGHTS	ROCKY BRANCH OF MCCLURE R.	4.43	SECONDARY	
6A-4	E. L.	VA0027421	DICKENSON CO. - ERVINTON ELEMENTARY SCHOOL	MCCLURE RIVER	0.57	SECONDARY	
6A-4	E. L.	VA0027448	DICKENSON COUNTY VOCATIONAL SCHOOL	MCCLURE RIVER	0.68	SECONDARY	
6A-4	E. L.	VA0061441	DICKENSON CO. - CLINCHO ELEMENTARY SCHOOL	MCCLURE RIVER	0.57	SECONDARY	
6A-4	E. L.	VA0072561	LAHBERT FORK #2 MINE STP	MCCLURE CREEK	0.57	SECONDARY	
6A-4	E. L.	VA0027430	ERVINTON HIGH SCHOOL	MCCLURE RIVER (OPEN FORK)	0.90	SECONDARY	
6A-6	E. L.	VA0027821	PHILLIPS CREEK REC. AREA	POUND LAKE (NORTH FORK)	0.57	SECONDARY	
6A-7	E. L.	VA0061913	TOWN OF POUND STP	POUND RIVER	19.87	SECONDARY	
6A-8	E. L.	VA0026565	CLINTWOOD STP	CRANESNEST RIVER	56.2	SECONDARY	
6A-8	E. L.	VA0023906	BREAKS INTERSTATE PARK (2) STP	GRASSY CREEK (DITCH TO)	0.68	SECONDARY	
6A-8	E. L.	VA0066346	MOSS NO. 1 PREP PLANT STP	LICK FORK/CRANESNEST RIVER	0.28	SECONDARY	
6A-8	E. L.	VA0066796	CLINCH. COAL CO. MCCLURE #1 TRAINING MINE	KILGORE CREEK	0.57	SECONDARY	
6A-8	E. L.	VA0067571	HAYSI STP-DICKENSON COUNTY P.S.A.	RUSSELL FORK RIVER	11.36	SECONDARY	
6A-8	E. L.	VA0071315	MOSS NO. 1 PREP PLANT STP	LICK FORK/CRANESNEST RIVER	0.31	SECONDARY	
6A-8	E. L.	VA0064751	COUNCIL ELEMENTARY SCHOOL	RUSSELL FORK RIVER	2.61	SECONDARY	
6A-8	E. L.	VA0067032	MCCLURE NO. 1 PREP PLANT STP	CANEY CREEK	0.17	SECONDARY	
6A-8	E. L.	VA0067261	CLINCH. COAL CO. MAPLE HOUSE BRANCH MINE STP	LOWAN ROSE CREEK	0.91	SECONDARY	
6A-8	E. L.	VA0062413	TRAVELLERS HOTEL AND RESTAURANT STP	INDIAN CREEK	0.57	SECONDARY	
6A-8	E. L.	VA0027464	DICKENSON CO. - SANDLICK ELEMENTARY SCHOOL	RUSSELL RIVER	0.91	SECONDARY	
6A-8	E. L.	VA0027413	LONGS FORK ELEMENTARY SCHOOL	LAUREL CREEK	0.44	SECONDARY	
6A-8	E. L.	VA0067041	MCCLURE NO. 1 MINE STP	CANEY CREEK	2.38	SECONDARY	
6A-8	E. L.	VA0060275	BREAKS INTERSTATE PARK (3) CMPG. STP	GRASSY CREEK	1.14	SECONDARY	
6A-8	E. L.	VA0023892	BREAKS INTERSTATE PARK (1) STP	LAUREL BRANCH	3.41	SECONDARY	
6A-8	E. L.	VA0061671	CLINTWOOD ELEMENTARY SCHOOL	ROCK BRANCH	1.36	SECONDARY	

(Table 4 Continued)

SEGMENT NUMBER	SEGMENT CLASS.	VPDES NO.	FACILITY NAME	RECEIVING STREAM	VPDES PERMIT LIMIT BOD5 KG/D	WASTELOAD ALLOCATION BOD5 KG/DAY	TMDL BOD5 KG/D ONLY FOR W.Q. SEGMENTS
6A-9	E. L.	VA0065536	ISLAND CR. COAL CO. - VA. POCAHONTAS MINE #1	DISMAL CREEK	2.27	SECONDARY	
6A-9	E. L.	VA0066028	VA. POCAHONTAS MINE #2 STP	DISMAL CREEK	0.91	SECONDARY	
6A-9	E. L.	VA0066362	JEWELL RIDGE MINING CORP. - MINE 18 STP	DISMAL CREEK	1.40	SECONDARY	
6A-9	E. L.	VA0066001	VA. POCAHONTAS MINE #4 STP	DISMAL CREEK	2.16	SECONDARY	
6A-11	E. L.	VA0066052	HARMAN MINING CORP. #1 MAIN BATHHOUSE	BULL CREEK	0.57	SECONDARY	
6A-11	E. L.	VA0062308	HARMAN ELEMENTARY SCHOOL	BULL CREEK	0.91	SECONDARY	
6A-12	E. L.	VA0029939	BUCHANAN COUNTY VOCATIONAL SCHOOL	SLATE CREEK	0.60	SECONDARY	
6A-12	E. L.	VA0063819	BOYD MOBILE HOME PART STP	SLATE CREEK	1.93	SECONDARY	
6A-12	E. L.	VA0026999	J. M. BEVINS ELEMENTARY SCHOOL	SLATE CREEK	0.68	SECONDARY	
6A-13	E. L.	VA0027006	BIG ROCK ELEMENTARY SCHOOL	LEVISA FORK	0.91	SECONDARY	
6A-13	W. Q.	VA0063002	OAKWOOD STP	LEVISA FORK	45.42	45.42	48.02
6A-13	W. Q.	VA0029181	ANCHORAGE SHOPPING CENTER	LEVISA FORK	2.16	(1)	
6A-13	W. Q.	VA0065650	ANCHOR INN	LEVISA FORK	2.84	(1)	
6A-13	W. Q.	VA0064432	DRUTHER'S RESTAURANT	LEVISA FORK	0.28	(1)	
6A-13	W. Q.	VA0061425	VANSANT HOTEL	LEVISA FORK	1.59	(1)	
6A-13	W. Q.	VA0065994	VA. POCAHONTAS MINE #3	LEVISA FORK	1.48	(1)	
6A-13	W. Q.	VA0062294	VANSANT ELEMENTARY SCHOOL	LEVISA FORK	1.36	(1)	
6A-14	E. L.	VA0067482	VANSANT FOOD CITY #839	BIG PRATER CREEK	0.23	SECONDARY	
6A-14	E. L.	VA0066044	HARMAN MINING CORP. MINE #3A STP	POPLAR CREEK	0.28	SECONDARY	
6A-14	E. L.	VA0066907	BUCHANAN NO. 1 MINE BATHHOUSE STP	GARDEN CREEK	1.70	SECONDARY	
6A-14	E. L.	VA0065625	V. P. 5 MINING CO. - VA. POCAHONTAS DIV	GARDEN CREEK	2.84	SECONDARY	
6A-14	W. Q.	VA0067822	VANSANT - BIG ROCK STP	LEVISA FK. VIA CONAWAY CK	141.94	141.94	145.94
6A-14	E. L.	VA0066061	HARMAN MINING CORP. MINE 3 STP	POPLAR CREEK	0.28	SECONDARY	
6A-14	E. L.	VA0066010	GARDEN CREEK POCAHONTAS STP	GARDEN CREEK	2.50	SECONDARY	
6A-19	E. L.	VA0067521	HURLEY HIGH SCHOOL/MIDDLE SCHOOL	KNOX CREEK	1.54	SECONDARY	
6A-19	E. L.	VA0026972	HURLEY HIGH SCHOOL	KNOX CREEK	0.73	SECONDARY	

1 - PLANT FLOW TO BE TREATED AT REGIONAL PLANT (VANSANT-BIG ROCK STP).

TABLE 5

MUNICIPAL FACILITIES
 VPDES PERMIT LISTING
 TENNESSEE RIVER BASIN - POWELL RIVER SUB-BASIN

SEGMENT NUMBER	SEGMENT CLASS.	VPDES NO.	FACILITY NAME	RECEIVING STREAM	VPDES PERMIT LIMIT BOD5 KG/D	WASTELOAD ALLOCATION BOD5 KG/DAY	TMDL BOD5 KG/D ONLY FOR V.P.D. SEGMENTS
68-1	E. L.	VA0020940	BIG STONE GAP STP	POWELL RIVER	105.98	SECONDARY	
68-1	E. L.	VA0020931	BENGES BRANCH STP	BENGES BRANCH	167.37	(1)	
68-1	E. L.	VA0073172	AGNO NO. 2 MINE STP	TRIB TO PIGEON CREEK	1.14	SECONDARY	
68-1	E. L.	VA0063983	LEE CO. - ROSE HILL ELEMENTARY SCHOOL	POOR VALLEY BRANCH	0.45	SECONDARY	
68-1	E. L.	VA0063975	LEE CO. - KEEXEE HIGH SCHOOL STP	UNNAMED TRIB OF CRAB ORC.	0.07	SECONDARY	
68-1	E. L.	VA0072555	CENTRAL SHOP AND WAREHOUSE STP	CALLAHAN CREEK	0.34	SECONDARY	
68-1	E. L.	VA0027499	LEE CO. - LEE CO. VOCATIONAL SCHOOL STP	CAKE CREEK	0.32	SECONDARY	
68-1	E. L.	VA0060780	CARTER HILL NURSING HOME STP	CLEAR SPRING BRANCH	1.14	SECONDARY	
68-1	E. L.	VA0069329	BULLITT COMPLEX-LINDEN SHAFT STP	LOONEY CREEK	0.79	SECONDARY	
68-1	E. L.	VA0063941	DOT HOBILE HOME PARK	STATION CREEK	1.14	SECONDARY	
68-1	E. L.	VA0022209	ST. CHARLES STP	STRAIGHT CREEK	11.36	SECONDARY	
68-1	E. L.	VA0065803	PARAMONT MINING CO. - MINE #6	POWELL RIVER	0.45	SECONDARY	
68-1	E. L.	VA0066826	HOLTON MINE COMPLEX STP	PIGEON CREEK	1.70	SECONDARY	
68-1	E. L.	VA0024015	JONESVILLE STP	TOWN BRANCH	17.03	SECONDARY	
68-1	E. L.	VA0029599	PENNINGTON GAP STP	POWELL RIVER (NORTH FORK)	185.99	SECONDARY	
68-1	E. L.	VA0021024	APPALACHIA STP	POWELL RIVER	34.07	SECONDARY	
68-1	E. L.	VA0060798	APPALACHIA ELEMENTARY SCHOOL	HILL BRANCH	1.36	SECONDARY	

1 - FLOW FROM THIS FACILITY TO BE INCLUDED IN THE COEBURN-NORTON-WISE REGIONAL FACILITY.

TABLE 6
 VR 680-16-06. TENNESSEE-BIG SANDY RIVER BASIN WATER QUALITY MANAGEMENT PLAN

MUNICIPAL FACILITIES
 VPDES PERMIT LISTING
 TENNESSEE RIVER BASIN - CLINCH RIVER SUB-BASIN

SEGMENT NUMBER	SEGMENT CLASS.	VPDES NO.	FACILITY NAME	RECEIVING STREAM	VPDES	WASTELOAD	THOL
					PERMIT LIMIT	ALLOCATION	BOOS KG/D
					BOOS KG/D	BOOS KG/DAY	ONLY FOR W.O. SEGME
6B-2	W. O.	VA0026298	TAZEWELL STP	CLINCH RIVER	76.0	(1) 76.0	(1) 86.28
6B-2	W. O.	VA0021199	RICHLANDS STP	CLINCH RIVER	273.0	(2) 273.0	
6B-2	W. O.	VA0028673	RAVEN/DORAN AERATED LAGOON	CLINCH RIVER	45.42	(5)	305.7
6B-3	E. L.	VA0072522	MASS CONSTRUCTION HOUSE B STP	POUNDING HILL BRANCH	0.06	SECONDARY	
6B-3	E. L.	VA0061450	SEA "B" MINING CO. - CENTRAL SHOP	MIDDLE CREEK	0.17	SECONDARY	
6B-3	E. L.	VA0026387	HONAKER STP	LEWIS CREEK	22.71	SECONDARY	
6B-3	E. L.	VA0064271	CLAYPOOL HILL STP	LITTLE CREEK	39.74	SECONDARY	
6B-3	E. L.	VA0067016	SEABOARD NO. 1 STP	BIG CREEK	1.14	SECONDARY	
6B-3	E. L.	VA0066672	HISTORIC CRAB ORCHARD PARK MUSEUM STP	TRIB TO CLINCH RIVER	0.17	SECONDARY	
6B-4	E. L.	VA0065790	PARAMONT MINING CO. - MINE #1	WHITE OAK BRANCH	0.45	SECONDARY	
6B-4	E. L.	VA0067008	CLINCH. COAL CO. - WILDER MINE STP	HURRICANE FORK	0.23	SECONDARY	
6B-4	E. L.	VA0070670	DUNGANNON STP	CLINCH RIVER	4.54	SECONDARY	
6B-4	E. L.	VA0026221	ST. PAUL AERATED LAGOON	CLINCH RIVER	45.42	SECONDARY	
6B-4	E. L.	VA0020672	APPALACHIAN LEARNING CENTER	CLINCH RIVER (DITCH TO)	2.38	SECONDARY	
6B-4	E. L.	VA0065901	CLINCH. COAL CO. - HURRICANE CREEK STP	HURRICANE FORK OF DUMPS CK.	0.28	SECONDARY	
6B-4	E. L.	VA0066691	CLINCH. COAL CO. - CENTRAL SHOP STP	MILLSTONE BR. OF DUMPS CK.	0.45	SECONDARY	
6B-4	E. L.	VA0067776	HANGING ROCK COMMUNITY CLINIC STP	LICK CREEK	0.23	SECONDARY	
6B-4	E. L.	VA0021016	CLEVELAND DISCHARGE	CLINCH RIVER	5.68	SECONDARY	
6B-4	E. L.	VA0065749	CLEVELAND JR. HIGH SCHOOL	UNNAMED CR. TO CLINCH RIVER	0.68	SECONDARY	
6B-4	E. L.	VA0065757	CLINCH RIVER ELEMENTARY SCHOOL	LICK CREEK	0.23	SECONDARY	
6B-4	E. L.	VA0065765	DANTE ELEMENTARY SCHOOL	RIGHT FORK OF LICK CREEK	0.23	SECONDARY	
6B-4	E. L.	VA0023582	TAZEWELL CORRECTIONAL UNIT #31	TRIB TO CLINCH	2.73	SECONDARY	
6B-4	E. L.	VA0066818	CLINCH. COAL CO. - YOWLING FORK MINE	LAUREL BRANCH-DUMPS CREEK	0.42	SECONDARY	
6B-4	E. L.	VA0020745	TOWN OF LEBANON STP	BIG CEDAR CREEK	64.50	SECONDARY	
6B-4	E. L.	VA0066290	VIRGINIA CITY COAL CO.	RUSSELL CREEK	1.59	SECONDARY	
6B-4	E. L.	VA0068152	SEABOARD SYSTEM RAILROAD	LICK CREEK	0.45	SECONDARY	
6B-4	E. L.	VA0065951	CLINCH. COAL CO. - HOSS #3 PREP PLANT STP	HURRICANE FORK OF DUMPS CR.	0.45	SECONDARY	
6B-4	E. L.	VA0020583	DUNGANNON ELEMENTARY SCHOOL	CLINCH RIVER	0.23	SECONDARY	

(Table 6 Continued)

SEGMENT NUMBER	SEGMENT CLASS	VPDES NO.	FACILITY NAME	RECEIVING STREAM	VPDES PERMIT LIMIT BOD5 KG/D	WASTELOAD ALLOCATION BOD5 KG/D	TMDL BOD5 KG/D	ONLY FOR W.Q. SEGMENTS	
68-4	E. L.	VA0066982	CLINCH. COAL CO. MINE #4A PORTAL STP	JOHNS FORK OF INDIAN CREEK	0.68	SECONDARY			
68-4	E. L.	VA0065854	ST. PAUL SPORTSWEAR COMPANY	LICK CREEK	1.36	SECONDARY			
68-4	E. L.	VA0066311	TWIN SPRINGS HIGH SCHOOL	CULBERTSON BRANCH	1.70	SECONDARY			
68-4	E. L.	VA0066354	SEA B MINING CO. SEABOARD MINE #2	MIDDLE CREEK	0.68	SECONDARY			
68-4	E. L.	VA0006951	CLINCH. COAL CO. - HOSS #3 PREP PLANT STP	DUMPS CREEK	0.45	SECONDARY			
68-4	E. L.	VA0065676	VALLEY VIEW TRAILER PARK	HUNDY BRANCH	1.13	SECONDARY			
68-5	E. L.	VA0029564	DUFFIELD INDUSTRIAL PARK	CLINCH RIVER (NORTH FORK)	36.34	SECONDARY			
68-5	E. L.	VA0065471	ROBERSON ENTERPRISE	NORTH FORK CLINCH RIVER	0.79	SECONDARY			
68-5	E. L.	VA0063789	DANIEL BOONE HOTEL RESTAURANT	TRIB N. FORK CLINCH RIVER	1.14	SECONDARY			
68-5	E. L.	VA0064009	BEE LINE TRAILER PART STP	NORTH FORK OF CLINCH RIVER	1.25	SECONDARY			
68-6	W. Q.	VA0031674	COEBURN (REGIONAL PLANT)	GUEST RIVER	303.00	303.00	308.00		
68-7	E. L.	VA0029041	HARTY CORP. - LOHESOME PINE RACEWAY	GUEST RIVER	1.15	SECONDARY			
68-7	E. L.	VA0020923	GUEST RIVER STP, NORTON, RAHSEY	GUEST RIVER	364.31	(4)			
68-7	E. L.	VA0061743	TOWN OF COEBURN - SHEFFIELD ACRES STP	CORDER BR. AND RAHEY BR.	4.54	SECONDARY			
68-7	E. L.	VA0020397	WISE LAGOON	BEAR CREEK	50.87	(4)			
68-7	E. L.	VA0031496	PARAMOUNT LAND COMPANY STP	BEAR CREEK	0.34	SECONDARY			
68-7	E. L.	VA0026185	CLINCH RANGER DISTRICT - WISE	YELLOW CREEK	0.91	SECONDARY			
68-7	E. L.	VA0023477	WISE CORRECTIONAL UNIT #18	X-TRIB TO GUEST RIVER	3.41	SECONDARY			
68-7	E. L.	VA0062375	WISE CO. PSA - LEE HORSE STP	BEAR CREEK	0.79	SECONDARY			

- 1 - WASTELOAD ALLOCATIONS TIERED, THIS FIGURE BASED ON SUMMER CRODS - KG/D, WINTER KG/D BASED ON 30 MG/L BOD5.
- 2 - WASTELOAD ALLOCATIONS TIERED, THIS FIGURE BASED ON SUMMER KG/D, WINTER KG/D BASED ON 30 MG/L BOD5.
- 3 - PLANT FLOW TO BE TREATED AT REGIONAL PLANT (RICHLANDS).
- 4 - PLANT FLOW TO BE TREATED AT REGIONAL PLANT (COEBURN).

TABLE 7

MUNICIPAL FACILITIES
 VPDES PERMIT LISTING
 TENNESSEE RIVER BASIN - HOLSTON RIVER SUB-BASIN

SEGMENT NUMBER	SEGMENT CLASS.	VPDES NO.	FACILITY NAME	RECEIVING STREAM	VPDES PERMIT LIMIT BOD5 KG/D	WASTELOAD ALLOCATION BOD5 KG/DAY	TMDL BOD5 KG/D ONLY FOR W.Q. SEG
6C-1	E. L.	VA0026808	SALTVILLE, TOWN OF	HOLSTON RIVER (NORTH FORK)	56.78	SECONDARY	
6C-1	E. L.	VA0029688	RICH VALLEY ELEMENTARY & HIGH SCHOOL	HOLSTON RIVER (NORTH FORK)	1.05	SECONDARY	
6C-2	W. Q.	VA0071323	GRIMM ENTERPRISES STP	NORTH FORK HOLSTON RIVER	0.85	(1)	
6C-2	W. Q.	VA0067351	HOLSTON REGIONAL STP	NORTH FORK HOLSTON RIVER	34.10	(1)	
6C-2	W. Q.	VA0072541	TRADE WINDS HOTEL STP	NORTH FORK HOLSTON RIVER	0.31	(1)	
6C-3	E. L.	VA0063673	GREENDALE ELEMENTARY SCHOOL	CANOE BRANCH	1.50	SECONDARY	
6C-3	E. L.	VA0021083	HILTON ELEMENTARY SCHOOL	HILTON CREEK	0.91	SECONDARY	
6C-3	E. L.	VA0026786	VALLEY INSTITUTE ELEMENTARY	COVE CREEK (FLEENOR BRANCH)	0.68	SECONDARY	
6C-3	E. L.	VA0066435	SCOTT COUNTY HEALTH CENTER	LITTLE MOCCASIN CREEK	0.34	SECONDARY	
6C-3	E. L.	VA0026506	GATE CITY STP	BIG MOCCASIN CREEK	56.78	SECONDARY	
6C-3	E. L.	VA0064033	YUMA ELEMENTARY SCHOOL	POSSUM CREEK	0.57	SECONDARY	
6C-3	E. L.	VA0029084	BELLAMY'S REPAIR SHOP STP	HILTON'S CREEK	0.57	SECONDARY	
6C-4	E. L.	VA0023094	I-81 STP SMYTH COUNTY	HOLSTON RIVER (MIDDLE FORK)	1.14	SECONDARY	
6C-5	W. Q.	VA0020494	MARION STP	HOLSTON RIVER (MIDDLE FORK)	257.38	(2) 257.38	284.28
6C-6	E. L.	VA0064246	HUNGRY MOTHER CAMPGROUND	HUNGRY MOTHER CREEK	1.14	SECONDARY	
6C-6	E. L.	VA0023868	HUNGRY MOTHER STATE PK CAMPGROUND C&L LAGOON	HUNGRY MOTHER CREEK	3.50	SECONDARY	
6C-6	E. L.	VA0064408	CEDARS REST HOME	LAUREL SPRINGS CREEK	1.14	SECONDARY	
6C-6	E. L.	VA0023850	HUNGRY MOTHER STATE PARK CAMPGROUND D LAGOON	HUNGRY MOTHER CREEK	0.45	SECONDARY	
6C-7	E. L.	VA0066427	R & H TRAILER PARK STP	TRIB OF MIDDLE FORK HOLSTON	0.91	SECONDARY	
6C-7	E. L.	VA0065323	RHEA VALLEY ELEMENTARY SCHOOL	RAHEY BRANCH	1.36	SECONDARY	
6C-7	E. L.	VA0030589	HEADVIEW ELEMENTARY SCHOOL	CEDAR CREEK	1.82	SECONDARY	
6C-7	E. L.	VA0026743	PATRICK HENRY HIGH SCHOOL	HALL CREEK (SPRING BRANCH)	1.45	SECONDARY	
6C-7	E. L.	VA0026379	CHILHOWIE AERATED LAGOON	HOLSTON R. (MIDDLE FORK)	30.09	SECONDARY	
6C-7	E. L.	VA0024937	EMORY & HENRY COLLEGE STP	HALL CREEK	7.95	SECONDARY	
6C-7	E. L.	VA0065722	FORD MOTOR LODGE	TRIB MID. HOLSTON RIVER	0.27	SECONDARY	
6C-8	W. Q.	VA0026531	ABINGDON STP	WOLF CREEK	200.00	(3) 250.0	319.4

(Table 7 Continued)

<u>SEGMENT NUMBER</u>	<u>SEGMENT CLASS.</u>	<u>VPDES NO.</u>	<u>FACILITY NAME</u>	<u>RECEIVING STREAM</u>	<u>VPDES PERMIT LIMIT BOD5 KG/D</u>	<u>WASTELOAD ALLOCATION BOD5 KG/DAY</u>	<u>TMDL BOD5 KG/D ONLY FOR W.Q. SEGMENT</u>
6C-10	E. L.	VA0026778	HOLSTON HIGH SCHOOL	HOLSTON RIVER (UNN)	0.91	SECONDARY	
6C-10	E. L.	VA0026794	JOHN S. BATTLE HIGH SCHOOL	BEAVER CREEK	3.45	SECONDARY	
6C-10	E. L.	VA0028525	HOHEBUILDERS OF AMERICA, INC.	LAUREL CREEK (UNN)	1.93	SECONDARY	
6C-10	E. L.	VA0021130	TOWN OF DAMASCUS	HOLSTON RIVER (SOUTH FORK)	28.39	SECONDARY	
6C-10	E. L.	VA0024481	UNITED COAL CO. - CAMP SEQUOYA STP	HOLSTON LAKE SOUTH	19.87	SECONDARY	
6C-10	E. L.	VA0026751	HIGH POINT ELEMENTARY SCHOOL	SINKING CREEK	1.45	SECONDARY	
6C-10	E. L.	VA0026760	WALLACE ELEMENTARY SCHOOL	CLEAR CREEK	1.14	SECONDARY	
6C-10	E. L.	VA0065315	WATAUGA ROAD ELEMENTARY SCHOOL	FIFTEEN MILE CREEK	1.36	SECONDARY	
6C-10	E. L.	VA0027511	BRISTOL INDUSTRIAL PARK STP	BEAVER CREEK	56.78	SECONDARY	

1. WATER QUALITY LIMITED BECAUSE OF INSTREAM MERCURY CONCENTRATIONS, NO WASTELOAD ALLOCATION FOR MERCURY BECAUSE OF INSIGNIFICANT LEVELS FROM PERMITTED DISCHARGES.
2. WASTELOAD ALLOCATIONS ARE TIERED, THIS FIGURE REPRESENTS SUMMER KG/D, WINTER KG/D BASED ON 30 MG/L CBODS.
3. WASTELOAD ALLOCATION BASED ON CBODS - KG/D.

