

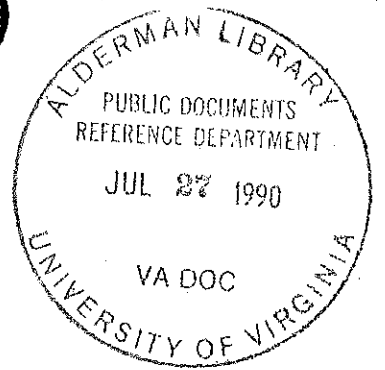
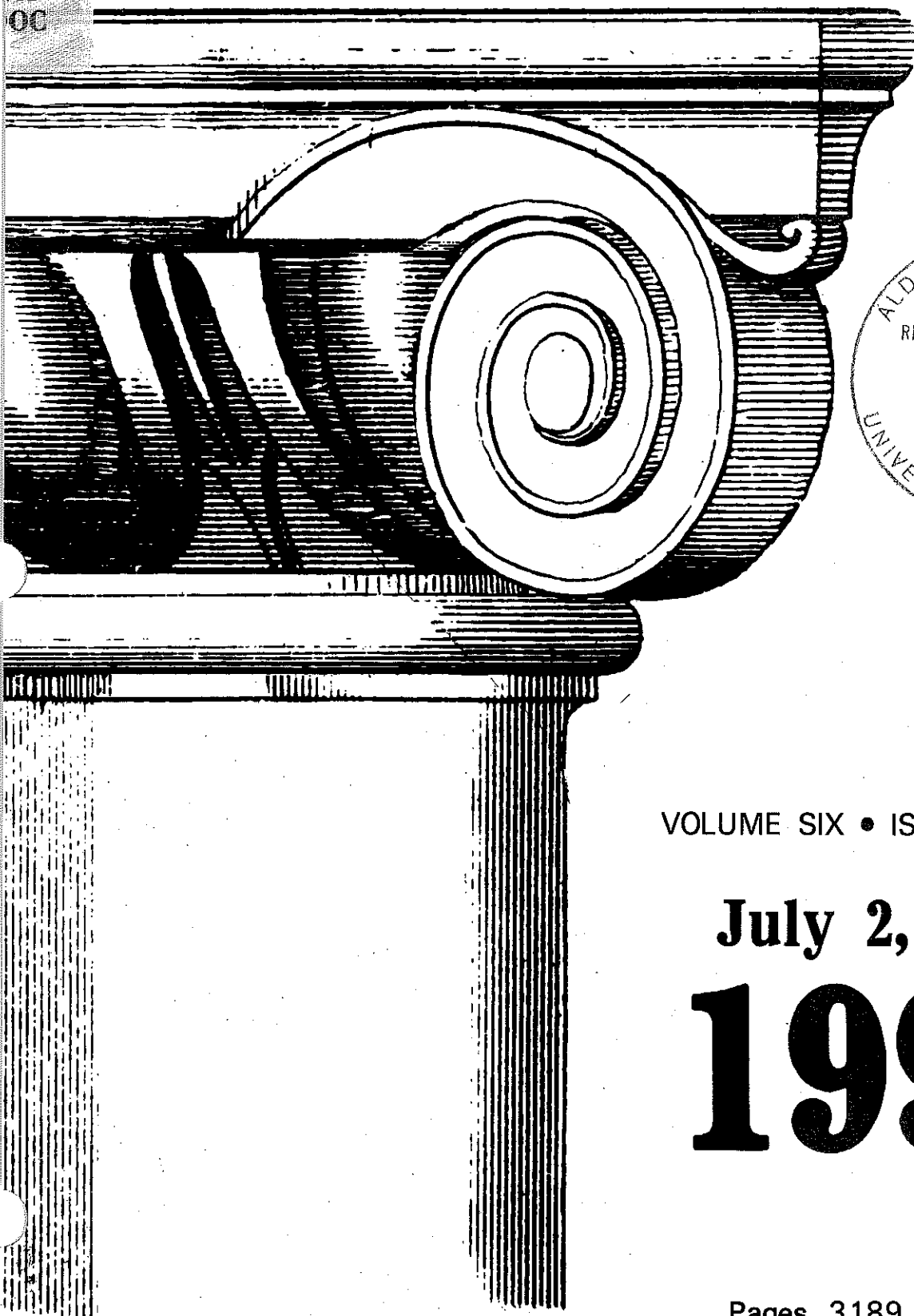
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THE VIRGINIA REGISTER

OF REGULATIONS

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July 2, 1990

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VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

A regulation becomes effective at the conclusion of this thirty-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall

be after the expiration of the twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

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

EMERGENCY REGULATIONS

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

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

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. 1:3 V.A.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

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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 AIR POLLUTION CONTROL (STATE BOARD)

Title of Regulation: VR 120-01. Regulations for the Control and Abatement of Air Pollution - Documents Incorporated by Reference.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

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

Summary:

The amendments concern provisions covering documents incorporated by reference and provide the latest edition of one referenced document and incorporate newly promulgated federal New Source Performance Standards (NSPS), reference methods associated with these NSPS, and test methods associated with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). The amendments update Appendix M which lists all of the nonstatutory documents (those other than federal and state laws and regulations) and the primary federal regulations incorporated by reference. This list includes the name, reference number and edition for each document. The edition is being updated to reflect the latest available. Also included for each document is the name and address of the organization from which it may be obtained. The amendments also update Rule 5-5 which contains the list of newly promulgated federal NSPS being incorporated by reference and Rule 6-1 which contains the list of NESHAPS.

VR 120-01. Regulations for the Control and Abatement of Air Pollution - Documents Incorporated by Reference.

PART V. ENVIRONMENTAL PROTECTION AGENCY STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (RULE 5-5).

§ 120-05-0501. General.

The U.S. Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (40 CFR Part 60) designated in § 120-05-0502 are incorporated by reference into these regulations amended by the word or phrase substitutions given in § 120-05-0503. The complete text of the subparts in § 120-05-0502 incorporated herein by reference is contained in 40 CFR

Part 60 (see Appendix M). The 40 CFR section numbers appearing under each subpart in § 120-05-0502 identify the specific provisions of the subpart incorporated by reference.

§ 120-05-0502. Designated standards of performance.

Subpart A - General Provisions.

40 CFR 60.1, 40 CFR 60.2, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11, 40 CFR 60.13 through 40 CFR 60.15, 40 CFR 60.18
(applicability, definitions, notification and record keeping performance tests, compliance, monitoring requirements, modification, and reconstruction, and general control device requirements)

Subpart D - Fossil-Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971.

40 CFR 60.40 through 40 CFR 60.46
(fossil-fuel fired steam generating units of more than 250 million Btu per hour heat input rate and fossil-fuel fired and wood-residue fired steam generating units capable of firing fossil fuel at a heat input rate of more than 250 million Btu per hour)

Subpart Da - Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.

40 CFR 60.40a through 40 CFR 60.49a
(electric utility steam generating units capable of combusting more than 250 million Btu per hour heat input of fossil fuel (either alone or in combination with any other fuel); electric utility combined cycle gas turbines capable of combusting more than 250 million Btu per hour heat input in the steam generator)

Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units

40 CFR 60.40b through 40 CFR 60.49b
(industrial-commercial-institutional steam generating units which have a heat input capacity from combusted fuels of more than 100 million Btu per hour)

Subpart E - Incinerators.

Proposed Regulations

40 CFR 60.50 through 40 CFR 60.54
(units of more than 50 tons per day charging rate)

Subpart F - Portland Cement Plants.

40 CFR 60.60 through 40 CFR 60.64
(kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems)

Subpart G - Nitric Acid Plants.

40 CFR 60.70 through 40 CFR 60.74 (nitric acid production units)

Subpart H - Sulfuric Acid Plants.

40 CFR 60.80 through 40 CFR 60.85
(sulfuric acid production units)

Subpart I - Hot Mix Asphalt Facilities.

40 CFR 60.90 through 40 CFR 60.93
(dryers; systems for screening, handling, storing and weighing hot aggregate; systems for loading, transferring and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer and storage systems associated with emission control systems)

Subpart J - Petroleum Refineries.

40 CFR 60.100 through 40 CFR 60.106
(fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices)

Subpart K - Storage Vessels for Petroleum Liquids Constructed after June 11, 1973 and Prior to May 19, 1978.

40 CFR 60.110 through 40 CFR 60.113
(storage vessels with a capacity greater than 40,000 gallons)

Subpart Ka - Storage Vessels for Petroleum Liquids Constructed after May 18, 1978.

(storage vessels with a capacity greater than 40,000 gallons)

Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

40 CFR 60.110b through 40 CFR 60.117b
(storage vessels with capacity greater than or equal to 8,790 gallons)

Subpart L - Secondary Lead Smelters.

40 CFR 60.120 through 40 CFR 60.123
(pot furnances of more than 550 lb charging capacity, blast (cupola) furnaces and reverberatory furnaces)

Subpart M - Secondary Brass and Bronze Production Plants.

40 CFR 60.130 through 40 CFR 60.133
(reverberatory and electric furnaces of 2,205 lb or greater production capacity and blast (cupola) furnaces of 550 lb per hr or greater production capacity)

Subpart N - Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973: Primary Emissions.

40 CFR 60.140 through 40 CFR 60.144
(basic oxygen process furnace)

Subpart Na - Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983: Secondary Emissions.

40 CFR 60.140a through 40 CFR 60.145a
(facilities in an iron and steel plant: top-blown BOPFs and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPFs.)

Subpart O - Sewage Treatment Plants.

40 CFR 60.150 through 40 CFR 60.154
(incinerators that combust wastes containing more than 10% sewage sludge (dry basis) produced by municipal sewage treatment plants or incinerators that charge more than 2,205 lb per day municipal sewage sludge (dry basis))

Subpart P - Primary Copper Smelters.

40 CFR 60.160 through 40 CFR 60.166
(dryer, roaster, smelting furnace and copper converter)

Subpart Q - Primary Zinc Smelters.

40 CFR 60.170 through 40 CFR 60.176
(roaster and sintering machine)

Subpart R - Primary Lead Smelters.

40 CFR 60.180 through 40 CFR 60.186
(sintering machine, sintering machine discharge end, blast furnace, dross reverberatory furnace, electric smelting furnace and converter)

Subpart S - Primary Aluminum Reduction Plants.

40 CFR 60.190 through 40 CFR 60.195
(potroom groups and anode bake plants)

Subpart T - Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

40 CFR 60.200 through 40 CFR 60.204
(reactors, filters, evaporators and hotwells)

Subpart U - Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

40 CFR 60.210 through 40 CFR 60.214
(evaporators, hotwells, acid sumps and cooling tanks)

Subpart V - Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

40 CFR 60.220 through 40 CFR 60.224
(reactor, granulators, dryers, coolers, screens and mills)

Subpart W - Phosphate Fertilizer Industry: Triple Superphosphate Plants.

40 CFR 60.230 through 40 CFR 60.234
(mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills and facilities which store run-of-pile triple superphosphate)

Subpart X - Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

40 CFR 60.240 through 40 CFR 60.244
(storage or curing piles, conveyors, elevators, screens and mills)

Subpart Y - Coal Preparation Plants.

40 CFR 60.250 through 40 CFR 60.254
(plants which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems and coal transfer and loading systems)

Subpart Z - Ferroalloy Production Facilities.

40 CFR 60.260 through 40 CFR 60.266
(electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon or calcium carbide; and dust-handling equipment)

Subpart AA - Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before

August 17, 1983.

40 CFR 60.270 through 40 CFR 60.276
(electric arc furnaces and dust-handling equipment)

Subpart AAa - Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.

40 CFR 60.270a through 40 CFR 60.276a
(facilities in steel plants that produce carbon, alloy, or specialty steels: electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems)

Subpart BB - Kraft Pulp Mills.

40 CFR 60.280 through 40 CFR 60.285
(digester system, brown stock washer system, multiple effect evaporator system, black liquor oxidation system, recovery furnace, smelt dissolving tank, lime kilns, condensate stripper and kraft pulping operations)

Subpart CC - Glass Manufacturing Plants.

40 CFR 60.290 through 40 CFR 60.296
(glass melting furnace)

Subpart DD - Grain Elevators.

40 CFR 60.300 through 40 CFR 60.304
(grain terminal elevators/grain storage elevators: truck unloading stations, truck loading stations, barge and ship unloading stations, barge and ship loading stations, railcar unloading stations, railcar loading stations, grain dryers and all grain handling operations)

Subpart EE - Metal Furniture Surface Coating Operations.

40 CFR 60.310 through 40 CFR 60.316
(metal furniture surface coating operations in which organic coatings are applied)

Subpart FF - (Reserved)

Subpart GG - Stationary Gas Turbines.

40 CFR 60.330 through 40 CFR 60.335
(stationary gas turbines with a heat input at peak load equal to or greater than 10 million Btu per hour, based on the lower heating value of the fuel fired)

Subpart HH - Lime Manufacturing Plants.

40 CFR 60.340 through 40 CFR 60.344
(each rotary lime kiln)

Proposed Regulations

Subparts II through JJ - (Reserved)

Subpart KK - Lead-Acid Battery Manufacturing Plants.

40 CFR 60.370 through 40 CFR 60.374
(lead-acid battery manufacturing plants that produce or have the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 6.5 tons: grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and other lead-emitting operations)

Subpart LL - Metallic Mineral Processing Plants.

40 CFR 60.380 through 40 CFR 60.386
(each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart)

Subpart MM - Automobile and Light Duty Truck Surface Coating Operations.

40 CFR 60.390 through 40 CFR 60.397
(prime coat operations, guide coat operations, and top-coat operations)

Subpart NN - Phosphate Rock Plants.

40 CFR 60.400 through 40 CFR 60.404
(phosphate rock plants which have a maximum plant production capacity greater than 4 tons per hour: dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorous production)

Subpart OO - (Reserved)

Subpart PP - Ammonium Sulfate Manufacture.

40 CFR 60.420 through 40 CFR 60.424
(ammonium sulfate dryer within an ammonium sulfate manufacturing plant in the caprolactum by-product, synthetic, and coke oven by-product sectors of the ammonium sulfate industry)

Subpart QQ - Graphic Arts Industry: Publication Rotogravure Printing.

40 CFR 60.430 through 40 CFR 60.435
(publication rotogravure printing presses, except proof presses)

Subpart RR - Pressure Sensitive Tape and Label Surface Coating Operations.

40 CFR 60.440 through 40 CFR 60.447
(pressure sensitive tape and label material coating lines)

Subpart SS - Industrial Surface Coating: Large Appliances.

40 CFR 60.450 through 40 CFR 60.456
(surface coating operations in large appliance coating lines)

Subpart TT - Metal Coil Surface Coating Operations.

40 CFR 60.460 through 40 CFR 60.466
(metal coil surface coating operations: each prime coat operation, each finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously)

Subpart UU - Asphalt Processing and Asphalt Roofing Manufacturing.

40 CFR 60.470 through 40 CFR 60.474
(each saturator and each mineral handling and storage facility at asphalt roofing plants; and each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants)

Subpart VV - Equipment Leaks of Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry.

40 CFR 60.480 through 40 CFR 60.489
(all equipment within a process unit in a synthetic organic chemicals manufacturing plant)

Subpart WW - Beverage Can Surface Coating Industry.

40 CFR 60.490 through 40 CFR 60.496
(beverage can surface coating lines: each exterior base coat operation, each overvarnish coating operation, and each inside spray coating operation)

Subpart XX - Bulk Gasoline Terminals.

40 CFR 60.500 through 40 CFR 60.506
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Subparts YY through ZZ - (Reserved)

Subpart AAA - New Residential Wood Heaters.

40 CFR 60.530 through 40 CFR 60.539b
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Subpart BBB - Rubber Tire Manufacturing Industry.

40 CFR 60.540 through 40 CFR 60.548
(each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation)

Subparts CCC through EEE - (Reserved)

Subpart FFF - Flexible Vinyl and Urethane Coating and Printing.

40 CFR 60.580 through 40 CFR 60.585
(each rotogravure printing line used to print or coat flexible vinyl or urethane products)

Subpart GGG - Equipment Leaks of VOC in Petroleum Refineries.

40 CFR 60.590 through 40 CFR 60.593
(each compressor, valve, pump pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service)

Subpart HHH - Synthetic Fiber Production Facilities

40 CFR 60.600 through 40 CFR 60.604
(each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year)

Subpart III - (Reserved)

Subpart JJJ - Petroleum Dry Cleaners.

40 CFR 60.620 through 40 CFR 60.625
(facilities located at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity equal to or greater than 84 pounds: petroleum solvent dry cleaning, dryers, washers, filters, stills, and settling tanks)

Subpart KKK - Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.

40 CFR 60.630 through 40 CFR 60.636
(each compressor in VOC service or in wet gas service; each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this

subpart)

Subpart LLL - Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

40 CFR 60.640 through 40 CFR 60.645
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Subpart MMM through NNN - (Reserved)

Subpart OOO - Nonmetallic Mineral Processing Plants.

40 CFR 60.670 through 40 CFR 60.676
(facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station)

Subpart PPP - Wool Fiberglass Insulation Manufacturing Plants.

40 CFR 60.680 thru 40 CFR 60.685
(each rotary spin wool fiberglass insulation manufacturing line)

Subpart QQQ - VOC Emissions from Petroleum Refinery Wastewater Systems.

40 CFR 60.690 through 40 CFR 60.699

(individual drain systems, oil-water separators, and aggregate facilities in petroleum refineries for which construction, modification, or reconstruction is commenced after May 4, 1987)

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Subpart SSS - Magnetic Tape Coating Facilities.

40 CFR 60.710 through 40 CFR 60.718
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Subpart TTT - Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

40 CFR 60.720 through 40 CFR 60.726
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Method 2C - Determination of stack gas velocity and volumetric flow rate in small stacks or ducts (standard pitot tube).

Method 2D - Measurement of gas volumetric flow rates in small pipes and ducts.

Method 3 - Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight.

Method 3A - Determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).

Method 4 - Determination of moisture content in stack gases.

Method 5 - Determination of particulate emissions from stationary sources.

Method 5A - Determination of particulate emissions from the asphalt processing and asphalt roofing industry.

Method 5B - Determination of nonsulfuric acid particulate matter from stationary sources.

Method 5D - Determination of particulate matter emissions from positive pressure fabric filters.

Method 5E - Determination of particulate emissions from the wool fiberglass insulation manufacturing industry.

Method 5F - Determination of nonsulfate particulate matter from stationary sources.

Method 5G - Determination of particulate emissions from wood heaters from a dilution tunnel sampling location.

Method 5H - Determination of particulate emissions from wood heaters from a stack location.

Method 6 - Determination of sulfur dioxide emissions from stationary sources.

Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.

Method 6B - Determination of sulfur dioxide and

carbon dioxide daily average emissions from fossil fuel combustion sources.

Method 6C - Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).

Method 7 - Determination of nitrogen oxide emissions from stationary sources.

Method 7A - Determination of nitrogen oxide emissions from stationary sources - ion chromatographic method.

Method 7B - Determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).

Method 7C - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/colorimetric method.

Method 7D - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/ion colorimetric method.

Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure).

Method 8 - Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.

Method 9 - Visual determination of the opacity of emissions from stationary sources.

Alternate Method 1 - Determination of the opacity of emissions from stationary sources remotely by lidar.

Method 10 - Determination of carbon monoxide emissions from stationary sources.

Method 10A - Determination of carbon monoxide emissions in certifying continuous emission monitoring systems at petroleum refineries.

Method 10B - Determination of carbon monoxide emissions from stationary sources.

Method 11 - Determination of hydrogen sulfide content of fuel gas streams in petroleum refineries.

Method 12 - Determination of inorganic lead emissions from stationary sources.

Method 13A - Determination of total fluoride emissions from stationary sources - SPADNS zirconium lake method.

Method 13B - Determination of total fluoride

emissions from stationary sources - specific ion electrode method.

Method 14 - Determination of fluoride emissions from potroom roof monitors of primary aluminum plants.

Method 15 - Determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.

Method 15A - Determination of total reduced sulfur emissions from sulfur recovery plants in petroleum refineries.

Method 16 - Semicontinuous determination of sulfur emissions from stationary sources.

Method 16A - Determination of total reduced sulfur emissions from stationary sources (impinger technique).

Method 16B - Determination of total reduced sulfur emissions from stationary sources.

Method 17 - Determination of particulate emissions from stationary sources (instack filtration method).

Method 18 - Measurement of gaseous organic compound emissions by gas chromatography.

Method 19 - Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates and electric utility steam generators.

Method 20 - Determination of nitrogen oxides, sulfur dioxide, and oxygen emissions from stationary gas turbines.

Method 21 - Determination of volatile organic compounds leaks.

Method 22 - Visual determination of fugitive emissions from material processing sources and smoke emissions from flares.

Method 24 - Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.

Method 24A - Determination of volatile matter content and density of printing inks and related coatings.

Method 25 - Determination of total gaseous nonmethane organic emissions as carbon.

Method 25A - Determination of total gaseous organic concentration using a flame ionization analyzer.

Method 25B - Determination of total gaseous organic concentration using a nondispersive infrared analyzer.

Method 27 - Determination of vapor tightness of gasoline delivery tank using pressure-vacuum test.

Method 28 - Certification and auditing of wood heaters.

Method 28A - Measurement of air to fuel ratio and minimum achievable burn rates for wood-fired appliances.

Appendix B - Performance specifications.

Performance Specification 1 - Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

Performance Specification 2 - Specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

Performance Specification 3 - Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

Performance Specification 4 - Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.

Performance Specification 5 - Specifications and test procedures for TRS continuous emission monitoring system in stationary sources.

Performance Specification 6 - Specifications and test procedures for continuous emission rate monitoring systems in stationary sources.

Appendix C - Determination of Emission Rate Change.

Appendix F - Quality Assurance Procedures.

Procedure 1 - quality assurance requirements for gas continuous emission monitoring systems used for compliance determination.

Appendix I - Removable label and owner's manual.

§ 120-05-0503. Word or phrase substitutions.

In all the standards designated in § 120-05-0502 substitute:

A. Owner or other person for owner or operator.

B. Board for Administrator.

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C. Board for U.S. Environmental Protection Agency (except in references).

D. § 120-05-03 for § 60.8.

E. § 120-05-05 C for § 60.7(c).

PART VI. ENVIRONMENTAL PROTECTION AGENCY NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (RULE 6-1).

§ 120-06-0101. General.

The Environmental Protection Agency (EPA) Regulations on National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61) designated in § 120-06-0102 are, unless indicated otherwise, incorporated by reference into these regulations as amended by the word or phrase substitutions given in § 120-06-0103. The complete text of the subparts in § 120-06-0102 incorporated herein by reference is contained in 40 CFR Part 61 (see Appendix M). The 40 CFR section numbers appearing under each subpart in § 120-06-0102 identify the specific provisions of the subpart incorporated by reference.

§ 120-06-0102. Designated emission standards.

Subpart A - General Provisions.

40 CFR 61.01 through 40 CFR 61.02 and 40 CFR 61.12 through 40 CFR 61.15
(applicability, definitions, compliance, emission tests, monitoring, modification)

Subpart B - Radon-222 Emissions from Underground Uranium Mines.

40 CFR 61.20 through 40 CFR 61.28

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart C - Beryllium.

40 CFR 61.30 through 40 CFR 61.34

Subpart D - Beryllium Rocket Motor Firing.

40 CFR 61.40 through 40 CFR 61.44

Subpart E - Mercury.

40 CFR 61.50 through 40 CFR 61.55

Subpart F - Vinyl Chloride.

40 CFR 61.60 through 40 CFR 61.71

Subpart G - (Reserved)

Subpart H - Radionuclide Emissions From Department of Energy (DOE) Facilities.

40 CFR 61.90 through 40 CFR 61.98

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart I - Radionuclide Emissions From Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities Not Covered by Subpart H.

40 CFR 61.100 through 40 CFR 61.108

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart J - Equipment Leaks (Fugitive Emission Sources) of Benzene.

40 CFR 61.110 through 40 CFR 61.112

Subpart K - Radionuclide Emissions From Elemental Phosphorus Plants.

40 CFR 61.120 through 40 CFR 61.126

(NOTE: Authority to enforce the above standard is being retained by EPA and it is not incorporated by reference into these regulations.)

Subpart L - (Reserved)

Subpart M - Asbestos.

40 CFR 61.140 through 40 CFR 61.156

Subpart N - Inorganic Arsenic Emissions from Glass Manufacturing Plants.

40 CFR 61.160 through 40 CFR 61.165

Subpart O - Inorganic Arsenic Emissions from Primary Copper Smelters.

40 CFR 61.170 through 40 CFR 61.177

Subpart P - Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

40 CFR 61.180 through 40 CFR 61.186

Subparts Q through U (Reserved)

Subpart V - Equipment Leaks (Fugitive Emission Sources).

40 CFR 61.240 through 40 CFR 61.247

Subpart W - Radon-222 Emissions from Licensed Uranium Mill Tailings.

40 CFR 61.250 through 40 CFR 61.252

Appendix B - Test Methods.

Method 101 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - air streams.

Method 101A - Determination of particulate and gaseous mercury emissions from sewage sludge incinerators.

Method 102 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - hydrogen streams.

Method 103 - Beryllium screening method.

Method 104 - Determination of beryllium emissions from stationary sources.

Method 105 - Determination of mercury in wastewater treatment plant sewage sludges.

Method 106 - Determination of vinyl chloride from stationary sources.

Method 107 - Determination of vinyl chloride content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.

Method 107A - Determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.

Method 108 - Determination of particulate and gaseous arsenic emissions.

Method 108A - Determination of arsenic content in ore samples from nonferrous smelters.

Method 111 - Determination of polonium-210 emissions from stationary sources.

(NOTE: Authority to enforce the above test method is being retained by EPA and it is not incorporated by reference into these regulations.)

Appendix C - Quality assurance procedures.

Procedure 1 - Determination of adequate chromatographic peak resolution.

Procedure 2 - Procedure for field auditing gas cylinder analysis.

§ 120-06-0103 Word or phrase substitutions.

In all of the standards designated in § 120-06-0102 substitute:

A. Owner or other person for owner or operator.

B. Board for Administrator.

C. Board for U.S. Environmental Protection Agency (except in references).

D. Part VIII and § 120-06-05 A for §§ 61.05(a), 61.07 and 61.09.

E. § 120-06-03 for § 61.14.

APPENDIX M. DOCUMENTS INCORPORATED BY REFERENCE.

I. General.

A. The Administrative Process Act and Virginia Register Act provide that state regulations may incorporate documents by reference. Throughout these regulations, documents of the types specified below have been incorporated by reference.

1. United States Code.
2. Code of Virginia.
3. Code of Federal Regulations.
4. Federal Register.
5. Technical and scientific reference documents.

Additional information on key federal regulations and non-statutory documents incorporated by reference and their availability may be found in Section II.

B. Any reference in these regulations to any provision of the Code of Federal Regulations (CFR) shall be considered as the adoption by reference of that provision. The specific version of the provision adopted by reference shall be that contained in the CFR ~~(1988)~~ 1989 in effect July 1, 1988 1989. In making reference to the Code of Federal Regulations, 40 CFR Part 35 means Part 35 of Title 40 of the Code of Federal Regulations; 40 CFR Part 35.20 means Section 35.20 in Part 35 of Title 40 of the Code of Federal Regulations.

C. Failure to include in this appendix any document referenced in the regulations shall not invalidate the applicability of the referenced document.

D. Copies of materials incorporated by reference in this appendix may be examined by the public at the headquarters office of the State Air Pollution Control Board, in Room 825 Department of Air Pollution Control,

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Eighth Floor, Ninth Street Office Building, Richmond, Virginia between 8:30 a.m. and 4:30 p.m. of each business day.

II. Specific documents.

A. Code of Federal Regulations.

1. The provisions specified below from the Code of Federal Regulations (CFR) in effect as of July 1, ~~1988~~ 1989 are incorporated herein by reference.

a. 40 CFR Part 40 - National Primary and Secondary Ambient Air Quality Standards.

(1) Appendix A - Reference Method for the Determination of Sulfur Dioxide in the Atmosphere (Pararosaniline Method).

(2) Appendix B - Reference Method for the Determination of Suspended Particulate Matter in the Atmosphere (High-Volume Method).

(3) Appendix C - Measurement Principle and Calibration Procedure for the Continuous Measurement of Carbon Monoxide in the Atmosphere (Non-Dispersive Infrared Photometry).

(4) Appendix D - Measurement Principle and Calibration Procedure for the Measurement of Ozone in the Atmosphere.

(5) Appendix E - Reference Method for Determination of Hydrocarbons Corrected for Methane.

(6) Appendix F - Measurement Principle and Calibration Procedure for the Measurement of Nitrogen Dioxide in the Atmosphere (Gas Phase Chemiluminescence).

(7) Appendix G - Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air.

(8) Appendix H - Interpretation of the National Ambient Air Quality Standards for Ozone.

(9) Appendix J - Reference Method for the Determination of Particulate Matter as PM10 in the Atmosphere.

(10) Appendix K - Interpretation of the National Ambient Air Quality Standards for Particulate Matter.

b. 40 CFR Part 58 - Ambient Air Quality Surveillance.

Appendix B - Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air

Monitoring.

c. 40 CFR Part 60 - Standards of Performance for New Stationary Sources.

(1) Subpart A - General Provisions.

(a) § 60.1 - Applicability.

(b) § 60.2 - Definitions.

(c) § 60.7 - Notification and record keeping.

(d) § 60.8 - Performance tests.

(e) § 60.11 - Compliance with standards and maintenance requirements.

(f) § 60.13 - Monitoring requirements.

(g) § 60.14 - Modification.

(h) § 60.15 - Reconstruction.

(i) § 60.18 - General control device requirements.

(2) Subpart D - Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.

(3) Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.

(4) Subpart Db - Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

(5) Subpart E - Standards of Performance for Incinerators.

(6) Subpart F - Standards of Performance for Portland Cement Plants.

(7) Subpart G - Standards of Performance for Nitric Acid Plants.

(8) Subpart H - Standards of Performance for Sulfuric Acid Plants.

(9) Subpart I - Standards of Performance for Hot Mix Asphalt Facilities.

(10) Subpart J - Standards of Performance for Petroleum Refineries.

(11) Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After June 11, 1973 and Prior to May 19, 1978.

(12) Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids Constructed After May 18, 1978.

(13) Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984.

(14) Subpart L - Standards of Performance for Secondary Lead Smelters.

(15) Subpart M - Standards of Performance for Secondary Brass and Bronze Production Plants.

(16) Subpart N - Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973.

(17) Subpart Na - Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983.

(18) Subpart O - Standards of Performance for Sewage Treatment Plants.

(19) Subpart P - Standards of Performance for Primary Copper Smelters.

(20) Subpart Q - Standards of Performance for Primary Zinc Smelters.

(21) Subpart R - Standards of Performance for Primary Lead Smelters.

(22) Subpart S - Standards of Performance for Primary Aluminum Reduction Plants.

(23) Subpart T - Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

(24) Subpart U - Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

(25) Subpart V - Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

(26) Subpart W - Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.

(27) Subpart X - Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

(28) Subpart Y - Standards of Performance for Coal Preparation Plants.

(29) Subpart Z - Standards of Performance for Ferroalloy Production Facilities.

(30) Subpart AA - Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983.

(31) Subpart AAa - Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.

(32) Subpart BB - Standards of Performance for Kraft Pulp Mills.

(33) Subpart CC - Standards of Performance for Glass Manufacturing Plants.

(34) Subpart DD - Standards of Performance for Grain Elevators.

(35) Subpart EE - Standards of Performance for Surface Coating of Metal Furniture.

(36) Subpart GG - Standards of Performance for Stationary Gas Turbines.

(37) Subpart HH - Standards of Performance for Lime Manufacturing Plants.

(38) Subpart KK - Standards of Performance for Lead-Acid Battery Manufacturing Plants.

(39) Subpart LL - Standards of Performance for Metallic Mineral Processing Plants.

(40) Subpart MM - Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.

(41) Subpart NN - Standards of Performance for Phosphate Rock Plants.

(42) Subpart PP - Standards of Performance for Ammonium Sulfate Manufacture.

(43) Subpart QQ - Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.

(44) Subpart RR - Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.

(45) Subpart SS - Standards of Performance for Industrial Surface Coating: Large Appliances.

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(46) Subpart TT - Standards of Performance for Metal Coil Surface Coating.

(47) Subpart UU - Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

(48) Subpart VV - Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

(49) Subpart WW - Standards of Performance for the Beverage Can Surface Coating Industry.

(50) Subpart XX - Standards of Performance for Bulk Gasoline Terminals.

(51) Subpart AAA - Standards of Performance for New Residential Wood Heaters.

(52) Subpart BBB - Standards of Performance for Rubber Tire Manufacturing Industry.

(53) Subpart FFF - Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

(54) Subpart GGG - Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

(55) Subpart HHH - Standards of Performance for Synthetic Fiber Production Facilities.

(56) Subpart JJJ - Standards of Performance for Petroleum Dry Cleaners.

(57) Subpart KKK - Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants.

(58) Subpart LLL - Standards of Performance for Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

(59) Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants.

(60) Subpart PPP - Standard of Performance for Wool Fiberglass Insulation Manufacturing Plants.

(61) Subpart QQQ - Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems.

(62) Subpart SSS - Standards of Performance for Magnetic Tape Coating Facilities.

