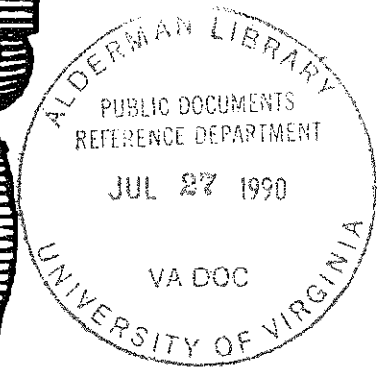
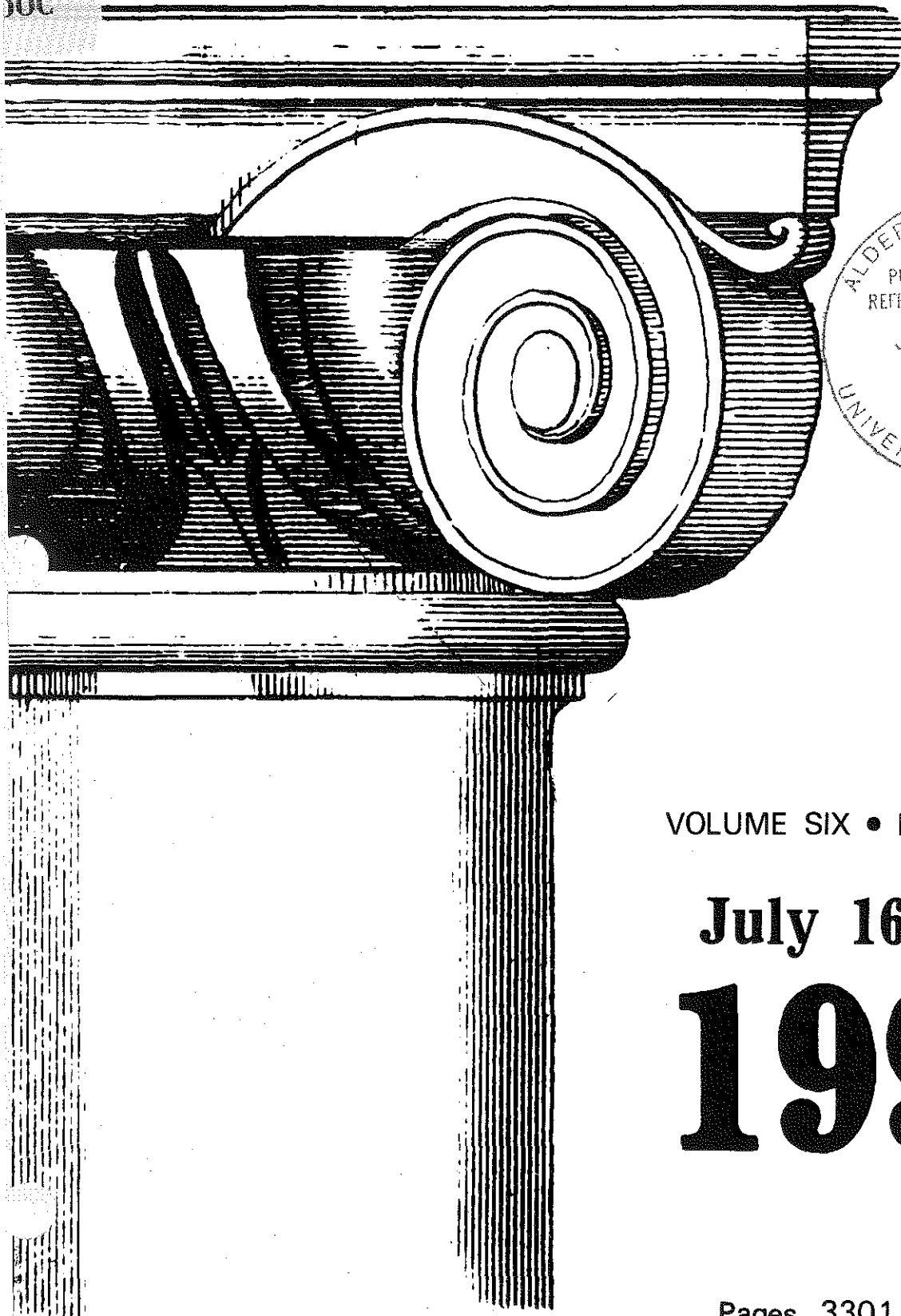


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THE VIRGINIA REGISTER

OF REGULATIONS

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July 16, 1990

1990

Pages 3301 Through 3424

VIRGINIA REGISTER

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

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

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

EMERGENCY REGULATIONS

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

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

STATEMENT

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

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PROPOSED REGULATIONS

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Symbol Key

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: VR 115-04-09. Rules and Regulations for the Enforcement of the Virginia Seed Law.

Statutory Authority: § 3.1-271 of the Code of Virginia.

Public Hearing Date: September 26, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amendment to the regulation, VR 115-04-09, Rules and Regulations for the Enforcement of the Virginia Seed Law, will add Serrated tussock, Nassella trachotoma, to the list of prohibited noxious weed seeds. Serrated tussock occurs in countries that export seed to the United States; it is known to be a contaminant to tall fescue and other seed imported from Argentina for sale in the Southeastern states of the United States. The plant is prolific, highly destructive, and not controlled by cultural practices commonly used. It has been unintentionally introduced into Australia, Tasmania, and New Zealand, where five million acres are under quarantine. It is toxic to sheep and adversely affects other ruminating animals. Except for Kentucky, which is in the process of establishing appropriate regulations, all states surrounding Virginia have placed Serrated tussock on their lists of prohibited noxious weed seeds.

VR 115-04-09. Rules and Regulations for the Enforcement of the Virginia Seed Law.

§ 1. Methods of inspecting, sampling, and testing, and the application tolerances.

Method of inspecting, sampling, and testing, and the application of tolerance shall be according to the Rules for Testing Seeds adopted by the "Association of Official Seed Analysts"* except:

1. For those kinds of tree and shrub seed not included in the Rules for Testing Seeds, "Association of Official Seed Analysts," the testing procedure used shall be those recommended by the National Tree Seed Laboratory.
2. That tolerances are not allowed on prohibited noxious weed seeds.

3. Tolerance shall apply to flower and vegetable germination MAND standards only as specified in §§ 9 and 11 of these regulations.

4. For seed peanuts the testing tolerance will be five on the minimum germination standard.

5. Certain kinds listed as crop seeds in Association of Official Seed Analysts Handbook 25 "Uniform Classification of Weed and Crop Seed" shall be considered restricted noxious weed seeds as listed in § 2.B.2.

* Currently effective, copies of which may be obtained from the commissioner upon request, at cost.

§ 2. Noxious weed seeds.

Noxious weed seeds as defined in the Virginia Seed Law, Article 4 (§ 3.1-262 et seq.) of Chapter 16 of Title 3.1 of the Code of Virginia are divided into two classes:

A. Prohibited noxious weed seeds are:

Balloonvine - "Cardiospermum halicacabum"

Canada thistle - "Cirsium arvense"

Field Bindweed - "Convolvulus arvensis"

Johnsongrass, Sorgrass and, Sorghum alnum, and hybrids derived therefrom - "Sorghum" spp. - Perennial

Plumeless thistles, which includes Musk thistle, and Curled thistle - "Carduus" spp.

Quackgrass - "Agropyron repens"

Serrated tussock - "Nassella tricholoma"

Sicklepod - "Cassia tora"

B. Restricted noxious weed seeds are:

1. Restricted noxious weed seeds for agricultural and vegetable seed, except for lawn and turf seed and mixtures thereof, shall be prohibited from sale for seeding purposes if the number per ounce or per pound of such noxious weed seed found exceeds the limitations allowed for each. Such weed seeds and limitations shall be:

KIND

LIMITATION

Proposed Regulations

Wild onion bulbets and wild garlic5 per ounce or
 bulbets - Allium spp.80 per pound for
 orchardgrass;
2 per ounce or 32
 per pound for
 other kinds

Dodder - Cuscuta spp.4 per ounce or 64
 per pound

Wild mustard - Brassica spp. -5 per ounce or
 includes all species when80 per pound
 incidentally occurring in agricultural
 seed, provided that species
 listed in §§ 5 and 9 of the
 regulations may be sold as such
 when labeled as required.

Giant foxtail - Setaria faberi4 per ounce or 64
 per pound

Radish - Raphanus1 per ounce or spp.
16 per pound

2. Restricted noxious weed seeds for lawn and turf
 seed and mixtures thereof. Those kinds listed below
 shall be restricted noxious weed seeds and shall be
 declared on the label under the heading "Noxious
 Weed Seeds" or "Undesirable Grass Seed" according
 to § 3.1-264 (1) (5) when present in bentgrasses,
 Kentucky bluegrass, chewings fescue, red fescue, hard
 fescue, varieties of perennial ryegrass, varieties of
 named turf type tall fescue, and/or mixtures
 containing these grasses. Such weed seeds are:

Annual bluegrassPoa Annua

**Bentgrasses (creeping, colonial, velvet)Agrostis spp.

**Bermudagrass, Giant bermudagrass Cynodon spp.

**Meadow fescueFestuca pratensis

Orchardgrass Dactylis glomerata

**Redtop Agrostis gigantea

**Rough bluegrass Poa trivialis

**Tall fescue Festuca arundinacea

Timothy Phleum pratense

VelvetgrassHolcus lanatus

** May be included as a labeled component of a mixture
 when in excess of 5.0% of the whole.

NOTE - EXEMPTIONS: This regulation does not apply to
 restricted noxious weed seeds in grasses or mixtures
 clearly labeled for pasture, forage, hay, or spoilbank

reclamation usage.

§ 3. Net weight requirements.

A. Net weight is required on all containers except on
 packets containing less than one-half ounce avoirdupois.

B. All net weight labeling shall be consistent with the
 requirements of the Virginia Weights and Measures Law,
 Chapter 35 (§ 3.1-919 et seq.) of Title 3.1 of the Code of
 Virginia, and the Virginia Weights and Measures
 regulations except that when a seed tag is used the net
 weight information may appear on the seed tag rather
 than on the seed bag.

§ 4. Labeling treated seed.

A. Contents of label.

All seed treated as defined by § 3.1-263 (28) of the Code
 of Virginia, shall be labeled in type no smaller than eight
 points to indicate that such seed has been treated and to
 show the name of any substance or a description of any
 process (other than application of a substance) used to
 treat such seed, for example:

Treated with ... (Name of substance or process)...

or ... (Name of substance or process) ... treated.

If the substance used in such treatment in the amount
 remaining with the seed is harmful to humans or other
 vertebrate animals, the seed shall also bear a label
 containing statements as specified by subsections C and D
 below. The label shall contain the required information in
 any form that is clearly legible and complies with this
 regulation. The information may be on the analysis tag, on
 a separate tag, or printed on the container in a
 conspicuous manner.

B. Name of substance.

The name of any substance as required by subsection A
 of this section shall be commonly accepted coined,
 chemical (generic), or abbreviated chemical name.
 Commonly accepted coined names are not private
 trademarks and are free for use by the public and are
 commonly recognized as names of particular substances
 such as thiram, captan, lindane, and dichlone. Examples of
 commonly accepted chemical (generic) names are:
 bluestone, calcium carbonate, cuprous oxide, zinc
 hydroxide, hexachlorobenzene and ethyl mercury acetate.
 The terms "mercury" or "mercurial" may be used to
 represent all types of mercurial compounds. Examples of
 commonly accepted abbreviated chemical names are: BHC
 (1,2,3,4,5,6,-Hexachloroclohexane) and DDT (dichloro
 diphenyl trichloroethane)

C. Mercurials and similarly toxic substance.

1. Seeds treated with a mercurial or similarly toxic

substance, if any amount whatsoever remains with the seed, shall be labeled to show a representation of a skull and crossbones at least twice the size of the type used for information required to be on the label under subsection A and shall also include in red letters on a background of distinctly contrasting color a statement substantially as follows: "Treated with Poison," "Poison Treated," or "Poison". Such treatment shall appear in type no smaller than eight points.

2. Substances similarly toxic to mercurials include the following: Aldrin (technical), Demeton, Dieldrin, Endrin, Heptachlor, O, O-diethyl S-(ethylthiomethyl) phosphorodithiolate and O, O-diethyl S-2 (ethylthio) ethyl phosphorodithiolate. Any amount of such substances remaining with the seed shall be considered harmful to humans and other vertebrate animals.

D. Other harmful substances.

If any substance, other than one which would be classified as a mercurial or similarly toxic substance under subsection C, is used in the treatment of seed; the amount remaining with the seed is considered harmful to humans or other vertebrate animals unless the seed is in containers of four ounces or less. Seed treated with such substances shall be labeled with an appropriate caution statement in type no smaller than eight points worded substantially as follows: "Do not use for food," "Do not use for feed," "Do not use for oil purposes," or "Do not use for food, feed, or oil purposes". This subsection applies to all chemical substances not within subsection C except that the following substances shall not be deemed harmful when present at a rate less than the number of parts per million indicated:

Allethrin - 2 p.p.m.

Malthion - 8 p.p.m.

Methoxychlor - 8 p.p.m.

Piperonyl butoxide - 20 p.p.m. except 8 p.p.m. on Oat and Sorghum.

Pyrethrins - 3 p.p.m. except 1 p.p.m. on Oat and Sorghum.

E. Weight of treatment substance.

When the weight of treatment substances added exceed 1.0% of the net weight of seed, the rate of treatment must be given on the analysis tag.

§ 5. Agricultural seeds.

A. Agricultural seeds are the seed of the following:

Alfalfa - *Medicago sativa*

Barley - *Hordeum vulgare*

Beet, sugar - *Beta vulgaris*

Bentgrass or:

Bentgrass, colonial - *Agrostis tenuis*

Bentgrass, creeping - *Agrostis stolonifera* var. *palustris*

Bentgrass, velvet - *Agrostis canina*

Bermudagrass - Except as specified in § 2 of these regulations.

Common - *Cynodon dactylon* var. *dactylon*

Giant - *Cynodon dactylon* var. *aridus*

Bluegrass:

Canada - *Poa compressa*

Kentucky - *Poa pratensis*

Rough - *Poa trivialis*

Wood - *Poa nemoralis*

Brome, smooth - *Bromus inermis*

Broomcorn - *Sorghum bicolor*

Buckwheat - *Fagopyrum esculentum*

Canarygrass, reed - *Phalaris arundinacea*

Carpetgrass - *Axonopus affinis*

Clover:

Alsike - *Trifolium hybridum*

Crimson - *Trifolium incarnatum*

Red - *Trifolium pratense*

Sweet - (See Sweet Clover)

White - *Trifolium repens* including the var. *Ladino*

Corn:

Field - *Zea mays*

Pop - *Zea mays* var. *everta*

Cotton - *Gossypium* spp.

Cowpea - *Vigna unguiculata* subsp. *unguiculata*

Crambe - *Crambe abyssinica*

Crownvetch - *Coronilla varia*

Dallisgrass - *Paspalum dilatatum*

Fescue:

Chewings - *Festuca rubra* var. *commutata*

Hard - *Festuca trachyphylla*

Meadow - *Festuca pratensis*

Proposed Regulations

Red - *Festuca rubra* subsp. *rubra*
Sheep - *Festuca ovina*
Tall - *Festuca arundinacea*

Lespedeza:

Bicolor - *Lespedeza bicolor*
Korean - *Lespedeza stipulacea*
Serica - *Lespedeza cuneata*
Striate - *Lespedeza striata*

Millet, browntop - *Brachiaria ramosa*

Millet, Italian - *Setaria italica*

Millet, Japanese - *Echinochloa crusgalli* var. *frumentacea*

Millet, pearl - *Pennisetum americanum*

Millet, proso - *Panicum miliaceum*

Oat - *Avena* spp.

Oatgrass, tall - *Arrhenatherum elatius*

Orchardgrass - *Dactylis glomerata*

Pea, field - *Pisum sativum*

Peanut - *Arachis hypogaea*

Rape, winter - *Brassica napus* va. *biennis*

Redtop - *Agrostis gigantea*

Rye - *Secale cereale*

Ryegrass, annual or Italian - *Lolium multiflorum*

Ryegrass, intermediate - *Lolium X hybridum*

Ryegrass, perennial - *Lolium perenne*

Sorghum, grain and sweet - *Sorghum bicolor*

Sorghum, Sudangrass hybrid - *Sorghum bicolor* X *Sorghum sudanense*

Soybeans - *Glycine max*

Sudangrass - *Sorghum sudanense*

Sunflower - *Helianthus annuus*

Sweet Clover:

White - *Melilotus alba*
Yellow - *Melilotus officinalis*

Timothy - *Phleum pratense*

Tobacco - *Nicotiana tabacum*

Trefoil, Birdsfoot - *Lotus corniculatus*

Triticale - *Triticosecale*

Vetch, hairy - *Vicia villosa* subsp. *villosa*

Wheat - *Triticum aestivum*

B. Kinds not listed under subsection A:

Any kind of seed not listed under subsection A above or in § 9 of these regulations when present incidentally in seed samples of the kinds so listed shall be considered to be a weed seed unless such kind is classified solely as a crop seed by the Association of Official Seed Analysts in its handbook "Uniform Classification of Weed and Crop Seeds."

§ 6. Weed seeds.

As provided by § 3.1-265(a)(6) of the Code of Virginia, agricultural seed of the following kinds may contain weed seeds not to exceed the following limitations:

A. Korean Lespedeza - *Lespedeza stipulacea*1.50%

B. Orchardgrass - *Dactylis glomerata* (Hulled)1.50%

C. Oatgrass, tall - *Arrhenatherum elatius*1.50%

D. Redtop - *Agrostis gigantea*1.50%

§ 7. Code designation.

As provided by § 3.1-264, subsections B paragraph (12)(b) and I(10)(b) of the Code of Virginia, any Virginia seed dealer may request from the commissioner a code designation to be used in lieu of his name and address for use on seed labeled for intrastate shipment provided; however, such shipments must be labeled to show the name and address of the consignee. Such designation will bear the prefix VDA followed by an appropriate assigned number; however, a bona fide AMS (C&MS) number may be used in lieu of the VDA code designation provided it is recorded with the commissioner by the seed dealer.

§ 8. Controlled conditions.

Controlled conditions are those minimum field standards for certification last established by the State Certified Seed Commission Board as authorized under Article 2, Chapter 16, Title 3.1 of the Code of Virginia.

§ 9. Vegetable seeds and minimum germination standards.

A. Vegetable seeds are the seeds of the following, and the germination standards are as indicated:

..... Germination

Proposed Regulations

Kind	Standard	Okra - <i>Abelmoschus esculentus</i>	50
Asparagus - <i>Asparagus officinalis</i>	70	Onion - <i>Allium cepa</i>	70
Bean garden - <i>Phaseolus vulgaris</i>	70	Parsley - <i>Petroselinum crispum</i>	60
Bean lima - <i>Phaseolus lunatus</i>	70	Parsnip - <i>Pastinaca sativa</i>	60
Beet - <i>Beta vulgaris</i>	65	Peas, garden - <i>Pisum sativum</i>	80
Broccoli - <i>Brassica oleracea</i> var. <i>botrytis</i>	75	Pepper - <i>Capsicum</i> spp.	55
Brussels sprouts - <i>Brassica oleracea</i> var. <i>gemnifera</i>	70	Pe-tsai or Chinese cabbage - <i>Brassica pekinensis</i>	75
Cabbage - <i>Brassica oleracea</i> var. <i>capitata</i>	75	Pumpkin - <i>Cucurbita pepo</i>	75
Carrot - <i>Daucus carota</i>	55	Radish - <i>Raphanus sativus</i>	75
Cauliflower - <i>Brassica oleracea</i> var. <i>botrytis</i>	75	Rhubarb - <i>Rheum rhabarbarum</i>	60
Celeriac - <i>Apium graveolens</i> var. <i>rapaceum</i>	55	Rhutabaga - <i>Brassica napus</i> var. <i>napobrassica</i>	75
Celery - <i>Apium graveolens</i> var. <i>dulce</i>	55	Salsify - <i>Tragapogon porrifolius</i>	75
Chicory - <i>Cichorium intybus</i>	65	Spinach (except New Zealand) - <i>Spinacia oleracea</i>	60
Cirton - <i>Citrullus lanatus</i> var. <i>citroides</i>	65	Spinach, New Zealand - <i>Tetragonia tetragonioides</i>	40
Collards - <i>Brassica oleracea</i> var. <i>acephala</i>	80	Squash - <i>Cucurbita pepo</i>	75
Corn, garden - <i>Zea mays</i>	75	Swiss chard - <i>Beta vulgaris</i> var. <i>cicla</i>	65
Cornsalad - <i>Valerianella locusta</i>	70	Tomato - <i>Lycopersicon</i> [<i>lycopersicum</i>]	75
Cowpea - <i>Vigna unguiculata</i> subsp. <i>unguiculata</i>	75	Turnip - <i>Brassica rapa</i>	80
Cress, garden - <i>Lepidium sativum</i>	75	Watermelon - <i>Citrullus lanatus</i>	70
Cress, upland - <i>Barbarea verna</i>	60		
Cress, water - <i>Nasturtium officinale</i>	40		
Cucumber - <i>Cucumis sativus</i>	80		
Eggplant - <i>Solanum melongena</i>	60		
Endive - <i>Cichorium endivia</i>	70		
Kale - <i>Brassica</i> spp.	75		
Kohlrabi - <i>Brassica oleracea</i> var. <i>gongylodes</i>	75		
Leek - <i>Allium porrum</i>	60		
Lettuce - <i>Lactuca sativa</i>	80		
Muskmelon (Cantaloupe) - <i>Cucumis melo</i>	75		
Mustard - <i>Brassica juncea</i>	75		
Mustard, spinach - <i>Brassica perviridis</i>	75		

B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet minimum standards without benefit of tolerance.

§ 10. Origin.

Origin as required by § 3.1-264(B)(4) of the Code of Virginia shall not apply to seed in lawn or turf grass mixtures in prepacked containers of fifty pounds or less; however, the formulator of such mixtures shall maintain origin records as required by § 3.1-266 of the Code of Virginia.

§ 11. Flower seed and minimum germination standards.

A. The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed and which are, therefore, required to be labeled in accordance with the germination labeling provisions of § 3.1-263 and § 3.1-264 of the Code of Virginia. The percentage listed opposite each kind is the germination

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standard for that kind. For the kinds marked with an asterisk, this percentage is the total of percentage germination and percentage hard seed. For other kinds, it is the percentage germination.

Kind	Minimum Germination Standard
African daisy - <i>Dimorphotheca sinuata</i>	55
Ageratum - <i>Ageratum houstonianum</i>	60
Alyssum - <i>Alyssum compactum</i> , <i>A. Lobularia maritima</i> , <i>A. saxatile</i>	60
Anemone - <i>Anemone pulsatilla</i>	55
Angel trumpet - <i>Brugmansia arborea</i>	60
Arabis - <i>Arabis alpina</i>	60
Aster, China - <i>Callistephus chinensis</i> except Pompon, Powderpuff, and Princess types	55
Aster, China - <i>Callistephus chinensis</i> , Pompon, Powderpuff and Princess types	50
Aubrietia - <i>Aubrietia deltoidea</i>	45
Balsam - <i>Impatiens balsamina</i>	70
Calendula - <i>Calendula officinalis</i>	65
California poppy - <i>Eschscholzia californica</i>	60
Calliopsis - <i>Coreopsis tinctoria C. basalis</i>	65
Campanula:	
Canterbury bells - <i>Campanula medium</i>	60
Cup and Saucer bellflower - <i>Campanula medium calycanthema</i>	60
Carpathian bellflower - <i>Campanula carpatica</i>	50
Peach bellflower - <i>Campanula persicifolia</i>	50
Candytuft, annual - <i>Iberis amara</i> , <i>I. umbellata</i>	65
Candytuft, perennial - <i>Iberis gibraltarica</i> , <i>I. sempervirens</i>	55
*Castor bean - <i>Ricinus communis</i>	60
Cathedral bells - <i>Cobaea scandens</i>	65
Celosia - <i>Celosia argentea</i>	65
Centaurea: basked Flower - <i>Centaurea americana</i> , Cornflower - <i>C. cyanus</i> , dusty miller - <i>C. cineraria</i> royal centaurea - <i>C. imperialis</i> , sweet sultan, Amberboa moschata, Velvet centaurea - <i>C. gymnocarpa</i>	60
Chinese forget-me-not - <i>Cynoglossum amabile</i>	55
Chrysanthemum, annual - <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> , <i>C. segetum</i>	40
Clarkia - <i>Clarkia unguiculata</i>	65
Cleome - <i>Cleome hasslerana</i>	65
Columbine - <i>Aquilegia</i> spp.	50
Coral bells - <i>Heuchera sanguinea</i>	55
Coreopsis, perennial - <i>Coreopsis lanceolata</i>	40
Cosmos: Sensation, Mammoth and Crested type - <i>Cosmos bipinnatus</i> ; Klondyke type - <i>C. sulphureus</i>	65
Dahlia - <i>Dahlia</i> spp.	55
Delphinium: cardinal larkspur, perennial delphinium - <i>Delphinium cardinale</i> ; Pacific giant, gold metal and other hybrids, belladonna, bellamosum types <i>Chinensis</i> types <i>D. elatum</i>	55
Dianthus:	
Carnation - <i>Dianthus caryophyllus</i>	60
China pinks - <i>Dianthus Chinensis</i> , Heddewigii, Heddensis	70
Grass pinks - <i>Dianthus plumarius</i>	60
Maiden pinks - <i>Dianthus deltoides</i>	60
Sweet William - <i>Dianthus barbatus</i>	70
Sweet wivelsfield - <i>Dianthus X allwoodii</i>	60
Dracena - <i>Cordyline australis</i>	55
English daisy - <i>Bellis perennis</i>	55
Foxglove - <i>Digitalis</i> spp.	60
Gaillardia, annual - <i>Gaillardia pulchella</i> , var. <i>picta</i> ; perennial - <i>G. aristata</i>	45
Geum - <i>Geum</i> spp.	55
Gilia - <i>Gilia</i> spp.	65
Godetia - <i>Clarkia amoena</i> var. <i>concinne</i>	65
Gourds: <i>Cucurbita</i> spp.; <i>Lagenaria</i> spp.	70
Gypsophila: annual baby's breath - <i>Gypsophila elegans</i> ; perennial baby's breath - <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i>	70
Helichrysum - <i>Helichrysum bracteatum</i>	60
*Hollyhock - <i>Alcea rosea</i>	65
*Ipomopa: Cypress vine - <i>Ipomea quamoclit</i> ; Moonflower - <i>I. alba</i> ; morning glories, cardinal climber, hearts and	

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<p>honey vine - <i>I. spp.</i> 75</p> <p>Job's tears - <i>Coix lacryma-jobi</i> 70</p> <p>Kochia - <i>Kochia scoparia trichophylla</i> 55</p> <p>Larkspur, annual - <i>Consolida ambigua</i> 60</p> <p>Lantana - <i>Lantana camara</i> 35</p> <p>Linaria - <i>Linaria spp.</i> 65</p> <p>Lobelia, annual - <i>Lobelia erinus</i> 65</p> <p>Lunaria, annual - <i>Lunaria annua</i> 65</p> <p>*Lupine - <i>Lupinus spp.</i> 65</p> <p>Marigold - <i>Tagetes spp.</i> 65</p> <p>Marvel of Peru - <i>Mirabilis jalapa</i> 60</p> <p>Mignonette - <i>Reseda odorata</i> 55</p> <p>Myosotis - <i>Myosotis alpestris, M. oblongata, M. pulastris M. scorpioides</i> 50</p> <p>Nasturtium - <i>Tropaeolum spp.</i> 60</p> <p>Nemesia - <i>Nemesia spp.</i> 65</p> <p>Nemophila - <i>Nemophila menziesii subsp. insignis</i> 70</p> <p>Nicotiana - <i>Nicotiana glauca, N. X sanderae</i> 65</p> <p>Nierembergia - <i>Nierembergia spp.</i> 55</p> <p>Nigella - <i>Nigella damascena</i> 55</p> <p>Pansy - <i>Viola tricolor</i> 60</p> <p>Penstemon - <i>Penstemon barbatus, P. grandiflorus, P. laevigatus, P. hirsutus</i> 60</p> <p>Petunia - <i>Petunia spp.</i> 45</p> <p>Phacelia - <i>Phacelia campanularia, P. minor, P. tanacetifolia</i> 65</p> <p>Phlox, annual - <i>Phlox drummondii</i> all types and varieties 55</p> <p>Physalis - <i>Physalis spp.</i> 60</p> <p>Poppy: shirley poppy - <i>Papaver rhoeas</i>; Iceland poppy - <i>P. nudicaule</i>; oriental poppy - <i>P. orientale</i>; tulip poppy - <i>P. glaucum</i> 60</p> <p>Portulaca - <i>Portulaca grandiflora</i> 55</p> <p>Salpiglossis - <i>Salpiglossis sinuata Gloxiniflora,</i> 60</p>	<p><i>Salvia</i> - Scarlet Sage - <i>Salvia splendens</i>; mealycup sage (blue bedder) - <i>S. farinacea</i> 50</p> <p>Saponaria - <i>Saponaria ocymoides, S. vaccaria Pyramidata</i> 60</p> <p>Scabiosa, annual - <i>Scabiosa atropurpurea</i> 50</p> <p>Scabiosa, perennial - <i>Scabiosa caucasica</i> 40</p> <p>Schizanthus - <i>Schizanthus spp.</i> 60</p> <p>Shasta Daisy - <i>Chrysanthemum maximum, C. leucanthemum</i> 65</p> <p>Snapdragon - <i>Antirrhinum spp.</i> 55</p> <p>Solanum - <i>Solanum spp.</i> 60</p> <p>Stocks: Common <i>Matthiola incana</i>; Evening Scented - <i>Matthiola longipetala subsp. bicornis</i> 65</p> <p>Sunflower - <i>Helianthus spp.</i> 65</p> <p>*Sweet pea, annual and perennial other than dwarf bush - <i>Lathyrus odoratus, L. latifolius</i> 75</p> <p>*Sweet pea, dwarf bush - <i>Lathyrus odoratus</i> 65</p> <p>Thunbergia - <i>Thunbergia alata</i> 60</p> <p>Torch flower - <i>Tithonia rotundifolia</i> 70</p> <p>Tritoma - <i>Kniphofia spp.</i> 65</p> <p>Verbena, annual - <i>Verbena X hybrida</i> 35</p> <p>Vinca - <i>Catharanthus roseus</i> 60</p> <p>Viola - <i>Viola cornuta</i> 55</p> <p>Wallflower - <i>Cheiranthus cheiri</i> 65</p> <p>Zinnia <i>Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. acerosa, Z. peruviana</i> 50</p> <p style="margin-left: 2em;">B. Testing tolerances shall not be applied unless the percentage of germination is shown on the seed package or label attached to the seed container. If no germination percentage is shown on the label, the seed must meet the minimum standards without benefit of tolerance.</p> <p>§ 12. Labeling of flower seed.</p> <p style="margin-left: 2em;">Flower seeds shall be labeled with the name of the kind and variety or a statement of type and performance characteristics as prescribed by § 3.1-264(F) and (G) of the Code of Virginia.</p> <p style="margin-left: 2em;">A. For seeds of plants grown primarily for their blooms:</p>
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1. Seeds of a single name variety shall be labeled to show the kind and variety name. For example - "Marigold, Butterball".

2. Seeds of a single type and color for which there is no special variety name shall be labeled to show either the type of plant or the type and color of bloom. For example - "Scabiosa, Tall, Large Flowered, Double, Pink".

3. Seeds consisting of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant, and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is - "Marigold, Dwarf Double French, Mixed Colors".

4. Seeds consisting of an assortment or mixture of kinds, shall clearly indicate that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated. For example - "Cut Flower Mixture," or "Rock Garden Mixture". Such statements as "Wild Flower Mixture," "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of the seed shall not meet the requirements of this provision unless the specific use of the mixture is also stated.

B. Seeds of plants grown for ornamental purposes other than their blooms shall be labeled to show the kind and variety, or the kind together with a descriptive statement concerning the ornamental part of the plant. For example - "Ornamental Gourds, Small Fruited, Mixed".

§ 13. Application of germination standards to mixture of kinds of flower seed.

A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting 25% or more of the mixture by number is below standard for the kind or kinds involved.

§ 14. Tree and shrub seeds.

Tree and shrub seeds are seeds of the following:

- Abies balsamea (L.) Mill. - Balsam Fir
- Abies fraseri (Pursh.) Poir - Fraser Fir
- Acer rubrum L. - Red Maple
- Acer saccharum Marsh. - Sugar Maple
- Aesculus glabra - Ohio Buckeye
- Aesculus octandra - Sweet Buckeye
- Ailanthus altissima (Mill.) Swingle - Tree of Heaven,

- Ailanthus
- Amelanchier canadensis - Service Berry
- Betula lenta L. - Sweet Birch
- Betula alleghaniensis Britton - Yellow Birch
- Betula nigra L. - River Birch
- Carya tomentosa - Mockernut Hickory
- Carya glabra - Pignut Hickory
- Carya ovata - Shagbark Hickory
- Carya laciniata - Shellbark Hickory
- Castanea dentata - American Chestnut
- Catalpa bignonioides Walt. - Southern Catalpa
- Cedrus deodara (Roxb.) Loud. - Deodar Cedar
- Cedrus libani Loud. - Cedar of Lebanon
- Celtis occidentalis - Hackberry
- Chamaecyparis thyoides - Southern White Cedar or Atlantic White Cedar
- Cornus florida - Flowering Dogwood
- Diospyros virginiana - Persimmon
- Fagus grandifolia - American Beech
- Fraxinus americana - White Ash
- Fraxinus pennsylvanica Marsh. - Green Ash
- Fraxinus pennsylvanica var. lanceolata (Borkh.) Sarg. - Green Ash
- Gleditsia triacanthos L. - Honey Locust
- Ilex opaca - American Holly
- Juglans cinerea - Butternut
- Juglans nigra - Black Walnut
- Juniperus virginiana - Eastern Red Cedar
- Larix decidua Mill. - European Larch
- Larix kaempferi - Japanese Larch
- Liquidambar styraciflua L. - Sweetgum
- Liriodendron tulipifera - Yellow Poplar

<i>Magnolia acuminata</i> - Cucumber	<i>Populus balsamifera</i> - Eastern Cotton Wood
<i>Malus</i> spp. - Apple	<i>Populus tremuloides</i> - Quaking Aspen
<i>Malus</i> spp. - Crabapple	<i>Prunus avium</i> (L.) - Cherry
<i>Maclura pomifera</i> - Osage Orange	<i>Prunus serotina</i> - Black Cherry
<i>Morus rubra</i> - Red Mulberry	<i>Pseudotsuga menziesii</i> var. <i>glauca</i> (Beissn.) Franco - Blue Douglas Fir
<i>Nyssa aquatica</i> - Tupelo Gum	<i>Pseudotsuga menziesii</i> var. <i>caesia</i> (Beissn.) Franco - Gray Douglas Fir
<i>Nyssa sylvatica</i> var. <i>sylvatica</i> - Black Gum	<i>Pseudotsuga menziesii</i> var. <i>menziesii</i> - Green Douglas Fir
<i>Nyssa sylvatica</i> var. <i>biflora</i> - Swamp Black Gum	<i>Pyrus communis</i> L. - Pear
<i>Picea abies</i> (L.) Karst. - Norway Spruce	<i>Quercus alba</i> - White Oak
<i>Picea glauca</i> (Moench.) Voss - White Spruce	<i>Quercus borealis</i> - Northern Red Oak
<i>Picea pungens</i> Engelm. - Blue Spruce, Colorado Spruce	<i>Quercus coccinea</i> - Scarlet Oak
<i>Picea pungens</i> var. <i>glauca</i> Reg. - Colorado Blue Spruce	<i>Quercus falcata</i> - Southern Red Oak
<i>Picea rubens</i> Sarg. - Red Spruce	<i>Quercus falcata</i> var. <i>pagodaefolia</i> - Cherrybark Oak
<i>Pinus banksiana</i> Lamb. - Jack Pine	<i>Quercus lyrata</i> - Swamp White Oak
<i>Pinus densiflora</i> Sieb. & Zucc. - Japanese Red Pine	<i>Quercus macrocarpa</i> - Bur Oak
<i>Pinus echinata</i> Mill. - Shortleaf Pine	<i>Quercus montana</i> - Chestnut Oak
<i>Pinus elliotii</i> Engelm. - Slash Pine	<i>Quercus nigra</i> - Water Oak
<i>Pinus mugo</i> Turra. - Mountain Pine	<i>Quercus palustris</i> - Pin Oak
<i>Pinus nigra</i> Arnold - Austrian Pine	<i>Quercus phellos</i> - Willow Oak
<i>Pinus nigra</i> var. <i>Poiretiana</i> (Ant.) Aschers & Graebn. - Corsican Pine	<i>Quercus rubra</i> - Red Oak
<i>Pinus palustris</i> Mill. - Longleaf Pine	<i>Quercus veketina</i> - Black Oak
<i>Pinus resinosa</i> Ait. - Red pine, Norway Pine	<i>Quercus virginiana</i> - Live Oak
<i>Pinus rigida</i> Mill. - Pitch Pine	<i>Robinia pseudoacacia</i> L. - Black Locust
<i>Pinus serotina</i> - Pond Pine	<i>Salix nigra</i> - Black Willow
<i>Pinus strobus</i> L. - Eastern White Pine	<i>Sassafras verifolium</i> - Sassafras
<i>Pinus sylvestris</i> L. - Scotch Pine	<i>Syringa vulgaris</i> L. - Common Lilac
<i>Pinus taeda</i> L. - Loblolly Pine	<i>Taxodium distichum</i> - Bald Cypress
<i>Pinus thunbergii</i> Parl. - Japanese Black Pine	<i>Thuja occidentalis</i> L. - Northern White Cedar, Eastern Arborvitae
<i>Pinus virginiana</i> Mill. - Virginia Pine, Scrub Pine	<i>Tilia americana</i> - Basswood
<i>Platanus occidentalis</i> - Sycamore	

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Tsuga canadensis (L.) Carr. - Eastern Hemlock, Canada Hemlock

Ulmus americana L. - American Elm

Ulmus parvifolia Jacq. - Chinese Elm

§ 15. Zone for labeling origin from which tree and shrub seeds were collected in Virginia.

The Virginia zone designations for labeling of tree and shrub seeds shall be as follows:

A. Mountain - The Blue Ridge Mountains and Westward.

B. Piedmont - East of the Blue Ridge Mountains and west of U.S. No. 1 from North Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.

C. Coastal Plains - East of U.S. No. 1 from North Carolina line to Richmond and U.S. No. 301 from Richmond to Potomac River Bridge.

D. Eastern Shore - Northampton and Accomack Counties.

§ 16. Maximum percentage of inert matter.

Seed or seed mixtures as defined by § 3.1-263 of the Code of Virginia shall not contain more than 15% by weight of inert matter, excluding coating material which has been added to enhance the planting value.

§ 17. Minimum size of peanut seed.

Shelled peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall be a size of which 97% by weight of whole seed shall pass over a 16/64 inch screen and none shall pass through a 14/64 inch screen.

§ 18. Minimum germination standard for peanut seed.

Peanuts for agricultural seed as defined in § 3.1-263 of the Code of Virginia shall have a 75% minimum total germination.

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Title of Regulation: VR 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Public Hearing Date: September 26, 1990 - 10:30 a.m.
(See Calendar of Events section for additional information)

Summary:

The regulation amendments (i) change the volatility limit for gasoline from 11.5 pounds per square inch (psi) to 9.0 psi Reid vapor pressure (RVP) for the months of May, June, July, August, and September of each year, to be implemented May, 1991, contingent upon obtaining approval from the U.S. Environmental Protection Agency (EPA); (ii) change the distillation specifications to accommodate a new volatility limit; (iii) require the use of EPA-approved test methods for gasoline volatility measurement when the 9.0 psi RVP standard is in effect; and (iv) provide for a 1.0 psi RVP allowance for gasoline-ethanol blends.

