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VIRGINIA REGISTER

OF REGULATIONS



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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.

CITATION TO THE VIRGINIA REGISTER

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VIRGINIA REGISTER OF REGULATIONS

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May 30	June 18
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June 27	July 16
July 11	July 30
July 25	Aug. 13
Aug. 8	Aug. 27
Aug. 22	Sept. 10
Sept. 5	Sept. 24
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Oct. 31	Nov. 19
Nov. 14	Dec. 3
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Feb. 6	Feb. 25
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Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: VR 115-02-01. Rules and Regulations Pertaining to Reporting Requirements for Contagious and Infectious Diseases of Livestock in Virginia.

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Public Hearing Date: August 22, 1990 - 1 p.m.
(See Calendar of Events section for additional information)

Summary:

The proposed regulation would establish a permanent program in Virginia for the reporting of disease findings by veterinarians, laboratories, and other designated reporting entities.

Until recently, there was a deficiency in the regulation because it did not compel the reporting of poultry diseases. Also, under that regulation, important sources of information, such as private laboratories, were not required to report instances of disease that they learn of in the course of their daily work. The deficiency has been addressed by an emergency regulation, which will expire on November 1, 1990. The proposed measure will continue the authority provided by the emergency regulation and will thus provide the State Veterinarian with needed additional information about the kinds and numbers of cases of livestock and poultry diseases occurring in Virginia, thereby serving as a basis for disease-control and -eradication programs for livestock and poultry. Armed with such additional information, the State Veterinarian will be better able to combat both poultry and livestock diseases, especially those of the sort that have recently occurred in Virginia.

VR 115-02-01. Rules and Regulations Pertaining to Reporting Requirements for Contagious and Infectious Diseases of Livestock in Virginia.

§ 1. Normal reporting.

Any person practicing veterinary medicine, any person or firm operating a laboratory for the diagnosis of livestock or poultry diseases, and any other reporting entity designated by the State Veterinarian within the Commonwealth of Virginia shall, between the first and tenth day of each month for the month preceding, report in writing to the State Veterinarian the existence of those

contagious or infectious diseases among livestock that normally are required to be reported by the State Veterinarian. Such reports shall be on forms furnished by the State Veterinarian and shall be submitted as required, and poultry known to him listed on Schedule B of form VDACS-03016 (8/87), "Reportable Diseases of Livestock and Poultry."

§ 2. Special reporting.

Any person practicing veterinary medicine, any person or firm operating a laboratory for the diagnosis of livestock or poultry diseases, and any other reporting entity designated by the State Veterinarian within the Commonwealth of Virginia shall report within 24 hours by telephone to the State Veterinarian; (i) the existence of anthrax, glanders, or any vesicular or exotic disease or any other disease of among livestock or poultry known to him listed on Schedule A of form VDACS-03016 (8/87), "Reportable Diseases of Virginia Livestock and Poultry"; and (ii) the existence of any disease of poultry listed on Schedule A of form VDACS-03016 (8/87), "Reportable Diseases of Virginia Livestock and Poultry." If for any reason the State Veterinarian is not immediately available by telephone, such report shall be made directly to any veterinarian in the employ with of the Commonwealth of Virginia.

Forms to be implemented:

VDACS-03016 (8/87)

REPORTABLE DISEASES OF VIRGINIA LIVESTOCK AND POULTRY
(Foreign and Domestic)

Reportable diseases are those diseases listed herein that have or may potentially have major economic importance for the livestock and poultry industries of Virginia, and for which the State Veterinarian has determined that reporting their presence is necessary to eradicate or control them. Any person practicing veterinary medicine in the Commonwealth and any other reporting entity of the diseases listed herein to the State Veterinarian. Reports of diseases listed herein under **SCHEDULE A** shall be made **BY TELEPHONE WITHIN 24 HOURS OF DIAGNOSIS**. Diseases listed under **SCHEDULE B** may also be reported by telephone or be reported on this form and mailed to the **STATE VETERINARIAN**, Virginia Department of Agriculture and Consumer Services, Washington Building, Suite 600, 1100 Bank Street, Richmond, VA 23219-9956. Reports made under **SCHEDULE B** should be made between the 1st and 10th of EACH MONTH for the month preceding. **A TOLL-FREE TELEPHONE** having the number **1-800-342-3124** and a **SELF-ADDRESSED STAMPED ENVELOPE** are provided for your convenience.

GENERAL INSTRUCTIONS

A. MONTH Circle the digit or digits that identify the month reported upon. For example, if the report is made in April, the fourth month, circle the "4." If the report is made for November, the eleventh month, circle each of the "1's" as a means of expressing the number "11."

B. YEAR Circle the last two digits of the calendar year in which the report is made. For "1989," for example, circle "8" on the top line and "9" on the second line.

C. ENTITY Circle the three digits constituting your assigned entity code, with the first digit of the code entered on the top line, the second digit on the second line, and the third digit on the third line.

D. CODE/DISEASE Enter here, however, for the diseases listed in this column, enter the required information in columns E through K.

E. DIAG (Diagnosis) Circle "C" for "clinical diagnosis" or "L" for "laboratory diagnosis".

F. CASES Circle the digit that represents the number of animals infected. If more than nine animals were infected, write the number infected in column G.

G. HERDS/FLOCKS Write the number of herds or flocks infected. If more than nine herds or flocks were infected, write the number in column J.

H. CITY/COUNTY Circle the digit that represents the number of herds or flocks infected. If more than nine herds or flocks were infected, write the number in column J.

I. CITY/COUNTY Write the name of the city or county in which the disease was found.

J. CITY/COUNTY Write the name of the city or county in which the disease was found.

K. CITY/COUNTY Write the name of the city or county in which the disease was found.

NOTE: If no reportable diseases are diagnosed during reporting period, please submit a negative report.

D CODE/DISEASE	E DIAG	F CASES	G HERDS/FLOCKS	H CITY/COUNTY	I CITY/COUNTY	J CITY/COUNTY	K CITY/COUNTY
A1. CATTLE DISEASES							
A1.1 African trypanosomiasis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.2 Anthrax	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.3 Babesiosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.4 Brucellosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.5 Contagious pleuropneumonia	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.6 East Coast Fever	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.7 Epizootic fever	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.8 Foot and mouth disease	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.9 Heartwater disease	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.10 Limpy skin disease	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.11 Malignant catarrhal fever	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.12 Melioidosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.13 Pezizomycosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.14 Pseudotuberculosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.15 Rift Valley fever	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.16 Anthrax	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.17 Scabies	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.18 Tuberculosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A1.19 Vesicular stomatitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				

VOACS-03018 (8/87)

SCHEDULE A (cont'd)
(Report within 24 hours of diagnosis by telephone)
ITALICIZED TYPE INDICATES FOREIGN ANIMAL DISEASE

D CODE/DISEASE	E DIAG	F CASES	G HERDS/FLOCKS	H CITY/COUNTY	I CITY/COUNTY	J CITY/COUNTY	K CITY/COUNTY
A2. GOAT DISEASES							
A2.1 African trypanosomiasis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A2.2 Brucellosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A2.3 Foot and mouth disease	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A2.4 Rabies	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A2.5 <i>Melioidosis</i>	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A2.6 <i>Rift Valley fever</i>	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A2.7 <i>Rodent pox</i>	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A2.8 Scabies	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A2.9 Tuberculosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A2.10 Vesicular stomatitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3. HORSE DISEASES							
A3.1 African horse sickness	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.2 Botulism	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.3 Contagious equine meningitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.4 Eastern equine encephalitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.5 Equine infectious anemia	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.6 Equine infectious hemorrhagic disease	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.7 Glanders	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.8 Japanese B encephalitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.9 <i>Melioidosis</i>	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.10 Venezuelan equine encephalitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.11 Vesicular stomatitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A3.12 Western equine encephalitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A4. LLAMA DISEASES							
A4.1 Anthrax	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A4.2 Brucellosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A4.3 Foot and mouth disease	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A4.4 Tuberculosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A4.5 Vesicular stomatitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5. POULTRY DISEASES							
A5.1 African trypanosomiasis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.2 Avian influenza	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.3 Avian influenza	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.4 Duck virus enteritis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.5 Exotic Newcastle disease	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.6 Fowl typhoid	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.7 Laryngotracheitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.8 <i>Mycoplasma gallisepticum</i>	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.9 <i>Pasteurella</i> disease	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.10 <i>Pseudomonas</i>	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.11 <i>Rift Valley fever</i>	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.12 <i>Salmonella</i>	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.13 Scabies	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.14 Tuberculosis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				
A5.15 Vesicular stomatitis	C L	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9				

SCHEDULE B (con't.)
(Report between the 1st and 10th of each month by mail or telephone)

D	CODE/DISEASE	E	DIAG	F	CASES	G	H	I	J	K	L	M	N
	BZ. GOAT DISEASES												
BZ.1	Casuals lymphadenitis	C	L	123456789	123456789								
BZ.2	Caenia armitis & encephalitis	C	L	123456789	123456789								
BZ.3	Utracaps	C	L	123456789	123456789								
BZ.4	Paratuberculosis	C	L	123456789	123456789								
	B3. HORSE DISEASES												
B3.1	Bovism	C	L	123456789	123456789								
B3.2	Equine influenza	C	L	123456789	123456789								
B3.3	Equine megaloencephalitis	C	L	123456789	123456789								
B3.4	Equine viral arteritis	C	L	123456789	123456789								
B3.5	Potomac horse fever	C	L	123456789	123456789								
B3.6	Strangles	C	L	123456789	123456789								
B3.7	Foal diarrhoea (non-specific)	C	L	123456789	123456789								
	B4. LLAMA DISEASES												
B4.1	Anaplasmosis	C	L	123456789	123456789								
B4.2	Bacteriemia	C	L	123456789	123456789								
B4.3	Leptospirosis	C	L	123456789	123456789								
B4.4	Leptospirosis	C	L	123456789	123456789								
B4.5	Paratuberculosis	C	L	123456789	123456789								
	B5. POULTRY DISEASES												
B5.1	Avian leukosis	C	L	123456789	123456789								
B5.2	Avian Tuberculosis	C	L	123456789	123456789								
B5.3	Fowl cholera	C	L	123456789	123456789								
B5.4	Mycoplasma meleagridis	C	L	123456789	123456789								
B5.5	Mycoplasma synchiae	C	L	123456789	123456789								
B5.6	Salmonella enteritidis	C	L	123456789	123456789								
	B6. SHEEP DISEASES												
B6.1	Bovism	C	L	123456789	123456789								
B6.2	Casuals lymphadenitis	C	L	123456789	123456789								
B6.3	Contagious ecthyma	C	L	123456789	123456789								
B6.4	Foal rot	C	L	123456789	123456789								
B6.5	Infectious keratitis	C	L	123456789	123456789								
B6.6	Leptospirosis	C	L	123456789	123456789								
B6.7	Paratuberculosis	C	L	123456789	123456789								
	B7. SWINE DISEASES												
B7.1	Atrophic rhinitis	C	L	123456789	123456789								
B7.2	Cytoplas	C	L	123456789	123456789								
B7.3	Influenza	C	L	123456789	123456789								
B7.4	Leptospirosis	C	L	123456789	123456789								
B7.5	Porcine virus	C	L	123456789	123456789								
B7.6	Swine epidemic	C	L	123456789	123456789								
B7.7	Transmissible gastroenteritis	C	L	123456789	123456789								
B7.8	Tuberculosis	C	L	123456789	123456789								

SCHEDULE A (con't.)
(Report within 24 hours of diagnosis by telephone)
ITALICIZED TYPE INDICATES FOREIGN ANIMAL DISEASE

D	CODE/DISEASE	E	DIAG	F	CASES	G	H	I	J	K	L	M	N
	A8. SHEEP DISEASES												
A8.1	African trypanosomiasis	C	L	123456789	123456789								
A8.2	Bovism	C	L	123456789	123456789								
A8.3	Foal and mouth disease	C	L	123456789	123456789								
A8.4	Haemorrhagic disease	C	L	123456789	123456789								
A8.5	Mitochondria	C	L	123456789	123456789								
A8.6	Rift Valley fever	C	L	123456789	123456789								
A8.7	Rinderpest	C	L	123456789	123456789								
A8.8	Schabas	C	L	123456789	123456789								
A8.9	Striae	C	L	123456789	123456789								
A8.10	Tuberculosis	C	L	123456789	123456789								
A8.11	Vesicular stomatitis	C	L	123456789	123456789								
	A7. SWINE DISEASES												
A7.1	African swine fever	C	L	123456789	123456789								
A7.2	Bovism	C	L	123456789	123456789								
A7.3	Foal and mouth disease	C	L	123456789	123456789								
A7.4	Hog cholera	C	L	123456789	123456789								
A7.5	Japanese B encephalitis	C	L	123456789	123456789								
A7.6	Pseudotuberculosis	C	L	123456789	123456789								
A7.7	Vesicular stomatitis	C	L	123456789	123456789								
A7.8	Vesicular exanthema	C	L	123456789	123456789								

SCHEDULE B
(Report between the 1st and 10th of each month by mail or telephone)

D	CODE/DISEASE	E	DIAG	F	CASES	G	H	I	J	K	L	M	N
	B1. CATTLE DISEASES												
B1.1	Anaplasmosis	C	L	123456789	123456789								
B1.2	Bovism	C	L	123456789	123456789								
B1.3	Bluetongue	C	L	123456789	123456789								
B1.4	Bovine viral diarrhoea	C	L	123456789	123456789								
B1.5	Infectious bovine rhinotracheitis	C	L	123456789	123456789								
B1.6	Infectious bovine keratitis	C	L	123456789	123456789								
B1.7	Leptospirosis	C	L	123456789	123456789								
B1.8	Utracaps	C	L	123456789	123456789								
B1.9	Lymphocarcinoma	C	L	123456789	123456789								
B1.10	Malignant edema	C	L	123456789	123456789								
B1.11	Paratuberculosis	C	L	123456789	123456789								

Proposed Regulations

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Title of Regulation: VR 115-02-17. Rules and Regulations Establishing a Monitoring Program for Avian Influenza and Other Poultry Diseases.

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Effective Dates: November 2, 1989 through November 1, 1990

Summary:

The proposed regulation will establish a program in Virginia for the early detection of infectious and contagious diseases of poultry. The statistical sampling and testing of poultry from a representative number of geographical locations in the Commonwealth will provide data needed to establish more responsive disease-monitoring and -control programs. The information that will be obtained from this approach to disease monitoring will be invaluable in protecting Virginia's poultry from losses that might otherwise be incurred in future disease outbreaks.

The proposed measure will continue the authority provided at present by an emergency regulation.

VR 115-02-17. Rules and Regulations Establishing a Monitoring Program for Avian Influenza and Other Poultry Diseases.

§ 1. Definitions.

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

"Avian influenza" means any one of several infections or disease syndromes in avian species caused by Type A influenza viruses of the Orthomyxovirus group.

"Backyard flock" means a flock of fewer than 500 birds maintained on private premises for the sole use of the owner.

"Breeding flocks" means poultry used to produce fertile eggs to produce poultry for multiplier flocks.

"Broiler breeder" means a chicken used to supply fertile eggs to hatcheries for the production of broilers.

"Broiler" means a chicken that is grown exclusively for food purposes.

"Commercial toms and hens" means immature male and female turkeys that are grown to market size for food purposes.

"Cockerel" means a young male chicken.

"Confined wild birds" means any live wild fowl which are confined by means of pens or other structures, or which are pinioned, and includes their offspring which are regulated by state or federal permits.

"Department" means the Virginia Department of Agriculture and Consumer Services.

"Exotic newcastle disease" means the velogenic or viscerotropic form of the disease of poultry caused by the Newcastle Disease Virus (NDV) of the Paramyxovirus group.

"Flock" means all of the poultry on one premises, except that, at the discretion of the department, any group of poultry which is segregated from other poultry and has been so segregated for a period of at least 21 days may be considered as a separate flock.

"Fowl typhoid" means an infection of poultry caused by *Salmonella gallinarum*.

"Game farm" means any location where a variety of avian species such as waterfowl, pheasant, quail, peafowl, etc., that qualify as game fowl are congregated or raised individually or otherwise.

"Game fowl" means any variety of avian species hunted for food or sport or specifically raised for sport.

"Grower of poultry" means any person, including an employee, agent or independent contractor, who grows, raises, or keeps poultry for himself or for another.

"Hatchery" means incubators, hatchers, and auxiliary equipment on one premises operated and controlled for the hatching of poultry.

"Layers" means chickens that produce eggs for food purposes.

"Multiplier flock" means poultry used to produce fertile eggs to produce poultry for egg production and broiler flocks.

"Owner" means any person or firm that owns poultry.

"Person" means any person, firm, partnership, corporation, or institution.

"Poultry" means live fowl, including chickens, turkeys, waterfowl, and game birds, which are propagated and maintained under the control of any person.

"Poult" means young turkeys.

"Pullets" means young female chickens.

"Pullorum disease" means an infection of poultry caused by *Salmonella pullorum*.

"Salmonella enteritidis" means a specific bacterial organism capable of producing severe gastroenteritis in humans and many animals.

"Slaughter birds" means any birds that are slaughtered at establishments that have been issued a grant of inspection by the U.S. Department of Agriculture, Food Safety Inspection Service or by the department.

"Small privately owned layer flocks" means any flock of fewer than 500 birds that is used to produce eggs for food purposes and is privately owned.

"Specimens" means samples, including but not limited to samples of blood, tissue, eggs, and swabs, as well as samples taken from the environment in which a bird lives.

"State Veterinarian" means a veterinarian employed by the Commissioner of Agriculture and Consumer Services who is responsible for the animal health programs in the Commonwealth.

"Turkey breeders" means turkeys that are used to supply fertile eggs to hatcheries for the production of commercial toms and hens.

§ 2. Inventory.

Any person governed by § 3 of this regulation shall disclose to the State Veterinarian within 10 days after the State Veterinarian's request the numbers of birds in each classification identified in subsections D and E of § 3.

§ 3. Specimen submissions.

A. All growers of poultry shall submit to a state laboratory for diagnostic testing specimens from poultry they grow, as specified in subsection C of this section.

B. All persons operating slaughtering plants, egg plants, hatcheries, layer houses, or any other poultry-raising, poultry-keeping or poultry-handling endeavor shall also submit such specimens from poultry they grow, handle, or process, as specified in subsection C of this section.

C. Specimens from poultry submitted pursuant to subsections A and B of this section for laboratory analysis shall be for diseases governed by § 3.1-726 of the Code of Virginia in the number and kind and at the time as designated by the State Veterinarian.

D. Specimens submitted in accordance with subsection C of this section shall be from the following classes of poultry.

- 1. Chickens
 - a. Slaughter birds
 - b. Broiler breeders

- c. Layers
 - d. Layer breeders
 - e. Broilers
 - f. Pullets
 - g. Cockerels
 - h. Game birds
2. Turkeys
- a. Slaughter birds
 - b. Turkey breeders
 - c. Commercial toms and hens
 - d. Poult

E. Specimens that are required for laboratory testing to detect infectious and contagious diseases shall be submitted as directed by the State Veterinarian from the following:

- 1. Exhibition birds;
- 2. Birds from small privately owned layer flocks;
- 3. Birds on game farms; and
- 4. Birds in backyard flocks.

* * * * *

Title of Regulation: VR 115-02-18. Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry.

Statutory Authority: § 3.1-726 of the Code of Virginia.

Public Hearing Date: August 22, 1990 - 1 p.m.
(See Calendar of Events section for additional information)

Summary:

The proposed regulation will continue authority contained in a soon-to-expire emergency regulation governing the disposal of entire flocks of dead poultry.

The occurrence of a disease such as avian influenza can and often does quickly result in large numbers of dead birds. Many of the birds die as a consequence of the disease itself. Others must be humanely destroyed as a means of preventing the virus they carry from spreading to healthy birds. Large numbers of dead, disease-laden bird carcasses require proper disposal to prevent contamination of the environment and to prevent the further spread of the disease.

Proposed Regulations

The regulations (i) establish requirements for disposal of entire flocks of dead poultry, including provision for disposal pits, incinerators, landfills, and rendering; (ii) establish exemptions from the provisions of the regulation; (iii) establish appropriate methods for the transportation of dead poultry; and (iv) establish a process for the approval of the disposal of dead poultry on all premises raising poultry for profit.

VR 115-02-18. Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry.

§ 1. Definitions.

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

“Dead poultry” means poultry, exclusive of those intentionally slaughtered for food, which die or are destroyed as a result of a contagious and infectious disease upon any premises in the state.

“Department” means the Virginia Department of Agriculture and Consumer Services.

“Disposal” means the complete destruction of dead poultry in an incinerator or their proper disposition in a disposal pit, in a landfill, or by rendering.

“Disposal pit” means an opening dug in the ground that meets the Initial Site Screening Criteria for Burial of Dead Poultry, the terms of which are hereby incorporated by reference and specified in VR 672-20-10 of the Virginia Department of Waste Management, Solid Waste Management Regulations.

“Entire flock” means all of the poultry within one group of poultry that has been designated as a flock for a period of at least 21 days.

“Flock” means all of the poultry on one premises, except that, at the discretion of the department, any group of poultry which is segregated from other poultry and has been so segregated for a period of at least 21 days may be considered as a separate flock.

“Incinerator” means a firebox constructed of masonry or metal in which dead poultry is burned by the use of fuel.

“Infectious and contagious disease” means, but is not limited to, avian influenza and exotic newcastle disease.

“Landfill” means an engineered land burial facility for the disposal of solid waste which is so located, designed, constructed, and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

“Off-farm disposal site” means any site for the disposal of dead poultry other than the farm on which the dead

poultry died.

“Person” means any person, firm, partnership, corporation, or institution which engages in the raising or keeping of poultry for profit in this state.

“Poultry” means all chickens, ducks, turkeys or other domestic fowls being raised or kept on any premises in the state for profit.

“Premises” means the entire tract of land, including but not limited to the buildings thereon, owned, leased or used by any person for the raising or keeping of poultry for profit.

“Raising or keeping of poultry for profit” means the raising or keeping of 500 or more poultry at one time for the purpose of sale of such poultry or the eggs produced therefrom.

“Rendering” means treating dead poultry according to the process described in 9 CFR § 381.95(a).

§ 2. Applicability.

These regulations shall govern the disposal of dead birds by persons who raise or keep poultry for profit or who have entered into a contract for the raising or keeping of poultry for profit, but only when the entire flock is to be depopulated or when the entire flock dies. In all other instances § 3.1-742 et seq. of the Code of Virginia, Disposal of Dead Poultry, shall govern.

§ 3. Disposal pits, incinerators, landfilling, or rendering required of persons raising or keeping poultry for profit.

A. It shall be unlawful for any person to engage in the raising or keeping of poultry for profit on any premises within the Commonwealth of Virginia, or to enter into a contract involving the raising or keeping of poultry for profit with any other person, unless the premises upon which such poultry is to be raised or kept is provided with or unless the person maintaining the premises whereon the poultry is raised or kept has access to:

1. A disposal pit;
2. An incinerator;
3. A renderer through a bona fide contract for rendering;
4. A landfill, through a bona fide contract for the disposal of dead poultry therein.

B. Provisions governing disposal pits.

1. If possible, an area away from public view should be selected.
2. No person engaged in the raising or keeping of

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poultry for profit and no person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall construct or use any pit for the disposal of poultry unless it conforms to the definition of a disposal pit contained in this regulation.

3. Any person engaged in the raising or keeping of poultry for profit and any person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall, before using a disposal pit, obtain approval for its use as required by state law.

C. Provisions governing incinerators.

1. If possible, an area away from public view should be selected.

2. No person engaged in the raising or keeping of poultry for profit and no person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall construct or use an incinerator for the disposal of dead poultry unless it is constructed of masonry or metal and has the capacity to burn within a time frame approved by the State Veterinarian all poultry raised or kept on the premises at any time.

3. Any person engaged in the raising or keeping of poultry for profit and any person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall, before using an incinerator on his premises to dispose of birds, obtain approval for its use as required by state law.

D. Provisions governing bona fide rendering contract.

No person engaged in the raising or keeping of poultry for profit and no person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall dispose of dead poultry through rendering unless he has entered into a bona fide contract for the rendering of such dead poultry, which contract shall be part of the plan for disposal of dead poultry specified by § 5 of this regulation.

E. Provisions governing bona fide contract with a landfill.

No person engaged in the raising or keeping of poultry for profit and no person who has entered into a contract involving the raising or keeping of poultry for profit with any other person shall dispose of dead poultry in a landfill unless he has entered into a bona fide contract for such disposal of dead poultry in a landfill, which contract shall be part of the plan for the disposal of dead poultry specified by § 5 of this regulation.

§ 4. Exemptions.

The State Veterinarian may authorize disposal of dead poultry by a method other than one prescribed in this regulation, so long as that method meets or exceeds the standards established by this regulation.

§ 5. Plans for disposal of dead poultry.

A. No person shall engage in the raising or keeping of poultry for profit and no person shall enter into a contract involving the raising or keeping of poultry for profit with any other person unless he files with the State Veterinarian a plan, embracing at a minimum provisions consistent with the requirements of this regulation for the disposal of an entire flock of dead poultry.

B. No person may implement the plan or any amendment to it until it is approved by the State Veterinarian.

§ 6. Transportation of dead poultry; sanitation.

A. No person may transport any dead poultry from any premises without the prior approval, granted by permit on a case-by-case basis, by the State Veterinarian or his representative.

B. No person may transport dead poultry from a farm premises to any off-farm disposal site except in leak-proof containers or leak-proof trucks.

C. No person may transport dead poultry from a farm premises to any off-farm disposal site unless the dead poultry is enclosed in the transporting vehicle so that feathers and other debris will not be released into the environment.

D. No person may transport dead poultry from a farm premises to an off-farm disposal site unless:

1. The containers are disinfected prior to loading on the truck and the exterior of the loaded truck disinfected prior to leaving the farm; and

2. The entire truck is cleaned and disinfected after unloading at the off-farm disposal site and prior to leaving the off-farm disposal site.

Title of Regulation: VR 115-02-19. Rules and Regulations Pertaining to the Testing Requirements for Poultry Affected by Salmonella Enteritidis.

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Public Hearing Date: August 22, 1990 - 1 p.m.
(See Calendar of Events section for additional information)

Summary:

Proposed Regulations

The proposed regulations would continue authority for a program in Virginia for the eradication of *Salmonella enteritidis* serotype *enteritidis* (SEE) in poultry. SEE is a serious poultry disease and public health concern that shows no sign of abatement, but instead appears to be increasing. The proposed regulations will supersede soon-to-expire emergency regulations governing SEE.

Recent scientific evidence has shown that hens pass the bacterium causing SEE to their unborn chicks. The evidence further suggests that SEE may be passed to eggs (including the infertile eggs, which are the eggs consumed by humans before the egg shell forms. SEE can spread among poultry through contact with one another and through contact with articles associated with infected poultry, such as feed, pens, and litter.

The proposed regulations would restrict the movement of chickens, eggs, and flocks, based upon the SEE classification of the flock, as determined by testing procedures.

The regulation gives the State Veterinarian authority to deny, suspend or cancel a permit upon a determination that the permit holder has violated any of the permit conditions or applicable regulations.

VR 115-02-19. Rules and Regulations Pertaining to the Testing Requirements for Poultry Affected by Salmonella Enteritidis.

§ 1. Provisions incorporated by reference.

For the purposes of 9 CFR § 82.32, which the Board of Agriculture and Consumer Services hereby incorporates by reference, and for purposes of § 2 of this regulation, the Board of Agriculture and Consumer Services hereby incorporates by reference the definitions of 9 CFR § 82.30.

For the purposes of 9 CFR § 82.31; 82.33 (a), (c), and (d); 82.34; and 82.35, which the Board of Agriculture and Consumer Services hereby incorporates by reference, the Board of Agriculture and Consumer Services hereby incorporates by reference the definitions of 9 CFR § 82.30 with the following terms to be substituted for defined terms:

"Federal representative" means "Virginia representative," specifically, an individual employed in animal health work and authorized by the Commonwealth to perform the tasks required by this regulation.

"Interstate" means intrastate.

"State" means Virginia.

§ 2. Movement of chickens from test flocks and infected egg production flocks.

No person shall move live chickens intrastate from a test flock or an infected egg production flock unless:

1. He has obtained a permit for the intrastate movement in accordance with 9 CFR § 82.35, as incorporated by reference in § 1 of this regulation;
2. He moves the chickens intrastate to a federally inspected slaughtering establishment; and
3. He has the chickens slaughtered within 24 hours after arrival at the federally inspected slaughtering establishment.

§ 3. Denial and withdrawal of permits.

The State Veterinarian may deny an application for a permit, or may suspend or cancel a permit, when the State Veterinarian has determined that the applicant for a permit or the holder of a permit has violated any provision of these regulations or any condition specified in the permit issued pursuant to 9 CFR § 82.35, as incorporated by reference in § 1 of this regulation.

The State Veterinarian or any veterinarian in his employ designated for such purpose may deny the application for a permit, or may suspend or cancel the permit.

1. By written notice to the permit holder, which notice shall state the reasons for the suspension or cancellation, and which notice shall further offer to such person, for the purpose of determining whether the suspension or cancellation shall be final, an opportunity to participate in an informal conference, authorized by § 9-6.14:11 of the Code of Virginia, within three working days after the notice of suspension or cancellation;

2. After due notice of, and after opportunity for the permit holder to participate in, an informal conference or consultation proceedings authorized by § 9-6.14:11 of the Code of Virginia for the purpose of determining whether his permit shall be suspended or cancelled; or

3. After due notice of, and after opportunity for the permit applicant to participate in, an informal conference or consultation authorized by § 9-6.14:11 of the Code of Virginia for the purpose of determining whether the denial shall be final.

Any informal conference or consultation proceedings held pursuant to this section may be held by telephone between the State Veterinarian or any veterinarian in his employ designated for such purpose and the applicant for a permit, permit holder, or any party denied a permit pursuant to this section of the regulation.

ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: VR 125-01-6. Manufacturers and Wholesalers Operations.

Statutory Authority: §§ 4-7(b) and (1), 4-11, 4-25 A 7 and 10, 4-103(b) 4-118.3 et seq. and 4-118.42 et seq.

Public Hearing Date: August 22, 1990 - 10 a.m.
(See Calendar of Events Section for additional information)

Summary:

The proposed regulation will require, as a prerequisite for an importer's license, filing with the board a list of the brand or brands to be imported under the license together with a copy of the federal label approval for each such brand. The regulation will require each applicant for an importer's license who is not the owner of the brand to be imported to obtain the brand owner's authorization (i.e., authorization from the "primary source") to import the brand as well as the brand owner's authorization, on its behalf, to establish commercial relationships with licensed wholesalers under the Virginia Wine and Beer Franchise Acts. The regulation will promote the filing of proper and authentic documentation with importer license applications through greater specificity in requirements of form and execution. Through notice provisions, the regulation will provide a means for wholesalers to clarify and firm-up the business relationships with importers and brand owners. The regulation will allow supplemental license applications, at no charge, to extend to coverage of an existing license and eliminate the annual filing of supporting documentation to merely review an existing license. The regulation will require importers to promptly file sales territory designations as required by statute. In addition, the regulation contains transition provisions to allow current importers ample time for the proper filing of documentation before any enforcement action by the board, and reemphasizes the responsibility of wholesalers when purchasing wine and or beer for resale in Virginia from a person outside of Virginia.

VR 125-01-6. Manufacturers and Wholesalers Operations.

§ 1. Solicitor-salesmen; records; employment restrictions; suspension or revocation of permits.

A. Records.

A solicitor salesman employed by any nonresident person to solicit the sale of or sell wine or beer at wholesale shall keep complete and accurate records for a period of two years, reflecting all expenses incurred by him in connection with the solicitation of the sale of his employer's products, and shall, upon request, furnish the board with a certified copy of such records.

B. Restrictions upon employment.

A solicitor-salesman must be 18 years old or older to solicit the sale of beer or wine, and may not be employed at the same time by a nonresident person engaged in the sale of beer or wine at wholesale and by a licensee of the board to solicit the sale of or sell wine or beer.

C. Suspension or revocation of permit.

The board may suspend or revoke the permit of a solicitor-salesman if it shall have reasonable cause to believe that any cause exists which would justify the board in refusing to issue such person a license, or that such person has violated any provision of this section or committed any other act that would justify the board in suspending or revoking a license.

Before suspending or revoking such permit, the board shall accord the solicitor-salesman the same notice, opportunity to be heard, and follow the same administrative procedures accorded a licensee cited for a violation of the Alcoholic Beverage Control Act.

§ 2. Wines; purchase orders generally; wholesale wine distributors.

A. Purchase orders generally.

Purchases of wine from the board, between licensees of the board and between licensees and persons outside the Commonwealth shall be executed only on orders on forms prescribed by the board and provided at cost if supplied by the board.

B. Wholesale wine distributors.

Wholesale wine distributors shall comply with the following procedures:

1. Purchase orders. A copy of each purchase order for wine and a copy of any change in such order shall be forwarded to the board by the wholesale wine distributor at the time the order is placed or changed. Upon receipt of shipment, one copy of such purchase order shall be forwarded to the board by the distributor reflecting accurately the date received and any changes;

2. Sales in the Commonwealth. Separate invoices shall be used for all nontaxed wine sales in the Commonwealth and a copy of each such invoice shall be furnished to the board upon completion of the sale;

3. Out-of-state sales. Separate sales invoices shall be used for wine sold outside the Commonwealth and a copy of each such invoice shall be furnished to the board upon completion of the sale;

4. Peddling. Wine shall not be peddled to retail licensees;

Proposed Regulations

5. Repossession. Repossession of wine sold to a retailer shall be accomplished on forms prescribed by the board and provided at cost if supplied by the board, and in compliance with the instructions on the forms;

6. Reports to the board. Each month wholesale wine distributors shall, on forms prescribed by the board and in accordance with the instructions set forth therein, report to the board the purchases and sales made during the preceding month, and the amount of State Wine Tax collected from retailers pursuant to § 4-22.1 of the Code of Virginia. Each wholesale wine distributor shall on forms prescribed by the board on a quarterly basis indicate to the board the quantity of wine on hand at the close of business on the last day of the last month of the preceding quarter based on actual physical inventory by brands. Reports shall be accompanied by remittance for the amount of taxes collected, less any refunds, replacements or adjustments and shall be postmarked no later than the fifteenth of the month, or if the fifteenth is not a business day, the next business day thereafter.

§ 3. Procedures for retail off-premises winery licenses; purchase orders; segregation, identification and storage.

A. Purchase orders.

Wine offered for sale by a retail off-premises winery licensee shall be procured on order forms prescribed by the board and provided at cost if supplied by the board. The order shall be accompanied by the correct amount of State Wine Tax levied by § 4-22.1 of the Code of Virginia, due the Commonwealth in cash, as defined in these regulations.

B. Segregation, identification and storage.

Wine procured for sale at retail shall be segregated from all other wine and stored only at a location on the premises approved by the board. The licensee shall place his license number and the date of the order on each container of wine so stored for sale at retail. Only wine acquired, segregated, and identified as herein required may be offered for sale at retail.

§ 4. Indemnifying bond required of wholesale wine distributors.

No wholesale wine distributor's license shall be issued unless there shall be on file with the board an indemnifying bond running to the Commonwealth of Virginia in the penalty of \$1,000, with the licensee as principal and some good and responsible surety company authorized to transact business in the Commonwealth of Virginia as surety, conditioned upon the faithful compliance with requirements of the Alcoholic Beverage Control Act and the regulations of the board.

A wholesale wine distributor may request in writing a

waiver of the surety and the bond by the board. If the waiver is granted, the board may withdraw such waiver of surety and bond at any time for good cause.

§ 5. Records required of distillers, fruit distillers, winery licensees and farm winery licensees; procedures for distilling for another; farm wineries.

A person holding a distiller's license, a fruit distiller's license, a winery license, or a farm winery license shall comply with the following procedures:

A. Records.

Complete and accurate records shall be kept at the licensee's place of business for a period of two years, which records shall be available at all times during business hours for inspection by any member of the board or its agents. Such records shall include the following information:

1. The amount in liters and alcoholic content of each type of alcoholic beverage manufactured during each calendar month.

2. The amount of alcoholic beverages on hand at the end of each calendar month.

3. Withdrawals of alcoholic beverages for sale to the board or licensees of the board.

4. Withdrawals of alcoholic beverages for shipment outside of Virginia showing:

a. Name and address of consignee.

b. Date of shipment.

c. Alcoholic content, brand name, type of beverage, size of container and quantity of shipment.

5. Purchases of cider or wine including:

a. Date of purchase.

b. Name and address of vendor.

c. Amount of purchase in liters.

d. Amount of consideration paid.

6. A distiller or fruit distiller employed to distill any alcoholic beverage shall include in his records the name and address of his employer for such purpose, the amount of grain, fruit products or other substances delivered by such employer, the type, amount in liters and alcoholic content of alcoholic beverage distilled therefrom, the place where stored, and the date of the transaction.

B. Distillation for another.

A distiller or fruit distiller manufacturing distilled spirits for another person shall:

1. At all times during distillation keep segregated and identifiable the grain, fruit, fruit products or other substances furnished by the owner thereof;
2. Keep the alcoholic beverages distilled for such person segregated in containers bearing the date of distillation, the name of the owner, the amount in liters, and the type and alcoholic content of each container; and
3. Release the alcoholic beverages so distilled to the custody of the owner, or otherwise, only upon a written permit issued by the board.

C. Farm wineries.

A farm winery shall keep complete, accurate and separate records of fresh fruits or other agricultural products grown or produced elsewhere and obtained for the purpose of manufacturing wine. At least 51% of the fresh fruits or agricultural products used by the farm winery to manufacture the wine shall be grown or produced on such farm.

§ 6. Wine ~~or~~ and beer importer licenses; conditions for issuance and renewal.

A In addition to complying with the requirements of § 4-25 ~~(g)~~ A 10 of the Code of Virginia relating to wine importers' licenses, and of § 4-25 ~~(e)~~ A 7 of the Code of Virginia, relating to beer importers' licenses, and to other requirements of law applying to board licensees generally, all persons applying to the board for the issuance ~~or~~ renewal of a wine or beer importer's license to import a particular brand or brands of wine or beer, and all persons holding an importer's license applying to the board for an extension of such license to cover additional brands of wine or beer shall file with the board a list of the brands of wine or beer they intend to sell and deliver or ship into this Commonwealth, along with a corresponding list of the names of the owners of such brands and a copy of the written permission of the brand owner, or its duly designated agent, authorizing such applicant to sell and deliver or ship the indicated brands of wine or beer into this Commonwealth. In the event that, subsequent to the issuance or renewal of a wine or beer importer's license, the licensee makes arrangements to sell and deliver or ship additional brands of wine or beer into this Commonwealth, the licensee shall make a supplemental filing with the board identifying such additional brands and brand owners and providing the required evidence of authorization by the brand owner, or its duly designated agent, for the licensee to sell and deliver or ship such additional brands of wine or beer into this Commonwealth. *written and dated statement clearly identifying each brand of wine or beer to be imported or shipped into this Commonwealth under such license for sale or delivery within the Commonwealth, together with the corresponding*

name (individual, partnership or corporation), trade name (if any), and business address of the respective brand owner of each brand. Further, all persons applying for an importer's license, and all persons applying for an extension of an importer's license to cover additional brands, shall file with the board a true copy of any required federal label approval for the brand or brands covered by the license and the documents specified in subsection B, if applicable. An importer's license shall apply only to those particular brands of wine or beer as evidenced by a written acknowledgment from the board.

B. The following documents are required for each brand identified which is to be imported into the Commonwealth by an applicant or importer who is not also the brand owner:

1. A dated written statement signed by the brand owner or the duly authorized representative thereof, specifically granting the applicant or licensed importer authorization to import or ship such brand of wine or beer into this Commonwealth for sale and delivery within the Commonwealth. The applicant or licensed importer may file, in lieu of the original, a copy of the brand owner's letter, provided such applicant or licensed importer certifies, under oath, such copy is a true copy of the original and that the original is in the applicant's or importer's possession.

2. A dated written statement in a form prescribed by the board, from the brand owner, which shall state the following:

- a. The applicant or licensed importer has the authority of the brand owner to establish agreements or commercial relationships with licensed Virginia wholesalers on behalf of the brand owner as its agent or attorney in fact, and that an agreement or commercial relationship exists or will exist between the brand owner and any wholesale licensees which have been, or are thereafter, supplied with the brand. Provided, however, if the applicant or licensed importer is also a wholesale licensee and has no authority to supply any wholesale licensee, except itself, with the brand, then the brand owner may so state. In such event, the applicant or licensed importer shall be relieved of any requirements under subsection I, below.

- b. If the brand owner terminates its relationship with the applicant or licensed importer in the future it will not terminate any commercial relationship or agreement with an existing licensed Virginia wholesaler, except in a manner authorized by the Virginia Wine Franchise Act or Virginia Beer Franchise Act, as amended, and that the brand owner agrees that it will require any new or successor applicant or licensed importer of its products, as a condition of importing the same into Virginia, to continue to market such brands only through those wholesalers appointed or designated

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pursuant to the requirements of the Virginia Wine Franchise Act or Virginia Beer Franchise Act, but only to the extent required by such acts and applicable laws.

C. For purposes of subdivision B 1 and B 2 of this section, if the required documents are executed by a corporate brand owner, such documents shall be signed by a duly authorized officer of such corporation. The same documents may be signed by the applicant, importer, or other third party on behalf of the brand owner as its duly authorized representative; provided such documents are accompanied by a written power of attorney, or a true copy thereof certified as such under oath, which clearly provides, by its express terms, that such person is the agent or attorney in fact of the brand owner and has full power and authority from the brand owner to execute, on behalf of the brand owner, such documents.

D. In order for any wholesale licensee which is lawfully supplied with a brand of beer or wine by a person other than the licensed importer of the brand to confirm that it is an authorized distributor of such brand for the brand owner for purposes of the Virginia Wine Franchise Act or Virginia Beer Franchise Act, the wholesale licensee may send to the licensed importer a notice by certified mail stating and requesting confirmation that the wholesale licensee is an authorized distributor of the brand. The wholesale licensee's source of supply for such brands shall be identified in the notice. At the time the notice is sent, a copy shall be sent by certified mail by the wholesale licensee to the board for filing. Within 30 days from the date of receipt of such notice the licensed importer shall mail by certified mail a response to the foregoing notice and state whether such licensee is, in fact, an authorized distributor of such brands in question, with a copy to the board by certified mail. Any wholesale licensee which has established an agreement directly with a brewery or winery shall not be required to comply with this subsection in the event that, after establishment of the agreement, the brewery or winery chooses to conduct its relationship with the wholesale licensee through a third party.

E. In the event, subsequent to the issuance or renewal of a wine or beer importer's license, a licensed importer desires to sell and deliver or ship an additional brand of wine or beer into this Commonwealth, the licensed importer shall make a supplemental application with the board identifying each such additional brand of wine or beer to be imported, and shall comply with all the requirements of this regulation for each such brand. There shall be no charge to an importer for supplemental applications, and only one license fee shall apply regardless of the number of brands covered by the license. Until such importer has been issued a written acknowledgment from the board, which acknowledgment shall not be covered by the license and no rights and privileges of such license shall apply to such brand.

F. Any documents filed pursuant to this regulation shall

remain in effect and need not be reexecuted or refiled at the time of subsequent renewals of the importer's license; provided, the licensed importer, within 30 days of the date of renewal, has filed with the board a written statement or certification that (i) all such letters, instruments, documents and acknowledgments remain in full force and effect, (ii) that none have been rescinded or revoked, (iii) that there are no changes, additions, substitutions, or modifications thereto of which the board has not been properly notified and (iv) that all comments required by this regulation have been filed as to each brand to be imported into Virginia under the license.

G. The mere right to use a brand name, trademark, trade name or corporate logo under a licensing agreement or otherwise, by an applicant, licensed importer, broker or wholesaler, in and of itself, shall not establish brand ownership under this regulation. The board may require that proof of ownership be submitted.

H. For purposes of this regulation, the terms "agreement," "wholesaler," "distributor," "brand," "brewery," "winery," "sales territory" and "primary area of responsibility" shall have the same meaning as are set forth in the respective definitions in the Virginia Beer Franchise Act as to beer products and as are set forth in the respective definitions in the Virginia Wine Franchise Act as to wine products. For purposes of this regulation, the use of the term "brand" shall be construed to include its plural form.

I. As a condition of its license, each applicant or importer shall notify the board of all designations of sales territories or primary areas of responsibility within 30 days after entering into an agreement with a wholesaler, unless notice of such designations has been filed by the brand owner.

J. Nothing in this regulation shall authorize any brewery, winery, licensed importer, master distributor or other third party acting on behalf of any of the foregoing parties to restrict, modify or terminate the rights of any wholesale licensee which as previously, or which may in the future, establish an agreement with a brewery or winery, either directly or indirectly through an agent or authorized representative. Also, failure to comply with this regulation by an applicant, importer or brand owner shall not adversely affect, alter or terminate any rights or remedies of a licensed wholesaler under either the Virginia Wine Franchise Act or Virginia Beer Franchise Act.

K. Any documents required to be filed pursuant to this regulation which are in a language other than English shall be accompanied by a translated copy thereof which has been certified, under oath, to be a true and accurate translation of such document.

L. No person licensed by the board to sell wine or beer at wholesale in Virginia shall purchase wine or beer for resale from a person outside this Commonwealth who does

not hold a wine or beer importer's license issued pursuant to § 4-25 A 10 or § 4-25 A 7 of the Code of Virginia and who has not, with respect to such importer's license, met all the requirements of this regulation for each brand of wine or beer to be imported in Virginia.

M. For purposes of transition, persons holding a wine or beer importer's license as of the effective date of this regulation shall have 120 days from such effective date to comply with all filing requirements herein imposed.

§ 7. Beer and beverage excise taxes.

A. Indemnifying bond required of beer manufacturers, bottlers or wholesalers.

1. No license shall be issued to a manufacturer, bottler or wholesaler of beer or beverages as defined in § 4-127 of the Code of Virginia unless there shall be on file with the board, on a form approved or authorized by the board, an indemnifying bond running to the Commonwealth of Virginia in the penalty of not less than \$1,000 or more than \$100,000, with the licensee as principal and some good and responsible surety company authorized to transact business in the Commonwealth of Virginia as surety, conditioned upon the payment of the tax imposed by Chapter 4 (§ 4-127 et seq.) of Title 4 of the Code of Virginia in accordance with the provisions thereof.

2. A manufacturer, bottler or wholesaler of beer or beverages may request in writing a waiver of the surety and the bond by the board. The board may withdraw such waiver at any time for failure to comply with the provisions of §§ 4-128, 4-129 and 4-131 of the Code of Virginia.

B. Shipment of beer and beverages to installations of the armed forces.

1. Installations of the United States Armed Forces shall include, but not be limited to, all United States, Army, Navy, Air Force, Marine, Coast Guard, Department of Defense and Veteran Administration bases, forts, reservations, depots, or other facilities.

2. The direct shipment of beer and beverages from points outside the geographical confines of the Commonwealth to installations of the United States Armed Forces located within the geographical confines of the Commonwealth for resale on such installations shall be prohibited. Beer and beverages must be shipped to duly licensed Virginia wholesalers who may deliver the same to such installations, but the sale of such beer and beverages so delivered shall be exempt from the beer and beverage excise tax as provided by Chapter 4 of Title 4 of the Code of Virginia only if the sale thereof meets the exemption requirements of § 4-130.

C. Filing of monthly report and payment of tax falling

due on Saturday, Sunday or legal holiday; filing or payment by mail.

1. When the last day on which a monthly report may be filed or a tax may be paid without penalty or interest falls on a Saturday, Sunday or legal holiday, then any report required by Chapter 4 of Title 4 of the Code of Virginia may be filed or such payment may be made without penalty or interest on the next succeeding business day.

2. When remittance of a monthly report or a tax payment is made by mail, receipt of such report or payment by the person with whom such report is required to be filed or to whom such payment is required to be made, in a sealed envelope bearing a postmark on or before midnight of the day such report is required to be filed or such payment made without penalty or interest, shall constitute filing and payment as if such report had been filed or such payment made before the close of business on the last day on which such report may be filed or such tax may be paid without penalty or interest.

D. Rate of interest.

Unless otherwise specifically provided, interest on omitted taxes and refunds under Chapter 4 of Title 4 of the Code of Virginia shall be computed in the same manner specified in § 58.1-15 of the Code of Virginia, as amended.

§ 8. Solicitation of mixed beverage licensees by representatives of manufacturers, etc., of distilled spirits.

A. Generally.

This regulation applies to the solicitation, directly or indirectly, of a mixed beverage licensee to sell or offer for sale distilled spirits. Solicitation of a mixed beverage licensee for such purpose other than by a permittee of the board and in the manner authorized by this regulation shall be prohibited.

B. Permits.

1. No person shall solicit a mixed beverage licensee unless he has been issued a permit by the board. To obtain a permit a person shall:

a. Register with the board by filing an application on such forms as prescribed by the board;

b. Pay in advance a fee of \$300, which is subject to proration on a quarterly basis, pursuant to the provisions of § 4-98.16 D of the Code of Virginia;

c. Submit with the application a letter of authorization from the manufacturer, brand owner or its duly designated United States agent, of each specific brand or brands of distilled spirits which

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the permittee is authorized to represent on behalf of the manufacturer or brand owner in the Commonwealth; *and*

d. Be an individual at least 21 years of age.

2. Each permit shall expire yearly on June 30, unless sooner suspended or revoked by the board.

3. A permit hereunder shall authorize the permittee to solicit or promote only the brand or brands of distilled spirits for which the permittee has been issued written authorization to represent on behalf of the manufacturer, brand owner, or its duly designated United States agent and provided that a letter of authorization from the manufacturer or brand owner to the permittee specifying the brand or brands he is authorized to represent shall be on file with the board. Until written authorization or a letter of authorization, in a form authorized by the board, is received and filed with the board for a particular brand or brands of distilled spirits, there shall be no solicitation or promotion of such product by the permittee. Further, no amendment, withdrawal or revocation, in whole or in part, of a letter of authorization on file with the board shall be effective as against the board until written notice thereof is received and filed with the board; and, until the board receives notice thereof, the permittee shall be deemed to be the authorized representative of the manufacturer or brand owner for the brand or brands specified on the most current authorization on file with the board.

C. Records.

1. A permittee shall keep complete and accurate records of his solicitation of any mixed beverage licensee for a period of two years, which shall include the following:

a. Name and address of each mixed beverage licensee solicited;

b. Date of solicitation and name of each individual contacted;

c. Brand names of all distilled spirits promoted during the solicitation; and

d. Amount and description of any expenses incurred with respect to each such solicitation.

2. A permittee shall make available to any agent of the board on demand the records referred to in subdivision C 1 above of *this section* .

D. Permitted activities.

Solicitation by a permittee shall be limited to his authorized brand or brands, may include contact, meetings

with, or programs for the benefit of mixed beverage licensees and employees thereof on the licensed premises, and in conjunction with solicitation, a permittee may:

1. Distribute directly or indirectly written educational material (one per retailer per brand), which may not be displayed on the licensed premises; distribute novelty and specialty items bearing distilled spirits advertising not in excess of \$2.00 in wholesale value (one per retailer per brand) which may not be displayed on the licensed premises; and provide film or video presentations of distilled spirits which are essentially educational to licensees and their employees only, and not for display or viewing by customers;

2. Provide to a mixed beverage licensee sample servings from packages of distilled spirits not then sold by the licensee which are purchased from a Virginia ABC store; the label on the distilled spirits package shall bear the word "sample" in lettering of reasonable size; the package of distilled spirits shall bear the permit number of the distilled spirits permittee, shall remain the property of the permittee and may not be left with the licensee;

3. Promote their authorized brands of distilled spirits at conventions, trade association meetings, or similar gatherings of organizations a majority of whose membership consists of mixed beverage licensees or distilled spirits representatives for the benefit of their members and guests, and shall be limited as follows:

a. To sample servings from packages of distilled spirits purchased from Virginia ABC stores when the distilled spirits donated are intended for consumption during the gathering;

b. To displays of distilled spirits in closed containers bearing the word "sample" in lettering of reasonable size, and informational signs provided such merchandise is not sold or given away except as permitted in this regulation;

c. To distribution of informational brochures, pamphlets and the like, relating to distilled spirits;

d. To distribution of novelty and specialty items bearing distilled spirits advertising not in excess of \$2.00 in wholesale value; *and*

e. To film or video presentations of distilled spirits which are essentially educational.

E. Prohibited activities.

A permittee shall not:

1. Sell distilled spirits to any licensee of the board, solicit or receive orders for distilled spirits from any licensee, provide or offer to provide cash discounts or

cash rebates to any licensee, or to negotiate any contract or contract terms for the sale of distilled spirits with a licensee;

2. Discount or offer to discount any merchandise or other alcoholic beverages as an inducement to sell or offer to sell distilled spirits to licensees;

3. Provide or offer to provide gifts, entertainment or other forms of gratuity to licensees except at conventions, trade association meetings or similar gatherings as permitted in *subdivision D 3*;

4. Provide or offer to provide any equipment, furniture, fixtures, property or other thing of value to licensees except as permitted by this regulation;

5. Purchase or deliver distilled spirits or other alcoholic beverages for or to licensees or provide any services as inducements to licensees, except that this provision shall not preclude the sale or delivery of wine, beer or beverages by a licensed wholesaler;

6. Be employed directly or indirectly in the manufacturing, bottling, importing or wholesaling of spirits and simultaneously be employed by a retail licensee;

7. Provide or offer to provide point-of-sale material to licensees;

8. Solicit licensees on Sundays except at conventions, trade association meetings, and similar gatherings as permitted in *subdivision D 3*;

9. Solicit licensees on any premises other than on their licensed premises or at conventions, trade association meetings or similar gatherings as permitted in *subdivision D3*;

10. Solicit or promote any brand or brands of distilled spirits without having on file with the board a letter from the manufacturer or brand owner authorizing the permittee to represent such brand or brands in the Commonwealth; or

11. Engage in solicitation of distilled spirits other than as authorized by law.

F. Refusal, suspension or revocation of permits.

1. The board may refuse, suspend or revoke a permit if it shall have reasonable cause to believe that any cause exists which would justify the board in refusing to issue such person a license, or that such person has violated any provision of this section or committed any other act that would justify the board in suspending or revoking a license.

2. Before refusing, suspending or revoking such permit, the board shall follow the same administrative

procedures accorded an applicant or licensee under the Alcoholic Beverage Control Act and regulations of the board.

§ 9. Sunday deliveries by wholesalers prohibited; exceptions.

Persons licensed by the board to sell alcoholic beverages at wholesale shall make no delivery to retail purchasers on Sunday, except to ships sailing for a port of call outside of the Commonwealth, or to banquet licensees.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

Title of Regulation: VR 394-01-02. Virginia Certification Standards for Building Inspection Personnel, Amusement Device Inspectors, Blasters, Plumbers, Electricians and Building Related Mechanical Workers/1990 (Formerly: Certification of Tradesmen Standards/1987).

Statutory Authority: §§ 27-97, 36-98.3, 36-137 and 36-139 of the Code of Virginia.

Public Hearing Date: August 20, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The 1990 edition of the Virginia Certification Standards for Building Inspection Personnel, Amusement Device Operators, Blasters, Plumbers, Electricians and Building Related Mechanical Workers is a statewide, uniform regulation that must be used by every local governing body that chooses to require certification of plumbers, electricians and building related mechanical workers as to ability, proficiency and qualifications. The regulation also provides for certification by the Department of Housing and Community Development of building inspection personnel, amusement device inspectors and blasters.

These regulations have been revised to incorporate changes based on review by the Tradesman Certification Ad Hoc Committee established by the Department of Housing and Community Development, public comment submitted by interested parties, and recommendations of the Attorney General's Office. The following is a summary of those changes: (i) The title and scope of the regulation has been changed to include building inspection personnel, amusement device inspectors, and blasters. This change was necessary to provide standards for certification of persons enforcing building regulations promulgated by the Board of Housing and Community Development and to establish minimum standards for the certification of persons using explosives or blasting agents. (ii) Part II of the regulation for certification of tradesmen has been amended to allow localities

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adopting the standards to provide for temporary certification of journeyman and master tradesmen and to allow experience to substitute for formal vocational training for journeyman certification.

VR 394-01-02. Virginia Certification Standards for Building Inspection Personnel, Amusement Device Inspectors, Blasters, Plumbers, Electricians and Building Related Mechanical Workers/1990.

PART I. GENERAL.

§ 1. § 1.1. Definitions.

The terms used in these standards shall have the following meaning:

"Agent" means the person designated by the county, city, or town, according to local ordinance, to examine and determine an applicant's qualifications for certification.

"Agricultural blasting" means any blasting operation which is conducted on real estate devoted to agricultural or horticultural use as defined in § 58.1-3230 of the Code of Virginia, and no less than five acres in area.

"Apprentice" means a person who assists tradesmen while gaining knowledge of the trade through on-the-job training and related instruction in accordance with the Voluntary Apprenticeship Act, § 40.1-120 of the Code of Virginia.

"Approved" means approved by the Department of Housing and Community Development.

"Blaster (shot firer)" means the qualified person in charge of, and responsible for, the loading and firing of an explosive or blasting agent.

"Board" means the board established by a county, city, or town, according to local ordinance, to examine and determine an applicant's qualification for certification Board of Housing and Community Development .

"Building-related mechanical worker" means a tradesman who does building-related mechanical work, including heating, air conditioning, and ventilation.

"Contractor" means a person licensed according to § 54-113 § 54.1-1100 of the Code of Virginia who for a fixed price, commission, fee or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing or superintending the construction, removal, repair or improvement of any building or structure owned, controlled or leased by another person.

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

"Division" means a subcategory within a trade as

designated in the publication "Tradesman Certification Program" published by the Division of Building Regulatory Services limited certification subcategory within any of the trades, as approved by the department .

"Electrical work" consists of, but is not limited to the following: Plan and layout of detail for installation or modifications of electrical apparatus and controls; preparation of sketches showing location of wiring and equipment; Measures, cuts, bends, threads, assemblies and installs electrical conduits; Performs maintenance on electrical systems and apparatus; Observation of installed systems or apparatus to detect hazards and need for adjustments, relocation or replacement; Repairs faulty systems or apparatus.

"Electrician" means a tradesman who does electrical work including, but not limited to, installing, repairing and maintaining electrical systems and equipment .

"Formal vocational training" means courses in the trade administered at an accredited educational facility; or formal training, approved by the department, conducted by trade associations, businesses, military, correspondence schools, or other similar training organizations.

"Helper" or *"laborer"* means a person who assists a tradesman certified according to these standards.

"Journeyman" *"Journeymen"* means a person who possesses the necessary ability, proficiency and qualifications to install, repair and maintain specific types of materials and equipment, utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code and according to plans and specifications. A tradesman shall be certified as a journeyman in each of the trades for which local certification is required in order to practice such trades as a journeyman.

"Local board" means the board established by a county, city or town, according to local ordinance, to examine and determine an applicant's qualifications for certification.

"Master" means a person who possesses the necessary ability, proficiency and qualifications to plan and lay out the details for installation and supervise the work of installing, repairing, and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Uniform Statewide Building Code ; and to plan and lay out the details for installation of specific types of materials and equipment that comply with the Virginia Uniform Statewide Building Code. A tradesman shall be certified as a master in each of the trades for which local certification is required in order to practice such trades as a master .

"National testing organization" means an independent testing organization whose main function is the development and administration of to develop and

administer examinations on a national basis.

"Plumber" means a tradesman who does plumbing work as defined by Volume I of the Uniform Statewide Building Code .

"Plumbing work" means the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage facilities, the venting system and the public or private water-supply systems within or adjacent to any building or structure.

"Supervision" means monitoring of the work in progress to determine assure that the final installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code.

"Supervisor" means the certified master tradesman who has the responsibility to determine that the final installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code.

"Trade" means any of the following: plumbing, building-related mechanical or electrical work, and divisions within the trade them .

"Tradesman""Tradesmen" means a person who engages in or offers to engage in, for the general public or for compensation, any of the trades covered by these standards.

§ 2. § 1.2. Authority and application .

A. These standards are established in accordance with The tradesmen standards are adopted under authority given by Chapter 1, § 15.1-11.4 of the Code of Virginia for use by counties, cities, and towns to be used for the certification of plumbing, building-related mechanical and electrical workers. These standards are not intended to affect licensing by local governments under other provisions of the Code of Virginia by local governments .

B. Localities shall forward a copy of their certification ordinance upon adoption or amendment to the Office of Professional Services.

B. The building official, technical assistants, and amusement device inspectors standards are adopted under authority granted by Chapter 6, §§ 36-137(6) and 36-98.3 of the Code of Virginia for the certification of building officials, technical assistants and amusement device inspectors.

C. The certification standards for blasters are adopted under Chapter 9 of Title 27 of the Code of Virginia.

E. D. The Department of Housing and Community Development shall be the administrative agency providing advisory interpretations concerning the application of these

standards.

E. These standards were adopted by order of the Board of Housing and Community Development on (DATE TO BE INSERTED). This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development and is available for public inspection.

F. The 1990 edition of these standards replaces previous editions. It shall become effective on (DATE TO BE INSERTED). Persons already enrolled in a certification program shall remain subject to the edition in effect at the time of enrollment. Subsequent enrollment shall be subject to the pertinent provisions of the standards in effect at the time of such action.

§ 1.3. Appeals.

Any person aggrieved by a decision based upon these certification standards may appeal that decision, in writing, within 90 days to the State Building Code Technical Review Board. The appeals process shall be made in accordance with the Virginia Uniform Statewide Building Code, Volume I.

PART II. CERTIFICATION OF TRADESMAN STANDARDS.

§ 3. § 2.1. Exemption from certification.

A. Plumbers, building-related mechanical workers, or electricians who were certified or licensed prior to July 1, 1978, in accordance with the certification or license provisions of the Commonwealth or any local government, shall be exempt from any further local certification requirement for the same trade.

B. Helpers or laborers who assist tradesmen that are required to be certified by local government shall be exempt from local certification.

C. Any person that performs plumbing, building-related mechanical, or electrical work on their own property rather than for the general public or for compensation shall be exempt from local certification.

D. Any person who installs television or telephone cables, or lightning arrestor systems shall be exempt from certification as an electrician. Installers of wood stove equipment, masonry or prefabricated chimneys, or duct systems shall be exempt from certification as a building-related mechanical worker.

E. Upon the adoption of a local ordinance pursuant to these standards, local governing bodies may exempt tradesmen, working in the trade, at the level of their expertise.

E. Upon initial adoption of the Tradesmen Certification

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Standards, a locality shall be entitled to issue temporary journeymen and master tradesmen certificates to applicants that furnish evidence documenting their competence to perform work at their desired level of certification.

1. Temporary journeymen and master tradesmen certificates shall be effective for a period of six months from the date of issuance. Localities may extend a temporary tradesmen certificate for no longer than one additional six-month period, if the locality determines that the certificate holder is making an effort towards certification and special circumstances exist.

2. Temporary journeymen and master tradesmen certificates shall be valid only in the jurisdiction of the issuing locality.

3. A temporary journeymen or master tradesmen certificate shall entitle the certificate holder to take the corresponding journeymen or master tradesmen certification examination.

4. Should the holder of a temporary journeymen or master tradesmen certificate fail to pass the appropriate certification examination by the expiration date of their temporary certificate, the individual shall be subject to the requirements of §§ 2.2.1 and 2.2.2 of these standards.

§ 4. § 2.2. Evidence of ability and proficiency.

A. An applicant must successfully complete an examination based on the edition of the Virginia Uniform Statewide Building Code in effect at the time of application in order to be issued a certificate and deemed certified.

B. The Department of Housing and Community Development may utilize national testing organizations that develop and administer examinations based on the current provisions of the Virginia Uniform Statewide Building Code and related standards, for plumbing, building related mechanical and electrical work and divisions within these trades.

§ 4.1. Journeyman § 2.2.1. Journeymen .

Applicants desiring to obtain certification for examination as a journeyman shall furnish evidence that one of the following experience and education standards have been attained:

A. 1. Four years of practical experience in the trade, and 240 480 hours of formal vocational training in the trade; however, experience may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 440 hours; or

B. 2. Successful completion of a Registered Apprenticeship Program established in accordance with the Virginia Voluntary Apprenticeship Act ; Apprentices that have completed a program prior to July 1, 1981, are to make application for certification with a locality; apprentices completing programs after July 1, 1981 are to make application with the Department of Labor and Industry, Apprenticeship Division ; or

C. 3. A Bachelor's Degree in the study of engineering in a curriculum related to the trade for which certification is desired, and one year of practical experience in the trade for which certification is desired.

§ 4.2. § 2.2.2. Master.

A. Applicants desiring to obtain certification as a Master shall furnish evidence that they have one year of experience as a certified journeyman.

B. Individuals who have successfully passed the Class A contractors exam prior to January 1, 1991, administered by the Virginia Board for Contractors in a certified trade shall be deemed qualified as a master in that trade in accordance with these standards.

§ 5. Alternate qualification method.

Individuals who have successfully passed the Class A contractor's exam administered by the Virginia Board for Contractors in a certified trade shall be qualified as masters in that trade in accordance with these standards.

§ 6. Examination and testing for determination of qualifications.

A. An applicant shall successfully complete an examination to be issued a card and deemed certified.

B. The Department of Housing and Community Development may utilize national testing organizations that develop and administer examinations based on the current provisions of the Virginia Uniform Statewide Building Code, and related standards, for plumbing, building-related mechanical and electrical, and divisions within these trades.

C. The local agent or board shall:

1. Forward qualifying applications to the national testing organizations, designated by the department, which will administer the appropriate examination.

2. Receive and examine the test results from the organization.

3. Issue certificates, provided by the department, to applicants successfully completing the examination.

D. In case of failure of an examination, the applicant shall be eligible for reexamination at the next designated examination date. One who fails such reexamination, or subsequent reexaminations, will not be eligible for one year from the date of the last examination.

§ 7. Certificates.

A. The governing body of any county, city or town that has adopted a local ordinance to certify tradesmen shall issue to persons complying with these standards the certificate provided by the department. Such certificate shall be filled in by the agent or board. In lieu of the social security number, a number unique to the applicant and acceptable to the agent or board may be used.

§ 7.1. Temporary certificates.

A. The agent or board may issue a temporary certificate, furnished by the department, to an applicant who holds a license or certificate issued by another state in the trade for which certification is desired, or to an applicant who furnishes evidence to the agent or board that documents the applicant's competence to perform work at the level of certification.

§ 7.2. Exemption card.

Section 36-90.1 of the Code of Virginia establishes that tradesmen who were certified or licensed prior to July 1, 1978, according to the certification or licensing provisions of the Commonwealth or any local government shall be exempt from any further local certification requirement for the same trade. The department will provide certificates to localities for individuals who are exempt in accordance with § 36-90.1 of the Code of Virginia or by action of local ordinance in accordance with § 3(E) of these standards.