~~(61)~~ (63) Subpart TTT - Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

~~(62)~~ (64) Appendix A - Reference Methods.

(a) Method 1 - Sample and velocity traverses for stationary sources.

b) Method 1A - Sample and velocity traverses for stationary sources with small stacks or ducts.

~~(b)~~ (c) Method 2 - Determination of stack gas velocity and volumetric flow rate (type S pitot tube).

~~(c)~~ (d) Method 2A - Direct measurement of gas volume through pipes and small ducts.

~~(d)~~ (e) Method 2B - Determination of exhaust gas volume flow rate from gasoline vapor incinerators.

(f) Method 2C - Determination of stack gas velocity and volumetric flow rate in small stacks or ducts (standard pitot tube).

(g) Method 2D - Measurement of gas volumetric flow rates in small pipes and ducts.

~~(e)~~ (h) Method 3 - Gas analysis for carbon dioxide, oxygen, excess air, and dry molecular weight.

~~(f)~~ (i) Method 3A - Determination of oxygen and carbon dioxide concentrations in emissions from stationary sources (instrumental analyzer procedure).

~~(g)~~ (j) Method 4 - Determination of moisture content in stack gases.

~~(h)~~ (k) Method 5 - Determination of particulate emissions from stationary sources.

~~(i)~~ (l) Method 5A - Determination of particulate emissions from the asphalt processing and asphalt roofing industry.

(m) Method 5B - Determination of nonsulfuric acid particulate matter from stationary sources.

~~(j)~~ (n) Method 5D - Determination of particulate matter emissions from positive pressure fabric filters.

~~(k)~~ (o) Method 5E - Determination of particulate emissions from the wool fiberglass insulation manufacturing industry.

(p) Method 5F - Determination of nonsulfate particulate matter from stationary sources.

~~(l)~~ (q) Method 5G - Determination of particulate emissions from wood heaters from a dilution tunnel sampling location.

~~(m)~~ (r) Method 5H - Determination of particulate emissions from wood heaters from a stack location.

~~(n)~~ (s) Method 6 - Determination of sulfur dioxide emissions from stationary sources.

~~(o)~~ (t) Method 6A - Determination of sulfur dioxide, moisture, and carbon dioxide emissions from fossil fuel combustion sources.

~~(p)~~ (u) Method 6B - Determination of sulfur dioxide and carbon dioxide daily average emissions from fossil fuel combustion sources.

~~(q)~~ (v) Method 6C - Determination of sulfur dioxide emissions from stationary sources (instrumental analyzer procedure).

~~(r)~~ (w) Method 7 - Determination of nitrogen oxide emissions from stationary sources.

~~(s)~~ (x) Method 7A - Determination of nitrogen oxide emissions from stationary sources - ion chromatographic method.

~~(t)~~ (y) Method 7B - Determination of nitrogen oxide emissions from stationary sources (ultraviolet spectrophotometry).

~~(u)~~ (z) Method 7C - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/colorimetric method.

~~(v)~~ (aa) Method 7D - Determination of nitrogen oxide emissions from stationary sources - alkaline-permanganate/ion chromatographic method.

~~(w)~~ (bb) Method 7E - Determination of nitrogen oxides emissions from stationary sources (instrumental analyzer procedure).

~~(x)~~ (cc) Method 8 - Determination of sulfuric acid mist and sulfur dioxide emissions from stationary sources.

~~(y)~~ (dd) Method 9 - Visual determination of the opacity of emissions from stationary sources.

~~(z)~~ (ee) Alternative Method 1 - Determination of the opacity of emissions from stationary sources remotely by lidar.

~~(aa)~~ (ff) Method 10 - Determination of carbon monoxide emissions from stationary sources.

~~(bb)~~ (gg) Method 10A - Determination of carbon monoxide emissions in certifying continuous emission monitoring systems at petroleum refineries

~~(hh)~~ Method 10B - Determination of carbon monoxide emissions from stationary sources.

~~(ee)~~ (ii) Method 11 - Determination of hydrogen sulfide content of fuel gas streams in petroleum

refineries.

~~(dd)~~ (jj) Method 12 - Determination of inorganic lead emissions from stationary sources.

~~(ee)~~ (kk) Method 13A - Determination of total fluoride emissions from stationary sources - SPADNS zirconium lake method.

~~(ff)~~ (ll) Method 13B - Determination of total fluoride emissions from stationary sources - specific ion electrode method.

~~(gg)~~ (mm) Method 14 - Determination of fluoride emissions from potroom roof monitors of primary aluminum plants.

~~(hh)~~ (nn) Method 15 - Determination of hydrogen sulfide, carbonyl sulfide, and carbon disulfide emissions from stationary sources.

~~(oo)~~ Method 15A - Determination of total reduced sulfur emissions from sulfur recovery plants in petroleum refineries.

~~(ii)~~ (pp) Method 16 - Semicontinuous determination of sulfur emissions from stationary sources.

~~(jj)~~ (qq) Method 16A - Determination of total reduced sulfur emissions from stationary sources (impinger technique).

~~(kk)~~ (rr) Method 16B - Determination of total reduced sulfur emissions from stationary sources.

~~(ll)~~ (ss) Method 17 - Determination of particulate emissions from stationary sources (in-stack filtration method).

~~(mm)~~ (tt) Method 18 - Measurement of gaseous organic compound emissions by gas chromatography.

~~(nn)~~ (uu) Method 19 - Determination of sulfur dioxide removal efficiency and particulate, sulfur dioxide and nitrogen oxides emission rates from electric utility steam generators.

~~(oo)~~ (vv) Method 20 - Determination of nitrogen oxides, sulfur dioxide, and oxygen emissions from stationary gas turbines.

~~(pp)~~ (ww) Method 21 - Determination of volatile organic compounds leaks.

~~(qq)~~ (xx) Method 22 - Visual determination of fugitive emissions from material sources and smoke emissions from flares.

~~(rr)~~ (yy) Method 24 - Determination of volatile matter content, water content, density, volume solids, and weight solids of surface coatings.

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~~(ss)~~ (zz) Method 24A - Determination of volatile matter content and density of printing inks and related coatings.

~~(tt)~~ (aaa) Method 25 - Determination of total gaseous nonmethane organic emissions as carbon.

~~(uu)~~ (bbb) Method 25A - Determination of total gaseous organic concentration using a flame ionization analyzer.

~~(vv)~~ (ccc) Method 25B - Determination of total gaseous organic concentration using a nondispersive infrared analyzer.

~~(ww)~~ (ddd) Method 27 - Determination of vapor tightness of gasoline delivery tank using pressure-vacuum test.

~~(xx)~~ (eee) Method 28 - Certification and auditing of wood heaters.

~~(yy)~~ (fff) Method 28A - Measurement of air to fuel ratio and minimum achievable burn rates for wood-fired appliances.

~~(62)~~ (65) Appendix B - Performance Specifications.

(a) Performance Specification 1 - Specifications and test procedures for opacity continuous emission monitoring systems in stationary sources.

(b) Performance Specification 2 - Specifications and test procedures for sulfur dioxide and nitric oxides continuous emission monitoring systems in stationary sources.

(c) Performance Specification 3 - Specifications and test procedures for oxygen and carbon dioxide continuous emission monitoring systems in stationary sources.

(d) Performance Specification 4 - Specifications and test procedures for carbon monoxide continuous emission monitoring systems in stationary sources.

(e) Performance Specification 5 - Specifications and test procedures for TRS continuous emission monitoring systems in stationary sources.

(f) Performance Specification 6 - Specifications and test procedures for continuous emission rate monitoring systems in stationary sources.

~~(64)~~ (66) Appendix C - Determination of Emission.

~~(65)~~ (67) Appendix F - Quality Assurance Procedures.

Procedure 1 - Quality assurance requirements for gas continuous emission monitoring systems used for

compliance determination.

~~(66)~~ (68) Appendix I - Removable label and owner's manual.

d. 40 CFR Part 61 - National Emission Standards for Hazardous Air Pollutants.

(1) Subpart A - General Provisions.

(a) § 61.01 - Applicability.

(b) § 61.02 - Definitions.

(c) § 61.12 - Compliance with standards and maintenance requirements.

(d) § 61.13 - Emission tests and waiver of emission tests.

(e) § 61.14 - Monitoring requirements.

(f) § 61.15 - Modification.

(2) Subpart C - National Emission Standard for Beryllium.

(3) Subpart D - National Emission Standard for Beryllium Rocket Motor Firing.

(4) Subpart E - National Emission Standard for Mercury.

(5) Subpart F - National Emission Standard for Vinyl Chloride.

(6) Subpart J - National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(7) Subpart M - National Emission Standard for Asbestos.

(8) Subpart N - National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants.

(9) Subpart O - National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.

(10) Subpart P - National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

(11) Subpart V - National Emission Standard for Equipment Leaks (Fugitive Emission Sources).

(12) Subpart W - National Emission Standard for Radon-222 Emissions from Licensed Uranium Mill Tailings.

(13) Appendix B - Test Methods.

(a) Method 101 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - air streams.

(b) Method 101A - Determination of particulate and gaseous mercury emissions from sewage sludge incinerators.

(c) Method 102 - Determination of particulate and gaseous mercury emissions from chlor-alkali plants - hydrogen streams.

(d) Method 103 - Beryllium screening method.

(e) Method 104 - Determination of beryllium emissions from stationary sources.

(f) Method 105 - Determination of mercury in wastewater treatment plant sewage sludge.

(g) Method 106 - Determination of vinyl chloride from stationary sources.

(h) Method 107 - Determination of vinyl chloride content of inprocess wastewater samples, and vinyl chloride content of polyvinyl chloride resin, slurry, wet cake, and latex samples.

(i) Method 107A - Determination of vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin, and latex samples.

(j) *Method 108 - Determination of particulate and gaseous arsenic emissions.*

(k) *Method 108A - Determination of arsenic content in ore samples from nonferrous samples.*

(14) Appendix C - Quality Assurance Procedures.

(a) Procedure 1 - Determination of adequate chromatographic peak resolution.

(b) Procedure 2 - Procedure for field auditing GC analysis.

2. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

B. U.S. Environmental Protection Agency.

1. The documents specified below from the U.S. Environmental Protection Agency are incorporated herein by reference.

a. Guideline on Air Quality Models (revised), EPA-450/2-78-027R, OAQPS No. 1.2-080, July 1986, as

amended by Supplement A, July 1987.

b. Reich Test, Atmospheric Emissions from Sulfuric Acid Manufacturing Processes, Public Health Service Publication No. 999-AP-13, PB190235, 1965.

2. Copies may be obtained from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161; phone (703) 487-4650.

C. U.S. government.

1. The following document from the U.S. government is incorporated herein by reference: Standard Industrial Classification Manual, 1987, (U.S. Government Printing Office stock number 041-001-00-314-2).

2. Copies may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; phone (202) 783-3238.

D. American Society for Testing and Materials (ASTM).

1. The documents specified below from the American Society for Testing and Materials are incorporated herein by reference.

a. D323-82, "Test Method for Vapor Pressure of Petroleum Products (Reid Method)" from Section 5, Volume 05.01 of the 1985 Annual Book of ASTM Standards.

b. D97-87, "Test Method for Pour Point of Petroleum Oils" from Section 5, Volume 05.01 of the 1989 Annual Book of ASTM Standards.

2. Copies may be obtained from: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; phone (215) 299-5400.

E. American Petroleum Institute (API).

1. The following document from the American Petroleum Institute is incorporated herein by reference: API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Third Edition, 1989.

2. Copies may be obtained from: American Petroleum Institute, 2101 L Street, Northwest, Washington, D.C. 20037; phone (202) 682-8000.

F. American Conference of Governmental Industrial Hygienists (ACGIH).

1. The following document from the ACGIH is incorporated herein by reference: ACGIH Handbook - Threshold Limit Values for Chemical Substances in the Work Environment Adopted by ACGIH with Intended

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Changes for ~~1988-1989~~ 1989-1990 .

2. Copies may be obtained from: ACGIH, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211; phone (513) 661-7881.

G. National Fire Prevention Association (NFPA).

1. The documents specified below from the National Fire Prevention Association are incorporated herein by reference.

- a. NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, 1985 Edition.
- b. NFPA 30, Flammable and Combustible Liquids Code, 1987 Edition.
- c. NFPA 30A, Automotive and Marine Service Station Code, 1987 Edition.

2. Copies may be obtained from the National Fire Prevention Association, Batterymarch Park, Quincy, Massachusetts 02269; phone (617) 770-3000.

BOARD FOR CONTRACTORS

Title of Regulation: VR 220-01-2. Rules and Regulations of the Board for Contractors.

Statutory Authority: § 54.1-1102 of the Code of Virginia.

Public Hearing Dates:
July 18, 1990 - 7:30 p.m.
July 25, 1990 - 7:30 p.m.
(See Calendar of Events section for additional information)

Summary:
The regulations require licensure of sole proprietorships, partnerships, associations or corporations performing, managing, or superintending in whole or in part, the construction, removal, repair or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by another person or any other improvements to such real property.

These regulations apply to approximately 18,000 licensed Class A contractors and 27,000 registered Class B contractors.

The proposed regulations have been reorganized to place entry requirements before renewal, list fees at appropriate places, and to separate standards of practice from standards of conduct. Moreover, in accordance with changes made by the General Assembly and the Code Commission to Title 54.1, Chapter 11 on the regulation of contractors, the

proposed regulations change the conditions for licensure, and add as a requirement the full-time employment of a designated employee who has successfully completed the appropriate examination. In addition, the regulations require assurance of continued competence for renewal or reinstatement of a license and require some additional documentation of contractual agreements, record keeping and reporting to the board.

VR 220-01-2. Rules and Regulations of the Board for Contractors.

PART I. GENERAL.

§ 1.1. Class A license specialty classifications - (~~§§ 54-1-28 and 54-120.1~~ of the Code of Virginia) *Definitions .*

The following words and terms, when used in these regulations, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

A. "Building contractors" are those whose contracts include construction for others on real property owned, controlled or leased by another person of commercial, industrial, and or institutional buildings and, or single or multiple-family residential buildings, including accessory-use structures, and the remodeling, repair or improvement of any size building. (~~§ 54-120.1~~)

B. "Highway/heavy contractors" are those whose contracts include construction of roads, streets, bridges, railroads, public transit systems, runways, dams, parking lots, demolition, clearing, grading, excavating, paving, pile driving, foundations and miscellaneous drainage structures. Also included are those whose contracts include the installation or maintenance of power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter; the installation or maintenance of telephone, telegraph or signal systems for public utilities; and the installation of water, gas, and sewer lines, pumping stations, and treatment plants. (~~§ 54-120.1~~)

C. "Services" "Specialty contractors" are those whose contracts are for specialty services which do not substantially fall within the scope of any other classification within these regulations. (~~§ 54-120.1~~)

D. "Special services - electrical contractors" are those whose contracts include construction which falls within the provisions of the National Electrical Code. (~~§ 54-120.1~~)

E. "Special services - plumbing contractors" are those whose contracts include the installation, maintenance, extension, or alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary or storm drainage facilities; the venting system and the public or private water supply systems within or

adjacent to any building, structure or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of storm-water, liquid waste, or sewerage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal. (§ 54-120.1)

F. "Special services - HVAC contractors" are those whose work includes the installation of heating systems, ventilating systems, cooling systems, steam and hot water heating systems, boilers, and mechanical refrigeration systems. (§ 54-120.1)

G. "Special services - HVAC (refrigeration) contractors" are those whose work includes the installation, alteration, or repair of mechanical refrigeration systems. (§ 54-120.1)

"Special services - HVAC contractors" are those whose work includes the installation, alteration, or repair of heating systems, ventilating systems, cooling systems, steam and hot water heating systems, boilers, and mechanical refrigeration systems.

"Residential contracting" means construction, removal, repair, or improvements to single-family or multiple-family residential buildings, including accessory-use structures.

§ 1.2. Renewal of license - (§§ 54-1.28, 54-110, and 54-131 of the Code of Virginia).

A. All licenses expiring on January 31, 1985, for individuals licensed as a Class A Contractor, and all licenses expiring on December 31, 1985, for individuals licensed as a Class B Contractor, will be renewed in a manner to implement a staggered renewal system whereby approximately an equal number of licenses will be renewed each month during a biennium. (§ 54-131)

1. Licenses expiring on these dates will be renewed for a period of time ranging from 6 to 30 months based on a random selection. (§ 54-131)

2. Renewal notices will be mailed approximately 45 days prior to the expiration of these licenses and these notices will indicate the amount of fee due and the next expiration date. The amount of fees charged to each licensee will be determined based on the following schedule. (This fee schedule is to be used on a one-time basis only.) (§ 54-131)

<u>Expiration Date</u>	<u>Amount of Fee</u>	<u>Expiration Date</u>	<u>Amount of Fee</u>
<u>Class A</u>		<u>Class B</u>	
July 31, 1985	\$ 23	July 31, 1986	\$ 6
August 31, 1985	26	August 31, 1986	7
September 30, 1985	30	September 30, 1986	8
October 31, 1985	34	October 31, 1986	9
November 30, 1985	38	November 30, 1986	10
December 31, 1985	41	December 31, 1986	11
January 31, 1986	45	January 31, 1987	12
February 28, 1986	49	February 28, 1987	13
March 31, 1986	53	March 31, 1987	14

April 30, 1986	56	April 30, 1987	15
May 31, 1986	60	May 31, 1987	16
June 30, 1986	64	June 30, 1987	17
July 31, 1986	68	July 31, 1987	18
August 31, 1986	71	August 31, 1987	19
September 30, 1986	75	September 30, 1987	20
October 31, 1986	79	October 31, 1987	21
November 30, 1986	83	November 30, 1987	22
December 31, 1986	86	December 31, 1987	23
January 31, 1987	90	January 31, 1988	24
February 28, 1987	94	February 28, 1988	25
March 31, 1987	98	March 31, 1988	26
April 30, 1987	101	April 30, 1988	27
May 31, 1987	105	May 31, 1988	28
June 30, 1987	109	June 30, 1988	29

3. Thereafter, all Class A licenses expiring on or after July 31, 1985, and all Class B licenses expiring on or after July 31, 1986, will be renewed for a two-year period. The amount of renewal fee will be \$90 for a Class A license and \$20 for a Class B license. (§ 54-131)

4. Beginning on July 1, 1984, all new licenses will be issued in a manner to expire two years from the last day of the month in which they were issued. (§ 54-131)

B. The Department of Commerce will mail a renewal notice to the licensee outlining procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee. (§ 54-131)

C. For any licensee failing to renew the license within one month following the date it expires, a penalty fee of \$90 for Class A Contractors and \$20 for Class B Contractors will be required in addition to the regular renewal fee. Any licensee failing to renew their license within six months after it expires must apply for reinstatement for the license, as no renewals will be accepted. (§ 54-131)

D. The date a fee is received by the Department of Commerce, or its agent, will be used to determine whether a penalty fee or the requirement for reinstatement of a license is applicable for each fee received. (§ 54-131)

§ 1.3. Fee payments.

Each check or money order shall be made payable to the Treasurer of Virginia. All fees are nonrefundable. (§§ 54-120.1 and 54-120.3 of the Code of Virginia)

§ 1.4. Class A fee.

The fee for a Class A license (initial license) shall be \$100. (§ 54-120.1)

§ 1.5. Class B fee.

The fee for a Class B license (initial license) shall be

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§100. (§ 54-120.2)

§ 1.6. Examination fee.

The examination fee shall be \$25 per examinee for each examination. (§ 54-120.1)

PART II. ENTRY.

§ 2.1. Class A license - (§§ 54-28, 54-1.119 and 54-120.1 of the Code of Virginia } Requirements for licensure as a Class A sole proprietorship, partnership, association or corporation.

Applicants for licensure must submit an application completed in accordance with the application instructions, and meet or exceed the following criteria prior to licensure: Every sole proprietorship, partnership, association or corporation seeking a Class A license shall complete an application furnished by the Department of Commerce and shall meet or exceed the requirements set forth below prior to issuance of the license.

1. Attainment of a passing grade on the appropriate examination when an examination is required by these regulations. (§ 54-120.1)

2. Three current satisfactory credit references from suppliers of building materials on a form prescribed by the board. (§ 54-120.1)

3. Three current satisfactory experience references from persons familiar with the knowledge, skills and abilities of the applicant, relating to the performance of contracting services to the public, on a form prescribed by the board. (§ 54-120.1)

4. One current satisfactory reference from the bank which maintains the applicant's depository account, on a form prescribed by the board. (§ 54-120.1)

5. A financial statement dated not more than 15 months prior to application evidencing a net worth of at least \$25,000 for an individual or partnership, excluding any jointly owned residence, or a net equity of at least \$25,000 for a corporation. (§ 54-120.1)

a. Financial statements dated more than 90 days prior to application must be accompanied by an affidavit certifying that the current financial condition is substantially as good as or better than that shown on the financial statement furnished. (§ 54-120.1)

A. Each sole proprietorship, partnership, association or corporation shall have in its full-time employ a designated employee who is at least 18 years of age and who has successfully completed or who has been deemed to have fulfilled the written or oral examination required by the board.

B. The board may, in its discretion, deny licensure to any firm in which the sole proprietor, officers of the corporation, general partners of the partnership, members of the association, or designated employee have not maintained good standing in every jurisdiction where licensed as a contractor and shall not have had that license suspended, revoked or surrendered in connection with a disciplinary action in any jurisdiction within five years prior to applying for licensure in Virginia.

C. Applicants will be required to provide information for the past five years including but not limited to outstanding past-due debts, judgments, outstanding state or federal tax obligations, and defaults on bonds. (Evidence of a pattern of failure to pay debts or noncompliance with contractual obligations sufficient to warrant the conclusion that the contracting business applying for a license is not likely to meet the financial responsibilities of a contractor shall be a basis for the denial of a license.)

D. Applicants will be required to submit on a form provided by the board, a current balance sheet showing the assets, liabilities, and capital of the firm. A financial statement showing a net worth of less than \$50,000 for an individual or partnership, excluding any jointly owned residence, or a net equity of less than \$50,000 for a corporation shall be a basis for the denial of a license.

E. Applicants shall provide evidence acceptable to the board of seven years experience in the classification for which licensure is sought. Electrical, plumbing, or HVAC contractors shall employ an individual who has successfully completed an examination for electrical, plumbing, or HVAC classifications approved by the board.

F. Any Class A contractor licensed in the Commonwealth of Virginia prior to January 1, 1991, and in business on December 31, 1990, shall provide to the board in writing the name of one full-time employee who is at least 18 years of age and that employee shall be deemed to have fulfilled the requirement for examination in § 2.1 of these regulations, so long as he remains a full-time employee of that contractor. Upon the departure of that employee, the contractor shall name another full-time employee in accordance with § 2.1 A. A fee shall be required for a declaration of a designated employee in accordance with § 2.5 D of these regulations.

G. The board, in its discretion, may deny licensure to any firm in which the sole proprietor, officers of the corporation, general partners of the partnership, members of the association, or designated employee have been convicted in any jurisdiction of a misdemeanor involving lying, cheating or stealing; or of any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

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§ 2.2. Temporary Class A License - The Board may issue a temporary license for a specific project if the project's owner requests such action in writing and the application demonstrates to the Board's satisfaction that the applicant is able to complete satisfactorily the contract to be undertaken under authority of the temporary license. (§ 54.1-1107)

§ 2.2. Class B license. Requirements for licensure as a Class B sole proprietorship, partnership, association or corporation.

Applicants for licensure must submit an application stating the name, place of business, place of residence, name of the registered agent, and evidence of holding a current local license pursuant to local ordinances adopted under authority of § 54-145.2 of the Code of Virginia. (§ 54-120.3 of the Code of Virginia) Every sole proprietorship, partnership, association or corporation seeking a Class B license shall complete an application furnished by the Department of Commerce and shall meet or exceed the requirements set forth below prior to issuance of the license.

A. Each sole proprietorship, partnership, association or corporation shall have in its full-time employ a designated employee who is at least 18 years of age and who has successfully completed or who has been deemed to have fulfilled the written or oral examination required by the board.

B. The board, in its discretion, may deny licensure to any firm in which the sole proprietor, officers of the corporation, general partners of the partnership, members of the association, or designated employees have not maintained good standing as a licensed contracting business in every jurisdiction where licensed as a contractor and shall not have had that license as a contracting business suspended, revoked or surrendered in connection with a disciplinary action in any jurisdiction within five years prior to applying for licensure in Virginia.

C. Applicants will be required to provide information for the past three years including but not limited to outstanding past-due debts, judgments, outstanding state or federal tax obligations, and defaults on bonds. (Evidence of a pattern of failure to pay debts or noncompliance with contractual obligations sufficient to warrant the conclusion that the contracting business applying for a license is not likely to meet the financial responsibilities of a contractor shall be a basis for the denial of a license.)

D. Applicants who were not registered in the Commonwealth of Virginia prior to January 1, 1991, and in business on December 31, 1990, will be required to submit on a form provided by the board, a current balance sheet showing the assets, liabilities, and capital of the firm. A financial statement showing a net worth of less than \$20,000 for an individual or partnership, excluding any

jointly owned residence, or a net equity of less than \$20,000 for a corporation shall be a basis for the denial of a license.

E. Applicants shall provide evidence acceptable to the board of three years experience in the classification for which licensure is sought. Electrical, plumbing, or HVAC contractors shall employ an individual who has successfully completed an examination for electrical, plumbing, or HVAC classifications approved by the board.

F. Any Class B contractor registered in the Commonwealth of Virginia prior to January 1, 1991, and in business on December 31, 1990, shall provide to the board in writing the name of one full-time employee who is at least 18 years of age and that employee shall be deemed to have fulfilled the requirement for examination in § 2.2 of these regulations, so long as he remains a full-time employee of that contractor. Upon the departure of that designated employee, the contractor shall name another full-time employee in accordance with § 2.2 A. A fee shall be required for a declaration of a designated employee in accordance with § 2.5 D of these regulations.

G. The board, in its discretion, may deny licensure to any firm in which the sole proprietor, officers of the corporation, general partners of the partnership, members of the association, or designated employee have been convicted in any jurisdiction of a misdemeanor involving lying, cheating or stealing; or of any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this subsection. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

§ 2.3. Examination requirements.

A. The designated employee for a Class A firm, except as provided in § 2.1 F, shall attain a passing grade established by the board on an examination the subject of which shall be the regulations and statutes of the board and on other knowledge necessary to engage in the contracting activities of the Class A firm.

B. The designated employee for a Class B firm, except as provided in § 2.2 F, shall attain a passing grade established by the board on an examination the subject of which shall be the regulations and statutes of the board and on other knowledge necessary to engage in the contracting activities of the Class B firm.

C. Examinations required by the board shall be approved by the board and provided by the board or by a testing service acting on behalf of the board.

§ 2.4. Examinations required for Class A "Special Services" classifications - (§§ 54.1-1106, 54.1-201, 54.1-1102)

A. The electrical examination shall be administered by

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the board, shall be open book and based upon the pertinent provisions of the National Electrical Code. (§ 54.1-1106)

B. The plumbing examination shall be administered by the board, shall be closed book and based upon the pertinent provisions of the BOCA Basic Plumbing Code, BOCA Mechanical Code, National Level Gas Code and NFPA No. 54, 1974 and includes five questions on gas fittings. (§ 54.1-1106)

C. The HVAC examination shall be administered by the board, shall be open-book and based upon the pertinent provisions of the BOCA Basic Mechanical Code. (§ 54.1-1106)

D. The refrigeration examination shall be administered by the board, shall be open-book and based upon the pertinent provisions of the BOCA Basic Mechanical Code. (§ 54.1-2206)

§ 2.4. License by reciprocity.

A. Applicants for Class A licensure by reciprocity shall meet the requirements set forth in § 2.1 of these regulations. A designated employee, for the firm seeking reciprocal licensure, who has passed in the jurisdiction of original licensure an examination deemed to be substantially equivalent to the examination required by the board shall only be required to successfully complete the Virginia section and when deemed necessary the Advanced section of the examination.

B. Applicants for Class B licensure by reciprocity shall meet the requirements set forth in § 2.2 of these regulations. A designated employee, for the firm seeking reciprocal licensure, who has passed in the jurisdiction of original licensure an examination deemed to be substantially equivalent to the examination required by the board shall only be required to successfully complete the Virginia section of the examination.

C. Applicants for Class A and Class B licenses by reciprocity shall provide evidence acceptable to the board of experience in the classification for which licensure is sought.

D. No license shall be issued to an applicant whose previous license/registration has been suspended for nonpayment of a Virginia Contractor Recovery Fund assessment until all past-due assessments have been paid.

§ 2.5. Waiver of examination by reciprocity.

The board may waive examination by reciprocity to any person holding a license in good standing in any jurisdiction of the United States or any foreign country provided that the applicant satisfactorily demonstrates to the board that the examination passed in the other licensing jurisdiction is at least equal to the examination required to obtain licensure from this board. (§ 54.1-1106)

§ 2.5. Fees for licensing, designated employee declaration, and examination.

A. Fee payments.

Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable.

B. Class A original license fee.

The fee for an initial Class A license shall be \$75.

C. Class B original license fee.

The fee for an initial Class B license shall be \$65.

D. Class A designated employee declaration fee.

The fee for declaring a designated employee for Class A licensure shall be \$25.

E. Class B designated employee declaration fee.

The fee for declaring a designated employee for Class B licensure shall be \$25.

F. Class A examination fee.

The fee for Class A examination shall be \$150. The fee for an examination in any individual section of the Class A examination package shall be \$50 for the Virginia section, \$50 for the General section, and \$50 for the Advanced section. Individuals who successfully complete one or more but not all of the sections upon initial examination shall have 12 months from the date of that initial examination to successfully complete the remaining sections of the Class A examination package.

G. Class B examination fee.

The fee for a Class B examination shall be \$100. The fee for an examination in any individual section of the Class B examination package shall be \$50 for the Virginia section and \$50 for the General section. Individuals who successfully complete only one section upon initial examination shall have 12 months from the date of that initial examination to successfully complete the remaining section of the Class B examination package.

H. Class A reciprocity examination fee.

The fee for a Class A reciprocity examination shall be \$50 for individuals required to take the Virginia section of the Class A examination package and \$100 for individuals required to take both the Virginia section and Advanced section of the Class A examination package.

I. Class B reciprocity examination fee.

The fee for a Class B reciprocity examination shall be

\$50 for individuals required to take the Virginia section of the Class B examination package.

J. Examination for license upgrade fee.

The fee for a Class B to Class A upgrade examination shall be \$50 for the Advanced section of the Class A examination package.

K. Special services examination fee.

The fee for a Special Services examination, when offered by the board, in either the electrical, plumbing, or HVAC classifications shall be \$150.

PART III. STANDARDS OF PRACTICE RENEWAL AND REINSTATEMENT.

§ 3.1. Renewal.

All Class A and Class B licensees wishing to renew their licenses must apply for license renewal every two years. After January 1, 1991, Class B registrations are not renewable in accordance with § 54.1-1108.1 of the Code of Virginia.

A. Fees.

The application fee for renewal of a Class A license is \$65 and the application fee for renewal of a Class B license is \$45. All fees required by the board are nonrefundable.

B. Procedures.

The Department of Commerce will mail a renewal notice to the licensee outlining procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee as an application for renewal.

C. Applicants for renewal of a license (expiring on or after January 31, 1991) shall certify on a form provided by the board that they meet the current standards for entry as follows:

- 1. Those applying for renewal of a Class A license shall meet the requirements of §§ 2.1 A, 2.1 B, 2.1 G, and, where applicable, § 2.1 E.
2. Those applying for renewal of a Class B license shall meet the requirements of §§ 2.2 A, 2.2 B, 2.2 G, and, where applicable, § 2.2 E.

D. The date on which the renewal fee is received by the department or its agent will determine whether the licensee is eligible for renewal or required to apply for reinstatement.

§ 3.2. Reinstatement.

Any licensee failing to apply for renewal of its license within 30 days of its expiration date will be required to reinstate the license.

A. Fees.

The application fee for reinstatement of a Class A license is \$75 and the application fee for reinstatement of a Class B license is \$60. All fees required by the board are nonrefundable.

B. Applicants for reinstatement shall meet the requirements of § 3.1 of these regulations.

C. The date on which the reinstatement fee is received by the Department of Commerce or its agent will determine whether the license is reinstated or a new application for licensure is required.

D. In order to ensure that licensees are qualified to practice as contractors, no reinstatement will be permitted once six months from the expiration date of the license has passed. After that date the applicant must apply for a new license and meet the then current entry requirements.

§ 3.3. Board discretion to deny renewal or reinstatement.

The board may deny renewal or reinstatement of a license for the same reasons as it may refuse initial licensure or discipline a licensee.

PART IV. STANDARDS OF PRACTICE.

§ 4.1. Change in management personnel.

When there has been a change in the management personnel of a licensed business, the licensee shall report the change in writing to the board within 30 days. The report shall designate in resume' form the qualifications and experience of the replacement management personnel. The board shall promptly notify the licensee in writing that continuation of the license has been granted, or it shall set forth reasons for disapproval. For the purpose of this regulation, "Management personnel" means the responsible managing employee, qualifying plumbing, electrical, HVAC or refrigeration examinee or officer of any corporation. (§ 54-110 of the Code of Virginia) Class A licensees and Class B licensees/registrants shall report in writing or on a form provided by the board any changes in the following personnel:

- The sole proprietor;
The general partners;
Members of an association;
Officers of the corporation;

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Designated employee;

Individual qualified in a specialty.