TABLE 8

INDUSTRIAL FACILITIES
VPDES PERMIT LISTING
TENNESSEE - BIG SANDY RIVER BASIN

<u>SEGMENT NUMBER</u>	<u>SEGMENT CLASS.</u>	<u>VPDES NO.</u>	<u>FACILITY NAME</u>	<u>RECEIVING STREAM</u>	<u>WASTELOAD ALLOCATION BOD5 KG/DAY</u>
6A-4	E. L.	VA0053244	BIG CANEY WATER CORP. - CLINCHCO WTP	MCCLURE RIVER	N/A
6A-4	E. L.	VA0053252	BIG CANEY WATER CORP. - MCCLURE WTP	MCCLURE RIVER	N/A
6A-6	E. L.	VA0029262	TOWN OF POUND WTP	N. FORK POUND RIVER	N/A
6A-8	E. L.	VA0058904	GREENBRIER CAR WASH	GREENBRIER CREEK	N/A
6A-8	E. L.	VA0053228	JOHN FLANNAGAN WATER AUTHORITY	LOWER CANE BRANCH	N/A
6A-8	E. L.	VA0058645	RUSSELL PRATER CAR WASH	WAR FORK	N/A
6A-8	E. L.	VA0053309	BREAKS INTERSTATE PARK COMMISSION WTP	LAUREL BRANCH	N/A
6A-9	E. L.	VA0050717	JEWELL COAL & COKE CO. #2 COKE PLAT	DISHAL CREEK	N/A
6A-12	E. L.	VA0094184	MITCHELL CAR WASH	SLATE CREEK	N/A
6A-14	W. Q.	VA0058629	D & T CAR WASH	LEVISA FORK	N/A
6A-13	W. Q.	VA0094193	VANSANT CAR WASH	LEVISA FORK	N/A
6A-13	W. Q.	VA0058998	P & B CAR WASH	LEVISA FORK	N/A
6A-13	W. Q.	VA0056553	CARTER MACHINERY CO. INC.	LEVISA FORK	N/A
6A-13	W. Q.	VA0050351	JEWELL COAL & COKE CO. - COKE PLANT #3	LEVISA FORK	N/A
6A-13	W. Q.	VA0052639	N & W RAILWAY CO. - WELLER YARD TERMINAL	LEVISA FORK	N/A
6A-13	W. Q.	VA0055930	CARR ENTERPRISE, INC. - LAUNDRY	LEVISA FORK	N/A
6A-13	W. Q.	VA0058980	SPEEDWAY CAR WASH	LEVISA FORK	N/A
6A-13	W. Q.	VA0057771	MOTOR TOWN CAR WASH	LEVISA FORK	N/A
6A-13	W. Q.	VA0094185	PRATER LAUNDRETTE	LEVISA FORK	N/A
6A-14	E. L.	VA0055042	WELLMORE NO. 8 PREP PLANT	UNNAMED TRIB - LEVISA FORK	N/A
6A-19	E. L.	VA0058564	HURLEY'S CAR WASH	KNOX CREEK	N/A

SEGMENT NUMBER	SEGMENT CLASS.	VPDES NO.	FACILITY NAME	RECEIVING STREAM	WASTELOAD ALLOCATION BOD5 KG/DAY
6B-1	E. L.	VA0094181	RIM ROCK QUARRIES, INC - PLANT NO. 3	TROUBLESOME CREEK	N/A
6B-1	E. L.	VA0053023	TOWN OF PENNINGTON GAP - WTP	POWELL RIVER	N/A
6B-1	E. L.	VA0052337	TOWN OF APPALACHIA - WTP	BENS BRANCH	N/A
6B-1	E. L.	VA0094186	ELK KNOB MAGIC WAND	TRIB. OF THE POWELL RIVER	N/A
6B-1	E. L.	VA0022012	INTERSTATE R. R. COMPANY	CALLAHAN CREEK	N/A
6B-1	E. L.	VA0094182	JONESVILLE WATER TREATMENT PLANT	FLEENERTOWN BRANCH	N/A
6B-1	E. L.	VA0058823	VIRGINIA OIL AND REFINING COMPANY	BATTLE CREEK	N/A
6B-1	E. L.	VA0052311	TOWN OF BIG STONE GAP - WTP	POWELL RIVER (SOUTH FORK)	N/A
6B-1	E. L.	VA0094178	DRYDEN CAR WASH	TRIB. - CLEAR SPRING BRANCH	N/A
6B-1	E. L.	VA0050709	WOODWAY STONE COMPANY-QUARRY & ASPHALT PT.	POWELL RIVER (UNN)	N/A
6B-1	E. L.	VA0053490	JONESVILLE CAR WASH	TOWN BRANCH	N/A
6B-2	W. Q.	VA0000825	POUNDING MILL QUARRY CORPORATION	CLINCH RIVER	N/A
6B-2	W. Q.	VA0052353	TOWN OF RICHLANDS - WTP	CLINCH RIVER	N/A
6B-3	E. L.	VA0052370	TAZEWELL CO. PSA - RAVEN WTP	MUDLICK CREEK	N/A
6B-3	E. L.	VA0053465	TOWN OF TAZEWELL WATER FILTRATION PLANT	UNN. TRIB. CLINCH RIVER	N/A
6B-3	E. L.	VA000761	MOSS NO. 2 PREP PLANT	HURRICANE FORK	N/A
6B-3	E. L.	VA0001112	JEWELL RIDGE WTP - TAZEWELL COUNTY	BIG CREEK	N/A
6B-3	E. L.	VA0055891	BAPTIST VALLEY CAR WASH	MUDDY BRANCH	N/A
6B-3	E. L.	VA000749	MOSS NO. 3 PREP PLANT	DUMPS CREEK/MIDDLE FORK	N/A
6B-4	E. L.	VA0058688	SEABOARD SYSTEM RAILROAD INC	LICK CREEK	N/A
6B-4	E. L.	VA0058831	TRINITY COAL CORP. - MINE NO. 6	COVE CREEK	N/A
6B-4	E. L.	VA0001015	APPALACHIAN POWER CO. - CLINCH RIVER BRANCH	CLINCH RIVER	N/A
6B-4	E. L.	VA0053210	MOOREFIELD CAR WASH	LICK CREEK	N/A
6B-4	E. L.	VA0053201	CASTLEWOOD CAR WASH	CASTLE RUN	N/A
6B-4	E. L.	VA0058785	WISE COUNTY WTP	BULL RUN CREEK	N/A
6B-4	E. L.	VA0052442	TOWN OF ST. PAUL - WTP	CLINCH RIVER	N/A
6B-4	E. L.	VA0059021	J. M.'S MAGIC WAND	HILL CREEK	N/A
6B-4	E. L.	VA0052345	CITY OF HORTON - WTP	BENGES BRANCH	N/A
6B-4	E. L.	VA0055379	CLAYPOOL HILL WTP	LITTLE RIVER	N/A
6B-4	E. L.	VA0094179	RIVERFRONT CAR WASH	CLINCH RIVER	N/A
6B-4	E. L.	VA0094189	BILLY'S CAR CARE CENTER	HILL CREEK	N/A
6B-5	E. L.	VA0052655	FOOTE MINERAL COMPANY	BISHOP CREEK	N/A
6B-5	E. L.	VA0056685	ALABAMA BIRMINGHAM BOLT INC.	NORTH FORK CLINCH RIVER	N/A
6B-7	E. L.	VA0058777	SINKING CREEK COAL CORP. - MINE NO. 1	SINKING CREEK OF COVE CREEK	N/A
6B-7	E. L.	VA0094172	SHINING BRIGHT CAR WASH	TRIB. OF TOM'S CREEK	N/A
6B-7	E. L.	VA0030112	TOWN OF WISE, GUEST MOUNTAIN WTP	BEAR CREEK	N/A
6B-7	E. L.	VA0052388	TOWN OF COEBURN - TOM'S CREEK WTP	TOMS CREEK	N/A

(Table 8 Continued)

<u>SEGMENT NUMBER</u>	<u>SEGMENT CLASS.</u>	<u>VPDES NO.</u>	<u>FACILITY NAME</u>	<u>RECEIVING STREAM</u>	<u>WASTELOAD ALLOCATION BOD5 KG/DAY</u>
6C-1	E. L.	VA0070840	TEXASGULF CHEMICALS COMPANY	NORTH FORK HOLSTON RIVER	N/A
6C-2	W. Q.	VA0070815	WEBER CITY MAGIC WAND	NORTH FORK HOLSTON RIVER	N/A
6C-2	W. Q.	VA0056111	GOOD BUDDY'S CAR WASH	NORTH FORK HOLSTON RIVER	N/A
6C-3	E. L.	VA0000876	U. S. GYPSUM COMPANY - SALTVILLE	MCHENRY CREEK	N/A
6C-3	E. L.	VA0052434	MOCCASIN GAP WATER TREATMENT PLAN	BIG MOCCASIN RIVER	N/A
6C-3	E. L.	VA0052396	TOWN OF GATE CITY WTP	BIG MOCCASIN RIVER	N/A
6C-4	E. L.	VA0050792	TOWN OF MARION WTP	MIDDLE FORK HOLSTON RIVER	N/A
6C-4	E. L.	VA0058467	TWIN OAK DISCOUNT, INC.	MIDDLE FORK HOLSTON RIVER	N/A
6C-4	E. L.	VA0057762	MARION AUTOMATIC CAR WASH, INC.	MIDDLE FORK HOLSTON RIVER	N/A
6C-4	E. L.	VA0001066	BRUNSWICK CORP. - TECH PRODUCTS DIV.	HOLSTON RIVER (MIDDLE FORK)	N/A
6C-4	E. L.	VA0054381	MARION FISH HATCHERY	STALEY'S CREEK	N/A
6C-8	W. Q.	VA0028321	BRISTOL VIRGINIA UTILITIES BOARD WTP	WOLF CREEK	N/A
6C-8	W. Q.	VA0000850	AMERICAN LIMESTONE COMPANY	WOLF CREEK	N/A
6C-10	E. L.	VA0094183	HIGHLAND MARKET CAR WASH	SLEMP CREEK	N/A
6C-10	E. L.	VA0094177	MORRISON MOLDED FIBER GLASS COMPANY	LITTLE CREEK	N/A
6C-10	E. L.	VA0070033	BURNSWICK CORP. - SUGAR GROVE FACILITY	TRIB. S. FORK HOLSTON RIVER	N/A
6C-10	E. L.	VA0056880	WESTINGHOUSE ELECTRIC CORP.	BEAVER CREEK	N/A
6C-10	E. L.	VA0000868	VULCAN MATERIALS CO. - BRISTOL QUARRY	BEAVER CREEK	N/A
6C-10	E. L.	VA0031526	BRISTOL COMPRESSOR, INC.	BEAVER CREEK	N/A

N/A - CURRENTLY NO BOD5 LIMITS OR WASTELOAD HAVE BEEN IMPOSED BY THE VPDES PERMIT. SHOULD BOD5 LIMITS (WASTELOAD) BE IMPOSED A WQMP AMENDMENT WOULD BE REQUIRED FOR WATER QUALITY LIMITED (W. Q.) SEGMENTS ONLY.

§ 6. Other programs.

A. Dredge and fill program.

The State Water Control Board maintains a 401 certification program to address the discharges of dredge or fill material into navigable waters. The Army Corps of Engineers issues 404 permits to cover such activities. There are three categories of Corps Section 404 Permits which could apply to activities needing a 404 permit in the Big Sandy River Basin. They are: (i) Individual Permits (ii) Regional General Permits, and (iii) Nationwide Permits. The State Water Control Board may require a 401 certification for any activity covered by any of the above permits. Waving certification for projects may occur when State Water Control Board 401 conditions duplicate those contained in the Corps permits for the projects.

B. Saltwater intrusion.

There are no saltwater intrusion problems in the Tennessee-Big Sandy River Basin.

C. Pollution Response Emergency Program (PReP).

The Commonwealth of Virginia maintains a 24-hour emergency response service for investigation of pollution complaints, and fish kills. The majority of complaints received involve the transportation of or storage of petroleum or chemical products.

D. Virginia Revolving Loan Fund.

The Virginia Revolving Loan Fund (Fund) was established as a renewing source of low interest loan funding for localities for wastewater system improvements to publicly-owned facilities. Initially, funds are being provided through appropriations from both the federal and state governments. The Fund is separate, permanent and perpetual, with all principal and interest repaid into the Fund used for loans and other projects. The State Water Control Board (SWCB) is responsible for developing the policy and procedures for the Fund, for determining who will receive funds, at what rate and terms and for ensuring that administration of the Fund complies with applicable federal and state policies, statutes and regulations. The Virginia Resources Authority (VRA) serves as the financial manager of the Fund and negotiates individual loans, collects loan payments and invests any uncommitted Fund moneys.

Virginia's loan eligibility list was assembled using a priority ranking of individual projects based on an assessment of these local governments' needs to meet enforceable requirements of the Clean Water Act (National Municipal Policy), severity of pollution, growth related needs and financial needs. The Water Quality Management Plan contains many of the elements needed for assembling such an eligibility list and is to be used as a guiding policy. To ensure compliance with program

policies and requirements, the SWCB will offer assistance to loan recipients from the time of loan application to project completion and performance certification.

Loan Eligibility for Facilities

Localities requiring improvements to their collection and treatment systems may submit application for state loan funds for planning, design or construction costs. These requests are ranked and placed on Virginia's Potential Loan Eligibility List. Loans are awarded from this list through the State Water Control Board Revolving Loan Program. This list currently consists of loans being considered for the 1987-88 fiscal year. Table 9 lists loan eligible communities which own facilities included in this Plan. For details regarding Virginia's Revolving Loan Program, consult: Procedural Guidance for Virginia Revolving Loan Fund Recipients, Loan Program Guidelines Package Nos. 1-13, December 1, 1987, State Water Control Board. New loan requests generated by requirements of this plan will be reflected in future loan eligibility lists.

PLATE 6

POTENTIAL LOAN ELIGIBILITY LIST

Legend For Need Category

- I - Secondary Treatment
- II - Advanced Treatment
- IIIa - I/I Abatement
- IIIb - Sewer Rehabilitation
- IVa - Collector Sewer
- IVb - Interceptor Sewers
- V - CSO Correction
- VI - Stormwater Control

Note

- * Project or part of project funded under FY-86 State Loan program
- ** Multi-sewer extension identified, see attachment to Eligibility List for area identification

Proposed Regulations

Table 9

POTENTIAL LOAN ELIGIBILITY LIST SOUTHWEST REGION

<u>SEGMENT</u>	<u>APPLICANT</u>	<u>STREAM</u>	<u>PROJECT</u>	<u>NMP</u>	<u>DESCRIPTION</u>	<u>LOAN NEEDS</u>
6A-4	Dickenson County PSA	McCLURE R	McClure-Clinchco-Trammel STP	No	I, IVA/B	2,507,000
6A-7	Clintwood	CRNSNST R	STP Upgrade & I/I Rehab	Yes	I, IIIA, IVA/B	3,137,000
6A-8	Buchanan County PSA	RUSSELL FK	Council STP	No	I, IVA/B	7,000,000
6A-15	Buchanan County PSA	GARDEN GR	Garden Creek Sewer Extension	No	IVA/B	1,600,000
6A-15	Buchanan County PSA	CONAWAY CR	Conaway Extension	No	IVA/B	500,000
6A-15	County of Buchanan	POPLAR CR	Lee Master Sewer Extension	No	IVA/B	800,000
6A-15	Buchanan County PSA	KENNEL BR	Kennel Branch Sewer Extension	No	IVA/B	60,000
6A-15	Buchanan County PSA	CONTRARY	Contrary Sewer Extension	No	IVA/B	225,000
6A-15	Buchanan County PSA	RUSPRAT	Deskins Sewer Extension	No	IVA/B	800,000
6A-15	Grundty	LEVISA CR	I/I Abatement Extensions	Yes	IIIA, IVA/B	700,000
6A-15	Buchanan County PSA	SLATE CR	Slate Creek Sewer Extension	No	IVA/B	1,500,000
6A-15	Buchanan County PSA	LEVISA FK	Rt. 460 Sewer Extension	No	IVA/B	220,000
6A-19	Buchanan County PSA	KNOX CR	Hurley STP Const.	No	I, II, IVA/B	9,500,000
6A-21	Amonate	DRY FK	Sewerage System	No	I, IVA/B	424,000
6B-1	Jonesville	TOWN CR	STP Expansion	No	I, IVA/B	1,000,000
6B-1	Appalachia	POWELL R	STP Upgrade	No	I, IIIA, IVA	4,000,000
6B-1	Wise County PSA	PIGEEON CR	Exeter STP	No		791,000
6B-1	Wise County PSA	POWELL R	Appalachia Sewer Extensions	No	IVA/B	317,000
6B-1	Appalachia	CALLAHANC	Andover Sewer Extension	No	IVA/B	259,500
6B-1	County of Lee	CLRSRING	Dryden Sewer Extension	No	IVA/B	3,000,000
6B-1	Big Stone Gap	POWELL R	STP Upgrade	No	I, IIIA/B, IVA	5,000,000
6B-1	Pennington Gap	POWELL R	STP Upgrade & I/I Rehab	Yes	I, IIIA, IVA/B	5,000,000
6B-1	St. Charles W & SA	STRAIGHT	I/I Abatement	Yes	IIA, IVA/B	1,000,000
6B-1	Jonesville	TOWN CR	STP Expansion	No	I, IVA/B	1,000,000
6B-1	Woodway Water Authority	POWELL R	Woodway Sewer Extension	No	IVA/B	3,000,000
6B-2	Tazewell	CLINCH R	STP Upgrade Const.	Yes	I, IIIA, IVA/B	2,127,000
66B-4	Richlands	CLINCH R	STP Upgrade Const.	Yes	I, IVA/B	9,993,000
6B-4	Cedar Bluff	LITTLE R	Sewer Extension	No	IIIA, IVA/B	153,000
6B-4	Claypool Hill	CLINCH R	Sewer Extension	No	IVA/B	718,000
6B-4	Scott County W & SA	CLINCH R	Fort Blackmore STP	No	I, IVA/B	465,000
6B-4	Honaker STP	LEWIS CR	Honaker STP	No	IIIA/IVB	
6B-4	Russell County W & SA	LICK/CLIN	Dante-Castlewood Sewer Exten.	No	IVA/B	3,940,000
6B-4	Scott County W & SA	COPPER CR	Nickelsville SIP Expansion	No	I, IVA/B	2,000,000
6B-4	Russell County W & SA	CLINCH R	Carbo Sewer System	No	I, IVA/B	207,000
6B-4	St. Paul	CLINCH R	STP Expansion	No	I, IIIA, IVA/B	
6B-4	Scott County W & SA	CLINCH R	Dungannon STP Upgrade	No	I, IVA/B	1,000,000
6B-4	Russell County W & SA	ELK GARD	Rosedale Sewerage System	No	I, IVA/B	566,000
6B-4	Tazewell County W & SA	CLINCH R	Raven-Doran I/I Rehab	No	IIIA	212,000
6B-4	Scott County W & SA	NF CLINCH	Duffield Sewer Extension	No	IVA/B	1,000,000
6B-4	Raven	CLINCH R	Sewer Extension	No	IVA/B	1,167,000
6B-6	City of Norton	GUEST R	I/I Abatement	Yes	IIIA, IVA/B	3,000,000
6B-6	Wise County W & SA	GUEST R	Coeburn-Norton Regional STP	Yes	I, IVA/B	9,000,000
6B-6	Coeburn	GUEST R	I/I Abatement	Yes	IIIA, IVA/B	2,000,000
6C-3	Gate City SA	BMOCNSN	Sewer Extension	No	IVA/B	2,000,000
6C-4	Marion	STALEY CR	Staley Creek Sewer Extension	No	IVA/B	500,000
6C-5	Marion	MFHOLSTON	STP Expansion	No	I	2,000,000
6C-7	Chilhowie	MFHOLSTON	STP Upgrade Const.	No	I, IIIA/B, VI	3,000,000
6C-7	County of Washington	HALL CR	Emory	No	I, IVA/B	2,000,000
6C-7	Washington County SA	HUTTON CR	Glade Spring-New System	No	I, IVA/B	6,837,000
6C-8	Abingdon	WOLF CR	STP Upgrade	No	I, IIIA, IVA/B	7,165,000
6C-10	Smyth County PSA	SFHOLSTON	Sugar Grove STP	No	I, IVA/B	4,363,000
6C-10	Damascus	SFHOLSTON	STP Upgrade	Yes	I, IIIA	1,200,000

Proposed Regulations

§ 7. Groundwater.

State water is defined to include ground water in Virginia. Therefore, all water control laws that apply to surface water apply to ground water. Ground water protection differs from surface water in that removal of a pollutant source does not alleviate the pollutant plume in a reasonable time frame.

A. Antidegradation policy.

The SWCB maintains an Antidegradation Policy with respect to ground water pollution. An Antidegradation Group composed of a broad range of interest groups has been formed to provide input into future revisions of Virginia's Antidegradation Policy. The intent of the revisions will be to clarify the existing policy so that it can be easily applied by all agencies that administer programs which have potential ground water impacts.

B. Ground water protection strategy.

Virginia developed in May of 1987 a ground water protection strategy.¹⁵ The document was prepared by the Groundwater Protection Steering Committee under a grant from the United States Environmental Protection Agency. Nine State agencies were represented on the Steering Committee chaired by the State Water Control Board. It is the intent of the Board to follow this strategy in accordance with § 208(b)(2)(k) of the Clean Water Act.

C. Disposal site investigation.

The primary responsibility for regulation and oversight of solid waste management lies with the Virginia Department of Waste Management (DWM). The SWCB when necessary consults for the DWM on proposed landfill sites.

D. Underground Storage Tank Program.

The SWCB has initiated a new program to implement a State registration and regulation program for underground storage tanks. A Virginia Underground Storage Tank Fund has been established that will work in conjunction with federal funds to finance clean-up of certain leaking underground storage tanks. Details of this program are now being determined.

§ 8. Management and implementation of plan.

A. Managing agencies.

The agencies identified in Chapters III and IV are the primary authoritative agencies involved in the control of both point and nonpoint source pollution. However, many other agencies are involved through direct or indirect protection of water quality in the Commonwealth. A listing of all involved agencies and their authoritative responsibilities are listed in Table 11.

B. Water Quality Management Plan Costs and Implementation.

The Plan contains specific actions to be taken by the State Water Control Board in carrying out the Plan. The Plan guides the issuance of VPDES permits to dischargers. It requires that the issued permit be in compliance with the appropriate area of the Plan. The Plan can thus impose requirements upon the discharger(s) in these instances.

The upgrade and construction of new wastewater treatment works will provide for the protection of public health and safety. Financing is to be borne by the entities within the basin. The cost for individual projects are contained in the Potential Loan Eligibility List (Table 9).

C. Water Quality Management Plan Updates.

Water Quality Management Plans shall be updated as needed to

reflect changing water quality conditions, results of implementation actions or to reflect new state or federal requirements. A schedule of planned updates can be found in the Continuing Planning Process document. All updates shall include all necessary plan elements and ensure consistency.

In Virginia, Water Quality Management Plans are regulatory and set forth those measures to be taken by the State Water Control Board for reaching and maintaining applicable water quality goals both in general terms and numeric loadings for five day Biochemical Oxygen Demand (BOD5 in Water Quality Limited (W.Q.) segments.

Section 62.1-44.15(3a) of the Code of Virginia authorizes the State Water Control Board to establish Water Quality Standards and Policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend, or cancel any such standards or policies established.

Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basinwide water quality control and management.

D. Water Quality Management Plan amendments.

No VPDES permit may be issued unless it is in compliance with the appropriate Water Quality Management Plan. When determining Effluent Limitations new wasteload allocations may be deemed necessary, therefore, the appropriate Water Quality Management Plan must be amended prior to the issuance of a VPDES permit for discharge to a Water Quality Limited segment when:

The new wasteload allocation has been determined to be higher than that already established by the appropriate

WQMP.

Table 10

COMPLIANCE SCHEDULE - NATIONAL MUNICIPAL POLICY

<u>OWNER</u>	<u>FACILITY</u>	<u>SCHEDULE*</u>
Town of Tazewell	Wastewater Treatment Plant	<ol style="list-style-type: none"> 1. Submit Plans & Specifications-April 1, 1990 2. Begin Construction-January 1, 1991 3. Complete Construction-January 1, 1992 4. Meet Final Effluent Limits-February 1, 1992
Town of Richlands	Wastewater Treatment Plant	<ol style="list-style-type: none"> 1. Started Construction-October 11, 1989 2. Complete Construction-November 1, 1991 3. Achieve Compliance-February 1, 1992
Coeburn/Norton/Wise Wastewater Treatment Authority	Regional Wastewater Treatment Plant	<ol style="list-style-type: none"> 1. Commenced Construction-July 14, 1989 2. Complete Construction-February 15, 1991 3. Achieve Compliance-June 1, 1991
Town of Pennington Gap	Wastewater Treatment Plant	<ol style="list-style-type: none"> 1. Commence Construction-April 1, 1990 2. Complete Construction-April 1, 1992 3. Meet Final Limits-July 1, 1992

*These schedules are subject to change for incorporation into a consent decree.

Proposed Regulations

TABLE 11

SURGE MANAGEMENT AGENCIES
TENNESSEE-BIG SANDY RIVER BASIN

<u>Plan Element</u>	<u>Agency(ies)</u>	<u>Authorization</u>
Wasteload Allocations, TMDLs, Effluent Limitations	State Water Control Board (SWCB) Virginia Department of Health (DOH)	State Water Control Law, Sections 62.1-44.19 through 62.1-44.2 <u>et seq.</u> of the Code of Virginia of 1950, as amended (herein after referred to as the "Code").
	Division of Mineral Land Reclamation (DMR)	Virginia Coal Surface Mining Control and Reclamation Act of 1979, Section 45.1-226, <u>et seq.</u> of the Code.
Municipal and Industrial Treatment Needs	SWCB and DOH	Same as referenced above and The Virginia Water Facilities Revolving Fund, Sections 62.1-224 through 62.1-232 of the Code.
	Virginia Resources Authority (VRA)	The Virginia Resources Authority Act, Section 62.1-197, <u>et seq.</u> of the Code.
	Local Governments	Public Utilities; Franchise; Sale of Public Property, Sections 15.1-292 through 15.1-306 and Sections 15.1-317 through 15.1-362 of the Code.
Urban Stormwater Management (Combined Sewer Overflows)	Department of Conservation and Recreation through the Division of Soil and Water Conservation (DSWC)	The Erosion and Sediment Control Law, Section 10.1-560, <u>et seq.</u> of the Code.
	Local Governments	The Erosion and Sediment Control Law, Section 10.1-562 of the Code.
	SWCB and DOH	SWCB and DOH same as references noted for Wasteload Allocations Plan Element.

TABLE 11
(Continued)

<u>Plan Element</u>	<u>Agency(ies)</u>	<u>Authorization</u>
Norpoint Source Management Program	DSWC	The DSWC has been designated the lead agency for the Norpoint Source Management Program.
Agriculture Handbook	Department of Conservation and Recreation through the DSWC	The Erosion and Sediment Control Law, Section 10.1-560, <u>et seq.</u> of the Code.
	Soil and Water Conservation Districts (SWCDs)	Section 10.1-506 through 10.1-559 of the Code.
	Department of Agriculture and Consumer Services (DACS)	Sections 3.1-1 through 3.1-6 and 3.1-8 through 3.1-18 of the Code.
	Local Government	The Erosion and Sediment Control Law, Section 10.1-562 of the Code.
	SWCB and Department of Transportation (DOT)	Sections 3.1-18.4 through 3.1-18.8 of the Code (Preservation Policy).
Forestry Handbook	Department of Forestry through the Division of Forestry (DOF)	Section 10.1-1100 through 10.1-1103, Sections 10.1-1131 through 10.1-1134 and Sections 10.1-1170 through 10.1-1176 of the Code.
Urban Handbook	DSWC and SWCDs	The Erosion and Sediment Control Law, Section 10.1-560, <u>et seq.</u> of the Code.
	Local Governments	Erosion and Sediment Control Law, Section 10.1-562 of the Code.
	SWCB	State Water Control Law, Sections 62.1-44.2 <u>et seq.</u> of the Code.
	SWCB and DOT	Sections 3.1-18.4 through 3.1-18.8 of the Code. (Preservation Policy).

Proposed Regulations

TABLE 11
(Continued)

<u>Plan Element</u>	<u>Agency(ies)</u>	<u>Authorization</u>
Sources Affecting Ground Water	SWCB and DCH	The Groundwater Act Section 62.1-44.83, <u>et seq.</u> of the Code.
	DMR	Virginia Coal Surface Mining Control and Reclamation Act of 1979, Section 45.1-226, <u>et seq.</u> of the Code.
Hydrologic Modifications	SWCB	Section 404 of the Clean Water Act.
	Marine Resources Commission (MRC)	Sections 28.1-1 through 28.1-22 and Sections 28.1-23 through 28.1-36 of the Code.
	Department of Game and Inland Fisheries (DGIF)	Section 2.1-1.1 and Sections 29.1-109 through 29.1-111 of the Code.
Surface Mining	DMR	Virginia Coal Surface Mining Control and Reclamation Act of 1979, Section 45.1-226, <u>et seq.</u> of the Code.
Residual Wastes	SWCB and DCH	State Water Control Law, Sections 62.1-44.19 through 62.1-44.2 <u>et seq.</u> of the Code.
		and Sections 32.1-163 through 32.1-176, Sections 32.1-198 through 32.1-211, Sections 32.1-227 through 32.1-238 and Sections 32.239 through 32.1-248 of the Code.
Land Disposal	Department of Waste Management (DWM)	Section 10.1-1404
		and (Landfills) Sections 10.1-1408.1 through 10.1-1413
		and (Hazardous) Sections 10.1-1426 through 10.1-1429 of the Code.

TABLE 11
(Continued)

<u>Plan Element</u>	<u>Agency(ies)</u>	<u>Authorization</u>
Agriculture and Silviculture	DWC, SWCB, Local Governments, DACS, SWCB, DDF and DDF	Authorities for all listed agencies are noted in the Best Management Practice section.
Mines	DMR	Virginia Coal Surface Control and Reclamation Act of 1979, Section 45.1-226, <u>et seq.</u> of the Code.
	SWCB	State Water Control Law, sections 62.1-44.19 through 62.1-44.2 <u>et seq.</u> of the Code.
Construction	DWC and Local Government	The Erosion and Sediment Control Law, Section 10.1-560, <u>et seq.</u> of the Code.
		The State Water Control Law, sections 62.1-44.19 through 62.1-44.2 <u>et seq.</u> of the Code.
Salt Water Intrusion	SWCB and DCH	The Groundwater Act Section 62.1-44.83, <u>et seq.</u> of the Code.