§ 2.3. Application and issuance of certificates.

A. The applicant shall present to the local agent evidence of successful completion of an examination based on the current edition of the Virginia Statewide Building Code.

B. The local agent shall receive and review the applications and issue certificates, provided by the department, to applicants who have successfully completed the appropriate examination.

C. Apprentices that completed a program prior to July 1, 1981, shall make application for certification with a locality; apprentices completing programs after July 1, 1981, shall make application with the Department of Labor and Industry, Apprenticeship Division.

§ 8. § 2.4. Revocation of certification.

Certification may be revoked for misrepresentation or fraud upon a fraudulent application, or for incompetence

as demonstrated by an egregious or repeated violations of the Virginia Uniform Statewide Building Code.

The Department of Housing and Community Development shall be notified by the local board or agent when a certification has been revoked in accordance with provisions of these standards.

§ 8. Appeals.

Each local governing body shall establish a Board of Appeals. The local Board of Appeals shall consist of not less than five members appointed by the local government. Members shall be selected on the basis of their ability to render fair and competent decisions. Employees or officials of the local government appointing the Board of Appeals shall not serve as members. The agent shall designate an employee to serve as secretary to the Board of Appeals, who shall keep a detailed record of all proceedings. The Board of Appeals shall hear appeals concerning the application of these standards or from a decision of the local agent or certification board. Application for appeals shall be in writing and made within 90 days of receipt of the decision of the agent or certification board. The appeals board must meet within 20 working days of the filing of an appeal. All hearings shall be public and conducted in accordance with the applicable provisions of the Administrative Process Act, § 0-6.14 of the Code of Virginia. The agent or certification board shall take immediate action in accordance with the decision of the Board of Appeals. Appeals from the local Board of Appeals shall be made to the department within 15 days of receipt of the decision of the local appeals board. Appeals from a decision of the department shall be to the court of the original jurisdiction in accordance with the Administrative Process Act.

PART III. CERTIFICATION PROGRAM FOR BUILDING OFFICIALS AND INSPECTORS.

§ 3.1. Exemption from certification.

A. An individual employed as the building official in any locality in Virginia prior to April 1, 1983, shall be exempt from certification while employed as the building official in that jurisdiction. This exemption shall not apply to subsequent employment in another jurisdiction, or a change in area of inspection discipline.

B. An individual employed as the building, electrical, plumbing, mechanical, fire protection systems inspector or plans examiner in Virginia prior to March 1, 1988, shall be exempt from certification while employed as the technical assistant in that jurisdiction. This exemption shall not apply to subsequent employment as a technical assistant in another jurisdiction.

§ 3.2. Certification.

To be eligible for certification an applicant shall meet

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the following criteria:

1. The applicant shall be qualified according to Volume I of the Uniform Statewide Building Code (USBC).
2. The applicant shall successfully complete an examination developed and administered by an approved testing agency listed in Appendix A.
3. The applicant shall complete designated programs of the Virginia Code Academy.
4. The applicant shall submit an Application for Certification along with a copy of examination results from the testing agency to the Professional Services Office.

§ 3.3. Maintenance of certification.

A. A certificate issued under the Virginia Certification Standards shall expire three years from January 1 of the year in which the certificate is issued.

B. To maintain certification a certificate holder shall attend programs of instruction approved by the Department of Housing and Community Development after each code change cycle of the Uniform Statewide Building Code (USBC) and Virginia Statewide Fire Prevention Code (VFPC).

C. Certificate holders are responsible for notifying the Department of Housing and Community Development of address changes prior to the renewal date of their certification.

§ 3.4. Revocation of certification.

The board may revoke the certification for any of the following:

1. Any willful misrepresentation in obtaining or renewing the certification.
2. Gross negligence or continued incompetence in the practice of the profession.

PART IV. BLASTER CERTIFICATION.

§ 4.1. Exemption from certification.

Individuals conducting agricultural blasting operations on their own property are not required to be certified as a blaster.

§ 4.2. Certification.

An applicant shall successfully complete an examination developed and administered by a recognized and approved testing agency listed in Appendix A.

§ 4.3. Qualifications of candidates.

An applicant for a blaster's certification shall meet the following criteria:

1. Be at least 21 years of age;
2. Be able to understand and give written and oral instructions in the English language;
3. Have worked at least one year under the direct supervision of a blaster certified by the Commonwealth of Virginia or another authority recognized by the Department of Housing and Community Development;
4. Have a working knowledge of federal, state, and local laws and regulations pertaining to explosive materials.

§ 4.4. Temporary certification.

A temporary certificate may be issued to any person who meets the applicant criteria listed in § 4.3 and who was employed as a blaster prior to filing the application for the temporary certificate. Any temporary certificate issued before January 1, 1992, shall expire on January 1, 1993. Any temporary certificate issued after January 1, 1992, shall expire 12 months from the date of issuance.

§ 4.5. Renewal.

A blasters certificate shall be renewed every three years. Requests for renewal shall be submitted on forms provided by the department.

§ 4.6. Revocation or suspension of certification.

The Department of Housing and Community Development may revoke or suspend certification issued under the provisions of this regulation if conditions of the certification have been violated, or if there has been any false statement or misrepresentation in the application on which the certification was based.

APPENDIX A. TESTING AGENCIES.

The following testing agencies have been approved by the Department of Housing and Community Development for administering the exams. Other exams may be approved on an individual basis. Requests for exam approval shall be submitted to the department.

Professional Code Administrator

Information and registration forms may be obtained from:

NAI, Inc.
National Assessment Institute
2817 Parham Road

Richmond, VA 23294
(804) 747-3297

Council of American Building Officials (CABO)
5203 Leesburg Pike
Suite 708
Falls Church, VA 22041
(703) 931-4533

Inspection Certification Program

Information and registration forms may be obtained from:

Certification Training and Education Services
BOCA International
4051 West Flossmoor Road
Country Club Hills, IL 60477
(708) 799-2300

Educational Testing Service
(National Certification Program for Construction Code Inspectors)
CN 6508
Princeton, New Jersey 08541-6508
(609) 921-9000

National Association of Elevator Safety Authorities
P.O. Box 15643
Phoenix, Arizona 85060
(602) 266-9701

Amusement Device Inspector Program

Information and registration forms may be obtained from:

NAI, Inc.
National Assessment Institute
2817 Parham Road
Richmond, VA 23294
(804) 747-3297

Blaster Certification Program

(Test currently under development by NAI)

Title of Regulation: VR 394-01-04. Virginia Amusement Device Regulations/ 1987 1990 .

Statutory Authority: §§ 36-98, 36-98.3 and 36-137 of the Code of Virginia.

Public Hearing Date: August 20, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The 1990 edition of the Virginia Amusement Device Regulations provide for the administration and

enforcement of uniform, statewide standards for the construction, maintenance, operation and inspection of amusement devices, whether mobile or affixed to a site. These regulations supplement the provisions of the Uniform Statewide Building Code for the purpose of protecting the health, safety, and welfare of amusement device users. The technical requirements of the Amusement Device Regulations are based on standards developed by the American Society for Testing and Materials (ASTM). Provisions are included in the regulations for the inspection of amusement devices, reports and investigation of accidents, certification and conduct of operators, and an administrative appeals system for the resolution of disagreements between building officials and amusement device owners and operators.

The major change in this edition was to adopt the 1989 ASTM Standards on Amusement Rides and Devices. Language was added to § 400.1 to require operators of amusement devices manufactured prior to 1978 to provide specific information to persons inspecting the rides. Changes were made to §§ 700.3 and 1600.1 to delete the "per person" insurance requirement. These changes, and other minor changes to clarify the requirements of inspectors and to change Addendum 1 to Appendix A, were made as a result of information submitted during the public input process.

VR 394-01-04. Virginia Amusement Device Regulations/1990.

1987 1990 EDITION.

VIRGINIA AMUSEMENT DEVICE REGULATIONS.

SECTION 100.0. GENERAL.

100.1. Title: These regulations shall be known as the Virginia Amusement Device Regulations ("VADR"). Except as otherwise indicated, VADR and regulations, as used herein, shall mean the Virginia Amusement Device Regulations.

100.2. Authority: The VADR is adopted under authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6 (§ 36-97 et seq.) of Title 36 of the Code of Virginia. The VADR is intended to supplement the provisions of the Virginia Uniform Statewide Building Code (USBC).

100.3. Adoption: The 1990 edition of the VADR was adopted by order of the Board of Housing and Community Development on December 14, 1987 (DATE TO BE INSERTED). This order was prepared according to requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

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100.4. Effective date: The 1987 1990 edition of the VADR shall become effective on March 1, 1988 (DATE TO BE INSERTED). The construction of any amusement device that was subject to a previous edition of the USBC when constructed, shall remain subject to the edition of the USBC in effect at the time of construction. Subsequent reconstruction, reassembly, maintenance, operation and inspection of such devices shall be subject to the pertinent provisions of the VADR in effect at the time of such action.

100.5. Application: The VADR shall govern the construction, maintenance, operation and inspection of amusement devices, whether mobile or permanently fixed to a site including kiddie rides defined by section 200.0 of these regulations. These regulations do not apply to any single passenger coin-operated ride, manually, mechanically, or electrically operated, which customarily is placed, singularly or in groups, in a public location and which does not normally require the supervision or service of an amusement ride operator and is not considered a kiddie ride for the purpose of these regulations, or to nonmechanized playground equipment, including swings, stationary spring-mounted animal features, rider propelled merry-go-rounds, climbers, slides, trampolines, swinging gates, and physical fitness devices except where an admission fee is charged for usage or an admission fee is charged to areas where such equipment is located. To the extent they are not superseded by the provisions of these regulations, all other state and local laws and regulations shall apply to amusement devices. The VADR does not supersede zoning ordinances or other land use controls that do not affect the manner of construction or materials to be used in the construction, maintenance, operation and inspection of amusement devices.

SECTION 200.0. DEFINITIONS.

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

"Amusement attraction" means any building or structure around, over or through which people may move or walk, without the aid of any moving device integral to the building structure, that provides amusement, pleasure, thrills, or excitement.

"Amusement device" means a device or structure open to the public by which persons are conveyed or moved in an unusual manner for diversion.

"Amusement park" means a tract or area used principally as a location for amusement devices permanently fixed to the site.

"ASTM" means American Society for Testing and Materials.

"Board" means the Board of Housing and Community Development.

"Carnival" means an itinerant enterprise consisting principally of portable amusement devices temporarily situated at a site.

"Certificate of inspection" means a certificate issued by the building official, pursuant to section 1500.0 of these regulations.

"Committee" means the Amusement Device Technical Advisory Committee.

"Construction" means the initial construction or manufacture of amusement devices. "Construction" does not include reassembly of existing devices.

"Director" means the Director of the Department of Housing and Community Development or his designee.

"Fair" means an enterprise principally devoted to the periodic and recurring exhibition of products of agriculture, industry, education, science, religion, or the arts that has one or more amusement devices, either portable or permanently fixed to the site, operated in conjunction with the exhibition.

"First aid" means the one time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, or a diagnostic procedure, including examination and X-rays, which does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.

"Inspector" means a person authorized by the building official to perform the inspections required herein.

"Kiddie ride" means an amusement ride designed primarily for use by children up to 12 years of age, that requires simple reassembly procedures prior to operation, and that does not require complex inspections prior to operation.

"Major modification" means any change in either the structural or operational characteristics of the ride or device which will alter its performance or structural integrity from that specified in the manufacturer's design criteria.

"Minor injury" means sprains, abrasions, bruises, and lacerations less than three inches.

"Operator" means any person or persons actually engaged in or directly controlling the operation of an amusement device.

"Owner" means a person who owns an amusement device, including the state or its political subdivision, or in the event the amusement device is leased, the lessee, or the agent of either.

"Permit" means written authorization given by the local building official to construct, reassemble or locate an

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amusement device so as to make ready for operation. Issuance of a permit does not give authority to operate without a certificate of inspection.

"*Reassembly*" means the act of placing the component parts of an existing device into a configuration which allows its use and operation.

"*Review board*" means the State Building Code Technical Review Board as established by § 36-108 of the Code of Virginia.

"*Serious injury*" means an injury that requires medical treatment by a physician other than minor injuries or first aid.

SECTION 300.0. TECHNICAL ADVISORY COMMITTEE.

300.1. Membership: In appointing an Amusement Device Technical Advisory Committee, the board shall include representatives from the following groups:

1. Ride manufacturers,
2. Owners or operators of carnivals, amusement parks and fairs,
3. Mechanical or structural engineers,
4. Insurance underwriters, and
5. Members of the general public.

300.2. Term of membership: The members of the Technical Advisory Committee established by § 36-98.3(C) of the Code of Virginia, shall each serve for initial staggered terms of two and three years. Thereafter, appointments shall be for three years, with a provision for reappointment at the pleasure of the board.

SECTION 400.0. REFERENCE STANDARDS.

400.1. Adoption of standards: The construction, maintenance, operation and inspection of amusement devices shall be done in accordance with the standards adopted by ASTM and which are set forth in *Addendum Appendix A*.

If a ride was manufactured prior to the development of the ASTM standards (1978), the information listed in the referenced edition of ASTM 698, §§ 3.1 through 3.6, shall be available at the time of inspection.

Where differences occur between provisions of the VADR and the referenced standards, the provisions of the VADR shall apply.

SECTION 500.0. ENFORCEMENT.

500.1. Responsibility of local governments: Enforcement of these regulations shall be the responsibility of the local

building department in accordance with § 36-105 of the Code of Virginia. Inspections under these regulations shall be performed by:

1. The local building official or his representative when such official or representative has been certified by the board to inspect amusement devices pursuant to ~~§ 36-137(G)~~ § 36-137(6) of the Code of Virginia; or, at the option of the owner or lessee or agent of either.
2. Persons from other departments of state government, local government, or private industry, when such personnel have been certified by the board to inspect amusement devices pursuant to ~~§ 36-137(G)~~ § 36-137(6) of the Code of Virginia; or
3. Employees of insurance companies providing coverage for claims arising out of the use of the amusement device being inspected, when such personnel have been certified by the board to inspect amusement devices pursuant to ~~§ 36-137(G)~~ § 36-137(6) of the Code of Virginia.

500.2. Qualifications of inspectors:

1. Any person seeking to become qualified to perform amusement device inspections pursuant to section 500.1 of these regulations shall successfully complete certification requirements in accordance with the Board of Housing and Community Development's certification program for building officials and inspectors.

2. Notwithstanding any regulation to the contrary, no exemption shall be permitted from the requirements for certification for any person including local building officials and their representatives to inspect amusement devices.

500.3. Credentials: The building official, state personnel, or any certified inspector shall carry proper credentials of authorization provided by the Department of Housing and Community Development when enforcing any provision of these regulations.

SECTION 600.0. DUTIES AND POWERS OF THE BUILDING OFFICIAL.

600.1. General: The building official shall enforce the provisions of the VADR as provided herein, and as interpreted by the State Building Code Technical Review Board in accordance with § 36-118 of the Code of Virginia.

600.2. Applications and permits: The building official shall receive applications and issue permits for the construction, reassembly, operation and inspection of amusement devices.

600.3. Notices and orders: The building official shall issue necessary notices or orders to remove unsafe conditions, to

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require the necessary safeguards during construction or reassembly and to ensure compliance with all the VADR requirements for the health, safety and general welfare of the public.

600.4. Inspections: The building official shall make or cause the required inspections to be conducted in accordance with section 1000.0 of these regulations, or shall accept reports of inspection by individuals certified to perform amusement device inspections when the owner or lessee of the amusement device has exercised the option of using private inspectors. Reports of such inspections shall be in writing and signed by the certified individual.

600.5. Delegation of duties and powers: The building official may delegate duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the VADR.

600.6. Fees: Fees may be levied by the local governing body in order to defray the cost of enforcement and appeals in accordance with § 36-105 of the Code of Virginia.

600.6.1. Fee schedule: A schedule of fees shall be established by the local government and shall be made available to the public upon request. The fee schedule adopted by the local government shall not exceed the fee schedule set by the Board of Housing and Community Development. The board shall review the fee schedule at least tri-annually and shall adjust the fee schedule as proven necessary. The fees shall be based on the actual cost of administrative activities and inspections performed by local government personnel. The local government shall not establish a fee schedule resulting in fees that exceed the actual costs of the activities performed by local government personnel. The fee schedule shall have provisions for fee reduction if private inspectors are utilized by the owner or lessee. When an inspector not an employee of the local governing body is retained by an owner, the owner shall pay the inspector's fees directly. When an inspector not an employee of the local governing body is retained by the local building department, that department shall pay the inspector's fees.

SECTION 700.0. APPLICATION FOR PERMIT.

700.1. When permit is required: Written application shall be made to the building official when a permit is required. A permit shall be issued by the building official before any of the following actions subject to the VADR may be commenced:

1. Constructing and operating an amusement device permanently fixed to a site.
2. Reassembling and operating any portable amusement device.

700.2. Who may apply for a permit: Application for a permit shall be made by the owner or lessee of the amusement device or agent of either.

700.3. Information for application: The application for a permit shall be submitted on forms supplied by the building official. The forms shall require the following information:

1. Name of the owner, lessee, or agent of either.
2. Identification of the person(s) authorized to accept service of process on behalf of the owner or lessee.
3. A general description of the amusement devices, their location, and the work or operation proposed.
4. Proof of financial responsibility in a minimum amount of ~~\$100,000 per person~~ and \$300,000 per occurrence. Such proof may be demonstrated by a bond or cash reserve, or certificate or policy of insurance providing coverage for liability arising out of the use or operation of the amusement device.

SECTION 800.0. MODIFICATION.

800.1. Modifications: If an owner or operator finds that compliance with the amusement device regulations or decision of the local building official presents a practical difficulty or undue hardship, the owner or operator may apply to the local building official for a modification of the regulation or decision. Such modification may be granted provided the spirit and intent of these regulations are observed, and public health, welfare and safety are assured.

800.2. Alternative design, materials, and equipment: Where there is an alternative design, material or equipment, the owner may apply to the local building official for a modification of the VADR relating to such design, material or equipment. Upon application of the owner, the building official may modify the provisions of the VADR relating to amusement device design or building materials, equipment, devices or assemblies provided the proposed alternatives are satisfactory and comply with the intent of the VADR and the standards incorporated therein, and are, for the purposes intended, at least the equivalent of that prescribed in the VADR for quality, strength, effectiveness, durability and safety.

800.3. Records: The application for modification and the final decision of the building official shall be in writing and shall be officially recorded with the copy of the certificate of inspection in the permanent records of the local building department.

SECTION 900.0. AMUSEMENT DEVICE PERMITS.

900.1. Action on application: The building official shall examine all applications for permits within five days after filing. If the application does not conform to the

requirements of the VADR, the building official shall reject such application in writing, stating the reasons for rejection. If the building official is satisfied that the proposed work or operation conforms to the requirements of the VADR and all applicable laws and ordinances, a permit shall be issued as soon as practicable. For purposes of coordination, the local governing body may require reports to the building official by other departments as a condition for issuance of a permit and certificate of inspection. Such reports shall be based upon review of the application or inspection of the project as determined by the local governing body.

Note: Before issuing a permit, the building official should consider the effects of any applicable regulations of other governmental agencies so that proper coordination may be achieved before the work is commenced.

900.2. Signature on permit: The signature of the building official or his authorized representative shall be attached to every permit.

900.3. Annual permit: Instead of an individual permit for each reassembly of an already approved amusement device, the building official may issue an annual permit.

900.4. Revocation of permits: The building official may revoke a permit or approval issued under the provisions of the VADR in case of any false statement or misrepresentation of fact in the application on which the permit or approval was based.

SECTION 1000.0. INSPECTIONS.

1000.1. Preliminary inspection: Before issuing a permit, the building official may examine all sites for which an application has been filed for a permit to construct, reassemble or operate an amusement device.

1000.2. Required inspections: After issuing a permit, the building official shall conduct inspections from time to time during construction or reassembly or shall accept inspection reports from *independent* private inspectors employed by the owner or lessee, and may conduct inspections of the operation of amusement devices or may require the owner or lessee to provide reports from private inspectors for inspections conducted during operation of the amusement device(s). A record of such inspections shall be maintained by the building official.

1000.2.1. Right of entry: The building official may inspect amusement devices for the purpose of enforcing the VADR in accordance with the authority granted by §§ 36-105 and 36-98.3(D) of the Code of Virginia.

1000.3. Minimum inspections: As part of their inspections, inspectors shall perform, but are not limited to the following actions:

1. Inspect all amusement devices permanently fixed to

a site,

- a. Prior to each seasonal operation; and
- b. Prior to operation following any major modification; and
- c. At least once during the operating season.

2. Inspect all portable amusement devices after each reassembly and prior to operation except that the inspector may accept a valid certificate of inspection which was issued with respect to a "kiddie ride" by another inspector certified in Virginia. If an inspector chooses to inspect a kiddie ride which has a valid certificate of inspection, no fee shall be charged. If upon inspection, the inspector finds that a device is not in compliance with applicable standards, the certificate of inspection may be declared invalid.

3. Verify that nondestructive testing has been conducted by a recognized testing agency as prescribed by the device manufacturer and in accordance with ASTM.

4. At the discretion of the inspector, verify that the operation and maintenance of amusement devices is in accordance with the requirements of these regulations and the standards referenced therein.

5. Inspect any amusement device upon the request of the director or local building official following a report or other notification that the device or one of substantially similar design and construction has been involved in an accident resulting in a fatality or serious injury.

6. Investigate any report or other notification of a problem or a defect with respect to an amusement device and inspect the device at the request of the director or the building official to determine whether it poses a hazard or threat of injury to the public.

7. Upon completion of the amusement device, and before issuance of the certificate of inspection, a final inspection shall be made to ensure that the device conforms with the VADR.

1000.4. Notice of readiness for inspection: Every owner or operator of an amusement device shall notify the local building official when an amusement device or one that has undergone major modifications is scheduled to be ready and available for inspection.

In addition, every owner or operator of an amusement park shall notify the local building official when each amusement device located within the park is scheduled to be ready for inspection prior to its seasonal operation.

Every owner or operator of a carnival or fair shall notify the local building official of the date each

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amusement device is scheduled to be reassembled and ready for inspection on a site.

Note: Although no requirements are imposed on owners or operators with respect to time for giving notice of readiness for inspection, owners and operators are cautioned to refer to sections 900.1 and 1000.5 of these regulations which require the building official to perform certain duties within five days of application or notice. Owners or operators failing to give at least five days notice of readiness for inspection will only be inspected by the building official or his authorized representative at their pleasure or convenience.

1000.5. Inspections to be prompt: The inspector shall respond to inspection requests without unreasonable delay. When given at least five days notice of readiness for inspection, the inspector shall inspect on the date designated by the owner or operator. The inspector shall approve the device or give written notice of defects to the owner or operator. Such defects shall be corrected and the amusement device reinspected before operation or proceeding with any work that would conceal the defects.

SECTION 1100.0. ACCIDENTS.

1100.1. Owner/operator to suspend operation: An owner or operator shall immediately suspend operation of any amusement device which is involved in an accident resulting in fatality or serious injury.

1100.2. Reports: Every owner or operator of an amusement device shall report to the director and the local building official, within 24 hours of learning of any accident involving the amusement device which results in a fatality or serious injury. Such report shall include but is not limited to the following information:

1. A description of the amusement device including the name of the manufacturer and the date the device was originally constructed, if available.
2. A description of the accident including the number of people involved, number and type of injuries, number of fatalities.
3. Cause of accident if determined.

1100.3. Owner's authority to resume operation: The owner, lessee or agent of either may resume operation of an amusement device following suspension of operation under this section if, after conducting an investigation, the owner, lessee, or agent determines that the incident was in no way the result of a failure or malfunction of the device or any of its operating or safety equipment. Any investigation conducted under this section shall include (i) examination of the accident scene, (ii) interviews with witnesses, if any, (iii) review of statements made by the injured person, if any, and (iv) trial operation and inspection of the amusement device. A written record of such

investigation shall be made and submitted to the local building official or his designee.

The decision of the owner or operator not to resume operation of the amusement device shall not be construed as an admission that the incident was caused by the failure or malfunction of the device. Nothing in this section shall be construed to waive the requirements of notification of the occurrence set forth in section 1100.2.

SECTION 1200.0. QUALIFICATION OF OPERATORS.

1200.1. Minimum age: No amusement device shall be operated by a person under 16 years of age, except that this provision shall not apply to a child under 16 years of age employed by his parents in an occupation not declared hazardous by the Commissioner of Labor and Industry.

1200.2. Requirements:

1. An operator may not operate more than one amusement device at a time unless the devices are within the sight of the operator and are operated by a common control panel or station, except that in the case of kiddie rides, two rides may be operated in unison under the continuous and common control of one operator provided that the farthest point of operation of either device is no more than 35 feet and the control is equipped with a positive pressure switch.

2. An amusement device shall be attended by an operator at all times during operation.

1200.3. Conduct; authority:

1. No amusement device shall be operated by an operator while under the influence of alcohol.

2. No amusement device shall be operated by an operator while under the influence of drugs which may affect the operator's judgment or ability to assure patrons' safety.

3. The operator has the authority to prohibit use of amusement devices by individuals who may present a safety threat to others or to themselves.

1200.4. Training: The ride operator shall be trained in the proper use and operation of the ride as required by ASTM F770 and ASTM F853 listed in ~~Addendum~~ *Appendix A*.

SECTION 1300.0. SUSPENSION OF OPERATION.

1300.1. When director or local building official may order: The director or local building official shall order, in writing, a temporary suspension of operation of an amusement device if the director or local building official has reason to believe that the device is hazardous or unsafe, or if the director or local building official receives a report or is otherwise notified that the amusement

device has been involved in an accident resulting in fatality or serious injury.

The director or local building official may order, in writing, a temporary suspension of operation of an amusement device if (i) the director or local building official receives a report or is otherwise notified that an amusement device or one of substantially similar design has been involved in an accident resulting in a fatality or serious injury; and (ii) an inspection conducted in accordance with section 1000.0 of these regulations reveals that the ride is hazardous or poses a threat to the safety of the public.

1300.2. When operation to resume: When the operation of an amusement device has been suspended under this section, such operation shall not resume until any hazardous or unsafe condition has been corrected and a certificate of inspection has been issued with respect to such device.

SECTION 1400.0. VIOLATIONS.

1400.1. Code violations prohibited: No person, firm or corporation shall construct, reassemble, maintain, operate or inspect any amusement device regulated by the VADR, or cause same to be done in conflict with or in violation of any of the provisions of the VADR.

1400.2. Notice of violation: The building official shall serve a notice of violation on the person responsible for the construction, reassembly, maintenance, operation or inspection of any amusement device in violation of the provisions of the VADR, or in violation of plans and specifications approved thereunder, or in violation of a permit or certificate issued under the provisions of the VADR. Such order shall direct the discontinuance and abatement of the violation.

1400.3. Prosecution of violation: If the notice of violation is not complied with promptly, the building official shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the use of any amusement device in violation of the provisions of the VADR.

1400.4. Violation penalties: Violations are a misdemeanor in accordance with § 36-106 of the Code of Virginia. Violators, upon conviction, may be punished by a fine of not more than \$1,000.

1400.5. Abatement of violation: Conviction of a violation of the VADR shall not preclude the institution of appropriate legal action to prevent other violations or recurring violations of the VADR relating to construction, reassembly, maintenance, operation or inspection of any amusement device.

SECTION 1500.0. CERTIFICATES OF INSPECTION.

1500.1. When certificate required: No amusement device shall be operated unless a certificate of inspection has been issued with respect to that device. A copy of the certificate shall be affixed to the entrance of the device in plain view of riders or patrons.

1500.2. Requirements: A certificate of inspection shall be issued to an owner or operator after an inspection conducted pursuant to section 1000.0 of these regulations indicates that the device is in satisfactory working order and poses no hazard or threat to the safety of the public.

1500.3. Term: A certificate of inspection will be valid:

1. Until the device is disassembled except that a certificate of inspection issued with respect to a kiddie ride shall be valid until July 31 of the calendar year in which it was issued, regardless of whether the device is disassembled; or
2. Until any major modification or alteration is made to the device; or
3. Until the inspection required by section 1000.0 is conducted on fixed site devices; or
4. Until termination of the proof of financial responsibility required by section 1600.0.

1500.4. Contents of the certificate of inspection: When an amusement device is entitled thereto, the building official shall issue a certificate of inspection. When the certificate is issued, the device shall be deemed in compliance with the VADR. The certificate shall specify the use of the amusement device, the type of construction, the occupancy load of the device, the date on which the certificate was issued, the term of the certificate, and any special stipulations and conditions. The certificate shall also include the name of the building official or his representative and a telephone number where they may be reached in case of an emergency or accident.

SECTION 1600.0. FINANCIAL RESPONSIBILITY.

1600.1. Proof of financial responsibility: The owner shall provide proof of financial responsibility in a minimum amount of \$100,000 per person and \$300,000 per occurrence. Such proof shall be demonstrated by a bond or cash reserve, or certificate of insurance providing coverage for liability arising out of the use or operation of the amusement device.

1600.2. Termination of financial responsibility: Each owner or operator of an amusement device shall report immediately to the director and to the local building official that the proof of financial responsibility required by this section will be terminated and shall include in the report the date of such termination.

SECTION 1700.0. APPEALS.

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1700.1. Assistance from director: An owner of an amusement device aggrieved by a decision of the building official may request the director to assist the building official and the owner in resolving any questions arising from the interpretation and application of these regulations. The director may request advice or assistance from members of the Technical Advisory Committee in resolving any questions.

1700.2. Appeal to review board: When the questions cannot be resolved with the assistance of the director, the owner may appeal to the State Building Code Technical Review Board. Application for review shall be made to the review board within 15 days of the decision of the building official. The review board may request advice or assistance from members of the Technical Advisory Committee when rendering a decision.

1700.3. Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the building official shall take immediate action in accordance with the decision.

1700.4. Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act.

SECTION 1800.0. CONTINUATION OF COMPLIANCE.

1800.1. Continued compliance required: Amusement devices constructed or manufactured before the effective date of the VADR shall be maintained, reassembled, operated and inspected in accordance with the provisions of the VADR. The construction and manufacture of such devices shall remain subject to the previous edition of the USBC in effect at the time the device was constructed or manufactured.

APPENDIX A Referenced Standards

The following is a listing of the standards referenced in this code, the date of the applicable edition of the standard, and the promulgating agency of the standard.

*ASTM - American Society of Testing and Materials
1916 Race Street
Philadelphia, Pennsylvania 19103*

F 698-88 Specification for Physical Information to be Provided for Amusement Rides and Devices

F 747-86 Definitions of Terms Relating to Amusement Rides and Devices

F 770-88 Practice for Operation Procedures for

Amusement Rides and Devices

F 846-86 Guide for Testing Performance of Amusement Rides and Devices

F 853-86 Practice for Maintenance Procedures for Amusement Rides and Devices

F 893-87 Guide for Inspection of Amusement Rides and Devices

F 1159-88 Practice for the Design and Manufacture of Amusement Rides and Devices

F 1193-88 Practice for an Amusement Ride and Device Manufacturer Quality Assurance Program

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NOTICE: Due to its length the Virginia Statewide Fire Prevention Code filed by the Board of Housing and Community Development is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Housing and Community Development.

Title of Regulation: VR 394-01-06. Virginia Statewide Fire Prevention Code/ ~~1987~~ 1990 .

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Public Hearing Date: August 20, 1990 - 10 a.m.
(See Calendar of Events section
for additional information)

Summary:

The 1990 edition of the Virginia Statewide Fire Prevention Code is a mandatory, statewide, set of regulations that must be complied with for the protection of life and property from the hazards of fire or explosion. Technical requirements of the Statewide Fire Prevention Code are based on the BOCA National Fire Prevention Code, a companion document to the BOCA National Building Code which is incorporated by the Uniform Statewide Building Code. The Fire Prevention Code supersedes all fire prevention regulations heretofore adopted by local government or other political subdivisions. Local governments are empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure. Local enforcement of this code is optional. The State Fire Marshal shall have authority to enforce the Fire Prevention Code in those jurisdictions in which the

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local governments do not enforce the code. An administrative appeals system is established for resolution of disagreements between the enforcing agency and aggrieved party.

The major change in this edition was to adopt the 1990 BOCA National Fire Prevention Code to update the reference standard. Article 1 contains some format changes to further clarify the requirements for appeals. A specific exemption was added in accordance with state law to allow the issuance of annual permits for blasting by any state regulated public utility. Addendum 2, the Public Building Safety Regulations in effect prior to March 31, 1986, has been deleted and will be printed under separate cover.

NOTICE: Due to its length the 1990 Edition of the Virginia Uniform Statewide Building Code, Volume I - New Construction Code filed by the Board of Housing and Community Development is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Housing and Community Development.

Title of Regulation: VR 394-01-21. Virginia Uniform Statewide Building Code, Volume I - New Construction Code/1990.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Public Hearing Date: August 20, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The 1990 edition of the Virginia Uniform Statewide Building Code, Volume I - New Construction Code is a mandatory, statewide uniform regulation which must be complied with in all buildings or structures hereafter constructed, altered, enlarged, repaired, or converted to another use group. Its purpose is to protect the health, safety and welfare of building users, and to provide for energy conservation, water conservation and accessibility for the physically handicapped and aged. Technical requirements of Volume I are based on the BOCA model codes.

The major change in this edition was to adopt the 1990 BOCA National Building Code to update the reference standard. Language was added to section 105.1 to provide an exemption to permit requirements for low voltage wiring. A new section 105.10.1 was added to allow statements by RFS inspectors to satisfy permit requirements in asbestos projects involving

roofing, siding, or flooring materials in accordance with changes to state law. New handicapped provisions are contained in § 512.0 to provide building accessibility and usability for the physically disabled, and to recognize the requirements of the Fair Housing Amendments Act (FHA) of 1988 passed by the United States Congress. The FHA specifies that certain features of adaptable design be provided in the new construction of multi-family dwellings. Changes concerning fire protection and floodproofing made to the 1987 editions of BOCA in Addendum 1 have been deleted due to consistent changes contained in the 1990 BOCA codes.

Title of Regulation: VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/ 1987 1990 .

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Public Hearing Date: August 20, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code is a mandatory, statewide, uniform set of regulations that must be complied with in all buildings to protect the occupants from health and safety hazards that might arise from improper maintenance and use. Enforcement procedures are provided that must be used when the Building Maintenance Code is enforced by local agencies.

The major change in this edition was to adopt the 1990 BOCA National Property Maintenance Code to update the reference standard. A new section PM-603.3 was added to require elevator and escalator inspections to be in accordance with ASME standard number A-17.1.

VR 394-01-22. Virginia Uniform Statewide Building Code, Volume II - Building Maintenance Code/1990.

Article 1.

Adoption, Administration and Enforcement.

SECTION 100.0. GENERAL.

100.1. Title: These regulations shall be known as Volume II - Building Maintenance Code of the 1987 1990 edition of the Virginia Uniform Statewide Building Code (USBC) . Except as otherwise indicated, Building Maintenance Code or code, shall mean Volume II - Building Maintenance Code of the 1987 1990 edition of the Virginia Uniform Statewide Building Code USBC .

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Note: See Volume I - New Construction Code of the USBC for regulations applicable to new construction.

100.2. Authority: The Building Maintenance Code is adopted according to regulatory authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6, Title 36, Code of Virginia.

100.3. Adoption: The Building Maintenance Code was adopted by order of the Board of Housing and Community Development on December 14, 1987 (DATE TO BE INSERTED). This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4. Effective date: The Building Maintenance Code shall become effective on March 1, 1988 DATE TO BE INSERTED.

100.5. Effect on other codes: The Building Maintenance Code shall apply to all buildings and structures as defined in the Uniform Statewide Building Code Law, Chapter 6, Title 36 of the Code of Virginia. The Building Maintenance Code supersedes all building maintenance codes and regulations of the counties, municipalities political subdivisions and state agencies that have been or may be enacted or adopted, except as modified by § 100.5.1, below.

Note: This will not prevent adoption in accordance with Chapter 1, Title 15 of the Code of Virginia or other special or general legislation, or requirements by local governments which do not affect the manner of construction or materials to be used in the erection, alteration, repair, maintenance or use of a building or structure.

100.5.1. Application to pre-USBC buildings: Buildings or portions thereof constructed, altered, converted or repaired before the effective date of the initial edition of the Virginia Uniform Statewide Building Code (USBC) USBC shall be maintained in compliance with the Building Maintenance Code; provided, however, that the code official shall exempt from the provisions of the Uniform Statewide Building Code, Volume II, Building Maintenance Code, alterations of building uses, designs and equipment existing under a current certificate of occupancy unless an unsafe or unhealthy condition exists. No provisions of the Building Maintenance Code shall require alterations to buildings or equipment unless an unsafe or unhealthy condition exists.

Exception: Existing buildings of Use Group R-1 shall comply with the provisions of § 100.5.3.

100.5.2. Application to post-USBC buildings: Buildings or portions thereof that were subject to the Uniform Statewide Building Code USBC when constructed, altered,

converted or repaired shall be maintained in compliance with the Building Maintenance Code and with the edition of the USBC that was in effect at that time.

Exception: Existing buildings of Use Group R-1 shall comply with the provisions of § 100.5.3.

100.5.3. Fire protection systems for existing buildings: Existing buildings and structures of Use Group R-1 shall comply with provisions of Sections 100.5.3.1 and 100.5.3.2.

100.5.3.1. Automatic Sprinkler Systems: An automatic sprinkler system shall be installed in all Use Group R-1 buildings which are four or more stories in height, in accordance with the 1987 Uniform Statewide Building Code USBC, Volume I, by either March 1, 1997, or within 7 years of the date upon which an adequate public water supply is made available to meet the needs of the suppression system, whichever is later.

100.5.3.2. Smoke detectors: Single and multiple station smoke detectors shall be installed in accordance with § 1019.1 through 1019.3 of the 1987 Uniform Statewide Building Code USBC, Volume I, by March 1, 1993.

100.6. Exemptions for certain equipment: The provisions of the Building Maintenance Code shall not apply to distribution equipment installed by a provider of publicly regulated utility services, or to electrical equipment used for radio and television transmission. However, the buildings, including their service equipment, housing such utility services shall be subject to this Code. The exempt equipment shall be under the exclusive control of the public service agency and located on property by established rights.

Exception: Building or service equipment associated with the exempt equipment.

100.7. Exemptions for farm structures: Farm structures not used for residential purposes shall be exempt from the provisions of the Building Maintenance Code. However, such structures lying within a flood plain or in a mudslide-prone area shall be subject to the applicable floodproofing regulations or mudslide regulations.

Exception: Farm structures lying within a flood plain or in a mudslide prone area shall be subject to floodproofing regulations or mudslide regulations, as applicable.

100.8. Purpose: The purpose of the Building Maintenance Code is to ensure public safety, health and welfare through proper building maintenance and use and continued compliance with minimum standards of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility. Proper building maintenance shall be deemed to include the maintenance and inspection of building equipment defined by § 36-97(13) of the Code of Virginia.

100.9. Workmanship: All repairs, maintenance work,

alterations or installations which are required for compliance with this code shall be executed and installed in a workmanlike and acceptable manner so as to secure the results intended by this code.

SECTION 101.0. REQUIREMENTS.

101.1. Adoption of model code: The following model code, as amended by §§ 101.2 and 101.3, is hereby adopted and incorporated in the Building Maintenance Code.

° THE BOCA NATIONAL EXISTING STRUCTURES
PROPERTY MAINTENANCE CODE/ 1987 1990
EDITION

Published by:

Building Officials and Code
Administrators International, Inc.
4051 West Flossmoor Road
County Club Hills, Illinois 60477-5795

101.2. Administrative and enforcement amendments to the referenced model code: All requirements of the referenced model code and of standards referenced therein that relate to administrative and enforcement matters are deleted and replaced by Article 1 of the Building Maintenance Code.

101.3. Other amendments to the referenced model code: The amendments noted in Addendum 1 shall be made to the specified articles and sections of the BOCA National Existing Structures Property Maintenance Code/ 1987 1990 edition for use as part of this Code.

101.4. Limitation of application of model code: No provision of the model code may be used to require alterations to the design or equipment of any portion of a building that was subject to the USBC when constructed, altered or converted as to use group, and which is occupied in accordance with the certificate of occupancy issued under the applicable edition of the USBC. In the application of the model code to other buildings, no requirement of the current edition of the USBC shall be exceeded.

Note: Efforts have been made to remove conflicts between Volume I - New Construction Code and Volume II - Building Maintenance Code. However, although the two codes are compatible, they may not always be comparable. The purpose of this section is to resolve any unforeseen conflicts with Volume I.

SECTION 102.0. LOCAL ENFORCING AGENCY.

102.1. Enforcement by local governments: Any local government may, after official action, enforce the Building Maintenance Code, or any portion of the code. The local governing body may assign responsibility for enforcement of the Building Maintenance Code, or any portion thereof, to a local agency or agencies of its choice. The terms

"enforcing agency" and "code official" are intended to apply to the agency or agencies to which responsibility for enforcement has been assigned. However, the terms "building official" or "building department" apply only to the local building official or building department.

102.2. Right of inspection: The local governing body may inspect existing buildings to enforce the Building Maintenance Code, as authorized by § 36-105 of the Code of Virginia.

102.3. Interagency coordination: Where enforcement of any portion of the Building Maintenance Code is assigned to an agency other than the building department, such as the fire prevention bureau, such that agency shall coordinate its reports of inspection with the building department. All required alterations, repairs, installations or constructions shall be subject to the building permit and certificate of use and occupancy provisions of the Uniform Statewide Building Code, Volume I, New Construction Code Volume I of the USBC.

102.4. Code official: Each local enforcing agency shall have an executive official in charge, hereinafter referred to as the code official.

102.4.1. Appointment: The code official shall be appointed by the local government.

102.5. Qualifications of local enforcing agency personnel: The local government shall establish qualifications for the code official and technical assistants adequate to ensure proper administration and enforcement of the Building Maintenance Code.

Note: Detailed requirements for the qualifications of the building official and technical assistants are provided in Volume I - New Construction Code of the Uniform Statewide Building Code. However, if a person from another agency is appointed as the code official to enforce the Building Maintenance Code, the requirements of Volume I - New Construction Code would not apply. In such cases, it is recommended that the code official have at least five years of related experience. Consideration should be given to the use of certification programs approved by the Department of Housing and Community Development and of the Fire Inspection Certification Program of the State Department of Fire Programs in the selection and training of enforcing agency personnel. (Note: It is recommended that the code official have at least five years of building maintenance related experience. Consideration should be given to the use of certification programs offered by the Department of Housing and Community Development.)

102.6. Relief from personal responsibility: The local enforcing agency personnel shall not be personally liable for any damages sustained by any person in excess of the policy limits of errors and omissions insurance, or other equivalent insurance obtained by the locality to insure against any action that may occur to persons or property

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as a result of any act required or permitted in the discharge of official duties while assigned to the department as employees. The code official or the code official's subordinates shall not be personally liable for costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of the USBC as a result of any act required or permitted in the discharge of official duties while assigned to the enforcing agency as employees, whether or not said costs are covered by insurance. Any suit instituted against any officer or employee because of an act performed by such officer or employee in the discharge of official duties and under the provisions of the Building Maintenance Code may be defended by the enforcing agency's legal representative.

102.7. Control of conflict of interest: The minimum standards of conduct for officials and employees of the enforcing agency shall be in accordance with the provisions of the Virginia Comprehensive Conflict of Interest Act.

102.8. Assistance by state: Upon notification of appointment of a code official, the Office of State Building Code Professional Services Office shall advise the official of all services offered and will keep the official continually informed of developments affecting the code and its interpretation and administration.

SECTION 103.0. DUTIES AND POWERS OF THE CODE OFFICIAL.

103.1. General: The code official shall enforce the provisions of the Building Maintenance Code as provided herein and as interpreted by the State Building Code Technical Review Board in accordance with § 36-118 of the Code of Virginia.

Note: Section 36-105 of the Code of Virginia provides that fees may be levied by the local governing body in order to defray the cost of enforcement and appeals.

103.2. Notices and orders: The code official shall issue all necessary notices or orders to ensure compliance with the requirements of this code for the health, safety and general welfare of the public.

103.3. Delegation of duties and powers: The code official may delegate duties and powers subject to any limitations imposed by the local government, but shall be responsible that any powers and duties delegated are carried out in accordance with the code.

103.4. Maintenance inspections: When the local government has acted under § 36-105 of the Code of Virginia to enforce the requirements of this Code, the code official may inspect buildings to which it applies to assure continued compliance.

103.4 Modifications: The code official may grant modifications to any of the provisions of this code upon application by the owner or the owner's agent provided

the spirit and intent of the Building Maintenance Code are observed and public health, welfare, and safety are assured. A copy of the application for a modification and a copy of the final decision of the code official shall be kept in the permanent records of the enforcing agency.

103.5. Unsafe conditions not related to maintenance: When the code official finds a condition that constitutes a serious and dangerous hazard to life or health in a building which was constructed, altered, converted, or repaired before the effective date of the initial edition of the Uniform Statewide Building Code USBC , and when such condition was not caused by faulty maintenance, or by failure to comply with the applicable state and local regulations that were in effect at the time, the official may order the minimum changes needed to remedy the hazardous condition. Such order shall be in writing and shall be made a part of the permanent records of the code official relating to the building affected.

Note: The Building Maintenance Code does not generally provide for retrofitting existing buildings. However, conditions may exist in older buildings, because of faulty design or equipment, that constitute such serious and dangerous hazards that correction is necessary to protect life and health. It is not the intent of this section that such changes comply fully with the requirements of the current edition of the Uniform Statewide Building Code USBC . Only those changes that are needed to remedy the serious and dangerous hazards to life or health may be required by the code official. Reference is also made to section 103.2 of the administrative provisions of the Uniform Statewide Building Code - Volume I Volume I of the USBC , which provides authority for modifications to be issued for alternate means to be used that provide the same level of safety.

103.6. Annual report: At least annually, the code official shall submit to the authority designated by the local government a written statement of operations in the form and content prescribed by such local government. A copy shall be forwarded to the Office of Professional Services for use in studies to improve the Virginia Uniform Statewide Building Code system.

103.7 103.6 Enforcing agency records: The code official shall keep records of reports of inspections, notices and orders issued and such other matters as directed by the local government. Records may be disposed of in accordance with the provisions of the Virginia Public Records Act and , (i) (a) after retention for one year in the case of buildings under 1,000 square feet in area and one and two family dwellings of any area, and (ii) (b) after retention for three years in the case of all other buildings.

SECTION 104.0. APPLICATIONS AND PERMITS.

104.1. Procedures: Applications for permits for construction or alterations necessary to comply with this code shall be made to the building official under the procedures

prescribed in Volume I - New Construction Code of the Uniform Statewide Building Code.

SECTION 105.0. MODIFICATIONS.

105.1. **Modifications:** When there are practical difficulties involved in carrying out any provision of the Code, the owner or the owner's agent, or the code official, may apply to the building official for a modification under the procedures of Volume I - New Construction Code of the Uniform Statewide Building Code when the proposed modification involves alterations or construction for which a building permit would be required. When the proposed modification does not involve any alterations or construction for which a building permit would be required, the code official may issue the modification.

105.2. **Records:** A copy of the application for modification and a copy of the final decision of the official to whom the application was made shall be kept in the permanent records of the enforcing agency.

SECTION 106.0 104.0 . VIOLATIONS.

106.1. **Code violations prohibited:** No person, firm or corporation shall maintain or use any building or equipment in conflict with or in violation of any of the provisions of this Code.

104.1. **Code violations prohibited:** Buildings and equipment in violation of the provisions of this code shall not be used except as permitted by the code official.

106.2 104.2 . **Notice of violation:** The code official shall serve a notice of violation on the person responsible for maintenance or use of a building in violation of the provisions of this code. Such order shall direct reference the code section that serves as a basis for the violation and specify a time limit for the discontinuance and or abatement of the violation. Such notice of violation shall be in writing, and be served by either delivering a copy of the notice to such person by mail to the last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or by posting the notice in a conspicuous place at the entrance door or accessway if such person cannot be found on the premises.

106.3 104.3 . **Prosecution of violation:** If the notice of violation is not complied with promptly, the code official shall request, in writing, the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation; or to require the removal or termination of the use of the building in violation of the provisions of this code.

106.4 104.4 . **Violation penalties:** Violations of this code are a misdemeanor in accordance with § 36-106 of the Code of Virginia, and upon conviction, may be punished by a fine of not more than \$1,000.

106.5 104.5 . **Abatement of violation:** Conviction of a violation of this code shall not preclude the institution of appropriate legal action to require correction or abatement of the violation or to prevent other violations or recurring violations of this Code relating to maintenance and use of the building or premises.

SECTION 107.0 105.0 . UNSAFE BUILDINGS.

107.1 105.1 . **General:** This section shall apply to buildings and their equipment that fail to comply with the Building Maintenance Code through damage, deterioration, infestation, improper maintenance, or for other reasons, and thereby become unsafe, unsanitary, or deficient in adequate exit facilities, and which constitute a hazard, or are otherwise dangerous to human life, health or safety, or the public welfare. All such buildings shall be declared by the code official to be a public nuisance and unfit for human habitation and shall be made safe through compliance with this code or shall be vacated, and either secured against public entry, or taken down and removed as directed by the code official. A vacant building, unsecured or open at door or window, may be deemed a fire hazard and unsafe within the meaning of this section.

107.2 105.2 . **Inspection of unsafe buildings:** The code official shall examine every such any building reported as unsafe, and shall prepare a report to be filed in the records of the enforcing agency. In addition to a description of unsafe conditions found, the report shall include the use of the building, and nature and extent of damages, if any, caused by a collapse or failure.

107.3 105.3 . **Notice of unsafe buildings:** If a building is found to be unsafe, the code official shall serve a notice to the owner, the owner's agent or person in control of the unsafe building. The notice shall specify the required repairs or improvements to be made to the building, or require the unsafe building, or portion of the building to be taken down and removed within a stipulated time. Such notice shall require the person notified to declare to the designated official without delay acceptance or rejection of the terms of the notice.

Note: Whenever possible, the notice of unsafe building should also be given to the tenants of the unsafe building.

107.4 105.4 . **Posting of unsafe building notice:** If the person named in the notice of an unsafe building cannot be found after diligent search, such, the notice shall be sent by registered or certified mail to the last known address of such person. A copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.

107.5 105.5 . **Disregard of notice:** Upon refusal or neglect of If the person served with a notice of unsafe building refuses or neglects to comply with requirements of the notice to abate the unsafe condition, the code official may revoke the certificate of occupancy. In the case of a

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vacant building, including one vacated through revocation of the certificate of occupancy, the code official may cause the building to be closed through any available means.

~~107.6~~ 105.6 . Authority to vacate building: When in the opinion of the code official, there is actual and immediate danger of failure or collapse of a building or any part of a building which would endanger life; or when any building or part of a building has fallen and life is endangered by occupancy of the building; or when any other hazardous condition poses an immediate and serious threat to life; or when a building is declared a public nuisance, and unfit for human habitation, the code official may order the occupants to vacate the building. The code official shall post a notice at each entrance to such building that reads: "THIS STRUCTURE IS UNSAFE OR UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL." Upon the posting of the notice, no person shall enter such a building except upon authorization of the code official for one of the following purposes: (i) to make the required repairs; (ii) to take the building down and remove it; or (iii) to make inspections.

~~107.7~~ 105.7 . Temporary safeguards and emergency repairs: When, in the opinion of the code official, there is immediate danger of collapse or failure of a building or any part of a building which would endanger life, or when a violation of this code results in a hazard that creates an immediate, serious and imminent threat to the life and safety of the occupants, the code official shall have the necessary work done to the extent permitted by the local government to make such building or part of the building temporarily safe, whether or not legal action to force compliance has begun.

SECTION ~~108.0~~ 106.0 . APPEAL TO THE LOCAL BOARD OF BUILDING CODE APPEALS.

~~108.1~~ 106.1 . Grounds for appeal: The owner of a building or the owner's agent may appeal from a decision of the code official to the local Building Code Board of Appeals established under Volume I - New Construction Code of the Uniform Statewide Building Code USBC within ~~20~~ 21 calendar days after the day the notice was is served when it is claimed that:

1. The code official has refused to grant a modification of the provisions of the code;
2. The true intent of this code has been incorrectly interpreted;
3. The provisions of this code do not fully apply;
4. The use of a form of compliance that is equal to or better than that specified in this code has been denied.

~~108.2~~ 106.2 . Form of application: Applications for appeals

shall be submitted in writing to the Local Building Code Board of Appeals.

~~108.3~~ 106.3 . Notice of meeting: The board shall meet upon notice of the chairman or at stated periodic meetings if warranted by the volume of work. The board shall meet within ~~20 working~~ 30 calendar days of the filing of an appeal.

~~108.4~~ 106.4 . Hearing open to public: All hearings shall be public in accordance with the Virginia Freedom of Information Act. The appellant, the appellant's representative, the code official of the jurisdiction and any other person whose interest may be affected by the matter on appeal, shall be given an opportunity to be heard.

~~108.5~~ 106.5 . Postponement of hearing: A quorum shall be more than 50% of the board. When a quorum of the board, as represented by members or alternates, is not present to consider a specific appeal, either the appellant, the building official or their representatives may, prior to the start of the hearing, request a single postponement of the hearing of up to ~~10 working~~ 14 calendar days. A vote equivalent to a majority of the quorum of the board is required to reverse or modify the decision of the building official.

~~108.6~~ 106.6 . Form of decision, notification: Every action of the board on an appeal shall be by resolution. Certified copies shall be furnished to the appellant, to the building official, and to the code official.

~~108.7~~ 106.7 . Enforcement of decision: The code official shall take immediate action in accordance with the decision of the board.

SECTION ~~109.0~~ 107.0 . APPEAL TO THE STATE BUILDING CODE TECHNICAL REVIEW BOARD.

~~109.1~~ 107.1 . Appeal to the State Building Code Technical Review Board: Any person aggrieved by a decision of the local Board of Building Code Appeals, who was a party to the appeal, may appeal to the State Building Code Technical Review Board. Application for review shall be made to the State Building Code Technical Review Board within ~~15~~ 21 calendar days of receipt of the decision of the local appeals board by the aggrieved party.

~~109.2~~ 107.2 . Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the code official shall take immediate action in accordance with the decision.

~~109.3~~ 107.3 . Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building Code Technical Review Board shall be to the circuit court of original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4 of Chapter 1.1:1 of Title 9 of the Code of Virginia.

SECTION ~~100.0~~ 108.0 . DEMOLITION OF BUILDINGS.

~~100.1~~ 108.1 . Procedures for demolition: Whenever a building is to be demolished pursuant to any provision of this code, the work shall be carried out in compliance with the requirements of Volume I - New Construction Code of the Uniform Statewide Building Code USBC .

ADDENDA.

ADDENDUM 1.

AMENDMENTS TO THE BOCA NATIONAL EXISTING STRUCTURES PROPERTY MAINTENANCE CODE/ 1987 1990 EDITION.

As provided in section 101.3 of Volume II - Building Maintenance Code of the 1987 1990 edition of the Virginia Uniform Statewide Building Code USBC , the amendments noted in this Addendum shall be made to the BOCA National Existing Structures Code/ 1987 1990 edition for use as part of the Building Maintenance Code.

ARTICLE 1. ADMINISTRATION AND ENFORCEMENT.

1. (A) ★ Article 1, Administration and Enforcement, is deleted in its entirety and replaced with Article 1 of the Building Maintenance Code.

ARTICLE 3. ENVIRONMENTAL REQUIREMENTS.

1. (A) Delete Section ~~ES-301.1.~~ PM-301.1.
2. Delete Section ~~ES-301.1.1.~~
3. Delete Section ~~ES-301.3.~~
4. (B) Delete Section ~~ES-301.4.~~ PM-301.4.
5. (C) Delete Section ~~ES-301.6.~~ PM-301.5.
6. (D) Delete Section ~~ES-301.7.~~ PM-301.8.

Note: The above sections of this code have been deleted because the agency's Attorney General representative advises that they cannot be interpreted as building regulations under the current language of § 36-90(7) § 36-97(7) of the Code of Virginia.

7. Delete Section ~~ES-301.10.~~
8. Delete Section ~~ES-301.10.1.~~
9. Delete Section ~~ES-301.10.2.~~

(E) Change Section PM-302.12 to read:

PM-302.12 Insect screens: During the period from April 1 to December 1 every door, window and other

outside opening required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

ARTICLE 4 LIGHT, VENTILATION AND SPACE REQUIREMENTS

(A) Change Section ~~ES-401.2~~ PM-401.1 to read:

~~ES-401.2.~~ PM-401.1. Habitable spaces: Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 4.0% of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the building code. Whenever walls or other portions of a structure face a window of any other room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(B) Delete Section ~~PM-403.10.~~

ARTICLE 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS .

Change section ~~ES-503.5~~ to read:

~~ES-503.5.~~ Water conservation: Plumbing fixtures which are replaced shall be of water saving construction and use as required by the energy and plumbing codes listed in the Virginia Uniform Statewide Building Code, Volume I, New Construction.

ARTICLE 6.

1. Delete section ~~ES-601.5~~ Boiler inspections:

Note: See § 36-07(13) of the Code of Virginia for equipment definition.

(A) Change Section ~~PM-601.1~~ to read:

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PM-601.1. Residential buildings: Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) at a level of 3 feet (914 mm) above the floor and a distance of 3 feet (914 mm) from the exterior walls on all habitable rooms, bathrooms, and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Appendix A.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60°F (16°C) during other hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Appendix A, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position.

(B) Change Section PM-601.2 to read:

PM-601.2. Nonresidential structures: Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65°F (18°C) during all working hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

Exceptions

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(C) Add new Section PM-603-3 to read:

PM-603-3. Inspection: Routine and periodic inspections shall be performed in accordance with Part X of ASME A-17.1 listed in Appendix A.

ARTICLE 7.

(A) Add new Section ~~ES-704.2.1~~ PM-704.5.2.

~~ES-704.2.1.~~ *PM-704.5.2. Visual and audible alarms: Visual and audible alarms meeting the requirements of ANSI/UL Standard 1638 and ANSI/NFPA 72G shall be provided in occupancies housing the hard of hearing as required by § 36-99.5 of the Code of Virginia; however, all visual alarms*

shall provide a minimum intensity of 100 candela. Portable alarms meeting these requirements shall be accepted.

ARTICLE 8.

- ~~1. (A) Delete Section ~~ES-801.2~~ PM-801.2.~~
- ~~2. (B) Delete Section ~~ES-801.3~~ PM-801.3.~~

ARTICLE 9.

(A) Delete Article 9.

APPENDIX A REFERENCED STANDARDS.

(A) Change Appendix A as follows:

- ~~1. Delete standard reference number NECC-87 National Energy Conservation Code.~~
- ~~2. Delete standard reference number NFPC-87 National Fire Prevention Code and substitute the Uniform Statewide Fire Prevention Code as adopted by the Virginia Department of Housing and Community Development.~~
1. Delete standard reference number BOCA NBC-90, BOCA National Building Code and substitute the Virginia Uniform Statewide Building Code, Volume I 1990 edition.
2. Delete standard reference number BOCA NFPC-90, BOCA National Fire Prevention Code and substitute the Virginia Statewide Fire Prevention Code 1990 edition.

* * * * *

Title of Regulation: VR 394-01-23. Standards Governing Operation of Individual and Regional Code Academies/1990.

Statutory Authority: §§ 36-137 and 36-139 of the Code of Virginia.

Public Hearing Date: August 20, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The 1990 edition of the Standards for Governing Operation of Individual and Regional Code Academies are new regulations proposed for adoption by the Board of Housing and Community Development pursuant to §§ 36-137 and 36-139 of the Code of Virginia and provides a uniform, statewide standard for the operation of individual and regional code academies. These regulations establish requirements

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for localities to meet in order to receive accreditation from the Department of Housing and Community Development for local or regional training programs to provide for certification of persons enforcing the building regulations promulgated by the Board of Housing and Community Development. Accreditation is based on information submitted to the Department of Housing and Community Development relating to financial resources, educational and teaching qualifications, instruction courses provided, and anticipated enrollment. The department will issue accreditation certificates on an annual basis and monitor the operation of approved academies.

VR 394-01-23. Standards Governing Operation of Individual and Regional Code Academies/1990.

§ 1. Definitions.

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

"Code Academy" means an educational institution established in accordance with § 36-137 which is accredited to conduct classes to prepare an individual to pursue an occupation in the building inspection profession, or to upgrade an individual in technical phases of building regulations and codes.

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

"Operator" means the person designated as the executive official in charge of the academy.

§ 2. Authority.

The standards governing operation of individual and regional code academies are adopted under authority granted the Board of Housing and Community Development by the Uniform Statewide Building Code Law, Chapter 6, § 36-139 of the Code of Virginia.

§ 3. Adoption.

These standards were adopted by order of the Board of Housing and Community Development on (DATE TO BE INSERTED). This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development and is available for public inspection.

§ 4. Appeals.

Any operator aggrieved by a decision of the department may file an appeal to the State Building Code Technical Review Board. Such appeal shall be filed within 30 calendar days of the issuance of the department's written decision.

§ 5. Listing of certified academies.

The department shall maintain a list of code academies that hold valid Certificates of Accreditation, which shall be available for public review.

§ 6. Application for accreditation.

A. Any Code Academy seeking a Certificate of Accreditation shall submit the information required by these standards, on forms provided by the department, 120 calendar days prior to the date for which approval is requested.

B. The operator shall reimburse the department for the cost of processing and monitoring the accreditation.

C. The following information shall be submitted as part of the application:

1. A budget documenting the financial resources available to equip, maintain, and operate the academy;
2. The educational and teaching qualifications of the operator and instructors;
3. The individual courses of instruction which will be offered, and the purpose of such instructions;
4. A listing of any equipment available to aid instruction in each field;
5. The maximum anticipated enrollment to be accommodated with the equipment available in each specified field, and the ratio of students to instructors which shall not exceed 50 to 1 for lecture format courses, and 20 to 1 for interactive courses;
6. The location(s) where such instruction will take place;
7. Any additional information that the department may deem necessary to carry out the provisions of these standards.

D. Each application for a Certificate of Accreditation shall also include the following commitments:

1. Conduct the academy in accordance with all standards promulgated by the department;
2. Permit the department to inspect the academy at any time, and to provide all information pertaining to the activities of the academy or its financial condition as requested by the department;
3. The levy shall not be used for purposes other than directly relating to the operation of the Code Academy;
4. Carry forward no more than 25% of the previous

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fiscal year's levy;

5. In the event that the academy should close, a list of enrolled students who have not completed their program of study, and the amount of the course which they have completed, shall be submitted to the department;

6. Maintain current, complete and accurate student records, including a record of all hours of work completed by each student.

§ 7. Certificate display.

The Certificate of accreditation shall be displayed on the premises of the academy in an area which is readily accessible to the public.

§ 8. Renewal of certificate.

A. Every Code Academy shall apply for renewal of its Certificate of Accreditation no later than April 15 of each year, on forms provided by the department. The application for renewal shall include a current training schedule.

B. Every Certificate of Accreditation shall expire upon failure to obtain renewal by June 30 of each year.

§ 9. Personnel qualifications.

A. Any director of the Code Academy shall demonstrate a working knowledge of Building Code technology and shall possess a minimum of two years of supervisory experience. Managerial experience and a college degree from an accredited college or university are preferred.

B. All instructors shall have knowledge and experience in the trade or profession in which the instructor teaches. Instructors shall have experience as an instructor, or shall have successfully completed a "Train the Trainer" or equivalent course.

C. The department shall be notified of any staff changes within the academy subsequent to receiving accreditation. Staff changes forwarded to the department shall include qualifications of the instructors.

§ 10. Instructional program.

The instructional program shall consist of those courses and subjects, related to the technical provisions of the national model codes and referenced standards, which the academy has been accredited to offer, and be consistent with the instructional programs offered by the department. The department reserves the sole right to provide programs based on Article 1 of the Virginia Uniform Statewide Building Code. Attendance at any local or regional academy shall not satisfy mandatory attendance at programs administered by the department on any changes to the Virginia Uniform Statewide Building Code.

§ 11. Application for additional courses.

The operator shall present a supplementary application to the department for approval of additional courses of instruction.

§ 12. Withdrawal of course approval and revocation, suspension, or refusal to renew a certificate of accreditation.

A. The department may withdraw course approval, or revoke, suspend, or refuse to renew, any academy's Certificate of Accreditation for any of the following:

1. Violation of any provision of these standards;
2. Furnishing false, misleading, or incomplete information to the department, or failure to furnish information requested by the department within a reasonable time;
3. Presenting any information to students which is false, misleading or fraudulent;
4. Failure to maintain the premises in a safe and sanitary condition as required by law, state regulation or local ordinance;
5. Failing to maintain adequate financial resources to satisfactorily conduct the courses of instruction offered, or to retain an adequate, qualified staff.

B. The department shall notify the operator by certified mail 30 calendar days prior to the effective date of any withdrawal of course approval, or revocation, suspension, or refusal to renew, a Certificate of Accreditation.

§ 13. Return of certificate.

Any Certificate of Accreditation issued to an academy shall be returned to the department immediately, by registered mail, for the following:

1. Revocation; or
2. Voluntary closure of institution; or
3. Any other cause deemed sufficient by the department.

§ 14. Records.

The department shall maintain records on all actions, findings and recommendations concerning the approval, revocation, suspension, or refusal to renew any Certificate of Accreditation. All records shall be available to the public, upon request.

§ 15. Transmitting documents and other materials.

All applications, forms, appeals, letters or other papers

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shall be addressed to the Supervisor of Training Programs, Department of Housing and Community Development, 205 North Fourth Street, Richmond, Virginia 23219.

* * * * *

Title of Regulation: VR 394-01-31. Virginia Industrialized Building and Manufactured Home Safety Regulations/1987 1990 .

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Public Hearing Date: August 20, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The Virginia Industrialized Building and Manufactured Home Safety Regulations provide for the administration and enforcement of uniform, statewide, health and safety standards for industrialized buildings and manufactured homes, wherever produced. A major purpose of the regulations is to make good quality housing more affordable for residents of Virginia. It does so by providing precertification of manufactured buildings that contain concealed parts which can not be readily inspected at the point of use. Such units must be accepted by the local building official without disassembly. The enforcement system includes: (i) state accreditation, use, and monitoring of independent third-party compliance assurance agencies to review the design of manufactured buildings and to inspect their production for code compliance; (ii) assignment of responsibility for safe installation to local building department, and (iii) state action to secure correction of defects discovered after installation.

The major change in this edition was to adopt the 1990 BOCA National Building Code to update the reference standard. A new Article 6 (Installation Requirements) was added to Part One to clarify the manufacturer and installer's responsibilities.

VR 394-01-31. Virginia Industrialized Building and Manufactured Home Safety Regulations/1990.

PART ONE. INDUSTRIALIZED BUILDINGS.