VR 115-04-12. Rules and Regulations for the Enforcement of the Virginia Gasoline and Motor Fuels Law.

§ 1. Definitions.

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

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

"Diesel fuel" means, except as provided in subsection C of § 3 § 4 C of these regulations, liquids used or intended for use for power purposes in automotive internal combustion compression ignition engines.

"Gasoline" means, except as provided in subsection C of § 3 § 4 C of these regulations, liquids used or intended for use as carburants for power purposes in automotive internal combustion spark ignition engines.

"Virginia Gasoline Law" or "Law" means Chapter 12 (§ 59.1-149 et seq.) of Title 59.1 of the Code of Virginia.

§ 2. General provisions.

A. The provisions of these regulations, unless specified otherwise, shall apply to any owner or operator of any facility in the distribution network at which gasoline or gasoline blends are sold, supplied, or offered for sale or supply, or transported.

B. The Virginia Gasoline Law defines gasoline as follows: "Gasoline shall be construed to include naphtha, benzine, and other like liquids and fluids derived from petroleum or other sources and used, or intended to be used, for power purposes, except kerosene."

C. The term "gasoline" as defined in the Virginia Gasoline Law includes all liquids and fluids used for power purposes, except kerosene, whether intended for highway or nonhighway use.

D. Nothing in these regulations shall affect the distribution for sale, offering for sale or sale of gasoline or diesel fuel intended for nonhighway use except as provided in § 4 C of these regulations for labeling every

dispensing device used in the retail of gasoline or diesel fuel.

E. Only those methods of the American Society for Testing and Materials (ASTM) Test Methods expressly referenced in these regulations are hereby incorporated by reference.

§ 2.3. Specifications for gasoline and diesel fuel.

A. Gasoline.

Gasoline shall meet the requirements of the following specifications when tested in compliance with the latest version of the American Society for Testing and Materials (ASTM) Methods of Tests Test Methods or other test methods specified below ; with the exception of the test for water and sediment :

Test	Specification	ASTM Test Method
ASTM		
1. Distillation.		D86
a. Percent evaporated during months of:		
	January, February, November, and December at 50°C (122°F)	Minimum 10%
	March, April, and October at 55°C (131°F)	Minimum 10%
	May, June, July, August, and September at 60°C (140°F) , until the U.S. Environmental Protection Agency (EPA) approves the 9.0 psi Reid vapor pressure standard, at which time the specification shall be 70°C (158°F)	Minimum 10%
b. Percent evaporated during months of:		
	January, February, November, and December at 110°C (230°F)	Minimum 50%
	March, April, and October at 113°C (235°F)	Minimum 50%
	May, June, July, August, and September at 116°C (240°F) , until EPA approves a 9.0 psi Reid vapor pressure standard, at which time the specification shall be 121°C (250°F)	Minimum 50%

c. Percent evaporated at 185°C (365°F)	
Minimum	90%
until EPA approves the 9.0 psi Reid vapor pressure standard, at which time the specification shall be as follows:	
Percent evaporated during the months of: January, February, March, April, October, November, and December at 185°C (365°F)	
Minimum	90%
May, June, July, August, and September at 190°C (374°F)	
Minimum	90%
End point, maximum	225°C (437°F)
Residue, percent maximum	2%

Should EPA fail to approve or should it withdraw approval of the 9.0 psi Reid vapor pressure standard, the distillation specifications provided in these regulations for a 11.5 psi Reid vapor pressure standard shall apply.

2. Reid vapor pressure at 100°F, pounds per square inch (psi)

	ASTM D323 for gasoline not blended with alcohol; or Division of Consolidated Laboratories dry method ASTM D4953 for fuels including, but not limited to, oxygenated fuels , except as specified below. During the months of May, June, July, August, and September, if and when a 9.0 psi Reid vapor pressure standard is in effect, Appendix E of 40 CFR Part 80 shall be used for all fuels, except that ASTM D4953 may be used during the months of May, June, July, August, and September as an alternative test method to Appendix E of 40 CFR Part 80 upon approval by EPA.
Maximum during the months of November, December, January, and February	15.0
Maximum during the months of March, April, and October	13.5
Maximum during the months of May, June, July, August, and September	11.5, until a 9.0 standard

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takes effect, which standard shall take effect only (i) when it has been approved by EPA; and (ii) after 30 days' notice of the approval has been published in the Virginia Register of Regulations.

The Reid vapor pressure values specified in subdivision 2 of subsection A of this section shall be increased one psi for gasoline-ethanol blends.

Should EPA fail to approve or should it withdraw approval of the 9.0 psi Reid vapor pressure standard, the 11.5 psi Reid vapor pressure standard shall apply.

- 3. Undissolved water and sediment, percent by volume, maximum 0.01%
VDACS
Method of Test
- 4. Existent gum, mg. per 100 ml., maximum ASTM
5 D381
- 5. The octane number shall not be more than one octane number below the octane number filed in connection with registration. ASTM
D2699
and D2700

- 6. Gasoline labeled as "unleaded," "no lead" or "lead free" shall not contain more than 0.05 grams lead per gallon and not more than 0.005 grams of phosphorus per gallon. ASTM
Lead: D3237
Phosphorus: D3231

B. Diesel fuel.

Diesel fuel shall meet the requirements of the following specifications when tested in compliance with the latest version of the American Society for Testing and Materials Methods of Tests Test Methods specified below :

Test	Specification	ASTM Method
1.	Flash point, degrees F minimum	D93
	(If registered and labeled as #1 Diesel)	100°F
	(If registered and labeled as #2 Diesel)	125°F
2.	Water and sediment, percent by volume, maximum	0.05% D1796
3.	Sulfur, percent by weight maximum	0.5% D2622(D129 shall be the referee method)
4.	Cetane number, minimum	40 D613

- 5. 90 percent distillation point, degrees, F maximum 640°F D86

- 6. Corrosion - ASTM copper strip scale, maximum No. 3 D130
3 hrs. at 50°C

§ 3 4 . Labeling.

A. Gasoline.

Every dispensing device used in the retail sale of gasoline shall be plainly and conspicuously labeled with the brand name or trade name of the gasoline, and if the product contains 1.0% or more of ethanol or methanol, a label identifying the kind of alcohol and the percentage of each shall be posted in letters not less than one inch in height.

B. Diesel fuel.

Every dispensing device used in the retail sale of diesel fuel shall be plainly and conspicuously labeled, in letters not less than one inch in height, with the words "diesel fuel." The device shall also be labeled with the brand name or trade name of the diesel fuel. When the word "diesel" appears in letters at least one inch high as part of the brand name or trade name on the dispenser, this labeling shall be considered sufficient compliance with the requirements of this provision.

C. Power fuels for nonhighway use.

Every dispensing device or container used in the retail sale of gasoline (as defined in § 59.1-149 of Chapter 12 of Title 59.1 of the Code of Virginia) and intended for nonhighway use shall be plainly and conspicuously labeled, in letters not less than one inch in height, "aviation gasoline," "marine gasoline," "marine diesel fuel" or another term approved by the commissioner which clearly identifies the product.

§ 4 5 . Registration of gasoline and diesel fuel.

A. Before selling or offering for sale any gasoline or diesel fuel in this Commonwealth, these products shall be registered with the Virginia Department of Agriculture and Consumer Services. The following information shall be included on forms provided by the commissioner:

- 1. The name and address of the registrant.
- 2. The brand name or trade name under which the gasoline or diesel fuel will be offered for sale.
- 3. The octane number of each gasoline as determined by the latest version of ASTM Research Method D2699 and ASTM Motor Method D2700, and expressed as an average of the two methods (R+M)/2.
- 4. A statement that the gasoline or diesel fuel will comply with the requirements of the Virginia Gasoline

Law and the specifications, rules, and regulations adopted under §§ 59.1-153 and 59.1-156 of the Code of Virginia these regulations .

5. The percentage and kinds of alcohol included in the gasoline.

B. If any of the information required under subsection A above of this section ceases to be factual and no longer applicable to any product, the registrant shall, prior to the sale or distribution of that product, file a new registration which shall supersede all previous registration registrations .

§ 5 6 . Gasoline and diesel fuel condemned.

When a sample of gasoline or diesel fuel has been drawn by an inspector and found not to conform with the requirements of the Virginia Gasoline Law ; and the specifications, rules and regulations adopted under §§ 59.1-153 and 59.1-156 of the Code of Virginia these regulations , a stop sale, use or removal order shall be issued. The fill cap, pump, delivery line, or any other means of withdrawing the contents of the affected container may be sealed by an inspector. The contents shall not be removed except under the following conditions:

A. Age or staleness.

The commissioner may grant permission to the owner to blend aged or stale gasoline or diesel fuel with the fuel of sufficient quality to bring it up to standard. If a second sampling shows that the gasoline or diesel fuel meets the requirements, the commissioner shall release it for sale in Virginia.

B. Adulteration.

If the gasoline or diesel fuel does not meet the requirements of the Virginia Gasoline Law and the specifications, rules and regulations these regulations due to adulteration by substituting other materials, including gasoline or diesel fuel of a lower quality, the commissioner shall notify the registrant or his local representative and request his cooperation in determining the source of the adulteration. The said gasoline or diesel fuel may be released by the commissioner to be returned to the manufacturer, producer, or refiner, or to be disposed of in a manner approved by the commissioner. Prior to its release, the commissioner shall be given an affidavit stating that the gasoline or diesel fuel will not be distributed for sale, offered for sale or sold in Virginia for use as a fuel in internal combustion engines, and also stating the disposition of the gasoline or diesel fuel.

§ 6 7 . Publication of information filed in connection with registration and results of tests of official samples.

From time to time, the commissioner shall publish in a bulletin of the Department of Agriculture and Consumer

Services the names of registrants, the brands, names or trade names of gasoline and diesel fuel registered, the octane number as filed in connection with the registration of gasoline, the results of tests of official samples found to be in violation, and other data which may be useful to consumers of gasoline and diesel fuel.

Notation for Documents Incorporated by Reference.

Procedures used in sample preparation and analysis for enforcement of these regulations are available from Test methods published by the ASTM and incorporated by reference in these regulations are available from :

American Society for Testing and Materials
1916 Race Street
Philadelphia, Pennsylvania 19103
Phone: (215) 299-5585

DEPARTMENT OF HEALTH (STATE BOARD OF)

NOTICE: Due to its length, the Waterworks Regulation filed by the State Board of Health is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, a summary, in lieu of full text, explaining the amendments is being published. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and the Department of Health.

Title of Regulation: VR 355-18-01. Waterworks Regulation.

Statutory Authority: § 32.1-170 of the Code of Virginia.

Public Hearing Dates:

August 20, 1990 - 10 a.m.

August 21, 1990 - 10 a.m.

(See Calendar of Events section
for additional information)

Summary:

These amendments to the Waterworks Regulation incorporate requirements from the federal Primary Drinking Water Regulations. Included are new standards for eight Volatile Organic Chemicals (VOCs), a revised standard for fluoride, monitoring requirements for 36 unregulated contaminants, a restructuring of public notification requirements, and special public notification requirements for lead. Also included are significant revisions to sections involving the use of unconventional or innovative technology, local review of plans and specifications, and cross connection control. Numerous editorial revisions and an entirely new organizational format (now standard for all Virginia regulations) are also incorporated in these amendments.

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

Proposed Regulations

Title of Regulation: VR 615-01-32. Aid to Dependent Children (ADC) Program - Deprivation Due to Continued Absence.

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

Public Hearing Date: N/A - Written comments may be submitted until September 16, 1990.

(See Calendar of Events section for additional information)

Summary:

As set forth in § 63.1-25 of the Code of Virginia, the State Board of Social Services has been delegated the authority to promulgate the rules and regulations necessary for the operation of public assistance programs in Virginia. Federal regulations do not allow for the use of a monetary percentage of need in determining the provision of maintenance by the absent parent. The proposed regulation will remove this requirement from current continued absence policy. It will also revise the current definition of deprivation due to the continued absence of a parent to indicate that in cases of separation, the physical absence of a parent from the home is to be considered sufficient to constitute deprivation if the absence interrupts or precludes parental functioning. This revision is necessary to assure that Virginia's ADC Program is in compliance with federal regulations at 45 CFR 233.90 (c)(1)(iii) and the order of the court.

VR 615-01-32. Aid to Dependent Children (ADC) Program - Deprivation Due to Continued Absence.

PART I. DEFINITIONS.

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

"Continued absence" means the absence of a parent from the home when (i) the parent is out of the home, (ii) the nature of the absence is such as either to interrupt or terminate his ability to function as a parent, and (iii) the known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the support or care of the child.

"Parent" means a mother or father, married or unmarried, natural or adoptive, following entry of an interlocutory order.

"Separation" means living apart for reasons other than uniformed services. Separation includes simply living apart or employment away from home.

PART II. DEPRIVATION.

§ 2.1. In order to be found eligible to receive ADC, a child must meet certain financial and categorical eligibility requirements. One such categorical requirement is that the child must be deprived of parental care and support by reason of death, continued absence from the home, or physical or mental incapacity of a parent. Deprivation of parental care or support exists under the following conditions, regardless of whether the parent was chief breadwinner or devoted himself primarily to care of the child and whether or not the parents are married to each other.

A. Death of a parent.

If either of the child's parents is deceased, the child will be considered to be deprived. Evidence of the death must be verified and recorded. Deprivation on the basis of death of the father cannot exist if paternity has not been established.

B. Continued absence.

The following conditions will meet the definition of continued absence and will render the child deprived:

1. Court decreed divorce when one parent is actually out of the home;
2. Deportation of a parent by the U.S. Immigration and Naturalization Service;
3. Unestablished paternity;
4. Incarceration of a parent;
5. Conviction of a parent who is serving a court imposed sentence of unpaid public work or community service during working hours while still living in the home. Deprivation based on this provision is only applicable when both parents are in the home;
6. Desertion by a parent who is out of the home and has made no provision for support;
7. Separation of the parents when at least one of the following conditions is not met by the absent parent:
 - a. Maintenance. Monthly support from the absent parent which equals or exceeds 50% of the child's pro rata share of the standards of need;
 - b. Care. The demonstration of interest or concern for the child on an ongoing basis;
 - c. Guidance. Direct or indirect influence on the child's behavior or development on an ongoing basis.

When the absence is due to separation, once physical absence is established, even though the parent may be in contact with the child due to court order visitation,

situations of joint custody, employment away from home, or an informal agreement by the parents, a determination of whether there has been an interruption of parental functioning must be made. In such situations, if the absent parent has contact with the child more than 120 hours per month on a regular and ongoing basis, deprivation does not exist and maintenance, care, and guidance are considered met. The hours of contact with the child will be determined by signed statements of the custodial and absent parents. If the absent parent will not cooperate, the custodial parent's statement will be accepted. If the absent parent's statement is in excess of 120 hours per month and the custodial parent's is not, the absent parent must provide documentation to substantiate the number of hours of contact with the children that was claimed.

DEPARTMENT OF TAXATION

Title of Regulation: VR 630-6-4006. Virginia Income Tax Withholding: Lottery Winnings.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: September 18, 1990 - 10 a.m.
(See Calendar of Events section for additional information)

Summary:

This regulation sets forth the application of individual income tax withholding requirements on lottery winnings of the State Lottery Department. The Lottery Department will be required to withhold Virginia income tax at the rate of 4.0% on the proceeds from any lottery prize in excess of \$5,000. The tax will be withheld on the entire amount of the prize, not merely the amount in excess of \$5,000.

Any lottery prize of \$600 or more will be subject to Virginia income tax. However, to the extent included in federal adjusted gross income, any lottery prize of less than \$600 may be subtracted in determining Virginia taxable income. No subtraction is allowed for the first \$599 of the prize of \$600 or more. All residents, part-year residents, and nonresidents will be subject to the withholding and income tax provisions of this regulation.

The withholding requirements are retroactive to September 27, 1989.

VR 630-6-4006. Individual Income Tax Withholding: Lottery Winnings.

§ 1. Definitions.

The following words and terms, when used in this regulation, shall have the following meaning, unless the

context clearly indicates otherwise:

"Lottery Department" means the Virginia State Lottery Department.

"Lottery prize" means any cash or noncash prize awarded by the Lottery Department as a result of winning any authorized lottery game.

"Virginia source income" includes, but is not limited to, (i) items of income, gain, loss, and deduction attributable to ownership of any interest in real or tangible personal property or a business, trade, profession, or occupation carried on in the Commonwealth; (ii) income attributable to intangible personal property, to the extent that such property is employed by the taxpayer in a business, trade, profession, or occupation carried on in the Commonwealth; and (iii) prizes awarded by the Lottery Department.

§ 2. Income taxation of lottery prizes.

A. Lottery prizes subject to taxation.

Any lottery prize of \$600 or more shall be subject to Virginia income tax. To the extent included in federal adjusted gross income, any lottery prize of less than \$600 shall be subtracted from federal adjusted gross income in determining Virginia taxable income. No subtraction is allowed for the first \$599 of a prize of \$600 or more.

B. Persons subject to taxation.

The following persons shall be subject to Virginia income taxation at the current applicable rate as determined in Chapter 3 of Title 58.1 of the Code of Virginia on lottery prizes subject to taxation under subsection A above:

1. Residents;
2. Nonresidents; and
3. Part-year residents.

C. Multiple winners.

When a lottery prize is claimed by a group, family unit, club or other organization, the winners may file Internal Revenue Service Form 5754, "Statement by Person(s) Receiving Gambling Winnings" with the Lottery Department or will be required to attach a statement to their federal income tax return indicating the name, social security number, or employer's federal identification number, and amount of the winnings each individual person or entity received from the lottery prize. The amount of the lottery prize included in federal adjusted gross income for each individual person or entity shall be subject to state income taxation. Each individual person's or entity's share of \$599 or less shall be subject to state income taxation if the aggregate amount of the prize prior to distribution among the group, family unit, club or

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organization is \$600 or more.

D. Estimated tax.

Taxpayers may be required to pay estimated taxes in the event that a lottery prize is not subject to withholding or if withholding is insufficient. In accordance with §§ 58.1-490 through 58.1-496 of the Code of Virginia, estimated tax is due if the estimated tax liability on all income subject to state taxation exceeds a taxpayer's total withholding and other credits by more than \$150.

§ 3. Prizes subject to withholding.

A. Generally.

Withholding is required on (i) any payment of proceeds in excess of \$5,000; (ii) any installment payment of \$5,000 or less, if the aggregate proceeds from a wager exceed or will exceed \$5,000; or (iii) any periodic payment of \$5,000 or less, when payments are to be made for the life of a person (or for the lives of more than one person), if it is actuarially determined that the aggregate proceeds from a wager are expected to exceed \$5,000.

The provisions of this section may be illustrated as follows:

Example 1: "A" purchases a lottery ticket for \$1.00 in the state lottery from an authorized agent. The drawing is held and "A" wins \$5,000. Since the proceeds of the wager are not greater than \$5,000, the Lottery Department is not required to withhold or deduct any amount from "A's" prizes.

Example 2: Assume the same facts as in Example 1 except that "A" wins \$5,001. The Lottery Department must deduct and withhold tax at a rate of 4.0% from \$5,001 or \$200.04.

Example 3: "B" purchases a lottery ticket for \$1.00 in the state lottery from an authorized agent. The lottery drawing is held and "B" wins the grand prize, \$50,000, payable at the rate of \$1,000 a month. The Lottery Department must deduct and withhold at the rate of 4.0% on each monthly payment.

Example 4: "C" purchases a ticket for \$1.00 in the state lottery from an authorized agent. The drawing is held and "C" wins \$1,000 a year for the rest of "C's" life. It is actuarially determined that "C's" life expectancy is 10 years. Based on that determination, the proceeds from the wager paid to "C" will exceed \$5,000. Therefore, the Lottery Department must deduct and withhold 4.0% x \$1,000=\$40.00 from each year's payment.

B. Amount to be withheld.

The Lottery Department shall withhold Virginia income tax at the rate of 4.0% on the proceeds from any lottery prize in excess of \$5,000. The tax shall be withheld on the

entire amount of the prize, not merely the amount in excess of \$5,000. The tax must be withheld by the Lottery Department on the date of actual or constructive payment, whichever is earlier, as prescribed in federal Treasury Regulation § 31.3402(q)-1.

C. Persons subject to withholding.

1. **Residents and part-year residents.** All persons who qualify as residents and part-year residents of Virginia as defined under Chapter 3 of Title 58.1 of the Code of Virginia are subject to withholding for lottery prizes in the amount designated in subsection B above.

2. **Nonresidents.** Withholding will be required for all nonresident lottery winners. Nonresidents will be required to file a nonresident return when Virginia gross income, including lottery prizes, exceeds the thresholds in § 58.1-331 of the Code of Virginia. Any nonresident who has become liable to his state of residence for income tax on Virginia source income may become eligible for a credit as provided in § 58.1-332 of the Code of Virginia.

§ 4. Forms and reporting.

A. Federal.

The Lottery Department shall report every lottery prize of \$600 or more on Form W-2G. Form W-2G must be prepared and filed in accordance with the regulations promulgated by the Internal Revenue Service.

B. State.

The Lottery Department shall file Virginia state income tax withholding returns in accordance with § 58.1-472 of the Code of Virginia. The Lottery Department shall report state withholding amounts on proceeds in excess of \$5,000. The Lottery Department shall not be required to report any prize of less than \$600.

§ 5. Provisions of Chapter 3 of Title 58.1 to apply.

The provisions of Chapter 3 of Title 58.1 of the Code of Virginia and the regulations promulgated thereunder shall apply to the amounts withheld by the Lottery Department, except as otherwise provided by law and this regulation.

* * * * *

Title of Regulation: VR 630-10-31. Retail Sales and Use Tax: Dealer's Returns and Payment of the Tax.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: B September 18, 1990 - 10 a.m.
(See Calendar of Events section
(for additional information))

Summary:

This amendment reflects the 1989 law change that replaced the flat 3.0% dealers discount with a sliding scale discount that ranges from 2.0% to 4.0% based upon a dealer's monthly sales volume. The amended regulation sets forth changes to the formula for computation of the dealer's discount and provides examples illustrating the same.

VR 630-10-31. Retail Sales and Use Tax: Dealer's Returns and Payment of the Tax.

§ 1. Generally.

Except as otherwise provided in this section, every dealer is required to file a return on or before the 20th day of the month following each reporting period even if no tax is due. Returns are prescribed and furnished by the Department of Taxation.

In the case of dealers regularly keeping books and accounts on the basis of an annual period that varies 52 to 53 weeks, reporting consistent with such accounting period is acceptable, provided a satisfactory explanatory statement is attached to the dealer's first return filed under such annual accounting period. Each return filed by these dealers must include all accounting periods which end during the period covered by the return.

§ 2. Quarterly filing.

A dealer may be notified by the Department of Taxation to file sales or use tax returns on a basis other than monthly. A new dealer will not be placed on a basis other than monthly until the dealer has been in business sufficient time to determine that he should fall into another reporting category. If a dealer is required to file other than monthly, returns will be due on or before the 20th day of the month following the close of the reporting period. The change of a dealer's filing status from monthly to quarterly will be made automatically by the department; dealers should not request a conversion of filing status.

§ 3. Temporary filing.

Any person who has been granted a temporary certificate of registration must file a return in accordance with the requirements set out in VR 630-10-21.

§ 4. Seasonal filing.

Any person whose business operates only during certain months during the year, may request that his registration be set up on a seasonal basis (see VR 630-10-21). Taxpayers who hold a seasonal registration must file returns in the manner set forth in § 1 of this regulation only for the months in which the business operates. However, the fact that a business is registered on a seasonal basis does not relieve such dealer from the filing of a return and the remittance of tax for any other period in which a retail sale may be made.

§ 5. Consolidated returns.

Any dealer who has been granted permission to file a consolidated sales and use tax return (see VR 630-10-21) must file such return in accordance with the provisions set forth when permission is granted. Both the return and the accompanying schedule of local taxes must be filed. Failure to comply with these requirements may result in a revocation of consolidated filing status.

§ 6. Payment to accompany dealer's return.

At the time of filing the return, the dealer must pay the amount of tax due after making appropriate adjustments for purchases returned, repossessions, and accounts uncollectible and charged off. Failure to pay the tax will cause it to become delinquent.

§ 7. Dealer's compensation or discount.

A. Generally.

As compensation for accounting for and paying the state tax, a dealer is allowed ~~3.0%~~ a discount of 2.0%, 3.0%, or 4.0%, depending on the volume of monthly taxable sales, of the first 3.0% of the state tax due in the form of a deduction, provided the amount due was not delinquent at the time of payment. No compensation is allowed on the additional 0.5% state tax levied effective January 1, 1987 or on the local tax. Dealers must compute the discount without regard to the number of certificates of registration that they hold (see subsection C below).

~~Thus, to~~ To compute the dealer's discount, a dealer (other than a vending machine dealer) would multiply the 3.5% state tax listed on his return by ~~2.57% (or .0257)~~ :

1. 3.43% (or .0343) if monthly taxable sales are less than \$62,501; or

2. 2.57% (or .0257) if monthly sales are at least \$62,501 but are less than \$208,001; or

3. 1.71% (or .0171) if monthly taxable sales equal or exceed \$208,001.

Examples:

For example, a dealer making Dealer A who makes taxable sales of \$10,000 during the month would report state and local tax of \$450 (\$350 state tax and \$100 local tax), from which he would retain a dealer's discount of ~~\$9.00~~ \$12.01, provided that his return is timely filed and the state and local tax is timely paid. The ~~\$9.00~~ \$12.01 discount is computed by multiplying the 3.5% state tax (\$350) by ~~2.57%~~ 3.43% since the dealer's monthly taxable sales volume is less than \$62,501.

Dealer B who makes taxable sales of \$250,000 during the month would report state and local tax of \$11,250 (\$8,750 state tax and \$2,500 local tax), from which he

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would retain a dealer's discount of \$149.63, provided that his return is timely filed and the state and local tax is timely paid. The \$149.63 discount is computed by multiplying the 3.5% state tax (\$8,750) by 1.71% since the dealer's monthly taxable sales volume is greater than \$208,001.

B. Vending machine sales.

In the case of a vending machine dealer who pays combined state and local tax at the rate of 5.5% on his wholesale purchases for resale, the dealer's discount would be computed by multiplying the 4.5% state tax listed on his return by 2.66% (or .0266):

1. 3.56% (or .0356) if monthly taxable sales are less than \$62,501; or
2. 2.67% (or .0267) if monthly taxable sales are at least \$62,501 but are less than \$208,001; or
3. 1.78% (or .0178) if monthly taxable sales equal or exceed \$208,001.

Examples:

For example, a vending machine dealer A with \$15,000 in wholesale purchases for resale during the month would report state and local tax of \$825 (\$675 state tax and \$150 local tax), from which he would retain a dealer's discount of \$17.96 \$24.03, provided that his return is timely filed and the state and local tax is timely paid. The \$17.96 \$24.03 discount is computed by multiplying the 4.5% state tax (\$675) by 2.66% 3.56% since the dealer's monthly taxable sales volume is less than \$62,501.

Vending machine dealer B with \$200,000 in wholesale purchases for resale during the month would report state and local tax of \$11,000 (\$9,000 state tax and \$2,000 local tax) from which he would retain a dealer's discount of \$240.30, provided that his return is timely filed and the state and local tax is timely paid. The \$240.30 discount is computed by multiplying the 4.5% state tax (\$9,000) by 2.67% since the dealer's monthly taxable sales volume is at least \$62,501 but is less than \$208,001.

C. Multiple registrations.

Dealers holding two or more certificates of registration must compute the dealer's discount based upon taxable sales from all business locations. This requirement applies to dealers filing consolidated returns and those filing separate returns for each business location.

Example:

Dealer C holds separate certificates of registration for five business locations. Each location has monthly taxable sales of less than \$62,501, but total taxable sales for all five locations are \$300,000 for the month. Because total taxable sales exceed \$208,001, the dealer's discount is

computed using the 1.71% discount rate.

Dealers with multistate business locations must compute the discount based upon taxable sales from all business locations in Virginia and on Virginia taxable sales from out-of-state business locations.

Example:

Dealer A, with business locations in Virginia, also has business locations in other states, all of which are registered for collection and remittance of the tax. The out-of-state business locations sell goods to Virginia customers located in Virginia. The total monthly taxable sales for all Dealer A's Virginia business locations are \$200,000, and the total Virginia taxable sales from Dealer A's out-of-state business locations are \$100,000. Because total taxable sales exceed \$208,001, the dealer's discount is computed using the 1.71% discount rate.

The department will perform a reconciliation, on an annual basis or more frequently, of dealers holding multiple certificates of registration in order to ensure that the dealer's discount is computed properly by those dealers.

D. Quarterly filers.

Dealers filing quarterly returns may determine the appropriate dealer's discount rate by dividing their quarterly taxable sales by 3.

Example:

Dealer D has quarterly taxable sales of \$100,000. His average monthly taxable sales for the quarter ($\$100,000 \div 3$) are \$33,333.33. Because his average monthly taxable sales are less than \$62,501, Dealer D would compute the dealer's discount using the 3.43% rate.

E. Refund requests.

Any amount of tax refunded by the department to a dealer will be reduced by any dealer's discount claimed on the transaction to which the refund relates. For example, if a dealer sells an item for \$1,000, timely files a return reporting the \$45 tax on the transaction and claims the discount, the amount refunded would be ~~\$44.10~~ \$43.80 ($\$45$ less ~~2.57%~~ 3.43% of the \$35 state tax = $\$45 - .90 =$ ~~\$44.10~~ $\$1.20 = \43.80) (assuming the dealer's taxable sales during the month of the sale were less than \$62,501).

For extensions, see VR 630-10-36; for penalties and interest, see VR 630-10-80. Section revised 7/69; 1/79; 1/85; 1/87; 1/90.

STATE WATER CONTROL BOARD

Title of Regulation: VR 680-14-03. Toxics Management

Regulation. REPEALED

Statutory Authority: § 62.1-44.15 (10) of the Code of Virginia.

Public Hearing Date: September 11, 1990 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

In accordance with § 62.1-44.15 (10) of the Code of Virginia, the State Water Control Board intends to repeal the Toxics Management Regulation (VR 680-14-03). This regulation delineates the authority and general procedures to be followed in connection with identifying and eliminating surface water discharges of toxic materials. The intent and scope of the Toxics Management Regulation will be concurrently incorporated into the Permit Regulation (VR 680-14-01) through a separate rulemaking.

* * * * *

Title of Regulation: VR 680-21-08. River Basin Section Tables - Water Quality Standards.
VR 680-21-08.4. Potomac River Basin - Potomac River Subbasin.

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

Public Hearing Date: August 23, 1990 - 2 p.m.
(See Calendar of Events section for additional information)

Background:

Water quality standards and criteria consist of narrative statements that describe water quality requirements in general terms and numerical limits for specific physical, chemical and biological characteristics of water. These statements and limits describe water quality necessary for reasonable, beneficial water uses such as swimming, propagation and growth of aquatic life, and domestic water supply.

Summary:

The proposed amendment would revise the section description for Opequon Creek, Put and Take Trout Waters, § 11, Potomac River Subbasin of the Water Quality Standards. The location of the put and take trout waters was incorrectly described by the State Water Control Board when the trout waters in Opequon Creek were first classified. The result of the proposed action is that a portion of § 11 would be reclassified as Mountainous Zone Waters. This revision is supported by a recommendation from the Department of Game and Inland Fisheries which is the agency responsible for determining appropriate

trout stream classifications.

VR 680-21-08. River Basin Section Tables - Water Quality.

VR 680-21-08.4. Potomac River Basin - Potomac River Subbasin.

SEC.	SECTION DESCRIPTION	CLASS	SP.STDS.
11	Tributaries of the Potomac River in Frederick and Clarke Counties Virginia, unless otherwise designated.	IV	pH-6.5-9.5
	Put and Take Trout Waters in Section 11	V	pH-6.5-9.5
	Opequon Creek (in Frederick County) from 24.2 miles above its confluence with the Potomac River 10 miles upstream its confluence with Hoge Run upstream to the point at which Route 620 first crosses the stream	VI	

STATE BOARD OF YOUTH AND FAMILY SERVICES

Title of Regulation: VR 690-01-001. Public Participation Guidelines.

Statutory Authority: § 66-10 of the Code of Virginia.

Public Hearing Date: N/A - Written comments may be submitted until September 14, 1990.
(See Calendar of Events section for additional information)

Summary:

The regulation defines agency procedures for soliciting public participation in the formulation and development of regulations. It discusses procedures for notifying and soliciting interested parties and, after development, submitting the regulation for public comment.

VR 690-01-001. Public Participation Guidelines.

**PART I.
GENERAL PROVISIONS.**

§ 1.1. Definitions.

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

"Agency" means any authority, instrumentality, officers of the Virginia Department of Youth and Family Services, and members of the Virginia Board of Youth and Family Services, or other unit of the state government empowered by the basic laws to make regulations or

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decide cases.

"Agency regulatory coordinator" means the individual appointed by the director to provide technical assistance to the operating units and to coordinate regulations.

"Basic law" or "basic laws" means provisions of the Constitution and statutes of the Commonwealth of Virginia authorizing an agency to make regulations or decide cases or containing procedural requirements thereof.

"Board" means the State Board of Youth and Family Services.

"Department" means the Department of Youth and Family Services.

"Director" means the Director of the Department of Youth and Family Services.

"Operating unit" means the offices of the director, deputy directors, administrators or other offices within the department that will develop or draft a regulation. Only the board may promulgate a regulation.

"Rule or regulation" means any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by an agency in accordance with the authority conferred on it by applicable basic laws. Exemptions to this requirement are those listed in § 9-6.14:4.1 of the Code of Virginia as determined by the Attorney General's Office.

§ 1.2. Authority.

Chapter 1.1:1 of Title 9 of the Code of Virginia deals with the promulgation of rules and regulations. Specifically, § 9-6.14:7.1 directs agencies of the Commonwealth to develop public participation guidelines for soliciting the input of interested parties in the formation and development of regulations. Section 66-10 of the Code empowers the Board of Youth and Family Services to make, adopt and promulgate rules and regulations.

§ 1.3. Purpose.

These guidelines are designed to provide consistent, written procedures that will ensure input from interested parties during the development, review and final stages of the regulatory process.

§ 1.4. Administration.

A. The board has the responsibility for promulgating regulations pertaining to public input in the regulatory process.

B. The director is the chief executive officer of the Department of Youth and Family Services and is

responsible for implementing the standards and goals of the board.

§ 1.5. Application of regulations.

These regulations have general application throughout the Commonwealth.

§ 1.6. Proposed effective date: January 1, 1991.

§ 1.7. Application of the Administrative Process Act.

The provisions of the Virginia Administrative Process Act, which is codified as Chapter 1.1:1 of Title 9 of the Code of Virginia, shall govern the adoption, amendment, modification, and revision of these regulations, and the conduct of all proceedings and appeals. All hearings on such regulations shall be conducted in accordance with § 9-6.14:7.1.

PART II. PUBLIC PARTICIPATION.

§ 2.1. Identification of interested parties.

Each operating unit within the department which is responsible for rule making shall develop and maintain a current list of those persons, organizations, and agencies that have demonstrated an interest in specific program regulations in the past, through written comments or attendance at public hearings.

§ 2.2. Notification of interested parties.

A. Individual mailings.

When an operating unit of the department determines that specific regulations need to be developed or substantially modified, the operating unit shall so notify by mail the individuals, organizations, and agencies identified as interested parties in § 2.1 of these regulations. This notice shall invite those interested in providing input to notify the agency of their interest. The notice shall include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, telephone number; and the date by which a notice of a desire to comment must be received. In addition, known parties having interest and expertise will be advised, through a special mailing, of the agency's desire to develop a regulation and will be invited to assist the operating unit in developing the regulation or in providing input.

B. Notice of intent.

When an operating unit of the department determines that specific regulations that are covered by the Administrative Process Act need to be developed or substantially modified, the operating unit shall publish a notice of intent in the Virginia Register of Regulations. This notice will invite those interested in providing input

to notify the operating unit of their interest. The notice will include the title of the regulation to be developed or modified; the operating unit contact person, mailing address, telephone number; and the date by which a notice of a desire to comment must be received. All notices shall be coordinated through the agency regulatory coordinator who will forward them for publication.

§ 2.3. Solicitation of input from interested parties.

A. Advisory panels.

Whenever an operating unit proposes to develop or substantially modify a regulation, it may create an advisory panel to assist in this development or modification. Advisory panels shall be established on an ad hoc basis.

1. Members of advisory panels shall consist of a balanced representation of individuals and representatives of organizations and agencies identified in § 2.1 of these regulations as interested and who have expressed a desire to comment on new or modified regulations in the developmental process. Each panel shall consist of no less than three members.

2. Individual panels shall establish their own operating procedure, but in no case will a panel meet less than twice. All comments on proposed regulations shall be documented by the operating unit and a response developed for each comment.

B. Other comments.

All persons, organizations, and agencies that respond to the individual mailings and the Notice of Intent shall be provided an opportunity to examine regulations in their developmental stage and to provide written comments on these regulations to the operating unit. The operating unit shall document the receipt of these comments and respond to each commentor. The operating unit shall consider all input received, as a result of responses to notifications mailed to interested parties as listed in § 2.2 of these regulations, in formulating and drafting proposed regulations.

§ 2.4. Administrative Process Act procedures.

After regulations have been developed according to these guidelines, they shall be submitted for public comment under § 9-6.14.7.1.

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

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

DEPARTMENT OF HEALTH (STATE BOARD OF)

Title of Regulation: VR 355-34-01. Private Well Regulations.

Statutory Authority: § 32.1-176 of the Code of Virginia.

Effective Date: September 1, 1990.

Summary:

The private well regulations establish a permitting process for all private drilled wells. A well construction permit will be required for all private wells drilled after September 1, 1990, the effective date of the regulations. These regulations will replace those portions of Article 11 in the Sewage Handling and Disposal Regulations governing private wells constructed in conjunction with an on-site sewage system. Observation and monitoring wells are exempted from the location and construction requirements except when they will be utilized for drinking water purposes. Well abandonment is also described.

Permits for regulated wells will be issued by the Department of Health when minimum set back distances can be met. The department will establish construction criteria and inspect wells to assure permit compliance. An appeal process for the denial of a permit is described in the regulations as is a variance procedure.

Minimum casing and grouting specifications are established for Class III (potable water supply sources) and Class IV wells (nonpotable supplies). Material specifications for major well components are also established, as are quality requirements for Class III wells. No quantity or quality or requirements are established for Class IV wells.

The revisions to the proposed regulations are few. Criteria for subclasses of private drinking water wells are established. The main reason for these subclasses of wells is to provide construction criteria for greater protection from contamination by increasing the depth of casing and grouting. In turn, Class IIIA and B must meet a minimum separation distance of 50 feet from any source of contamination. Class IIIC and Class IV must meet a minimum separation distance of 100 feet. (The depth of casing and grouting criteria for Class IIIA and B are the same as Type II A and Type II B in the Waterworks Regulations.)

The Division of Consolidated Laboratory Services no longer accepts routine private well samples from the public or the State Department of Health. This action was effective January 1, 1990. Therefore, the reference to the State Department of Health collecting samples and submitting to the Division of Consolidated Laboratory Services was deleted.

Based on testimony received during the public comment period, grouting of wells should be performed following the setting of the casing and should not be delayed until after the pitless adapter is installed. Since pitless adapters are often installed by a separate contractor, other than the well driller, and are often installed some time from the actual construction of the well, the department recommends that the proposed regulations be changed. The requirement now allows the annular space of the well to be grouted prior to the installation of the pitless adapter.

Based on standard in E.P.A.'s reference manual for private wells the consistency of neat cement grout is established at not more than six gallons of water per sack (94 pounds) of cement.

At the request of the State Water Control Board well abandonment procedures were clarified.

As a result of the comments from water well industry at the public hearings, the minimum well casing specification for steel casings is reduced to 9.188 thickness for a six-inch diameter casing.

The water well completion report has been expanded at the request of the Office of Water Programs and the State Water Control Board.

VR 355-34-01. Private Well Regulations.

PART I. GENERAL FRAMEWORK FOR REGULATIONS.

Article 1. Definitions.

§ 1.1. Definitions.