Proposed Regulations

E. Board actions for controlling point source discharges.

The planning and design of future facilities must assure that applicable water quality goals and standards are not violated. The following board actions are designed to achieve this goal:

- 1. Utilization of this Plan as a policy guide in making decisions regarding wastewater dischargers in this subarea;*
- 2. Continued issuance of VPDES discharge permits consistent with receiving stream assimilative capacities, projected area growth, and effluent limitations and compatible with area Water Quality Management Plan recommendations;*
- 3. Require, whenever practicable, owners that generate future wasteloads within a service area to discharge to the appropriate sewerage service area;*
- 4. Solicitation of loan applications for the Revolving Loan Program for wastewater treatment projects;*
- 5. Issuance of Virginia Pollution Abatement (VPA) Permits for wastewater management systems;*
- 6. Review and approve projects which employ innovative or alternative wastewater treatment techniques such as holding ponds and evapotranspiration beds, where costs and site conditions render such systems suitable;*
- 7. Consideration of water conservation assumption in wastewater treatment planning;*
- 8. Continued issuance of Permits, which require the preparation of operation and maintenance manuals and sludge management plans;*
- 9. Continuance of waste treatment plant operator training through the Operator and Management Assistance Section activities;*
- 10. Continuance of the toxic management program which assures that toxic constituents of wastewater discharge will be monitored and controlled in accordance with State and Federal regulations; and*
- 11. Require adequate treatment of raw sewage discharges as they are located and identified.*

F. Board actions for controlling nonpoint source discharges.

Primary responsibility for nonpoint source pollution control rests with the Department of Conservation and Historic Resources, Division of Soil and Water Conservation. The State Water Control Board remains responsible for discharges from urban storm sewer systems and will respond as appropriate to federal

regulations regarding such systems. The board will:

- 1. Consider expansion of the monitoring program to investigate nonpoint pollution problems, especially in segments classified as "Water Quality Limited" (W.Q.) and areas of critical concern, such as public water supply impoundments;*
- 2. Encourage the use of the State BMP Handbooks;*
- 3. Encourage strict enforcement of state and local sediment and erosion control ordinances;*
- 4. Provide assistance to the Division of Soil and Water Conservation in the matter of sediment and erosion problems in accordance with the agreements between that agency and the SWCB;*
- 5. Provide necessary and active assistance to EPA and other state and federal agencies for the implementation of the Spill Prevention Control and Counter Measures program;*
- 6. Continue to work closely with the LENOWISCO, Cumberland Plateau, and Mount Rogers Planning District Commissions and other agencies to develop effective nonpoint source management programs in urban areas which will lead to the implementation of Best Management Practices; and*
- 7. Continue the issuance of 401 Certifications.*

G. Board actions for water quality monitoring.

The State Water Control Board recognizes the unique importance of a water quality monitoring program. All monitoring in the Tennessee-Big Sandy River Basin requires that the board continue to work closely and cooperatively with many other state and federal agencies conducting water quality monitoring in the basin. Ground water quality monitoring needs continued emphasis due to the potential public health problems which can result from landfills and other sources. These can create immediate problems for users. The board will:

- 1. Monitor and analyze both surface and ground water in the Basin to establish water quality trends, to supply effluent and ambient data needed for establishing water quality based permit requirements. Conduct monitoring for assessing and enforcing compliance with permits and water quality standards and allow for the assessment of nonpoint sources. Water Quality Limited segments will receive first priority in these activities;*
- 2. Continue to give high priority to intensive stream surveys which are designed to provide information for the calibration and verification of water quality models;*
- 3. Continue the ground water quality monitoring*

program to allow an assessment of ground water quality throughout the Basin as per the Ground Water Protection Strategy;

4. Continue the biological water quality monitoring program to allow for the assessment of conditions for aquatic life and for assessing and enforcing compliance with permits and water quality standards;

5. Continue to cooperate with other agencies, wherever possible, to avoid duplication of monitoring efforts and to coordinate sampling programs, to include the coordinated timing of sampling, compatible sampling procedures, and consistent parametric analyses;

6. Continue to require holders of permits to furnish data indicating the quality of their effluents, to include the presence of toxics;

7. Require selected permit holders to monitor ambient water quality in the immediate vicinity of respective wastewater outfalls as needed; and

8. As resources are available, perform special fecal coliform surveys to determine and locate sources. Segments with continued high standard violations would receive priority.

¹⁰"State Water Control Law," § 62.1-44.4, Article 1 of the Code of Virginia.

¹¹"40 CFR, Parts 35 and 130, Water Quality Planning and Management; Final Rule," Federal Register, January 11, 1985.

¹²"40 CFR, Parts 35 and 130, Water Quality Planning and Management; Final Rule," Federal Register, January 11, 1985.

¹³The Best Management Practices Handbook, Urban, Planning Bulletin 321, State Water Control Board, 1979, 326 pages.

¹⁴Commonwealth of Virginia Sewerage Regulations, State Department of Health and State Water Control Board, February 1977, pages 116-121.

¹⁵Virginia Groundwater Protection Steering Committee, A Groundwater Protection Strategy for Virginia, State Water Control Board, Richmond, Virginia, May 1987.

¹⁶Water Quality Standards, adopted pursuant to § 62.1-44.15(3a) of the Code of Virginia. VR 680-21-00, State Water Control Board, November 1, 1988.

¹⁷U.S. Environmental Protection Agency, "40 CFR, Part 35 and 130, Water Quality Planning and Management; Final Rule," Federal Register, January 11, 1985, pages 1773-1784.

¹⁸State Water Control Law," Chapter 3.1 of Title 62.1 of the Code of Virginia.

¹⁹State Water Control Law," Chapter 3.2 of Title 62.1, Article 1, § 62.1-44.2 of the Code of Virginia.

²⁰Virginia Department of Conservation and Historic Resources, Virginia Nonpoint Source Pollution Assessment Report, Division of Soil and Water Conservation, April 1, 1988, 88 pages.

²¹Division of Soil and Water Conservation, 1986 Directory of Local Erosion and Sediment Control Programs, Virginia Department of Conservation and Historic Resources, Division of Soil and Water Conservation, Richmond, Virginia, 1986, 71 pages.

²²U.S. Environmental Protection Agency, "49 FR (3832), Notice of National Municipal Policy on Publicly-Owned Treatment Works," Federal Register, January 30, 1984, pages 3832-3833.

²³Ibid.

²⁴SWCB, "VR 680-14-02, Policy for Nutrient Enriched Waters," State Water Control Board Regulations, State Water Control Board, Richmond, Virginia, May 1988, 2 pages.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

BOARD FOR COSMETOLOGY

Title of Regulation: VR 235-01-02. Board for Cosmetology Regulations.

Statutory Authority: § 54.1-201 5 and Chapter 12 (§ 54.1-1200 et seq.) of the Code of Virginia.

Effective Date: June 1, 1990

NOTICE: As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. It was adopted as it was proposed in 6:6 VA.R. 829-834 December 18, 1989.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

Title of Regulation: VR 370-01-001. Rules and Regulations of the Virginia Health Services Cost Review Council.

Statutory Authority: § 9-164 of the Code of Virginia.

Effective Date: July 1, 1990

NOTICE: As provided in § 9-6.14:22 of the Code of Virginia, this regulation is not being republished. It was adopted as it was proposed in 6:7 VA.R. 1045-1056 January 1, 1990, with minor corrections as published in 6:10 VA.R. 1469 February 12, 1990, and 6:11 VA.R. 1702 February 26, 1990.

MARINE RESOURCES COMMISSION

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-9001. Unloading Point for Relaying Shellfish.

Statutory Authority: § 28.1-179 H of the Code of Virginia.

Effective Date: April 1, 1990

Preamble:

The following order establishes two locations where shellfish taken from a condemned shellfish growing area may be unloaded ashore.

VR 450-01-9001. Unloading Point for Relaying Shellfish.

§ 1. Authority and effective date.

A. *This order is promulgated pursuant to authority contained § 28.1-179 H of the Code of Virginia.*

B. *The effective date of this order is April 1, 1990.*

§ 2. Designated areas.

Shellfish taken from condemned shellfish growing areas may be unloaded at the following locations:

1. *Lynnhaven Waterway Marina, Inc.
2101 Great Neck Road
Virginia Beach, Virginia 23451*

2. *Public Boat Landing
Tylers Beach
Rushmere, Virginia 23430*

/s/ William A. Pruitt
Date: March 27, 1990

EMERGENCY REGULATIONS

STATE CERTIFIED SEED BOARD

Title of Regulation: VR 172-01-01. Rules and Regulations Providing for the Certification of Seeds and Other Materials Used for Plant Propagation Purposes.

Statutory Authority: §§ 3.1-277 and 3.1-280 of the Code of Virginia.

Effective Dates: April 4, 1990, through April 3, 1990

Preamble:

The State Certified Seed Board is responsible for seed certification in Virginia. The Board is charged with the responsibility of adopting minimum standards by which seeds are certified. The Board promotes the development and planting of genetically pure seed of the highest quality in the greatest quantities possible. This relationship between quality and quantity is expressed in terms of standards (including standards of certification), set by regulation. Certified seed is of four classes—breeder (the progeny of a cross and the beginning of a new genetic line, often developed by plant breeders at a state university), foundation (genetically the purest seed, derived from breeder seed, perpetuated and increased at the farm owned and operated by the Virginia Crop Improvement Association, Inc., a non-profit organization devoted to the improvement of seed crops), registered (the progeny of foundation or breeder seed and increased by seed growers), and certified, the seed which the seed growers sell to farmers to grow the commercial grain and oil-producing crops that are for ultimate use by consumers. Because each crop improvement association in each state produces usually only enough foundation seed for producers in that state that meet certification standards, the needed seed most often comes from that grown within the state. In some cases, because of poor weather during harvest, the seed does not meet the certification standards, with the consequence that if this, the best available seed is not planted, the quantity and quality of seed in future years is jeopardized.

The lack of a sufficient quantity of certain recently developed soybean and peanut seed in Virginia at the currently specified standards for the 1990 planting season requires that the standards for certified seed be amended. Because these standards cannot be amended through normal regulation making under the Administrative Process Act in time to meet farmers' needs for the 1990 planting season, this emergency amendment to the regulation is necessary.

Hutcheson soybeans and the two varieties of peanut seeds involved in this amendment, the NC6 and NC10C varieties, cannot be sold except as a class of certified seed, named above, under the provisions of the Plant Variety Protection Act. Because of the current germination and inert-matter standards, these seeds

cannot be certified unless the standard is amended.

With respect to peanut seed, the current standard requires a germination rate of 85% for foundation peanut seed. Several lots of peanut foundation seed stock of the NC6 and NC10C varieties in Virginia fail to meet this standard (but can meet a 75% germination rate). This failure is directly related to environmental conditions of the previous growing season. For the NC6 variety, all of the foundation peanut seed that exists in Virginia is needed to produce both the registered and certified seed. This is due to an early freeze in 1988 that eliminated all of the foundation NC6 production. The NC6 variety is the only Virginia-type peanut variety having any resistance to Southern corn root worm.

All of the foundation seed of the NC10C variety is needed for planting in 1990 due to its resistance to CBR (root rot) disease. The losses due to CBR in Virginia for the 1989 peanut crop amounted to 4.3 million dollars or 4% of the crop. In order to make this newly developed variety, which has some resistance to CBR, available to seed multipliers for increase, it is necessary to reduce the germination standard for NC10C foundation peanut seed from 85% to 75%. Other states would not be adversely affected by this measure, because they do not have a minimum germination standard for foundation peanut seed.

The Hutcheson soybean was developed by the Virginia Polytechnic Institute and State University and is protected under provisions of the Plant Variety Protection Act. Arkansas and Alabama are just two of the states that are large purchasers of certified Hutcheson soybean seed, and if they cannot buy Hutcheson soybean seed as a class of certified seed, they cannot buy it at all, because Virginia (specifically Virginia Polytechnic Institute and State University) is the sole source for this seed. Because of its increased yield potential and resistance to stem canker and frog eye leafspot, the Hutcheson soybean is thus very much in demand. Owing to adverse weather conditions during the most recent harvest, many lots have failed to meet certification standards, because of a lower germination rate or higher inert-matter levels than current certification standards permit. Most seed produced of this variety will meet a 70%-germination and, for the certified class, a 2.00% inert-matter standard. From tests completed by the Department of Agriculture and Consumer Services, there are 25 producers of Hutcheson soybeans with a quantity of seed that failed to meet germination or inert-matter standards under the present certification standards. While it is impossible to determine the total number of bushels involved, for six growers the amount exceeds 29,400 bushels. With a difference of \$8.50 between the price of seed if it can be used as seed, and the price that the seed would bring if it could not be used as seed and were used for purposes other

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than seed, there will be a minimum estimated loss of potential income of \$248,200 to Virginia seed growers for soybeans that will germinate between the 70% and 80% rate. The loss of potential increase in crop yields and income is even greater to farmers. It is estimated that without this amendment to the regulation, Virginia farmers will forego approximately \$450,000 in 1990 soybean profits. Out-of-state farmers will suffer a loss in the same amount.

VR 172-01-01. Rules and Regulations Providing for the Certification of Seeds and Other Materials Used for Plant Propagation Purposes.

Pursuant to the authority contained in Article 2, Chapter 16, Title 3.1, Code of Virginia (1950), As Amended, the State Certified Seed Commission hereby adopts the Following Rules and Regulations:

Section 1. Certifying Agency.

The official seed certifying agency in the State of Virginia shall be the Virginia Crop Improvement Association, a nonprofit organization of seed growers duly chartered under the laws of Virginia.

Section 2. Duties of Certifying Agency.

The Certifying Agency shall work in cooperation with seed growers, seedsmen, the Divisions of the Virginia Polytechnic Institute and State University, the Virginia Department of Agriculture and Consumer Services and the State Certified Seed Commission and the Association of Official Seed Certifying Agencies in providing an adequate seed certification program for the State of Virginia. Duties of the Certifying Agency shall include, but not be restricted to, the following:

- A. Select qualified growers and producers of certified seed
- B. Maintain and supply foundation seed required in the certification program
- C. Supervise and administer the branding, labeling and tagging of all classes of certified seed
- D. Promote the production and use of certified seed
- E. Provide field inspection, sampling, tagging and other services and to make charges for such services to the extent necessary
- F. To enforce all standards of certification hereafter promulgated by the State Certified Seed Commission
- G. To provide for, require and maintain appropriate records of pedigrees, varieties and production of all crops under certification
- H. To establish procedures, schedules, deadlines, quotas

and guidelines necessary to the administration of an effective seed certification program

Section 3. Classes, identification, and sources of certified seed.

A. There shall be four classes of seed recognized in the certification program as follows:

1. Breeder seed. Breeder seed is a class of certified seed directly controlled by the originating or sponsoring plant breeding institution, or person, or designee thereof, and is the source for the production of seed of the other classes of certified seed.
2. Foundation seed. Foundation seed is a class of certified seed which is the progeny of Breeder or Foundation seed and is produced and handled under procedures established by the certifying agency, in accordance with this part, for producing the Foundation class of seed, for the purpose of maintaining genetic purity and identity.
3. Registered seed. Registered seed is a class of certified seed which is the progeny of Breeder or Foundation seed and is produced and handled under procedures established by the certifying agency, in accordance with this part, for producing the Registered class of seed, for the purpose of maintaining genetic purity and identity.
4. Certified seed. Certified seed is a class of certified seed which is the progeny of Breeder, Foundation, or Registered seed and is produced and handled under procedures established by the certifying agency for producing the Certified class of seed, for the purpose of maintaining genetic purity and identity.

B. Identification of the above classes shall be as follows:

1. Breeder class - white tag
2. Foundation class - white tag
3. Registered class - purple tag
4. Certified class - blue tag

Attaching of tags to bags shall depend upon the crop and shall be in accordance with guidelines specified by the official Certifying Agency.

C. The source of seed planted for the production of any of the above classes of seed shall be documented to the Certifying Agency which shall establish appropriate criteria of acceptance from time to time considering variety, origin, diseases, limited generations and other factors that may be necessary to implement the standards of certification established by the State Certified Seed Commission.

Section 4. Limitations of generations for certified seed.

The number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner and shall not exceed two generations beyond the Foundation seed class with the following exceptions which may be made with the permission of the originating or sponsoring plant breeder, institution, or his designee:

A. Recertification of the certified class may be permitted when no Foundation seed is being maintained.

B. The production of an additional generation of the Certified class may be permitted on a one-year basis only, when an emergency is declared prior to the planting season by any official seed certifying agency stating that the Foundation and Registered seed supplies are not adequate to plant the needed Certified acreage of the variety. The additional generation of Certified seed to meet the emergency need is ineligible for recertification.

Section 5. Seed testing.

Analyses and test of seed samples shall be conducted by the Division of Product and Industry Regulation of the State Department of Agriculture and Consumer Services or by commercial seed laboratories approved by the State Certified Seed Commission. Guidelines indicating size of sample, sampling procedures, schedules, reporting procedures and related factors shall be established and administered by the official Certifying Agency.

Section 6. Noxious and/or objectionable weeds.

A. For the purpose of certification all weeds designated as noxious under the Rules and Regulations for the enforcement of Article 1, Chapter 16, Title 3.1, Code of Virginia (1950), as amended shall be considered objectionable; however, allowances for seeds of those weeds designated as restricted may be established in the seed standards for specific crops.

B. Objectionable weeds shall include all species included under A. of this section and whatever non-noxious weeds that may be designated as objectionable in the specific field and seed standards hereafter promulgated for specific crops.

Section 7. Field inspections.

Field inspections shall be made by qualified inspectors in accordance with appropriate procedures and schedules specified by the official Certifying Agency.

Section 8. Responsibility for compliance.

The Certifying Agency shall implement certification and insofar as practicable enforce Certification Standards; however, each grower, producer, or handler of any class of certified seed shall be responsible for compliance with

all requirements of certification as well as all requirements of the Virginia Seed Law and the Federal Seed Act. Sale of any class of certified seed intentionally in violation of any of the foregoing may serve as a basis for revoking the responsible party's right to grow, produce or sell classes of certified seed.

Section 9. Certification standards.

The foregoing regulations shall be applicable to the certification of all seed defined by § 3.1-263 of the Virginia Seed Law and to all tubers used for propagation. Specific Certification Standards for the crops subject shall be as follows; provided, however, that crops not provided for herein may be certified according to Certification Standards last established by the Association of Official Seed Certifying Agencies and such standards shall subsequently be adopted or amended by the State Certified Seed Commission.

A. Corn certification standards—hybrids, foundation single crosses and inbred lines.

1. General standards. The general standards as adopted in the front of this publication are basic and applies to corn.

a. Definition of terms:

(1) Hybrid corn is seed to be planted for any use except seed production. It may be any one of the following:

(a) Single-cross. The term "single cross" means the first generation hybrid between two inbred lines.

(b) Double-cross. The term "double cross" means the first generation hybrid between two single crosses.

(c) Three-way cross. The term "three-way cross" means a first generation hybrid between a single cross and an inbred line.

(2) Foundation single cross. The term "foundation single cross" means a single cross used in the production of a double cross, a three-way or a top cross. A foundation single cross to be eligible for certification must be produced from approved inbred lines whose source assures their identity and is approved by the certifying agency.

(3) Inbred line. The term "inbred line" means a relatively true-breeding strain resulting from at least five successive generations of controlled self-fertilization or of back-crossing to a recurrent parent with selection, or its equivalent, for specific characteristics. To be eligible for certification, inbreds must be from a source such that its identity may be assured and approved by the certification agency.

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b. Classes of seed recognized.

(1) Only the class "Certified" is recognized in hybrid corn. Hybrid corn must be produced from seed that has been grown under conditions that insure its purity and trueness to type and must be approved by the certifying agency. Proof of the restoring ability of the line must be supplied by the originator.

(2) A Foundation single cross shall consist of the first generation hybrid between two inbred lines to be used in the production of double, three-way or top crosses. A fertility restoring line may be substituted for its non-restoring counterpart in a Foundation single cross provided the fertility restoring line is the same in other observable characteristics as its nonrestoring counterpart.

2. Land requirements. There are no requirements as to previous crops.

3. Field standards.

a. Field Inspection. One or more inspections shall be made by the certifying agency during the pollination period.

b. Isolation.

(1) Foundation single crosses and inbred lines:

(a) An increase field of an inbred line, either male sterile or fertile, or a production field of a specific foundation single cross involving either male sterile or fertile lines must be isolated by not less than 220 yards from any other kind of corn, except no isolation is required for the production of hand pollinated seed.

(b) Adequate natural barriers and differential maturity dates are permitted for modifying isolation distance for both inbreds and single crosses provided there are no silks in the seed field at the time pollen is being shed in the contaminating field.

(c) Single crossing plots must be isolated by at least 440 yards from sweet corn, popcorn or open-pollinates of other colors.

(2) Hybrid corn.

(a) A specific hybrid to be accepted for certification must be so located that the seed parent is not less than 220 yards from other corn of a different color or texture. However, in the case of the same color and texture that distance may be 206 yards and further modified by the planting of pollen parent border rows, the number of which is to be determined by the acreage of the specific cross in accordance with the following table. Other

exceptions are listed in parts (b) and (c) below.

When the number of acres in the crossing field is:

9 or less	10-14	15-19	20-24	25-29	30-34	35-39	40 or more	Then this minimum number of border rows of male parent is required
220	214	209	203	198	192	187	181	0
206	200	195	189	184	178	173	167	1
192	187	181	176	170	165	159	154	2
178	173	167	162	156	151	146	140	3
165	159	154	148	143	137	132	126	4
151	145	140	134	129	124	114	110	5
137	132	126	121	115	110	104	99	6
124	118	112	107	101	96	90	85	7
110	104	99	93	88	82	77	71	8
96	90	85	79	74	69	63	57	9
82	77	71	66	60	55	49	44	10
69	63	57	52	46	41	35	30	11
55	49	44	38	33	27	22	16	12

And the distance of the female or seed rows from other corn in yard is:

220	214	209	203	198	192	187	181	0
206	200	195	189	184	178	173	167	1
192	187	181	176	170	165	159	154	2
178	173	167	162	156	151	146	140	3
165	159	154	148	143	137	132	126	4
151	145	140	134	129	124	114	110	5
137	132	126	121	115	110	104	99	6
124	118	112	107	101	96	90	85	7
110	104	99	93	88	82	77	71	8
96	90	85	79	74	69	63	57	9
82	77	71	66	60	55	49	44	10
69	63	57	52	46	41	35	30	11
55	49	44	38	33	27	22	16	12

(b) Adequate natural barriers are permitted for modifying isolation distances.

(c) Differential maturity dates are permitted for modifying isolation distances, provided there are no receptive silks in the ear parent at the same time pollen is being shed in the contaminating field.

c. Specific standards.

(1) Male sterile ear parent. A male sterile ear parent can be used to produce certified hybrid corn seed by either of two methods:

(a) Seed of the normal fertile ear parent must be mixed with the seed of the male sterile ear parent of the same pedigree either by blending in the field at harvest or by size at processing time. The ratio of male sterile ear parent seed to normal ear parent seed shall not exceed 2:1.

(b) The pollen parent must involve a certified pollen restoring line or lines so that not less than one-third of the plants grown from hybrid corn seed produce pollen which appears to be normal in quantity and viability.

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(2) Detasseling or Pollen Control. The following requirements apply only when 5% or more of the seed parent plants have receptive silks:

(a) A hybrid will be disqualified for certification if more than 1% of the seed parent stalks have shed pollen on any one inspection or if the total for three inspections on different dates exceeds 2%.

(b) Sucker, tassels, portions of tassels or tassels on main plants will be counted when two inches or more of the central stem, the side branches, or a combination of the two have the anthers extended from the glumes and are shedding pollen.

(3) Other varieties and off-type plants, foundation single cross and inbred lines:

(a) A field which contains at any one inspection more than 0.1 percent of definitely off-type or more than 2% of doubtful type plants that have shed or are shedding pollen when 5% or more of the plants in the field have receptive silks, shall not be certified.

(b) Any plant shedding pollen in male sterile rows must be completely destroyed at pollination time to eliminate the possibility of its seed production.

4. Seed standards.

a. Single crosses and inbred lines:

(1) Must be graded uniformly to insure uniform planting.

(2) The tolerance for other varieties or off-types is 0.1% or a total of 25 off-colored or different textured kernels per 1,000 ears.

b. Hybrid seed corn:

Factor	Certified
Pure Seed (minimum)	99.0%
Total Other Crop Seeds, Including Other Varieties (maximum)	0.25%
Total Weed Seeds (maximum)	None
Total Inert Matter (maximum)	1.0%
Germination (minimum)	90.0%
Moisture (maximum)	14.0%

B. Cowpea certification standards.

1. General standards. The general standards as adopted in the front of this publication are basic and

applies to cowpeas.

2. Land requirements. The crop shall not be grown on land on which cowpeas, soybeans, field peas or beans were grown the previous year except when a crop of the same variety was grown from the same or a higher class of seed.

3. Field standards.

a. Field inspection - At least one inspection shall be made after the plants are mature enough to determine the color of the pods and peas and condition of the seed. Plants of other varieties and off-type plants shall be removed from the field prior to the inspection.

b. Isolation - All cowpea fields being grown for certification must be separated from cowpea fields of any other variety by at least 10 feet. Cowpeas that are to be certified shall not be stored in the same building with other cowpeas unless bagged and each bag is identified.

c. Specific -

Factor	Maximum Permitted		
	Foundation	Registered	Certified
Other Varieties	1:100,000 (.001%)	1:10,000 (.01%)	1:5,000 (.02%)
Other Crops (inseparable)	None	1:10,000 (.01%)	1:5,000 (.02%)
Objectionable Weeds	None	None	None

4. Seed standards.

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure Seed (minimum)	98.0%	98.0%	98.0%
Inert Matter (maximum)	2.0%	2.0%	2.0%
*Other Crop Seed (maximum)	.01%	.10%	.25%
Weed Seed (maximum)	None	.10%	.10%
Objectionable Weeds	None	None	None
Weevil-damaged Seed (maximum)	2.0%	2.0%	2.0%
Germination (minimum)	**N.S.	80.0%	80.0%

* Includes off-type seed and seed of other distinguishable varieties.

**N.S. - No Standard Required.

C. Grass seed certification (Tall Fescue and

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Orchardgrass).

1. General standards. The general standards as adopted in the front of this publication are basic and applies to grass seed certification.

2. Land requirements. A field to be eligible for the production of Registered or Certified seed must not have grown or been seeded to the same species during the previous year except to Foundation, Registered, or Certified seed of the same variety. For Foundation seed production the land must not have been planted to grass of the same kind within the previous five years.

3. Field standards.

a. Field inspection.

(1) A field inspection must be made each year that a certified crop is to be harvested.

(2) A field inspection is to be made after heading but before harvesting.

(3) A crop automatically becomes ineligible for certification if harvested before the field inspection is made.

b. Isolation.

(1) A strip at least five feet in width and which is mowed, uncropped or planted to some crop other than the kind in question shall constitute a field boundary.

(2) The following isolation requirements shall be made when any other strain or strains of the species is in bloom at the same time.

Minimum Isolation - Feet

	Foundation	Registered	Certified
Border to be *Removed.**Feet			
0	900	300	165
9	600	225	100
15	450	150	75

*When a border is to be removed, such removal shall not occur until pollination of the crop to be certified is completed.

**When different classes of seed of the same variety are being grown on the same or adjacent fields, the isolation requirements may be reduced to 25% of that show in the above table.

c. Specific:

Maximum Permitted Ratio of Plants

	Foundation	Registered	Certified
Other Varieties	1:1,000	1:100	1:50

d. Duration of eligibility. Stands of Foundation or Registered seed may be so classified for a period of five years. After a five-year period such stands may be eligible for the class certified, if conditions are found favorable when inspected.

4. Seed standards.

	Foundation	Registered	Certified
Pure seed (minimum)			
Tall Fescue	98.5%	98.5%	98.5%
Orchardgrass	90.0%	90.0%	90.0%
Inert Matter (maximum)			
Tall Fescue	1.5%	1.5%	1.5%
Orchardgrass	10.0%	10.0%	10.0%
Other Crops (maximum)			
*Tall Fescue	0.25%	0.25%	0.50%
*Orchardgrass	1.00%	1.00%	2.00%
Other Grasses (maximum)			
	0.10%	0.10%	0.25%
Weed Seed (maximum)	0.30%	0.30%	0.50%
**Objectionable Weeds			
(Maximum)	1 per oz.	1 per oz.	1 per oz.
Germination			
Tall Fescue	***N.S.	80.0%	80.0%
Orchardgrass	***N.S.	85.0%	85.0%

*Not to exceed .25% of other grasses of which not more than 0.1% may be rye grass. No rye grass allowed in Registered seed.

**Wild onion bulblets and wild garlic bulblets and wild mustard are permitted to the extent indicated.

***N.S. - No standard.

D. Peanut certification standards.

1. General standards. The general standards as adopted in the front of this publication are basic and applies to peanuts.

2. Land requirements. Registered and certified peanuts shall be planted on land on which the previous crop was of another kind or planted with certified seed of the same variety. Foundation peanuts will not be eligible for certification if planted on land which grow

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peanuts either volunteer or a planted crop the previous two years unless the preceding crop was grown from certified or registered seed of the same variety. A field which includes an area where peanuts were threshed or where thresher refuse was spread during the preceding year shall not be eligible for certification.

3. Field standards.

a. Field inspection. At least one field inspection shall be made prior to harvest.

b. Isolation. Isolation shall consist of a physical barrier such as a ditch, roadway, fence row or a ten-foot strip devoid of peanuts or two rows of some other crop.

c. Specific.