ARTICLE 1. ADMINISTRATION.

SECTION 100.0. GENERAL.

100.1. Title: Articles 1 through 5 of these regulations shall be known as the Virginia Industrialized Building and Manufactured Home Safety Regulations - Part One. Except as otherwise indicated, regulations, or these regulations, as used in Articles 1 through 5, shall mean the Virginia

Industrialized Building and Manufactured Home Safety Regulations - Part One.

100.2. Authority: These regulations are adopted according to the authority granted the Board of Housing and Community Development by the Virginia Industrialized Building Safety Law, Chapter 4, Title 36 of the Code of Virginia.

100.3. Adoption: The Virginia Industrialized Building and Manufactured Home Safety Regulations were adopted by order of the Board of Housing and Community Development on December 14, 1987 (DATE TO BE INSERTED) . This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4. Application: Part One shall apply to industrialized buildings, as defined in Section 200.0.

100.5. Effective date: The effective date of Part One of these regulations is March 1, 1988 (DATE TO BE INSERTED) .

100.5.1. Compliance after effective date: No person, firm or corporation shall offer for sale or rental, or sell or rent, any industrialized building produced after the effective date of any provision of these regulations unless it conforms with such provision of the regulations.

100.5.2. Local regulations: Nothing in these regulations shall prevent the local adoption of requirements for industrialized buildings or mobile homes produced before the effective date of these regulations where necessary to provide for adequate safety to life, health and property.

100.6. Continued compliance: Industrialized buildings and mobile homes subject to any edition of these regulations when constructed shall be maintained in compliance with the applicable edition by the owners and/or occupants.

100.7. Purpose: The purpose of these regulations is to ensure safety to life, health, and property through compliance with uniform statewide construction standards for industrialized buildings.

SECTION 101.0. ENFORCEMENT GENERALLY.

101.1. General: These regulations shall be enforced as authorized by Chapter 4 of Title 36 of the Code of Virginia. (Note: See Addendum 3, "Virginia Industrialized Building Safety Law.")

101.2. Inspection and enforcement: The Office of State Building Code Enforcement Office is designated as the administrator's representative for the enforcement of these regulations. It shall have authority to make such inspections and to take such other actions as are required to enforce the regulations.

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Note: The Office of State Building Code Enforcement Office shall act as the Building Official for registered industrialized buildings.

101.2.1. Factory inspections: The administrator's representative shall, during reasonable hours, make such inspections of factories producing industrialized buildings as may be necessary to determine whether the compliance assurance agency having jurisdiction is performing its evaluation and compliance assurance functions in a satisfactory manner.

101.2.2. Field inspections: The administrator's representative may, during reasonable hours, make inspections to determine whether industrialized buildings, not at the time occupied as dwellings, are in compliance with these regulations. Such inspections may include but are not limited to: industrialized buildings on dealer lots, or industrialized buildings that are otherwise offered for sale to the public. Industrialized buildings that are occupied as dwellings may be inspected at the request of the owners or occupants.

101.2.3. Notice of violation: Where the administrator finds any violation of the provisions of these regulations, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within a reasonable time.

101.2.4. Placarding units in violation: Wherever the administrator finds any violations of the regulations, placards may be required on the noncomplying unit. Such placards shall not be removed except upon permission of the administrator. The placard shall list the violations and may prohibit the use of any unit, until the necessary corrections have been made.

101.2.5. Referral to local building officials: If the nature of the violation is such that it may be remedied under Section 102.0 of these regulations, the administrator may refer the matter to the local building official for enforcement.

101.3. Appeals: Local building officials, compliance assurance agencies or manufacturers of industrialized buildings may appeal the department's application of these regulations or notice of violation to the State Building Code Technical Review Board established by § 36-108 of the Code of Virginia. Such appeals shall be according to the procedures and time limits established in the Uniform Statewide Building Code, Volume I - New Construction, Section ~~110.0~~ 117.0 .

101.3.1. Enforcement of decision: Upon receipt of the written decision of the State Building Code Technical Review Board, the administrator shall take immediate action in accordance with the decision.

101.3.2. Court review: Decisions of the State Building Code Technical Review Board shall be final if no appeal is made. An appeal from the decision of the State Building

Code Technical Review Board may be presented to the court of the original jurisdiction in accordance with the provisions of the Administrative Process Act, Article 4, § 9-6.14:1 of Title 9 of the Code of Virginia.

101.4. Limitation of manufacturer's liability: The manufacturer of the building shall not be required to remedy violations caused by on-site work by others not under his control or violations involving components and materials furnished by others and not included with the registered industrialized building.

101.5. Penalty for violation: Any person, firm or corporation violating any provisions of these regulations shall be considered guilty of a Class 1 misdemeanor and, upon conviction, shall be fined not more than \$1,000 (§ 36-83 of the Code of Virginia).

SECTION 102.0. ENFORCEMENT IN LOCALITIES.

102.1. Responsibility of local building officials: Every local building official is authorized to and shall enforce the provisions of these regulations within the limits of his jurisdiction. He shall not permit the use of any industrialized building that does not comply with these regulations.

102.2. Registered industrialized buildings: Industrialized buildings that are registered shall be accepted in all localities as meeting the requirements of this law. Notwithstanding this provision, local building officials are authorized to carry out the following functions that apply to registered ; industrialized buildings provided such functions do not involve disassembly of the registered building or change of design, or result in the imposition of more stringent conditions than those required by the compliance assurance agency or by these regulations.

1. They shall verify that it has not been damaged in transit to a degree that would render it unsafe. Where indicated, this may include tests for tightness of plumbing systems and gas piping and tests for shorts at the meter connection in the electrical system.

2. They shall verify that supplemental components required by the label or by these regulations are properly provided.

3. They shall verify that the instructions of the label for installation and erection are observed.

4. They shall verify that any special conditions or limitations of use that are stipulated by the label in accordance with the standards of Article 3 of these regulations are observed.

5. They may require submission and approval of plans and specifications for the supporting structures, foundations including anchorages, and all other components necessary to form the completed building. They may require such architectural and engineering

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services as may be specifically authorized by the standards of Article 3 of these regulations to assure that the supporting structures, foundations including anchorages, and other components necessary to form the completed building are designed in accordance with these regulations.

6. They shall enforce applicable requirements of these regulations and the USBC - Volume I for alterations and additions to the units or to the buildings. As an aid, they may require submission of plans and specifications of the model of the unit. Such plans and specifications may be furnished on approved microfilm.

7. They shall enforce the requirements of the Uniform Statewide Building Code applicable to utility connections, site preparation, fire limits, building permits, certificates of use and occupancy, and all other applicable requirements of the USBC, except those governing the design and construction of the registered building.

8. They shall verify that the building displays the required state registration seal and the proper label of the compliance assurance agency.

102.3. Unregistered industrialized buildings : The building official shall determine whether any unregistered industrialized building complies with these regulations and shall require any noncomplying unregistered building to be brought into compliance with these regulations. The building official shall enforce all applicable requirements of these regulations including those relating to the sale, rental and disposition of noncomplying buildings. The building official may require submission of full plans and specifications for each building. Concealed parts of the building may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The government of any locality for which a building official has not been appointed may exercise the powers of enforcement for unregistered industrialized buildings that are granted to the local building official, except for inspection.

102.3.1. Unregistered industrialized buildings offered for sale: Unregistered industrialized buildings offered for sale by dealers in this Commonwealth shall be marked by a warning sign to prospective purchasers that the building is not registered in accordance with these regulations and must be inspected and approved by the local building official having jurisdiction. The sign shall be of a size and form approved by the administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door.

102.4. Disposition of noncomplying building: When a building is found to be in violation of these regulations, the local building official may require the violations to be corrected before occupancy of the building is permitted and may require the building to be conspicuously

placarded to indicate that it may not be used in this Commonwealth until the corrections have been made. If the building is moved to another locality before the violations are corrected, such placard shall not be removed except upon permission of the building official in the new locality. If such locality has no building official, permission shall be obtained from the department before the placard is removed.

102.5. Report to the Office of State Building Code Enforcement Office : If the building is moved from the jurisdiction before the violations have been corrected, the local building official shall make a prompt report of the circumstances to the Office of State Building Code Enforcement Office . The report shall include the following:

1. A list of the uncorrected violations.
2. All information contained on the label pertinent to the identification of the building, the manufacturer and the compliance assurance agency.
3. The number of the Virginia registration seal.
4. The new destination of the building, if known.
5. The party responsible for moving the building.
6. Whether the building was placarded for violation.

SECTION 103.0. MODIFICATION OF THE REGULATIONS.

103.1. When modification may be granted: The administrator shall have the power upon request in specific cases to authorize modification of the regulations so as to permit certain specified alternatives where the objectives of this law can still be fulfilled. Such request shall be in writing and shall be accompanied by the plans, specifications and other information necessary for an adequate evaluation of the modification requested.

103.1.1. Input by local building official: Before a modification is authorized, the building official having local jurisdiction may be afforded an opportunity to present his views and recommendations.

ARTICLE 2. DEFINITIONS.

SECTION 200.0. DEFINITIONS.

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

"Administrator" means the Director of the Department of Housing and Community Development or his designee.

"Approved" as applied to a material, device, method of

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construction, registered building or as otherwise used in these regulations means approved by the administrator, unless the context clearly indicates another meaning.

"Board" means the Board of Housing and Community Development.

"Code Enforcement Office" means the office of the Department of Housing and Community Development which has been designated to carry out the state plan for enforcement of the Virginia Industrialized Building and Manufactured Home Safety Regulations.

"Compliance assurance agency" means an architect or professional engineer registered in Virginia, or an organization, determined by the department to be specially qualified by reason of facilities, personnel, experience and demonstrated reliability, to investigate, test and evaluate industrialized buildings; to list such buildings complying with standards at least equal to those promulgated by the board; to provide adequate follow-up services at the point of manufacture to ensure that production units are in full compliance; and to provide a label as evidence of compliance on each manufactured section or module.

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

"Industrialized building" means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in § 36-85.3 and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act shall not be considered industrialized buildings for the purpose of this law.

"Local building official" means an official designated by any city, town, or county to enforce structural, plumbing, electrical, mechanical or other building regulations for safety to life, health and property.

"Model" means a specific design, as designated by the producer, of an industrialized building. Production buildings of any model may include variations and options that do not affect compliance with the standards governing structural, plumbing, mechanical or electrical systems or any other items governed by these regulations.

"Office of State Building Code" means the Office of the Department of Housing and Community Development which has been designated to carry out the state plan for enforcement of the Virginia Industrialized Building and Manufactured Home Safety Regulations.

"Registered" means an industrialized building which displays a registration seal issued by the Department of Housing and Community Development in accordance with

Article 5 of these regulations.

"Regulations" means regulations as defined by Section 100.1.

"State building official" means the Office of State Building Code Enforcement Office.

"The law" or "this law" means the Virginia Industrialized Building Safety Law as embraced in Chapter 4 (§ 36-70 et seq.) of the Code of Virginia.

ARTICLE 3. SAFETY STANDARDS FOR INDUSTRIALIZED BUILDINGS.

SECTION 300.0. REQUIREMENTS.

300.1. Hazards prohibited and standards specified: Industrialized buildings produced after the effective date of these regulations shall be reasonably safe for the users and shall provide reasonable protection to the public against hazards to life, health and property. Compliance with all applicable requirements of the code codes and standards specified in Section 301.0, subject to the specified time limitations, shall be acceptable evidence of compliance with this provision.

SECTION 301.0. REFERENCE STANDARDS.

301.1. Reference standards and time limits established: The standards and time limitations specified below are those referred to in Section 300.0:

BOCA NATIONAL BUILDING CODE

Published by: Building Officials and Code Administrators International, Inc. (BOCA), 4051 West Flossmoor Road, Country Club Hills, Illinois 60477-5795

1. 1984 Edition - until June 1, 1988

2. 1987 Edition - no time limit

1. 1987 Edition - until April 1, 1991

2. 1990 Edition - no time limit

BOCA NATIONAL PLUMBING CODE

1. 1984 Edition - until June 1, 1988

2. 1987 Edition - no time limit

1. 1984 Edition - until April 1, 1991

2. 1990 Edition - no time limit

BOCA NATIONAL MECHANICAL CODE

1. 1984 Edition - until June 1, 1988

2. 1987 Edition - no time limit

1. 1987 Edition - until April 1, 1991

2. 1990 Edition - no time limit

NATIONAL ELECTRICAL CODE - NFPA NO. 70

Published by: National Fire Protection Association,
Batterymarch Park, Quincy, Massachusetts 02269

1. 1984 Edition - until June 1, 1988

2. 1987 Edition - no time limit

1. 1987 Edition - until April 1, 1991

2. 1990 Edition - no time limit

301.2. Optional standard: The following standard may be used for one and two family dwellings only, as an alternative to the standards specified in Section 301.1.

ONE AND TWO FAMILY DWELLING CODE

Jointly published by: BOCA; Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213; International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601

1. 1983 Edition and 1984 Supplement - until June 1, 1988

2. 1986 Edition and 1987 Supplement - no time limit

1. 1986 Edition and 1987 Supplement - until April 1, 1991

2. 1989 Edition and 1990 Supplement - no time limit

301.3. General amendment to reference codes and standards: All requirements of the referenced model codes and standards that relate to fees, permits, certificates of use and occupancy, approval of plans and specifications and other procedural, administrative and enforcement matters are deleted and replaced by the procedural, administrative and enforcement provisions of these regulations and the applicable provisions of Article 1 of the Virginia Uniform Statewide Building Code.

301.4. Soldered joints: Solder or flux containing greater than 0.2% lead shall not be used in potable water service or potable water distribution piping.

301.5. Insect screens: Every door and window or other outside opening used for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products

used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than 16 mesh per inch.

ARTICLE 4.

COMPLIANCE ASSURANCE AGENCIES.

SECTION 400.0. PROCEDURES FOR APPROVAL.

400.1. Application to administrator: Application may be made to the administrator for acceptance as a compliance assurance agency as defined in Article 2. Application shall be made under oath and shall be accompanied by information and evidence that is adequate for the administrator to determine whether the applicant is specially qualified by reason of facilities, personnel, experience and demonstrated reliability to investigate, test and evaluate industrialized building buildings for compliance with these regulations, and to provide adequate follow-up and compliance assurance services at the point of manufacture.

Note: A suggested format for the application for acceptance as a compliance assurance agency may be obtained from the Office of State Building Code Enforcement Office.

400.2. Freedom from conflict of interest: A compliance assurance agency shall not be affiliated with nor influenced or controlled by producers, suppliers, or vendors of products in any manner which might affect its capacity to render reports of findings objectively and without bias. A compliance assurance agency is judged to be free of such affiliation, influence, and control if it complies with all of the following conditions:

1. It has no managerial affiliation with producers, suppliers or vendors, and is not engaged in the sale or promotion of any product or material.

2. The results of its work accrue no financial benefits to the agency through stock ownership and the like, of any producer, supplier or vendor of the product involved.

3. Its directors and other management personnel, in such capacities, receive no stock option, or other financial benefit from any producer, supplier, or vendor of the product involved.

4. It has sufficient interest or activity that the loss or award of a specific contract to determine compliance of a producer's, supplier's or vendor's product with these regulations would not be a determining factor in its financial well-being.

5. The employment security status of its personnel is free of influence or control by producers, suppliers, or vendors.

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400.3. Information required by the administrator: The following information and criteria will be considered by the administrator in designating compliance assurance agencies:

1. Names of officers and location of offices.
2. Specification and description of services proposed to be furnished under these regulations.
3. Description of qualifications of personnel and their responsibilities. Personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors shall meet the requirements of the American Society for Testing and Materials (ASTM) Standards E-541-84, Criteria for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Buildings.
4. Summary of experience within the organization.
5. General description of procedures and facilities to be used in proposed services, including evaluation of the model, factory follow-up, quality assurance, labeling of production buildings, and specific information to be furnished on or with labels.
6. Procedures to deal with any defective buildings resulting from oversight.
7. Acceptance of these services by independent accrediting organizations and by other jurisdictions.
8. Proof of independence and absence of conflict of interest.

ARTICLE 5. LABELING, REGISTRATION AND FEES.

SECTION 500.0. LABELS.

500.1. Minimum information required: Every registered industrialized building shall be marked with a label, seal, or similar evidence of compliance supplied by the compliance assurance agency that includes the following information directly or by reference:

1. Name and address of compliance assurance agency.
2. List of codes and standards for which the building has been evaluated, inspected and found in compliance by the compliance assurance agency and the type of construction classification, the use group classification and occupancy under those codes and standards.
3. Serial number of label.
4. Special instructions for handling, installation and erection, or list of such instructions that are furnished separately with the building.

5. Special conditions or limitations of use of the building under the standards for which the building has been evaluated, or list of such conditions and limitations that are furnished separately with the building.

500.2. Mounting of label: To the extent practicable, the label shall be so installed that it cannot be removed without destroying it. It shall be applied in the vicinity of the electrical distribution panel or other location that is readily accessible for inspection. When a building is comprised of more than one section or module, the required label may be furnished as a single label for the entire building, provided each section or module is marked by the compliance assurance agency in a clearly identifiable manner that is listed with the label.

500.3. Manufacturer's data plate and other markings: The following information shall be placed on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The compliance assurance agency shall approve the form, completeness and location of the data plate to include the information listed below:

1. Manufacturer's name and address.
2. Serial number of the label of the compliance assurance agency.
3. Serial number of the building.
4. Name of manufacturer and model designation of major factory installed appliances.
5. Where applicable, identification of permissible type of gas for appliances, designation of electrical ratings for single and multiple cord entrance, and directions for water and drain connections.
6. Serial number of the registration seal.
7. Seismic design zone number.
8. Design Loads: Live load, Dead load, Snow load, and Wind load.

500.4. Label control: The labels shall be under direct control of the compliance assurance agency until applied by the manufacturer to buildings that comply fully with these regulations. The manufacturer shall place its order for labels with the compliance assurance agency. The manufacturer is not permitted to acquire labels from any other source. Each compliance assurance agency shall keep a list of the serial numbers of labels issued to each manufacturer's plant in such manner that a copy of the record can be submitted to the administrator upon request.

SECTION 501.0. REGISTRATION OF LABELED UNITS.

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501.1. Industrialized buildings eligible for registration: Any industrialized building must meet the following requirements to be registered and eligible for a Virginia Registration Seal:

1. The design of the building has been found by a compliance assurance agency to be in full compliance with these regulations; and
2. The compliance assurance agency has conducted any necessary testing and evaluation of the building and its component parts; and
3. The compliance assurance agency has provided the required inspections and other quality assurance follow-up services at the point of manufacture to assure the building complies with these regulations; and
4. The building has been provided with appropriate evidence of such compliance with a label, seal or similar device permanently affixed by the compliance assurance agency.

501.2. Registration seal for industrialized buildings: Registered industrialized buildings shall be marked with an approved registration seal issued by the department. The seal shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture.

501.2.1. Number of seals required: Registered industrialized buildings shall bear a registration seal for each dwelling unit in residential occupancies. For nonresidential occupancies, a registration seal is required for each registered building of a single occupancy and use group.

501.3. Issue Purchase of registration seals and fees : Approved registration seals may be purchased from the Department of Housing and Community Development in advance of use. The fee for each registration seal shall be set by the board. Checks shall be made payable to "Treasurer of Virginia." *Payment for the seals shall (must) be received by the administrator before the seals can be sent to the user.*

501.4. Mounting of registration seal: To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the compliance assurance agency.

ARTICLE 6. INSTALLATION REQUIREMENTS.

SECTION 600.0. MANUFACTURER'S INSTRUCTIONS.

600.1. General: *The manufacturer of each industrialized building shall provide with each, building specifications or instructions, or both, for handling, installing or erecting the*

building. Such instructions may be included as part of the label from the compliance assurance agency or may be furnished separately by the manufacturer of the building. The manufacturer shall not be required to provide the foundation and anchoring equipment for the industrialized building.

600.2. Installations: *Persons or firms installing or erecting registered industrialized buildings shall install or erect the building in accordance with the manufacturer's instructions.*

PART TWO. MANUFACTURED HOMES SUBJECT TO FEDERAL REGULATIONS.

ARTICLE 11. ADMINISTRATION.

SECTION 1100.0. GENERAL.

1100.1. Title: Articles 11 through 14 shall be known as the Virginia Industrialized Building and Manufactured Home Safety Regulations - Part Two. Part Two shall mean the Virginia Industrialized Building and Manufactured Home Safety Regulations - Part Two.

1100.2. Authority: These regulations are adopted according to the authority granted the Board of Housing and Community Development by the Virginia Manufactured Housing Construction and Safety Standards Law, Chapter 4.1, Title 36 of the Code of Virginia.

1100.3. Application: Part Two shall apply to manufactured homes as defined in Section 1200.0.

1100.4. Effective date: The effective date of Part Two of these regulations is ~~March 1, 1988~~ (DATE TO BE INSERTED) .

SECTION 1101.0. ENFORCEMENT GENERALLY.

1101.1. Federal regulation: Enforcement of Part Two shall be in accordance with the Federal Manufactured Home Procedural and Enforcement Regulations, enacted May 13, 1976, under authority granted by Section 625 of the Act, and designated as Part 3282, Chapter XX, Title 24 of the department's regulations. (Part 3282 consists of subparts A through L, with Sections numbered 3282.1 through 3282.554, and has an effective date of June 15, 1976.)

1101.2. Delegation of authority: The Department of Housing and Community Development is delegated all lawful authority for the enforcement of the federal standards pertaining to manufactured homes by the administrator according to § 36-85.5 of the Code of Virginia. The Division of Building Regulatory Services of the Department of Housing and Community Development is designated as a state administrative agency in the HUD enforcement program, and shall act as an agent of HUD. The administrator is authorized to perform the activities

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required of an SAA by the HUD enforcement plan, including (but not limited to) investigation, citation of violations, handling of complaints, conducting hearings, supervising remedial actions, monitoring, and making such reports as may be required.

SECTION 1102.0. ENFORCEMENT IN LOCALITIES.

1102.1. Responsibility of local building officials: All local building officials are authorized by § 36-85.11 of the Code of Virginia to enforce the provisions of Part Two within the limits of their jurisdiction. Such local building officials shall enforce Part Two, subject to the general oversight of the division, and shall not permit the use of any manufactured home containing a serious defect or imminent safety hazard within their jurisdiction.

1102.2. Effect of label: Manufactured homes displaying the HUD label shall be accepted in all localities as meeting the requirements of this Law, which supersede the building codes of the counties, municipalities and state agencies. Notwithstanding this provision, local building officials are authorized to carry out the following functions with respect to manufactured homes displaying the HUD label, provided such functions do not involve disassembly of the units or parts of the units, change of design, or result in the imposition of more stringent conditions than those required by the federal regulations:

1. They shall verify that it has not been damaged in transit to a degree that would render it unsafe. Where indicated, tests may be made for tightness of plumbing systems and gas piping, and electrical short circuits at meter connections.
2. They shall verify that supplemental components required by the label or Part Two are properly provided.
3. They shall verify that installation or erection instructions are observed.
4. They shall verify that any special conditions or limitations of use stipulated by the label in accordance with the standards or Part Two are observed.
5. They shall enforce applicable requirements of Part Two and the USBC - Volume I for alterations and additions to manufactured homes, and may enforce the USBC - Volume II for maintenance of the homes.
6. They shall enforce the requirements of the Uniform Statewide Building Code applicable to utility connections, site preparation, fire limits, building permits, *skirting*, certificates of use and occupancy, and all other applicable requirements, except those governing the design and construction of the labeled units.
7. They may verify that a manufactured home displays the required HUD label.

8. They may verify that nonconforming items have been corrected.

1102.3. Action upon noncompliance: Whenever any local building official finds that a manufactured home delivered for use in his jurisdiction is in violation of Part Two, he shall initiate the corrective procedure required, in accordance with Part Two.

1102.4. Report to the department: Whenever any manufactured home is moved from a local jurisdiction before a noted violation has been corrected, the building official shall make a prompt report of the circumstances to the administrator. The report shall include a list of uncorrected violations, all information pertinent to identification and manufacture of the home contained on the label and the data plate, the destination of the home if known, and the name of the party responsible for moving it.

SECTION 1103.0. DISTRIBUTORS AND DEALERS.

1103.1. Alterations: No distributor or dealer shall perform or cause to be performed any alteration affecting one or more requirements set forth in the federal standards, except those alterations approved by the administrator.

1103.1.1. Assistance from local building officials: In handling and approving dealer requests for alterations, the administrator may be assisted by local building officials. The building officials shall report violations of this section and failures to conform to the terms of their approval to the administrator.

1103.2. Installations: Distributors or dealers installing or setting up a manufactured home shall perform such installation in accordance with the manufacturer's installation instructions or other support and anchoring system approved by the building official in accordance with Section ~~621-0~~ 620.0 of the USBC - Addendum I I .

1103.3. Prohibited resale: No distributor or dealer shall offer for resale any manufactured home possessing a serious defect or imminent safety hazard.

SECTION 1104.0. CONTINUING ENFORCEMENT.

1104.1. Inspections: At any time during regular business hours when a manufactured home is located on a dealer's or distributor's lot and offered for sale, the administrator shall have authority to inspect such home for transit damages, seal tampering, violations of the federal standards and the dealer's or distributor's compliance with applicable state and federal laws and regulations.

The administrator shall give written notice to the dealer or distributor when any home inspected does not comply with the federal standards.

SECTION 1105.0. CONSUMER COMPLAINTS.

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1105.1. Reports: The administrator shall receive all consumer complaints on manufactured homes reported to the department by owners, dealers, distributors, code officials, and other state or federal agencies. The administrator may request such reports to be submitted by letter or on a report form supplied by the department.

1105.2. Inspections: The administrator may conduct, or cause to be conducted, an on-site inspection of a manufactured home at the request of the owner reporting a complaint with the home or under the following conditions with the permission of the owner of the home.

1. The dealer, distributor or manufacturer requests an on-site inspection; or
2. The reported complaint indicates extensive and serious noncompliances; or
3. Consumer complaints lead the SAA to suspect that classes of homes may be similarly affected; or
4. Review of manufacturer's records, corrective action, and consumer complaint records leads the administrator to suspect secondary or associated noncompliances may also exist in a class of homes.

1105.2.1. Coordination of inspections: When conducting an on-site inspection of a home involving a consumer complaint, the administrator may request the dealer, distributor, and manufacturer of the home to have a representative present to coordinate the inspection and investigation of the consumer complaint.

1105.3. Determination: After reviewing the complaint report or the on-site inspection of the home involved, the administrator shall, where possible, indicate the cause of any nonconformance and, where possible, indicate the responsibility of the manufacturer, dealer, distributor or owner for the noncompliance and any corrective action necessary.

1105.4. Referral: The administrator shall refer to the manufacturer of the home, in writing, any consumer complaint concerning that home reported to the administrator. The administrator may refer any such reported complaint to HUD, to the SAA in the state where the manufacturer is located and to the inspection agency involved with certifying the home.

1105.4.1. Referral to the Virginia Department of Motor Vehicles: When a review of the reported complaint or the on-site investigation of the complaint indicates a dealer or distributor is in violation of or has violated these regulations, the administrator shall refer the complaint to the DMV and shall provide such assistance and reports as requested by DMV in their handling of the complaint.

1105.5. Follow-up: The administrator shall assist the owner, dealer, distributor and manufacturer in resolving consumer complaints. The administrator shall monitor the

manufacturer's performance to assure compliance with Subpart I of the federal regulations for consumer complaint handling and shall take such actions as are necessary to assure compliance of all involved parties with applicable state and federal regulations.

ARTICLE 12. DEFINITIONS.

SECTION 1200.0. DEFINITIONS.

1200.1. Definitions from Part One: Terms defined in Part One (Article 2) shall have the same meaning in Part Two, unless otherwise specifically indicated. Terms defined within the Federal Manufactured Home Construction and Safety Standards and the Federal Manufactured Home Procedural and Enforcement Regulations, as adopted by the United States Department of Housing and Urban Development, shall have the same meanings in these regulations.

1200.2. Additional definitions:

"Act" or "The Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, Title VI of the Housing and Community Development Act of 1974 (42 U.S.C. 5401, et seq.).

"Administrator" means the Director of the Department of Housing and Community Development or his designee.

"Dealer" means any person engaged in the sale, leasing, or distribution of new manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

"Defect" means a failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part of the home unfit for the ordinary use of which it was intended, but does not result in an imminent risk of death or severe personal injury to occupants of the affected home.

"Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

"HUD" means the United States Department of Housing and Urban Development.

"Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal manufactured home construction or safety standard.

"Label" or "certification label" means the approved form of certification by the manufacturer that, under Section 3282.362(c)(2)(i) of the *Aet Manufactured Homes Procedural and Enforcement Regulations*, is permanently affixed to each transportable section of each manufactured

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home manufactured for sale to a purchaser in the United States.

"*Manufactured home*" means a structure subject to federal regulation which is transportable in one or more sections; is eight ~~bodyfeet~~ *body feet* or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

"*Manufacturer*" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes.

"*Noncompliance*" means a failure of a manufactured home to comply with a federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

"*Purchaser*" means the first person purchasing a manufactured home in good faith for purposes other than resale.

"*Secretary*" means the Secretary of the United States Department of Housing and Urban Development.

"*Serious defect*" means any failure to comply with an applicable federal manufactured home construction and safety standard that renders the manufactured home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

"*Standards*" or "*federal standards*" means the Federal Manufactured Home Construction and Safety Standards adopted by HUD, in accordance with authority in the Act. Said standards were enacted December 18, 1975, and amended May 11, 1976, to become effective June 15, 1976.

"*State administrative agency*" or "*SAA*" means the Department of Housing and Community Development which is responsible for the administration and enforcement of this law throughout Virginia and of the plan authorized by § 36-85.5 of the Code of Virginia.

ARTICLE 13. SAFETY STANDARDS.

SECTION 1300.0. FEDERAL STANDARDS.

1300.1. Compliance required: Manufactured homes produced on or after June 15, 1976, shall conform to all the requirements of the federal standards, as amended.

SECTION 1301.0. MOUNTING AND ANCHORING.

1301.1. Reference to Uniform Statewide Building Code: Mounting and anchoring of manufactured homes shall be in accordance with the applicable ~~reequirements~~ *requirements* of the 1987 1990 Edition of the Virginia Uniform Statewide Building Code.

ARTICLE 14. VIOLATIONS.

SECTION 1400.0. VIOLATIONS.

1400.1. Notice of violation: Where the administrator finds any violation of the provisions of these regulations, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance, within a reasonable time.

1400.2. Appeals to notice of violation: Parties aggrieved by the findings of the notice of violation may appeal to the State Building Code Technical Review Board, which shall act on the appeal in accordance with the provisions of the USBC - Volume I. The aggrieved party shall file the appeal within 10 days of the receipt of the notice of violation. Unless, the notice of violation is revoked by the review board, the aggrieved party shall comply with the stipulations of the notice of violation.

1400.3. Penalty: Any person, firm or corporation violating any provisions of these regulations shall, upon conviction, be considered guilty of a misdemeanor in accordance with § 36-85.12 of the Code of Virginia.

1987 1990 EDITION.

VIRGINIA INDUSTRIALIZED BUILDING AND MANUFACTURED HOME SAFETY REGULATIONS. ADDENDA.

ADDENDUM 1. REQUIREMENTS FOR MOUNTING AND ANCHORING MOBILE UNITS AND MANUFACTURED HOMES.

The following requirements are from the 1987 1990 Edition of the Virginia Uniform Statewide Building Code:

SECTION ~~621-0~~ 620.0 . MOBILE UNITS AND MANUFACTURED HOMES.

~~621-1.~~ 620.1. General: Mobile units, as defined in Section 201.0 shall be designed and constructed to be transported from one location to another and not mounted on a permanent foundation. Manufactured homes shall be designed and constructed to comply with the Federal Manufactured Housing Construction and Safety Standards and used with or without a permanent foundation.

~~621-2.~~ 620.2. Support and anchorage of mobile units: The manufacturer of each mobile unit shall provide with each unit specifications for the support and anchorage of the mobile unit. The manufacturer shall not be required to

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provide the support and anchoring equipment with the unit. Mobile units shall be supported and anchored according to the manufacturer's specifications. The anchorage shall be adequate to withstand wind forces and uplift as required in Article 11 for buildings and structures, based upon the size and weight of the mobile unit.

~~621.3.~~ 620.3. Support and anchorage of manufactured homes: The manufacturer of the home shall provide with each manufactured home printed instructions specifying the location, required capacity and other details of the stabilizing devices to be used with or without a permanent foundation (i.e., tiedowns, piers, blocking, footings, etc.) based upon the design of the manufactured homes. Manufactured homes shall be supported and anchored according to the manufacturer's printed instructions or supported and anchored by a system conforming to accepted engineering practices designed and engineered specifically for the manufactured home. Footings or foundations on which piers or other stabilizing devices are mounted shall be carried down to the established frost lines. The anchorage system shall be adequate to resist wind forces, sliding and uplift as imposed by the design loads.

~~621.3.1.~~ 620.3.1. Hurricane zone: Manufactured homes installed or relocated in the hurricane zone shall be of hurricane and windstorm resistive design in accordance with Federal Manufactured Housing Construction and Safety Standards and shall be anchored according to the manufacturer's specifications for the hurricane zone.

The hurricane zone includes the following counties and all cities located therein, contiguous thereto, or to the east thereof:

Accomack, King William, Richmond, Charles City, Lancaster, Surry, Essex, Mathews, Sussex, Gloucester, Middlesex, Southampton, Greensville, Northumberland, Westmoreland, Isle of Wight, Northampton, York, James City, New Kent, King & Queen, Prince George.

621.4. Anchorage of used mobile units and manufactured homes: When used mobile units or used manufactured homes are being installed or relocated and the manufacturer's original installation instructions are not available, the anchoring system, including ground anchors, shall be designed by a professional engineer or architect or shall be as follows:

1. Hurricane zone: Tiedowns shall be not more than eight feet on center and not more than two feet from the end of the unit.

2. Nonhurricane zone: Tiedowns shall be not more than 12 feet on center and not more than two feet from the end of the unit.

3. Ground anchor load capacity: Each ground anchor shall be capable of resisting without failure an

allowable working load equal to or exceeding 3,150 pounds plus a 50% overload factor.

4. Weather resistance: Ground anchors shall be resistant to weathering deterioration at least equivalent to that provided by a coating of zinc on steel strapping of not less than 0.30 ounces per square foot of surface coated.

620.4. Used mobile/manufactured homes: When used manufactured homes or used mobile homes are being installed or relocated and the manufacturer's original installation instructions are not available, installations complying with the applicable portions of NCSBCS/ANSI A225.1 listed in Appendix A shall be accepted as meeting the USBC.

620.5. Skirting: Manufactured homes installed or relocated after July 1, 1990, shall have skirting installed within 60 days of occupancy of the home. Skirting materials shall be durable, suitable for exterior exposures, and installed in accordance with the manufacturer's installation instructions. Skirting shall be secured as necessary to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Each manufactured home shall have a minimum of one opening in the skirting providing access to any water supply or sewer drain connections under the home. Such openings shall be a minimum of 18 inches in any dimension and not less than three square feet in area. The access panel or door shall not be fastened in a manner requiring the use of special tool to open or remove the panel or door. On-site fabrication of the skirting by the owner or installer of the home shall be acceptable, provided that the material meets the requirements of the USBC.

* * * * *

Title of Regulations: VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations/ 1987 1990 .

Statutory Authority: §§ 27-87 of the Code of Virginia.

Public Hearing Date: August 20, 1990 - 10 a.m.
(See Calendar of Events section
for additional information)

Summary:

The Virginia Liquefied Petroleum Gas Regulations, 1990 edition, is a mandatory, statewide, uniform regulation that must be complied with in the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and utilizing L-P gases for fuel purposes, and for the odorization of L-P gases in order to protect individuals and property from fire and explosion hazards. All law-enforcement officers are empowered to enforce the regulations.

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The 1990 edition of the Virginia Liquefied Petroleum Gas Regulations has been updated to reference the 1989 edition of the Standard for Storage and Handling of Liquefied Petroleum Gases - NFPA 58, and the 1988 edition of the National Fuel Gas Code - NFPA 54/ANSI Z223.1.

VR 394-01-42. Virginia Liquefied Petroleum Gas Regulations/1990.

SECTION 100.0. GENERAL.

100.1. Title: The title of these regulations shall be the Virginia Liquefied Petroleum Gas Regulations. Except as otherwise indicated, regulations shall mean the 1987 1990 Edition of the Virginia Liquefied Petroleum Gas Regulations.

100.2. Authority: These regulations are adopted according to authority granted the Board of Housing and Community Development by the Liquefied Petroleum Gases Law, Chapter 7, Title 27, of the Code of Virginia.

100.3. Adoption: ~~These~~ *The 1990 edition of these* regulations were adopted by order of the Board of Housing and Community Development on ~~November 14, 1987~~ (DATE TO BE INSERTED). This order was prepared according to the requirements of the Administrative Process Act. The order is maintained as part of the records of the Department of Housing and Community Development, and is available for public inspection.

100.4. Effective date: The ~~1987 1990~~ Edition of the Virginia Liquefied Petroleum Gas Regulations shall become effective on ~~March 1, 1988~~ (DATE TO BE INSERTED).

100.5. Minimum standards for equipment: The design, construction, location, installation and operation of equipment for the storage, handling, odorization, transportation and use of liquefied petroleum gases shall conform to the minimum standards established by these regulations.

100.6. Model codes: The following model codes, and all portions of other model codes and standards that are referenced therein, are adopted and incorporated in these regulations:

A. Standard for Storage and Handling of Liquefied Petroleum Gases - NFPA 58 (~~1986 1989~~ Edition)

B. National Fuel Gas Code - NFPA 54 (~~1984 1988~~ Edition) (ANSI Z223.1 ~~1984 1988~~)

100.7. Exception: Where the Uniform Statewide Building Code is applicable, it shall take precedence over these regulations.

* * * * *

Title of Regulation: VR 394-01-103. Multifamily

Rehabilitation Loan Program (Formerly: Multifamily Rehabilitation and Energy Conservation Loan Program).

Publication Date: VA.R. 5:14 1711-1717 April 10, 1989.

Pursuant to the agency's desire to republish substantive changes in previously submitted proposed regulations for the Multifamily Rehabilitation Loan Program, VR 394-01-103, the previous submission is **withdrawn** in its entirety. A new set of proposed regulations is being submitted entitled Multi-Family Loan Program.

* * * * *

Title of Regulation: VR 394-01-103. Multifamily Rehabilitation and Energy Conservation Loan Program.

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

Public Hearing Date: N/A - Written comments may be submitted until July 5, 1990.

(See Calendar of Events section for additional information)

Summary:

Responding to critical housing problems facing the Commonwealth, as documented in the 1987 Annual Report of the Virginia Housing Study Commission, the Governor and the General Assembly established the Virginia Housing Partnership Revolving Loan Fund. The purpose of the fund is to increase the availability of decent and affordable housing for low and moderate income Virginia residents. The Multifamily Loan Program provides low interest loans from the Virginia Housing Partnership Fund. This program is available to owners of rental housing. The purpose of the program is to increase the supply and quality of rental housing available for low and moderate income residents.

These regulations include amendments to Part I, Definitions; Part II, Eligibility; Part III, Occupancy and Rent Requirements; Part IV, Distribution of Funds; Part V, Loan Terms and Conditions; Part VI, Displacement; and Part VII, Evaluation Criteria.

VR 394-01-103. Multifamily Loan Program.

PART I. DEFINITIONS.

§ 1.1. Definitions.

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

"Accessibility Improvement" means an eligible interior

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or exterior modification made to an eligible property to compensate for a disabled person's reduced mobility or ability to perform necessary, everyday tasks in the home.

"Acquisition" means the purchase of real property.

"Applicant" is a nonprofit, incorporated organization or governmental entity which has submitted to the state, an application for consideration to become a local administrator of the Multifamily Housing Rehabilitation and Energy Conservation Loan Program, means an individual incorporated nonprofit, for-profit, or government entity, that makes application for funds under the Virginia Housing Partnership Fund.

"Application" is the written request for a loan or grant funding under the Virginia Housing Partnership Fund.

"Appraised value" is the value of the home as determined by an independent fee appraiser means the monetary worth of property as determined by an appraiser .

"Area median income" means the median income established by HUD from time to time for various areas of the Commonwealth, or the state median income, means the statewide median income, as established by the University of Virginia Center for Public Services .

"Assessed value" is a monetary worth of the facility/property as determined by the real estate assessment office of the local government where the same is located for tax purposes. (The applicable assessed value shall be that value in effect as of the date of the application.)

"Borrower" is the person(s), family, nonprofit or for-profit organization who has been approved by the state, for funding from the multifamily rehabilitation and energy conservation loan program means the individual, for-profit, nonprofit or government entity that has been approved for funding under the Virginia Housing Partnership Fund .

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

"Energy grant" means a grant, available as a result of federal energy litigation, which may be awarded to pay for certain energy-related improvements.

"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 this department.

"Fund" means the Housing Partnership Revolving Loan Fund.

"General improvements" means improvements made for the purpose of making housing more desirable to live in

or to make the home more habitable. These improvements must be permanent and may include additions, alterations, renovations, or repairs to the home made for the purpose of making housing more habitable and more desirable to live in . Improvements shall not include materials, fixtures, or landscapes of a type or quality which exceed that customarily used in the locality for properties of the same general type as the property to be improved.

"Grant" means funds provided to program recipients under the Virginia Housing Partnership Fund.

"Grant agreement" means the contract between DHCD and the project sponsor containing the terms and conditions provided for within the program.

"Gross income" is the total income from all sources and before taxes or withholdings of all residents or residing in a housing unit, age 18 or older ; from all sources and before taxes or withholding .

"HQS" means HUD the Housing and Urban Development Section 8 Housing Quality Standard Standards .

"Household" means all persons related or unrelated living together as one economic unit.

"HUD" means the Department of Housing and Urban Development.

"Individual" is a single person who submits an applicant pursuant to the program guidelines.

"Loan" means money lent with interest for a specified period of time.

"Loan application" is to means the request to a local administrator or VHDA, by the borrowers, to obtain for funding for purposes as defined in the Multifamily Rehabilitation and Energy Conservation Loan Program Guidelines program guidelines .

"Local administrator" is a nonprofit, incorporated organization or governmental entity, with which the Department of Housing and Community Development, in its sole discretion, enters into a contract for local administration of the Multifamily Rehabilitation Loan Program. Examples of eligible local administrators include but are not limited to cities, counties, towns, redevelopment and housing authorities, community action agencies, area agencies on aging, independent nonprofit housing organizations and others.

"Locality" means a city or county.

"Loan application date" means the date on which a completed application is received by DHCD.

"Loan note" means the agreement between DHCD and the project sponsor pertaining to the terms and conditions governing funding by the Virginia Housing Partnership

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Fund, including repayment provisions.

"Lower-income" means 80 of median income for the service area as established by the U. S. Department of Housing and Urban Development also referred to LMI.

"Multifamily" means property with two or more complete dwelling units.

"Oil overcharge expenditure trust fund" are the United States Department of Energy moneys awarded to the Commonwealth for specific purposes to resolve alleged pricing violations in effect between 1973 and 1981 by crude oil providers; also referred to as Oil Overcharge Funds.

"Program" is the means the plan for funding under the Multifamily Housing Rehabilitation and Energy Conservation Loan Program.

"Project sponsor" is a nonprofit, for-profit or governmental entity seeking to obtain funds for the acquisition and/or rehabilitation of a specific multifamily structure in accordance with the program guidelines means an individual, family, nonprofit, for profit or incorporated organization that enters into a contract/agreement with DHCD to undertake activities in accordance with the program guidelines .

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

"Set-aside" means funds reserved for a specified period, by the department, to finance a multifamily project.

"Site control" means the possession of or authorization to use real property by means of ownership, lease or option.

"Servicing fee" is an addition to the loan interest rate of up to 1/2% by the local administrator for the purpose of defraying the cost of servicing the loan.

"State" means the Virginia Department of Housing and Community Development or other entity designated by the department to act on its behalf , also referred to as DHCD and the department .

"VHDA" means Virginia Housing Development Authority.

"VHPF" means the Virginia Housing Partnership Fund.

PART II. ELIGIBILITY.

§ 2.1. Eligible local administrators.

A. Nonprofit organizations incorporated under the laws

of the Commonwealth of Virginia; or

B. Governmental entities.

§ 2-2. Eligible project sponsors applicants .

A. Year I - 1989-90.

1. Nonprofit organizations; incorporated under the laws of the Commonwealth of Virginia; or

2. Governmental entities , including local redevelopment and housing authorities ;

B. Year II - 1990-91.

1. Those defined in § 2-2 A;

2. 3. Private, for-profit corporations; organizations; or

3. 4. Individual investors.

§ 2-3. 2.2. Eligible activities.

Loan funds may be used to rehabilitate existing multifamily housing, or to acquire and rehabilitate existing multifamily housing , or to construct new multifamily housing. A second priority will include projects which involve only acquisition .

A. After acquisition, funds must first be used to bring the In rehabilitation projects, property must be brought up to HUD Section 8 Housing Quality Standard (HQS).

B. Energy improvements which exceed HUD Section 8 Housing Quality Standards are encouraged. Eligible energy improvements must be prior approved are authorized and published by the state. The following are examples of eligible energy improvements:

1. Installation or replacement of storm doors and windows;

2. Caulking/weatherstripping;

3. Roof, floor and wall repair as associated with insulation improvements;

4. Furnace repair.

C. Funds may also be used for other General Improvements.

D. Luxury improvements are prohibited.

E. Upon completion of the rehabilitation, the property must comply with zoning and other local requirements for planned use. Upon completion of a new construction project, the property must meet the Uniform Statewide Building Code.

F. Reasonable fees and expenses incurred in the process of obtaining the loan may be financed in the loan, including credit report fee, appraisals, surveys, engineering and architectural fees, legal fees, recording costs, and commitment fees.

G. DHCD will accept requests for waivers to one or more of the program requirements on a case by case basis. In granting such a waiver, DHCD will look at the merits of each case relative to need, benefits, and intent of the program.

H. Construction financing will be available only when the sponsor can demonstrate that alternative financing is not available. Construction financing will only be disbursed in order of lien priority.

I. Refinancing of existing debt may be available if necessary for project feasibility.

§ 2.4. 2.3. Eligible properties projects .

A. Existing structures with All projects must contain two or more units.

B. To qualify as a rehabilitation project, 75% of the exterior walls must be retained.

C. Conversion of commercial or institutional properties to residential use is permitted as long as the property is in conformance with zoning and other local requirements for multifamily use upon completion of the project.

D. No improvements to non-LMI units will be eligible for Multifamily Loan Program funds.

E. Existing properties must not meet have existing HUD Section 8 Housing Quality Standards (HQS) violations or incipient violations prior to rehabilitation, unless otherwise approved by the state.

PART III.

TARGET POPULATION OCCUPANCY AND RENT REQUIREMENTS .

§ 3.1. Target population Occupancy requirements .

The target population for occupancy of multifamily housing sponsored funded with Housing Partnership Funds will be Multifamily Loans is low and moderate income persons and families. A minimum The percentage of the units which must be occupied by low and moderate income these persons for the entire term of the loan. varies based upon the income level served by the project. A minimum threshold has been set as follows, and may be exceeded at the option of the project sponsor. All occupancy requirements must be met for the full term of the loan. The Project sponsor sponsors must select one of three occupancy options at the time of application and must comply with it for the term of the loan:

Option 1: OPTION 1:

A minimum of 20% of the units must be reserved for persons with incomes at 50% or less of the area median income as established by HUD or the state median income as established by the University of Virginia, Center for Public Service whichever is higher .

Option 2: OPTION 2:

A minimum of 40% of the units must be reserved for persons within with incomes at 60% or less of the area median income as established by HUD or the state median income as established by the University of Virginia, Center for Public Service, whichever is higher .

Option 3: OPTION 3:

A minimum of 80% of the units must be reserved for persons within with incomes at 80% or less of the area median income as established by HUD or the state median income as established by the University of Virginia, Center for Public Service whichever is higher .

§ 3.2. Rent requirements.

The owner must inform the state of any changes in rents charged within the project. Annual rent increases may not exceed the percentage increase in the Maximum Rent Schedule published by the department as appropriate to the unit size. State approval is required if proposed rents on low- and moderate-income units exceed rent limits as set by the department.

PART IV. DISTRIBUTION OF FUNDS.

§ 4.1. Distribution of funds.

Funds will be distributed annually through a competitive process. Any funds remaining after the competition will be made available first come/first serve. Funds will be awarded to at least one rehabilitation and one new construction project. Funding allocation priorities will be given first to new construction, rehabilitation, and acquisition and rehabilitation projects. Second priority will be given to acquisition-only projects.

A. Dollar limitation per locality Maximum funding for project sponsor .

During the first year (1988-89) each locality will be limited to a maximum of \$500,000 in Multifamily Rehabilitation Loan Funds. During the second year (1989-90) There will be a limitation of \$1 million per project sponsor and \$2 million per locality in any single funding cycle . This limitation may be waived if no other approvable applications have been submitted. Energy grant

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funds will only be available for rehabilitation projects and will be limited to 15% of the total rehabilitation cost.

B. Fund reservation for local administrators.

1. Loan funds will be made available initially on a competitive basis to eligible local administrators.

2. Upon selection, an allocation will be reserved for a six-month period to allow time for program start-up.

3. The allocation will be divided into two portions: The nonenergy related rehabilitation portion will be provided from the state's General Fund Appropriation. The energy related rehabilitation portion will be provided from the state's Stripper Oil Well Fund. Local administrators will only be able to use the Stripper Oil Well moneys for eligible energy related improvements as defined in § 2.2.

4. Local administrators will have 18 months to fully commit their initial allocation. Projects will be reviewed quarterly.

5. Any funds remaining after the competitive awards may be available to applicants on a first come/first serve basis. Eligible applicants for first come/first serve funds include new applicants or previous applicants who have committed 80% of their initial allocation.

C. B. Fund reservation set-aside for project sponsor.

1. Loan and Energy Grant funds will be made available initially on a competitive basis to eligible project sponsors in accordance with the selection/evaluation criteria established in § 8.1 of these guidelines .

2. Upon selection, a program Loan or Energy Grant Set-Aside reservations will be made to a project sponsor for up to six months. This will allow time to complete project development activities including arranging finalizing for other financing and assistance from other local, state or federal housing programs. Extensions may be granted by the state, if appropriate ; but under no circumstances to exceed six additional months .

3. A project sponsor's allocation Set-Aside will be divided into two portions: The nonenergy related rehabilitation unrestricted portion will be provided from the state's General Fund Appropriation and may be used for any eligible improvements, as defined in § 1.1 . The eligible energy-related rehabilitation portion will be provided from the state's Stripper Oil Well Fund Oil Overcharge Expenditure Trust Fund and may be used only for eligible energy-related improvements, as defined in § 1.1 by the department .

C. Term of project sponsor set asides.

Set asides for project sponsors will be in effect for six months. If unallocated funds are available or are recaptured after six months, the state may make funds available on a first come, first serve basis to eligible applicants.

D. Per unit limitation.

The limitation on the loan amount per unit is based upon unit size. The following per unit limitations will apply:

Bedroom Size	Dollar Loan Limitation
Efficiency or 1	\$10,000
2	12,500
3	15,000
4 or more	17,500

PART V. LOAN TERMS AND CONDITIONS.

§ 5.1. Loan terms and conditions.

A. Interest rate.

~~Statewide program.~~ The target average interest rate for loans originated and serviced by VHDA or local administrators and funded from the General Fund Appropriation is 6.0%. Loans may be made at rates as low as 2.0% and as high as 8.0%, dependent upon the needs of the project. Final determination of the interest rate will be made by VHDA in the underwriting.

Loans for Eligible energy improvements which are funded from the Stripper Oil Well Fund Overcharge Expenditure Funds shall bear an interest rate of 0% will be provided as a grant .

B. Term.

The maximum term for loans will be 15 years for loans funded from the General Appropriation Fund . Longer amortization schedules not to exceed 30 years may be considered. All repayments are due in 15 years. Grants are subject to repayment if the project sponsor violates program requirements. Repayment must be made in full if such violation occurs within three years from the date the grant is closed. Beginning in the fourth year, this repayment obligation is reduced at the rate of 25% per year. Notwithstanding the above, as of July 1, 1998, any remaining grant repayment obligations shall be forgiven.

The energy related portion of the loan, if funded from the Stripper Oil Well Fund, shall be deferred for the first four years and shall be forgiven at a rate of 25% per year beginning in the fifth year.

C. Deferrals.

Deferrals of principal payments or of both principal and interest payments may be allowed for up to five years. An alternative deferral technique allowing a delayed amortization of the loan may also be permitted. The loan underwriter will state shall determine the feasibility of any payment deferral or amortization deferral for each project. The use of such options may require higher interest rates to be paid during the loan repayment period.

C. D. Instruments for loan security.

1. General requirements. The borrowers(s) must be the sole owner(s) of the property. A title opinion and title insurance will be required for all loans unless otherwise approved by the state. Hazard insurance is required in such terms and amounts as specified by the state.

2. Lien requirements. A lien will shall be recorded on every property for which a program loan is made. The lien shall be divided into the amount securing the energy related rehabilitation General Fund portion of the loan and the amount securing the nonenergy related Oil Overcharge funds portion of the loan. The nonenergy related General Fund portion shall remain in effect until the loan is amortized for the term of the loan. Starting the fifth fourth year, the energy related Oil Overcharge portion of the lien will be forgiven at a rate of 25% per year, provided program requirements continue to be met. In no event shall the Oil Overcharge lien extend beyond July 1, 1998.

The state will accept a subordinate position only to an existing mortgage or where the primary rehabilitation financing is being provided from another source.

D. E. Loan underwriting criteria.

Other Specific underwriting criteria which will apply are applicable to these loans will be have been established by VHDA the state. These will include an evaluation of the locational amenities, site, project design and amenities, the market for the project, the experience and credit rating of the financial capacity of sponsors and contractors, architectural and engineering studies, site topography, the value of the project, financial risks and other considerations. Each project will be evaluated to assess the potential cash flow available to pay debt service and operating expenses.

Loan-to-value ratio.

The loan-to-value ratio shall be based on the appraised value of the structure after completion. A loan-to-value ratio of up to 100% will be considered for loans/grants to nonprofit housing sponsors and up to 90% for other sponsors. The state may permit the ratio to exceed 100% under special circumstances to be considered on a case by case basis. The loan/grant amount may not exceed 100%

of cost, as determined by the fund.

E. F. Loan servicing.

VHDA will close the loans, conduct construction inspections when applicable, disburse proceeds, service the loans and provide ongoing management oversight. Local administrators may service loans upon approval by the state of servicing procedures. Such approved agents may charge a servicing fee of up to 1/2% and a reasonable commitment fee.

F. Loan-to-value ratio.

The loan-to-value ratio shall be based on the appraised value of the structure after repairs and improvements. A loan-to-value ratio of up to 100% will be considered for loans to nonprofit housing sponsors and up to 90% for other sponsors. The state may permit the ratio to exceed 100% under special circumstances to be considered on a case by case basis.

G. Sale or transfer restrictions.

Loans made under this program will be assumable as long as the property use, income requirements, occupancy levels rent requirements, housing conditions and other state program requirements are maintained for the term of the loan. An annual review will be made to assure project compliance. Approval by the state will be required for loans to be assumed.

H. Prepayment of loan.

Prepayment of a loan loans under this program will be prohibited unless approved by the state.

I. Loan liability.

Organizations involved in the underwriting and approval of program loans will not be held liable to the state for repayment of any loan in the event of default by a project.

PART VI. DISPLACEMENT.

§ 6.1. Displacement.

Projects which result in no or minimal displacement are encouraged. Where displacement is unavoidable, a sponsor's willingness and ability to assist current tenants in finding alternative housing both temporarily during rehabilitation and permanently will be considered in the selection of projects. A project which causes no displacement will be given the highest priority higher ranking. Other projects will be required to include a description of the assistance (including counseling and financial reimbursement) to be given to displaced persons. Projects providing a greater level of assistance will be given a higher priorities for loans ranking score.

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PART VII. EVALUATION CRITERIA.

§ 7.1. Evaluation criteria.

Due to the limited funds available and the expected high demand for such loans, a competitive system will be established to determine which projects will receive loans. Criteria for evaluating and ranking projects are described below:

A. Local need, demand and impact.

The need and demand for affordable multifamily housing for low and moderate income persons in each local area will be used as a basis for determining the award of housing loan funds. A local housing market analysis must be provided and will be used to determine demand for such facilities and to indicate the impact on the community of the proposed project.

B. Income level served.

Projects which serve a higher proportion of lower income households than the minimum required in § 3.1 shall be given a higher priority.

C. Program design.

For eligible organizations applying to become local administrators, the extent to which the program design effectively and appropriately addresses the identified local needs and the priorities. Also, the extent to which the program design is thorough and complete.

D. Leveraging.

The extent to which other federal, local or private below market financing or other housing assistance is included in the project will be a significant factor in evaluating proposals.

E. Family housing.

Projects which provide a greater proportion of units with two or more bedrooms shall be given a higher priority.

F. Displacement.

As described in § 6.1 the extent to which a project causes displacement, and the displacement assistance provided by the sponsor shall be a factor in ranking proposals.

Project sponsors are selected to receive program funding through a competitive funding cycle. Criteria for evaluating and ranking projects are described below:

1. Income level and households served. Projects which serve the lowest income groups (see § 3.1) will receive

higher ranking priorities. Projects which serve a higher proportion of lower income households than the minimum required shall be given a higher score.

2. Project feasibility. Projects will be evaluated based upon the appropriateness of the project to the population to be served, achievable time frame for accomplishments, realistic project budget, and current operations costs.

3. Project readiness. Projects will be evaluated on the strength of site control, zoning and displacement issues, completeness of plans and specifications, and commitment of financial sources to meet project costs.

4. Leveraging. Projects will be evaluated based on a comparison of the Multifamily Loan Program request to the total development cost for the project.

5. Administrative experience. Projects will be evaluated based upon the qualification and experience of the Project Sponsor, the development team, the contractor, and management agent.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: VR 480-05-9.2. Rules and Regulations Governing the Use of Diesel Powered Equipment in Underground Coal Mines.

Statutory Authority: §§ 45.1-1.3 and 45.1-90 of the Code of Virginia.

Public Hearing Date: August 21, 1990 - 10 a.m.

(See Calendar of Events section for additional information)

Summary:

The Department of Mines, Minerals and Energy plans to amend its diesel mine-safety regulations in order to decrease the likelihood of detrimental health effects among underground coal miners who work with diesel-powered mining equipment. The agency proposes to accomplish this purpose by placing an upper limit on the sulfur content of diesel fuels in underground coal mines, and by updating its air-quality standards for sulfur dioxide and formaldehyde to conform to currently accepted levels of exposure. The proposed maximum sulfur content for diesel fuel is 0.25% by weight. The proposed standard for sulfur dioxide is a threshold limit value (TLV) of two parts per million. The current sulfur dioxide TLV is five parts per million. The proposed standard for formaldehyde is a TLV of one part per million. The current formaldehyde TLV is two parts per million.

VR 480-05-9.2. Rules and Regulations Governing the Use of

Diesel Powered Equipment in Underground Coal Mines.

PART I. GENERAL REQUIREMENTS.

§ 1.1. A. Diesel powered equipment will not be permitted underground without the written approval of the Chief of the Virginia Division of Mines. The approval of use shall incorporate all the requirements of these regulations.

B. If at any time the chief determines that any condition or practice permitted under this approval may threaten the health or safety of the employees, he may impose additional requirements for the purpose of eliminating the condition or practice.

C. The operator shall submit to the Virginia Division of Mines a plan which shall contain the ventilation plans as to the quantities of air in the area where the diesel units are to be operating and the number of diesel units which the operator plans to operate. (If in the future the operator exceeds the projected number of units, another amendment must be submitted.) Also, this plan must contain the projected quantities of diesel fuel to be used in a 24-hour period. (Adjustments to the quantities of fuel may be amended by the chief of the division.)

§ 1.2. No diesel powered equipment shall be placed in initial operation underground without a check for approval by the state mine inspector. The mine inspector shall report to the chief in writing as to the permissibility, ventilation, air quality of toxic gases, the mine operator's name, type of equipment, serial number, and MSHA certification number where applicable.

§ 1.3. All nonface diesel powered equipment used underground shall meet the requirements and be maintained and operated in accordance with the requirements of the Code of Federal Regulations, Title 30, Chapter I, Part 32, Revised as of July 1, 1983.

§ 1.4. All *mobile* diesel powered equipment operated in the last open crosscut and in return air courses shall be permissible and shall be maintained and operated in a permissible condition as defined by the Code of Federal Regulations, Title 30, Chapter I, Part 36, Revised as of July 1, 1983.

§ 1.5. Engine adjustments shall be verified by a statement by the engine manufacturer or by the manufacturer's stamped nameplate as being correct before each diesel powered machine is initially operated in a coal mine.

§ 1.6. Alteration in design, substitution of components or assemblies, or changes in conditions of operating diesel powered machines shall not be made without prior concurrence of the Virginia Division of Mines. When such changes are permitted, additional engine tests and adjustments shall be required as necessary to ensure the safe operation of the particular machine in a coal mine.

§ 1.7. The engine of diesel powered equipment shall not be left idling unattended.

§ 1.8. All employees working in mines where diesel powered equipment is used shall be furnished with a filter type self-rescuer or equivalent which they shall carry at all times while on duty in the mine.

§ 1.9. The operation of any diesel powered machine in any manner or under any condition that does not comply with the requirements of these regulations may result in the machine being taken out of service until such condition or practice is corrected. Upon review of the violations, the Chief of the Division of Mines may void the approval for use of diesel powered equipment for underground use.

§ 1.10. The engine of any diesel powered machine shall not be capable of starting unless the transmission controls are in the neutral position.

§ 1.11. Stationary diesel powered equipment or installations shall not be permitted underground without a plan submitted by the operator and the written approval of the Chief of the Division of Mines. The plan shall address ventilation, fire protection, and fuel storage and handling.

PART II. PROPER VENTILATION.

§ 2.1. The use of diesel powered machines underground shall be restricted to haulageways and working places where positive ventilation is maintained by mechanical means.

§ 2.2. The ventilating air in all mine workings where diesel powered machines are operated shall not contain combustible or other contaminating gases in such concentration that will affect combustion in the diesel engine by materially increasing production of toxic, poisonous or other objectionable constituents in the engine exhaust.

§ 2.3. Each set of producing entries in which diesel powered equipment is used shall be placed on a separate split of air.

§ 2.4. The air supplied for ventilation where diesel powered machines are used shall contain not less than 19.5% by volume of oxygen (dry basic) and not more than 1.00% by volume of methane.

§ 2.5. The quantity of ventilating air to be maintained in the last open crosscut where multiple units are operating in a working section shall be at least 100% of the air quantity specified on the approval plate of the first diesel unit (the unit requiring the highest air quantity on its approval plate) plus 75% of the approval plate air quantity for the second diesel unit and 50% of the approval plate air quantity of each additional diesel unit operating in the split of air. The quantity of ventilating air

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in the last open crosscut in working sections where diesel powered equipment is used, shall be measured and recorded daily.

§ 2.6. The quantity of ventilating air supplied to the working face must be adequate to dilute all toxic and objectionable constituents of the engine exhaust to such extent that the composition of the air meets the air quality standards stipulated in §§ 2.8 and 2.15.

§ 2.7. The quantity of ventilating air to be maintained along haulageways for outby diesel powered equipment must be adequate to dilute all toxic and objectionable constituents of the engine exhaust to such extent that the composition of the air meets the air quality standards stipulated in §§ 2.8 and 2.15. The quantity of ventilating air along haulageways where diesel powered equipment is used shall be measured and recorded daily.

§ 2.8. The air quality in which diesel powered equipment is operated shall be sampled to determine that the composition of the air is within safe limits with respect to CO, NO, and NO₂. These safe limits are currently defined as being equal to or less than the following Threshold Limit Values (TLV):

	TLV
Carbon Monoxide (CO)	50 ppm
Nitrogen Dioxide (NO ₂)	3 ppm
Nitric Oxide (NO)	25 ppm

§ 2.9. Air quality measurements *specified in § 2.8 shall be taken at least once per shift* for each diesel powered machine shall be taken at least once per shift when it is in operation. The measurements must be taken on the downwind side of the machine not closer than five feet and not greater than 10 feet from the exhaust in the middle of the entry midway between the mine roof and the mine floor. Machine(s) exceeding the TLV must be repaired, removed from service or the quantity of air coursed over the the machine(s) be increased to reduce gas concentrations to levels at or below the TLV.

§ 2.10. Air quality measurements shall also be taken in the immediate return for each working section at least two times per shift (once during the first two hours of the shift and once in the last two hours of the shift) while the unit(s) of diesel powered equipment being employed in the section during the shift are in normal operation. Where test results show levels above the established TLV, the diesel powered equipment shall be shut down until the problem is corrected. When the diesel powered equipment is returned to service, air quality tests shall be made to determine that the equipment is in compliance.

§ 2.11. If the engine exhaust becomes more noticeable than normal, required air quality tests shall be made. If the results of the air quality tests are not in compliance,

the equipment shall be shut down until the problem is corrected. When the equipment is returned to service, air quality tests shall be made to determine that the equipment is in compliance.

§ 2.12. Frequency of air quality or quantity measurements may be reduced or increased by written notice from the chief if he feels that the performance and compliance records of the operator warrant such action.

§ 2.13. Air quality measurements may be taken by several recognized methods such as gas concentration indicator tubes or direct readout instruments approved for such use or other such methods as may be developed and subsequently approved in the future for taking such measurements. These testers shall be provided and maintained by the operator.

§ 2.14. All tests required in Part II of these regulations shall be taken by a competent person designated by the operator and the results of these tests shall be permanently recorded and kept in a designated place for at least one year. When the test results show excursions above the TLV, the corrective measures taken to attain compliance must also be recorded. These records will be made available for inspection by interested persons during normal working hours.

§ 2.15. The air quality in which diesel powered equipment operates may be affected by constituents other than those stipulated in § 2.8. The operator shall at least once per month perform air quality measurements to ensure safe limits with respect to Carbon Dioxide (CO₂), Sulfur Dioxide (SO₂) and Formaldehyde. These safe limits are currently defined as being equal to or less than the following Threshold Limit Values (TLV):

	TLV
Carbon Dioxide (CO ₂)	5000 ppm
Sulfur Dioxide (SO ₂)	5 2 ppm
Formaldehyde	2 1 ppm

PART III FIRE PROTECTION FOR DIESEL POWERED EQUIPMENT.

§ 3.1. Each mobile diesel powered machine shall be equipped with a self-contained dry chemical or liquid carbon system or no less effective system approved by the Virginia Division of Mines.

§ 3.2. Stationary diesel powered equipment must be equipped with an automatically activated dry chemical or carbon dioxide system or no less effective system approved by the Virginia Division of Mines.