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

"Abandoned well" means a private well whose pump has been disconnected for reasons other than repair or

replacement, or whose use has been discontinued [for a period of one year (excepting a well intended for use as a standby well and equipped with a pump for that purpose),] or pronounced abandoned by the owner. [A temporarily abandoned well is a well that is intended to be returned to service as a source of water at some future time. A permanently abandoned well is a well that is not intended to be used as a source of water at any future time.]

"Agent" means a legally authorized representative of the owner.

"Annular space" means the space between the bore hole wall and the outside of a water well casing pipe, or between a casing pipe and a liner pipe.

"Aquifer" means a geologic formation, group of formations, or part of a formation, that transmits water.

"Bedrock" means any solid rock underlying soil, sand, or clay.

"Bored well" means a well that is excavated by means of a soil auger (hand or power) as distinguished from a well which is drilled, driven, dug, or jetted.

"Commissioner" means the State Health Commissioner or his subordinate who has been delegated powers in accordance with § 1.8 B of these regulations.

"Construction of wells" means acts necessary to construct private wells, including the location of private wells, the boring, digging, drilling, or otherwise excavating a well hole and installing casing with or without well screens, or well curbing.

"Dewatering well" means a driven well constructed for the sole purpose of lowering the water table and kept in operation for a period of 60 days or less. Dewatering wells are used to allow construction in areas where a high water table hinders or prohibits construction and are always temporary in nature.

"Disinfection" means the destruction of all pathogenic organisms.

"Division" means the Division of Sanitarian Services.

"District health department" means a consolidation of local health departments as authorized in § 32.1-31 C of the Code of Virginia.

"Drilled well" means a well that is excavated wholly or in part by means of a drill (either percussion or rotary) which operates by cutting or abrasion.

"Driven well" means a well that is constructed by driving a pipe, at the end of which there is a drive point and screen, without the use of any drilling, boring or jetting device.

"Dug well" means a well that is excavated by means of picks, shovels, or other hand tools, or by means of a power shovel or other dredging or trenching machinery, as distinguished from a bored, drilled, driven, or jetted well.

"Gravel pack" means gravel placed outside a well screen in a well to assist the flow of water into the well screen and to inhibit clogging of the screen.

"Ground water" means any water, except capillary moisture, beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this Commonwealth, whatever may be the subsurface geologic structure in which such water stands, flows, percolates, or otherwise occurs.

"Grout" means any stable, impervious bonding material, reasonably free of shrinkage, which is capable of providing a watertight seal in the annular spaces of a water well throughout the depth required, to protect against the intrusion of objectionable matter.

"Jetted well" means a well that is excavated using water pumped under pressure through a special washing point to create a water jet which cuts, abrades, or erodes material to form the well.

"Local health department" means the department established in each city and county in accordance with § 32.1-30 of the Code of Virginia.

"Observation or monitoring well" means a well constructed to measure hydrogeologic parameters, such as the fluctuation of water levels, or for monitoring the quality of ground water, or for both purposes.

"Owner" means any person, who owns, leases, or proposes to own or lease a private well.

"Person" means any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the law of this Commonwealth or any other state or country.

"Private well" means any water well constructed for a person on land which is owned or leased by that person and is usually intended for household, ground water source heat pump, agricultural use, industrial use, or other nonpublic water well.

"Sanitary survey" means an investigation of any condition that may affect public health.

"Screen" means the intake section of a well that obtains water from an unconsolidated aquifer providing for the water to flow freely and adding structural support to the bore hole. Screens are used to increase well yield or prevent the entry of sediment, or both.

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"Sewage" means water carried and nonwater carried human excrement, kitchen, laundry, shower, bath, or lavatory wastes separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

"Sewage disposal system" means a sewerage system or treatment works designed not to result in a point source discharge.

"Sewer" means any sanitary or combined sewer used to convey sewage or municipal or industrial wastes.

"Sewerage system" means pipelines or conduits, pumping stations and force mains and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

"Subsurface soil absorption" means a process which utilizes the soil to treat and dispose of sewage effluent.

"Treatment works" means any device or system used in the storage, treatment, disposal or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power and other equipment and appurtenances, septic tanks, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluents resulting from such treatment.

"Variance" means a conditional waiver of a specific regulation which is granted to a specific owner relating to a specific situation or facility and may be for a specified time period.

"Water table" means the uppermost surface of ground water saturation. The level in the saturated zone at which the pressure is equal to atmospheric pressure.

"Water well" or "well" means any artificial opening or artificially altered natural opening, however made, by which ground water is sought or through which ground water flows under natural pressure or is intended to be artificially drawn; provided this definition shall not include wells drilled for the following purposes: (i) exploration or production of oil or gas, (ii) building foundation investigation and construction, (iii) elevator shafts, (iv) grounding of electrical apparatus, or (v) the modification or development of springs.

"Yield" means the quantity of water, usually measured in volume of water per unit time, which may flow or which may be pumped, from a well or well field.

Article 2 General Provisions.

§ 1.2. Authority for regulations.

Title 32.1 of the Code of Virginia, and specifically §§ 32.1-12 and 32.1-176.4, provide that the State Board of Health has the duty to protect the public health and to ensure that ground water resources are not adversely affected by the construction and location of private wells. In order to discharge this duty, the board is empowered to supervise and regulate the construction and location of private wells within the Commonwealth.

§ 1.3. Purpose of regulations.

These regulations have been promulgated by the State Board of Health to:

1. Ensure that all private wells are located, constructed and maintained in a manner which does not adversely affect ground water resources, or the public welfare, safety and health;
2. Guide the State Health Commissioner in his determination of whether a permit for construction of a private well should be issued or denied;
3. Guide the owner or his agent in the requirements necessary to secure a permit for construction of a private well; and
4. Guide the owner or his agent in the requirements necessary to secure an inspection statement following construction.

§ 1.4. Relationship to Virginia Sewage Handling and Disposal Regulations.

These regulations supersede § 4.50 of the Virginia Sewage Handling and Disposal Regulations, and § 4.49 B and C of the Virginia Sewage Handling and Disposal Regulations which address private wells, and were adopted by the State Board of Health pursuant to Title 32.1 of the Code of Virginia.

§ 1.5. Relationship to the State Water Control Board.

These regulations are independent of all regulations promulgated by the State Water Control Board. Ground water users located in a ground water management area may be required to obtain a permit from the State Water Control Board in addition to obtaining a permit from the Department of Health.

§ 1.6. Relationship to the Department of Waste Management.

These regulations establish minimum standards for the protection of public health and ground water resources. Observation wells, monitoring wells, and remediation wells constructed under the supervision of the Virginia Department of Waste Management are governed by § 3.8 of these regulations.

§ 1.7. Relationship to the Uniform Statewide Building Code.

These regulations are independent of and in addition to the requirements of the Uniform Statewide Building Code. All persons required to obtain a well permit by these regulations shall furnish a copy of the permit to the local building official, upon request, when making application for a building permit. Prior to obtaining an occupancy permit, an applicant shall furnish the local building official with a copy of the inspection statement demonstrating the water supply has been inspected, sampled (when applicable), and approved by the district or local health department.

§ 1.8. Administration of regulations.

These regulations are administered by the following:

A. State Board of Health.

The State Board of Health, hereinafter referred to as the board, has the responsibility to promulgate, amend, and repeal regulations necessary to ensure the proper construction and location of private wells.

B. State Health Commissioner.

The State Health Commissioner, hereinafter referred to as the commissioner, is the chief executive officer of the State Department of Health. The commissioner has the authority to act, within the scope of regulations promulgated by the board, and for the board when it is not in session. The commissioner may delegate his powers under these regulations in writing to any subordinate, with the exception of (i) his power to issue variances under § 32.1-12 of the Code of Virginia and § 2.7 of these regulations, (ii) his power to issue orders under § 32.1-26 of the Code of Virginia and §§ 2.4 and 2.5 B of these regulations and (iii) the power to revoke permits or inspection statements under § 2.16 of these regulations, which may only be delegated pursuant to § 32.1-22.

The commissioner has final authority to adjudicate contested case decisions of subordinates delegated powers under this section prior to appeal of such case decisions to the circuit court.

C. State Department of Health.

The State Department of Health hereinafter referred to as department is designated as the primary agent of the commissioner for the purpose of administering these regulations.

D. District or local health departments.

The district or local health departments are responsible for implementing and enforcing the regulatory activities required by these regulations.

§ 1.9. Right of entry and inspections.

In accordance with the provisions of §§ 32.1-25 and

32.1-176.6 of the Code of Virginia, the commissioner or his designee shall have the right to enter any property to ensure compliance with these regulations.

PART II. PROCEDURAL REGULATIONS.

Article 1. Procedures.

§ 2.1. Compliance with the Administrative Process Act.

The provisions of the Virginia Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) shall govern the promulgation and administration of these regulations and shall be applicable to the appeal of any case decision based upon these regulations.

§ 2.2. Powers and procedures of regulations not exclusive.

The commissioner may enforce these regulations through any means lawfully available.

§ 2.3. Effective date of regulations.

The effective date of these regulations is [September 1, 1990.]

§ 2.4. Emergency order.

If an emergency exists the commissioner may issue an emergency order as is necessary for preservation of public health, safety, and welfare or to protect ground water resources. The emergency order shall state the reasons and precise factual basis upon which the emergency order is issued. The emergency order shall state the time period for which it is effective. Emergency orders will be publicized in a manner deemed appropriate by the commissioner. The provisions of §§ 2.5 C and 2.5 D shall not apply to emergency orders issued pursuant to this section.

§ 2.5. Enforcement of regulations.

A. Notice.

Subject to the exceptions below, whenever the commissioner or the district or local health department has reason to believe a violation of any of these regulations has occurred or is occurring, the alleged violator shall be notified. Such notice shall be made in writing, shall be delivered personally or sent by certified mail, shall cite the regulation or regulations that are allegedly being violated, shall state the facts which form the basis for believing the violation has occurred or is occurring, shall include a request for a specific action by the recipient by a specified time and shall state the penalties associated with such violation. When the commissioner deems it necessary, he may initiate criminal prosecution or seek civil relief through mandamus or injunction prior to giving notice.

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B. Orders.

Pursuant to the authority granted in § 32.1-26 of the Code of Virginia, the commissioner may issue orders to require any owner, or other person, to comply with the provisions of these regulations. The order shall be signed by the commissioner and may require:

1. The immediate cessation and correction of the violation;
2. Appropriate remedial action to ensure that the violation does not recur;
3. The submission of a plan to prevent future violations to the commissioner for review and approval;
4. The submission of an application for a variance; and
5. Any other corrective action deemed necessary for proper compliance with the regulations.

C. Hearing before the issuance of an order.

Before the issuance of an order described in § 2.5 B, a hearing must be held, with at least 30 days notice by certified mail to the affected owner or other person of the time, place and purpose thereof, for the purpose of adjudicating the alleged violation or violations of these regulations. The procedures at the hearing shall be in accordance with § 2.8 A or B of the regulations and with §§ 9-6.14:11 through 9-6.14:14 of the Code of Virginia.

D. Order; when effective.

All orders issued pursuant to § 2.5 B shall become effective not less than 15 days after mailing a copy thereof by certified mail to the last known address of the owner or person violating these regulations. Violation of an order is a Class 1 misdemeanor. See § 32.1-27 of the Code of Virginia.

E. Compliance with effective orders.

The commissioner may enforce all orders. Should any owner or other person fail to comply with any order, the commissioner may:

1. Apply to an appropriate court for an injunction or other legal process to prevent or stop any practice in violation of the order;
2. Request the Attorney General to bring an action for civil penalty, injunction, or other appropriate remedy; or
3. Request the Commonwealth Attorney to bring a criminal action.

F. Not exclusive means of enforcement.

Nothing contained in § 2.4 or § 2.5 shall be interpreted to require the commissioner to issue an order prior to seeking enforcement of any regulations or statute through an injunction, mandamus or criminal prosecution.

§ 2.6. Suspension of regulations during disasters.

If in the case of a man-made or natural disaster, the commissioner finds that certain regulations cannot be complied with and that the public health is better served by not fully complying with these regulations, he may authorize the suspension of the application of the regulations for specifically affected localities and institute a provisional regulatory plan until the disaster is abated.

§ 2.7. Variances.

Only the commissioner or the deputy commissioners may grant a variance to these regulations. (See §§ 32.1-12 and 32.1-22 of the Code of Virginia and § 1.8 B of these regulations). The commissioner or the deputy commissioners shall follow the appropriate procedures set forth in this subsection in granting a variance.

A. Requirements for a variance.

The commissioner may grant a variance if a thorough investigation reveals that the hardship imposed, which may be economic, by these regulations outweighs the benefits that may be received by the public. Further, the granting of such a variance shall not subject the public to unreasonable health risks or jeopardize ground water resources.

B. Application for a variance.

Any owner who seeks a variance shall apply in writing within the time period specified in § 2.11 B. The application shall be signed by the owner, addressed and sent to the commissioner at the State Department of Health in Richmond. The application shall include:

1. A citation to the regulation from which a variance is requested;
2. The nature and duration of the variance requested;
3. Any relevant analytical results including results of relevant tests conducted pursuant to the requirements of these regulations;
4. Statements or evidence why the public health and welfare as well as the ground water resources would not be degraded if the variance were granted;
5. Suggested conditions that might be imposed on the granting of a variance that would limit the detrimental impact on the public health and welfare or ground water resources;

6. Other information, if any, believed pertinent by the applicant; and

7. Such other information as the district or local health department or commissioner may require.

C. Evaluation of a variance application.

1. The commissioner shall act on any variance request submitted pursuant to § 2.7 B within 60 calendar days of receipt of the request.

2. In the evaluation of a variance application, the commissioner shall consider the following factors:

a. The effect that such a variance would have on the construction, location, or operation of the private well;

b. The cost and other economic considerations imposed by this requirement;

c. The effect that such a variance would have on protection of the public health;

d. The effect that such a variance would have on protection of ground water resources; and

e. Such other factors as the commissioner may deem appropriate.

D. Disposition of a variance request.

1. The commissioner may deny any application for a variance by sending a denial notice to the applicant by certified mail. The notice shall be in writing and shall state the reasons for the denial.

2. If the commissioner proposes to grant a variance request submitted pursuant to § 2.7 B, the applicant shall be notified in writing of this decision. Such notice shall identify the variance, private well covered, and shall specify the period of time for which the variance will be effective. The effective date of a variance shall be as stated in the variance.

3. No owner may challenge the terms or conditions set forth in the variance after 30 calendar days have elapsed from the effective date of the variance.

E. Posting of variances.

All variances granted to any private wells are transferable unless otherwise stated. Each variance shall be attached to the permit to which it is granted. Each variance is revoked when the permit to which it is attached is revoked.

§ 2.8. Hearing types.

Hearings before the commissioner or the commissioner's

designees shall include any of the following forms depending on the nature of the controversy and the interests of the parties involved.

A. Informal hearings.

An informal hearing is a meeting with a district or local health department with the district or local health director presiding and held in conformance with § 9-6.14:11 of the Code of Virginia. The district or local health department shall consider all evidence presented at the meeting which is relevant to the issue in controversy. Presentation of evidence, however, is entirely voluntary. The district or local health department shall have no subpoena power. No verbatim record need be taken at the informal hearing. The local or district health director shall review the facts presented and based on those facts render a decision. A written copy of the decision and the basis for the decision shall be sent to the appellant within 15 work days of the hearing, unless the parties mutually agree to a later date in order to allow the department to evaluate additional evidence. If the decision is adverse to the interests of the appellant, an aggrieved appellant may request an adjudicatory hearing pursuant to § 2.8 B.

B. Adjudicatory hearing.

The adjudicatory hearing is a formal, public adjudicatory proceeding before the commissioner, or a designated hearing officer, and held in conformance with § 9-6.14:12 of the Code of Virginia. An adjudicatory hearing includes the following features:

1. Notice. Notice which states the time and place and the issues involved in the prospective hearing shall be sent to the owner or other person who is the subject of the hearing. Notice shall be sent by certified mail at least 15 calendar days before the hearing is to take place.

2. Record. A record of the hearing shall be made by a court reporter. A copy of the transcript of the hearing, if transcribed, will be provided within a reasonable time to any person upon written request and payment of the cost.

3. Evidence. All interested parties may attend the hearing and submit oral and documentary evidence and rebuttal proofs, expert or otherwise, that are material and relevant to the issues in controversy. The admissibility of evidence shall be determined in accordance with § 9-6.14:12 of the Code of Virginia.

4. Counsel. All parties may be accompanied by and represented by counsel and are entitled to conduct such cross examination as may elicit a full and fair disclosure of the facts.

5. Subpoena. Pursuant to § 9-6.14:13 of the Code of Virginia, the commissioner or hearing officer may issue subpoenas on behalf of himself or any person or

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owner for the attendance of witnesses and the production of books, papers or maps. Failure to appear or to testify or to produce documents without adequate excuse may be reported by the commissioner to the appropriate circuit court for enforcement.

6. Judgment and final order. The commissioner may designate a hearing officer or subordinate to conduct the hearing as provided in § 9-6.14:12 of the Code of Virginia, and to make written recommended findings of fact and conclusions of law to be submitted for review and final decision by the commissioner. The final decision of the commissioner shall be reduced to writing and will contain the explicit findings of fact upon which his decision is based. Certified copies of the decision shall be delivered to the owner affected by it. Notice of a decision will be served upon the parties and become a part of the record. Service may be by personal service or certified mail return receipt requested.

§ 2.9. Request for hearing.

A request for an informal hearing shall be made by sending the request in writing to the district or local health department. A request for an adjudicatory hearing shall be made in writing and directed to the commissioner at the State Department of Health in Richmond. Requests for hearings shall cite the reason(s) for the hearing request and shall cite the section(s) of these regulations involved.

§ 2.10. Hearing as a matter of right.

Any owner or other person whose rights, duties, or privileges have been, or may be affected by any decision of the board or its subordinates in the administration of these regulations shall have a right to both informal and adjudicatory hearings. The commissioner may require participation in an informal hearing before granting the request for a full adjudicatory hearing. Exception: No person other than an owner shall have the right to an adjudicatory hearing to challenge the issuance of either a construction permit or inspection statement unless the person can demonstrate at an informal hearing that the minimum standards contained in these regulations have not been applied and that he will be injured in some manner by the issuance of the permit or that ground water resources will be damaged by the issuance of the permit.

§ 2.11. Appeals.

Any appeal from a denial of a construction permit for a private well must be made in writing and received by the department within 60 days of the date of the denial.

A. Any request for hearing on the denial of an application for a variance pursuant to § 2.7 D.1 must be made in writing and received within 60 days of receipt of

the denial notice.

B. Any request for a variance must be made in writing and received by the department prior to the denial of the private well permit, or within 60 days after such denial.

C. In the event a person applies for a variance within the 60-day period provided by subsection B above, the date for appealing the denial of the permit, pursuant to subsection A above, shall commence from the date on which the department acts on the request for a variance.

D. Pursuant to the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) an aggrieved owner may appeal a final decision of the commissioner to an appropriate circuit court.

§ 2.12. Permits and inspection statement; general.

All private wells shall be constructed and located in compliance with the requirements as set forth in these regulations.

A. Except as provided in § 2.12 B, after the effective date of these regulations, no person shall construct, alter, rehabilitate, or extend a private well, or allow the construction, alteration, rehabilitation, or extension of a private well, without a written construction permit from the commissioner. Conditions may be imposed on the issuance of any permit and no private well shall be constructed or modified in violation of those conditions. The replacement of a well pump, or the replacement of a well seal or cap with an equivalent well seal or cap, shall not be considered a well modification.

B. No permit shall be required for the construction, operation, or abandonment of dewatering wells. Furthermore, dewatering wells are exempted from the construction requirements found in § 3.7 of these regulations. All dewatering wells shall be abandoned within 60 days of construction. Abandonment in this case means the removal of the well point, well casing, screening, and other appurtenances associated with the construction and operation of the well.

C. Except as provided in § 2.19, no person shall place a private well in operation, or cause or allow a private well to be placed in operation, without obtaining a written inspection statement pursuant to §§ 2.18 and 2.20.

D. Except as provided in §§ 2.16 and 2.17, construction permits for a private well shall be deemed valid for a period of 54 months from the date of issuance.

§ 2.13. Procedures for obtaining a construction permit for a private well.

Construction permits are issued by the authority of the commissioner. All requests for a private well construction permit shall be by written application, signed by the owner or his agent, and shall be directed to the district or

local health department. All applications shall be made on an application form provided by the district or local health department and approved by the commissioner.

An application shall be deemed completed upon receipt by the district or local health department of a signed and dated application, together with the appropriate fee, containing the following information:

1. The property owner's name, address, and telephone number;
2. The applicant's name, address, and phone number (if different from subdivision 1 above);
3. A statement signed by the property owner, or his agent, granting the Health Department access to the site for the purposes of evaluating the suitability of the site for a well and allowing the department access to inspect the well after it is installed;
4. A site plan showing the proposed well site, property boundaries, accurate locations of actual or proposed sewage disposal systems, recorded easements, and other sources of contamination within 200 feet of the proposed well site, and at the option of the applicant a proposed well design; and
5. When deemed necessary because of geological or other natural conditions, plans and specifications detailing how the well will be constructed.

§ 2.14. Issuance of the construction permit.

A construction permit shall be issued to the owner by the commissioner no later than 60 days after receipt of a complete and approvable application submitted under § 2.13.

§ 2.15. Denial of a construction permit.

If it is determined that the proposed design is inadequate or that site, geological, hydrological, or other conditions exist that do not comply with these regulations or would preclude the safe and proper operation of a private well system, or that the installation of the well would create an actual or potential health hazard or nuisance, or the proposed design would adversely impact the ground water resource, the permit shall be denied and the owner shall be notified in writing, by certified mail, of the basis for the denial. The notification shall also state that the owner has the right to appeal the denial.

§ 2.16. Revocation of construction permits and inspection statements.

The commissioner may revoke a construction permit or inspection statement for any of the following reasons:

1. Failure to comply with the conditions of the permit;

2. Violation of any of these regulations for which no variance has been issued;

3. Facts become known which reveal that a potential health hazard would be created or that the ground water resources may be adversely affected by allowing the proposed well to be installed or completed.

§ 2.17. Voidance of construction permits.

Null and void. All well construction permits are null and void when (i) conditions such as house location, sewage system location, sewerage system location, topography, drainage ways, or other site conditions are changed from those shown on the application, (ii) conditions are changed from those shown on the construction permit, or (iii) more than 54 months elapse from the date the permit was issued. Reapplication for the purposes of having an expired permit reissued shall be the responsibility of the owner, and such reapplication shall be handled as an initial application and comply fully with § 2.13.

§ 2.18. Statement required upon completion of construction.

Upon completion of the construction, alteration, rehabilitation or extension of a private well, the owner or agent shall submit to the district or local health department a statement, signed by the contractor, upon the form set out in Appendix IV, that the well was installed and constructed in accordance with the permit, and further that the well complies with all applicable state and local regulations, ordinances and laws.

§ 2.19. Inspection and correction.

No well shall be placed in operation, except for the purposes of testing the mechanical soundness of the system, until inspected by the district or local health department, corrections made if necessary, and the owner has been issued an inspection statement by the district or local health department.

§ 2.20. Issuance of the inspection statement.

Upon satisfactory completion of the requirements of §§ 2.18, 2.19, 3.3, 3.9 and 3.10, the commissioner shall issue an inspection statement to the owner. The issuance of an inspection statement does not denote or imply any warranty or guarantee by the department that the private well will function for any specified period of time. It shall be the responsibility of the owner or any subsequent owner to maintain, repair, replace, or to comply with the requirements to abandon any private well.

PART III. DESIGN AND CONSTRUCTION CRITERIA.

Article I. General Requirements.

§ 3.1. General.

Final Regulations

[1.] These regulations do not apply to private wells constructed, altered, rehabilitated or extended prior to the effective date of these regulations unless the well construction is modified or expanded after the effective date of these regulations.

[2. The class of well to be constructed shall be determined by the local or district health department or the division.]

§ 3.2. Classes of water wells.

The following classes of private wells are established for purposes of these regulations. These classes are in addition to those established in the current Commonwealth of Virginia Waterworks Regulations and are intended for use for private well systems:

1. Class III - Private wells constructed to be used as a source of drinking water. [There are three subclasses:

a. Class IIIA - Drilled wells in which the annular space around the casing is grouted to a minimum depth of 20 feet.

(1) The well shall be drilled and cased to a depth of at least 100 feet.

(2) The cased drill hole shall pass through at least 50 feet of unconsolidated formation such as caving sand, gravel or other material that will collapse against the casing.

b. Class IIIB - Drilled wells in which the casing is installed to a minimum depth of 50 feet and the annular space around the casing is grouted to at least 50 feet.

c. Class IIIC - Drilled, bored, driven or jetted wells other than Class IIIA and Class IIIB.]

2. Class IV - Private wells constructed for any purpose other than use as a source of drinking water.

§ 3.3. Water quality and quantity.

A. The water quality requirements contained in this section apply only to Class III private wells. Class IV private wells (wells not constructed as a source of drinking water) are not subject to any quality requirements. These regulations contain no well yield requirements. See Appendix I for suggested minimum well yields for residential supplies.

B. A sample tap shall be provided at or near the water entry point into the system so that samples may be taken directly from the source; this requirement may be met by utilizing the first tap on a line near where the plumbing enters the house (may be a hose bib), provided the tap precedes any water treatment devices.

C. The entire water system including the well shall be disinfected prior to use (see § 3.9 and Appendix II).

D. After operating the well to remove any remaining disinfectant, a sample of the water from the well shall be collected [by the district or local health department] for bacteriological examination. The sample may be collected by the owner, well driller, or other person [in accordance with procedures established by the department and] provided the sample is submitted to [the Department of General Services, Division of Consolidated Laboratory Services, or] a private laboratory certified by the Department of General Services, Division of Consolidated Laboratory Services, for analysis.

E. A Class III private well shall be considered satisfactory if the water sample(s) test(s) negative for coliform organisms as described in subdivision 1 or 2 below. Sources with positive counts shall be tested as described in subdivision 3 below to determine if the water supply is amenable to continuous disinfection (chlorination).

1. Where a private well has no unsatisfactory water sample within the previous 12 months, one water sample which tests negative for coliform bacteria shall be considered satisfactory for coliform organisms.

2. Where a private well has had one or more positive water samples within the past 12 months for coliform bacteria, at least two consecutive samples must be collected and found negative for coliform organisms before the supply may be considered satisfactory for coliform organisms. The samples must be collected at least 24 hours apart and the well may not be disinfected between samples.

3. When a private well does not test satisfactory for coliform organisms continuous disinfection may be recommended to the homeowner if the water supply is found to be suitable for continuous disinfection. A minimum of 10 samples shall be collected and tested for total coliform using an MPN methodology. The geometric mean of the samples shall be calculated and if the result is less than 100 organisms per 100 ml, the supply shall be considered satisfactory for continuous disinfection.

F. If tests indicate that the water is unsatisfactory and no other approvable source is available, adequate methods of water treatment shall be applied and demonstrated to be effective pursuant to § 3.3 [B E] 3 prior to the issuance of an inspection statement. The district or local health department shall be consulted when treatment is necessary.

§ 3.4. Well location.

A. Sanitary survey.

Any obvious source of toxic or dangerous substances

within 200 feet of the proposed private well shall be investigated as part of the sanitary survey by the district or local health department. Sources of contamination may include, but are not limited to, items listed in Table 3.1, abandoned wells, pesticide treated soils, underground storage tanks, and other sources of physical, chemical or biological contamination. If the source of contamination could affect the well adversely, and preventive measures are not available to protect the ground water, the well shall be prohibited. The minimum separation distance between a private well and structures, topographic features, or sources of pollution shall comply with the minimum distances shown in Table 3.1. Where the minimum separation distances for [a] Class [~~II and~~] IV [wells well] cannot be met, a permit may be issued under these regulations for a well meeting all of the [construction] criteria [in §§ 3.6 and 3.7] and [the] separation distance requirements [for either a Class IIIA or IIIB well] , without deviation, [found in the Commonwealth of Virginia Waterworks Regulations] and such [Class IV] well shall [also not be required to] meet the water quality requirements of § 3.3.

Table 3.1
Distances (in feet) Between a Well
and a Structure or Topographic Feature

Structure or Topographic Feature	Class III [C]	Class I or II (†)	Class IV [Class III A or B]
Property line	10	10	
Building Foundation	10	10	
Building Foundation (Termite Treated)	100	[(‡) (1)]	50
Utility Line	10	10	
Sewer Line	50	50	[(‡) (2)]
Sewerage System	50	50	
Pretreatment System (e.g. Septic Tank or Aeration Unit) Sewerage System (barnyard, hog lot or similar contaminant source)	100	50	
Cemetery	100	50	
Sewage Dump Station	100	50	

[1. Class I and II well construction standards and these separation distances are contained in the Commonwealth of Virginia Waterworks Regulations.]

[2. 1.] See § 3.4 D.

[3. 2.] Private wells shall not be constructed within 50 feet of a sewer except as provided below. Where special construction and pipe materials are used in a sewer to provide adequate protection, a Class II [I A or B] well may be located as close as 10 feet to the sewer line. Special construction constitutes sewer pipe meeting AWWA specifications, pressure tested (10 feet of water) in place without leakage prior to backfilling. However, in no case shall a private well be placed within 10 feet of a sewer.

B. Downslope siting of wells from potential sources of pollution.

Special precaution shall be taken when locating a well within a 60 degree arc directly downslope from any part of any existing or intended onsite sewage disposal system or other known source of pollution, including, but not limited to, buildings subject to termite or vermin treatment, or used to store polluting substances or storage tanks or storage areas for petroleum products or other deleterious substances. The minimum separation distance shall be: (i) increased by 25 feet for every 5.0% of slope; or (ii) an increase shall be made to the minimum depth of grout and casing in the amount of five feet for every 5.0% of slope.

C. Sites in swampy areas, low areas, or areas subject to flooding.

No private well covered by these regulations shall be located in areas subject to the collection of pollutants such as swampy areas, low areas, or areas subject to flooding. Wells located in flood plains shall be adequately constructed so as to preclude the entrance of surface water during flood conditions. At a minimum, such construction will include extending the well terminus 18 inches above the annual flood level. Other requirements may be made as determined on a case by case basis [by the division].

D. Pesticide and termite treatment.

No Class III [C] or Class IV private well shall be placed closer than 100 feet to a building foundation that has been chemically treated with any termiticide or other pesticide except as provided below. Further, no termiticides or other pesticides shall be applied within five feet of the water supply trench. A Class III [C] or Class IV private well may be placed as close as 50 feet to a chemically treated foundation if special precautions are or have been taken. Special precautions include the application of pesticides by pouring or spraying on the foundation excavation prior to construction, or the removal and treatment of soil at a site 50 feet or more from the well and then backfilling with the treated soil.

§ 3.5. Site protection.

A. No objects, articles, or materials of any kind which are not essential to the operation of the well shall be placed or stored in a well house, on the well head or well pump or water treatment system, or within close proximity to them.

B. The minimum distance between any well subject to these regulations and any property line shall be 10 feet.

C. Fencing of an area around the well, or the placement of other barriers or restrictions, may be required as a condition of the permit under certain circumstances, such as to prohibit livestock access to the

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well head or to prohibit vehicles from damaging or polluting the area around the well head.

D. The area around the well shall be graded to divert surface water away from the well.

§ 3.6. Materials.

A. General.

All materials used in private wells shall have long-term resistance to corrosion and sufficient strength to withstand hydraulic, lateral and bearing loads.

B. Casing.

Materials used for casing shall be watertight and shall consist of wrought iron, concrete tile, clay tile, steel, stainless steel or plastic, all designed for water well use or other suitable materials as determined by the division on a case by case basis.

[1.] Driven casings shall consist of ductile iron, steel or stainless steel and shall be equipped with a suitable drive boot.

[2. Casings used for Class IIIA or IIIB wells shall be steel, stainless steel or plastic.]

C. Screens.

Where utilized, screens shall be constructed of stainless steel, plastic or other suitable materials as determined by the division on a case by case basis. Screens shall be constructed of materials which will not be damaged by any chemical action of the ground water or future cleaning operations. Additionally, screens shall be constructed of materials which will not degrade ground water quality.

D. Joints.

Joints shall be watertight and mechanically sound. Welded joints shall have smooth interior surfaces and shall be welded in accordance with acceptable welding practice.

E. Gravel.

Gravel utilized for gravel packed wells shall be uniformly graded, cleaned, washed, disinfected and of a suitable size.

§ 3.7. Construction; general.

A. Casing.

[1. Class IIIA wells shall be cased to a depth of at least 100 feet.

2. Class IIIB wells shall be cased to a depth of at

least 50 feet.]

[3.] Except as provided in subdivisions a through d below, all Class III [C] and IV wells shall be cased to a minimum depth of 20 feet or terminated not less than one foot in bedrock when bedrock is encountered at a depth less than 20 feet.

a. When in unconsolidated material, the casing shall terminate in the aquifer but in no instance be less than 20 feet.

b. Where an aquifer is encountered at less than 20 feet, Class IV wells may be cased to within one foot of the water bearing strata. In the instance of Class IV wells the intent of these regulations is to protect ground water quality, and not to ensure a potable water supply.

c. Alternate casing depths may be accepted for bored wells when the only aquifer lies between 11 and 20 feet provided the casing is placed within one foot of the aquifer and must not be less than 10 feet in depth from the ground surface.

d. Class III [C] driven wells shall be cased to the water bearing strata; however, in no case less than 10 feet. No minimum casing requirements apply to Class IV driven wells except that in order to protect ground water they shall be capable of meeting the minimum grouting requirements as described in § 3.7 C 4 [b e].

[4.] All private well casings shall be extended at least 12 inches above ground or 12 inches above a concrete floor in well house with a gravity flow drain.

[5.] All steel casings shall meet or exceed the material specifications found in Appendix III.

[6.] No plastic well casing shall be installed which will exceed 80% of its RHCP (resistance to hydraulic collapse pressure). When experience has shown, in the division's opinion, that the prevailing geologic conditions are subject to collapse or shifting, or where heavy clay or unstable backfill materials occur, plastic well casings may not exceed 50% of the RHCP rating. It shall be the responsibility of the well driller to submit calculations to the division demonstrating that individual well casings do not exceed these ratings.

B. Screens.

When used for the prevention of entry of foreign materials, screens shall be free of rough edges, irregularities, or other defects. A positive watertight seal between the screen and the casing shall be provided when appropriate.

C. Grouting.

1. General. All private wells shall be grouted. A neat cement grout is preferable over any other grout mixture. It is preferred that no openings are made in the side of the well casing. [All openings through well casings shall be equipped with necessary fittings and service pipe and then provided with a positive water stop prior to grouting in order to maintain casing integrity. Grouting will be placed after the pitless unit has been installed. Grouting shall be at least four inches thick around the pitless unit.]

2. Purpose. The annular space between the casing and well bore is one of the principal avenues through which undesirable water and contaminants may gain access to a well. Therefore, the annular space shall be filled with a neat cement grout, or a mixture of bentonite and neat cement.

3. Specifications. Neat cement grout shall consist of cement and water with not more than [five six] gallons of water per sack (94 pounds) of cement. Bentonite clay may be used in conjunction with neat Portland cement to form a grouting mixture. The bentonite used must be specifically recommended by the manufacturer as being suitable for use as a well grout material and cannot exceed 6.0% by weight of the mixture. Exception: (i) When exceptional conditions require the use of a less fluid grout, to bridge voids, a mixture of cement, sand and water in the proportion of not more than two parts by weight of sand to one part of cement with not more than [five six] gallons of clean water per bag of cement may be used if approved by the district or local health department, or (ii) for bored wells only, a concrete (1-1-2 mix with all aggregates passing a [1/2] inch sieve) grout with not more than [five six] gallons of clean water per bag of cement may be used provided a minimum three-inch annular space is available and its use approved by the district or local health department.

In cases where an open borehole has been drilled below the depth to which the casing is to be grouted, the lower part of the hole must be backfilled, or a packer must be set in the hole, to retain the slurry at the desired depth. Backfilling the hole with gravel and capping with sand is an acceptable practice. Material ordinarily sold as plaster or mortar sand is usually satisfactory; more than half the sand should be of grain sizes between 0.012 inches and 0.024 inches.

4. Depth.

[a. All Class IIIA wells shall be grouted to a minimum depth of 20 feet.

b. All Class IIIB wells shall be grouted to a minimum depth of 50 feet.

c.] All [private Class IIIC and Class IV] wells shall be grouted to a minimum depth of 20 feet.

When the casing depth is equal to or greater than 20 feet. When the casing depth is less than 20 feet, the casing shall be grouted in accordance with § 3.7 above, from the lower terminus of the casing to the surface.

[a. d.] Alternate grouting depths may be accepted for bored wells when the only aquifer suitable for a private well lies between 11 and 20 feet provided the grouting shall terminate at least one foot above the aquifer but must not be less than 10 feet in depth from the ground surface.

[b. e.] Driven wells shall be grouted to a minimum depth of five feet by excavating an oversize hole at least four inches in diameter larger than the casing and pouring an approved grout mixture into the annular space.

5. Installation. Grout shall be installed by means of a grout pump or tremie pipe from the bottom of the annular space upward in one operation until the annular space is filled, whenever the grouting depth exceeds 20 feet. Pouring of grout is acceptable for both drilled and bored wells whenever grouting depth does not exceed 20 feet. Grouting shall be brought to the ground surface and flared to provide a one foot radius around the casing at least six inches thick. When an outer casing is necessary to construct a new well, where possible, the outer casing shall be pulled simultaneously with the grouting operation.

6. Annular space. The clear annular space around the outside of the casing and the well bore shall be at least 1.5 inches on all sides except for bored wells which shall have at least a 3-inch annular space.

D. Additional casing and grouting.

When a well is to be constructed within 200 feet of a subsurface sewage disposal system, which has been or is proposed to be installed at a depth greater than five feet below the ground surface, the casing and grouting of the water well shall be increased to maintain at least a 15-foot vertical separation between the trench bottom and the lower terminus of the casing and grouting.

E. Well head.

1. General. No open wells or well heads or unprotected openings into the interior of the well shall be permitted. Prior to the driller leaving the well construction site, the owner shall have the driller protect the bore hole by installing a cover adequate to prevent accidental contamination.

2. Mechanical well seals. Mechanical well seals (either sanitary well seals or pitless adapters) shall be used on all wells and shall be water and air tight except as provided in § [3-6 3.7] F 4.

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3. Other. Wells greater than eight inches in diameter shall be provided with a watertight overlapping (shoebox) type cover, constructed of reinforced concrete or steel.

F. Appurtenances passing through casing.

1. General. All openings through well casings shall be provided with a positive water stop.

2. Pitless well adapters. Pitless well adapters shall be subject to approval by the division. All pitless adapters shall be installed according to the manufacturers recommendations.

3. Sanitary well seals. Sanitary well seals shall be subject to approval by the division. All sanitary well seals shall be installed according to the manufacturers recommendations.

4. Venting. Venting [, where necessary as determined by the district health department,] shall be provided in such a manner as to allow for the passage of air, but not water, insects, or foreign materials, into the well.

§ 3.8. Observation, monitoring, and remediation wells.

A. Except as provided in §§ 3.8 B and 3.8 C, observation and monitoring wells are exempted from these regulations.

B. Observation or monitoring wells shall be constructed in accordance with the requirements for private wells if they are to remain in service after the completion of the ground water study.

C. Observation or monitoring wells shall be properly abandoned in accordance with § 3.11 within 90 days of [~~abandonment~~ cessation of use].

§ 3.9. Disinfection.

All Class III private wells shall be disinfected before placing the well(s) in service. Disinfection shall be accomplished by maintaining a 100 mg/l solution of chlorine in the well for 24 hours utilizing the dosage rates set forth in Appendix II.

§ 3.10. Information to be reported.

A copy of a Uniform Water Well Completion Report (see Appendix IV) shall be provided to the district or local health department within 30 days of the completion of the well or completion of alterations thereto.

§ 3.11. Well abandonment.