This information must be provided to the board within 90 days of the change.

The board shall promptly notify the Class A licensed firm and Class B licensed/registered firm in writing that the continuation of the firm's license/registration has been granted or denied in accordance with the requirements of §§ 2.1 A, 2.1 E, and 2.1 G for Class A licensees; §§ 2.2 A, 2.2 E, and 2.2 G for Class B licensees; and §§ 2.2 G for Class B registrants.

§ 3.2. Transfer of license prohibited.

No license issued by the board shall be assigned or otherwise transferred. Licenses are issued to legal business entities whether they be individuals, proprietorships, partnerships, corporations, joint ventures or other legal entities. Whenever there is any change in the ownership of the legal entity licensed, whether in a proprietorship or change of partner in partnership or the creation of a corporation, a new license is required. (§ 54-119 of the Code of Virginia)

§ 3.3. § 4.2. Name changes.

A licensee /registrant must do business operate under the name in which the license /registration is issued. As long as there is no change in the legal entity, a licensee /registrant may secure a name change by submitting a written request to the board for such a change. The request must show the name as it then appears on the license /registration and the new name, and must be accompanied by a copy of a name change authorization Certificate of Amendment from the State Corporation Commission if the licensee /registrant is a corporation, or by authorization from the appropriate local court, if the licensee is not a corporation. (§ 54-119 of the Code of Virginia) if a licensee/registrant other than a corporation is trading under a fictitious name.

§ 3.4. Classification change.

A licensee may obtain additional classifications by filing a written request with appropriate fee, a detailed resume of qualifications and experience in the classifications requested, and three letters of recommendation attesting to those qualifications. An examination fee is required when the additional classifications requested are "Special services - HVAC" or "Special services - refrigeration." (§ 54-129.1 of the Code of Virginia)

§ 3.5. Classification change fee.

The fee for classification change shall be \$10. (§ 54-119 of the Code of Virginia)

§ 4.3. Special services classification change, addition, or

deletion.

A licensee may change a special services classification or obtain additional classifications by providing evidence acceptable to the board of experience in that specialty or, for electrical, plumbing, or HVAC contractors, by certifying on a form provided by the Department of Commerce the employment of an individual who has successfully completed an examination for electrical, plumbing, or HVAC classifications approved by the board. The fee for each change or addition is \$25. All fees required by the board are nonrefundable.

§ 3.6. § 4.4. Change of address.

Licenses /registrants shall report any change of address to the board in writing within 30 days of the change. (§ 54-119 of the Code of Virginia)

§ 4.5. Transfer of license/registration prohibited.

No license/registration issued by the board shall be assigned or otherwise transferred. Licenses/registrations are issued to the legal business entities whether they be proprietorships, partnerships, corporations, joint ventures or other legal entities. Whenever there is any change in the ownership of a sole proprietorship, partnership, or association, a new license is required. Also, whenever a corporation is dissolved and a new corporation formed, a new license is required.

PART V. STANDARDS OF CONDUCT.

§ 3.7. § 5.1. Prohibited acts. - (§§ 54-128, 54-119 and 54-132.1 of the Code of Virginia).

The following acts constitute are cause for disciplinary action:

1. Failure in any material way to comply with provisions of Chapter 1 or Chapter 11 of Title 54.1 of the Code of Virginia or the regulations of the board.

1. 2. Furnishing substantially inaccurate or incomplete financial information to the board in obtaining or , renewing , reinstating, or maintaining a license. (§ 54-132.1)

2. Disciplinary action by any county, city, town, or any state or federal governing body, which action shall be reviewed by the board before it takes any disciplinary action of its own. (§ 54-132.1)

3. Failure in any material way to comply with the provisions of the rules and regulations of the board. (§ 54-132.1)

3. Where the sole proprietor, officer of the corporation, partner in the partnership, members of the association, or designated employee have failed to

report to the board, in writing, the suspension or revocation of a contractor license by another state or his conviction in a court of competent jurisdiction of a building code violation.

4. Publishing or causing to be published any advertisement relating to contracting which contains an assertion, representation, or statement of fact that is false, deceptive, or misleading. (§ 54-132.1)

5. Gross negligence, or continued incompetence, or misconduct in the practice of his profession. (§ 54-132.1)

6. Failure to comply with the Virginia Uniform Statewide Building Code, which is administered by the Board of Housing and Community Development. (§ 54-132.1)

7. Willful violation or cooperation with others to violate any provisions of Chapters 1-1 or 7 of Title 54, of the Code of Virginia, or these regulations. (§ 54-132.1)

8. Abandonment without legal excuse of a contract or construction project engaged in or undertaken by the licensee. (§ 54-132.1)

9. Diversion of funds or property received for prosecution or completion of a specified construction project or operation, or for a specific purpose in the prosecution, or for the completion of a construction project or operation. (§ 54-132.1)

10. Failure to honor, within 10 days of receiving formal notice from the board, any bad checks submitted in payment of a fee required by these regulations. (§ 54-1.2:1)

6. Failure of all those who engage in residential contracting, as defined in § 1.1 of these regulations, excluding routine maintenance or service contracts, to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed. Prior to commencement of work or acceptance of payments, the contract shall be signed by both the consumer and the licensee/registrant or his agent. At a minimum the contract shall specify or disclose the following:

a. When work is to begin and the estimated completion date;

b. A statement of the total cost of the contract and the amounts and schedule for progress payments including a specific statement on the amount of the down payment;

c. A listing of specified materials and work to be performed;

d. A "plain-language" exculpatory clause concerning events beyond the control of the contractor and a statement explaining that delays caused by such events do not constitute abandonment and are not included in calculating time frames for payment or performance;

e. A statement of assurance that the contractor will comply with all local requirements for building permits, inspections, and zoning;

f. Disclosure of the cancellation rights of the parties;

g. A signed acknowledgement by the consumer that he has provided with and read the Department of Commerce statement of protections available to him through the Board of Contractors;

h. Contractor's name, address, license/registration number, expiration date, class of license/registration, and special services classification of license;

i. Statement providing that any significant modification to the contract must be in writing and signed by all parties.

7. Failure to make prompt delivery to the consumer before commencement of work of a fully executed copy of the contract as described in subdivision 6 of this section for construction or contracting work.

8. Failure of the contractor to maintain for a period of three years from the date of contract a complete and legible copy of all documents relating to that contract, including, but not limited to, the contract and any addenda or change orders.

9. Refusing or failing, upon request or demand, to produce to the board, or any of its agents, any document, book, record or copy thereof in the licensee's/registrant's possession concerning a transaction covered by these regulations or for which the licensee/registrant is required to maintain records, or failing to cooperate in the investigation of a complaint filed with the board against the contractor.

10. Abandonment, or the intentional and unjustified failure to complete work contracted for, or the retention or misapplication of funds paid, for which work is either not performed or performed only in part. (Unjustified cessation of work under the contract for a period of 30 days or more shall be considered evidence of abandonment.)

11. Making a substantial any misrepresentation or making a false promise of a character likely to influence, persuade, or induce. (§ 54-132.1)

12. Failure to notify the board in writing within 30 days after the change of the address of record of the

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Licensee: (§ 54-132.1)

13. Failure of a licensee to notify the board in writing within 30 days after a change in the control or direction of the business of the licensee resulting from a change in the licensee's partners, directors, officers, management personnel, responsible managing employee or examinee, or after a change in the control or direction of the business of the licensee resulting from another occurrence or event (§ 54-132.1)

14. 12. Aiding or abetting an unlicensed *unregistered* person to violate any provision of Chapters 1-1 or 7 Chapter 1 or Chapter 11 of Title 54, 54.1 of the Code of Virginia, or these regulations; or combining or conspiring with or acting as agent, partner, or associate for an unlicensed *unregistered* person; or allowing one's license *registration* to be used by an unlicensed *unregistered* person; or acting as or being an ostensible licensee *registrant* for undisclosed persons who do or will control or direct, directly or indirectly, the operations of the licensee's *registrant's* business. (§ 54-132.1)

15. Failure to comply with the provisions of the Virginia Fair Housing Law §§ 36-86 through 36-96, of the Code of Virginia. (§ 54-132.1)

16. 13. Where the sole proprietor, officers of the corporation, general partners in the partnership, members of the association, or designated employee have offering, giving offered, given or promising promised anything of value or benefit to any federal, state, or local employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry. (§ 54-132.1)

14. Have been convicted or found guilty, regardless of adjudication, in any jurisdiction of any felony or of a misdemeanor involving lying, cheating or stealing, there being no appeal pending therefrom or the time of appeal having elapsed. Any plea of guilty or *nolo contendere* shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as *prima facie* evidence of such guilt.

15. Failing to inform the board in writing within 30 days of pleading guilty or *nolo contendere* or of being convicted and found guilty of any felony or of a misdemeanor involving lying, cheating or stealing.

16. Have been disciplined by any county, city, town, or any state or federal governing body, which action shall be reviewed by the board before it takes any disciplinary action of its own.

17. Failure to comply with the Virginia Uniform Statewide Building Code.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-11-05. Occoquan Policy.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Public Hearing Date: August 22, 1990 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

The Occoquan Policy was adopted to protect the Occoquan Watershed, and particularly, the Occoquan Reservoir from domestic point source pollution. The Occoquan Policy was originally adopted and became effective in 1971. These proposed amendments to the Occoquan Policy are to reflect the current understanding of technology, the water quality character of the watershed, and the overall water quality management programs of the State Water Control Board.

The proposed amendments include reformatting as required by the Virginia Registrar of Regulations, removing the restriction of regional plant expansions, changing the minimum effluent quality requirements from weekly average to monthly average, and changing the nitrogen limit to Total Kjeldahl Nitrogen. Other proposed amendments will clarify the intent and purpose of the policy, which provides consistency in the board's current permitting duties, and separates the board from the Occoquan Watershed Subcommittee and billing practices for the Occoquan Watershed Monitoring Laboratory. Other proposed amendments are to comply with state statutes.

VR 680-11-05. Occoquan Policy.

SUBPART A: § 1. Introduction.

I. A. Purpose and authority.

To provide a policy for interim and long-term solutions to that protects the Occoquan Watershed's Watershed from point source pollution problems. The Occoquan Policy specifically regulates jurisdictional domestic sewage and sets forth requirements for high performance regional treatment plants. The policy was adopted pursuant to authority vested in the State Water Control Board (board) by Section § 62.1-44.15 of the State Water Control Law ; Code of Virginia 1950, as amended .

H. B. Water quality standard.

This "Occoquan Policy" also constitutes Special Standard "g" in the board's Water Quality Standards for sections 7, 7a, 7b, 7c, and 7d through 7h of the Potomac River Basin's Potomac River Subbasin (VR 680-21-08.4), which sections are delineated geographically in the "Basin and Section Description" portion of the Water Quality Standards Publication (VR 680-21-00). In addition, the text of this policy is referred to under subparagraph 5.01g, *Special Standards and Requirements* (VR 680-21-07.1 g), entitled "Occoquan Watershed Policy," of the Water Quality Standards (VR 680-21-00).

III. C. Background.

During the 1960s there was a great deal of concern generated about the large amount of treated sewage effluent being discharged in the Occoquan Watershed, since the receiving streams feed the Occoquan Reservoir, a drinking water supply for over 600,000 people in Northern Virginia.

In response to this, the State Water Control Board commissioned the firm of Metcalf & Eddy to study the problems of the Occoquan Reservoir and to recommend a course of action to preserve the Occoquan as a valuable water resource for future generations.

The results of the Metcalf & Eddy study stated that point source pollution was the primary cause of water quality degradation in the Occoquan Watershed and that a high degree of waste treatment would be necessary to prolong the life of the drinking water supply.

In 1971 the State Water Control Board adopted a Policy for Waste Treatment and Water Quality Management in the Occoquan Watershed (the Occoquan Policy) which outlined a course of action to control point source pollution in the watershed.

The Occoquan Policy provided for the construction of regional high-performance treatment facilities in the watershed and a monitoring program to obtain water quality data both before and after construction of any of the high-performance plants.

The Occoquan Watershed Monitoring Program (OWMP or monitoring program) was established in 1972 which gathered an extensive amount of information and found that water quality problems in the Occoquan Watershed were related directly to point source pollution and to nonpoint source pollution.

In 1978, a regional high-performance treatment facility (the Upper Occoquan Sewage Authority-UOSA) was placed in operation. This facility eliminated eleven (11) major point sources of pollution in the watershed.

Shortly after USOA began operations, costs and charges for sewage treatment in systems tributary to USOA increased rather sharply. To date a significant part of those high costs have been associated with large amounts

of infiltration and inflow being sent by the user jurisdictions to the regional facility for treatment.

In an attempt to control nonpoint source pollution the Commonwealth of Virginia adopted an erosion and sediment control law in 1973. In accordance with this law all of the watershed jurisdictions have adopted erosion and sediment control ordinances. In addition, a number of best management practices (BMP) handbooks were written and published in 1979 by the board. In mid-1980 Fairfax County adopted a BMP ordinance.

In 1978, the Water Control board contracted the firm of Camp Dresser & McKee (CDM) to reevaluate certain aspects of the Occoquan Policy. Their report was presented to the board and to the local communities in 1980 and recommended that few changes be made to the policy.

As a result of the CDM report, input from the local communities and the board's staff, an updated version of the Occoquan Policy was drafted.

IV. D. References.

1. A Comprehensive Pollution Abatement Program for the Occoquan Watershed, Metcalf & Eddy Engineers, March 18, 1970.
2. Record of public hearing on March 31, 1971, concerning State Water Control Board's Occoquan Policy.
3. Occoquan Policy Reevaluation, Phase III Report, Camp Dresser & McKee, June 1980.
4. Record of public hearing on November 20, 1980, concerning amendments to the Occoquan Policy.

SUBPART B. LONG-RANGE POLICY § 2. Long-range policy.

F. A. Number and general location of regional treatment plants.

A. 1. The number of high-performance regional plants which shall be permitted in this watershed is not more than three, but preferably two, generally located as follows:

1. a. One plant in the Fauquier County/Warrenton area.

2. b. One plant in the Manassas area to serve the surrounding area in Prince William, Fairfax, and Loudoun Counties.

B. 2. All point source discharges of treated sewage effluent will preferably be located at least 20 stream miles above the Fairfax County Water Authority's raw water intake. In no case shall a plant be located less

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than 15 miles above the raw water intake.

~~C. 3.~~ The provisions of ~~Section I.A. and B. §§ 2 A 1 and 2 A 2~~ shall not limit the consideration of land disposal systems for waste treatment in the watershed, provided such systems shall have no point source discharge to state waters and shall have the approval of the State Water Control Board.

~~H. B.~~ Regional plant capacity allocations for the Occoquan Basin.

~~A. 1.~~ The initial allotment of plant capacity for the Upper Occoquan Sewage Authority treatment facility shall be ~~was~~ approximately 10 MGD, based on all effluent being from high-performance plants meeting the requirements of Sections IV, V, and VI subsections D, E and F below and all those treatment facilities belonging to the City of Manassas, the City of Manassas Park, the Greater Manassas Sanitary District, and Sanitary District 12 of Fairfax County being abandoned.

~~B. 2.~~ Incremental increases in the regional plant capacity may be approved by the State Water Control Board (board) based on the results of a monitoring program which shows that current and projected discharges from the high-performance plants do not create a water quality or public health problem in the reservoir. ~~Such incremental increases shall not exceed 7.5 MGD at any one time.~~ The board advises that since severe infiltration/inflow stresses the performance reliability of the regional treatment plant(s), jurisdictions must pursue I/I correction within their individual systems.

~~HH. C.~~ Prerequisites for preliminary plant approval.

Prerequisites before the State Water Control Board gives approval to preliminary plans for a regional high-performance plant are:

~~A. 1.~~ A monitoring program for the receiving waters shall be in effect.

~~B. 2.~~ The authority who is to operate the proposed plant shall enter into a written and signed agreement with the board that the authority shall meet the administrative requirements of ~~Section VI. of this subpart subsection F of this section.~~

~~IV. D.~~ Design concept for high-performance plants on the Occoquan.

~~A. 1.~~ Plant design requirements are:

~~1. a.~~ The design of the high-performance sewage treatment plants discharging to the Occoquan Watershed shall meet all the requirements specified herein as well as those specified in the most recent edition of the Commonwealth of Virginia Sewerage

Regulations.

~~2. b.~~ The basic sewage plant design concept for the regional plants discharging to the Occoquan Watershed shall be based on the Upper Occoquan Sewage Authority Wastewater Reclamation Facility.

~~B. 2.~~ Changes in plant design requirements will be made according to these criteria:

~~1. a.~~ Changes to the plant design described herein shall only be acceptable if the change does all of the following:

~~a. (1)~~ Improves or equals the plant performance and final effluent quality.

~~b. (2)~~ Increases or equals plant reliability and maintainability.

~~e. (3)~~ Has a demonstrated performance in a plant of at least 5 to 10 MGD size for an operating period of not less than one, but preferably two years.

~~2. b.~~ Before such changes are incorporated in the plant, specific written approval shall be obtained from the board.

~~3. c.~~ Changes to the plant design solely to reduce cost and which jeopardize plant performance and reliability will not be approved.

~~V. E.~~ Plant performance requirements.

~~A. 1.~~ The plant performance requirements for high performance plants discharging to the Occoquan Watershed are given in Table I.

~~B.~~ The regional sewage authority must accumulate at least two seasons of operational data regarding the process reliability and effectiveness of the nitrogen removal facilities. In the case of the existing regional sewage authority (USOA), those two seasons of data may be accumulated in two stages. The first stage may be gathered during the shakedown period of the nitrogen removal facilities (at or near the 10.9 MGD flow) while the second stage may be gathered at or near the 15 MGD flow.

~~C. 2.~~ Full-time operation of the nitrogen removal facilities is to be dependent upon the ability of the Occoquan Reservoir to maintain an ambient nitrate concentration of 5.0 mg/l as N or less in the vicinity of the Fairfax County Water Authority intake point. It is recommended that the Fairfax County Water Authority and the owner of the regional sewage authority enter into an agreement whereby both parties can be kept informed as to the need for operation of the nitrogen removal facilities. *Operation of the nitrogen removal facilities is required when the ambient nitrate concentration (as N) is 5.0 mg/l or*

higher in the Occoquan Reservoir in the vicinity of the Fairfax County Water Authority intake point. The owner of the regional sewage authority is responsible for knowing ambient results of nitrate and when operation of nitrogen removal facilities is necessary.

TABLE I

**MINIMUM EFFLUENT QUALITY REQUIREMENTS*
FOR ANY REGIONAL SEWAGE TREATMENT
PLANT IN THE OCCOQUAN WATERSHED**

	COD mg/l	Suspended Solids mg/l	Nitro- gen mg/l	Phos- phorus mg/l	MBAS mg/l	Tur- bidity -JTU- NTU	Coliform per 100 ML sample
Final Effluent Requirements	10.0	1.0	1.0**	0.1	0.1	0.5***	less than 2

* As measured on a weekly *monthly* average unless otherwise noted. Since these are minimum requirements, the normal average would be expected to be substantially better.

** Total nitrogen during operation of nitrogen removal by ion exchange; unoxidized Unoxidized nitrogen (as TKN) at all other times. Refer to Subpart B, Section V § 2 E2 for further information.

*** Measured immediately prior to chlorination.

VI. F. Administrative and technical requirements for the control of the sewer system tributary to a regional, high-performance plant in the Occoquan Watershed.

A. 1. The owner to whom the permit is issued for operation of a regional plant shall meet the general and administrative requirements covered below. These requirements shall also be contractually passed on by the owner to any parties and/or jurisdictions with which the owner may contract for the processing of wastewater.

These requirements are not applicable to the existing small, independent discharges in the watershed regional sewage treatment plants.

B. 2. The high-performance regional treatment plant shall be manned by an appropriate number of trained and qualified operating, maintenance and laboratory personnel and manned continuously 24 hours a day, 7 days a week throughout the year.

C. 3. The owner shall include, as part of his preliminary and final plans and specifications

submitted to the board for approval, a detailed statement indicating how each of the technical and administrative requirements in this policy has been met. Any proposed deviation from any of these requirements shall be clearly identified and technically justified, and shall require formal State Water Control Board approval. These submittals shall also include:

1. a. Simplified fluid system diagrams which clearly identify the following:

a. (1) The average and peak capacity of each unit.

b. (2) The number of units of each type needed to handle the normal average flow and the peak of flow.

c. (3) The number of spare units and their capacity for both average and peak flow cases shall also be identified.

In addition, a brief narrative summary description shall be submitted to identify what has been done to ensure that each unit and major subsystem can be maintained and expanded without release of effluent that does not meet the minimum standards.

2. b. A simple one-line power distribution system diagram showing how outside power is brought into the plant and how power is distributed within the plant proper shall be submitted. This diagram shall also show as a minimum:

a. (1) Ratings and characteristics of electrical components such as transformers, circuit breakers, motor controllers, etc., making up the system.

b. (2) Protective devices such as thermal overloads, under frequency, or under voltage relays.

c. (3) Voltages supplied by all fuses.

d. (4) Normal circuit breaker and switch conditions. (Notes shall also be provided as required to cover abnormal, casualty, and emergency operating modes.)

e. (5) How electrical loads are combined into switch gear and load center. (The use of cubicle outlines in phantom or dotted line is suggested.)

D. 4. The final submittal of plans and specifications for the plant to the State Water Control Board shall include a systematic failure mode and effects analysis on the mechanical and electrical portions of the plant so as to demonstrate that a single failure of a mechanical or electrical component will not interrupt the plant operations which are necessary to meet the effluent requirements of Table I of this policy.

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E. 5. Pumping stations on the collection systems which are located in the Occoquan Watershed and are tributary to a regional treatment works shall:

1. a. Have stand-by pumping units.
2. b. Have at least one "on-site" backup power supply.
3. c. Have at least one "off-site" power supply.
4. d. Be designed so that no single failure of a mechanical or electrical component could degrade pumping capability.
5. e. Have pumps and valves arranged so that these units can be removed and replaced without the by-passing of sewage.
6. f. Have flow measure devices with provisions for recording flow.
7. g. Have retention basins of a minimum one-day capacity.

If these pumping stations are remote and unmanned, an alarm system shall be provided at manned stations to indicate that problems are developing and to direct maintenance assistance to the affected pumping station. The owner of each pumping station shall be required to obtain a State Water Control Board certificate.

A waiver may be sought from requirement 7. g above, particularly in new collection systems exhibiting no I/I problems. However, the jurisdiction requesting such a waiver must submit documentation to the Water Control board for review that the sewer system tributary to the pump station meets the criteria established by the Virginia Sewerage Regulations for infiltration/inflow, and any other such information that the board may require.

F. 6. The major junctions in the collection system (e.g., at least at the 1 to 2 MGD collection points) shall have continuous recording flow measuring devices to help in the early identification of problem portions of a collection system in the event of unexplainable high flows (e.g., excessive infiltration). Also, such flow measuring devices and isolation valves shall be provided between jurisdictions as well as any others contracting for the services of the regional plant. The flow measuring devices and isolation valves between jurisdictions shall be under the control and responsibility of the owner to whom a plant certificate is issued.

G. 7. Each sewage treatment plant shall have a pretreatment program approved by the board.

H. 8. Waste being processed in any existing small

plants shall have the first priority on treatment capacity and such capacity shall be specifically reserved for them in the new high-performance regional plants. New developments are to have second priority.

I. 9. If any of the various administrative procedures of the owner of the regional treatment plant or of jurisdictions served by the plant prove ineffective under actual operating conditions, the State Water Control Board shall have the right to place new requirements on the owner and jurisdictions and to require any necessary action by these parties to physically correct the damage done to the reservoir due to ineffective implementation of the administrative requirements covered herein.

J. 10. The owner's interceptor and collection systems of the jurisdictions in the Occoquan Watershed shall be designed, installed, inspected, and tested by the respective owner to limit infiltration to 100 gal/inch-dia/mile/day as a maximum. The test results shall be certified and submitted to the board.

K. 11. Whenever the owner enters into an agreement with a jurisdiction for services of a regional plant, the owner shall be responsible for seeing that such jurisdictions have ordinances and rules to meet all the applicable requirements covered by this policy. These ordinances and rules shall meet the owner's approval and the owner shall monitor and spot-check to see that the jurisdictions are effectively implementing their ordinances and rules to meet the requirements covered herein. The board, at its discretion, can request the owner to submit to the board for its approval the ordinances and rules that will be used to meet the board's requirements covered herein.

Further, any time a user violates any of the administrative or technical requirements of the contract between the user and the owner which can affect the plant operations, hydraulic loading, or effluent quality or which affect the reservoir's water quality due to urban run off (e.g., siltation), the owner shall not allow the user to discharge additional wastewater to the owner's plant until the problem has been resolved to the owner's satisfaction.

L. 12. Up-to-date "as-built" drawings and manuals shall be available at least once a year for State Water Control Board inspection and review. These documents shall include as a minimum:

1. a. Up-to-date as-built electrical and fluid system diagrams.
2. b. Detailed as-built and installed drawings.
3. c. Normal operating and casualty procedures manual. The documents shall be updated at least once a year to reflect all changes and modifications

to the plant.

M. 13. The design engineer shall have the responsibility of meeting the proposed effluent quality as shown in Table I. To demonstrate that the plant as designed by the engineer can meet the effluent standards, the plant is to be operated under the supervision of the design engineer for a minimum of one year of continuous operation after the "debugging" period.

G. Other point source discharges.

1. Point sources other than regional plants will be permitted as regulated or required by the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (VR 680-14-01).

2. VPDES permits may be issued for single family homes with failing septic tanks, stormwater, pollution remediation projects, and minor industries. The permitting of major discharges (as defined in 40 CFR Part 122) other than regional sewage treatment plants is strictly prohibited.

3. No permit as authorized in subdivisions 1 and 2 above shall be issued or reissued unless the applicant demonstrates that it is not feasible to connect to a regional plant and that there is not a feasible alternative except to discharge.

SUBPART C. EXPANSION OF EXISTING PLANTS IN THE OCCOQUAN WATERSHED

§ 3. Expansion of existing plants in the Occoquan Watershed.

I. A. One of the objectives of the Occoquan Policy is to reduce water quality problems in the Occoquan Watershed due to pollution from point sources. To date the means of accomplishing this objective have been the construction and utilization of a high-performance regional plant - the Upper Occoquan Sewage Authority (USOA) - and the elimination of eleven 11 low-performance treatment plants in favor of the USOA facility. The eleven 11 low-performance treatment plants constituted the major point sources of pollution in the Occoquan Watershed; however, there are a number of smaller sewage treatment facilities which are still discharging. These facilities were not connected to the regional facility for at least one of the following reasons: (a) (i) a collector system to the regional plant was not constructed in close enough proximity to provide service, and/or (b) (ii) the small facility was outside of the service area for the regional plant. At some point in the future, these remaining plants may wish to expand and increase their flows.

H. B. Existing waste treatment facilities may be expanded to receive increased sewage flows; however, the degree of treatment must also be upgraded so that there will be no increase in the quantity of pollutant loadings

discharged to the receiving stream. A no-discharge land-application system may be considered in lieu of upgrading a facility.

III. C. Plants exceeding *not meeting* approved design performance limits will not be allowed additional capacity until the owner has installed additional treatment and demonstrated by means of a minimum of three months of performance data that the plant has been brought within its approved design performance levels and can accept additional waste loads without exceeding such approved design performance levels.

IV. D. No expansion or continued discharge shall be approved until the owner gives a written agreement to the State Water Control Board stating that the facility will connect to a regional facility when the appropriate conveyance facilities become available if it is feasible for the flow to be directed to a regional plant.

V. E. Proposed interim expansion of plants shall be reviewed with the appropriate regional sewage authority and its concurrence obtained to assure that such expansions are coordinated with the authority regional plans and can be readily incorporated into the regional system. The appropriate regional sewage authority concurrence shall be obtained before the State Water Control Board approval is given.

VI. F. The plans and specifications for expansion of collection and interceptor systems shall be reviewed with the appropriate regional sewage authority and its concurrence obtained for its comments before they are submitted to the board and the State Virginia Department of Health for approval. Any proposed expansion of collection and interceptor systems shall meet the technical and administrative requirements of Subpart B, Section VI, § 2 F, and the jurisdiction proposing such an expansion shall submit a formal letter to the board stating that its expansion will meet the requirements of Section VI § 2 F.

SUBPART D. OCCOQUAN WATERSHED MONITORING PROGRAM (OWMP)

§ 4. Occoquan Watershed Monitoring Program (OWMP).

Due to the critical nature of the receiving waters, intensive monitoring will be required to ensure that plants achieve desired performance levels at all times, and the effects of point sources and nonpoint sources on the receiving waters are measured and projected.

I. A. Watershed Monitoring Subcommittee.

A. 1. In order to ensure that performance levels are maintained and that the effects of point sources and nonpoint sources on receiving waters are known, a Watershed Monitoring Subcommittee shall be established and shall be convened at least twice *once* each calendar year. A subcommittee of this type must

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necessarily be composed of high-caliber personnel knowledgeable in the field of water and wastewater treatment and management. Accordingly, the subcommittee shall consist of three *two* ex-officio members or their designated representatives as follows:

I. Executive Secretary, State Water Control Board.

2. a. Director of State Virginia Department of Health's Division of Water Programs.

3. b. Director of Virginia Department of Conservation and Recreation's Division of Soil and Water Conservation Commission; and three other members or their designated representatives as follows:

4. c. A representative of the Environmental Protection Agency.

5. d. A representative of a state university in Virginia.

6. e. A nationally recognized consultant in the water and wastewater treatment field or water quality management fields.

B. 2. The ex-officio members shall select and submit to the State Water Control Board for approval the names of the other members of the subcommittee. The subcommittee shall elect a chairman and such chairmanship shall be rotated on a biennial basis.

C. 3. From time to time the subcommittee may seek additional expert advice.

II. B. Monitoring subcommittee's responsibilities.

The Watershed Monitoring Subcommittee shall have the following responsibilities:

1. To ensure *oversee* that there is adequate monitoring of the regional plant effluent and process control testing at the regional plant.

2. To develop a water quality monitoring program for the Occoquan Reservoir and its tributary streams to ensure that there is a continuous record of water quality available. To further ensure that projections are made to determine the effect of additional waste loading from point sources as well as nonpoint sources.

3. To ensure that the stream monitoring program is separate and distinct from plant process control testing and effluent monitoring.

4. To review data collected from the monitoring program and submit to the board and the various jurisdictions reports on the status of plant performance

and water quality in the watershed every six months at least once each year. All reports by Occoquan Watershed Monitoring Program (OWMP) or Occoquan Watershed Monitoring Laboratory (OWML) personnel concerning evaluation of Occoquan monitoring data must be approved by the Occoquan Watershed Subcommittee prior to release or publication.

5. To report to the board immediately significant changes in plant performance or water quality due to either point source or nonpoint source pollution.

6. To maintain close liaison with the Fairfax County Water Authority in order to ensure satisfactory raw water which can be adequately treated at the authority's facilities.

7. To establish the Occoquan Watershed Monitoring Laboratory (OWML) to conduct sampling and analyses to fulfill the above responsibilities.

III. C. Provision for restructuring of the OWMP.

A. 1. The Occoquan Watershed Monitoring Program (OWMP) and the Occoquan Watershed Monitoring Laboratory (OWML) were established in accordance with the above provisions. This was done on July 1, 1972. Since that time a large body of information regarding the functioning of the Occoquan Reservoir system has been accumulated. Major point sources have been consolidated into and eliminated by a high-performance sewage treatment facility (USOA). As growth increases in the watershed, this trend is expected to continue.

B. 2. The work performed by OWML has indicated that the key to water quality is a two-part issue. Those parts are point source pollution and nonpoint source pollution. Point source discharges in the watershed are currently regulated by the board's NPDES Permit program. Nonpoint sources of pollution are currently being addressed by state and local voluntary and mandatory control programs. However, in the future it may be necessary that additional mandatory programs be adopted.

C. 3. Recently, several jurisdictions have expressed concern about the continuance of the OWMP in regard to monitoring nonpoint source pollution. Therefore the subcommittee should re-evaluate its program direction and means of funding to more adequately reflect the concerns and needs of its supporting jurisdictions, specifically to direct more attention to the effects of nonpoint source pollution of the Occoquan Reservoir. A program restructuring shall take place to account for shifts in monitoring trends and funding by December 31, 1982, or the regional sewage authority must assume the monitoring program. The program shall be evaluated periodically for restructuring to account for shifts in monitoring trends and funding and any recommended restructuring approved by the

board prior to implementation. The regional sewage plants are ultimately responsible for the monitoring program with the exception of the nonpoint source elements.

IV. D. Financing the OWMP.

A. 1. It is recommended that the cost of the OWMP be split equally between water supply and sewage uses. This would mean that the Fairfax County Water Authority would have to fund half of the OWMP budget while the counties of Fairfax, Prince William, Loudoun, and Fauquier and the cities of Manassas and Manassas Park would be responsible for jointly funding the other half. That portion of the OWMP budget funded by the counties and cities would be divided so that each jurisdiction would be charged in proportion to its allotted sewage capacity in the Occoquan Watershed. The budget shall be reviewed by the jurisdictions prior to approval by the subcommittee.