§ 3.3. Nozzles and reservoirs shall be placed in accordance with the manufacturer's specifications to provide maximum

protection to the fuel tank compartment, motor compartment, battery compartment and hydraulic tanks.

PART IV. MAINTENANCE OF DIESEL MACHINES.

§ 4.1. Maintenance of diesel powered machines shall be performed by competent persons designated by the operator.

§ 4.2. A. Engine intake and exhaust systems shall be inspected visually at least once each working shift.

B. Permissible and emission components of diesel powered machines shall be inspected in accordance with the instructions of the manufacturer or applicable requirements of the law.

C. Records shall be kept of inspections for at least one year and shall be made available for inspection by interested persons.

§ 4.3. Maintenance and repair work on permissible and emission components shall be done in accordance with the instructions of the manufacturer or applicable requirements of the law. Records of maintenance and repair work on permissible and emission components shall be recorded in a permanent notebook and shall be maintained for a minimum of one year in a designated location open for inspection by interested persons.

§ 4.4. Maintenance manuals shall be made available for review by interested persons.

PART V. FUEL USAGE; SPECIFICATIONS.

§ 5.1. The fuel for diesel engines of machines approved for service in underground mines shall be of a low sulfur type and shall conform to the equipment manufacturer's specifications: *a low volatile hydrocarbon fuel classified as ASTM D975 No. 2D diesel fuel with a flash point of 125°F or greater at standard temperature and pressure, and shall contain sulfur in a concentration of 0.25% or less by weight. The mine operator shall maintain on the mine site, and make available for inspection, a statement certifying the sulfur content of the diesel fuel to be used underground. Where diesel fuel with a sulfur content of 0.25% or less by weight is not readily available, the chief may grant a variance to use other fuels for approved diesel machinery.*

§ 5.2. Fuel filters on diesel engines shall be cleaned regularly, replaced or repaired promptly as conditions require.

PART VI. FUEL USAGE; STORAGE AND HANDLING.

§ 6.1. Fuel taken underground shall be transported only in strong metal type containers that are provided with

efficient closing devices or other suitable methods approved by the chief.

§ 6.2. Fuel taken underground and awaiting transfer to diesel powered machine fuel tanks shall be stored in a closed compartment or container constructed of incombustible material and shall be kept in a well ventilated location.

§ 6.3. Fuel shall be transferred from the storage compartment to a machine fuel tank through flexible hose that is fitted with a self-closing valve. However, this does apply to portable hand held containers of five gallons or less.

§ 6.4. The fuel handling system and the diesel powered machine shall be frame grounded when fuel is being transferred from the storage compartment to the machine fuel tank. However, this does not apply to portable hand held containers of five gallons or less.

§ 6.5. The air vents on fuel handling equipment shall be flameproof. However, this does not apply to portable hand held containers of five gallons or less.

§ 6.6. When fuel is being transferred from a storage compartment to the machine fuel tank, the diesel engine on the piece of equipment being fueled shall be stopped.

§ 6.7. A supply of sand or other suitable incombustible material shall be available during the transfer of fuel from a storage compartment to the machine fuel tank for absorbing spilled fuel. Fuel spilled shall be cleaned up immediately.

§ 6.8. In order to prevent unintentional opening, all drain plugs in the fuel handling system shall be threaded and sealed, locked in the "closed" position, or protected by location.

§ 6.9. Only persons designated by the operator shall be permitted to handle fuel for diesel powered machines.

§ 6.10. In fuel handling operations precautions shall be observed to keep the fuel clean and free from contamination by foreign material such as dirt, sediment and water.

§ 6.11. Diesel fuel storage and handling in a working section shall comply with the following:

1. Only one diesel fuel center will be permitted to be in permanent residence;
2. Diesel fuel may be stored in combination with, ~~and~~ or in the same area, *or both*, as hydraulic oil, lubricating oil, and greases;
3. One 20-pound approved ABC fire extinguisher and 200 pounds of rock dust per 100 gallons of diesel fuel stored shall be maintained at the storage area;

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4. The storage area shall be vented directly to the return;

5. Storage shall be limited to a typical 24-hour supply not to exceed 500 gallons.

§ 6.12. Diesel fuel storage for the mine shall comply with the following:

1. The underground storage area shall be vented directly to the return;

2. One 20-pound approved ABC type fire extinguisher and no less than 200 pounds of rock dust per 100 gallons of fuel storage shall be available at the underground mine storage area;

3. Storage underground shall be limited to a typical 48-hour supply for all normally operating diesel units in the mine.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

Title of Regulation: VR 385-01-22. Vegetation Control Regulations.

Statutory Authority: §§ 33.1-12 and 33.1-351 of the Code of Virginia.

Public Hearing Dates:

August 20, 1990 - 7 p.m.

August 22, 1990 - 7 p.m.

August 27, 1990 - 7 p.m.

August 29, 1990 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

The general rules and regulations of the Commonwealth Transportation Board identify the conditions under which land use permits may be granted, conditions under which permits are needed, and the manuals, namely the Land Use Permit Manual, which govern or restrict activities carried out by permit. These proposed regulations restrict the types of activities which can take place on state rights-of-way. The Commonwealth Transportation Board, the Commissioner, or his designee are given authority to determine if the activity is in conformance with public safety, interferes with highway maintenance, and is in compliance with these proposed regulations.

VR 385-01-22. Vegetation Control Regulations.

§ 1. Definitions.

The following words and terms, when used in these

regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Board" means the Commonwealth Transportation Board as defined in § 33.1-1 of the Code of Virginia.

"Boundary of any locality" means the limits of the jurisdiction of any local board of supervisors, town council, or city council.

"Conforming outdoor advertising signs" means signs, advertisements, or advertising structures which were lawfully erected, have been lawfully maintained, and which comply with current state law, state regulations, and local ordinances.

"Department" means the Virginia Department of Transportation.

"District administrator" means the chief executive officer in each transportation construction district.

"Environmental manager-field" means the chief environmental manager in each transportation construction district.

"Federal-aid primary highway" means any highway as defined in § 33.1-351(b)(18) of the Code of Virginia.

"Inspector" means any employee designated by the district administrator or environmental manager-field, to inspect the work performed under authority of these regulations.

"Interstate system" means any highway as defined in § 33.1-48 of the Code of Virginia.

"Land Use Permit Manual" means the manual maintained by the board for the purpose of authorizing activities within the limits of state rights-of-way.

"Limited access highway" means any highway as defined in § 33.1-57 of the Code of Virginia.

"Nonconforming outdoor advertising sign, advertisement or advertising structure" means one as defined in § 33.1-351(b)(29) of the Code of Virginia.

"Permittee" means the person, firm, or corporation owning the outdoor advertising sign, advertisement, or advertising structure or the business for whom the vegetation control work is being performed.

"Resident engineer" means the chief executive officer of any transportation residency within the Commonwealth of Virginia.

"Specifications" means the current Virginia Department of Transportation's Road and Bridge Specifications.

§ 2. General provisions.

A. Permits will be issued to control vegetation in front of a sign/structure or business provided the vegetation control work meets the criteria set forth in these regulations. An application may be filed by an agent, including, but not limited to, companies which trim trees. No permit shall be issued to cut, prune or selectively thin trees for a nonconforming outdoor advertising sign/structure.

B. No trees that are more than two inches in diameter will be eliminated. Selective thinning of small trees will be allowed on an individual basis to enhance the health and growth of the best trees. Brush and limbs up to two inches in diameter may be removed on a site-by-site basis. No leader branches shall be cut off in such a manner as to retard the normal upright growth of the tree. Certain larger trees that are diseased or unsightly may be removed when approved by the district administrator.

C. When daylighting signs, every effort shall be made to form a picture frame around the sign with remaining vegetation so as to accent the beauty of the surrounding roadside.

D. A permit must be obtained from the Virginia Department of Transportation prior to any vegetation control work on the state's rights-of-way. All work shall be performed by the permittee at his expense, including permit and inspection fees.

Permits will not be issued for sites within the boundary of any locality which has enacted an ordinance prohibiting the cutting, pruning or selective thinning of vegetation on public streets and roads under its control.

A violation of these regulations may result in a permittee or its agent or both losing its vegetation control permit privilege for five years. Inadvertent violations of this permit will require replacement on a four-to-one basis with white flowering dogwood (*Cornus Florida*), redbud (*Cercis canadensis*) or other suitable small trees approved by the district administrator to enhance the roadside beauty.

§ 3. Special provisions.

A. The permittee shall attach two 8" x 10" color glossy photographs (a closeup and a distant view) immediately before the work is performed showing the vegetation to be controlled, the highway, and the sign or business.

The permit for selective pruning or tree cutting will be inspected by the resident engineer and environmental manager-field, then forwarded with their recommendations to the district administrator for approval or denial.

A permit may be denied any applicant, and all permits issued by the Commonwealth Transportation Board may be revoked whenever, in the opinion of the Commonwealth Transportation Commission or his authorized representative, the safety, use, or maintenance

of the highway so requires or the integrity of the permit system so dictates.

If, during or before work begins, it is deemed necessary by the department to assign inspectors to the work, the permittee shall pay the department to assign inspectors to the work, the permittee shall pay the department an additional inspection fee in an amount that will cover the salary, expense and mileage allowance, equipment rental, etc., of the inspector(s) assigned by the department for handling work covered by this regulation. Said inspection fee to be paid promptly each month on bills rendered by the department.

The absence of a state inspector does not in any way relieve the permittee of his responsibility to perform the work in accordance with provisions of these regulations or permit.

B. The resident engineer and the environmental manager-field shall be notified at least three days in advance of the date any work is to be performed and when completed, in order that an inspection may be made.

C. No trees, shrubs, vines, or plant material, except as covered by this regulation, shall be cut or disturbed. Stubs and dead wood in trees covered by this regulation must be removed, whether occasioned by present requirements or not.

Where permit covers the selective thinning or removal of trees, shrubs, vines, including brush to enhance the healthy growth of the best trees, brush and limbs up to two inches in diameter may be removed. Certain diseased or unsightly trees and shrubs may also be removed when approved as a part of this regulation.

Pruning of trees shall only be performed by qualified tree workers who, through related training or experience, are familiar with the techniques and hazards of arboricultural work including trimming, maintaining, repairing or removing trees, and the equipment used in such operations. The supervisor and tree workers shall be approved by the environmental manager-field, prior to issuance of a permit to perform work under this regulation.

All brush, wood, etc., shall be chipped and beneficially used or removed immediately and disposed of in a landfill which has a permit from the Virginia Department of Waste Management.

The use of climbing irons or spurs is positively forbidden in any tree.

D. All access and work shall be accomplished from the abutting property side of rights-of-way on interstate and other limited access highways. Any damage caused to property owned by the Commonwealth shall be repaired or replaced in kind when work is complete.

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All work done under this regulation on the right-of-way shall in all respects be subject to department directions and shall be completed to the satisfaction of the environmental manager-field, or his representative.

E. The department reserves the right to stop the work at any time the terms of the regulations are not satisfactorily complied with, and the department may, at its discretion, complete any of the work covered in the permit at the expense of the permittee. If it is in the best interest of traffic safety, the department may complete or have completed at the expense of the permittee any of the work that must be done to properly protect the traveling public.

F. The permittee shall immediately have corrected any condition which may arise as a result of this work that the inspector or resident engineer deem hazardous to the traveling public or state maintenance forces even though such conditions may not be specifically covered in these regulations or in the Land Use Permit Manual .

G. Applicants and their agents to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board and the Commonwealth of Virginia and its employees, agents, and officers from responsibility, damage, or liability arising from the exercise of the privilege granted in such permit except if political subdivisions are the applicants. Then special arrangements will be made whereby the agent of the political subdivision performing the work will indemnify and save harmless the board and others.

All work shall be performed by the permittee at his expense. All permit and inspection fees shall be paid to the department by the permittee.

All trees and brush removed shall be cut at ground level.

Dogwood or other small flowering trees on the site shall not be removed.

H. The permittee agrees that if the work authorized by this regulation including any work necessary to restore shoulders, ditches, and drainage structures to their original condition, is not completed by the permittee to the satisfaction of the resident engineer, the department will do whatever is required to restore the area within the right-of-way to department standards, and the permittee will pay to the Commonwealth the actual cost of completing the work. When the permittee is a political subdivision, this requirement will be satisfied by a sum certain which will appear in the permit.

I. Road and street connections and private and commercial entrances are to be kept in a satisfactory condition. Entrances shall not be blocked. Ample provisions must be made for the safe ingress and egress to adjacent property at all times. Where entrances are disturbed, they shall be restored to the satisfaction of the

department.

J. Road drainage shall not be blocked. The shoulders, ditches, roadside and drainage facilities, as well as the pavement, shall be kept in an operable condition satisfactory to the department. Necessary precautions shall be taken by the permittee to ensure against siltation of adjacent properties, streams, etc., in accordance with the Virginia Erosion and Sediment Control Handbook .

K. Any conflicts with existing utility facilities shall be resolved between the permittee and the utility owners involved.

Where landscape is disturbed on state rights-of-way, it shall be replaced with a minimum of two inches of topsoil and reseeded according to department specifications.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-15-01. Water Withdrawal Reporting.

Statutory Authority: § 62.1-44.38 of the Code of Virginia.

Public Hearing Dates:

August 20, 1990 - 7 p.m.

August 23, 1990 - 7 p.m.

August 28, 1990 - 7 p.m.

(See Calendar of Events section for additional information)

Summary:

Section 62.1-44.38 C of the Code of Virginia authorizes the State Water Control Board to require by regulation that specified users shall report their water withdrawals to the board. The SWCB has used this information in its water supply planning work required by § 62.1-44.38 and will use the information in establishing and administering surface water management areas as described in §§ 62.1-44.242 through 62.1-44.253.

The purpose of the proposed amendment is to extend the reporting requirement to specified crop irrigators and to withdrawers of saline surface waters. Both classes of users are now exempt, creating gaps in the information base. A further purpose is to conform with the style and format requirements of the Virginia Registrar of Regulations.

The SWCB administers this annual reporting program. It provides reporting forms to affected persons, follows up to ensure reporting, and analyzes and summarizes the data obtained.

VR 680-15-01. Water Withdrawal Reporting.

Section 11.1 - Purpose and Authority

This regulation has been adopted under § 62.1-44.38(C) of the Code of Virginia to provide water withdrawal information to the State Water Control Board ("Board") for its use in preparing plans and programs for the management of water resources of the Commonwealth pursuant to § 62.1-44.38. The data will be used by the Board in formulating water supply plans for consideration by the General Assembly and will be available to local governments and private interests to assist them in their own water supply planning.

Section 11.2 - Definitions

For the purpose of this regulation, the following terms shall have the following meanings:

(a) "Person" means the Commonwealth or any of its political subdivisions, or an individual, corporation, partnership, association, authority, interstate body, or a state, or an agency, municipality, commission, or political subdivision of a state.

(b) "Gage" means a device or methodology for measuring cumulative volume of water withdrawn. For users subject to the Waterworks Regulations, the gage shall satisfy the provisions of those Regulations and shall produce volume determinations within $\pm 10\%$ of truth. For all other users, the gage shall be consistent with sound generally-accepted engineering practice and shall produce volume determinations within $\pm 10\%$ of truth.

(c) "User" means any person making a withdrawal of surface water or ground water from an original source (e.g., a river, stream, lake, aquifer, or reservoir fed by any such water body), regardless of whether the user himself uses the water thus withdrawn or transfers it to another for use. The purchase of water from a waterworks by a customer thereof does not constitute a withdrawal.

(d) "Daily average withdrawal" shall be calculated by dividing the total quantity of water withdrawn in each calendar month by the number of days in that month.

(e) "Saline surface water" means any natural surface water having a salinity greater than 2.0 parts per thousand.

§ 1. Definitions.

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

"Board" means the State Water Control Board.

"Crop" means a living or once-living plant or part thereof which is or could be harvested for value. The

term includes, but is not limited to, conventional farm crops, hay, pasture, nursery and forest crops. Permanent turf and landscaping are not crops and are subject to the 10,000 gallons per day reporting threshold.

"Daily average withdrawal" shall be calculated by dividing the total quantity of water withdrawn in each calendar month by the number of days in that month.

"Gage" means a device or methodology for measuring cumulative volume of water withdrawn. For users subject to the Virginia Department of Health Waterworks Regulations, the gage shall satisfy the provisions of those regulations and shall produce volume determinations within plus or minus 10% of truth. For all other users, the gage shall be consistent with sound generally-accepted engineering practice and shall produce volume determinations within plus or minus 10% of truth.

"Person" means the Commonwealth or any of its political subdivisions; or an individual, corporation, partnership, association, authority, interstate body, or a state; or an agency, municipality, commission, or political subdivision of a state.

"User" means any person making a withdrawal of surface water or ground water from an original source (e.g., a river, stream, lake, aquifer, or reservoir fed by any such water body), regardless of whether the user himself uses the water thus withdrawn or transfers it to another for use. The purchase of water from a waterworks by a customer thereof does not constitute a withdrawal.

"VPDES" means the Virginia Pollutant Discharge Elimination System, which is the Virginia system for the issuance of permits pursuant to VR 680-14-01 (Permit Regulation), the State Water Control Law and § 402 of the Clean Water Act, authorizing the discharge of pollutants from a point source to surface waters.

§ 2. Purpose and authority.

This regulation requires the reporting of water withdrawal information to the board for its use in preparing plans and programs for the management of water resources of the Commonwealth pursuant to § 62.1-44.38 of the Code of Virginia. The data are used by the board in formulating water supply plans, for consideration by the General Assembly and in delineating surface water management areas and are available to local governments and private interests to assist them in their own water supply planning.

Section 11.3 - Applicability and Exemptions

(a) Except as stated in this section, this regulation applies to every user withdrawing ground water or surface water whose daily average withdrawal during any single month exceeds 10,000 gallons per day.

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(b) This regulation does not apply to a user who himself uses the water for crop irrigation. However, if a user's daily average withdrawal during any single month for uses other than irrigation of his own crops exceeds 10,000 gallons per day, this regulation applies.

(c) This regulation does not apply to a user that is a department, agency, or instrumentality of the United States.

(d) This regulation does not apply to users reporting under the provisions of the Groundwater Act the information herein required, provided the withdrawal is gaged in accordance with this regulation.

(e) This regulation does not apply to withdrawals of saline surface water.

(f) This regulation does not apply to withdrawals from mines or quarries made for the sole purpose of dewatering the mine or quarry, provided that the water withdrawn is not put to other beneficial uses such as, but not limited to, washing or cooling.

(g) This regulation does not apply to the withdrawals made for the sole purpose of hydroelectric power generation, provided that the water withdrawn is not put to other beneficial uses and that none of it is consumptively used.

(h) Users subject to the Waterworks Regulations of the State Department of Health shall annually report to the Board the source and location of water withdrawals and the type-of-use information required herein. They may provide the herein required monthly-withdrawal data by reference to reports filed with the Department.

(i) Industrial NPDES permittees shall annually report to the Board the source and location of water withdrawals and the type-of-use information required herein. They may provide the herein-required monthly-withdrawal data by reference to NPDES discharge monitoring reports filed with the Board provided that:

(1) The wastewater return flow to the receiving natural water body is gaged and the aggregate monthly volume is totaled and reported on the discharge monitoring reports, and

(2) there is no substantial temporal lag between natural water withdrawal and wastewater return, and

(3) augmentation of the withdrawal, e.g. by collected surface runoff or infiltration/inflow, and diminution of the withdrawal, e.g. by consumption in product or evaporation, are either shown to be negligible or are separately reported pursuant to this regulation as

adjustments to the wastewater return flow, and

(4) the monthly wastewater return flow, adjusted as necessary in accordance with subparagraph (2) of this section, is volumetrically equivalent to monthly withdrawal within a tolerance of $\pm 10\%$.

§ 3. Applicability and exemptions.

A. Applicability.

1. Except as stated in this section, this regulation applies to every user withdrawing ground water or surface water in Virginia including the Potomac River abutting Virginia whose average daily withdrawal during any single month exceeds 10,000 gallons per day. Reportable withdrawals include, but are not limited to, those for public water supply, manufacturing, mining, commercial, institutional, livestock watering, artificial fish culture, and steam-electric power generation uses.

2. This regulation applies to every user withdrawing ground or surface water for the purpose of irrigating crops whose withdrawal exceeds 1 million gallons in any single month. Such users need not report withdrawals from ponds collecting diffuse surface water and not situated on a perennial stream as defined on U.S. Geological Survey 7.5-minute series topographic maps, unless the ponds are dug ponds which intercept the ground water table and hence contain ground water.

B. Exemptions.

1. This regulation does not apply to:

a. Users reporting under the provisions of The Groundwater Act the information herein required, provided the withdrawal is gaged in accordance with this regulation.

b. Drydock fillings.

c. Withdrawals from mines or quarries made for the sole purpose of dewatering the mine or quarry, provided that the water withdrawn is not put to other beneficial uses such as, but not limited to, washing or cooling.

d. Withdrawals made for the sole purpose of hydroelectric power generation, provided that the water withdrawn is not put to other beneficial uses and that none of it is consumptively used.

2. Users subject to the Virginia Department of Health Waterworks Regulations shall annually report to the board the source and location of water withdrawals and the type of use information required herein. They may provide the herein required monthly withdrawal data by reference to reports filed with the Virginia

Department of Health.

3. Industrial VPDES permittees shall annually report to the board the source and location of water withdrawals and the type of use information required herein. They may provide the herein required monthly withdrawal data by reference to VPDES discharge monitoring reports filed with the board provided that:

a. The wastewater return flow to the receiving natural water body is gaged and the total monthly volume is reported on the discharge monitoring reports, and

b. There is no substantial temporal lag between natural water withdrawal and wastewater return, and

c. Augmentation of the withdrawal (e.g., by collected surface runoff or infiltration/inflow) and diminution of the withdrawal (e.g., by consumption in product or evaporation) are either shown to be negligible or are separately reported pursuant to this regulation as adjustments to the wastewater return flow, and

d. The monthly wastewater return flow, adjusted as necessary in accordance with subdivision 3 c of subsection B, is volumetrically equivalent to monthly withdrawal within a tolerance of plus or minus 10%.

Section 11.4 - Requirement for Registration

(a) Every nonexempted user shall have installed and shall operate a gaging device or methodology by January 1, 1983 or before commencing withdrawal, whichever is later.

(b) Every nonexempted user shall file with the Board by January 31 of each year a form, State Water Control Board Annual Report of Water Withdrawals, completed insofar as it pertains to his withdrawal for the calendar year preceding.

The first filing is due January 31, 1983 and may be based on estimated withdrawal information, provided gaged data are not available. Subsequent filings shall be based on gaged information.

§ 4. Measuring and reporting requirements.

A. Measuring.

Every nonexempt user other than crop irrigators shall have installed and shall operate a gaging device or methodology before commencing withdrawal and shall operate the device or methodology routinely thereafter. The gaging device or methodology shall measure the cumulative volume of water withdrawn at or near the source of withdrawal, or at the water treatment plant.

Nonexempt crop irrigators shall comply with these measuring provisions by January 31, 1991, or before commencing withdrawal, whichever is later.

B. Reporting.

Every nonexempt user shall file with the board by January 31 of each year a reporting form, as prescribed by the board, completed insofar as it pertains to his withdrawal for the calendar year preceding. The information reported shall include the user's name, address, source(s) and locations of withdrawal, cumulative volume of water withdrawn each month of the calendar year, maximum day withdrawal and the month in which it occurred, and method of withdrawal measurement.

Nonexempt crop irrigators shall comply with these reporting provisions by January 31, 1992, or before commencing withdrawal, whichever is later.

Section 11.5 - Requirements for Gage Maintenance and Records Retention

Every user shall:

(a) Ensure the reliability of the gaging device or methodology;

(b) Retain all records of water withdrawal and gage calibration for a period of three years;

(c) Make such records available to the Board upon request.

§ 5. Gage maintenance and records retention requirements.

Every user shall:

1. Ensure the reliability of the gaging device or methodology;

2. Retain all records of water withdrawal and gage calibration for a period of three years; and

3. Make such records available to the board upon request. The board encourages users to confer with the board staff before installing gaging devices or methodologies.

Section 11.6 - Discretionary Requests

The Board requests that users exempted from this regulation gage their withdrawals and submit a completed Annual Report of Water Withdrawals form to the Board by January 31 of each year.

The Board encourages users to confer with the Board staff before installing gaging devices or methodologies.

Owners of hydroelectric power plants are requested to

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inform the Board of the existence of the facilities.

Section 11.7 - Severability

Every portion of this regulation is severable.

COMMONWEALTH OF VIRGINIA
STATE WATER CONTROL BOARD
REFERENCE: SMCB REGULATION 11 (3/87)

ANNUAL REPORT OF WATER WITHDRAWALS - INFORMATION FOR CALENDAR YEAR
Aggregated withdrawals: Please execute this report for the calendar year and send it by the following January 31, to your SMCB Regional Office.

I. GENERAL (Type or print all information)

System Name: _____
System Address: _____
Owner: _____
Owner Address: _____
Contact Person: _____ Telephone: _____
Position/Title: _____

(2) Use Information - All Other Systems (continued)
Does system serve any residences? Yes _____ No _____
Principal product or service: _____
SIC Code (if applicable): _____
Estimated % of total usage: _____
Processes: _____
Cooling: _____
Irrigation: _____

II. SYSTEM INFORMATION (Complete applicable parts)
A. CHECK AS APPLICABLE
Publicly-Owned System _____ Privately-Owned System _____
System has State Health Department Permit _____
B. PLEASE FILL IN SUBSECTION (1) OR (2) BELOW
(1) Use Information - Municipal-Type Systems
(These systems invariably supply potable water for domestic use. They often supply industrial and commercial uses also. They may be publicly or privately owned.)
Number of Connections: _____
Residential: _____
Industrial/Commercial: _____
Other (specify type): _____
TOTAL: _____
Estimated Population Served: _____
Estimated Residential Usage: _____ % of total usage
Est. Industrial/Commercial/Other Usage: _____ % of total usage
Total usage is based on: (Check One)
Withdrawals only _____ Withdrawals plus purchases _____
(2) Use Information - All Other Systems
System is: (Check One)
Predominantly manufacturing _____
Predominantly non-manufacturing business/trade/commerce _____
Institutional (hospital, school, correctional, etc.) _____
Agricultural _____
Other (Specify): _____

III. SOURCE OF WITHDRAWALS (Complete Applicable Parts)
A. Stream Name(s): 1. _____
2. _____
3. _____
B. Reservoir Name(s): _____ Storage Available For Water Supply
1. _____ Million Gallons
2. _____ Million Gallons
3. _____ Million Gallons
4. _____ Million Gallons
5. _____ Million Gallons
C. Ground Water: Number Wells _____ Number Springs _____

IV. LOCATION OF SURFACE AND GROUND WATER INTAKES
Provide a copy(s) of a U.S. Geological Survey 7.5 minute topographic map(s) or county highway map(s) showing the exact location(s) of all ground water and surface water intakes. (Provide only once or to indicate a change of intake location). If you need assistance with this, please contact your State Water Control Board Regional Office.

V. SUMMARY OF WATER WITHDRAWALS: CALENDAR YEAR

Include withdrawals you wholesale to other suppliers.
Please do not include water you purchase from other suppliers.

WATER WITHDRAWALS (Millions of Gallons, Total for Each Month)

MONTH	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
A. TOTAL WITHDRAWALS FROM ALL SOURCES (a, b, c)												
B. BREAKDOWN FROM EACH SOURCE												
1. STREAMS (List names below)												
2. RESERVOIRS (List names below)												
3. GROUNDWATER (c) (Wells and/or springs)												
C. ESTIMATED MAXIMUM-DAY WITHDRAWAL												

_____ MGD. MONTH WHEN PEAK DAY WAS INCURRED:

(a) Please name each source.
(b) Please note that all withdrawals are to be measured after January 1, 1983, but may be estimated in 1982.
(c) User may report aggregate withdrawal for clustered wells and/or springs, which may be regarded as a single source if desired.

VI. CERTIFICATION OF OWNER OR RESPONSIBLE OFFICER OR AGENT DESCRIPTION OF MEASUREMENT DEVICE OR METHOD USED.

I certify that the volume determinations reported herein are correct within a 10%.

Name (Please print or type): _____
Signature: _____ Date: _____
Title: _____

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.

DEPARTMENT OF GAME AND INLAND FISHERIES (BOARD OF)

NOTE: The Board of Game and Inland Fisheries is exempted from the Administrative Process Act (§ 9-6.14:4 of the Code of Virginia); however, it is required by § 9-6.14:22 to publish all proposed and final regulations.

Title of Regulations:

VR 325-02. GAME.

VR 325-02-6. Deer.

VR 325-03. FISH.

VR 325-03-1. Fishing Generally.

Statutory Authority: §§ 29.1-103, 29.1-501 and 29.1-502 of the Code of Virginia.

Effective Date: July 1, 1990.

Summary:

Summaries are not provided since, in most instances the summary would be as long or longer than the full text.

VR 325-02. GAME.

VR 325-02-6. DEER.

§ 5. Muzzle-loading gun hunting.

A. Season generally .

Except as otherwise specifically provided by the sections appearing in this regulation, *it shall be lawful to hunt deer with primitive weapons (muzzle-loading guns) from the second Monday in November and for five consecutive hunting days following in all counties where hunting with a rifle or muzzle-loading gun is permitted, except in the cities of Chesapeake, Suffolk (east of the Dismal Swamp Line) and Virginia Beach [and in the counties of Lee, Russell, Scott, Tazewell, Washington and Wise]*.

B. Additional season west of Blue Ridge and in certain counties east of Blue Ridge.

It shall be lawful to hunt deer with primitive weapons (muzzle-loading guns) from the third Monday in December through the first Saturday in January, both dates inclusive, in all counties west of the Blue Ridge Mountains, and east of the Blue Ridge Mountains in the counties of Amherst (west of U.S. Route 29), Bedford, Campbell (west of Norfolk Southern Railroad), Franklin, Henry, Nelson (west

of Route 151), Patrick and Pittsylvania (west of Norfolk Southern Railroad).

B. What deer may be taken; deer counted toward seasonal bag limit.

C. [Limitations Bag limits; limitations on deer tags].

Only deer with antlers visible above the hair may be taken with a muzzle-loading gun during a *the* special muzzle-loading season, and any deer taken during such special season shall apply toward the seasonal bag limit for deer in said county or area open to fall deer hunting; *provided, seasons; except,* that deer of either sex may be taken on the last six days of a *the* special muzzle-loading season in *those* counties permitting either sex deer hunting during the general firearms deer season *west of the Blue Ridge Mountains and in the counties or portions of counties east of the Blue Ridge Mountains listed in subsection B of this regulation. [Any deer tags for use Deer tags issued]* with the special muzzle-loading gun license shall be valid only during any special muzzle-loading season. No more than one deer may be taken under the provisions of the special muzzle-loading gun license, which shall be in addition to the seasonal bag limits provided for deer [*The special license for hunting bear, deer and turkey shall be valid during the special muzzle-loading seasons within the total daily and seasonal bag limits , except in the counties of Lee, Russell, Scott, Tazewell, Washington and Wise, in which counties the seasonal bag limit is one deer per license year. Deer tags from the bear-deer-turkey license shall not be valid for use during the early segment of the special muzzle-loader season]*.

D. Use of dogs prohibited.

It shall be unlawful to hunt deer with dogs during any special season for hunting with muzzle-loading guns.

E. Muzzle-loading gun defined.

A muzzle-loading gun , for the purpose of this section regulation , means a single shot flintlock or percussion weapon, 45 caliber or larger, firing a single lead projectile of the same caliber loaded from the muzzle of the weapon and propelled by at least 50 grains of black powder (or black powder equivalent) . If telescopic sights are used, such weapon shall not be deemed to be a muzzle-loading gun during the special muzzle-loading season. .

D. F. Unlawful to have other firearms in possession.

It shall be unlawful to have in immediate possession any

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other firearm other than a muzzle-loading gun while hunting with a muzzle-loading gun in a special muzzle-loading season.

VR 325-03. FISH.

VR 325-03-1. FISHING GENERALLY.

§ 5. Permit required for importation, etc., of certain species.

In accordance with authority conferred by § 29.1-103 of the Code of Virginia, the board finds and declares the following species to be predatory or undesirable within the meaning and intent of those terms as used in § 29.1-542 of the Code, in that their introduction into the Commonwealth will be detrimental to the native fish resources of Virginia: Rudd (genus *Scardinius*), tilapia (genus any of the genera *Tilapia*, *Sarotherodon*, or *Oreochromis*) piranha (any of the genus *Serrasalmus*, *Rooseveltiella*; or *Pygocentrus*), walking catfish (any of genus *Clarias*), cichlid (Texas), perch (*Chichlasoma cyanoguttatum*), grass carp (any genus *Ctenopharyngodon*) or , African clawed frog (*Xenopus laevis*), or zebra mussel (*Dreissena polymorpha*).

It shall be unlawful, pursuant to § 29.1-542 of the Code, to import, cause to be imported, buy, sell or offer for sale or liberate within the Commonwealth any of the above-named species unless a permit therefor is first obtained from the department, except that the African clawed frog may be imported and/or sold, but not liberated, without such permit, when such action can be shown to be an essential part of a specific research or educational project designed to advance scientific knowledge by achieving precisely formulated objectives.

MARINE RESOURCES COMMISSION

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

Title of Regulation: VR 450-01-9003. Closure of All Public Oyster Grounds in the James River.

Statutory Authority: §§ 28.1-82 and 28.1-85 of the Code of Virginia.

Effective Dates: June 1, 1990 to October 1, 1990.

Preamble:

The following order of the Marine Resources Commission closes all public oyster grounds in the James River to the taking of oysters.

VR 450-01-9003. Closure of All Public Oyster Grounds in

the James River.

§ 1. Authority and effective date.

A. This order is promulgated pursuant to authority contained in §§ 28.1-82 and 28.1-85 of the Code of Virginia.

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

§ 2. Purpose.

The purpose of this order is to close all public oyster grounds in the James River to the taking of oysters in order to protect and promote the oyster resource in the area.

§ 3. Closed area.

All public oyster grounds in the James River are hereby closed to the taking of oysters.

§ 4. Expiration date.

This order shall terminate October 1, 1990.

/s/ William A. Pruitt

Commissioner

Date: May 23, 1990

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Title of Regulation: VR 615-48-02. Employment Services Program Policy.

Statutory Authority: § 63.1-25 of the Code of Virginia and Titles IVA and IVF of the Social Security Act.

Effective Date: October 1, 1990.

Summary:

These regulations amend Employment Services Program policy to include provisions of the Jobs Opportunities and Basic Skills (JOBS) Training Program of the Family Support Act of 1988. The purpose of JOBS is to assure that needy families with children obtain the education, training and employment that will help them avoid long-term welfare dependency. These amendments address provisions presented to the Department of Social Services as both optional and mandatory regulations.

VR 615-48-02. Employment Services Program Policy.

PART I. INTRODUCTION.

§ 1.1. Definitions.

The following words and terms, when used in these

regulations, shall have the following meaning unless the context clearly indicates otherwise:

"Aid to Dependent Children" means a program established by Title IV-A of the Social Security Act and authorized in Virginia by Chapter 6 (§ 63.1-86 et seq.) of Title 63.1 of the Code of Virginia. This program provides benefits to needy children who are deprived of parental support or care.

"ADC" means Aid to Dependent Children Program.

"Aid to Dependent Children-Unemployed Parent" means the program authorized in § 407 of the Social Security Act which provides aid to dependent children who are deprived of parental support or care by reason of the unemployment of the parent who is the principal wage earner.

"ADC-UP" means Aid to Dependent Children-Unemployment Parent.

"Annual plan" means Employment Services Plan. It is prepared annually by each local agency and submitted to the department for approval. It contains a brief description of, among other things, the components offered by the local agency.

"Applicant" means a person who has applied for ADC, ADC-UP or GR and the disposition of the case has not yet been determined.

"Basic literacy level" means a literacy level that allows a person to function at a level equivalent to at least grade 8.9.

"Caretaker-relative" means a relative, other than the natural or adoptive parent, who is responsible for supervision and care of the needy child.

"Component" means one of several activities in which a person may participate while in the Employment Services Program.

"Custodial parent" means the parent with whom the child lives.

"Department" means the Department of Social Services.

"Employment Services Program" means a program operated by the Department of Social Services which helps ADC, ADC-UP and GR recipients in securing employment or the training or education needed to secure employment as required by Chapter 6.2 (§ 63.1-133.12:1) of Title 63.1 of the Code of Virginia.

"ESP" means the Employment Services Program.

"Exempt" means that an ADC, ADC-UP or GR [applicant or] recipient meets one of the exemption criteria and therefore is not required to register with

participate in the Employment Services Program in order to be eligible for public assistance.

"General relief" means public assistance for individuals ineligible in a federal category but eligible for state assistance as established by § 63.1-106 of the Code of Virginia.

"GR" means general relief.

"JOBS" means the Job Opportunities and Basic Skills Training Program.

"JTPA" means the Job Training Partnership Act.

"Limited English proficiency" means limited ability in the English language by a person whose native language is a language other than English or by a person who lives in a family or community environment where a language other than English is the dominant language.

"Local agency" means any one of the local social services or welfare agencies which administer the Employment Services Program.

"Making good progress" and **"making satisfactory progress"** means that the participant in any educational or training activity is meeting on a periodically measured basis of less than one year, such as a term or quarter, a consistent standard of progress based on written policy as developed by the educational institution or training agency [and approved by the IV-A agency].

"Nonexempt" means that an ADC, ADC-UP or GR [applicant or] recipient does not meet one of the exemption criteria and therefore is required to register with participate in the Employment Services Program in order to be eligible for public assistance.

"Participant" means an ADC, ADC-UP or GR recipient who is registered with the Employment Services Program and is [participating in any one of eligible for] the Employment Services Program [components].

"Pending status" means a component to which registrants [inactive] participants are assigned when they cannot move immediately into one of the components identified in Part II, Policy, of these regulations.

"Persons essential-to-well-being (EWB)" means needy individuals living in the home who [can be are] determined essential to the well-being of the ADC [; and] ADC-UP [or GR] child(ren) [or an individual receiving GR]. Such individuals must be ineligible for assistance in a federal category in their own right.

"Postsecondary education" means a program of postsecondary instruction offered by an institution of higher education [or a vocational school] as determined by the Secretary of Education to meet the Higher Education Act of 1965.

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"Recipient" means a person whose application for ADC [, ADC-UP] or GR has been approved [and the person has not been removed from assistance].

"Registrant" means an ADC or GR applicant or recipient who has registered with the Employment Services Program either because he was required to do so or because he volunteered.

"Supplemental job" means a job provided by the state or local agency or any other employer for which all or part of the wages are paid by the state or local agency.

PART II. POLICY.

§ 2.1. Statewideness.

[To the extent of available state and federal funds] all local agencies shall offer to employable Aid to Dependent Children (ADC , Aid to Dependent Children-Unemployed Parent (ADC-UP) and General Relief (GR) applicants and recipients an Employment Services Program which will assist those individuals in attaining the goal of self-support.

§ 2.2. Employment Services Annual Plan.

A. Each local agency shall submit annually for approval to the department a local Employment Services Plan. This annual plan shall include the following:

1. Individual community's needs and resources;
2. The agency's methodology for providing employment opportunities to its ADC , ADC-UP and GR population;
3. A description of the registration process, the assessment process, the job search component, the work experience group component programs and services offered by the agency ; and
4. The agency's efforts to coordinate with [programs under the Job Training Partnership Act and] other providers of employment and training services.

B. All annual plans shall be submitted in the format prescribed by the department.

§ 2.3. Program focus.

The focus of each local Employment Services Program shall be the placement of to provide ESP registrants into unsubsidized jobs participants with appropriate education or training programs necessary for placement into unsubsidized jobs to the extent that such jobs or programs are available.

§ 2.4. Registration and Participation.

A. All ADC (except EWB), ADC-UP [(except EWB)] and [unemployed] GR applicants and recipients must

register with participate in the Employment Service Services Program offered by the local agency unless they meet one of the exemption criteria in the category of assistance for which they are eligible as defined in § 2.5 below.

B. All nonexempt recipients must participate in the program.

C. B. Recipients of ADC [; and] ADC-UP [and GR] shall be exempt from registering with and participating in any locally operated food stamp [workfare or] employment [and training] program. [GR recipients who receive food stamps must participate in the Food Stamp Employment and Training program if the agency offers such program.]

C. A custodial parent who is not yet 20 years old must attend education activities if the individual has not finished high school or the equivalent and child care is provided by the agency. This policy may be waived for 18 or 19 year olds as specified in § 2.4 D of these regulations.

D. A custodial parent 18 or 19 may be required to participate in training or work experience in lieu of educational activities if one of the following is met:

1. The individual fails to make good progress in successfully completing education activities.
2. Prior to assignment it is determined that participation in education activities is not appropriate.

F. E. An individual 20 to 24 years old, who has not earned a high school diploma, or its equivalent, shall participate in educational activities consistent with their employment goals, unless the individual demonstrates a basic literacy level or the individual's long-term employment goal does not require a high school diploma or its equivalent.

[F. If child care cannot be located, a recipient is not required to participate.]

§ 2.5. Exemption criteria.

[An applicant/ A] recipient of ADC (including persons essential to well-being) (except EWB), ADC-UP [(except EWB)] or GR [who is unemployed] must be registered with a participant in the Employment Services Program unless the individual is exempt from registration participation .

A. The exemption criteria for ADC and ADC-UP are as follows:

1. A child under age 16.
2. An eligible child or caretaker 16 or over enrolled full time in elementary, secondary or vocational or

technical school and age 16 but not yet 18 . The vocational or technical school must be the equivalent of secondary school. *An individual who leaves school and later reenters school through a JOBS program shall not requalify for the exemption.*

3. *An individual who is ill ; as determined by a medical statement provided by a physician or licensed or certified psychologist that the injury or illness temporarily prevents entry into employment or training.*

4. *An individual who is incapacitated ; as determined by receipt of Social Security disability benefits or a medical statement provided by a physician or licensed or certified psychologist that the injury or illness by itself or in conjunction with age, prevents the individual from engaging in employment or training under the Employment Services Program. This may include a period of recuperation after childbirth if prescribed by a woman's physician. [This does not apply to either parent in an ADC-UP case.]*

5. *65 An individual 60 years of age or older.*

6. *A parent ; or caretaker-relative ; or person essential-to-well-being whose presence in the home is required because of illness or incapacity of another member of the household (not necessarily a member of the assistance unit) and no other appropriate adult member of the household is available. This exemption is determined by a medical statement provided by a physician or licensed or certified psychologist that the injury or illness of another member of the household requires the individual's presence in the home on a substantially continuous basis.*

7. *A parent or caretaker-relative of a child under age six three who personally provides care for the child with only very brief and infrequent absences from the child , except for the under 20-year-old custodial parent who does not have a high school degree or its equivalent. This individual must participate regardless of the age of the child .*

8. *A parent or other caretaker of a child; when the other nonexempt adult relative in the home is registered and has not refused to participate in the program or to accept employment, without good cause.*

9. *A parent who is performing unpaid public or community services to fulfill a court imposed sentence and, therefore, is precluded from paid employment or participation in the Employment Services Program.*

10. *8. An individual who is employed Employed to work 30 hours or more per week at minimum wage or higher. [If the individual accepts] employment [as a result of ESP participation either through JOBS or on their own this] does not place the participant*

in an exempt status [until a 90-day period has elapsed]. [This does not apply to a Principal Wage Earner Parent.]

11. *9. A female who is in her sixth fourth through ninth month of pregnancy as determined by a written medical statement provided by a physician.*

12. *10. A VISTA Volunteer under Title I of Public Law 93-113, The Domestic Volunteer Services Act of 1973 ; provided he became a VISTA volunteer after applying for assistance .*

[11. A parent or relative who is personally providing care for a child under six and child care cannot be guaranteed and the parent or relative would be required to participate more than 20 hours a week.]

B. The exemption criteria for GR are as follows:

1. All persons (including the spouse) who are determined to be unemployable.

2. All individuals designated as persons essential-to-well-being (EWB) (including the spouse) who have been medically verified as essential to the care of any other member of the assistance unit.

3. All persons who are designated as caretaker for any children in the home (not necessarily members of the assistance unit) under six three years of age.

4. All persons under the age of 16.

5. All persons 16 or 17, if enrolled in school full-time.

6. A VISTA Volunteer under Title I of Public Law 93-113, the Domestic Volunteer Service Act of 1973, provided he became a Vista volunteer after applying for assistance.

[7. A GR individual designated as caretaker for a child under six residing in the home and child care cannot be guaranteed and the caretaker would be required to participate more than 20 hours per week.]

§ 2.6. Applicant job search.

Applicant job search shall not be a condition of eligibility for ADC , ADC-UP and GR. Each local agency must provide job search assistance to all [exempt and nonexempt] applicants for ADC , ADC-UP and GR who volunteer to participate in a job search component during their application period.

§ 2.7. Plan of participation Employability plan .

[A.] Each exempt and nonexempt ADC , ADC-UP and GR recipient [shall who is selected to] participate [shall take part] in an employability assessment process which

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shall result in the development of a ~~participation~~ ~~an~~ employability plan.

[B. When a locality does not have resources available to meet the recipient's needs as determined by the assessment and employability plan, the recipient will not be required to participate in inappropriate activities.]

§ 2.8. Recipient job search component.

A. [~~No participant shall be required to participate in job search for more than three weeks before the assessment is completed. If the assessment determines that another JOBS activity is more appropriate, the job search activity will be terminated. Recipients must participate in job search; however, an assessment must be completed in no more than three weeks from the date of enrollment in job search.~~]

[~~A. B. Each ESP registrant participant so required shall engage in up to eight weeks of job searching during every 12-month period.~~]

B. [~~C. B.~~] Up to four weeks of job search shall take place every six months [~~and shall be verified during the eligibility redetermination process~~].

§ 2.9. Education and training component components .

Each Employment Services Program shall include an education and training ~~component~~ components for exempt and nonexempt ADC [, ADC-UP] and GR recipients who need such assistance to gain unsubsidized employment.

A. The education component shall include:

1. High school education or education designed to prepare an individual for a high school equivalency certificate;

2. Basic and remedial education that will provide an individual with a basic literacy level equivalent to at least grade 8.9;

3. Education in English proficiency for an individual who is not sufficiently competent to understand, speak, read or write the English language; and

4. Postsecondary education for those individuals whose goals are directly related to obtaining employment in a recognized occupational area.

B. Jobs skills training shall provide vocational training in technical job skills and equivalent knowledge and abilities in a specific occupational area.

§ 2.10. Work experience component.

A. Each Employment Services Program shall include a work experience component for exempt and nonexempt ADC , ADC-UP and GR recipients who need appropriate

work experience of a developmental nature to assist them in moving into unsubsidized employment.

B. All participants in the work experience component shall be insured by Worker's Compensation.

C. Participants in the work experience component shall not displace persons currently employed or be placed in established, unfilled positions. Participants shall not perform tasks which have been undertaken by employees or which would have the effect of reducing the work of employees.

§ 2.11. Job readiness component.

Each Employment Services Program shall include a job readiness component to help prepare participants for work by assuring that participants are familiar with general workplace expectations and work behaviors.

§ 2.12. Job development and job placement component.

Each Employment Services Program shall include a job development and job placement component to solicit public and private unsubsidized jobs and to market participants and secure job interviews for participants.

§ 2.13. On-the-job training.

An [~~eligible~~] individual may participate in [a JTPA] on-the-job training [~~activity~~] through a JOBS referral [to JTPA or other programs] as long as no JOBS funds are expended on subsidized wages.

§ 2.14. Work supplementation program.

Each Employment Services Program may operate a work supplementation program to develop and subsidize jobs for ADC recipients as an alternative to aid.

~~§ 2.11.~~ § 2.15. Employability [~~reassessment.~~ review.]

A. Each ESP participant who does not find employment during the job search component shall participate in an employability [~~reassessment review~~] within 30 days.

B. This [~~assessment review~~] shall determine the recipient's future course of involvement in the agency's Employment Services Program including participation in work experience and other training/education components.

C. ESP participants who complete or leave any work experience, training, or education component shall [~~be reassessed have their employability plan reviewed~~] within 30 days of their leaving active participation.

D. Recipients in a pending status shall [~~be reassessed have their employability plan reviewed~~] every [~~90~~ 60] days.

~~§ 2.12.~~ § 2.16. Day care and transportation.

A. Applicants and recipients shall not be required to pay for day care, transportation, or other supportive services which may be necessary for them to participate in the Employment Services Program.

B. [*To the extent of available funds*] each annual plan shall ensure that reasonable and affordable transportation and day care services are available for ADC , ADC-UP and GR applicants and recipients and their children in order for them to participate in any ESP component.

C. ~~Only approved or licensed day care facilities shall be utilized when day care is purchased or provided by the local agency.~~

D. ~~When the applicant or recipient elects to have day care provided by relatives or others without cost to the local agency, approval of the day care provider is not required.~~

§ 2.17. Conciliation.

Each participant shall be provided a conciliation period in which to resolve disputes related to their participation in the Employment Services Program prior to any sanctions being imposed.

§ ~~2.13.~~ § 2.18. Sanctions.

A. The refusal of a nonexempt ADC applicant or recipient to register with the Employment Services Program or of a nonexempt , ADC-UP or GR recipient to accept the employment services offered by the local agency [*without good cause*] shall result in that person's ineligibility for assistance.

B. The refusal of a nonexempt GR applicant or recipient to register with the Employment Services Program or of a nonexempt recipient to accept the employment services offered by the local agency shall result in the entire household's ineligibility for assistance. *The action of a nonexempt recipient to terminate employment or reduce their earnings without good cause shall result in that person's ineligibility for assistance.*

§ 2.14. § 2.19. Appeals.

ESP registrants have the right to appeal. The appeal process currently in place in the department's Division of Benefit Programs *Each participant shall be provided the opportunity for an appeal if a dispute is not resolved through conciliation. The current appeal process of the department shall be utilized to assure fair hearings for all applicants and recipients who feel adverse action has been taken as a result of their participation or lack of participation in the Employment Services Program.*

§ ~~2.15.~~ § 2.20. Fiscal and statistical reports.

Local agencies shall maintain and submit fiscal and statistical data required by the department.

§ ~~2.16.~~ § 2.21. Program monitoring.

The local agency's program performance shall be monitored by the department for compliance with the approved annual plan.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-21-01.15. Surface Water Standards for the Protection of Human Health.

Statutory Authority: § 62.1-44.15 (3a) of the Code of Virginia.

Effective Date: July 18, 1990.

Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits establish water quality which will protect reasonable, beneficial uses, and prevent harm to human, animal, plant or aquatic life.

This amendment was adopted in order to comply with § 303(c)(2)(B) of the Clean Water Act which states that water quality standards must be adopted for § 307(a) toxic pollutants.

Summary:

The amendment adds a new section, VR 680-21-01.15 (Dioxin for Surface Waters) to the Water Quality Standards. This new section includes a numerical limitation for 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin (dioxin) for protection of human health from the consumption of contaminated water and aquatic organisms, a description of stream flow on which effluent limits will be based, and provisions for a variance.

VR 680-21-01.15. Surface Water Standards for the Protection of Human Health.

§ 1. Dioxin.

For the protection of human health from the toxic properties of dioxin ingested through water and contaminated aquatic organisms, the ambient concentration of all surface waters shall not exceed 1.2 parts per quadrillion (ppq) based upon a risk level of 10⁻⁵ and a potency of 1.75 x 10⁴ (mg/kg-day) ⁻¹.

§ 2. *The applicability of the standard in calculating an average effluent limit is based on the mean annual stream flow.*

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§ 3. Variances to Water Quality Standards in § 1 of VR 680-21-01.15.

The board may consider site-specific modifications to the numerical standard in § 1 of VR 680-21-01.15 where the applicant demonstrates that the alternative numerical water quality standard is sufficient to protect human health. Any demonstration provided to the board for review shall utilize the previously referenced risk level and potency as its basis.

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-02-2.2100, VR 460-02-2.6100, VR 460-03-2.6500. Restoration of Income and Resource Methodologies.

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

Effective Dates: June 1, 1990 through May 31, 1991.

SUBJECT: EMERGENCY REGULATION for RESTORATION of INCOME and RESOURCE METHODOLOGIES

SUMMARY

1. **REQUEST:** The Governor's approval is hereby requested to adopt the emergency regulation entitled Restoration of Income and Resource Methodologies. This action will restore the eligibility policies which are more restrictive than those used by the Supplemental Security Income (SSI) program.
2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action regarding Restoration of Income and Resource Methodologies. In the event that it is necessitated by court order, the Director shall have the authority to reinstate promulgation of the previously approved emergency regulation without further approval of the Governor.

/s/ Bruce U. Kozlowski, Director
Date: April 17, 1990

3. CONCURRENCES:

Concur

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: April 18, 1990

4. GOVERNOR'S ACTION:

Approve

/s/ Lawrence Douglas Wilder
Governor
Date: May 26, 1990

5. FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: May 30, 1990 - 4:12 p.m.

DISCUSSION

6. **BACKGROUND:** Section 1902(f) of the Social Security

Act gives to States the option to impose more restrictive eligibility criteria on the Aged, Blind and Disabled than those imposed by the Supplemental Security Income (SSI) Program. This authority was originally given to states in 1972, in § 209(b) of P.L. 92-603 when the SSI Program was created in order to help states whose eligibility criteria for Aid to the Aged, Aid to the Blind and Aid to the Permanently and Totally Disabled had been lower than the national eligibility standards for the new SSI Program. Mandating Medicaid eligibility for all SSI eligibles would have resulted in additional expenditures of state funds for the cost of Medicaid.

The § 209(b) option allows the state the flexibility to set eligibility criteria no more restrictive than those set by the State Medicaid Program on January 1, 1972.

Current § 209(b) More Restrictive Criteria:

In Virginia the § 209(b) option has been used to contain Medicaid expenditures in selected areas of eligibility criteria when changes in the criteria for SSI would have caused large additional expenditures for Medicaid. The more restrictive criteria have concentrated on the way resources are handled. The more restrictive requirement most often discussed is the limit on the ownership of property contiguous to the home site. Other more restrictive criteria include:

prohibiting presumptive eligibility and disability;

prohibiting conditional eligibility;

counting the value of interests in undivided estates;

limiting the time a home is exempt for individuals in nursing homes to six months from admission;

counting the value of jointly owned property.

Section 303(e) of the Medicare Catastrophic Coverage Act created a new section of the Social Security Act, § 1902(r)(2)(A) which reads "The methodology to be employed in determining income and resource eligibility for individuals under subsection (a)(10)(A)(i)(III), (A)(10)(A)(i)(IV), (a)(10)(A)(ii), (a)(10)(C)(i)(III), or under subsection (f) may be less restrictive, and shall be no more restrictive, than the methodology:

(i) in the case of groups consisting of aged, blind, or disabled individuals, under the Supplemental Security Income Program under Title XVI, or

(ii) in the case of other groups, under the State plan most closely categorically related."

Because the provision referenced § 209(b) ("subsection f"), the Department of Medical Assistance Services

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(DMAS) sought clarification from the Health Care Financing Administration (HCFA) as to whether this language prohibited Virginia from continuing to impose the more restrictive income and resource methodologies for contiguous property, undivided estates, the limited exemption of the home for a nursing home patient, and jointly owned property. HCFA advised DMAS by letter dated November 21, 1988, that "We conclude that Virginia and other § 1902(f) States (sic) can continue to reflect in their Medicaid plans more restrictive eligibility requirements consistent with the authority of § 1902(f)." Upon receiving this interpretation from HCFA, DMAS did not change its § 209(b) eligibility rules.

A class action lawsuit was filed on February 10, 1989, in the U.S. District Court in Harrisonburg charging that Virginia's State Plan for Medical Assistance violated § 1902(r) of the Social Security Act. On October 25, 1989, the court issued an injunction which prohibited the Commonwealth from using more restrictive income and resource methodologies for the Aged, Blind or Disabled in determining Medicaid eligibility.

Subsequent to the October 25 injunction, DMAS sought a stay from the District Court which was refused. DMAS then sought a stay of the injunction from the 4th Circuit Court of Appeals which was granted on January 24, 1990. The appellees requested that the Appeals Court reverse its stay of the original injunction but this decision is still pending.

As necessitated by the January 24 stay, the Governor directed DMAS to restore the policies extant before the original court order. This regulatory action is in response to that direction.

7. **AUTHORITY TO ACT:** The Code of Virginia (1950) as amended, § 32.1-324, grants to the Director of DMAS 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 Administrative Process Act (APA) § 9-6.14:9, for this agency's adoption of emergency regulations subject to the Governor's approval.

On October 25, 1989, the federal court issued an injunction prohibiting the Commonwealth from using more restrictive income and resource methodologies for the Aged, Blind or Disabled in determining Medicaid eligibility. Therefore, DMAS amended the State Plan removing the more restrictive income and resource methodologies covered by that court order. The District Court has refused to grant a stay of the injunction and the case was appealed to the 4th Circuit Court of Appeals.

The 4th Circuit Court of Appeals granted a stay of the injunction on January 24, 1990, and has refused to

reconsider its stay.

Without an emergency regulation, even though this amendment to the State Plan is mandated by court order, it cannot become effective until 30 days after the publication in the Virginia Register. Therefore, an emergency regulation is needed to obtain an earliest possible effective regulation.

8. **FISCAL/BUDGETARY IMPACT:** If the Commonwealth did not have the more restrictive income and resource policies, more individuals would be Medicaid eligible. With the stay of the injunction and the reimposition of the more restrictive policies, the Commonwealth is avoiding the additional expenditures which otherwise would be incurred.

DMAS estimates that if the more restrictive income and resource policies were not resumed, the following expenditures would be incurred:

	FY 90	FY 91	FY 92
GF	\$ 575,000	\$ 8,150,000	\$11,950,000
NGF	\$ 575,000	\$ 8,150,000	\$11,950,000
Total	\$1,150,000	\$16,300,000	\$23,800,000

9. **RECOMMENDATION:** Recommend approval of this request to take an emergency adoption action pending the approval of the Health Care Financing Administration. Without an effective emergency regulation, the Department lacks the authority to suspend the prior emergency regulation which eliminated the more restrictive income and resource methodologies from the State Plan for Medical Assistance in conformance to the court order.

10. Approval Sought for VR 460-02-2.2100, 460-02-2.6100, and 460-03-2.6500.

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:

Revision: HCFA-PM-87-4 (BERG) ATTACHMENT 2.6-A
 MARCH 1987 Page 21
 OMB No.: 0938-0193

Revision: HC.A-PM-87-4 (BERG) ATTACHMENT 2.2A
 MARCH 1987 REGISTRAR OF REG. Page 6a
 OMB NO.: 0938-0193

Citation	Condition or Requirement	Agency*	Citation(s)	Groups Covered
1905(p)(1) (C) and (D) of the Act, P.L. 99-509 (Section 9403)	<p>g. Qualified Medicare beneficiaries covered under §1902(a)(10)(E) of the Act--</p> <p><u>XX</u> The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).</p> <p>— The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under §1902(f) of the Act. The methodologies are described in Supplement 5 to ATTACHMENT 2.6-A.</p>			<p>e. Have earnings that are not sufficient to provide for himself or herself a reasonable equivalent of the Medicaid, SSI (including any Federally administered SSP), or public funded attendant care services that would be available if he or she did have such earnings.</p> <p>— Not applicable with respect to individuals receiving only SSP because the State either does not make SSP payments or does not provide Medicaid to SSP only recipients.</p>
435.914	<p>11. Effective Date of Eligibility - Categorically and Medically Needy and Qualified Medicare Beneficiaries</p> <p>a. Groups Other Than Qualified Medicare Beneficiaries</p> <p>(1) For the prospective period.</p> <p>Coverage is available for the full month if the following individuals are eligible at any time during the month.</p> <p><u>XX</u> Aged, blind, disabled.</p> <p><u>XX</u> AFDC-related.</p>		<p>1619(b)(8) of the Act, P. L. 99-643 (Section 7)</p> <p>1634(c) of the Act, P.L. 99-643 (Section 6)</p>	<p><u>XX</u> The State applies more restrictive eligibility requirements for Medicaid than under SSI and under 42 CFR 435.121. Individuals who qualify for benefits under section 1619(a) of the Act or individuals described above who meet the eligibility requirements for SSI benefits under section 1619(b)(1) of the Act and who met the State's more restrictive requirements in the month before the month they qualified for SSI under section 1619(a) or met the requirements of section 1619(b)(1) of the Act are covered. Eligibility for these individuals continues as long as they continue to qualify for benefits under section 1619(a) of the Act or meet the SSI requirements under section 1619(b)(1) of the Act.</p> <p>11. Blind or disabled individuals who—</p> <p>a. Are at least 18 years of age;</p> <p>b. Lose SSI eligibility because they become entitled to OASDI child's benefits under section 202(d) of the Act or an increase in these benefits based on their disability. Medicaid eligibility for these individuals continues for as long as they would be eligible for SSI, absent their OASDI eligibility.</p>

*Agency that determines eligibility for coverage.

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Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
MARCH 1987 Page 12
OMB No.: 0938-0193

Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
MARCH 1987 Page 9
OMB No.: 0938-0193

Citation	Condition or Requirement
1905(p)(1)(c) and (m)(5)(B) of the Act, P.L. 99-509 (Secs. 9403(b) and (E))	<p>f. In determining countable income for qualified Medicare beneficiaries covered under Section 1902(a)(10)(E) of the Act, the following disregards are applied:</p> <p>_____ The disregards of the SSI program.</p> <p>_____ The disregards of the State supplementary payment program, as follows:</p> <p><u>XX</u> The disregards of the SSI program except for the following restrictions, applied under the provisions of Section 1902(f) of the Act.</p> <p>Supplement 1 to ATTACHMENT 2.6-A specifies for non-1902(f) and 1902(f) states the income levels for optional categorically needy groups of individuals with incomes up to the Federal nonfarm income poverty line—pregnant women and infants or children covered under §1902(a)(10)(A)(ii)(IX) of the Act and aged and disabled individuals covered under §1902(a)(10)(A)(ii)(X) of the Act—and groups of qualified Medicare beneficiaries covered under §1902(a)(10)(E) of the Act.</p> <p>Supplement 7 to ATTACHMENT 2.6-A specifies for 1902(f) states the income levels for categorically needy aged, blind and disabled persons who are covered under requirements more restrictive than SSI.</p> <p>Supplement 11 to ATTACHMENT 2.6-A specifies for 1902(f) states the income levels for categorically needy aged, blind and disabled persons who are covered under requirements more restrictive than SSI.</p>

Citation	Condition or Requirement
1902(a)(10) and 1902(m)(1) (C) of the Act P.L. 97-248 (Section 137) and P.L. 99-509 (Section 9402)	<p>4. Other deductions from income applied under the Medicaid Plan.</p> <p>5. Required incurred medical and remedial services.</p> <p>5. Resource Exemptions - Categorically and Medically Needy.</p> <p>a. Except as specified in item C.5.e. below, in determining countable resources for AFDC related individuals, the disregards and exemptions in the State's approved AFDC plan are applied. For the Medically needy, See Supplement 5 to Attachment 2.6A.</p> <p>b. In determining countable resources for aged individuals, including aged individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied:</p> <p>_____ The disregards of the SSI program.</p> <p><u>XX</u> The disregards of the SSI program, except for the following restrictions, applied under the provisions of section 1902(f) of the Act: See [NOTE//B&I6w Supp. 5 to Attachment 2.6A.]</p> <p>c. In determining countable resources for blind individuals, the following disregards are applied:</p> <p>_____ The disregards of the SSI program.</p> <p><u>XX</u> The disregards of the SSI program, except for the following restrictions applied under the provisions of section 1902(f) of the Act: [See Supp. 5 to Attachment 2.6A.]</p>

NOTE: The State uses more liberal resource exemptions than the cash assistance programs, as allowed under DEBRA. See Supplement 5 to Attachment 2.6-A for the exemptions used for all medically needy groups. Prior approved state plan pages are appended.

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Revision: HCFA-PM-87-4 (BERG) ATTACHMENT 2.6-A
 MARCH 1987 Page 13
 OMB No.: 0938-0193

Citation	Condition or Requirement
1902(a)(10) and 1902(m)(1)(C) of the Act, P.L. 97-248 (Section 137) and P.L. 99-509 (Section 9402)	<p>d. In determining countable resources for disabled individuals, including disabled individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied:</p> <p>___ The disregards of the SSI program.</p> <p><u>XX</u> The disregards of the SSI program, except for the following restrictions applied under the provisions of §1902(f) of the Act:</p> <p>See [NOTZ//b&b//AP Supplement 5 to Attachment 2.6A].</p>
1902(1)(3)(B) of the Act, P.L. 99-509 (Section 9401(b))	<p>e. In determining countable resources of women during pregnancy and during the 60-day period beginning on the last day of pregnancy covered under the provisions of section 1902(a)(10)(A)(ii)(IX) of the Act, the following disregards are applied:</p> <p><u>XX</u> Not applicable. No resource standard is applied.</p> <p>___ The disregards of the SSI program.</p> <p>___ The following disregards which are different but not more restrictive than the disregards of the SSI program:</p>

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Citation	Condition or Requirement
1902(1)(3)(C) of the Act, P.L. 99-509 (Section 9401(b))	<p>f. In determining countable resources of infants and children under 5 covered under the provisions of §1902(a)(10)(A)(ii)(IX) of the Act, the following disregards are applied:</p> <p>___ Not applicable. No resource standard is applied.</p> <p><u>XX</u> The disregards and exemptions in the State's approved AFDC plan.</p> <p>___ The following disregards and exemptions, which are different but no more restrictive than those in the State's approved AFDC plan.</p>
1902(p)(1)(D) of the Act, P.L. 99-509 (Section 9403(b))	<p>g. In determining countable resources of qualified Medicare beneficiaries covered under §1902(a)(10)(E) of the Act, the following disregards are applied:</p> <p><u>XX</u> The disregards of the SSI program.</p> <p>___ The disregards of the SSI program, except for the following restrictions, applied under the provisions of §1902(f) of the Act:</p>

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Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
 MARCH 1987 Page 15
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Revision: HCFA-PM-87-4 (BERC) ATTACHMENT 2.6-A
 MARCH 1987 Page 18
 OMB No.: 093B-0193

Citation	Condition or Requirement
	<p>6. Resource Standard - Categorically Needy</p> <p>a. 1902(f) States (except as specified under items 6.c. and d. below)</p> <p><input checked="" type="checkbox"/> Same as SSI resource standards.</p> <p><input type="checkbox"/> More restrictive.</p> <p>b. Non-1902(f) States (except as specified under items 6.c. and d. below)</p> <p>The resource standards are the same as those in the related cash assistance program or State supplement.</p> <p>Supplement 8 to ATTACHMENT 2.6-A specifies for 1902(f) States the categorically needy resource levels for all covered categorically needy groups.</p> <p>c. For pregnant women and infants or children covered under the provisions of section 1902(a)(10)(A)(ii)(IX) of the Act, the agency applies a resource standard:</p> <p><input type="checkbox"/> Yes. Supplement 2 to ATTACHMENT 2.6-A specifies the standard, which for pregnant women, is no more restrictive than the standard under the SSI program; and for infants and children, is no more restrictive than the standard applied in the State's approved AFDC plan.</p> <p><input checked="" type="checkbox"/> No. The agency does not apply a resource standard to these individuals.</p>

1902(1)(3)(A),
 (B) and (C) of
 the Act,
 P.L. 99-509
 (Sec. 9401(b))

TN.No. _____ Approval Date _____ Effective Date _____
 Supersedes
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Citation	Condition or Requirement
	<p>10. Treatment of Income and Resources - Categorically and Medically Needy and Qualified Medicare Beneficiaries</p> <p>a. AFDC related individuals (other than under items 9.e. and f. below)</p> <p>The agency uses the same methodologies for treatment of income and resources as used in the State's approved AFDC State plan.</p> <p>*b. Aged individuals, including excluding individuals covered under §1902(a)(10)(A)(ii)(X) of the Act.</p> <p><input type="checkbox"/> The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).</p> <p><input checked="" type="checkbox"/> The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under §1902(f) of the Act. The methodologies are described in Supplement 5 to ATTACHMENT 2.6-A.</p> <p>*c. Blind individuals</p> <p><input type="checkbox"/> The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).</p> <p><input checked="" type="checkbox"/> The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under §1902(f) of the Act.</p>

1902(a)(10)(A)
 1902(a)(10)(C),
 and 1902 (m)(1)(B)
 and (C) of the
 Act, P.L.99-509
 (Section 9402(A))

*NOTE: The State uses some more liberal resource exemptions than the cash assistance programs, as allowed under DEBRA. See Supplement 5 to Attachment 2.6 A for the exemptions used for all medically needy groups. Prior approved State Plan pages are appended.