A. Well abandonment is governed jointly by the State Water Control Board and the Department of Health pursuant to § 62.1-44.92(6) of the Ground Water Act of

1973. In addition, the abandonment of any private well governed by these regulations, or any private well abandoned as a condition of a permit issued under these regulations, shall be administered by the Department of Health in conformance with this section.

[B. A temporarily abandoned well shall be sealed with a water-tight cap or well head seal. Such a well shall be maintained so that it will not be a source or channel for contamination to ground water during temporary abandonment.

C. Permanent.

The object of proper permanent abandonment is to prevent contamination from reaching ground water resources via the well.]

[~~B. 1.~~] All casing material may be salvaged.

[~~C. 2.~~] [~~The well~~ Before the well is plugged, it] shall be checked from land surface to the entire depth of the well [~~before it is plugged~~] to ascertain freedom from obstructions that may interfere with plugging (sealing) operations.

[~~D. 3.~~] The well shall be thoroughly chlorinated prior to plugging (sealing).

[~~E. 4.~~] Bored wells shall be completely filled with cement [or bentonite] grout [~~or dry clay compacted in place~~].

[~~F. 5.~~] Wells constructed in unconsolidated formations shall be completely filled with cement grout or clay slurry by introduction through a pipe initially extending to the bottom of the well. Such pipe shall be raised, but remain submerged in grout, as the well is filled.

[~~G. 6.~~] Wells constructed in consolidated rock formations or which penetrate zones of consolidated rock may be filled with sand or gravel opposite the zones of consolidated rock. The top of the sand or gravel fill shall be at least five feet below the top of the consolidated rock [and at least 20 feet below land surface]. The remainder of the well shall be filled with [~~sand~~] cement grout [~~only~~ or clay slurry].

[7. Other abandonment procedures may be approved by the division on a case by case basis.]

[~~H. 8.~~] Test and exploration wells shall be abandoned in such a manner as to prevent the well from being a channel for the vertical movement of water or a source of contamination to ground water.

Appendix I.

Recommended Well Yields for Residential Use Wells

All private wells should be capable of supplying water in adequate quantity for the intended usage. Failure to provide adequate capacity may cause intermittent flows and negative pressures which may cause contamination of the system through cross connections or other system deficiencies. All Class III wells should have a capacity to produce 150 gallons per bedroom per day and be capable of delivering a sustained flow of five gallons per minute per connection for 10 minutes. The system should be capable of providing at least 500 gallons per hour for at least one hour if lawns or other residential areas are to be irrigated. In general, residential use wells with yields less than 3 gallons per minute require additional storage to provide uninterrupted service during peak water use times.

Appendix II. Chlorination Dosage Rates

Casing Diameter Inches	Volume per 100 Feet in (Gallons)	70% Sodium Hypochlorite (Oz. Dry Wt.)	5% Sodium Hypochlorite (Liquid Meas.)
2	16	0.5	4 oz.
4	65	2	18 oz.
6	147	4	40 oz.
8	261	6	4.25 pts.
10	408	8	7 pts.
12	588	12	10 pts.
16	1045	20	2 gal.
20	1632	32	3.3 gal.
24	2350	48	4.67 gal.
30	3672	70	7.3 gal.
36	5288	101	10.5 gal.

Appendix III. Well Casing Specifications Steel Casings

Nom. Size (inches)	Weight (lbs./ft.)	Thickness (inches)	External Diameter	Internal Diameter
4	10.79	.237	4.5	4.026
6	16.97	.260	6.625	6.65
6	13.00	.188	8.625	6.25
8	24.70	.277	8.625	8.071
10	31.20	.279	10.75	10.192

Appendix IV Uniform Well Completion Report

Uniform Water Well Completion Report

* Drillers Log *

Owner _____ Tax Map ID _____
 Address _____ VDH Permit _____
 Phone _____ WVCB Permit _____
 Location _____ WVCB ID _____
 County _____

Depth	Description of Formation or Sediment	Remarks
-------	--------------------------------------	---------

* Well Data *

General Information

Drilling Method _____	Date Completed _____	Total Depth of Well _____
Depth to Bedrock _____	Yield _____ (GPM)	Length of Test _____
Static Water Level _____	Stabilized Water Level _____	Natural Flow (Rate) _____
Well Disinfected (Y or N) _____	Disinfectant Used _____	Amount Used _____

Casting

From _____ To _____	From _____ To _____	From _____ To _____
Size _____ Material _____	Size _____ Material _____	Size _____ Material _____
Weight, Schedule _____	Weight/Schedule _____	Weight/Schedule _____

Gravel Pack

From _____ To _____	From _____ To _____	From _____ To _____
---------------------	---------------------	---------------------

Grout

From _____ To _____	From _____ To _____	From _____ To _____
Bore Hole Size _____	Bore Hole Size _____	Bore Hole Size _____
Type _____	Type _____	Type _____
Method _____	Method _____	Method _____

Water Zones or Screened Intervals

From _____ To _____	From _____ To _____	From _____ To _____
Mesh Size _____ Diam _____	Mesh Size _____ Diam _____	Mesh Size _____ Diam _____
From _____ To _____	From _____ To _____	From _____ To _____
Mesh Size _____ Diam _____	Mesh Size _____ Diam _____	Mesh Size _____ Diam _____

* Use Data *

Private Well: Domestic _____ Agricultural _____ Industrial _____ Monitoring _____
 Public Well: Community _____ Non Community _____

(User additional Sheets if necessary)

I certify that the information contained here is true and that this well was installed and constructed in accordance with the permit and further that the well complies with all applicable state and local regulations, ordinances and laws.

Name _____
 Address _____
 Phone _____

Drillers Signature _____
 Date _____ Representing _____

Virginia Contractors License Number _____

Commonwealth of Virginia
Application for a Sewage Disposal and/or Water Supply Permit

Health Department I.D. _____

PAGE ____ OF ____

To Be Completed By The Applicant

Type sewage system: New Repair Expanded Conditional
 FHA/VA yes no Case No. _____

Owner _____ Address _____ Phone _____

Agent _____ Address _____ Phone _____

Directions to Property _____

Subdivision _____ Section _____ Block _____ Lot _____

Other Property Identification _____

Dimensions/size of Lot/Property _____

Other Application Information

I. **Building/facility** New Existing
 Intermittent Use Yes No If yes, describe: _____

II. **Residential Use** Yes No
 Termite Treatment Yes No
 Basement Single Family Multifamily Number of Units _____ Number of Bedrooms _____
 Fixtures in Basement Yes No

III. **Commercial Use** Yes No Describe: _____
 Commercial/Wastewater Yes No Number of Patrons _____ Number of Employees _____
 If yes, give volumes and describe _____

IV. **Water Supply:** Public New Describe: _____
 Private Existing

V. **Proposed Sewage Disposal Method:** _____
 Onsite Sewage Disposal System: Septic Tank Drainfield LPD Mound Other _____
 Public Sewerage System _____

SITE PLAN Attach a site plan (rough sketch) showing dimensions of property, proposed and/or existing structures and driveways, underground utilities, adjacent soil absorption systems, bodies of water, drainage ways, and wells and springs within 200 feet radius of the center of the proposed building or drainfield. Distances may be paced or estimated.

The property lines and building location are clearly marked and the property is sufficiently visible to see the topography. I give permission to the Department to enter onto the property described for the purpose of processing this application.

Signature of owner/agent _____ Date _____

Water Supply and/or Sewage Disposal System Construction Permit

Commonwealth of Virginia
Department of Health



Health Department
Identification Number _____
Map Reference _____

General Information

Water Supply System: New Repair Public FHA VA Case No. _____
 Sewage Disposal System: New Repair Expanded Conditional Public
 Based on the application for a sewage disposal system construction permit filed in accordance with Section 2.13 E. of the Sewage Handling and Disposal Regulations and/or Section 2.13 of the Private Well Regulations a construction permit is hereby issued to:
 Owner _____ Telephone _____
 Address _____ For a Type _____ Sewage Disposal System or Well to be constructed on/at _____
 Subdivision _____ Section/Block _____ Lot _____ Actual or estimated water use _____

DESIGN	NOTE: INSPECTION RESULTS
Water supply, existing: (describe) _____	Water supply location: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____
To be installed: class _____ cased <input type="checkbox"/> grouted <input type="checkbox"/>	G.W. 2 Received: yes <input type="checkbox"/> no <input type="checkbox"/> not applicable <input type="checkbox"/>
Building sewer: _____ I.D. PVC 40, or equivalent. Slope 1.25" per 10' (minimum). <input type="checkbox"/> Other _____	Building sewer: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____
Septic tank: Capacity _____ gals. (minimum). <input type="checkbox"/> Other _____	Pretreatment unit: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____
Inlet-outlet structure: PVC 40, 4" tees or equivalent. <input type="checkbox"/> Other _____	Inlet-outlet structure: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____
Pump and pump station: No <input type="checkbox"/> Yes <input type="checkbox"/> describe and show design. if yes: _____	Pump & pump station: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____
Gravity mains: 3" or larger I.D., minimum 6" fall per 100', 1500 lb. crush strength or equivalent. <input type="checkbox"/> Other _____	Conveyance method: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____
Distribution box: Precast concrete with _____ ports. <input type="checkbox"/> Other _____	Distribution box: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____
Header lines: Material: 4" I.D. 1500 lb. crush strength plastic or equivalent from distribution box to 2' into absorption trench. Slope 2" minimum. <input type="checkbox"/> Other _____	Header lines: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____
Percolation lines: Gravity 4" plastic 1000 lb. per foot bearing load or equivalent, slope 2" 4" (min. max.) per 100'. <input type="checkbox"/> Other _____	Percolation lines: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____
Absorption trenches: Square ft. required _____; depth from ground surface to bottom of trench _____; aggregate size _____; Trench bottom slope _____; center to center spacing _____; trench width _____; Depth of aggregate _____; Trench length _____; Number of trenches _____	Absorption trenches: Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____

Date _____ Inspected and approved by: _____
 Sanitarian _____

CH 5-2024 Revised 9-90

II-2

Record of Inspection - Private Water Supply System

Health Department Identification Number _____

Schematic drawing of sewage disposal and/or water supply system and topographic features. PAGE ____ OF ____

Show the lot lines of the building lot and building site, sketch of property showing any topographic features which may impact on the design of the well or sewage disposal system, including existing and/or proposed structures and sewage disposal systems and wells within 200 feet. The schematic drawing of the well site or area and/or sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be permitted, show all sources of pollution within 200 feet.

The information required above has been drawn on the attached copy of the sketch submitted with the application. Attach additional sheets as necessary to illustrate the design.

Commonwealth of Virginia
Department of Health

Use of form required only when water supply constructed in conjunction with an on-site sewage disposal system, or when FHA, VA financing is involved.

Health Department I.D. Number _____

F.H.A. or V.A. Case Number If Applicable _____

Map Reference

Date _____ Local Health Department _____

Owner _____ Address _____ Phone _____

Exact Location of Premises _____

Subdivision _____ Section/Block _____ Lot _____

Class of nonpublic drinking water well. 1) Class III A _____
2) Class III B _____
3) Class III C _____
4) Other _____

Date of installation _____

CONSTRUCTION INFORMATION

- If information in any item below is secured from other sources (i.e. well log, etc.), so note.
- Water well completion report filed as required by Sec. 2.18 Yes _____ No _____
 - Well Location: Distances from sources of pollution (See Table 3.1, Minimum Separation Distances) and Section 3.4 of the Private Well Regulations.
Building Sewer _____ Pretreatment Unit _____
Conveyance System _____ Subsurface Soil Absorption System _____
(nearest point). Property Line _____ Other _____
Site graded where necessary to divert water away from well? Yes _____ No _____ N/A _____
 - Construction, General: (see Section 3.6 and 3.7 Private Well Regulations).
Total depth of well _____ feet. Type of casing _____
Depth of casing _____ feet. Diameter of casing _____ inches.
Casing extends _____ inches above ground. Exterior space sealed with neat cement grout to a depth of _____ feet. Screens constructed of _____
free of rough edges and irregularities, with positive watertight seal between screen and casing?
Yes _____ No _____ N/A _____ Well head and opening to the interior protected? Yes _____ No _____
Type of well seal _____ Pitless adapter used? Yes _____ No _____ N/A _____
Properly installed? Yes _____ No _____ N/A _____ Proper venting? Yes _____ No _____ N/A _____
 - Quantity: Yield and drawdown determined by continuous pumping of _____ hours. Drawdown _____ feet. Yield _____ GPM. Type of storage _____
 - Quality: Sample tap provided at entry into system? Yes _____ No _____ Samples(s) collected? Yes _____ No _____
Results of samples. Satisfactory _____ Unsatisfactory _____ (attach copy of results of this form)

Based on the inspection of this water supply system and the information contained on the water well completion report attached, this water supply meets _____ does not meet _____ the requirements of the Private Well Regulations.

Remarks: _____

Date _____ Signed _____
Date _____ Signed _____
Date _____ Signed _____
Date _____ Signed _____

Regional Sanitarian (If V.A. or F.H.A.)

The sewage disposal system and/or water supply is to be constructed as specified by the permit _____ or attached plans and specifications _____.

This sewage disposal system and/or well construction permit is null and void if (a) conditions are changed from those shown on the application (b) conditions are changed from those shown on the construction permit.

No part of any installation shall be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized by the local health dept. Any part of any installation which has been covered prior to approval shall be uncovered, if necessary, upon the direction of the Department.

Date: _____ Issued by: _____
Sanitarian

This Construction Permit Valid until _____

Date: _____ Reviewed by: _____
Supervisory Sanitarian

If FHA or VA financing

Reviewed by Date _____ Date _____
Supervisory Sanitarian Regional Sanitarian

DEPARTMENT OF MOTOR VEHICLES

Title of Regulation: VR 485-60-8401. Evidence Required to Permit Registration or Reregistration of Vehicles for Which Proof of Tax Payment and of State Corporation Commission Registration is Required.

Statutory Authority: §§ 46.2-203 and 46.2-649 of the Code of Virginia.

Effective Date: August 15, 1990.

Summary:

These regulations are revised to eliminate the necessity for the owner of a vehicle to complete the previously required certification form that all taxes have been paid on a vehicle before the department will register or reregister a vehicle. Changes in style and format have been made in accordance with the Virginia Register Form, Style and Procedure Manual. In addition, the referenced sections have been changed due to the recodification of Title 46.1.

VR 485-60-8401. Evidence Required to Permit Registration or Reregistration of Vehicles for Which Proof of Tax Payment and of State Corporation Commission Registration is Required.

§ 1. Introduction.

These regulations are made and promulgated pursuant to Chapters 1.1:1 and 1.2 of Title 9 and §§ ~~46.1-26 and 46.1-153.1~~ §§ 46.2-203 and 46.2-649 of the Code of Virginia (1950), as amended.

§ 2. The Department of Motor Vehicles will receive, consider, and respond to petitions by any interested person at any time with respect to the reconsideration or revision of these regulations.

§ 3. General requirements.

Before the ~~Division~~ Department of Motor Vehicles (DMV) will register or reregister a motor vehicle, trailer or semitrailer under the following code sections, with a gross weight of 33,000 pounds or more, DMV will verify from records supplied by the taxing authorities and the State Corporation Commission (SCC), that state and local taxes have been paid. This requirement applies to vehicles registered under the following sections of the Code of Virginia.

1. Section ~~46.1-154~~ 46.2-697 Registration of vehicles not used or designed for transportation of passengers;
2. Section ~~46.1-154.3~~ 46.2-698 Registration of farm vehicles;
3. Section ~~46.1-156~~ 46.2-700 Registration of well drilling machinery and specialized mobile equipment;

4. Section ~~46.1-157.1~~ 46.2-703 Apportionment of fees charged for certain vehicles and tractor trailers, pursuant to reciprocal agreement with other states.

DMV will require the applicant for registration to furnish evidence that:

1. State, local and federal taxes levied on the vehicle sought to be registered have been paid; and

2. The vehicle is either registered with the State Corporation Commission (SCC) as required by law or the vehicle is not required by law to be registered with the SCC.

A. Any person seeking to register a motor vehicle, trailer or semitrailer in accordance with the registration provisions cited in the "General Requirements" paragraph above shall certify that:

1. All State, local and federal taxes levied on the vehicle sought to be registered have been paid; and

2. The vehicle is either registered with the SCC as required by law, or is not required by law to be registered with the SCC. Such certification shall be made on a form furnished by DMV, a copy of which is attached to these regulations as Exhibit A.

B. In addition to the certification by the applicant, DMV will verify from records supplied by the taxing authorities and the SCC, that state, and local and federal taxes have been paid, and that proper SCC registration has been obtained as required by law.

If DMV records indicate that taxes assessed against a motor vehicle, trailer or semitrailer have not been paid, the applicant must pay the taxes owed and obtain a receipt from the taxing authority. Such receipt shall identify the owner of the vehicle, the make and identification number of the vehicle and the Virginia title number, and shall indicate that the taxes assessed against the vehicle have been paid in full.

If DMV records indicate that the registration requirements of the SCC have not been satisfied, DMV will not register the motor vehicle, trailer or semitrailer until such time as the SCC verifies by telephone or other direct means of communication that the applicant has complied with the SCC registration requirements.

BOARD OF NURSING HOME ADMINISTRATORS

Title of Regulation: VR 500-01-2. Regulations of the Board of Nursing Home Administrators. REPEALED

Title of Regulation: VR 500-01-2.1. Regulations of the Board of Nursing Home Administrators.

Statutory Authority: § 54.1-3101 of the Code of Virginia.

Final Regulations

Effective Date: August 15, 1990.

Summary:

The regulations are designed to ensure the public protective oversight by providing standards flexible enough to accommodate the needs of the public while being responsive to changes within the industry during the lifetime of the regulations.

These standards set forth (i) qualifications, examination, and licensure of nursing home administrators; (ii) administrator-in-training program requirements and preceptor approvals; (iii) renewals, reinstatements, and fees; (iv) revised public participation guidelines; (v) disciplinary actions; (vi) continuing education requirements; (vii) core of knowledge requirements; and (viii) domains of practice.

Minor changes to the proposed regulations were made for clarity and to relax some provisions found to be unnecessarily restrictive.

VR 500-01-2:1. Regulations of the Board of Nursing Home Administrators.

PART I. GENERAL PROVISIONS.

Article 1. Definitions.

§ 1.1. The following words and terms, when used in these regulations, shall have the following meanings, unless the content indicates otherwise:

"Applicant" means a person applying to sit for an examination or applying for licensure by the board.

"Administrator-in-training program (A.I.T.);" means the apprenticeship program which consists of 2,080 hours of continuous training in nursing home administration in a licensed nursing home.

"Administrator-of-record" means the licensed nursing home administrator designated in charge of the general administration of the facility and identified as such to the facility's licensing agency.

"Administrator-in-training applicant" means a person applying for approval to enter the administrator-in-training (A.I.T.) program.

"Continuing education" means the educational activities which serve to maintain, develop, or increase the knowledge, skills, and performance generally recognized as relevant to the nursing home administrator's professional responsibilities.

"Department" means the Department of Health

Professions.

"Direct supervision" means directing the activities and course of a subordinate's performance.

"Executive director" means the board administrator for the Board of Nursing Home Administrators.

"Full-time employment" means employment of at least 37 1/2 hours per week.

"N.A.B." means the National Association of Boards of Examiners for Nursing Home Administrators.

"National examination" means a test used by the board to determine competency of candidates for licensure.

"Nursing home administrator" means any individual licensed by the Board of Nursing Home Administrators.

"Nursing home" means any public or private facility required to be licensed as a nursing home under the provisions of Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 of the Code of Virginia and the regulations of the Board of Health.

"Preceptor" means a nursing home administrator currently licensed in Virginia approved by the board to conduct [an] administrator-in-training (A.I.T.) program.

"State examination" means a test used by the Board of Nursing Home Administrators to determine competency of a candidate relevant to regulations and laws in Virginia for purposes of licensure.

Article 2. Legal Base.

§ 1.2. The following legal base describes the authority of the Board of Nursing Home Administrators to prescribe regulations governing nursing home administrators in the Commonwealth of Virginia:

Title 54.1:

Chapter 1 (§ 54.1-100 through 54.1-114);

Chapter 24 (§ 54.1-2400 through 54.1-2403);

Chapter 25 (§ 54.1-2500 through 54.1-2510); and

Chapter 31 (§ 54.1-3100 through 54.1-3103)

of the Code of Virginia.

Article 3. Purpose.

§ 1.3. These regulations establish the standards for qualifications, training, examination, licensure, and practice of persons as administrators-in-training; nursing

home administrators; and preceptors in the Commonwealth of Virginia.

Article 4. Applicability.

§ 1.4. Individuals subject to these regulations are (i) nursing home administrators, (ii) applicants, (iii) administrators-in-training, and (iv) preceptors.

Article 5. Public Participation Guidelines.

§ 1.5. Mailing list.

The executive director of the board shall maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. Notice of intent to promulgate regulations:
2. Notice of public hearings or informational proceedings, the subject of which is proposed or existing regulations; and
3. Final regulations when adopted.

§ 1.6. Additions and deletions to mailing list.

A. Any person wishing to be placed on the mailing list shall have his name added by writing to the board.

B. The board may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations.

C. Those on the list may be periodically requested to indicate their desire to continue to receive documents or to be deleted from the list.

D. When mail is returned as undeliverable, persons shall be deleted from the list.

§ 1.7. Notice of intent.

A. At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14.7.1 of the Code of Virginia, the board shall publish a notice of intent.

B. The notice shall contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any persons to provide written comment on the subject matter.

C. The notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

§ 1.8. Informational proceedings or public hearings for

existing rules.

A. At least once each biennium, the board shall conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance.

B. Notice of such proceeding shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

C. The proceeding may be held separately or in conjunction with other informational proceedings.

§ 1.9. Petition for rulemaking.

A. Any person may petition the board to adopt, amend, or delete any regulation.

B. Any petition received within 10 days prior to a board meeting shall appear on the agenda of that meeting of the board.

C. The board shall have sole authority to dispose of the petition.

§ 1.10. Notice of formulation and adoption.

Prior to any meeting of the board or subcommittee of the board at which the formulation or adoption of regulations is to occur, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

§ 1.11. Advisory committees.

The board may appoint advisory committees as it may deem necessary to provide for citizen and professional participation in the formation, promulgation, adoption, and review of regulations.

PART II. OPERATIONAL RESPONSIBILITIES.

Article 1. Posting of License and Licensure.

§ 2.1. An individual shall have a valid nursing home administrator's license issued by the Board of Nursing Home Administrators in order to engage in the general administration of a nursing home.

§ 2.2. Each licensee shall post his license in a main entrance or place conspicuous to the public in the facility in which the licensee is administrator-of-record.

Article 2. Records.

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§ 2.3. Accuracy of information.

A. All changes of mailing address or name shall be furnished to the board within five days after the change occurs.

B. All notices required by law and by these regulations to be mailed by the board to any registrant or licensee shall be validly given when mailed to the latest address on file with the board and shall not relieve the licensee, trainee, or preceptor of the obligation to comply.

PART III. FEES.

Article 1. Initial Fees.

§ 3.1. The applicant shall submit ALL fees below which apply:

1. Application for A.I.T. program\$150
2. Preceptor application fee\$100
3. Application fee for license to practice nursing home administration\$125
4. Fee to sit for state examination\$100
5. Fee to sit for national examination\$150
6. Verification of licensure requests from other states\$ 50

Article 2. Renewal Fees.

§ 3.2. The following annual fees shall be paid as applicable for license renewal:

Nursing home administrator license renewal payable by March 31\$100

EXCEPTION: Nursing home administrators licensed prior to July 1, 1990, shall renew their current licenses on December 31, 1991, and annually on March 31 thereafter.

Preceptor renewal payable by March 31\$ 50

EXCEPTION: Preceptors certified prior to July 1, 1990, shall renew current preceptorship on December 31, 1991, and annually on March 31 thereafter.

Article 3. Reinstatement Fees.

§ 3.3. The following reinstatement fees shall be paid in addition to annual renewal fees for reinstatement of license or preceptorship up to three years following

expiration.

Nursing home administrator reinstatement\$200

Preceptor reinstatement\$ 50

Article 4. Other Fees.

§ 3.4. Duplicates.

Duplicate licenses or wall certificates shall be issued by the board after the licensee submits to the board a signed affidavit that a document has been lost, destroyed, or the applicant has had a name change.

Duplicate license\$ 25

Duplicate wall certificates\$ 50

§ 3.5. Other.

There shall be a fee of \$25 for returned checks.

Fees shall not be refunded once submitted.

PART IV. RENEWALS.

Article 1. Expiration Dates.

§ 4.1. The following shall expire on March 31 of each calendar year:

1. Nursing home administrator license; and

2. Preceptor approval.

§ 4.2. A licensee who fails to renew his license by the expiration date shall have an invalid license.

§ 4.3. A preceptor who fails to renew his approval by the expiration date shall not serve as a preceptor.

Article 2. Renewal and Reinstatement.

§ 4.4. A person who desires to renew his license or preceptor approval for the next year shall, not later than the expiration date:

1. Return the renewal notice;

2. Submit the applicable fee(s) prescribed in § 3.2;

3. Notify the board of any changes in name and address; and

4. Submit the continuing education documentation prescribed in §§ 8.1 through [~~8.6~~ 8.10] of these

regulations.

§ 4.5. A licensee or preceptor may reinstate his license or approval within three years of its expiration date through the following process:

1. Apply for reinstatement;
2. Submit the applicable fee prescribed in § 3.3;
3. Present evidence of attendance at 20 classroom hours per year of continuing education for each year of expiration OR [~~reapply to sit for take and pass~~] the national examination; and
4. Take and pass the state examination.

§ 4.6. When a license or [~~preceptorship~~ approval as a preceptor] is not reinstated within three years of its expiration date, an applicant for licensure or approval as a preceptor shall:

1. Reapply as a new candidate for licensure or approval;
2. Take and pass the national examination;
3. Take and pass the state examination; and
4. Meet all qualifications of the regulations at the time of application.

PART V. REQUIREMENTS FOR LICENSURE.

Article 1. Qualifications.

§ 5.1. One of the following sets of qualifications is required for licensure:

1. Degree and practicum experience.
 - a. Applicant holds a baccalaureate or higher degree in nursing home administration or a health administration field from an accredited college or university; and
 - b. Applicant has completed a 400-hour practicum experience in nursing home administration under the supervision of a licensed nursing home administrator; and
 - c. Applicant has received a passing grade on the state examination and the national examination.

OR

2. Administrator-in-training program.
 - a. Applicant has successfully completed 2,080 hours,

or the approved equivalent thereof (see § 6.3), of continuous training in an A.I.T. program; and

b. Applicant has received a passing grade on the state examination and the national examination.

Article 2. Application Process.

§ 5.2. An individual seeking licensure as a nursing home administrator, approval as a preceptor, or seeking examination/reexamination shall submit simultaneously:

1. Completed and signed application;
2. Additional documentation as may be required by the board to determine eligibility of the applicant; and
3. The applicable fee(s) prescribed in § 3.1.

§ 5.3. All required parts of the application package shall be submitted at the same time. An incomplete package shall be returned.

EXCEPTION: Some schools require that certified transcripts be sent directly to the licensing authority. That policy is acceptable to the board.

National examination scores will also be accepted from the examining authority.

§ 5.4. An applicant for examination shall submit the application package not less than 45 days prior to an examination date.

§ 5.5. Waiver of time limits.

The board may, for good cause, waive the time requirement in § 5.4 for the filing of any application. The burden of proof which demonstrates good cause rests with the applicant.

Article 3. General Examination Requirements.

§ 5.6. Failure to appear.

The applicant shall forfeit the examination fee if unable to sit for the examination for any reason.

§ 5.7. Reexamination.

Any person failing an examination may reapply for a subsequent examination, and shall pay the examination fee prescribed in § 3.1 with each application filed.

§ 5.8. Scheduling early examinations.

A. An applicant may request to take the scheduled examination most closely preceding the expected completion of the required formal education requirement

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or the A.I.T. program.

B. All such requests shall be in writing.

C. Approval of the written request by the board shall be required prior to submitting the application and fee for examination (see §§ 5.2, 5.4 and 3.1.)

D. Application for licensure shall be submitted after the applicant completes the qualifications for licensure.

PART VI.

ADMINISTRATOR-IN-TRAINING PROGRAM.

Article 1.

Trainee Requirements and Application Process.

§ 6.1. To be approved as an administrator-in-training, a person shall:

1. Have received a passing grade on a total of 60 semester hours of education from an accredited college or university;
2. Obtain a preceptor currently approved by the board to provide training;
3. Submit the fee prescribed in subdivision 1 of § 3.1;
4. Submit the completed and signed application; and
5. Submit additional documentation as may be required by the board to determine eligibility of the applicant.

Article 2.

Training Program.

§ 6.2. The A.I.T. program shall consist of 2,080 hours or its approved equivalent (see § 6.3) of continuous training to be completed within 24 months. Extension may be granted by the board on an individual case basis.

§ 6.3. An A.I.T. applicant with prior health care work experience may request approval to receive a maximum 1,000 hours of credit toward the total 2,080 hours as follows:

1. Applicant shall have been employed full-time for four of the past five consecutive years immediately prior to application as an assistant administrator or director of nursing.
2. The employment described above shall have been in a facility as prescribed in § 6.4.
3. Applicants with experience as a hospital administrator shall have been employed full-time for three of the past five years immediately prior to application as a hospital administrator-of-record or an assistant hospital administrator in a hospital setting

having responsibilities in all of the following areas:

- a. Regulatory;
- b. Fiscal;
- c. Supervisory;
- d. Personnel; and
- e. Management.

§ 6.4. Training shall be conducted only in:

1. A nursing home, licensed by the Department of Health, Commonwealth of Virginia; or
2. An institution licensed by the Virginia Mental Health, Mental Retardation and Substance Abuse Services Board in which long-term care is provided; or
3. A certified nursing home owned or operated by an agency of any city, county, or the Commonwealth or of the United States government; or
4. A certified nursing home unit located in and operated by a general or special hospital licensed under procedures of Rules and Regulations for Licensure of General and Special Hospitals of the Virginia Department of Health.

§ 6.5. Training shall be under the direct supervision of a certified preceptor (see §§ 6.8 and 6.9).

§ 6.6. Not more than two A.I.T.'s may be supervised per approved preceptor at any time.

§ 6.7. An A.I.T. shall be required to serve weekday, evening, and weekend shifts to receive training in all areas of nursing home operation.

Article 3.

Qualifications and Application Process to Train: Preceptors.

§ 6.8. An individual shall be approved by the board prior to serving as a preceptor.

§ 6.9. The board shall approve only preceptors to give training who:

1. Have a full, unrestricted, and current Virginia nursing home administrator license;
2. Are employed full-time in the facility where training occurs (see § 6.4);
3. Have served for a minimum of two [of the past three] years immediately prior to the preceptorship as a full-time administrator in accordance with § 6.4

or as an approved preceptor in another state;

4. Submitted the fee prescribed in subdivision 2 of § 3.1;

5. Submitted the completed and signed applications; and

6. Submitted additional documentation as may be required by the board to determine eligibility of the applicant.

Article 4. Administration of A.I.T. program.

§ 6.10. An approved preceptor shall comply with the curriculum for the A.I.T. program developed by the board and shall provide supervision and training as prescribed by the curriculum and these regulations.

§ 6.11. Prior to the beginning of the A.I.T. program, the preceptor shall develop and submit to the board for approval, a training plan including goals and objectives geared to the specific needs of the trainee. These shall be used to assist the A.I.T. in measuring progress in the program.

§ 6.12. The list of goals shall be designed to include the Core of Knowledge described in Appendix I and the Domains of Practice in Appendix II.

§ 6.13. The preceptor shall maintain progress reports on forms prescribed by the board for each month of training.

§ 6.14. The A.I.T.'s certificate of completion plus the accumulated original monthly reports shall be submitted by the preceptor to the board within [10 30] days following the completion of the A.I.T. program.

§ 6.15. If the preceptor fails to submit the reports required in § 6.14, the A.I.T. shall forfeit all credit for training. The board may waive such forfeiture.

§ 6.16. If the A.I.T. program is terminated prior to completion, the trainee and the preceptor shall submit the following information to the board within five working days:

1. Preceptor.

a. All required monthly progress reports prescribed in § 6.13; and

b. Written explanation of the causes of program termination.

2. A.I.T. The A.I.T. shall submit written explanation of the causes of program termination.

§ 6.17. If the program is interrupted because the approved preceptor is unable to serve, the A.I.T. shall

notify the board within five working days and shall obtain a new preceptor.

§ 6.18. Credit for training shall resume when a new preceptor is obtained and approved by the board.

§ 6.19. If an alternate training plan or set of goals is developed, it shall be submitted to the board for approval before A.I.T. resumes training.

PART VII. REFUSAL, SUSPENSION, REVOCATION, AND DISCIPLINARY ACTION.

Article I. Unprofessional Conduct.

§ 7.1. The board may refuse to admit a candidate to any examination; refuse to issue or renew a license or approval to any applicant; and may suspend for a stated period of time or indefinitely, or revoke any license or approval, or reprimand any person, or place his license on probation with such terms and conditions and for such time as it may designate, or impose a monetary penalty for any of the following causes:

1. Conducting the practice of nursing home administration in such a manner as to constitute a danger to the health, safety, and well-being of the residents, staff, or public;

2. Demonstrated inability or unwillingness to maintain a facility in accordance with the Virginia Department of Health Rules and Regulations for the Licensure of Nursing Homes in Virginia;

3. Failure to comply with federal, state, or local laws and regulations governing the operation of a nursing home;

4. Conviction of a felony related to the practice for which the license was granted;

5. Failure to comply with any regulations of the board;

6. Failure to comply with continuing education requirements;

7. Inability to practice with skill or safety because of physical, mental, or emotional illness, or substance abuse.

8. Failure to comply with board's regulations on preceptorship while serving as a preceptor.

PART VIII. CONTINUING EDUCATION.

§ 8.1. As a prerequisite to renewal of a license or reinstatement of a license, each licensee shall be required

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to take [*annual courses continuing education*] related to health care administration. [*A licensee shall take the courses between January 1 and December 31 of each calendar year and submit by January 31 of the following calendar year proof of continuing education as follows:*]

[*1. Administrators licensed for the full calendar year shall attend 20 classroom hours per calendar year of continuing education.*

2. Administrators initially licensed between April 1 and July 1 shall attend 10 classroom hours of the initial continuing education.

3. Administrators initially licensed between August 1 and December 31 shall not be required to attend continuing education.]

§ 8.2. Continuing education shall consist of training programs, seminars, and workshops directly related to the following:

1. Nursing home administration;
2. Personnel;
3. Long term care;
4. Health care;
5. Safety;
6. Finance;
7. Resident care;
8. Physical resource management;
9. Laws, regulatory codes, and governing boards;
10. Courses to gain knowledge in departmental areas;
11. Core of Knowledge in Appendix I; and
12. Domains of Practice in Appendix II.

[§ 8.3. Effective January 1, 1991, an administrator who holds a license on January 1 of any calendar year shall attend 20 classroom hours per calendar year of continuing education.

EXCEPTION: An administrator who held a license between January 1, 1990, and May 31, 1990, shall be required to complete 15 classroom hours of continuing education for 1990 only.

§ 8.4. Effective January 1, 1991, an administrator initially licensed between April 1 and August 1 of any calendar year shall attend 10 classroom hours of continuing education for the calendar year in which initial licensure took place.

§ 8.5. Effective January 1, 1991, an administrator initially licensed between August 1 and December 31 shall not be required to attend continuing education for the calendar year in which initial licensure took place.

EXCEPTION: An administrator who was licensed between June 1, 1990, and December 31, 1990, shall not be required to submit any evidence of continuing education during 1990 only.

§ 8.6. The continuing education hours shall be current to the calendar year in which they were required.

§ 8.7. Continuing education hours shall be submitted to the board no later than January 31 of the calendar year following the December 31 deadline requirement.]

[~~§ 8.3.~~ § 8.8.] Administrators shall submit evidence of having obtained continuing education credit by:

1. Forwarding copies of certificates or transcripts issued by the course provider; and
2. Forwarding an affidavit of completion signed by the administrator on forms provided by the board.

[~~§ 8.4.~~ § 8.9.] Only classroom hours shall be accepted.

[~~§ 8.5.~~ § 8.10.] Credit shall only be given for 30-minute increments.

[~~§ 8.6.~~ § 8.11.] The continuing education hours shall be current to the calendar year in which they were required.

APPENDIX I. CORE OF KNOWLEDGE.

The Core of Knowledge referred to in this program consists of the disciplines under the federal guidelines:

A. Applicable standards of environmental health and safety.

1. Knowledge of local, state and federal regulations applicable to nursing homes.

2. Resources: Local and state health departments, local state regulatory agencies, and federal regulatory agencies.

B. Local and state health and safety regulations.

C. General administration.

D. Psychology of patient care.

Resources: Staff, patient, and advisory physicians; social worker and patient's social history; principles and techniques of long term care nursing (director of nursing, nursing supervisors).

E. Principles of medical care.

1. Resources: Medical director, staff, patient, and advisory physicians/medical colleges, especially those offering degree programs in health care administration or long-term health care.

F. Personal and social care.

G. Therapeutics and supportive care and services in long term care.

1. Resources: Dietary, physical therapy, occupational therapy, clinic, social services, volunteers, family, and pharmacist.

H. Departmental organization and management administrator, advisor physicians, director of nursing, food service manager, laundry and housekeeping supervisor, and maintenance supervisor.

I. Community Interrelationships.

- 1. Hospitals*
- 2. Hospice programs*
- 3. Other nursing homes*
- 4. Home for adults*
- 5. Retirement or life care communities*
- 6. Home health care*
- 7. Health Department*
- 8. Social service agencies*
- 9. Department for the Aging*
- 10. Area Agencies on Aging*
- 11. Clinics*
- 12. Physicians*
- 13. Medical societies*
- 14. Regulatory agencies*
- 15. Long term care professional associations*
- 16. Advocates for the aged*
- 17. Ombudsman*
- 18. Volunteers*
- 19. Educators*

20. Schools

21. Religious communities

*APPENDIX II.
DOMAINS OF PRACTICE.*

CODE	SUBJECT CATEGORY
10.00	PATIENT CARE
10.10	Nursing Services
10.20	Social Services
10.30	Food Services
10.40	Physician Services
10.50	Social and Therapeutic Recreational Activities
10.60	Medical Records
10.70	Pharmaceutical Services
10.80	Rehabilitation Services
20.00	PERSONNEL MANAGEMENT
20.10	Maintaining positive atmosphere
20.20	Evaluation Procedures
20.30	Recruitment of Staff
20.40	Interviewing Candidates
20.50	Selecting Future Candidates
20.60	Selecting Future Employees
20.70	Providing Staff Development & Training Activities
20.80	Health and Safety
30.00	FINANCIAL MANAGEMENT
30.10	Budgeting
30.20	Financial Planning
30.30	Asset Management
30.40	Accounting
40.00	MARKETING AND PUBLIC RELATIONS
40.10	Public Relations Activities

Final Regulations

- 40.20 *Marketing Program*
- 50.00 *PHYSICAL RESOURCE MANAGEMENT*
- 50.10 *Building & Grounds Maintenance*
- 50.20 *Environmental Services*
- 50.30 *Safety Procedures and Programs*
- 50.40 *Fire and Disaster Plans*
- 60.00 *LAWS, REGULATORY CODES &
GOVERNING BOARDS*
- 60.10 *Rules and Regulations*
- 60.20 *Governing Boards*

Commonwealth of Virginia
 Virginia Department of Health Professions
 Board of Nursing Home Administrators
 Koger Center - West, Surry Building
 1601 Rolling Hills Drive
 Richmond, Virginia 23229-5005
 (804) 662-7390

APPLICATION FOR LICENSURE FEE: \$125

1. Full Name of Applicant _____ SSN: _____
2. Address of Applicant _____
 (street)

 (city) (state) (zip code) (telephone no.)
3. Date of Birth _____ 4. Place of Birth _____
5. Name of Nursing Home Facility _____
 Address of Facility _____
 (street)

 (city) (state) (zip code) (telephone no.)
6. ALL PREVIOUS EMPLOYMENT
 (You must attach letters of verification for each position held,
 including job title, duties and dates of employment.)