B. 2. Written agreements shall be obtained from each of the jurisdictions which shall commit them to supply the above funds yearly to finance the OWMP. This monitoring program is for their protection and benefit. If for some reason a county or city does not wish to retain its sewage allotment in the Occoquan Watershed and/or will not fund the monitoring program, then its allotment can be divided up among the remaining participating jurisdictions, with their portion of the cost of the monitoring program rising accordingly. *The regional sewage plants are ultimately responsible for monitoring with the exception of nonpoint source elements.*

C. 3. If federal funds and assistance can be obtained, the cost to the counties and the Fairfax County Water Authority will be reduced proportionally. The funding of the program without federal funds is to be assumed, so as not to further delay or complicate the initiation of this program.

D. The State Water Control Board staff coordinator will be responsible for controlling the funding of the OWMP.

4. The Office of Sponsored Programs, Virginia Polytechnic Institute and State University, has agreed to be responsible for billing, receiving, and disbursement of funds to the OWMP.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND LANDSCAPE ARCHITECTS

Title of Regulation: VR 130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.

Statutory Authority: § 54.1-404 of the Code of Virginia.

Effective Date: September 1, 1990.

Summary:

The board is repealing the existing regulation and promulgating a new regulation to establish the minimum qualifications necessary for licensure, certification or registration of architects, professional engineers, land surveyors and landscape architects, as well as the professional corporations and business entities offering such professional services. Standards of practice and conduct have also been established.

Substantive changes to the regulations since it was published in its proposed form include (i) deleting some definitions to avoid confusion with Code definitions; (ii) adding language to qualify engineering students and people with doctorate degrees for examination; (iii) adding language to qualify land surveyor applicants who have completed a survey apprenticeship program; (iv) modified fees for reinstatement; and (v) more clearly defined use of seal requirements. A number of minor grammatical and housekeeping changes were also made for clarification and simplicity.

VR 130-01-2. Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects Rules and Regulations.

PART I. GENERAL DEFINITIONS.

§ 1.1. As used in these regulations, unless the context requires a different meaning:

"Direct control and [personal] supervision" shall be that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his supervision.

"Full time" means 60% or more of a licensee's gainfully employed time.

"Good moral character" shall include, but shall not be limited to, compliance with the standards of practice and conduct as set forth in these regulations.

["~~Landscape architecture~~" means certified landscape architecture.

~~"License" shall also mean certificate, certificate of authority, or registration.~~

~~"Licensee" shall also mean certificate holder or registrant.]~~

"Place of business" means any location which offers to practice or practices through licensed [or certified] professionals the services of architecture, professional engineering, land surveying and landscape architecture. A [temporary] field office set up for [temporary] construction-related [or land surveying] services is not a place of business.

["~~Regulant~~" means licensee, certificate holder or registrant.]

"Responsible charge" means the direct control and [personal] supervision of the practice of architecture, professional engineering, land surveying and [certified] landscape architecture.

PART II. GENERAL ENTRY REQUIREMENTS.

§ 2.1. Application requirements.

A. Fully documented applications [with the noted exception] shall be submitted by applicants seeking consideration for licensure [, certification or registration] with the appropriate fee(s) (check or money order only made payable to the Treasurer of Virginia) to be received in the board's office no later than 120 days prior to the scheduled examination. [Applicants for the Fundamentals of Engineering examination enrolled in an ABET accredited curriculum who are within 12 months of completion of degree requirements may submit applications to be received in the board's office no later than 60 days prior to the scheduled examination.] The date the completely documented application and fee are received in the board's office shall determine if an application has been received by the deadline set by the board. All applications should be completed according to the instructions contained herein. Applications are not considered complete until all required documents, including but not limited to references, employment

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verifications and verification of registration are received by the board. All applications, accompanying materials and references are the property of the board.

B. Applicants shall meet applicable entry requirements at the time application is made.

C. Applicants who have been found ineligible for any reason, may request further consideration by submitting in writing evidence of additional qualifications, training or experience. No additional fee will be required provided the requirements for licensure [, certification or registration] are met within a period of three years from the date the original application is received by the board. After such period, a new application shall be required.

D. The board may make further inquiries and investigations with respect to the qualifications of the applicant and all references, etc., to confirm or amplify information supplied. The board may also require a personal interview with the applicant.

E. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

F. Applicants shall be held to the same standards of practice and conduct as set forth in these regulations.

G. National council information.

1. Architect applicants may obtain information concerning NCARB certification and the Intern Development Program from:

National Council of Architectural Registration Boards
(NCARB)
1735 New York Avenue, N.W., Suite 700
Washington, DC 20006
(202) 783-6500

2. Engineer and land surveyor applicants may obtain information concerning NCEES certificates from:

National Council of Examiners for Engineering and Surveying
(NCEES)
P.O. Box 1686
Clemson, South Carolina 29633-1686
(803) 654-6824

3. Landscape architect applicants may obtain information concerning CLARB registration from:

Council of Landscape Architectural Registration Boards
(CLARB)
4 Adler Drive, Suite 6
East Syracuse, New York 13057

§ 2.2. Determining qualifications of applicants.

In determining the qualifications of an applicant for a license as an architect, a majority vote of only the architect members of the board shall be required. In determining the qualifications of an applicant for a license as a professional engineer, a majority vote of only the professional engineer members of the board shall be required. In determining the qualifications of an applicant for a license as a land surveyor, a majority vote of only the land surveyor members of the board shall be required, and in determining the qualifications of an applicant for certification as a landscape architect, a majority vote of only the certified landscape architect members shall be required.

§ 2.3. Good standing of comity applicants.

An applicant licensed [, certified or registered] to practice architecture, professional engineering, land surveying or landscape architecture in another jurisdiction shall be in good standing in every jurisdiction where licensed, [certified or registered,] and shall not have had a license [certificate or registration] suspended, revoked or surrendered in connection with a disciplinary action or [~~which~~ who] has been the subject of discipline in another jurisdiction prior to applying for licensure [, certification or registration] in Virginia.

§ 2.4. Transfer of scores to other boards.

The board, in its discretion and upon proper application, may forward the grades achieved by an applicant in the various examinations given under the board's jurisdiction to any other duly constituted registration board for use in evaluating such applicant's eligibility for registration within such board's jurisdiction or evaluation of such applicant's national certification. The applicant shall state his reason for requesting transfer and such transfer shall terminate the applicant's application pending before the board.

PART III.

QUALIFICATIONS FOR LICENSING OF ARCHITECTS.

§ 3.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$40	
Renewal	55	
ARE Exam (all divisions) (1990)	340	(1991) 430
Division A	72	82
Division B written	57	67
Division B graphic	92	102
Division C	125	135

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Division D/F	67	77
Division E	52	62
Division G	73	83
Division H	74	84
Division I	71	81
Out of State proctor	50	

§ 3.2. Character.

Applicants must be of good moral character.

§ 3.3. Education.

A. All applicants shall obtain five years of professional education or equivalent education credits. Education credits shall be calculated in accordance with Table I.

B. On or after January 1, 1993, all applicants shall hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after termination of enrollment.

§ 3.4. Experience.

A. All applicants shall have three years of training in the essential areas of architectural practice as defined below. Evidence shall be in the form of official records of a structured internship development program approved by the board, or incorporated in the candidate's application and verified by employers. Experience shall include:

- 1. A minimum of 18 months in the area of design and construction documents directly related to the practice of architecture; and*
- 2. A minimum of five months in the area of construction administration directly related to the practice of architecture; and*
- 3. A minimum of three months in the area of office management directly related to the practice of architecture.*

Training credits shall be calculated in accordance with Table I.

B. The Intern-architect Development Program (IDP) shall be required of all applicants on or after January 1, 1993. An applicant shall be enrolled in IDP for a period of one year or more prior to submitting an application for examination in Virginia. IDP training requirements shall be in accordance with Part II of Table I.

§ 3.5. References.

Eligibility for licensure is determined in part by the applicant's demonstrated competence and integrity to

engage in the practice of architecture. Applicants shall submit three references with the application, all of whom are licensed architects in a jurisdiction or territory of the United States. These professionals shall have personal knowledge of the applicant's architectural experience and have known the applicant for at least one year. References shall be current for one year.

§ 3.6. Examination.

A. All applicants for original licensing in Virginia are required to pass an Architect Registration Examination (ARE) after meeting the education and training requirements as provided in these regulations.

B. The Virginia board is a member of the National Council of Architectural Registration Boards (NCARB) and as such is authorized to administer the NCARB examinations.

C. Grading of the examination shall be in accordance with the national grading procedure administered by NCARB. The board shall adopt the scoring procedures recommended by NCARB.

D. The Architect Registration Examination (ARE) will be offered at least once a year at a time designated by the board.

E. The board may approve transfer credits for parts of the examination taken prior to the 1983 ARE. Transfer of credits will be in accordance with national standards.

F. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

G. Examinees will be given specific instructions as to the conduct of each division of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

H. Scores...

Examinees will be advised only of passing or failing the examination. Only the board and its staff shall have access to examination papers, scores and answer sheets.

I. Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

§ 3.7. License by comity.

A. Any person licensed in another state, jurisdiction or territory of the United States may be granted a license

without written examination, provided that:

1. The applicant meets all the requirements for licensing in Virginia or possesses an NCARB certificate; and
 2. The applicant holds a currently active valid license in good standing in the jurisdiction of original licensure.
 3. Applicants who were registered in their base state without IDP must submit a verified record of experience in accordance with § 3.4.
- B. The board may accept a currently valid license in good standing from the applicant's current base state if transferred from the jurisdiction of original licensure.
- C. Applicants licensed in foreign countries may be granted a license in Virginia based on an NCARB certificate.

TABLE I.
REQUIREMENTS FOR ARCHITECTURAL LICENSURE

PART I EDUCATION AND TRAINING REQUIREMENTS	EDUCATION AND TRAINING REQUIREMENTS RELEASED: JANUARY, 1990; THIS EDITION SUPERSEDES ALL PREVIOUS TABLES OF EQUIVALENTS.					
	INTERM-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS REFER TO PART II FOR THEIR TRAINING REQUIREMENTS. (Complete information may be obtained from NCARB.)					
	Education Credits			Training Credits		
	First 2 Years	Succeeding Years	Max. Credit Allowed	Credit Allowed	Max. Credit Allowed	
A-1 First professional degree in architecture, or credits toward the first professional degree, where the degree program has been approved by the board not later than two years after termination of enrollment.	75%	100%	5 years			See B-1.2
A-2 First professional degree in architecture, or credits toward that degree, where the degree program has not been approved by the board.	75%	75%	4 years			
A-3 Bachelor degree, or credits toward that degree, in architectural engineering, archi- tectural technology, or in civil, mechanical, or electrical engineering, or in interior architecture, each of the above being approved by the board.	50%	75%	3 years			
A-4 Any other bachelor degree.			2 years			
A-5 Diversified experience in architecture as an employee in the offices of licensed architects.	50%	50%	5 years	100%	no limit	
A-6 Diversified experience in architecture as a principal practicing in the office of a licensed architect with a verified record of substantial practice.	50%	50%	5 years	100%	no limit	
A-7 Diversified experience in architecture as an employee of an organization (other than offices of registered architects) when the experience is under the direct supervision of a registered architect.	50%	50%	4 years	100%	2 years	
A-8 Experience directly related to architecture, when under the direct supervision of a licensed architect but not qualifying as diversified experience or when under the direct supervision of a professional engineer, landscape architect, interior designer, or planner.		0		50%	1 year	

3-9 Experience, other than A-5, A-6, A-7 or A-8 experience, directly related to on-site building construction operations or experience involving physical analyses of existing buildings (see 3-3.2.2)

0 50% 6 months

B-3 General Evaluation Criteria

1. To earn full education or training credits under A-5, A-6, A-7, A-8 and A-9 an applicant must work at least 35 hours per week for a minimum period of ten consecutive weeks under A-5 or 6 consecutive months under A-6, A-7, A-8 or A-9. An applicant may earn one-half the credit specified under A-5 for work of at least 20 hours per week in periods of 6 or more consecutive months; no credit will be given for part-time work in any category other than A-5.
2. Other education and training may be substituted for the requirements outlined above, only insofar as the Board considers them to be equivalent to the required qualifications.
3. In evaluating credits, the Board may, prior to registration, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical education and training requirements set forth above.

PART II TRAINING REQUIREMENTS FOR INTER-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS

IDP Applicant Defined
An IDP applicant for registration is a person who has completed the IDP training requirements listed below and satisfied the requirements of Part I.

Training Requirements
An IDP applicant must complete a total of 700 minimum units (MU's) to satisfy the training requirements. One MU equals 8 hours of acceptable activity. See Part I for acceptable experience descriptions.

The following chart lists the IDP training categories and areas and the value unit requirements for each.

CATEGORY A		CATEGORY B		CATEGORY C	
Design and Construction Documents	Minimum MU's Required	Design and Construction Documents	Minimum MU's Required	Office Management	Minimum MU's Required
1. Programming-Client Contact.....	10	13. Office Procedures.....	15	14. Professional Activities.....	10
2. Site and Environmental Analysis.....	10	Minimum Total MU's Required 350			
3. Schematic Design.....	15	*The differences between the minimum total MU's required in each of categories A, B and C are the sum of the minimums required for each training area within the category must be acquired by earning MU's from training areas listed below.			
4. Building Cost Analysis.....	10	CATEGORY D			
5. Design Development.....	10	Related Special Activities			
6. Construction Documents.....	135	No Minimum Required 0			
7. Specifications & Materials Research.....	15	The above listing of required minimums in categories A, B and C totals 445 MU's allowing for 255 additional MU's to be acquired in any of the listed categories. All of the 255 additional MU's may be acquired in one category or distributed among the categories.			
8. Coordination.....	15	Minimum Total MU's Required 350			
Minimum Total MU's Required 350		CATEGORY E			
CATEGORY E		Construction Administration			
10. Bidding & Contract Negotiation.....		11. Construction Phase-Observation.....			
11. Construction Phase-Observation.....		12. Construction Phase-Observation.....			
Minimum Total MU's Required 70*					

EXPLANATION OF REQUIREMENTS

B-1 Education Credits Education Credits shall be subject to the following conditions:

1. No education credits may be earned prior to graduation from high school.
 2. Applicants with the degree specified in A-1 through A-4 will be allowed the credits shown in the Maximum Credit Allowed column, regardless of the length of the degree program. Applicants without the degree specified in A-1 or A-2 may not accumulate more than 3 years of education credits in the aggregate from all degree programs.
 3. 30 semester credit hours or 48 quarter credit hours are considered to be 1 year. Fractions of a year of one-half or greater will be considered one-half year, and smaller fractions will not be counted.
 4. Foreign education credits will be granted only under classifications A-2 and A-4. Any cost of translation and evaluation will be borne by the applicant.
- B-2 Training Credits Training credits shall be subject to the following conditions:

1. No training credits may be earned prior to accumulating 2 1/2 education credits.
2. Every applicant must earn at least one year of training credit under A-5 or A-6 and must earn it after earning 5 years of education credits.
3. No credit used as an education credit may be used as a training credit.
4. Organizations will be considered to be "affiliates of registered architects," (a) the person practicing as a principal in which the applicant works is in the charge of a registered architect, and (b) the organization is not engaged in construction, and (c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the person or persons in the organization practicing as a principal.
5. An organization (or an affiliate) is engaged in construction if it customarily engages in either of the following activities:
 - (a) providing labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation.
 - (b) agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.
6. A person practices as a "principal" by being a registered architect and the person in charge of the organization's architectural practice, either alone or with other registered architects.
7. In evaluating training credits the Board may, prior to licensure, require the applicant to substantiate training experience by comparing this experience to the training requirements as indicated for the Intern-Architect Development Program (IDP). See IDP Training Requirements below.

PART IV. QUALIFICATIONS FOR LICENSING OF PROFESSIONAL ENGINEERS.

Explanation of Requirements

1. VU's in categories A, B and C may be acquired only if the applicant meets the time requirements of B-3.1 of Part I. VU's may be acquired in category D only if the activity is substantial and continuous.
Full VU credit is earned for acceptable full-time employment in the settings described in A-6 and A-9 of Part I, and for acceptable part-time employment in the setting described in A-5 of Part I.
2. No VU's may be acquired prior to satisfactory completion of:
 1. three years in an NAB accredited bachelor degree program, or
 2. the third year of a four year pre-professional degree program in architecture accepted for direct entry to an NAB accredited master's degree program, or
 3. one year in an NAB accredited master's degree program, or
 4. 96 semester credit hours as evaluated by EESA in accordance with NCARB Circular of Information No. 3 of which no more than 60 hours can be in the general education category or
 5. five education credits as of June 30, 1984.
 32 semester credit hours or 48 quarter credit hours shall equal one year in an academic program.
3. A master's or doctoral degree in architecture (except where the degree is the first professional degree) qualifies for 235 VU's under category D.
4. An IDP applicant may earn VU's by completing NCARB-approved supplementary education programs; credit to be in accordance with a table of credits established by NCARB. Supplementary education cannot be used to satisfy the minimum VU requirements in training areas 1-14. No VU's may be earned for supplementary education prior to meeting the requirements of A-1 of Part I or while enrolled in a second professional degree program in architecture.
5. The VU's which may be earned under paragraph 3 and 4 may not exceed in the aggregate 235 VU's.
6. To satisfy categories A and B of the training requirements, VU's (including VU's earned from supplementary education) in those categories must be acquired when employed in the settings described in A-5 or A-7 of Part I.
7. A minimum of 235 VU's must be acquired in the setting described in A-5 of Part I after having satisfied A-1.
8. In evaluating training, NCARB may, prior to certification, require substantiation of the quality and character of the training notwithstanding the fact that the IDP applicant has complied with the technical training requirements set forth above.
9. For detailed descriptions of the IDP training categories and supplementary education requirements, see IDP Guidelines available through NCARB.

§ 4.1. Definitions.

The following definitions shall apply in the regulations relating to the licensing of professional engineers.

["ABET" means the Accreditation Board for Engineering and Technology]

"Approved engineering curriculum" means an engineering curriculum of four years or more approved by the board. ABET approved engineering curricula are approved by the board.

"Approved engineering technology curriculum" means an ABET approved engineering technology curriculum.

"Approved professional experience" means a specific record of acceptable professional experience which the board, in its discretion, judges to be pertinent in acquiring engineering skills, on engineering projects of a grade and character indicating that the applicant may be competent to practice engineering.

"Engineering examination" means an eight-hour written examination in the Fundamentals of Engineering and an eight-hour written examination in the Principles and Practice of Engineering where required.

"Engineer-in-training (EIT) designation" means the designation of an applicant who completes any one of several combinations of education, or education and experience, and passes the Fundamentals of Engineering examination.

§ 4.2. Fee schedule.

All fees are nonrefundable and shall not be prorated.

FE Application	\$25
PE Application	50
Renewal	45
FE Examination	65
PE Examination	90
PE Exam rescore	50
FE/PE Out of State Proctor	50
[Oral Examination	100]

§ 4.3. Character.

Applicants must be of good moral character.

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[§ 4.4. Requirements for Fundamentals of Engineering (FE) exam.]

Applicants who are enrolled in an ABET accredited curriculum and are within 12 months of completion of degree requirements are eligible for the FE exam. Applications must be accompanied by a certificate of good standing from the dean of the engineering school.

All other applicants must meet the eligibility requirements in § 4.5 below.]

[§ 4.4. § 4.5.] Requirements for engineer-in-training (EIT) designation.

The minimum education, experience and examination requirements for the engineer-in-training (EIT) designation are as follows:

1. An applicant who has graduated from an approved engineering or approved engineering technology curriculum of four years or more and has passed an eight-hour written examination in the Fundamentals of Engineering; or

2. An applicant who has graduated from a nonapproved engineering curriculum or a related science curriculum of four years or more, with a specific record of two or more years of approved professional experience and has passed the Fundamentals of Engineering examination; or

3. An applicant who has graduated from a nonapproved engineering technology curriculum or who has not graduated from an engineering or related science curriculum of four years or more but who, in the judgment of the board, has obtained the equivalent of such graduation as described, by self-study or otherwise, and has acquired six additional years of approved professional experience and has passed the Fundamentals of Engineering examination. Experience used to determine educational equivalency shall not be used in satisfying professional experience.

The engineer-in-training (EIT) designation shall remain valid indefinitely.

[§ 4.5. § 4.6.] Requirements for professional engineering license.

The minimum education, experience and examination requirements for licensing as a professional engineer are as follows:

1. An applicant who has graduated from an approved engineering curriculum, has passed the Fundamentals of Engineering examination or an equivalent exam, has a specific record of at least four years of progressive approved professional experience, and has passed the Principles and Practice of Engineering

examination [, provided, however, any applicant who has been awarded both an ABET accredited undergraduate engineering degree and a doctorate degree in engineering from an engineering curriculum which is ABET accredited at the undergraduate level may have the Fundamentals of Engineering examination waived] ; or

2. An applicant who has graduated from a nonapproved engineering curriculum, a related science curriculum of four years or more, or an approved engineering technology curriculum, who has passed the Fundamentals of Engineering examination or an equivalent exam, has acquired a specific record of at least six years of progressive approved professional experience, and has passed the Principles and Practice of Engineering examination; or

3. An applicant who has not graduated from an approved engineering curriculum of four years or more but who has obtained the equivalent of such graduation by self-study or otherwise, has passed the Fundamentals of Engineering exam or an equivalent examination, has acquired 10 years of approved professional experience, and has passed the Principles and Practice of Engineering examination. Experience used to determine educational equivalency shall not be used in satisfying professional experience; or

4. An applicant who has graduated from an engineering, engineering technology or related science curriculum of four years or more, who has acquired a specific record of 20 years or more of approved progressive professional experience on engineering projects of a grade and character which the board judges to be pertinent to acquiring professional skills, such that the applicant may be competent to practice engineering, and has passed the examination in the Principles and Practice of Engineering; or

5. An applicant who has graduated from an engineering, engineering technology, or related science curriculum of four years or more, and who has acquired a specific record of 30 years or more of approved progressive professional experience on engineering projects of grade and character which the board judges to be pertinent to acquiring professional skills, demonstrating that the applicant is eminently qualified to practice engineering, shall pass [a special an] oral examination which indicates to the board that the applicant is eminently qualified to practice engineering. If the board has any doubt concerning an applicant's eminent qualifications, the applicant shall be reclassified as an examination candidate.

[§ 4.6. § 4.7.] References.

A. References for Fundamentals of Engineering examination.

Applicants for the Fundamentals of Engineering

examination only shall provide one reference from a professional engineer, or from the dean of the engineering school or a departmental professor in the school attended by the applicant, or an immediate work supervisor. Any reference provided shall be from a person who has known the applicant for at least one year. References may not also verify professional experience.

B. References for Principles and Practice of Engineering examination.

To be eligible for admission to the Principles and Practice of Engineering examination, an applicant must indicate competence and integrity to engage in the engineering profession by submitting three references with the application, all of whom shall be licensed professional engineers in a state or territory of the United States. The professional engineers providing the references shall have personal knowledge of the applicant's engineering experience and shall have known the applicant for at least one year. References shall be no more than one year old at the time the applicant is approved to take the requisite examination. References may not also verify professional experience.

[§ 4.7. § 4.8.] Education.

Any applicant who has attended an institution not located in the United States shall have his degree evaluated by an educational evaluation service or by ABET if credit for such education is sought. The board reserves the right to reject any evaluation submitted by the applicant.

[§ 4.8. § 4.9.] Training and experience.

Professional engineering training and experience shall be progressive in complexity and based on a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and fundamental principles of engineering design, provided:

- 1. In general, experience in sales, drafting, estimating, field surveying, nonengineering military service, and inspection are considered nonqualifying;*
- 2. Engineering experience gained by graduate engineering study or by engineering teaching as an instructor or higher in an institution approved by the board may be deemed professional experience;*
- 3. Engineering experience gained during a board-approved co-op program may be deemed professional experience to a maximum of one year of credit;*
- 4. The board, in its sole discretion, may permit partial credit, not to exceed 1/4 of that required, for approved professional experience obtained prior to graduation from an engineering curriculum.*

[§ 4.9. § 4.10.] Language and comprehension.

Every applicant shall be able to speak and write English. An applicant from a non-English speaking country or a country wherein the primary language is other than English shall submit to the board a TOEFL (Test of English as a Foreign Language) score report with a minimum score of 560, and a TSE (Test of Spoken English) score report with a minimum score of 255. Score reports shall not be over two years old at the time of application.

[§ 4.10. § 4.11.] Examinations.

A. The Virginia board is a member of the National Council of Examiners for Engineering and Surveying (NCEES) and as such is authorized to administer the NCEES examinations.

B. The Fundamentals of Engineering examination consists of an eight-hour test period on the fundamentals of engineering, and is given semiannually at times designated by the board.

C. The Principles and Practice of Engineering examination consists of an eight-hour test period on applied engineering and is given semiannually at times designated by the board.

[D. Grading of the examinations shall be in accordance with national grading procedures established by NCEES.]

[E. D.] Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

[F. E.] A candidate eligible for admission to both parts of the examination must first successfully complete the fundamentals of engineering examination before being admitted to the principles and practice of engineering examination.

[G. F.] Examinees will be given specific instructions as to the conduct of each examination at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

[G. The oral exam shall consist of a review of the engineering background and examples of the work of the professional engineering candidate in the presence of the Professional Engineer Section of the board. This examination may encompass any facts appearing in the application and supporting papers of the candidate and such direct evidence as the candidate may desire to present to the board to substantiate the breadth and

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depth of professional engineering experience, primarily in experience in engineering design and analysis.

1. Substantiating evidence shall be in the form of drawings, sketches, reports, specifications, calculations, published articles, textbooks, or other suitable information demonstrating the engineering experience of the candidate. Based upon this information, the candidate will be subject to questions regarding principles of engineering followed in the execution of such work.

2. The candidate shall demonstrate that the experience record is of a professional level and shall leave no doubt as to the ability to protect the public in the practice of engineering. Failure to demonstrate this ability shall result in reclassification.]

H. Grading.

[Grading of the examinations shall be in accordance with national grading procedures established by NCEES.]

Each part of the written examination will have a value of 100. A passing score shall be 70 and above. Candidates will be notified of passing or failing and their actual scores.

1. Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

J. Examination reviews.

The Fundamentals of Engineering examination may not be reviewed by the candidates. Examination scores are final and are not subject to change.

Upon written request to the board within 30 days of receiving exam results, candidates for the Principles and Practice of Engineering examination will be permitted to review only their own failed examination. Score appeals may be accepted in accordance with board policy.

] § 4.11. § 4.12.] License by comity.

A person holding a license to engage in the practice of engineering, issued to the applicant by another state, territory or possession of the United States, or the District of Columbia, based on requirements that do not conflict with and are at least as vigorous as these regulations and supporting statutes of this board, may be licensed without further examination. No person shall be so licensed, however, who has not passed a written examination in another jurisdiction which is substantially equivalent to that administered by the board.

PART V. QUALIFICATIONS FOR LICENSING AND STANDARDS OF PROCEDURE FOR LAND SURVEYORS.

§ 5.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application for Fundamentals of Surveying	\$35.00
Application for Principles of Surveying	70.00
Renewal	135.00
Fundamentals of Surveying Examination	57.50
Principles of Surveying Examination	57.50
Principles (AM) and/or Colonial Domain Exam	57.50
Virginia State Examination	25.00
Application for Land Surveyor B	70.00
Examination for Land Surveyor B	25.00
Out of State Proctor	50.00

§ 5.2. Character.

Applicants must be of good moral character.

§ 5.3. Requirements for land surveyor-in-training.

The education or experience, or both, and examination requirements for land surveyor-in-training status are as follows:

1. An applicant who has graduated from a surveying or surveying technology curriculum of four years or more approved by the board as being of satisfactory standing shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

2. An applicant who has graduated from a curriculum related to surveying of four years or more as approved by the board and with a specific record of two years of progressive, approved professional experience in land surveying shall be admitted to an eight-hour examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

3. An applicant who has graduated from an unrelated to surveying curriculum of four years or more as acceptable to the board with a specific record of four years of approved professional experience in land surveying of which three of these years shall be progressive, shall be admitted to an eight-hour examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

4. An applicant who has graduated from a surveying

curriculum of two years or more approved by the board with a specific record of six years of approved professional experience in land surveying of which four of these years shall be progressive, shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

[5. An applicant who has successfully completed a survey apprenticeship program approved by the board with at least 480 hours of surveying related classroom instruction with a specific record of eight years of approved professional experience in land surveying of which six of these years shall be progressive, shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.]

[5. 6.] An applicant who has graduated from high school with evidence of successful completion of courses in algebra, geometry and trigonometry with a specific record of ten years of approved professional experience in land surveying of which eight of these years shall be progressive, shall be admitted to an eight-hour written examination in the Fundamentals of Land Surveying. Applicants who have accumulated college credits [~~but earned no degree~~] may apply credit hours approved by the board to help meet the experience requirement. One year of experience credit will be given for 40 semester hours of approved college credit. Upon passing such examination, the applicant shall be enrolled as a land surveyor-in-training, if he is otherwise qualified.

§ 5.4. Requirements for a licensed land surveyor.

A land surveyor-in-training with a specific record of four years of approved professional experience, of which a minimum of three years of progressive experience has been on land surveying projects under the supervision of a licensed land surveyor, shall be admitted to an eight-hour written examination in the Principles and Practice of Land Surveying. Upon passing such examination the applicant shall be granted a license to practice land surveying, provided the applicant is otherwise qualified.

§ 5.5. Requirements for a licensed land surveyor B .

A. An applicant shall hold a valid license as a land surveyor and present satisfactory evidence of two years of progressive professional experience in land surveyor B professional land surveying, as defined in § 54.1-408 of the Code of Virginia, under the supervision and direction of a licensed land surveyor B or professional engineer.

B. An applicant shall also present satisfactory evidence of having passed college level courses in hydraulics, acceptable to the board.

C. An applicant shall pass an eight-hour written examination as developed by the board. Upon passing such examination the applicant shall be granted a license as a Land Surveyor B, if he is otherwise qualified.

§ 5.6. Education.

Any applicant who has attended an institution not located in the United States shall have his degree evaluated by an education evaluation service if credit for such education is sought. The board reserves the right to reject any evaluation submitted by the applicant.

§ 5.7. Experience standards.

A. "Approved professional experience" means diversified training in land surveying under the supervision and direction of a licensed land surveyor. This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative and professional skill in the office and field. Experience may be gained either prior to or after education is obtained.

B. An applicant shall submit written verification from a licensed land surveyor of work experience from each employment engagement utilized as professional experience on forms provided by the board.

§ 5.8. Examinations.

A. The examination for land surveying under § 54.1-400 of the Code of Virginia shall consist of two parts, each part being of eight hours duration. Part I shall consist of an eight-hour examination in the Fundamentals of Land Surveying. Part II shall consist of a four-hour examination in the Principles and Practice of Land Surveying, a three-hour Colonial Domain examination, and a one-hour Virginia State examination. These examinations shall be given semiannually at times designated by the board.

B. The examination for land surveying under § 54.1-408 of the Code of Virginia (Land Surveyor B) shall be of eight hours duration and shall be given annually at a time designated by the board.

C. Unless otherwise stated, applicants approved to sit for an examination must register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

D. Grading.

Candidates shall be notified of passing or failing but shall not be notified of actual scores. Only the board and its staff shall have access to examination papers, scores and answer sheets. Examinations may not be reviewed.

1. Part I of the written examination shall have a value of 100. The passing grade shall be 70 or above.

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2. Each portion of the Part II of the written examination shall have a value of 100. The passing grade shall be 70 or above.

3. For the Land Surveyor B examination, each applicant must obtain a minimum passing grade of 75 out of 100 for the entire eight-hour examination.

E. Reexamination.

Upon payment of a reexamination fee, an applicant may retake parts of the written examination which may have been failed. Should the applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

§ 5.9. Licensure by comity.

A person holding a license to engage in the practice of land surveying issued on comparable qualifications from a state, territory or possession of the United States and experience satisfactory to the board, will be given comity consideration. Full credit will be given to an applicant who has passed the NCEES examinations for surveyors in other jurisdictions as required in Virginia. However, the applicant may be required to take such examinations as the board deems necessary to determine his qualifications, but in any event, he shall be required to pass a written Virginia State examination of not less than one hour in duration. The examination shall include questions on law, procedures and practices pertaining to land surveying in Virginia.

§ 5.10. Minimum standards and procedures for land boundary surveying practice.

The following minimum standards and procedures are to be used in the Commonwealth of Virginia. The application of the land surveyor's seal and signature as required by these regulations shall be evidence that the boundary survey or other land survey to be used for conveyance of title or mortgage purposes is correct to the best of the land surveyor's knowledge and belief, and complies with the minimum standards and procedures.

A. Research procedure.

The land surveyor shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land as it pertains to the common boundaries. The land surveyor shall have the additional responsibility to utilize any other available data pertinent to the survey being performed from any other source that is known. Evidence found, from all sources, shall be carefully compared with that located and found in the field survey in order to establish the correct boundaries of the land being surveyed. It is not the intent of this regulation to require the land surveyor to research the question of title or encumbrances on the land involved.