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Supplement 5 to Attachment 2.6 A

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of Virginia

METHODOLOGIES FOR TREATMENT OF INCOME AND RESOURCES THAT DIFFER FROM THOSE OF THE SSI PROGRAM

Revision: HCFA-FM-87-4 (BERC) ATTACHMENT 2.6-A
 MARCH 1987 Page 19
 OMB No.: 0938-0193

Citation	Condition or Requirement
	The methodologies are described in Supplement 5 to ATTACHMENT 2.6-A.
1902(a)(10)(A), 1902(a)(10)(C), and 1902(m)(1)(B) and (C) of the Act, P.L. 99-509 (Section 9402(a))	<p>*d. Disabled individuals, including individuals covered under §1902(a)(10)(A)(ii)(X) of the Act.</p> <p>— The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).</p> <p><u>XX</u> The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under §1902(f) of the Act. The methodologies are described in Supplement 5 to ATTACHMENT 2.6-A.</p>
1902(1)(3) of the Act, P.L. 99-509 (Section 9401(b))	<p>e. Individuals who are pregnant women covered under §1902(a)(10)(A)(ii)(X)(A) of the Act.</p> <p>(1) <u>Treatment of Income</u></p> <p style="padding-left: 20px;">The agency uses the same methodologies for treatment of income as used under—</p> <p style="padding-left: 40px;">— The State's approved AFDC plan.</p> <p style="padding-left: 40px;">— The approved title IV-E plan.</p> <p>(2) <u>Treatment of Resources</u></p> <p style="padding-left: 20px;">— The agency uses the same methodologies for treatment of resources as used in the SSI program.</p>

*NOTE: The State uses some more liberal resource exemptions than the case assistance programs, as allowed under DEBRA. See Supplement 5 to Attachment 2.6A for the exemptions used for all medically needy groups. Prior approved State Plan pages are appended.

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§ 100. Income and resource requirements applicable to all groups.

A. The value of real and personal property resources owned by the applicant/recipient may not exceed \$2,000.00 for a single person, \$3,000.00 for a couple or two-person family unit. For each additional person in the family unit, an additional \$100.00 in resources is allowed.

B. Real or personal property of a spouse is considered available to a spouse if they are living together. Real or personal property of parent living in the home is considered available to his/her child(ren), except property owned by an SSI recipient is not considered available to his/her children in determining their eligibility for Medicaid.

C. No lien may be imposed or any encumbrance placed upon any property, real or personal, owned by a recipient of medical assistance except pursuant to a court judgment on account of benefits incorrectly paid.

D. For income-producing property and other nonresidential property, appropriate equity and profit is to be determined by the prorata share owned by an individual in relation to his proportionate share of the equity and profit.

E. [*Property in the form of an interest in an undivided estate is to be regarded as an asset unless it is considered unseizable for reasons other than being an undivided estate. An heir can initiate a court action to partition. However, if such an action would not result in the applicant/recipient securing title to property having value substantially in excess of the cost of the court action, the property would not be regarded as an asset. Reserved.*]

F. The current market value of real property is determined by ascertaining the tax assessed value of the property and applying to it the local assessment rate. The equity value is the current market value less the amount due on any recorded liens against the property. "Recorded" means written evidence that can be substantiated, such as deeds of trust, liens, promissory notes, etc.

G. The following limitations apply to income and resources in addition to the income and resource requirements of the Supplemental Security Income (SSI) program for the aged, blind and disabled, and of the Aid

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to Dependent Children (ADC) cash assistance program for all other individuals:

§ 200. Aged, blind, and disabled (SSI-related) individuals.

§ 201. Real property.

§ 201.1. Home ownership.

Ownership of a dwelling occupied by the Applicant as his home does not affect eligibility.

For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence and all contiguous property as long as the value of the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value.

The lot occupied by the house shall be a measure of land as designated on a plat or survey or whatever the locality sets as a minimum size for a building lot, whichever is less. In localities where no minimum building lot requirement exists, a lot shall be a measure of land designated on a plat or survey or one acre, whichever is less.

Contiguous property essential to the operation of the home means:

A. land used for the regular production of any food or goods for the household's consumption only, including:

1. vegetable gardens,

2. pastureland which supports livestock raised for milk or meat, and land used to raise chickens, pigs, etc. (the amount of land necessary to support such animals is established by the local extension service; however, in no case shall more land be allowed than that actually being used to support the livestock.),

3. outbuildings used to process and/or store any of the above;

B. driveways which connect the homesite to public roadways;

C. land necessary to the home site to meet local zoning requirements (e.g. building sites, mobile home sites, road frontage, distance from road, etc.);

D. land necessary for compliance with state or local health requirements (e.g. distance between home and septic tank, distance between septic tanks, etc.);

E. water supply for the household;

F. existing burial plots.

G. outbuilding used in connection with the dwelling, such as garages or tool sheds.

All of the above facts must be fully reevaluated and documented in the case record before the home site determination is made.

[Reserved.]

§ 201.2. Income-producing real property other than the home; does not affect eligibility if:

A) it is used in a trade or business or is otherwise income-producing and

B) the equity value (current market value less the balance of any recorded lien(s) against the property) of the property does not exceed \$6,000.00, and

C) the property produces a net annual income to the individual of at least 6% of the property's equity value.

D) if the property produces less than the 6% net annual income, it may be excluded if its equity value does not exceed \$6,000.00 and it is used in a business or non-business income-producing activity, and the following conditions are met:

1) unusual or adverse circumstances, such as a fire, street repair in front of a store, or natural disaster, cause a temporary reduction in the rate of return, and

2) the property usually produces net annual income of at least 6% of the equity value, and

3) the individual expects the property to again produce income at the 6% rate of return within 18 months of the end of the calendar year in which the unusual incident caused the reduction in the rate of return.

When the property must be counted because the equity exceeds \$6,000.00 or because the net annual return to the individual is less than 6% of equity, the individual's equity in the property is a countable resource.

§ 201.3. Other real property; ownership of such property generally precludes eligibility.

Exceptions to this provision are: (a) when the equity value of the property, plus all other resources, does not exceed the appropriate resource limitation; (b) the property is smaller than the county or city zoning ordinances allow for home sites or building purposes, or

the property has less than the amount of road frontage required by the county or city for building purposes and adjoining land owners will not buy the property; or (c) the property has no access, or the only access is through the exempted home site; or (d) the property is contiguous to the recipient's home site and the survey expenses required for its sale reduce the value of such property, plus all other resources, below applicable resource limitations; or (e) the property cannot be sold after a reasonable effort to sell it has been made, as defined below. Ownership of real property other than the home will not effect eligibility when the property cannot be sold after a reasonable effort to sell has been made, as defined in § 201.4

§ 201.4. Reasonable effort to sell.

a) For purposes of this section "current market value" is defined as the current tax assessed value. If the property is listed by a realtor, then the realtor may list it at an amount higher than the tax assessed value. In no event, however, shall the realtor's list price exceed 150% of the assessed value.

b) A reasonable effort to sell is considered to have been made:

1) As of the date the property becomes subject to a realtor's listing agreement if

i. it is listed at a price at current market value, and

ii. the listing realtor verifies that it is unlikely to sell within 90 days of listing given the particular circumstances involved (e.g., owner's fractional interest; zoning restrictions; poor topography; absence of road frontage or access; absence of improvements; clouds on title, right of way or easement; local market conditions)

OR

2) When at least two realtors refuse to list the property. The reason for refusal must be that the property is unsaleable at current market value. Other reasons for refusal are not sufficient.

OR

3) When the applicant has personally advertised his property at or below current market value for 90 day by use of a "Sale By Owner" sign located on the property and by other reasonable efforts such newspaper advertisements, or reasonable inquiries with all adjoining land-owners or other potential interested purchasers.

C. Notwithstanding the fact that the recipient made a reasonable effort to sell the property and failed to sell it, and although the recipient has become eligible, the recipient must make a continuing reasonable effort to sell by:

1) Repeatedly renewing any initial listing agreement

until the property is sold. If the list price was initially higher than the tax-assessed value, the listed sales price must be reduced after 12 months to no more than 100% of the tax-assessed value.

2) In the case where at least 2 realtors have refused to list the property, the recipient must personally try to sell the property by efforts described in b(3) above, for 12 months.

3) In the case of recipient who has personally advertised his property for a year without success (the newspaper advertisements "for sale" sign, etc., do not have to be done continually; these efforts just have to be done for at least 90 days within 12 month period), the recipient must then

i. subject his property to a realtor's listing agreement at price at or below current market value; or

ii. meet the requirements of section b(2) above which are that the recipient must try to list the property and at least two realtors refuse to list it because it is unsaleable at current market value; other reasons for refusal to list are not sufficient.

d) If the recipient has made a continuing effort to sell the property for 12 months, then the recipient may sell the property between 75% and 100% of its tax assessed value and such sale shall not result in disqualification under the transfer of property rules. If the recipient requests to sell his property at less than 75% of assessed value, he must submit documentation from the listing realtor, or knowledgeable source if the property is not listed with a realtor, that the requested sale price is the best price the recipient can expect to receive for the property at this time. Sale at such a documented price shall not result in disqualification under the transfer of property rules. The proceeds of the sale will be counted as a resource in determining continuing eligibility.

e) Once the applicant has demonstrated that his property is unsaleable by following the procedures in section "b", the property is disregarded in determining eligibility starting the first day of the month in which the most recent application was filed, or up to three months prior to this month of application if retroactive coverage is requested and the applicant met all other eligibility requirements in the period. A recipient must continue his reasonable efforts to sell the property as required in section "C" above.

§ 202. Personal property.

§ 202.1. Automobiles.

Ownership of one motor vehicle does not affect eligibility. If more than one vehicle is owned, the individual's equity in the least valuable vehicle(s) must be counted. The value of the vehicles is the wholesale value listed in the National Automobile Dealers Official Used

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Car Guide (NADA) Book, Eastern Edition. In the event the vehicle is not listed, the value assessed by the locality for tax purposes may be used. The value of the additional motor vehicle(s) is to be counted in relation to the amount liquidable assets that may be retained.

§ 202.2. Life, retirement, and other related types of insurance policies with face values totaling \$1,500, or less on any one person 21 years old and over are not considered resources. When the face value(s) of such policies of any one person exceeds \$1,500, the cash surrender value of the policy(ies) is counted as a resource.

§ 202.3. Prepaid burial plans are counted as resource since the money is refundable to the individual upon his request. Cemetery plots are not counted as resources. [~~Reserved.~~ See Supplement 12 to Attachment 2.6 A.]

§ 202.4. Liquidable assets such as cash, bank accounts, stocks, bonds, securities and deeds of trusts are considered resources.

§ 203. Income.

For the purposes of determining eligibility, income is defined as the receipt of any property or services which an individual can apply, either directly or by sale or conversion, to meet the individual's basic needs for food, shelter, and clothing. Income is either earned (payment received by the individual for services performed as an employee, or as a result of being self-employed) or unearned (includes pensions, benefits, prizes, inheritances, gifts, dividends, support and maintenance, etc.)

§ 204. Deeming of income and resources.

§ 204.1. Responsibility of spouses.

A. If an individual and his/her spouse apply or are eligible for Medicaid as aged, blind, or disabled, and they cease to live together (separate), their income and resources are considered available (deemed) to each other for the time periods specified below. After the appropriate time period, income or resources actually contributed by the separated spouse to the individual are counted in determining the individual's eligibility.

B. If eligible spouses separate because one is institutionalized, their income is deemed to each other through the month in which they cease to live together. This deeming stops with the month after the month in which separation occurs. [*Their resources, however, are deemed available to each other during the month in which they cease to live together and for the six months following that month.*] For requirements governing the treatment of income between spouses when one is institutionalized, see Attachment 2.6 A pages 5a and 5b and Supplement 13.

C. If spouses separate for any reason other than

institutionalization, their income and resources are deemed to each other during the month in which they cease to live together and during the six months following that month. However, if the deeming of their income and/or resources cause them to be ineligible as a couple, each spouse's eligibility will be determined individually using the procedure in "D" below.

D. If only one spouse in a couple applies for Medicaid or only one meets the aged, blind, or disabled requirement, or if both spouses apply and are not eligible as a couple, and they separate, only the income and resources of the separated spouse that are actually contributed to the individual are counted as available to the individual beginning with the month after the month in which they cease to live together.

§ 204.2. Responsibility of parents for blind or disabled children.

A. If the blind or disabled child is under age 18, or under age 21 and regularly attending a school, college, university or is receiving technical training designed to prepare him for gainful employment, and living in the same household with a parent, the parents' income and resources are deemed available to the child.

B. Only the parent's income and resources which remain, after deducting appropriate disregards and amounts for the maintenance needs of the parents and other dependents in the household, is deemed as resources and unearned income available to the blind or disabled child.

§ 300. Aid to Dependent Children (ADC) Related Individuals

*§ 301. Real property.

The regulations in §§ 100, and 201.1 through 201.4 above apply. Life rights to real property are not counted as a resource.

§ 302. Personal property.

§ 302.1. Automobiles.

The policy in § 202.1 applies.

§ 302.2. Life insurance.

The policy in § 202.1 applies.

§ 302.3. Burial plots.

The market value of a burial plots owned by any member of the family unit are not counted toward the Medical resource limit for the family.

§ 302.4. Prepaid burial plans are counted as resources, except for the amount(s) of such funeral agreements that

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are disregarded under the Virginia ADC cash assistance program.

§ 302.5. Liquidable assets such as cash, bank accounts, stocks, bonds, and securities, are counted as resources.

§ 303. Income.

The income eligibility determination methodology of the Virginia ADC cash assistance program applies.

§ 400. Financial eligibility criteria more restrictive than SSI.

§ 401. SSI recipient who has transferred or given away property to become or remain eligible for SSI or Medicaid and who has not received compensation in return for the property approximating the value of the property is not covered (See Supplement 9 to Attachment 2.6-A).

§ 402. [SSI recipient who owns real property contiguous to his residence which does not meet the home property definition (above), the income-producing requirement (above), or which is saleable is not covered if the equity value of the contiguous property, when added to the value of all their resources, exceed the resource limit applicable to the Medicaid family unit. ~~Reserved.~~]

§ 403. [SSI recipient who owns a prepaid burial plan is not covered if the value of the prepaid burial plan plus all other countable resources including real property exceeds the resource limit applicable to the Medicaid family unit. [~~Reserved.~~ See Supplement 12 to Attachment 2.6 A]

Note: These sections contain provisions more liberal than SSI or AFDC cash assistance policy, as allowed under the "moratorium" provisions of the Act.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: VR 480-05-22.1. Gas and Oil Regulations.

Statutory Authority: §§ 45.1-1.3 and 45.1-361.27 of the Code of Virginia.

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

Summary:

The 1990 session of the Virginia General Assembly enacted Senate Bill 382 which, effective July 1, 1990, repeals the Virginia Oil and Gas Act, Chapter 22 of Title 45.1, and adds the Virginia Gas and Oil Act, Chapter 22.1 of Title 45.1 of the Code of Virginia. These provisions replace the basic law governing gas and oil resource conservation, exploration, development and production in Virginia.

The new Virginia Gas and Oil Act establishes:

1. authority over resource conservation and authority to hear administrative appeals with the Virginia Gas and Oil Board;

2. authority to promulgate regulations and enforce provisions to ensure the safe and efficient exploration, development and production of gas and oil resources with the Department of Mines, Minerals and Energy;

3. the Gas and Oil Plugging and Restoration Fund and the Orphaned Well Fund; and,

4. civil charges and penalties for violations of the Act.

The Virginia Oil and Gas Act contained numerous technical and regulatory standards. The new Virginia Gas and Oil Act provides more general enabling authority to the Department of Mines, Minerals and Energy and the Virginia Gas and Oil Board to use their technical expertise with gas and oil operations to establish specific regulatory standards. Many of the general administrative features governing the gas and oil industry are continued from the Virginia Oil and Gas Act in the new Virginia Gas and Oil Act or are continued in the existing "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VR 480-05-22, and do not need to be established in the emergency regulation.

Basis of Emergency:

The Department of Mines, Minerals and Energy must promulgate this emergency regulation to implement the provisions of the Gas and Oil Act to be effective on July 1, 1990. This emergency regulation adopts the technical provisions no longer in statute and removes conflicts between the existing regulation and the new law. For example, the Oil and Gas Act contained specific provisions detailing what was to be included in a permit application and set detailed well casing and plugging standards. These are now established in this regulation.

These standards must be established by regulation in order for the Department to administer its regulatory program after July 1, 1990. There is insufficient time to promulgate regulations through the full Administrative Process Act procedure. Therefore, this emergency regulation is required.

The Department of Mines, Minerals and Energy will promulgate a permanent regulation in accordance with the Administrative Process Act and the Department's Public Participation Guidelines to replace this emergency regulation. The Department is establishing a regulatory working group representing the public, industry, and government agencies to develop the permanent regulation. The Department plans to have a draft of the regulation available for

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public comment during December, 1990, and enact the final regulation before the emergency regulation expires on June 30, 1991.

This emergency regulation is designated as VR 480-05-22.1 of the Department of Mines, Minerals and Energy. The regulation shall become effective on July 1, 1990. The regulation shall expire on June 30, 1990, or upon the effective date of the permanent regulation, whichever occurs first.

The Department will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this emergency regulation.

IT IS SO ORDERED BY:

/s/ O. Gene Dishner, Director
Department of Mines, Minerals and Energy
Date: May 14, 1990

APPROVED BY:

/s/ Lawrence H. Framme, III
Secretary of Economic Development
Date: May 20, 1990

/s/ Lawrence Douglas Wilder
Governor
Date: May 28, 1990

FILED WITH:

/s/ Joan W. Smith
Registrar of Regulations
Date: May 30, 1990 - 10:39 a.m.

VR 480-05-22.1 Gas and Oil Regulations.

§ 1. Definitions.

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

"Bridge" means an obstruction placed in a well at any specified depth.

"Cased completion" means a coalbed methane gas well in which production casing is set through the productive coalbed or coalbeds.

"Cased/open hole completion" means a coalbed methane gas well in which at least one coalbed is completed through casing and at least one coalbed is completed open hole.

"Casing" means all pipe set in wells except conductor pipe and tubing.

"Cement" means hydraulic cement properly mixed with water.

"Coal protection string" means a string designed to protect a coal seam.

"Combination well" means a well producing both gas and oil.

"Conductor pipe" means the short string of large diameter used primarily to control caving and washing out of unconsolidated surface formations.

"Deviation survey" means any process to determine the deviation, using the surface location of the well as the apex, of the well bore from the true vertical beneath the apex on the same horizontal subsurface plane.

"Directional survey" means any process to determine (i) the angle of deviation, using the surface location of the well as the apex, of the well bore from the true vertical beneath the apex on the same horizontal subsurface plane, and (ii) the direction of an imaginary line from the true vertical beneath the apex to the well bore on the same horizontal subsurface plane.

"Expanding cement" means any cement approved by the Inspector which expands during the hardening process, including but not limited to regular oil field cements with the proper additives.

"Gas-oil ratio test" means a test, by any means generally accepted in the gas and oil industry, to determine the number of cubic feet of gas produced per barrel of oil produced.

"Gas well" means any well which produces or appears capable of producing a ratio of 6,000 cubic feet of gas or more to each barrel of oil on the basis of the initial gas-oil ratio test.

"Gob well" means a coalbed methane gas well which produces coalbed methane gas that is captured from the de-stressed zone associated with any full-seam extraction of coal that extends above and below the mined-out coal seam.

"Horizontal ventilation hole" means an underground system by which coalbed methane gas is collected from the working face of a mine's operations and is vented to the atmosphere or produced.

"Initial gas-oil ratio test" means the gas-oil ratio test performed for the purpose of designating a well as a gas well or an oil well.

"Linear foot" means one foot in a straight line on a horizontal plane.

"Mud" or *"mud-laden fluid"* means any approved mixture of water and clay or other material as the term

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is commonly used in the industry.

"Oil well" means any well which produces or appears capable of producing a ratio of less than 6,000 cubic feet of gas to each barrel of oil on the basis of the initial gas-oil ratio test.

"Open hole completion" means a coalbed methane gas well in which no production casing is set through the productive coalbed or coalbeds.

"Pillar" means a solid block of coal, ore or other material left unmined to support the overlying strata in a mine.

"Plug" means the stopping of the flow of water, gas or oil from one stratum to another in connection with the abandoning of a well in accordance with the requirements of law.

"Porosity" means a measure of the pore space in a given quantity of bulk rock, expressed as a percentage.

"Produced waters" means water or fluids produced from a gas well, oil well, coalbed methane gas well, gob well, or corehole as a bi-product of drilling, completing and producing gas, oil or coalbed methane gas.

"Red shales" mean the undifferentiated shaly portion of the Bluestone Formation normally found above the Pride Shale Member of the formation, and extending upward to the base of the Pennsylvanian strata, which red shales are predominantly red and green in color but may occasionally be gray, grayish green and grayish red.

"Safe mining through a well" means the mining of coal in a coal seam up to and through a well which penetrates the coal seam but has been plugged pursuant to §§ 23, 24 and 25 of this regulation so that the casing and plug in the well where the well bore penetrated the coal seam is safely severed.

"Shot" or "shooting" means exploding nitroglycerine or other high explosive in a hole to shatter the rock and increase the flow of gas or oil.

"Spoil" means any overburden or other material removed from its natural state in the process of preparing or utilizing a well location.

"String of pipe" means the total footage of pipe of uniform size set in a well. The term embraces conductor pipe, casing and tubing. When the casing consists of segments of different size, each segment constitutes a separate string. A string may serve more than one purpose. The classification of a string is based on its primary function. The "surface string" has its upper end at the surface; the "intermediate strings" prevent caving, shut off connate water in strata below the surface string, and protect strata from exposure to lower zone pressures; and the "production string," where used, is the string

through which the well is completed and frequently produced and controlled.

"Target formation" means the primary geological formation identified by the well operator in his application for a drilling permit filed under § 45.1-361.29 of the Code of Virginia.

"Tubing" means the small diameter string set after the well has been drilled from the surface to the total depth and through which the gas or oil or other substance is produced or injected.

"Vertical ventilation hole" means a hole, permitted by the Department of Mines, Minerals and Energy, Division of Mines, pursuant to the "Rules and Regulations Governing Vertical Mine Ventilation Holes," VR 480-05-96, drilled from the surface to a coal seam, used only for safety purposes by removing gas from the coal seam and the adjacent strata, thus venting the gas that would normally be in the mine ventilation system.

"Waste disposal well" means a well drilled or converted for the disposal of drilling fluids, produced waters and other wastes associated with the exploration, development, or production of gas or oil.

"Water protection string" means a string designed to protect the fresh water sands.

"Well work" means the drilling, re-drilling, deepening, stimulating, pressuring by injection of any fluid, converting from one type of well to another, combining or physically changing to allow the migration of fluid from one formation to another, plugging or replugging of any well.

§ 2. Authority and applicability.

A. The Director of the Department of Mines, Minerals and Energy is authorized to promulgate this regulation pursuant to § 45.1-361.27 of the Code of Virginia.

B. The requirements of this regulation are in addition to the requirements of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VR 480-05-22, and orders issued by the Virginia Oil and Gas Conservation Board, Virginia Well Review Board, Virginia Gas and Oil Board, or the Department of Mines, Minerals and Energy.

C. The requirements of §§ 35 through 44 of this regulation govern development and production of coalbed methane gas. Where there is a conflict or inconsistency between §§ 35 through 44 of this regulation and §§ 3 through 34 of this regulation or other general regulation or order of the Department, the provisions of §§ 35 through 44 shall prevail.

§ 3. Permit requirements for gas, oil or geophysical operations.

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A. It shall be unlawful for any person to commence any gas, oil or ground disturbing geophysical operation, including site preparation work which involves any disturbance of land, without first securing from the Inspector a permit for the operation. An application may propose and a permit or permit modification may approve two or more activities.

B. The application for a permit or permit modification shall be accompanied by a fee pursuant to § 45.1-361.29 of the Code of Virginia, the bond pursuant to § 45.1-361.31 of the Code of Virginia, the fee for the Gas and Oil Plugging and Restoration Fund pursuant to § 45.1-361.32 of the Code of Virginia, and the fee for the Orphaned Well Fund pursuant to § 45.1-361.40 of the Code of Virginia.

C. Every permit or permit modification application filed under this section shall be verified, and shall contain the following:

1. The names and addresses of (i) the gas or oil operator, or geophysical operator, (ii) the agent required to be designated under § 45.1-361.37 of the Code of Virginia, and (iii) every person whom the applicant must notify under § 45.1-361.30 together with the certification required in § 45.1-351.29.E of the Code of Virginia;

2. The number of the well or such other identification of a well, pipeline or other facility as the Inspector may require;

3. The type of well or other gas or oil operation;

4. The work for which a permit is requested;

5. The approximate depth to which a well or corehole is to be drilled or deepened, or the actual depth if a well or corehole has been drilled;

6. Unless submitted in a previous permit application by the applicant, the location and thickness of all known coal seams, known water-bearing strata, and other known gas or oil strata between the surface and the depth to which a well or corehole is proposed to be drilled. Information in the possession of the Inspector may be designated by the applicant and need not be resubmitted;

7. If the proposed well or corehole will require casing or tubing to be set, the entire casing program, including the size of each string of pipe, the starting point and depth to which each string is to be set, and the extent to which each string is to be cemented;

8. If the proposed work is to convert an oil well or a combination well, or to drill a new well for the purpose of introducing pressure for the recovery of oil, or if the proposed work is to convert a gas, oil,

combination or coalbed methane gas well into, or drill a new well as a disposal well, specifications of (i) where available, the casing records of the well, (ii) where available, the drilling log of the well, (iii) the maximum pressure to be introduced, (iv) the geological formation into which liquid or pressure is to be introduced, (v) a general description of the liquids to be introduced, and (vi) the location of all known coal seams, water-bearing strata, and other gas or oil strata above and below the geological formation into which such liquid or pressure is to be introduced;

9. If the proposed work is to plug or replug a well or corehole, (i) a statement of the time at which the work of plugging or replugging is proposed to be commenced, which time shall not be less than ten days after the day on which the application is filed, (ii) a copy of all logs in the operator's possession not previously filed with the Inspector, and (iii) a work order showing in detail the proposed manner of plugging or replugging the well or corehole, in order that a representative of the Inspector and any interested persons may be present when the work is done. In the event of an application to drill, redrill or deepen a well, if the well work is unsuccessful so that the well must be plugged and abandoned, and if the well is one on which the well work has been continuously progressing pursuant to a permit, the operator may proceed to plug the well as soon as he has obtained the verbal permission of the Inspector or his designated representative to plug and abandon the well, except that the operator shall make every reasonable effort to notify immediately the royalty owner and the coal owner, if any, of the land at the well location, and shall also timely file the plugging affidavit required under § 27 of this regulation;

10. The operations plan, map and plat required for a permit application;

11. For applications for a permit for a gathering pipeline, the information required under § 6 of this regulation; and

12. Any other relevant information which the Inspector may require.

§ 4. Operations plans.

An operations plan shall accompany each application for a permit or permit modification, shall state the intended method of spoil placement and shall contain a drainage and stabilization plan including a map of the project area indicating the area to be disturbed. The drainage and stabilization plan shall meet the minimum requirements of the 1980 Virginia Erosion and Sediment Control Handbook, hereby incorporated by reference. The operations plan and map shall become part of the terms and conditions of any permit which is issued and the provisions of the plan shall be carried out where

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applicable during and after drilling or other installation operations.

§ 5. Plats.

A. When an application for a permit for a well or corehole is filed, the applicant shall also file an accurate well plat prepared by a registered engineer or certified land surveyor on a scale, to be stated thereon, of 1 inch equals 400 feet (1:4800), showing (i) the proposed location and surface elevation of the well or corehole determined by survey, (ii) the proposed location of all new roads, (iii) the courses and distances of the well or corehole location from two permanent points or landmarks on the tract, (iv) the number or proposed number of the well or corehole, or such other identification as the Inspector may require, (v) the royalty owner, the owners of record of the surface, the owners of record of coal and other mineral rights, and any coal operator who has registered an operations plan with the Department for the tract on which the well or corehole is located or is to be located, (vi) the boundaries and acreage of the tract on which the well or corehole is located or is to be located, (vii) the owners of record of surface, coal, and other mineral rights on all tracts within 500 feet of a proposed gas or oil well, or within 750 feet of a proposed coalbed methane gas well, (viii) coal operators who have applied for or obtained a mining or prospecting permit from the Department with respect to all tracts within 500 feet of a proposed gas or oil well, or within 750 feet of a proposed coalbed methane gas well, (ix) any building, highway, railroad, stream, mine, mine opening or working, or quarry within 500 feet of the proposed well or corehole, (x) any other well within 2500 feet of the proposed well, (xi) if the proposed work is to convert an oil well or a combination well, or to drill a new well for the purpose of introducing pressure for the recovery of oil as provided for in § 28 of this regulation, or if the proposed work is to convert a gas, oil, combination or coalbed methane gas well into, or to drill a new well as a disposal well, the location of all other wells, abandoned or otherwise, located within the area to be affected, and (xii) such other data as the Inspector may require.

B. If the well or corehole location is underlain by known coal seams identified by the Chief, the well plat shall locate the well or corehole and two permanent points or landmarks with reference to the mine coordinate system if one has been established for the area of the well or corehole location, and shall in any event show all other wells, coreholes, coal mines, mine openings and surface workings within the scope of the plat.

C. Coalbed methane wells shall be shown on plats as follows:

1. New coalbed methane drilling location – O CBM
2. Coalbed methane gas well – O CBM
3. Abandoned coalbed methane gas well – O CBM

D. New plats or updates to existing plats are required as follows.

1. A new plat shall be required for the first well work permitted after July 1, 1982, on any well subject to the requirements of subsection B of this section.

2. After an initial permit has been issued, a subsequent application for any new permit or permit modification involving the same well may be accompanied by an accurate copy of the well plat accepted upon the issuance of the permit pursuant to the most recent previous application, updated as necessary to reflect any changes on the site, newly discovered data or additional data required by statute or regulation. A certification by a registered engineer or certified land surveyor that the original well plat and any updating thereof is accurate shall be required.

§ 6. Gathering pipelines.

A. The following standards shall be met for any work on gathering pipelines, not in existence as of July 1, 1988, involving ground disturbing activities.

1. The operator of each proposed pipeline shall submit an application and plan for installation and operation of gathering pipelines and associated structures for the movement of gas or oil production from the wellhead to a previously permitted gathering line, a transmission or other line regulated by the Federal Energy Regulatory Commission or the State Corporation Commission, or to a first point of sale.

2. General Design Plan Contingencies:

a. All gathering pipelines shall be designed and maintained to protect the lands and waters of the Commonwealth from environmental damage.

b. All lines shall be installed and maintained to be compatible with other uses of the area.

c. All lines shall be maintained in good operating condition at all times and inspected periodically for indication of leakage. Records of these inspections, including the date, methods and results of each inspection shall be maintained by the operator and made available to the Division of Gas and Oil upon request.

3. Permit Application Requirements:

a. Each application shall be submitted on the gathering pipeline application form and may be part of a permit or permit modification application. The operator may submit one application for his entire system, individual fields, or any other method approved by the Inspector.

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b. Each application shall contain an accurate map or maps meeting the following requirements:

- (1) The proposed lines shall be located on maps depicting topography of the area on a scale of not less than 1 inch equals 600 feet (1:7200).
- (2) The total distance and width of the right-of-way and the diameter of the pipelines shall be shown.
- (3) All maps shall be signed and certified by an authorized agent of the well operator as prescribed on the gathering pipeline application form.

c. Each application shall contain an operations plan meeting the following requirements:

- (1) The operations plan shall detail the erosion and sediment control structures and procedures to be used in the construction of the line. The operator may identify the locations of the structures in the operations plan or reference their locations marked on the maps submitted with the permit application.
- (2) The total amount of land to be disturbed to the nearest tenth of an acre shall be identified.
- (3) The plan shall address the applicable general criteria for erosion and sediment control found in the 1980 Virginia Erosion and Sediment Control Handbook.
- (4) The plan shall address post-construction measures to be used to control erosion and sedimentation, as well as all seeding schedules, methods and mixtures to be used in re-vegetating the disturbed area.
- (5) The plan shall include proof of notification of all surface owners of record who have interest in the right-of-way of the proposed pipeline. One form of proof of notification is to provide certified mail return receipts.
- (6) The plan shall include verification of the right of, or permission from, appropriate interests in all land included in the right-of-way of the proposed pipeline, which allows the operator to construct the proposed pipeline. Forms of verification may be lease agreements, listings of easements or other instruments of ownership.

B. The following standards shall be met to permit gathering pipelines in existence as of July 1, 1988.

1. The operator of pipelines which have been stabilized shall submit an application meeting the following requirements.

a. The application shall include a map at the scale of 1 inch equals 2000 feet (1:24000) showing the

location and size of the pipeline. This map shall be signed and certified by the authorized agent of the well operator as prescribed on the application form for existing gathering pipelines.

b. The application shall include a statement identifying any areas causing erosion and sediment control problems and the plan for correcting those problems.

c. The operator may submit one application for his entire system, individual fields, or any other method approved by the Inspector.

2. The operator of pipelines under construction and not stabilized as of July 1, 1988, shall submit an application consisting of the following.

a. The application shall include a map at the scale of 1 inch equals 600 feet (1:7200) showing the locations and sizes of the pipelines. This map shall be signed and certified by an authorized agent of the well operator as prescribed on the application form for existing gathering pipelines.

b. The application shall include a description of the erosion and sediment control structures and procedures used in the construction of the line. The applicable general criteria of the 1980 Virginia Erosion and Sediment Control Handbook shall be addressed and methods and seed mixtures to be used in re-vegetating shall be listed.

c. The operator may submit one application for his entire system, individual fields, or any other method approved by the Inspector.

§ 7. Bonds and financial security.

A. All applications for a permit or permit modification for gas or oil operations shall be accompanied by a bond or financial security pursuant to § 45.1-361.31 of the Code of Virginia.

B. Prior to July 1, 1991, the following minimum standards for bonding or financial security shall be required:

1. When a permit application is filed, the applicant shall give bond, payable to the Commonwealth, with surety acceptable to the Inspector, or at the election of the applicant a cash bond, to ensure compliance with all laws and regulations relating to the permitted work and the stabilization of the project area and the furnishing of reports and information required by the Inspector. The bond shall be set by the Inspector in an amount of \$10,000 for plugging of a well plus \$2,000 times the number of acres, to the nearest tenth of an acre, for stabilizing the project area. The bond shall remain in force until released by the Inspector. The Inspector shall release the bond when

he is satisfied that the well has been abandoned and plugged, the project area has been properly stabilized in accordance with the operations plan and the reports and information required by Chapters 1 through 14 (§ 45.1-1 et seq.) and Chapter 22.1 (§ 45.1-361.1 et seq.) of Title 45.1 of the Code of Virginia have been furnished. The Inspector shall release that portion of the bond covering stabilization of the project area when the area is properly stabilized in accordance with the approved drainage and stabilization plan.

2. When an operator makes or has made application for permits to drill a number of wells or coreholes, or operate a number of gathering pipelines, the Inspector, on request of the operator and in lieu of requiring a separate bond for each operation, may require a blanket bond in such sum as he deems adequate; however, in no event shall the bond be in an amount less than \$25,000.

C. The bonding requirements for gas or oil operations or ground disturbing geophysical operations shall be limited to those set forth in § 45.1-361.31 of the Code of Virginia and this section and the bonding requirements contained within §§ 45.1-1 through 45.1-225 of the Code of Virginia shall not apply to gas or oil operations or ground disturbing geophysical operations.

D. A gas or oil operator or geophysical operator who has forfeited all or a portion of a previously posted bond shall be eligible to receive a subsequent new permit for gas or oil operations or ground disturbing geophysical operations only upon satisfaction of such additional requirements, terms and conditions as may be set forth by the Inspector.

§ 8. Statements of no objection.

A. If an applicant for a gas or oil permit files statements of no objection signed by all persons entitled to notice pursuant to subsections A, B and C of § 45.1-361.30 of the Code of Virginia, the Inspector may issue the permit before the expiration of the fifteen-day notice period provided for under § 45.1-361.35 of the Code of Virginia.

B. If objections are filed by another or found by the Inspector, a person signing a statement of no objection as provided in this section shall nonetheless be entitled to notice of the hearing under § 45.1-361.35 of the Code of Virginia and subsequent notices provided pursuant to Chapter 22.1 of Title 45.1 of the Code of Virginia.

§ 9. Commencement of activity after appeals to the Director.

A. In the case of any gas or oil operation or ground disturbing geophysical operation, the commencement of which is dependent upon a decision of the Director made under § 45.1-361.35 of the Code of Virginia, the operator

shall not commence the work during the ten-day appeal period provided in § 45.1-361.36 of the Code of Virginia, nor thereafter until the Inspector informs the operator that the permit has not been stayed by an appeal.

§ 10. Blasting.

All blasting operations conducted as part of a permitted gas or oil operation or a ground disturbing geophysical operation shall be conducted under the direction of a certified blaster. A copy of the blaster's certification shall be filed with the Inspector prior to conducting the blasting. Certification may be obtained from the Department of Mines, Minerals and Energy, Division of Mined Land Reclamation or Division of Mineral Mining, or the Department of Housing and Community Development.

§ 11. Pits.

A. Unless otherwise approved by the Inspector in advance, all fluids from wells and coreholes shall be handled in a properly constructed, lined pit. A permit application for an operation where a pit is to be used shall contain a plan for pit construction and maintenance. The pit shall be constructed of sufficient size and shape to contain all fluids from the well or corehole that accumulate at any time. Pit liners shall be of a minimum thickness of 10 mil (10/1000 of one inch) and be made of a material that will not be degraded by pit or produced fluids.

B. The integrity of lined pits used in drilling must be maintained throughout the drilling and completing process. Upon failure of the lining or pit, the operation shall be shut down until the liner and pit are repaired or rebuilt.

C. Under most circumstances, the pit should not be a major sediment control structure and surface drainage should not be directed into the pit. If the pit is to be used as a sediment control structure, this shall be indicated in the operations plan. The plan shall be accompanied by detailed drawings since pit size and design may need to be altered from that normally used in drilling.

D. Motor oil shall be kept out of the pit. This oil shall be collected and disposed of properly. In addition, litter and other solid waste should be collected and disposed of properly and not thrown into the pit.

E. At the conclusion of drilling and completion operations, the pit shall be drained in a controlled manner. Any permit application for an operation where a pit is to be used shall contain a plan for draining and reclaiming the pit. However, no disposal of fluids shall be allowed prior to the operator submitting, and DGO approving, the final test results of fluid quality. The preferred procedure to empty the pit is to treat and land-apply the fluids without runoff.

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F. The quality of final pit or produced fluids to be land applied shall not exceed the limits for constituents established in the State Water Control Board, "Groundwater Standards," regulation VR 480-21-04. The quality of such fluids shall also not exceed the State Water Control Board, "Water Quality Criteria for Groundwater," regulation VR 480-21-05 unless the natural groundwater quality in the area of the operation exceeds the standards in the Criteria. In this case, the operator shall submit documentation of the level of the constituents of the groundwater which exceed the standards in the Criteria. Upon approval of the Division of Gas and Oil, the higher naturally occurring concentration shall become the standard for that constituent for that operation. However, no addition of that constituent to the naturally occurring concentration shall be made.

G. If the standards for disposal of pit or produced fluids established in an approved permit, or otherwise set by this section, cannot be met, then the Division of Gas and Oil shall be contacted prior to disposal of any fluids.

§ 12. Quality of water used in drilling.

A. To protect the groundwater of the State, the Division of Gas and Oil follows the anti-degradation policy of the State Water Control Board. All water used in drilling shall be of equal or better quality than the existing groundwater in the area of the well or corehole.

B. There are three methods of achieving compliance with this policy:

1. Use water from a source meeting the State Water Control Board, "Groundwater Standards," regulation VR 480-21-04 and "Water Quality Criteria for Groundwater," regulation VR 480-21-05.

2. Use water from a water well at the site; or,

3. Document groundwater quality at the site and use water that equals or exceeds that quality.

C. The operator shall indicate, in the operations plan, how they plan to comply with this requirement. Acceptable documentation shall include:

1. An analysis of water from the closest source (spring or well) within 500 feet of the proposed well or corehole;

2. An analysis of the water to be used; or,

3. A plan for the treatment of the drilling water prior to use to a level meeting the standards of this section.

§ 13. Signs.

A. Identification signs at all wells or coreholes, other than plugged wells or coreholes, shall meet the following

requirements:

1. All signs shall be a minimum of 18 inches by 14 inches in size.

2. All signs shall state the company name and permit number.

3. Lettering shall be a minimum of 1 1/4 inches high and shall contrast the color of the background.

4. All signs shall be located on the well or on a structure (rig, meter house, pole, etc.) within 15 feet from the well head.

5. All signs shall be maintained or replaced as necessary to be kept in a legible condition.

§ 14. Locating well bores in relation to known coal seams.

A. From the date of publication by the Chief of the Division of Mines of the document specifying the areas of the Commonwealth which are known to be underlain by coal seams, the bore of any new well or corehole drilled in an area so stated to be underlain by coal seams shall be located in relation to the coal seams in the manner set forth in subsections B and C of this section.

B. Vertical location of coal seams shall be determined as follows:

1. Well log. - Within thirty days after the completion of corehole or well work involving any drilling, the well operator shall file with the Inspector an accurate log of the strata drilled. The log shall state the character, depth and thickness of geological formations encountered, including groundwater, coal seams, mineral beds, brine, and gas or oil bearing formations, and such other information as the Inspector may require to effectuate the purposes of Chapter 22.1 of Title 45.1 of the Code of Virginia.

2. Electric log. - The gas, oil or geophysical operator and the affected coal operator or coal owner may contract for an electric log survey to be conducted before the coal protection string is set in order to locate vertically the coal seams with greater accuracy than the driller's log will permit. A gas, oil or geophysical operator shall not unreasonably refuse to afford an affected coal operator or coal owner the opportunity to obtain such an electric log survey at the coal operator's or coal owner's expense. If such an electric log survey is conducted, the coal operator or coal owner shall furnish a copy to the gas, oil or geophysical operator, to be held and treated by the operator as proprietary data.

3. If a gas, oil or geophysical operator conducts an electric log survey at his own expense on any part of the hole, and if the electric log survey discloses the

vertical location of a coal seam, the electric log survey shall be filed with the Inspector at the same time as the driller's log.

4. With reference to a particular well or corehole, if at any time the Inspector finds that the lack of assurance of the vertical location of a coal seam poses a danger to persons engaged in active coal mining, he may require an electric log survey at the gas, oil or geophysical operator's expense, and he may direct the operator to interrupt drilling to conduct an electric log survey.

C. Horizontal location of coal seams shall be determined as follows:

1. The gas, oil or geophysical operator shall conduct deviation surveys beginning 200 feet from the surface and continuing on intervals of 200 feet to the bottom of the lowest published coal seam depth at the well location. Each time the total deviation exceeds a horizontal distance of 18.75 feet from the true vertical at a bore depth of 200 feet, or a horizontal distance of 31 feet from the true vertical at a bore depth of 400 feet, or a horizontal distance of 50 feet from the true vertical at a bore depth of 600 feet or a deeper 200-foot interval, the operator shall (i) immediately cease drilling, (ii) conduct a continuous directional survey to the depth then attained and furnish a copy to the affected coal owner, (iii) notify the affected coal operator or owner, (iv) correct the bore within the specified limits at the request of the affected coal owner made within 24 hours after he receives the notification and (v) file a copy with the Inspector at the same time the driller's log is filed under subsection B of this section.

2. With reference to a particular well or corehole, if at any time the Inspector finds that the lack of assurance of the horizontal location of the bore at a known coal seam poses a danger to persons engaged in active coal mining, he may require that a directional survey be conducted at the gas, oil or geophysical operator's expense, and he may direct the operator to interrupt drilling to conduct the survey.

§ 15. Coal protection strings for a future well.

A. When any well penetrates coal seams that have not been mined out, the gas or oil operator shall, except as provided in subsections B and C of this section, set a coal protection string as prescribed herein so as to exclude all water, oil, gas, gas pressure, except such water, oil, gas and gas pressure as may be naturally present in each coal seam, injected material or disposed waste from the coal seams. The string of casing shall be set to a point at least thirty feet below the lowest coal seam, or as provided in subsection C of this section, and shall be circulated and cemented in from that point to the surface in a manner as specified by the Inspector.

B. For good cause shown, either before or after the permit is issued, that the procedure specified in subsection A is not practical for the gas or oil operator, the Inspector may approve a casing program involving the cementing of a coal protection string in multiple stages, or the cementing of two or more coal protection strings, or the use of other alternative casing procedures, provided the Inspector is satisfied that the result will be operationally equivalent to compliance with the provisions of subsection A of this section for the purpose of permitting the subsequent safe mining through of the well or otherwise protecting the seam as required by this section. In the use of multiple coal protection strings, each string below the topmost string shall be cemented at least 30 feet into the next higher string and verified by a suitable electric log survey.

C. Depth of coal protection strings:

1. A coal protection string shall be set to the top of the red shales in any area underlain by them unless, on a showing by the operator in his permit application, the Inspector has approved the casing point of the coal protection string at some depth less than the top of the red shales. In such event, the operator shall conduct a gamma ray/density compensated log survey on an expanded scale to verify whether the well penetrates any coal seam in the uncased interval between the bottom of the coal protection string as approved and the top of the red shales.

2. If an unanticipated coal seam is discovered in the uncased interval, the operator shall report the discovery to the Inspector and cement the next string of casing, whether a part of the intermediate string or the production string, in the applicable manner provided in this section for coal protection strings, from a point 100 feet below the lowest coal seam so discovered or to the top of the red shales, whichever is shallower.

3. The gamma ray/density compensated log survey shall be filed with the Inspector at the same time the driller's log is filed under § 14 of this regulation.

4. When the Inspector believes that the total drilling in any particular area has verified the deepest coal seam higher than the red shales, so that further gamma ray/density compensated logs on an expanded scale are superfluous for the area, he may waive the constructing of a coal protection string or the conducting of such surveys deeper than 100 feet below the verified depth of the deepest coal seam.

§ 16. Coal protection strings of wells drilled prior to July 1, 1982.

In the case of wells drilled prior to July 1, 1982, through coal seams without coal protection strings substantially as prescribed in § 15 of this regulation, the

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gas or oil operator shall retain such coal protection strings as were set. During the life of the well, the annular spaces between the various strings of casing adjacent to coal seams shall be kept open to the extent possible, and the top ends of all such strings shall be provided with casing heads, or such other suitable devices approved by the Inspector as will permit the free passage of gas or oil and prevent filling of the annular spaces with dirt or debris.

§ 17. Liner when well or corehole is drilled through mined-out coal seams.

A. When a well or corehole is drilled through a coal seam from which the coal has been removed, the hole shall be drilled at least thirty feet below the mined-out seam and of a size sufficient to permit the placing of a liner which shall start at a point not less than 20 feet beneath the horizon of the mined-out coal seam and extend to a point not less than 20 feet above it. The liner shall be firmly attached to the string of casing used at that point, and the space between the liner and the casing shall be filled with cement as they are lowered into the hole. Cement shall be placed in the bottom of the hole to a height of 10 feet above the bottom of the liner to form a sealed seat for both liner and casing. The annular space shall be cemented to the surface from the top of the liner or shall be cemented back to the bottom of the next largest string of casing that has been cemented into the surface.

B. For good cause shown, the Inspector may approve alternative casing procedures, provided that the Inspector is satisfied that the alternative casing procedures are operationally equivalent to the requirements imposed by subsection A of this section.

C. Except as provided in subsection D of this section, when a well or corehole is drilled through two or more coal seams from which the coal has been removed, and only one coal protection string is planned, the liner shall be started not less than 20 feet below the deepest mined-out coal seam and shall extend to a point not less than 20 feet above the shallowest mined-out coal seam. The annular space shall then be cemented as provided in subsection A of this section.

D. For good cause shown, the Inspector may (i) impose special requirements on the gas, oil or geophysical operator to prevent communication between two or more mined-out coal seams, or (ii) permit a casing program which calls for some or all mined-out coal seams to be equipped each with its own liner in the manner required by subsection A of this section.

§ 18. Well or corehole penetrating mine other than coal mine.

In the event that a permit is requested to drill a well or corehole in such a location that it would penetrate any active or abandoned mine other than a coal mine, the

Inspector shall establish the safety precautions to be followed by the gas, oil or geophysical operator. The precautions shall conform to standard safety measures generally followed in the industry in such cases, and the Inspector shall require compliance with the precautions as a specific condition of the bond required of the operator.

§ 19. Water protection string.

A. Except as provided in subsection B of this section, the gas or oil operator shall set a water protection string to a point at least 30 feet below the deepest known groundwater horizon, circulated and cemented in to the surface. If the cement does not return to the surface, every reasonable attempt shall be made to fill the annular space by introducing cement from the surface.

B. A coal protection string set pursuant to §§ 15 or 16 of this regulation may also serve as a water protection string for fresh water bearing strata above the lowest coal seam.

§ 20. When a well or corehole is drilled through caverns.

When a well or corehole is drilled through one or more natural or artificial caverns to which the provisions of §§ 17 and 18 of this regulation do not apply, the Inspector shall establish the safety precautions to be followed by the gas, oil or geophysical operator. The precautions shall conform to standard safety measures generally followed in the industry in such cases and the Inspector shall require compliance with the precautions as a specific condition of the bond required of the operator.

§ 21. Plugging a well that does not penetrate a coal seam.

A. When a well does not penetrate a coal seam, it shall be plugged and filled, subject to the exceptions in subsection C of this section, as follows:

1. From the bottom of the well to a point 20 feet above the top of its lowest oil, gas or water-bearing stratum, the well shall either (i) be filled with mud, clay or other nonporous material or (ii) have a permanent bridge anchored 30 feet below its lowest oil, gas or water-bearing stratum, and therefrom be filled with mud, clay or other nonporous material;

2. Twenty feet above the top of its lowest oil, gas or water-bearing stratum, a plug of cement or other suitable material shall be placed which will completely seal the hole;

3. Between this sealing plug and a point 20 feet above the next higher oil, gas or water-bearing stratum, if any, the hole shall be filled or bridged and filled as first provided, on top of which another plug of cement or other suitable material shall be placed as second provided;

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4. If applicable due to the presence of additional oil, gas or water-bearing strata, the hole shall be filled and plugged as third provided through the uppermost plug of cement or other suitable material 20 feet above the highest such stratum;

5. Approximately 10 feet below the bottom of the largest casing left in the well, a final cement plug shall be placed; and

6. Finally, from the final cement plug to the surface, the well shall be filled with mud, clay or other nonporous material.

B. Notwithstanding the prescription in subsection A of this section, whenever two or more gas or oil strata are not widely separated and are free from water, they may be grouped and treated as a single stratum, and the filling and plugging prescribed in subsection A of this section may be performed as though the group of gas or oil strata were a single stratum.

C. If any gas or oil stratum in the well to be plugged has been shot, the well may be filled and plugged as prescribed in subsection A of this section as long as the shooting did not result in cavities which cannot readily be filled. However, if there are shot cavities in any gas or oil stratum which cannot be filled as prescribed in subsection A, then they shall be filled as prescribed in this paragraph, and the remainder of the hole shall be plugged and filled as prescribed in subsection A:

1. If the shot stratum with unfillable cavities is the lowest gas or oil stratum in the well, one of the two following plugging alternatives shall be employed in the following order of preference:

a. If reasonably possible, from a point not less than 20 feet below the stratum with unfillable cavities to a point not less than 20 feet above it, a liner shall be placed and compactly filled with cement, mud, clay or other nonporous sealing material; or

b. Alternatively if need be, at the nearest suitable point not less than 20 feet above the stratum, a plug of cement or other suitable material shall be placed which will completely seal the hole.

2. If the shot stratum with unfillable cavities is above the lowest gas or oil stratum, then one of the two following plugging alternatives shall be employed in the following order of preference:

a. If reasonably possible, from a point not less than 20 feet below the shot stratum with unfillable cavities to a point not less than 20 feet above it, a liner shall be placed and compactly filled with cement, mud, clay or other nonporous sealing material; or

b. Alternatively if need be, a plug of cement or

other suitable material shall be placed not less than 20 feet below the stratum which will completely seal the hole from the lower strata, and a second plug of cement or other suitable material shall be placed not less than 20 feet above the stratum which will completely seal the hole at that point.

§ 22. Plugging a well penetrating a coal seam without a coal protection string as provided in § 15 of this regulation.

A. When a well penetrates a coal seam and does not have a coal protection string installed in the manner required by § 15 of this regulation, it shall be plugged and filled as follows:

1. From the bottom of the well to a point not less than 40 feet below the lowest coal seam, the well shall be plugged and filled as prescribed in § 21 of this regulation;

2. At the point not less than 40 feet below the lowest coal seam, a cement plug shall be securely placed in the well;

3. From the cement plug to a point 20 feet above the lowest coal seam, the well shall be filled with cement;

4. From the point not less than 20 feet above the lowest coal seam to a point 40 feet below the next higher coal seam, if any, the well shall be filled with mud, clay or other nonporous material;

5. If applicable due to additional coal seams, the hole shall be filled and plugged as provided in the second, third, and fourth steps through the highest coal seam;

6. From a point 20 feet above the highest coal seam to a point 50 feet below the surface, filling and plugging of the well shall continue in the manner provided in § 21 of this regulation; and

7. Finally, from the point 50 feet below the surface to the surface, a plug of cement shall be installed.

§ 23. Plugging wells with coal protection strings installed as provided in § 15 of this regulation.

A. When a well penetrates a coal seam through which a coal protection string has been installed in the manner required by § 15 of this regulation, the well shall be plugged and filled as follows to facilitate the safe mining through of the well at a later date:

1. From the bottom of the well to a point approximately 100 feet below the lowest coal seam, the well shall be plugged and filled as prescribed in § 21 of this regulation, except that expanding cement shall be used instead of regular hydraulic cement;

2. At the point 100 feet below the lowest coal seam,

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a 100-foot plug of expanding cement shall be placed in the well so that the top of the plug is located at a point just below the coal protection string for the lowest coal seam;

3. After the plug has been securely placed in the well as second provided, the coal protection string, or innermost coal protection string if more than one coal protection string is set from that point to the surface, shall be emptied of liquid from the surface to a point 100 feet below the lowest coal seam or to the bottom of the coal protection string, whichever is closer to the surface; and

4. Finally, a vent or other device approved by the Inspector shall be installed on the top of the coal protection string, or innermost coal protection string, a distance of not less than thirty inches above ground level in the manner that will exclude liquids and solids from the well and that will permit ready access when required to the full internal diameter of the coal protection string, or innermost coal protection string, of the well.

§ 24. Special plugging at the coal owner's request.

A. When a well penetrates a coal seam and does not have a coal protection string installed in the manner required by § 15 of this regulation, in order to facilitate the safe mining through of the well at a later time, a coal owner may request that the well be plugged in the manner provided in this section rather than by the method provided in § 22 of this regulation. The request shall be submitted on a form provided by the Inspector. The request shall state the well number and the name and address of the gas or oil operator and shall certify that the coal owner has mailed a copy of the request by certified mail, return receipt requested, to the gas or oil operator. The request shall be filed with the Inspector prior to the scheduled plugging of the well unless the gas or oil operator has waived this requirement by a writing filed with the coal owner's request. In the event of such a waiver, the cost of undoing any part of the plugging work in order to comply with the coal owner's late-filed request shall be treated as a part of the cost of plugging in accordance with the request for purposes of estimating and subsequently determining the cost of plugging hereunder.

B. Actions upon receipt of a request for special plugging:

1. Upon receipt of such a request, the Inspector shall issue an order staying the plugging of the well and shall promptly determine the cost of plugging the well, (i) in the manner provided in this section and (ii) in the manner provided in § 22 of this regulation. In making his determination, the Inspector shall take into consideration any agreement relating to plugging between the gas or oil operator and the coal owner making the request.

2. If the Inspector determines that the cost of plugging the well in the manner provided in § 22 of this regulation exceeds the cost of plugging the well in the manner provided in this section, the Inspector shall grant the request of the coal owner and shall issue an order requiring the gas or oil operator to plug the well in the manner provided in this section.

3. If the Inspector determines that the cost of plugging the well in the manner provided in § 22 of this regulation is less than the cost of plugging the well in the manner provided in this section, the Inspector shall direct the coal owner to pay into escrow the difference between the determined costs. Upon receipt of satisfactory notice of such payment, or upon receipt of notice that the gas or oil operator has waived such payment, the Inspector shall grant the request of the coal owner and shall issue an order requiring the gas or oil operator to plug the well in the manner provided in this section. If neither a satisfactory notice nor a waiver by the gas or oil operator is received by the Inspector within 15 days after the direction for payment into escrow, the Inspector shall order the stay dissolved, and neither the requesting coal owner nor any other person shall be heard to reopen the matter.

4. Copies of all orders entered under this section shall be served on the gas or oil operator and the requesting coal owner in the manner provided by the Administrative Process Act (§ 9-6.14:1 et seq.) of the Code of Virginia.

C. Payment of escrow funds:

1. When the escrow agent has received certification from the Inspector of the satisfactory completion of the plugging work and the reimbursable extra cost thereof defined as the difference between the Inspector's determination of the cost of plugging in the manner provided in § 22 of this regulation and the gas or oil operator's actual cost incurred in plugging in the manner provided in subsection D of this section, he shall pay the reimbursable sum to the gas or oil operator or his nominee from the payment into escrow.

2. The amount by which the payment into escrow and interest thereon exceeds the total of the reimbursable sum and the escrow agent's fee, if any, shall be repaid to the coal owner.

3. If the amount paid to the gas or oil operator or his nominee is less than the actual reimbursable sum, the escrow agent shall inform the coal owner, who shall pay the deficiency to the gas or oil operator or his nominee within 30 days. If the coal operator breaches this duty to pay the deficiency, the gas or oil operator shall be entitled to recover liquidated damages and his reasonable attorney's fees.

D. Plugging:

1. Where a request of a coal owner filed pursuant to this section has been granted by the Inspector, the well shall be plugged and filled as follows:

a. First, from the bottom of the well to a point approximately 200 feet below the lowest coal seam, the well shall be plugged and filled as prescribed in § 21 of this regulation, except that expanding cement shall be used instead of regular hydraulic cement;

b. Second, at a point 200 feet below the lowest coal seam, a 100-foot plug of expanding cement shall be placed in the well so that the top of the plug is located approximately 100 feet below the lowest coal seam;

c. Third, if necessary to permit setting the casing as fourth provided below, the well shall be drilled out from the surface down to a point approximately 100 feet below the lowest coal seam;

d. Fourth, a string of casing with an outside diameter no less than 4 1/2 inches or, if more than one string is involved, with the innermost string having an outside diameter of no less than 4 1/2 inches shall then be set into the well to a point approximately 100 feet below the lowest coal seam and cemented in as provided in § 15 of this regulation;

e. Fifth, the newly installed string, or innermost string, shall be emptied of liquid from the surface to the bottom of the string; and

f. Finally, a vent or other device approved by the Inspector shall be installed on the top of the newly installed string or strings a distance of not less than 30 inches above ground level in such a manner that will exclude liquids and solids from the well and that will permit ready access when required to the full internal diameter of the newly installed string of casing or, if more than one new string is in place from that point to the surface, the full internal diameter of the innermost new string.

E. Notwithstanding the foregoing provisions of subsection D of this section, if under particular circumstances a different method of plugging is required to obtain the approval of another governmental agency for the safe mining through of a well, the Inspector may approve the different method of plugging if he finds the same to be as safe for mining through and otherwise adequate to prevent gas or other fluid migration from the gas or oil reservoirs as the method above specified.

§ 25. Replugging a well previously plugged.

Any person may file an application with the Inspector

to replug a previously plugged well in any manner permissible under the provisions of subsection D of § 24 of this regulation, to facilitate the safe mining through of the well at a later date. The application shall be treated in all respects like any other application for a permit under § 45.1-361.29 of the Code of Virginia, except that the gas or oil operator who originally plugged the well shall be entitled to notice of the application and shall have standing to file objections and invoke procedures available to royalty owners who file objections to well work.

§ 26. Plugging a corehole.

A. In accordance with § 3.C.9 of this regulation, a plugging plan shall be submitted or the verbal permission of the Inspector or his designated representative shall be given prior to the plugging of a corehole. A corehole shall be plugged and filled as follows:

1. From the bottom of the corehole to a point not less than 40 feet below the lowest coal, oil, gas, or water-bearing stratum, the hole shall be filled with mud, clay, or other nonporous material.

2. From this point to a point 20 feet above the lowest coal, oil, gas, or water-bearing stratum, the hole shall be filled with cement.

3. From the point not less than 20 feet above the lowest coal, oil, gas, or water-bearing stratum to a point 40 feet below the next higher coal, oil, gas, or water-bearing stratum, the hole shall be filled with mud, clay, or other nonporous material.

4. If applicable due to additional coal, oil, gas, or water-bearing stratum, the hole shall be filled and plugged as provided in the first, second, and third steps through the highest coal, oil, gas, or water-bearing stratum.

5. From a point 20 feet above the highest coal, oil, gas, or water-bearing stratum to a point 50 feet below the surface, the hole shall be filled with mud, clay, or other nonporous material.

6. Finally, from the point 50 feet below the surface to the surface, a plug of cement shall be set.

B. Whenever two or more coal, oil, or gas stratum are not widely separated and are free from water, they may be grouped and treated as a single stratum, and the filling and plugging prescribed in subsection A of this section may be performed as though the group were a single stratum.

C. For a good cause shown, the Inspector may approve alternate procedures provided that the Inspector is satisfied the alternative plans are operationally equivalent to the requirements of subsections A and B of this section.

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§ 27. Marker over location of abandoned well or corehole.

A. Upon the completion of the plugging or replugging of an abandoned well or corehole:

1. A permanent marker of concrete or iron and concrete shall be erected over the location. The marker shall extend not less than 30 inches above the surface and enough below the surface to make the marker permanent. The marker shall be cast or stamped indicating the gas, oil or geophysical operator's name, well number and, as a reference point, the permit number and date of plugging. In the case of iron or other acceptable metal, the required data may be bead weld on the plate.

2. The operator shall submit, to the Inspector, a duplicate of their sign or a format which they plan to use.

B. The marker will be accepted by the Inspector as a permanent landmark required to be shown on any plat or map filed under Chapter 22.1 of Title 45.1 of the Code of Virginia and should be used as such in the location of adjacent wells or coreholes.

§ 28. Plugging affidavit.

A. When any well or corehole has been plugged or replugged under the provisions of this regulation, an affidavit in triplicate shall be made, on a form to be furnished by the Inspector, by two experienced persons who participated in the work, setting forth the time and manner in which the well or corehole was plugged and filled and the permanent marker placed as required in § 27 of this regulation. The affidavit shall state with particularity every aspect in which the plugging or replugging work varied from the work order required to be specified in the application under § 45.1-361.29 of the Code of Virginia.

B. If the plugging was done following verbal permission of the Inspector or his designated representative under § 3.C.9 of this regulation, the plugging affidavit shall contain the same description of plugging work done as would be required for a permit to plug a well thereunder.

C. One copy of the plugging affidavit shall be retained by the gas, oil or geophysical operator; one shall be mailed to the coal owner or operator; and one shall be filed with the Inspector.

§ 29. Introducing liquid pressure into oil producing stratum.

A. The introduction of fluid pressure into and upon an oil producing stratum for the purpose of recovering the oil contained therein shall be so controlled as to volume and pressure, and shall be through casing or tubing which shall be so set, that no coal seam, water-bearing stratum, or other gas or oil stratum shall be affected, either above

or below the producing stratum into and upon which such pressure is introduced.

B. The operator shall be allowed a reasonable period of time prior to the commencement of a pressure injection program, during which time the well operator may allow the well to remain unplugged and not abandoned. A permit authorizing the conversion of an oil well or combination well to a pressure injection well shall be obtained prior to the commencement of a pressure injection program.

§ 30. Storing oil or allowing it to accumulate.

No person shall store oil or allow the same to accumulate in any pit, pocket, hole, or other natural or artificial depression on the surface of the earth from which the oil may seep or migrate into fractures or other openings in the underlying bedrock or into springs or water wells, or into any waters of the Commonwealth or any waters used as a source of public water supply.

§ 31. Escape of crude oil or natural gas prohibited.

It shall be unlawful for any person to permit crude oil or natural gas to escape from any well, pipeline or storage tank when it is reasonably possible to prevent the escape and after the owner or operator of the gas or oil well, pipeline or storage tank has had a reasonable period of time to shut in the gas or oil in the well, or make the necessary repairs, to the well, pipeline or storage tank to prevent the escape.

§ 32. Diligence required when escape necessary.