Dates	Names of licensed nursing home	Name of administrator	Duties performed
From To			

MAKE CHECKS PAYABLE TO "TREASURER OF VIRGINIA"

7. Education

Names/Address of Schools	Courses Taken or Major	Dates Attended	Graduated Yes No	Degree Received

NOTE: Certified college transcript must accompany application.

8. Are you currently registered as a nursing home administrator in any other state? Name of State(s) _____
 Name of state of original license _____ Lic. NO. _____
 By Examination _____ Other _____

9. AFFIDAVIT

I am of good moral character and have never been convicted of a crime.

Having conformed to all the requirements of the law, and answered all of the questions contained herein, I hereby agree to appear before you whenever required to do so, and submit such additional evidence as may be required of me and agree to abide with all rules and regulations of the Board.

Signature of Applicant _____ Legal Address _____

 Date _____

State of Virginia

City/County of _____

Before me, a _____ in and for the _____

and State aforesaid, personally appeared _____, known to me to be the person named, and being duly sworn, deposes and says, that he/she is a person of good moral character, that the signature hereto is his/her own signature, and that each and every statement made in this application (*including the several parts hereto attached and which form a part hereto) was made by him/her, and is in all respects true and correct to the best of his/her knowledge and belief.

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

Signature of Notary Public _____ My Commission expires _____

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
 BOARD OF NURSING HOME ADMINISTRATORS
 KOGER CENTER-WEST, SURRY BUILDING
 1601 ROLLING HILLS DRIVE
 RICHMOND, VIRGINIA 23229-5005 (804)662-7390
 APPLICATION FOR ADMINISTRATOR-IN-TRAINING Fee: \$100

1. NAME _____
 (Last) (First) (Middle) (Maiden)
2. ADDRESS (HOME) _____
 (Street) (City) (State) (Zip Code)
- (BUSINESS) _____
 (Street) (City) (State) (Zip Code)
3. Telephones Home: Area Code _____ No. _____ Business: Area Code _____ No. _____
4. Date of Birth _____ 5. Place of Birth _____
 (Month) (Day) (Year) (Age) (City) (State)
6. Social Security No. _____ GA. Preceptor's Name _____ No. _____

7. Employment History for past five years, including present employment and Military Experience, if any. (Give most recent experience first)

Dates		Employers	Title and Description	Number and Type
From	To	Name, Address, Type of Business	of Duties Performed	Employ. Supervise

8. EDUCATION

Names/Address of Schools	Courses Taken or Major	Dates Attended	Graduated		Degree Received
			Yes	No	

NOTE: Certified college transcript must accompany application.

9. Have you been convicted, or is trial pending, for committing a crime, felony or misdemeanor? Yes _____ No _____ If yes, explain _____
10. Are you physically or mentally impaired in any way? Yes _____ No _____ If yes, explain _____
11. Have you ever been treated for illness caused by excessive use of alcohol, drugs or narcotics? Yes _____ No _____ If yes, explain _____
12. How many years experience do you have in health care administration? _____
13. Are you currently registered as a Nursing Home Administrator in any other state? _____
 Name of State (s) _____
 Date of original license _____ License No. _____
 By Examination (Day) (Month) (Year) _____
 Other _____
 Is registration current? _____
14. Have you applied for licensing by examination in any state or states for licensure as a Nursing Home Administrator? Yes _____ No _____
 State (s) _____
15. Have you ever failed examination or been refused license by examiner by any state? If so, give details _____
16. Have you ever had a certificate or Professional license refused, revoked or suspended? _____ If so, give details _____

AFFIDAVIT OF APPLICATION

I, _____, under oath, do promise and swear that if this application is accepted and I should be granted a license to practice as a Nursing Home Administrator in this state, I will obey the laws of the State, the Rules and Regulations of the Board of Examiners for Nursing Home Administrators, and maintain the honor and dignity of the Profession.

It is understood and agreed that if I should fail to keep the above agreement, or if I have made any false statements in this application that my license may be suspended or revoked by the Board at anytime.

I further state that all statements made by me in this application are true and correct.

Subscribed and sworn to before me this _____ day of _____, 19____
 Signature of Applicant
 Signature of Notary Public My Commission expires _____

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
 BOARD OF NURSING HOME ADMINISTRATORS
 KOGER CENTER-WEST, SURRY BUILDING
 1601 ROLLING HILLS DRIVE
 RICHMOND, VIRGINIA 23229-5005 (804)662-7390
 Request for Participation in a Modified
 Administrator-in-Training Program

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
 BOARD OF NURSING HOME ADMINISTRATORS
 KOGER CENTER-WEST, SURRY BUILDING
 1601 ROLLING HILLS DRIVE
 RICHMOND, VIRGINIA 23229-5005 (804)662-7390
 ADMINISTRATOR-IN-TRAINING CHECKLIST

Name: _____ S. S. # _____
 Address: _____ Telephone # _____

Date: _____

Hours of Exemption Requested:

Non-Professional _____

Professional _____

Hospital Administrator _____

Reason(s) for request: _____

Have you worked in a licensed Virginia nursing home four (4) out of the last five (5) years? Yes _____ No _____ If yes where? _____

WRITTEN SUPPORT REQUIRED SIGNED BY APPROPRIATE OFFICIAL.

AFFIDAVIT: To be executed by applicant and Notary Public.

STATE OF _____

CITY/COUNTY OF _____

_____, being first duly sworn, deposes and says: I have read the contents hereof, and to the best of my knowledge and belief the foregoing statements are true in substance and effect and are made in good faith.

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

 Signature of Applicant

My commission expires _____

 Signature of Notary Public

INSTRUCTIONS: AN ORIGINAL CUMULATIVE report is to be kept in the Administrator-in-Training's personal folder throughout the program. As training experiences are completed, the date of completion is to be indicated by the preceptor in the appropriate space. A photo-copy of this cumulative report must be submitted with the monthly reports. At the completion of the program, the original cumulative report is to be signed and dated and mailed to the Board with the final report.

SUBJECTS	DATE COMPLETED
I. Areas Relating to Health and Safety:	
A. Hygiene and Sanitation	_____
B. Communicable Diseases	_____
C. Management of Isolation	_____
D. The Total Environment	_____
E. Elements of Accident Prevention	_____
F. Special Architectural Needs	_____
G. Drug Handling and Control	_____
H. Safety Factors in Oxygen Usage	_____
I. Local Health and Safety Regulations	_____
J. State Health and Safety Regulations	_____
II. General Administration:	
A. Institutional Administration	_____
B. Management Process	_____
C. Human Relations	_____
D. Training of Personnel	_____
E. Criteria for Coordinating Establishment of Departmental and Unit Objectives	_____
F. Reporting and Accountability of Individual Departments to Administrator	_____
G. Criteria for Departmental Evaluation	_____
H. Techniques of Providing Adequate Professional, Therapeutic, Supportive, and Administrative Services	_____
I. Relating Matters of Organization and Management	_____

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH PROFESSIONS
BOARD OF NURSING HOME ADMINISTRATORS
KOGER CENTER-WEST, SURRY BUILDING
1601 ROLLING HILLS DRIVE
RICHMOND, VIRGINIA 23229-5005 (804) 662-7390
PRECEPTOR'S REPORT AND EVALUATION OF TRAINING FORM

SUBJECTS	DATE COMPLETED
III. Patient Care:	
A. Medical Care	_____
B. Personal and Social Care	_____
C. Psychological Aspects	_____
IV. Personal, Social, Therapeutic and Supportive Care and Services:	
A. Individual Care Planning as it Embraces all Therapeutic Care and Supportive Services	_____
B. Meaningful Observations of Patient Behavior as Related to Total Patient Care	_____
C. Interdisciplinary Evaluation and Revision of Patient Care Plans and Procedures	_____
D. Unique Aspects and Requirements of Geriatric Patient Care	_____
E. Professional Staff Interrelationships with Patient's Physician	_____
F. Professional Ethics and Conduct	_____
G. Rehabilitative and Remotivational Role of Individual Therapeutic and Supportive Services	_____
H. Psychological, Social, and Religious Needs	_____
I. Needs for Dental Services	_____
V. Community Resources:	
A. Community Medical Care, Rehabilitative and Social Services Resources	_____
B. Other Community Resources	_____
C. Third Party Payment Organizations	_____
D. Health Service Agencies	_____
E. Volunteers and Auxiliaries	_____

Name of A.I.T. _____ Certificate No. _____
(first) (middle) (last)

Place of Training _____
(name of nursing home)

Address of Nursing Home _____
(city) (state) (zip) (county)

This monthly report covers the period of: _____ to _____
(beginning date) (final date)

My evaluation of the above A.I.T. is: (A-Excellent; B-Good; C-Fair)
(Circle appropriate letter)

1. Ability to meet people	A	B	C
Ability to cooperate	A	B	C
Ability to work with others	A	B	C
2. Attitude toward patients	A	B	C
Attitude toward employees	A	B	C
Attitude toward Preceptor	A	B	C
Attitude toward instruction	A	B	C
3. Personal self-confidence	A	B	C
Personal self-discipline	A	B	C
Personal cleanliness	A	B	C
Personal hygiene	A	B	C
4. Ability to comprehend	A	B	C
Ability to be instructed	A	B	C
Ability to receive criticism	A	B	C
Ability to instruct others	A	B	C
5. Interest in profession	A	B	C
Interest in allied professions	A	B	C
Interest in patients	A	B	C
Interest in employees	A	B	C

The above is my evaluation of, and I have also read the Administrator-in-Training Monthly report of _____ whose training I have supervised since _____
and consider them to be correct statements of facts. (date)

Date _____
Signature of Preceptor _____
License No. _____

(use reverse side of this sheet for any additional comments)

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
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 RICHMOND, VIRGINIA 23229-5005 (804)662-7390

NURSING HOME ADMINISTRATOR-IN-TRAINING
 QUARTERLY REPORT FORM

Name of Administrator-in-Training		Preceptor	
Name of Facility	Address	Phone No.	
Subject Matter Completed:			
Subject Reporting on:			
Are you assuming any other responsibilities in the nursing home during In-Training work period? If yes, explain: Yes ___ No ___			
SPECIAL PROJECTS:			
<input type="checkbox"/> Attended Board approved seminars (Explain) _____			
<input type="checkbox"/> Enrolled in college sponsored courses (Explain) _____			
<input type="checkbox"/> Other (Explain) _____			

I have read the foregoing report of the trainee and the supplemental attachments thereto and, to the best of my knowledge, they are correct.

Signature of Administrator-in-Training _____ Date _____
 Signature of Supervising Administrator _____ Date _____

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF HEALTH PROFESSIONS
 BOARD OF NURSING HOME ADMINISTRATORS
 KOGER CENTER-WEST, SURRY BUILDING
 1601 ROLLING HILLS DRIVE
 RICHMOND, VIRGINIA 23229-5005 (804)662-7390
 NOTICE OF CHANGE OF STATUS AND/OR DISCONTINUANCE IN AIT PROGRAM

FROM _____ as A-I-T or Preceptor _____
 N.H.A. License No. _____

Serving with _____ as A-I-T or Preceptor _____
 N.H.A. License No. _____

At _____
 (Name of Nursing Home) Home Number _____

Address of Nursing Home _____

I, separately and independently, do hereby notify the Board of the following change(s):

CHANGE(S): (Check all pertinent ones) EFFECTIVE DATE

Change of preceptor made _____ Change of preceptor requested _____

Discontinuance of internship as Administrator-in-Training _____

Withdrawal as certified preceptor from A-I-T Program _____

Other (specify) _____

REASONS AND COMMENTS _____

(If more space is needed, please use additional paper)

SIGNATURE _____ N.H.A. License No. _____ Date of Report _____
 A-I-T or Preceptor

ADMINISTRATOR-IN-TRAINING PROGRAM
CERTIFICATE OF COMPLETION

Commonwealth of Virginia
Virginia Department of Health Professions
Board of Nursing Home Administrators
Koger Center - West, Surry Building
1601 Rolling Hills Drive
Richmond, Virginia 23229-5005
(804) 662-7390

Fee: \$50.00

Date _____

Applicant _____ License No. _____

Address _____ City _____

Telephone _____ Area Code _____

Date of State Board Examination _____

Date of A.I.T Period: Started _____ Completed _____

Facility _____

Address _____ City _____

Telephone _____ Area Code _____

Administrator _____ License No. _____

Hours of Certification in Each Area:

Department	Weeks	Hours	Dates
I. Health and Safety	_____	_____	_____
II. General Administration	_____	_____	_____
III. Patient Care	_____	_____	_____
IV. Personal, Social, Therapeutic and Supportive	_____	_____	_____
V. Community Resources	_____	_____	_____

I, being a duly licensed nursing home administrator in the state, do hereby personally certify that the above applicant has served in the capacity of an "Administrator-in-Training" on a full-time basis for the period indicated and that the applicant did in fact serve in the above specified departments for the specified time and on the dates indicated above. I further understand that certification of an untruth may result in revocation of my license and the privileges thereto.

COUNTY/CITY OF _____
STATE OF _____ Nursing Home Administrator

Sworn to and subscribed before me this _____ day of _____, 19____.

Notary Public

SEAL

My commission expires _____

APPLICATION FOR PRECEPTOR CERTIFICATION
(Please type or print. Answer all questions in full)

TO THE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS:

I hereby make application for certification as a preceptor in the Administrator-in-training program pursuant to the applicable regulations as enacted by the Board.

PART I - PERSONAL DATA

Full Name of Applicant: LAST		FIRST	MIDDLE/MAIDEN NAME	S. S. #
RESIDENCE ADDRESS				
Street # and Name or RFD	City	County	State	Zip
				Telephone Number ()

ANSWER EACH OF THE FOLLOWING QUESTIONS BY CHECKING EITHER "YES" OR "NO":

- Yes No - Have you ever been convicted of a felony?
- Yes No - Is there any criminal charge, other than a traffic violation, now pending against you?
- Yes No - Were you licensed as a Nursing Home Administrator in Virginia?
License Number _____ Date Issued _____
- Yes No - Were you licensed as a Nursing Home Administrator in any other State?
If "Yes", give _____
State License Number Date Issued
- Yes No - Has any application for a Nursing Home Administrator's license ever been denied?
- Yes No - Has your Nursing Home Administrator's license ever been suspended or revoked?
- Yes No - Have you ever been qualified as a preceptor in another state?
Date: _____
- Yes No - Have you ever been rejected as a preceptor in another State?

IF YOUR ANSWER TO ANY OF THE ABOVE QUESTIONS IS "YES", EXPLAIN FULLY ON A SEPARATE SHEET OF PAPER.

USE AS MANY SEPARATE SHEETS AS NECESSARY AND WRITE YOUR NAME AND SOCIAL SECURITY NUMBER ON EACH ONE.

*Additional information not needed.

PART II - EDUCATION

(A) Education following original date of licensure - Special Courses in subjects relating to Administration/Operation of a Nursing Home (e.g. Continuing Education Programs, Institutes, Workshops, etc.)

School or Sponsoring Agency - Location	Course Title	Year Attended	Number Hours in Session

PART III - WORK EXPERIENCE

List your present or most recent job first and work backward to account for all jobs since date of original licensure. If your duties and title changed in the course of your service in any one organization, indicate such changes clearly and as separate employment periods. Attach extra sheets if necessary to describe additional duties for any one job or for additional jobs.

- A. Administrator of a licensed Nursing Home Facility (Chief Administrative Officer).
- B. Nursing Home Administrator other than Chief Administrative Officer.
- C. Administrative/management experience in other types of health facilities.
- D. Other types of Administrative/Management experience.
- E. Experience other than Administrative/Management types.

PRESENT OF MOST RECENT JOB

Length of Employment Job Title No. Hrs/Wk. Immediate Supervisor

From: Mo. Yr. Name

To: Mo. Yr. Title

DUTIES PERFORMED (if supervisory, indicate extent of supervision) Place of Employment Name

Street Address City Zip Code

State Area Code Phone No.

Reason for job change:

If Nursing Home, check if ICF SNH ECF

Length of Employment Job Title No. Hrs/Wk. Immediate Supervisor

From: Mo. Yr. Name

To: Mo. Yr. Title

DUTIES PERFORMED (if supervisory, indicate extent of supervision) Place of Employment Name

Street Address City Zip Code

State Area Code Phone No.

Reason for job change:

If Nursing Home, check if ICF SNH ECF

Length of Employment Job Title No. Hrs/Wk. Immediate Supervisor

From: Mo. Yr. Name

To: Mo. Yr. Title

DUTIES PERFORMED (if supervisory, indicate extent of supervision) Place of Employment Name

Street Address City Zip Code

State Area Code Phone No.

Reason for job change:

If Nursing Home, check if ICF SNH ECF

Length of Employment Job Title No. Hrs/Wk. Immediate Supervisor

From: Mo. Yr. Name

To: Mo. Yr. Title

DUTIES PERFORMED (if supervisory, indicate extent of supervision) Place of Employment Name

Street Address City Zip Code

State Area Code Phone No.

(B) Special Qualifications and Activities - List Professional Memberships and Activities, Community and Service Group Participation, Offices held and Dates of Office

Name of Organization	Office Held	Dates

USE ADDITIONAL SHEETS IF NECESSARY

Final Regulations

PART IV - AFFIDAVIT OF APPLICANT

State of _____ ss
City of _____

I hereby certify that, to the best of my knowledge and belief, there are no misrepresentations or falsifications in the statements and answers I have given in this application or in any other documents or papers appended hereto.

Applicant's Signature _____

Subscribed and sworn to before me this _____ day of _____, 19____

Signature of Notary Public _____

My Commission expires _____, 19____

EMERGENCY REGULATIONS

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: VR 460-04-8.5. Emergency Regulation for Home and Community Based Ventilator Services for Technology Assisted Individuals.

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

Effective Dates: June 22, 1990 through June 21, 1991.

Summary:

1. **REQUEST:** The Governor's approval is hereby requested to adopt the emergency regulation entitled Home and Community Based Services for Technology Assisted Individuals. This policy will enable this Department to render medical services to technology assisted children who otherwise would require prolonged institutionalization.

2. **RECOMMENDATION:** Recommend approval of the Department's request to take an emergency adoption action regarding Home and Community Based Services for Technology Assisted Individuals. The Department intends to initiate the public notice and comment requirements contained in the Code of Virginia § 9-6.14:7.1.

/s/ Bruce U. Kozlowski, Director
Date: May 18, 1990

CONCURRENCES:

Concur

/s/ Howard M. Cullum
Secretary of Health and Human Resources
Date: May 29, 1990

4. **GOVERNOR'S ACTION:**

Approve

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

5. **FILED WITH:**

/s/ Joan W. Smith
Registrar of Regulations
Date: June 22, 1990 - 2:17 p.m.

DISCUSSION

6. **BACKGROUND:** Since December, 1988, the Department of Medical Assistance Services (DMAS) has provided home-based services under a § 1915 waiver from the Health Care Financing Administration (HCFA) to individuals younger than 21 who are

ventilator dependent and whose care, otherwise, would require prolonged institutionalization. Section 1915(c) of the Social Security Act authorized states to target these services to specific individuals, without providing the services to the entire Medicaid eligible population, by waiving the Medicaid comparability requirements. The 1990 General Assembly directed DMAS to seek expansion of the current waiver to include persons dependent on other types of technology. On April 26, 1990, HCFA approved that request. Therefore, DMAS is submitting to the Governor this request for approval to take an emergency regulation adoption action.

Without an emergency regulation, this amendment to the Home and Community Based Ventilator Services program cannot become effective until the publication and concurrent comment and review period requirements of the APA's Article 2 are met. This emergency regulation is needed to meet the health care needs immediately of the several children who have already been identified.

Under the original waiver, DMAS provided in-home nursing care, respite care, and purchase/rental of apnea monitors to ventilator dependent children. Without the availability of these waived services, the target population would receive care in only acute care facilities, nursing homes, or rehabilitative centers, at much higher costs to Medicaid. These institutional settings do not foster the children's normal growth and development and impede natural familiar bonding. In addition, the currently operational waiver allows only certain hospital-based entities to contract with DMAS for provision of Health Care Coordination and, therefore, limits statewide service availability.

Under the expanding waiver, DMAS will provide coverage for the necessary nutritional (non-legend drug) supplements only for persons receiving other waiver services. Nutritional supplements are not routinely covered under the State Plan for Medical Assistance. This amendment also broadens the range of providers which may render Health Care Coordination services (the assessment, plan of care development, and monitoring of services necessary to successful home-based care delivery). The expanded waiver also contains some technical corrections to recipient eligibility requirements

In developing this amended waiver service, DMAS consulted with health care professionals in acute care settings rendering care to technology assisted individuals, other state agencies experienced in providing home-based waiver services and health care professionals in the health care coordination field.

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

Emergency Regulations

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

Chapter 972 of the Code of Virginia requires DMAS to submit to the Secretary of Health and Human Services a request for a home and community based care waiver under § 1915 (c) of the Social Security Act to provide services to technology assisted children. This request was approved on April 26, 1990.

8. FISCAL/BUDGETARY IMPACT: The Department estimates that this amended regulation will enable DMAS to have the capacity to serve an additional 21 individuals in calendar year 1990 and an additional 32 individuals in calendar year 1991.

Expenditures on community-based and other medical services these individuals will receive under the waiver and waiver administration will be offset by savings in acute care services already included in the Department's services budget for this period. The net impact is expected to be budget neutral.

The Department estimates that as many as five additional providers will meet the DMAS requirements for provision of Health Care Coordination and may wish to contract with DMAS. Health Care Coordination is reimbursed as an administrative prescreening and utilization review function. Monies have been appropriated in the administrative budget for the additional number of individuals for whom Health Care Coordination would be required.

9. RECOMMENDATION: Recommend approval of this request to take an emergency adoption action to become effective upon its adoption and filing with the Registrar of Regulations. From its effective date, this regulation is to remain in force for one full year or until superseded by final regulations promulgated through the APA. Without an effective regulation, the Department would lack the authority to provide home-based services to technology assisted children.

10. Approval Sought for VR 460-04-8.5.

Approval of the Governor is sought for an emergency modification of the Department's Home and Community Based Services regulations in accordance with the Code of Virginia § 9-6.14:4.1(C)(5) to adopt the following regulation:

VR 460-04-8.5. Emergency Regulation for Home and Community Based Ventilator Services for Technology Assisted Individuals.

§ 1. Definitions.

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

"DMAS" means the Department of Medical Assistance Services.

"Health care coordinator" means the health care professional, designated by the ~~hospital~~ *hospital provider contracted with DMAS to perform Health Care Coordination* as responsible for ensuring that the assessment, care planning, monitoring, and review activities as required by DMAS are accomplished.

"Health care coordination" means a comprehensive needs assessment, determination of cost effectiveness, and the coordination of the service efforts of multiple providers in order to avoid duplication of services and ensure the individual's access to and receipt of needed services.

"Medical equipment and supplies" means those articles prescribed by the attending physician, generally recognized by the medical community as serving a diagnostic or therapeutic purpose and as being a medically necessary element of the home care plan. Items covered are those not already available under other services covered by the Plan.

"Plan of Care" means the written plan of services and supplies certified by the attending physician needed by the individual to ensure optimal health and safety for an extended period of time.

"Private duty nursing" means individual and continuous nursing care provided by a registered nurse or a licensed practical nurse under the supervision of a registered nurse.

"Providers" means those individuals or facilities registered, licensed, and/or certified, as appropriate, and enrolled by DMAS to render services to Medicaid recipients eligible for services.

"Respite care services" means temporary skilled nursing services designed to relieve the family of the care of the ~~ventilator dependent~~ *technology assisted* individual (up to age 21) for a short ~~period(s)~~ *period or periods* of time (a maximum of 15 days per year or 360 hours per 12-month period). Respite care must be provided in the home of the individual's family or caretaker.

"Routine respiratory therapy" means services that can be provided on a regularly scheduled basis. Therapy interventions may include: (i) monitoring of oxygen in blood; (ii) evaluation of pulmonary functioning; and (iii) maintenance of respiratory equipment.

"State Plan for Medical Assistance" or "the Plan" means

the document containing the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

"Technology assisted" means any child, younger than 21 years, defined as chronically ill or severely impaired whose illness or disability would in the absence of home care services, precipitate admission to or prolong that child's stay in a hospital, nursing facility, or other long-term care facility. This individual must need both a medical device to compensate for the loss of a vital body function and substantial and ongoing nursing care to avert death or further disability. The technology assisted child shall include one or more of the following categories:

1. Children depending at least part of each day on mechanical ventilators.
2. Children requiring prolonged intravenous administration of nutritional substances or drugs.
3. Children having daily dependence on other device-based respiratory or nutritional support, including tracheostomy tube care, suctioning, oxygen support, or tube feeding.

§ 2. Coverage statement.

A. Coverage shall be provided under the administration of the Department of Medical Assistance Services DMAS for certain ~~ventilator dependent~~ *technology assisted* individuals up to the age of 21 who would otherwise remain in hospitals.

B. The objective of this waiver is to provide for medically appropriate and cost-effective coverage of services necessary to maintain these individuals in the community.

C. Coverage shall not be provided for these services in board and care facilities.

D. Coverage shall be provided for private duty nursing, respite care, *nutritional supplements (non-legend drugs)* and medical supplies and equipment not otherwise available under the State Plan. All such services shall be covered only in the individual's home.

§ 3. Covered services and provider requirements.

A. Private duty nursing service shall be covered for individuals up to the age of 21 qualified for ~~ventilator technology assisted~~ *waiver services*. This service shall be provided only through a home health agency certified by the Virginia Department of Health for Medicaid participation, and with which DMAS has a contract for private duty nursing. At a minimum the private duty nurse shall either be a licensed practical nurse or a registered nurse with a current and valid license issued by the Virginia State Board of Nursing.

1. During the first 30 days after the individual's discharge from the hospital admission to the waiver service, private duty nursing is covered for 24 hours per day if needed and appropriate to assist the family in adjustment to the care associated with ~~ventilator dependency technology assistance~~. After 30 days, private duty nursing shall be reimbursed for a maximum of 16 hours per 24 hour period. The department may grant individual exceptions to these maximum limits based on documented emergency needs of the individual and continued aggregate cost effectiveness of community services.

2. If the individual is weaned from the ~~ventilator technology~~, reimbursement may be available for private duty nursing for a maximum of 16 hours per 24 hour period not to exceed two weeks from the date the attending physician certifies the cessation of ~~ventilator dependency technology assistance~~.

3. The hours of private duty nursing shall be limited by medical necessity and cost effectiveness.

B. Respite care service shall be covered for individuals up to the age of 21 who are qualified for ~~ventilator technology~~ services. This service shall be provided by skilled nursing staff (registered nurse or licensed practical nurse licensed to practice in the Commonwealth) under the direct supervision of a home health agency certified by the Virginia Department of Health for Medicaid participation and with which DMAS has a contract to provide private duty nursing.

C. Durable medical equipment and supplies not otherwise covered in the State Plan shall be provided for individuals qualified for ~~ventilator technology~~ services. This service shall be provided by persons qualified to render it.

1. Durable medical equipment and supplies shall be necessary to maintain the individual in the home environment.

a. Medical equipment and supplies shall be prescribed by the attending physician and included in the Plan of Care, and shall be generally recognized as serving a diagnostic or therapeutic purpose and being medically necessary for the home care of the individual.

b. Vendors of durable medical equipment and supplies related to the ~~ventilator technology~~ upon which the individual is dependent shall have a contract with DMAS to provide services.

c. In addition to providing the ventilator or other respiratory-devised support and associated equipment and supplies, the vendor providing the ventilator must ensure the following:

- (1) 24 hour on-call for emergency services;

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(2) Technicians to make regularly scheduled maintenance visits at least every 15 days and more often if called;

(3) Replacement or repair of equipment and supplies as required; and

(4) Respiratory therapist registered or certified with the National Board for Respiratory Care (NBRC) on-call 24 hours per day and stationed within two hours of the individual's home to facilitate immediate response. The respiratory therapist shall be available for routine respiratory therapy as well as emergency care. In the event that the Commonwealth of Virginia Board of Health Professions Department of Health Professions implements through state law a regulation requiring registration, certification and/or licensure for respiratory therapists to practice in the Commonwealth, DMAS shall require all respiratory therapists providing services to this ventilator dependent technology assisted population to be duly registered, licensed and/or certified.

2. Medical equipment and supplies include:

a. All durable medical equipment and supplies which are covered under the State Plan. See the attachment listing for specific items which are covered.

b. Apnea monitor.

D. Nutritional Supplements (non-legend drugs) shall be covered for those individuals for whom the physician has determined that these are medically necessary and who are receiving other waiver services.

§ 4. Provider reimbursement.

A. All private duty nursing services shall be reimbursed at an hourly negotiated fee.

B. Respite care shall be reimbursed at an hourly negotiated fee.

C. Prior approval by DMAS shall be required for all durable medical equipment and other medically related supplies furnished under this program before the individual's discharge from the hospital admission to waiver services and before reimbursement. If additional equipment and supplies are needed following the individual's discharge from the hospital admission to waiver services, the Health Care Coordinator shall obtain DMAS' approval. This prior authorization requirement shall apply to all durable medical equipment and supplies that are covered under the State Plan or the waiver.

D. Prior approval by DMAS shall be required for nutritional supplements furnished under this program before the individual's admission to waiver services and

before reimbursement. If nutritional supplements are needed following the individual's admission to waiver services, the Health Care Coordinator must obtain DMAS' approval.

§ 5. Patient qualification and eligibility requirements.

A. Medicaid eligible individuals younger than 21 shall be entitled to this service based on the anticipated cost to Medicaid of home care being less than the anticipated cost to Medicaid of the individual remaining in the hospital and based on continued aggregate cost effectiveness of community services.

B. The individual shall have a live-in primary care giver who accepts responsibility for the individual's health and welfare.

C. These services shall not be available to individuals receiving care in of general acute care hospitals, skilled nursing facilities, intermediate care facilities, or intermediate care facilities for the mentally retarded.

D. Virginia will apply the financial eligibility criteria contained in the State Plan for the categorically needy and the medically needy. Virginia has elected to cover the optional categorically needy group under 42 CFR 435.211, 435.231 and 435.217. The income level used for 435.211, 435.231 and 435.217 is 300% of the current Supplemental Security Income payment standard for one person.

1. Under this waiver, the coverage groups authorized under § 1902(a)(10)(A)(ii)(VI) of the Social Security Act will be considered as if they were institutionalized for the purpose of applying institutional deeming rules. The medically needy individuals participating in the waiver will also be considered as if they were institutionalized for the purpose of applying the institutional deeming rules.

2. Virginia will treat the income of an eligible individual who receives home and community-based care services under 42 CFR 435.217 using the methodology in 42 CFR 435.735 to reduce the agency's payment for home and community-based services. The following amounts from the individual's total income (including amounts disregarded in determining eligibility) will be deducted:

a. For the individual's maintenance needs, the current Supplemental Security Income (SSI) payment standard for one individual (the categorically needy income standard for one).*

b. For an individual with a spouse living in the home, an additional amount for the maintenance needs of the spouse based upon a reasonable assessment of need but not to exceed the current Supplemental Security Income payment for one individual (the categorically needy income standard for one) in accordance with Section 1924 of the

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Social Security Act.

c. For an individual with a family at home, an additional amount for the maintenance needs of the family based upon a reasonable assessment of need but not to exceed the medically needy income standard for a family of the same size in accordance with Section 1924 of the Social Security Act .

d. Amounts for incurred expenses for Medicare and other health insurance premiums, deductibles, or coinsurance charges.

e. Amounts for incurred expenses for necessary medical or remedial care not subject to payment by a third party recognized under state law but not covered under the Commonwealth's Medicaid Plan within the same reasonable limits established under the State Plan for institutionalized individuals.

* Although Virginia has elected to apply more restrictive eligibility requirements than SSI, Virginia does not apply a more restrictive income standard.

E. Assessment and Plan of Care requirements.

1. The initial assessment and development of the Plan of Care shall be conducted by a hospital-based multidisciplinary team. The team must include an attending physician, a nurse, and a social worker.

a. The physician must be currently certified by the Board of Medicine and have a currently valid license to practice medicine in the Commonwealth. The physician must have experience in the needs and care of ventilator dependent technology assisted persons and the needs of children.

b. The nurse must be a registered nurse currently and validly licensed to practice nursing in the Commonwealth. The nurse must have experience in the needs and care of ventilator dependent technology assisted persons and the needs of children.

c. The social worker must have a master's degree in social work. The social worker must have experience in the needs and care of ventilator dependent technology assisted persons and the needs of children.

d. Other specialists who are currently and validly licensed, registered and/or certified to practice their specialties within the Commonwealth may participate in the assessment and care planning process. These other specialists must have experience in the needs and care of ventilator dependent technology assisted persons and the needs of children.

e. The Health Care Coordinator is responsible for ensuring that the assessment, care planning, monitoring, and review activities required by DMAS are accomplished. The Health Care Coordinator must be either a nurse or a social worker meeting the requirements of subdivision b or c above.

2. Referral for waiver services and assessment.

a. A service referral shall may originate from either the clinical staff in the hospital where the individual is located or from the clinical staff in the community where the individual is receiving non-Medicaid funded home and community based services .

b. The Health Care Coordinator shall meet with the family and representatives of the clinical individual care team to preliminarily assess the individual's needs.

c. Upon receiving parental or guardian consent to explore the possibility of home care, the Health Care Coordinator shall arrange for the assessment process for waiver services. The initial assessment and development of the Plan of Care for a potential waiver participant will be conducted by the hospital-based Health Care Coordination multidisciplinary team.

d. At the time of assessment, certification from the attending physician that the individual would otherwise require continued acute care or skilled nursing facility care will be necessary in order to continue the assessment process.

e. If the physician certifies the need for care and if the family desires community based care, the Health Care Coordinator shall continue the assessment process. The Health Care Coordinator shall perform a home visit to ensure suitability of the home environment for the individual's placement. Concurrently, the Health Care Coordinator or social worker of the multidisciplinary team shall conduct a family assessment to ensure the family's willingness and ability to participate in home care. Consideration shall also be given to the extent of family and community support available to meet the care needs of the ventilator dependent technology assisted individual.

3. Development of the Plan of Care.

a. Upon completion of the medical/nursing/functional assessment and the family and home assessment, the Plan of Care is developed.

b. At minimum, the Plan of Care shall include:

(1) A statement of the appropriateness of the home

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in which the individual is to be placed.

(2) Identification of the type, frequency, and amount of nursing care needed. This shall include the name of the provider agency, whether the nurse is an RN or an LPN, and verification that the nurse is licensed to practice in the Commonwealth. This shall also contain documentation that the Health Care Coordinator has verified that the provider agency is an enrolled provider with DMAS to provide skilled nursing services for this population.

(3) Identification of all other services that are needed in order for the individual to be discharged ~~maintained in the home~~. The statement shall include, as appropriate, speech therapy, occupational therapy, physical therapy, transportation, physician services, the frequency and amount of service needed, the provider of the service, and the payment source.

(4) A complete list of equipment and supply needs, and identification of the provider and source of payment.

(5) Identification of the type, frequency, and amount of care that the family or other informal caregivers shall provide.

(6) Identification of the anticipated utilization of respite care during the 12-month period ~~post-hospital discharge after admission to waiver services~~.

(7) Other referrals for assessment for services (as needed and appropriate) to include *but not be limited to* the school system, Women, Infants, and Children Program, child development clinic services, and Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) services.

(8) Identification of the primary care physician in the community who has agreed to follow the individual in the community.

(9) The appropriateness of the medical care, including a statement from the multidisciplinary team as well as the individual's primary care physician, to be signed by the legally responsible adult, attesting that the medical care the individual is to receive in the home is agreed to by the legally responsible adult and is appropriate in the opinion of all involved parties.

4. Cost effectiveness computations.

a. These computations shall be completed by the Health Care Coordinator upon completion of the Plan of Care.

b. The Health Care Coordinator shall be required to document the anticipated cost to DMAS for the

individual's waiver services for a 12-month period. The Health Care Coordinator shall then compare DMAS costs for the waiver to anticipated costs to DMAS for continued hospitalization of the individual.

5. Patient selection of waiver services.

a. When the determination that the individual's needs can appropriately and cost-effectively be met in the community with these waiver services, the Health Care Coordinator shall give the legally responsible party and the primary care giver, if separate persons, the choice of waiver services or ~~continued~~ hospitalization.

b. If waiver services are chosen, the legally responsible party and the primary care giver, if separate persons, will also be given the opportunity to choose the providers of service, if more than one provider is available to render the services.

6. DMAS shall review and approve the plan of care prior to the individual's ~~hospital discharge~~ admission to the community with waiver services, and prior to Medicaid payment for waiver services.

7. Reevaluation requirements and utilization review.

a. Reevaluations shall be conducted by the Health Care Coordinator at least every 30 days during the first three months after ~~discharge from the hospital admission to waiver services~~ and at any time when a change in the individual's condition indicates the need for reevaluation. After the first three months, the Health Care Coordinator shall conduct a home visit once every three months and more often if necessary.

b. DMAS is responsible for performing utilization review at least semi-annually and for the maintenance of supporting documentation. DMAS shall also maintain a copy of the Plan of Care, the initial evaluation, and each reevaluation for a minimum period of five years.

c. The Health Care Coordinator shall review the Plan of Care for appropriateness of the level, amount, type, and quality of services provided as well as for monitoring the cost effectiveness of the individual's care in the community.

d. Medical necessity of waiver services shall be reviewed by the Health Care Coordinator.

e. The Health Care Coordinator shall submit this information to DMAS.

f. During the semi-annual review period, a DMAS utilization review analyst shall review the record and conduct a home visit. The purposes of this record review and home visit is to determine the

correctness of the level of care, to ensure that the amount, duration, and scope of the services are appropriate, to ensure that the individual's health and welfare are protected, and to ensure that cost effectiveness is maintained.

§ 6. Appeal of denied coverage.

A. DMAS shall provide the opportunity for a fair hearing under 42 CFR Part 431, Subpart E, to individuals who are not given the choice of home and community-based services as an alternative to remaining in the hospital or entering a skilled nursing facility services or who are denied the service of their choice or the provider of their choice.

B. The individual shall be advised of the denial and of his right to appeal.

§ 7. Documentation requirements.

The Health Care Coordinator shall submit the following documentation to DMAS before the individual's discharge from the hospital admission to waiver services :

- A. All of the required assessment and documentation.
- B. Certification of level of care.
- C. Plan of care.
- D. Cost-effectiveness computation.
- E. Agreement of legally responsible party and the primary care giver, if separate persons, with the plan of care.
- F. Choice of home and community-based care or hospital care.
- G. Choice of waiver service providers, if waiver services are chosen.

ATTACHMENT LIST OF COVERED DURABLE MEDICAL EQUIPMENT

Medical Equipment and Supplies Covered Under State Plan.

1. Ventilator and necessary attachments.
2. Back-up portable ventilator and attachments.
3. Suction machine, stationary.
4. Suction machine, portable.
5. Ambu bag.
6. Patient lift.

7. Overbed table.
8. Commode, shower chair, or stretcher.
9. Environmental control unit.
10. Alternative communication devices.
11. Tracheostomy tubes.
12. Tracheostomy care kits or individual supplies normally found in the kit.
13. Gastrostomy , or other feeding, tubes.
14. Feeding pumps.
15. Suction catheters.
16. Sterile water.
17. Sterile saline.
18. Special medical mattresses.
19. Oxygen and oxygen equipment.
20. Foley catheters.
21. Bed pans.
22. Antiseptic solution for cleaning of ventilator and respiratory supplies.
23. Wheelchair, manual or power, including adaptive seating devices to prevent contractures and skin breakdown.
24. Hospital bed.
25. Adaptive mobility transportation device (Mulholland chair).
26. Phrenic pacer (implant, transmitter box, antenna and battery).
27. Pharmacological preparation necessary for life sustaining nutritional management legend drug only).
28. Pulse oximeter.