Factor	Maximum Permitted in Each Class		
	Foundation	Registered	Certified
Other varieties	none	1:500 (0.2%)	1:200 (0.5%)
Other crops	none	none	none

Inspection of the equipment used in drying certified peanuts to see that it is operated according to the following guidelines is required. The thermostat and humidistat used on drying certified peanut seed must be set according to ambient air conditions. If a humidistat is not available or operative, the maximum temperature setting should be 80°F. Even though a humidistat is utilized, the temperature should never exceed 90°F. during the drying process. Natural air should be used in the day unless the relative humidity exceeds 65%, in which case supplemental heat may be necessary. If supplemental heat is needed, never use over 10° to 15°F temperature rise. The airflow rate should be 10-15 cubic feet per minute per cubic foot of peanuts. The depth for peanuts in the dryer should be limited to about four feet for 30% moisture peanuts; for higher moisture content, the depth should be reduced.

4. Seed standards.

	Class		
	Foundation	Registered	Certified
Pure Seed (minimum)	97.0%	97.0%	97.0%
Inert Matter (maximum)	3.0%	3.0%	3.0%
Weed Seed (maximum)	None	None	None
Other Crop Seed			
Other kinds (maximum)	.01%	.01%	.02%
Other varieties (maximum)	None	.2%	.5%
Germination (minimum) (Except NC6 and NC10C varieties)			

	85.0%	75.0%	75.0%
Germination (minimum) (NC6 and NC10C varieties)	75.0%	75.0%	75.0%
Bottom Screen Size (minimum)	16/64	16/64	16/64

* Registered and certified peanut seeds that germinate 85% or higher must be labeled no less than 85% and Registered and certified seed that germinates 80-84% must be labeled no less than 80% and those seed that germinate 75-79% must be labeled no less than 75%.

E. Red clover certification standards.

1. General standards. The general standards as adopted in the front of this publication are basic and applies to red clover.

2. Land requirements.

a. For foundation seed production, the land must have been free of red clover for the previous five years.

b. Registered seed may be produced if no red clover of any other strain has been produced on the land within the preceding three years.

c. Certified seed may be produced if no red clover crop of any other strain has been produced on the land within the preceding two years and where one cultivated crop has grown, unless the preceding strain was the same variety.

d. The land must be free of volunteer plants of the crop kind during the year immediately prior to establishment and no manure or other contaminating material shall be applied the year previous to seeding or during the establishment and productive life of the stand.

3. Field standards.

a. Field inspection. At least one field inspection, made at blooming time, is required each year that certification is applied for.

b. Isolation. All fields used for the production of Foundation, Registered, and/or Certified seed must have the minimum isolation distance from fields of any other variety or fields of the same variety that do not meet the varietal purity requirements for certification, as given in the following table:

Classes	Fields of less than 5 Acres	Fields of 5 acres or more
Registered	880 yards	220 yards
Certified	110 yards	55 yards

Emergency Regulations

Unit of Certification - The unit of certification shall be a field. Portions of a field not meeting requirements for certification must not be allowed to reach the seed stage. Ten feet isolation is required between certified classes of the same variety.

c. Red clover. Only two seed crops are permitted of all certified seed.

d. Specific.

Maximum Permitted-Ratio of Plants

Factor	Registered	Certified
Other Types	1:500 (0.2%)	1:200 (0.5%)

4. Seed standards.

Standards for Each Class

Factor	Registered	Certified
Pure Seed (minimum)	99.0%	99.0%
Other Crops (maximum)	0.05%	0.1%
Inert Matter (maximum)	1.0%	1.0%
Weed Seed (maximum)	0.15%	0.25%
Objectionable Weed Seed	None	None
Total Germination and Hard Seeds	85.0%	85.0%

F. Small grain certification standards.

1. General standards. The general standards as adopted in the front of this publication are basic and applies to small grain.

2. Land requirements. A crop of small grain will not be eligible for certification if planted on land on which a small grain crop was grown the year previous except a crop of the same variety grown from certified seed.

In fields double-cropped, neither of the two crops grown in the previous calendar year shall have been the same kind as the crop being inspected, unless they were grown from a class of certified seed of the same variety.

3. Field standards.

a. Field Inspection - At least one field inspection shall be made after the crop is fully headed when varietal or crop mixtures can best be determined.

b. Isolation.

(1) Wheat, Oats, Barley, Triticale - A field shall be separated by a strip of ground adequate to prevent mechanical mixtures. The strip may be either

mowed, uncropped or planted to some crop than the kind being certified.

(2) Rye - All rye fields used for the production of certified seed must be isolated by at least 220 yards from the fields of any other variety or varieties of rye or fields of the same variety that do not meet the varietal purity requirements for certification. Isolation between diploid and tetraploid rye shall be at least 15 feet.

c. Specific.

Maximum Permitted in Each Class

Factor	Foundation	Registered	Certified
Other Varieties	None	1:5000 (0.02%)	1:2000 (0.05%)
*Inseparable			
Other Crops	None	None	10 plants per acre
Inseparable			
Objectional Weeds	None except trace of onion	None except trace of onion	None except trace of onion & trace cockle
**Seed-borne Diseases	1:20,000 (.005%)	1:10,000 (0.01%)	1:200 (0.5%)

*Inseparable other crops shall include crop plants, the seed of which cannot be thoroughly removed by the usual methods of cleaning. No rye in other small grains permitted.

**No tolerance for stinking smut in wheat.

4. Seed standards.

Standards for Each Class

Factor	Foundation	Registered	Certified
Pure Seed (minimum)			
Wheat, Barley	99.0%	99.0%	99.0%
*Oats, Rye	98.0%	98.0%	98.0%
Inert Matter (maximum)			
Wheat, Barley, Triticale	1.0%	1.0%	1.0%
*Oats, Rye	2.0%	2.0%	2.0%
Weed Seeds	.01%	.02%	.05%
**Objectionable Weed Seeds	1/16 per oz.	1/12 per oz.	1/8 per oz.
***Other Crops	None	None	.05%
Other Varieties	None	.01%	.05%

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Germination

Barley, Oats	90.0%	90.0%	90.0%
Wheat, Rye	85.0%	85.0%	85.0%
Nematodes	None	None	None

*The purity standard for oats may be 98% provided not more than 1% of the impurities consist of impurities other than empty glumes.

**May include wild onion bulblets and wild mustard at the rate of not more than 1/16 per ounce for foundation; 1/12 per ounce for registered; 1/8 per ounce for certified. No corn cockle shall be included in this percentage.

***Registered small grain may contain .01% of the following other crop seed, red clover, lespedeza, orchardgrass, fescue, timothy and rye grass.

G. Soybean certification standards.

1. General standards. The general standards as adopted in the front of this publication are basic and together with the following standards constitute the standards for soybeans.

2. Land requirements. The crop shall not be grown on land on which soybeans were grown the previous year, unless that crop was grown from certified seed of the same variety.

3. Field standards.

a. Field inspection. At least one field inspection, preferably after the leaves have dropped, shall be made by an inspector of the certifying agency.

b. Isolation. Fields of soybeans shall be separated from any other variety or uncertified seed of the same variety by a distance of 20 feet or 10 border rows of the inspected crop shall not be harvested for seed.

c. Specific.

Factor	Field Inspection		
	Foundation	Registered	Certified
Other Varieties	1:10,000 (0.01%)	1:1000 (0.1%)	1:400 (0.25%)
Corn and/or Sunflower Plants Bearing Seeds	None	None	2 plants/acre
Total Objectionable Weeds.	*TMG	*TMG	*TMG

*Trace morning glory

4. Seed standards.

Factor	Standard for Each Class		
	Foundation	Registered	Certified
Pure Seed (minimum) (Except Hutcheson soybeans)	99.0%	99.0%	98.5%
Pure Seed (minimum) (Hutcheson soybeans)	99.0%	99.0%	98.0%
Inert Matter (maximum) (Except Hutcheson soybeans)	1.0%	1.0%	1.5%
Inert Matter (maximum) (Hutcheson soybeans)	1.0%	1.0%	2.0%
*Weed Seeds (maximum)	.01%	.01%	.02%
Objectionable Weed Seed (maximum)	None	None	None
Other Crops	None	None	.01%
**Other Varieties	.01%	.1%	.25%
Germination (minimum) (Except Hutcheson soybeans)	80.0%	80.0%	80.0%
Germination (minimum) (Hutcheson soybeans)	70.0%	70.0%	70.0%

*Total weed seed shall not exceed ten per pound.

**Off-colored beans due to environmental factors shall not be considered other varieties. Other varieties shall be considered to include off-type seeds that can be differentiated from the variety that is being analyzed.

H. Sweet potato certification standards.

1. General standards. The general standards as adopted in the front of this publication are basic and applies to sweet potato.

Only the Foundation and Certified classes of seed will be recognized. Certified seed or plants shall not be more than two generations removed from Foundation seed. (This applies only when Foundation seed is available, otherwise Certified seed may be produced from Certified seed as many years as the required standards are met). Seed potatoes must be treated prior to bedding. Production fields must be planted from vine cuttings or with pulled sprouts that have been treated. All chemical treatments used must be approved by the Research Division at Virginia Polytechnic Institute and State University or the Virginia Truck and Ornamental Research Station.

2. Land requirements. Fields to be eligible for certification must not have been in the production of sweet potatoes or received sweet potato residue or animal manure or drainage water from sweet potato

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fields for the three previous years.

3. Field standards.

a. Plant bed and plant stands.

(1) Plant bed inspections. At least one inspection shall be made. Beds which show the presence of black rot, stem rot, scurf, or varietal mixture will be rejected.

(2) Plant beds must be moved each year or old plant beds may be used if disinfected by use of chemicals, provided all the old bedding material, roots and plants are removed within 30 days of the final pulling. New bedding medium will be taken from an area which will meet the minimum standards set forth in "Land requirements."

(3) Plant standards. If plants are to be sold:

(a) Plants shall be free of varietal mixtures, injurious insects and the diseases black rot, scurf, and stem rot.

(b) Plants shall be fresh, of good color and satisfactory size for commercial planting (suggested length approximately 8 inches to 12 inches).

b. Post-plant bed standards.

(1) Field Inspection. At least one field inspection shall be made and the following requirements must be met:

(2) Isolation. All fields for certification shall be separated from other sweet potato fields by at least an eight-foot strip in which no sweet potatoes have been planted.

(3) Specific.

Factor	Maximum number of hills/acre	
	Foundation	Certified
Other Varieties	None	None
Mutations	None	5
Stem rot (wilt, blue stem)	None	5
Georgia Mosaic (Yellow dwarf)	None	None

4. Seed storage standards.

a. General requirements. Different varieties and lots must be labeled and shall be separated by an aisle of two or more or other means acceptable to the certifying agency. Seed potatoes shall be stored in new containers or in used containers that have been treated.

b. Storage inspection.

(1) At least one inspection shall be made after January 1.

(2) Seed for sale must be graded to meet the following standards:

Factor	Size in Inches
Diameter (maximum)	2 1/4
Diameter (minimum)	1
Length (maximum)	9
Length (minimum)	3

The length is measured from the ends where the root is about 3/8 inches in diameter.

(3) The following standards are applied to the graded roots which must have good external and internal color:

Factor	Maximum	
	Foundation	Certified
Black rot	None	None
Scurf	None	1:1000
Stem rot (wilt, blue stem)	None	None
Soil rot	1:100	5:100
Surface rot	1:100	5:100
Internal breakdown	1:100	5:100
*Internal cork (surface area index)	1	1

*A one-bushel representative sample must be shipped to the Virginia Truck Experiment Station, Virginia Beach, Virginia not later than December 1. Internal cork reading will be made prior to storage inspection.

I. Tobacco certification standards.

1. General standards. The general standards as adopted in the front of this publication are basic and applies to tobacco.

a. Eligibility.

(1) Only those varieties approved by the certifying agency shall be eligible for certification.

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(2) Two classes of seed will be recognized. They are as follows:

(a) Foundation seed - Foundation seed must be from selected plants protected from cross-pollination by bagging.

(b) Certified seed - Certified seed can be only one germination removed from Foundation seed. The crop year for which the Foundation seed are used must be shown on the package. Example (for use by growers of Certified seed in 1976 only).

b. Handling of crop prior to inspection.

(1) Plants of other varieties including off-type plants must be topped.

(2) Plants affected with mosaic disease must be topped.

(3) Plants affected with ring-spot disease and the adjacent plants must be topped as soon as found.

2. Land requirements. A new plant bed must be used each year unless the bed is sterilized with soil sterilant prior to seeding.

3. Field standards.

a. Field inspection. The seed crop shall be inspected by a representative of the Virginia Crop Improvement Association during the blooming period.

b. Isolation.

(1) Self-pollinated Varieties - When two or more varieties of the same type are grown side by side in the same field, four (4) border rows of each variety, between the two varieties, shall be allowed to bloom and set seed, but shall not be harvested for seed. Otherwise, there shall be 150 feet between varieties of the same type. Isolation between varieties of different types shall be at least 1,320 feet except when protected from cross-pollination by bagging or when all plants in the neighboring field are topped before blooming.

(2) Hybrids - When producing hybrid tobacco seed of the same type when male fertile and male sterile varieties are grown side by side in the same field, four (4) border rows of the male sterile varieties adjacent to the male fertile varieties shall be allowed to bloom and set seed but shall not be harvested for seed except when the male fertile plants are to be used as the pollen parent on the adjacent male sterile plants. Otherwise, male sterile plants must be at least 150 feet from the male fertile plants. Isolation between male sterile plants and male fertile plants of different types shall be at

least 1,320 feet, except when protected from cross-pollination by bagging or when all plants in the neighboring fields are topped before blooming.

c. Specific - No seed bearing plants of off-types or other varieties or plants affected with mosaic and/or ring-spot disease are permitted.

4. Seed standards.

Factor	Standards for Each Class	
	Foundation	Certified
Pure Seed	98.0%	99.0%
Inert Matter	2.0%	1.0%
Objectional or Noxious Weeds	None	None
Weed Seed or Other Crop	.01%	.01%
Germination	*N.S.	80.0%

*N.S. - No standards

J. Turfgrass sod certification standards.

1. General standards.

a. The general standards as adopted in the front of this publication are basic and applies to turfgrass sod.

b. Only fields planted with Foundation, Registered or Certified seed that meet sod seed requirements will be eligible for certification.

c. Only those varieties, kinds or mixtures of kinds of varieties recommended by the Virginia Tech Extension Division will be eligible for certification.

2. Land requirements.

a. All fields for the production of certified sod must be inspected prior to planting unless they have been producing certified sod.

b. Have field boundaries designated at the time of inspection.

c. Fields will need to be free of prohibited noxious weeds as defined by the state sod law.

d. File with the Virginia Crop improvement Association the number of acres and kinds of mixtures for all fields intended for certification the year the field is established.

e. An aerial photo of the farm or other suitable farm plans must be filed with the Virginia Crop Improvement Association.

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3. Field standards.

a. Field inspection. At least one annual field inspection shall be made prior to lifting and subsequent inspections may be made as needed at the discretion of the inspector. Fields will have to be in a certifiable condition at the time of lifting.

b. Management. A field for the production of Certified sod must show evidence of good management including weed control, fertilization and proper clipping. Virginia Tech publication MA-130 will be used as a guide for the management program.

c. Isolation. A certified turf field must be separated from other sod by a strip at least 10 feet wide and maintained free of objectionable weeds. The field must have good general appearance, and poor appearance will be sufficient reason for rejecting the field for certification. Certification can be revoked where certified standards are not maintained.

4. Specific requirements.

a. Standards for other varieties or off-type plants of the same species; other turfgrass species, other crops, and weeds recognizable are as indicated in the following table.

Turfgrasses Eligible for Certification

	Ky. Bluegrass and or creeping Red Fescue Mixture	Tall Fescue & bluegrass
	Plants per 1,000 square feet	
Bentgrass	0	0
Bermudagrass	0	0
Tall fescue	.5	-
Ryegrass	.5	-
Total perennial grasses (Such as orchardgrass and timothy)	.5	20
Weeds		
*Unacceptable	0	0
**Objectionable	10	10

*Quackgrass, poison ivy or oak and Johnsongrass.

**Hard to control weeds should not exceed 10/1,000 sq. ft. Broad leaved weeds that are rather easily controlled should be no more than 3/1,000 sq. ft.

b. Labeling requirements. All certified sod will have an official certification label accompanying each load and the label must be attached to a dated invoice or labeling information.

c. Records. Records must be kept on the number and date of issuance of certification labels.

K. Vegetatively-propagated grasses certification standards.

1. General standards. The general standards as adopted in the front of this publication are basic and applies to vegetatively - propagated grasses.

Only those fields planted with registered or foundation vegetative material will be eligible for certification, except with certain varieties a single certification seed generation may be permitted. For this certifiable generation the grass seed certification standards will apply, but Certified seed will not be eligible for reestablishing fields for certification and evidence of volunteering in a certified seed field will be cause for rejection. The standards for vegetatively - propagated grasses are applicable to all Foundation and Registered generations and seed production by such generations must be prevented by timely moving. If the crop is allowed to make seed, one seed crop of certified seed may be permitted. Further seeding for certification will not be allowed and such vegetative material will be classified as certified.

2. Land requirements.

a. A field to be eligible for the production of Foundation or Registered planting stock must have been free of other strains of the same species for two consecutive years preceding the year that it is to be planted.

b. A field to be eligible for the production of Certified planting stock must have been free of other strains of the same species or other objectionable species for one year preceding the year it is to be planted.

3. Field standards.

a. Field inspection. An inspection must be made during the growing season at a time when there is sufficient growth to make identification of other strains possible.

b. Isolation. A field to be eligible for the production of Foundation, Registered, or Certified planting stock must be isolated from any other strain of the same species by a strip at least six feet wide to preclude any possibility of mixing planting material during the digging operations.

c. Specific.

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	Maximum Permitted in 1,000 sq. ft. Foundation Registered Certified		
Other Varieties	None	1	3
4. Planting stock standards.			
Pure living sprigs (minimum by count)			90.0%
Other living plants (maximum by count)			2.0%
*Total objectionable weeds (maximum)			None

*Any plant objectionable to a Zoysia lawn.

Section 10. Requirements for bulk certification in Virginia.

A. All field and seed standards applying to bagged seed shall also apply to seed sold in bulk.

B. Only small grains, corn and soybeans can be sold in bulk.

C. No Foundation or Registered seed shall be sold in bulk.

D. There will be only two transfers of bulk seed:

1. From the grower to the processor; and
2. From the processor to the field.

E. There will be no interstate movement of bulk seed unless approved by the association and the cooperating state.

F. Retail seed outlets handling bulk seed must be approved by the Certification Agency on a yearly basis. Inspections will be made of handling, storage and processing facilities.

G. All bins must be clearly marked to show crop and variety and separate bins must be available for each variety.

H. A bulk sale certificate must be issued for each bulk sale and the white copy of this form sent to the Certification Agency within 10 days after the sale.

I. The following records must be maintained and be available for inspection upon request by the Certification Agency:

1. Amount of Certified seed grown and processed for bulk sale.
2. Amount of Certified seed sold by variety and lot number.
3. Current inventory of seed available for sale of each variety.

J. No certification tags are to be issued when certified

seed is sold in bulk.

K. Bulk sale certificate forms are available at the Association office.

Adopted by the State Certified Seed Board February 20, 1990. This is a full, true, and correctly dated regulation.

/s/ Robert Q. Cannell
Chairman, State Certified Seed Board
Date: February 28, 1990

/s/ Daniel Brann, Secretary,
witness to Robert Q. Cannell's signature
Date: March 1, 1990

/s/ James W. Dyke, Jr.
Secretary of Education
Date: March 1, 1990

/s/ Lawrence Douglas Wilder, Governor
Date: April 3, 1990

Filed: /s/ Joan W. Smith
Registrar of Regulations
Date: April 4, 1990 - 10:08 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: Cost Reimbursement for Federally Qualified Health Centers.

VR 460-02-3.1100. Amount, Duration, and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy.

VR 460-02-3.1200. Amount, Duration, and Scope of Services Provided Medically Needy Group(s): All.

VR 460-03-3.1100. Amount, Duration and Scope of Services.

VR 460-02-4.1920. Methods and Standards for Establishing Payment Rates-Other Types of Care.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Effective Dates: April 1, 1990, through March 31, 1991

DECISION BRIEF FOR:
The Honorable Lawrence Douglas Wilder
Governor

SUBJECT: EMERGENCY REGULATION for COST REIMBURSEMENT for FEDERALLY QUALIFIED HEALTH CENTERS

SUMMARY

1. **REQUEST:** The Governor's approval is hereby requested to adopt the emergency regulation entitled Cost Reimbursement for Federally Qualified Health Centers pursuant to the Omnibus Budget Reconciliation Act of

Emergency Regulations

1989 (OBRA 89) § 6404 to conform the State Plan for Medical Assistance.

2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action regarding Cost Reimbursement for Federally Qualified Health Centers. The Department will complete the Administrative Process Act requirements pursuant to the Code of Virginia § 9-6.14:1.

/s/ Bruce U. Kozlowski
Date: March 13, 1990

3. **CONCURRENCES:**

Concur

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: March 15, 1990

4. **GOVERNOR'S ACTION:**

Approve

/s/ Lawrence Douglas Wilder
Governor
Date: March 20, 1990

5. **FILED WITH:**

/s/ Joan W. Smith
Registrar of Regulations
Date: March 23, 1990 - 2:17 p.m.

DISCUSSION

6. **BACKGROUND:** The Omnibus Budget Reconciliation Act of 1989 (OBRA 89) § 6404 requires medical assistance programs to provide cost based reimbursement, effective April 1, 1990, to federally qualified health centers which receive grants under §§ 329, 330, 340 of the Public Health Services Act (PHS). OBRA expanded the Social Security Act's definition (§ 1861(aa)(1)) (the Act) of rural health clinics to include federally qualified health centers receiving these PHS grants.

Medicaid law (the Act § 1902(a)(13)(E)), provides for reimbursement of rural health clinic services on the basis of costs which are reasonable and related to the costs of furnishing such services or which are based on such other tests of reasonableness as the Secretary of Health and Human Services prescribes by regulation. OBRA 89 § 6404 expanded this law to include the definition of federally qualified health centers.

Regulations governing reimbursement for rural health clinic services provide for reimbursement of clinics which are integral and subordinate parts of a participating hospital, skilled nursing facility or home

health agency on the basis of the reasonable cost principles. All other rural health clinics, called independent clinics, are paid an all-inclusive rate for each beneficiary visit for covered services. The all-inclusive rate is determined by the Medicare carriers, which DMAS applies to certified rural health clinics, at the beginning of each reporting period. The rate is determined by dividing the estimated total allowable costs by the number of estimated total visits for rural health clinic services. Rates are subject to reasonableness tests, and are reviewed periodically during each reporting period to ensure that payments approximate actual allowable costs and visits.

Medicare carriers adjust rates in the following circumstances: 1) there is a significant change in the utilization of clinic services; 2) actual allowable costs vary materially from the clinic's estimated allowable costs; 3) or other circumstances arise which warrant an adjustment. Payments are also subject to reconciliation to ensure that they do not exceed or fall short of allowable costs for covered services delivered to covered beneficiaries.

The effect of this OBRA 89 requirement in Virginia will be to shift approximately 30 community health centers from the fee-for-service reimbursement methodology to the cost based methodology. DMAS will require these providers to submit annual cost reports for analysis and final cost settlement as is currently required for inpatient hospitals and nursing facilities.

7. **AUTHORITY TO ACT:** The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the Department Medical Assistance Services (DMAS) the authority to administer and amend the State Plan for Medical Assistance (Plan) in lieu of the Board pursuant to its requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:9, for this agency's adoption of emergency regulations subject to the Governor's approval. Without an emergency regulation this amendment to the State Plan cannot become effective to conform to OBRA's April 1st effective date until the requirements of the APA's Article 2 are met. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, DMAS will complete the Administrative Process Act requirements pursuant to the Code of Virginia § 9-6.14:1.

OBRA 89, § 6404, requires that federally qualified health center services be reimbursed under states' cost based reimbursement methodologies. The Health Care Financing Administration has only recently provided states with the necessary policy guidance to implement this requirement.

(The attached amended Attachment 4.19 B page 2 contains emergency regulation language relating to obstetric/pediatric maximum payments, as required by

Emergency Regulations

the the Registrar of Regulations, because these are concurrent regulatory actions.)

8. **FISCAL/BUDGETARY IMPACT:** The national fiscal effect of this OBRA change will be to shift some of the funding burden for this ambulatory care from the 100% federally funded PHS Act grants to the 50% federal/50% state funded medical assistance grants. By increasing payments from the Title XIX source, the individual grantees will concurrently decrease their need for 100% federal Public Health Service grants.

In order to develop an estimate of the cost for implementing this policy change in Virginia, an analysis of Community Health Center paid claims was made. Since the reimbursement for physician care (the type of care delivered in Community Health Center settings) was increased on January 1, 1990, the analysis focused on claims for services delivered after January 1, 1990. The analysis found that the average fee-for-service payment per encounter during those two months was approximately \$33.18, which includes primary and ancillary services. Charges were used as a proxy for costs; average charge per encounter was approximately \$42.70.

A full year cost estimate was developed by taking the differential between average fee-for-service payment and average charge (\$9.52) and multiplying that differential back over the total primary care units for 1989 (19,578) to generate a total dollar, full-year cost of \$186,383 (\$93,191 GF). Biennium costs are presented below.

	FY91	FY92
GF	\$93,191	\$93,191
NGF	<u>\$93,191</u>	<u>\$93,191</u>
Total	\$186,382	\$186,382

There are approximately 30 community health centers currently enrolled in Medicaid to provide ambulatory services. This OBRA mandate will not result in any new providers or any expected increase in service utilization.

The current DMAS fee-for-service payment mechanism will be supplemented with cost adjustments at six months and final settlements at twelve months for these providers in response to the OBRA mandate to reimburse reasonable costs. DMAS expects that these additional cost settlements can be conducted within existing resources. Once experience is gained with community health centers, a more precise cost impact can be predicted which may require budget modification.

9. **RECOMMENDATION:** Recommend approval of this request to take an emergency adoption action to

become effective April 1, 1990, in conformance to OBRA 89. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department lacks the authority to reimburse federally qualified health centers under a cost based reimbursement methodology.

10. **Approval Sought for VR 460-02-3.1100, 460-02-3.1200, 460-03-3.1100 and 460-02-4.1920.**

Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

VR 460-02-3.1100. Amount, Duration, and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy.

1. Inpatient hospital services other than those provided in an institution for mental diseases.

Provided: / / No limitations /XX/ With limitations*

- 2.a. Outpatient hospital services.

Provided: / / No limitations /XX/ With limitations*

- b. Rural health clinic services and other ambulatory services furnished by a rural health clinic.

Provided: / / No limitations /XX/ With limitations*

/ / Not provided.

3. Other laboratory and x-ray services.

Provided: /XX/ No limitations / / With limitations*

- 4.a. Skilled nursing facility services (other than services in an institution for mental diseases for individuals 21 years of age or older.

Provided: /XX/ No limitations / / With limitations*

*Description provided on attachment.

VR 460-02-3.1200. Amount, Duration, and Scope of Services Provided Medically Needy Group(s): All.

1. Inpatient hospital services other than those provided in an institution for mental diseases.

/XX/ Provided: / / No limitations /XX/ With

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limitations*

2.a. Outpatient hospital services.

/XX/ Provided: / / No limitations /XX/ With limitations*

b. Rural health clinic services and other ambulatory services furnished by a rural health clinic.

/XX/ Provided: / / No limitations /XX/ With limitations*

3. Other laboratory and x-ray services.

/XX/ Provided: / / No limitations /XX/ With limitations*

4.a. Skilled nursing facility services (other than services in an institution for mental diseases for individuals 21 years of age or older.

/XX/ Provided: /XX/ No limitations / / With limitations*

4.b. Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.

/XX/ Provided: /XX/ No limitations / / With limitations*

4.c. Family planning services and supplies for individuals of childbearing age.

/XX/ Provided: /XX/ No limitations / / With limitations*

5. Physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility, or elsewhere.

/XX/ Provided: /XX/ No limitations / / With limitations*

*Description provided on attachment.

VR 460-03-3.1100. Amount, Duration and Scope of Services.

3. Are furnished by an institution that:

a. Is licensed or formally approved as a hospital by an officially designated authority for State standard-setting; and

b. Except in the case of medical supervision of nurse-midwife services, as specified in § 440.165, meets the requirements for participation in Medicare.

B. Reimbursement for induced abortions is provided in only those cases in which there would be substantial endangerment of health or life to the mother if the fetus were carried to term.

C. Reimbursement will not be provided for outpatient hospital services for any selected elective surgical procedures that require a second surgical opinion unless a properly executed second surgical opinion form has been obtained from the physician and submitted with the invoice for payment, or is a justified emergency or exemption.

2b. Rural health clinic services and other ambulatory services furnished by a rural health clinic.

A. No limitations on this service. The same service limitations apply to rural health clinics as to all other services.

3. Other laboratory and x-ray services.

A. Service must be ordered or prescribed and directed or performed within the scope of a license of the practitioner of the healing arts.