A. If, in the process of drilling a well for gas or oil, or both, gas is found in the well, and the owner or gas or oil operator thereof desires to continue to search for gas, oil, or both, by drilling deeper in search of lower gas or oil-bearing strata, or if it becomes necessary to make repairs to any well producing gas or oil, commonly known as cleaning out, and if in either event it is necessary for the gas or oil in the well to escape therefrom during the process of drilling or making repairs, as the case may be, then the well operator shall prosecute the drilling or repairs with reasonable diligence, so that the waste of gas or oil from the well shall not continue longer than reasonably necessary. If during the progress of such deeper drilling or repairs any temporary suspension thereof becomes necessary, the operator shall use all reasonable means to shut in the gas or oil and prevent its escape during the temporary suspension.

B. In all cases where both gas and oil are found and produced from the same stratum, the operator shall use all reasonable diligence to conserve and save so much of the gas as is reasonably possible.

§ 33. Pumping or flowing required.

Unless written permission is granted by the Inspector,

no operator of any oil well shall permit the well to stand without diligently pumping or flowing it for a period of more than ninety days.

§ 34. Leaking casing or tubing.

Upon notice of the Inspector to any operator that the casing or tubing in the well is leaking fresh or salt water into the gas or oil-bearing sand or stratum, the gas or oil operator shall immediately repair the casing or tubing or abandon and plug the well according to the provisions of Chapter 22.1 of Title 45.1 of the Code of Virginia.

§ 35. Testing of flow potential: Multiple completions in coalbed methane gas wells.

Testing of flow potential, in the case of multiple zone completions in coalbed methane gas wells where there are differing owners of the coalbed methane gas in the zones, shall be by each zone completed by the operator. In cases where there is one owner or group of owners of all zones to be completed, zones may be combined for the purpose of testing flow potential. The test results shall be promptly submitted to the Inspector and become part of the permanent record of the well.

§ 36. Permit application requirements for coalbed methane gas wells.

A. A permit shall be required to drill any coalbed methane gas well, convert a vertical ventilation hole to a coalbed methane gas well, or convert a conventional well to or from a coalbed methane gas well.

1. Any operator who intends to (i) convert an existing vertical ventilation hole permitted by the Department of Mines, Minerals and Energy, Division of Mines to a coalbed methane gas well, or (ii) convert a permitted conventional gas or oil well to a coalbed methane gas well or coalbed methane gas well to a conventional gas or oil well, shall first obtain a permit from the Division of Gas and Oil. The operator shall be required to submit a new permit application which shall identify how the operator proposes to convert the vertical ventilation hole or well.

2. To convert a permitted coalbed methane gas well to a vertical ventilation hole, the applicant must secure a permit for a vertical ventilation hole from the Department of Mines, Minerals and Energy, Division of Mines and a coal surface mining and reclamation permit from the Department of Mines, Minerals and Energy, Division of Mined Land Reclamation. Obtaining these permits is required prior to cancellation of the coalbed methane gas well operator's permit by the Division of Gas and Oil.

B. In addition to the requirements of § 3 of this regulation, the applicant for a coalbed methane gas well permit shall submit the following:

1. An explanation of the basis for notification of the entities within the application.

2. A signed consent as required in § 45.1-361.29 of the Code of Virginia.

3. Proof of conformance with any mine development plan within the vicinity of the proposed coalbed methane gas well, when the Virginia Gas and Oil Board has ordered such conformance.

4. Proof of Department of Mines, Minerals and Energy, Division of Mined Land Reclamation's approval as a post mining land use if the proposed wells, pipelines, or associated facilities are located on areas included in a Division of Mined Land Reclamation permit.

C. In addition to the requirements of § 4 of this regulation, the applicant for a coalbed methane gas well permit shall submit the following information with the operations plan:

1. A description of the drilling media to be used and the chemical analysis of the media to be used.

2. A description of the method of handling and disposing of waste, pit or produced fluids. Should the applicant hold a VPDES from the State Water Control Board, or a UIC permit from the U.S. Environmental Protection Agency and a waste disposal well permit from the Division of Gas and Oil, he shall file a copy of the permit or permits with the application.

3. A description of the method and procedure for the handling and removal of solid waste during all phases of the operations.

4. A request for variance from § 6.6 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VR 480-05-22, if the applicant intends to test the coalbed methane gas well beyond the open flow potential test. If a variance has been requested, a plan of testing must be submitted with the operations plan.

5. An explanation of all safety and environmental procedures for all surface equipment, including tank batteries, to be utilized on site during and after completion of the well. A schematic shall illustrate the proposed equipment and facilities. For the purposes of wellhead installation on any gob well or any coalbed methane gas well subject to the requirements of § 45.1-92.1 of the Code of Virginia addressing mining near or through a well, the well head assembly shall include proper installation of safety equipment, including, but not limited to:

a. Placement of the flame arrestors;

b. Placement of the back pressure system;

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c. Placement of the pressure relief system; and

d. Placement of the vent system a minimum of 20 feet above ground level.

The Inspector may require additional safety equipment to be installed on a case by case basis.

6. An explanation of procedures to be followed to protect the safety of persons working in an underground coal mine for any coalbed methane gas well to be drilled into active or inactive areas of the mine.

§ 37. Casing requirements for coalbed methane gas wells.

A. The following minimum casing requirements shall be met for casing coalbed methane gas wells.

1. *Surface Casing:* Unless otherwise granted in a variance from the Inspector, all wells drilled in search of coalbed methane gas shall have surface casing set at least 300 feet below the surface or 50 feet below the lowest groundwater supply source, whichever is deeper. The surface casing and cement shall be designed to withstand 300 psig surface pressure and allowed to stand for 12 hours before drilling out from under the casing.

2. *Coal Protection:* Any coal seam not to be produced from shall be cased and cemented pursuant to § 15 of this regulation. When a well is drilled through a mined-out coal seam, a liner shall be installed pursuant to § 17 of this regulation.

3. *Production Casing:* Unless otherwise granted in a variance from the Inspector the following casing and cementing procedures shall be required:

a. For cased completions and cased/open hole completions, casing shall be set and cemented in place with a calculated cement volume to fill the annular space to a point not less than 100 feet above the top of the uppermost coalbed which is to be completed.

b. For open hole completions, casing shall be set not more than 100 feet above the uppermost coalbed which is to be completed open hole. The casing shall be cemented to fill the calculated annular volume to a point not less than 100 feet above the bottom of the casing.

4. Before drilling out the production casing, the casing shall be tested to 600 psig surface pressure. If after 30 minutes, the pressure has dropped by 10% or more of the test pressure, corrective action is to be taken to ensure that the casing is so set and cemented that it will hold 90% of the test pressure for 30 minutes or more. All test results shall be posted at the well site and shall be reported in the Completion

Report pursuant to § 4.06 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VR 480-05-22.

§ 38. Request for a variance for casing coalbed methane gas wells.

A. Each application for a coalbed methane gas well may contain a request for variance from the casing requirements of §§ 15, 16 and 17 of this regulation. The request shall address the following subjects:

1. The method of wellbore completion, whether cased, open or cased/open hole;
2. Coal seams to be left uncased;
3. Mining activity currently being conducted within 750 feet of the proposed location;
4. Proposed setting depth of the water protection string; and
5. In the case of a coalbed methane gas well drilled through a coal seam from which the coal has been removed, the protection that will be provided to prevent the escape of any gases into the mined out coal seam.

§ 39. Completion report for coalbed methane gas wells.

A. In addition to the requirements set by the "Rules and Regulations for Conservation of Oil and Gas and Well Spacing," VR 480-05-22, for the filing of completion reports on a well, the following information is required to be submitted for a coalbed methane gas well:

1. The total amount of water used in the drilling and completion operations of the coalbed methane gas well; and,
2. Copies of all electric logs run on the well.

§ 40. Monthly reporting requirements for coalbed methane gas wells.

All coalbed methane gas well operators are required to submit monthly reports of total produced waters withdrawn from coalbed methane gas wells on a well by well basis. The report shall be submitted with the monthly production report submitted under § 6.5 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VR 480-05-22. The report shall contain data showing monthly produced waters withdrawals and cumulative produced waters withdrawals.

§ 41. Testing of coalbed methane gas wells.

For the purposes of testing the potential flow rate of a coalbed methane gas well, if the operator cannot determine the capability of production from the well

within 30 days after the completion of the well, the operator may request approval from the Inspector to run a Coalbed Methane Gas Production Test. Such test shall be performed only when the water production and the gas flow rate is stabilized for a period of not less than 10 days prior to the test. The test shall be run for a minimum of 24 hours in a manner approved by the Inspector. Results of the test shall be submitted to the Inspector with the completion report.

§ 42. Venting or flaring coalbed methane gas wells.

A. Venting or flaring of coalbed methane gas wells is prohibited, except under the following conditions:

1. For the safety of mining operations or for the safe and efficient testing or operation of coalbed methane gas wells; or
2. For the purposes of conducting a Coalbed Methane Gas Production Test approved by the Inspector.

§ 43. Metering coalbed methane gas production.

Production from coalbed methane gas wells, gob wells, or horizontal ventilation holes shall be metered separately prior to introduction into the gathering pipeline system or transfer at a point of sale.

§ 44. Plugging coalbed methane gas wells.

A. In addition to the provisions of §§ 21, 22, and 23 of this regulation, coalbed methane gas wells may be plugged as follows:

1. For open hole, cased hole, or cased/open hole completions, plugging shall be:
 - a. First, from the bottom of the well to a point not less than 40 feet below the lowest coal seam, or from the obtainable bottom, whichever is shallower, the well shall either (i) be filled with mud, clay, or other nonporous material or (ii) have a permanent bridge anchored 40 feet below its lowest coal seam;
 - b. Second, from this point to a point 20 feet above the lowest coal seam, the well shall be filled with cement;
 - c. Third, from the point not less than 20 feet above the lowest coal seam to a point 40 feet below the next higher coal seam, if any, the well shall be filled with mud, clay, or other nonporous material;
 - d. Fourth, if applicable due to additional completed zones or mineable coal seams, the hole shall be filled and plugged as provided in subsections A.1.b and A.2.c of this section through the shallowest coal seam;
 - e. Fifth, from a point 20 feet above the shallowest

coal seam to a point 50 feet below the surface, the well shall be filled with mud, clay or other nonporous material; and,

f. Finally, from a point 50 feet below the surface to the surface, a plug of cement shall be installed.

2. For completions in the gob, plugging shall be:

a. First, a permanent bridge plug shall be set at the base of the deepest casing string left in the well;

b. Second, a 100 foot cement plug shall be set on top of the permanent bridge;

c. Third, if applicable due to additional completed zones or mineable coal seams, the hole shall be filled and plugged as provided in subsections A.1.b and A.1.c of this section through the shallowest coal seam;

d. Fourth, from the point 20 feet above the shallowest coal seam to the point 50 feet below the surface, the well shall be filled with mud, clay or other nonporous material; and,

e. Finally, from the point 50 feet below the surface to the surface, a plug of cement shall be installed.

B. These provisions shall not be construed to impair or abridge the requirements of the Federal Mine Safety and Health Administration or the Department of Mines, Minerals and Energy, Division of Mines on coal operators for mining near or through a coalbed methane gas well.

Emergency Regulations

Department of Mines, Minerals and Energy
Division of Gas and Oil



Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703/628-8115



For Office Use Only
Registration # _____
Inspector _____

REGISTRATION FORM

Pursuant to the Code of Virginia, Section 45.1-361.37, the undersigned submits the following registration data:

- Company Name: _____
Headquarters Address: _____
Telephone Number: _____
- Place or organization (state whether an individual, partnership, joint venture, corporation, etc.): _____
- Registrant's business activities requiring registration:
 - To drill wells wholly or partly owned by oneself _____ To operate wells or pipelines wholly or partly owned by oneself
 - To drill or complete wells for others on contract _____ To transport gas or oil
 - To own wells or pipelines _____ To contract or reclaim sites
 - To conduct ground disturbing geophysical operations _____
- If a foreign corporation (out of state), furnish (a) place and date of incorporation, and (b) date of certificate of authority to transact business in Virginia: _____

(a) _____
(b) _____

5. Person in charge of operations in Virginia:
Name: _____
Title: _____ Telephone Number: _____
Address: _____ Date: _____

6. Designated Agent pursuant to Code of Virginia Section 45.1-361.37.9:
Name: _____
Title: _____ Telephone Number: _____
Address: _____ Date: _____

7. Authorized Agent pursuant to the Section 3.4. of "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VS 455-05-22:

(a) Name: _____
Title: _____
Address: _____
Telephone Number: _____

(b) Name: _____
Title: _____
Address: _____
Telephone Number: _____

Form 805-60-1
Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil



NOTICE AND APPLICATION FOR A PERMIT

Take notice that, pursuant to Code of Virginia, Section 45.1-361.39, the undersigned operator is filing this notice and Application for a permit with the Virginia Gas and Oil Inspector with respect to an operation on the tract(s) of _____
City/County, Virginia, _____ District.

Attached to this Notice and Application is a copy of the required plat or map. The notice and Application shows the operations that are to be done and the plat or map shows the location (or proposed location) of the operations.

An operations plan is attached. It shows the intended method of spot placement, and contains a discharge and stabilization plan, including a map of the project area indicating the area to be disturbed. The discharge and stabilization plan meets the minimum requirements of the 1980 Virginia Erosion and Sediment Control Handbook.

You may have the right to file an objection to the proposed operations within fifteen (15) days from the receipt of this notice, pursuant to the Code of Virginia, Section 45.1-361.35.

Section 45.1-361.35.A "objections to new or modification permits may be filed with the Director by those having standing as set out in Section 45.1-361.30. Such objections shall be filed within fifteen days of the objecting party's receipt of the notice required by Section 45.1-361.36. Persons objecting to a permit must state the reasons for their objections."

After receipt of an objection, an informal fact finding hearing will be scheduled pursuant to the Code of Virginia, Section 45.1-361.35.C.

Section 45.1-361.35.C "The Director shall fix a time and place for an informal fact finding hearing concerning such objections. The hearing shall not be scheduled for less than twenty nor more than thirty days after an objection is filed."

OBJECTIONS MUST BE FILED WITH

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, VA 24210
703/628-8115

Operator: _____
Address: _____
Telephone Number: _____

Form 805-60-2, Sheet 1
Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil

Operations Name: _____

GENERAL DESCRIPTION

WELL TYPE: Oil Gas Enhanced Recovery Waste Disposal Coalbed Methane Underground Storage Core Hole
 Has a unit been established under Article 27 Yes No If "Yes" submit a unit map showing the unit boundaries and the distance of the well to the unit boundary.
 Exploratory well: Yes No

Location: _____
 Quadrange: _____ Ft. S. of Latitude _____ City/County: _____ and _____ Ft. W. of Longitude _____ Watershed: _____

The undersigned operator is entitled to undertake the gas and oil operations at this location under a deed lease other contract sited _____ 19____ to the undersigned operator from which document, if recorded, is recorded in the Office of the Clerk in the County/City of _____, Virginia in _____ book on page _____.

- A PERMIT IS REQUESTED:
- _____ A. Permit under Section 45.1-361.29.B.
 - _____ B. Gathering pipeline under Section 45.1-361.29.B.
 - _____ C. Permit modification under Section 45.1-361.29.C.
 - _____ D. Geophysical operations under Section 45.1-361.29.D.

The operations as planned are shown in this notice and Application and attachments.

OTHER INFORMATION AND SUBMISSIONS

PERMIT FEE

Under the Code of Virginia Section 45.1-361.29, enclosed is a check or money order payable to the Treasurer of Virginia.

WELL PLAT

Under the Code of Virginia Section 45.1-361.29.A, the statement checked below applies to the well plat accompanying this application.

- _____ The plat is new under Code of Virginia, Section 45.1-361.29.A.
- _____ The plat is a copy of an earlier plat, the original of which was submitted before July 1, 1982. This copy has been updated as necessary, under the Code of Virginia, Section 45.1-361.29.A.

WELL OPERATOR'S BOND

- _____ Under Code of Virginia Section 45.1-361.31, the statement checked below applies to the operator's bond:
- _____ A bond for this single well is submitted herewith, as required under Section 45.1-361.31.
- _____ A bond for this single well, as required under Section 45.1-361.31, has been heretofore been accepted in connection with a permit application filed _____ 19____.
- _____ Under Code of Virginia Section 45.1-361.36, a blanket bond is submitted herewith, for all of the applicant's wells. The amount was cleared by the Inspector, subject to final approval hereby requested.
- _____ Under Code of Virginia Section 45.1-361.31, a blanket bond for all the applicant's operations has heretofore been accepted by the Inspector on or about _____ 19____.

Form DGO-00-2, Sheet 3
Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil

Operations Name: _____



Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1418
Abingdon, Virginia 24210
703/608-4115

PERSONS RECEIVING OFFICIAL NOTICE OF PERMIT APPLICATIONS

List such persons by name and address on additional sheets as needed with the title, "Supplemental Sheet for Persons Receiving Official Notice of Permit Applications", and indicate the category for each person or group.

All Applications (Except Pipeline or Geophysical)

- _____ Surface, coal and mineral owners of record on the tract to be drilled;
- _____ Surface owners of record on tracts where the surface is to be disturbed;
- _____ Gas, oil and royalty owners within:
 - _____ (A) one-half the distance specified in Section 45.1-361.37;
 - _____ (B) one-half the distance to the nearest well completed in the same pool or
 - _____ (C) within the drilling unit established by the Virginia Gas and Oil Board.
- _____ Coal operators who have a registered operation plan with the Department for activities located on the tract to be drilled;
- _____ All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 500 feet of the proposed well location;
- _____ All coal or mineral owners on tracts located within 500 feet of the proposed well location;
- _____ Local Government pursuant to Section 45.1-361.30.E;
- _____ Public notice pursuant to Section 45.1-361.30.F (apply as "Affidavit of Publication");

Coal Bed Methane Well Applications (In Addition to Above)

- _____ All coal operators, coal owners or mineral owners within 750 feet of the proposed well location;
- _____ All coal operators who have applied for or obtained a mining or prospecting permit with respect to tracts within 750 feet of the proposed well location;

Pipeline Applications Only

- _____ Surface owners of record along the right-of-way of the proposed pipeline;

Geophysical Applications Only

- _____ Surface owners on tracts where the surface is to be disturbed;
- _____ Coal owners at the site;
- _____ Mineral owners at the site;
- _____ Coal operators who have registered operations plans with the Department for activities located on the tract to be drilled;

Form DGO-00-2, Sheet 2
Rev 7/1/90

Emergency Regulations

Department of Mines, Minerals and Energy
Division of Gas and Oil

Operations Name: _____

Department of Mines, Minerals and Energy
Division of Gas and Oil

REQUEST FOR A PERMIT IN LESS THAN 15 DAYS

The applicant does _____ does not _____ request a permit before the end of the 15 day notice provision under Code of Virginia, Section 45.1-361.35.

CERTIFICATION

I, _____ (Person) representing _____ (Company) certify, that all persons required to be notified under the Code of Virginia, Section 45.1-361.30 have been, and proof of notification is being included as part of the permit application, and _____ (Person) does hereby state that _____ (Company) has the right to conduct operations as set forth in the application and operations plan.

Applicants: _____ (Company)

By: _____ (Signature)

Title: _____ (Title)

VERIFICATION

I, _____ County of _____ State of _____, is _____ personally before me, a Notary Public in and for the county and state aforesaid, and being duly sworn, did depose and say that he is _____ the applicant in the foregoing notice and application for a permit and other accompanying documents; that he executed the same on behalf of the applicant, and was authorized to do so; and that the information set forth herein is true and correct to the best of his knowledge and belief.

My commission expires _____

Notary Public

Form 060-60-2, Sheet 4
Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil

Well Name: _____

APPENDIX TO NOTICE AND APPLICATION FOR A NEW WELL PERMIT UNDER 45.1-361.39-B

NOTE: The data in this Appendix are only estimates. Actual data must be submitted on Form 060-60-16.

Drilling Contractor: _____
Address: _____
Telephone Number: _____ Registered: Yes ___ No ___
Geological Target Formation: _____
Estimated Depth of the Completed Well: _____ feet Drilling Rig: _____ Rotary Cable Tool

Fresh Water: _____
SALT WATER: _____
COAL SEAMS: _____
GAS AND OIL: _____

Geological Data Thickness: _____
Depth: _____

Drilling Rig: _____

Rotary Cable Tool: _____

Drilling Rig: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Rotary Cable Tool: _____

Department of Mines, Minerals and Energy
Division of Gas and Oil

Operation Name: _____

APPENDIX TO PLUG OR REPLUG

Under Code of Virginia, Section 45.1-361.34, the following is submitted with respect to the plugging work:
PURPOSE OF PLUGGING

The plugging work is for the purpose checked below:

- Abandonment of the well or core hole by the operator
- Replugging to permit the safe mining through a well
- Partial plugging from the bottom of the hole to _____ feet below the surface,
- with continued operation by the operator
- Partial plugging from the bottom of the hole to _____ feet below the surface,
- for development as a water well under Section 45.1-361.35

PLUGGING METHOD

- (1) The date when the plugging or replugging is proposed to be commenced: _____, 19____
- (11) Copies of all logs in the applicant's possession not heretofore filed with the Inspector are submitted with this Appendix.
- (111) The proposed manner of plugging or replugging the well is specified below:
 - Plugging a well that does not penetrate a coal seam
 - Plugging a well penetrating a coal seam without a coal protection string
 - Plugging wells with coal protection strings installed
 - Special plugging at the coal owners request
 - Replugging a well previously plugged

PROPOSED PLUGGING PROCEDURE

INTERVAL (FROM BOTTOM OF HOLE)	TO	FORMATIONS	PLUGGING	FILLING	EROSION	OPER HOLE	CASING SIZE	FILLED LINES

(ATTACH PROPOSED PLUGGING DETAILS IN THIS FORMAT ON A SEPARATE SHEET)

Form 060-50-2, Appendix C
Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil

Well Name: _____

APPENDIX TO NOTICE AND APPLICATION IF THE WELL IS FOR ENHANCED OIL RECOVERY OR FOR A DISPOSAL WELL

Under Code of Virginia Section 45.1-361.29, the following is submitted with respect to the proposed injection well which will be used for enhanced oil recovery _____ waste disposal _____

(1) Casing

- The well involves drilling, re-casing or deepening; and the casing and tubing program is set out in this application
- The well does not involve any drilling activity; and the original casing records are:
 - submitted as an attachment hereto, or
 - not available

(11) Drilling Log

- To be submitted when the drilling is completed
- The well does not involve any drilling activity; and the original drilling log is:
 - submitted as an attachment hereto, or
 - not available

- (111) Maximum pressure to be introduced is _____ psig (surface measurement) and _____ psi (calculated at the target formation).
- (112) Geological formation(s) into which liquid or pressure is to be introduced is _____
- (12) Description of liquids to be introduced _____

- (13) Location of all known coal seams, water-bearing strata, and other gas or oil strata above or below the geological formation into which such liquid or pressure is to be introduced.

- Set out in this application or
- Submitted as an attachment hereto

Form 060-50-2, Appendix B
Rev 7/1/90

Emergency Regulations

Department of Mines, Minerals and Energy
Division of Gas and Oil



Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1415
Arlington, Virginia 22200
703/684-4115



OPERATOR'S SURETY BOND

THIS BOND CAN ONLY BE CANCELLED BY THE VIRGINIA GAS AND OIL INSPECTOR

Operator: _____
Surety Company: _____
Address: _____ Telephone Number: _____
Surety Company Bond Number: _____ Date Issued: _____

Know all men by these presents:

That we, _____ Principal, and _____ Surety, are held and finally bound unto the Commonwealth of Virginia in the sum of _____ Dollars (\$ _____) and for the benefit thereof Principal and Surety and themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, finally, by these presents.

WHEREAS, Principal proposes to bond

_____ all of Principal's operations area in the Commonwealth, whether now existing or hereafter created
OR
_____ a single operation in the Commonwealth, identified as _____, the amount of the bond having been determined as follows:

\$10,000 for the plugging of the well
PLUS
_____ (the product of \$2,000 times the number of acres to the nearest tenth of an acre) for stabilizing the project area

NOW, THEREFORE, the condition of this obligation is such that if Principal shall perform on operations, as the case may be, (1) all such work as Principal may be permitted to perform under permits issued under Code of Virginia, Section 45.1-361.25 and (2) all other work included in operations plans accompanying such applications under Code of Virginia, Section 45.1-361.25 and accordance with the terms of the permits, the forfeitures of the operations plan and all applicable provisions of the Virginia Gas and Oil Act and regulation promulgated thereunder, then this obligation shall be null and void; otherwise it shall remain in full force and effect until released by the Virginia Gas and Oil Inspector.

Executed this _____ day of _____, 19____
Operator: _____
By: _____ (Signature) Its: _____
Surety: _____
By: _____ (Signature) Its: _____

Form 000-60-3
Rev 7/1/79

Department of Mines, Minerals and Energy
Division of Gas and Oil

Operations Area: _____

APPENDIX TO NOTICE AND APPLICATION FOR A PERMIT MODIFICATION UNDER 45.1-361.29-C

Drilling or Workover Contractor: _____
Address: _____
Telephone Number: _____ Registered: _____

The following information must be submitted. Use additional sheets as necessary.

For Reworking of a Well:

- Reason for reworking well
- Proposed plan of reworking well
- Casing, tubing or other equipment to be installed
- Zone(s) to be stimulated - depths and perforations
- Type of stimulation
- Operations plan

For Deepening of a Well:

- Reason for deepening well
- Purposed plan of deepening well
- Casing or tubing plan - cement plan
- Equipment to be installed
- Zone(s) to be stimulated
- Type of stimulation
- Operations plan

For Plugging of a Well:

- Reason for plugging the well
- Plan of plugging
- Cement to be used
- Operations plan

For Other Activity:

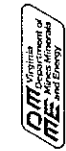
- Reason for activity
- Description of activity
- Operations plan

Form 000-60-2, Appendix 0
Rev 7/1/79

	<p>WELL LOCATION MAP</p> <p>WELL NO. _____</p> <p>On a scale of 1 inch = 24,000 feet, the well location is shown on the map. The map is based on the knowledge and skill of the surveyor and is not guaranteed to be accurate. See Regulations 51.1-10, 51.1-11, and 51.1-12.</p> <p>SEE REGULATIONS 51.1-11</p> <p>If the undersigned, hereby certifies that this plot is correct to the best of my knowledge and skill. See Regulations 51.1-10, 51.1-11, and 51.1-12.</p> <p>Registered Engineer or Geologist and Surveyor in Charge</p>
<p>COMPANY _____</p> <p>ADDRESS _____</p> <p>WELL NAME _____</p> <p>FARM _____ SECTION _____</p> <p>LEASE NO. _____ DISTRICT _____</p> <p>ACRES _____</p> <p>REG. ENGINEER _____ REG. NO. _____</p> <p>CERT. LAND SURVEYOR _____ CERT. NO. _____</p> <p>FILE NO. _____ DRAWING NO. _____</p> <p>DATE _____ SCALE _____</p> <p>This plot is _____</p> <p>This plot is _____</p> <p>Coordinate system established for the area of the well location.</p> <p>FORM CSO-00-5</p>	<p>REG. ENGINEER _____</p> <p>CERT. LAND SURVEYOR _____</p> <p>FILE NO. _____</p> <p>DRAWING NO. _____</p> <p>DATE _____</p> <p>SCALE _____</p> <p>This plot is _____</p> <p>This plot is _____</p> <p>Coordinate system established for the area of the well location.</p>

Department of Mines, Minerals and Energy
Division of Gas and Oil

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1415
Arlington, Virginia 22210
703/626-4115



OPERATOR'S CASH BOND

THIS BOND CAN ONLY BE CANCELLED BY THE VIRGINIA GAS AND OIL INSPECTOR

Know all men by these presents:

That we, _____, Principal, are hereby held and firmly bound unto the Commonwealth of Virginia in the sum of _____ Dollars (\$ _____), and for the payment thereof Principal, Heirs, Executors, Administrators, Successors and assigns, firmly by these presents, and in lieu of surety tenders with these presents, cash or cash equivalent in the full amount of this bond.

WHEREAS, Principal proposes to

_____ all of Principal's operations area in the Commonwealth, whether now existing or hereafter operated

OR

_____ a single operation in the Commonwealth, identified as _____, the amount of the bond having been determined as follows:

\$10,000 for the plugging of the well
PLUS
\$ _____ (the product of \$1,000 times the number of acres to the nearest tenth of an acre) for stabilizing the project area

NOW, THEREFORE, the condition of this obligation is such that if Principal shall perform on operations, as the case may be, (1) all such work as Principal may be permitted to perform under permit issued under Code of Virginia, Section 45.1-361.19 and (2) all other work included in operations plans accompanying such applications under Code of Virginia, Section 45.1-361.19, in accordance with the terms of the permit, the specifications of the operations plans and all applicable provisions of the Virginia Gas and Oil Act and Regulation promulgated thereunder, then this obligation shall be null and void; otherwise it shall remain in full force and effect until released by the Virginia Gas and Oil Inspector.

Executed this _____ day of _____, 19 _____.

Operator: _____

By: _____ (Signature) Its: _____

Address: _____

Emergency Regulations

Department of Mines, Minerals and Energy
Division of Gas and Oil



Operations Name: _____
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703/628-8115



NOTICE BY PUBLICATION OF AN APPLICATION FOR A PERMIT

Take notice that, pursuant to code of Virginia, Section 45.1-361.30.E, the undersigned operator propose to file, or has filed, a Notice and Application for a Permit with the Virginia Gas and Oil Inspector under Code of Virginia, Section 45.1-361.32, with respect to an operation on the _____ tract(s) of _____ acres, more or less, in _____ District, _____ City/County, Virginia.

A plat has been filed with the Notice and Application. The Notice and Application show the work that is to be done, and the plat shows the location (or proposed location) of the work.

An operations plan is also filed. It shows the intended method of spoil placement, and contains a drainage and stabilization plan, including a map of the project area indicating the area to be disturbed. The drainage and stabilization plan meets the requirements of the current 1980 Virginia Erosion and Sediment Control Handbook.

Under Code of Virginia, Section 45.1-361.30, any person owning an interest in the subject tract affected by the operations to be connected has the right to file objections to the proposed work within 15 days after the day of this publication.

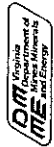
Under Code of Virginia, Section 45.1-361.30, any person owning a coal or mineral interest within 500 feet of the proposed well location; or within 750 feet in the case of coalbed methane; or a gas, oil or royalty interest within the distances specified in Section 45.1-361.30.A.4 of the proposed well location has the right to file objections to the proposed work within 15 days after the day of this publication.

OBJECTIONS MUST BE FILED WITH

Virginia Gas and Oil Inspector
Division of Gas and Oil
P. O. Box 1416
Abingdon, Virginia 24210
703/628-8115

Operator: _____
Address: _____
Telephone Number: _____

Department of Mines, Minerals and Energy
Division of Gas and Oil



Well Name: _____
Virginia Gas and Oil Inspector
Division of Gas and Oil
P. O. Box 1416
Abingdon, Virginia 24210
703/628-8115



STATEMENT OF NO OBJECTION TO A PERMIT

The undersigned hereby acknowledges receipt of a Notice and Application for a permit and an accompanying plat and other documents, if any, from _____ (Operator), the applicant operator, concerning operations on the _____ tract of _____ acres, more or less, in _____ District, _____ City/County, Virginia.

Execution of this statement is to record the fact that the undersigned has no objection to the Virginia Gas and Oil Inspector issuing a permit for the work as proposed in the Notice and Application.

If any other person entitled to notice of the Application files an objection, the undersigned does not waive the right to notice of subsequent hearings and other proceedings and reserves the right to appear and be heard.

For execution by a natural person _____ (Signature)
Address: _____
Telephone Number: _____
For execution by a partnership, corporation etc. _____
By: _____ (Signature)
Its: _____ (Title)
Address: _____
Telephone Number: _____


Form 000-00-7
Rev 7/1/90

Form 000-00-6
Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil

DMTE
Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1415
Arlington, Virginia 22210
703/624-8115

Pipeline:
Order: _____



DMTE
Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1415
Arlington, Virginia 22210
703/624-8115

PRELIMINARY CONSTRUCTION APPLICATION

Pursuant to the Code of Virginia, Section 45.1-361.20, the undersigned operator is applying for a permit to construct a gathering pipeline.

Company: _____
Name: _____
Address: _____
City/State/Zip: _____

Location of Proposed Pipeline: _____

City/Country(s): _____
District(s): _____
Geographic(s): _____
Water(s): _____

Type(s) of Pipeline: _____ Surface _____ Buried: _____ Gas _____ Oil _____

Size(s) of Pipeline: _____ inches

Length of Proposed Pipeline: _____ feet

Width of Right-of-Way: _____ feet

Area to be Disturbed: _____ acres

Certification of Location: _____

Each map submitted as part of the application shall be certified by an authorized agent of the well operator as designated on form DDD-60-1. The following statement as to the accuracy shall be affixed to the maps) and attested to by the agent.


"I, the undersigned, hereby certify that this map is plotted to the limit of the map accuracy and is correct to the best of my knowledge of the facts. Regulations and policies issued under Chapter 22.1 of Title 45.1 of the Code of Virginia."

Authorized Agent

Department of Mines, Minerals and Energy
Division of Gas and Oil

DMTE
Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1415
Arlington, Virginia 22210
703/624-8115

Decree Name:
Order: _____



DMTE
Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1415
Arlington, Virginia 22210
703/624-8115

PROOF OF NOTICE OF APPLICATION

The undersigned operator, applicant in a Notice and Application for a permit heretofore filed with the Inspector on Code of Virginia, Section 45.1-361.20 for the persons named in the Notice and Application as entitled to notice.

_____ Signed certified mail return receipt(s) for the following person(s):

_____ signed statement(s) of no objection (form DDD-60-2) for the following person(s):

_____ Newspaper page of feasible (or affidavit of publication) showing notice of publication (form DDD-60-6) for the following person(s):

Applicant: _____ (Company)

By: _____ (Inspector)

Date: _____ (Date)

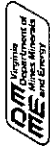
*Submit supplemental sheets if the space above is not sufficient

Emergency Regulations

Department of Mines, Minerals and Energy
Division of Gas and Oil

Pipeline: _____
Date: _____

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Arlington, Virginia 22210
703/628-8115



EXISTING PIPELINE APPLICATION

Pursuant to the Code of Virginia, Section 45.1-361.25, the undersigned well operator is applying for a permit for an existing natural gas pipeline.

Company Name: _____
Address: _____
City/State/Zip: _____

Location of Pipeline: _____

City/County(s): _____
District(s): _____
Quadrangle(s): _____
Watershed(s): _____

Type(s) of Pipeline: _____ Surface _____ Buried _____
Size(s) of Pipeline: _____ Inches _____ Feet _____
Average Width of Right-of-Way: _____ Feet _____
Total Acquire Disturbed: _____ Acres

Certification of Location: _____

Each map submitted as part of the application shall be certified by an authorized agent of the well operator as delineated on Form DM-60-1. The following statement as to the accuracy shall be affixed to the map(s) and accepted by the agent.

"I, the undersigned, hereby certify that this map is plotted to the limit of the map accuracy and is correct to the best of my knowledge of the law, regulations and policies issued under Chapter 22.1 of Title 45.1 of the Code of Virginia."

Authorized Agent

Department of Mines, Minerals and Energy
Division of Gas and Oil

Pipeline: _____
Date: _____

Bond: _____ Blanket _____ Individual
_____ Existing _____ Submitted on Additional Form

Statement of Right to Construct:

The undersigned operator is entitled to construct the proposed pipeline under a deed _____ lease _____ of other contract dated _____, 19____, to the undersigned operator from which document, if recorded, is recorded in the office of the Clerk in the County/City of _____, Virginia in _____ Book _____ of Page _____ of the _____.

Use additional copies of this section if the operator is entitled to construct the pipeline from more than one deed, lease or other contract.

Notification:

Attached is a list of persons requiring notification. Proof of notice, such as certified return receipts, shall be submitted to the Division of Gas and Oil before a permit may be issued.

Operations Plan:

Under Code of Virginia, Section 45.1-361.29, this application is accompanied by an operations plan and map.

Applicant: _____ (Company)
By: _____ (Signature)
Its: _____ (Title)

VERIFICATION

State of _____ County of _____ on this _____ day of _____, 19____, personally before me, a Notary Public in and for the county and state aforesaid, appeared _____, who being duly sworn, did depose and say that he is _____ of _____ the applicant in the foregoing application for a pipeline construction permit and accompanying documents; that he executed the same on behalf of the applicant, and was authorized to do so; and that the information set forth therein is true and correct to the best of his knowledge and belief.

My commission expires _____

Notary Public

Well Name: _____
File Number: _____



Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703/628-9115



Department of Mines, Minerals and Energy
Division of Gas and Oil

Pipeline: _____
Date: _____

Road: _____
Blennet _____ Existing _____
Individuals _____
Submitted on Additional Form

Operations Plan and Map:

Under Code of Virginia, Section 45.1-361.29, this application is accompanied by an operations plan and map.

Applicant: _____ (Company)

By: _____ (Signature)

Its: _____ (Title)

VERIFICATION

I, the undersigned, hereby certify that I am familiar with the well plot showing the permitted location of the new well authorized by Permit Number _____ and that the well has been drilled in compliance with the standards of Section 4.2 of "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VA 460-65-32, as follows:

Within three feet of the location as permitted in an area underlain by known coal seams identified by the Chief of the Division of Mines

OR

Within ten feet of the location permitted in other areas

My commission expires _____

Notary Public

For Division of Gas and Oil Use Only

Approved _____

Title: Virginia Gas and Oil Inspector

Date: _____

Authorized Agent

Form 665-00-8
Rev 7/1/90

Page 1 of 2

Form 665-00-8
Rev 7/1/90

Emergency Regulations

AP# Number: 45
 Well Name:
 Mine Name:
 Date:

Division of Mines
 219 Wood Avenue
 Big Stone Gap, Virginia 24219
 703/523-0335



PETITION TO MINE WITHIN 200 FEET OF OR THROUGH A WELL

Pursuant to Code of Virginia, Section 45-1-92.1, the undersigned mine operator files this Petition with the Chief of the Division of Mines for a permit to:

Extend workings within 200 feet of the referenced well, or
 Mine through the referenced well which has been plugged

which referenced well is located in the _____ District, _____ City/County, Virginia.

Attached are maps and plans showing (1) the location of the well, (11) mine workings within 500 feet of the well bore as it passes through the coal seam(s) involved, and (111) the contemplated mining operations within 200 feet of the well or through the well on the scale indicated thereon. The maps and plans have been prepared by a registered engineer or a certified land surveyor.

If the well will not be mined through, the pillar plan shown on the attachments complies with Section 4.10 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," 48-480-05-22, and shows any unusual conditions that may exist, and indicates the details of the pillar to be left intact for the protection of the well and mine. The undersigned believes the pillar plan is adequate and in accordance with the best prevailing usage and practice in the mining industry.

If the well is to be mined through, the undersigned attaches information necessary to establish that the subject well has been adequately plugged for the purpose of being safely mined through and that no oil, gas or salt water is capable of migrating into the site workings.

The undersigned requests approval by the Chief of this Petition, and certifies that copies of the Petition and any and all attachments have been mailed by REGISTERED MAIL, CERTIFIED MAIL, REGISTERED MAIL, REGISTERED MAIL and Registered Mail to the Virginia Oil and Gas Inspector at his official address and to the operator of the referenced well, addressed as follows:

Well Operator _____
 Address _____

Under Code of Virginia Section 45-1-92.1, the well operator and the Virginia Oil and Gas Inspector each have ten days from their receipt of the Petition to file objections with the Chief of the Division of Mines at 219 Wood Avenue, Big Stone Gap, Virginia.

SUBMITTED BY: Mine Operator _____
 By: _____ (Signature), Its: _____ (Title)
 Address: _____ Telephone Number: _____

FOR OFFICE USE ONLY

APPROVAL DATE _____
 SIGNATURE _____
 TITLE _____

Form 860-50-11
 Rev 7/1/90

AP# Number: 45
 Well Name:
 Mine Name:
 Date:

Division of Mines
 219 Wood Avenue
 Big Stone Gap, Virginia 24219
 703/523-0335



NOTICE OF MINING WITHIN 500 FEET OF A WELL

Take notice that pursuant to Code of Virginia Section 45-1-92.1, the undersigned mine operator proposes to extend its workings near, then 500 feet to the referenced well drilled or in the process of being drilled in _____ City/County, Virginia. Attached is a copy of the parts of its maps and plans required by Code of Virginia, Section 45-1-27, showing the undersigned's mine workings and projected mine workings beneath the tract in question and within 500 feet of the well.

The undersigned hereby certifies to the Chief that copies of this notice have been mailed by Certified Mail, Return Receipt Requested, to the Virginia Oil and Gas Inspector at his official address, and to the operator of the referenced well, addressed as follows:

Well Operator _____
 Address _____

Submitted By: Mine Operator _____
 By: _____ (Signature)
 Its: _____ (Title)
 Address: _____
 Telephone Number: _____

Form 860-50-10
 Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil



Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1415
Arlington, Virginia 22200
703/224-4115



Well Name: _____
File Number: _____

APPLICATION TO COMPLETE ABANDON GAS OR OIL WELL AS A WATER WELL

This application is filed by:

Applicant: _____ (Company)

Address: _____

By: _____ (Signature) (Title)

Well Name: _____ Telephone Number: _____

Pursuant to Code of Virginia, Section 45-1-36.1, 39, the undersigned applies for the Inspector's approval to develop and complete the oil and gas well numbered above as a water well for use as a _____ public well _____ private well.

The well is on the _____ trace of _____ acres, more or less, in the _____ District, _____ City/County, Virginia, and will produce water from aquifers at the following depths:

The development of the well as a water well will be in accordance with the Groundwater Act of 1973, Chapter 3.3 of Title 62.1 of the Code of Virginia and regulations of the State Water Control Board; and Chapter 6 of Title 32.1 of the Code of Virginia and regulations of the Virginia Department of Health.

The undersigned has _____ has not _____ reached agreement with the well operator for casing and tubing left in the well which the well operator would, in accordance with industry practice, remove upon plugging of the well to the surface.

The undersigned recognizes and accepts that under the provisions of Section 4.11 of the "Rule and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VA 480-05-32, this application will not be approved until the well operator has plugged the well under a well well work permit up to the deepest surface from which water is sought, in accordance with the applicable provisions of the Act.

Property Owner: _____ (Signature) Date: _____

Address: _____

For execution by a municipality, corporation, etc.: _____

By: _____ (Signature) Date: _____

For: _____ (Title) Telephone Number: _____

Address: _____

Form 050-50-12
rev 7/1/79

Department of Mines, Minerals and Energy
Division of Gas and Oil



Division of Mines
219 Wood Avenue
Big Stone Gap, Virginia 24119
703/533-0335

Well Number: 45-_____
Well Name: _____
File Name: _____
Date: _____

PERMIT TO RISE BEAM OR THROUGH A WELL

Effective this date, pursuant to the Code of Virginia, Section 45.1-92.1, this permit is issued to:

Mine Operator: _____

Address: _____

MINING: _____ (Extend markings within 200' of a well)

OR

_____ Mine through a plugged well

for the above mine number and near or through the referenced well located in _____ District, _____ City/County, Virginia.

The permitted mining activity is as described in the petition filed with this office on _____ 19 _____, subject to the modifications and conditions specified below.

MODIFICATIONS AND CONDITIONS (IF ANY)

Chief, Division of Mines

Form 050-50-13
rev 7/1/79

Emergency Regulations

Department of Mines, Minerals and Energy
Division of Gas and Oil



Virginia Gas and Oil Board
Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Arlington, Virginia 22210
703/628-8115



File Number: _____
Well Name: _____

INITIAL TEST OF A WELL UNDER ARTICLE 2

Pursuant to Section 2.1 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VE 480-05-22, applicable to, "each well completed or recompletes...in a pay zone deeper than 3,000 feet from the surface", the undersigned well operator hereby reports to the Virginia Gas and Oil Board the initial test of the referenced well, which was completed on _____ at _____ City/County, Virginia.

The results of (1) the initial indicated potential flow test and (11) the initial gas/oil ratio test are set out in the following form. The names and addresses of such other operators are listed below.

Applicant: _____ (Company)
By: _____ (Signature)
Its: _____ (Title)
Address: _____
Telephone Number: _____

Form 000-60-15
Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil



Virginia Gas and Oil Board
Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Arlington, Virginia 22210
703/628-8115



File Number: _____
Well Name: _____

NOTICE OF COMPLETION OF A WELL UNDER ARTICLE 2

Pursuant to Section 2.1 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VE 480-05-22, applicable to, "each well completed or recompletes...in a pay zone deeper than 3,000 feet from the surface", the undersigned well operator hereby notifies the Virginia Gas and Oil Board of the completion of the referenced well, as completion is defined in Section 1.1 of the Regulation, on _____ at _____ City/County, Virginia as follows:

_____ The completion was to perform all those acts which resulted in the well being capable of producing oil or gas.

_____ The well proved to be incapable of commercial production, and was plugged and abandoned.

The undersigned will also file with the Inspector a Report of Completion of Well Work Form within the time period provided in Section 4.6 of the Regulation.

Other operators, if any, who have an interest in the well have been mailed a copy of this notice. The names and addresses of such other operators are typed below:

Applicant: _____ (Company)
By: _____ (Signature)
Its: _____ (Title)
Address: _____
Telephone Number: _____

Form 000-60-14
Rev 7/1/90

COMPLETION REPORT

Department of Mines, Minerals, and Energy
Division of Gas and Oil

File Number: _____
Well Name: _____

WELL TYPE: Oil _____ Gas _____ Enhanced Recovery _____ Waste Disposal _____ Coiled Tubing _____ Underground Storage _____ Core Well _____

LOCATION
City/County: _____ District: _____

Surface Elevation: _____ FT. S. OF LATITUDE _____ 440 _____ FT. W. OF LONGITUDE _____

DRILLING DATA

Date Drilling Commenced: _____ Drilling Contractor: _____
Date Drilling Completed: _____ Rig Type: _____ Rotary _____ Cable Tool _____
Date Well Completed: _____ Total Depth of Completed Well: _____

SEISMOLOGICAL DATA

Fract Water at (1) _____ Feet _____ GPM: (2) _____ Feet _____ GPM _____
Test Water at (1) _____ Feet _____ GPM: (2) _____ Feet _____ GPM _____

ZONE SEAMS:

NAME	TOP	BOTTOM	THICKNESS	YES	NO	MARKED IN AREA
_____	_____	_____	_____	_____	_____	_____

OIL AND GAS SHOWS:

FORMATION	TOP	BOTTOM	THICKNESS	PPF (ACF/SDP)	PERFUSION	HOURS TESTED
_____	_____	_____	_____	_____	_____	_____

STIMULATION RECORD

Zone 1: _____ Formation Stimulated With _____

Performance: _____ TO _____ No. of Perforations: _____ Perforation Size: _____
Formation Break Down at: _____ PSIG Average Injection Rate: _____ GPM
ISIP _____ PSIG MH SIP _____ PSIG Average Injection Pressure: _____

STIMULATION RECORD

Zone 2: _____ Formation Stimulated With _____


Performance: _____ TO _____ No. of Perforations: _____ Perforation Size: _____
Formation Break Down at: _____ PSIG Average Injection Rate: _____ GPM
ISIP _____ PSIG MH SIP _____ PSIG Average Injection Pressure: _____

FINAL PRODUCTION: Natural _____ After Stimulation _____
ROD _____ HOURS TESTED _____ ROCK PRESSURE _____ HOURS TESTED _____
Zone (1) _____ HOURS TESTED _____ PSIG _____ HOURS TESTED _____
Zone (2) _____ HOURS TESTED _____ PSIG _____ HOURS TESTED _____
Final Production If Gas Jones are Completed: _____ GPD _____ HOURS TESTED _____ PSIG _____ HOURS TESTED _____

Form DMO-60-16, Appendix A
Rev 7/1/79

REPORT OF COMPLETION OF WORK

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1416
Abingdon, Virginia 24210
703/752-3115



Permitted in Section 4.6 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VR 480-53-22, the undersigned operator reports completion of the work specified below on the referenced well in _____ words, 30 _____ District _____ City/County, Virginia on _____ day, _____ month, 19 _____.

WELL TYPE: Oil _____ Gas _____ Enhanced Recovery _____ Waste Disposal _____ Coiled Tubing _____ Underground Storage _____ Core Well _____

WORK: Dr-133 _____ Decape _____ Seismicity _____ Plug Off Old Formation _____ Perforate New Formation _____
Plug _____ 40/40 _____ Pipeline _____ Geophysical _____

The work was done as shown in the application.

CONFIDENTIALITY STATEMENT UNDER CODE OF VIRGINIA SECTION 45.1-361.5

_____ hereby says from _____ the date on which the referenced well was completed, or if the work was done as shown in the application, _____ the date the well reached total depth, whichever occurs first, _____ or _____ the date on which the referenced well was completed, or four years from _____ the date the well reached total depth, the well being an exploratory well as defined in Code of Virginia, Section 45.1-361.1.

Applicant: _____ (Company)
BY: _____ (Signature)
Title: _____ (Title)
Address: _____
Telephone Number: _____

Form DMO-60-16
Rev 7/1/79

Emergency Regulations

Department of Mines, Minerals and Energy
Division of Gas and Oil

File number: _____
Well name: _____

Department of Mines, Minerals and Energy
Division of Gas and Oil

SAMPLES AND CUTTINGS
Are _____ the not _____ available for examination by a member of the Virginia Division of Mineral Resources
Have _____ have not _____ been furnished to the Virginia Division of Mineral Resources

ELECTRIC LOGS AND SURVEYS
Type of Electric log(s) Run: _____

Did log disclose vertical location of a coal seam? Yes _____ No _____

Was log made at request of coal owner? Yes _____ No _____

DEVIATION SURVEYS
Deviation surveys were _____ were not _____ required under Section 14 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VR 480-05-22 "to the bottom of the lowest published coal seam depth."

Notes: If a deviation survey(s) was/were required, the survey results are as follows:

DEPTH OF SURVEY	FEET/DEGREE DEVIATED FROM TRUE VERTICAL	DEPTH OF SURVEY	FEET/DEGREE DEVIATED FROM TRUE VERTICAL

A continuous survey was _____ was not _____ required, under Section 14 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VR 480-05-22.

Notes: If a continuous survey was required, the survey results are attached.

CONCRETE IN THE PERMITTED WELL WORKS:

The well operator did _____ did not _____ make any change(s) in the permitted work, verbally approved by the Inspector or Assistant Inspector under Section 4.3 of the "Rules and Regulations for Conservation of Oil and Gas Resources and Well Spacing," VR 480-05-22, for the purpose of insuring successful completion of the work.

NOTE: The nature and purpose of each such change, if any, is set out below on an additional sheet.

Form 060-60-16, Appendix A
Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil

File number: _____
Well name: _____

PERFORATIONS
SIZE _____ TOP _____ BOTTOM _____ LENGTH _____ DEPTH OR BRIDGE PLUGS SET TO FEET _____ SET IN _____ SET AT _____

CASING AND TUBING
Casing Circulated and Cemented to Surface
Water Protection

COAL PRODUCTION
Date of Production _____

STOP CORKING
and Tubing Left in Well

LOGS
Resembling in Well

SIDE
Used and Not Left in Well

REMARKS: Shut down, fishing jobs, depths and dates, casing, etc.

DRILLER'S LOG
Completed by _____

GENERAL LITHOLOGICAL FORMATION

DEPTH TOP BOTTOM THICKNESS

REMARKS

(ATTACH DRILLER'S LOG IN THIS FORMAT ON A SEPARATE SHEET)

Form 060-60-16, Appendix A
Rev 7/1/90

Department of Mines, Minerals and Energy
Division of Gas and Oil

File Number: _____
Well Name: _____
TO-WIT:
STATE OF _____, CITY/COUNTY OF _____, TO-WIT:
(Name) AND _____ (Name)

PLUGGING AFFIDAVIT

They are both experienced in the plugging of wells and participated in the plugging work which is the subject of this Affidavit on the referenced well.

THE PLUGGING WORK WAS FOR THE PURPOSE CHECKED BELOW:

- At the end of production or other use
- After drilling, re-grilling or re-opening was unsuccessful, so that the well was plugged on the verbal permission of the Inspector.
- Partial plugging from the bottom of the hole to _____ feet below the surface, and continued operation by the well operator.
- Partial plugging from the bottom of the hole to _____ feet below the surface, for development as a water well.
- Re-plugging

THE CHANGES OF PLUGGING OR REPLUGGING, WHICH WAS COMPLETED ON _____, WAS IN THE MANNER PROVIDED BY LAW AS CHECKED BELOW:

- Plugging a well that does not penetrate a coal seam
- Plugging well penetrating coal seam without coal production starting
- Plugging wells with coal production without installed
- Special plugging of the coal seam's request
- Replugging a well previously plugged

CHANGES IN THE PLUGGING AS PERMITTED

The well operator did _____ did not _____ have any change(s) in the plugging as specified in the permit, which changes were verbally approved by the Inspector or Assistant Inspector under Section 4.3 of the "Rules and Regulations for Conservation of Oil and Gas and Well Spacing," IR 480-0522, for the purpose of insuring successful completion of the plugging work. The nature and purpose of each change must be explained in the "plugging details."

PLUGGING DETAILS

INTERVAL (FROM BOTTOM OF HOLE) FROM _____ TO _____	FUNDATION(S)	PLUGGING	FILLING	SEDS	BEHOLD	SEAM HOLE	CASING SIZE	FILLED LINE

Finally, if this Affidavit concerns a well that was abandoned after plugging, a permanent marker of _____ concrete or _____ concrete and iron had been erected over the location.

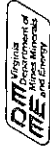
First Signature _____
Second Signature _____

Notary Public _____
Subscribed and sworn to before me a notary public, in and for the _____ County,
State, this _____ day of _____, 19____.

Witnessed by Commission Expires _____
Notary Public

Department of Mines, Minerals and Energy
Division of Gas and Oil

Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1410
Arlington, Virginia 22210
703/623-4115



MONTHLY GAS PRODUCTION REPORT

The undersigned well Operator or Transporter, submits the report of production of gas for the month ending _____, 19____.

Date of Submittal _____
Operator or Transporter _____ (Signature)
Submitted By _____ (Signature)
Its _____ (Title)
Address _____
Telephone Number _____

MONTHLY SUMMARY

Field Sales _____ MCF
Used in Field Operations _____ MCF
Reserved or Used by Lessees _____ MCF
Vented to Atmosphere From Gas Wells _____ MCF
Vented to Atmosphere From Oil Wells _____ MCF
Other Use (Explain) _____ MCF
Total Volume _____ MCF

DETAILS OF FIELD SALES*

NAME OF PURCHASER	ADDRESS	VOLUME (MCF)

MONTHLY PRODUCTION BY WELL (MCF) *

PERMIT NUMBER	WELL NAME	WELL NUMBER	DISTRICT	DAYS ON LINE	PER DAY	TOTAL PRODUCTION

* Use This Format on Supplemental Sheets as Necessary

Emergency Regulations

Department of Mines, Minerals and Energy
Division of Gas and Oil



Division of Gas and Oil
Virginia Gas and Oil Inspector
P. O. Box 1415
Abingdon, Virginia 24210
703/628-8115



MONTHLY OIL PRODUCTION REPORT

The undersigned well operator or transporter submits the report of production of oil for the month ending _____, 19____.

Date of Submittal _____
Operator or Transporter _____ (Company)
Submitted By _____ (Signature)
Its _____ (Title)
Address _____
Telephone Number _____

MONTHLY SUMMARY

Total Oil on Hand at Beginning of Month _____ Bbls
Total Actual Production During Month _____ Bbls
Total Actual Sold During Month _____ Bbls
Total Oil on Hand at End of Month _____ Bbls

DISPOSITION

Lease Use _____ Bbls
To Lease Tanks _____ Bbls
To Pipeline _____ Bbls
To Trucks _____ Bbls
Other (Specify) _____ Bbls
Total Volume _____ Bbls

MONTHLY PRODUCTION BY WELL (BBLs) *

PERMIT NUMBER	WELL NAME	FILE NUMBER	DISTRICT	BBLS ON HAND	PRODUCTION (BBLs)	BBLs SOLD

* Use this format on Supplemental Sheets as Necessary

Form OGO-60-17 (011)
REV 7/17/90

VIRGINIA TAX BULLETIN

DEPARTMENT OF TAXATION

TAX BULLETIN 90-4

DATE: June 1, 1990

SUBJECT: Interest Rates-Third Quarter 1990

State and certain local interest rates are subject to change every quarter. The rates for the third quarter of 1990 will be 10% for tax overpayments and 11% for tax underpayments. These rates are unchanged from the rates for the second quarter of 1990.

Rate for Addition to Tax for Underpayments of Estimated Tax

Taxpayers whose taxable year ends on June 30, 1990: For the purpose of computing the addition to the tax for underpayment of Virginia estimated income taxes on Form 760C (for individuals, estates and trusts), Form 760F (for farmers and fishermen), or Form 500C (for corporations), the third quarter 11% underpayment rate will apply through the due date of the return, October 15, 1990.

Local Tax

Localities assessing interest on delinquent taxes pursuant to Va. Code § 58.1-3916 may impose interest at a rate not to exceed the underpayment rates which are in effect for the applicable quarters of the second and subsequent years of delinquency. For the third quarter of 1990, the underpayment rate is 11%. Localities which have provided for refund of erroneously assessed taxes may provide by ordinance that such refund be repaid with interest at a rate which does not exceed the rate imposed by the locality for delinquent taxes.

Recent Interest Rates

Period	Rate	Period	Under- payment (Assessment)	Over- payment (Refund)
2/1/82 - 12/31/82	20%	1/1/87 - 9/30/87	9%	8%
1/1/83 - 6/30/83	16%	10/1/87 - 12/31/87	10%	9%
7/1/83 - 12/31/84	11%	1/1/88 - 3/31/88	11%	10%
1/1/85 - 6/30/85	13%	4/1/88 - 9/30/88	10%	9%
7/1/85 - 12/31/85	11%	10/1/88 - 3/31/89	11%	10%
1/1/86 - 6/30/86	10%	4/1/89 - 9/30/89	12%	11%
7/1/86 - 12/31/86	9%	10/1/89 - 9/30/90	11%	10%

Questions about interest rates may be directed to the Taxpayer Assistance Section, Office Services Division, Virginia Department of Taxation, P.O. Box 6-L, Richmond, Virginia 23282, or (804) 367-8031 (Individual) or (840) 367-8036 (Corporation).

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-60-8401. Evidence Required to Permit Registration or Reregistration of Vehicles for Which Proof of Tax Payment and of State Corporation Commission Registration is Required.

Governor's Comment:

I support the Department of Motor Vehicles' revised regulations which seek to streamline the process for renewing motor vehicle license plates.

/s/ Lawrence Douglas Wilder

Governor

Date: May 31, 1990.

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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 125-01-2, VR 125-01-3, VR 125-01-5, VR 125-01-6 and 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

Pursuant to the Public Participation guidelines contained in VR 125-01-1 § 5.1, the board intends to consider proposals to amend the regulations as set forth below and will conduct a public meeting on such proposals as indicated below:

1. VR 125-01-2 § 1. Advertising; generally; cooperative advertising; federal laws; beverages and cider; exceptions; restrictions.

- a. **Subject of Proposal:** To allow the use of any present or former athlete or athletic team during the sponsorship of a charitable event authorized by the Department of Alcoholic Beverage Control ("ABC").
- b. **Entities Affected:** Manufacturers, wholesalers, retailers and charities.
- c. **Purpose of Proposal:** To incorporate into the regulation current policy interpretation on the usage of present or former athletes or athletic teams during sponsorship of charitable events.
- d. **Issue:** The use of present or former athletes or athletic teams during charitable events sponsored by manufacturers and wholesalers of alcoholic beverages.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.

2. VR 125-01-2 § 1. Advertising; generally; cooperative advertising; federal laws; beverages and cider;

exceptions; restrictions.

- a. **Subject of Proposal:** To allow the use of athletic teams and sports leagues in alcoholic beverage advertising.
- b. **Entities Affected:** Manufacturers, wholesalers, retailers and consumers.
- c. **Purpose of Proposal:** As with all beer advertising, the purpose of and intent is to encourage those who consume the product to choose a particular brand.
- d. **Issue:** The use of athletic teams and sports leagues in alcoholic beverage advertising.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Miller Brewing Company.

3. VR 125-01-2 § 2. Advertising; interior; retail licensees; show windows.

- a. **Subject of Proposal:** To permit the use of pliable, plastic static stickers which are defined as two dimensional point-of-sale materials, the dimensions of which do not exceed 48 square inches.
- b. **Entities Affected:** Manufacturers, wholesalers and retailers.
- c. **Purpose of Proposal:** To authorize wholesale licensees to use pliable, plastic static stickers which are currently in wide circulation within the beverage industry and to provide specific size limitations.
- d. **Issue:** The usage of plastic static stickers.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Virginia Beer Wholesalers Association.

4. VR 125-01-2 § 2. Advertising; interior; retail licensees; show windows.

- a. **Subject of Proposal:** To eliminate the requirement that paper or cardboard point-of-sale materials be furnished to retail licensees as part of a case display; to permit wholesalers to install paper or cardboard point-of-sale materials using any normal

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or customary materials (tape, string, etc.) ordinarily used for such purposes; to set more precise size limitations for cut case cards; and not refer to paper and cardboard materials as cut case cards.

b. **Entities Affected:** Manufacturers, wholesalers and retailers.

c. **Purpose of Proposal:** The practical effect of the board's action in 1989 in amending VR 125-01-2 § 2 was to make this regulation the primary one dealing with point-of-sale materials. This proposal is designed to incorporate within § 2 most of the current cut case card regulation, which presently appears as VR 125-01-3 § 8F. Cut case cards are an integral part of the wholesaler's arsenal of point-of-sale materials. Further, the amendments proposed would clarify that other paper and cardboard point-of-sale materials, in addition to cut case cards, would also be permitted within the ambit of the new subsection, which is actually the case now.

d. **Issue:** Under what regulation should the material on cut case cards be placed - VR 125-01-2 § 2 (Advertising) or VR 125-01-3 (Tied House); the elimination of the requirement that point-of-sale materials may only be furnished as part of a case display; allowing installation of point-of-sale materials using normal or customary materials ordinarily used for such purposes; the size and proper name for cut case card materials

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

f. **Proposed By:** Virginia Beer Wholesalers Association.

5. VR 125-01-2 § 2. Advertising; interior; retail licensees; show windows.

a. **Subject of Proposal:** To permit the display in retail establishments of advertising materials used in connection with government-endorsed civic events.

b. **Entities Affected:** Manufacturers, wholesalers and retailers.

c. **Purpose of Proposal:** Expansion of the types of events eligible for sponsorship.

d. **Issue:** The display in retail establishments of advertising materials used in connection with government-endorsed civic events.

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-60(i), 4-69, 4-69.2, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

f. **Proposed By:** Department of Alcoholic Beverage

Control.

6. VR 125-01-2 § 4. Advertising; newspaper, magazines, television, trade publications, etc.

a. **Subject of Proposal:** Restrictions on beer, wine and mixed beverage advertisements in publications directed primarily to students and educational institutions.

b. **Entities Affected:** Manufacturers, wholesalers, retailers, educational institutions, publishers and students.

c. **Purpose of Proposal:** To clarify what types of publications are restricted in their use of beer, wine and mixed beverage advertisements.

d. **Issue:** The restriction of alcoholic beverage advertising in publications directed primarily to students and educational institutions.

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.

f. **Proposed By:** Department of Alcoholic Beverage Control.

7. VR 125-01-2 § 5. Advertising; newspapers and magazines; programs; distilled spirits.

a. **Subject of Proposal:** To allow distilled spirits advertising in printed programs relating to government-endorsed civic events.

b. **Entities Affected:** Manufacturers, wholesalers, retailers, publishers and civic organizations.

c. **Purpose of Proposal:** Expansion of the types of events eligible for distilled spirits advertising in printed programs.

d. **Issue:** Allowing distilled spirits advertising in printed programs relating to government-endorsed civic events.

e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69 and 4-98.14 of the Code of Virginia.

f. **Proposed By:** Department of Alcoholic Beverage Control.

8. VR 125-01-2 § 6. Advertising; novelties and specialties.

a. **Subject of Proposal:** To increase the wholesale value limit to \$5.00 on novelty items to be given away to consumers.

b. **Entities Affected:** Manufacturers and wholesalers.

c. **Purpose of Proposal:** The current limitation (\$2.00)

is below national averages and does not reflect price increases due to inflation. A \$5.00 limit would permit distribution of items such as caps and T-shirts, which until a few years ago cost less than \$2.00, and were being provided to consumers.

- d. **Issue:** The increase of wholesale value limits on novelty items to be given away.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69, 4-98.10(w), 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Miller Brewing Company.

9. VR 125-01-2 § 10. Advertising; sponsorship of public events; restrictions and conditions.

- a. **Subject of Proposal:** To allow sponsorship of government-endorsed civic events by manufacturers of alcoholic beverages; to give government-endorsed civic events which are exempt from federal and state taxes the same privileges that charitable events are allowed; to clarify "college, high school or younger age level" as these terms relate to the prohibition of sponsorship of programs and events.
- b. **Entities Affected:** Manufacturers, wholesalers, retailers, educational institutions, publishers and students.
- c. **Purpose of Proposal:** Expansion of the types of events eligible for sponsorship; to allow wholesalers to cosponsor government-endorsed civic events which are exempt from taxation; and clarification of terms.
- d. **Issues:** Allowing sponsorship of government-endorsed civic events by alcoholic beverage manufacturers and treating government sponsored civic events which are exempt from taxation the same as charitable events.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69 and 4-98.14 of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.

10. VR 125-01-3 § 8. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards; clip-ons and table tents.

- a. **Subject of Proposal:** To permit distilled spirits clip-ons and table tents.
- b. **Entities Affected:** Manufacturers, brokers, importers and wholesalers of distilled spirits, distilled spirits representatives, retail licensees and consumers.
- c. **Purpose of Proposal:** This amendment would provide information to the public and licensees on

new products and would also provide parity between the manufacturers, bottlers or wholesale representatives of distilled spirits and the manufacturers, bottlers and wholesalers of wine and beer.

- d. **Issue:** The allowance of distilled spirits clip-ons and table tents.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69.2, 4-79.1, 4-98.10(w) and 4-98.14 of the Code of Virginia.
- f. **Proposed By:** Virginia Distilled Spirits Representatives Association; Associated Distributors (limited distilled spirits table tents only).

11. VR 125-01-3 § 8. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards; clip-ons and table tents.

- a. **Subject of Proposal:** To permit plastic cut case cards and structural supports of metal and plastic in case displays.
- b. **Entities Affected:** Manufacturers, wholesalers and retailers.
- c. **Purpose of Proposal:** Retailers and consumers in Virginia are denied access to the vast majority of manufacturers' promotional opportunities simply because the supporting point-of-sale is laminated with a thin coat of plastic, contains metal supports for stability or is partially constructed of plastic instead of cardboard. Typically, the cost to modify these pieces, which otherwise would be acceptable in Virginia, is prohibited.
- d. **Issue:** The type of materials to be used in cut case cards and case displays.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69.2, 4-79.1, 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Miller Brewing Company.