B. Minimum field procedures.

1. *Angular measurement.* Angle measurements made for traverse or boundary survey lines will be made by using a properly adjusted transit type instrument which allows a direct reading to a minimum accuracy of 30 seconds of arc or metric equivalent. The number of angles turned a given station or corner will be the number which, in the judgment of the land surveyor, can be used to substantiate the average true angle considering the condition of the instrument being used and the existing field conditions.

2. *Linear measurement.* Distance measurement for the lines of traverse or boundary surveys shall be made with metal tapes which have been checked and are properly calibrated as to incremental distances, or with properly calibrated electronic distance measuring equipment following instructions and procedures established by the manufacturer of such equipment. All linear measurements shall be reduced to the horizontal plane and other necessary corrections performed before using for computing purposes.

3. *Field traverse and boundary closure.* The maximum permissible error of closure for a field traverse in connection with a boundary survey located in a rural area shall be one foot in 5,000 feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/5,000 foot closure. The maximum permissible error of closure for a traverse in connection with a boundary survey located in an urban area shall be one foot in 10,000 feet or metric equivalent of perimeter length. The attendant angular closure shall be that which will sustain the 1/10,000 foot closure.

C. Office procedures.

1. *Computations.* The computation of field work data shall be accomplished by using the mathematical routines that produce closures and mathematical results that can be compared with descriptions and data of record. Such computations shall be used to determine the final boundary of the land involved.

2. *Plats and maps.* The following information shall be shown on all plats or maps, or both, used to depict the results of the boundary survey:

- a. The title of the boundary plat identifying the land surveyed and showing the district and county or city in which the land is located.
- b. The owner's name and deed book referenced where the acquisition was recorded.
- c. Names of all adjacent owners or subdivision lot designations.

d. Names of highways and roads with route number, railroads, streams adjoining or running through the land, and other prominent or well-known objects or areas which are informative as to the location of the boundary survey.

e. Bearings of all property lines to nearest 10 seconds, or metric equivalent.

f. Distances of all property lines to the nearest one hundredth (.01) of a foot or metric equivalent.

g. Area to the nearest hundredth (.01) of an acre or metric equivalent for rural located surveys.

h. Area to the nearest square foot or decimal of an acre or metric equivalent for urban located surveys.

i. North arrow and source of meridian used for the survey.

j. On interior surveys, a reference distance to a property corner of an adjoining owner.

k. Tax map designation of parcel number if available.

l. Each monument found and each monument set by the land surveyor.

m. A statement that the boundary survey shown is based on a current field survey. If the land boundaries shown on the plat are the result of a compilation from deed or plats, or both, by others, that fact will be clearly stated and the title of plat shall not represent a current boundary survey.

n. Name and address of the land surveyor.

D. Monumentation.

1. Each boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes in direction on the boundary with the exceptions of meanders of streams, tidelands, swamps, and roads. Where it is not feasible to set actual corners, appropriate reference markers shall be set, preferably on line, and the location of each shown on the plat or map of the boundary.

2. Original subdivision surveys shall be monumented in accordance with subdivision 1 above. Corner monuments are required to be set on subdivision lots or parcels of land to be used for conveyance of title or mortgage purposes, or, if found to be correctly in place, identified by witness stakes. The plat of such survey shall show corner monuments found and those set.

PART VI.

**QUALIFICATIONS FOR CERTIFICATION OF
LANDSCAPE ARCHITECTS.**

§ 6.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$75		
Renewal	105		
UNE Examination (1990)	285	(1991)	303
Section 1	43		44
Section 2	49		51
Section 3	95		100
Section 4	110		116
Section 5	93		97
Out of State Proctor	50		

§ 6.2. Character.

Applicants must be of good moral character.

§ 6.3. Requirements for certification.

The education or experience, or both, and examination requirements for certification as a landscape architect are as follows:

1. An applicant who has graduated from an accredited landscape architecture curriculum approved by the board shall be admitted to a written examination. Upon passing such examination, the applicant shall be certified as a landscape architect, if he is otherwise qualified.

2. An applicant who has obtained eight years of combined education and experience, evaluated in accordance with Table II, shall be admitted to a written examination approved by the board. Upon passing such examination, the applicant shall be certified as a landscape architect, if he is otherwise qualified.

§ 6.4. Experience standard.

Professional landscape architectural training and experience shall be progressive in complexity and based on a knowledge of natural, physical and mathematic sciences, and the principles and methodology of landscape architecture.

§ 6.5. Examination.

A. All applicants for original certification in Virginia are

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required to pass a Uniform National Examination (UNE) after meeting the education and experience requirements as provided in these regulations.

B. The Virginia board is a member of the Council of Landscape Architectural Registration Boards (CLARB) and as such is authorized to administer the CLARB examinations.

C. The Uniform National Examination (UNE) will be offered at least once per year at a time designated by the board.

D. Grading of the examination shall be in accordance with the national grading procedures established by CLARB. The board shall adopt the scoring procedures recommended by CLARB.

E. Unless otherwise stated, applicants approved to sit for an examination shall register and submit the required examination fee to be received in the board office at a time designated by the board. Applicants not properly registered shall not be allowed into the examination site.

F. Examinees will be given specific instructions as to the conduct of each section of the exam at the exam site. Examinees are required to follow these instructions to assure fair and equal treatment to all examinees during the course of the examination. Evidence of misconduct may result in voided examination scores or other appropriate disciplinary action.

G. Examinees will be advised only of passing or failing the examination. Only the board and its staff shall have access to examination papers, scores and answer sheets.

H. Examination reviews.

Upon written request to the board within 30 days of receiving examination results, examinees will be permitted to individually view only their own failed performance problems for informational purposes only. Examination appeals for grade changes are not permitted.

I. Should an applicant not pass an examination within three years after being approved, the applicant must reapply and meet all current entry requirements.

§ 6.6. Certification by comity.

Any applicant who has passed an examination in another jurisdiction of the United States comparable to the examination required by these regulations or who is CLARB certified [and who is currently licensed or certified in another jurisdiction of the United States] may have the required Virginia examinations waived, provided that he meets all other qualifications.

TABLE II.

TABLE OF EQUIVALENTS FOR EDUCATION AND EXPERIENCE
FOR CERTIFIED LANDSCAPE ARCHITECTS.

DESCRIPTION	EDUCATION CREDITS			EXPERIENCE CREDITS	
	FIRST 2 YEARS	SUCCEEDING YEARS	MAXIMUM CREDIT ALLOWED	CREDIT ALLOWED	MAXIMUM CREDIT ALLOWED
A-1. Credits toward a degree in landscape architecture from an accredited school of landscape architecture.	100%	100%	4 years		
A-2. Degree in landscape architecture or credits toward that degree from a non-accredited school of landscape architecture.	100%	100%	4 years		
A-3. Degree or credits toward that degree in an allied professional discipline, i.e. architecture, civil engineering, environmental science, approved by the board	75%	100%	3 years		
A-4. Any other bachelor degree, or credits toward that degree.	50%	75%	2 years		
A-5. Diversified experience in landscape architecture under the direct supervision of a certified landscape architect.				100%	no limit
A-6. Diversified experience directly related to landscape architecture when under the direct supervision of an architect, civil engineer or "credentialed" planner.				50%	4 years

EXPLANATION OF REQUIREMENTS

B-1 Education Credits. Education credits shall be subject to the following conditions:

B-1.1. Applicants with a degree specified in A-1 through A-4 will be allowed the credit shown in the Maximum Credit Allowed column, regardless of the length of the degree program.

.2. With a passing grade, 32 semester credit hours or 48 quarter credit hours is considered to be one year. Fractions greater than one-half year will be counted one-half year and smaller fractions will not be counted.

B-2 Experience Credits. Experience credits shall be subject to the following conditions:

B-2.1. Every applicant must earn at least two years of experience credit under category A-5.

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PART VII. QUALIFICATIONS FOR REGISTRATION AS A PROFESSIONAL CORPORATION.

§ 7.1. Definitions.

"Employee" of a corporation, for purposes of stock ownership, is a person regularly employed by the corporation who devotes 60% or more of his gainfully employed time to that of the corporation.

§ 7.2. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$60
Renewal	95

§ 7.3. Application requirements.

A. All applicants shall have been incorporated in the Commonwealth of Virginia, or, if a foreign professional corporation, shall have obtained a certificate of authority to do business in Virginia from the State Corporation Commission, in accordance with § 13.1-544.2 of the Code of Virginia.

B. Each application shall include certified true copies of the articles of incorporation, bylaws and charter, and, if a foreign professional corporation, the certificate of authority issued by the State Corporation Commission.

C. Articles of incorporation and bylaws.

The following statements are required:

1. The articles of incorporation or bylaws shall specifically state that cumulative voting is prohibited.

2. The bylaws shall state that at least 2/3 of the capital stock must be held by persons duly licensed or certified to render the services of an architect, professional engineer, land surveyor or landscape architect. The remainder of the stock may be issued only to and held by individuals who are employees of the corporation.

3. The bylaws shall state that nonlicensed or noncertified individuals will not have a voice or standing in any matter affecting the practice of the corporation requiring professional expertise or considered professional practice, or both.

D. Board of directors.

A corporation may elect to its board of directors not more than 1/3 of its members who are employees of the corporation and are not authorized to render professional services.

At least 2/3 of the board of directors shall be licensed or certified to render the services of architecture, professional engineering, land surveying or landscape architecture, or any combination thereof.

At least one director currently licensed or certified in each profession offered or practiced shall devote substantially full time to the business of the corporation to provide effective supervision and control of the final professional product.

E. Joint ownership of stock.

Any type of joint ownership of the stock of the corporation is prohibited. Ownership of stock by nonlicensed or noncertified employees shall not entitle those employees to vote in any matter affecting the practice of the professions herein regulated.

§ 7.4. Certificates of authority.

Certificates of authority shall be issued in two categories, general or limited. A general certificate of authority will entitle the corporation to practice the professions of architecture, professional engineering, land surveying and landscape architecture. A limited certificate of authority will permit a corporation to practice only the professions shown on its certificate of authority, architecture, engineering, land surveying, landscape architecture or in any combination thereof.

§ 7.5. Foreign corporations.

In addition to these regulations, the bylaws shall state that the corporation's activities shall be limited to rendering the services of architecture, professional engineering, land surveying and landscape architecture, or any combination thereof.

The corporation shall provide the name and address of each stockholder of the corporation who will be providing the professional service(s) in Virginia and whether such stockholder is licensed or certified to perform the professional service(s) in Virginia.

§ 7.6. Amendments and changes.

A. Amendments to charter, articles of incorporation or bylaws.

A corporation holding a certificate of authority to practice in one or in any combination of the professions covered in these regulations shall file with the board, within [20 30] days of its adoption, a certified true copy of any amendment to the articles of incorporation, bylaws or charter.

B. Change in directors or shareholders.

In the event there is a change in corporate directors or shareholders, whether the change is temporary or

permanent and whether it may be caused by death, resignation or otherwise, the certificate of authority shall be automatically modified to be limited to that professional practice permitted by those pertinent licenses [or certificates] held by the remaining directors and shareholders of the corporation. Unless otherwise provided, in the event that such change results in noncompliance with these regulations and applicable statutes, the certificate of authority shall be automatically suspended until such time as the corporation comes into compliance with these regulations. The corporation shall notify the board within 30 days of any such change.

C. Change of name, address and place of business.

Any change of name (including assumed names) address, place of business in Virginia, or person(s) in responsible charge of the profession(s) practiced or offered at each place of business shall be reported to the board within 30 days of such an occurrence.

PART VIII. QUALIFICATIONS FOR REGISTRATION AS A BUSINESS ENTITY.

§ 8.1. Fee schedule.

All fees are nonrefundable and shall not be prorated.

Application	\$40
Renewal	45

§ 8.2. Application requirements.

A. In accordance with § 54.1-411 of the Code of Virginia, applicants shall register with the board on a form approved by the board.

B. If a partnership, a copy of the partnership agreement shall be included with the application. Not less than 2/3 of the general partners shall be licensed professionals.

C. If a corporation, the application shall include certified true copies of the articles of incorporation, bylaws and charter, and if a foreign corporation, a certificate of authority issued by the State Corporation Commission.

§ 8.3. Registration certification.

The application shall contain an affidavit by an authorized official in the corporation, partnership, sole proprietorship, or other entity unit that the practice of architecture, professional engineering, land surveying or certified landscape architecture to be done by that entity shall be under the direct [supervision and] control [and personal supervision] of the [individuals licensed or certified full-time employees] identified in the application as responsible for the practice. In addition, the [individuals licensed or certified employees] responsible for

the practice shall sign their names indicating that they are [the responsible individuals full-time employees and in responsible charge,] and that they understand and shall comply with all statutes and regulations of the board.

§ 8.4. Change of status.

Any changes of status, including but not limited to change in entity, name (including assumed names), address, place of business or persons in responsible charge of the professions practiced or offered at each place of business, shall be reported to the board within 30 days of such an occurrence.

In the event there is a change in [the licensed or certified employees in] responsible [individuals charge], whether the change is temporary or permanent and whether it may be caused by death, resignation or otherwise, the registration shall be automatically modified to be limited to that professional practice permitted by the remaining [individuals licensed or certified employees], or shall be automatically suspended until such time as the entity comes into compliance with these regulations.

PART IX. RENEWAL AND REINSTATEMENT.

§ 9.1. Expiration and renewal.

A. Prior to the expiration date shown on the license, [certificate or registration,] licenses [, certificates or registrations] shall be renewed for a two-year period upon completion of a renewal application and payment of a fee established by the board. An applicant must certify that he continues to comply with the Standards of Practice and Conduct as established by the board. [Licenses Registrations] for professional corporations and business entities shall expire on December 31 of each odd-numbered year.

B. Failure to receive a renewal notice and application shall not relieve the [licensee regulant] of the responsibility to renew. If the [licensee regulant] fails to receive the renewal notice, a copy of the license [, certificate or registration] may be submitted with the required fee as an application for renewal, accompanied by a signed statement indicating that the applicant continues to comply with the Standards of Practice and Conduct of the board under whose authority the license [, certificate or registration] is issued.

C. Board discretion to deny renewal.

The board may deny renewal of a license [, certificate or registration] for the same reasons as it may refuse initial licensure [, certification or registration] or discipline a [licensee regulant].

§ 9.2. Reinstatement.

A. If the renewal fee is not received by the board

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within 30 days [of following] the expiration date noted on the license, a reinstatement fee equal to [twice] the renewal fee [plus \$85] shall be required.

B. If the license [, certificate or registration] has expired for six months or more, but less than five years, the [licensee regulant] shall be required to submit a new application, which shall be evaluated by the board to determine if the applicant meets the renewal requirements. In addition, a fee [of \$500 equal to the regular renewal fee plus \$85, times the number of renewal cycles the license, certificate or registration has expired] shall be required.

C. If the license [, certificate or registration] has expired for five years or more, the [licensee regulant] will be required to submit a new application, meet current entry requirements, and submit a fee [of \$500 equal to the regular renewal fee plus \$85, times the number of renewal cycles the license, certificate or registration has expired] . In addition, the board may require the applicant to submit to an examination.

D. Board discretion to deny reinstatement.

The board may deny reinstatement of a license [, certificate or registration] for the same reasons as it may refuse initial licensure [, certification or registration] or discipline a [licensee regulant] .

E. The date the renewal application and fee are received in the office of the board shall determine whether a license [, certificate or registration] shall be renewed without reinstatement or shall be subject to reinstatement application procedures.

PART X. STANDARDS OF PRACTICE AND CONDUCT.

§ 10.1. Responsibility to the public.

The primary obligation of the professional is to the public. If the professional judgment of the [licensee regulant] is overruled under circumstances when the safety, health, property and welfare of the public are endangered, the professional shall inform the employer or client of the possible consequences and notify appropriate authorities.

§ 10.2. Public statements.

The professional shall be truthful in all professional matters.

A. When serving as an expert or technical witness, the professional shall express an opinion only when it is based on an adequate knowledge of the facts in the issue and on a background of technical competence in the subject matter. Except when appearing as an expert witness in court or an administrative proceeding when the parties are represented by counsel, the professional shall

issue no statements, reports, criticisms, or arguments on matters relating to professional practice which are inspired or paid for by an interested party or parties, unless the [licensee regulant] has prefaced the comment by disclosing the identities of the party or parties on whose behalf the professional is speaking, and by revealing any self-interest.

B. A professional shall not knowingly make a materially false statement or fail deliberately to disclose a material fact requested in connection with his application for licensure, certification, registration, renewal or reinstatement.

C. A professional shall not knowingly make a materially false statement or fail to deliberately disclose a material fact requested in connection with an application submitted to the board by any individual or business entity for licensure, certification, registration, renewal or reinstatement.

§ 10.3. Conflicts of interest.

The professional shall promptly and fully inform an employer or client of any business association, interest, or circumstances which may influence the professional's judgment or the quality of service.

A. The professional shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to all parties of current interest.

B. The professional shall neither solicit nor accept financial or other valuable consideration from suppliers for specifying their products or services.

C. The professional shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with a client or employer in connection with work for which the professional is responsible.

§ 10.4. Solicitation of work.

In the course of soliciting work:

1. The professional shall not bribe.

2. The professional shall not falsify or permit misrepresentation of the professional's work or an associate's academic or professional qualifications, nor shall the professional misrepresent the degree of responsibility for prior assignments. Materials used in the solicitation of employment shall not misrepresent facts concerning employers, employees, associates, joint ventures or past accomplishments of any kind.

§ 10.5. Competency for assignments.

A. The professional shall undertake to perform professional assignments only when qualified by education or experience and licensed or certified in the profession involved. The professional may accept an assignment requiring education or experience outside of the field of the professional's competence, but only to the extent that services are restricted to those phases of the project in which the professional is qualified. All other phases of such project shall be the responsibility of licensed or certified associates, consultants or employees.

B. A professional shall not misrepresent to [~~an~~ a prospective or] existing client or employer his qualifications and the scope of his responsibility in connection with work for which he is claiming credit.

§ 10.6. Professional responsibility.

A. The professional shall not knowingly associate in a business venture with, or permit the use of the professional's name or firm name by any person or firm where there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating statutes or any of these regulations.

B. A professional who has direct knowledge that another individual or firm may be violating any of these provisions, or the provisions of Chapters 1 through 3 of Title 54.1, or Chapter 7 of Title 13.1 of the Code of Virginia, shall immediately inform the secretary of the board in writing and shall cooperate in furnishing any further information or assistance that may be required.

C. The professional shall, upon request or demand, produce to the board, or any of its agents, any plan, document, book, record or copy thereof in his possession concerning a transaction covered by these regulations, and shall cooperate in the investigation of a complaint filed with the board against a licensee.

D. A professional shall not knowingly use the design, plans or work of another professional without the original professional's knowledge and consent and after consent, a thorough review to the extent that full responsibility may be assumed.

§ 10.7. Good standing in other jurisdictions.

A professional licensed to practice architecture, professional engineering, land surveying or landscape architecture in [~~another jurisdiction~~ other jurisdictions] shall be in good standing in every jurisdiction where licensed, and shall not have had a license suspended, revoked or surrendered in connection with a disciplinary action or [~~which~~ who] has been the subject of discipline in another jurisdiction prior to applying for licensure in Virginia.

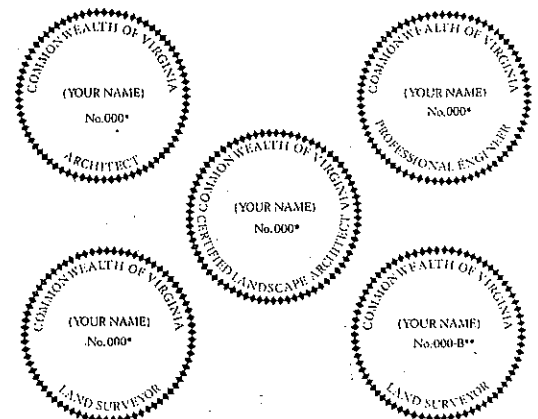
§ 10.8. Use of seal.

A. The application of a professional seal shall indicate

that the professional has exercised complete direction and control over the work to which it is affixed. Therefore, no [~~licensee~~ regulant] shall affix a name, seal or certification to a plat, design, specification or other work constituting the practice of the professions regulated which has been prepared by an unlicensed or uncertified person or firm unless such work was performed under the direction and supervision of the [~~licensee~~ regulant] while under the [~~licensee's~~ regulant's] contract or while employed by the same firm as the [~~licensee~~ regulant. If a regulant is unable to seal completed professional work, such work may be sealed by another regulant only after thorough review and verification of the work has been accomplished to the same extent that would have been exercised if the work had been done under the complete direction and control of the regulant affixing the professional seal].

B. A principal or authorized licensed [or certified] employee shall apply a stamp or preprinted seal to final and complete cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the [~~licensee~~ regulant] or someone under his direct control and [personal] supervision.

1. All seal imprints on final documents shall bear an original signature and date.
2. Incomplete plans, documents and sketches, whether advance or preliminary copies, shall be so identified and need not be sealed or signed.
3. All plans, drawings or plats prepared by the [~~licensee~~ regulant] shall bear [a title block containing] the [~~licensee's~~ regulant's name or] firm name, address and project name.
4. The seal of each [~~person~~ regulant] responsible for each profession shall be used.
5. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.
6. The seal shall conform in detail and size to the design illustrated below:



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* The number referred to is the six digit number as shown on the license [, certificate or registration] . The number is permanent.

§ 10.9. Organization and styling of practice.

Nothing shall be contained in the name, letterhead or other styling of a professional practice implying a relationship, ability or condition which does not exist.

An assumed, fictitious or corporate name shall not be misleading as to the identity, responsibility or status of those practicing thereunder.

§ 10.10. Licensee required at each place of business.

A. Corporations, partnerships, firms or other legal entities maintaining a place of business in the Commonwealth of Virginia for the purpose of offering to provide architectural, engineering, land surveying or landscape architectural services practiced at another location shall have an authorized full-time licensed [or certified] professional in that place of business.

B. Corporations, partnerships, firms or other legal entities maintaining any place of business in the Commonwealth of Virginia for the purpose of practicing architecture, engineering, land surveying or landscape architecture at that location, shall have in responsible charge at each place of business a full-time resident licensed [or certified] professional exercising supervision and control of work in each profession being practiced.

§ 10.11. Sanctions.

A. No license [or licensee , certification, registration or regulant] shall be fined, suspended or revoked unless a majority of the members of the entire board and a majority of the board members of the profession involved vote for the action. The board may fine, suspend or revoke any license, certification, certificate of authority or registration, if the board finds that:

1. The license, certification or registration was obtained or renewed through fraud or misrepresentation; or

2. The [holder regulant] has been found guilty by the board, or by a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted, pleaded guilty or found guilty regardless of adjudication or deferred adjudication of any felony or misdemeanor which, in the judgment of the board, adversely affects the [individual's regulant's] ability to perform satisfactorily within the [licensed regulated] discipline; or

3. The [holder regulant] is guilty of professional incompetence or negligence; or

4. The [holder regulant] has abused drugs or alcohol to the extent that professional competence is adversely affected; or

5. The [holder regulant] violates any standard of practice and conduct, as defined in these regulations; or

6. The [holder regulant] violates or induces others to violate any provision of Chapters 1 through 3 of Title 54.1, or Chapter 7 of Title 13.1 of the Code of Virginia, or any other statute applicable to the practice of the professions herein regulated or any provision of these rules and regulations.

B. If evidence is furnished to the board which creates doubt as to the competency of a [licensee regulant] to perform professional assignments in a technical field, the board may require [that individual the regulant] to prove competence by interview, presentation or examination. Failure to appear before the board, pass an examination, or otherwise demonstrate competency to the board shall be basis for revocation or suspension of the license [, certification or registration] .

NOTICE: The forms referenced in the subject regulations are not being published due to volume. The forms are available for public inspection at the Department of Commerce, 3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

Forms for: Virginia State Board of Architects, Professional Engineers, Land Surveyors and Landscape Architects

Application for Architect Registration.
Application for Licensing as Professional Engineer.
Application for Licensing as a Land Surveyor.
Application for Certification as a Landscape Architect.
Application for a Certificate of Authority to Practice Architecture, Professional Engineering, Land Surveying and Landscape Architecture as a Professional Corporation.
Application for Registration to Provide Professional Services as a Business Entity.

BOARD OF MEDICINE

Title of Regulation: VR 465-05-01. Regulations Governing the Practice of Physicians' Assistants.

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Effective Date: August 1, 1990.

Summary:

The board has adopted final regulations that differ from earlier proposed regulations (see 5:26 V.A.R. 4039-4051 September 25, 1989). The adopted provisions are less restrictive than those originally proposed.

The adopted amendments to the earlier proposed regulations define "Direct, General, and Personal Supervision" as required of the supervising physician; establish that the responsible supervising physician of the assistant shall be the contact person to the Board of Medicine; establish a protocol supplement to the application for different levels of supervision that the supervising physician will utilize for selected tasks and documentation of the assistant's competence to perform such tasks in that level of supervision; restate the responsibilities of the physician for medical invasive procedures performed by the assistant and a procedure for requesting certification for the assistant by the board to perform specific medical invasive procedures under general supervision of the physician; and establish the requirements for direct supervision by the supervising physician that must be adhered to for the assistant to be certified to perform specific medical invasive procedures before the assistant is permitted to perform the specific medical invasive procedure under general supervision. The requirement for supervised pelvic examinations was deleted.

VR 465-05-01. Regulations Governing the Practice of Physicians' Assistants.

PART I. GENERAL PROVISIONS.

§ 1.1. Definitions.

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

["*Alternate supervising physician*" means a member of the same group or professional corporation or partnership of any licensee, any hospital or any commercial enterprise with the supervising physician. Such alternating supervising physician shall be a physician licensed in the Commonwealth of Virginia who has registered with the board and who has accepted responsibility for the supervision of the service that a physician's assistant renders.]

"*Assistant to a Doctor of Medicine, Osteopathy, or Podiatry,*" or "*Physician's Assistant,*" means an individual who is qualified as an auxiliary paramedical person by academic and clinical training and is functioning in a dependent-employee relationship with a doctor of medicine, osteopathy, or podiatry licensed by the board.

"*Board*" means the Virginia Board of Medicine.

"*Committee*" means the Advisory Committee on Physician's Assistants appointed by the president of the board to advise the board on matters relating to physician's assistants. The committee is composed of four members of the board, one supervising physician, and two physician's assistants.

["*Direct supervision*" means the physician is in the room in which a procedure is being performed.

"*General supervision*" means the supervising physician is easily available and is physically present within one hour.]

"*Group practice*" means the practice of a group of two or more doctors of medicine, osteopathy, or podiatry licensed by the board who practice as a partnership or professional corporation.

"*Institution*" means a hospital, nursing home or other health care facility, community health center, public health center, industrial medicine or corporation clinic, a medical service facility, student health center, or other setting approved by the board.

"*NCCPA*" means the National Commission on Certification of Physician Assistants.

["*Personal supervision*" means the supervising physician is within the facility in which the physician's assistant is functioning.]

"*Protocol*" means a set of directions developed by the supervising physician that defines the supervisory relationship between the physician assistant and the physician and the circumstances under which the physician will see and evaluate the patient.

"*Supervising physician*" means a doctor of medicine, osteopathy, or podiatry licensed in the Commonwealth of Virginia who has registered with the board and who has accepted responsibility for the supervision of the service that a physician's assistant renders.

["*Supervision means*":

1. "*Alternate supervising physician*" means a member of the same group or professional corporation or partnership of any licensee, any hospital or any commercial enterprise with the supervising physician. Such alternating supervising physician shall be a physician licensed in the Commonwealth of Virginia who has registered with the board and who has accepted responsibility for the supervision of the service that a physician's assistant renders.

2. "*Direct supervision*" means the physician is in the room in which a procedure is being performed.

3. "*General supervision*" means the supervising physician is easily available and can be physically

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present within one hour.

4. "Personal supervision" means the supervising physician is within the facility in which the physician's assistant is functioning.]

[5.] "Supervising physician" means [a doctor of medicine, osteopathy, or podiatry licensed in the Commonwealth of Virginia who has registered with the board and who has accepted responsibility for the supervision of the services that a physician's assistant renders the supervising physician who makes application to the board for licensure of the assistant.]

[6.] "Substitute supervising physician" means a doctor of medicine, osteopathy, or podiatry licensed in the Commonwealth of Virginia who has accepted responsibility for the supervision of the service that a physician's assistant renders in the absence of such assistant's supervising physician.

§ 1.2. Applicability.

These regulations apply to physician's assistants only, as defined in § 1.1.

§ 1.3. A separate board regulation, VR 465-01-01, entitled Public Participation Guidelines, which provides for involvement of the public in the development of all regulations of the Virginia State Board of Medicine, is incorporated by reference in these regulations.

PART II REQUIREMENTS FOR PRACTICE AS A PHYSICIAN'S ASSISTANT.

§ 2.1. Requirements, general.

A. No person shall practice as a physician's assistant in the Commonwealth of Virginia except as provided in these regulations.

B. All services rendered by a physician's assistant shall be performed only under the supervision of a doctor of medicine, osteopathy, or podiatry licensed by this board to practice in the Commonwealth of Virginia.

§ 2.2. Certification, entry requirements and application.

A. A certificate to practice as a physician's assistant shall be obtained from the board before such assistant begins to practice with a supervising doctor of medicine, osteopathy, or podiatry.

B. Entry requirements.

An applicant for certification shall:

1. Possess the educational qualifications prescribed in § 2.3 of these regulations; and

2. Meet the requirements for examination prescribed in §§ 3.1 through 3.3 of these regulations.

C. Application for board approval of a physician's assistant shall be submitted to the board by the supervising physician under whom the assistant will work, and who will assume the responsibility for the assistant's performance. [By submitting the application, the supervising physician attests to the general competence of the assistant. In a group or institutional practice setting, the supervising physician shall be the contact for the board regardless of whether the supervision has been delegated to an alternate or substitute supervising physician.]

D. The application shall:

1. Be made on forms supplied by the board and completed in every detail;

2. Spell out the roles and functions of the assistant with a protocol acceptable to the board and any such protocols shall take into account such factors as the number of patients, the types of illness treated by the physician, the nature of the treatment, special procedures, and the nature of the physician's availability in ensuring direct physician involvement at an early stage and regularly thereafter;

[The board may require, at its discretion, in a supplement to the application, information regarding the level of supervision, "direct," "personal" or "general," with which the supervising physician plans to supervise the physician's assistant for selected tasks. The board may also require the supervising physician to document the assistant's competence in performing such tasks.]

3. Provide that, if for any reason the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application:

a. Such assistant and the employing practitioner shall so inform the board and the assistant's approval shall terminate.

b. A new application shall be submitted to the board and approved by the board in order for the assistant either to be reemployed by the same practitioner or to accept new employment with another supervising physician.

E. The application fee prescribed in § 5.1 of these regulations shall be paid at the time the application is filed.

§ 2.3. Educational requirements.

An applicant for certification shall:

1. Have successfully completed a prescribed curriculum of academic study in a school or institution accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association and accredited by the American Academy of Physician Assistants; and

2. Present documented evidence of eligibility for the NCCPA examination or completed certification requirements.

PART III. EXAMINATION.

§ 3.1. The proficiency examination of the NCCPA constitutes the board examination required of all applicants for certification.

§ 3.2. Provisional registration.

An applicant who has met the requirements of the board at the time his initial application is submitted may be granted provisional registration by the board if he meets the provisions of § 54.1-2950 of the Code of Virginia and § 2.3 of these regulations. Such provisional registration shall be subject to the following conditions:

A. The provisional registration shall be valid until the applicant takes the next subsequent NCCPA examination and its results are reported, but this period of validity shall not exceed 30 days following the reporting of the examination scores.

B. An applicant who fails the examination may be granted individual consideration by the board and granted an extension of the provisional registration upon evidence that he is eligible for admission to the next scheduled board examination.

§ 3.3. Examination.

A. Every applicant shall take the NCCPA examination at the time scheduled by the NCCPA.

B. An applicant who fails the examination three consecutive times shall surrender his certificate to practice until proof has been provided to the board that the standards of NCCPA have been met.

§ 3.4. Renewal of certificate.

A. Every certified physician's assistant intending to continue his practice shall annually on or before July 1:

1. Register with the board for renewal of his certificate;
2. Present documented evidence of compliance with continuing medical education standards established by the NCCPA; and

3. Pay the prescribed renewal fee at the time he files for renewal.

B. Any physician's assistant who allows his NCCPA certification to lapse shall be considered not certified by the board. Any such assistant who proposes to resume his practice shall make a new application for certification.

PART IV. INDIVIDUAL RESPONSIBILITIES.

§ 4.1. Individual responsibilities.

A supervising physician and the physician's assistants working with him shall observe the following division of responsibilities in the care of patients:

A. The supervising physician shall:

1. See and evaluate any patient who presents with the same complaint twice in a single episode of care and has failed to improve significantly. Such physician involvement shall occur not less frequently than every fourth visit for a continuing illness.

2. Review the record of services rendered the patient by the physician's assistant and sign such records within 24 hours after any such care was rendered by the assistant.