Medical Equipment and Supplies Not Covered Under State Plan

1. Apnea monitor.

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 22, 1990

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. SEC900034

Ex Parte, in re: Promulgation
of rules pursuant to Virginia Code
§ 13.1-523 (Securities Act)

ORDER ADOPTING RULES

On or about April 16, 1990, the Division of Securities and Retail Franchising of the State Corporation Commission gave notice to interested persons and to the general public of proposed rules designed to implement recently enacted amendments of the Securities Act (Va. Code § 13.1-501 et seq.) and to amend existing Securities Act Rules. In response to the notice, a number of written comments were received. One commentator requested an opportunity to be heard in respect of the proposed rules, but such request subsequently was withdrawn. Consequently, no hearing was conducted in this matter.

The Commission, upon consideration of the proposals and the comments, is of the opinion and finds that proposed Rules 401.1 and 505 should be modified in certain respects and that all of the other proposed rules and rule amendments should be adopted as proposed; it is, therefore,

ORDERED that the proposed additions and amendments, as modified, to the Securities Act Rules considered in this proceeding, a copy of which is attached hereto and made a part hereof, be, and they hereby are, adopted and shall become effective as of July 1, 1990.

AN ATTESTED COPY hereof, including the attachment, shall be sent to each of the following: Any person who filed comments in this proceeding; the Commission's Division of Information Resources; Securities Regulation Law Report, c/o The Bureau of National Affairs, Inc., 1231 25th Street, N.W., Washington, D.C. 20037; and, Blue Sky Law Reporter, c/o Commerce Clearing House, Inc., 4025 W. Peterson Avenue, Chicago, Illinois 60646.

ARTICLE II

BROKER-DEALERS, BROKER-DEALER AGENTS AND AGENTS OF THE ISSUER

Registration, Expiration, Renewal, Updates and Amendments, Termination, Changing Connection, Merger or Consolidation, Examinations/Qualification, Financial Statements and Reports

BROKER-DEALERS

Rule 200 Application for Registration as a Broker-Dealer

A. Application for registration as a broker-dealer shall be filed with the Commission at its Division of Securities and Retail Franchising and/or such other entity designated by the Commission on and in full compliance with forms prescribed by the Commission and shall include all information required by such forms.

B. An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer unless the following executed forms, fee and information are submitted to the Commission:

1. Form BD (adopted by Rule 800).
2. Statutory fee payable to the Treasurer of Virginia in the amount of \$200.00 pursuant to Section 13.1-505 F of the Act.
3. All items included on the Virginia Supplemental Sheet to Form BD.
4. A signed and executed Agreement for Inspection of Records form.
5. A copy of the firm's written supervisory procedures. Sole proprietorships are excluded.
6. Financial statements required by Rule 207.
7. Evidence of exam requirements for principals required by Rule 206.
8. Any other information the Commission may require.

C. The Commission shall either grant or deny each application for registration within thirty (30) days after it is filed, ~~but this period may be extended if additional time is required for formal hearing on the application.~~ *However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.*

BROKER-DEALER AGENTS

Rule 208 Application for Registration as a Broker-Dealer Agent

A. Application for registration as a *NASD member broker-dealer agent* shall be filed on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance with the RULES prescribed by the Commission. The application shall include all information required by such forms.

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B. An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:

1. Form U-4 (adopted by Rule 800).
2. The statutory fee in the amount of \$30.00. The check must be made payable to the NASD.
3. Provide evidence in the form of a NASD exam report of obtaining a minimum passing grade of 70% on the Uniform Securities Agent State Law Exam, "USASLE", Series 63 exam. (Rule 214)
4. Any other information the Commission may require.

C. Application for registration for all *other broker-dealer agents* shall be filed on and in compliance with all requirements and forms prescribed by the Commission.

D. An application shall be deemed incomplete for purposes of applying for registration as a broker-dealer agent unless the following executed forms, fee and information are submitted:

1. Form U-4 (adopted by Rule 800).
2. The statutory fee in the amount of \$30.00. The check must be made payable to the Treasurer of Virginia.
3. Provide evidence in the form of a NASD exam report of obtaining a minimum passing grade of 70% on the Uniform Securities Agent State Law Exam, "USASLE", Series 63 exam. (Rule 214)
4. Any other information the Commission may require.

E. The Commission shall either grant or deny each application for registration within thirty (30) days after it is filed ; *but this period may be extended if additional time is required for formal hearing on the application . However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.*

Rule 209 Expiration

The registration, and any renewals thereof, of a broker-dealer agent shall expire annually at midnight on the thirty-first day of December unless renewed in accordance with Rule 210.

AGENTS OF THE ISSUER

Rule 215 Application for Registration as an Agent of the Issuer

A. Application for registration as an agent of the issuer shall be filed on and in compliance with all requirements and forms prescribed by the Commission.

B. An application shall be deemed incomplete for purposes of applying for registration as an agent of the issuer unless the following executed forms, fee and information are submitted:

1. Form U-4.
2. The statutory fee in the amount of \$30.00. The check must be made payable to the Treasurer of Virginia.
3. Completed Agreement for Inspection of Records Form.
4. Provide evidence in the form of a NASD exam report of obtaining a minimum passing grade of 70% on the Uniform Securities Agent State Law Exam, "USASLE", Series 63 exam. (Rule 221)
5. Any other information the Commission may require.

C. The Commission shall either grant or deny each application for registration within thirty (30) days after it is filed ; *but this period may be extended if additional time is required for formal hearing on the application . However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.*

Rule 216 Expiration

The registration, and any renewals thereof, of an agent of the issuer shall expire annually at midnight on the thirty-first day of December unless renewed in accordance with Rule 217.

Rule 305 Prohibited Business Conduct

A. *No broker-dealer shall:*

1. Engage ~~ing~~ in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its

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customers.

2. Induce ~~ing~~ trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;
3. Recommend ~~ing~~ to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;
4. Execute ~~ing~~ a transaction on behalf of a customer without authority to do so;
5. Exercise ~~ing~~ any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;
6. Execute ~~ing~~ any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;
7. Fail ~~ing~~ to segregate customers' free securities or securities held in safekeeping;
8. Hypothecate ~~ing~~ a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by Rules of the Securities Exchange Commission;
9. Enter ~~ing~~ into a transaction with or for a customer at a price not reasonably related to the current market price of a security or receiving an unreasonable commission or profit;
10. Fail ~~ing~~ to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus;
11. Introduce ~~ing~~ customer transactions on a "fully disclosed" basis to another broker-dealer that is not exempt under Section 13.1-514(b)(7) of the Act;
12. Charge ~~ing~~ unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of monies due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities

business;

13. Offer ~~ing~~ to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such price and under such conditions as are stated at the time of such offer to buy or sell;
14. Represent ~~ing~~ that a security is being offered to a customer "at a market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he is acting or with whom he is associated in such distribution, or any person controlled by, controlling or under common control with such broker-dealer;
15. Effect ~~ing~~ any transaction in, or induce ~~ing~~ the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:
 - a. Effecting any transaction in a security which involves no change in the beneficial ownership thereof;
 - b. Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customers;
 - c. Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;
16. Guarantee ~~ing~~ a customer against loss in any securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;
17. Publish ~~ing~~ or circulate ~~ing~~, or cause ~~ing~~ to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any

security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;

18. Use ~~ing~~ any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure;
19. Fail ~~ing~~ to make reasonably available upon request to any person expressing an interest in a solicited transaction in a security, not listed on a registered securities exchange or quoted on an automated quotation system operated by a national securities association approved by regulation of the Commission, a balance sheet of the issuer as of a date within eighteen months of the offer and/or sale of the issuer's securities and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, the names of the issuer's proprietor, partners or officers, the nature of the enterprises of the issuer and any available information reasonably necessary for evaluating the desirability or lack of desirability of investing in the securities of an issuer. All transactions in securities described in this subsection shall comply with the provisions of Section 13.1-507 of the Act;
20. Fail ~~ing~~ to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of such security, the existence of such control to such customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;
21. Fail ~~ing~~ to make a bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member, or from a member participating in the distribution as an underwriter or selling group member; or
22. Fail ~~are~~ or refuse ~~at~~ to furnish a customer, upon reasonable request, information to which he ~~such~~ customer is entitled, or to respond to a formal written request or complaint.

B. The following conduct by an agent is deemed

~~unsuitable and shall be grounds for denial of an application for registration as an agent filed under Section 13.1-505 of the Act:~~

No agent shall:

1. Engage ~~ing~~ in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;
 2. Effect ~~ing~~ any securities transaction s not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transaction s ~~are~~ is authorized in writing by the broker-dealer prior to execution of the transaction;
 3. Establish ~~ing~~ or maintain ~~ing~~ an account containing fictitious information in order to execute a transaction s which would otherwise be *unlawful* or prohibited;
 4. Share ~~ing~~ directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;
 5. Divide ~~ing~~ or otherwise split ~~ing~~ the agent's commissions, profits or other compensation from the purchase or sale of securities in this state with any person not also registered as an agent for the same broker-dealer, or for a broker-dealer under direct or indirect common control; or
 6. Engage ~~ing~~ in conduct specified in subsection A.2., 3., 4., 5., 6., 10., 15., 16., 17., or 18. of this Rule.
- C. ~~The conduct set forth above is not inclusive. Engaging in other conduct such as forgery, embezzlement, non-disclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial of an application for registration filed under Section 13.1-505 of the Act.~~
- C. *Engaging in or having engaged in conduct specified in subsection A or B of this Rule or other conduct such as forgery, embezzlement, non-disclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall be grounds under the Act for imposition of a penalty, denial of a pending application or refusal to renew or revocation of an effective registration. The following conduct by a broker-dealer is deemed unsuitable and shall be grounds for denial of an application for registration as a broker-dealer filed under Section 13.1-505 of the Act:*
- D. *Engaging in or having engaged in the conduct specified in subsection A., in the case of a broker-dealer, or subsection B., in the case of an agent, of this Rule*

State Corporation Commission

shall be grounds for the institution of a proceeding under Section 13.1-506 of the Act to revoke or to refuse to renew the registration of such broker-dealer or agent.

Proposed New Rule

Rule 401.1 Refund of Fees Paid by Unit Investment Trusts

A. A unit investment trust (or sponsor who acted on behalf of such trust) which has paid a fee pursuant to Section 13.1-509 of the Act may obtain a refund of that portion of the fee paid in excess of \$400 if all of the following conditions are satisfied:

[1. A Request for Refund Affidavit (form S.A.10) and the information specified in subsection A.2. of this Rule are filed with the Commission at its Division of Securities and Retail Franchising within sixty (60) days of the Virginia effective date of the registration statement related to the offering for which the refund is requested.

2. A list containing the following information is filed within the time period specified in subsection A.1. of this Rule:

a. The names and addresses of all persons who purchased units of the trust pursuant to offers or sales made in the Commonwealth.

b. The date of purchase, number of units purchased and gross purchase price paid by each of the persons referred to in paragraph a., above.

3. The amount of the refund due is \$25 or more:

1. A completed Request for Refund Affidavit (form S.A.10) is filed with the Commission at its Division of Securities and Retail Franchising within six months of the Virginia effective date of the registration statement related to the offering for which the refund is requested.

2. The amount of the refund due is \$25 or more.]

B. The refundable portion of a fee is that part of the fee which exceeds \$400 less 1/20 of one percent of the amount, if any, by which sales in the Commonwealth pursuant to the offering exceeded \$800,000.

C. The provisions of this Rule shall apply to fees paid on and after July 1, 1990. [S.A. 10 (7/90)]

State Corporation Commission

S.A. 10 (7/90)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
Division of Securities and Retail Franchising

REQUEST FOR REFUND AFFIDAVIT
(Unit Investment Trust)

State/Commonwealth of _____

County/City of _____, to wit:

1. Name of Trust _____

2. Address _____

3. Name of Sponsor (if applicable) _____

Address _____

4. Contact Person _____

5. Telephone Number (____) _____

6. Virginia Effective Date of the Trust's Registration Statement _____

7. Date Sales Concluded in Virginia _____

8. Amount of Fee which Accompanied Registration Statement \$ _____

9. Aggregate Purchase Price of the Units Sold in Virginia \$ _____

10. Aggregate Number of Units Sold in Virginia Pursuant to the Offering _____

11. Amount of Fee Due Based on Actual Sales in Virginia (amount of item 9 x 0.0005; \$400 minimum) \$ _____

12. Amount of Refund Due (subtract item 11 from item 8; if result is less than \$25, no refund will be made) \$ _____

13. Refund Check Should Be Sent to Trust Sponsor

Under penalty of perjury, I state that I have examined the foregoing information and that to the best of my knowledge, it is true, correct and complete.

Date _____, 19_____

Name of Trust or Sponsor

Printed Name

By _____
Signature of Person Authorized to Sign on Behalf of Trust or Sponsor

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 19_____.

Notary Public
(SEAL)

My commission expires: _____

State Corporation Commission

Proposed New Rule

Rule 505 Foreign Issuer

In accordance with Section 13.1-514 (a) (14) of the Act, any equity or debt security issued by an issuer organized under the laws of any foreign country is exempted from the securities registration requirements of the Act provided the following criteria are met:

A. With respect to an equity security:

1. The security is listed for trading on or through the facilities of a foreign securities exchange or a recognized foreign securities market and has been trading on such exchange or market for at least six months;
2. Daily quotations for both bid and asked or last sale prices for the security provided by the foreign securities exchange or foreign securities market on which the security is traded are continuously available to U. S. broker-dealers in the United States pursuant to an electronic quotation system;
3. The aggregate market value of shares, the ownership of which is unrestricted, is not less than \$1 billion;
4. The average weekly trading volume of such security during the preceding six months is either at least 200,000 shares or \$1 million;
5. The issuer or a predecessor in interest has been in existence for at least five years; [and]

[6. The security must be included on the List of Foreign Margin Stocks periodically published by the Board of Governors of the Federal Reserve System ("Board"); and]

B. With respect to a debt security:

1. It is part of an original issue having a principal amount of at least \$100 million outstanding;
2. The issuer is not in default on the principal or interest payments of the issue;
3. The issue is rated in one of the two highest rating categories by a nationally recognized statistical rating service; [and]
4. The issuer or any predecessor in interest has been in existence for at least five years; [and]

[5. The security must meet the marginability requirements of Regulation T under the authority of the Board.]

ARTICLE X

INVESTMENT ADVISOR REGISTRATION, EXPIRATION, RENEWAL, UPDATES AND AMENDMENTS, TERMINATION AND MERGER OR CONSOLIDATION

Rule 1000 Application for Registration as an Investment Advisor

- A. Application for registration as an investment advisor shall be filed with the Commission at its Division of Securities and Retail Franchising or such other entity designated by the Commission on and in full compliance with forms prescribed by the Commission and shall include all information required by such forms.
- B. An application shall be deemed incomplete for purposes of applying for registration as an investment advisor unless the following executed forms, fee and information are submitted:
 1. Form ADV.
 2. The statutory fee in the amount of \$200.00. The check must be made payable to the Treasurer of Virginia.
 3. Signed and executed Agreement for Inspection of Records.
 4. Any other information the Commission may require.
- C. The Commission shall either grant or deny each application for registration within thirty days after it is filed ; but this period may be extended if additional time is required for formal hearing on the application . However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.

ARTICLE XI

INVESTMENT ADVISOR REPRESENTATIVE REGISTRATION, EXPIRATION, UPDATES AND AMENDMENTS, TERMINATION, AND CHANGING CONNECTION FROM ONE INVESTMENT ADVISOR TO ANOTHER

Rule 1100 Application for Registration as an Investment Advisor Representative

- A. Application for registration as an investment advisor representative shall be filed on and in compliance with all requirements of the NASAA/NASD Central Registration Depository system and in full compliance

State Corporation Commission

- with forms prescribed by the Commission. The application shall include all information required by such forms.
- B. An application shall be deemed incomplete for purposes of applying for registration as an investment advisor representative unless the following executed forms, fee and information are submitted:
1. Form U-4.
 2. The statutory fee in the amount of \$30.00. The check must be made payable to the NASD.
 3. Any other information the Commission may require.
- C. The Commission shall either grant or deny each application for registration within thirty (30) days after it is filed ; but this period may be extended if additional time is required for formal hearing on the application . However, if additional time is needed to obtain or verify information regarding the application, the Commission may extend such period as much as ninety days by giving written notice to the applicant. No more than three such extensions may be made by the Commission on any one application. An extension of the initial thirty-day period, not to exceed ninety days, shall be granted upon written request of the applicant.

Proposed New Rule

Rule 1301 Performance Based Fees

- A. In accordance with Section 13.1-503 C of the Act, an investment advisor may enter into, extend, or renew any investment advisory contract to provide for compensation to the investment advisor on the basis of a share of the capital gains upon, or the capital appreciation of, the funds or any portion of the funds of a client, provided that the following conditions of this Rule are satisfied.
- B. Nature of the client.
1. a. The client entering into the contract subject to this Rule must be a natural person or a company, as defined in paragraphs B.2. and F.1. of this Rule, who immediately after entering into the contract has at least \$500,000 under the management of the investment advisor; or
 - b. A person who the registered investment advisor (and any person acting on his behalf) entering into the contract reasonably believes, immediately prior to entering into the contract, is a natural person or a company, as defined in paragraphs B.2. and F.1. of this Rule, whose net worth at the time the contract is entered into exceeds \$1,000,000. (The net worth of a natural person may include assets held jointly with such person's spouse.)
2. The term "company" as used in paragraph B.1. of this Rule does not include
- a. A private investment company, as defined in paragraph F.2. of this Rule;
 - b. An investment company registered under the Investment Company Act of 1940; or
 - c. A business development company, as defined in section 202 (a) (22) of the Investment Advisers Act of 1940, (unless each of the equity owners (other than the investment advisor entering into a contract under the Rule) of any such company is a natural person or company described in this paragraph B.).
- C. Compensation formula. The compensation paid to the advisor under this Rule with respect to the performance of any securities over a given period shall be based on a formula which:
1. Includes, in the case of securities for which market quotations are readily available, the realized capital losses and unrealized capital depreciation of the securities over the period;
 2. Includes, in the case of securities for which market quotations are not readily available,
 - a. The realized capital losses of the securities over the period and
 - b. If the unrealized capital appreciation of the securities over the period is included, the unrealized capital depreciation of the securities over the period; and
 3. Provides that any compensation paid to the advisor under this Rule is based on the gains less the losses (computed in accordance with paragraphs C.1. and 2. of this Rule) in the client's account for a period of not less than one year.
- D. Disclosure. In addition to the disclosure requirements of Form ADV, the advisor shall disclose to the client, or the client's independent agent, prior to entering into an advisory contract permitted by this Rule, all material information concerning the proposed advisory arrangement including the following:
1. That the fee arrangement may create an incentive for the advisor to make investments that are riskier or more speculative than would be the case in the absence of a performance fee;
 2. Where relevant, that the advisor may receive increased compensation with regard to unrealized appreciation as well as realized gains in the client's account;
 3. The time period which will be used to measure

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investment performance throughout the term of the contract and its significance in the computation of the fee;

4. The nature of any index which will be used as a comparative measure of investment performance, the significance of the index, and the reason the advisor believes the index is appropriate; and

5. Where an advisor's compensation is based on the unrealized appreciation of securities for which market quotations are not readily available, how such securities will be valued and the extent to which the valuation will be independently determined.

E. Arms-Length Contract. The investment advisor (and any person acting on its behalf) who enters into the contract must reasonably believe, immediately prior to entering into the contract, that the contract represents an arm's-length arrangement between the parties and that the client (or in the case of a client which is a company as defined in paragraph F.1. of this Rule, the person, representing the company), alone or together with the client's independent agent, understands the proposed method of compensation and its risks. The representative of a company may be a partner, director, officer or an employee of the company or the trustee, where the company is a trust, or any other person designated by the company or trustee, but must satisfy the definition of client's independent agent set forth in paragraph F.4. of this Rule.

F. Definitions. For the purpose of this Rule:

1. The term "company" has the same meaning as in section 202 (a) (5) of the Investment Advisers Act of 1940.

2. The term "private investment company" means a company which would be defined as an investment company under section 3 (a) of the Investment Company Act of 1940 but for the exception provided from that definition by section 3 (c) (1) of such Act.

3. The term "affiliate" has the same meaning as in section 2 (a) (3) of the Investment Company Act of 1940.

4. The term "client's independent agent" means any person agreeing to act as the client's agent in connection with the contract other than:

a. The investment advisor acting in reliance upon this Rule, an affiliated person of the investment advisor, an affiliated person of an affiliated person of the investment advisor, or an interested person of the investment advisor as defined in paragraph F.5. of this Rule;

b. A person who receives, directly or indirectly, any compensation in connection with the contract from the investment advisor, an affiliated person of the investment advisor, an affiliated person of an affiliated person of the investment advisor or an interested person of the investment advisor as defined in paragraph F.5. of this Rule; or

c. A person with any material relationship between himself (or an affiliated person of such person) and the investment advisor (or an affiliated person of the investment advisor) that exists, or has existed at any time during the previous two years.

5. The term "interested person" as used in paragraph F.4. of this Rule means:

a. Any member of the immediate family of any natural person who is an affiliated person of the investment advisor;

b. Any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued by the investment advisor or by a controlling person of the investment advisor if the beneficial or legal interest of the person in any security issued by the investment advisor or by a controlling person of the investment advisor

i. exceeds one tenth of one percent of any class of outstanding securities of the investment advisor or a controlling person of the investment advisor; or

ii. exceeds 5% of the total assets of the person (seeking to act as the client's independent agent); or

c. Any person or partner or employee of any person who at any time since the beginning of the last two years has acted as legal counsel for the investment advisor.

6. a. The term "securities for which market quotations are readily available" in paragraph C. of this Rule has the same meaning as in Rule 2a-4 (a) (1) under the Investment Company Act of 1940 (17 CFR 270.2a-4 (a) (1)).

b. The term "securities for which market quotations are not readily available" in paragraph C. of this Rule means securities not described in paragraph F.6.a. of this Rule.

* * * * *

State Corporation Commission

Bureau of Insurance

June 15, 1990

Administrative Letter 1990-7

TO: All Insurance Companies, Health Services Plans, Health Maintenance Organizations, and Other Interested Parties

RE: Legislation enacted by the 1990 Session of the General Assembly of Virginia

Attached are summaries of certain statutes enacted or amended and re-enacted by the General Assembly of Virginia during the 1990 Session.

The effective date of these statutes is July 1, 1990 except as otherwise indicated in the attachment.

Each organization to which this letter is being sent should review the attachment carefully and see that notice of these laws is directed to the proper persons (including its appointed representatives) to ensure that appropriate action is taken to effect compliance with these new legal requirements. Please note that this document is a summary of legislation and is neither a legal review and interpretation nor a full description of legislative amendments made to insurance-related laws during the 1990 Session. Each organization is responsible for legal review of the statutes pertinent to its operations.

/s/ Steven T. Foster
Commissioner of Insurance

(All Bills Effective July 1, 1990 Unless Otherwise Noted)

Property and Casualty Insurance

House Bill 305

Report on Competition, Availability and Affordability

This bill amends § 38.2-1905.1 by requiring the Commission to submit its report on competition, availability, and affordability every two years instead of every year. The report must be submitted to the General Assembly no later than December 31st of the second year of any biennium. The Commission is then required to hold its hearing no later than September 30th of the year immediately following the year the report is submitted. Section 38.2-1912 is also amended to increase from one year to twenty-seven months the length of time a delayed effect rate ruling may be in effect.

House Bill 338 and Senate Bill 703

Definition of Birth-Related Neurological Injury

These bills amend the definition of "birth-related neurological injury" under § 38.2-5001 so that it will be

more clinically correct. The proposed changes are not intended to expand the definition beyond the original intent but only to more accurately describe the infants who were intended to be covered under the provisions of the original act.

House Bill 626

Loss Cost Rate Filings

This bill amends Chapter 19 of the insurance code by prohibiting rate service organizations from filing final advisory rates on behalf of their members, subscribers, or service purchasers. Instead, rate service organizations will be allowed to file prospective loss costs and supplementary rate information. This data may not include provisions for profit and expenses, other than loss adjustment expenses, nor may it include final rates, minimum premiums, or minimum premium rules. Insurers may modify the prospective loss costs based on their own loss experience, expenses, and profits.

The bill also adds a new section to Chapter 19 which gives the Attorney General the power to investigate any person that appears to be engaging in any act or practice prohibited by § 38.2-1916. A witness may challenge an investigative demand issued by the Attorney General by petitioning the Commission to modify or set aside such demand. Any person who neglects or refuses to attend, testify, answer lawful inquiries, or produce documents in accordance with the investigative demand shall be subject to penalties under § 38.2-218. Any person who commits perjury, false swearing, or contempt shall be guilty of a misdemeanor and subject to fine or imprisonment. Any insurer, rate service organization, or other person that knowingly or willfully violates any provision of § 38.2-1916 shall be punished by a penalty of not more than \$100,000 and may be subject to license suspension or revocation. The Commission may require an insurer, rate service organization, or other person to make restitution to any person or public agency, including the Commonwealth, injured in its business or property by reason of a violation of § 38.2-1916.

House Bill 627

Rate Filings

This bill amends § 38.2-1906 by requiring insurers that apply for a rate revision for a line deemed noncompetitive (subject to the delayed effect of rates provisions of § 38.2-1912) to submit additional information with their rate filings if coverage to which the rate filing applies is reinsured with an affiliated company. The additional information may include such premium, loss, and expense data reported on a net basis as the Commission deems necessary. Under § 38.2-1912 every insurer is required to certify in its rate filing if coverage is reinsured with an affiliated company. Section 38.2-1912 is also amended to allow the Commission to order the provisional use of a requested rate reduction while it reviews the insurer's rate

State Corporation Commission

filing. Section 38.2-1910 is amended to allow the Commission to require an insurer whose rates have been disapproved to refund interest, at a rate set by the Commission, on any excess premiums collected.

House Bill 736

Refund of Excessive Premiums

This bill amends § 38.2-1910 by providing that if the Commission disapproves a rate, it may require in its order that the insurer refund the excessive portion of premiums collected as far back as one year from the date of the request for a review and anytime thereafter until the date of the order. Current language only allows the refund of excess premiums collected one year prior to the date of the order.

House Bill 844

Birth-Related Neurological Injury Fund

This bill adds a provision to Chapter 50 which entitles a participating physician to a refund of one-half of his or her annual assessment if the physician retires before July 1 of a particular calendar year. This provision applies to physicians retiring on and after January 1, 1989.

The bill also adds a new section which requires medical malpractice insurers to give an actuarially justified premium credit to physicians and hospitals that participate in the Birth-Related Neurological Injury Compensation Program.

House Bill 884

Homeowners Terminations

This bill amends § 38.2-2114 by prohibiting an insurer from cancelling or non-renewing a policy written to insure an owner-occupied dwelling because the insured is a foster parent and foster children live at the insured dwelling.

House Bill 921

Motor Vehicle Accidents

This bill amends § 38.2-2212 by prohibiting insurers from nonrenewing a motor vehicle insurance policy solely because of two or fewer not-at-fault accidents within a 3-year period. It also amends § 38.2-1905 to prohibit an insurer from increasing its insured's premium or charging points due to a not-at-fault motor vehicle accident. This includes removing or reducing a credit or moving an insured from one price tier to another. The provisions of § 38.2-1905 regarding a right to review by the Commissioner apply to premium increases due to loss of credits or price tier changes as a result of a motor vehicle accident as well as points assigned under safe driver insurance plans.

House Bill 1050

Point Assignments

This bill amends § 38.2-1905 by prohibiting insurers from assigning accident points on or after January 1, 1991 to a vehicle other than the vehicle customarily driven by the operator responsible for incurring the points.

House Bill 1095

Premium Misquotes

This bill adds a new section to Chapter 19. It provides an insured/applicant with the right to cancel his insurance policy on a pro rata basis when the actual premium exceeds the quoted premium (given in writing) by at least 10 percent. The earned premium following cancellation is then calculated on the original quoted premium instead of the actual premium. These provisions do not apply to any premium increase resulting from omitted information or incorrect information furnished by the insured/applicant. A premium misquote will not result in a violation of § 38.2-1906 which requires rates to be filed with the Commission.

Senate Bill 72

Birth-Related Neurological Injury Fund

This bill extends coverage under § 38.2-5009 of the Virginia Birth-Related Neurological Injury Compensation Act to injured infants delivered by a participating physician or born at a participating hospital. Current law requires that both the physician and hospital participate in the program in order to extend coverage of the Act to the infant. Under § 38.2-5002 the bill also permits an injured infant to commence a civil action against any nonparticipating physician or hospital provided that participating physicians and hospitals may not be made parties to any such action or related actions. However, the injured infant's action against a nonparticipating hospital or doctor forecloses any claim under the Act, regardless of the civil suit's outcome. Finally, if the infant makes a claim under the Act, the Birth-Related Neurological Injury Compensation Program is subrogated to any rights the infant may have had against any nonparticipating physician or hospital. The bill also conforms the definition of "birth-related neurological injury" referenced in § 38.2-5008 to the amendment of such definition established in Senate Bill 70.

Senate Bill 115

Workers' Compensation

This bill amends § 65.1-104.2 by allowing workers' compensation group self-insurance pools to offer employer's liability coverage to their members in addition to the statutory benefits required by the Workers' Compensation Act. Employer's liability protects the employer in situations where an employee not covered under the workers' compensation laws can sue for

damages under common law liability. Insurance policies covering workers' compensation include employer's liability under Coverage B.

Senate Bill 203

Claims-Made Policies

This bill gives the Commission the authority to issue regulations governing claims-made liability policies. These regulations may include provisions pertaining to the pricing of tail coverage, premium installment plans, and coverage in case of death, disability, or retirement of the insured. All insurers will be given notice of a public hearing prior to implementation of the regulation.

Senate Bill 380

Birth-Related Neurological Injury Fund

This bill amends § 38.2-5018 to allow any reasonable expenses incurred by the Industrial Commission for the Birth-Related Neurological Injury Compensation Fund to be paid by the Fund.

Senate Bill 407

Flood Insurance

This bill authorizes the State Corporation Commission under § 38.2-401.1 to make assessments against all licensed insurance companies which write any type of flood insurance as defined in § 38.2-137. The bill does not apply to premium income for policies written pursuant to the National Flood Insurance Act of 1968 or policies providing comprehensive motor vehicle insurance coverage. The bill provides that 100 percent of the total assessments collected annually will be paid into the Flood Prevention and Protection Assistance Fund pursuant to § 10.1-603.17.

Life and Health

House Bill 280

Commissions for Intra-company Replacement of Accident and Sickness Insurance

This bill amends § 38.2-502 of the Unfair Trade Practices Act to include misrepresentation for the purpose of inducing replacement of an insurance policy as a prohibited act. The bill also adds a new section, § 38.2-516, which states that commission or other compensation paid to insurance agents who replace an existing accident and sickness policy with a policy issued by the same insurer and providing substantially similar benefits to those provided by the replaced policy shall not exceed the renewal commission or other compensation that would have been paid to the agent had the replaced policy continued in force. The determination of whether the new policy and the replaced policy provide substantially similar benefits will be left to the insurer, subject to periodic

review by the Bureau.

House Bill 328

Private Review Agents

This bill adds a new chapter to the insurance title, Chapter 53, Private Review Agents. The chapter requires private review agents to be certified when conducting utilization review of health care services. The bill does not apply to accident and sickness insurers, health service plans, health maintenance organizations, preferred provider organizations or hospital service corporations conducting reviews solely for their own subscribers, policyholders, members or enrollees. It does, however, apply when such entities are providing utilization review services on a third-party contractual basis. Applicants for the two-year certification must comply with the standards for approval by submitting to the Commission a description of procedures for evaluating services, procedures for reconsideration of determination, personnel descriptions and qualifications, procedures and policies to ensure the confidentiality of medical records, and to assure telephone access during normal business hours. Certification can be denied or revoked if the applicant or certificate holder does not meet the standards in the chapter or regulation. The Commission shall adopt a regulation providing for minimum standards to perform a review, procedures for review agent consultation with treating physicians, guidelines for patient record confidentiality and fees required from private review agents.

House Bill 386

Forms Deemed Approved

This bill amends § 38.2-316 to require that an insurer notify the Commission, in writing, that the insurer deems its form approved. The insurer may not begin using the form until ten days after the notice to the Commission has been received by the Commission.

House Bill 402

Medicare Supplement Insurance

This bill amends § 38.2-3608 of the Medicare Supplement Insurance chapter to provide that the Commission may issue regulations including provisions regarding marketing practices, compensation arrangements and reporting practices of insurers. This change is necessary to allow the Commission the authority to revise the Medicare Supplement Insurance Regulation to comply with federal guidelines.

House Bill 535

Mammograms

This bill corrects the error in 1989 legislation requiring mammogram coverage "biannually" which means twice a

State Corporation Commission

year; the word is changed to "biennially" which means every two years as was intended.

House Bill 595

Long-Term Care Insurance

This bill amends several sections of Chapter 52, Long-Term Care Insurance. The changes to this chapter expand the definition of long-term care insurance to include annuities and riders to life policies, require specific disclosures to individuals who purchase Long-Term Care insurance; prohibit policies covering skilled nursing care only, reduce the preexisting conditions period to six months, eliminate prior institutionalization requirements, require a standard outline of coverage, and extend the free look period to 30 days for all policies.

House Bill 597

Credit Life Insurance

This bill amends § 38.2-3700 of the Credit Life and Credit Accident and Sickness Insurance chapter to remove the exception for age-rated classes of insurance from the chapter. Age-rated policies must meet the rate and policy provision requirements of Chapter 37.

House Bill 598

Long-Term Care Insurance Loss Ratios

This bill amends § 38.2-5206 of the Long-Term Care Insurance Chapter to provide that long-term care benefits may be required to meet loss ratio standards now in effect or to be developed in the future.

House Bill 1106 (Senate Bill 478)

Advisory Commission on Mandated Benefits

This bill creates a Special Advisory Commission on Mandated Health Insurance Benefits. The language is contained in 9-297 through 9-300 of the Code of Virginia. The Advisory Commission is to advise the Governor and the General Assembly on the social and financial impact of current and proposed mandated benefits and providers. Ten members of the Commission are to be appointed by the Governor. Four members are to be selected from the legislature. The Commissioner of Health and the Commissioner of Insurance are ex officio members. The Special Advisory Commission shall develop and maintain a system of data collection to assess the impact of benefits and providers; advise and assist the Bureau of Insurance regarding mandates; and prescribe the format, content and timing of information to be submitted to the Advisory Commission. All proposals to the General Assembly for mandates will be referred to the Advisory Commission.

House Bill 1107 (Senate Bill 479)

Mandated Benefit Cost Reporting

This bill requires insurers, health services plans and health maintenance organizations to report mandated benefit cost and utilization information to the State Corporation Commission on an annual basis beginning with calendar year 1991. The reports must be submitted by May 1 following the reporting period and must be in the form required by the Commission. The Commission must consolidate and summarize the reports and present them to the General Assembly. The Commission will promulgate a Regulation providing detailed reporting requirements.

House Bill 1108 (Senate Bill 480)

Limited Mandated Benefit Policies

This bill allows insurers and health services plans to issue limited mandated benefit policies that do not cover all of the mandated benefits required by the insurance code. These policies can be offered to individuals, families and groups of less than 50 members who have been without health care coverage for the past 12 months. These policies or contracts must include managed care provisions to control costs, certain primary health care and essential medical care benefits such as 30 days inpatient hospitalization/year, prenatal care, obstetrical care and well-baby care. The prospective policyholder must be fully informed of the limitations of the coverage. The Commission will have the authority to approve the rates, including group rates, and records of enrollment claim costs, premium income, utilization and other relevant information must be reported to the Commission.

House Bill 1109 (Senate Bill 481)

Technical Advisory Panel to Medicaid

This bill amends 32.1-335 regarding the Technical Advisory Panel of the Department of Medical Assistance Services. The Panel is to study the technical and operational considerations related to requiring employers who do not provide minimum health benefits to make a contribution to the Indigent Health Care Trust Fund.

Senate Bill 13

Notice of Termination of Health Insurance Coverage

This bill amends § 38.2-3542, § 38.2-4214, and § 38.2-4319 to require that employers providing group health care plans, (coverage by health maintenance organizations), must provide their employees 15 days notice prior to terminating employer-sponsored health coverage.

Senate Bill 43

Interest on Accident and Sickness Claims Proceeds

This bill adds § 38.2-3407.1 to provide that insurers must pay interest, at the legal rate, on accident and sickness

claims proceeds paid later than 15 days following the insurer's receipt of proof of loss. This bill does not apply to claims where the payment will be made directly to providers under a negotiated arrangement. The bill does not apply to health maintenance organizations.

Senate Bill 116

Defense against Claims

This bill amends § 38.2-3304 to provide that statements made on a life insurance policy application form may be used to defend a claim if the application is endorsed upon or attached to the policy when it is issued or delivered. Prior to this bill the statement in the application could be used only when the application was endorsed upon or attached to the policy when it was issued. The bill also requires that each policy contain a provision that the policy, or policy and application if endorsed upon or attached to the policy when issued or delivered, constitute the entire contract. This requires the revision or endorsement of all life policies currently approved.

Senate Bill 131

Child Health Coverage

This bill requires insurers, Blue Cross/Blue Shield plans and health maintenance organizations to offer and make available coverage for "child health supervision services". Child health supervision services is defined to mean the periodic review of a child's physical and emotional status by a physician or under a physician's supervision. Benefits are to include a complete physical examination, developmental assessment, anticipatory guidance, appropriate immunizations and laboratory tests at birth, two months, four months, six months, nine months, twelve months, fifteen months, eighteen months, and annually from two years to six years. Deductibles, co-payments, coinsurance or other dollar limit provisions shall not apply to this coverage. Rates for the coverage must be reasonable considering (i) the insurer's expenses to provide the coverage, (ii) cost-savings realized through preventive diagnostic care (iii) a reasonable profit and (iv) other considerations deemed appropriate by the Commission. The bill does not apply to insurers, or health maintenance organizations with (i) less than 1,000 individuals/insureds covered in Virginia or (ii) less than \$500,000 in VA premiums. The bill also does not apply to specified disease, hospital indemnity or other limited benefit policies. Affected contracts need to be revised to provide this coverage.

Financial Regulation

House Bill 372

Rehabilitation of Certain Health Plans

This bill adds § 38.2-4214.1, § 38.2-4408.1, and § 38.2-4509.1 which provide that the rehabilitation,

liquidation, or conservation of a health services plan, legal services plan, or dental or optometric plan shall be subject to the general rehabilitation, liquidation and conservation statutes that apply to all insurers transacting business in the Commonwealth.

House Bill 395

Valuation of Life Insurers' Reserves

This bill codifies in § 38.2-3126 the date by which life insurance companies must submit reserve valuation data to the State Corporation Commission. This data must be submitted on or before the last day of February of each year. The bill also deletes the requirement in § 38.2-3127 that a foreign or alien life insurer file its valuation certificate the same time it files its annual statement.

House Bill 396

Loss Reserves of Title Insurers

This bill amends § 38.2-4609 by requiring title insurance companies to establish loss adjustment expense reserves in addition to loss reserves for payment of claims.

House Bill 618

Reciprocal Insurance

This bill amends § 38.2-1222 by allowing an advisory committee in a domestic reciprocal insurer to be referred to as "board of directors" or by such other name as it chooses. The bill further provides in § 38.2-1223 that the execution of subscriber agreements by subscribers to nonassessable reciprocals is not mandatory; that the subscriber agreement and power of attorney on file at the State Corporation Commission, and any subsequent modifications thereto, are deemed binding, by operation of law, on each subscriber to a nonassessable reciprocal. Under current law, the execution of subscriber agreements and powers of attorney by members of both assessable and nonassessable reciprocals is mandatory. However, this change will not alter the obligation of a reciprocal's original subscribers to execute the original subscription agreement and power of attorney. Section 38.2-1224 is amended to provide that any modification of the subscriber's agreement or power of attorney must be filed with the attorney and the Commission, and must be provided to each subscriber within 90 days of the change.

House Bill 703

Valuation of Real Estate

This bill amends § 38.2-1309 by providing for a method of valuation of real estate held by an insurer to be an amount not exceeding the acquisition cost which includes a write-down of that part of the insurer's cost of its interest in the property which is allocable to any improvements. It also authorizes the Commission to allow, based on

State Corporation Commission

acceptable appraisals, a valuation up to but not in excess of fair market value.