12. VR 125-01-3 § 8. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards; clip-ons and table tents.

- a. **Subject of Proposal:** To allow manufacturers and wholesalers to provide neck hangers, posters, static stickers, banners and corrabuff to retailers.
- b. **Entities Affected:** Manufacturers, wholesalers and retailers.
- c. **Purpose of Proposal:** The current limitation greatly limits the advertising ability of manufacturers to advise consumers of the wide range of products available to them. This is especially important for the introduction of new products.

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- d. **Issue:** Allowing manufacturers and wholesalers to provide retailers with neck hangers, posters, static stickers, banners and corrabuff.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69.2, 4-79.1, 4-98.14 and 4-103(b) and (c) of the Code of Virginia.
- f. **Proposed By:** Miller Brewing Company.
13. **VR 125-01-3 § 8. Inducements to retailers; tapping equipment; bottle or can openers; banquet licensees; cut case cards; clip-ons and table tents.**
- a. **Subject of Proposal:** To repeal subsection F which deals with cut case cards.
- b. **Entities Affected:** Manufacturers, wholesalers and retailers.
- c. **Purpose of Proposal:** To incorporate within VR 125-01-2 § 2 most of the current cut case card regulation which presently appears in VR 125-01-3 § 8F.
- d. **Issue:** Under what regulation should the material on cut case cards be placed - VR 125-01-2 (Advertising) or VR 125-01-3 (Tied-House).
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-69.2, 4-79.1 and 4-98.14 of the Code of Virginia.
- f. **Proposed By:** Virginia Beer Wholesalers Association, Inc.
14. **VR 125-01-5 § 13. Clubs; applications; qualifications; reciprocal arrangements; changes; financial statements.**
- a. **Subject of Proposal:** To permit the use of a club's premises for public affairs under certain circumstances; to require written notification to be given to the board when the club's premises are to be used for such public affairs.
- b. **Entities Affected:** Clubs.
- c. **Purpose of Proposal:** To ensure that clubs continue operating as private, not public, establishments.
- d. **Issue:** The use of a club's premises for public affairs.
- e. **Applicable Laws:** §§ 4-2(6), 4-7(1), 4-11(a), 4-25, 4-61.1, 4-98.2, 4-98.14 and 4-118.1 of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.
15. **VR 125-01-5 § 17. Caterer's license.**
- a. **Subject of Proposal:** To clarify that a caterer's license identified in § 4-98.2(e) is an off-site one, as distinguished from the caterer's license identified in § 4-98.2(b); to provide that a caterer may exercise the privileges of the license on premises contiguous to the license as long as such premises complies with § 4-98.2(b) of the Code of Virginia in terms of a seating capacity for not less than 250 persons; to remove the sale of beer and wine from the determination of the 45% food to 55% alcoholic beverage ratio.
- b. **Entities Affected:** Caterers.
- c. **Purpose of Proposal:** To clarify that off-site catering is permitted on premises contiguous to the license as long as the caterer maintains a premises with a seating capacity of not less than 250 persons; to comply with 1990 statutory changes involving §§ 4-98.2 and 4-98.7 of the Code of Virginia.
- d. **Issue:** Clarification that off-site catering is permitted on premises contiguous to the license; the amendment ensures that the regulation does not conflict with statutory law.
- e. **Applicable Laws:** §§ 4-7(1), 4-11(a), 4-98.2, 4-98.7, 4-98.11 and 4-98.18 of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.
16. **VR 125-01-5 § 19. Bed and Breakfast's license.**
- a. **Subject of Proposal:** To adopt a new regulation implementing § 4-25 A 22 of the Code of Virginia which establishes a specific license for bed and breakfast establishments to serve alcoholic beverages to individuals for whom overnight lodging is provided.
- b. **Entities Affected:** Bed and breakfast establishments.
- c. **Purpose of Proposal:** To comply with 1990 statutory changes involving §§ 4-2, 4-25, 4-33 and 4-38 of the Code of Virginia.
- d. **Issue:** The implementation and interpretation of the bed and breakfast license.
- e. **Applicable Laws:** §§ 4-2, 4-7(1), 4-11(a), 4-25, 4-33, 4-38, 4-98.14 and 4-103 of the Code of Virginia.
- f. **Proposed By:** Department of Alcoholic Beverage Control.
17. **VR 125-01-6 § 8. Solicitation of mixed beverage licensees by representatives of manufacturers, etc. of distilled spirits.**
- a. **Subject of Proposal:** To allow a distilled spirits permitted to leave with a mixed beverage licensee

one unopened 50 milliliter sample of each brand being promoted by the permitted.

b. Entities Affected: Manufacturers, importers, brokers and wholesalers of distilled spirits, retailers and distilled spirits representatives.

c. Purpose of Proposal: Those permittees promoting a brand or brands of distilled spirits by providing a sample to a mixed beverage licensee in the afternoon have a distinct advantage over those permittees who are providing a sample to the mixed beverage licensee in the business morning hours. This amendment would allow the mixed beverage licensee to receive the information in the morning and then sample the serving later in the day.

d. Issue: Allowing a distilled spirits permitted to leave one unopened 50 milliliter sample of each brand being promoted with the mixed beverage licensee.

e. Applicable Laws: §§ 4-7(1), 4-11(a), 4-98.14 and 4-98.16 of the Code of Virginia.

f. Proposed By: Virginia Distilled Spirits Representatives Association.

18. VR 125-01-6 § 10. Picking up alcoholic beverages from wholesalers.

a. Subject of Proposal: To establish guidelines involving individuals who purchase alcoholic beverages from retail establishments and pick up those same alcoholic beverages from wholesalers' premises.

b. Entities Affected: Wholesalers and retailers.

c. Purpose of Proposal: To ensure that only authorized eligible purchasers are allowed to pick up alcoholic beverages from wholesalers.

d. Issue: The prevention of "dock sales" to unauthorized and ineligible individuals.

e. Applicable Laws: §§ 4-7(1), 4-11(a), 4-25, 4-60(h) and (j), 4-103(b) and (c), 4-134 and 4-135 of the Code of Virginia.

f. Proposed By: Department of Alcoholic Beverage Control.

19. VR 125-01-7 § 17. Farm wineries; percentage of Virginia products; other agricultural products; remote outlets.

a. Subject of Proposal: To allow two remote retail establishments for farm wineries.

b. Entities Affected: Farm wineries.

c. Purpose of Proposal: To comply with 1990 statutory changes involving § 4-25.1 of the Code of Virginia.

d. Issue: The amendment ensures that the regulation does not conflict with statutory law.

e. Applicable Laws: §§ 4-2(10a), 4-7(1), 4-11(a) and 4-25.1 of the Code of Virginia.

f. Proposed By: Department of Alcoholic Beverage Control.

20. Regulations are adopted by the board pursuant to authority contained in §§ 4-7(1), 4-11(a), 4-98.14, 4-103(b) and 9-6.14:1 et seq. of the Code of Virginia.

21. The board requests that all persons interested in the above described subject please submit comments in writing by 10:00 a.m. June 21, 1990 to the undersigned, P.O. Box 27491, Richmond, Virginia 23261 or attend the public meeting scheduled below.

22. The board will hold a public meeting and receive the comments or suggestions of the public on the above subject. The meeting will be in the First Floor Hearing Room at 2901 Hermitage Road, Richmond, Virginia at 10:00 a.m. on June 21, 1990.

23. Regarding the proposals as set forth above, all references to existing regulations that may be the subject of amendment or repeal, all references to proposed numbers for new regulations or to applicable laws or regulations are for purposes of information and guidance only, and are not to be considered as the only regulations or laws that may be involved or affected when developing draft language to carry out the purposes of any proposal. This notice is designed, primarily, to set forth the subject matter and objectives of each proposal. In developing draft language, it may be necessary to amend or repeal a number of existing regulations and/or adopt new regulations as may be deemed necessary by the board, and the references set forth above are not intended to be all inclusive.

24. Contact the undersigned, if you have questions, at the above address or by phone at (804) 367-0616.

Statutory Authority: §§ 4-7(1), 4-11, 4-36, 4-69, 4-69.2, 4-72.1, 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

General Notices/Errata

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

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 190-05-1. Virginia Asbestos Licensing Regulations.** The purpose of the proposed action is to amend the current regulations to include requirements created by legislative action.

Statutory Authority: § 54.1-501 of the Code of Virginia.

Written comments may be submitted until October 15, 1990.

Contact: Peggy J. Wood, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595 or toll-free 1-800-552-3106

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Commerce intends to consider amending regulations entitled: **Regulations of the Board for Contractors.** The purpose of the proposed action is to amend and adopt regulations pertaining to the practice of contracting. These regulations shall be consistent with statutes effective January 1, 1991.

Statutory Authority: § 54.1-1102 of the Code of Virginia.

Written comments may be submitted until July 2, 1990.

Contact: Kelly G. Ragsdale, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557, SCATS 367-8557, 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 DENTISTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Dentistry intends to consider promulgating, amending and repealing regulations entitled: **Board of Dentistry Regulations.** The board proposes the following:

1. To establish entry requirements and fees for dentists and dental hygienists seeking licensure by endorsement.
2. To require successful completion of law exam by applicants for full-time faculty licenses and temporary permits.
3. To assess a fee of \$50 per month to any licensee who has practiced on an expired license.
4. Other minor clarifications and nonsubstantive changes.

Statutory Authority: §§ 54.1-2700 through 54.1-2728 of the Code of Virginia.

Written comments may be submitted until August 15, 1990.

Contact: Nancy Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **Regulations on Preneed Funeral Planning**. The purpose of the proposed action is to promulgate regulations for the practice of preneed funeral sales and arrangements by licensees of the Board of Funeral Directors and Embalmers. Committee meetings on the development of the regulations are as follows: 5/23/90 at 4 p.m.; 6/4/90 at 9 a.m.; 6/17/90 in Charlottesville, VA. (tentative); 10/3/90 at 9 a.m.

Statutory Authority: § 54.1-2803 10 of the Code of Virginia.

Written comments may be submitted until September 28, 1990.

Contact: Meredyth P. Partridge, Executive Director of the Board, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9941

DEPARTMENT OF LABOR AND INDUSTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider promulgating regulations entitled: **Regulation Concerning Asbestos Contractor Notification and Permit Fee**. The purpose of the proposed regulation is to establish an asbestos contractor notification and permit fee system.

Statutory Authority: § 54.1-507 of the Code of Virginia.

Written comments may be submitted until July 6, 1990.

Contact: John J. Crisanti, Director, Office of Enforcement Policy, Department of Labor and Industry, P.O.Box 12064, Richmond, VA 23241. telephone (804) 786-2384.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Labor and Industry intends to consider amending regulations entitled: **Boiler and Pressure Vessel Rules and Regulations**. The purpose of the proposed action is to amend the boiler and pressure vessel rules and regulations: Commissioner's approval of variances; exemptions; and regulatory review.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until July 6, 1990.

Contact: Anna B. Johnson, Statistical Analyst, Division of Policy Enforcement, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-0610

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 447-02-2. 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: **Home Health Services**. The purpose of the proposed action is to implement utilization review and develop an authorization process.

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

Written comments may be submitted until July 16, 1990, to Mary Chiles, Manager, Institutional Services Section, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7933

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medical Assistance Services intends to consider amending regulations entitled: **Rehabilitative Services**. The purpose of the proposed action is to (i) implement utilization review and admission requirements for Comprehensive Outpatient Rehabilitation Facilities (CORFs); (ii) implement and develop authorization process for rehabilitative

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services provided in outpatient hospitals; (iii) implement and develop authorization process for rehabilitative services provided in rehabilitation agencies

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

Written comments may be submitted until July 16, 1990, to Mary Chiles, Manager, Institutional Services Section, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219, telephone (804) 786-7933

BOARD OF MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending 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 § 1.8. Current Business Address.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 18, 1990, to Board of Medicine, 1601 Rolling Hills Drive, Surry Building, 2nd Floor, Richmond, Virginia 23229.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Medicine intends to consider amending regulations entitled: **VR 465-04-01. Respiratory Therapy Practitioners.** The purpose of the proposed action is to review and amend the regulations to comply with the amendments to the Code effective July 1990.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 18, 1990, to the Board of Medicine, 1601 Rolling Hills Drive, Richmond, Virginia 23229.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9925.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy intends to consider promulgating regulations entitled: **VR 480-04-92.1. Mining Near or Through a Gas or Oil Well.** The purpose of the proposed action is to govern coal mining practices near or through gas and oil wells.

Statutory Authority: §§ 45.1-1.3 4 and 45.1-92.1 of the Code of Virginia.

Written comments may be submitted until June 21, 1990.

Contact: Harry D. Childress, Chief, DMME, Division of Mines, 219 Wood Ave., Big Stone Gap, VA 24219, telephone (703) 523-8100 or SCATS 523-8226.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled: **VR 480-05-22.1. Gas and Oil Regulations.** The purpose of the proposed action is to govern gas and oil exploration, development, and production operations in Virginia.

Statutory Authority: § 45.1-361.27 of the Code of Virginia.

Written comments may be submitted until June 21, 1990.

Contact: B. Thomas Fulmer, State Oil and Gas Inspector, P.O. Box 1416, 230 Charwood Dr., Abingdon, VA 24210, telephone (804) 628-8115, SCATS 676-5501 or toll-free 1-800-552-3831/TTY.

BOARD OF PROFESSIONAL COUNSELORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Professional Counselors intends to consider amending regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counselors.** The purpose of the proposed action is to conduct biennial regulatory review as required by Executive Order 5(86). The board also proposes to adjust fees for the annual license renewal for professional counselors.

Statutory Authority: § 54.1-2400(6) of the Code of Virginia.

Written comments may be submitted until July 5, 1990.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond,

VA 23229, telephone (804) 662-9912.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Professional Counselors intends to consider amending regulations entitled: **VR 560-01-03, Regulations Governing the Certification of Substance Abuse Counselors**. The purpose of this action is to promulgate permanent regulations to replace emergency regulations now in effect. Included in the proposal will be increases for the annual renewal of certification.

Statutory Authority: § 54.1-2400(6) of the Code of Virginia.

Written comments may be submitted until July 5, 1990.

Contact: Evelyn B. Brown, Executive Director, Board of Professional Counselors, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9912

REAL ESTATE BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Real Estate Board intends to consider promulgating regulations entitled: **Fair Housing Regulations**. The purpose of the proposed regulation is to govern the exercise of the administrative and enforcement powers granted to and the performance of duties imposed upon the board by the Virginia Fair Housing Law.

Statutory Authority: § 36-94(d) of the Code of Virginia.

Written comments may be submitted until July 18, 1990.

Contact: Joyce A. Green, Fair Housing Administrator, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-8530 or toll free 1-800-552-3016

DEPARTMENT OF REHABILITATIVE SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Rehabilitative Services intends to consider 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

DEPARTMENT OF SOCIAL 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 Social Services intends to consider amending regulations entitled: **VR 615-01-28. Aid to Dependent Children (ADC) Program - Date of Entitlement**. The purpose of the proposed action is to formally adopt emergency regulation VR 615-01-28, "Aid to Dependent Children - Entitlement Date," which requires that when an application is approved in the month of application, the entitlement will begin with the date of authorization.

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

Written comments may be submitted until June 20, 1990, to I. Guy Lusk, Director, Division of Benefit Programs, Department of Social Services, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Agency Regulatory Liaison, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Food Stamp Program - Monthly Reporting**. The purpose of the proposed regulation is to define the population of Food Stamp Program recipients who must submit monthly reports of their household circumstances to retain program eligibility.

Statutory Authority: § 63.1-25.2 of the Code of Virginia.

Written comments may be submitted until June 20, 1990, to Burton Richman, 8007 Discovery Drive, Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217

Notice of Intended Regulatory Action

General Notices/Errata

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **VR 615-45-2. Child Protective Services Client Appeals.** The purpose of the proposed action is to amend the Child Protective Services Appeals Regulation to include clarification on the time frame in which an appellant has to request an administrative hearing, deletion of the policy which allows the appellant the right to waive the time frame for scheduling the local conference, extending the time frames in which the decision is written, and clarification on the central office's responsibility to amend the case record based upon receipt of the hearing officer's decision and other changes as needed.

Statutory Authority: §§ 63.1-25 and 63.1-248.6:1 of the Code of Virginia.

Written comments may be submitted until July 5, 1990, to Donna Douglas, Bureau of Client Services, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Margaret J. Friedenber, Regulatory Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider promulgating regulations entitled: **Child Protective Services Sharing of Information with Family Advocacy Representatives of the United States Armed Forces.** The purpose of the proposed regulation is to establish the mechanism for sharing information regarding child protective services reports involving active duty military personnel or members of their households with family advocacy representatives of the United States Armed Forces.

Statutory Authority: §§ 2.1-386 and 63.1-248.6 of the Code of Virginia.

Written comments may be submitted until July 18, 1990, to Janine Tondrowski, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699.

Contact: Margaret Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217 or toll free 1-800-552-7091

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Social Services intends to consider amending regulations entitled: **Standards and Regulations for Licensed Homes for Adults.** The purpose of the proposed action is to amend existing regulations pertaining to the care and supervision of individuals residing in licensed homes for adults. The

proposed regulation will include standards which prohibit the care of individuals with certain medical conditions and revisions of several topic areas including medication administration.

Statutory Authority: § 63.1-174 of the Code of Virginia.

Written comments may be submitted until July 18, 1990, to Cheryl W. Latney, Program Development Supervisor, Division of Licensing Programs, 8007 Discovery Drive, Richmond, VA 23229.

Contact: Peggy Friedenber, Agency Regulatory Coordinator, Bureau of Governmental Affairs Division of Planning & Program Review, 8007 Discovery Drive, Richmond, VA 23229-8699, telephone (804) 662-9217

DEPARTMENT OF TAXATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-3-302. Definitions - Sales and VR 630-3-414. Sales Factor.** The purpose of the proposed action is to make the regulations consistent with the revised statutory definition of "sales" and set forth the application of the revised definition of "sales" to corporations required to compute the Virginia sales factor.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until June 18, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010 or SCATS 367-8010

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-3-442. Corporation Income Tax: Separate, Combined or Consolidated Returns of Affiliated Corporations.** The purpose of the proposed action is to comply with the statutory requirement contained in 1990 HB 159 (Chapter 619) that the Department of Taxation promulgate regulations permitting the filing of a single consolidated corporation income tax return by affiliated groups of corporations that are required to use different apportionment factors.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until June 18, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804)

367-8010 or SCATS 367-8010

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-2-316, VR 630-2-317, VR 630-3-316 and VR 630-3-317. Income Tax General Provisions Regulations.** The purpose of the proposed regulations is to set forth the application of the requirement that nonresidents renting or selling Virginia real estate register with the Department of Taxation pursuant to 1990 Senate Bill 240 (Chapter 910, 1990 Acts of Assembly).

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 2, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-2-322.01. Individual Income Tax: Self-employment Tax Addback.** The purpose of the proposed regulation is to set forth procedures and rules for the add-back of the federal individual income tax self-employment tax deduction.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until June 29, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 360-2-322.2. Individual Income Tax: Retirement Income (Age) Subtraction.** The purpose of the proposed regulation is to implement provisions of 1990 House Bill 1116 and Senate Bill 250, providing a new retirement income (age) subtraction effective for taxable year 1990 and future years.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 2, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-2-492. Declaration of Estimated Income Tax by Individuals: Failure by Individual to Pay Estimated Tax.** The purpose of the proposed action is to amend regulation to include a \$150 tax threshold on the underpayment of estimated taxes by an individual as provided in 1990 House Bill 433 (Chapter 335, 1990 Acts of Assembly).

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 2, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-3-323.1. Corporation Income Tax: Excess Cost Recovery.** The purpose of the proposed action is to implement 1990 Acts, Chapter 794 (SB 199), which extends the ACRS recovery period from five to seven years.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until August 17, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider amending regulations entitled: **VR 630-10-3. Retail Sales and Use Tax: Advertising.** The purpose of the proposed action is to amend the sales and use tax advertising regulation to reflect policy issues which have arisen since the original adoption of the regulation.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until July 2, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations

General Notices/Errata

entitled: **VR 630-10-73.1. Nonprescription Drugs and Proprietary Medicines.** The purpose of the proposed regulation is to set forth the application of the retail sales and use tax to nonprescription drugs and proprietary medicines.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until August 13, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Richmond, VA 23282, telephone (804) 367-8010.

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 repealing regulations entitled: **VR 680-14-03. Toxics Management Regulation.** The purpose of the proposed action is to consider repealing the Toxics Management Regulation in order to eliminate any confusion and duplication of regulations which may result from the concurrent incorporation of the intent and purpose of the Toxics Management Regulation into the Permit Regulation (VR 680-14-01).

The repeal of this regulation would have no impact on the regulated community nor the environment as the purpose and scope of the regulation are being transferred into the Permit Regulation (VR 680-14-01) through a separate regulatory action. The proposed action is authorized by the statute cited and is governed by the State Water Control Law, the Permit Regulation (VR 680-14-01), Toxics Management Regulation (VR 680-14-03), Water Quality Standards (VR 680-21-01 through 680-21-08), and the Clean Water Act. In accordance with the Agency's Public Participation Guidelines, a public meeting will be held. (See Calendar of Events section for more information).

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until 4 p.m., June 21, 1990.

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6302.

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: **Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Part VIII Racehorses.** The purpose of the proposed regulation is to establish conditions under which racehorses will be identified, determined to be eligible for racing and under which horses may be barred.

Statutory Authority: § 59.1-369 of the Code of Virginia

Written comments may be submitted until September 1, 1990, to Don Price, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

Contact: William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Waterworks and Wastewater Works Operators intends to consider amending regulations entitled: **Board for Waterworks and Wastewater Works Operators.** The purpose of the proposed regulation is to revise §§ 2.4 and 2.5 of the regulations which became effective November 6, 1989. Specifically, the board is developing criteria related to the approval of specialized training, including specialized training program guidelines that providers must meet in seeking approval for specialized courses and programs under § 2.4 C prior to the planned presentation date. The board welcomes comments as to the scope of these guidelines, including, but not limited to, course relevancy, the timing of approval, blanket approval of training programs, continuing education units and the requirements that attendees pass an examination in order to receive credit. Additionally, the board invites comments on §§ 2.4 and 2.5 as to the appropriateness of the minimum experience requirements established by the regulations.

Statutory Authority: § 54.1-201 of the Code of Virginia.

Written comments may be submitted until June 30, 1990

Contact: Mr. 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 OF YOUTH SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given that the Board of Youth Services intends to consider promulgating regulations entitled: **VR 690-01-001. Public Participation Guidelines.** The purpose

of the proposed regulation is to provide consistent, written procedures that will ensure input from interested parties during the development, review, and final stages of the regulatory process.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until September 14, 1990

Contact: Linda Nablo, Lead Analyst for Youth Services, Virginia Department of Youth Services, P.O. Box 26963, Richmond, VA 23231, telephone (804) 674-3262

GENERAL NOTICES

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE TO THE PUBLIC

LEGAL NOTICE

Take notice that a referendum will be conducted by mail ballot among Virginia soybean producers regardless of age who sold soybeans during two of the past three years preceding July 27, 1990.

The purpose of the referendum is to allow Virginia farmers producing soybeans to vote to determine whether or not they want to increase the soybean assessment from one cent to two cents per bushel. The increased assessment shall be used by the Virginia Soybean Board to provide programs for additional research, education, publicity and the promotion of the sale and use of soybeans.

The processor, dealer, shipper, exporter or any other business entity who purchases soybeans from the producer shall deduct the assessment from payments made to the producer for soybeans. The levy thereon shall be remitted to the Virginia State Tax Commissioner.

Producers must establish their eligibility to vote in this referendum by properly completing a certification form and returning the form to the Virginia Department of Agriculture and Consumer Services no later than June 29, 1990.

Eligible voters will be mailed a ballot and a return envelope. Each eligible voter must return the ballot and ballot must be received by the Director, Division of Marketing, Virginia Department of Agriculture and Consumer Services on or before 5:00 p.m. July 27, 1990.

Producers may obtain eligibility certification forms from the following sources: County ASCS Offices; County

Extension Agent Offices; Virginia Soybean Board, P.O. Box 26, Warsaw, Virginia 22572; Virginia Department of Agriculture and Consumer Services Office, Division of Marketing, 1100 Bank Street, Suite 1002, Richmond, Virginia 23219-3640.

PURPOSE: The purpose of the referendum is to allow Virginia farmers producing soybeans to vote in accordance with Code of Virginia, Title 3.1, Chapter 25.1, §§ 3.1-684.1 through 3.1-684.12, whether they wish to increase the assessment on themselves from one cent to two cents per bushel on all soybeans when sold. The increased assessment will be used by the Virginia Soybean Board to provide programs for additional research, education, publicity, and promotion of the sale and use of soybeans.

ELIGIBILITY: Any Virginia producer, regardless of age, who sold soybeans during the past three years (i.e. July 27, 1987 to date) and who properly completes a certification form and returns the form to the Virginia Department of Agriculture and Consumer Services no later than June 29, 1990, is eligible to vote.

CERTIFICATION: Certification will begin May 25, 1990 and will end June 29, 1990. Certification forms will be made available to soybean producers through county ASCS and extension offices, feed stores, grain buying stations, public meetings, farm organizations, and any other manner available.

PUBLIC NOTICES: Posters notifying the public of the referendum will be posted at all county courthouses by May 25, 1990. Newspaper advertisements and notice in the Virginia Register will be placed by May 25, 1990.

ELIGIBLE VOTERS: Eligible voters will be mailed ballots on July 12, 1990. Voters must return ballots and ballots must be received by the Director, Division of Marketing, Virginia Department of Agriculture and Consumer Services on or before 5:00 p.m. July 27, 1990.

INELIGIBLE VOTERS: Any person whose certification is not accepted by the Virginia Department of Agriculture and Consumer Services will be notified by July 10, 1990.

JUDGES: Five official judges will be selected and appointed by the Commissioner of Agriculture and Consumer Services by June 15, 1990. Recommendations for judges will be received from individuals and organizations in the Virginia Soybean industry.

COUNTING OF BALLOTS: The judges will count the ballots at the Virginia Department of Agriculture and Consumer Services, Washington Building Office, 1100 Bank Street, Richmond, Virginia on August 1, 1990, and certify the results to the Commissioner of Agriculture and Consumer Services. No ballot will be opened prior to that date.

OFFICIAL DECLARATION OF RESULTS: For the outcome of the referendum to be valid, at least 60% of those

General Notices/Errata

voting must favor the increase in assessment. The Commissioner of Agriculture and Consumer Services will publicly declare the results of the referendum and certify the results to the Governor and the Board of Agriculture and Consumer Services by August 2, 1990.

be required to place a lock on the machine or equipment to prevent someone from accidentally reenergizing the machine.) If the machinery or equipment is not capable of being locked out, the employer will still be able to use a tagout system under the proposed amendment.

DEPARTMENT OF LABOR AND INDUSTRY

PUBLIC NOTICE AND QUESTIONNAIRE

The Control of Hazardous Energy Sources (Lockout/Tagout)

The Virginia Safety and Health Codes Board is currently considering adoption of an amendment to the current General Industry Standard for the Control of Hazardous Energy Sources (Lockout/Tagout). The full text of the proposed amendment was printed in the May 7, 1990 issue of the Virginia Register.

The questionnaire following the summary of this amendment is provided by the Department of Labor and Industry to facilitate public participation in the regulatory process. The assistance of affected employers is needed in this information gathering effort.

Please complete the questionnaire and submit by July 8, 1990, to John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

SUMMARY OF PROPOSED AMENDMENT

The present standard concerning Control of Hazardous Energy Sources (Lockout/Tagout) is designed to require safe practices and procedures that are necessary to disable machinery or equipment and to prevent the release of potentially hazardous energy while maintenance and servicing activities are being performed by authorized personnel.

The existing standard requires that a lockout procedure be used for equipment which is designed with a lockout capability except when the employer can demonstrate that utilization of a tagout system provides full employee protection. Tagout may also be used for equipment which was not designed to be locked out.

The standard applies to general industry employment only and supplements the existing lockout-related provisions contained elsewhere in the general industry standards.

The proposed amendment eliminates language which permits an employer to tagout a piece of machinery or equipment if it is capable of being locked out. Elimination of such language means that employers will be required to use a lockout procedure only, anytime the machinery or equipment is capable of being locked out (i.e. instead of placing a tag on a piece of machinery or equipment to indicate that it has been deenergized, the employer would

PUBLIC PARTICIPATION QUESTIONNAIRE
FOR THE PROPOSED
AMENDMENT TO CONTROL OF HAZARDOUS ENERGY

(1) What sources of hazardous energy must be controlled on your job site(s) during service and maintenance activities?

- | | |
|------------------|------------------------------|
| _____ mechanical | _____ electrical |
| _____ hydraulic | _____ thermal |
| _____ pneumatic | _____ other (please specify) |
| _____ chemical | _____ |

(2) a) Do you provide a program of training and utilization procedures on affixing appropriate lockout/tagout devices to hazardous energy equipment/machines for your employees?

- _____ YES
_____ NO

b) If no, what would be the estimated annual cost of providing and implementing such a program?

(3) a) Is it possible to use a locking mechanism on all machines to control the hazardous energy sources on your job site(s)?

- _____ YES
_____ NO

b) If no, please explain.

c) How do you currently control the hazardous energy generated by equipment/machines on your job site(s)?

d) What is the estimated annual cost associated with providing lockout mechanisms on all machines that generate hazardous energy on your job site(s) during service and maintenance activities?

(4) a) Are there features on your equipment/machines that would allow you to use a locking mechanism?

_____ YES

_____ NO

b) If yes, which category? (check all that apply)

_____ designed with a hasp to which a lock can be attached

_____ designed with other attachments to which a lock can be attached

_____ designed with a built in locking mechanism.

_____ other (please specify): _____

(5) a) Are you using a tag-only method of controlling hazardous energy sources on any of the equipment/machines on your job site(s)?

_____ YES

_____ NO

b) If yes, please explain why you are using a tag-only method.

c) If yes, on what types of equipment/machine(s)?

(6) What would be the estimated annual cost associated with converting tag-only equipment/machines to lockout capability?

(7) On what percentage of your equipment/machinery can lockout be achieved without dismantling, rebuilding, replacing the energy isolating device, or permanently altering it's energy control capability?

_____ 100%

_____ more than 50%

_____ more than 75%

_____ more than 25%

- (8) a) What is your estimate of the number of locks used to comply with the current lockout/tagout standard on your work site(s)?

- b) What is your estimate of the number of tags used to comply with the current lockout/tagout standard on your work site(s)?

- c) Which method is used most often on your job site(s)?
____ locks
____ tags
____ locks and tags
____ neither
- d) Which method of controlling hazardous energy sources do you prefer to use when service/maintenance activities are performed on equipment/machines?
____ locks
____ tags
____ locks and tags
____ neither
- (9) What is your primary Standard Industrial Classification Code (SIC Code)? -----
- (10) What was your annual average employment for the past calendar year? -----
- (11) What dollar amount are you currently spending on the Control of Hazardous Energy? (round to the nearest \$100)

- (12) After carefully reading the "Amendment to Control Hazardous Energy", what is your estimated annual cost to comply? (please round to the nearest \$100)

General Notices/Errata

PUBLIC NOTICE AND QUESTIONNAIRE

Virginia Occupational Safety and Health Standards for the Construction Industry, Sanitation.

The Virginia Safety and Health Codes Board is currently considering adoption of an amendment to the current Construction Standard for Sanitation. The full text of the proposed amendment was printed in the May 7, 1990 issue of the Virginia Register.

The questionnaire following the summary of this amendment is provided by the Department of Labor and Industry to facilitate public participation in the regulatory process. The assistance of affected employers is needed in this information gathering effort.

Please complete the questionnaire and submit by July 8, 1990, to John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, Virginia 23241.

SUMMARY OF PROPOSED AMENDMENT

The proposed standard amends the current Sanitation Standard for the Construction Industry § 1926.51. The standard applies to all employers engaged in construction activities.

Such employers covered by this amendment are required to furnish, without cost to the employee the following: potable drinking water, toilet facilities and hand washing facilities.

Potable drinking water containers as well as the toilet and hand washing facilities are required to be maintained in a clean and sanitary condition (in accordance with appropriate public health sanitation practices). Furthermore, employees shall be allowed opportunities during the workday to use the sanitation facilities.

The potable drinking water which must be furnished under the standard must be suitably cool and in sufficient amounts so that it is not completely consumed during the work day. Drinking water must be dispensed in single use drinking cups. The use of common drinking cups and dippers is prohibited.

The amendment requires that toilet and hand washing facilities shall be provided at a 20:1 (workers:facility) ratio (the present standard requires a ratio of one toilet and one urinal for every 40 employees, or a 40:1 ratio). Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from inside and shall be constructed to insure privacy. The toilet facilities shall be operational and maintained in clean and sanitary condition.

PUBLIC PARTICIPATION QUESTIONNAIRE
FOR THE PROPOSED
AMENDMENT TO CONSTRUCTION SANITATION

(1) a) Do you currently provide a "potable water" system that's readily accessible to all your employees?

____ YES

____ NO

b) If yes, what is your estimate of the annual cost of providing "potable water"?

(2) a) If no, how is drinking water supplied to your employees on their work site(s)?

b) If you do not already provide "potable water", what is the estimated annual cost of providing and placing it in readily accessible locations for all your employees?

(3) What type of dispensers do you use with your "potable water" system:

____ single-use drinking cups (to be used but once)

____ fountain water

____ other (please specify): _____

(4) a) Do you provide a sanitary container for the unused cups and a receptacle for disposing of the used cups?

____ YES

____ NO

b) What would be the estimated annual cost associated with providing this required condition?

(5) a) Are your drinking water containers refilled daily, covered, and regularly cleaned?

---- YES

---- NO

b) If no, what is the estimated annual cost associated with providing such refilling and cleaning ?

(6) a) Is your supply of "potable water":

---- always suitably cool

---- sometimes suitably cool

---- never suitably cool

b) Is your supply of "potable water":

---- always in sufficient amounts

---- sometimes insufficient

---- never enough

(7) What is the average annual cost which will enable your company's supply of "potable water" to be always suitable cool, and in sufficient amounts at work sites?

(8) Are your portable drinking water containers capable of being tightly closed and equipped with a tap?

---- YES

---- NO

(9) a) Do you currently provide "toilet and hand washing facilities" for all your employees on their work site?

---- YES

---- NO

b) If no, what type of facilities are available for their use?

c) What is the estimated annual cost of providing "toilet and hand washing facilities" with soap and single use towels for all your employees?

(10) a) Do you currently provide one "toilet and hand washing facility" for each twenty (20) employees or fraction thereof?

____ YES

____ NO

b) If no, please estimate the annual cost to do so.

c) What is your estimate of the number of employees per one "toilet and hand washing facility"?

(11) a) If you already provide "toilet facilities" for your employees, are those facilities: (check all that apply)

____ adequately ventilated

____ appropriately screened

____ have self-closing doors

____ closing and latching capabilities from the inside

____ readily accessible to all employees

____ clean and in sanitary condition

b) If you did not check all of the above, what is your estimate of the annual cost to provide that required condition to your toilet facilities?

(12) What is your primary Standard Industrial Classification Code (SIC Code)? -----

(13) What was your annual average employment for the past calendar year? -----

(14) What dollar amount are you currently spending on Construction Sanitation? (round to the nearest \$100)

(15) After carefully reading the "Amendment to Construction Sanitation", what is your estimated annual cost to comply? (please round to the nearest \$100)

STATE WATER CONTROL BOARD

NOTICE TO THE PUBLIC

Notice is hereby given that the State Water Control Board is developing a method for determining the amount of metals which can be discharged by municipal and industrial wastewater treatment facilities. This method is being developed in concert with the proposed adoption of water quality standards for toxic pollutants in order to provide discharge permit writers with a mechanism for establishing effluent limitations for metals that maintain compliance with instream water quality standards. (See proposed amendments to the Water Quality Standards in the proposed regulations section of the June 4, 1990, Virginia Register of Regulations.)

The method could be used by a discharger to demonstrate that a specific ratio between total recoverable and dissolved metals exists for that particular discharge by analyzing both forms in effluent samples mixed with stream dilution water using certain criteria. The specific ratio determined may then be used to establish total recoverable effluent limitations for metals that maintain the dissolved water quality standards instream.

The method is not subject to the formal notice and comment procedures required under the Virginia Administrative Process Act. It is published solely for the purpose of providing the public an opportunity for informal comment prior to finalization.

Any questions or comments should be directed to the address listed below and must be received no later than 4 p.m. on Tuesday, August 7, 1990.

Elleanore Daub
Office of Environmental Research and Standards
State Water Control Board
P.O. Box 11143
Richmond, Virginia 23230
Telephone (804) 367-6418

METHOD OF DETERMINATION OF TOTAL RECOVERABLE/DISSOLVED RATIO TO BE USED IN CALCULATING EFFLUENT LIMITATIONS

The dissolved fraction of the metal in the effluent is assumed to equal the total recoverable fraction unless proven otherwise by the discharger.

The discharger may demonstrate that a specific ratio between total recoverable and dissolved metals exists for that particular discharge by analyzing both forms in effluent samples mixed with stream dilution water using the criteria outlined below.

I. Sampling Criteria:

A. For free flowing streams the instream samples will be collected upstream of the discharge. If 7Q10 = zero,

stream/effluent mix ratios cannot be determined. Ratios using the EFFLUENT ONLY may be calculated and used to offset effluent limitations. In tidal areas the instream samples will be collected outside the mixing zone. Samples will be collected on separate days.

B. TSS instream must not exceed the representative low flow loading of TSS for that stream. The discharger will evaluate TSS data from STORET for that stream or from similar area streams for the period of record to determine what the specific limitation on TSS will be. The upper limit allowed will be the lowest 25th percentile of the range. If the TSS fall above this value, then these samples can not be used to determine the ratio.

C. The discharger will evaluate pH data from STORET for that stream to determine the ambient pH value. The ambient pH value allowed will be the lowest 10th percentile of the range. pH may be adjusted with CH1 to match this level. To make this determination the pH database must contain at least 20 data points collected over one year and be representative of all seasons. If this data is not available the pH of the ambient water will be adjusted to 6.0 OR if any available data indicates the natural pH of the stream may be lower than 6.0, this value will be used. The effluent must be adjusted to the minimum pH level required by the permit. Ambient tidal dilution water must be pH 8.0.

D. Calculate dilution ratio and produce an appropriate mixture of effluent and receiving stream water based upon 7Q10 or tidal dilution ratio.

E. After reaching equilibrium (15 minutes), samples are tested for total recoverable and dissolved metals. If metals in both fractions are nondetectable, the dilution can be reduced until metals are detectable OR ratios using the EFFLUENT ONLY may be calculated and used to offset effluent limitations. If metals found in the total fraction of the effluent are above the detection limit and metals in the dissolved fraction of the effluent are below the detection limit, then the concentration of the dissolved portion is considered to be the detection limit.

F. Analytical methods must be EPA approved methods listed in 40 CFR § 136.3 of § 4.1.1 of the "Methods for Chemical Analysis of Water and Wastes," 1983, EPA-600/4-79-020 unless a more accurate method is proven and found acceptable by the board and EPA. Any procedure used will comply with the following guidelines:

-the detection limit should be a minimum of ten times below the standard,

-all samples should be replicated and submitted blind,

-quantification should be done using standard additions,

-the standard reference materials or their equivalents must be used.

General Notices/Errata

II. Statistics for determination of total/dissolved ratio using stream/effluent mix or effluent only.

A. Thirty samples must be collected. The ratio chosen will be the lowest 10 percentile of the range (a multiplication factor based on nationally derived linear partition coefficients (see Table 1) will serve as the maximum allowable ratio).

B. All chemical and statistical data will be submitted to the Virginia Water Control Board for review.

C. "Sediment Quality" monitoring requirements may be incorporated into the permit.

* This demonstration will not be allowed for arsenic, chromium VI, cadmium, mercury or selenium.

Table 1

LINEAR PARTITION COEFFICIENTS FOR PRIORITY METALS IN STREAMS AND LAKES (1,2)

Metal	STREAMS		LAKES	
	K_p^o	a	K_p^o	a
Arsenic	0.48×10^6	-0.73	(Assumed to be equal to stream)	
Cadmium	4.00×10^6	-1.13	3.52×10^6	-0.92
Chromium	3.36×10^6	-0.93	2.17×10^6	-0.27
Copper	1.04×10^6	-0.74	2.85×10^6	-0.90
Lead	0.31×10^6	-0.19	2.04×10^6	-0.53
Mercury	2.9×10^6	-1.14	1.97×10^6	-1.17
Nickel	0.49×10^6	-0.57	2.21×10^6	-0.76
Zinc	1.25×10^6	-0.70	3.34×10^6	-0.68

K_p = Linear Partition Coefficient, 1/Kg
 $K_p^o = K_p \cdot SS^a$
 where SS = suspended solids concentration, mg/l, and K_p^o and a are found from the table.

C
 -- = Fraction of Metal Dissolved
 C_T
 $C = \frac{1}{1 + K_p \cdot SS \cdot 10^{-6}}$

Example

Assume SS = 10 mg/l in a river. Find K_p and $\frac{C}{C_T}$ for Lead:

$$K_p = 0.31 \times 10^6 \times 10^{-0.19} = 0.200 \times 10^6$$

$$\frac{C}{C_T} = \frac{1}{1 + (0.200 \times 10^6) (10) (10^{-6})} = 0.33$$

1. Delos, C. G., W. L. Richardson, J. V. DePinto, R. B. Ambrose, P. W. Rogers, K. Rygwelski, J. P. St. John, W. J. Shaughnessy, T. A. Faha, W. Christie. Technical Guidance Manual for Performing Waste Load Allocations. Book II: Streams and Rivers. Chapter 3: Toxic Substances, For the U.S. Environmental Protection Agency. (EPA-400/4-84-022).

2. Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants-Part 2, U.S. Environmental Protection Agency. (EPA-600/6-82-004b).

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

STATE LOTTERY DEPARTMENT

Title of Regulation: VR 447-02-1. Instant Game Regulations.

Publication: 6:17 VA.R. 2726-2743 May 21, 1990

Correction to the Proposed Regulation:

Page 2733, first column, line 7 of § 2.12 C should read as follows:

“...prohibited by § 2.12 B, whether partial pack or full

pack...”

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: VR 460-02-3.110 460-03-3.110. Amount, Duration and Scope of Services (Prosthetics Services and Dental Services).

Publication: 6:17 VA.R. 2680-2688 May 21, 1990.

Correction to the Final Regulation:

Page 2680, Title, change VR 460-02-3.1100 to read VR 460-03-3.1100.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-13-04. Eastern Virginia Groundwater Management Area.

Publication: 6:18 VA.R. 2859 June 4, 1990.

Correction to the Proposed Regulation:

There is an error in the Water Control Board's regulatory action that occurs in the Table of Contents (page 2807) and in the Proposed Regulations section (page 2859).

VR 680-13-04. Eastern Virginia Groundwater Management Area is shown as withdrawn in both places. This is not correct. This regulation became effective on December 6, 1989, and no other action on the regulation has been taken.

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
Ⓜ Location accessible to handicapped
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT FOR THE AGING

Long-Term Care Ombudsman Program Advisory Council

June 28, 1990 - 10 a.m. - Open Meeting
Virginia Department for the Aging, 700 East Franklin Street, 10th Floor Conference Room, Richmond, Virginia. Ⓜ

Business will include a report on recent program activities.

Contact: Ms. Virginia Dize, State Ombudsman, Department for the Aging, 700 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 225-2271/TDD ☎ or toll-free 1-800-552-3402

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

† August 22, 1990 - 1 p.m. - Public Hearing
Virginia Department of Agriculture and Consumer Services Board Room, Washington Building, Room 204, 1100 Bank Street, 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 adopt regulations entitled: **VR 115-02-01, Rules and Regulations Pertaining to Reporting Requirements for Contagious and Infectious Diseases of Livestock and Poultry in Virginia.**

STATEMENT

Basis: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Purpose: The proposed regulation will assure that provisions of the soon to expire emergency regulation do not lapse.

The emergency regulation addresses a deficiency in the regulation it amended, which did not compel the reporting of poultry diseases. Also, under that previous regulation, important sources of information, such as private laboratories, were not required to report instances of disease that they learn of in the course of their daily work. The proposed measure (like the emergency regulation) will provide the State Veterinarian with considerable additional information about the kinds and numbers of cases of poultry diseases occurring in Virginia, thus serving as a basis for disease control and eradication programs for poultry. Armed with such additional information, the State Veterinarian will be better able to combat poultry diseases, especially those of the sort that have recently occurred in Virginia.

Timely data on infectious and contagious animal diseases are of vital importance to epidemiologists in developing and operating sound programs for the control and eradication of livestock and poultry diseases. These programs are the basis for effective and efficient herd and flock management methods and serve to maintain viable and growing livestock and poultry industries in Virginia.

The regulations will supersede the present, emergency regulations, dated November 2, 1989, establishing reporting requirements for contagious and infectious diseases of livestock and poultry (VR 115-02-01, Rules and Regulations Pertaining to Reporting Requirements for Contagious and Infectious Diseases of Livestock and Poultry in Virginia).

Issues: The issue is that of the State Veterinarian's ability to obtain disease information to be used in epidemiological studies and evaluations, which are the basis for disease control and eradication programs.

Impact: Number and types of regulated entities or persons affected: Approximately 200 veterinary practitioners, six private diagnostic laboratories, and a number of epidemiologically determined livestock and poultry owners, as designated by the State Veterinarian, will be affected by his regulation.

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Calendar of Events

Written comments may be submitted until 9 a.m., August 18, 1990.

Contact: Dr. William D. Miller, State Veterinarian, Washington Building, Suite 600, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-2481.

* * * * *

† **August 22, 1990 - 1 p.m.** – Public Hearing
Virginia Department of Agriculture and Consumer Services
Board Room, Washington Building, Room 204, 1100 Bank
Street, 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 adopt regulations entitled: **VR 115-02-17. Rules and Regulations Establishing a Monitoring Program for Avian Influenza and Other Poultry Diseases.**

STATEMENT

Purpose: The regulations are for the purpose of establishing a program in Virginia for the monitoring and testing of poultry for avian influenza and other infectious and contagious diseases. Under the program established by this regulation, the State Veterinarian will institute and maintain a monitoring program for the detection and diagnosis of avian influenza, exotic Newcastle disease, pullorum disease, fowl typhoid, Salmonella enteritidis and any other infectious or contagious condition of poultry governed by § 3.1-726 of the Code of Virginia as he deems appropriate, for the maintenance of a healthy poultry population in Virginia.

In addition, the State Veterinarian will conduct monitoring of migrating waterfowl if or when he has reason to believe that such waterfowl may infect Virginia poultry. In conducting such monitoring, the State Veterinarian or his representative will collect specimens for analysis and will take such other reasonable measures to keep infected waterfowl from infecting Virginia poultry.

Issues: The issues are those of disease control and economics. Recent outbreaks of avian influenza and other diseases of poultry indicate that there is need for a program that has a high likelihood of detecting early on the presence of infectious and contagious diseases of poultry, before they can spread. This regulation establishes that program. Without such an early detection system, there is substantial risk of the spread of such infectious and contagious diseases.

Impact: Number and types of regulated entities or persons affected: Approximately 1,500 poultry growers, owners of commercial egg laying flocks, and hatcheries will be affected by this regulation, by being required to allow the State Veterinarian or his representative to inventory poultry and to test poultry for disease.

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Written comments may be submitted until 9 a.m., August 18, 1990.

Contact: Dr. William D. Miller, State Veterinarian, Washington Building, Suite 600, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-2481.

* * * * *

† **August 22, 1990 - 1 p.m.** – Public Hearing
Virginia Department of Agriculture and Consumer Services
Board Room, Washington Building, Room 204, 1100 Bank
Street, 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 adopt regulations entitled: **VR 115-02-18. Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry.**

STATEMENT

Purpose: The regulations are for the purpose of establishing a program in Virginia for the transportation and disposal of entire flocks of dead poultry.

The occurrence of a disease such as avian influenza can and often does quickly result in large numbers of dead birds. Many of the birds die as a consequence of the disease itself. Others must be humanely destroyed as a means of preventing the virus they carry from spreading to healthy birds. Large numbers of dead, disease-laden bird carcasses require proper disposal to prevent contamination of the environment and to prevent the further spread of the disease. These regulations take the necessary steps in prescribing proper disposal methods.

The regulations will supersede present, emergency regulations establishing the approval of sites for the disposal of entire flocks of dead poultry.

Issues: The issue is environmental. Recent outbreaks of avian influenza and other poultry diseases have pointed up the need for establishing requirements to govern the disposal of entire flocks of dead poultry. On one occasion, numbers of birds slated for burial were shipped from one place to another because of uncertainty and public concern over the animal health and public health risks associated with the burial of so many birds.

Impact: Number and types of regulated entities or persons affected: Approximately 1,500 poultry growers, owners of multiplier flocks, and owners of commercial egg laying flocks will be affected by this regulation by requiring the disposal of dead poultry through burial, incineration, landfilling, rendering, or any other method approved by the State Veterinarian.

Calendar of Events

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Written comments may be submitted until 9 a.m., August 18, 1990.

Contact: Dr. William D. Miller, State Veterinarian, Washington Building, Suite 600, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-2481.

* * * * *

† **August 22, 1990 - 1 p.m. – Public Hearing**
Virginia Department of Agriculture and Consumer Services Board Room, Washington Building, Room 204, 1100 Bank Street, 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 adopt regulations entitled: **VR 115-02-19. Rules and Regulations Pertaining to the Testing Requirements for Poultry Affected by Salmonella Enteritidis.**

STATEMENT

Purpose: The regulations are for the purpose of maintaining authority for a program in Virginia for the eradication of Salmonella enteritidis serotype enteritidis (hereinafter SEE) in poultry. SEE is a serious poultry disease and public health concern that shows no sign of abatement, but instead appears to be increasing. The regulations will supersede soon to expire emergency regulations governing SEE.

In recent years the bacterium causing SEE has been isolated from egg-type chicken breeding flocks and egg production flocks. Recent scientific evidence has shown that hens pass the bacterium to their unborn chicks. The evidence further suggests that SEE may be passed to eggs (including the infertile eggs, which are the eggs consumed by humans) before shell formation occurs, if the hen is infected systemically with SEE bacteria. In addition, SEE can be spread among poultry through direct contact with one another and with articles associated with infected poultry, such as feed, pens, and litter.

Issues: The need is one of economics. As other states join in a cooperative effort and participate in the evolving national program, markets for poultry and poultry products in those states will be restricted to those products which can meet, at a minimum, the program standards. Failure to participate in this national program will severely limit, if not effectively close, out-of-state markets to Virginia poultry. The poultry industry in Virginia needs this regulation to remain competitive in marketing out of state and eventually to enjoy the economic benefits of eradicating this disease.

Another important aspect of SEE is the human health factor. SEE can cause serious illness in, and death to,

humans, especially among the very young, the elderly, and the immunosuppressed.

Impact: Number and types of regulated entities or persons affected: Approximately 100 commercial egg laying flocks and three multiplier flocks will be affected by testing requirements imposed by this regulation.

Statutory Authority: §§ 3.1-724 and 3.1-726 of the Code of Virginia.

Written comments may be submitted until 9 a.m., August 18, 1990.

Contact: Dr. William D. Miller, State Veterinarian, Washington Building, Suite 600, 1100 Bank St., Richmond, VA 23219, telephone (804) 786-2481.

DEPARTMENT OF AIR POLLUTION CONTROL

† **June 27, 1990 - 7:15 p.m. – Public Hearing**
Potomac Branch of the Prince William Library, 2201 Opitz Boulevard, Woodbridge, Virginia. ☐

The hearing is being conducted to permit public comments regarding the issuance of a State Air Pollution Control Board permit to the Prince William County Service Authority for construction of a second sewage sludge incinerator at the Authority's H.L. Mooney Wastewater Treatment Plant. The hearing will begin with a briefing describing the projected and proposed permit, followed by a period for receiving formal testimony.

Contact: John R. McKie, Environmental Engineer Senior, Virginia Department of Air Pollution Control - Region VII, 6225 Brandon Ave., Suite 310, Springfield, VA 22150, telephone (804) 644-0311.

ALCOHOLIC BEVERAGE CONTROL BOARD

† **August 22, 1990 - 10 a.m. – Public Hearing**
First Floor Hearing Room, 2901 Hermitage Road, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Alcoholic Beverage Control Board intends to amend regulations entitled: **VR 125-01-6. Manufacturers and Wholesalers Operations.** The purpose of this proposed action is to improve the control and regulation of wine and beer being imported or shipped into Virginia pursuant to §§ 4-25 A 10 and 4-25 A 7 of the Code of Virginia and other applicable law; to promote lawful business relationships under the Virginia Wine Franchise Act and the Virginia Beer Franchise Act between licensed wine or beer wholesalers and the winery or brewery who supplies the product, whether directly or through a third party; to enable the board to properly identify

all brands of wine or beer to be imported under an importer's license and to clarify the business, agency and commercial relationships between manufacturers, importers and wholesalers of wine or beer; to retain and enhance existing "primary source" regulatory provisions requiring authorization from the brand owner to import or ship wine or beer into Virginia; to improve compliance with those provisions of the Virginia Wine Franchise Act and Virginia Beer Franchise Act requiring proper territory designation, and generally, to promote compliance with said acts by importers, suppliers and brand owners of wine or beer and to simplify the process of renewing wine and beer importer's licenses.

STATEMENT

Basis: §§ 4-7(b) and (1), 4-11, 4-25 A 7 and 10, Chapter 2.1 (§ 4-118.3 et seq.) and Chapter 2.3 (§ 4-118.42 et seq.) of Title 4 of the Code of Virginia.

Substance: This regulation will require, as a prerequisite for an importer's license, filing with the board a list of the brand or brands to be imported under the license together with a copy of the federal label approval for each such brand. The regulation will require each applicant for an importer's license who is not the owner of the brand to be imported to obtain the brand owner's authorization (i.e., authorization from the "primary source") to import the brand as well as the brand owner's authorization, on its behalf, to establish commercial relationships with licensed wholesalers under the Virginia Wine and Beer Franchise Acts. The regulation will promote the filing of proper and authentic documentation with importer license applications through greater specificity in requirements of form and execution. Through notice provisions, the regulation will provide a means for wholesalers to clarify and firm-up the business relationships with importers and brand owners. The regulation will allow supplemental license applications, at no charge, to extend to coverage of an existing license and eliminate the annual filing of supporting documentation to merely review an existing license. The regulation will require importers to promptly file sales territory designations as required by statute. In addition, the regulation contains transition provisions to allow current importers ample time for the proper filing of documentation before any enforcement action by the board, and reemphasizes the responsibility of wholesalers when purchasing wine or beer for resale in Virginia from a person outside of Virginia.

Issues: Is the regulation in the best interests of the citizens of the Commonwealth and the alcoholic beverage industry? Will the regulation promote the purposes and objectives of the Virginia Wine and Beer Franchise Acts? Will it promote improved control and regulation of the wine and beer imported into Virginia? Will added filing and documentation burdens be offset by simplified license renewal provisions?

Impact: The proposed amendments to this regulation should have only a minimal impact on wineries, breweries, third party importers, and wine and beer wholesalers marketing products or doing business in Virginia. Financially, there will be some nominal cost associated with initial filing requirements, which will be offset by a simplified renewal process. It is anticipated the proposed amendments will operate to reduce franchise related disputes and subsequent litigation by clarifying business relationships and promoting the purposes and objectives of the Virginia Wine and Beer Franchise Acts. From a marketing standpoint, existing primary source provisions should be enhanced by more detailed product identification, filing and other documentation requirements.

Statutory Authority: §§ 4-7(b) and (1), 4-11, 4-25 A 7 and 10, 4-103(b), Chapter 2.1 (§ 4-118.3 et seq.), and Chapter 2.3 (§ 4-118.42 et seq.) of Title 4 of the Code of Virginia.

Written comments may be submitted until 10 a.m., August 22, 1990.

Contact: Robert N. Swinson, Secretary to the Board, P.O. Box 27491, 2901 Hermitage Rd., Richmond, VA 23261, telephone (804) 367-0616.

ALCOHOL SAFETY ACTION PROGRAM - ROCKBRIDGE

† June 19, 1990 - 3 p.m. - Open Meeting
2044 Sycamore Avenue, Buena Vista, Virginia. ☒

A meeting to approve previous minutes, conduct old business, and hear the treasurer's report.

Contact: S. Diane Clark, Director, Rockbridge ASAP, 2044 Sycamore Ave., Buena Vista, VA 24416, telephone (804) 261-6281.

ATHLETIC BOARD

June 28, 1990 - 10 a.m. - Open Meeting
3600 West Broad Street, Board Room No. 3, Richmond, Virginia. ☒

An annual meeting to discuss regulations pertaining to termination of bout, drug testing of contestants, license fees and age of amateur contestants.

Contact: Doug Beavers, Assistant Director, 3600 W. Broad St., Board Room No. 3, Richmond, VA 23230, telephone (804) 367-8507

VIRGINIA BOATING ADVISORY BOARD

July 17, 1990 - 10:30 a.m. - Open Meeting
The State Capitol, House Room 1, Capitol Square, Richmond, Virginia ☒

Calendar of Events

Review of and action on legislation and regulations affecting Virginia's recreational boating public.

Contact: Wayland W. Rennie, Chairman, 8411 Patterson Ave., Richmond, VA 23229, telephone (804) 740-7206

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

July 19, 1990 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia ☒ (Interpreter for deaf provided upon request)

An open board meeting to conduct general business. Public comment will be heard at the end of the meeting. Agenda will be mailed to persons on the board mailing list on or about July 9, 1990, and may be obtained by calling (804) 225-3440.

Contact: Tina Halsted, Staff Specialist, 701 Eighth Street Office Building, Richmond, VA 23219, telephone (804) 225-3440 or toll-free 1-800-243-7229/TDD ☎

DEPARTMENT OF CHILDREN

Consortium on Child Mental Health

† **July 5, 1990 - 9 a.m. - Open Meeting**
† **August 1, 1990 - 9 a.m. - Open Meeting**
† **September 5, 1990 - 9 a.m. - Open Meeting**
† **October 3, 1990 - 9 a.m. - Open Meeting**
Eighth Street Office Building, 11th Floor Conference Room, 805 East Broad Street, Richmond, Virginia. ☒

A regular business meeting open to the public, followed by an executive session, for purposes of confidentiality, to review applications for funding of services to individuals.

Contact: Wenda Singer, Chair, Department for Children, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-2208.

DEPARTMENT OF CONSERVATION AND RECREATION

Outdoor Recreation Advisory Board

June 20, 1990 - 9:30 a.m. - Open Meeting
The State Capitol Building, House Room 1, Capitol Square, Richmond, Virginia ☒

Business 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 ☎

BOARD FOR CONTRACTORS

† **July 18, 1990 - 7:30 p.m. - Public Hearing**
Richmond, Hyatt, 6624 West Broad Street, Richmond, Virginia. ☒

† **July 25, 1990 - 7:30 p.m. - Public Hearing**
Tanglewood Holiday Inn, 4468 Starkey Road, S.W., Roanoke, Virginia. ☒

A public hearing to receive comments on proposed regulations for the board.

Contact: Kelly G. Ragsdale, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016.

BOARD OF CORRECTIONS

June 20, 1990 - 10 a.m. - Open Meeting
July 11, 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

COMMUNITY CORRECTIONS RESOURCES BOARD - MIDDLE VIRGINIA

Board of Directors

July 5, 1990 - 7 p.m. - Open Meeting
August 2, 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

BOARD FOR COSMETOLOGY

† **June 18, 1990 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) review correspondence, (ii) review enforcement cases, (iii) review applications, and (iv) conduct routine board business.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590.

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (BOARD OF)

August 1, 1990 - 10:30 a.m. - Public Hearing
Charlottesville City Council Chambers, 2nd Floor, 605 East Main Street, Charlottesville, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Criminal Justice Services intends to adopt regulations entitled: **VR 240-02-02. Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchase.** The proposed regulations will ensure the identity, confidentiality and security of all records and data provided by the Department of State Police regarding criminal record checks for firearm purchase.

Statutory Authority: §§ 9-170 21 and 18.2-308.2:2 H of the Code of Virginia.

Written comments may be submitted until July 7, 1990, to Charlotte McClamroch, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219.

Contact: Ms. Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-4000

BOARD OF DENTISTRY

June 23, 1990 - 11 a.m. - Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Dentistry intends to amend regulations entitled: **VR 255-01-01. Virginia Board of Dentistry Regulations.**

Statutory Authority: § 54.1-2400 and Chapter 27 (§ 54.1-2700 et seq.) of Title 54.1 of the Code of Virginia.

Written comments may be submitted until August 15, 1990.

Contact: Nancy T. Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906

June 23, 1990 - 3 p.m. - Open Meeting
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☐

A meeting for the purpose of (i) discussing the dentistry and dental hygiene examinations, (ii) reviewing consent orders, and (iii) conducting other

regular board business.

Contact: N. Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, Telephone (804) 662-9906

BOARD OF EDUCATION

June 28, 1990 - 9 a.m. - Open Meeting
June 29, 1990 - 9 a.m. - Open Meeting
General Assembly Building, 9th and Broad Streets, Richmond, Virginia. ☐

The Board of Education and the Board of Vocational Education will hold a regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request.

Contact: Margaret Roberts, Director, Community Relations Officer, State Department of Education, P.O. Box 6-Q, Richmond, VA 23216, telephone (804) 225-2540

GOVERNOR'S COMMISSION ON EDUCATIONAL OPPORTUNITY FOR ALL VIRGINIANS

† **July 25, 1990 - 9:30 a.m. - Open Meeting**
† **August 22, 1990 - 9:30 a.m. - Open Meeting**
† **September 26, 1990 - 9:30 a.m. - Open Meeting**
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☐

A full commission meeting.

Contact: Kris Ragan, Staff, P.O. Box 1422, Ninth Street Office Bldg., Room 329, Richmond, VA 23211, telephone (804) 786-1688.

VIRGINIA EGG BOARD

June 22, 1990 - 2 p.m. - Open Meeting
Virginia Beach Resort and Conference Center, 2800 Shore Drive, Virginia Beach, Virginia. ☐

A meeting to (i) renew agreement between Virginia Egg Board and Virginia Egg Council, Inc., (ii) discuss Virginia Egg Board Budget for next Fiscal Year, (iii) project status report from Virginia Egg Council, Inc., (iv) elect officers, (v) receive V.D.A.C.S. update, and (vi) receive public comment.

Contact: Donald L. Holsinger, Accounting Manager, Virginia Egg Council, Inc., P.O. Box 552, Harrisonburg, VA 22801, telephone (804) 433-2451

Calendar of Events

BOARD OF ELECTIONS

June 21, 1990 - 9:30 a.m. - Open Meeting

June 22, 1990 - 9:30 a.m. - Open Meeting

NOTE: CHANGE IN MEETING LOCATION.

Radisson Hotel, 555 East Canal Street, Meeting Rooms A-D, Richmond, Virginia. ☒

A meeting to receive oral presentations and demonstrations offered by vendors who qualify to enter this phase (Phase 2) of the four phases required for the certification of voting equipment for use in Virginia.

Contact: Lisa M. Strickler, Executive Secretary Senior, 200 N. 9th St., Ninth Street Office Bldg., Room 101, Richmond, VA 23219, telephone (804) 786-6551 or toll-free 1-800-552-9745/TDD ☎

LOCAL EMERGENCY PLANNING COMMITTEE - DANVILLE

June 21, 1990 - 3 p.m. - Open Meeting

Municipal Building, 2nd Floor Conference Room, Danville, Virginia. ☒

Local Committee, SARA Title III. Hazardous Material Community Right-to-Know.

Contact: C. David Lampley, Chairman, LEPC, 297 Bridge St., Danville, VA 24541, telephone (804) 799-5228

LOCAL EMERGENCY PLANNING COMMITTEE - GLOUCESTER

† July 25, 1990 - 6:30 p.m. - Open Meeting

Gloucester County Administration Building, Main Street and Duval Avenue, Gloucester, Virginia. ☒

At the summer quarterly meeting of the Gloucester LEPC a critique of the annual exercise will be discussed and an update of the county emergency plan presented.

Contact: Georgette N. Hurley, Assistant County Administrator, P.O. Box 329, Gloucester, VA 23061, telephone (804) 693-4042.

LOCAL EMERGENCY PLANNING COMMITTEE - PORTSMOUTH

July 11, 1990 - 9 a.m. - Open Meeting

St. Julien's Annex, Building 307, Victory Boulevard at Magazine Road, Portsmouth, Virginia. ☒ (Interpreter for deaf provided upon request with sufficient notice)

Portsmouth LEPC conducts business as authorized and required by the provisions of SARA Title III

"Superfund Amendments and Reauthorization Act of 1986," also referred to as Title III "Emergency Planning and Community Right-to-Know Act of 1986."

Contact: Diana H. Creecy, Chair, LEPC, American Red Cross, 700 London Blvd., Portsmouth, VA 23704, telephone (804) 393-1031.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† June 20, 1990 - 2 p.m. - Open Meeting

Roanoke Airport Marriott, 2801 Hershberger Road, N.W., Roanoke, Virginia. ☒

† June 28, 1990 - 2 p.m. - Open Meeting

Radisson Hotel, 1900 Pavilion Drive, Virginia Beach, Virginia. ☒

A regularly scheduled board meeting.

Contact: Meredyth P. Partridge, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 622-9111.

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June 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 Funeral Directors and Embalmers intends to adopt regulations entitled: **VR 320-01-2. Regulations of the Board of Funeral Directors and Embalmers.** The proposed regulation establishes standards for the practice of funeral directing and embalming, including training programs and examination and public participation guidelines for promulgation of regulations.

Statutory Authority: § 54.1-803 of the Code of Virginia.

Written comments may be submitted until July 21, 1990.

Contact: Meredyth P. Partridge, Executive Director, Board of Funeral Directors and Embalmers, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9941

BOARD OF FORESTRY

June 27, 1990 - 9 a.m. - Open Meeting

Department of Forestry, Route 660, 3 miles north of Boydton, Virginia. ☒

A general business meeting and new office building dedication.

Contact: Barbara A. Worrell, Administrative Staff Specialist, P.O. Box 3758, Charlottesville, VA 22903, telephone (804) 977-6555/TDD ☎ or SCATS 487-1230.

DEPARTMENT OF GENERAL SERVICES

State Insurance Advisory Board

† June 20, 1990 - 10 a.m. - Open Meeting
Ninth Street Office Building, Suite 209, Richmond, Virginia.
☒

A quarterly meeting.

Contact: Don W. LeMond, Director, Division of Risk Management, 805 E. Broad St., 8th Floor, Richmond, VA, telephone (804) 225-4619.