[3. Be in the room in which the following procedures are being performed: lumbar puncture, thoracentesis, paracentesis, joint aspiration, insertion of flow directed pulmonary artery catheter, reduction of fracture, removal of foreign body embedded in the cornea and any procedure that goes deeper than the subcutaneous tissues with the exception of venipuncture, injection, or insertion of peripheral intravenous catheter or needle.]

[3. Be responsible for all invasive procedures. Under general supervision, a physician's assistant may insert a nasogastric tube, bladder catheter, needle, or peripheral intravenous catheter, but not a flow-directed catheter, and may perform minor suturing, venipuncture, and subcutaneous intramuscular or intravenous injection.

All other invasive procedures not listed above must be performed under direct supervision unless, after directly supervising the performance of a specific invasive procedure three times or more, the supervising physician attests to the competence of the physician's assistant to perform the specific procedure without direct supervision by certifying to the board in writing the number of times the specific procedure has been performed and that the physician's assistant is competent to perform the specific procedure. After such certification has been accepted and approved by the board, the physician's assistant may perform the procedure under general supervision.]

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B. The physician's assistant shall not render independent health care. Such assistant:

1. Shall perform only those medical care services that are within the scope of the practice and proficiency of the supervising physician as prescribed in the physician's assistants protocol.
2. Shall not sign prescriptions.
3. Shall, during the course of performing his duties, wear identification showing clearly that he is a physician's assistant.

[*4. May only perform pelvic examinations under personal supervision provided the physician's assistant is credentialed for the procedure.*]

C. If the assistant is to perform duties away from the supervising physician, such supervising physician shall obtain board approval in advance for any such arrangement and shall establish written policies to protect the patient.

D. If, due to illness, vacation, or unexpected absence, the supervising physician is unable to supervise personally the activities of his assistant, such supervising physician may temporarily delegate the responsibility to another doctor of medicine, osteopathy, or podiatry. The employing supervising physician so delegating his responsibility shall report such arrangement for coverage, with the reason therefor, to the board office in writing, subject to the following provisions:

1. For planned absence, such notification shall be received at the board office at least one month prior to the supervising physician's absence.
2. For sudden illness or other unexpected absence, the board office shall be notified as promptly as possible, but in no event later than one week.
3. Temporary coverage may not exceed four weeks unless special permission is granted by the board.

E. With respect to assistants employed by institutions, the following additional regulations shall apply:

1. No assistant may render care to a patient unless the physician responsible for that patient has signed an application to act as supervising physician for that assistant. The board shall make available appropriate forms for physicians to join the application for an assistant employed by an institution.
2. Any such application as described in subdivision 1 above shall delineate the duties which said physician authorizes the assistant to perform.
3. The assistant shall as soon as circumstances may dictate but, within an hour, report to the supervising

physician concerning the examination of the patient. The assistant shall also record his findings in appropriate institutional records.

4. No physician assistant shall perform the initial evaluation, or institute treatment of a patient who presents to the emergency room or is admitted to the hospital for a life threatening illness or injury. In noncritical care areas, the physician assistant may perform the initial evaluation in an inpatient setting provided the supervising physician evaluates the patient within eight hours of the physician assistant's initial evaluation.

PART V. FEES.

§ 5.1. The following fees are required:

A. The application fee, payable at the time application is filed, shall be \$100.

B. The annual fee for renewal of registration, payable on or before July 1, shall be \$40.

C. An additional fee to cover administrative costs for processing a late application may be imposed by the board. The additional fee for late renewal of licensure shall be \$10 for each renewal cycle.

INSTRUCTIONS FOR COMPLETING PHYSICIAN ASSISTANT APPLICATION

Completed application must be returned to this office along with the statutory fee of \$100.00. APPLICATIONS WILL NOT BE PROCESSED UNLESS THE FEE IS ATTACHED.

INFORMATION REQUIRED TO COMPLETE YOUR APPLICATION:

1. Resume of assistant's duties as prescribed by the supervising physician on enclosed form (#A). The completion of this form is necessary. We will not accept anything else.
2. Proof from the NCCPA that you are currently certified. NOTE: YOU WILL NOT BE ELIGIBLE FOR CERTIFICATION IN THE STATE OF VIRGINIA IF THIS CERTIFICATE HAS EXPIRED. Also, submit a copy of original NCCPA certificate.
3. Grades must be requested from the NCCPA, Inc., 2845 Henderson Mill Rd., NE, Atlanta, Georgia 30341, Telephone (404)493-9100. They must be mailed directly from the NCCPA to the Board office.
4. If you are not NCCPA certified, we must have a letter submitted directly from the NCCPA stating that you are eligible for and are scheduled to sit for the next examination.
5. Official college transcript from your Physician's Assistant program must be mailed directly to the Board office.
6. The enclosed employment form (#B) must be forwarded to all places of employment that you have listed on the chronological page of your application.
7. The enclosed state questionnaire (#C) must be forwarded to those states in which you have been certified or registered.

(Your application will not be complete until all of the forms #B and #C are returned to this office. You may copy these forms if needed)
8. Certificate of Physician Assistant Education must be completed by your Physician's Assistant College. The entire application must be forwarded to the college; they in turn will forward it to the Board. The original application form must be returned to the Board office. COPIES WILL NOT BE ACCEPTED.

NOTE: COMPLETED APPLICATIONS ARE REVIEWED BY THE ADVISORY COMMITTEE CHAIRMAN ON PHYSICIAN ASSISTANTS AND SUBMITTED FOR RECOMMENDATION TO THE EXECUTIVE DIRECTOR. THE COMMITTEE CHAIRMAN OR EXECUTIVE DIRECTOR MAY REQUEST ADDITIONAL INFORMATION OR CLARIFICATION OF INFORMATION SUBMITTED ON THE APPLICATION. PLEASE ALLOW 4-6 WEEKS FOR PROCESSING.

HRB-30-056
Rev. 6-86

COMMONWEALTH of VIRGINIA

DEPT. OF HEALTH PROFESSIONS
BOARD OF MEDICINE
101 ROLLING HILLS DR.
ROANOKE, VA 24229-5005
**APPLICATION FOR CERTIFICATION
AS A
PHYSICIAN'S ASSISTANT**

SECURELY PASTE
A PASSPORT-TYPE
PHOTOGRAPH NOT LESS THAN
2 X 2 1/2" IN THIS SPACE

PLEASE SIGN PHOTO

TO THE BOARD OF MEDICINE OF VIRGINIA:

I HEREBY MAKE APPLICATION FOR CERTIFICATION AS A PHYSICIAN'S ASSISTANT IN THE COMMONWEALTH OF VIRGINIA AND SUBMIT THE FOLLOWING STATEMENTS:

1. NAME IN FULL (PLEASE PRINT OR TYPE)

(LAST)	(FIRST)	(MIDDLE/MAIDEN)	(GENERATION)
(STREET)	(CITY)	(STATE)	(ZIP CODE)
(DATE OF BIRTH)	(PLACE OF BIRTH)	(SOCIAL SECURITY NUMBER)	
MO DAY YR			
(GRADUATION DATE)	(PROF. SCH. DEGREE)	(SCHOOL, CITY, STATE)	
MO DAY YR			

APPLICANTS DO NOT USE SPACES BELOW THIS LINE—FOR OFFICE USE ONLY

APPROVED BY: _____

(CLASS)	(PENDING NO.)	(SUFFIX)	(SCH. CODE)	(FEE)	(HOW REG.)	(BASE STATE)
(CERTIFICATE NO.)	(EXPIRATION DATE)	(DATE ISSUED)				
(ADDRESS CHANGE)						
(STREET)	(CITY)	(STATE)	(ZIP CODE)			

*PLEASE SUBMIT ADDRESS CHANGES IN WRITING IMMEDIATELY!

*PLEASE ATTACH CERTIFIED CHECK OR MONEY ORDER. APPLICATIONS WILL NOT BE PROCESSED WITHOUT THE APPROPRIATE FEE. DO NOT SUBMIT FEE WITHOUT AN APPLICATION. IT WILL BE RETURNED.

13. Physician Practice Information

Supervising Physicians Name _____

Specialty _____ VA License # _____

Name of Practice _____

Address of Practice _____ (street) (city) (zip)

Type of Practice (family practice, surgery, etc.) _____

Do you have primary responsibility for the supervision of other physicians assistants? If yes, please list name(s) below Yes No

Name and address of all physicians who will serve as supervising physicians (if more than three, provide information on a separate sheet)

Name #1 _____

Office Address: _____

Specialty: _____ VA License # _____

Name #2 _____

Office Address: _____

Specialty: _____ VA License # _____

Name #3 _____

Office Address: _____

Specialty: _____ VA License # _____

14. Will PA perform medical acts when the supervising physician is not in the office/medical facility? If yes, describe situations in which this might occur and the arrangements made to ensure communication is maintained with either the supervising physician or an alternate supervising physician on a separate sheet of paper. Yes No

If for any reason the assistant discontinues working in the employment and under the supervision of the licensed practitioner who submitted the application, such assistant and the employing practitioner shall so inform the Board and the assistant's approval shall terminate, and a new application must be submitted to the Board and approved by the Board in order for the assistant either to be re-employed by the same practitioner or to accept new employment with another supervising physician.

15. Hospital Employed Physician's Assistant

Name of Hospital: _____

Address of Hospital: _____ (street) (city) (zip)

In what department will the PA assist the Supervising Physician or Alternate Supervising Physician: _____

Explain on a separate sheet of paper, the guidelines established by the hospital to ensure proper supervision of the PA in the hospital setting.

Are there other features pertaining to the hospital function of the PA which should be called to the Board's attention? If so, describe on a separate sheet.

16. Summary

Each of the undersigned has read this application and certifies that the information therein is correct to the best of his/her knowledge and belief. Each further certifies that he/she has read carefully and understands the rules and regulations for an assistant to a physician adopted by the Virginia Board of Medicine. Such regulations will be fully complied with by the undersigned, and each undersigned physician accepts the responsibility of the applicant's conduct as an assistant to the physician.

DATE: _____ M.D.
Supervising Physician

DATE: _____ M.D.
Alternate Supervising Physician

DATE: _____ M.D.
Alternate Supervising Physician

DATE: _____ M.D.
Alternate Supervising Physician

DATE: _____ M.D.
Alternate Supervising Physician

DATE: _____ M.D.
Hospital Administrator (if applicable)

17. Release of Information

I hereby authorize all past and present hospitals, institutions, or organizations, my references, personal physicians, employers, business and professional associates and all government agencies and instrumentalities (local, state, federal, or foreign) to release to the Virginia State Board of Medicine any information, files, or records requested by the Board in connection with the processing of individuals and groups listed above, any information which is material to me and my application.

I have read carefully the questions in the foregoing application and have answered them completely, without reservations of any kind, and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct. Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for denial, suspension, or revocation of my certificate to practice as a Physician's Assistant in the Commonwealth of Virginia.

Date

Signature of Applicant

CERTIFICATE OF PHYSICIAN'S ASSISTANT EDUCATION

It is hereby certified that _____ matriculated in _____ at _____ date _____ attended _____ courses of lectures of _____ months each, and received a diploma from _____ conferring the degree of _____ date _____

SCHOOL SEAL

(President, Secretary or Dean)

#A

PROTOCOL OF PHYSICIAN ASSISTANT DUTIES - PLEASE LIST IN DETAIL.

Please spell out role and function of the assistant, indicating number of patients, types of illnesses, nature of treatments, special procedures, and the nature of physician's availability in ensuring direct physician involvement.

Multiple horizontal lines for listing duties.

Please use additional paper if necessary.

Signature of Primary Supervising Physician

*Additional information may be requested.

DATE

HRB-30-056
#B

VIRGINIA BOARD OF MEDICINE
1601 Rolling Hills Drive
Richmond, VA 23229-5005

Please print or type name and address
of supervising physician:

(Name of applicant - Please Print)

The Virginia Board of Medicine, in its consideration of a candidate for licensure, depends on information from persons and institutions regarding the candidate's employment.

Please complete this form to the best of your ability and return it to the Board so the information you provide can be given consideration in the processing of this candidate's application in a timely manner.

I hereby authorize all hospitals, institutions, or organizations, my references, personal physicians, employers (past and present), business and professional associates (past and present) and governmental agencies and instrumentalities (local, state, federal or foreign) to release to the Virginia Board of Medicine any information, files or records requested by the Board in connection with the processing of my application.

Signature of applicant

1. This P.A. was employed as _____
from (month) _____ (year) _____ to (month) _____ (year) _____

2. Please evaluate: (Please indicate with check mark)

	Poor	Fair	Good	Superior
Professional knowledge _____				
Clinical judgement _____				
Relationship with patients _____				
Ethical/professional conduct _____				
Interest in work _____				
Ability to communicate _____				

3. Recommendation: (Please indicate with check mark)
1. Recommend highly and without reservation _____
2. Recommend as qualified and competent _____
3. Recommend with some reservation (explain) _____
4. Do not recommend (explain) _____

4. Of particular value to us in evaluating any candidate are comments regarding any notable strengths and weaknesses (including personal demeanor). We would appreciate such comments from you.

5. The above report is based on: (Please indicate with check mark)
1. Close personal observation _____
2. General impression _____
3. A composite of evaluations _____
4. Other _____

Date: _____ Signed: _____

(This report will become a part of the applicant's file and may be reviewed by the applicant upon demand)

(Please print or type name)

HRB-30-056

#C

Revised 7/83

Dear Sirs:

The person listed below is applying for certification as a Physician's Assistant in the state of Virginia. The state board of medicine requires that this form be completed by each jurisdiction in which he/she holds or has held licenses. Please complete the form and return it to the address below. THANK YOU.

NAME _____

LICENSE # _____

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF MEDICINE
1601 ROLLING HILLS DR.
RICHMOND, VA 23229-5005

State of _____

Name of Licensee _____

Graduate of _____

License No. _____ Issued effective _____

By reciprocity/endorsement _____ by examination _____

License is current _____ Lapsed _____

Has the applicant's license ever been suspended or revoked? _____

If so, for what reason? _____

Derogatory information, if any _____

Comments, if any _____

Signed _____

Title _____

(BOARD SEAL)

State Board _____

**NOTE - TO APPLICANT - PLEASE PROVIDE LICENSE NUMBER AND FORWARD TO STATE INDICATED.

Final Regulations

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

REPRINT

NOTICE: The attached regulation was published in the Virginia Register on June 18, 1990. The Department of Planning and Budget requested the Department of Social Services to make a correction to subsections A and B of § 2.8 of the final regulation to provide clarification to the regulation.

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.

"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

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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 shall result in the development of ~~a participation an~~ *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. Each program shall include a job search component.]~~

[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 [*for those participants for which it has been determined appropriate through the assessment and employability planning process*] [~~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.

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§ 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.

§ 2.15. 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.

§ 2.16. 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.

§ 2.18. 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.

§ 2.19. 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.

§ 2.20. Fiscal and statistical reports.

Local agencies shall maintain and submit fiscal and statistical data required by the department.

§ 2.21. Program monitoring.

The local agency's program performance shall be monitored by the department for compliance with the approved annual plan.

STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND,

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE880109

Ex Parte, in re: Investigation into
the Promulgation of Gas Submetering
Standards and Regulations.

ORDER

Section 56-245.3 of the Code of Virginia, adopted by the 1988 Session of the General Assembly, requires the Commission to promulgate regulations and standards under which gas submetering equipment may be installed in each dwelling unit, rental unit or store to fairly allocate each unit's cost of consumption and gas demand as customer charges.

Pursuant to order dated December 15, 1988, the Commission directed its Staff, in conjunction with interested task force members, to identify the issues associated with the Legislature's mandate. Also, pursuant to our December order, the Staff filed its Report and proposed rules on May 31, 1989. Pursuant to order dated June 21, 1989, the Division of Energy Regulation caused the publication of notice regarding the proposed submetering rules for two consecutive weeks in newspapers having general circulation throughout the Commonwealth. The Division of Energy Regulation submitted proof of its publication on August 10, 1989.

The Commission directed that comments to the Staff's proposed rules and requests for a hearing in this case be filed by August 25, 1989. Several persons filed comments to the Staff's proposed rules. In addition, the Mayor of the City of Alexandria requested a public hearing to be convened in northern Virginia.

Pursuant to the Commission's order dated December 13, 1989, notice was provided and a public hearing was convened on January 29, 1990, in the Circuit Court of the City of Alexandria, Virginia. On April 4, 1990, the hearing examiner issued his report in this case. The Apartment and Office Building Association filed comments to the Report on April 19, 1990. No other persons filed comments.

Because the gas submetering rules mirror, in large part, the electric submetering rules, the Staff proposed to establish one set of rules for electric and gas submetering. The issue in controversy in this case, however, focused on the gas submetering rules and specifically, whether timing devices are covered under Virginia Code § 56-245.3.

The Staff in its Report determined that if timing devices

are considered gas submeters, they must be subject to the same accuracy, testing and record keeping as required of gas meters. Gas meters and gas submeters are governed by the American National Standards Institute ("ANSI") standards as set forth in ANSI/ACS B.109.2, B.109.2 and B.109.3. Timing devices cannot meet the criteria set forth in these standards.

The Staff in its Report refers to the National Institute of Standards and Technology ("NIST") which publishes Handbook 44, a guide to nationally adopted standards, which is reviewing the appropriate standards for timing devices used to allocate energy consumption. A national task force comprised of industry and states' weights and measures officials is attempting to fashion a standard for energy allocation systems i.e., timing devices. An issue presented in that analysis is the determination of the proper agency to enforce such standards. The question to be addressed is should such enforcement be the responsibility of the National Association of Regulatory Utility Commissioners, of the Weights and Measures Bureau of the Virginia Department of Agriculture and Consumer Services, which under the Virginia Weights and Measures Law adopted those criteria set forth in Handbook 44; the Consumer Affairs Division of the Virginia Department of Agriculture and Consumer Affairs who enforces, to some extent, the Virginia Residential Landlord Tenant Act; or state public utility commissions.

We recognize that complaints by tenants have arisen over the allocation of gas usage by timing devices. However, this Commission is not statutorily authorized under Va. Code § 56-245.3 to regulate timing devices; it is only empowered to regulate meters and gas submeters that meet the ANSI B.109 standards enumerated above. It is axiomatic that the Commission's jurisdiction is limited to that authorized by statute and Constitution. *City of Richmond v. Chesapeake and Potomac Telephone Company*, 127 Va. 612, 105 S.E. 127 (1920); *Town of Appalachia v. Old Dominion Power Company* 184 Va. 6 (1945). A timing device simply cannot be classified as a gas submeter for it does not measure gas consumption and thus cannot meet the ANSI B.109 standards. A timing device is rather a means to allocate usage other than on a square footage or per unit basis.

While the record reflects that local consumer-oriented agencies have been faced with accuracy and billing problems arising from the use of timing devices, we are without jurisdiction to prohibit the use of timing devices.

The current statutes, in our opinion, do not provide us that authority necessary to regulate energy allocation systems or timing devices. We therefore find it appropriate to adopt the Hearing Examiner's Report and Staff's proposed rules with certain minor modifications as set forth below. We further find it appropriate that the proposed electric and gas submetering rules be reduced to one set of rules for ease of administration and efficiency. We find that the Staff's proposed rules are appropriate, modified as follows:

State Corporation Commission

(a) Paragraph III, in line 4, remove the second "a" between the words "not" and "written."

(b) Paragraph VI. 2, in line 2, change the word "have" to "having."

(c) Paragraph VII. 3, in line 2, change the word "with" to "within."

Accordingly, IT IS ORDERED:

(1) That the Staff's proposed rules on electric and gas submetering are hereby adopted, subject to those minor modifications noted in this order;

(2) That the adopted rules be published in the Virginia Register in accordance with Virginia Code § 9-6.18; and

(3) That there appearing nothing further to come before the Commission in this proceeding, this case shall be removed from the docket and the matter placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each gas and electric company subject to the jurisdiction of this Commission; Mark Looney, Division Chief, Landlord Tenant Relations, City of Alexandria, Office of Housing, Box 178, City Hall, Alexandria, Virginia 22313; Stephen Sinclair, Utilities Analyst, Fairfax County Department of Consumer Affairs, 359 Pender Drive, Suite 200, Fairfax, Virginia 22030; Frann Francis, General Counsel, Apartment and Office Building Association, 1413 K Street, N.W., Suite 600, Washington, D.C. 20005; Donna Hankin, Peninsula Housing and Homebuilder Association, 760 McGuire Place, Newport News, Virginia 23601; Michael Ellison, Economic Analyst, Attorney General's Office, Supreme Court Building, 101 North 8th Street, Richmond, Virginia 23219; Ed Fox, City of Richmond Department of Public Utilities, Service and Metering Division, 1130 Overbrook Road, Richmond, Virginia 23220; Gerald Atterbury, YEM, P.O. Box 675, Hunt Valley, Maryland 21030; Utilitro, Ed Leyden, 7222 Ambassador Road, Baltimore, Maryland 21207; American Gas Association, Jim Ranfone, 1515 Wilson Boulevard, Arlington, Virginia 22209; Daryl Gordon, CPM, Jerry Rhodes, CPM, Edmondson & Gallagher Property Services, 1350 Beverly Road, Suite 108, McLean, Virginia 22101; VMS Realty Partners, Joseph S. Bridgforth, Vice President - Eastern Division, Richmond McGilvary, Construction Manager - Eastern Division, 600 Thimble Shoals Boulevard, Suite 350, Newport News, Virginia 23606; Roxanne O'Gara, GRH Electronics, Inc., 4520 South 36th Street, Omaha, Nebraska 68107; and to the Commission's Divisions of Energy Regulation, Economic Research and Development, and Accounting and Finance.

RULES FOR SUBMETERING ELECTRICITY AND
NATURAL GAS

TERMS AND CONDITIONS

I. DEFINITIONS

Certain words as used in these rules shall be understood to have the following meaning:

1. Apartment House - means a building or buildings containing more than two dwelling units all of which are rented primarily for nontransient use, with rental paid at intervals of one week or longer. Apartment house shall include residential condominiums and cooperatives whether rented or owner occupied.
2. Office Building - shall mean a building or buildings containing more than two rental units which are rented primarily for retail, commercial or professional use, with rental paid at intervals of one month or longer.
3. Shopping Center - shall mean a building or buildings containing more than two stores which are rented primarily for commercial, retail or professional use.
4. Dwelling Unit - means a room or rooms suitable for occupancy as a residence containing kitchen and bathroom facilities within an apartment house.
5. Rental Units - shall mean a room or rooms in which retail or commercial services, clerical work or professional duties are carried out, or a store or stores which are rented primarily for commercial, retail or professional use.
6. Owner - means any owner, operator or manager of an apartment house, office building or shopping center engaged in electrical or natural gas submetering.
7. Commission - means the State Corporation Commission of Virginia.
8. Submetering - means dwelling or rental unit electrical or natural gas direct remetering performed by the owner to measure the tenant's electrical or natural gas usage and to render a bill for such usage.
9. Submeter - means electric energy or natural gas measurement device used in submetering.
10. Master Meter - means a meter used to measure for billing purposes, all electric or natural gas usage of an apartment house, office building or shopping center including common areas, common facilities and dwelling or rental units therein.
11. Energy Unit - means the billing units for energy delivered to the master metered customer. For electricity, the units are generally kilowatt hours (Kwh). For natural gas, the units are generally therms, but may be dekatherms (Dth), cubic feet (cf), hundreds of cubic feet (Ccf), or thousands of cubic feet (Mcf).

12. Month or Monthly - means the period between two consecutive meter readings, either actual or estimated, at approximately thirty (30) day intervals.
13. Tenant - means the occupant or occupants of a submetered dwelling or rental unit.
14. Utility - means the supplier of electric service or natural gas service to a master meter.

II. GENERAL REQUIREMENTS

1. No dwelling may be submetered unless all dwelling units in the apartment house are submetered to the extent permitted by the physical facilities.

2. Any individual nonresidential rental unit or store may be submetered, provided the rental agreement or lease between the owner and the tenant clearly states that the nonresidential rental unit or store is or will be submetered.

3. All rental agreements and leases between the owner and the tenants shall clearly state that the dwelling or rental unit is submetered, that the basis of bills for electric or natural gas consumption will be rendered based on readings of the submeter, and that any disputes relating to the amount of the tenant's bill and the accuracy of the submeter will be between the tenant and the owner. The provisions of the Virginia Residential Landlord and Tenant Act will govern the landlord-tenant relationship concerning submetering on all related issues other than those covered by these rules.

4. Each owner shall be responsible for providing, installing, sealing (if necessary) and maintaining all submeters necessary for the measurement of electrical energy or natural gas consumed by tenants.

5. Any electric submeter installed will be of a type and class to properly register the electrical consumption of the dwelling or rental unit and such meter will meet the standards of the latest edition of the American National Standards Institute, Inc., Standard C12 - Code for Electricity Metering (ANSI C12).

6. Any natural gas submeter installed will be of a type and class to properly register the natural gas consumption of the dwelling or rental unit and such meter will meet the standards of the latest edition of the American National Standard Institute Standards ANSI/ASC B109.1 and B109.2 for Diaphragm Type Gas Displacement Meters and ANSI/ASC B109.3 for Rotary Type Gas Displacement Meters (hereafter, ANSI B109).

7. Any owner installing submeters shall notify the Commission and the utility providing electric or natural gas service to the apartment house in writing within 90 days of completion of such installation that the submeters have been installed and give the name of the apartment house, office building or shopping center, number of

dwelling or rental units in the project, location, mailing address of the owner, the approximate date of installation of the submeters, and the type(s), manufacturer(s), and model number(s) of the submeters.

III. APPLICATION FOR ELECTRICITY OR NATURAL GAS

No owner shall submeter without first securing from a tenant, before any electricity or natural gas is delivered, an application or agreement for the purchase of electricity or natural gas. Whether or not a written application or agreement is executed, the tenant, by accepting the electricity or natural gas agrees to be bound by the applicable terms and conditions prescribed by the Commission for submetering. Likewise, the owner upon establishing a submetering practice agrees to supply any and all tenants with electricity or natural gas and shall be bound by such terms and conditions in acting upon applications for electric service or natural gas service.

IV. SUBMETERING

1. When submeters are installed by the owners to measure the electricity or natural gas used by its tenants, all charges for electricity or natural gas used, except the allowed service charge, shall be calculated from the readings of such submeters.

2. Submeters in service may be tested by the owner, the Commission or any other lawfully constituted authority having jurisdiction. When, as a result of such a test, a submeter is found to be no more than 2% fast or slow, no adjustment will be made to the tenant's bill. If the submeter is found to be more than 2% fast or slow because of incorrect calibration, the owner will rebill the tenant for the correct amount as calculated for a period equal to one-half of the time elapsed since the last previous test, but in no case for a period in excess of twelve months or since occupancy by the existing tenant, whichever is less. The percentage registration of an electric submeter will be calculated by the "weighted average" of light load and full load which is calculated by giving a value of 1 to the light load and a value of 4 to the full load. The accuracy of a natural gas submeter will be measured at the check rate of flow, as defined in ANSI B109.

3. Whenever it is found that unmetered electricity or natural gas is being used as a result of tampering, the tenant will pay to the owner an amount estimated by the owner to be sufficient to cover the electricity or natural gas used but not recorded by the meter and not previously paid for by the tenant.

4. Whenever it is found that, for any reason other than calibration or tampering, the submetering apparatus has not registered the true amount of electricity or natural gas which has been used by the tenant, the electricity or natural gas used during the entire period of incorrect registration will be estimated based upon all known pertinent facts, and the amount of electricity or natural

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gas so estimated will be used in calculating the corrected bill. The owner will rebill the tenant for the adjusted amount for a period equal to one-half of the time elapsed since the last previous test of the submetering apparatus but in no case for a period in excess of twelve months or since occupancy by the existing tenant, whichever is less.

V. TESTING CAPABILITY AND METERING EQUIPMENT

Each owner shall engage a qualified expert to perform the submeter tests required by these terms and conditions; such tests being performed with instruments, portable standard, reference manuals, and other equipment and facilities all of which shall comply with standards of ANSI C12 or ANSI B109 and shall be available at all reasonable times for inspection by the Commission's representatives.

VI. PERIODIC TESTS AND CHECKS

1. Each owner shall have a testing program the primary purpose of which is to maintain an acceptable degree of accuracy during the service life of the submeters. All submeters shall be tested in accordance with the provisions of the latest edition of ANSI C12 or ANSI B109.

2. No submeter shall be placed in service until its percentage registration has been established. This may be accomplished either through the engagement of a qualified expert or by a certificate provided by the manufacturer. All submeters shall be adjusted as close as possible to the condition of 100% registration. No electric submeter that exceeds the test calibration limits for watt-hour meters as set forth by the latest edition of ANSI C12 shall be placed in service or left in service. No natural gas submeter that exceeds the test calibration limits for meters as set forth by the latest edition of ANSI B109 shall be placed in service or left in service.

3. Whenever a submeter is found to exceed these limits, it shall be adjusted.

4. If any submeter is removed from service or replaced by another submeter for any purpose whatsoever, it shall be properly tested and adjusted before being placed in service again.

5. The owner shall keep and maintain the following submeter and standard records:

a. A record of all of its submeters, showing the submeter number and location (the tenant's address where installed or if in reserve).

b. All submeter tests shall be recorded on the submeter record provided herein. The record of each test made shall show the identifying number of the submeter, the standard number and other necessary devices used, the date and kind of test made, by whom, the percentage registration at each load tested, and sufficient data to permit verification of the calculations.

c. A record of all the portable standards and reference standards used to test submeters. Test equipment shall at all times be accompanied by a certified calibration card signed by the proper authority, giving date when it was last certified and adjusted. Records of certifications and calibrations of all standards shall be kept on file in the office of the owner.

6. The aforementioned records for each dwelling or rental unit shall be made available, upon request, to the tenant of that unit during reasonable business hours at the resident manager's office or, if there is no resident manager, at the dwelling or rental unit of the tenant at the convenience of the owner and tenant.

7. All records shall be made available to the Commission upon request.

VII. REQUEST TESTS

1. Upon request by a tenant, the owner will test the submeter without charge, provided that such test will not be made more frequently than once in 24 months for the same tenant. If testing of a submeter is requested by the tenant more frequently than once in 24 months, the owner may require a deposit. The amount of the deposit shall not exceed the out-of-pocket expenses associated with such a test. Said deposit will be refundable only if the percentage registration of the submeter is greater than 102% or is less than 98%.

2. The tenant, or his designated representative, may be present when the submeter is tested.

3. A written report of the results of the test will be made to the tenant within ten (10) working days after the completion of the test.

VIII. BILLING

1. Bills shall be rendered for the same billing period as that of the utility, generally monthly, unless service is rendered for more or less than that period. Bills shall be calculated and rendered as promptly as possible following receipt by the owner of the bill from the utility, but no later than ten (10) days after receipt of the utility's bill. The submeters shall be read within three (3) days of the scheduled reading date of the utility's master meter.

2. The unit of measurement shall be the energy unit as defined in Section I, subparagraph 11.

3. The energy billed to any tenant shall be only the energy consumed within that dwelling or rental unit and so submetered. The cost of energy used in common areas or by common facilities may be recovered by the owner as provided in this Section, subparagraph 10, but may not be billed to any tenant as part of the billings rendered pursuant to these Regulations and may not be measured through the dwelling or rental unit submeter.

4. The energy billed to the tenant shall be billed in the same energy unit(s) as billed the owner by the utility.

5. The tenant's bills shall be calculated in the following manner:

After receipt of the electric or natural gas bill from the utility, by the owner, said owner shall divide the "total current charges" by the total number of energy units billed by the utility to determine the average cost in cents per energy unit. The average energy unit cost shall be multiplied by each tenant's energy unit consumption to obtain the tenant's monthly charges.

For the purposes of computing the average cost per energy unit, the "total current charges" shall include/exclude the following, as applicable:

Include:

- a. Customer, demand, commodity and energy charges.
- b. Fuel adjustment charge.
- c. Purchased gas adjustment.
- d. Local taxes.
- e. Surcharges; i.e. interim rate relief, unrecovered deferred fuel, temporary energy surcharge.
- f. Facilities charge.

Exclude:

- a. Miscellaneous charges, e.g. charges by the utility for late payments.
- b. Outdoor and security lighting charges.
- c. Merchandise charges.

The owner may impose a service charge in accordance with § 56-245.3 of the Code of Virginia per dwelling or rental unit per month to offset the administrative cost of billing.

6. The tenant's bill shall show all of the following information:

- a. The dates and readings of the submeter at the beginning and at the end of the period for which the bill is rendered and the billing date.
- b. The number of energy units consumed during the current billing period.
- c. The average cost in cents per energy unit used in computing the bill.
- d. The amount due for electricity or natural gas

consumed, the administrative service charge, if any, the balance forward and the total amount due.

e. The name and address of the tenant to whom the bill is applicable.

f. The name of the firm rendering the tenant's bill and the name or title, address and telephone number of the person(s) where payment can be made and, also, who to contact in the case of any questions or disputes concerning the bill.

g. A precise statement that the bill is not from the utility providing service to the apartment house, office building or shopping center.

7. Bills will be mailed to the tenant's premises no later than the day after the billing date. If bills are delivered rather than mailed such delivery shall be no later than 3 days after the billing date.