4. Skilled nursing facility services, EPSDT and family planning.

4a. Skilled nursing facility services (other than services in an institution for mental diseases) for individuals 21 years of age or older.

A. Service must be ordered or prescribed and directed or performed within the scope of a license of the practitioner of the healing arts.

VR 460-02-4.1920. Methods and Standards for Establishing Payment Rates-Other Types of Care.

3. The provider's financial statements including, but not limited to, a balance sheet, a statement of income and expenses, a statement of retained earnings (or fund balance), and a statement of changes in financial position;

4. Schedules which reconcile financial statements and trial balance to expenses claimed in the cost report;

5. Depreciation schedule or summary;

6. Home office cost report, if applicable; and

7. Such other analytical information or supporting documents requested by DMAS when the cost reporting forms are sent to the provider.

Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to

proprietary providers.

The services that are cost reimbursed are:

- (1) Inpatient hospital services to persons over 65 years of age in tuberculosis and mental disease hospitals
- (2) Home health care services
- (3) Outpatient hospital services excluding laboratory
- (4) Rural health clinic services *provided by rural health clinics or other Federally qualified health centers defined as eligible to receive grants under the Public Health Services Act §§ 329, 330, and 340 .*
- (5) Rehabilitation agencies
- (6) Comprehensive outpatient rehabilitation facilities
- (7) Rehabilitation hospital outpatient services.

e. Payment for the following services shall be the lowest of: State agency fee schedule, actual charge (charge to the general public), or Medicare (Title XVIII) allowances:

- (1) Physicians' services (*Supplement 1 has obstetric/pediatric fees*).
- (2) Dentists' services
- (3) Mental health services including:
Community mental health services
Services of a licensed clinical psychologist
Mental health services provided by a physician
- (4) Podiatry
- (5) Nurse-midwife services
- (6) Durable medical equipment
- (7) Local health services
- (8) Laboratory services (Other than inpatient hospital)
- (9) Payments to physicians who handle laboratory specimens, but do not perform laboratory analysis (limited to payment for handling)
- (10) X-Ray services
- (11) Optometry services
- (12) Medical supplies and equipment.

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INDEPENDENT RURAL HEALTH CLINIC WORKSHEETS FOR FORM HCFA-222

(PLEASE READ CAREFULLY BEFORE COMPLETING FORM)

Use of Worksheets

These forms must be used by all independent Rural Health Clinics (RHC's). These forms are required for the determination of Medicare reimbursement for rural health clinic services under Subpart X (42 CFR Part 405) of the Medicare regulations.

A RHC must complete the Statistical Data Worksheet, Worksheet 1 and Worksheet 2. These worksheets provide general information and summarize visits furnished and actual (or estimated) costs of rural health clinic services. At the RHC's option, the RHC's fiscal intermediary will complete Worksheet 3 to determine the all-inclusive rate and the amount of the payment reconciliation. However, HCFA encourages the RHC to complete all worksheets and to submit them to the fiscal intermediary. By completing all worksheets, the RHC can determine its own interim rate and its total reimbursement when preparing the end of year actual report.

A RHC must complete all applicable items on the Statistical Data Worksheets 1 and 2. For its initial reporting period, the clinic will complete these reports with estimates of costs and visits and other information required by the reports. The intermediary will use the estimates to determine an interim rate of payment for the clinic. Following the end of the clinic's reporting period, the clinic is required to submit its worksheets using data based on its actual experience for the reporting period. This information will be used by the intermediary as the basis for determining the total Medicare reimbursement due the RHC for rural health clinic services furnished Medicare beneficiaries.

STATISTICAL DATA

Item 1 — Clinic Name and Address

Enter here the full name and address of the RHC.

Item 2 — Clinic Number

Enter the RHC identification number that was provided by HCFA when clinic entered program.

Item 3 — Reporting Period

Enter on the appropriate lines the inclusive dates covered by these worksheets. A reporting period is a period of 12 consecutive months specified by the intermediary as the period for which a clinic must report its costs and utilization. The first and last reporting periods may be less than 12 months.

Item 4 — Type of Control

Check the type of control or auspices under which the clinic is conducted. Do not show here the source of any grants the clinic may be receiving.

Item 5 — Ownership

Enter the name of the person(s) or organization(s) which is the legal owner of the clinic. If the RHC is a proprietary organization, enter the name(s) of the individual(s) or organization(s) owning the clinic or common stock of the clinic.

Item 6 — Related Organizations

List all clinics, providers of services (hospitals, skilled nursing facilities, home health agencies) suppliers or other

entities that are owned, or related through common ownership or control, to the individual or entity listed in Item 5.

Item 7 — Physicians Providing Services to RHC

List all physicians furnishing services at the RHC or under agreements and their Medicare billing numbers.

Item 8 — Supervisory Physicians

Enter the name of all supervisory physicians and the number of hours spent in supervision.

Item 9 — Certification Statement

The certification statement must be prepared and signed after the worksheets have been entirely completed. The individual signing this statement must be an officer or other authorized responsible person.

WORKSHEETS

WORKSHEET 1 — RECLASSIFICATION AND ADJUSTMENT OF TRIAL BALANCE OF EXPENSE

Worksheet 1 is used to record the trial balance of expense accounts from the clinic's accounting books and records (for end of year cost reports, the clinic should use its actual trial balance. For budgeted reports, an estimated trial balance should be used). This worksheet also provides for any necessary reclassifications and adjustments to these accounts.

The cost centers listed on the worksheet are listed in the order in which the cost data is used on worksheets 2 and 3 and should facilitate the transfer of this data to these worksheets. Not all of the listed cost centers will apply to each clinic. For example, a clinic might not employ laboratory technicians and would not, in that case, complete line 6. The worksheet also provides blank lines for clinic cost centers in addition to those listed in the form.

If the cost elements of a particular cost center are maintained separately on the clinic's books, a supporting worksheet reconciling the cost per the accounting books and records to those on the worksheet must be completed.

COLUMNS 1 THROUGH 3 — TRIAL BALANCE OF EXPENSES

For actual cost reports, the expenses listed in these columns must be in accordance with the clinic's accounting books and records.

Enter on the appropriate lines in column 1 through 3 the total expenses incurred during the reporting period. The expenses must be detailed Compensation (column 1), and Other (column 2). The sum of columns 1 and 2 must equal column 3. Any needed reclassifications and adjustments must be recorded in columns 4 and 6, as appropriate.

COLUMN 4 — RECLASSIFICATION

Enter in this column any reclassification among the cost centers experience in column 3 which are needed to effect proper cost allocation. Reclassifications are used in in-

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and 2) the overhead costs incurred by the clinic which apply to rural health clinic services.

PART A — VISITS AND PRODUCTIVITY

Part A is used by the clinic to summarize the number of clinic visits furnished by the health care staff and to calculate the number of visits to be used in the rate determination in accordance with productivity standards established by the Health Care Financing Administration.

Lines 1 through 5 of Part A list the types of practitioners (positions) for whom clinic visits must be counted and reported.

Column 1, record the number of all FTE personnel in each of the applicable staff positions in clinic practice.

Column 2, record the total visits actually furnished to all patients by all personnel in each of the applicable staff positions in the reporting period. Visits are counted in accordance with 42 CFR 405.2401(b)(18).

Column 3 lists the visits required by productivity standards.

Column 4 is the minimum number of clinic visits the personnel in each staff position are expected to furnish. It is the product of column 1 and column 3.

Column 5, enter the greater of the visits in column 2 or column 4. Intermediaries have the authority to waive the productivity guideline in cases where a clinic has demonstrated reasonable justification for not meeting the standard. In such cases the intermediary could set any number of visits as reasonable, not just the clinic's actual visits, if an exception is granted. For example, if the guideline number is 4200 visits and the clinic has only furnished 1000 visits, the intermediary need not accept the 1000 visits as reasonable, but could permit 2500 visits to be used in the calculation.

Line 4 is used to total columns 2 and 5.

Line 5 is used by the clinic to record the number of visits furnished to clinic patients by physicians under agreement with the clinic. "Physicians' services under agreements" with the clinic means: (1) All medical services performed at the clinic site by a physician who is not the owner or an employee of the clinic; and (2) Medical services performed at a location other than the clinic site by such a physician for which the physician is compensated by the clinic. While all physician services at the clinic site are included in rural health clinic services, physician services furnished in other locations by physicians who are not on the full-time staff of the clinic are reimbursable to the clinic only if the clinic's agreement with the physician provides for compensation for such services.

PART B — DETERMINATION OF COST APPLICABLE TO RURAL HEALTH CLINIC SERVICES

Part B is used to determine the amount of clinic overhead cost applicable to rural health clinic services.

Line 1, enter the cost of RHC services other than overhead, from line 27 of Worksheet 1.

Line 2, enter the cost of services, other than RHC services excluding overhead, from lines 64 and 70 of Worksheet 1.

Line 3, enter the cost of all services, excluding overhead, it is the sum of lines 1 and 2.

Line 4 is the percentage of services other than RHC services.

This percentage is determined by dividing line 2 (cost of services other than RHC services), by line 3 (the cost of all services, excluding overhead).

Line 5, enter the total overhead costs incurred from line 54 of Worksheet 1. It is the sum of clinic facility costs and clinic administrative costs.

Line 6, enter the overhead applicable to services other than rural health clinic services. It is determined by multiplying line 5 (total overhead) by line 4 (the percentage of services other than rural health services furnished by the clinic).

Line 7, enter the overhead applicable to rural health clinic services furnished by the clinic. It is determined by subtracting line 6 (overhead applicable to services other than rural health clinic services) from line 5 (total overhead).

Line 8, enter the total cost of rural health clinic services. It is the sum of line 1 (cost of rural health clinic services) and line 7 (overhead applicable to RHC services).

PART C — DEDUCTIBLE AND COINSURANCE BILLED TO BENEFICIARIES AND NET BAD DEBT CALCULATION

Part C is used to record the deductible and coinsurance amounts billed Medicare beneficiaries from the clinic's records and to determine the net bad debt incurred by the clinic.

Line 1, enter the total deductible and coinsurance amount billed to Medicare beneficiaries.

Line 3, enter Medicare bad debts. It is determined by subtracting line 2 from line 1.

Line 4, enter any recovery of previous amounts written off as bad debts.

Line 5, enter the net bad debt amount. Line 3 less line 4.

WORKSHEET 3 — DETERMINATION OF MEDICARE REIMBURSEMENT

GENERAL

This worksheet is used by the intermediary to determine the interim all-inclusive rate of payment (for "budget" reports submitted at the beginning of a reporting period) and the total Medicare reimbursement due the clinic for the reporting period (for "actual" reports submitted after the reporting period). Part A is used to determine the interim all-inclusive rate of payment based on the "budget" report. Parts A through C are used to determine total Medicare reimbursement due for the reporting period based on the "actual" report.

PART A — DETERMINATION OF RATE FOR RURAL HEALTH CLINIC SERVICES

PART A is used by the intermediary to calculate the cost per visit for rural health clinic services and to apply the screening guideline established by HCFA on clinic health care staff productivity.

Line 1, enter the total allowable cost from W/S2, B8

Line 2, enter the greater of the minimum or actual visits by the health care staff from worksheet 2, line A4, column 5.

Line 3, enter the visits made by physicians under agreement from worksheet 2 Part A, column 5, line 5.

Line 4, enter the total of adjusted visits, sum of lines 2 and 3.

Line 5, enter the adjusted cost per visit. This is determined by dividing line 1 by line 4.

Line 6, enter the maximum rate per visit that can be received by the clinic on this line.

Line 7, enter the lesser of line 5 or line 6.

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Form Approved
OMB NO 0938-010

RURAL HEALTH CLINIC WORKSHEET STATISTICAL DATA	For Intermediary Use
This report is authorized by law C42 USC. 1395g; CFR 405.2429 (C). Failure to report can result in all payments made during the reporting period being deemed over payments.	Date Received
	Intermediary Number

1. Clinic Name and Address

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2. Clinic Number	3. Reporting Period	From	To
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4. Type of Control (Check One)

<p>A. Voluntary Non Profit</p> <p><input type="checkbox"/> Corporation</p> <p><input type="checkbox"/> Other (Specify)</p>	<p>B. Proprietary</p> <p><input type="checkbox"/> Individual <input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Corporation <input type="checkbox"/> Other (Specify)</p>	<p>C. Government</p> <p><input type="checkbox"/> Federal <input type="checkbox"/> County</p> <p><input type="checkbox"/> Staff <input type="checkbox"/> Other (Specify)</p> <p><input type="checkbox"/> City</p>
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5. Rural Health Clinic Owned By:

6. Other Rural Health Clinics, Providers Of Services (Hospitals, Skilled Nursing Facility, Home Health Agencies, Suppliers or Other Entities That Are Owned or Related Through Common Ownership or Control To The Individual Or Entity Listed in Item 5.

Name	Location	Clinic or Provider No.

7. Names of Physicians Furnishing Services At The Rural Health Clinic Or Under Agreements (As Described In Instructions) And Medicare Billing Numbers

Name	Billing Number

8. Supervisory Physicians

Name	Hours of Supervision For Reporting Period

Reclassification And Adjustment Of Trial Balance Of Expenses

COST CENTER	Clinic No.		Reporting Period		Worksheet 1		
	<input type="checkbox"/> Estimated <input type="checkbox"/> Actual		From	To	Page 1		
	Compensation	Other	Total (Col. 1 + 2)	Reclassifications	Reclassified Trial Balance (Col. 3 + 4)	Adjustments Increases (Decreases)	Net Expenses (Col. 5 + 6)
1	2	3	4	5	6	7	
1. Clinic Health Care Staff Costs							
2. Physician							
3. Physician Assistant							
4. Nurse Practitioner							
5. Other Nurse							
6. Laboratory Technician							
7. Other (Specify)							
8.							
9.							
10.							
11.							
12.							
13. Subtotal-Clinic Health Care Staff Costs							
14. Physician Services Under Agreement							
15. Physician Supervision							
16.							
17. Other Health Care Costs							
18. Medical Supplies							
19. Transportation (Health Care Staff)							
20. Depreciation-Medical Equipment							
21. Professional Liability Insurance							
22. Other (Specify)							
23.							
24.							
25. Subtotal - Other Health Care Costs							
26.							
27. Total Cost of RHC Services (Other Than Overhead)							
28. Sum Of Lines 13, 14, 15 And 25)							
29.							
30. Clinic Overhead-Facility Cost							
31. Rent							
32. Insurance							
33. Interest On Mortgage Or Loans							
34. Facilities							
35. Depreciation-Building							
36. Depreciation-Equipment							
37. Housekeeping And Maintenance							
38. Property Tax							
39. Other (Sp							

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Visits And Overhead For Rural Health Clinic Services		Clinic No.	<input type="checkbox"/> Estimated <input type="checkbox"/> Actual	Reporting Period From To	Worksheet 2 Page 1
Part A - Visits And Productivity					
Positions	1 Number Of FTE Personnel	2 Total Visits	3 Productivity Standard	4 Minimum Visits (Col. 1 x Col. 3)	5 Greater Of Col. 2 or Col. 4
1. Physicians			4200		
2. Physician Assistants			2100		
3. Nurse Practitioners			2100		
4. Total Staff					
5. Physician Services Under Agreements					
PART B - DETERMINATION OF OVERHEAD COST APPLICABLE TO RURAL HEALTH CLINIC SERVICES					
					Amount
1.	Cost of RHC Services (Excluding Overhead) (W/S 1, Line 27, Col. 7)				\$
2.	Cost Other Than RHC Services (W/S 1, Lines 64 and 70, Col. 7)				
3.	Cost of All Services (Excluding Overhead) - (Sum of Lines B1 And B2)				
4.	Percentage Of Services Other Than RHC Services (Line B2 Divided By B3)				
5.	Total Overhead - (W/S 1, Lines 54, Col. 7)				
Overhead Applicable To Services Other Than RHC Services (Multiply Line B5 By B4)					
7.	Overhead Applicable To RHC Services (Line B5 Less B6)				
6.	Total Cost of RHC Services (Sum Of Line B1 And B7)				\$
PART C - DEDUCTIBLE AND COINSURANCE BILLED TO BENEFICIARIES AND NET BAD DEBT CALCULATION					
1.	Deductible And Coinsurance Billed To Medicare Beneficiaries (From Clinic Records)				\$
2.	Deductible And Coinsurance Amounts Received From Patients (From Clinic Records)				
3.	Medicare Bad Debts (Line C1 Less C2)				
4.	Less: Bad Debts Recoveries (From Clinic Records)				
5.	Net Bad Debts (Line C3 Less C4)				\$

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Determination of Medicare Reimbursement		Clinic No.	<input type="checkbox"/> Estimated <input type="checkbox"/> Actual	Reporting Period From To	Worksheet 3 Page 2
Reimbursable Bad Debts (Cont'd)					AMOUNT
5. Less: Bad Debts For Deductible And Coinsurance Net of Bad Debt Recoveries (From W/S 2, Part C, Line 5)					
6. Deductible And Coinsurance Billed To Medicare Patients Net of Bad Debts (Line C4 Less C5)					
7. Cost Unrecovered From Medicare Patients (Line C3 Less C5). (If C3 Exceeds C6, Enter Amount, If C3 is equal to or Less Than C6, Enter Zero.)					
8. Total Reimbursable Bad Debts (Lesser of C5 or C7, Enter Here and in Line B15)					

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FORM HCFA-222 (3-83)

Emergency Regulations

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Title of Regulations: VR 460-02-4.1920; VR 460-03-4.1921.
Methods and Standards for Establishing Payment Rates-Other Types of Care: Obstetric and Pediatric Maximum Payments.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Effective Dates: July 1, 1990, through June 30, 1991.

DECISION BRIEF FOR:

The Honorable Lawrence Douglas Wilder
Governor

SUBJECT: EMERGENCY REGULATION FOR OBSTETRIC
and PEDIATRIC MAXIMUM PAYMENTS

SUMMARY

1. REQUEST: The Governor's approval is hereby requested to adopt the emergency regulation entitled Obstetric and Pediatric Maximum Payments. This policy will incorporate these fees into the Plan in conformance with the OBRA 89 mandate in § 6402.
2. RECOMMENDATIONS: Recommend approval of the Department's request to take an emergency adoption action regarding Obstetric and Pediatric Maximum Payments. The Department intends to initiate the public notice and comment requirements contained in the Code of Virginia § 9-6.14:7.1.

/s/ Bruce U. Kozlowski, Director
Date: March 12, 1990

3. CONCURRENCES:

Concur:

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: March 14, 1990

4. GOVERNOR'S ACTION:

Approve:
/s/ Lawrence Douglas Wilder,
Governor
Date: March 22, 1990 - 2:17 p.m.

5. FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: March 23, 1990

DISCUSSION

6. BACKGROUND: The Omnibus Budget Reconciliation Act

of 1989 (OBRA 89) § 6402 mandates the filing of obstetric and pediatric fees in the State Plan for Medical Assistance. The Plan section affected by this amending action is Attachment 4.19 B which contains the reimbursement methodologies for all covered services except for inpatient hospital and long term care. A new supplement 1 is being added to this attachment.

The states establish their own payment levels for Medicaid services. Medicaid regulations (42 CFR 447.204) provide that payments must be sufficient to enlist enough providers so that covered services will be available to Medicaid beneficiaries to at least the extent that such services are available to the general population.

This federal codification and enforcement of adequate payment level provisions incorporates the regulatory provision in the Medicaid statute. Additionally, it specified that the test of comparative availability of services may be applied to specific geographic areas. This new federal requirement provides that a State Plan will not be considered to meet this requirement unless, by April 1, 1990 and each succeeding year, the state submits an amendment to the Plan specifying the payment rates for non-institutional obstetrical and pediatric services to be effective during the period beginning July 1 of that year.

The amendment must include data on how these payment rates are taken into account in developing the payment rates for HMOs with Medicaid contracts, along with additional data that will assist the Secretary in evaluating states' compliance with the minimum payment requirement. The Secretary of the federal Department of Health and Human Services (DHHS) is required to review and approve or disapprove the amendment within 90 days; in the event of disapproval, the state must immediately submit a revised amendment that complies with the payment requirement.

This requirement provides that, beginning in 1992, data submitted by the state with the amendment must include information on average Medicaid payments, by procedure, for obstetrical and pediatric services during the second previous year. It requires that information be provided separately for providers in each metropolitan statistical area (or similar area) in the state and for the remainder of the state. It further provides that no provision of Medicaid law shall be construed as prohibiting a state from making higher payments for obstetrical and pediatric services in rural areas than in urban ones.

This section of OBRA 89 also requires the states to file additional data with HCFA "as will assist the Secretary [of the Department of Health and Human Services] in evaluating the state's compliance with such requirement, including data relating to how rates

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established for payments to health maintenance organizations under section 1903(m) take into account such payment rates". Upon the advice of the HCFA Regional Office, DMAS is complying with the April 1st initial filing requirement and will supply this additional data once the federal agency defines its reporting requirements.

7. **AUTHORITY TO ACT:** The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the Department Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to its requirements. The Code also provides, in the Administrative Process Act (APA) § 9-6.14:9, for this agency's adoption of emergency regulations subject to the Governor's approval. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, the Code requires this agency to initiate the public notice and comment process as contained in Article 2 of the APA.

OBRA 89 § 6402 mandates the filing of obstetric and pediatric fees in the State Plan for Medical Assistance.

Without an emergency regulation, this amendment to the State Plan cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. Therefore, an emergency regulation is needed to meet the April 1, federal filing deadline and the July 1, 1990 effective date established by the Congress.

The attached amended Attachment 4.19 B page 2 contains emergency regulation language relating to rural health clinics, as required by the the Registrar of Regulations, because there are concurrent regulatory actions.

8. **FISCAL/BUDGETARY IMPACT:** This amendment has no fiscal impact. It simply places additional information on current policy in the State Plan.
9. **RECOMMENDATION:** Recommend approval of this request to take an emergency adoption action to become effective upon July 1, 1990, pending the approval of the Health Care Financing Administration. This regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department lacks the authority to conform the State Plan to this OBRA requirement.
10. **Approval Sought for VR 460-02-4.1920 and 460-03-4.1921.**

Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

Attachment 4.19 B

page 2

Methods and Standards for Establishing Payment Rates-Other Types of Care

3. The provider's financial statements including, but not limited to, a balance sheet, a statement of income and expenses, a statement of retained earnings (or fund balance), and a statement of changes in financial position;

4. Schedules which reconcile financial statements and trial balance to expenses claimed in the cost report;

5. Depreciation schedule or summary;

6. Home office cost report, if applicable; and

7. Such other analytical information or supporting documents requested by DMAS when the cost reporting forms are sent to the provider.

Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers.

The services that are cost reimbursed are:

(1) Inpatient hospital services to persons over 65 years of age in tuberculosis and mental disease hospitals

(2) Home health care services

(3) Outpatient hospital services excluding laboratory

(4) Rural health clinic services *provided by rural health clinics or other Federally qualified health centers defined as eligible to receive grants under the Public Health Services Act §§ 329, 330, and 340.*

(5) Rehabilitation agencies

(6) Comprehensive outpatient rehabilitation facilities

(7) Rehabilitation hospital outpatient services.

e. Payment for the following services shall be the lowest of: State agency fee schedule, actual charge (charge to the general public), or Medicare (Title XVIII) allowances:

(1) Physicians' services (*Supplement 1 has obstetric/pediatric fees.*)

(2) Dentists' services

Emergency Regulations

<p>(3) Mental health services including:</p> <p style="padding-left: 20px;">Community mental health services</p> <p style="padding-left: 20px;">Services of a licensed clinical psychologist</p> <p style="padding-left: 20px;">Mental health services provided by a physician</p> <p>(4) Podiatry</p> <p>(5) Nurse-midwife services</p> <p>(6) Durable medical equipment</p> <p>(7) Local health services</p> <p>(8) Laboratory services (Other than inpatient hospital)</p> <p>(9) Payments to physicians who handle laboratory specimens, but do not perform laboratory analysis (limited to payment for handling)</p> <p>(10) X-Ray services</p> <p>(11) Optometry services</p> <p>(12) Medical supplies and equipment.</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">90117</td> <td style="width: 70%;">Extended Service</td> <td style="width: 20%; text-align: right;">45.00</td> </tr> <tr> <td></td> <td colspan="2" style="padding-left: 20px;"><i>Home Medical Services, Established Patient</i></td> </tr> <tr> <td>90130</td> <td>Minimal Service</td> <td style="text-align: right;">\$10.00</td> </tr> <tr> <td>90140</td> <td>Brief Service</td> <td style="text-align: right;">15.00</td> </tr> <tr> <td>90150</td> <td>Limited Service</td> <td style="text-align: right;">26.00</td> </tr> <tr> <td>90160</td> <td>Intermediate Service</td> <td style="text-align: right;">33.70</td> </tr> <tr> <td>90170</td> <td>Extended Service</td> <td style="text-align: right;">36.75</td> </tr> <tr> <td></td> <td colspan="2" style="padding-left: 20px;"><i>Hospital Medical Services, Initial</i></td> </tr> <tr> <td>90200</td> <td>Brief History and Examination</td> <td style="text-align: right;">\$33.80</td> </tr> <tr> <td>90215</td> <td>Intermediate History and Examination</td> <td style="text-align: right;">33.80</td> </tr> <tr> <td>90220</td> <td>Comprehensive History and Examination</td> <td style="text-align: right;">80.00</td> </tr> <tr> <td>90225</td> <td>History and Examination of the Normal Newborn Infant</td> <td style="text-align: right;">55.00</td> </tr> <tr> <td></td> <td colspan="2" style="padding-left: 20px;"><i>Hospital Medical Services, Subsequent</i></td> </tr> <tr> <td>90240</td> <td>Brief Services</td> <td style="text-align: right;">\$21.00</td> </tr> <tr> <td>90250</td> <td>Limited Services</td> <td style="text-align: right;">25.00</td> </tr> <tr> <td>90260</td> <td>Intermediate Services</td> <td style="text-align: right;">32.00</td> </tr> <tr> <td>90270</td> <td>Extended Services</td> <td style="text-align: right;">45.00</td> </tr> <tr> <td>90280</td> <td>Comprehensive Services</td> <td style="text-align: right;">50.00</td> </tr> <tr> <td>90282</td> <td>Normal Newborn Services</td> <td style="text-align: right;">26.25</td> </tr> </table>	90117	Extended Service	45.00		<i>Home Medical Services, Established Patient</i>		90130	Minimal Service	\$10.00	90140	Brief Service	15.00	90150	Limited Service	26.00	90160	Intermediate Service	33.70	90170	Extended Service	36.75		<i>Hospital Medical Services, Initial</i>		90200	Brief History and Examination	\$33.80	90215	Intermediate History and Examination	33.80	90220	Comprehensive History and Examination	80.00	90225	History and Examination of the Normal Newborn Infant	55.00		<i>Hospital Medical Services, Subsequent</i>		90240	Brief Services	\$21.00	90250	Limited Services	25.00	90260	Intermediate Services	32.00	90270	Extended Services	45.00	90280	Comprehensive Services	50.00	90282	Normal Newborn Services	26.25
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PEDIATRIC SERVICES

CPT Code	Description	Payment	
	<i>Office Medical Services, New Patient</i>		
90000	Brief Service	\$20.00	
90010	Limited Service	25.00	
90015	Intermediate Service	27.00	
90017	Extended Service	33.00	
90020	Comprehensive Service	36.75	
	<i>Office Medical Services, Established Patient</i>		
90030	Minimal Service	\$ 5.00	
90040	Brief Service	15.00	
90050	Limited Service	20.00	
90060	Intermediate Service	23.00	
90070	Extended Service	28.00	
90080	Comprehensive Service	36.75	
	<i>Home Medical Services, New Patient</i>		
90100	Brief Service	\$20.00	
90110	Limited Service	30.00	
90115	Intermediate Service	33.70	
	<i>Preventive Medicine, New Patient</i>		
90750	EPSDT - age 18 to 20	\$31.50	
90751	EPSDT - age 12 to 17	31.50	
90752	EPSDT - age 5 to 11	31.00	
90753	EPSDT - age 1 to 4	31.00	
90754	EPSDT - age under 1	32.00	
90755	Infant Care - age under 1	28.00	
90757	Newborn Care (other than hospital)	26.25	
	<i>Preventive Medicine, Established Patient</i>		
90760	EPSDT - age 18 to 20	\$25.00	
90761	EPSDT - age 12 to 17	25.00	
90762	EPSDT - age 5 to 11	28.00	
90763	EPSDT - age 1 to 4	31.00	
90764	EPSDT - age under 1	30.00	
90774	Developmental Tests	10.00	
90778	Circadian Respiratory Pattern	10.00	
	<i>Prolonged Services</i>		
	Standby for Newborn Care Following Cesarean Section		

Emergency Regulations

99150	30 Minutes to 1 Hour	\$55.00	59200	Insertion of Hygroscopic Cervical Dilator	\$69.85
99151	More than 1 Hour	70.00			
	Newborn Resuscitation			Repair	
99152	Care of the High Risk Newborn at Delivery	\$75.00	59300	Episiotomy or Vaginal Repair	\$64.15
	Critical Care, Initial		59320	Cerclage of Cervix, During Pregnancy; Vaginal	IC
99160	Each Hour	\$87.00	59325	Cerclage of Cervix, During Pregnancy; Abdominal	IC
99162	Additional 30 Minutes	50.00	59350	Hysterorrhaphy of Ruptured Uterus	415.00
	Critical Care, Subsequent			Vaginal Delivery, Antepartum and Postpartum Care	
99171	Brief Examination	\$24.80	59400	Total Obstetrical Care	930.00
99172	Limited Examination	50.00	59410	Vaginal Delivery Only	670.00
99173	Intermediate Examination	51.00	59412	External Cephalic Version	84.00
99174	Extended Re-examination	67.00	59414	Delivery of Placenta Following Delivery of Infant Outside of Hospital	IC
	OBSTETRICAL SERVICES - MATERNITY CARE AND DELIVERY		59420	Antepartum Care Only	232.00
	Incision		59430	Postpartum Care Only	28.00
59000	Amniocentesis	\$110.00		Cesarean Delivery, Antepartum and Postpartum Care	
59012	Cordocentesis (intrauterine)	IC	59510	Total Obstetrical Care	\$1,221.00
59015	Chorionic Villus Sampling	66.00	59515	Cesarean Delivery Only	961.00
59020	Fetal Oxytocin Stress Test	42.00	59525	Subtotal or Total Hysterectomy After Cesarean Delivery	IC
59025	Fetal Non-stress Test	25.00		Abortion	
59030	Fetal Scalp Blood Sampling	66.00	59812	Surgical Treatment of Spontaneous Abortion	IC
59050	Internal Fetal Monitoring	\$40.95	59820	Surgical Treatment of Missed Abortion; First Trimester	\$400.00
59100	Hysterotomy, Abdominal	315.00	59821	Surgical Treatment of Missed Abortion Second Trimester	IC
	Excision		59830	Surgical Treatment of Septic Abortion	229.15
	Surgical Treatment of Ectopic Pregnancy		59840	Induced Abortion, by Dilation and Curettage	229.15
59120	Tubal or Ovarian, With Salpingectomy and/or Oophorectomy	\$850.00	59841	Induced Abortion, by Dilation and Evacuation	229.15
59121	Tubal or Ovarian, Without Salpingectomy and/or Oophorectomy	332.00	59850	Induced Abortion, Amniocentesis Injections	105.00
59130	Abdominal Pregnancy	288.75	59851	Induced Abortion, with Dilation and Curettage	200.55
59135	Interstitial, Uterine Pregnancy Requiring Total Hysterectomy	402.70	59852	Induced Abortion, with Hysterotomy	315.00
59136	Interstitial Uterine Pregnancy With Partial Resection of Uterus	IC		Other Procedures	
59140	Cervical, With Evacuation	402.70	59870	Uterine Evacuation and Curettage for Hydatidiform Mole	IC
	Laparoscopic Treatment of Ectopic Pregnancy		59899	Unlisted Procedure, Maternity Care and Delivery	IC
59150	Without Salpingectomy and/or Oophorectomy	IC			
59151	With Salpingectomy and/or Oophorectomy	IC			
59160	Curettage, Postpartum	375.00			
	Introduction				

Emergency Regulations

IC = Individual Consideration by Medical Consultant

Registrar of Regulations
Date: March 27, 1990

* * * * *

Title of Regulation: VR 460-03-4.1940. Exception to Nursing Home Operating Cost Ceilings for Reimbursement of Virginia Health Services Cost Review Council Fees.