Senate Bill 74

Annual Statement

This bill authorizes the State Corporation Commission in § 38.2-1300 to require insurers to file annual financial statements in machine-readable format.

Senate Bill 75

Investment Limits for Domestic Insurers

This bill amends § 38.2-1413 by allowing domestic insurance companies to invest more than five percent of their total assets in any institution whose assets are insured by a federal deposit insuring agency, to the extent of such deposit insurance coverage. Under § 38.2-1400, the bill also subjects foreign insurers to the investment restrictions set forth in the insurance title, unless such insurers' domiciliary jurisdictions regulate their investment authority.

Senate Bill 142

Health Maintenance Organizations

This bill amends § 38.2-4300, § 38.2-4303, § 38.2-4310, § 38.2-4315 and § 38.2-4317.1, and adds a new section numbered § 38.2-4307.1. The bill requires HMOs to file notice with the State Corporation Commission within 30 days whenever the transactional dollar value of certain loan or investment activities exceeds one percent of assets or five percent of net worth, whichever is less. If the cost of such activities exceeds five percent of assets or 25 percent of net worth, whichever is less, prior notice must be given to the SCC. This bill also authorizes the State Corporation Commission to require HMOs to provide information about their financial health and solvency, in addition to such information required in annual reports. Finally, the bill provides that a participating provider who has contracted with an HMO that has become insolvent shall not be paid from the proceeds of special assessments of solvent HMOs collected by the SCC for the benefit of the insolvent plan's enrollees.

Senate Bill 471

METs

This bill amends §§ 38.2-3420 through § 38.2-3424 and adds a new section numbered § 38.2-3425. The bill clarifies the scope of the State Corporation Commission's authority over persons offering health care services which are not otherwise regulated as accident and sickness insurers, health services plans, health maintenance organizations or dental/optometric service plans. The bill provides the Commission with regulatory authority over these persons to the extent that such persons are not regulated by another

governmental agency. Additionally, the bill provides that such persons must furnish notice to the SCC whenever it ceases to be regulated by another governmental agency. Finally, the bill directs all persons or entities soliciting membership in health care service organizations not otherwise regulated by the SCC to disclose that such plan of coverage is not protected under the Commonwealth's insurance guaranty fund. Exempt from this article are plans which provide health insurance coverage pursuant to § 2.1-20.1 (health care plans for state employees).

Miscellaneous

House Bill 401

Fees Charged for Insurance

This bill amends § 38.2-310 by clarifying the prohibition against any person charging or receiving fees, compensation, or consideration for insurance or for the procurement of insurance that is not included in the premium or stated in the policy.

House Bill 863

Agents and Consultants

This bill amends § 38.2-1805 by prohibiting an insurer or licensed agent from permitting an agent to accept payment in arrears on life or accident and sickness insurance policies, subject to certain exceptions. The changes in § 38.2-1809 require all licensed agents and consultants to retain their records relative to insurance transactions for the three previous calendar years. The State Corporation Commission may inspect these records without prior notice during normal business hours. Section 38.2-1816 is amended to require the Commission to approve only the examination content outline of the insurance agents' prelicensing study course.

House Bill 1094

Adverse Underwriting Decisions

This bill amends § 38.2-612 by adding a new section which makes it unlawful for an agent or insurer to base an adverse underwriting decision on the fact that an applicant was previously insured with a particular company or purchased it from a particular agent.

* * *

Agents are also reminded of House Bill No. 1633 enacted last year which requires any person or corporation transacting the business of insurance under an existing assumed or fictitious name to provide the Bureau with this information in writing no later than July 1990.

STATE LOTTERY DEPARTMENT

DIRECTOR'S ORDER NUMBER SEVENTEEN (90)

EXEMPTION OF SMALL PURCHASES FROM COMPETITIVE PROCUREMENT PROCEDURES

In accordance with the authority granted by Sections 58.1-4006A of the Code of Virginia, and in accordance with the State Lottery Department Administration Regulations, VR 447-01-2, Section 4.2A, I hereby grant an exemption of the purchase of goods and services of \$750 or less from competitive procurement procedures. This order will enhance the efficiency of the State Lottery Department; therefore, it will serve the best interests of the Commonwealth. All purchases shall be made in compliance with the standards of ethics provided in § 4.20 of the Administration Regulations.

This exemption will remain in effect until Part IV of the Administration Regulations, dated January 17, 1990, is revised by the State Lottery Board and becomes effective in accordance with the provisions of the Administrative Process Act.

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 or superseded by Administration Regulations, as revised by the State Lottery Board subsequent to January 17, 1990.

/s/ Kenneth W. Thorson, Director
Date: June 12, 1990

GOVERNOR

EXECUTIVE ORDER NUMBER SIX (90)

VIRGINIA STATE EMPLOYEES COMBINED CHARITABLE CAMPAIGN

By virtue of the authority vested in me as Governor, and subject always to my continuing, ultimate authority and responsibility to act in such matters, I hereby authorize an annual Virginia State Employees Combined Charitable Campaign.

The public good must always be uppermost in the hearts and minds of those who govern and work in public service. Employees of the Commonwealth have traditionally responded to this charge by contributing to charitable organizations that provide health and social service programs to citizens throughout the Commonwealth, our nation, and the world. The Virginia State Employees Combined Charitable Campaign will provide state employees a responsive and convenient system to facilitate this charitable giving.

The goals of the Virginia State Employees Combined Charitable Campaign will be to:

1. Provide a way for state employees to support the efforts of health and social services organizations and agencies;
2. Lessen the burdens on government and communities by assisting in meeting the needs for health and social services;
3. Help ensure that recipient organizations are responsible for the utilization of the funds raised; and
4. Minimize interruptions in the state workplace that such fund-raising and its related administration may entail.

The Secretary of Administration shall develop and implement procedures to conduct the Campaign. These procedures shall be in concert with the goals of the Campaign as set forth in this Executive Order and in the tradition of state employee charitable giving. Periodically, the procedures shall be made available for public review and comment. The Secretary also is authorized to designate a State Coordinator and other personnel as may be required for the efficient and effective conduct of the Virginia State Employees Charitable Campaign.

This Executive Order rescinds Executive Order Number 41 (87), Virginia State Employees Combined Charitable Campaign, issued by Governor Gerald L. Baliles on May 19, 1987.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 1994, unless amended or rescinded by a future executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of April, 1990.

/s/ Lawrence Douglas Wilder
Governor

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EXECUTIVE ORDER NUMBER SEVEN (90)

CREATING THE GOVERNOR'S COMMISSION ON PHYSICAL FITNESS AND SPORTS

By virtue of the authority vested in me as Governor by Section 2.1-51.36 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Commission on Physical Fitness and Sports.

The Commission shall have the general responsibility to advise the Governor regarding physical fitness opportunities for all citizens of Virginia and to develop plans to promote and improve the opportunities that exist.

The Commission shall have the following specific duties and responsibilities:

1. Promotion of an awareness of the benefits of a healthy lifestyle and physical fitness to school-age children, working adults and senior citizens in the Commonwealth.
2. Representation of the Commonwealth in functions and projects that are devoted to increasing the opportunities for participation in sports and other physical fitness activities by Virginia citizens.
3. Promotion of an implementation of physical fitness and sports programs, including those initiated, endorsed or structured by the President's Council on Physical Fitness and Sports, the National Association of Governors' Councils on Physical Fitness and Sports, and similar entities that exist in other states. In furtherance of this responsibility, the Commission is authorized to become a member of and represent Virginia on the National Association of Governors' Council on Physical Fitness and Sports.
4. Promotion of information and education to the public regarding the importance of regular exercise through public service campaigns, fitness workshops and clinics, conferences, and other special emphasis projects.
5. Assessment of existing state fitness facilities and programs to determine current levels of utilization and possibilities for increasing their utilization and developing further opportunities.

The Commission shall be comprised of not more than twenty members appointed by the Governor and serving at

his pleasure. The Governor shall appoint from the members a Chairman. The Commission shall meet at the call of the Chairman.

Members of the Commission shall serve without compensation, and shall not receive any reimbursement from public funds for expenses incurred in the discharge of their duties.

Staff support for the conduct of the Commission's meetings shall be provided by the Department of Conservation and Recreation. The expenditures for this purpose are estimated at not more than \$10,000. An estimated 200 hours of staff support will be required to assist the Commission.

The Commission is classified as an advisory commission, as defined in Section 9-6.25 of the Code of Virginia.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until April 11, 1991, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 12th day of April, 1990.

/s/ Lawrence Douglas Wilder
Governor

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EXECUTIVE ORDER NUMBER EIGHT (90)

PROHIBITING AGENCIES AND INSTITUTIONS OF THE COMMONWEALTH FROM INVESTING IN COMPANIES THAT ARE NOT SUBSTANTIVELY FREE OF INTERESTS IN SOUTH AFRICA

The Democracy that is enjoyed by the citizens of the United States, to a large extent, was fathered and nurtured by patriot citizens of this Commonwealth to blossom and grow across our great Nation. If we are to recognize and honor our heritage we, through our own concrete actions, must participate in the extension to all people these freedoms and liberties that we hold dear.

Accordingly, to the extent of the authority vested in me by Article V of the Constitution, the Code and the Common Law of Virginia, and subject always to my continuing authority and responsibility to act in such matters, and to reserve powers, I do hereby direct all agencies and institutions of this Commonwealth to implement a policy that:

1. will allow absolutely no further investments in companies that are not substantively free of interests in South Africa, and
2. will immediately take steps to begin the divestment of those interests in companies with such substantive

interests that are presently owned by agencies and institutions of the Commonwealth.

This program of investment and divestment is to be carried out with full adherence to fiduciary principles and fiscal responsibility.

This Executive Order is to become effective immediately and will remain in full force and effect until amended or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia this 15th day of May, 1990.

/s/ Lawrence Douglas Wilder
Governor

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EXECUTIVE ORDER NUMBER NINE (90)

PROVIDING FOR THE ASSISTANCE OF THE VIRGINIA NATIONAL GUARD TO THE VIRGINIA DEPARTMENTS OF STATE POLICE AND EMERGENCY SERVICES IN THE SEARCH FOR A MISSING AIRCRAFT

On May 10, 1990, a Cessna 210 aircraft carrying six (6) passengers left an airport in Manteo, North Carolina en route to Winchester, Virginia. The aircraft did not reach its destination. Diligent and commendable efforts have been expended by the Department of Emergency Services, the Civil Air Patrol, the Department of State Police, the United States Coast Guard, the Appalachian Search and Rescue Conference, local law enforcement units, and many other volunteers; however, the aircraft has not been located.

The family, friends and citizens of this Commonwealth are concerned and distraught about the present status of the aircraft and its occupants. Because the potential rescue of these occupants cannot be ruled out at this time, the longer the discovery is delayed, the more critical the situation becomes.

Therefore, by virtue of the authority vested in me under Article V, Section 7 of the Constitution of Virginia and the provisions of Section 44-75.1 (3) and (5) and Section 44-82 of the Code of Virginia, I do hereby direct the Adjutant General of Virginia to employ such Army National Guard aircraft, equipment and personnel as he deems necessary, with the approval of the Secretary of Public Safety, to assist the Departments of State Police and Emergency Services in the search for the missing aircraft and to carry out the mission until the aircraft is located or the search is called off by the Department of Emergency Services.

The following conditions shall apply to the employment of the Virginia National Guard:

1. In all instances, members of the Virginia National

Guard shall remain subject to military command as prescribed by Section 44-78.1 of the Code of Virginia and not subject to civilian authorities. They shall, however, work in close cooperation with the Department of Emergency Services, the Civil Air Patrol, and the Department of State Police.

2. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member or the member's dependents or survivors:

(a) Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act; and, in addition,

(b) The same benefits for injury, disability and/or death, or their equivalent, as would be provided by the federal government if the member were serving on federal active duty at the time of injury or death. Any such federal-type benefits due to a member and his/her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his/her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member has been serving on federal active duty at the time of the injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to Section 44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

3. The cost incurred by the Virginia National Guard in performing this mission shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 664 of Chapter 668 of the 1989 Acts of Assembly.

This Executive Order will become effective upon its signing, and, except for that portion providing for benefits in the event of injury or death, will remain in effect until 72 hours after the aircraft is found or the search is called off by the Department of Emergency Services, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of May, 1990.

/s/ Lawrence Douglas Wilder
Governor

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EXECUTIVE ORDER NUMBER TEN (90)

CONTINUING CERTAIN DECLARATIONS OF STATES OF EMERGENCY DUE TO NATURAL DISASTERS IN THE COMMONWEALTH

By virtue of the authority vested in me as Governor by Section 44-146.17 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby continue the states of emergency declared in the following executive orders:

Executive Order Number 65 (85), Declaration of the State of Emergency for Flash Flooding and Mudslides Occurring Throughout the Commonwealth of Virginia as continued by Executive Orders Number 15 (86), 46 (87), 60 (88), and 69 (89);

Executive Order Number 75 (89), Declaration of State of Emergency Arising from Hurricane Hugo; and

Executive Order Number 76 (89), Declaration of State of Emergency Arising from Flooding in Buchanan County, Virginia.

This Executive Order will become effective July 1, 1990, and will remain in full force and effect until June 30, 1991, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 7th day of June, 1990.

/s/ Lawrence Douglas Wilder
Governor

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

(Required by § 9-6.12:9.1 of the Code of Virginia)

STATE WATER CONTROL BOARD

Title of Regulation: **VR 680-16-06. Tennessee-Big Sandy River Basin Water Quality Management Plan.**

Governor's Comment:

These regulations are intended to ensure water quality standards for the Tennessee-Big Sandy River Basin. I recommend approval of these regulations, pending public comment.

/s/ Lawrence Douglas Wilder
Governor

Date: June 20, 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

BOARD OF CORRECTIONS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Corrections intends to consider promulgating regulations entitled: **Regulations for State Reimbursement of Local Correctional Facility Construction Costs.** The purpose of the proposed regulation is to set forth the requirements for localities requesting reimbursement of local

correctional facility construction costs.

Statutory Authority: § 53.1-80 of the Code of Virginia.

Written comments may be submitted until August 15, 1990.

Contact: A. T. Robinson, Local Facilities Administrator, P.O. Box 26963, Richmond, VA 23261, telephone (804) 674-3251.

BOARD FOR COSMETOLOGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board for Cosmetology intends to consider amending regulations entitled: **Virginia Board for Cosmetology Regulations.** The purpose of the proposed action is to solicit public comment on all existing regulations governing the practice of cosmetology and to solicit comment on the establishment of nail artistry regulations.

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

Written comments may be submitted until August 17, 1990.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590.

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.,

General Notices/Errata

7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ or toll-free 1-800-552-7917/TDD ☎

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department for the Deaf and Hard-of-Hearing intends to consider amending regulations entitled: **VR 245-03-01. Regulations Governing Interpreter Services for the Hearing Impaired.** The purpose of the proposed action is to (i) include language authorizing the agency to assess a registration fee for Quality Assurance Screening; (ii) include a confidentiality clause; and (iii) amend the appeal procedure.

Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Written comments may be submitted until July 23, 1990.

Contact: Kathy E. Vesley, Deputy Director, 101 N. 14th St., 7th Floor, Richmond, VA 23219-3678, telephone (804) 225-2570/TDD ☎ or toll-free 1-800-552-7917/TDD ☎

BOARD OF DENTISTRY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Dentistry intends to consider promulgating, amending and repealing regulations entitled: **Board of Dentistry Regulations.** The board proposes the following:

1. To establish entry requirements and fees for dentists and dental hygienists seeking licensure by endorsement.
2. To require successful completion of law exam by applicants for full-time faculty licenses and temporary permits.
3. To assess a fee of \$50 per month to any licensee who has practiced on an expired license.
4. Other minor clarifications and nonsubstantive changes.

Statutory Authority: §§ 54.1-2700 through 54.1-2728 of the Code of Virginia.

Written comments may be submitted until August 15, 1990.

Contact: Nancy Taylor Feldman, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9906

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **Regulations on Preneed Funeral Planning.** The purpose of the proposed action is to promulgate regulations for the practice of preneed funeral sales and arrangements by licensees of the Board of Funeral Directors and Embalmers. Committee meetings on the development of the regulations are as follows: 5/23/90 at 4 p.m.; 6/4/90 at 9 a.m.; 6/17/90 in Charlottesville, VA. (tentative); 10/3/90 at 9 a.m.

Statutory Authority: § 54.1-2803 10 of the Code of Virginia.

Written comments may be submitted until September 28, 1990.

Contact: Meredyth P. Partridge, Executive Director of the Board, 1601 Rolling Hills Dr., Richmond, VA 23229-5005, telephone (804) 662-9941

DEPARTMENT OF HEALTH (STATE BOARD OF)

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the State Board of Health intends to consider amending regulations entitled: **VR 355-34-02. Regulations Governing Sewage Handling and Disposal.** The purpose of the proposed action is to delete portions of Article 11 related to Nonpublic Drinking Water Supply Systems Utilized in conjunction with onsite sewage disposal systems, now included in private well regulations (VR 355-34-01).

Statutory Authority: § 32.1-176.4 of the Code of Virginia.

Written comments may be submitted until September 30, 1990.

Contact: Donald Alexander, Director, Bureau of Sewage and Water, Virginia Department of Health, 109 Governor St., Suite 500, Richmond, VA 23219, telephone (804) 786-3559.

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

General Notices/Errata

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 Hills Dr., Richmond, VA 23229, telephone (804) 662-9915 or toll-free 1-800-533-1560.

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 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 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 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 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

General Notices/Errata

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

* * * * *

† Notice of Intent to Solicit Comments on the Proposed WIC Program State Plan of Program Operations and Administration for Federal Fiscal Year 1991.

Virginia WIC Program

Notice is hereby given that the Special Supplemental Food Program for Women, Infants and Children (WIC) is soliciting comments from the general public regarding its proposed WIC State Plan for Federal FY 1991.

The WIC State Plan includes state goals and objectives for FY 1991, names and addresses of local agencies, a map identifying the areas being served, an affirmative action plan, a description of agency monitoring procedures, an outreach program description, a plan for the provision of nutrition education, a description of the methods used to certify participants, the specific nutritional risk criteria used to determine a person's eligibility, a description of the food delivery system and other sections required by Federal regulations.

The State WIC Office has provided one copy of the Proposed State Plan for public review at the headquarters office in each of the State's 36 health districts. The location of the office in your area may be obtained by calling your local health department or the State WIC Office at (804) 786-5420. Additional copies of the proposed State Plan are available on a limited basis upon request.

Written comments will be accepted until 5 p.m. on August 14, 1990, and should be sent to:

WIC Program Director
State Department of Health
109 Governor Street - 6th Floor
Richmond, Virginia 23219

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

* * * * *

† Occupational Safety and Health Administration
(Docket No. H-022G)
Hazard Communication.

ACTION: Request for comments and information

AGENCY: Occupational Safety and Health Administration (OSHA), Labor and Industry.

SUMMARY: OSHA is requesting comments and information from the public regarding suggestions for improving the presentation and quality of chemical hazard information transmitted under its Hazard Communication Standards (HCS).

The HCS provides workers exposed to hazardous chemicals with the right to know about their identities, hazards, and ways to prevent exposure. It requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and to develop labels and material safety data sheets regarding those hazards and associated protective measures. These written sources of information are to be provided to employers using the products.

All employers using hazardous chemicals are required to have a hazard communication program for their workers. The program must include employee access to labels and material safety data sheets, as well as a training program to ensure employees understand the information available to them. Effective implementation of the HCS reduces

risks to workers handling hazardous chemicals by providing them with information they have both a right and a need to know.

This notice asks a series of questions to elicit information from both preparers and users of labels and material safety data sheets regarding their experiences in implementing the rule, and suggestions for improving the quality of the information provided. Possible development of a standardized format or order of information is raised as an issue. In addition, comments are requested regarding other communication factors, such as the language skills needed to understand the information presented; suggestions for compliance assistance activities, particularly for small businesses; and issues related to the practice of providing information regarding chemicals that are not covered under the rule.

The notice also requests comments on how the standard should deal with chemicals that pose little or no risk to workers either because of lack of inherent hazards or negligible exposure. Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 administered by the Environmental Protection Agency (EPA), has requirements for emergency planning and response, and community right-to-know, that rely on material safety data sheet information. EPA is also interested in improving the effectiveness of chemical information transmittal, and worked with OSHA in preparing this notice. The information submitted to OSHA will be shared with EPA for their use in implementation of the SARA requirements.

DATES: Comments and information should be submitted in quadruplicate, and must be received by August 15, 1990.

ADDRESSES: Comments and information should be submitted to the Docket Office, Docket H-022G, OSHA, Room N2625, 200 Constitution Avenue, N.W., Washington, DC 20210, telephone (202) 523-8904.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Office of Information and Consumer Affairs, OSHA, room N3647, 200 Constitution Avenue, Washington, DC 20210, telephone (202) 523-7894.

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 (BOARD OF)

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

Publication: 6:19 VA.R. 3013-3015 June 18, 1990.

Correction to Proposed Regulation:

The title of the regulation, in each place it appears, should read:

"Rules and Regulations Pertaining to Reporting Requirements for Contagious and Infectious Diseases of Livestock and Poultry in Virginia."

Page 3013, § 1 next to last line should read:

"...Reportable Diseases of Virginia Livestock and Poultry."

* * * * *

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

Publication: 6:19 VA.R. 3016-3017 June 18, 1990.

General Notices/Errata

Correction to Proposed Regulation:

Page 3018, § 3 B, line 3, "shall also" should read "also shall."

Page 3018, § 3 C, line 4, "at the time as" should read "at a time"

* * * * *

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

Publication: 6:19 VA.R. 3017-3019 June 18, 1990.

Correction to Proposed Regulation:

Page 3019, § 3 C 2, line 7, "capacity" should be changed to "capability."

* * * * *

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

Publication: 6:19 VA.R. 3019-1020 June 18, 1990.

Correction to Proposed Regulation:

Page 3020, § 3, subdivision 3, line 3, should read:

"...conference or consultation proceeding authorized by..."

ALCOHOLIC BEVERAGE CONTROL BOARD

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

Publication: 6:19 VA.R. 3021-3027 June 18, 1990.

Correction to Proposed Regulation:

Page 3021, § 2 A, third line should read in part:

"...execute only ~~on~~ for orders..."

Page 3023, § 6 A, second column, tenth line from top should read:

"...apply only to those particular brands of wine or beer, specifically covered by the license, as..."

Page 3024, § 6 E, second to last line should read in part:

"...shall become a part of the license upon issuance, such additional brand shall ..."

Page 3024, § 6 F, (iv) replace "comments" with "documents."

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (BOARD OF)

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

Publication: 6:19 VA.R. 3041-3048 June 18, 1990.

Correction to Proposed Regulation:

Page 3043, § 101.1 the correct zip code number is: "60478-5795."

Page 3047, Addendum 1, first paragraph, line 5 should be corrected to read:

"... Existing Structures *Property Maintenance* ..."

* * * * *

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

Publication: 6:19 VA.R. 3051-3061 June 18, 1990.

Correction to Proposed Regulation:

Page 3057, § 600.1, second line remove comma after the word "each" and place after the word "building,"

DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: **VR 480-05-22.1. Gas and Oil Regulations.**

Publication: 6:19 VA.R. 3097-3130 June 18, 1990.

Correction to Emergency Regulation:

Page 3101, § 5 C subdivisions 1, 2 and 3 are corrected as follows:

1. New coalbed methane drilling location – 0 CBM
2. Coalbed methane gas well – ✕ CBM
3. Abandoned coalbed methane gas well – ✕ CBM

Page 3104, § 11 F and § 12 B 1 make reference to the incorrect VR numbers. "VR 480-21-04" should be "VR 680-21-04" and "VR 480-21-05" should be "VR 680-21-05."

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).

BOARD OF AGRICULTURE AND CONSUMER SERVICES

† July 24, 1990 - 9 a.m. - Open Meeting
Lord Fairfax Community College, Special Events Center, Middletown, Virginia. ☒

A meeting to review issues relating to legislation, regulations and fiscal matters and receive reports from the staff of the Department of Agriculture and Consumer Services. The board may consider other matters relating to its responsibilities.

Contact: Roy E. Seward, Secretary to the Board, Department of Agriculture and Consumer Services, Room 210, Washington Building, 1100 Bank Street, Richmond, VA

23219, telephone (804) 786-3501 or (804) 371-6344/TDD ☎

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.

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Calendar of Events

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.

* * * * *

† **September 26, 1990 - 10 a.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 amend regulations entitled: **VR 115-04-09. Rules and Regulations for the Enforcement of the Virginia Seed Law.** The purpose of this amendment is to add Serrated tussock, Nassella trichotoma, to the list of prohibited noxious weed seeds.

STATEMENT

Basis: Section 3.1-271 of the Code of Virginia.

Purpose: The proposed amendment to the current regulation will add Serrated tussock, Nassella trichotoma to the Prohibited Noxious Weed Seed list. In USDA Handbook No. 498 Economically Important Foreign Weeds, Serrated tussock is identified as "Worst of Noxious Weeds." It is identified as one of the worst weeds of the world by L.G. Holm. In his book, The World's Worst Weeds (Honolulu, Hawaii: United Press of Hawaii, 1977), Holm describes Serrated tussock as the worst weed in Australia and New Zealand. (It has been unintentionally introduced into Australia, Tasmania, and New Zealand, where five million acres are quarantined.) The plant is highly destructive and is not controlled by cultural practices commonly used. The only recommended control is a nonselective herbicide. It does occur in countries that export seed to the U.S. It is known to be a contaminant of tall fescue and other seed imported from Argentina for sale in the Southeastern states. Serrated tussock is toxic to sheep and adversely affects other ruminating animals. It is a prolific seed producer. All states surrounding Virginia except Kentucky have added Serrated tussock to their Prohibited Noxious Weed Seed list, because of the threat Serrated tussock poses to the agricultural community. Adding Serrated tussock to the Prohibited Noxious Weed Seed list does not reflect a change in policy, since there is already a list of weed seeds that are designated as Prohibited Noxious Weed Seeds. Serrated tussock will be an addition to the existing list. It is of the utmost importance that measures be taken to prevent Serrated tussock from becoming established in the United States and Virginia.

Substance: Virginia produces only a very small amount of the grass seed needed to establish and maintain approximately 900,000 acres in lawn and turf areas and other areas where vegetation is essential to stabilize soil to prevent erosion. An increasing amount of grass seed is imported to supply the demand. Some imported seed originates in countries where Serrated tussock is a contaminant in seed production fields. Extraordinary efforts are necessary to prevent it from becoming established in areas maintained in lawn and turf or other nonmaintained areas such as highway "right-of-way" and "set aside" acreage. Prohibiting the sale of seed found to be contaminated with Serrated tussock is of primary importance to the agricultural community and is in the best interest of all citizens of the Commonwealth.

Issues: The most expedient means to assure that all seed sold, offered for sale, exposed for sale or advertised are free of the contaminant Serrated tussock is to add it to the list of Prohibited Noxious Weed Seeds. This action will protect agricultural land from introduction and artificial spreading of this most noxious weed, which is not known to be established in Virginia or the United States at this time.

Impact: a. This regulation protects all persons in Virginia

who label or purchase seed, including 58,000 farmers, 165 Virginia seed labelers, 1.3 million home owners, 35 sod producers, 250 golf courses, 900 schools, 80 colleges, 65 federal parks and numerous other state agencies, such as Department of Transportation and Division of Mined Land Reclamation.

- b. Projected cost to regulate entities - None.
- c. Projected cost annually to VDACS for implementation and enforcement - None.
- d. Source of Funds - "not applicable."

Statutory Authority: § 3.1-271 of the Code of Virginia.

Written comments may be submitted until September 19, 1990.

Contact: D. E. Brown, Supervisor, Seed Section, Virginia Department of Agriculture and Consumer Services, PAIR Division, 1100 Bank St., Room 505, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-3797

† September 26, 1990 - 10:30 a.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 amend regulations entitled: **VR 115-04-12. Rules and Regulations for the Enforcement of the Gasoline and Motor Fuels Law.** The regulation amendments (i) change the volatility limit for gasoline from 11.5 pounds per square inch (psi) to 9.0 psi Reid vapor pressure (RVP) for the months of May, June, July, August, and September of each year, to be implemented May, 1991, contingent upon obtaining approval from the U.S. Environmental Protection Agency (EPA); (ii) change the distillation specifications to accommodate a new volatility limit; (iii) require the use of EPA-approved test methods for gasoline volatility measurement when the 9.0 psi RVP standard is in effect; and (iv) provide for a 1.0 psi RVP allowance for gasoline-ethanol blends.

STATEMENT

Basis: Section 59.1-156 of the Code of Virginia.

Purpose: The authority for making all necessary regulations for the inspection of gasoline resides in the Board of Agriculture and Consumer Services (§ 59.1-156 of the Code of Virginia). The proposed amendment to the regulation is for the purpose of reducing ozone-producing evaporative volatile organic compound (VOC) emissions, by limiting gasoline volatility during the ozone season (May through September), for the protection of public health

and welfare.

Substance: By limiting gasoline volatility statewide to 9.0 pounds per square inch (psi) Reid vapor pressure (RVP) during the months of May through September of each year, the statewide vehicle-related VOC emissions (VOCs react to form ozone) could be reduced by 28% or more, resulting in a substantial reduction in summertime ozone levels.

Issues: Prior to the summer of 1988, the areas in Virginia failing to meet the ozone air quality standard (nonattainment areas) were limited to the Richmond and Northern Virginia Metropolitan Areas. As a result of the extremely large number of violations during the summer of 1988 in the current nonattainment areas and in 20 additional counties in eastern Virginia, the U.S. Environmental Protection Agency (EPA) has now proposed to add Norfolk and various surrounding counties to its list of nonattainment areas. Vehicle-related emissions of volatile organic compounds account for 40% to 50% of the total statewide VOC emissions. Reducing gasoline volatility to 9.0 psi RVP is currently the most cost effective means of reducing the ever increasing vehicle-related VOC emissions, which will help to bring current nonattainment areas back into attainment and prevent counties surrounding the metropolitan areas from becoming nonattainment areas for ozone. If the Commonwealth does not choose to limit gasoline volatility beyond present standards, the result will be (i) continued violations of the ozone air quality standard, to the detriment of public health and welfare, (ii) loss of authority on the part of the Commonwealth to manage regulatory programs that affect its citizens, (iii) possible loss of federal funding for highway and sewage projects, and (iv) the inability of the Commonwealth to receive credit for the reduction of ozone-producing VOC emissions resulting from lowered gasoline volatility; therefore, the Commonwealth will have to obtain additional emission reductions from stationary sources to order to meet the ozone air quality standard.

Impact: a. Number and types of regulated entities affected. The regulation applies to any owner or operator of any facility in the distribution network at which gasoline is sold, supplied, offered for sale or supply, or transported. There is one refinery in Virginia that will have to reduce the volatility of the gasoline it produces; it is the Amoco refinery, located in Yorktown.

b. Projected costs to regulated entities. Gasoline volatility is reduced by removing the highly volatile butane and replacing it with one of several less-volatile additives. Reformulating gasoline in this manner requires more butane storage capacity at the refinery and possibly an additional expense to acquire more butane processing equipment if the refinery does not already have this equipment in place. A sufficient supply of the replacement additives exists, but at a slightly higher cost. Prior to the supply of 9.0 psi gasoline to the northeastern states during the summer of 1989, gasoline industry representatives predicted that production of gasoline at this volatility

Calendar of Events

would result in increases in the volume and cost of crude oil imports and cause subsequent gasoline shortages. These adverse economic impacts did not occur.

The majority of Virginia's gasoline comes from the pipeline originating in the Gulf region and extending to the northeastern states; consequently, the volatility of Virginia's gasoline in actuality will be the same as that required by the northeastern states. Amoco owns the only major refinery in Virginia. The refinery is located in Yorktown and distributes 15% to 25% of its supply to Virginia, a very small percentage of Virginia's total gasoline supply. As of February, 1990, a representative of Amoco indicated that the Yorktown refinery may be able to produce 9.0 psi RVP gasoline during the summer of 1990.

Cost effectiveness estimates (made by the northeastern states and EPA prior to May of 1989) for reducing the volatility limits from 11.5 psi to 9.0 psi range from \$982 per ton to \$2,084 per ton of VOCs reduced. In comparison to the cost effectiveness of other possible future control measures (\$2,500 per ton to well over \$7,200 per ton), the cost of reducing VOC emissions through reduction of gasoline volatility to 9.0 psi during the summer months is not excessive. The gasoline volatility samples taken by the Department of Agriculture and Consumer Services during the summer of 1989 show that the volatility of gasoline supplied to Virginia was between 8.5 psi and 9.5 psi.

Through indications from Amoco and through gasoline prices and volatility levels witnessed during the summer of 1989, gasoline refineries appear to have already incurred the cost of reducing gasoline volatility to 9.0 psi, and therefore may not incur further costs if Virginia lowers its gasoline volatility standard.

Costs incurred by refineries are generally passed on to the consumer through increases in price per gallon at the pump. Estimates made prior to May of 1989 of the price increase ranged from 1.5 to 3.0 cents per gallon according to the states and EPA, and 4.0 to 5.0 cents per gallon according to the petroleum industry. Consumers in the Mid-Atlantic states, including Virginia, paid a few cents more for lower-volatility pipeline gasoline during the summer of 1989 as a result of the northeastern states' requiring 9.0 psi gasoline starting in May of 1989. It is unlikely that gasoline prices will rise more than one cent per gallon as a result of Virginia limiting summertime gasoline volatility to 9.0 psi, starting in 1991.

According to EPA studies and experience in the northeastern states, 9.0 psi RVP gasoline causes few problems with car performance. In fact, low-volatility fuels improve performance (by reducing vapor lock) during the hot summer months and may increase miles traveled per gallon by as much as one percent. The only problems that may occur are cold starting and warmup problems for cars with carburetors at temperatures below 40 degrees. Since May through September temperatures in Virginia are normally above 40 degrees, performance problems of these

types should rarely occur.

c. Projected costs to agency. The resource impact would be substantial if the Department of Air Pollution Control were to implement a gasoline volatility regulation when considering start-up costs and maintenance costs for enforcement personnel and associated equipment, computer equipment, laboratory sample analysis, and associated administrative costs. The resource impact on the Department of Agriculture and Consumer Services would be comparatively minimal, resulting in the submittal to EPA of some of its reports on enforcement actions and volatility test results. Furthermore, the Department of Agriculture and Consumer Services has a long history of successful implementation of its fuel volatility monitoring and enforcement program and also has a good working relationship with industry sources, which is apparent through its consistently high compliance rates. For ease of compliance and monitoring and enforcement operations, it is in the best interest of industry and the Commonwealth for Department of Agriculture and Consumer Services to amend its gasoline volatility regulations and remain the sole regulator of gasoline parameters. It would also be less confusing and more efficient, from a compliance testing and enforcement standpoint, if the Board of Agriculture and Consumer Services amended their current regulation instead of the Air Pollution Control Board promulgating a new gasoline volatility regulation.

This regulation has been developed at the request of and in consultation with the Department of Air Pollution Control

d. Source of agency funds. The source of agency funds to implement this regulation is the general fund.

Statutory Authority: §§ 59.1-153 and 59.1-156 of the Code of Virginia.

Written comments may be submitted until 5 p.m., September 18, 1990.

Contact: W. Penn Zentmeyer, Supervisor, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23209, telephone (804) 786-3511.

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.

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.

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 brewer 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.

ALCOHOL SAFETY ACTION PROGRAM - MOUNT ROGERS

† **August 1, 1990 - 1 p.m. - Open Meeting**
Oby's Restaurant, Marion, Virginia. ☒ (Interpreter for deaf provided upon request)

A regular meeting.

Calendar of Events

Contact: J. L. Reedy, Jr., Director, Mount Rogers Alcohol Safety Action Program, 1102 N. Main St., Marion, VA 23454, telephone (703) 783-7771.

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

Board for Land Surveyors

† August 17, 1990 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to (i) approve minutes from March 9, 1990; (ii) review applications; (iii) review and discuss correspondence; and (iv) review enforcement files.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514 or toll-free 1-800-552-3016.

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 ☐

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

Advisory Board

† July 27, 1990 - 10:30 a.m. - Open Meeting
Department for Children, Conference Room, 805 East Broad Street, 11th Floor, Richmond, Virginia. ☐

A regular meeting.

Contact: Gladys C. Finney, Executive Secretary Senior, 805 E. Broad St., 11th Floor, Richmond, VA 23219, telephone (804) 786-5989 or (804) 786-8732/TDD 1/3

Consortium on Child Mental Health

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.

CITIZENS' ADVISORY COUNCIL FOR INTERPRETING AND FURNISHING THE EXECUTIVE MANSION

† **August 2, 1990 - 10 a.m. – Open Meeting**
The Executive Mansion, Capitol Square, Richmond,
Virginia.

A meeting to discuss the interior restoration.

Contact: Mrs. Cathy Walker Green, Executive Mansion
Director, The Executive Mansion, Capitol Square,
Richmond, VA 23219, telephone (804) 786-2220.

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.

STATE BOARD FOR COMMUNITY COLLEGES

† **July 18, 1990 - (time to be announced) – Open Meeting**
Monroe Building, Board Room, 15th Floor, 101 North 14th
Street, Richmond, Virginia.

A working session. The committee meetings will convene following the working session.

† **July 19, 1990 - 9 a.m. – Open Meeting**
Monroe Building, Board Room, 15th Floor, 101 North 14th
Street, Richmond, Virginia.

A regular meeting. (Agenda unavailable.)

Contact: Mrs. Joy Graham, Monroe Bldg., 15th Floor, 101
N. 14th St., Richmond, VA 23219, telephone (804) 225-2126.

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 proposes 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.

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

August 2, 1990 - 7 p.m. – Open Meeting
† **September 6, 1990 - 7 p.m. – Open Meeting**
502 South Main Street, No. 4, Culpeper, Virginia.

From 7 p.m. until 7:30 p.m. the Board of Directors will hold a business meeting to discuss DOC contract, budget, and other related business. Then the CCRB will meet to review cases before 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

Calendar of Events

St., No. 4, Culpeper, VA 22701, telephone (703) 825-4562.

COMMUNITY CORRECTIONS RESOURCES BOARD - WINCHESTER

† July 31, 1990 - 2 p.m. - Open Meeting
Board of Supervisors' Meeting Room, 9 Court Square,
Winchester, Virginia. ☒

A meeting to discuss clients and review new referrals.

Contact: Kim Wilson, Administrative Assistant, 112 S.
Cameron St., Winchester, VA 22601, telephone (804)
665-5633.

BOARD OF CORRECTIONS

† August 8, 1990 - 10 a.m. - Open Meeting
† September 12, 1990 - 10 a.m. - Open Meeting
Board of Corrections Board Room, 6900 Atmore Drive,
Richmond, Virginia. ☒

A regular monthly meeting to consider such matters
as may be presented to the Board of Corrections.

Contact: Ms. Vivian Toler, Secretary of the Board, 6900
Atmore Dr., Richmond, VA 23225, telephone (804)
674-3235.

BOARD FOR COSMETOLOGY

† July 30, 1990 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th
Floor, Richmond, Virginia. ☒

A meeting to (i) review applications; (ii) review
correspondence; (iii) review enforcement cases; and
(iv) conduct routine board business.

† July 31, 1990 - 9 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, 5th
Floor, Richmond, Virginia. ☒

Rules and regulations committee meeting.

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 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

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 - ROANOKE VALLEY

July 18, 1990 - 9 a.m. - Open Meeting
Salem Civic Center, Room C, 1001 Roanoke Boulevard,
Salem, Virginia. ☒

Calendar of Events

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.

COUNCIL ON THE ENVIRONMENT

† July 25, 1990 - 7 p.m. - Open Meeting
Nandua High School, Onley, Virginia. ☒

A quarterly meeting to discuss environmental issues in the Commonwealth. The public is invited and will be given the opportunity to comment or ask questions during the Public Forum segment of the meeting. An agenda is being developed and will be available prior to the meeting.