8. Estimated bills shall not be rendered unless the meter has been tampered with, is out of order, or access cannot be attained and in such case the bill shall be distinctly marked "estimated". Such estimates shall be based on consumption for a similar billing period where the information of previous consumption is available. In the event that a tenant has not lived on the premises for one year and, therefore consumption for a similar billing period is not available, the preceding billing period shall be used or, if available, the average of the preceding two billing periods shall be used as a basis for estimates.

9. Adjustment to the tenant's bills shall be made under any of the following conditions:

a. Any billing errors due to incorrect readings or improper billing calculations discovered by the owner on his own initiative or discovered as a result of an investigation because of a question or a dispute by a tenant.

b. It is determined that a cross-metering situation exists. The tenants involved will be rendered corrected bills to cover such period of time as the statute of limitations allows. If a tenant has been underbilled, he shall be allowed to make payment of the amount underbilled in equal monthly installments for as many months as the corrected bill covers, but for not more than ten months, the entire amount underbilled being due upon termination of tenancy. If a tenant has been overbilled and is due a credit, if he wishes a cash refund, it shall be made, otherwise such credit shall be posted to the tenant's account.

c. The utility adjusts the owner's bill as detailed in Section IV - Submetering.

10. Other than as specified in subparagraph 5 above, the owner shall not include in the cost of electricity or natural gas to the tenant any additional charges. However, nothing

State Corporation Commission

contained in these rules shall prohibit the owner from recovery in periodic lease payments the tenant's fair share of electricity or natural gas cost attributable to common areas and costs incurred in establishing and maintaining the submetering system.

IX. BILLING RECORDS

1. All records associated with the computation of charges rendered to tenants for electric service or natural gas service shall be retained for a minimum period of five (5) years.

2. The owner shall maintain and make available for inspection by the tenant, upon request, the following records:

- a. The billing from the utility to the owner for the current month and the twenty-four (24) preceding months.
- b. The calculation of the average cost per energy unit for the current month and the twenty-four (24) preceding months.
- c. The tenant's submeter readings and billings for the current month and the twenty-four (24) preceding months or for the term of tenancy, whichever is less.

X. INITIAL AND FINAL BILLS

1. Initial and final bills shall be rendered for the number of energy units actually consumed in the initial and final billing periods.

2. On the date possession is taken by a tenant of a dwelling or rental unit an initial reading will be taken from the submeter serving such dwelling or rental unit to commence service to that tenant. The initial reading will be subtracted from the next reading of the submeter taken on the regularly scheduled monthly reading dates on which other submeters in the building are read, to determine the consumption during the initial billing period. The energy units consumed as determined in the above manner will be multiplied times the average energy unit cost which is determined for the computation of bills for all other tenants for the period ending with the regularly scheduled reading date of that month.

3. On the date a tenant gives up possession of a dwelling or rental unit a final reading will be taken from the submeter serving such unit to terminate service to the tenant. The reading of the submeter taken on the last previous regularly scheduled monthly reading dates on which other submeters in the building were last read will be subtracted from the final reading to determine the consumption during the final billing period. The energy units consumed or determined in the above manner will be multiplied times the average energy unit cost which is determined for the computation of bills for all other tenants for the regularly scheduled monthly reading date

after the final reading. If the owner and tenant so agree in writing, the owner may use the average energy unit cost from the previous month when determining the amount due for the last month of tenancy.

STATE CORPORATION COMMISSION

Accounting and Finance Circular

April 24, 1990

Finance Circular No. 5-EC

TO: ALL ELECTRIC COOPERATIVES OPERATING IN VIRGINIA

Enclosed is an additional instruction circular regarding the filing of securities applications with the Commission. This circular is to supplement those provided with letter dated April 27, 1987. This circular concerns the identification of affiliated interests in connection with applications to issue securities under the Public Utilities Securities Law. This circular as well as those provided with the April 27 letter will remain in effect until such time as changes in Commission policy occur. If you have any questions, please call Robert C. Dalton at (804) 786-4958.

/s/ Ronald A. Gibson
Director

Identification of Affiliated Interests in Connection with
Application to Issue Securities Under the Public
Utilities Securities Law

In connection with any applications for authority to issue securities, it is requested that arrangements with any party considered to be affiliated as defined in § 56-76 of the Code of Virginia be identified in the application, such identification to include a precise description of the affiliation. Securities applications which involve arrangements with an affiliate should be filed under both Chapters 3 and 4 of Title 56, Code of Virginia.

STATE LOTTERY DEPARTMENT

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER FIFTEEN (90)

VIRGINIA'S TWELFTH INSTANT GAME LOTTERY;
"THREE TIMES LUCKY," FINAL RULES FOR GAME
OPERATION

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

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

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Kenneth W. Thorson, Director
Date: June 4, 1990

* * * * *

DIRECTOR'S ORDER NUMBER SIXTEEN (90)

VIRGINIA'S EIGHTH INSTANT GAME LOTTERY; "ONE
FOR THE MONEY," END OF GAME

In accordance with the authority granted by § 58.1-4006 A of the Code of Virginia, I hereby give notice that Virginia's eighth instant game lottery, "One For The Money," will officially end at midnight on Wednesday, June 20, 1990. The last day to redeem winning tickets for "One For The Money" will be Monday, December 17, 1990, 180 days from the declared official end of the game. Claims for winning tickets from "One For The Money" will not be accepted after that date. Claims which are mailed and received in an envelope bearing a postmark of December 17, 1990, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of instant game lotteries.

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

This Director's Order becomes effective on the date of

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

/s/ Kenneth W. Thorson, Director
Date: June 11, 1990

GOVERNOR

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

STATE LOTTERY DEPARTMENT (STATE LOTTERY BOARD)

Title of Regulation: VR 447-02-1. Instant Game Regulations.

Governor's Comment:

Pending public comment, I recommend approval of this amendment to clarify and streamline lottery regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: June 7, 1990

* * * * *

Title of Regulation: VR 447-02-2. On-Line Game Regulations.

Governor's Comment:

Pending public comment, I recommend approval of this amendment to clarify and streamline lottery regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: June 7, 1990

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-10-9001. Commercial Driver Training Schools Regulations.

Governor's Comment:

These regulations reflect the transfer of administrative authority over commercial driver training schools and instructors from the Department of Commerce to the Department of Motor Vehicles. I recommend approval of the regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: June 13, 1990

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

Title of Regulation: VR 672-30-1. Regulations Governing the Transportation of Hazardous Materials.

Governor's Comment:

This amendment is designed to ensure that hazardous materials are transported safely according to federal regulations. Pending public comment, I recommend approval.

/s/ Lawrence Douglas Wilder
Governor
Date: June 11, 1990

VIRGINIA SOIL AND WATER CONSERVATION BOARD

Title of Regulations:
Propose to adopt: VR 625-02-00. Erosion and Sediment Control Regulations.
Propose to repeal: VR 625-01-01. The Virginia Erosion and Sediment Control Handbook, Including Standards, Criteria and Guidelines.

Governor's Comment:

These regulations are intended to benefit the water quality and soil productivity of the Commonwealth by ensuring erosion control measures are implemented during land-disturbing activities. Pending public comment, I recommend approval of these regulations.

/s/ Lawrence Douglas Wilder
Governor
Date: June 7, 1990

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

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.

General Notices/Errata

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 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 MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (STATE BOARD)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Mental Health, Mental Retardation and Substance Abuse Services Board intends to consider promulgating regulations entitled: **Certification of Case Management, Therapeutic Consultation and Residential Support Services**. The purpose of this regulation is to certify facilities for the provision of case management, therapeutic consultation and residential support services if these services are to be reimbursed by the Department of Medical Assistance Services.

Statutory Authority: §§ 37.1-10 and 37.1-179 et seq. of the Code of Virginia.

Written comments may be submitted until July 23, 1990, to Benjamin Saunders, Jr., Program Support, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214.

Contact: Rubyjean Gould, Administrative Services Director, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3915.

BOARD OF OPTOMETRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Optometry intends to consider amending regulations entitled: **VR 510-01-1. Regulations of the Board of Optometry**. The purpose of the proposed action is to solicit public comment on all existing regulations as to the assessment of their effectiveness, efficiency, necessity, clarity and cost of compliance in accordance with Executive Order 5(86).

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Written comments may be submitted until July 17, 1990.

Contact: Lisa J. Russell, Executive Director, 1601 Rolling

General Notices/Errata

Hills Dr., Richmond, VA 23229, telephone (804) 662-9915 or toll-free 1-800-533-1560.

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 615-45-2. 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 Friedenburg, 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 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 630-2-322.2. 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)

General Notices/Errata

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 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.

DEPARTMENT OF WASTE MANAGEMENT (VIRGINIA WASTE MANAGEMENT BOARD)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia of Waste Management Board intends to consider promulgating regulations entitled: **VR 672-20-11. Solid Waste Management Permit Application Fees.** The purpose of the proposed regulation is to establish a fee schedule for Solid Waste Management Facility permit applications.

Statutory Authority: § 10.1-1402(16) of the Code of Virginia.

Written comments may be submitted until August 31, 1990.

Contact: Stuart T. Ashton IV, Environmental Program Analyst, Department of Waste Management, Division of Technical Services, 101 N. 14th Street, 11th Floor, Monroe Building, Richmond, VA 23219, telephone (804) 225-2867.

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

DEPARTMENT OF YOUTH AND FAMILY SERVICES (BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given that the Board of Youth and Family 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 and Family Services, P.O. Box 26963, Richmond, VA 23231, telephone (804) 674-3262

GENERAL NOTICES

DEPARTMENT OF HEALTH

† Maternal and Child Health Services Block Grant Application Fiscal Year 1991

The Virginia Department of Health will transmit to the federal Secretary of Health and Human Services by August 15, 1990, the Maternal and Child Health Services Block Grant Application for the period October 1, 1990 through September 30, 1991, in order to be entitled to receive payments for the purpose of providing Maternal and Child Health Services on a statewide basis. These services include:

- preventive and primary care services for pregnant women, mothers, and infants up to age 1
- preventive and primary care services for children and adolescents
- family-centered, community-based, coordinated care and the development of community-based systems of services for children with special health care needs

The Maternal and Child Health Services Block Grant Application makes assurance to the Secretary of Health and Human Services that the Virginia Department of Health will adhere to all the requirements of Section 505, Title V-Maternal and Child Health Services Block Grant of the Social Security Act, as amended. To facilitate public comment, this notice is to announce a period from July 2 through July 20, 1990 for review and public comment on the Block Grant Application. Copies of the document will be available as of July 2, 1990 in the office of the Director of each county and city health department. Individual copies of the document may be obtained by contacting Ms. Rosanne Kolesar at the following address; written comments must be addressed to Ms. Kolesar and received by July 20, 1990 at the following address:

Office of Family Health Services
Virginia Department of Health
James Madison Building, Sixth Floor
109 Governor Street
Richmond, Virginia 23219
Telephone (804) 786-5214

DEPARTMENT OF LABOR AND INDUSTRY

† Notice to the Public

Delay in Intent to Amend Boiler and Pressure Vessel Rules and Regulations

Notice is hereby given that the intended regulatory action to amend the Boiler and Pressure Vessel Regulations has been delayed until September 1990 to allow additional time to address updates of the entire regulations.

For additional information contact:

Anna Johnson
Statistical Analyst
Division of Labor and Industry
P.O. Box 12064
Richmond, VA 23241
Telephone (804) 786-0610

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† STATE PLAN FOR MEDICAL ASSISTANCE

Notice of Significant Change in Statewide Methods and Standards for Establishing Payment Rates for Long-Term Care and Other Types of Care.

(Title 42 Code of Regulations 447.205)

Regulation Title: Eliminate Cost Reimbursement to Nursing Homes with Licensed In-house Pharmacies.

Description: This proposed change will eliminate cost reimbursement for pharmacy services provided by nursing homes which operate licensed in-house pharmacies. Effective July 3, 1990, this proposed change would require licensed in-house pharmacies in nursing homes to bill and receive payment for pharmacy services directly from the DMAS enrolled pharmacy program.

Estimated Impact of Change: This change in pharmacy reimbursement would affect twenty-six (26) hospitals which operate fourteen (14) intermediate care facilities and twenty (20) skilled nursing facilities in the Commonwealth. Four (4) freestanding nursing facilities would also be impacted. The estimated expected decrease in annual aggregate expenditures is approximately \$400,000.

Why the Agency is Changing its Methods and Standards: This proposed change would provide DMAS a consistent basis and policy for reimbursing pharmacy services provided to Medicaid recipients in all nursing homes.

Regulation Title: Elimination of Occupational Therapy and Speech Therapy Payments - Rehabilitation Agencies.

Description: This proposed change provides for the

General Notices/Errata

elimination of direct payment to enrolled rehabilitation agencies for occupational and speech therapy services provided to Medicaid recipients in nursing homes effective July 3, 1990. Nursing homes contracting with rehabilitation agencies for occupational and speech therapy services shall bill for these services and be reimbursed under the existing nursing home payment system.

Estimated Impact of Change: The estimated expected decrease in annual aggregate expenditures is approximately \$845,000 for the affected 54 rehabilitation agencies.

Why the Agency is Changing its Methods and Standards: When the nursing home operating cost ceilings were determined in 1982, occupational and speech therapy costs were considered as part of the ceilings. Subsequently, nursing home providers contracted with Medicaid enrolled rehabilitation agencies to provide these services and bill DMAS directly for payment. This shift of cost increased costs to DMAS.

Regulation Title: Management Services Limitations.

Description: This proposed change provides for the establishment of a ceiling limitation for management services costs to be claimed by nursing homes. The ceiling limitation shall be a median per diem cost of all management services costs claimed by the nursing homes effective July 3, 1990. Management services costs in excess of the median per diem cost limitation would not be recognized by DMAS for reimbursement after July 3, 1990.

Estimated Impact of Change: This proposed change would affect approximately thirty (30) nursing homes with existing management contracts. The estimated expected decrease in annual aggregate expenditures is approximately \$300,000.

Why the Agency is Changing its Methods and Standards: This proposed change will constrain those costs associated with management services which are subject to DMAS reimbursement to those which are necessary, cost effective, and non-duplicative of existing nursing facility management services.

Availability of Proposed Changes and Address for Comments: Please request a copy of the emergency regulations from and direct your comments to Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

NOTICE TO SUBSCRIBERS OF THE VIRGINIA REGISTER OF REGULATIONS

The Virginia Code Commission at its meeting on June 12, 1990, agreed to increase the annual subscription rate for the Virginia Register of Regulations to \$100 per year. This

increase is the first since the Register began in October 1984. The increase will become effective on October 1, 1990.

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained at the above address.

ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: VR 115-04-20. Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services Under the Virginia Pesticide Control Act.

Publication: 6:18 VA.R. 2861-2866 June 4, 1990.

Correction to the Final Regulation:

Page 2861, paragraph 3 of the summary should read as follows:

"The pesticide production registration fee structure, as described in § 2 A, has been changed from a single fee of \$125..."

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

Publication: 6:19 V.A.R. 3016-3017 June 18, 1990

Correction to Proposed Regulation:

Page 3016, Effective Dates, remove the Effective dates and replace with:

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

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

Title of Regulation: VR 400-02-0011. Rules and Regulations for Allocation of Low Income Housing Tax Credits.

Publication: 6:18 V.A.R. 2872-2887 June 4, 1990.

Correction to the Final Regulation:

Page 2879, subdivision 2, 4th line should read, "for the proposed development..."

Page 2879, subdivision 7, 4th line should read, "of units determined by..."

Page 2882, 2nd column, 4th full paragraph, 14th and 15th lines should read, "(and, if applicable, state credits)"

COUNCIL ON HUMAN RIGHTS

Title of Regulation: VR 402-01-02. Regulations to Safeguard Virginian's Human Rights from Unlawful Discrimination.

Publication: 6:18 V.A.R. 2887-2890 June 4, 1990.

Correction to the Final Regulation:

Page 2888, § 4 line 2, the office address is 1100 Bank Street instead of 1100 E. Bank Street and change the office hours to 8:30 a.m. and 5 p.m. instead of 9:30 a.m. and 5 p.m.

Page 2888, § 6 D should read as follows:

D. All charges shall be dated and time stamped upon receipt. A copy of the charge shall be transmitted by mail to the agency, and the complainant and the person filing a complaint on behalf of the complainant shall be notified in writing that the complaint has been forwarded to the appropriate state or federal agency or both.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-02-4.1940. Methods and Standards for Establishing Payments Rates-Long Term Care.

Publication: 6:17 V.A.R. 2508-2554 May 21, 1990.

Correction to the Final Regulation:

Page 2509 § d (11), strike the word "might" and beside it insert the word "must."

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
☒ Location accessible to handicapped
☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD FOR ACCOUNTANCY

† July 16, 1990 - 10 a.m. - Open Meeting
† July 17, 1990 - 8 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review correspondence; (ii) review applications; (iii) review enforcement cases; and (iv) conduct regulatory review.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only).

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.**

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 115-02-17. 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.

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.**

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.**

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.

STATE AIR POLLUTION CONTROL BOARD

† **July 27, 1990 - 8:30 a.m. - Open Meeting**
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

The board will discuss operating permits, noncriteria pollutant rules, and other matters related to air pollution control.

Contact: Dr. Kathleen Sands, Senior Policy Analyst, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-2378.

* * * * *

† **August 22, 1990 - 10 a.m. - Public Hearing**
Department of Air Pollution Control, Southwest Regional Office, 121 Russell Road, Abingdon, Virginia.

† **August 22, 1990 - 10 a.m. - Public Hearing**
Department of Air Pollution Control, Valley of Virginia Regional Office, Executive Office Park, Suite D, 5338 Peters Creek Road, Roanoke, Virginia.

† **August 22, 1990 - 10 a.m. - Public Hearing**
Department of Air Pollution Control, Central Virginia Regional Office, 7701-03 Timberlake Road, Lynchburg, Virginia.

† **August 22, 1990 - 10 a.m. - Public Hearing**
Department of Air Pollution Control, Northeastern Virginia

Regional Office, 300 Central Road, Suite B, Fredericksburg, Virginia.

† **August 22, 1990 - 10 a.m. - Public Hearing**
Department of Air Pollution Control, State Capitol Regional Office, 8205 Hermitage Road, Richmond, Virginia.

† **August 22, 1990 - 10 a.m. - Public Hearing**
Department of Air Pollution Control, Hampton Roads Regional Office, Old Greenbrier Village, Suite A, 2010 Old Greenbrier Road, Chesapeake, Virginia.

† **August 22, 1990 - 10 a.m. - Public Hearing**
Department of Air Pollution Control, Northern Virginia Regional Office, Springfield Corporate Center, Suite 310, 6225 Brandon Avenue, Springfield, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Air Pollution Control Board intends to amend regulations entitled: **VR 120-01. Regulation for the Control and Abatement of Air Pollution.** The proposed amendments to the regulations will provide the latest edition of referenced documents and incorporate newly promulgated federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS), which are found in Rules 5-5 and 6-1 respectively. The proposed amendments will update the reference to the American Conference of Governmental Industrial Hygienists' Handbook which forms the basis for the noncriteria pollutant rules. The proposed amendments also will update the consolidated list of documents incorporated by reference found in Appendix M of the agency's regulations.

STATEMENT

Purpose: The purpose of the proposed amendments is to change the board's regulations concerning documents incorporated by reference to provide the latest edition of referenced documents and incorporate newly promulgated federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS).

Substance: The amendments update the consolidated list of documents incorporated by reference found in Appendix M of the agency's regulations. The list includes the name, reference number and edition for each document. The edition is being updated to reflect the latest available. Also included for each document is the name and address of the organization from whom it may be obtained. The amendments also update the list of NSPS and NESHAPS incorporated by reference and found in Rule 5-5 and Rule 6-1 of the agency's regulations.

Issues: The issue is whether the regulation should specify the most current edition of any documents incorporated by reference and whether the agency should obtain delegation of authority to enforce the newly promulgated federal

Calendar of Events

standards.

Basis: The legal basis for the proposed regulation amendments is the Virginia Air Pollution Control Law, Chapter 13 of Title 10.1, of the Code of Virginia.

Impact: It is not expected that the regulation amendments will result in any cost to the department beyond that currently in the budget.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until September 5, 1990, to Director of Program Development, Department of Air Pollution Control, P.O. Box 10089, Richmond, VA 23240.

Contact: Nancy Saylor, Policy Analyst, Department of Air Pollution Control, Division of Program Development, P.O. Box 10089, Richmond, VA 23240, telephone (804) 786-1249.

DEPARTMENT OF AIR POLLUTION CONTROL

† July 9, 1990 - 7 p.m. - Public Hearing
Orange County Courthouse, 109-A West Main Street,
Orange, Virginia.

A public hearing to receive comments regarding the presence or absence of objectionable odors in the general vicinity of Unionville, Virginia.

Contact: Mr. Greg Clayton, 300 Central Rd., Suite B, Fredericksburg, VA 22401, telephone (703) 899-4600.

† July 9, 1990 - 7:30 p.m. - Open Meeting
Union Day Care Center, 213 Terminal Street, Hopewell,
Virginia.

To allow public comment on a request for a permit from Hadson Development Corporation to construct and operate a steam-electricity cogeneration plant off Terminal Street in Hopewell, Virginia. (Question and answer period at 6 p.m.; information briefing at 7 p.m.)

Contact: Virginia Department of Air Pollution Control, State Capital Regional Office, 8205 Hermitage Rd., Richmond, VA 23228, telephone (804) 371-3067

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.

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.

COMMISSION FOR THE ARTS

† July 12, 1990 - 9 a.m. - Open Meeting
Martha Washington Inn, 150 West Main Street, Abingdon,
Virginia. ☐

A quarterly meeting.

Contact: Commission for the Arts, James Monroe Bldg., 17th Floor, 101 N. 14th St., Richmond, VA 23219-3683, telephone (804) 225-3132.

ALCOHOL SAFETY ACTION PROGRAM BOARD - VALLEY

† July 9, 1990 - 8 a.m. - Open Meeting
2 Holiday Court, Staunton, Virginia. ☐

A regular meeting of the local policy board to conduct business as follows: (i) court referrals; (ii) financial report; (iii) director's report; and (iv) statistical reports.

Contact: Mrs. Rhoda G. York, Executive Director, 2 Holiday Court, Staunton, VA 24401, telephone (703) 886-5616 or (703) 943-4405 (Waynesboro).

BOARD FOR BARBERS

† July 23, 1990 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☒

A meeting to (i) review correspondence; (ii) review applications; (iii) review enforcement cases; and (iv) conduct regulatory review.

Contact: Roberta L. Banning, Assistant Director, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016.

VIRGINIA BOATING ADVISORY BOARD

July 17, 1990 - 10:30 a.m. - Open Meeting
The State Capitol, House Room 1, Capitol Square, Richmond, Virginia ☒

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 ☐

CHILD DAY-CARE COUNCIL

† July 12, 1990 - 9 a.m. - Open Meeting
Koger Executive Center, West End, Blair Building, Conference Rooms A and B, 8007 Discovery Drive, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

The council will meet to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Peggy Friedenber, Legislative Analyst, Office of Governmental Affairs, Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

† July 20, 1990 - 8:30 a.m. - Open Meeting
Office of the Coordinator, Interdepartmental Licensure and Certification, 1603 Santa Rosa Road, Tyler Building, Suite 208, Richmond, Virginia. ☒

A regularly scheduled meeting to consider such administrative and policy issues as may be presented to the committee. A period for public comment is provided at each meeting.

Contact: John J. Allen, Jr., Coordinator, Interdepartmental Licensure and Certification, Office of the Coordinator, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-7124.

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.

State-Level Runaway Youth Services Network

† August 23, 1990 - 10:30 a.m. - Open Meeting
Department of Corrections, 6900 Atmore Drive, Room 3056, Richmond, Virginia. ☒

A regular meeting open to the public.

Contact: Martha Frickert, Community Services Coordinator, Department for Children, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5994.

Calendar of Events

BOARD OF COMMERCE

† July 27, 1990 - 10 a.m. - Open Meeting
Graves Mountain Lodge, Syria, Virginia. ☒

A regular quarterly meeting of the board. Agenda items expected are conclusions/recommendations for three studies requested by the General Assembly (HR 5, Water Well Drillers; SJR 55, Vocational Rehabilitation Providers; and SJR 124, Landfill and Waste Management Operators). The board will also elect a new chairman and vice chairman.

Contact: Alvin D. Whitley, Staff Assistant, Department of Commerce, Director's Office, 3600 W. Broad St., Richmond, VA 23230-4719, telephone (804) 367-8564 or toll-free 1-800-552-3016.

BOARD FOR CONTRACTORS

† July 18, 1990 - 7:30 p.m. - Public Hearing
Hyatt Richmond, West Broad Street and I-64, Richmond, Virginia. ☒

† July 25, 1990 - 7:30 p.m. - Public Hearing
Tanglewood Holiday Inn, 4468 Starkey Road, S.W., Roanoke, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Contractors intends to amend regulations entitled: **VR 220-01-2. Rules and Regulations of the Board for Contractors.** The proposed regulations have been reorganized to place entry requirements before renewal, list fees at appropriate places, and to separate standards of practice from standards of conduct. Moreover, in accordance with changes made by the General Assembly and the Code Commission to Title 54.1, Chapter 11 on the regulation of contractors, the proposed regulations change the conditions for licensure, and add as a requirement the full-time employment of a designated employee who has successfully completed the appropriate examination. In addition, the regulations require assurance of continued competence for renewal or reinstatement of a license and require some additional documentation of contractual agreements, record keeping and reporting to the board.

STATEMENT

The regulations require licensure of sole proprietorships, partnerships, associations or corporations performing, managing, or superintending in whole or in part, the construction, removal, repair or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by another person or any other improvements to such real property. Then the value referred to in a single contract is \$40,000 or more or the total value of such construction, removal, repair, or

improvement undertaken by the contractor within any 12-month period is \$300,000 or more, the regulations require Class A licensure. Furthermore, when the value referred to in a single contract is \$1,500 or more but less than \$40,000, and where the value of such construction, removal, repair, or improvement undertaken by the contractor within any 12-month period is less than \$300,000; or where the provisions of the Groundwater Act of 1973, § 62.1-44.45 et seq. of the Code of Virginia apply, the regulations require Class B licensure for those contractors making application after January 2, 1990, and for Class B registrants upon such time as their registrations expire.

These regulations apply to approximately 18,000 licensed Class A contractors and 27,000 registered Class B contractors.

A summary of the major proposed changes and their estimated impact is as follows:

1. The definition of "Building Contractors" is amended to be consistent with the definition of "contractors" found in § 54.1-1100 of the Code of Virginia. No impact from this clarification is anticipated.
2. The term "Services Contractors" (formerly found in § 1.1 3) is amended to be consistent with the definition of "Specialty Contractors" found in §§ 54.1-1106 and 54.1-1108 of the Code of Virginia. No impact from this clarification is anticipated.
3. The definitions of "Special Services - HVAC Contractors" and "Special Services - HVAC (Refrigeration) Contractors" (formerly found in §§ 1.1 6 and 1.1 7) have been integrated to be consistent with the definition "Special Services - HVAC Contractors" found in §§ 54.1-1106 and 54.1-1108 of the Code of Virginia. No impact from this clarification is anticipated.
4. The definition of "Residential Contracting" is added to define a specific contracting activity. No impact from this clarification is anticipated.
5. Proposed § 2.1 A, B, C, D, E, F, and G alters the standards for Class A licensure of a contractor by adding requirements for the following:
 - a. Full-time employment of a designated employee who is at least 18 years of age and who has successfully completed or been deemed to have fulfilled the examination required by the board;
 - b. Good standing of the sole proprietor, officers of the corporation, general partners of the partnership, members of the association, or designated employee wherever licensed as or with a contractor within the previous five years;
 - c. Information for the past five years demonstrating financial responsibility;

- d. Statement outlining financial ability;
- e. Evidence of seven years experience in the classification sought and the employment of an individual who has successfully completed an examination for electrical, plumbing, or HVAC classifications approved by the board;
- f. Exemption of a designated employee from the required examination when declared by a contractor in business before December 31, 1990, and licensed prior to January 1, 1991, so long as he remains in the employ of that contractor;
- g. Determination by the board, in its discretion, the denial of a license based on a conviction in any jurisdiction where lying, cheating, stealing or any felony was involved. These provisions should increase protection to consumers by identifying a specific designated employee for each licensed contractor who has demonstrated knowledge of the board's regulations and statutes, as well as of the contracting activity. These provisions should further protect the consumer through the board's assessment of an applicant's standing as a licensed contractor, his financial responsibility, financial ability, and of any prior convictions involving lying, cheating, stealing, or of any felony. Applicants for a Class A contractor's license will be required to provide additional information not required under current Class A licensure. They will, however, be better able to determine their capacity to engage in lawful contracting activities. Thus, given these provisions, it is expected that small contracting businesses may experience some increased costs. The aforementioned changes have been provided to be consistent with §§ 54.1-1106 and 54.1-1108 of the Code of Virginia.
6. Proposed § 2.2 A, B, C, D, E, F, and G changes the standards for Class B registration by discontinuing Class B registration renewals and reinstatements and requiring licensure for all Class B applicants. Proposed § 2.2 A, B, C, D, E, F, and G establishes standards for licensure of Class B contractors by requiring the following:
- a. Full-time employment of a designated employee who is at least 18 years of age and who has successfully completed or been deemed to have fulfilled the examination required by the board;
- b. Good standing of the sole proprietorship, officers of the corporation, general partners of the partnership, members of the association, or designated employee wherever licensed as or with a contractor within the previous five years;
- c. Information for the past five years demonstrating financial responsibility;
- d. Statement outlining financial ability;
- e. Evidence of three years experience in the classification sought and employment of an individual who has successfully completed an examination for electrical, plumbing, or HVAC classifications approved by the board;
- f. Exemption of a designated employee from the required examination when declared by a contractor in business before December 31, 1990, and registered prior to January 1, 1991, so long as he remains in the employ of that contractor;
- g. Determination by the board, in its discretion, the denial of a license based on a conviction in any jurisdiction where lying, cheating, stealing or any felony was involved.
- These provisions should increase protection to consumers by identifying for each contractor a specific designated employee who has demonstrated knowledge of the board's regulations and statutes, as well as of the contracting activity. These provisions should further protect consumers through the board's assessment of the applicant's standing as a licensed contractor, his financial responsibility, financial ability, and the review of any prior convictions involving lying, cheating, stealing, or of any felony. Applicants for a Class B contractor's license will be required to provide additional information not currently required for Class B registration. They will, however, be better able to determine their capacity to engage in lawful contracting activities. Thus, given these provisions, it is expected that small contracting businesses may experience some increased costs. The aforementioned changes have been provided to be consistent with §§ 54.1-1106 and 54.1-1108 of the Code of Virginia.
7. Proposed § 2.3 A, B, and C establishes examinations for a Class A contractor's designated employee, established examinations for a Class B contractor's designated employee, and provides that any and all of these examinations have the board's approval. These provisions will have an effect on both Class A and Class B contractors since they must have in their full-time employ a designated employee. These provisions will cause evaluation of a greater number of examinees. These changes are provided to be consistent with §§ 54.1-1106 and 54.1-1108 of the Code of Virginia.
8. Proposed § 2.4 A, B, C, and D alters licensure by reciprocity as follows:
- a. All applicants for Class A licensure by reciprocity shall meet the requirements set forth in § 2.1 of the proposed regulations and have in their full-time employ a designated employee who has successfully completed the Virginia section and when deemed necessary the Advanced section of the required examination;

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b. All applicants for Class B licensure by reciprocity shall meet the requirement set forth in § 2.2 of the proposed regulations and have in their full-time employ a designated employee who has successfully completed the Virginia section of the required examination;

c. All applicants for licensure by reciprocity shall provide acceptable evidence to the board of experience in the classification for which licensure is sought;

d. No applicant shall be issued a license whose previous license/registration was suspended for nonpayment of a Virginia Contractor Recovery Fund Assessment until all past-due assessments have been paid.

These provisions should increase protection to consumers, since all contractors licensed by reciprocity must have in their employ a designated employee who has demonstrated through the successful completion of examination knowledge of the board's regulations and statutes. Applicants for licensure by reciprocity will be affected, as they are now required to have in their full-time employ a designated employee. However, since the number of licenses currently issued by reciprocity is not great, the effect of this provision on both contractors and the Department of Commerce should be limited. These changes have been made to clarify licensure by reciprocity as directed by the board.

9. Proposed § 2.5 A through J provides for the following:

a. A statement where all fees are made payable to the Treasurer of Virginia and that all fees are nonrefundable;

b. Continuation of Class A original license fees at the cost of \$75;

c. Introduction of Class B original license fees at the cost of \$65 (Class B registration fees have been eliminated);

d. Creation of Class A designated employee declaration fees at the cost of \$25;

e. Creation of Class B designated employee declaration fees at a cost of \$25;

f. Implementation of a Class A examination fee at a cost of \$150* for the complete Class A examination package (* Fee may be adjusted upon acceptance of the examination Request for Proposal);

g. Implementation of a Class B examination fee at a cost of \$100* for the complete Class B examination package (* Fee may be adjusted upon acceptance of the examination Request for Proposal);

h. Implementation of a Class A reciprocity examination fee at a cost of \$50* for the Virginia section of the examination and \$100* for both the Virginia section and the Advanced section of the examination (* Fee may be adjusted upon acceptance of the examination Request for Proposal);

i. Implementation of a Class B reciprocity examination fee at a cost of \$50* (* Fee may be adjusted upon acceptance of the examination Request for Proposal);

j. Implementation of an upgrade examination fee, where a Class B to Class A examination upgrade is offered, at a cost of \$50* (* Fee may be adjusted upon acceptance of the examination Request for Proposal);

k. Continuation of a Special Services examination fee, when offered by the board, in either the electrical, plumbing, or HVAC classifications at a cost of \$150* per classification. (* Fee may be adjusted after further study of the department's Special Services classification examination.)