Statutory Authority: § 32.1-235 of the Code of Virginia.

Effective Dates: March 27, 1990 through March 26, 1991

DECISION BRIEF FOR:

The Honorable Lawrence Douglas Wilder
Governor

SUBJECT: EMERGENCY REGULATION FOR EXCEPTION to NURSING HOME OPERATING COST CEILINGS for REIMBURSEMENT OF VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL FEES

SUMMARY

1. REQUEST: The Governor's approval is hereby requested to adopt the emergency regulation entitled Exception to Nursing Home Operating Cost Ceilings for Reimbursement of Virginia Health Services Cost Review Council Fees. This policy will reimburse nursing homes for their costs required to comply with the Code of Virginia §§ 9-158 and 9-159.
2. RECOMMENDATION: Recommend approval of the Department's request to take this emergency adoption action. The Department intends to initiate the public notice and comment requirements contained in the Code of Virginia § 9-6.14:7.1.

/s/ Bruce U. Kozlowski, Director
Date: March 12, 1990

3. CONCURRENCES:

Concur

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: March 20, 1990

4. GOVERNOR'S ACTION:

Approve

/s/ Lawrence Douglas Wilder
Governor
Date: March 23, 1990

5. FILED WITH:

/s/ Joan W. Smith

DISCUSSION

6. BACKGROUND: The Nursing Home Payment System, Supplement to State Plan Attachment 4.19D (VR 460-03-4.194), § 2.7 sets forth the reimbursement formula and payment methodology for nursing home reimbursement of institutional providers' operating costs.

Under current regulations, nursing home providers subject to the Program's prospective payment system are reimbursed their prospectively determined actual allowable per diem operating costs subject to the respective peer group operating cost ceiling. During fiscal 1990, there will be approximately ninety-six (96) skilled nursing facilities (SNF) and two hundred (200) intermediate care facilities (ICF) enrolled in the State's Medicaid Program. Based upon current nursing home cost data, 55% of the skilled facilities and 35% of intermediate care facilities will be above the Program's established peer group ceilings.

The Code of Virginia § 9-158, amended July 1, 1989, requires nursing homes which operate within the Commonwealth to file annual budget and cost data with the Virginia Health Services Cost Review Council for each fiscal year ended on or after July 31, 1989. Each nursing facility is required to pay a fee of \$.07 per adjusted patient day upon filing its annual report with the Council to comply with the Code of Virginia § 9-159 A (1) and (2).

In the absence of regulatory authority to allow relief for the additional cost that must be incurred by those nursing homes which are above the Program's established operating cost ceilings, financial hardship is expected to be experienced by 55% of the skilled and 35% of the intermediate care providers.

In November, 1989, the nursing home industry requested the DMAS Director to consider granting relief to the 55% of the skilled facilities and 35% of the intermediate care facilities which exceed the Program's established peer group ceilings, as the Council's filing fees were not included within the ceilings established in 1982. An emergency regulation was drafted on December 28, 1989, for approval by the previous administration by January 12, 1990. However, regulatory action was deferred, at the previous administration's request, to the current administration for action.

7. AUTHORITY TO ACT: The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of the Department of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance in lieu of Board action pursuant to the Board's requirements. The Code also provides, in the

Emergency Regulations

Administrative Process Act (APA) § 9-6.14:9, for this agency's adoption of emergency regulations subject to the Governor's approval. Subsequent to the emergency adoption action and filing with the Registrar of Regulations, the Code requires this agency to initiate the public notice and comment process as contained in Article 2 of the APA.

The Code of Virginia chapter 26 authorizes the Virginia Health Services Cost Review Council to require "each nursing home provider [to] comply with subdivisions A 1 and A 2 of § 9-159..." during the year July 1, 1989, through June 30, 1990. The Council's emergency regulation, approved by the Governor and filed with the Registrar of Regulations on July 17, 1989, authorizes the Council to set the filing rate fee providing the impetus for this Medicaid budget impact.

Without an emergency regulation, the companion amendment to the State Plan cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met.

8. **FISCAL/BUDGETARY IMPACT:** Without this regulation, the Department will lack the authority to modify its reimbursement methodology to allow relief to nursing home providers who exceed the Program's operating cost ceilings. Based upon patient days budgeted for FY 1990, additional expenditures of \$156,787 will be required to reimburse nursing homes for costs incurred for the fees imposed by the Virginia Health Services Cost Review Council. Although not explicitly funded for this policy, the DMAS budget for nursing home reimbursement will cover this cost.

9. **RECOMMENDATION:** Recommend approval of this request to take an emergency adoption action. Pending the approval of the accompanying State Plan Amendment by the Health Care Financing Administration, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective emergency regulation, the Department lacks the authority to reimburse nursing home providers for costs incurred in complying with the Virginia Cost Review Council's requirements.

10. **Approval Sought for VR 460-03-4.1940.**

Approval of the Governor is sought for an emergency modification of the Medicaid State Plan in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

Supplement to
Attachment 4.19D
Page 17a of 43

6. Allowable plant costs will continue to be reimbursed in accordance with the existing formula. Such costs

are defined in A-1. Plant costs shall not include the component of cost related to making or producing a supply or service.

7. Prospective rates for each nursing home will be based on the home's allowable operating costs per diem plus the escalator or the appropriate ceilings, or charges, whichever is lower. The disallowance of unallowable costs will be reflected in the subsequent year's prospective rate determination.

8. *An exception to the prospective operating cost ceiling will be allowed to the extent of actual program costs incurred by providers for filing fees imposed by the Virginia Health Services Cost Review Council, effective July 1, 1989.*

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-01-28. Aid to Dependent Children (ADC) Program - Entitlement Date.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Effective Date: April 1, 1990 through March 31, 1991.

Editor's Note: The Department of Social Services has requested that the effective date of this regulation, published in the March 26, 1990, issue of the Virginia Register be changed to April 1, 1990, through March 31, 1991.

STATE LOTTERY DEPARTMENT

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER TEN (90)

"DOUBLE FEATURE"; PROMOTIONAL CONTEST AND DRAWING RULES

In accordance with the authority granted by § 58.1-4006A of the Code of Virginia, I hereby promulgate the "Double Feature" promotional contest and drawing rules for the Game 11 kick-off events which will be conducted at various lottery retailer locations throughout the Commonwealth on April 12, 1990. These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P.O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force until April 13, 1990, unless otherwise extended by the Director.

/s/ Kenneth W. Thorson, Director
Date: March 23, 1990

* * * * *

DIRECTOR'S ORDER NUMBER ELEVEN (90)

VIRGINIA'S NINTH INSTANT CASH LOTTERY; "7-11-21," END OF GAME

In accordance with the authority granted by § 58.1-4006A of the Code of Virginia, I hereby give notice that Virginia's ninth instant game lottery, "7-11-21," will officially end at midnight on Friday, April 13, 1990. The last day to redeem winning tickets for "7-11-21" will be Wednesday, October 10, 1990, 180 days from the declared official end of the game. Claims for winning tickets from "7-11-21" will not be accepted after that date. Claims which are mailed and received in an envelope bearing a postmark of October 10, 1990, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

This order is available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia; and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P.O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of

its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson, Director
Date: March 20, 1990

* * * * *

DIRECTOR'S ORDER NUMBER TWELVE (90)

VIRGINIA'S ELEVENTH INSTANT GAME LOTTERY; "DOUBLE FEATURE," FINAL RULES FOR GAME OPERATION

In accordance with the authority granted by § 58.1-4006A of the Code of Virginia, I hereby promulgate the final rules for game operation in Virginia's eleventh instant game lottery, "Double Feature." These rules amplify and conform to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

The rules are available for inspection and copying during normal business hours at the State Lottery Department headquarters, 2201 West Broad Street, Richmond, Virginia, and at each of the State Lottery Department regional offices. A copy may be requested by mail by writing to: Marketing Division, State Lottery Department, P.O. Box 4689, Richmond, Virginia 23220.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson, Director
Date: March 30, 1990

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

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

Governor's Comment:

This proposal is intended to protect the shellfish industry and consumers by establishing standards governing the sale and fill of mollusks. I recommend approval of the proposal, pending public comment.

/s/ Lawrence Douglas Wilder
Date: April 3, 1990

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Title of Regulation: VR 130-01-2. Board for Architects,
Professional Engineers, Land Surveyors and Landscape
Architects Rules and Regulations.

Governor's Comment:

This proposal is intended to protect the public's safety and welfare. Pending public comment, I recommend approval of the amendments.

/s/ Lawrence Douglas Wilder
Governor
Date: March 30, 1990

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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, specifically the General Provisions (Part II)**. The purpose of the proposed action is to provide administrative and enforcement provisions to support the emission standards and other provisions which limit air pollution.

A public meeting will be held on May 2, 1990, at 10 a.m. in the State Capitol, Capitol Square, House Room 1, Richmond, Virginia, to receive input on the development of the proposed regulation.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until May 2, 1990.

Contact: Robert Mann, Director, Division of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 786-5789

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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 125-01-1 through VR 125-01-7. Regulations of the Virginia Alcoholic Beverage Control Board**. 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.

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 June 21, 1990, at 10 a.m. in its Hearing Room, First Floor, A.B.C. Board, Main Offices, 2901 Hermitage Road, Richmond, Virginia, to receive comments and suggestions concerning the adoption, amendment or repeal of board

regulations. 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 and/or savings to regulate entities, the public, or others incurred by this change as compared to current regulations.
7. Who is affected by recommended changes? How affected?
8. Supporting documents.

The board may also consider any other request for regulatory changes at its discretion. All petitions or requests for regulatory change should be submitted to the board no later than April 12, 1990.

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 regulatory changes, make recommendations, and suggest actual draft language for a regulation, if it concludes a regulation is necessary. Anyone interested in serving on such panel should notify the undersigned by April 12, 1990, requesting that their name be placed on the general mailing list.

C. Petitions for regulatory change and requests to be appointed to the Ad Hoc Advisory Panel should be sent to Robert N. Swinson, Secretary to the Board, 2901 Hermitage Road, Richmond, Virginia 23220 or may be faxed (804) 367-8249 if the original paperwork is also mailed.

D. Entities affected: (1) all licensees (manufacturers, wholesalers, importers, retailers) and (2) the general public.

Statutory Authority: §§ 4-7(1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1,

General Notices/Errata

4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

Written comments may be submitted until 10 a.m., June 21, 1990.

Contact: Robert N. Swinson, Secretary to the Board, P. O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

NOTE: EXTENSION OF WRITTEN COMMENT PERIOD

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **VR 190-04-1. Regulations Relating to Private Security Services.** The purpose of the proposed action is to solicit public comment on all existing regulations as to the effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with the Public Participation Guidelines.

Statutory Authority: §§ 54.1-1902 and 54.1-1903 of the Code of Virginia.

Written comments may be submitted until April 26, 1990.

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

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider amending regulations entitled: **VR 245-02-01. Regulations Governing Eligibility Standards and Application Procedures for the Distribution of Telecommunications Equipment.** The purpose of the proposed action is to ensure confidentiality of all information contained in TAP applications and update regulations to include expansion of services.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until July 23, 1990.

Contact: Kathy E. Vesley, Deputy Director, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ or toll-free 1-800-552-7917/TDD ☎

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider amending regulations entitled: **VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.** The purpose of the proposed action is to (i) include language authorizing the agency to assess a registration fee for Quality Assurance Screening; (ii) include a confidentiality clause; and (iii) amend the appeal procedure.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until July 23, 1990.

Contact: Kathy E. Vesley, Deputy Director, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ or toll-free 1-800-552-7917/TDD ☎

BOARD OF HISTORIC RESOURCES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Historic Resources intends to consider promulgating regulations entitled: **Regulations Governing Permits for the Archaeological Excavation of Human Burials.** The purpose of the proposed action is to implement the Virginia Antiquities Act, § 10.1-2305 of the Code of Virginia governing the issuance of permits for the archaeological excavation of unmarked human burials. This permitting process will affect any persons or entities who conduct any type of archaeological field investigation involving the removal of human remains or associated artifacts from any unmarked human burial. It will also affect any such removal involving archaeological investigation as part of a court-approved removal of a cemetery.

Regulatory and legal alternatives and constraints have not been fully investigated, but will be included as part of the regulation development process. Comment on such alternatives and constraints should be mailed to the contact person listed below. Applicable laws and regulations include but are not limited to §§ 10.1-2300 through 10.1-2306, 57-38.1 and 57-39 of the Code of Virginia, copies of which can be obtained from the Department of Historic Resources listed below. Draft regulations should be completed for review by the Board of Historic Resources in August, and for public comment beginning in September 1990. A public meeting to receive reviews and comments, and to answer questions about the proposed action will be held on Thursday, May 17, 1990, at 1 p.m. in Senate Room 4 of the Virginia State Capitol, Richmond, Virginia.

Statutory Authority: § 10.1-2305 of the Code of Virginia.

Written comments may be submitted until June 1, 1990.

Contact: M. Catherine Slusser, State Archaeologist,

Department of Historic Resources, 221 Governor St.,
Richmond, VA 23219, telephone (804) 786-3143

LOTTERY BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Lottery Board intends to consider amending regulations entitled: **VR 447-02-1. Instant Game Regulations.** The purpose of the proposed action is to allow lottery retailers to return instant lottery tickets for credit prior to the announced end of the games, and clarify when a claim form is required to redeem prizes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until May 21, 1990.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2021 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Lottery Board intends to consider amending regulations entitled: **VR 447-02-2. On-Line Game Regulations.** The purpose of the proposed action is to allow lottery retailers two methods to cancel a lottery ticket and to clarify when a claim form is required to redeem prizes.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Written comments may be submitted until July 25, 1990.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2021 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433

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 amending regulations entitled: **VR 460-03-4.1940. Nursing Home Payment System: Patient Intensity Related System.** The purpose of the proposed action is to supersede the current nursing home reimbursement system with one based on the intensity of services received by Medicaid patients.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m., April

26, 1990, to James Byrd, Manager, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, 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

BOARD OF PHARMACY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Pharmacy intends to consider amending regulations entitled: **VR 530-01-1. Board of Pharmacy Regulations.** The purpose of the proposed action is to amend § 1.3 B of the regulation by deleting the language for a temporary or probationary or reciprocal license and inserting language for an application for an endorsement license \$300.

The proposed change will eliminate the issuance of a temporary license to pharmacists licensed in other states when the amendment is adopted. Licenses will subsequently be issued by endorsement after the application has passed a validated state drug law examination which will be administered approximately every three months.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until May 2, 1990.

Contact: Jack B. Carson, Executive Director, Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9911

BOARD OF PSYCHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Psychology intends to consider amending regulations entitled: **VR 565-01-2. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to be consistent with the board's Public Participation Guidelines inviting comment on all existing regulations as part of the board's biennial review of rules. The board is considering modifications to its existing regulations dealing with supervision of technical assistants, filing dates to commence residency on prerequisite to licensing, definitions, classifications, fees, general requirements, previous experience, internship and course requirements, out-of-state applicants, examination scheduling, reexaminations, reapplying, deferrals by candidate, technical assistant requirements and duties, standards of

General Notices/Errata

practice, and grounds for revocation, suspension or denial of renewal of license.

This Notice of Intended Regulatory Action is an extension of the Notice of Intent first published on February 12, 1990.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until May 10, 1990.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913

VIRGINIA RACING COMMISSION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Racing Commission intends to consider promulgating regulations entitled: **Racing Officials: Duties, Qualifications and Responsibilities. Permit Holders: Duties, Qualifications and Responsibilities.** The purpose of the proposed action is to set forth duties, qualifications and responsibilities of racing officials and permit holders for pari-mutuel horse racing in Virginia.

Statutory Authority: § 59.1-364 of the Code of Virginia.

Written comments may be submitted until May 12, 1990.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P. O. Box 1123, Richmond, VA 23209, telephone (804) 371-7363

DEPARTMENT OF REHABILITATIVE SERVICES

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 repealing existing regulations and promulgating new regulations entitled: **Vocational Rehabilitation.** The purpose of the proposed action is to clarify, organize and modify existing vocational rehabilitation regulations.

Statutory Authority: § 51.5-5 of the Code of Virginia.

Written comments may be submitted until May 1, 1990.

Contact: David R. Ziskind, Deputy Commissioner, 4901 Fitzhugh Ave., P. O. Box 11045, Richmond, VA 23230, telephone (804) 367-0223 or toll-free 1-800-552-5019

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 promulgating regulations entitled: **State Plan for the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program.** The purpose of the proposed action is to update state activities under the State Vocational Rehabilitation Services Program authorized under Title I of the Rehabilitation Act of 1973, as amended, and the State Supported Employment Services Program authorized under Title VI Part C of the Act covering fiscal year 1991.

Statutory Authority: §§ 51.5-5 and 51.5-14 of the Code of Virginia.

Written comments may be submitted until July 9, 1990.

Contact: Robert J. Johnson, State Plan Coordinator, Department of Rehabilitative Services, 4901 Fitzhugh Ave., P. O. Box 11045, Richmond, VA 23230, telephone (804) 367-6379 or toll-free 1-800-552-5019

BOARD OF SOCIAL WORK

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Work intends to consider amending regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to (i) allow nonregistered supervised experience for clinical social workers received prior to July 6, 1989 (effective date of current regulations), to be considered for licensure; (ii) adjust fees for examinations and biennial renewals; (iii) clarify part-time equivalency requirements; and (iv) incorporate additional proposals necessary to accomplish these objectives.

Regulations are currently in the form of Emergency Regulations effective November 2, 1989.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until April 26, 1990.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804) 662-9914

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 680-11-05. Occoquan Policy.** The purpose of the

proposed action is to amend the Occoquan Policy in response to a petition from the Upper Occoquan Sewage Authority. The requested amendments would remove the limitation on expansions to plant capacity, make the minimum effluent quality requirements measured on a monthly average, and modify the nitrogen concentration references. The proposal would also, among other things, reformat the policy to conform with the requirements of the Registrar of Regulations.

No financial impact on the regulated community is expected from the proposed action. The proposed amendments serve to reflect current permitting practices which govern plant expansions and operations, and provide for protection of the watershed based on years of data. The proposed action is authorized by the statutes cited and governed by the State Water Control Law, the Water Quality Standards (VR 680-21-00), and the Permit Regulations (VR 680-14-01).

Statutory Authority: §§ 62.1-44.15(3a), 62.1-44.15(10) and 62.1-44.15(13) of the Code of Virginia.

Written comments may be submitted until 4 p.m., April 23, 1990.

Contact: James C. Adams, Regional Director, State Water Control Board, Northern Regional Office, 5515 Cherokee Ave., Suite 404, Alexandria, VA, telephone (703) 750-9111 or SCATS 845-6403

GENERAL NOTICES

DEPARTMENT OF MINES, MINERALS AND ENERGY

Public Notice Notice of Petition (Dickenson County, Virginia)

The Virginia Department of Mines, Minerals and Energy, Division of Mined Land Reclamation has received a petition requesting the Director to declare approximately 97 acres in the Honey Camp area of Dickenson County, Virginia unsuitable for surface (strip) coal mining. The petition was submitted under procedures contained in the Virginia Coal Surface Mining Reclamation Act (§ 45.1-252) and Part 480-03-19.764 of the Virginia Coal Surface Mining Reclamation Regulations.

The petition was submitted by Corbett Boggs, Route 2, Box 118H, Clintwood, VA 24228, and received in the Department of Mines, Minerals and Energy's Big Stone Gap office on March 13, 1990.

The purpose of this public notice is to notify the general public in the locale of the petition area of the receipt of the petition. The Division shall make copies of the petition

available to the public and interested governmental agencies, intervenors, persons with an ownership of record in the petition area property, and to any other persons known to the department to have an interest in the property. A copy of the petition will be on file for public review, as of the publication of this notice, at the Dickenson County Circuit Court Clerk's office.

The Virginia Department of Mines, Minerals and Energy welcomes any comments on the petition and the petition area. Comments will be received on the completeness of the petition until April 27, 1990, at which time a determination by the director will be made. Additional opportunities for public comment on the nature of the petition will be announced by Public Notice following the director's decision.

If you have any questions or would like to review the petition documents, please contact Bob Herron (703-523-8202) or Richard Meade (703-523-8204) at the Virginia Division of Mined Land Reclamation, 622 Powell Avenue, P. O. Drawer U, Big Stone Gap, VA 24219.

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: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, 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 at the above address.

ERRATA

DEPARTMENT FOR THE VISUALLY HANDICAPPED

General Notices/Errata

Title of Regulation: VR 670-03-1. Regulation Governing Provisions of Services in Vocational Rehabilitation.

Publication: 6:11 V.A.R. 1664 February 26, 1990

Correction to the Final Regulation:

Page 1664, insert "of the uniform income level" in D 1. Gross Income, to read as follows:

"An annual review of the uniform income level will be made and updated as needed."

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

BOARD FOR ACCOUNTANCY

April 23, 1990 - 10 a.m. - Open Meeting
April 24, 1990 - 8 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review correspondence; (iii) review enforcement cases; and (iv) conduct 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)

* * * * *

May 7, 1990 - 10 a.m. - Public Hearing
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Accountancy intends to repeal existing regulations and adopt new regulations entitled: **VR 105-01-2. Board for Accountancy Regulations.** The board is repealing its current regulations and proposing new regulations to establish the requirements for certification and licensure as a certified public accountant and establish the standards of practice for the professions.

Statutory Authority: § 54.1-201(5) of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† May 15, 1990 - 1 p.m. - Open Meeting
† May 16, 1990 - 9 a.m. - Open Meeting
Washington Building, 1100 Bank Street, Room 204, Richmond, Virginia. ☒

A meeting to (i) review issues relating to legislation, regulations and fiscal matters and (ii) receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-3501 or 371-6344/TDD ☎

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

May 16, 1990 - 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 adopt a method of sale and standards of fill, as determined by weight, for clams, mussels, oysters, and other mollusks.

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until April 2, 1990.

Contact: J. Alan Rodgers, 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

Calendar of Events

Pesticide Control Board

May 2, 1990 - 10 a.m. - Open Meeting
Virginia Polytechnic Institute and State University,
Blacksburg, Virginia

10:30 a.m. - Tour of Virginia Tech Pesticide Research Center.

noon - Luncheon, Blacksburg Marriott, 900 Prices Ford Road, Blacksburg, Virginia.

2 p.m. - Pesticide Control Board Committee meetings to consider the need for additional regulations pursuant to the Virginia Pesticide Control Act and make recommendations to the full board on May 3.

5 p.m. - Tour of Urban Pest Control Center.

7 p.m. - Dinner and speaker, Blacksburg Marriott.

This schedule may be affected by the course of public hearings conducted at the Donaldson-Brown Center, beginning at 9:30 a.m.

May 3, 1990 - 9 a.m. - Open Meeting
Blacksburg Marriott, 900 Prices Ford Road, Blacksburg, Virginia. ☒

The board will meet to conduct official board business which may include, but which is not limited to, the need for additional regulations pursuant to the the Virginia Pesticide Control Act.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

* * * * *

May 2, 1990 - 9:30 a.m. - Public Hearing
Virginia Tech, Donaldson-Brown Continuing Education Center, Room G, Blacksburg, Virginia

May 7, 1990 - 10:30 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to amend regulations entitled: **VR 115-04-03. Rules and Regulations for the Enforcement of the Virginia Pesticide Law.** The purpose of the proposed amendments is to repeal § 23, "Records" and § 26, "Evidence of Financial Responsibility" of the aforementioned regulation as a part of the development of VR 115-04-22, Regulations Governing Licensing of Pesticide Businesses Under Authority of Virginia Pesticide Control Act. The Pesticide Control Act provides that current regulations, with provisions related to but different than those proposed, will remain in effect "until repealed by the Pesticide Control Board."

Statutory Authority: §§ 3.1-249.28 and 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

* * * * *

May 2, 1990 - 9 a.m. - Public Hearing
Virginia Tech, Donaldson-Brown Continuing Education Center, Room G, Blacksburg, Virginia

May 7, 1990 - 10 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-20. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services under the Virginia Pesticide Control Act.** The purpose of the proposed regulation is to establish fees to be collected by the Virginia Department of Agriculture and Consumer Services for Pesticide Product Registration, Certified Commercial Applicator Certificates, and Registered Technician Certificates as well as for licensing pesticide businesses. This regulation will establish user fees to fund the management of pesticide programs fully in Virginia as recommended by the Council on the Environment in a report entitled Special Report: Pesticide Management in Virginia (January, 1989), which gave impetus to legislation that became the 1989 Pesticide Control Act.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

* * * * *

May 2, 1990 - 10 a.m. - Public Hearing
Virginia Tech, Donaldson-Brown Continuing Education Center, Room G, Blacksburg, Virginia

May 7, 1990 - 11 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-21. Public Participation Guidelines of the Pesticide Control Board.** The purpose of the proposed regulation is to establish public participation guidelines, pursuant to § 9-6.14:7.1 of the Code of Virginia, for use by the Pesticide Control Board. This regulation will assure that the public is fully involved in the board's development of regulations.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

* * * * *

May 2, 1990 - 9:30 a.m. - Public Hearing
Virginia Tech, Donaldson-Brown Continuing Education Center, Room G, Blacksburg, Virginia

May 7, 1990 - 10:30 a.m. - Public Hearing
Washington Building, 1100 Bank Street, Board Room, Room 204, 2nd Floor, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Pesticide Control Board intends to adopt regulations entitled: **VR 115-04-22. Regulations Governing Licensing of Pesticide Businesses Operating Under Authority of Virginia Pesticide Control Act.** The purpose of the proposed regulation is to require an annual business license for persons who sell, recommend for use, store, or apply pesticides in Virginia. (Businesses that sell pesticides in limited quantities primarily for limited household use are exempt from the provisions of this regulation.) This regulation will provide a means of identifying those firms that sell, recommend for use, store, or apply pesticides for hire. It will also provide a system for tracking certified commercial applicators and registered technicians. In addition, the regulation will require that records be kept on storage, sale, recommendation for use, and use of pesticides. The regulation also requires evidence of financial responsibility for all licensed entities, which under current regulations is required only of the certified commercial pesticide applicator.