HAZARDOUS MATERIALS TRAINING COMMITTEE

June 19, 1990 - 10 a.m. - Open Meeting
Philip Morris U.S.A., Operations Center, 2001 Walmsley Boulevard (Ext.), Richmond, Virginia.

A meeting to discuss curriculum course development, and review existing hazardous materials courses.

Contact: Mr. Larry Logan, Fire and Emergency Services, 3568 Peters Creek Rd., N.W., Roanoke, VA 24019

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

VIRGINIA HEALTH PLANNING BOARD

June 18, 1990 - 10 a.m. - Open Meeting
June 19, 1990 - 10 a.m. - Open Meeting
Richmond Marriott Hotel, 500 East Broad Street, Richmond, Virginia. ☒

The board will be given a comprehensive overview of the health system in Virginia on June 18. On June 19, reports of the three task forces will be given.

Contact: Raymond O. Perry, M.P.H., Director, Virginia Department of Health, Office of Planning and Regulatory Services, 109 Governor St., Room 1010, Richmond, VA 23219, telephone (804) 786-6970

DEPARTMENT OF HEALTH PROFESSIONS

Task Force on the Practice of Nurse Practitioners

† June 26, 1990 - 10 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☒

The Task Force will continue its review of access and barriers to the practice of nurse practitioners in Virginia. Specific issues that remain to be reviewed are: demography, insurance and reimbursement, and hospital privileges.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9904.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† June 25, 1990 - 4 p.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A meeting of the Council's Technical Task Force.

June 26, 1990 - 9:30 a.m. - Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: G. Edward Dalton, Deputy Director, 805 E. Broad St., 6th Floor, Richmond, VA 23219, telephone (804) 786-6371/TDD ☒

BOARD OF HISTORIC RESOURCES

June 19, 1990 - 2 p.m. - Open Meeting
Virginia State Capitol, Senate Room 4, Richmond, Virginia.
☒

A general business meeting.

Contact: Margaret T. Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-1934

DEPARTMENT OF HISTORIC RESOURCES

State Review Board

June 19, 1990 - 10 a.m. - Open Meeting
Virginia State Capitol, Senate Room 4, Richmond, Virginia.
☒

Calendar of Events

A meeting to consider the nomination of the following properties to the Virginia Landmarks Register and the National Register of Historic Places:

1. Bloomsbury, Orange County
2. Caledonia Farm, Rappahannock County
3. McClung Farm, Augusta County
4. Monterosa, Warrenton, Fauquier County
5. Orange Springs, Orange County
6. Taylor House, Richmond (city)
7. White Oak Primitive Baptist Church, Stafford County
8. Covington Historic District, City of Covington

Contact: Margaret Peters, Information Director, 221 Governor St., Richmond, VA 23219, telephone (804) 786-3143 or 786-1934/TDD ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

July 3, 1990 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road,
Hopewell, Virginia ☒

Local Emergency Preparedness Community meeting on emergency preparedness as required by SARA Title III.

Contact: Robert Brown, Emergency Service Coordinator, 300 N. Main St., Hopewell, VA 23860, telephone (804) 541-2298

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

June 22, 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 repeal regulations entitled: **VR 394-01-102. Single Family Rehabilitation and Energy Conservation Program** and adopt new regulations entitled: **VR 394-01-102:1. Local Housing Rehabilitation Program**. The Local Housing Rehabilitation Program provides loan and grant funds for the repair of substandard low-and-moderate income housing.

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

Written comments may be submitted until June 22, 1990, to Warren Smith, 205 North 4th Street, Richmond, VA 23219.

Contact: Ronnie L. White, Program Administrator, 205 N. 4th St., Richmond, VA 23219, telephone (804) 371-7570.

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July 5, 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 394-01-104. Congregate Housing Program**. The purpose of the proposed action is to provide low interest loans for the construction or rehabilitation of facilities for elderly and disabled persons.

Statutory Authority: Chapter 9 (§ 36-141 et seq.) of Title 36 of the Code of Virginia.

Written comments may be submitted until July 5, 1990.

Contact: Valerie D. Moore, Program Administrator, DHCD, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 786-7891.

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July 5, 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 394-01-106. Homeownership Assistance Program (Formerly: Single and Multifamily Production Loan Program)**. The program provides low interest loans for the production and financing of affordable housing for low-and-moderate income persons.

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

Written comments may be submitted until July 5, 1990.

Contact: Ron White, Program Administrator, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 371-7570 or SCATS 786-7891.

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† **August 20, 1990 - 10 a.m. - Public Hearing**
General Assembly Building, House Room C, 910 Capitol Street, 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 394-01-02. Virginia Certification Standards for Building Inspection Personnel, Amusement Device Inspectors, Blasters, Plumbers, Electricians and Building Related Mechanical Workers/1990**. The 1990 edition of the Virginia Certification Standards for Building Inspection Personnel, Amusement Device Operators, Blasters, Plumbers, Electricians and Building Related

Mechanical Workers is a statewide, uniform regulation that must be used by every local governing body that chooses to require certification of plumbers, electricians and building related mechanical workers as to ability, proficiency and qualifications. The regulation also provides for certification by the Department of Housing and Community Development of building inspection personnel, amusement device inspectors and blasters.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of the 1990 edition of the Virginia Certification Standards for Building Inspection Personnel, Amusement Device Inspectors, Blasters, Plumbers, Electricians and Building Related Mechanical Workers which will amend and supersede the 1987 edition.

Issues:

1. Estimated impact with respect to number of persons affected. All electrical, plumbing and mechanical workers who reside in counties, cities and towns that require tradesmen be certified to work at their trade within their boundaries. All localities enforcing building regulations promulgated by the Board of Housing and Community Development and all persons engaging in the use of explosives or blasting agents.
2. Projected costs for implementation and compliance. No material cost to the agency or those affected is anticipated because the regulation only establishes standards for certification and does not provide for enforcement. No fees are levied by the Department of Housing and Community Development.

Basis: Sections 27-97, 36-137 and 36-139 of the Code of Virginia.

Purpose: To update minimum, statewide standards for the certification of tradesmen to be used by local governments that choose to require tradesmen who work within their boundaries, and to provide standards for certification by building regulation enforcement personnel and blasters.

Statutory Authority: §§ 27-97, 36-98.3, 36-137 and 36-139 of the Code of Virginia.

Written comments may be submitted until August 27, 1990.

Contact: Jack Proctor, Deputy Director, Department of Housing and Community Development, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 786-4752.

† August 20, 1990 - 10 a.m. – Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, 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 394-01-04. Virginia Amusement Device Regulations/1990.** The 1990 edition of the Virginia Amusement Device Regulations provides for the administration and enforcement of uniform, statewide standards for the construction, maintenance, operation and inspection of amusement devices, whether mobile or affixed to a site. These regulations supplement the provisions of the Uniform Statewide Building Code for the purpose of protecting the health, safety, and welfare of amusement device users. The technical requirements of the Amusement Device Regulations are based on standards developed by the American Society for Testing and Materials (ASTM). Provisions are included in the regulations for the inspection of amusement devices, reports and investigation of accidents, certification and conduct of operators, and an administrative appeals system for the resolution of disagreements between building officials and amusement device owners and operators.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1990 edition of the Virginia Amusement Device Regulations.

Issues:

1. Estimated impact with respect to the number of persons affected. All citizens of Virginia who own or use amusement devices will be affected.
2. Projected costs for implementation and compliance. No material increase in cost to the agency is anticipated because the regulation only requires that amusement devices be maintained in accordance with the standards under which they were built.

Purpose: To provide for the administration and enforcement of uniform statewide standards for the operation and inspection of amusement devices that supplement the requirements of the Uniform Statewide Building Code to protect the public from the hazards relating to amusement devices.

Statutory Authority: §§ 36-98, 36-98.3 and 36.1-137 of the Code of Virginia.

Written comments may be submitted until August 27, 1990.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 371-7772.

Calendar of Events

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† August 20, 1990 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, 910 Capitol
Street, 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.** The 1990 edition of the Virginia Statewide Fire Prevention Code is a mandatory, statewide set of regulations that must be complied with for the protection of life and property from the hazards of fire or explosion. Technical requirements of the Statewide Fire Prevention Code are based on the BOCA National Fire Prevention Code, a companion document to the BOCA National Building Code which is incorporated by the Uniform Statewide Building Code. The Fire Prevention Code supersedes all fire prevention regulations heretofore adopted by local government or other political subdivisions. Local governments are empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure. Local enforcement of this code is optional. The State Fire Marshal shall have authority to enforce the Fire Prevention Code in those jurisdictions in which the local governments do not enforce the code. An administrative appeals system is established for resolution of disagreements between the enforcing agency and aggrieved party.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1990 edition of the Virginia Statewide Fire Prevention Code which will amend and supersede the 1987 edition.

Issues:

1. Estimated impact with respect to number of persons affected. All citizens of Virginia who own buildings or handle explosives will be affected.
2. Projected costs for implementation and compliance. No material increase in cost to the building owner is anticipated because the regulation only requires that fire safety features be maintained in accordance with those originally required. No material cost increase to persons handling explosives is anticipated from updating to the 1990 edition.

Basis: §§ 27-95 and 27-97 of the Code of Virginia.

Purpose: To provide one uniform Fire Prevention Safety Standard for the protection of life and property in the use

and maintenance of buildings and explosives. Enforcement is optional by local government or by the State Fire Marshal in localities choosing not to enforce the Fire Prevention Code.

Statutory Authority: §§ 27-95 and 27-97 of the Code of Virginia.

Written comments may be submitted until August 27, 1990.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 371-7772.

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† August 20, 1990 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, 910 Capitol
Street, 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/1990.** Volume I - New Construction of the 1990 edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide uniform regulation which must be complied with in all buildings or additions hereafter constructed, altered, enlarged, repaired, or converted to another use group. Its purpose is to protect the health, safety, and welfare of building users, and to provide for energy conservation, water conservation, and accessibility for the physically handicapped and aged. Technical requirements of the New Construction Code are based on the BOCA model building code. The New Construction Code specifies the enforcement procedures to be used by local governments. Enforcement by local government is mandatory. Provision is made for modifications by the building official when alternate means will provide equivalent health and safety. An administrative appeals system is established for resolution of disagreements between the building owner and the building official.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1990 edition of the Virginia Uniform Building Code - Volume I - New Construction Code which will amend and supersede the 1987 edition.

Issues:

1. Estimated impact with respect to number of persons affected. All citizens of Virginia who own buildings will be affected.
2. Projected costs for implementation and compliance.

Slight increase in construction cost is anticipated because the 1990 edition will require certain features of adaptable design for handicapped persons to be provided in the construction of multi-family dwellings.

Basis: §§ 36-98 and 36-99 of the Code of Virginia.

Purpose: To update minimum statewide building construction standards for the design, construction, use and repair of buildings and structures.

Statutory Authority: §§ 36-98 and 36-99 of the Code of Virginia.

Written comments may be submitted until August 27, 1990.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 371-7772.

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† August 20, 1990 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, 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/1990.** Volume II - Building Maintenance Code of the 1990 edition of the Virginia Uniform Statewide Building Code (USBC) is a mandatory, statewide uniform set of regulations that must be complied with in all buildings to protect the occupants from the health and safety hazards that might arise from improper maintenance or use. Technical requirements of the Building Maintenance Code are based on the BOCA National Property Maintenance Code, a companion document to the BOCA National Building Code which serves as the basis for Volume I of the USBC, the New Construction Code. Enforcement procedures are provided that must be used when the Building Maintenance Code is enforced by local agencies. Local enforcement of the Code is optional. An administrative appeals system is established for resolution of disagreements between the building owner and the code official.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1990 edition of the Virginia Uniform Building Code - Volume II - Building Maintenance Code which will amend and supersede the 1987 edition.

Issues:

1. Estimated impact with respect to number of persons

affected. All citizens of Virginia who own buildings will be affected.

2. Projected costs for implementation and compliance. No material increase in cost to the building owner is anticipated because the regulation only requires that buildings be maintained in accordance with the building code in effect at the time of construction.

Basis: §§ 36-98 and 36-103 of the Code of Virginia.

Purpose: To update minimum statewide building maintenance standards for the protection of life and property in the use and maintenance of buildings. Enforcement is optional by local government.

Statutory Authority: §§ 36-98 and 36-103 of the Code of Virginia.

Written comments may be submitted until August 27, 1990.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 371-7772.

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† August 20, 1990 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, 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 adopt regulations entitled: **VR 394-01-23. Standards Governing Operation of Individual and Regional Code Academies/1990.** The 1990 edition of the Standards Governing Operation of Individual and Regional Code Academies is a uniform, statewide set of regulations that must be used by localities establishing code academies. These regulations establish requirements for localities to meet in order to receive accreditation from the Department of Housing and Community Development for local or regional training programs to provide for certification of persons enforcing the building regulations promulgated by the Board of Housing and Community Development. Accreditation is based on information submitted to the Department of Housing and Community Development relating to financial resources, educational and teaching qualifications, instruction courses provided, and anticipated enrollment. The department will issue accreditation certificates on an annual basis and monitor the operation of approved academies.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1990 edition of the Standards for Governing Operation of Individual and Regional Code Academies.

Calendar of Events

Issues:

1. Estimated impact with respect to number of persons affected. All localities in Virginia that establish individual or regional code academies.

2. Projected costs for implementation and compliance. No material increase in cost to the agency is anticipated because any code academies established by localities would provide their own funding. No anticipated costs to localities establishing code academies because they may use the 1.0% fee levy on building permit fees collected by the Department of Housing and Community Development.

Basis: §§ 36-137 and 36-139 of the Code of Virginia.

Purpose: To provide a uniform, statewide standard for the operation of individual or regional code academies.

Statutory Authority: §§ 36-137 and 36-139 of the Code of Virginia.

Written comments may be submitted until August 27, 1990.

Contact: Jack Proctor, Deputy Director, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 786-4752.

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† August 20, 1990 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, 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 394-01-31. Virginia Industrialized Building and Manufactured Home Safety Regulations/1990.** The Virginia Industrialized Building and Manufactured Home Safety Regulations provide for the administration and enforcement of uniform, statewide, health and safety standards for industrialized buildings and manufactured homes, wherever produced. A major purpose of the regulations is to make good quality housing more affordable for residents of Virginia. It does so by providing precertification of manufactured buildings that contain concealed parts which can not be readily inspected at the point of use. Such units must be accepted by the local building official without disassembly. The enforcement system includes: (i) state accreditation, use, and monitoring of independent third-party compliance assurance agencies to review the design of manufactured buildings and to inspect their production for code compliance; (ii) assignment of responsibility for safe installation to local building department, and (iii) state action to secure correction of defects discovered after installation.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1990 edition of the Virginia Industrialized Building and Manufactured Home Safety Regulations which will amend and supersede the 1987 edition.

Issues:

1. Estimated impact with respect to number of persons affected. Producers of factory built industrialized buildings and manufactured homes, approved independent inspection agencies, building officials in local jurisdictions, and all owners and users of industrialized buildings and manufactured homes will be affected.

2. Projected costs for implementation and compliance. No increase in cost to the department is anticipated because the 1990 edition is merely an updating of the currently effective 1987 edition of the Virginia Industrialized Building and Manufactured Home Safety Regulations.

Basis: §§ 36-73 and 36-85.7 of the Code of Virginia.

Purpose: To update the regulations providing for the administration and enforcement of minimum, uniform statewide health and safety standards for factory built industrialized buildings and manufactured homes, wherever produced, in order to make good quality housing more affordable for the citizens of Virginia.

Statutory Authority: §§ 36-73 and 36-85.7 of the Code of Virginia.

Written comments may be submitted until August 27, 1990.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 371-7772.

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† August 20, 1990 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, 910 Capitol Street, 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 394-01-42. Virginia Liquefied Petroleum Gas Regulations/1990.** The Virginia Liquefied Petroleum Gas Regulations, 1990 edition, is a mandatory, statewide uniform regulation that must be complied with in the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and utilizing L-P gases for fuel purposes, and for the odorization of L-P gases in order to protect individuals and property from fire and explosion hazards. All law-enforcement officers are empowered to enforce

the regulations.

STATEMENT

Subject and substance: Proposed adoption by the Board of Housing and Community Development of a 1990 edition of the Liquefied Petroleum Gas Regulations which would amend and supersede the 1987 edition.

Issues:

- 1. Estimated impact with respect to number of persons affected. The regulation potentially protects all citizens of Virginia from the hazards of liquefied petroleum gas use by third parties.
- 2. Projected costs for implementation and compliance. No material increase in cost to the agency is anticipated because the 1987 edition is merely an updating of the currently effective 1987 edition of the Virginia Liquefied Petroleum Gas Regulations. Similarly, no increase in cost to those affected is anticipated.

Basis: § 27-87 of the Code of Virginia.

Purpose: To amend the minimum statewide standards covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases, and the installation of appliances and piping for use with liquefied petroleum gases, and requiring the odorization of said gases and the degree thereof, as reasonably necessary for the protection of the health, welfare, and safety of the public and persons using such materials.

Statutory Authority: § 27-87 of the Code of Virginia.

Written comments may be submitted until August 27, 1990.

Contact: Gregory H. Revels, Program Manager, Code Development Office, 205 N. Fourth St., Richmond, VA 23219, telephone (804) 371-7772.

* * * * *

† July 5, 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 394-01-103. Multifamily Loan Program.** This proposed action revises program guidelines changes to the Multifamily Loan Program.

STATEMENT

Purpose: The proposed program guidelines for the Multifamily Loan Program provide the basic technical and

administrative framework for administering the program throughout Virginia.

Basis: To be adopted according to § 36-141 et seq. of the Code of Virginia.

Impact: The program makes available low interest loan moneys for the rehabilitation and new construction of rental housing made available to low and moderate income Virginia residents.

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

Written comments may be submitted until July 5, 1990.

Contact: Lorene Bonaparte, Program Administrator, Department of Housing and Community Development, 205 N. 4th St., 6th Floor, Richmond, VA 23219, telephone (804) 786-1575.

Amusement Device Technical Advisory Committee

† July 19, 1990 - 9 a.m. – Open Meeting
Kings Dominion, Doswell, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting to review and discuss regulations pertaining to the construction, maintenance, operation and inspection of amusement devices adopted by the Board of Housing and Community Development.

Contact: Jack A. Proctor, Deputy Director, Building Regulatory Services, Department of Housing and Community Development, 205 N. Fourth St., Richmond, VA 23219-1747, telephone (804) 786-4752 or (804) 786-5405/TDD ☎

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

June 26, 1990 - 10 a.m. – Open Meeting
601 South Belvidere Street, Richmond, Virginia. ☒

This will be the regular meeting of the Board of Commissioners of the Virginia Housing Development Authority. The board will (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the Authority's operations for the prior month; and (iv) consider such other matters and take such other actions as they may deem appropriate. Various committees of the board may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia

Calendar of Events

Housing Development Authority, 601 S. Belvidere St.,
Richmond, VA 23220, telephone (804) 782-1986

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

† July 10, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, 910 Capitol
Street, Richmond, Virginia

Preliminary agenda:

1. Amendment concerning safety and health standards:
Welding, cutting, and brazing.
2. Amendment to the boiler and pressure vessel rules
and regulations: Commissioner's approval of variances;
exemptions; regulatory review.
3. Regulation governing asbestos contractor notification
and permit fee.

Contact: John J. Crisanti, Director, Office of Enforcement
Policy, Department of Labor and Industry, P.O. Box 12064,
Richmond, VA 23241, telephone (804) 786-2384.

* * * * *

September 18, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Richmond,
Virginia

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia or the requirements of federal
law that the Department of Labor and Industry
intends to amend regulations entitled: **VR 425-02-71.
The Control of Hazardous Energy (Lockout/Tagout).**
The proposed amendment eliminates reference which
permit an employee to tagout rather than lockout
energy isolating devices in order to disable machinery
or equipment during maintenance or servicing.

Statutory Authority: § 40.1-22(5), of the Code of Virginia.

Written comments may be submitted until July 8, 1990

Contact: John J. Crisanti, Senior Policy Analyst,
Department of Labor and Industry, P.O. Box 12064,
Richmond, VA 23241, telephone (804) 786-2384

* * * * *

September 18, 1990 - 10 a.m. - Public Hearing
General Assembly Building, House Room C, Richmond,
Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Department of Labor
and Industry intends to amend regulations entitled: **VR**

**425-02-72. Virginia Occupational Safety and Health
Standards for the Construction Industry, Sanitation.**
This action will amend the current Sanitation Standard
for Construction Industry, § 1926.51 to include
additional sanitary requirements for potable water and
toilet and handwashing facilities.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until July 8, 1990.

Contact: John J. Crisanti, Senior Policy Analyst,
Department of Labor and Industry, P.O. Box 12064,
Richmond, VA 23241, telephone (804) 786-2384

LIBRARY BOARD

June 20, 1990 - 9:30 a.m. - Open Meeting
The Virginia State Library and Archives, 3rd Floor,
Supreme Court Room, 11th Street at Capitol Square,
Richmond, Virginia. ☐

A meeting to discuss administrative matters.

Contact: Jean H. Taylor, Secretary to State Librarian,
Virginia State Library and Archives, 11th St. at Capitol
Square, Richmond, VA 23219, telephone (804) 786-2332

COMMISSION ON LOCAL GOVERNMENT

July 9, 1990 - 7 p.m. - Public Hearing
Bedford area, site to be determined.

A public hearing regarding Carriage Hill of Virginia,
Ltd., vs. the City of Bedford and County of Bedford.
Persons desiring to participate in the Commission's
oral presentations and require special accommodations
or interpreter services should contact the Commission's
offices by July 3, 1990.

July 9, 1990 - 10:30 a.m. - Open Meeting
July 10, 1990 - 11 a.m. (If needed) - Open Meeting
Bedford area, site to be determined.

Oral presentations regarding Carriage Hill of Virginia,
Ltd., vs. the City of Bedford and County of Bedford.
Persons desiring to participate in the Commission's
oral presentations and require special accommodations
or interpreter services should contact the Commission's
offices by July 3, 1990.

† July 10, 1990 - 9 a.m. - Open Meeting
Bedford area, site to be determined.

A regular meeting to discuss such matters as may be
presented.

July 23, 1990 - 11 a.m. - Open Meeting
July 24, 199 - 9 a.m. - Open Meeting

Cape Charles area, site to be determined.

Oral presentations regarding Town of Cape Charles - Northampton County annexation issue. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's offices by July 18, 1990.

July 23, 1990 - 7:30 p.m. - Public Hearing
Cape Charles area, site to be determined.

A public hearing regarding Town of Cape Charles - Northampton County annexation issue. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's offices by July 18, 1990.

† August 13, 1990 - 11 a.m. - Open Meeting
Broadway Area, site to be determined.

Oral presentations regarding the Town of Broadway and Rockingham County Agreement Refining Annexation Rights. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's office by August 6, 1990.

† August 13, 1990 - 7 p.m. - Public Hearing
Broadway Area, site to be determined.

A public hearing regarding the Town of Broadway and Rockingham County Agreement Refining Annexation Rights. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's office by August 6, 1990.

Contact: Barbara Bingham, Administrative Assistant, Eighth Street Office Building, Room 702, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☎

LONGWOOD COLLEGE

Board of Visitors

July 27, 1990 - 1 p.m. - Open Meeting
Longwood College, Virginia Room (Ruffner), Farmville, Virginia. ☎

A meeting to conduct routine business pertaining to the governance of the institution.

Contact: William F. Dorrill, President, Longwood College, Farmville, VA 23901, telephone (804) 395-2001.

LOTTERY BOARD

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 or 786-1860/TDD ☎

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July 25, 1990 - 10 a.m. - Public Hearing
2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: VR 447-02-2. **On-Line Game Regulations.** The proposed action will 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 10 a.m., July 25, 1990.

Contact: Barbara L. Robertson, Lottery Staff Officer, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

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July 25, 1990 - 10 a.m. - Public Hearing
2201 West Broad Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Lottery Board intends to amend regulations entitled: VR 447-02-1. **Instant Game Regulations.** The proposed amendments will allow lottery retailers to return instant lottery tickets for credit prior to the announced end of the game 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 10 a.m., July 25, 1990.

Contact: Barbara L. Robertson, Lottery Staff Officer, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

Calendar of Events

MARINE RESOURCES COMMISSION

June 26, 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

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August 28, 1990 - 9:30 a.m. - Public Hearing
VMRC Headquarters, 2600 Washington Avenue, Newport News, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Marine Resources Commission intends to consider adopting new regulations entitled: **VR 450-01-0058. Barrier Island Policy (A part of the Commission's Coastal Primary Sand Dune/Reaches Guidelines)**. The regulation will (i) assist the agency in implementing the policy set forth in § 62.1-13.21 of the Code of Virginia; (ii) assist localities in regulating activities that impact coastal primary sand dunes, beaches or barrier islands; and (iii) enable the public to self-evaluate the acceptability and consequences of such proposed uses.

Statutory Authority: §§ 62.1-13.4 and 62.1-13.24 of the Code of Virginia.

Written comments may be submitted until August 3, 1990.

Contact: Robert W. Grabb, Chief, Habitat Management Division, P.O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-2252.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

July 20, 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 or the requirements of federal

law that the Board of Medical Assistance Services intends to repeal existing regulations entitled: **VR 460-03-4.1940. Nursing Home Payment System** and promulgate new regulations entitled: **VR 460-03-3.1310. Nursing Facility and MR Criteria; VR 460-03-04.1940:1. Nursing Home Payment System; Patient Intensity Rating System; VR 460-03-4.1941. Uniform Expense Classification; VR 460-03-4.1942. Leasing of Facilities; and VR 460-03-4.1943. Cost Reimbursement Limitations.** These proposed regulations are intended to replace the existing Nursing Home Payment System with one based on the numbers of patients cared for in each home and the type of care they require.

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

Written comments may be submitted until July 20, 1990, to William R. Blakely, Jr., Director of the Division of Cost Settlement and Audit, DMAS, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7933.

June 19, 1990 - Noon - Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia.

The Medicaid Transdermal Patch Study Team will discuss the design of a study to review the effect on patient care of the removal of reimbursement authority for medication administered transdermally.

Contact: S. Rebecca Miller, Pharmacy Consultant, 600 E. Broad St., Suite 1345, Richmond, VA 23219, telephone (804) 371-8853

New Drug Review Committee

July 12, 1990 - 1 p.m. - Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia. ☒

A meeting to adopt by-laws, review new chemical entities for recommendations to the Board of Medical Assistance Services and determine calendar for next fiscal year (1991).

Contact: David B. Shepherd, Pharmacy Supervisor, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3820 or toll-free 1-800-552-8627

GOVERNOR'S ADVISORY BOARD ON MEDICARE AND MEDICAID

† **July 10, 1990 - 2 p.m. - Open Meeting**
Hyatt Hotel, I-64, West Broad Street Exit, Richmond, Virginia. ☒

A presentation by Dr. C.M.G. BATTERY, Commissioner, Department of Health, "Five Point Plan for Primary Health Care," and discussion by board members on the mission and future direction of the board.

Contact: Marsha Linkous, Administrative Staff Specialist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-8099.

BOARD OF MEDICINE

† July 19, 1990 - 8 a.m. - Open Meeting
† July 20, 1990 - 8 a.m. - Open Meeting
† July 21, 1990 - 8 a.m. - Open Meeting
† July 22, 1990 - 8 a.m. - Open Meeting
Ramada Hotel, 7801 Leesburg Pike, Falls Church, Virginia. ☒

The board will meet on Thursday, July 19, 1990, in open session to conduct general business and discuss any other items which may come before the board. On Friday, Saturday, and Sunday, the board will review reports, interview licensees and make decisions on discipline matters.

Contact: Eugenia K. Dorson, Deputy Executive Director, 1601 Rolling Hills Dr., Surry Bldg., Richmond, VA 23229, telephone (804) 662-9925.

Credentials Committee

July 7, 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.

Informal Conference Committee

† June 22, 1990 - 10 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

† June 29, 1990 - 9:30 a.m. - Open Meeting
Williamsburg Hilton, 50 Kings Mill Road, Williamsburg, Virginia. ☒

† August 1, 1990 - 10 a.m. - Open Meeting
Sheraton Hotel, 29 Expressway and Odd Fellows Road, Lynchburg, Virginia. ☒

† August 9, 1990 - 9 a.m. - Open Meeting
Sheraton-Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

The committee will inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. The committee will meet in open and closed sessions pursuant to § 2.1-344 A 7 and A 15 of the Code of Virginia.

Contact: Karen D. Waldron, Deputy Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9908 or 662-9943/TDD ☒

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

June 27, 1990 - 9:30 a.m. - Open Meeting
Southside Virginia Training Center, Petersburg, Virginia. ☒

A regular monthly meeting. The agenda, to be published on June 20, 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.

Mental Retardation Advisory Council

June 21, 1990 - 9:30 a.m. - Open Meeting
Department of Mental Health, Mental Retardation and Substance Abuse Services, 8th Floor Conference Room, Madison Building, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A quarterly meeting to conduct business relative to the council's responsibility for advising the State Mental Health, Mental Retardation and Substance Abuse Services Board on issues pertaining to mental retardation. Agenda will be available June 21, 1990.

Contact: Stanley J. Butkus, Ph.D., Director of Mental Retardation Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-1746.

Virginia's Early Intervention Coordinating Council

† July 11, 1990 - 9 a.m. - Open Meeting
Wythe Building, 1604 Santa Rosa Road, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A meeting for P.L. 99-457, Part H. The council serves to advise and assist the Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency to administer Part H in the development and implementation of a statewide, interagency, multidisciplinary system of early intervention services

Calendar of Events

to Virginia's infants and toddlers with disabilities and their families.

Contact: Michael Fehl, Director of Mental Retardation Children and Youth Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3710.

DEPARTMENT OF MINES, MINERALS AND ENERGY

June 21, 1990 - 10 a.m. – Open Meeting
Washington County Board of Supervisors Room, County Office Building, 205 Academy Drive, Abingdon, Virginia. ☒

A meeting to develop a permanent regulation governing gas and oil exploration, development, and production in Virginia.

† **June 22, 1990 - 9:30 a.m. – Open Meeting**
Department of Social Services' Conference Room, 190 Patton Street, Abingdon, Virginia. ☒

A meeting to consider modifications to VR 480-05-22.1, Gas and Oil Regulations.

Contact: Thomas Fulmer, State Oil and Gas Inspector, P.O. Box 1416, 230 Charwood Dr., Abingdon, VA 24210, telephone (703) 628-8115 or SCATS 676-5501.

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† **August 21, 1990 - 10 a.m. – Public Hearing**
Powell Valley High School Auditorium, Big Stone Gap, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to amend regulations entitled: **VR 480-05-9.2. Rules and Regulations Governing the Use of Diesel Powered Equipment in Underground Coal Mines.** The purpose of the proposed amendments is to adopt a standard for the sulfur content of diesel fuel and to update air-quality standards for sulfur dioxide and formaldehyde.

STATEMENT

Subject: The subject of the proposed amendments is maintenance of acceptable air quality in underground coal mines where diesel-powered equipment is used.

Substance: The substance of these amendments is the application of new standards designed to control the amount and concentration of harmful substances contained in diesel-exhaust emissions in underground coal mines. Changes are proposed to limit the sulfur content of diesel fuel used in these machines, and to reduce the allowable exposure limits for sulfur dioxide and formaldehyde, both harmful constituents of diesel exhaust.

Issues: The issues raised in connection with these

amendments would likely involve the health effects of diesel exhaust on mine workers, the feasibility of implementing the new standards, and the economic impacts of the amendments on the coal industry.

Basis: The proposed amendments are being promulgated pursuant to §§ 45.1-90 and 45.1-1.3(4) of the Code of Virginia.

Purpose: These amendments are designed to decrease the likelihood of detrimental health effects among underground coal miners who work with diesel-powered mining equipment by reducing the miners' exposure to the harmful constituents of diesel exhaust. The purpose of setting a limit on the sulfur content of diesel fuel used for this equipment is to reduce the amount of sulfur compounds emitted by the engines. The purpose of lowering exhaust-emission testing standards for sulfur dioxide and formaldehyde is to conform to the allowable concentrations accepted for safe exposure by the American Conference of Governmental Industrial Hygienists (ACGIH). The ACGIH is an independent group of professional industrial hygienists who develop exposure standards based on scientific and medical research.

Impact: As of April 1, 1990, there were approximately 125 pieces of diesel-powered equipment approved for use in 33 underground coal mines in Virginia. These mining operations employ about 1,900 miners, or roughly one-fifth of the total work force of underground miners in the Commonwealth. The current price of low-sulfur diesel fuel is about the same as the price for normal fuel. Some operators report being quoted a price of 1-2 cents per gallon higher for low-sulfur fuel, resulting in an increase in fuel costs. The operator of one mine with 16 diesel units operating estimates his fuel use at 90 gallons per day. An operator who runs 22 diesel units estimated his daily fuel consumption at 200 gallons.

Operators who need both low-sulfur and normal diesel fuel on their job sites would be required to purchase additional storage tanks at an estimated one-time cost of \$450 to \$850 per tanks (including installation). Controlling the sulfur content of diesel fuels reduces the likelihood of sulfur-dioxide emissions in the mine environment.

Proposed reductions in the air-quality standards for sulfur dioxide and formaldehyde are not expected to have a significant impact on current conditions. They are not likely to be significantly more expensive to implement than the current standards, because few excursions over the current or proposed standards ever have been recorded. However, lowering the acceptable limits now helps further ensure that unhealthy conditions will not exist in the future.

Statutory Authority: §§ 45.1-1.3 and 45.1-90 of the Code of Virginia.

Written comments may be submitted until August 21, 1990.

Contact: Bill Edwards, Policy Analyst, Department of Mines, Minerals and Energy, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-0330.

BOARD OF NURSING

Special Committee

June 18, 1990 - 10 a.m. - Open Meeting
Department of Health Professions, Conference Room 3, 1601 Rolling Hills Dr., Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The committee will meet with an advisory committee to develop regulations to authorize Licensed Practical Nurses to teach in nurse aide education programs.

† **July 23, 1990 - 9 a.m. - Open Meeting**
† **July 24, 1990 - 9 a.m. - Open Meeting**
† **July 25, 1990 - 9 a.m. - Open Meeting**
Department of Health Professions, 1601 Rolling Hills Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A regular meeting to consider matters related to nursing education programs, discipline of licensees, licensing by examination and endorsement and other matters under the jurisdiction of the board. At 1:30 p.m. on Monday, July 23, the board will consider comments on intended regulatory action and propose regulations related to the authority of licensed practical nurses to teach nurse aides.

Contact: Corinne F. Dorsey, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9909 or (804) 662-7197/TDD ☎

OLD DOMINION UNIVERSITY

June 20, 1990 - Time to be announced - Open Meeting
Webb University Center, Hampton/Newport News Room, Norfolk, Virginia. ☒

A meeting to discuss various issues pertaining to the University and to hear standing committee reports. The agenda will be available at least five working days prior to the meeting. Time of meeting to be posted in agenda.

Contact: Donna W. Meeks, Secretary to the Board, Old Dominion University, Norfolk, VA 23529-0029, telephone (804) 683-3072

VIRGINIA PESTICIDE CONTROL BOARD

† **July 12, 1990 - 10 a.m. - Open Meeting**
Blacksburg Marriott, Olin Preston Room, 900 Princes Fork Road, Blacksburg, Virginia. ☒

Committee meetings will be held and general business will be conducted.

Contact: C. Kermit Spruill, Jr., Director of Product and Industry Regulation, Department of Agriculture and Consumer Services, P.O. Box 1163, 1100 Bank St., Room 403, Richmond, VA 23209, telephone (804) 786-3523

POLYGRAPH EXAMINERS ADVISORY BOARD

† **June 27, 1990 - 9 a.m. - Open Meeting**
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting for the purpose of administering the Polygraph Examiners licensing examination to eligible polygraph examiner interns.

Contact: Mr. 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.

VIRGINIA PORK INDUSTRY BOARD

† **July 13, 1990 - 3:30 p.m. - Open Meeting**
Mt. Lake Hotel, Cascades Room, Mt. Lake, Virginia.

The selection of pork producer delegate candidates for the 1991 National Pork Producers (Pork Act) Delegate Body will take place at the executive board meeting. Any producer, who is a resident of the state and has paid all assessments due, may be considered as a delegate candidate.

Contact: John Parker, Program Director, Virginia Pork Industry Board, 1100 Bank Street, Room 1006, Washington Bldg., Richmond, VA 23219, telephone (804) 786-7092.

RAPPAHANNOCK-RAPIDAN DIVISION OF COURT SERVICES

June 18, 1990 - 6:30 p.m. - Open Meeting
155 West Davis Street, Culpeper, Virginia.

A quarterly business meeting of the District Nine Virginia Alcohol Safety Action Program. Items for review: Budget, Personnel, Program Activities, and the 1990 Legislative Update.

Contact: R. Dean Irvine, Director, 155 W. Davis St., Culpeper, VA 22701, telephone (703) 825-4550.

REAL ESTATE BOARD

† **June 25, 1990 - 10 a.m. - Open Meeting**
† **June 26, 1990 - 10 a.m. - Open Meeting**

Calendar of Events

Roanoke Airport Marriott, 2801 Hershberger Road, N.W.,
Roanoke, Virginia.

The board will conduct a formal hearing: File
Numbers 86-00183, 87-01417, 88-01102 Real Estate
Board v. Floyd Earl Frith and Kenneth Gusler, Jr.

Contact: Gayle Eubank, Hearings Coordinator, Department
of Commerce, 3600 W. Broad St., Fifth Floor, Richmond,
VA 23230, telephone (804) 367-8524

August 2, 1990 - 9 a.m. - Open Meeting
Real Estate Board, 3600 West Broad Street, Fifth Floor,
Richmond, Virginia.

A regular business meeting to consider (i) investigative
cases (files); and (ii) matters relating to Fair Housing,
Property Registration, and 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.

BOARD OF REHABILITATIVE SERVICES

† **June 28, 1990 - 9:30 a.m. - Open Meeting**
Sheraton Beach Inn, Norfolk, Virginia. ☒ (Interpreter for
deaf provided upon request)

The board will (i) receive department reports, (ii)
consider regulatory matters, (iii) conduct the regular
business of the board, (iv) finalize FY 1991 Calendar,
and (v) receive in-service training program update.

Finance Committee

† **June 27, 1990 - 2 p.m. - Open Meeting**
Sheraton Beach Inn, Norfolk, Virginia. ☒ (Interpreter for
deaf provided upon request)

The committee will review monthly financial reports
and budgetary projections.

Legislation and Evaluation Committee

† **June 27, 1990 - 4 p.m. - Open Meeting**
Sheraton Beach Inn, Norfolk, Virginia. ☒ (Interpreter for
deaf provided upon request)

The board will meet to discuss program evaluation,
legislative update, and to review the annual Internal
Audit Report.

Program Committee

† **June 27, 1990 - 3 p.m. - Open Meeting**
Sheraton Beach Inn, Norfolk, Virginia. ☒ (Interpreter for
deaf provided upon request)

The board will meet to discuss FY 1991 committee
and board calendar, VR regulation amendments,
review public comments, and the Independent Living
report.

Contact: Susan L. Urofsky, Commissioner, 4901 Fitzhugh
Ave., Richmond, VA 23230, telephone (804) 367-0319/TDD
☎ or toll-free 1-800-552-5019/TDD ☎

RIGHTS OF THE DISABLED, DEPARTMENT FOR

Protection and Advocacy for Mentally Ill Individuals Advisory Council

June 28, 1990 - 10 a.m. - Open Meeting
James Monroe Building, Conference Room B, 101 North
14th Street, Richmond, Virginia. ☒ (Interpreter for deaf
provided upon request)

A regularly scheduled meeting for the conduct of
business.

Contact: Barbara Hoban, PAMI Program Manager,
Department for Rights of the Disabled, 101 N. 14th St.,
17th Floor, Richmond, VA 23219, telephone (804)
225-2042/TDD ☎ or toll-free 1-800-552-3962/TDD ☎

BOARD OF SOCIAL SERVICES

† **June 20, 1990 - 10:30 a.m. - Open Meeting**
† **June 21, 1990 - 9 a.m. - Open Meeting**
The Breaks Motor Lodge on KY-VA Highway 80 (located
in the Breaks Interstate Park, 8 miles North of Haysi,
Virginia), Breaks, Virginia. ☒

A working session and formal business meeting of the
board.

At the June 20 meeting, the board will convene as a
committee of the whole. Regular business session
begins at 2 p.m.

Contact: Phyllis Sisk, Administrative Staff Specialist, 8007
Discovery Dr., Richmond, VA 23229, telephone (804)
662-9236 or toll-free 1-800-552-7096.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

**July 6, 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 or the requirements of federal
law that the Department of Social Services intends to
amend regulations entitled: **VR 615-70-17. Child
Support Enforcement Program.** The amendments to
this regulation add requirements for service of process
and case prioritization and establish time requirements

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for providing applications, locating absent parents, establishing paternity, and establishing and enforcing a support obligation. There is no public hearing as the proposed revisions to the regulation are based on mandatory federal and state law.

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

Written comments may be submitted until July 6, 1990, to Jarnice Johnson, Department of Social Services, Division of Child Support Enforcement, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Margaret J. Friedenber, Legislative Analyst, Department of Social Services, 8007 Discovery Dr., Blair Bldg., Richmond, VA 23229-8699, telephone (804) 662-9217

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August 3, 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 Social Services intends to adopt regulations entitled: **VR 615-01-33. Allowance of Telephone Costs in the Food Stamp Program.** This regulation requires all food stamp households entitled to claim a telephone expense in the computation of their eligibility and benefit level to use the state calculated telephone standard.

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

Written comments may be submitted until August 3, 1990, to Guy Lusk, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD OF SOCIAL WORK

June 20, 1990 - 10 a.m. – Public Hearing
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to amend regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** The proposed regulations establish standards of practice for social work including education, supervised experience and examination for licensure.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 21, 1990.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804) 662-9914.

* * * * *

June 20, 1990 – Open meeting immediately following public hearing.
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia.

A meeting to conduct general board business; respond to correspondence; and review applications.

July 24, 1990 - 10 a.m. – Open Meeting
1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐

A meeting to review comments received during the public comment period and public hearing held June 20, 1990, and propose changes, if necessary, and approve amended regulations.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229, telephone (804) 662-9914.

SOIL AND WATER CONSERVATION BOARD

† **July 11, 1990 - 2 p.m.** – Open Meeting
Blacksburg Marriott, 900 Princes Fork Road, N.W., Blacksburg, Virginia.

A bi-monthly meeting held in conjunction with Agri Tech '90.

† **September 20, 1990 - 9 a.m.** – Open Meeting
Colonial Farm Credit Office, Mechanicsville, Virginia.

A regular bi-monthly meeting.

Contact: Donald L. Wells, Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 206, Richmond, VA 23219, telephone (804) 786-2064.

COMMONWEALTH TRANSPORTATION BOARD

June 20, 1990 - 2 p.m. – Open Meeting
Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested).

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

June 21, 1990 - 10 a.m. – Open Meeting
Department of Transportation, Board Room, 1401 East Broad Street, Richmond, Virginia. ☐ (Interpreter for deaf provided if requested).

Calendar of Events

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA, telephone (804) 786-9950

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

June 21, 1990 - 9 a.m. - Open Meeting
Department of Transportation, Auditorium, 1221 East Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested).

A final 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 for the Richmond, Fredericksburg, Suffolk, Culpeper, and Northern Virginia Districts, as well as public transit.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, VA, telephone (804) 786-9950.

* * * * *

† **August 20, 1990 - 7 p.m. - Public Hearing**
Salem District Transportation Office, Salem, Virginia.

† **August 22, 1990 - 7 p.m. - Public Hearing**
Northern Virginia's Stonewall Jackson Senior High School, Manassas, Virginia.

† **August 27, 1990 - 7 p.m. - Public Hearing**
Suffolk District Transportation Office, Suffolk, Virginia.

† **August 29, 1990 - 7 p.m. - Public Hearing**
Richmond Central Transportation Office, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commonwealth Transportation Board intends to adopt regulations entitled: **VR 385-01-22. Vegetation Control Regulations.** The proposed regulation defines a set of rules to be followed by businesses and owners of outdoor advertising signs and other advertising structures within state rights-of-way with respect to tree trimming. The regulation intends to balance the Commonwealth's interest in attractive roadsides with those of firms using outdoor advertising.

STATEMENT

Basis: The basis for the rules and provisions set forth in the regulations lies in § 33.1-12 of the Code of Virginia.

The section designates the Commonwealth Transportation Board's powers and duties, one of which is reviewing and approving transportation-related policies.

Purpose: The purpose of the proposed regulations is to define a vegetation control regulation within the limits of the rights-of-way for businesses and owners of outdoor advertising signs, advertisements, and advertising structures. Such definitions are necessary and desirable to preserve the integrity of the Commonwealth's highway system as well as for the safety, aesthetics, and convenience of the public.

Issues: The issues raised in the regulations pertain to the authority under which permission is given to perform vegetation control work upon state right-of-way; the designation of specific manuals prepared under the supervision of the board which set forth specifications and restrictions concerning land uses; and the provision for liability of the permittee to the Commonwealth in case of violations.

Substance: The substance of the regulation deals with regulating conduct by individuals and businesses with regard to activities which take place on state-owned or regulated rights-of-way which fall under the jurisdiction of the Commonwealth Transportation Board, the Commissioner, or his designees.

Impact: The immediate impact of the regulations will be primarily financial in nature to the businesses seeking a permit under these regulations. There is a fee involved in the permit application, plus any expenses associated with performing the types of work approved, including placement of an inspector to oversee the work. Vegetation replacement may also result from violations of these regulations. The long-term impact of the regulations will be a positive one, since it balances the Commonwealth's goal of a safer, attractive roadside along its highways with the need of the traveling public to gain information about goods and services, enhancing those entities which provide those goods and services advertised.

Statutory Authority: §§ 33.1-12 and 33.1-351 of the Code of Virginia.

Written comments may be submitted until August 29, 1990.

Contact: Mr. J.R. Barrett, Environmental Program Planner, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 371-6826.

TREASURY BOARD

June 20, 1990 - 9 a.m. - Open Meeting
July 18, 1990 - 9 a.m. - Open Meeting
101 North 14th Street, James Monroe Building, 3rd Floor, Treasury Board Conference Room, Richmond, Virginia. ☒

A regular Treasury Board monthly meeting.

Contact: Laura Wagner-Lockwood, Senior Debt Manager, Department of the Treasury, P.O. Box 6-H, Richmond, VA 23215, telephone (804) 225-4931

BOARD OF VETERINARY MEDICINE

June 20, 1990 - 8 a.m. - Open Meeting
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. [] (Interpreter for deaf provided if requested)

A meeting to conduct general board business.

Contact: Terri H. Behr, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9915.

June 20, 1990 - 2 p.m. - Public Hearing
1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. [] (Interpreter for deaf provided if requested)

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Veterinary Medicine intends to amend regulations entitled: VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine. The proposed action amends regulations for the purpose of (i) fee changes; (ii) clarification of licensing, renewal, and reinstatement procedures; (iii) establish requirements for licensure by endorsement; (iv) clarification of unprofessional conduct; (v) clarification of standards for animal facilities; and (vi) the addition of a requirement that animal facilities post the hours they are staffed.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until August 4, 1990.

Contact: Scotti Milley, Acting Executive Director, telephone (804) 662-9915.

VIRGINIA RACING COMMISSION

June 20, 1990 - 9:30 a.m. - Open Meeting
† July 18, 1990 - 9:30 a.m. - Public Hearing
VSRS Building, 1204 East Main Street, Richmond, Virginia. []

A regular commission meeting.

Contact: William H. Anderson, Senior Policy Analyst, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

July 18, 1990 - 9:30 a.m. - Public Hearing
VSRS Building, 1204 East Main Street, Richmond, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Racing Commission intends to adopt regulations entitled: VR 662-02-04. Regulations Pertaining to Limited License for Horse Racing with Pari-Mutuel Wagering. These regulations would establish conditions for issuances of limited licenses and criteria for the conduct of limited race meetings.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Written comments may be submitted until July 21, 1990, to Donald Price, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208.

Contact: William H. Anderson, Regulatory Coordinator, Virginia Racing Commission, P.O. Box 1123, Richmond, VA 23208, telephone (804) 371-7363.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

August 4, 1990 - 11 a.m. - Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. []

The committee meets quarterly to advise the Virginia Board for the Department for the Visually Handicapped 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 371-3140/TDD []

Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

† June 26, 1990 - 2 p.m. - Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia. []

A regular monthly meeting.

Contact: Mr. Glen R. Slonneger, Jr., Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140.

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

June 21, 1990 - 10 a.m. - Open Meeting
Sheraton Airport Inn, 4700 South Laburnum Avenue, Richmond, Virginia.

A general session will be held until noon at which time the council will join the Department of Education for a luncheon session. The program will be the

Calendar of Events

presentation of vocational education awards. The council will present awards recognizing business partnerships with vocational-technical education in public schools in community colleges. Awards will also be presented for outstanding contributions by advisory councils/committees serving vocational-technical education in public schools and community colleges.

Contact: George S. Orr, Jr., Executive Director, Virginia Council on Vocational Education, 7420-A Whitepine Rd., Richmond, VA 23237, telephone (804) 275-6218.

STATE WATER CONTROL BOARD

June 18, 1990 - 7 p.m. - Public Hearing
Southern Seminary College, Chandler Hall, Chestnut Avenue, Buena Vista, Virginia. ☒

The board will hold a public hearing to receive comments on the proposed Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0083381 for Hadson Power 14-A Joint Venture, 16845 Von Karman Ave., Irvine, California 92714. This hearing is to receive comments on the proposed issuance or denial of the VPDES Permit and the effect of the discharge on water quality or beneficial uses of state waters, as well as the proposed 401 Certification and its requirements.

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.

June 20, 1990 - 2 p.m. - Open Meeting
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia.

A public meeting to receive views and comments and to answer questions of the public on the proposed repeal of the Toxics Management Regulation (VR 680-14-03). (See Notice of Intended Regulatory Action in the General Notices section of the Register.)

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 1143, Richmond, VA 23230, telephone (804) 367-6302.

* * * * *

July 25, 1990 - 2 p.m. - Public Hearing
University of Virginia Southwest Center, Classroom 1 and 2, Highway 19, N., Abingdon, Virginia.

July 26, 1990 - 7 p.m. - Public Hearing
Samuels Public Library, 538 Villa Avenue, Front Royal, Virginia.

July 30, 1990 - 2 p.m. - Public Hearing
Lynchburg Circuit Court A, 900 Court Street, Lynchburg,

Virginia.

August 1, 1990 - 7 p.m. - Public Hearing
James City County Board of Supervisors Room, Building C, 101-C Mounts Bay Road, Williamsburg, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-14-01. Permit Regulations.** The proposed amendments are to conform the regulation more closely with federal regulations, to incorporate the intent and scope of the Toxics Management Regulation, to make changes required by 1990 legislative action, and to add language to clarify the intent of the regulation.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until August 7, 1990, to Ms. Doneva Dalton, Hearing Reporter, State Water Control Board, P.O. Box 11143, Richmond, VA 23230.

Contact: Mr. Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 1143, Richmond, VA 23230, telephone (804) 367-6302.

* * * * *

July 25, 1990 - 7 p.m. - Public Hearing
University of Virginia, Southwest Center, Classroom 1 and 2, Highway 19 N., Abingdon, Virginia.

July 26, 1990 - 2 p.m. - Public Hearing
Samuels Public Library, 538 Villa Avenue, Front Royal, Virginia.

July 30, 1990 - 7 p.m. - Public Hearing
Lynchburg Circuit Court A, 900 Court Street, Lynchburg, Virginia.

August 1, 1990 - 2 p.m. - Public Hearing
James City County Board of Supervisors Room, Building C, 101-C Mounts Bay Road, Williamsburg, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-21-00. Water Quality Standards.** The proposed amendments are to satisfy requirements of Triennial Review and to adopt standards for toxics for protection of aquatic life and human health, to incorporate other changes to facilitate implementation, and to provide for variances to these standards.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until August 7, 1990, to Ms. Doneva Dalton, State Water Control Board, P.O. Box

11143, Richmond, VA. 23230

Contact: Ms. Eleanore Daub, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6418.

* * * * *

† August 20, 1990 - 7 p.m. - Public Hearing
Northampton County Circuit Court Room, Business Route 13, Eastville, Virginia.

† August 23, 199 - 7 p.m. - Public Hearing
Harrisonburg City Council Chambers, 345 South Main Street, Harrisonburg, Virginia.

† August 28, 1990 - 7 p.m. - Public Hearing
Franklin General District Courtroom, City Hall, 2nd Floor, 207 West 2nd Avenue, Franklin, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: VR 680-15-01. Water Withdrawal Reporting. The purpose of the proposed amendment is to extend the reporting requirement to specified crop irrigators and to withdrawers of saline surface waters. A further purpose is to conform with the style and formal requirements of the Virginia Registrar of Regulations.

STATEMENT

Subject: The proposed amendment will expand the mandatory reporting community of water withdrawers to include specified and previously exempt crop irrigators and specified and previously exempt saline surface withdrawers.

Substance: The proposed amendment would require specified water users to measure their monthly withdrawals and annually report them to the SWCB on a form provided by the SWCB. These newly specified users are (i) crop irrigators who withdraw more than one million gallons in any single month for crop irrigation and (ii) saline surface water withdrawers who withdraw more than an average of 10,000 gallons per day in any single calendar month. The information is needed and will be used by the SWCB for water resources planning and management. The regulation does not impose any limits on the amount of water withdrawn by affected users.

Impact: The amendment will require about 1,000 farmers and nurserymen, and about 10 saline surface withdrawers, to report their withdrawals.

Issues: The issue under consideration is whether or not to extend the current regulation to the specified previously-exempt users.

Basis: The basis for this proposed regulation is § 62.1-44.38 C, which authorizes the board to require, by regulation,

each water user withdrawing surface or ground water, or both, during each year to annually report water withdrawal and use data for the preceding year, provided that the withdrawal exceeds one million gallons in any single month for use for crop irrigation, or that the daily average during any single month exceeds 10,000 gallons per day for all other users.

Purpose: This proposed regulation generates information needed by the SWCB for water resources planning and management duties specified elsewhere in the Code, the ultimate purpose of which is to help ensure wise use of the water resources of the Commonwealth for the benefit of its people.

Statutory Authority: § 62.1-44.38 C of the Code of Virginia.

Written comments may be submitted until 4 p.m., August 31, 1990, to Ms. Doneva Dalton, Office of Water Resources Planning, State Water Control Board, P.O. Box 11143, Richmond, Virginia 23230.

Contact: Julian Alexander, Office of Water Resources Planning, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6424.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

August 9, 1990 - 8:30 a.m. - Open Meeting

August 10, 1990 - 8:30 a.m. - Open Meeting

Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☒

An open meeting to conduct regulatory review and routine board business.

Contact: Mr. 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

VIRGINIA WINEGROWERS ADVISORY BOARD

July 23, 1990 - 10 a.m. - Open Meeting

The Capitol, House Room 1, Richmond, Virginia. ☒

The board will review new and old business, hear project monitor reports, hear committee reports, and vote on proposals for FY 90-91.

Contact: Annette Ringwood, Secretary to the VWAB, 1100 Bank St., Suite 1010, Richmond, VA 23219, telephone (804) 786-0481 or (804) 371-7685.

Calendar of Events

LEGISLATIVE

LABOR AND COMMERCE SUBCOMMITTEE STUDYING CHILD LABOR LAWS OF VIRGINIA

† July 12, 1990 - 10 a.m. - Open Meeting
Donaldson-Brown Continuing Education Center, Virginia
Polytechnic Institute and State University, Rooms D and E,
Blacksburg, Virginia.

The subcommittee will meet to receive testimony from
persons having interest in the child labor situation in
the area.

Contact: Mark Pratt, Research Associate, Division of
Legislative Services, General Assembly Building, 910
Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

VIRGINIA STATE CRIME COMMISSION

June 19, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol
Square, Richmond, Virginia. ☒

The purpose of the meeting will be for the
Enforcement Subcommittee of the drug study task
force to examine drug related efforts in law
enforcement and the effectiveness of the state's
anti-drug efforts, and also receive activity reports.

June 20, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol
Square, Richmond, Virginia. ☒

The purpose of the meeting will be for the Education
Subcommittee of the drug study task force to examine
drug awareness education efforts in the
Commonwealth and receive activity reports.

June 21, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol
Square, Richmond, Virginia. ☒

The purpose of the meeting will be for the
Corrections/Treatment subcommittee of the drug study
task force to examine drug-related treatment efforts
and assess the effectiveness of consumption/reduction
programs, and receive activity reports.

Contact: Robert E. Colvin, 910 Capitol St., Suite 915,
Richmond, VA 23219, telephone (804) 225-4534.

JOINT LEGISLATIVE SUBCOMMITTEE STUDYING FINANCIAL INSTITUTIONS AND REAL ESTATE BROKERS

† June 21, 1990 - 2 p.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol
Square, Richmond, Virginia. ☒

Open meeting regarding SJR 39.

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate
of Virginia, P.O. Box 396, Richmond, VA 23203, telephone
(804) 786-7869. Those persons wishing to speak should
contact Arlen K. Bolstad, Staff Attorney, Division of
Legislative Services, 910 Capitol St., Richmond, VA 23219,
telephone (804) 786-3591.

LONG-RANGE FINANCIAL STATUS OF THE GAME PROTECTION FUND

† June 19, 1990 - 10 a.m. - Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond,
Virginia. ☒

The subcommittee will hold its initial meeting for
planning purposes (HJR 67).

Contact: John Heard, Staff Attorney, Division of Legislative
Services, 910 Capitol St., Richmond, VA 23219, telephone
(804) 786-3591.

JOINT LEGISLATIVE SUBCOMMITTEE STUDYING MOTOR VEHICLE INSURANCE AND UNISEX RATINGS

June 20, 1990 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol
Square, Richmond, Virginia. ☒

Open meeting regarding SJR 61, 1990, Cont'd.

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate
of Virginia, P.O. Box 396, Richmond, VA 23203, telephone
(804) 786-7869. Those persons wishing to speak should
contact C. William Cramme, III, Staff Attorney, Division of
Legislative Services, General Assembly Bldg., 910 Capitol
St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT LEGISLATIVE SUBCOMMITTEE STUDYING THE RETAIL FRANCHISING ACT

† August 2, 1990 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room A, Capitol Street,
Richmond, Virginia. ☒

An open meeting (SJR 52).

Contact: Amy Wachter, Committee Clerk, Senate of
Virginia, P.O. Box 396, Richmond, VA 23203, telephone

(804) 786-3838. Those persons wishing to speak should contact C.M. Conner, Jr., Staff Attorney, Division of Legislative Services, General Assembly Building, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

COMMISSION STUDYING SELF-SUFFICIENCY AND SUPPORT FOR PERSONS WITH PHYSICAL AND SENSORY DISABILITIES

Administration and Management Requirements Subcommittee

† June 18, 1990 - 1 p.m. - Open Meeting
State Capitol, House Room 4, Capitol Square, Richmond, Virginia. ☒

A working session (HJR 45).

Financing Subcommittee

† June 18, 1990 - 1 p.m. - Open Meeting
State Capitol, House Room 2, Capitol Square, Richmond, Virginia. ☒

A working session (HJR 45).

Services Subcommittee

† June 18, 1990 - 1 p.m. - Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. ☒

A working session (HJR 45).

Contact: Judy Divers, Office of the Lieutenant Governor, Supreme Court Building, Richmond, VA 23219.

TRANSFERABLE DEVELOPMENT RIGHTS AND OTHER LAND-USE

† June 18, 1990 - 1 p.m. - Open Meeting
† July 18, 1990 - 1 p.m. - Open Meeting
General Assembly Building, 6th Floor Conference Room, 910 Capitol Street, Richmond, Virginia. ☒

A general meeting.

Contact: Clem Conner, Jr., Staff Attorney, Division of Legislative Services, General Assembly Building, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

CHRONOLOGICAL LIST

OPEN MEETINGS

June 18

† Cosmetology, Board for

Health Planning Board, Virginia
Nursing, Board of

- Special Committee

Rappahannock-Rapidan Division of Court Services

† Self-Sufficiency and Support for Persons with Physical and Sensory Disabilities, Commission Studying

† - Administration and Management Requirements Subcommittee

† - Financing Subcommittee

† - Services Subcommittee

† Transferable Development Rights and Other Land-Use, Joint Subcommittee Studying

June 19

† Alcohol Safety Action Program - Rockbridge
Crime Commission, Virginia State

† Game Protection Fund, Long-Range Financial Status of the

Hazardous Materials Training Committee

Health Planning Board, Virginia

Historic Resources, Board of

Historic Resources, Department of

- State Review Board

Medical Assistance Services, Department of

June 20

Conservation and Recreation, Department of

- Outdoor Recreation Advisory Board

Corrections, Board of

Crime Commission, Virginia State

† Funeral Directors and Embalmers, Board of

† General Services, Department of

† - State Insurance Advisory Board

Library Board

Motor Vehicle Insurance and Unisex Ratings, Joint

Legislative Subcommittee Studying

Old Dominion University

- Board of Visitors

Racing Commission, Virginia

† Social Services, Board of

Social Work, Board of

Transportation Board, Commonwealth

Treasury Board

Veterinary Medicine, Board of

Water Control Board, State

June 21

Crime Commission, Virginia State

Danville Local Emergency Planning Committee

Elections, Board of

† Financial Institutions and Real Estate Brokers, Joint
Legislative Subcommittee Studying

Mental Health, Mental Retardation and Substance
Abuse Services, Board, State

- Mental Retardation Advisory Council

Mines, Minerals and Energy, Department of

† Social Services, Board of

Transportation Board, Commonwealth

Transportation, Department of

Vocational Education, Virginia Council on

Calendar of Events

- June 22**
Egg Board, Virginia
Elections, State Board of
† Medicine, Board of
† - Informal Conference Committee
† Mines, Minerals and Energy, Department of
- June 23**
Dentistry, Board of
- June 25**
† Health Services Cost Review Council, Virginia
† Real Estate Board
- June 26**
† Health Professions, Department of
† - Task Force on the Practice of Nurse Practitioners
Health Services Cost Review Council, Virginia
Housing Development Authority, Virginia
Marine Resources Commission
† Real Estate Board
† Visually Handicapped, Department for the
† - Interagency Coordinating Council on Delivery of Related Services to Handicapped Children
- June 27**
Forestry, Board of
Lottery Board
Mental Health, Mental Retardation and Substance Abuse Services Board, State
† Polygraph Examiners Advisory Board
† Rehabilitative Services, Board of
† - Finance Committee
† - Legislation and Evaluation Committee
† - Program Committee
- June 28**
Aging, Department for the
- Long-Term Care Ombudsman Program Advisory Council
Athletic Board
Education, Board of
† Funeral Directors and Embalmers, Board of
Protection and Advocacy for Mentally Ill Individuals Advisory Council
† Rehabilitative Services, Board of
- June 29**
Education, Board of
† Medicine, Board of
† - Informal Conference Committee
- July 3**
Hopewell Industrial Safety Council
- July 5**
† Children, Department for
† - Consortium on Child Mental Health
Middle Virginia Community Corrections Resources Board
- Board of Directors
- July 7**
Medicine, Board of
- Credentials Committee
- July 9**
Local Government, Commission on
- July 10**
† Labor and Industry, Department of
† - Safety and Health Codes Board
Local Government, Commission on
† Medicare and Medicaid, Governor's Advisory Board on
- July 11**
Corrections, Board of
† Mental Health, Mental Retardation and Substance Abuse Services, Department of
† - Virginia's Early Intervention Coordinating Council
Portsmouth Local Emergency Planning Committee
† Soil and Water Conservation Board, Virginia
- July 12**
† Child Labor Laws of Virginia, Labor and Commerce Subcommittee Studying
Medical Assistance Services, Department of
- New Drug Review Committee
† Pesticide Control Board, Virginia
- July 13**
† Pork Industry Board, Virginia
- July 17**
Boating Advisory Board, Virginia
- July 18**
† Contractors, Board for
Treasury Board
† Virginia Racing Commission
- July 19**
Chesapeake Bay Local Assistance Board
† Housing and Community Development, Board of
† - Amusement Device Technical Advisory Committee
† Medicine, Board of
- July 20**
† Medicine, Board of
- July 21**
† Medicine, Board of
- July 22**
† Medicine, Board of
- July 23**
Local Government, Commission on
† Nursing, Virginia Board of

Calendar of Events

Winegrowers Advisory Board, Virginia

July 24

Local Government, Commission on
† Nursing, Virginia Board of
Social Work, Board of

July 25

† Educational Opportunity for All Virginians,
Governor's Commission on
† Emergency Planning Committee, Local - Gloucester
Lottery Board
† Nursing, Virginia Board of

July 26

† Transferable Development Rights and Other
Land-Use, Joint Subcommittee Studying

July 27

Longwood College
- Board of Visitors

August 1

† Children, Department for
† - Consortium on Child Mental Health
† Medicine, Board of
† - Informal Conference Committee

August 2

Middle Virginia Community Corrections Resources
Board
- Board of Directors
Real Estate Board
† Retail Franchising Act, Joint Legislative
Subcommittee Studying the

August 4

Visually Handicapped, Department for the
- Advisory Committee on Services

August 9

† Medicine, Board of
† - Informal Conference Committee
Waterworks and Wastewater Works Operators, Board
for

August 10

Waterworks and Wastewater Works Operators, Board
for

August 13

† Local Government, Commission on

August 22

† Educational Opportunity for All Virginians,
Governor's Commission on

September 5

† Children, Department for
† - Consortium on Child Mental Health

September 20

† Soil and Water Conservation Board, Virginia

September 26

† Educational Opportunity for All Virginians,
Governor's Commission on

October 3

† Children, Department for
† - Consortium on Child Mental Health

PUBLIC HEARINGS

June 18

Water Control Board, State

June 20

Social Work, Board of
Veterinary Medicine, Board of

June 23

Dentistry, Board of

June 27

† Air Pollution Control, Department of

July 9

Local Government, Commission on

July 18

† Contractors, Board for
Racing Commission, Virginia

July 23

Local Government, Commission on

July 25

† Contractors, Board for
Lottery Department, State
Water Control Board, State

July 26

Water Control Board, State

July 30

Water Control Board, State

August 1

Criminal Justice Services, Department of
Water Control Board, State

August 13

† Local Government, Commission on

August 20

† Housing and Community Development, Department
of
† Transportation, Department of

Calendar of Events

† Water Control Board, State

August 21

† Mines, Minerals and Energy, Department of

August 22

† Agriculture and Consumer Services, Department of

† Alcoholic Beverage Control Board

† Transportation, Department of

August 23

† Water Control Board, State

August 27

† Transportation, Department of

August 28

Marine Resources Commission

† Water Control Board, State

August 29

† Transportation, Department of

September 18

Labor and Industry, Department of