These provisions will not affect the procedure of original license fee payments for Class A contractors. Since Class B contractors were required to make original registration fee payments, the substitution for an original license fee payment procedure will not have an effect. However, a decrease in the amount of the original license fee for Class A contractors and the institution of an original license fee, at a lower cost than that of previous original registration fee for Class B contractors, will cause applicants to experience a decrease in costs. Although, with the creation of designated employee declaration fees both Class A and Class B licensed contractors will experience new costs. Finally, with the implementation of licensing examination fees, Class A and Class B contractors may indirectly or directly experience increased costs as their full-time designated employee must have successfully completed the appropriate examination, unless that designated employee has been deemed to have fulfilled the examination requirement as outlined in §§ 2.1 F and 2.2 F of the proposed regulations. Continuation of Special Services examinations fees will not provide for any further effect on contractors or the department. These changes have been provided to be consistent with §§ 54.1-1106 and 54.1-1108 of the Code of Virginia.

10. Proposed § 3.1 A, B, C, and D sets forth fees, procedures, and requirements for renewal of licensure. These include a new requirement that applicants for renewal state that they meet current entry standards. This requirement will provide continued protection to the public and demand new information only from those who cannot meet the required standards. This proposal will increase the workload of department staff who will respond to inquiries about this requirement and to review this information for

presentation to the board. Moreover, increased costs will be realized by Class B contractors seeking renewal, while Class A contractors seeking renewal will realize decrease costs. These changes have been provided to be consistent with § 54.1-1109.

11. Proposed § 3.2 A, B, C, and D sets forth the fees, requirements, standards, and procedures for reinstatement of a license. The most significant impact of this proposal will be the requirement to reapply as a new applicant once six months from the expiration date of the license has passed. This standard will provide increased protection to consumers by requiring requalification in order to ensure continued competence of licensees. Regulants who fail to renew or reinstate within the prescribed time will experience the impact of this proposal in having to reapply for licensure. Class A contractors who apply for reinstatement will realize decreased costs, as the fee has been lowered, while Class B contractors will realize increased costs as Class B reinstatement fees have been raised.
12. Proposed § 3.3 states the authority of the board to deny renewal or reinstatement of a license for the same reasons as the board may deny entry. This proposal simply alerts regulants to the authority of the board.
13. Proposed § 4.1 is revised to state more precisely the basis on which the board may deny continuation of a license/registration upon notification of a change in the management personnel of the licensed/registered firm. The proposal also adds the designated employee and individuals qualified in a specialty to the listed positions for which a change in personnel must be reported.
14. Proposed § 4.2 is altered to more exactly define the standard and procedure for making name changes. No impact from these clarifications is anticipated.
15. Proposed § 4.3 revises the procedures for changing or adding specialty classifications to licenses and the fee for each change or addition. No immediate impact from these procedures is anticipated. Although, a slight increase in costs will be realized by contractors making changes in their specialty classifications.
16. Proposed § 5.1 1 allows the board to take disciplinary action against a licensee who fails in any material way to comply with the provisions of Chapters 1 or 11 of Title 54.1 of the Code of Virginia or the regulations of the board. This language is provided to further ensure full compliance, as all contractors are currently required to meet this standard.
17. Proposed § 5.1 2 allows the board to take disciplinary action against a licensee who provides substantially inaccurate or incomplete information to the board when seeking to obtain, renew, reinstate, or maintain a license. Previously this regulation only addressed this standard upon initial entry; the additional language simply clarifies the requirements and the board's authority.
18. Proposed § 5.1 3 requires the sole proprietor, officers of the corporation, general partners of the partnership, members of the association, or designated employee to report to the board in writing the suspension or revocation of their contractor license issued by another jurisdiction and to report any license issued by another jurisdiction and to report any conviction in a court of competent jurisdiction of their violation of a building code. These requirements are consistent with the entry requirements in proposed § 2.1 B and G, § 2.2 B and G, and § 2.4 A and B. This regulation will allow the board to discipline regulants who fail to comply with this requirement, thus enabling increased protection of the public.
19. Proposed § 5.1 6 institutes the requirement of a written contract containing specified information. This contract is to be used in all residential contracting transactions as defined in § 1.1 of these regulations, excluding routine maintenance or service contracts. This proposal will have an impact on the licensees/registrants who do not currently use such contracts or the licensees/registrants who may have to revise the forms which they currently use. The proposal will significantly increase protection to both consumers and regulants by assuring a written agreement prior to payment and commencement of work.
20. Proposed § 5.1 7 requires delivery of a fully executed copy of the contract (required by § 5.1 6) to the consumer prior to the commencement of work. This proposal assures that the consumer has the contract document before any work is done so that he can move to enforce the terms of the contract if necessary.
21. Proposed § 5.1 8 requires a regulant to maintain records of contracting transactions for three years from the date of the contract. This documentation protects both parties to the transaction by providing evidence which can establish the actual terms of the contract. These records should also enable the department staff and the board to draw more accurate conclusions in reviewing complaints filed with the department.
22. Proposed § 5.1 9 allows the board to take disciplinary action against a licensee/registrator for refusing to provide any document, book, record or copy thereof or failing to cooperate in the investigation of a complaint filed with the board against a contractor. This proposal strengthens the ability of the board to protect the public by conducting thorough investigations of consumer complaints.

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23. Proposed § 5.1 10 is revised to define "abandonment" as intentional and unjustified failure to complete work. The proposed regulation also states that unjustified cessation of work for 90 days or more shall be considered evidence of abandonment. These changes should allow for a more precise application of this regulation in cases where allegations of abandonment are brought to the board.
24. Proposed § 5.1 13 is altered to further clarify this provision. No effect from this change is anticipated.
25. Proposed § 5.1 14 allows the board to consider disciplinary action against a contractor whose sole proprietor, officer of the corporation, general partner of the partnership, member of the association, or designated employee has been convicted or found guilty of any felony or of a misdemeanor involving lying, cheating, or stealing. This proposal ensures that those currently licensed/registered continue to meet the standards required for entry, thus protecting the public.
26. Proposed § 5.1 15 requires all regulants to report to the board any conviction as outlined in proposed § 5.1 15 within 30 days of the conviction or guilty plea. The regulation will allow the board to take disciplinary action against any regulant who conceals this information.
27. Proposed § 5.1 16 allows the board to consider disciplinary action against a contractor whose sole proprietor, officer of the corporation, general partner of the partnership, member of the association, or designated employee has been disciplined by any county, city, town, or any state or federal governing body. This proposal ensures that those currently licensed/registered continue to meet the standards required for entry, thus protecting the public.
28. Proposed § 5.1 17 requires all regulants to comply with the Virginia Uniform Statewide Building Code. The regulation will allow the board to take disciplinary action against any regulant who violates the Code.

Statutory Authority: § 54.1-1102 of the Code of Virginia.

Written comments may be submitted until September 2, 1990.

Contact: Kelly G. Ragsdale, Assistant Director, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016.

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

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

DEPARTMENT OF EDUCATION AND DEPARTMENT FOR THE VISUALLY HANDICAPPED

† July 10, 1990 - 6:30 p.m. - Public Hearing
Virginia Rehabilitation Center for the Blind, 401 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A public hearing to evaluate the role of braille instruction as a viable method of promoting literacy among all blind and visually handicapped students of the Commonwealth (SJR 36 and HJR 74).

Contact: Glen R. Slonneger, Jr., 397 Azalea Ave., Richmond, VA 23227-3697, telephone (804) 371-3140.

DEPARTMENT OF EDUCATION; DEPARTMENT OF HEALTH PROFESSIONS; DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Task Force on Treatment of Attention-Deficit Hypractivity Disorder

† July 12, 1990 - 10 a.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☐

The task force will hold an organizational meeting on the treatment of ADHD school-aged children and youth, with special reference to the use of methylphenidate hydrochloride (Ritalin) and other controlled substances. The study responds to HJR 146 of the 1990 Session of the Virginia General Assembly.

Contact: Richard D. Morrison, Department of Health Professions, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9918; Patricia White, Department of Education, Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2072; Gary MacBeth, Department of Mental Health, Mental Retardation and Substance Abuse Services, 109 Governor St., Richmond, VA 23219, telephone (804) 786-2991.

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.

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.

LOCAL EMERGENCY PLANNING COMMITTEE - ROANOKE VALLEY

† July 18, 1990 - 9 a.m. - Open Meeting
Salem Civic Center, Room C, 1001 Roanoke Boulevard, Salem, Virginia. ☐

A meeting of the Roanoke Valley LEPC, Local Committee, as authorized and required by the provisions of SARA Title III.

Contact: Ms. Wanda Reed, Acting Coordinator of Emergency Services, Roanoke Department of Emergency Services, 215 Church Ave., S.W., Roanoke, VA 24011, telephone (703) 981-2425.

LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† July 11, 1990 - 3 p.m. - Open Meeting
Old Frederick County Court House Conference Room, Winchester, Virginia.

This meeting of the LEPC will cover plans for the hazardous materials contingency plan exercise, to be held in the fall, as well as various other future LEPC topics and projects.

Contact: L. A. Miller, Fire Chief, 126 N. Cameron St., Fire Department Headquarters, Winchester, VA 22601, telephone (804) 665-5695.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† July 10, 1990 - 10 a.m. - Public Hearing
1601 Rolling Hills Drive, Richmond, Virginia. ☐

A public hearing to consider proposed regulations.

Contact: Meredyth P. Partridge, Executive Director, 1601

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Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 622-9111.

* * * * *

July 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 GAME AND INLAND FISHERIES

† July 26, 1990 - 9:30 a.m. - Open Meeting
4010 West Broad Street, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

Committee meetings will begin at 9:30 a.m., commencing with the Planning Committee, followed by the Committees on Finance, Wildlife and Boat and Law and Education, in that order, with each committee meeting beginning immediately at the end of the preceding meeting:

Planning Committee: A Nominating Committee for the 1991 Board Officers will be appointed. Board meeting dates for 1991 will be discussed. A report will be made to the full board for adoption of the recommended dates.

Finance Committee: A financial status report will be given.

Wildlife and Boat Committee: The webless migratory game bird proposed hunting season and a proposed nuisance species regulation will be discussed. A report will be made to the full board and recommendations will be made for amending or rescinding the appropriate existing regulations.

Law and Education Committee: The committee will review department policies. Recommendations for amending or rescinding existing policies will be made to the full board for action.

Other general administrative and personnel matters, as necessary, will be discussed in each committee meeting.

† July 27, 1990 - 9:30 a.m. - Public Hearing
4010 West Broad Street, Richmond, Virginia. ☒ (Interpreter for the deaf provided upon request)

The board will set the webless migratory game bird hunting season for 1990-91. To implement the provisions of HB 1085, the board will propose regulations dealing with nuisance species of wildlife. Meeting dates for 1991 will be approved. Committee meeting reports from the previous day will be given. General administrative and personnel matters, as necessary, will be considered.

Contact: Belle Harding, Secretary to Bud Bristow, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000/TDD ☎ or toll-free 1-800-237-5712.

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

† July 23, 1990 - 1 p.m. - Open Meeting
Virginia Military Institute, Moody Hall, Lexington, Virginia. ☒

Council member orientation to review history, organization, and process of the Virginia Health Services Cost Review Council.

† July 24, 1990 - 9:30 a.m. - Open Meeting
Virginia Military Institute, Moody Hall, Lexington, 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 ☎

HOPEWELL INDUSTRIAL SAFETY COUNCIL

July 3, 1990 - 9 a.m. - Open Meeting
† August 7, 1990 - 9 a.m. - Open Meeting
† September 4, 1990 - 9 a.m. - Open Meeting
Hopewell Community Center, Second and City Point Road, Hopewell, Virginia. ☒ (Interpreter for deaf provided upon request)

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)

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.

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.

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.

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.

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.

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.

* * * * *

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.

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.

* * * * *

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.

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.

* * * * *

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.

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.

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.

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.

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.

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.

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.

Calendar of Events

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.

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

† **July 17, 1990 - 10 a.m. - Open Meeting**
601 South Belvidere Street, Richmond, Virginia. ☒

The annual meeting of the Board of Commissioners of the Virginia Housing Development Authority. The Board of Commissioners 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; (iv) hold elections for Chairman and Vice Chairman of the Board of Commissioners; and (v) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the annual 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, VHDA, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 782-1986.

COUNCIL ON INDIANS

† **August 8, 1990 - 6 p.m. - Open Meeting**
Chickahominy Tribal Center, Route 609, Charles City County, Virginia.

A meeting to conduct general business and to receive reports from the council standing committees.

Contact: Mary Zoller, Information Director, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9285 or toll-free 1-800-552-7096/TDD ☎

CENTER FOR INNOVATIVE TECHNOLOGY

† **July 23, 1990 - 2:30 p.m. - Open Meeting**
Center for Innovative Technology Building, 2214 Rock Hill Road, Suite 600, Herndon, Virginia.

An annual meeting to elect officers.

Contact: William L. Brobst, Center for Innovative Technology Bldg., 2214 Rock Hill Rd., Suite 600, Herndon, VA, telephone (804) 689-3039

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Council

† **July 12, 1990 - 10 a.m. - Open Meeting**
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

A regular quarterly meeting. The public session begins at 10 a.m. The council meeting will begin immediately after conclusion of the public session.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2381.

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.

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Calendar of Events

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

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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

STATE LAND EVALUATION ADVISORY COUNCIL

† **August 24, 1990 - 10 a.m. – Open Meeting**
† **September 10, 1990 - 10 a.m. – Open Meeting**
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia. ☐

To adopt ranges of values to be recommended to localities for application to agricultural, horticultural, forest, and open-space land participating in use-value assessment programs.

Contact: David E. Jordan, Assistant Director, Property Tax Division, Department of Taxation, P.O. Box 1-K, Richmond,

VA 23201, telephone (804) 367-8020.

COMMISSION ON LOCAL GOVERNMENT

July 9, 1990 - 7 p.m. – Public Hearing
City Council Chambers, City of Bedford Municipal Building,
215 East Main Street, 2nd Floor, Bedford, Virginia.

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
City Council Chambers, City of Bedford Municipal Building,
215 East Main Street, 2nd Floor, Bedford, Virginia.

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
City Council Chambers, City of Bedford Municipal Building,
215 East Main Street, 2nd Floor, Bedford, Virginia.

A regular meeting to discuss such matters as may be presented.

July 23, 1990 - 11 a.m. – Open Meeting
July 24, 1990 - 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

Calendar of Events

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

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.

MARINE RESOURCES COMMISSION

† **July 24, 1990 - 9:30 a.m. – Open Meeting**
2600 Washington Avenue, 4th Flor, Room 403, Newport News, Virginia. ☐

The commission will hear and decide marine environmental matters at 9:30 a.m.: permit applications for projects in wetlands, bottom lands, coastal primary sand dunes and beaches; appeals of local wetland board decisions; policy and regulatory issues.

The commission will hear and decide fishery management items at approximately 2 p.m.: regulatory proposals; fishery management plans; fishery conservation issues; licensing; shellfish leasing.

Meetings are open to the public. Testimony is taken under oath from parties addressing agenda items on permits, licensing. Public comments are taken on resource matters, regulatory issues, and items scheduled for public hearing.

The commission is empowered to promulgate regulations in the areas of marine environmental

management and marine fishery management.

Contact: Cathy W. Everett, Secretary to the Commission, P.O. Box 756, Room 1006, Newport News, VA 23607, telephone (804) 247-8088.

† July 10, 1990 - 7:30 p.m. - Public Hearing
Nandua High School, Auditorium, Melfa, Virginia.

† July 12, 1990 - 7:30 p.m. - Public Hearing
Commission Headquarters, 2600 Washington Avenue,
Newport News, Virginia.

The habitat management division staff will conduct an informational public hearing on the proposed revisions to the Commission's Barrier Island Policy. All interested parties will be afforded an opportunity to comment on the need for and nature of the proposed amendments and changes.

Contact: Robert W. Grabb, Chief, Habitat Management Division, P.O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-2252, toll-free 1-800-541-4646, or (804) 247-2292/TDD ☎

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.

BOARD OF MEDICAL ASSISTANCE SERVICES

† July 17, 1990 - 10 a.m. - Open Meeting
† July 18, 1990 - 10 a.m. - Open Meeting
Southeast 4-H Educational Center, Pamplin Room,

Wakefield, Virginia. ☒

The board will hold a retreat meeting for two days to discuss educational and informational issues pertinent to medical assistance services.

Contact: Patricia A. Sykes, Legislative Analyst, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7958, toll-free 1-800-552-8627, or 1-800-343-0634/TDD ☎

**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.

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

Calendar of Events

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. Buttery, 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

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

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 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

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.

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.

VIRGINIA MUSEUM OF NATURAL HISTORY

Personnel Committee

† July 27, 1990 - 5:30 p.m. - Open Meeting
Virginia Museum of Natural History, 1001 Douglas Avenue,
Martinsville, Virginia. ☒

The meeting will include an update on the personnel evaluation process.

Board of Trustees

† July 28, 1990 - 10 a.m. - Open Meeting
Chatmoss Country Club, Mount Olivet Road, Martinsville,
Virginia. 5

The meeting will include reports from the executive, finance, development, education and exhibits, marketing, personnel, planning/facilities, and research and collections committees.

Contact: Rhonda J. Knighton, Executive Secretary, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, VA 24112, telephone (703) 666-8616, SCATS 857-6950/857-6951, or (703) 666-8638/TDD ☎

BOARD OF NURSING

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 ☎

BOARD OF OPTOMETRY

† July 17, 1990 - 8:30 a.m. - Open Meeting
Department of Health Professions, Surry Building,
Conference Room 2, 1601 Rolling Hills Drive, Richmond,
Virginia. ☒

General board business and informal conferences.

† July 18, 1990 - 8 a.m. - Open Meeting

Egyptian Building (MCV), Baruch Auditorium, 1223 East Marshall Street, Richmond, Virginia.

State board examination and diagnostic pharmaceutical agents examination.

Contact: Lisa J. Russell, Executive Director, Board of Optometry, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9910.

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

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.

REAL ESTATE BOARD

† July 19, 1990 - 9 a.m. - Open Meeting
Sheraton Premier, Tysons Corner, 8661 Leesburg Pike,
Vienna, Virginia.

The Real Estate Board will meet to conduct a formal hearing: Real Estate Board v. Dorothy S. Elmerdorf.

† July 19, 1990 - 1 p.m. - Open Meeting
Sheraton Premier, Tysons Corner, 8661 Leesburg Pike,
Vienna, Virginia.

The Real Estate Board will meet to conduct a formal hearing: Real Estate Board v. Carolyn Oertel, file number 88-00784, 90-00272.

† July 19, 1990 - 3 p.m. - Open Meeting

Calendar of Events

Sheraton Premier, Tysons Corner, 8661 Leesburg Pike, Vienna, Virginia.

The Real Estate Board will meet to conduct a formal hearing: Real Estate Board v. Barbara Perch, file number 88-01673.

† July 19, 1990 - 10:30 a.m. - Open Meeting

† July 20, 1990 - 10:30 a.m. - Open Meeting

Holiday Inn Portsmouth, 8 Crawford Parkway, Portsmouth, Virginia.

The Real Estate Board will meet to conduct a formal hearing: Real Estate Board v. William H. Kline, file number 88-00976.

Contact: Gayle Eubank, Hearings Coordinator, Department of Commerce, 3600 W. Broad St., 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.

VIRGINIA RESOURCES AUTHORITY

† July 10, 1990 - 10 a.m. - Open Meeting

The Mutual Building, 909 East Main Street, Suite 707, Conference Room A, Richmond, Virginia. ☒

The board will meet to (i) approve minutes of the meeting of June 12, 1990; (ii) to review the authority's operations for the prior months; and (iii) to consider other matters and take other actions as they may deem appropriate. 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: Mr. Shockley D. Gardner, Jr., 909 E. Main St., Mutual Bldg., Suite 707, Richmond, VA 23219, telephone (804) 644-3100 FAX NUMBER (804) 644-3109.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

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.

* * * * *

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 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

BOARD OF SOCIAL WORK

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.

VIRGINIA 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

† **July 18, 1990 - 2 p.m. -- Open Meeting**
Virginia Department of Transportation, Board Room, 1401
East Broad Street, Richmond, Virginia. ☒ (Interpreter for
deaf provided if requested)

A work session of the board and department staff.

† **July 19, 1990 - 10 a.m. -- Open Meeting**
Virginia Department of Transportation, Board Room, 1401
East Broad Street, Richmond, Virginia. ☒ (Interpreter for
deaf provided if requested)

A monthly meeting of the board to vote on proposals
presented regarding bids, permits, additions and
deletions to the highway system, and any other
matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner,
Department of Transportation, 1401 E. Broad St.,
Richmond, VA 23219, telephone (804) 786-9950.

DEPARTMENT OF TRANSPORTATION (COMMONWEALTH TRANSPORTATION BOARD)

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.

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

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

COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

† **July 9, 1990 - 10 a.m. -- Open Meeting**
† **July 11, 1990 - 10 a.m. -- Open Meeting**
Augusta County Government Building, Board Meeting
Room, Verona, Virginia. ☒

† **July 9, 1990 - 10 a.m. -- Open Meeting**
† **July 11, 1990 - 10 a.m. -- Open Meeting**
Juvenile and Domestic Relations Courtroom, 601 Caroline
Street, 3rd Floor, Fredericksburg, Virginia. ☒

† **July 12, 1990 - 10 a.m. -- Open Meeting**
The Chrysler Museum, Olney Road and Mowbray Arch,
Norfolk, Virginia.

A meeting to consider changes to the Commission on
VASAP's Policy and Procedure Manual as they pertain
to ASAP and VASAP operations, adding additional
requirements, and clarifying and considering
recommended changes by the Department of Planning
and Budget.

Contact: William T. McCollum, Executive Director, 1001 E.
Broad St., Suite 245, Box 28, Old City Hall, Richmond, VA
23219, telephone (804) 786-5895/TDD ☒

Calendar of Events

VIRGINIA RACING COMMISSION

July 18, 1990 - 9:30 a.m. - Open Meeting
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.

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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 662-01-04. 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.

BOARD FOR THE VISUALLY HANDICAPPED

† **July 30, 1990 - 1:30 p.m. - Open Meeting**
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided upon request)

A quarterly meeting to review policy and procedures of the Virginia Department for the Visually Handicapped. The board also reviews and approves the department's budget.

Contact: Diane E. Allen, Administrative Assistant, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, toll-free 1-800-622-2155, or 371-3140/TDD ☒

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 ☒

STATE WATER CONTROL BOARD

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 11143, Richmond, VA 23230, telephone (804) 367-6302.

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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.

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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.

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.

* * * * *

† August 22, 1990 - 2 p.m. - Public Hearing
Prince William County McCourt Building, Board Room 1, County Complex, 4850 Davis Ford Road, Prince William, 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 consider amending regulations entitled: **VR 680-11-05. Occoquan Policy.** The policy provides for the protection of the Occoquan Watershed from point source pollution. The proposed amendments serve to reflect current permitting practices and to be consistent with the Commonwealth's water quality management program.

STATEMENT

Subject: The subject of the regulation is to provide a policy that protects the Occoquan Watershed from point source pollution.

Substance: This regulation will ensure that high performance regional treatment plants and other point source discharges are regulated to protect the Occoquan Watershed from pollution. The regulation sets minimum effluent quality requirements for regional plants and the number of regional plants. The regulation also ensures that expansion of regional plants and existing plants in the Occoquan Watershed are accomplished to protect the watershed from pollution. The regulation sets forth requirements for permitting point sources in the watershed.

Issues: Issues under consideration are:

That the expansion for regional plants is not necessary. Technology has proven through years of water quality information that the watershed has been protected and improved. Incremental expansions are prohibitively expensive and each expansion produces disruptions in plant performance due to construction activities.

Weekly averaging is not necessary due to long-term operational and engineering concepts for plant performance. Monthly averaging is the standard for permitting effluents.

Total Kjeldahl Nitrogen is the parameter of choice for effluent quality. This is based on years of information that shows that Occoquan Reservoir to be positively influenced by the presence of nitrates. Nitrification treatment processes produce nitrates, whereas denitrification would not produce nitrates. Nitrates ultimately protect the reservoir from the release of unwanted phosphorous from the sediments. Therefore, the proposed effluent parameter that would show treatment efficiency and protection from

Calendar of Events

environmental impact is Total Kjeldahl Nitrogen.

Other point sources in the watershed have not been appropriately addressed in the policy. The proposed amendments will provide consistency with current permitting regulations and additional protection in the watershed.

In the past the SWCB has been an ex-officio member of the Occoquan Watershed Monitoring Subcommittee. The actions of the subcommittee are ultimately reviewed and approved by the SWCB. Amendment changes will separate the SWCB from the subcommittee and provide for the SWCB to function in its appropriate oversight role.

Basis: The basis for this proposal is § 62.1-44.15(3a) of the Code of Virginia, which authorizes the board to establish such standards and policies for any state waters. Section 62.1-44.15(10) authorizes the board to adopt such regulations as it deems necessary to enforce the general water quality management program. Further, § 62.1-44.15(13) authorizes the board to establish policies and programs for effective area-wide or basin-wide water quality control and management.

Purpose: The proposed amendments include reformatting as required by the Virginia Registrar of Regulations, removing the restriction of regional plant expansions, changing the minimum effluent quality requirements from weekly average to monthly average, and changing the nitrogen limit to Total Kjeldahl Nitrogen. Other proposed amendments will clarify the intent and purpose of the policy, and separate the board from the Occoquan Watershed Subcommittee and billing practices for the Occoquan Watershed Monitoring Laboratory.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until 4 p.m., September 4, 1990, to Ms. Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, VA 23230.

Contact: Mr. James C. Adams, Regional Director, Northern Regional Office, 1519 Davis Ford Rd., Suite 14, Woodbridge, VA 22192, telephone (703) 490-8922.

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. Gerald 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.

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

† **July 17, 1990 - 10 a.m. – Open Meeting**
General Assembly Building, 6th Floor, Speakers Conference Room, 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.

† **July 18, 1990 - 10 a.m. – Open Meeting**
General Assembly Building, 6th Floor, Speakers Conference Room, 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.

† July 19, 1990 - 10 a.m. - Open Meeting
General Assembly Building, 6th Floor, Speakers Conference Room, 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

EDUCATION SUBCOMMITTEE

† August 17, 1990 - 1 p.m. - Open Meeting
General Assembly Building, House Room C, Capitol Street, Richmond, Virginia. ☒

The purpose of the meeting is to review various proposals for addressing the issues before the subcommittee. (HB 445)

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT LEGISLATIVE SUBCOMMITTEE STUDYING THE USE OF JET SKIS

† July 9, 1990 - 10:30 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☒

An open meeting to consider SJR 29.

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-7869. Persons wishing to speak should contact: Deanna Byrne, Staff Attorney, Division of Legislative Services, General Assembly Building, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING MOTOR VEHICLE INSURANCE

† July 2, 1990 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, Capitol Square, Richmond, Virginia. ☒

An open meeting to consider SJR 61.

Contact: Thomas C. Gilman, Chief Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23203, telephone (804) 786-7869. Persons wishing to speak should contact: C. William Cramme, III, Staff Attorney, Division of Legislative Services, General Assembly Building, 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.

HOUSE ROADS AND INTERNAL NAVIGATION

† July 9, 1990 - 10 a.m. - Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. ☒

Subcommittee No. 4 of the House Roads and Internal Navigation Committee will meet with regard to studying out-of-service inspections performed by State Police Officers and Local Law-Enforcement Officers under § 46.2-1001 of the Code of Virginia.

Contact: Dr. Alan Wambold, Research Associate, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

TRANSFERABLE DEVELOPMENT RIGHTS AND OTHER LAND-USE

July 16, 1990 - 1 p.m. - Open Meeting
General Assembly Building, 6th Floor Conference Room, 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

July 2

† Motor Vehicle Insurance, Joint Subcommittee Studying

July 3

Hopewell Industrial Safety Council

July 5

Calendar of Events

Children, Department for
- Consortium on Child Mental Health
Community Corrections Resources Board - Middle
Virginia
- Board of Directors

July 7
Medicine, Board of
- Credentials Committee

July 9
† Air Pollution Control, Department of
† Alcohol Safety Action Program - Valley
† House Roads and Internal Navigation
† Jet Skis, Joint Legislative Subcommittee Studying the
Use of
Local Government, Commission on
† Virginia Alcohol Safety Action Program, Commission
on the

July 10
Labor and Industry, Department of
- Safety and Health Codes Board
Local Government, Commission on
Medicare and Medicaid, Governor's Advisory Board on
† Resources Authority, Virginia

July 11
Corrections, Board of
† Emergency Planning Committee, Local - Winchester
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
† Virginia Alcohol Safety Action Program, Commission
on the

July 12
† Arts, Commission for the
† Child Day-Care Council
Child Labor Laws of Virginia, Labor and Commerce
Subcommittee Studying
† Education, Department of; Health Professions,
Department of; and Mental Health, Mental Retardation
and Substance Abuse Services, Department of
† - Task Force on Treatment of Attention-Deficit
Hypractivity Disorder
† Labor and Industry, Department of
† - Apprenticeship Council
Medical Assistance Services, Department of
- New Drug Review Committee
Pesticide Control Board, Virginia
† Virginia Alcohol Safety Action Program, Commission
on the

July 13
Pork Industry Board, Virginia

July 16
† Accountancy, Board for

Boating Advisory Board, Virginia

July 17
† Accountancy, Board for
Boating Advisory Board, Virginia
† Crime Commission, Virginia State
† Housing Development Authority, Virginia
† Medical Assistance Services, Board of
† Optometry, Board of

July 18
Contractors, Board for
† Crime Commission, Virginia State
† Emergency Planning Committee, Local - Roanoke
Valley
† Medical Assistance Services, Board of
† Optometry, Board of
† Transportation Board, Commonwealth
Treasury Board
Virginia Racing Commission

July 19
Chesapeake Bay Local Assistance Board
† Crime Commission, Virginia State
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee
Medicine, Board for
† Real Estate Board
† Transportation Board, Commonwealth

July 20
† Children, Interdepartmental Licensure and
Certification of Residential Facilities for
† - Coordinating Committee
Medicine, Board of
† Real Estate Board

July 21
Medicine, Board of

July 22
Medicine, Board of

July 23
† Barbers, Board for
† Health Services Cost Review Council, Virginia
† Innovative Technology, Center for
Local Government, Commission on
Nursing, Board of
Winegrowers Advisory Board, Virginia

July 24
† Health Services Cost Review Council, Virginia
† Land Evaluation Advisory Council, State
Local Government, Commission on
† Marine Resources Commission
Nursing, Board of
Social Work, Board of

July 25
Educational Opportunity for All Virginians, Governor's

Calendar of Events

- Commission on
Emergency Planning Committee, Local - Gloucester
Lottery Board
Nursing, Board of
- July 26**
† Game and Inland Fisheries, Board of
Transferable Development Rights and Other Land-Use,
Joint Subcommittee Studying
- July 27**
† Air Pollution Control Board, State
† Game and Inland Fisheries, Board of
† Commerce, Board of
Longwood College
- Board of Visitors
† Museum of Natural History, Virginia
† - Personnel Committee
- July 28**
† Museum of Natural History, Virginia
† - Board of Trustees
- July 30**
† Visually Handicapped, Board for the
- August 1**
Children, Department for
- Consortium on Child Mental Health
Medicine, Board of
- Informal Conference Committee
- August 2**
Community Corrections Resources Board - Middle
Virginia
- 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 7**
† Hopewell Industrial Safety Council
- August 8**
† Indians, Council on
- 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 17**
† Education Subcommittee
- August 22**
Educational Opportunity for All Virginians, Governor's
Commission on
- August 23**
† Children, Department for
† - State-Level Runaway Youth Services Network
- August 24**
† Land Evaluation Advisory Council, State
- September 4**
† Hopewell Industrial Safety Council
- September 5**
Children, Department for
- Consortium on Child Mental Health
- September 10**
† Land Evaluation Advisory Council, State
- 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

- July 9**
† Air Pollution Control, Department of
† Game and Inland Fisheries, Department of
Local Government, Commission on
- July 10**
† Education, Department of and Visually Handicapped,
Department for the
† Funeral Directors and Embalmers, Board of
† Marine Resources Commission
- July 12**
† Marine Resources Commission
- July 18**
Contractors, Board for
Virginia Racing Commission
- July 23**

Calendar of Events

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
Water Control Board, State

August 21

Mines, Minerals and Energy, Department of

August 22

Agriculture and Consumer Services, Department of
† Air Pollution Control Board, State
Alcoholic Beverage Control Board
Transportation, Department of
† Water Control Board, State

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