In part, this regulation will supersede two portions of VR 115-04-03, Rules and Regulations for Enforcement of the Virginia Pesticide Law—specifically § 23, "Records," and § 26, "Evidence of financial responsibility." The adoption, therefore, of this new regulation will require the repeal of these two provisions of the present regulation, a step authorized

by the Virginia Pesticide Control Act.

Statutory Authority: § 3.1-249.30 of the Code of Virginia.

Written comments may be submitted until April 30, 1990.

Contact: C. Kermit Spruill, Jr., Director, Division of Product and Industry Regulation, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 403, P. O. Box 1163, Richmond, VA 23209, telephone (804) 786-3523

STATE AIR POLLUTION CONTROL BOARD

April 25, 1990 - 10 a.m. - Public Hearing
Department of Air Pollution Control, Southwestern Virginia Regional Office, 121 Russell Road, Abingdon, Virginia

April 25, 1990 - 10 a.m. - Public Hearing
Department of Air Pollution Control, Valley of Virginia Regional Office, Executive Office Park - Suite D, 5338 Peters Creek Road, Roanoke, Virginia

April 25, 1990 - 10 a.m. - Public Hearing
Auditorium of the Recreation Center, 301 Grove Street, Lynchburg, Virginia

April 25, 1990 - 10 a.m. - Public Hearing
Department of Air Pollution Control, Northeastern Virginia Regional Office, 300 Central Road - Suite B, Fredericksburg, Virginia

April 25, 1990 - 10 a.m. - Public Hearing
Auditorium of the Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia

April 25, 1990 - 10 a.m. - Public Hearing
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village - Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia

April 25, 1990 - 1 p.m. - Public Hearing
Richard Byrd Public Library, 7250 Commerce Street, Springfield, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia and the requirements of § 110(a) (1) of the Federal Clean Air Act 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 amendments cover emission standards for volatile organic compounds (VOC) and associated administrative and enforcement regulations.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until May 11, 1990, to Director of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Virginia

Calendar of Events

23240.

Contact: Ellen P. Snyder, Policy/Program Analyst, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 786-0177

† May 3, 1990 - 9:30 a.m. - Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Conference Room, Room 204, Richmond, Virginia. ☒

A regular quarterly meeting. Permit applications by Doswell Limited Partnership and Mecklenburg cogeneration may be discussed. Seating is limited.

Contact: Kathleen Sands, Senior Policy Analyst, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722

DEPARTMENT OF AIR POLLUTION CONTROL

† April 24, 1990 - 7 p.m. - Public Hearing
Hanover Courthouse, Hanover, Virginia

A public hearing to consider a permit application from Doswell Limited Partnership to construct and operate a 700 MW electricity generating facility.

Contact: Mark Williams, Environmental Engineer, 8205 Hermitage Rd., Richmond, VA 23228, telephone (804) 371-3067

State Advisory Board on Air Pollution

† April 27, 1990 - 9:30 a.m. - Open Meeting
Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Conference Room, Room 204, Richmond, Virginia. ☒

A regular meeting. Cogeneration issues as presented by Virginia Power may be discussed. Seating is limited.

Contact: Kathleen Sands, Senior Policy Analyst, Department of Air Pollution Control, P. O. Box 10089, Richmond, VA 23240, telephone (804) 225-2722

ALCOHOLIC BEVERAGE CONTROL BOARD

April 23, 1990 - 9:30 a.m. - Open Meeting
May 14, 1990 - 9:30 a.m. - Open Meeting
May 31, 1990 - 9:30 a.m. - Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☒

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, Secretary, Alcoholic Beverage

Control Board, 2901 Hermitage Rd., P. O. Box 27491, Richmond, VA 23261, telephone (804) 367-0616

ALEXANDRIA LOCAL EMERGENCY PLANNING COMMITTEE

May 9, 1990 - 6 p.m. - Open Meeting
Alexandria Police Department, Roll Call Room, 2003 Mill Road, Alexandria, Virginia

A regular meeting.

Contact: Chap Coleman or Janette Jacobs, Alexandria Local Emergency Planning Committee, Alexandria, VA, telephone (703) 838-3825 or 838-4600

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Board for Engineers

April 26, 1990 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of February 13, 1990, meeting; (ii) review applications; (iii) review correspondence; and (iv) review enforcement files.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8514 or toll-free 1-800-552-3016

COMMISSION FOR THE ARTS

April 23, 1990 - 5 p.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor Conference Room, Richmond, Virginia. ☒

Choreographer's prize panel meeting.

April 24, 1990 - 10 a.m. - Open Meeting
April 25, 1990 - 10 a.m. - Open Meeting
Gunston Arts Center, 2700 South Lang Street, Arlington, Virginia. ☒

Area IV panel meeting.

April 26, 1990 - 10 a.m. - Open Meeting
April 27, 1990 - 10 a.m. - Open Meeting
Location not yet determined (contact the commission office for further details)

Area V panel meeting.

April 30, 1990 - 10 a.m. - Open Meeting
May 1, 1990 - 10 a.m. - Open Meeting

Calendar of Events

Yorktown Victory Center, Route 238, On-the-Hill Arts Center, Yorktown, Virginia. ☐

Area VI panel meeting.

May 2, 1990 - 8:30 a.m. - Open Meeting
May 3, 1990 - 8:30 a.m. - Open Meeting
James Monroe Building, Virginia Community College System State Board Room, 15th Floor, Richmond, Virginia. ☐

Artist in Education panel meeting.

May 23, 1990 - 9 a.m. - Open Meeting
May 24, 1990 - 9 a.m. - Open Meeting
Holiday Inn, I-81 and U.S. Route 50, East, Winchester, Virginia. ☐

Quarterly meeting (Grant Round).

Contact: Commission for the Arts, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219-3683, telephone (804) 225-3132

VIRGINIA AVIATION BOARD

April 24, 1990 - 10:30 a.m. - Open Meeting
Winchester Regional Airport, Conference Room, Winchester, Virginia. ☐

A meeting to discuss matters affecting aviation in Virginia.

Contact: Nancy C. Brent, 4504 S. Laburnum Ave., Richmond, VA 23231-2422, telephone (804) 786-6284

VIRGINIA CATTLE INDUSTRY BOARD

April 30, 1990 - 1 p.m. - Open Meeting
May 1, 1990 - 8:15 a.m. - Open Meeting
Lynchburg Hilton, 2900 Candler's Mountain Road, Randolph Macon Conference Room, Lynchburg, Virginia. ☐

A meeting to determine the budget for 1990-91 and which projects in the areas of research, consumer education, and industry information will be funded.

Contact: Reggie Reynolds, Executive Director, P. O. Box 176, Daleville, VA 24083, telephone (703) 992-1992

CHESAPEAKE BAY COMMISSION

† May 10, 1990 - 10 a.m. - Open Meeting
† May 11, 1990 - 9 a.m. - Open Meeting
Carroll Valley Resort/Conference Center, Carroll Valley, Pennsylvania (10 miles west of Gettysburg on Route 116)

A quarterly meeting to discuss (i) legislation passed

during the 1990 General Assembly session, (ii) the commission's FY 91 budget, (iii) point source compliance, (iv) integrated pest management, and (v) the 1990 Farm Bill.

Contact: Ann Pesiri Swanson, Executive Director, 60 West St., Suite 200, Annapolis, MD 21401, telephone (301) 263-3420

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

May 3, 1990 - 5:30 p.m. - Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Chesterfield, Virginia. ☐

The committee will meet to discuss the requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Dept., P.O. Box 40, Chesterfield, VA 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL AND COUNCIL ON CHILD DAY-CARE AND EARLY CHILDHOOD PROGRAMS

† April 26, 1990 - 9 a.m. - Open Meeting
Moorefield Office Park, Sheraton Park South, Eppington Room, 9901 Midlothian Turnpike, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested)

From 10 a.m. to 2 p.m. the councils will discuss future projects. A separate meeting of the Child Day-Care Council will occur from 9 a.m. to 10 a.m.

Contact: Peggy Friedenberg, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

DEPARTMENT FOR CHILDREN

Advisory Board

May 9, 1990 - 10:30 a.m. - Open Meeting
VDC Conference Room, 805 East Broad Street, 11th Floor, Richmond, Virginia. ☐

A regular meeting.

Contact: Gladys C. Finney, Executive Secretary Senior, Department for Children, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5989 or (804) 786-8732/TDD ☐

Calendar of Events

Consortium on Child Mental Health

May 2, 1990 - 9 a.m. - Open Meeting
Eighth Street Office Building, 805 East Broad Street, 11th Floor Conference Room, Richmond, Virginia. ☒

A regular meeting.

Contact: Wenda Singer, Chair, Department for Children, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-2208

State-Level Runaway Youth Services Network

April 26, 1990 - 9 a.m. - Open Meeting
Department of Corrections, 6900 Atmore Drive, Room 3056, Richmond, Virginia. ☒

A regular meeting.

Contact: Martha Frickert, Human Resources Developer, Department for Children, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5994

COORDINATING COUNCIL FOR INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

May 18, 1990 - 8:30 a.m. - Open Meeting
June 15, 1990 - 8:30 a.m. - Open Meeting
Office of the Coordinator, Interdepartmental Licensure and Certification, 1603 Santa Rosa Drive, Tyler Building, Suite 210, Richmond, Virginia. ☒

A regular scheduled meeting to consider such administrative policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

Contact: John J. Allen, Jr., Coordinator, Interdepartmental Licensure and Certification, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124

BOARD OF COMMERCE

May 24, 1990 - 11 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ☒

A regular quarterly meeting to discuss the impact of legislation passed by the 1990 General Assembly and review progress on departmental studies mandated by the General Assembly.

Contact: Alvin D. Whitley, Policy Analyst, Director's Office, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8564 or toll-free

1-800-552-3016 (ext. 8564)

BOARD ON CONSERVATION AND DEVELOPMENT OF PUBLIC BEACHES

May 9, 1990 - 10:30 a.m. - Open Meeting
Hampton City Hall, 8th Floor, Lawson Conference Room, Hampton, Virginia. ☒

A meeting to discuss proposals from localities requesting matching grant funds from the board.

Contact: Jack E. Frye, Shoreline Programs Bureau Manager, P. O. Box 1024, Gloucester Point, VA 23062, telephone (804) 642-7121

DEPARTMENT OF CONSERVATION AND RECREATION

May 14, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Department of Conservation and Recreation intends to adopt regulations entitled: VR 215-02-00. Stormwater Management Regulations. The purpose of the proposed regulation is to implement the Stormwater Management Act, Chapters 467 and 499 of the 1989 Acts of Assembly. The proposed regulations specify minimum technical criteria and administrative procedures for stormwater management programs which local governments are authorized to adopt. State agencies with land development projects are also governed by the proposed regulations.

Statutory Authority: §§ 10.1-104 and 10.1-603.4 of the Code of Virginia.

Written comments may be submitted until May 14, 1990, to Leon E. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219.

Contact: Donald R. Vaughan, Supervisor, Urban Programs Section, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 371-7483

Goose Creek Advisory Board

April 26, 1990 - noon - Open Meeting
Route 7 toward Leesburg, left on Route 659, 3 miles to Fairfax Water Authority, turn right on Route 642 at Fairfax Authority, go to the foot of the hill, enter private gate on left.

A meeting to review river issues and programs.

Calendar of Events

Moormons Scenic River Advisory Board

† April 23, 1990 - 7:30 p.m. - Open Meeting
County Office Building, 401 McIntire Road, Charlottesville,
Virginia

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program
Manager, Department of Conservation and Recreation, 203
Governor St., Suite 326, Richmond, VA 23219, telephone
(804) 786-4132 or (804) 786-2121/TDD ☎

Outdoor Recreation Advisory Board

† May 3, 1990 - 8:30 a.m. - Open Meeting
Captain's Deck Restaurant, Meeting Room, Nassawadox,
Virginia

A meeting to review statewide recreation matters.

Contact: Art Buehler, Director, Division of Planning and
Recreation Resources, 203 Governor St., Suite 326,
Richmond, VA 23219, telephone (804) 786-5046 or (804)
786-2121/TDD ☎

Rivanna Scenic River Advisory Board

† April 23, 1990 - 7:30 p.m. - Open Meeting
County Office Building, 401 McIntire Road, Charlottesville,
Virginia

A meeting to review river issues and programs.

Contact: Richard G. Gibbons, Environmental Program
Manager, Department of Conservation and Recreation, 203
Governor St., Suite 326, Richmond, VA 23219, telephone
(804) 786-4132 or (804) 786-2121/TDD ☎

BOARD FOR CONTRACTORS

Complaints Committee

April 25, 1990 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A regular meeting to review complaints filed against
licensed contractors.

Contact: A. R. Wade, Assistant Complaints Administrator,
Department of Commerce, 3600 W. Broad St., Richmond,
VA 23230, telephone (804) 367-8561 or toll-free
1-800-552-3016

Regulatory and Statutory Review Committee

† April 30, 1990 - 10 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street,
Richmond, Virginia. ☒

A regular meeting to review the board's regulations to
determine needed changes/additions/revisions in
procedures, requirements, and standards applicable to
licensed contractors.

Contact: Kelly G. Ragsdale, Assistant Director, Department
of Commerce, 3600 W. Broad St., Richmond, VA 23230,
telephone (804) 367-8557 or toll-free 1-800-552-3016

BOARD OF CORRECTIONS

May 16, 1990 - 10 a.m. - Open Meeting
June 20, 1990 - 10 a.m. - Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room,
Richmond, Virginia

A regular monthly meeting.

Contact: Vivian Toler, Secretary of the Board, 6900
Atmore Dr., Richmond, VA 23225, telephone (804) 674-3235

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May 16, 1990 - 10 a.m. - Public Hearing
Department of Corrections, 6900 Atmore Drive, Richmond,
Virginia

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Corrections
intends to adopt regulations entitled: **VR 230-30-007.
Supervision Fee - Rules, Regulations and Procedures.**
These regulations establish the rules and procedures
for the collection of correctional supervision fees.

Statutory Authority: § 53.1-5 of the Code of Virginia.

Written comments may be submitted until June 8, 1990.

Contact: Walter M. Pulliam, Jr., Manager, Board of
Corrections, P. O. Box 26963, Richmond, VA 23261,
telephone (804) 674-3064

COMMUNITY CORRECTIONS RESOURCES BOARD

† April 24, 1990 - 2 p.m. - Open Meeting
9 Court Square, Board of Supervisors Meeting Room,
Winchester, Virginia. ☒

A meeting to review cases.

Contact: Scott Anderson, CDI Coordinator, 112 S. Cameron
St., Winchester, VA 22601, telephone (703) 665-5633

Calendar of Events

DEPARTMENTS OF CORRECTIONS; EDUCATION; MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES; AND SOCIAL SERVICES

May 25, 1990 - 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 Departments of Corrections; Education; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services intends to amend regulations entitled: VR 230-40-001, VR 270-01-003, VR 470-02-01, VR 615-29-02. Core Standards for Interdepartmental Licensure and Certification of Residential Facilities for Children. This regulation is designed to assure adequate care, treatment, and education are provided by residential facilities for children. The proposed revisions amend and clarify requirements governing staff supervision of children.

Statutory Authority: §§ 16.1-311, 22.1-321, 37.1-10, 37.1-182, 53.1-249, 63.1-25, 63.1-196.4, and 63.1-217 of the Code of Virginia.

Written comments may be submitted until May 25, 1990, to Rhonda G. Merhout-Harrell, Office of Interdepartmental Licensure and Certification, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-7124

BOARD OF EDUCATION

April 25, 1990 - 1 p.m. - Open Meeting
April 26, 1990 - 9 a.m. - Open Meeting
April 27, 1990 - 9 a.m. - Open Meeting
Boar's Head Inn, Charlottesville, Virginia. ☐ (Interpreter for deaf provided if requested)

The Board of Education and the Board of Vocational Education will hold its regularly scheduled meeting. The agenda is available upon request.

Contact: Margaret Roberts, Director, Community Relations Office, Department of Education, P.O. Box 6Q, Richmond, VA 23216, telephone (804) 225-2540

DEPARTMENT OF EDUCATION (STATE BOARD OF)

May 24, 1990 - 10 a.m. - Public Hearing
General Assembly Building, Capitol Square, 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 270-01-0034. Regulations Governing the Operation of Propriety Schools and Issuing of Agent Permits. These regulations provide a basis for the oversight of certain privately owned occupational training schools and academic programs for handicapped children.

Statutory Authority: § 22.1-321 of the Code of Virginia.

Written comments may be submitted until April 28, 1990.

Contact: Charles W. Finley, Associate Director, Department of Education, P. O. Box 6-Q, Richmond, VA 23216-2060, telephone (804) 225-2081

VIRGINIA FARMERS' MARKET BOARD

† May 3, 1990 - 1 p.m. - Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

A regular meeting.

Contact: Nancy L. Israel, Farmers' Market Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1003, Richmond, VA 23219, telephone (804) 371-6157

DEPARTMENT OF GAME AND INLAND FISHERIES

May 10, 1990 - 9 a.m. - Open Meeting
4010 West Broad Street, Richmond, Virginia. ☐

9 a.m. - Planning committee meeting (executive session only).
noon - Finance committee meeting.
1 p.m. - Wildlife and boat committee meeting.
2 p.m. - Law and education committee meeting.

Committee meeting will begin at 9 a.m. to discuss administrative and related matters appropriate to each committee, which will be reported to the full board at its meeting May 11, 1990.

May 11, 1990 - 9:30 a.m. - Public Hearing
4010 West Broad Street, Richmond, Virginia. ☐

The board will consider action on the proposals regarding changes in the hunting, trapping and boating regulations for the 1990-91 season which resulted from the public hearing held on March 15-16, 1990. The proposed changes pertain to a muzzleloading season for deer and importation of the zebra mussel and certain fish by permit only.

Committee reports will be given. General administrative matters will be considered.

Contact: F. M. Harding, Secretary, 4010 W. Broad St.,

Richmond, VA 23230, telephone (804) 367-1000/TDD ☎

(804) 798-8554 or 730-6195

DEPARTMENT OF GENERAL SERVICES

Division of Consolidated Laboratory Services

† **May 4, 1990 - 10 a.m. - Open Meeting**
The Engineer's Club, 10 East Franklin Street, Richmond, Virginia

A meeting to discuss issues, concerns and programs that impact the division and its user agencies.

Contact: Dr. Tiedemann, Director, 1 N. 14th St., Richmond, VA 23219, telephone (804) 786-7905

BOARD FOR GEOLOGY

† **May 8, 1990 - 10 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

A meeting to (i) approve minutes from March 12, 1990, meeting; (ii) review applications; (iii) discuss exam; and (iv) review correspondence.

Contact: Peggy J. Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595

GLOUCESTER LOCAL EMERGENCY PLANNING COMMITTEE

April 25, 1990 - 6:30 p.m. - Open Meeting
Gloucester Administration Building, Gloucester, Virginia

Spring quarterly meeting to receive reports from Training and Exercise, Plans and Public Information Committees.

Contact: Georgette N. Hurley, Assistant County Administrator, P. O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042

HANOVER COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

April 24, 1990 - 9 a.m. - Open Meeting
Hanover County Fire Company #5, Route 1004, Hanover, Virginia

A meeting to (i) conduct LEPC update; (ii) receive report from chairmen; and (iii) conduct a 15 minute discussion period.

Contact: John F. Trivellin, Hazardous Materials Coordinator, P. O. Box 470, Hanover, VA 23069, telephone

HAZARDOUS MATERIALS TRAINING COMMITTEE

† **May 1, 1990 - 10 a.m. - Open Meeting**
Holiday Inn Conference Center, Koger Center South, 1021 Koger Center Boulevard, Richmond, Virginia

A meeting to discuss curriculum, course development and review existing hazardous materials courses.

Contact: Larry L. Logan, Fire and Emergency Services, 3568 Peters Creek Rd., NW, Roanoke, VA 24019, telephone (703) 561-8070

DEPARTMENT OF HEALTH (STATE BOARD OF)

NOTE: EXTENSION OF WRITTEN COMMENT PERIOD

† **June 30, 1990 - Written comments may be submitted until this date.**

The Department of Health has extended the written comment period for "VR 355-11-02. Rules and Regulations Governing the Newborn Screening and Treatment Program."

Contact: Department of Health, 109 Governor St., Suite 400, Richmond, VA 23219, telephone (804) 786-3561

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May 4, 1990 - 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 Health intends to amend regulations entitled: **VR 355-17-01. Commonwealth of Virginia Sanitary Regulations for Marinas and Boat Moorings.** The purpose of the proposed action is to allow the department to grant an exemption to a marina required to have boat sewage pump-out service, if the service is being provided by another nearby marina.

Statutory Authority: § 32.1-246 of the Code of Virginia.

Written comments may be submitted until May 4, 1990.

Contact: A. F. Golding, Marina Supervisor, Department of Health, 109 Governor Street, James Madison Bldg., Room 903A, Richmond, VA 23219, telephone (804) 786-1761

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

April 24, 1990 - 9:30 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

Calendar of Events

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: G. Edward Dalton, Acting Director, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6371/TDD ☎

BOARD FOR HEARING AID SPECIALISTS

May 7, 1990 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

An open board meeting to (i) administer examinations; (ii) review enforcement cases; (iii) sign certificates; and (iv) consider other matters which require board action.

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

STATE COUNCIL OF HIGHER EDUCATION

† May 2, 1990 - 10 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia. ☒

A regular monthly meeting. Agenda available upon request.

Contact: Dr. Barry M. Dorsey, Associate Director, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2632

DEPARTMENT OF HISTORIC RESOURCES

May 17, 1990 - 1 p.m. - Open Meeting
State Capitol, Capitol Square, Senate Room 4, Richmond, Virginia. ☒

A public meeting to receive reviews of proposed Regulations Governing Permits for Archaeological Excavation of Human Burials.

Contact: M. Catherine Slusser, State Archaeologist, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or (804) 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

May 1, 1990 - 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 as required by SARA Title III.

Contact: Robert Brown, Emergency Services Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

April 26, 1990 - 10 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 Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-06. Virginia Statewide Fire Prevention Code/1987 Edition.** The Board of Housing and Community Development proposes to amend those portions of the Virginia Statewide Fire Prevention Code regulations pertaining to: Applications to Pre-USBC and Post-USBC buildings necessary to permit the amendments to Volume II requiring all existing hospitals, nursing homes and homes for adults to be retrofitted with automatic sprinkler systems and fire detection systems to be enforced by the local fire official or the State Fire Marshal.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Written comments may be submitted until May 4, 1990.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

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April 26, 1990 - 10 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 Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-21. Virginia Uniform Statewide Building Code Volume I - New Construction Code, 1987 Edition.** The proposed amendments eliminate the option of constructing institutional facilities, other than certain child care facilities, without an automatic fire suppression system. Historical fire experience had indicated that an automatic sprinkler system is the more reliable approach to providing early detection, fire containment and fire suppression to protect patients and residents occupying institutional buildings.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until May 4, 1990.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

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April 26, 1990 - 10 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 Board of Housing and Community Development intends to amend regulations entitled: **VR 394-01-22. Virginia Uniform Statewide Building Code Volume II - Building Maintenance Code, 1987 Edition.** The proposed amendments by the Board of Housing and Community Development to the 1987 edition of the Virginia Uniform Statewide Building Code - Volume II - Building Maintenance Code will require all existing nursing homes, homes for adults, hospitals and mental health care facilities to have sprinkler and fire alarm systems installed by August 1, 1994.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Written comments may be submitted until May 4, 1990.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7772

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† **May 21, 1990 -** 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 Housing and Community Development intends to amend regulations entitled: **VR 394-01-105. SHARE Expansion Grant/Loan Program.** The SHARE Expansion Grant/Loan Program provides grants and loans for the expansion or creation of emergency shelters, transitional facilities and single room occupancy units.

STATEMENT

Basis: §§ 36-39 and 36-141 et seq. of the Code of Virginia.

Purpose: The purpose of the proposed amendments is to (i) clarify the program and the regulations to enable existing emergency shelters, transitional facilities, and single-room-occupancy (SRO) units to access the loan and energy funds; (ii) encourage the creation and expansion of SRO's; (iii) promote better planned and realistic projects; and (iv) establish a maximum amount for small SRO projects.

Substance: The proposed amendments include the following

changes;

1. Clarify that this is one program with three funding sources.
2. Allow the use of loan and energy funds to acquire and rehabilitate existing emergency shelters, transitional facilities and SRO's.
3. Allow for-profit entities to apply for loan and energy funds for SRO projects.
4. Add site control and project design to the ranking criteria.
5. Revise the maximum request for SRO projects to \$15,000 per unit up to \$500,000.
6. Make several minor clarifications and revisions to the regulations.

Issues: Allowing existing shelters, transitional facilities, and SRO providers to apply for loan and energy funds to acquire and rehabilitate their facilities will enable them to access funds previously not available.

Allowing for-profit entities to access the loan and energy funds to expand or create SRO units will encourage the development of these much needed low cost permanent housing for the homeless.

Impact: The proposed amendments impact all operators and potential operators of homeless facilities which meet program requirements.

Statutory Authority: §§ 36-139 and 36-141 et seq. of the Code of Virginia.

Written comments may be submitted until May 21, 1990.

Contact: Irene Clouse, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 786-4661

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

April 23, 1990 - 10:30 a.m. - Open Meeting
Holiday Inn-Crossroads, 2000 Staples Mill Road, Richmond, Virginia. ☐

A general meeting open to the public.

Contact: Susan Butler, Executive Secretary, 4615 W. Broad St., Commonwealth Bldg., 3rd Floor, Richmond, VA 23230, telephone (804) 367-9816

DEPARTMENT OF LABOR AND INDUSTRY

April 26, 1990 - 8:30 a.m. - Open Meeting
Department of Information Technology, 4th Floor Auditorium, Richmond Plaza Building, 110 South Seventh Street, Richmond, Virginia. ☐

This is a quarterly briefing to provide information to

Calendar of Events

employers, associations, and employee representatives on recent occupational safety and health standards, regulations, policies, and program initiatives affecting Virginia's workplaces. Special emphasis will be placed on the "Control of Hazardous Energy Sources" Standard (Lockout/Tagout) and on Payment of Wages.

Contact: Lilia M. Williams, Information Director, Department of Labor and Industry, 205 N. 4th St., P. O. Box 12064, Richmond, VA 23241, telephone (804) 371-8589 or 786-8705

COMMISSION ON LOCAL GOVERNMENT

May 23, 1990 - 11 a.m. - Open Meeting
Chatham area (site to be determined)

A meeting to receive oral presentations regarding the Pittsylvania County - Town of Chatham voluntary settlement agreement.

May 23, 1990 - 2:30 p.m. - Open Meeting
Chatham area (site to be determined)

A regular meeting.

May 23, 1990 - 7 p.m. - Public Hearing
Chatham area (site to be determined)

A public hearing regarding the Pittsylvania County - Town of Chatham voluntary settlement agreement.

Contact: Barbara Bingham, Administrative Assistant, Commission on Local Government, 702 Eighth Street Office Bldg., Richmond, VA 23219, telephone (804) 786-6508

LOTTERY BOARD

† **April 25, 1990 - 10 a.m. - Open Meeting**
† **May 23, 1990 - 10 a.m. - Open Meeting**
† **June 27, 1990 - 10 a.m. - Open Meeting**
† **July 25, 1990 - 10 a.m. - Open Meeting**
State Lottery Department, 2201 West Broad Street, Conference Room, Richmond, Virginia. ☒

A regular monthly meeting to conduct business according to items listed on agenda which has not yet been determined. Two periods for public comment are scheduled.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433

MARINE RESOURCES COMMISSION

April 24, 1990 - 9:30 a.m. - Open Meeting
† **May 22, 1990 - 9:30 a.m. - Open Meeting**

Marine Resources Commission, 2600 Washington Avenue, 4th Floor, Room 403, Newport News, Virginia. ☒

The commission will meet to hear and decide cases on fishing licensing, oyster ground leasing, environmental permits in wetlands bottomlands, coastal sand dunes and beaches. The commission hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days and is empowered to take specialized marine life harvesting and conservation measures within five days.