Contact: David J. Kinsey, Special Projects Coordinator, Council on the Environment, Richmond, VA 23219, telephone (804) 786-4500.

VIRGINIA FARMERS' MARKET BOARD

† August 23, 1990 - 1 p.m. - Open Meeting
State Capitol, House Room 1, Capitol Square, Richmond, Virginia. ☒

A general meeting.

Contact: Nancy L. Isreal, Farmers' Market Network Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1300, Richmond, VA 23219, telephone (804) 371-6157.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

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.

Calendar of Events

GOVERNOR'S JOB TRAINING COORDINATING COUNCIL

† July 23, 1990 - 10:30 a.m. - Open Meeting
Holiday Inn-Crossroads, 2000 Staples Mill Road, Richmond, Virginia. ☒

A general meeting.

Contact: Abria M. Singleton, Executive Secretary, 4615 W. Broad St., The Commonwealth Bldg., 3rd Floor, Richmond, VA 23230, telephone (804) 367-9816.

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 ☒

DEPARTMENT OF HEALTH (STATE BOARD OF)

† August 20, 1990 - 10 a.m. - Public Hearing
Council Chambers, Roanoke, Virginia.

† August 21, 1990 - 10 a.m. - Public Hearing
Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health intends to consider amending regulations entitled: **VR 355-18-01. Waterworks Regulation.** This regulation is being updated from 1982 to include federal requirements of the Safe Drinking Water Act and to add technical design information.

STATEMENT

Basis: Section 32.1-170 of the Code of Virginia authorizes the State Board of Health do design regulations to protect public health and promote public welfare.

Purpose: The last edition of Waterworks Regulation was

effective Febreaury 1, 1982. The purpose of the proposed revisions to the regulation is to update information on significant technological and regulatory advances that have occurred since the 1982 regulation.

Impact: The proposed revisions affect many sections of the existing Waterworks Regulation. The majority of the revisions have no negative impact on the regulated community. The revisions add clarity to the regulation and improve its structure. In other cases, revisions were made to include requirements of the federal Safe Drinking Water Act and add technical design information found appropriate since the 1982 edition of the Waterworks Regulation. These changes were coordinated with the active participation of the Waterworks Advisory Committee established by the Waterworks Regulation.

Major points of revision or addition are as follows:

1. Public notification.
2. Addition of a waterworks classification of nontransient noncommunity (NTNC) - this distinct class conforms with USEPA rules and these waterworks will be required to monitor any new contaminants designated by USEPA.
3. Additional primary maximum contaminants - eight volatile organic compounds are mandated by USEPA.
4. Additional monitoring requirements - 36 new organic compounds must be included in monitoring but only for information, not regulatory purposes.
5. Raising fluoride limit to 4.0 ppm - this is positive to many communities, primarily those in the Tidewater, Northern Neck and Middle Peninsula area.
6. Special lead notification requirement.
7. Revises methodology for handling standard plans and specs.
8. A manner of processing nonconventional technology to encourage its use.
9. Increased participants in the Waterworks Advisory Committee.

Major Fiscal and Staffing Impacts. The 1989 General Assembly directed a study of the resource requirements associated with the 1986 amendments to the Safe Drinking Water Act (SDWA). As a consequence, the Governor's Budget for the 1990-92 biennium recommended increased funding and FTEs in both years of the biennium. Action taken by the 1990 General Assembly mirrored the Governor's recommendations in FY 1991; however, Budget Bill recommended funding in FY 1992 was reduced to level funding in the Appropriations Act. The Appropriations Act (Chapter 972) does include a significant increase in FTEs in FY 1992 which is not supported by the currently available funding. The General Assembly recognized that

the FY 1992 funding is a stop gap measure, at best, and directed the agency to study and recommend alternative sources of funding to support SDWA implementation beginning in the second year of the biennium.

The anticipated added costs as identified in House Document 30 (1990) are as follows:

	VDH Resources Needed	
	FY 91	FY 92
FTE	53	43
Added Cost	2,567,000	1,749,000

House Bill 30, as introduced in the 1990 General Assembly, recommended the following total resources:

	FY 91	FY 92
General	2,109,972	2,108,253
Fed Trust	814,701	814,701
Total	\$2,924,673	\$2,922,954

Forms and procedural requirements: No new forms or procedural requirements will be imposed on the regulated community for implementation of this proposed regulation. Some existing agency procedural requirements will be modified.

Statutory Authority: § 32.1-170 of the Code of Virginia.

Written comments may be submitted until September 16, 1990.

Contact: Allen R. Hammer, Director, 109 Governor St., Room 927, Richmond, VA 23219, telephone (804) 786-5566.

BOARD OF HEALTH PROFESSIONS

† July 16, 1990 - 8 p.m. – Open Meeting
Hyatt Richmond, I-64 and West Broad Street, Richmond, Virginia. ☐

A meeting to receive the annual report of the director.

† July 17, 1990 - 10:30 a.m. – Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia. ☐

A regular quarterly meeting of the Board of Health Professions.

Regulatory Research Committee

† July 17, 1990 - 8:30 a.m. – Open Meeting

Department of Health Professions, 1601 Rolling Hills Drive, Conference Room 3, Richmond, Virginia. ☐

The committee will formulate comments on regulations of individual boards for presentation to the full Board of Health Professions and continue the review of proposals for the certification of athletic trainers and therapeutic recreation specialists.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9918.

HOPEWELL INDUSTRIAL SAFETY COUNCIL

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.

Calendar of Events

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.

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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 394-01-04. 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

Calendar of Events

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.

Amusement Device Technical Advisory Committee

NOTE: JULY 19 MEETING POSTPONED.

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 has been postponed.

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

Safety and Health Codes Board

September 18, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia or the requirements of federal law that the Department of Labor and Industry intends to amend regulations entitled: **VR 425-02-71. The Control of Hazardous Energy (Lockout/Tagout).** The proposed amendment eliminates reference which

permit an employee to tagout rather than lockout energy isolating devices in order to disable machinery or equipment during maintenance or servicing.

Statutory Authority: § 40.1-22(5), of the Code of Virginia.

Written comments may be submitted until July 8, 1990

Contact: John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384

September 18, 1990 - 10 a.m. - Public Hearing General Assembly Building, House Room C, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Labor and Industry intends to amend regulations entitled: VR 425-02-72. Virginia Occupational Safety and Health Standards for the Construction Industry, Sanitation. This action will amend the current Sanitation Standard for Construction Industry, § 1926.51 to include additional sanitary requirements for potable water and toilet and handwashing facilities.

Statutory Authority: § 40.1-22(5) of the Code of Virginia.

Written comments may be submitted until July 8, 1990.

Contact: John J. Crisanti, Senior Policy Analyst, Department of Labor and Industry, P.O. Box 12064, Richmond, VA 23241, telephone (804) 786-2384

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 23, 1990 - 11 a.m. - Open Meeting
July 24, 199 - 9 a.m. - Open Meeting
Cape Charles area, site to be determined.

Oral presentations regarding Town of Cape Charles -

Northampton County annexation issue. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's offices by July 18, 1990.

July 23, 1990 - 7:30 p.m. - Public Hearing
Cape Charles area, site to be determined.

A public hearing regarding Town of Cape Charles - Northampton County annexation issue. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's offices by July 18, 1990.

August 13, 1990 - 11 a.m. - Open Meeting
Broadway Area, site to be determined.

Oral presentations regarding the Town of Broadway and Rockingham County Agreement Refining Annexation Rights. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's office by August 6, 1990.

August 13, 1990 - 7 p.m. - Public Hearing
Broadway Area, site to be determined.

A public hearing regarding the Town of Broadway and Rockingham County Agreement Refining Annexation Rights. Persons desiring to participate in the Commission's oral presentations and require special accommodations or interpreter services should contact the Commission's office by August 6, 1990.

Contact: Barbara Bingham, Administrative Assistant, Eighth Street Office Building, Room 702, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6508 or (804) 786-1860/TDD ☒

LONGWOOD COLLEGE

Board of Visitors

July 27, 1990 - 1 p.m. - Open Meeting
Longwood College, Virginia Room (Ruffner), Farmville, Virginia. ☒

A meeting to conduct routine business pertaining to the governance of the institution.

Executive Committee

† July 27, 1990 - 8 a.m. - Open Meeting
Longwood College, East Ruffner, Board Room, Farmville, Virginia. ☒

A meeting to conduct routine business pertaining to the governance of the institution.

Calendar of Events

Contact: William F. Dorrill, President, Longwood College, Farmville, VA 23901, telephone (804) 395-2001.

Contact: Barbara L. Robertson, Lottery Staff Officer, 2201 W. Broad St., Richmond, VA 23220, telephone (804) 367-9433.

STATE LOTTERY BOARD

July 25, 1990 - 10 a.m. - Open Meeting
† August 22, 1990 - 10 a.m. - Open Meeting
† September 26, 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

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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.

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 itmes 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.

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August 28, 1990 - 9:30 a.m. - Public Hearing
VMRC Headquarters, 2600 Washington Avenue, Newport News, Virginia.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Marine Resources Commission intends to consider adopting new regulations entitled: **VR 450-01-0058. Barrier Island Policy (A part of the Commission's Coastal Primary Sand Dune/Reaches Guidelines).** The regulation will (i) assist the agency in implementing the policy set forth in § 62.1-13.21 of the Code of Virginia; (ii) assist localities in regulating activities that impact coastal primary sand dunes, beaches or barrier islands; and (iii) enable the public to self-evaluate the acceptability and consequences of such proposed uses.

Statutory Authority: §§ 62.1-13.4 and 62.1-13.24 of the Code of Virginia.

Written comments may be submitted until August 3, 1990.

Contact: Robert W. Grabb, Chief, Habitat Management

Division, P.O. Box 756, Newport News, VA 23607-0756, telephone (804) 247-2252.

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.

Transdermal Patch Study Team

† July 17, 1990 - 1 p.m. - Open Meeting
600 East Broad Street, Suite 1300, Board Room, Richmond, Virginia. ☒

A discussion of a clinical study design to review the effects of discontinuing reimbursement for transdermally delivered medications and review of data.

Contact: S. Rebecca Miller, Pharmacy Consultant, 600 E. Broad St., Suite 1345, Richmond, VA 23219, telephone (804) 371-8850.

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.

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 ☎

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

† July 20, 1990 - 9 a.m. - Open Meeting
Sheraton Charlottesville, Route 29 North, 2350 Seminole Trail, Charlottesville, Virginia. ☒

Calendar of Events

A regular meeting of the State Human Rights Committee to discuss business related to human rights issues. Agenda items are listed prior to meeting.

Contact: Elsie D. Little, ACSW, State Human Rights Director, Office of Human Rights, DMHMRSAS, P.O. Box 1797, Richmond, VA 23214, telephone (804) 786-3988.

MILK COMMISSION

† July 18th, 1990 - 10 a.m. - Open Meeting

Ninth Street Office Building, Suite 1015, Ninth and Grace Streets, Richmond, Virginia. ☒

A routine monthly meeting.

† July 18, 1990 - 11 a.m. - Public Hearing
State Capitol Building, House Room 1, Capitol Square, Richmond, Virginia. ☒

A public hearing is being held pursuant to §§ 3.1-430 and 3.1-437 of the Code of Virginia, and Regulation Nos. 1 and 12 of the Rules and Regulations for the Control, Regulation and Supervision of the Milk Industry in Virginia.

The purpose of this hearing is to receive evidence and testimony relative to adjusting all Class I prices by amending Regulation No. 8 of the current Rules and Regulations or by adopting a temporary pricing order.

The commission will also receive evidence and testimony relative to the adoption of the following commission's proposed amendment to Regulation No. 7 of the current Rules and Regulations:

Delete subparagraph 5-D of Regulation No. 7 on page 23 and substitute the following therefore:

D. Delivered base shall be determined in accordance with the following:

(1) Delivered base for deliveries made in accordance with Regulation No. 5, paragraph 2-A, shall be the assigned base unless deliveries are less than assigned base. When deliveries are less than assigned base the delivered base shall be ninety-two percent (92%) of deliveries.

(2) Delivered base for deliveries made in accordance with Regulation No. 5, paragraph 2-B, shall be the lesser of assigned base or deliveries.

All interested parties will be afforded an opportunity to be heard and to present objections, amendments, evidence and arguments. The commission will allow examination of witnesses only by those persons who have reserved their right of examination by filing a written notification of intent with the commission at Ninth Street Office Building, Suite 1015, Ninth and Grace Streets, Richmond, Virginia

23219, by 12 Noon on Monday, July 16, 1990.

Contact: Mr. C. H. Coleman, Administrator, Ninth Street Office Bldg., Suite 1015, Richmond, VA 23219, telephone (804) 786-2013.

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 ☎

OLD DOMINION UNIVERSITY

Executive Committee

† July 16, 1990 - 3 p.m. - Open Meeting

† August 28, 1990 - 3 p.m. - Open Meeting
Old Dominion University, New Administration Building,
Board Room 226, Norfolk, Virginia. ☒

A meeting of the committee to conduct university business on behalf of the full board. Agendas should be available at least five working days prior to the meeting.

Contact: Donna W. Meeks, Secretary to the Board, Old Dominion University, Norfolk, VA 23529-0029, telephone (804) 683-3072.

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 PEANUT BOARD

† July 16, 1990 - 6 p.m. - Open Meeting
Virginia Diner, Highway 460, Wakefield, Virginia. ☒

A meeting to (i) elect chairman and secretary, and (ii) to discuss 1990-91 budget.

Contact: Russell C. Schools, P.O. Box 149, Capron, VA 23829, telephone (804) 658-4573.

BOARD OF PSYCHOLOGY

† July 27, 1990 - 2 p.m. - Open Meeting
Department of Health Professions, 1601 Rolling Hills Drive,
Richmond, Virginia. ☒

A meeting to (i) conduct general board business; (ii) elect officers; and (iii) certify oral examination results.

Contact: Evelyn B. Brown, Executive Director, 1601 Rolling Hills Dr., Suite 200, Richmond, VA 23229-5005, telephone (804) 662-9913.

REAL ESTATE BOARD

† July 18, 1990 - 10:30 a.m. - Open Meeting
Department of Commerce, 3600 West Board Street, Fifth
Floor, Conference Room 2, Richmond, Virginia. ☒

The board will meet to conduct a formal hearing: Real Estate Board v. Mitchell Toms, file Numbers 88-00613, 89-00619.

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
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

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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.

SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

† **July 25, 1990 - 10 a.m. - Open Meeting**
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☐

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: Deborah E. Randolph, 109 Governor St., Room 500, Richmond, VA 23219, telephone (804) 786-3559.

BOARD OF SOCIAL SERVICES

† **July 18, 1990 - 2 p.m. - Open Meeting**
† **July 19, 1990 - 9 a.m. - Open Meeting** (if necessary)
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☐

A work session and formal business meeting.

Contact: Phyllis Sisk, Administrative Staff Specialist, 8007 Discovery Dr., Richmond, VA 23229, telephone (804) 662-9236, toll-free 1-800-552-3431 or 1-800-552-7096/TDD ☎

DEPARTMENT OF SOCIAL SERVICES (BOARD OF)

† **September 16, 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 amend regulations entitled: **VR 615-01-32. Aid to Dependent Children (ADC) Program - Deprivation Due to Continued Absence.** The purpose of this amendment is to clarify policy regarding the determination of deprivation when the continued absence of a parent is due to separation.

STATEMENT

Subject: These regulations remove from policy the use of a monetary percentage of need in determining the provision of maintenance by an absent parent.

Basis: The Code of Virginia, § 63.1-25, delegates authority to the State Board of Social Services to promulgate rules and regulations necessary for operation of public assistance programs in Virginia. 45 CFR § 233.90(c)(1)(iii), in the administration of the Aid to Dependent Children (ADC) Program, indicates that in cases of separation, the physical absence of the parent from the home is considered sufficient to constitute deprivation if the parent's ability to function as a parent has been interrupted or precluded.

Purpose: The purpose of the proposed regulation is to clarify policy regarding the determination of deprivation when the continued absence of a parent is due to separation. The amended regulation allows for the physical absence of a parent from the home to constitute deprivation in cases of separation, if the parent's ability to function as a parent has been interrupted or precluded. The amended regulation also removes from policy the use of a monetary percentage in determining if the absent parent is providing maintenance for his children. These revisions will allow policy to meet the intent of federal regulations.

Substance: Federal regulations indicate that continued absence of the parent from the home constitutes deprivation when the absence precludes counting on the parent's providing or planning for the support or care of the child. Currently, Virginia's ADC policy indicates that if the absence is due to separation and the absent parent provides monthly support which equals or exceeds 50% of the child's pro rata share of the standard of need, deprivation does not exist. However, federal regulations do not allow for the use of a monetary percentage in determining the provision of maintenance by the absent parent.

The State Board of Social Services is proposing to revise this policy. This revision will remove this requirement from policy.

Issues: Under current policy approved by the State Board of Social Services, if deprivation is based on continued absence due to separation, an evaluation must be made of the absent parent's ability to provide maintenance, physical care, and guidance to his children. If the absent parent is providing monthly support which equals or exceeds 50% of the child's pro rata share of the standard of need, deprivation does not exist.

The proposed regulation will remove this requirement from the eligibility determination. It will also assure that Virginia's deprivation due to continued absence policy is in compliance with federal regulations.

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

Written comments may be submitted until September 16, 1990, to I. Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

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August 3, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Services intends to adopt regulations entitled: **VR 615-01-33. Allowance of Telephone Costs in the Food Stamp Program.** This regulation requires all food stamp households entitled to claim a telephone expense in the computation of their eligibility and benefit level to use the state calculated telephone standard.

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

Written comments may be submitted until August 3, 1990, to Guy Lusk, Virginia Department of Social Services, 8007 Discovery Dr., Richmond, VA 23229-8699.

Contact: Peggy Friedenber, Legislative Analyst, 8007 Discovery Dr., Richmond, VA 23229-8699, telephone (804) 662-9217.

BOARD OF SOCIAL WORK

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

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.

DEPARTMENT OF TAXATION

† September 18, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-6-4006. Virginia Income Tax Withholding: Lottery Winnings.** This regulation will establish the application of withholding requirements on lottery prizes of the Virginia State Lottery Department.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

The 1987 General Assembly enacted legislation (1987 Acts of Assembly, Chapter 40) that established a state-operated lottery and created a State Lottery Department. The legislation required the withholding of state income tax for prizes awarded by the State Lottery Department in excess of \$5,000 and an individual income tax subtraction for prizes awarded by the State Lottery Department of less than \$600.

Purpose: This regulation sets forth the application of individual income tax withholding requirements on lottery winnings of the State Lottery Department.

Issues: Regulatory provisions are required in order to carry out the intent of the General Assembly in providing the requirements for withholding of state individual income taxes from winnings of the State Lottery Department, including prizes won by nonresidents.

Substance: On proceeds in excess of \$5,000, Virginia individual income tax will be withheld at a rate of 4.0%. Where the amount exceeds \$5,000, the tax is withheld on the entire amount not merely the amount in excess of \$5,000. The date of withholding is the date of actual or constructive payment, whichever is earlier as defined in

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federal Treasury Regulation § 32.1-3401(q)-1.

Any prize of \$600 or more shall be subject to Virginia income tax. To the extent included in federal adjusted gross income, any prize less than \$600 is subtracted from federal adjusted gross income in determining Virginia taxable income. This subtraction is not allowed for the first \$599 of a prize of \$600 or more.

Taxpayers may be required to pay estimated tax if their estimated tax liability on all income subject to state tax including lottery winnings exceeds total withholding and other credits by more than \$150.

The income tax and withholding requirements are applicable retroactively to September 27, 1989.

Impact: Costs associated with this regulation are directly related to the administration of the withholding by the State Lottery Department including, but not limited to, the actual withholding and related support functions. Costs incurred by the Department of Taxation include, but are not limited to, promulgation of the regulation.

This regulation will affect all residents and part-year residents of Virginia and nonresidents that receive prizes awarded by the State Lottery Department. The number of persons affected are unknown at this time.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 18, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Department of Taxation, Richmond, VA 23282, telephone (804) 367-8010.

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† **September 18, 1990 - 10 a.m. – Open Meeting**
General Assembly Building, House Room D, Capitol Square, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to amend regulations entitled: **VR 630-10-31. Retail Sales and Use Tax: Dealer's Returns and Payment of the Tax.** This regulation sets forth the sliding scale dealer's discount that ranges from 2.0% to 4.0% based upon dealers' monthly sales volume.

STATEMENT

Basis: This regulation is issued under the authority granted by § 58.1-203 of the Code of Virginia.

Purpose: This regulation sets forth the statutory requirements for the collection and payment of the sales tax by registered dealers and explains the statutory

dealer's discount, which is provided to dealers as compensation for their collection and timely payment of the tax. The Dealer's Discount is the amount of state sales tax that a dealer may retain to offset his expenses of collecting the sales tax for the state. Prior to July 1, 1989, all dealers were allowed the same flat percentage rate to obtain the discount amount. However, the 1989 General Assembly enacted Senate Bill 741 which replaces the flat 3.0% dealers discount with a sliding scale discount that ranges from 2.0% to 4.0% based upon a dealer's monthly sales volume.

Impact: This regulation affects all dealers registered with the state of Virginia for the collection of the sales and use tax. The law change and regulation will benefit small businesses in that it will more equitably distribute the dealer's expense for collecting the tax. It is estimated that the law change will increase the General Fund revenues by \$5 million in FY 90 and \$6 million in FY 91.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until September 18, 1990.

Contact: Janie E. Bowen, Director, Tax Policy Division, P.O. Box 6-L, Department of Taxation, Richmond, VA 23282, telephone (804) 367-8010.

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.

TRANSPORTATION SAFETY BOARD

† **September 14, 1990 - 9:30 a.m. - Open Meeting**
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia. ☐

A meeting to discuss the distribution of the USDOT
Highway Safety Funds.

Contact: William H. Leighty, Deputy Commissioner for
Transportation Safety, 2300 W. Broad St., Richmond, VA
23269-0001, telephone (804) 367-6614 or (804)
367-1752/TDD ☎

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

VIRGINIA RACING COMMISSION

NOTE: CHANGE IN MEETING DATE AND TIME
+ **July 16, 1990 - 2 p.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,

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Richmond, Virginia. ☒

The committee meets quarterly to advise the Virginia Board for the Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Barbara G. Tyson, Executive Secretary, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3350, toll-free 1-800-622-2155, or 371-3140/TDD ☎

Interagency Coordinating Council on Delivery of Related Services to Handicapped Children

† August 28, 1990 - 2 p.m. - Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ☒

A regular monthly meeting.

Contact: Glen R. Slonneger, Jr., Program and Policy Specialist/Program for Infants, Children and Youth, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3140.

VIRGINIA COUNCIL ON VOCATIONAL EDUCATION

† August 1, 1990 - 10 a.m. - Open Meeting
† August 2, 1990 - 8:30 a.m. - Open Meeting
Jefferson Sheraton Hotel, Franklin and Adams Streets, Richmond, Virginia.

August 1, 1990 - 10 a.m.: Committee Sessions.
Noon: Luncheon program with speaker (by invitation).
Recognition of contributions to vocational-technical education by Hauni Richmond, Inc.
2:30 p.m.: General Session - Overview of reauthorized Carl D. Perkins Vocational Education Act.

August 2, 1990 - 8:30 a.m. Business Session - Reports will be received from council committees, Virginia Department of Education, Governor's Job Training Coordinating Council, Virginia Community College System, and Department of Correctional Education.

Contact: George S. Orr, Jr., Executive Director, Virginia Council on Vocational Education, 7420-A Whitepine Rd., Richmond, VA 23237, telephone (804) 275-6218.

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. Elleanore 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.

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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.

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.

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† September 11, 1990 - 2 p.m. - Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to repeal regulations entitled: VR 680-14-03. **Toxics Management Regulation.** The purpose of this proposed regulatory action is to repeal the Toxics Management Regulation. The intent and scope of the regulation will be concurrently incorporated into the Permit Regulation through a separate rulemaking.

STATEMENT

Basis: The basis for these regulations is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(10) authorizes the State Water Control Board (SWCB) to adopt such regulations as it deems necessary to enforce the general water quality management program, and § 62.1-44.21 authorizes the State Water Control Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Substance and Purpose: The State Water Control Board intends to repeal the Toxics Management Regulation (VR 680-14-03). This regulation delineates the authority and general procedures to be followed in connection with identifying and eliminating surface water discharges of toxic materials. The intent and scope of the Toxics Management Regulation will be concurrently incorporated into the Permit Regulation (VR 680-14-01) through a separate rulemaking. The proposed amendments to the Permit Regulation will not substantially alter the board's position on the control of toxic pollutants from point source discharges, as described in the Toxics Management Regulation. The repeal of this regulation is necessary in order to eliminate duplication and possible contradictions which may arise following the amendment of the Permit Regulation.

Impact: Since the intent and scope of this regulation are being incorporated into the Permit Regulation, the impact of this proposed action would be minor. Of the approximately 2,800 Virginia Pollutant Discharge Elimination System permittees, those 400-500 which were covered by the Toxics Management Regulation would come

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under the new toxics management provisions of the Permit Regulation (VR 680-14-01).

Issues: The proposed incorporation of the Toxics Management Regulation into the Permit Regulation has involved certain changes to the language and procedures of the toxics management process. These changes were necessary in order to avoid conflict with the toxics control provisions of the federal regulations being incorporated into the Permit Regulation at the same time. Change in the toxics management process may be an issue of concern to some in the regulated community. Those who feel that the procedure for identifying and controlling toxic discharges in the Toxics Management Regulation is a reasonable compromise between parties, which resulted from many months of meetings and negotiation, may be concerned if any of the language is changed.

Statutory Authority: § 62.1-44.15(10) of the Code of Virginia.

Written comments may be submitted until 4 p.m., September 17, 1990, to Ms. Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, VA 23230.

Contact: Richard Ayers, Office of Water Resources Management, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6302.

† August 23, 1990 - 2 p.m. - Public Hearing
Samuels Public Library, 538 Villa Avenue, Front Royal, 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 680-21-08.4. River Basin Section Tables, Potomac River Basin - Potomac Subbasin, Water Quality Standards. The proposal is to amend the section description for the Opequon Creek, Put and Take Trout Waters, § 11, Potomac River Subbasin. The result of the proposed action is that a portion of § 11 would be reclassified as mountainous zone waters.

STATEMENT

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

Purpose: Water quality standards establish the requirements for the protection of water quality and of beneficial uses of these waters. The purpose of this proposed action is to amend the standards so as to revise the section description for Opequon Creek, Put and Take Trout Waters, § 11, Potomac River Subbasin of the Water

Quality Standards. The location of the put and take trout waters was incorrectly described by the State Water Control Board when the trout waters in Opequon Creek were first classified. The result of the proposed action is that a portion of § 11 would be reclassified as Mountainous Zone Waters. This revision is supported by a recommendation from the Department of Game and Inland Fisheries which is the agency responsible for determining appropriate trout stream classifications.

Impact: The proposed amendment will not impose any costs on any discharger within the area or the agency. In addition, the proposed amendment will ensure that only those waters which will support the putting and taking of trout are classified and regulated as Put and Take Trout Waters. The remaining waters would be correctly classified and regulated as Mountainous Zone Waters. If the section description is not adjusted, the Opequon Regional Wastewater Treatment plant would have to conform to the more stringent water quality standards for dissolved oxygen, temperature and ammonia associated with put and take trout streams. To comply with these more stringent water quality standards in an area that does not support the beneficial uses associated with put and take trout streams would impose unnecessary economic impacts to the Opequon Regional Wastewater Treatment Plant.

Issues: Issues under consideration are whether the board should adopt the proposed amendment and whether the stream habitat characteristics will or could be developed to support the putting and taking of trout.

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

Written comments may be submitted until 4 p.m., September 17, 1990, to Ms. Doneva Dalton, State Water Control Board, P.O. Box 11143, Richmond, VA 23230.

Contact: Eleanore Daub, Office of Environmental Research and Standards, State Water Control Board, P.O. Box 11143, Richmond, VA 23230, telephone (804) 367-6418.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

August 9, 1990 - 8:30 a.m. - Open Meeting
August 10, 1990 - 8:30 a.m. - Open Meeting
Department of Commerce, 3600 West Broad Street, Richmond, Virginia. ☐

An open meeting to conduct regulatory review and routine board business.

Contact: Mr. Geralde W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8534 or toll-free 1-800-552-3016

VIRGINIA WINEGROWERS ADVISORY BOARD

VA 23261, telephone (804) 674-3262.

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.

STATE BOARD OF YOUTH AND FAMILY SERVICES

† September 14, 1990 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Youth and Family Services intends to adopt regulations entitled: **VR 690-01-001. Public Participation Guidelines.** These guidelines establish the procedures for public participation in the development of regulations.

STATEMENT

Impact: This regulation will affect all youth and family services corrections programs and facilities that are governed by standards adopted and approved by the Board of Youth and Family Services.

Basis: Section 66-10 of the Code of Virginia directs the board to promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth.

Purpose: This regulation is being promulgated to fulfill the board's Code requirements to solicit the input of interested parties in the formation and development of regulations.

Substance: To identify, notify and solicit input from interested parties.

Issues: These regulations were modeled after the regulations developed for public participation by the Virginia Department of Corrections and are in existence from January 1, 1990, through December 31, 1990, on an emergency basis. Except for the name of the agency from Department of Youth Services to the Department of Youth and Family Services, there are no substantive changes.

Statutory Authority: § 66-10 of the Code of Virginia.

Written comments may be submitted until September 14, 1990.

Contact: Linda Nablo, Lead Analyst, Virginia Department of Youth and Family Services, P.O. Box 26963, Richmond,

LEGISLATIVE

VIRGINIA COAL AND ENERGY COMMISSION

† August 28, 1990 - 9:30 a.m. - Open Meeting
Martha Washington Inn, Ballroom, Abingdon, Virginia.

A business meeting in the morning on acid rain legislation pending in Congress followed by an afternoon public hearing on the topic of how best to prepare for that point in time when Virginia's coal reserves have been depleted. Persons wishing to address the Commission during the public hearing may preregister with Mr. Heard at (804) 786-3591.

Contact: John T. Heard, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., 2nd Floor, 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, 910 Capitol Street, 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, 910 Capitol Street, 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, 910 Capitol Street, 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

Calendar of Events

EDUCATION SUBCOMMITTEE

August 17, 1990 - 1 p.m. - Open Meeting
General Assembly Building, House Room C, 910 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.

COMMISSION ON HEALTH CARE FOR ALL VIRGINIANS

† July 18, 1990 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room B, 910 Capitol Street, Richmond, Virginia. ☒

Open meeting (SJR 118).

Contact: John McE. Garrett, Deputy Clerk, Senate of Virginia, P.O. Box 396, Richmond, VA 23208, telephone (804) 786-4639, or Steve Harms, Senate Finance Committee, 10th Floor, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-4400.

JOINT SUBCOMMITTEE STUDYING HORSE RACING AND PARI-MUTUEL WAGERING

† July 16, 1990 - 10 a.m. - Open Meeting
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

The joint subcommittee studying provisions of the Code of Virginia relating to horse racing and pari-mutuel wagering will hold its initial meeting.

Contact: Angela P. Bowser, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

HOUSE APPROPRIATIONS COMMITTEE

† July 16, 1990 - 9:30 a.m. - Open Meeting
General Assembly Building, 9th Floor, Appropriations Committee Room, 910 Capitol Street, Richmond, Virginia. ☒

A monthly meeting.

Public Safety Subcommittee

† July 16, 1990 - 2:30 p.m. - Open Meeting
Greensville Correctional Center, Rt. 1, Greensville, Virginia.

Tour and meeting. Joint meeting with Senate Finance Public Safety Subcommittee.

Subcommittee on Transportation

† September 17, 1990 - 1:30 p.m. - Open Meeting
General Assembly Building, 9th Floor, Appropriations Committee Room, 910 Capitol Street, Richmond, Virginia. ☒

To hear from experts in freight and passenger rail service and those interested in Senate Bill 421.

Contact: Linda Ladd, General Assembly Building, 9th Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-1837.

LOCAL STATE GOVERNMENT INFRASTRUCTURE AND REVENUE RESOURCES COMMISSION

† July 19, 1990 - 10:30 a.m. - Open Meeting
General Assembly Building, House Room D, 910 Capitol Street, Richmond, Virginia. ☒

This continued commission will have its first meeting of the new year (HJR 205).

Contact: John A. Garka, Manager of Finance and Government Section, Division of Legislative Services, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING FLEXIBILITY IN PERSONNEL AND PURCHASING PRACTICES FOR TEACHING HOSPITALS

† July 16, 1990 - 2 p.m. - Open Meeting
General Assembly Building, Senate Room A, 910 Capitol Street, Richmond, Virginia. ☒

An open meeting (SJR 127/HJR 212).

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: Kathleen G. Harris, Staff Attorney, Division of Legislative Services, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING THE VIRGINIA PETROLEUM FRANCHISE ACT

† July 17, 1990 - 2 p.m. - Open Meeting
General Assembly Building, House Room C, 910 Capitol Street, Richmond, Virginia. ☒

This joint subcommittee will have its initial meeting to study divorcement and representative offering for

inclusion in the Virginia Petroleum Franchise Act. (HJR 120)

Contact: Angela Bowser, Staff Attorney, Division of Legislative Services, 910 Capitol St., Richmond, VA 23219, telephone (804) 768-3591.

JOINT SUBCOMMITTEE STUDYING PRISON PRIVATIZATION

† July 17, 1990 - 8:30 a.m. - Open Meeting
General Assembly Building, 9th Floor, House Appropriations Committee Room, 910 Capitol Street, Richmond, Virginia. ☒

Organizational meeting.

Contact: Linda Ladd, General Assembly Bldg., 9th Floor, 910 Capitol St., Richmond, VA 23219, telephone (804) 786-1837.

JOINT SUBCOMMITTEE STUDYING REGIONAL JAIL CONSTRUCTION FUNDING

† July 30, 1990 - 10 a.m. - Open Meeting
General Assembly Building, 10th Floor Committee Room, 910 Capitol Street, Richmond, Virginia. ☒

Organizational meeting.

Contact: Linda Ladd, General Assembly Bldg., 9th Floor, Richmond, VA 23219, telephone (804) 786-1837.

JOINT LEGISLATIVE SUBCOMMITTEE STUDYING THE RETAIL FRANCHISING ACT

August 2, 1990 - 10 a.m. - Open Meeting
General Assembly Building, Senate Room A, 910 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.

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 16

Accountancy, Board for
† Appropriations Committee, House
† - Public Safety Subcommittee
Boating Advisory Board, Virginia
† Flexibility in Personnel and Purchasing Practices for Teaching Hospitals, Joint Subcommittee Studying
† Health Professions, Board of
† Horse Racing and Pari-Mutuel Wagering, Joint Subcommittee Studying
† Old Dominion University
† - Executive Committee
† Peanut Board, Virginia
† Virginia Racing Commission

July 17

Accountancy, Board for
Boating Advisory Board, Virginia
Crime Commission, Virginia State
† Health Professions, Board of
† - Regulatory Research Committee
Housing Development Authority, Virginia
Medical Assistance Services, Board of
† Medical Assistance Services, Department of
† - Transdermal Patch Study Team
Optometry, Board of
† Virginia Petroleum Franchise Act, Joint Subcommittee Studying the
† Prison Privatization, Joint Subcommittee Studying

July 18

† Community Colleges, State Board for
Contractors, Board for
Crime Commission, Virginia State
Emergency Committee, Local - Roanoke Valley
† Health Care for All Virginians, Commission on
Medical Assistance Services, Board of
† Milk Commission
Optometry, Board of
† Real Estate Board
† Social Services, State Board of
Transportation Board, Commonwealth
Treasury Board

July 19

Chesapeake Bay Local Assistance Board
† Community Colleges, State Board for
Crime Commission, Virginia State
Housing and Community Development, Board of
- Amusement Device Technical Advisory Committee

Calendar of Events

† Infrastructure and Revenue Resources Commission,
Local State Government
Medicine, Board for
Real Estate Board
† Social Services, State Board of (if necessary)
Transportation Board, Commonwealth

July 20

Children, Interdepartmental Licensure and Certification
of Residential Facilities for
- Coordinating Committee
Medicine, Board of
† Mental Health, Mental Retardation and Substance
Abuse Services, Department of
† State Human Rights Committee
Real Estate Board

July 21

Medicine, Board of

July 22

Medicine, Board of

July 23

Barbers, Board for
† Governor's Job Training Coordinating Council
Health Services Cost Review Council, Virginia
Innovative Technology, Center for
Local Government, Commission on
Nursing, Board of
Winegrowers Advisory Board, Virginia

July 24

† Agriculture and Consumer Services, Board of
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
Commission on
Emergency Planning Committee, Local - Gloucester
† Environment, Council on the
Lottery Board
Nursing, Board of
† Sewage Handling and Disposal Appeals Review
Board

July 26

Game and Inland Fisheries, Department of
Transferable Development Rights and Other Land-Use,
Joint Subcommittee Studying

July 27

Air Pollution Control Board, State
† Children, Department for
† - Advisory Board
Commerce, Board of

Longwood College
† - Executive Committee
- Board of Visitors
Museum of Natural History, Virginia
- Personnel Committee
† Psychology, Board of

July 28

Museum of Natural History, Virginia
- Board of Trustees

July 30

† Cosmetology, Board for
† Regional Jail Construction Funding, Joint
Subcommittee Studying
Visually Handicapped, Board for the

July 31

† Community Corrections Resources Board -
Winchester
† Cosmetology, Board for

August 1

† Alcohol Safety Action Program - Mount Rogers
Children, Department for
- Consortium on Child Mental Health
Medicine, Board of
- Informal Conference Committee
† Vocational Education, Virginia Council on

August 2

† Citizens' Advisory Council for Interpreting and
Furnishing the Executive Mansion
Community Corrections Resources Board - Middle
Virginia
- Board of Directors
Real Estate Board
Retail Franchising Act, Joint Legislative Subcommittee
Studying the
† Vocational Education, Virginia Council on

August 4

Visually Handicapped, Department for the
- Advisory Committee on Services

August 7

Hopewell Industrial Safety Council

August 8

† Corrections, Board of
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

Calendar of Events

- August 13**
Local Government, Commission on
- August 17**
† Architects, Professional Engineers, Land Surveyors and Landscape Architects, Board for
† - Board for Land Surveyors
Education Subcommittee
- August 22**
Educational Opportunity for All Virginians, Governor's Commission on
† Lottery Board, State
- August 23**
Children, Department for
- State-Level Runaway Youth Services Network
† Farmers' Market Board, Virginia
- August 26**
† Lottery Board, State
- August 28**
† Coal and Energy Commission, Virginia
† Old Dominion University
† - Executive Committee
† Visually Handicapped, Department for the
† - Interagency Coordinating Council on Delivery of Related Services to Handicapped Children
- September 4**
Hopewell Industrial Safety Council
- September 5**
Children, Department for
- Consortium on Child Mental Health
- September 6**
† Community Corrections Resources Board - Middle Virginia
- September 10**
Land Evaluation Advisory Council, State
- September 12**
† Corrections, Board of
- September 14**
† Transportation Safety Board
- September 17**
† Appropriations Committee, House
† - Subcommittee on Transportation
- September 20**
Soil and Water Conservation Board, Virginia
- September 26**
Educational Opportunity for All Virginians, Governor's Commission on
† Lottery Board, State

- October 3**
Children, Department for
- Consortium on Child Mental Health

PUBLIC HEARINGS

- July 18**
Contractors, Board for
† Milk Commission
Virginia Racing Commission
- July 23**
Local Government, Commission on
- July 25**
Contractors, Board for
Lottery Department, State
Water Control Board, State
- July 26**
Water Control Board, State
- July 30**
Water Control Board, State
- August 1**
Criminal Justice Services, Department of
Water Control Board, State
- August 13**
Local Government, Commission on
- August 20**
† Health, Department of
Housing and Community Development, Department of
Transportation, Department of
Water Control Board, State
- August 21**
† Health, Department of
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

Calendar of Events

August 29

Transportation, Department of

September 11

† Water Control Board, State

September 18

Labor and Industry, Department of

† Taxation, Department of

September 26

† Agriculture and Consumer Services, Department of