Contact: Cathy W. Everett, Secretary to the Commission, 2600 Washington Ave., Room 303, Newport News, VA 23607-0756, telephone (804) 247-8088

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

May 25, 1990 - 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 460-02-4.1910. Methods and Standards for Establishing Payment Rates - Inpatient Hospital Care (Inpatient Outlier Adjustments)**. This proposed regulation will conform the Plan to federal requirements contained in the Medicare Catastrophic Coverage Act of 1988 concerning additional payments for hospitals which have extraordinary costs.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m., May 25, 1990, to William R. Blakely, Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, 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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May 11, 1990 - 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 460-03-4.1940. Nursing Home Payment**

System (New Construction Cost Limits). This proposed regulation proposes to replace the old no-longer-published Dodge Construction Index, with a new standard, the R.S. Means index, for allowable construction costs.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until 4:30 p.m., May 11, 1990, to William R. Blakely, Director, Division of Cost Settlement and Audit, Department of Medical Assistance Services, 600 East Broad Street, 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 27, 1990 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: VR 460-05-1000.0000. State/Local Hospitalization Program. The purpose of the proposed action is to regulate the State/Local Hospital program under the administration of the Department of Medical Assistance Services. These rules provide for client eligibility, covered services and provider reimbursement.

Statutory Authority: §§ 32.1-344 and 32.1-346 of the Code of Virginia.

Written comments may be submitted until April 27, 1990, to David Coronado, Director, Division of Indigent Health Care, Department of Medical Assistance Services, 600 East Broad Street, 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

BOARD OF MEDICINE

June 8, 1990 – 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 Medicine intends to adopt regulations entitled: VR 465-02-01. Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology, and Acupuncture. The purpose of the proposed action is to amend regulations relating to (i) anabolic steroids; (ii)

advertising that a license is board certified; (iii) licensure examination requirement for medicine; (iv) requirements for acupuncture; and (v) patient records.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until June 8, 1990.

Contact: Eugenia K. Dorson, Deputy Executive Director, Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925

Credentials Committee

May 12, 1990 - 8:15 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 3, Richmond, Virginia. ☐

The committee will meet to conduct general business, interview, and review medical credentials of applicants applying for licensure in Virginia in open and executive session and discuss any other items which may come before this committee.

Executive Committee

May 11, 1990 - 1 p.m. – Open Meeting
NOTE: CHANGE IN MEETING TIME
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 2, Richmond, Virginia. ☐

The committee will meet to review closed cases, cases/files requiring administrative actions and consider any other items which may come before the committee.

Legislative Committee

† May 11, 1990 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐

The committee will consider proposed regulations, amendments to the Code, and the Petition for Rule Making (SCASA).

Advisory Board on Occupational Therapy

May 4, 1990 - 9:30 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Board Room 2, Richmond, Virginia. ☐

The committee will review public comments and prepare responses and recommendations to the full board and any other business that may come before the committee.

Advisory Board on Physical Therapy

May 18, 1990 - 9 a.m. – Open Meeting

Calendar of Events

Department of Health Professions, 1601 Rolling Hills Drive,
Board Room 2, Richmond, Virginia. ☒

The advisory board will review and discuss regulations, bylaws, procedural manuals, receive reports, and other items which may come before the advisory board.

Ad Hoc Committee on Radiologic Technology

† May 24, 1990 - noon - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 2, Richmond, Virginia. ☒

The committee will review public statements, other documents and develop regulations.

Contact: Eugenia K. Dorson, Deputy Executive Director,
Board of Medicine, 1601 Rolling Hills Dr., Richmond, VA
23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

April 25, 1990 - 9:30 a.m. - Open Meeting
Dejarnette Center, Staunton, Virginia. ☒

A regular monthly meeting. Agenda will be published on April 18 and may be obtained by calling Jane Helfrich.

Tuesday evening - committee meeting - 6 p.m.,
informal session - 8:30 p.m.

Wednesday - legislative breakfast - 7:30 a.m., regular
session 9:30 a.m. See agenda for location.

Contact: Jane Helfrich, Board Administrator, P. O. Box
1797, Richmond, VA 23214, telephone (804) 786-3921

Public Education Advisory Group

† May 31, 1990 - 1 p.m. - Open Meeting
James Madison Building, 109 Governor Street, 13th Floor
Board Room, Richmond, Virginia. ☒ (Interpreter for deaf
provided if requested)

A meeting to review implementation of the State
Mental Health, Mental Retardation and Substance
Abuse Services Public Education Plan.

Contact: Martha J. Mead, Director, Legislation and Public
Relations, P. O. Box 1797, Richmond, VA 23214, telephone
(804) 786-9048

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Mental Retardation Advisory Council

April 27, 1990 - 9:30 a.m. - Open Meeting
Department for the Visually Handicapped, 397 Azalea
Avenue, Richmond, Virginia. ☒ (Interpreter for deaf
provided if requested)

A quarterly meeting to conduct business relative to the
council's responsibility for advising the board on issues
pertaining to mental retardation. Agenda will be
available April 20, 1990.

Contact: Stanley J. Butkus, Ph.D., Director of Mental
Retardation Services, P. O. Box 1797, Richmond, VA 23214,
telephone (804) 786-1746

MIDDLE VIRGINIA COMMUNITY CORRECTIONS RESOURCES BOARD

Board of Directors

May 3, 1990 - 7 p.m. - Open Meeting
June 7, 1990 - 7 p.m. - Open Meeting
502 South Main Street #4, Culpeper, Virginia

From 7 p.m. to 7:30 p.m. the Board of Directors will
hold a business meeting to discuss DOC contract,
budget, and other related business. Then the board
will meet to review cases for eligibility to participate
with the program. It will review the previous month's
operation (budget and program related business).

Contact: Lisa Ann Peacock, Program Director, 502 S. Main
St. #4, Culpeper, VA 22701, telephone (703) 825-4562

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

April 28, 1990 - 10 a.m. - Open Meeting
Holiday Inn, U.S. Highway 29 South, Culpeper, Virginia. ☒

A meeting to include reports from the executive,
finance, development, education and exhibits,
marketing, personnel, planning/facilities, and research
and collections committees.

Contact: Rhonda J. Knighton, Executive Secretary, Virginia
Museum of Natural History, 1001 Douglas Ave.,
Martinsville, VA 24112, telephone (703) 666-8616, 666-8600,
SCATS 875-6950/857-6951 or (703) 666-8638/TDD ☒

BOARD OF NURSING

† April 23, 1990 - 9:30 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 3, Richmond, Virginia. ☒ (Interpreter for
deaf provided if requested)

† April 26, 1990 - 9 a.m. - Open Meeting
Sheraton Resort and Conference Center, Board Room, I-95
and Route 3, Fredericksburg, Virginia. ☒ (Interpreter for
deaf provided if requested)

Formal hearings to inquire into allegations that certain
laws and regulations governing the practice of nursing
in Virginia may have been violated.

Special Conference Committee

† April 27, 1990 - 8:30 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Conference Room 4, Richmond, Virginia. ☒ (Interpreter for
deaf provided if requested)

A special conference committee, comprised of three
members of the board, will inquire into allegations
that certain laws and regulations governing the
practice of nursing in Virginia may have been
violated.

Contact: Corinne F. Dorsey, R.N., Executive Director,
Board of Nursing, 1601 Rolling Hills Dr., Richmond, VA
23229, telephone (804) 662-9909

BOARD OF NURSING HOME ADMINISTRATORS

April 26, 1990 - 10 a.m. - Public Hearing
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Board of Nursing
Home Administrators intends to repeal existing
regulations entitled: VR 500-01-2. Board of Nursing
Home Administrators Regulations; and adopt new
regulations entitled: VR 500-01-2:1. Board of Nursing
Home Administrators Regulations. The proposed
regulations establish standards for the practice of
nursing home administration including training
programs and examination for licensure. The
regulations are designed to ensure the public and
patients in long-term care protective oversight by
providing standards flexible enough to accommodate
public needs while being responsive to changes within
the industry during the lifetime of the regulation. The
public participation section provides opportunity for
public involvement in the promulgation and
formulation of regulations.

Statutory Authority: § 54.1-3100 of the Code of Virginia.

Written comments may be submitted until June 8, 1990.

Contact: Meredyth P. Partridge, Executive Director, Board
of Nursing Home Administrators, 1601 Rolling Hills Dr.,
Richmond, VA 23229, telephone (804) 662-9111 or toll-free
1-800-533-1560

OLD DOMINION UNIVERSITY

Board of Visitors Executive Committee

May 14, 1990 - 3 p.m. - Open Meeting
New Administration Building, ODU Campus, Board Room,
Room 226, Norfolk, Virginia. ☒

A meeting to conduct university business on behalf of
the full board. Agendas should be available at least
five working days prior to the meeting.

Contact: Donna W. Meeks, Secretary to the Board, Old
Dominion University, Norfolk, VA 23529-0029, telephone
(804) 683-3072

VIRGINIA OUTDOORS FOUNDATION

† May 7, 1990 - 1 p.m. - Open Meeting
Rocklands Executive Retreat Center, Gordonsville, Virginia.
☒

A general business meeting.

Contact: Tyson B. Van Auken, Executive Director, 221
Governor St., Richmond, VA 23219, telephone (804)
786-5539 or 786-1934/TDD ☎

PORTSMOUTH LOCAL EMERGENCY PLANNING COMMITTEE

May 9, 1990 - 9 a.m. - Open Meeting
St. Julien's Annex, Building 307, Victory Boulevard at
Magazine Road, Portsmouth, Virginia

A regular business meeting.

Contact: Diana H. Creecy, Chairperson, American Red
Cross, Portsmouth Chapter, 700 London Boulevard,
Portsmouth, VA 23704-2413, telephone (804) 393-1031

COUNTY OF PRINCE WILLIAM, CITY OF MANASSAS, AND CITY OF MANASSAS PARK LOCAL EMERGENCY PLANNING COMMITTEE

† May 11, 1990 - 2 p.m. - Open Meeting
1 County Complex Court, Prince William, Virginia. ☒

A regular meeting.

Calendar of Events

Contact: Thomas J. Hajduk, Information Coordinator, 1 County Complex Court, Prince William, VA 22192-9201, telephone (703) 335-6800

BOARD OF PSYCHOLOGY

May 24, 1990 - 9 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) review applications for licensure, residency, and registration as Technical Assistants; and (iii) discuss regulatory review.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913

VIRGINIA RACING COMMISSION

May 16, 1990 - 9:30 a.m. – Open Meeting
VSRS Building, 1204 East Main Street, Richmond, Virginia. ☒

A regular commission meeting.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P. O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363

REAL ESTATE BOARD

May 3, 1990 - 9 a.m. – Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia

June 8, 1990 - 9 a.m. – Open Meeting
Omni International Hotel, 777 Waterside Drive, Norfolk, Virginia

A regular business meeting to consider (i) investigative cases (files); (ii) matters relating to Fair Housing, (iii) Property Registration; and (iv) Licensing issues (e.g., reinstatement, eligibility requests).

Contact: Joan L. White, Assistant Director, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8552 or toll-free 1-800-552-3016

† **May 10, 1990 - 9 a.m. – Open Meeting**
National Center for State Courts Building, 300 Newport Avenue, Room A, Williamsburg, Virginia

The board will conduct a formal hearing: File Number 89-00341, Real Estate Board v. Carol J. Mason.

† **May 16, 1990 - 10:30 a.m. – Open Meeting**

† **May 17, 1990 - 10:30 a.m. – Open Meeting**
Holiday Inn-Portsmouth, 8 Crawford Parkway, Portsmouth, Virginia

The board will conduct a formal hearing: File Number 88-00976, Real Estate Board v. William H. Kline.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 367-8524

BOARD OF REHABILITATIVE SERVICES

April 26, 1990 - 9:30 a.m. – Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested)

The board will receive department reports, consider regulatory matters and conduct the regular business of the board.

Finance Committee

April 25, 1990 - 2 p.m. – Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will (i) review monthly financial reports and (ii) review budgetary projections. FY 1991 budget development.

Legislation and Evaluation Committee

April 25, 1990 - 4 p.m. – Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will (i) review pending federal and state legislation and develop criteria for evaluation of department programs.

Program Committee

April 25, 1990 - 3 p.m. – Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee will review vocational rehabilitation regulation proposals and explore options for developing amendments to current VR regulations.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh Ave., Richmond, VA 23230, telephone (804) 367-0319, toll-free 1-800-552-5019/TDD ☎ or (804) 367-0280/TDD ☎

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

June 8, 1990 - 10 a.m. – Public Hearing
Tyler Building, 8007 Discovery Drive, Suite 220,

Conference Room, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Board of Social Services intends to amend regulations entitled: **VR 615-08-01. Virginia Energy Assistance Program.** The proposed amendments affect the Fuel Assistance and Crisis Assistance Components. The amendments will (i) ensure that the neediest clients are served, (ii) establish uniformity in the amount of benefit dollars, and (iii) provide uniform program begin dates for the heat related program components.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until June 7, 1990, to Charlene H. Chapman, Department of Social Services, 8007 Discovery Dr., Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217

* * * * *

June 12, 1990 - 1 p m. - Public Hearing
Blair Building, 8007 Discovery Drive, Conference Room B, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: **VR 615-46-02. Assessment Process for Adult Clients.** The purpose of the proposed regulation is to require the use of a standardized needs assessment for the initial assessment and reassessment processes for applicants and recipients of Adult Services, Adult Protective Services and to the extent that resources are available for applicants and recipients of Auxiliary Grants and the Institutional component of the General Relief Program.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until June 12, 1990, to Phyllis Groome Gordon, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9217

BOARD OF SOCIAL WORK

† **May 18, 1990 - 9 a.m. - Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Suite 200, Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) respond to correspondence; (iii) discuss regulations;

and (iv) conduct certification of oral examinations.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Richmond, VA, telephone (804) 662-9914

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† **May 24, 1990 - 10 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Conference Room 3, Richmond, Virginia. ☒

A meeting to (i) approve minutes from March 15, 1990, meeting; (ii) review application; and (iii) review correspondence.

Contact: Peggy J. Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595

VIRGINIA SOIL AND WATER CONSERVATION BOARD

May 14, 1990 - 8 a.m. - Public Hearing
General Assembly Building, Capitol Square, Senate Room B, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14.7.1 of the Code of Virginia that the Virginia Soil and Water Conservation Board intends to repeal regulations entitled: **VR 625-01-01. The Virginia Erosion and Sediment Control Handbook, including Standards, Criteria and Guidelines;** and adopt new regulations entitled: **VR 625-01-01:1. Erosion and Sediment Control Regulations.** These regulations establish minimum standards for the control of soil erosion, sediment deposition and nonagricultural runoff from land-disturbing activities that must be met in local erosion and sediment control programs, and also by state agencies that conduct land-disturbing activities, land-disturbing activities include, but are not limited to clearing, grading, excavating, transporting and filling of land.

Statutory Authority: §§ 10.1-502 and 10.1-561 of the Code of Virginia.

Written comments may be submitted until June 9, 1990, to Leon A. App, Executive Assistant, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219.

Contact: Donald R. Vaughan, Urban Programs Supervisor, Department of Conservation and Recreation, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 371-7483

† **May 15, 1990 - 7 p.m. - Open Meeting**
Martha Washington Inn, 150 West Main Street, Abingdon, Virginia

Calendar of Events

A regular bi-monthly meeting.

Contact: Donald L. Wells, Deputy Director, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2064

DEPARTMENT OF TRANSPORTATION

April 23, 1990 - 10 a.m. - Public Hearing
Staunton District Office, Commerce Road, Route 11 Bypass, north of Staunton, Virginia. ☒ (Interpreter for deaf provided if requested)

A public hearing to receive comments on highway allocations for the coming year and on updating the six-year improvement program for the interstate, primary and urban systems.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA, telephone (804) 786-9950

TRANSPORTATION SAFETY BOARD

April 27, 1990 - 9:30 a.m. - Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ☒

A meeting to discuss various subjects which pertain to Transportation Safety.

Contact: John T. Hanna, Transportation Safety Special Assistant to the Commissioner, 2300 W. Broad St., Richmond, VA 23269-0001, telephone (804) 367-6620 or (804) 367-1752

VIRGINIA MILITARY INSTITUTE

Board of Visitors

May 18, 1990 - 8 a.m. - Open Meeting
Virginia Military Institute, Smith Hall Board Room, Smith Hall, Lexington, Virginia. ☒

A regular meeting to (i) review committee reports; (ii) approve awards, distinctions, and diplomas; (iii) conduct personnel changes; and (iv) elect president pro tem.

Contact: Colonel Edwin L. Dooley, Jr., Secretary to the Board, Virginia Military Institute, Lexington, VA 24450, telephone (703) 464-7206

BOARD FOR THE VISUALLY HANDICAPPED

April 28, 1990 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue,

Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A regular meeting of the board.

Contact: Barbara G. Tyson, Executive Secretary, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3350, toll-free 1-800-622-2155 or (804) 371-3140/TDD ☒

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

May 5, 1990 - 11 a.m. - Open Meeting

NOTE: MEETING RESCHEDULED FROM APRIL 28, 1990
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee meets quarterly to advise the board on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3350, toll-free 1-800-622-2155 or (804) 371-3140/TDD ☒

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

May 2, 1990 - 8:30 a.m. - Open Meeting
Wise County Vocational-Technical Center (WCVTC) and Holiday Inn, Norton, Virginia

May 3, 1990 - 8:30 a.m. - Open Meeting
Holiday Inn, Norton, Virginia

May 2, 1990 - 8:30 a.m. Orientation session for program visits at WCVTC
9:30 a.m. Visits to vocational programs in Norton, Wise County and Mountain Empire Community College
2 p.m. Committee meetings at Holiday Inn - Norton State Plan and Private Sector Involvement Committee Evaluation and Access Committee
4:15 p.m. Executive Committee

May 3, 1990 - 8:30 a.m. Business Session at Holiday Inn - Norton
Reports will be received from council committees, Virginia Department of Education, Governor's Job Training Coordinating Council, Virginia Community College System, and Department of Correctional Education.

Contact: George S. Orr, Jr., Executive Director, Virginia Council of Vocational Education, 7420-A Whitepine Road, Richmond, VA 23237, telephone (804) 275-6218

Calendar of Events

VIRGINIA VOLUNTARY FORMULARY BOARD

May 14, 1990 - 10 a.m. - Public Hearing
James Madison Building, 109 Governor Street, Main Floor
Conference Room, Richmond, Virginia. ☒

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the Formulary add and delete drugs and drug products to the Formulary that became effective on November 15, 1988, and a supplement to the Formulary that became effective on January 19, 1990. 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 23219. Written comments sent to the above address and received prior to 5 p.m. on May 14, 1990, will be made a part of the hearing record and considered by the board.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 786-4326 or SCATS 786-3596

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

June 12, 1990 - 10 a.m. - Public Hearing
James Monroe Building, 101 North 14th Street, 11th Floor,
Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.** These proposed amendments incorporate by reference changes made from July 1, 1988, through June 30, 1989, by the U.S. Department of Transportation Hazardous Materials Regulations.

Statutory Authority: §§ 10.1-1402 and 10.1-1450 of the Code of Virginia.

Written comments may be submitted until June 12, 1990, to William F. Gilley, Department of Waste Management, 101 North 14th Street, 11th Floor, Richmond, Virginia 23219.

Contact: Cheryl Cashman, Legislative Analyst, Department of Waste Management, 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075

STATE WATER CONTROL BOARD

May 8, 1990 - 7 p.m. - Public Hearing

Hampton City Council Chambers, City Hall Building, 8th Floor, 22 Lincoln Street, Hampton, Virginia. ☒

A public hearing to receive comments on the proposed Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0003930 for Wanchese Fish Company, Incorporated, 48 Water Street, Hampton, Virginia 23663. The purpose of the hearing is to receive comments on the proposed issuance or denial of the permit and the effect of the discharge on water quality or beneficial uses of state waters.

Contact: Lori A. Freeman, Hearings Reporter, State Water Control Board, Office of Policy Analysis, 2111 N. Hamilton St., P. O. Box 11143, Richmond, VA 23230-1143, telephone (804) 367-6815

† **May 14, 1990 - 9 a.m. - Open Meeting**
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A special board meeting. Agenda will be available approximately 10 days prior to meeting.

Contact: Doneva A. Dalton, State Water Control Board, Office of Policy Analysis, 2111 N. Hamilton St., P. O. Box 11143, Richmond, VA 23230-1143, telephone (804) 367-6829

* * * * *

† **June 5, 1990 - 4 p.m. - Public Hearing**
University of Virginia Southwest Center, Classroom 1 and 2, Highway 19 North, Abingdon, 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 repeal existing regulations entitled: **VR 680-16-06. Water Quality Management Plan for the Tennessee-Big Sandy River Basins;** and adopt new regulations entitled: **VR 680-16-06:1. Tennessee-Big Sandy River Basin Water Quality Management Plan.** The purpose of this action is to update the Tennessee-Big Sandy River Basin Water Quality Management Plan which sets forth measures for the State Water Control Board to implement in order to reach and maintain water quality goals in general terms and numeric loadings for five day biochemical oxygen demand.

STATEMENT

Basis and statutory authority: Sections 62.1-44.15(3a) and (10) of the Code of Virginia authorize the State Water Control Board to establish water quality standards and policies for any state waters consistent with the purpose and general policy of the State Water Control Law, and to modify, amend or cancel any such standards and policies.

Section 62.1-44.15(13) of the Code of Virginia authorizes the establishment of policies and programs for area and basin wide water quality control and management.

Calendar of Events

Title 40, Parts 35 and 130, of the Code of Federal Regulations requires states to develop a continuing planning process of which water quality management plans (WQMP) are a part. No VPDES permit may be issued which is in conflict with an approved WQMP.

Purpose: Water quality management plans set forth measures for the State Water Control Board to implement in order to reach and maintain water quality goals in general terms and numeric loadings for five day Biochemical Oxygen Demand (BOD5). The purpose of this action is to update the Tennessee-Big Sandy River Basin Water Quality Management Plan.

Estimated impact: There are approximately 330,000 persons residing in the Tennessee-Big Sandy River Basin, 154 municipal, and 78 industrial VPDES permits. No financial impact to the regulated community is anticipated; however, the National Municipal Policy does impose costs of implementation of plant upgrades for municipal facilities.

Statutory Authority: § 62.1-44.15 of the Code of Virginia.

Written comments may be submitted until June 5, 1990, to Doneva Dalton, Hearings Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Ron Sexton, Southwest Regional Office, State Water Control Board, P. O. Box 888, Abingdon, VA 24210, telephone (703) 676-5507

COUNCIL ON THE STATUS OF WOMEN

May 7, 1990 - 8 p.m. - Open Meeting
The Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

Meeting of the standing committees of the council.

May 8, 1990 - 9 a.m. - Open Meeting
The Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia

A regular meeting of the council to conduct general business and receive reports from the standing committees.

Contact: B. J. Northington, Executive Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9200

LEGISLATIVE

VIRGINIA CODE COMMISSION

April 24, 1990 - 9:30 a.m. - Open Meeting
Location to be announced, Bassett, Virginia

The commission will discuss 1990 legislation regarding titles of the Code of Virginia to be revised during the coming year.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591

CHRONOLOGICAL LIST

OPEN MEETINGS

April 23

Accountancy, Board for
Alcoholic Beverage Control Board
Arts, Commission for the
† Conservation and Recreation, Department of
- Moormons Scenic River Advisory Board
- Rivanna Scenic River Advisory Board
Job Training Coordinating Council, Governor's
† Nursing, Board of

April 24

Accountancy, Board for
Arts, Commission for the
Aviation Board, Virginia
Code Commission, Virginia
† Corrections Resources Board, Community
Hanover County Local Emergency Planning Committee
Health Services Cost Review Council
Marine Resources Commission, Virginia

April 25

Arts, Commission for the
Contractors, Board for
Education, Board of
Gloucester Local Emergency Planning Committee
† Lottery Board
Mental Health, Mental Retardation and Substance
Abuse Services Board, State
Rehabilitative Services, Board of
- Finance Committee
- Legislation and Evaluation Committee
- Program Committee

April 26

Architects, Professional Engineers, Land Surveyors and
Landscape Architects, Board for
- Board for Engineers

Calendar of Events

- Arts, Commission for the
† Child Day-Care Council and Council on Child Day-Care and Early Childhood Programs Children, Department for
- State-Level Runaway Youth Services Network Conservation and Recreation, Department of
- Goose Creek Advisory Board Education, Board of
Labor and Industry, Department of
† Nursing, Board of
Rehabilitative Services, Board of
- April 27**
† Air Pollution Control, Department of
- State Advisory Board on Air Pollution
Arts, Commission for the
Education, Board of
Mental Health, Mental Retardation and Substance Abuse Services, Department of
- Mental Retardation Advisory Council
† Nursing, Board of
- Special Conference Committee
Transportation Safety Board
- April 28**
Natural History, Virginia Museum of
- Board of Trustees
- April 30**
Arts, Commission for the
Cattle Industry Board, Virginia
† Contractors, Board for
- Regulatory and Statutory Review Committee
- May 1**
Arts, Commission for the
Cattle Industry Board, Virginia
† Hazardous Materials Training Committee
Hopewell Industrial Safety Council
- May 2**
Agriculture and Consumer Services, Department of
- Pesticide Control Board
Arts, Commission for the
Children, Department for
- Consortium on Child Mental Health
† Higher Education, State Council of
Vocational Education, Virginia Council on
- May 3**
Agriculture and Consumer Services, Department of
- Pesticide Control Board
† Air Pollution Control Board, State
Arts, Commission for the
Chesterfield County, Local Emergency Planning Committee of
† Conservation and Recreation, Department of
- Outdoor Recreation Advisory Board
† Farmers' Market Board, Virginia
Middle Virginia Community Corrections Resources Board
- Board of Directors
Real Estate Board
Vocational Education, Virginia Council on
- May 4**
† General Services, Department of
- Division of Consolidated Laboratory Services
Medicine, Board of
- Advisory Board on Occupational Therapy
- May 5**
Visually Handicapped, Department for the
- Advisory Committee on Services
- May 7**
Hearing Aid Specialists, Board for
† Outdoors Foundation, Virginia
Women, Council on the Status of
- May 8**
† Geology, Board for
Women, Council on the Status of
- May 9**
Alexandria Local Emergency Planning Committee
Children, Department for
- Advisory Board
Conservation and Development of Public Beaches, Board on
Portsmouth Local Emergency Planning Committee
- May 10**
† Chesapeake Bay Commission
Game and Inland Fisheries, Department of
† Real Estate Board
- May 11**
† Chesapeake Bay Commission
Medicine, Board of
- Executive Committee
- Legislative Committee
† Prince William, City of Manassas and City of Manassas Park Local Emergency Planning Committee, County of
- May 12**
Medicine, Board of
- Credentials Committee
- May 14**
Alcoholic Beverage Control Board
Old Dominion University
- Board of Visitors/Executive Committee
† Water Control Board, State
- May 15**
† Agriculture and Consumer Services, Board of
† Soil and Water Conservation Board, Virginia
- May 16**
† Agriculture and Consumer Services, Board of

Calendar of Events

- Corrections, Board of
Racing Commission, Virginia
† Real Estate Board
- May 17**
Historic Resources, Department of
† Real Estate Board
- May 18**
Medicine, Board of
- Advisory Board on Physical Therapy
Virginia Military Institute
- Board of Visitors
† Social Work, Board of
- May 22**
† Marine Resources Commission
- May 23**
Arts, Commission for the
Local Government, Commission on
† Lottery Board
† Soil Scientists, Board for Professional
- May 24**
Arts, Commission for the
Commerce, Board of
† Medicine, Board of
- Ad Hoc Committee on Radiologic Technology
Psychology, Board of
- May 31**
Alcoholic Beverage Control Board
† State Mental Health, Mental Retardation and
Substance Abuse Services Board
- Public Education Advisory Group
- June 7**
Middle Virginia Community Corrections Resources
Board
- Board of Directors
- June 8**
Real Estate Board
- June 20**
Corrections, Board of
- June 27**
† Lottery Board
- July 25**
† Lottery Board
- April 24**
† Air Pollution Control, Department of
- April 25**
Air Pollution Control Board, State
- April 26**
Housing and Community Development, Department of
Nursing Home Administrators, Board of
- May 2**
Agriculture and Consumer Services, Department of
- Pesticide Control Board
- May 7**
Accountancy, Board for
Agriculture and Consumer Services, Department of
- Pesticide Control Board
- May 8**
Water Control Board, State
- May 11**
Game and Inland Fisheries, Department of
- May 14**
Soil and Water Conservation Board, Virginia
Voluntary Formulary Board, Virginia
- May 16**
Agriculture and Consumer Services, Department of
Corrections, Board of
- May 23**
Local Government, Commission on
- May 24**
Education, Department of
- June 5**
† Water Control Board, State
- June 6**
Social Services, Department of
- June 12**
Social Services, Department of
Waste Management Board, Virginia

PUBLIC HEARINGS

- April 23**
Transportation, Department of